CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

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ALSO

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CONGRESSIONAL RECORD.

FIRST SESSION, FORTY-FOURTH CONGRESS.

tract that cannot be enforced in despite of the will of the party who makes it. That is the very essence of a contract. The Constitution has guarded that great right by saying that the State shall not pass any law impairing the obligation of a contract. Now let this law be passed, and the result is that only such tax can be collected as is in accordance with State legislation, and such will be collected. The people of the country will see that there is power in the Federal courts to enforce their judgments, and consequently that the bonds of these cities will be paid and are good, and these bonds, which are now bearing 8 and 10 per cent., can be refunded at 5 or 6 per cent., at a great saving to the municipality. It is clearly for the benefit of the debtors as well as of the creditors.

I trust, Mr. President, that this act will receive the approbation of the Senate.

Mr. INGALLS. Mr. President, the Senator from New Jersey has certainly been remarkably frank and candid in his statement of the objects and purposes of this bill. If I did not misunderstand him, he admitted that it was to be enacted in the interest of the bondholders of this country and of the railroad corporations of this country, and to enforce whatever rights they may deem themselves to have in the several States against defaulting municipal and township corporations. Before we can properly discuss or consider the merits of this bill, its constitutional right, the authority of this body to enact it, so far as it can, into a law, I desire to ask him for information what corporations and what States are those against which he proposes to enforce the provisions of this bill? I understood him to say that there were certain States and that there were certain corporations which had issued bonds in favor of the construction of certain railroads; that when the coupons matured, the corporations had been in default; that when default had occurred, the bondholders of the corporations had proceeded to the Federal courts to enforce their rights; judgment being obtained and a mandamus being called for to compel the officers of those municipal corporations to levy a tax to pay the judgments thus obtained, the officers upon whom that duty was imposed had resigned.

This is not then a law general in its objects or purposes, but specific, and intended to be enforced against certain corporations in certain States in this country. Now, I desire to know from him, as he possesses that information, what are the corporations and what are the States that this bill is intended to affect?

Mr. FRELINGHUYSEN. It is not necessary that I should answer that question, inasmuch as the hypothesis upon which it is based has no foundation. This bill proposes a law general in its provisions, and which applies to every part of the United States; it applies to everybody against whom a mandamus may issue. The necessity of the case, the evil which this law is intended especially to remedy, I stated to be that railroads had been built with money collected from poor people throughout the country, and where the debtors made default in payment they had resorted to this unjustifiable and uncommendable trickery to avoid the payment of the judgment.

Mr. INGALLS. The Senator from New Jersey cannot avoid the issue that has been pressed upon him in that way. He certainly did say that the necessity for the passage of this law arose from the fact that certain corporations in this country had defaulted in the payment of interest upon bonds issued for railroad corporations and for the construction of railroads in this country. That was his distinct averment; that was the allegation he made as to the necessity for the enactment of this bill into a law; and certainly the Senator from New Jersey is aware that for nearly one hundred years the processes of the Federal courts of this country have been enforced without resort to such extraordinary provisions as these. As he himself admits, the necessity for the enactment of this law is of recent origin; it is a new feature in judicial legislation; it is a new power that is sought to be conferred upon the Federal courts to give them authority to appoint officers in municipal corporations and in the different States of this country to enforce their decrees as against defaulting debtors. He certainly made the allegation that the necessity for the passage of this law arose from the fact that there were certain defaulting municipal corporations in this country against whom the decrees of the courts could not be enforced by the ordinary process that has been sufficient for nearly one hundred years of our national existence. He also named specifically the State of Iowa as one of the States of this Union which had rendered it necessary to resort to some peculiar method of legislation in order to enforce the decrees of courts. Now, sir, I desire to know from the Senator, before we are called upon to pass this bill, what are the States in this Union in which it is proposed to authorize the Federal courts to appoint officers to carry out their local laws?

Mr. FRELINGHUYSEN. The bill means just what it says, that it is intended by it that the Federal courts in all the States of the Union, wherever the proper officers fail to perform their duty, shall have the power of appointing officers to perform that duty. That is all the answer that I have to make. I am not going into a specification. As to the State of Iowa, so far from that being in default, the State of Iowa has done more to remedy the evil than any other State.

Mr. LOGAN. I wish to ask the Senator a question in reference to one point. The bill provides:

> That whenever the circuit courts of the United States shall, in the exercise of their jurisdiction, issue writs of mandamus or other common-law writs, and the party or persons to whom said writs shall be directed shall, for any cause, neglect or fail to perform the act or duty required by the said writ or writs, the court from which said writ issues may, upon the application of the person for whose benefit the writ is issued, besides or instead of proceeding against the defendant by attachment, direct that the act required to be done shall be done by some person appointed by the court.

Now, suppose the board of supervisors or county commissioners, or whatever the name of the office may be that levies the tax in the different counties or cities for the benefit of a railroad or any other corporation that has had bonds given to it for certain specific purposes, shall fail to levy a tax for the purpose of paying the bonds or the interest thereon, is it intended by this bill that the United States court, if the supervisors shall disobey the writ and refuse to levy the tax, shall then appoint a board of supervisors to levy that tax? Is that the meaning of this bill?

Mr. FRELINGHUYSEN. Does the Senator want an answer?

Mr. LOGAN. Yes, sir; to that question.

Mr. FRELINGHUYSEN. My friend speaks about the act being for the benefit of railroads.

Mr. LOGAN. No, I do not. I only ask the question in reference to any corporation.

Mr. FRELINGHUYSEN. I only wish to say in reference to that subject, that I do not know of any railroad that has any interest in this law. I never heard of one.

Mr. SARGENT. I can give the Senator an instance if he wants it.

Mr. FRELINGHUYSEN. I never heard of any railroad that had any interest in this act. I only wished to repel the intimation that this was an act introduced in favor of railroads. I suppose that very few railroads hold these bonds, but that they have been distributed throughout the country and are held largely. I know there are some held by poor people in my State. I saw a statement that in the State of Maine the savings-banks had a million of them.

Now in answer to my friend's question, I certainly understand that by this act where the State has directed that such a sum shall be levied for the payment of that interest, and the county officers, the assessor or collector or supervisor, omit to obey the mandate of the court, then the court has power to appoint other persons to perform that duty.

Mr. LOGAN. That was exactly what I thought the bill meant.

Mr. FRELINGHUYSEN. Exactly, and I so stated.

Mr. LOGAN. If it means that, it is in violation of every principle known to our institutions, and I will demonstrate it. Suppose any State in her State constitution provides that the taxes shall be levied in the different counties by a board of supervisors. There then is a constitutional provision pointing out the mode and manner in which taxes are levied. Then, following that, those taxes are collected by a tax-gatherer or tax-collector. If the constitution of the State points out the mode and manner of assessment for taxation, I ask what power Congress has to confer that authority upon a United States court? If the board of supervisors or county commissioners shall refuse, or fail, or neglect to levy that tax, how can we say that the court shall appoint a board of supervisors for that county to do it in violation of the constitution of that State? What authority have we to do that? Where does Congress get that power to invade the rights of a State in violation of its own constitution, in order that the Federal court shall have power to levy and assess taxes and then appoint tax-gatherers? I should like to know where that power is derived from. I should like to understand it.

Mr. FRELINGHUYSEN. My friend asks his questions in rather a peremptory manner if he is only seeking information. If he understands me to say that the Congress of the United States have a right to pass a law to authorize the Federal courts to tax the people of this county, he very much misunderstands me. I do not suppose that there is any constitution of a State in the Union that has any provision in favor of the officers of the State evading their duty. I do not suppose that the constitution of Illinois makes it one of the constitutional rights of that State that a contract shall be avoided by the resignation of a subordinate officer.

As to where we get this authority, it is very plain. The Constitution says that Congress shall have the power to establish inferior courts, and to pass all laws to carry that provision into effect. It says that the judicial power of the United States shall be vested in the Federal courts. This is rendering perfectly nugatory all power; it is rendering the mandate of the courts idle. They give judgment; but what is the judgment worth? The State has done its duty; it has provided by law for the collection of that money; it has appointed the officer to perform the duty, and the State, when it is a State judgment, as in Iowa, gives the State courts the power to do just this thing. And now, we being under obligation to protect the national courts as a national Legislature, are under the same obligation to do it.

Mr. EDMUNDS. And no State has authority to confer this power on the Federal courts.

Mr. McDONALD. I desire to ask the Senator from New Jersey if he proposes to press this bill at this time? A suggestion was made by the Senator from Virginia that it lie over to enable his colleague to be here, who desired to be heard upon it.

Mr. FRELINGHUYSEN. There are only about five minutes of the morning hour left. I suppose the bill will go over at one o'clock at any rate.

Mr. LOGAN. A word in answer to the Senator from New Jersey in reference to the power of Congress. So far as the power of Congress is concerned to authorize courts for certain purposes, there is no dispute; but when the Senator tells me that Congress has power to

authorize a Federal court to levy a tax in a State for the benefit of an individual or corporation, I deny the power. It exists nowhere in the Constitution of the United States or in any authority given to Congress.

Mr. FRELINGHUYSEN. I entirely agree with my friend that the United States has no authority to confer any power on the Federal courts to levy a tax; but where the State has levied a tax by its law, where it has appointed its officers to perform the duty, and where it is a mere individual dereliction of that officer in doing what the State tells him to do, then I insist that the judgment of the Federal court does not become nugatory and void at the will of that defaulting officer.

Mr. LOGAN. Yes; but the point that I put to the Senator was not where the State had levied the tax, but where the officers of the State had failed to levy the tax under the law; and this bill, if I can read, is intended to apply to that particular case. Suppose, for instance, authority is given to the officers of a county to levy a tax for a certain specified purpose, and they fail to do it, and then you get your writ of mandamus requiring them to perform their duty. If they fail to perform their duty, you have plenty of authority to proceed against them to make them do it. But you do not proceed against them for failing to perform a duty that they are required to perform under the law, but you appoint men to perform that duty which they are required to perform, without proceeding against them, and make them pay the expenses of the process. That is this bill.

In other words, the Congress of the United States proposes to give authority to the United States courts to appoint county commissioners and boards of supervisors to levy a tax for private purposes. That is this bill, and that is the scope and meaning of the bill. I say without fear of contradiction that, in my judgment, this is the first time such a proposition has ever been seen in Congress. How can such a power or authority be delegated by act of Congress to a United States court? Why, sir, establish that precedent that Congress may delegate the power to a United States court to levy and assess and collect taxes in a State for private purposes or for the benefit of corporations or private individuals, and you then have taken a step to destroy the rights of the people in municipalities within the borders of a State; you have usurped the power of the State Legislature, its power under the State constitution to provide its own officers for specific purposes; you have interposed between the constitution of the State and people of the State and their rights and lodged that power in a court. That is the meaning of this bill, and that is all it does mean.

I say for one that the power does not exist in Congress to perform that act by legislation. That power is given to the States. That power belongs to the States. It is in their constitutions. It is for them to prescribe the mode and manner by which their taxes shall be levied and collected, and by that mode alone you can collect taxes for the purpose I have mentioned, and by no other. Can Congress say that under the constitution of my State or yours it will provide solemnly that the taxes shall be levied in a certain way for all purposes; that certain officers shall be provided, either appointed or elected, for the collection of those taxes; that if they fail to perform their duty the writ of mandamus shall lie against them to make them perform their duty; and that, instead of leaving the parties to follow the remedy provided by law, Congress is to take it into its control and put it in the hands of the Federal courts to usurp a power granted by the constitution of the State to its citizens and to its people; take that authority out of their hands and place it in the hands of a court? Why, sir, the proposition, to my judgment, is monstrous so far as our institutions and the theory of our Government are concerned. It is in direct violation of the theory upon which the rights of the people rest under the constitution of their States and the Constitution of the country.

Mr. MERRIMON. Mr. President——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SARGENT. I call for the unfinished business.

Mr. MERRIMON. I rose to debate the bill which was a moment ago before the Senate, but as I see the Senator from California is about to call up the regular order, I defer what I have to say to another occasion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Sioux Indians, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. ROBERT HAMILTON of New Jersey, and Mr. EUGENE HALE of Maine managers at the same on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2736) to remove the political disablities of N. H. Van Zandt, of Virginia; and

A bill (H. R. No. 2827) for the relief of Stephen Hull.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News; and it was signed by the President *pro tempore*.

RELIEF OF SIOUX INDIANS.

Mr. WITHERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same.

R. E. WITHERS,
W. B. ALLISON,
R. J. OGLESBY,
Managers on the part of the Senate.
JNO. D. C. ATKINS,
ROBERT HAMILTON,
EUGENE HALE,
Managers on the part of the House.

The report was concurred in.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, in line 13, to insert after the word "Austria" the word "Italy;" so as to read:

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, &c.

Mr. SARGENT. The Senate some time since adopted a rule for five minutes' debate, provided a majority should so vote, upon appropriation bills. I do not wish to ask that it be enforced now; but I will suggest to Senators that, while full and free debate ought to be had upon this bill, it might be well to come within the spirit of that rule without actually adopting it. I will not ask that it be adopted on this bill. I think the debate yesterday was not unreasonable. It illustrated both sides of the question. I do not wish to object to reasonable debate; but I presume the debate has pretty nearly terminated on general principles, and that it may not be necessary to ask that this rule be enforced. Therefore I will not do so, but simply ask that the bill be proceeded with as rapidly as possible consistent with the views of Senators. I hope we shall have a vote on the amendment which has been discussed.

The PRESIDENT *pro tempore*. The pending amendment will be reported.

The CHIEF CLERK. In line 13, after the word "Austria," it is proposed to insert the word "Italy."

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 14, to strike out "ten" and insert "twelve," and, in line 15, to strike out "sixty" and insert "eighty-four;" so as to make the clause read:

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, at $12,000 each, $84,000.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I understand that amendment to be necessary in order to make the bill conform to what has already been agreed to.

Mr. SARGENT. The footing is $84,000, and the $12,000 restores the service to what it is now instead of cutting it down to $10,000, as the House bill does, so that it is a vital amendment.

The question being taken by yeas and nays, resulted—yeas 38, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Davis, Dawes, Dennis, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Randolph, Robertson, Sargent, Sherman, Spencer, West, Windom, Withers, and Wright—38.

NAYS—Messrs. Cockrell, Eaton, Gordon, Kernan, Key, McCreery, McDonald, Merrimon, Norwood, Ransom, Thurman, Wallace, and Whyte—13.

ABSENT—Messrs. Alcorn, Bayard, Caperton, Clayton, Conover, Cragin, Dorsey, English, Goldthwaite, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, Maxey, Mitchell, Oglesby, Paddock, Saulsbury, Sharon, Stevenson, and Wadleigh—22.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 16 to 38, as follows:

For salary of envoy extraordinary and minister plenipotentiary to Italy, $8,000.

For ministers resident at Portugal, Switzerland, Belgium, Netherlands, Turkey, and Venezuela, at $6,500 each, $38,500.

For minister resident accredited to Denmark and Sweden and Norway, to reside at such place as the President may from time to time direct in either of the states named, $6,500.

For minister resident and consul-general at the Hawaiian Islands, $3,500.

For minister resident accredited to Chili and Bolivia, to reside at the place the President may select in either of the states named, $6,500.

For minister resident accredited to Peru, Ecuador, and Colombia, to reside at the place the President may select in either of the states named, $6,500.

For minister resident accredited to the Argentine Republic, Paraguay, and Uruguay, to reside at the place the President may select in either of the States named, $6,500.

The amendment was agreed to.

The next amendment was to insert after line 38 the following clauses:

For salaries of envoys extraordinary and ministers plenipotentiary to Chili and Peru, at $10,000 each, $20,000.

For ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, at $7,500 each, $105,000,

Mr. SHERMAN. If I understand the Senator from California, who has charge of this bill, these amendments restore the salaries to the sums now fixed by law.

Mr. SARGENT. Yes, sir.

Mr. SHERMAN. They are to make the appropriations required by law. I only rise to-day to call the attention of the Senate to the practice of the Senate heretofore in regard to these bills. The Committee on Appropriations have done just exactly what the law requires them to do and what the rules of the Senate require them to do, and I shall vote with them. But there was some criticism yesterday, a very severe criticism, made by several Senators in regard to the nature of the changes made by the House of Representatives. Although the House of Representatives probably was not mentioned in violation of our rules, there was quite a good deal of criticism in regard to the state of this bill. The bill as sent to us by the House of Representatives, we are told, is an entire uprooting of the whole diplomatic and consular service. The bill came to us repealing or modifying almost every salary and every law on the statute-book relating to our consular and diplomatic service. That is objectionable, and all the criticism that was made on that subject was perfectly justifiable. But I wish it to be remembered by members of the Senate, so that it shall not be thrown out to us on the other side, that the Senate of the United States has done this thing over and over and over and over again, on almost every appropriation bill that has been sent to us for the last twenty years. I make the statement and wish it to be recorded as the declaration of one member of the Senate.

It is idle for us to complain against the House of Representatives sending us bills of this kind, when we have done the same thing over and over again; and we have refused to correct it when they have remonstrated against it. While I will stand by the Committee on Appropriations against doing what has been done so repeatedly, yet at the same time it is not right for us to pretend that we have acted upon a different rule, and take virtue to ourselves for simply standing by the law, when we have for twenty years constantly and repeatedly proposed these changes.

My honorable friend the Senator from Maine [Mr. HAMLIN] made a remark yesterday that struck me with some surprise. He complained that this bill practically absorbed the whole power of legislation in the hands of the Committee on Appropriations. The point was well taken, very well taken; and yet how often have we seen in this Senate various amendments offered from the appropriate committees crowded on the appropriation bill and sent to the House?

Mr. HAMLIN. That makes a difference.

Mr. SHERMAN. No, sir. We have put such measures on the appropriation bills and sent them to the House of Representatives, where they had to be considered by the Committee on Appropriations of the House, and we have forced the Committee on Appropriations of the House, sometimes without reading, to consider amendments to the appropriation bills, which absorbed all the business of all the committees of the House of Representatives. In other words, though it was always wrong, we have done repeatedly what they have done now.

Mr. HAMLIN. Never.

Mr. SHERMAN. The Senator from Maine is wrong. The Committee on Post-Offices and Post-Roads at the last session of Congress—I mention it only because the honorable Senator is a member of it—reported an important amendment to an appropriation bill affecting the rates of postage. The whole Army has been re-organized on an appropriation bill; the whole Navy has been re-organized on an appropriation bill; the Treasury Department has been re-organized on an appropriation bill. I have myself offered amendments entirely extraneous to the appropriation bills, and therefore I take my share of the responsibility.

Mr. McDONALD. I should like to ask the Senator from Ohio if there was not an act ingrafted into an appropriation bill defining the qualifications of witnesses in the Federal courts?

Mr. SHERMAN. I have no doubt of it, though I do not remember the circumstance; but I can say that the most faulty legislation we have had on our statute books for years has been caused by amendments put on appropriation bills of a legislative character; and when we do it here, although the amendment may come from the proper committee in the Senate, it is not sent nor can it be sent to the proper committee of the House. There is the difference. It goes to the Committee on Appropriations generally at a second stage of the debate, and usually without an opportunity of consideration by the House.

Mr. EDMUNDS. I wish to ask the Senator when he proposes to begin the reform that I have been advocating so long and that is to change this course of practice?

Mr. SHERMAN. I propose to commence it now, and I hope from this time forward, as we now begin to find the chalice returned to our own lips, that we shall see the necessity of confining the Committee on Appropriations in both Houses, and all the other committees of the Senate and of the House as well, to an appropriation bill as simply a record of what the law requires for the public service, no more. And, sir, I am willing for one to adopt a joint rule which will prevent the committees of either House, or either House itself, from putting on an appropriation bill amendments that do not relate to the appropriations or that vary the existing law. As we complain now of this action of the House, which entirely uproots all the service and denies to the Senate the power even of considering these important questions, which declares "we will only appropriate so much and so much, and we will force the Senate to change existing laws upon the penalty of a failure of the appropriation bill," I hope that the Senate will stand firmly, not as a political party, but as a Senate, against this mode of legislation, and that hereafter we will insist that the Senate itself shall occupy the same ground.

Sir, I have resisted here, since I have been a member of the Senate, these amendments to appropriation bills; and I would not have said a word about it only that my honorable friend from Maine, who has been here longer than I, seemed to think this was a new thing, and that the House of Representatives, by tearing up all branches of the public service in an appropriation bill, were doing something so extraordinary that we ought at once to repel it. They have done it, and I will stand by the Committee on Appropriations in restoring this appropriation bill to the law in every case. Let them perform their duty of giving to us the proper means to carry into execution existing laws; but it cannot be denied as matter of history that the Senate has over and over again on almost every appropriation bill loaded it down with legislative provisions. We have sent them to the House of Representatives on the very last day of the session, when the House could not by any possibility consider them on account of the pressure of time, after the time of adjournment had been fixed upon, when all our amendments had to be sent to the Committee on Appropriations of the House without their having any previous notice of the character of the amendments, and so that they were compelled to consider them all in committees of conference.

As an illustration of this matter, I may mention that I reported to-day a bill to correct an enrollment of a law of last session by which as a House amendment to a Senate amendment on an appropriation bill the House put on a claim which I venture to say not one member of the Senate would vote for now. It was found that there was a question as to whether the committee of conference agreed to that amendment. The amendment itself was out of order and in violation of the rules of either House. When we came to examine the claim there was no foundation whatever for it, and it would have established a very dangerous principle. That was all the result of legislation by way of amendment to an appropriation bill without proper consideration by either House. It is claimed now that because that amendment had been agreed upon by a committee of conference both Houses of Congress are precluded from considering it. Provision for it was sent to us as a bill to amend an enrollment, when it was not considered by either House or read in either House.

Now, Mr. President, to these remarks I will only add that, in my judgment, the Committees on Rules of the two Houses, or some proper organ of the two Houses, ought to present for adoption a rule which will protect our appropriation bills from extraneous amendments. There may be cases of vital necessity where either House may assert its right to amend an appropriation bill and thus force the other House to consider the question, but it could only be a case of extreme and dire necessity, which might be justified by the extremity of the case, or where the proposition was so plain and simple that there could be no doubt about the concurrence of each House. But for either House to propose to change an existing law on an appropriation bill is practically to assert the power of defeating a legal appropriation and repealing a law without the consent of the other House.

I make these remarks, not so that the House may not feel called upon to say, "Well, you complain of us for doing what you have done," because I think we ought to acknowledge that what has been done by the Senate in the passage of appropriation bills heretofore has been wrong; that while we desire to check the House from following our example, we are not ignorant that we have ourselves violated the first principles of parliamentary law by our previous action in amending appropriation bills.

Mr. HAMLIN. Mr. President, perhaps in what I said yesterday I may have been misapprehended, or it is possible that I did not state as distinctly as I ought to have done the course of proceeding in relation to these appropriation bills, or state as fully as I ought to have done the reasons why I came to the conclusion which I stated. If we were to take the simple bill that is before us as an illustration of what the House of Representatives has done and of what the Senate may have heretofore done, I might be misunderstood. But I remembered that the bill making appropriations for the West Point Academy came to us reducing all the salaries. I took this bill up and found changes here supervising all the diplomatic and consular system of the country. I looked upon my table and I found still another bill, the legislative bill, which was printed in the House, covering precisely the same ground, seeking to reduce all the salaries and to change the laws in relation thereto. While I did not go to the House for the purpose of ascertaining what they were subsequently to do, because I should, under the rules which govern us here, have no right so to do; I did gather from other sources what I presumed would be true, that all the other bills that were to come here for the Army and the Navy and for the other branches of the public service were to follow out this precise system of legislation. It was upon the information thus before us in relation to three bills and upon the information which I gathered elsewhere through the public newspapers and in conference with individual members, that the same thing was to be carried out in all the appropriation bills, and it was upon that basis that I made the declaration I did yesterday; and I stand here to-day to take back not one letter of it, nor to change one comma.

I am amazed that a gentleman with an intellect so clear as that belonging to the Senator from Ohio cannot see the distinction between what has been done heretofore and this one uniform system that seeks to change the whole practice and the whole law of the Government in every one of its branches. The distinction is wider than a barn-door and it is deeper than a well; but yet he can see no difference between that and an amendment that may have gone to re-organize the Navy, if you please, in years gone by; but that amendment did receive the consideration of the Naval Committee of this body and it was thoroughly understood. Under this bill the changes proposed get no consideration from the appropriate committee either of the House or of the Senate.

But I agree with the Senator fully in the wrong practice of putting legislative matters of great moment on the appropriation bills. There may be some cases where the exigencies of the country may justify, nay may demand it, and the Senate almost unanimously would agree to it. I think I should vote for a rule to exclude everything that would not go in under the unanimous consent of the Senate, and leave it only to such cases as the Senate would agree to unanimously.

I repeat that when one committee thus seeks to usurp all the appropriate duties that belong to all the various committees, they do more than any committee has the capacity of doing, and that it is a system vicious in the extreme. It is one that compels us to vote for that which we believe to be wrong in order to obtain that which we believe to be right. The whole system is wrong, in my judgment, and I do think the Senator from Ohio fails to make that distinction which to my judgment is a very broad one.

Mr. SHERMAN. Let us see about it. Here is a bill from the House of Representatives. It has been sanctioned by the House of Representatives. We are not even permitted to know the history of that bill, or what reasons led to its passage, because the rules forbid our reference to the proceedings of the House of Representatives. We know, however, in a general way that this bill came from the Committee on Appropriations and changes the existing law radically, completely. Every line of the bill changes existing law. Does it make any difference to the Senate whether that bill was made up by the different committees of the House of Representatives or only by one committee? It is passed by the House; and to us the evil is just as great whether the bill that is before us was framed by the Committee on Appropriations or by the Committee on Foreign Affairs in the House, and it makes no difference.

The thing to be complained of is the proposition by either House to change in an appropriation bill the salaries and to overturn existing laws. What we have done in the Senate is this: The Committee on Appropriations of the Senate have never undertaken to change radically the existing laws. They have to some extent, however. In 1870 there was an amendment proposed to the Army appropriation bill of seventeen or eighteen different sections, which entirely changed the organization of the Army, which changed the pay of every officer, and introduced the very system about post-traders that we may hear something about. That was one of the amendments ingrafted upon that general bill. That measure was never considered by the Military Committee of the House of Representatives, nor could it be, because it was passed at a very late period of the session, and it was sent pell-mell into the House of Representatives, and the House never had time to consider it. It was referred to the Committee on Appropriations there, and, after being read, was referred to a committee of conference, and then their report considered in the House. You may say that was an extreme case, but that was the practice of the Senate.

I say, therefore, and this is all I intended to say about it, that while we are criticising the conduct of the House of Representatives, (and I join in all that was said by the Senator from Maine as to the impropriety of this bill as an overturning and changing of existing laws,) we ought to acknowledge ourselves that we have followed in substance the same general practice by loading down an appropriation bill with extraneous amendments; carrying to the Appropriation Committee of the House the whole legislation of Congress; refusing to give to the House or its proper committees the opportunity to examine with care and detail into our amendments.

I do hope some committee charged with the subject may propose some rule which will restrain the Senate, or, if possible, a joint rule which will restrain both the Senate and the House, so that we may make these appropriation bills the mere transcript of existing law providing and designating specific amounts of money to carry out the public service during the following fiscal year. Then all forms of proper legislation can be considered by both Houses in the usual way, by reference to proper committees, and there never will then be an occasion for loading down the appropriation bills with such propositions.

The difficulty is that when any Senator or any committee desires specially to carry through a certain proposition which may be objectionable, which may invite competition or opposition in the other House, it is put on an appropriation bill, where there is no opportunity for examination, no chance for criticism even, and it is passed upon here probably with scanty numbers and at a time when the Senate is tired of the subject and tired with everything, sent to the House, not even considered there, sometimes not even read, but there referred in bulk to the Committee on Appropriations and reported back with a general formal disagreement to the amendments and a request for a committee of conference, so that the first action of a formal character between the two Houses is by three gentlemen representing either House and a final report, and we have here to take it in bulk or in whole by a single vote.

I make these remarks for the purpose of directing attention to this subject, and I do hope that a reform will be brought about by some one who will take the pains to correct the evil and if possible bring the two Houses to a concurrence on the subject.

Mr. EDMUNDS. I think the evil of principle that has been discussed, so far as bringing the two Houses into collision or a state of excitement in respect of each other, will turn out in practice, as it always has, to be a very small one. I have never known an instance in the ten years that I have been here when either House has proposed anything new in an appropriation bill, whether it came over from the House of Representatives in the body of the bill, or was attached to the bill here by way of amendment, to which the other House seriously objected, where the proposing House did not recede from it. Each House has always acted upon the principle that in an appropriation bill, the evident object and scope of which is to provide money to carry out existing laws, nothing should go into it that the two Houses did not agree to; and when one House disagrees and insists upon its disagreement, the other House recedes; I mean in respect to what is called extraneous legislation, changing existing laws, whatever the changes might be.

That is a universal rule that has been in practice ever since I have been here, and it is evidently the only one upon which the two Houses can consistently do business and get on. If the Senate insists upon attaching to an appropriation bill the civil-rights bill, for instance, as it did, and it comes to a conference, then if the conferees of the House insist that they will not have it upon that bill, the Senate must recede; and it would have receded, as I happen to know. But the trouble in that case was that the majority of the House of Representatives was willing to have the civil-rights bill on the appropriation bill, and so both Houses were willing. So in this case the House of Representatives has followed a very common practice; not a good one, I agree, but still one that is common to both Houses, in undertaking to change the law in this bill. They had a perfect legal right to do it and a perfect moral right to do it, and they offer it to us. Now, then, on the same principle, if we are willing to change the law, both Houses will have concurred, and the law will have been changed on an appropriation bill in respect of these matters. If we are not willing to change the law, then the House, without an invasion of our privileges, cannot insist; and I have no reason to suppose it will insist or would desire to insist upon it, saying to the Senate, "You must change the law or we will appropriate no money to carry on the Government."

The only instance that I know of where the two Houses finally failed on an appropriation bill for such a cause was that which occurred in 1856, when this body had a decisive democratic majority and the House of Representatives had a very slender republican majority. I believe my honorable friend from Ohio [Mr. SHERMAN] was then what is called the leader of the House. The House of Representatives passed the Army appropriation bill, and they provided in it what would seem to me at this moment to have been a perfectly legitimate thing in an appropriation bill, that no part of the money appropriated by that bill should be used to carry on what was called the "border-ruffian" legislation about Kansas. I, of course, am not using the language of the proviso, but am taking the shortest way of describing it. The effect of that would be to prevent the President of the United States, in taking care that the laws should be faithfully executed, and as Commander-in-Chief of the Army, to make any use of the Army in supporting what he might believe it to be his duty to support in respect of one side of the Kansas controversy. The Senate, as a matter of course, disagreed to that proviso to the House bill, which was a mere limitation upon the uses to which the money should be applied. They sent it back to the House of Representatives. The House of Representatives disagreed to the amendment of the Senate in striking out that clause. There was a contest about it, and severel conferences took place, three I am informed; and finally, the House of Representatives persisting in having that clause in the bill and the Senate persisting in its amendment, the bill failed, and the Congress was adjourned without the passage of the bill. President Pierce called an extra session of Congress, and after ten days even on that point the House of Representatives, republican as it was, and it being a case of purely political effect, so to speak, where there would be excitement, notwithstanding, retraced its steps, receded from its insisting upon having this limitation upon the appropriation, and the bill passed without it. That must be the natural and necessary course so long as the two Houses maintain that respect for each other and that plain method of doing business which are essential to getting on at all, as I have no doubt they always will. But when you come to the detail of these matters we all understand that it is very unpleasant and very injudicious to undertake to rectify everything that is wrong in an appropriation bill. It cannot be properly discussed; you cannot get the requisite information; you cannot have it considered by the correct committee; but I do not see any ground myself for any special criticism upon the House of Representatives or anybody else in following the practice—in a little different form, to be sure, but still in principle the same—that has obtained, for good or for bad, so long. When the question arises, if the two Houses should finally disagree, which one ought to recede, that is a question which I have no doubt will be

solved as I have stated when we reach it. The thing for us to do is to endeavor to make the bill right as we believe it to be, and trust the consequences to the future.

Mr. WINDOM. Mr. President, there are several provisions of this bill that illustrate the inexpediency of the Committee on Appropriations attempting to regulate the public service, and perhaps none more so than the pending proposition. I find in the House bill a provision which we have just agreed to strike out:

For minister resident accredited to Denmark and Sweden and Norway, to reside at such place as the President may from time to time direct in either of the states named, $6,500.

Under the existing law I believe the minister to Denmark and also the minister to Sweden and Norway receive each $7,500. The House bill prepared, as has been assumed, by the Committee on Appropriation, unites those together and provides for but one minister, with a salary of $6,500. I think if the Committee on Foreign Relations in the Senate were to consider this question fully and carefully they would be disposed rather to increase the compensation and the grade of the minister to Sweden and Norway than to reduce it. I know an effort has been made heretofore in this body to do this, but it failed on one occasion on account of a rule of order.

I want to say with reference to Sweden and Norway, where we have a minister with a salary of $7,500, that if you look at the number of vessels belonging to those countries which cleared from our ports in 1875 you will find it larger than that of any of the nations with which we have diplomatic or commercial relations, except Great Britain. From Great Britain I find in the reports of our commercial relations there were 8,691 in 1875; from Norway and Sweden 1,013, and from Germany 780. Of the whole number of vessels cleared from our ports 12,013, one-twelfth were owned in Norway and Sweden. So that, considered in a commercial point of view, those countries stand second so far as their shipping is concerned. In fact it is the only continental country, with the exception of France and Germany, which runs a direct line of vessels to this country. Politically I think this mission is worthy of a great deal of consideration. We have in this country now probably 600,000 people who have emigrated from Sweden and Norway. We have in my own State something over 100,000, and they are a class of people who for industry and worth will compare favorably with native-born citizens, or with emigrants from any other part of the world. I think the Scandinavian emigration will outnumber the aggregate from all other nations with whom we have commercial relations, excepting Great Britain and Germany. Considered from any point of view, it seems to me that this provision of the House bill is not only a great mistake, but that it is an insult to those countries from which we derive so large and valuable a contribution to our own population.

Mr. SARGENT. Our direct trade per annum with them is over $8,000,000.

Mr. WINDOM. I am aware of that fact, and was about to state that our trade with Sweden and Norway is between seven and eight millions. The exports and imports of that country amount to something over $130,000,000 per annum. And yet the House bill, as it comes to us, proposes to send a minister, not only to that country, but to one entirely distinct from it, combining Denmark with Sweden and Norway, two nationalities as distinct as the United States and Great Britain, combining those two distinct and separate nationalities, and cutting down the compensation of the minister to both of them to $6,500.

It seems to me that no better illustration could be found than this present pending amendment of the inexpediency of a committee on appropriations attempting to regulate the entire diplomatic and commercial relations of the country on an appropriation bill. I think the compensation for Sweden and Norway should be increased over what it was last year, but I am satisfied that it cannot now be done, and therefore withhold the amendment which I would be glad to see adopted.

Mr. BAYARD. Mr. President, the question which has just been before the Senate is far broader than that of mere economy in regard to the payment of salaries for a minister at any one particular post. It has touched the broad question of the proper method of legislation in the shape of appropriation bills; and I am glad that at last the necessity of limiting appropriation bills to their legitimate object is brought before the Senate for a calm (and I hope deliberate and in the interests of reform) consideration. Why, sir, during this session the Senator from California, who has charge of this bill, moved the adoption of a rule limiting debate on appropriation bills to five minutes for each amendment offered; and when I suggested that that rule, being both sensible and proper upon a mere money bill, should be accompanied by a further proviso that amendments should be germane to the subject-matter of the bill, and that incongruous matters of a general legislative character should not be added, the Senate by a very positive vote, and in my impression assisted by the votes of the Senator from California and the Senator from Ohio, voted down the amendment.

Mr. SARGENT. I do not think I offered the proposition.

Mr. BAYARD. I remember very well that the Senator from California was present; but he knows more about his action than I do, and I may be in error, and therefore I withdraw the statement. It matters not; I merely gave it by way of illustration, and I may have been in error as to that; but the fact nevertheless is that when the Senate, who of course are controlled by a majority, had before them a proposition at the present session to prevent matters of general legislation from being ingrafted on appropriation bills, when an amendment was offered to confine the appropriation bills to matters germane to themselves, it was refused by a very positive vote of the Senate, and that more than once; and not only at the present session, but it was so especially in sessions in the past where they have refused to permit amendments to appropriation bills to be confined to matters affecting the subjects-matter of the bills.

Now, Mr. President, the condition of public business is this: Under the unbroken practice of the Senate for at least sixteen years the committees on appropriations of the two Houses have undertaken to amend existing legislation in the way of reducing, increasing, or creating salaries upon simple appropriation bills. The objection in this body, so far as my memory is concerned, has been confined solely to the small minority who have sat here. I can agree with the Senator from Ohio that an appropriation bill ought to be that which its name distinctly defines it to be: the appropriation of money for the purpose of carrying into effect existing laws. If those laws need amendment, let the committees to whom the consideration of the various subjects-matter of law are confided by the two bodies take up the laws and amend them. If by law, for instance, a salary is attached to a post, I hold it to be the duty of the Appropriation Committee to carry out that law, and that it is not a wise species of legislation that at the time of appropriation a mere money bill changes the law and changes the policy. I should be glad to see such a rule adopted. It would prevent our appropriation bills from becoming the mere drag-nets that they have become by what I must call the vicious practice of the two Houses of late years in covering all sorts of indefinite objects of a general character in a bill that on its face is simply to carry into effect existing laws by providing money as the proper machinery to run them. But, sir, is this rule to be adopted in an instant? Can you as practical men suddenly abandon practices of both Houses of Congress on this subject and in regard to a matter so important as this? Shall you here in the middle of a session, with less time to come yet during its continuance than has passed since we met, propose now to establish this broad and, if wholesome, at least sudden and precipitate change in the practice of legislation on this subject? See the result of it, Mr. President. The spirit of economy, I am glad to say, is abroad in this country, and, with it, of reform. It has not come too soon. If we would be an honest people, we must become an economical people. That much waste, much false economy, much extravagance have characterized the government of the country during the years of excitement through which we have gone is a fact that no reasonable man will deny. It is a fact of which there is to-day complete public apprehension, and there is a loud public demand for its reform. One species of reform, palpable and necessary, is the reduction of the official force of the Government. No man can doubt that there are by far too many officers under the Government of the United States now; that the clerical force of the Government is infinitely beyond all reasonable demands for the business of the country; that therefore a consolidation of offices is necessary and essential, such as is proposed in some of the amendments to this bill, letting one man do that work which he competently can do and which now is performed by five or six.

I mention this merely as an illustration of the character of economy that is called for and the character of economy that can be judiciously exercised. I will not at this moment give vent to my views on the subject of that other view of economy of the reduction of salaries below what constitutes a fair compensation for the duties to be performed, except to say that so far from being a true economy I deem it to be a false economy. It is denied by every act of a man's private life; and every man knows that those rules of administration which are true in private life will be true upon the more extended scale of public life, that if you reduce your compensation below what is just and fair you must look to see negligence and incompetence in public office instead of ability and competence.

But the question is whether now, in the face of the condition of public business, with the co-ordinate branch of Congress having acted up to this time upon the practice of both Houses of Congress up to this day, you suddenly will arrest their attempts at economy, whether you will arrest the legislation which has given them great labor to accomplish, and say that this new rule shall be sprung upon Congress and that the appropriation bills shall in no way intermeddle with existing law, but that the appropriations of last year must, dollar for dollar and cent by cent, be followed in regard to all appropriations of the present year, although economy, reform, necessity, all point out to you the need of change.

Mr. President, it will not do. We cannot and we have no right thus to arrest, complicate, throw into disorder, the machinery of the country's business by saying that upon appropriation bills there can be no change in the compensation of officers, no consolidation of useless posts, no abolition of sinecures, no remedy for those abuses which have grown and are always the consequence of a period of excitement; that we shall not take the customary methods, the practices of our Government, and apply them at the present session; because, if you do, you throw back upon the other House the result of all their labors in seeking in this and in this accustomed way the reduction of useless expenditures. Thus I say you will cause the labor of the session to go for naught; you may prolong it indefinitely; but I think you cannot be justified either in your own minds or in the opinion of the

country for standing in the way of those just and necessary reforms which economy dictates.

I say, then, that as an abstract question I am disposed to coincide with the views of gentlemen on this floor who insist that appropriation bills should be confined to the provision of money for existing laws, and that if existing laws need amendment they should be amended in the regular and proper form by the introduction of bills for that purpose, and the commission of those bills to the various committees of the body deputed to consider and report upon them. I admit that that ought to be the rule, and I hope now it may be the rule; but it seems there has been a great light shed upon the mind of the Senate of the United States by the fact that the co-ordinate branch of Congress is no longer in unison as to political party and to political feeling with themselves, and yet that is only one of the benefits, and one of the small ones, that have come from having a check on the action of any one political party long in power. I only refer to it as a fact showing how a bad practice may creep in, how it may harden into acquiescence and almost law for want of a watchful and vigilant and strong opposition.

I am perfectly willing that a joint rule should be framed between the two Houses which shall simplify legislation, which shall prevent the ingrafting of incongruous measures upon appropriation bills, which shall prevent everything like general legislation from being in any way connected with the general appropriation bills, so that they shall be in fact what they are in name, simply provision of money to execute the laws of the land. Yet at the same time I do not believe that you will be justified, or that you can, without great public detriment, at this time, undertake to make that the law suddenly, and abrogate and disregard your former practice on that subject. I say this because I should have been exceedingly glad if there could have been notification given at the commencement of this session to the other House of Congress that they were to prepare their appropriation bills in the light and by the guidance of such a rule. But it was not done. The Senate cannot now adopt a rule hastily, off-hand, precipitately, such as was suggested by the Senator from Ohio without creating great public dissatisfaction. Time forbids it; the condition of the business of the country forbids it. Therefore I say that without regard to the wisdom or unwisdom of these proposed amendments, we still should consider that they are legitimate legislation. That it is legitimate, there can be no manner of doubt. It is simply a question as to method, more than principle. Any bill that is brought before Congress in any way and receives its assent becomes a law, and being a law it operates quite as well whether it came from one committee or another, for it matters very little through what channel of legislative machinery it reached a vote in each House and has received the signature of the Executive. Therefore these reforms, if reforms they be, these changes of existing law wrought by the appropriation bill, will be just as efficient as matters of legislation and are just as much justified by the Constitution of the United States as any other form by which we could place bills on the statute-book, and I trust that we shall not now vote against proper reforms, sound and true economies suggested by the appropriation bill, under the idea of the Senator from Ohio that we ought to recognize nothing in those bills save that which is in accordance with existing law.

Mr. SARGENT. Mr. President, the Senator was in error, as he will frankly admit, in ascribing to me the authorship of the resolution to which his amendment was offered limiting the matter which should go into appropriation bills offered early in the session. It was offered by the chairman of appropriations. I refer to the matter not to set myself right on that proposition, but to explain why I disapproved his amendment, as I certainly did. I thought his amendment weakened the effect of the thirtieth standing rule of the Senate, and so stated in the debate. His amendment, as near as I remember it now, was that no amendment should be offered to a general appropriation bill which was not germane to the bill. That was about the substance of it.

Mr. BAYARD. Yes, sir.

Mr. SARGENT. We already had a rule which provided that—

> No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate or in pursuance of an estimate from the head of some of the Departments.

No matter whether an amendment was germane or not, it could not be entertained under this rule. What is a germane amendment? An amendment to an Army appropriation bill would be germane which changed the salary of every officer or his standing in the service—any officer whose pay was covered by that bill. It might be a complete alteration of the service, and would not be in accordance with existing laws, but it would be germane; and I did not think amendments ought to be offered which were not in accordance with existing laws.

Take the Navy. You may change the modes of promotion, the modes of enlistment; you may change the mode of advertising for supplies, or anything in connection with the Navy, in conjunction with the bill which provides money to do those things, no matter how many laws there may be on the statute-book prescribing a different rule from that proposed.

Take the Treasury. To the appropriation for printing bonds you might put on a funding bill or regulate the manner in which the bonds of the United States should be handled; how they should be funded, whether at 3, 4, or 5 per cent. In fact there is no amendment you might propose which would not be germane to an appropriation bill, provided it had the slightest reference to the subject which was appropriated for. I thought that was too large a view; that that was an unsafe rule; and it being an amendment to a standing rule of the Senate, for it amounted to that, *pro tanto* it would repeal Rule 30, which said these things must have the guarantee of exist ing law and be proposed by a committee, &c. That was the reason we objected to it, and on those considerations it was voted down; not because we thought amendments not germane to the bill should be brought in, for we did not.

I have nothing to say at this time with reference to the general policy of reductions of salaries. I simply called attention—it is all that is necessary for the purposes of this bill—to the fact that the sums fixed in this bill as salaries of officers abroad were not fixed during the times of recent trouble or recent excitement. They were fixed twenty years ago. So far as they have been modified within the last twenty years, they have been reduced. I do not remember an exception to that rule. I know that some of them have been reduced, and it may be that one or more may have been increased, but I do not remember such a case. As a rule they have been reduced, they have not been increased; but, at any rate, they were fixed twenty years ago, long anterior to the accession to power of the republican party—if it is a party question—by a bill signed by a democratic President and fixed by a democratic Congress, at any rate by a democratic Senate.

Mr. MERRIMON. The country did not owe two thousand millions then.

Mr. SARGENT. I admit the country did not owe two thousand millions; but it had scarcely more than half the population it has now. The number of our States has gone up, the business of the country has vastly developed, our resources are vast and ample. On the same rule we might abolish one-third of the House of Representatives, because a less number could do the business. On the same principle you might cut off expenses in every direction, cut deep into the Government in the exercise of its functions. You might say that there shall be no deficiency for carrying the mails, and cut off my region and the Senator's State from any participation in them, for I do not believe there are three post-offices in his State which pay their expense. I do not believe there are three mail-routes, at any rate, which run through places that pay the expense of the mail service.

We owe $2,000,000,000! Why should we pay out of the public Treasury for keeping up mail service in the Senator's State? His reply to me is, "In this the Government benefits the people; it carries letters; it facilitates business." In the same way and for the same purpose, I rejoin, we keep consuls abroad to facilitate business and accommodate the people, that the Government may be some benefit as well as a burden. I hazard the assertion, and can prove by the figures, that the percentage per head of expense for the mere civil administration of the Government at the present time is less than it was twenty or twenty-five years ago. The extraordinary expenses have been from the payment of pensions, from the payment of war claims, from the larger civil service necessary to straighten and arrange war accounts. These have been the items of extraordinary expense, and which burden us at the present time, including also the interest on the public debt; but the Government at the present time, so far as its expenses are concerned which grow out of matters having no connection with the war, is administered more economically now than it was twenty or twenty-five years ago, and I am prepared to show it. It costs the people of the United States now for all these purposes less per head than it did at that time.

But the American Congress has not been unmindful for years past of the necessity of reduction, or the interest of the people in that direction. During the past four years the reductions have been something like $30,000,000. In one session the reduction was $18,000,000. I am not disposed to defend any item because it is hoary, or to continue any item of expenditure that can be dispensed with; but I do not want to destroy the business of the country.

I showed yesterday in my remarks that the foreign commerce of the country during the past few years had gone up from $800,000,000 to $1,200,000,000 under our policy; that it was recovering. If you want to cripple it, to break it down, withdraw your consuls from ports where they now give protection to American citizens who go there, and give them information. Do so, and your ships will leave those ports. They will not go into a foreign country unless they can find some agent of the Government there to perform the necessary functions for them.

The Senator from Kentucky [Mr. STEVENSON] called attention yesterday to the fact that our commerce was done in foreign bottoms instead of our own; that the disproportion had been growing for several years past. It is undoubtedly true; but it springs from one fact, that we do not follow the example which the civilized world, and notably Great Britain and France, set to us in those matters, as we formerly did. Commerce now is done by great steamship lines carried on by means of steam, and under the shelter of those great patronizing steamship lines sailing-vessels can exist. They create the commerce, and the sailing-vessels follow after them; and the nation which owns these great lines gets the commerce. By that means the commerce of South America has been kept in the hands of Great Britain by means of its steamship lines running to Brazil, and Chili, and Peru.

By that means they are taking the foreign commerce of our own people and our carrying trade from ourselves. Why? Because they make up any loss to those ships by subsidies and enable them to traverse the ocean, and the result comes back a thousand-fold to their people.

The policy of England with reference to its foreign service is exactly the opposite to that proposed by this bill as it comes from the House. They pay out some eight times the amount of fees which they receive from foreign consulates to pay those consuls, while we pay $148,000 less than we receive from them; and the result is that wherever an English ship-master goes he finds an agent of his government to receive him, to give him all facilities, to give him introductions, accommodations, information, protection, and by that means the trade of Great Britain grows up. There is a friendly feeling toward the nation that maintains intimate relations with the people of these scattered nationalities, their towns and seaports, by means of which commerce is carried on. Notwithstanding the vast advantages which America has for the trade and commerce of China and Japan, we hold on there almost by our eye-lids, because the English system of consuls and consular agents is so much better than ours, is so much better paid, is so much more pervading, that they can oust us from our natural advantages. It is a reactionary policy against the interests of the country. You save a few hundred thousand dollars by the bill, and you lose as many millions, ay, you lose by the $100,000,000, by cutting off your commerce, by paralyzing industry, by destroying your markets. Many of our manufactured articles, notably cotton and hardware, are making their way into the English colonies, and even into England itself. Our people have the industry, the intelligence, the capital, the skill, and are able to hold their own against the world, unless their Government is niggardly in the facilities which it gives to them to carry out that which they would do under fair encouragement.

While I am in favor of reform, and while I have stood in my place ever since I have been in the Senate—and Senators around me know it—and fought discretionary items, and have tried to prevent the passage of amendments to appropriation bills which would swell them beyond the amounts authorized by existing law, and wherever a fair case was shown have tried to see that there was a reduction, I nevertheless have opposed such wholesale crippling of the public service as this. I consider it my duty so to do in the interest of the Government and people.

If you break down your foreign service as is proposed here, you will get nobody to go abroad, unless it may be some rich snob, unless he may be some man whose mere ability is the wealth which he can take along with him, an accomplished diner-out at the Court of St. James or St. Cloud or Russia. You will have to employ residents of the countries for your consuls, having no American nationality or sympathy, and perhaps destroy your system in order to carry out such "economy," as it is called, as is embraced in the bill.

If it were true that these salaries had grown up as a rule during the last five or six years, or when greenbacks were low and gold was high, and they could be reduced reasonably, I would not object; but they were, as I say, established years ago, and they ought not now to be cut down, because they are now barely sufficient, and the interest of the people forbids it.

Mr. BAYARD. Mr. President——

Mr. CAMERON, of Pennsylvania. I gave notice yesterday that I would at an early hour to-day make a motion for an executive session. I hope the Senator from Delaware will give way now to enable me to make that motion.

The PRESIDENT *pro tempore*. Does the Senator yield for that purpose?

Mr. BAYARD. Yes, sir.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I suppose it is absolutely necessary; and I shall not object.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and twelve minutes spent in executive session, the doors were re-opened, and (at five o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

The SPEAKER. Is there objection to the Journal as read?

Mr. WHITTHORNE. I am recorded in the Journal as not voting yesterday upon the proposition of the gentleman from Ohio, [Mr PAYNE.] I was present in the House, and voted in the negative.

The SPEAKER. The Journal will be corrected.

Mr. JACOBS. I introduced a bill yesterday. I see no notice taken of it in the RECORD.

The SPEAKER. To what subject did the bill relate?

Mr. JACOBS. To the establishment of a post-route.

The SPEAKER. Then it was very properly left out of the regular proceedings, because such papers should be referred at the Clerk's desk. The gentleman will probably find a reference to it in the list of petitions, &c., at the end of the proceedings. The RECORD there says:

By Mr. JACOBS: The petition of the people of Cowlitz County, for the improvement of Cowlitz River, Washington Territory, to the Committee on Commerce.

Mr. JACOBS. That is not it; I introduced a bill for the establishment of a post-route.

The SPEAKER. Is this it?

Also, a paper relating to a post-route from Columbus to Yakama City, Washington Territory, to the Committee on the Post-Office and Post-Roads.

Mr. JACOBS. Yes, sir; that is it.

The Journal, as corrected, was approved.

ALIENS AS ENGINEERS AND PILOTS.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2928) to amend sections 4235, 4404, 4414, 4415, 4418, 4439, 4440, 4441, 4442, 4448, and 4470 of the Revised Statutes, and for the repeal of the act of April 17, 1874, entitled "An act to authorize the employment of certain aliens as engineers and pilots;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHEAP FREIGHT TRANSPORTATION.

Mr. JONES, of Kentucky, by unanimous consent, reported from the Committee on Railways and Canals, as a substitute for House bill No. 1490, a bill (H. R. No. 2929) to provide for cheap transportation of freight between tide-water on or near the Atlantic Ocean and the Ohio and Mississippi Valleys; which was ordered to be printed and recommitted.

CHEBOYGAN, MICHIGAN, A PORT OF DELIVERY.

Mr. DUNNELL. I ask unanimous consent to report a bill from the Committee on Commerce that it may be put on its passage now. It is the bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery.

The bill was read. It provides that Cheboygan, within the collection district of Michigan, be declared a port of delivery, instead of Duncan City, and that the office of deputy collector, now located at Duncan City, be removed to Cheboygan.

Mr. DUNNELL. This measure involves no increase of expense to the Government. Since the establishment of a port of delivery at Duncan City, Cheboygan, a mile farther up the river, has become the actual port where business is done.

Mr. COX. Does the bill come from a committee?

Mr. DUNNELL. It is the unanimous report of the Committee on Commerce; and the change is recommended by the Secretary of the Treasury.

Mr. COX. How much of a place is this?

Mr. DUNNELL. Formerly Duncan City was a mere lumbering point; but a mile up the river Cheboygan has grown up and is now the place of business. The bill is accompanied by a report.

The SPEAKER. Does the gentleman ask for the reading of the report?

Mr. DUNNELL. I do not unless some other gentleman wishes it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN AGENTS TO NORTH CAROLINA CHEROKEES.

Mr. VANCE, of North Carolina, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the names of all agents or commissioners, general or special, appointed by the Department of the Interior to the North Carolina Cherokee Indians since January 1, 1875; under what law or rule of the Department they were appointed; the duties and services that they were required to perform; the amount paid them; and the funds from which they have been paid.

J. M. THOMPSON.

Mr. BEEBE, by unanimous consent, introduced a bill (H. R. No. 2930) for the relief of J. M. Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEALS, LOCKS, ETC., IN REVENUE SERVICE.

Mr. CAULFIELD, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Expenditures in the Treasury Department:

Resolved, That the Secretary of the Treasury and the Commissioner of Internal Revenue be requested to furnish this House with copies of all contracts, and the character of any verbal contracts entered into by any person or persons for furnishing paper or glass seal locks, or other locks or seals, for their respective Departments or any branch thereof, since the 4th of March, 1869, to the present time, and to inform this House of what, if any, changes in the contracts for such locks or seals have been made in the character of the locks or seals in use, or those which

have been in use, and the reasons for such changes; and to furnish all correspondence relating to contracts or to changes made in the contracts or in the character of the various locks or seals used by their respective Departments since that date for the protection of the revenues of the Government; and if any commissions have been instituted to examine into the character of locks and seals presented to their respective Departments for adoption, the reports made by such commissions, together with the names of the persons constituting such commissions; and further to inform this House what methods are now employed in the shape of locks or seals or other implements for the purpose of protesting bonded goods in transit and goods in bonded warehouses, and the character of such locks or seals or other implements used by the Treasury Department, or that of the Internal Revenue or any of its branches at the present time, and all expenditures in regard to the same.

AMENDMENT OF RULES FOR PAYING WITNESSES.

Mr. HOLMAN. I ask unanimous consent of the House to submit the following change of the rules for a purpose which will, I think, commend itself to the approval of the House.

The Clerk read as follows:

Resolved, That Rule 138 be amended to read as follows:

The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $2; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

Mr. HOLMAN. I ask unanimous consent to say the change made is this: As the rule now stands witnesses receive $4 a day from the House. It is proposed to fix the compensation at $2.

Mr. HOAR. Is this asked to be introduced for reference merely, or to be adopted at this time?

Mr. HOLMAN. I ask unanimous consent that it be adopted now.

Mr. HOAR. O, no; let it be referred to the Committee on Rules for consideration.

Mr. HOLMAN. Does the gentleman from Massachusetts think witnesses should receive $4 a day?

Mr. HOAR. Yes, sir.

Mr. HOLMAN. They only pay $2 in the Federal courts and in the Senate.

Mr. HOAR. I think they should receive more.

Mr. HOLMAN. Very well; I ask that the resolution be referred to the Committee on Rules.

There was no objection, and it was ordered accordingly.

BOOKS IN FOREIGN LANGUAGES FREE OF DUTY.

Mr. HOAR, by unanimous consent, introduced a bill (H. R. No. 2931) to permit the importation free of duty of books printed in foreign languages; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

NATIONAL-BANK REDEMPTION AGENCY.

Mr. GOODIN. I ask unanimous consent, Mr. Speaker, to submit some resolutions of inquiry.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be instructed to inquire into the practical workings of the national-bank redemption agency of the Treasury Department and to ascertain whether any unjust discriminations in favor of particular banks have been made by the Secretary, and to report to this House the determination of the committee thereon.

Mr. WILSON, of Iowa. Who introduces this resolution?

Mr. GOODIN. I do; it is simply a resolution of inquiry, and I hope the gentleman will not object to it.

Mr. WILSON, of Iowa. The Committee on Expenditures in the Treasury Department are now investigating this subject.

The SPEAKER. Does the gentleman object?

Mr. WILSON, of Iowa. I do, as I do not see any necessity for the introduction of such a resolution at this time.

LOTTERY TICKETS IN UNITED STATES MAILS.

Mr. GOODIN. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting appropriate legislation to prevent the use of the United States mails in the carrying of tickets, circulars, and advertisements pertaining to lotteries; and the said committee is directed to report to this House by bill or otherwise.

Mr. CANNON, of Illinois. I object to that, as the subject has already been considered by the Committee on the Post-Office and Post-Roads, and it is provided for in a bill now pending before the House.

MRS. FANNIE VAN NESS.

Mr. BAKER, of New York, by unanimous consent, introduced a bill (H. R. No. 2932) to place on the pension-roll the name of Mrs. Fannie Van Ness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-ROUTE BILL.

Mr. BANNING. I call for the regular order of business.

Mr. CLARK, of Missouri. I hope the gentleman from Ohio will not insist upon his call for the regular order of business at this time, as we are informed that it is very important the House should take up and consider the post-route bill, which was returned from the Senate yesterday. It is considered by the Department that the bill should pass this morning.

Mr. BANNING. I will not insist on my demand for the regular order of business if it is the unanimous consent that the post-route bill shall not interfere with the morning hour.

Mr. COX. What is the regular order?

The SPEAKER. The regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on Military Affairs.

REAL-ESTATE POOL CONTUMACIOUS WITNESS.

The SPEAKER. It is the duty of the Chair to lay before the House for the action of the House two communications; the first of which is addressed to the Speaker by the district attorney of the United States for the District of Columbia, and the Clerk will read it.

The Clerk read as follows:

OFFICE OF UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA,
Washington, D. C., March 27, 1876.

SIR: I have the honor to inform you that the grand jury has this morning found and returned into court an indictment against Hallet Kilbourn which comprises five counts as follows, to wit:

The first count charges him with failing to produce certain papers before a special committee of the House, of which Hon. JOHN M. GLOVER is chairman.

The second count charges him with refusing to answer certain questions before the said committee.

The third count charges him with refusing to answer certain questions before the House of Representatives.

The fourth count charges him with the failure to produce the papers and the refusal to answer the questions before the committee.

And the fifth and last count charges him with the refusal to answer the questions and produce the books and papers before the House of Representatives.

I have isued a bench warrant for the arrest of Hallet Kilbourn under this indictment, and the marshal now has that warrant for service.

Yours respectfully,

H. H. WELLS,
United States Attorney, District of Columbia.

Hon. MICHAEL C. KERR,
Speaker of the House of Representatives.

The SPEAKER. The other communication is from the Sergeant-at-Arms of the House, which the Clerk will read.

The Clerk read as follows:

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1876.

SIR: I respectfully report to you, and through you to the House of Representatives, that on this day at ten and one-quarter o'clock a. m., Alexander Sharp, United States marshal for the District of Columbia, called upon me at my office and informed me that he held a warrant issued by the supreme court of said District, commanding him to arrest and bring before said court for trial upon a criminal charge one Hallet Kilbourn, now in my custody in the common jail of said District, by the order and judgment of the House of Representatives, because of a contempt of its authority.

Said marshal then and there further requested that he be admitted into the presence of said Kilbourn to the end that he might serve said warrant upon said Kilbourn, and take him forthwith by virtue thereof from said jail, and before said court for trial upon said criminal charge. With which request I refused to comply, inasmuch as a compliance by me with the request of said marshal would release said Kilbourn from my custody as an officer of the House of Representatives, and place him in the custody of said marshal and court aforesaid. I respectfully through you submit the matter to the House of Representatives for instructions as to what I shall do. A copy of said warrant is herewith attached.

JOHN G. THOMPSON,
Sergeant-at-Arms, House of Representatives.

Hon. M. C. KERR,
Speaker of the House of Representatives.

The SPEAKER. The Clerk will read the warrant.

The Clerk read as follows:

In the supreme court of the District of Columbia, 27th day of March, 1876.

THE UNITED STATES } No. —, criminal docket. Indictment for refusing to testify
vs. } before a committee of the House of Representatives.
HALLET KILBOURN. }

The President of the United States to the United States marshal for the District of Columbia, greeting:

You are hereby commanded to take the defendant, Hallet Kilbourn, if to be found in your district, and him have before the criminal court for said District of Columbia immediately to answer the United States touching the offense charged against him.

Hereof fail not, and have there then this writ so indorsed as to show how you have executed it.

Witness:

D. K. CARTTER,
Chief Justice, &c.

[SEAL.]

R. J. MEIGS,
Clerk,
By J. J. CAMP,
Assistant Clerk.

Mr. GLOVER. Mr. Speaker, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Hallet Kilbourn, a recusant witness, having by this House been adjudged guilty of a contempt of its authority by reason of his refusal to answer certain questions and refusing to produce in answer to a *subpœna duces tecum* certain documents, books, papers, &c., before a special investigating committee of this House; and said Kilbourn because of said contempt and the judgment of this House being now by its order and said judgment in the custody of the Sergeant-at-Arms in the common jail of the District of Columbia, there to remain in said custody until he shall communicate to this House through said committee that he is ready to appear before said committee and make answer to said questions and obey said *subpœna duces tecum*: Therefore, because of the facts and premises aforesaid, the said Sergeant-at-Arms is ordered to retain the custody aforesaid of said witness, and not to part with his custody or deliver him up to any other person, officer, court, or tribunal until the further order of this House.

Mr. GLOVER. Mr. Speaker, I do not propose to discuss the merits of this case. It is a very grave question, and one in the discussion of which I suppose the House will generally participate. I do not know what length of time the discussion ought to extend. I suppose it ought to be liberal, and what time the House in reason may demand for it I would be willing to grant. I now yield the floor to my colleague on the committee, the gentleman from Indiana, Mr. NEW.

Mr. NEW. Mr. Speaker, the matter of the recusancy of the witness Hallet Kilbourn has not altogether occupied much of the time of the House. So well settled is it that either House of Congress may commit for a breach of its privilege or contempt of its authority that thus far in these proceedings there has been no hesitation as to the power and duty of the House in this matter. I believe there will be as little hesitation now; but, in view of the gravity of the subject, some points which the witness attempts to make in his answer at the bar of the House, and the form in which the subject now presents itself, I deem it due to the committee, the House, and the country, that the authorities and precedents bearing upon the subject-matter involved in the resolution should constitute a part of the record in this case.

It will be observed from the reading of the resolution under which the committee was appointed and the preamble thereto that, on account of an alleged improvident deposit by the Secretary of the Navy with Jay Cooke, McCulloch & Co., of London, the Government has become a creditor of Jay Cooke & Co., the banking-house which failed in this city.

In other words, the indebtedness of Jay Cooke & Co. to the United States is because of an assignment by Jay Cooke, McCulloch & Co. to the United States of claims against Jay Cooke & Co. in the sum of something over one million and a half of dollars, these claims having been proven in bankruptcy and thereafter assigned as collateral securities to the United States.

It is further alleged in the preamble as a fact that Jay Cooke & Co. had a large and valuable interest in a certain real-estate pool heretofore partially inquired into. Therefore, for the purpose of bringing to light that interest so that it may be subjected as assets to the payment of the claim of the Government this investigation was ordered.

That it was and is competent for Congress to thus find out on behalf of the General Government what it can upon this subject, with a view to other steps being taken by the Government, in court if you please, is just as manifest as it is that a citizen may hunt up and understand the facts of his case before bringing suit or to determine whether he will institute suit or not.

Before the committee and by the answer of the witness at the bar of the House great emphasis was given to the fact that there was no person or party who had under oath filed specific charges or allegations. The witness claims in effect that specific charges and allegations should be made as a foundation before requiring him to answer questions.

I have shown what facts are averred in the resolution of the House. Now whether the Government represented by the House is a party of sufficient dignity and responsibility, the House must judge. The witness would place himself in the attitude of a party. I submit that it is not for the witness, or a witness in any case, to demur to the pleadings. He has no standing in court for that purpose.

The resolution under which the committee was appointed was not adopted upon the petition of memorialists making definite charges or allegations against some particular person or persons as to the commission of some defined wrongful or unlawful acts.

We are not trying a civil case upon issues made. There are no parties plaintiff and defendant. We are not trying a criminal charge with Mr. Kilbourn as the defendant. We are trying to find out what we can, within the scope of the resolution, as to the subject-matter involved therein. If when we get through we can make more specific allegations, they will be found in our report. But, sir, even then we do not promise the witness or his counsel that our report will be sworn to.

It cannot be said that there must be some foundation laid or showing made as to the materiality of the papers, &c., called for. I know of no court, State or Federal, where any such rule of practice exists.

It is well settled that if any objection exists as to the form or substance of a *subpœna duces tecum*, such objection is presented and considered after the return of the subpœna.

In some of the States statutes exist in aid of the common-law rule relating to parties to suits, by which one party may obtain an order upon the other to produce upon the trial an instrument in writing or paper by filing affidavit and serving notice as to the character of the evidence sought, and its materiality.

This is resorted to when the party seeking the evidence is not willing to take his chances in proving by parol the contents of the instrument, if not produced, as he could do at common law, but prefers the production of the instrument itself, so that there may be no mistake about its contents.

However, no question was raised before the committee, nor by the answer of the witness at the bar of the House, as to the sufficiency of description of books and papers called for.

The act of 1857, as amended by the act of 1862 and as revised June 22, 1874, is as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 102. Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100, and imprisonment in a common jail for not less than one month nor more than twelve months.

SEC. 103. No witness is privileged to refuse to testify to any fact or to produce any paper respecting which he shall be examined by either House of Congress or by any committee of either House upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

SEC. 859. No testimony given by a witness before either House or before any committee of either House of Congress shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony; but an official paper or record produced by him is not within the said privilege.

The act makes no difference or distinction whatever as to the production of papers by a witness and evidence by parol. Both are placed precisely upon the same footing. I will read again so far as may be necessary to illustrate this from section 102:

Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House or any committee of either House of Congress, willfully makes default, &c.

Indeed in courts of justice they are upon the same footing. Mr. Greenleaf, as a note to section 558 in first volume of his work on evidence, quotes Chief Justice Shaw, as follows:

There seems to be no difference, in principle, between compelling a witness to produce a document in his possession, under a *subpœna duces tecum*, in a case where the party calling the witness has a right to the use of such document and compelling him to give testimony, when the facts lie in his own knowledge.

The witness by the common parliamentary law and by the act of Congress is not permitted to say that his answer would expose him to a criminal prosecution, or would violate professional confidence. He is required to answer, and as a matter of high prerogative right, as also from considerations of public policy, the House is authorized to require an answer, the law providing, however, that the testimony of the witness shall not afterward be used against him.

The witness has said in his testimony before the committee that his answers would not criminate him. He does not claim to be an attorney, nor does he pretend that he has not in his possession or under his control the books and papers called for; on the contrary, it was conceded before the committee that he had. That these papers may reasonably be expected to afford information pertinent to the inquiry with which the committee is charged cannot be doubted. No question has ever been before raised in this House as to its right to compel the production of papers. In the Credit Mobilier investigation papers of all kinds, including letters of the most private character, were examined. The books of one of the banking houses of this city, covering a period of over one year, were freely overhauled by and before the committee.

The rights of the witness under the fourth article of the Constitution are not invaded by the common parliamentary law and the law of Congress, nor by any action taken thereunder by the committee or by the House. No unreasonable or any other kind of search or seizure of his papers is being attempted. He is asked to produce certain books and papers before the committee in answer to a *subpœna duces tecum*. As I have said, this cannot be treated as a search or seizure, either reasonable or unreasonable.

Can it be fairly claimed that to require the production of books and papers by *subpœna duces tecum* is a violation of his rights under the Constitution? If so, then it follows that a *subpœna duces tecum* should not issue in any case, that it is an unconstitutional process, and that that fact has never been discovered until now.

I have spoken thus at length about the *subpœna duces tecum* because of the talk of witness and his counsel about private papers and private business.

Mr. Speaker, the power of this House as to calling for and compelling the giving of testimony, whether oral or written, is much greater than that of the courts. The additional power is justified and predicated upon grounds of public policy, and, in the language of a most eminent writer upon parliamentary law, "is considered to be fundamentally essential to the efficiency of parliamentary inquiry."

I will now read from Cushing on Parliamentary Law, § 1001, as follows:

It has already been seen that a witness before either house of Parliament cannot excuse himself from answering any question that may be put to him (with a single exception presently to be noticed) on the ground that the answer would subject him to an action or expose him to a criminal proceeding, or be the means of divulging the secrets of his client, communicated to him in professional confidence, or be in breach of a judicial oath, as a grand juror, or of a voluntary oath as a freemason, or the like, some of which would be sufficient grounds of excuse in a court of justice. This difference between proceedings in Parliament and in the ordinary courts has been established upon grounds of public policy, and is considered to be fundamentally essential to the efficiency of parliamentary inquiry. But while the law of Parliament thus demands the disclosure of the evidence, it recognizes to the fullest extent the principle upon which the witness is excused from making such disclosure in the ordinary courts of justice, and protects him against the consequences which might otherwise result from his testimony, the rule of Parliament being that no evidence given in either House can be used against the witness in any other place without the permission of the House, which is never granted provided the witness testifies truly.

Again, on page 269, section 684, the same writer says:

It may be laid down therefore, first, that every legislative assembly in the United States possesses all the powers of jurisdiction in a general way which are recognized by the common parliamentary law.

Again, he says on page 272, close of section 695:

In the foregoing, and all the States mentioned in this paragraph, as well those where constitutions do not as in those where they do contain the general clause above mentioned, it may be considered that each of the legislative branches has jurisdiction, according to the common parliamentary law, of all offenses committed against it by persons not members.

That the House has the right to punish for a contempt of its authority cannot, I think, be seriously doubted. I think it clear that the power of the House to punish for a contempt of its authority is possessed by the House without regard to any statute and without any express provision in the Constitution, as necessarily incident to its power of legislation as conferred by section 1 of article 1 of the Constitution.

In Barclay's Digest, page 231, the following language is used:

The failure or refusal of a witness to appear, or refusal to testify, is a breach of the privileges of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms, by expulsion from the floor as a reporter, and by commitment to the common jail of the District of Columbia.

Reference is made to journals 1, 12, pages 276, 277; 2, 33, pages 315, 318; 2, 34, pages 269, 277, 281, 384, 567; 1, 35, pages 371, 387 to 389, 535, to 539.

The power of the House thus stated is not given as dependent on any statute, and the references made show conclusively that Mr. Barclay believes that power to exist independently of any statute.

Cooley, in his work on Constitutional Limitations, page 133, in speaking of the members of each House, says:

Each House has also the power to punish members for disorderly behavior and other contempts of its authority, as well as to expel a member for any cause which seems to the body to render it unfit that he continue to occupy one of its seats. This power is generally enumerated in the Constitution among those which the two Houses may exercise, but it need not be specified in that instrument, since it would exist whether expressly conferred or not. It is a necessary and incidental power to enable the House to perform its high functions, and is necessary to the safety of the state.

Again, he says, on page 134:

Each House may also punish contempts of its authority by other persons without express authority from the Constitution therefor.

I now call the attention of the House to the case of Anderson *vs.* Dunn, reported in 6 Wheaton, 224. This opinion was rendered March 2, 1821, thirty-five years before the enactment of the law of 1857. The court says:

Notwithstanding the range which has been taken by the plaintiff's counsel in the discussion of this cause, the merits of it really lie in a very limited compass. The pleadings have narrowed them down to the simple inquiry whether the House of Representatives can take cognizance of contempts committed against themselves under any circumstances. The duress complained of was sustained under a warrant issued to compel the party's appearance, not for the actual infliction of punishment for an offense committed. Yet it cannot be denied that the power to institute a prosecution must be dependent upon the power to punish. If the House of Representatives possessed no authority to punish for contempt, the initiating process issued in the assertion of that authority must have been illegal; there was a want of jurisdiction to justify it.

It is certainly true that there is no power given by the Constitution to either House to punish for contempts, except when committed by their own members. Nor does the judicial or criminal power given to the United States in any part expressly extend to the infliction of punishment for contempt of either House or any one co-ordinate branch of the Government. Shall we therefore decide that no such power exists?

It is true that such a power, if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers. Had the faculties of man been competent to the framing of a system of government which would have left nothing to implication it cannot be doubted that the effort would have been made by the framers of the Constitution. But what is the fact? There is not in the whole of that admirable instrument a grant of powers which does not draw after it others, not expressed, but vital to their exercise; not substantive and independent indeed, but auxiliary and subordinate.

The idea is Utopian that government can exist without leaving the exercise of discretion somewhere. Public security against the abuse of such discretion must rest on responsibility and stated appeals to public approbation. Where all power is derived from the people and public functionaries at short intervals deposit it at the feet of the people, to be resumed again only at their will, individual fears may be alarmed by the monsters of imagination, but individual liberty can be in little danger.

No one is so visionary as to dispute the assertion that the sole end and aim of all our institutions is the safety and happiness of the citizen. But the relation between the action and the end is not always so direct and palpable as to strike the eye of every observer. The science of government is the most abstruse of all sciences; if, indeed, that can be called a science which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the state as they arise. It is the science of experiment.

But if there is one maxim which necessarily rides over all others in the practical application of government, it is that the public functionaries must be left at liberty to exercise the powers which the people have intrusted to them. The interests and dignity of those who created them require the exertion of the powers indispensable to the attainment of the ends of their creation. Nor is a casual conflict with the rights of particular individuals any reason to be urged against the exercise of such powers. The wretch beneath the gallows may repine at the fate which awaits him, and yet it is no less certain that the laws under which he suffers were made for his security. The unreasonable murmurs of individuals against the restraints of society have a direct tendency to produce that worst of all despotisms which makes every individual the tyrant over his neighbor's rights.

That "the safety of the people is the supreme law" not only comports with, but is indispensable to, the exercise of those powers in their public functionaries without which that safety cannot be guarded. On this principle it is that courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum in their presence, and submission to their lawful mandates, and, as a corollary to this proposition, to preserve themselves and their officers from the approach and insults of pollution.

It is true that the courts of justice of the United States are vested, by express statute provision, with power to fine and imprison for contempts; but it does not follow, from this circumstance, that they would not have exercised that power without the aid of the statute, or not, in cases, if such should occur, to which such statute provision may not extend; on the contrary, it is a legislative assertion of this right, as incidental to a grant of judicial power, and can only be considered either as an instance of abundant caution, or a legislative declaration that the power of punishing for contempt shall not extend beyond its known and acknowledged limits of fine and imprisonment.

As an example of the exercise of this power on the part of the House before the enactment of any statute upon the subject, I wish to invite the attention of the House and the memory of some of the older members in service to the case of James W. Simonton, correspondent of the New York Times. He had refused to answer certain questions propounded by a special committee. The committee reported the fact to the House, and unanimously concurred in the opinion that Congress was clothed with ample power to order the party into custody, there to remain by the same authority or until the expiration of Congress. The committee at the same time recommended the passage of the act of 1857. But independent of that recommendation, and before it became a law, the House, under its implied constitutional power, adjudged Simonton to be in contempt, and ordered him into close custody until he should answer.

The next proposition I wish to affirm is that when the House has adjudged a witness or other person to be in contempt of its authority, that adjudication is a conviction, and the commitment in consequence is execution, and no court or other body can, if the House has jurisdiction, review the facts or discharge the witness, or lawfully do any act which shall prevent the execution of the judgment or sentence of the House.

I now read from 1 Kent's Commentaries, side page 236:

The decision of the Supreme Court in the case of Anderson is accompanied with a course of reasoning which would seem to be sufficient to place the authority of each House of Congress to punish contempts and breaches of privileges on the most solid foundation, independent of the absolute authority of the decision. The constitutional exercise of the same authority by each house of Parliament has been repeatedly vindicated in Westminster Hall. It is a power inherent in all legislative assemblies, and is essential to enable them to execute their great trust with freedom and safety, and it has been frequently exercised, not only in Congress, but in the respective branches of the State Legislatures, and may be considered as indisputably acknowledged and settled. (Story's Commentaries, volume 2, pages 305,317.)

I will now read from Hurd's very able and exhaustive work upon *Habeas Corpus*, page 412. This work has become a standard text-book upon the subject of *habeas corpus* throughout the United States:

The right of punishing for contempt by summary conviction is inherent in all courts of justice, and essential to their protection and existence. A commitment under such conviction is a commitment in execution, and the judgment of conviction is not subject to review in any other court unless specially authorized by statute. It cannot be attacked under the writ of *habeas corpus* except for such gross defects as render the proceeding void. Brass Crosby's case, 3 Wilson, 183; Kearney's case, 7 Wheaton, 38; Yates's case, 4 Johnson, 318; McLaughlin's case, 5 Watts & Sergeant, 275; Johnson *vs.* Commonwealth, 1 Bibb, 602; *Ex parte* Alexander, 2 American Law Register, 44; *Ex parte* Nugent, 7 Pennsylvania Law Journal, 107; State *vs.* White, T. U. P. Charlton, 123; *Ex parte* Hickey, 4 Smedes & Marshall, 749; State *vs.* Tipton, 1 Blackford, 166; Clark *vs.* The People, 1 Breese, 266; Bickley *vs.* Commonwealth, 1 J. J. Marshall, 577; Gist and others *vs.* Bowman and others, 2 Bay, 182; Matter of Smithurst, 2 Sandford, New York superior court, 724; Lockwood *vs.* The State, 1 Carter, 161; *Ex parte* Adams, 25 Mississippi, 883; The State *vs.* Woodfin, 5 Iredell, 199; *Ex parte* Williamson, 4 American Law Register, 27; *Ex parte* Nugent, 1 American Law Journal, N. S., 111.

Again he says:

It is a rule essential to the efficient administration of justice that where a court is vested with jurisdiction over the subject-matter upon which it assumes to act, and regularly obtains jurisdiction of the person, it becomes its right and duty to determine every question which may arise in the cause without interference from any other tribunal.

Cooley on Constitutional Limitations, on page 133, says:

Independently of parliamentary customs and usages, our legislative houses have the power to protect themselves by the expulsion and punishment of a member, and the courts cannot inquire into the justice of the decision, or even so much as examine the proceedings to see whether opportunity for defense was furnished or not.

Judge Story, as to the power of one court to discharge upon *habeas corpus* a person committed for contempt by another, says:

Adopting the words of Lord Chief Justice De Grey in Crosby's Case, 3 Wilson, 188, when the House of Commons adjudged anything to be a contempt or breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution. And no court can discharge on bail a prisoner that is in execution by another court. * * * It can do nothing where a person is in execution by the judge of the court having competent jurisdiction. (See Kearney's Case, 7 Wheaton, page 38.)

Again, in the same case, he says:

So that it is most manifest from the whole reasoning of the court in this case (Crosby's) that a writ of *habeas corpus* was not deemed a proper remedy where a party was committed for a contempt by a court of competent jurisdiction; and that, if granted, the court could not inquire into the sufficiency of the cause of commitment. If, therefore, we were to grant the writ in this case, it would be applying it in a manner not justified by principle or usage; and we should be bound to remand the party, unless we were prepared to abandon the whole doctrine, so reasonable, just, and convenient, which has hitherto regulated this important subject.

The case of Kearney, in 7 Wheaton, just referred to, was upon a petition to the Supreme Court of the United States upon *habeas corpus*, addressed to the marshal of this District, commanding him to produce before the Supreme Court said Kearney, who had been committed for contempt by the District circuit court for refusing to answer a question in a criminal case.

The Crosby case was an English case, decided in 1771 by the court of common pleas. Mr. Justice Gould in that case (3 Wilson, page 203) said:

I entirely concur in opinion with my lord chief justice that this court hath no cognizance of contempts or breach of privilege of the House of Commons. They are the only judges of their own privileges.

Again, on page 204, he says:

The resolution of the House of Commons is an adjudication, and every court must judge of its own contempts.

In the same case Mr. Justice Blackstone said:

I concur in the opinion that we cannot discharge the lord mayor. The present case is of great importance because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts, more especially with reference to their own members. Here is a member committed in execution by the judgment of his own House. All courts, by which I mean to include the two houses of Parliament and the courts of Westminster Hall, are uncontrolled in matters of contempt. The sole adjudication of contempts, and the punishment thereof in any manner, belongs exclusively and without interference to each respective court. Infinite confusion and disorder would follow if courts could by writ of *habeas corpus* examine and determine the contempts of others. The power to commit results from the first principles of justice; for, if they have power to decide, they ought to have power to punish. No other court shall scan the judgment of a superior court or the principal seat of justice. As I said before, it would occasion the utmost confusion if every court of this hall should have power to examine the commitments of the other courts of this hall for contempts; so that the judgment and commitment of each respective court, as to contempts, must be final and without control.

In Alexander Murray's case, decided in B. R., A. D. 1751, 1 Wilson, 299, upon *habeas corpus*, Wright, J., said:

The House of Commons is undoubtedly a high court, and it is agreed on all hands that they have power to judge of their own privileges; it need not appear to us what this contempt was, for if it did appear we could not judge thereof.

Dennison, J., added:

This court has no jurisdiction in the present case. We granted the *habeas corpus*, not knowing what the commitment was; but now it appears to be for a contempt of this privilege of the House of Commons. What these privileges are we do not know; nor need they tell us what the contempt was, because we cannot judge it.

Some of these authorities and a great many others are cited in the case of John Nugent *ex parte*, decided in the circuit court of this district in May, 1848. Let it be remembered that this case was before the enactment of the statute of 1857. It arose upon *habeas corpus*, John Nugent being in the custody of Robert Beal, Sergeant-at-Arms of the Senate of the United States. It appears from the return made to the writ by the Sergeant-at-Arms and other facts recited in the case that the Senate had been considering in secret executive session a treaty between the United States and the republic of Mexico. Nugent obtained in some way a copy of the treaty and certain amendments made to the same and proceedings of the Senate thereon, and furnished the same in his own handwriting to the editor of the New York Herald. He refused to tell from whom he received the treaty and amendments, and was therefor adjudged guilty of contempt and committed until he should answer. The District circuit court said:

These cases and authorities, we think, show conclusively that the Senate of the United States has power to punish for contempt of its authority in cases of which it has jurisdiction; that every court, including the Senate and House of Representatives, is the sole judge of its own contempts; and that in case of the commitment for contempt in such a case no other court can have the right to inquire directly into the correctness or propriety of the commitment or to discharge the prisoner on *habeas corpus;* and that the warrant of commitment need not set forth the particular facts which constitute the alleged contempt.

The court concludes in the following words:

After an anxious and careful consideration of the whole case, the court is unanimously of the opinion that the Senate of the United States has power, when acting in a case within its jurisdiction, to punish all contempt of its authority; and that, the prisoner having been committed by the Senate for such a contempt and being still held and detained for that cause by their officer, this court has, upon the *habeas corpus*, no jurisdiction to inquire further into the cause of commitment, and must remand the prisoner.

Now what propositions are established by these authorities and precedents?

First. That the House has power—the same as a court—independent of any statute, to punish for contempt of its authority in all cases of which it has jurisdiction.

Second. That the House is the sole judge whether the facts in a given case constitute a contempt of its authority.

Third. That, if by order of the House there is a committal for an adjudged contempt of its authority, the commitment is in execution of the judgment and order of the House.

Fourth. That no court has the power to review the action of the House in such cases, and cannot interrupt, suspend, or make a break in the execution of the judgment of the House upon *habeas corpus* or otherwise.

Cushing, in section 1011, says:

When a witness refuses to answer the questions he is directed to answer or produce a paper or other document, the proceeding against him is intended not only as a punishment for his contempt, but also to compel him to obey the order.

Will not the House be permitted to complete the execution of its judgment or sentence without such interference as would withdraw the witness from the punishment imposed?

Does not the power to adjudge guilty of contempt of necessity imply the power of punishment?

It will not be denied that in a case of concurrent jurisdiction the court first exercising jurisdiction rightfully acquires the control to the exclusion of the other. Where—after indictment and before trial—a justice of the peace took jurisdiction of the same offense, before whom the offender was tried and sentenced, the court held that the conviction and sentence were no bar to the indictment. (See 1 Wharton, § 541; 4 Texas, 242; 9 Texas, 43.)

Will not the same rule apply in this case? The jurisdiction cannot be said to be concurrent, for the offenses are different; but the House, having exclusive jurisdiction as to the contempt of its authority, must it not be the law of the case that its judgment shall be executed before another tribunal takes the control of the person of the witness? And is this not especially true as between this House and an inferior court?

If upon a warrant issued upon indictment found by the grand jury of this District the witness should be arrested, he could not be taken before the court for trial without passing out of the custody into which he has been committed. If taken before the said court, tried, and convicted, he must of necessity, if the judgment of the court be executed, pass out of the custody fixed and designated by the House, for the reason that, if tried and convicted upon the indictment, the penalty must be imprisonment as well as a fine.

Before closing my remarks I wish to notice a theory presented by the witness in his answer made before the bar of the House. He claims that the statute of 1857, as amended by the act of 1862 and as revised in 1874, was intended to and did divest the House of all power as to a recusant witness, except to have the fact certified, as provided by the statute, to the district attorney, to be by him brought to the notice of the grand jury for their action. He says that the House, by omitting in the revision the words "in addition to the pains and penalties now existing," disarmed itself of a power which he admits it possessed before. And therefore it follows, he says, that a commitment for contempt would be a violation of the Constitution, inasmuch as if he should afterward be punished for misdemeanor under the statute, he would altogether be punished twice for the same offense. Let us examine these points or propositions for a moment and see if they will bear the test of reason and the well-settled rules of construction.

At this point, before proceeding further, I wish to remark that it cannot be punishment twice for the same offense. One offense is a contempt of the authority of the House. The other offense is a public offense. Both proceed from the same act, but are different offenses. That this may be is too well settled to be doubted. I will read from Wharton's American Criminal Law on this point, volume 1, § 542. He says:

A person may be indicted for an assault committed in view of the court though previously fined for the contempt. The plea of *autrefois acquit* shall not avail him, because the same act constitutes two offenses; one violates the law which protects courts of justice, and stamps an efficient character on their proceedings; the other is leveled against the general law, which maintains the public order and tranquillity. So when General Houston had been punished by the House of Representatives for a contempt and breach of privilege, it was held that this action of the House was no bar to an indictment for an assault and battery growing out of the same transaction.

The ruling in Houston's case was made by the circuit court in this District.

I have shown that the House possessed the power, before the enactment of the statute of 1857, to punish for a contempt of its authority. The Supreme Court, in the case of Anderson *vs.* Dunn, 6 Wheaton, and other authorities which I have cited, declare that it is a power derived from constitutional implication, following as a necessary incident an express grant.

The act of 1857 in the first instance, and as amended and revised, never purported, either by its title or text, to confer upon Congress the power to punish for a contempt, but manifestly from its language proceeded upon the theory and fact that such power already existed.

Now, can it be believed that this dropping out in the revision of the words "in addition to the pains and penalties now existing" stripped the House of the power which it possessed under the Constitution? Will it be believed that such was the intention of Congress? If a divestment of power so important and so long exercised had been intended, would not a purpose and change so radical have provoked comment and debate at the time? Would not such purpose have been declared by words used, not by words omitted?

The power of Congress as to the punishment of contempt of its authority could not be affected by or in any manner dependent upon the words "in addition to the pains and penalties now existing," for the reason that those words do not declare or describe the character of the "pains and penalties." The insertion of those words in the act of 1857 added nothing to that statute; for if those pains and penalties already existed, no new or other life or force was given the same by a mere reference to their existence in the act of 1857. It follows, therefore, that the omission of those words from the revision took nothing of substance from the act of 1857, for the reason, as already stated, that the insertion of the same had added nothing to that act.

The revision was adopted June 22, 1874. On the 15th of the next January Richard B. Irwin was committed by this House because of his refusal to answer certain questions. The Speaker at the same time certified, as required by law, the fact of this refusal to answer the questions to the district prosecuting attorney. Would this action of the House have been had without one word of comment or protest by the very members who ratified the revision, if it was intended in that revision to give "exclusive power to the court," as claimed by the witness? This is too absurd to be entitled to further notice.

The answer of the witness further says:

No one will say that the two Houses of Congress had not the right to disarm themselves of a power which they thought might be better placed in the hands of the judicial authorities.

For one I am very much inclined to doubt this. If the right to punish for a contempt is by implication conferred by the Constitution upon the House as a power necessary in aid of an express grant, I do not believe that Congress can by words omitted or expressed divest

itself of such organic element or function; certainly not so that it cannot resume its exercise again at pleasure.

The words "in addition to existing pains and penalties," in the statutes of 1857 and 1862, were surplusage and were very properly omitted in the revision.

There are no words in the statute as revised which negative the common parliamentary law which Congress had always exercised as to punishing for contempts.

Sedgwick on Statutes, page 97, says:

A general statute without negative words will not repeal the particular provisions of the former one unless the two acts are irreconcilably inconsistent.

And this is true as to the effect of a statute upon the existing common-law remedy. The old one remains, unless the act necessarily abolishes it. (See Sedgwick on Statutes, 342.)

Now, it seems to me that a much more plausible argument against the power of the House to punish a witness for contempt than any which I have yet heard would be found in the fact that the Constitution, by express provision, gives to each House the power to punish or expel its members; thus, by the application of a familiar maxim, raising an implication against the power to punish any other than their own members. But the Supreme Court, in the case of Anderson *vs.* Dunn, say:

This argument proves too much; for its direct application would lead to the annihilation of almost every power of Congress. To enforce its laws upon any subject without the sanction of punishment is obviously impossible. Nor did the idea ever occur to any one that the express grant in one class of cases repelled the assumption of the punishing power in any other.

The court say further, in this connection:

The truth is that this exercise of the powers given over their own members was of such a delicate nature that a constitutional provision became necessary to assert or communicate it. Constituted as that body is of the delegates of confederated States, some such provision was necessary to guard against their mutual jealousy, since every proceeding against a representative would indirectly affect the honor or interests of the State which sent him.

It is a very grave question whether, if the witness be taken before the District court for trial, he does not then and there by operation of law cease to be in the custody of the Sergeant-at-Arms for any purpose or in any degree. Now, if there is any doubt about this, shall not the House maintain an exclusive custody and jurisdiction until the close of the present session unless the witness shall answer sooner? At this point I will direct the attention of the House to the case of Barth *vs.* Clise, sheriff, 12 Wallace, 400. I read from page 402. Mr. Justice Swayne delivered the opinion of the court. He says:

By the common law, upon the return of a writ of *habeas corpus* and the production of the body of the party suing it out, the authority under which the original commitment took place is superseded. After that time, and until the case is finally disposed of, the safe-keeping of the prisoner is entirely under the control and direction of the court to which the return is made. The prisoner is detained, not under the original commitment, but under the authority of the writ of *habeas corpus*.

And the court therefore held, as the logical sequence of the law thus declared, that the sheriff could not be held responsible for escape of the prisoner while thus in the custody of the court and before a remand or other order placing new duties on him.

Again, if taken before the court in this District for trial, will he not insist upon the right to give bail? Could the court admit him to bail without taking him out of the custody of the Sergeant-at-Arms absolutely? If the court should deny him the privilege of giving bail, upon what theory would the refusal be founded except that the House was entitled to the custody of the witness? And if the House during the contumacy of Mr. Kilbourn is entitled to keep him in the custody to which he has been committed, what argument can be made against the adoption of the resolution?

I now ask the attention of members to a view of this question that should not be overlooked.

It is the theory of the witness that all control of the House over him was terminated when the Speaker certified the fact of his failure to testify to the district attorney; and that when he answers to the indictment he answers to the only complaint recognized by the law as lawfully pending against him.

Section 102 requires the witness to give testimony and to produce papers if called for, and makes it a misdemeanor if he refuses to answer any question pertinent to the question under inquiry; and by section 104 it is this refusal or failure to testify that the Speaker is required to certify to the district attorney, and which must by the latter be laid before the grand jury for their action. But the witness has been committed by the House because of his refusal to produce books and papers, as well as on account of his refusal to answer certain questions.

Now, if the certificate of the Speaker need not have alluded to the failure to produce the books and papers; and if, under the rule that penal statutes must be strictly construed, the counts in the indictment predicated upon the refusal to produce the books and papers are invalid because not authorized by the statute, what becomes of the theory and argument of the witness? Will not the House be authorized to still hold the witness even under the theory of the witness, he not having yet produced the books and papers?

I will now close my remarks by reading from the opinion of Judge Mac Arthur, of the supreme court of this District, who refused upon *habeas corpus* to discharge Richard B. Irwin. I invite special attention to the fact that this opinion was given after most elaborate argument on both sides of the question by counsel eminent and able. And let it not be forgotten that this hearing was had after the revision of 1874, after the words "in addition to existing pains and penalties" had been omitted from the text. He says:

There can be no doubt that either House of Congress has the right of committing for contempts which infringe upon the order, the dignity, or purity of their legislation, and for this purpose it is not denied but they have the power of examination, of investigation, and of calling witnesses into their presence or before their committees, and of administering oaths and putting inquiries, and of punishing a refusal to answer. The powers of the House are so clearly established now that the learned counsel who has argued this morning has not impeached them, unless Congress by the enactment of 1857 has abrogated this almost indispensable power in Congress. It is to be observed that the statute applies only to a particular species of contempt, and that is to witnesses who refuse to answer questions upon subjects of investigation before Congress or before its committees. It is said that inasmuch as Congress has created the act of a witness refusing to answer a misdemeanor they have abolished it as a contempt. I cannot so regard it. It appears to me that the punishment provided in the statute for this as an offense does not merge the contempt, and does not abolish the power of the House. It appears to me that it has not been so understood from the time of the enactment of the statute, and I believe this is the first time that that aspect of the case has ever been presented for judicial examination. There is nothing clearer than that the same act may be both a misdemeanor and contempt. If one member should strike another while the House was in session and in its presence, it would be a contempt of the House, and a misdemeanor under the laws, for which he could be punished. It would be no answer to the proceedings in the House for contempt to say that he was liable under the general law of the land to be punished for the misdemeanor. In the celebrated case of Sam Houston, who was brought before the bar of the House for striking a member of Congress for words spoken in debate, the power of the House to punish him for contempt in the case was disputed; but it was held to be within the power of the House upon the most solemn consideration. And after having been tried, convicted, and punished for contempt by the House, he was prosecuted for misdemeanor, probably in this very court, or, at all events, in one of the local tribunals here. His defense to that action was his conviction before the House for contempt, and that he could not be twice punished for the same offense.

The defense was of course overruled, and Mr. Houston, notwithstanding his distinguished position, having formerly been a member of the House, was punished both for a contempt and for a misdemeanor before the two jurisdictions.

Mr. Speaker, in my judgment it is very clear that the resolution offered by the gentleman from Missouri [Mr. GLOVER] should be adopted. Unless all authority and precedent should be utterly disregarded, the vote cannot be otherwise.

Mr. GLOVER. I now yield to the gentleman from Iowa, [Mr. KASSON.] How long time does the gentleman want?

Mr. KASSON. I only wish a few minutes. I have no prepared notes.

I am not sorry that this question is again presented to the House for its careful review; and in common with the rest of the House, I feel like making my acknowledgments to the gentleman from Indiana [Mr. NEW] for his careful and elaborate review of the authorities and precedents upon this subject. I ought, however, to say to him that he has spent a great deal of time, it seems to me, in debating points that do not arise on the question presented to the House by the papers submitted by the Speaker this morning.

There is no question that this House, by precedent, by law, by everything that constitutes authority, has the right to punish for contempt the witnesses who refuse to obey its proper orders. I therefore omit any reference to that part of the argument that relates to that phase of the question. But, Mr. Speaker, there are two points in this case upon which my own mind has been in great difficulty from the beginning of the debate upon the contumacy of this witness. The first is that we have no settled rule that determines the limits of subjects of which this House has the right to take jurisdiction. We have certain classes of subjects over which unquestionably we have jurisdiction: those relating to frauds practiced upon the House; those relating to corruption and attempts at corruption of its members. We have had frequent investigations upon those subjects, and there is no debate about our right to demand and exact from witnesses testimony relating to such matters. Of the question of impeachment the House has unquestionable jurisdiction, because it is conferred by the Constitution, and we have the right to require testimony upon the grounds of impeachment within the range of our powers to impeach. We have the power of legislation, and we wish for information touching that legislation, as in the preparation of a tariff bill; and we may summon before us witnesses from all parts of the country to give information relating to these subjects of legislation.

Now, admitting that there are these classes of subjects over which our jurisdiction is undenied and undeniable, the first question of difficulty in this case is, under what class of subjects pertaining to the clear jurisdiction of this House does this inquiry come upon which the case before us is presented? It is said by the gentleman from Indiana, and I believe he stated the point very carefully, that a certain debtor of the United States, Jay Cooke & Co., having committed an act of bankruptcy, conveyed by force of law to an assignee appointed pursuant to law all their rights and property, and that the United States in common with other creditors of Jay Cooke & Co. are interested in the estate. That is true. It appears, however, in this case that the assignee, under the powers conferred upon him by law, has effected a settlement of Jay Cooke & Co.'s interest in this nondescript thing that is known as a "real-estate pool."

Now the first question that troubles me upon the point of jurisdiction is this, shall the House of Representatives take from the court its jurisdiction in a case of bankruptcy because of any alleged interest of the United States? The court has, it is said, affirmed the settlement made by the assignee with this company or copartnership known as the "real-estate pool." The court has the right to set that

settlement aside for fraud, to set it aside for mistake, to re-open it upon any ground that is within the privilege of the citizen or of the Government. The court has that power. Is it pertinent to the jurisdiction of the House to proceed as a prosecuting attorney to find facts in a case where the United States has its agent, its prosecuting attorney, and its court, all of whom have proceeded and acted without any charge of irregularity?

I cannot, with my present conviction, deny the power of the House of Representatives to examine into the action of this assignee in bankruptcy and every action of the court in the case; for if you strain the power of the House you might say that you will discover facts that will justify you in impeaching the very judge by whose sanction the settlement was made. But that is not alleged here. This case has gone to the extremest verge to which I have known the power of the House extended in making inquiries as to matters before the courts; and if you have not by former legislation given power to the assignee and the court to protect fully the interests of the United States, I should be obliged to admit and assert that it was your duty to see what further legislation is demanded by making this investigation and then enacting such legislation. But with the power as complete as it is, with no allegation of a fraudulent settlement, with no allegation of misconduct on the part of the court, I submit it to the judgment of the House that you are on this point using discretionary power probably vested in you with more danger to the rights and personal liberties of the citizen than probability of good to the United States.

Here, then, I leave that subject, and simply state as my proposition, when the appeal is now made properly to the discretion of the House, that on a review of its own order and investigation the House ought not to take this doubtful power, as against the court, for the punishment of the witness.

The second point to which I wish to call the attention of the House arises in the statute of the United States referred to by the gentleman from Indiana, [Mr. NEW.] We have now a law of Congress, to which of course this House assented, directing a certain punishment for contumacious witnesses. We have directed the very mode of proceeding against that witness. The Speaker, in pursuance of that law, has brought this witness before one of the courts of the country. The court, exercising its jurisdiction, has found a bill of indictment against him and presented him for a violation of law. The report is made here now that we in holding this witness prevent the administration of the law of Congress by the court; and therefore the question is now presented to the House, Shall we, under the name of punishment for contempt, prohibit by our own action, as one House of Congress, the execution of the duty of the courts enjoined upon them by the power of the two Houses in a formal act of Congress?

Mr. HOAR. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. HOAR. Do we prevent it? Do we do anything more than postpone it?

Mr. KASSON. We prevent it by postponing for the reason that a delay in justice may be repeated every session; at every session the same witness may be brought up again and the court permanently deprived of the power to punish this witness so long as there is a Congress in session.

Mr. COX. Will the gentleman allow me a question?

Mr. KASSON. Not just now; allow me to finish what I have to say on this point. Thus, while the position that I desire the House shall not take may be within the discretion of the House, I think they should not put themselves in an attitude of hostility to the courts of the land in exercising an authority that Congress, embracing this House, has imposed upon the courts. They cannot try this contumacious witness until he is before them. They cannot even get from him a plea of guilty or not guilty until he is before them at the bar on a criminal proceeding. This difficulty is not before the House for the first time, and I beg gentlemen to observe that I am now submitting to their discretion, and not as a matter of right, the action they ought to take under the circumstances. I am not certain, sir, as to the right of the House to pursue the punishment of this witness for contempt in the face of that statute and judicial action thereon, because the statute seems to have put a limitation on the power of one House of Congress by providing that the identical contempt shall be punished in another manner and by another tribunal; and they have put a limitation on the extent of punishment by fixing a maximum fine and a maximum term of imprisonment.

Now, sir, we for that same offense are doing two things: we are insisting that our punishment for contempt shall go on to its extremest verge, to the expiration of this congressional term of ours, and at the same time insisting that the punishment provided by the law of the United States shall not commence until our entire power is exhausted. I submit that this is an extreme position for the House to take. Still, not affirming that we have no right to continue our punishment for contempt, I appeal to the discretion of the House, whether there is not more danger of our violating the rights of a free citizen of this country, in subjecting him to be punished for the same offense to the extreme limit of our power and of the law, than there is in following the first precedent established by this House under this law.

The law now found in the Revised Statutes was passed in 1857. The very next year—I beg gentlemen to observe this fact—the very next year a question came up involving its application to a recusant witness. Mr. Alexander H. Stephens, of Georgia, was a member of the House at the time. While the law and the objects of the law were present in the minds of the members, a question arose for its application. What did this House do under similar circumstances, when, as I say, their minds were fresh with the motives and the purposes that controlled Congress in that act of legislation? Did they refuse to let the witness go before the court, or did they say that, having provided a substitute remedy and having by a law of Congress named the punishment, the contumacious witness should be turned over to the court for that punishment?

I find in the Journal of this House for the first session of the Thirty-fifth Congress, under date of March 22, 1858, in the case of John W. Wolcott, who was in jail for a contempt of the House, that Mr. Alexander H. Stephens offered the preamble and resolution which I ask the Clerk to read.

The Clerk read as follows:

Whereas, on the 15th day of February last, this House by its resolution did commit John W. Wolcott to the jail of the District of Columbia for an infringement of the privileges of the House in refusing satisfactorily to answer certain questions put to him by order of the House, and is still held in custody under said order; and whereas afterward, in pursuance of the provisions of law, the Speaker of the House did certify to the district attorney of the District of Columbia the facts pertaining to said case, and the same were laid before the grand jury of said District, and a presentment was thereupon found against said Wolcott for the same offense; and whereas the court in which said presentment is pending have determined that said Wolcott cannot be tried on said presentment so long as this House holds him in custody under its rights of privilege: Therefore,

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to cause said Wolcott to be released from jail, and to deliver him over to the marshal of said District of Columbia, or other person authorized to receive him, to answer to the presentment pending in said court.

Mr. KASSON. Observe the identical condition of facts and of the witness. The witness had been contumacious; he was sent to jail for a contempt; the Speaker had certified to the prosecuting authorities, under this very law, that he had thus been guilty of a contempt of the House; the grand jury had found a presentment, but the court could not try the witness because the House still held him.

Now what did that House do? I do not wish to refer to any political majority, but in passing I may say that the political majority of that House was the same as the political majority of this. What did that House do? Instead of insisting upon their right to punish still longer, to the expiration of that Congress, they said: "A remedy has been provided by law; fines and imprisonment have been designated by the supreme legislative authority of the country; and without saying that we have no right to hold him still longer, we turn him over to the court to be tried as other citizens are tried for offenses committed against the law." And this was the very next year after the law in question was passed.

Now, I submit to gentlemen that with a precedent like that, of which I did not hear the gentleman from Indiana [Mr. NEW] speak, it is our duty to proceed with cautious steps before we say that as one House we will refuse to a citizen and refuse to a court the power to execute the provisions of the law.

To that resolution of Mr. Stephens amendments were offered, presenting other phases of the question, and the yeas and nays were called upon them. The subject was very carefully considered. Mr. Phillips offered a substitute proposing a modification of the order, and the substitute was voted down on the yeas and nays—yeas 59, nays 123. Another amendment was offered by Mr. Hughes, modifying it still further, and that was voted down by the yeas and nays—yeas 22, nays 161. And finally the House came back to the resolution of Mr. Stephens, which I have had read by the Clerk, and that resolution was adopted on a yea and nay vote—yeas 125, nays 67. The precedent, therefore, is so complete and so conclusive that I have ventured to detain the House thus long in bringing it before them for consideration, and asking them whether it is not more discreet for us to follow that first precedent than it is to adopt a new one in contradiction of it.

Mr. HURLBUT. I ask the gentleman from Missouri [Mr. GLOVER] to allow me to offer a substitute for his resolution.

Mr. GLOVER. I will permit it to be read for information.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be directed to deliver Hallet Kilbourn, now in his custody for contempt, to the marshal of the District of Columbia, to be brought before the proper legal tribunal for trial according to the course of law for a misdemeanor for which he is now under indictment.

Mr. HURLBUT. I have no desire to discuss the substitute.

The SPEAKER. Does the gentleman from Missouri [Mr. GLOVER] yield to allow this substitute to be received and voted upon?

Mr. GLOVER. I do not.

Mr. KASSON. I think it would be better to allow at least one amendment to be offered; that has always been done in similar cases.

Mr. GLOVER. I must decline.

Mr. HURLBUT. This presents a very grave question, and I think there should be much consideration allowed to it.

Mr. GLOVER. I yield to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. Mr. Speaker, I do not think this matter presents quite so grave a question for the consideration of the House as my friend from Iowa [Mr. KASSON] seemed to imagine. The very able and exhaustive argument which has been submitted by the gentleman from Indiana [Mr. NEW] upon the legal questions presented

places this matter, it seems to me, properly before the House for consideration. But in considering the request which has been presented by the Sergeant-at-Arms of this House through the Speaker and in arriving at a just conclusion we should understand precisely the character of the laws existing upon the subject.

I do not understand the gentleman from Iowa or any one else to say that the position assumed by the gentleman from Indiana is not well founded in law. I do not understand it to be denied that long anterior to the passage of the act of 1857 or the amendatory statute of 1862 the inherent power to punish witnesses for contempt existed in this House, as it has always existed in the Parliament of England, and must necessarily by the very nature of their constitution exist in all deliberative assemblies of this character.

The argument of the gentleman from Iowa is that you must go behind the adjudication of the House and take into consideration the question whether or not the judgment of the House which is of record was properly entered. I take it for granted, Mr. Speaker, that that question will not enter into the consideration or proper determination of the question now before the House. It is, in the language of the law-books and the courts, so far as the attitude of the party referred to is concerned, *res adjudicata*. He is in contempt of the power and authority of the House in refusing to answer; and it is too late now to attempt to amend the record and go behind the adjudication which has been solemnly made that the party was in contempt of the House and should be imprisoned.

It has been very well observed, Mr. Speaker, by the gentleman from Indiana [Mr. NEW] that when the House had passed its judgment and the party was committed that commitment was execution of the sentence of the House; and being execution of the sentence of a court of competent jurisdiction, possessing jurisdiction over both the person and the subject-matter, it was not possible that any other tribunal could intervene and intercept the proper execution of the judgment which the House had pronounced. To consent to the request now made and to surrender the witness from the execution of the judgment of the House would be to allow another jurisdiction to intervene to prevent the execution of the sentence and judgment which the House has pronounced. Nothing is more common than for a party who has been proceeded against in one State—oftentimes under extradition treaties and laws—to be removed from one State to another to answer for another penal offense. But never has it been insisted that when the jurisdiction has attached in one State for one offense and the party is either under the process of trial, or under the process of judgment and sentence, a foreign jurisdiction could take possession of the case.

It has been asserted, and was asserted by the contumacious witness in his statement as an excuse for his failure to answer, that the peculiar phraseology of the law of 1857 with regard to witnesses had been changed by the act of 1862. I do not so find it. I have here the original act of 1857, which I send to the Clerk's desk that the first and second sections may be read.

The Clerk read as follows:

An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress, and to compel them to discover testimony.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter before either House, or any committee of either House of Congress, who shall willfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor in any court of the United States having jurisdiction thereof, and on conviction shall pay a fine not exceeding $1,000 and not less than $100, and suffer imprisonment in the common jail not less than one month nor more than twelve months.

SEC. 2. *And be it further enacted*, That no person examined and testifying before either House of Congress or any committee of either House shall be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either House of Congress or any committee of either House as to which he shall have testified, whether before or after the date of this act, and that no statement made or paper produced by any witness before either House of Congress or before any committee of either House shall be competent testimony in any criminal proceeding against such witness in any court of justice; and no witness shall hereafter be allowed to refuse to testify to any fact or to produce any paper touching which he shall be examined by either House of Congress or any committee of either House for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him or otherwise render him infamous: *Provided*, That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

Mr. HOOKER. It will be observed, Mr. Speaker, that the language of the act of 1857 is that the penalties imposed by it are in addition to the penalties already existing by law. By what law? Not by statutory enactment, I take it, but by the universal law which empowers all deliberative bodies having jurisdiction to investigate questions of fraud, to punish by the ordinary process of imprisonment for contempt of their authority.

It has been said that the peculiar phraseology of the first section of the act of 1857 has been changed by the amendatory act of 1862. It will be observed by the very title of the act that it is designed to apply to an authority of the courts of law to punish, in addition to the power to punish which already existed in the House. I now send to the Clerk's desk to be read the amendatory act of January 24, 1862, as it appears in the Statutes at Large.

The Clerk read as follows:

An act amending the provisions of the second section of the act of January 24, 1857, enforcing the attendance of witnesses before committees of either House of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the second section of the act entitled "An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress, and to compel them to discover testimony," approved January 24, 1857, be amended, altered, and repealed, so as to read as follows: That the testimony of a witness examined and testifying before either House of Congress, or any committee of either House of Congress, shall not be used as evidence in any criminal proceeding against such witness in any court of justice: *Provided, however*, That no official paper or record produced by such witness on such examination shall be held or taken to be included within the privilege of said evidence, so as to protect such witness from any criminal proceeding as aforesaid; and no witness shall hereafter be allowed to refuse to testify to any fact, or to produce any paper, touching which he shall be examined by either House of Congress or any committee of either House for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him or otherwise render him infamous: *Provided*, That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

Mr. HOOKER. Mr. Speaker, it will be observed by the House that the act of 1862 is amendatory of the second section of the act of 1857 and of that second section alone; that it does not apply or have reference to any other portion of the act of 1857 than that second section. Now the second section of the act of 1857 was legislation with a view to protect the witness himself, and the act of 1862 was simply amendatory of the act of 1857 so far as it had regard to that question. By looking to the first section of the act of 1857, which is unchanged and unaltered by the amendment of 1862, it will be found to retain the same language which is claimed now to be excluded from the law by virtue of the revision.

I have alluded to this matter, Mr. Speaker, for the purpose of saying it never has been denied that power did exist on the part of the House. The simple question now arises did this infliction of penalty, did this subjection of the party to prosecution before a court of criminal jurisdiction deprive this House of its power to punish for contempt? If the House can respond to the demand of such a court that this witness shall be surrendered, if it be the duty of the House as insisted by the amendment offered by the gentleman from Iowa [Mr. KASSON] that such is our duty, then it would leave this House powerless to enforce its authority to compel witnesses to answer in any case. Allow me to illustrate. Suppose you respond to the demand of a court of criminal jurisdiction by surrender of the party in contempt, indictment is found to-morrow, and the trial takes place the next day, and the jury should acquit the defendant of any offense under the law as it now stands, where then would be the power of the House to protect itself against the contempt of a contumacious witness? It would not exist, sir. And, in addition to that, suppose you surrender the party in contempt by solemn judgment of the House and now undergoing sentence, suppose you surrender him and an indictment is found and it shall remain pending as indictments often do for years, then this party would have the right, this being one of that character of cases bailable under the Constitution—he would have the right at once to come into court, and, giving bail, escape the penalty which the House has imposed upon him in protection of its just authority against the contempt of which he has been guilty. So that in either event, whether an acquittal should occur or conviction should ensue or the indictment should remain pending in the court for years, it would strip this House of its power to punish parties guilty of contempt in defying its authority. If this sort of subterfuge could be resorted to, then indeed would this House be powerless to any extent to compel the attendance of any witness, and you would have the astounding spectacle of the highest court, like the Parliament of England, powerless to enforce its own order, impotent to compel the attendance and obtain the testimony of witnesses.

This question has been fully and completely settled by the rule laid down by Cushing's Law and Practice of Legislative Assemblies, one paragraph of which has been already cited by the gentleman from Indiana, [Mr. NEW.] Another paragraph, No. 950, applies to the same subject. It is as follows:

950. Witnesses that have been taken into or are in custody for disobeying the order of the House for their attendance or for keeping out of the way or absconding are usually committed to Newgate, by way of punishment for their offense, from whence, while thus undergoing their punishment, they are brought in custody to the house, or before a committee, to give their evidence, whenever their testimony is wanted, the speaker's warrant being ordered to be issued for that purpose.

It is perfectly self-evident if a witness under the circumstances we have now before us can be removed by a court of criminal jurisdiction from the custody of this House, it will be simply impossible on the part of this House to secure that testimony which it needs, and which it is important it should have in the faithful discharge of its public duties.

I read from the same book section 1011, which recites the rule with still more emphasis:

When a witness refuses to answer the questions which he is directed to answer, or to produce a paper or other document, the proceeding against him is intended not only as a punishment for his contempt, but also to compel him to obey the order. For these purposes a contumacious witness is usually committed, in the first instance, to the custody of the sergeant-at-arms. If this fails to induce him to submit himself to the order, he may then be committed to Newgate or some other public prison. Instances have occurred in which the confinement of a witness has been accompanied with circumstances of severity, intended to bring him to submission;

as, for example, in the year 1742 in the case of Nicholas Paxton, who for refusing to answer the questions put to him by the secret committee to inquire into the conduct of the Earl of Oxford was in the first instance committed to the custody of the sergeant-at-arms and debarred the use of paper, pen, and ink, and, persisting in his refusal, was then committed a close prisoner to Newgate, the house at the same time ordering that he be not allowed pen, ink, or paper; that no person be permitted to have access to him without leave of the house; that his wife have leave to remain with him during the time of his confinement, but that she be not allowed pen, ink, or paper; and that no person have access to her without leave of the house. In this case the severity with which Paxton was treated proved ineffectual, and the house, finding it impossible to compel him, with some others, to answer, resorted to the expedient of passing a bill of indemnity; but this being rejected by the House of Lords, the inquiry was of course defeated. Other instances of the same kind occur in the journals. In the year 1809, on the occasion of the inquiry with reference to the conduct of the Duke of York, it being proposed to commit one of the witnesses (Mrs. Clarke) to the custody of the sergeant-at-arms with orders to deny her access to any person whatever, the speaker said: "The house ought to pause before they come to a decision upon a point in which the liberty of the subject was so materially concerned." There seems to be no reason to doubt that the house may put a contumacious witness into close confinement, and this in fact was all that was done in Paxton's and other cases of the same kind, accompanied with such restraints from communication with other persons as it may deem necessary to prevent the ends of public justice from being frustrated; but whether this right should be exercised or not in any given case is a question deserving of very grave and careful consideration.

It will be observed that the power of the House to imprison for contempt of its authority, to coerce an answer from a witness, is not confined simply to confinement as a punishment for the contempt, but it is a continuing penalty, designed and intended to be held over the party while in the custody of the officer of the House, in order to compel him to answer. And this is the great object and purpose the law has in clothing the House with such power and authority. If it be in the power of any court, high or low—and I know none which under the Constitution and laws of this land is higher than this House, while investigating matters of public interest—if it be in the power of any court to take a witness from the custody of the House, and subject him exclusively to the jurisdiction of a court of criminal jurisdiction, there to undergo trial under the ordinary law, then you strip this House of all power to continue the imprisonment of a witness in order to coerce his answer. The bare statement of the proposition carries conviction with it, and it is unnecessary to add argument to illustrate it.

If this demand is not responded to in the way that is suggested by the resolution offered by the gentleman from Missouri, in reference to all the great questions of investigation which are now engaging its attention, and which will continue to do so probably during the remainder of this session of Congress, in reference to all these questions of investigation in which the public weal and the public interest are so much concerned, the House would be stripped of its power to coerce the attendance of witnesses, to compel answers and to compel the production of papers, and all your investigations, all your inquiries, would drop perfectly idle before any contumacious witness who might choose to shelter himself under this proceeding and procure an indictment in a criminal court, and thus escape the custody of the House and the punishment of the House; and we would have the spectacle of this solemn adjudication that the party was in contempt set at naught by every contumacious witness who might be brought before the House for the purpose of having any matter investigated.

Mr. GLOVER. I withdraw my objection to the substitute of the gentleman from Illinois [Mr. HURLBUT] being received.

Mr. HURLBUT. I now offer that substitute.

The SPEAKER. The amendment of the gentleman from Illinois, [Mr. HURLBUT,] in the nature of a substitute, will be regarded as pending.

Mr. COX. Let us look at this matter from a practical stand-point. By article 1 section 5 of the Constitution, it is provided that the House may make its own rules and regulate its own proceedings. Under this clause of the Constitution, as well as by our rules and general parliamentary law, we summon witnesses and when they refuse their evidence and are in contempt we can enforce testimony.

Mr. Cushing says in his manual that a contumacious witness for refusing to testify may be punished by the House as well as dealt with so as to compel his testimony. It will be sufficient for my purpose to regard the statute which has been enacted and quoted as for the punishment of a misdemeanor, and the procedure of Congress, as intended to enforce testimony. All proceedings against witnesses, which are taken by the District court, whether as in the Irwin case on the writ of *habeas corpus*, or as in the present case by indictment and warrant, all of them, as the gentleman from Misssissippi [Mr. HOOKER] has well said, are continuing, or rather cumulative proceedings.

It does not follow because you, Mr. Speaker, under the law (Revised Statutes, section 104) certified the proceedings and facts in relation to the Kilbourn contempt to the district attorney of the District of Columbia, (whose duty it is to lay them before the grand jury,) that therefore they are to go to work at once and indict the witness and thus oust us of our jurisdiction as to breaches of privilege. You had, sir, a right, nay it was your duty, to certify those proceedings within a reasonable time. You performed that duty. You will be held entirely free from any consequences, litigious or otherwise. Nor can any officer of this House for the performance of his duty, in the arrest and confinement of the witness, be held to any account to any tribunal outside of this House.

Mr. STEVENSON. I would like to ask the gentleman from New York a question.

Mr. COX. I will hear the gentleman.

Mr. STEVENSON. I wish to ask him what object the law could have in requiring the Speaker to certify to the court of the District of Columbia these proceedings unless it gives that court jurisdiction?

Mr. COX. The court may have jurisdiction, and as a predicate to that jurisdiction the certificate of the Speaker may be sent; but does it follow that the prosecution in the District court may not be pursued after our jurisdiction is ended and the penalty we inflict suffered? After one punishment, if I may call it so, by this House to compel the testimony or the production of the books of the pool, is the punishment of this recusant witness ended? Will not the indictment be still pending? May we not in our own discretion postpone any action delegating the case to the courts, and refuse to yield up the witness to the district court of the District of Columbia?

No, sir, the main point should not be forgotten. It never has been forgotten in this House in similar cases, notwithstanding the precedent quoted by the gentleman from Iowa, [Mr. KASSON.] There is no outside or judicial authority that can take from Congress the high right which primarily belongs to it as a *quasi*-court, punishing for the contempt of its order. Parliament has been called a court in the citations made by gentlemen. It is a court for a purpose, as Congress is. Congress has a right like other courts to compel its witnesses by *subpœnas duces tecum* and other processes to fulfill its orders.

This whole matter was reviewed on the 15th of January, 1875, in the Irwin case. It was also discussed in the Stewart case. In the former there was scarcely any objection to our proceeding as now proposed by any except the (then) gentleman from Massachusetts, Mr. Butler, and the gentleman from Georgia, Mr. Stephens, who offered the resolution in 1857 which has been quoted by the gentleman from Iowa, [Mr. KASSON.] They agreed that a law should be passed to carry out the Constitution, which had not the necessary vigor within itself for the purpose of coercing testimony. They argued that, a law having been passed for the punishment of contumacious witnesses by the District court, therefore we had lost our jurisdiction as to the breach and contempt over the witness. The same argument was repeated the other day in the paper read here by the witness; but it was not considered good on either occasion. The gentleman from Massachusetts [Mr. DAWES] fully answered it in the Irwin case, and the gentleman from Iowa [Mr. KASSON] himself answered it in part. It seems to me that he is inconsistent in his position at the present time, for he then said:

> We are not advised that anybody disputes it or disputes the right of the House to hold this witness in custody. I submit that the only question before the House is, Have we the right, under the provision of the Revised Statutes of the United States which I have read, to prevent our Sergeant-at-Arms by our order from obeying the order of the court under the writ which the judge has issued?

That was in the case of a writ of *habeas corpus* issued by the district judge.

Mr. KASSON. The gentleman will allow me to say that in the Irwin case the indictment was not found until after the adjournment of Congress.

Mr. COX. In the Irwin case we were met by a writ of *habeas corpus*. Its sanctity and its venerableness were urged against the doubtful power of Congress. Was it not some six or seven hundred years old, and entitled to all respect as the organic law of liberty? Was it not issued by the authority of Congress in pursuance of a Federal statute for such cases provided? And then it was urged vehemently that you could not set aside the great writ of *habeas corpus* even to vindicate the supremacy of Congress.

Well, Mr. Speaker, if in such a serious matter as the *habeas corpus* issued in pursuance of the requirements of our own Federal law we could disregard the court, *a fortiori* why can we not disregard a little court that sits here in the District of Columbia presuming to take such cognizance as to oust Congress of its right of enforcing reluctant evidence for great purposes?

Mr. KASSON. The gentleman will remember that did not set aside the writ.

Mr. COX. The gentleman, for the purpose of vindicating the rights of the House at that time, said these words:

> The court has no power to make an order on our Sergeant-at-Arms because he is not an officer of the court. If he were, and therefore under the jurisdiction of the court, he would be all right. But he cannot give an order to our Sergeant-at-Arms at all. Consequently if he neglects to make an order to an officer whom he has the right to control, then under that decision the witness would be free from any control.

The gentleman argued then, if I understand him, that the court in the District of Columbia could not affect our jurisdiction or interfere with our officers; and I cannot for the life of me see the pertinency of his argument to-day that, under the statute quoted, an indictment found by a court can so interpose as to deprive us of jurisdiction and take the witness from the custody of our officer.

Mr. KASSON. The gentleman will permit me, of course, to state that my argument was addressed to the discretion of the House. I did not deny the right or jurisdiction of the House.

Mr. COX. If I wanted the authority of gentlemen on the other side of the House I would quote what Mr. DAWES and Mr. Tremaine said, vindicating our absolute control of the subject. Besides, there was Judge LAWRENCE, who made an exhaustive speech on the subject, with citations, full, pertinent, and conclusive, for the power of the House in these matters of recusant testimony and committee investigations. Had I time I could quote what was then pithily said

by a then member from Massachusetts, honorable Ex-Attorney-General, Mr. Hoar, when he rose up (I remember it well) and said: "Suppose I were a judge, and was trying a case of murder, and the judge of another court of equal jurisdiction should undertake by some process of *habeas corpus* or otherwise to take that prisoner from under my jurisdiction; would I yield to him? No, sir;" and he made the analogy perfect to the case then pending of Irwin. It was not so strong a case as this for our assertion of parliamentary prerogative, but its analogy is sufficient to answer objections. It was a true analogy, and the gentleman cannot gainsay it unless he wishes, and gentlemen on the other side of the House wish utterly to annul our power to legislate and our right to investigate. What use is there of the outlay of the thousands of dollars which we will have to spend to develop the hidden badness of republican administration, if by a little tribunal in the District you can stop it at the threshold by a convenient indictment? Is it not the same as saying to every witness summoned, "When you refuse to answer, Mr. Witness, you shall not be punished here, where your breach was committed and your contempt shown; when you refuse to produce your books under the *subpœna duces tecum* you shall have entire immunity here. You shall be certified to a court of peculiar jurisdiction, if not peculiar favor, and there you may kindly remain under indictment, perhaps in custody, or be admitted to bail, or be enlarged under a writ of *habeas corpus;* or, in fine, in any event, you may refuse your books, or to tell the truth, or conceal important facts, even against the call of the Congress of the United States, representing the majesty and honesty of the people; and for such contumacy and contempt you may not only foil investigation, but go unwhipped of justice."

Mr. GLOVER. I now yield to the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I desire to say a very few words on this question, and more especially to allude to one point which some of the gentlemen do not seem to have clearly comprehended.

I suppose that two things must be taken as settled: First, that the House of Representatives have the power to investigate facts through their committees in aid of their power of impeachment and in aid of their power of legislation; second, that the House has the same right to punish for contempt that courts of justice have. I suppose that whether a contempt of this House be a crime or not, it is punishable in the discretion of the House as a contempt. Suppose a person should come into the gallery of this House, or should force his way on the floor, and by disorderly or profane speech interrupt the proceedings of this House. Now, although there be no existing statute which makes that act a crime or a misdemeanor, it is a necessity of the exercise of legislative power that this body should have the right to punish that act as for a contempt.

The limit of the right of punishment by this House is exactly the same as in the case of the courts. The question has been asked, can this House sentence a witness to the rack, or to be hanged, or to be drawn and quartered? I have no doubt that this power of punishment has two limitations: first, that it can be exercised only by the accustomed power of fine and imprisonment, and, second, that such imprisonment must expire with the session of the House that inflicts it. In other words, there being no pardoning power for a contempt of the House, the imprisonment is always subject to be revised or revoked in the discretion of the House itself. Therefore a sentence to be imprisoned for contempt implies that the imprisonment is subject to the further or other order of the House, and therefore it must, in its nature, end when the session of the House expires.

Now, in the exercise of that power this House is the supreme or highest judicial tribunal. Our sentence for a contempt has precisely the same authority, and is as absolutely beyond the right of revision by any other tribunal, as the sentence of the Chief Justice and his associates of the Supreme Court sitting in the other end of this Capitol would be in the case of a contempt of the Supreme Court of the United States.

Mr. BAKER, of Indiana. Will the gentleman permit me to ask him a question?

Mr. HOAR. Certainly.

Mr. BAKER, of Indiana. I would inquire of the gentleman why a judgment of this House pronounced upon a contumacious witness in contempt, if the judgment is valid at the time it is pronounced, must necessarily expire with the expiration of the life of this House any more than a valid judgment pronounced by a court expires with the termination of the commission of the judge of that court?

Mr. HOAR. To use a very simple analogy or illustration, I would refer to the order of a divorce court granting alimony to a wife in a suit against her husband. Though such an order is an absolute judgment, it cannot be enforced in any other State or country than that in which it is rendered. And why? Because the nature of the subject-matter of alimony is that it is constantly subject to revision by the power that pronounced it; it is not a final judgment, and in my opinion this judgment of the House is like that. That, however, is merely an introductory matter.

I was coming to this simple point, more particularly in answer to the argument of the gentleman from Iowa, [Mr. KASSON.] We are for this purpose a supreme court. A witness has come into this supreme court; a question has been put to him by the direction of this supreme court, and he has refused to answer, and this supreme court has ordered that he be committed to the custody of the marshal or sheriff to be detained until he will answer. That is the precise condition of Hallet Kilbourn before this court to-day.

In the first place, it is said that this court, this House, erred in taking jurisdiction of the subject-matter to which the inquiry related. Well, the answer to that is obvious; it is altogether too late to raise and discuss that question. Who ever heard, in determining how a witness should be punished for a contempt, of revising the judgment of the court in determining to entertain jurisdiction over the case?

In the next place it is said you ought not to have made the adjudication requiring an answer to that question, that it was an erroneous adjudication. It seems to me it is equally too late to raise that point now; all that has been settled; and it does not properly come before us at this time. I think myself that, before ordering this investigation originally, this House ought to have required a charge from some responsible source, not of a crime against any one, but of the probability that the investigation would reveal matters fit for the criminal jurisdiction and the legislative remedies of this House. I think the House should have been more careful in limiting that question which, although it had a perfect right to put it, still seems to trench somewhat on the constitutional provision which protects the private papers of a citizen. But all these questions have passed by.

This witness has refused to answer the question put to him by the House, and the House, as a court, has said to its Sergeant-at-Arms, its marshal: "Detain this witness until he is willing to answer." Now I do not regard this as a punishment for contempt, as the gentleman from Iowa [Mr. KASSON] seems to do, and as seems in part to have been taken for granted by the gentleman from Indiana, [Mr. NEW.] This House, as a court, may do two things; it may punish him by sentencing him to imprisonment for disobeying its order, or it may order him to be held and detained until he will answer. The one is punishment; the other is coercion. We are to-day simply dealing with the case of an order to detain the witness until he shall come in and say he will answer; nothing else. We have the right to let him go. We have the right, after he has come in and fully answered, to inflict upon him, if we see fit in our discretion, a further punishment for his contempt.

Mr. KASSON. With permission of the gentleman from Massachusetts, I would be glad to recall his attention to the illustration of the Supreme Court punishing a witness for contempt. I think it is a sort of tribute to the strength of my argument that all gentlemen are endeavoring to put this upon the question of right.

Mr. HOAR. I do not yield for discussion, but for a question.

Mr. KASSON. Well, then, suppose the Supreme Court found a law on the statute-book providing a punishment for the same offense, what does the gentleman suppose the court would do?

Mr. HOAR. This House is detaining the witness until he will answer. Now we are met by the suggestion which the gentleman from Iowa has recalled to my mind, that a statute of the United States has laid down the authority to punish for contempt and committed it to a police court somewhere, with the result which the gentleman from Mississippi [Mr. HOOKER] so clearly and admirably stated, upon the dignity and prerogatives of this House. Now, my answer to that in the first place is that no statute can deprive this House of any power which is incident to the capacities with which it is clothed by the Constitution itself. One House of Representatives cannot lay down the prerogatives or authority of its successors. Nothing short of an amendment to the Constitution can within its proper limits qualify or control the exercise of this constitutional power to punish for contempt any more than a statute could change the proportion of members needed for a call of the yeas and nays.

But, in the next place, it was not the intent of the statute to deprive the House of this power. It is a historical fact that the revision of the statutes was not intended to change the law in any particular. Every clause of that volume went through this House by unanimous consent, and through the Senate without either reading or debate, on the assurance, first, of the revisers, and second, of a very distinguished and able committee of this House, that the existing law was not changed in the smallest particular. That is the principle of construction with regard to this statute. Therefore, as has been said by the gentleman from Mississippi, it is to read as if it said in terms, "in addition to the pains and penalties to which the witness would be otherwise subject."

It was not the intention of that statute to authorize any court to administer the punishment of contempt. Many offenses may be contempt against this House and also crimes against the justice of the United States. Suppose a person comes into this House and strikes the Speaker; he is punishable for assault and battery by a criminal court; he is also punishable by the House for the contempt of its authority.

We come, therefore, it seems to me, upon the ground taken by the gentleman from Iowa, [Mr. KASSON,] in which I am happy to agree with him, that this is a question of pure discretion. Now is it wise for this House, in the exercise of its discretion, to surrender to the criminal court of the District this recusant witness now held in custody as a means of coercion until he will answer? Suppose Hallet Kilbourn, instead of being indicted by the grand jury for this offense, had been indicted for a murder. In that case, I have no doubt we should all—the gentleman from Indiana [Mr. NEW] and the gentleman from Mississippi, [Mr. HOOKER,] as well as the rest of us—agree

that the public justice of the country required that so grave a crime as murder should be punished even if the capacity of the House to use the murderer as a witness should be destroyed and the investigation fall to the ground. But here is a case where the trial and punishment which may follow the indictment by the grand jury can just as well be had after the adjournment of the session of this House as they can to-day. In this case, also, the giving up of the witness is not simply to give up our power to punish for contempt, but our power to coerce him to stay and testify. He can give bail and be on his way to Canada in twenty minutes after he reaches that court-house. This is a case, also, where to surrender him under these circumstances is, it seems to me, to surrender with him the dignity and prerogatives of the House itself. Are we to submit to a grand jury summoned by the executive officers of this District; are we to submit to a petit jury required to give a unanimous verdict; are we to submit to a judge of an inferior court, the power of vindicating the outraged prerogatives and dignity of the House of Representatives, and to surrender at the same time our power to prosecute at our discretion such inquiry as either for purposes of legislation or for purposes of punishment we may see fit to institute?

Now while I agree with the gentleman from Iowa that this is a question of discretion, while he agrees with me that we have the power to hold the man, I differ from him when he maintains that in the case under consideration it is proper for us to discharge the man from our control and leave him to the tender mercies or the not tender mercies of the court. Why, sir, these precedents ought to be considered as permanent, without regard to the existing attitude of politics or political parties to-day. Will any person who regards the dignity and honor of the House of Representatives say that it is discreet in the House to remit to a court whose members are appointed by another branch of the Government, who may at some time have different views of public policy from either of the legislative branches, the power of vindicating the dignity of these bodies by punishing persons who commit contempts upon them, or of determining the range of the inquiries that they may make?

As I said the other day, I think our friends on the other side of the House erred in not giving more careful consideration to the grave question of constitutional liberty which lay at the foundation of this particular inquiry. I think all these steps should be taken under rules and on principles and with considerations which will make every one of them a precedent, which through all the changes of parties, through all the changes of public sentiment, may stand, protecting the life and liberty of honest citizens on the one side and the dignity of the Legislature of the United States on the other.

Mr. GLOVER. I now yield five minutes to the gentleman from Iowa, [Mr. McCRARY.]

Mr. McCRARY. When this matter came originally before the House in the form of a resolution for the imprisonment of Mr. Kilbourn, it struck me that it presented a very serious and very grave question. And if that question had been then discussed I am not sure I should have been able to reach the conclusion that it presented a case which justified the House in ordering his commitment to jail for a refusal to answer a proper question as a witness. But, sir, that question has been decided; it has been decided by this House, and I hold there is no authority in any court of the country, or in any other tribunal anywhere, to review or to reverse that decision. Mr. Kilbourn is now held by order of the House for contempt of the House.

The House has decided he is in contempt, its judgment has been finally rendered, and the only question which fairly and legitimately arises at this stage of the proceedings is whether, when the House has ordered a witness into custody for contempt, it ought to deliver that witness over to the courts for trial under an indictment. I concede it is a question within the discretion of the House. The House has undoubtedly the power to turn this person over to the custody of the court, but it presents to my mind a very serious and a very grave question whether it would be safe for the House to set the precedent of yielding to a demand of this character. There is no question as to the power of the House to hold in confinement a recusant witness. On that question the authorities are uniform and abundant.

The House has the power to imprison for two purposes. It may punish a person for contempt, whether that person be a witness or not, for disorderly behavior in the presence of the House, and for a great many offenses which would constitute contempt of the order and dignity of the House. The House may imprison for another purpose, and that is for the purpose of compelling the disclosure of material testimony in the investigation of a subject which the House has the right to inyestigate. A witness who is imprisoned under this power, under the power to compel an answer to a proper question, may release himself from imprisonment, may relieve himself from punishment, may open the prison doors and go free, whenever he chooses to make the required disclosure.

Now, Mr. Speaker, I say it is a serious question whether it would be safe to concede that a witness who is held for contempt shall be turned over to another tribunal for trial. It is said the statute has something to do with it. I think it has nothing whatever to do with it. The statute makes the offense of refusing to answer a misdemeanor, but it by no means abolishes the same as a contempt of the House. It is an additional punishment which may be inflicted, and I apprehend the reason actuating the Congress which enacted the law may have been this: in many cases contempt is committed at the very close of a Congress. Perhaps the utmost the House can do is to commit a man to prison for a day or two—possibly only for a few hours. The utter inadequacy of such a remedy as this, no doubt suggested to Congress in 1857 the propriety of adding some further punishment in a case of that character; but it was only additional punishment, only a cumulative remedy, and did not interfere with the power of the House to hold the witness until he should answer proper questions.

Such was the decision in the case of Mr. Irwin, to which attention has been called. He was arraigned for refusing to answer a question as a witness. A writ of *habeas corpus* was issued by one of the courts of this District. The question was debated in this House at considerable length, as to whether it would permit the body of Irwin to be taken before the court in order that the court might pass upon the question of its right to hold him. After debate it was ordered that the Sergeant-at-Arms should take the prisoner into the presence of the court, retaining possession and custody of him, until the court should decide the question. The court decided the statute did not give to the court any right to take the person out of the hands of the House of Representatives. The judge in delivering his opinion declared that the statute of 1857 gave as an additional and cumulative remedy the right to punish the witness, but did not deprive the House of its jurisdiction to hold and punish the offender for contempt. The court refused to release him under the *habeas corpus* and ordered him back into the custody of the House.

I think, sir, it is a question in the discretion of the House. That discretion should be exercised so in no degree to waive or give up the power of the House to hold persons in its custody to compel them to disclose facts which the House has a right to inquire into, and require the disclosure of.

If the question were now whether the questions put to this witness were questions the House has a right to put, whether in attempting to compel this disclosure we are not encroaching upon the jurisdiction of the courts of the country—that, Mr. Speaker, would present other and important considerations about which I confess I should have serious doubts; but as I have said, that question has been adjudicated; it has been decided.

We cannot now consider the correctness of the original judgment unless for the purpose of setting it aside. The case, therefore, as it presents itself to-day, involves the question whether the House ought as a rule—as a policy—to insist upon its right to hold and imprison contumacious witnesses who refuse to give information. In this view we are making a precedent for all future cases, and I am therefore in favor of the adoption of the pending resolution.

Mr. GLOVER. I now yield five minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I do not propose to discuss the rights of the House in this case. I have been too much occupied with other things to satisfy my own mind on that point. I do not therefore propose to commit even my own judgment on that very grave and important question; but waiving the question of our right, and assuming for the purpose of my argument that the relation of the House to this question from the start has been wholly one of discretion, I wish to address myself for a moment to that question of discretion.

I take it for granted that there is some danger that we shall be misled by the analogy of the courts. We are a *quasi*-judicial body, but we shall go far wrong in our conclusions if we treat ourselves as a court, in answering the court that has just addressed us asking for the body of our contumacious witness. I say we shall go far wrong if we treat the House of Representatives in that light, following that analogy.

But there are some things that courts and congresses and houses of representatives and people everywhere must pay heed to, at least as a matter of good conscience and discretion. Now, I wish to refresh the minds of gentlemen for a moment with a reference to the fourth article of amendments to the Constitution, to see what they think it means:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In our original proceeding in the first step we took, admitting for the sake of argument our jurisdiction and our right, did we use the proper discretion? Was probable cause shown why this particular inquiry should be had and these particular papers be demanded? On the contrary, did not the witness declare his readiness to answer if the committee would say they had any ground for believing that he had in his possession papers which would disclose or that a true answer to the question would disclose a single official personage with whom this House desired to deal? And they did not answer that they had any such ground on which to plant the question. Then does not this House put itself in the attitude of going to a private citizen and demanding that his private papers, his private business, shall be disclosed to them, only because they hope, yet without probable ground for believing, that the answer will disclose something that may lead to something else?

Why, sir, do gentlemen remember that that article of our Constitution was put there by our wise fathers to prevent precisely such a consummation as that? Do they remember that the great Algernon Sidney was visited inquisitorially, that his papers were searched, that

his library was seized, and as the result of throwing a drag-net over the whole, when no special allegation of any treasonable thing was made as to his papers, there was discovered a manuscript essay on Liberty, which he had written in the seclusion of his own home, and which being thus fished out by the drag-net of that sort of search and seizure he was put upon his trial, condemned to death and publicly executed as a traitor to his country upon evidence that could never have been disclosed except by unreasonable search and seizure? And it was to prevent such invasions of personal liberties as citizens that our fathers put this clause into the articles of amendment to the Constitution.

Now I must say that the party to which I belong have, in the stormy years of their administration and career here, done many things that I looked upon as of doubtful propriety and of doubtful authority in reference to the rights of private citizens. In the very turbulence of that time I stepped forward to do what I could before the Supreme Court to prevent the punishment by military commission of persons whom I had never seen, and have never yet seen; of people who had committed an offense most offensive in my sight against the country. But I was unwilling they should be punished unlawfully, and I did what I could to prevent such punishment. But I am free to say, looking over all the things that were done in these turbulent years of the past, I have never known the House of Representatives take a position which I regarded as so untenable, and involving so bad a use of discretion, so unwise an assertion of power—if it have the power, which I do not now discuss—as to have insisted under the circumstances upon an answer to the question propounded to this witness.

[Here the hammer fell.]

Mr. GARFIELD. Just one word more. It may be said, and it has been suggested by my friend before me, [Mr. HOAR,] that it is too late to raise that question. Perhaps so; but all the steps we have taken since have been steps made necessary by that first step, and I think that first step was wholly indefensible. I do not see that the wrong can be corrected by either of the resolutions now pending. Of course the House should not deliver up a witness while he is held for examination. But if we were holding him for punishment, I should say we ought to deliver him to the court, or repeal the law. The House ought to reconsider its action *ab initio*.

Mr. GLOVER. I now yield to the gentleman from Virginia, [Mr. TUCKER,] and after that gentleman shall have spoken, I shall then call the previous question.

Mr. TUCKER. I had not designed to say a word on this question, which has been very fully and ably discussed, except for the remarks of the gentleman from Ohio, [Mr. GARFIELD.] I think that the arguments of the gentleman from Indiana, Judge NEW, and the gentleman from Massachusetts and the gentleman from Iowa have been conclusive upon the question of right. By a long series of precedents, running far back in English history, each house of Parliament, not as a court, because neither house of Parliament separately was recognized as omnipotent, but each house of Parliament was regarded as having the right, the self-protective right of committing for contempt; and it was settled that wherever the right was exercised under the legitimate power to punish for contempt, no court could inquire into it further, or interfere with its exercise.

That question and that distinction was very powerfully taken in a comparatively recent case, that of Hansard *vs.* Stockdale, reported in 36 English Common Law Reports, where the decision of Lord Denman was worthy of all praise and the highest admiration.

Now we have acted here the other day upon a report of a committee of this House. A party refused to testify in answer to a question propounded to him and a vote was taken in this House that he was guilty of a contempt and should be committed to jail; and although the voice of the gentleman from Ohio [Mr. GARFIELD] has been heard here to-day in opposition to that course, the "noes" upon that occasion were so very silent that I did not hear his voice then.

Mr. GARFIELD. My friend from Virginia will allow me to say that there was a very earnest appeal made upon that occasion to postpone the matter until the evidence reported was in print. I did not hear, nor did I ever fully understand the full nature of the case until I saw the papers in print.

Mr. TUCKER. I did not either, but the House on that occasion acted on and passed the resolution, and there was not even a division called for; and I supposed after the discussion that had occurred previous to the taking of the vote that even gentlemen on the other side were satisfied that it was a proper case for the exercise of the power of the House. I think, sir, it is not for a witness under examination before a committee to say whether a particular question is pertinent or not to the inquiry with which the committee is charged.

Mr. GARFIELD. Certainly not.

Mr. TUCKER. And it would have been hardly proper for the House to interfere with the action of the committee charged with a very grave inquiry; and I can see many grounds on which the particular question was proper. The object of these investigation committees is to inquire into the mode in which this Government is administered in all its departments; and this House is the great inquisitorial power of the nation for the purpose of finding out corruption or malfeasance in office. And in prosecuting that inquiry a question was propounded to this man Kilbourn, and he refused to answer it. He was brought to the bar of the House, and still refused to answer. He was committed for contempt, and no court in the land that has respect for precedents or law would question the right of the House to order the imprisonment of that man for such contempt of its authority. Why, sir, as far back as 1795, in the case of a man named Randall, the very question was proposed which was suggested the other day by the gentleman from Massachusetts, [Mr. HOAR,] that under the fifth article of the amendments to the Constitution the party had the right to be tried by a jury. The House of Representatives, in the case of Randall in 1795, imprisoned him for contempt, upon its order and without such trial.

This question came up in the great case of Anderson *vs.* Dunn—which has settled the question—in the Supreme Court; and it was decided that where this House has committed a man for contempt there is no court that can inquire into the propriety of that adjudication.

Now English courts take this distinction, and I stand upon it, that the House can do nothing which the court has not a right to inquire into as a matter of mere jurisdiction; but, conceding the jurisdiction, the propriety of the mode in which it is exercised is beyond the reach of all courts.

Now, sir, there was a famous case here that the gentleman from Ohio [Mr. GARFIELD] doubtless remembers. I find that he would not vote on it, and I commend him for not doing so—the case of Patrick Woods, from my own State, who was committed for contempt for knocking down a member of Congress one hundred and twenty miles away from this capital. And what was done with him? Sir, contrary to all English precedents, contrary to the well-established law on that subject, Congress not only denied him the right of trial by jury, but they condemned him in this House to imprisonment for three months, a period extending beyond the session of the House of Representatives.

Now, sir, the ground on which we imprison men here is the ground so well stated by the gentleman from Massachusetts, [Mr. HOAR.] It is not punishment, it is coercion; it is constraint put by a court or other authority upon a recusant witness to compel him to do what it is his duty to do. Why, sir, imprisonment for contempt is not punishment. If the House will look to the fifth amendment of the Constitution, they will find that it applies, of course, to every case of criminal prosecution, but that it does not apply to cases of contempt, as has been well settled by practice.

I read the fifth article of the amendments:

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Now what Federal court ever tried a man for contempt by jury? Imprisonment of a recusant witness is mere constraint to compel him to do right; that is, to obey the order of the court.

Now when this man refused to obey our order we committed him for contempt, and the question is what to do with him. The resolution cited by the gentleman from Iowa [Mr. KASSON] as a precedent was a resolution offered by the gentleman from Georgia [Mr. Stephens] in 1858. If you look at it you will find that that was not so strong a case as the case under consideration, because that case, while it is like the present case in many respects, had this additional element, which is thus stated in Mr. Stephens's resolution:

And whereas *the court* in which said presentment is pending have determined that said Wolcott cannot be tried on said presentment so long as this House holds him in custody under its rights and privileges: Therefore, *Resolved*, &c.

The court in that case so said; no court has so said in this case. As I understand it, the marshal of this District has waited upon our Sergeant-at-Arms and demanded possession of our prisoner. I am not very familiar with the practice in the courts of the United States, not so much so as I am with the practice in the courts of my own State. The courts of my own State have been very delicate in interfering with the liberty of the citizen. Yet we try a man for a misdemeanor, not upon personal appearance but upon appearance by attorney. There is no necessity for the presence of the man upon trial for a misdemeanor in my State, and I apprehend not in the courts of the United States. This man is indicted for a misdemeanor, will be tried for a misdemeanor, and, if convicted, will be fined or imprisoned. It is not a capital offense, not a felony.

You may say that the Constitution declares it is his privilege to be present. Very well; let him assert his privilege; let him ask to be present. No court will ever try him in the face of his demand to be present, when he is in the custody of this House. To demand his release from the custody of this House, therefore, is really to do what the gentleman from Massachusetts, Mr. HOAR, has suggested, that if he be released from the custody of this House the marshal would take him before the court, and, his offense being bailable, he would be bailed, and then he would most likely go to parts unknown and snap his fingers in the face of this House.

Mr. HILL. If we were to give up this witness to the court, would we not give up our jurisdiction over him? Could we re-assert that jurisdiction at all, whether he was bailed by the court or not?

Mr. TUCKER. I doubt if we could; at any rate, it would be a very dangerous experiment. I apprehend, therefore, the man cannot be very anxious for an immediate trial, and if he is the court will postpone it until we are done with him. As we cannot hold him in custody beyond the close of this session of the House, as I hold to be the law, our constraining power upon his recusancy would be lost if we gave him up to be tried by the court. We can only hold him until the end of the session.

Mr. GARFIELD. Do you mean the end of the session or the end of Congress.

Mr. TUCKER. End of the session; that has been again and again held in England, though it was denied in this House not only by assertion but in practice. God helping us, I hope it will never be denied again in an American Congress. That is the limit of our power, because, as long as the House is in session, there is a contempt of its authority in the party refusing to answer. When the House has ceased to be in session there is no longer any demand for his answer, because if he were to answer there would be no House in session to hear him.

Mr. GARFIELD. If the gentleman has finished that part of his argument I would like to ask a question.

Mr. TUCKER. Certainly.

Mr. GARFIELD. It is this: Holding, as I understand him to do, the full, and I might say omnipotent, power of this House——

Mr. TUCKER. Not that.

Mr. GARFIELD. The omnipotent power of this House in demanding answers to its questions; holding that nothing but the discretion of the House is to determine what questions should be put to the witness and what answers required, I will ask the gentleman where, in his view of the case, is the line behind which the citizen can be protected against the inquisitorial power of this House into his private affairs? That is what I am anxious to know.

Mr. TUCKER. I will come to that in a moment. The gentleman, I suppose, is referring now to that clause of the Constitution to which he referred in his remarks.

Mr. GARFIELD. Yes. What protection has the citizen against this omnipotent power of the House, as assumed by the gentleman?

Mr. TUCKER. I desire the gentleman from Ohio [Mr. GARFIELD] to understand that I do not claim omnipotence in this House; I am disclaiming it, although it has been claimed and practiced in former years. I come now to the particular provision of the amendments to the Constitution to which the gentleman from Ohio has referred. That provision of the Constitution was adopted, I believe, in view of the celebrated decision—the gentleman from Ohio may be able to give me the name of the case—of Lord Chief Justice Pratt, afterward Lord Chancellor Camden, in 1764 and 1765, in connection with the famous John Wilkes case. The amendment is:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, &c.

I think there were warrants issued by the Secretary of State for the seizure of certain numbers of one of the famous North Briton papers; and Lord Chief Justice Pratt defended the right of the citizen against those warrants. If the gentleman will look at this clause of the Constitution he will see that it has nothing to do with this present question:

> The right of the people to be secure in their houses, papers, and effects against unreasonable *searches* and *seizures* shall not be violated.

We have not sent our Sergeant-at-Arms to search and seize the papers of Kilbourn. We have asked him what he knew.

Mr. GARFIELD. Will my friend allow me? It amounts to the same thing precisely when we demand of Kilbourn that he shall produce to the committee his private papers, we having obtained jurisdiction of his person.

Mr. TUCKER. Will the gentleman deny that he has done it at the bar?

Mr. GARFIELD. Done what at the bar?

Mr. TUCKER. In similar cases in court he has as counsel at the bar asked similar questions. Suppose a case in court. He asks the question of the witness: "Mr. Kilbourn, who were partners with you in the real-estate pool?"

Mr. GARFIELD. The very question I am now making inquiry about is, what did the House do at its bar? Why ask this question?

Mr. TUCKER. In the supposed case if the counsel on the other side says that the question is an improper one, and not relevant to the inquiry before the court, the court will decide that question.

Mr. GARFIELD. Certainly.

Mr. TUCKER. Very well. The court decides: "It is proper for you, General GARFIELD, to ask that question." You ask: "Mr. Kilbourn, who were your partners in the real-estate pool?" Mr. Kilbourn says, "I do not choose to answer; for that is an unreasonable search into my private and confidential matters."

Mr. GARFIELD. My friend remembers that he was required to produce his books of account and all his papers.

Mr. TUCKER. I will come to that point in a moment. The witness's first point was that the information sought was a secret, a confidential secret, between the honorable members of the "real-estate pool." The court in the case I am supposing decides it is a proper question. Can the witness then defy the court and refuse to answer? The House of Representatives, by so large a majority that the minority did not ask a division, decided in one case that the question asked of the witness was a proper question. Shall he be permitted now to say "It is not a proper question; it is an unreasonable search into my secret matters contained in my papers, and I will not answer?" Clearly not.

Now I go a step further. Suppose Mr. Kilbourn says, "Well, Smith was one of my partners; Brown was another; and there was no other." He is then asked, "Mr. Kilbourn, did you keep a book that related to the real-estate pool?" "Yes." "Then produce it." Has the gentleman from Ohio never asked a merchant to produce his books in order to see whether the merchant was telling the truth or making a statement which the books would belie? Suppose the court say that the production of the book is relevant to the inquiry; is not the witness concluded? And can he refuse to produce the books on the demand of the court?

As argued by the gentleman from Massachusetts [Mr. HOAR] I say that, right or wrong, this House, for which I claim no judicial powers, has nevertheless power under the Constitution to protect itself against contempts and against the contumacy of a man who refuses to give information which is essential to the duties devolved upon the House. When the question was put to him, and this House decided that he must produce his books—when this House did not even divide upon that question, is it not too late, not only to raise the point, but now to discuss it?

Mr. GARFIELD. My friend has got quite aside from the question we were discussing. I distinctly waived the discussion of the question of the right. Reserving any expression of opinion upon that point, I called attention to the mode in which the House had used its assumed or real discretion. And when I put to my friend the question what protection the citizen has against the improper exercise of that discretion, he says it is too late to discuss that.

Mr. TUCKER. I understood the gentleman to be discussing the question, although he did not propose to raise it. I have no objection to hearing him on any occasion upon any question which he desires to discuss, for he always does it well and ably. But, I say, was it not the proper time for the gentleman to raise his voice or to call the yeas and nays or a division upon the question when it was before the House on the adoption of the proposition that this witness was in contempt and should be imprisoned?

Mr. GARFIELD. The gentleman will allow me to say that I tried very earnestly, as did a good many others here, for the very purpose of getting this discussion up, to have the request allowed that the witness might be heard by his counsel, so that the whole question could be brought up deliberately here. That was refused by an overwhelming vote.

Mr. TUCKER. The distinguished gentleman from Ohio forgets that the counsel of Mr. Kilbourn was present, and that the only question was whether the counsel should make a speech *ore tenus* or should deliver himself in a well-prepared written argument "cut and dried" before he came. As soon as we decided that he might be heard by written argument, it was produced and read at the bar of the House—the very speech which Judge Black had prepared for the occasion; and I venture to say he preferred the reading of that written argument to being called on to deliver an extemporaneous one.

The witness was heard by counsel. Gentlemen, if they still objected, might have called the yeas and nays; they did not do it. They waived that; so that by a decision of this House, in which there was no real division manifested, the witness has been declared to be in contempt. Now, I ask, is it not too late to raise that question or to discuss it?

Then we come back to the question of discretion. If we discharge this party and he should be given over to the courts, the courts might continue his case from time to time. We, letting him loose, would lose our power to get from him the important testimony we desire; certainly if he was out of our possession until after the session ends. On the other hand, I venture to say that if this House will decide to-day—as I have no doubt it will, from the manifestations I have seen on the other side as well as on this—if this House should decide to-day by a large vote that Mr. Kilbourn cannot play the game of getting out of our hands for any purpose until he answers those questions, my word for it, he will answer them; and my word for this further assertion: there will be no other witness before this Congress who will refuse to answer, because it will be seen that this House has determined that it will not only assert, but will enforce its authority against all persons who are in contempt of its powers. I hope, therefore, that the resolution offered by the gentleman from Missouri [Mr. GLOVER] will be adopted without any division.

Mr. GLOVER. I now call the previous question upon the resolution and substitutes.

The previous question was seconded and the main question ordered.

The resolution offered by Mr. GLOVER was again read.

The question first recurred on Mr. HURLBUT'S substitute; which was read as follows:

> Whereas on the 14th day of March, 1876, this House, by its resolution, did commit Hallet Kilbourn to the custody of the Sergeant-at-Arms of this House in the common jail of the District of Columbia for an infringement of the privileges of the House in refusing satisfactorily to answer certain questions put to him and to produce certain books and papers by order of the House, and is still held in custody under said order; and whereas afterward, in pursuance with the provisions of law, the Speaker of the House did certify to the district attorney of the District of Columbia the facts pertaining to said case, and the same were laid before the grand

jury of said District, and a presentment was thereupon found against said Kilbourn for the said offense; and whereas said Kilbourn cannot be tried on said presentment so long as this House holds him in custody under its rights of privilege: Therefore,

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to cause said Kilbourn to be released from jail, and to deliver him over to the marshal of said District of Columbia, or other person authorized to receive him, to answer to the presentment pending in said court.

Mr. GLOVER. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 33, nays 190, not voting 66; as follows:

YEAS—Messrs. Adams, George A. Bagley, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cason, Denison, Dunnell, Eames, Farwell, Hale, Hathorn, Hoge, Hubbell, Hurlbut, Hyman, Kasson, Lapham, Leavenworth, Lynch, Magoon, Morey, Nash, Page, Platt, Sinnickson, Smalls, Martin I. Townsend, Waldron, G. Wiley Wells, Whiting, and Andrew Williams—33.

NAYS—Messrs. Anderson, Ashe, Atkins, Bagby, John H. Baker, Banks, Banning, Bell, Blackburn, Blount, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ellis, Ely, Evans, Felton, Forney, Fort, Foster, Franklin, Frost, Fuller, Garfield, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, Hunter, Hunton, Hurd, Thomas L. Jones, Joyce, Kehr, Kelley, Kimball, Knott, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Luttrell, Lynde, Maish, McCrary, McFarland, McMahon, Metcalfe, Miller, Milliken, Money, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Oliver, O'Neill, Packer, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Pratt, Randall, Rea, Reagan, John Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Sayler, Scales, Schleicher, Seelye, Singleton, Slemons, A. Herr Smith, Southard, Sparks, Springer, Strait, Stenger, Stevenson, Stone, Stowell, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Alexander S. Wallace, Walling, Walls, Walsh, Warren, Erastus Wells, Wheeler, White, Whitthorne, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, James Wilson, Yeates, and Young—190.

NOT VOTING—Messrs. Ainsworth, John H. Bagley, jr., William H. Baker, Ballou, Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Burleigh, Campbell, Candler, Chapin, Cowan, Darrall, Davy, Dobbins, Egbert, Faulkner, Freeman, Frye, Gause, Haralson, Benjamin W. Harris, Hartridge, Hatcher, Hays, Henkle, House, Jenks, Frank Jones, Ketchum, King, Lamar, Lawrence, Lord, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, Meade, Mills, Odell, Plaisted, Purman, Rainey, James B. Reilly, John Robbins, Sobieski Ross, Schumaker, Sheakley, William E. Smith, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Ward, Whitehouse, Wigginton, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—66.

So Mr. HURLBUT's amendment was rejected.

During the vote,

Mr. LUTTRELL stated that his colleague, Mr. WIGGINTON, who was detained at his home by sickness, would, if present, vote in the negative.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the adoption of the resolution reported by the gentleman from Missouri, [Mr. GLOVER.]

The resolution was adopted.

EVENING SESSION.

Mr. RANDALL. I ask by unanimous consent, owing to the extreme inclemency of the weather, the session ordered for this evening by the order made yesterday be dispensed with and a session be ordered for Friday evening next.

Mr. O'BRIEN. I object.

PRINTING OF OBITUARY ADDRESSES.

The SPEAKER *pro tempore*. The morning hour now begins at three minutes before four o'clock.

Mr. RANDALL. I understand there is a special order which supersedes the morning hour, but as the gentleman from Ohio [Mr. BANNING] gives way to the special order for this evening——

Mr. SINGLETON. I rise to a privileged question, and submit a report from the Committee on Printing.

I am directed by the Committee on Printing to report back a bill (H. R. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut, with an amendment.

The Clerk read as follows:

Amend by inserting before the name of Henry Wilson, the following words: 'Andrew Johnson and the portrait of."

Mr. REAGAN. I insist on the special order.

The SPEAKER. The Committee on Printing under the rules are expressly authorized to report at any time, and this is therefore a privileged report, and having the right to report the House has the right to consider.

Mr. SINGLETON. I ask the bill be read as it will be when amended.

The Clerk read as follows:

Be it enacted by the House of Representatives, &c., That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry, late United States Senator from Connecticut, be printed, 4,000 copies for the use of the Senate and 8,000 copies for the use of the House of Representatives; and that the Secretary of the Treasury have printed a portrait of Mr. Ferry to accompany the same; and the amount necessary for the engraving and printing of the portrait of Andrew Johnson, and also the portrait of Henry Wilson, heretofore ordered, be, and the same is, appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. REAGAN and Mr. ATKINS rose.

Mr. ATKINS. I rise to a privileged question. I desire to present the report of a committee of conference.

The SPEAKER. The gentleman from Tennessee states that he rises to a privileged question; but inasmuch as the gentleman from Texas [Mr. REAGAN] addressed the Chair first, the Chair desires to know whether the gentleman from Texas also rises to a privileged question?

Mr. REAGAN. I rise to call up the special order fixed for to-day, being the consideration of the bill (H. R. No. 2799) reported from the Committee on Commerce.

Mr. ATKINS. I do not yield for that.

The SPEAKER. As against the special order for to-day the gentleman from Tennessee [Mr. ATKINS] is entitled to the floor.

DEFICIENCY APPROPRIATION FOR CERTAIN INDIANS.

Mr. ATKINS. I present the report of the committee of conference on the bill (H. R. No. 2589.)

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate and agree to the same.

JNO. D. C. ATKINS,
ROBT. HAMILTON,
EUGENE HALE,
Managers on the part of the House.

R. E. WITHERS,
W. B. ALLISON,
R. J. OGLESBY,
Managers on the part of the Senate.

Mr. ATKINS. I move the adoption of the report of the committee of conference.

The motion was agreed to.

Mr. ATKINS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON TEXAS BORDER TROUBLES.

Mr. BALLOU. I rise to make a privileged report. I am directed by the Committee on Printing to report back the resolution which I send to the desk, with an amendment.

The Clerk read as follows:

Resolved, That the Committee on the Texas Border Troubles shall be authorized to have a map of the Lower Rio Grande engraved and printed to accompany their report and evidence.

The amendment of the Committee on Printing was to strike out the word "engraved" and to insert instead thereof the word "photo-lithographed."

Mr. BALLOU. The saving of expense by the adoption of this amendment will be about $55.

The amendment was agreed to; and the resolution, as amended, was adopted.

EVENING SESSIONS.

Mr. RANDALL. For the comfort of members to-night I again make the proposition that this evening's session be dispensed with, and that we fix an evening session for Friday in lieu of it.

The SPEAKER. Is there objection to the proposition of the gentleman from Pennsylvania, that the evening session of to-night be dispensed with, and that there be an evening session on Friday under the same order?

There was no objection, and it was so ordered.

Mr. RANDALL moved to reconsider the vote by which the order was changed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I now call up the special order for to-day, being the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels.

Mr. DURHAM. I rise to a parliamentary inquiry, which is, whether the order which the gentleman from Texas calls up takes precedence of the morning hour? The bill called up by the gentleman from Texas was made a special order for to-day after the morning hour.

Mr. REAGAN. I ask the gentleman not to take me off the floor. This was made a special order for to-day, not from day to day till disposed of. It is a very important bill.

The SPEAKER. The Chair finds by looking at the order made by the House that this bill was made a special order for this day after the morning hour; and there has not yet been a morning hour.

Mr. DURHAM. I insist on there being a morning hour. I call for the regular order.

Mr. REAGAN. I will say to the gentleman from Kentucky that this bill is one of very great importance. The consideration of it was assigned to this day, and the committee have been pressed from every portion of the country to urge its passage; and the chairman of the Committee on Military Affairs, which is the committee now on call, has consented to waive his right to the morning hour that we may have this one day for the consideration of this bill.

Mr. DURHAM. I am here representing bills to be reported by other committees, and I insist on having the morning hour.

The SPEAKER. The gentleman from Texas has the right to take the sense of the House whether it will proceed now to the consideration of his bill without having a morning hour. Does he make that motion?

Mr. REAGAN. I do.

The question being taken on Mr. REAGAN's motion it was agreed to—ayes 111, noes not counted.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes.

REGULATION OF STEAM-VESSELS.

The SPEAKER. The House having agreed to take up the special order, it now proceeds to the consideration of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels. The gentleman from Texas [Mr. REAGAN] is entitled to the floor.

Mr. REAGAN. This bill has occupied a great deal of the time of the Committee on Commerce. It is a bill of very considerable importance, affecting as it does the entire shipping interests and commerce of the United States. There was a bill of the same kind, or at least embracing in the main the same features, which was passed by the House at the last session, but from some cause failed of passage in the Senate. The passage of this bill is urged by considerations of very great moment, and gentlemen from various portions of the Union have attended the sessions of the committee and urged the importance of prompt action upon this bill.

Some time ago the committee reported a bill to the House which was ordered to be printed and recommitted. After it was recommitted other amendments were suggested to the bill, and a substitute embracing these amendments was reported by the committee and assigned for consideration to-day.

I have no speech to make upon this subject except a practical explanation of the changes made by the bill upon the existing law. Its importance will be sufficiently realized by what I have already said and the reference I have made to the urgency of the pressure from all parts of the country for its passage; and in order to facilitate early action upon the bill, I shall limit what I have to say to an explanation of the amendments offered to it. And I propose, unless other gentlemen desire to discuss the bill, after I have made this explanation to ask the House to consider it, if they desire to do so, section by section, under the five-minute rule as in Committee of the Whole, and to pass the bill, if there is no serious objection to it, this evening. I ask this because, the bill having been set for to-day, if it loses its place it will be found difficult to get it up at a future day, while the interests and necessities of the commerce of the country demand and require early action upon it.

The first amendment is to the first section of the bill.

Mr. HALE. Will the gentleman from Texas allow me a moment? There is so much confusion in this Hall that I was unable to hear exactly what the gentleman proposes, but I will ask him this question: Does he believe that there is any possibility to pass this long bill, which treats upon very important subjects, at any time to-day?

Mr. REAGAN. I will answer the gentleman by saying that, if there is objection to the prompt passage of the bill, I shall accommodate my action to that objection, but if gentlemen will take the bill as reported and a copy of the Statutes at Large, I can show exactly what changes are proposed in the law, and I hope when I show that clearly to obviate the objections that may be made to the bill; and, if there should be no objection to the provisions of the bill, I hope that it may pass this evening. If it requires discussion, important as I realize that it is, I shall not attempt to force the passage of the bill without such consideration as its importance requires.

Mr. HALE. The gentleman will remember that a bill similar to this was before a former Congress for days and days, considered section by section, and finally elaborated and passed after a great deal of labor in the House. Now it has struck me that it would be impossible to go over the many amendments which are proposed here, and give them anything like the consideration to which their importance entitles them, in the brief time we shall have in the remnant of this waning session.

Mr. REAGAN. I am obliged to the gentleman from Maine [Mr. HALE] for the suggestion, because it enables me to repeat that if gentlemen will take the Revised Statutes and have before them this bill they will find no difficulty in its consideration. The bill to which the gentleman has referred, in the last Congress, was a code and not a proposition to amend particular sections of the laws regulating commerce and navigation. This is a bill which proposes to amend particular sections so that gentlemen will not be required to look over the whole of the law on this subject to ascertain what the amendments are. This bill, as I said before, proposes merely to amend particular sections of the law, and it will be seen as we go along exactly how each section will be changed. The difficulty, perhaps, which attended the passage of the law of last session in the Senate was from the fact that it was a code and did not pretend to amend particular sections of the law. Gentlemen who desire to be informed upon the subject can see how this bill affects the existing law.

I think I can show promptly in a brief explanation how every section of the existing law is affected by this bill, and if the gentleman from Maine [Mr. HALE] and others will have before them the Revised Statutes and the bill as I make my explanation, they will see that in a brief time they can overcome the serious difficulty that impeded the passage of the bill last session.

Mr. HALE. I have no wish to interrupt the gentleman, but when I look at this bill, which is one of twenty-six pages, with many amendments, I am satisfied that it is impossible that it should be got through to-night. What I had on my mind was, that we could get a more intelligent consideration of the bill if some future day were fixed when it could be taken up, and not in the remnant of a day as we are doing now, so that the gentleman will get the benefit of the scrutiny which members may give to the bill and which cannot be given now. I cannot now, even with a copy of the Revised Statutes before me, understand what might be the effect of the amendments pending upon the interests of my constituents, if I have got to give attention to the whole bill, twenty-six pages in length, in an hour or two.

Mr. REAGAN. If I am allowed to proceed with my explanation this evening, and if it should prove not satisfactory to members, I will agree to such a course as may be deemed advisable; but if I let the bill lose its place now, I am unable to say when it can be considered again, and I ask therefore that I may now be permitted to go on with the explanations I have to make.

Mr. HALE. I will not interrupt the gentleman.

Mr. REAGAN. The first amendment to section 1 of the bill, in lines 6 and 7, section 4233 of the Revised Statutes, extends the rules for preventing collisions of vessels to all foreign as well as domestic vessels within the jurisdiction of the United States. A similar jurisdiction is exercised by foreign governments over our vessels when in their waters.

The second amendment to section 1 of the bill, lines 10 and 11, extends the rule prescribed by the original section to steam-vessels rigged for carrying sail as well as to those actually carrying sail. The words "or rigged for carrying sail" are inserted for the purpose of putting beyond question the fact that any vessel fitted for carrying sail shall, whether under sail or not, carry the lights therein prescribed.

The third amendment to this section, in lines 11 and 12, requires that the fog-horn of sail-vessels under way shall be sounded in foggy or thick weather every two instead of every five minutes; and that steam-vessels and sail-vessels when not under way shall in foggy or thick weather sound a bell at intervals of not more than two instead of five minutes, for greater security against collisions.

Mr. HALE. The amendment the gentleman has just alluded to is a very important one, especially in connection with our coast-wise navigation. Let me ask the gentleman what bill is under consideration?

Mr. REAGAN. It is House bill No. 2799, a substitute for House bill No. 1190.

Mr. HALE. What is the printer's number of the bill?

Mr. REAGAN. It is printer's No. 2964.

Mr. HALE. And will the gentleman tell me in which line of this bill—for I have not his memoranda as to the order of the amendments—is the amendment in relation to fog-horns?

Mr. REAGAN. It is found in lines 11 and 12. I propose to call attention in every case of amendment to the line and section. The amendment in relation to fog-horns is in lines 11 and 12 of the first section.

The fourth amendment to this first section, lines 17 to 27 of the bill, simply omits the word "way" wherever it occurs in the rule as it is now in the law, and substitutes for it the word "course." There is no other change in this rule.

The fifth, sixth, and seventh amendments to this section, rules 19, 20, and 22, lines 28 to 36, simply strike out the word "way" wherever it occurs in the law and inserts in its stead the word "course;" no other change is made. It was insisted before the Committee on Commerce by the supervising inspector-general, General Burnett, and by a number of the members of the board of supervising inspectors of steam-vessels, and by Captain Whiting of Detroit, and Mr. Copeland of New York, both members of the "National Board of Steam-Navigation," and by others, that in view of the decisions of the courts (United States courts at Chicago and New York) on the legal meaning of the word "way" in this statute, it was of very great importance that it should be changed to "course," to prevent cases of gross injustice. In the decisions referred to it is stated that the courts

hold that the word "way" does not mean "course," and that this places the vessel required to keep out of the "way" of another at the mercy of the other.

The eighth amendment to this section, lines 37 to 43 of the bill, changes this rule so that it shall agree with the changes proposed in rules 17, 19, 20, and 22, and the abrogation of rule 24.

The ninth amendment to this section, lines 44 and 45 of the bill, strikes out rule 24, as not necessary to be retained when the preceding rules shall be changed as proposed.

The tenth amendment, which is of section 4234 of the Revised Statutes, section 2 of the bill, makes two additions to the provisions of the existing law: First, the words "and all damages caused thereby," in lines 12 and 13, are inserted, which makes the vessel liable for the damage done by her neglect to show proper lights as well as for the penalty of $200; and, second, all of the proposed section from the word "offense," in line 15, is added to the existing law, making the officer or officers in charge of the deck of such vessel, as well as the vessel, responsible for a failure or refusal to exhibit the necessary lights, and punishable by a fine of $100 and imprisonment for not exceeding one year. This is necessary for the security of the vessel-owners as well as for that of the public.

The eleventh amendment, which is of section 4236 of the Revised Statutes, section 3 of the bill, is to add to the section all after the word "port," in line 9. The added words are deemed necessary for the purpose of avoiding an apparent conflict with sections 4401 and 4404 of the Revised Statutes.

The twelfth amendment, which is of section 4288 of the Revised Statutes, section 4 of the bill, omits the following words of this section of the Revised Statutes, to wit: "but this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation." By striking out these words we extend the same means of protection and security in this respect to vessels navigating the rivers and inland waters that we do to those navigating the high seas.

The thirteenth amendment, which is of section 4289 of the Revised Statutes, section 5 of the bill, strikes out of the latter part of the section as it now is the following words, to wit: "Or to any vessel of any description whatsoever used in rivers or inland navigation." The effect of striking these words out of the section is to make the liability of vessels navigating the rivers and inland waters of the United States the same as of vessels navigating the ocean, but excepting canal-boats, barges, and lighters from this rule.

The fourteenth amendment, which is to section 4400 of the Revised Statutes, section 6 of the bill, strikes out of the section as it now stands the words "which are common highways of commerce or open to general or competitive navigation," and so changes the latter part of the section as to subject steam-vessels of other countries, other than public vessels, to the provisions of this title (52 of the Revised Statutes) so far as relates to equipment, outfits, and navigating, and the transportation of dangerous articles as freight or stores. And the words "and boats propelled in whole or in part by steam for navigating canals," as they are in the law, are stricken out by this amendment.

The dangers attending the navigation of steam canal-boats are as great to passengers as in other classes of steam-vessels. Steamers built for navigating canals almost without exception navigate other and open waters which are navigated by other classes of steamers, and therefore they should be subject to the same inspection and regulations when in the public waters of the United States.

The second amendment of this section is intended to make it clear that all vessels except the public vessels of the United States and of other countries are subject to the provision of that title of the law. This amendment relieves the section of obscurity.

The third amendment to this section subjects the steam-vessels of other countries, excepting their public vessels, to the same provisions to which our own vessels are subject so far as relates to equipments, outfits, and navigating. And in this we follow the English law.

The fifteenth amendment, which is to section 4405 of the Revised Statutes, page 5, section 7 of the bill, changes the time of the meeting of the board of supervising inspectors and the supervising inspector-general from the third Wednesday in January to the third Wednesday in September of each year; and the place of their meeting instead of being designated at Washington City, in the District of Columbia, to such place as the Secretary of the Treasury shall designate.

This change is recommended by the supervising-inspector-general, and by the Secretary of the Treasury. This change is recommended to secure the advantage of having the report of their operations for the year ready with the reports in relation to the other branches of the public service at the meeting of each session of Congress, and because the meeting on the third Monday in September is after the principal business of the year has been accomplished, and the meeting of the board at that time would cause the least interference with the ordinary duties of the inspectors; and because it is believed the meeting of the board at different places, as under the act of August 30, 1852, would afford its members better opportunities of becoming acquainted with every kind of steam-vessel and navigation; the western inspectors to become well-informed as to the requirements of the ocean and lake service, and the seaboard and lake inspectors to become better acquainted with the arrangemant of western steamers and the necessities of our river navigation.

The sixteenth amendment, which is to section 4413 of the Revised Statutes, section 8, page 6 of the bill, adds to the penalties which may be imposed on any master, mate, engineer, or pilot of any steam-vessel who neglects or willfully refuses to observe the regulations prescribed by the preceding section a suspension or revocation of his license, and imprisonment not exceeding two years.

Mr. CONGER. I notice in the bill a provision in regard to damages, to which the gentleman has not referred. Is that struck out?

Mr. REAGAN. No, sir; that is in the bill as it stands. I have simply omitted to refer to it in my explanation. In giving these brief reasons for the changes I have not embraced every reason; nor have I, as in the instance suggested by the gentleman from Michigan, [Mr. CONGER,] called attention in all cases to the changes; but I have aimed to embrace all the material alterations.

The seventeenth amendment, which is to section 4418 of the Revised Statutes, pages 6 to 9, section 9 of the bill, first changes so much of the existing law as requires the use of automatic steam-registering gauges to be used on steam-vessels. The board of inspectors, inspector-general, and others well informed on the subject insist that these automatic steam-registering gauges are unreliable and even dangerous; second, the words "and a suitable steam-whistle" are inserted, so as to authorize the inspectors to determine the character and dimensions of steam-whistles to be used in foggy weather.

The third change made by this section is intended to enable the inspectors to determine in what cases fusible metals shall be inserted so as to fuse by the heat of the furnace. The committee was advised that in some cases the use of fusible metals is conducive to safety and that in others it is not, and that it is best to leave their use to the discretion of the inspectors.

Mr. CONGER. I see there is also a change leaving out the requirement to have the safety-valves locked up.

Mr. REAGAN. That is entirely abolished. The lock-up safety-valves are excluded from the law by these amendments, as will appear as we go on.

The fourth change made by this section is in relation to the means to be used to blow the mud out of the boilers of steam-vessels. As the law is it is required that the mud shall be thoroughly blown out of the boilers; the amendment proposed to this (line 39) is to add the words "so far as practicable" thoroughly to remove the mud and sediment. The committee was advised that it is impossible to remove the mud and sediment "thoroughly" from the boilers while in use, and we have submitted this change so that our law in this respect may not require an impossibility.

The eighteenth amendment is to repeal section 4419 of the Revised Statutes, being section 8, page 9, of the bill. This section relates entirely to lock-up safety-valves and registering-gauges, both of which instruments the committee are informed are entirely worthless.

The nineteenth amendment, which is of section 4421 of the Revised Statutes, section 11, pages 9 and 10, amends by adding all after line 16. In relation to the construction, equipment, and outfit of steam-vessels, the provisions of the law are full and positive in their requirements as to inspection and the duties of inspectors. And under sections 4425 and 5482 of the Revised Statutes severe penalties are imposed upon inspectors for neglect of duty or misconduct in office. And as there may be cases in which the inspectors' certificates may be the only evidence of compliance with the law which the owners of vessels could produce, the committee see no good reason why this certificate should not be made *prima facie* evidence of a compliance by the owners with the provisions of the law respecting the inspection of steam-vessels. The effect of this certificate as an instrument of evidence could be controlled by proof of neglect of duty, willful misconduct, or fraud, which might in most cases be made. And this amendment would obviate any question about the authentication of such certificates, so as to secure their admissibility in evidence where they may not be attacked for fraud.

The twentieth amendment, which is of section 4427 of the Revised Statutes, section 12, page 10 of the bill, omits the words "alarm indicators," and provides for low-water "gauges" in their stead, and also provides for "steam-whistles" for the classes of vessels to which the section relates. The "alarm indicators" are represented by reliable experts as quite unreliable, as tending to inspire false confidence, leading to neglect on the part of engineers, and thus bringing about the very dangers they are intended to avert.

The twenty-first amendment, which is of section 4429 of the Revised Statutes, being section 13, page 11 of the bill, strikes out of the section as it stands the words "or who drifts any rivet-hole to make it come fair," and inserts in their stead the words "or shall forcibly drift any rivet-hole which has been drilled or punched unfair, for the purpose of admitting the insertion of rivets."

The "drift-pin" or punch is a necessary instrument in putting together boiler-work, and its proper use involves no injury to the boiler. The defect of the present law is that it does not discriminate between a proper and improper use of the drift-pin, both being alike made subject to the penalty of the law. This amendment does discriminate, and, while it allows the necessary and proper use of this instrument, it makes the improper use of it subject to penalty.

The twenty-second amendment, which is of section 4430 of the Revised Statutes, being section 14, pages 11 and 12 of the bill, omits the words "every iron or steel plate used," and inserts in lieu of them the words "iron or steel made use."

The section as it now stands cannot be carried into effect without destroying every iron or steel plate intended for use in boilers, as every such plate under it is to be subject to the test, which must result in its destruction. The section as here presented makes the proper inspection possible without destroying the boiler-plates inspected.

The twenty-third amendment, which is to section 4431 of the Revised Statutes, being section 15, page 12 of the bill, is made by inserting in the section the words "at the place of manufacture" in lines 7 and 8 of the bill, and by striking out the word "will" and inserting in its stead the words "guaranteed by the manufacturer to" in line 11 of the section.

We are informed that instances have occurred where plates have been stamped after being put on the market and in the hands of the merchants or consumers. When so stamped it can hardly be known with any certainty that the plates are what the stamp represents. To permit the stamping to be done at any other place than that of the manufacture gives facilities for fraud which would not otherwise exist, as an agent of the merchant may stamp plates in a manner which would not be approved by the manufacturer, and thus defraud the consumer and destroy the reputation of the manufacturer.

The second change proposed provides that instead of the plates being stamped with the tensile strains they will bear, which can only be determined by actual trial, they shall be stamped with the tensile strain which the manufacturer will guarantee they will bear. By actual test they may stand a much greater strain than guaranteed. And this guarantee may afford a remedy to persons injured by a false guarantee which could be afforded in no other way, and its effect will be to encourage the making of better boiler-plate and guard the public against accidents and dangers arising from defective boiler-plates.

The twenty-fourth amendment, which is to section 4433 of the Revised Statutes, being section 16, pages 12 and 13, of the bill, is the omission of the words "instead of" and the insertion in lieu of them of the word "or," in line 11. This amendment does away with the discrimination against rivet-holes, which are punched as in section 4429, and allows boilers with double-riveted seams to carry the additional 20 per cent. of pressure over what may be carried on boilers with single-riveted seams, whether the rivet-holes have been drilled or punched. In this the committee followed the advice of reliable experts.

The twenty-fifth amendment, which is to section 4434 of the Revised Statutes, being section 17, pages 13 and 14 of the bill, provides for the change of the plates for boilers from thirty one-hundredths of an inch in thickness to five-sixteenths of an inch in thickness, with a proviso that boilers on steam-vessels for the navigation of rivers flowing into the Gulf of Mexico shall be constructed of plates twenty-six one-hundredths of an inch in thickness. These changes are intended to give increased thickness to boilers, which we are advised is justified by experience.

The twenty-sixth amendment, which is to section 4436 of the Revised Statutes, being section 18, page 14, provides for the use of low-water gauges and omits the provision in the present law for low-water indicators that will give alarm when the water falls below its prescribed limits. The necessity of these changes was stated in considering the amendments to sections 4418 and 4427 of the Revised Statutes, sections 9 and 12 of the bill.

The twenty-seventh amendment, which is to section 4449 of the Revised Statutes, being section 19, pages 14 and 15 of the bill, is a substitute for the entire original section. The amendment limits the operation of the section to "any licensed officer engaged to serve on board any steam-vessel," instead of extending it to "any licensed officer," as in the law as it now stands. The substitute section is also more stringent and explicit, and is intended to protect vessels from the desertion of licensed officers when the vessel is just ready to leave port, and to prevent embarrassment to commerce and to the interests of owners of vessels and passengers from this practice; and it will also protect vessel-owners against any effort by such officers to compel the payment to them of unreasonable wages, or suffer delay and loss with their vessels. It is also intended to raise the standard of licensed officers, and save life and property from the serious and fatal results of intemperance on the part of officers. That relates to the last part of the section.

The twenty-eighth amendment, which is to section 4458 of the Revised Statutes, being section 20, pages 15 and 16 of the bill, reduces the license fees to be paid by each master, chief engineer, and first-class pilot, from ten to eight dollars, and the fees to be paid by every chief mate, engineer, or pilot of an inferior grade from five to four dollars—a reduction of 20 per cent. from the fees now paid by each class.

The system of the inspection of steam-vessels is not kept up at the expense of the general Treasury, but is paid for out of the receipts from the inspection of such vessels and the fees for the licenses of their officers. And it is found that the system can be sustained after making the proposed reduction of 20 per cent. from the fees required of the officers.

The receipts from these sources last year were $260,944.75. The expenditure for the payment of salaries of inspectors and clerks and traveling and incidental expenses was $212,392.02; leaving a surplus for the year of $48,552.73. I state this to show that the reduction of fees is justified.

The twenty-ninth amendment, which is of section 4463 of the Revised Statutes, being section 21, pages 16 and 17 of the bill, is to strike the word "full" out of the third line of the section as it now stands, and to insert a comma after the word "crew" in the third line of the section in the bill.

These amendments restore the law as it was under the act of 1871, secure every desirable interest, and avoid what may sometimes be an unnecessary burden and expense on vessel-owners.

The thirtieth amendment, which is to section 4472 of the Revised Statutes, being section 22, pages 17 to 19 of the bill, is a substitute for the section as it stands in the Revised Statutes.

This amendment is intended to prevent the shipment on any passenger-steamer, under any circumstances, of articles highly dangerous, which, under the section as it now is, may be carried on routes where there is no other practical mode of conveyance.

Provision is made by this amendment for the shipment of cotton in good merchantable shipping order, as technical compliance with the present law would rule out three-fourths of the cotton shipped. The hole made by a cotton-hook, in handling a bale, would prevent it from being carried on a passenger-steamer.

The word "dangerous" is introduced before the words "chemicals and chemical acids," because many chemicals and chemical acids are perfectly safe.

Ferry-boats are excepted from the operation of this section, as in the very nature of their business it is impossible for those in charge of them to examine each wagon, cart, or dray that may be driven on board, and hay is almost always loose on wagons which carry it.

An additional restriction is also imposed on the shipment of refined petroleum. When put up in good hermetically-sealed metallic cases, securely packed in boxes or casks, at a temperature which will not ignite at less than 110° Fahrenheit, it may be shipped on any passenger steamer, subject to the regulations provided in the bill. And it may be shipped in iron-bound barrels, subject to the same regulations, when it will not ignite at a lower temperature than 150° Fahrenheit. The reason for making this difference between refined petroleum shipped in cases and in barrels is that the barrels are liable to give off gases which may ignite and produce disasters, which are not likely to arise from that which is put up in hermetically-sealed cases packed in boxes or casks.

The thirty-first amendment, which is of section 4475 of the Revised Statutes, being section 23, page 19 of the bill, introduces the word "dangerous" before chemical in the third line of the section and adds the words "when shipped or offered for shipment or" in the eighth line of the section; and is also amended by adding the last paragraph of the section, lines 14 to 20; thus limiting the restrictions to "dangerous" chemical acids, and prescribing the condition in which the articles named shall be when shipped or offered for shipment.

The thirty-second amendment, which is of section 4476 of the Revised Statutes, being section 24, page 20 of the bill, amends the section by adding the word "dangerous" before the words chemical acids in line 7 of the section and by inserting the words "and giving at the time of shipment or delivery to the vessel written notice to the master, clerk, agent, or owner of such vessel, of the true character thereof," in lines 12 to 15 of the bill; and by striking out of the section, as the law now is, the words "eighteen months," and inserting in lieu thereof the words "three years" as the time for the imprisonment of offenders.

This section, as amended, is intended to prevent the shipment of these dangerous articles under false names or without notice of the true contents of the packages which contain them, and increases the penalty for the violation of its provisions.

The thirty-third amendment, section 25, page 20 of the bill, repeals section 4484 of the Revised Statutes.

The thirty-fourth amendment, which is to section 4485 of the Revised Statutes, being section 26, pages 20 and 21 of the bill, repeals the section as it now stands, and substitutes for sections 4484 and 4485 of the Revised Statutes the section in the bill.

Under these two sections of the law, as it now stands, no lake or sea-going steamer can be navigated, as it is necessary under them to so stow the cargo on deck that it cannot shift in rough weather, and with passage-ways open on deck fore and aft this could not be done.

This section of the bill requires permanent stairways and other sufficient means convenient to passengers for their escape to the upper deck on such vessels in case of the vessel sinking or other accident endangering life, and leaves it possible for the freight on the decks of lake or sea-going vessels to be securely stowed; and on any deck of such vessels where passengers are carried provision is made for an ample fore and aft passage-way.

On steam-vessels navigating the rivers and inland waters, being exempt from the disturbance caused by the waters of the sea or great lakes, an ample fore and aft passage-way and an athwart-ship passage-way from side to side of the vessel is required.

This section has for its object to provide for the greatest practical convenience and safety to passengers with the least practical interference with the freight of vessels.

The thirty-fifth amendment, which is to section 4487 of the Revised Statutes, being section 27, pages 21 and 22, is to strike out of the second line of the section as it now stands the word "or" and substitute for it the word "on," so that it shall read "the pilot *on* watch" instead of "the pilot *or* watch." This was doubtless a typographical error in the law, which, if left so, would confer very great powers and respon-

sibilities on the watchmen of vessels, when neither their positions nor duties make it proper for them to be charged with such duties or responsibilities. These should be devolved on the officers, not on the crews.

The thirty-sixth amendment, which is to section 4488 of the Revised Statutes, being section 28, pages 22 and 23 of the bill, strikes out so much of the section, as it now stands, as requires sea-going vessels and vessels navigating the northern lakes to have boat-disengaging apparatus, and substitutes for the words stricken out the words "tackle for hoisting, lowering, and detaching the boats."

This alteration is proposed for the reason that the disengaging apparatus to be operated by one person disengaging both ends of the boat simultaneously from the tackles, by which it may be lowered into the water, is dangerous in use; and the supervising board have discontinued its use and revoked all approvals of what is known as disengaging apparatus.

The thirty-seventh amendment, which is to section 4490 of the Revised Statutes, being section 29, pages 23 and 24 of the bill, is a substitution of the section in the bill for the existing section. The present law provides for three water-tight bulkheads on all sea-going and lake steamers, which are to reach to the main deck in single-decked vessels and to the deck next below the main deck in other vessels. This in many cases renders the bulkhead useless for the purpose intended, as the lower deck of many sea-going vessels is below the load-water line; and in case of filling the water would at once rise above the top of their bulkheads and thus flow to all parts of the vessel. This amendment provides for extending the bulkheads up to the deck next above the load-water line, that they may be effective in securing the objects of their use.

This section also provides for openings of communication through the bulk-heads, with attachments for closing such openings water-tight, in accordance with the recent improvements in ship-building.

The section, in so far as it relates to the bulk-heads, is to take effect two months after the passage of the law. Under the law as it is now it is to take effect as to all vessels completed six months after the passage of the law, without reference to the time of the commencement of building the vessel.

The thirty-eighth amendment, which is to section 4491 of the Revised Statutes, being section 30, page 24 of the bill, changes and adds to the section. As the law now stands it denies to owners of steamers the privilege of using any appliance for the better security of life, no matter how meritorious it may be, until it shall have been approved by the supervising board. The amendment, while it does not relieve owners from the use of any appliance approved by the board, permits the use of additional appliances that, in the judgment of the owners, may be useful. Provision is also made in this amendment for the addition of other approved appliances, after they shall have been sufficiently tested, without subjecting owners to the risk and danger of using untested appliances which might cause serious disaster.

The thirty-ninth amendment, which is to section 4493 of the Revised Statutes, being section 31, pages 24 to 26 of the bill, provides the measure of liability of the owners and officers of vessels used to navigate the rivers, the great northern lakes, and other inland waters of the United States. As the law is now, the owners of vessels navigating the inland waters of the United States are liable for the safety of freights, &c., as common carriers; that is, every owner or part owner of such a vessel is liable for all damages which occur on the vessel. This has the effect either to deter persons from investing their capital in vessels intended for our inland navigation, or, if they do so, it causes them to resort to feigned sales and mortgages in very many instances to save themselves from this large liability. By either course the interests of our extensive inland commerce are injuriously affected. Cheap transportation, so much needed and so urgently demanded in all parts of the country, demands a policy which shall induce the fair, free investment of capital in the means of transportation, and secure the vessel-owners against the unlimited liability of common carriers.

The committee have aimed by this amended section to fix and define the liability of the officers, employés, and owners of such vessels, so as to give every needed security to passengers and freights by prescribing severe penalties and full liability against all officers, employés, and owners by whose fault or willful neglect injury may be done to the person or property of another; and at the same time they propose to limit the liability of vessel-owners, when they are guilty of no fault or willful neglect of duty, to the value of their interest in the vessel and the pending freights. This, with the additional security often obtained by insurance, especially on freights, will protect the interests of shippers, while it will encourage the investment of capital in vessels, promote cheap transportation, and increase, it is believed, the security of shippers.

This section also makes the rule as to such damages substantially the same on the inland waters as on the ocean and great northern lakes.

I have, Mr. Speaker, perhaps at the expense of the patience of the House, felt it to be necessary to go thus much into a detailed explanation of this bill, calling attention, as fully as I could in this space of time, to the changes made by it in the existing law and assigning some reasons for those changes. To have gone into the assignment of all the reasons which might suggest themselves for many of these changes would have very much prolonged the discussion and perhaps would not have benefited the House.

Having thus gone through with these proposed changes, I desire again to state that many interests, from all portions of the country I may say, have urged upon the committee the importance of early action upon this bill. Those who were members of the last House will remember that at the last session a bill, having in view the same general object, was then before the House and its passage was urged. It did pass the House, but, as I before suggested, from some cause it failed to pass the Senate.

If it is desired to prolong the discussion upon this bill, as from its importance and the magnitude of the interests involved I presume it may be, I will now ask the consent of the House that its further consideration be set down for some early day in the future, some day that will meet the convenience and wishes of the House. To that end, I will suggest that it be set down for Saturday next after the reading of the Journal, and from day to day until disposed of.

Mr. RANDALL. Excepting appropriation bills.

Mr. SAYLER. As the appropriation bill has been specially provided for by the evening sessions ordered by the House, I would suggest that there probably will be no antagonism between it and this bill.

Mr. RANDALL. I do not want to force the appropriation bill as against this bill.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) Is there objection to the proposition of the gentleman from Texas, [Mr. REAGAN?]

Mr. HALE. I would suggest that some day in the middle of next week be indicated, by which time we probably would be able to get the appropriation bill out of the way.

Mr. RANDALL. Say Saturday of next week.

Mr. REAGAN. I would rather have it set for next Saturday. By that time members who feel an interest in the bill will have examined it and prepared such amendments as they may wish to offer. I will propose at that time that the bill be taken up and considered in the House as in Committee of the Whole, section by section, under the five-minute rule.

Mr. HALE. Let that be a part of the arrangement now.

Mr. SAYLER. I would like to suggest to the gentleman from Texas [Mr. REAGAN] that it is exceedingly difficult to get a quorum here on a Saturday, and the bill may fail from the mere lack of the necessary number to pass it. I do not like Saturday on that account, as I am very much interested in this bill.

Mr. REAGAN. As the gentleman from Ohio [Mr. SAYLER] introduced the original bill upon this subject at this session, I would be very much inclined to defer to his wishes upon the subject of a day for the consideration of this bill, keeping in view always the very earnest desire to have it acted on as early as possible. I think, however, we can have a quorum here on Saturday. I will therefore ask that the further consideration of this bill be postponed until Saturday next, immediately after the reading of the Journal, and that it then be considered in the House as in Committee of the Whole, section by section, under the five-minute rule.

Mr. HALE. That is right.

Mr. YOUNG. I have an amendment which I desire to offer to the pending bill, to amend section 4472 of the Revised Statutes by striking out the word "cotton" wherever it occurs in that section.

Mr. HALE. Under the proposed arrangement there will be unlimited opportunity for amendment.

Mr. YOUNG. I ask to have printed for the information of the House, in connection with my amendment, a memorial from the Cotton Exchange of the city of Memphis.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Texas?

Mr. HOLMAN. Will the Chair state what is the proposition, so that it may be understood by the House?

The SPEAKER *pro tempore*. It is that the further consideration of this bill be postponed until Saturday next immediately after the reading of the Journal, and that it then be considered in the House as in Committee of the Whole, section by section, under the five-minute rule.

There was no objection, and it was so ordered.

SALE OF PAWNEE RESERVATION.

Mr. BOONE. By an order of the House the bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation was made a special order for to-day in Committee of the Whole. Of course at this late hour it is not practicable to proceed with its consideration to-day, and I therefore ask that it be made a special order for Tuesday of next week immediately after the morning hour and from day to day until disposed of.

Mr. RANDALL. Not from day to day.

Mr. BOONE. Yes.

Mr. RANDALL. Its consideration may take the whole of the week.

Mr. BOONE. No, it will not.

Mr. RANDALL. I have no objection to having it made the special order for that day only.

Mr. HOLMAN. I trust the gentleman from Kentucky [Mr. BOONE] will not name so early a day. Say Tuesday of week after next.

Mr. BOONE. This bill is a very important one. There are interests in it that cannot be postponed in justice to the country and to the Indians whom it will affect. I have been trying for several days

to get it considered; and I cannot consent to postpone it beyond the time I have named. I insist that it be made the special order for next Tuesday at two o'clock.

Mr. HOLMAN. Not to interfere with reports of the Committee on Appropriations.

The SPEAKER *pro tempore*. Is that the understanding of the gentleman from Kentucky?

Mr. BOONE. It cannot affect those bills anyhow, I suppose.

The SPEAKER *pro tempore*. The motion will then be modified by adding "not to interfere with the consideration of general appropriation bills."

The motion, as modified, was agreed to.

POST-ROADS.

Mr. CLARK, of Missouri. I ask unanimous consent to report back from the Committee on the Post-Office and Post-Roads the amendments of the Senate to the bill (H. R. No. 2262) establishing post-roads. The committee recommend concurrence in the amendments of the Senate.

The SPEAKER *pro tempore*. The Chair will inquire whether there is any general legislation in this bill or simply the usual post-routes?

Mr. CLARK, of Missouri. It is the general post-route bill.

Mr. CONGER. Have the propositions for post-roads which have been presented since the time when this bill went to the Senate been inserted in the bill?

Mr. CLARK, of Missouri. They have not.

There being no objection, the amendments of the Senate were taken up and concurred in.

EXHIBITION OF MORAN'S PAINTINGS AT THE CENTENNIAL.

Mr. WADDELL. I ask unanimous consent that the joint resolution (S. R. No. 11) to authorize the Joint Committee on the Library to send two paintings by Thomas Moran to be exhibited at the centennial exhibition at Philadelphia be taken from the Speaker's table and put on its passage. I hope I may be allowed one word of explanation. These painting are now hung in the Senate wing of the Capitol. Mr. Moran is desirous of exhibiting them at the centennial; and it is a matter of importance to him that authority for this purpose should be given as early as possible. The condition upon which it is proposed to allow these paintings to be removed is that Mr. Moran shall insure them fully, that the Government shall incur no expense by their removal, and that he shall be responsible for their safe return between now and the 1st of December next. I ask unanimous consent that the joint resolution be taken from the Speaker's table for action now.

Mr. WHITE. I object for this reason: the representation of the Yellowstone Cañon is not a true one; and it will do the country injustice to exhibit it as proposed.

Mr. WADDELL. The gentleman may be a very fine art critic; but he does not concur with other people who I think have had equal facilities with himself for forming an opinion on questions of this sort.

Mr. WHITE. I withdraw my objection.

Mr. EAMES. The gentleman from Iowa [Mr. KASSON] who is not now in the House expressed some objection to this proposition.

Mr. WADDELL. I do not think he will offer any objection when he understands the matter. The proposition met with no opposition in the Senate; it was passed there unanimously. Early action on the question is of some importance to the artist; and that is my reason for making the unusual request to take the resolution from the Speaker's table.

Mr. EAMES. I object in behalf of the gentleman from Iowa.

Mr. WADDELL. I ask then for a vote on the motion to go to the Speaker's table. That does not require unanimous consent, I believe.

The joint resolution was read. It proposes to authorize the Joint Committee on the Library to permit Thomas Moran to exhibit at the international exposition at Philadelphia the two paintings executed by himself, entitled "The Cañons of the Yellowstone" and the "Chasms of the Colorado;" provided the said Moran shall cause the same to be insured to the satisfaction of the chairman of the Joint Committee on the Library of Congress for the benefit of the United States against loss by accident or otherwise, and shall return the same to their places in the Capitol on or before the 1st day of December next.

Mr. BURCHARD, of Illinois. Can this proposition be entertained while the gentleman from Rhode Island [Mr. EAMES] objects to its consideration?

The SPEAKER *pro tempore*. The gentleman from North Carolina [Mr. WADDELL] asked unanimous consent to take up the joint resolution. Objection was made by the gentleman from Rhode Island. The gentleman from North Carolina now proposes, as the Chair understands, to move to go to the Speaker's table.

Mr. WADDELL. Yes, sir; I make that motion.

Mr. HALE. Can that motion be made till after the morning hour?

The SPEAKER *pro tempore*. It cannot; and there has been no morning hour to-day.

SANTILLAN LAND GRANT.

Mr. PARSONS. I am directed by the Committee on Private Land Claims to submit a report on the bill (H. R. No. 1390) relative to the Santillan land grant in the southern portion of the city and county of San Francisco, State of California. The matters embraced in the report are of such importance that we think further consideration by the committee necessary; and therefore I ask unanimous consent that the report be printed and recommitted.

There being no objection, it was ordered accordingly.

SURVEY OF BIG SANDY RIVER.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 2933) authorizing the survey of the Tug Fork of the Big Sandy River from Warfield, Kentucky, to a point on said Tug River five miles above the Roughs of Tug; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBBINS, of Pennsylvania, for one week on account of illness in his family; to Mr. FREEMAN for the remainder of the present week; and to Mr. ROSS, of Pennsylvania, until Saturday next.

And then, on motion of Mr. HOAR, (at five o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CAMPBELL: The petition of M. H. Shinn and 127 others, of Henry County, Illinois, for the immediate repeal of the act of 14th of January, 1875, known as the resumption act, to the Committee on Banking and Currency.

By Mr. CATE: The petition of the members of the lodge of Good Templars of Bloomer, Wisconsin, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. CLYMER: The petition of citizens of Birdsborough, Berks County, Pennsylvania, against a revision of the tariff laws, to the Committee of Ways and Means.

Also, the petition of citizens of Berks County, Pennsylvania, of similar import, to the same committee.

Also, the petition of citizens of Reading, Pennsylvania, of similar import, to the same committee.

Also, the petition of Union soldiers, that all sailors and soldiers who served in the Navy or Army thirty days be granted one hundred and sixty acres of land and $200 in money, to the Committee on Public Lands.

By Mr. FORNEY: The petition of citizens of Bibb County, Alabama, relative to the destruction of the Methodist Episcopal church at Randolph, in said county, by United States troops under the command of General Wilson in 1865, and asking an appropriation for the rebuilding of same, to the Committee on War Claims.

By Mr. HOAR: Papers relating to the petition of Isaac S. Lyon for relief, to the Committee on Military Affairs.

By Mr. HOPKINS: Remonstrance of 230 workingmen of Allegheny County, Pennsylvania, against a reduction of the tariff, to the Committee of Ways and Means.

Also, remonstrance of many workingmen of Allegheny County, Pennsylvania, of similar import, to the same committee.

By Mr. HUBBELL: The petition of A. J. Sensabaugh, T. C. Anderson, and 21 other citizens of Frankfort, Michigan, for an appropriation to construct a keeper's dwelling for a light-house at that place, to the Committee on Commerce.

By Mr. HUNTON: The petition of James Burk, for compensation for schooner called O. K., seized by United States authorities and sold as a prize, to the Committee on War Claims.

By Mr. HURD: The petition of J. W. Nelson and other citizens of Ohio, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. KASSON: The petition of Professor Henry H. McAfee and Professor Albert N. Prentiss, for the appointment of a commission to investigate the causes that produce, and to suggest means to prevent, losses to the agricultural interests of the country, to the Committee on Agriculture.

Also, the petition of S. Foster, vice-president of the American Pomological Society, of similar import, to the same committee.

By Mr. KEHR: Remonstrance of citizens of South Saint Louis, Missouri, against a reduction of the tariff, to the Committee of Ways and Means.

By Mr. KELLEY: The petition of rectifiers and wholesale dealers of Philadelphia, Pennsylvania, that the powers and duties of officers of internal revenue be defined, and to further provide for the collection of the tax on distilled spirits, to the same committee.

By Mr. KIMBALL: Memorial of the Legislature of Wisconsin, for the construction of fish-ways at the dams and locks on the Fox River, Wisconsin, to the Committee on Commerce.

By Mr. LANDERS, of Indiana: The petition of 150 workingmen of Indianapolis, Indiana, that the present tariff laws be left undisturbed, and that, when alterations are made at a more favorable time, Congress take counsel from its own countrymen and constituents, rather than from the industrial and commercial enemies of the country, to the Committee of Ways and Means.

By Mr. LANE: Resolutions of the Board of Trade of the city of

Portland, Oregon, relative to harbor and river improvements in the State of Oregon, to the Committee on Commerce.

By Mr. O'NEILL: Remonstrance of the workingmen in the Philadelphia Scale-Works against disturbing the provisions of the existing tariff, to the Committee of Ways and Means.

By Mr. PIPER: Concurrent resolution of the Legislature of California asking that certain lands, withdrawn from market under the pretense of a grant to railroads, be restored to the public domain, to the Committee on Public Lands.

By Mr. JOHN REILLY: The petition of 30 citizens of Blair County, Pennsylvania, against any change in the present tariff, to the Committee of Ways and Means.

Also, the petition of 46 citizens of Bedford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 78 citizens of Blair County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 36 soldiers in the late war, for a grant of one hundred and sixty acres of land and $200, to enable them to settle thereon, to all Union soldiers of the late war, to the Committee on Public Lands.

By Mr. SINNICKSON: The petition of R. C. Sykes and other citizens of Vineland, New Jersey, for the abolition of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of Louis Bristol and others, for the repeal of the resumption act and that the Government may issue notes directly from the Treasury calculated to serve as the money of the country, to the Committee on Banking and Currency.

By Mr. SPRINGER: The petition of T. M. D. Richards, L. R. Bryant, and other citizens of Illinois and Ohio, for the appointment of a commission to investigate the causes that produce and to suggest means to prevent losses to the agricultural interests of the country, to the Committee on Agriculture.

Also, the petition of Edmund Hathaway, vice-president State Farmers' Association of Illinois, and other citizens of Illinois, Maryland, Nebraska, Missouri, and Indiana, of similar import, to the same committee.

Also, the petition of Marshal P. Wilder, president of the American Pomological Society, of similar import, to the same committee.

Also, the petition of A. G. Humphrey, vice-president Central Illinois Horticultural Society, and others, of similar import, to the same committee.

By Mr. VANCE, of Ohio: The petition of Thomas J. Williams and 50 other workingmen of Jackson County, Ohio, that the present tariff laws be left undisturbed, to the Committee of Ways and Means.

Also, the petition of A. Magoon and 118 other workingmen of Hocking County, Ohio, of similar import, to the same committee.

By Mr. WHEELER: Papers relating to the claim of Amos B. King for moiety of fine imposed on Louis Paltz in the United States district court at Buffalo, New York, in September, 1874, to the Committee on Appropriations.

By Mr. W. B. WILLIAMS: The petition of Thomas Tracy, for relief, to the Committee on Revolutionary Pensions.

By Mr. WOOD, of Pennsylvania: The petition of Samuel McCarter and 41 other persons of Montgomery County, Pennsylvania, against any change in the existing tariff laws, to the Committee of Ways and Means.

IN SENATE.

WEDNESDAY, *March* 29, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2736) to remove the political disabilities of N. H. Van Zandt, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 2827) for the relief of Stephen Hall was read twice by its title, and referred to the Committee on Patents.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present a petition, numerously signed by workingmen of the county of Clinton, in the State of New York, protesting against revisions of the tariff which they understand to be proposed in the other House. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I present also a concurrent resolution of the two houses of the Legislature of the State of New York, touching the threatened repeal of the resumption act, so called, and I ask that it may be read.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, March 1, 1876.

On motion of Mr. Fish,

Whereas the commercial and industrial interests of the country require a settled, steady, and uniform financial policy on the part of the Government; and whereas the public honor, credit, and safety, as well as the restoration of commercial confidence and prosperity, demand that this policy, by gradual and prudent steps toward the resumption of specie payments, shall establish a sound and stable currency, based upon the world's standard of coin; and whereas the act of Congress approved January 14, 1875, provides for and pledges the Government to a resumption of specie payments on the 1st of January, 1879: Therefore,

Resolved, (if the senate concur,) That our Senators and Representatives in Congress be requested to oppose any repeal of the said resumption act of January 14, 1875, and that they be also requested to favor such further legislation as may be needed to give full faith and force to the pledge contained in said act, and thereby to insure the permanent restoration of specie payments.

By order.

EDW. M. JOHNSON, *Clerk.*

IN SENATE, *March* 2, 1876.

Concurred in without amendment.

By order.

HENRY A. GLIDDEN, *Clerk.*

Mr. CONKLING. I move that the resolution be printed and laid on the table.

The motion was agreed to.

Mr. WINDOM. I present the petition of L. Williams and several other citizens of Big Lake, Minnesota, stating among other things "that transporting small articles by mail at a moderate cost is of immense advantage to millions of people; that it enables families to interchange small articles; that it enables the people in the Territories and newly-settled regions to procure at the same price which is charged in larger cities hundreds of small articles of luxury and convenience of which they would otherwise be deprived, and thereby promotes the settlement of such portions of the country; wherefore your petitioners pray that the law increasing the postage on merchandise be repealed, and a law enacted authorizing the transmission of merchandise in packages of four pounds or less through the mails at a postage of one-half cent an ounce." I move the reference of the petition to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. MITCHELL. I present a petition of citizens of Oregon, praying that Congress may grant to the State of Oregon for the purpose of a State insane asylum the lands and buildings known as the Dalles military reservation. This petition is numerously signed, and contains the following indorsement by General Howard, in command of the Department of the Columbia:

The old fort will probably never be used again for military purposes, and I do not know of a better disposition of the land and old buildings than to devote them to the purposes of an asylum as proposed.

O. O. HOWARD.

I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. MITCHELL presented a petition of surviving officers, soldiers, sailors, marines, and Government employés who served in the war against Mexico, now residing in the State of Oregon and Washington Territory, praying Congress that their services be recognized to the same extent and in the same manner as have been those of those who served in the war of 1812; which was referred to the Committee on Pensions.

Mr. KERNAN presented a memorial of citizens of the counties of Essex and Clinton, in the State of New York, remonstrating against a reduction of duty on imports; which was referred to the Committee on Finance.

Mr. KERNAN. I also present the petition of Mary Bennett, praying for arrears of pension from October 9, 1872, to December 16, 1875. I ask the attention of the Committee on Pensions particularly to this case. This seems to be a woman without friends. The petition shows that she perfected her papers on her aplication on the 9th of October, 1872, her son having been in the Army; that she made various inquiries through an attorney; heard nothing; and called in August, 1875, to find that all her papers had been lost in the removal of the Office from the main building to the Seaton House. She then again applied with new papers, and her pension was granted from that time. She prays for arrears between the time when she perfected her application, her papers having since been lost, and the time when the pension was granted upon new testimony. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. RANDOLPH presented a memorial of citizens of Sussex County, New Jersey, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. GORDON. Mr. President, I hold in my hand a letter from General Nelson A. Miles, of the United States Army, and I desire to present it in the shape of a petition for reference to the Committee on Indian Affairs. It is a petition praying that $5,000 of the appropriation to be made for the Cheyenne Indians be set apart for the benefit of two young white girls who were carried away and kept in captivity by the Indians for several months, and suffered every atrocity except death. I move its reference to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DENNIS presented a memorial of 121 citizens of Frederick County, Maryland, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

He also presented a petition of the Good Templars of Maryland, officially signed, praying for the prohibition of the manufacture and

sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. FRELINGHUYSEN. I present the petition of George May Powell, chairman of the forest committee of the farmers' club, American Institute; Charles L. Flint, secretary of the Massachusetts State Board of Agriculture; Samuel Bowles, John A. Dix, Peter Cooper, and others, praying Congress to consider favorably the proposed amendment to the forestry laws. I move that it be referred to the Committee on Agriculture.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Lucas County, Ohio, remonstrating against any change in the tariff laws; which was referred to the Committee on Finance.

Mr. McDONALD presented the memorial of Aquilla Jones, Isaiah Stott, and others, of Marion County, Indiana, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the memorial of the heirs of Daniel Hayward, for the extension of his patent for the manufacture of India rubber; which was referred to the Committee on Patents.

Mr. CRAGIN presented a petition of several hundred citizens of Manchester, New Hampshire, asking for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the memorial of Augustus H. Kilty, a rear-admiral on the retired list of the Navy, praying to be allowed the pay of his grade from the date of his promotion; which was referred to the Committee on Naval Affairs.

FANNIE E. RECORDS.

Mr. HAMLIN. I ask the unanimous consent of the Senate to allow me to enter a motion to reconsider a vote of the Senate by which an adverse report from the Committee on Pensions was adopted upon House bill No. 1811, granting a pension to Fannie E. Records. I think there may be some other evidence furnished that may change the opinion of the committee.

The PRESIDENT *pro tempore*. The Senator from Maine enters a motion for the reconsideration of the bill he has named.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2447) transferring the custody of certain Indian trust funds, reported it without amendment.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,'" reported it with amendments.

Mr. CONKLING. Is the morning business concluded?

The PRESIDENT *pro tempore*. It is not concluded. Reports of committees are still in order.

Mr. DORSEY. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867, to report it back with an amendment, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk proceeded to read the bill.

Mr. SARGENT. I think that ought to go on the Calendar.

The PRESIDENT *pro tempore*. The Senator from California objects to its present consideration, and the bill will be placed upon the Calendar.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

DEPOSIT OF INDIAN FUNDS.

Mr. ALLISON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, to report it without amendment, and I move that it be put upon its passage now.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to deposit in the Treasury of the United States any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments, and provides that the United States shall pay interest semi-annually, at the rate of 5 per cent. per annum from the date of deposit of any and all such sums in the United States Treasury.

Mr. ALLISON. I would just say in relation to this bill that under the order of the Secretary of the Treasury several United States bonds have been redeemed, and the Secretary of the Interior thinks he ought not to re-invest in United States bonds. Therefore he asks that the sum may be placed to the credit of these Indians.

Mr. SARGENT. I will not object if the bill can be passed without debate.

Mr. KERNAN. I was unable to quite hear the purport of the bill.

Mr. ALLISON. It simply authorizes the Secretary of the Interior to place to the credit of certain Indian tribes funds now in his hands which arise from the redemption of United States bonds.

Mr. KERNAN. It does not affect the Indian tribes in New York?

Mr. ALLISON. In no sense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANUFACTURE OF POSTAL CARDS.

Mr. WEST. I am directed by the Committee on Appropriations to whom was referred the bill (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876, to report it without amendment, and I ask for its immediate consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It appropriates $62,300 for the purpose named.

Mr. WEST. I will merely state in regard to the bill that it is to supply a deficiency arising from the fact of there being an extraordinary demand in the postal service for this method of postal communication.

Mr. HAMLIN. What is the bill? Let it be reported again.

The Chief Clerk read the bill.

Mr. HAMLIN. It is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TURTLE MOUNTAIN INDIANS.

Mr. BOGY. I am instructed by the Committee on Indian Affairs, to whom was referred the joint resolution (H. R. No. 86) for the relief of the Turtle Mountain band of Chippewa Indians, to report it back without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It confers authority on the Secretary of the Interior to pay out of the funds appropriated for the support of the Indian Bureau a sufficient amount to pay the board bill while in Washington, and transportation to their home, of the delegation of the Turtle Mountain band of Chippewa Indians, consisting of Little Shell, the chief of the band, and three headmen, all Indians, and one interpreter; but the amount is not to exceed $1,000.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making or use or vending of his patent explosive shell, fuses, and percussion exploders by the United States; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 668) for the relief of the mission of Saint James, of Washington Territory; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 669) authorizing the Secretary of the Interior to set aside a reservation for the Turtle band of Chippewa Indians and for other purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 670) for the relief of Jacob Fresh; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 671) granting pensions to dependent brothers and sisters of James S. Selford; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SPENCER (by request of the District commissioners) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 672) authorizing the commissioners of the District of Columbia to sell certain real estate in the District of Columbia, and in lieu thereof to purchase certain other real estate for similar municipal purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 673) to ascertain the interest of the heirs of Daniel Carroll, of Duddington, and to secure the conveyance of the same to the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 674) for the relief of W. H. Woodward, of Indianola, Texas; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. FRELINGHUYSEN. I move that the petition and papers of Mrs. H. L. Gamble be taken from the files and referred to the Committee on Naval Affairs. There is no report in the case.

The motion was agreed to.

BANKRUPTCY CASES IN TERRITORIAL COURTS.

Mr. SARGENT. If the morning hour has expired I ask that the Senate proceed to the consideration of the unfinished business.

Mr. THURMAN. Before that is done will the Senator allow me a moment? I ask the Senate to consider House bill No. 356. It will give rise to no discussion. There will be no objection to it, I am sure.

Mr. CONKLING. I do not want to interfere with the Senator from Ohio, but I have given way twice, and once this morning, after being recognized by the Chair, to morning business, wanting, as I do, to have considered a little bill from the Committee on Commerce. If this bill of the Senator's is not to take any time, I do not want to interfere with it.

Mr. THURMAN. It will take but a moment, if the Senator will let me state what it is. Jurisdiction in bankruptcy originally was conferred upon the supreme courts of the Territories. It was afterward taken away from those courts and conferred upon the district courts of the Territories, after a number of cases had been brought in the supreme courts; but no provision was made for transferring the papers in pending cases from the supreme courts to the district courts. The consequence is that in the Territories the supreme courts cannot proceed in the cases that were pending in them because their jurisdiction has been taken away, and the district courts cannot proceed because they have no papers. This bill simply is to authorize the transfer of the papers from the supreme courts, whose jurisdiction has been taken away, to the district courts, upon whom we have conferred jurisdiction. There cannot certainly be any objection to the bill. I will also state that it does not in any wise affect the question whether the bankrupt law should be repealed or not. Whether the bankrupt law shall be repealed or shall not be repealed, this provision in regard to cases actually pending, but which are blocked in the way that I have stated, is necessary and ought to be made. I hope the bill will be taken up and passed without any discussion at all. That is all I have to say about it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PONTON BRIDGE AT LA CROSSE.

Mr. CONKLING. Mr. President——

Mr. CAMERON, of Wisconsin. Just one moment. I move that the Senate now take up Senate bill No. 336, to authorize the construction of a ponton-bridge across the Mississippi River at La Crosse, which was reported the other day from the Committee on Commerce. I think there will be no objection to it.

Mr. SARGENT. I must object. Let the bill go on the Calendar and be taken up in its regular order.

The PRESIDENT *pro tempore*. The bill is on the Calendar, and the Senator from Wisconsin moves to take it up.

Mr. SARGENT. I think I must appeal to the Senate to enable me to proceed with the unfinished business.

Mr. CONKLING. The morning hour has not expired.

Mr. SARGENT. The regular morning business has concluded.

The PRESIDENT *pro tempore*. The morning hour has not expired.

Mr. SARGENT. If I am out of order I will not insist.

The PRESIDENT *pro tempore*. It is subject to the will of the Senate.

Mr. SARGENT. I do not wish to antagonize the Senate. If they desire to take up the time until one o'clock with miscellaneous business I will submit.

Mr. CONKLING. I believe the Senator from California is one of the few Senators to whom I have not given way after I had the floor, and therefore I cannot take any exception to his objecting; but if anybody else should object it would be some one to whom I have yielded the floor once or twice when endeavoring to have considered a very brief bill of no particular interest to me, which concerns the form of bonds to be given by importers; and if neither the Senator from California nor any other Senator objects now, or asks me to give way, I will venture to ask the Senate to take up this very brief bill from the House.

Mr. CAMERON, of Wisconsin. I understood that the Senator from New York gave way to me a moment ago. My bill would have been passed before now if there had been no objection.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to take up Senate bill No. 336. It will be reported for information.

The Chief Clerk read the bill.

Mr. BOGY. Mr. President, it does seem to me that a bill of this character ought to be very well examined before we pass upon it. If I understand the bill aright, it will destroy the navigation of the Mississippi River at that point. A ponton-bridge cannot otherwise than be injurious to navigation. Of course, from the mere reading of the bill I cannot exactly tell; but I will object to the passage of the bill without very serious examination, because it is a matter of very great importance. Heretofore we have been extremely guarded in the construction of bridges over the Mississippi River, providing that they should be so constructed as not in any way to affect navigation. There is a general law on that subject; and heretofore no ponton-bridges have ever been authorized. It is a matter of too much importance to the entire navigation, both below and above this point, to pass a bill of this kind without very serious examination. I therefore object, though the bill may be all right.

Mr. CAMERON, of Wisconsin. The bill was introduced early in the session and referred to the Committee on Commerce. It was carefully considered by that committee and was reported favorably upon a few days ago. It was referred by the Committee on Commerce to the War Department for information; and there is a communication from the Secretary of War on file with the bill, which is very brief, and I ask that that communication be now read.

The PRESIDENT *pro tempore*. The communication will be read.

Mr. BOGY. A bill of this character ought to go upon the Calendar and be examined carefully and not be passed in this way.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has moved to take it from the Calendar. The question is on that motion.

Mr. WINDOM. I should like to have some further understanding of this bill before voting upon it. I do not understand whether this is to be a railroad bridge or a wagon bridge from the reading of the bill. Will the Senator from Wisconsin state that?

Mr. CAMERON, of Wisconsin. A railroad or wagon bridge.

Mr. WINDOM. If that be the case, I think, as the Senator from Missouri has suggested, it ought to be considered further. I do not know that I shall oppose it; but I want an opportunity to examine it.

Mr. CONKLING. Let it lie over.

Mr. CAMERON, of Wisconsin. As there seems to be considerable objection to it, I will waive the consideration of the bill at present.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his motion.

CUSTOM-HOUSE BONDS.

Mr. CONKLING. I move that the Senate now consider House bill No. 2135.

The motion was agreed to; and the bill (H. R. No. 2135) relating to the execution of custom-house bonds was considered as in Committee of the Whole.

The Committee on Commerce reported an amendment to the bill, to strike out in lines 5 and 6 the words "or for the use and benefit of;" so as to make the bill read:

That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares, or merchandise imported into the United States by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof in like manner and to the same extent as if such other members or partners had personally executed the same; and any action or suit may be instituted on such bond against all the members or partners of such firm, as if all of the members or partners had executed the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery; and

A bill (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia.

The message also announced that the House had passed the bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2262) establishing post-roads.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes; and it was signed by the President *pro tempore*.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

Mr. SARGENT. I move to confine debate on amendments to this appropriation bill by any Senator on the pending motion to five minutes, under the rule adopted early in the session.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

Mr. BAYARD. Mr. President——

Mr. SARGENT. I ask for the reading of the rule to which I refer.

Mr. BAYARD. The Senator from California has drawn my attention to the fact that under the rule adopted by the Senate this motion is not debatable. If I could have the permission of the Senate, I should like to say a few words. I ask the Senator to withdraw his motion for a moment, that I may state one or two reasons why I think it would be advisable not to press the rule in relation to this bill, or at least not until something is settled in regard to the way we are to consider it. If he will withdraw his motion for a moment, I will state my view very shortly.

Mr. SARGENT. Certainly I will do so.

Mr. BAYARD. The Senate are aware that the practice of legislation by appropriation bills has been for the last sixteen years or more in accordance with the action of the House of Representatives at the present session, and that no objection has been entertained favorably by those who have had the control of the business of this body during that period to restrain the operation of appropriation bills simply to the provision of money to carry into effect existing laws. Practice and custom become law; they are recognized as law in all tribunals and in all bodies; and this practice has been so invariable under, as I say, the controlling majorities of both Houses of Congress for a great many years past, that it was not to be expected that suddenly and without notice the practice would be changed at the present session of Congress.

I said yesterday that I quite agreed with the principle and the rule of confining appropriation bills to their defined and proper jurisdiction, and that is the provision of money only to carry existing laws into effect. But such has not been the custom of these two bodies; and one co-ordinate branch of Congress, acting under this understanding, has spent several months in attempted reforms of legislation by way of amendment to the salaries of officers, the consolidation of the duties of various officers, and have sent the result of their labors to this body for its concurrence.

Now, for the first time, and from quarters which heretofore have been either silent on the subject or opposed to the very proposition they now make, comes the objection that it is not legitimate to amend existing laws through the machinery of appropriation bills. I submit to the good sense of the Senate and of the country that while the change in the practice of the two bodies is amenable to reason, at the same time it would be exceedingly unwise, unjust, improper, and detrimental to the public interests if, in this sudden manner, the practice of the two Houses is changed, and the Senate shall agree that at the present session no amendment to existing laws shall be made through the machinery of changing the amount of appropriations in the appropriation bills.

If it be the will of the Senate to accept this proposition in accordance with the suggestion of the Senator from Indiana, [Mr. MORTON,] I think as made the other day, then let it be known at once, and by a vote of the Senate, that they propose now, off-hand, to inaugurate a new system in respect of legislation, and without a joint rule or a rule of either House for the purpose, without notification to the co-ordinate branch of Congress, to reject every appropriation bill which comes to you in a shape that in any degree alters the existing laws which those appropriations are intended to keep in effect. If such be the resolve of the majority, if such has been their pre-ordained action, then let us simply know it. I do not think it reasonable, I do not think it just, suddenly and in this manner to change the whole custom of Congress for years back in respect to appropriation bills.

I have stated most freely and candidly, as is my wont, that I believe the system of amending laws in your appropriation bills is unwise, and I have striven, against the vote of the majority of the Senate, to prevent general legislation from being ingrafted upon these mere money bills, and heretofore my objection has been made in vain. I yesterday referred to this, and upon subsequent examination of the record of the debates of this body find that on the 1st of March of the present year, when this rule which has been cited by the honorable Senator from California, and under which he now proposes to act, was before the Senate, I then asked by an amendment that matters germane only to the subject-matter of the bill should be permitted to be ingrafted upon appropriation bills, and the Senate by a vote, and that vote composed almost strictly on the respective sides of the majority and minority parties of this body, refused to permit so reasonable and just an amendment, as I considered it then and now, to be made to the proposition. But letting that go by, it still shows what was on the 1st of March the opinion and feeling of this body in respect of having amendments to existing legislation made through the forms and machinery of the appropriation bills.

I submit, therefore, that at the present session we proceed in the proper temper of legislators to consider the wisdom or the unwisdom of the action of the House, and to pass upon it our independent and our conscientious judgment; that each amendment as it comes here shall be considered upon its merits and be debated upon its merits. Thus, if it be in the discretion of the honorable Senator having charge of the bill to move that the five-minute rule shall apply, I will yield to his discretion, although I think there has been no time wasted upon this bill. Surely there has been no loss of time. Perhaps it would be wise in a measure of this kind not to enforce this limitation of debate. I am also aware that, should a question of unusual interest arise on any amendment in which any Senator was disposed to ask the Senate for a longer time for its consideration, there would be no practical difficulty in its being granted, according to our practice. I therefore would leave it entirely to the discretion of the honorable Senator having charge of the bill, who has more responsibility than any other one of us on the subject, and who, I am sure, will use his discretion as he should; but I submit to him whether he will see fit on the present bill to ask for the enforcement of this rule.

But before that question is put I submit to the Senate whether there is to be any such understanding as that, because these appropriation bills which are just beginning to come to this body contain amendments of existing legislation, they are *en masse* to be non-concurred in by the Senate for that reason. If that be the resolve, or if there be any such understanding, I think it is important for the business of the country that it should be known at once; and I think it is just to the co-ordinate branch of Congress that they should understand it that the Senate now, in reversal of its former uniform practice, I venture to say, on this subject for many, many years, proposes to adopt, not a rule of its own or a joint rule, but to adopt a course of action in regard to appropriation bills that shall prevent any amendment which changes existing law, whether in the amount of salaries or the number of officials, from receiving the concurrence of this body.

I say this because it is proper that we should have a full and free understanding on this subject. If there can be a proposition to remedy this vicious system of legislation of ingrafting upon general appropriation bills amendments of a general legislative character totally incongruous, totally inconsistent, not germane in any way to the subject-matter of the bill, no one will be more happy to support it now, as I have done always in the past since my entrance into this body. But I submit that, standing as we do, in the relation to public business and to the co-ordinate branch of Congress, we should pass upon the amendments proposed by them on these bills upon their merits without regard to the question of the propriety or impropriety as a matter of legislation of changing existing laws by amendments to the appropriation bills.

Mr. SARGENT. Mr. President, I do not desire to be understood, by asking that the five-minute limitation be applied to this bill, that I have observed anything like factious opposition to the progress of the bill or to anything contained in it. I have not. I do not make the motion in that sense. My impression is that my friends on my right have done as much talking, and perhaps more, than those on my left. I do not make the motion in that spirit, but simply because I desire to make some progress with the bill. I have given two full days to debate on general principles, and I think pretty much all has been said in that aspect of the subject that any Senator desires to say; but if more is desired, it can easily be done under the five-minute rule. More than that, I believe that where a Senator has asked to be heard at further length, where the rule was operating, that request has been unanimously and cheerfully accorded to. Of course the Senator does not ask that, under the rule, unless in a proper case.

I have heard no one announce that it is the purpose of the Senate or of the Committee on Appropriations to reject all items of reduction in an appropriation bill simply because they work a change in existing laws. That is not the purpose at all. I have explained over and over again in regard to this bill, that the public service, so far as the consular system is concerned, is more than self-supporting; that the diplomatic service is economically paid, and that the amount of payment was fixed twenty years ago, and fixed under influences very different from those now existing. I do not wish to go into a discussion of the manner in which rules may have been changed in one House or the other, to make in order the kind of bill which we have received and which was before us some days ago and sent to the Committee on Appropriations. I hardly know how I could do it without transcending the rules of the Senate. I therefore will not attempt to follow the Senator from Delaware in that particular; but for the reasons which I have given, not finding fault with any one, and only desiring to make progress with the business in my charge, I renew my motion that the further debate on amendments to this bill be confined to five minutes.

The PRESIDENT *pro tempore*. The Senator from California moves that the debate on amendments to this bill be confined to five minutes by each Senator. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will read the pending amendment.

The CHIEF CLERK. The pending amendment is to insert after line 38 the following clause:

For salaries of envoys extraordinary and ministers plenipotentiary to Chili and Peru, at $10,000 each, $20,000.

For ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, at $7,500 each, $105,000.

Mr. WALLACE. Mr. President, I shall endeavor to state as briefly as I can my views upon this subject. If I should prolong my remarks beyond the five minutes accorded me, I trust the Senator from California will permit me to go on.

I agree fully with Senators who have spoken on the subject, that bad customs ought to be abolished; and if the custom of making amendments which are to become general laws on appropriation bills has grown up in the Senate, it is time it should be abolished, and I

will go with the Senator in his movement in that direction. But, sir, this is not the time nor the occasion to correct that practice. These amendments affect the burdens of the people, and in my judgment the hour has come in which we must use law, practice, custom, and every other power that is given to us as a parliamentary body under the law of the country, to reduce and lessen those burdens. If a technical rule is in the way, and that rule has been ameliorated by practice and custom, we should stand by that practice and custom; for it is in a good cause—the cause of the people themselves. When the time comes to enact a rule or a statute that gives the form of legislation in the proper direction, I will go with the Senator; but now that the industries of the people are paralyzed, that the people are suffering, it is no time for the introduction of technicalities or persistent adherence to rules. We ought to follow practice in a good cause. The Senate cannot sustain itself against a just demand for retrenchment upon any such technical position. If it has been the practice of this body for sixteen years to reduce appropriations in appropriation bills over the law, then this is not the hour in which the Senate can sustain itself in the face of the country in retracing its steps upon that practice.

Mr. President, enough upon that subject. Let us take the bill as we find it, and see what it is. In justice to myself I must say that I was not with the committee who considered this bill. I was confined to my room and was unable to be with the committee, so that I did not aid in the consideration of it; but I take the bill as I find it, as it comes to the Senate from the House, and I see that it reduces the cost of the diplomatic service proper $168,500. How are these reductions made? By reducing four first-class missions from $17,500 to $14,000; by reducing the mission to Italy from $12,000 to $8,000; by reducing six other missions from $12,000 to $10,000; by consolidating the small missions to the South American states; by consolidating those to the small European states; by reducing the mission to the Hawaiian Islands from $7,500 to $3,500; by dropping Hayti, a $7,500 mission, and sending there a consul; by reducing the amount given for *ad interim* officers $20,000; by reducing the contingent expenses for foreign intercourse from $100,000 to $50,000. All of these the Senate committee restore, and ask that the bill thus amended and increased shall be placed upon the statute-book; that the $168,500 deducted by the House from the diplomatic service shall be restored in word and letter.

What are the reasons given for this? They are, first, because the law so provides. This is no good reason, as I have already said, under the existing condition of affairs. Second, because there has been no change in these figures for twenty years. The Senator from California is mistaken; the statutes show that he is mistaken. Compare 1870 with 1876, and you will demonstrate by facts, figures, and the law itself, that there have been increases and changes made. In 1870 there were appropriated for diplomatic salaries $357,850; in 1876 and by this bill there are appropriated for diplomatic salaries $391,500. There were appropriated in 1870 for contingent expenses $100,000, and there are appropriated now $100,000. Here is a difference as between 1870 and 1876; not years before the war, but between 1870, when expenses were higher and the cost of living greater than they are now; and the present time, of $33,650. How? Why? Germany and Russia, under statutes called appropriation bills, are increased from $12,000 to $17,500 each; Japan is increased from $7,500 to $12,000; the secretaries of legations and interpreters from $33,000 to $38,000. These increases are found in appropriation bills, and they are the growth of a system which inevitably presses itself forward and will not stop. Expenses grow imperceptibly. Senators know that as well as I. It is not necessary to stop to prove it. The power in control is unable to stop. The people alone can halt them. They grow under the hands of power, and those who rule cannot stop them if they would.

We receive twenty-two ministers and we send abroad thirty-one. In the face of this is there no propriety in making changes or reductions? Is not the consolidation of missions wise? It is said it is against the interests of commerce. Let us take a specimen of the commerce affected by the very amendment pending, and see how that question is changed by our examination.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. BAYARD. I ask that the time of the Senator from Pennsylvania be extended.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. WALLACE. The Argentine Republic, which is a full mission at $7,500, was found in 1870 to have imports from us to the amount of $6,414,669. By the tables in 1875 she is found to have but $5,831,709, a positive decrease of more than half a million. It was less in 1874, for then they were but $4,537,000. In 1870 her domestic exports were $2,281,100; in 1875 they were $1,301,294. Here is a specimen of the growth of commerce in a mission which is restored, over the protest of the other branch of Congress, to the full amount of $7,500.

Take Peru. In 1870 her imports were $2,557,833; in 1875 they were $1,344,595; and from 1870 to 1875 there have been steady decreases. In 1870 her domestic exports were $3,677,262; in 1875, $2,443,657; and in 1874 they were $2,518,000. Yet Peru is restored as a full $10,000 mission. The bill as it came to the Senate consolidates Peru, a mission of $10,000, with Ecuador and Colombia at $7,500 each—$25,000 of expenditures are reduced to $6,500, and the Senate bill restores the full figures. Here is a difference of $18,500 placed upon this bill over the protest of the House, in the face of facts and figures that the commerce of the United States with those countries has in the past six years absolutely diminished. What vindication can there be in the face of these figures for the increase of these missions over the figures sent to us by the House of Representatives?

The mission to Switzerland, reduced to $6,500 by the House, is increased to $7,500. She sends here no minister; her whole foreign policy as I find it written in 1872 costs her but about $42,000. Italy by this amended bill is restored to a full mission at $12,000, while the bill as it came to us gave but $8,000. Here is a difference of $4,000. If $8,000 in currency be sufficient for the salary of one of your Cabinet ministers, why is not $8,000 in gold enough to pay the salary of your minister to Italy? I think the country will conclude as the House did upon that subject.

The service will not suffer. Good men are plenty who will take these missions; in the republican party, even, they are without number. The true policy of the Government is not extravagance or display, but it is moderation and simplicity. When we vote large amounts of money those who have their expenditure will inevitably be extravagant; a man with a full pocket will spend more money than a man who has comparatively an empty one, to bring into this argument the homely doctrine of individual and every-day life, and that is the doctrine the House has applied here. They are the immediate representatives of the people; they hold the purse, and if their advice is not to be hearkened to on these questions, where shall we get advice?

Now we come to the consular system, for I have thus far confined myself exclusively to the diplomatic service. The bill as it came to us acted upon principle. I do not admit and I cannot agree to the proposition that the bill as it came from the House was a simple hewing and hacking and cutting without foresight or without thought. There is system in those reductions, and at the base of that system lies the idea that reduction of salaries, decrease of expenditures, a lessening of the burdens of the people are the pressing demands of the hour, and that we and they shall be faithless to our duty to the people if we do not lessen these expenses and reduce appropriations accordingly.

The principle upon which the bill as it came to us was based seems to be, first, reduction wherever compatible with the interests of the public service; second, no business, no consulate. Where there is no business to do, why should we have a consul with a large salary? Where there is a comparatively small amount of business, the House sends a consular agent with fees. Where there are but small amounts of business and the fees are trifling and you find, as in one case which the Senate committee has restored, a consulate with $2,000 and but $37 fees, is it wise to continue such a case and such a policy? As the bill came to us it left a consul at every port at which American vessels touch, some with salaries and some with fees. I aver that it is wrong to pay a two-thousand-dollar salary per annum to a consul when the port returns us but $200 fees. Both economy and common sense dictate that there should be some change in such a policy and such a system. I quote now what the bill as it came to us effects:

> The salaries of forty-five consulates are abolished and the salaries of others are reduced. Three of the consulates whose salaries are abolished paid the consuls $3,500 each, or $10,500. The fees collected at these places for the year ending December 31, 1874, were only $1,159.29. The salaries paid exceeded the fees received by $9,340.71. One of the consulates abolished—Hakodadi, in Japan—paid its consul a salary of $2,500 per annum. The fees collected at this place for the year ending December 31, 1874, amounted to $303.06; loss to the Government, $2,496. Seven other consulates were in class V, and paid each a salary of $2,000; total, $14,000. The whole amount of fees collected at these consulates for the year ending December 31, 1874, was $1,757.79; loss to the Government, $12,242.21. Eighteen other consulates belonged to class VI, and paid a salary of $1,500 each to the consuls; total cost to the Government, $12,000. These consulates, for the year ending June 30, 1875, paid fees to the amount of $4,605.03. The excess of salaries paid over fees received was $7,394.97. Sixteen of these consulates where salaries are abolished were in class VII, and paid salaries of $1,000 each, or $16,000 in all.
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> The whole amount of fees collected at these consulates for the year ending June 30, 1875, was $3,245.60. The excess of salaries paid over fees received was $12,754.40.
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> In all the consulates where salaries are abolished the fees collected were only $11,070.79, while the salaries paid were $58,000, showing an excess of $46,929.21 of amount of salaries paid over fees received.

The Senate bill restores all these, Hakodadi included, as I understand the Senator from California, [Mr. SARGENT.] He says:

> The bill which I hold in my hand, as it passed the House of Representatives, appropriated $912,747.50. The Committee on Appropriations of the Senate have reported it back, with amendments, so that the amount is $1,341,647.50. The amount of appropriations last year was $1,374,985. That is to say, the bill which we now report to the Senate makes appropriations less than those made last year by $33,337.50. These additions made by the Senate committee to the House bill are strictly in accordance with the service of last year. There is not an instance where we have increased a salary or created an office. We have simply tried to preserve the integrity of the service for what we believe to be high public reasons. The reductions of $33,000 and over are from the causes which I will now state. Heretofore, and as the bill was passed by the House, the amanuensis of Mr. Schenck has been allowed $2,500 on account of the minister's crippled arm. He being no longer minister, that item is not necessary for next year.

We see from this that the bill as it came to us saved the people $462,238, as I believe without injuring the public service to the extent of one dollar. The Senate bill restores $428,901 thereof. It does not take one dollar off either the consular or diplomatic service proper, save Mr. Schenck's amanuensis, $2,500. Mr. Schenck having returned to the country, his amanuensis is not necessary. I speak, understand, of the consular and diplomatic service proper, not of those appropriations which come upon the bills as extraneous matter.

Now the reasons given for this restoration of $428,901 over the House appropriation bill are, first, the law. What law? The law

that is written, says the Senator, upon the statute-book; but the law, as I read it, is not obeyed. Let us see; we take the Revised Statutes and read the law there, and then attempt to find what this bill does. I take the consul to London. I find the Revised Statutes give $7,500 salary, while this bill gives $6,000; to Paris, $5,000, and this bill gives $6,000; to Melbourne, $4,000, and this bill gives $4,500; to Kanagawa, $3,000, and this bill gives $4,000; to Vienna, $5,000, and this bill gives $3,000; to Rome, $1,500, and this bill gives $3,000; to Mexico, $1,000, and this bill gives $2,000; to Liverpool, $7,500, and this bill gives $6,000.

These are enough, it seems to me, to show departure from the law as written. But, says the Senator, this is not the law as written. If it be not the law as written, then the doctrine that we can and may make changes of salaries in appropriation bills comes home to the Senator and the Senate as late as 1874; for I find in the appropriation bill of 1874 the only authority given for these changes in the amounts appropriated to these different consuls. The Revised Statutes give the figures $7,500 for London, as an instance, while the appropriation bill of 1874 changes the law as found in the Revised Statutes, and reduces the consulate at London to $6,000, and the others that I have referred to follow in the same category. Here we bring the direct evidence, the clear proof, that the Senate committee has recognized the fact that changes can be made in appropriation bills affecting the public service. Here is a precedent that the Senate itself has made within two years; a precedent that it cannot violate in the present condition of the country.

The second reason given why these changes are made and the House bill is not permitted to exist as it was is, the necessities of commerce. Let us take some specimens on that subject, and see what the necessities of commerce are as affected by the Senate committee's amendments. The consul at Chin-Kiang, in China, is restored with a salary of $3,000. The fees shown by the report from official sources are $371.84. Ningpo is restored with a salary of $3,000, and the fees are $574.84. Swatow is restored with a salary of $3,500, and the fees are $316.84. Hakodadi is restored with a salary of $2,500, and the fees are $303.06. Odessa is restored with $2,000 salary, and the fees are $189.65. Tamatave, in Madagascar, is restored with $2,000 salary, while the fees are $37.42.

These, it seems to me, are ample to show that a consular agent with fees is all that is required there, when they are taken in connection with the fact that from 1870 to 1876 at most of these points commerce has decreased and not increased, and when the tabular statements and returns from the official sources show that the fees are vastly less than the salaries voted. There is no prohibition, as I understand it, forbidding consular agents who have charge of our affairs, where they receive fees, from engaging in business, but the contrary. The action of the other branch of Congress upon this subject may be harsh treatment to those who hold these sinecures; but is that any reason why we should not take a step in the direction of reduction of public expenses? The public good demands a reduction of public expenditure; and it is only when, in taking care of the public purse we destroy the public service, that we must be held up to an appropriation heretofore provided for by law. Commerce will not suffer. Senators need not be alarmed upon that subject. Substituting consuls with fees for consuls with salaries is no new policy. Again I quote:

> There are now eighty-nine consuls of the United States in different parts of the world who receive no salaries, among them the consul at Reims, in France, where the fees amount to $1,666.50; the consul at Brunswick, in Germany, whose fees amount to $2,498.25; the consul at Victoria, whose fees amount to $3,365.35, and many other places of equal importance. There are eighty-nine consuls who get no salary at this time, and only one hundred and eighty-eight consuls, consuls-general, and vice-consuls who receive salaries. Yet there are three hundred and fifty-seven consular agencies whose agents get no salaries, except the fees collected up to $1,000. The fees collected above that sum are paid over to the consul, who retains $1,000 from all his agencies and pays the balance into the Treasury.

Our consular officers under the Senate bill will be:

Salaried consuls, &c	188
Non-salaried consuls and consular agents	446

This is as it stands under the law now in force. Under the House bill it will be as follows:

Salaried consuls	145
Non-salaried consuls and consular agents	489

It is said that this service is not increasing in cost. Let us see. Let us take official figures as the test; and I am willing to stand or fall upon those official figures; not those before the war, but long since the war when exchange was higher, when the cost of living was higher than it is now. Consular salaries in 1870 were $414,800; in 1876 and under this bill, for this bill follows the estimates of the Department, they are $546,400, making an increase from 1870 to 1876 of $131,600.

The contingent expenses of consulates in 1870 were $83,000; they are now $131,850, making an increase of $38,850. This whole increase is alarming, and it calls for reduction. Appropriations, it is true, must be based on our own judgment, but also upon the necessities of the people, and not upon the estimates of the Departments or enactments made through appropriation laws of the past.

Let us examine this matter in detail and I have done. Leaving out of view everything but the diplomatic and consular service proper, we find that in 1870 the diplomatic salaries proper were $357,850. Under the Senate bill they are $391,500. Contingent expenses of foreign intercourse were $100,000 then, and they are $100,000 now. Consular salaries then were $414,800; to-day they are $546,400. Then the contingent expenses of consulates were $83,000, and now by this bill they are $131,850. So that from 1870 to this bill and to the appropriations of last year, we find that they have increased from $955,650 to $1,169,750, making an increase since 1870 of $214,100.

So, too, with your aggregate ordinary net expenses. In 1870 they were $164,000,000; in 1872 they were but $153,000,000; in 1876 they are $179,000,000. Can the Government not be conducted as cheaply now as it was in 1872? Is there any reason why $15,000,000 of increase in the net ordinary expenses of the Government shall be made and approved from 1870 to 1876? If it be good doctrine to maintain sinecure consulates, to continue increases in diplomatic intercourse, if it be to keep thirty-one ministers abroad while we receive but twenty-two, if it be to maintain full missions where our commerce is decreasing—if that be the true policy of a suffering and plain people, then continue this policy. If it be not, let us hearken to the Representatives of that people when they send us their bills, and reduce and retrench where we can.

It is said by a Senator that this increase is the result of the war. I say, on the contrary it is the result of demoralization among the people and extravagance in governmental expenditure. Is it not the resistless force of power and public patronage impelling forward those who are in control? Power inevitably gathers to itself more and more as it goes forward. It is so with those who control the governmental forces now. They cannot stop if they would. They are pressed forward by the resistless force of the power that they themselves possess. The House representing the people, the branch of Congress that is nearest the people, invite us to retrench, to lessen their burdens, and in this bill to lessen them $462,000. This is the invitation of the people themselves. Is it not based upon their necessities? Is it not our plain, clear, and manifest duty so to do?

Mr. SARGENT. Mr. President, it is impossible of course to answer a three-quarters of an hour speech in five minutes, and yet I am under obligations not to occupy more than five minutes. I asked that debate be confined to that space, and I asked it because I felt that it was my duty to have this bill passed.

Mr. WALLACE. The Senator will permit me to say——

Mr. SARGENT. I am not complaining of the length of the Senator's speech, because I cheerfully assented to his going on. Many of the points the Senator has made, however, I explained before, as I thought very fully, and it is therefore unnecessary for me to pass upon those points again. There are some matters, however, which are so simple, that I am astonished the Senator in collating his figures overlooked them. If he had had the opportunity of studying the bill in committee as the rest of us had, I doubt not these matters would have been more impressed on his mind. For instance, he judges the value of a consulate by the amount of fees the consul collects. It is very well known that that collection is simply on the imports of the United States, and those duties which are there involved are the least important, the least valuable of the duties of a consul. The exports are not told by the fees and are not measured by the fees. Take the kingdom or empire of Hayti, or whatever it may be. Our imports from there are a few hundred thousand dollars, while our exports to Hayti, our goods which we sell to them, amount to many times that sum. All that business the consul assists. So I might go through the whole list. You cannot measure the importance or value of a consulate by the fees it collects; and therefore the reductions simply on the basis of fees are entirely unphilosophical, and we rejected them on that account.

The Senator says that our commerce is falling off with the South American republics. It is true to a certain extent, though not to a very large extent. But take it to the full extent that he has claimed, it might be doubtful whether we should withdraw all facilities for the use of that commerce. I have some figures here. Take the commerce with Peru or the Argentine Republic, amounting to millions of dollars of exports and imports. Shall we throw it away? Shall we abandon the means by which it is to be maintained? Is the commerce with South America of no value to our manufacturers; is it of no value to the Senator's own State and its great business port?

I adverted yesterday to one reason why our commerce does not grow so fast as the commerce of Great Britain, although the growth during the last four years, from 1870, has been gratifying. We have increased by some four hundred millions, as I stated yesterday. England gets the advantage of us, because it maintains great steamship lines to protect its commerce and extend it everywhere, and does it by subsidies. We may, of course, throw away all the example of the civilized world, that which springs from the advice of great merchants and commercial men in other countries and influences their governments. We can do that; and then we shall lose our commerce, and have only ourselves to complain of. We may withdraw all subsidies from anything like foreign steamship enterprises, as we have done; allow them to expire by limitation, and actually repeal them after they have been passed by Congress, and then complain because our commerce falls off!

These very South American republics to which the Senator refers pay more in the aggregate of consular fees by some $14,000 than we pay to the consuls after all the expenses of them are paid, including loss of exchange, &c. Commerce pays that tax. Should not commerce have the benefit? Is it intended that a tax shall be levied on

our foreign commerce in this form for the purpose of replenishing the Treasury? If that is so, the theory of the House bill is correct. But let us see what Great Britain does. The United States through its consulates in the Argentine Republic, Brazil, Chili, Colombia, Ecuador, Peru, Uruguay, and Venezuela, some of which the Senator referred to, collects in fees from its own commerce $36,942.83, and pays out of this fund so raised, not from the Treasury, $34,500, making an excess of fees of $2,442.83. Ought we to take away the consul from Callao? Ought we to strike out the consuls from the Argentine Republic? Our commerce pays for them. The Senator knows, and everybody knows who has good sense, that where you take away a consul from a port your commerce will not seek that port. That is elementary.

Let us see what Great Britain does in these very countries. Great Britain pays for trade and commerce in this form £18,850, equal to $94,250, and collects in fees £4,657, equivalent to about $23,285. That is to say, Great Britain pays for the benefit of its trade out of its own treasury $69,070; by means of it her commerce extends, and by means of its other foreign policy to which I have adverted its commerce is built up.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The Senator's time has expired.

Mr. WALLACE. I hope the Senator's time will be extended.

The PRESIDING OFFICER. If there is no objection, the time of the Senator from California will be extended.

Mr. SARGENT. I hardly feel like availing myself of the permission of the Senate, as I have asked that the debate shall be confined to five minutes. It may be that in the progress of the bill I shall have occasion to refer further to some points of the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Committee on Appropriations embraced between lines 39 and 46.

Mr. BAYARD. Upon the question of the amount of salaries, I may perhaps differ from some of the provisions of the House bill. I think it is a very dangerous proposition to pay men who are placed in positions of great responsibility sums of money not commensurate either with the grade of ability required for their office or with the responsibility of the place which they occupy. There are sometimes positions requiring great ability in connection with matters of but little importance. Others again require very little ability, but involve great responsibility, both pecuniarily and morally. All these things, however, are more properly adjusted by a thorough examination of the character of the duty imposed upon the party, and those would not naturally come within the knowledge of any members of the Senate so well as those who are placed in the committees to whose charge they have been especially committed.

This bill proposes now a consolidation of duties. There is one thing generally admitted I believe in this country, that the Government has more agents to perform its duties than any individual would employ if left to his own discretion, guided by an intelligent self-interest. Therefore, when upon diligent examination a committee of this body or a committee of the other House, and the other House acting under the guidance of their committee, shall declare that certain offices are unnecessary, and that a single individual can perform the duties theretofore executed by three or four or half a dozen, I think it is proper that their recommendation should be heeded. The bill as it came to us from the House of Representatives consolidated the embassies, if we may so call them, to Peru, Ecuador, and Colombia, into a single mission. The Senate committee preserves them all separate. The bill as it came to the Senate from the House provided for a minister resident at Peru, Ecuador, and Colombia, to reside at the place the President may select in either of those states, and fixed his salary at $6,500. The Senate committee propose to keep a separate minister at Peru, and pay him $10,000; to keep another at Ecuador, and pay him $7,500; and another at Colombia at $7,500. Now, sir, if one man can properly perform the duties of these three posts, or of these which have been three posts, I should think it perfectly reasonable that he should receive the pay proper to which either one, perhaps the most valuable, had been entitled before the adoption of this measure by the House. But it is plain to me that I ought not, nor do I feel justified in opposing my judgment as to the correction of this multiplicity of offices to the measure of reform of the House consolidating them. I do not like this reduction of salaries—I mean the reduction of the salaries of men placed in responsible positions. I believe it to be a false economy. There are times when the presence of an intelligent man of high character devoted to the interests of his country may be of such service to his country as makes the compensation in money of his salary infinitesimally small, and of no account whatever. We see that very often. It was but the mere flurry of an apprehended war, the mere threat of war in the fall of 1874, that added five millions to our debt, through the Navy Department alone, or something between four and five millions. That was simply because there was an expectation of a possibility of a war with Spain. A mere cloud upon the horizon caused this enormous addition to the public expenses. I do not mean to say that diplomacy could have averted that; I will not say it; but I say I can well understand how the presence of an agent of this Government in a foreign country where he had by his high tone of character obtained the respect of those who met him, by his amenity had gained the affections of those who met him, by his capacity had so informed his own country of the condition of affairs that such a possibility as a war sprung suddenly upon the people would be rendered almost an impossibility; and how should you undertake to gauge such services as have been rendered the people of this country in the past, such services as may well be rendered them again, such services the possibility of which we shall always create if we have lying back of our appropriation bills the proper tone of the public service, and the proper tone of administration? Without those two you may put your public offices up to auction——

The PRESIDING OFFICER. The Chair interrupts the Senator to inform him that his time has expired. The question is on the adoption of the amendment reported by the Committee on Appropriations embraced between lines 39 and 46.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KELLY. Upon this question I am paired with my colleague, [Mr. MITCHELL.] If he were present he would vote for the amendment of the committee, and I should vote against it.

The question being taken by yeas and nays, resulted—yeas 30, nays 19; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Conkling, Cooper, Edmunds, Frelinghuysen, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sharon, Sherman, West, Windom, and Wright—30.

NAYS—Messrs. Bayard, Cockrell, Davis, Dennis, English, Gordon, Jones of Florida, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Ransom, Wallace, Whyte, and Withers—19.

ABSENT—Messrs. Alcorn, Boutwell, Bruce, Caperton, Christiancy, Clayton, Conover, Cragin, Dawes, Dorsey, Eaton, Ferry, Goldthwaite, Harvey, Johnston, Kelly, Mitchell, Morrill of Maine, Patterson, Saulsbury, Spencer, Stevenson, Thurman, and Wadleigh—24.

So the amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 50, to increase the appropriation "for minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua" from $6,500 to $10,000.

The amendment was agreed to.

The next amendment was to insert after line 50 the following clauses:

For minister resident at Uruguay, also accredited to Paraguay, $10,000.
For minister resident and consul-general to Hayti, $7,500.

Mr. BOGY. It seems to me, if I understand the amendment, it ought to be separated. The two clauses are not at all germane. I ask for a vote on the first clause.

Mr. SARGENT. Let the vote be taken on the first paragraph first.

The PRESIDING OFFICER. The question is on the adoption of the first paragraph of the amendment as reported by the Clerk.

The amendment was agreed to.

The PRESIDING OFFICER. The next question is upon the amendment embraced in lines 53 and 54, to insert:

For minister resident and consul-general to Hayti, $7,500.

Mr. DAVIS. That appears to be a new item. I ask the Senator having charge of the bill to explain it.

Mr. SARGENT. It is not a new item.

Mr. DAVIS. I say it appears so.

Mr. SARGENT. It has been in all the time, and there are reasons why it should be as recommended. Our business with Hayti is increasing and is very valuable, in that the exports from our country very largely prevail over the imports. It is a very valuable trade. Furthermore, on account of the revolutionary nature of the country, we ought to have some person present there with diplomatic functions, some person with discretion, more on account of the difficulties which our masters of vessels and sailors are liable to get into in such a country. The consul-general, a resident there with diplomatic functions, has been very useful in this particular. Of course we need somebody to guard our commerce. By the convention of Paris in 1854 no consul has any diplomatic functions whatever; all civilized nations have followed that convention. That is the universal rule, and consequently we need a minister resident or some person with diplomatic functions there who can approach the powers that be. This is minister resident and consul-general to Hayti, and he is recognized by this convention of all nations as having a right to lay before the authorities the demands of his own government or wrongs inflicted upon the people of the country which he represents.

Mr. DAVIS. I ask the Senator if it is the same amount that has heretofore been given?

Mr. SARGENT. This is the amount that is now paid to this officer.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. McDONALD. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Edmunds, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sharon, Sherman, Spencer, West, Windom, and Wright—27.

NAYS—Messrs. Bayard, Cockrell, Davis, Goldthwaite, Gordon, Kernan, Key,

McCreery, McDonald, Merrimon, Norwood, Randolph, Ransom, Whyte, and Withers—15.

ABSENT—Messrs. Alcorn, Bogy, Booth, Boutwell, Bruce, Caperton, Christiancy, Clayton, Conkling, Conover, Cooper, Cragin, Dawes, Dennis, Dorsey, Eaton, English, Ferry, Hamlin, Harvey, Johnston, Jones of Florida, Kelly, Maxey, Mitchell, Patterson, Saulsbury, Stevenson, Thurman, Wadleigh, and Wallace—31.

So the amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in the item "for chargés d'affaires *ad interim* and diplomatic officers abroad," to increase in line 58 the appropriation from $20,000 to $40,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 63, to strike out after the word "legation" the words "(when acting also as interpreter)" and in line 64 to strike out "three thousand" and insert "two thousand five hundred;" so as to make the clause read:

For salary of the secretary of legation at Japan, $2,500.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 73, to increase the appropriation for the salary of the secretary to the legation (when acting also as interpreter) at China," from $4,000 to $5,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was to strike out lines 77 to 80 inclusive, as follows:

To enable Robert C. Schenck, minister to Great Britain, to employ a private amanuensis, according to the joint resolution approved January 11, 1871, $2,500.

The amendment was agreed to.

The next amendment was to insert after line 80:

For the interpreter to the legation at Japan, $2,500.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 84, to increase the appropriation "for contingent expenses of foreign intercourse proper, and of all the missions abroad," from $50,000 to $100,0000.

Mr. DAVIS. This is an amendment different probably from any we have had yet. There is no law, I believe, which will sustain a contingent fund of this character. I understand the amount proposed is not greater than has been allowed heretofore, but as the bill came to us it was put at $50,000. The Senate committee propose to strike out "50" and insert "100," making the contingent fund of the State Department for foreign intercourse $100,000. It is believed by some of us that the amount is too great. My object is only to call the attention of the Senate to the fact that this is one of a class of amendments which I believe have no law to sustain them, though a contingent fund has always been voted in the past.

Mr. SARGENT. I think it may be safely said, positively said, that it will be impossible for the Department to carry on its business with the amount allowed by the House; and it is also true that the amount reported by the Senate committee is less than it has ever been before; that is to say, it is less than the average of such allowances.

Mr. DAVIS. It is the same as last year.

Mr. SARGENT. This fund has been very economically administered. I am very well satisfied of that by personal examination. I do not think anybody doubts it. I need not go into a statement of what are contingent expenses, because they are very multifarious and absolutely necessary. I have here the different appropriations made away back to the administration of Pierce, the average per year, and I call attention to it to show that this bill is not extravagant. During Pierce's administration, from 1853 to 1857, the average amount was $109,810.67. The average per year during Mr. Buchanan's administration, from 1857 to 1861, was $120,336.95. The average per year during Lincoln's administration, from 1861 to 1865, was $132,283.75. I suppose the item was somewhat swelled then by the character of our affairs abroad at that time, although it is about $12,000 a year only above that of the preceding administration. The average expended per year during Johnson's administration, from 1865 to 1869, was $140,731.69. That is more than under any preceding administration. The average during General Grant's administration, from 1869 to 1873, was $109,759.91. That is less than under any other administration, unless it was before that of General Pierce; and I have no record prior to that. The average is but a little less than that under Pierce's administration. The bill with this amendment appropriates but $100,000, which is $9,000 less than the average under the present administration.

The Secretary of State has been extremely cautious in the expenditure of this fund. I think that he has been accused of meanness by the foreign ministers in his expenditure of this money, or rather on account of his saving spirit. I am told by those who have visited our legations abroad that their offices are very meanly furnished, frequently without carpets or with carpets worn out so as to be disgraceful, and that the commonest kind of furniture only is employed. The Secretary of State refuses to replace it, not having the means to replace it out of the appropriations which we have made. This is rather painful to state, but I am told it is so. Some members of the Committee on Appropriations who have been abroad inform me that out of this fund the Secretary of State cannot replenish these things. I think, at any rate, under the present circumstances we ought not to allow any more than is proposed in the committee's amendment. It was on an intelligent consideration of these circumstances, and not because there was any particular provision of law on the matter, that the Committee on Appropriations recommended that we appropriate the amount of last year.

The PRESIDING OFFICER. The question is on the amendment in line 84.

Mr. COCKRELL. I would like to have the yeas and nays on that question.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 9; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conkling, Cooper, Cragin, Dawes, English, Hamilton, Hamlin, Howe, Ingalls, Jones of Nevada, Kernan, Logan, McMillan, Maxey, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Ransom, Robertson, Sargent, Sherman, Spencer, West, Windom, and Withers—35.

NAYS—Messrs. Cockrell, Davis, Goldthwaite, Gordon, Key, McCreery, Merrimon, Norwood, and Whyte—9.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Caperton, Christiancy, Conover, Dennis, Dorsey, Eaton, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Johnston, Jones of Florida, Kelly, McDonald, Mitchell, Morton, Patterson, Randolph, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, Wallace, and Wright—29.

So the amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 87, to increase the appropriation "for the agent and consul-general at Cairo" from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was in line 90, to increase the appropriation "for the consuls-general at London, Paris, Havana, and Rio de Janeiro, each," from $5,000 to $6,000, and to increase the total appropriation from $20,000 to $24,000.

The amendment was agreed to.

The next amendment was in line 93, to increase the appropriation "for the consuls-general at Calcutta and Shanghai, each." from $4,500 to $5,000, and to increase the total appropriation from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 96, to increase the appropriation "for the consul-general at Melbourne" from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 97, to strike out "consul" and insert "consuls;" in lines 97, 98, and 99, to strike out the words "$3,500; for the consul-general at Berlin, $3,000; and for the consul-general at Montreal;" in line 100 to insert "Berlin, and Montreal, each;" and in the same line to strike out "10,500" and insert "12,000;" so as to make the clause read:

For the consuls-general at Kanagawa, Berlin, and Montreal; each $4,000, $12,000.

The amendment was agreed to.

The next amendment was in line 102, to insert after the word "Rome" the word "and;" in line 103, after the word "Constantinople," to strike out the words "St. Petersburg, and Mexico;" and in the same line to strike out "2" and insert "3;" so as to make the clause read:

For the consuls-general at Vienna, Frankfort, Rome, and Constantinople, each $3,000, $12,000.

The amendment was agreed to.

The next amendment was after line 104 to insert:

For consuls-general at St. Petersburg and Mexico, each $2,000, $4,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in lines 109 and 110, to increase the appropriation for "the salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks" from $230,400 to "$332,200, namely."

Mr. SARGENT. That is a footing of what follows after.

Mr. COCKRELL. This general amendment includes the whole of the detailed amendments in the subsequent part of the bill?

Mr. SARGENT. This includes the whole in regard to consuls and consular salaries.

Mr. COCKRELL. Why not put them all together and take the yeas and nays on the whole question? That is what I was going to propose.

Mr. SARGENT. I have no objection to that. I ask that the items from line 108 to line 292 be taken as one amendment. That is what it really amounts to.

The PRESIDING OFFICER. It will be so understood, if there is no objection.

Mr. SARGENT. Except that I want to perfect the text a little. On page 6, lines 129 and 130, I move to strike out the words—

GREECE.

Athens.

I move that in addition to the amendments reported by the committee. I do it, however, on the order of the committee.

The PRESIDING OFFICER. That amendment will be made, if there be no objection.

Mr. SARGENT. On page 9, line 196, I move to strike out "Aix-la-Chapelle."

The PRESIDING OFFICER. That amendment will also be made, if there be no objection.

Mr. SARGENT. The question may now be taken on the other amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments embraced between lines 108 and 292, inclusive.

Mr. COCKRELL. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 16; as follows:

YEAS—Messrs. Allison, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conkling, Cragin, Dawes, English, Frelinghuysen, Hamilton, Hamlin, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sharon, Sherman, Spencer, Wadleigh, West, Windom, and Wright—34.

NAYS—Messrs. Bayard, Cockrell, Goldthwaite, Gordon, Jones of Florida, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Randolph, Ransom, Wallace, Whyte, and Withers—16.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Caperton, Christiancy, Conover, Cooper, Davis, Dennis, Dorsey, Eaton, Edmunds, Ferry, Harvey, Hitchcock, Johnston, Kelly, McDonald, Mitchell, Patterson, Saulsbury, Stevenson, and Thurman—23.

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 301, to insert after the word "Manchester" the word "Beirut;" in line 305, to strike out "2" and insert "5;" and at the end of the same line, to strike out "for clerk for the consul at St. John's, New Brunswick, $600 while the present incumbent holds the office, and no longer; 42,600;" and at the end of the paragraph, before the word "dollars," to insert "51,000;" so as to make the clause read:

For the consul-general at Havana and the consul at Liverpool each a sum not exceeding the rate of $3,000 for any one year; and to the consuls-general at London, Paris, and Shanghai each a sum not exceeding the rate of $2,000 for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Stuttgart, Mannheim, and Tunstall each a sum not exceeding $1,500 for any one year, $51,000.

The amendment was agreed to.

The next amendment was in lines 310, 311, 312, and 313, to strike out the words: "Namely: at Shanghai, 2,000; Tien-Tsin and Fowchow, 1,000 each; and at Kanagawa, 1,500; 5,500;" and to insert: "At Shanghai, Tien-Tsin, Fowchow, and Kanagawa, at $2,000 each, 8,000;" and in line 315 to strike out the word "dollars;" so as to make the clause read:

For salaries of the interpreters to the consulates at Shanghai, Tien-Tsin, Fowchow, and Kanagawa, at $2,000 each, $8,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 319, before the word "other," to insert the word "twelve;" and in line 321 to strike out "4,500" and insert "6,000;" so that the clause will read:

For salaries of the interpreters to twelve other consulates in China, Japan, and Siam, at $500 each, $6,000.

The amendment was agreed to.

The next amendment was in line 322, after the word "consular," to strike out the word "agents" and insert "officers;" and in line 323 to strike out "8" and insert "10;" so as to make the clause read:

For consular officers, not citizens of the United States, $10,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was in line 330, to increase the appropriation "for loss by exchange on consular service," from $10,000 to $48,000.

The amendment was agreed to.

The next amendment was in line 336, to increase the appropriation "for contingent expenses of United States consulates, such as stationery, book-cases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, including loss by exchange," from $100,000 to $131,850.

Mr. EDMUNDS. I should like to hear the Senator from California explain the necessity for that increase. It is a mere question of discretion apparently on that item, and not following a law as to salary.

Mr. SARGENT. I will give an explanation. The amount which is appropriated is a little less than the amount heretofore appropriated, and is based on a careful estimate of the amount absolutely necessary and that experience has shown to be necessary. The reduction of the House is on the theory that a large number, some forty, consulates would be abolished, and consequently any incidental expenses in connection with them would be saved. We have restored the forty consulates, and the proportion in this bill should be maintained. Experience has shown that this amount is absolutely necessary. I have some memoranda from the Secretary of State bearing on that matter which can be read, if desired; but I have stated the result of my study of the matter.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 340, to strike out "4,500" and to insert "5,000;" in line 341, to strike out "4,500" and to insert "5,000;" in line 343, after the word "dollars" to insert "for contingent expenses, $700;" in line 344, after the word "of" to strike out "10,002" and to insert "11,009;" so as to make the clause read:

For salaries and expenses of the United States and Spanish claims commission, namely: For commissioner, $5,000; for counsel, $5,000; for secretary, $912.50; for messenger, $300; for contingent expenses, $700; making, in all, the sum of $11,912.50.

The amendment was agreed to.

The next amendment was in line 347, to insert after the words "convicts in" the words "Siam and;" and in line 349, after the word "exchange," to strike out "1,600" and insert "4,000;" so as to make the clause read:

For rent of prisons for American convicts in Siam and Turkey, and for wages of keepers of the same, including loss by exchange, $4,000.

The amendment was agreed to.

The next amendment was in line 351, to increase the appropriation "for rent of prison for American convicts in China" from $1,300 to $1,500.

The amendment was agreed to.

The next amendment was in line 353, to increase the appropriation "for wages of keepers, care of offenders, and expenses" from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 355, to increase the appropriation "for rent of prison for American convicts in Japan" from $650 to $750.

The amendment was agreed to.

The next amendment was in line 357, to increase the appropriation "for wages of keepers, care of offenders, and expenses" from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was to insert after line 357:

For rent of court-house and jail, with grounds appurtenant, at Yeddo, or such other place as shall be designated, $3,850.

For rent of buildings for legation and other purposes at Peking, or such other place as shall be designated, $2,600.

The amendment was agreed to.

The next amendment was in line 366, to increase the appropriation "for bringing home from foreign countries persons charged with crimes, and expenses incidental thereto, including loss by exchange" from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was in line 368, to increase the appropriation "for relief and protection of American seamen in foreign countries" from $60,000 to $100,000.

The amendment was agreed to.

The next amendment was in line 371, to increase the appropriation "for expenses of acknowledging the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck" from $2,500 to $4,500.

The amendment was agreed to.

The reading of the bill was concluded. The last amendment was to strike out lines 386 to 391, inclusive, in the following words:

And the salaries provided in this act for the officers aforesaid, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1876; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed from and after said day.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments reported by the Committee on Appropriations have been disposed of. The bill is still open to amendment.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. WITHERS. I indicated a purpose to move some amendments when the bill should come to be considered in the Senate; but, inasmuch as it is manifest, I think, that a committee of conference will be required upon the bill before it can be passed, at any rate it will be a useless consumption of time to urge amendments now. Therefore I decline to offer those which I had proposed to offer.

Mr. DAVIS. It will be recollected that I gave notice that I would probably desire to reserve the first amendment in relation to the salaries of the ministers to Germany and Russia; but believing that the Senate has determined that they shall remain as they are, and seeing, as my friend from Virginia suggests, that the bill must go to a committee of conference on account of the disagreement of the two Houses, I do not ask now to save it.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCKRELL. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 17; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Logan, McMillan, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sherman, Spencer, West, Windom, and Wright—35.

NAYS—Messrs. Cockrell, Davis, Dennis, English, Goldthwaite, Gordon, Kernan, Key, McCreery, McDonald, Norwood, Randolph, Ransom, Stevenson, Wallace, Whyte, and Withers—17.

ABSENT—Messrs. Alcorn, Bayard, Bruce, Caperton, Christiancy, Conkling, Conover, Cooper, Eaton, Harvey, Johnston, Jones of Florida, Jones of Nevada, Kelly, Maxey, Mitchell, Patterson, Saulsbury, Sharon, Thurman, and Wadleigh—21.

So the bill was passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia was read twice by its title, and referred to the Committee on Finance.

EULOGIES ON SENATOR O. S. FERRY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

The CHIEF CLERK. The amendment of the House of Representatives is in line 12, before the name of "Henry Wilson," to insert "Andrew Johnson, and the portrait of;" so as to make the bill read:

That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry, late United States Senator from Connecticut, be printed, 4,000 copies for the use of the Senate and 8,000 copies for the use of the House of Representatives; and that the Secretary of the Treasury have printed the portrait of Mr. Ferry to accompany the same; and the amount necessary for the engraving and printing the portrait, and also the portrait of Andrew Johnson and the portrait of Henry Wilson, heretofore ordered, be, and the same is, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. ANTHONY. I move that the Senate concur in that amendment.

The motion was agreed to.

THE MISSISSIPPI ELECTION.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution for investigating the Mississippi election.

Mr. BAYARD. Mr. President, I do not desire at all to interfere with the order of business here. If the Senator proposes to call up the resolution to be further discussed this afternoon, I have no objection to its being taken up; but I trust he will not call it up with a view of acting upon it to-day.

Mr. MORTON. I shall not, of course, desire to prevent discussion, or interfere with the business of the Senate; but I desire to have it taken up; and, if it is not the pleasure of the Senate to go on with it, let it go over until to-morrow. I prefer having it disposed of now, if there is no objection; but if that cannot be, I want it to be the unfinished business for to-morrow. I ask the Senator from Delaware if there is objection to an understanding that it shall be disposed of to-morrow?

Mr. BAYARD. I have no objection to its being disposed of, subject, of course, to the ordinary and customary opportunity for discussion.

Mr. MORTON. I will then venture to ask the Senate to stand by the resolution to-morrow until it is disposed of. I desire now to have it taken up.

The PRESIDING OFFICER, (Mr. MERRIMON.) The question is on taking up for consideration the resolution indicated by the Senator from Indiana.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate and will be read.

The CHIEF CLERK. The resolution, as modified, now reads:

Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have in the said election been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said States, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes.

Mr. BAYARD. Mr. President——

Mr. CAMERON, of Pennsylvania. Before we proceed further with this matter, I move that the Senate proceed to the consideration of executive business. That will leave this resolution in its proper condition as the unfinished business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were re-opened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 29, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ROUSE'S POINT, NEW YORK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a report on the examination of Rouse's Point, New York; which was referred to the Committee on Commerce.

LOSS OF PUBLIC FUNDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a letter of inquiry from the Committee on Military Affairs, a report on the loss of public funds by Lieutenant Joseph F. Irons, First Artillery, at Fort Adam, Rhode Island, in 1844; which was referred to the Committee on Military Affairs.

ADAM H. HERR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in response to a House resolution of the 18th instant calling for copies of papers in the case of Adam H. Herr, of Harper's Ferry, West Virginia; which was referred to the Committee on War Claims.

A. S. SHOTWELL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with a request from the Committee on War Claims, copies of papers relating to the claim of A. S. Shotwell, arising from an award of the Cairo commission in 1862; which was referred to the Committee on War Claims.

DELEGATES FROM TERRITORIES.

Mr. RANDALL. I am directed by the Committee on Rules to submit the following privileged report.

The Clerk read as follows:

Resolved, That the one hundred and sixty-second rule be amended so as to read as follows:

The Speaker shall appoint from among the Delegates from the Territories one additional member of the Committee on the Territories, one additional member of the Committee on Indian Affairs, one additional member of the Committee on Mines and Mining, and one additional member of the Committee on Public Lands, and shall appoint the Delegate from the District of Columbia an additional member of the Committee for the District of Columbia; but the said Delegates, in their respective committees, shall have the same privileges only as in the House.

Mr. RANDALL. There is a member of the Committee on Territories selected from the number of Delegates representing the Territories upon this floor. We propose to allow an additional member, to be selected from the territorial Delegates, for three other committees; that is to say, for the Committee on Indian Affairs, the Committee on Mines and Mining, and the Committee on Public Lands. The reason for this recommendation on the part of the Committee on Rules must be manifest to the House. The Delegates from the Territories of course are perfectly cognizant of the local interests of their several Territories, and it is desirable the knowledge they possess should be available for the use of these committees at all times; and to accomplish that purpose we provide for an additional member to be selected from the territorial Delegates for the Committee on Indian Affairs, the Committee on Mines and Mining, and the Committee on Public Lands.

Mr. STEVENSON. What necessity is there for any reference in the rules to a Delegate from the District of Columbia, as none is provided for by law?

Mr. RANDALL. For myself I am willing to consent to have that portion of the rule stricken out altogether. In this regard I notice I have the assent of two members of the Committee on Rules. We found it in the rules which were changed some years ago, when the District of Columbia had a Delegate upon this floor under the law. As there is no Delegate from the District of Columbia, there is great propriety in striking out that part of the bill, and I will so modify the report.

Mr. WILLARD. Let it stand as it is, because in the future the District of Columbia may have a Delegate, as I think it ought to have.

Mr. RANDALL. We can then alter the rule.

Mr. COX. One word; this may seem like an innovation, but I will say, Mr. Speaker, that many years ago, when Missouri was a Territory, the Delegate from that Territory was assigned a position on the Committee on Territories. Two years ago, when a Delegate was allowed upon this floor from the District of Columbia, he was assigned as an additional member of the Committee for the District of Columbia, and an additional member was allowed to the Committee on Territories, to be selected from the territorial Delegates. What is recommended by the Committee on Rules is in the same line of procedure and has equal reason with what has already been done.

Mr. RANDALL. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

CENTENNIAL EXHIBITION.

Mr. RANDALL. I am instructed unanimously by the Committee on Appropriations to report a bill to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia.

The bill (H. R. No. 2934) was received and read a first and second time.

The bill appropriates $40,000, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury for the purpose of examination and appraise-

ment and for the incidental expenses connected with the admission of foreign goods to the centennial exhibition at Philadelphia.

Mr. RANDALL. This report comes from the Committee on Appropriations without a dissenting voice. It relates to the centennial exhibition, but in an entirely different direction from any former questions that have come before Congress. It is for the purpose of protecting the revenue. Originally the collector of the port of Philadelphia made a demand for $190,000 for the protection of the revenue in connection with the advent of foreign goods to the exhibition. The committee deemed that to be too large an amount, and asked the Secretary of the Treasury his views on the subject. The Secretary then said that he believed $88,000 would be sufficient, but at his own suggestion, and in the line of the wish of the committee, he sent a special agent to Philadelphia, who has returned and has reported to the effect that $40,000 will be adequate. This is for the payment of twenty examiners for a period of two months, of ten for a period of six months, and of one hundred and fifty openers, packers, and laborers.

Now, in connection with this subject, I will make a statement of this fact, that it is estimated that, by reason of these foreign goods coming into this exposition, there will be an increase to the revenues of the Government of $500,000; that is to say, the estimates of the Department and of others who are conversant with the subject go to establish the fact that the owners of these goods—which come in free of duty, it is true, for the purposes of the exposition—rather than send them back to the countries whence they come, will pay the duties respectively provided for by law on such goods, and sell them in this country. The amount that will thus be received has been estimated by those who are sanguine on this subject as high as a million of dollars; but I think it can safely be put down at a half million; so that this $40,000 of expenditure now goes ultimately to secure to the Government that large sum of money.

Mr. BANKS. If the gentleman from Pennsylvania will allow me, I desire to make a remark on this question, from which it may appear that a much less sum than that which is stated in this bill—which I think ought to be voted—will be necessarily expended. It is understood that there is quite an important reduction imposed and ordered of officers in the principal custom-houses for reasons that the Secretary of the Treasury comprehends better than we do. Now if any of those officers that are suspended could be employed for this duty, or in case they are actually suspended and other persons employed in their places, the pay that will be appropriated for the compensation of those officers will be deducted to a considerable extent from the appropriations already made or that are to be made; so that in that case a considerably less sum will be actually expended if we pass this bill than is embraced in the bill itself.

Mr. RANDALL. The Secretary of the Treasury did not feel that he had the warrant of law to expend any money, even though he had had the money in the Treasury for this purpose. But, as I understand, he did not have the money at his disposal. Therefore this appropriation became absolutely essential to the protection of the revenues in connection with this centennial exposition.

The gentleman from Massachusetts touches a little further upon the reduction which has been made by the voluntary act of the Secretary of the Treasury in the various custom-houses of the country for some period back; mostly, however, I think, in December last. Is that the point to which the gentleman alludes?

Mr. BANKS. No, sir; it is to take effect in the future, either now or hereafter.

Mr. RANDALL. In all the custom-houses of the country the Secretary of the Treasury in December last—in all the more important custom-houses—made a large reduction, both as to salaries and the numerical force. This was done in Boston, New York, Philadelphia, New Orleans, Baltimore, Charleston, and perhaps elsewhere. Now, that has no connection whatever with this subject. He made this reduction as to salaries; and, by the by, I may as well state here, as it comes in appropriately, that the Secretary of the Treasury in December last absolutely lowered such salaries of the various custom-house officers as he could lower, whose pay was not regulated absolutely by law; that he reduced their salaries from 20 to 25 per cent. throughout the country; and that in a year and a half, by this plan of reduction by the Secretary of the Treasury as to salaries of the officers, the expenditures of this Government in connection with the collection of the customs-revenue will be reduced a million and a half of dollars. And he ought to have the benefit of that statement. It is tardy it is true, but he ought to have the benefit of it. I have no doubt he took the hint from the fact that there was a democratic House of Representatives coming here. But we do not go quite so far. We have only proposed to reduce the salaries 10 per cent., while he has actually reduced them 20 to 25 per cent. We had not quite the nerve which the Secretary had.

Mr. BANKS. The gentleman from Pennsylvania [Mr. RANDALL] misapprehends the purpose of my remarks. My proposition was not in opposition to the bill, but in favor of it. It was that the reduction that is proposed in the expenses of the custom-houses now, by the Secretary of the Treasury, will leave the actual expenditures of the Government not much more than they are now if we pass this bill.

For example, I am informed that the collector of the port of Boston has reduced the expenditures of his office $156,000 in the last year. He is now expecting an order or has received an order to make a still further reduction of several thousand dollars; and, as I understand, the same rate of reduction has been made elsewhere. Now, if that reduction be made, and if the officers removed or suspended could be put on the duty suggested by this bill, there would be a considerable amount of money appropriated by the bill of the gentleman from Pennsylvania saved to the Government. If new officers are appointed to discharge these duties, and officers now employed in the custom-houses are suspended or removed, then the same amount now expended will be appropriated to the salaries of the new officers appointed; so that, in a word, there will not be a very large sum expended or appropriated beyond that now expended or appropriated if you pass this bill, and I think for that reason that the bill ought to pass.

Mr. RANDALL. This bill applies principally to the custom-house at Philadelphia. I have no objection that those officers who have been displaced at Philadelphia shall be re-instated for this purpose, if in his discretion the Secretary of the Treasury sees proper so to do. The reduction in Philadelphia since December last has been to the amount of $53,000, including the reduction in salaries and in the force employed.

Mr. BANKS. The Secretary of the Treasury may think it wise and expedient to employ men for this work who are the most skilled in this business and the most faithful officers in the employ of the Government, and in that case we shall have good services and not a much larger appropriation than is now required.

Mr. RANDALL. We must leave this matter to the discretion of the Secretary of the Treasury, but I should be glad if the Secretary of the Treasury would read the views of the gentleman from Massachusetts [Mr. BANKS] before he comes to make his selection.

Mr. BANKS. He ought to do it.

Mr. EDEN. I would like to ask the chairman of the Committee on Appropriations when we are going to get through with making appropriations for this Centennial?

Mr. RANDALL. If the gentleman had heard my opening remarks he would have seen that the Centennial has no interest in this matter; that this money is appropriated for the purpose of protecting the revenues of the Government; that this $40,000 will be applied absolutely to the protection of the Government against smuggling out of the exposition, which will save to the Government certainly not less than half a million of dollars.

The question was put upon ordering the bill to be engrossed and read a third time; and on a division there were ayes 98, noes not counted.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF WITNESSES BEFORE CONGRESS.

Mr. BANKS, from the Committee on the Rules, submitted the following report:

The Committee on the Rules, to which was referred a resolution concerning the pay of witnesses, report back the resolution with the following amendment:

Strike out the word "two," in the third line, and insert "three;" so that it will read as follows:

The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

Mr. BANKS. This resolution was referred to the Committee on the Rules on motion of the gentleman from Indiana, [Mr. HOLMAN.] It is precisely the existing rule of the House now except as to the per diem. A witness is now paid $4 a day. There is another department of the Government where the pay of witnesses is but $2 a day, and the proposition of the resolution referred to the committee by the gentleman from Indiana was that the House should pay $2 per day instead of $4. The committee, upon full consideration of the question and by a unanimous vote, instructed me to report this amendment, providing that the per diem of witnesses before the House or its committees shall be $3 instead of $4, as now allowed, and instead of $2 as proposed by the gentleman from Indiana; and we do it upon this principle: that witnesses are servants of the Government; they come to us with information necessary to us in the discharge of our business. They ought to be paid a reasonable compensation, not enough to induce men to come here for the purpose, but sufficient to induce them to come when their attendance is absolutely necessary.

Now, we thought that $4 a day was too much, inasmuch as another department of the Government pays but $2 per diem; we thought, on the other hand, that $2 a day was too little, and that $3 a day would be a fair compensation.

The resolution does not change the rule of the House in any other regard. The amount allowed for travel to and fro is precisely the same. I will call the previous question and then yield to the gentleman from Indiana for a few moments.

Mr. HOLMAN. Will the gentleman from Massachusetts be entitled to any time after the previous question is called, this not being a bill?

The SPEAKER. It is a report from a committee.

Mr. HOLMAN. I supposed that it was only on reporting a bill that

a gentleman was entitled to time after the previous question was seconded.

Mr. BANKS. I will yield to the gentleman now before calling the previous question.

Mr. HOLMAN. The gentleman from Massachusetts states that $2 a day is the sum provided as witness fees established by the rules of another branch of the Government, to wit, the other branch of Congress. Ought not the statement be broader than that, that $2 a day is the amount allowed witnesses by every other department of the Government except the House of Representatives?

That is the law as to witnesses attending the Federal courts here at the capital and elsewhere; and it is also the rule of the Senate of the United States. I submit to the gentleman from Massachusetts that the rule should be uniform, that there is no reason why a witness should receive a higher compensation for attending upon the committees of this House than upon the Federal courts or upon a committee of the other branch of Congress. I do not see why there should be the difference proposed by this amendment to the rules. I hope the gentleman from Massachusetts will consent to an amendment so as to make the allowance to witnesses before the committees of the House of Representatives correspond to what in all other instances is the rule in regard to witness fees. I do not think the House should allow this discrimination in favor of its witnesses.

I understand that there are now here a large number of witnesses who are pressing claims for attendance to the amount of $80 and $100 each, arising, perhaps, in part from their not being in a hurry to be examined on account of these high rates of compensation. This compensation of $3 a day for witnesses is more than is allowed elsewhere. It certainly would make it proper that we should revise the laws in regard to witness fees in our Federal courts, for it is no more oppressive to a citizen to answer to such a demand as this made upon his time and services by a committee of the House of Representatives than it is to go elsewhere in the public service for the purpose of giving testimony.

I trust the gentleman from Massachusetts will permit a motion to amend. If he had simply reported back the proposed rule as referred to the committee with an amendment, which is the usual practice, and it seems to me the proper one, then the House could vote upon the amendment. As it is now, I suppose the only mode of getting the two-dollar proposition before the House would be by a motion to amend the report to that effect. I hope the gentleman will give me an opportunity to move such an amendment.

Mr. BANKS. In reply to the suggestion of the gentleman from Indiana [Mr. HOLMAN] I would say simply that in the first place, in regard to the courts, every witness there is subpœnaed and compelled to attend. The great majority of witnesses that come before the committees of the House of Representatives come upon invitation or voluntarily, it may be, for the public interest. They are the servants of the Government. As a House invested with the power of impeachment and inquiry, we could not get along without this information, and we ought to pay witnesses at least a sufficient sum to meet their ordinary expenses, so far as not to interest them to absent themselves from attendance here.

In regard to the amount allowed by other departments of the Government, permit me to say that this House being that branch of the Government invested with the power of impeachment and general inquest, the number of witnesses called before us must be greater than the number who appear before any other branch of the Government. It therefore becomes a very important matter that these witnesses should be willing to come when they are wanted. If we are compelled to subpœna our witnesses, to send an officer of the House for them, the cost to us will be much more than it will be if we can get them upon invitation, or to appear voluntarily with the information which they have. It would be much better to pay them a reasonable sum than to reduce their compensation much below their necessary expenses.

The Committee on the Rules were unanimously of the opinion that $3 a day was a fair compensation; while $4 a day might be considered a little too much, $3 a day could not be so considered, and $2 a day would be too small a sum to be just under the circumstances.

Mr. HOLMAN. Will the gentleman allow me to ask this question? Was not the allowance for witness fees here $2 a day until the year 1872; and was it not then increased from two to four dollars a day? Was not that the fact? I think it was.

Mr. BANKS. It is very likely that a change was made some years ago to $4 a day; we propose to reduce it to $3.

Mr. HOLMAN. There was no embarrassment in obtaining the attendance of witnesses here when the compensation was $2 per day.

Mr. BANKS. I yield to the gentleman from Michigan, [Mr. CONGER,] who desires to make an inquiry.

Mr. CONGER. I desire to inquire of the gentleman whether witnesses are paid in the other departments of the Government a per diem for the time they occupy in coming here and also for the time they are in attendance?

Mr. BANKS. My understanding of the practice here and elsewhere is that witnesses are paid a per diem for their actual attendance only; that for the time they are traveling to and from the place of their residence they are paid five cents per mile each way. The Committee on the Rules understand distinctly that such is to be the practice here; that the proposed per diem is to be for actual attendance and the five cents per mile each way for the time they occupy in traveling is to be for their traveling expenses. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the Committee on the Rules was adopted.

Mr. BANKS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDEMPTION OF UNUSED STAMPS.

Mr. THOMAS, from the Committee of Ways and Means, reported back, with an amendment, the bill (H. R. No. 1100) relative to the redemption of unused stamps.

The bill repeals the fourteenth section of the act passed February 8, 1875, entitled "An act to amend existing customs and internal revenue laws, and for other purposes," and provides that all unused stamps shall be redeemed when properly presented, as was done prior to the passage of said act.

The amendment reported from the Committee of Ways and Means was to add to the bill the following:

Provided, That from and after the passage of this act no allowance shall be made for documentary stamps (except those of the denomination of two cents) which, when presented to the Commissioner of Internal Revenue, are not found to be in the same condition as when issued by the Internal-Revenue Department, or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history thereof from their issue to their presentation as aforesaid.

The question was upon the amendment.

Mr. THOMAS. It will be perceived that this bill proposes to repeal the fourteenth section of the act of February 8, 1875, entitled "An act to amend existing customs and internal-revenue laws, and for other purposes." That section fixes the 1st day of October, 1875, as the limit of the period within which internal-revenue documentary stamps shall be redeemed. That period has expired, leaving still outstanding and unredeemed a considerable amount of these stamps. This bill, as now amended, provides that under suitable regulations all unused stamps shall be redeemed when properly presented, as was done prior to the act of 1875. This bill has been submitted to the Treasury Department, where this amendment was prepared. The bill and amendment have therefore the approval of that Department.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF UNITED STATES GEOGRAPHICAL SURVEYS.

Mr. VANCE, of Ohio, from the Committee on Printing, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That the following distribution shall be made of the reports of the United States geographical surveys west of the one hundredth meridian, published in accordance with acts approved June 23, 1874, and February 15, 1875, as the several volumes are issued from the Government Printing Office, to wit, nine hundred and fifty copies of each to the House of Representatives, two hundred and fifty copies of each to the Senate, and eight hundred copies of each to the War Department for its uses.

JUDGMENTS OF GENEVA AWARD COMMISSIONERS.

Mr. BURCHARD, of Illinois, from the Committee of Ways and Means, reported back, with a recommendation that it pass, a bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury, for the purpose of paying the judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress," is hereby authorized to convert into coupon bonds, and to sell, after five days' notice, so many as may be necessary for this purpose of the 5 per cent. registered bonds of the United States now held subject to the disposition of Congress under the provisions of the act approved March 3, 1873, chapter 261.

SEC. 2. That so much of section 15 of the act approved June 23, 1874, chapter 459, as conflicts with this act is hereby repealed.

Mr. BURCHARD, of Illinois. Mr. Speaker, by an act passed at the present session of Congress, and approved on the 15th of February last, the court of commissioners of Alabama claims were required to report forthwith to the Secretary of State the amount of judgments rendered by that court pursuant to section 11 of chapter 459 of the laws of the Forty-third Congress. The Secretary of State was required to transmit a copy of that report to the Secretary of the Treasury, who was directed, without unnecessary delay, to proceed in accordance with the provisions of that chapter to pay the judgments therein specified.

The act of March 3, 1873, required that the amount awarded by the tribunal of arbitration at Geneva, amounting to $15,500,000, should be invested in 5 per cent. bonds of the funded loans of 1881, authorized to be issued under the acts of 1870 and 1871, which bonds should

be held by the Secretary of State in trust for the payment of the judgments in favor of the parties who should thereafter prove up their claims against the fund. Those bonds now held in trust amount with the interest to $17,439,000.

Pursuant to an act passed at this session of Congress, the court of commissioners have made a report to the Secretary of State, who has transmitted a copy to the Secretary of the Treasury, stating as the amount of judgments $6,476,532.96. This is the amount proved up which the Secretary is required to pay. By an act approved June 23, 1874, the Secretary of the Treasury was authorized and required to pay these judgments out of any money in the Treasury not otherwise appropriated; and for that purpose he was authorized to sell at public sale, after ten days' notice of the time and place of sale, at not less than par in coin, a sufficient amount of coupon or registered bonds of the United States, in such form as he might prescribe, of denominations of $50, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of 5 per cent. per annum.

The House will perceive that the act of March 3, 1873, required the amount of the award to be invested in 5 per cent. bonds and held subject to the disposition of Congress. The act of June 23, 1874, authorized and directed the Secretary of the Treasury to issue certain bonds for the purpose of paying that award. He has not been authorized to dispose of or sell the bonds, which are now held by the Secretary of State in trust for this fund. The bill now reported proposes simply that in lieu of the Secretary of the Treasury issuing and selling the bonds mentioned in the act of June 23, 1874, he shall sell the bonds held by the Secretary of State. To issue the bonds provided for in the act of 1874 would require plates to be executed. The expense of printing and issuing the bonds would amount to $15,000 or $20,000. That we regard as an unnecessary expense, to obviate which the bill provides that the Secretary of the Treasury may sell at public sale the bonds already held, which constitute a part of the funded loan of 1781 and are now outstanding.

It has been suggested, why not pay these judgments out of the funds in the Treasury, and apply these bonds upon the sinking fund? The objection to that is that it is better for the United States to apply the sinking fund to reduce the debt bearing the largest rate of interest, to reduce the 6 per cent. debt rather than the 5 per cent. debt. Those 5 per cent. bonds, I will say, bring now, as I noticed by a late dispatch, 5 per cent. premium in coin in Europe; they are above par to that extent.

I therefore, unless some gentleman is desirous to say something in regard to the subject, will demand the previous question on the bill.

Mr. LANDERS, of Indiana. I hope this will not be pressed to a vote now, but go over so we may have time fully to consider it.

Mr. BURCHARD, of Illinois. The importance of the present consideration of the bill is this: Under an act passed by this Congress with the approval of the President a little more than a month ago the Secretary of the Treasury is required to pay judgments under the Geneva award at once, and I can see no objection.

The SPEAKER. Does the gentleman demand the previous question?

Mr. BURCHARD, of Illinois. I do demand the previous question, unless some gentleman desires to be heard in explanation.

Mr. LANDERS, of Indiana. I wish to have the matter further considered. I am in favor of paying this debt, but not of selling bonds to pay it. We can arrange to pay without any sale of bonds. In my judgment there is no necessity calling for any sale of bonds to pay this small debt.

Mr. BURCHARD, of Illinois. The Secretary has power to issue new bonds to pay it. This provides only for the disposition of bonds already held by the Secretary of State.

The previous question was seconded and the main question ordered.

Mr. LANDERS, of Indiana. I demand the yeas and nays on the engrossment and third reading of the bill.

Mr. HOLMAN. Let me inquire of the gentleman from Illinois whether this Geneva award fund is not now invested in registered bonds? The law in force authorizes the issue of coupon bonds to pay these judgments, which will result in the transfer of registered bonds to that extent. The effect of this is, instead of authorizing the conversion of those registered bonds into coupon bonds, to sell them.

Mr. BURCHARD, of Illinois. I have a statement from the Treasury Department which I did not have read as I did not wish unnecessarily to occupy the attention of the House, but I will, with the permission of the House, insert it in my remarks. I will explain, as I have already, that the object of the bill is to avoid the necessity of issuing the class of bonds authorized by the act of 1874, which will require an expense of fifteen or twenty thousand dollars to engrave, print, and issue them. The Secretary of the Treasury is authorized by that act to issue certain bonds to pay those judgments, but he is not authorized to dispose of bonds in trust for this fund. He is required by the act passed at this session of Congress to pay those judgments. To do that he must issue new bonds, as the law now stands. This bill authorizes him to sell bonds already issued and now held by the Secretary of State in trust to pay these judgments.

Mr. HOLMAN. I supposed that was the object of the bill.

Mr. LANDERS, of Indiana. I withdraw the demand for the yeas and nays on the engrossment and third reading of the bill, and will call them upon the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. Let me ask the gentleman one more question, whether this provides for 5 or 6 per cent. bonds?

Mr. BURCHARD, of Illinois. The bonds authorized to be sold are 5 per cent. bonds. There are no 6 per cent. bonds of the funded loan of 1881.

Mr. HOLMAN. The law now in force authorizes the issue and sale of 5 and 4½ per cent. bonds.

Mr. BURCHARD, of Illinois. The act of 1874 authorizes the Secretary to issue 5 per cent. bonds. I demand the previous question on the passage of the bill. The statement from the Treasury Department, to which I have called attention, is as follows:

The act of March 3, 1873, (17 Statutes, 601) provides that immediately after the payment of the sum of money awarded to the United States by the tribunal of arbitration at Geneva, to be paid by the government of Great Britian, the same shall be paid into the Treasury, and used to redeem, so far as it may be, the public debt of the United States, and the amount equal to the debt so redeemed shall be invested in the 5 per cent. registered bonds of the United States, to be held subject to the future disposition of Congress.

In accordance with the terms of this act, the money received into the Treasury from the government of Great Britain was used in redemption of the 6 per cent. bonds of the United States, and an amount equal thereto was invested in the 5 per cent. registered bonds known as the "funded loan of 1881," which are held by the Secretary of State as trustee of the fund.

It will be observed that this act required that an amount equal to the debt redeemed should be invested in the 5 per cent. registered bonds of the United States. The only loan that the Government was then issuing was what is known as the funded loan of 1881, authorized by the act of July 14, 1870, and January 20, 1871, for the purpose of funding the debt at a lower rate of interest; and therefore the investment was to be made in these bonds, there being no other in which it could then have been made. Under the construction given to the law at the time, the transaction became a part of the funding operations.

Section 15, act of June 22, 1874, (18 statutes, 248,) requires the Secretary of the Treasury to pay the said respective payments of said court out of any money in the Treasury, and for that purpose he is authorized, when necessary, to issue and sell at public sale, after ten days' notice of the time and place of sale, at not less than par in coin, a sufficient amount of coupon or registered bonds of the United States, in such form as he may prescribe, of denominations of $50 or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable quarterly in such coin, at the rate of 5 per cent. per annum. And upon the payment from time to time of the said respective judgments of said court as before provided, the bonds of the United States mentioned in the act approved March 3, 1873, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award * * * shall be canceled and extinguished to the amount of such payments, and, when all such payments shall have been made any such bonds remaining shall also be canceled.

This section, although in the description of the bonds to be issued is a paraphrase of the act of July 14, 1870, is held by the proper law officer of the Department to require the issue of a new loan; the bonds authorized to be issued by it being for the payment of the judgments of the said court, and not redeemable until after ten years from the date of their issue.

The object of the proposed bill is to enable the Secretary of the Treasury to sell the bonds, or others of the same loan, of which he has a large amount unissued, in which the fund is already invested, and to avoid the expenses and difficulties to be encountered in issuing an entirely new loan. The cost of engraving, preparing plate, printing, &c., of the bonds for a new loan would not cost less than from $15,000 to $20,000. Besides this, the bonds in which the fund is invested are already a part of the $500,000,000 of the funded loan. If a new loan were issued, the amount of this loan would be reduced by the amount of the new loan, its series would be interrupted, and its unity destroyed.

The previous question was seconded and the main question ordered.

Mr. LANDERS, of Indiana. Is it in order to move to recommit the bill?

The SPEAKER. It is not, as the main question has been ordered.

Mr. LANDERS, of Indiana. Is it in order to lay the bill upon the table?

The SPEAKER. It is.

Mr. LANDERS, of Indiana. Then I move to lay the bill upon the table.

The motion was disagreed to.

Mr. LANDERS, of Indiana. I demand the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. BURCHARD, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour now begins at ten minutes after one o'clock p. m. The call of committees for bills of a public nature rests with the Committee on Military Affairs, and there comes over from the last morning hour a report from that committee, which is the first question in order.

PAY AND ALLOWANCES OF UNITED STATES ARMY OFFICERS.

Mr. BANNING. I have the floor.

The SPEAKER. The chairman of the Committee on Military Affairs, during the last morning hour, reported from that committee, as a substitute for House bill No. 1806, a bill (H. R. No. 2817) to regulate the pay and allowances for forage and quarters of Army officers, on which the gentleman from Ohio is entitled to the floor.

Mr. BANNING. Mr. Speaker, for the information of the members of the House I will say that this is a House bill. As printed, it is

numbered 1806 on the Calendar, but it will be found as amended and now reported to the House by the committee in the RECORD of March 24, page 21.

This bill fixes the salaries and allowances of Army officers. The necessity for stopping every waste of the public money is so great and well understood that I will not detain the House in repeating the argument. The salaries reduced by this bill are what may be termed war salaries, salaries fixed during and since the war, when the currency of the country was much less valuable than now, when the products of the farm and shop were more expensive, when larger salaries were required for the support and maintenance of officers' families.

Mr. Speaker, twenty years ago offices were sought after, both because the positions were honorable and the salary sufficient. The cost of living then was about the same as now, the salaries paid much less than now and less than the salaries provided for in this bill. An examination of the prices of flour, beef, pork, corn, beans, butter, coal, sugar, salt, potatoes, and other articles of like character, will show that they can be purchased cheaper at this time than they could be purchased in 1855, while staple cotton and woolen goods are 10 per cent. cheaper than in 1855. It is estimated that a family can be clothed, housed, and fed now on as small a sum of money as at any time within thirty years. Good carpenters accept work readily at $1.50 a day. The average expense of supporting a family is estimated at less now than it was before the war. Labor is being employed in Pennsylvania for ninety cents a day.

Sir, never was it harder to pay taxes than now, never could deserving men be found in greater numbers to perform official duties on smaller salaries than now.

In 1860 we had as officers of our Army one major-general, who was a Lieutenant-General by brevet; three brigadier-generals of the line and one of the staff—making five general officers in all—whose aggregate pay and allowances amounted to $38,799.48. Now we have one General, one Lieutenant-General, three major-generals, six brigadier-generals of the line and seven of the staff—making eighteen in all—whose aggregate pay and allowances amount to $160,926.48; being an increase of four to one in numbers and more than fourfold in amount of annual pay.

The question, however, is, are the salaries provided for in this bill a sufficient compensation for the services performed by these officers?

I know it will be claimed in opposition to the passage of this bill that many of the men whose salaries will be reduced were distinguished soldiers in the war of the rebellion, and that the country owes them a debt of gratitude; all of which is true. But, sir, the country can never pay the debt of gratitude it owes the soldiers of the Army in dollars and cents. Nor, sir, is it just or right to select out of the many distinguished soldiers of our Army eighteen officers, and, in addition to increasing their rank to that of General, Lieutenant-General, major-general, and brigadier-general, to pay them $162,926.48 per annum for their services, while such men as Stanley, Hazen, Davis, and other distinguished soldiers, who were brigadier-generals and major-generals during the war are now reduced to captains, majors, lieutenant-colonels, and colonels in both rank and pay. I say, in answer to this argument, it is due to other distinguished soldiers of the Army who won in battle and received as evidences of their valor the highest commissions of our service, who are now humbly and faithfully performing their duty in a reduced rank, that the pay of those whose peers they were in war should not be so large as to make the comparison invidious.

Sir, there is, however, nothing in the argument. The debt of gratitude we owe the soldiers cannot be paid in money. The soldier did not fight for money, but for the Government of his fathers. Thanks be to his courage, we are here as Representatives of the people of the "United States," not to perpetuate the hatreds of the past, but to forgive and forget; to look forward, not backward. Not for the glory and grandeur of any one or any set of men, but for "the greatest good to the greatest number."

A distinguished soldier when asked if a reduction in our Army expenditures is necessary, how and where it should be made, said: "If you must reduce, then cut off at the head and not at the foot." The bill now under consideration is framed in accordance with this advice. The bill reduces the pay of all general officers, of all second lieutenants for their first four years' service, and the allowances of all Army officers. It prevents any officer detached upon the staff of the General or Lieutenant-General receiving any rank or allowances more than those belonging to the next grade above that of his actual rank in the Army, and prevents in the future the shameful practice of detailing a young second lieutenant, just from West Point, who has seen no service, and promoting him over the heads of old veterans to a lieutenant-colonelcy, upon a general officer's staff. It repeals the law authorizing extra lieutenants as adjutants and quartermasters, assigning these officers to the first vacancies that occur in their grades. It provides that chaplains hereafter appointed shall only be appointed for four years, subject to re-appointment and confirmation by the Senate.

In details the bill makes changes and reductions in salaries as follows:

First. It reduces the pay and allowances of the General of the Army from $18,081.91 to $10,000, thus saving to the Government $8,081.91. I do not think it is necessary for me to stop to argue the propriety of this reduction or the sufficiency of the remaining salary of $10,000. It is double that of a Senator, 25 per cent. more than that of a Cabinet officer or a supreme judge, and as much as a proper performance of our duties will admit of our giving the distinguished commander of our armies.

Second. The bill reduces the pay and allowances of the Lieutenant-General from $13,593.86 to $8,000 a year, saving $5,593.86; leaving the Lieutenant-General a salary which is 60 per cent. more than the salary of a Senator, being a salary for life, equal to that of a Cabinet officer. The bill reduces the pay and allowances of a major-general from $10,093 to $6,000, saving on the pay of three major-generals $12,281.56; leaving the annual pay of the major-general $1,000 more than the pay of a Senator, which is an ample compensation for these officers.

Fourth. This bill reduces the pay of the brigadier-general from $7,613.00 to $5,000 per annum, saving on the pay of thirteen brigadier-generals $33,169.13; leaving the pay of each the same as the pay of a Senator; making a saving on the general officers' pay of $60,000.46 annually.

The pay proper of the colonel, lieutenant-colonel, major, captain, and first lieutenants is not changed. These are the hard-working officers of the Army, many of them having been general officers in the war; men who led their commands in action, whose long and faithful service entitles them to the highest consideration, whose pay proper is not too large, and, in the opinion of the committee, should not be reduced.

The bill reduces the pay and allowances of all second lieutenants $200 per annum for the first four years of their service, fixing the salary at $1,200 not mounted, and $1,300 mounted. This amount is, in the opinion of the committee, a fair compensation for young, inexperienced officers of this grade. The amount is sufficient for their support, and the testimony of experienced soldiers is that small salaries are best for young officers who know but little of the real value of money. It teaches them to avoid extravagance and practice economy. This pay is more than the average earnings of young men just starting in civil life. It is estimated that this reduction will make a saving of $25,000 per annum.

Sixth. The chaplains' pay is reduced from $1,500 per annum to $1,200 per annum. This will make a saving of $10,200.

Seventh. The repeal of the statute authorizing regimental adjutants and quartermasters to be extra lieutenants is recommended by many experienced officers of the Army and by the Secretary of War. It is a reduction of eighty officers, who, as extra adjutants and quartermasters, are not needed, and is a saving of $121,700 annually.

Eighth. The reduction of the rent of officers' quarters from $18 per room per month to $12 per month, it is estimated by the Quartermasters' Department, will save $107,839.30 annually, and leave allowances to officers for quarters as follows: To a colonel, $60 per month when on detail; to a lieutenant-colonel, $48 per month; to a captain, $36; and a lieutenant, $24.

Ninth. The estimated saving in fuel is $5,996.16 per annum. The reduction of the number of horses allowed officers, and preventing officers drawing forage for any horses except such as are actually owned, kept, and used in the service, it is estimated will make a saving in forage of $140,000. Add to these items the savings made in reduction in amount of transportation, pay, and allowances of extra lieutenants as adjutants and quartermasters of staff-officers, and it will be found that the passage of the bill will save more than $500,000 annually. This is a saving which in the opinion of the committee should be made. After all the reductions I have named are made, the officers whose salaries are reduced will be amply, well, and generously provided for.

In conclusion, I beg leave to submit a table, prepared at the Paymaster-General's Office, showing the exact pay and allowances of the general officers of our Army; that eighteen officers of high rank receive $160,726.48 per annum. Of this amount, more than $31,000 is paid to two officers whose rank did not exist in our Army before the war; more than $53,000 is paid to seven brigadier-generals of the staff, of whom we had but one before the war; showing that while our Army is less than double the strength in enlisted men to what it was before the war, the number of general officers is almost four times as many now as then, and their salaries more than four times as much now as then.

I wish now to call the attention of the House to the fact that our Army expenditures are growing each year, in the matter of fuel and quarters furnished officers, as is thus stated by the Quartermaster's Department:

	1874.	1875.
Fuel	$369,222 00	$393,836 80
Quarters	258,635 41	278,782 52

I wish also to state as a reason for reduction and retrenchment in Army matters, that from a table furnished me by the Pay Department, I find that notwithstanding the reduction of the Army from thirty to twenty-five thousand men, for some reason not explained,

the cost of paying our Army grows upon us at the rate of more than $500,000 a year. The Army Paymaster-General's statement which I ask may be printed as a part of my remarks shows that the disbursements chargeable to the fiscal year 1872 were $10,683,181.60; for 1873, $11,188,556.70; for 1874, $11,797,810.78; for 1875, $12,171,130.92; while a reference to the Secretary's letter of estimated appropriations for next fiscal year shows for pay of Army, as follows:

General and staff officers	$1,054,100 00
Corps of Engineers	281,476 00
Ordnance Department	274,828 00
Signal Corps	81,620 00
Ten regiments of cavalry	2,194,160 00
Five regiments of artillery	911,040 00
Twenty-five regiments of infantry	$3,614,948 00
Indian scouts	46,800 00
Miscellaneous	4,381,316 50
Total	12,840,288 50

Making an anticipated increase in the pay of the Army for next year of more than $600,000 over the pay of the Army in 1875. Thus we find that while all values are shrinking, our Army expenses are growing at the rate of about a half million of dollars annually. I will, Mr. Speaker, have more to say upon this subject at another time.

I hope the House will take the statements I have made into consideration, and find in them and our depressed financial condition reasons sufficient for the support and passage of this bill.

Pay and allowances of general officers during the fiscal years of 1860 *and* 1875.

Grade.	Paid by Pay Department.						Paid by Quartermasters' Department.				Pay and allowances of each grade.	Number of officers of each grade.	Total pay, &c., of all the officers of each grade.
	Pay proper.	Rations for self and servants.	Pay and clothing for servants.	Double rations for self.	Forage for horses.	Total paid by Pay Department.	Money value of quarters.	Money value of fuel.	Money value of forage.	Total allowance by Quartermaster's Department.			
Fiscal year 1860:													
Brevet Lieutenant-General	$3,240 00	$4,831 20	$648 00	$4,392 00	$600 00	$13,711 20	$648 00	*$294 64	.....	$942 64	$14,653 84	1	$14,653 84
Brigadier-general, (line)	1,488 00	1,647 00	486 00	1,317 60	288 00	5,226 60	540 00	269 73	.....	809 73	6,036 33	3	18,108 99
Brigadier-general, (staff)	.....	.....	.....	.....	.....	5,226 60	.....	.....	.....	809 73	6,036 33	1	6,036 33
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	38,799 16
Fiscal year 1875:													
General	13,500 60	.....	.....	.....	.....	13,500 00	†$3,600 00	.....	$981 91	4,581 91	18,081 91	1	18,081 91
Lieutenant-General	11,000 00	.....	.....	.....	.....	11,000 00	1,296 00	479 60	818 26	2,593 86	13,593 86	1	13,593 86
Major-general	7,500 00	.....	.....	.....	.....	7,500 00	1,296 00	479 60	818 26	2,593 86	10,093 86	3	30,281 58
Brigadier-general, (line)	5,500 00	.....	.....	.....	.....	5,500 00	1,080 00	378 40	654 61	2,113 01	7,613 01	6	45,678 06
Brigadier-general, (staff)	5,500 00	.....	.....	.....	.....	5,500 00	.....	.....	.....	2,113 01	7,613 01	7	53,291 07
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18	160,926 48

NOTE.—The allowances paid by the Quartermaster's Department, as stated in the above table, are based upon the supposition that the officers were stationed in Washington City.

*This amount represents the money value of fuel for the Brevet Lieutenant-General for the last half of the fiscal year 1860. The Quartermaster's Department report the money value for the first half of said year as "not found."

†Quarters and fuel. (Act July 25, 1866, volume 14, page 223, and section 1270 Revised Statutes.)

PAYMASTER-GENERAL'S OFFICE, *March* 6, 1876.

BENJ. ALVORD,
Paymaster-General United States Army.

Statement showing the disbursements to the Regular Army by the Pay Department during the fiscal years 1860 *and* 1871 *and the disbursements chargeable to the appropriations for the fiscal years* 1872, 1873, 1874, *and* 1875.

	Disbursements during fiscal year 1860.	Disbursements during fiscal year 1871.	Disbursements chargeable to fiscal year 1872.	Disbursements chargeable to fiscal year 1873.	Disbursements chargeable to fiscal year 1874.	Disbursements chargeable to fiscal year 1875.
Pay proper to officers						$3,790,397 78
Pay proper to enlisted men						4,285,181 73
Retained pay to enlisted men			$8,233,126 45	$9,059,146 99	$9,525,836 74	483,641 69
Pay, miscellaneous						413,617 90
Service pay to officers	$5,182,381 14	$13,493,144 50	594,861 32	649,516 26	682,316 00	674,271 91
Retired pay to officers			678,708 34	674,713 20	673,927 57	675,187 53
Extra-duty pay to enlisted men			27,979 86	28,470 32	29,587 20	28,571 42
Travel pay and subsistence to enlisted men			269,385 60	133,584 68	166,425 37	433,358 93
Service pay, enlisted men			92,451 02	233,614 16	250,414 53	252,215 05
Clothing, enlisted men		1,714,198 84	479,181 97	24,893 23	127,441 27	392,619 56
Mileage		307,188 40	206,448 86	265,666 73	224,826 34	129,696 03
Traveling expenses, paymasters' clerks			24,676 03	23,059 49	21,969 67	15,119 34
Postage		117,716 97	54,150 46	71,045 79	67,485 32	65,756 83
Telegrams					13,959 99	22,319 49
Court-martial expenses			22,211 69	24,845 85	13,620 78	9,175 73
Total	5,182,381 14	15,632,178 71	10,683,181 60	11,188,556 70	11,797,810 78	11,671,130 92
Add amount due and unpaid, (short appropriation)						500,000 00
						12,171,130 92

NOTES.—Prior to the fiscal year 1871 the disbursements for items 11, 12, 13, 14, and 15 were made by the Quartermaster-General's Department.

Included in the disbursements for 1871 is the amount (one year's pay and allowances) paid to officers leaving the Army under act of July 15, 1870.

The amounts stated as disbursements chargeable to fiscal year 1875 under items 1, 2, 3, 4, 5, and 6 are for eleven and a half months' service. One-half month's pay, say $500,000, is due and not paid, owing to a deficiency in the amount appropriated for the service of said year. The disbursements in 1875 under item 11 are not "mileage," but "actual traveling expenses" of officers, exclusive of amounts paid by the Quartermaster's Department on transportation orders, which form an item of these expenses.

FEBRUARY 29, 1876.

BENJ. ALVORD,
Paymaster-General United States Army.

I do not know how much time gentlemen will wish to use in argument, but I am willing to yield to any one who wishes to speak for or against the bill.

Mr. GARFIELD. What is the total amount of reduction?

Mr. BANNING. About $530,000.

Mr. GARFIELD. If the gentleman will yield a moment, I wish to say, while I have had no time to study the bill, that just before one of his colleagues on the Committee on Military Affairs [Mr. HURLBUT] left the House last night he put into my hand a copy of the testimony taken before the committee, stating that he might not be here this morning, and asking me to have a paragraph read for the information of the House. I ask the Clerk to read from page 18 the marked passage. It appears that the committee took the testimony of Major-General Hancock, among many others, in reference to the proposed reduction of pay, whether in his judgment the pay of the Army could fairly and reasonably be reduced.

The Clerk read as follows:

In adopting the military profession the officer relinquishes some of the dearest rights and privileges of the citizen; he subjects himself to a new and stringent code of laws; he submits to constant and irksome restrictions upon his freedom of speech and liberty of person; his movements are entirely dependent on the will of others. These are no trifling sacrifices, yet the officer makes them willingly in the interest of the service with which he has identified himself. What he asks in return is security of place and pay so long as he is worthy, and that he may not after all his sacrifices, his years of faithful service, his increased experience, be

told that he is overpaid now because the proportion between his pay and his services to-day is not the same as it was when he was last exposing his life for the nation. And while he has a right to demand this security, it is also, in my opinion, to the great interest of the Government to confirm him in the possession of it, for whatever tends to impair it has a directly injurious and ultimately ruinous effect upon the efficiency of the Army. For these reasons I think that no reduction can be made in pay and allowances of officers of the Army without serious detriment to the efficiency of the service.

Mr. GARFIELD. Mr. Speaker, this testimony of Major-General Hancock is very weighty, and ought to challenge the serious consideration of the House.

I do not now discuss the general bearings of this bill, for I have not been able to study it. It is unfortunate that many members of the Military Committee are absent. But I want to say that if there be any part of the service of the United States which can be looked upon with satisfaction it is our military and naval service. We have rarely known in this country any officer to dishonor those branches of the service. Hardly ever has there been a case of peculation on the part of officers of the Army and Navy; and largely because men are not there subject very much to the contingencies of political life and to the changes of political parties. For that reason they choose their profession for life; not as we do our places here, with such uncertainty of our tenure of office. But there a man deliberately enters upon a career which in a few years unfits him for any other thing. A man who has been twenty years in the Army or Navy, unless, perhaps, in the Engineer Corps, is almost entirely unfitted for any other business; and if we do anything in the way of legislation to render the tenure of an Army officer more uncertain and his emoluments fluctuating, we impair the spirit of the Army and very seriously disturb what is now so admirable in it.

I remember well that a few years ago, when we were compelled to cut down the Army, when we found that we had a greater Army than the necessities of peace required, Congress came to the conclusion that we ought not under any circumstances to dismiss a body of officers by the operation of law, but that by a process of absorption, not filling vacancies, we should make the reduction, so as not to take away any officer's commission that had been given to him on the faith of the Government.

In 1872, only four years ago, we passed the Army pay bill, which is the law as it now stands. At that time the pay and allowances of officers were made up by a series of complicated calculations; and it was difficult to say directly, by appealing to the statutes, what the pay of a captain, a major, or general might be. By that act we cut off nearly all the allowances the constructive charges, and all that went to make up the annoyances and vexations of that system of payment, and established a plain, direct salary. This was a little larger than the actual salary proper under the old law; but it was very little, if any, larger than the salary and allowances under the old law. As the law now stands, the Army officers are receiving salaries not differing much from what they have received for the last twenty-five years; and it seems to me that after only four years of trial of the new law we should not cut down the aggregate pay of Army officers half a million, and thus disturb their confidence in the good faith of their Government.

The views of General Hancock in relation to this bill are correct, that we should not disturb the stability which ought to exist in our Army by so severe a reduction. This question ought not to be one of partisan politics, but should be determined on the solid grounds of the public good. Who has asked for this legislation? What complaint has been laid before this House in reference to the pay of the Army? I have seen none. This is a gratuitous movement, uncalled for by the people, and likely to be considered as a hostile blow at a worthy class of public servants. This country owes a debt of gratitude to the Army and Navy, and will not be likely to forget this unsolicited attempt to injure the efficiency of establishments which have done so much to preserve and honor the nation. I shall vote against the bill.

Mr. BANNING. If any other gentleman desires to speak I am ready to yield to him. If not, I shall call for a vote. But before doing so I desire to say a word in reply to the gentleman from Ohio, [Mr. GARFIELD.]

This reduction is made in accordance with the advice of General Sherman, who has said, "If you are going to reduce, cut off at the head, and not at the foot." We cut down the salaries of general officers. We would not expect them to say, "Cut down our pay." But we have allowed the General $10,000, the Lieutenant-General $8,000, the major-generals $6,000, the brigadier-generals $5,000; and we save $60,000 by that reduction. I do not think that my colleague [Mr. GARFIELD] would vote against that reduction. It is certainly a fair and just one. The other reduction made in officers' pay is the reduction of the pay of second lieutenant for his first four years' service; and old officers say to us that this is a proper reduction to make. I ask for a vote on the bill.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 98, noes not counted.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. GARFIELD. I desire to ask the gentleman from Ohio a question. Why should the bill not fix the date when it will take effect—say the end of the current fiscal year?

Mr. BANNING. The bill as it stands would take effect on its passage; but I have no objection to its being provided that it shall take effect on the 1st day of July next.

Mr. GARFIELD. That would be better for the sake of the accounts.

Mr. BANNING. I have no objection; but I cannot move that amendment, because I am not authorized to do so by the Committee on Military Affairs.

Mr. GARFIELD. If the gentleman will allow me, I will move as an additional section the following:

That this act shall take effect from and after the 1st of July next.

Mr. BANNING. That may be agreed to by unanimous consent.

There was no objection, and the section proposed by Mr. GARFIELD was added to the bill.

Mr. FORT. Is this substitute printed?

Mr. BANNING. The substitute was printed in the RECORD of Friday morning last.

The question was on the passage of the bill.

Mr. PAGE. I now call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 70, not voting 80; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, John H. Baker, Banning, Bell, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ely, Evans, Felton, Forney, Franklin, Fuller, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Hunton, Jenks, Thomas L. Jones, Kehr, Knott, Franklin Landers, George M. Landers, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, McMahon, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Miles Ross, Savage, Sayler, Scales, Seelye, Singleton, Slemons, A. Herr Smith, Sparks, Springer, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Warren, Erastus Wells, White, Whitthorne, Wike, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Fernando Wood, Yeates, and Young—139.

NAYS—Messrs. Adams, George A. Bagley, Ballou, Blair, Horatio C. Burchard, Cannon, Cason, Caswell, Conger, Crapo, Danford, Denison, Dobbins, Dunnell, Eames, Farwell, Foster, Frost, Frye, Garfield, Hale, Hathorn, Havs, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hyman, Joyce, Kasson, Kimball, King, Lapham, Leavenworth, Lynch, Magoon, McCrary, Monroe, Morey, Nash, Norton, Oliver, Page, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Rusk, Sampson, Smalls, Strait, Stowell, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, Walls, Wheeler, Whiting, Andrew Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—70.

NOT VOTING—Messrs. Ainsworth, Bagby, John H. Bagley, jr., William H. Baker, Banks, Barnum, Bass, Beebe, Blackburn, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Burleigh, Candler, Chapin, Chittenden, Clymer, Cowan, Cox, Crounse, Darrall, Davy, Egbert, Ellis, Faulkner, Fort, Freeman, Gause, Gibson, Hancock, Haralson, Benjamin W. Harris, Hartridge, Hartzell, Hatcher, House, Hurd, Hurlbut, Frank Jones, Kelley, Ketchum, Lamar, Lane, Lawrence, Levy, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, Meade, Miller, Mills, O'Neill, Packer, Powell, Purman, Rainey, John Robbins, Roberts, Sobieski Ross, Schleicher, Schumaker, Sheakley, Sinnickson, William E. Smith, Southard, Swann, Thomas, Thornburgh, Charles C. B. Walker, John W. Wallace, Ward, G. Wiley Wells, Whitehouse, Wigginton, Charles G. Williams, Wilshire, and Benjamin Wilson—80.

So the bill was passed.

During the roll-call,

The SPEAKER *pro tempore* said: The Clerk will suspend the roll-call until order is restored in the House.

Mr. FORT. I rise to a point of order.

The SPEAKER *pro tempore*. Nothing is in order except the roll-call, and the House must be in order, as the Clerks cannot hear the responses of members.

Mr. FORT. The disorder is occasioned by the fact that the bill has never been read, and members are endeavoring to find out what it is.

The SPEAKER *pro tempore*. It is too late to raise that point now, and the Clerk informs the Chair that the bill has been read.

Mr. FORT. It was read on Friday last, but it has not been read to-day, and has not been printed.

The SPEAKER *pro tempore*. The point of order is too late; nothing is in order but the continuation of the roll-call.

Mr. EDEN. I wish to announce that my colleague, Mr. HARTZELL, is detained at his room by indisposition.

Mr. RANDALL. I desire to announce that my colleague, Mr. ROBBINS, is absent on account of the indisposition of his wife; if here, I take it, he would vote "ay."

Mr. ATKINS. My colleague, Mr. HOUSE, is absent on account of indisposition in his family, and has been for a day or two past; if present I expect he would vote "ay."

Mr. POWELL. I desire to state that I am paired with my colleague, Mr. ROSS; if he were here I think he would vote "no," and I should vote "ay."

Mr. EGBERT. I am paired with my colleague, Mr. WALLACE, of Pennsylvania. I do not know how he would vote, but if I had voted I should have voted "ay."

Mr. WALLACE, of South Carolina. My colleague, Mr. MACKEY, is confined to his room by sickness, as I am informed.

Mr. POPPLETON. My colleague, Mr. COWAN, is absent at his home by leave of the House.

The SPEAKER *pro tempore*. The Chair desires to state that he has

a letter from Judge LAWRENCE, of Ohio, stating that he is detained at home by indisposition in his family.

The result of the vote was then announced, as above recorded.

Mr. KASSON. I move to amend the title of the bill so as to read as follows:

A bill to punish the Army of the United States for the gallant service rendered by it in preserving the Union.

Mr. BANNING. I would like to hear that amendment again read.

The Clerk again read the amendment.

Mr. BANNING. I move that it be referred to the gentleman from Iowa for the gallant services he rendered during the war.

Mr. KASSON. I am ready to report immediately.

Mr. BANNING. You are a great deal more ready to report now than you were to carry a knapsack during the war; you could not be found then.

Mr. HALE. Let us have the yeas and nays on agreeing to this amendment to the title.

Mr. PAGE. That is right.

Mr. BANNING. Is that amendment in order? I did not yield the floor for any amendment.

Mr. FOSTER. The gentleman is too late.

The SPEAKER *pro tempore*. The point of order is made too late.

Mr. RANDALL. The country will appreciate all this at its true value.

Mr. BANNING. Then I hope we will have the yeas and nays.

The SPEAKER *pro tempore*. That is the question now before the House.

The yeas and nays were ordered.

Mr. BANNING. The first question, I suppose, is on my motion to refer this amendment to the title to the gentleman from Iowa, [Mr. KASSON.]

Mr. PAGE. That motion is not in order.

Mr. BANNING. I call the previous question on my motion to refer.

Mr. KASSON. I hope that motion will prevail, for it would carry the bill with it, and I should be delighted to report upon it.

The SPEAKER *pro tempore*. The Chair will rule that the motion to refer the amendment to the title is not in order; for, if agreed to, it would carry the bill and everything with it.

The question was taken; and there were—yeas 59, nays 152, not voting 78; as follows:

YEAS—Messrs. Adams, George A. Bagley, Ballou, Blair, Horatio C. Burchard, Burleigh, Cason, Caswell, Conger, Danford, Denison, Dobbins, Dunnell, Eames, Fort, Foster, Frye, Hale, Hathorn, Hendee, Hoar, Hoskins, Hubbell, Hunter, Hyman, Joyce, Kasson, Kelley, Kimball, Lapham, Leavenworth, Lynch, Magoon, McCrary, Monroe, Nash, Norton, Oliver, Packer, Page, William A. Phillips, Plaisted, Platt, Rusk, Sampson, Sinnickson, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Alexander S. Wallace, Walls, Wheeler, Whiting, Andrew Williams, Charles G. Williams, James Wilson, Alan Wood, jr., and Woodburn—59.

NAYS—Messrs. Anderson, Ashe, Atkins, Bagby, John H. Baker, Banning, Bell, Blackburn, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ely, Evans, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Knott, Franklin Landers, George M. Landers, Levy, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, Meade, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Miles Ross, Savage, Sayler, Scales, Seelye, Sheakley, Singleton, Slemons, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Warren, Erastus Wells, White, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Fernando Wood, Woodworth, Yeates, and Young—152.

NOT VOTING—Messrs. Ainsworth, John H. Bagley, jr., William H. Baker, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Cannon, Chapin, Chittenden, Cowan, Crapo, Crounse, Darrall, Davy, Egbert, Ellis, Farwell, Faulkner, Freeman, Frost, Garfield, Gause, Haralson, Benjamin W. Harris, Hartridge, Hartzell, Hatcher, Hays, Henderson, Hoge, House, Hurlbut, Frank Jones, Ketchum, King, Lamar, Lane, Lawrence, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, McMahon, Miller, Mills, Morey, O'Neill, Pierce, Pratt, Purman, Rainey, John Robbins, Sobieski Ross, Schleicher, Schumaker, Smalls, A. Herr Smith, William E. Smith, Strait, Stowell, Swann, Thornburgh, Waldron, Charles C. B. Walker, John W. Wallace, Ward, G. Wiley Wells, Whitehouse, Wigginton, Willard, and Benjamin Wilson—78.

So the amendment to the title was not agreed to.

During the call of the roll,

Mr. EGBERT said: I am paired with my colleague, Mr. WALLACE; if voting I would vote "no."

Mr. BANNING. I call the previous question on agreeing to the title of this bill.

The previous question was seconded and the main question ordered; and under the operation thereof the title was agreed to.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSOLIDATION OF THE STAFF DEPARTMENTS OF THE ARMY.

Mr. BANNING, from the Committee on Military Affairs, reported, as a substitute for House bill No. 2264, a bill (H. R. No. 2935) to promote the efficiency of the Army, to provide for its gradual reduction, to consolidate certain of its staff departments, and for other purposes; which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the state of the Union, and made the special order for two weeks from Wednesday next at two o'clock.

ORDER OF BUSINESS.

Mr. RANDALL. Has the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. RANDALL. Then I call up the unfinished business, being the further consideration of House bill No. 2450, to provide for the deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States instead of fractional currency. Under the order of the House, the question will be taken upon the amendments in their order, the first question being upon the amendment of the gentleman from California, [Mr. PAGE.]

Mr. FRYE. There is a special order assigned for to-day, the Geneva award bill.

Mr. RANDALL. There are very strong reasons, which I think the gentleman will appreciate, why this bill should be disposed of as soon as possible. I would be content to have some other day assigned for the Geneva award bill.

Mr. FRYE. If a week from to-morrow can be assigned, it will be satisfactory to me, and I presume it will be to the chairman of the Committee on the Judiciary.

The SPEAKER *pro tempore*. The postponement of the Geneva award bill does not necessarily cause it to lose its place, as it is made a special order from day to day until disposed of.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The message further announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. R. No. 86) for relief of Turtle Mountain band of Chippewa Indians;

A bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein;

A bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of political disabilities imposed by the fourteenth amendment of the Constitution; and

A bill (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876.

The message also announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested:

A bill (H. R. No. 2135) relating to the execution of custom-house bonds.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians.

SUBSIDIARY SILVER COIN.

The House resumed the consideration of the bill (H. R. No. 2450) to provide for the deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States instead of fractional currency.

Mr. WELLS, of Missouri. I ask consent to move an amendment to the amendment of the gentleman from Indiana, [Mr. HOLMAN,] so that it may be considered when that amendment shall be reached.

The SPEAKER *pro tempore*. The order of the House was that the amendments should be considered in the order in which they relate to the bill.

Mr. WELLS, of Missouri. I understand that, but I ask unanimous consent to move this amendment, which is very important should the bill pass.

Mr. O'BRIEN. Let the amendment be read.

The SPEAKER *pro tempore*. Will the gentleman from Pennsylvania [Mr. RANDALL] please state what he understands to be the order of the House in regard to this matter?

Mr. RANDALL. I understand that the amendment can come in by unanimous consent, and in no other way. I have no objection, however, to the amendment, if I understand what it is.

The SPEAKER *pro tempore*. The amendment which the gentleman from Missouri desires to offer will be read.

The Clerk read as follows:

Strike out in the first four lines of the amendment of Mr. HOLMAN the following words:

The Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but

The SPEAKER *pro tempore*. Is there objection to considering this amendment?

Mr. OLIVER. I object.

Mr. WELLS, of Missouri. I hope the gentleman will not object. I simply ask a vote of the House on this proposition. It is a very im-

portant amendment. Without this or some similar amendment, the efficiency of the measure will be very much impaired.

The SPEAKER *pro tempore*. Does the gentleman from Iowa [Mr. OLIVER] insist on his objection?

Mr. OLIVER. I do.

The SPEAKER *pro tempore*. The first question will be upon the amendment offered by the gentleman from California, [Mr. PAGE,] which will be read.

The Clerk read as follows:

Insert after the word "redemption," in the seventh line of the second section:
And the Secretary of the Treasury shall continue such redemption of fractional currency by causing, under proper regulations, the coinage of not less than $1,000,000 each month and issuing the same until all the outstanding fractional currency be redeemed.

Mr. PAGE. I do not propose to discuss at all this amendment which I have offered. It proposes to make it mandatory upon the Secretary of the Treasury to cause to be coined $1,000,000 of silver coin per month and to issue it in place of fractional currency, until the whole amount shall be redeemed. It seems to me that this is an improvement upon the committee's bill from the fact that the bill does not, as this amendment does, make it mandatory upon the Secretary of the Treasury to go on and do this.

Mr. FORT. Mr. Speaker, I have had no opportunity heretofore to say anything upon this bill, and I do not propose now to say more than a word or two. I am certainly in favor of paying out the silver coin now in the Treasury; and when we shall have done that, it will then probably be time to determine whether any further issue of silver coin should be made, or whether fractional currency should be printed and issued.

As I understand, there is now about $45,000,000 of fractional currency afloat; some estimate the amount much lower by reason of the loss and destruction of this description of currency. Perhaps there is not over forty millions now in circulation. I understand that we have now in the Treasury about $16,000,000 of silver coin and considerable silver bullion, which is over one-third of the entire amount of fractional currency afloat. This silver coin is now ready for use as currency. The question, then, is whether we shall retain in the Treasury that $16,000,000 of silver now ready for use, and in lieu of it print for circulation $16,000,000 of fractional currency at a cost, as I understand, of about $400,000, and some estimate the cost at $500,000. The question is simply whether we shall expend about half a million dollars a year in printing fractional currency for circulation, or whether we shall pay out the silver we have on hand and save the amount annually. There can be no doubt about the economy of this measure. Fractional currency, it seems, is indeed very expensive. It costs about as much to print a ten-cent piece of fractional currency as it does to print a hundred-dollar bill; and this fractional currency, by reason of its peculiar use, is soon worn and mutilated and must be renewed at the cost of printing and counting.

So, as I understand it, if we print and issue $16,000,000 of fractional currency and keep the silver in our vaults, we shall probably have to reprint that fractional currency at a like cost within a year or so. If that be true, it seems to me clear that, having the silver ready for circulation, it is a matter of economy of about $500,000 year after year. The Government is not bound to recoin the silver at its own cost. When it is once coined and issued the Government responsibility is ended. The Government, as it will be remembered, is not bound to redeem its coin. It has been stated by the distinguished gentleman from Pennsylvania [Mr. KELLEY] that silver coin wastes by wear. That is no doubt true; but it would take many years to make a very perceptible difference in this silver coin; it certainly would not wear out in twelve or fifteen months or even in ten years. But even if it did wear, the loss by wear, as I understand, does not fall upon the Government.

The Government receives the silver in bullion at what it weighs, and will not be bound to recoin and make it full weight at its own loss and expense. If it be true that we have the silver on hand, no matter what it has cost to purchase it, and without any reference to return to specie payment, it seems to me to be a simple question of economy we should use the silver coin instead of printing paper fractional currency to circulate in its place.

Mr. KELLEY. As the gentleman from Illinois has referred to me, I desire to say I entirely agree with him in that view, and have so said. I would have that already coined paid out, and that the bullion on hand be coined and paid out, but I would not increase the gold-bearing indebtedness to buy more.

Mr. FORT. I am glad the distinguished gentleman from Pennsylvania agrees with me in that respect. The question whether we should sell bonds bearing gold interest for the purpose of purchasing silver to continue the resumption of fractional currency is perhaps another thing, which I have not time now to discuss. As far as I am concerned, I can see no other reasonable course for this House to pursue than to pass this bill, and put out this silver coin and save the printing of the currency. We ought to do it as a matter of economy, thereby saving half a million of dollars a year. And if the estimates of the cost of printing and reprinting every twelve to fifteen months this fractional currency are reliable, it will certainly be economy and in all respects better to procure the silver and coin it and redeem all of the remainder of this paper fractional currency.

[Here the hammer fell.]

Mr. PAGE'S amendment was rejected.

The question next recurred on the amendment of Mr. BURCHARD, of Illinois, as follows:

Add to section 2:
Any owner of silver bullion may deposit the same at any mint, to be formed into dollars, half dollars, quarters, and dimes at the standard value of such coin, paying the Government the cost of such coinage; and the mint at which such deposit of bullion may be made shall coin the same in the order of the delivery of said bullion at the mint.

Mr. BURCHARD, of Illinois. Mr. Speaker, the amendment I propose is intended to restore the law in regard to coinage of silver as it existed in the Government from the establishment of the Mint until 1873. For about eighty years bullion, either gold or silver, has been permitted to be brought to the Mint to be coined. It seems to me the function of the Government is not, as contended by some gentlemen, to assume to fix the value of metal, or coin, or money, but, as has been stated by the gentleman from Massachusetts, to certify its weight and fineness. It is because an individual cannot be trusted with certifying the quality and weight of metal that it is confided to the Government, and the law has always recognized that, leaving the exchange value to be settled by the laws of trade. In 1873 a law, complained of I believe by those who are responsible for its introduction and passage through the House, changed the law in that respect.

That law, however, Mr. Speaker, permits foreign governments to do this very thing while it refuses it to citizens of the United States. We have a law which permits the Mint and branch mints of the United States, built by the money of the people of the United States merely for the purpose of establishing and certifying the weight and fineness of what is intended to circulate as money, to coin silver as well as gold for foreign nations, while at the same time it refuses this privilege to citizens of the United States. I find in the finance report for 1874 the Director of the Mint states that under the provisions of that act applications have been made and considered, and I believe we have actually coined money at our mints for foreign governments under the provisions of that law.

I know it may be said, at the rate at which silver bullion can be purchased, there is a profit to the Government in coining this bullion. If the Government of the United States will proceed to supply the people of the United States with silver coin to circulate in place of paper fractional currency, then I do not complain; but I do object to the United States occupying the position it now does of neither furnishing small silver change nor permitting the citizens of the United States to do so by having silver bullion coined at the mints. I have therefore moved this amendment. If other amendments proposed to the bill, directing the United States officers to proceed to purchase bullion and to coin it will furnish the amount, I shall not particularly care for the adoption of my amendment, although it seems to me that by so doing we will return to the old method by repeal of the law which has been in force only for two or three years.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, the objection to the amendment of the gentleman from Illinois consists in this, that as the law stands to-day an ounce of silver is to be coined into a dollar and twenty-four cents and four mills, while an ounce of silver of the standard fineness may now be bought at a dollar and five cents. The amendment of the gentleman will thus give the depositor of silver at the Mint nineteen cents as profit which is now realized by the United States. In addition thereto, the law as it now stands restricts the issue of this debased coin to $50,000,000, while there is no restriction in the gentleman's amendment; and, if adopted, it will permit this depreciated currency to be inflicted upon the people to an indefinite amount.

Mr. KELLEY. Will my colleague allow me to make a statement in confirmation of what he says?

Mr. TOWNSEND, of Pennsylvania. I yield to my colleague.

Mr. KELLEY. I was a member of the Committee on Coinage, Weights, and Measures at the time of the modification of the law of which the gentleman from Illinois complains. The proposition to restore to the Government its seigniorage on subsidiary silver coinage was resisted. One witness appeared before the committee and was examined by the late Hon. Samuel Hooper, who was then my colleague on the committee, and myself. He admitted that his income was $100,000 a year from furnishing silver to be converted into subsidiary coinage. There is no nation in the world that allows its citizens to provide the metal for subsidiary coinage and take out the coin. All derive the means of maintaining their mints from the seigniorage. The British shillings are coined at a depreciation of 12 per cent. below the old standard price of silver.

Mr. TOWNSEND, of Pennsylvania. I ask my colleague not to take the whole of my time.

Mr. KELLEY. I thought you had concluded.

Mr. TOWNSEND, of Pennsylvania. I wish merely to say that the amendment as it stands of the gentleman from Illinois [Mr. BURCHARD] will give to the owners of the silver mines of Nevada nineteen cents profit on every ounce of silver they send to the Mint.

[Here the hammer fell.]

Mr. BURCHARD, of Illinois. I should like the gentleman's time extended for a moment that he may explain how this silver will be worth one hundred and twenty-four cents.

Mr. KELLEY. In coin value.

Mr. BURCHARD, of Illinois. Not the coin value of the silver as in a coin.

Mr. KELLEY. Not the silver in the coin, but the face value of the coin.

Mr. BURCHARD, of Illinois. That is, if it were at the value of gold. But there is a limit; silver can be used only to the extent of $5 as a legal tender.

Mr. RANDALL. Of course the committee cannot agree to such a proposition as this of the gentleman from Illinois.

The question being taken on the amendment of Mr. BURCHARD, of Illinois, it was not agreed to.

The next amendment in order was the one offered by Mr. WILLIAMS, of New York, as follows:

In the tenth line, after the words "United States," strike out the balance of the section, and insert the following:

And the Secretary of the Treasury shall not be authorized to further increase the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage.

Mr. WILLIAMS, of New York. I am opposed to the increase of bonds for the purchase of silver; for the reason that at present silver coins can be bought on the Pacific coast at 5 per cent. discount, and when a much larger amount is put into circulation we cannot tell at what rate of discount they will be sold. I am in favor of issuing what silver is now coined; also whatever bullion may be in the Treasury; but I am opposed to issuing any more bonds for the purchase of silver bullion for coinage.

Mr. HALE. Before gentlemen take the responsibility of either voting against this bill, or, what is as bad, destroying its effect by amendments, it is worth while to consider that this is almost the first practicable and useful measure that has come before this House with any chance of passing. Upon the great question of the currency it is certainly the very first.

In the early part of the session, having the floor, I introduced a resolution looking toward making a resumption of specie payments effectual by putting more power into the hands of the Secretary of the Treasury. Upon that the previous question was voted down. Some weeks later the gentleman from Tennessee [Mr. ATKINS] introduced a resolution upon a Monday morning wholly repealing the date of resumption fixed in the act of January, 1875; and upon that he barely divided the House. And on last Monday the gentleman from Ohio, [Mr. PAYNE,] bearing aloft the bill of the democratic caucus, sought a suspension of the rules, and gained a two-thirds vote, unluckily against the bill instead of for it.

Now to-day there is presented to the House, upon the question of our subsidiary coinage, an opportunity to give the people what almost every member about me upon this side and upon the other side, with the exception of my friend directly at my left, [Mr. KELLEY,] says he believes in—hard, good money. The position that confronts us is this: We have had nominally $45,000,000 of fractional currency; but the wear and tear of thirteen years have resulted in a loss to the people of, I venture to say, ten or twelve millions of dollars. That fractional currency has been constantly lessening at the cost of the people. There are not to-day, I believe, much more than thirty millions of fractional currency of the various denominations in the hands of the people. There is to-day, Mr. Speaker, in the hands of the Secretary of the Treasury coined money for the payment to the people of one-half the amount of all the fractional currency that is to-day out in the hands of the people; and the Secretary and the head of the Mint say that there can be more coined, as a matter of mechanical ingenuity and time, at the rate of $2,000,000 per month. So the opportunity is presented, with a fund on hand equal to 50 per cent. of the currency now out, of giving the people silver instead of paper. And yet gentlemen object, and amendments are offered here that kill the efficiency of this bill, like that to which we are now speaking.

Those who are opposed to the bill, and who want to kill it, and prevent us from giving the people silver instead of paper, realize that the money in the Treasury to the amount of half the extent of the fractional currency must be put out, or else its use must be lost, and it lies idle in the Treasury. But they say, as this amendment says, you shall go no further; and they take advantage of the attractive cry that the national debt shall not be increased in order to give more silver to the people. Why, sir, how could we have got that which is now in the Treasury except by purchase? And how can the Government pay its debt to the extent of these $45,000,000 of fractional currency with the silver now in the vaults of the Treasury? It can only be done by buying silver, and issuing it to the people.

The great objection, Mr. Speaker, or one great objection that is urged by timid men to the resumption of the greenbacks, is that it cannot be done; that there is but $13,000,000 of gold available in the Treasury for the purpose. Suppose the Secretary of the Treasury had accumulated $175,000,000 of gold in the Treasury, half the amount of the greenbacks now out, would not the objections which many gentlemen urge to any process of specie resumption disappear?

We are in the condition, if you will not cripple the Secretary of the Treasury, to give to the people a currency that fire will not burn, that wind will not destroy, and that will not be depreciated and lessened in amount at the expense of the people, and a currency which I venture to say, if I know anything about the feelings of the people of the country, will be welcomed from north to south and from east to west, and I hope that gentlemen will not defeat the object of this bill by putting this amendment upon it.

[Here the hammer fell.]

Mr. KELLEY. I call for tellers upon the amendment of the gentleman from New York, [Mr. WILLIAMS.]

Tellers were ordered; and Mr. HALE, and Mr. WILLIAMS of New York, were appointed.

Mr. RANDALL. This amendment is covered by the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.]

The SPEAKER *pro tempore*. Debate is not in order.

The House divided; and the tellers reported—ayes 57, noes 90.

Mr. BAKER, of Indiana. I call for the yeas and nays.

Mr. RANDALL. Let me suggest to the gentleman from Indiana [Mr. BAKER] that the real test on this bill is on the amendment of his colleague from Indiana, [Mr. HOLMAN.]

Mr. KELLEY. A vote on this amendment is a good test on the measure to increase the gold-bearing indebtedness of the Government.

Mr. BAKER, of Indiana. I must insist on the yeas and nays.

The yeas and nays were not ordered.

So the amendment was not agreed to.

The next amendment in order was the one offered by Mr. HEWITT, of New York; and was as follows:

Strike out all after the words "section 2" and insert the following:

That sections 1 and 2 of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are hereby repealed; and that the Secretary of the Treasury is hereby authorized and directed to sell and dispose of so much of the silver bullion now accumulated in the Treasury as may not be required for the current operations of the Mint; but nothing herein contained shall be held to restrain the Secretary of the Treasury from paying out the silver coins now on hand in redemption of an equal amount of fractional currency.

Mr. HEWITT, of New York. I have already, in the remarks which I submitted to the House when the bill was under main consideration, given my reasons for the amendment which I now offer, and I shall not take up the time of the House by repeating them; but, sir, I would like to say that the gentlemen who have done me the honor to undertake to reply to my remarks have fallen into two manifest errors.

The first is that I intended to make a partisan attack upon the republican party. I thought I made it plain by the very first phrase I uttered that I regarded these financial questions as entirely above party and beyond the reach of party tactics. I only made a *résumé* of what the republican party had attempted to do in order to enforce the moral upon those gentlemen as well as upon the gentlemen on this side of the House that any attempt to legislate upon great financial questions in caucus, as they did and as we have been trying to do, must from the nature of things be a failure. It was a failure in the case of the republican party and it has been a failure in the democratic party to attempt in caucus to adopt a system for the settlement of the financial questions which interest the whole country and all parties, and which demand for their solution the wisest counsels and the largest experience, wherever it may reside, inside of Congress or out of it.

These gentlemen utterly misapprehend my position. I did show that their hasty and ill-considered attempt had been a failure, and I quoted for it the evidence of their own Secretary of the Treasury; but I now repeat that there is no hope of any rescue from the difficulties under which the country is laboring, except through a union of all patriotic men on all sides, to take these financial questions out of the domain of partisan politics.

The second error into which these gentlemen fell was this: They quoted me as being opposed to the use of silver as a subsidiary currency. Mr. Speaker, it is not the material I am opposed to; on the contrary, in any well-regulated system of currency, silver must be used for subsidiary coin; it is the *time* when they propose to issue this silver that I object to. I repeat, now, that the time is most infelicitous, for the reason that silver is fluctuating in the markets of the world at a rate never before known in the history of the precious metals, and the very document which the honorable chairman of the Committee on Appropriations [Mr. RANDALL] quoted from the head of the French mint, in the letter of the Director of our Mint, showing that the Latin nations had combined together to restrict silver coinage, is evidence that it is no time for us to substitute silver, on which we must pay interest, for fractional currency, which can be produced for less than the interest.

What do these gentlemen propose we shall do? They propose what no merchant and no intelligent man would do, that we shall go out and buy an article in a falling market and which will fall still further; and they select this time because we happen to have $14,000,000 of silver in the Treasury. I say that I prefer to sell the bullion and the coin and buy back the interest-bearing bonds which have been issued for the purchase of this silver. But in deference to the opinions of many gentlemen about me, my amendment is drawn so as not to restrict the Secretary of the Treasury from paying out the $14,000,000 or $15,000,000 of silver which he has on hand if he chooses to do so. For one, however, I will never vote for a mandatory law which would compel him to pay it out, because I say that it would be increasing the burden of taxation on the people of the country which can be reduced by the sale of it, and because all the money invested in the purchase of silver is just so much taken away from our ability to resume specie payments.

Now, one other point. I propose by this amendment to repeal the

first section of the resumption act, because it imposes an unnecessary burden of taxation, as I have shown. I propose also to repeal the second section, which provides for the free coinage of gold, for this reason: There is no country in the world that has a free coinage of gold. In England it is nominally free, but if you will turn to Jevons on Money and the Mechanism of Exchange, you will find that only once in the history of the British government has any private bullion ever been taken to the mint and coined free of charge. On the contrary, it all goes to the Bank of England, where it is subject to a charge of ½ of 1 per cent. We formerly charged ½ of 1 per cent., which we deliberately give up and put it in the pockets of the owners of the gold mines, taking $60,000 a year out of the pockets of the taxpayers of this country. I am not willing to continue any such provision of law—which is in fact an abuse of legislation—one moment longer than may be necessary to effect its repeal.

Mr. RANDALL. I am opposed to this amendment because it inappropriately, if not improperly and needlessly, repeals the first and second sections of the resumption act. If that act is to be repealed in part or in whole, this is not the place to do it.

My second objection is that it proposes that the Secretary of the Treasury shall take a step backward and sell what silver bullion remains in the ownership of the Government, instead of proceeding to coin it as he has already done to the extent of $12,000,000. When we first discussed this question there was about $12,000,000 of silver coin on hand, and there is now enough of bullion on hand to make $4,000,000 more, or in the aggregate $16,000,000 of silver coin, which can now be issued.

The gentleman in the last clause of his amendment proposes, not to restrain the Secretary of the Treasury from putting into circulation that $16,000,000 of silver coin, but he wants him to stop there. The result of that would be that we would have out $16,000,000 of silver coin, and the balance of the necessary change-money of the country would be in paper, and the expense of printing paper currency would still be kept up.

As to this matter of the fluctuation in the price of silver, on Monday, when I addressed the House, I cited a table which showed that the average price of silver per ounce as compared with gold was less than the value of the greenback dollar by only about 2 per cent.; it varied up and down. I have no belief in the world but what the average price of silver will so remain, in view of its production, of its use by foreign governments, and of other circumstances, that we can successfully issue and keep silver coin in circulation along with the greenback, with equal purchasing power with the greenback, and for a limited amount with equal purchasing power with the five-dollar gold-piece.

Although I prefer the original bill, I vastly prefer the amendment of the gentleman from Indiana [Mr. HOLMAN] to this proposition, because the amendment of the gentleman from Indiana has at least the merit of giving us a siver-coin circulation for change-money to the entire amount necessary for the wants of the people.

Mr. TUCKER. Is it in order to move an amendment to this amendment?

The SPEAKER *pro tempore*. Under the order of the House no further amendments are in order.

The question was then taken upon the amendment of Mr. HEWITT, of New York; and it was not agreed to.

The next amendment in order was the amendment of Mr. LANDERS, of Indiana, to strike out section 2 and insert in lieu thereof the following:

SEC. 2. That the Secretary of the Treasury be, and is hereby, authorized and directed to have all silver bullion on hand at the present time coined into silver coins of the denominations of ten, twenty-five, and fifty cent pieces, of standard value, and pay the same out, together with that already coined and in the Treasury, on any debts or demands against the United States in any way he may prescribe.

Mr. LANDERS, of Indiana. I am in favor of paying out the silver coin that we now have on hand; there is no good policy whatever in keeping that coin unemployed; but I am opposed to the retirement of the fractional currency, to taking the risk of being entirely without fractional currency. We can very well afford to put out this $16,000,000 of silver coin. There has been retired more than $40,000,000 of national-bank currency, and there is now room certainly for $16,000,000 of silver coin; and I am in favor of paying out the silver coin now on hand.

My proposition is simply to pay out the coin we now have on hand without retiring any portion of the fractional currency. I am not in favor of retiring the fractional currency until it is demonstrated that the silver coin will remain in the country. We can very easily adjust this matter. We can pay out, as is provided by my amendment, all the silver coin on hand. Should there be too much fractional currency with the silver coin, there is a mode of redemption provided by returning it to the Treasury and obtaining greenbacks. When it is found that there is an abundance of currency in silver, the fractional currency will find its way to the Treasury of the United States. In that way we will take no risk. There is now complaint all over the country of the lack of fractional currency, because the manufacture of it has been stopped for some time.

Again, it is argued that this issue of silver coin in place of fractional currency is a measure of economy because of the cheapness of minting silver coin compared with the manufacture of the paper currency. It has been estimated that the manufacture of paper currency costs us about 3½ per cent. to keep it in circulation. That 3½ per cent. goes to the laboring-people of the country. The silver coinage will cost 5 per cent., which will go to the capitalists of the country, or rather, in all probability, to foreign capitalists. Now will any gentleman argue this question on the score of economy, when one costs 3½ per cent. and the other 5 per cent.; when one goes to the support of the laborers of the country, the other to the support of the capitalists? Beyond question it is our interest to retain in circulation the fractional currency and at the same time pay out on the debts of the Government all the silver we have on hand. That is the effect of the amendment proposed by me, which I hope will be adopted.

Again, sir, the second section of this bill is practically identical with the first section of the resumption act; there is substantially no difference between them. I ask you, then, what risk you take if you vote down the second section of this bill? The resumption act, containing a provision covering precisely the same ground, continues in operation. Indeed, sir, I do not see but that the Secretary of the Treasury has now all the power to carry out the resumption act that he would have if this provision should be adopted and become a law.

The question of increasing the bonded debt of this country is one that deserves consideration; and let me say now that not one vote will I give in this House to increase that bonded indebtedness. There is no necessity for such increase. That debt is too large now, and ought to be reduced if possible; certainly not increased. I am in favor of retaining the fractional currency as it is, and paying out the silver coin on the indebtedness of the Government.

[Here the hammer fell.]

Mr. WARREN. Mr. Speaker, it seems to me that, as this bill comes from the Committee on Appropriations, the first thing we are to look at is the purpose which the committee had in view, which simply has relation to the expenditures of the Government in furnishing the subsidiary currency. The next point to be considered is whether the bill has any bearing, and, if so, how much, upon the general question which we have before us, of approaching, by some means or other, the resumption of specie payments.

Now, I confess, for my part, that I think this bill has very little to do with the resumption question. It is simply a proposition to substitute for the fractional currency which we now have silver coin so far as the metal already coined and the bullion in the mint will enable us to make that substitution. In this, I think, we are trying an experiment. It is generally conceded by all writers and all thinkers upon the question of currency that the cheaper currency will drive out the better. But exactly what is meant by a "cheaper currency" may not have yet been fully tested. It is undoubtedly true that a clipped coin or a debased coin will drive out a sound coin. It is true that a paper currency which has inferior provision for its redemption will drive out a paper currency that has a better provision for its redemption and that excessive issues of paper will supplant coin as currency; but I am not aware that any experience has yet determined whether a paper currency having provision for its redemption which gives it a better market value, or a better selling price in gold, than silver coin bearing the mint stamp of the same sum as is promised by the paper will or will not drive out the silver currency, the latter having an intrinsic value and the paper currency having no intrinsic value, but deriving its value only from what people believe it to be worth, relying upon the promise which it contains. The scrip and silver may circulate together. The silver may disappear, or, on account of the higher selling price of greenbacks, the fractional currency may not be offered for redemption in silver coin.

That is the experiment and the only experiment we are trying in this bill. But we must give it a fair trial. It will not do to limit the amount of silver coinage to the precise amount that is now in the Mint. You must so arrange your statute that the public can see that if they desire to use this silver coinage, there will be as much of it as may be needed clear up to the whole amount of fractional currency. We want for this purpose a systematic bill.

The amendment before us proposes to do away with the redemption clause of the bill, and instead of that to coin and issue the bullion not yet coined and issue the coin already in the Treasury in payment of the debts of the United States. It is therefore in conflict with the whole theory of the bill. My view as to the proper legislation upon this matter is to take the bill as reported by the committee, and to add to it the section proposed by the gentleman from Indiana [Mr. HOLMAN] providing for further coinage upon the plan which had obtained in this country until the recent change in our coinage law. We abandoned that plan because it was supposed the Government could make more profit by buying the bullion and coining it itself than by coining the bullion for the owners of it. The amendment of the gentleman from Indiana proposes that we shall go on coining under the old system. He also proposes to stop all further sale of bonds for the purpose of buying bullion. I think that the provision of the amendment with the restriction would not be sufficient to insure a fair trial of the experiment without adding the proviso of the gentleman from Missouri, [Mr. WELLS,] that if bullion should not be presented for coinage in sufficient quantity for the redemption of the fractional currency offered, the Secretary of the Treasury may purchase silver bullion for that purpose. With the addition of these two amendments, I think we shall by this bill enter upon this system in such a manner as to insure a fair trial of the experiment.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was not agreed to.

The SPEAKER *pro tempore*. The next question is upon the amendment of the gentleman from Kansas, [Mr. PHILLIPS,] which will be read.

The Clerk read as follows:

Strike out the second section of the bill and insert in lieu thereof the following: That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, to provide for engraving, printing, and other expenses of making and issuing United States fractional currency of existing denominations.

Mr. PHILLIPS, of Kansas. Mr. Speaker, this bill involves, in my opinion, more important propositions than it is generally supposed by members on this floor. My amendment proposes to appropriate for the expenses of engraving and printing fractional currency $200,000; $250,000 was estimated for by the Secretary of the Treasury. The work in the Printing Bureau has now been suspended for some six or seven weeks, and I supposed $50,000 less might leave enough for the necessities of the case. The expedient of rushing at this moment on a silver subsidiary coinage with 14½ per cent. between gold and legal-tender was one I thought this House would scarcely adopt. But whether it did or not, I deemed the appropriation here proposed necessary to be made in this bill.

The gentleman from Indiana has said this second section of the bill of the gentleman from Pennsylvania is precisely the same as the first section of the so-called resumption act. There is a material difference. That resumption act authorized, and authorizes to-day, the Secretary of the Treasury to issue this silver coin when he deems it practicable. The refusal on the part of the Committee on Appropriations to report this deficiency makes it impossible for the Secretary of the Treasury not to issue this silver, whether he deems it practicable or not. It is obligatory, because the country is upon the verge of a famine for small change. You refuse him the means to print, and make it obligatory upon him to issue what in his judgment he has not deemed proper to issue up to this date, as it might lead to further complications and confusion of values.

Now, Mr. Speaker, we have to-day at the head of the Treasury one of the most accomplished statesmen in the country, a man I venture to say who has, whether we estimate for judgment or integrity, the confidence of both sides of this House. He has been authorized for more than a year to issue this silver coinage, and in his discretion he has never deemed it practicable to do so. This House has refused to furnish the means to print fractional currency for which he has estimated in case he thinks it is not practicable for some time to come so to issue, or in case this silver coin should go out of the country one week after it was issued and leave us without change.

Now, this creates a demand for silver to manufacture into small currency. The silver is now 4½ per cent. below greenbacks, and I am astonished that a hard-money man like the gentleman from Pennsylvania [Mr. TOWNSEND] should offer the remarkable amendment that he has providing for the conversion of silver coin into greenbacks. He has paid a compliment to what they call the "rag baby" from a remarkable source. To prevent silver from further depreciating he proposes to make it thus convertible into greenbacks; or, in other words, to attach our legal tender to this Nevada pewter to keep it up to par.

We propose in this bill simply to render it impossible that the Secretary of the Treasury shall maintain proper business facilities unless he at once issue this silver, even if he deems it disastrous to do so. He has full power under the law to-day to issue it; and there can be no difficulty unless he sees it will confuse values. We propose to render it impossible for him to do what so far in his judgment he has deemed it proper to do.

I wish to call attention to another fact. There is an amendment pending to which I have not had opportunity to speak, and that is to permit the Director of the Mint and the Secretary of the Treasury to regulate the price of coin. That power is given by the Constitution to this House, and we are not authorized to delegate it to any one else. How will it look, if we should pass such an amendment, to see telegrams each morning that the Director of the Mint and the Secretary of the Treasury had fixed the value 2 per cent. to-day lower than yesterday or 2 per cent. to-morrow higher than it was the day before?

I ask this side of the House not to embarrass the Secretary of the Treasury by the grant of any such power. I ask both sides of the House not to confer such dangerous power upon any executive officer. The Secretary of the Treasury now under the law has the power to issue this silver coin. If he thinks it is best, let him issue it. There should be no prohibition by law to his issuing fractional currency. In my judgment the country will soon be thundering at our doors unless we do furnish the means to the Secretary of the Treasury to issue it, if he deems it best. In a week or more there may be a scarcity of change for business very embarrassing to the people.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. Mr. Speaker, I have very little to say to the direct purpose either of the amendment or of the bill; but I rise for the purpose of saying that I do hope the bill will be allowed to pass in some shape as speedily as possible. There are, more or less, sixteen hundred persons, many of them having families, who under the idea of employment from the Government have been brought together in the city of Washington; and it is well known to this House many of these persons are absolutely wanting the necessaries of life. If this work is to be done, it may as well be done speedily as at any other time. I believe it to be the common sense of the House that we have to make some appropriation to do some work; and if it be done, it may as well be done in such a way as to prevent the suffering which now exists as to be done at a distant day, when charity has exhausted itself in feeding those now under the necessity of being helped by their friends.

I do not believe the passage of this bill in one shape or another is to have a feather's weight in deciding the question of resumption. Whether we are to resume or not is to be decided upon other bills, upon other principles, and at another time.

The question recurred on the amendment of Mr. PHILLIPS, of Kansas.

The House divided; and there were—ayes 25, noes 128.

So the amendment was rejected.

The question next recurred on the following amendment, by Mr. TOWNSEND, of Pennsylvania.

At the end of the printed bill insert these words, namely:

Provided, That all such coins shall be exchangeable at par by the assistant treasurers and designated depositaries for United States notes in sums not less than $3, and shall be receivable for postage and revenue stamps, and for all dues to the United States except customs, in sums not over $5, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe: *Provided also*, That the total issue of such coins shall not exceed, at their nominal value, the sum of $50,000,000.

Mr. REAGAN. Why is it, Mr. Speaker, the amendment I have offered has not been called up in its order?

The SPEAKER *pro tempore*. The amendments are being gone through with in their logical and parliamentary order.

Mr. REAGAN. The point I make is the amendments ought to be considered in the order they were offered.

Mr. RANDALL. In that event we will have the greatest embarrassment and confusion. The amendments can only be considered in their parliamentary order.

Mr. TOWNSEND, of Pennsylvania. I modify my amendment, as I believe I have the right to do, by striking out in the fifth line the words "except customs," and also the proviso in the ninth, tenth, and eleventh lines; so that it will read as follows:

At the end of the printed bill insert these words, namely:

Provided, That all such coins shall be exchangeable at par by the assistant treasurers and designated depositaries for United States notes in sums not less than $3, and shall be receivable for postage and revenue stamps, and for all dues to the United States, in sums not over $5, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe.

When the bill was up the other day for debate, I was about to explain this amendment when the hammer fell and precluded me from so doing. The object of it is to obviate the difficulties that were spoken of in the course of the debate.

The SPEAKER *pro tempore*. There is too much confusion in the Hall. The House will come to order.

Mr. TOWNSEND, of Pennsylvania. I hope, Mr. Speaker, this interruption will not come out of my time.

The object of this amendment is to obviate the objections that were made to the bill by the gentleman from New York and my colleague from Pennsylvania. Their ideas seem to be that, inasmuch as two silver half dollars will not buy as much gold in the bullion market at present as two paper half dollars, somebody had to be robbed of two or three cents in the dollar and that the poor man would have to suffer. In view of the fact that the nation fixes its price upon the paper token and upon the silver token also, I did not think that this objection would be valid. But in order to obviate all difficulty upon that score I have offered an amendment which puts the silver token exactly upon a footing with the paper token. The paper token of the Government is now exchangeable at par by the Assistant Treasurer of the United States in sums not less than $3 and is also receivable for postage and revenue stamps and for all dues to the United States in sums not over $5. By the amendment I have placed the silver tokens exactly upon the same basis as the paper tokens in the respect mentioned, and it will not matter what may be the depreciation in the price of silver. Whether it goes down to $1.05 on the ounce or as low as fifty cents on the ounce, the silver tokens will have the same efficacy as the paper tokens of the country. Besides that the amount is limited to $50,000,000 by existing law, and the country will not be flooded with a depreciated currency.

The next point with regard to the bill is the economy of it. Now, the life of the fractional token is only about a year, and the whole amount of that currency is changed every year at a cost of about $1,410,000. There has been already a loss to the people of about $12,000,000 on the fractional currency, as stated by the Director of the Mint or some one of the officers of the Treasury, being on the average an expense to the people of a million more. The laborer loses all this. He has to submit to it because it comes directly out of his pocket, and it is a poor consolation to him to tell him that when he loses a portion of the wages of his labor it is a gain to the nation; for his share of the gain is so infinitesimally small that he does not appreciate it, and it amounts to nothing to him in the reduction of his taxes or in any other way,

Again, the silver coinage costs only about 1½ per cent., and will last from fifty to one hundred years in circulation without recoinage. Besides that, the silver token is indestructible; it outstands all the mutations of time. The fractional currency is continually subject to destruction. The mice or rats will get into the drawer of the laborer, where he has laid the fractional currency away for a future demand, and nibble it to pieces, as in the following case published in the Sun of this morning:

A RAT'S NEST MADE OF GREENBACKS.

While repairing an ice-box belonging to Mr. A. B. Downes, of Mulberry street, Newark, yesterday, the carpenter found a rat's nest made wholly of fractional currency, so mutilated as to be worthless. There was from one hundred to one hundred and fifty dollars in it. Mr. Downes used to place his money-drawer in the box for safe-keeping.

It may be washed to pulp in the pocket of his waistcoat when it goes into the wash-tub; it may be dropped out of his pocket when he takes anything out of it; but the silver currency is indestructible amid all mutations and events.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania. My time is not up. There were two minutes lost when the Speaker was getting the House in order, and I claim two minutes more.

Several MEMBERS. Give them to him.

The SPEAKER *pro tempore*. The Chair will give them to the gentleman from Pennsylvania.

Mr. TOWNSEND, of Pennsylvania. I do not ask it as a favor. I demand it as a right.

I was saying that this silver coinage is indestructible. It does not suffer by fire. It cannot be destroyed by the rats nor washed to pieces by the washerwoman. But it will stand through all time, and it does not lose more than 1 per cent. probably in fifty years of active circulation. Indeed there are silver coins in existence to-day which have been circulating, or at least have existed, from the time when Judas Iscariot sold his Master for thirty pieces of silver. And more than that, there are coins in the cabinets of the curious which are as old as the time of and of the same character with the four hundred shekels of silver current money of the merchant with which Abraham bought the cave in the field of Machpelah for a burying-place for his wife, Sarah.

In view, then, of the silver tokens being thus indestructible and of an intrinsic value which paper tokens have not, I think it would be bad policy to adhere to the fractional currency, which is being lost to the individuals of the nation at the rate of a million a year and replenished at the cost of nearly a million and a half, being more than the interest of any bonds that may be issued for the purchase of silver for coinage. On the contrary, we should have this silver currency which is so indestructible, and which will save vast sums to the laboring classes of the nation.

Mr. KELLEY. My reply to the strictures of the gentleman from Ohio [Mr. GARFIELD] the other day upon my reflections on the reports of the Comptroller of the Currency and the Director of the Mint is that I have here the report of the Secretary of the Treasury, who has found it decent and becoming to expurgate the report of the Director of the Mint of the very objectionable matter to which I took special exception. And I now say that those two official reports are calculated to mislead this House, are misleading it, and have misled my colleague who has just spoken. He spoke of the substitution of silver for our fractional currency as a measure of economy. It is economy with a vengeance! Forty millions of 5 per cent. bonds are to be the price of your silver; $2,000,000 annually in gold is the foundation item of the cost; and, as the gentleman from Indiana [Mr. LANDERS] said, not to be paid to the women who make our fractional currency and spend their earning among us, but to the Rothschilds, Barings, and other European bankers.

You start with a debit of $2,000,000 in gold on account of the cost of silver fractional currency, and the reports I have referred to do not tell you that you have already paid $750,000 in gold for the possession of the silver now in the Treasury and which the law empowers the Secretary of the Treasury to issue. We are not the executive power of the Government. We enacted the law and the Secretary has in compliance with its provisions provided millions of silver coin. Why does he not issue them? Are we to usurp his functions or assume his responsibility? Is not his discretion as sound as ours? Three and a half per cent. is the cost of maintaining the paper fractional currency. Five per cent. paid in gold largely to foreigners is the fundamental item of the cost of this silver currency.

The next illustration of the economy of the measure which I submit is that the mint law of England contains each year an item of £15,000 sterling to make good the wastage of her silver shillings and sixpences. We will require at least $75,000 a year to recoin and replace the worn coin made out of silver sent to the Mint by private individuals or purchased with gold-bearing bonds.

But my colleague's amendment ingeniously proposes to make this coin convertible into greenbacks without limitation. His amendment proposes that on presenting $3 of this coin you may get greenbacks for them, and if you present a thousand sums of $3 each in one day at each of the sub-treasuries they must be converted into greenbacks.

Mr. TOWNSEND, of Pennsylvania. That is the case now with the fractional currency.

Mr. KELLEY. No nation in the world ever permitted private individuals to furnish the material for its subsidiary coinage. Under a mistake in our law, or under a misinterpretation for a brief period, men, adroit men, managed to get their silver coined at our mints; and, as I have already informed the House, we found one man who on being examined by the Committee on Coinage, Weights, and Measures admitted that his profit on this business was, year by year, $100,000 on the coin delivered to him by our mints from the silver he deposited there, and he was only one of many. The silver thus coined has all been shipped abroad.

Now for what is all this expenditure to be incurred? To incur the possibility that a day may come when the people will have no fractional currency. Should Germany remonetize silver, should the Latin coinage union, when they determine the amount that may be coined by each country next year, determine to allow a free coinage of silver, our silver may go up to such a price that every dollar and every dime of it will go abroad at a profit to the exporter and leave our people with no fractional currency. Now the Secretary of the Treasury has at his command twelve or thirteen millions of dollars in fractional silver. Let him go on and issue it to test the question. Meanwhile let us keep up the fractional paper currency and maintain enough of it to keep up the total amount of subsidiary currency needed, and if at the end of the year we find the silver still floating we can enlarge the amount if it shall then be deemed expedient.

[Here the hammer fell.]

The question was taken on the amendment of Mr. TOWNSEND, of Pennsylvania; and on a division there were ayes 37, noes not counted.

So the amendment was not agreed to.

The next amendment was the one offered by Mr. DUNNELL, to strike out the second section of the bill, as follows:

SEC. 2. That the Secretary of the Treasury is hereby directed to issue silver coins of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption or whether it may be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular subtreasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

Mr. DUNNELL. Since I offered this amendment I have very patiently listened for some convincing argument in favor of the passage of this bill.

Mr. REAGAN. The amendment I offered it seems to me ought properly to be acted on before a vote is taken on the motion of the gentleman to strike out the section, because mine is an amendment to the second section of the bill.

Mr. DUNNELL. I submit the question to the Chair.

The SPEAKER *pro tempore*. The gentleman from Texas proposes to add his amendment as an additional section to the bill. The amendment now pending is to section 2. The amendment of the gentleman from Texas will be reached next after this.

Mr. REAGAN. The point I wanted to make was this: that I propose to amend the portion of the bill near the second section. The motion of the gentleman from Minnesota is to strike out that section before the House has an opportunity to see whether it wishes to ingraft an amendment on it so as to strengthen the section.

The SPEAKER *pro tempore*. The Chair decides that the proper order is to perfect the original bill, and the House is proceeding in that order. The gentleman from Minnesota will proceed.

Mr. DUNNELL. I had commenced my remarks by saying that up to the time that I offered this amendment I had listened very patiently to hear some good, substantial argument in favor of the passage of this bill. I had not heard one then, and I certainly have not heard any since that time. There ought in the passage of a bill of this magnitude to be some definite, certain, and good argument in support of it. The gentleman from Maine [Mr. HALE] a short time ago spoke of this as part of a system of resumption. Does any one suppose that the exchange of our fractional currency into silver will at all affect resumption?

Mr. HALE rose.

Mr. DUNNELL. I have no time to answer questions. I say that a measure of this sort ought to have some positive good in it. The gentleman from Pennsylvania [Mr. RANDALL] who has charge of this bill in the first instance announced that it was a bill of economy. The remarks of the gentleman from Pennsylvania [Mr. KELLEY] just made completely wipe out the argument that there is any economy in this matter.

Now it has cost us but little more than one million of dollars a year to keep afloat the fractional currency of the country. It comes right home to me as a matter of figures. If it costs us but that amount to keep afloat the fractional currency, how is it a matter of economy to go into the market with money obtained from the sale of gold-bearing bonds to purchase the silver with which to supplant this fractional currency? It is not in the power of any man here to show that it will cost us less to buy silver than it will to print this fractional currency. What will we have gained then? We will have lost a half million by the operation. We will not only have done that, but we will have withdrawn the means of support from at least two thousand dependent women and children in this city by an act of pretended resumption. There is no economy in it.

Mr. KELLEY. And we appropriated $11,300,000 for the coinage of gold and silver between 1860 and 1875.

Mr. DUNNELL. I do not yield.

Mr. KELLEY. I have got in the statement without your yielding.

Mr. DUNNELL. As to this being an act of resumption, I have not heard a single argument to show how it comes about that this of itself is an act of resumption. This fractional currency is merely change; it does not enter into what we look upon as the circulating medium of the country. It is not made use of in the fulfillment of contracts. It does not enter into those great commercial transactions that usher in or hasten the resumption of specie payments. It is simply change; nothing else.

The gentleman from Maine [Mr. HALE] also said that the people want this silver; let us give the silver to the people. Has there come up from the people a single request for silver as against fractional currency? No. The people of the country are satisfied with the fractional currency; they are pleased with it rather than the burdensome commodity of silver.

Now, one word more. I have alluded to the cost of this currency. There have been but two years out of seven when this fractional currency has cost us more than a million of dollars. We now propose to go into the market and buy silver. I agree with the gentleman from Indiana [Mr. LANDERS] that, with the lights now before me, I have arrived at this point: I will not vote to increase the gold-bearing debt of this country. If there is to-day a burden under which we groan, it is the national debt, the gold-bearing debt, the $100,000,000 annually paid for interest on this debt in gold, $65,000,000 of that gold going out of the country. Let us come in here with some more substantial measure, and not attempt in this *à la* Richardson style to bring about specie payments. This attempt thus to reach specie payments is unworthy of Congress.

The gentleman from Pennsylvania the chairman of the Committee on Appropriations [Mr. RANDALL] has talked economy here until he is well-nigh hoarse; and he says that it will cost $1,100,000 to print the fractional currency. The gentleman from New Jersey, [Mr. HAMILTON,] upon the same committee, got it up to $1,400,000; and the gentleman from Ohio [Mr. GARFIELD] who spoke the other day, got it up, as he said, well-nigh to $2,000,000. Therefore I say that there has been a lack of argument, a lack of fact, and a lack of reason why we should pass this bill.

[Here the hammer fell.]

Mr. WOOD, of New York. I do not know that in my present physical condition I can make myself understood, but having some views of my own upon this subject, I desire to say a few words upon the general question. I have heard no gentleman express the views that I hold with reference to resumption, so far as the fractional currency is concerned. Though I may fail to be understood, may fail in the necessary strength to give my views to the House, yet I cannot forego the opportunity to make the attempt.

I think there is a very general popular error upon one or two questions that should be considered in this discussion. I think it is a misapprehension to suppose that the present depressed value of silver is in consequence of its large production. The present temporary depreciation in the value of silver is generally attributed to the very large production of our own mines, when the fact is that the aggregate production of both gold and silver in the whole world has been largely on the decrease for the last five years. In the New York Bulletin of to-day I find the following table, furnished by the leading financial journal of the world, giving the aggregate production of gold and silver from 1852 to 1875, both inclusive:

The Paris Journal des Economistes, of March, publishes the following statement of the world's actual annual production of gold and silver since 1852:

Year.	Gold.	Silver.	Total gold and silver.
1852	$182,500,000	$40,500,000	$223,000,000
1853	155,000,000	40,500,000	195,500,000
1854	127,000,000	40,500,000	167,500,000
1855	135,000,000	40,500,000	175,500,000
1856	147,500,000	40,500,000	188,000,000
1857	133,000,000	40,500,000	173,500,000
1858	124,500,000	40,500,000	165,000,000
1859	124,500,000	40,500,000	165,000,000
1860	119,000,000	40,500,000	159,500,000
1861	114,000,000	42,500,000	156,500,000
1862	107,500,000	45,000,000	152,500,000
1863	107,000,000	49,000,000	156,000,000
1864	113,000,000	51,500,000	164,500,000
1865	120,000,000	52,000,000	172,000,000
1866	121,000,000	50,500,000	171,500,000
1867	116,000,000	54,000,000	170,000,000
1868	120,000,000	50,000,000	170,000,000
1869	121,000,000	47,500,000	168,500,000
1870	116,000,000	51,500,000	167,500,000
1871	116,500,000	61,000,000	177,500,000
1872	101,500,000	65,000,000	166,500,000
1873	103,500,000	70,000,000	173,500,000
1874	90,500,000	71,500,000	162,000,000
1875	97,500,000	62,000,000	159,500,000

This statement is acknowledged to be correct by the Journal des Economistes and by the London Daily News.

This table shows that there has been a very large decrease in the aggregate production of silver in the whole world. It is, therefore, a mistake to suppose that the present depressed market value of silver arises from overproduction. It arises from another cause—one which, in my judgment, should be considered with reference to a resumption of specie payments, so far as the subsidiary coinage in this country is concerned. That cause is the attempt of Germany and other European governments to demonetize silver entirely and to drive it out of circulation as money, making their metallic circulation exclusively of gold. Now, that has not yet been carried out practically. Those governments are now considering the policy, the propriety, the expediency of adopting that course; but they have reached no conclusion upon it. The mere fact, however, of the consideration of the subject has had the effect to depress the value of silver. But if those nations should conclude finally not to demonetize it, silver would immediately advance in value in this country; instead of being depreciated as now, it would resume its former value, going into general circulation.

I have never considered the resumption of silver coinage a practical proposition until we shall resume upon gold coinage. That part of the resumption act which gives the Secretary of the Treasury discretionary power to resume upon silver will never be executed until he resumes upon gold. Any attempt at partial resumption would, I think, be unfortunate, because silver could not be floated for any length of time in this country under existing circumstances.

[Here the hammer fell.]

The question being taken on the amendment of Mr. DUNNELL, there were—ayes 47, noes 108.

Mr. HEWITT, of New York, called for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The next question is upon the amendment of the gentleman from Texas, [Mr. REAGAN,] which will be read.

The Clerk read as follows:

Add the following as section 3:

That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment; and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Mr. REAGAN. I ask to modify my amendment by adding to it the following:

Except for customs due to the United States, which shall be paid in gold, and except in satisfaction of contracts now existing and payable in gold.

Mr. OLIVER. I rise to a question of order. The amendment offered by me was offered as an amendment to the amendment of the gentleman from Texas [Mr. REAGAN]—a substitute for it, as I understood. Both propositions relate to the same subject, but are manifestly inconsistent. If the amendment of the gentleman from Texas should be adopted, I do not see how the amendment offered by myself could be considered.

The SPEAKER, (Mr. KERR having resumed the chair.) If it appears upon the face of the amendment that it is offered as a substitute for another amendment, it should be so treated by the House; but if it does not so appear, then it should be treated as an independent amendment.

Mr. OLIVER. When I sent up my amendment, I stated that it was so offered.

Mr. REAGAN. I trust I shall have a vote on my proposition.

The SPEAKER. The Chair at this time will not rule on the point which the gentleman from Iowa [Mr. OLIVER] raises, because the hour for the recess has arrived. The Chair desires to announce that the gentleman from New York [Mr. COX] will preside at the evening session of this day.

Mr. RANDALL. This bill, as I understand, will come up immediately on the reassembling of the House.

The SPEAKER. Yes, sir.

The hour of half past four o'clock having arrived, the House, pursuant to its order, took a recess until half past seven o'clock.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., and was called to order by Mr. COX, as Speaker *pro tempore*.

AMENDMENT OF REVISED STATUTES.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2936) to amend sections 4017, 4018, 4019, and 4020 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LEGAL ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 2937) to regulate the cost of legal advertising in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD RESERVE.

Mr. LUTTRELL, by unanimous consent, (for Mr. WIGGINGTON, detained from the House by sickness,) presented a concurrent resolution of the Legislature of the State of California, relative to the Atlantic and Pacific Railroad reserve; which was read as follows, and referred to the Committee on Public Lands:

Senate joint resolution relative to the Atlantic and Pacific Railroad reserve.

Whereas the Commissioner of the General Land Office of the United States, under date of April 22, 1872, instructed the register and receiver to withhold from pre-emption and sale all the odd-numbered sections within thirty miles on either

side of the Atlantic and Pacific Railroad, as indicated on the map of the route of said road from San Francisco to Mission San Miguel, a copy of which accompanied his letter; and whereas in 1874 the Commissioner of the General Land Office of the United States sent another letter of instructions, and a copy of a map showing the line of said Atlantic and Pacific Railroad from Mission San Miguel to the southern boundary of the San Francisco land district, and directing the register and receiver to withhold from pre-emption and sale all the odd-numbered sections within thirty miles on either side of the line of said road as therein laid down, in both instances increasing the price of the even-numbered sections within twenty miles on either side of the line of said road to $2.50 per acre; and whereas, under the provisions of the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, said company was to build a road from Springfield, Missouri, by the most eligible route to the Pacific, and a grant was made along said route to the Pacific; and, whereas the line of said road as finally determined makes said road reach the Pacific at San Buenaventura, in the county of Ventura, and State of California, and any reservation for the benefit of said road from San Francisco to the southern boundary of the San Francisco land district is without authority of law, and in direct violation of the act under which said corporation was formed: Therefore,

Be it resolved by the senate, (the assembly concurring,) That our Senators in Congress be instructed and our Representatives requested to use every endeavor to have said withdrawal removed, and have all the lands embraced therein re-opened to pre-emption and sale, subject to the same laws and regulations as existed at the time said order of withdrawal was issued.

Resolved, That his excellency the governor be, and he is hereby, requested to transmit a copy of the preamble hereto and this resolution to each of our Senators and Representatives in Congress.

JAMES A. JOHNSON,
President of the Senate.
G. J. CARPENTER,
Speaker of the Assembly.

(Indorsed:)
Senate joint resolution No. 13. Passed the senate February 17, A. D. 1876.
E. L. CRAWFORD,
Assistant Secretary of the Senate.
Passed the assembly March 11, A. D. 1876.
CHARLES W. O'NEIL,
Assistant Clerk of the Assembly.
This resolution was received by the governor this 15th day of March, 1876.
E. W. MASLIN,
Private Secretary of the Governor.
A true copy. Attest:
[SEAL.]
THOMAS BECK,
Secretary of State.

EQUALIZATON OF BOUNTIES.

Mr. TERRY. Mr. Speaker, the bill for the equalization of bounties, reported from the Committee on Military Affairs, was made a special order for to-day. It not having been taken up for consideration, the committee now request that it be made a special order for Wednesday of next week.

Mr. WILSON, of Iowa. After the morning hour.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

Mr. FRYE. In relation to that agreement, I wish to call the attention of the gentleman from Virginia [Mr. TERRY] to the fact that the Judiciary Committee had assigned for to-day the bill distributing the balance of the Geneva award; and it has been arranged—partially at any rate—that that shall go over on account of the business of the Committee on Appropriations, and be assigned to Wednesday of next week. Cannot the gentleman name Thursday for his bill?

Mr. TERRY. Without consultation with the committee, I would not like to name any other day, because the day I have mentioned has been agreed upon by the committee.

The SPEAKER *pro tempore*. The Chair will say that the prior assignment is the Geneva award bill; and when the matter comes up it will be for the House to determine which shall take priority.

Mr. FRYE. I will object to this assignment for the present.

Mr. TERRY. Does not that objection come too late?

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. FRYE] rose at the moment the Chair was making the announcement. Does he insist on his objection? The Chair will state that his bill takes priority.

Mr. FRYE. If the Geneva award bill takes priority, I have, of course, no objection.

The SPEAKER *pro tempore*. The objection is withdrawn; and Wednesday of next week is set for the consideration of the bill for the equalization of bounties.

EMMA MINE.

Mr. PAGE. Mr. Speaker, I ask unanimous consent to present certain memorials, to have them printed in the RECORD, and referred to the Committee on Foreign Affairs.

The Clerk read as follows:

Memorial of John L. Vanderwater and 15 other citizens of Utah, representing that the reports of the investigation of Congress regarding the Emma mine mislead the public in respect to the mines of Utah, are most unjust to the Emma mine, showing the great value of that mine, and its loss through mismanagement; and

Memorial of W. J. Montgomery and 67 other citizens of Utah, representing that the reports of the investigation of Congress regarding the Emma mine mislead the public in respect to the mines of Utah, and are most unjust to the Emma mine, showing the great value of that mine, and its loss through mismanagement.

Mr. EDEN. I object to the printing of these memorials in the RECORD.

Mr. PAGE. Does the gentleman object to the printing of these memorials in the RECORD and their reference to the appropriate committee?

Mr. EDEN. I have no objection to the introduction and reference of the memorials to the appropriate committee, but I do object to their being printed in the RECORD.

Mr. PAGE. I understand the gentleman to object to the printing of these memorials in the RECORD.

Mr. EDEN. I cannot see any good reason why they should be printed in the RECORD and made an exception to the rule in such cases.

The memorials were referred to the Committee on Foreign Affairs.

ALBERT V. CONWAY.

Mr. RANDALL, by unanimous consent, introduced a joint resolution (H. R. No. 93) to authorize the Secretary of the Treasury to issue duplicate bonds to Albert V. Conway in place of originals lost; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DEFICIENCY APPROPRIATION.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations required by the various Departments for the fiscal year ending June 30, 1876, and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

BALANCES REQUIRED TO BE RE-APPROPRIATED.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 5 of an act approved June 20, 1874, making appropriations for services of the Government, &c., a statement of certain balances carried to the surplus fund required to be appropriated for the fiscal year 1873 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBERTS for two days; to Mr. LAWRENCE for one week on account of the illness of his son; to Mr. METCALFE for five days from next Friday on account of pressing business; to Mr. HOLMAN for to-night on account of sickness.

NEWTON S. MURPHY.

Mr. CASWELL, by unanimous consent, introduced a bill (H. R. No. 2938) for the relief of Newton S. Murphy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUBSTITUTION OF SILVER COINAGE.

The SPEAKER *pro tempore*. The first thing in order this evening is the consideration of the unfinished business, being a bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency.

Mr. KELLEY. Am I wrong in thinking we are acting to-night under the special order that these evening meetings shall be devoted to the consideration of the legislative, executive, and judicial appropriation bill by name? I care nothing——

Mr. RANDALL. This is the unfinished business operating, as it were, under the previous question, and was so stated by the Speaker this afternoon before we took a recess.

Mr. KELLEY. It was so inferred. I want to avoid a dangerous precedent. I have no objection to the consideration of this bill; but, if the House by unanimous consent can order evening sessions for the consideration of a particular bill and if a quorum or about a quorum can assemble on such special occasion and take up another bill, there is no certainty as to legislation in the future.

Mr. RANDALL. The House has now assembled, and of course can determine for itself.

Mr. KELLEY. The point that I make is that the House has already determined.

The SPEAKER *pro tempore*. The Clerk will read the special order for evening sessions.

The Clerk read as follows:

Resolved, That the rules be suspended so as to enable the House to take a recess daily for three days of the present week, to wit: Tuesday, Wednesday, and Thursday, at half past four o'clock p. m. until half past seven o'clock p. m., for the purpose of considering the legislative, executive, and judicial appropriation bill.

The SPEAKER *pro tempore*. The Chair has no doubt the order was made for that purpose, but at the hour of half past four o'clock this afternoon the Speaker took the Chair and announced the first business in order this evening would be the unfinished business to which, if objection was made, it was done by unanimous consent.

Mr. KELLEY. Objection was not asked for, or it would have been made. I noted the fact.

Mr. RANDALL. I asked for it myself.

Mr. KELLEY. I assume it to be a mistake, because the Speaker has not the power to set aside an order made under a suspension of the rules.

Mr. RANDALL. I would like to have read from the reporter's notes what occurred at the close of the afternoon's proceedings.

The SPEAKER *pro tempore*. The Clerk will read the proceedings as written out by the reporter.

Mr. KELLEY. I consider that the precedent proposed to be established would be a most dangerous one, and not so dangerous to anybody else in the House as to the chairman of the Committee on Appropriations, be he who he may.

Mr. RANDALL. I am not frightened about it. But if the gentleman claims his right of objection and states that he would have ob-

jected if he had known of the decision of the Speaker I will not insist upon it.

Mr. KELLEY. I certainly would have brought to the Speaker's attention the fact that the evening session was to have been held under an order to consider a particular bill named in the order; and I am quite sure that, that fact having been brought to the attention of the Speaker, he would have recognized the force of the suggestion.

The SPEAKER *pro tempore*. The Clerk will now read the proceedings at the termination of the afternoon session, as written out by the reporter.

The Clerk read as follows:

The SPEAKER. The Chair will not at this time rule on the point which the gentleman from Iowa [Mr. OLIVER] raises because the hour for the recess has arrived. The Chair desires to announce that the gentleman from New York, Mr. COX, will preside at the evening session of to-day.

Mr. RANDALL. This bill as I understand will come up immediately upon the reassembling of the House.

The SPEAKER. Yes, sir.

Mr. KELLEY. I remember all that; but I find in that nothing to set aside a special order of the House made under a suspension of the rules directing us to consider this evening the bill named in that order.

Mr. RANDALL. I no not insist on taking up the subsidiary silver bill.

Mr. KELLEY. The report of the afternoon's proceedings shows that there was no request for consent, no call for consent, and no opportunity given for any member who remembered the facts to bring them to the Speaker's attention.

Mr. KASSON. I beg to submit one remark upon this subject. An order was not made originally by the House for the exclusive consideration of the legislative appropriation bill. The order reads to enable the House to take up the bill for consideration. The House has it at its own option to lay it aside and proceed with something else. It was an order for an evening session, to enable the House to take up that bill for consideration. But of course I do not interfere with any motion which the gentleman who has charge of the bill desires to make.

Mr. HOAR. If the Chair will permit me, I desire to make a remark. If the gentleman from Iowa [Mr. KASSON] be right, then it would be perfectly competent for the Committee of Elections to report an election case, and demand the consideration of the House upon it. Either this special order is binding, not to be reversed even by unanimous consent, or the ordinary business of the House goes on in the ordinary way. It must be one thing or the other.

Mr. RANDALL. I do not press for the consideration of the silver bill.

Mr. O'BRIEN. I would like to ask the gentleman from Massachusetts [Mr. HOAR] a question. This order under the suspension of the rules was for evening sessions for three days. Now, supposing that, by the end of this evening or of to-morrow evening, we should finish the consideration of the legislative appropriation bill, would it not be perfectly proper under the order as made to go on with other business?

Mr. HOAR. The evening sessions would then fall to the ground.

Mr. O'BRIEN. I differ from the gentleman as to that.

Mr. HOAR. Just as when a session on Saturday for debate only has been ordered the House would adjourn if no gentleman wanted to speak.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the legislative appropriation bill.

Mr. SPRINGER here took the chair as Speaker *pro tempore*.

Mr. RANDALL'S motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the paragraph which was pending when the bill was last under consideration in Committee of the Whole.

The Clerk read as follows:

For compensation of Senators, $333,000; and from and after the 30th of June next the compensation of said Senators shall be $4,500 per annum.

The CHAIRMAN. When the committee rose the pending motion was that of the gentleman from Indiana [Mr. HOLMAN] to strike out the paragraph. That was the *pro forma* motion, and the Chair will first put it to the vote.

The question being taken on Mr. HOLMAN'S motion to strike out the paragraph, it was not agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Virginia, Mr. DOUGLAS, to the amendment offered by the gentleman from Maryland, Mr. O'BRIEN, to insert $3,600 in place of $5,000, as moved by the gentleman from Maryland.

The question being taken on Mr. DOUGLAS'S amendment to insert $3,600, it was not agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Maryland to strike out "$4,500" and to insert "$5,000."

The question being taken, there were—ayes 55, noes 106.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For mileage of Senators, $25,000.

Mr. FOSTER. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out the paragraph and insert as follows:

Mileage for Senators is hereby abolished, and there is substituted therefor their actual traveling expenses, to be ascertained and verified under forms to be furnished by the Secretary of the Treasury.

Mr. FOSTER. If this amendment prevails, I shall offer a similar amendment as to the Representatives. It is a well-known fact that if there is any abuse about salaries of Senators and members of Congress, it is this question of mileage. There are members on this floor receiving more than $3,000 a year as mileage, and the only thing that was approved by the people in the "salary-grab" act was the repeal of this mileage abuse. I trust, therefore, that this House, which proposes reform, will reform this abuse and vote in this amendment to the bill.

Mr. RANDALL. The Committee on Appropriations considered this subject very fully and very gravely. This subject of mileage has always created great difficulty, and we reached the conclusion that the reduction should attach to the salary proper, and not to the mileage.

There is a great deal to be said on this subject of mileage in connection with the distance that members travel; the greater the distance, the more they are cut off from their constituents, from all their relations at home of a business and domestic character. Take, for instance, members from the Pacific coast; they are entirely cut off from their business relations, and so it is with members from the West.

I admit, for instance, that as I live within one hundred and fifty miles from the Capitol the amount of mileage that I receive is in excess of what I have to pay. I get about $50 mileage and I can travel to my home for about $7; but, all matters considered, the committee deemed it best not to interfere with the mileage. There were abuses as to mileage in former times, and the gentleman from Ohio and the House will recollect that we have reduced our mileage one-half what it formerly was.

I do not know but that it may be the fact that there are members here who receive $3,000, but the committee understand that the mileage did in no instance exceed $1,500.

Mr. FOSTER. I have examined the mileage account, and find that the statement I have made is correct.

Mr. RANDALL. Here is a gentleman from California standing near me, [Mr. LUTTRELL,] who I take it comes from as far off as any other gentleman except the gentleman from Oregon, who received only $1,300.

Mr. FOSTER. The gentleman from Oregon receives over $1,500 per trip.

Mr. LANE. Allow me to state to the gentleman that I do not think that I received $1,500; my impression is that $1,400 was all I received.

Mr. HALE. The gentleman from Ohio [Mr. FOSTER] means $3,000 for the Congress.

Mr. LANE. Well, I think my mileage is less than $3,000, $250 less for the two years.

Mr. RANDALL. I think we had better not venture upon any radical change on the mileage question.

Mr. HALE. I move to strike out the last word. I do so for the purpose of calling the attention of the chairman of the Committee on Appropriations to the fact that the appropriation for this year for mileage of Senators is $5,000 less than the Senate mileage appropriation of last year, it being then $30,000. I do not as a member of the committee know what reasons were urged for this reduction.

Mr. RANDALL. The gentleman himself was a member of the subcommittee sent to confer with the chairman of the Appropriation Committee of the Senate; and I believe this is a sufficient amount.

Mr. HALE. Yes, sir.

Mr. RANDALL. If the amount appropriated here is not sufficient they can readily change it when the bill reaches the Senate.

Mr. HALE. I do not remember that anything was considered by the subcommittee in relation to the reduction of mileage. It seems to me that it is better, if we are going to carry on the system of changing mileage, to leave the appropriation as it was last year.

Mr. RANDALL. I think $25,000 would be sufficient, but I am willing to change it to $30,000.

Mr. HALE. I hope that will be done unless the gentleman has some reason for reducing the amount.

Mr. RANDALL. I will concur in an amendment to make it $30,000.

Mr. HALE. Then I withdraw my formal motion to strike out the last word, and move to make the sum $30,000 instead of $25,000, the same as last year.

Mr. O'BRIEN. Mr. Chairman, it might possibly fall with ill grace from me to favor the striking out of mileage, for the reason that I get so little that at the last session I did not get any; I refused to take any because the amount was so small.

Mr. HALE. If it had been large the gentleman would have taken it.

Mr. LANE. With the permission of the gentleman from Indiana, I wish to say in justice to the truth that I was mistaken relative to my mileage; it is over $3,000 for the two years—slightly over.

Mr. O'BRIEN. I desire to argue this question, sir, upon higher

grounds, upon the motives and principle which underlie the bill now before the House. We have had here when this bill has been under discussion many very eloquent tributes to that economy and retrenchment which should prevail in the House of Representatives in disbursing money from the public Treasury. Now, sir, if my distinguished friend from Pennsylvania [Mr. RANDALL] is in favor of reform—and the meaning of the word reform, as I understand it, is a correction of vicious or corrupt abuses—I think that he ought to favor the striking out of mileage, because no possible excuse can be given for it; it is recognized as a corrupt abuse, a vicious practice, which has been fastened on our legislation to such an extent that no man seems brave enough to vote against it.

Further than that, sir, I am in favor of it because it is genuine retrenchment. Retrenchment means the cutting off of all unnecessary expenses, and I do not conceive that it is necessary that any man should get $1,500 or even $1,000 to enable him to come and go to and from Washington from the place of his residence. Therefore, in view of the very principle which underlies this bill, in advocating economy and retrenchment, we ought here and now to strike down this vicious abuse, which has corrupted our legislation almost from the foundation of the Government; and it is for this reason that I favor the striking out of the mileage, and not for the reason that I am myself entitled to very little.

The question was then taken on the amendment of Mr. HALE to strike out "$25,000" and insert "$30,000," and it was agreed to upon a division—ayes 91, noes 55.

The question recurred upon the amendment of Mr. FOSTER to strike out the clause as amended and insert the following:

Mileage for Senators is hereby abolished, and there is substituted therefor their actual traveling expenses, to be ascertained and verified under forms to be furnished by the Secretary of the Treasury.

Mr. CALDWELL, of Tennessee. I move to amend the amendment by striking out the last two words, for the purpose of saying that I concur in the remarks of the gentleman from Maryland [Mr. O'BRIEN] in reference to the propriety of abolishing this system of mileage. It must be known that it was adopted at a time when members of Congress were compelled to come to this capital upon horseback, by the slow and lumbering stage-coach, by the river, and by the canal, and also when members were paid by the day for the time they were in actual service. Some years since the law was changed so as to pay members of Congress by the year, but still this mileage principle is retained.

It occurs to me that this mileage system is unjust to the Government and to the members themselves. Either those who receive the smallest amount of mileage as members upon this floor receive too little, or else those who receive the most mileage receive too much. It does beyond any sort of doubt establish inequality in the compensation of members upon this floor. I live at an average distance from this capital; I do not live so far off as some gentlemen on this floor, nor do I live so near as many others do. But it is well known to the people of this country that you now can come to this capital in a few hours of comfortable travel, even members from a distance, when years ago it took days of painful and wearisome travel to reach this capital. These facts are known to the people to-day.

With the gentleman from Ohio, [Mr. FOSTER,] I say that the redeeming feature of the salary law, passed by the Forty-second Congress, was that feature which abolished this mileage principle. According to my idea of public sentiment, there is a demand for reform in this particular respect, and I hope the House will adopt the amendment of the gentleman from Ohio.

Mr. PATTERSON. So far as this amendment is concerned, I speak more in behalf of the members and Delegates of this House and of Senators who reside at a great distance from the capital. There is no doubt about one thing, and that is that, so far as the individual expense of traveling is concerned, the amount received as mileage is greatly in excess of the amount expended in travel. But so far as most of the Delegates are concerned, and most of the Senators who live a great distance from the capital, unfortunately they are married and have pretty large families. [Laughter.] The members from the West are engaged in the fulfillment of the biblical command to "multiply and replenish the earth." [Renewed laughter.]

I do not presume that this Congress desires that its members who reside at a great distance from the capital should come here without their families. Indeed, as I understand it, morality demands that they should not do so, [laughter;] so at least the papers of my Territory have said a dozen times. If it is essential that we should bring our wives and children with us—and you ought to recollect that in one of the Territories at least there is more than one wife to be taken care of, [laughter]—it is hardly fair that we should be compelled to expend the one-third or the one-fourth of the salary we receive as members or Delegates in transporting our families to Washington and back home again.

I came here and brought with me my wife and three children. I know that after the expenses of the trip to Washington and back home again are paid there will be very little left of the mileage I receive. I know that is the case with the Delegates from the other Territories and with the members and Senators who reside at a distance from the capital. A great many of us are compelled to travel a part of the way in the stage-coach, and travel of that kind is exceedingly expensive.

Another difficulty which we labor under is this: If any of our friends at home become sick or if important business demands our attention, as is sometimes the case—as I have discovered to be often the case, by the number of requests for leave of absence that are made here daily—we are compelled to travel a great distance with a great expenditure of money. Therefore, when all sides of the question are taken into consideration, I think the allowance of mileage is not improper nor impolitic.

The gentleman from Maryland says that he does not oppose this amendment striking out mileage because he gets but very little. It is a little singular that when the question of salary was up he was in favor of a salary of $5,000, for the reason, I suppose, that he got it all. [Laughter.] When the question of mileage is up, of which he gets but little, he is attacked with a sudden spasm of retrenchment and reform.

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment of the gentleman from Tennessee [Mr. CALDWELL] to the amendment of the gentleman from Ohio [Mr. FOSTER] is exhausted.

Mr. CALDWELL, of Tennessee. I withdraw my amendment to the amendment.

Mr. PAGE. I renew the amendment to the amendment. I send to the Clerk's desk to be read that portion of section 40 of the Revised Statutes relating to the compensation of Senators and members which is incorporated in Barclay's Digest.

The Clerk read as follows:

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Mr. PAGE. Being one of that class referred to some time ago as having received a large amount of mileage, coming from the Pacific coast, I take this opportunity to say that I shall vote for the amendment to strike out mileage entirely. I voted for a similar proposition at the last session of Congress, and if I remember aright that proposition passed this House. The Representatives from California do not want any more than is received by the other members of Congress. The gentleman who has just taken his seat adduced some very strong arguments in favor of mileage; but the Representatives from California and the Pacific coast generally are naturally modest, and they do not want any more money than members of this House think they are entitled to.

But I submit whether it is not fair that the rules of the House should be enforced, so that when members residing so near the Capitol as to be able to reach their homes in an hour or two are absent attending to their business—practicing in the courts, &c.—their pay should be deducted for the time of their absence. I submit, sir, that this is no more than fair and equitable, because it is understood that a Representative from the Pacific coast is unable to return to his home until after the adjournment of Congress. I shall support the amendment to strike out mileage. I withdraw my amendment.

Mr. FORT. I offer the following substitute for the pending amendment:

The mileage of Senators shall hereafter be fifteen cents per mile, to be computed and paid as now provided by law.

Mr. Chairman, I believe it is pretty well understood that the bill now under consideration has been drafted upon principles of retrenchment and economy. I discover, however, that while there has been a universal disposition to retrench in all other matters there has been none applied to this system of mileage. In my judgment, if there be any subject to which retrenchment ought to be applied it is this. If we can retrench 10 per cent. in other matters, it occurs to me that we should retrench 25 per cent. in this.

As has been well said, the allowance of mileage is perhaps, after all, proper. A member residing a long distance from this capital cannot afford to come here and serve at the same rate of pay as a member who lives near to Washington. The former necessarily expends more money. If anything happens at his home requiring him to return there, he cannot do so in a few hours to attend to his business or visit his family without spending much more money than a member living adjacent to the capital. As has been said by the Delegate from Colorado, [Mr. PATTERSON,] one visit to his home may consume entirely his mileage.

Now, gentlemen living near the capital can attend to business at home; they can go there to practice law or visit their families at small expense. If they bring their families with them, be the families large or small, the expense is inconsiderable; but when they live at a long distance, as some members do, the expense is very considerable. I think it is well settled that the system of mileage is, after all, correct and should be continued. The amendment proposed by myself is only in keeping with the remainder of the bill, in order that we may retrench in this respect as well as in others.

Mr. CHITTENDEN. I rise to offer an amendment to the amendment.

The CHAIRMAN. That would not be in order, because an amendment to an amendment is already pending.

Mr. CANNON, of Illinois. Mr. Chairman, I rise to oppose the amendment. I do not suppose I shall be able to say anything that will instruct anybody about this matter; but I do want to say that the manly way for us to do when we fix our pay is to fix it at a speci-

fied sum, and with that be content. As it now is, this matter of mileage is not for the payment of expenses of traveling, but is designed to pay indirectly a part of the salary not as mileage, but as compensation for many members of Congress—doing that indirectly which we have not the nerve to do directly.

It has been said that the mileage does not inure equally to members. That is true. For instance, I live out in Illinois, about one thousand miles from here. My mileage is about $400. The traveling costs two cents a mile, and the expense here and back is, I believe, about $40. The balance goes to make up my salary, not to pay the expenses of travel.

Gentlemen have spoken of the expense of traveling with their wives and children; if that is to be taken into consideration, why do you not amend the law so as to allow mileage for the wife and a mileage for each child? You might in that way encourage marriage and large families. [Laughter.] Or, as some gentleman suggests, you might allow salaries to the wife and children.

We have broken down a long-standing rule of this House in order that we might legislate in the interest of reform. Let us now commence. If $5,000, together with actual traveling expenses, is what we ought to have, let us give it. If $4,500 is right, let us give that. Let us not "whip the devil round the stump" any longer in this era of reform. I object to making up our compensation by an allowance of $4,500, if you please, as salary, (with which I am content,) $125 for stationery, and even a little bit of an appropriation for packing-boxes. This system, to my notion, is not very manly. I would for that reason prefer that we fix the salary at a stated sum and cut off all these things. Therefore I shall vote for the amendment of the gentleman from Ohio [Mr. FOSTER] to cut off mileage and allow actual traveling expenses only.

Mr. HARRIS, of Virginia. Has not the gentleman taken heretofore his stationery and boxes?

Mr. CANNON, of Illinois. O. yes, I take the stationery; I take the boxes, and everything of that kind; I expect to take everything else that the law gives me the same as other gentlemen do. If $4,500 is not enough salary, let us fix $5,000; or, if it be thought right, name $3,000 as the salary; but, whatever you fix, let it be a specific sum to cover our aggregate compensation. Let us not be receiving six or eight hundred dollars more than we are representing to the country that we get; because after all I guess we do not fool the people very much; and the present method of making up our compensation is not very manly, in my opinion.

Mr. FOSTER. I rise to oppose the amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. FOSTER. Then I move to strike out the last word.

The CHAIRMAN. There is an amendment to the amendment already pending.

Mr. FORT'S amendment to the amendment was rejected.

Mr. CHITTENDEN. I move the following amendment:

The Clerk read as follows:

Provided, That no member of either House of Congress elected to fill a vacancy shall hereafter be paid for any time prior to the day of his election.

Mr. CHITTENDEN. Mr. Chairman, I resolved very seriously, on listening to the speech of the gentleman from Massachusetts the other day, hereafter to stand upon the dignity of my office in respect to the question of salary and mileage; but I have discovered, on a very slight examination, that the garment is too narrow to cover us. That amendment, Mr. Chairman, depends upon the ascertainment of a fact that a member of the Forty-third Congress, elected to fill a vacancy, a vacancy in the last Congress, received about $4,000 for three months' service, going back five or six months beyond the day of his election.

Now, Mr. Chairman, I propose, on the dignity of a member of the House of Representatives of the United States of America, to bring this fact to the attention of the House. I repeat, that a member, elected to fill a vacancy——

Mr. O'BRIEN. Who? From what State?

Mr. CHITTENDEN. In my own State, from the State of New York, Mr. Schell, elected to fill a vacancy in the Forty-third Congress and serving here three months at the rate of $5,000 a year, received thirty-nine hundred and odd dollars. I had the figures in my pocket yesterday, but find I have left them at home. I vouch for them, as I took them from the books. That goes straight to the point. There is a case pending in the Senate, which I am informed by gentlemen who understand it, insures to the man who may be appointed to fill the vacancy something like $20,000. I say, on my dignity as a member of this House, I want every member of it to vote clearly and intelligently on that simple question, and I shall call for the yeas and nays on it. [Laughter.] Now, I do not know but what my time is up. [Cries of "Go on!" "Go on"!] If I had time I would like to discuss this question very briefly.

Mr. JENKS. Has the gentleman any objection to my reading section 51 of the Revised Statutes?

The CHAIRMAN. The gentleman's time has expired.

Mr. JENKS. Let us have the law read.

The Clerk read as follows:

SEC. 51. Whenever a vacancy occurs in either House of Congress by death or otherwise of any member or Delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill the vacancy shall be compensated from the time the compensation of his predecessor ceased.

Mr. CHITTENDEN. I knew that was the law, and my amendment was intended to repeal it.

Mr. RANDALL. I desire to object to the withdrawing of any amendments hereafter.

Mr. CONGER. I rise to oppose the amendment.

Mr. FOSTER. I was recognized some time ago.

The CHAIRMAN. The Chair will state the question. The gentleman from New York makes an amendment to the amendment of the gentleman from Ohio [Mr. FOSTER] who has already spoken, and the gentleman from Michigan rises to oppose it.

Mr. FOSTER. You recognized me some time ago to oppose it.

Mr. CONGER. I recognize the gentleman with all the committee. [Laughter.]

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. CONGER. I do. [Laughter.]

Mr. FOSTER. I desire simply to submit a statement which I take from the speech made by the gentleman from Pennsylvania in the last House, [Mr. SMITH,] which gave us the mileage in the Forty-third Congress as well as the actual expense. The House will remember in the last Congress at one time we substituted actual expense for mileage, and this table shows the result. I will read so far as it relates to two or three States. For one district in Minnesota $1,600 was paid for mileage, while the actual expense was $112. Seventeen hundred and forty dollars was paid for mileage from Dakota while $123 was the actual expense. A member from one of the districts of California received two thousand five hundred and odd dollars for mileage and the actual expense was $420. In the case of Washington Territory, $3,500 was paid for mileage and $579 was the actual expense. From Oregon $3,900 mileage was paid and $590 the actual expense. The result shows while mileage would cost $196,000 the actual expense was only $46,000, showing a saving of $150,000.

Mr. LUTTRELL. I should like to ask the gentleman a question.

Mr. CONGER. I cannot yield to all these other gentlemen. [Laughter.] I will yield to the gentleman from California.

The CHAIRMAN. The gentleman from California has one minute left. [Laughter.]

Mr. LUTTRELL. I wish to reply to the statement of the gentleman from Ohio. When he states that a member of Congress from Oregon received $3,900 when the actual expense was only $400, he is mistaken unless that member traveled on a free pass. [Laughter.] I for one do not travel on a free pass.

Mr. FOSTER. I said $590.

Mr. LUTTRELL. I know full well what it costs. I know well that no man can travel and make the four trips he has to make in representing a district there for two years without being out nearly $1,000 for traveling expenses. And I will say further that the first year I was here my express charges and postage cost me $1,155; and when the gentleman states that the traveling expenses of a member from Minnesota are only $123, it must certainly be that he travels on a free pass.

Mr. CHITTENDEN. I think it fair that I should say that I alluded to Mr. Schell, of New York.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONGER] has expired.

The question being taken on Mr. CHITTENDEN'S amendment to the amendment, it was agreed to—ayes 115, noes 30.

The CHAIRMAN. The question is now on the amendment of the gentleman from Ohio, [Mr. FOSTER.]

Mr. HOSKINS. I move to strike out the last word.

Mr. Chairman, I simply desire to say a word on this question of mileage. As the bill now stands there will be appropriated for the payment of the mileage of Senators the sum of $30,000, which is equivalent to a little over $400 to each Senator for his mileage. I make an estimate, and I think a liberal one, that the average actual expenses of each Senator in coming to and returning from this capital cannot exceed for a Congress above $150. Deduct this from the amount which Senators now receive, $400, and there is left a net gain to the Treasury for each amounting to $250.

Now, then, we propose to reduce the direct salary of a Senator $500. Here is an opportunity to further reduce the salary of each Senator about $250 more. I hold, Mr. Chairman, that this matter of mileage is nothing more nor less than so much salary added to each member who draws it. I live near the city of Buffalo, and my mileage is something less than $200. I live at a distance from the capital which precludes me from returning home to attend to my duties during the entire session unless it be for something exceedingly important. When I bring my family here I come expecting to stay to the end of the session. Gentlemen living in the parts of the country most remote from the capital come here in the same way. And I maintain, if these gentlemen are paid their actual traveling expenses in coming from and returning to their homes and I receive mine, it matters not what the distance may be, they and I stand upon precisely the same footing, and I desire that every member upon this floor shall have precisely the same pay in the aggregate that I have myself, but I do not desire that any one shall have one dollar more.

The allowance of the actual traveling expenses is the only equal and just way of settling this matter and reducing the salaries equitably. The amendment as proposed will reduce the salary of each Senator by the average amount of $250, which will be about one-half the amount proposed by the bill. I shall vote first for the commit-

tee's proposition to fix the salary at $4,500, and I shall also vote to equalize the mileage by making the amount paid to each member going to and returning from this capital the amount he shall receive in lieu of all mileage.

Mr. MAGINNIS. Mr. Chairman, it will make little difference to me whether mileage or actual traveling expenses are allowed. My actual traveling expenses in consequence of long travel by stage amount to nearly as much as the mileage. I might, in answer to the gentleman from Tennessee, [Mr. CALDWELL,] make the point on which this question seemed to be decided when the subject of mileage was up in the Senate two years ago. The gentleman said that originally the salary of members was so much per day, and congressmen got $8 a day during their attendance and while traveling to and from their homes. Now, although finally the salary was lumped, and there was so much paid for the Congress or session, it was fixed on the basis of the average number of days occupied during each Congress. I beg to call the attention of the gentleman to the fact that members who live at a great distance from the capital are obliged to put in very many more days in the service of the Government than gentlemen who live here or near the capital. For instance, I am obliged to put twenty or thirty days more in the service of the Government than the gentleman from Maryland, because I have to spend that much more time in traveling to and from my home, and per diem for that time, if calculated on the ratio of the number of days spent in attendance on Congress, at the rate of $5,000 per annum, would amount to a great deal more than all the mileage allowed.

I think the mileage system is the proper one. The gentleman from Ohio [Mr. FOSTER] read from a speech by the gentleman from Pennsylvania, [Mr. SMITH,] made in the last Congress, showing the difference between the actual traveling expenses of members and their mileage. And he might have read also from that same statement another thing that might be construed to reflect somewhat discreditably on several members: in cases where two members started from places equally distant and traveled by like modes of conveyance, and yet in many instances the bill of one member for actual expenses was twice or three times greater than that of another member traveling the same distance. I hold that the mileage system, as a system, is the proper one. If the amount allowed is too large, reduce it. Reduce the rate to fifteen cents or five cents or even to two cents per mile, whatever is right, and fix one rate for railroad and another for stage travel; but the dignity of all will be best preserved by adherence to one fixed and uniform rule.

In connection with this point, I would ask the Clerk to read the statement of the Paymaster-General of the Army on the abuses that have arisen in the Army from this system of allowing actual traveling expenses and his earnest recommendation of a return to the mileage system.

The Clerk read as follows:

Attention is respectfully invited to the subject of re-imbursement to officers of cost of travel under orders.

Prior to July 1, 1874, a system of mileages prevailed, for which legislation has since substituted the system of "actual expenses." (See act of June 16, 1874.)

For short journeys "actual expenses" are found, in the majority of cases, to exceed "mileage," for the reason that the allowances for expenses of delays incident to the duty ordered are large in proportion to the distance traveled.

For long journeys the reverse is the case, for the reason that the distance traveled is much greater in proportion to the restricted time for which, under War Department rules, expenses of delays incident to duty may be charged, so that the item of charges for delays is not an important one in accounts for long journeys.

In the aggregate, payments on account of actual expenses fall short in amount of what would be the sum of mileage allowances for the same journeys.

The pecuniary advantage to the Government, so far as concerns the Army, of a system of actual expenses is believed, however, to fall short of the objections to the system, which may be briefly stated as follows:

First. The labor to the officer, to the paymaster, to this office, and to the Treasury Department in the preparation, payment, and scrutiny of the vouchers is a hundred-fold more than in the case of mileage vouchers, for the reason that each item has to be specially set forth and separately scrutinized. The statement of items sometimes covers two, and even three, pages of foolscap, whereas a mileage voucher for the same journey would have involved the consideration and treatment of but a single item of charge.

Second. Experience of systems of actual expenses has shown that the authorities have invariably been obliged, sooner or later, to dispense with itemized accounts, and arbitrarily fix a measure of actual expenses, on a basis of time or distance, which is practically a mileage system. This is owing to the fact that different men take diverse views of what constitutes actual necessary expenses, and of the moral obligation to conform to an order which assumes to prescribe what shall be alone regarded as items of such expenses. Hence, persistent effort on the part of many to obtain re-imbursement of expenses not authorized in orders, and to remove certain restrictions, and in some cases to include unauthorized items in charges for others authorized, and which may have exceeded, in amount, the actual outlay thereunder. Contingent allowances become subjects of common charge, without reference to the existence of the conditions to which they were specially attached. Gradually the system becomes one of such abuse that refuge is taken, as above stated, in mileage, or a like system of a uniform measure of allowances.

Third. The foregoing suggests plainly enough how unequally a system of "actual expenses" operates upon different men, and to what extent it tends to demoralization.

Fourth. Mileage charges are easily computed, quickly paid, and readily scrutinized. A mileage allowance, therefore, forms the most convenient system of reimbursement of travel expenses. The experience of officers will sustain the statement that on the average of the whole period of service it is no more than a reimbursement of actual expenses, and is uniform in its operations upon all.

Fifth. The debate upon the provision of "actual expenses" in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, clearly shows that it was based on the understanding that the charge made in the House of Representatives, to the effect that constructive mileage was paid to Government officials, applied equally to officers of the Army. I challenge the proof of a single case in which mileage has been paid to an officer of the Army for other than actual travel under competent orders.

The allowance and payment of mileage to officers of the Army is so hedged about that there can be and were no abuses of it which are not inseparable from any allowance based upon orders issued at the discretion of men. Therefore I earnestly recommend a return to the system of mileage as better fitted to do justice to the officer and to the Government.

Mr. RANDALL. I rise to a point of order. I submit that it is not competent for a member to send up under the five-minute rule any document to be read that takes more than five minutes.

The CHAIRMAN. The Chair will state that the time of the gentleman from Montana has expired.

Mr. MAGINNIS. I ask unanimous consent that the whole of the Paymaster-General's recommendation that actual traveling expenses be abolished and mileage allowed be printed as a part of my remarks.

There was no objection, and the recommendation of the Paymaster-General is printed above.

Mr. HOSKINS. I withdraw my amendment to strike out the last word.

Mr. KELLEY. I renew it.

Mr. Chairman, I think that our constituents, if not already disgusted, soon will be with the cheap efforts which are being made for popularity by proposing to cut down our own emoluments. I am interested in the mileage question to the extent of $50; I state that fact without saying whether it is very valuable to me or not. When I first came to this House I received $3,000 a year and a little over $100 as mileage. I served on two committees and worked pretty hard in the House, and I found that there were Delegates here who could not vote and did not serve on committees getting one of them over $12,000 and one over $13,000. I thought it was a little unequal, and I worked to get the pay up and the mileage down, and the salary was fixed at $5,000 and the mileage reduced one-half, which equalized the pay and did not increase the expense to the Government; and the change provoked no hostility that I know of in any quarter of the country.

The American people do not thank their representatives for exhibiting meanness, which they regard as rather disgraceful. The rich man says to his constituents, "Behold how free I am from all pecuniary considerations, when I propose to surrender one-twentieth of what you know I spent to get my place." The poor man says, "I cannot afford to be behind him; I know the value of a few dollars; I will let the poor part of my constituents see that I do not want to live any better than they do;" and after all I think the constituents of all classes say "bah!" to it all. [Laughter.] That is my judgment.

I wish to make the remark that this mileage wickedness came down from the days when every man that was elected to Congress was a patriot, when they were not degenerate as we are. That system by which forty cents a mile was given for the distance members came, came down to us from the early days of the Republic. It was only our degeneracy that put it aside.

Now, I am ready to vote for a salary of $5,000 a year and whatever measure of mileage shall be fair. I do not wish to see mileage abolished. It is of small interest to me; but for those who travel a month in coming here, who travel in stage-coaches, who travel where meals are high and every expense large, who have nearly a month more time to spend in coming and going than I have, there ought to be a compensation for them; and to make that compensation depend on a member stating when, where, and how he had his boots blacked, [laughter,] or repeat Governor Marcy's charge for mending his pantaloons, is a mean and not a good system, and will lead to very unfair charges.

[Here the hammer fell.]

Mr. HOAR rose.

Mr. KELLEY. I withdraw the amendment, unless the gentleman from Massachusetts wishes to oppose it.

Mr. HOAR. I do not propose to debate the question, but to move an amendment of substance which I beg the gentleman from Ohio [Mr. FOSTER] to assent to.

Mr. WILSON, of Iowa. Before the gentleman from Massachusetts offers his amendment, I would like to say a few words.

Mr. HOAR. I will yield my time to the gentleman.

I desire now to move to strike out that part of the amendment of the gentleman from Ohio where the words "actual expenses" occur, and to substitute in lieu thereof these: "traveling expenses of themselves and one member of their families, actually incurred, to be ascertained and vouched for by rules prescribed by the Senate."

My amendment allows the Senate to prescribe its own method of having vouchers, and allows a Senator to charge the traveling expenses of himself and one member of his family besides himself, if accompanied by one. I now yield to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. Mr. Chairman, I wish this question could be permanently settled, and I do not think it can ever be settled until we abolish mileage altogether. Nothing has struck me so forcibly since I have been a member of the House as the zeal with which members of the House living within fifty or one hundred miles of the capital attack this mileage.

Now, the amendment proposed by the gentleman from Ohio [Mr. FOSTER] and the other pending amendments looking to the reduction of the present mileage are neither just, fair, nor reasonable. The mileage as arranged now is perhaps as fairly arranged as it can be

arranged. The gentleman from Massachusetts who has just offered an amendment touches a point that should be considered in relation to this question. He says that he is willing that a Senator or member shall have mileage for himself and one member of his family. Now, what member of my family shall it be that I bring on here? Must it be my wife or one of my children? If I bring my wife and myself, I must leave the baby at home, and I am too poor to pay for bringing both. Which shall I bring? If the family of a member shall consist of more than four persons, it will take all the mileage he gets to pay the expense of bringing those four persons here and taking them home again. Every consideration requires that a member should bring his family here, unless he be situated as I am; that is, when both my salary and mileage are too little to justify me in bringing my family here at all.

Now, as we spent six weeks in the last Congress trying to settle this question, I hope the committee will now agree to wipe out the mileage altogether, and not put western members perpetually to the blush in having to vote on the amount of their own mileage and perquisites.

Mr. RANDALL. As we have got down to the "bah" and bray arguments, I think it is about time to close the debate on this paragraph. Unless unanimous consent be given to close debate on the pending clause, I shall move that the committee rise, so as to obtain an order from the House to close debate.

Mr. WILLIAMS, of Wisconsin. Will the gentleman yield to me for five minutes?

Mr. RANDALL. I will do so.

Mr. CONGER. I suppose the gentleman will yield five minutes to each member.

Mr. RANDALL. I will yield to the gentleman from Wisconsin, [Mr. WILLIAMS,] and then I will renew my suggestion to close the debate.

The CHAIRMAN. The gentleman can speak in opposition to the amendment to the amendment.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I rise to oppose *pro forma* simply the amendment to the amendment, and will commence by saying that this subject of mileage and compensation is a delicate one for any member of the Wisconsin delegation. We do not forget that the political prospects of one of the most brilliant and gifted sons which our State ever sent forth were wrecked upon the rock labeled "congressional salaries." The rest of us may walk with humility in the light of illustrious example.

But, sir, as this seems to be a time for free confessional, I will say that this is a subject which touches me tenderly and upon which I speak with deep feeling. I suppose it is proper that the grade of our expenditures should be freely canvassed and fully understood. The gentleman from Iowa [Mr. WILSON] has referred to his own case and expressed a fear that he might have to leave his baby at home. I will say that I came here and brought my wife with me, as I thought to be meet and proper. My little boy I left at home, a thousand miles away, and the sole representative of the family; my daughter I sent to her aunt in Central New York, where she is boarding on half-pay. [Laughter.] My niece I allowed to come here for four weeks. But this morning—and that is the reason I speak with unction on this occasion—I received a confidential letter from a kind friend informing me that the subject is being canvassed by a few of my constituents whether I ought not to be defeated for a renomination because that little niece wore too many "ribbons" at Secretary Fish's reception, as they are informed by some kind representative of the press. [Great laughter.] The real truth—and we are entitled to know it all—compels me to add that, not having the money by me just then, another uncle purchased the ribbons and outfit, be they more or less, and they did not come out of my salary at all. [Renewed and continued laughter.]

But to proceed. I have rented a single room for myself and wife in a comfortable house with a most excellent family, and we are living at a cheaper rate, as I am informed, than the most economical, proper, and prudent member of our delegation who has neither wife nor children here. Yet I am informed, and that is where I feel stricken to-night, that after all this I am to be defeated for a renomination on the ground of extravagance. I have written my little daughter that she might come here from New York. But I am anxiously waiting the action of this House, and testing the pulse of the public upon this bill to determine whether I shall countermand the order by telegraph. [Laughter.]

Do you ask me if under these circumstances I feel mean? Great God! I never felt so mean before in all my life. [Great laughter.] Do you ask me if that notification I received is a sample of the sentiments which I represent? I stand here to declare that it is not; that I represent one of the oldest, the most wealthy, enlightened, and liberal districts in my State. They want economy in the best sense of the term. They want no extravagance, and they want honor, fidelity, and courage. And if I cannot stand here, as I intend to do before the debate on this bill closes, should I have the opportunity, and avow my honest sentiments without fear or trembling, then I will serve notice on them, six months in advance, and let them get their political guns ready to blow me out of the water. [Laughter.] They understand me. I think I understand them. At least we have never yet misunderstood each other on any question of a public nature.

You may ask me if with all this economy I am getting rich. No, sad to say, I am not. I do not spend my money for cigars or drink. I believe my habits are reasonably good. Like my friend from California, [Mr. LUTTRELL,] I do not ride on free passes, at least I have not since the grangers thought them "extrahazardous." [Laughter.] But somehow or other at the end of the year—I cannot understand it; I think my constituents would if they would come here with part of their families and scatter the rest around the country—I say that, notwithstanding all my efforts at economy, active and enterprising committee-men, individuals benevolently inclined, insinuating creditors, beggars, and bores take the whole, and at the end of the year pecuniarily I am like—

> The stone of Sisyphus rolling on apace,
> Returns at last and rests at the base.

[Great laughter.]

Mr. RANDALL. I now ask unanimous consent that all debate on the pending clause in relation to the mileage of members may be considered as closed.

There was no objection.

The first question was upon the amendment of Mr. HOAR to the amendment of Mr. FOSTER, so that the latter portion would read: "The traveling expenses of themselves, and of one member of their family, if actually incurred, to be ascertained under rules prescribed by the Senate."

The amendment to the amendment was not agreed to.

The question recurred upon the amendment of Mr. FOSTER, to strike out the clause as amended and to insert in lieu thereof the following:

> Mileage for Senators is hereby abolished, and there is substituted therefor their actual traveling expenses, to be ascertained and verified under forms to be furnished by the Secretary of the Treasury.

The question was taken; and upon a division there were—ayes 88, noes 131.

Before the result of this vote was announced,

Mr. FOSTER. I call for tellers. I have a proposition to make to the chairman of the Committee on Appropriations [Mr. RANDALL] to allow this amendment to be voted on in the House.

Mr. RANDALL. I have no such instructions from the committee.

Mr. FOSTER. Then I call for tellers.

Tellers were ordered, there being thirty in the affirmative, more than one-fifth of a quorum, and Mr. RANDALL and Mr. FOSTER were appointed.

The committee again divided; and the tellers reported that there were—ayes 73, noes 114.

So the amendment was not agreed to.

The Clerk read as follows:

> For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, namely: For Secretary of the Senate, including compensation as disbursing officer, $4,500, and for hire of horse and wagon for his use, $500; Chief Clerk, $2,500; principal clerk, principal executive clerk, and minute and journal clerk, at $2,250 each; financial clerk in the office of the Secretary of the Senate, $2,000; librarian, $1,800; and five clerks in the office of the Secretary of the Senate, at $2,000 each; clerk of printing records, $1,600; five clerks, $1,800 each; keeper of the stationery, $1,500; one messenger, $1,200; chaplain, $900; secretary to the Vice-President, $1,800; clerk to the Committee on Finance, $2,200; clerk to the Committee on Claims, $2,000; clerk to the Committee on Appropriations, $2,220; assistant keeper of the stationery, $1,200; Sergeant-at-Arms and Doorkeeper, $4,000; assistant doorkeeper, $2 000; acting assistant doorkeeper, $1,800; chief messenger assisting doorkeeper, $1,800; postmaster to the Senate, $2,000; assistant postmaster and mail-carrier, $1,800; two mail-carriers, at $125 per month during the session; superintendent of the document-room, $1,800; one assistant in document-room, at $1,200; superintendent of the folding-room, $1,800; one clerk in the folding-room, $1,200; twenty-three messengers, at $125 per month each during the session; one laborer in charge of private passage, $840; chief engineer, $1,800; two assistant engineers, at $1,200 each; assistant engineer in charge of the Senate elevator, $1,200; two firemen, at $900 each; seven laborers, at $720 each; and one female in charge of ladies' retiring-room, $600; telegraph operator, at the rate of $100 per month during the session, $400; and ten laborers, at the rate of $720 per annum during the session of the Senate, $2,400; making in all $100,050.

Mr. ROBBINS, of North Carolina. I move to amend by adding the following to the paragraph just read:

> For messenger's place, to be held by Sidney L. Willson, disabled soldier, $1,200.

Mr. Chairman, I believe there are precedents for making special provision for certain employés, and I desire as a confederate soldier to offer this amendment in favor of a Union soldier who at Gettysburgh lost both legs, and is now a messenger in the Senate wing of the Capitol. I want to insure beyond all contingencies that he shall be retained in his place. That is my reason for offering the amendment.

Mr. RANDALL. I have no objection to the amendment; but if the gentleman will tell me what office this man holds in the Senate, I will make the number of that character of officers one less.

Mr. ROBBINS, of North Carolina. He is a messenger. I hope, however, that this will be put at the end of the paragraph as an addition to all the others.

Mr. RANDALL. I think the gentleman had better amend by providing that "one of the messengers provided for shall be" so and so, naming the man whoever he is. It is rather unusual, I suggest, for this House to declare who shall be the officers of the Senate. Still this is an exceptional case.

Mr. ROBBINS, of North Carolina. I desire, if the gentleman will allow me, to say——

Mr. HOAR. Will the gentleman be kind enough to inform the House under what constitutional power we can appoint an officer by law? The Constitution provides that officers may be appointed by

the President, by the heads of Departments, and by the courts. In addition to that, each branch of Congress, as an incident to its legislative power, has the right to appoint its own officers.

Mr. TUCKER. Will the gentleman from Massachusetts [Mr. HOAR] allow me to call his attention——

Mr. ROBBINS, of North Carolina. I hope I shall not be taken entirely off the floor by other gentlemen.

Mr. HOAR. I asked for information merely. I have not considered the point.

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Virginia, [Mr. TUCKER?]

Mr. ROBBINS, of North Carolina. Yes, sir.

Mr. TUCKER. The third section of the first article of the Constitution provides that—

The Senate shall choose their other officers and also a President *pro tempore*, &c.

Now, how we can provide in any law that the Senate shall have a particular officer, I cannot see.

Mr. RANDALL. We might do it for our own House.

Mr. ROBBINS, of North Carolina. Mr. Chairman, I see in this very bill in line 200 a precedent for the amendment I have offered. I refer to this clause:

One messenger, Henry Douglass, $840.

Mr. RANDALL. That is one of our own officers.

Mr. ROBBINS, of North Carolina. I desire to say that I wish to offer, at the proper time, an exactly similar amendment to the paragraph in regard to the employés of the House. We can certainly make this provision for the payment of that man. We leave the responsibility with the Senate whether they will appoint him; we merely assist in providing the money for the place. We do not undertake to appoint him; we only provide that so much money shall be appropriated for him if he holds the place. The Senate can turn him out if they choose. And I would like to know whether the gentleman from Massachusetts [Mr. HOAR] is opposed to his holding the place, or whether he thinks the Senate is opposed to it?

Mr. SPRINGER. The Senate will be democratic in the next Congress and will take care of him.

Mr. ROBBINS, of North Carolina. The House, which is democratic, which is sometimes called "confederate," is in favor of these things. I hope the Senate is not opposed to them; and I trust that the other side of the House is not opposed to them.

Mr. HOAR. In answer to the gentleman from North Carolina, I wish to say that I should consider it entirely unworthy of my own position to enter into the kind of debate which his question seems to challenge.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ROBBINS, of North Carolina. It has been taken up by other gentlemen. I did not hear the remarks of the gentleman who last spoke, [Mr. HOAR.] I should have liked very much to hear them.

Mr. HALE. Mr. Chairman, it is an encouraging spectacle to see that the gentleman from North Carolina has extended his sympathetic researches to the Senate and has taken upon himself the guardianship of the fortunes of wounded soldiers. I venture to suggest to him that the Senate may possibly be competent to care for that class of persons.

The Committee on Appropriations has seen fit (I think wisely) to reduce the whole number of messengers in the Senate, as it has done in the House; but it has not seen fit to indicate to the Senate who and what class of men shall fill the places that are left. If the gentleman from North Carolina has upon his hands some good Union soldier that he wants taken care of, it will probably be safe for him, as I have said, to leave the matter to the appointing power in the Senate, or perchance he may find the opportunity on this side of the Capitol to care for that soldier for whom he is so solicitous.

Mr. RANDALL. Upon reflection I feel that it would be in bad taste for the House to attempt to indicate to the Senate the appointment of any particular individual. I have no doubt that the Senate will take care of this soldier, who has lost both his legs, just as this House has taken care of a Union soldier, a republican, who has no arms. There was but one sentiment here in favor of the retention of that Union soldier, although he had come in under a republican administration. And I commend the Doorkeeper of this House for his good heart in responding to the unanimous expression of the democratic members here that that Union soldier who had lost both arms should be retained permanently in the employment of this House. I feel that the Senate will take care of their Union soldier, who was more badly wounded, as we have taken care of the man who is unable to feed himself by reason of the loss of both arms in the battles of the country.

Mr. ROBBINS, of North Carolina. Mr. Chairman, if gentlemen will observe the form of the amendment they will see there is nothing which dictates to the Senate. It only makes an appropriation of so much money for this man if he shall be employed by the Senate as a messenger. If he does not hold that place, then of course the money is not appropriated. It leaves it optional with the Senate whether they will put him in or not. We make the appropriation for him to fill this place, and if he does not fill it, then the appropriation is not made. It is perfectly competent to say we appropriate that much money so long as he shall hold this place.

Mr. HILL. Mr. Chairman, I do not wish to oppose the amendment and do not wish to see the amendment rejected. I consider my friend from Virginia labors under a misconception of the Constitution. The Constitution, as the gentleman from Virginia has read, says the Senate shall choose their other officers. Now, the gentleman does not say a messenger is an officer of the Senate in the legal significance of that term. If so, the Senate would have the right to vote for each and every messenger. The Constitution says, too, this House shall choose its own officers. Does that mean that the House shall vote for its messengers, its pages, and other employés? These are mere employés appointed by the officers elected by the Senate and by the House. He is not an officer; he is a mere employé of the Senate. He is not chosen by the Senate, but by an officer of the Senate who is appointed by the Senate.

I am really surprised at my elegant friend from Virginia, who is so ordinarily correct, in getting up and intimating that a messenger is an officer of the Senate. That is not strict construction. [Laughter.] That is entirely too liberal. It is latitudinarian—it is consolidation. [Laughter.] I oppose such centralism, especially from Virginia. [Laughter.]

I say there is nothing in the point made on the amendment of my friend from North Carolina. This messenger is an employé and not an officer, and therefore there is no difficulty in my judgment in the Constitution. The House does not appoint—no one appoints him. The House simply designates—expresses to the appointing power of the Senate that so long as they keep a man by the name of Sidney L. Willson as their employé this House agrees he shall receive $1,200, and he has no right to that $1,200 without the concurrence of this House. The Senate cannot fix the salary. We fix the salary and intimate to the Senate they shall have a messenger so long as they keep a messenger by the name of Sydney L. Willson.

Mr. HALE. Let me ask the gentleman from Georgia a question. As a practical fact, what does he think would be the result in the House if the Senate should put on a clause declaring that such a man should be one of its employés? What does he think would be the sentiment of the House as to that act of the Senate?

Mr. HILL. I would say this: The gentleman's question does not apply to the amendment. We do not say the Senate shall employ this man, and the Senate need not say we shall employ this man. We do not say to the Doorkeeper he shall appoint a page. We simply agree so long as the Senate according to their own rule and the direction of their officer shall keep in employment a man by the name of Sidney L. Willson, he shall receive $1,200 a year. That is all there is in this amendment.

Mr. HALE. That is, that they shall have no messenger provided unless they shall keep in employment the man whom we indicate.

Mr. HILL. Certainly we have the right to qualify, and if they do not choose to agree they can disagree to it, and there is no harm done.

[Here the hammer fell.]

Mr. FOSTER. I move to insert the words "in the House of Representatives;" so it will read: "a messenger in the House of Representatives."

Mr. KASSON. That is right; let us appoint him here, where we have the power.

Mr. RANDALL. I make the point the amendment is not in order, as we have not reached that point of the bill relating to the House of Representatives.

Mr. FOSTER. We have reached the man.

Mr. RANDALL. It is not in order to make an amendment fixing the compensation of members of the House until we reach that part of the bill.

The CHAIRMAN. The Chair rules that the amendment of the gentleman from Ohio is out of order in this part of the bill, as the committee is now dealing with the employés of the Senate.

Mr. TUCKER. May I make a speech without moving an amendment?

The CHAIRMAN. The gentleman can move to amend *pro forma*.

Mr. TUCKER. I think, sir, I may rise to a personal explanation or a question of privilege. [Laughter.] I might say to my distinguished friend from Georgia, [Mr. HILL,] who has called me to account for my strict construction——

Mr. HILL. For your too liberal construction.

Mr. TUCKER. For my latitudinarian construction, that I would have submitted to the criticism from any gentleman rightfully on the side of the House where my friend now sits. But as he has taken service on the other side, like a certain Captain Dugald Dalgetty, on this occasion I may say, "*Et tu, Brute.*" I will merely say that the question struck me as a very clear one at the moment as it seemed to have struck the gentleman from Massachusetts, and I think my friend from Georgia will see, when he collates two or more clauses of the Constitution, that my construction was right.

The language in the second section of the first article of the Constitution is:

The House of Representatives shall choose their Speaker and other officers.

In the third section it is:

The Senate shall choose their other officers and also a President *pro tempore*.

And in the fifth section it is:

Each House may determine the rules of its proceedings.

Now, I take it that no officer of this House holds his office, whether

as employé, messenger, or whatever name he may be called by, by virtue of any inherent appointing power in the Sergeant-at-Arms, the Clerk, the Doorkeeper, or anybody else. The emanation of authority to hold the office is from the House; and the House may choose its officers either immediately or mediately through its other officers. But when the House by its rules declares that the House shall elect the Doorkeeper, and the Doorkeeper may appoint his assistants, that the House shall appoint the Clerk and the Clerk may appoint his assistant clerks, I say that the House is choosing its own officers mediately through the officers it chooses directly.

Mr. HILL. I will ask my friend a question. Could the Senate authorize the Doorkeper or the Secretary to choose a President *pro tempore?* The Constitution says the Senate shall choose its own officers. The gentleman says an officer may be chosen by a doorkeeper by direction of the House or by authority of the House. Could the Senate authorize any subordinate officer to appoint a President *pro tempore?*

Mr. NEW. Will the gentleman from Georgia permit me to ask him a question?

Mr. HILL. Certainly.

The CHAIRMAN. The gentleman from Virginia has the floor.

Mr. TUCKER. I will yield to the gentleman from Indiana.

Mr. NEW. I would ask the gentleman from Georgia whether it would or would not be competent for the House to deprive an employé of his position?

Mr. HILL. I suppose if the House desired to discharge an offensive employé it would direct the appointing officer of the House to discharge that employé; and if he did not obey the order of the House, I suppose the House would discharge that officer.

Mr. HOAR. Will the gentleman from Virginia allow me to make a suggestion?

Mr. TUCKER. I yield to the gentleman.

Mr. HOAR. Are not the assistant doorkeepers punishable under the statute as the principal Doorkeeper would be for taking bribes?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. TUCKER] has expired.

Mr. RANDALL. I rise to oppose the amendment.

Mr. TUCKER. My time is out in consequence of other gentlemen having taken it.

Mr. RANDALL. I do not think it is well for the consideration of this bill that the debate on this fine point should last any longer. I therefore suggest that debate close upon this paragraph, and that the vote be taken on the amendment.

Mr. TUCKER. I appeal to my friend to give me a single minute.

Mr. RANDALL. I yield to the gentleman three minutes.

Mr. TUCKER. My construction of this whole matter is this: that this House itself could not by law appoint one of its own employés, because if he is appointed by law, it would require law to remove him; and if we appoint an officer of the Senate by law, it would require a repeal of the law before he could be removed; the effect of which would be that an officer offensive to either House could not be removed without the consent of the other, when the Constitution gives to each House the exclusive power to determine who shall be its own officers. I think, therefore, looking at all the provisions of the Constitution on this subject, that my construction is right, and that my friend from Georgia [Mr. HILL] for once is wrong.

Mr. HILL. You are very latitudinarian.

Mr. ROBBINS, of North Carolina. I want to add a word. Mr. Chairman, I have great respect for the doctrine of a strict construction of the Constitution, and I profess to belong myself to the strict-construction school; but this raising of constitutional points of strict construction on every occasion in regard to little matters like this I think injures the cause of strict construction. If you make the Constitution of the United States a strait-jacket, it will be torn; but if you make it a comfortably fitting, easy-wearing coat, we will wear it and not tear it. But for my part I must protest against this idea of turning the Constitution of the United States into a strait-jacket. Construe that instrument not by any means on latitudinarian principles, but on reasonable principles, and you can preserve it and enforce it better. I withdraw the amendment.

Mr. McCRARY. I renew it. I am not very much concerned about the question of strict construction of the Constitution in regard to this matter, although I am satisfied that the gentleman from Virginia [Mr. TUCKER] is correct in saying that each House of Congress has the exclusive right to appoint and to remove its own officers and its own employés. But, sir, beyond that there is a question of some importance suggested by this amendment. The proposition, if adopted, would unavoidably lead to very great difficulties and very great confusion. It is, sir, a proposition that one House shall undertake to dictate to the other as to the persons who shall be employed by it in certain capacities or in certain offices under the control of that House.

Now, sir, suppose that the proposition is adopted and becomes a part of this bill when it is sent to the other branch of Congress; as a matter of course, the Senate will concur in the amendment, and say that, if this House will appoint John Jones to a certain position here, then there shall be an appropriation made for his pay. The proposition, sir, if it shall be adopted, will lead to continual attempts, in one or the other House, by amendments like this, to control in matters which that House has no right to control and which it is utterly impracticable that it should control.

Again, sir, if the purpose of this amendment is to do an act of kindness to a wounded soldier, I submit to the House that this is the very way in which to defeat that purpose. I undertake to say here that the Senate never will and never should consent to be dictated to by this House as to the persons who shall be appointed as their employés. I undertake to say, as a member of this House, that I never would consent to be dictated to by the Senate, and I apprehend that the rights and privileges of one House are as sacred as those of the other.

Mr. RANDALL. I move that the committee rise; and I do it for the purpose of asking in the House to have the debate closed on this amendment unless I can obtain unanimous consent for the same result in the committee.

Mr. CONGER. Let me suggest to the gentleman from Pennsylvania that he can gain nothing in pressing this bill by moving that the committee rise every time a gentleman wishes to speak on an amendment.

Mr. RANDALL. Well, I supposed that there has been long enough debate upon such a very fine point as this.

Mr. HALE. Does the gentleman mean to close debate upon the whole paragraph?

Mr. RANDALL. No, on the amendment.

Mr. HALE. There is no objection to that.

Mr. CONGER. I have no objection to closing debate on the amendment.

Mr. ROBBINS, of North Carolina. Before the vote is taken I desire to modify my amendment. [Cries of "Regular order!"] I hope the House will allow me to modify it.

The CHAIRMAN. The gentleman has a right to modify his amendment.

Mr. ROBBINS, of North Carolina. I modify it by striking out the word "while" and add before "$1,200" the words "at the rate of;" so that it will read, "for a messenger's place while held by Sidney L. Willson, a disabled soldier, at the rate of $1,200 per annum."

The question was taken on the amendment, and it was not agreed to.

Mr. DUNNELL. I offer the following amendment:

Strike out in line 52 the words "during the session;" so that it will read: Twenty-three messengers at $125 per month each.

It seems to me that the compensation that is allowed by this bill to messengers is insufficient. These messengers by the provisions of this bill are to be paid only during the sessions of Congress, and it is a notorious fact that they have duties to perform here prior to the assembling of Congress at each session, and that they are also called upon to perform duties when the session has closed.

It should also be remembered that these messengers have no allowance for traveling expenses, no mileage allowed them. They simply draw pay at the rate of $125 per month during the session of Congress.

Now gentlemen will observe that the next session of Congress will last only three months. These messengers will be compelled to be here at least a month in advance of the opening of the session. They must travel from their homes, wherever their homesteads are, and they must remain here during the session and also remain here, according to custom, at least a month after the close of the session, and it is proposed that they shall simply be paid for the period of the session.

Now, Mr. Chairman, I have to say that it is not well to fill all the offices of this House and of the Senate with residents of the city of Washington. It is legitimate that citizens of Pennsylvania, New York, or Illinois may be appointed to these positions. It is better they should be. The compensation proposed by this bill is an insignificant and unworthy compensation. It is not enough; and I insist that the words "during the session" should be stricken out, and the bill will then only provide these officers with a just and reasonable compensation.

Mr. GARFIELD. I rise to a point of order. The heat of this Hall is very great, and the discomfort, under any circumstance. I respectfully ask for the reading of the last clause of the sixty-fifth rule of the House, and I ask that it be enforced.

The Clerk read as follows:

Smoking is prohibited within the bar of the House or the galleries.

The CHAIRMAN. The Doorkeeper will see that this rule is enforced.

Mr. WELLS, of Missouri. I rise for the purpose of opposing the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.] It will be found, by referring to that part of the bill in regard to messengers of the Senate as well as of the House, that the committee have raised their term of services for the short sessions to four months instead of three months.

The gentleman from Minnesota referred to the fact that the next session would only be of three months' duration. I call his attention to the fact that the last section of the bill, section 5, provides that the words "during the session as used in this act shall extend to and shall be construed to mean four months."

Heretofore, Mr. Chairman, it has been customary in the House and in the Senate to pay messengers from $1,440 to $1,800 a year; in other words, to pay them $2,880 and $3,600 for a Congress, the two sessions of which do not exceed ten months. They receive a salary ranging from $9.60 to $12.00 per day for the time they actually serve.

By reference to this bill it will be found that the clerks of committees, outside of the clerks of two or three committees of the House

and Senate, receiving but four or five dollars per day, are to be paid for the session only. Why should we pay a higher compensation to the messengers of this House and of the Senate, a class of men who may be very respectable and very competent for the discharge of the duties of their position, but men that you can obtain without any trouble in any portion of the country or in this city? By this bill it is proposed to pay them a little more than $4 per day, or at the rate of $125 a month, and to pay them for one month more than the length of the session for which they are to serve. It is not necessary for them to be here more than a few days before the meeting of Congress, and as soon as Congress adjourns their duties will cease and they will be at liberty to go home.

I cannot see any good reason why we should pay them, in the aggregate, over $50,000 more than this bill provides for. The saving accomplished by this bill in this respect in the House of Representatives alone will be rising of $30,000, and in the Senate I suppose it will be at least $20,000, although I have not made a close calculation upon that point.

Mr. O'BRIEN. Will the gentleman allow me to ask him a question?

Mr. WELLS, of Missouri. Certainly.

Mr. O'BRIEN. I desire to know whether the effect of the change proposed by this bill in the payment of these men for the short session will not be to limit the employment to men who live here in the immediate neighborhood, in the District of Columbia? It will reasonably follow that those who are now employed and come here from different States of the Union, and are paid as high as fourteen or eighteen hundred dollars a year, will not come here for a short session of Congress, for which they are to be paid only $500, as proposed by this bill. The natural effect will be that only men who live in the immediate neighborhood of the place where Congress is in session will be employed or will accept employment under the terms proposed by this bill.

Mr. WELLS, of Missouri. I did not give way to the gentleman to interject a speech in my remarks; I gave way for a question only. I do not think his objection is a good one at all. If men wish to come from Missouri, fifteen hundred miles, for these places, they are at liberty to do so, and they will receive $500 for four months, or rather for three months' session of Congress. We are not here to dispense charity, but to carry on the proper business of legislation, and to pay our employés a reasonable compensation.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question was taken on Mr. DUNNELL's amendment; and upon a division there were—ayes 57, noes 72.

Mr. DUNNELL. No quorum has voted.

The CHAIRMAN. No quorum having voted, the Chair will appoint tellers.

Mr. RANDALL. In that case I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of citizens of Clark, Estill, and Madison Counties, Kentucky, for a post-route from Winchester, via Muddy Creek and Allensville pike, to the mouth of Red River, and the location of post-offices at Allensville, the mouth of Red River, and at Pinchem, to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL, of Alabama: The petition of T. B. Allen, president, and William Muir, secretary, of the Missouri State Board of Horticulture, for the appointment of a scientific commission to investigate insect pests to agriculture, to the Committee on Agriculture.

By Mr. CROUNSE: The petition of M. O. Sullivan and others, for the establishment of a mail-route from Hastings, Nebraska, via Riverton, to Smith Center, in Kansas, to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGLAS: The petition of Anna C. Carroll and Maria C. Fitzhugh, for compensation for their lands occupied by the United States for the Botanical Gardens in the city of Washington, to the Committee for the District of Columbia.

By Mr. DUNNELL: The petition of Judge Norton and 50 other citizens of Wasioja, Minnesota, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. EGBERT: The petition, and papers relating thereto, of W. H. Collings, for additional compensation as a United States Army officer, to the Committee on War Claims.

By Mr. FARWELL: The petition of G. W. Dodge, for compensation for time and moneys expended in inducing Ute Indians to return to their reservations, thereby preventing an Indian war, to the Committee on Indian Affairs.

By Mr. FELTON: The petition of 214 citizens of Chattooga and Walker Counties, Georgia, for a mail-route from Trion Factory to Ringgold, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of Benjamin C. Webster, for a pension, to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of citizens of Mecca, Trumbull County, Ohio, and of eighteen other townships of the nineteenth district of Ohio, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States upon health, intelligence, industry, crime, and pauperism; also upon taxation, revenue, and the general welfare of the country; and for the prohibition of the importation of alcoholic liquor from foreign countries, and its sale, manufacture, and use as a beverage in the District of Columbia and the Territories of the United States, to the Committee on the Judiciary.

By Mr. GIBSON: The petition of Gains & Relf and other citizens of New Orleans, Louisiana, that a uniform rate of duty of 30 per cent. be levied upon earthenware, crockery, china, and glass ware, exclusive of packages, shipping charges, and commissions, to the Committee of Ways and Means.

By Mr. HENDERSON: The petition of John A. Widney and 145 others, for the reduction of public expenses and for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. HOLMAN: The petition of certain workingmen of Floyd County, Indiana, that the present tariff laws be left undisturbed, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of H. N. T. Arnold, for restoration to the active list of the Navy, to the Committee on Naval Affairs.

Also, the petition of John Henry Harrover, for compensation for personal injuries sustained during the late war, to the Committee on War Claims.

By Mr. HURD: The petition of Lieutenant Henry Z. Eaton, for compensation for a horse killed at the battle of Winchester, Virginia, March 23, 1862, to the Committee on War Claims.

By Mr. KELLEY: The petition of citizens of Philadelphia, that the present tariff laws be left undisturbed at the present time, to the Committee of Ways and Means.

By Mr. LAPHAM: The petition of citizens of New York, that Congress transfer to the city of Brooklyn, New York, the strip of land between Washington avenue and the navy-yard, Brooklyn, for the purpose of establishing thereon a public market, to the Committee on Public Buildings and Grounds.

By Mr. McFARLAND: The petition of citizens of Sullivan County, Tennessee, for the establishment of a post-route from Piney Flats, via White's Store, to Helton's, Sullivan County, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Two remonstrances of citizens of Lehigh County, Pennsylvania, against a reduction of tariff duties, to the Committee of Ways and Means.

By Mr. NEAL: Memorial of Robert A. Ryan and others, contractors under the board of public works of the District of Columbia, for relief, to the Committee for the District of Columbia.

By Mr. O'NEILL: The petition of Julius and Imogene Harris, of Philadelphia, for the passage of an act permitting them to receive a gold snuff-box, now deposited in the Treasury Department, presented to their uncle Levert Harris, formerly United States consul at St. Petersburg, Russia, by the Emperor of Russia, to the Committee on Foreign Affairs.

By Mr. RIDDLE: The petition of Mrs. Laura M. Lessesne, postmaster at Lake City, Florida, to be relieved from payment for postage stamps to the value of $263.25, stolen from the post-office at Lake City on the 6th day of March, 1875, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: The petition of William L. W. Seabrook, late commissioner of the land office of Maryland, to have refunded certain internal-revenue tax improperly paid on his salary, to the Committee of Ways and Means.

By Mr. SINGLETON: The petition of John W. Morgan, for re-imbursement for private property taken by the United States Army in 1864, to the Committee on War Claims.

Also, the petition of Willborn Thrash, of similar import, to the same committee.

By Mr. SINNICKSON: The petition of John W. Rundles and other residents of Cumberland County, New Jersey, for the repeal of the resumption act, &c., to the Committee on Banking and Currency.

By Mr. SMITH, of Pennsylvania: Remonstrance of citizens of Lancaster County, Pennsylvania, against a change of the present tariff, to the Committee of Ways and Means.

By Mr. STONE: Six petitions of citizens of Saint Louis, Missouri, that cork and manufactures of cork may be placed upon the free list, to the same committee.

Also, six petitions of citizens of Philadelphia, of similar import, to the same committee.

Also, twelve petitions of citizens of New York, of similar import, to the same committee.

Also, eight petitions of citizens of Massachusetts, of similar import, to the same committee.

Also, seven petitions of citizens of Ohio, of similar import, to the same committee.

Also, six petitions of citizens of Tennessee, of similar import, to the same committee.

Also, five petitions of citizens of Wisconsin, of similar import, to the same committee.

Also, three petitions of citizens of Kentucky, of similar import, to the same committee.

Also, three petitions of citizens of Illinois, of similar import, to the same committee.

Also, two petitions of citizens of Indiana, of similar import, to the same committee.

Also, two petitions of citizens of Georgia, of similar import, to the same committee.

Also, two petitions from citizens of Texas, of similar import, to the same committee.

Also, petitions from citizens of the States of North Carolina, South Carolina, Maryland, Louisiana, and of Utah Territory, to the same committee.

By Mr. SWANN: The petition of Philip Sinsz, for a modification of the law fixing duty upon imported glaziers' diamonds, to the same committee.

By Mr. WALSH: The petition of Eliza Ceville, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of Ed. McDonald Reynolds, for restoration in the Marine Corps, to the Committee on Naval Affairs.

By Mr. WOOD, of Pennsylvania: The petition of James S. Patterson and 21 other citizens of Montgomery County, Pennsylvania, against any change in existing tariff rates, to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *March* 30, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present the petition of the regents of the University of California, and of James Lick, Richard S. Floyd, and others, trustees of the James Lick fund at San Francisco. This petition shows that James Lick made the munificent donation of $700,000 for the purpose of erecting within the State of California a telescope superior to any ever yet made. This great gift, calculated so much to advance the interests of science everywhere and to reflect credit upon our whole country, is placed in the safe hands of the University of California, an institution of great merit and usefulness, and which gives fair promise to become to the Pacific what Harvard and Yale are to the Atlantic States. Considerable research has been made under the auspices of the trustees of the fund to find some proper elevation, with the best atmospheric conditions for the location of this observatory. Various points upon the Sierra Nevada Mountains and the Coast Range Mountains have been examined and tested and under the highest advice a mountain in Santa Clara County, California, has been selected as containing in the highest degree all the elements which go to make up a proper place for a great observatory and telescope. This mountain, however, is wild, covered with rock, chaparral, underbrush, entirely unfit for cultivation, is public land, and probably, under ordinary circumstances, will not be surveyed for a hundred years to come. It is waste, unproductive, of no value, except for this great scientific purpose. The trustees petition Congress that a bill may be passed making a donation of a certain amount of land on the summit of this mountain, and I think that Congress will not hesitate to make this grant. If the ordinary course of disposal of the public lands is taken, the amount of land they require cannot be obtained under any existing law, and if it could the delay for surveys, &c., will greatly hinder the realizing of the objects of the gift of Mr. Lick. I move that the petition be referred to the Committee on Public Lands, and I venture to express the hope that that committee will give early consideration to the petition and to the bill which I shall introduce as soon as it is in order, and that they will make a favorable report thereon.

The motion was agreed to.

Mr. CLAYTON. I present the petition of William H. Patton, of Little Rock, Arkansas, late a captain in Company K, Fourth Arkansas Cavalry. The petition sets forth that on September 7, 1833, under the orders of Major General F. Steele, commanding the department of Arkansas, four companies of volunteer troops were mustered into the service to serve for one year or during the war; and that after having served about six months, the War Department disapproved the order under which this muster was made. The petition prays Congress to legalize the muster. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. STEVENSON. I rise to present a memorial and resolution recently adopted by the General Assembly of the Commonwealth of Kentucky, touching the alleged imprisonment by the government of Great Britain of a naturalized citizen of the United States for an offense which there is no sufficient proof that he ever committed. I desire to have the memorial and resolution read, as presenting clearly and distinctly the circumstances of the case, for which prompt relief is asked of the Government of the United States, for the protection of one of its citizens from foreign oppression, by the Commonwealth of Kentucky.

The PRESIDENT *pro tempore*. The memorial and resolution will be read.

The Secretary read as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the Commonwealth of Kentucky, as petitioners, would respectfully represent that E. O'M. Condon, a naturalized citizen of the United States, is now held by the government of Great Britain as a prisoner for a political offense, which there is no proof that he ever committed.

Convicted with indecent haste upon testimony which even the law reporters for the British press felt constrained to protest against in a memorial to the English home office as lame, impotent, and inconclusive, the death penalty at first adjudged against him was changed to even a harsher doom: imprisonment for life.

It is an indisputable fact that Condon is a citizen of the United States, and as such has periled his life in defense of the Republic under that flag which we now invoke for his protection.

Your petitioners would respectfully insist that it is due to the dignity of the American Government, the honor of the American name, and the protection of the American citizen, that such measures at once be taken as will effect the release of our fellow-citizen, now languishing in a felon's cell because of an alleged political offense against a foreign power.

We ask for the Irish Condon the same decisive action which in the case of the Austrian Koszta won the plaudits of our people and extorted the admiration of the civilized world; action evidencing not only the power but the promptness of the American Government to protect American citizens from oppression wherever they might be.

We ask similar action to that by which the crew of the Virginius were rescued from Spanish prisons and indemnity coerced for the victims of Spanish butchery. Must we believe that it is because Spain is weak and Great Britain mighty the Department of State was so swift and bold as to the one and is so timid and tardy as to the other?

American citizenship is entitled to the protection of the American Government as well against the mighty as against the weak; and the same principles of honor and justice which required from Spain the surrender of the Virginius and its crew unite to make it imperative upon the American Government to demand of Great Britain the surrender of the American citizen, the American soldier, E. O'M. Condon.

And to this end we pray for such measures as Congress in its wisdom shall deem most appropriate and effective.

Resolution in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Whereas information has reached this body that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British government for a political offense; and whereas a memorial from his fellow-countrymen, citizens of this State, has been presented in his behalf:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be directed and our Representatives requested to take such steps as in their judgment may be best to secure the interposition of the Federal Government in behalf of said prisoner and tend to his restoration to freedom and his return to his adopted country.

Resolved, That these resolutions, together with the memorial herewith, be printed, and that the governor be requested to forward copies of the same to our Senators and Representatives in Congress.

W. J. STONE,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved March 20, 1876.

JAMES B. McCREARY.

By the governor:

J. STODDARD JOHNSTON,
Secretary of State.

Mr. STEVENSON. I never heard of this case until I received this morning from the secretary of state of Kentucky the accompanying memorial and resolution requesting their presentation to the Senate. The memorial presents the facts upon which the resolution of the Legislature of Kentucky rests. I am quite sure I need say nothing of the importance of prompt action by the Government in ascertaining the facts touching the imprisonment of E. O'M. Condon, and taking such steps as the honor of the country shall require and the protection of one of its citizens from oppression and illegal incarceration shall demand. I have, as already stated, no knowledge personally of the facts set up in this memorial, and it would be, therefore, improper to comment on the facts set forth in the memorial until their truth shall be ascertaind. I have obeyed the mandate of my Commonwealth in bringing to the notice of the Senate this alleged imprisonment of one of our people, and I now ask the reference of the memorial and resolution to the Committee on Foreign Relations, where I am quite sure it will be promptly investigated.

Mr. SARGENT. There is almost an indecent reflection upon the State Department in the memorial. I do not wish for myself to have it understood that I concur in the justice or propriety, even in a petition, of such a reflection on a Department of the Government.

The motion to refer was agreed to.

Mr. STEVENSON. I present the memorial of the city council of Covington, Kentucky, asking the restoration of the military garrison and arsenal of the United States to Newport, Kentucky, from which place it was removed some months ago by the Secretary of War to Columbus, Ohio. I desire briefly to say a word or two on the justice and weight of the prayer of these memorialists. The garrison so recently removed from Newport, Kentucky, was established there, if I remember aright, something like seventy or eighty years ago. It is an admirable location for a military garrison and a recruiting depot.

The Government has erected valuable buildings there, and no point in the western country possesses, in my judgment, greater advantages as a military post or a recruiting depot. This cannot be gainsaid. This is proved by the fact of its continuance there for nearly a century. It is healthy; it is central; it is in the center of a large population, composed of the cities of Cincinnati, of Covington, and of Newport. It has the water-carriage of the Ohio, of the Mississippi, and of the other western rivers and their tributaries. It has the advantage of large and cheap markets, so important to the health and pocket of the soldiers. I do not know why the late Secretary of War thought it expedient to make this removal. I have seen no reasons for such action, and if the Secretary of War has given any, they have escaped my observation. I have heard it hinted that the motive of the removal was to obtain larger grounds. I do not know that this is true. Whenever it is made officially to appear that enlarged grounds was the sole object of that removal, I promise to expose its fallacy. The grounds at Newport could have been enlarged at little or no expense.

Mr. President, the people of Covington, of Newport, and I doubt not of Cincinnati, deemed the action of the late Secretary of War in making this removal an exceedingly unwise one. This removal must not only entail large expenditures of public money in the erection of buildings already possessed by the Government, but a large and increasing expenditure must be incurred in the transportation of all men enlisted in the Western, Southern, and Southwestern States, and even in the cities of Louisville, Newport, Covington, or Cincinnati, by rail from Newport to Columbus. Mr. President, it is not unnatural that the people of the three cities of Newport, Covington, (and I think I might add Cincinnati,) should feel a deep interest in the speedy restoration of the garrison at Newport. It has been a military post during every administration of the Federal Government, from the time of Jefferson or Madison till the past year. Many mellowed memories hang around it. How many brave soldiers have been enlisted there? How many distinguished officers of the Army, who, having given their lives to their country and now sleep from their labors, have commanded at that garrison? How many more, full of years and full of honors, look back with pleasure to the happy hours when they were located half a century ago at that old and pleasant garrison? When are estimated the many advantages of Newport over Columbus as a recruiting depot, I sincerely hope that the prayer of my constituents will be heard and granted. But I have said already more than I intended. This removal is demanded by the highest considerations of public policy and I hope will soon take place.

I now move the reference of this memorial to the Committee on Military Affairs.

The motion was agreed to.

Mr. STEVENSON presented the memorial of Charles J. Franter and other workingmen of Kenton, Kentucky, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. KELLY presented a petition of the Board of Trade of Portland, Oregon, praying for an appropriation to improve the Columbia and Willamette Rivers; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented a petition of workingmen of the City of Pittsburgh, Pennsylvania; a petition of workingmen of Clarion County, Pennsylvania; a petition of workingmen of Allegheny County, Pennsylvania; a petition of workingmen of Lancaster, Lancaster County, Pennsylvania; a petition of workingmen of Columbia, Lancaster County, Pennsylvania; two petitions of workingmen of Lehigh County; and two petitions of workingmen of the city of Philadelphia, praying that the tariff laws may remain undisturbed for the present; which were referred to the Committee on Finance.

He also presented the petition of 1,900 pensioners of the United States, citizens of the State of Pennsylvania, praying for a continuance of the present system of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. WALLACE presented a petition of workingmen of Philadelphia and a petition of workingmen of Lancaster County, Pennsylvania, praying that the tariff laws may remain undisturbed; which were referred to the Committee on Finance.

He also presented a memorial of the Philadelphia Board of Steam Navigation, remonstrating against any change in the present lighthouse system; which was referred to the Committee on Commerce.

He also presented additional papers relating to the claim of John Montgomery and Thomas E. Williams for damage of property in Virginia, near the end of the Long Bridge, during the late war; which were referred to the Committee on Claims.

Mr. MORTON presented a petition of workingmen of New Albany, Indiana, praying that the tariff laws may remain undisturbed; which was referred to the Committee on Finance.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the relief of settlers upon the Hastings and Dakota and the Southern Minnesota Railroad lands; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Whereas a large number of people have settled upon what is known as contested land, within the land grant of the Hastings and Dakota and Southern Minnesota Railway Companies; and whereas these people settled in good faith upon said lands, having been permitted by the local land offices to file for pre-emption upon the same, and which local land offices now refuse to allow these settlers to make final proof, although the law for pre-emption of public lands has been complied with in every particular: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators and Representatives of this State in Congress be, and are hereby, requested to use their influence to secure such legislation as will provide for the relief of settlers upon contested lands within the grants of the Hastings and Dakota and Southern Minnesota Railway Companies.

Resolved, That the secretary of state is requested to forward copies of this resolution to each of our representatives in Congress.

J. B. WAKEFIELD,
President of the Senate.
W. R KENYON,
Speaker of the House of Representatives.

Approved 4th March, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
Office of the Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 26th day of March, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, relative to patent-rights; which was referred to the Committee on Patents, and ordered to be printed in the RECORD, as follows:

Whereas the patent laws of the United States have been so devised and constructed as to shield and protect great and oppressive monopolies and to encourage gigantic speculations for the benefit of a few at the expense of the people, while they are totally inadequate to secure to inventors adequate compensation for their inventions: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators from this State in Congress are instructed and the Representatives are requested to use their earnest efforts to secure such amendments to said laws as will provide—

1. That any person may use any patented invention upon executing a bond in such sum and with such security as the circuit court of the United States for the district in which such use is to be made shall direct and approve, conditioned that he will pay to the owners of such invention a proper license fee for the use of the same, which bond shall be filed in the office of the clerk of said court.

2. That in all cases the measure of the license fee shall be such sum as will give the inventor reasonable compensation for his time, labor, ingenuity, and expense, which sum shall in no case exceed the fee fixed for such use in contracts made by the inventor or owner; and such license fee shall be the measure of damages in all actions and proceedings for the infringement of patents, and no other recovery for damages or profits shall be allowed.

J. B. WAKEFIELD.
President of the Senate.
W. R. KENYON,
Speaker of the House of Representatives.

Approved March 3, 1876.

J. S. PILLSBURY.

STATE OF MINNESOTA,
Office of the Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 26th day of March, A. D. 1876.

[SEAL.]

J. S. IRGENS.
Secretary of State.

Mr. PADDOCK presented a memorial of a large number of citizens of the District of Columbia, remonstrating against the location of the Union Railroad of the District of Columbia, so far as its proximity to Boundary street is concerned; which was referred to the Committee on Public Buildings and Grounds.

Mr. MCMILLAN presented a joint resolution of the Legislature of Minnesota, in relation to obstructions to the navigation of the great lakes; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Minnesota, in relation to the construction of a bridge at Fort Snelling; which was referred to the Committee on Commerce.

Mr. CONKLING presented a memorial of a large number of business men of the city of New York, remonstrating against the total repeal of the bankrupt law, and proposing amendments; which was referred to the Committee on the Judiciary.

Mr. MORTON. I present the memorial of a convention of delegates representing seven yearly meetings of the religious Society of Friends now in session in this city, in regard to Indian affairs. As this comes from a very highly respectable body of Christians, who for more than two hundred years have devoted themselves to the amelioration and civilization of the Indians, I ask that it may be read in the hearing of the Senate. It is very short.

The PRESIDENT *pro tempore*. The memorial will be read, if there be no objection.

The Chief Clerk read as follows:

To the President, Senate, and House of Representatives of the United States:

The memorial of a convention of delegates representing the seven yearly meetings of the religious Society of Friends, composed of citizens of the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and Iowa respectfully showeth that they have been actively engaged for several years in endeavoring to civilize the Indian tribes of the northern superintendency with marked success.

Believing that the proposed transfer of the care of the Indians to the War Department will be a serious injury to them, and no ultimate gain to the Government, we earnestly remonstrate against such change, and wish you to seriously consider whether true wisdom will not cause you to continue the present humane policy.

[Signed by direction of the convention of delegates.]

DILLWYN PARISH,
Secretary of Delegates.

The memorial was referred to the Committee on Indian Affairs.

Mr. NORWOOD presented the petition of Thomas N. Pouttain, sr., of Georgia, praying to be indemnified for the loss of cotton seized by the United States authorities in 1863 and 1864; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of James Dalton, late of Company K, Eighty-first New York Volunteers, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1810) granting a pension to Elizabeth R. Hall, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1992) granting an additional pension to Mary P. Abell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 178) to extend the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 294) for the relief of Charles E. Hedges, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 253) granting a pension to Joseph B. Lane, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 118) granting a pension to James H. Woodard, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2306) granting a pension to John McIntire, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the memorial of Maximillian Rosenberg, praying the pay and allowances of a second lieutenant of infantry from the 1st day of March, 1862, to the 15th day of September, 1862, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WINDOM, from the Committee on Patents, to whom was referred the petition of Horace L. Emery, praying for permission to go before the Commissioner of Patents to make application for an extension of his patent for improvement in cotton-ginning machines, submitted a report, accompanied by a bill (S. No. 675) enabling Horace L. Emery to make application to the Commissioner of Patents for an extension of letters-patent for improvement in cotton-ginning machines.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BURNSIDE, from the Committee on Commerce, to whom was referred the bill (S. No. 373) to promote the efficiency of the light-house service of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a resolution of the Legislature of the State of Michigan in favor of an appropriation for a light-house and fog-bells at the west bar of Mackinaw Island, reported a bill (S. No. 676) authorizing the construction of a light-house and fog-bells on Round Island, Straits of Mackinaw; which was read and passed to the second reading.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 933) granting a pension to William D. Cobaugh, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the petition of David Klein, a citizen of New York City, praying to be allowed a royalty for the use by the United States authorities, as is alleged, of his patent for ponton-bridges, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the memorial of a number of citizens of the United States asking that the convention entered into for the establishment and maintenance of an international bureau of weights and measures may be ratified, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 240) granting a pension to John A. Goedfrey, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 42) granting a pension to Francis Bernard, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2291) granting a pension to John H. Garrison, reported it without amendment.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. COCKRELL. I desire to introduce a joint resolution which probably affects the same gentleman referred to in the resolution and petition of the Senator from Kentucky [Mr. STEVENSON] this morning.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 14) requesting the President to intercede with Her Majesty the Queen of Great Britain for the release of Captain E. M. Condon, now confined in prison in Portland prison, England, under sentence for life; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL. I desire to say that Captain Condon served in the Army during the war as a gallant soldier. He was located at Cincinnati, Ohio, and in 1867 he was called to England upon business, and having relatives in Manchester, England, he was there in October, 1867, at the time of the murder of Sergeant Brett. He and four others were arrested on the 27th or 28th day of October, 1867. They were hurriedly tried jointly, and sentenced to death about the 1st of November, 1867. One of the parties, Mr. Maguire, was a soldier in the British army; and he was pardoned. The sentence of Captain Condon was commuted to imprisonment for life, while Allen and Larkin and O'Brien were hanged. I think it is a case in which the Government of the United States should intercede to have him released. I move that the joint resolution be printed.

The motion was agreed to.

WARREN MITCHELL.

Mr. CAMERON, of Wisconsin. On the 22d of this month I made an adverse report from the Committee on Claims on the memorial of Warren Mitchell, of Louisville, Kentucky, praying to have refunded to him the amount of proceeds of certain cotton belonging to him seized and sold by the Government of the United States and covered into the Treasury. The report was not acted upon by the Senate; but, on my motion, was laid on the table. I now, with the consent of the chairman of the Committee on Claims, move that the report and the memorial be taken from the table and recommitted to the Committee on Claims.

Mr. WRIGHT. I will say in that connection that there are a great many matters which have been submitted to the Committee on Claims, and we are endeavoring, with such industry as we can, to dispose of those claims. It is occurring every day that we make reports here, and Senators, finding that either because the parties interested have not given attention or they themselves have forgotten what they have to do in connection with the claims, present propositions to have the reports recommitted. In this instance I make no objection, because I think the circumstances are special and peculiar; but I call the attention of Senators to the fact that these reports are being made; and, as far as we are concerned, at least as far as I am concerned, hereafter, unless there be special and peculiar reasons, I shall resist every proposition to recommit a report after it has been made, unless there be new evidence.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to recommit.

The motion was agreed to.

THE TRADE-DOLLAR.

Mr. SHERMAN. Senate bill No. 263 was reported two or three days ago from the Committee on Finance. If it is the pleasure of the Senate, I would like to have it taken up now. I do not wish to interfere with morning business, but I desire the bill acted upon.

Mr. CHRISTIANCY. If in order, I move to take up the motion submitted by me some days since for the reconsideration of the vote by which the bill was passed fixing the salary of the President of the United States.

The PRESIDENT *pro tempore*. The Senator from Ohio has just moved to proceed to the consideration of the bill he has named.

Mr. SHERMAN. I think it will take but a few minutes. It is very short.

The PRESIDENT *pro tempore*. The Secretary will report the bill at length for information.

The Chief Clerk read the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

Mr. COCKRELL. I object to that bill. I should like it to lie over until we have an opportunity for the consideration of it.

Mr. SHERMAN. I do not think the Senator will object to it if he understands the precise nature of it.

Mr. COCKRELL. I am very decidedly a hard-money man; I bo-

lieve in silver as a currency, and I should like to see it a legal tender for sums larger than $5. I am opposed to its being demonetized and driven out of the country.

Mr. SHERMAN. The Senator, I am sure, will not object to the bill when he hears it explained. It only changes the existing law in a very slight degree. At any rate, I should like to have it called up before the Senate.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, the pending question being on the amendment reported by the Committee on Finance, to strike out all after the enacting clause, and in lieu thereof insert:

That section 3586 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

The silver coins of the United States, except the trade dollar, shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

Mr. SHERMAN. Mr. President, the only change in the existing law proposed by this short bill is to except the trade-dollar from being a legal tender. By misadvertence, I imagine, in the revision of the statutes the trade-dollar was made a legal tender, while in fact the trade-dollar is simply a mercantile dollar, coined at the request of any holder of silver bullion for merchandise, intended to promote our trade with China. It is not proposed to interfere with that object of the trade-dollar which is coined now at the request of any holder of bullion who can have it converted into silver coin in this form. It was never the purpose to make it a legal tender in the payment of debts, because it was at the time it was issued considerably more valuable than gold.

Mr. MERRIMON. Why is the trade-dollar specially valuable for the trade with China? What is the difference between the trade-dollar and the ordinary dollar?

Mr. SHERMAN. The trade-dollar contains four hundred and twenty grains of standard silver. The dollar of the law contains four hundred and twelve and one-half grains of silver. The subsidiary coinage contains three hundred and eighty-five grains in two half-dollars. The trade-dollar was a dollar coined simply for the benefit of merchants in the foreign trade to compete with the Mexican dollar, which was a more valuable dollar than our legal-tender dollar. It was never intended to make it a legal tender. Now the result is, as silver has declined below the standard of gold, far below its former value, that private persons carry their silver bullion to the mints, and under the law as it now stands require it to be coined into trade-dollars, and then use them as a legal tender, silver being now depreciated below its legal standard.

Mr. MITCHELL. I would like to make one inquiry of the Senator from Ohio, whether the Committee on Finance in reporting this bill means to be understood by the Senate as opposing the proposition contained in the original bill of the Senator from California [Mr. SARGENT] to make the silver coins of the United States a legal tender to a larger amount than $5?

Mr. SHERMAN. We do not propose now to interfere with that question at all. That question is being considered by the Committee on Finance. Whether we will extend the limit of the legal-tender is now being considered in another way. It has no relation to this bill.

Mr. MITCHELL. A separate proposition?

Mr. SHERMAN. A separate proposition. The only question now is whether we will correct that misadvertence in revising the laws which made the trade-dollar a legal tender when it was not so designed.

The Senator from California [Mr. SARGENT] thinks I have not explained the matter. I think I have. I will say further that the trade-dollar is issued at the request of private persons. When any holder of silver bullion desires to exchange it for trade-dollars, he can take it to the mints and ask that it be coined into trade-dollars; and then he sells them or uses them in the foreign trade, while the other silver coins of the United States are coined at the pleasure of the United States and only for their benefit, and whatever profit is derived from the other coinage is derived by the United States, and not by private individuals. But the trade-dollar is a mere article of merchandise. The Committee on Finance have considered the subject fully.

I will read the section under which the trade-dollar is issued. I will read, first, section 3513, in regard to the silver coins of the United States:

The silver coins of the United States shall be a trade-dollar, a half dollar, or fifty-cent piece, a quarter dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half dollar shall be twelve grams and one-half of a gram; the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar.

Or, reduced to grains, two half dollars of the ordinary coinage contain three hundred and eighty-five grains. The trade-dollar is issued only under the circumstances stated in section 3520, which I will now read:

Any owner of silver bullion may deposit the same at any mint to be formed into bars or into dollars of the weight of four hundred and twenty grains troy, designated in this title as trade-dollars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits and separated therefrom may, however, be paid for in silver coin at such valuation as may be, from time to time, established by the Director of the Mint.

The subsidiary coin is coined only by the United States in such quantities as are demanded for money. The trade-dollar is issued only as an article of merchandise, as a form of silver bullion, and therefore it ought not to be made a legal tender. There should be no question about that.

Mr. FRELINGHUYSEN. If I understand the object of this bill—and I would like the chairman to tell me if I am correct—it is that whatever profit there may be from converting silver into coin shall accrue to the benefit of the United States, instead of to the benefit of individuals.

Mr. SHERMAN. That is precisely it.

Mr. FRELINGHUYSEN. That certainly is right.

Mr. SHERMAN. Now, any profit accruing by the issuing of the trade-dollar goes to private individuals, and thus we lose all our control over our silver coinage. The proposition is so plain that I think further debate is unnecessary.

Mr. BOGY. I should prefer that the bill should go on the Calendar, as it will very properly bring up the question of making silver a legal tender for a larger amount than $5. The statement made by the Senator from Ohio is perfectly correct, and the correction which he proposes to make by this bill should be made, because, strictly speaking, the trade-dollar is not a coin of the United States. His statement in that respect is altogether correct, and the bill I presume is perfectly correct; but it will present in a very proper way the subject of making silver a legal tender to a larger amount.

Mr. SHERMAN. If my friend will allow me, I will state that the Committee on Finance have a bill before them that is now being very fully considered in regard to that very point. This process of converting silver bullion into trade-dollars is pushed forward by persons interested in it, and thus the United States are deprived of their control of the silver coinage of the United States. This bill ought to pass immediately. As to the other question, it is a much broader question, and is now being considered by the Committee on Finance, and will be reported upon as soon as we are ready.

Mr. BOGY. I cannot see the bad effect of the present law, although I admit that what is called the trade-dollar is not, strictly speaking, a legal-tender coin. Although it is so, perhaps, by section 3513, yet if you will look at section 3520 you will see that it was not the intention. There is an error manifestly.

Mr. SHERMAN. An error in revising the statutes.

Mr. BOGY. And it should be corrected. Nevertheless, I think the whole subject had better be brought up, and I cannot see that any great harm can result by this law remaining as it is for a short time longer. If parties who own bullion desire to have it coined into trade-dollars, there can be no harm, and the export of that coin cannot hurt anybody, because it is of no use in this country, not being a legal tender.

Mr. SHERMAN. It is a legal tender now.

Mr. BOGY. Only to the amount of $5, which is next to nothing at all, and in point of fact amounts to nothing. I am perfectly satisfied myself that we ought to make silver a legal tender to a larger amount. I do not think that silver should be made a legal tender to an amount unlimited as gold is, because, not being as valuable as gold, it would drive gold away; but I am fully impressed with the conviction that the amount of silver which should be made a legal tender ought to be increased to at least $1,000, and in that way we should be doing what is being done in France and other countries where the double standard is maintained. The silver would become the coin of the people, and be used in all small transactions, and gold would be used for banking transactions.

This involves the consideration of the great question as to the relative value of silver and gold. That is a question which has to be examined very carefully and very scientifically. I do not propose to go into that question at all just now; nor am I prepared to say what is the exact proportion; but admitting that that proportion can be ascertained, (as it can be, and ascertained beyond a doubt,) I can see no reason why silver should not be made a legal tender, but I can see many reasons why it should be made a legal tender.

Then, again, in my opinion it involves a great constitutional question. As it is now, the States have the right to make gold and silver a legal tender, and nothing but gold and silver; therefore it is competent for one or for all the States to say that silver shall be a legal tender without any limit whatsoever, because the inhibition of the Constitution is that no State shall make anything a legal tender but gold and silver. That being so, they then can make gold and silver a legal tender without any limit whatever. If all the States were to make silver a legal tender equal to gold, it would become the legal tender for the United States; and it would not be competent for the Federal Government to restrain the action of the States. It therefore involves a grave constitutional question, besides a financial question. I have thought a great deal upon this subject, and I am not able to see any good reason why silver should not be made a legal tender to a very large amount, say a thousand dollars; but I see a great many good reasons why it should be so.

I shall not on this occasion detain the Senate to discuss the subject. I intend doing so at a future time, and I would much prefer that all bills having a bearing on the subject should, for a while, go on the Calendar, so as to bring up the whole subject to the mind of the Senate in a proper manner.

Mr. SARGENT. The original bill referred to the committee was introduced by myself and provided for a greater legal tender of silver coin. It is a question beset with difficulties, and I do not know that

my mind is entirely clear as to the extent to which silver coin should be made a legal tender; but I am very positive upon one proposition, and that is that if silver coin is a legal tender to any extent, it ought to be within the control of the Government to coin it on its own account. Your silver coin becomes abraded. Who shall redeem it? As it is now, the Government does it on account of the large profit it makes in coining the silver coinage. Obviously, it should do so. But the trade-dollar is without a father; the Government is under no obligation to redeem that. It simply takes bullion of any one, puts it in a certain form, and stamps it. The trade-dollar is of higher value than the subsidiary silver coinage for which the Government is responsible. The stamp is put on the trade-dollar according to the law, which requires that a certain amount shall be in it in order that the stamps may go on it; but there is no margin to the Government at all. It receives the mere cost of that coinage, and cannot be called on to redeem that coin when it becomes abraded. The question of the abrasion of coin is a very important one to the commercial classes in my State, both as to our silver and our gold coin. We have been trying for some time to secure legislation in reference to the gold coin that would bring it up to the true standard, because the abrasion in actual use has been so great that if a strict discount were made in business transactions on that amount there would be considerable depreciation. Who shall lose the difference between standard and naturally abraded coin? If the holder, he suffers for all abrasions before made by others and by the Government in handling it for years. The question is, as I say, important.

In the silver coinage the Government has always recognized this duty on account of the profit it makes on it, and the difference between its real value and nominal value induces the Government to keep good the silver coinage; but in reference to the trade-dollars nothing of the kind can occur. You cannot call on the Government for that. It is like the stamp it puts on a bar of bullion, stamping it at the time it passes through its hands as worth a thousand dollars or $500, but it is not responsible for it six months thereafter when it may have passed from hand to hand or been filed or mutilated. In reference to the trade-dollar, its stamp carries no higher meaning or responsibility than that on the bar of bullion.

That which we are trying to remedy in this matter is a local trouble which has arisen among the people of the Pacific coast. They have in their hands, which they have bought of the Government, paying gold for, some millions of silver subsidiary coinage. They are not able to procure a dollar of that silver subsidiary coinage from the Government except by paying its full value in gold. The Government came in then, and while providing for a trade-dollar which was to facilitate our commerce with China, declared it should be a legal tender for $5; that is to say, it put it in a clause which when read altogether subjected this coin to the condition of the subsidiary silver coinage, without remembering that this was not a natural coin of the Government; that it put no seigniorage on it at all and made no profit on it. It simply stamps it, for the accommodation of the parties who have silver bullion, to give it currency in China. As soon as this was discovered, parties threw their bullion in immense quantities into the mints to have it coined in this trade-dollar form; they threw it out on the market, and therefore began depreciating the millions of subsidiary silver coinage which men had paid gold for and were using in all the avocations of life. The result was that complaint came from workmen that they were paid in this depreciated silver coinage; they could not pay their bills with it to the amount of over $5. We are thus finding the effects of a depreciated currency where we have stood for hard currency all the way along. The difficulty was in giving the legal-tender quality to an article which was not coined on Government account, and the amount of the coinage of which the Government cannot regulate. In reference to the subsidiary silver coinage the Government has the power in its hands to regulate it, to prescribe that not more than a certain amount shall go out, and only under conditions that keep it equal for business purposes with gold.

Mr. BOGY. What does the Senator mean by "subsidiary silver coinage?"

Mr. SARGENT. I mean halves and quarters, all the silver coin which is issued by the Government except the trade-dollar—the ten-cent piece, the five-cent piece, and the three-cent piece are included.

The former American dollar, which is less than the value of the gold dollar, the Government made its profit on, as it does on the two halves; but it is not now in circulation nor is it much called for, on account of its bulk. The half dollar is as large a silver coin as men ordinarily want to carry.

The incongruity, so far as the currency is concerned, is that the two half dollars are not of the value of the trade-dollar; and the moment you issue the dollar in this form it brings down necessarily in proportion the two half dollars below the standard; and if you turn the whole bullion mines of the Pacific coast into our mints, and coin them into trade-dollars, and make them a legal tender, you necessarily derange the character of the subsidiary silver coinage for which gold has been paid. The inconvenience has been felt by the people of my State and the State of Nevada. It is simply a local grievance. If you had gold and silver coinage in Ohio and Missouri, you would find it there.

Of course, if trade-dollars were coined only on Government account and issued at the mints in exchange for gold, that would remedy the difficulty I have mentioned; but merchants could not afford to export them, and the original object would be defeated.

The course of trade will soon relieve the market of trade-dollars, and restore the tone of the money market and the value of subsidiary coin, if this bill is passed. The relief will be easy and natural, by sending trade-dollars abroad to China, provided the issue for the purpose of circulation among ourselves is stopped. That, after a while, will cure the evil.

Mr. BOGY. The trouble on this question I think comes in this way: There is no law now fixing the relative value as between silver and gold. The silver coinage is not uniform. You have the trade-dollar, of four hundred and twenty grains troy, and then you have the half dollar, which is measured in French grams not grains, creating a confusion, and the relative value has never been fixed. If the coinage of silver was uniform from the dollar down to the five-cent piece of proper standard, (which standard of course I am not able to state now,) and fixing the value as between silver and gold there would be no trouble at all. The trouble is, in this case, that we, by the act of 1873—and I think without much consideration, because I have been unable to find much discussion on the subject—demonetized silver entirely excepting to the extent of $5, which really amounts to nothing at all. I think it is the greatest subject that can be discussed by the Senate with reference to the important question of resumption.

All nations are using gold coin at the present day pretty much, excepting France and a few of the southern peoples of Europe, who are using yet the double standard. I say, and am perfectly convinced of the fact, that we in this country could most advantageously use silver as coin, provided the relative value as between that and gold is scientifically and justly fixed by law. Now, you have a trade-dollar of four hundred and twenty grains troy, which contains more silver in proportion than the half dollar, or quarter, or ten-cent or five-cent piece. As a matter of course, the smaller coin, which my friend calls the subsidiary coin, is depreciated, and persons who are compelled to receive their pay in silver to the extent of $5 do not like to take a coin which is of less purity than the silver dollar. But that is owing to the fact that the coinage is not uniform; it is owing to the fact that the same character of purity does not extend down from the dollar to the five-cent piece; and it is owing to the further fact that the relative value as between silver and gold has not been fixed. Whenever you have fixed the value as between silver and gold, and fixed that properly, whatever that may be, there can be no flood of silver, because it will be just as good as gold, and yet it is not intrinsically as valuable as gold; and to that extent perhaps it would be wise to limit its legal-tender capacity. It formerly was without limit; and we all remember the day when silver was the coin of this country—I may say entirely—and gold was used as a sort of metallic merchandise. The act of 1873 demonetized silver in this country; and, as I said in the speech I had the honor to make some time ago on that very subject, we blindly followed the lead of Great Britain, and yet our position is just the reverse of the position of Great Britain.

Mr. CONKLING. Will the Senator allow me to ask him or some other Senator a question? Is it true that there is now by law no American dollar; and if so, is it true that the effect of this bill is to be to make half dollars and quarter dollars the only silver coin which can be used as a legal tender?

Mr. SHERMAN. I will answer the Senator from New York that since the law of 1853 the use of the silver whole dollar has been discontinued and none has been issued. That has been so since 1853.

Mr. CONKLING. Is there power to issue it?

Mr. SHERMAN. There is no power and has been none.

Mr. BOGY. The power to issue existed from 1853 to 1873; but since 1873 I think there has been no power.

Mr. SHERMAN. There has been no silver dollar issued since 1853, and my impression is that the law of 1853 did not confer the power to issue it. The Senator thinks it did confer the power; but the law of 1873 cut off the power, in my judgment, if it existed. The dollar was practically dropped from our coinage system for the best possible reason, the same reason that the five-franc piece and the large coins of England have been dropped out of their currency, simply because it is inconvenient in size and form for ordinary coinage and ordinary business.

Mr. JONES, of Nevada. Allow me to suggest that the reason the dollar was dropped and that no such silver coin has been coined since 1853 is because silver was at a premium at the then established ratio of gold, and nobody had any inducement to coin the silver dollar at that time. The law, however, authorized the coinage of the silver dollar then, and it was never demonetized until February, 1873; but it needed no law to prevent people from coining such a dollar for use in business, when there was another dollar to be got 3 or 4 per cent. cheaper. The people did in 1853 and up to 1873 have an option that if gold should become dearer they could fall back again on the silver dollar. In 1873 that privilege was taken away.

Mr. SHERMAN. There is a bill now pending before the Committee on Finance to authorize and prescribe a dollar of the weight and fineness of two half dollars of what is now called our subsidiary silver coinage. That bill will be acted upon as soon as we can get the requisite information. That bill also seeks somewhat to change the

law in regard to the amount for which silver shall be a legal tender. That is not this bill at all, nor does it have any effect on this bill. This bill simply excepts from the legal-tender authority the trade-dollar, which is simply a dollar coined for the benefit of merchants, not coined by the United States in any case.

Mr. CONKLING. What is the reason for eliminating the trade-dollar?

Mr. SHERMAN. That was provided for as a mere matter of convenience to merchants to enable them to convert their bullion into a trade-dollar for exportation to China, where the old pillar-dollar of Mexico had possession of the channel of trade, and the trade-dollar was a little more valuable than the Mexican pillar-dollar, in order to drive out of circulation the Mexican pillar-dollars in China and Japan. For that reason the trade-dollar is a convenient way of exporting silver bullion.

Mr. McDONALD. Permit me to ask the Senator from Ohio whether we have any law on the subject of the silver coinage of the United States except section 3513 of the Revised Statutes?

Mr. SHERMAN. I read that section.

Mr. McDONALD. Is not that the only law we have defining the present silver coins of the United States?

Mr. SHERMAN. Yes, sir. I read that.

Mr. McDONALD. Does not that leave out the old standard dollar entirely?

Mr. SHERMAN. Undoubtedly; but I say there has been none coined since 1853. The question of restoring that dollar is a question that is not in this bill at all.

Mr. McDONALD. Then the legal-tender act passed in 1873 applies to all silver coin?

Mr. SHERMAN. Yes, sir.

Mr. McDONALD. And limits the tender to the value of $5?

Mr. SHERMAN. Yes, sir.

Mr. McDONALD. And the purpose of this bill, as I understand it, is to strike out the trade-dollar from that provision?

Mr. SHERMAN. From the legal tender, simply because the trade-dollar is a mere form of bullion issued only on the demand of merchants and private citizens, and not for the interest of the United States.

Mr. McDONALD. So I understand; and it is legalized by the first section referred to, declaring it to be one of the silver coins of the United States.

Mr. SHERMAN. And the reason why it was inserted in this provision was because at the time it was issued it was worth two or three cents more than gold, and it was put among the silver coins for that reason. I again repeat that there is nothing in this bill except the exception of the trade-dollar from the legal tender; and that if this exception is not made, any private citizen can control the silver coinage of the United States by carrying silver bullion to the mints and demanding that it be coined into trade-dollars, now of less value than gold. It is manifest that this ought to be repealed, and the other questions that are spoken of by Senators will then properly come for consideration.

Mr. CHRISTIANCY. Will the Senator from Ohio allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. CHRISTIANCY. Why not remedy this difficulty by beginning at the other end? The trade-dollar approaches much more nearly the standard of gold value than our other silver coinage. It is therefore certainly better as a legal tender for the use of the people. The objection I understand to that is that it is coined without charging seigniorage. Why not from this time charge that seigniorage instead of beginning at the other end?

Mr. SHERMAN. When we issue a dollar we must issue it at the same value as two half dollars or four quarter dollars or ten ten-cent pieces.

Mr. CHRISTIANCY. Not if we provide otherwise.

Mr. SHERMAN. But you must make them all alike. You make two half dollars equivalent to a dollar, and four quarters equivalent to a dollar. You cannot adopt a coinage in which the largest coin is worth more in proportion than the others. The trade-dollar was never intended for circulation; it was simply intended for export.

Mr. CHRISTIANCY. Is it not now a legal tender to the amount of $5?

Mr. SHERMAN. Yes, it was made so, probably by mistake; but at the time the trade-dollar was provided for, the trade-dollar was worth more than the gold dollar.

Mr. CHRISTIANCY. And is now much nearer the gold value than the other coinage.

Mr. SHERMAN. The trade-dollar is now from ninety-five to ninety-six cents in gold.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SHERMAN. I hope this matter may be disposed of.

Mr. JONES, of Nevada. I should like to say a word or two on this question.

The PRESIDENT *pro tempore*. Is there objection to continuing the consideration of this bill?

Mr. MORTON. I am satisfied that this matter will lead to discussion.

Mr. JONES, of Nevada. I wish to make an explanation.

Mr. MORTON. Very well.

Mr. JONES, of Nevada. In order to monetize silver, or declare the double standard, or carry out the views of the Senator from Missouri, it would be necessary to have a bill that should be harmonious in all its parts. This measure is designed only to protect the people of the Pacific coast, who are on a gold basis, from severe aberrations in the price of silver. They have been obliged to use a subsidiary or small coinage to make change with. In that small coinage the two half dollars contain but three hundred and eighty-five grains of silver; the trade-dollar contains four hundred and twenty grains of silver; but for the reason that the two half dollars were necessary and very convenient and portable, and were made a legal tender to the amount of $5, for the amount that was necessary to make the change of that community, sufficient of this debased coinage could be sold for gold and kept at a parity with gold because it cost gold and was necessary to make change with, and it did not disturb the relations between the retail and wholesale dealer of the Pacific coast. The trade-dollar was made when it was 2 or 3 per cent. premium over gold, but by a decline in silver the trade-dollar now is worth ninety-two, ninety-three, or ninety-four cents in gold. By having the trade-dollar a legal tender for $5, the full amount that the subsidiary coins are now a legal tender for, the effect is to degrade the two half dollars that had cost the citizen there $1 in gold, and upon which he was doing business. It degrades that subsidiary coin to the bullion value of the trade-dollar.

Mr. BOGY. Because it is not as pure as the trade-dollar; because it does not contain as much pure silver.

Mr. JONES, of Nevada. It takes it to the level of the trade-dollar. The subsidiary coin does not go below the trade-dollar, but nobody is going to use a subsidiary coin sold by the Government for gold when he can buy the bullion at its bullion value and get it coined at his own option at the Mint. Therefore it degrades the coinage.

Mr. BOGY. I will ask the Senator is the half dollar as pure as the trade-dollar?

Mr. JONES, of Nevada. It is as pure, nine-tenths fine, but is not half as heavy. The two half dollars contain three hundred and eighty-five grains of standard silver. A half dollar, supposing it were made on the basis of the trade-dollar, would contain two hundred and ten grains of standard silver. Therefore I say that, silver having fallen in value, the business of that community being done on a coin basis, and you allowing persons to buy silver and themselves take it to the Mint, the effect is to destroy the value of the four or five millions of subsidiary coins already purchased from the Government for gold at their nominal rate, dollar for dollar. It reduces the value of all subsidiary coins to the present bullion value of silver, and therefore disarranges the trade between wholesale and retail dealers, much to the inconvenience of the people of that coast. They have neither the one thing nor the other. They are on a gold basis for large transactions and on a silver basis without a scientific relation having been established by the Government between gold and silver for the subsidiary coin.

Then, while I am in favor absolutely of monetizing silver, while I am in favor of the double standard, yet I think it would be the height of wisdom to pass this measure, in order that the business of that coast may not be disturbed until such relation can be established and until we shall ordain some law here that gold and silver shall pass concurrently. This is absolutely needed on that coast because it is impossible to do business as at present neither on the one basis nor on the other. The subsidiary coins issued by the Government will pass if the privilege to private citizens to take their silver to the Mint and have it coined is taken away, or at least if the legal-tender clause in the bill authorizing it is taken away. Then the subsidiary coin will pass on a parity with gold, and hereafter on another occasion it will be time enough to introduce bills, and advocate them, restoring the silver dollar and declaring the double standard.

Mr. THURMAN. Will my friend from Nevada allow me to ask a question? I am very much struck by his explanation, which I understand to be this: that, inasmuch as the subsidiary silver coinage can only be obtained by paying gold for it, if you allow the trade-dollar to be used as a legal tender, which is worth less than gold, you have operated an injury on those who pay gold for the subsidiary silver coinage.

Mr. JONES, of Nevada. That is exactly the proposition.

Mr. THURMAN. I wish to ask the Senator whether in actual business $100 in half dollars will buy $100 in gold in San Francisco?

Mr. JONES, of Nevada. Undoubtedly, until this occurred. The legal-tender clause applied to the trade-dollar has already had the effect of degrading the subsidiary coins. The stream cannot rise above its source. Heretofore they passed concurrently with gold; that is the fact.

Mr. THURMAN. Does the Senator suppose that if the clause making the trade-dollar a legal tender were repealed, then in ordinary business $100 in silver would buy $100 in gold?

Mr. JONES, of Nevada. Without doubt, because the coins are being continually used up, lost, and all that sort of thing; and they must have change. It is necessary to do the business of the country; and no more of the subsidiary coins will be purchased for gold than will pass parallel with gold. What motive is there for anybody paying gold for a subsidiary coin when it is worth less than gold?

Mr. BOGY. With the proper value fixed between gold and silver, will not silver be taken as readily as gold?

Mr. JONES, of Nevada. I think so.

Mr. BOGY. Will not $100 of silver procure $100 of gold?

Mr. JONES, of Nevada. Undoubtedly.

Mr. BOGY. The trouble now is from the want of uniformity in the coinage, owing to the fact that the trade-dollar has one standard of purity and the other has a different standard?

Mr. JONES, of Nevada. Not that alone. The subsidiary coinage is only issued by the Government for gold, while the trade-dollar is issued to whoever holds silver bullion, so that any person who desires to do so can purchase silver at its bullion value and turn it into a legal tender.

Mr. BOGY. That is true, but it comes back to the original proposition, if your subsidiary coin was as pure as the other dollar there would be no harm in issuing it for gold.

Mr. JONES, of Nevada. It is not necessary to enter into the reasons for debasing the subsidiary coin. When the relations between gold and silver were established—sometimes gold being above and sometimes below silver—when they were established, not scientifically as the gentleman wants them established, it was found frequently that if you made the subsidiary coins of equal value to the trade-dollar, if you did not degrade them at all, then a little rise in the price of silver destroyed all your subsidiary coinage. Bullion-dealers bought them up and put them in the melting-pot, and the people of the country were not able to get small change.

Mr. BOGY. There could be no rise in silver if you established the relative value by law based on a certain purity of coinage.

Mr. JONES, of Nevada. On the contrary, I will state to my friend that under the double standard in France three times in fifty years did the relative value of gold and silver change. Why? Because the legal-tender value of gold in the country was greater than its bullion value, and therefore silver went out and *vice versa*. So it was three different times.

Mr. BOGY. That was owing to the fact that the legal-tender capacity was changed.

Mr. JONES, of Nevada. Not at all. No legal-tender capacity was changed at all. The market value of bullion changed, because of the great expense and the great time necessary for subsidiary coinage where the subsidiary metal was a little debased and the issue limited. Nobody would pay a gold dollar for two silver half dollars if they would not buy gold again.

Mr. BOGY. There is no difference to-day in France between gold and silver taken at the value fixed by law. The trouble here heretofore has been under the act of 1853 that we had fixed a lower standard than France for silver, and the consequence was silver went to France. By the act of 1853 there was no limit to the coinage of silver dollars. There were none coined in point of fact, but the law did authorize the coinage of silver dollars until 1873. Now there is no law authorizing the coinage of silver dollars, excepting it be the trade-dollar.

Mr. MORTON. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is the resolution relative to the Mississippi election.

Mr. SHERMAN. I give notice that I will call this bill up to-morrow morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1100) relative to the redemption of unused stamps;

A bill (H. R. No. 2300) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress;" and

A bill (H. R. No. 2817) to regulate the pay and allowances of Army officers.

The message also announced that the House had passed a concurrent resolution relative to the distribution of the reports of the United States geographical surveys west of the one hundredth meridian, published in accordance with acts approved June 23, 1874, and February 15, 1875.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2262) establishing post-roads; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia; and

An act (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois.

THE MISSISSIPPI ELECTION.

The Senate resumed the consideration of the resolution submitted by Mr. MORTON December 15, 1875, as modified by him on the 27th instant, namely:

Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have in the said election been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said States, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes.

Mr. BAYARD. Mr. President, on comparison of the original resolution with the substitute offered by the Senator from Michigan and accepted by the Senator from Indiana, relating to the proposed inquisition into the affairs of the State of Mississippi, I conclude there is between the two little or no difference. In truth, there is in the original resolution of the Senator from Indiana a reference to the election of a Senator of the United States which would seem to me to give the only color of justification to a proceeding of this kind; for there is an undoubted constitutional warrant for the Senate of the United States, as for the House of Representatives, to pass upon the elections, qualifications, and returns of members of the respective bodies; and, therefore, if there was any suggestion that this touched the election of a Senator, there might be on that ground some color of right for the appointment of a senatorial committee. But that is stricken from the resolution offered by the Senator from Michigan; and, therefore, we are to consider the resolution as it now stands. This would seem to be unusual and unprecedented in many respects. In the first place it is a Senate resolution. It calls for the appointment of a committee of five Senators. No reference is made to the existence of the co-ordinate branch of Congress; and yet the resolution proposes that this committee shall report to the Senate what "further legislation" may be necessary to enforce certain amendments to the Constitution of the United States.

Mr. President, when four years ago there was an allegation of the necessity for inquisition into the affairs of the Southern States generally, a committee was appointed for the purpose of preparing legislation of a coercive character; but it was a joint committee of members of the two Houses, the proportion of members being retained upon the committee. I was assigned to duty upon that committee, and took part in its labors, both in the original committee and in the subcommittees formed under its authority. I may well ask now, and I think it is a point to be noted, why is it when legislation is proposed as the result of this inquisition that you exclude the co-ordinate branch of Congress from being represented upon the committee? Is it intended to make legislation fitted for present affairs and conducive to present ends? Then as practical men you must consider the entire authority in whom the power to enact this legislation is reposed. If it be the design of the friends of this resolution that it shall be carried into effect, then they must provide such legislation as will be acceptable to the co-ordinate branch of Congress. Unless the measures of this body shall meet the approval and consent of the co-ordinate branch, the action of this body will be in vain. Therefore I say it is a strange commentary upon the present resolution that it excludes the other branch of Congress from the investigation which is proposed to be the basis of law, which law never can be enacted without the consent of the branch that is thus excluded from the investigation which is to permit the law to be enacted. Furthermore, this resolution commits this whole subject to five Senators, who are to report to the Senate before the end of the present session, so that it is intended that there is to be legislation by the present Congress; and the anomalous fact is presented that in contemplated legislation by the two branches of Congress, the Senate knowing that there is a difference in political party opinions between the two Houses, they exclude the House of Representatives from all participation in that which is intended to be the basis of legislation by both Houses. If it were intended to be the basis of law, then the information sought for should be obtained by a joint committee, as it has been always heretofore.

The resolution not only confines this committee to five Senators, but it proposes that the Senators shall examine into the election of members of Congress in the State of Mississippi. It is alleged that the late election in Mississippi in 1875 for members of Congress was characterized by great frauds. Here, then, we have the assumption upon the part of the Senate to examine into the election of members of Congress, which power and duty is confided by the Constitution to the House of Representatives alone, each House being the sole judge of the election, qualification, and return of its own members. Not only does it invade the privileges of the House, excluding them and their committees from this investigation upon a subject-matter committed to their sole and exclusive control, but it proceeds to examine into the facts attending the election of "State officers and members of the Legislature" of the State of Mississippi. This is a proposition never before advanced in the Senate. On the contrary, I

have been a witness oftentimes to the declarations of Senators, and especially of the Senator from Indiana, to the fact that the Senate must pause upon the threshold of the Legislature of a State, and are forbidden to enter into an examination of the qualification or election of those members, because, by the constitution of the States the two houses of each Legislature constitute the sole judges of the election, qualification, and returns of the members of that legislature. Here we have two clear invasions without precedent confided by the Constitution and our system of government to other bodies than this, and yet proposed to be conducted by this body separate and apart, without consultation with those who are to be affected by our action, and who must concur in the action of the Senate in order to give any force to it at all.

Another question might be propounded. Who has asked for this committee? What is its origin? Have petitions been presented from the State of Mississippi? Not one. Is any one here contesting the seat of the Senator-elect? No one. His credentials have been before this body, and are on file in the office of the Secretary, and are regular in form. No one is here to contest his right, and the strongest *prima facie* case exists when the time shall come for him to make his appearance and claim a seat. Is it proposed to try his right in his absence? Is it proposed to estop him by proof taken without notice to him or his knowledge? I can scarcely imagine this resolution would reach that point; and yet, if it is intended that this election shall be hereafter questioned, all I can say is that the resolution is improper in form and premature as to the time. Should there be hereafter a just cause to consider the legality of this election, I shall then consider myself bound to all the carefulness, the abstinence from partisan opinion, of a judge upon the bench, and I shall then hold myself ready to pass upon the qualification and returns and the proper election of any one who may present himself here as a Senator-elect from the State; but until that time does come I do not propose to make myself a party in the pre-examination of this case and the prejudgment of the right to a seat in this body.

Mr. President, I regret exceedingly the introduction of this measure, not only in its original form, but quite as much so in its present modification, and I regret that it has met the approval of so calm and judicial a mind as that of the Senator from Michigan, [Mr. CHRISTIANCY.] It has been to me a matter of surprise that he should have found (that which I have no doubt he believes he has found) constitutional warrant for the measure which he proposes. Whether he would have drawn this resolution if the late decisions of the Supreme Court of the United States had been known to him, I doubt, because I believe that a careful analysis of the results of those decisions would have assured him of the more than doubtful validity of any such attempts as are now proposed in the way of legislation to enforce the provisions of the constitutional amendments in question.

Mr. President, this resolution is a claim for the exercise of congressional power to interfere with the elections or the result of elections in a State. It is fraught with danger to the public peace and destructive of our federal system of Government. By this it is proposed to continue and expand a coercive system of centralized power in substitution for our American system of voluntary local self-government. Since the close of the war in 1865 this character of legislation has been unhappily adopted, and its operations have done more, in my opinion, to keep alive the ill-feeling and excitement generated by war between the people of the sections and the misunderstanding of their mutual feelings and interests and duties, than all other causes combined. The powers thus given to the officers of the United States have been grossly abused, and in many cases for the worst personal and party ends.

Why, sir, when one considers the mere money cost of these enforcement acts since their passage he will be shocked and surprised, and the country must be relieved by a decision which, if it did nothing else, saves the enormous outlays of money which were made under color of enforcing this law. Mr. President, remembering as I do the appropriations of money to support the so-called "Department of Justice" and to carry these enforcement laws into rigorous effect all over the country, I am shocked to think of the burdens so unnecessarily laid upon the people. Without having the figures before me, and desiring to keep entirely within a moderate estimate, I think I may truly say that millions upon millions, tens of millions of the money wrung by taxation from the people of this country have been expended to carry into effect these enforcement laws of Congress. Under the administration of the late Attorney-General Williams I forget the vast sums which were expended in North Carolina, in Arkansas, and other portions of the country, utterly disproportionate to the expenses in the State of New York, or Pennsylvania, or Ohio. The public documents, however, of that day disclose the truth; but what I have said with regard to the frightful aggregate of expenditure is literally and simply true.

Mr. BOUTWELL. Will the Senator yield for an inquiry? I understood him to say that tens of millions had been wrung by taxation from the people and expended for the execution of the so-called enforcement acts.

Mr. BAYARD. Yes; I think so.

Mr. BOUTWELL. Does the Senator know of any appropriations, single or many, amounting to tens of millions of dollars, or even to a single ten million dollars?

Mr. BAYARD. I will give the Senator the figures after I get through my speech. I do say to him——

Mr. BOUTWELL. I only desire to call the attention of the Senator to his statement now, because I think if it can be sustained we shall ask for the figures.

Mr. BAYARD. My statement will be very moderate, and I propose to sustain it. I have not the figures before me; but I think the Senator will be fully gratified by the results that I shall show him. There has been a most monstrous outpouring of the public funds, spent by deputy marshals numbered by tens of thousands through the southern country, by marshals who traversed the State of North Carolina with blank writs in their pockets to arrest and drag from their homes men for the purpose of making fees. All these are facts.

Mr. BOUTWELL. It will also be shown, whenever there is full inquiry made into this business, that whatever money was expended in those States for the execution of the so-called enforcement laws was money expended under the law for the protection of a people who were trampled under foot by the political associates of the Senator from Delaware, and that it was only an effort in behalf of human rights and equality of political rights.

Mr. BAYARD. Mr. President, I congratulate the Senator that he has succeeded in injecting into my speech, under the pretense of asking me a question, a simple little bit of his same political tirade which I have listened to often before. If he is satisfied with that honor he is welcome to it. I know that of which I speak. I was a member of the committee who did go to the Southern States and who knew something of the system of this enforcement of the laws, and I say it was not only a cruel enforcement but it was most shockingly expensive to the Government and people of the United States; that under the pretext of enforcing this law and of protecting personal liberty the most outrageous crimes were committed. Spies were employed by thousands. Look at the history to-day of the detective Whitley, running through the Southern States for the purpose of creating the very crimes which he afterward proposed to punish. I remember it all. All these things passed under my observation when I was upon this committee; and the report of the minority sent here to the Senate and the House will disclose the truth of what I have said. I merely repeat that, if nothing but the money-cost alone to the people be considered, these enforcement laws have been a great cause of suffering to the people of this country.

But, sir, it was not simply the money. The effects were worse than that. The power of intimidation confided thus to unworthy agents under these laws and used for party, political, and personal ends has cost this country much; it has done much to destroy that feeling of good citizenship and love of this Government which is after all our best security for peace and for prosperity. Sir, the class of men who flourished under these laws were petty tyrants and oftentimes men of the most infamous character. The powers they exerted were utterly undue and exerted for the sorrow and suffering of the people among whom they lived and the disgrace of the Government that intrusted them with such powers. How many men have been imprisoned; how many to-day languish in prison under judgments which, under this last decision of the Supreme Court of the United States, if it have the meaning which I believe it does have, must be declared to have been invalid! How many fines have been extorted from men illy able to bear them, which I trust yet will be brought before Congress for repayment, because the laws under which they were enforced will be adjudicated to have been unconstitutional and void!

No, Mr. President, the fruits of such legislation have been only natural; they have been loss, sorrow, and suffering; they have been destruction of that spirit of love of country which is, after all, the best and the surest guarantee we have for prosperity and for peace. At last, however, Mr. President, these laws have been brought to the touchstone of judicial construction. At last they have reached the court of last resort in this country, and have been tested by the constitutional limitations upon the power of Congress; and I say that, by my construction of the decisions of the Supreme Court now before me, in the time that I have been enabled to give to them, I consider that substantially the enforcement act of 1870, which is proposed to be followed in kind by the present resolution, has been declared to be without constitutional warrant, and that the "appropriate legislation," whatever that may be, has never yet been enacted by Congress.

Mr. CHRISTIANCY. Will the Senator allow me to ask him one question? Does not the Supreme Court of the United States in that Kentucky case expressly hold that Congress has the power to adopt appropriate legislation, but has simply failed as yet to adopt it?

Mr. BAYARD. The Supreme Court of the United States in the case of The United States *vs.* Hiram Reese and Matthew Foushee, in considering the enforcement law of 1870, after treating of the limitations on the power of Congress, declare, (I read from page 3 of the opinion:)

> We are, therefore, directly called upon to decide whether a penal statute enacted by Congress with its limited powers, which provides in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judical construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole or fall altogether. The language is plain. There is no

room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.

They pass on to consider the danger of such an attempt by the court and say:

The courts enforce the legislative will when ascertained, if within the constitutional grant of power. Within its legitimate sphere, Congress is supreme and beyond the control of the courts, but if it steps outside of its constitutional limitations and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings must, annul its encroachments upon the reserved power of the States and the people.

To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty.

We must, therefore, decide that Congress has not as yet provided by "appropriate legislation" for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants.

Without undertaking to say in this exceedingly cautious and carefully stated opinion of the court what would be their decision at another time or upon other statutes, I do state that considering these sections of the statute they have declared that there has been no appropriate legislation by Congress as yet. That shows that laws of this spirit and intent cannot successfully be passed again by Congress with the expectation of being sustained by the Supreme Court.

My honorable friend from Michigan has drawn my attention to a part of this opinion which I had marked myself for reference. I understood his question to be whether the Supreme Court had not recognized distinctly the power of Congress. In my opinion they have not distinctly recognized it, because the broad question is this: Those who construe the Constitution as I do would say the fourteenth and fifteenth amendments were inhibitions upon the States and upon the United States from discriminating in the one case against the general rights of the citizen under the Constitution and in the other as to the right of voting between citizens on account of race, color, or previous condition of servitude; that when those inhibitions had been transcended, then it was time for the courts of the United States to declare such law, either of the Federal Government or of a State, to have been violative of the Constitution and consequently null and void. But others contend there has been a grant of substantive power by the fourteenth and fifteenth amendments to Congress; that, in the sections which give to Congress at the end of the fourteenth and fifteenth amendments the right to enforce these amendments by appropriate legislation, this phrase contains a substantive grant of power to Congress. This view is urged, although the same language precisely is found all through the original Constitution, and Congress is given in the first Article power to carry into effect by "appropriate legislation" all grants of power, and the language of the grant at the end of the fourteenth and fifteenth amendments is precisely the same as that found in the body of the original Constitution, which never was supposed to have the force of being of itself a separate and distinct grant of power, but was to be construed always in connection with the express grants with which it was allied. Therefore, unless these two amendments, irrespective of these words, contain grants of substantive power, in my opinion it is unjust, and it will be found logically destructive of our federal system of government if they shall be construed to contain such substantive grants of power as will be in effect repealing clauses not only of many of the most important features of the Constitution that precede them but of the very Constitution itself, because it cannot be denied, if the premises be admitted, that it gives to Congress a power which if followed to its natural conclusion would destroy the federal features of our Government and reduce the existence of the States to mere nonentities.

But, sir, I desire, as my attention has been called to it by the Senator from Michigan, to read the language of the court on that point:

The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress.

What does that sentence mean when construed together? It states that the fifteenth amendment confers no right to vote, but it prevents the "States or the United States" from giving preference. How can a State give preference but by law? How can the United States give preference except by law? The protecting power of Congress has to be exerted in carrying out that right, whatever it may be. Now the measure as to what *is* "appropriate legislation" to protect is the very gist of this whole inquiry. Certain it is that the attempts to protect heretofore made by the Congresses of the United States, in the judgment of the Supreme Court were not "appropriate," and the laws under which these indictments were found not being appropriate legislation and within the limits of the Constitution, were absolutely void and the men charged under them were ordered to be set at liberty.

I do not say what may be argued hereafter or what, when a new statute shall be framed, will be found to be the definition of the power of Congress to protect this inhibition placed upon the States and the Government of the United States for the protection of the right to vote; but I do say that as far as existing law is concerned they have said that this is not the appropriate method of carrying it into effect. It seems to me that the reasons they have given will justly apply to the spirit and intent of this resolution. The court say:

That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

I submit to my honorable friend from Michigan that when he comes to reconsider his own resolution, he will find that the Supreme Court have in these opinions "as to the election of members of Congress or State officers and members of the legislature, and upon violence toward colored citizens of the State, and toward white persons disposed to aid those colored citizens at the election," expressly decided adversely to such a claim. The only question left for him upon which he can hang an argument in favor of any legislation of this character would be that which he has designated as the especial reason, to wit, that "the colored voters, on account of their race, or color, or previous condition of servitude, were deterred from voting, or were compelled to vote contrary to their wishes." There, and there alone, can there be any possible question, because as to what precedes in the resolution, the language of the Supreme Court is directly adverse.

Mr. President, I do not propose to take up the time of the Senate or fatigue myself by a criticism of these opinions. I merely wish to state their substantial effect upon present legislation and upon legislation of the character proposed now to be continued. I do hope that there will be no ingenious attempts made to escape from either the letter or the spirit of these decisions.

Sir, the experiment of congressional or executive interference with and of coercion upon the people of the States has been made very often, and never but with pernicious results. I do hope the Senate will respond to what I believe to be the sentiment of the country, and let us now try once more the policy of abstaining from interferences for this whenever carried out has been productive of nothing but what is desirable and useful. Take the case of the State of Virginia; take the case of the State of Texas. Interference was proposed; and fortunately was withheld. What was the result? Prosperity, peace, happiness, order, and good government. The people of this country to-day are benefited, greatly benefited by the presence in either Hall of Congress of men worthy of public trust. I am perfecty sure that every member of the Senate will agree with me when I say that the gentlemen who have come here under this *régime* which has been established in these States, unmolested and under their own laws, have met the esteem and confidence of the Senator from Indiana as they have of the entire country. On the contrary, if you wish to see the ill effects of interference, look at the State of Louisiana; witness there the condition of industrial and business pursuits—look at the temper of the people, look at all the ruin and trouble that have grown with every renewed interference either by the Executive or by Congress in the affairs of that State.

Mr. President, do not let us forget that this Government of ours was intended to be a government of law which all will obey, laws emanating from the will of the people, to which they lend voluntary support when once established; State laws for all domestic and internal affairs of a State; United States laws for all external purposes and the general purposes of the Union. The courts of the United States are open to all; all men are equal before the law; the same judges decide; they apply the same rule for the rich and the poor, the white and the black, in every State in this Union. The law of enlightend self-interest will compel peace and order in any community, for they are essential to prosperity and safety. Justice is essential; security before the law is essential; and industry and all that gives value to property, or protects either, will fly from a community where violence, outrage, injustice, and oppression prevail. Self-interest must of itself purge any community of its outlaws whose rule is destructive of all that good men value.

I trust, therefore, sir, that guided by the light of these last declarations of judicial opinion in respect of this character of legislation, guided by the light of experience in respect of the consequences of such legislation, Congress will abstain, and neither in this irregular nor in any other manner proceed further upon the doctrine that it is the duty of the United States to seek out and punish every infraction unasked of each man's individual rights, and for the assertion of which he has already wide and abundant avenues. The laws of the State give protection. The Constitution of the United States is the supreme law of this land, and all laws made in accordance. Surely in the State of Mississippi there can be no doubt that the whole machinery of the State government has been in the hands of the political party to which the honorable Senator from Indiana belongs and in behalf of whom this movement is made. Every official until this last election, and even to-day the members of her judiciary, were all appointed by an executive who was allied with the republican party. The judges of the courts of the United States we know were appointees of the present Administration; every district attorney, every marshal, every juryman, all are secure in their hands.

Mr. President, it is declared in this resolution that—

The people of all the United States have an interest and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose.

Sir, the people of the United States have an interest in the maintenance of law and the preservation of the Constitution; but I do not know that they are more interested in the enforcement of rights under the fifteenth amendment than they are in the rights guaranteed by the fourth and fifth amendments of the Constitution. Personal liberty, the right to be secure in your persons and papers against seizure without due process of law, the right of trial by jury, to be confronted by witnesses—all these are rights which have been violated over and over again in all these States, and violated by administrations of Government entirely in accordance with the views of the Senator from Indiana. Therefore, while I recognize the right, yet where is the necessity for legislation until it has been assailed, until it has been proved that the machinery of the States—who, as the Supreme Court of the United States say, are the proper guardians of these rights—has proved ineffectual? Hearken to their language, on page 4 of the opinion of The United States *vs.* Cruikshank and others:

> The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right.

That is to say, where no law of a State denies the right, but the protection remains where it was found in the States:

> This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

What was the guarantee? The guarantee was this: "The only obligation," says the court, "resting upon the United States is to see that the States do not deny the right," but that the duty was "assumed by the States, *and it still remains there*" to protect the right. Sir, under that rule what is there that makes it "*especially*" the interest of the people of the United States to pick out this portion of their population, the colored people, and to insist that their especial rights are to be followed up by this character of legislation, because, I will take the language of the resolution; it is that these five Senators are to inquire "how far these constitutional rights have in the said election been violated by force, fraud, or intimidation?"

We are told that the only guarantee of the United States that they are bound to carry out is the single one of seeing that a State does not deny it. There is no pretense that Mississippi has denied this right; none whatever. At times it is alleged that there has been intimidation by individuals which interfered with the free exercise of the right of suffrage. If it be so, the courts are open for redress in every case; and should a judge declare in a State court that the plaintiff had no right of action because of race or color, such a decision taken to the Supreme Court of the United States would be declared to be invalid, and the case remanded for proper judgment, and the right would be so enforced. If it should come that the State should by law attempt to discriminate, the law brought before the courts of the State or of the United States must necessarily and finally be declared to be invalid; and when the Government of the United States have done that, then their only guarantee has been fulfilled.

Then, Mr. President, to take this allegation that there is a special duty devolving on Congress because the people of all the United States have an interest in this fact, and to say that therefore there is a duty of legislation, would be to state but a truism. The question would be whether you are to undertake to legislate in respect of rights which are confided to the State for protection. The court say in reference to these rights:

> For their protection in its enjoyment, therefore, the people must look to the States. There is where the power for that purpose was originally placed, and it has never been surrendered to the United States.

Now, Mr. President, I have said all that I think necessary in regard to the dangerous effect of this proposed legislation and its line of adverse action to the spirit as well as the letter of the decisions of the Supreme Court of the United States. Even had this resolution been offered before those decisions, I should have thought it dangerous and harmful; but offered, as it now is, in the light of those decisions, I feel that there is not only a renewed duty on me to bring those decisions before the Senate, but to commend them earnestly and respectfully to those who may have before they were made thought differently as to the power of Congress on this subject.

Mr. President, I do not propose to reply to the elaborate indictment against the people of the Southern States of this Union which the honorable Senator from Indiana has filed here against them in a speech running through several days at the present session, and beginning with the resolution offered by him on this subject. It is true that Mississippi was the *nominal* point of his attack, but as it grew in bitterness it also grew in area, until it assailed the white population of all the States south of the Potomac. Nor were men of this day alone sought to be inculpated, but the faults, the follies, and the evil doings which the grave was supposed to have shut from men's memory, as well as their sight, have been exhumed, and revived, and held up to ridicule and denunciation by the honorable Senator from Indiana.

The sins of the fathers have been sought to be visited upon their children, not in the course of divine justice, but by a mortal as weak and faulty as those who are the objects of his denunciations. In his assault he has omitted nothing calculated to hold up these communities of his fellow-countrymen to obloquy and disgrace. Everything that could stain their repute, every charge that could tend to humiliate them before the country and the world or to exasperate their feelings, has been gathered with a cruel deliberation and unsparing diligence, and published by the Senate with the widest dissemination. What answer should be made to this and by whom should it be made? There are times when reckless assault and calumny are best met by a dignified silence on the part of the assailed. But in the present case I believe the best answer to the Senator from Indiana will come from the great and honest heart of the people of the great Western and Northern States and who are not the objects of his attack.

Will not every fair and just-minded man in the whole country say, when he reads this wholesale abuse and railing accusation of the Senator from Indiana: Why should this be? The Senate Chamber is the council chamber of the States of the Union; they meet here as equals for the common purpose of general legislation; to pass laws for the general welfare; to guard and advance the public credit, and strengthen the ties of Union between the States. And can such ends be subserved when the representative of one State shall, of his own motion, without any delegation of authority, without even a petition from a citizen, in the absence of any contest as to an election, rise here in his place and pour forth day after day volleys of charges not sustained by even *ex parte* affidavits of individuals, but the garbled and anonymous extracts from newspapers, all calculated to inflame popular opinion against an absent, unrepresented community, all tending to insult and mortify Senators compelled to attend these sessions, and to degrade and disgrace the States of this Union before the civilized world. What can be the effect, the only effect and result, of such a course? Can it be otherwise than disastrous to our own interests? Have not we seen already the leading officials of the late administration of Mississippi, in whose interests and behalf these charges were made and to stay whose fall they may possibly have been intended, pleading guilty of misdemeanor, as in the cases of Ames and Cordozo, by resigning in order to escape the consequences of imprisonment, or else awaiting a conviction under the almost unanimous verdict, without respect to party, as in the case of the bribe-taking lieutenant-governor?

Now, sir, it is well known that under those proceedings for impeachment it was perfectly proper and perfectly competent for the whole condition of the affairs of Mississippi and the late election to be opened up. There would be no difficulty upon that subject. The late governor of that State is a man of intelligence and force. He was educated at the expense of the people of this country as a soldier, and I believe was a brave and intelligent one. He had employed, and had the means to employ, able counsel. We know that he was so represented. Why should it be, then, that when the opportunity occurred in the proper form, in the very vicinage where these alleged wrongs were committed, that opportunity was not taken by him and by his political friends to hold up to the world the alleged terrible condition of that State and its internal affairs? Yet nothing of the kind was done. Why, Mr. President, there has not been to my knowledge an attempted contest for any seat in the other branch of Congress growing out of that election. There has not been an attempted contest of election in that State for any office in question. Why should it not be? We do know that there have been contests during the present session in the other House of Congress in which colored men have been awarded their seats, colored republicans, because it was held by a fair committee that they were entitled to them over their white democratic competitors. If this alleged fraud and intimidation had been so overpowering, why was not the attempt made by the usual methods and in the proper avenues of law to expose it, to hold it up before the people of this country? No party can gain strength by injustice; and if upon a fair showing any committee or any majority of either branch of Congress shall exclude a man fairly entitled from his seat, they will lose more by popular reprobation than they ever could gain from such injustice by exclusion. Sir, in regard to what does not appear and what does not exist the rule is the same, and where there was full opportunity for this discussion, where there was full opportunity for the most complete exposure of these alleged wrongs, why is it that it is left to the Senate of the United States, unasked, unpetitioned, and, as I consider, unauthorized, to enter into that State and hold an inquisition upon the domestic and internal affairs of that people?

Nay further, Mr. President, it is well known to the Senate and to the country that the late governor of Mississippi, Ames, who has just, according to the newspapers, resigned his place to avoid impeachment pending his trial, had correspondence with the President of the United States and the Attorney-General in respect of alleged disturbances in Mississippi during last autumn, that they made examination of the facts, and that neither the President nor the Attorney-General felt justified in granting him the military aid he asked to carry on the election in the presence of armed force. The President of the United States has sent to Congress sundry messages; during the present session his annual message at the opening of the session contained not one word of reference to this direful and terrible state of affairs which is alleged upon some unknown authority to have existed in the State of Mississippi. Could he as a just and honorable man have omitted to state when called upon by the Constitution to inform Congress of the state of the Union—could he in the face of such outrages have remained silent if such outrages existed? And who had better opportunities for knowing, or who would have been more likely to have announced them? Sir, it has been said that the

Postmaster-General and the Attorney-General sent emissaries into the State of Mississippi during the last fall for the purpose of examining into the state of affairs, and that reports have been made by them, and that these reports do disclose nothing of the kind alleged in this resolution. I had it in mind at one time to introduce here a resolution to inquire of the Postmaster-General or Attorney-General if such written reports were not in their respective Departments. But would it not be a gross defalcation in duty if with this state of affairs existing in the fall of 1875, with the known relations of the then State administration toward the present Federal Administration, the facts should not have been known and should not have been brought before Congress? Surely, sir, if they did exist, it seems to me there must have been default upon the part of the Executive in failing to communicate them.

But, Mr. President, will not the calm judgment of the American people be that condemnation and not approval should await the Senator who uses his position here to utter such charges against the constituencies represented by other gentlemen upon this floor as must in the nature of things provoke angry retort, indignant denial, or possible recrimination? Sincerely I trust that none of these things will follow, but that the charges so made, unbacked by any due authority, will be suffered to fall unheeded by those against whom they were leveled. If this is to be a Union of States bound together by the ties of interest and affection, cemented by memories of a common ancestry and the hopes of a glorious and happy future, then such assaults must cease, and a sound public opinion must set upon them the seal of its reprobation. But as this present resolution is now before us, I propose to apply the test of the opinions of the Senator from Indiana himself, as deliberately stated by him on a former occasion in writing, and submitted as his report to this body. I read from page 73 the views of Mr. MORTON in the Louisiana investigation:

> The theory of our system is that every State government possesses the power and machinery to correct the wrongs and frauds within itself practiced under color of or in open violation of its own laws, and that the decision of its own tribunals, created by its constitution and laws for such purpose, must be received as final. When the constitution of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress. So, when the laws of a State have constitutionally created a returning board to ascertain who are elected State officers and members of the Legislature, if Congress may go behind the decision of that board and inquire whether they had the returns before them, and whether they were acting in accordance with the laws of the State, the election of State officers and members of the Legislature would be placed absolutely under the control of Congress.
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> The Constitution says that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years." The manner of constituting the Legislature is left absolutely to each State, and the question of its organization must be left to be decided by such tribunals or regulations as are provided by the constitution and laws of the State; and the only question about which the Senate may inquire, in determining the admission of Senators, is whether they have been chosen by the Legislature of the State—that Legislature recognized by the State, or whose organization has been accepted by other departments of the State government. Under our complex system of government all questions of the organization of State governments, under their own laws, must be left to the decision of the tribunals in such States, created for that purpose; and when such decisions have been made, they must be accepted by the Government of the United States in their dealings with such States. It is no answer to this to say that, in a particular case, such tribunals will or have decided wrongfully. The Government of the United States has no right to review their decisions so long as the State possesses a government republican in its form.
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> The doctrine that all questions of election, arising exclusively under the constitution and laws of a State, must be left to the settlement and determination of the proper tribunals created by the State for the adjustment of such matters, was distinctly recognized by the Supreme Court of the United States in the celebrated case of Luther *vs.* Borden, growing out of the attempt in the State of Rhode Island to overturn the old charter government and establish a new one in its stead. In that case the Supreme Court said: "The point then raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of the State; and the well-settled rule in this court is that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of a State."

On page 75 he states:

> This whole affair, on both sides, is unfortunate and painful, and if Congress could, without exercising a dangerous power and establishing a perilous precedent, set aside the election and provide for a new one, with security that it should be fair, it would be far more satisfactory to the people of the whole nation. Murder is the highest crime; but it is not every court that has jurisdiction to punish it, and one court cannot assume such jurisdiction upon the ground that another to which it has been granted will not properly exercise it; and Congress has not the jurisdiction to examine and redress every great wrong that may take place in a State. Where by the constitution and laws of a State legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. The Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country; but is a Government limited and restrained in its jurisdiction by the charter of its creation, and that charter distinctly recognizes the existence of State governments to be constituted legally by the States themselves, subject only to the provision of the higher law that they shall be republican in form. This doctrine in nowise recognizes the blood-stained theory of State sovereignty, which has been the evil spirit in our political system, and to which the present troubles in Louisiana may be traced back, but springs from the great fact that the States have a vast body of rights distinctly guaranteed and recognized by the Constitution of the United States, and that among these is the right to constitute their own Legislatures, and determine by their own tribunals the legality of their organization.

Mr. President, how in the face of the declaration of such doctrine as this the honorable Senator can find it within his power to institute such an inquisition for the purpose of examining into the election of members of Congress and of State officers and of members of the State Legislature, and as he himself proposes to do this for the purpose of obtaining testimony in respect of the election of the Senator who was to be chosen by that Legislature, is more than I can see. He may possibly recognize it, but I do not think the Senate can recognize the consistency of his two positions. Perhaps that is of less importance, because the consistency of an individual is a matter more personal to himself perhaps than important to the country; and yet it ought to affect the people of this country before whom the able and ingenious arguments of the Senator go, colored and heightened by such addresses as this which I find headed in the most startling manner, for the purpose of throwing obloquy upon his political opponents and bringing utter discredit upon the community where these things are alleged to have taken place. If he could give utterance to such opinions in regard to Louisiana in 1873, I merely ask him to apply the same doctrines to Mississippi in 1876. If he does so, then he will be compelled to oppose his own resolution.

But, Mr. President, I plead to-day for peace and for union among our States and all the people of all the States. Standing as now we do upon the threshold of the second century of our existence as a republican people, rejoicing in all the happiness we have secured under our experiment of popular self-government, let us gather from our sorrows and mistakes new and wise counsel, and resolve to avoid in the future the rocks upon which we have so nearly split in the past. Our task is not an easy one, but one which calls for all our care and all our self-control, all our wisdom and mutual forbearance. We floated for many years upon a smooth sea of unbroken prosperity with a superabundant revenue, which only forty years ago had actually created a surplus in the Treasury which was divided among the States—a nation without a farthing of public debt. Such was our condition in 1836. What a blessed and marvelous exception! Sir, we can say this no longer. With a vast increase of population no longer homogeneous as at first, but composed of men of nationalities differing as widely as men can differ in their habits, capacities, and dispositions; with soil, climate, and production within our national jurisdiction of every conceivable variety, the necessity of local self-government is made more and more apparent as our development in industries continues.

From a fearful struggle, a civil war of awful magnitude and appalling consequences, our people have just emerged, still possessed, thank God, of a common country and a common Government. One result of the war is a public debt greater in proportion to the accumulated property of the people than any of modern times, and this debt made heavier, less manageable, more distressing in its burdens by a confused and false system of currency and finance. Financial errors and mismanagement have led our people into the morasses of a false and fictitious prosperity. We have followed false lights and have been allured by that will-o'-the-wisp, paper money, into great difficulties in which the industries of our people are now floundering and which threaten wholly to ingulf our prosperity for the present generation unless wise measures are adopted. For our common relief we need the common aid—the aid of the hand and the heart of every patriotic American. We can afford to lose none. Every man must be encouraged to bring his tribute of duty, love, and patriotic service to the altar of his country.

It is no time for denunciation of one State or section of the country by another. The man who does it is a foe to public credit, as dangerous or more so than if leading an armed assault upon our shores. The political party that assents or permits it to be done is not safe to be intrusted with the control of public interests. The assault upon the fair fame and good name of any State or number of States is an assault upon the credit of all, and will cause trust and confidence to be withheld from all. This resolution, if adopted, will be made the basis for such an assault, and can have no other effect. It is indeed "a perilous precedent," as it was styled by the Senator from Indiana; like the horse of Troy it bears armed foes within its body. Political power ebbs and flows like the sea. To-day it is with you, to-morrow it may be against you.

The affairs of New Hampshire and her mode of conducting elections may, under the rule of this resolution, be investigated by some future Senate committee. The elections in New York may be ruled by corrupt canal rings or the will of her people thwarted by an enormous and overgrown army of custom-house officials. Will any one here be willing to make such allegations the pretext and basis of investigation for the purpose of meeting such wrongs by Federal legislation?

Sir, we cannot embark upon such a system. We must leave such matters to be dealt with by the uprising of an honest public sentiment in the States where the wrongs occur and whose laws must protect the people in their rights. The polls are open. Let each man there freely express his views. He can do it, and if misgovernment exists in a community having the power of self-government uninterfered with by external force, then the fault is easily to be brought to its proper home and can be cured by natural and proper means. Sir, I cannot believe the sober second thought of the American people will permit the ambitions of any man or any political party to stand in the way of the prosperity and happiness of our people, and that any measures tending to reproduce the excitements and pernicious effects from which the people of the Southern States have suffered so dreadfully since the war closed in the spring of 1865, and which have

so reacted upon the prosperity of the whole country, will ever receive public sanction in any portion of the country.

Never did a phrase awake a louder echo in human hearts than that which bore the present Executive into power: "Let us have peace." I will not pause to consider how he has used that power so confided to him, but I will repeat from my heart the words he then used: "Let us have peace; let us have an end of executive and congressional interference with the elections in the States and the local affairs of the people of the States; and then, and then only, will we have that peace which is essential to heal the wounds of war and bind our fellow-countrymen in a real, a permanent union of interest, of feeling, and patriotic devotion."

Mr. BOUTWELL. Mr. President, it has been the rule of my life whenever I have given offense to any one, to defend or explain what I have said or apologize for it. The Senator from Delaware was pleased to say, under some excitement I think, in response to a suggestion from me, (which meant only this: that I thought he would find it difficult to sustain the statement he had made,) that I had succeeded in injecting into his speech a bit of political tirade such as he had often before listened to. I do not stop to consider the delicacy of that language, its appropriateness to the Senate, the quality of urbanity which it takes from the character of the Senator who pronounced that phrase, but I think the difficulty was in this: that I disturbed the harmony of his speech, and therefore disturbed him. I do not know but that this is a school in which manners are to be taught, and that the Senator from Delaware is self-constituted or otherwise authorized to teach good manners to his associates; but while he stands here peculiarly, in his own estimation, a non-partisan, having, as he has told us this morning, the judicial fairness of the bench to pass upon political questions which agitate the country, it might be well for him to illustrate his theories by an example now and then of the way in which those theories can be put in practice and commended to other people. I am neither a scholar here nor a teacher. I submit myself to argument, to reasoning, to justice; but I do not submit myself to the authority, to the dictation, to the schooling of the Senator from Delaware, or any one else. If the Senator desires to teach, let him find his pupils elsewhere, especially in teaching manners. There is an old English article upon truth and integrity, which commences, as I remember it, in this way: "Truth and integrity have all the advantages of appearance, and many more."

This great truth applies to individuals. It applies here. It is applicable to-day; it is applicable to the country; and in what I purpose to say I speak of it only in its application to the country. For seventy years the spirit of hypocrisy and misrepresentation dominated over the slave-holding section of this confederacy. They continually presented themselves to the country and to the world as the friends of the Union, and it was a lie from first to last. They were the enemies of the Union; and when the Union did not answer the chief purpose which they had, and the only purpose they had, the preservation of the institution of slavery, they made war upon the Union. The Senator from Delaware was the political supporter and ally and the substantial defender of the men who made war upon the Union, who clung to the Union for seventy years under the falsehood that they were its friends. They were its enemies all the while. Slavery, the spirit of slavery, is and ever has been the enemy of the Union, and it is so to-day. The troubles in the South are due to the spirit of slavery, and the time has come when I am forced to confess to myself and with reluctance to say here that I do not in my heart believe that any man educated under and obedient to the influence of slavery can be the friend of a Union that is designed to establish and preserve equality. The North will do well to take heed and to trust no man who was brought up under the influence of slavery, controlled by its spirit, and dominated by its power, and is not yet extinct.

Is it not something that after having defended and preserved the Union, the republican party gave political rights to the men who had made war on it for four years, who crimsoned the face of the whole country with blood? Was it not something? Those very men to-day, fresh from fields of treason and of blood, are engaged in investigating the conduct of the war by which they were prostrated. The Senator from Delaware, under the sanction of the opinion of the Supreme Court rendered on Monday last, looks to the time when the Ku-Klux, some of whom were fined and others of whom are imprisoned, are to have their fines returned from the Treasury of the United States and the doors of the prisons opened that he and his friends may welcome them. They are imprisoned because they did the behests of slavery; because they obeyed the policy of the ancient democratic party: because they submitted to the spirit that always controlled that party, that controls it to-day.

Does the Senator from Delaware expect an uprising of the people of the North to defend his friends in the South? Let him beware of November. The people of this country are already awake to the truth that the spirit of the rebellion which they supposed had been subdued by war is still powerful in the South; that it oppresses four million human beings; that it instigates outrage and wrong; that there is no freedom in those States for people who are not identified with the old slaveholding aristocracy of that section of the country. No, sir; if the people of this country fail to do their duty the Government is lost. If they fail to overthrow the democratic party by a vote so overwhelming that there can be no excuse for bribery, for falsehood, for double returns, this country a year from this will be involved in another civil war. Nothing but an overwhelming vote of the people, from which there can be no appeal by traitors, will save us from civil war. We are nearly in the same condition that we were in 1860 and 1861—eleven States without the power of free elections; and you call this a free Government, and appeal to us for union, for concession, for friendship, for justice! The democratic party to-day has the power it had during the war. If at any time during the war the democratic party of the North had said, "This war must cease; we will give no aid or comfort to the democracy of the South in their attack against this Government," the war would have ended. If you who co-operate with the democracy of the South will say to them, "Do justice to the negro people there; give them their rights, civil, social, and political," all occasion to appeal to the North for justice, for sympathy, for co-operation, for support, will pass away. There is no feeling in the North but a desire that you should be just to the people of the South, to the black man. We can take care of ourselves. We will co-operate with you when you do justice to those who sympathize with us; but, so long as you trample under your feet 4,000,000 people entitled to rights under this Government equivalent to your own, can you expect us to forget these outrages upon our fellow-men and take you by the hand and say, "We are brethren, citizens of a common country; let the past be past, and by-gones be forgotten?" Injustice cannot be forgotten. The democratic party of the North is to-day responsible for the outrages perpetrated upon the black men of the South, and they have been responsible from first to last. Their appeals to me are vain. When they do justice then there will be harmony; but until they do justice there can be no peace. "Let us have peace," said the President. Why did we not have peace? Because the political associates of the Senator from Delaware dominated over the southern country, defied the laws, oppressed, persecuted, and murdered citizens; and now they appeal for peace.

Mr. BAYARD. In a portion of the remarks submitted to the Senate this morning I made a statement in respect of the cost in money to the people of this country as a result of the enforcement acts, the constitutionality of which has been so questioned by late decisions of the Supreme Court of the United States. I stated at the time that I had not the figures before me, but I believed that millions upon millions had been spent.

Mr. MORTON. The Senator said "tens of millions."

Mr. BAYARD. I believe I did, but I stated distinctly that I had not the figures before me, and said that I believed that to be the case. I was interrupted by the Senator from Massachusetts with a question in regard to my authority for this statement, I having previously stated that I made this remark upon an estimate and without having the figures before me. Under the pretext of the question, the Senator proceeded in a very rabid, in a very angry, and, as I consider, a very improper manner to avail himself of my having yielded to him the floor as a matter of courtesy to ask me a question, to make what I called a political tirade; and I think upon examination it will be found that my description was exceedingly accurate. I am not at all disposed to withdraw the designation which I then gave to his language. Since that time he has indulged in another. He has cleared his heart of a good deal of that black bile that seemed to rest upon it toward the people of the southern country, and toward those of us here, or me in particular, whom he considers their associates. I leave him, as I left the Senator from Indiana, to be answered by the honest heart of the people of the North, who do not hate the southern people as he does, who do not long for their humiliation, and crow and laugh over their distress as he does, who do not stand here in this council chamber of the States to insult and affront every man by declarations of impeachment of his honesty and integrity when he professes to love the Union and the Government of his country. I leave him to be answered by his own people. There has been, thank Heaven, a spirit of reconciliation abroad; it was exhibited not many weeks ago in the city of Boston, as described to me, in a way that drew tears both from men of the North and men of the South when they met in the presence of the common glory of their country and resolved that the past with all its animosities should be forgotten and should be forgiven. But he raises the cry of hate. He still is to pour out vials of indignation and wrath upon every man who has differed with him in opinion.

The Senator has suggested that in some way I have been a party to some act or deed unfaithful to the integrity of the Government of this country. I will simply say that every drop of blood in my body comes from men and from women who, since this Government was established, never harbored a thought or did an act unfaithful or unpatriotic. No man can assert the contrary. The Senator dare not do so. He might attempt it by an innuendo, by classifying me with those whom he terms the enemies of the country; but he knows as well as I that the man who says I ever did an act or uttered a word unfaithful to the integrity of my country's Government has lied in his throat. [Manifestations of applause in the galleries.] He bids me beware of November. In November the people of this country will submit their candidates for the popular verdict, and then the Senator may repeat his speech where he pleases. Then he may assault men as he pleases. If it shall please a merciful Heaven to give to this country a feeling of fraternity and union, then he and those who think and act with him will be consigned to private life and to an absence from political power. We will go before the people of this country. I expect to go with all the rest as a private citizen, and to

submit the doctrines of the party with which I act, to submit the measures that we propose for the government of this country to the intelligence, to the candor, to the patriotic sense of the people of this country. If the verdict shall be against us, it will still be our country, and we shall obey the men whom you have elected just as fully as if we had elected our own candidates. Minorities have no terror for me; none at all. I have not flinched from declaring on any occasion an opinion that might have seemed unpopular at the time.

Is it to be held up to me as a source of reproach that I have tried to make my brethren of the South feel that this was their country, that this was their Government, and that they were bound to come and support it, and find protection as they gave it allegiance? If it be a crime, then am I the greatest sinner on earth. If such feelings, such professions, and such principles shall consign me forever to a minority, then welcome the shades of private life with the unstained conscience that I shall carry there with it. I would rather have it than all your power, than all the power the people of this country can give, for I have something they did not give and which they cannot deprive me of, and that is my own self-respect. [Applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will take this occasion to say to the occupants of the galleries that it is a breach of the order of the Senate to applaud, and he now tells the Sergeant-at-Arms to place sufficient force in the galleries to remove every person and all persons who thus create a breach of the order of the Senate.

Mr. BAYARD. Mr. President, I did not catch all that the Senator from Massachusetts said. In regard to my political associations, that is a matter in which opinions may lead us sadly astray, in which a man is neither the worse nor the better for the opinions which he honestly holds. One evil of our times has seemed to me in condemning or praising men for the accident of their opinion. Their personal character, the degree of respect to which they are entitled, certainly does not depend upon the result of their mental organism or the objects which may affect their opinions. I remember very well that when I first came into this Chamber I was one of a minority of about eight men. Then, as now, I was on what is believed to be the weaker side, a side which the calmer judgment and growing generosity of this country toward the South is gradually making a stronger side, a side which I trust for the safety of the whole country will in November next be destined to be the strongest side; but whether it is or no the issue is not with us, and it is for each man to do that which he thinks is right in bringing it about.

I have esteemed men most highly who differed with me entirely in opinion. I remember well, upon my first coming into this body, that I said to a gentleman exceedingly violent in his proscriptive feelings toward the southern people, but for whose personal character I had the highest respect, "How strange it seems to me to hear you speak and vote as often as you do in the Senate, when if your home had been but a few hundred miles south of where it was you probably would have been just as violent on the other side, just as positive a rebel, as you call it, as you were a Union man." That gentleman was the late Mr. Jacob M. Howard; and I remember perfectly well his entire assent, saying he really believed in his heart it was so. Is it possible that at this stage of the world's history men are to be condemned, vilified, abused, because of their honest political or other opinions? It seems to me very narrow-minded and a miserable condition of affairs if such things should be. I do not believe that such a course is at all in consonance with the temper or the wish of the American people, who, like all great people, are a generous people. They do forgive, except where they believe that meanness, hypocrisy, untruth, and dishonor have stained the character of a man. When that is so, they are justified in withholding from him their confidence. I am glad in speaking now of the coming month of November that there is some question of personal character to enter into the contest; that the people of this country will insist that a man shall not be the mere figure-head of party, with its name stamped upon his forehead; but they will look below the badge, and they will see whether the man who bears it is a consistent man, speaking his conscientious sentiments in victory or defeat, standing by his principles whether they are to lead him into minorities or into majorities. These are to me the tests; and therefore, so far from having to beware of the month of November, from my heart I welcome it. The day cannot come too soon when the people of the country shall decide on which side is the right or wrong, the true love of country, the true patriotism, in this country. I believe there is an instinct of self-preservation that will show the people of this country whom to trust and whom not to trust. I believe in that, and therefore it is that I approach that contest without fear.

Something was said by the Senator about my looking to a time when the Ku-Klux shall return, and he said something about my being politically associated with such a class of people. I hardly know how to answer such suggestions. If there be any act of mine, if my name has ever been connected with an act of lawlessness or of dishonor, the Senator has my free permission to point it out or to obtain it from anywhere in the world if he thinks he may; and then he may have justification for his charges or his innuendoes. I do not propose to make this Chamber the theater for assertion or for denunciation. I have no epithet whatever to throw back upon him or his State or his party. He must stand or fall by his own works. I leave him and his speech of to-day to be answered by the people of the great, ancient, and honorable Commonwealth of Massachusetts. They must speak to him because he here assumes to have spoken for them. If he has spoken for them, I was going to say so much the worse, in my opinion, for them; but I do not believe that he has. I do not believe he has spoken the sentiments of Massachusetts in uttering words of bitterness and hate toward the southern people and a distrust of those who are here as their representatives.

But in this strain I have already continued too long. I had no idea there would be in this matter a personal remark or personal feeling. The Senate is no place for it. I think I can refer to my record here in debate to show that I am not wrong in saying that when I have spoken of the action of Senators it has been in regard to their official action, their opinions, and the record of their printed views. Wherever I have thought that they tended injuriously to the public interests I have not hesitated to say so, and I propose to continue this course so long as I remain a member of this body.

Certain it is that the question of urbanity, the question of attempting to educate the Senator from Massachusetts in anything like a rule of courtesy, is something that I should entirely despair of. I do not propose to attempt the task. I did not suggest it. I merely commented upon what I thought was a breach of decorum in the Senate when in asking a question he injected a political tirade into my remarks.

Mr. MORTON. Mr. President, I had not intended to say anything more upon this resolution. It is true I had material evidence collected in regard to the truth of the charges that have been made as to the Mississippi election, but I became satisfied that the Senate was sufficiently well informed upon that subject. I concluded to postpone the production of that testimony.

The Senator from Delaware to-day has made this rather a personal issue. I have generally declined issues of that kind on this floor. I am not sure but what I could stand a hand, however, in a personal controversy, but I should regret to try it. The Senator had the record of my speech in his hand. He had the proofs that I offered of the truth of what I said, nearly all collected from democratic sources. The evidence was overwhelming. He said he would not undertake to answer, and he did not for the simple reason that he cannot. The evidence is conclusive; but the Senator directed his speech to myself. He said that I had calumniated the people of the South; that I had garbled newspaper extracts. He has a copy of that garbling in his hands, and I should be glad for him to undertake to show in a single instance where I have made a misrepresentation. But the Senator was exceedingly unfortunate in one thing. He undertook to show that I was inconsistent. He read an extract from my report in the Louisiana case to show that I denied the power of the Senate to go back and inquire whether the members of a legislature had been elected, to inquire whether the tribunals of the State, which had passed upon the qualification of members of the Legislature, could be impeached, and that we were bound to take the Legislature as the State gave it to us. I stand upon that doctrine to-day. I have not in any speech on the Mississippi resolution said one word in conflict with that position; and the Senator cannot point it out.

I am consistent; but the Senator unfortunately is not, and he stands up here to-day in contradiction of the ground that he occupied all through the Louisiana controversy. It is within the memory of the members of this body that he argued we had a right to inquire whether the members of the legislature who elected Pinchback had themselves been elected, denied the legality of the State tribunals to pass upon that election, and by his vote finally insisted and stood upon that doctrine. Day after day he has advocated that doctrine here; but to-day he comes in and denies that doctrine, and insists that we cannot inquire into the election in Mississippi. It was perfectly competent to inquire into it in Louisiana in the Pinchback case, but it is not competent to inquire into it in Mississippi in the Lamar case. As the lawyer said to the farmer, "circumstances alter cases." The doctrine in regard to Louisiana, which the Senator so ably, so eloquently, and so often advocated, he expressly repudiates here to-day. Therefore I say I have an immense advantage over the Senator. I am consistent and he is not. He seemed to think consistency was an important thing. I rather like it myself; but he is a most melancholy evidence that men may be inconsistent and apparently not know it. It is said that the ostrich, when pursued by the hunters in the desert, will stick his head into the sand and be under the impression that his whole body is concealed.

The Senator said in the conclusion of his first speech, "Let us have peace." I echo that sentiment. Let us have peace. When the murder business stops, when intimidation and outrage in the Southern States stop, then we shall have peace; but not until then. When a majority of 30,000 in Mississippi can be overcome by murder, by violence and fraud, and a democratic majority of 50,000 put in its place, so long as those things are done, we cannot have peace. When a majority in Louisiana of 20,000 can be overcome by fraud and violence and bloodshed we cannot have peace. When a majority in Alabama of ten to fifteen thousand can be overcome in the same way it is idle for those persons who sympathize with them or defend them to talk about peace. "Peace when there is no peace." When this violence shall cease, and when men of all parties and of all colors in the South have equal rights, then there will be peace. It is a short and an easy road. It seems the crime is not in committing murder. The crime is, not in the intimidation and oppression of millions of people, but the

crime is in talking about it here, making a fuss about it and disturbing the former serenity of the Senate and of the country. The Senator has not one word to say about all this scene of bloodshed and violence in the South, but his whole complaint is that we talk about it here and create feeling in the country.

The Senator started out in his speech by saying that the committee which it is proposed to raise by this resolution should be a joint committee of the two Houses; that it is not competent for one House to raise a committee and make an examination of this kind. The Senator was doubtless oblivious to the fact that the other end of this Capitol has about twenty or twenty-five committees making investigations the ostensible pretense of which is that they are to get knowledge so as to enable them to legislate, whereas we understand the real purpose is to make political capital. In the face of twenty-five or thirty investigating committees in the other end of the Capitol, created only by one House and expending thousands of dollars every day in investigations, the Senator argues here that we can only investigate by joint committees of the two Houses! It is competent for a democratic House to investigate, but it is not competent for a republican Senate to investigate. That is the strength of this argument.

Then the Senator said that he had been shocked by the expenditure of money in prosecutions and by the hunting up of cases under the enforcement act, and he said that the money thus expended amounted to tens of millions of dollars. Tens of millions of dollars means $20,000,000 anyhow, and carries the impression of a great many more millions. I sent for the appropriation act. I find here the appropriation for 1875:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners, and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $1,000,000.

That has been on the statute-book now five years. That was the fourth appropriation after the passage of the law. The appropriations have been, I believe, $3,000,000 every year. There have been $12,000,000 appropriated altogether for all the courts north and south, prosecutions of every kind, east and west, and yet we are told that tens of millions have been expended in prosecutions under this unconstitutional law! I think it is incumbent somewhat upon the Senator to re-examine his figures and to correct that statement before it goes out to the country. I suggest that.

The Senator spoke about the law as being unconstitutional law and the outrages committed under it. He said he hoped the time would come when Congress would repay to the men the fines they had been compelled to pay under that act. In other words, the Ku-Klux are to be indemnified. The Senator boldly states the proposition that he hopes the time will come (and it will come, too, when the democratic party get control of Congress) that the fines shall be repaid to the men who have been punished as Ku-Klux under that act. That is to be an issue, then, in the approaching November. Refund, re-imburse, indemnify these scoundrels who have been punished under the Ku-Klux act.

The Senator in speaking of Mississippi said that Ames pleaded guilty, and he proceeded to denounce him. I do not know that Ames has pleaded guilty. From what I know of the condition of things in Mississippi, from the articles of impeachment against him, which I read carefully, and from all that I know about the whole case, I have no doubt that that prosecution was without foundation; that it was simply to get power to drive him out of office. When Ames resigned yesterday he knew that his impeachment was a foregone conclusion. They had seized the Legislature by fraud, by murder, and intimidation. They were determined to have the executive. He knew it and resigned. Then what did they do? They withdrew their charges. It was not the punishment of crime they were after, but it was simply the office, and when he resigned they condoned the pretended crimes. If Ames had been guilty of a felony then your democratic Legislature compounded that felony; and the charge comes back——

Mr. BAYARD. Will the Senator allow me to state that in speaking of Mr. Ames—for I desire to do him or any other man justice—I said distinctly that he had been indicted for misdemeanor, and that, to escape the consequences of impeachment, he had resigned. In speaking of him I said that he was an officer of the Army, a man of intelligence and courage. That is, I believe, the only remark I made. I spoke of nothing for which he had been indicted. Certainly I have not the least belief that there was a stain of personal dishonesty upon Mr. Ames; but I said that he had been guilty of misdemeanors, for which he was impeachable, and for which he would have been impeached if he had not resigned.

Mr. MORTON. My memory is not a very good one, I am aware, but if it is not very much at fault, I think the Senator said in his first speech that Ames had plead guilty and confessed to his crimes.

Mr. BAYARD. I cannot hear the Senator.

Mr. MORTON. The Senator now exonerates him from any moral wrong. I believe the country will exonerate him from moral wrong. We have the confession here in the Senate of the United States to-day.

Mr. LOGAN. Will the Senator from Indiana allow me to make a suggestion?

Mr. MORTON. Yes, sir.

Mr. LOGAN. In the telegram, which is the only information we have, it is stated that the articles of impeachment were withdrawn prior to the resignation. According to the democratic theory it makes no difference whether the resignation is accepted or not, he would still be impeachable. I ask the Senator if the impeachment did not stop in view of the resignation of Governor Ames?

Mr. MORTON. The Senator's confession here just now, that Ames did nothing morally wrong, but still that he was guilty of technical misdemeanor, carries with it the confession of the whole crime in Mississippi. There was the crime against the State in the election, the crime against the Legislature, and then there was the crime against the governor; and after all it has been confessed on this floor by a democratic Senator. He was driven out of power by a Legislature that were determined to seize upon his office. It was to them a political necessity. He yielded before the storm. It may have been wise or it may not have been wise. It is hard for us to judge on that subject without we could put ourselves in his place.

The Senator represented me as having assailed all the white population of the South. I have never done so. I assailed the murderers of the South; those who trampled upon the rights of white and black republicans; and I do it again. Not only that, but I assail their defenders. To the loyal people of the South, the peaceable and the law-abiding people, I extend fellowship and fraternity; and I say here what every man from the North knows is true, that in the North there is no animosity toward the South; there is no feeling of hatred toward the people of the South. If republicans in the South, white and black, could enjoy the same rights that democrats enjoy everywhere in the North there would be a return of fraternity, of fellowship, of national love. It is the existence of these wrongs that keeps alive this bitterness of feeling, but it does not extend to the whole South; it extends to the perpetrators and to their aiders and abettors, be they North or South.

The Senator has referred to the decision of the Supreme Court on Monday. I shall be frank enough to say that I regard those decisions as unfortunate, but it is not my business or duty here to criticise them or endeavor to explain them. The Senator read an extract from the case of Cruikshank, I believe from Louisiana, which I should be glad to have.

Mr. BAYARD. I will hand it to the Senator.

Mr. MORTON. I cannot refer to the passage, but he quoted to this effect: That the fourteenth amendment in its first section went no further than to deny to a State, acting affirmatively, a right to deny equal protection of the laws or the right to withhold the enjoyment of the rights and privileges of a citizen of the United States; that the Constitution went no further than prohibiting a State by her legislation—the Senator used the word "legislation"—from denying the right of a colored man to vote or denying the equal protection of the laws; and that, unless the State did that, the Congress of the United States could not interfere. I do not know whether the Supreme Court said that, but if they did, so far as I am concerned I repudiate it utterly. I have some knowledge of the circumstances under which those amendments were adopted. I read the debates which occurred. I was present when one of them passed this body and took some little part in it, and I profess to understand what was the spirit of Congress at that time and the understanding of the country. What is it for a State to deny the equal protection of the laws? When a State by her legislation expressly withholds from part of her people the equal protection of the laws, that is one thing; but when a State government utterly fails to protect a large class of her people, that is denying to them the equal protection of the laws. It is the duty of the State to protect every class of her population; and when a State fails to do it, I do not care whether that failure is intentional on the part of the officers or the result of the weakness or imbecility of the State government, it is denying the equal protection of the laws, and Congress can come in and furnish that protection.

This was the understanding with which both those amendments were passed. I know it, and we all know it. It was to place the enforcement of each amendment in the power of Congress; and it was then the understanding—and I can tell the Supreme Court, humble as I am, if they do not know it—that if the State by its government failed to protect a part of her people, or if she were unable to do it, if anarchy prevailed, that failure on the part of the State was a denial. The failure of the State is denial by the State. That was the understanding which we had of the fourteenth and fifteenth amendments.

Mr. BAYARD. The Supreme Court of the United States does not recognize your understanding.

Mr. MORTON. The Supreme Court of the United States use some general phrases. I do not know exactly what they mean; I shall not stop to consider; but what I am speaking of now is what was understood, and this whole country knows it; and if the Supreme Court does not know it, it is the only body of men in this country that do not. When we came to the fifteenth amendment, that no State shall deny to any citizen on account of his race, his color, or his previous condition of servitude the right to vote, and provided that Congress might by law enforce it, what did we mean by it? We meant to look to just what has occurred in Kentucky and Mississippi and other States, that if by violation of the law they should deny colored men the right to vote, trample on their right, and the State authorities

were powerless or unwilling to enforce that right, that condition of weakness or that unwillingness must be considered a denial on the part of the State. Why? Because it is the duty of the State to enforce the right; and if the State fails to do so from any cause, the State denies the right. That is the construction we gave to that amendment when it passed this body; and there are Senators all around me who know it, who were present on that memorable night when the amendment passed. The recorded debates show it; and if it is now to be narrowed down and confined simply to a case where a State passes a law denying the right of suffrage to colored men, it is frittering the amendment away.

Mr. CHRISTIANCY. Will the Senator from Indiana allow me to make a suggestion there?

Mr. MORTON. Certainly.

Mr. CHRISTIANCY. If that were the whole effect of it, would it not render the power given to Congress to pass appropriate legislation simply nonsensical? Would it not be simply a judicial question for the Federal courts to decide?

Mr. MORTON. The Senator states the point very clearly; and I remember that very point was discussed on this floor on the night of the passage of the fifteenth amendment. If it is confined to a case where a State by law denies a colored man the right to vote, Congress has nothing to do with it, because that act is in violation of the Constitution of the United States, and every State and United States court would be bound to hold it so, and it is not important for Congress to legislate on the subject. It is not the business of Congress to say that a State law is unconstitutional; Congress has never done that; that is for the courts; but when Congress had the power given to it to enforce that amendment, it was intended to enable Congress to punish the men who deprived colored men of the right of suffrage.

Mr. FRELINGHUYSEN. Will my friend permit me a word?

Mr. MORTON. Yes, sir.

Mr. FRELINGHUYSEN. There is one part of these constitutional amendments which I do not think the Supreme Court has ever attempted to weaken, and which seems to me to be the very foundation of liberty and order in this country. I will read it:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

When you make a man a citizen of the United States, you do something more than give him a pleasant name; you do something more than put a badge upon him. You invest him with the rights of citizenship—freedom, the protection of the law, the right to suffrage when conferred by law. The people of this nation have declared, and no Supreme Court has yet questioned it, that Congress has the right to enforce that citizenship by appropriate legislation. The argument which is made, that this is opening the field of all criminal jurisprudence to Congress, has nothing in it. You can readily distinguish between infraction and infringement of a right which is an infringement of the rights of a citizen and of those natural rights which the State protects. I simply wished to call the attention of my friend in this connection to that important view of these amendments.

Mr. MORTON. Mr. President, I agree with the Senator from New Jersey; I think his position is impregnable; and I venture to say that when once it comes to be the established doctrine that the fourteenth and fifteenth amendments only prohibit the States by legislation from depriving the colored people of the right of suffrage or the equal protection of the laws—whenever that comes to be the doctrine, then the fourteenth and fifteenth amendments will be destroyed, and what we have done will be lost. I repel that construction for myself, now, here, and forever.

My friend from Michigan [Mr. CHRISTIANCY] suggests that the decision of the Supreme Court does not cover that ground at all; they do not put themselves upon that ground. I hope he is right. He has read those decisions more carefully than I have; but, if he is right, the Senator from Delaware is necessarily wrong.

Mr. BAYARD. May I ask the Senator from New Jersey, did I understand him to say that he considered that the fourteenth amendment gave the right of suffrage as a right to a citizen?

Mr. FRELINGHUYSEN. No, sir. I trust my friend did not understand me so. If it had done that, it certainly would have been unnecessary to pass the fifteenth amendment in order to confer that right.

Mr. BAYARD. Does the Senator consider that the fifteenth amendment conferred the right of suffrage?

Mr. FRELINGHUYSEN. I consider that the fifteenth amendment prohibits any citizen of the United States from being deprived of suffrage on account of race, color, or previous condition of servitude.

Mr. BAYARD. That I might have learned without the Senator being put to the trouble of a reply; but I misunderstood him possibly at first when he read with such emphasis the first paragraph of the fourteenth amendment, that all persons naturalized in the United States or born in a State should be citizens of the United States and citizens of the State where they reside; and I understood him to say that that gave them something more than a mere name; gave them rights and gave them the right to vote. I may have misunderstood him.

Mr. FRELINGHUYSEN. It gave them a right to be protected by Congress in the exercise of all the rights of citizenship, and by a subsequent enactment suffrage was made to be one of the rights of citizenship, so far as race, color, or previous condition of servitude was concerned.

Mr. BAYARD. I have the impression that the Supreme Court have in the most distinct manner decided, not only in these two last cases, but long before, that neither the fourteenth nor the fifteenth amendment bestowed any right of suffrage upon anybody; that it is a right given by the State, controlled by the State, wholly within the power of the State, with one single prohibition, and that is that the States shall not discriminate in bestowing it as to race, color, or previous condition of servitude; that is all.

Mr. FRELINGHUYSEN. The question as to whether these citizens have the right to suffrage is not before us. We all know that they have the right of suffrage in every one of the States, no matter how they got it. Having the right of suffrage, that is one of the rights of citizenship, and we are authorized by the fourteenth amendment to enact all laws to protect that citizenship in all its rights; and suffrage is, no matter how they got it, an admitted right of these citizens.

Mr. BAYARD. Does the Senator think the United States court can enforce my right to vote in a State if it is objected to, I otherwise being qualified under the laws of that State?

Mr. FRELINGHUYSEN. I suppose that if in the State of Delaware they should attempt to disfranchise the Senator from Delaware, Congress would have power under the fourteenth amendment to protect that right which he as a citizen possesses in Delaware.

Mr. KERNAN. Will the Senator from New Jersey allow me to put a question? As I understand the Senator from New Jersey, he insists that by the fourteenth amendment men who are made citizens cannot, by the States, be deprived of the right of suffrage. Am I right?

Mr. FRELINGHUYSEN. I did not say so. I said that under the fourteenth amendment, where a citizen has the right of suffrage, Congress can protect him in it.

Mr. KERNAN. If the States give it cannot the States take it away? I put this case because there are States in this Union where men, right within the fourteenth amendment, who are citizens are not allowed to vote.

Mr. FRELINGHUYSEN. That is an entirely hypothetical case. In those States of which we are speaking they have not attempted to take away the right of suffrage. These citizens have the right. It is one of their rights as citizens. The fourteenth amendment says we may protect those rights of citizens.

Mr. KERNAN. The only question I wanted to know——

Mr. FRELINGHUYSEN. It is a theoretical question.

Mr. KERNAN. No, a practical question. I ask whether, if a State of this Union says that a certain class of white citizens shall not vote, they can get redress under the fourteenth amendment?

Mr. FRELINGHUYSEN. If a State in this Union says that persons shall be deprived of the right of suffrage because they are white——

Mr. KERNAN. Being white men; not for that reason.

Mr. FRELINGHUYSEN. That is a hypothetical question again. If you ask me if the State declares they shall not vote because they are white or because they are black, I answer that certainly we, by legislation, can protect those rights; and the Supreme Court has expressly so decided.

Mr. KERNAN. I do not put it on color; I put it on citizenship. Does the Senator say that white citizens who are deprived by a State of the right to vote can get redress under the fourteenth amendment? That is the question.

Mr. FRELINGHUYSEN. I suppose that all States in this Union, unless they have been admitted into the Union, as I believe some of the States have been, on certain constitutional guarantees, can change the qualification of voters as they please.

Mr. KERNAN. Then they can take it away from white citizens of the State under the fourteenth amendment?

Mr. FRELINGHUYSEN. But while the citizen possesses it—and that is the case before us—Congress has the right to protect that right of the citizen.

Mr. MORTON. Mr. President, I have occupied the floor longer than I intended to do. I think there need be no obscurity on this question. The point is a vital one, and cannot be asserted too strongly here, that where a State fails by its weakness, or willfully, or ignorantly, to protect colored men in the right of suffrage, the Government of the United States has the power to do it, and it is its duty to do it; and wherever a State fails willfully, weakly, or ignorantly to give to all the equal protection of the laws, and where the equal protection of the laws is denied to one class of men, the Government of the United States has the power to enforce the enjoyment of that right, and it is the duty of the Government to do it. That is what Congress meant when it passed those two amendments. That is what the debates show; and whenever those amendments are narrowed down to the mere point of these things being denied by legislation on the part of a State, the amendments are virtually destroyed, and the concluding part of each one is made nonsense where it is said that Congress shall enforce it by appropriate legislation.

Mr. President, in regard to this resolution of investigation, I find just here an argument that is unanswerable, if there were no other,

in regard to the right and the power of the Senate. In the Kentucky case just decided there was an indictment containing four counts, under sections 3 and 4 of the act of May 31, 1870:

Against two of the inspectors of a municipal election in the State of Kentucky, for refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent.

And the Supreme Court say in conclusion:

We must, therefore, decide that Congress has not as as yet provided by "appropriate legislation" for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants.

We have a right to investigate what wongs have been inflicted, to see what legislation may be required. We have a right on every ground to have the whole country understand what are the enormous wrongs that have been inflicted in the State of Mississippi; for, if under our form of government a majority of 30,000 people can be suppressed by violence and a fraudulent majority of 50,000 or the other side put in its place, Legislatures captured, governors driven out of office—if all this can be done by violence and there is no remedy anywhere, I say that our Constitution is a failure; I say that any State may become a despotism under the Constitution of the United States. The highest duty of any government is to protect its citizens in the enjoyment of their rights as citizens of the United States. If we cannot do that, then our Constitution is a failure. Let me state that again. The highest duty of this Government, or of any government, is to protect its citizens in the enjoyment of their rights as citizens; and when the Government fails to do that, it is recreant; and if it has not the power, then the Government itself is a failure.

Mr. WITHERS. Mr. President, it is a little difficult for a Senator occupying my position on this floor to know exactly by what line of argument to meet some of the allegations and to repel some of the taunts and worse than taunts which have been thrown out against those who come from my section of the Union and couched in language which I certainly never expected to hear uttered in this Chamber. I cannot consent, under any conceivable circumstances, to repel those insults and those insinuations in similar language. But, sir, I desire that the Senate will consider that everything that a Senator and a gentleman legitimately may say is said in repulsion and repudiation of the charges that have been made against me and my section.

If it be the purpose, as is more than suspected, of gentlemen who have occupied the floor here to-day by these insulting charges against southern Senators to provoke them to such imprudent utterances as may be made available in coming political contests to enable them to array again one section of this country against the other and to give some coloring to the allegation made by the Senator from Massachusetts [Mr. BOUTWELL] that the civil war is not ended, and that all the hatred and strife which have been engendered thereby are still in full force and operation, influencing every man at the North as well as at the South—if such be the purpose, I do not propose to contribute anything to the success of that maneuver. I have said what I propose to say upon that subject.

Mr. President, I am happy to here state my high appreciation of the courtesy, the kindliness of feeling, and the manifest sincerity which actuated the mover of the substitute now under consideration, in the remarks which he has offered and the resolution which he tendered. I freely admit that he has come up to what I regard as the full measure of statesmanship in discussing this resolution; and while I thus return him my thanks, individually and for my section, for the courteous terms in which his remarks were couched and for that spirit of fraternity and liberality which prompted him to "put himself in our places," as he forcibly stated it, and to judge us from that standpoint, I propose to correct what I fear are some misapprehensions on his part of the actual feeling and temper of the southern people. I certainly claim to be able to speak authoritatively for my own State, for my own people, for my own section.

I assert upon this floor to-day, with all the knowledge of the obligations which such an assertion involves, and also with a full consciousness that I may bring myself under the imputations which have been made to-day in reference to Senators making declarations of a somewhat similar character, that the people of the Southern States, certainly of my State, have accepted the issues of the war in good faith, that they have recognized and do to-day recognize the equality of all men under the law. I assert to-day that from the moment that war came to a close, indeed long antecedent to that period, the fate of slavery was known to be doomed in Virginia, and no one anticipated, whether the struggle should result in success or disaster, that slave property, as such, would remain valuable in Virginia. But when disaster crowned the efforts which we had made, and we were forced to accept such terms as were offered us by the victorious armies of General Grant, not a voice was raised, so far as I know, not an effort, organized or otherwise, was made to resist emancipation and its necessary consequences.

I will say more than that, sir, that the people of Virginia recognized, as a general rule, to which I will admit there were exceptions, the necessity which imposed upon them the education of their former slaves, the necessity of bringing them up to a point where they could intelligently exercise those rights of citizenship with which they had been invested by the legislation of Congress. True it is that we were not prepared for the precipitancy with which these rights were bestowed upon these people, and were startled and alarmed at their probable, not to say inevitable, consequences.

I am conscious that our people are misunderstood in some regards; they are to-day misunderstood with regard to their feelings toward their late slaves. I assert, that after the conclusion of the war and the emancipation of the slaves, so far from being influenced by hate and animosity and a vindictive desire to crush those people out of existence, or drive them from the country, precisely the opposite sentiments were felt by a very large portion of the people of Virginia. I assert that the southern people have never to this day forgotten, and never will they forget, the obligations they are under to their black population. I hope that my right hand may be withered and my tongue palsied if I ever fail to acknowledge my own personal obligations to them. During the war, when the whole manhood of the South was carried to the front to fight the battles of the South, our wives and our little ones were left alone under the charge and the guardianship of our slaves; and I am proud to say to-day, that notwithstanding all the inflammatory appeals and all the nefarious influences which were brought to bear upon that population to induce them to bring the war to a speedy and bloody end, they were deaf to these appeals, they resisted these influences, they were true to the trust reposed in them; and I hope I shall never see the day when I am afraid or ashamed to acknowledge our obligation to them.

This being the case, those of us who looked at the situation divesting ourselves of all prejudice, if any existed, had to decide what was the best thing that we could do in the then prostrate condition of all our industries and all our interests. The question of the relations between labor and capital at once sprang into existence full armed like Minerva from the head of Jove, demanding immediate recognition and adjustment, and we had to settle upon some policy to meet the difficulty. The disposition was felt by our people generally to give the preference to this black labor to which we had been accustomed, if we could prevail upon them to discharge the duties of laborers with anything like fidelity. The Senator from Indiana [Mr. MORTON] has dwelt very largely in his speeches here upon the existence of a "white line," of a race issue in the South, which I am not prepared to deny to a very considerable extent did exist and may, to some extent, still be found. I wish to submit one or two statements to the Senate of the United States, and through them to the country, to show that it was not the white race who are responsible for the raising of that issue or the drawing of that line. If the Senate will pardon me for detaining them a few moments with matters of detail, I think I can bring them to agree with me in this conclusion.

What was the first step toward the segregation of the one race as against the other? It was the organization of loyal leagues, under the operation of the Freedmen's Bureau, throughout the Southern States, where the whole black population were enrolled in the list of membership. Every appliance was resorted to; the whole country was swept around to entice them in, and place them not only under an obligation but under a sworn obligation to support the republican party; and we had the spectacle presented through all the Southern States of colored people who would appeal to their late masters for advice, for assistance, for aid upon any and every subject other than political, but who had arrayed themselves in one solid phalanx against the white race upon every political question or every question involving an election.

It may be a fact not known to some of the gentlemen who hear me, that the first constitution which was framed for Virginia under the reconstruction acts was framed by a convention composed in a large degree of our former slaves and of gentlemen who hailed from any and every nationality other than Virginia, and that among the provisions of that constitution were some which, if carried into effect, every man who hears me here to-day will admit would have brought utter and irretrievable ruin to every interest of the State. It provided that the test oath should be applied, not only to all persons who proposed to hold office, but to every person who proposed to vote and to every person permitted to serve as a juror throughout the State of Virginia.

I want to recall to Senators the recollection of this fact, that the test oath was originally designed for application to northern and not to the southern communities. It was enacted in 1862 during the hottest period of the war, when it was not expected that any southern man would apply for office under the United States Government, its object was to exclude from a share in the offices of this Government such persons as sympathized with or had aided the rebellion in the Southern States. That was the design of the test oath. But you will see that when that oath came to be applied to southern communities, it was far more widespread, far more sweeping, far more ruinous in its operation than it could possibly be in any northern community. Why? Because the whole South—I say it literally—the whole South had gone into this war and there was no person there—I say no person, of course there may have been individual exceptions, but there were few persons in any community who could come forward and swear that they had furnished no aid, countenance, counsel, or encouragement to the rebellion or to any person engaged in armed hostility to the United States. The consequence was that every office which was to be filled in Virginia would have been of necessity filled by an alien or a negro without education and without that information which would enable him to discharge the duties of the office properly; that every man who came forward to vote in an election must have be-

longed to the same class; that every man who proposed to sit as a juror to adjudicate any question involving life, liberty, or property must be drawn from the same class.

Now you see at once, I do not care what political party you may belong to, you are bound to see at once, the utter ruin which would have been wrought if such a constitution as that had been inflicted upon us; and when, after a canvass of the State of Virginia, which pointed out the effects and the ruinous consequences of such a constitution as this, public sentiment began to concentrate and crystallize against the constitution proposed, and when the period which was fixed for its being submitted to a vote of the people was postponed by military authority because it was obvious that it would be rejected, when opportunity was offered to make an appeal to General Grant, and through him to the Congress of the United States, to permit three distinct clauses of this constitution, which were most objectionable, to be submitted to a separate vote of the people, giving them the privilege to sustain the residue if they thought proper and to reject these—when all these things were done, and the election was held on that constitution, what did the results indicate? We find that 102,000 white men, almost without a solitary exception, voted in favor of adopting a constitution which gave to our negroes the right of suffrage and the right of holding office, and every right enjoyed by white men, while 88,000 men, almost exclusively colored men, voted to retain those disabling features in the constitution and thus deprive the white men of the privilege of holding office, or of voting, or of taking any part in the administration of the laws.

Is it remarkable that in such a condition of things the white people of the South generally—because this was not confined to Virginia; I speak of Virginia because I speak of what I know—is it a wonderful circumstance that under such a condition of things as this, the manifest necessity of a union of the white people to preserve the political power in their hands became a matter of self-preservation? If this fact is to be construed as is indicated by the discussion here to-day, and whenever this question is debated, I ask Senators on that side of the Chamber "to put themselves in our place," and ask if they can find it in their hearts to hold this up to public reprobation as a measure of outrage and oppression and wrong?

I do not like, Mr. President, now, and I do not propose to give expression to my feelings, plans, and purposes toward this Government and the preservation of this Union. Warned by the signal station which has been put up on the other side, I do not propose to place myself in the category of those who are denounced here as men who cannot under any circumstances be trusted and whose professions of fealty to the Union are hypocritical and false as hell itself. But I would ask the Senator who has introduced an illustration drawn from my own profession, because it is a little in the line of my own personal experiences, to revert to this analogy. The Senator from Indiana spoke of the impolicy of attempting to heal our wounds superficially and declared that it was no good surgery which would advocate such a procedure. I would ask him to contrast that surgery, if he pleases, with the surgery which proposes to tear open a freshly cicatrized wound, and just as often as the bands of union are shooting forward from one side to the other, cementing together in a solid and useful and healthy union that which had been a gaping and bleeding wound—if he proposes, whenever these bands are formed, to destroy them by tearing them asunder, and instead of applying emollients and soothing applications to pour in vitriol and corrosive sublimate, how long would the patient last under such treatment as that?

Mr. MORTON. Allow me to ask a question, or rather it is in the form of an answer, that the tearing open of these wounds is not done by proposing to investigate wrongs in order to prevent a repetition of those wrongs nor by denouncing crimes that have been committed. The tearing open of these wounds consists in the outrages committed in Mississippi and other States such as have been denounced. If those outrages had not been committed there would be no occasion to talk about them now.

Mr. WITHERS. The Senator is assuming what the report of this proposed committee will be when it shall have been raised, and shall have investigated, and shall have reported. The fact has not yet been demonstrated that the outrages described exist. I am not personally cognizant, of course, of anything in the matter; but those who profess to have more cognizance of the condition of the affairs there than the Senator from Indiana can possibly have, deny their existence; and so we have assertion against assertion. That is all of it. The weight of authority in fact, as my friend from West Virginia [Mr. DAVIS] suggests, is on the other side, because investigations have been made into the condition of affairs in Mississippi by the Government's accredited official organs, by the order of its official head, and their report, so far as we have any reason to believe, furnishes no support whatever to the allegations which have been made. The President certainly refused to interfere in the manner requested. But are we to take mere random declarations of newspaper correspondents, or even the insane utterings of such men as Robert Toombs, or the half-crazy declarations of a violent partisan editor of a political paper as incontrovertible evidence of the existence of a condition of things spreading through a whole State, and a fair exponent of public sentiment? Why, sir, it has not been three days since I saw assertions made as to the mode in which elections are carried in other States, notably in one of our northern sister States, where it was distinctly asseverated that bribery was resorted to, where the sum paid to the voter was specified, the amount sent to certain named towns was given, and the sum *per capita* cited which was expended in securing votes. Would we be justified, therefore, in coming forward here and asking for a committee to investigate the manner in which that election in New Hampshire was held, and the abuses which were perpetrated there, because bribery is just as much inhibited by the Constitution as intimidation or fraud? Manifestly not; manifestly it would be improper.

But the objection I have to this resolution is that in my opinion it tends to destroy local self-government, and arrogates to Congress a power which I do not think properly belongs to it, as is fairly deducible from the Constitution which controls us all.

If—I predicate it with an "if"—if abuses exist such as are alleged, if intimidation and fraud have been practiced to the extent that is reported, I have no doubt that the State governments are competent to, and will furnish a proper remedy. I know I can truly speak when I say that if they can be proved to have occurred in Virginia, the remedy can and will be applied, as I know in a case which has recently occurred there, when in the progress of a contested election investigation it was demonstrated that ballot-stuffing had been practiced and that frauds had been perpetrated, steps were taken to correct those evils for the future and to provide against their recurrence.

As to what the effect of the decisions of the Supreme Court in the cases which have been alluded to so frequently to-day may be upon the settlement of this question, I am not prepared to say; but I call attention to the declaration of the distinguished Senator from Indiana that if the Supreme Court of the United States has indicated that any of this legislation was unconstitutional, "*he repudiated the decision of the Supreme Court.*" Sir, what would have been said had any of us of the South——

Mr. MORTON. I can assure my friend that I did not make that statement.

Mr. WITHERS. I beg pardon if I misapprehended the Senator.

Mr. MORTON. What I said was that if the Supreme Court gave the construction to the constitutional amendment claimed for it, I for one repudiate it and always should. I was referring to the construction given to the amendment by the Senator from Delaware.

Mr. WITHERS. I do not see that that very much alters the force of the position I took. My idea was that the Supreme Court being recognized by the Constitution as the supreme authority to adjudicate the constitutionality of any law, the decision of that tribunal was final, and for one I have been taught always to acquiesce in it; and although it may be made contrary to my preconceived idea of what was Constitution and what was law, the fiat having gone forth from that tribunal, I have always felt that I was bound to succumb and to yield obedience thereto. Any *repudiation* of its decision is simply revolutionary.

And that reminds me of another very remarkable declaration which was made by the Senator from Massachusetts, which struck me as exceedingly startling and suggestive, and I could not help thinking what would have been the condition of affairs here and through the country if I, or any of the gentlemen who surround me on this side of the Chamber, had given utterance to such a sentiment. The Senator from Massachusetts, as I have written down his words, made a declaration to this effect: that he warned us to beware of the coming November, and he asserted that if the republicans are not sustained by the popular voice in such overwhelming numbers as to render opposition futile we might look for another civil war. What is to be understood by his proposition? That if the democratic party triumph in the coming election in November another civil war is imminent! I would ask, who proposes to resist this fiat of the people in case it should be given in favor of the democratic party in the coming election? Certainly not the democratic party; certainly not their friends or their allies. Therefore the proposition to resist must come from the other party. If I have made such a declaration here or if the Senators around me had uttered such a sentiment, I have no doubt the hands of the gentleman would have gone up in holy horror, and he would have waved the bloody shirt with three times as much *empressement* as he has done this morning, and called on all his clans to rally to the rescue to crush out these unrepentant rebels of the South!

Sir, if the declaration of the Senator from Massachusetts meant anything, it meant the declaration of a deliberate purpose to resist the inauguration of a democratic President or the installation into authority of a democratic Senate or democratic government if the voice of the people should so decide in November next.

Mr. BOUTWELL. Will the Senator allow me——

Mr. WITHERS. Certainly; I do not design or desire to misrepresent in any way, or misconstrue even, the declarations of any Senator.

Mr. BOUTWELL. I meant to state simply, and I think I did state—the RECORD will show, however, about that—certainly what I meant to say was that unless the election was overwhelmingly in favor of the republican party, considering what had been done in Mississippi and Louisiana in violation of law for the suppression of public sentiment, in some way that election would be defeated; if it were a mere meager majority that there would be an effort to deprive the republicans of the government. Far be it from me to make the suggestion that, if the democrats are successful in the election, there will be anybody to resist. Nobody will resist if it is a fair election.

Mr. WITHERS. I endeavored to take down correctly the words of the Senator as they were uttered, and my version does not correspond

with his statement. The RECORD, however, will show, provided it be not revised, and I will abide by it.

The legal points involved in the resolution which has been offered for our consideration have been so thoroughly reviewed by a much more efficient and skilled hand that I do not propose to travel over any of the ground which he has occupied, although I had designed doing so. I am glad to know that they have received the consideration of one fully competent to grapple with them; and while I am not unmindful of the fact that the legal gentlemen upon this floor place different constructions upon some portions of the opinions recently rendered by the Supreme Court, I think I am right in assuming that so far as those decisions go they indicate the futility of all the legislation upon which the Senator from Indiana so much prides himself in the direction of carrying out these constitutional amendments. And if I grant the power to Congress, which I do not, to enact additional legislation to carry out more fully the provisions of the Constitution and to meet the constitutional difficulties suggested by the decisions of the Supreme Court, I do not see why it should be necessary to send any committee to investigate alleged facts in Mississippi to furnish the ground for such legislation on the part of Congress. I think the decision of the Supreme Court furnishes ample ground. And if the Senator from Indiana, or any other Senator, desires to consummate and perfect such legislation as will enable them to carry out the provisions of the fourteenth and fifteenth amendments, the decision of the Supreme Court furnishes all the ground they need upon which to predicate the legislation they desire to enact for this purpose, for it is very clearly seen that notwithstanding what has been said by the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN] neither the fourteenth nor the fifteenth amendment confers any right of suffrage upon black or white. The only effect of those amendments is to prohibit the States from drawing any distinction in their laws prescribing the right of suffrage on account of the color, or race, or previous condition of servitude of the parties. This is clearly shown in the fourteenth amendment, because it distinctly admits the power of a State to qualify the right of suffrage and make that right a condition-precedent upon certain qualifications coupling the right of suffrage with certain conditions, whether educational or property qualification or anything else. The only thing the fifteenth amendment does, as I construe it, is to provide that in case such legislation be enacted by a State it shall apply indiscriminately to black and white. If this difficulty by which the Senators on the other side find themselves confronted needs correction, and is capable of correction by additional legislation, to carry out these constitutional provisions, I do not see why they cannot at once introduce a bill for the purpose and provide the necessary legislation to enable them to compass their ends.

Mr. President, I have discussed a few points which have been raised in this debate simply from a sense of duty to myself and to the section which I represent. I have done it in a crude and discursive manner, but I think I have said sufficient to show my own appreciation of the different tempers, dispositions, and spirits in which the gentlemen who have occupied the other side of the Chamber have approached the discussion of this question. I hope I shall never cease to appreciate and to acknowledge courtesy and kindliness on the one hand, nor to rebuke, so far as I properly may, discourtesy and insult on the other. I know one thing, however, that I feel in my inmost soul that the present condition of this country, its financial depression, its ruined business, its silent manufactories, its deserted mines, can never be remedied by declaring to the world in the highest legislative assembly of the nation that nearly one-half the country is influenced by nothing but bitter hate and hostility to the Government, and seeks only a favorable opportunity to plunge it again into ruin and blood. I think I am safe in saying that, and the Senator from Massachusetts himself may well pause and reflect whether a continuance of this kind of discussion and the constant agitation of these sectional issues and these constant charges and criminations may not have more to do with bringing on the ruined condition of our finances and the prostration of our business than anything else. Certainly it seems to me that capitalists in foreign countries seeking investment had much rather bring their money here, where it affords a fair prospect of legitimate profit in the face of a homogeneous and united people, moving forward with due obedience to law for the common purpose of benefiting a common country, than they would invest it in a country where one-half of it was arrayed in deadly hostility to the other, only awaiting a favorable opportunity to carry into practice the sentiments which they are alleged to entertain in secret.

I leave the question with that suggestion for the consideration of the Senate of the United States.

Mr. MAXEY. Mr. President——

Mr. FRELINGHUYSEN. I ask the Senator from Texas if he will yield to a motion that when the Senate adjourns to-day it be to meet on Monday next, unless there is some objection to that?

Mr. SHERMAN. I object, if an objection will prevent it. I think we had better go on with the public business.

Mr. FRELINGHUYSEN. I will not insist on it.

Mr. MAXEY. I had not intended, Mr. President, to utter one word on the resolution as originally offered by the Senator from Indiana or the substitute offered by the Senator from Michigan, but as I happen to be one of those Senators at whom the blow of the Senator from Massachusetts [Mr. BOUTWELL] was aimed, I deem it due to myself and the State I have the honor in part to represent to say something in reference to the remarks which he made. I desire here to state that as I have never uttered a word since I have been a Senator calculated to estrange the people of the North and the South, so I never will so long as I have the honor to be a Senator on this floor. When I heard the noble sentiments uttered by the Senator from Michigan, [Mr. CHRISTIANCY,] so honorable to his head and heart, I believed them to be a true expression of the sentiment of the people of the North. In that speech he placed himself upon the plane of elevated and true statesmanship. He is a true statesman who, when a great civil war has cursed a land, endeavors to pour oil on the troubled waters and to heal the wounds of that war. That is true statesmanship, and when those sentiments were uttered every chord in my heart vibrated with joy that a man from the North, a republican, whose personal character and whose political reputation stand so high as those of the Senator from Michigan, differing from me in politics, should have the manliness and the independence to utter the sentiments which he uttered here. I believe the sentiments uttered by the Senator from Michigan truly represent those of the northern people. I do not believe that the sentiments uttered by the Senator from Massachusetts represent those of any respectable portion of the people anywhere. Sir, malignance and hate may gain for a man local celebrity; he may accomplish a purpose in a given section of the country by uttering sentiments of hate, by arraying one portion of the Union against the other; but be that man from the North or from the South who endeavors to gain celebrity at the expense of this broad Union, he is not a statesman. Such men are political Pharisees, thanking God daily that they are better than other men, and belong to the class of whom Christ said, "But all their works they do to be seen of men." With their name He coupled a synonym, (hypocrite,) and the two will go "sounding down the ages," linked together in infamy, "to the last syllable of recorded time." "Ye blind guides, which strain at a gnat, and swallow a camel." "Ye devour widows' houses, and for a pretense make long prayer."

Why, sir, not only did he arraign the Senators who have the honor to hold seats on this floor, but, going back in the history of the South for seventy years, he arraigned the statesmen of the South, the people of the South, as being enemies to the Union. "Upon what meat doth this our Cæsar feed, that he is grown so great?" Mr. President, does the Senator not know that within that seventy years James Madison, a southern man, conducted the war of 1812 to a successful termination? Does he not know that Andrew Jackson, another southern man, gained us great glory at the battle of New Orleans and as President of the United States? Does he not know that the administration of James Monroe was marked for its ability, and that the Monroe doctrine which he announced has been as important to our well-being as any doctrine which has been asserted for the last fifty years? Does he not know that Zachary Taylor and Winfield Scott, both southern men, conducted to a successful termination the Mexican war, which gave us the magnificent territory brought into the Union by the treaty of Guadalupe Hidalgo? Does he not know that a southern President, James K. Polk, at that time presided over the destinies of this Union? Does he not know that Henry Clay's clarion voice rose up in 1850 in behalf of the Union, and that he more than any other one man was potent in saving the Union? It was the voice of the Henry of Navarre of the glorious old whig party, a man whose eloquence has never yet been surpassed in or out of this Senate Chamber. And yet the Senator, not satisfied to stop at the war which has just closed, goes back for seventy years and arraigns the whole people of the South as enemies of the Union. Sir, he defies history, he defies the truth of history, for the purpose—no, I will not say for the purpose—but with the effect of arraying one section of this Union against the other. Sir, when we heard but a short time ago in the State of Massachusetts, in the presence of assembled thousands of the Senator's own State, the glorious words of General Bartlett there uttered, I thought that he represented the true sentiment of that noble State of Massachusetts, and I think so yet; and the sentiments uttered by the Senator to-day do not represent them, in my humble judgment, because I believe that there is nowhere any true man or set of men who want to keep up the strife which has so long separated the sections of the Union. Every true patriot, be he republican or democrat, from the North, South, East, or West, knows that a restoration of fraternal feeling is necessary to a real union, and that confidence in each other, confidence in our free Republic, confidence in the perpetuity of free institutions under our matchless Constitution are essential to the prosperity of each and every part of our incomparable Union. The true man will work to these ends.

The late warwas a war of giants, such as no people but Americans could ever have fought; and it has been my honor and my pleasure to have met since its close the distinguished generals on both sides who engaged in that war, and we have met as brothers. There is not lingering in the hearts of the brave soldiers of the Union a solitary bitter feeling against the people of the South. We fought it boldly; we fought it bravely. I remember a description by Victor Hugo of the great battle of Waterloo, where the forces of Napoleon were arrayed against those of Wellington; and it was a glorious battle, fought as only brave men can fight. In that battle the undaunted, unconquerable imperial guard went down forever. I remember that he goes on, in his thrilling, graphic description, better than painting, to describe the man Thénardier, "less a man than a ghoul," who went on that battle-field after the battle was over, after bravery had done its

duty, rifling the pockets of the dead and of the dying, "with hideous furtive hand which glides into the pocket of victory." I perform no such role. I aspire to no such distinction. I stand up in the American Senate as one who was engaged in this late war, and plead for Union. I repudiate the heresy which would sow the apples of discord among the American people for personal aggrandizement and local celebrity. Such men are not statesmen; are not true lovers of the Union as it is. They fail to comprehend the great truth that this Union rests, not upon power, not upon the bayonet, not upon the Army and Navy, but upon the strong enduring affection of the great American people. If they could appreciate this sentiment, which they do not, "Charity toward all—malice toward none," they would be better men.

It is said that we are all against the colored people of the South. Why, sir, it was no longer ago than at the last Fourth-of-July celebration that I, democrat as I am and a former slave-holder, and a descendant of a slave-holding ancestry, was invited by the colored people of my county to address them, and I did address more than fifteen hundred of them to the best of my ability; and at the close of that address they presented me in token of their kindness and regard for me for so doing a beautiful bouquet of flowers. I appreciated that as one of the highest honors ever conferred on me. Sir, the colored people of the South have no truer friends on this earth than their former owners, and they know it. Whenever they get into trouble it is to them they go, and they get good advice, cheerfully and freely given; and often, very often, the old family servants have the helping hand extended to them by their former owners. While each knows his social position, there is a tie between them beginning in childhood neither wants to sever.

That is the feeling between the men of the South, black and white. Why should I dislike the colored man? Why should I have feeling against the colored man? I was born and reared among them; and during the four years of war when the whole South was stripped of her fighting population, when few were left at home but the old men, the women, and the children, the colored people were there, and a more true and faithful people never lived on this earth. I glory in the privilege of standing up here in the Senate Chamber and saying that we had no insurrection; the women, and the children, and the decrepit of our country were cared for by the colored people, and felt and were perfectly safe; and to this good day when those people want advice they go to the men they know best; they go to the men with whom they were born and reared. Such is the feeling of those people there.

Now as a matter of common sense let us look at this question. Whatever the Senator from Massachusetts may think of the patriotism of the people of the South, (and he seems not to put a very high estimate on it,) yet it would not do for even that Senator to say that they have not common sense. When it is borne in mind that the only laboring population of the South that can be employed for farm-work is the colored laborer, because the white man soon gets land of his own, when it is known that the white man is the land-holder and the colored man is the labor-holder, and when each is necessary to the other, I ask you if common sense would not teach that white man to treat the black in such a way as to secure his friendship and respect? I can speak for my own State; I know that better than any other. I do know that of the first crop raised after the close of the war we shipped only about 79,000 bales of cotton, and I do know that last year we shipped half a million bales. Could that labor have been employed if the colored man had been treated as it is attempted here to induce people to believe he was treated? No, sir; the white man and the black man in my State I know get along on terms of mutual kindness, and I believe this true of the great mass of people all over the South. That we have bad men there I do not deny, and you of the North have bad men; but will any honest man hold a whole community responsible for a few turbulent, disreputable characters?

But I got up, Mr. President, only to say that when the Senator from Massachusetts sees proper to charge Senators on this floor from the South with coming into the Senate Chamber traitors and rebels at heart, or words substantially meaning that, I repel such a charge as unwarranted and untrue. The Senators from the South who are on this floor are men of as pure character, of as honorable purpose, as the Senator from Massachusetts or anybody else. When I took the oath of office, I meant precisely what I said, and I give my testimony that the people of the South, the very people that he has so maligned and so traduced, want union. They recognize the great fact that so long as the sections of the Union are severed, so long as they are kept apart, so long as they are estranged, the Union cannot prosper.

Mr. President, it does no good, it is not statesmanship, it is not that spirit which actuated Thrasybulus when Athens had been engaged in a death-dealing internecine war; when brother had been arrayed against brother, father against son; the whole of Athens prostrated by the result of a civil war. At its close "confiscation" was cried out by some, banishment by others; but true statesmanship was shown by him. He said: "So far from confiscating the property of the conquered, or banishing them, we will make them citizens." That was over two thousand years ago, and history shows that the splendid statesmanship exhibited by Thrasybulus was crowned by the success of Athens as it never had been before.

Go anywhere in history and broad statesmanship teaches that at the close of an internecine war there shall be oil poured on the troubled waters. England had her time of trouble during the wars of the Roses, which, if I remember correctly, lasted about thirty years. Blood flowed as York or Lancaster got possession of the throne. Common sense at last prevailed. All that was obliterated and buried with the past, and Englishmen can now speak of those battles that occurred during the war of the Roses as the battles of Englishmen, without caring whether those who engaged in them were on the side of York or on the side of Lancaster; and the time will come when the people of the North and of the South, united together again in the bonds of common brotherhood which I hope can never be sundered, will look with pride upon the achievements of both North and South, because they are the achievements of Americans. No men but Americans could have fought such a war, and that great fact will be recognized. If we are true to ourselves, if we are true to the great States which sent us here, we shall do everything in our power to break down all the asperities which may separate the States, do everything in our power to heal up the wounds of the past, and once more have a cemented Union that nothing can sever.

Mr. President, why the Senator from Massachusetts saw proper to take the course he did, I know not; but I do know that such speeches as that will do no good anywhere. They will do no good either North or South; but, as I said in regard to his speech, so I repeat, that I have no more respect for a southern man who will scatter discord, breed dissension for the sake of local celebrity, than I have for a northern man. He who would seek self-aggrandizement at the expense of his country is not a true patriot. He may call me rebel; he may call me traitor, and all that; but that is not love of country which keeps a country apart, and bare assertion of superior patriotism, of superior love of country on the part of the Senator over that of southern Senators, when no justifying word has fallen from the lips of any of them, is simply Phariseeism on his part, for which I do not hold the people of the North in the slightest degree responsible, for I do not believe they will indorse any such unwarranted, unprovoked attack any more than I do, and I ask the people of the South to charge the assault to the Senator alone and to no on else.

Mr. President, I have now said more than I intended when I rose, and I only got up, not to touch the questions at issue, because I think they have been sufficiently discussed, but simply to reply to what I thought an unwarranted and uncalled for, and I may be pardoned if I add unjust and unjustifiable, attack by the Senator from Massachusetts made upon those who occupy the position I do myself; and I take great pleasure in adding that the course he has seen proper to pursue has not before been taken by any one since I have had the honor of a seat in this Chamber.

Mr. BRUCE. Mr. President——

Mr. CONKLING. I understand from the Senator from Mississippi that he prefers not to proceed to-day; therefore I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 30, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

Mr. ROBINSON. I am recorded in the Journal as not voting yesterday on the passage of House bill 2817, to regulate the pay and allowances for forage and quarters of Army officers. I was present and voted for the bill.

The SPEAKER. The correction will be made.

The Journal, as corrected, was then approved.

NORTH AND SOUTH ALABAMA RAILROAD.

Mr. HEWITT, of Alabama, by unanimous consent, introduced a bill (H. R. No. 2939) for the relief of settlers on lands claimed by the North and South Alabama Railroad; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

E. O'M. CONDON.

Mr. BLACKBURN. I ask unanimous consent to present, to be printed in the RECORD and referred to the Committee on the Judiciary, a memorial and joint resolutions of the Legislature of the State of Kentucky in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Mr. JONES, of Kentucky. I suggest that this paper ought to go to the Committee on Foreign Affairs, as it relates to a person held by the government of Great Britain.

Mr. BLACKBURN. It relates to a naturalized citizen of the United States; and there is a doubt in my mind whether it does not raise an important constitutional question. It was this that induced me to indicate the Committee on the Judiciary. I have, however, no choice in the matter, and I accept the suggestion of my colleague, [Mr. JONES,] assuming that if the Committee on Foreign Affairs find it

necessary they will report back the paper and let it go to the Committee on the Judiciary.

There being no objection, the memorial and joint resolutions were referred to the Committee on Foreign Affairs and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the Commonwealth of Kentucky, as petitioners, would respectfully represent that E. O'M. Condon, a naturalized citizen of the United States, is now held by the government of Great Britain as a prisoner for a political offense which there is no proof that he ever committed.

Convicted with indecent haste upon testimony which even the law reporters for the British press felt constrained to protest against in a memorial to the English home office as lame, impotent, and inconclusive, the death penalty at first adjudged against him was changed to even a harsher doom: imprisonment for life.

It is an indisputable fact that Condon is a citizen of the United States, and as such has periled his life in defense of the Republic under that flag which we now invoke for his protection.

Your petitioners would respectfully insist that it is due to the dignity of the American Government, the honor of the American name, and the protection of the American citizen that such measures at once be taken as will effect the release of our fellow-citizen, now languishing in a felon's cell because of an alleged political offense against a foreign power.

We ask for the Irish Condon the same decisive action which, in the case of the Austrian Koszta, won the plaudits of our people and extorted the admiration of the civilized world; action evidencing not only the power but the promptness of the American Government to protect American citizens from oppression, wherever they might be.

We ask similar action to that by which the crew of the Virginius were rescued from Spanish prisons and indemnity coerced for the victims of Spanish butchery. Must we believe that it is because Spain is weak and Great Britain mighty the Department of State was so swift and bold as to the one and is so timid and tardy as to the other?

American citizenship is entitled to the protection of the American Government as well against the mighty as against the weak; and the same principles of honor and justice which required from Spain the surrender of the Virginius and its crew unite to make it imperative upon the American Government to demand of Great Britain the surrender of the American citizen, the American soldier, E. O'M. Condon.

And to this end we pray for such measures as Congress in its wisdom shall deem most appropriate and effective.

Resolution in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Whereas information has reached this body that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British government for a political offense; and whereas a memorial from his fellow-countrymen, citizens of this State, has been presented in his behalf:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be directed and our Representatives requested to take such steps as in their judgment may be best to secure the interposition of the Federal Government in behalf of said prisoner and tend to his restoration to freedom and his return to his adopted country.

Resolved, That these resolutions, together with the memorial herewith, be printed, and that the governor be requested to forward copies of the same to our Senators and Representatives in Congress.

W. J. STONE,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved March 20, 1876.

JAMES B. McCREARY.

By the governor:

J. STODDARD JOHNSTON,
Secretary of State.

TRANSFER OF INDIAN BUREAU TO WAR DEPARTMENT.

Mr. SPARKS. Mr. Speaker, two bills relating to the transfer of the control of Indian affairs from the Interior Department to the War Department—House bills No. 2592 and No. 2677—were fixed as special orders for to-day. I move that those bills be made special orders for Tuesday next after the morning hour, to have the same relation to other business that they now have.

There was no objection, and it was ordered accordingly.

LAND TITLE IN SAN FRANCISCO, CALIFORNIA.

Mr. PIPER. The bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, and the bill (S. No. 130) to relinquish the interests of the United States in certain lands in the city and county of San Francisco, in the State of California, were inadvertently referred to the Committee of the Whole on the state of the Union. I ask that the reference may be changed and that these bills be referred to the Committee of the Whole on the Private Calendar.

There being no objection, it was ordered accordingly.

SEWELL B. CORBETT.

Mr. CABELL. The bill (H. R. No. 2834) for the relief of Sewell B. Corbett, of Virginia, which was reported from the Committee on War Claims, was referred to the Committee of the Whole on the Private Calendar. Subsequent investigation has led me to believe that the report is in part improper. I therefore ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill, and that it be recommitted to the Committee on War Claims.

There being no objection, it was ordered accordingly.

ASA MORSE.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 2940) granting a pension to Asa Morse, of Stanton, Michigan, late a private in Company B, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. ZEDIKER.

Mr. CROUNSE, by unanimous consent, introduced a bill (H. R. No. 2941) granting increased pension to James F. Zediker, late a captain in the Twelfth Regiment Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIANS' TITLES TO LANDS GRANTED FOR RAILROADS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 2942) repealing and declaring void certain sections of certain acts named therein; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. C. SEARLE.

Mr. WILLIAMS, of Indiana. The Committee of Accounts, to whom was referred the petition of A. C. Searle for payment of services as page of this House during the months of December and January last, have had the same under consideration, and have directed me to report it back and move that it be referred to the Committee of Claims.

The motion was agreed to.

MESSENGER OF COMMITTEE ON FREEDMAN'S BANK.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the special messenger and watchman of the Committee on Investigation of the Freedman's Savings and Trust Company be allowed $3.60 per day from the date of his appointment.

MARTHA E. COSBY.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 2943) for the relief of Martha E. Cosby, widow of Charles Cosby, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REFUND OF LAND TAX IN SOUTHERN STATES.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of authorizing the refunding of the land tax collected in the Southern States under the act of Congress imposing direct taxes, approved the — day of ——, 1862, and that they report by bill or otherwise.

ELIZA CEVILL.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 2944) granting a pension to Mrs. Eliza Cevill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-MARK AND CANCELING-STAMP.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 2945) to give the Postmaster-General power to use a uniform canceling-ink, and to provide every post-office with a post-mark and canceling-stamp; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AARON B. HUGHES.

Mr. SHEAKLEY introduced a bill (H. R. No. 2946) granting a pension to Aaron B. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELEGATES APPOINTED TO COMMITTEES.

The SPEAKER. The Chair appoints the following Delegates to be members of the following committees, in pursuance of the order of the House yesterday:

Mr. STEELE, of Wyoming, on the Committee on Indian Affairs;
Mr. MAGINNIS, of Montana, on the Committee on Mines and Mining;
Mr. KIDDER, of Dakota, on the Committee on Public Lands.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 2262) establishing post-roads; when the Speaker signed the same.

MORNING HOUR.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER. The morning hour begins at thirty-two minutes after twelve o'clock, and the call of committees for business of a public nature rests with the Committee on Military Affairs.

SALE OF THE ARSENAL AND LOT AT STONINGTON, CONNECTICUT.

Mr. TERRY, from the Committee on Military Affairs, reported back a bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut, with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read, as follows:

After the word "advertisement" insert the words "for at least one month;" so it will read:

That the Secretary of War be, and he is hereby, authorized and directed to sell for cash, after such advertisement, for at least one month, as he may deem necessary, either by public auction or by inviting proposals for the purchase thereof, and in either case to the highest responsible bidder, a certain lot and parcel of land, with the buildings thereon, in the town of Stonington, Connecticut, belonging to the United States and formerly used for arsenal purposes, &c.

The amendment of the Senate was concurred in.

Mr. BANNING. Other members of the Committee on Military Affairs having reports to make are unavoidably absent, and I would ask the Chair whether when they come in they can have the privilege of submitting their reports?

The SPEAKER. If there be no objection their reports can be received.

ANNUAL ESTIMATES OF EXPENDITURES, NAVY DEPARTMENT.

Mr. BURLEIGH, from the Committee on Naval Affairs, reported back a bill (H. R. No. 1344) directing method of annual estimates of expenditures to be submitted from Navy Department, with amendments.

The SPEAKER. The amendments to the bill are numerous but appear to be merely verbal, and if there be no objection they will be voted on together.

Mr. BURLEIGH. They are merely verbal amendments, and I ask they be concurred in, and then that the bill be read as amended.

The amendments were concurred in.

The bill was then read, as amended, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3666 of the Revised Statutes of the United States be, and the same is hereby, amended so that, in addition to the estimates required to be made by that section, the estimates required by the Department of the Navy for the following purposes shall be given in detail, namely:

UNDER HEAD OF PAY OF THE NAVY.

First, the number of officers in each rank on the active and retired list, with their annual pay:

Second, the number of petty officers, the number of seamen, ordinary seamen, landsmen, and boys, with their rate of pay;

Third, the items making the contingent fund under this head shall be in separate estimated amounts;

Fourth, the items required for support of civil establishment at navy-yards and stations shall be in separate estimated amounts for each yard, and shall designate the service, labor, materials, and the number and grade of officers, clerks, writers, laborers, or employés required therefor.

UNDER HEAD OF BUREAU OF NAVIGATION.

The items required for expenditures to be made by or under order of said Bureau shall be given separately, and estimates so made, and for each yard.

UNDER HEAD OF BUREAU OF ORDNANCE.

The expenditures required in this Bureau for fuel, tools, materials, labor, repairs, experiments, and where to be made, purchase of ordnance, ordnance-stores, and for armament of vessels, shall be given separately, and estimates so made of same.

UNDER HEAD OF EQUIPMENT AND RECRUITING.

The expenditures required in this Bureau for coal for steamers' and ships' use, for transportation, for storage, for labor, for materials, for all articles of equipment, and items of expense of any character, shall be given separately, and estimates so made, and for materials, labor, and service at each navy-yard separately.

UNDER HEAD OF YARDS AND DOCKS.

The expenditures required in this Bureau for freights and transportation of materials and stores, printing and stationery, machinery, use of patents, repairs of each description, purchase and maintenance of oxen, horses, and driving teams, labor, and all items of expense of any character attaching to or required by this Bureau, shall be separately given, and estimates so made, and for each navy-yard and station separately.

UNDER HEAD OF BUREAU OF MEDICINE AND SURGERY.

The expenditures required in this Bureau shall be given separately, and estimates so made.

UNDER HEAD OF BUREAU OF PROVISIONS AND CLOTHING.

The expenditures required in this Bureau for provisions for officers, seamen, and marines, as well as each class of expenses, shall be separately given, and estimates so made.

UNDER HEAD OF BUREAU OF CONSTRUCTION AND REPAIR.

The expenditures required in this Bureau for preservation of vessels on the stocks and in ordinary, estimating for each vessel by name; the purchase of materials and stores of all kinds, stating the proposed use in detail; labor in navy-yards and on foreign stations, stating the class and number of clerks, writers, and laborers, and amount of per diem proposed, and in each navy-yard and station separately; for purchase of tools, wear, tear, and repair of vessels afloat, building of any new vessel, and any other item of expense under said Bureau, shall be separately given, and estimates so made.

UNDER HEAD OF BUREAU OF STEAM ENGINEERING.

The expenditures required in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made.

UNDER HEAD OF NAVAL ACADEMY.

The expenditures required at the Naval Academy for pay of professors, clerks, employés, watchmen, and others, repairs, and improvements, heating and lighting, incidental and contingent expenses, shall be separately given, and estimates so made.

UNDER HEAD OF MARINE CORPS.

The expenditures required for the pay, support, and maintenance of the Marine Corps, together with the incidental and contingent expenses thereof, shall be separately given, classified, and estimates so made.

SEC. 2. That the appropriations made for one class or item of expenditures shall not be otherwise used or expended than is therein and thereby directed.

The question recurred on ordering the bill, as amended, to be engrossed and read a third time.

Mr. KASSON. I hope the gentleman from Maine will make some explanation of this bill before it is put upon its passage.

Mr. BURLEIGH. Mr. Speaker, it has been the custom of the Secretary of the Navy, until the last year or two, to send to the House detailed, itemized estimates of the expenditures of that Department. The bill heretofore embraced about one hundred pages of our usual size. Last year it was reduced to about twelve or thirteen pages. The items were condensed. At that time, in the interest of economy and in the interest of Congress, having a supervision over the expenditures of the Navy, and in the interest of the great party to which I belong, I called the attention of Congress to this fact. Then neither side of the House sustained me; I suppose probably because the House thought it too late to radically change a bill submitted to the House by the Committee on Appropriations. That objection does not obtain as against this bill to day, and I trust we shall have for it a large, or I may say a unanimous vote, tending as I believe it does toward the object at which we all aim, economy in the public expenditure.

Mr. WHITTHORNE. Mr. Speaker, I may be permitted to remark that I had the honor to introduce the original bill which was referred to the Committee on Naval Affairs and was by that committee reported back with sundry amendments, which have just been adopted by the House.

I take pleasure in stating that my attention was first called to what I regarded as defects in existing laws relating to this matter by my colleague on the committee, the gentleman from Maine, [Mr. BURLEIGH.] I remember during the last session of Congress, or the session previous to that, that in very earnest words he called attention to what he regarded as an abuse. That abuse was that, in half a dozen lines, and without any particular attention being directed to what should be the specific uses of a given appropriation, a sum of $3,000,000 was appropriated, the control of which was either in the head of a Bureau or in the Secretary of the Navy.

Now, turning to what has been the practice in the last few years, although it had not been so heretofore, I have to call the attention of the House and of the country to the fact that in the space of some five or six pages only in the estimates submitted by the Secretary of the Treasury an expenditure of the public money is called for exceeding in amount $18,000,000. In view of what is notorious to the country as being, I am at liberty to say, at least an extravagant abuse, by the Bureau of Construction and Repair, of the appropriations heretofore made by the Congress of the United States, and to show that they are enabled to commit this very great abuse in the first place owing to the want of watchfulness on the part of the legislators of the country, I desire the attention of the House for a moment while I read from the estimate submitted at the present time by the Secretary of the Navy through the Secretary of the Treasury for this Bureau of Construction and Repair:

Preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of material; purchase of tools; wear, tear, and repair of vessels afloat, and general maintenance of the Navy; incidental expenses, advertising, and foreign postages.

Now may I ask, sir, taking the words of this estimate, how much shall the Secretary of the Navy or the head of this Bureau expend upon "labor in navy-yards?" Shall he, under cover of the words there used, turn loose over two millions or two and a half millions of dollars in the employment of labor at the navy-yards? Shall it be used in the repair of old vessels? Shall it be used in building new ones? Shall it be in the construction of vessels? Shall it be in the repair of vessels? Shall it be for "incidental expenses?" For what purpose shall it be?

Sir, you have put no limit or control whatever on the discretion of the Secretary of the Navy. That such a limit should be imposed on his discretion is, in my humble judgment, evident from the fact that millions and millions of dollars have been recklessly if not criminally abused under appropriations which are covered by these general terms.

Sir, may I turn to another estimate here where general terms are employed? I turn to the item "Contingent, Bureau of Provisions and Clothing:"

Candles; for fuel; for books and blanks; for stationery; for telegrams and express charges; for tolls, ferriages, and car tickets; for ice; and for incidental labor not chargeable to other appropriations, $60,000.

How much of that is to be paid for car tickets; and how much for ice? Shall it be $40,000 for the one item, and $10,000 for the other? What control do you place over the parties to whom you commit the responsibility of disbursing the public money?

But, Mr. Speaker, it may be said that we require too much when we ask of the heads of these Bureaus that they shall itemize their expenditures. I ask your attention to this book which I hold in my hand. It is the navy estimates for the naval establishment of Great Britain. Look at this large book, as I hold it in my hand turning over its pages, and then look at the Book of Estimates submitted for your entire public service. One is almost as large as the other. And yet gentlemen say that we do too much in requiring that the heads of these Bureaus, the men in whose hands you place millions of dollars, shall itemize. Let us look for a moment at these estimates made for the British naval establishment. You find there the number of workmen, the number of employés, the number of laborers in each and every navy-yard of Great Britain. And, turning to the officers, you find them set forth rank by rank and class by class, the numbers of each being given. Do we do that in our service? Can you tell the number of officers of one class or the number of officers of another class from these estimates? Do you know how many admirals there are, how many commodores, how many captains, how many lieutenants, how many sergeants in the Marine Corps—how many corporals, how many of this class or that class of officers?

Then, sir, going beyond that, it is said, or may be urged, that when you go into the navy-yard establishments of the country it is too

much to require of them that they shall name the purpose for which you are asked to make the appropriations in every case. I read again from the British naval estimates, taking the naval establishment at Chatham and the estimates there submitted:

Charge platform for iron foundery.
Additional water-closet for mill-wright shop.
Additional urinal near the iron foundery.
Clearing harbor of mud.
Ladder-iron at No. 2 dock, (in new part of yard.)
Repairing traveler-beams, Nos. 3 and 4 docks.
Roof for trimming-shop in iron foundery.
Shed for traction and locomotive engines.

And here are other items going down to the very minutest detail.

This is required and performed in the naval establishment of Great Britain. Why might it not be done here? Sir, in my humble judgment, if the reform, which may not be perfect, initiated here by the Committee on Naval Affairs shall enter every branch of the public service, you will then have the means in your own hands to detect frauds, robbery, and abuses. As it is now you do not have it. The committee who are charged with the investigation of the affairs of the Navy Department were at a loss, in setting out in their investigations, to know how the accounts had been opened and how kept. If you will enable future Congresses, by requiring of all public servants charged with the disbursement or expenditure of public money that they shall first submit to Congress an item and the purpose for which they want the item, and then hold them to their demand and see that they do not go beyond it, you will enable Congress to put a stop to frauds and abuses.

Sir, may I allude to an abuse existing in this very Department of which I am talking? Do I go too far when I ask of my colleagues on the committee if it is not true that it has been the habit, the constant, repeated habit, in the Navy Department to transfer an appropriation made for one service to another? Do I go too far when I intimate on this floor that the deposit made by the Navy Department with Jay Cooke & Co. was a scandal to the country? Do I go too far when I say that it arose from a transfer of funds authorized by the Secretary of the Navy and done under his order that that scandal and reproach were brought upon the country? Shall it be prevented hereafter, by reforming the mode of making estimates and requiring that hereafter, they shall estimate for what they do want, and when Congress makes an appropriation for that purpose that the amount shall not be diverted from the purpose for which Congress intended it.

Sir, it was to correct this great abuse, I was almost tempted to say crime, that the Committee on Naval Affairs have been induced to make this report.

In these few hurried words I have endeavored as briefly as I might to explain the object and purpose of the committee in submitting this bill for, I hope, the favorable action of the House.

I yield now to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, this is a most important bill. It is a bill the salutary effect of which can hardly be overstated. In the first place the Committee on Appropriations should have this information under the authority of law. As it is now, the Committee on Appropriations have found it necessary to make a demand for these itemized estimates on the various Departments of the Government in order to a correct understanding of the requirements of the money asked for, and I hope that every Department of the Government will be made to comply in the method of itemized estimates in the future with what is now proposed to be required by this bill of the Naval Department. The saving of time, the saving of labor, in addition to the correct formation of all the appropriation bills, will be very great if this bill is adopted as to the Naval Department, and if we should adopt some measure of a like character in reference to the War Department we should find that this lump mode of appropriations would be done away with and immense economy be reached.

Under the present system take for instance the legislative, &c., appropriation bill, which we have now under consideration in Committee of the Whole; why, sir, if we had got itemized accounts, as is proposed in this bill as to the Navy Department, for the various matters embraced in this bill, we should have had the bill before the House a month before it was introduced. If this bill be passed, it will expedite the labors of the Committee on Appropriations on the naval appropriation bill, and we are permitted to ask of the Navy Department correct estimates as provided for in this bill.

What the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] states is correct, that it is almost impossible in this aggregate manner of estimates for appropriations to the extent of millions of dollars to discriminate as to what our judgment deems right and what we might consider to be wrong. We have attempted, it is true, to get these itemized accounts from the Navy Department and also from the War Department, but this to my mind is the most practicable, far-reaching, and correct system that I have yet heard of in connection with these Departments. I hope therefore not only that this bill will pass, but that every Department of the Government will be required to conform to the mode of estimating as provided for in this bill with reference to the Navy Department.

Mr. HALE. Mr. Speaker, I see no reason why the administration of the Navy Department may not be properly conducted under this bill. It is in the right direction. It is in the direction in which all the estimates and appropriations have run during the existence of the Government, and that is to more and more particularize. I have not had time to examine fully the bill offered by my colleague, [Mr. BURLEIGH,] and now before the House, but so far as I have looked into it I see little in it that is objectionable. I only wish that other committees would go to the same extent that the Committee on Naval Affairs has here gone.

And lest gentlemen who have not examined these subjects may believe that the Navy Department particularly has sent in gross estimates upon which appropriations have been made, let me say that other Departments have done the same thing, and even to a greater extent than the Navy Department. If gentlemen will turn to the Book of Estimates, which I now have before me, and examine those for the War Department, they will find a single item for the Quartermaster's Department larger than any one item in the estimates for the Navy Department, with which so much fault is found here. They will find that this single item appropriated for in gross in the appropriation bill for the War Department amounts to $4,250,000. They will also find that the single estimate for incidental expenses, which expenses are not itemized, amounts to $1,200,000. Under the head of Army transportation, they will find that estimates have been made and that appropriations have followed in the gross amount of $4,000,000 in the annual appropriation bill. Under the head of "Barracks and Quarters," they will find that one and a half millions have been appropriated. If their curiosity leads them to examine the Book of Estimates still further they will find that we have appropriated in gross for the Internal-Revenue Bureau of the Treasury Department, under one head, $2,300,000 for the pay and expenses of supervisors, agents, surveyors, gaugers, store-keepers, and for the much and deservedly disliked generality, "miscellaneous expenditures."

If they will turn further to the estimates for the Department of Justice they will find that estimates have been made of $2,000,000 for the payment of judgments of the Court of Claims, and appropriations have followed, not to that amount, but for hundreds of thousands of dollars. For the single item of running the courts there have been estimates made and appropriations following in the gross to the amount of $3,000,000.

Therefore there is no fairness in any impression being given—I do not say that any one has attempted to do so—but there is no fairness in any impression being received that in this regard the Navy Department has been especially reckless and careless or not subject to proper scrutiny. That is not so; the evil runs through all the Departments of the Government. The sooner and the more effectually it is remedied, the better.

While I am upon this question of particularizing the estimates for appropriations, I desire to say a few words more. It is an interesting subject to study: how, beginning with the first annual appropriation bill, which covered the expenses of all the departments of the Government, these being for twenty years comprehended in a single annual appropriation bill, to be found in all early volumes of the Statutes at Large—it is a curious and interesting thing to see how those appropriations, instead of being compacted, have been broken up, have been separated, have been itemized.

I hold in my hand a volume containing the single appropriation bill for the year succeeding July, 1789. It is a bill of only thirteen printed lines, and contains a single long item. That was the only appropriation bill for the whole year. Following along later than that, I find a single appropriation bill covering the expenses of all the branches of the Government, Army, Navy, diplomatic intercourse, the expenses of the Treasury Department and of the judicial department, the expenses of every department of the Government in a single appropriation bill of three pages.

So it continued, and the course of events was in the direction of this bill of my colleague, [Mr. BURLEIGH,] an improvement. After awhile each Department submitted estimates, and appropriations were made particularly. I have here what I believe to be the first, or one of the first, naval appropriation bills. Now when gentlemen are led to believe that the Navy Department, or in fact any Department, has been compacting its estimates of its expenditures, it is worth the while to look, as an illustration, to the first, or one of the first, naval appropriation bills. I have here the one for the year 1800, to be found in volume 2 of the Statutes at Large. It is an appropriation bill for the entire annual expenditures of the Navy Department, and it is upon a single page of this volume, occupying about two-thirds of the page. It contains the entire appropriation for the Navy Department for that year, amounting to $2,482,953.

Following down later I find that the good work of itemizing began, and that each year some items of expenditure were separated. But for the next twenty-five or thirty years I do not find any appropriation bill covering more than two or three printed pages. Here is another naval appropriation bill, occupying the part of one page and a part of the next. So on down even as late as 1860 I find the naval appropriation bill, with all the amendments added thereto in the nature of legislation, covering only four pages of a volume of the Statutes at Large.

The truth is that these expenditures have been, as they should be, more and more itemized from time to time, except perhaps that there may have been particular cases where it was thought that discretion as to the expenditure of the funds should be placed in the hands of the Secretary of the Navy. But, generally speaking, the naval appropriation bill has been separated, been spread out so that daylight could

be let into it, rather than the reverse. If gentlemen will look at the naval appropriation bills for the last few years they will find that to be generaliy the case. That is one reason why the Book of Estimates for this year, which I hold in my hand, is so much larger than it was fifteen years ago.

I remember that the former chairman of the Committee on Appropriations at one time held up two Books of Estimates of different years, citing the increased size as a result of the increase of expenditure, when in fact, if he had been a little deeper in his criticism, he would have seen that the increase in size resulted from separating items and expenditures.

Now I have had no consultation upon this point with the head of the Department; but from having some familiarity with naval appropriation bills for the last half-dozen years, I know that he can run his Department on this bill of my colleague and that he will try to do so. He can run his Department on the appropriations that Congress makes. I know his position is that it is not his Navy; it is our Navy. The appropriations are not settled by him but by us. The manner of itemizing is not to be settled by him but by us. Therefore I have not arisen for the purpose of opposing my colleague's bill, but only to call attention to the fact that other Departments are running in the same way, and that in general, treated historically, the direction of estimates of appropriation has been right instead of wrong. It has been to separate rather than to aggregate.

Mr. BURLEIGH. I desire to ask my colleague a question before he sits down. I made the statement that last year the estimates of expenditures in the Navy, as embraced in the appropriation bill presented to the House, were very much reduced from what they had been in previous years. Does not my colleague recollect that they covered about one-eighth as much space last year as they did the year previous, or the two previous years?

Mr. HALE. Does the gentleman refer to the space in the bill?

Mr. BURLEIGH. The space in the appropriation bill as it came to the House with the estimates.

Mr. HALE. Does my colleague refer to the space occupied by the estimates, or by the bill as it passed Congress? The two are distinct, of course.

Mr. BURLEIGH. The bill as it came before Congress and passed last year was but fifteen pages, while the year before the corresponding bill was one hundred pages long. Does not my colleague recollect it?

Mr. HALE. I certainly have no recollection of that kind.

Mr. BURLEIGH. The bills will show for themselves.

Mr. HALE. I never reported a naval appropriation bill of one hundred pages; and I never reported any two naval appropriation bills with any such difference as my colleague seems to think existed. I would like to ask my colleague a question. What items were consolidated in the bill of last year, and separated the year before?

Mr. BURLEIGH. The civil items were consolidated; the items for construction and repairs were consolidated.

Mr. HALE. Not last year.

Mr. BURLEIGH. I beg my colleague's pardon.

Mr. HALE. How had it been before?

Mr. BURLEIGH. It was divided among the different yards, in my opinion; I cannot say positively.

Mr. HALE. For twenty-five years the general appropriation for the Bureau of Equipment and Recruiting has been found in one place; not divided around among the several yards.

Mr. BURLEIGH. There is no use for us to dispute about this. The record will show for itself.

Mr. HALE. And that is the very thing to which I would refer my colleague before he asks any more questions.

Mr. BURLEIGH. I yield to the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER. The Chair will remind the gentleman from Maine that the morning hour is nearly out.

Mr. BURLEIGH. Then I call the previous question.

Mr. KASSON. I want, I suppose, but five minutes; I shall not exhaust the patience of the gentleman or of the House.

The SPEAKER. The gentleman from Maine can yield for a short time.

Mr. KASSON. I will return the floor to the gentleman in time for him to call the previous question; or, if he so desires, I will call it myself.

Mr. BURLEIGH. I yield to the gentleman for five minutes.

Mr. KASSON. When I sought the attention of the House for a moment in order to get an opportunity to obtain the bill and examine it, I did so chiefly with reference to what I understood to be the effect of the second section of the bill. The main purport of the bill I heartily agree to; I have no dissent to make from it.

From the second section, however, a difficulty will I fear arise in practice under the bill as I understand it. That section provides that "the appropriations made for one class or item of expenditures shall not be otherwise used or expended than as herein and hereby directed." Then the body of the bill, if I am not mistaken, requires that estimates be made for each navy-yard, including the repairs to machinery and the repairs to vessels. The operation of that provision, if I construe it rightly, will not be consistent with the safe or economical administration of the Navy Department, because, when you come to the question of repairs—the need for them resulting as it often does from diasters at sea and along the coast—you must allow your vessels to resort to the most convenient navy-yards in order to obtain the necessary repairs. If the appropriation should be exhausted at one navy-yard, they must, under this bill, go from navy-yard to navy-yard until they find one at which the specific appropriation is not exhausted.

The object of the bill will be accomplished fully by such a proviso as will enable that class of expenditures to be disbursed at the most convenient navy-yard. I ask the gentleman whether I am not correct in my construction?

Mr. WHITTHORNE. The gentleman from Iowa labors under a misapprehension; for, if he will turn to the paragraph under the head of "Bureau of Construction and Repairs," he will see it is made the duty of that Bureau to estimate whatever sum may be needed for the preservation and repair of vessels. They do not enter into the expenditures for navy-yards.

Mr. KASSON. I see under the head of "Yards and Docks" that the expenditures required in this Bureau were so and so, and then all items of expense of any character attaching to or required by this Bureau shall be separately given, and estimates so made, and for each navy-yard and station separately. So also, under the head of "Bureau of Steam-Engineering," on the fourth page of the bill, I find that the expenditures requred in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made. I find it does seem to limit this kind of expenditures to specific yards, and creates the difficulty to which I have referred.

Let me make a suggestion to the chairman of the committee, if he is not confident I misconstrue the provision, whether it would not be better to add a proviso that any amount appropriated for repair of vessels and machinery may be disbursed at any navy-yard or station which may be most conveniently located for that purpose. With that provision I think the danger I speak of will be obviated.

Mr. WITTHORNE. The gentleman from Iowa does not understand the mode of these expenditures in navy-yards. Whatever is to be done under the head of "Yards and Docks" is appropriated for specifically, and all expenditures for repair and preservation of vessels are provided for under the head of "Construction and Repair." If a vessel reaches Charleston or Norfolk for repairs the expenditure for those repairs does not come out of the appropriation for yards and docks, but out of the appropriation under the head of the "Bureau of Construction and Repair." Whatever repairs are made upon a vessel reaching Charleston or Norfolk are made under order of the proper Bureau, and the expenditure comes out of the fund set apart by appropriation for that Bureau.

Mr. KASSON. The gentleman is mistaken, I think, in this. I do understand that to be the mode practiced by the Department heretofore. If that should continue to be practiced the gentleman would be right, and I would be wrong. My point is that by the provisions of this bill, when the appropriations come to be made in accordance with them, that practice is changed. Under the head of the Bureau of Steam Engineering it is provided that the expenditures required in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made. I should like to have permission to submit my amendment.

Mr. BURLEIGH. My time is very nearly out. If the gentleman's amendment should be admitted and adopted, it will defeat, in my judgment, the whole purpose of this bill.

Mr. KASSON. Then the gentleman differs from the chairman of the committee.

Mr. BURLEIGH. I demand the previous question.

Mr. HALE. I ask my colleague to yield to me for a moment.

Mr. BURLEIGH. I have not time.

Mr. HALE. It will only take half a minute. I have the appropriations bills the gentleman referred to as different in bulk.

Mr. BURLEIGH. They are not in the same size of print, and you cannot register the number of pages so as to make a comparison.

Mr. HALE. They are the same print, and for each year; the bill occupies seven pages of the printed volume of appropriatons. That for the year before last is found in the same book, and occupies but seven pages.

Mr. BURLEIGH. I did not say two years ago or one year ago, but three years ago.

Mr. HALE. I have that one here also, and the number of lines is less than the year succeeding.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURLEIGH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXTRADITION TREATY WITH GREAT BRITAIN.

Mr. FAULKNER, from the Committee on Foreign Affairs, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire if there be any conflict of construction between the government of Great Britain and the United States in reference to the extradition treaty of 1842, and whether, if any, what legislation is proper by Congress to remove any difficulties, if such exist, in the execution of said treaty; and the committee is authorized to call upon the Secretary of State for all recent correspondence touching the subject of this inquiry.

CITIZENSHIP.

Mr. FAULKNER also, from the same committee, reported back the bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, with the recommendation that it do pass.

The bill was read *in extenso*.

Mr. COX. Has the morning hour expired?

The SPEAKER. It has.

Mr. COX. I call for the regular order.

The SPEAKER. The gentleman from West Virginia [Mr. FAULKNER] desires to make a request of the House.

Mr. COX. I object to the consideration of that bill now.

The SPEAKER. The gentleman from West Virginia does not propose to ask the House to consider it now. He desires to make a request of the House.

Mr. FAULKNER. It will have been seen that this bill is of considerable importance, and several members have urged me not to press its consideration at this time. I ask that it be made a special order for Saturday two weeks, after the morning hour.

Mr. COX. I would ask if this is the same bill which was in the House two years ago?

Mr. FAULKNER. It is not the same. There are considerable modifications.

Mr. COX. It is a bill which proposes to register and have a police supervision over our people who go abroad.

The SPEAKER. To what day does the gentleman desire to have the consideration of the bill assigned?

Mr. FAULKNER. Saturday, the 15th of April.

Mr. O'BRIEN. I desire to ask the gentleman who has charge of the bill if it will then be open to amendment?

Mr. FAULKNER. Certainly.

There was no objection, and the bill was made a special order for Saturday, the 15th of April, after the morning hour.

Mr. FAULKNER. I move that the bill be reprinted.

There was no objection, and it was so ordered.

WILLIAM W. BELKNAP.

Mr. KNOTT. I rise to make a privileged report. The Committee on the Judiciary having had under consideration the resolution of the House directing them to prepare and report articles in support of the impeachment of William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, have directed me to report such articles and an accompanying resolution for the action of the House. I ask that the report be printed and recommitted, and I give notice that I shall call it up for action at a convenient hour on the day after to-morrow. I presume it will be unnecessary to occupy the time of the House in reading those lengthy articles. I move that they be printed for the use of the House and recommitted to the committee.

The motion was agreed to.

Mr. KNOTT. I ask, also, that they be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on the Judiciary, having had under consideration the resolution of the House directing them to prepare and report articles in support of the impeachment of William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, respectfully report the following articles and accompanying resolutions for the action of the House:

Resolved, That the following articles be adopted and presented to the Senate, in maintenance and support of the impeachment for high crimes and misdemeanors in office of William W. Belknap, late Secretary of War:

Articles exhibited by the House of Representatives of the United States of America in the names of themselves and of all the people of the United States of America, against William W. Belknap, late Secretary of War, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in said office.

ARTICLE I.

That William W. Belknap, while he was in office as Secretary of War of the United States of America, to wit, on the 8th day of October, 1870, had the power and authority, under the laws of the United States, as Secretary of War as aforesaid, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States; that said Belknap, as Secretary of War as aforesaid, on the day and year aforesaid, promised to appoint one Caleb P. Marsh to maintain said trading establishment at said military post; that thereafter, to wit, on the day and year aforesaid, the said Caleb P. Marsh and one John S. Evans entered into an agreement in writing substantially as follows, to wit:

"Articles of agreement made and entered into this 8th day of October, A. D. 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

"Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid, by permission and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

"Now, therefore, said John S. Evans, in consideration of said appointment and the sum of $1 to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of $12,000 annually, payable quarterly in advance, in the city of New York aforesaid; said sum to be so payable during the first year of this agreement absolutely and under all circumstances, anything hereinafter contained to the contrary notwithstanding; and thereafter said sum shall be so payable, unless increased or reduced in amount, in accordance with the subsequent provisions of this agreement.

"In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

"First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

"Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto. The above rule laid down for the continuation of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as this agreement shall remain in force and effect.

"Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

"Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid, said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

"Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

"Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

"Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name, it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

"Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and bind the heirs, executors, and administrators of the respective parties.

"In witness whereof the parties to these presents have hereunto set their hands and seals, the day and year first above written.

"JOHN S. EVANS. [SEAL.]
"C. P. MARSH. [SEAL.]

"Signed, sealed, and delivered in presence of—
"E. T. BARTLETT."

That thereafter, to wit, on the 10th day of October, 1870, said Belknap, as Secretary of War aforesaid, did, at the instance and request of said Marsh, at the city of Washington, in the District of Columbia, appoint said John S. Evans to maintain said trading establishment at Fort Sill, the military post aforesaid, and in consideration of said appointment of said Evans, so made by him as Secretary of War as aforesaid, the said Belknap did, on or about the 2d day of November, 1870, unlawfully and corruptly receive from said Caleb P. Marsh the sum of $1,500, and that at divers times thereafter, to wit, on or about the 17th day of January, 1871, and at or about the end of each three months during the term of one whole year, the said William W. Belknap, while still in office as Secretary of War as aforesaid, did unlawfully receive from said Caleb P. Marsh like sums of $1,500, in consideration of the appointment of the said John S. Evans by him, the said Belknap, as Secretary of War as aforesaid, and in consideration of his permitting said Evans to continue to maintain the said trading establishment at said military post during that time; whereby the said William W. Belknap, who was then Secretary of War as aforesaid, was guilty of high crimes and misdemeanors in office.

ARTICLE II.

That said William W. Belknap, while he was in office as Secretary of War of the United States of America, did, at the city of Washington, in the District of Columbia, on the 4th day of November, 1873, willfully, corruptly, and unlawfully take and receive from one Caleb P. Marsh the sum of $1,500, in consideration that he would continue to permit one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, which said establishment said Belknap, as Secretary of War as aforesaid, was authorized by law to permit to be maintained at said military post, and which the said Evans had been before that time appointed by said Belknap to maintain; and that said Belknap, as Secretary of War as aforesaid, for said consideration, did corruptly permit the said Evans to continue to maintain the said trading establishment at said military post. And so the said Belknap was thereby guilty, while he was Secretary of War, of a high misdemeanor in his said office.

ARTICLE III.

That said William W. Belknap was Secretary of War of the United States of America before and during the month of October, 1870, and continued in office as such Secretary of War until the 2d day of March, 1876; that as Secretary of War as aforesaid said Belknap had authority, under the laws of the United States, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States, not in the vicinity of any city or town; that on the 10th day of October, 1870, said Belknap, as Secretary of War as aforesaid, did, at the city of Washington, in the District of Columbia, appoint one John S. Evans to maintain said trading establishment at said military post; and that said John S. Evans, by virtue of said appointment, has since, till the 2d day of March, 1876, maintained a trading establishment at said military post, and that said Evans, on the 8th day of October, 1870, before he was so appointed to maintain said trading establishment as aforesaid, and in order to procure said appointment and to be continued therein, agreed with one Caleb P. Marsh that, in consideration that said Belknap would appoint him, the said Evans, to maintain said trading establishment at said military post, at the instance and request of said Marsh, he, the said Evans, would pay to him a large sum of money, quarterly, in advance, from the date of his said appointment by said Belknap, to wit, $12,000 during the year immediately following the 10th day of October, 1870, and other large sums of money, quarterly, during each year that he, the said Evans, should be permitted by said Belknap to maintain said trading establishment at said post; that said Evans did pay to said Marsh said sum of money quarterly during each year after his said appointment, until the month of December, 1875, when the last of said payments was made; that said Marsh, upon the receipt of each of said payments, paid one-half thereof to him, the said Belknap. Yet the said Belknap, well knowing these facts, and having the power to remove said Evans from said position at any time, and to appoint some other person to maintain said trading establishment, but criminally disregarding his duty as Sec-

retary of War, and basely prostituting his high office to his lust for private gain, did unlawfully and corruptly continue said Evans in said position and permit him to maintain said establishment at said military post during all of said time, to the great injury and damage of the officers and soldiers of the Army of the United States stationed at said post, as well as of emigrants, freighters, and other citizens of the United States, against public policy, and to the great disgrace and detriment of the public service.

Whereby the said William W. Belknap was, as Secretary of War as aforesaid, guilty of high crimes and misdemeanors in office.

ARTICLE IV.

That said William W. Belknap, while he was in office and acting as Secretary of War of the United States of America, did, on the 10th day of October, 1870, in the exercise of the power and authority vested in him as Secretary of War as aforesaid by law, appoint one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, and he, the said Belknap, did receive, from one Caleb P. Marsh, large sums of money for and in consideration of his having so appointed said John S. Evans to maintain said trading establishment at said military post, and for continuing him therein, whereby he has been guilty of high crimes and misdemeanors in his said office.

Specification 1.—On or about the 2d day of November, 1870, said William W. Belknap, while Secretary of War as aforesaid, did receive from Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 2.—On or about the 17th day of January, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 3.—On or about the 18th day of April, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 4.—On or about the 25th day of July, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 5.—On or about the 10th day of November, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 6.—On or about the 15th day of January, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 7.—On or about the 13th day of June, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 8.—On or about the 22d day of November, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 9.—On or about the 28th day of April, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,000, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 10.—On or about the 16th day of June, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,700, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 11.—On or about the 4th day of November, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 12.—On or about the 22d day of January, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 13.—On or about the 10th day of April, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 14.—On or about the 9th day of October, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 15.—On or about the 24th day of May, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 16.—On or about the 17th day of November, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 17.—On or about the 15th day of January, 1876, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $750, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

ARTICLE V.

That one John S. Evans was, on the 10th day of October, in the year 1870, appointed by the said Belknap to maintain a trading establishment at Fort Sill, a military post on the frontier, not in the vicinity of any city or town, and said Belknap did, from that day continuously to the 2d day of March, 1876, permit said Evans to maintain the same; and said Belknap was induced to make said appointment by the influence and request of one Caleb P. Marsh; and said Evans paid to said Marsh, in consideration of such influence and request and in consideration that he should thereby induce said Belknap to make said appointment, divers large sums of money at various times, amounting to about $12,000 a year from the date of said appointment to the 25th day of March, 1872, and to about $6,000 a year thereafter until the 2d day of March, 1876, all which said Belknap well knew; yet said Belknap did, in consideration that he would permit said Evans to continue to maintain said trading establishment and in order that said payments might continue and be made by said Evans to said Marsh as aforesaid, corruptly receive from said Marsh, either to his, the said Belknap's, own use or to be paid over to the wife of said Belknap, divers large sums of money at various times, namely: the sum of $1,500 on or about the 2d day of November, 1870; the sum of $1,500 on or about the 17th day of January, 1871; the sum of $1,500 on or about the 18th day of April, 1871; the sum of $1,500 on or about the 25th day of July, 1871; the sum of $1,500 on or about the 10th day of November, 1871; the sum of $1,500 on or about the 15th day of January, 1872; the sum of $1,500 on or about the 13th day of June, 1872; the sum of $1,500 on or about the 22d day of November, 1872; the sum of $1,000 on or about the 28th day of April, 1873; the sum of $1,700 on or about the 16th day of June, 1873; the sum of $1,500 on or about the 4th day of November, 1873; the sum of $1,500 on or about the 22d day of January, 1874; the sum of $1,500 on or about the 10th day of April, 1874; the sum of $1,500 on or about the 9th day of October 1874; the sum of $1,500 on or about the 24th day of May, 1875; the sum of $1,500 on or about the 17th day of November, 1875; the sum of $750 on or about the 15th day of January, 1876; all of which acts and doings were while the said Belknap was Secretary of War of the United States, as aforesaid, and were a high misdemeanor in said office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said William W. Belknap, late Secretary of War of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said William W. Belknap may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Resolved, That seven managers be appointed by ballot to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. I am instructed by the Committee on Railways and Canals to report back the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, with a report by the committee favorable thereto, and to ask that the report may be printed, and that the House will fix a day for the consideration of the bill. I will suggest Tuesday, the 18th of April.

Mr. HOLMAN. It may be that this bill should go to the Committee of the Whole. I reserve points of order on it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky that the report be printed and that the consideration of the bill be assigned to Tuesday, the 18th of April.

There was no objection, and it was so ordered.

ANDREW JOHNSON.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 2947) for the relief of Andrew Johnson, of Logansport, Indiana; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SOUTHERN CLAIMS.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 2948) to enable certain parties to have their claims re-opened and examined by the board of southern claims commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein;

An act (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of political disabilities imposed by the fourteenth amendment of the Constitution;

An act (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians;

An act (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876; and

Joint resolution (H. R. No. 86) for the relief of the Turtle Mountain band of Chippewa Indians.

VISITORS TO THE MILITARY ACADEMY.

The SPEAKER. Under authority of law the Chair makes the following announcement: The Chair appoints the following members visitors to the Military Academy at West Point: Mr. A. S. WILLIAMS of Michigan, Mr. HARRIS of Georgia, and Mr. WHEELER of New York.

SUBSIDIARY SILVER COIN.

Mr. RANDALL. I move that the House now proceed to the consideration of the unfinished business of yesterday, being the bill in reference to the Printing and Engraving Bureau and the issue of subsidiary silver coin.

The motion was agreed to; and the House (Mr. COX in the chair as Speaker *pro tempore*) resumed the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

The SPEAKER *pro tempore*. The pending question is on the substitute proposed by the gentleman from Iowa [Mr. OLIVER] for the amendment proposed by the gentleman from Texas, [Mr. REAGAN.]

The Clerk will first read the amendment proposed by the gentleman from Texas [Mr. REAGAN] as originally offered.

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment, and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

The SPEAKER *pro tempore*. The Clerk will now read the substitute proposed by the gentleman from Iowa, [Mr. OLIVER.]

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That section 3586 of the Revised Statutes is hereby repealed, and the following enacted in lieu thereof, to wit:

SEC. 3586. The trade-dollar shall be a legal tender only to the amount of $1 in any one payment, and the fractional silver coinage shall be a legal tender only for an amount less than $1 in any one payment.

Mr. OLIVER. Mr. Speaker, I ask that the last part of the amendment offered by the gentleman from Texas, [Mr. REAGAN,] which is his modification of his original amendment, and which was offered yesterday, be read, that I may determine whether I desire my amendment to be considered as a substitute for the amendment of the gentleman from Texas as modified or as a substitute for his original proposition only.

The Clerk read the modification proposed by Mr. REAGAN to his amendment yesterday, as follows:

Add to the end of the amendment the words "except for customs due to the United States .which shall be paid in gold, and except in satisfaction of contracts now existing and payable in gold.

Mr. RANDALL. How does that amendment come in?

The SPEAKER *pro tempore*. It is a modification of the amendment offered by the gentleman from Texas.

Mr. HOLMAN. It is certainly not in order; it is a further amendment now offered for the first time.

Mr. REAGAN. I submit that it is too late to make that objection now.

The SPEAKER *pro tempore*. The Chair will state that the modification was allowed yesterday to come in.

Mr. HOLMAN. Was it offered yesterday?

The SPEAKER *pro tempore*. It was; and it is too late now to make the objection. The gentleman from Texas modified his amendment yesterday, as the Clerk informs the Chair.

Mr. HOLMAN. Was it offered as a regular amendment or merely as a suggestion in the course of a speech?

The SPEAKER *pro tempore*. The gentleman modified his amendment by adding the words which have been read by the Clerk.

Mr. HOLMAN. I shall be glad to hear it read from the Journal, if the Journal shows the fact, for it is a very important amendment.

Mr. REAGAN. The gentleman from Indiana was not in his seat at the time I made the modification.

The SPEAKER *pro tempore*. The Chair is informed that it was offered as a regular modification; there is no doubt about that.

Mr. OLIVER. I desire that my amendment shall be considered as pending as a substitute for the original proposition of the gentleman from Texas, and not as a substitute for the whole of his proposition as he has modified it. Mr. Speaker, it is incumbent on the friends of this measure in presenting it for the favorable consideration of this House to show two things: first, that it is feasible and, second, that it will be advantageous.

It is a fact that has been demonstrated by history, and which the friends of this bill do not dispute, that no currency can be kept in circulation in any country when that currency can be exported at a profit, and it is for that reason that the friends of the bill have felt that it was incumbent upon them to show that the bullion value of silver was so low that it would not be exported.

Sir, it will not be exported to England, for there it will not circulate as money. If it is put upon the market there it must be sold at its bullion value or melted and recoined. For that reason it will not be exported to England, it will not be exported to France, it will not be exported to Germany. But, sir, the friends of this bill forget that there are other countries where American silver circulates at par with gold—at a value 15 per cent. above its value in the United States, where, if it circulates at all, it must circulate at par with greenbacks. They forget that in Canada the silver coins of the United States circulate side by side with Canadian money; not at a greenback value, but at a gold value. Sir, will they show us what will prevent its exportation to Canada? Will they show us why it will not go over the border as rapidly as the avarice of man can carry it? In some of the islands of the West Indies I understand that American silver is the only silver money in circulation, the only fractional currency, and circulates there at a gold value—at a value of fifteen cents above the value at which you propose it shall circulate here. Will you tell us what will prevent its flying to those countries; tell us what will prevent its flying to the American countries south of us, where it circulates side by side with the coin of those countries at the value of gold?

Sir, I apprehend that nothing will and nothing which we can do can prevent it. I apprehend that it is impossible for us to reverse the laws of trade and commerce. It does not lie in the power of any American Congress to prevent it. It can only be done by the refusal of those countries to receive it, and that refusal is not probable. I warn the friends of this bill that they will see our silver depart from this country, and that in less than six months it will be necessary to resort again to paper as a fractional currency.

Mr. Speaker, there is another difficulty with this bill to which I desire to call the attention of its friends.

Mr. KELLEY. I would like to state a fact to the gentleman from Iowa just here.

Mr. OLIVER. I cannot yield if it comes out of my time.

Mr. KELLEY. I desire only to say that the money articles in yesterday evening's papers report an export of $30,000 of silver coin yesterday.

Mr. OLIVER. As I said before, all history has demonstrated, as the friends of this bill have conceded, that it is impossible to keep money in circulation in any country at a lower value than that at which it will circulate abroad. It is equally impossible to compel American silver to circulate in this country at two different values; and that is what the friends of this bill propose to do. The standard of value in the Atlantic States is a greenback standard; the standard in the Pacific States is a gold standard. Now, sir, how is it possible to keep this American silver in circulation in the Atlantic States at a greenback value, or at eighty-six cents gold on the dollar greenbacks, when it circulates on the Pacific coast at $1 in gold, equal to about $1.15 greenbacks? It is an absolute impossibility. Your silver will fly to the Pacific States; it will flood every avenue of trade and commerce and compel the people of the Pacific States to resort either to greenbacks or to silver as a standard. They cannot maintain in circulation, side by side, two standards of value differing from each other fifteen cents on the dollar. The cheaper currency, silver, will inevitably drive out the dearer, gold, and thus, as a result of this bill, you will at once force the only part of your country where specie payments now exist to abandon them and accept your paper standard, and will deprive the Atlantic States, at least for a period, of the fractional circulation necessary to its business.

[Here the hammer fell.]

Mr. OLIVER. I trust I shall be allowed a little more time, inasmuch as I was interrupted.

The SPEAKER *pro tempore*. The gentleman has had his full five minutes.

Mr. REAGAN. As I regard the amendment which I have offered, as modified by me on yesterday, of some importance, I have sought the floor to oppose the substitute for it for the purpose of advocating my amendment.

The object of the second section of the bill under consideration is to substitute silver coin for fractional currency. And one of the reasons for that substitution, as I learn from the Committee on Appropriations, in addition to obtaining a circulating medium not so liable to wastage, loss, and counterfeiting, is to avoid the expenditure of some $1,400,000 for printing, taking in and re-issuing the paper fractional currency, in order to keep the country supplied with the necessary amount of it. The amendment I have offered is intended to aid the second section of this bill, and I would be glad to have the attention of members of the House to it for a few moments.

One of the objections urged against the substitution of silver coin for fractional currency is the want of value in the silver. I know also that it is argued that it is too valuable to be so used. But I shall first address myself to the argument of the want of value in silver to take the place of our fractional currency. I understand that it is now, and probably will remain, below the par of gold. But how are we to give it a value which will bring it to a proper standard in the money market and the business transactions of the country? We can do so by making it receivable in the payment of all debts and dues to some amount that will give it a commercial value. At present it is receivable in any one payment only to the amount of $5.

The gentleman from Iowa [Mr. OLIVER] proposes by his amendment to make the trade-dollar receivable in payments only to the amount of $1, and the silver coins of less denomination than $1 receivable in payments only to an amount less than $1. That proposition, if adopted, would practically and substantially drive our silver coins out of use as money, and keep in use this fractional currency at its reduced value as compared with gold, and at a cost to the people of $1,400,000 a year to print, take up, and re-issue the fractional currency, so as to keep in circulation an amount sufficient to supply the wants of the people.

On a former occasion I alluded to the fact, and I repeat it now, that our country is blessed with mines which annually develop almost countless millions of silver, which is converted into bullion and which may well be substituted for the fractional currency of the country if we are disposed to pursue a policy that will allow it to be utilized for that purpose. If we intend, as the committee propose, to make silver coin a substitute for fractional currency, then we ought by our legislation to give it its proper commercial value by making it receivable in such sums as will make it available in the ordinary business transactions of the country and bring it into demand. We should make it legal-tender for such an amount as will give it the value to which it is entitled on the authority of the Government, and which the stamping it with a given value, in addition to the intrinsic value of the metal, entitles it to receive in the commercial transactions of the country.

This is in accordance with the fact that silver is one part of the constitutional currency of this country. It was originally intended as, and is now by law, a part of the constitutional currency of the country. It is better for the business of the country, more stable in value, less expensive in its issue than the fractional paper currency now used. I do not know how to answer the arguments that are made on both sides against the use of silver for fractional currency.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

The question was then taken on the amendment of Mr. OLIVER to the amendment of Mr. REAGAN; and it was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendment of the House to the bill of the Senate of the following title:

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the country for the year ending June 30, 1877, and for other purposes.

SUBSIDIARY SILVER COIN.

The House resumed the consideration of the silver-coin bill.

The question was upon the amendment of Mr. REAGAN, to add to the bill the following:

SEC. 3. That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment; and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment; except for customs due to the United States, which shall be paid in gold, and except in satisfaction of contracts now existing and payable in gold.

Mr. REAGAN. I desire to say a word on this amendment before it is voted upon. When upon the floor, a few moments ago, I was proceeding to answer the argument submitted by the gentleman from Iowa [Mr. OLIVER] in favor of his amendment limiting the use of silver coin to $1 and less in any one payment. When the Speaker's hammer fell I was about calling attention to the fact that the argument of the gentleman was that silver, being so much more valuable as a currency in Canada and California, would be drawn away from other portions of the country. And then, if I understood the latter part of his argument, he said that silver was of so little value that it could not be used in place of fractional currency.

It leaves me in the same dilemma that I was left in on the first discussion of this bill, the arguments of some gentlemen being that silver was too valuable to be substituted for fractional currency, and of others that it was of too little value for that purpose. I do not know how to reconcile those arguments; I shall not undertake to reconcile them, but shall present the fact as evidence that neither proposition is correct, and that each overturns and contradicts the other.

It has been suggested to me, Mr. Speaker, that the modification which I have made in my amendment, so that silver shall not be receivable for customs dues, is not correct and may drive from the support of the amendment some gentlemen who would otherwise give it their votes. I deem it proper, therefore, to state the reasons which have induced me to make that modification.

The amendment as modified makes silver receivable in all private contracts unless expressly payable in gold, and for all Government dues except customs dues; receivable for the public lands, receivable for office fees, receivable for postage-stamps, receivable for internal revenue. Being thus receivable, it would call in silver to be distributed in payments among the people, without the embarrassments which, as I shall presently show, would result from receiving it in payment of customs dues.

I had hoped that the amendment offered by the gentleman from Illinois, [Mr. BURCHARD,] authorizing the coinage of silver in the hands of private persons on their paying for the coinage, would be adopted. If that amendment had been agreed to, so that the silver bullion in the country might be coined at the expense of the owners and given an opportunity to circulate; and if in addition my amendment as now pending should be adopted, making silver coin receivable in all contracts and for all public dues except customs dues in sums of $25 or $50, as indicated, it would utilize this coinage; it would popularize it; it would make it practically the small currency of the country; it would substitute the small silver coins for the fractional notes, saving to the country an expense which I am informed is over $1,000,000, perhaps $1,400,000 annually, and giving us a currency of permanent and intrinsic value—a constitutional currency.

But the principal reason which induced me to make the exception, providing that the silver coinage should not be receivable for customs dues, was this: If we receive silver for customs dues in amounts of $50 or $25 in any one payment, the danger is that the silver would go largely into the payment of customs dues, amounting to nearly $200,000,000 a year, and would thus be taken out of use as fractional currency.

[Here the hammer fell.]

Mr. JONES, of Kentucky. Mr. Speaker, after hearing the discussion on this bill and having given it as much deliberation as the time allowed, I have come to the conclusion that we ought to support it. It seems to be in furtherance of economy, and if it makes a step in the direction of specie payments without involving a depreciation of the industries and general business of the country, it would seem to be our duty to adopt it. I support it, sir, with all the more alacrity to show our opponents on the financial question that we who are called the greenback men and sometimes inflationists are not so wedded to a paper currency that we are not willing at any time to displace it with hard money when it can be done upon anything like equal terms and without detriment to the interests of the people. We are not so much absorbed in admiration of the much-abused "rag-baby" that we would not turn it into a "metal baby" whenever the state of our purse permitted. Indeed, sir, I have become weary of the distinctions of hard-money and soft-money men, especially among democrats. I imagine that in the abstract we are all hard-money men; and if we had to begin anew, if our Government was not overwhelmed in debt and our people not laboring under the effects of a paper currency system most unwisely inaugurated, if with a people free of debt and prosperous we had to establish a currency, we should all agree to make it in the accepted money of the world.

But a word or two on this bill. Under the operation of the act of January 14, 1875, called the resumption act, we are told that the Secretary of the Treasury has purchased silver to the amount of about $16,000,000, and that that money is now in the Treasury. We are also told, and I suppose on good authority, that the silver coins did not cost more and are not worth more than the paper currency, indeed not so much. It is said also that to keep up the amount of fractional currency to forty-five millions or about that sum from year to year by reprinting costs the Government about $2,000,000 annually; that the fractional paper currency wears out in ten or twelve months, whereas the silver will last from twenty-five to fifty years, and the coinage of the silver costs but little more than the original printing of the fractional paper. These statements being true, they prove that the Government will be saved the expense of printing or reprinting the paper currency sufficient to keep the required amount in circulation about two millions per annum as long as the paper currency should be retained. If it should be retained five years the cost would be ten millions, if ten years it would be twenty millions; all of which could be saved by the substitution of silver.

The transposition, therefore, of the paper for the silver would be a great saving for the Government, and would be a return to that extent to hard money. But some of our friends say that by doing this we should indorse, to a degree at least, the policy of the republican party. Well, sir, so far as I am concerned, that is no objection with me. I deem it our duty to support any measure for economy and the good of the country, especially upon this important subject, it matters not from what party it emanates; indeed, I am happy to see that the two parties in this House somewhat harmonize on this bill. I would not, however, give my support to the bill without the amendment of the gentleman from Indiana, which is the safety-valve of the measure. That amendment prevents the Secretary of the Treasury from issuing any more interest-bearing bonds for the purchase of coin, and operates as a practical repeal of the resumption act of January, 1875. With this amendment, and for the reasons I have given, I shall vote for the bill. Let us give a little of the old-fashioned silver currency to the people, that they may see and feel it once more and hear the clink of it in their pockets.

[Here the hammer fell.]

The question being taken on Mr. REAGAN'S amendment, there were—ayes 59, noes 71.

Mr. REAGAN. I call for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The next question is upon the amendment of the gentleman from Missouri [Mr. WELLS] to the amendment of the gentleman from Indiana, [Mr. HOLMAN.] The amendment to the amendment will be read.

The Clerk read as follows:

Add the following to Mr. HOLMAN'S amendment:

Provided, That if silver bullion is not presented for coinage in sufficient quantity to meet the demand for the redemption of fractional currency the Secretary of the Treasury may, under the provisions of the act of January 14, 1875, purchase silver bullion for the purposes of coinage as provided in this act.

Mr. WELLS, of Missouri. I send to the Clerk a modification of my amendment, changing the phraseology.

The Clerk read as follows:

After the word "act" in the fourth line insert the words "entitled 'An act to provide for the resumption of specie payments,' approved."

Strike out the word "of" before the word "January" in the fourth line;

Strike out the word "this" in the sixth line and insert the word "said;"

Strike out in the second line the words "to meet the demand."

Mr. RANDALL. Those changes are merely clerical.

Mr. WELLS, of Missouri. Yes, sir.

Mr. HOLMAN. Let the amendment, as modified, be read.

Mr. OLIVER. I submit that the modification of the gentleman from Missouri presents substantially new matter, making the proposition practically a new amendment.

Mr. WELLS, of Missouri. In answer to the gentleman from Iowa——

The SPEAKER *pro tempore*. The point of the gentleman from Iowa [Mr. OLIVER] comes too late.

Mr. RANDALL. The changes are merely in the phraseology.

The SPEAKER *pro tempore*. The amendment, as modified, will be read.

The Clerk read as follows:

Add the following to Mr. HOLMAN'S amendment:

Provided, That if silver bullion is not presented for coinage in sufficient quantity for the redemption of fractional currency the Secretary of the Treasury may, under the provisions of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, purchase silver bullion for the purposes of coinage as provided in said act.

Mr. WELLS, of Missouri. Mr. Speaker, the object of this amendment is simply to provide for an emergency which may occur. If citizens should not send in their bullion in sufficient quantities to fill the vacuum which will be caused by the return of the fractional currency, there should be provided a method by which the amount of bullion necessary for coinage may be obtained. It is well understood by the House that the object of this bill is to avoid the necessity for making further appropriations for the engraving and printing of fractional currency. The silver coin and bullion ready for coinage now in possession of the Government amount, as I am informed, to between $17,000,000 and $18,000,000, about $13,000,000 or $14,000,000 less than the amount of fractional currency which may be sent in for redemption. With the present facilities for sending in fractional currency it may be only a very few months before all such currency in circulation, or nearly all, will be returned to the Treasury. If under the provisions of the amendment of the gentleman from Indiana [Mr. HOLMAN] which I propose to amend the people should not bring in bullion in sufficient quantities, there may be a deficiency to the extent I have indicated in the silver coin necessary to fill the place of the fractional currency. The object of my amendment is to provide for a contingency of that kind. I do not think the bill should pass without this very necessary provision.

Some of my friends on the floor of this House have declared themselves opposed to this amendment on the ground that it involves an increase of the bonded debt. I wish to call the attention of the House to the fact that this fractional currency is practically an interest-bearing debt, because the expense of engraving and printing it, together with the loss and destruction which fall upon the people while using it, may fairly be estimated at about 10 per cent. of the amount issued; while, if any bonded debt should be created under this provision, the interest upon that debt will not exceed 4½ or 5 per cent. It must be borne in mind that, in addition to the enormous cost for engraving and printing the fractional currency, the people of the country are suffering to the extent of about $1,000,000 annually by the loss or destruction of this fractional currency; so that they are paying annually for the privilege of this fractional currency at least $2,400,000.

None of my friends can have a greater horror of the issue of any more bonds than I have, but I feel we would be justified in issuing eight or ten millions of bonds if it were necessary to make up in specie coinage the fractional currency now outstanding.

Mr. GLOVER. Let me ask my colleague a question.

Mr. WELLS, of Missouri. Certainly.

Mr. GLOVER. I wish to ask whether, in connection with the cost of printing, the loss of fractional currency does not equal nearly the cost of printing?

Mr. WELLS, of Missouri. Very nearly.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, I rise nominally to oppose the amendment of the gentleman from Missouri, but really to state the effect of that amendment. If the amendment of the gentleman from Indiana [Mr. HOLMAN] is to be adopted, then it is wise the House should add the amendment of the gentleman from Missouri [Mr. WELLS] to it; and I will tell you why. We provide in the bill that $16,000,000 of coin shall go out. The amendment of the gentleman from Indiana then comes in, if that amendment of the gentleman from Missouri [Mr. WELLS] should be adopted, that the owners of silver bullion should be allowed to deposit it and receive coin therefor, the Government obtaining seigniorage. If in case citizens do not deposit silver bullion up to the limit fixed to fractional currency by law, which is $50,000,000, then the Secretary of the Treasury, for any margin which does not reach $50,000,000, could operate under the amendment of the gentleman from Missouri.

Mr. WELLS, of Missouri. It does not go to that extent, but only to the extent of fractional currency presented for redemption. It goes to that extent and no further.

Mr. RANDALL. Its operation would be this: I will illustrate by a statement. There are $16,000,000. Suppose a citizen comes in and deposits what will coin $10,000,000 of silver. That would make in all $26,000,000. There still would be a margin, according to the gentleman's estimate, of about $4,000,000 to reach the amount necessary to cover the entire outstanding fractional currency. The Secretary of the Treasury therefore would have the right to secure silver coinage to that amount of $4,000,000.

Mr. HOLMAN. Let me ask the gentleman from Pennsylvania a question.

Mr. RANDALL. Certainly.

Mr. HOLMAN. In the event of the adoption of the amendment would not the result be as follows: The Government would be the only purchaser to any large extent of silver bullion. The United States would be the great purchaser of silver bullion. Instead of the practice in our past history, would not the holders of bullion withhold coin for the purpose of driving a better bargain with the Government? Would not that be the result?

Mr. RANDALL. That is to say, if I have so much beef on hand, I am going to allow it to spoil, so as to get a higher market. That is about it. The producers must and will come in to sell their bullion, or have it exchanged into money, so they may realize some profit from it.

Mr. KELLEY. Will my colleague permit me to ask a question?

Mr. RANDALL. Not now. The advantage of the amendment is this: We secure the volume of silver coin in substitution of fractional currency without the sale or issue of any bonds. There seems to be a fear in that regard lurking in the minds of some gentlemen that such may happen. This will obviate anything so undesirable. In case of the failure to deposit, then the Government, under the operation of the amendment of the gentleman from Missouri, will be quite safe in reaching the point to issue $4,000,000 to complete the substitution of fractional currency by silver coin.

Mr. KELLEY. Permit me to put a single question, and I do it for the purpose of information. In the event of silver coin being exported, would there be any provision for supplying the place of that which was exported other than by the issue of new bonds?

Mr. RANDALL. Those matters are all regulated by the law of supply and demand, as the gentleman very well knows.

Mr. KELLEY. If you are going to limit it to a certain amount, then if there be——

Mr. RANDALL. For various reasons which I stated the other day, in my judgment, it is desirable to limit the aggregate issue of silver coin by law. The fractional currency is limited now.

Mr. KELLEY. But it is not exportable. It is not a commercial commodity as silver is. Thirty thousand dollars of silver coin was exported on the steamer Java yesterday, and if, in the present condition of silver, it can be exported, the whole $40,000,000 may before Congress assembles again go out of the country.

Mr. RANDALL. That only goes to establish the probability of a steady silver market.

Mr. KELLEY. If you coin that $40,000,000, and that be exported, what then will be your fractional currency?

Mr. RANDALL. It is regulated by the supply and demand.

[Here the hammer fell.]

Mr. WELLS, of Missouri, demanded tellers.

Tellers were ordered; and Mr. WELLS, of Missouri, and Mr. KELLEY were appointed.

The House divided; and there were—ayes 88, noes 88.

Mr. HOLMAN. Does not that reject the amendment?

Mr. WELLS, of Missouri. How does the Chair vote?

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The Chair would vote in the affirmative.

Mr. KELLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 106, not voting 65; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bell, Blair, Blount, Bradley, Horatio C. Burchard, Burleigh, Cannon, Caswell, Chittenden, Conger, Crapo, Crounse, Cutler, Danford, Denison, Durand, Eames, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hoge, Hoskins, Hubbell, Jenks, Joyce, Kasson, Kehr, Kimball, Lapham, Leavenworth, Lewis, Luttrell, Lynch, Magoon, McCrary, Meade, Metcalfe, Miller, Monroe, Mutchler, Norton, O'Brien, Odell, O'Neill, Page, Payne, Phelps, Pierce, Piper, Plaisted, Platt, Potter, Powell, Randall, Reagan, Miles Ross, Rusk, Sampson, Schumaker, Scelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Strait, Stenger, Stowell, Tarbox, Teese, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, and Alan Wood, jr.—118.

NAYS—Messrs. Anderson, Ashe, Atkins, John H. Baker, Banning, Blackburn, Boone, Bradford, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Culberson, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Ellis, Ely, Evans, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Hartzell, Haymond, Hays, Hereford, Abram S. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunter, Hunton, Hyman, Thomas L. Jones, Kelley, Franklin Landers, Lynde, McFarland, Milliken, Money, Morgan, Neal, New, Oliver, Packer, Parsons, John F. Philips, William A. Phillips, Poppleton, Rea, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Scales, Sheakley, Southard, Sparks, Springer, Stevenson, Stone, Swann, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, James D. Williams, Jeremiah N. Williams, Woodworth, and Yeates—106.

NOT VOTING—Messrs. Ainsworth, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Chapin, Clymer, Cowan, Cox, Darrall, Davy, Faulkner, Freeman, Gause, Harrison, Hartridge, Hatcher, Hoar, Hurd, Hurlbut, Frank Jones, Ketchum, King, Knott, Lamar, George M. Landers, Lane, Lawrence, Levy, Lord, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, McDill, McMahon, Mills, Morey, Morrison, Nash, Pratt, Purman, Rainey, John Robbins, Roberts, Sobieski Ross, Sayler, Schleicher, Slemons, William E. Smith, Charles C. B. Walker, Whitthorne, Wigginton, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Young—65.

So the amendment of Mr. WELLS, of Missouri, was agreed to.

During the roll-call the following announcements were made:

Mr. ELLIS. I am requested to announce that Mr. LORD, of New York, is absent by leave of the House on committee business.

Mr. RANDALL. My colleague, Mr. ROBBINS, is absent. I believe if he were here he would vote "ay."

Mr. VANCE, of Ohio. I am requested to state that my colleague, Mr. HURD, is absent by leave of the House attending a committee meeting.

Mr. WALLACE, of South Carolina. I desire to state that my colleague, Mr. MACKEY, is confined to his room by sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move to reconsider the vote by which the amendment of the gentleman from Missouri was agreed to; and also move that the motion to reconsider be laid upon the table.

Mr. HOLMAN. I ask for a division on that.

The House divided; and there were—ayes 127, noes 69.

So the motion to lay on the table the motion to reconsider the vote adopting the amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the amendment proposed by the gentleman from Indiana as amended by the amendment of the gentleman from Missouri just adopted.

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That the Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins, and paid for in such coins at a rate or price per ounce to be fixed from time to time, according to the market rate, by the Director of the Mint, with the approval of the Secretary of the Treasury, on the basis of the difference between the par value of such coin and the value of such bullion; and an addition not exceeding 1 per cent., in the discretion of the Secretary of the Treasury, shall be made to the purchasing price as an allowance for the transportation of the coin; and the excess of the par value of such coin over the value of the bullion so deposited, less the amount that shall be allowed for transportation as aforesaid, determined as above provided, shall be from time to time covered into the Treasury as the Secretary of the Treasury shall direct: *Provided, however*, That such silver coins of the denominations aforesaid and the silver bullion now owned by the United States shall not exceed in par value the par value of the fractional currency now authorized by law: *Provided*, That if silver bullion is not presented for coinage in sufficient quantity for the redemption of fractional currency, the Secretary of the Treasury may, under the provisions of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, purchase silver bullion for the purposes of coinage as provided in said act.

Mr. RANDALL. I ask for a division of the question on the amendment of the gentleman from Indiana. I ask that the question shall be put separately on the first four lines of the printed amendment preceding the word "but."

Mr. HOLMAN. That is not amendable. The gentleman wishes to strike out four lines of the amendment. He has no right to make such a motion.

Mr. RANDALL. I call for a division of the question.

The SPEAKER *pro tempore*. The Chair has no difficulty in deciding that an amendment reported from the Committee of the Whole as an entire amendment is not divisible.

Mr. HOLMAN. Mr. Speaker, it is very manifest that the effect of the pending amendment as amended presents but one feature of any special importance; and that is the subject of coinage of silver bullion by the Government for private parties. It will be seen that the first clause of this amendment which I had the honor to offer prohibiting the use of bonds in the purchase of coin, is virtually evaded by the last clause, which has been added on the motion of the gentleman from Missouri. It is certainly not a very ingenious feature in legislation to adopt a section, the first and most important clause of which is defeated in a great degree by the last. But such is the effect of this amendment as it now stands amended.

Still one provision remains, and that is that private parties may have their bullion converted into coin, the seigniorage or royalty going to the benefit of the Government. I think, sir, that that will be found to be under certain circumstances and in some contingencies a valuable feature. It may gradually furnish the country with subsidiary silver coin without loss to the Government, even if it is found that silver coin will leave the country under the laws of trade.

It is not probable that much bullion will go into the mints for coinage under this provision while the Government is either in the market or can be compelled to go into the market to purchase bullion; for the Government will pay a higher price and has paid a higher price, I think, for the bullion than private parties would have realized if they had gone to the mint and had their bullion converted into coin, the seigniorage going to the Treasury of the Government. So, sir, we can scarcely anticipate that, as by the act of the House in making this amendment the Government may and must in the contingency provided for go into the market and buy bullion, this provision, which was designed to save the Treasury, will have very great effect. It is scarcely to be hoped that any material amount of bullion will go into the mints for the purpose of coinage. And yet we take by this one step perhaps in the right direction, and that is going back to the former practice of the Government, not going into the market to purchase bullion, but putting its stamp of sovereignty and money value on bullion when presented at its mints and coined. That has been the practice of the Government during the larger portion of its existence. Indeed, that has been the law in the main until the passage of the resumption act of 1875, and is the law still as to gold coin and also as to the trade-dollar. The citizen deposits his bullion in the mint and the Government puts the stamp of money value upon it and it goes into circulation, the Government in the case of silver bullion being paid the expenses of coinage and coining the gold without charge. That has been our system in the main from the foundation of the Government. But I am uncertain myself whether any important result will be gained by this provision as it now stands. I had hoped that the House would repeal at least one of the most objectionable features of this oppressive resumption act, that feature that authorizes the Secretary of the Treasury to issue and sell gold-interest-bearing bonds to buy silver bullion, under which the public debt has already been increased over ten millions. I had hoped at least that we could put an end to the policy of the Government going into the market with its interest-bearing bonds and purchasing bullion to be manufactured into coin when the same result could have been accomplished by the retirement, if that must take place, from time to time of the fractional paper currency and permitting citizens owning bullion to go in the mints and have it coined. Thus without expense to the Government the country would soon be supplied with silver coin, unless the laws of trade are against it. But, with the combination formed by the owners of the bullion to keep up the price in view of the Government becoming a purchaser, and perhaps under this law compelled to become a purchaser, it is manifest that the loss by the Government cannot be inconsiderable. And yet, if the amendment as amended be adopted by the House, it may restore the policy of the Government of coining the bullion of its citizens instead of becoming a purchaser in open market of bullion, the seigniorage of it going to the profit of the Government. My proposition was a measure of economy. I am not willing that the Government shall go on buying silver bullion and converting it into coin, adding million after million to the public debt, when no man can say whether it will remain in the country as currency or not even for a month. If it leaves the country it is a total loss to the Government and fractional paper currency would have to be issued.

Mr. JONES, of Kentucky. Before the gentleman from Indiana takes his seat, I would ask him if he does not consider the amendment of the gentleman from Missouri [Mr. WELLS] to authorize the Secretary of the Treasury to go on and issue bonds for the redemption of fractional currency, as required by the resumption act—in other words, is it not a practical enforcement of the resumption act?

Mr. HOLMAN. Of course the gentleman from Kentucky understands that if the bullion-holders withhold their bullion from coinage and we make no provision for issuing fractional paper currency the Government will be required under this section to go into the market and buy bullion, and this provision may be construed to authorize the issue of bonds for that purpose. The bullion-holders will seize their advantage. That is the fatal feature of this provision as it now stands, and those of us who are willing of at least trying the experiment of substituting subsidiary silver coins for the fractional currency, which while not so cheap in the first instance is more stable, may be inclined to support the bill with the objectionable features in it, still it is embarrassing in the last degree to be compelled in order to accomplish that purpose to have to vote for a measure which may steadily increase the interest-bearing debt of the Government. Against the increase of that debt I solemnly protest.

[Here the hammer fell.]

Mr. HEWITT, of New York. The gentleman from Indiana [Mr. HOLMAN] has very properly stated that the provision involved in the amendment of the gentleman from Missouri [Mr. WELLS] is directly in conflict with the first four lines of the provision of his amendment. At the same time, it is proper to say that, whether the amendment of the gentleman from Missouri is attached to the amendment of the gentleman from Indiana or not, the practical result of the amendment will be the same, because in the one case the Secretary of the Treasury is compelled in the event of bullion not coming in for coinage to go into the market and purchase it by the issue of interest-bearing bonds, and, in the other case, if private individuals come in and take silver subsidiary coin in exchange for bullion, the silver subsidiary coin will drive into the Treasury for redemption the fractional currency which is outstanding, according to the well-known "law of Gresham," that the inferior currency always drives out the superior.

I suppose there is no longer any question in the mind of any gentleman on this floor that during the whole of last year (as will probably be true for the time to come) silver subsidiary coin has been worth less in actual intrinsic value than the market value of the fractional currency which it is designed to replace. Therefore the fractional currency must go into the Treasury for redemption. Under the law the Secretary of the Treasury is bound to redeem it with legal-tender notes, and therefore legal-tender notes will be withdrawn from the Treasury, and they must be replaced in one of two ways: either by increasing the taxation on the people of the country or by the issue and sale of interest-bearing bonds. The result, therefore, is exactly the same, no matter whether the amendment of the gentleman from Missouri is adopted or not. It comes to this: that the people of the country are either to be taxed for replacing the fractional paper currency or 5 per cent. bonds must be issued on which they are to pay interest until the principal is paid off by taxation; no matter what happens, the people pay and suffer.

Now, Mr. Speaker, it was just this proposition to issue any more interest-bearing bonds that I entered my protest against; because it is not the fractional currency which is in discredit or irredeemable in this country; it is the legal-tender notes; and if we issue any more 5 per cent. bonds, I want to hold every one of them sacred for the purpose of procuring not silver, but gold as our only hope of resuming specie payment.

To divert the proceeds of these bonds into the purchase of silver is therefore an entire waste of the resources of this country. This amendment of the gentleman from Missouri [Mr. WELLS] is only a circumlocutory mode of enforcing the provision of the original resumption act, with this additional objection, that the Director of the Mint is compelled from day to day to fix the price of bullion according to the fluctuations of silver in the market. I have received from the Director of the Mint a note as to whether that is practicable or not, in which he says:

Mr. RANDALL. What is the date of that?

Mr. HEWITT, of New York. March 24.

Mr. RANDALL. We have conferred with the Director of the Mint since that time.

Mr. HOLMAN. The Director of the Mint is satisfied with this provision.

Mr. KELLEY. I have no doubt the Director of the Mint is satisfied with it.

Mr. HEWITT, of New York. In his reply he says:

To-morrow, or even during the day, either silver or greenbacks may fluctuate either 1 or 2 per cent. Our purchasing price would therefore have to be altered almost daily, and it would produce inextricable confusion with depositors and in mint accounts.

Therefore it is evident that this provision cannot be properly carried out by the officers of the Government.

I am opposed to the amendment therefore upon the same grounds that I oppose the bill reported by the committee, that it causes an increase in the interest-bearing debt of the United States for an unnecessary purpose; that it is a piece of extravagance, because the interest to be paid on the purchases of silver largely exceeds the cost of maintaining the fractional currency in good condition; that the silver coin, if it be worth more than currency, will be hoarded or exported; if it be worth less, it will be a fraud; that it postpones the time when we can resume specie payments by diverting into a subsidiary channel a fund which might and should be devoted to the purchase of gold, which alone can give a true resumption; and, finally, because it transfers to the democratic majority, sent here by the people to correct the blunders of the republican party, the responsibility for these blunders, and brings us into contempt, as wasting on minor questions the strength which should be husbanded for the settlement of the main question before the world, the speedy removal of the reproach which tarnishes the American name so long as any of the national obligations and pledges are not redeemed. No "jingle of silver" will answer this purpose or deceive the country as to the true meaning of specie payments.

[Here the hammer fell.]

Mr. RANDALL. We are at this time confronted with this fact: The agreement of the House was that there should be debate on these amendments, one speech of five minutes for and one of five minutes against, but somehow these gentlemen have both spoken rather against the pending amendment.

Mr. HOLMAN. I did not speak against the amendment at all.

Mr. RANDALL. I wish to say, in justice to the Director of the Mint, that on yesterday he said that this bill could be executed.

Mr. EDEN. I object to further debate.

The SPEAKER *pro tempore*. The debate upon the pending amendment is exhausted, and the question is upon the amendment of the gentleman from Indiana [Mr. HOLMAN] as amended on the motion of the gentleman from Missouri, [Mr. WELLS.]

Mr. BURCHARD, of Illinois. I desire to move an amendment to the pending amendment. This bill has now reached a stage when there is but one amendment pending, and under the rules of the House an amendment to that amendment is in order. I have examined the agreement which was made in relation to the discussion upon this bill, and I find nothing in the order of the House that would prevent an amendment being offered which would be in order under the rules. My amendment is simply to present the proposition which the gentleman from Pennsylvania [Mr. RANDALL] desired to present; that is, to obtain a separate vote upon the proposition contained in the first four lines of the printed amendment of the gentleman from Indiana, [Mr. HOLMAN.] I therefore move to amend the amendment by striking out all after the first word "that" down to and including the word "but" before "silver" in the fourth line. That will make no inconsistency between the first and the last part of this bill.

Mr. HOLMAN. Will the gentleman move to strike out the last four lines of the amendment of the gentleman from Missouri, [Mr. WELLS?] If the one is in order I think the other is.

The SPEAKER *pro tempore*. As long as the previous question is not operating on this bill an amendment can be moved. The Chair will rule that the amendment proposed by the gentleman from Illinois [Mr. BURCHARD] is in order. The Chair will not go further at this time.

Mr. RANDALL. I will then call the previous question on the bill and pending amendments.

Mr. HOLMAN. Was it not understood when this bill was brought out of the Committee of the Whole that it should be reported to the House with the pending amendments, to be acted on?

The SPEAKER *pro tempore*. The Chair has examined the RECORD and found no such understanding. The gentleman from Pennsylvania [Mr. RANDALL] gave notice that when the amendments were voted upon he would call the previous question on the bill.

Mr. HOLMAN. In that event the House has certainly been laboring under a mistake. I hope the gentleman from Texas [Mr. REAGAN] will be permitted to introduce again his original proposition without modification.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] has the floor to move his amendment, after which the Chair is bound to recognize the gentleman from Pennsylvania [Mr. RANDALL] who has charge of the bill, if he desires to be recognized.

Mr. HOLMAN. The House certainly has been deceived as to the effect of the order which was made in regard to this bill.

Mr. BURCHARD, of Illinois. I move to amend the amendment of the gentleman from Indiana [Mr. HOLMAN] by striking out the words "the Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but;" so that the amendment will read:

That silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins, and paid for in such coins at a rate or price per ounce to be fixed from time to time, according to the market rate, by the Director of the Mint, &c.

Mr. RANDALL. I now call the previous question on the bill and amendments.

Mr. HOLMAN. I ask unanimous consent that the gentleman from Texas, [Mr. REAGAN,] inasmuch as there has been a misapprehension as to the amendable condition of this bill, shall be permitted to offer his amendment without modification, so that we may have a vote upon the original proposition.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] yield for that purpose?

Mr. RANDALL. I will.

Mr. MORRISON. I object, unless I am permitted to offer a substitute for this whole bill.

Mr. RANDALL. I will hear the substitute read.

Mr. HOLMAN, I reserve the right to object.

The SPEAKER *pro tempore*. The proposition of the gentleman from Illinois [Mr. MORRISON] will be read for information only.

The Clerk read as follows:

Be it enacted, &c., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $163,000, to provide for engraving, printing, and other expenses of making and issuing United States notes.

SEC. 2. That the Secretary of the Treasury is hereby directed to issue silver coins of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption, or wherever it may be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular subtreasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

SEC. 3. That so much of the third section of the act entitled "An act to provide for the resumption of specie payments," approved January 14, A. D. 1875, as provides that "on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption;" and so much of said section 3 of said act as authorized the use of any surplus revenue or the issue, sale, or disposal of any bonds to provide for such redemption, is hereby repealed. And until they are at par with and convertible into gold coin, any holders of said United States notes depositing any sum not less than $50, or some multiple of $50, with the Treasurer of the United States, or either of the Assistant Treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 4 per cent. per annum, payable semi-annually and redeemable at the pleasure of the United States after thirty years: *Provided*, That the bonds so to be issued or exchanged shall not exceed the sum of $1,000,000 in any month. And the United States notes so deposited and redeemed shall be retired and canceled.

SEC. 4. That to enable the Secretary of the Treasury to exchange and fund United States notes as hereinbefore provided, he is hereby authorized to issue bonds of the description authorized by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, bearing interest at 4 per cent. per annum.

SEC. 5. That so much of said section 3 of said act of January 14, 1875, as provides for the increase of national-bank note circulation without limit is hereby so amended that such increase shall be so limited that the aggregate amount of outstanding legal-tender notes and of bank-notes in circulation shall at no time exceed the aggregate amount of such legal-tender and national-bank notes now outstanding. And so much of said section 3 of said act of January 14, 1875, as provides for the redemption of legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the increased national-bank note circulation authorized by said section 3 of said act, is hereby so amended as to authorize the redemption of 80 per cent. of such increased circulation, less the amount of national-bank circulation surrendered.

SEC. 6. That during the existence of any national banking association, and until the resumption of payment in specie of its circulating notes, it shall annually set aside and retain, as a resumption fund, from the coin receivable as interest on the bonds deposited with the Treasurer of the United States as security for its circulation, an amount equal to 3 per cent. of its circulating notes issued to such association and not surrendered, and which resumption fund shall be counted and used as part of the lawful money reserve which said banking associations are, by existing laws, required to maintain.

Mr. CONGER. I rise to a point of order.

Mr. HOLMAN. That proposition has not been printed. I object to it.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] was entitled to the floor and called the previous question.

Mr. RANDALL. The gentleman from Indiana [Mr. HOLMAN] objects to this amendment. I now call the previous question upon the amendment of the gentleman from Illinois, [Mr. BURCHARD.] If that is sustained and the amendment disposed of, then I shall be content to allow the amendment of the gentleman from Texas [Mr. REAGAN] to come in, when I will call the previous question on that amendment and the bill.

Mr. MORRISON. Do I understand the gentleman to object to my offering this substitute?

Mr. HOLMAN. I have objected. Why, it is not even printed.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] is entitled to the floor, and has called the previous question.

Mr. RANDALL. On the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

The SPEAKER *pro tempore*. So the Chair understands. The

amendment of the other gentleman from Illinois [Mr. MORRISON] is not before the House.

Mr. BRIGHT. I hope the gentleman from Pennsylvania will allow me to have read what I propose as an amendment to the substitute.

Mr. RANDALL. Certainly.

Several members objected.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

The Clerk read as follows:

Strike out in the first four lines of the amendment of Mr. HOLMAN the following: The Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but

The previous question was seconded and the main question ordered, which was upon the amendment of Mr. BURCHARD, of Illinois, to the amendment of Mr. HOLMAN.

The amendment to the amendment was not agreed to, there being—ayes 54, noes 115.

Mr. REAGAN. I now offer (to come in as the fourth section of the bill) my amendment without modification, as found on page 4 of the print.

Mr. RANDALL. I yield to the gentleman from Texas [Mr. REAGAN] to offer that amendment, after which I demand the previous question on the amendment and bill.

Mr. MORRISON. I object to any other amendment, unless I am permitted to offer mine.

Mr. REAGAN. I have offered my amendment by leave of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. The Chair has already decided that, until the previous question is sustained, amendments are in order. The gentleman from Pennsylvania is on the floor.

Mr. RANDALL. I demand the previous question.

Mr. MORRISON. Will the Chair please tell me how my amendment was ruled out?

The SPEAKER *pro tempore*. It was never in; it was read for information only.

Mr. MORRISON. But I offered it.

Mr. HOLMAN. It was not germane, and was subject to the point of order that it made an appropriation of money.

Mr. MORRISON. But I offered it previous to the gentleman from Texas offering his amendment.

Mr. HOLMAN. It was subject to a point of order anyhow.

The SPEAKER *pro tempore*. The Chair will settle this matter. The proposition of the gentleman from Illinois [Mr. MORRISON] was read by the courtesy of the gentleman from Pennsylvania, who then moved the previous question on the amendment of the gentleman from Illinois, [Mr. BURCHARD,] as he had the right to do. The gentleman from Pennsylvania, having the floor, now yields to the gentleman from Texas.

Mr. MORRISON. To offer an amendment after the previous question is ordered?

The SPEAKER *pro tempore*. The previous question applied only to the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

Mr. OLIVER. I rise to a point of order. It is that the gentleman from Pennsylvania cannot limit the operation of the previous question to the amendment of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Texas offers the amendment which will be read.

The Clerk read as follows:

Insert as section 4 the following:
That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment. And silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Mr. GARFIELD. I believe this amendment has been voted on already and voted down. I make that point of order.

The SPEAKER *pro tempore*. The Chair cannot undertake to say from a cursory reading of the amendment whether it has been voted on before or not.

Mr. FORT. The record will show that it has been.

The SPEAKER *pro tempore*. The gentleman from Texas will please state whether this is the same amendment that was voted on.

Mr. REAGAN. It is not the same. The amendment which was voted on had two clauses which this has not: one that silver should not be receivable for customs dues and the other that it should not be received in satisfaction of existing contracts payable in gold.

Mr. GARFIELD. This is the same as the printed amendment.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Pennsylvania calls the previous question on the bill and pending amendment.

The previous question was seconded and the main question ordered.

The question recurred on Mr. REAGAN'S amendment.

The House divided; and there were—ayes 135, noes 71.

Mr. KELLEY demanded the yeas and nays.

The SPEAKER *pro tempore* decided that by the count the yeas and nays were not ordered.

Mr. GARFIELD demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. GARFIELD and Mr. REAGAN were appointed.

The House again divided; and the tellers reported 42, more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 124, nays 94, not voting 71; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, Bagby, John H. Baker, William H. Baker, Banks, Banning, Bell, Blackburn, Blair, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Cason, Caswell, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Evans, Felton, Forney, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartzell, Haymond, Henkle, Goldsmith W. Hewitt, Holman, Hooker, Hopkins, House, Hunter, Hyman, Jenks, Thomas L. Jones, Leavenworth, Levy, Lewis, Maish, McFarland, McMahon, Meade, Metcalfe, Money, Morgan, Mutchler, Neal, New, Odell, Parsons, Phelps, John F. Philips, Poppleton, Powell, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Sparks, Springer, Stenger, Stevenson, Stone, Teese, Throckmorton, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Walsh, G. Wiley Wells, White, Whiting, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Woodworth, and Yeates—124.

NAYS—Messrs. Adams, George A. Bagley, Ballou, Blount, Burleigh, Cabell, Cannon, Chittenden, John B. Clarke of Kentucky, Cook, Crapo, Crounse, Cutler, Danford, Denison, Dobbins, Dunnell, Eames, Ely, Farwell, Fort, Foster, Franklin, Frye, Garfield, Hale, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Abram S. Hewitt, Hill, Hoge, Hoskins, Hubbell, Hunton, Joyce, Kasson, Kehr, Kelley, Kimball, Lapham, Luttrell, Lynch, Magoon, McCrary, Miller, Milliken, Monroe, Morey, Morrison, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Randall, Sampson, Seelye, Sinnickson, Slemons, Smalls, A. Herr Smith, Strait, Stowell, Tarbox, Terry, Thompson, Thornburgh, Washington Townsend, Tucker, Alexander S. Wallace, John W. Wallace, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Willard, Andrew Williams, Charles G. Williams, James Williams, James Wilson, and Alan Wood, jr.—94.

NOT VOTING—Messrs. Ainsworth, John H. Bagley, jr., Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Chapin, Cowan, Cox, Darrell, Davy, Durand, Faulkner, Freeman, Frost, Gause, Hancock, Haralson, Hartridge, Hatcher, Hays, Hereford, Hoar, Hurd, Hurlbut, Frank Jones, Ketchum, King, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Lawrence, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, Mills, O'Brien, Purman, Rainey, John Robbins, Roberts, Sobieski Ross, Rusk, Schleicher, Schumaker, William E. Smith, Southard, Swann, Thomas, Martin I. Townsend, Charles C. B. Walker, Gilbert C. Walker, Walls, Whitthorne, Wigginton, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Young—71.

So the amendment was agreed to.

During the vote,

Mr. VANCE, of Ohio, stated that his colleague, Mr. HURD, was absent from the Hall in attendance on the Committee on the Judiciary by leave of the House.

The vote was then announced as above recorded.

The SPEAKER. The hour has now arrived for taking a recess.

Mr. WHITE. What will be the business in order this evening?

The SPEAKER. Under the order made on Monday last under a suspension of the rules the session this evening will be for the consideration of the legislative, executive, and judicial appropriation bill. The gentleman from New York [Mr. COX] will occupy the chair.

The House then, at four and a half o'clock p. m., took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., and was called to order by Mr. SPRINGER, as Speaker *pro tempore*.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALKER, of New York, indefinitely on account of sickness; to Mr. BEEBE until Wednesday next on account of sickness; to Mr. SOUTHARD for one week on account of important business; to Mr. THOMAS two days on account of business; and to Mr. HAMILTON, of New Jersey, for one week from to-morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Minnesota [Mr. DUNNELL] to strike out in line 52, page 3, the words "during the session;" so that it will read: "Twenty-three messengers at $125 per month each."

Mr. O'NEILL. Before taking the question on this amendment, I think we had better wait until there is a quorum present. It is an important point in the bill. If necessary, I shall ask for a division.

Mr. RANDALL. The Senate committee have agreed to this part of the bill.

Mr. O'NEILL. The committee will bear in mind that the object of the amendment is to strike out the words "during the session," so these messengers will not be brought here for three months only and then discharged without pay during the recess.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. O'NEILL. I do not wish to debate it. The gentleman from Minnesota is not present, nor is there a quorum present, and I only ask the question may not be put at this time.

Mr. WELLS, of Missouri. For the purpose of giving opportunity for further explanation, I will move to strike out the last word. Some of the messengers are only paid during the session, while others are paid during the year. We have thirty-seven messengers in the House of Representatives, and the provision in this bill applies as well to messengers of the House as to the messengers of the Senate. Of the thirty-seven messengers of the House of Representatives, twelve are paid by the session and twenty-five by the year.

Mr. BURCHARD, of Illinois. You speak of the law as it exists now?

Mr. WELLS, of Missouri. Yes, sir. Now there is no reason why some of these men should be paid the year through while others are paid only during a part of it. As I remarked last evening, the clerks of committees of this House, with three or four exceptions, are simply hired by the session, and when the session is over their pay comes to an end. This bill provides, as we are appropriating only for the short session, the three months' session, that these gentlemen shall receive pay for four months, being one month over the time their services are required.

I have here some figures showing the saving to the Government by the amendment proposed by the committee. It will be borne in mind that from the 1st of July next to the 1st of December, 1877, when the new Congress will be organized, there will be a period of seventeen months. The pay of messengers of the Senate during that time would be $106,760, under the present system of paying them the year through, or $77,760 per annum. The bill proposes to pay these messengers for four months for the short session, and the amount will be $27,500; thus making a saving of $50,260 for the year, or for the Forty-fourth Congress of $79,260.

Now, Mr. Chairman, this reduction does not in any way or form impair the efficiency of the service of this House. There is no reason that I believe any man can give why these gentlemen should be paid by the year any more than the pages who are daily waiting on you.

Mr. PAGE. Will the gentleman allow me to ask him a question?

Mr. WELLS, of Missouri. Yes, sir.

Mr. PAGE. I wish to ask the gentleman from Missouri if these messengers are not all employed in the document and folding rooms during the recess of Congress?

Mr. WELLS, of Missouri. Not one of them is required there.

Mr. PAGE. Have they not been so employed heretofore?

Mr. WELLS, of Missouri. No, sir. A few of them may have been, but not the messengers who are employed at the doors.

Mr. PAGE. I was informed to the contrary.

Mr. WELLS, of Missouri. The bill provides for a re-organization of the folding-room, which will work quite a radical change in the mode of folding documents and books.

Mr. PAGE. I wish to ask the gentleman if there is not more work in the folding-room during the recess, after Congress adjourns, than there is while Congress is in session?

Mr. WELLS, of Missouri. I think not. During the recess there are no speeches and no CONGRESSIONAL RECORDS to fold, and there are many other duties which have to be performed during the session which have not to be performed during the recess. But I think as regards the consideration of this bill that it is immaterial whether they have more duties to perform there during the recess or not, because the bill provides a radical change in the organization of the folding-room.

[Here the hammer fell.]

Mr. DUNNELL. I perhaps said last night all I desired to say, and I do not know that I can add anything to what I then stated. I am clear in my conviction that there ought to be a better compensation provided for these messengers than is provided in the bill. I yield the balance of my time to the gentleman from Iowa, [Mr. PRATT.]

Mr. PRATT. I hope the amendment of the gentleman from Minnesota [Mr. DUNNELL] will prevail. It seems to me that this provision in the bill for the compensation of these messengers is very ill-timed. There are many of the employés of the Senate, I am assured, who now receive a yearly salary who will fall within this classification of messengers, receiving under this bill but $125 per month during the session. This provision therefore affects those employés very materially; and my own opinion is that the effect will be to drive them out of the service of the Senate. Certainly no gentleman will suppose that men can come to the capital from a distant State to give services here for $125 a month during the session.

Mr. WELLS, of Missouri. Do not the clerks of committees serve at $4 a day during the session now?

Mr. PRATT. Doubtless some of them do. But the gentleman very well knows that as regards the clerks very many of them have other employments. Very many come here and serve as clerks of committees who would not come but for the fact that they receive other compensation in other branches of service, as newspaper correspondents and the like.

The gentleman from Missouri remarked that we are only appropriating in this bill for the short session of three months. Very well. Suppose a gentleman from my own State comes here to take one of these positions. It will cost him $125 to come here and return to his home. There is one month's salary gone. It will cost him another month's salary to live while he is here. And he will go home with one month's salary in his pocket, if he is extremely economical and gets along at the lowest possible figure. Now I submit that gentlemen from distant States who are competent, who are reliable, who are men of character and capacity, and fit to be in the service either of the House or Senate, will not come here, and cannot afford to come here at this compensation. It seems to me that they should be accorded a yearly salary, one that will enable them to save money out of their salaries. Otherwise these positions will be filled from the army of office-seekers and hangers-on about the capital, whom members would like to know less of than they are obliged to do. And I think it ill becomes the dignity of the service, either of the Senate or of the House, to so compensate these employés that they should be obliged to be taken from the city of Washington and the District of Columbia, and that a system of compensation should be established which virtually prevents and prohibits men from distant States coming here and entering into the public service. For these reasons, Mr. Chairman, I hope that this amendment will be adopted.

Mr. WELLS, of Missouri. I withdraw the formal amendment I offered.

Mr. HALE. I renew it. This list of Senate employés and their pay were fixed upon conference with the members of the Senate Committee on Appropriations. I do not mean to say that that committee of the Senate agreed in terms to all the reductions, in numbers especially, that have been put into this bill, but, generally speaking, the members of the Senate committee agreed that if a scale of reduction of the employés of the House was gone into they would submit to what the House submitted to for its employés. And the Committee on Appropriations of the House in presenting this bill have endeavored to put the two Houses on the same footing.

Now, as to this appropriation bill, I for one, as a member of the committee and as a member of the minority of the House, want to say that there are many good features in it, and in those features I for one expect to contribute to its passage as far as I am able.

I believe that the salaries of the employés of the two Houses belong to a class that may be fittingly reduced, as compared with the salaries in other branches of the service of the Government. The salaries here have been constantly on the increase in the two Houses. It has been natural that these gentlemen who hold office about here, in the Clerk's office, in the office of the Sergeant-at-Arms, under the Doorkeeper, and everywhere, being directly under our observation, being pleasant gentlemen, as they have been in the past, and as, I am glad to say, so far as I know, they are in the present, have appealed to our sympathies; and from time to time we have put their pay up, so that it bears no relation to the past to what the employés in the different Departments of the Government do. A messenger at one of these doors here receives $1,500 or $1,800 a year. He must be here; he is useful; he should be a gentleman, and he should be quick and accurate; but after all, when you take the service he performs during the twelve months into consideration, it is in no degree as onerous as the work performed by a clerk in other departments of the Government, who works from January to December inclusive, with but thirty days' vacation; and it is a long and weary round of service in other departments that promotes a man so that he obtains $1,600 or $1,800 a year.

While I do not believe—and I say it now, and notify my friend, the chairman of the Committee on Appropriations—in cutting down the salaries of the clerks in the Departments, (for I believe they perform their work and earn their money,) I believe that in both of these Houses of Congress, the Senate and the House, representing both political parties, there is an opportunity of reducing, in the interest of fair, economical administration of the Government, the salaries of their employés, and for that reason I believe the Committee on Appropriations should be sustained in most of the propositions appertaining to the Senate and the House. There are certain things in the bill which, when we reach them, will be corrected, and certain things which the Committee on Appropriations itself will seek to correct; but, generally speaking, I do not think we can put ourselves with good grace against the reductions recommended by the committee.

Mr. O'BRIEN. I desire to ask the gentleman from Maine [Mr. HALE] a question, and it is whether he does not consider the reduction as applied to the employés of the House and Senate rather more than that applied to the departmental clerks and employés of the Government? I will give an instance where our messenger now receives from $1,400 to $1,600 a year; under this bill he would receive only $500 a year, that is, four months' salary at $125 a month. I think that cuts down his salary about 75 per cent., and I ask if that is anything like the same ratio that is applied in this bill to any others of the employés of the Government?

Mr. HALE. For the work he does and the time he is employed the reduction is not greater than elsewhere.

Mr. RANDALL. I ask the attention of the House to one or two facts in connection with this bill that seems to have escaped the attention of members. This bill proposes to commence payment on the 1st of July next. Now the fact is, that we have kept up the number and salaries of the employés of this House up to the 1st of July at the same rate as now, which everybody admits to be too high, and there is great force in what the gentleman from Maine [Mr. HALE] has just stated, that the past salaries of the clerks here bear a very unjust relation when compared to the compensation of the clerks in the Departments. For instance, take the case of a clerk in the Department of Mr. New, the Treasurer of the United States, an officer who handles millions of dollars a year and who receives a much less

salary than the salary of the ordinary clerks of this House. We found that to be the case and we endeavored to make an equitable relation all around.

Let us examine a little further. We propose at this fixed rate to pay full salaries for seventeen months' service, that is to say, from the 1st day of July until December, or near there, when the employés are not here at all. Then we pay them for their actual service, running at the same rate, for the three months of the next session and one additional month, and then we absolutely pay them nine months further, until next December, when they are not here.

Mr. SPRINGER. By the present law?

Mr. RANDALL. No; by this law. Therefore we practically in fixing these salaries have fixed them at a rate per annum; and yet in seventeen months from July next they will have to perform but four months' service. Now, will anybody say that we have treated these clerks unjustly when, as stated by the gentleman from Maine, [Mr HALE,] the fact is that the clerks in the Departments work eleven months out of every year?

Mr. O'BRIEN. Does the gentleman mean by "clerks" those employed by us here?

Mr. RANDALL. I mean the clerks to whom no monthly compensation is paid; those paid a yearly salary.

Mr. O'BRIEN. I believe the clerks at the desk here are not paid by the month.

Mr. RANDALL. Of course I refer to the clerks paid a yearly salary. We have been equitable and just, and endeavored to make the salary of these clerks compare with the salaries of the clerks in other Departments of the Government. We could do no more, and we could do no less. We have endeavored to act fairly with them all around.

[Here the hammer fell.]

Mr. HALE. I withdraw my formal amendment.

The question was then taken on the amendment of Mr. DUNNELL; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For hire of horses and mail-wagons for carrying the mails, $2,000; and the Sergeant-at-Arms of the Senate is hereby directed to advertise in one of the daily papers in Washington, District of Columbia, for one week for proposals for furnishing horses and wagons for carrying the mails, books, and other documents between the city post-office and the Departments and the Senate post-office and document-room; said proposals to include for the carrying of said mails, books, and documents the use of not more than three horses and wagons during the session of Congress, one of which shall be in use during the year; and he shall contract with the lowest responsible bidder for such service for the term of one year.

Mr. RANDALL. By direction of the Committee on Appropriations, I desire to move an amendment to the phraseology of the paragraph just read, not changing the amount of money appropriated but changing the phraseology, so as to make it read more nearly as we intended. My amendment is to make that portion of the paragraph read:

For carrying the mails, books, boxes, and other documents between the city post-office and the Departments and residences of members and the Senate post-office and folding-room and document-room; said proposals to include, for the carrying of said mails, books, boxes, and documents, the use of three horses and wagons during the session of Congress, one of which shall be in use during the year.

This modification is to provide for the taking of the mails to the residences of Senators.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For expenses of compiling and preparing the Congressional Directory, to be expended under the direction of the Joint Committee on Public Printing, $1,200.

Mr. RANDALL. By direction of the Committee on Appropriations I move to amend by inserting, after the paragraph just read, the following as an additional paragraph:

For cartage, $700.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Capitol police:

For one superintendent, $1,600; two assistant superintendents, at $1,200 each; twenty-one privates, at $1,000 each; and four watchmen, at $900 each; in all $28,600, one-half to be paid into the contingent fund of the Senate and the other half to be paid into the contingent fund of the House of Representatives.

Mr. DUNNELL. I move to amend the clause relating to the pay of the privates by striking out "$1,000" and inserting "$1,200." I desire to call the attention of this committee to the very large reduction that is made by this bill in the pay of the privates in the Capitol police force. Last year, and up to the present time, the pay of those privates has been $1,400 a year. By this bill it is proposed to reduce their pay to $1,000 a year each. With all due respect to the Committee on Appropriations, I insist that this reduction is altogether out of character. It is too large a reduction.

As members very well know, many of these police, most of them, are men of families; all of them come from different and distant parts of the country; most of them are soldiers who have been in the service. Now, to cut their pay down from $1,400 to $1,000 is altogether a greater reduction than is made almost anywhere else in this entire bill. We cut down our own pay 10 per cent., and we propose to cut down the pay of these policemen nearly 40 per cent. Many of these men will find themselves utterly unable to remain here upon that pay. They are to be here all the year; most of them have families, and they must pay house-rent; they are educating their children, sending them to the public schools, and they have some character at home and desire to preserve some character here.

I do not propose to occupy a great deal of time while this bill is being considered, as I am not wont to do. But when I discover a provision of this kind I cannot let it pass without moving an amendment to it. To cut down the pay of these privates at one swoop from $1,400 to $1,000, nearly every one of whom has been a soldier and has a family to support and children to educate, I respectfully submit is altogether too large a reduction. I hope the chairman of the Committee on Appropriations and this Committee of the Whole will yield to a sense of justice and consent to my amendment.

Mr. FRYE. Will the gentleman yield for a question?

Mr. DUNNELL. Certainly.

Mr. FRYE. The gentleman says that this cut-down is very large. Does the gentleman honestly believe that $1,000 a year for a policeman is not ample pay for his services? Does he not know that in all of our cities you cannot find a night watchman who receives over $800 or $900 a year? Why, then, should a policeman here in this Capitol building, standing below here on a marble floor, receive more than our cities pay their policemen? I do not mean that the pay has not been cut down largely; it has been. The only question I ask of the gentleman is, does he honestly believe that $1,000 a year will not pay a policeman, and that for that amount we cannot hire just as many as can stand between here and Washington monument?

Mr. DUNNELL. In reply to the gentleman from Maine [Mr. FRYE] I will admit that a large number of men might be found to come here as policemen for $1,000 a year. So there are men who will take our places for $1,000 a year. That is no argument at all. The policemen in this city are paid $1,800 a year.

Mr. FRYE. Then they get $800 too much, and it is an outrage on the tax-payers.

Mr. DUNNELL. Well, I insist that this is below the average compensation of policemen throughout the country. I do not know how it may be in the diminutive city in which the gentleman from Maine resides; but in the larger cities of the country, where police service is called for all the time, $1,000 a year is not a sufficient compensation.

One word more and I shall take my seat. Every man upon this police, with hardly an exception, has a wife and children. Now a reasonably suitable house cannot be rented for less than $25 a month.

Mr. FRYE. How does the gentleman know that they have wives?

Mr. DUNNELL. They ought to have; I presume they have. I know very many of these men; and they are worthy of a better compensation than that proposed in this bill. Eighty dollars a month is a compensation altogether too small. I will admit that men might be found to take their places at less pay; but that is not the question. When we employ men, let us pay them properly.

[Here the hammer fell.]

Mr. RANDALL. The gentleman from Minnesota [Mr. DUNNELL] has asked why we made this change. I will say that this Capitol police is somewhat of an ornament. By comparison with the watchmen in this same paragraph, whose pay is fixed at $900, $1,400 is altogether too high compensation for these policemen. The men on this Capitol police are never exposed to the inclemency of the weather, as are the watchmen, who according to this bill are to receive but $900. The latter officers, according to my judgment, are entitled to more pay than the Capitol police who walk around inside this building.

Anybody who has been accustomed to be here (as I have during this session) very often at night must know that the position of these Capitol police is a very comfortable place. These men occupy their time generally in reading or in sauntering about. In point of exposure of health or hazard of life their duty bears no comparison with that of the ordinary police in our cities. So far as I can learn the pay of the latter, who buffet storms and encounter ruffians in all the cities of this Union, is not above $1,000 a year. We thought, therefore, that here was a proper place to equalize the pay.

Mr. FOSTER. If the gentleman from Minnesota [Mr. DUNNELL] will withdraw his motion, I will offer a substitute for the whole paragraph.

Mr. DUNNELL. I withdraw my amendment.

Mr. FOSTER. I offer the following as a substitute for the paragraph:

Capitol police:

For one captain, $1,800; three lieutenants at $1,400 each; twenty-one privates at $1,200 each; and eight watchmen at $1,000 each; in all, $39,200; one-half to be paid into the contingent fund of the Senate, and the other half to be paid into the contingent fund of the House.

Mr. Chairman, in connection with another member of the Committee on Appropriations I gave this subject some attention. I find that the present force is thirty-one, composed of one captain, three lieutenants, and twenty-seven privates. The force provided for by the bill as reported is twenty-four. The force proposed by this amendment is twenty-five, the difference being simply one lieutenant. The amendment retains the organization just as it is now, and reduces the privates by six. It increases the watchmen from four to eight. I believe that this is a proper force of Capitol police and watchmen. I think it is as little as we can comfortably do with.

As to the pay, the captain heretofore has received $2,000. The bill reduces that to $1,600—a reduction of 20 per cent. The amendment proposes to fix the pay at $1,800—a reduction of 10 per cent. By the bill the lieutenants are reduced from $1,600 to $1,200. The amendment proposes that they shall be paid $1,400. The privates are now

paid $1,400. The bill provides that their pay shall be $1,000; the amendment $1,200—a reduction of $200.

Mr. RANDALL. Does not the gentleman think that the superintendent of police, receiving $1,600, is as fairly compensated as a third-class clerk in one of the Departments?

Mr. FOSTER. I do; still I think he is just as valuable as an assistant messenger under the Doorkeeper of this House or some others of the employés of the House.

As has been said, these gentlemen have all been Union soldiers. They have the care of millions of dollars' worth of property. We make a very large reduction in their pay—too large, I believe—larger than in the compensation of our messengers. We give the latter $1,400 a year. Certainly a private in the police force is worth as much pay as a messenger in this House. The public property in this Capitol is under the charge of these policemen; the grounds adjacent are under their care. I believe that the reduction proposed by my amendment is about fair, measured by the reduction proposed in other forces about this House.

Mr. FORT. The gentleman from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations, has stated to the House, as one reason why these officers should have the pay proposed in his amendment, that they have been Union soldiers. That, to my mind, is a good recommendation. If I know myself I will never be found detracting anything from that to which they are entitled. But it ought to be remembered by that same gentleman there are a good many hundred thousand Union soldiers who are not employed as Capitol police, and who cannot be employed as Capitol police, but who are just as worthy as those who are so employed, and who to-day are laboring as the great mass of the people of the country are laboring, and find it hard to obtain a living and support for themselves and families. We cannot adopt the principle, no matter how much we may care for the soldier, to employ him because he is a soldier and to pay him more than his services are worth, all other things considered. That principle is not applied in any of the Departments when we come to employ a clerk. It is a principle, as I understand, nowhere applied to any employés. While it is a good reason for retaining those now in office and for treating them with favor, it is no reason why they should be paid more than their services are worth.

I think with the chairman of the Committee on Appropriations that it is not just to pay these men more than their services are worth, although, as I have said, I am willing to retain those who occupy the positions at present. For, sir, there are many upon this floor who have seen the day they would be willing to work not only for this pay but for half of it. The country to-day is full of people who are laboring to support their families and who bear the burden necessary to raise the revenue for the support of the Government who would be willing to do this service at one-half the sum now paid.

It is said these men have responsible duties to perform. I cannot see they have any special responsibility. To be sure it is stated they have a vast amount of property under their charge. They watch this Capitol, but we all know it is composed mostly of incombustible material. It can neither be burned down nor stolen, and I do not see any duty they can perform unless it be to preserve the peace and good order in and about this Capitol. For that purpose I suppose a few policemen are necessary, but, in my judgment, it is not such a responsible place as that of policemen outside of the Capitol, who, as the gentleman from Pennsylvania [Mr. RANDALL] has well said, hazard life and limb in preserving the peace against desperadoes of the streets and who are exposed to the inclemency of the weather. I believe the amendment ought not to be agreed to.

Mr. FOSTER's amendment was rejected.

Mr. GARFIELD. I move an amendment, to strike out the word "superintendent" in line 116, and in line 117 the words "two assistant superintendents," and in lieu thereof to insert the words "captain and lieutenant."

I do this, Mr. Chairman, for the reason that they have been known for many years in the law by that name. If we change the title, I think it will have the effect to legislate out of office the persons who hold these positions. I am certain the chairman would not desire to do any such thing. I think it better therefore to retain the old designation. I hope the gentleman will consent to this amendment, for I am sure he would not indirectly attempt to legislate out of office the persons who now hold them.

Mr. RANDALL. Major Richards is called superintendent of the police.

Mr. GARFIELD. These have always been known as captain and lieutenant of the police. For many years it has been their designation. They were appointed by that name, and by that name they have held the office for many years; and I think, if we pass the bill as it is, it will have the effect of abolishing the present officers.

Mr. RANDALL. We wish to give them civil rank.

Mr. GARFIELD. Is it the gentleman's purpose to legislate them out of office?

Mr. RANDALL. By no means.

Mr. GARFIELD. You do it by this language.

Mr. HALE. I hope the chairman of the committee will accept the suggestion of the gentleman from Ohio. The main features of the bill are being sustained by the House.

Mr. GARFIELD. My amendment does not affect the salary or the number.

Mr. RANDALL. I do not object to it.

Mr. GARFIELD's amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For compensation of members of the House of Representatives and Delegates from Territories, $1,359,000; and from and after the 30th of June next the compensation of said members and Delegates shall be $4,500 per annum.

Mr. CHITTENDEN. I beg leave to offer an amendment to come in at the end of that paragraph.

The Clerk read as follows:

Provided, That no member of either House of Congress elected to fill a vacancy shall hereafter be paid for any time prior to the day of his election.

Mr. CHITTENDEN. Mr. Chairman, that amendment is in precise terms with the one I had the honor to offer last night, and which was adopted by a vote of 115 to 30. Unfortunately, and unconsciously to most of the gentlemen who voted for it, the amendment was lost with the proposition of the gentleman from Ohio to abolish mileage altogether.

I propose now, sir, to see if this amendment will stand upon its merits or whether it shall be killed by a square blow. I have no personal interest in it whatever. I made no reflections last night and I make none to-night upon those gentlemen who in the past have received pay under the law as it stands; but I know there are several members of this Congress who have refused to receive it.

And I think, Mr. Chairman, that a law of so doubtful ethics is a fair subject of consideration in these times, when every clerk and every messenger and every policeman is subject to reduction of his pay.

Now, sir, I say in all kindness and without any intention of disrespect that the gentleman from Pennsylvania, [Mr. KELLEY,] in shouting "meanness," does not answer my proposition. Neither does his elegant alphabetical combination, which is not, in my dictionary nor in any other dictionary within my reach, and the meaning of which I do not pretend to understand—neither is his "bah" any answer to the question whether a member of Congress shall receive pay for six months before his election.

Mr. KELLEY. Will the gentleman allow me to say that I never objected to his proposition. Indeed, I hardly knew that he had made one.

Mr. CHITTENDEN. I am very glad to know that. I read the gentleman's remarks this morning, and I listened to them last evening without the least feeling. But there were several indications in his manner and several in his looks, and there are several in the types, that seemed to me to indicate that he meant me. [Laughter.] But I will say here as to the gentleman's remarks, that I took them, as I take a good deal that he says about the non-exportable currency, as of no account whatever. [Laughter.]

Now, Mr. Chairman, I mean to be serious.

Mr. KELLEY. I hope the gentleman will allow me to ask his pardon for having said anything he could have supposed to have applied to him.

Mr. CHITTENDEN. It is not necessary. It is all right.

Mr. Chairman, the amendment explains itself, and I shall not detain the House another moment in dicussing it. I have no interest in it which is not common to every member of the House. But I believe that the people require us to look out for some of the errors and looseness that have crept into the legislation of Congress in respect to the pay of its own members during the last fifteen years of demoralization.

Mr. RANDALL. Last night the committee by a very decided vote determined to incorporate with the paragraph relating to Senators' pay what is now moved by the gentleman from New York. I believe the language is exactly the same. Is it not?

Mr. CHITTENDEN. Precisely the same.

Mr. RANDALL. I have no objection to it here so far as I am concerned. But it would be a repetition, it seems to me, to have it twice incorporated in the bill.

Mr. FOSTER. The chairman of the committee will understand that the amendment of the gentleman from New York [Mr. CHITTENDEN] last evening was an amendment to the amendment which I offered, and it fell with mine.

Mr. RANDALL. I am obliged to the gentleman for that explanation.

Mr. CHITTENDEN. It was lost with the amendment of the gentleman from Ohio, and is not in the bill.

Mr. RANDALL. The committee decided by a very large vote last night to incorporate that amendment in the amendment of the gentleman from Ohio. I therefore do not feel that, as chairman of the Committee on Appropriations, I can resist it now.

Mr. SHEAKLEY. Is an amendment to the amendment in order?

The CHAIRMAN. It is.

Mr. SHEAKLEY. I offer the following amendment to the amendment of the gentleman from New York, [Mr. CHITTENDEN:]

Add to the amendment as follows:

And provided further, That the compensation which would have been due to a deceased member had he lived shall be paid to the family of said deceased member up to the date of the election of his successor.

Mr. RANDALL. I would suggest to the gentleman that he modify his amendment by providing that the payment shall be made to the widow, and in case there is no widow, to the legal representatives.

Mr. SHEAKLEY. I am willing to modify it in that way.

As I understand it, as the law is now, where a member is elected and dies, for instance in thirty days after he is elected, his family or heirs draw no pay. His successor, elected a year afterward, draws the pay which would have been due the member had he lived. This amendment is to secure to the widow or lawful heirs of the deceased member the compensation which he would have drawn had he lived. It is certainly unjust that the member who is not elected until one year after the legal time of the election of members should draw the pay which was due to the member elected at that time.

Mr. CHITTENDEN. Will the gentleman from Pennsylvania allow me to state that there is nothing about death in my amendment. It covers cases of resignations as well as cases of death. If the gentleman modifies his amendment to make it harmonize with mine in that respect, I see no objection to it.

Mr. SHEAKLEY. I would ask the gentleman if he has ever known a case where a member drawing $5,000 and doing nothing has resigned?

Mr. CHITTENDEN. I have known a case where a member was elected to fill a vacancy caused by resignation. I have known several such cases.

Mr. RANDALL. I would ask the gentleman from Pennsylvania [Mr. SHEAKLEY] whether the result of his amendment is to give to the widow or legal heirs of the member deceased the amount of pay up to the time of the election of his successor?

Mr. SHEAKLEY. That is the intention.

Mr. RANDALL. I have always thought that that was just; and while not authorized to accept the amendment, I hope the committee will adopt it.

Mr. SHEAKLEY. With the permission of the committee I will modify the amendment by inserting the words "widow or legal representatives."

Mr. HARRISON. I rise to oppose the amendment *pro forma*, merely for the purpose of making a suggestion. It has been the usual practice of this House, I believe, when a member has died and the widow or heirs are in circumstances requiring it, that the House have granted pay even beyond the time of the member's death. Now, would it not be better to continue that discretion in the House? If you give it to the heirs, then the widow would not get it, as she would only get one-half of the personalty; whereas this House might determine that the widow should get it. It ought to be left to the discretion of this House to give the whole of it to the widow in certain contingencies, and therefore I think that probably by passing such a law as this we would place the widows and families of deceased members in a worse position than they are at present.

Mr. RANDALL. I ask for the reading of the amendment to the amendment as modified.

The Clerk read as follows:

And provided further, That the compensation which would have been due to a deceased member had he lived shall be paid to the widow, or, if no widow, the legal heirs of said member up to the date of election of his successor, and this shall apply to cases of resignation as well.

Mr. RANDALL. That part of the amendment about resignation ought to be stricken out; a man might resign and not leave a widow.

The CHAIRMAN. The Chair can only take notice of amendments as they are sent to the Clerk's desk.

Mr. RANDALL. I am not reflecting on the Chair at all.

The CHAIRMAN. The Chair does not so understand.

Mr. KASSON. Let us vote down this amendment, and then the gentleman can offer one in a correct form; this is evidently not correct.

Mr. RANDALL. I ask my colleague from Pennsylvania to strike out that part of his amendment which relates to resignation.

Mr. SHEAKLEY. I will so modify the amendment.

The question was taken on the amendment to the amendment offered by Mr. SHEAKLEY to the amendment of Mr. CHITTENDEN; and it was agreed to.

Mr. FORT. I move to strike out the last word of the amendment as amended. It seems to me that it would be well to examine the statute proposed to be amended. As the law now stands the widow of a deceased member who dies after his term of office shall have commenced can draw three months' pay; and I will ask the Clerk to read sections 49, 50, and 51 of the Revised Statutes.

The Clerk read section 49, as follows:

SEC. 49. When any person who has been elected a member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow; if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of $7,500 a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

Mr. FORT. It will be noticed that Congress has since reduced the amount of pay from $7,500 to $5,000.

The Clerk then read the fiftieth and fifty-first sections of the Revised Statutes, as follows:

SEC. 50. Salaries allowed under the preceding section shall be computed and paid in all cases for a period of not less than three months from the commencement of Congress.

SEC. 51. Whenever a vacancy occurs in either House of Congress by death or otherwise, of any member or Delegate elected or appointed thereto after the commencement of Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

Mr. FORT. It will be seen that these are the three sections of the Statutes at Large which are proposed to be amended. The law at present is that if a member dies after the session begins or after his term commences his widow or heirs shall draw the three months' pay, even if he dies the next day after his term begins. But if you adopt the amendment as proposed it may turn out that the widow would not draw three months' pay because the successor of her husband might be elected and be entitled to his pay within a less period than three months after the death of her husband; so the amendment, as I understand it, is really in the direction of reducing the pay allowed to the widows and heirs of deceased members.

Mr. SHEAKLEY. There is no injustice in that, because the member had drawn a year's pay, or, at least, pay from the 4th of March, when his term commenced.

Mr. FORT. Take the instance of a man who dies on the 5th of March. In that case the widow would draw three months' pay, and the successor might be elected within a month, and take his seat and draw pay from that time; and then, if this amendment is adopted that is now proposed, the widow would get pay only from the time of the death of her husband up to the time the new member was elected; so that if the House desires to be liberal to the widows and heirs of members it may turn out that the law, as it now exists, is more liberal than it would be if amended as proposed by the gentleman from Pennsylvania, [Mr. SHEAKLEY.]

Mr. SHEAKLEY. Is there any justice in a member who is elected a year after the regular election drawing his whole salary?

Mr. FORT. That question has been settled by the adoption of the amendment of the gentleman from New York, [Mr. CHITTENDEN.]

Mr. SHEAKLEY. That does not go back.

Mr. FORT. I have no objection to the adoption of the amendment providing that the pay of members shall begin only from and after the time of their election. What I propose is to retain the statute as it now is in regard to the families of deceased members.

[Here the hammer fell.]

Mr. FORT. Allow me to add, Mr. Chairman, that in the case of the vacancy now existing in Connecticut in the district formerly represented by Mr. Starkweather the election for his successor takes place next Monday, and in that case this amendment would give to the widow of Mr. Starkweather less pay than she would draw under the statute as it now is.

The question was taken on the amendment of Mr. CHITTENDEN as amended by the amendment of Mr. SHEAKLEY; and it was not agreed to.

Mr. WELLS, of Mississippi. I offer the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read the amendment, as follows:

In line 127 strike out all after the words "$9,000," as follows: "And from and after the 30th of June next, the compensation of said members and Delegates shall be $4,500 per annum," and insert in lieu thereof the following: "And from and after June 30 next, the compensation of said members and Delegates shall be the actual mileage expended in coming and returning from each session or called session of Congress: *Provided*, That no money for mileage shall be paid to any member of Congress who received during the Forty-second and Forty-third Congresses the extra compensation in excess of $5,000, until such member shall have refunded to the Government the amount in excess of the $5,000 received by him while a member of the Forty-second or Forty-third Congresses."

Mr. WELLS, of Mississippi. As a spirit of retrenchment is abroad in the land and we are all seeking how we may be able to reduce the expenditures of the Government, I have therefore introduced this amendment, in order to show how we may be magnanimous and at the same time reduce expenses. This being the centennial year, we can set an example by adopting this amendment, and thus reduce the expenditures of the Government at one blow over $1,365,000. It strikes me that no better example could be set by us as members of this body than to place ourselves before the country as at least ready to surrender some of the emoluments we receive. By this we may then, perhaps, be justified in reducing the compensation of clerks and employés in the different Departments as proposed by this bill.

Mr. STONE. Will the gentleman permit me to ask him a question?

Mr. WELLS, of Mississippi. Certainly.

Mr. STONE. The amendment of the gentleman looks to the return of some of the money that has been received in former Congresses. Was the gentleman a member of the Forty-second and Forty-third Congresses?

Mr. WELLS, of Mississippi. I was not.

Mr. STONE. And as he received no money then, he would have none to return?

Mr. WELLS, of Mississippi. If I had been a member of either of those Congresses, I would comply with this amendment, if it shall be adopted, by refunding.

I believe this House is animated by the feeling of retrenchment and reform which prevades the whole air. It is suggested by a friend near me that that is what makes the air here so bad. I am not certain about that, but perhaps that may be the cause of the bad air. As this is the centennial year, let us commence here among ourselves; let it go to the people that we adopt as a basis for our own pay that which will stagger those who come after us, and let this question be settled forever.

The amendment of Mr. WELLS, of Mississippi, was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, namely: Clerk of the House of Representatives, $4,500, and for hire of horse and carriage for the use of the Clerk, $500; Chief Clerk, journal clerk, two reading clerks, and tally clerk, five in all, at $2,250 each; for disbursing clerk, file clerk, printing and bill clerk, and enrolling clerk, four in all, at $2,000 each; for assistant to Chief Clerk, assistant to enrolling clerk, resolution, petition, and distributing clerk, newspaper clerk, superintendent of document-room, index clerk, librarian, and engineer, eight in all, at $1,800 each; for stationery clerk, $1,500; upholsterer and locksmith, $1,440; two messengers assisting librarian, at $1,440 each; for book-keeper, two clerks, two folders, and two assistant engineers, seven in all, $1,200 each; for four firemen, at $900 each; one laborer at $820, and three laborers, at $720 each; one telegraph messenger and one page, at $2.50 per day each during the session; and one telegraph operator, at $100 per month during the session; for clerk to the Committee of Ways and Means, $2,250; messenger to the Committee of Ways and Means, $1,200; clerk to the Committee on Appropriations, $2,400; messenger to the Committee on Appropriations, $1,200; clerk to the Committee of Claims, $2,000; clerk to the Committee on War Claims, $2,000; clerk to Speaker's table, $1,500; private secretary to the Speaker, $1,500; Sergeant-at-Arms of the House of Representatives, $4,000; for one horse and wagon for his use, $500; clerk to the Sergeant-at-Arms, $2,000; paying teller for the Sergeant-at-Arms, $2,000; messenger to the Sergeant-at-Arms, $1,200; Doorkeeper, $2,500; chief messenger, $1,800; clerk for Doorkeeper, $1,200; Postmaster, $2,000; first assistant postmaster, $1,800; twelve messengers during the session, at $125 per month each and two at $1,200 each; Chaplain of the House, $900; five official reporters of the proceedings and debates of the House, at $4,500 each; two stenographers for committees, $4,500 each; and this shall be in lieu of all other compensation for such services in reporting and transcribing the proceedings of each and all of said committees; superintendent of the folding-room, $1,800; two clerks in the folding-room, one at $1,500 and one at $1,200; one folder in the sealing-room, $1,200; superintendent and chief assistant in the document-room, at $1,800 each; document file clerk, $1,200; thirty-two messengers, to be employed during the session, at $125 per month, $500 each, fourteen of whom shall be on the soldiers' roll; two folders, at $60 per month, during the session, $240 each; ten laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum, $2,400; one laborer, at $600; one laborer, (Henry Douglas,) at $840; and for one female attendant in ladies' retiring-room, $600; making in all, the sum of $173,120.

Mr. RANDALL. By direction of the Committee on Appropriations I desire to move sundry amendments to the paragraph just read. The first amendment is in line 148, after the words "for book-keeper," strike out the words "two clerks, two folders," and insert in lieu thereof the words "four clerks."

Mr. SAYLER. I would like to hear some explanation of that amendment.

Mr. RANDALL. If the gentleman will wait till I get through with my amendments to this paragraph he will then see exactly how it will stand. I think quite a number of the amendments the gentleman desires to offer have been provided for by the Committee on Appropriations.

Mr. SAYLER. I hope so.

The amendment of Mr. RANDALL was adopted.

Mr. RANDALL. I move to further amend, in line 152, by striking out "one telegraph messenger and," also in line 153 strike out the word "each;" so that it will read, "one page at $2.50 per day during the session."

Mr. GARFIELD. Why?

Mr. RANDALL. We want but one page, not a telegraph messenger also.

Mr. GARFIELD. Why not strike out the word "page," and leave "telegraph messenger," which is the major characteristic of the office?

Mr. RANDALL. He is in fact a page.

The amendment was agreed to.

Mr. RANDALL. I move to further amend, in line 156, by striking out "$2,200" and inserting "$2,400," as the salary of the clerk of the Committee of Ways and Means, so as to make his salary the same as that of the clerk of the Committee on Appropriations.

Mr. HALE. That is right; the salary of the two clerks has always been the same.

The amendment was agreed to.

Mr. RANDALL. I move to further amend in the portion of the paragraph relating to the Doorkeeper, by striking out of lines 171 and 172 the words "chief messenger, $1,800," and inserting in lieu thereof the words "assistant doorkeeper, $2,000."

The amendment was agreed to.

Mr. RANDALL. I move to further amend in lines 195, 196, and 197, by striking out "two folders, at $60 per month during the session, $240 each; ten laborers, at $720 each," and inserting in lieu the words "four laborers under the superintendent of the folding-room, to handle books, at $720 per annum each; seven laborers, at $720 each."

The amendment was agreed to.

Mr. RANDALL. I have an amendment changing the total amount appropriated by this paragraph, but I will not offer it at present.

Mr. SAYLER. I am disappointed in the amendments moved by the chairman of the Committee on Appropriations, for they do not reach my case. I move to amend by inserting after "dollars" in line 162 the following:

Clerk to the Committee on Public Lands, $2,000.

In their wisdom the Committee on Appropriations in this bill have seen fit to deprive the Committee on Public Lands of a permanent clerk. That committee has had a permanent clerk since 1862. As it is a matter of considerable importance, not only to that committee but to every member of this House, and I think to the people of this country generally, that this clerk should be retained, I desire to call attention to the manner in which this permanent clerk was first provided for and to the duties which are imposed upon him. It was in the second session of the Thirty-seventh Congress that the following resolution was adopted:

Resolved, That the Committee on Public Lands be authorized to employ a clerk for said committee, who shall, in addition to his usual duties, be charged with the care, preservation, and continuation of the series of land maps ordered for the use of said committee by the resolution of the House of Representatives of May 4, 1848, at the same compensation heretofore allowed the draughtsman upon the said maps.

Resolved, That the Speaker of this House be directed to assign a suitable room in the Capitol for the use of the said clerk, to be called the "land-map room," in which all the maps constructed under the said resolution shall be arranged and preserved for the use of the House of Representatives.

Under that resolution there was transferred from the Department of the Interior a skilled draughtsman who held the place for perhaps about one year, when another skilled draughtsman was transferred from that Department; and he has held the position from that day until this. That draughtsman has originated and now continues the series of land maps which mark out the public lands of the United States, giving their division into sections and showing definitely all the lands that have been granted for any purpose whatever. He has from that day to this never had a room assigned him in the Capitol, but has used for this purpose a room in his own house. He is to-day engaged in the construction of perhaps the greatest map that was ever made of any country, a map which is to be known as the "centennial map" and in reference to which I hold in my hand a letter from the Commissioner of the Land Office, asking specially that it shall be photo-lithographed for general use.

Sir, it is impossible for the Committee on Public Lands, charged with the grave interests which are committed to their care, to discharge intelligently their duties unless they have as clerk a skilled man who from day to day if necessary, certainly from week to week and from month to month, shall mark upon the original map hanging in the committee-room the precise condition of the public lands.

The Committee on Appropriations propose to appropriate $2,400 for a permanent clerk for themselves; a gentleman whose chief duty seems to be during the few minutes that Congress sits to multiply a given sum by ten and then subtract what is thus obtained (after the two decimal figures have been cut off) from the main sum; and who has nothing else to do the entire year. [Laughter.] They have seen fit to give to the Ways and Means Committee a clerk at $2,400, whose duties are more important I concede, and who ought to be a thoroughly intelligent gentleman. They have given to the Committee on Claims and the Committee on War Claims each a permanent clerk. But they propose that we shall employ a clerk at $4 a day, though our clerk is required by law to be a draughtsman and surveyor—a skilled man; for nobody else can possibly discharge the duties of the position, as every gentleman who has ever served upon the committee will say. In support of my proposition, I appeal to my friend on the republican side of the House, [Mr. TOWNSEND, of Pennsylvania,] who was chairman of that committee last year.

As to the proposition that we shall employ a clerk at $4 a day, we simply cannot do it. Why, sir, there are a thousand million acres of unsurveyed lands in this country. Two hundred million acres have been given in one way or another to various corporations. From day to day we are watching the disposition of these lands; from day to day we are trying to recover them for the use of the settlers by preemption and homestead; from day to day, with the skillful assistance of our clerk, we are required to make marks upon the maps, that we may know how and with reference to what we are legislating. In all honesty and all earnestness, not simply as the chairman of the committee, but as a man who seeks to do his duty toward the people of the country who have a large interest in this land, I hope the amendment which I propose will not be antagonized.

Mr. RANDALL. I have no hostility whatever to the proposition of the gentleman from Ohio, [Mr. SAYLER,] and I am quite willing that the House upon his statement should decide the question. The committee did not provide for this clerk as a permanent clerk, because, I presume, from all the information we could gather, it was not considered necessary. But I am quite willing that the House shall determine as between the committee and the gentleman who makes this statement, who, being the chairman of the Committee on Public Lands, is of course better informed on this subject than the Committee on Appropriations.

But I want to correct some of the gentleman's statements as to the character of the service performed by the clerk of the Committee on Appropriations. There is no member of Congress who performs more valuable service to the country than this committee-clerk. I want this statement to stand side by side with that of the clerical mathematical duty which the gentleman from Ohio assigned to this clerk.

Mr. SAYLER. As the gentleman so kindly refrains from opposing my amendment, I retract what I said on that point.

Mr. KASSON. Is not this clerk provided for by the Revised Statutes as a permanent clerk?

Mr. RANDALL. He is.

Mr. KASSON. So that, if we adopt the amendment, we only put back this clerk to the position assigned him by the statutes.

Mr. RANDALL. We put him back to where he now is by law.

Mr. KASSON. I think that ought to be done.

Mr. RANDALL. Well, let the House so say, if it chooses.

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, I move to amend the amendment by striking out the last word. I can very well appreciate the desire of the chairman of the Committee on Public Lands to retain the services of a valuable clerk to his committee. Having had the honor to serve on that committee for six years and to be its chairman for two years, I can very well testify to the valuable services that have been rendered to that committee by the present incumbent of the office of clerk. And I desire to say that the legislation with regard to the public lands is the most important that comes before Congress. It is, in addition to that, the most difficult and the most intricate legislation, and requires a large amount of care and sagacity on the part of the committee and of the clerk to steer clear of the snags and sawyers and quicksands found in the bills which are brought before Congress.

There are many bills with regard to the public lands coming before this House which, if they are not carefully watched, will rob the Government of millions of acres for the benefit of speculators. And to the care and vigilance of that clerk, who is familiar with the legislation of Congress for the last dozen years, the Committee on Public Lands on various occasions has been indebted for being saved from most unfortunate legislation. He is well posted in the legislation of the country and has been able to point out defects and deficiencies in bills, and to show when the tendency of particular measures is alone to benefit speculators to the great disadvantage of the country.

The present Committee on Public Lands, with a single exception, is an entirely new committee. The important duties imposed upon it are new to them. The legislation is mostly new legislation; and if they were left alone, without the vigilance of some one who has paid much attention to the land legislation of the country, this House might be led into measures which would be exceedingly unfortunate.

I desire to give it as my opinion it is a matter of economy, not the mere economy of the difference in the wages of the clerk, but a matter of vast economy in the care and protection of the public lands which will be afforded to the committee by the legislative experience and knowledge of the well-trained clerk they now have. I therefore trust the House will have no hesitation in acceding to the amendment of the distinguished chairman of that important committee.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I rise to oppose the amendment. I do so, Mr. Chairman, merely for the purpose of making a suggestion in view of what we are told of the great experience and the great wisdom of this gentleman, clerk of the Committee on Public Lands. I have no doubt he knows as much as the gentleman from Pennsylvania claims for him, and therefore it would be well to make him Commissioner of the Land Office or Secretary of the Interior. [Laughter.]

Mr. TOWNSEND, of Pennsylvania. I withdraw my amendment.

Mr. WHITEHOUSE. I renew the amendment.

Now, Mr. Chairman, I am in favor of economy. It is a most excellent thing, but I am in favor of economizing in the right direction. I believe we should here in Congress legislate upon the same principles good business men and sound firms manage their own business affairs. If we have employés or assistants who are valuable, who know the whole routine of our business, who have grown up and made themselves perfectly familiar with it, we cannot afford to reduce their salaries and force them to secure employment elsewhere. Now, if I understand this aright, it is one of the most important clerkships in this House, and with due deference to the honorable gentleman who is the chairman of the Committee on Appropriations, I think it is fully as important as, and to my mind more important than, the clerkship to his own committee.

I do not know personally in regard to the details of the business of this Committee on Public Lands, but if there is any big job to be carried through this or any other Congress, in my judgment, it will be carried through in these land bills. Therefore I say it is essentially necessary we should have a clerk for that committee who thoroughly understands the whole matter. This clerk having such large experience, being perfectly familiar with the duties of his office, it would be, I think, poor economy to reduce his salary at this time.

Mr. RANDALL. If the friends of this gentleman would do more voting and less talking, the sooner the proposition would be acted on.

Mr. HUBBELL. I only desire to suggest whether it is not best for us to vote on the proposition at once, for fear this clerk will "raise" on us before we get through with the discussion? [Laughter.]

Mr. SAYLER'S amendment was agreed to.

Mr. WADDELL. I offer the following amendment.

The Clerk read as follows:

Strike out all from and including the words "Chief Clerk," in line 126, down to and including the word "session," in line 155; and in lieu thereof to insert the following:

Chief Clerk and journal clerk, $3,000 each; two reading clerks and tally clerk, $2,700 each; disbursing clerk, file clerk, printing and bill clerk, enrolling clerk, and index clerk, $2,332.80 each; assistant to Chief Clerk, two enrolling clerks, resolution and petition clerk, stationery clerk, and newspaper clerk, $1,944 each; doorkeeper in stationery-room, distributing clerk, assistant index clerk, superintendent of document-room, assistant to clerk, $1,620; six assistant clerks, $1,300 each; six messengers, at $1,300 each; engineer, at $1,620; three assistant engineers, at $1,300 each; five firemen, at $1,090 each; one laborer, at $820; six laborers, at $720; one upholsterer and locksmith, at $1,300; one telegraph operator during the session, at $100 per month; one telegraph messenger and page, at $2.50 each, to be paid during the session.

Mr. WADDELL. Mr. Chairman, I am very well aware that in the present temper of the country and the House it is an ungracious task to resist anything like attempting to reduce the expenditures of the Government. I feel all that; but looking at this matter in connection with others I cannot go with the committee in the wholesale, sweeping reductions they have made in the Clerk's office. And I may say at the outset that if there is any gentleman on this floor who can offer this amendment with more propriety than myself I do not know it. If there is any gentleman on the floor of either party here who is less indebted to any officer of this House from the highest to the lowest for any favor or patronage of any kind than myself, I am not aware of it. Therefore, in offering this amendment, the only criticism to which I can be amenable is perhaps that of a want of judgment; and in view of some acts which have characterized the deliberations of this body at this session, I think I may claim, without undue assumption, an average amount of that faculty.

The present force of the Clerk's office is sixty-one. This bill proposes to reduce it to thirty-nine. The bill proposes to take twenty-two employés out of the Clerk's office, reducing the number to thirty-nine. It reduces the salaries from 16 to 37½ per cent., while reducing the force 36 per cent. My amendment reduces the force 13 per cent. and the salaries over $1,200 10 per cent.

In the Thirty-eighth Congress there were one hundred and ninety-six members, and fifty men were considered necessary in the Clerk's office. In the Forty-third Congress, as in this, there were three hundred and two members of the House, and the force, as I said a moment ago, was sixty-one. The bill proposes to reduce it to thirty-nine; so that while in the Thirty-eighth Congress, with one hundred and ninety-six members, fifty men were considered necessary, in this Congress, with three hundred and two members, thirty-nine employés are only considered necessary by the committee. There were less than one thousand bills introduced into the Thirty-eighth Congress. There were over five thousand bills introduced in the Forty-third Congress, and the same proportion of bills is being introduced in this Congress. There is also a similarly increased proportion of joint resolutions. My friend from Ohio [Mr. FOSTER] explained this whole matter to the House the other day, but his statement did not, perhaps, attract as much attention as it ought, and I have therefore submitted the leading figures again.

The Clerk of the House has under his charge certain work which belongs to the Sergeant-at-Arms of the Senate, as the care of the heating and ventilating apparatus and the document room; but his force is reduced twenty-two men, while the force of the Clerk of the Senate is only reduced four men.

Take the journal clerk of the House. I desire to call attention to what, with all respect to the committee, I cannot but consider a gross inequality in their bill. It is proposed in this bill to give the journal clerk $2,250, the salary of that officer heretofore having been $3,600, a reduction of 37½ per cent. At the same time the bill proposes to abolish the office of assistant journal clerk, who heretofore got $3,000. That is, this bill proposes to put on one man at a salary of $2,250 the work that has heretofore devolved on two men with salaries amounting to $6,600. That, I think, is scarcely just, and I will not vote for it. I know there was a special clause in favor of that distinguished parliamentarian, Mr. Barclay, whose absence I personally regret, limiting the salary of $3,600 to his term of office. But this bill reduces the journal clerk's salary, as I said a moment ago, from $3,600 to $2,250 and wipes out the assistant journal clerk entirely. I say that is unjust.

And so it runs all through this portion of the bill. Comments have been made on the salaries of the clerk of the Committee on Appropriations and the Chief Clerk. I do not think the pay allowed to the clerk of the Committee on Appropriations too much for his services, and I am glad to have that as it is. But I would wish that the salaries of these hard-worked employés, many of whom remain here the entire year, were reduced only the amount I have stated; that is, with a reduction of 13 per cent. in force, a reduction in salaries over $1,200 of 10 per cent. I would like to see that 10 per cent. reduction carried through the entire bill. I am ready to vote for that, but I cannot vote for the bill as reported to the House. I regret exceedingly that I have to antagonize a matter coming from a leading committee of which the majority are of my own party, and especially one having at its head the gentleman from Pennsylvania, with whom all my relations are of the most agreeable character.

Mr. MILLIKEN. Will the gentleman state what employés will be struck off by his amendment?

Mr. WADDELL. It strikes out eight men of the Clerk's office. It strikes out the chief messenger, saving $2,100. It strikes out the assistant journal clerk, saving $3,000 by that. It strikes out the librarian and assistant librarian, saving $4,320. It strikes out two folders, one at $1,314 and another at $1,440. It strikes out the clockman at $300, and it strikes out a fireman at $1,095. The total reduction in money by my amendment in the Clerk's office is $21,511.

[Here the hammer fell.]

Mr. WADDELL. I want a moment more. At present we pay $100,074 for this service and my amendment proposes to reduce that amount to $78,563, saving $21,500, or an average of a little more than 20 per cent., while by the bill the committee propose that the sum be reduced to $54,000 in round numbers.

[Here the hammer fell.]

Mr. WELLS, of Missouri. Before I make any remarks in answer to the gentleman from North Carolina, [Mr. WADDELL,] I will ask the Clerk to read a portion of the report of the Committee on Appropriations which I have marked in relation to this subject. It is very brief, but it explains somewhat the reasons why the committee have made this reduction.

The Clerk read as follows:

The committee, in the re-organization of the offices and employés of the House, have been governed with a view of equity in respect to number and salaries of the respective departments of the House, their services, and necessary number to conduct the business of legislation which would seem to be just and proper; also, the fact of the necessity and importance of strict economy in this respect, which will be borne out throughout the bill in all the departments of the Government enumerated in this bill. We found from examination that the number, as well as their salaries, has been far greater than the services justified, and it has been the object of the committee to make such radical changes and modifications as would serve to place said force on a business basis, or upon such as a business man would establish for the conduct of his private affairs.

It will be seen that heretofore the appropriation bill has enumerated only in part the duties or positions and salaries of the respective clerks of the House, whereas this bill gives in detail the position of each. The number has been radically reduced, still leaving, however, as the committee believe, sufficient to discharge all the duties incumbent on them in the prompt and efficient aid of the legislation of the House. Many of them have been dropped. With the approbation of the Clerk, the salaries have been reduced in proportion to the duties and responsible position held by them, respectively.

Mr. WELLS, of Missouri. Before taking action with regard to the employés in the Clerk's department, the subcommittee of the Committee on Appropriations, of which I was a member, called on him for the pay-roll of his office, and we found that there were upon the pay-rolls the names of officers that were not authorized by law. I find upon his pay-roll, which I hold in my hand, quite a number of officers that were put down as folders that were paid out of the appropriation for folding; but I find on his pay-roll here the names of a number of gentlemen who I understand have never done any duty of any kind and have drawn their money out of the Treasury of the United States. I asked him how many employés were necessary to carry out the actual duties of his office, and I did not refer to folders and other employés of that character. He took the list and drew his pen through and struck out of the list quite a number of employés; for instance, a chief messenger; also, the assistant journal clerk and an assistant enrolling clerk, and quite a number of folders and laborers whom he had on his list here.

But, sir, I expect to confine myself in the remarks I now make particularly to the objection made by the gentleman from North Carolina [Mr. WADDELL] which refers expressly to the clerical force in the office of the Clerk. The committee only struck off three clerks in his department, making five in all. The committee believe from the information they had before them, and which they gathered from the books and an examination of the duties of the office, that the office could be conducted efficiently with the force recommended by this bill.

I will state in connection with this matter, Mr. Chairman, that the Clerk had taken folders and put them in the stationery-room and other departments under his control which was not authorized by law.

Mr. BLACKBURN. Will the gentleman from Missouri allow me to ask him a question?

Mr. WELLS, of Missouri. Yes, sir.

Mr. BLACKBURN. I simply desire to know whether the investigations of the committee of which the gentleman of Missouri is a member will warrant him in responding to this interrogatory, whether this impropriety, if so he deems it, of employing men in the folding-room and assigning them to the clerical force of the House is a matter new to this House, or whether it was not so in former Houses, and whether the present Clerk did not simply carry out the practice just as heretofore; and furthermore I would ask him whether there has been any addition to this unauthorized force in this House, as compared to the unauthorized force employed in preceding Congresses?

Mr. WELLS, of Missouri. I will state that I have no knowledge as to the officers of the House under previous Clerks of the House. The only information that I have in regard to the officers I hold in my hand in this pay-roll; but I heard from the Clerk himself that he had ten folders in the Clerk's folding-room or document-room where there have not been five thousand books folded during the last two years. These folders, I presume, were employed as messengers around the several offices in the Clerk's department. I find here a superintendent of the stationery-room. The Committee on Appropriations have not been able to find any law either in the Book of Estimates or in the statutes of Congress authorizing a superintendent of the stationery-room. We find a superintendent here at a salary of $2,120 a year and an assistant or book-keeper at $1,800 a year.

[Here the hammer fell.]

Mr. HOUSE. Mr. Chairman, I move *pro forma* to strike out the last word. While I have every disposition in the world to support the bill of this committee, and also every other well-considered bill of every other committee of this House, yet, sir, I cannot give my sanction to the principle upon which this bill seems to be based.

Why, Mr. Chairman, what are we proposing to do? On what principle is this committee proceeding? The other day, when the chairman of the Committee on Appropriations was explaining the principle upon which the committee was proceeding, he said:

Wherever we possessed the power we have reduced all the salaries above $1,200. We reduced none at or below $1,200, because we thought that would work peculiar hardship on those receiving small salaries. Upon what ground could the committee possibly stand in reducing all other salaries 10 per cent., and not reducing their own? For one, if any man in the committee had favored such a proposition as that, I would have been utterly unwilling to agree.

Now, Mr. Chairman, whatever opinion some gentlemen of this House may entertain as to whether the salary of a member of Congress should be likened to the salary of a clerk or employé of this House this committee has certainly not recognized that principle. What do we propose to do? We propose to reduce our own salaries only 10 per cent., and we propose to reduce the salaries of the clerks and employés of this House on an average of 22 per cent.

The chairman of the committee further said:

Having reduced all salaries 10 per cent., as we conceived the necessities of the times required us to do, we then turned our attention to supernumeraries; we fixed the amount of reduction of clerical force at 20 per cent.

The chairman of the committee says they have reduced the salaries 10 per cent. Sir, the committee has reduced the salaries of the employés and clerks of this House upon an average at least 22 per cent. The chairman furthermore said that they reduced the force 20 per cent. They have reduced the force of the employés and clerks of this House 36 per cent.

I would like to know how any committee can undertake to run through the Departments of this Government on such a scale of reduction of force. It cannot be done. Some Department may have more supernumerary force than others. But it would be the most extraordinary coincidence in the world if every Department of this Government had just 20 per cent. of supernumeraries and sinecures. Yet that is the principle, as the chairman said, on which the committee proceeded in this bill.

Sir, the force of this House is reduced below what it was in 1860. In 1860, when this House was composed of two hundred and forty-two members, the clerical force was forty-six and the cost of running the House was a little upward of $63,000. The committee proposes to reduce the clerical force of this House at this time to thirty-nine, and to reduce the entire cost of that clerical force to $9,000 below what it was in 1860, before the days of extravagance and demoralization set in.

I believe the amendment offered by the gentleman from North Carolina [Mr. WADDELL] is right, and I shall support it, and I think the members of this House ought to support it. What member of this House can go before an intelligent constituency and tell them that he is for economy and say, "We have reduced our own salaries 10 per cent.; but when we struck the poor clerks of the House we reduced them 37 per cent. in number and on an average 22 per cent. in compensation?" As I said in the beginning, if we agree to the propriety of reducing our own salaries, let us do so to an extent that will amount to something. If we should reduce the salaries of the members of this House the same per cent. that the salaries of the clerical force is reduced by this bill, then an amount of money will be saved that will be worth something. But for one I cannot agree to go before the country with such a record as this, to reduce my salary 10 per cent. and then reduce the salaries of these clerks, some of whom have to be here the entire year, some 30, some 25, and some 20 per cent.

[Here the hammer fell.]

Mr. RANDALL. First, in reference to the percentage of numerical decrease. That arises from the change made in the manner of conducting the folding-room. We propose an entirely different system. Heretofore, as shown by an examination of the accounts, every book that was folded, the paper, twine, and paste being supplied, cost us twenty cents. This was a gross and outrageous extravagance. The committee deemed it necessary to go back to the old system of awarding this work to the lowest bidder, making a stipulation that it should not be above a certain amount. So much for the reduction of the force.

It is well known to this House that the clerical force about the two branches of Congress has from time to time been increased beyond all reason. We do not have the opportunity even of remedying that great abuse for this session of Congress. Under the law we are now keeping up, and shall continue to keep up until the 1st day of July next, this large force, which, upon an examination by a subcommittee having no partisanship in it whatever, for it embraced one from each side of the House, we found to be too large and with salaries altogether too high by reason of past legislation.

Mr. CONGER. Will the gentleman allow me to ask him a question?

Mr. RANDALL. In one moment. The subcommittee made their report, which was confirmed by the action of the entire committee, and rated the salaries of the clerical force of this House with salaries paid for like service and like responsibilities in other departments of the Government.

Mr. CONGER. I understood the gentleman to say that the committee had provided for the expenses of the folding-room by contract?

Mr. RANDALL. Yes.

Mr. CONGER. I would ask the gentleman whether any other of the duties about this House are provided for in this bill to be done by contract?

Mr. RANDALL. Not of members of Congress. Instead of paying twenty cents per volume for folding, we maintain that it can be done at one and a half cents, at the very highest, as it has heretofore been done.

Mr. CONGER. If the expense for folding is not embraced in this bill and if other expenses are not embraced in this bill, why did the gentleman claim that the amount saved by this bill was as much as he said, when he says that there are other expenditures of the former system not embraced in this bill?

Mr. RANDALL. We have reduced the expenditures enormously. The chairman of the subcommittee will state how much we will save by the changes proposed in this bill.

Mr. CONGER. I understood the gentleman to state in his opening speech on this bill that by the reductions proposed here the committee had made a great saving over former years. Now it appears that he has simply transferred some part of it to another bill for another appropriation.

Mr. RANDALL. Not at all. I made no such statement as that; and I did not intend to imply it or to have anybody infer it.

Mr. CONGER. I understood the gentleman to say the committee had not in this bill provided for folding, which was provided for in former bills.

Mr. RANDALL. A little further on the gentleman will find an appropriation for folding at what we estimate will be the cost of folding the entire number of books at the contract price.

Mr. CONGER. The gentleman then has calculated beforehand what that contract price shall be.

Mr. RANDALL. We have fixed a maximum.

Mr. WELLS, of Missouri. Taking the previous Congress as a guide.

Mr. FOSTER. Did I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that the subcommittee agreed to this part of the bill as now reported to the House?

Mr. RANDALL. No, sir, I did not; I said that a subcommittee investigated all this subject; that the subcommittee was non-partisan, composed of one member on each side; that with slight modifications the committee indorsed the report. I believe that is correct.

Mr. FOSTER. The subcommittee, the gentleman will remember, made no report as to salaries.

Mr. RANDALL. No, sir.

Mr. FOSTER. And did make a report for a larger force than is reported in this bill by three, I think.

Mr. RANDALL. By three only?

Mr. FOSTER. Yes, sir, by three; about as suggested by the amendment of the gentleman from North Carolina.

Mr. RANDALL. Now, I have no doubt in the world that this Congress can be handled in its clerical duty by the force that is provided for in this bill. Besides, the reductions do not commence until the 1st day of July next.

[Here the hammer fell.]

Mr. DURHAM. I move to amend the amendment by striking out the last letter. I desire to say a few words in regard to this bill, and more especially the amendment proposed by the gentleman from North Carolina. I have a great deal of confidence in the ability of the present Clerk of the House of Representatives to say to the House what is the necessary clerical force to carry on its business. I understand the Clerk to say that he cannot carry on the business of this House creditably with the force provided for in this bill. If that be true, I say it is the bounden duty of this House, in the interest of economy, to provide for the clerical force proposed by the motion of the gentleman from North Carolina. I am in favor of making all necessary and proper reductions in the clerical force in all the Departments, but I would not injure the public service in any regard by cutting off a single one of these clerks. We cannot do it in justice to ourselves.

So much in regard to the clerical force. I wish now to say a few words as to the amount of the salaries proposed in this bill; and upon this subject I really cannot do better than adopt the argument of the gentleman from Tennessee, [Mr. HOUSE.] It does appear to me exceedingly strange—and, mark you, I do not impugn the motives of the Committee on Appropriations at all, because, as I have said in a speech published in to-day's RECORD, I believe they have undertaken to act fairly and conscientiously in this matter, but I attribute their action to a lack of judgment, [laughter]—I say it is remarkably strange that the committee have cut down the messengers of this House subject to the Doorkeeper to $500 for the next year, while they retain the salary of their own messenger at $1,200 a year. Why is this distinction made? That part of the bill having been already passed, I need say nothing further on that point.

There is another thing. I admit the value of the services of the clerk of the Committee of Ways and Means and the clerk of the Committee on Appropriations, but why has their salary been reduced only $100 each, while the salaries of these reporters have been cut down $500, and that of your assistant journal clerk reduced from $3,600 to $2,250? I will not charge this to favoritism on the part of the committee, but I affirm before this House—because I am justified in so doing—that it is an improper and unjust distinction to make between public functionaries discharging their duties equally well.

Mr. RANDALL. Will the gentleman allow me to tell him the reason?

Mr. DURHAM. The gentleman has had his time; I hope he will permit me to proceed without interruption. If the gentlemen on that committee will cut down their own messenger and their own clerk, as they have undertaken to cut down the clerks in this House who have proved themselves to be faithful and able, then I will go for the whole bill as it now stands. But I do undertake to say that the bill in its present form makes an invidious discrimination which I cannot support and at the same time sustain myself before the country. When we have reduced our own salary at the rate of only 10 per cent., as has been stated by the honorable gentleman from Tennessee, and have cut down the compensation of some of these clerks to the extent of 27 and 30 per cent., or more, I say we cannot go before the country on a record of that sort. To make so great and disproportionate a reduction in the pay of these clerks, and a still larger reduction in the pay of these laboring-men who stand about the doors of this Hall from morning to night, is, I say, an unfair and invidious distinction which this House ought not to tolerate.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I regret that same gentleman has seen fit to turn this discussion into an attack upon the committee. The honorable gentleman from Tennessee [Mr. HOUSE] commenced his remarks by comparing the reduction of the pay of members of this House with that of our employés. It occurs to me, sir, and doubtless it did to every other gentleman, that the honorable gentleman from Massachusetts was correct in stating they were upon a different footing. The simple statement of the fact commends itself to the good sense of this intelligent body.

Now, sir, we will come to the employés of this House. The gentleman says he cannot consent to strike his pay down only 10 per cent. and cut down the employés of this House a far greater amount. It is well known by old members by reason of the employés, being in constant contact with members, that the service here has advanced with more rapid strides so far as pay is concerned than in any other department of the Government. Finding this to be true, an appeal was made to the committee that the employés of this House, just as the employés in the various Departments of the Government, should have their pay fixed upon some business principle. We compared them with the employés in the several Departments of the Government and endeavored to reduce them according to what we found to be the rate of compensation paid to those employés. We have not gone beyond that, notwithstanding the employés in the other Departments of the Government are continued in service from the beginning to the end of the year.

If gentlemen cannot find any other reason than that to charge this committee with having acted inconsistently, with having cut down their salary 10 per cent. while they have cut down that of the employés of this House 37 per cent., it does not show they are very earnest in assisting the committee in moving toward economical administration. I regret very much such attacks should have been commenced here. I had hoped this House, so far as its own employés are concerned, would be able to stand the test that they mean genuine retrenchment.

There is no one who regrets to do a service of this kind more than I do; but when I remember the purpose of this bill is to save $5,000,000 to the people of the country, and that other like bills to come after it are to save still more to the people, I will not hesitate to strike in that direction even if I strike my own friends.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. Mr. Chairman, I wish to move an amendment to provide for the engineer of this House. In regard to the other questions, I propose to leave them to my friends on the other side in politics.

Now, among the curiosities that I have witnessed at Barnum's nothing has ever pleased me more than the "happy family." [Laughter.] But I certainly on the occasion of my visit to Barnum's, or here, would not wish to enter into the felicities of either. [Laughter.] But in regard to this engineer; he is a public benefactor. [Laughter.] It would be doing injustice to my own feelings, enjoying the pleasure he has given me while sitting in this House, to be silent when his compensation is in question. We have had all the pleasure of a Russian bath here. [Laughter.] The air at one moment we are in session is coming in at 110°, and twenty minutes after we have been brought into a profuse perspiration by the hot air that has been poured in upon the House we have the air blown in at a temperature of about 50°. [Laughter.] We can afford to pay for pleasures of this kind. [Laughter.] There is a sensation in our limbs, in our backs, in the mucous membrane, I feel to-night which I have not felt for the last eight and thirty years, that certainly calls upon us for some notice of the achievements of this individual. [Laughter.] There is not a doctor in the city of Washington who is not under obligations to him, and the dealers in linen pocket-handkerchiefs ought to contribute something to the salary of this gentleman. [Laughter.] I think, sir, his salary should be at least $2,500.

Mr. BLACKBURN. I trust, Mr. Chairman, that it will not be necessary for me to attest by word the appreciation in which I hold the efforts of this Committee on Appropriations. From the beginning of this session until now the RECORD will show I have voted for every measure that committee has ever brought into the House. I have voted against any amendment that has been offered to any of their bills unless the committee accepted and approved it. I regret I am now called upon, in the discharge of what to me appears the plainest imaginable duty, not only to enter my protest by vote but to give it by voice against a bill which, with all due respect and proper appreciation for the effort that committee has made, appears to me to be undefinable and insupportable, either upon the score of principle, of precedent, or of consistency. In neither the one nor the other of

these regards can the gentlemen of that committee support or maintain their present position before this House.

I will not go over the ground already traveled to show that there is no principle in this bill, in saying which I do not mean to impugn the motives of that committee at all. Starting out with a flourish of trumpets in reference to the 10 per cent. general reduction, we find them at sea on every section of their bill, their principle ignored and disregarded in practice. It is not only that we are least of all the sufferers by reason of these reductions that I protest. It is not alone because, as has been well said by the gentleman from Tennessee, [Mr. HOUSE,] I am not willing to go before my people or before the country as a party to the reduction of salaries that costs me, one of the law-making power, but 10 per cent., while it costs the victims of that law-making power 30 or rather nearly 40 per cent.

It is not that alone. But, sir, upon the ground of precedent the gentlemen of the committee cannot defend their bill. I ask any member of the Committee on Appropriations to tell me when in the history of an American Congress the journal clerk of its House and the Chief Clerk of its House in point of pay were ever before subordinated to a clerk of a Ways and Means Committee or a clerk of an Appropriation Committee? Here is $2,440, I believe, given to each of the clerks of these two committees, and $2,250 is allowed the journal clerk at that desk and to the Chief Clerk of this House. And you find the messengers of this House, some of whom are forced to remain here during the year, brought down to $500, while the messenger of the Ways and Means Committee and the messenger of the Appropriation Committee are left at $1,200.

Worse than that, sir; this bill is not consistent. In one feature at least it is not a reducing bill at all, but it is a bill for a raising of salaries. I refer to line 169, on page 8. I find there, sir, that the paying-teller for the Sergeant-at-Arms is to have $2,000 by the bill. But looking at the appropriation act for the current year I find that the salary of that officer to-day is $1,800. That was the salary fixed for that officer by the bill making appropriations for the legislative, executive, and judicial expenses of this Government passed one year ago. This bill, in the line to which I have referred, raises his salary to $2,000. I was amazed to find that these gentlemen in their retrenchment——

Mr. CALDWELL, of Alabama. I find in the Official Register that the salary of that officer is stated at $2,500.

Mr. RANDALL. His salary is $2,100. That is what he received last year.

Mr. EDEN. I would like to call the attention of the gentleman from Kentucky——

The CHAIRMAN. Does the gentleman from Kentucky yield further?

Mr. BLACKBURN. O, certainly.

Mr. EDEN. I would like to call the attention of the gentleman from Kentucky to the fact that when the appropriations for the clerks of the Senate were under consideration there was no complaint about a reduction of salary. It is only when it comes to a proposition to reduce the pay of the clerks of this House that the gentleman from Kentucky complains. The amendment of the gentleman from North Carolina [Mr. WADDELL] will give the clerks of this House a larger compensation——

Mr. BLACKBURN. I cannot yield further if this is to be taken from my time. If gentlemen will turn to the Statutes at Large for the Forty-third Congress, page 346, they will find that I certainly am supported by the declaration of the law in the statement which I have made. I find there in the statute this line:

Paying teller of the Sergeant-at-Arms, $1,800.

Mr. O'BRIEN. In support of the statement of the gentleman from Kentucky I may say that I hold in my hand the official copy of an appropriation bill passed at the last session of Congress, and the salary of that officer is there fixed at $1,800.

Mr. RANDALL. I have the authority of the Sergeant-at-Arms for stating, and his statement accords with my own recollection, that the present salary of that officer is $2,100.

Mr. BLACKBURN. Very well. If I am allowed to proceed I will say that if that paying teller of the Sergeant-at-Arms, who by the law passed last year is only entitled to $1,800, has been receiving $2,100, by reason of any subsequent appropriation made in his behalf, then the bill offered by the committee, according to their own statement of his salary, which does not agree with the law as I have quoted it, makes only a reduction of $100 out of a salary of $2,100.

Now I do say that it is clear to every member on this floor that that principle of 10 per cent. reduction has been abandoned. It is perfectly patent to every member of this House that on the score of precedent nothing is to be found that will warrant the subordination of the chief clerks of this House in point of pay to some of the clerks of its committees.

[Here the hammer fell.]

Mr. BLACKBURN. Just one word more. Let me say in justice to the honorable chairman of the Committee on Appropriations that my attention is called to an addition of $300 made to the salary of the paying teller of the Sergeant-at-Arms. That leaves a reduction of but $100.

Now, Mr. Chairman, if these reductions are to be made, let us at least bear our fair portion of the burden. If the Government is not able to pay out the money that has been expended for these purposes heretofore let us make that reduction so far as we can without impairing the working efficiency of the service of this House, and let there be a *pro rata* reduction of the salaries of members on this floor; not excusing ourselves under a mere nominal reduction and leaving it to fall with full weight on these men who are unable to be heard.

Mr. WADDELL. I call for a vote on my amendment.

Mr. RANDALL. In reference to the question which has been mentioned by the gentleman from Kentucky, [Mr. BLACKBURN,] I want to say this, that we took into consideration the fact that this officer, the paying teller of the Sergeant-at-Arms, handles a million and a half of dollars a year, and we thought that $2,000, as the office is a responsible place, was not too large. We felt that it was not just to the Sergeant-at-Arms, who is responsible for the acts of his subordinates in connection with the handling of more than a million and a half of dollars, to reduce the salary too low; we had to discriminate.

An allusion has been made to the expense proposed now as compared with the years 1860 and 1861 or thereabouts. It was perhaps before the advent of the republican party into this Hall as a majority. In 1860, as will be seen in volume 12 of the Statutes at Large, page 93, the compensation of the officers, clerks, &c., of the House was $81,000; in 1861, as will be seen by volume 12 of the Statutes at Large, page 134, it was $95,000. Now even this bill appropriates more than double what the amount was in 1860, to wit, $173,000.

For myself, I have no earthly doubt that the House can be properly officered under the provisions of the bill.

Now, mark you, this bill does not take effect until the 1st of July next. We run these officers, as I have said before when the Senate branch was under discussion, five months nearly when they are doing no work. They then come here for four months, and they again run at the same rate for nine months without doing any service whatever. They run until the December after the 1st of July next, a period of seventeen months of pay with only four months' service. We give them four months' pay for the short session, because they have to spend two weeks in coming here and two weeks in going away; and if we should find that at the next session of Congress the House cannot be run at this cost, it will be time enough then to create temporary clerks to provide for the necessity.

Mr. GARFIELD. Mr. Chairman, I do not wish to take any part in any family quarrel at all, but I see that there is a matter of difference between gentlemen on the other side, and I wish to point to the fact that the increase in the salary of the paying teller of the Sergeant-at-Arms arose in this way. The salary was $1,800, but when the corresponding bill to this was considered a year ago, the gentleman from Pennsylvania, [Mr. RANDALL,] the present chairman of the Committee on Appropriations, moved to increase it to $2,100 and made a speech in favor of it, but that amendment was defeated. Subsequently, on his motion, in another bill, an additional $300 was put on, and the salary is now $2,100.

I wish to say, however, in this connection, Mr. Chairman, that I feel it my duty, notwithstanding the peculiarly changed positions in which the gentleman from Pennsylvania and myself are placed, which is a little curious in many ways, to give my testimony as to what I consider the unwise reduction of the force about this Capitol, and particularly in the Clerk's department, in this bill.

Last year and the year before I did what I could to reduce the salaries of our leading clerks before us, and the persons connected immediately with us about the Capitol, and all this ground was fully gone over; but chief among those who resisted my views on that occasion, and on all those occasions in the two years past, was the present chairman of the Committee on Appropriations, [Mr. RANDALL.] The appropriation bill corresponding to this at the last session of Congress was defeated in four committees of conference, and only succeeded in passing in a fifth conference, chiefly because of the ability and persistence with which the gentleman from Pennsylvania insisted on keeping up or rather putting up the pay of the leading clerks in the employ of the Clerk of this House.

Mr. RANDALL. Allow me one word; you put millions into that bill.

Mr. GARFIELD. I must decline to yield until I have concluded what I have to say. Now let all that go by. The gentleman had his triumph and I had my defeat on that question. I have no doubt that the real true position that the House ought to take lies somewhere between my ground then and the ground of the gentleman from Pennsylvania now. Politically of course I can have no interest in this question, but I am here to say that in four years' experience in studying the wants of this House and the officers necessary to carry on its business this bill as it now stands is, in my judgment, a crippling of the necessary force to take care of the great and important business about this House. The force is reduced lower than we ever had it for fifteen years both in amount of the force and in the pay to that force.

For example, in reference to the clerical force: The pay of some of these clerks who sit before us was put up by the gentleman, for two of them to $3,600 and two of them $3,010 regular pay and $600 longevity pay, and the salaries of these officers are now reduced to $2,500, and five other clerks next to them in rank, whose pay was put up against my will to $3,000, (it ought to have been no more than $2,600,) are now cut down to $2,200.

I believe, Mr. Chairman, that the pay proposed by this bill for a

large number of the employés of the House is too low, and I am very clear and certain that the number allowed is too low for the careful and proper transaction of the important business about this House.

Now let me say a word before the hammer falls in regard to a point made by the gentleman from Missouri, [Mr. WELLS,] in regard to folders. The number of people required to fold documents is always an uncertain quantity. In a year like this, with a Presidential election pending, you may have an enormous mass of documents to be folded. Next year you may not have the one-fortieth part of the documents to be folded that are folded this year. Therefore you cannot say just how many people will be needed to do the folding. It has been the custom for years to put a number of names on the roll of the folding-room, and when they are not needed for folding they are employed for clerical services, in positions about the House. Those on the rolls of the folding-room may do folding work or clerical work, as the necessities of the case may require.

[Here the hammer fell.]

Mr. WELLS, of Missouri. So much has been said in regard to the proposed reduction in the clerical force of this House, that I will move to strike out the last word of the amendment for the purpose of having an opportunity to make a few remarks.

As I have already stated, there have been only five clerks stricken from the rolls of the Clerk's office of this House. The Clerk himself without hesitation agreed to striking off that number. Those clerks are the assistant journal clerk, assistant enrolling clerk, resolution and petition clerk, assistant newspaper clerk, and the index clerk. That is all the reduction made in the force of the Clerk's office by the Committee on Appropriations in this bill. He has made no complaint, except in the case of one, may be two, of these assistant clerks; if he could have them returned to him he would have been satisfied.

The two additional laborers for the Clerk's office are all he claims. This bill provides for seventeen laborers for the Doorkeeper and ten laborers for the Clerk's office, making twenty-seven in all. The Clerk himself made some complaint before the subcommittee; but when we called his attention to the fact that he was receiving $7,300 a year as salary and perquisites, he concluded to say no more on that subject. Now to show how this has been made out, let me say that we found that the Clerk was allowed besides his regular salary a certain amount for disbursing the funds in his charge, and also certain allowances for horses. No casual observer can take up an appropriation bill and the laws relating to the Clerk's office and come to any other conclusion than that the Clerk of this House receives $7,300 annually at the present time.

The Clerk now receives an annual salary of $4,320. As disbursing officer of this House he receives in addition $576, and he receives $2,737.50 for three horses, for which the Government provides a stable, a hostler to take care of them, and a driver to drive them. All the expense the Clerk is to for the three horses is for shoeing and feeding them. After paying all those expenses, he receives altogether $7,300 a year. It is likely he would be glad to have his compensation continued at that rate.

So far as the salaries of some of these clerks are concerned they might, perhaps, be raised slightly from the amounts proposed in this bill, but not, in my opinion, to the extent proposed by the gentleman from North Carolina, [Mr. WADDELL.] So far as the number is concerned, that might be increased by one. But what is the fact? The Clerk not only wants his office filled up with clerks sitting there doing nothing, but he wants a messenger or servant at each door at the bidding of every clerk in his employ.

It is not only in this House that this kind of organization is in vogue; it is to be found all over Washington. You cannot go to a hotel or a boarding-house without finding an organization of force like the one that is here fighting this appropriation bill. I am sorry to see members of this House who may have friends here, people from their districts or States, rising here and endeavoring to carry out the wishes of these officials of the House. Many of these officers I know personally; but if they were my blood relations I would not stand here and advocate their cause to the detriment of the interests of the people of this whole country.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee now rise.

Mr. FOSTER. I hope the gentleman will withdraw that motion for a moment, until I can make a brief statement.

Many MEMBERS. Regular order.

The CHAIRMAN. The regular order is the motion that the committee now rise

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ADAMS: The petition of Messrs. Van Heusen, Charles & Co. and others, for a uniform rate of duty of 30 per cent. upon crockery, china, glassware, &c., to the Committee of Ways and Means.

By Mr. GUNTER: Memorial of Cave Hill College, Arkansas, for compensation for college building destroyed by United States troops, to the Committee of Claims.

By Mr. HOPKINS: Remonstrance of workingmen in the employ of the United States Iron and Tin Plate Company, of Pittsburgh, Pennsylvania, against a reduction in the tariff, to the Committee of Ways and Means.

Also, remonstrance of 350 workingmen in the iron-mills of Lewis, Oliver & Phillips, of Pittsburgh, Pennsylvania, of similar import, to the same committee.

Also, remonstrance of workingmen in the iron-mill of Moorhead & Co., of Pittsburgh, Pennsylvania, of similar import, to the same committee.

Also, remonstrance of workingmen in the iron-mill of Anderson & Woods, of Pittsburgh, Pennsylvania, of similar import, to the same committee.

By Mr. HOOKER: The petition of D. W. Booth, M. D., for compensation for the ground upon which stands the Grant and Pemberton monuments, to the Committee on War Claims.

By Mr. JENKS: Memorial of citizens of Pennsylvania, against any change in the existing tariff laws, to the Committee of Ways and Means.

By Mr. JONES, of Kentucky: Memorial of citizens of Kentucky, that proper measures be taken for the release of E. O'M. Condon, a citizen of the United States now held a prisoner by the government of Great Britain, to the Committee on Foreign Affairs.

Also, joint resolution of the Legislature of Kentucky, requesting the Representatives in Congress from that State to take such steps as will secure the release of E. O'M. Condon, a naturalized citizen of the United States imprisoned by the British government, to the same committee.

Also, the petition of the owners of steel and iron works and workingmen engaged therein, in Kenton County, Kentucky, protesting against any change in the existing tariff laws, to the Committee of Ways and Means.

By Mr. LAPHAM: Resolutions of the common council of New York City, favoring the improvement of Harlem River and Spuyten Duyvil Creek, to the Committee on Commerce.

By Mr. O'NEILL: Resolutions of the Philadelphia Board of Steam Navigation, remonstrating against the bill to re-organize the Light-House Board, to the Committee on Commerce.

By Mr. O'BRIEN: Two petitions of wholesale druggists of Baltimore, for the definition of the powers and duties of officers of the internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. POWELL: The petition of A. J. Muchant and 500 citizens, and of Mrs. A. J. McIntyre and 683 ladies, for the appointment of a commission to investigate and report the general effects of the liquor traffic on the United States and for other purposes, to the same committee.

By Mr. SMITH, of Pennsylvania: Remonstrance of citizens of Lancaster County, Pennsylvania, against changing the tariff laws, to the same committee.

By Mr. SWANN: Memorial of J. O. Peck, M. R. Creighten, V. H. Thompson, and 237 other citizens of Baltimore, Maryland, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, and to prohibit its sale in the District of Columbia and Territories, to the same committee.

By Mr. THOMAS: The petition of citizens of Maryland, importers and dealers in crockery, china, and glass ware, for a reduction of duties thereon, to the same committee.

By Mr. TOWNSEND, of New York: Remonstrance of a convention of delegates representing the seven yearly meetings of the religious Society of Friends in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and Iowa, against the transfer of the care of the Indians to the War Department, to the Committee on Appropriations.

By Mr. VANCE, of North Carolina: The petition of R. L. McConnaughey, for compensation for carrying the United States mail in North Carolina in 1866, to the Committee of Claims.

By Mr. WALDRON: A paper relating to a post-route from Milan, via York and Saline, to Ann Arbor, Michigan, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of New York: The petition of James Rogers, John Hargroves, and 101 others, that no change be made in the tariff laws at this time, to the Committee of Ways and Means.

Also, the petition of A. B. Wood and 54 others, of similar import, to the same committee.

By Mr. WILSON, of Iowa: The petition of citizens of Blairstown, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *March* 31, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 1100) relative to the redemption of unused stamps; and

A bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."

The bill (H. R. No. 2817) to regulate the pay and allowances of Army officers was read twice by its title, and referred to the Committee on Military Affairs.

REPORTS OF UNITED STATES GEOGRAPHICAL SURVEYS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the following distribution shall be made of the reports of the United States geographical surveys west of the one hundredth meridian, published in accordance with acts approved June 23, 1874, and February 15, 1875, as the several volumes are issued from the Government Printing Office, to wit, nine hundred and fifty copies of each to the House of Representatives, two hundred and fifty copies of each to the Senate, and eight hundred copies of each to the War Department for its uses.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, a communication from the Chief of Engineers, submitting a copy of a letter from Major J. M. Wilson, Corps of Engineers, explaining why the survey of the mouth of Nehalim River and of Alsea River and bar, Oregon, contemplated in the act of March 3, 1875, has not been made, and recommending, for reasons stated, the postponement of that survey; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. McCREERY presented a petition of workingmen of Boyd County, Kentucky, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

He also presented the petition of Lena Bensinger, praying to have restored to her certain money alleged to have been wrongfully taken from her late husband, Nathan Bensinger, as surety on the bond of Dohn & Marks, brewers, of Louisville, Kentucky, charged with violating the internal-revenue laws; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of workingmen of Mahoning County, Ohio, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. CONKLING presented two petitions of workingmen of Erie County, New York, and a petition of workingmen of Clinton County, New York, praying that the tariff laws may remain undisturbed for the present; which were referred to the Committee on Finance.

Mr. McMILLAN. I present a memorial of Irish-American citizens of Saint Paul, Minnesota, in mass-meeting assembled, signed by their officers, relative to the imprisonment in England of Edward O'Meagher Condon. The officers who presided over the meeting are highly respectable gentlemen. The chairman of the meeting is one of our best citizens. I ask that the memorial be read.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, citizens of the United States, residing at Saint Paul, Minnesota, respectfully call the attention of your honorable body to the case of Edward O'M. Condon, a citizen of the United States, and a brave soldier in the Army of the Union during the late war, who has for the last nine years been confined under, and is now undergoing, a life-sentence, passed upon him by one of the English courts at Manchester, in that country.

The offense for which he was convicted grew out of and was intimately connected with an alleged insurrection against the English government, then occurring at Manchester, and which was in this instance manifested by an attempted rescue in the streets of that city of some political prisoners.

In the excitement that followed a large number of suspected persons were arrested and tried by a special commission, and among those convicted was Edward O'M. Condon.

During the last nine years an opportunity has been given for a calm and dispassionate review of the evidence upon which he was convicted, and many facts recently brought to light have led your memorialists to believe that he was wholly innocent of the alleged crime for which he is now being punished and that his conviction was in a great measure, if not wholly, due to the intense political excitement then existing in England.

To the end therefore that justice may be still done or a justifiable mercy exercised, and that the life of a brave and patriotic Union soldier, which has been freely periled in her behalf, may by a grateful country be permitted to terminate in peace and honor and relieved from the odium of an alleged felony, we ask that your honorable body may cause the Department of State to cause the case of Edward O'M. Condon to be investigated, to the end that, if innocent, his release may be required, or that a judicious mercy may be exercised in his behalf.

And your memorialists as in duty bound will ever pray, &c.

Saint Paul, March 17, 1876.

The Irish-American citizens of Saint Paul, Minnesota, in mass meeting assembled, by—

PATRICK H. KELLY,
Chairman.
HENRY O'GORMAN,
Secretary.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Foreign Relations.

Mr. WRIGHT. I present the petition of O. M. Barrett, Charles Allen, and some thousand or twelve hundred other citizens of Northwestern Iowa, reciting that by act of Congress approved May 12, 1864, a grant of land was made to aid in the construction of a railroad from McGregor, in that State, on or near the forty-second parallel, to intersect a line of road running from Sioux City to the northern line of Iowa, in O'Brien County; reciting also that that road is completed to Algona, in that State, but that the lands granted by Congress are largely located west of that point; and that settlements have been made upon the expectation that that road was to be constructed from Algona to the point named in the act of May 12, 1864, but that they understand propositions are made to change the route of that road; and also the terminus upon the road from Sioux City to the northern line of the State. They remonstrate against any change or diversion of the line of the road by Congress. I move the reference of the petition to the Committee on Railroads.

The motion was agreed to.

Mr. BOUTWELL. I present the memorial of the Boston Board of Trade, remonstrating against any alteration of the Light-House Board. As that subject has been reported on by the Committee on Commerce, I move that this memorial lie on the table.

The motion was agreed to.

Mr. SARGENT. I present a memorial of the representative Baptist ministers on the Pacific coast, among which are the names of the Baptist pastors in the city of San Francisco, who state that they believe that "all just government is founded on civil and religious liberty, and that it is unjust to tax, for the support of any sectarian or religious institution, those who are conscientiously opposed thereto," and they pray that this body will adopt a resolution proposing an amendment to the Constitution, "to be ratified by the States, that neither the United States, nor any State, Territory, or other civil jurisdiction therein, shall appropriate any money or property for any purpose, directly or indirectly, to any religious body or sect." I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALLACE presented a memorial of workingmen of Allegheny County, Pennsylvania, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, presented the petition of J. W. Toms & Co. and other importers and dealers in china, glass ware, and crockery, praying that a uniform duty of 30 per cent. be levied upon earthen ware, crockery, glass ware, and china, exclusive of packages, inland freight, shipping charges, and commissions; which was referred to the Committee on Finance.

JAMES B. SINCLAIR.

Mr. CLAYTON. The other day in making some reports from the Committee on Military Affairs I erroneously reported adversely upon the bill (S. No. 216) for the relief of Lieutenant James B. Sinclair, United States Army, under the impression that the Committee had directed me to report that bill. That was a mistake. I move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAWES. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 485) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts, to report it with amendments; and as it relates to a matter that has been passed upon several times in the Senate upon similar bills, I ask that it may be acted upon now.

Mr. EDMUNDS. You had better let it go until to-morrow.

Mr. DAWES. There is a written report which explains the case. The bill is merely to pay for stamps. The safe was blown up by professional burglars from the city of New York, and the Post-Office Department report that the postmaster exercised all due care and that she ought to be paid.

Mr. EDMUNDS. I have almost always opposed these bills, but without any particular success, and perhaps I should not attempt fruitless opposition in this instance, which is probably as good as any of them; but still I think we ought to see the report in print and see that the case comes fully up to the rule, as I dare say it does.

Mr. DAWES. It will only take one moment to pass the bill.

Mr. EDMUNDS. It will not make any special difference to wait until we can have the report printed. There will be no objection to taking it up then.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object to the present consideration of the bill?

Mr. EDMUNDS. Let it go over.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 38) granting a pension to Charles C. Daniels, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1455) granting a pension to Griffin Chavers, late a private in Company C, Ninth Regiment of United States Heavy Artillery, (colored,) submitted a report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia, reported it without amendment.

Mr. CHRISTIANCY, from the Committee on Territories, to whom was referred the bill (S. No. 483) to regulate elections and the elective franchise in the Territory of Utah, reported it with amendments.

He also, from the Committee on Private Land Claims, to whom was referred the petition of Ephraim P. Abbott, praying for the entry and purchase of a piece of land as a second or back concession in rear of private land claim No. 667, Wayne County, Michigan, submitted a report accompanied by a bill (S. No. 678) for the relief of Ephraim P. Abbott.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred a resolution directing that committee to inquire and report whether the monuments erected by order of the Senate to the memory of deceased Senators have been placed over the remains of those Senators and suitably inscribed, and also whether there are any deceased Senators not honored by the erection of monuments, reported a bill (S. No. 679) relating to interments in the Congressional Cemetery; which was read and passed to the second reading.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the resolution of the Senate of the 15th February, instructing that committee to inquire into the necessity of repaving Pennsylvania avenue from the Capitol grounds to Fifteenth street, and to ascertain the best material to be used, &c., submitted a report accompanied by a bill (S. No. 680) authorizing the repavement of Pennsylvania avenue.

The bill was read twice by its title, and, on motion of Mr. DORSEY, recommitted to the committee.

The PRESIDENT *pro tempore*. Does the Senator ask that the report be printed?

Mr. DORSEY. Yes, sir.

Mr. EDMUNDS. Reports are always printed under the rule.

BILLS INTRODUCED.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 681) for the relief of Marie Barton Greene; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 683) for the relief of the officers and privates of the Fourth Arkansas Cavalry Volunteers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMILTON, it was

Ordered, That the papers in the case of Edward T. Ryan, late a lieutenant, United States Army, be withdrawn from the files.

On motion of Mr. McDONALD, it was

Ordered, That James Coloway have leave to withdraw his petition and papers from the files of the Senate.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORTON. I hope before that motion is adopted we shall see what we can get through with to-day. I hope we shall not agree to adjourn over until the pending business is disposed of.

Mr. WHYTE. I withdraw the motion for the present if there is objection.

Mr. EDMUNDS. Very likely there will not be by and by.

JOINT RULE ON APPROPRIATION BILLS.

Mr. ANTHONY. I offer a joint rule for the consideration of the Committee on Rules:

The general appropriation bills shall be confined to appropriations necessary to carry into effect existing laws, and shall not be open to legislative provisions, except such as relate to the expenditure of the moneys therein appropriated.

I move the reference of this proposed joint rule to the Committee on Rules; and as I have the chairman of the committee [Mr. FERRY] right before me, where he cannot get away, I wish to say a word upon the reason of the rule proposed.

I am encouraged by the debate in the Senate, a few days ago, to offer this amendment to the rules, which I had already intended to propose. Of course I do not suppose that it can be made applicable to the present session, for the business is too far advanced; but the evil which it proposes to arrest is one that has been brought especially to the attention of the Senate, on the last appropriation bill; and I think there can hardly be but one opinion upon it.

The general appropriation bills are necessary to carry on the Government. They are, therefore, sure to pass; and however they may be overloaded with objectionable legislation, very few Senators are willing to take the responsibility of voting against them upon the question of their passage. Therefore it is liable to happen that the friends of several measures, neither of which alone could command a majority of the Senate, will combine, and put the whole upon an appropriation bill which carries itself and them with it. This vicious mode of legislation has long been a matter of complaint, and has been met by several restrictive rules, which partially restrain, but do not altogether prevent it. By our rule, it is forbidden to move upon an appropriation bill an amendment to pay a private claim, or to make additional appropriations, unless it be to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate, during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of a Department. These exceptions allow a very wide latitude. Yet the restraint upon amendments for appropriations moved by individual Senators, on their own responsibility alone, is healthful, and makes a great saving of time, by cutting off the discussion on propositions that are sure to fail.

We have another rule to that effect which allows a motion to be made to lay on the table an amendment to an appropriation bill without carrying the bill with it. But the facility with which estimates can be extorted from the heads of Departments and recommendations wrung from committees open the bills to enormous additions.

A greater evil has been the passage of legislation on the appropriation bills, often legislation that had no connection with the subject of the bill. This, too, has been restricted by special rules, adopted for the passing session and generally toward the close, when it became apparent that otherwise the necessary business could not be transacted. The Senate has not, however, adopted a standing rule to that effect.

The true idea of an appropriation bill is a bill to provide the money necessary to carry into effect existing laws, without amendment of those laws, except so far as relates to the expenditure of the sums therein appropriated. This would reduce the appropriation bills to simple business statutes; it would confine the discussion to the character and amount of the appropriations, and to their economical and judicious expenditure. It would subject them to a more rigid scrutiny, and, by relieving them from all extraneous matters, would place in a clearer view the cost of each branch and each department of the public service.

It is the purpose of this rule to give this character to the appropriation bills. Another modification I would like; a limit of every appropriation to the estimates of the Treasury, so that every officer charged with the control of the expenditures would act under the responsibility of his own recommendations. This I believe is the rule of the British Parliament. I do not, however, venture to propose this, fearing that it would be regarded as too great a departure from the existing system, and as a limitation upon the power of Congress. Yet if such a provision were made, applicable to the general appropriation bills alone, it would not prevent supplemental bills making original appropriations or increasing those in the general bills. But there should be no question of the equal right of either House to originate such measures. Indeed there is no question now, although by custom the appropriation bills have originated in the House. Once, in the Thirty-sixth Congress, when the Senate, weary of the delay of the House, passed several appropriation bills and sent them to the House, the House laid them on the table, and sent back other bills. The Senate raised no question on the subject, but I suppose no Senator doubts the right of the Senate to originate appropriation bills. In fact, we do it every day in private bills.

Mr. EDMUNDS. And in many public bills of small amounts.

Mr. ANTHONY. The Senator from Vermont suggests that it is so with many public bills of small amounts, like bills for the erection of light-houses, and other appropriations of various kinds. If it should be thought, however, that in the emergencies of the closing session, it might be sometimes quite necessary to legislate upon an appropriation bill, one bill might be excepted from the rule, as the sundry civil bill, the omnibus bill as it is generally called, although my opinion is that the advantages to be gained by a rigid adherence to this rule would more than compensate for all its inconvenience.

I move the reference of the proposed rule to the Committee on Rules, and that it be printed.

The motion was agreed to.

THE MISSISSIPPI ELECTION.

The Senate resumed the consideration of the resolution submitted by Mr. MORTON December 15, 1875, as modified by him on the 27th instant, namely:

Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution,

thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have in the said election been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes.

Mr. BRUCE Mr. President, I had hoped that no occasion would arise to make it necessary for me again to claim the attention of the Senate until at least I had acquired a larger acquaintance with its methods of business and a fuller experience in public affairs; but silence at this time would be infidelity to my senatorial trust and unjust to both the people and the State I have the honor in part to represent.

The conduct of the late election in Mississippi affected not merely the fortunes of partisans—as the same were necessarily involved in the defeat or success of the respective parties to the contest—but put in question and jeopardy the sacred rights of the citizen; and the investigation contemplated in the pending resolution has for its object not the determination of the question whether the offices shall be held and the public affairs of that State be administered by democrats or republicans, but the higher and more important end, the protection in all their purity and significance of the political rights of the people and the free institutions of the country. I believe the action sought is within the legitimate province of the Sentate; but I shall waive a discussion of that phase of the question, and address myself to the consideration of the importance of the proposed investigation.

The demand of the substitute of the Senator from Michigan proceeds upon the allegation that fraud and intimidation were practiced by the opposition in the late State election, so as not only to deprive many citizens of their political rights, but so far as practically to have defeated a fair expression of the will of a majority of the legal voters of the State of Mississippi, resulting in placing in power many men who do not represent the popular will.

The truth of the allegations relative to fraud and violence is strongly suggested by the very success claimed by the democracy. In 1873 the republicans carried the State by 20,000 majority; in November last the opposition claimed to have carried it by 30,000; thus a democratic gain of more than 50,000. Now, by what miraculous or extraordinary interposition was this brought about? I can conceive that a large State like New York, where free speech and free press operate upon intelligent masses—a State full of railroads, telegraphs, and newspapers—on the occasion of a great national contest, might furnish an illustration of such a thorough and general change in the political views of the people; but such a change of front is unnatural and highly improbable in a State like my own, with few railroads, and a widely scattered and sparse population. Under the most active and friendly canvass the voting masses could not have been so rapidly and thoroughly reached as to have rendered this result probable.

There was nothing in the character of the issues nor in the method of the canvass that would produce such an overwhelming revolution in the sentiments of the colored voters of the State as is implied in this pretended democratic success. The republicans—nineteen-twentieths of whom are colored—were not brought, through the press or public discussions, in contact with democratic influences to such an extent as would operate a change in their political convictions, and there was nothing in democratic sentiments nor in the proscriptive and violent temper of their leaders to justify such a change of political relations.

The evil practices so naturally suggested by this view of the question as probable will be found in many instances by the proposed investigation to have been actual. Not desiring to anticipate the work of the committee nor to weary Senators with details, I instance the single county of Yazoo as illustrative of the effects of the outrages of which we complain. This county gave in 1873 a republican majority of nearly two thousand. It was cursed with riot and bloodshed prior to the late election, and gave but seven votes for the republican ticket, and some of these, I am credibly informed, were cast in derision by the democrats, who declared that republicans must have some votes in the county.

To illustrate the spirit that prevailed in that section, I read from the Yazoo Democrat, an influential paper published at its county seat:

Let unanimity of sentiment pervade the minds of men. Let invincible determination be depicted on every countenance. Send forth from our deliberative assembly of the eighteenth the soul-stirring announcement that Mississippians shall rule Mississippi though the heavens fall. Then will woe, irretrievable woe, betide the radical tatterdemalions. Hit them hip and thigh, everywhere and at all times.

Carry the election peaceably if we can, forcibly if we must.

Again:

There is no radical ticket in the field, and it is more than likely there will be none; for the leaders are not in this city, and dare not press their claims in this county.

Speaking of the troubles in Madison County, the Yazoo City Democrat for the 26th of October says:

Try the rope on such characters. It acts finely on such characters here.

The evidence in hand and accessible will show beyond peradventure that in many parts of the State corrupt and violent influences were brought to bear upon the registrars of voters, thus materially affecting the character of the voting or poll lists; upon the inspectors of election, prejudicially and unfairly thereby changing the number of votes cast; and, finally, threats and violence were practiced directly upon the masses of voters in such measure and strength as to produce grave apprehensions for their personal safety, and as to deter them from the exercise of their political franchises.

Lawless outbreaks have not been confined to any particular section of the country, but have prevailed in nearly every State at some period in its history. But the violence complained of and exhibited in Mississippi and other Southern States, pending a political canvass, is exceptional and peculiar. It is not the blow that the beggared miner strikes that he may give bread to his children, nor the stroke of the bondsman that he may win liberty for himself, nor the mad turbulence of the ignorant masses when their passions have been stirred by the appeals of the demagogue; but it is an attack by an aggressive, intelligent, white political organization upon inoffensive, law-abiding fellow-citizens; a violent method for political supremacy, that seeks not the protection of the rights of the aggressors, but the destruction of the rights of the party assailed. Violence so unprovoked, inspired by such motives, and looking to such ends, is a spectacle not only discreditable to the country, but dangerous to the integrity of our free institutions.

I beg Senators to believe that I refer to this painful and reproachful condition of affairs in my own State not in resentment, but with sentiments of profound regret and humiliation.

If honorable Senators ask why such flagrant wrongs were allowed to go unpunished by a republican State government, and unresented by a race claiming 20,000 majority of the voters, the answer is at hand. The civil officers of the State were unequal to meet and suppress the murderous violence that frequently broke out in different parts of the State, and the State executive found himself thrown for support upon a militia partially organized and poorly armed. When he attempted to perfect and call out this force and to use the very small appropriation that had been made for their equipment, he was met by the courts with an injunction against the use of the money, and by the proscriptive element of the opposition with such fierce outcry and show of counter-force, that he became convinced a civil strife, a war of races, would be precipitated unless he staid his hand. As a last resort, the protection provided in the national Constitution for a State threatened with domestic violence was sought; but the national Executive—from perhaps a scrupulous desire to avoid the appearance of interference by the Federal authority with the internal affairs of that State—declined to accede to the request made for Federal troops.

It will not accord with the laws of nature or history to brand the colored people as a race of cowards. On more than one historic field, beginning in 1776 and coming down to this centennial year of the Republic, they have attested in blood their courage as well as love of liberty. I ask Senators to believe that no consideration of fear or personal danger has kept us quiet and forbearing under the provocations and wrongs that have so sorely tried our souls. But feeling kindly toward our white fellow-citizens, appreciating the good purposes and offices of the better classes, and, above all, abhorring a war of races, we determined to wait until such time as an appeal to the good sense and justice of the American people could be made.

A notable feature of the outrages alleged is that they have referred almost exclusively to the colored citizens of the State. Why is the colored voter to be proscribed? Why direct the attack upon him? While the methods of violence, resorted to for political purposes in the South, are foreign to the genius of our institutions as applied to citizens generally—and so much is conceded by even the opposition—yet they seem to think we are an exceptional class and citizens, rather by sufferance than right; and when pressed to account for their bitterness and proscription toward us they, with more or less boldness, allege incompetent and bad government as their justification before the public opinion of the country. Now, I declare that neither political incapacity nor venality are qualities of the masses of colored citizens. The emancipation of the colored race during the late civil strife was an expression alike of the magnanimity and needs of the nation; and the subsequent and early subtraction of millions of industrial values from the resources of the insurrectionary States and the presence of many thousand additional brave hearts and strong hands around the flag of the country vindicated the justice and wisdom of the measure.

The close of the war found four millions of freedmen, without homes or property, charged with the duty of self-support and with the oversight of their personal freedom, yet without civil and political rights! The problem presented by this condition of things was one of the gravest that has ever been submitted to the American people. Shall these liberated millions of a separate race, while retaining personal liberty, be deprived of political rights? The practical sense of the American people definitely settled this delicate and difficult question, and the demand for a more pronounced loyal element in the work of reconstruction in the lately rebellious States furnished an opportunity for the recognition of the political rights of the race, both in the interest of justice and good government.

The history of my race since enfranchisement, considered in connection with the difficulties that have environed us, will exhibit hopeful progress and attest that we have been neither ungrateful for the civil

and political privileges received nor wanting in appreciation of the correspondingly weighty obligations imposed upon us.

As evidence, not only of our aptitude for improvement but of our actual progress since 1865, I submit a partial but nevertheless illustrative statistical statement gathered from the census of 1860 and 1870 and from data obtained by the State authorities in the interval between these periods. The statistics cover the questions of marriage, churches, and industrial pursuits. I avail myself of exhibits and comments on these points found in the annual message of my colleague, an ex-slaveholder, to the Legislature of Mississippi, session of 1871:

Marriage statistics.

Class.	Population in 1860.	Marriage licenses issued.					
		1865.	1866.	1867.	1868.	1869.	1870.
White	189,645	2,708	3,129	2,829	2,546	2,655	2,204
Colored	239,930	564	3,679	3,524	2,802	3,584	3,427

The percentages of those white marriages to the total number of the whites, and of those colored marriages to the total number of the colored, are as follows, namely:

Class.	1865.	1866.	1867.	1868.	1869.	1870.
White	1.43	1.64	1.49	1.34	1.40	1.16
Colored	0.23	1.53	1.47	1.17	1.49	1.43

Governor ALCORN, in commenting on the marriage statistics that represent fully thirty-one counties of the State, says:

A people trained under circumstances precluding the marriage contract stood exposed, when released from restraints of force, to the danger of running into extreme sexual license. Our constitution anticipated such a social evil, and therefore dignified all who had been living together in the intercourse of the sexes under slavery by giving them in law the status of husband and wife. * * *

These figures are full of encouragement to men who doubted the practicability of educating the great body of our labor to the moral level of freedom. They will be read with surprise, when taken in connection with the fact that up to the close of the war the negro was incapable of making a contract of marriage. They prove conclusively that the colored people are striving to rise to the moral level of their new standing before the law, to the extent of a strict adherence to, at all events, the formularies of sexual propriety.

But the marriage contracts of the negroes are not mere formularies. Taking the production of children as an evidence of marital fidelity—which it is held to be—the census of the six counties selected as a basis of my inquiries bears the following evidence to the general good faith of the colored people in contracts of marriage:

Population by ages.

Class.	Total number.	Under 1 year.	From 1 to 5 years.	From 5 to 10 years.	From 10 to 60 years.	Over 60 years.
White	33,092	6.09	10.52	13.13	66.92	3.38
Colored	43,748	7.31	11.16	14.57	63.25	3.70

The table of population embraces six counties, and is submitted to show the purity of the marriage relations among the colored people. The governor in commenting thereon adds:

The fact remains on the face of the national inventory that the colored people show in the proportion of their infants a rate of production which constitutes an incontestable proof that negro marriages are, as a rule, observed with encouraging fidelity.

Number of churches.

Class.	Population in 1860.	Years.					
		1865.	1866.	1867.	1868.	1869.	1870.
White	138,991	510	505	528	531	548	563
Colored	179,677	105	125	165	201	235	288

Number of preachers employed.

Class.	Population in 1860.	Years.					
		1865.	1866.	1867.	1868.	1869.	1870.
White	125,629	328	339	343	349	373	354
Colored	162,733	73	102	134	177	194	262

These tables embrace returns from twenty-two counties, and the governor commenting says:

The religious progress among the negroes shown in this table, in corroboration of that shown in the table next preceding, is full of good omen for the perfection of the work you, gentlemen, have inaugurated for crowning the State of Mississippi with the peace and prosperity of a well-ordered society of free labor.

Number of shoemaker's shops.

Class.	Population in 1860.	Years.					
		1865.	1866.	1867.	1868.	1869.	1870.
White	105,023	99	104	101	94	93	99
Colored	165,169	21	28	24	49	54	63

Number of smith's shops.

Class.	Population in 1860.	Years.					
		1865.	1866.	1867.	1868.	1869.	1870.
White	105,896	128	128	145	152	157	182
Colored	156,556	40	63	74	83	98	113

The exhibit shows not only the enterprise of the colored man under great embarrassment, but his aptitude for skilled and diversified labor, and is so far favorable, not only to his diligence, but intelligent capacity.

Tenant-farming.

Class.	Bales produced.	
	1869.	1870.
White	27,075	20,893
Colored	40,561	50,978

The governor very appropriately selects this form of agricultural endeavor as illustrative of the thrift of the negro, and in connection therewith adds:

Tenant-farming has expanded among the whites since 1860 about 100 per cent. In that year it was, of course, unknown among the negroes.

* * * * * *

The improvidence of the negro is another subject of popular apprehension as to his future under freedom. The laws of 1865 had excluded him from putting that accusation to trial by having made him a pariah.

A military government is certainly not a very favorable school for the development of industry and thrift. And yet the inauguration of that rule was the first moment at which the negro had, in fact, had the opportunity of realizing wealth. Four years have passed since that time, and but one of four years has been blessed with civil government; and now, at the expiration of that brief period, what evidence do we find on which to found an opinion as to the future identity of the negro with the direct interests of property?

Negro property owners in the seven counties.

69 colored people own real estate to a gross value of	$30,680
3,798 colored people own personalty to a gross value of	630,860
178 colored people own both realty and personalty to a gross value of	22?,700

The governor adds:

Among the forty-three thousand negroes of Washington, Madison, Holmes, Rankin, Neshoba, Jones, and Lauderdale, who had been plucked pennyless four short years ago from the clutches of the unwise legislation of 1865, three thousand four hundred and forty-one accumulated wealth—what the economists hold to represent the political virtue of "denial"—to the enormous amount of $882,240! And here again is undoubted proof that the industry and thrift of the negro are developing with extraordinary rapidity the production of a mass of property-owners who constitute an unimpeachable guarantee that reconstruction goes forward to the consolidation of a society in which the reward of labor goes hand in hand with the safety of property.

The data here adduced, though not exhaustive, is sufficiently full to indicate and illustrate the capacity and progress of this people in the directions specified, and the fuller statistics, derived from subsequent and later investigations, and exhibiting the operation of the more liberal and judicious legislation and administration introduced since 1870, will amply sustain the conclusion authorized by the facts I have adduced. I submit that the showing made, relative to the social, moral, and industrial condition of the negro, is favorable, and proves that he is making commendable and hopeful advances in the qualities and acquisitions desirable as a citizen and member of society; and, in these directions, attest there is nothing to provoke or justify the suspicion and proscription with which he has been not infrequently met by some of his more highly favored white fellow-citizens.

Again, we began our political career under the disadvantages of the inexperience in public affairs that generations of enforced bondage had entailed upon our race. We suffered also from the vicious leadership of some of the men whom our necessities forced us temporarily to accept. Consider further that the States of the South, where we were supposed to control by our majorities, were in an impoverished and semi-revolutionary condition—society demoralized, the industries of the country prostrated, the people sore, morbid, and sometimes turbulent, and no healthy controlling public opinion either existent or possible—consider all these conditions, and it will be seen that we began our political novitiate and formed the organic and statutory laws under great embarrassments.

Despite the difficulties and drawbacks suggested, the constitutions formed under colored majorities, whatever their defects may be, were improvements on the instruments they were designed to supersede;

and the statutes framed, though necessarily defective because of the crude and varying social and industrial conditions upon which they were based, were more in harmony with the spirit of the age and the genius of our free institutions than the obsolete laws that they supplanted. Nor is there just or any sufficient grounds upon which to charge an oppressive administration of the laws.

The State debt proper is less than a half million dollars and the State taxes are light. Nor can complaint be reasonably made of the judiciary. The records of the supreme judicial tribunal of the State will show, in 1859–'60, 266 decisions in cases of appeal from the lower courts, of which 169 were affirmed and 97 reversed. In 1872–'73 the records show 328 decisions rendered in cases of appeal from below, of which 221 were affirmed and 107 reversed; and in 1876, of appeals from chancellors, appointed by Governor Ames, up to date, 41 decisions have been rendered, of which 33 were affirmed and 8 reversed. This exhibit, whether of legislation or administration, shows there has been no adequate provocation to revolution and no justification for violence in Mississippi. That we should have made mistakes, under the circumstances, in measures of both legislation and administration, was natural, and that we have had any success is both creditable and hopeful.

But if it can be shown that we have used the ballot either to abridge the rights of our fellow-citizens or to oppress them; if it shall appear that we have ever used our newly acquired power as a sword of attack and not as a shield of defense, then we may with some show of propriety be charged with incapacity, dishonesty, or tyranny. But, even then, I submit that the corrective is in the hands of the people, and not of a favored class, and the remedy is in the honest exercise of the ballot, and not in fraud and violence.

Mr. President, do not misunderstand me; I do not hold that all the white people of the State of Mississippi aided and abetted the white-league organizations. There is in Mississippi a large and respectable element among the opposition who are not only honest in their recognition of the political rights of the colored citizen and deprecate the fraud and violence through which those rights have been assailed, but who would be glad to see the color line in politics abandoned and good-will obtain and govern among all classes of her people. But the fact is to be regretted that this better class of citizens in many parts of the State is dominated by a turbulent and violent element of the opposition, known as the White League—a ferocious minority—and has thus far proved powerless to prevent the recurrence of the outrages it deprecates and deplores.

The uses of this investigation are various. It will be important in suggesting such action as may be found necessary not only to correct and repair the wrongs perpetrated, but to prevent their recurrence. But I will venture to assert that the investigation will be most beneficial in this, that it will largely contribute to the formation of a public sentiment that, while it restrains the vicious in their attacks upon the rights of the loyal, law-abiding voters of the South, will so energize the laws as to secure condign punishment to wrong-doers, and give a security to all classes, which will effectively and abundantly produce the mutual good-will and confidence that constitute the foundations of the public prosperity.

We want peace and good order at the South; but it can only come by the fullest recognition of the rights of all classes. The opposition must concede the necessity of change, not only in the temper but in the philosophy of their party organization and management. The sober American judgment must obtain in the South as elsewhere in the Republic, that the only distinctions upon which parties can be safely organized and in harmony with our institutions are differences of opinions relative to principles and policy of government, and that differences of religion, nationality, or race can neither with safety nor propriety be permitted for a moment to enter into the party contests of the day. The unanimity with which the colored voters act with a party is not referable to any race prejudice on their part. On the contrary, they invite the political co-operation of their white brethren, and vote as a unit because proscribed as such. They deprecate the establishment of the color line by the opposition, not only because the act is unwise and wrong in principle, but because it isolates them from the white men of the South, and forces them, in sheer self-protection and against their inclination, to act seemingly upon the basis of a race prejudice that they neither respect nor entertain. As a class they are free from prejudices, and have no uncharitable suspicions against their white fellow-citizens, whether native born or settlers from the Northern States. They not only recognize the equality of citizenship and the right of every man to hold, without proscription, any position of honor and trust to which the confidence of the people may elevate him; but owing nothing to race, birth, or surroundings, they, above all other classes in the community, are interested to see prejudices drop out of both politics and the business of the country, and success in life proceed only upon the integrity and merit of the man who seeks it. They are also appreciative—feeling and exhibiting the liveliest gratitude for counsel and help in their new career, whether they come from the men of the North or of the South. But withal, as they progress in intelligence and appreciation of the dignity of their prerogatives as citizens, they, as an evidence of growth, begin to realize the significance of the proverb, "When thou doest well for thyself, men shall praise thee;" and are disposed to exact the same protection and concession of rights that are conferred upon other citizens by the Constitution, and that, too, without the humiliation involved in the enforced abandonment of their political convictions.

We simply demand the practical recognition of the rights given us in the Constitution and laws, and ask from our white fellow-citizens only the consideration and fairness that we so willingly extend to them. Let them generally realize and concede that citizenship imports to us what it does to them, no more and no less, and impress the colored people that a party defeat does not imperil their political franchise. Let them cease their attempts to coerce our political co-operation, and invite and secure it by a policy so fair and just as to commend itself to our judgment, and resort to no motive or measure to control us that self-respect would preclude their applying to themselves. When we can entertain opinions and select party affiliations without proscription, and cast our ballots as other citizens and without jeopardy to person or privilege, we can safely afford to be governed by the considerations that ordinarily determine the political action of American citizens. But we must be guaranteed in the unproscribed exercise of our honest convictions and be absolutely, from within or without, protected in the use of our ballot before we can either wisely or safely divide our vote. In union, not division, is strength, so long as White League proscription renders division of our vote impracticable by making a difference of opinion opprobrious and an antagonism in politics a crime. On the other hand, if we should, from considerations of fear, yield to the shot-gun policy of our opponents, the White League might win a temporary success, but the ultimate result would be disastrous to both races, for they would first become aggressively turbulent, and we, as a class, would become servile, unreliable, and worthless.

It has been suggested, as the popular sentiment of the country, that the colored citizens must no longer expect special legislation for their benefit, nor exceptional interference by the National Government for their protection. If this is true, if such is the judgment relative to our demands and needs, I venture to offset the suggestion, so far as it may be used as reason for a denial of the protection we seek, by the statement of another and more prevalent popular conviction. Back of this, and underlying the foundations of the Republic itself, there lies deep in the breasts of the patriotic millions of the country the conviction that the laws must be enforced, and life, liberty, and property must, alike to all and for all, be protected. But I allege that we do not seek special action in our behalf, except to meet special danger, and only then such as all classes of citizens are entitled to receive under the Constitution. We do not ask the enactment of new laws, but only the enforcement of those that already exist.

The vicious and exceptional political action had by the White League in Mississippi has been repeated in other contests and in other States of the South, and the colored voters have been subjected therein to outrages upon their rights similar to those perpetrated in my own State at the recent election. Because violence has become so general a quality in the political canvasses of the South and my people the common sufferers in each instance, I have considered this subject more in detail than would, under other circumstances, have been either appropriate or necessary. As the proscription and violence toward the colored voters are special and almost exclusive, and seem to proceed upon the assumption that there is something exceptionally offensive and unworthy in them, I have felt, as the only representative of my race in the Senate of the United States, that I was placed, in some sort, upon the defensive, and I have consequently endeavored to show how aggravated and inexcusable were the wrongs worked upon us, and have sought to vindicate our title to both the respect and good-will of the just people of the nation. The gravity of the issues involved has demanded great plainness of speech from me. But I have endeavored to present my views to the Senate with the moderation and deference inspired by the recollection that both my race and myself were once bondsmen, and are to-day debtors largely to the love and justice of a great people for the enjoyment of our personal and political liberty. While my antecedents and surroundings suggest modesty, there are some considerations that justify frankness, and even boldness of speech.

Mr. President, I represent, in an important sense, the interest of nearly a million of voters, constituting a new, hopeful, permanent, and influential political element, and large enough to affect in critical periods the fortunes of this great Republic; and the public safety and common weal alike demand that the integrity of this element should be preserved and its character improved. They number more than a million of producers, who, since their emancipation and outside of their contributions to the production of sugar, rice, tobacco, cereals, and the mechanical industries of the country, have furnished nearly forty million bales of cotton, which, at the ruling prices of the world's market, have yielded $2,000,000,000, a sum nearly equal to the national debt; producers who, at the accepted ratio that an able-bodied laborer earns, on an average $800 per year, annually bring to the aggregate of the nation's great bulk of values more than $800,000,000.

I have confidence, not only in my country and her institutions, but in the endurance, capacity, and destiny of my people. We will, as opportunity offers and ability serves, seek our places, sometimes in the field of letters, arts, sciences, and the professions. More frequently mechanical pursuits will attract and elicit our efforts; more still of my people will find employment and livelihood as the cultivators of the soil. The bulk of this people—by surroundings, habits, adaptation, and choice—will continue to find their homes in the

South, and constitute the masses of its yeomanry. We will there probably, of our own volition and more abundantly than in the past, produce the great staples that will contribute to the basis of foreign exchange, aid in giving the nation a balance of trade, and minister to the wants and comfort and build up the prosperity of the whole land. Whatever our ultimate position in the composite civilization of the Republic and whatever varying fortunes attend our career, we will not forget our instincts for freedom nor our love of country. Guided and guarded by a beneficent Providence, and living under the genial influence of liberal institutions, we have no apprehensions that we shall fail from the land from attrition with other races, or ignobly disappear from either the politics or industries of the country.

Mr. President, allow me here to say that, although many of us are uneducated in the schools, we are informed and advised as to our duties to the Government, our State, and ourselves. Without class prejudice or animosities, with obedience to authority as the lesson and love of peace and order as the passion of our lives, with scrupulous respect for the rights of others, and with the hopefulness of political youth, we are determined that the great Government that gave us liberty, and rendered its gift valuable by giving us the ballot, shall not find us wanting in a sufficient response to any demand that humanity or patriotism may make upon us; and we ask such action as will not only protect us in the enjoyment of our constitutional rights, but will preserve the integrity of our republican institutions.

Mr. KEY. Mr. President, much has been said during this session of Congress in regard to the condition, opinions, and purposes of the people in the Southern States. As yet, little has been said by their immediate representatives on this floor. In this, I think, they have shown most commendable good taste and wise discretion, for they are placed in a situation of great embarrassment which restrains or should restrain hasty and inconsiderate speech and, on many questions, demands of them silence. They do not stand and cannot stand on this floor with equal position and advantage with the representatives of the Northern States. That we feel and know. This does not result from any want of courtesy toward us; for I must say that there is no ground of complaint on that account, but it arises from the peculiarity of our position and that of our constituencies in regard to our late civil strife. I think, however, that the Senate and the country should know something of the nature of our respective views upon the peculiar questions growing out of our present somewhat anomalous conditions. And, sir, I believe, notwithstanding some of the fearful utterance which we heard yesterday in the heat of this debate, that at least some regard will be paid to what we say and some respect to the facts we state. It is a mistaken magnanimity which would permit us seats on this floor and yet allow us to represent nothing but deceit, treason, falsehood, and hypocrisy.

The issues of the late contest between the North and the South were decided, for all time, against the people and States of the South. The South must abide by this decision, and dare not question it. The quarrel was almost as old as the Government and for almost a century had, with increasing intensity, been transmitted from father to son, and could never have been settled in the enfranchisement of the slaves but by a war. The conflict was "irrepressible." It had to be determined by us or by our children. It was a fair trial of strength, and was bravely fought. It is determined, and let us thank Heaven that it is over. The Southern States were not entirely to blame certainly for this unfortunate controversy. Property in slaves existed long before our Government was established. Our Constitution recognized this and threw around slavery guarantees special and peculiar in their character. By it the legal right was given to own slaves and under it remedies were provided for the maintenance of the right. Both sections of the country framed and ratified this Constitution. No man who engaged in the rebellion had introduced slavery into the country or aided in establishing the Constitution. This generation inherited this Constitution and slavery. The South alone became the heir of slavery; to the whole country belonged the Constitution. It would have been far better for the nation, and especially for the South, if slavery had not been provided for in this instrument. One section, finding warrant for it in the organic law and accustomed to slavery all their lives, were educated to believe and did believe that it was right. Its people had been taught so to believe by those who ministered at their altars and by their trusted statesmen. The other section was educated to believe and did believe that slavery was wrong; that it was the sin of the age and a blot most foul upon the character of the nation. It was a war of education and of the ideas resulting from education. It followed necessarily and inevitably that free States sought, by unfriendly legislation, to discourage and weaken slavery, so that its ultimate destruction might be assured. The slave States very naturally, under the circumstances, finding this species of property assailed, undertook to secure their title to it by strong legal enactments. The quarrel grew in intensity and the antagonism between the sections increased until they came to blows. The sword was appealed to to determine the controversy and the justice of the quarrel. The questions put in issue were all decided against the South. Its slaves became freemen and citizens. Their owners are entitled to no compensation for them; debts created in aid of the rebellion are void; the soldiers of the armies in rebellion, having fought against this Government, have no claim and never can have for pensions or other bounties for such service.

A State has no right to secede from the Union. The South has no ground to complain of the loss of what it risked on this result. It must accept, it does accept and abide by the amendments to the Constitution, and the legislation under them, which establish and enforce this determination and result of the conflict. By this decision the people of the South stand. They feel that not only patriotism but honor and manhood demand that they should do so. All that I claim for this people in this regard is that they engaged in the rebellion from motives which were honest, and, while the result establishes beyond contradiction and controversy as a legal fact that the South only was in the wrong, I insist as a moral and historical truth that it was not altogether to blame for the cause of controversy; for if slavery had never existed under our Government this war would never have been waged. The people of the South do not believe that slavery ought to or can again exist. They do not wish it to exist. They have no disposition to deprive the colored people of any of their rights of citizenship or of their free exercise. Trained to look upon the colored man as an inferior, they were reluctant to acknowledge his political equality and opposed conferring upon him the higher rights of citizenship, and loyal as well as disloyal men South agreed in this; but now they submit to be governed by the existing laws upon this subject and do not seek their change. Such, I am sure, is the general sentiment of the southern people with whom I have been brought in contact. Unfortunately for them there are some exceptions to this rule among individuals and communities, and the utterances of these are magnified to the prejudice of all. The colored man has the sympathy of his former master, and deserves it. He was the innocent and harmless cause of the contest. The quarrel was about him, not with him, and he was not a party to it. He knew his feeedom was involved in the struggle, and he desired liberty, yet in most instances he remained true and faithful to his master's fortune and family until a superior force intervening in his favor set him free. He was affectionate, generous, and obedient to the end. Though there were four millions of these people in the slave States yet there was no insurrection, insubordination, or incendiarism. History furnishes no example of such forbearance under like circumstances.

The new relations of the white and colored races toward each other at the close of this revolution were to them so strange, so contrary to their education, habits, and previous ideas, as to lead to mutual distrust. This feeling of distrust is passing away, and as it disappears there is a nearer approach to agreement. In my State, and in others, many colored men are now democrats and vote that ticket—a thing almost unheard of some years ago. The master, in many instances, was sour and sullen at the close of the war, and would not vote with his late slaves. Time and suffering have mellowed his acerbity. He has grown into a better disposition, is taking an interest in public affairs, and now votes in elections, so that republican majorities are often transformed into democratic majorities, not by fraud or intimidation, but because of an improved feeling of patriotism.

The northern States no doubt are impatient under what they conceive to be the tardy progress made by their southern brethren under their new departure. The southern people have much to do to repair their shattered fortunes. The white and colored races are beginning to better appreciate and comprehend their changed relations, and, in consequence, are co-operating more harmoniously. A great societary revolution such as the South has undergone, a revolution which has torn up at once and by the roots the habits, modes of living, and the very thoughts and ideas of the people, demands time, study, experience, and use before there can be an adjustment of the various disturbed, disordered, and scattered elements evolved by it. When the foundations of society have been overturned, time must be allowed its population to accommodate themselves to the change. The South is passing through this process, and it is a difficult one, but it is marching through it manfully, and better than it hoped.

No section of the Union is more interested in the enforcement of the laws than is the South. It is poor and weak. Beaten in the late conflict, it has neither the desire or the ability to resist the authority of the Government. It needs peace. It needs the protection of the law, the security that its enforcement gives. Sir, the South wants repose, peace, fraternity. It is time for us to forget that we have a North or a South. It is time to forget the bitterness of past controversies, remembering only their lessons, so that we may become as undivided in affection as in government. The union of our States is indissoluble; let the hearts of our citizens be knitted together by ties as strong.

The victory over the rebellion was complete. Those who gained this victory have the right to enjoy their triumph, and to exult in their success. I have no fault to find with the terms they gave. They were more liberal and magnanimous, I am free to admit, than I, for one, expected in the event of our defeat. I expected terms would be dictated to us, and hard terms at that. I have no quarrel with the terms given. I want no quarrel about anything. I want an amity that is heartfelt. On the part of the South I desire to see a full and unreserved submission to and acquiescence in the terms imposed. Cannot the North, while condemning our rebellion, sympathize with us under the woes, untold and undefinable, which it has brought upon us, and continue to exercise toward us a magnanimity which, by reason of its magnitude, shall be known as American, surpassing any recorded in history? Let it be of the very highest type, that shown by brave men to brave men under defeat.

Our distinguished President, in his annual message to Congress, in

vigorous and truthful language, has called to our minds the glories of our nation's centennial year. Our hearts glow with pride and swell with pleasure as we gaze upon this splendid picture. Sir, shall we not make this centennial year a year of jubilee also, so that a general joy may pervade the land from lakes to gulf and ocean to ocean. Why, sir, God has given us the best country upon the face of the earth. A pure and healthful atmosphere surrounds us. Fertile plains and valleys are spread out before us. All about us are rivers, lakes, and oceans ready to bear our commerce. The earth under our feet is full of the most useful and of the richest minerals. And this magnificent country is peopled by those whose ancestors came, or who have come themselves, from nations which, together with our own, control the destinies of the world. England, the German states, Ireland, Holland, France, and Spain laid the foundations of our population upon which we have builded as never a nation did before. Let us be men and do our duty. Let us lighten the burdens which press upon the shoulders of the people, and give them a fair field and good opportunity for work. Let us encourage them, and not appal them with the hoarse cry of blood, nor paralyze their efforts by magnifying the obstacles which lie in their path. If we shall do these things, if we fail not in our duty, the people will come out of our present difficulties, as they have those in the past, grandly, gloriously. Sir, American genius, industry, energy, and perseverance, properly directed and encouraged, can and will overcome anything which men can subdue and erect anything which men can build.

Mr. President, as I have said already, the South has neither the means nor the ability to resist the authority of the Government. It needs the protection of the law, the security which its enforcement gives. If there have been violations of the law, if colored voters have been prevented from voting by fraud, intimidation, or violence, let the violators of the law be punished. The judiciary of the State of Mississippi, State and Federal, belongs to the party defeated in the late election in that State. If the laws have been so flagrantly broken, why sit these judges idle? For one I say frankly that I have no fear of the proposed investigation so far as its developments may be concerned; but if the facts be as alleged, they ought to be exposed and punished; and for myself, and for myself alone, I speak when I say that I feel it my duty, a most disagreeable duty, too, to vote for this resolution, for in doing so I may be the only member of my party who shall do so. I do not so vote because I believe the investigation is deserved by the people of that State. I am free to say that if I represented a State which had not been in the rebellion, perhaps if I had taken no part in that rebellion myself, I should vote against it. Before Heaven I assert that in my judgment there is no necessity or just occasion for this investigation. On the contrary, I believe it will be productive of no good. These investigations of elections are confined to one section of the country, and that the feeblest one. They are evidence of want of confidence in the people of that section and postpone complete and harmonious reconciliation. But frequently on this floor, and even in this debate, I have heard Senators from northern States who have spoken kind words of the people of the South denounced as greater enemies of the Government than those who engaged in the rebellion, and for no other or better reason which I could discover than that they had some faith in the southern people. If I have offended, if my people have offended, against the laws of the country, I want and my people want no vicarious punishment administered on that account. "Let no guilty man escape," but in God's name punish not the innocent. Sir, we are not believed. Our statements are of no effect. Our testimony is discredited and opposition to this investigation is construed to mean a desire to conceal deeds of infamy.

For one I desire to relieve our friends of all embarrassment on our account; and for that reason and with the hope that the distinguished Senator from Indiana [Mr. MORTON] and the distinguished Senator from Massachusetts, [Mr. BOUTWELL,] for both of whom I have very great admiration and respect, will learn from it that the people of the South are not so bad as to them they seem. I deal in no harsh epithets. There is no man anywhere against whom I bear malice, and I can sit with temper unruffled and mind serene and listen to these denunciations; for, while I know that they are unmerited, I know also that these distinguished gentlemen believe them deserved, or they would not utter them. They are hardly competent jurors, in the eye of the law, to try the people of the South, as they have not only formed but expressed an opinion against our innocence. Still, for one, I am willing to waive their incompetency, and let them try us, find us guilty if they want to, and hang us if they will, and then I trust that the country and the women and children of the South will have peace. Let every man whose misfortune it was to own a slave be punished with death, and that may end the cry of slave aristocracy. Invite not such to your approaching Centennial, for there is no hope for them here or hereafter, and their presence would destroy the joy of my distinguished friends on that occasion, and of that great multitude who shall follow them to the glorious triumph they declare they must obtain in the November elections. If what they say be true, there is no joy in the centennial year for the Southern States, and they would be unwelcome guests at the feast which shall celebrate it.

The Senator from Indiana refers, or has referred heretofore, to the majorities given in the various elections in Mississippi for the last few years as evidence of fraud and intimidation. He tells us that in 1869 the republicans gave 76,186 and the democrats 38,097 votes; that in 1872 the republicans gave 82,175 and the democrats 47,288; that in 1873 the republicans gave 73,662 and the democrats 44,286 votes; and that in 1875 the republicans gave 66,659 and the democrats 96,906 votes, and from this great revolution in majorities we are to infer that fraud and intimidation were used to produce it. This is certainly quite a change, but do not such changes frequently occur in other States? The democrats were never charged with carrying Massachusetts by fraud and intimidation, and how has it voted? In 1868 the republicans cast 136,477 and the democrats 59,408 votes, a republican majority of 77,069; in 1872 the republicans gave 133,472 and the democrats 59,260 votes, a republican majority of 74,212 votes; and yet in 1874 the republicans gave 89,344 and the democrats 96,376 votes, a democratic majority of 7,032 votes. The change in Mississippi in 1873 and 1875 between the majorities was 59,623 votes, and in Massachusetts from 1872 to 1874 was 81,244 votes, that is, greater by more than 21,000 votes than in Mississippi, and yet no one proposed to investigate the Massachusetts election. Other examples might be given. This shows that though such transformations are remarkable, they are not so uncommon as to be very marvelous.

But, sir, the distinguished Senator from Indiana, for whom, as I have said, I have much admiration and great respect, lives at a distance from this "sea of troubles." He "looks through a glass darkly" at the people of the Southern States. With him all presumptions are against this people. His resolution, as shown on its face, is predicated on mere allegation. He acts in this matter, as he frankly tells us, upon information derived from "documents, affidavits, and statements," some of which are of an "official character." Yes, sir, "there's the rub." Like the Babylonian king, the officials of the State of Mississippi, who have long rioted in the oppression of her people, see the handwriting on the wall, and their knees do smite together. Their kingdom is divided. They have been weighed in the balance and found wanting, and sinking beneath the waves their madness has raised, they reach out their hands stained and blackened with extortion and oppression and crime and cry to the Senator from Indiana for help. The colored people of the State are not alarmed. It is those whose glory of official station has gone, and who are too proud to work and are ashamed to beg, and have fallen so low in the public estimation that the colored people whom they have duped no longer give them countenance or do them reverence.

And now, sir, permit me to say that in the war of words which has followed the battles of the rebellion I believe there is much of blame to be attached to some of our southern orators and southern newspapers. Many things have been said by them calculated to provoke retort and recrimination, and to make such response, in many cases, justifiable. That southern man who, failing to appreciate the results of the late bloody contest, and to recognize the rights which victory gives in such a case, stirs in the hearts of his people the fires of hate or disloyalty, is a much worse enemy of his section and of his people than he who rails at them from a northern stand-point. He holds out to them hopes which must be dashed to pieces, teaches opinions which bring with them unmixed evil, and excites discord and dissatisfaction which bring only disappointment and distress. It is more necessary that there should be, in this time of the South's trial and peril, no provocation on the part of her people and her representatives than it has ever been. Southern effort should be directed to heal the gaping wounds and not to re-open them, and the man of the South who forgets his high and discreet duty in this respect does more injury to the interests of his people and to their peace, prosperity, and happiness than any northern man can do. He furnishes those opposed to him their most effective means of war, for which he is without justification or excuse.

Mr. CHRISTIANCY. Mr. President, I do not propose to go over the entire field of this debate, but merely in the briefest possible manner to answer some of the legal objections urged by the Senator from Delaware, for whose legal opinions when he coolly and dispassionately examines a subject I have always entertained a very high respect and whose patriotism I never doubted, for, though we may disagree in our opinions upon many questions of law and of policy, I accord to him the same purity of motive by which I claim to be actuated. But I think he is entirely mistaken in supposing that there is any force in the objection he makes to the competency of the Senate to institute any inquiry it may see fit to ascertain whether any and what legislation may be required upon any subject whatever within the constitutional power of Congress to legislate upon. Each House must of necessity be at liberty to adopt its own mode of obtaining information upon such questions. How often, for instance, have the Judiciary Committees of each House, separately, been directed by resolution to inquire whether any and what legislation was necessary upon a particular subject? And if that committee may be directed so to inquire, is it any less competent to direct a special committee, raised for the very purpose, to make the like inquiry? I am satisfied the Senator, upon reflection, will yield this objection as wholly untenable.

The next objection, if I understood him correctly, was that such an inquiry and any legislation to be founded upon it were an improper interference with the rights of the States, by which he must mean either that it was an improper interference under the Constitution as it was before the amendment or that the fifteenth amendment was invalid, which expressly gives to Congress the power to enforce it by the appropriate legislation; and, if I understood him correctly, he

holds (and claims that such is the recent decision of the Supreme Court in the case from Kentucky) that Congress have no power to adopt any legislation at all for carrying that amendment into effect, for, as I understood his construction of that decision, it was to the effect that the Federal Government was only authorized by that amendment to see that no legislation of any State should disfranchise or prevent from voting any person on account of race, or color, or previous condition of servitude, or which should make a discrimination on this ground. If this were so then the judiciary of the Federal Government alone would have the right to exercise any power under the fifteenth amendment. But unfortunately the language of that amendment knocks out the very teeth of such an argument; for, while it is silent as to the judiciary it expressly provides that "Congress shall have power to enforce the article," and Congress can only enforce it by legislation, and not judicially. So that the result of this argument of the Senator, and his construction of the decision of the Supreme Court in this Kentucky case, is, when reduced to its final analysis, that the fifteenth amendment of the Constitution is unconstitutional.

It may be that the Senator's ingenuity may enable him to escape this absurd conclusion from his argument, but he has yet shown us no mode of escape from it.

Mr. President, the substitute which I had the honor of presenting was prepared last December and so also were the remarks which I made here the other day upon its presentation, and though I was neither "a prophet nor the son of a prophet," and was not even aware of the pendency in the Supreme Court of this Kentucky case or the Louisiana case just decided—which happened to be decided on the very day I submitted my substitute, and of which I only heard the next day—I could not, if I had already seen the decision in the Kentucky case and prepared my substitute with reference to it, have more accurately placed it upon the true ground of that decision, nor more clearly have shown the propriety and necessity of the proposed inquiry than their propriety and necessity have now been demonstrated by that decision.

And now, Mr. President, having examined a little more carefully, that decision since the argument of the Senator last evening, the Senator from Delaware will permit me frankly to say that, unless I am wholly incapable of understanding the language in which that decision is expressed, he has wholly misapprehended its meaning, its effect, and its scope. And I propose to show by the decision itself, in connection with the very few comments I shall make upon it, that it fully admits the power of Congress to prohibit and make penal the very acts charged in the indictment and any and all other acts calculated and intended to prevent any colored man from voting on account of race, color, or previous condition of servitude, provided the acts of Congress prohibiting and punishing such acts shall confine its operation to acts and omissions calculated or intended to prevent the exercise of the elective franchise on the special ground of "race, color, or previous condition of servitude."

The question, it is true, is a nice one, and it requires some care and attention to understand exactly the meaning and intent of the decision; but, with that care and attention, and a careful examination of the act of Congress under which the case arose, its meaning and effect seem to me to be very clear.

The ground of the decision in the Kentucky case is that the provisions of the law under which the indictment was found did not limit the offense to the cases provided for by the fifteenth amendment, namely, acts done to prevent persons from voting "on account of race, color, or previous condition of servitude," but was general, applying to all citizens, and imposing the penalty for any act preventing any citizen from voting for any cause, or that the sections under which the indictment was framed related to acts done or required to be done anterior to the offering of the vote. But, as I understand the decision upon a mere cursory examination, without taking time carefully to analyze and test the whole, as I would like to do, I think it fully admits "the power of Congress to punish the very acts complained of, if Congress had appropriately made the offense consist of the doing of those acts for the purpose of depriving, and with the intent to deprive, any person of his vote on account of his race or color or previous condition of servitude," this being the only ground under the fifteenth amendment upon which such prevention can be rendered criminal. And the power of Congress to render this criminal, and to punish it, is, it seems to me, distinctly admitted throughout the opinion. And, if I am right in this view of the decision, I think the court were right, to this extent at least; and I am not yet ready to say that after a careful study of the opinion I might not agree with the entire opinion of the court, though at present, but for this decision, I might have been inclined to say that the principle up to this time, I think, almost always admitted in the construction of a statute upon the question of its constitutionality would have saved the act by limiting it to a constitutional construction. This principle is that where an act is susceptible of two constructions, one of which would be warranted by the Constitution and the other prohibited by it, the Legislature shall be presumed to have intended the provision to be understood in the sense authorized by the Constitution rather than in the sense which would violate its provisions, which the legislators were sworn to support; in other words, that an act of Congress and its framers, when arraigned for a violation of the Constitution, are entitled at least to the same favorable presumption of innocence as an ordinary criminal on trial for a crime, and should be presumed innocent until proved to be guilty. I am not entirely sure that I may not finally come to the conclusion that this presumption of innocence in favor of the Congress who passed the act has not been violated or reversed by the construction of the statute adopted by the court; but as yet my respect for that court forbids my drawing this conclusion without a more thorough examination. I know how easy it is upon a hasty reading to draw erroneous conclusions from a judicial opinion; and I have as much confidence in the ability, the integrity, and fidelity of that court as in any now sitting or which ever sat here or elsewhere; though being composed of men, they may like other men err, and we must bow to their errors till they see fit to correct them. But upon the question whether Congress can under the fifteenth amendment make any act tending to prevent a citizen from exercising the elective franchise, except when that act is proposed for the purpose or with the intent to keep up a discrimination between colored and white citizens—in other words, for the purpose of excluding the vote on the ground of color or previous condition of servitude—I entirely concur with the court.

Mr. President, I propose to take up, after these few preliminary remarks, the decision itself, and to show that by the reading of it, in the light of the remarks which I have made here, those remarks are entirely justified. The court proceed in this way:

In this court the United States abandon the first and third counts, and expressly waive the consideration of all claims not arising out of the enforcement of the fifteenth amendment of the Constitution.

After this concession—

Say the court—

the principal question left for consideration is, whether the act under which the indictment is found can be made effective for the punishment of inspectors of elections who refuse to receive and count the votes of citizens of the United States, having all the qualifications of voters, because of their race, color, or previous condition of servitude.

Whether that can be done under this act.

If Congress has not declared an act done within a State to be a crime against the United States, the courts have no power to treat it as such. (United States *vs.* Hudson, 7 Cranch, 32.) It is not claimed that there is any statute which can reach this case, unless it be the one in question.

They proceed to analyze this statute:

Looking, then, to this statute, we find that its first section provides that all citizens of the United States who are or shall be otherwise qualified by law to vote at any election, &c., shall be entitled and allowed to vote thereat, without distinction of race, color, or previous condition of servitude, any constitution, &c., of the State to the contrary notwithstanding.

This—

Say the court—

simply declares a right, without providing a punishment for its violation.

It will be noticed that this section was limited to the very purpose of protecting voters against discrimination on account of race and color. The race-and-color clause was made the distinctive point in the first section. They refer to that afterward, and discuss the question whether that limitation applies to an inspector of election.

They finally hold that it does not:

The second section provides for the punishment of any officer, charged with the duty of furnishing to citizens an opportunity to perform any act which by the constitution or laws of any State is made a prerequisite or qualification of voting, who shall omit to give all citizens of the United States the same and equal opportunity to perform such prerequisite and become qualified on account of the race, color, or previous condition of servitude of the applicant.

This section was limited by the race-and-color count, but the difficulty was, as the court point out immediately, that it did not extend to the act of voting at all, and therefore did not apply to the case they had in hand, which was against one of the inspectors of the election.

This—

The court say—

does not apply to or include the inspectors of an election, whose only duty it is to receive and count the votes of citizens designated by law as voters, who have already become qualified to vote at the election.

It referred only to an act previous to that time, and therefore they could not punish him for that. The questions that arise all turn upon the third and fourth sections of the act which are set out.

The third section is to the effect that whenever, by or under the constitution or laws of any State, &c., any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, "as aforesaid," shall, if it fail to be carried into execution by reason of the wrongful act or omission "aforesaid" of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election, whose duty it is to receive, count, &c., or give effect to the vote of any such citizen, who shall wrongfully refuse or omit to receive, count, &c., the vote of such citizen, upon the presentation by him of his affidavit stating such offer, and the time and place thereof, and the name of the person or officer whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay, &c.

Here comes now the real objection to the act, which the court point out. It is not limited at all by the purpose required by the fifteenth amendment, but applies to all citizens everywhere, to any interference with their rights, not because they may be white or black, but on any ground whatever: that all should be permitted to vote. That is the objection which the court make to this act.

Mr. FRELINGHUYSEN. Six words would have made it all right,

Mr. CHRISTIANCY. Again:

The fourth section provides for the punishment of any person who shall, by force, bribery, threats, intimidation, or other unlawful means, hinder, delay, &c., or shall combine with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote or from voting at any election.

There is the same objection again. It is not confined to the purposes of the fifteenth amendment, but it is general, usurping in fact or attempting to usurp powers that properly belong to the State. In that I fully agree with the court. I see nothing to complain of on that point, if this could not have been met by construction and be limited by the first section, which it seems to me might have been done by a little ingenuity at least. The court proceed:

The second count in the indictment is based upon the fourth section of this act and the fourth upon the third section.

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

The fifteenth amendment does not confer the right of suffrage upon any one.

Upon that I wish to make a remark here. The meaning of the court, from what follows, evidently is that it does not directly do it:

It prevents the States or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now there is.

See what follows:

It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress.

I see no reason for any misapprehension in that.

That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution in respect to elections for Senators and Representatives is not now under consideration.

Of course they therefore say nothing upon that.

It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections.

Of course it does not.

It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

They are clearly beyond that limit, for they are not limited by the first section, because the phrase is not used in them which is used in the fifteenth amendment.

The third section—

Now they are discussing the question whether this can be limited by the third section—

The third section does not in express terms limit the offense of an inspector of elections, for which the punishment is provided, to a wrongful discrimination on account of race, &c.

The act provided for punishing him, but did not provide for punishing him for the only offense he could commit under this constitutional amendment. That is all.

This is conceded, but it is urged, that when this section is construed with those which precede it, and to which, as is claimed, it refers, it is so limited. The argument is that the only wrongful act on the part of the officer whose duty it is to receive or permit the requisite qualification, which can dispense with actual qualification under the State laws, and substitute the prescribed affidavit therefor, is that mentioned and prohibited in section 2, to wit, discrimination on account of race, &c., and that consequently section 3 is confined in its operation to the same wrongful discrimination.

We now ought to have a close and strict construction.

This is a penal statute and must be construed strictly; not so strictly, indeed, as to defeat the clear intention of Congress, but the words employed must be understood in the sense they were obviously used. (United States *vs.* Wiltberger, 5 Wheaton, 85.) If, taking the whole statute together, it is apparent that it was not the intention of Congress thus to limit the operation of the act, we cannot give it that effect.

The statute contemplates a most important change in the election laws. Previous to its adoption, the States, as a general rule, regulated in their own way all the details of all elections. They prescribed the qualifications of voters and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice and prescribes rules not provided by the laws of the States. It substitutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavit in the form and to the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law. This is a radical change in the practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction if it can be avoided. The law ought not to be in such a condition that the elector may act upon one idea of its meaning and the inspector upon another.

And so through the whole opinion, as I understand the language—and it seems to me to be expressed in very plain English—the power is distinctly and fully admitted to cover the entire field of legislation intended by the fifteenth amendment.

Mr. MERRIMON. Will my friend allow me to interrupt him a moment? I am very much interested in his argument; and before he passes from this subject, I wish to ask him a question, which I will put after I call his attention particularly to the first section of the fifteenth amendment. The language of the fifteenth amendment is in these words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State—

That is a material word to my question—

on account of race, color, or previous condition of servitude.

There are three causes for which the State cannot make a discrimination. The question I wish to put to my honorable friend now is this: In the case of Mississippi their constitution and their law, as I understand, comply exactly with this provision of the Constitution. There is no discrimination on account of race, color, or previous condition of servitude touching suffrage. The State, therefore, has complied with the fifteenth amendment of the Constitution of the United States in that respect. Now suppose that John Smith and William Jones and many other evil-disposed citizens in Mississippi shall undertake to deprive half a dozen colored citizens of their right to vote, can the Congress of the United States pass an act to punish those citizens for thus interfering with the rights of colored men? That is the question I put.

Mr. CHRISTIANCY. I am ready to answer the question. I have made but a slight examination and was commenting entirely on this opinion; but I say that, in my judgment, Congress has the very power to which the Senator from North Carolina refers, and I say that, without thus holding, that provision, authorizing Congress to adopt the appropriate legislation, is the sheerest nonsense—empty words and nothing else; because, as I have just demonstrated, the construction suggested by the Senator leads to the conclusion that it is only the Federal judiciary of the United States which can exercise any power under the fifteenth amendment, whereas that amendment provides specially that Congress shall have power to adopt appropriate legislation. Under the other idea suggested by the Senator, what appropriate legislation could be adopted? None whatever. That is, I hope, sufficient on that point.

But, Mr. President, I only intended to say enough to disabuse the minds of some Senators, I think, on both sides, as to what is the real tenor and effect of that decision of the Supreme Court; that, so far from its standing in the way of the inquiry which we seek to make here, it shows the very best ground in the world why that inquiry should be made.

JAIL ON JUDICIARY SQUARE.

Mr. MORRILL, of Vermont. Mr. President, I have received a communication from the District commissioners which shows that some legislative action ought to take place to-day; and I have the consent of the chairman of the Committee on Privileges and Elections to bring the matter before the Senate now. I report a bill by consent of the members of the Committee on Public Buildings and Grounds.

The bill (S. No. 682) to suspend the sale of the jail on Judiciary Square, and for other purposes, was read the first time. It directs the Chief Engineer of the Army to suspend the sale of the jail on Judiciary Square, in the city of Washington, and to turn the same over to the use of the authorities of the District temporarily, or until other jail facilities are provided; and makes it lawful for the courts of the District of Columbia to confine prisoners therein.

Mr. MORRILL, of Vermont. I will merely say that it was expected that when the new jail was completed there would be sufficient accommodation for both the United States and the District of Columbia. But it is found that the capacity of the new jail is limited to two hundred and seventy-two cells, each for a single person, and they now have there two hundred and eighty-nine. The sale that is spoken of in the bill is provided for under an existing law of June, 1874, and must take place, unless it is stopped, on Tuesday next, the 4th of April. So that the District police court will be entirely deprived of any place to send their prisoners. They have temporarily used what is called the Washington Asylum for the purpose of confining malefactors, and also as a work-house for those guilty of minor offenses. But that building is already overloaded. At one time during the present month there were in it two hundred and fifteen poor and two hundred and nineteen prisoners. It would seem, therefore, indispensable that the old jail building should be allowed to remain until some other suitable accommodation can be obtained. I suppose that there will not be a dissenting voice to the passage of the bill, which merely suspends temporarily the sale.

The bill was read the second time and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. WRIGHT. I suggest to my friend that the concluding part of the bill would be better if he would provide that the courts of the District of Columbia shall have power to order the confinement of prisoners therein. As it is now it seems as if the court itself confined prisoners therein, whereas I suppose it means that they shall have power to order their confinement.

Mr. MORRILL, of Vermont. I have no objection to the amendment, but I believe under existing laws they have that power.

Mr. WRIGHT. I understand that; but the language of this bill

seems now to provide that the courts shall confine them, whereas it perhaps means that they shall have power to order their confinement.

Mr. MORRILL, of Vermont. I have no objection.

Mr. WRIGHT. I move to amend the bill so as to make the last clause read:

And that it shall be lawful for the courts of the said District of Columbia to order the confinement of prisoners therein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 522) to define the tax on fermented or malt liquors;

A bill (H. R. No. 1344) directing method of annual estimates of expenditures to be submitted from Navy Department;

A bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices;

A bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

A bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation; and

A bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut.

The message further announced that the House had passed the bill (S. No. 595) for the relief of Charles E. Hovey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut;

A bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein;

A bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of political disabilities imposed by the fourteenth amendment of the Constitution;

A bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians;

A bill (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876; and

A joint resolution (H. R. No. 86) for relief of Turtle Mountain band of Chippewa Indians.

THE MISSISSIPPI ELECTION.

The Senate resumed the consideration of the resolution in regard to the appointment of a committee of five Senators to investigate alleged frauds in the late election in the State of Mississippi for members of Congress, members of the Legislature, and State officers.

The PRESIDENT *pro tempore.* The question is on the passage of the resolution.

Mr. MERRIMON. I move to strike out in the second line of the preamble the words "and State officers and members of the Legislature."

The PRESIDENT *pro tempore.* The question is on the amendment of the Senator from North Carolina.

Mr. MERRIMON. Mr. President, I propose to trouble the Senate with but a very few remarks upon the amendment which I have offered to the preamble to this resolution. I admit that Congress, or either branch of Congress, has power to raise a committee to obtain information touching any matter of legislation that comes within the purview of its jurisdiction. For example, Congress has power to pass a revenue law and to establish a revenue system. We have an internal-revenue system at this moment. It is competent, in some conditions of the country it might be very important, that the Senate should raise a committee and send it out into the country with a view to see how that system operates, to learn its advantages and defects, and whether or not a new system ought to be adopted by Congress in substitution for it, or whether it ought to be modified or amended. And many such examples might be given. I will advert to one or two others.

By the Constitution Congress has jurisdiction to pass laws regulating the manner of holding the elections for members of Congress in every respect. The clause of the Constitution to which I refer is in these words:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; *but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.*

So that the whole subject of that election is within the jurisdiction of Congress. And if a proper case were presented requiring an inquiry as to how a particular law of Congress regulating the election of members of Congress operates, whether well or ill, it would be competent for Congress to send out a committee to gather information on that subject in order that the judgment of Congress might be informed as to whether some modification of the existing law or the substitution of some new law were necessary. I say a case might possibly exist in which it would be proper to raise such a committee—it might possibly be necessary.

So I admit that Congress, wherever it has jurisdiction of a subject, has a right to raise a committee to take all necessary steps to inform its judgment by gathering proper information, and in the State of Mississippi as well as in the State of Massachusetts or California or North Carolina, or anywhere else within the limits of the Union.

This resolution, however, in my judgment, does not pretend that there is any necessity for gathering information for the purpose of informing the judgment of Congress touching the enactment of a law regulating congressional elections or touching the passage of an internal-revenue law or the formation of an internal-revenue system, or any other thing that comes within the jurisdiction and power of Congress.

It is sought by the distinguished and venerable Senator from Michigan [Mr. CHRISTIANCY] to avoid this difficulty by suggesting that in the State of Mississippi great irregularities have prevailed in the elections there and particularly the election of 1875, and that fraud and intimidation and bribery were practiced to a great extent, as is alleged, and more particularly with the view—for he saw the point and saw the difficulty—to give the Senate jurisdiction to raise this committee, he has inserted these words:

And especially that the colored voters, *on account of their color, race, or previous condition of servitude,* were, by intimidation and force, deterred from voting or compelled to vote contrary to their wishes for candidates and in support of parties to whom they were opposed.

That Senator believed that these words or words tantamount to them were essential in order to give the Senate jurisdiction to raise this committee; they were inserted to bring this case within the purview of the three last amendments to the Constitution. Now, sir, with great deference to his opinion and great respect for him as a Senator, I must be permitted to venture to dissent from the construction which he has put upon the fifteenth amendment. I maintain, with all due respect to all who contend otherwise, that the construction which he has contended for and which he gave in words when I propounded the question to him a few moments ago cannot be sustained by any fair construction of the words used in the fifteenth amendment, or by reason, or by inference; and I maintain furthermore that there is no decision of any court in this country giving that amendment such a construction as he assigns to it. The fifteenth amendment is in these words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

In the first place let us consider who is to be affected by this fifteenth amendment. It is plain the person is to be a citizen of the United States. But that necessarily implies more than that he must be a citizen of a State as well, because by virtue of being a citizen of the United States he is a citizen of the State wherever he may be, and that by virtue of the fourteenth amendment. His right wherever he may be shall not be denied by the State for any of three reasons, to wit, because of his *color,* because of his *race,* because of his *previous condition of servitude.* For any other cause a State may make a discrimination against him. It may discriminate, as it does, I believe, in the State of Connecticut, and perhaps also in the State of Massachusetts, because the citizen has not capacity or information whereby he can read or write, or because he cannot read the Constitution of the United States or the State within which he resides, or by reason of want of property, or by reason of any other consideration whatsoever in the discretion of the State, except the three causes just mentioned.

The right of a citizen of the United States and of any one of the several States—because he is a citizen of the United States by virtue of his citizenship in a State—to vote in the State shall not be denied or abridged upon any one of these three accounts; but be denied or abridged by whom? That is the material question. The amendment provides that such right "shall not be abridged by the *United States.*" That is, first, Congress can pass no law which prohibits a citizen of the United States from voting in any one of the several States. And therefore if Congress should undertake to pass a law providing that colored men, citizens of the United States in the State of North Carolina, should not be entitled to vote there, such a law would be absolutely null and void, and by virtue of the express provision of the Constitution as contained in the fifteenth amendment. But it provides further that this right shall not be denied or abridged by any *State.* Now what is the State? Can anybody doubt what is meant in the Constitution by the word State? It manifestly necessarily means one of those organized political bodies that make up the constituent parts of the Union; one of those political organizations which are what we commonly call State governments—a government consisting of executive, legislative, and judicial co-ordinate departments; the State of North Carolina, for example, or the State of Massachusetts, or the State of New York. That is what is meant by "the State," and wherever the term "State" is used in the Constitution it

implies just one of those bodies, no more and no less. I cannot conceive of any case where the term "State" is used, when it is used in a sense otherwise than that which I have assigned to it.

If that is true, then this amendment provides, secondly, that no State, no one of the political organizations making up the Union—making a constituent part of it—shall by its legislative authority or in any other authoritative way as a State pass any law or ordinance or do anything, by its convention, through its Legislature, through its judiciary, or through any one of its officers, which shall abridge the right of any man to vote at its elections because of his color, because of his race, or because of his previous condition of servitude.

In order to give this amendment such construction as will confer on the Senate jurisdiction to raise the committee for the cause assigned in the preamble to the resolution under consideration, it is necessary to construe the word "State" there as applying to individuals—natural persons; which it seems to me, with all respect to everybody who contends otherwise, is an absurdity. How the word "State" can be construed to apply to John Smith, John Jones, A B, and C D, is something I cannot comprehend. It is beyond my comprehension, and I never heard it seriously contended before.

Therefore I say that if North Carolina shall provide by her constitution, or by legislative enactment, that no one entitled to vote in that State shall be denied the right to vote on account of his race, color, or previous condition of servitude, that State will have, in that case, complied with the fifteenth amendment to the Constitution, and the legislation of that State, either by its constitution or by its legislative enactment, would in such a case be in entire harmony, so far as that goes, with the Constitution of the United States.

Suppose, in the case of Mississippi, for that is the State now under consideration, that the constitution—and I understand such is the fact—there provides that there shall be no discrimination in the manner of voting on account of race, color, or previous condition of servitude, then the State is in harmony with this provision of the Federal Constitution. Suppose, however, that the State had passed a law—suppose that the constitution of that State provided, or that an act of assembly provided, there being no provision in the constitution upon the subject, that no colored man because of his color or race should be allowed to vote, or that no man who had been a slave because he had been a slave should be allowed to vote, that would be a clear violation of the fifteenth amendment. But how it can be construed or seriously contended that if one or more evil-disposed persons of that State shall undertake to deprive a colored man of his right to vote because of his color or race, after the State law or the State constitution has provided and guaranteed that right under the Constitution of the United States, that Congress in such a case may pass a law to protect him in that respect I cannot understand. That is plainly a right protected by the State law, and Congress has no right or power to extend protection.

The Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday saw this difficulty, and he undertook to avoid it by saying that this right was protected by the fourteenth amendment of the Constitution. He seemed to concede by his argument—and I paid attention to it—that although it could not be protected by legislation under the fifteenth amendment without putting this absurd construction on the word "State," still it was protected by the fourteenth amendment, and therefore Congress had power to raise the proposed committee and inquiry. The argument that has been offered to support the construction placed upon the fifteenth amendment by the distinguished Senator from Michigan [Mr. CHRISTIANCY] is that, unless the construction is given to the word "State" that it applies to citizens, natural persons, interfering with the right to vote because of race, color, &c., the second section of the fifteenth amendment is meaningless—answers no purpose. It goes upon the idea that that second section is inoperative and void and absurd unless you give the word "State" in the first section the construction that is contended for by him. I say *non sequitur*. No such consequence follows at all; because, if a State should pass a law prohibiting any one from voting on account of his race, color, or previous condition of servitude, it would be competent for Congress to pass an act providing that every officer holding an election in that State should receive such a vote; and that, it seems to me, is the way and the only way Congress should legislate to give the fifteenth amendment operative affect. There is no reason why you should resort to the absurd construction of requiring the word "State" to mean "persons or citizens" in order to make the second section of the fifteenth amendment operative; because it would be competent for Congress now to pass a general law that would operate on all the States providing that if any State should declare, by statute or otherwise, that a negro, because of his race, should not vote, or because he had been a slave, should not vote, all the officers essential in conducting the elections in that State should receive the negro's vote, should receive the freedman's vote. And I think I may say, that such an act is the act which the Supreme Court suggests, though not in terms, as necessary to effectuate the purpose of the fifteenth amendment; and I do maintain that no other logical view of this subject can be taken, whether you refer to the words of the amendment, or whether you resort to the ordinary rules of construing constitutions, or whether you resort to fair inference and deduction.

This subject is, indeed, important. It is one that we cannot consider too much, and one which we cannot become too familiar with; and therefore I beg to repeat the view which I have endeavored to make plain. I say that in the fifteenth amendment the terms "or by any State" cannot be construed to mean any other thing than one of the several States of the Union in its corporate capacity; that the phrase cannot receive the construction that it means "citizen" or "natural person;" and I say, furthermore, that the power of Congress consists in its power, under the second section of the fifteenth amendment, to pass a general law, and perhaps it ought to be done, providing in terms that if any State shall provide that any citizen of the United States shall not be allowed to vote because of his race, because of his color, or because of his previous condition of servitude, the officers of the several States required by the laws of those States to hold the election shall be required to receive every such vote, being otherwise lawful, which shall be tendered at proper places and times. That, I think, is the legislation which Congress can do in this behalf, and it can do no other. In that way it provides by appropriate legislation for the enforcement of the fifteenth amendment, and thus both sections of that amendment may become operative and useful. But for the second section, Congress could not probably pass such an act as I have suggested.

Mr. CHRISTIANCY. Will the Senator from North Carolina allow me to ask a question?

Mr. MERRIMON. Certainly.

Mr. CHRISTIANCY. Would not that be making the legislation of Congress operate on the individuals just as in the other case?

Mr. MERRIMON. It would be making the law of Congress operate on the individual officers of the State, certainly not on the citizen as a citizen merely; and if any one should interfere to prevent a freedman from voting, he would be amenable to the jurisdiction of the several States—not to that of the United States—for thus having deprived a lawful voter of his lawful right. If you take that view, it is consistent, it is logical, and the whole Constitution harmonizes, and the fifteenth amendment has complete and lawful and logical and reasonable sense; and it seems to me, with all respect, that to give it any other construction is to treat it as containing the absurd provision that "State" means natural person or individual.

The Senator from New Jersey yesterday, as I said a moment ago, seeing this difficulty in his way I have no doubt, insisted that he had a right under the fourteenth amendment, in connection with the subject of voting, that Congress was bound by proper laws to protect, and I beg leave to advert to that subject for a moment or two. So much of the fourteenth amendment as is necessary for my purpose is in these words:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That is the first clause, and it does what was not done in terms in the Constitution before the adoption of this amendment; it expressly defines who is a citizen of the United States. It goes further than that. It provides that any one who is a citizen of the United States shall be a citizen of the State where he shall reside. That is the purpose of that section, and it would seem to be the sole purpose, and there is no difficulty in construing it. The next clause is the more difficult one. It is the one upon which the Senator to whom I last alluded seemed to rest his argument. It is in these words:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States—

Not citizens of the United States or of any State, but citizens of the United States—

> nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The ground-work of the Senator's argument is that a citizen of the State is a citizen of the United States; that the citizen of the State has a right to vote, and therefore the United States have jurisdiction and authority to guarantee to him that right. The Senator goes upon the idea that the citizenship of the United States and of the State are identical, that they are one for that purpose, and in this clause they are protected as one. I insist that that is not so. To be a citizen of the United States is one thing, and he has certain rights, benefits, and advantages as a citizen of the United States that are not essential to him as a citizen of the State. To be a citizen of the State is another thing, and he has a different and a much larger class of rights invested in him by virtue of his citizenship as a citizen of the State than he has as a citizen of the United States. This clause of the amendment to the Constitution provides *in terms* that his privileges and his immunities as a citizen of the *United States* shall be protected by the United States; but there is no provision in it which provides by terms, or even possible inference, that his privileges and immunities as a citizen of a State shall be so protected; nor can these words be strained and distorted into meaning to say that his rights and privileges and immunities as a citizen of a State shall be so protected by the United States.

This, it seems to me, conforms to the proper and reasonable construction of the language used in the fourteenth amendment; but I am not left to grope my way in the dark upon this subject. The Supreme Court in the Slaughter-house cases has given a construction to this very clause and settled it, it seems to me, as clearly as a question arising upon any clause of the Constitution could be settled. The purpose of these amendments to the Constitution, that is the

thirteenth, fourteenth, and fifteenth, was mainly that of freeing the negro race from slavery in this country, every one held to bondage, and putting him upon an exact civil equality with every other citizen of the country. That was the grand leading purpose. The thirteenth amendment simply freed the negro and placed him exactly where the decision of the Supreme Court in the Dred Scott case placed a free negro. It did not invest him with citizenship. He was no better off than a foreigner who had landed on our shores. By virtue of the thirteenth amendment he had no right to vote. He could exercise very few rights. He was in a very poor and deplorable condition, and hence it became necessary to pass the fourteenth amendment investing him with the rights of citizenship, the rights of citizenship as a citizen of the United States, the rights of citizenship in the State where he might happen to reside. This was the leading purpose of these amendments. I believe I can venture to say that, except as is provided in the fifteenth amendment, no other purpose was effected by the three amendments to the Constitution, that is the thirteenth, fourteenth, and fifteenth amendments. Their object was to make all men in this country free and equal, to establish universal civil equality among men; not political, for there is a wide difference between civil and political equality. The right to vote or hold office is not a civil, but a political right. By virtue of this clause a man has civil rights, but by virtue of the Constitution of the United States a man has not the political right of suffrage. The Constitution of the United States knows nothing of suffrage for the purpose of conferring it on any one. Anterior to the fifteenth amendment Congress had no power to confer suffrage upon any human being. It did not pertain to the United States at all to confer suffrage, or to interfere with it, or to prescribe it at all. Every man in the United States anterior to the adoption of the fifteenth amendment got his right in every respect to vote by virtue of his citizenship as citizen of some State, and in no other way. Nor does the fifteenth amendment undertake to confer suffrage upon anybody. It only provides that the States in the exercise of their powers upon the subject of suffrage and political rights shall not deprive any person of the political right to vote for any one of three causes, to wit, race, color, or previous condition of servitude.

I beg to call the attention of the Senate to the decision of the Supreme Court in the Slaughter-house cases, and as it is so important, as this subject is an important one, I beg to read extracts from that opinion somewhat at length. First, as to the purpose of these amendments. The court says:

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them, as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and the spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter. If Mexican peonage or the Chinese cooly labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply though the party interested may not be of African descent. But what we do say, and what we wish to be understood, is that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued additions to the Constitution, until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

Thus, I say, we have from the Supreme Court of the United States a fair and just and disinterested account of the history and purposes of these amendments. This is the groundwork of them. It furnishes much light in ascertaining their true meaning and giving them a fair construction. Now let us see what construction this court have put upon the fourteenth amendment and what they say of it. I read again from the same opinion of the court:

The first section of the fourteenth article, to which our attention is more specially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the Executive Departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this court in the celebrated Dred Scott case, only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the negro race who had recently been made freemen were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution. To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States, and also citizenship of a State, the first clause of the first section was framed.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making *all persons* born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

I come now to those clauses of this opinion which clearly point out the distinction that I have contended for, and to them I invite special attention:

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that citizenship is the same and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the words "citizens of the State" should be left out, when it is so carefully used, and used in contradistinction to citizens of the United States in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such and those belonging to the citizen of a State as such, the last must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

The first occurrence of the words "privileges and immunities" in our constitutional history is to be found in the fourth of the articles of the old Confederation.

It declares that the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively.

In the Constitution of the United States, which superseded the Articles of Confederation, the corresponding provision is found in section 2 of the fourth article, in the following words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

There can be but little question that the purpose of both these provisions is the same and that the privileges and immunities intended are the same in each. In the article of the confederation we have some of these specifically mentioned, and enough perhaps to give some general idea of the class of civil rights meant by the phrase. It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other exceptions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and useful functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgment of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

Now, Mr. President, could there be a more thorough, a more reasonable, a more logical, a more satisfactory exposition of the fourteenth amendment than that? Sir, that decision was not made without due consideration. It was made after thorough discussion on the

part of counsel and after long and most solemn deliberation on the part of the court. They well understood the importance of what they were doing, and that they were laying the groundwork of a course of construction to be placed on these amendments to the Constitution that was to go down to the latest generations. They did their work deliberately, in the light of reason and right, and they have steadily kept up that construction of it from the time of the decision of the "Slaughter-house cases" until this moment.

Another case decided shortly after the "Slaughter-house cases" follows up the line of construction adopted in them, and I will read a paragraph or two from the case, the name of which I do not now remember; but it was the case where a female in one of the Northwestern States, perhaps in Illinois, insisted that she had a right under the fourteenth amendment to be permitted to practice law in the courts of the State. She insisted that to practice law was a right enjoyable by any citizen of the United States, and that as such a citizen she was well entitled under the fourteenth amendment under discussion to practice law in the State courts where she might happen to be. In deciding that case the court say:

In regard to that amendment, counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them; and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.

In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these, and these alone, which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends on citizenship of the United States. It has not, as far as we know, ever been made in any State or in any case to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in the State and Federal courts, who were not citizens of the United States, or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State, it would relate to citizenship of the State, and as to Federal courts it would relate to citizenship of the United States.

The opinion just delivered in the Slaughter-house cases renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.

After that decision we find the opinions delivered but a day or two ago, following up the same views and giving in effect the same construction to the thirteenth, fourteenth, and fifteenth amendments of the Constitution.

So that I say the construction placed on these amendments, whether you refer to one of them or to another, whereby it is proposed to give the Senate jurisdiction to raise this committee, is a false construction. It is a construction not warranted by the letter of the Constitution; it is not warranted by a fair construction of the thirteenth, fourteenth, and fifteenth amendments to it, or by a fair or reasonable inference, and that such a construction is expressly contravened and denied by repeated decisions of the Supreme Court of the United States, which ought to be a law unto us here as it must be when any act which we may pass shall come to be when the courts come to take jurisdiction.

I confess, Mr. President, that I have no personal knowledge about the manner of conducting the late election in the State of Mississippi; and I agree with everybody who takes that view, that if colored men were deprived of their right to vote by fraud, intimidation, or by other means, it was a criminal act, one reprehensible in the highest degree; and I insist furthermore that whosoever was guilty of it ought to be punished, but he ought to be punished according to law; he ought to be punished by that tribunal which our system of government—and by that I mean both State and Federal combined—has provided for that purpose. If it shall be suggested that the means provided are not sufficient, I reply that that is the misfortune of the country. Congress has no powers except the powers conferred by the Constitution, and we are bound by that, and we cannot go beyond it if we would.

So far as my information goes, (and all that I have is hearsay,) there were no such irregularities in the late election as to warrant the complaints, the parade, and the tirade of abuse heaped on the people of Mississippi, and the declamation which I have heard in the Senate Chamber and elsewhere from time to time. According to accounts given by respectable gentlemen of both parties in the State of Mississippi, the election was conducted with remarkable quiet and fairness. The vote, as I understand, was large, and the irregularities were exceptional; they were as great probably on the one side in party politics as on the other; and the election was infinitely better conducted in that State than elections are usually conducted in some of the great States of the Union, and particularly in some of the great cities of the North.

So that it seems to me that the purpose here is not a legitimate one. It is not to ascertain facts to inform the judgment of Congress, to the end that Congress may pass the laws that are necessary and essential to protect the rights of citizens, but for the purpose of manufacturing political capital for the election which comes off in November next. Entertaining that view, as well as the view just mentioned, that we have not the constitutional power to pass this resolution, I shall not hesitate to vote against it.

If it were alleged that the laws regulating congressional elections were insufficient and it were proposed to gather information with a view to ascertain whether it would be wise to change or modify existing laws on that subject, then, if such a state of facts were presented as to warrant the exercise of that power, I should not hesitate to do it. But it is not pretended that there is any such purpose in view. It is expressly provided in this resolution that we are to inquire, not whether the State has passed a law denying to any citizen a right because of his color, his race, or his previous condition of servitude to vote, but whether John Smith, John Jones, and hundreds of others have not committed an offense cognizable only in the State courts. That is the proposition here, and there is no other presented by the resolutions before us. The Senate has no lawful power to raise a committee for any such purpose, and therefore I shall not vote for these resolutions.

But, sir, if the resolution is to pass, let us pass it in such a shape as that it will at least conform to the letter of the Constitution, that it will have some semblance of ground to rest upon. We have no right or power to inquire whether the election in Mississippi was conducted fairly or otherwise. That is a matter exclusively within the jurisdiction of the State of Mississippi. If frauds were practiced, if intimidation was practiced, if votes were bought and sold, that is a matter to be inquired into by the State authorities, and by them alone; certainly not by the Senate. It is not pretended that we can regulate their elections. It is suggested—I believe that phrase has been amended in the substitute—that the Legislature chosen at that election has elected a United States Senator, that his credentials are now in the Senate, and that he will be here on the 4th of March next claiming admission. It will be time enough for us to inquire into that election, and the means by which it was secured, when we shall get complete jurisdiction of the matter, when the time comes to give us lawful jurisdiction of the matter. We cannot inquire into that now. But when that time shall come, if half the members of the Legislature were elected by buying electors' votes, if negroes in Mississippi were driven from or to the polls by thousands by force, it has been conceded even by the Senator from Indiana, [Mr. MORTON,] and must be conceded by every intelligent man, that the Senate has no power to inquire into that. As to how the members of the Legislature were elected, whether they were elected lawfully or otherwise, by what means they were elected, is a matter completely and exclusively within the jurisdiction of the Legislature of Mississippi. We cannot go behind the organization of that Legislature; our inquiry is limited to whether or not the Senator-elect when he shall apply, if his right shall be questioned, was elected according to the laws of the United States and the constitution and laws of Mississippi. We can inquire then whether he bought the vote of a member of the Legislature, or whether he intimidated a member and forced him to vote for him; but we cannot go back of his election by the Legislature and ascertain whether the members of the Legislature were elected by one means or another at the ballot-box. So I say, Mr. President, looking at this whole matter, and taking every reasonable view of it, that Congress has no jurisdiction to raise this committee. Therefore the substitute which takes the place of the original resolutions ought not to be adopted, and I will not support it by my vote. In my judgment it ought not to pass—it cannot lawfully pass, and if it shall, it will be a bad precedent.

Mr. FRELINGHUYSEN. Mr. President, I had occasion yesterday to say that under the first clause of the fourteenth amendment, which declares that every one born in the United States shall be a citizen thereof, taken in connection with the last clause of that amendment, which gives Congress the power by legislation to enforce the foregoing, a citizen of the United States had the right of being protected in the exercise of suffrage where it had been conferred upon him. To that my friend from North Carolina [Mr. MERRIMON] takes exception, and he tells us that the Supreme Court have decided otherwise. I beg my friend's pardon. The Supreme Court have never touched that question. There have been four cases decided in reference to the three amendments. One was the Slaughter-house case, to which he has referred, where the question was whether the fourteenth amendment did not secure every citizen against business monopolies. It did not relate in any manner to the question of suffrage. The next case was that of Minor *vs.* Happersett, the case alluded to by the Senator, where a female applied for the license to practice in the Supreme Court of the United States, found in 21 Wallace. That had no reference to the question of suffrage. The next case was the Grant Parish case, which was this: A number assembled at Colfax, in Grant Parish, Louisiana; a mob took away their arms, broke up the meeting, and murdered thirty of the number. This case has recently been decided by the Supreme Court. It involves the construction of the sixth section of the enforcement act, which is directed against conspiracies to deprive citizens of rights granted or secured by the Constitution of the United States. The court does not dispute the constitutionality of the sixth section of that act; but the decision reached is that the indictment did not charge that any one had interfered with rights which, in the opinion of the court, were granted and secured by the Constitution. That indictment, which I had occasion to look at, contained thirty-two different counts. The rights under the Constitution which it was charged had been violated were the right of peaceably assembling according to the first article of amendments, the right of bearing arms, and other rights named in the ten amendments to the Constitution. The Supreme Court de-

cided within the last week that those amendments, as has been understood by us all, were only inhibitions and restrictions on Congress, and did not confer any rights on citizens.

There was another count in the indictment charging a violation of the fourteenth amendment, in that citizens had been deprived of life and property without due process of law. The court took the view which has been suggested by the Senator from North Carolina, that the fourteenth amendment, when it says that no State shall abridge the privileges and immunities of citizens of the United States, is a prohibition on State legislation and not on individuals. From this view I dissent, as the amendment further provides that the State shall not deny to any person the equal protection of the laws. The only case under these amendments which has ever been decided by the Supreme Court in reference to suffrage that I am aware of is the recent case of United States *vs.* Reese and Foushee. And what was that case? There was an indictment against inspectors of election for refusing the vote of a colored man on account of his race and color. It was refused because he did not present evidence of having paid his tax, which was a prerequisite to voting, but he did present his affidavit to the effect that he had offered to pay his tax, and that the wrongful act of the tax-collector had prevented his tax from being paid.

In this case the court say in brief that the first section of the enforcement act is only declaratory, there being no sanction annexed; that the second section does not apply to inspectors of election, and these defendants were inspectors; that the third section is a general regulation, and does not make the crime to depend upon depriving one of a vote on account of race, color, or previous condition of servitude—which is an essential quality to a crime under the fifteenth amendment—and that therefore there was no case. If there had been six more words in the act of Congress, to wit, "on account of race or color," the law would have described a crime under a constitutional law.

I do not see that any one can much object to that decision.

Mr. MERRIMON. The court do not say so. The court say expressly that Congress has as yet not legislated in such a way as to execute the fifteenth amendment, and what legislation is necessary for that purpose the court do not undertake to say or suggest.

Mr. FRELINGHUYSEN. I have read that decision. I repeat what I have said. The clear effect of the decision is that the objection to the law is that it is a general regulation, applicable to the rejection of any vote, instead of only making it a crime, as does the amendment, to deprive one of a vote on account of race, color, or previous condition of servitude. The entire reasoning of the court takes that view. It considers the question whether the first section, with the third and fourth taken together, amounts only to a prohibition against rejecting a vote on account of race and color; but, being a penal statute, the court decide that the statute is not capable of being so construed. I think my friend will agree with me that, if there had been six more words in the statute, the court would have given judgment for the plaintiffs in error. But that is not important to my purpose.

One thing is certain: the question whether Congress has not by legislation the right to protect the citizen, who has been invested with the right to vote, from being deprived of his vote by violence or fraud has never been adjudicated against in this country. The court say in express words in the only decision they have made relative to voting since the amendments were adopted that their whole decision rests upon the fifteenth amendment, counsel for the plaintiffs in error having given up all claim that the case was to be sustained under the fourteenth. Whether that was wise is not now the question.

Mr. MERRIMON. Passing by what the court said—in fact, they said nothing on that subject—I beg my honorable friend to explain to the Senate how he derives the power from the fifteenth amendment that he claims?

Mr. FRELINGHUYSEN. I will. There is, then, we see, nothing in the decisions of the Supreme Court, upon which my friend has placed himself, declaring that suffrage when conferred and as conferred upon a citizen is not a right of a citizen, which Congress may by proper legislation under the first and last clauses of the fourteenth amendment protect. Now let us go on a step further. Is the right to vote a natural right?

Mr. MERRIMON. No, sir.

Mr. FRELINGHUYSEN. No; we agree. And yet it comes very near to it. Where does the right come from? From the Constitution. How does it get into the Constitution? It is placed there by the convention. Who make the convention? The people. How is their will made known? Only by voting. So, sir, while I agree voting is not a natural right, government could not exist without it and could not be formed without it. It is the initial step in civilization.

Mr. MERRIMON. Voting is not a civil right.

Mr. FRELINGHUYSEN. It is not a natural right. And now I ask, is voting a necessary incident to citizenship?

Mr. MERRIMON. No, sir.

Mr. FRELINGHUYSEN. No, of course it is not; if it were, every woman and child would have the right to vote. Neither one of these two propositions, however, conflicts with my position, that when by law the right to vote is given to a citizen it is right to be protected from being violently and fraudently taken from the citizen. Unless the right of citizenship was a mere decoration, it carries with it protection to its incidents, protection in the exercise of that suffrage which the law has conferred. The proposition is too plain to be questioned. My friend will not question that North Carolina has the right to protect its citizen from being deprived by fraud and violence of the right the law has conferred upon him. He will not deny that it is the duty of his State thus to do, and that, too, because of the citizenship of him who claims the protection. It is the same with a citizen of the United States.

Citizenship of a State confers all the rights that grow out of the constitution and laws of the State. Citizenship of the United States confers all the rights that grow out of the Constitution and laws of the United States. That is clear. Does not the right to vote for Representatives grow out of the Constitution of the United States?

Mr. MERRIMON. It does not.

Mr. FRELINGHUYSEN. I insist that it does, sir.

Mr. MERRIMON. Then we are at issue.

Mr. FRELINGHUYSEN. But for the Constitution of the United States no man would have a right to vote for a Representative. The Constitution of the United States in express terms creates United States voters, United States electors, and specifies their qualifications.

Mr. MERRIMON. It provides that the State may provide them, expressly.

Mr. FRELINGHUYSEN. The Constitution of the United States says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

This Constitution provides that there shall be United States electors, and specifies as their qualifications that they shall have the same that are required in the State for the most numerous branch of the Legislature. Not only that, but this Constitution further provides, by the fourth section of the first article, that Congress shall have the right to regulate the manner in which those United States electors shall cast their votes.

Before the recent amendments to the Constitution I agree that United States citizenship was a very vague thing. One article of the Constitution declared "that citizens in each State should be entitled to all the privileges and immunities of citizens of the several States." That only created an equality of right; that only said that there was to be no discrimination. In the Dred Scott case it was established that every State had the right to fix and determine upon the qualification of its own citizens; that it had a perfect right to say that one of African blood should not be a citizen. Such was the condition of the law when the fourteenth amendment was adopted, and that changed all this and established it that every person born or naturalized in the United States and subject to the jurisdiction thereof should be a citizen of the United States and of the State in which he resides. Before that amendment citizenship of the United States, except in the single case of naturalization, was derivative from State citizenship, and the State could exclude one-half or nine-tenths of all her people from being citizens of the United States.

Then we have this case: Before the amendment there were United States electors with specified qualifications. Before the amendment Congress had the right to regulate the manner in which those electors should cast their votes. The Constitution has since placed a restriction even on the States as to what qualifications United States electors shall possess, and has said that they shall be exempt from discrimination on account of race or color. We have then under the Constitution United States electors, we have their qualifications fixed, we have modified those qualifications, and the nation has declared in express words that there shall be a United States citizenship, and has declared that Congress shall have all power by appropriate legislation to carry into effect this grand declaration of United States citizenship. This is the sublime rescue of the war. Can it now be denied that, where the citizen has by law the right to vote, Congress has the power to protect this right from fraud and violence? Sir, it is to accuse this nation of an imbecility with which no nation on the earth can be charged. Is it true that this nation alone of all the world, with a written Constitution declaring that there shall be a national citizenship which should give protection in every nook and corner of the world, is unable to afford its citizens any succor? Is it true that the proud cry "I am an American citizen" is to become a shame and a hissing in the earth?

No, sir, we have the right and the power, too, to protect American citizenship at home and abroad.

Mr. BAYARD. Mr. President, I did not know that the Senator from New Jersey had adverted to the decision of the Supreme Court of the United States in the case of Minor *vs.* Happersett, in 21 Wallace, at the time he was considering his proposition.

Mr. FRELINGHUYSEN. I am perfectly familiar with it, and I referred to it.

Mr. BAYARD. His argument was that the amendments to the Constitution had in some way conferred on Congress power to protect the right of voting in any man, provided that right had been given by the law of a State. The Supreme Court have spoken so distinctly upon this subject that it seems to me that when we legislate in the light of their decisions and still propose to pass laws which have been adjudicated invalid, to say the least, we are executing a very useless task. It is a labor lost, time spent in vain, to say the least, and perhaps it would be more proper to designate it as willfully spent

in vain. If the adjudications of the court of last resort are not in any respect to form the guide for those who legislate, then there was little use in the creation of the judiciary as a co-ordinate and independent branch of our Government. I believe in the right of conscientious opinion. We may comply with the decisions of a court against our will; but that as legislators we are justified in continuing to repeat legislation of a character and nature based upon principles which have been declared to be invalid by the Supreme Court of the United States, I think is utterly unjustified and unjustifiable.

Here was a case in 1874, decided at the October term, to be found on page 171 of the twenty-first volume of Wallace, in which the court declares, in speaking of the fourteenth amendment:

> The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the State, but it operates for this purpose—

And I commend this language to the Senator from New Jersey.

Mr. FRELINGHUYSEN. That was the case where some female applied for admission to the bar, was it not?

Mr. BAYARD. I believe so.

Mr. FRELINGHUYSEN. I do not differ from that case at all. I think it was right.

Mr. BAYARD. I am speaking of the principles the court lay down:

> It operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.
>
> It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted. This makes it proper to inquire whether suffrage was co-extensive with the citizenship of the States at the time of its adoption. If it was, then it may with force be argued that suffrage was one of the rights which belonged to citizenship, and in the enjoyment of which every citizen must be protected. But if it was not, the contrary may with propriety be assumed.

And after reciting the history of the constitutions of the various States on the subject they declare:

> Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one, and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment.

In the case of The United States *vs.* Reese and Foushee, decided three or four days ago by the Supreme Court, the statement is distinctly made that no right of suffrage was conferred by the fifteenth amendment to the Constitution, much less by the fourteenth; and therefore to assert that there was a substantive grant of power by those two amendments which under the suggestion that the creation of a citizenship carried with it some of the privileges which may or may not attend citizenship, which are not essential for the existence of citizenship, which may be granted or withheld to or from certain classes at the discretion of the law-making power of the State, it seems to me that to so claim now, and to say that the United States can create this privilege, or that they can in any way protect it if the States should have created it beforehand, is certainly to argue in the face of the direct letter and spirit of the adjudications of the Supreme Court on this subject. They tell you distinctly that, "if even indirectly it may have the effect of making new voters, it is through the States and the State laws," and that the amendment does not act directly upon the citizen. What do they mean by that? It does not act directly upon the citizen. It may be inhibitory of the State. If the Constitution does not act directly on the citizen in this respect, surely it is competent for Congress to legislate and by its laws act directly on the citizen. Therefore it will be found after this scheme of legislation may be pursued according to the theory of the Senator from New Jersey, if he and those who think like him shall be able to place on the statute-book laws of the same character and reaching the same results as those which they have so elaborately prepared and enacted before, when they have applied to them the touch-stone of judicial construction as given in these cases, they will meet the same fate; they will be found invalid, because it will be an attempted infringement by the Congress of the United States upon the reserved rights of the States and the people of the States.

This course of decision has not been a sudden one upon the part of the Supreme Court. They have seen the tide of centralization rushing with a fearful and a fatal force until it has become necessary to arrest it, and to recall the spirit of this country and the spirit of this legislation back to the true character of the federal system of government under which we live. They see that the States are as essential to our form of government as is the Federal power over them to our form of government; that, to use the language of the late Mr. Justice Nelson, of New York, if you strike down the State governments you annihilate the Government of the United States and cause it to disappear from among the family of nations. Therefore I say, in respect of this most important of all questions, that, if this be a government, it is a voluntary government, of which the whole motive power is suffrage. Every operation of our Government has its basis upon the exercise of suffrage. We vote for everything that becomes a law in every stage, from the primary meeting of the people to the final vote in the Legislature, which has the power to enact a law. It is a question of votes. It is a question of volition. If that power has been or can be by any construction taken from the people of the States—the States, which are the pillars that support the fabric of our General Government—if you take that power from them and give it to the control of the Federal Congress, then you have handed the whole control of this country, necessarily, to one centralized power, into the hands of Congress.

Mr. President, to admit the propositions of my honorable friend from New Jersey would be to admit that the theory of our Government is to be reversed. It would have this effect: These two amendments would operate to repeal all the amendments and every feature of the Constitution that had preceded them. This cannot be. You may fritter away a power by construction and you may destroy a government by misconstruction. It is insidious. It is most dangerous. Although gentlemen may act under what I believe is in many cases a very honest feeling in the land, under a desire to stand by those who are helpless, for those who may be believed to form the weaker party and the weaker race in this country, still I ask them not to be misled by a sentimentality against so essential a provision, so essential a portion of the very frame-work, the very ground-work, the foundation of our governmental system. Do not invade that right essential to the existence of the State under the pretense that you are protecting in some way some one in the exercise of it. Your laws give the protection. If a law does discriminate against a voter by reason of race or color, it is invalid. Apply to it the touch-stone of judicial decision, either in the States, or, if no fidelity is found there, (and you have no right to presume that,) bring it to your Federal courts, and there under our system the cure can be and will be applied. But can it be that we have lived nearly one hundred years, that the right of no white man to have his vote protected has ever been sought under Federal power; and that now, under the pretext of the new enfranchisement of a lately servile people, you are to change your form of government in order to obtain a protection for the black that your country has never in its history had occasion to extend to the white? Leave them, the black man and the white man, alone to the same power that has kept us and preserved us as a people for the last one hundred years, or very nearly that. It is not necessary. There is this constant distrust; there is this constant refusal to trust without having any cause for it.

I wish gentlemen could have a little time to test the voluntary sense of justice of the people of the States. Do not let every presumption be that wrong, injustice, the withholding of rights is to be the rule in all the States. I know they are mistaken. I do not believe a party could attempt it and carry it out without meeting the opposition of the spirit of the majority of the American people. Trust, then, to the mere desire to maintain popular power and popular favor. If no other or higher motive comes, trust that as a motive to perform justice. Do not base all your presumptions of legislation here upon the fact that the States of this country do not propose to do their duty by all their citizens. Do not suppose that the best refuge and the best sanctuary for the right of an American freeman are only in the Federal courts of this country. It is the same spirit through all. All are American courts. Do not for the sake of this temporary power, which is yours to-day and may leave you to-morrow, invoke an authority which some day may be used to interfere with that right of free local self-government which is the very foundation and the very soul of our system of government.

The Supreme Court have, as I say, not only intimated, but I think have most clearly decided, that you cannot justly exercise this power, that no right of suffrage is given, that the general power of protection is not given by these amendments. The grant is confined to a single case; and in regard to that there is a very great halt in their decision and a want of definition as to what precisely they may come at when you shall frame a statute in some different way. But sure it is that statutes running nearly in the same groove as those you have adopted, statutes which may be called *in pari materia*, will be open not to grave doubt but to certain denial when they shall reach the decision of the courts of the United States. I know that this question has been debated in Congress. I know that the decisions of the Supreme Court are distasteful to the majority here who have voted for these laws; but do not, I beg of you, show simply your impatience or insubordination where a check has been given to your legislation. I beg of you, with all the feeling of one American toward another, to trust the American people. Trust the people of the American States. Do not let it go forth that the men of this country, white or black, have no protection except in Federal tribunals. It is unjust to the States; it is unjust to the people; it is creating a certain collision of feeling and of sympathy between the States and the Federal Government, which ought to move along each in its own orbit, undisturbing and undisturbed. If the Congress and if the Senate would but consider that, after all, ours is a government of opinion, it will assert itself, it ought to assert itself, it will be trusted and it ought to be trusted. Yet the whole spirit of the legislation of Congress for the last ten years upon this subject seems to me to have been that the States, the people of the States, the tribunals of the States, cannot fairly be trusted to carry out the guarantees given by the Constitution of the United States to every human being in their midst.

Mr. President, I did not intend to say as much as I have uttered. I heard the remarks of the honorable Senator from New Jersey yesterday. I was surprised to find the construction that he had given to these amendments, and that he was endeavoring to find in them the conference of power, of right of suffrage upon citizens which the Supreme Court had expressly denied, and which, according to my own interpretation, was nowhere to be found in the amendments.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Delaware has in rather an unusual manner read a lecture to the Senate. He deprecates the whole legislation for the last ten years. I wonder whether the Senator does not deprecate the enactment of the three amendments to the Constitution which this legislation has been enforcing?

Mr. BAYARD. I beg pardon.

Mr. FRELINGHUYSEN. I say the Senator deprecates the legislation of Congress for the last ten years. Did the enactment of the three constitutional amendments meet his approval?

Mr. BAYARD. I have expressed nothing contrary to it; made no such suggestions.

Mr. FRELINGHUYSEN. I know that is so, but I ask the question because when we are thus lectured about pride of opinion, impatience, and chafing under the decisions of the Supreme Court, and when we are begged not entirely to ruin the country, it is natural to inquire what is the source from which these strictures come; and if found to come from one who from first to last has been opposed to the amendments we are enforcing, amendments abolishing slavery, establishing American citizenship, establishing universal suffrage, then we can understand that the criticism is not so severe upon our conduct, but that it is accounted for by the state of mind and the political view of the Senator who administers the admonition.

The Senator complains that we have willfully spent time here in differing from the Supreme Court. The Senator must be a true Calvinist, for he not only thinks that everybody should believe as he believes, but that they should be punished for their unbelief. I do not propose myself to do anything that I know will damage this country much, nor do I propose to be lectured very much as to the manner in which I discharge my duties as Senator.

As to the Supreme Court, let me say that I have as much respect for their decisions as any man in the country; but what is a decision? It is the adjudication of the question before the court, and their opinion that legitimately grows out of the question, that is entitled to all consideration; but the dicta that may be scattered through their opinions are not law to us.

The question that we were discussing was not, as my friend has said, whether the constitutional amendments gave the right of suffrage. No one has pretended that the Constitution or any of the amendments conferred the right of suffrage. Ordinary attention to the debate would have shown the Senator that that was not the position insisted upon. The claim was that where the citizen had by law the right of suffrage the National Government had the power to protect that right from being destroyed by violence and fraud; a very different proposition from that which he has argued. He refers to the decisions of the Supreme Court. What are they? One is the question whether monopolies did not violate the fourteenth amendment. Another, a case to which he refers and in view of which he asks our abject subservience to the Supreme Court, is whether a female can practice law in the United States courts. What have those decisions to do with the question before us? More than that, the Supreme Court have not ever put forth any dictum that I am aware of denying that Congress had the right, where suffrage existed as a right, to protect it from being destroyed by violence or fraud. This is a right that I claim not as the Senator states in behalf of the black man. I claim it, sir, for the white man as well as the colored. I hope to see the day when everywhere in this broad land, South and North, East and West, every citizen will be protected not only in his suffrage, but in his property, his life, and his liberty. Then we will have peace.

Mr. KERNAN. Mr. President, I have listened with great attention to the debate in reference to the fourteenth and fifteenth amendments, and I desire to make one or two suggestions in regard to them. The question is whether under either or both these amendments Congress can pass a law to protect the man who goes to vote from being mobbed, or from unlawful violence, in the exercise of his right. I am not able to understand, after listening to the arguments, how Congress can do it. I ask the attention of Senators for a moment to the fourteenth amendment, which declares that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Of course it is not claimed that that makes anybody a voter. If it did, it would make all the females in the country voters. They are born within the Federal jurisdiction, and yet the United States courts have held that this cannot be construed to confer the right of voting upon them. It goes further, and I call attention to this to test the argument that we can protect the legal elector from violence by a mob or other unlawful interference on election day:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If under the fourteenth amendment we can by act of Congress protect the voter in exercising the right of suffrage, much more strongly may it be argued that we can protect the owner of personal property from being deprived of his right to it by violence. Will any one claim that under that strong language authorizing Congress to protect any man in his rights we can pass penal laws or criminal laws to protect a man from having his property taken from him by mobs or by violence? If so, it would have been a very valuable right to have exercised in reference to some of the Northern States, whereas in some of them combinations of men have prevented persons from even using their property by hiring labor, and so on. I believe it is conceded that Congress has no power under this or any other amendment to protect a man from being mobbed by his fellow-citizens or to prevent his personal or real estate from being taken from him by violence.

Therefore I argue that, under the fourteenth amendment, if we cannot pass laws to protect a man in his property from unlawful violence, we cannot protect him in exercising the right of suffrage. As the amendment reads, it protects the citizen not against mobs but against laws by a State which would deprive him of his rights. The courts would hold such State laws invalid, and hence he could get redress in that way. Then there is the same provision in the fourteenth amendment as in the fifteenth, that—

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

If then, as I think gentlemen will concede, we cannot legislate to protect the citizen of a State from unlawful violence which deprives him of his property, we have not the power under that provision to make a law which shall protect him in the exercise of the right of voting. He must look to State laws alone. That provision of the fourteenth amendment was to prevent the States from passing laws which should interfere with the rights of the citizen.

Take the fifteenth amendment. Under that have we a right to say that we the Congress can protect a man from intimidation, from violence, in exercising the right to vote, or does it not simply protect the people of a State from injustice, from unwise discriminations in reference to voting? Mark you, it does not give any affirmative right, but it is like the fourteenth amendment. It says:

The right of citizens of the United States to vote—

Just as though it read "the right of citizens of the United States to hold their property"—

shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Is not that in the same spirit? It is substantially the same language. Neither the United States nor the States shall discriminate against any class of citizens in a State on account of race, color, or previous condition. Can you from that infer that we may by law protect the citizen from unlawful combinations that intimidate him or prevent his voting? It seems to me, according to my reading of the Constitution, that these provisions only refer to restraining the States. They recognize, as has been recognized from the beginning, that the States make such persons electors as they see fit. In one State they may have a property qualification; in another there is an educational or some other test. This amendment merely operates as a prohibition on the State, saying to it, "You shall not discriminate against men in making voters on account of their color or on account of their race or previous condition." It was not intended, nor would it be wise that the people of the States should have to look for the protection of their persons to the General Government which has its head in this city.

I agree as earnestly as any man can in the importance of having the electoral right exercised everywhere without fear, without fraud, and without intimidation to the elector. This Government is built upon the idea that the mass of the voters will act honestly and without intimidation in depositing their ballots. The idea was that if they erred the error would be corrected; that if the time came when any man or any body of men could by fraud or by bribery or by intimidation change the result of an election, this Government could not exist. That is one of the things which I think every good citizen should denounce, and I do here denounce it earnestly wherever it occurs, whether it is preached by Mr. Toombs, of Georgia, or whether it is preached or practiced elsewhere. I propose to stand by the men who are against tampering with the judgment of the electors by bribes, who are against affecting them by intimidation, who are against carrying an election by fraud, contrary to the will of the voters, because I am earnest in the belief that the perpetuity of our Government, State and national, must depend upon the votes of the people being unbiased by bribes or threats and unaffected by fraud. While I believe that the elections should be free from all these influences, yet I do not believe that we shall by resolutions like this—I speak very respectfully—do very much toward remedying the evils which exist in the State to which it is proposed to send this committee. We must appeal to the people of the State. We must appeal to public opinion. We must insist that for our own sake there be honest, unbiased, unintimidated electors at the polls.

Mr. HOWE. Will the Senator allow me to put one question to him?

Mr. KERNAN. Certainly.

Mr. HOWE. If the State of New York shall decline or refuse to punish a citizen of the State who shall assault a foreign minister within her jurisdiction——

Mr. KERNAN. O, I understand that foreign ministers are exceptions in the Government of the United States. I do not desire to go into that.

Mr. HOWE. I will not interfere with the Senator if he does not desire it.

Mr. KERNAN. I would rather proceed with my remarks and say a few words in regard to the practical question before us as to the power of Congress to interfere with the elections in a State. I heard

with some regret yesterday the Senator from Massachusetts [Mr. BOUTWELL] charge, as I understood him, that in his opinion the great mass of the party to which I belong and with which I act at the North really were in favor of disfranchising and wronging out of the right of suffrage the colored people of the South. I should be very sorry, not only for the colored people but for the white citizens all over the country, if any such feeling existed. I assure the Senator it does not exist. I assure him, and I say it to the people of the South, both white and colored, that that body of men, so far as they shall have power, will be, in my judgment, as faithful as any other body of men in protecting the colored men of the South in all their rights before the law. I would despise the party of men who would feel that it would be to them a pleasure to wrong those citizens out of the rights now given to them by the Constitution. Every suggestion of self-interest, as well as everything that should appeal to manly men, requires that they should have all their rights under and before the law. What the country needs is not all the time scrambling to see who shall get a body of voters. What this country needs, North and South, is that there should be a policy pursued to make the people of the Southern States, both white and colored, feel that their interest and our interest require that there should be a just, wise, and fair policy pursued toward the colored men, to the end that instead of being there in distress and under wrong they may become an influential body of citizens, building up prosperity with us, living in harmony with the white people of the South. The two classes are placed together there, and it is my hope and belief that if we can allay somewhat the party feeling which exists so strongly, and inculcate upon them that it is their right and their duty to manage their own affairs, to live in amity and peace, to vote every man according to his judgment, honestly, unquestioned, and unintimidated, we shall have a better state of things down there, resulting from those sentiments and that public opinion, than will come out of any partisan or unkind debate in the halls of legislation.

I am not delivering a lecture now; I am a new man here and mean to be modest; but I ask the Senator from Massachusetts whether such appeals as he made yesterday in this Hall will do good, either North or South? I listened with great pleasure to the Senator from Mississippi [Mr. BRUCE] this morning, to his temperate, his manly presentation of the case of his people, his appeal to them that it was their interest that there should be amity with the whites. Indeed, he said that with a portion there was, while as to others there was not; but still he appealed to the proper sentiment. If there be men at the North—and I have not met them—who would wrong these people, if they have the spirit of Americans in them, the sentiment to which the Senator from Mississippi appealed would take that feeling from them and make them say: "These men in the past were in a condition which leaves them now quite helpless as a class, and we will stand with them, and we will stand North as they stand South, seeing to it that they have their rights." Let that sentiment be promulgated through the country, and I believe it will do more good than anything else can in putting down the combinations which are spoken of, if they exist. I am against White Leagues, North or South; I am against all secret societies that seek to attack a class and seek to affect voters by that which is unjust, and by anything except an appeal to their judgment and to their intelligence.

Another thing I regretted to hear yesterday from the Senator from Massachusetts. He in a somewhat excited state spoke as though it was a thing to be denounced that there were men here who lived at the South and who were aiding in their legal capacity as Representatives in investigating alleged frauds, as though it was enough to put them down to say that such men were here. I want to assure my friend from Massachusetts that that will not meet an echo in the hearts or minds of the North or anywhere else. The people, the democrats, the republicans in our northern States are most anxious that the Representatives from every quarter should act together, those from the South and those from the North, the honest men of every party, in investigating frauds and abuses, and when they discover them then apply the remedy. I am sure the Senator from Massachusetts will agree that he will join hands with men, North or South, in doing that.

Mr. President, I do not favor this resolution. I do not believe it will bring about a better state of things among the people to whom it relates. I do not believe that our discussing it here and sending a committee to investigate there will right the wrong; but I do believe that if men in these Halls and men at the North will cease to endeavor to make the colored people of the South think that one great party of this country would violate the Constitution to wrong them and oppress them, as would be unworthy of men anywhere, they will begin to have faith that their rights will be protected; the southern men themselves will find that there is no party anywhere that will unite with them in any secret attempts to intimidate, or corrupt, or defraud voters of any class of the right of suffrage, and we shall have that people all united, voting as they please, for one party or the other, and we shall not have any need of investigations, nor shall we have to rely on penal laws for the protection of the electors, high or low, intelligent or ignorant, in any portion of the country.

Mr. OGLESBY. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. MORTON. I hope the Senator will withdraw that motion. Let us get through with this resolution.

Mr. OGLESBY. Can we get through with this to-day?

Mr. MORTON. I trust so. I hope the Senate will stay here and dispose of this matter, and then I shall have no objection to the adoption of the motion of my friend from Illinois.

Mr. OGLESBY. My motion was not to adjourn now, but that when the Senate adjourns to-day——

Mr. MORTON. I understand what it is.

Mr. OGLESBY. I withdraw the motion.

Mr. THURMAN. Mr. President, it was not my expectation to say one word on this resolution, and I was ready to vote upon it some days ago; but, since debate has sprung up upon it, I wish to state very briefly my reasons for voting against it.

I expressed to the Senate years ago my opinion that the fourteenth and fifteenth amendments, like certain provisions in the original Constitution, are simply limitations upon the power of the States as States; that they do not of themselves confer rights, but they simply operate to prevent the States from denying certain privileges to the persons who are named in them, or, to speak more broadly and accurately, from doing certain things that are specified in them.

The resolution, as amended by the Senator from Michigan, rests entirely upon an averment in the preamble, an averment that certain persons, it is said—

> On account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote contrary to their wishes for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise as secured by the fifteenth amendment to the Constitution thus practically denied and violated.

It is seen from this recital that the whole ground for the inquiry suggested by the preamble is that the right of suffrage in the State of Mississippi has been interfered with by violence, and we are called upon to have an investigation to see whether such is the fact or not, and we are so called upon because this preamble recites that this right of suffrage is secured by the fifteenth amendment to the Constitution. Now, Mr. President, I undertake to say that neither the fourteenth nor the fifteenth amendment to the Constitution confers upon anybody the right of suffrage; but that the power to prescribe who hall possess that right is still left to the States, with one limitation upon them that they shall not discriminate against anybody on account of race, color, or previous condition of servitude.

The fourteenth article of amendment, it is admitted on all hands, gives to no one the right of suffrage; on the contrary, it recognizes the right of a State to make discriminations. It provides in its second section:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Here is an express recognition of the right of the people of a State to settle the elective franchise in their own State, and there is no limitation upon it at all; but there is a certain penalty, that if they disqualify any male person, be he white or be he black, who is twenty-one years of age and a citizen of the United States, if they disfranchise him for any reason other than participation in the rebellion or the commission of crime, then their representation in Congress shall be proportionately reduced, thus inflicting a penalty upon them, it is true, but still leaving them at liberty, so far as the fourteenth amendment is concerned, to fix a qualification for voting as they please and incur the penalty, that is, suffer the reduction of political power. It must then be admitted that the fourteenth amendment confers upon nobody the right to vote. Then what is the fifteenth amendment?

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

What right is here spoken of? Does that confer upon anybody a right to vote? Manifestly, if it speaks of any right, it speaks of a right that existed at the time that this amendment was adopted; and what right then existed? It is true the amendment says "the right of citizens of the United States to vote shall not be denied or abridged by the United States." Had any man the right to vote in virtue of his quality as a citizen of the United States? Nobody pretends that. He must vote in some State, and he cannot vote in that State unless he is a citizen of that State and unless her constitution permits him to vote. The fact that he is a citizen of the United States does not entitle him to vote unless the constitution of the State entitles him to vote. Every woman born in the United States or naturalized here is a citizen of the United States; every minor born in this country is a citizen of the United States. But women have no right of suffrage; minors have no right of suffrage. Bare citizenship of the United States, then, confers no right to vote. The whole question is still left to the States. But there is this limitation put on the power of the States, just as limitations are put in the original Constitution on the powers of the States, that in settling the question of the elective franchise they shall not discriminate against any man on account of race, color, or previous condition of servitude, but that if he is a citizen of the United States and if he possesses the qualifica-

tions that white men in that State must possess under its constitution and laws to entitle them to vote, he shall have the same right. But that does not prevent a State, if it see fit, from imposing qualifications. Every State in this Union might have the qualification which now exists in the State of Massachusetts, what is called the reading and writing qualification—or the reading qualification; I do not remember whether it extends to writing or not—that no man shall vote unless he can read and write the English language. A State may impose such qualification, if it see fit to do it, and all the fifteenth amendment requires is that it shall impose it upon white people and colored people alike. A State may, for anything in the fifteenth amendment impose a poll-tax and require that tax to be paid before the citizen shall enjoy the elective franchise. That may be done.

All that the fifteenth amendment requires is that the same law that exists for the white man shall exist for the colored man. It confers no right whatsoever upon any individual to vote; nor does it limit the power of the States to fix the qualifications for the elective franchise, except to say that what is the qualification for a white man shall be the qualification for a colored man also.

This being the case, and the limitation being simply on the power of the State *as a State*, what have we to do with the question whether mobs have occurred in the State of Mississippi which have affected or intimidated voters? Has the State of Mississippi, as a State, the State in her sovereign capacity—(for I will use that word, especially since it is used by the Supreme Court only the other day in deciding these cases that have been referred to, though it is not an agreeable term to my friend from Indiana)—has the State of Mississippi, in her sovereign capacity, done anything to abridge the right of any man in that State to vote on account of his race, color, or previous condition of servitude? Does anybody pretend that? Why, sir, at the last election, the election spoken of, what was the government of Mississippi? Republican in all its departments—the governor republican; both branches of the General Assembly republican; nearly every judge in the State republican; nearly every Commonwealth officer in the State whose duty it was to prosecute criminals republican. In a word, the whole power of that State was in the hands of one party. Did that party, which held all the offices in that State, which was clothed with the executive, the legislative, and the judicial power, abridge the right of any man to vote on account of his race, color, or previous condition of servitude? Did the State government do any such thing? Every man will say, "no."

But we are told that this was done against the will of the State government; it was done against the wishes of the State government; it was done in defiance of the State government. Then it was not done by the State, Mr. President. Then your fifteenth constitutional amendment has no application to it any more than it has to the Molly Maguires of Pennsylvania—not one particle more. The moment you show that the State has not abridged any man's right, the moment you show that if any man has been abridged of his right, it has been in defiance of the State, and not by the State, that very moment you show that the fifteenth amendment has no application and lays no foundation at all for the inquiry which the Senator from Indiana proposes. I say, therefore, that no good can come of this investigation, no legislation can be based upon it.

What did the Senator from Mississippi say in his speech to-day—and I join with my friend from New York in remarking that I listened to portions of that speech with the entire approbation of my judgment; and although I think the speaker omitted one great fact that is necessary to a complete and accurate picture, yet I commend the spirit in which he spoke and the decency of his utterances, which might well be imitated by men who have held higher places in the Government and had more experience than his. What did he say? "We do not want any new legislation; what we want is that the existing legislation shall be enforced." That is what he said. Why is it not enforced? You have had republicans in power in every department of Mississippi ever since the close of the rebellion; you have had a republican administration in the Federal Government ever since the close of the rebellion; you have passed law after law; you have clothed your United States marshals with power to summon a perfect army to aid them in the execution of the laws; you have clothed your United States commissioners with powers of arrest that make a man tremble to read them. You have done all this. Now, if the laws have not been executed, I want to know why they have not been executed. It is no fault of democratic officials; it is no fault of democratic members of Congress. You have had all the laws you asked for; you have passed them; you have had all the republican officials you wished to appoint to execute those laws. If they have not been executed under these circumstances; if they are sufficient; if, as the Senator from Mississippi has told us to-day, no new legislation is needed, but only the execution of laws already in force, your mode of redress instead of a committee of investigation into supposed intimidation should be a committee to find out why your own officials have not performed their duty. Begin with them; bring them to trial and punishment if they have neglected to discharge their duty.

Ah, but, Mr. President, that would not make a very good campaign document next fall. It would be a document of a very different kind from one that, upon all the loose hearsay or all the actual proofs, should show up the violence or supposed violence, the intimidation or supposed intimidation, that took place at the last election in Mississippi. There is the difference as wide as the sea. Call your republican officials to account for not executing the laws, and your document would injure instead of aid the republican party next fall. But get up a frightful picture, whether upon true or false testimony, of a violation of the rights of the colored men in the South, of intimidation, violence, and the like—do that, and then every stump speaker of your party can go upon the stump, and shake it in the face of the people, and say, as the Senator from Massachusetts did, that no southern man can be trusted and that when he talks in favor of the Union he lies! Well, for one, I will not aid in making any such campaign fodder. For one I will not pay out the people's money for any such purpose. For one I will not agree that we shall exercise a power that is not conferred upon us by the Constitution, simply to make electioneering documents for any party, either my own or any other. I therefore will not vote for this resolution. There is no necessity for it.

Now upon the question of whether there has been intimidation or violence down there, I have no opinion to express. I have seen statements both ways upon that point, but one thing I do say, that the idea that the white people of Mississippi or of any other State organize for the purpose of tyrannizing over the colored population and depriving them of their rights, seems to me to be pretty well answered by a few general considerations. Who constitute the mass of the laboring population in the State of Mississippi? Confessedly the colored people. They are in the majority. The great amount of property in that State is held by the whites. The colored population necessarily are a population of laborers. Who need their services? The property-holders. In what does property in Mississippi mainly consist? In land; it is an agricultural State. There is scarcely a manufactory in it; it is as much an agricultural State as, if not more so than, any State in all this Union. It has no sea-port of any consequence. It is almost purely an agricultural State and needs agricultural labor, and the colored population there are the agricultural laborers to a great extent; in fact, to the greatest extent. Will anybody tell me that the property-holders there, the white population, want to tyrannize over that laboring population so as to make them leave the State; make it impossible for them to remain there? They need that laboring population as much as that laboring population needs their good will and employment. Neither can do without the other; and the very fact of the increased production in that State, the increased agricultural production to which we have been referred, is the best evidence in the world that the white population and the colored population are in the main getting along on terms of peace and harmony.

Why, sir, to see one of the word-pictures sometimes painted here, and to form an opinion from extracts cut out here and there from newspapers, one would suppose that a perfect state of anarchy exists in the State of Mississippi, and has existed there for years gone by. If so, I crave to know how it is that her agricultural productions have increased from year to year. I crave to know how it is that there has been a migration of colored people to Mississippi and no emigration of colored people from Mississippi of any account? I want to know why it is that colored people have left Alabama and Georgia and Virginia and North Carolina, and gone to Mississippi, if Mississippi is a kind of hell for the colored race, where nothing but a devil could live. No, it will not do at all. These pictures that are displayed before us on the eve of every great election, these one-sided pictures that are executed for party effect, will not do in the face of the fact of a migration to that State of colored population, and of no emigration from it of colored population; of an increase year by year of her agricultural products, and of the fact that general peace and quiet have existed in that State. That there have been outbreaks from time to time, it would be useless to deny. No man deplores them more than I. No man is more opposed than I am to any improper, much less violent, interference with the rights of any citizen of the United States, whether he be black or whether he be white. I am as much opposed to it as anybody. Years ago I said in the Senate, when speaking of the Ku-Klux, that those men were their own worst enemies and the worst enemies of the white people of the South; that their course tended to aggravate and excite the people of the North, so that they were in no condition to deal fairly and kindly toward the people of the South. I denounced them then as enemies of the South, and I denounce to-day as enemies of the South any men who resort to banded violence to deprive citizens of their rights secured to them by their State constitutions or by the Federal Constitution or laws.

These are my feelings about this matter. But because I feel that way, because I know that these men are simply furnishing material with which the opponents of the democratic party are to assail us at the North, by which such intemperate feelings as were exhibited in this debate yesterday by the Senator from Massachusetts are to be reiterated throughout the North, as well as because the thing is wrong in itself, I appeal to every one of those men to obey the law; but I am not willing to condemn them on hearsay and I am not willing to believe in every black picture of the conduct of those men that may be drawn; much less am I willing to go outside of the Constitution and proceed to investigate that which we have no power under the Constitution to remedy.

For these reasons, Mr. President, I shall vote against the resolution.

Mr. MORTON. Mr. President, I rise simply to express the hope that we may now have a vote on the resolution.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from North Carolina.

Mr. MERRIMON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out in the second line of the preamble the words "State officers and members of the Legislature;" so as to read:

Whereas it is alleged that the late election in Mississippi in 1875 for members of Congress was characterized by great frauds, &c.

Mr. SAULSBURY. Mr. President, I had hoped that the Senator from Indiana would not insist upon pressing a vote on this resolution this evening. I desire to submit some remarks upon it, and understand that other gentlemen on this side of the Chamber also desire to speak upon it. I do not wish to trespass on the patience of the Senate, which I know will be exhausted by any long discussion of this subject. I had hoped, therefore, that the Senator from Indiana would have consented that this resolution should go over until Monday. If, however, it shall be the pleasure of the Senate that the debate shall be closed to-night, I propose before the vote is taken to submit some remarks on this question.

I shall not attempt, Mr. President, to discuss the constitutional question involved in this resolution. That has been so ably done by the Senator from Ohio [Mr. THURMAN] who just preceded me, as well as by other gentlemen on this side of the Chamber, that I think it entirely unnecessary to enter into any argument to show that there is a want of constitutional power in the Senate of the United States to do what is proposed to be accomplished by the resolution under consideration. Yet I must be allowed to say that it is a strange doctrine, and to me it is an entirely new doctrine, that the Congress of the United States can directly or indirectly inquire into the manner in which an election for State officers is conducted within the limits of a State. The assumption of such a power on the part of Congress is in my opinion most dangerous and tends to the destruction of that system of local self-government which has heretofore been enjoyed by the people of every State in this Union. And yet that is the assumption of this resolution, that the Congress of the United States may inquire into the manner in which a State election has been conducted within the State of Mississippi. If such a power exist with reference to that State, then it is clear that Congress may inquire into the manner in which elections are conducted in every State of this Union; and if such a power is conceded to Congress all local self-government is practically at an end.

But, sir, I do not propose this evening to discuss the constitutional question, as I before remarked. That has been most ably discussed and the want of power in Congress to make such inquiry demonstrated to the satisfaction, I think, of every Senator who has listened to the arguments on that subject made on this side of the Chamber. That there is no warrant of authority, either in the original Constitution or in the amendments to the Constitution, that will justify Congress in invading the rights of a State by attempting to inquire into or control the election within the States for State officers has heretofore been universally admitted.

But my purpose is not to discuss that question. The object of this resolution is very apparent from the discussion which has taken place in this Chamber, and no effort on the other side of the Chamber can conceal that object. In the first place, one of the objects that inspired the introduction and the pressing of this resolution is to create a public sentiment in the North hostile to the people of the South and to make a political campaign document which is to be used throughout this land in stirring up the feelings of hate toward the people of the South as one of the means whereby the present party in power may be continued the privilege of rioting in the spoils of place. That is evidently one of the objects, if we can infer anything from the tone of debate which has been indulged in in this Chamber.

Another object is to find some possible excuse, some pretense or excuse for the rejection of the Senator-elect from Mississippi when he shall present himself here to take his seat as a member of this body. That, I infer from the tone of the debate, as well as from the language of the resolution and the preamble to the resolution, is one object proposed to be accomplished by this contemplated investigation. What excuse is there for any such inquiry? An election was held in the State of Mississippi last November and that State went democratic. That perhaps was, to the Senator from Indiana, a very unexpected result; certainly it furnished the only ground for his proposed inquiry into the manner in which the election was conducted. The Senator saw here a field which he could glean and from which he could gather perhaps some bloody sheaves that might be used by him in this campaign. The Senator is expert at gleaning and no field is uninviting. Even the barren stubble does not escape him. He puts not to himself the inquiry which the mother-in-law of Ruth put to her on a certain occasion, "Where hast thou gleaned to-day?" but he comes to Congress at every session and every morning during the session with that question somewhat reversed, "Where *shall* I glean to-day?" Exasperated, perhaps, that this election had gone democratic, the Senator, early in December, introduced his resolution, expecting to reap a rich harvest to be used in the coming presidential canvass.

Now, sir, I do not think that the object proposed will be accomplished. The "bloody shirt" has been flaunted perhaps in other campaigns with effect; but the people of this country are beginning to understand that it is but the old story; that it is but the trite tale that has been told time after time, whenever an election is to come off. They begin to believe that the people of the South are not the desperadoes which they are represented to be; that they are American citizens, peaceful and intelligent, and attached to the Federal Constitution and to the Union of the States; and, whatever credit the story about outrage may have had in other campaigns, my impression is that in that which is to come off this fall it will lose its potency and effect.

But, Mr. President, I must express my regret that any such debate as that which has taken place has been indulged in in the Senate. I regret the introduction of this resolution and I regret the discussion which has followed it. It is not calculated to advance the material interests of this country, it is not calculated to promote the happiness of the people of this country, but it may lead to hatred, to unkind feeling, and to the depression of the material interest of the country.

Sir, it is impossible that prosperity can prevail in this land when there is an evident purpose and effort on the part of one section of this country to array itself in hostility to the other. What the country needs is peace. What the business interests of this country need are repose and confidence; and every effort that is calculated to stir up unkind feelings on the part of the people of one portion of this country against another is adverse to the prosperity of the country and the interests of the people of this country. I regret, therefore, that at this session, when the business interests of the country are prostrate, a measure of this kind, so well calculated to destroy that confidence which alone can build up the industries of this country, should have been introduced, and that a heated debate which has taken place in this Senate, notably yesterday, should have been indulged in in the discussion of this resolution.

I regret, too—and I may be allowed to express the regret—that this Senate Chamber, which should be the theater on which grave questions are discussed, where the members of the body should deliberate on measures to advance the happiness of the people, should be turned into an arena for gladiatorial strife, for party harangues. I regret, too, sir, that the great interests of this country are to be neglected and that this session is to be devoted, or at least a part of this session is to be devoted, to the effort to build up the political fortunes of a distrusted party and the political fortunes of ambitious men.

Sir, in other days this body devoted itself carefully to the business of the country, and then the prosperity of the country was advanced, the peace of the country was promoted, and the happiness of the people was secured; but now, as a presidential election is coming off, this high body is to be converted into a political arena, where strife in debate for the purposes of accomplishing party success and individual ambition is to take the place of the true interests and dignity of the country.

Now, sir, does not the business of this country require our attention? What is the picture to-day held out before the American people? Extravagance and corruption is marking almost every department of the Government. The Senator from Indiana yesterday referred to the investigations in the other House of Congress as party investigations; but the people of this land who love their country more than party, the great body of the American people, are to-day startled by the fact that all over this land extravagance and corruption are undermining the free institutions under which they live; and alarm is justly felt at the revelations that have been made that the money of the people has been wasted, has been squandered in jobs to party favorites; and the people of the country are beginning to realize what they have so often been told by the minority in this Chamber, that the money which was extorted from them by taxation was being used illegally. Sir, liberal institutions throughout the world have had a check by the revelations that have been made in this country, and the note of joy is heard from the lips of those in favor of monarchies and centralized power in Europe because of the revelations here of the extravagance and corruption that have been found to exist. They attribute it to our system; but it is a libel on the American system. It may be true of the administration of government, but it is not true of that form of government established by our fathers, and which it is our highest duty to preserve pure and intact. Not only has corruption and extravagance been found to exist in our land, and which demands our prompt and immediate attention, but every other interest, your financial interests—and I am pleased that the chairman of the Finance Committee of this body is present and listening to my argument—demand the constant, untiring attention of this body until they are put in a better condition. What is the condition of your finances to-day? Your money with which the people of this country buy and sell is now at a depreciation of twelve or fourteen cents on the dollar, and it is to that extent a tax upon every man who uses it. On its face the greenback may bear the impress of the dollar, but when you go to the markets to purchase anything it has not the purchasing power of the dollar; and one of the chief and highest duties of this Congress and of this body is to improve the financial condition and furnish to the people of this country a currency as nearly equal in value to gold as can be done with safety to the business of the country.

Again, your taxing system is oppressive. The people are burdened with taxation, and they need relief, and the efforts of Congress should be directed to the relief of the people from the burdens of taxation

under which they suffer to so great an extent. Not only so; every industry in the land is being paralyzed. Go to any part of this country you may, and the industries of the people are languishing. This is true even up in New England. I was informed not long since by a naval officer that in the city of Boston he had enlisted into the marine service of the country excellent mechanics because they were out of employment and could get nothing to do at their trades. I have been told that in Rhode Island, where the whole State is almost engaged in manufacturing, the property of the State is greatly depreciated, that labor is unrewarded or out of employment. So, too, in Pennsylvania, your iron forges are still, or, in their own language, blown out. A large part of them have discharged their hands, and are closed up, and hundreds and thousands of men in that State, so rich in mineral wealth, so rich in everything that constitutes the wealth and greatness of a State, are out of employment, and business is languishing and employers are becoming bankrupt.

So, too, with our commercial interests. Our merchants are failing; they are unable to collect the debts due them, and are unable to meet their own obligations, and they are going down financially. Within the last year over seven thousand cases of bankruptcy occurred in this land. And yet in this condition of things, when the people are looking to this Hall and to the other Hall of Congress for relief, with this state of affairs existing in the country, our attention is not being given to that which would afford the proper relief, but it is interrupted with a discussion upon the question of how the people in the State of Mississippi voted at the last election and the manner in which their election was conducted.

I said, Mr. President, that property was being depreciated all over this land. I believe that in the State in which I live—and I am sure it is as free from embarrassment as any State in the Union—the real property to-day would not sell for more than two-thirds what it would have brought two years ago, and less than half what it would have brought at a period not very remote. Why is this? It is because there is not the proper relief given to the people, because their burdens are not lightened, because this Senate is not giving, in my judgment, that attention to the public business which it ought to give, but takes up the time which ought to be devoted to public affairs in the discussion of a question at least of doubtful right—a question of inquiring in reference to the manner in which an election has been conducted within the State of Mississippi!

Now, Mr. President, is there any pressing necessity for this investigation? Is there any valid reason or excuse why such an investigation should be made? I propose to test that by the remarks of the Senator who introduced this resolution in December last. I looked this morning at the reasons which he assigned for the introduction of the resolution, and I propose to call the attention of the Senate to them. The Senator's first statement was that in the elections of 1869, 1872, and 1873 the republicans carried the State by a large majority; that in 1875 that majority was reversed, and largely reversed. That is the first fact which he states for the justification of the introduction of his resolution; that there had been a change in the political sentiment of the people of Mississippi. Why, sir, there have been at times changes in the political sentiments of the people of every State of this Union. There was a notable change in the political sentiments of the people of Indiana at the time the honorable Senator was elected governor. There have been changes in all the States at times in the political sentiments and in the votes which the people have cast. That certainly can be no valid reason why there should be an inquiry into the manner in which the election in the State of Mississippi was conducted.

Passing on from that, I find the Senator stated as another reason the manner in which the canvass was conducted, and he detailed how the political canvass in Mississippi was conducted, how the democratic party called and held their meetings, how they marched with drum and fife, with banner and with song, from point to point, and held their political meetings and discussed political questions. That is another of the reasons assigned. And then another reason he assigned was "the management on election day;" and he entered into a narration of how the political parties on election day managed their interests. He went into some details. He said:

> In several places cannon were carried near the polling-places, so as to be publicly seen.

That is one of the reasons; he does not urge that anybody was killed, not even that a cannon was fired.

> Small-arms were fired in hearing distance of places where people were voting in one or more counties.

Simply because there was a musket or small-arms of some kind fired within a distance that could be heard, that is another reason why this investigation is to be had!

The Senator says:

> A very general means used to prevent free voting was for democrats, generally white men, to crowd around the voting-places.

That is common in almost every State in this Union. I know that I have struggled time and again to get to the polls to vote in my own town. I have sometimes gone off and waited until there was less pressure, and then deposited my ballot. And yet because there was crowding around the voting-places in Mississippi the Senator from Indiana gravely urges that as one of the reasons why the investigation should be had to ascertain if the election in Mississippi was fair.

Another reason assigned is that democrats made side-remarks, "cursed 'niggers' in an audible, though covert way." So, Mr. President, because some foolish man improperly cursed some negro in an inaudible manner when the poor negro could not hear it, that is made an excuse for the introduction of this resolution and for the investigation which it proposes.

Another point made is that the democrats "eyed the voters with intense expression," and the like. I do not know what the Senator may mean by eyeing voters. I suppose it is looking at them. That is customary, and I know of no power in the Congress of the United States to close the eyes of democrats or of republicans. They will generally use their eyes as they please. There was a time I believe in the history of this country when the attempt was made to lay an embargo on the tongue. Your sedition law did that; and I remember hearing when I was a boy some of the songs that commemorated the assault upon free speech. When persons who were hostile to that sedition law knew that they were out of hearing of their enemies, they would sometimes get together and sing an old ditty:

> Since we may neither speak nor write
> In words that may our betters bite,
> We'll sit mum-chance from morn till night
> And pay them off in thinking, sir.

And I apprehend that, if Congress attempt to regulate the eyes of democrats, they have got a bigger job on hand than they have undertaken heretofore. And yet these are gravely assigned as some of the reasons why this resolution is necessary, why this investigation should go on.

Mr. President, this resolution was introduced because men crowd around the polls and eye voters with intense interest, and because some unthinking man cursed negroes, inaudibly but very improperly, I think! I think it is wrong to curse under any circumstances; just as wrong to curse a negro as anybody else. I am opposed to it as much as the Senator from Indiana; but I do not know of any authority or power in the Congress of the United States to prevent any such wrong.

But how comes the zeal of the Senator from Indiana to be so recently invoked? Have there not been outrages committed upon the people in other States in connection with elections? It was only a few years ago when the military power of this country was sent to the city of New York, and the guns of the Navy of the country were pointed at the city on election day. I have seen the Federal soldiery march to the polls in my own town and charge bayonets upon the persons assembled around the polls. Why was not the zeal of my friend from Indiana invoked to redress the wrongs on the people of Delaware? I know, too, that a military chieftain, the commander of the department in which I lived at the time, made his edict, and prescribed conditions for the voting of the people of my State, an edict which prescribed as a qualification for voting that if any man should challenge the vote of any democrat the democrat should not vote until he took an oath prescribed by this military chieftain; and the whole democratic party of the State of Delaware was disfranchised and driven from the polls because they would not submit to have their right to vote prescribed by a military chieftain. There were but thirteen democratic votes cast within the State. Has the voice of the Indiana Senator attempted to redress the wrongs of the people of Delaware? I can hardly think of that instance without feeling some indignation. That military commander, who lately represented this country at the Court of St. James, and who had to return from his mission to answer charges preferred against him before a committee of the House of Representatives, did a great injustice to the people of my State. I do not say that General Schenck is guilty of having used his official position in London to float the stock of a worthless mining corporation; but I do say here, and I say it in the presence of some of his political friends, that the man who could be capable of treating the people of any State in this Union as General Schenck, while military commander of that department, treated the democratic party of Delaware, is capable not only of floating worthless stock by virtue of his official relations to the Government, but in my opinion he is capable of almost any other crime. Yet with these facts before us, and while it has been known that there has been riot and sometimes bloodshed in your large cities, never until the change in the political sentiment of the people of Mississippi occurred did it enter the mind of the Senator from Indiana or any other Senator on the other side of this Chamber to institute an investigation, or that any power existed in Congress to interfere with the results of elections in the States.

Mr. SHERMAN. Will the Senator from Delaware allow me to make a motion to adjourn the Senate till to-morrow? ["No!" "No!"]

Several SENATORS. Let us adjourn till Monday.

Mr. EDMUNDS. O, no; let us finish this to-night. We had better stay here a while longer than come back to-morrow.

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. SAULSBURY. I submit myself to the pleasure of the Senate.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. EDMUNDS. I hope not.

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield for that purpose?

Mr. SAULSBURY. I prefer to go on, as it does not seem to be the general desire to adjourn at present.

The PRESIDENT *pro tempore*. The Senator from Delaware has the floor, and declines to yield for that purpose.

Mr. WHYTE. I move that the Senate do now adjourn until Monday next at twelve o'clock.

Mr. EDMUNDS. Is that motion in order?

The PRESIDENT *pro tempore*. It may be entertained.

Mr. EDMUNDS. There is a pending question, I believe.

Mr. WHYTE. Is it not in order, with the consent of the Senator from Delaware, to move that when the Senate adjourns to-day it be to meet on Monday next?

The PRESIDENT *pro tempore*. If the Senator from Delaware yields for that purpose, the motion may be received.

Mr. EDMUNDS. Is it in order when there is another question pending to offer a resolution of that kind?

The PRESIDENT *pro tempore*. Not when there is a pending motion, except to adjourn.

Mr. EDMUNDS. The pending question is on agreeing to the resolution of the Senator from Indiana.

The PRESIDENT *pro tempore*. A motion to adjourn would be in order.

Mr. EDMUNDS. That is exactly what I say; no other motion can be interposed.

Mr. CONKLING. Or a motion to postpone the pending question in order to move to adjourn over.

The PRESIDENT *pro tempore*. That motion would be in order.

Mr. EDMUNDS. I make the point of order that the motion of the Senator from Maryland is not in order.

Mr. WHYTE. I move to postpone the consideration of the pending question.

The PRESIDENT *pro tempore*. That motion is in order. Does the Senator from Delaware yield for that purpose?

Mr. SAULSBURY. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Delaware yields to the Senator from Maryland, who moves to postpone the present order.

Mr. MORTON. I hope that will not be done.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

The motion was not agreed to; there being on a division—ayes 21, noes 24.

Mr. SAULSBURY. As it is apparent that the Senate desire to reach a vote this evening, I will not consume much more of their time; but I cannot close the remarks which I have made without expressing my regret that the Senator from Massachusetts [Mr. BOUTWELL] yesterday saw proper to indulge in such heated remarks in reference to the democratic party, of which I am an humble member. I was exceedingly sorry that that gentleman, who I thought was as a general rule reasonably amiable, saw proper to use toward the democrats of the Senate, and especially the democrats from southern States, remarks which I think were unjust to them, and, I will take occasion to say, unjust to the Senator himself. If I understood his remarks they meant to convey the impression that any man who lived in a southern slave State, a State that had been a slave State, who was brought up where the institution of slavery existed, was not to be believed in his professions of attachment to the Federal Union. If I misunderstood the Senator he will correct me, for I do not wish to do him injustice. That remark, I repeat again, was most unkind and unjust to the people of those States. It was most unkind and unjust to members of this body who reside within the limits of States that were formerly slave-holding States. And, I repeat again, it was most unfortunate for and unjust to the Senator himself. It only indicates a feeling of hatred which I had not supposed lodged in the breast of that Senator. I do not claim to have been brought up under the influences of slavery, yet I lived in a State where slavery existed. I never owned a slave, never desired to own a slave, but I repel the insinuation that gentlemen who reside in slave-holding States are less truthful than gentlemen who were raised in the land of the pilgrims. As a Senator on this floor, having resided in a State where there were a few slaves, I take it upon myself to say that my associations with gentlemen who have been raised in southern States have given me as high an appreciation of their character, not only for veracity but for honor and everything that is manly and noble, as my associations with gentlemen who were not raised in those States.

The Senator did not utter the sentiment of the people of Massachusetts, and I know it. I have met gentlemen from that State; and I read the glowing descriptions of the kindly feelings that were manifested at Lexington and Bunker Hill last year, and I infer from those manifestations that the great body of the people of Massachusetts are friendly and kind in their disposition. They are not to be judged by the remarks of the Senator from Massachusetts who represents them, but they are to be judged by their own acts. They are not to be held responsible for the intemperate remarks of those who have the honor to represent them in this Chamber, but by their own acts are they to be judged; and those acts, let me say, were most honorable and most noble on the occasions to which I refer, when they treated with unusual hospitality the men who had been in battle array against the northern portion of this land. They wanted to see all strife and all discord forever wiped away and hushed. Business men of the country long for peace and prosperity, that their interests may be secured, when industries may be revived and peace and concord may dwell throughout land. It is the duty of Senators, as I believe, not to stir up strife, but to promote by their legislation and by the inculcation of the spirit of reconciliation and peace that concord and harmony which should distinguish the people of this whole land.

I hope, Mr. President, that the time is not far distant when every utterance of passion, when every sentiment of hate and hostility may be hushed, and when the people of the whole land will join in one anthem of praise that the strife of a few years ago has been entirely obliterated and forgotten.

I will not trespass longer upon the attention of the Senate. I would have preferred that this subject should have gone over until Monday, when I might perhaps have given a more extended notice to the resolution under discussion.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to amend the preamble. The question will be first on the passage of the resolution.

Mr. DAVIS. Do I understand that we now vote on the resolution?

The PRESIDENT *pro tempore*. Upon the resolution, not the preamble. Upon that question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WRIGHT, (when Mr. ALLISON's name was called.) I desire to say for my colleague that he is compelled to be absent this afternoon, and that he is paired with the Senator from Connecticut, [Mr. EATON.] If the Senator from Connecticut were present he would vote against the resolution, and my colleague [Mr. ALLISON] would vote for it.

Mr. BURNSIDE, (when his name was called.) I desire to say that I am paired upon this question with the Senator from Maryland, [Mr. DENNIS.] If he were here he would vote "nay" and I should vote "yea."

Mr. DAVIS, (when his name was called.) On this question I am paired with the Senator from Minnesota, [Mr. WINDOM.] If he were here I should vote "nay," and he would vote "yea."

Mr. DAWES, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. ENGLISH.] If he were here I should vote "yea," and he would vote "nay."

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) I will state that my colleague is paired with the Senator from Iowa, [Mr. WRIGHT.] If present my colleague [Mr. JOHNSTON] would vote "nay," and the Senator from Iowa would vote "yea."

Mr. JONES, of Florida, (when his name was called.) On this question I am paired with my colleague, [Mr. CONOVER.] If he were here I should vote "nay," and he would vote "yea."

Mr. OGLESBY, (when Mr. MCDONALD's name was called.) The Senator from Indiana [Mr. MCDONALD] and the Senator from Nevada [Mr. SHARON] desired me to state that they were both necessarily absent from the Senate this afternoon. If they were here the Senator from Indiana would vote "nay," and the Senator from Nevada would vote "yea."

Mr. WALLACE, (when his name was called.) I am paired with the Senator from Maine, [Mr. MORRILL.] If he were here he would vote "yea" and I should vote "nay."

Mr. WRIGHT, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] As stated by his colleague, I would vote for this resolution, and the Senator from Virginia would vote against it.

Mr. BOGY, (after having voted in the negative.) I desire to recall my vote. I am paired with the Senator from Maine, [Mr. HAMLIN.] If he were here he would vote "yea" and I should vote "nay."

Mr. INGALLS. My colleague [Mr. HARVEY] desired me to say that he was necessarily absent from the Chamber and was paired with the Senator from New Jersey, [Mr. RANDOLPH.] My colleague would, if present, vote for the resolution, and the Senator from New Jersey against it.

The Secretary concluded the call of the roll; which resulted—yeas 29, nays 19; as follows:

YEAS—Messrs. Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Key, Logan, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sherman, Spencer, and Wadleigh—29.

NAYS—Messrs. Bayard, Booth, Caperton, Cockrell, Cooper, Goldthwaite, Gordon, Kelly, Kernan, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Thurman, Whyte, and Withers—19.

ABSENT—Messrs. Alcorn, Allison, Bogy, Burnside, Cameron of Pennsylvania, Conover, Davis, Dawes, Dennis, Eaton, English, Hamlin, Harvey, Johnston, Jones of Florida, Jones of Nevada, McDonald, Morrill of Maine, Patterson, Randolph, Sharon, Wallace, West, Windom, and Wright—25.

So the resolution was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment to the preamble offered by the Senator from North Carolina, upon which the yeas and nays have been ordered.

Mr. MORTON. I will ask to have the amendment reported to know what it is proposed to strike out. I do not understand it myself.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The SECRETARY. It is proposed in line 2 of the preamble to strike out the words "and State officers and members of the Legislature;" so that, if amended, that portion of the preamble will read:

Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress was characterized by great frauds committed, &c.

The Secretary proceeded to call the roll.

Mr. WRIGHT, (when Mr. ALLISON'S name was called.) I desire to say that the pair of my colleague extends to all these questions, and I shall not announce it again.

Mr. BAYARD answered to his name.

Mr. BOGY, (when his name was called.) I am paired with the Senator from Maine, [Mr. HAMLIN.] If here, he would vote "nay" and I should vote "yea."

Mr. CONKLING. May I make an inquiry? I understand this is an amendment to the amendment of the Senator from Michigan, [Mr. CHRISTIANCY.]

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. MORTON] accepted the substitute of the Senator from Michigan.

Mr. CONKLING. If the Chair will allow me, I understand both Senators are willing to accept this verbal amendment. Why then the necessity of a roll-call?

The PRESIDENT *pro tempore*. The Senate ordered it.

Mr. EDMUNDS. I am not willing to accept the amendment.

Mr. CONKLING. The Senator from Michigan says he is willing, and the Senator from Indiana is willing. They have control of the measure, I take it.

The PRESIDENT *pro tempore*. The Senator from North Carolina has moved to amend the preamble as accepted by the Senator from Indiana. The Senator from Vermont objects to the amendment being accepted, and the Senate has ordered the yeas and nays upon the amendment. Therefore the roll-call must proceed.

Mr. SHERMAN. One response has been made.

The PRESIDENT *pro tempore*. One response has been made already, and of course it is beyond the power of any Senator. The Secretary will resume the roll-call.

The Secretary resumed the call of the roll.

Mr. BURNSIDE, (when his name was called.) I consider myself paired upon this question with the Senator from Maryland, [Mr. DENNIS.] If he were here he would vote "yea" and I should vote "nay" on this amendment.

Mr. OGLESBY, (when Mr. MCDONALD'S name was called.) Having made one statement in regard to the Senator from Indiana [Mr. MCDONALD] and the Senator from Nevada, [Mr. SHARON,] I suppose it is not necessary for me to repeat it, especially on a question which nobody seems to care anything about.

Mr. WALLACE, (when his name was called.) I am paired with the Senator from Maine, [Mr. MORRILL.] If he were here he would vote "nay" and I should vote "yea."

The Secretary concluded the call of the roll; and the result was announced—yeas 16, nays 29; as follows:

YEAS—Messrs. Bayard, Caperton, Cockrell, Cooper, Davis, Goldthwaite, Gordon, Kelly, McCreery, Maxey, Merrimon, Ransom, Saulsbury, Stevenson, Thurman, and Withers—16.

NAYS—Messrs. Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sherman, Spencer, Wadleigh, and Windom—29.

ABSENT—Messrs. Alcorn, Allison, Bogy, Booth, Burnside, Cameron of Pennsylvania, Conover, Dawes, Dennis, Eaton, English, Hamlin, Harvey, Johnston, Jones of Florida, Jones of Nevada, Kernan, Key, McDonald, Morrill of Maine, Norwood, Patterson, Randolph, Sharon, Wallace, West, Whyte, and Wright—28.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is upon agreeing to the preamble.

Mr. MERRIMON. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BOGY, (when his name was called.) I am paired with the Senator from Maine, [Mr. HAMLIN.] If he were here he would vote "yea" and I should vote "nay."

Mr. BURNSIDE, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. DENNIS.] If he were here he would vote "nay" and I should vote "yea."

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) My colleague is paired with the Senator from Iowa, [Mr. WRIGHT.] If my colleague were present he would vote "nay" and the Senator from Iowa would vote "yea."

Mr. WALLACE, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. MORRILL.] He would vote "yea" if present and I should vote "nay."

The Secretary having concluded the call of the roll, the result was announced—yeas 27, nays 18; as follows:

YEAS—Messrs. Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Spencer, Wadleigh, and Windom—27.

NAYS—Messrs. Bayard, Caperton, Cockrell, Cooper, Davis, Goldthwaite, Gordon, Kelly, Kernan, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Thurman, and Withers—18.

ABSENT—Messrs. Alcorn, Allison, Bogy, Booth, Burnside, Cameron of Pennsylvania, Conover, Dawes, Dennis, Eaton, English, Hamilton, Hamlin, Harvey, Johnston, Jones of Florida, Jones of Nevada, Key, McDonald, Morrill of Maine, Patterson, Randolph, Sharon, Sherman, Wallace, West, Whyte, and Wright—28.

So the preamble was agreed to.

HOUSE BILLS REFERRED.

Mr. MORRILL, of Maine. I ask that the bill to provide for a deficiency be taken from the table for reference at the present time.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a House bill for reference.

The bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency was read twice by its title.

Mr. MORRILL, of Maine. Although the bill on the face of it appears to be an appropriation bill, on examining it I find that it contains legislation in reference to the finances and currency of the country. Therefore it occurs to me that it should go to the Committee on Finance. The Senator from Ohio will know best how that is.

Mr. SHERMAN. So far as the appropriation is concerned, it is a matter for the Appropriation Committee; but there are provisions that ought to be referred to the Committee on Finance.

Mr. MORRILL, of Maine. The appropriation is simply to provide for a matter of deficiency, rather than otherwise.

The bill was referred to the Committee on Finance.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation;

A bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices; and

A bill (H. R. No. 522) to define the tax on fermented or malt liquors.

The bill (H. R. No. 1344) directing method of annual estimates of expenditures to be submitted from Navy Department was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra was read twice by its title, and referred to the Committee on Commerce.

ADJOURNMENT TO MONDAY.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

WITHDRAWAL OF PAPERS.

Mr. MERRIMON. I offer the following order:

Ordered, That James Roberts and Noah Roberts have leave to withdraw from the files of the Senate their petition and papers.

Mr. EDMUNDS. Has there been an adverse report?

Mr. MERRIMON. There has been an adverse report, but it has not been acted on. The case stands on the Calendar.

Mr. EDMUNDS. The papers ought not to be withdrawn without leaving copies.

The PRESIDENT *pro tempore*. Copies are required to be left, according to the rule.

Mr. MERRIMON. The parties are prosecuting their claim in the House of Representatives, and these are the original papers.

Mr. EDMUNDS. I cannot help it. If there has been an adverse report, the papers ought not to be withdrawn without copies being left.

The PRESIDENT *pro tempore*. They cannot be withdrawn without copies being left.

Mr. MERRIMON. I ask to have the order amended so as to require them to leave copies.

The PRESIDENT *pro tempore*. It will be modified in that respect. The order, as modified, will be regarded as agreed to.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 31, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

CARL G. AND JOHN PALM.

Mr. HANCOCK, by unanimous consent, introduced a bill (H. R. No. 2949) for the relief of Carl G. and John Palm, of Travis County, Texas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WOMAN-SUFFRAGE IN THE DISTRICT OF COLUMBIA.

Mr. COX. Mr. Speaker, I am requested to present a memorial from the women-citizens of the United States, asking for a form of government in the District of Columbia which shall secure to its women-citizens the right to vote; and I ask the grace and favor to have their memorial printed in the RECORD.

Mr. BANKS. Mr. Speaker, I beg the privilege of saying a few words in favor of the request made by the gentleman from New York who presents this memorial. It is a hundred years this day since Mrs. Abigail Adams, of Massachusetts, wrote to her husband, John Adams, then a member of the continental convention, entreating him to give to women the right to protect the rights of women and predicting a general revolution if justice was denied them. Mrs. Adams

was one of the noblest women of that period, distinguished by heroism and patriotism never surpassed in any age. She was wife of the second and mother of the sixth President of the United States, and her beneficent influence was felt in political as in social circles. It was perhaps the first demand for the recognition of the rights of her sex made in this country, and is one of the centennial incidents that should be remembered. It came from a good quarter. The memorial represents 400,000 American women. They ask for the organization of a government in the District of Columbia that will recognize their political rights. I voted some years ago to give women the right to vote in this District, and recalling the course of its government I think it would have done no wrong if they had enjoyed political rights.

Mr. KASSON. I suggest that the memorial be printed without the names.

Mr. COX. There are no names appended except those of the officers of the association; and I hope they will be printed with the memorial.

Mr. HENDEE. I trust the gentleman will allow this petition to be referred to the committee of which I am a member: the Committeee for the District of Columbia.

Mr. COX. I have no objection to that.

There being no objection, the memorial was referred to the Committee for the District of Columbia, and ordered to be printed in the RECORD, as follows:

Memorial of women-citizens of this nation.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas the Supreme Court of the United States has re-affirmed the decision of the supreme court of the District of Columbia in the cases of Spencer *vs.* The Board of Registration and Webster *vs.* The Judges of Election, and has decided that, "by the operation of the first section of the fourteenth amendment to the Constitution of the United States, women have been advanced to full citizenship and clothed with the capacity to become voters; and further that this first section of the fourteenth amendment does not execute itself, but requires the supervention of legislative power in the exercise of legislative discretion to give it effect; and whereas the Congress of the United States is the legislative body having exclusive jurisdiction over this District of Columbia, and in enfranchising the colored man and refusing to enfranchise any woman, white or colored, made an unjust discrimination against sex, and did not give the intelligence and moral power of the citizens of said District a fair opportunity for expression at the polls; and whereas woman-suffrage is not an experiment, but has had a fair trial in Wyoming, where women vote, where they hold office, where they have the most orderly society of any of the Territories, where the experiment is approved by the executive officers of the United States, by their courts, by their press, and by the people generally, and where it has "rescued that Territory from a state of comparative lawlessness" and rendered it "one of the most orderly in the Union;" and whereas, upon the woman-suffrage amendment to Senate bill No. 44 of the second session of the Forty-third Congress, votes were recorded in favor of woman-suffrage by the two Senators from Florida, the two from Indiana, the two from Michigan, and the two from Rhode Island, one from California, one from Illinois, one from Alabama, one from Arkansas, one from Louisiana, one from Kansas, one from Massachusetts, one from Minnesota, one from Nebraska, one from Nevada, one from Oregon, one from South Carolina, one from Texas, and one from Wisconsin; and whereas a fair trial of equal suffrage for men and women in the District of Columbia, under the immediate supervision of Congress, would demonstrate to the people of the whole country that justice to women is policy for men; and whereas the women-citizens of the United States are governed without their own consent, are denied trial by a jury of their peers, are taxed without representation, and are subject to manifold wrongs resulting from unjust and arbitrary exercise of power over an unrepresented class; and whereas in this centennial year the spirit of '76 is breathing its influence upon the people, melting away all prejudices and animosities and inspiring into our national councils a finer sense of justice and a clearer perception of individual rights: Therefore,

We pray your honorable body to frame a government for the District of Columbia which shall secure to its women-citizens the right to vote.

National Woman-Suffrage Association:

MATILDA JOSLYN GAGE,
President.
LUCRETIA MOTT,
ELIZABETH CADY STANTON,
Vice-Presidents.
HENRIETTA P. WESTBROOK,
Recording Secretary.
ISABELLA BEECHER HOOKER,
Corresponding Secretary.
MATHILDE F. WENDT,
Foreign Corresponding Secretary.
SUSAN B. ANTHONY,
Chairman Executive Committee.
ELLEN C. SARGENT,
Treasurer.

District of Columbia Woman-Franchise Association:

MARY F. FOSTER,
President.
E. D. E. N. SOUTHWORTH,
CAROLINE B. WINSLOW,
BELVA A. LOCKWOOD,
Vice-Presidents.
ELLEN H. SHELDON,
Recording Secretary.
SARA J. SPENCER,
English Corresponding Secretary.
E. MARWEDEL,
Foreign Corresponding Secretary.
EMMA A. WOOD,
Treasurer.

WAGES AND HOURS OF LABOR.

Mr. CAMPBELL, by unanimous consent, introduced a bill (H. R. No. 2950) to provide for the appointment of a commission on the subject of wages and hours of labor and the division of profits between labor and capital in the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ENTRY OF EXPRESS PACKAGES.

Mr. WOOD, of New York, from the Committee of Ways and Means, reported as a substitute for House bill No. 1069 a bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation; which was read a first and second time.

Mr. WOOD, of New York. I ask that this bill be put on its passage now.

The bill was read. It provides in the first section that a separate entry may be made of one or more express packages contained in an importation of packed packages consigned to one importer or consignee, and concerning which packed packages no invoice or statement of contents or values has been received. Every such entry is to contain a declaration of the whole number of parcels contained in such original packed packages; and shall embrace all the goods, wares, and merchandise imported in one vessel at one time for one and the same actual owner or ultimate consignee.

The second section provides that the importer, consignee, or agent's oath prescribed by section 2841 of the Revised Statutes be modified for the purpose of the act so as to require the importer, consignee, or agent to declare therein that the entry contains an account of all the goods —— imported in the —— whereof —— is master, from —— for account of ——; which oath, so modified, shall in each case be taken on the entry of one or more packages contained in an original package. But nothing in the act is to be construed to relieve the importer, assignee, or agent from producing the oath of the owner or ultimate consignee in every case now required by law, or to provide that importation may consist of less than the whole number of parcels contained in any packed package or packed packages consigned in one vessel at one time to one importer, consignee, or agent.

Mr. WOOD, of New York. Mr. Speaker, I will explain very briefly the object of this bill. The law governing the entry of merchandise into the ports of the United States, particularly with reference to the special entry to be made in every case, has never been modified or amended since the original act of 1799, which is to be found in section 2785 of the Revised Statutes. A subsequent act, passed in 1823, which will be found in section 2841 of the Revised Statutes, prescribed the form of oath that every owner, consignee, or merchant should take at the custom-house before he could make his entry and receive the necessary permit for the discharge of his goods. By this form of oath, which every person is required to take, he is made to swear that his entry contains all the goods that he imports or of which he is the consignee.

Since the passage of that act, and since the provision of the oath, there has grown up in the country an interest of great magnitude called the European express agencies and companies. Those European express companies are conducted very much upon the same principle as are our domestic express companies. They receive in their agencies in Paris, London, and other parts of Europe a miscellaneous collection of packages addressed to some thousand consignees in the United States, presents from friends traveling abroad, orders for small packages sent through the instrumentality of the express companies and delivered to agents in New York to be distributed to those to whom they belong. Under this form of oath those express companies are obliged to swear the entry they propose to make contains a full statement of the goods they are required to receive. In many such cases there are no invoice, and in others there is no indication of the value or special character of the package to be received. Those companies have recently applied to the Secretary of the Treasury for some relief, but under the law he could not grant them relief. Now, at the request of the Committee of Ways and Means I have drafted a bill which I have been directed to report to the House.

I will have the letter of the Secretary read, and the House will then see, I think, the propriety of passing this bill, to which I believe there can be no objection. It is the letter inclosing the bill we have reported from the committee:

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 3, 1876.

SIR: Referring to your letter of the 20th of December, submitting a bill (H. R. No. 1069) "to provide for entry of single packages from a bill of lading," and requesting my "opinion relative to the passage of said bill," I have the honor to state that this Department does not consider that legislation in the form proposed in the bill would be expedient; and that it is somewhat difficult to frame a bill that will meet the object in view, harmonize with existing laws, and afford proper protection to the revenue.

It is suggested, however, that the first section of the bill should be so modified that express companies only can avail themselves of its provisions, and so that the custom-house may be in possession of a complete record of the entire contents of each package to insure payment of duty on all.

The oath prescribed by section 2841 of the Revised Statutes is believed to be of use in the collection of the revenue, and should not be modified as regards all importations in the manner provided for in the bill or further than is required for purposes of the act proposed. The section of the law above cited requires one entry to embrace all goods imported in one vessel at one time for one owner, importer, or consignee, and it is thought that all packages belonging to any one owner should still be included in one entry in such manner as to conform as far as possible to the provisions of the statute.

It appears, further, that the actual owner of the packages entered should take the oath prescribed by the section referred to, which has been in use since the year 1823, and that a modified oath should be taken by the consignee.

The second section of the bill should be changed accordingly.

The Department recommends briefly that a separate entry be allowed; that it be restricted to packed packages; that on each entry a declaration shall be made of the whole number of parcels; that the separate entry shall embrace all packages

on the importing vessel owned by one person; that the consignee shall declare that fact; that the owner shall take the usual importer's oath; and that an importation shall not be considered to consist of less than the entire packed package or packages consigned to one person or firm.

A draught of a bill more fully expressing the Department's views is inclosed herewith for your information, which bill, it is believed, will facilitate the business of the express companies without being liable to serious objections.

I have the honor to be, sir, very respectfully,

B. H. BRISTOW,
Secretary.

Hon. W. R. MORRISON,
Chairman Committee Ways and Means,
House of Representatives, Washington, D. C.

Mr. WOOD, of New York. This is the bill we now report. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WOOD, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX ON FERMENTED OR MALT LIQUORS DEFINED.

Mr. MORRISON, by unanimous consent, from the Committee of Ways and Means, reported back a bill (H. R. No. 522) to define the tax on fermented or malt liquors, with amendments.

The bill, which was read, provides that nothing contained in section 3337 of the Revised Statutes of the United States shall be so construed as to authorize an assessment upon the quantity of materials used in producing or purchased for the purpose of producing fermented or malt liquors, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of liquor produced; but the tax on all beer, lager-beer, ale, porter, or other similar fermented liquor, brewed or manufactured, and sold or removed for consumption or sale, shall be assessed and paid as provided in section 3339 of said statutes, and not otherwise.

The amendments were read, as follows:

Strike out of line 12 the words "assessed and."
Add to the bill the following proviso:
Provided, That this act shall not apply to cases of fraud.

Mr. MORRISON. Mr. Speaker, the bill just reported amends the law taxing fermented liquors; at least, it changes it as interpreted by the Internal-Revenue Office. The law now requires brewers of ale, porter, beer, and like products to keep a book in which shall be entered a daily statement and account of the kind and quantity of liquors produced, the quantity actually sold or removed for consumption and sale, and of all materials, including grain and malt, purchased and used for producing such fermented liquors. The books, statements, and accounts to be kept are to be open and subject to the inspection of all revenue officers and agents. Severe penalties are imposed upon brewers failing to keep and furnish, monthly, the accounts, statements, and books required. And a tax of $1 per barrel of thirty-one gallons is required to be paid on all fermented liquors made and sold, or removed for consumption and sale.

Under these provisions of the law in force, Mr. Douglass, former Commissioner of Internal Revenue, having ascertained that two and one-half bushels of malt was a fair average quantity for producing a barrel of beer of thirty-one gallons, established this average quantity as a basis of taxation by a rule of his Office. Any malt or material used in excess of the quantity fixed by this rule, with all the facts in relation thereto, and the person using the same, were to be reported to the Commissioner that he might judge as to a further assessment based upon such excess; but no assessment was ever made by said Commissioner.

The present Commissioner has given practical effect to this rule; has made, and continues to make, assessments under it; assessments which add but an inconsiderable sum to the revenues while they are vexatious and unjust to the tax-payer.

Had it been intended that such a rule or basis of assessment should be made, doubtless the law would have so provided. Its establishment and the requirement of the payment of taxes in accordance therewith is believed to be arbitrary and not within the purposes of the law. However this may be, it is believed that it is unjust in principle, annoying and vexatious in its execution, and in no wise necessary to the collection of any tax due the Government.

The same tax of $1 per barrel is imposed on ale, porter, and beer. But these are of different strength, and require different quantities of material to produce them, or the same number of gallons of each. And so it is shown that quantity, not strength, was made, and should be made, the basis of taxation. Barrels of thirty-one gallons actually produced, not the strength or quality of the gallons, and not the materials of which the gallons were made, were to be, and should be, taxed. The Commissioner may rightfully make, and it is his duty to make, needful rules for detecting fraud and for collecting a tax imposed by law, but he cannot impose and ought not to be allowed to impose any.

Mr. CONGER. I suppose the object of having the grain assessed under the law as it stands was to have a check upon the manufacture and sale of more ale or beer than was actually accounted for, and I believe it has proved, without being of particular value in the way of assessment, a great check upon fraud—perhaps one of the principal checks in the manufactures of this article. I will ask the chairman of the committee whether he has consulted with the Commissioner of Internal Revenue on this subject?

Mr. MORRISON. We have. The Brewers' Association was represented before the committee, and presented their side of the question, and two representatives of the Treasury Department or Bureau of Internal Revenue were also present at the request of the committee, and presented the reasons for the rule fixed as a basis of assessment, and suggested an amendment to the bill, which was regarded as right and proper and which the committee adopted.

The gentleman from Michigan is probably aware that not only are fermented liquors, ale, porter, or beer, though paying the same tax, made of different strength, requiring varied quantities of material to make them, but the malt as well as the grain of which it is made is of different weight and strength, and yields per bushel unlike quantities of the essential ingredients for producing these liquors. Two and one-half bushels of barley grown in California or in Western Canada will equal for beer production three bushels grown in the Northwest and perhaps in many other localities. The same and greater inequality exists in the kinds and grades of malt. The conditions which give and require different strength in the article produced and make necessary different quantities of material in its production are various. It must have more strength to bear transportation. It must be heavier if it is to be stored after transportation or made to bear the changes of climate. But to give more strength and greater weight more material is required. Hence the attempt to fix arbitrarily by law or otherwise the quantity of two and a half bushels of malt for the production of a barrel of beer is to direct the brewer what kind of beer he should make, without reference to the demands of his trade; this is not only unjust, but impracticable.

In many, if not a majority, of the cases where assessments have been made and extra taxes exacted for malt used in excess of two and one-half bushels per barrel produced, the average for the year was less than that quantity, and the excess was claimed by singling out months when a stronger article, requiring more material, was made. And in a case arising in Baltimore, an assessment was made of $14, only for the month of September last, because for that month more than two and a half bushels of malt was used to the barrel produced, while for the year the average quantity used by the brewer so assessed was less than two and a quarter bushels per barrel produced, and upon all of which the tax had been paid. The capital of the country invested in this industry is at least $100,000,000. The yearly revenue derived from this source is $9,000,000. The whole assessments made under the ruling complained of amount to $7,577, or only one-tenth of 1 per cent. of the revenue so derived. And under this ruling assessments have been made as low as a single dollar, because more than two and a half bushels of malt had been used to the barrel of beer produced, and this, too, against brewers who had paid their taxes, produced their books, made their statements, and rendered their accounts under oath, on the assumption of the Commissioner that all these were false and fraudulent. No tax has been more cheerfully borne or more promptly paid than that imposed upon the manufacturers of fermented liquors. No reason is believed to exist why they should be longer subjected to these vexations and exactions. The bill under consideration rights this wrong; and requires payment of taxes on all beer actually produced; no more. No statement, account, or book now required is dispensed with. All the means for preventing fraud remain. But the brewer, having made, kept, and produced his statements, accounts, and books, is not to be presumed to have committed fraud. This is in accord with the spirit of our laws and with substantial justice.

Mr. CONGER. Now, Mr. Speaker, one of the results of this law has been to make it an object with brewers to use a better article of malt or of barley for their malt. The repeal of this law leaves all classes and all grades to be treated in exactly the same manner. I do not know but this may be a proper amendment. I am not sufficiently familiar with it to express a positive opinion, but I think the protection of the Government on the one hand, and the protection of the producers of a better article of barley and a better article of malt on the other, are both subserved by the present law.

There is another point to which I wish to call the attention of the chairman of the Ways and Means Committee. It is that the malt made by the brewer is now accounted for, charged and paid for, whether he uses it himself or sells it to some other person. In many places a large quantity of malt is sold by the brewer to private brewers, to families who make their own beer and who never account for it to the Government at all; but with this provision of law the Government received its assessment on the malt manufactured from the barley. Remove this, and there is no limit on the amount of the malt that might be made at the brewery and manufactured at private establishments which the assessments of the Government do not reach at all. I think the effect of it would be injurious to the revenues of the Government and injurious to those who would encourage the production of a better class of barley.

Mr. PAGE. I call for the reading of the bill.

Mr. MORRISON. I yield to my colleague on the committee, the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD, of Illinois. I yield for a moment until the bill has been again reported.

The bill was again read.

Mr. BURCHARD, of Illinois. The present bill does not dispense with any of the requirements of the law, in regard to keeping an account, as to the amount of material used by the brewers. It simply provides that the amount of material, or it is the intention of the law to provide that the amount of material shall not be the guide as to the amount of tax to be paid, except in cases where it is the intention and purpose to evade the law. It is based upon the theory that the intention of the law is to tax the actual amount produced, and the report as to the amount of material used is simply for the purpose of having a check upon the production of these liquors; so that in case there is a much larger quantity produced than would probably be produced from the malt actually used, it might lead the Department to investigate.

Now, all that is retained in the present law, and under the amendment proposed by the committee the bill gives the power in cases of fraud to assess the brewer upon the material that he has used. In cases where there have been these small assessments of a quarter dollar or a half dollar a month it has been a great annoyance, because it is impossible, as was stated by the chairman of the committee, and as must be evident to gentlemen, to get the same amount or a given amount from even the same class of malt. One brewer who is skilled in the business will produce much more than another brewer from the same barley. Then there is a great difference in the qualities of the barley. So that in some cases, where the brewer has been unskillful, or where he has used very poor material, that is as regards the amount of beer that can be produced from it, he has had to pay an assessment of a small amount.

Out of over $8,000,000 of tax paid by the brewers in the last year, these assessments have only amounted to $7,000; less than a dollar in one thousand, and all paid in these small sums. The committee therefore have felt that there was some grievance and some hardship in this, and thought we could protect the revenue by passing the bill with the amendment reported, so as to relieve those engaged in the production of beer from this grievance.

Mr. MORRISON. I yield for a moment to the author of the bill, the gentleman from Missouri, [Mr. KEHR.]

Mr. KEHR. It will be remembered that fermented liquors pay a tax of $1 for every barrel of thirty-one gallons. The law taxes the product, not the material that enters into the product; but under the provision of section 3337, which requires the brewer to keep "an account of all materials by him purchased for the purpose of producing fermented liquors," the Commissioner of Internal Revenue claims the power to determine the quantity of malt which produces a barrel of beer, and to assess the brewer upon the quantity used in excess of the standard thus adopted. It is not claimed even by the Commissioner that the right to fix the standard is given him by the express terms of the law, but he deduces it as an implication from the duty imposed upon the brewer of keeping a material-book, or to state the proposition more distinctly, the law does not fix the quantity of malt to be used in producing a barrel of beer, but the Commissioner of Internal Revenue has, by construction, interpolated into the law a provision authorizing him to fix it; and in the exercise of a power thus assumed he has established an inflexible rule, applicable to all seasons of the year and to all parts of the country, allowing but two and a half bushels of malt to be used in the production of a barrel of beer or ale of thirty-one gallons, and assessing the brewer upon the excess used for the number of barrels, such excess would produce at the rate so fixed, and this rate is made the basis for monthly assessments.

The correctness of the Commissioner's interpretation of the statute and of the rate established by him has always been absolutely and stoutly denied by the brewing interest, and the enforcement of the rate has been a source of great vexation and annoyance to brewers throughout the United States without any corresponding benefit to the Government, and threatens litigation exceeding a hundred-fold in expense the amount of revenue annually derived from it. In this connection I beg gentlemen to remember that the tax derived by the Government of the United States from fermented liquors during the last fiscal year, according to the Commissioner's report, was $9,144,004.41; whereas the sum assessed under the interpretation and rule to which I have alluded, on the excess of malt used, amounted, as I am credibly informed, in the aggregate, to only about $7,500, distributed among many brewers, and wrung in each instance from an indignant taxpayer who paid the pittance under protest, believing its exaction to be in violation of his rights and an imputation upon his honesty and honor.

The bill under consideration is simply declaratory of what the law is now believed to be, but made necessary in view of the facts I have mentioned. Its object is to relieve the brewing interest of the embarrassment to which the action of the Commissioner has subjected it, and to guard against a continuance of that action, which is believed to be not only without the sanction of law, but to be founded also in a misconception of fact. In establishing the rule that the purchase, for brewing purposes, of every two and a half bushels of malt subjects the brewer to the payment of the tax assessed upon a barrel of malt liquor, the Commissioner ignores the fact that the product depends on the quantity of saccharine matter contained in the malt, which varies probably with every bushel of malt used, depending on the age of the barley, the season of the year, the place of its growth, the fact being that there is a difference of five pounds in weight between barley raised in Canada and on the Pacific slope and that grown in the Western States. The rule, moreover, ignores the fact that any casualty intervening during the process of malting arrests the development of the saccharine properties of the barley, hence rendering the use of a larger quantity of malt necessary; and furthermore, that in manufacturing malt liquor sufficiently strong to bear transportation and change of climate, a larger quantity of malt is required than in producing an article for immediate home consumption. The effect of the rule is to impose a penalty, in the shape of an additional tax, on the manufacturer who, at an increased expense to himself, places a superior article on the market, whereas it secures no deduction to the brewer who uses less than the standard quantity.

This bill releases no safeguard now provided for the faithful collection of the tax. The duty of keeping the material-book is retained; all the purposes originally had in view in prescribing that duty are preserved, and the object aimed at is solely and singly to prevent a perversion of the law, by which the sworn statements of honorable men from whom the Government annually collects a large revenue, and with whom it has at no time encountered difficulty in the collection of its revenue, are rejected upon an arbitrary rule founded upon an erroneous assumption of fact.

In reply to the gentleman from Michigan [Mr. CONGER] I may add that the effect of the Commissioner's rule is to discriminate against barley grown in the Northwestern States of the Union and in favor of Canada barley, because the latter being heavier than the former, a smaller quantity of it produces a barrel of beer; whereas the pending bill, if adopted, removes the motive for such discrimination on the part of the brewer.

Mr. PAGE. I ask the gentleman from Illinois [Mr. MORRISON] to yield to me for a few moments.

Mr. MORRISON. I will do so.

Mr. PAGE. I am in favor of the passage of this bill. When the original law was passed it was never intended that a construction should be given to it such as has been given by the Commissioner of Internal Revenue.

The chairman of the Committee of Ways and Means [Mr. MORRISON] has referred to the quality of the barley produced in California. My attention last summer was called by the brewers in the city of Sacramento, the city of San Francisco, and other places in California to the fact that, notwithstanding the quality of the barley produced there, it was impossible for the brewers to manufacture a barrel of beer from two and a half bushels of malt, as provided in the regulations of the Commissioner of Internal Revenue. I believe this bill should pass. In my judgment it certainly recommends itself to the Representatives of the people, from the fact that by the passage of this bill the brewers will be assessed upon the amount of beer manufactured, and not upon the quantity of malt from which the beer is obtained.

Mr. BANNING. I ask the gentleman from Illinois [Mr. MORRISON] to yield to me for two or three minutes.

Mr. MORRISON. I will do so.

Mr. BANNING. Mr. Speaker, I hope the bill reported by the chairman of the Ways and Means Committee, now under consideration, for the relief of the beer-brewers will be passed to a law.

Under the statute as it now is, beer-brewers are required to pay $1 tax upon each barrel of beer of not more than thirty gallons. They are also required to make sworn returns of the amount of grain used. Under this rule two thousand seven hundred and eighty-three beer-brewers have been paying an annual revenue for the support of the Government of more than $9,000,000. Of this amount more than $400,000 is paid by the brewers of Cincinnati.

The Revenue Department, not satisfied with this rule fixed by Congress, has, without authority of law, made an arbitrary rule of its own, that two bushels and one-half of malt are sufficient to make a barrel of beer, and that for all malt used in excess of that quantity it shall be presumed that beer has been brewed in that proportion, and in pursuance with this regulation taxes have been assessed against many of the leading brewers of the country.

That this rule is wrong, unjust, and ought not to be enforced, is shown in the fact that grain or malt used by brewers varies in price, according to quality, from sixty-eight cents a bushel to $1.58. The rule is wrong also because it discriminates against barley raised in the United States. Good barley is raised in New England, parts of Iowa, Pennsylvania, and Minnesota. The cheaper grain is grown on the low, rich lands of Ohio, Indiana, and Illinois, while the best No. 1 barley is raised in Canada. The best grain produces the most beer to the bushel. While all good brewers can make a barrel of beer from two and one-half bushels of the best Canada malt or barley, no brewer can make as much or one-half as much beer of the same strength and quality from the poorest malt, such as can be purchased in market for one-third the amount paid for best Canada malt.

Again, barley varies in quality, according to the season. Some years the grain will be first-class, (No. 1, as dealers say;) another year it will be indifferent in quality, below the standard, and will therefore produce less beer to the bushel.

Again, if the brewer uses grape-sugar, corn-meal, or other articles

of like character in manufacturing beer, he will use a less quantity of grain.

Again, no two brewers will or can produce exactly the same amount of beer from the same amount of the same quality of grain. The amount produced will vary according to the strength of the beer and the experience, knowledge, and cunning of the brewer. There is no fixed standard of strength for beer, and the quantity produced from a bushel of malt varies according to the strength of the beer made. Beer manufactured for shipment to different parts of the country is generally made stronger than beer manufactured for home consumption, and requires more malt.

Thus I think it fully appears that the rule of the Department is wrong, and should be remedied by the passage of the bill now under consideration.

The men for whose relief it is asked are honest, patriotic citizens, who pay large revenues into the Treasury; who are not charged or even suspected of any fraud, whose books are always open to inspection, and who invite the most rigid scrutiny of Government officers into all their operations.

Mr. HARRISON. I would like to ask my colleague [Mr. MORRISON] a question.

Mr. MORRISON. Very well.

Mr. HARRISON. If I understand it rightly, the Commissioner of Internal Revenue has determined that the fact of there being more malt than two and a half bushels used in the manufacture of a barrel of beer is an evidence of fraud. Does not the amendment which the committee have attached to this bill allow the Commissioner to still continue that construction?

Mr. MORRISON. It does not.

Mr. WILSON, of Iowa. I desire a moment or two to say that if the effect of this bill will be to levy a tax on the amount of beer manufactured by reducing the tax on each bushel of barley and thus induce brewers to import, to a greater extent than they now do, a better class of barley, it will be deleterious to the interests of the growers of barley in the United States. We now import six million dollars' worth of barley every year.

I do not want to see any change in our laws that will induce our brewers to import a larger quantity of barley. There are some reasons why up to this time the farmers of the Northwest have not succeeded in raising a class of barley suitable to the wants of the brewers. The Agricultural Department has imported from England one thousand bushels of barley this year for the purpose of giving better seed to farmers and eventually filling this want.

Now, I believe we ought to have a larger tax on foreign barley; that we ought to discourage to as great an extent as possible the importation of barley for making these malt liquors.

Mr. MORRISON. I move the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES E. HOVEY.

Mr. GARFIELD, from the Committee of Ways and Means, reported back, without amendment and with a favorable recommendation, the bill (S. No. 575) for the relief of Charles E. Hovey.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Charles E. Hovey, out of moneys collected by said Hovey, under an alleged contract with the Secretary of the Treasury dated January 6, 1873, such sum as in the opinion of the Secretary of the Treasury is sufficient to re-imburse said Hovey for expenses incurred and to compensate him for information given and services performed, not to exceed the moiety of the moneys so collected: *Provided*, That if said funds have been covered into the Treasury, payment may be made out of any money in the Treasury not otherwise appropriated.

Mr. GARFIELD. There is a report of the Senate accompanying this bill. I will not ask to have it read, but I will ask that it be printed in the RECORD.

There was no objection; and the report is as follows:

The Committee on Finance, to whom was referred the petition of Charles E. Hovey, of Washington, District of Columbia, having had the same under consideration, report:

That on the 18th of July, 1872, Mr. Hovey made an offer to furnish evidence to enable the Treasury Department to collect certain duties due from the Mobile and Ohio Railroad on iron imported by said company, and landed at Mobile, Alabama, prior to the late war, (which had become derelict, and which ought to come to the United States,) in consideration of receiving one moiety of the net proceeds recovered.

After careful consideration into the case and consultation with the Solicitor of the Treasury, the then Secretary of the Treasury, Hon. GEORGE S. BOUTWELL, finding that the Government had insufficient evidence with which to successfully prosecute the suit, entered into a contract with Mr. Hovey, January 6, 1873, whereby, contingent upon securing to the United States the above-mentioned duties, Hovey was to receive one moiety of the amount recovered, said moiety to include all expenses incurred.

Prior to the making of the above contract, suit had been entered in the circuit court of the United States for the southern district of Alabama (November 30, 1872) for the recovery of these alleged import dues, but subsequent to said contract, (January 27, 1873,) and before Hovey had furnished the evidence agreed, the suit was, by order of the Attorney-General, dismissed for want of sufficient evidence.

On the 3d and 11th of July, 1873, Mr. Hovey furnished the Solicitor of the Treasury with certain facts and evidence; and on the 23d of March, 1874, suit was again instituted in the above-named court, and pressed by Mr. Hovey.

After being continued from term to term at the instance of defendants, the case was finally compromised by the present Secretary of the Treasury, the railroad company paying into the Treasury the sum of $22,564.80 in coin, and the case was dismissed.

The Treasury Department, on the 15th of February, 1875, declined to pay the moiety as stipulated, on the ground that the "subject-matter of the agreement is not within the letter or spirit of the law." The law referred to is as follows:

Joint resolution to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States.

Be it resolved, &c., That the Secretary of the Treasury is hereby authorized to make such contracts and provisions as he may deem most advantageous for the interests of the Government for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States; or any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States; and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable: *Provided, &c.* (16 Statutes, page 380)

On the 11th of May, 1875, Hovey asked a reconsideration of Department's decision, and the case was referred to Assistant Secretary Burnam, who reported as follows:

In re C. E. Hovey:

A careful investigation of this case satisfies me that the contract entered into by Secretary BOUTWELL with Hovey January 6, 1873, followed up by the acquiescence of Secretary Richardson, should not be disregarded. As the legitimate result of that contract, there is now under the control of the Department, but not covered into the Treasury, the sum of $22,564.80, and which was secured by the personal services of the claimant, besides, as he swears, an expenditure from his own means of $2,360. I know no principle of law or equity which can justify the Government in availing itself of Hovey's labors and outlays of money in its service, and reaping the large fruits thereof, and then turning him off without remuneration.

His brief upon the point of the proper construction of the joint resolution of Congress of the 21st of June, 1870, is submitted herewith without addition. It is not only forcible, but I deem it unanswerable, certainly by me.

In conclusion, I recommend that the contract between Hovey and the Department be upheld; that he be paid out of the funds collected from the Mobile and Ohio Railroad Company the percentage promised him under the contract, and that the residue be covered into the Treasury.

I have the honor to be, very respectfully,

C. F. BURNAM,
Assistant Secretary.

NOVEMBER 10, 1875.

This decision the Secretary indorsed as follows:

TREASURY DEPARTMENT, *November* 16, 1875.

I am unable to concur in the opinion of the Assistant Secretary. It may be that the party has rendered services for which he should be paid, but I am aware of no act of Congress which authorizes the Secretary of the Treasury to make payment under this alleged contract.

B. H. BRISTOW,
Secretary.

In view of the foregoing facts, shown by the papers on file, the committee have some doubt whether, by the strict terms of the statute, the Secretary of the Treasury had power to make the contract referred to; but it is plain that Mr. Hovey rendered services under the contract, and incurred expenses for which he ought to be re-imbursed. Your committee therefore report the accompanying bill.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICES OF COLLECTORS AND SUPERVISORS OF INTERNAL REVENUE.

Mr. TUCKER, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue be, and he is hereby, authorized to designate and fix the points at which the collectors and supervisors of the revenue shall establish and maintain their several offices within their respective districts.

Mr. TUCKER. Under the law as it exists at present the officers referred to in this bill have the right of selecting the places for their own offices, which is sometimes very inconvenient to the people who have business with them. The Commissioner of Internal Revenue has recommended the passage of such a bill as the committee have now reported on favorably. I ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HAWAIIAN TREATY.

Mr. WOOD, of New York. I desire to ask unanimous consent of the House to fix some time for the final disposition of the bill in relation to the treaty with the Hawaiian government. The bill was the special order from day to day, but for various reasons, and among them my own sickness, it has gone over indefinitely. The discussion

is nearly finished; after one or two more speeches we shall be prepared to submit the bill to the House for a final vote. I ask unanimous consent that the bill be made the special order for Thursday next after the morning hour.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The morning hour commences at one o'clock and five minutes, and the regular order to-day is the calling of committees for reports of a private nature; the call rests with the Committee on Patents.

STEPHEN V. BENÉT.

Mr. SAMPSON, from the Committee on Patents, reported a bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for a patent for cartridges; which was read a first and second time.

The bill was read. It authorizes and directs the Commissioner of Patents to revive the application of Stephen V. Benét for a patent for an improved cartridge, dated April, 1866, and hear and determine the application in the same manner as if two years had not elapsed since the last action of the Office thereon; and to grant letters-patent upon the application, if the invention therein described and claimed is found to be novel and patentable. But no person is to be held responsible in damages for the manufacture, sale, or use of such cartridges prior to the issue of the patent; and the subsequent sale of those manufactured at the time of the issue is not to be held to be an infringement of the patent. The Government is to be entitled to the free use of the patent for the military service.

Mr. SAMPSON. Unless it is the desire of some gentleman that the report may be read, I will not ask its reading.

Mr. FORT. It had better be read.

The report was read, as follows:

The Committee on Patents, to whom was referred the petition of S. V. Benét, praying the passage of an act authorizing the Commissioner of Patents to reconsider his rejected application for a patent on an improvement in the manufacture of metallic cartridges, beg leave to submit the following report:

In 1866 General Benét, then of the rank of brevet lieutenant-colonel, United States Army, was in command of the United States arsenal at Frankford, near Philadelphia, Pennsylvania, and was charged in his official capacity with the manufacture for the use of the military service of metallic cartridges; and while thus employed designed an improvement therein, which he believed to be entirely novel and of sufficient importance to justify him in applying for a patent therefor; and, April 14, 1866, made such application in the manner prescribed by law.

On the 27th of the same month his application was rejected on the ground that there was no essential novelty in the invention. March 7, 1867, the specifications were amended, as the law permitted, and again submitted for re-examination, and was on the 14th of March again rejected by the primary examiner for the same reason as before.

General Benét has long been in the Ordnance Department, is now Chief of Ordnance, United States Army, has had great experience and the best opportunities for acquiring information on the subject of the manufacture of cartridges; and with this knowledge, entitling his opinions to some consideration, expresses in his petition the belief "that in the state of the art in this country," at the time of filing his application, "the importance of what appeared to be but slight alterations of form in his device was scarcely appreciated by practical experts and those skilled in the art, not to mention those by whose theoretical knowledge only the ministerial actions in the Patent Office in respect to his application for a patent were determined; and that therefore his application for a patent was mistakenly rejected." And your committee are not prepared to say that such was not the case.

If petitioner was in fact the inventor of an important and valuable improvement in this art, and has been mistakenly deprived of the honor and benefit of his invention—and on these points there is no doubt a correct decision may be now obtained, if permitted a re-examination and to prosecute the appeals allowed by law which before were not taken—then assuredly he ought to have the privilege, at least, of making the attempt to have such mistake corrected, unless some valid reason can be urged against it.

If in consequence of his official position his relations to the Government or the public were such that a patent ought not to be granted, or from his own laches in failing to avail himself of the facilities which the law afforded him to secure a correct determination of his application he is not entitled to consideration; or the granting a patent now, if entitled to one, should work injustice to others, then the relief he is now seeking should not be given.

The fact that he was an officer in the Army will not, of itself, deprive him of the right to his invention. The law of Congress enacted in pursuance of the power given in the Constitution to secure to inventors for a limited time the exclusive right to their discoveries provides that any person who has invented or discovered any new and useful art, machine, manufacture, &c., or improvement thereon, may, by application in the manner prescribed by law, obtain a patent therefor, except officers and employés in the Patent Office; and the question has been decided by the Supreme Court in the case of the United States *vs.* Burns, 12 Wallace, 246. Mr. Justice Field uses this language:

"If an officer in the military service, not specially employed to make experiments with a view to suggest improvements in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters-patent for the improvement from the United States equally with every other citizen not engaged in such service; and the Government cannot after the patent is issued make use of the improvement any more than a private individual without license from the inventor or making compensation to him."

It is therefore settled that an officer of the Army may be entitled to a patent for the invention of an improvement in the materials of war, and even the Government liable for its use after patent granted.

But if the officer be assigned to the especial duty of experimenting and making improvements in the particular materials to which his invention relates, then it would seem a somewhat different rule should apply. In such case he is the servant of the Government assigned by its command to do for the good of the service just what he has done, and the Government should not, because he has accomplished what he was assigned to do for its benefit, be deprived of this benefit; and this principle is recognized by the petitioner himself. He has offered in his petition to release to the Government all right to royalty or compensation for Government use of the invention.

But the further question is, Should an invention wrought out under such circumstances inure not only to the Government, but to the benefit of all individual citizens of the entire country? True, he was the servant of the people, educated perhaps at their expense, was in their employ, and paid out of their Treasury. But what was the extent of that employment? It was only for governmental purposes. His duty was to make the improvement for the military service; and outside of that the products of his brain and his hands were as much his own property as the fruits of the labor of any other citizen now in the service of the Government would be his. But if it was all the Government's, should we not possess the grace to surrender to him so much of the right as we do not desire to use ourselves? He has well said in his argument before the committee, he was employed to invent a cartridge for the military service of his own Government, not for individuals for sporting purposes, nor for foreign governments or the world at large.

The next inquiry is, Has he reasonable excuse for not prosecuting his application to the court of last resort? When his claim had been rejected the second time by the primary examiner, he might have appealed to the board of examiners-in-chief, thence to the Commissioner, thence to the supreme court of the District of Columbia, and on refusal there, filed his bill in equity, had a hearing before a district or circuit court of the United States, and if error was committed there, gone to the Supreme Court. This he failed to attempt to do until too late. At the time of the rejection of his application, there was no limitation as now, by section 4894 of the revision, that upon failure for three years after any action therein, of which notice was given, to prosecute the application, it should be regarded as abandoned; but cases might be, and were sometimes, taken up again even eight or ten years after rejection. The rejection was in 1867, when there was no limitation. In 1869 he was ordered from Frankford arsenal to other important duties. July 8, 1870, this law of limitation was enacted, and gave only six months in which to resume the prosecution of rejected claims. In the engrossing cares of his official duties this did not come under his observation until he undertook to renew the prosecution at the Patent Office, and was informed it was too late. In the judgment of the committee, those circumstances do show a reasonable excuse for failing to prosecute.

The remaining objection which might be urged is this: Several years have expired since the invention and application. The cartridge has been extensively manufactured and gone into quite general use. Should the public now be deprived of the use of that which it has long enjoyed, which it has supposed was public property, free and open alike to all, or pay a license or royalty therefor? If through his misfortune, occasioned by change of the law, the public has enjoyed for several years free for what otherwise it would have had to pay a royalty, and all the present existing rights can be protected, then this can be no valid argument why he should not be permitted for a limited time in the future to enjoy some benefits from the fruits of his own invention. And these existing rights are carefully protected by the bill.

Your committee therefore submit the accompanying bill and recommend its passage.

Mr. FORT. I have no doubt that the words "military service" in the latter section of the bill would include also the naval service, but I would ask the gentleman reporting the bill whether he would have any objection to an amendment to insert the words "or naval" after the word "military."

Mr. SAMPSON. There is no objection to that. It is what was intended.

Mr. FORT. Technically it might be claimed that the language did not include the naval service.

The SPEAKER. Is there objection to the verbal amendment suggested by the gentleman from Illinois? The Chair hears none; and the bill will be so amended.

Mr. SAMPSON. Unless some gentleman desires to discuss the bill, I ask that the question be taken on ordering it to be engrossed and read a third time.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 37, noes 43.

Tellers were called for.

Mr. CONGER. There having been no opposition made to this bill in debate and the committee having anticipated no objection, it was supposed there was none. But if any gentleman desires to discuss it or does not understand it to be a perfectly proper bill, we will ask its reference to the Committee of the Whole on the Private Calendar.

Mr. SAMPSON. If this report could be printed, so that gentlemen could have an opportunity to examine the case and become thoroughly acquainted with it, I am satisfied there would be no opposition to the measure. I therefore ask unanimous consent that the bill may be referred to the Committee of the Whole on the Private Calendar, and, with the report, ordered to be printed.

Mr. O'BRIEN. There ought to be no objection to that.

Mr. COX. I object. The gentleman from Michigan [Mr. CONGER] said, as I understood, that there was no objection to this bill——

Mr. CONGER. I said no objection had been made to it here.

Mr. COX. Well, many of us vote on a general principle against the extension of patents.

Mr. CONGER. There has been no patent issued in this case.

Mr. SAMPSON. This is not an extension of a patent. No patent has ever been granted in this case. The bill proposes simply that this inventor shall be authorized to prosecute his application for a patent.

Mr. COX. There ought to be a general statute to cover cases of this kind.

The SPEAKER. The vote has been taken on the passage of the bill, but it has not been announced except informally; and then a demand for tellers was made, so that the parliamentary effect of the motion is suspended and the motion to recommit is now in order.

Mr. RANDALL. I make the motion to recommit the bill, and I will give my reasons for doing so. The individual making this application is an ordnance officer; and I do not think that an officer of the United States should be given an advantage in the respect provided for in this bill. I think that the Government of the United States is entitled to all his intellect while he is in its service. I am also apprised—perhaps not correctly, but I give the information as I receive it—that the Department has three times rejected this application.

Mr. SAMPSON. That is a mistake.

Mr. RANDALL. How many times has it been rejected?

Mr. SAMPSON. This application was twice rejected, but only by a primary examiner. It has never been examined by the board of examiners-in-chief.

Mr. HALE. I hope there will be no objection to the motion of the gentleman from Pennsylvania to recommit the bill.

Mr. CONGER. I ask the gentleman to change his motion so as to refer the bill to the Committee of the Whole on the Private Calendar.

Mr. RANDALL. No, sir; I would like to have it go again to the Committee on Patents, in order that the objections which have been raised may be considered.

Mr. CONGER. If the gentleman had heard the report read, he would have found that it treats almost exclusively of the very point which he makes.

Mr. RANDALL. I only want to have a full understanding of the bill, so that we may vote intelligently upon it.

Mr. CONGER. We can do that in the Committee of the Whole on the Private Calendar.

Mr. RANDALL. Well, I have no objection to that.

Mr. VANCE, of North Carolina. I was about to make that motion, that the bill be placed on the Private Calendar.

The SPEAKER *pro tempore*. If there be no objection the bill will be referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

There being no objection, it was ordered accordingly.

TUCSON, ARIZONA, A PORT OF ENTRY.

Mr. PIERCE. I am directed by the Committee on Commerce to report back a bill (H. R. No. 360) to establish a port of entry for the collection of duties on imports at Tucson, Arizona Territory.

The SPEAKER. That report cannot be received to-day, as it is a public, and not a private, bill.

CHANGE OF NAME OF PLEASURE-YACHT.

Mr. PIERCE, from the Committee on Commerce, reported back a bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra, with the recommendation that it do pass.

The bill, which was read, provides that the name of the pleasure-yacht Ella, registered in the southern district of New York, be, and the same is hereby, changed to Myra; and the Secretary of the Treasury is authorized to grant a register in accordance therewith.

The SPEAKER. As this relates to a vessel entirely private in its use it will be regarded as a private bill.

Mr. COX. I should like to hear some reason for the passage of this bill. There is a general law on the subject, and I believe we are running too much into special legislation.

Mr. PIERCE. Under the law this name cannot be changed except by a special act of Congress. This yacht belongs to a private individual who runs it for his own pleasure and he desires to have the name changed. We all know that yachts are fancy affairs run for private pleasure and I do not see why this gentleman should not be gratified in having the name changed as he desires.

Mr. COX. What is the matter with the old name, "Ella?" [Laughter.]

A MEMBER. He may want to have it changed to the name of his second wife. [Laughter.]

Mr. PIERCE. The gentleman who desires the name of the yacht changed is a citizen of New York.

Mr. ELY. It is all right; I hope there will be no objection to its passage.

Mr. COX. This sort of special law is not to be favored unless some good reason can be given. Because a man likes a particular name or a particular female it does not follow that he should come to the American Congress and take up our time in changing the name of some little pleasure-yacht. That is my point.

Mr. CONGER. I wish to ask my friend from New York how far those motives affected him when he took up two or three hours of the last session in getting the name of a private yacht changed? [Laughter.]

Mr. COX. I know to what the gentleman refers.

Mr. CONGER. I do not know whether a new revelation may not have come to him.

Mr. COX. The gentleman from Michigan always gets the cart before the horse. I moved to change the name of this vessel from William M. Tweed to Industry. [Laughter.] He seems to have got the idea there was nothing wrong about Mr. Tweed, and I should not have changed it. There was a general dissatisfaction with that name in New York City not limited to any party. I cannot see there is anything wrong in the name of this female. I believe Ella is a very beautiful name.

Mr. PIERCE. Congress has thought wise not to pass a general law for changing the name of these vessels, providing that each and every case shall come to Congress. I know during the last Congress requests of this character coming from the committee were granted. I trust the gentleman may have the privilege he asks of changing the name of his pleasure-yacht from one name to another.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PIERCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. KEHR. I rise to a parliamentary inquiry. I am instructed by the Committee on Commerce to report back a bill (H. R. No. 2689) authorizing the construction of a bridge at Sioux City, Iowa, and I would like to know whether it can be considered a private bill, and therefore in order to-day?

The SPEAKER. Is the authority proposed to be given to an existing corporation?

Mr. KEHR. It is.

The SPEAKER. Then, in the judgment of the Chair, it is a private bill. Does the bill propose to erect a bridge across one of the streams declared to be a public highway?

Mr. KEHR. It is a bridge to be constructed across a navigable river.

The SPEAKER. What river?

Mr. KEHR. The Missouri River at Sioux City. The purpose of the bill is to authorize the Sioux City Bridge Company, under the general law of the State of Iowa, to construct this bridge.

The SPEAKER. If that be all, the Chair will consider it as a private bill.

Mr. KEHR. I am instructed to report the bill back with an amendment.

The Clerk read the bill, as follows:

That it shall be lawful for the Sioux City Bridge Company, a corporation organized for that purpose under the general corporation laws of the State of Iowa, or its assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a bridge across the Missouri River at or near Sioux City, Iowa, and lay on and over said bridge railway-tracks, for the more perfect connection of any and all railways that now are, or which may hereafter be, constructed to the Missouri River at or near Sioux City, or to the river on the opposite side of the same near Sioux City, and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot-passengers, and to keep up and maintain and operate said bridge for the purposes aforesaid; and that, when said bridge is constructed, all trains of all railroads terminating at said river, and on the opposite side thereof, at or near Sioux City, Iowa, shall be allowed to cross said bridge for reasonable compensation, to be made to the owners of the same, under the limitations and conditions hereinafter named. The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals, and foot-passengers: *Provided*, That Congress may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper, just, and reasonable.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the person or persons or corporation building the same, be built as a draw-bridge, with a pivot or other form of draw or with unbroken or continuous spans: *Provided*, That if the same shall be made of unbroken continuous spans it shall not be, in any case, of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure, with straight girders, nor shall the spans of said bridge be less than three hundred feet in the clear at low-water mark; and the piers of said bridge shall be parallel with the current of the river; and the main span shall be over the main channel of the river: *And provided also*, That if a bridge shall be built under this act as a draw-bridge the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river: *And provided also*, That said draw shall be opened promptly upon reasonable signal, without unnecessary delay: *And provided further*, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said objects, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval: *And provided further*, That if said company shall elect to construct a pile and ponton bridge in lieu of that described above, the Secretary of War may, if he deem it advisable and not inconsistent with the free navigation of said river, authorize said company to construct said bridge as a pile or ponton bridge, subject to the restrictions and requirements relating to the construction thereof contained in the act entitled "An act to legalize and establish a ponton-bridge across the Mississippi River at Prairie du Chien," approved June 6, 1874, except that in the bridge herein authorized one draw only shall be required, which shall not be less than four hundred feet in width in the clear.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the district courts of either judicial district of Iowa or Nebraska in which the said bridge or any portion of such obstruction touches.

SEC. 4. That any bridge built under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to such bridge. Such lights shall be kept upon said bridge as the Light-House Board shall direct, and said bridge shall moreover be provided with all proper safeguards for the security of person and property.

SEC. 5. That Congress may at any time alter, amend, or repeal this act.

The SPEAKER. It is very apparent from the reading of the bill that it is public and not private. Its provisions are broad, and operate upon many roads and corporations. The bill cannot be received therefore in the call of committees for reports of a private nature.

Mr. CONGER. From what committee is this bill reported?

The SPEAKER. From the Committee on Commerce. The Chair holds that it is not in order under this call.

HUGH W. MERCER.

Mr. ASHE. I am instructed by the Committee on the Judiciary, unanimously, to report favorably on the memorial of Hugh W. Mercer for relief, and to present a bill giving effect thereto.

The bill (H. R. No. 2953) for the relief of Hugh W. Mercer was received, and read a first and second time.

Mr. ASHE. I move that the bill and accompanying report be printed, and referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

MRS. FLORA A. DARLING.

Mr. CABELL, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling, of New Hampshire; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL F. DULANY.

Mr. HOSKINS, from the Committee on War Claims, reported back, with an adverse recommendation, the bill (H. R. No. 16) for the relief of Daniel F. Dulany, and moved that it do lie on the table, and that the accompanying report be printed.

The motion was agreed to.

HEIRS OF HALL NEILSON.

Mr. JOYCE, from the Committee on Private Land Claims, reported back the petition of the heirs and representatives of the late Hall Neilson, of Richmond, Virginia, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

HOT SPRINGS RESERVATION.

Mr. GUNTER. I am instructed by the Committee on Private Land Claims to report back the bill (H. R. No. 830) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation in Arkansas, and to move that the same be laid upon the table.

The SPEAKER. Is there a report accompanying the bill?

Mr. GUNTER. There is no written report.

The SPEAKER. The Chair begs leave to suggest that a written report should accompany every adverse recommendation.

The bill was laid on the table.

LIEUTENANT-COLONEL GODFREY WEITZEL.

Mr. BANNING, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 94) authorizing Lieutenant-Colonel Godfrey Weitzel, of the Engineer Corps of the United States Army, to accept the position of trustee of the Cincinnati Southern Railroad; which was read a first and second time.

The joint resolution authorizes Godfrey Weitzel, lieutenant-colonel Corps of Engineers, United States Army, to accept the position of trustee of the Cincinnati Southern Railroad, and provides that the acceptance of the same shall not be construed to interfere with his rank as an officer of the Army of the United States or to vacate his commission in the same.

Mr. BANNING. The present Secretary of War was the trustee of the Cincinnati and Southern Railroad. After he received his appointment as Secretary of War, Colonel Godfrey Weitzel was elected to that place. He cannot accept it without the passage of this resolution. The Cincinnati Chamber of Commerce have petitioned Congress to pass a resolution authorizing him to accept the position. Their resolution was referred to the Committee on Military Affairs. The committee asked the opinion of the Secretary of War, and he asked the opinion of the General of the Army. The General of the Army replies, and recommends legislation authorizing General Weitzel to accept. The Secretary of War recommends it, the committee ask it, and I hope the resolution will be passed.

Mr. HALE. Let me ask the chairman of the Committee on Military Affairs a question. Is this place which it is provided that Colonel Weitzel may accept a place of emolument?

Mr. BANNING. Yes, sir.

Mr. HALE. A salaried office?

Mr. BANNING. Yes, sir.

Mr. HALE. It seems to me that there are objections to allowing the officers of the regular Army to accept trusteeships or directorships of railway companies, banking companies, or other business corporations, upon the same theory that objection was made a few minutes ago to the granting of a patent to a worthy officer, namely, that the Government is entitled to his entire time and service. The proposition is a new one to me. I do not remember during the time I have been here that any officer of the regular Army has been allowed to accept any office of emolument and trust so as to receive pay outside the Army. It strikes me that this is a departure from the practice heretofore followed, which may be somewhat dangerous as a precedent.

Mr. BANNING. I have to say in answer to the gentleman from Maine that I should be very glad if this officer could be allowed to receive the pay he is receiving now; but the Military Committee thought that he should not be paid by the Government, but by the city of Cincinnati. This is a railroad running from Cincinnati to Chattanooga. It is a railroad built by the city of Cincinnati alone. She has already expended $10,000,000 on it, and has just appropriated $6,000,000 more. It is a great improvement. General Weitzel is an able engineer. He is a citizen of Cincinnati. He managed the improvement at the falls of the Ohio. This is a work he is well capable of performing, and the resolution has the approval of the General of the Army.

I think there can be no objection to its passage. He declines to take the place unless he is authorized to do so by Congress. It has been customary for officers to take these places without any such authority. I believe one or two officers are now serving abroad in a civil capacity without any authority of Congress and contrary to law. This officer declines to accept the place, and in consequence of that declination this joint resolution is offered. I hope there will be no objection to its passage.

Mr. HALE. The merits of General Weitzel are well known to me, as he has served in my own State, as one of the best officers in the engineer service. The gentleman from Ohio has furnished to my mind an additional reason why we should not authorize him to accept this trusteeship in the pay of this company in the statement that he has been connected with this road as an employé of the Government, as an officer of the Engineer Corps upon work in connection with the road. That, to my mind, is an additional reason why he should not now become the company's trustee.

Mr. BANNING. Will the gentleman from Maine be willing to vote for this joint resolution if it provides that he shall receive the pay which he now receives from the Government and nothing from the city of Cincinnati or the railroad company?

Mr. HALE. That would remove part of my objection, certainly.

Mr. BANNING. I will be very glad to modify the joint resolution in that way, and I think the Government might well give to the city of Cincinnati the benefit of the services of this officer.

Mr. HALE. I know that this road is a good one and that it will be a great improvement, but my cardinal objection is to Government officers taking these places in connection with private interests and private corporations. I think it is a bad precedent. We have already had more or less trouble and some bad scandal and some mortifying results from public officials in high places dabbling in speculative enterprises, and let us keep as far as we may all officers of the Government, and especially let us keep the Army, which has always maintained its reputation for being clear of all scandals and all speculations, comparatively if not entirely free from these scandals. It has been the pride of the Army officers that they rest upon their salaries, small as they are. The gentleman from Ohio himself is seeking to cut down the salaries of the officers of the Army. He passed a bill through the House the other day cutting down the salaries of the higher officers of the Army. Now I think that we had better not allow any officer of the Army to accept the directorship or trusteeship in outside corporations. That is not a good thing to do.

Mr. JONES, of Kentucky. I would like to ask the gentleman from Maine [Mr. HALE] if he does not know that there are instances now in Washington where officers of the Army are placed in civil positions and are receiving pay not only as Army officers, for their official positions in the Army, but also for the civil positions to which they are appointed?

Mr. HALE. Does the gentleman mean appointed to positions under the Government, or by parties and corporations outside of the Government?

Mr. JONES, of Kentucky. I mean under the Government, and especially by the Chief Executive of the Government.

Mr. HALE. I do not know to what the gentleman alludes. Such a case would not be parallel to this, but I would go so far as to make the line of demarkation clear, and hold each officer of the Army to the duties pertaining to his branch of the service.

Mr. JONES, of Kentucky. I understand it to be the law that if an officer of the Army is appointed to a civil position he thereby forfeits his position in the Army if he accepts that civil position. Now I wish to know of the gentleman—and it is a piece of information that I have thought of endeavoring to obtain from the head of the Department—if he does not know of several instances in the Executive Departments of the Government where an officer of the Army has accepted a civil position and is receiving pay both as an officer in the Army and as a civil officer?

Mr. HALE. What bush is the gentleman beating about? He might as well speak plainly.

Mr. JONES, of Kentucky. I will speak plainly. Does the gentleman not know that General Babcock, an officer of the Army, was appointed by the President to a civil position, in other words to the position of his Secretary, and that under the law he forfeited his position in the Army, providing there was no law of Congress allowing him to accept a civil position?

Mr. HALE. I do not know any law by which General Babcock forfeited his position as an officer in the Corps of Engineers. I do know that the designation or detail of him to special duty, which was clerical and civilian in its nature, did not add a dollar to his pay; that he only received his regular pay as an officer in the Corps of Engineers, and that by his so doing pay to some one else was saved which had

always been appropriated heretofore. There are some objections, I admit, to such an appointment, but I will not discuss those objections now. But that case, let me say, is nothing like the case now before the House. This is a case of an officer of engineers being authorized to accept a position of trust and emolument in connection with a railroad corporation as a trustee and still continue to hold his office in the Corps of Engineers, subject to the Government and to Government officers, and held by all the stern obligations that rest upon the officer of the Government who serves in any branch of the Army; the two cases are not alike.

Mr. JONES, of Kentucky. It seems to me that the law upon the statute-book is equally violated, whether the officer of the Army receives an appointment in the service of a corporation or whether he is appointed by the Executive or any other officer of the Government to a civil office. I think it is the same thing in either case, and not wise.

Mr. HALE. I do not believe that the higher officers in the Army would approve of any measure of this kind, allowing their subordinates by law to accept civil positions.

Mr. BANNING. In order to show the gentleman that he is mistaken, I ask the Clerk to read a letter of General Sherman upon this subject, and I ask the gentleman to listen to it.

Mr. HALE. Certainly I will; but it will not change my mind, even if he recommends it.

Mr. BANNING. Of course, when your arguments are knocked from under you, it does not change your mind.

Mr. HALE. It is not much of an argument anyway; more of an opinion.

The Clerk read as follows:

WASHINGTON, D. C., *March* 28, 1876.

SIR: I have the honor to acknowledge receipt of the letter of Hon. H. B. BANNING, House of Representatives, about the detail of General Weitzel as one of the commissioners of the railroad building from Cincinnati to Chattanooga. I hope the detail will be made, as General Weitzel is eminently qualified, and it is to the interest of the Army that the talents and industry of our engineer officers should be appreciated. Both the community and the service will be benefited. I hope Congress will modify the existing statute, which virtually prohibits the officers of the Army, both active and retired, from being employed on civil works; and this case of General Weitzel illustrates the danger of an actual, positive prohibition.

With great respect, your obedient servant,

W. T. SHERMAN,
General.

Hon. ALPHONSO TAFT,
Secretary of War.

Mr. HALE. I am bound to say that so far as General Sherman is concerned my assumption of belief is not well founded. But even with that letter, which I will say answers my objection so far as the general argument goes, none of the objections are removed which arose in my mind to the passage of this joint resolution. In fact, the more I think of it—and I believe that other members will find the same operation going on in their own minds—the more objection there seems to be to permitting a regular officer of the Army to be mixed up with any of these outside places.

Mr. CONGER. If the passage of this joint resolution will result in the removal of General Weitzel from the charge he now has of the public improvements on our lakes, the Sault Sainte Marie Canal, the harbor of refuge, and the improvements upon Lake Superior and Lake Michigan, I should oppose its passage. General Weitzel is one of the most accomplished engineers in the corps; he has done himself and the country great credit by his services in the construction of the canal at Louisville. He is now engaged in a similar work, the enlargement of the canal between Lake Huron and Lake Superior, and also has charge of other large works of that kind. If I understand correctly, he now asks the privilege of accepting a place which is rather honorary than one requiring his time or labor to any great extent. It is offered to him by the city of his residence, Cincinnati, which desires that he shall take the position of trustee or commissioner of a railroad in which the city is greatly interested, which position will occupy but a small portion of his time.

Mr. BANNING. The gentleman is mistaken. The railroad wants his services because he is a capable engineer, and he will no doubt give his entire time to it if allowed to accept the position. I want the House to understand the case perfectly.

Mr. CONGER. While I would be pleased to gratify General Weitzel, I should be very sorry for the Engineer Corps to lose his services on the lakes.

Mr. HALE. If that is the case, why did not General Weitzel resign? Was it because by so doing he would lose a better office in the service?

Mr. BANNING. Why does not the gentleman resign when he is given a better place?

Mr. HALE. When I accept it I will; that will be reason enough.

Mr. BANNING. I do not wish to say anything further upon this except that by the passage of this joint resolution the Government would save the salary that is now paid to General Weitzel as an officer of the Engineer Corps and this great railroad corporation would obtain the aid of an able engineer. I hope the recommendations of General Sherman and of the Secretary of War will be sufficient to pass this joint resolution. I call the previous question.

Mr. HALE. I move to lay the joint resolution upon the table.

The question was taken upon laying the joint resolution on the table; and upon a division there were—ayes 48, noes 39.

Before the result of this vote was announced,

Mr. BANNING. I call for the yeas and nays on this motion.

Mr. HALE. Well, let us have the yeas and nays; it is an important matter enough for them.

Mr. BANNING. Will the gentleman object to recommitting this joint resolution to the Committee on Military Affairs?

Mr. HALE. I will not object to that. I have no wish to take up the time of the House.

Mr. BANNING. I will then withdraw the call for the yeas and nays, and move that this joint resolution be recommitted to the Committee on Military Affairs.

Mr. HALE. Not to be brought back on a motion to reconsider.

The SPEAKER. Certainly not; but to be reported again upon the regular call of the committee.

The joint resolution was accordingly recommitted to the Committee on Military Affairs.

TERRITORY OF PEMBINA.

Mr. CALDWELL, of Tennessee, by unanimous consent, from the Committee on the Territories, reported back, with amendments, a bill (H. R. No. 357) to establish the Territory of Pembina and to provide a temporal government therefor, and moved that the bill, with the amendments, be printed and recommitted to the Committee on the Territories.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. O'BRIEN. Has the morning hour expired?

The SPEAKER. It has.

Mr. O'BRIEN. Then I call for the regular order of business.

Mr. RANDALL. I move that the House now proceed with the consideration of the unfinished business of yesterday, being the silver-coin bill.

Mr. BRIGHT. This is private-bill day, and by the rules of the House I insist that the consideration of private bills takes precedence over the unfinished business. I therefore move that the House now resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. The pending bill, referred to by the gentleman from Pennsylvania, [Mr. RANDALL,] not being a special order in Committee of the Whole, the Chair would hold that, this being Friday, a motion that the House now resolve itself into Committee of the Whole on the Private Calendar takes precedence over the motion to proceed to the consideration of the pending bill, the unfinished business of yesterday. But it is proper for the question of consideration to be raised by the gentleman from Pennsylvania [Mr. RANDALL] representing the Committee on Appropriations. The first question will be upon the motion of the gentleman from Tennessee [Mr. BRIGHT] that the House resolve itself into the Committee of the Whole on the Private Calendar. If that fails, the question will be upon proceeding to the consideration of the bill pending as unfinished business.

Mr. RANDALL. The previous question has been ordered on the pending bill in regard to the silver coinage. It will take but an hour to dispose of the bill and amendment. The gentleman from Tennessee [Mr. BRIGHT] in his remarks the other day depicted the great suffering which was taking place by reason of the delay in the passage of this bill. I now ask him to yield for an hour, so that we may to-day dispose finally of the bill.

Mr. BRIGHT. Just one word in reply to the gentleman from Pennsylvania, [Mr. RANDALL.] I am between Scylla and Charybdis. Here is the Private Calendar, which contains many bills appealing to our sympathies in the same manner as does the bill which is unfinished business. I prefer that the question should be submitted to the House.

The question being taken on the motion of Mr. BRIGHT, it was not agreed to; there being—ayes 45, noes not counted.

The question being then taken on the motion of Mr. RANDALL that the House resume the consideration of the unfinished business, it was agreed to.

The SPEAKER. If the Chair can have the indulgence of the House for a few moments, he will dispose of a few matters on the Speaker's table.

There was no objection.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

DISBURSEMENTS BY WAR DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a statement of the disbursements made from the appropriation of March 3, 1875; which was referred to the Committee on Expenditures in the War Department.

ROCK ISLAND BRIDGE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers relating to the claim of the Baltimore Bridge Company for extra compensation for the construction of the Rock Island bridge; which was referred to the Committee of Claims.

LAUNDRESSES IN THE ARMY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from Captain W. G. Wedemeyer, in reference to the employment of laundresses in the Army; which was referred to the Committee on Military Affairs.

COMMISSARY STORES AT FRONTIER POSTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a statement showing the cost of certain commissary stores at various frontier posts for the past two years; which was referred to the Committee on Military Affairs.

COMMUNICATION BETWEEN COLORADO AND NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House of the 15th instant, a copy of the report of Lieutenant Ruffner, relative to the lines of communication between Southern Colorado and Northern New Mexico; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALKER, of New York, indefinitely on account of sickness; to Mr. SOUTHARD for one week from yesterday on account of important business; to Mr. BEEBE till Wednesday next on account of sickness; to Mr. THOMAS for two days on account of business; to Mr. HAMILTON, of New Jersey, for one week from to-morrow; to Mr. SMITH, of Pennsylvania, for four days on account of important business; to Mr. WILLIAMS, of Delaware, indefinitely on account of business; to Mr. NORTON for ten days on account of important business; to Mr. NEW till Thursday next on account of business; to Mr. HAYMOND for one week, and to Mr. DOUGLAS for ten days from to-morrow.

ORDER OF BUSINESS.

The SPEAKER. Is it the pleasure of the House to take up at this time for appropriate reference the bills on the Speaker's table?

There was no objection.

MORAN'S PAINTINGS AT THE CENTENNIAL.

The SPEAKER laid before the House a joint resolution (S. R. No. 11) to authorize the Joint Committee on the Library to permit Thomas Moran to exhibit two paintings at the centennial exhibition in Philadelphia; which was read a first and second time.

Mr. WADDELL. Is it in order to move by unanimous consent to put that joint resolution on its passage at this time?

The SPEAKER. It is.

Mr. WADDELL. Then I ask unanimous consent to put the joint resolution on its passage at this time, and to submit a brief statement.

There was no objection.

The joint resolution, which was read, authorizes the Joint Committee on the Library to permit Thomas Moran to exhibit at the international exposition at Philadelphia the two paintings executed by himself entitled "The Cañons of the Yellowstone" and the "Chasms of the Colorado;" provided the said Moran shall cause the same to be insured to the satisfaction of the chairman of the Joint Committee on the Library of Congress for the benefit of the United States against loss by accident or otherwise and shall return the same to their places in the Capitol on or before the 1st day of December next.

Mr. WADDELL. I made an effort a few days ago to get unanimous consent at a late hour of the session to pass this joint resolution and to explain the reason for it. It authorizes Mr. Thomas Moran to take two paintings which hang in the Senate wing of the Capitol, the one called the "Grand Cañon of the Yellowstone" and the other "The Chasms of the Colorado," to the centennial exhibition at Philadelphia. It was referred to the Senate branch of the Library Committee, considered there, unanimously reported to that body, and unanimously passed. The condition upon which he is allowed to take the paintings is that he shall bear all expenses, including insurance of the paintings.

Mr. COX. I doubt the propriety of allowing these paintings to go from under this roof, and I will give you my reason. This is the centennial year. That has been observed in this House. [Laughter.] There will be a large throng of people from all parts of the country and from all parts of the world at this capital. I do not believe it is possible for anybody to insure these pictures. You cannot insure pictures to any special amount.

Mr. WADDELL. He said he would reproduce them if they were injured.

Mr. COX. It is a bad precedent to set to send our pictures away to Philadelphia or anywhere else. We might as well send our statuary to Philadelphia; we might as well agree to have the Dome carried off to Philadelphia. [Laughter.] I move that the joint resolution be referred to the Committee on the Library.

Mr. GARFIELD. We ought not to pick out one set of pictures in this way.

The joint resolution was referred to the Committee on the Library.

CUSTOM-HOUSE BONDS.

The SPEAKER laid before the House a bill (H. R. No. 2135) relating to the execution of custom-house bonds, returned from the Senate with an amendment; which was referred to the Committee of Ways and Means, and ordered to be printed.

FOURTEENTH OF APRIL DECLARED A HOLIDAY.

The SPEAKER also laid before the House a joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday; which was read a first and second time, and suggested it be referred to the Committee on the Centennial Celebration, and ordered to be printed.

Mr. KASSON. It relates, Mr. Speaker, to another subject entirely, and I hope, instead of being referred, the House will agree to put it on its passage at this time. There is to be a local celebration here in this city, connected with the inauguration of a monument by the colored people in commemoration of Abraham Lincoln. It is to take place here in this city.

Mr. RANDALL. And for that day alone.

Mr. GARFIELD. It is a special case, and I hope the House will agree to the resolution.

Mr. KASSON. Let the resolution be reported.

The preamble recites that on the 14th day of April next a statue, secured by the contributions of the freedmen of the country, to the memory of Abraham Lincoln, late President of the United States, will be unveiled with appropriate ceremonies in Lincoln Park, Washington City, District of Columbia; and that all persons desiring to do so should be given the opportunity of attending such exercises, thus by their presence honoring the memory of our martyred President. The resolution therefore provides that all persons employed in the various Departments of the Government situated in the District of Columbia be granted a general holiday on the 14th day of April, 1876.

Mr. KASSON. I hope that will be agreed to.

Mr. COCHRANE. I hope there will be no objection to the resolution. I shall vote for it with great pleasure.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DEPOSIT OF FUNDS IN THE TREASURY DEPARTMENT.

The SPEAKER also laid before the House a bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER also laid before the House a bill (H. R. No. 1594) making appropriations for the consular and diplomatic service for the year ending June 30, 1877, and for other purposes, returned from the Senate with sundry amendments.

Mr. RANDALL. I move that the bill and amendments be referred to the Committee on Appropriations, and that the amendments be numbered and ordered to be printed together with the bill.

The motion was agreed to.

TESTIMONY OF ACCOMPLICES IN CRIMINAL CASES.

Mr. LORD, from the Committee on the Judiciary, submitted a report in reference to a letter from the Attorney-General of the United States to the district attorneys of Chicago, Milwaukee, and Saint Louis, relating to his instructions as to the testimony of accomplices in criminal cases; which was ordered to be printed and recommitted.

SUBSIDIARY SILVER COIN.

Mr. RANDALL. I move that the House now proceed to the consideration of the unfinished business of yesterday, being the bill in reference to the Printing and Engraving Bureau and the issue of subsidiary silver coin.

The motion was agreed to; and the House (Mr. COX in the chair as Speaker *pro tempore*) resumed the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

The SPEAKER *pro tempore*. The previous question has been ordered on the bill and amendments. The pending question is on the amendment of the gentleman from Indiana [Mr. HOLMAN] as amended on the motion of the gentleman from Missouri, [Mr. WELLS.] The Clerk will read the amendment as amended.

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That the Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins, and paid for in such coins at a rate or price per ounce to be fixed from time to time, according to the market rate, by the Director of the Mint, with the approval of the Secretary of the Treasury, on the basis of the difference between the par value of such coin and the value of such bullion; and an addition not exceeding 1 per cent., in the discretion of the Secretary of the Treasury, shall be made to the purchasing price as an allowance for the transportation of the coin; and the excess of the par value of such coin over the value of the bullion so deposited, less the amount that shall be allowed for transportation as aforesaid, determined as above provided, shall be from time to time covered into the Treasury as the Secretary of the Treasury shall direct: *Provided, however*, That such silver coins of the denominations aforesaid and the silver bullion now owned by the United States shall not exceed in par value the par value of the fractional currency now authorized by law: *Provided*, That if silver bullion is not presented for coinage in sufficient quantity for the redemption of fractional

currency, the Secretary of the Treasury may, under the provisions of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, purchase silver bullion for the purposes of coinage as provided in said act.

The question being taken on the amendment, as amended, there were—ayes 48, noes 82.

Mr. REAGAN. I ask for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair under the rule will order tellers, and appoints the gentleman from Texas [Mr. REAGAN] and the gentleman from New York, [Mr. HEWITT.]

Mr. SPRINGER. I ask that the amendment may be again read.

The amendment was again read.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported—ayes 68, noes 77.

Mr. RANDALL. I call for the yeas and nays. I do so for the purpose of obliging my colleague on the committee, the gentleman from Indiana, [Mr. HOLMAN,] who is detained from the House by sickness, and desires that there shall be a record of the vote on his amendment.

On the question of ordering the yeas and nays, there were—ayes 21, noes 117.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered, and the amendment, as amended, was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 682) to suspend the sale of the jail on Judiciary Square, and for other purposes; in which the concurrence of the House was requested.

SUBSIDIARY SILVER COIN.

The House resumed the consideration of the bill in relation to the Bureau of Printing and Engraving and the issue of subsidiary silver coin.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. O'BRIEN. I rise to a parliamentary question. Is it in order now to move to recommit the bill with instructions?

The SPEAKER *pro tempore*. Not at this stage. The previous question has not exhausted itself.

Mr. O'BRIEN. After the engrossment and third reading, when the previous question will have exhausted itself, will a motion to recommit then be in order?

The SPEAKER *pro tempore*. The Chair will not decide such questions in advance. He can only decide the parliamentary points in regard to the present stage of the bill.

The question being taken, there were—ayes 100, noes 82.

So the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I demand the previous question on the passage of the bill.

Mr. O'BRIEN. I rise to a parliamentary inquiry.

Mr. JONES, of Kentucky. I desire to know of the Chair what it is that the House is now voting on?

The SPEAKER *pro tempore*. On the bill as amended.

Mr. RANDALL. The bill is now as it was reported by the Committee on Appropriations, with an amendment added to it on the motion of the gentleman from Texas, [Mr. REAGAN.]

Mr. JONES, of Kentucky. That amendment alone?

Mr. RANDALL. Yes, sir.

The SPEAKER *pro tempore*. The Chair will state for the information of members that the bill as amended by the amendment of the gentleman from Texas is now before the House, and the question is on seconding the previous question on the passage of the bill.

Mr. HOSKINS. I ask that the amendment adopted in Committee of the Whole on the motion of the gentleman from Texas be read.

Mr. TUCKER. I move to recommit the bill.

The SPEAKER *pro tempore*. That motion is not in order. The Clerk will read the amendment of the gentleman from Texas, which was adopted by the House.

Mr. O'BRIEN. Before the reading of the amendment I desire to ask a parliamentary question: Whether if the call for the previous question is defeated I will not have the privilege then of moving to recommit the bill with instructions?

The SPEAKER. That is not a question for the Chair to decide now.

Mr. O'BRIEN. I give notice that if the previous question is defeated I will make that motion.

The SPEAKER *pro tempore*. That statement is not in order.

Mr. BLACKBURN. I desire to make a parliamentary inquiry. Rule 124 says that at any time before the passage of a bill it may be recommitted. I wish to know how we are ever to get at the motion to recommit if it is not in order now? The previous question was exhausted when the Clerk read the bill the third time by its title.

Mr. RANDALL. But I was recognized by the Chair to move the previous question on the passage of the bill.

Mr. BLACKBURN. The previous question is not now in operation. It has been asked for, but has not been voted.

The SPEAKER *pro tempore*. The Chair will say that no gentleman holds the floor but the gentleman from Pennsylvania. The gentleman from Kentucky [Mr. BLACKBURN] must be aware that by the rules the gentleman from Pennsylvania, who has charge of the bill, can move the previous question on the passage of the bill. That takes precedence of a motion to recommit.

Mr. BLACKBURN. The inquiry to which I rose was this: Does the asking of the previous question by the gentleman from Pennsylvania, when the previous question has been exhausted on the engrossment and third reading of the bill and has not been renewed, preclude the motion to recommit the bill?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] was recognized and made the motion to renew the operation of the previous question. That is the motion now pending. The Clerk will now read, as requested by the gentleman from New York, [Mr. HOSKINS,] the amendment to this bill, which has been adopted by the House.

The Clerk read as follows:

Insert as section 4 the following:

That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment. And silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Mr. REAGAN. The amendment of the gentleman from Indiana having been defeated, this amendment will be section 3 of the bill. I ask that that change may be made in the numbering of the section.

The SPEAKER *pro tempore*. That change will be made by the Clerk.

Mr. SAVAGE. I rise to a parliamentary inquiry. If the House should not second the demand for the previous question would a motion then to recommit be in order?

The SPEAKER. The Chair does not propose to decide those matters until the House reaches them.

The question being taken on seconding the demand for the previous question, there were—ayes 108, noes 79.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. JONES, of Kentucky. I move to lay the bill upon the table.

Mr. LANDERS, of Indiana. I call for tellers on that motion.

Tellers were not ordered.

The question was taken on the motion of Mr. JONES, of Kentucky, and it was not agreed to.

The question recurred on the passage of the bill.

Mr. EDEN, Mr. BAKER, of Indiana, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 100, not voting 66; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bell, Blair, Blount, Bradley, Horatio C. Burchard, Burleigh, Cannon, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Conger, Crounse, Culberson, Cutler, Danford, Denison, Douglas, Durand, Eames, Farwell, Fort, Foster, Frost, Frye, Garfield, Gibson, Goode, Gunter, Hale, Hancock, Haralson, Hardenbergh, Harrison, Hathorn, Hendee, Henderson, Goldsmith W. Hewitt, Hoge, Hoskins, Hubbell, Hyman, Jenks, Joyce, Kasson, Kehr, Kimball, Lapham, Leavenworth, Levy, Luttrell, Lynch, Lynde, Magoon, MacDougall, McCrary, Meade, Miller, Monroe, Morey, Morrison, Mutchler, Norton, O'Brien, Odell, O'Neill, Page Phelps, Piper, Plaisted, Platt, Potter, Powell, Pratt, Randall, Reagan, John Robbins, Miles Ross, Rusk, Sampson, Schleicher, Schumaker, Singleton, Sinnickson, Smalls, Strait, Teese, Terry, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Turney, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Erastus Wells, G. Wiley Wells, Wheeler, White, Whiting, Wigginton, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr. Fernando Wood, Woodburn, and Yeates—123.

NAYS—Messrs. Anderson, Ashe, Atkins, John H. Baker, Banning, Beebe, Blackburn, Boone, Bradford, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Crapo, Davis, De Bolt, Dibrell, Dunnell, Durham, Eden, Egbert, Evans, Felton, Forney, Franklin, Fuller, Glover, Goodin, Andrew H. Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Hopkins, House, Hunter, Hunton, Thomas L. Jones, Franklin Landers, Lord, McFarland, McMahon, Milliken, Money, Morgan, Neal, New, Oliver, Packer, John F. Philips, William A. Phillips, Pierce, Poppleton, Rea, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Sayler, Scales, Seelye, Sheakley, Slemons, Sparks, Springer, Stevenson, Stone, Tarbox, Thompson, Tucker, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Whitehouse, James D. Williams, Jeremiah N. Williams, Willis, Woodworth, and Young—100.

NOT VOTING—Messrs. Ainsworth, Barnum, Bass, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Caswell, Collins, Cowan, Cox, Darrall, Davy, Dobbins, Ellis, Ely, Faulkner, Freeman, Gause, Robert Hamilton, Hartridge, Hays, Henkle, Hill, Hoar, Holman, Hooker, Hurd, Hurlbut, Frank Jones, Kelley, Ketchum, King, Knott, Lamar, George M. Landers, Lane, Lawrence, Lewis, Edmund W. M. Mackey, L. A. Mackey, Maish, McDill, Metcalfe, Mills, Nash, Parsons, Payne, Purman, Rainey, Roberts, Sobieski Ross, A. Herr Smith, William E. Smith, Southard, Stenger, Stowell, Swann, Thomas, Charles C. B. Walker, Whitthorne, Charles G. Williams, James Williams, and Benjamin Wilson—66.

So the bill was passed.

During the roll-call,

Mr. TEESE said: I desire to announce that my colleague, Mr. HAMILTON, is absent by leave on business of the House; if here, he would vote "ay."

Mr. COCHRANE. I desire to announce that my colleague, Mr. STENGER, is absent on important business; if here, he would vote "ay." I desire also to announce that my colleague, Mr. MAISH, is also absent on business.

Mr. HOSKINS. I desire to announce that my colleague, Mr. DAVY, is absent by leave of the House; if present, he would vote "ay."

Mr. WALLACE, of South Carolina. My colleague, Mr. MACKEY, is still confined to his room by sickness.

Mr. HOPKINS. My colleague, Mr. MACKEY, is absent by leave of the House on account of sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I call for the previous question on the title of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the title of the bill was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I desire to move that the House resolve itself into Committee of the Whole on the Private Calendar; but before doing so I will yield for a few moments to gentlemen who have matters they desire to bring before the House, with the understanding that they will not lead to debate.

BUSINESS OF DISTILLING.

Mr. WHITING, by unanimous consent, introduced a bill (H. R. No. 2954) concerning corporations engaged in the business of distilling; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SALE OF THE OLD WASHINGTON JAIL.

Mr. HENDEE. I ask unanimous consent that the bill of the Senate (S. No. 682) to suspend the sale of the jail in Judiciary Square and for other purposes be taken up for consideration.

No objection being made, the bill was taken up and read.

It directs the Chief Engineer of the Army to suspend the sale of the jail on Judiciary Square in the city of Washington, and that the same be turned over for the use of the authorities of the District of Columbia temporarily, or until other jail facilities are provided; and it shall be lawful for the courts of the District of Columbia to order the confinement of prisoners therein.

Mr. HENDEE. If I can have the attention of the House for a moment I will attempt to show the importance of the passage of this bill at this time. In one of the appropriation bills of the last Congress it was provided that the old jail-building upon Judiciary Square should be sold, and that the funds arising from that sale should be appropriated to beautifying and improving the square itself. It is well know that within the last three or four years the United States has built a new jail in the northeastern part of the city for the confinement of criminals. When that jail was built it was supposed that it would be sufficient for the confinement of all the criminals sentenced by all the courts of this District, as well as the United States courts. But it has turned out to be too small for that purpose. There are two hundred and seventy-two single cells in that jail, and at this time there are two hundred and eighty-nine prisoners confined there.

It is also a fact that at the present time the criminals of this District who are sentenced by the police court are confined in the Washington Asylum building together with the poor supported by the District. In fact the poor of this District and the criminals of this District are kept in the same building. I look upon this as a great injustice to the poor, and I consider that the criminals are enjoying better company than they are entitled to.

Unless this old jail-building can be kept and used for a while it will be absolutely necessary, in order to take care of the criminals of this District, to build a new jail, which we should avoid if possible. General Babcock, under the law, has advertised the sale of this old jail-building to take place next Tuesday.

There is already before the Committee for the District of Columbia a bill providing that the old jail building shall be used for the purpose of constructing a wall about the new jail. That bill should be considered before the old building is sold; and in any event I think the commissioners of the District should have the power to confine criminals in the old jail rather than to continue to keep them in the company of the poor of the District. I hope this bill will pass.

Mr. GARFIELD. I would inquire of the gentleman what is the purpose of the Committee for the District of Columbia in regard to the ultimate disposition of the old jail?

Mr. HENDEE. We have no purpose at the present time in regard to it.

Mr. GARFIELD. Are both the old and new buildings to be used as jails?

Mr. HENDEE. The proposition simply is to turn over the old building temporarily to the commissioners of the District until some place can be provided in which to put the prisoners sentenced to confinement in the District of Columbia.

Mr. GARFIELD. Is the new jail in full operation now?

Mr. HENDEE. It is. It has two hundred and seventy-two single cells, and at the present time there are two hundred and eighty-nine prisoners confined there. The gentleman is aware, I suppose, that crime is increasing very fast in this District.

Mr. GARFIELD. Is the new jail full?

Mr. HENDEE. It is more than full; and the Attorney-General has refused to receive in it any criminals sentenced by the police courts of this District.

Mr. GARFIELD. I still want further information. The great object we had in view in appropriating money a few years ago to build the new jail was to provide ample accommodation for the criminals of this District, and also to clear away the unsightly building on Judiciary Square, a square that should be one of the most beautiful in this city. If that eyesore is to be made permanent, without any arrangement for its ultimate demolition, I should regard it as a very serious matter. For one, I would rather there should be a little discomfort somewhere than to continue that building.

Mr. HENDEE. We shall have to turn our criminals into the streets.

Mr. GARFIELD. How many are in the old jail now?

Mr. HENDEE. None; but the Washington Asylum, which is the poor-house and work-house of the District, has in it to-day two hundred and fifteen criminals and two hundred and nineteen paupers of this District confined together. We propose to take the criminals out of that building and put them in the old jail, where they belong. This bill makes only temporary provision until some arrangements can be made.

Mr. GARFIELD. Then I insist that we should have some limitation upon this matter of the old jail. The necessities of this hard winter, which no doubt have driven a great many men to the commission of crime, are only special, and I have no doubt they will pass away by spring.

The fact was communicated a few days ago to a committee of which I am a member that there are now in the city of Philadelphia over eleven hundred people wearing the badge of criminals, people who are self-committed, who want to the jails, not because they had committed crime, but because they were out of work and had nothing to live upon, and absolutely consented to the disgrace of becoming criminals in the poor-houses and jails of that city for the sake of avoiding the hardships of the winter. I hope, and I am inclined to believe, that a large number of the prisoners in our very large jail here is in a measure due to the hard winter.

I therefore suggest that this postponement of the sale of this old jail shall not be for more than four months, and that at the end of that time the sale shall go on. I will move an amendment to that effect.

Mr. HENDEE. I do not yield for an amendment. I wish to say that this bill was introduced into the Senate this morning by Senator MORRILL, of Vermont, chairman of the Committee on Public Buildings and Grounds, and as I understand was passed unanimously by the Senate in order to stop the sale of this building. I ask that this House shall concur in the passage of the bill, in order that it may receive the signature of the President in time to prevent this sale taking place on next Tuesday. If the sale is not stopped, then the question arises, will we not be called upon to furnish some place for the confinement of these criminals at a great expense to the District and to the country? It seems to me that this old building while standing there might as a matter of economy, if nothing else, be used for this purpose.

Mr. HALE. I hope the gentleman will accept the amendment of the gentleman from Ohio, [Mr. GARFIELD.] We have spent for the benefit of this District, in building a new and large jail, half a million dollars. Now I do not think the gentleman himself wants to do anything that will put upon us as a perpetuity the maintenance of two jails. Will not the amendment of the gentleman from Ohio, [Mr. GARFIELD,] which proposes to fix a limit to this suspension, meet that objection? Will not the gentleman from Vermont [Mr. HENDEE] yield to allow the amendment to be voted upon?

Mr. HENDEE. Certainly, if the gentleman wishes a vote upon it.

Mr. GARFIELD. I move, then, to add to the bill this clause:

Provided, That the suspension of the sale and removal of the old jail shall not extend further than July 1, 1876.

Mr. HENDEE. In order to accommodate my friend from Ohio, I yield to have the amendment voted upon; but I hope it will not be adopted.

Mr. GARFIELD. Mr. Speaker, it is very easy indeed to put into a law some make-shift intended to have a merely temporary effect, but which, if not limited as to the time of its operation, becomes a permanent law. I might give a dozen instances of that sort of management. In 1866 we started upon a career toward specie payments on a plan which, if it had been persisted in, would certainly have wrought out that end, so that long ago we should have been out of our trouble on that subject. But after that policy had been initiated some people said it was pinching a little, that its operation was somewhat severe, and therefore, in order for the time being to let up over a hard place, they proposed that the law should be suspended until the further action of Congress. The suspension was understood to be for just a few months, "until the crops should be moved," or until something else should be done; and there was a sort of moral promise that as soon as this was done the original act should again become operative. With that understanding the suspension was rushed through Congress with very little consideration or debate. But it has continued in force for ten years, and is the law to-day. There we have an illustration of the effect of the miserable make-shift policy of repealing for a temporary object, but without limitation as to time, a wise law, or one which, if not entirely wise, would have accomplished the desired result.

In the present case we have provided by law for the building of a new jail, which is now completed. One of the great purposes in providing for the erection of that building was to get rid of that old, unsightly, wretched, cholera hospital, a place hardly fit to put a human being in; to sweep away that nuisance from Judiciary Square. Provision has been made by law for the demolition of that old structure; but now, as a matter of temporary pressure, we are asked to suspend the order for its removal. Suspend that order in the form proposed in this bill, and that unsightly structure will remain indefinitely. It will require a series of legislative campaigns to get rid of that old jail. On the other hand, the insertion of a single clause limiting the operation of this bill until the 1st of July next will settle the matter.

It is so easy to fix things while you are at them; it is so difficult to adjust them if you let the favorable moment pass. We have now a law providing that the old jail must go down. My friend from Vermont shows sufficient reason why it should be allowed to stand for a few months; but he shows no reason why it should be continued as a perpetual nuisance upon our public grounds.

Mr. HENDEE. Mr. Speaker, I hope that this amendment will not prevail, because I am perfectly satisfied, from the information I have, that if it be adopted we shall have to pass between now and the 1st of July next another act providing a still further suspension. It has become a fact that in this District the courts have to cut short the terms of confinement of criminals who are sent to the Washington Asylum and other places because there is no place in which they can be confined properly. It seems to me that this old jail being ample for the purposes here contemplated, and being now empty, the commissioners and the courts of this District should have the power to use it temporarily until some other means can be provided; that we should not, at this time of economy, permit the sale of that jail and expend the money, and perhaps hundreds of thousands of dollars more, for the purpose of beautifying that square. I hope the amendment will not prevail. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. GARFIELD was rejected, there being ayes 13, noes not counted.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. CATE, by unanimous consent, obtained leave to have printed as part of the debates remarks on the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency. [See Appendix.]

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole on the Private Calendar. In connection with that I ask unanimous consent that to-day be considered "objection day." We lost our "objection day" last week.

The SPEAKER *pro tempore*. That motion cannot be entertained. "Objection day" is fixed by the rules absolutely.

Mr. BRIGHT. I supposed that the rules could be suspended by unanimous consent.

The SPEAKER *pro tempore*. The rules cannot be suspended, except by a motion on Monday or on one of the last ten days of the session.

Mr. BRIGHT. Well, I insist on my motion to go into Committee of the Whole on the Private Calendar.

Mr. O'BRIEN. Pending that motion, I move that the House now take a recess.

Mr. BRIGHT. I submit that that is not in order. By the rule which we have established, it was provided that the recess should be taken at half past four o'clock.

Mr. O'BRIEN. I hope the gentleman does not presume to intimate that we cannot take a recess whenever we please or adjourn whenever we please?

Mr. BRIGHT. I admit that, Mr. Speaker; but it was the understanding or agreement that we should work until half past four o'clock.

The SPEAKER *pro tempore*. The gentleman from Maryland did not have the floor to make the motion.

Mr. BRIGHT. I do not yield for any motion.

Mr. BRIGHT's motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. SPRINGER in the chair.)

MISSOURI LAND CLAIMS.

The CHAIRMAN. The first business on the Private Calendar is a bill (H. R. No. 819) to confirm certain land claims in the State of Missouri.

Mr. PHILIPS, of Missouri. That bill was reported from the Committee on Private Land Claims by my colleague, [Mr. BUCKNER,] who is absent by leave of the House on account of sickness, and I ask it be passed over for the present, not however to lose its place upon the Calendar.

There was no objection, and it was ordered accordingly.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The CHAIRMAN. When the Committee of the Whole rose from the consideration of the Private Calendar on a previous Friday the unfinished business was a bill (H. R. No. 344) to confirm certain land claims in the Territory of New Mexico, upon which the gentleman from Texas [Mr. HANCOCK] is entitled to the floor.

Mr. JOYCE. That bill was reported by me from the Committee on Private Land Claims. I do not see the gentleman from Texas present, and if there be no objection I will consent to the bill being passed over for the present, provided it does not lose its place upon the Calendar.

The CHAIRMAN. It will retain its place upon the Calendar.

Mr. JOYCE. Then let it be passed over.

There was no objection, and it was ordered accordingly.

MARY W. JONES.

The next business on the Private Calendar was a bill (H. R. No. 744) to increase the pension of Mary W. Jones.

The bill, which was read, directs the Secretary of the Interior to place the name of Mary W. Jones, the widow of the late Commodore Ap C. Jones, on the pension-roll for an increase of pension of $20 a month, to be paid from the passage of this act, making a pension of $50 a month.

The report was read, as follows:

The petitioner in this case is Mrs. Mary W. Jones, the widow of Thomas Ap C. Jones. The facts show that the husband of petitioner was, for about fifty-three years, an officer in the United States Navy. He received a wound while commanding the United States flotilla at the battle of New Orleans in the war with Great Britain. From this wound he never fully recovered. Thomas Ap C. Jones died in 1858. The son of petitioner, Lieutenant-Commander M. Patterson Jones, served twenty-five years in the United States Navy, serving with fidelity during the late war of the rebellion. He died suddenly in 1866, while on duty at the navy-yard Washington, District of Columbia. The loyalty of the petitioner is clearly shown by testimony filed with the petition.

Mrs. Jones received a pension from July 1, 1858, to January 1, 1870, at $50 per month, when it was cut down to $30 per month. The committee of the last Congress unanimously recommended the relief asked in the bill introduced for her relief at that time, and now re-introduced. The eminent services of the petitioner's husband and son, as herein set forth, would seem to warrant this committee in making a similar report.

The committee therefore recommend that the accompanying bill, giving petitioner $50 per month from passage thereof, do pass.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

LANDS CEDED UNDER TREATY OF WASHINGTON.

The next business on the Private Calendar was a bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842.

The preamble recites that the United States, in and by the treaty of Washington of July 9, 1842, by adopting a conventional line "from the monument at the source of the river Saint Croix, running north, following the exploring-line run and marked by the surveyors of the two governments in the years 1817 and 1818," instead of a true north line, did cede to the British Crown a strip of land commencing at an angle at said monument and increasing to nearly one mile in width at the river Saint John, certain portions of which, amounting to 10,718 acres and 137 square rods, had been granted to citizens of the United States by the States of Maine and Massachusetts while the same were within the lines of the United States and for which the United States received compensation in equivalents and concessions from the British Crown; and that the United States have made compensation to the States of Maine and Massachusetts for so much of said territory as was owned by them, respectively, and all citizens owning lands on the west of said exploring-line which vested in British subjects by operation of the treaty aforesaid under the act of July 12, 1862, and other acts, and have hitherto failed to make compensation to those citizens owning lands upon the strip and tract east of said exploring-line, which passed either to British subjects or the British Crown by virtue of said exploring-line being adopted as the treaty-line between the two countries at that point, whereby said citizens became entitled to compensation for said lands so appropriated to public use.

The bill then authorizes and directs the Secretary of the Treasury to pay to the parties entitled thereto compensation for said land taken from the State of Maine by said conventional line, and included in the province of New Brunswick, not exceeding 10,718 acres and 137 square rods appropriated by the United States as aforesaid, its value in money at the date of said appropriation; provided that the whole amount of compensation so made shall not exceed an average compensation of $3 per acre, and that the same shall be distributed and applied in proportion to the relative value of said lands when appropriated; and provided further, that all payments made under the act shall be in full of all compensation due by the United States for the lands so appropriated; and provided further, that in determining the amount and value of the land appropriated and the amount of compensation to be made to any claimant the Secretary of the Treasury may use any evidence heretofore taken in relation thereto by the Department of State or by the States of Maine or

Massachusetts, and any and all official documents and correspondence pertaining thereto.

The second section provides that to enable the Secretary of the Treasury to carry the foregoing section into effect $45,000, or so much thereof as may be necessary, is thereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments of the Committee of Claims are as follows:

In section 1 insert after the word "appropriation" these words:

And also for all timber cut therefrom by British subjects during the suspension of jurisdiction by the respective governments preceding said treaty.

In section 2 strike out "forty" and insert "thirty;" so it will read, "$35,000," &c.

The amendments were agreed to.

The report of the Committee of Claims made by Mr. TARBOX is as follows:

They find that the recitals of the preamble to the bill are true.

The subject-matter was before the Forty-third Congress, upon the petition of James A. Drew and others, and the careful report made thereon by Mr. DUNNELL of the Committee of Claims, which accompanies H. R. 2873, of the first session of that Congress, sets forth fully and concisely the facts and conclusions that establish the validity of the claim of the beneficiaries under this bill for the indemnity it provides.

Under the treaty of 1783, the division-line between the United States and the province of New Brunswick, on the east, was agreed to be a line drawn due north from the source of the Saint Croix River to the highlands that divide the waters flowing into the Gulf of Saint Lawrence from those which flow into the Atlantic Ocean. A dispute arose afterward in regard to the location of these highlands, which was not adjusted until the convention of 1842, which composed this and other vexed controversies. In 1794 the two governments determined the spot to be regarded as the source of the Saint Croix and identified it by a monument. No formal survey of this due-north line was ever made by the two governments in concert; but by authority of the State of Massachusetts the line was run from the monument by surveyors, in 1804, and in 1840 by Major Graham, of the United States topographical engineers. That the line fixed by these explorations is the true treaty-line of 1783 was claimed as beyond question by our Government, and in effect conceded by Lord Ashburton in the negotiations that preceded the conclusion of the convention of 1842. Long prior to this latter convention, and before the territorial dispute arose, the State of Massachusetts made grants of lands, by townships, chiefly to educational institutions and soldiers distinguished for patriotic services, bounding easterly on this line. By the treaty of 1842 a new boundary was adopted, in place of the old, to meet commercial and political exigencies, for which the United States obtained valuable compensations in the settlement of other boundaries. As thus newly established, the boundary, commencing at the head of the Saint Croix, by the monument, was made to diverge some degrees westerly from due north. In consequence of this variation, and by operation of the treaty provisions, the title to an amount of land equal to ten thousand acres or more, lying between the two boundaries, was divested from the proprietors under the grants and vested in British subjects; and it is to indemnify the proprietors for these lands taken by the sovereign power for a public use that the committee recommend the passage of the accompanying bill of relief.

In the year 1833, in consequence of the disagreement as to the boundary, it was arranged between the two governments, as appears from the diplomatic correspondence, that both governments should suspend the exercise of jurisdiction over the disputed territory (which included these lands) until a final adjustment of the controversy. This diplomatic understanding was adhered to until the convention of 1842 composed the troubles, with the exception that the authorities of Maine, in 1839, interfered by force to protect the valuable timber forests from depredations. During the period of suspended jurisdiction, principally from 1832 to 1839, and while the owners were powerless to protect their rights and interests, these lands were settled upon and the valuable growth of timber thereon removed by the subjects of Great Britain from the contiguous province. Under the operation of the fourth article of the treaty of 1842 these "squatters" who had been in actual possession for six years before the date of the treaty were confirmed in their titles, to the exclusion of the proprietors whose title was derived under their grants. Judicial determinations fully establish this construction and give effect to it. (See Little *vs.* Watson, 32 Maine Reports, page 214.)

The obligation of the Government to make this indemnity seems too clear for discussion, and is confessed by abundant precedent. In recognition of this obligation the Federal Government, by express provision of the treaty, allowed to the States of Maine and Massachusetts $300,000 for their public lands within the territorial cession.

By the act of July 12, 1862, Congress admitted and satisfied claims made for lands of individual owners which fell within the jurisdiction of the United States upon the reconstruction of boundaries, but which the proprietors were dispossessed of under the fourth article of the treaty, and the title thereto vested in British subjects. The lands specified in this bill constituted a portion of the townships granted by Massachusetts, which, at the date of the grants, were indisputably a part of her public domain. By the establishment of the conventional line of 1842 a section of these townships remained, as before, within the Federal jurisdiction, and a section was transferred to the British Crown. As to the whole, the American owners were dispossessed. For the part which fell within the jurisdiction, the Federal Government, acknowledging its liability, has made compensation. For the part which passed to the foreign jurisdiction, the bill under consideration proposes indemnity. The right to compensation in the two cases seems identical. It is pertinent to recall that a pecuniary compensation was made to the States of Maine and Massachusetts for their public lands so transferred to the British government, and of the lands so paid for by the Federal Government, a part occupied the same relative position as those covered by the provisions of this bill. Surely the right of the private proprietor to compensation should not be held less than the right of the State.

Exhaustive reports upon the various claims of this class, arising out of the treaty of 1842 have been submitted by committees of both branches of Congress in former years, with concurrent unanimity sustaining their justice and validity. We refer particularly to reports—

In the Senate:

By Mr. Wade, third session Thirty-fourth Congress, (Report No. 323.)

By Mr. Clark, first session Thirty-fifth Congress, (Report No. 168.)

In the House:

By Mr. Maynard, first session Thirty-fifth Congress, (Report No. 394.)

By Mr. Walton, second session Thirty-seventh Congress, (Report No. 72.)

By Mr. DUNNELL, first session Forty-third Congress, (Report No. 386.)

The bill reported favorably from the Committee of Claims of the last House of Representatives passed the House, but failed to secure action in the Senate.

The States of Maine and Massachusetts have each taken action in aid of the claimants, urging the justice of the claim upon the attention of the Government. The governor and council of Maine, in 1869, in execution of a resolution of the Legislature, investigated the subject, and found that the territory in question embraced 107.8 acres 137 rods, and its average value $3 an acre. The act of July 12, 1862, allowed compensation for contiguous lands of no greater value, inclusive of damage for timber removals while the exercise of jurisdiction was suspended, at the rate of $4 per acre.

The committee recommend that the bill pass with certain amendments, to wit: First, after the word "appropriation," in the tenth line in the first section of the printed bill, insert the words "and also for all timber cut therefrom by British subjects during the suspension of jurisdiction by the respective governments preceding said treaty." Second, in the twelfth line of the first section strike out the word "four" and insert "three," and strike out the words "more than." Third, in the second line of the second section strike out the word "forty" and insert "thirty" instead.

The bill, as amended, was laid aside, to be reported to the House with a recommendation that it do pass.

FIRST NATIONAL BANK OF SAINT ALBANS, VERMONT.

The next business on the Private Calendar was a bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada in October, 1864.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to the First National Bank of Saint Albans, at Saint Albans, in the county of Franklin, and State of Vermont, late financial agent and designated depository of public moneys of the United States, (under section 45 of the national-currency act, approved June 3, 1864,) the sum of $28,650, out of any money in the Treasury not otherwise appropriated, being the amount of United States 7.30 Treasury notes held by said bank as such financial agent of the United States for delivery to subscribers therefor, and belonging to the United States, and having been forcibly seized and taken away by an armed band of raiders from Canada, acting under the military authority and direction of the so-called Confederate States of America, on the 19th day of October, 1864, without the fault or neglect of the officers of said bank.

Mr. EDEN'S report was read, as follows:

The facts relative to the claim are stated in the report of the Senate Committee on Claims made to the Forty-third Congress, as follows:

On October 19, 1864, occurred what is known as the Saint Albans raid. About three o'clock in the afternoon of that day parties of from three to five men each, armed with navy revolvers, concealed under their coats, entered the three banks in the village of Saint Albans, Vermont. In two of the banks the cashiers and tellers were present; in the third, the cashier was alone. The men stated that they were confederate soldiers; that they had come to rob the banks and fire the village; and, presenting their pistols, threatened the officers of the banks with instant death if they should make any resistance or give any alarm. They then proceeded to rob the banks. Meantime other parties were seizing horses through the town, and, meeting with some resistance from the citizens, they began to fire on men passing in the streets, killing one or two and wounding others; and they also attempted to fire a hotel and some other buildings by the use of Greek fire. The banks were soon plundered, horses enough to mount the raiders seized, saddled, and bridled, and within thirty minutes after the banks were entered the whole party was galloping toward Canada. The citizens of Saint Albans, as soon as they recovered from the surprise of such an unexpected attack, armed and dispatched a company in pursuit of the raiders, and, by their active efforts that night and the next morning, ten of the raiders were taken and $74,000 of the stolen money recovered. Proceedings were begun in the Canadian courts for the extradition of the raiders thus taken, but the courts decided that their deeds were the acts of belligerents and not robbery and murder; that therefore they could not deliver them under the extradition treaty, and they were accordingly discharged.

June 22, 1864, the First National Bank of Saint Albans had been designated a depository and financial agent of the United States, and had been authorized to receive subscriptions for bonds and Treasury notes of the United States. They did receive, in September and the early part of October, subscriptions to the amount of $35,000 for the three-years' coupon Treasury notes bearing 7.3 per cent. interest, issued under the act of June 30, 1864. The money on these subscriptions was paid into the bank and placed to the credit of the Treasurer of the United States; report thereof was made to him, the Treasury notes were ordered for the subscribers, and, October 15, 1864, were received to the amount of $35,000. The bank immediately notified the subscribers, and by the 19th they had delivered $6,350 of them to subscribers residing in the vicinity. The remaining notes, $28,650, being the subscriptions of thirty persons, were seized and carried off by the raiders, together with large amounts of money and other property in the safes of the banks. The thirty subscribers demanded the delivery of the notes or the return of the money paid by them; and the bank, recognizing the demand as both morally and legally valid, paid to the subscribers their respective amounts, and now seeks relief from the Government for the same.

Section 5153 of the Revised Statutes provides that "all national-banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositories of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, and they may also be employed as financial agents of the Government, and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them.

Under the authority of said section, the Treasurer of the United States, on the 22d day of June, 1864, designated the First National Bank of Saint Albans a depository of public moneys, and on the 25th day of July, 1864, the Secretary of the Treasury authorized said bank "to receive deposits for three years' coupon Treasury notes, bearing interest at the rate of 7.3 per cent. per annum, to be issued under the act approved June 30, 1864," these notes to bear date August 15, 1864, payable three years after date, in lawful money, to be issued in blank or payable to order, as depositors should elect. The instructions of the Secretary of the Treasury states the conditions of the subscriptions as follows: "The original certificate, (of deposit,) which should be left with you (the bank) after indorsement, as herein directed, must be sent to this Department, and must state on the back the denomination of the notes wanted, and whether they are to be issued in blank or payable to order. The notes will be in denominations of $50, $100, $500, $1,000, and $5,000; and, when prepared, they will be sent to your bank for distribution to depositors, by express, at the expense of the Government." Deposits, when made, were placed to the credit of the Treasurer of the United States. August 19, 1864, notice was given in a Saint Albans paper, by agents of the Treasury Department, that subscriptions would be received to said loan by the First National Bank at Saint Albans, and other places mentioned. The notice specified that "the notes will be transmitted to the owners free of transportation charges, as soon after the receipt of the original certificates of deposit as they can be prepared."

The subscriptions were made upon the condition that the notes when prepared should be sent to the bank, for distribution to depositors, by express, at the expense of the Government. The raiders robbed the bank and prevented the Government from distributing the bonds The subscribers paid their money for the bonds, and it went into the Treasury. There being no default on their part, they should suffer no loss. As the bank refunded the money to the subscribers, we are of opinion that it has an equitable claim against the Government. We therefore report back the Senate bill and recommend its passage.

Mr. O'BRIEN. I should like to have a further explanation than is contained in the report.

Mr. EDEN. I am willing to explain the bill.

Mr. O'BRIEN. I would like to ask the gentleman from Illinois whether the committee investigated the facts?

Mr. EDEN. The committee did investigate the facts. There is no dispute about them at all.

Mr. O'BRIEN. Did the committee have any correspondence with the Secretary of the Treasury?

Mr. EDEN. It did.

Mr. O'BRIEN. What was his opinion?

Mr. EDEN. These bonds were taken from the First National Bank of Saint Albans by raiders. They were issued in blank; not payable to any particular person. When they came to the Treasury Department, the Government redeemed them rather than run the risk of impairing the credit of the bonds. This bank was simply acting as an agent for the Government. If gentlemen paid any attention to the reading of the report they would be in possession of all the facts.

Now, sir, under the banking laws, the Government has a right to demand national banks shall act as financial agents in the negotiation of loans. This bank, having been designated for that purpose, proceeded to receive subscriptions. The money subscribed was placed to the credit of the Government and drawn out on drafts from the Treasury. By the terms of the subscriptions the Government was to deliver the bonds. Those who lived in the immediate vicinity went and got their bonds before the raid occurred. The bonds were received on Saturday, and the raid occurred on Wednesday following. The amounts of bonds specified in the bill remained in the custody of the bank, and the raiders captured and carried them off. Notice was immediately given and a *caveat* filed in the Treasury Department by officers of the bank to stop the payment of the bonds. When the bonds came to the Treasury, however, as I have already stated, they were paid or converted into other securities. No notice was given to the bank, and no opportunity afforded to show that the parties presenting the bonds had notice they had been stolen. No chance was given to the bank to make proof.

The bank paid the money to the subscribers, and now asks the Government to indemnify it for that payment. The bank never owned the bonds, had no interest in the bonds, was simply acting as agent under the law to deliver the bonds which the Government had obligated itself to deliver to the subscribers by the terms of the subscription.

Mr. HENDEE. I wish to ask the gentleman from Illinois if it did not appear that there was no fault or neglect on the part of the bank officers, and if it was not the fact that it was not in their power to prevent the taking of these bonds by the raiders?

Mr. EDEN. Unquestionably so. There was no lache on the part of the officers of the bank They followed the raiders up immediately into Canada and captured them, but the courts in Canada held that these raiders were belligerents, holding in Canada a commission under the confederate government. Subsequently a portion of the stolen money was given up, but the bank lost a large amount of money. It does not ask the Government to refund the money. That was its loss. It only asks the Government to suffer the loss on account of the capture of the bonds, the bonds having been afterward paid by the Government.

I now yield to the gentleman from Vermont, [Mr. HENDEE,] who is familiar with the matter, if he desires to make any further statement in regard to it.

Mr. HENDEE. Mr. Speaker, the chairman of the committee to which this matter was referred has made a very full statement of the case, but I would like to add a little, with the permission of the Committee of the Whole.

The history of this affair is of course somewhat interesting, and although it is well known to the country, perhaps I might mention one or two facts connected with it. The Saint Albans raid, as it is called, which occurred in 1864, was organized under the instrumentality or by the direct authority of C. C. Clay, jr., and Jacob Thompson, who were agents of the confederate government, resident in Canada for that and other purposes. The report says that the men who came to Saint Albans for the purpose of robbing the banks there were confederate soldiers; so that we claim that the acts of these men were virtually acts of war.

Now, in the first place, this claim was presented to the British and American mixed claims commission for adjustment. That commission decided that inasmuch as this band of men were not organized, the British government was not to blame for the robbery or the taking of these bonds. Hence, the claim was disallowed, and by that tribunal; the pendency of the claim before that commission is the reason why it has not been presented to Congress before this day, though it was presented at the last Congress, but not reached.

This is no new principle. The principle sought to be recognized in this bill has been established by Congress a great many times in refunding to paymasters and postmasters and other Government officers money which has been taken from them, being the property of the United States, without fault or neglect upon their part. And in my remarks I will mention some of the cases which have been decided that are very similar to this case.

I would refer the committee to the following cases which have been favorably considered by former Congresses:

Act to relieve D. O. Cleveland, P. M. (Laws of 1873, page 722.)
Act to relieve A. A. Vance, P. M. (Laws of 1871, page 699.)
An act to relieve John S. Cunningham, paymaster United States Navy. (Laws of 1868, page 358.) This case was for public money stolen.
An act to relieve James Fulton, paymaster United States Navy, for clothes and small stores stolen. (Laws of 1867, page 636.)
Joint resolution to pay J. N. Carpenter, paymaster United States Navy, for clothing stolen. (Laws of 1864, page 587.)
Act to pay John H. Ellis, paymaster United States Army, for larceny of public money. (Laws of 1868, page 356.)
The rule has also been extended to mail contractors for horses captured by rebel forces and guerrillas during the war. (See joint resolution to pay John R. Beckley. Laws of 1867, page 644.)
Congress has also relieved collectors of internal revenue in cases of larceny of public money. (See act for relief of Robert Williams, jr., collector third district of Ohio. Laws of 1872, page 660.)
It has also relieved superintendents of branch mints for public moneys stolen from the Mint. (Joint resolution to pay George W. Lane. Laws of 1869, page 463.)
It has also relieved sub-treasurers where defalcations have occurred on the part of subordinate officers of the sub-treasury.
It has also paid losses of private individuals sustained at the hands of the public enemy during the rebellion. (See case of Margaret Merkin. Laws of 1873, page 767.)
It has also paid Thomas C. Magruder money stolen from him belonging to the Government, after the same had been refunded by him to the Government. (Laws of 1873, page 765.)
It has likewise relieved United States depositaries of public moneys stolen from them. (See joint resolution to relieve John L. Thomas, jr., and E. H. Webster, designated depositaries of the United States at Baltimore. Laws of 1871, page 703. See also an act for relief of John Hastings, late depositary of public moneys at Pittsburgh, Pennsylvania, for moneys robbed from him in 1854. Laws of 1866, page 605. See also an act for the relief of John T. Mason, late United States designated depositary at Baltimore, Maryland, for moneys paid into the Treasury by him, the amount of which was afterward shown to have been stolen or embezzled by his late clerk in said depositary. Laws of 1873, page 723.)

And as bearing on this case under consideration, I will cite the language of the Supreme Court in the case of United States *vs.* Thomas, 15 Wallace, page 337:

The late rebellion being a public war, the forcible seizure by the rebel authorities of public moneys in the hands of loyal Government agents against their will, and without their fault or negligence, was a sufficient discharge from their obligations in reference to said moneys.

These are the points of the case: In the first place, the bonds which were taken, to the amount of $28,650, were the property of the United States. They were in the hands of the First National Bank of Saint Albans as a designated depository; or, in other words, the bank was merely the agent of the Government for the delivery of the bonds to the subscribers. Now, the committee will remember that the act which established these banks compelled them to become depositories of United States bonds and money. It also compelled the banks to receive subscriptions for the 7.30 bonds of the issue of 1864. In pursuance of that law the Government of the United States called upon this bank to receive subscriptions for these bonds, what are known as the 7.30 three-year bonds of 1864. The bank did receive subscriptions from the inhabitants in the vicinity of the bank to the amount of $35,000. The Government was notified and forwarded the bonds to the bank for delivery to the subscribers. But before the subscribers could receive their bonds or the bank could deliver them, this raid occurred and the bonds were taken from the bank. Now, if the committee is satisfied that there was no fault and no neglect on the part of the bank in protecting that property, as a matter of course it should be relieved from loss.

I would further say that at the same time that these bonds were taken $12,000 in money in the bank was also taken, which they never have recovered, and of course they alone have and must suffer that loss. Further, they have been kept out of the use of this $28,650 for the term of twelve years. If the interest was paid the whole would amount to fifty-odd thousand dollars. That they do not seek to recover. They simply ask the Government to pay back to them just the amount of bonds taken from the bank which were the property of the United States.

I think the principle of law is well established that—

An officer or "agent" of the Government is only bound to exercise "a degree of care and diligence as the custodian of public moneys or securities which a careful, prudent man would require of his agent in a matter of private interest or exercise in his own affairs," and is only liable for negligence or dishonesty.

Mr. STONE. I desire to ask the gentleman from Vermont to state to the House how much money in the aggregate was taken from the First National Bank of Saint Albans? The report says that $74,000 of the stolen money was recovered.

Mr. HENDEE. The raiders took about $100,000, if I remember rightly.

Mr. STONE. And the bank recovered $74,000?

Mr. HENDEE. They recovered all but $12,000 of the money, saying nothing about these bonds; or perhaps I should say they lost $12,000 in money, and these bonds amounted to $28,650, and I think more.

I will be glad to add that I am personally acquainted with all the gentlemen connected with this bank, and can say that they are gentlemen of the highest order of character. Their affidavits are on file here, and can be examined by the gentleman if he wishes.

Mr. STONE. How will the bank determine what proportion of this sum belongs to them and what to the bonds?

Mr. HENDEE. The affidavits show that very conclusively, and the report, I think, is conclusive upon that point.

Mr. STONE. The report does not do it, and therefore I desire information from the gentleman so that I may vote intelligently.

Mr. HENDEE. The report may not show that, but I will state that the bank did suffer a loss absolutely of $12,000, over and above what

it recovered back, besides the loss of these bonds. I think there can be no objection to the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PAYMENT OF CLAIMS.

The next business on the Calendar was the bill in the nature of a substitute to the bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury, namely: Strike out all after the enacting clause and insert the following.

Mr. STONE. Is there any report accompanying this bill?

Mr. EDEN. I want to ask the indulgence of the House to say a word in reference to this bill.

The CHAIRMAN. The gentleman can do that after the bill has been read.

Mr. EDEN. But I do not want it read if it can be avoided.

The CHAIRMAN. The reading of the bill can be dispensed with by unanimous consent.

Mr. EDEN. It is a very long bill—a bill of nineteen printed pages, and the principal part of it consists of the names of claimants and the amounts due them.

The CHAIRMAN. The rule requires that the bill shall first be read at length.

The Clerk proceeded to read the bill, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned therein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers since June 30, 1874, under the second section of the act of Congress approved June 16, 1874, namely——

Mr. EDEN. I apprehend that the reading of the names and amounts can be dispensed with by common consent.

Mr. STONE. I object to it.

The CHAIRMAN. The gentleman from Illinois [Mr. EDEN] suggests that the schedule be not read unless desired by the committee. If the reading of the bill is called for, it must be read at length. If there be no objection, the schedule of the names and amounts will not be read.

Mr. STONE. I have asked for the reading of the bill at length.

Mr. EDEN. Does the gentleman require the reading of the names and amounts?

The CHAIRMAN. The Chair so understands.

Mr. STONE. I desire to have it read.

Mr. EDEN. If the gentleman will allow me to make an explanation about this bill I am sure he will withdraw his demand.

Mr. STONE. I will hear the gentleman.

Mr. EDEN. The amounts that are embraced in this bill are for the payment of accounts which have been passed upon by the accounting officers of the Treasury. This bill was before the House in the last Congress. It passed the Committee on War Claims without any opposition. It came into the House and was passed unanimously without the reading of anything but the title and sent to the Senate, but, it being near the close of the session, it failed to receive action in the Senate.

The law originally provided that these claims should be paid upon the recommendation of the accounting officers of the Treasury, without any action of Congress at all; but in an appropriation bill passed June 16, 1874, the law was changed, and now these accounts are sent to Congress for an appropriation.

This bill has been printed, and has been before the Committee of the Whole for three weeks or more. It was called once before on "objection day," and a single objection carried it over. If there is any gentleman upon this floor who wants to examine and see whether these accounts are correct or not, if he will go down into the room of the Committee on War Claims he will find a very large number of them down there; and if they were put in his hands for six months, and he was required to go over them and see whether the accounts were correct or not, I doubt very much whether he would throw any more light on the subject than the accounting officers of the Treasury have thrown on it. The accounts have passed through the Quartermaster's Department and through the Auditor's Office in the regular way that all accounts are passed in the Treasury; and until the passage of the act of 1874, to which I have referred, and which I desire to have read, the amount found due was paid without any action of Congress at all; and I apprehend that when that law was passed it was not intended that the members of this House should take up the papers in three or four hundred cases, some of them probably containing fifty, sixty, or one hundred pages of testimony, and go over the several accounts to see whether they are correct.

We have either got to rely upon the action of the accounting officers and make an appropriation upon that action, unless anything comes to light showing that there is something wrong in an account, or else these creditors of the Government have got to go without their money.

I venture to say that if Congress should refuse to pay these poor people for property taken and used by the Army under laws that authorizes payment therefor at the time it was taken, it will be just as much repudiation as repudiation of the bonds of the Government would be, and unless gentlemen intend that they will pass this bill after it has been examined by two committees of two different Congresses, otherwise they will repudiate this debt.

Mr. BRIGHT. What is the average amount of the claims allowed by this bill?

Mr. EDEN. I think about $100.

Mr. BRIGHT. What is the aggregate amount?

Mr. EDEN. About $112,000.

Mr. STONE. The gentleman said that if any one desired to look into these matters it would take him six months to do it.

Mr. EDEN. Yes; if he looked into them thoroughly.

Mr. STONE. I would ask the chairman of the Committee on War Claims, [Mr. EDEN,] reporting this bill, if he has thoroughly examined each and all of these claims?

Mr. EDEN. In answer to the gentleman I will say that, nothing appearing to the contrary, I took it for granted that the accounting officers of the Treasury have acted honestly.

Mr. STONE. No doubt about that. But the gentleman said it would take six months to examine into these claims.

Mr. EDEN. If you go over all the papers it will take that long.

Mr STONE. Has the Committee on War Claims gone over all the papers and evidence in these cases?

Mr. EDEN. It has not.

Mr. STONE. Does the committee make any report on these claims?

Mr. EDEN. It reports this bill. I ask the Clerk to read section 2 of the act of June 16, 1874.

The Clerk read as follows:

SEC. 2. That all balances of appropriations for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster and the Commissary Departments pending in his Office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

Mr. EDEN. In order to show how these claims were paid prior to the passage of the act just read, I desire the Clerk to read the law in operation before that time.

Mr. BRIGHT. By order of the House a recess is to be taken at half past four o'clock. There are but a few minutes left in which to report to the House and act upon the bills which this committee have directed to be favorably reported to the House. I ask the gentleman to yield now that I may move that the committee rise and report to the House the bills favorably acted upon.

Mr. EDEN. I will yield for that motion.

Mr. BRIGHT. I now submit the motion I have indicated.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report sundry bills to the House, with a favorable recommendation.

DISPENSING WITH NIGHT SESSION.

Mr. RANDALL. As is known to members, there is to be a caucus of the members of this side of the House to-night. It has been suggested to me by many members on the other side that they do not desire to be brought here to-night for a brief period only. I therefore ask unanimous consent of the House that the session of to-night be dispensed with, and that the session of this afternoon be continued beyond half past four o'clock, so that the House may be able to dispose of the bills reported from the Committee of the Whole.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House will now proceed to the consideration of the bills reported from the Committee of the Whole on the Private Calendar.

MARY W. JONES.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 744) to increase the pension of Mary W. Jones.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LANDS CEDED UNDER TREATY OF WASHINGTON.

The next bill reported from the Committee of the Whole was the following, with amendments:

A bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842.

The amendments were agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FIRST NATIONAL BANK OF SAINT ALBANS.

The last bill reported from the Committee of the Whole was as follows:

A bill (S. No. 58) to pay the First National Bank of Saint Albans, Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada in October, 1864.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill; and being taken, upon a division there were—ayes 41, noes 27.

Mr. STONE. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, tellers will be appointed if a further count is insisted upon.

Mr. STONE. I call for a further count.

Tellers were ordered; and Mr. EDEN and Mr. STONE were appointed.

The House again divided; and the tellers reported that there were ayes 86, noes not counted.

So the bill was passed.

Mr. EDEN. I move to reconsider the various votes by which the bills reported from the Committee of the Whole on the Private Calendar have been passed; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHIEF CLERK OF THE HOUSE.

The SPEAKER *pro tempore*. At the request of the SPEAKER, the Chair lays before the House a communication which the Clerk will read.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., March 31, 1876.

SIR: I notice in the RECORD of day before yesterday, the 29th instant, the following remarks purporting to have been made by Hon. J. D. WHITE, of Kentucky, in reference to myself:

"Knowing as I did of a charge of corruption made against Hon. Green Adams, now Chief Clerk of this House, while he was Sixth Auditor of the Treasury, for appropriating several thousands of dollars to his own use which should have been paid into the Treasury, since the money was the proceeds of the sales of waste-paper which belonged to the Government—I say that, being cognizant of these facts, it struck me as a little bit amusing that this man Green Adams should be the officer of this pure democratic House to carry articles of impeachment from here over to the Senate. He was a republican then, but you took him from us and rewarded him with a high office."

The facts in regard to the matter thus alluded to are as follows:

In the year 1864 I resigned the office of Sixth Auditor of the Treasury for the purpose of accepting the office of Treasury agent for the purchase of products of insurrectionary States, at Nashville, Tennessee, and hurriedly left for the performance of the duties of the new office to which I had been appointed, without making or pretending to make any final settlement of my accounts with my successor, who had not then been appointed, and who I had good reason to believe would not be appointed for some time thereafter; leaving, however, on file in the Auditor's Office, over my own signature, receipts for all moneys received by me on account of waste-paper or otherwise.

After the lapse of some time an Auditor was appointed, who found on file my receipts and reported to the then Secretary of the Treasury, Mr. Fessenden, that there was a balance due from me to the Office, and thereupon, my attention being called to the fact, the amount found due from me to the Office was promptly paid over to my successor and his receipt taken therefor.

From that time to this I am not aware that any one has ever seriously charged me with anything improper in connection with this matter; and, whatever may be the supicions of others, it is certain that Mr. Fessenden, who was then Secretary of the Treasury and was cognizant of all the facts, never charged or even suspected me of any impropriety or attempted impropriety in this connection, but, on the contrary, manifested his entire confidence in my integrity and uprightness of character by retaining me in the responsible office of purchasing agent and placing to my credit large sums of money to be used by me for the Government.

I have thought proper to state this much in explanation of the matter thus alluded to, and respectfully request in justice to myself that this communication be laid before the House of Representatives.

I am not conscious of ever having appropriated to my own use any money belonging to the Government and will esteem it a favor to have thoroughly investigated any charge of this kind which any one may see proper to make against me.

Very respectfully,

GREEN ADAMS.

Hon. M. C. KERR,
Speaker House of Representatives.

Mr. BOONE. I move that the communication just read be referred to the Committee on Expenditures in the Treasury Department, with instructions to investigate and report whether or not the charges made by the gentleman from Kentucky [Mr. WHITE] are true or false.

Mr. WHITE. I second that motion.

The motion was agreed to.

VENTILATION OF THE HALL.

Mr. SPRINGER. I ask unanimous consent to offer the following resolution:

Resolved, That the Clerk be directed to discharge the present engineer and appoint some competent person in his place.

Mr. Speaker, I desire to have this resolution referred to the Committee on Public Buildings and Grounds for the purpose of having an early report upon this subject. I do not know this engineer, nor do I know anything as to the truth of the statement which I find in the papers, that he is endeavoring to demonstrate the insufficiency of our heating and ventilating apparatus, in order to have the House adopt some other system of heating and ventilation. I know nothing about these things; but I do say that if he had desired to introduce a system of torture he could hardly have accomplished the result more successfully than he has done for the last few weeks. I move that the resolution be referred to the Committee on Public Buildings and Grounds.

Mr. CONGER. I object to that resolution.

Mr. SPRINGER. I only ask its reference.

Mr. CONGER. Well, I object to its reference, for there is already a committee investigating this man's conduct.

Mr. SPRINGER. Is not this a question of privilege?

The SPEAKER *pro tempore*. The Chair cannot recognize it as such.

REAL-ESTATE-POOL INVESTIGATION.

Mr. GLOVER. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Whereas on the 24th day of January, A. D. 1876, the House adopted the following resolution:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested, and the amount paid or to be paid in settlement, with power to send for persons and papers and report to this House."

Be it resolved, That said committee be further authorized and directed to likewise investigate any and all matters touching the official misconduct of any officer of the Government of the United States or of any member of the present Congress of the United States which may come to the knowledge of said committee: *Provided*, That this resolution shall not affect any such matter now being investigated by any other committee under authority of either House of Congress; and for this purpose said committee shall have the same powers to send for persons and papers, to inspect and examine respectively, as conferred by said original resolution.

Mr. CONGER. I object.

PAYMENT OF HOUSE EMPLOYÉS AND WITNESSES.

Mr. DENISON. I ask unanimous consent to submit a resolution for reference to the Committee on Appropriations.

The Clerk read as follows:

Whereas it is alleged that the employés of Congress and witnesses called before the committees do not promptly receive their pay, but certain of them are offering to sell their claims for much less than the face value of the same, for the reason that no funds are appropriated to make said payment: Therefore,

Resolved, That the Committee on Appropriations be requested to inquire without delay what amount of appropriation is necessary to supply the deficiency and report by bill as soon as practicable, to prevent any further default in said payments.

Mr. RANDALL. I desire to state that the Committee on Appropriations are considering that subject and would have passed upon it to-day but for the fact that they had not the itemized account as to all the deficiencies. It is the purpose of the committee at once to prepare a bill to provide for all the deficiencies, and this will be included.

The SPEAKER *pro tempore*. Is there objection to the reference of the resolution to the Committee on Appropriations?

There was no objection, and it was referred accordingly.

ESAU PICKRELL AND OTHERS.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 2955) for the relief of Esau Pickrell and the legal representatives of William H. Eades, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DANFORD until April 5 on account of sickness; to Mr. PHELPS for ten days from next Monday on account of important business; to Mr. WILLIAMS, of New York, until next Wednesday on account of important business; and to Mr. WALLACE, of South Carolina, for ten days from next Monday.

PROPOSED ADJOURNMENT TILL MONDAY.

Mr. CONGER. I move that when the House adjourns to-day it adjourn till next Monday.

Mr. RANDALL. O, no! I hope not. There is a special assignment for to-morrow.

Mr. SAYLER. Yes, sir; and for a matter of very great importance: the steamboat bill.

The motion was not agreed to; there being ayes 27, noes not counted.

Mr. SAYLER. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: The petition of J. H. Ray and 45 others engaged in the cultivation and manufacture of flaxseed and oil therefrom, in Indiana, that no change be made in the duty on such seed and oil of foreign growth and manufacture, to the Committee of Ways and Means.

By Mr. BLAIR: Memorial of the Society for the Better Protection of Animals of the county of Cheshire, New Hampshire, for legislation providing for the humane treatment of animals when being transported over the railway routes of the country, to the Committee on Agriculture.

By Mr. BURLEIGH: The petition of Hayes & Douglas and others, of Portland, Maine, importers and dealers in crockery, china, and glassware, that a uniform rate of 30 per cent. be levied upon earthenware, crockery, china, and glass ware, exclusive of packages, land freight, shipping charges, and commissions, to the Committee of Ways and Means.

By Mr. COCHRANE: Memorial of citizens of Allegheny County, Pennsylvania, that the present tariff laws remain undisturbed, to the same committee.

By Mr. COX: The petition of E. & J. Karelson, to strike glaziers' diamonds from the free list, to the same committee.

Also, the petition of A. A. Low and other merchants of New York, against the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. CRAPO: The petition of Captain Joseph Bayles and many other shipmasters, for the passage of the proposed law abolishing compulsory pilotage, to the Committee on Commerce.

Also, the petition of Van Brunt & Brothers and numerous merchants and firms of New York and Jersey City, of similar import, to the same committee.

By Mr. DANFORD: The petition of J. T. Whipple and others, of Perry County, Ohio, for the equalization of bounty, to the Committee on Military Affairs.

By Mr. DURHAM: The petition of citizens of Casey County, Kentucky, that the charges against General Franklin L. Wolford be removed, and that he be honorably discharged from the service of the United States, to the same committee.

By Mr. FAULKNER: The petition of 302 citizens of Harper's Ferry and of the county of Jefferson, West Virginia, that immediate steps be taken for the sale of the water power of the Government property at Harper's Ferry, to the same committee.

By Mr. HOPKINS: Three petitions of workingmen of Allegheny County, Pennsylvania, against a reduction of the tariff, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of Ellen G. Slemaker, of Washington, District of Columbia, for the correction of an erroneous award of the southern claims commission, to the Committee on War Claims.

By Mr. KNOTT: Papers relating to the claim of Jacob Kaufman, for goods taken and destroyed during the late war by Federal soldiers. to the same committee.

By Mr. McMAHON: The petition of Philip Levasseur, for a pension, to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of T. E. De Bruin and 32 other soldiers of the late war, that $200 in money be granted them in lieu of a land warrant, to the Committee on Military Affairs.

By Mr. ROBBINS, of North Carolina: Resolutions of the Chamber of Commerce of Wilmington, North Carolina, favoring the organization of the Signal Service as a distinct corps, to the Committee on Military Affairs.

By Mr. ROBBINS, of Pennsylvania: The petition of J. P. Morris Iron-Works Company and 80 other citizens of Philadelphia, against any change in the present tariff, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of Alfred Kittridge and 30 others, of Haverhill and Bradford, Massachusetts, that greenbacks shall be received by the United States for all duties on imports, to the same committee.

By Mr. THROCKMORTON: Papers relating to the claim of John T. Morris, for compensation for the apprehension of parties concerned in mail robberies in Texas, to the Committee of Claims.

By Mr. TOWNSEND, of New York: A paper relating to a post-route from Nassau to Niverville, Columbia County, via the village of North Chatham, in the same county, to the Committee on the Post-Office and Post-Roads.

By Mr. TURNEY: The petition of citizens of Pennsylvania, for the establishment of a post-route from Manor Station, on the Pennsylvania Railroad, via Adamsburgh, Cribbs, New Stanton, Waltz's Mill, Madison, Fulton, Aronia, thence to Adamsburgh and Manor Station, the place of starting, to the same committee.

By Mr. VANCE, of Ohio: The petition of E. E. Ewing, of Portsmouth, Ohio, that a uniform duty of 30 per cent. be levied upon earthenware, crockery, china, and glass ware, exclusive of package, shipping charges, and commissions, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: Resolutions of the Chamber of Commerce of Wilmington, North Carolina, favoring the organization of the Signal Service as a distinct corps, to the Committee on Military Affairs.

By Mr. WELLS, of Missouri: The petition of wholesale dealers in and manufacturers of distilled spirits of Saint Louis, Missouri, for the definition of the powers and duties of officers of internal revenue, and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. WILLIAMS, of New York: The petition of James H. Signor, B. F. Jackson, and 55 others, against any change in the tariff at this time, to the same committee.

Also, the petition of E. Fairbanks, Wilbur Smith, and 82 others, of similar import, to the same committee.

By Mr. WOODWORTH: The petition of Mrs. Sydney J. Wood, for a pension, to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev I. L. TOWNSEND.

The Journal of yesterday was read and approved.

BELKNAP IMPEACHMENT.

Mr. HUNTON. The chairman of the Committee on the Judiciary, [Mr. KNOTT,] who is unavoidably detained from the House to-day on the business of the House, has requested me to give notice he will call up the articles of impeachment of the late Secretary of War on Monday next immediately after the morning hour.

CONCRETE PAVEMENT FOR PENNSYLVANIA AVENUE.

Mr. MOREY. I ask unanimous consent, Mr. Speaker, to introduce, by request, a resolution for reference to the Committee for the District of Columbia.

The Clerk read as follows:

Resolved, That the Committee for the District of Columbia be directed to examine and report at the earliest practicable moment which of the concrete or asphalt pavements laid under contract with the authorities of the District of Columbia has proven to be the most durable, and report the cost for laying the same on Pennsylvania avenue from First to Fifteenth streets northwest, together with their recommendation.

The resolution was received, and referred to the Committee for the District of Columbia.

RELIEF FOR WASHINGTON PROPERTY-HOLDERS.

Mr. HENKLE, by unanimous consent, presented the memorial of certain property-holders in Washington, asking for relief; which was referred to the Committee on Public Buildings and Grounds.

COMMERCE AND NAVIGATION.

Mr. REAGAN. I now call up the special order for this day.

The SPEAKER. The special order for to-day is the consideration of a bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, reported from the Committee on Commerce by the gentleman from Texas, [Mr. REAGAN.] Is it the pleasure of the House that the bill shall be read a first time for information?

Mr. REAGAN. I will not ask that, as the bill has been already gone over; but, on the contrary, I ask it be read section by section for amendment under the five-minute rule as in Committee of the Whole.

The SPEAKER. This bill has been made the special order for to-day, and is to be considered in the House as in Committee of the Whole under the five-minute rule. There being no objection, the first reading of the bill for information will be dispensed with.

There was no objection, and it was ordered accordingly.

The Clerk proceeded to read the bill.

Mr. LYNDE. Mr. Speaker, in the first section, which has just been read, there are a great many amendments of different sections of the Revised Statutes, all of which are important. It seems to me we should consider each amendment of the Revised Statutes by itself, as it is set forth in each separate clause of the bill.

Mr. REAGAN. That certainly would be the most convenient way of considering the bill.

The SPEAKER. The proper way to consider this bill for amendment would be by paragraph, and not by section.

Mr. REAGAN. I hope that will be the course taken.

Mr. HALE. I rose after the Clerk commenced reading line 12. If there has been any understanding reached as to the mode of proceeding I did not quite catch it, as my attention was directed elsewhere.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The Clerk will begin the reading of the first portion of the bill over again, and amendments will be in order at the end of each paragraph.

The Clerk read as follows:

That section 4233 of the Revised Statutes of the United States shall be amended by inserting, after the third line in said section, the words:

"And by all foreign vessels within the jurisdiction of the United States."

Mr. LYNDE. I hope that the amendment now proposed by this bill will not be adopted by the House. I will state the rules sought to be amended are rules of navigation which were adopted in Great Britain in 1863, and subsequently in 1865, I think, were first adopted by the American Congress. These rules have been adopted now by all the commercial nations of the world. The language used in them has been frequently adjudicated by our courts of admiralty and by all the commercial courts in the world. It seems to me, therefore, to be bad policy in Congress to introduce new language in place of that originally used in these rules.

This paragraph now sought to be incorporated into this act, it seems to me, would involve us in difficulties, and at the same time accomplish no good. The statute as it reads at the present time is the following:

The following rules for preventing collisions on the water shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States.

Now, we have a right to make rules of navigation that will apply to our own Navy and the mercantile marine of the United States, but as to foreign vessels I think we have no right, except they have adopted

similar rules in the country to which those vessels belong. I believe that rule has been laid down by the courts. I have not examined the decisions which have been made on this particular clause of the act, but there have been several decisions made by the Supreme Court as to how far these rules have been applicable to foreign vessels. As the statute now reads, it has been construed and is well understood. I know of no evil existing under it and I see no propriety in amending it.

Mr. REAGAN. The committee have carefully examined this subject; and the particular change to which the gentleman from Wisconsin [Mr. LYNDE] has referred had in view to give the greatest practicable security to life, person, and property on vessels within the waters of the United States. In order to do that they aimed to bring within our navigation rules, as provided for by this amendment, and others that will be reached as we proceed, foreign vessels within the waters of the United States.

It perhaps did not attract the attention of the gentleman from Wisconsin that I explained in presenting the bill on a former day that in making this change we followed the change in the British shipping and navigation laws. They make our vessels—and I understand the same is the case with reference to other foreign governments—they make our vessels in their waters in this and in many other respects that I will point out, if called upon, subject to their laws when in their waters. The reason of this will be very readily seen. If our vessels in our waters are bound by particular rules and the vast number of foreign ships in the same waters are released from obligation to obey these rules, it will be seen that continual collisions and disasters may be the result. The object of this amendment is to avoid this, and make all the vessels, except the public vessels of foreign countries, observe the rules for navigating the waters of the United States. Both as a matter of expediency, and because it conforms to the British law on this subject, and because it was stated by many of large experience and information upon this subject that it was necessary, the committee without dissent adopted the amendment which will make the section when amended read as follows:

The following rules for preventing collisions on the waters shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States and by all foreign vessels within the jurisdiction of the United States.

The words "and by all foreign vessels within the jurisdiction of the United States" are the words that are added by the amendment in the bill.

Mr. HARRISON. I would like to ask the gentleman from Texas one question. Should not the language be "in waters within the jurisdiction of the United States?"

Mr. REAGAN. Vessels are not apt to navigate the land.

Mr. HARRISON. That is true; but will there not be a difficulty? What puts a vessel within the jurisdiction of the United States?

Mr. REAGAN. We followed the language, I believe, of the British shipping act. It may be possible that the sense might be made more complete, as the gentleman from Illinois [Mr. HARRISON] suggests, but it was not deemed to be necessary by the committee to adopt that fullness of expression.

Mr. LYNDE. I understand the British act to provide that wherever any commercial nation has adopted the same rules, then these rules adopted by the British government shall be applied in their courts to the vessels of those other nations; but where a commercial nation has failed to adopt the rules, then the English courts do not apply these statutory regulations to control their adjudications.

I understand the law of navigation, as it is generally interpreted by the courts of admiralty, to be a part of the law of nations, and that no one nation can lay down a new rule as applicable to vessels belonging to a foreign government even within its own waters, for a vessel of any government is a part of and carries with it all of the rights of the nation to which it belongs. And therefore, although the British government has adopted that rule as to our Government, it is because we have adopted the same rules which they have laid down.

I therefore can see no possible benefit to be derived from this amendment. The rule as it is now laid down is well understood. It is applicable to all nations who have adopted the same rules of navigation that we have adopted, and they have been adopted by almost all of the commercial nations of the world. I was glancing my eye over the list to-day, and I find that there are twenty-eight of the commercial nations of the earth which have adopted these rules; but we must not apply these rules to nations which have not adopted them.

Mr. CONGER rose.

Mr. REAGAN. I desire to say just one word before the gentleman from Michigan [Mr. CONGER] takes the floor.

It seems to me, with all deference to the learning of the gentleman from Wisconsin, [Mr. LYNDE,] that he is proceeding in his argument on the assumption that the privilege of foreign vessels to navigate American waters or of American vessels to navigate foreign waters is a matter of right. He forgets that it is but matter of comity and subject to the authority of the country whose waters are navigated. And while it is so a matter of comity, every nation reserves to itself the right, independent of the authority or consent of any other nation, to prescribe the rules for the navigation of its waters. The gentleman speaks of these rules as having been adopted, as if they were adopted by a sort of general consent; that is, the consent of each nation depending upon the consent of some other. In that view I apprehend the gentleman is totally mistaken.

The British government did not inquire of the United States Government whether they would consent to the laws which were in force, as the gentleman from Wisconsin mentioned, before this rule was adopted; nor did they ask for our consent or approval for the modification of the rule subjecting American vessels to the British navigation laws in British waters. This being so, it seems to me there can be no just foundation for the gentleman's objection. And, in addition to that, expediency and necessity, the safety of commerce, the safety of shipping, the safety of life, depend on the uniformity of the rules applicable to all vessels navigating our waters, if this can be secured in conformity with law and without offense to other nations.

In the great port of New York, or of New Orleans, or of San Francisco, or in ports on the lakes where there are so many vessels, if a portion of them are navigated under the laws of the United States and another portion navigated under the laws of another country, and where there are just as many systems of navigation laws as there are vessels hailing from different countries, the rules of which may be in conflict with one another, it must necessarily produce collisions and loss of life and property. I think the amendment is a good one.

Mr. CONGER. I move to strike out the last word. There are some reasons why such an amendment as this should be adopted now which have never existed at any previous period when these laws have been under consideration.

This is a bill to provide for the security of life and property. It is a system of rules, regulations, and laws for the preservation of property and the security of life on our navigable waters. At the time when the laws on this subject were revised in 1871 and embodied in an act then passed by Congress, it was desired to embrace within the provisions of that law all the vessels which navigated the waters of the United States within our jurisdiction. Many desired at that time to incorporate this same provision in the law, but for some reason it was not thought best. This provision is so worded that the rules will apply only to vessels within the jurisdiction of the United States; that is, on the ocean within a marine league or within our harbors. But since that time, by the treaty of Washington, some of our inland waters have been opened to the commerce of other nations entirely as much as our own, and that, too, in cases of inland waters entirely within our own jurisdiction, like Lake Michigan for instance; that treaty gives to some foreign vessels an absolute right in the coast trade and navigation within our inland waters which was not before given.

Now, the result of controlling foreign vessels in our harbors, on our lakes, or our rivers, is to make stringent rules to protect property and preserve life. Unless we apply to foreign vessels entering our harbors the same rules followed by our own vessels, the vessels of every nation may enter our harbors, endanger the lives of our people and the lives of passengers on the foreign vessels, and endanger property just as much as if one-half of our own vessels were exempt from the operation of the rule. It will create great confusion. In my judgment this is a very wise provision, and therefore it was my judgment that it should have been adopted even before the extension of the rights of navigation of our waters to foreign nations.

I will say that in the main these rules are copies of the English admiralty rules on the same subject, copies in the main of the French rules, and of the rules of all the maritime nations. The differences are so slight in our own rules—applying more to the river navigation of the Mississippi in special rules in relation to that river—the differences are so slight, that foreign vessels without extra expenses and with very little additional study may conform themselves to our rules.

I may say in conclusion that in my opinion the necessity of having these rules enforced by law on foreign vessels in the harbor of New York, on the Hudson River, on the Mississippi, but, far more, on our inland lakes, has become so apparent, that I should hesitate long before I would oppose an amendment like this; and I am surprised that my friend from Wisconsin, [Mr. LYNDE,] representing as he does more particularly the interior lakes, should object to this amendment. I should hesitate before objecting unless some better reasons were given than I have yet heard.

I withdraw the amendment.

Mr. LYNDE. Mr. Speaker, I renew the amendment. The gentleman should be aware at any rate that these rules of navigation are applicable to all vessels navigating our lakes. The same rules are adopted by the British government as by our Government, and the same rules apply to all commercial nations; but the British government, before they applied the rules to any other than their own vessels, required that due notice should be given that those rules had been adopted by such other nations, and they were notified by our Government and all other governments when the rules were adopted by those governments. The court of admiralty applied the rules then to foreign vessels, but in New York there are very few vessels that enter that do not come subject to these rules, because the governments to which the vessels belong have already adopted the same rules.

But what I object to is the broad language used in this amendment, making it apply to the vessels of all foreign nations, whether they have adopted similar rules or not.

I do not believe we have a right to adopt rules of navigation for foreign vessels except so far as similar rules have been adopted by the country to which those vessels belong. It is true we have the right to adopt police regulations in our several harbors, such as re-

quiring all vessels to have pilots on board. We have not the right to lay down a long series of rules as to the manner in which these vessels shall be navigated or as to the lights they shall carry unless the governments of the countries to which they belong shall have adopted similar rules.

Mr. REAGAN. I would say to the gentleman from Wisconsin [Mr. LYNDE] that if he will look at the paragraph he will see that it is not necessary for him to argue the broad question he is arguing. It relates only to the rules in one section of the Revised Statutes, and not to all the rules that are contained in the statutes upon this subject.

Mr. LYNDE. This paragraph relates to everything which I have suggested, to the manner in which vessels shall be navigated in order to avoid collisions, to the lights they shall carry, and the manner in which those lights shall be carried. I think the law as it now stands, having been interpreted by the admiralty courts, not only of our country but of all commercial nations, is much safer and better than the amendment proposed by this bill.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The question is upon the pending amendment.

Mr. REAGAN. This bill is reported as a substitute for a bill originally introduced by the gentleman from Ohio, [Mr. SAYLER.] If there is any objection to it the proper motion would be to strike out something contained in this bill.

Mr. CONGER. Any amendment to the bill must be to strike out or to insert something. It is not necessary to call for a vote upon any particular paragraph which has been read, and I believe no amendment has been offered to the pending paragraph.

Mr. LYNDE. I move to strike out the pending paragraph.

The motion was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

That in rule 15, titles B and C, the word "five" shall be stricken out and the word "two" inserted.

Mr. HALE. I move to amend by adding to the clause just read the following:

That in rule 15, title B, after the word "fog-horn," insert the words "which may be heard at the distance of one mile."

I think this is a good bill in almost every respect, and I do not mean to antagonize it except in certain small particulars.

Mr. CONGER. Would not the gentleman be willing to move his amendment to the last clause of the rule, and not to the paragraph pending?

Mr. HALE. I propose to offer it to title D, also, when we reach that.

Mr. CONGER. Title D is intended to cover all these others, and therefore an amendment there would apply to all the others.

Mr. HALE. I am not certain it would cover both.

Mr. CONGER. It is intended to cover all the preceding clauses in relation to fog-horns.

Mr. HALE. It is only as a matter of security. There are certain things that I think may, perhaps, have been overlooked by the gentleman from Texas [Mr. REAGAN] which bear severely upon a class of our navigation interests that perhaps have not been heard in the make-up of this bill; that is, the class of small coasting and fishing vessels and boats that in many cases ply in waters where a steamboat is never seen nor heard. The provision of the bill that requires, for instance, that fog-horns shall be sounded every two minutes instead of every five minutes, or a bell to be sounded every two minutes instead of five, with a penalty annexed in some cases of $200, would become very onerous upon these small vessels. Now it is not at all essential to the bill that these extreme penalties should be inflicted.

Take, for instance, this amendment which I have offered. It is provided now that every sailing-vessel, she may be a little craft of five, or ten, or fifteen, or twenty tons burden, must be provided with a fog-horn with a power equal to a steam-whistle. Now that is not practicable; it is not a thing that can be done, unless you oblige these small vessels, owned by men who work hard to barely get a living, to purchase some patent fog-horn which some monopoly has got hold of, and which will cost them three or four times what they have been obliged to pay heretofore, in order to get one to equal a steam-whistle. The reed-horn that the little vessel has got, which will cost one and a half or two dollars, will be heard at the distance of a mile.

Now I do not believe that any gentleman here who is acquainted with this kind of craft and their business, and the needs of signaling and of sounding a fog-horn, which I admit, will object to my amendment which obliges the master of a small craft to sound a horn that may be heard for a mile. I hope the gentleman from Texas [Mr. REAGAN] will not object to this amendment.

Mr. REAGAN. I can conceive of the difficulty indicated by the gentleman from Maine [Mr. HALE] in regard to small vessels that are not brought in contact or liable to be brought into collision with other vessels. And if it were possible to make an amendment that would meet the case without producing danger elsewhere, I would have no objection to it.

We must understand, however, that this provision is intended to guard against collisions of vessels in thick and foggy weather. Where one vessel runs others may run. And we should not relax the rule. The amendment in title B is that sail-vessels, when under way in a fog, shall sound a fog-horn at intervals of not more than two minutes; and it is for the greater security, not only of steamers but of all vessels. It is deemed necessary for the reason that otherwise a vessel may not have sufficient or even any warning of its approach to other vessels. A steamer will run a mile or more in the time intervening between the fog-signals of a sailing-vessel as now fixed by law—that is, five minutes—while it may be impossible to hear such fog-signals at that distance. Thus the steamer may come upon the sailing-vessel without any warning whatever. If a sailing-vessel having a fair wind were moving toward a steamer at the same rate, the fog-signal to be effective under the present statute must be heard on board a steamer at a distance of two miles, which is practically impossible.

The same argument will apply to the amendment in title C. The object is security; and gentlemen will see the danger of requiring the necessary fog-signal to be sounded only every five minutes, instead of every two minutes. No one, perhaps, will controvert the statement I have made, that as the law now stands vessels approaching each other may be brought into collision if a fog-signal cannot be heard for two miles, which is impracticable. The object is to give security; and while the requirement now proposed may cause some little inconvenience, it is to be remembered that the security of vessels and their freight, the safety of the crew and passengers, is a matter of sufficient consequence to require us to provide the necessary means of security.

As to the strength of the fog-whistle, it should certainly be sufficient to be heard not less than a mile—which I believe is the distance indicated by the gentleman from Maine, [Mr. HALE.]

Mr. HALE. Yes, sir.

Mr. REAGAN. But I desire it to be considered whether that will be sufficient to give the security which is sought.

Mr. HALE. My colleague here, [Mr. BURLEIGH,] who is a practical shipmaster, having sailed the sea for years, tells me that he thinks it ample.

Mr. REAGAN. Will the gentleman please repeat the terms of the amendment?

Mr. HALE. "Which may be heard at a distance of one mile."

Mr. CONGER. Say "not less than one mile."

Mr. HALE. Let me state what I conceive to be a practical difficulty (which I know the gentleman from Texas would like to remedy as much as myself) in this provision, that the ordinary fog-horn shall be equal to a steam-whistle. Now, there are certain parties who have possession of what is called the Anderson & Van Trump fog-horn, and who are attempting to force that upon the small craft along our coast on the ground that it alone has as much power as the steam-whistle. Now I know that the gentleman does not want by this bill to play into the hands of any combination of that kind.

Mr. REAGAN. No, sir; not at all.

Mr. HALE. To prevent that is my object in moving the amendment.

Mr. REAGAN. Can the amendment be made to apply to vessels of some limit of burden or to sailing-vessels alone?

Mr. HALE. It applies to sailing-vessels only.

Mr. REAGAN. Then I shall not object.

Mr. CONGER. That is under the head "B." Is it confined to that?

Mr. HALE. When we come to the head "D" I propose to put it in there, too.

Mr. REAGAN. I have no objection to the amendment.

Mr. CRAPO. I wish to inquire of the gentleman from Maine whether the test which he proposes is a practicable one? The distance at which a fog-horn or bell or whistle can be heard varies much with the conditions of the atmosphere. When the gentleman provides that the fog-horn shall be heard one mile, to what conditions of the atmosphere is that intended to apply?

Mr. HALE. Of course there are certain conditions under which no signal, no steam-whistle, can be heard half a mile; but under the law as we pass it, the Treasury Department will issue a regulation that shall adapt the requirement to the wants of the marine. We are changing the letter of the law; and then the Treasury Department will make a regulation that will be in accord with common-sense, providing how this distance of a mile shall be reckoned.

Mr. CRAPO. The difficulty in my mind——.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Debate on the amendment is exhausted.

Mr. CONGER. I move to amend the amendment by striking out the last word. In the class of vessels under the heads "B" and "D," I have no objection to the gentleman's amendment, as it reduces the time of sounding the fog-horn from five minutes to two minutes, which would give more frequent indication of the approach of steamers or other vessels, and thus lessen the danger of collision. I withdraw my *pro forma* amendment.

Mr. LYNDE. I renew the amendment of the gentleman from Michigan, [Mr. CONGER.] I wish to call attention to the fact that we are now introducing a new rule in regard to the frequency with which these fog-horns shall be sounded, and are in this departing from the rule which has been adopted by all other commercial nations; so that a foreign vessel navigating our waters will be required to sound its fog-horn every two minutes, when, by the rule heretofore in force with us and now existing in all other commercial nations, the fog-

horn is required to be sounded only once in every five minutes. This proposed change in one of the rules controlling the navigation of our vessels is of very considerable importance, involving great interests. I think we ought not to deviate from the rules adopted by other commercial nations in this respect. I wish it had been two minutes instead of five minutes as originally adopted. I think we are not justified in departing from rules adopted by other nations.

Mr. CONGER. I rise to oppose the amendment. The gentleman perhaps is not aware that this rule and other laws regarding the sounding of fog-horns is of recent adoption. It never was the rule in the United States until 1871.

Mr. LYNDE. It was in the British rules of navigation. Previously it was a rule adopted by the supervising inspectors.

Mr. CONGER. There was a rule in regard to sounding fog-horns adopted by supervising inspectors, but it never has been the law of the land until 1871. The rule has been in regard to sailing-vessels that they shall sound fog-horns at intervals of not more than five minutes. This act is to conform the rule in regard to sailing-vessels to two minutes, as in the case of other vessels. Now, I cannot see any harm in providing in the law for more frequent signals of danger upon the water.

Mr. LYNDE. I withdraw my amendment to the amendment.

Mr. HALE. I wish to modify my amendment so it will read "which may be heard at a distance of one mile in still weather."

The SPEAKER *pro tempore*. Is there objection?

Mr. REAGAN. There is no objection, but I wish to make an explanation in order to satisfy my friend from Wisconsin. If he will look at title D, of the law as it now is, of section 4233, under the heading "Fog-Signals," he will find it provides that coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes. It will be seen, therefore, this bill is only extending the same rule to other vessels.

Mr. HALE's amendment, as modified, was agreed to.

Mr. LYNDE. I move to strike out lines 12 and 13 as they have been amended.

Mr. SAYLER. Is it in order for the gentleman to move to strike out what we have just agreed to insert?

Mr. LYNDE. The amendment of the gentleman from Maine was to this paragraph. I now move to strike out the paragraph as it has been amended, and I think I am in order.

The SPEAKER *pro tempore*. In the judgment of the Chair it is not too late for the gentleman from Wisconsin to move to strike out. He does not move to strike out the words that have been inserted on motion of the gentleman from Maine, but to strike out the paragraph as amended, which is in order.

Mr. LYNDE. We are here requiring foreign vessels navigating American waters to sound fog-horns every two minutes, when by the laws of their own countries and by the present law in this country they are required to sound fog-horns only every five minutes. The fact that we have a provision in the law at present requiring fishing-smacks, oyster-boats, and boats of that kind, when navigating bays, rivers, and narrow channels, to sound a fog-horn every two minutes, under the circumstances does not justify this change of the law in regard to foreign vessels or our own vessels on the high seas or upon our own large lakes. I think it will lead to confusion and to litigation, and consequently to damage and loss. Therefore I moved to strike out lines 12 and 13.

Mr. BURLEIGH. The gentleman from Wisconsin objects we should make the same law govern foreign vessels which we provide shall govern our own. I am told the rule of the road in Canada is to turn to the left, while in this country it is to turn to the right. I wish to ask the gentleman whether he would allow a Canadian to drive through his State or any portion of it and ignore the rule of the road in that State by following the rule which prevails in Canada. If in so doing, by taking the wrong direction, he should cause damage and loss, he would be held responsible under the law of that State to make the damage good. In my judgment the same rule should apply to foreign vessels navigating our waters that we apply to our own vessels.

Mr. SAYLER. It seems to me the objection urged by the gentleman from Wisconsin is not a very powerful one in this case. If we go to the foundation of his objection we could change nothing, and would be compelled to abide by the rules which have existed in the past. This is not such a change as is going to create the danger of making doubtful what the practice shall be; but, on the contrary, it is a change directly in the line of safety. We know nothing is so dangerous at sea, or on our rivers and lakes, as foggy weather, and the sounding of a fog-horn every two minutes only gives increased security. I do not see in any manner the objection made that we are changing the rules can be applicable to this section. I hope it will be passed, and that we will also pass this bill.

Mr. HALE. I have another amendment to the same rule which I desire to offer in rule 15, title D, after the word "which," in the next to the last line, strike out the words "shall make a sound equal to a steam-whistle" and insert in lieu thereof the words, "may be heard at a distance of one mile in still weather."

Mr. REAGAN. I have no objection to that. We have already adopted a similar amendment.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Wisconsin [Mr. LYNDE] to strike out lines 12 and 13.

The motion to strike out was not agreed to.

The Clerk read the following paragraph:

That rule 17 of section 4233 of the Revised Statutes of the United States shall be stricken out and the following inserted in lieu thereof:

Rule 17. When two sail-vessels are crossing, so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the course of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the course of the vessel close-hauled; but if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to the windward shall keep out of the course of the vessel which is to the leeward.

Mr. LYNDE. I desire to ask the gentleman from Texas what is the object of striking out the word "way" wherever it occurs and inserting the word "course?"

Mr. REAGAN. The amendment in this rule is to substitute the word "course" for the word "way." By reference to rule 23 in the statutes it will be seen that a vessel which is given the right of way by rules 17, 19, 20, and 22 is required to keep her course subject to certain qualifications. If this were not so provided the safety of the vessel required to keep out of the way would be wholly at the mercy of the other vessel.

You will observe, Mr. Speaker, that the word "way" is a technical word, known to our sailors, as I understand. I do not profess technical knowledge of the subject, but the committee took a great deal of pains to get information from experts and seamen; and by some parties largely interested in commerce from New York, Milwaukee, and other places, we were advised that the United States courts in certain cases had held that the word "way" was to be taken in its broad sense, and not in its nautical sense of "course;" and, if so, the vessel which must keep out of the way of the other is subject to the mercy of the other.

For instance a vessel may sail across the course of another. The vessel required to keep out of the way sees her course and judges how she is to steer to keep out of the way of the other; but the first vessel may tack about and change her course, and then the vessel which has been doing her duty, steering according to the direction of the statute, must still keep out of the way. We are advised by experienced seamen that this places one class of vessels precisely at the mercy of the other. On that subject, perhaps the gentleman from Maine [Mr. BURLEIGH] could give the House further information. I am but speaking the voice of experienced seamen, who without dissent have appealed to us to protect the shipping interests of the country against the construction which the courts seem disposed to give to the word "way."

The Clerk read the following paragraph:

That in rule 20 of said section the word "way," in the last line of said rule, shall be stricken out and the word "course" inserted.

Mr. HALE. I move to strike out the paragraph just read.

Rule 20, which is sought to be amended, applies to the case of a steam-vessel and a sail-vessel. Now, as the law stands at present, it is made the duty of the steam-vessel to keep out of the way of the sail-vessel; that is, she shall keep away from her. The burden is upon the steam-vessel.

Now I ask the gentleman from Texas whether it would not be the case that any danger that is likely to occur between a steam-vessel and a sail-vessel will occur in our harbors in nine cases out of ten? There the sail-vessel has no free will and no great power over her movement and no course clearly or technically defined, and the steam-vessel has all the appliances that go with a vessel of that kind and can change her head at any moment. Now in the original bill this was recognized and it was declared, as I think properly, that the steam-vessel should keep out of the way of the sail-vessel.

Now, let me point out how this will operate if you change "way" to "course" here. A sailing-vessel in a harbor or roadstead is making the best she can of such wind as she has. It is a baffling wind; it is a wind that it is almost impossible to have a given course in. A steamer is coming up. If you oblige the sail-vessel to keep on her course, that is, the direction in which she is going at a given time, the steamer may run into her and may sink her, and if she has varied half a point from that, by reason of the peculiar wind or the lack of wind in the harbor, the owner of the little craft has not got a claim for a dollar's damages.

Does the gentleman from Texas want to put the little sail-vessel to that extremity? Does he want to give to the steamboat any additional defense to what she has now? It seems to me clear that for the protection of these small vessels the law should be as it is. I do not offer the amendment in the other sections, because they apply to steam-vessels and sailing-vessels in the cases where one meets the other. But as between the two, I tell the gentleman that by this amendment he is putting practically an additional burden on the little sailing-vessel and leaving her at the mercy of the steam-vessel. There would hardly ever be an instance of a suit brought by the owner or master of a little vessel run down that the steamboat-owner would not come in and claim that after a collision was imminent the sail-vessel had changed her course the least particle in the world, and that would be a defense.

I think the gentleman from Texas would not want to put that burden on the little sailing-vessels, and I therefore move to strike out lines 31, 32, and 33.

Mr. REAGAN. I call attention to rule 22, Mr. Speaker, as it is in the statute.

Mr. HALE. I had reference to rule 20.

Mr. REAGAN. But I want to call attention to rule 22, as qualifying that. Rule 22 qualifies and is to be construed in connection with this rule. It is:

Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

By the amendment in the bill it would be "out of the course," &c.

Mr. Speaker, the answer which I made to the inquiry of the gentleman from Wisconsin [Mr. LYNDE] is the answer that I have to make to the objection made by the gentleman from Maine [Mr. HALE] to this section. It is true that the power of handling a steamer perhaps is more effective and expeditious than the power of handling a sailing-vessel, but it is also true that no vessel, whether a steam or sailing-vessel, ought to be placed at the caprice of any other vessel.

The committee availed themselves on this subject of all the information they could get from experienced seamen. Instances were brought to our notice in different portions of the waters of the United States where from mere caprice sailing-vessels had put themselves in a position to cause the vessel to be sunk. One instance was mentioned in which a gentleman caused a steam-vessel to be piloted so as to run down an old vessel of his own that was insured.

If under the rule given here a vessel is required to keep out of the "course" of another, it is required to do so upon all the considerations understood by sailors There is nothing here intended to adopt an arbitrary rule that relieves any pilot or master of a vessel from considering anything which prudence and necessity require them to consider in order to avoid collisions. It is only intended by this bill—while it is not intended to relieve pilots and masters of vessels from their obligation to consider everything which prudence and duty require them to consider—it is only intended to provide by this change that no vessel, no class of vessels, shall be placed at the mercy of another or subjected to the caprice of another. The rules here are that a vessel shall be kept out of the course of another; that she shall consider the course of the vessel that she is approaching; that she shall consider the character and nature of the waters in which she is sailing, and if a sailing-vessel is going on a course necessarily requiring that vessel to tack about or change her course before the steamer can reach her, then the steam-vessel failing to recognize that necessity would be distinctly put at fault for running down the sailing-vessel and have to pay for the loss resulting from that action, as much so as she would be if she had run over the vessel intentionally in her course.

The committee confess that they have no special knowledge on this subject, but I will say to the gentleman from Maine [Mr. HALE] that upon this question we had before us experienced seamen from all parts of the country, who, in considering the sailing service and the laws on that subject and the construction which they had received by some of the courts, thought it necessary to make this change to prevent absolute injustice, or perhaps irreparable injustice. I repeat again that there is nothing in this amendment that means to absolve the officers of any vessel from considering anything which prudence and duty require them to consider in order to avoid collisions.

Mr. HALE. I move to strike out the last word, only to say that I did not make this point and I do not now as to the other rules previous to rule 20, for the reason that if both vessels are sailing-vessels then neither has the advantage in the power of changing her course; and, therefore, I do not object to the word "course" being inserted for "way." I do not object either if both vessels are steam-vessels, because they are on a par; but I repeat that if one is a sailing-vessel in a harbor with no fair wind and when it is almost impossible to fix a "course," I do not think that the gentleman in charge of this bill, in which there is so much that is good, or any gentleman who has had an interest in getting it up, can object to this discrimination where one is a steam and the other is a sailing vessel.

The case to which the gentleman from Texas [Mr. REAGAN] has referred where by the caprice of a sailing-vessel damage resulted in a collision with a steamer must be an exceptional one. The presumption is that the smaller vessel does not want a collision any more than the larger vessel. There are one or two men on a sailing-craft; they do not want to be run down at the risk of being drowned, and their property destroyed and having a lawsuit on their hands any more than a steamboat that carries thirty, forty, or one hundred persons. The law of self-preservation will operate as to vessels, and therefore when a steamboat does its best, the best of the steamboat is a great deal better than the best that a sailing-vessel can do.

Mr. BURLEIGH. I rise to oppose the motion of my colleague. This law should be so framed as to protect both sailing-vessels and steamers, and I can see very serious objections to having the word "way" in room of the word "course."

To illustrate, there is hardly a gentleman here who has not traveled on the road and found some one driving along at an easy jog and he would like to pass him, but out of some caprice the person in front of him heads him off; he has either to stop or try to pass on the other side of the way. Now, suppose a sailing-vessel and a steamer are going up a river; the sailing-vessel has got a good fair wind and goes nearly as fast as the steamer; she does not want the steamer to pass her, and when the steamer tries to pass her she heads her off, and the steamer has either to go ashore or to back out and try to pass on the other side. That is the effect of substituting "way" for "course." The steamer's course is regularly up the river, but if the steamer has got to keep out of the "way" of the sailing-vessel which may be up the river, the sailing-vessel can go to one side or the other and head the steamer off, and the steamer has to keep out of the way all the time.

Mr. HALE. I would like to ask my colleague [Mr. BURLEIGH] a question.

Mr. BURLEIGH. Certainly.

Mr. HALE. Does he not think that the law as it now is, which provides that the steam-vessel shall "keep out of the way" of the sailing-vessel, is more favorable to the sailing-vessel than this proposed change would be?

Mr. BURLEIGH. I think it is; but as I said in the beginning of my remarks, the law should be made for the protection of the steam as well as of the sailing vessel.

Mr. HALE. But the gentleman thinks—and he has had large experience—that the sailing-vessel does not need more protection than she now has under the law?

Mr. BURLEIGH. I do not admit that.

Mr. HALE. Does he not think that the sailing-vessel needs all the protection she now has under the law?

Mr. BURLEIGH. I do not know exactly what the law is. But I say there should be vastly more protection afforded to the sailing-vessel than to the steamer. There should be no law, however, that would protect the sailing-vessel when needlessly obstructing the passage of a steamer, any more than there should be such a law in the case of carriages on the public highway.

Mr. HALE. If the word "way" is struck out of the law and the word "course" substituted for it, will the sailing-vessel have sufficient protection? I ask the gentleman because he has been a practical ship-master.

Mr. BURLEIGH. The distinction between "course" and "way" is very fine; and when I first looked over this bill I could hardly see the distinction. The "way" of a sailing-vessel is the direction she must go by the wind. If she has no "way" then she is at anchor or becalmed. This rule says, "If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding," &c. That of course means that both are in motion, that both are under steerage way.

Mr. HALE. Does not my colleague think that if a steamboat is obliged to keep out of the "way" of a sailing-vessel, there is more required of the steamboat than to keep out of the "course" of the sail-vessel?

Mr. BURLEIGH. I think so.

Mr. HALE. And if you change "way" into "course," will not the sail-vessel have protection enough?

Mr. BURLEIGH. It will.

Mr. HALE. My colleague ought to know better than I do, because he has been a practical ship-master.

The question was then taken on the motion of Mr. HALE to strike out the paragraph relating to rule 20; and it was not agreed to, upon a division—ayes 28, noes not counted.

The Clerk resumed the reading of the bill, and read the following:

That rule 23 of the same section shall be stricken out, and the following inserted in lieu thereof:

Rule 23. Where, by rules 17, 19, 20, and 22, one vessel is required to keep out of the course of another, the other vessel shall keep her course, unless it is impossible to do so without incurring immediate danger.

That rule 24 of the same section shall be stricken out.

Mr. HALE. I move to strike out the clause which reads as follows:

That rule 24 of the same section shall be stricken out.

In order that gentlemen may understand what rule 24 is, which is sought to be struck out, I will read it. It is a rule for the guidance of courts in questions arising under this law. It is:

In construing and obeying these rules due regard must be had to all dangers of navigation and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

When the steamboat bill was originally passed that rule, which allowed the courts flexibility and the opportunity of considering the equities of each case and the necessities that influenced the masters of vessels in departing from the strict rules, was inserted in the bill, and it was one of the reasons why the bill was made acceptable. It was deemed proper that the courts should have that power; that these rules, which we in our fallible wisdom framed here, should not be so stern and pitiless as to hold every vessel in their jaws without relief. The courts were therefore given certain discretionary powers in the cases that might arise under the law. It may be said, and perhaps will be said, that this point is reached by the provision at the end of rule 23, as proposed to be amended by this bill; that provision is, "unless it is impossible to do so without incurring immediate danger." But that clause is by no means so humane and general as the rule which this bill proposes to strike out.

All the benefit which will be obtained from the provision which I have just read, and which this bill proposes shall be inserted at the end of rule 23 as a substitute for rule 24, is where it was impossible for the vessel to have done differently without incurring danger; throwing the burden of proof upon the vessel itself, which may per-

haps have deviated a little from the law, to show that it was not possible to have done otherwise without incurring immediate danger. Rule 24, which I have read, it seems to me, gives not more than a fair discretion to the courts in construing a law which is so severe as this, imposing such penalties, confining men down to minutes and almost to seconds. "Due regard must be had to all dangers of navigation and to any special circumstances which may exist in any particular case rendering a departure from them (these rules) necessary in order to avoid immediate danger."

I do not believe the gentleman from Ohio, [Mr. SAYLER,] who I see has risen to his feet, would on reflection object to this rule 24 being retained. I do not seek any change in the law in this respect, but merely to retain this humane rule.

Mr. SAYLER. The gentleman from Maine [Mr. HALE] seems to have anticipated very readily the purpose for which I rise; that is, to suggest that the latter portion of the proposed amended rule 23, which he has just read, be stricken out; that is, "unless it is impossible to do so without incurring immediate danger." I would suggest that he include that in addition to the motion he has made to strike out the clause repealing rule 24. On reflection I think there is some propriety in retaining rule 24, which has frequently been construed by the courts.

Mr. REAGAN. On the first consideration of this portion of this bill, the impression made upon my mind was the same as that made upon the minds of the gentleman from Maine [Mr. HALE] and the gentleman from Ohio, [Mr. SAYLER.] But I had not sufficient faith in my individual judgment to place it in conflict with that of men whose lives had been devoted to this particular pursuit and the consideration of questions growing out of that pursuit. It was suggested that with rules 17 and 23, as they are here, rule 24 becomes superfluous. Let us see what these rules are. Rule 17 is as follows:

When two sail-vessels are crossing, so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the course of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the course of the vessel close-hauled; but if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to the windward shall keep out of the course of the vessel which is to the leeward.

That gives particular directions what shall be done in particular contingencies, indicating the law and the duty of the parties under it. Rule 23 provides—

Where, by rules 17, 19, 20, and 22, one vessel is required to keep out of the course of another, the other vessel shall keep her course, unless it is impossible to do so without incurring immediate danger.

For instance, if a vessel is sailing in a given course and another is approaching, the one required to keep her course considers the course of the other vessel in order to avoid collision; but she is only required to keep her course when that can be done without incurring immediate danger. If it is impossible for the vessel to keep her course without incurring immediate danger, then under the law she has a right to change her course. The object sought in reference to the course of the respective vessels is to avoid collision. Now, under the rules which I have read are there any other contingencies in the navigation of vessels that need to be provided for? It was insisted by the experienced men who were before us that these rules contained all that was necessary; that the twenty-fourth rule would be superfluous. My own feeling was, as expressed by the gentleman from Maine, that rule 24 let in the larger equities; but it was insisted that that rule was not necessary.

Mr. SAYLER. I desire to offer the following as an amendment to the amendment of the gentleman from Maine:

Strike out all after the word "course" and insert "subject to the qualifications of rule 24."

Strike out lines 44 and 45.

I will state that this amendment leaves rules 23 and 24 just as they are now with the exception that the phraseology is changed by substituting "course" for "way."

Mr. HALE. I accept that as a substitute for my amendment.

Mr. CONGER. I move to amend the amendment by striking out the last word. I cannot agree with the committee in their recommendation to strike out rule 24. There are twenty-three rules relating to lights, steerage, course-signals, fog-horns, and various other subjects. Rule 24 has a general application to all these rules. The amendment proposed by the gentleman from Ohio [Mr. SAYLER] strikes out of rule 24 what relates to only two or three of the rules. Now, rule 24 is in the exact language of one of the early decisions of the Supreme Court of the United States in regard to the rules then in force. It is an adjudicated matter. It is a decision now well understood and recognized, which may perhaps continue in force for all time, and which must be applied to the execution of these twenty-three rules, whether you have rule 24 or not. No court would dare to construe these rules so strictly that any surrounding circumstances could not be taken into consideration by the court or jury. Therefore, in order that all might understand what the court will rule and what the law should be, rule 24 was incorporated as the concluding rule of the whole series. I think that rule 24 had better continue in force. I believe it is useful, conveying information to all concerned and giving full authority of law to the courts when they make their decisions. I think the amendment proposed by the gentleman from Ohio need not be made, for in that particular connection the exception is very well.

Mr. SAYLER. The gentleman certainly misunderstands the purport of my amendment. I do not propose to affect rule 24 at all; I propose to let it stand just as it is now on the statute-book; and the only change made in rule 23 is the substitution of the word "course" for the word "way" in a single instance. Otherwise the amendment leaves the matter just as it is now, as the gentleman is advocating.

Mr. CONGER. I thought the gentleman proposed to strike out rule 24.

Mr. SAYLER. I propose to strike out the two lines that repeal rule 24. I agree with the gentleman. He has made a speech on my side without knowing it. [Laughter.]

Mr. CONGER. The gentleman is welcome to it, if it is any better than he could make himself.

Mr. SAYLER. I do not know whether it is or not.

Mr. REAGAN. I have already explained the reasons for the action of the committee and stated some of the objections that had occurred to my mind in regard to the amendment. I have no power to accept it, but I do not antagonize it.

Mr. LYNDE. I move to amend the amendment of the gentleman from Ohio [Mr. SAYLER] by striking out "course" and inserting "way."

Mr. Speaker, I do not understand what the gentlemen of the committee mean by saying "keep out of the course of a vessel." I do understand what is meant by keeping out of the way of a vessel. A vessel takes its course, say south-southeast, and another vessel approaches it or comes toward it from another point of the compass, then what do they mean by saying this vessel approaching must keep out of her *course*? Their courses cross each other. They must pass each other. Then the rule is the vessel must keep out of the way; she must avoid the other vessel. She does not propose to get into her course; she does not propose to take the same course, but she continues on her original course and takes no other. What does this language mean, by keeping out of her course? I confess I do not understand it. Gentlemen who have had some experience in that matter can inform us. I withdraw my amendment.

The Clerk read as follows:

SEC. 2. That section 4234 of the Revised Statutes of the United States shall be so amended as to read as follows:

SEC. 4234. Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights; and every such vessel shall, on the approach of any steam-vessel during the night-time, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section shall be liable to a penalty of $200, one-half to go to the informer, and for all damages caused thereby; and the vessel so navigated may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense; and the officer or officers in charge of the deck of any such vessel who shall fail or refuse to exhibit such light shall be liable to a penalty of $100, and for all damages caused by such neglect or refusal, and may be imprisoned for any time not exceeding one year.

Mr. HALE. Mr. Speaker, I believe this section has the last objection I shall raise to the bill; but it is a very serious one. After having cut down the time in which signals shall be given and added to the care that must be bestowed by mariners, this section, in addition to the penalties, which are severe—to the extent of $200 for every infraction, as found in lines 10 and 11—provides, in addition to the law we have been living under for the last three years, in addition to the penalty of $200 for every infraction of this law, that the vessel shall be liable for all damages caused thereby, and on the next page additional imprisonment is provided for.

I move to strike out in lines 12 and 13 these words: "one-half to go to the informer, and for all damages caused thereby." Part of that is in the present law. I do not think it ought to be. I do not think in a matter of this kind that the informer, the man who lies in wait to catch his neighbor in a trap, should be encouraged. I do not believe in any of the laws of the United States there should be anything encouraging the informer, the man who makes it his business to spy out his neighbor's fault. Take this bill. Here is a little vessel upon one of our northern or southern rivers or upon one of our western rivers. She lies in a fog and is obliged to sound her bell every two minutes. There is no steamer within a hundred miles of her; she lies within ten feet of shore. Some sneak, some wretch who wants to make money out of his neighbor's infirmity, comes down to the shore to watch, and if he finds the bell is not rung every one hundred and twenty seconds, he informs upon his neighbor, and the owner of that little craft is compelled to pay $200, of which the informer pockets $100.

I say the needs of navigation—that the parties who need to be protected on vessels likely to be run into are sufficient of themselves to see this law is in force. I do not want anything put into the hands of the informer. He is not a man my friend from Texas should encourage or this House should encourage, and the proper efficiency of the bill will in no degree be impaired by striking out the words "one-half to go to the informer, and for all damages caused thereby."

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, the necessity for change of our navigation laws has been urged upon Congress for some years past. Changes were urged during the last Congress and during the preceding Congress. These changes grow out of our commerce, out of the necessity for giving security to vessels, security to the property upon

them, security to the lives of the crews, and security to the lives of the passengers.

When we consider, sir—and I call the attention of the House to it, for this is one of the most important of all the sections of the bill, and changes of it must affect in the largest degree of all the changes made in the bill, the commercial interests of this country—when we consider the hundreds of millions of money invested in vessels navigating the inland waters, the lakes, and the ocean, and the commerce afloat on them; when we estimate the hundreds of thousands of lives of crews of vessels and passengers whose safety depends upon the safety of the vessels; when we remember the perils of the ocean, unknown upon land, it seems to me that a wise Legislature will take the precautionary steps necessary to give security to these great interests. Do we mean to do that, or do we mean to take the marrow out of the law, and deliver the vessels, their owners, and the commerce they float, and the people who are on them as crews and passengers over to the mercies of the reckless and the avaricious? Do you mean to do this? If you do not, I warn you you had better retain the section as it is.

Mr. HALE. Does the gentleman think that it is necessary to encourage the informer in order to do that?

Mr. REAGAN. I will answer that as I go along.

Mr. Speaker, on that particular subject—I depart for a moment from the line of argument I was making—I have this to say: that the few persons who are on board a vessel that may know whether there has been a compliance with the requirements of the law may be under a sort of moral duress to the officers of the vessel; they may be unwilling voluntarily to give information; vessels may be wrecked, lives may be lost, fortunes sunk; and if there is not some means provided to induce those who know the cause to reveal the information which will lead to the punishment of the wrong-doers, we have failed, it seems to me, to do our duty in the making of the law.

The section as proposed to be amended contains the words "and for all damages caused thereby." The law as it was heretofore gave a penalty of $200. For what? Let me read the preceding part of the section:

Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights; and every such vessel shall, on the approach of any steam-vessel during the night-time—

"The approach of any steam-vessel during the night-time." A most dangerous time—

show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section shall be liable to a penalty of $200.

This and the preceding rules are intended to give the security, which experience has indicated was demanded, to the commerce, the property, and the lives of the people of this country. Is it too much, sir, to say that that officer of a vessel or those officers of a vessel who cause the destruction of property, who cause the sacrifice of lives, shall be, in addition to a $200 penalty, exposed to the necessity of paying the damages caused by their disregard of the law and their reckless disregard of the rights and the lives of others? Is this too much?

The latter clause of the section was added to this because the penalty so far is a penalty upon the vessel. There was in the law as it now exists no penalty upon the officer himself, and therefore the committee added these words:

And the officer or officers in charge of the deck of any such vessel who shall fail or refuse to exhibit such light shall be liable to a penalty of $100, and for all damages caused by such neglect or refusal, and may be imprisoned for any time not exceeding one year.

[Here the hammer fell.]

Mr. REAGAN. To enable me to finish my remarks, I move to strike out the last word.

This last clause was added to the existing rule and fixes a penalty upon the officers who are the wrong-doers, whose neglect or willful fault may have caused the injury. As the law is without this clause added to it, not only the owners of the vessel by whose fault the wrong is done may themselves be free from fault, but all the officers except those whose duty it is to present the lights may be free from fault; a vessel may be sunk, her cargo and her crew and her passengers sent to the bottom of the ocean, and yet under the law as it now stands you cannot impose a penalty upon the very men, the very officers in charge of the deck whose duty it is to present the light. They may be the only wrong-doers, and yet under the law as it now stands you cannot punish them. The object of the committee was, in addition to making the vessel liable for $200 penalty, to authorize the courts to visit a penalty of $100 on the wrong-doer who should willfully or negligently fail to perform his duty and to authorize the courts to imprison him for a term not exceeding one year.

Mr. CONGER. I think the House should pause a moment before it changes the law of vessel liability. We have in our statute-books a law regulating the liability of vessels. It has been in force a long time. It is well understood. The extent of the liability of a vessel for damage to another vessel is the value of the vessel and her pending freight. Now, by a simple insertion of a few words in a bill for the protection and security of life, the entire legal liability of vessels is changed. I had not observed it heretofore, but I call the attention of the committee to the fact that in lines 12 and 13, following these words—

Every such vessel that shall be navigated without complying with the provisions of this and the preceding section shall be liable to a penalty of $200—

these words being in the present law, there is added this:

and for all damages caused thereby.

The vessel shall be liable, the owners shall be liable, for all damages caused by the neglect to obey these rules. Now, the legal liability of a vessel under such circumstances the world over, among all maritime nations, as in England and the United States, is that the owners of the vessel, or the vessel, as it is called, shall be liable to the extent of the value of the vessel and the pending freight. Why, then, should there be inserted here in remedial legislation intended to preserve life and property on the water—and that is the object of all this class of legislation—why should there be in this manner, by the insertion of six words, an absolute change of the law in this same statute-book which fixes the liability of vessels and of all vessels, with only the consideration that we can give it in this particular bill?

Now, the laws of 1851 and 1854 and the amendments since that time have remained as the law of the land in regard to all vessels navigating all the waters of the United States. I think that this amendment has no place here. It is no penalty. It is not a provision which at all guarantees more safety to life and property than if it were stricken out, and I speak of it now because I have given to the gentleman from Texas a general assent to the amendments proposed by this bill; but differing on this point so widely from the committee, I must oppose this amendment and also the insertion in lines 18, 19, 20 of the words by which the man whose duty it is to hang the light, and who may not even have been commanded to hang it by the officer, shall himself be liable for all the damages caused by collision, damages amounting to thousands and thousands of dollars, and shall also be imprisoned for any time not exceeding one year.

These are new matters inserted in the law. I cannot think that it is for the interest of navigation that this shall be inserted here, and especially only in regard to sailing-vessels. A law fixing damages in case of collision, a law which shall regulate the entire liability of all vessels in the United States, should not be parceled out in this particular bill, changing the liability of sailing-vessels and leaving all other vessels under the old law. It is not wise. In all legislation on this subject the law should be uniform, and should apply to all crafts sailing on the waters alike and under like circumstances. Therefore I agree with the gentleman from Maine, [Mr. HALE,] not in his proposition to strike out that part of the amendment relating to the informer, but only in striking out the last three lines, "for all damages caused by such neglect or refusal, and may be imprisoned for any time not exceeding one year."

Mr. REAGAN. I withdraw my motion to strike out the last word and renew it. I am satisfied, Mr. Speaker, that the gentleman from Michigan [Mr. CONGER] has misapprehended the entire object of this section.

He seems to suppose that the office of this section or the part that he objects to is to fix the measure of the liability of vessels and of vessel-owners. That is no part either of the object or effect of the section as it stands; but if he will turn to pages 24, 25, and 26 of the bill, section 31, he will find there a section that fixes fully and clearly the idea of the committee of the nature and extent of the liability of vessel-owners.

Mr. CONGER. That is in relation to passengers.

Mr. REAGAN. The words the gentleman objects to in this section relate to derelict vessels, vessels by whose fault collisions and loss of a vessel and property and life is incurred, and provides that they shall not be let off by paying a penalty of $200. To sink a vessel worth $100,000, to sink a cargo with her worth $100,000, to sink one thousand precious lives into a watery grave is worth more than $200, I submit to the gentleman from Michigan and the gentleman from Maine.

Mr. HALE. That is the law now; the gentleman need not interfere with the present law.

Mr. REAGAN. The liability under the law now is $200, and we propose to add to that that they shall be liable for the damages caused in addition to the $200 penalty. Is that unreasonable?

Mr. HALE. Does not the gentleman admit that under the present law if a vessel colliding with another be at fault she may be libeled herself and holden for the whole damage done?

Mr. REAGAN. The gentleman is discussing this section of the bill and the effect of this section. I am not going to be drawn away from the consideration of that section to discuss something that does not belong to it; I am discusssing the question of the contingencies which depend upon our preserving or changing the section as reported. We propose to provide that those whose property is sacrificed shall not be compelled to content themselves with imposing a fine of $200, but shall be authorized to hold the vessel liable for the damage caused by her fault. Who says that that is not equitable, just, and honest? Who wishes to protect the wrong-doer in sacrificing many lives and hundreds of thousands of dollars' worth of property?

[Here the hammer fell.]

Mr. HALE. I rise to oppose the amendment to the amendment. I will say nothing now as to the last part of this section, which has been referred to by the gentleman from Michigan, [Mr. CONGER.] I will call attention again to my amendment with reference to informers. In the last Congress whenever the question came up of striking

out provisions for the encouragement of informers in respect to the infraction of the internal-revenue or any other law of the United States, Congress put itself on record against the informer. If this Congress sees fit to go back upon the record we must submit.

On the question of damages in the case of collision, which the gentleman from Texas [Mr. REAGAN] says should not be limited to the fine of $200, I agree with him. But if the gentleman has ever practiced in the admiralty courts he knows that in case of a collision a libel may be brought against the vessel at fault, and the whole of that vessel is holden for the damage, whether it be $200 or $2,000, or whatever it may be; in a suit *in rem* the vessel herself is holden in response to the judgment, and may be sold to answer it.

Mr. REAGAN. I know that is the case in a civil action, but it is not a criminal offense.

Mr. HALE. No; and that is the very reason it should not be a criminal offense to the extent of encouraging the informer. When a steamer or sailing-vessel has wrongfully been run into by another and damaged to the extent of five or ten thousand dollars, the vessel in fault must pay that damage, and the civil courts are liberal toward the party injured. But when my friend seeks to add increased penalties to encourage the spy and the informer to make suits, he goes further than is required by any right legislation.

Mr. REAGAN. I withdraw my amendment to the amendment.

Mr. HALE. I now ask a vote on my amendment to strike out the words in lines 12 and 13, "one-half to go to the informer, and for all damages caused thereby."

Mr. REAGAN. I ask the gentleman to consent to a division of his amendment, so that the question may be first taken on striking out the portion relating to the informer and then upon the part relating to damages.

Mr. HALE. I have no objection to that.

The question was then taken on striking out the words "one-half to go to the informer;" and it was agreed to.

The question was then taken on striking out the words "and all damages caused thereby;" and upon a division there were—ayes 39, noes 26.

Mr. REAGAN. I call for tellers on that amendment. I think it is very important.

The SPEAKER *pro tempore*. No quorum having voted the Chair will order tellers.

Tellers were ordered; and Mr. REAGAN and Mr. HALE were appointed.

Mr. HALE. I hope the gentleman will withdraw his call for tellers.

Mr. REAGAN. It is suggested to me that if I insist upon a further count the House may find itself without a quorum; I will therefore withdraw the call for tellers.

No further count being called for, the amendment was agreed to.

Mr. SAYLER. As the amendment of the gentleman from Maine [Mr. HALE] has been adopted, I would suggest that the amendment indicated by the gentleman from Michigan [Mr. CONGER] in the last part of this section be also adopted.

Mr. CONGER. I move to amend, near the close of the section, by striking out the words "and for all damages caused by such neglect or refusal."

Mr. HALE. Include the striking out of these words, "and may be imprisoned for any time not exceeding one year."

Mr. CONGER. I would rather not; I have no objection to the imprisonment; I think there should be that punishment.

Mr. REAGAN. As the other amendment has been agreed to, I will make no objection to this, although I have no authority to accept it.

The amendment of Mr. CONGER was agreed to.

The Clerk resumed the reading of the bill, and read the following:

SEC. 8. That section 4413 of the Revised Statutes of the United States shall be so amended as to read as follows:

SEC. 4413. Every pilot, engineer, mate, or master of any steam-vessel, who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a suspension or revocation of his license, and to a penalty of $50, and for all damages sustained by such neglect or refusal, and may be imprisoned not exceeding two years.

Mr. ODELL. I move that the House now adjourn.

Mr. REAGAN. I hope not.

Mr. SAYLER. I trust we will not adjourn now.

The motion to adjourn was not agreed to, upon a division—ayes 31, noes 52.

Mr. ODELL. I believe no quorum voted on the motion to adjourn.

The SPEAKER *pro tempore*. It does not require a quorum to decide the motion to adjourn.

The Clerk read as follows:

SEC. 9. That section 4418 of the Revised Statutes of the United States shall be so amended as to read as follows:

SEC. 4418. The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure, and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery and the appurtenances may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged, and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, reliable and approved steam-gauges, one of which is to be placed in each fire-room and one in the engine-room, and which shall at all times be free to the inspection of passengers; and that there are reliable low-water gauges and a suitable steam-whistle; and that, when required by the inspectors, the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues; and that means for blowing out are provided, so as to, so far as practicable, thoroughly remove the mud and sediment from all parts of the boilers when they are under the pressure of steam. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working-power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates one-fourth of an inch thick and of a quality required by law, and shall rate the working-power of all high-pressure boilers, whether old or new, according to their strength compared with this standard; and in all cases the test applied shall exceed the working-power allowed in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic tests boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working-power for each new boiler a pressure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working-pressure as is above described, they may, for reasons to be stated specially in their certificate, fix the working-pressure of such boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels, and constructed of iron or steel plates inspected under the provisions of section 4430, shall be subjected to a hydrostatic test in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved which is made, in whole or in part, of bad material, or is unsafe in its form or dangerous from defective workmanship, age, use, or other cause.

Mr. STONE. I move to amend the section just read, in line 25, after the words "gauge-cocks properly inserted," by inserting the words, "and the lowest gauge-cock shall not be inserted less than four inches above the top of the flues."

Mr. REAGAN. The language of the section as it now reads is as follows:

That there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, reliable and approved steam-gauges, one of which is to be placed in each fire-room and one in the engine-room, and which shall at all times be free to the inspection of passengers.

In regard to this as well as many other sections of this bill I have no professional or technical knowledge. I will say to my friend from Missouri [Mr. STONE] that while we were at work on this bill the board of supervising inspectors were in session in this city, and we were advised by them. We were also advised by the officers and members of the national board of navigation. We had information from every source that we could make available upon this as well as upon the other sections of the bill. We have prepared and presented this bill as those who by professional duties and technical knowledge were entitled to consideration indicated that it should be presented. From any knowledge which I possess I am not able to say whether the amendment of the gentleman is right or wrong. But I wish to say to the House that this bill is in accordance with the recommendations of men whose professional duties and technical knowledge we relied upon.

Mr. STONE. The clause to which my amendment applies provides for "a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, reliable and approved steam-gauges." The gentleman from Texas has certainly no practical knowledge on these subjects if he is aware that the gauge-cock is one instrument, designed to indicate the amount of water in the boiler, while the steam-gauge is a distinct instrument, for the purpose of indicating the pressure of steam in the boiler. Now, if gentlemen will look at lines 33, 37, and 38 of the bill they will find it provided that—

In high-pressure boilers the water shall not be less than four inches above the top of the flues.

I offer this amendment as one who, during the last twenty-five years, has had some practical knowledge of the construction and operation of high-pressure steam-boilers, and who has seen the disastrous results of reckless engineering.

Mr. BRADLEY. I move to amend the amendment by inserting "two inches" instead of "four inches." The gentleman from Missouri [Mr. STONE] has moved to fix four "inches" as the lowest point above the flue at which a gauge-cock should be inserted. I wish to ask him whether he does not believe that that is too high from the top of the flue for the lowest gauge-cock? Further on in the bill, in lines 36 and 37, to which the gentleman has referred, it is provided that the water shall not be permitted to go to a point lower than four inches above the flue. Now, while it may be the intention of the law to prevent adding more fuel to the fire and continuing on in the ordinary manner when the water shall go down to a point four inches above the flue, yet I submit to all practical men that in spite of the provision of the law the water may be actually permitted to go lower; and it is a matter of the utmost importance that the engineer should know how low the water has gone. While I agree with the gentleman that four inches above the flue is a point below which ordinarily the water should not be allowed to go, yet if it actually does go below that point, it is important that the engineer should know how much lower it has gone. Hence the necessity for one gauge-cock in-

serted at a point below that which is intended as the lowest point to which the water shall ever go. The insertion of these gauge-cocks is for the purpose of informing the engineer how low the water has actually fallen, so that when it is too low the proper remedies may be applied.

Mr. STONE. In answer to the gentleman from Michigan, [Mr. BRADLEY,] I will say that when the water gets to within four inches of the top of the flue, the engineer should at once take steps to provide more water. The argument of the gentleman would be equally good in favor of a gauge-cock only one inch above the flue. We have had some experience with high-pressure boilers on our western rivers, and we know the importance of having plenty of water above the flue, for if a steamboat strikes one of the sand-bars which obstruct our rivers the flue is often exposed, so that there is greater liability of collapse or explosion than where obstructions to the navigation do not exist. I therefore insist upon my amendment.

[Here the hammer fell.]

Mr. CONGER. I move to amend the amendment by striking out the last word. The existing law provides, and this bill does not propose to change the law in this respect, that there shall be a sufficient number of gauge-cocks properly inserted, the object being to test the quantity of water in the boiler. I cannot see any necessity for a change of the law in this respect. What difference can it make if there is a line of gauge-cocks set from the top of the boiler clear down to the flue?

Mr. STONE. I will answer the gentleman. The difference is that the engineer will carry the water at the lowest gauge-cock.

Mr. CONGER. The law requires the engineer to keep the water at least four inches above the flue. It also requires the board of inspectors to decide, on examination, whether a sufficient number of gauge-cocks have been inserted in the boiler and whether they are properly placed. I think that we should not limit the discretion allowed by the existing law to the board of inspectors, who make rules for the government of vessels engaged in the various kinds of navigation.

Again, every one knows when water foams in the boiler it is impossible to tell within two or three inches where the true water-line is. A gauge-cock two inches above the flue will answer whether the water is foaming or not. There can be no harm in allowing a gauge-cock to be inserted at that point, if in the discretion of the inspectors it be thought necessary. It seems to me unwise to fix a limit of four inches. Let us not interfere with the discretion of the board to make such rules as shall be suggested by their knowledge and judgment on these subjects.

Mr. STONE. If the gentleman will look at sections 36, 37, and 38 of the bill he will observe it is provided that in high-pressure boilers the water shall not be less than four inches above the top of the flue.

Mr. CONGER. I have just read that.

Mr. STONE. Though it be required that the engineer shall carry water at four inches, he may carry it at two inches. He has a gauge-cock at two inches, and he may carry it down to two inches.

Mr. CONGER. It is provided it shall be four inches above the flue, whether any gauge-cock is in or not. There is a penalty imposed upon every engineer who violates that strongest and best provision of the law, that the flue shall be covered with water at least four inches above the flue.

Mr. STONE. But who is to inspect the engineer after the boat is under way if he shall carry it down to two inches? and that engineers do so I know from sad experience.

Mr. CONGER. Who is to report any infraction of law on the part of the engineer? This will be provided for as in other cases.

The SPEAKER *pro tempore*. Debate is exhausted.

Mr. BRADLEY'S amendment to the amendment was disagreed to.

The question recurred on Mr. STONE'S amendment.

The House divided; and there were—ayes 60, noes 32; no quorum voting.

Mr. ODELL. Is there a quorum present?

The SPEAKER *pro tempore*. A quorum does not appear by the last vote.

Mr. ODELL. I demand tellers.

Tellers were ordered; and Mr. STONE and Mr. REAGAN were appointed.

The House again divided; and the tellers reported—ayes 13, noes 41.

Mr. STONE. I demand the yeas and nays.

Mr. ODELL. I move the House adjourn.

The House divided; and there were—ayes 38, noes 63.

Mr. ODELL. I demand tellers.

Tellers were ordered; and Mr. ODELL and Mr. REAGAN were appointed.

The House again divided; and the tellers reported—ayes 39, noes 64.

Mr. REAGAN. Before the Chair makes the announcement of the vote, I desire to ask the attention of the House for a moment. This is an important bill. It has been pressed upon Congress and upon the Committee on Commerce as a measure of the utmost necessity. If we stay here we can probably get through with it in a short time. If we do not pass it this evening, I am afraid it will be the last time we will have a chance to consider it.

Mr. SAYLER. I demand the yeas and nays on the motion to adjourn.

Mr. SPRINGER. It is not necessary a quorum should be present to vote on a motion to adjourn.

The SPEAKER *pro tempore*. The yeas and nays have been demanded.

Mr. REAGAN. Now, in order to guard against all contingencies, I ask consent, if we do not get through with the bill to-day, it shall be made the special order for Wednesday next after the morning hour.

Mr. RANDALL. Not to interfere with the legislative appropriation bill. For one I am willing to go on with the bill now. I hope the House will go on with it this evening and get it out of the way.

The SPEAKER *pro tempore*. The Chair will state the proposition of the gentleman from Texas. In view of the bill not being completed to-day, is there objection to its being made the special order for Wednesday next at two o'clock, not to interfere with the legislative appropriation bill?

Mr. RANDALL. I object.

The yeas and nays were not ordered.

So the House refused to adjourn.

Mr. TOWNSEND, of New York. Is there a quorum present.

The SPEAKER *pro tempore*. Does the gentleman make the point?

Mr. TOWNSEND, of New York. I do.

The SPEAKER *pro tempore*. No quorum appeared on the last vote. No quorum being present, there are only two motions in order, a motion to adjourn and a motion that there be a call of the House.

Mr. SAYLER. How is the Chair informed that a quorum is not present?

The SPEAKER *pro tempore*. The Chair is officially informed by the report of the tellers on the amendment of the gentleman from Missouri that no quorum is present.

Mr. SAYLER. We do not need a quorum on a motion to adjourn.

The SPEAKER *pro tempore*. The motion to adjourn has been decided in the negative, and the question recurs on the amendment of the gentleman from Missouri, [Mr. STONE,] on which a quorum did not appear on a division of the House by tellers.

Mr. JONES, of Kentucky. I move the House adjourn.

Mr. RANDALL. I suggest to the gentleman from Kentucky to name next Saturday for the further consideration of this bill as the special order.

Mr. REAGAN. I am willing to adopt that suggestion.

Mr. O'NEILL. O, no; let us go on with the bill now.

Mr. TOWNSEND, of New York. We want an hour to rest, and I thing we are entitled to it.

Mr. REAGAN. I ask if we cannot now proceed with the consideration of the bill?

Mr. TOWNSEND, of New York. I object. There is no quorum present.

The SPEAKER *pro tempore*. The Chair has stated that it is the judgment of the present occupant of the chair that, it having been officially ascertained that there is no quorum present, the only motion in order is a motion to adjourn or a motion for a call of the House.

Mr. RANDALL. I would suggest that the tellers take their places again that it may be ascertained if there be a quorum.

The SPEAKER *pro tempore*. If there be no objection, the tellers last on the floor will resume their places.

Mr. O'BRIEN. I object. That would be a proceeding without precedent.

Mr. RANDALL. I move that the House adjourn, for the purpose of having a vote by tellers to ascertain if there be a quorum present.

Mr. O'BRIEN. I object, because no business has intervened since the last motion to adjourn.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Tuesday next. I make that as a formal motion for the purpose of testing by tellers whether there is a quorum present, and to save the time that would be occupied in calling the roll.

Mr. CONGER. I make the point against that motion that it is not in order; there being but two motions now in order, the motion to adjourn, and the motion for a call of the House.

The SPEAKER *pro tempore*. The Chair overrules the point of order made by the gentleman from Michigan.

Mr. CONGER. I but repeated the words of the Chair a moment before. I thought the Chair was wrong.

The SPEAKER *pro tempore*. The Chair is very glad to know that in order to maintain his own position it is not necessary to sustain a false point of order made by the gentleman from Michigan. The Chair decides that the motion of the gentleman from Pennsylvania is in order.

Mr. RANDALL. On that motion I call for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. STONE were appointed.

Mr. COX. Will the Speaker allow me to address an interrogatory to the Chair? What was the pending question on the bill before this disturbance began?

The SPEAKER *pro tempore*. The question was on the amendment offered by the gentleman from Missouri, [Mr. STONE.]

Mr. COX. Why can we not vote on that by unanimous consent to ascertain if there be a quorum here?

Mr. TOWNSEND, of New York. I object.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported—ayes 26, noes 93; no quorum voting.

Mr. SAYLER. I hope there will be no objection now, as it is evident we are compelled to adjourn, to fix the consideration of this bill for next Saturday immediately after the reading of the Journal. It is a bill of great importance, and ought to be considered by the House.

Mr. PIPER. I object to the bill being assigned to next Saturday.

Mr. O'BRIEN. I move that the House do now adjourn.

Mr. SAYLER. I hope the House will not adjourn until a day is fixed for resuming the consideration of the bill.

LEAVE TO PRINT.

Mr. HAYMOND, by unanimous consent, obtained leave to have printed in the CONGRESSIONAL RECORD some remarks which he had prepared on the question of the resumption of specie payments. [See Appendix.]

ORDER OF BUSINESS.

Mr. ROBINSON. I ask unanimous consent to submit the resolution which I send to the desk.

The Clerk read as follows:

Whereas it has become notoriously public about the city of Washington——

Mr. REAGAN. I object to the consideration of the pending bill being set aside for the purpose of going on with other business.

Mr. O'BRIEN. I call for the regular order, which is the motion to adjourn.

Mr. MACDOUGALL. I make the point of order that the objection of the gentleman from Texas comes too late.

The SPEAKER *pro tempore*. The point of order of the gentleman from New York is overruled. The resolution had not been fully reported by the Clerk when objection was made, and is not before the House.

Before submitting the question on the motion to adjourn, the Chair desires to lay before the House certain communications which he finds on the Speaker's table. He desires to submit a letter from the Secretary of War, transmitting a copy of a telegram from the Lieutenant-General of the Army, relative to a deficiency of pay for June, 1875. Without objection, the resolution will be referred to the Committee on Military Affairs.

Mr. MACDOUGALL. I object to the reference. The Chair has no right to submit these communications without the consent of the House.

The SPEAKER *pro tempore*. The gentleman's point of order is overruled.

Mr. MACDOUGALL. I insist that the Chair cannot submit these communications without the consent of the House.

The SPEAKER *pro tempore*. Does the gentleman from New York object to the presentation of these communications by the Chair to the House?

Mr. MACDOUGALL. I do, without the consent of the House.

The SPEAKER *pro tempore*. Does the House consent that the Chair shall submit to the House the communications he finds on the Speaker's table?

Mr. MACDOUGALL. I object.

Mr. SAYLER. I move that the consideration of the steamboat bill be made the special order for one week from Tuesday.

WITHDRAWAL OF PAPERS.

On motion of Mr. VAN VORHES, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Captain Alexander White, on condition that there was no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. BROWN, of Kentucky, for two weeks on account of sickness in his family; and to Mr. MACKEY, of South Carolina, for two weeks from Monday next on account of illness.

COMMERCE AND NAVIGATION.

Mr. SAYLER. I repeat the motion that the steamboat bill be made a special order for a week from Tuesday after the morning hour. No other special order has been assigned to that day. A bill of this importance ought to be heard. It can be concluded in an hour or two.

Mr. SPRINGER. Let us conclude it to-night.

There being no objection, Mr. SAYLER's motion was agreed to.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maryland [Mr. O'BRIEN] that the House do now adjourn.

The question was taken; and there were—ayes 64, noes 48.

Mr. SPRINGER. I call for tellers.

Tellers were ordered; and Mr. O'BRIEN and Mr. SPRINGER were appointed.

The House again divided; and the tellers reported—ayes 62, noes 47.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 89, not voting 136; as follows:

YEAS—Messrs. Anderson, Atkins, Bagby, John H. Bagley, jr., Bell, Bradford, Bright, Cabell, John H. Caldwell, Caulfield, Chittenden, John B. Clarke of Kentucky, Cox, Davis, Dibrell, Eames, Forney, Gibson, Goode, Gunter, Hardenbergh, Goldsmith W. Hewitt, Hill, Holman, House, Hubbell, Hunton, Harlbut, Thomas L. Jones, Kehr, Levy, L. A. Mackey, Magoon, Milliken, Mills, Neal, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Rea, Reagan, William M. Robbins, Sampson, Savage, Sayler, Scales, Sheakley, Singleton, Sparks, Stone, Throckmorton, Martin I. Townsend, Tucker, Robert B. Vance, Gilbert C. Walker, Erastus Wells, Willard, Jeremiah N. Williams, Wilshire, Yeates, and Young—64.

NAYS—Messrs. Adams, John H. Baker, William H. Baker, Banks, Blair, Blount, Boone, Bradley, Horatio C. Burchard, Burleigh, William P. Caldwell, Campbell, Cason, Caswell, Cochrane, Conger, Cook, Crapo, Crounse, Culberson, Cutler, De Bolt, Denison, Dunnell, Durand, Durham, Fort, Foster, Franklin, Frye, Hale, Andrew H. Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hartzell, Hatcher, Haymond, Hendee, Henderson, Henkle, Abram S. Hewitt, Hooker, Hopkins, Hunter, Joyce, Franklin Landers, Lapham, Leavenworth, Lord, Lynde, MacDougall, Meade, Monroe, Morey, Morgan, Morrison, Nash, Oliver, O'Neill, Potter, Pratt, John Reilly, Riddle, John Robbins, Robinson, Rusk, Seelye, Sinnickson, Springer, Stevenson, Terry, Thompson, Tufts, Van Vorhes, John L. Vance, Waldron, Walls, Walsh, Ward, Warren, G. Wiley Wells, White, Whitehouse, Wike, Willis, James Wilson, and Alan Wood, jr.—89.

NOT VOTING—Messrs. Ainsworth, Ashe, George A. Bagley, Ballou, Banning, Barnum, Bass, Beebe, Blackburn, Blaine, Bland, Bliss, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, Candler, Cannon, Cate, Chapin, John B. Clark, jr., of Missouri, Clymer, Collins, Cowan, Danford, Darrall, Davy, Dobbins, Douglas, Eden, Egbert, Ellis, Ely, Evans, Farwell, Faulkner, Felton, Freeman, Frost, Fuller, Garfield, Gause, Glover, Goodin, Robert Hamilton, Haralson, John T. Harris, Hartridge, Hathorn, Hays, Hereford, Hoar, Hoge, Hoskins, Hurd, Hyman, Jenks, Frank Jones, Kasson, Kelley, Ketchum, Kimball, King, Knott, Lamar, George M. Landers, Lane, Lawrence, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, Maish, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Money, Mutchler, New, Norton, Packer, Page, Phelps, William A. Phillips, Pierce, Plaisted, Platt, Poppleton, Powell, Purman, Rainey, Randall, James B. Reilly, Rice, Roberts, Miles Ross, Sobieski Ross, Schleicher, Schumaker, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Strait, Stenger, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Washington Townsend, Turney, Waddell, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whiting, Whitthorne, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, William B. Williams, Benjamin Wilson, Fernando Wood, Woodburn, and Woodworth—136.

So the House refused to adjourn.

During the roll-call,

Mr. COCHRANE said: I desire to announce that my colleagues, Mr. MAISH and Mr. STENGER, are absent from the city on important business, and that my colleague, Mr. JENKS, is absent on account of sickness.

The result of the vote was then announced as above recorded.

The question then recurred on the amendment offered by Mr. STONE.

Mr. SAYLER. I submit that by unanimous consent this bill was postponed until a week from Tuesday next.

The SPEAKER *pro tempore*. The Clerk informs the Chair that the request of the gentleman from Ohio [Mr. SAYLER] was that if the bill should not be finished and completed to-day it should be considered as postponed until Tuesday week.

Mr. RANDALL. That was the understanding.

Mr. SAYLER. That was not the understanding of myself, and I ought to know what I understood.

Mr. SHEAKLEY. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not in order, no intervening business having transpired. The question is on the amendment of the gentleman from Missouri, [Mr. STONE,] which will again be reported.

Mr. SAYLER. I rise to a parliamentary inquiry. Do I understand that if the bill is gone on with this evening it is with the understanding which the Chair has suggested, that if not completed it will go over as a special order until a week from Tuesday next?

The SPEAKER *pro tempore*. That is the order of the House.

Mr. SHEAKLEY. Business has now been transacted, and I renew the motion to adjourn.

The SPEAKER *pro tempore*. Will the gentleman indicate what business has been transacted?

Mr. SHEAKLEY. An agreement has been come to as to when this bill shall come up again.

The SPEAKER *pro tempore*. It was simply a parliamentary inquiry to which the gentleman from Ohio [Mr. SAYLER] rose.

Mr. TOWNSEND, of New York. I move that when the House adjourns it adjourn to meet on Tuesday next.

The question was taken, and the motion was not agreed to.

Mr. SHEAKLEY. I now move that the House adjourn.

Mr. ROBINSON. Pending that motion, I ask unanimous consent to offer the resolution which I send to the Clerk's desk.

Mr. SHEAKLEY. I object.

Mr. STONE. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order is the motion to adjourn.

Mr. ROBINSON. I ask the gentleman from Pennsylvania [Mr. SHEAKLEY] to yield to me to offer a resolution.

Mr. SHEAKLEY. I have no objection.

CLERK OF COMMITTEE ON MILITARY AFFAIRS.

Mr. ROBINSON. I ask unanimous consent to submit the preamble and resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Whereas it has become notoriously public about the city of Washington that one Horace Boughton, now employed as clerk of the Committee on Military Affairs of the House of Representatives, has been guilty of corrupt and base practices while serving as an officer of the Internal-Revenue Bureau in Texas: Therefore,

Be it resolved, That the Committee on Military Affairs be instructed to examine into the facts and report the result of their investigation to this House, and that said committee have power to send for persons and papers.

Mr. RANDALL. The preamble should read, "whereas it is alleged," &c.; not make a positive statement.

Mr. ROBINSON. I will accept the suggestion of the gentleman, and modify the preamble so as to read, "Whereas it is alleged that Horace Boughton," &c.; and, as modified, I ask that the preamble and resolution be adopted.

There was no objection, and accordingly the preamble and resolution were adopted.

COMMERCIAL RELATIONS WITH MEXICO AND CENTRAL AMERICA.

Mr. GIBSON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of State be, and he is hereby, directed to furnish this House, if not incompatible with the public interest, copies of all correspondence with the ministers of the United States to Mexico and to the Central American States relative to an extension of our commercial relations with those countries.

ORDER OF BUSINESS.

Mr. TOWNSEND, of New York, and others called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Pennsylvania [Mr. SHEAKLEY] that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: Resolutions of the thirtieth convention of the Massachusetts Teachers' Association, in favor of maintaining the national Bureau of Education and of liberal appropriations for its support, passed unanimously at Boston, December, 1875, to the Committee on Education and Labor,

By Mr. CLYMER: Remonstrance of citizens of Lenhartsville, Pennsylvania, against the revision of the tariff laws, to the Committee of Ways and Means.

By Mr. DURHAM: The petition of Levi Wilcher, to be relieved from certain disabilities, to the Committeee on Military Affairs.

By Mr. HUNTER: Remonstrance of citizens of Clay County, Indiana, against reducing the tariff, to the Committee of Ways and Means.

By Mr. JONES, of Kentucky: Resolutions and petition of the city council of Covington, Kentucky, for the re-occupancy of the military post at Newport as formerly used by the Government, to the Committee on Military Affairs.

By Mr. KELLEY: The petition of citizens of Danville, Pennsylvania, that the currency shall be based on the credit of the country and convertible into 3.65 bonds, and for the repeal of the resumption act, to the Committee of Ways and Means.

By Mr. LAPHAM: The petition of a committee appointed by the New York Produce Exchange, for the amendment of the internal-revenue laws relating to distilled spirits bearing tax-paid stamps, to the same committee.

By Mr. McCRARY: The petition of Caleb W. Story, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: Remonstrance of a large number of workingmen in Philadelphia, against any reduction of the tariff, to the Committee of Ways and Means.

By Mr. POPPLETON: The petition of William A. Frew, Sylvester Gardner, and 310 citizens of Newark, Ohio, for the appointment of a commission of inquiry on the subject of temperance; also for prohibitory legislation on the subject of the use and importation of liquors, to the same committee.

By Mr. VANCE, of North Carolina: The petition of J. G. McElroy and others, for a post-route from Little Joy to Little Creek, via east and west fork of Bull Creek and mouth of Foster's Creek, North Carolina, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, *April* 3, 1876.

Prayer by Rev. I. CHAMBERLAIN, M. D., missionary of the Reformed Dutch church, Mudnapilly, India.

The Journal of the proceedings of Friday last was read and approved.

ABSENCE OF SENATOR JOHNSTON.

Mr. WITHERS. I wish to state to the Senate that my colleague [Mr. JOHNSTON] is detained at home by the serious illness of a member of his family, and the date of his return is uncertain.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, correspondence submitted by the Chief of Engineers in regard to the trouble caused by unnecessary delay in the passage of tows, &c., through the Louisville and Portland Canal, and showing the necessity for legislation to prevent a recurrence of the same state of affairs, and inviting attention to the rules and regulations for the government of the canal and those using it, published in House Executive Document No. 67 of this session; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of S. W. Millspaugh & Co. and other citizens of the State of New York, praying Congress to pass such legislation as will prevent the manufacture by the Government and sale through the Post-Office Department of stamped envelopes, stamped wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of H. M. Stetson and 36 other citizens of the county of Clinton, in the State of New York, remonstrating against any change in the existing tariff laws; which was referred to the Committee on Finance.

Mr. KERNAN. I present the memorial of the Oswego Board of Trade, remonstrating against the passage of Senate bill No. 373, to promote the efficiency of the light-house service of the United States. I understand the bill has been reported upon adversely, and therefore I move that the memorial lie on the table.

The motion was agreed to.

Mr. CHRISTIANCY presented a resolution of the Board of Trade of the city of Detroit, Michigan, in favor of the permanent formation of the Signal Service Corps, and against reducing the appropriations for that service; which was referred to the Committee on Commerce.

He also presented the petition of J. H. Russell, praying for an act allowing him payment for a steamboat destroyed while in the military service of the United States; which was referred to the Committee on Military Affairs.

Mr. INGALLS. I present a memorial of a large number of pensioners who are now residents of the State of Kansas, whose pensions are payable at the pension office in that State, remonstrating against any legislation of Congress transferring the pension office in that State to Washington. I move its reference to the Special Committee to Examine the Several Branches of the Civil Service.

The motion was agreed to.

Mr. WITHERS presented the petition of William Milnes, jr., and other citizens of Page County, Virginia, praying that the present tariff laws may remain undisturbed; which was referred to the Committee on Finance.

Mr. MERRIMON. I present a resolution of the Chamber of Commerce of Wilmington, North Carolina, commending in high terms the Signal Service, and praying Congress to organize the Signal Corps as a separate organization. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Lebanon County, Pennsylvania; a petition of citizens of Mercer County, Pennsylvania; a petition of citizens of Lycoming County, Pennsylvania, and a petition of citizens of the State at large, protesting against any modification of or change in the existing tariff laws; which were referred to the Committee on Finance.

Mr. MORRILL, of Vermont, presented the petition of Charles H. Clay and 203 others, praying that the law providing for the payment of pensions at specified localities throughout the country may remain as it exists at the present time without any material change; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. FRELINGHUYSEN. I present the petition of a number of envelope-manufacturers, printers, stationers, and lithographers, of the State of New Jersey, stating that the Government has been for some years past manufacturing, selling, and printing envelopes, newspaper-wrappers, and postal cards, to their injury, and below cost, and asking appropriate legislation for their relief. I move that the petition be referred to the Committee on Post-Offices and Post Roads.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Mahoning County, Ohio, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. CONKLING presented three memorials of workingmen of the county of Clinton, New York, remonstrating against the proposed changes in the tariff laws; which were referred to the Committee on Finance.

He also presented a memorial of printers and stationers of Syracuse, New York, remonstrating against the continuance by the Government of the manufacture and sale of stamped envelopes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of workingmen of the county of Erie, New York, remonstrating against the proposed changes in the tariff laws; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Auburn, New York, remonstrating against the continuance by the Government of the manufacture and sale through the Post-Office Department of stamped envelopes, stamped wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORTON presented a memorial of the Indianapolis Board of Trade, remonstrating against Congress adopting any measure which will impair the efficiency of the Signal Service; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a memorial of the Vessel-owners and Captains' Association of Philadelphia, in favor of liberal

appropriations for the Signal Service and hydrographic branch of the Navy Department; which was referred to the Committee on Commerce.

He also presented resolutions of the Board of Trade of the city of Detroit, Michigan, remonstrating against a reduction of the appropriation for the United States Signal Service Corps; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 105) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf-Trap light station, in the State of Virginia, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. No. 471) to re-open the lands of the Fort Sedgwick military reservation to settlement and occupation as public lands, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred a letter of the Secretary of War, accompanying a statement of the Chief of Ordnance in relation to an omission in the Revised Statutes not enumerated in his letter of August 17, 1875, submitted a report thereon, accompanied by a bill (S. No. 684) for the better regulation of the Ordnance Department of the Army of the United States.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL. I am also directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 144) to provide for the construction of a military telegraph line from Fort Canby, via Fort Stevens and Astoria, to Portland, Oregon, to report it adversely, and to submit a written report thereon.

Mr. MITCHELL. I do not think the bill was properly before the Committee on Military Affairs. I think it ought to be considered by the Committee on Commerce. If there is a proper way to get it there, I should like to have it referred to the Committee on Commerce.

Mr. COCKRELL. Let the report be printed. I do not ask for immediate action on the bill. I know the Senator's views. After the report is printed and before the case is finally acted upon he can have the bill referred to the Committee on Commerce, if he desires.

The PRESIDENT *pro tempore*. Does the Senator from Oregon desire the bill to go to the Committee on Commerce?

Mr. MITCHELL. Yes, sir.

The PRESIDENT *pro tempore*. If there is no objection, the bill will be referred to the Committee on Commerce and the report printed. The Chair hears no objection to the proposed reference.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the petition of Delilah Kelly, praying for certain relief, reported a bill (S. No. 685) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry; which was read and passed to the second reading.

Mr. LOGAN. This bill was introduced in the last Congress and reported from the committee. There is a printed report made by the committee at the last Congress which the present committee adopt, in order to save the necessity of reprinting.

Mr. WRIGHT. I am instructed by the Committee on Claims, to whom was referred the petition of the stockholders of the Seaboard and Roanoke Railroad Company, praying compensation for the use and occupancy of their railroad by the United States authorities during the late war, to report it adversely and ask to be discharged from its further consideration. I present a report in the case, which I ask may be printed, and concurred in by a vote of the Senate.

Mr. WITHERS. I ask that the report lie on the table and be printed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of John Birketh, praying compensation for losses sustained in the destruction of his property at Beverly, West Virginia, by United States troops, on the 24th of April, 1863, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WRIGHT. I am instructed by the same committee, to whom was referred the bill (S. No. 527) for the relief of Major Nicholas Vedder, paymaster United States Army, with the accompanying papers, to report it back. I call the attention of the Senator from Illinois [Mr. LOGAN] to this bill. The committee recommend its indefinite postponement, but I was instructed by the committee, in view of the circumstances of the case, to suggest that the bill go upon the Calendar rather than move its indefinite postponement at this time, supposing that it would be the desire of the Senator from Illinois that it should take that course.

Mr. LOGAN. I prefer that that course be taken.

Mr. WRIGHT. There is a written report in the case, which I ask to have printed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, and the report will be printed.

Mr. WRIGHT. There was referred to the Committee on Claims the bill (S. No. 361) to provide for the payment of claims for Indian depredations. It seems that this bill was referred to the Committee on Indian Affairs; that that committee was discharged and it was then referred to the Committee on Appropriations. That committee was discharged and it was referred to the Committee on Claims. I am instructed to report the same back and move that it be recommitted to the Committee on Indian Affairs, where it properly belongs.

The motion was agreed to.

Mr. CHRISTIANCY. I am directed by the Committee on Claims to submit an adverse report on the claim of Robert Lowry, of Tennessee. I call the attention of the Senator from Tennessee [Mr. COOPER] to this case. The claim is for the destruction of a dwelling-house at the time of the battle of Nashville. The dwelling-house was situated between the two armies, and was destroyed by the order of the proper military authorities. It is supposed that this case may raise questions analogous to those involved in the J. Milton Best case, a case which has been determined finally by Congress. If the Senator from Tennessee wishes to take the judgment of the Senate upon it, I shall have no objection.

Mr. COOPER. I ask that the report be printed, and laid on the table.

The PRESIDENT *pro tempore*. The report will be printed, and lie on the table, if there be no objection.

Mr. CHRISTIANCY. I am also instructed by the Committee on Claims to submit an adverse report on the claim of Joseph Segar, and I call the attention of the Senator from Virginia [Mr. WITHERS] to this case. It is a claim growing out of the removal of what is called the Hygeia Hotel, situated upon the Government property at Fortress Monroe. The committee ask to be discharged from the further consideration of the petition.

Mr. WITHERS. I ask that the petition and report be recommitted to the committee in order that I may prepare a bill to be referred to the same committee, so that I can get the case on the Calendar. It is a matter that I want to have the sense of the Senate upon. I have no doubt the report is in strict accordance with the law; but I think the exigency of the case is such as to entitle the party to relief.

Mr. CHRISTIANCY. Let the report lie on the table and be printed, if that is in order, and the Senator can introduce his bill and have it referred to the committee.

Mr. WITHERS. Very well.

The PRESIDENT *pro tempore*. The report will lie on the table.

Mr. CLAYTON. I am directed by the Committee on Military Affairs, to whom were referred the bill (S. No. 637) to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs, and the petition of colored soldiers of Arkansas, praying the repeal of certain laws relating to the manner of paying bounties to colored soldiers and for the enactment of such laws as will place the colored soldiers on the same footing as to the manner of payment of bounties as white soldiers, to submit an adverse report thereon, which I ask may be adopted.

The PRESIDENT *pro tempore*. The adoption of the report is the indefinite postponement of the bill.

Mr. COCKRELL. I have called the attention of the Senator from Mississippi [Mr. BRUCE] to the matter, and he desires the bill to lie on the table for the present.

The PRESIDENT *pro tempore*. The bill will lie on the table and the report will be printed, if there be no objection.

Mr. CLAYTON. I am also instructed by the committee, in connection with this question, to move that the bill (S. No. 296) to equalize fees allowed attorneys for collecting pay or bounty be recommitted to the Committee on Military Affairs. I make that motion.

The motion was agreed to.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 495) for the relief of William H. Smallwood, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of George S. Kauster, praying for the payment of $41,698.43 as compensation for the rent of certain real estate in New Orleans, occupied by United States troops during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. GORDON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

LIEUTENANT CHARLES W. MACKEY.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Re-

serve Volunteer Corps, to report it without amendment; and I ask for action at the present time. It is a very short bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the record of the dismissal of Charles W. Mackey, first lieutenant Company C, Tenth Regiment Pennsylvania Reserve Volunteer Corps, and grant him an honorable discharge from the Army, to date July 11, 1863.

Mr. WITHERS. I hope the Senator from Illinois will give us some explanation of the necessity which requires the passage of this bill.

Mr. LOGAN. If the Secretary will read the indorsements on the back of the paper accompanying the bill, they will explain fully to the Senator what it means.

The Chief Clerk read as follows:

If Governor Curtin shall say to me in writing that he desires to appoint C. W. Mackey to a military office, I will remove the disability and allow him to do so.

A. LINCOLN.

NOVEMBER 9, 1863.

I desire to appoint C. W. Mackey to a military office in the Pennsylvania Volunteers as soon as an opportunity offers, and ask that the disability be immediately removed (by reason of his dismissal) for that purpose.

A. G. CURTIN.

NOVEMBER 25, 1863.

Disability removed according to the foregoing.

A. LINCOLN.

DECEMBER 10, 1863.

Mr. LOGAN. The disability was occasioned by the finding of a court-martial and it was removed by the President, which does not appear of record. This bill is merely to correct the record so that it may give him an honorable discharge as intended by the order of the President. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. ANTHONY. I believe that there is no unfinished business for to-day.

The PRESIDENT *pro tempore*. Morning business is not yet concluded.

Mr. ANTHONY. I was going to make a motion which does not apply to the morning hour. I move that at the expiration of the morning hour the Senate proceed to the consideration of the Calendar under the rule upon which we have been acting, considering unobjected cases only.

Mr. THURMAN. I hope that the Senator from Rhode Island will allow me to move to take up a bill that I do not think it will take ten minutes to pass, and to which I am sure there will be no objection. Then I shall have no objection to the course he proposes.

Mr. ANTHONY. My motion only applies at the expiration of the morning hour at one o'clock.

Mr. THURMAN. I cannot very well get my bill up before that time.

Mr. ANTHONY. I shall not object to the Senator's bill. Will the Senator yield to this motion, to apply at the expiration of the morning hour?

Mr. THURMAN. I do not object to the motion at all.

The PRESIDENT *pro tempore*. It is moved that at the expiration of the morning hour the Senate proceed with the Calendar under what is known as the Anthony rule.

Mr. MORTON. I think I shall have to object to that.

Mr. COCKRELL. To commence at the beginning of the Calendar?

Mr. ANTHONY. To commence where the last consideration of the Calendar was left off, so as to go through it. I shall not object to what the Senator from Ohio proposes.

Mr. MORTON. I rise with morning business. I wish to introduce a bill.

The PRESIDENT *pro tempore*. Bills are in order.

Mr. THURMAN. I ask the Senate to take up Senate bill No. 332. I do not believe it will take five minutes.

Mr. MORTON. I have a bill to introduce.

The PRESIDENT *pro tempore*. The Senator from Indiana rises with morning business.

Mr. CAMERON, of Pennsylvania. I give notice to the Senate that I will ask the Senate to proceed to the consideration of executive business at two o'clock to-day.

BILLS INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 686) to amend the second, fourth, and fifth sections of an act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes, approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes; which was read twice by its title.

Mr. MORTON. The object of the bill is to so amend the law called the enforcement act as to bring it within the decision of the Supreme Court, and I venture to ask the speedy attention of the Committee on the Judiciary to the bill. I move that the bill be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. EDMUNDS. I ask leave without previous notice to introduce a bill for a sinking fund for the Central Pacific Railroad Company in its relations with the United States. This bill has been sent to me with a long communication from the vice-president of that company, which I have scarcely had time to read, and of course I have no opinion upon the merits of the matter. I ask that it may be printed together with the communication and referred to the Committee on Railroads.

By unanimous consent, leave was granted to introduce a bill (S. No. 687) to create a sinking fund for the liquidation of the Government bonds advanced to the Central and Western Pacific Railroad Companies; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Railroads, and ordered to be printed.

Mr. CHRISTIANCY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 688) referring the claim of John H. Russell to the accounting officers of the Treasury of the United States for adjudication and settlement; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 689) to correct the date of commission of Captain Daniel W. Burke; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 690) for the relief of the heirs of John S. Fillmore, late of Denver, Colorado; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. CONKLING. By the request of the party interested and knowing nothing of the merits of the case myself, I ask leave to introduce a bill for the relief of Edwin A. Leland, and with it I present a petition, to go to the Committee on Patents also, setting forth the reasons why he should have a hearing before the Commissioner of Patents touching the extension of a patent for paint-cans.

By unanimous consent, leave was granted to introduce a bill (S. No. 691) for the relief of Edwin A. Leland; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Patents.

PAY OF COMMISSIONERS OF FOX RIVER IMPROVEMENT.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress.

Mr. HOWE. I wish that the bill may be reported at length and that the Senate will allow me to make a statement of three minutes about it, and then I shall ask the unanimous consent of the Senate to put it on its passage.

The PRESIDENT *pro tempore*. The bill will be read the first time at length.

The Chief Clerk read as follows:

Be it enacted, &c., That so much of the $25,000 which, under the second section of the act entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin," approved March 3, 1875, is appropriated to the payment of the property taken under said act as is required to pay the salaries of commissioners appointed by the court to assess the damages for the property so taken and other necessary legal fees, may be applied by the Secretary of War to such uses.

By unanimous consent, the bill was read the second time and considered as in Committee of the Whole.

Mr. HOWE. The Government is improving the Fox and Wisconsin Rivers in the State of Wisconsin. It was supposed to be necessary to obtain the right of way for the location of dams and canals. Last year Congress passed an act authorizing the damages in such cases to be ascertained under the laws of the State of Wisconsin. Those damages are ascertained by the appointment of commissioners by the court. The act appropriated a sum not exceeding $25,000 to pay those damages. Commissioners have been appointed, have been taking testimony and passing upon cases. The question has arisen how those commissioners are to be paid. The Attorney-General a few days since gave an opinion that he could not pay them out of the $25,000. The sole object of this bill is to authorize the Secretary of War to apply so much of that $25,000 as is required to paying the salaries of the commissioners and other necessary legal fees. We do not know of a dollar of legal fees outside of the salaries of the commissioners. The bill appropriates no new sum, but simply authorizes so much as is necessary to pay the salaries out of the $25,000 appropriated last year to be applied to that purpose.

Mr. COCKRELL. Has the bill been referred to a committee and reported?

Mr. HOWE. I stated the whole purpose of the bill. It has not been reported. It has been shown to the chairman of the Committee on Commerce and the chairman of the Committee on the Judiciary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July, 9, 1842; and

A bill (H. R. No. 744) to increase the pension of Mary W. Jones.

The message further announced that the House had passed the following bills and joint resolution:

A bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada in October, 1864;

A bill (S. No. 632) to suspend the sale of the jail on Judiciary Square, and for other purposes; and

A joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CLAYTON, it was

Ordered, That the papers in the case of Angeline Logan be taken from the files of the Senate and referred to the Committee on Claims.

DISTRICT JAIL ACCOMMODATIONS.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia are hereby directed to inquire what additional jail accommodations are required for the use of the District of Columbia, and to report thereon.

POSTAGE ON THIRD-CLASS MAIL MATTER.

Mr. HAMLIN. I wish to give notice to the Senate that on Wednesday morning I will ask them to take up and consider a bill reported from the Committee on Post-Offices and Post-Roads, regulating the transmission of third-class mail matter in the mail. It is a very important question. On that occasion I will endeavor to state to the Senate the information and the reasons upon which the committee directed me to report the bill.

The PRESIDENT *pro tempore*. The Senator from Maine gives notice that on Wednesday next he will endeavor to obtain the floor for the purpose of considering the bill he has named.

Mr. HAMLIN. I wish also to say that this bill, in and of itself, could have been long since reported, but the committee have been very industriously examining all the various branches of the Department for the purpose of ascertaining if they cannot bring the service to some point nearer to a self-sustaining condition, and the delay has been occasioned mainly by examining or trying to examine as well as they could all the various questions having a bearing upon that point.

COUNTING OF ELECTORAL VOTES.

Mr. MORTON. There is a motion pending to reconsider the vote on the passage of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon. The motion was entered by my friend from Ohio, [Mr. THURMAN.] I hope, if the motion is not to be withdrawn, the Senator will be prepared to have it taken up and disposed of to-morrow morning.

Mr. THURMAN. I wish to say that, if I cannot be ready by to-morrow morning, I will try to be ready by the day after to-morrow or at the very earliest moment. I have been so much engaged in other matters that I could not attend to it. I want to prepare an amendment and desire to have the case considered without delay. I will try and call it up at the earliest possible day I can. I now ask the Senate to proceed to the consideration of Senate bill No. 332.

AMENDMENT OF BANKRUPT LAW.

Mr. CHRISTIANCY. I wish to move, if in order, to take up the motion submitted by myself some time ago to reconsider the vote by which the bill fixing the salary of the President of the United States was passed. I made that motion to accommodate others and not myself, and I do not wish to cause delay.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield for that purpose?

Mr. THURMAN. No; that will take up too much time. I move that the Senate proceed to the consideration of Senate bill No. 332. I do not think it will take ten minutes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States.'"

The bill was reported by the Committee on the Judiciary with an amendment to strike out all after the enacting clause of the bill, and in lieu thereof to insert—

That section 12 of said act be, and the same is hereby, amended as follows: After the word "committed," in line 44, insert: "*Provided also*, That no voluntary assignment by a debtor or debtors of all his or their property, heretofore or hereafter made in good faith for the benefit of all his or their creditors, ratably and without creating any preference, and valid according to the law of the State where made, shall of itself, in the event of his or their being subsequently adjudicated bankrupts in a proceeding of involuntary bankruptcy, be a bar to the discharge of such debtor or debtors."

Mr. COCKRELL. I should like to ask the Senator from Ohio if this is all the report that we shall have upon this question from the Judiciary Committee? Have not bills been referred to that committee repealing the bankrupt law entirely?

Mr. THURMAN. This measure has no effect whatsoever upon the bills that have been referred to us for the repeal of the bankrupt law. Whether the bankrupt law be repealed or not, this bill ought to pass; because any repeal of the bankrupt law will of course save causes that are pending. Nobody proposes to repeal the bankrupt law so as to affect causes which are already pending and many of which are more than half adjudicated. This bill is simply to provide for a case that has grown out of the discordant decisions of the district courts of the United States. In one district of the United States it has been decided that where a man has in good faith made a general assignment for the benefit of all his creditors, creating no preference whatsoever, and without the slightest fraud either actual or constructive or presumptive, nevertheless, owing to the particular wording of the bankrupt law, if a year after, or two years afterward, or any time afterward, that man is put into involuntary bankruptcy, the bare fact that he had made this general assignment for the benefit of all his creditors without preference, (a thing which the Supreme Court, in speaking in a bankruptcy case, has said is a meritorious and commendable thing,) has been held to prevent his discharge in bankruptcy. Other courts have held differently; and it is to put an end to these discordant decisions, which make the bankrupt law one thing in one district and another thing in another district, that this bill is reported by the Judiciary Committee. It simply provides what I think the law properly construed now provides, and certainly what it ought to provide, that a man shall not be prevented from having his discharge because he has done the meritorious and commendable thing of making an assignment for the benefit of all his creditors, without any preference whatever, in perfect good faith. That is the whole of this bill. Of course, the passage of the bill can in no wise affect or influence the question whether the bankrupt law itself should be repealed. I hope that the bill may pass.

Mr. WALLACE. Mr. President, I am entirely satisfied with the correctness of the Senator's bill as far as it goes, but I think it ought to go further, and provide that where there has been such a voluntary assignment made it shall not be a cause of bankruptcy at all; that a man may not be put into bankruptcy who shall have made a voluntary assignment valid under the law of the State where he resides, which does not make preferences. Why not go to the full extent of that doctrine? Why should we simply say that this man is confined to the tender mercies of the bankrupt law, which works so harshly, when we may cut off the harshness that arises under it, and make a doctrine that is consistent and harmonious with the State law? Why not go to the full extent of saying that it shall not be cause of bankruptcy at all? I think this is the true line, and I shall offer an amendment accordingly in proper form.

Mr. THURMAN. I hope that the Senator from Pennsylvania will allow this bill to pass, standing on its own merits. The proposition he makes I must say has always seemed to me to be worthy of very serious consideration, and the inclination of my mind has been to favor it; but to put that amendment on this bill would make this bill prospective, it would look to a continuance of the bankrupt law. It would be better to offer that amendment when some other propositions that are before the Judiciary Committee shall be reported to the Senate. When some of those measures shall be reported to the Senate the question will be brought up whether the Senate is in favor of repealing the law or not, and then I am not at all certain but that I shall be in favor of the amendment suggested by the Senator from Pennsylvania; but I beg him to let this bill, which is simply to remedy an existing evil, and which does not touch the question of the perpetuation of the bankrupt law, pass on its own merits. His amendment, if adopted, would bring us into a general discussion upon the question of perpetuating or repealing the bankrupt law. But there are various propositions to amend that law now before the Judiciary Committee, and which will all be reported upon in due time, and I do not know but this very proposition of the Senator from Pennsylvania—I do not know how that is—but they will be reported upon, and then will be the time when, if he will offer his amendment, it can receive fair consideration without prejudice to any other bill.

Mr. WALLACE. I have no desire to push the amendment at the present time and embarrass this bill.

Mr. CONKLING. Mr. President, two or three objections occur to me against this bill, and because of those I did not concur in reporting it to the Senate. Without meaning to argue the question, I wish to state to the Senator who moves the bill and to the other members of the Senate two or three thoughts which occur to me.

In the first place, as the Senator from Pennsylvania [Mr. WALLACE] has said, the broad question about the bankrupt law is whether it shall continue or cease. If that question be determined in one way, it dispenses, prospectively at least, with all bills aimed at its amendment; but for the purposes of this bill and this consideration, I assume that the bankrupt law is to stand. The case made in favor of the bill is that conflicting decisions have been made in different districts, possibly in different circuits. The Supreme Court of the United States was instituted and exists for nothing more certainly and for nothing more chiefly than to reconcile those differences; to act as the final arbiter of just such conflicts as that between inferior courts in different localities, so that I may say that here is a case presented especially applicable to the functions of the highest judicial tribunal.

Mr. THURMAN. Will the Senator allow me to interrupt him for a moment?

Mr. CONKLING. Certainly.

Mr. THURMAN. The Senator forgets that the Supreme Court has

decided that no appeal lies from an order refusing to discharge a bankrupt.

Mr. CONKLING. And the court has also held that an appeal does lie and has come to it in other instances involving these questions among others; and, speaking without the decisions before me, I think it will be found that the Supreme Court has covered, and more than covered, a part of this ground; and if the Senator finds difficulty in the law in presenting a question to the Supreme Court, I submit to him that the way to remedy that difficulty is to supply the want and furnish the jurisdiction which he says is now lacking. And I submit to him with a good deal of confidence that that is the remedy in any instance in which the purpose is to act upon existing suits. A declaratory law speaking for the future may be open to the criticism of doing by legislation what pertains more appropriately to judicial investigation and decision; but when the purpose is by a declaratory law to adjudicate rights in pending proceedings, in existing suits, the suggestion becomes much stronger; and that brings me to the next difficulty that I find in this case.

The bill provides "that no voluntary assignment by a debtor or debtors of all his or their property heretofore or hereafter made," &c. It seems to me that the case must be very exceptional in which the law-making power by a declaratory act should step in, speaking of existing suits, and declare retroactively the meaning of the statute which is undergoing the examination of the courts, and which involves the rights of the people. Instances have been mentioned to me—I forbear to state them, because I am not sufficiently acquainted with the facts to make it proper for me to produce them—in which large estates now the subject of bankruptcy proceedings will be changed from one direction and possibly from one jurisdiction to another under the retroactive operation of this proposed statute.

Therefore, Mr. President, without prolonging the debate, I submit that first of all it would be well to determine whether the bankrupt law is to continue or to be repealed. If it is to continue, this is not the only respect in which it needs amendment. We passed only a few days ago, at the request of the Senator from Ohio, another bill to amend the bankrupt law; that related to the whereabouts of papers.

Mr. THURMAN. The Senator is entirely mistaken. It was not a bill to amend the bankrupt law at all, properly speaking; it was a bill to amend the act conferring jurisdiction upon the district courts of the Territories.

Mr. CONKLING. I accept the Senator's criticism with humility. He says it was not to repeal the bankrupt law in any proper sense of the term. Feeling diffident about being a proper judge of the proper sense, I accept his statement. It is true, however, that it was a bill the purpose and effect of which was solely to do what the bankrupt law had failed to do in respect of proceedings taken under that act. Senators will judge whether it was to amend or supplement the bankrupt law, or not. My friend is quite right in what he says; he explained it the other day. It related to the presence of papers and the absence of papers where proceedings were to be had or perfected to which those papers pertained. I am not criticising the bill; but I say that in a large matter of this sort, where confessedly there is a general demand for a modification of an existing statute if it is to be continued, the worthy way, the way to proceed decently and in order—I beg the honorable Senator from Ohio to understand that I mean no offense by these terms—the way of orderly legislation is to take up this statute not by piecemeal in one bill to-day and another to-morrow and a third bill the day after, and make such provisions as occur from time to time, but at large and at once in a general bill make such modifications as in the judgment of the committee having it in charge are requisite and necessary.

If we go on in this way, this being the second amendment to the law within a short period, if every time a suggestion occurs to a Senator or is brought to his knowledge, it is to become the subject of a separate bill, we shall have a multiplicity of amendments which are both awkward and inconvenient; and then if, after all that, it shall be the judgment of the Senate that the bankrupt law ought to be repealed, we shall be legislating touching the existing suits and vested rights and our legislation will do nothing more; we shall have withdrawn from the Supreme Court and from other courts the questions now pending before them, the right to adjudicate which now resides in the courts, and having withdrawn them we shall ourselves by legislative declaration declare the rights of parties in existing cases, the law for the future will fall, and there the matter will stand.

It seems to me that that is not an adequate mode of treating this subject; but that we ought rather to ascertain first whether the statute is to continue or not. If we find that it is to continue, then we should address ourselves to such general reformation, not of a single detail at a time, as may be found necessary in the experience of this law.

Mr. MORTON. Mr. President, is it in order now to offer an amendment to this bill?

The PRESIDENT *pro tempore*. It is.

Mr. MORTON. For the purpose of testing the sense of the Senate on a question in regard to which I think the minds of Senators must be to a great extent made up at this time—mine has been for some time—I offer the following amendment to the bill.

The PRESIDENT *pro tempore*. Is it an amendment to the amendment of the committee?

Mr. MORTON. Yes, sir; by way of addition.

The PRESIDENT *pro tempore*. It is in order and will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the committee the following:

SEC. 2. That the act establishing a uniform system of bankruptcy throughout the United States, approved March 2, 1867, is hereby repealed, to take effect on the 1st day of July, 1876: *Provided*, That proceedings in bankruptcy pending on the 1st of July, 1876, shall not thereby be abated, but the same may be brought to final adjudication.

Mr. THURMAN. That precise proposition in substance has been referred by the Senate to the Committee on the Judiciary, and I think the Senate knows that committee well enough to know that it will give it a serious and impartial consideration, and report in time for the Senate to act. I believe I am correct in saying that a bill has already passed the House of Representatives for the repeal of the bankrupt law, and that bill has been referred to the Committee on the Judiciary of the Senate. Now, if the Senator from Indiana wishes to speed the repeal, the way to do it is to have a report on that bill which is in substance the same as his amendment; and if a majority of the Senate are in favor of the repeal, then that House bill will pass and become a law, and there will be an end of the matter. But I do respectfully protest against adding to this bill (which is to remedy an evil that ought not to exist, which is for a single purpose, easily comprehended, and about which I am sure there can be no two opinions in the Senate) so great a proposition, and one that will give rise to such extended debate as that proposed by the Senator from Indiana.

I am not now here to say whether the bankrupt law should be repealed or not repealed. I tried to get it repealed in the session of 1873-'74, but a clear and decided majority of the Senate were opposed to the repeal. What the sense of the Senate now is, I do not know. I knew very well then that I could not even get the Senate to take up a House bill that provided for a repeal of the law. There were more than two to one against the repeal. The consequence was that your Judiciary Committee was charged with the labor of amending that bill; and no duty performed by that committee since I have been here—and that is now seven years—ever devolved so much labor upon the members of the committee who were specially charged with it as did that revision of the bankrupt law. They reported the result of their labors, and it was great satisfaction certainly to them to know that the bill they reported received the unanimous support of the Senate, or at any rate so nearly unanimous that those who dissented from it were very few and those who did dissent did not, I believe, dissent on account of any provision of the bill but simply because they preferred an absolute repeal.

Mr. President, I want to take up the question of the repeal of the bankrupt law, and at the proper time when a report is made upon the House bill; but for this bill itself, I ask that it may be passed because it stands on special circumstances that commend it to the judgment of everybody who will look into the question. And now I propose to say a word or two in reply to the Senator from New York, [Mr. CONKLING.]

He says that instead of this bill I ought to provide an appeal to the Supreme Court. What would that do? In the first place an appeal would be necessary from the district court to the circuit court, and then an appeal from the circuit court to the Supreme Court, which is already more than three years behind its business; and the result would be practically that three-fourths, perhaps, or more of the bankrupt cases now pending or that would be brought within a short time would be disposed of before you could ever get a decision of the Supreme Court. But that is not all. Suppose when the Supreme Court came to pass on the decision to which I have referred, the decision in the southern district of New York, that such an assignment as is described in this bill is a bar to the discharge of the bankrupt, the Supreme Court should hold that that is a true interpretation of the law; yet every member of the Senate, I am sure, will say that then the law is not what it ought to be. And therefore we get no relief from the evil of the law by the decision of the Supreme Court which may interpret it, as it has been interpreted, contrary to reason and contrary to justice. No reason can be given that has the least validity in justice why a man who has done what the Supreme Court in the very latest decision it has pronounced in a bankrupt case says is a commendable thing—that is, made an assignment of all his property for the equal benefit of all his creditors without any preference whatsoever, and without any fraud, either actual or constructive—no reason can be given why, if that man should be years afterward put into involuntary bankruptcy, that assignment, which he had made in perfect good faith, and commendably, too, as the Supreme Court has said, should bar him from a discharge. The object of the bankrupt law in prohibiting a discharge was to prevent men who had been guilty of fraud from being discharged; but here is a case in which a man has been guilty of no fraud, but, on the contrary, has done a meritorious and commendable thing, and yet by the interpretation of a single sentence in the bankrupt law he cannot obtain a discharge, although the proceeding against him in bankruptcy is an involuntary proceeding, and may be brought years after he had made the assignment.

The PRESIDENT *pro tempore*. The Chair will remind Senators that the morning hour has expired. Is there objection to the Senator from Ohio continuing?

Mr. THURMAN. I ask the Senate to continue this matter for a few moments, because I think we can soon have a disposition of this bill.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. Senate bill No. 332 is under consideration as in Committee of the Whole.

Mr. THURMAN. Then I say that an appeal to the Supreme Court affords no solution of this difficulty: first, because you cannot have a decision for three or four years, and, in the second place, if the decision were that the ruling in the court below, which denies the discharge, be the correct ruling, it would only show that the law is not what it ought to be, and we are here to make it what it ought to be.

In the next place, the Senator from New York says that this is a declaratory law. No, sir; it is not a declaratory law at all. It does not declare the meaning of the bankrupt law. It is a legislative act which provides that this assignment shall not operate to prevent the discharge of the bankrupt. That is all there is of it.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. THURMAN. Certainly.

Mr. CONKLING. I ask the Senator whether if his judgment was and the judgment of the Senate was that the law as it stands meant something else, to wit, the reverse of this bill, he would advocate, as matter of original legislation, changing and reversing the statute in respect of cases already adjudicated and pending adjudication?

Mr. THURMAN. Not in regard to cases already adjudicated.

Mr. CONKLING. Is not this retroactive?

Mr. THURMAN. It does not affect cases adjudicated at all. It cannot affect them.

Mr. CONKLING. Does it not affect existing cases?

Mr. THURMAN. It affects pending cases.

Mr. CONKLING. I understand the Senator from Ohio at this moment to deny that this is a declaratory act. He says it is original legislation making this the meaning of the law, no matter what was the meaning before. My inquiry is whether, if the effect of this bill is to reverse the meaning of the statute in this regard, he would advocate the passage of such a bill to take effect on existing cases?

Mr. THURMAN. Certainly, sir, or any other evil in the law, whether it takes effect upon existing cases or not; and we do it every day. When we reported the bill to amend the bankrupt law, we made it operate upon existing cases, and it affected them in a multitude of instances. We made it necessary for the petitioner in bankruptcy in cases already pending to obtain within a certain limited time mentioned in the bill the consent or concurrence of a certain proportion of the creditors in number and in value of their claims. In various other ways we made that law applicable to existing cases. We do it every day. What injustice, pray, is there in doing it? What injustice in this particular case is there? If it is right that in a future case, a case brought after the passage of this bill, the effect of an assignment should not bar a discharge, is it not equally right in a case that is pending? The discharge is the last thing; the administration of the estate is all gone before the discharge takes place; the creditors have received the benefit of the bankrupt's estate, and the sole question that is left is whether he shall receive a discharge or not. If it would be right in a case that is brought to-day or to-morrow or next week that his assignment such as is described in this bill should not bar his discharge, it is just as right in reference to suits that are now pending. It is not a declaratory law at all. What is the understanding of a declaratory law? A declaratory law is intended to operate from the enactment of the statute whose meaning it declares; and although some courts have held, and certainly all courts will hold in regard to criminal laws, that a declaratory law cannot have a retroactive operation because that would be an *ex post facto* law, yet in regard to laws of a civil nature alone, courts have again and again given effect to laws that were retrospective, which were declaratory and became retrospective by their operation. I admit that there are limitations upon that. I admit that no declaratory law by its retrospective operation can in any proper judicature destroy intervening vested rights; and that is a limitation that sensible courts put always upon declaratory laws. But where the law is not criminal in its nature, and therefore not *ex post facto*—and we know that the provision against *ex post facto* laws relates to criminal proceedings alone—and where in its retrospective character it interferes with no intervening vested rights whatsoever, but stands simply upon public policy, the courts have not hesitated to give it a retrospective effect, because it was the interest of justice and according to the intent of the law-making power that the law should be what it is declared to mean.

This is the case here. There is no intervening right here that will be affected by this bill if it pass; nothing of the kind whatsoever. It is a simple measure which appeals to the common sense and justice of the Senate. It simply appeals to them to remedy an evil in the bankrupt law by which one of the most meritorious men in the community may be prevented from having the benefit of that law which men not half as meritorious are every day receiving.

The Senator from New York says that the proper, decent, and orderly mode would be to bring in all these amendments to the bankrupt law in one bill. That is simply to defeat the whole thing. I say that a much better way to do is to bring in a proposition about which I think there can hardly be two opinions, and let it stand on its own merits, untrammeled by propositions that necessarily give rise to debate and that may be questionable. That is a sufficient answer to that, as it seems to me.

And now, in conclusion, I beg the attention of the Senator from Indiana for a moment. I do hope, in view of what I have stated about this particular measure, and having the certainty that the bill which has passed the House of Representatives for the repeal of the bankrupt law will be reported upon by the Judiciary Committee in ample time to allow the Senate to act upon it, that he will not embarrass this bill by insisting upon his amendment. I hope he will see that it may be proper to withdraw the amendment and let the bill which has passed the House and which will soon be reported upon by the Judiciary Committee come up, when the question presented by his amendment can be fully and intelligently considered.

Mr. WRIGHT. I rise to second the request made by the Senator from Ohio, that the Senator from Indiana will withdraw this amendment. The question that is now before the Senate is the amendment he has offered, which proposes to repeal the bankrupt law. Upon the merits of that proposition I have nothing to say at present; but I have something to say and a mere suggestion to make in reference to the time and the occasion and the opportunity sought for making the proposed repeal. I do not think this method of legislation is advisable. The question is one of immense magnitude, of the very greatest importance to the entire interests of the country. It is a question of such magnitude and such importance that it ought to have the careful, deliberate consideration of a committee of this body; that committee ought to report upon it; and upon that report the question should be considered by the Senate. I do not think it is quite fair to the committee. I do not think it is right before the Senate and its business. I do not think it is just to the great interests involved that upon a bill of this kind, as to which there is perhaps little question, a measure of such magnitude should be sought to be incorporated. I therefore ask and urge that the Senator from Indiana will withdraw his amendment and not precipitate this question upon the Senate on this bill; but let us dispose of this bill, and if there is any disposition manifested to avoid the other question either by delay or otherwise, or if it shall appear that the Senate Committee on the Judiciary is unfaithful or delays unnecessarily the bill before it, then let the proposition be presented either to discharge the committee from it or take it up as an independent measure. But I beg the Senator from Indiana in view of the fact that the matter is before the committee and having its consideration, not to insist upon having it determined on this bill.

I say nothing against the question on its merits; I shall vote against repeal when the question comes up; but I do not think the Senate ought to be asked to determine the question on this bill. I therefore appeal to the Senator from Indiana, in view of the great interests involved, and the effect upon the interests of the country, and the necessity of having full and careful consideration and debate, that he will withdraw his amendment.

Mr. FRELINGHUYSEN. Mr. President, I second the request which has been made. The Constitution contemplates a bankrupt law. After the country had had considerable experience in reference to it, it was referred to a subcommittee, of which I was one; and I know we spent one whole winter in perfecting that law. It has since been very much modified by the Supreme Court by many decisions. The times are now very hard. We all know that if we had not a bankrupt law to-day the Senate would be flooded with petitions for a bankrupt law; and at this time to take away that relief and to have the sheriff pursuing debtors, selling their property under execution, it seems to me would greatly increase the distress of the country.

But, besides, this subject was referred to the Committee on the Judiciary. They have not neglected it at all. There has hardly been a day that there have not been petitions or remonstrances coming from various parts of the country in reference to this law. The committee is ascertaining the sentiment of the country; and, if there was any propriety in referring one of the most important measures affecting the whole country to a committee, there is impropriety in considering that question on this amendment. I hope that my friend from Indiana will withdraw his amendment.

Mr. MORTON. Mr. President, the hardest argument for me ever to attempt to answer is one that comes in the form of a request. I think the time is ripe for the repeal of the bankrupt law. I believe the sentiment in my State—and I am speaking more particularly now for my own constituents—is almost universally in favor of the repeal of that act, and it has been getting stronger and stronger for several years past. I think that is the sentiment of the people and of the bar. I have received, I think, more letters upon that subject this winter from my own State than upon any other topic; I am sure of it. I have received letters from some of the ablest lawyers of Indiana, and some that have done the largest business in bankruptcy, and whose pecuniary interest would be in favor of the continuance of the law. I have also been advised by officers connected with the courts in bankruptcy that this law ought to be repealed; that it has more than ever degenerated into a mere instrument of fraud; and I am told now that people scarcely ever expect to get anything out of a bankrupt's estate. They expect it to be swallowed up, all except a small fraction of it, in the proceedings in bankruptcy. Therefore I think in offering this amendment I am but representing the will of the people of Indiana, at least as I understand it, and as my colleague understands it, who is equally well informed with myself.

The amendment, I think, is an improvement on the House bill. The House bill provides for the immediate repeal of the law, and it only saves such proceedings as have been commenced in which an adjudi-

cation has already been made. If proceedings in bankruptcy have been commenced and no adjudication had, then they are cut off by the House bill. I will ask the Secretary to read my amendment.

The Chief Clerk read as follows:

That the act establishing a uniform system of bankruptcy throughout the United States, approved March 2, 1867, is hereby repealed, to take effect on the 1st day of July, 1876: *Provided*, That all proceedings in bankruptcy pending on the 1st of July, 1876, shall not thereby abate, but the same may be brought to final adjudication.

Mr. McDONALD. I would suggest to my colleague that the amendment would require still further amendment. It should not only repeal the original bankrupt act, but also the acts supplemental thereto.

Mr. MORTON. Yes; those words should be inserted. I accept that modification.

Mr. McDONALD. "And all acts supplementary thereto." As to the sentiment of our State, I fully concur with my colleague in the statement he has made.

Mr. MORTON. For that reason I thought it my duty, when an opportunity occurred, to offer this amendment; and while I am always sincerely anxious to comply with the requests made by brother Senators, in this case I think it is my duty to ask a vote of the Senate. I do not propose to argue it.

Mr. MORRILL, of Maine. Mr. President, I believe I have never voted for a bill of bankruptcy, though it is undoubtedly contemplated in the Constitution. My own opinion about it has been that, although contemplated by the Constitution, it was not an absolute necessity in our system; that legislation belonging to the States would probably be ample for all that could be accomplished by general uniform laws on this subject. But I think all that question has been settled by the legislation of Congress. The Constitution contemplates a uniform system of laws touching bankruptcy. From time to time we have had them. They seem to have been the public demand. They have grown generally out of an exigency in our affairs. Generally at periods of speculation and from a variety of causes, when great distress obtains in the country, resort has been had to this sort of legislation. If it is a necessity at such periods it ought to be permanent, in my judgment, and the great difficulty I believe has been that our legislation upon this subject has been fitful where it should have been permanent.

Although, as I say, I have considered legislation on this subject by Congress is of doubtful expediency, yet I have come to regard it as a settled question that we shall have it, and that it ought to be made permanent. It ought not to be made, in my judgment, to depend upon any particular exigency in the country. The business of the country—commercial transactions—ought to take place always with reference to the fact that upon this subject we have a settled policy of law. For that reason I shall vote against this proposition for the repeal of the law. I think, however, that this bill does not meet the demands, and certainly the expectations of the country at large. I shall very greatly hope that the Committee on the Judiciary, having this whole subject under consideration, would think it proper that this law should undergo some suitable revision to adapt it better to the circumstances and conditions of the country. But upon this proposition I shall vote in the negative.

Mr. EDMUNDS. I do not rise, Mr. President, to discuss the question involved in this amendment except to say, as has already been seen, that amendments of this character presented on the spur of the moment are quite likely to turn out to be defective, no matter who may present them. It has been found so in almost all cases of this character. That is one reason, and a strong reason with me, why I should have appealed, as others have, to the Senator from Indiana not to press it, because it may turn out that it will not be adequate to meet exactly his views and what we all want to do. It requires study and consideration even to repeal a law of this character and leave things in the condition that they ought to be left in if we do repeal. It cannot be done with safety on the spur of the moment, as has been shown by one amendment already suggested to the proposition.

But I rose to say, chiefly, that I think the Judiciary Committee may submit to the Senate, with some confidence, the proposition that we have never yet been unfaithful in reporting fairly and in due season upon subjects of importance that have been referred to us. We have had this matter under consideration in a limited degree. We have been letting it lie along for a little space, partly because other matters of very pressing importance have occupied our time, and partly because we wished to consider and to study the subject and to obtain information about it. We thought it was due to the Senate that we should do so, in order that we might, when we come to report whatever our opinion may be in the end, lay before the Senate the substantial history of affairs under the existing law and the reasons *pro* or *con* for whatever conclusion we may come to concerning the result that we think the Senate ought to reach. That it appeared to us was the true way, in performing our duty toward the Senate, toward the law, and toward the country, that we ought to act.

In this state of things for the Senate to say that they will pass this repeal *instanter*, without any report from the committee and without giving us an opportunity to get at the facts and report intelligently on the whole subject, appears to me to be rather ungracious. I need scarcely say that the Judiciary Committee will consider this subject early and will report upon it with the promptness that we always endeavor to do, considering the amount of work that we have on hand, on all measures; and so saying I should hope, if the Senator persists in having a vote upon this amendment, that it will be rejected, irrespective of what gentlemen's ultimate views may be, but reserving that question on all sides until it comes up properly on a report from the committee.

Mr. GORDON. I rose to move to commit the bill, with instructions, to the Judiciary Committee, to report amendments of the present law, making it effective; but I gather from the chairman of the Judiciary Committee that the committee has the repeal bill still under consideration. I hope, therefore, that the committee will be allowed time to finish it; it is a measure of very great moment. As I understand it, the motion of the Senator from Indiana is to substitute a general repeal for the bill in charge of the Senator from Ohio. I hope the amendment will be rejected and the whole matter left where it is, in the hands of the Judiciary Committee, until we can get a full report on the subject in all its bearings.

Mr. COCKRELL. Mr. President, I desire to ask the chairman of the Judiciary Committee how long has the House bill repealing the bankrupt law been pending before that committee?

Mr. EDMUNDS. I am not able to state. It has been several weeks before us; and it has not been finally considered, as I have stated, for the reasons I have named: first, we have been endeavoring to get information of the present working of the law and of the objections to it, and in what respects it has been found to be detrimental to the general interests, and the expenses connected with it, and all the other questions that ought fairly to enter into the considerations affecting its repeal; and for the other reason I stated that other matters of pressing importance have occupied the most of our time.

Mr. KERNAN. Mr. President, I simply desire to say that I hope the question in reference to the repeal of the bankrupt law will not be brought up on this bill. Of course, if it is to be repealed there should be provisions carefully prepared in the repealing law to provide for winding up estates now in bankruptcy, and we hardly could perfect that very well as an amendment to this bill. That should be a feature of a carefully-prepared law to repeal the existing system.

I should favor the amendment of the law proposed by this bill isolated by itself, even if we are to repeal the law; and I think it is entirely just. When a man has handed over, according to the State law, all his property, without any preference, without any fraud, in perfect good faith, doing it, as is oftentimes the case, at the request of the great body of the creditors, to save expense, I do not think that if afterward that man is proceeded against by some one putting him in bankruptcy that previous act of his should prevent his getting a discharge, if he complies in all respects honestly with the law. I therefore trust that we shall vote on this question alone, and that we shall await the report of the Judiciary Committee on the House bill to repeal the bankrupt act. I feel an interest in it. I have presented a good many petitions from people of my own State praying for its repeal. I have received many letters from individuals and firms doing business all over the Union, as they state, persons who are not of the class who have been in trouble, urging in those letters that the law should be repealed unconditionally. I am anxious that the Judiciary Committee, so soon as they properly can, shall report to the Senate upon the House bill, so that, if they report in favor of repealing the law, they will provide for winding up estates by a carefully-prepared bill; and, if not, they can report their views and we shall have the benefit of them, and then the Senate can act on the measure understandingly.

I am in favor of this bill as reported from the committee to amend the law, and I do not want to vote for the amendment of the Senator from Indiana because I fear that we shall by adopting it put matters in very great confusion. I should prefer to wait until the committee report, as they doubtless will as soon as they can.

Mr. MORTON. Mr. President, I can hardly doubt how the Senate will vote on this amendment; and some suggestions have been made to me which have some weight. The Judiciary Committee have been considering this matter, I doubt not, earnestly, and I am sure that they will soon report in some way so as to give the Senate a chance to vote on the question; and lest it might be thought that I had acted with some precipitancy in regard to that committee, or with a want of that proper respect which is due to a committee so distinguished in its character, I withdraw my amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment is withdrawn. The question is on the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. EDMUNDS. I merely wish to say that I cannot help feeling that, if Senators will just study it, there can be no objection to this bill itself whatever. It merely provides against a presumption of fraud in law, as it is called. It provides that where an innocent man has turned over all his property to his creditors, perhaps five years before, and it has been distributed and he goes into bankruptcy, that fact alone, if he has been perfectly honest, shall not prevent his getting his discharge. That is all there is of the bill; and, as the Senator having it in charge has explained, its necessity is to provide a uniformity of decisions in the district courts that have exclusive juris-

diction on this question. I can scarcely suppose that any gentleman will object to the bill itself.

Mr. WHYTE. The reason that induces me to vote against this bill is this: Almost all the courts have decided that an assignment of this character, being in contravention of the bankrupt law, being in fact an act of bankruptcy, operates against the party's obtaining a discharge under the bankrupt law; and while this bill declares that it shall not be an absolute bar, it leaves it entirely in the power of the judge to determine whether the party shall be discharged or not.

Mr. EDMUNDS. Depending upon his conduct, the Senator will allow me to suggest; depending upon the good faith and good conduct of the bankrupt, as in all other cases.

Mr. WHYTE. It leaves it with the judge. I do not say what will influence that judge in the determination of the case, but it leaves it to the judge to determine for himself whether the party is entitled to a discharge or not. Therefore, I do not see that there is much in injecting into the bankrupt law an opinion of the Senate in contravention of the opinion of the courts; for the courts have almost all decided in that way, and notably in the case before me in seventh Blatchford's Reports, where the judge says:

> The bankrupt law, conceived and enacted in the belief that it provided the best mode of administering the estate of an insolvent, will tolerate no attempt by individuals to devise and carry into effect any other plan inconsistent therewith, nor permit such an attempt to be justified by the excuse that they thought such other plan easier or better.

I merely read that to show that that is the sentiment of the judiciary; and this is merely an opinion of the Senate and will not bind them. They will be just as able to overlook this law as they are able now to refuse a discharge to a party who may be brought into bankruptcy involuntarily.

More than that, I object to it upon the ground that it makes the bankrupt law half national and half State. That is what it does. It makes the party able to transfer his property and control it under State laws while there is a national bankrupt law operating in favor of the creditor.

For these reasons I think it perfectly proper to vote against this bill.

Mr. EDMUNDS. The Senator from Maryland, I think, is mistaken in supposing that this makes the bankrupt law half national and half State. A debtor is entitled to his discharge if he goes into bankruptcy if, without any State law about assignment at all, he makes an assignment for his creditors even with preferences, unless some of his creditors object to it within the four months or the six months, depending under which head it falls, that the present statutes of the United States require for creditors to interfere in the dominion which all persons owning property are naturally supposed to be entitled to exercise over it. So that this is merely assimilating an assignment under a State law to what the debtor may do himself in the one single respect of its not being taken as a matter of law as an act of fraud any more than a private assignment where there was no State law about assignments would be.

My friend says that the judge will judge of that notwithstanding this law. So he will. It is exactly for that purpose that we propose this law, that the judge instead of being bound by a rule of law commanding him, as he understands it, not to discharge the debtor, if he has ever made a general assignment for the benefit of his creditors, shall be left exactly where all the other grounds of considering whether a discharge shall be granted are left, and that is in the judgment of the judge of the court having the matter in charge guided by what the statute says. If he finds that the debtor has acted in good faith in respect of his conduct toward his debtors, he may be entitled to a discharge. The judges now say, some of them, "No matter how honest this man is, though we are satisfied that he has done the best thing possible for his creditors to the satisfaction of all of them, the law says he shall not be discharged because an assignment of this character is in a technical sense a fraud upon the law, although it was really a most moral and meritorious thing in the particular case." It is to obviate that and put this matter of general assignments exactly where all the other action of the debtor is that we propose this bill.

Mr. BAYARD. Mr. President, I was really not aware until I found that a decision to the effect had been made in the circuit court of New York that a fair and *bona fide* assignment of property for the benefit of creditors, made in accordance with the laws of the State, although in contravention of the general bankrupt law of the United States, could be considered a bar to the discharge of the debtor. I very well know of more than one case of which I have had individual experience, where there was an assignment perfectly fair and *bona fide* for the benefit of creditors generally, and yet invading a jurisdiction which had been conferred exclusively on United States courts, where the assignment was set aside in the United States courts by the assignee proceeding under the bankrupt act; but I never knew until very lately that while a *bona fide* assignment for the benefit of creditors was an act of bankruptcy, yet that it should be considered a bar to discharge. Such a result, however, it seems has been reached by the adjudication of one of the courts of this country, and I certainly think it should be relieved against. The question is one of good faith and equity. The object of the law is the appropriation of the entire property of a debtor toward his then existing debts, and the United States law provides for that, and that upon distributing his property in accordance with the statute he shall be a free man from that day as to all debts theretofore contracted. That he should under the laws of his State and in good faith, but not under the precise machinery of the United States law, have sought thus to place his property in trust for the benefit of his creditors generally is not surely a moral offense, and I did not know that it could be considered a legal offense; but if, under the construction of the bankrupt law of the United States, such an assignment if made *bona fide* may still be considered a bar to the discharge of that debtor, I think it is high time that the remedy was applied by legislation. Therefore it is that I shall cheerfully vote for this amendment to the law, believing that it rectifies a condition of law which I did not know before existed.

Mr. CHRISTIANCY. Mr. President, I agree with the Senator from Ohio and the Senator from Delaware, and also with the Senator from Vermont, that this bill ought to pass. The necessity for it is that it has been held by one of the courts of the United States, and by only one yet, so far as I have heard, that an assignment made by a debtor in perfect good faith, and for the equal distribution of all his property among his creditors, is to prevent his discharge under the bankrupt law. Why is this? What does the bankrupt law seek but that equal distribution? Nothing else. He is then disbarred from getting a discharge simply because he has undertaken to do without the aid of the United States courts what they seek to compel him to do by the aid of the United States courts, and without any expense, as the Senator from New York [Mr. KERNAN] very properly suggests. It seems to me very clear that this is precisely what ought to be done even as to pending cases, and therefore I shall support this bill.

But I wish here to say that I am also in favor of the absolute repeal of the bankrupt law except as to pending cases, and I believe that is decidedly the public opinion of the State of Michigan, which I in part represent. I believe the law itself has about the effect, at least it has with us, stated by the Senator from Indiana, and that the cases are very exceptionable indeed where any substantial amount of assets is ever distributed among creditors. It is generally used up among the officers surrounding the bankrupt court.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed. Its title was amended so as to read:

> A bill to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874.

SALARY OF THE PRESIDENT OF THE UNITED STATES.

Mr. WRIGHT. Is there anything before the Senate?

The PRESIDENT *pro tempore*. There is not.

Mr. WRIGHT. The Senator from Michigan [Mr. CHRISTIANCY] this morning called attention to the motion to reconsider the vote on the passage of the bill (S. No. 172) fixing the salary of the President of the United States. I ask the Senate that that motion be taken up.

Mr. INGALLS. It was the understanding on my part, if not on the part of the Senate generally, that at the expiration of the morning hour the consideration of the Calendar should be resumed at the point where it was last suspended.

Mr. FRELINGHUYSEN. It was so voted.

Mr. INGALLS. I understand, as the Senator from New Jersey says, it was so voted; and if it is in order, I call for the execution of that vote of the Senate, so that we now proceed to the consideration of the bills on the Calendar.

Mr. WRIGHT. I inquired of the Chair whether there was any matter before the Senate, and I understood the Chair to answer none. I understand the Senator from Kansas to say that the Senate determined——

The PRESIDENT *pro tempore*. There is nothing before the Senate.

Mr. WRIGHT. I move to proceed to the consideration of the motion to reconsider.

Mr. INGALLS. I had the honor to suggest, although I did not receive the attention of the Chair, that the Senate determined by vote to resume the consideration of the Calendar at the point where it was last suspended to-day at the expiration of the morning hour, for the further consideration of cases not objected to, and in that opinion I am confirmed by that of the Senator from New Jersey, and such I believe will be found to be the case on an inspection of the record.

The PRESIDENT *pro tempore*. The Chair was not aware of that. The Chair understood that the Senator from Rhode Island, who is not now in his seat, gave notice that after the expiration of the morning hour he would make such a motion. If the Senator from Kansas states that he did propose that motion before the Senator from Iowa rose, the Chair will recognize him.

Mr. WRIGHT. The Senator from Kansas does not suggest that he made that motion before me, but he suggested that that order had been made.

Mr. FRELINGHUYSEN. I understood that that order was made by the Senate.

The PRESIDENT *pro tempore*. It was only a notice given by the Senator from Rhode Island that he would after the morning hour move that the Senate proceed to the consideration of the Calendar.

Mr. WRIGHT. I move to proceed to the consideration of that motion to reconsider.

Mr. INGALLS. I wish the Senator from Iowa would withdraw that motion. It will give rise to debate; and there is a large num-

ber of cases on the Calendar that we might as well consider as not, to which there is no objection. I think it would result in the dispatch of business and in the promotion of the general welfare.

Mr. WRIGHT. I cannot consent to that. This bill was passed and the motion to reconsider is pending. On several occasions there has been an effort to get it up. I think it is almost one of those privileged questions that ought to be taken up at any time that it is called. The bill has passed once, and stands on a motion to reconsider.

Mr. CAMERON, of Pennsylvania. I gave notice some time ago that about this time I should ask the Senate to go into executive session. I do not want to interfere with the business of any Senator, but I do not often press myself on the courtesy of the Senate. I now move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. WRIGHT. I do not wish to argue that question.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. WRIGHT. I understood that I had the floor to make my motion. I have made a motion to consider the question of reconsideration. I think I have a right to insist that the question shall be taken on my motion.

Mr. EDMUNDS. You cannot occupy the floor till we vote.

The PRESIDENT *pro tempore*. The motion of the Senator from Pennsylvania has priority.

Mr. WRIGHT. I trust it will be voted down.

Mr. MERRIMON. I would suggest to the Senator from Iowa that according to my recollection the Senator from Indiana brought up the same matter that he is now endeavoring to bring up this morning, and the Senator from Ohio, who was then in his seat but is not now, objected to giving consent as I then understood——

Mr. FRELINGHUYSEN. That was in reference to the presidential election.

Mr. MERRIMON. No; this very thing. I understood it was agreed by common consent that it should be taken up the day after to-morrow.

Mr. MORTON. That is another matter. That was the bill in regard to counting the electoral votes.

Mr. MERRIMON. I thought this was the same matter.

Mr. MORTON. No.

Mr. CAMERON, of Pennsylvania. I understand that the intention of the Senator from Iowa is only to get the question up, and then he will give way to my motion.

Mr. EDMUNDS. Perhaps we shall not want to give way.

Mr. CAMERON, of Pennsylvania. I give way to the Senator from Iowa. I withdraw my motion for the present.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill (S. No. 172) fixing the salary of the President of the United States is now before the Senate, and the question is on reconsidering the vote by which the bill was passed.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 31; as follows:

YEAS—Messrs. Anthony, Bayard, Booth, Boutwell, Cameron of Pennsylvania, Christiancy, Cooper, Cragin, Dorsey, Edmunds, Frelinghuysen, Hamlin, Ingalls, Jones of Florida, Jones of Nevada, McMillan, Mitchell, Morrill of Maine, Paddock, Sargent, Sharon, Spencer, Wadleigh, and Windom—24.

NAYS—Messrs. Bogy, Bruce, Caperton, Clayton, Cockrell, Davis, Dawes, Ferry, Goldthwaite, Gordon, Hamilton, Harvey, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Morrill of Vermont, Morton, Norwood, Oglesby, Sherman, Stevenson, Thurman, Wallace, Whyte, Withers, and Wright—31.

ABSENT—Messrs. Alcorn, Allison, Burnside, Cameron of Wisconsin, Conkling, Conover, Dennis, Eaton, English, Hitchcock, Howe, Johnston, Patterson, Randolph, Ransom, Robertson, Saulsbury, and West—18.

So the motion to reconsider was not agreed to.

IMPEACHMENT OF W. W. BELKNAP.

Mr. GEORGE M. ADAMS, Clerk of the House of Representatives, appeared at the bar of the Senate and said:

Mr. President, I am directed to inform the Senate that the House of Representatives has passed the following resolutions:

Resolved, That the articles agreed to by this House to be exhibited in the name of themselves and of all the people of the United States against William W. Belknap, late Secretary of War, in maintenance of their impeachment against him of high crimes and misdemeanors in office be carried to the Senate by the managers appointed to conduct said impeachment.

Resolved, That a message be sent to the Senate to inform them that this House have appointed Mr. SCOTT LORD, of New York; Mr. J. PROCTOR KNOTT, of Kentucky; Mr. WILLIAM P. LYNDE, of Wisconsin; Mr. JOHN A. MCMAHON, of Ohio; Mr. GEORGE A. JENKS, of Pennsylvania; Mr. ELBRIDGE G. LAPHAM, of New York; and Mr. GEORGE F. HOAR, of Massachusetts, managers to conduct the impeachment against William W. Belknap, late Secretary of War, and have directed the said managers to carry to the Senate the articles agreed upon by this House to be exhibited in maintenance of their impeachment against said William W. Belknap, and that the Clerk of the House do go with said message.

The PRESIDENT *pro tempore*. The Secretary will inform the House of Representatives that the Senate will receive the managers for the purpose of exhibiting articles of impeachment agreeably to notice received.

The Clerk of the House thereupon withdrew.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty-five minutes spent in executive session the doors were re-opened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

LOUISVILLE AND PORTLAND CANAL.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting correspondence in reference to delay in passage of tows, &c., through the Louisville and Portland Canal; which was referred to the Committee on Commerce.

MEN, ETC., HIRED IN WASHINGTON BY WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of men, horses, &c., hired in Washington; which was referred to the Committee on Military Affairs, and ordered to be printed.

DEFICIENCY IN APPROPRIATIONS FOR ARMY PAY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a telegram from the Lieutenant-General of the Army, relative to a deficiency of pay for June, 1875; which was referred to the Committee on Appropriations.

BUILDINGS RENTED IN WASHINGTON FOR WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports from chiefs of bureaus, of buildings and grounds rented in Washington; which was referred to the Committee on Public Buildings and Grounds.

DEFICIENCY FOR RENT OF BUILDINGS FOR INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation to supply the deficiency for the rent of public buildings by that Department during the fiscal year ending June 30, 1876; which was referred to the Committee on Appropriations.

PITTSBURGH CUSTOM-HOUSE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a House resolution of the 22d ultimo, copies of papers and telegrams addressed to the President and Secretary of the Treasury, relative to a change in the officers of the custom-house at Pittsburgh, Pennsylvania; which was referred to the Committee of Ways and Means.

MIAMI LANDS IN KANSAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill to authorize the issue of patents to purchasers of Miami lands in Kansas; which was referred to the Committee on Public Lands.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock; and, this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

CATHARINE BAILEY.

Mr. BLAIR introduced a bill (H. R. No. 2956) for the relief of Catharine Bailey, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PHILIP MAY.

Mr. BLAIR also introduced a bill (H. R. No. 2957) for the relief of Philip May, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ANN JOYCE.

Mr. BLAIR also introduced a bill (H. R. No. 2958) for the relief of Ann Joyce, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CHARLES H. MILLER.

Mr. BLAIR also introduced a bill (H. R. No. 2959) for the relief of Charles H. Miller, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

G. T. RAUB.

Mr. BLAIR also introduced a bill (H. R. No. 2960) for the relief of G. T. Raub, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MARY S. WIDDICOMBE.

Mr. BLAIR also introduced a bill (H. R. No. 2961) for the relief of Mary S. Widdicombe, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. HENDEE introduced a bill (H. R. No. 2962) to amend the act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington;" which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PERLEY P. ROBERTS.

Mr. HENDEE also introduced a bill (H. R. No. 2963) granting a pension to Perley P. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. MORRIS.

Mr. WILLIS introduced a bill (H. R. No. 2964) for the relief of John H. Morris, late collector of internal revenue for the tenth district of the State of New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DATE OF PENSIONS.

Mr. MACDOUGALL introduced a bill (H. R. No. 2965) providing that all pensions granted since March 4, 1861, shall take effect from the date of death or discharge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. WATSON.

Mr. BAKER, of New York, introduced a bill (H. R. No. 2966) granting a pension to John M. Watson, a survivor of the war of 1812-'15; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

NATHAN DICKERSON.

Mr. LAPHAM introduced a bill (H. R. No. 2967) granting a pension to Nathan Dickerson, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ELIZABETH PAGE.

Mr. LAPHAM also introduced a bill (H. R. No. 2968) granting a pension to Elizabeth Page, widow of Eliphet Page, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM W. GOULD.

Mr. LAPHAM also introduced a bill (H. R. No. 2969) granting a pension to William W. Gould, a private in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN A. HEAZLET.

Mr. LAPHAM also introduced a bill (H. R. No. 2970) granting a pension to Susan A. Heazlet, an aunt of George W. Heazlet, a deceased soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN A. LELAND.

Mr. LAPHAM also introduced a bill (H. R. No. 2971) to authorize the Commissioner of Patents to grant an extension of a patent to Edwin A. Leland; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 2972) to amend the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BRIDGES OVER NEPERAN CREEK, NEW YORK.

Mr. ODELL introduced a bill (H. R. No. 2973) to authorize the construction of bridges over the tide-water of the Neperan Creek, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL PITTS, DECEASED.

Mr. DAVY introduced a bill (H. R. No. 2974) for the relief of the legal representatives of Samuel Pitts, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ANDREW B. BATTELLE AND GEORGE D. EVANS.

Mr. COCHRANE introduced a bill (H. R. No. 2975) for the relief of Andrew B. Battelle and George D. Evans; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HEIRS OF DANIEL CARROLL.

Mr. HUNTON introduced a bill (H. R. No. 2976) to ascertain the interest of the heirs of Daniel Carroll, of Duddington, in certain real estate in the city of Washington, and to secure the conveyance of the same to the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANNA J. FOSTER.

Mr. HUNTON also introduced a bill (H. R. No. 2977) granting a pension to Anna J. Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-MARK AND CANCELING STAMP.

Mr. HUNTON also introduced a bill (H. R. No. 2978) to give the Postmaster-General power to use a uniform canceling-ink and to provide every post-office with a post-mark and canceling stamp; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEANDER SMITH.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 2979) granting a pension to Leander Smith; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SUSANNAH C. COCKE.

Mr. WALKER, of Virginia, also introduced a bill (H. R. No. 2980) for the relief of Susannah C. Cocke; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. O. LIPSCOMB.

Mr. STOWELL introduced a bill (H. R. No. 2981) for the relief of P. O. Lipscomb, of Nottoway Court House, Virginia; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on War Claims.

RIGHT TO USE CONCRETE PAVEMENT IN WASHINGTON.

Mr. O'NEILL introduced a bill (H. R. No. 2982) to acquire a right to use a concrete street-pavement recently laid in the city of Washington; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee for the District of Columbia.

TOBACCO TAX.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2983) to amend subdivisions 6 and 7 of section 3244, title 35, chapter 3, of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DISTILLERS OF BRANDY FROM APPLES, ETC.

Mr. SCALES introduced a bill (H. R. No. 2984) to refund to distillers of brandy from apples, peaches, or grapes any special taxes paid by such distillers under the act of July 20, 1868, which is in excess of $50; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Claims.

SCHOOL FARM-LANDS IN SOUTH CAROLINA.

Mr. SMALLS introduced a joint resolution (H. R. No. 95) to provide for the redemption and sale of school farm-lands in South Carolina; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TAXES IN THE DISTRICT OF COLUMBIA.

Mr. NEAL introduced a bill (H. R. No. 2985) to regulate the assessment and collection of taxes for the support of the government of the District, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

O. H. PERRY, ADMINISTRATOR.

Mr. BLACKBURN introduced a bill (H. R. No. 2986) for the relief of O. H. Perry, administrator of Mrs. Mary Scott, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB KAUFMAN.

Mr. KNOTT introduced a bill (H. R. No. 2987) for the relief of Jacob Kaufman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE PATTISON.

Mr. YOUNG introduced a bill (H. R. No. 2988) to provide for the payment of a pension to George Pattison, of Memphis, Tennessee, a private soldier in the war of 1812; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Revolutionary Pensions.

MARY E. MANCE.

Mr. YOUNG also introduced a bill (H. R. No. 2989) granting back pay of pension to Mary E. Mance, widow of Thomas S. Mance, lieutenant First Regiment Mississippi Volunteers in the war with Mexico; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN PITTMAN.

Mr. YOUNG also introduced a bill (H. R. No. 2990) for the relief of John Pittman, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 4716 REVISED STATUTES.

Mr. McFARLAND introduced a bill (H. R. No. 2991) to repeal section 4716 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

JESSE LAMBURT.

Mr. McFARLAND also introduced a bill (H. R. No. 2992) granting a pension to Jesse Lamburt, Company D, First Regiment Tennessee Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRIENDSHIP LODGE NO. 22 I. O. O. F.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 2993) to indemnify Friendship Lodge No. 22 of the Independent Order of Odd-Fellows and Encampment at Trenton, Tennessee, for the occupation and destruction of their hall and institute by United States forces; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. FARWELL introduced a bill (H. R. No. 2994) to provide for the resumption of specie payments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARY J. EDDY.

Mr. ANDERSON introduced a bill (H. R. No. 2995) for the relief of Mrs. Mary J. Eddy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. MORRISON introduced a bill (H. R. No. 2996) to amend certain sections of existing law relating to duties on imports; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

INTERNAL REVENUE.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 2997) to amend existing laws relating to internal revenue and to better provide for the collection of tax on distilled spirits; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHRISTIAN CHURCH AT FAYETTEVILLE, ARKANSAS.

Mr. GUNTER introduced a bill (H. R. No. 2998) for the relief of a Christian church at Fayetteville, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN D. W. BURKE.

Mr. DURAND (by request) introduced a bill (H. R. No. 2999) to change the date of the commission of Captain Daniel W. Burke, Fourteenth Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIOUX CITY, BLACK HILLS AND PACIFIC RAILROAD.

Mr. OLIVER introduced a bill (H. R. No. 3000) incorporating the Sioux City, Black Hills and Pacific Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CHARLES E. WEBSTER.

Mr. CATE introduced a bill (H. R. No. 3001) granting a pension to Charles E. Webster, late a private in the Second Regiment Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD O'MEAGHER CONDON.

Mr. PIPER presented a concurrent resolution of the Legislature of the State of California, in relation to Edward O'Meagher Condon, an American citizen in an English prison; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. PIPER. I request that this resolution may also be printed in the CONGRESSIONAL RECORD.

The SPEAKER. No request is in order during the morning hour of Monday except for reference.

Mr. PIPER. I call for the reading of the resolution.

The resolution was read.

HARBOR AT MENDOCINO, CALIFORNIA.

Mr. LUTTRELL presented a concurrent resolution of the Legislature of the State of California, in relation to improving the harbor at Mendocino, California; which was referred to the Committee on Commerce, and ordered to be printed.

SETTLERS IN CALIFORNIA.

Mr. WIGGINTON introduced a bill (H. R. No. 3002) for the relief of settlers on certain lands in the State of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LIGHT-HOUSE AT SANTA MONICA, CALIFORNIA.

Mr. WIGGINTON also presented a concurrent resolution of the Legislature of the State of California, asking an appropriation to erect a light-house and fog-bell at Santa Monica, California; which was referred to the Committee on Commerce, and ordered to be printed.

BETSEY WALLINGFORD.

Mr. DUNNELL introduced a bill (H. R. No. 3003) granting a pension to Betsey Wallingford, widow of Jonathan Wallingford, a private in the revolutionary war; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WIDOW OF WILLIAM GAMBLE.

Mr. STRAIT introduced a bill (H. R. No. 3004) for the relief of the widow of William Gamble, deceased, late brigadier of volunteers and major United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. STRAIT also presented a joint resolution of the Legislature of Minnesota, for the relief of settlers on the Hastings, Dakota and Southern Minnesota Railroad lands; which was referred to the Committee on Public Lands, and ordered to be printed.

NAVIGATION ON THE GREAT LAKES.

Mr. STRAIT also presented joint resolutions of the State of Minnesota, against obstruction to navigation on the great lakes; which were referred to the Committee on Commerce, and ordered to be printed.

BRIDGES AT FORT SNELLING, MINNESOTA.

Mr. STRAIT also presented a joint resolution of the Legislature of Minnesota, asking Congress to aid in the construction of bridges at Fort Snelling, Minnesota; which was referred to the Committee on Commerce, and ordered to be printed.

SYLVANUS GANDFORD.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 3005) for the relief of Sylvanus Gandford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DESERT LANDS, STATE OF NEVADA.

Mr. WOODBURN introduced a bill (H. R. No. 3006) to provide for the sale of desert lands in the State of Nevada; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

AGRICULTURAL COLLEGE, COLORADO.

Mr. PATTERSON introduced a bill (H. R. No. 3007) donating public lands in the State of Colorado for the establishment and endowment of a college for the benefit of agriculture and the mechanic arts; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MILITARY ROADS IN ARIZONA.

Mr. STEVENS introduced a bill (H. R. No. 3008) to provide for the construction of military roads in the Territory of Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN INTERCOURSE AND TRADE.

Mr. MAGINNIS introduced a bill (H. R. No. 3009) to amend the acts relating to Indian intercourse and to prevent monopoly of trade with the Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JUDICIARY SYSTEM OF THE TERRITORIES.

Mr. MAGINNIS also introduced a bill (H. R. No. 3010) to amend the judiciary system of the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call has now been completed and the Chair will hear requests from gentlemen who were not in when their respective States were called and who desire to introduce bills.

MRS. ANN AMNIS.

Mr. RUSK, by unanimous consent, introduced a bill (H. R. No. 3011) granting a pension to Mrs. Ann Amnis; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. O'BRIEN, (by request,) by unanimous consent, introduced a bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

M. W. BEVERIDGE.

Mr. O'BRIEN (by request) also, by unanimous consent, introduced a bill (H. R. No. 3013) for the relief of M. W. Beveridge, of Washington, District of Columbia; which was read a first and second time,

referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN H. SOMMERS.

Mr. O'BRIEN (by request) also, by unanimous consent, introduced a bill (H. R. No. 3014) for the relief of John H. Sommers, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

T. A. M'LAUGHLIN.

Mr. O'BRIEN (by request) also, by unanimous consent, introduced a bill (H. R. No. 3015) for the relief of T. A. McLaughlin, of Washington, District of Columbia, which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CHRISTIAN ARDEESER.

Mr. O'BRIEN (by request) also, by unanimous consent, introduced a bill (H. R. No. 3016) for the relief of Christian Ardeeser, of Washington, District of Columbia, which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN MELLIS.

Mr. O'BRIEN (by request) also, by unanimous consent, introduced a bill (H. R. No. 3017) for the relief of John Mellis, of Washington, District of Columbia, which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

OTTAWA INDIANS.

Mr. GOODIN introduced a bill (H. R. No. 3018) to re-imburse the Ottawa Indians, of the Indian Territory, for moneys misappropriated by one of their agents; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM R. WILMER.

Mr. HENKLE introduced a bill (H. R. No. 3019) for the relief of William R. Wilmer, late collector of internal revenue for the fifth district of Maryland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

J. SNOWDEN & SON.

Mr. TURNEY introduced a bill (H. R. No. 3020) referring the claim of J. Snowden & Son to the Court of Claims; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN N. TREADWAY.

Mr. SPRINGER introduced a bill (H. R. No. 3021) granting a pension to John N. Treadway; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired.

Mr. BLACKBURN. I move that the rules be suspended so that the resolution which I send to the Clerk's desk shall be adopted by the House.

EXECUTIVE DEPARTMENT.

The Clerk read as follows:

Resolved, That the President of the United States be requested to inform this House, if, in his opinion, it is not incompatible with the public interest, whether since the 4th day of March, 1869, any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of Government established by law, and for how long a period at any one time, and in what part of the United States; also, whether any public necessity existed for such performance, and, if so, of what character, and how far the performance of such executive offices, acts, or duties at such distance from the seat of Government established by law was in compliance with the act of Congress of the 16th day of July, 1790.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

PRINTING OF A MEMORIAL.

Mr. VANCE, of Ohio. I ask unanimous consent to have printed in the RECORD the memorial of Ralph Leete and others, of Lawrence County, Ohio, upon the financial question. It is a brief memorial.

Mr. FORT. I object.

Mr. VANCE, of Ohio. I trust the objection will be withdrawn.

The SPEAKER. The memorial can be presented at the Clerk's desk.

NEWSPAPERS PAID BY TREASURY DEPARTMENT.

Mr. LYNDE. I move that the rules be so suspended that the House shall adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to inform this House what sums of money, if any, have been paid by the Department to newspapers, editors, or correspondents of newspapers, aside from the publication of legal notices, by the attorneys of the United States, revenue agents, supervisors, or others connected with or in any manner assisting in the prosecutions of parties charged with violating the internal-revenue laws at Saint Louis, Chicago, and Milwaukee, and when paid, to whom paid, for what newspapers the same were respectively paid, for what particular purpose the same were paid, and from what funds in the Treasury such moneys were paid.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

CHINESE IMMIGRATION.

Mr. PAGE. I move that the rules be so suspended that the House shall adopt the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is alleged that at the present time there are over 100,000 Chinese on the Pacific coast, many of whom have been brought thither under contracts for servile labor, and that their numbers are being constantly increased, to the great detriment of the laboring men of that coast and in derogation of the treaty stipulations existing between the United States and the empire of China: Therefore,

Be it resolved, That the President be, and he is hereby, requested to open negotiations with the Chinese government for the purpose of modifying the provisions of the treaty between the two countries and restricting the same to commercial purposes.

The rules were suspended, (two-thirds voting in favor thereof,) and the preamble and resolution were adopted.

INVESTIGATIONS.

Mr. GLOVER. I move that the rules be so suspended that the House shall adopt the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas on the 24th day of January, A. D. 1876, the House adopted the following resolution:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in settlement, with power to send for persons and papers and report to this House:" Therefore,

Be it resolved, That said committee be further authorized and directed to likewise investigate any and all matters touching the official misconduct of any officer of the Government of the United States or of any member of the present Congress of the United States which may come to the knowledge of said committee: *Provided*, That this resolution shall not affect any such matter now being investigated by any other committee under authority of either House of Congress; and for this purpose said committee shall have the same powers to send for persons and papers as conferred by said original resolution.

Mr. KASSON. Does this resolution refer to the conduct of any officer of this Government in relation to the real-estate pool, or is it a general resolution?

Mr. GLOVER. Any misconduct that may come to the knowledge of the committee.

Mr. KASSON. In respect to the real-estate pool, or misconduct of any kind?

Mr. GLOVER. Any kind of misconduct.

Mr. KASSON. The resolution embraces Senators of the United States, something that has never been done in either House.

Mr. GLOVER. It does not.

Mr. KASSON. It says "any member of the Congress of the United States;" Senators are a portion of Congress. I think the House would be unwilling to adopt any such resolution as this unless reported from a committee.

Mr. GLOVER. I have no objection to modifying the resolution so as to limit it to members of the House of Representatives of the present Congress.

Mr. FORT. I hope the gentleman will include members of former Congresses also.

Mr. GLOVER. I do not feel inclined to further modify the resolution.

Mr. BAKER, of Indiana. Will not the gentleman modify the resolution so as to investigate the relations of any gentleman, who may have served in former Congresses, to the real-estate pool?

Mr. GLOVER. I have objected to such a modification. The gentleman is at liberty to introduce a resolution of that kind if he wishes.

Mr. BAKER, of Indiana. I would like to offer an amendment to the resolution.

The SPEAKER. No amendment is in order under a motion to suspend the rules.

Mr. BAKER, of Indiana. Then it should be voted down if no such amendment is made.

The rules were suspended, (two-thirds voting in favor thereof,) and the preamble and resolution were adopted.

EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. ELY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Treasury Department be authorized to have printed such communications to their committee as they may deem necessary for the use of the committee.

SURVEY OF CATTARAUGUS RESERVATION, NEW YORK.

Mr. SCALES moved to suspend the rules and adopt the following resolution:

Resolved, That the Secretary of the Interior be requested to transmit to this House all the information in his possession relating to surveys of villages on the Cattaraugus reservation, in the State of New York, giving a detailed statement of moneys paid and persons employed, and whether there exists now any necessity for any further survey; and also whether the employés in said work are not without work; and whether, while so unemployed, they are not paid by the Government.

The resolution was adopted, two-thirds voting in favor thereof.

VOTE ON SUBSIDIARY-COIN BILL.

Mr. WILLIAMS, of Wisconsin. I desire to state that, on the final passage of the bill providing for the issuing of subsidiary coins, my

colleague [Mr. CASWELL] and myself were unavoidably absent. Had we been present we should each have voted "ay."

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. KNOTT. By direction of the Committee on the Judiciary I report back the resolutions and articles of impeachment in the case of William W. Belknap. I call for their reading.

The Clerk read as follows:

Resolved, That the following articles be adopted and presented to the Senate, in maintenance and support of the impeachment for high crimes and misdemeanors in office of William W. Belknap, late Secretary of War:

Articles exhibited by the House of Representatives of the United States of America, in the names of themselves and of all the people of the United States of America, against William W. Belknap, late Secretary of War, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in said office.

ARTICLE I.

That William W. Belknap, while he was in office as Secretary of War of the United States of America, to wit, on the 8th day of October, 1870, had the power and authority, under the laws of the United States, as Secretary of War as aforesaid, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States; that said Belknap, as Secretary of War as aforesaid, on the day and year aforesaid, promised to appoint one Caleb P. Marsh to maintain said trading establishment at said military post; that thereafter, to wit, on the day and year aforesaid, the said Caleb P. Marsh and one John S. Evans entered into an agreement in writing substantially as follows, to wit:

"Articles of agreement made and entered into this 8th day of October, A. D. 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

"Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid, by permission and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

"Now, therefore, said John S. Evans, in consideration of said appointment and the sum of $1 to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of $12,000 annually, payable quarterly in advance, in the city of New York aforesaid; said sum to be so payable during the first year of this agreement absolutely and under all circumstances, anything hereinafter contained to the contrary notwithstanding; and thereafter said sum shall be so payable, unless increased or reduced in amount, in accordance with the subsequent provisions of this agreement.

"In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

"First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

"Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto. The above rule laid down for the continuation of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as this agreement shall remain in force and effect.

"Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

"Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid, said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

"Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

"Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business of post-trader at Fort Sill aforesaid.

"Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name, it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

"Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and bind the heirs, executors, and administrators of the respective parties.

"In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

"JOHN S. EVANS. [SEAL.]
"C. P. MARSH. [SEAL.]

"Signed, sealed, and delivered in presence of—
"E. T. BARTLETT."

That thereafter, to wit, on the 10th day of October, 1870, said Belknap, as Secretary of War aforesaid, did, at the instance and request of said Marsh, at the city of Washington, in the District of Columbia, appoint said John S. Evans to maintain said trading establishment at Fort Sill, the military post aforesaid, and in consideration of said appointment of said Evans, so made by him as Secretary of War as aforesaid, the said Belknap did, on or about the 2d day of November, 1870, unlawfully and corruptly receive from said Caleb P. Marsh the sum of $1,500, and that at divers times thereafter, to wit, on or about the 17th day of January, 1871, and at or about the end of each three months during the term of one whole year, the said William W. Belknap, while still in office as Secretary of War as aforesaid, did unlawfully receive from said Caleb P. Marsh like sums of $1,500, in consideration of the appointment of the said John S. Evans by him, the said Belknap, as Secretary of War as aforesaid, and in consideration of his permitting said Evans to continue to maintain the said trading establishment at said military post during that time; whereby the said William W. Belknap, who was then Secretary of War as aforesaid, was guilty of high crimes and misdemeanors in office.

ARTICLE II.

That said William W. Belknap, while he was in office as Secretary of War of the United States of America, did, at the city of Washington, in the District of Columbia, on the 4th day of November, 1873, willfully, corruptly, and unlawfully take and receive from one Caleb P. Marsh the sum of $1,500, in consideration that he would continue to permit one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, which said establishment said Belknap, as Secretary of War as aforesatd, was authorized by law to permit to be maintained at said military post, and which the said Evans had been before that time appointed by said Belknap to maintain; and that said Belknap, as Secretary of War as aforesaid, for said consideration, did corruptly permit the said Evans to continue to maintain the said trading establishment at said military post. And so the said Belknap was thereby guilty, while he was Secretary of War, of a high misdemeanor in his said office.

ARTICLE III.

That said William W. Belknap was Secretary of War of the United States of America before and during the month of October, 1870, and continued in office as such Secretery of War until the 2d day of March, 1876; that as Secretary of War as aforesaid said Belknap had authority, under the laws of the United States, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States, not in the vicinity of any city or town; that on the 10th day of October, 1870, said Belknap, as Secretary of War as aforesaid, did, at the city of Washington, in the District of Columbia, appoint one John S. Evans to maintain said trading establishment at said military post, and that said John S. Evans, by virtue of said appointment, has since, till the 2d day of March, 1876, maintained a trading establishment at said military post, and that said Evans, on the 8th day of October, 1870, before he was so appointed to maintain said trading establishment as aforesaid, and in order to procure said appointment and to be continued therein, agreed with one Caleb P. Marsh that, in consideration that said Belknap would appoint him, the said Evans, to maintain said trading establishment at said military post, at the instance and request of said Marsh, he, the said Evans, would pay to him a large sum of money, quarterly, in advance, from the date of his said appointment by said Belknap, to wit, $12,000 during the year immediately following the 10th day of October, 1870, and other large sums of money, quarterly, during each year that he, the said Evans, should be permitted by said Belknap to maintain said trading establishment at said post; that said Evans did pay to said Marsh said sum of money quarterly during each year after his said appointment, until the month of December, 1875, when the last of said payments was made; that said Marsh, upon the receipt of each of said payments, paid one-half thereof to him, the said Belknap. Yet the said Belknap, well knowing these facts, and having the power to remove said Evans from said position at any time, and to appoint some other person to maintain said trading establishment, but criminally disregarding his duty as Secretary of War, and basely prostituting his high office to his lust for private gain, did unlawfully and corruptly continue said Evans in said position and permit him to maintain said establishment at said military post during all of said time, to the great injury and damage of the officers and soldiers of the Army of the United States stationed at said post, as well as of emigrants, freighters, and other citizens of the United States, against public policy, and to the great disgrace and detriment of the public service; whereby the said William W. Belknap was, as Secretary of War as aforesaid, guilty of high crimes and misdemeanors in office.

ARTICLE IV.

That said William W. Belknap, while he was in office and acting as Secretary of War of the United States of America, did, on the 10th day of October, 1870, in the exercise of the power and authority vested in him as Secretary of War as aforesaid by law, appoint one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, and he, the said Belknap, did receive, from one Caleb P. Marsh, large sums of money for and in consideration of his having so appointed said John S. Evans to maintain said trading establishment at said military post, and for continuing him therein; whereby he has been guilty of high crimes and misdemeanors in his said office.

Specification 1.—On or about the 2d day of November, 1870, said William W. Belknap, while Secretary of War as aforesaid, did receive from Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 2.—On or about the 17th day of January, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 3.—On or about the 18th day of April, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 4.—On or about the 25th day of July, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 5.—On or about the 10th day of November, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 6.—On or about the 15th day of January, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 7.—On or about the 13th day of June, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 8.—On or about the 22d day of November, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 9.—On or about the 28th day of April, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,000, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 10.—On or about the 16th day of June, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,700, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 11.—On or about the 4th day of November, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 12.—On or about the 22d day of January, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 13.—On or about the 10th day of April, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 14.—On or about the 9th day of October, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 15.—On or about the 24th day of May, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh, $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 16.—On or about the 17th day of November, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 17.—On or about the 15th day of January, 1876, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $750, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

ARTICLE V.

That one John S. Evans was, on the 10th day of October, in the year 1870, appointed by the said Belknap to maintain a trading establishment at Fort Sill, a military post on the frontier, not in the vicinity of any city or town, and said Belknap did, from that day continuously to the 2d day of March, 1876, permit said Evans to maintain the same; and said Belknap was induced to make said appointment by the influence and request of one Caleb P. Marsh; and said Evans paid to said Marsh, in consideration of such influence and request and in consideration that he should thereby induce said Belknap to make said appointment, divers large sums of money at various times, amounting to about $12,000 a year from the date of said appointment to the 25th day of March, 1872, and to about $6,000 a year thereafter until the 2d day of March, 1876, all of which said Belknap well knew; yet said Belknap did, in consideration that he would permit said Evans to continue to maintain said trading establishment and in order that said payments might continue and be made by said Evans to said Marsh as aforesaid, corruptly receive from said Marsh, either to his, the said Belknap's, own use or to be paid over to the wife of said Belknap, divers large sums of money at various times, namely: the sum of $1,500 on or about the 2d day of November, 1870; the sum of $1,500 on or about the 17th day of January, 1871; the sum of $1,500 on or about the 18th day of April, 1871; the sum of $1,500 on or about the 25th day of July, 1871; the sum of $1,500 on or about the 10th day of November, 1871; the sum of $1,500 on or about the 15th day of January, 1872; the sum of $1,500 on or about the 13th day of June, 1872; the sum of $1,500 on or about the 22d day of November, 1872; the sum of $1,000 on or about the 28th day of April, 1873; the sum of $1,700 on or about the 16th day of June, 1873; the sum of $1,500 on or about the 4th day of November, 1873; the sum of $1,500 on or about the 22d day of January, 1874; the sum of $1,500 on or about the 10th day of April, 1874; the sum of $1,500 on or about the 9th day of October, 1874; the sum of $1,500 on or about the 24th day of May, 1875; the sum of $1,500 on or about the 17th day of November, 1875; the sum of $750 on or about the 15th day of January, 1876; all of which acts and doings were while the said Belknap was Secretary of War of the United States, as aforesaid, and were a high misdemeanor in said office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or accusation or impeachment against the said William W. Belknap, late Secretary of War of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said William W. Belknap may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Resolved, That seven managers be appointed by ballot to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.

Mr. KNOTT. As the articles just read are a mere formulation of the charge which was distinctly understood by every gentleman upon the floor when the House by a unanimous vote resolved that William W. Belknap should be impeached of high crimes and misdemeanors, I do not deem it necessary to occupy with any remarks a solitary moment of the time of the House, which might be more profitably spent in the consideration of other business; and unless some gentleman desires to offer an amendment to some one or more of the articles, I will move the previous question upon the first resolution reported by the committee, which will in effect adopt the articles as a whole.

The previous question was seconded and the main question ordered; and under the operation thereof the first resolution, with the accompanying articles and specifications, was adoted.

Mr. KNOTT. I now move the adoption of the second resolution reported by the committee.

The resolution was read, as follows:

Resolved, That seven managers be appointed by ballot to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.

Mr. CLYMER. I ask the gentleman from Kentucky [Mr. KNOTT] to yield that I may offer an amendment.

Mr. KNOTT. I will do so.

Mr. CLYMER. I move the following as a substitute for the last resolution:

Resolved, That Messrs. J. PROCTOR KNOTT, of Kentucky; SCOTT LORD, of New York; WILLIAM P. LYNDE, of Wisconsin; JOHN A. MACMAHON, of Ohio; GEORGE A. JENKS, of Pennsylvania; WILLIAM A. WHEELER, of New York; and GEORGE F. HOAR, of Massachusetts; be, and they are hereby, appointed managers on the part of this House to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.

The substitute was agreed to.

The resolution, as amended, was adopted.

Mr. WHEELER. Did I understand the Chair to pronounce the resolution adopted?

The SPEAKER *pro tempore*, (Mr. SPRINGER.) Yes, sir; the resolution, as amended by the House, has been adopted.

Mr. WHEELER. I desire to say that, while I fully appreciate the confidence of the House in selecting me as one of the managers in the pending impeachment, the condition of my health, my duties on the Committee on Appropriations, accumulated correspondence, and other business consequent upon my recent absence from the House and the city, all absolutely forbid my acceptance of the position. I ask leave of the House, therefore, to retire, and beg to suggest that there be substituted for my name that of my colleague from the Ontario district, Mr. LAPHAM, a gentleman who by his professional character, his ability, and high standing is every way fitted for the position.

Mr. HUNTON. I desire to make an inquiry. Mr. LAPHAM is almost a stranger to me personally; and his views upon the subject of this impeachment are wholly unknown to me. While I desire to see a proper representation upon the board of managers from this side of the House, I desire also that those selected from the other side shall be in accord with the sentiments of the House upon this question of impeachment. It is on this point that I wish to make my inquiry.

Mr. WHEELER. In response to the inquiry of the gentleman from Virginia [Mr. HUNTON] I say frankly that I do not know, but I take it the House will be as willing to accept Mr. LAPHAM as myself; and I certainly have never made any declaration of my opinion on this case. I am not able to say what may be the opinion of my colleague on this question.

Mr. WOOD, of New York. In confirmation of what has fallen from my colleague, [Mr. WHEELER,] the gentleman who has had the honor of being selected as one of the managers on the part of the House, I wish to say that the professional and personal reputation of the gentleman indicated in his place is beyond any criticism. I am quite sure, so far as the delegation from New York is concerned, next to Mr. WHEELER himself they are in favor of the gentleman indicated.

I will go further and say we have already in the selection of the managers to represent the House before the Senate upon this important question not deemed it necessary to enter into any very severe examination as to the peculiar opinions of the gentlemen who are called to represent the House, assuming they will represent the House in the opinion it has unanimously expressed. As my colleague, who desires to retire from the managers on the part of the House, has stated that his own opinions were never asked, and as I understood he certainly never announced them, I assume the gentleman indicated to take his place should be taken, as we did him, with entire independence and with the volition to act according to his honor in the representative capacity in which the House chooses to place him. I hope the recommendation of my colleague will be adopted.

Mr. HOSKINS. Mr. Speaker, I desire to say a single word. The selection of my colleage [Mr. WHEELER] is considered very justly a compliment to the New York delegation. Mr. WHEELER in voluntarily retiring as one of the managers on the part of the House, for reasons which he deems sufficient, and of course they will be so regarded by the House, has taken occasion to name Mr. LAPHAM in his stead. I agree in all that has been so well said by my colleague [Mr. WHEELER] and by my other colleague [Mr. WOOD] in favor of the appointment of Mr. LAPHAM. I do not know his views on the question of impeachment, but I do know this, that, living in an adjoining county to me, I know him well and that in all Western New York, where that gentleman resides, there is not a lawyer regarded to be his superior. He stands high in that community, and I feel confident when he comes to be intrusted with the high responsibility of a manager on the part of this House he will discharge its duties according to the highest standard of justice and right. I believe no better selection could be made for eminent ability, high character, and integrity, for intelligence and for prudence, than Mr. LAPHAM.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. WHEELER] requests he may be excused from service as one of the managers of the impeachment, and if there be no objection he will be excused accordingly.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The gentleman from New York now moves to fill the vacancy occasioned by his resignation with the name of his colleague, Mr. LAPHAM.

The motion was agreed to.

Mr. KNOTT. I desire the form of the resolution shall be so changed as to place the name of the gentleman from New York [Mr. LORD] at the head of the list of the committee of managers. I hope there will be no objection.

There was no objection, and it was ordered accordingly.

Mr. CLYMER. I offer the following resolutions:

The Clerk read as follows:

Resolved, That the articles agreed to by this House to be exhibited in the name of themselves and of all the people of the United States against William W. Belknap, late Secretary of War, in maintenance of their impeachment against him of high crimes and misdemeanors in office be carried to the Senate by the managers appointed to conduct said impeachment.

Resolved, That a message be sent to the Senate to inform them that this House have appointed managers to conduct said impeachment against William W. Belknap, late Secretary of War, and have directed the said managers to carry to the Senate the articles agreed upon by this House, to be exhibited in maintenance of their impeachment against said William W. Belknap, and that the Clerk of the House do go with said message.

Mr. CLYMER. I move the adoption of those resolutions.

Mr. GARFIELD. I think we should send some communication to the Senate informing them of the selection of managers on the part of the House.

Mr. CLYMER. I have followed the precedent established in the case of the impeachment of Andrew Johnson, President of the United States.

Mr. GARFIELD. I have forgotten exactly what that precedent is.

Mr. CLYMER. I have followed the precedent in that case, and the names of the managers are not given in the resolutions which were then adopted.

Mr. GARFIELD. It occurs to me, in some official way the Senate should know who are the persons selected as managers on the part of this House to prefer these articles of impeachment at the bar of the Senate. We do notify the Senate in case of disagreeing votes between the two Houses of the names of the conferees on the part of the House. In case of such disagreement and a conference between the two Houses, the very first duty is to inform the Senate of the appointment of conferees. When a matter so grave as this is under consideration, I think in the first instance it would be better to notify the Senate of the members selected by this House to act as managers of this impeachment.

Mr. CLYMER. I have not the least objection to inserting in the resolutions, before the word "managers," the names of the managers on the part of this House. I will so modify my resolution.

Mr. GARFIELD. I think that will be best.

Mr. COX. I think the precedents are both ways. Sometimes the names of the managers have been included in the resolutions and at other times they have not. They were inserted in the case of Judge Burt.

Mr. CLYMER. I have modified my resolutions by inserting the names of the managers in full.

The resolutions, as modified, were read.

The resolutions were adopted.

Mr. CLYMER moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUNTON. I move to suspend the rules for the purpose of taking up and considering in the House a bill (H. R. No. 2454) entitled a bill amending the laws granting pensions to soldiers and sailors of the War of 1812 and their widows.

Mr. SEELYE. Will the gentleman allow me to make a statement and ask for a previous order of the House, which I think will take but little time, while the order he makes, I suspect, will occupy all the afternoon?

Mr. HUNTON. I will be exceedingly gratified to accommodate the gentleman from Massachusetts, but these soldiers who are to be pensioned under this bill are dying daily. If this Congress means to do anything for them it is time it was done. I trust, therefore, the gentleman from Massachusetts will not insist on interposing other business.

Mr. SEELYE. I think, Mr. Speaker, that the question which I desire to raise will take but a few minutes' time, while the consideration of the bill which the gentleman from Virginia proposes shall be taken up will probably occupy the entire afternoon.

Mr. HUNTON. I have not the slightest objection to yield to the gentleman from Massachusetts for twenty minutes, if he can accomplish his object in that time.

Mr. SEELYE. My motion is for a suspension of the rules in order to take up and pass the bill authorizing the sale of the Pawnee reservation; a bill which has been reported unanimously by the Committee on Indian Affairs; which has been twice assigned as a special order by the House; and the consideration of which is made imperative at this time by the condition of affairs on the reservation. The condition of affairs does not admit, I may say, of a day's delay.

Mr. HUNTON. I desire to inquire of the gentleman from Massachusetts if the consideration of this bill will take over twenty minutes?

Mr. SEELYE. I think if the House understands the bill there will be no objection to its passage.

The SPEAKER. The Clerk informs the Chair that the bill for the sale of the Pawnee reservation is made the special order for to-morrow after the morning hour.

Mr. SEELYE. That is correct; but the condition of affairs at the Pawnee reservation, as shown by a telegraphic dispatch received on Saturday and another received to-day, makes it imperative that the bill should be acted upon at once. I think the House will assent to the bill. There is no diversity of opinion in the Indian Committee respecting it. My judgment is that it will take only the time requisite for the reading of the bill and a brief explanation to follow in order to secure the assent of the House to its passage.

The SPEAKER *pro tempore*. It requires unanimous consent to modify the order already made by the House.

Mr. SEELYE. The gentleman from Kentucky, Judge BOONE, was directed by the Committee on Indian Affairs to report the bill.

Mr. HUNTON. I have not yet learned how I lost the floor.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. HUNTON] has the floor; but he agreed to yield it to the gentleman from Massachusetts for another purpose for twenty minutes.

Mr. HUNTON. I agree to yield provided the floor is again surrendered to me at the end of twenty minutes.

Mr. SEELYE. I think the consideration of this bill will not take fifteen minutes. The gentleman from Kentucky [Mr. BOONE] was appointed by the committee to take charge of the bill in the House.

SALE OF PAWNEE RESERVATION.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation, and the House proceeded to consider the same.

Mr. BOONE. I ask for the reading of the bill.

The Clerk read in part the bill, which is as follows:

A bill to authorize the sale of the Pawnee reservation.

Be it enacted, &c., That with the consent and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians in the State of Nebraska by the provisions of the first article of a treaty with them concluded September 24, 1857, in the following manner: The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements, and make return thereof to the Commissioner of Indian Affairs. After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit: After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one-third cash in hand, the balance in two equal annual payments, drawing interest at the rate of 6 per cent. per annum from the day of sale. Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than $2.50 per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior. If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at said public sale, shall be sold under the direction of the Secretary of the Interior at private sale on the same terms and subject to the same conditions as those sold at said public sale: *Provided*, That said lands shall not be sold for less than their appraised value, or for less than $2.50 per acre. And patents in fee-simple shall be issued to the purchasers of lands under the sales herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same: *Provided*, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best: *And provided further*, That the second section of the act of Congress approved June 10, 1872, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed.

SEC. 2. That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $300,000, out of which not more than $150,000 shall be used in defraying expenses already incurred for the subsistence of said Pawnee tribe of Indians, and for their removal to the Indian Territory, and other necessary expenses connected with their establishment and settlement therein: *Provided*, That the accounts for said expenses heretofore incurred shall not be paid until after they have been examined and approved by the Secretary of the Interior, who is directed to settle said expenses upon principles of equity and justice as between the claimants and the Indians. And the residue of said $300,000, after the payment of expenses heretofore incurred, shall be applied to defray the expenses of appraisement and sale of the lands referred to in the first section of this act, and to the settlement of said Indians, and to their further subsistence, until they can become self-sustaining, and also in the purchase of agricultural implements and live stock, and in establishing and supporting schools, and for other beneficial objects, including expenditures made for the above-mentioned purposes during the fiscal year ending June 30, 1876; said sums to be available for the purposes hereinbefore specified immediately after the approval of this act: *Provided*, That the said $300,000 herein appropriated shall be re-imbursed to the United States out of the funds arising from the sale of the lands described in the first section of this act.

SEC. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section after the re-imbursement to the United States of said sum of $300,000, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed 5 per cent. per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

SEC. 4. That the following described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely: All that tract of country between the Cimarron and Arkansas Rivers embraced within the limits of townships 21, 22, 23, and 24 north, of range 4 east; townships 18, 19, 20, 21, 22, 23, and 24 north, of range 5 east; townships 18, 19, 20, 21, 22, and 23 north, of range 6 east of the Indian meridian: *Provided*, That the terms of the sixteenth article of the Cherokee treaty of July 19, 1866, shall be complied with so far as the same may be applicable thereto: *And provided further*, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre; *And provided also*, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June 14, 1866, shall be paid for by said Pawnees at the rate of thirty cents per acre.

SEC. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval by the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs: *Provided*, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe.

Before the reading of the bill was concluded,

Mr. BOONE said: I think the further reading of the bill is unnecessary. It would only consume the brief time allotted to its consideration. I move that the further reading of the bill be dispensed with.

There was no objection, and the further reading of the bill was dispensed with.

Mr. BOONE. I yield to my colleague on the committee, the gentleman from Massachusetts, to offer an amendment.

Mr. SEELYE. I beg leave to offer an amendment to the bill, which is made necessary by the present exigency of affairs on that reservation.

The Clerk read the amendment, as follows:

Add to section 1 the following proviso:

And provided, also, That so much of the residue of the $300,000 aforesaid as may be needed for the immediate necessities of the aforesaid Pawnee Indians may be expended in the purchase of supplies therefor in open market.

Mr. BOONE. I have no doubt the committee would accept this amendment. I have no power to do so myself. But I see no objection to it, and I think the information which is in our possession fully justifies it, and that it should be adopted.

The amendment was agreed to.

Mr. BOONE. I will simply state that we are in possession of information which shows it to be necessary that immediate action should be taken for the sale of the Pawnee reservation. I shall not attempt to make an argument on this case, but shall state very briefly the circumstances connected with it, which of themselves form the argument for the passage of the bill. The number of Indians on this reservation is about three thousand. In 1874, their crop having failed, they asked permission to remove from their reservation in Nebraska to the Indian Terrritory. The Secretary of the Interior and the Commissioner of Indian Affairs gave them permission to do so; and upon consultation with the President of the United States it was advised, as there was no law authorizing a contract to purchase supplies for their subsistence, that they might buy subsistence in open market without a contract, and that an appropriation should be sought from Congress to meet the necessary expenses of the Indians. Contracts were entered into, by which large amounts of supplies were furnished to these Indians, and the larger portion of them were removed to the Indian Territory.

I may state that the reservation owned by these Indians comprises about two hundred and eighty thousand acres of land. The evidence before the committee is that the land is worth about three-quarters of a million of dollars. It is a valuable reservation, and will sell readily in the market. We propose by this bill to appropriate $300,000 out of the Treasury in order to pay whatever may be justly due to those who have already furnished supplies to these Indians, and to pay for their removal to their new reservation, and to buy the supplies which are necessary for their present subsistence. We propose to re-imburse the Government for that amount of money out of the sale of these lands in Nebraska. We think they are amply sufficient not only to pay the indebtedness which has already been incurred, but also to leave a large surplus in the Treasury for the benefit of the Indians.

I would not advocate the bill if I supposed for a moment that it would incur a debt on the part of the Government which would not at some time be re-imbursed, unless, indeed, the demands of humanity made it necessary for me to do it in order to feed these starving Indians. I am as much in favor of economy, retrenchment, and reform as any other gentleman in this body, but the calls of humanity demand of me that I should vote money out of the Treasury in order to meet the pressing necessities of these starving people; and as the Government can, in my opinion, lose nothing by this appropriation, as it will be fully re-imbursed by the sale of the reservation in Nebraska, I shall not hesitate to vote for this bill.

I am in possession this morning from more than one source of information, as by telegrams from the agents of the Indians in the Territory and otherwise, of facts sufficient to satisfy me that there is a necessity for immediate action in behalf of these Indians, that they are absolutely starving, that many of them are leaving their reservation, and will, unless some provision be made for them, be compelled to depredate on the citizens who border on the Territory or starve. Believing therefore, and knowing as we do, if credit may be given to human testimony, that the Government cannot lose a dollar by making this appropriation, it does seem that argument is not necessary in order to induce the House to do justice to these suffering people.

I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUNTON resumed the floor.

Mr. BAKER, of Indiana. Will the gentleman allow me to offer a resolution?

Mr. HUNTON. I cannot yield for anything that will give rise to debate.

Mr. BAKER, of Indiana. My resolution will not give rise to debate, and it cannot be debated on Monday.

Mr. HUNTON. I cannot yield for that purpose; but I will yield to the gentleman from West Virginia, [Mr. HEREFORD,] who has a report to make from the Committee on Commerce.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HEREFORD, from the Committee on Commerce, reported unanimously a bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was read a first and second time.

Mr. HEREFORD. I will say that this bill appropriates $918,677.50 less than was appropriated for these purposes last year. I move that it be printed, and recommitted to the Committee on Commerce.

The motion was agreed to.

Mr. HUNTON resumed the floor.

Mr. YOUNG rose.

Mr. HUNTON. I hope my friend will not ask me to yield any more. I have been the most yielding man you have had on the floor for a month, and I must insist on my motion.

Mr. YOUNG. I merely ask to have a memorial relating to the bill just reported from the Committee on Commerce referred to that committee and printed.

Mr. HUNTON. I will yield for that purpose.

SURVEY OF THE PORT OF MEMPHIS, TENNESSEE.

Mr. YOUNG, by unanimous consent, presented a memorial from the city council of Memphis, Tennessee, asking for a survey of the port; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles:

A bill (S. No. 172) fixing the salary of the President of the United States; and

A bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled, 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes, approved June 22, 1874."

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by U. S. GRANT, jr., one of his secretaries.

RESTORATION OF PENSIONERS OF THE WAR OF 1812.

Mr. HUNTON. I now renew my motion to suspend the rules and take up for consideration the bill (H. R. No. 2454) and that it be considered in the House as in Committee of the Whole under the five-minute rule.

The Clerk read the title of the bill, as follows:

A bill amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows.

Mr. HURLBUT. Has the bill been printed?

Mr. HUNTON. It has been printed a long time.

Mr. HURLBUT. I understand it was reported back with amendment.

Mr. HUNTON. It was under a former order of the House.

The question was taken on Mr. HUNTON's motion; and (two-thirds voting in favor thereof) the rules were suspended, and the House proceeded to the consideration of the bill in the House as in the Committee of the Whole on the state of the Union under the five-minute rule.

The Clerk read the bill for information.

Mr. TOWNSEND, of Pennsylvania. I desire to inquire of the gentleman having charge of the bill how many additional names will be added to the pension-rolls and what, in his estimation, will be the additional amount annually paid under the bill?

Mr. HUNTON. I am prepared to answer the question from a report made to me by the Commissioner of Pensions. There will be one hundred and twenty names added to the roll that were dropped during the war; and the annual payment of those one hundred and twenty will be $9,120. I send the letter of the Commissioner to the Clerk's desk to be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 6, 1876.

SIR: In reply to your inquiry of the 3d instant, herewith returned, I have the honor to inform you that, of the number of soldiers of the war of 1812 and the widows of such soldiers whose names were stricken from the pension-rolls on account of disloyalty, one hundred of the former and twenty of the latter are supposed to be now living and not restored to the rolls.

The annual amount which would be required to pay this number were they restored to the roll at their former rates would be as follows:

Invalids, Army and Navy, at the average rate of $6 per month	$7,200
Widows, Army and Navy, at the average rate of $8 per month	1,920
Total annual amount	9,120

It is proper to add that, owing to the fact that pensioners are not classified upon the rolls according to the wars in which they rendered service, this Office is in possession of no data from which any estimate such as you desire can be made which would be entitled to more weight than mere surmise.

The letter of this Office dated January 19, 1876, referred by you, is herewith returned.

I am, sir, very respectfully,

CHAS. R. GILL,
Commissioner.

Hon. EPPA HUNTON,
Chairman Committee on Revolutionary Pensions and War of 1812,
House of Representatives.

Mr. HUNTON. I desire to say for the information of the House, in connection with the communication just read, that when this bill, or the one for which this is a substitute, was before the House some weeks since for consideration, the Commissioner of Pensions reported, instead of $9,000 a year annual increase, that it would take $39,658 annually; and that, the back pensions being for fourteen years, the aggregate amount for that purpose would be $525,212. Under this bill, according to the report of the Commissioner of Pensions, the annual increase for this purpose would be $9,000 a year, and the back-pay being only for eleven years, would amount to less than $100,000 to those restored to the pension-rolls by this bill.

Mr. CASWELL. I would ask the gentleman if that estimate includes the arrearage that would go to the widows and orphans of the pensioners who have died?

Mr. HUNTON. The only information I have on the subject is the report from the Commissioner of Pensions which has just been read. The principal difference between the former bill and this one is that this bill strikes out three or four years of back pensions.

Mr. CASWELL. I understood that the estimate applied only to the living, not to the dead; is that so?

Mr. HUNTON. It applies to those who may be restored to the pension-roll; of course that is the living.

Mr. CASWELL. It does not apply to those who have died since their names were stricken from the roll?

Mr. HUNTON. I imagine not.

Mr. CASWELL. You have no estimate on that point?

Mr. HUNTON. The House will recollect that when this bill was before the House on a former occasion, it provided that the pay of those stricken from the rolls during the war should commence from the time they ceased to receive their pay under the invalid-pension laws. This bill is a modification of that in that respect, and provides that the pay shall begin from May 1, 1865. An amendment was adopted to the bill before under consideration so as to include among those to be restored to the rolls those who had been pensioned for services in the Mexican war and the various Indian wars. This bill restores the words which were stricken out of the former bill, so that no invalid pensioners will be restored to the rolls under this bill except those of the war of 1812. And the House will perceive at once that, from the very lapse of time from the termination of the war of 1812 until the beginning of the late war, all the pensioners of the war of 1812 must have been too old to take any part in the late war.

Mr. STOWELL. Has the committee made any change in regard to the date of the marriage of the widows?

Mr. HUNTON. Yes, I was coming to that. As the former bill came from the committee it gave pensions to widows of the soldiers of the war of 1812 who had married prior to 1850. Upon the motion of some gentleman the limitation of marriage before 1850 was stricken out, so that the bill as amended gave a pension to any widow who had been married at any period to a soldier of the war of 1812.

Mr. STOWELL. Has that feature been retained in this bill?

Mr. HUNTON. That feature of the old bill is retained in this, so that in order for a widow to obtain a pension under this bill she must have married a soldier of the war of 1812 prior to 1850.

Mr. CONGER. There is a provision in the last section of this bill continuing the pension to any widow, even though she marries again. Is not that different from the rule in regard to other pensions?

Mr. HUNTON. That was done because a pension may have been due to the soldier or to his widow before her marriage to another husband; and, if so, it ought to go to her notwithstanding her second marriage. That was the view the committee took of it.

Mr. CONGER. I would be in favor of that same principle in all the pension bills. I do not believe in refusing a pension to a widow who marries again. But I called attention to it because this bill in that respect is different from the other pension bills.

Mr. HUNTON. If any gentleman desires to propose an amendment to this bill I would be glad to have it offered now, and then I will call the previous question on the bill and amendment.

Mr. KASSON. I did desire that the bill should be considered in Committee of the Whole because of three or four clauses which I thought demanded a little special attention; but we can probably arrive at the same result in the House; we can obtain a full understanding of the significance of the bill under the order already made for its consideration.

There is a point to which I beg to call the attention of my honorable friend, the chairman of the committee, [Mr. HUNTON.] In the first section of this bill it is proposed by its terms to amend the first section of the law of 1871. As I understand it, that law is no longer in existence; it was revised, and is therefore now a part of the Revised Statutes. If I am right in that, the chairman of the committee and the friends of the bill will find it necessary to remodel it to make it conform to the section of the Revised Statutes in order to accomplish their purpose.

Mr. HUNTON. I have no objection to that.

Mr. KASSON. It will take some care, and more time than in the hurry of debate is practicable, in order to make the amendments conform to the respective sections of the Revised Statutes. Merely calling attention to that, I wish to state two or three objections to which, in my judgment, this bill is still liable.

The first objection relates to the first section, which reduces the period of service to ten days. In connection with the cases of certain persons who have heretofore written to me on this subject, inquiring whether it was possible for them to get the rights of sixty days' men, they having fallen short five or six days of the sixty days' term, I have had occasion to become somewhat familiar with the character of a portion of this service, which comes in under the name of militia service, in distinction from regular service. I find that there were very many people who came out under a hasty and informal call; who took their arms and came together under false reports of an approaching enemy, especially along the eastern sea-coast; and who then went back without ever having seen an enemy, without ever having rendered any service beyond giving indication of their readiness to render service if there had been occasion for it. Under the general terms of this bill, it seems to me, all that class of men who were away from their homes for ten days are put upon the same level with men who served one, two, or three years; are entitled to the same pensions with those who were in front of the enemy and encountered all the dangers of active war. I think that in this respect the bill violates a principle of justice and fair dealing, in failing to recognize the proper comparative value of the services rendered to the Government. I regard it as very unwise to reduce the term of service to so few days as this bill provides. It almost abolishes the distinction between active, dangerous service and a simple disposition to render service if there had been occasion for it.

Then, near the end of the first section, there is a clause respecting widows, which restores, as the gentleman has said, the year 1850. That is a matter which the House already fully comprehends.

In looking over the bill further I find near the end of the third section this clause:

And when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony.

This opens up the difficulty to which I have alluded, and which I have encountered in dealing with the Pension Office in relation to the cases to which I referred. Under this provision, men who were not formally called out, who rendered no service and never were invalided, are permitted to gather up what would be a very loose character of evidence, hardly entitled properly to the term evidence, in order to justify a claim upon the Treasury. It seems to me that in this case we leave the safe rule heretofore adopted for the production of evidence. The previous clauses of the section requiring simply satisfactory evidence, making no specific requirement with reference to record evidence, are sufficient to give the real soldiers all necessary facilities for proving his service.

Passing now to the fifth section, I will say that the repealing clause at the end of that section goes too far. I simply allude to this matter now, and when the section is reached I will call attention to it again.

Finally, the sixth and last section ought, I think, to be stricken out; and I will state in the hearing of the gentleman having charge of the bill my reasons for this opinion. First, the section provides that the surviving widow shall have certain rights irrespective of the date of her marriage. The section thus gives her advantages not given to the other classes mentioned in the previous section. Besides, it goes back nearly eleven years to pay back pensions to that class of men who were removed from the rolls under the allegation of disloyalty, and even pays the pension, as I suggested before, to the widow and orphan children, although the soldier may have perished during the war while acting in hostility to the United States. Of course the fact of the pensioner being suspended and his name stricken from the rolls is an indication that the party was in active hostility to the Government.

This provision, as I understand, has been modified so as not to take effect during the time of the civil war, but to commence immediately at its close, and will therefore pay back pension for eleven years to the widows and orphans of such men, and this, although the widow may have married again and may have ample property for her support.

I mention these objections in the way of general review of the bill in order that gentlemen may examine the sections as we go along and ascertain whether they are justly deserving of opposition by the House.

The Clerk read the first section, as follows:

Be it enacted, That the act granting pensions to the surviving solders of the war of 1812, &c., approved February 14, 1871, be amended so as to read as follows: That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers, of the military and naval service of the United States, who served for ten days in the war with Great Britain of 1812, and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men: *Provided*, That such widows shall have been married prior to the year 1850 to such officers or enlisted or drafted men.

Mr. HOSKINS. I move to amend by striking out "ten" before the word "days," in line 11, and inserting "five," so as to reduce the time of service from ten days to five. When this bill was under consideration on a previous occasion I offered this same amendment and submitted such remarks as I thought appropriate in support of it. The House, in Committee of the Whole, concurred in my views and adopted the amendment. I have seen no reason to change my views upon that subject; and I conclude the House has seen no reason to change its views. I do not wish to make any extended remarks, but simply to reply in a word to the remarks made by the gentleman from Iowa [Mr. KASSON] in relation to the time of service. I do not agree with him

in the positjon which he has taken that a distinction should be made between those who were in the service sixty days or a year and those who were in the service for a shorter time.

It will be remembered that in 1812 the country exposed to the British forces was very sparsely settled, especially near the frontier between the United States and Canada. The few settlers who were then occupying that region were mostly in small villages; and on numerous occasions, as I have heard from those who took active part in the proceedings then going forward, whole neighborhoods were alarmed and came out without any formal call, some of them to serve five or more days, some of them to go to Buffalo and find that their services were not required, that the alarm had been a false one. But they left their homes, they left their wives, they left their little children in utter fear and dismay in consequence of the stories afloat of British soldiers coming over from Canada. And while they were not actually in service, they suffered privations and hardships just as much as if they had been subjected to actual service. Their lives were offered in defense of their country, and a grateful country should reward them.

Now, inasmuch as this bill proposes to include all the soldiers who served in the war of 1812, I believe, while we are reducing the term of service from sixty days, which is now the law, we should put it at a point so as to reach every man who did service by enlistment, by volunteering, or by military service of any kind. I know in the New England States especially there are men who were in the service from five to ten days, and who rendered much important service to the country, although in active duty but for a short time. If there is a single soldier of the war of 1812, even if he did not serve but five days, but who volunteered and rendered service, thereby showing his love and devotion to his country and his willingness to defend her with his life if necessary, I want him provided for in this bill. Therefore I have moved to reduce the term of service from ten days to five, which will include, in my judgment, every man who was in the service in the war of 1812, and I trust the House will concur with me in that amendment.

Mr. HUNTON. If I were to consult my own private feelings, Mr. Speaker, I would frame a bill on this subject more liberal in many respects than the one under consideration; but I desire to pass through this House a bill which will in all probability become a law, and for that reason the committee have been careful not to antagonize the sentiment of this House, and especially the sentiment of the other side of the House. I trust, therefore, that the friends of the soldier of the war of 1812 will not antagonize the bill under consideration by proposing amendments either limiting or extending its provisions. I desire now to call the previous question on the section and pending amendment.

Mr. HURLBUT. I hope the gentleman will not insist on his demand for the previous question at this time.

Mr. HUNTON. If the gentleman has an amendment to propose I will withdraw it for that purpose.

Mr. HURLBUT. I do wish to offer an amendment and submit a few remarks.

Mr. HUNTON. I will yield to the gentleman to move an amendment.

Mr. HURLBUT. I move to insert "thirty days" instead of "ten days," and if the House wishes I will give my views on that matter.

Mr. HUNTON. I only gave way for amendment. The amendment is now pending, and I hope the House will proceed to vote.

Mr. CONGER. Does the gentleman from Virginia propose to cut off all debate on these amendments?

Mr. HUNTON. I wish to be entirely liberal in this matter, but I do wish to get through with the bill to-day.

Mr. CONGER. The gentleman from Illinois who has moved an amendment extending the time from ten days to thirty days expressed a desire to submit some remarks.

Mr. HUNTON. I am willing to yield to the gentleman from Illinois five minutes on condition that he will renew the demand for the previous question. I will tell the gentleman that the former amendment to which he called my attention will be submitted before the vote is taken on this section.

Mr. HURLBUT. Now, Mr. Speaker, whenever the House undertakes to consider questions of pension or bounty it is apt to be carried away by exceeding liberality. We ought not to forget but consider these pensions are given for service rendered. Unquestionably the men who turned out in the immediate neighborhood, or at a distance, requiring them to be engaged five or six days are entitled to some consideration; but they are not entitled to the same consideration as men who did longer, better, and more valuable service. I believe the whole idea of reducing the length of service below sixty days is wrong. I believe it is in the interest of mistaken sentimentality, and I hope the amendment which I have offered will be adopted, because it is a just one. I made it thirty days from the fact that there were several organizations which did go into service and did fair work on our frontier, serving from thirty to forty days. Others served from forty up to fifty-nine, but not long enough to come within the limit of sixty days provided for in the law at present. My provision enables those men who served over thirty days to come in under the provisions of the law, and is, in my judgment, only fair and just. I believe I am under an obligation to the gentleman from Virginia to renew the demand for the previous question, which I do.

Mr. HOAR. With the leave of the gentleman from Virginia, I wish to make a statement in reply to the gentleman from New York.

The SPEAKER *pro tempore*. The previous question has been demanded.

Mr. HURLBUT. I did it by contract with the gentleman from Virginia. I am willing to withdraw it for one moment.

Mr. HUNTON. I am willing to hear what the gentleman from Massachusetts has to say.

Mr. HOAR. Mr. Speaker, I was merely going to state a fact which may be known to some of the House, in illustration of the undue length to which this bill goes and the laxity of evidence it allows. Some thirty or forty years ago a celebrated Washington correspondent represented the Boston Post in Washington. He was an Englishman by birth, and was, I believe, the only newspaper correspondent then maintained by any paper in Washington—the first of that class. He was a good liver, famous as good company, and on intimate terms with all the leaders of the Senate at a time when it was the fashion to pass special pension acts. This gentleman induced his friends in the Senate to prepare and nearly pass a bill giving him a pension on account of his father's services at the battle of Bunker Hill. This bill was going through when it was discovered that the service had been rendered as claimed, but the fact had not been stated that they were rendered on the British side. [Laughter.] The passage of the bill was arrested by the discovery of that fact. It seems to me now with all this loose evidence to include any person who may claim to have rendered military service for five days is utterly preposterous.

Mr. HOSKINS. Will the gentleman state how his objection will apply to those who served more than five days and will not apply to those who served only ten days?

Mr. HOAR. The longer the service the less likelihood there is of mistake or of fraud in this class of testimony. Where there is a considerable length of service there is much more likelihood of there being a record; much more likelihood of having taken part in some conspicuous movement or battle. It can hardly be conceived that there is any instance of a person who served for five days where the service was not merely in repairing to some fort on the coast, or repairing to some town where there had been an alarm, the service not being actually called for; and the leaving the family in a state of alarm and dismay, as the gentleman from New York [Mr. HOSKINS] suggests, is certainly not a ground for compensation by the Government. Other families where there was no head of suitable age were equally in a condition of alarm and dismay.

Mr. HOSKINS. The gentleman mistakes my position. I do not claim that that is a ground for a pension. The ground of the pension is the service rendered by the man who left his family.

Mr. HOAR. I understood the gentleman to say that, though the five days' service may have been of no value to the country, and may have involved no risk or danger to the soldier, still his wife and children suffered anxiety and dismay occasioned by the absence of the head of the family equally with the families of those who served a longer time.

Mr. RUSK. In other words, he proposes to pension a man because his family was scared.

Mr. HOAR. Just so.

Mr. CONGER. I suppose the fact may be known to the gentleman from Massachusetts——

Mr. HOAR. The gentleman from Michigan will pardon me. I promised the gentleman from Virginia that at the close of my remarks I should renew the call for the previous question.

Mr. CONGER. I will renew it. The gentleman may be aware of the fact that volunteers in the war of 1812 who were engaged in the battles along the frontier were frequently killed, who had not served even one day, who came and joined in the heat of battle, as in the revolutionary war. At Plattsburgh and other places men were wounded who had served but one day, or three days, or five days.

Now, I take it that a man is just as patriotic if killed after having served only one day as if he had served a longer time. I do not know what Boston ethics may be, or what the Massachusetts rule may be, but out West we think the man who gives his life for his country the second day after he entered the service is as patriotic as if he had served for five years.

Mr. HOAR. In the case of soldiers wounded or killed, they or their families got the pensions.

Mr. CONGER. I know that. But this is a question as to the patriotism of a man; the man who goes at his country's call and serves five days.

Mr. HOAR. The gentleman will pardon me. This is not a question of the patriotism of the man we pension. We do not pension patriotism, but merely service which is valuable to the country.

Mr. CONGER. That is the very point I am coming to. It is patriotic for a man, even when not enlisted in the regular service, to respond to the call of his country, and to come and render his services to the conntry for one day, or five days, or more.

Mr. HOAR. Will the gentleman permit me to make one suggestion more?

Mr. CONGER. Let me make one. I think I can make a more interesting one to the House.

Mr. HOAR. If the gentleman will permit me, I was going to observe that if we pension patriotism merely, we should have to give a pension of $100,000 a year to the gentleman from Michigan himself.

Mr. CONGER. I am glad to find that there is at least one gentleman who appreciates my services so highly. [Laughter.]

Mr. HUNTON. How much time does the gentleman from Michigan [Mr. CONGER] desire?

Mr. CONGER. I have not yet finished the few remarks which I desire to make on this amendment.

Mr. STEVENSON. I hope the gentleman's time will be extended half an hour.

Mr. CONGER. I understood the gentleman from Virginia, when asked if further debate was to be allowed, to say that he had no desire to hurry on a decision.

Mr. HUNTON. Very well; go on.

Mr. CONGER. If all those gentlemen have got through interrupting me, I will, with the leave of the gentleman from Virginia, go on. I can see no propriety in the distinction as to the length of time of service in the defense of the country, provided the service was actually rendered, that danger was actually incurred while in that service, and that it was valuable to the country. Now a particular length of time may be desirable to prove, where there is no record evidence to prove, that there was actual service; but when actual service, involving the risk of life, has been rendered by any person, I see no reason why the few remaining survivors of the war of 1812, whether they served through the war, or one year, or sixty days, as in the present law, or whether they ran the risk of their lives for one day or for ten days, should not be remembered by their descendants now, and placed on the pension-rolls.

The gentleman from Massachusetts says we do not pension patriotism. What is the object of all these military pensions? What is it, except to show to all men in the country that whenever the country is in danger, that wherever and whenever they can render valuable service to the country the history of the legislation of the country shows that they shall be remembered; that if they are wounded or disabled they shall be pensioned; that if they die their widows shall be pensioned; that if their widows are removed their minor children or heirs shall be pensioned? What is it but to show to the world and especially to our own citizens that we in this age recognize the former military services of our fathers, and if occasion ever arises on a sudden call, when there is no time to pass laws or hold out inducements, to show them that the common history of the legislation of the country has been and will be that, if they give their lives for the country, legislation will protect their families when they are gone. Patriotism may induce free services, but it is the willingness to risk the hardships and perils of the service, the willingness of a man to risk the loss of life and to encourage every man in the nation whenever the country calls to step forward at once to take that risk that we pass these pension laws at all, rather than as a reward for past services. It is in that view that I submit that any length of service sufficient to show actual service, actual risk of the perils and hardships of warfare, is a sufficient reason for granting pensions to the person thus risking his life in the service of the country.

Mr. HUNTON. I offer the amendment which I send to the Clerk's desk, and then I insist on the previous question.

Mr. HURLBUT. There is an amendment to an amendment now pending.

The SPEAKER *pro tempore*. The Chair so understands.

Mr. HOSKINS. I make the point of order that, there being an amendment to an amendment pending, no further amendment can be submitted; you cannot pile up amendments on amendments in this way.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Virginia to ask unanimous consent to have an amendment read previous to making his motion to close debate. Objection having been heard, that is out of order. The gentleman from Virginia can, however, move to close debate on the pending amendment and the amendment thereto, and then his amendment will be in order.

Mr. HUNTON. I make that motion.

The motion to close debate was agreed to.

The question was upon the amendment to the amendment offered by Mr. HURLBUT, to strike out "five" and insert "thirty" so that it would read, "who served for thirty days in the war with Great Britain, &c.

Mr. HOSKINS. That is the amendment to my amendment, which is to strike out the word "ten" and insert in lieu thereof "five."

The question was taken on the amendment to the amendment offered by Mr. HURLBUT; and on a division there were—ayes 48, noes 98.

So the amendment to the amendment was not agreed to.

The question recurred on Mr. HOSKINS's amendment to strike out "ten" and insert "five;" and being put, there were on a division—ayes 61, noes 92.

So the amendment was not agreed to.

Mr. HUNTON. I move now to strike out line 3, 4, and 5, and down to the word "that" on lines 6, as follows:

That the act granting pensions to the surviving soldiers of the war of 1812, &c., approved February 14, 1871, be amended so as to read as follows:

Mr. HUNTON. The words proposed to be stricken out refer to the law of 1871, whereas the reference should be to the sections of the Revised Statutes; and I propose to insert as an additional section at the end of the bill a repealing clause of those sections. The repealing clause which I propose to add as the seventh section will refer directly to those sections of the Revised Statutes which refer to pensions of 1812. The bill as it now stands refers to the law of 1871, which was changed or repealed by the Revised Statutes.

The amendment was agreed to.

The Clerk read the second section, as follows:

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month; pensions under this act shall be at the rate of $8 per month, except as herein provided, and shall be paid to the persons entitled thereto from and after the passage of this act for and during their natural lives: *Provided*, That the pensions to widows provided for in this act shall cease when they shall marry again.

Mr. CONGER. I move to strike out the proviso of that section, to wit:

Provided, That the pensions to widows provided for in this act shall cease when they shall marry again.

The amendment was not agreed to.

The Clerk read the third section of the bill, as follows:

SEC. 3. That before the name of any person shall be placed upon the pension-rolls under this act, proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury, and the Secretary of the Interior shall cause to be stricken from the rolls the name of any person when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations as to the right of such person to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony: *Provided*, That when any person has been granted a land warrant under any act of Congress for and on account of service in the said war of 1812, such grant shall be *prima facie* evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act; but such evidence shall not be conclusive, and may be rebutted by evidence that such land warrant was improperly granted.

Mr. KASSON. I think the words "or by mistake" should be inserted in the twelfth line of that section. The limitation in lines 11 and 12 is to the insertion of names upon the roll "by false and fraudulent representations." I propose to add the words "or by mistake," to come in after the word "representation."

Mr. HUNTON. I think there is no objection to that.

Mr. KASSON. It meets another class of cases.

The amendment was agreed to.

The Clerk read the fourth section, as follows:

SEC. 4. That all applications for pensions under the act to which this is an amendment, heretofore or which may hereafter be made, shall be considered and decided as though made under this act; and all laws now in force in regard to the manner of paying pensions and in reference to the punishment of frauds shall be applicable to all claims under the provisions of this act.

Mr. KASSON. I call the attention of the gentleman from Virginia to the phrase in that section, "under the act to which this is an amendment." I would suggest that either he should reserve the right to modify it at some future time or else offer some amendment now.

Mr. HUNTON. I think perhaps it would be better to put in the place of the word "act" the word "laws."

Mr. KASSON. I think some phrase like this would be better: "that all applications for pensions of the class provided for by this act;" that would cover the case; but if the gentleman is not prepared to accept that amendment I think he had better reserve the right to offer an amendment hereafter.

Mr. HUNTON. I think the proposition suggested by the gentleman from Iowa is a correct one.

Mr. KASSON. I submit that amendment then.

Mr. HARRIS, of Massachusetts. I suggest that striking out in the second line the words "to which this is an amendment," and changing the "the" in the first line to "this," would cover the objection made by the gentleman from Iowa. It would then read "that all applications for pensions under this act," &c.

Mr. KASSON. That would hardly meet the case, because it goes on "heretofore or which may hereafter be made, shall be considered and decided as though made under this act;" there has been no application under this act heretofore. I think the words I suggest will meet the case. I submit the amendment, with the approval of the gentleman from Virginia, to insert the words "of the class provided for by this act."

Mr. HUNTON. It ought to be in the plural: "of the classes."

Mr. KASSON. I will modify it in that way.

Mr. HARRIS, of Massachusetts. I move to strike out the words "heretofore or which may hereafter be made."

The SPEAKER *pro tempore*. Does the gentleman offer that as an amendment to the amendment of the gentleman from Iowa?

Mr. HARRIS, of Massachusetts. No, sir.

The SPEAKER. Then it is not in order until the amendment offered by the gentleman from Iowa is disposed of.

Mr. HARRIS, of Massachusetts. I understood that this was the first amendment in order, but I will withhold it until the amendment of the gentleman from Iowa is disposed of.

Mr. KASSON. I will add that even if the amendment suggested by the gentleman from Massachusetts were agreed to that would not be satisfactory, because a further part of the section reads "shall be considered and decided as though made under this act." I think therefore, thus, his amendment will not reach the point aimed at.

The question was taken on the amendment offered by Mr. KASSON; and it was agreed to.

Mr. HARRIS, of Massachusetts. I will not press my amendment, in view of the one just adopted.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls, as of the 1st day of May, 1865, the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, be, and the same is hereby, so far modified as to authorize the payment of claimants under this act; and section 4716 of the Revised Statutes at Large of the United States is hereby repealed so far as the same would apply to the persons provided for by this act.

Mr. CONGER. I move to amend the section just read by striking out the words "1st day of May, 1865," and inserting in lieu thereof the words "date of the passage of this act;" so that it will read: "restore to the pension-rolls, as of the date of the passage of this act, the names of all persons now surviving," &c. And then, as a part of the amendment and relating to the same subject, I move to amend by inserting the word "hereafter" after the word "payment;" so as to read: "authorize the payment hereafter of claimants under this act."

In support of my amendment I desire to say simply that, so far as I am concerned and so far as I know the feelings of gentlemen upon this side of the House, all are willing that these pensioners, who were stricken from the rolls for disloyalty, shall be restored from and after the passage of the act restoring them. But we are not willing to go back to 1865, and pay them arrearages of pensions during that time. Let the time when they are restored to the rolls, or from which they shall begin to draw pensions, be the time when the Congress of the United States determines that it is proper to restore their names to the pension-rolls. Further than that I am not willing to go. And I think the reason why the former bill met with so little favor in this House was because of the provision in it for arrearages. It does not remove the difficulty that two years are deducted by this bill from the time for arrearages of pensions. I think the feeling of many members is that the time when the Congress of the United States declares that these men shall again be placed on the pension-rolls is the time when their payment should be commenced, and my amendment is intended to bring about that result.

Mr. CASWELL. I desire to move an amendment to the amendment.

Mr. REAGAN. I desire to say a word in reply to the gentleman from Michigan, [Mr. CONGER.]

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. CASWELL. I move to strike out the third line, which reads, "as of the 1st day of May, 1865," and to add to the section this proviso:

Provided, That no money shall be paid to any one on account of arrearages during his term of disability.

I do not wish to occupy the attention of the House for any great length of time by attempting to say anything in addition to what was said when this subject was under consideration a few weeks ago.

I wish to call the attention of gentlemen to this fact, that this bill undertakes to provide for two classes of persons; the one class consists of those who have never been placed upon the rolls at all, and the other is that class which gentlemen on the other side of the House more directly represent, and who have been once upon the rolls and their names stricken off for disloyalty to the Government. It seems to me it is a very fair proposition and a just compromise between those soldiers of the war of 1812 who have never been upon the rolls and those who have once been on and have been stricken off, to place them both upon the rolls to-day and let them start hand in hand and live out the remaining portion of their lives drawing pensions alike from this time. Do not give either the advantage over the other. Let those who have been disloyal journey on with the others; and God grant that they may sin no more. It seems to me very fair indeed, and they should be contented with drawing a pension from this time on.

We will be establishing a very bad precedent, in my judgment, if we pay to any class a pension during a period in which they were not on the roll. In my judgment it would be a very bad and a dangerous precedent, and we ought to be contented, and if we are the true friends of the soldiers of the war of 1812 we will be contented, by placing those who have been stricken off back again where they once were, permitting them to resume their former relations to the Government.

Mr. CONGER. I will withdraw my amendment in favor of the amendment of the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. REAGAN. I desire to say a few words upon the amendment now before the House. It is assumed that it would be wrong to give these pensioners, as proposed by this bill, their pensions from 1865. There are some facts in this case that ought not to be lost sight of. The men who will have the benefit of this law are, without exception, men who when the recent war broke out were too old to engage in military service. They were unfortunate and shared in the calamities of the war, but were not of an age that enabled them to render military service. I suppose it will not be pretended that any one of the soldiers of the war of 1812 actively participated in the recent war between the States.

There is another fact to be remembered: After the war ended, the people of all the States alike were required to contribute by taxation to the support of the Government, in one State as in another, and in every State alike. The people in the Southern States, among whom were those who are excluded on account of what was done in what is called the rebellion, have paid their taxes, impoverished as they were, just as the people of the other sections of the country have paid their taxes.

When this subject was up before I called attention to the fact that it is asked that only a few hundred men out of the vast number who were engaged in the war of 1812, nearly all of whom are now past eighty years of age, and now are upon the very brink of the grave, shall receive this evidence of kindly feeling on the part of the Government for the services which they rendered, before any of us were born, to the country in her hour of great peril, and in a conflict with the then greatest military power of the earth. It seems to me that in view of these facts we might consent that a few hundred men at most who now ask the recognition of the Government for services rendered before we were born, and who limit their request to the time during which they and their neighbors have been paying taxes for the support of the Government and to pay pensioners, shall receive their pensions as all others do; that seems to me to be not unreasonable.

I think, too, I may with propriety remind members that the same people among whom these few pensioners are now residing are to-day contributing their portion of the tax of $30,000,000 a year to provide pensions for the soldiers who fought against them, while those who fought with them are not pensioned and there is no request that they shall be. In view of the fact that these old men are now citizens of the United States and have been from the time mentioned in this bill, that the States in which they live are States of the Union and have been from the time mentioned in the bill, it is not unreasonable to ask that their pensions shall date back to that time.

The amount of money involved is but small. As already suggested, there are but very few of these men—perhaps nearly all of them are eighty years of age or more. They can at most live but a few years. Most of them, too—I know half a dozen of them—are now experiencing an old age of poverty. A pension to begin now would be of scarcely any benefit to them, while if it were extended back to 1865 it might be a material advantage to these old men now passing away, who rendered service so long ago and so gallantly in a great struggle the reference to which always excites patriotic emotion in the mind of every citizen of this country.

Mr. CASWELL. The gentleman will allow me to call his attention to the fact that this bill also includes the widows and heirs of those who have died and passed away.

Mr. REAGAN. But only for arrears of pensions. Those arrears cannot go back beyond 1865. The amount involved is really so small that I trust most earnestly this House will consent to pass the bill without changing that feature. Otherwise it would be almost a mockery.

Mr. BAKER, of Indiana. Is the gentleman able to inform the House how many pensioners of the class embraced in section 5 were living on the 1st day of May, 1865?

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. REAGAN] has expired.

Mr. LANDERS, of Indiana. Mr. Speaker, I regret very much to see the opposition to this bill. I want gentlemen here to recollect that under the old law no man who served in the war of 1812 was entitled to a pension unless he had served sixty days. Now this bill proposes to place upon the pension-roll all who served ten days; so that there is no comparison in the service of the respective classes of soldiers. One must have served sixty days or more, while the other class are now to be pensioned if they served ten days.

Again, Mr. Speaker, I think that soldiers in the late war have never received a full measure of justice. Both political parties have pledged themselves to equalize the bounties of those soldiers. It has never been done. A bill for that purpose is now pending before this House. We have it now in our power to restore good feeling between the North and the South by placing upon the pension-rolls the old soldiers of the South and at the same time doing justice to the soldiers of the North by equalizing their bounties. I hope that no man from the North will be found voting against this measure to restore to the rolls southern pensioners who served in the war of 1812. I hope, on the other hand, that no man from the South will be found voting against this act of justice to the soldiers of the North. In this way we can restore good feeling between the two sections of the country. I should be very much pleased, Mr. Speaker, to see this bill pass, as I shall be greatly gratified to see the passage at the proper time of the bill to equalize the bounties of our soldiers engaged in the late war.

Mr. HUNTON. I move to close debate on the pending amendment.

The motion was agreed to.

The question being taken on the amendment of Mr. CASWELL, it was agreed to; there being—ayes 79, noes 64.

Mr. KASSON. I have already called the attention of the gentle-

man from Virginia having charge of this bill to an expression in section 5 which needs to be modified. In order to make the proper change in the phraseology, I move to amend lines 11 to 17 of that section so as to read as follows:

And the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, and section 4716 of the Revised Statutes at Large of the United States shall not apply to the persons provided for by this act.

This does not change the purport of the provision, but merely makes the phraseology clearer.

The amendment was agreed to.

The sixth section was read, as follows:

SEC. 6. That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to the arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner: *Provided*, That no such arrearages shall be paid for any period prior to the 1st day of May, 1865.

Mr. CASWELL. In view of the action of the House in adopting the amendment to the fifth section, the section just read is rendered entirely inappropriate and useless. I therefore move to strike out this section.

Mr. HUNTON. I ask that the amendment to the fifth section be read, so that we may see whether there is any necessity for the sixth section.

The Clerk read as follows:

Strike out in line 8, section 5, these words: "as of the 1st day of May, 1865."
Add to the section the following:
Provided, That no money shall be paid to any one on account of arrears during his term of disability.

Mr. CASWELL. The gentleman will see that that proviso——

Mr. HUNTON. I confess I do not exactly understand the bearing of that amendment.

Mr. CASWELL. I was about to say——

The SPEAKER *pro tempore*. The amendment just read has been agreed to by the House. The pending question is on the motion to strike out the sixth section.

Mr. HUNTON. But I wanted the mover of the amendment to the fifth section to explain its meaning.

The SPEAKER *pro tempore*. It would not be in order at this time.

Mr. CASWELL. We have passed the fifth section; and, as I understand, the amendment has just been reported again for the purpose of information, in order to show that the sixth section is superfluous. Gentlemen will see that the proviso attached to the fifth section of the bill sweeps away arrearages, and therefore there is no necessity for the sixth section, which relates entirely to arrearages of pensions due widows and heirs.

Mr. REAGAN. I apprehend it is not correct to say the amendment to the fifth section does away with the necessity for the sixth section. If I understand the amendment to the fifth section, persons entitled to the benefit of the act from the time of the removal of their disabilities growing out of participation in the war would be restored to their right to draw pension if restored at any time since the war and before the passage of the act. If the person restored to pension should die, then of course the widow or heirs would be entitled to the pension between the time of the removal of the disabilities to the time of the death of the pensioner. I mention this in order that our friends may not assume the amendment to the fifth section renders the sixth section unnecessary. If I am right in the construction, and I think I am, there is still cause for the retention of the sixth section, so that the widows of those who are restored may draw pension from the time of the removal of disability. It amounts to a small sum, but it ought to be retained.

Mr. CONGER. I desire to move an amendment to the sixth section in line 10. I move to strike out these words:

The arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner: *Provided*, That no such arrearages shall be paid for any period prior to the 1st day of May, 1865.

And in lieu thereof insert the following:

Make claim for pension as such widow.

So it will read:

SEC. 6. That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to make claim for pension as such widow.

Mr. HURLBUT. Is not a motion to strike out the entire section taken in advance of any motion to amend?

The SPEAKER *pro tempore*. The motion of the gentleman from Michigan is in order, and must be first put.

Mr. CONGER. The object of my amendment is that, inasmuch as we would restore to the pension-rolls the survivors receiving pension from the date of the passage of this law, we will restore to widows the right to make their claim for pension as such widows the same as the widow of the pensioner if he die after the passage of this bill. I think that is just.

The amendment was rejected.

The question recurred on Mr. CASWELL'S motion to strike out the sixth section.

The House divided; and there were—ayes 64, noes 75.

Mr. CASWELL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 92, nays 102, not voting 95; as follows:

YEAS—Messrs. Adams, Anderson, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bell, Blair, Bradley, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Chittenden, Cochrane, Conger, Crapo, Crounse, Cutler, Davy, De Bolt, Denison, Dunnell, Durand, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Goodin, Haralson, Hardenbergh, Benjamin W. Harris, Hartzell, Hathorn, Hendee, Hoar, Hoskins, Hunter, Hurlbut, Joyce, Kasson, Kimball, King, Lapham, Lynch, Magoon, MacDougall, Miller, Monroe, Morgan, Nash, Neal, O'Brien, Oliver, O'Neill, Page, Platt, Potter, Pratt, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, Strait, Stevenson, Tarbox, Teese, Thornburgh, Washington Townsend, Tufts, Waldron, Alexander S. Wallace, John W. Wallace, Walsh, Wheeler, Willard, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodburn—92.

NAYS—Messrs. Ashe, Atkins, John H. Bagley, jr., Banning, Blackburn, Blount, Boone, Bradford, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cox, Culberson, Davis, Dibrell, Durham, Eden, Ellis, Ely, Felton, Forney, Franklin, Glover, Gunter, Andrew H. Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, House, Hunton, Jenks, Thomas L. Jones, Kehr, Knott, Franklin Landers, Levy, Lewis, Lord, L. A. Mackey, Maish, McFarland, Milliken, Mills, Money, Morrison, Mutchler, Parsons, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Sayler, Scales, Schleicher, Singleton, Slemons, Sparks, Springer, Stone, Stowell, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Warren, Erastus Wells, G. Wiley Wells, White, Whitehouse, Whitthorne, Wike, Jeremiah N. Williams, Willis, and Yeates—102.

NOT VOTING—Messrs. Ainsworth, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bliss, John Young Brown, William R. Brown, Cate, Chapin, Clymer, Collins, Cowan, Danford, Darrall, Dobbins, Douglas, Egbert, Farwell, Faulkner, Fuller, Gause, Gibson, Goode, Hale, Robert Hamilton, Harrison, Hartridge, Haymond, Hays, Abram S. Hewitt, Hoge, Holman, Hubbell, Hurd, Hyman, Frank Jones, Kelley, Ketchum, Lamar, George M. Landers, Lane, Lawrence, Leavenworth, Luttrell, Lynde, Edmund W. M. Mackey, McCrary, McDill, McMahon, Meade, Metcalfe, Morey, New, Norton, Odell, Packer, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Powell, Purman, Rainey, John Robbins, Miles Ross, Schumaker, Sheakley, A. Herr Smith, William E. Smith, Southard, Stenger, Swann, Thomas, Martin I. Townsend, Van Vorhes, Charles C. B. Walker, Walling, Walls, Ward, Whiting, Wigginton, Andrew Williams, James Williams, James D. Williams, Wilshire, Benjamin Wilson, Fernando Wood, Woodworth, and Young—95.

So the House refused to strike out the sixth section.

During the vote,

Mr. MILLIKEN stated that his colleague, Mr. BROWN, absent by leave of the House, had been called away on account of illness in his family, and if present would vote in the negative.

Mr. KEHR stated that his colleague, Mr. PHILIPS, was detained from the House by illness.

Mr. RIDDLE stated that Mr. HAYMOND was absent by leave of the House.

Mr. MACDOUGALL stated his colleague, Mr. DAVY, who was absent, if present would vote in the affirmative.

Mr. HATCHER stated that Mr. BLAND had been called home by sickness in his family.

Mr. TEESE stated that his colleague, Mr. HAMILTON, who was absent by leave of the House, had been called away by important business.

Mr. COX stated that Mr. HOLMAN was absent on account of illness.

Mr. COCHRANE stated that his colleague, Mr. STENGER, who was absent by leave of the House, had been called away by important business.

Mr. WALLACE, of South Carolina, stated that his colleague Mr. MACKEY was still confined to his room by sickness.

The vote was then announced as above recorded.

Mr. HUNTON obtained the floor.

Mr. CASWELL. I rise to a parliamentary inquiry. Is this section open to amendment?

The SPEAKER *pro tempore*. It is.

Mr. HUNTON. As the House has refused to strike out the sixth section, I move now to amend by striking out all after the words "prior to," in line 16 of the section, and in lieu thereof to insert "the time of removal of the disability of the pensioner, as provided in section 5."

Mr. Speaker, the proviso, as it stands now in the sixth section, is:

That no such arrearages shall be paid for any period prior to the 1st day of May, 1865.

To make this section harmonize with the amendment adopted to the fifth section, I have offered the amendment just read by the Clerk. If that amendment be adopted, widows will be entitled to arrearages between the date of the cessation of the disability provided for in the fifth section and the death of the husband. It makes the two sections harmonize.

Mr. CASWELL. If the gentleman will allow me, I desire to say

that I have an amendment which I think provides for that, and if permitted I will offer it now.

Mr. HUNTON. I will hear the gentleman's amendment.

The Clerk read as follows:

Strike out all of section 6 after "1862," in the eighth line, and insert the following: Shall be placed upon the roll and be entitled to receive such pension from the passage of this act.

Mr. CASWELL. That simply provides that the widows of such pensioners as have deceased after their names were stricken from the roll shall be placed upon the roll in lieu of the deceased husbands, and draw the pension from this time as though the husbands had survived. It is substantially the amendment offered by the gentleman from Michigan, but in a somewhat different form.

Mr. HUNTON. I yield to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I suggest that if the amendment of the gentleman from Wisconsin [Mr. CASWELL] be adopted, the section will not then conform to the amendment made in the fifth section, and there would be a discrimination against the widow. The amendment offered by the gentleman from Virginia [Mr. HUNTON] makes the sixth section conform in its letter to the fifth section as amended on motion of the gentleman from Wisconsin, and limits the right of the widow to arrearages to those arrearages which may accrue after the removal of the disabilities of the pensioner and up to the time of his death, and no more. Now, if the pensioner under section 5, as amended, is entitled to his pension from the date of the removal of his disabilities, as that section as amended says he is, then I submit to the House that the widow ought to be entitled to the arrearages, not back to 1865, as provided in the original bill, but back to the time of the removal of the disabilities of her husband, and from that to the time of his death.

Mr. HARRIS, of Virginia. I think the difficulty in this case grows out of a misunderstanding on the part of gentlemen on both sides as to the meaning of the words "removal of disabilities." My friends on my left do not understand it as my friend on my right [Mr. CASWELL] does. My friends on my left desire that the widows shall have the same benefit as their husbands would have received after their disabilities were removed to the time of their death. My friend on my right [Mr. CASWELL] suggests that the widow shall receive the pension from the passage of this act. As a compromise, and to carry out the views of both, I would suggest that the widow be declared entitled to the same pension as her husband would have received if living.

Mr. REAGAN. I understand the amendment offered by the gentleman from Michigan was intended to have that effect and would have it. If that be so, I think his amendment would cover the point which gentlemen have in view.

Mr. HUNTON. That amendment is not before the House. I move the previous question on the amendment I have offered.

Mr. CONGER. I hope the demand for the previous question will be voted down.

Mr. CASWELL. I rise to a question of order. I offered an amendment, which was read at the desk.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. CASWELL] had not the floor to offer the amendment. His amendment was merely read for the information of the House.

Mr. CASWELL. I understood the gentleman from Virginia to yield the floor.

Mr. HUNTON. I merely yielded to have the gentleman's amendment read.

Mr. GOODIN. I call for the reading of the amendment of the gentleman from Virginia.

Mr. HUNTON'S amendment was again read.

Mr. KASSON. With the permission of the gentleman from Virginia, I desire to point out a difficulty arising from the language of the first two lines of section 6. It is not there provided in regard to widows, as in the first section of the bill, that they shall have been married prior to the year 1850.

The SPEAKER *pro tempore*. The gentleman from Virginia has moved that debate be closed on the pending amendment.

Mr. KASSON. If he has only moved the previous question on the pending amendment I am willing that that shall be first disposed of.

Mr. HUNTON. I have moved the previous question on the pending amendment.

Mr. CONGER. I ask to be heard for a moment.

Mr. HUNTON. I insist on the call for the previous question.

The question being taken, there were—ayes 92, noes 54.

So the previous question was seconded, and the main question ordered; and under the operation thereof Mr. HUNTON'S amendment was agreed to.

Mr. ATKINS. I desire to move to reconsider the amendment adopted at line 3 in section 5.

Mr. CONGER. I make the point of order that we cannot go back to that section till we finish the sixth section. We are now considering section 6, and I desire to offer an amendment to it.

The SPEAKER *pro tempore*. Section 6 is the last clause of the bill. The motion of the gentleman from Tennessee to reconsider the amendment to section 5 will be in order after section 6 is disposed of.

Mr. KASSON. I gave notice that I desired to offer an amendment to the sixth section. I think, Mr. Speaker, there has been some misunderstanding on the one side and on the other in regard to the relations to the sixth section, of the amendment adopted to the fifth section. That amendment to the fifth section I was not fully able to comprehend.

The SPEAKER *pro tempore*. That question is not before the House. Does the gentleman from Iowa desire to move an amendment to the sixth section?

Mr. KASSON. Yes, sir; and I have a right to speak in explanation of my amendment.

Mr. HUNTON. If the gentleman from Iowa will allow me I desire to say that in my amendment to the sixth section the intention was to copy the exact language of the amendment adopted to the fifth section. Though copied from memory, I believe it was done accurately.

Mr. KASSON. I desire to state what my difficulty is so far as this sixth section is concerned. We have never allowed a Union soldier or the widow of a Union soldier in any special act of Congress a single year's back pension, and the practice of the House and the Senate has been against it in special acts. We are asked now to go back seven years by this bill and allow back pension to the widows of men who were, to use a common phrase, disloyal and enemies of their country.

The SPEAKER *pro tempore*. The gentleman is not discussing any amendment.

Mr. KASSON. I am speaking on the section, and I suppose I have a right to do that. I move, then, an amendment to the bill by inserting in the second line of the section, after the words "1812," the following:

Having married prior to the year 1850.

Now I am certainly in order. We on this side object to this sixth section of the bill because it does what I say is without precedent in our dealing with the widows of Union soldiers, and we are not willing to go so much further in this case and give seven years' back pension to the widows of men whose pensions were refused them on account of their being enemies of the country. That is a simple statement of that part of the proposition.

Now, the gentleman from Virginia [Mr. HUNTON] has put in an amendment the effect of which I cannot fully estimate, because I do not know whether it is intended to limit the payment of arrearages to the time when these new sections would take effect. I presume not, because gentlemen on the other side of the House voted down the amendment of the gentleman from Michigan [Mr. CONGER] which was designed to produce that result. I presume, then, this section still leaves a considerable amount of arrearages to the widows of soldiers.

Now, if the gentleman from Virginia will say that the object of his amendment is to prevent us from going back on the old congressional rule against arrearages of pensions by special acts, I shall then understand it and take no further time of the House. If, on the contrary, it is intended to go back under the circumstances, we might as well have the issue made either now or on the last vote on the bill and let the majority pass it, as they have the power to do, if they desire it. Another reason why I think the amendment will not have that effect is because it leaves in the tenth and eleventh lines the words "shall be entitled to the arrearages of pensions due said pensioner at the time of his decease;" and even with this amendment it seems to me it would compel us to go back and pay pensions up to the time the death occurred.

If I have made myself understood, we can now understand each other.

Mr. HUNTON. By the previous action of the House line 3 of section 5 was stricken out, which gave pensions to those who were dropped from the rolls of the Pension Office "from the 1st of May, 1865," and to that section the following proviso was added:

Provided, That no money shall be paid to any one on account of arrears during his term of disability.

Mr. KASSON. Is the gentleman reading the Clerk's copy?

Mr. HUNTON. Yes; I got it from the Clerk this moment; and in order to make this section harmonize with that provision the amendment to the proviso of this section was offered by myself, so that the arrearages provided for the soldier, for the survivor, and which had accrued to him at the time of his death, shall go to his widow in the same manner that he would have received it had he lived.

Mr. KASSON. We understood the motion to be "prior to the passage of this act."

Mr. HUNTON. No, sir; as I have said before, the proviso to the fifth section to which the House agreed to is as follows: "Provided that no money shall be paid to any one on account of arrearages during his term of disability." Then the amendment to the proviso of the sixth section provides that arrearages due the soldier at the time of his death from the removal of his disability, according to the fifth section, shall on his death go to his widow, and that is necessary to harmonize this section with the amendment adopted to the fifth section.

Mr. KASSON. Now I observe the point, and that is what the amendment of the gentleman from Wisconsin [Mr. CASWELL] required. The disability is that existing to-day, and which will exist until the passage of this act, and consequently the simpler way for the gentleman to get at it would be to suggest an amendment something like that of the gentleman from Michigan, [Mr. CONGER,] to strike out the last half of the section, and say they shall be entitled to pensions from the day of the passage of this act; then the bill will harmonize, unless he puts a different construction on the subject than I do.

Mr. HUNTON. It will not harmonize, because for the period during which the soldier had been entitled to a pension the widow would not be entitled to it.

Mr. KASSON. The soldier is not entitled to a pension except after the date of the passage of this act; he is under disability until the act passed, so that his widow would not be entitled to it under the language of this section. But the words "arrearages" in the tenth and twelfth lines are certainly inconsistent with this amendment.

I now ask a vote upon my amendment. The object of it is to make this section harmonize with the first section.

Mr. HUNTON. I have no objection to it.

The amendment was agreed to.

Mr. KASSON. Now I would be glad to have the last section read as amended.

The Clerk read the last section, as amended, as follows:

SEC. 6. That the surviving widow of any pensioner of the war of 1812, who was married prior to 1850, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to the arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner, provided that no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner in section 5.

Mr. KASSON. Now if the gentleman will change it and say "prior to the passage of this act," although it will be inconsistent with previous parts of the bill, it will satisfy the ends of justice.

Mr. REAGAN. I desire but a moment—for I do not think it should pass in silence—to notice the expression of the gentleman from Iowa [Mr. KASSON] which I think must have come from a confusion of facts and the failure to realize the objects of this bill.

It is stated as a reason why the widows of these pensioners should not receive the pensions due their husbands after the removal of their disabilities, that it is an exception to the rule heretofore acted upon by Congress; that we have never before given the right to the widow even of a Union soldier to draw any back pension.

Mr. KASSON. Not by a special act.

Mr. REAGAN. Perhaps the statement may be so limited, if the gentleman desires it; not by a special act. But what I desire to say is that the law giving pensions to the soldiers of the war of 1812 was passed many years ago. I believe the first law was passed in 1844; so that if no intervening difficulty occurred they were entitled to their pensions from that time. Nobody now contemplates, this bill does not contemplate, that these widows shall go back to the period at which their husbands were entitled to pensions.

The question is, will Congress restore to these pensioners the right to draw their pensions? This bill also extends the provisions of the pension law to those who served for short periods. The benefit of that provision is not limited to those in the South; it will extend to many more persons in the other States. This is not going back to the period at which these soldiers were entitled to draw pensions, but simply revives the right of these pensioners from a particular date, not giving the right but reviving it. And the proposition is to give the widows of certain pensioners the right to draw pensions from the time of the restoration of the right to the husband to the death of the husband. If I am right, and I cannot see it in any other light, there is no reason for saying that we propose by this bill to make an exception to the practice heretofore adopted by Congress.

Mr. HUNTON. Is there any amendment pending?

The SPEAKER *pro tempore*. There is not.

Mr. HUNTON. Then I call the previous question on this section.

Mr. CONGER. I have tried several times to offer an amendment to this section which I think essential.

Mr. HUNTON. I cannot yield.

Mr. CONGER. Then I move that the House now adjourn; and on that motion I call for the yeas and nays.

Mr. KASSON. I rise to a question of order. In considering this bill in the House as in Committee of the Whole, have we not a right to offer amendments, although the power may exist to close debate? We cannot cut off amendments in Committee of the Whole, though we may close debate.

Mr. HUNTON. I have no desire to cut off amendments, but I do desire to cut off debate, because I wish to have this bill acted on today.

Mr. CONGER. I think the gentleman will further business by allowing amendments.

Mr. HUNTON. That is a matter of opinion.

Mr. CONGER. We will see.

Mr. HUNTON. If the gentleman has an amendment to offer I will not exclude it.

Mr. CONGER. The gentleman did exclude it by his motion for the previous question.

Mr. HUNTON. I will yield for an amendment now.

Mr. CONGER. Then I offer the amendment and desire to say——

Mr. HUNTON. I do not yield for debate, only for an amendment.

Mr. CONGER. I claim the right to discuss my amendment. I move to amend this sixth section by striking out these words:

The arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner.

And to insert in lieu thereof the words "make claim for a pension as such widow after the passage of this act under the existing provisions of law;" so that it will read:

SEC. 6. That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act * * * approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to make claim for a pension as such widow, after the passage of this act, under the provisions of existing law.

There is no provision in this bill as it now stands by which the widow of a person who has died during the time he was under this disability may be in any way placed upon the pension-roll, or may make claim for a pension at all. I desire that the widows of those who are entitled to pensions and who died during disability may be permitted to come in and make their claim under existing law, as the widows of other soldiers may do. I also desire to strike out of this section the portion relating to arrearages, which was disposed of in the proviso adopted to the fifth section.

The gentleman from Virginia [Mr. HUNTON] has not anywhere in this bill provided that the widows of those pensioners who have died during their disability may ever come in and claim a pension, as widows of other deceased soldiers may do. I think that it is an oversight that he would desire to correct. The object of my amendment is to place the widows of deceased soldiers who have been disqualified because of disloyalty on the same footing as the widows of other soldiers.

Mr. HUNTON. If the gentleman will turn to the very first section of this bill he will find this provision:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers of the military and naval service of the United States, who served for ten days in the war with Great Britain of 1812 and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men: *Provided*, That such widows shall have been married prior to the year 1850 to such officers or enlisted or drafted men.

Mr. CONGER. That applies to the widows of officers and men who served sixty days?

Mr. HUNTON. It does not.

Mr. CONGER. It does not include those whose husbands have already been on the pension-roll.

Mr. HUNTON. On the contrary, it puts on the pension-roll every soldier who served ten days, and the widow of every such soldier or officer who married prior to 1850.

Mr. CONGER. I know that; but the widows to whom my amendment refers are the widows of those whose names have been stricken off by virtue of the law which the gentleman is trying to correct by this bill. Under the provisions of the first section of this bill there is no power for them to reclaim the pension taken from their husbands.

The first clause provides that in addition to those who might otherwise have been on the pension-rolls, those who served ten days shall be placed there; but these are the widows of those who served sixty days or over, and there is no provision for them.

Mr. HUNTON. If a widow is entitled to go upon the pension-rolls when her husband has served ten days, is she not entitled to go upon the rolls when her husband has served sixty days? Can there be any doubt about that? Does not the gentleman know that any provision for ten days' service must embrace those who served sixty days?

Mr. CONGER. That is a question of arithmetic that can be worked out on a slate perhaps; the gentleman can do that at his leisure. But this is the point: The gentleman has tried by this bill to restore their pensions to those officers and soldiers who may be alive at the passage of this act; but he has failed to make any provision for the widows of those who died before the passage of this bill, and who were struck from the pension-rolls by former laws. It is strange that I should be compelled here to advocate the rights of widows of disloyal men; but it is just, and therefore I will advocate it even if their friends on the other side of the House keep silent, as they ought not to do.

The question being taken on the amendment of Mr. CONGER, it was agreed to.

Mr. DUNNELL. I move to amend by adding the following:

And provided further, That under this act any widow of a revolutionary soldier who served sixty days shall be placed upon the pension-rolls of the United States and receive a pension at the rate of $8 per month.

This puts the remaining widows of revolutionary soldiers upon the same footing with widows of soldiers of 1812.

The amendment was agreed to.

Mr. HUNTON. In consequence of the striking out of the first three lines of the bill, it becomes necessary to move to add as a new section the following:

SEC. 7. That all laws and clauses of laws in conflict with this act be, and the same are hereby, repealed.

The amendment was adopted.

Mr. HUNTON. I now move the previous question on the passage of the bill.

Mr. HARRIS, of Virginia. Before that is done, I wish to offer an amendment.

Mr. WHITE. I desire to offer an amendment.

The SPEAKER *pro tempore*. No amendment is in order pending the motion for the previous question.

Mr. WHITE. I move that the House adjourn.

Mr. HARRIS, of Virginia. I know that the amendment I wish to offer would be agreed to unanimously. It is in behalf of the widow of a revolutionary soldier.

Mr. HURLBUT. An amendment of that kind has been adopted already.

Mr. HARRIS, of Virginia. I know that; but it does not go to the extent desired. I know in the State of Virginia the widow of a soldier of the revolutionary war. Her name was stricken from the rolls under the act of 1862. I desire that she shall be restored and receive her arrearages of pay. I presume no one will say that she was engaged in the rebellion. She must now be one hundred years old.

Several MEMBERS. Put her on.

The SPEAKER *pro tempore*. Does the gentleman from Virginia [Mr. HUNTON] yield for any further amendment?

Mr. HUNTON. No, sir.

Mr. WHITE. I move, then, that the House adjourn.

The motion was not agreed to.

The question then recurred on seconding the demand for the previous question.

The previous question was seconded and the main question ordered; which was upon ordering the bill to be engrossed and read a third time.

The SPEAKER *pro tempore* was proceeding to state the question, when—

Mr. CONGER said: Mr. Speaker, I insist upon being heard when I address the Chair.

The SPEAKER *pro tempore*. The Chair begs leave to state to the gentleman from Michigan that it is out of order to interrupt the Chair when he is stating a question.

Mr. CONGER. If the Chair pleases, I addressed the Chair at the proper time for me to make a motion to reconsider before a new proposition was made, and the Chair refused to hear me.

The SPEAKER *pro tempore*. The gentleman from Michigan is out of order, unless he rises to a point of order. The question is, Shall this bill be ordered to be engrossed and read a third time?

Mr. CONGER. I move to reconsider the vote by which the previous question was seconded.

The SPEAKER *pro tempore*. The gentleman moves to reconsider the vote by which——

Mr. CONGER. If that is debatable, I wish to say——

The SPEAKER *pro tempore*. It is not debatable.

Mr. CONGER. I suppose it is debatable.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

The question was put on the motion of Mr. RANDALL; and the SPEAKER *pro tempore* declared that the ayes appeared to prevail.

Several members called for a division.

Mr. CASWELL. I rise to a point of order. The gentleman from Michigan had the floor when the gentleman from Pennsylvania moved to lay the motion on the table.

Mr. WHITE. I rise to a parliamentary inquiry. I would like to know whether it lies in the power of the gentleman who has charge of the bill to cut off amendments when it was stated by the Chair that any one could move amendments.

The SPEAKER *pro tempore*. When the House has ordered the previous question, both debate and amendments are cut off.

The question being again taken on the motion of Mr. RANDALL to lay the motion to reconsider on the table, there were—ayes 105, noes 11; and the motion was declared agreed to.

The SPEAKER *pro tempore*. The question now recurs on ordering the bill to be engrossed and read a third time.

Mr. PRATT. I call for the announcement of the last vote.

The SPEAKER *pro tempore*. The Chair has already announced it.

Mr. PRATT. I did not understand it.

The SPEAKER *pro tempore*. The ayes were 105, noes 11.

Mr. PRATT. I make the point that no quorum voted.

The SPEAKER *pro tempore*. The point comes too late. The Chair had decided the question and proceeded to another branch of the subject.

The bill was then ordered to be engrossed and read a third time.

Mr. MACDOUGALL. I ask for the reading of the bill in full as it has been amended.

Mr. CONGER. I ask for the reading of the engrossed bill.

Mr. COX. I move the House adjourn, and on that motion demand the yeas and nays. While the House is voting on the motion to adjourn the bill can be engrossed if it has not been engrossed already.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. CONGER. I ask unanimous consent to make a proposition. I withdraw my demand for the reading of the engrossed bill. I do not wish unnecessarily to detain the House.

Mr. COX. I withdraw my motion to adjourn.

Mr. DURHAM. I desire to have the bill read as amended if that be in order.

Mr. ATKINS. Let us go on with the call of the yeas and nays on the motion to adjourn if gentlemen insist upon making propositions out of order.

The bill was accordingly read the third time.

Mr. HUNTON. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HALLET KILBOURN.

Mr. GLOVER. I rise to a privileged question. I move to suspend the rules for the purpose of adopting the resolution which I send to the Clerk's desk.

Mr. FORT. Is not a motion to adjourn in order?

The SPEAKER *pro tempore*. It is if the gentleman has the floor, but the Chair has recognized the gentleman from Missouri.

Mr. GLOVER. I ask the Clerk to read the resolution.

The Clerk read as follows:

Whereas it appears from the accounts of the keeper of the House restaurant with Hallet Kilbourn that said Kilbourn, now confined as a prisoner in the District jail by order of this House, is being fed in the most extravagant and sumptuous manner and his meals are being sent to him twice daily from the Capitol to the jail in a hack, and he is also being furnished by his friends with wines of the most expensive kind; and whereas such things are destructive of all jail discipline and of the object for which said Kilbourn has been imprisoned: Therefore,

Resolved by this House, That the Sergeant-at-Arms is hereby authorized and required to contract with the jailor of this District to furnish said Kilbourn the same prison fare as is furnished to other prisoners in said jail, and the said Sergeant-at-Arms is hereby instructed not to furnish to the said Kilbourn any fare other than that above specified, nor to allow him any wines, liquors, or other intoxicating drink, except when the same may be prescribed to him as medicine by a regular physician of good standing.

Mr. BAKER, of Indiana. I move to lay that resolution upon the table.

Mr. GARFIELD. I move to amend by striking out——

The SPEAKER *pro tempore*. It is not in order to amend the resolution. The motion is to suspend the rules and adopt the resolution.

Mr. GLOVER. I have not surrendered the floor, and I hope the House will indulge me for a moment. I send up this bill of fare to be read from the desk, to show how Mr. Kilbourn is being fed from the House restaurant.

Mr. FORT. Your own Sergeant-at-Arms furnished it.

The SPEAKER *pro tempore*. The reading of the paper cannot be proceeded with if objection be made.

Mr. FORT. I object.

The SPEAKER *pro tempore*. The question recurs on the motion to suspend the rules and pass the resolution.

Mr. GARFIELD. I move the House adjourn.

Mr. BANNING. I demand the yeas and nays on that motion.

The SPEAKER *pro tempore*. Before taking the question on the motion to adjourn the Chair will make announcements of leave of absence.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER *pro tempore*. Does the gentleman object to the announcement of leave of absence?

Mr. RANDALL. I do at this time.

Mr. GLOVER. Is it in order to take a gentleman off the floor by a motion to adjourn?

The SPEAKER *pro tempore*. The motion to suspend the rules is not debatable.

Mr. GARFIELD. I insist on my motion to adjourn.

The House divided; and there were—ayes 64, noes 108.

Mr. BANNING. I withdraw the demand for the yeas and nays.

So the House refused to adjourn.

Mr. PAGE. Let us have the yeas and nays on the resolution.

Mr. COX. I would like to know whether the bill of fare is part of this resolution?

Mr. FORT. I object to debate.

Mr. COX. I am not debating, I am asking a proper question.

Mr. FORT. I object.

Mr. COX. I ask whether the bill of fare is part of the resolution?

The SPEAKER *pro tempore*. It is not.

Mr. GLOVER. What has become of the bill of fare?

The SPEAKER *pro tempore*. It is on the Clerk's desk, but its reading has been objected to.

The House divided on the motion to suspend the rules and adopt the resolution; and there were—ayes 106, noes 69.

Mr. RUSK. That is not two-thirds.

Mr. BANNING demanded the yeas and nays.

The yeas and nays were ordered.

On motion of Mr. CANNON, of Illinois, the resolution was again read.

Mr. CANNON, of Illinois. Is the resolution divisible?

The SPEAKER *pro tempore*. It is not. The motion is to suspend the rules and adopt the resolution, and that motion is not divisible.

The question was taken, and there were—yeas 96, nays 59, not voting 134; as follows:

YEAS—Messrs. Anderson, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Blount, Boone, Bradford, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Durand, Durham, Eden, Egbert, Felton, Forney, Franklin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Henry R. Harris, Harrison, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hooker Hopkins, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Franklin Landers, Lewis, Lord, L. A. Mackey, McFarland, McMahon, Milliken, Mills, Money, Morrison, Mutchler,

Neal, Parsons, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Savage, Scales, Sheakley, Singleton, Sparks, Stevenson, Stone, Teese, Terry, Throckmorton, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Erastus Wells, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, and Yeates—96.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blair, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Denison, Dunnell, Eames, Ellis, Fort, Foster, Freeman, Frye, Garfield, Benjamin W. Harris, Hendee, Hubbell, Hunter, Kasson, Kimball, Lapham, Lynch, Magoon, MacDougall, Nash, Oliver, O'Neill, Page, Potter, Pratt, Robinson, Sobieski Ross, Rusk, Sinnickson, Slemons, Smalls, Strait, Stowell, Tarbox, Thompson, Thornburgh, Van Vorhes, Alexander S. Wallace, John W. Wallace, Walls, Warren, G. Wiley Wells, White, Willard, William B. Williams, and James Wilson—59.

NOT VOTING—Messrs. Ainsworth, Ashe, Barnum, Bass, Beebe, Bell, Blaine, Bland, Bliss, Bradley, John Young Brown, William R. Brown, Campbell, Cate, Chapin, Chittenden, Clymer, Collins, Cowan, Crapo, Crounse, Danford, Darrall, Davy, Dobbins, Douglas, Ely, Evans, Farwell, Faulkner, Frost, Fuller, Gause, Gibson, Glover, Goode, Goodin, Hale, Robert Hamilton, Haralson, John T. Harris, Hartridge, Hathorn, Haymond, Hays, Henderson, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hoskins, House, Hunton, Hurlbut, Hyman, Joyce, Kelley, Ketchum, King, Lamar, George M. Landers, Lane, Lawrence, Leavenworth, Levy, Luttrell, Lynde, Edmund W. M. Mackey, Maish, McCrary, McDill, Meade, Metcalfe, Miller, Monroe, Morey, Morgan, New, Norton, O'Brien, Odell, Packer, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Poppleton, Powell, Purman, Rainey, Roberts, Miles Ross, Sampson, Sayler, Schleicher, Schumaker, Seelye, A. Herr Smith, William E. Smith, Southard, Springer, Stenger, Swann, Thomas, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Waldron, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, James Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—134.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the call of the roll,

Mr. MAISH said: I am paired on all political questions with my colleague, Mr. SMITH, of Pennsylvania. As gentlemen on the other side seem to make this a political question, I doubt my right to vote. I therefore do not vote.

The result of the vote was then announced as above recorded.

EVENING SESSIONS.

Mr. RANDALL. I submit the following resolution:

Resolved, That the rules be suspended so as to enable the House to take a daily recess for three days of the present week, to wit, Tuesday, Wednesday, and Thursday, at half past four o'clock p. m. until half past seven o'clock p. m., for the purpose of considering the legislative, executive, and judicial appropriation bill.

Mr. RUSK. O, no; you want to kill us.

Mr. RANDALL. Three evening sessions now are equal to two days at the end of the session, and are absolutely necessary.

The question being taken on suspending the rules, there were ayes 98, noes none.

Mr. FORT and Mr. RUSK. No quorum.

Mr. RANDALL. Well, if you do that, I will call the yeas and nays.

Mr. FORT. Very well. We have been run over all day, and we may as well stay a little longer.

The yeas and nays were ordered.

Mr. KASSON. I suggest that the objection that no quorum has voted be withdrawn, to save the time of calling the yeas and nays.

The SPEAKER *pro tempore*. No debate is in order. The Clerk will call the roll.

The question was taken; and there were—yeas 105, nays 9, not voting 175; as follows:

YEAS—Messrs. John H. Bagley, jr., Ballou, Bell, Blackburn, Blount, Bradford, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, Cason, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cook, Culberson, Cutler, Danford, Davis, De Bolt, Dibrell, Dunnell, Durand, Durham, Eden, Ellis, Forney, Foster, Franklin, Frost, Frye, Glover, Gunter, Andrew H. Hamilton, Hancock, Benjamin W. Harris, Hartridge, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hoar, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kasson, Lapham, Levy, Lewis, Lord, L. A. Mackey, McFarland, McMahon, Mills, Morrison, Mutchler, Oliver, O'Neill, Potter, Pratt, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Sobieski Ross, Sampson, Savage, Sayler, Scales, Schleicher, Singleton, Springer, Stone, Stowell, Tarbox, Terry, Thompson, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Walling, Erastus Wells, White, Wike, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, and James Wilson—105.

NAYS—Messrs. Hardenbergh, Hooker, Kehr, Magoon, Nash, Poppleton, Throckmorton, John W. Wallace, and Yeates—9.

NOT VOTING—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkinson, Bagby, George A. Bagley, John H. Baker, William H. Baker, Banks, Banning, Barnum, Bass, Beebe, Blaine, Blair, Bland, Bliss, Boone, Bradley, Bright, John Young Brown, William R. Brown, Campbell, Caswell, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cowan, Cox, Crapo, Crounse, Darrall, Davy, Denison, Dobbins, Douglas, Eames, Egbert, Ely, Evans, Farwell, Faulkner, Felton, Fort, Freeman, Fuller, Garfield, Gause, Gibson, Goode, Goodin, Hale, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Harrison, Hathorn, Haymond, Hays, Hendee, Henderson, Henkle, Abram S. Hewitt, Hill, Hoge, Holman, Hopkins, Hoskins, House, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kelley, Ketchum, Kimball, King, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Lawrence, Leavenworth, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, Maish, MacDougall, McCrary, McDill, Meade, Metcalfe, Miller, Milliken, Money, Monroe, Morey, Morgan, Neal, New, Norton, O'Brien, Odell, Packer, Page, Parsons, Payne, Phelps, John A. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Purman, Rainey, James B. Reilly, Roberts, Miles Ross, Rusk, Schumaker, Seelye, Sheakley, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Strait, Stenger, Stevenson, Swann, Teese, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walls, Walsh, Ward, Warren, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, James Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—175.

The SPEAKER *pro tempore*. On the question of suspending the rules and agreeing to the resolution of the gentleman from Pennsylvania, [Mr. RANDALL,] the ayes are 105 and the noes 9.

Mr. RUSK. No quorum.

Mr. RANDALL. Do you make that point?

Mr. RUSK. I do.

Mr. WHITE. I move that the House do now adjourn.

Mr. RANDALL. Is the point made by the gentleman from Wisconsin that there is no quorum?

Mr. RUSK. I make the point that there is no quorum.

Mr. RANDALL. I move that there be a call of the House. I do it in justice to those of us who remain here to transact the public business.

Mr. FORT, (at six o'clock and two minutes p. m.) I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

Mr. HOAR. I rise to a question of order, and the question of order is that there can be no call of the House under the rules of the House unless there be a Speaker in the chair.

Mr. RANDALL. There is a Speaker in the Chair.

The SPEAKER *pro tempore*. The Chair understands that the Speaker [Speaker KERR] may appoint any member of the House for the day, and the present occupant of the chair will be the Speaker until the House adjourns.

Mr. HOAR. This is a very important point, and I desire to be heard upon it.

The SPEAKER *pro tempore*. The point of order is not well taken.

Mr. HOAR. Will the Chair allow me to state the point?

Several MEMBERS called for the regular order.

Mr. HEREFORD. The gentleman must know that the same thing has happened time after time and night after night.

[Cries of "Vote!" "Vote!"]

The question was taken on Mr. RANDALL'S motion; and it was agreed to.

So it was ordered that there be a call of the House.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Messrs. Adams, Anderson, Ashe, Atkins, George A. Bagley, William H. Baker, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bliss, Boone, Bradley, Bright, John Young Brown, William R. Brown, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cowan, Cox, Crapo, Crounse, Danford, Darrall, Davy, Douglas, Egbert, Ely, Evans, Farwell, Faulkner, Freeman, Frost, Frye, Garfield, Gause, Gibson, Goode, Goodin, Hale, Robert Hamilton, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hathorn, Haymond, Hays, Hendee, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Holman, Hopkins, Hoskins, House, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kelley, Ketchum, Kimball, King, Lamar, Franklin Landers, George M. Landers, Lane, Lawrence, Leavenworth, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, Magoon, Maish, McCrary, McDill, McFarland, Meade, Metcalfe, Miller, Milliken, Money, Monroe, Morey, Morgan, Neal, New, Norton, O'Brien, Odell, Packer, Page, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Purman, Rainey, James B. Reilly, Roberts, Miles Ross, Schumaker, Seelye, Sheakley, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks, Strait, Stenger, Stevenson, Swann, Teese, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Waldron, Charles C. B. Walker, Gilbert C. Walker, Walls, Walsh, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, James Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, Woodworth, and Young.

The roll having been twice called over,

The SPEAKER *pro tempore* said: The Doorkeeper will cause the doors of the House to be closed, and will not admit any member within the Hall.

Mr. RANDALL. In order to save time, and before the names of members are called for excuses, which can come in afterward, I move the order that the Sergeant-at-Arms bring to the bar of the House such of its members as are now absent without the leave of the House.

The SPEAKER *pro tempore*. The Chair thinks it is too soon to make that order. If it is made now before excuses are heard, members who may be excused hereafter may be brought in here under arrest.

Mr. STONE. I move that Mr. HOLMAN, of Indiana, be excused on account of sickness.

The motion was agreed to.

Mr. STONE. I also move that my colleague, Mr. BLAND, be excused on account of sickness.

The motion was agreed to.

Mr. WILSON, of Iowa. By your order, Mr. Speaker, the doors are shut, and gentlemen are beginning to make excuses. We can have at least three roll-calls on each excuse if we see fit, and the result is that we shut ourselves in here indefinitely. This occurred in the last Congress, and under the ruling you have now made we found that, after being here two or three hours, the House could not work at all. We have a constitutional right to bring the absentees here, and the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that you issue your warrant to the Sergeant-at-Arms to bring in the absentees, is the only way by which the House can work.

Mr. RANDALL. That is right.

Mr. WILSON, of Iowa. If that is done we can then hear excuses.

The SPEAKER *pro tempore*. The Chair will read the rule.

Mr. WILSON, of Iowa. I know the rule, every word of it.

The SPEAKER *pro tempore*. Then the Chair will not read it.

Mr. KEHR. I desire to say that my colleague, Mr. PHILIPS, is sick, and on that account I hope he will be excused.

Mr. SAYLER. I object to any excuses just now.

Mr. RANDALL. I submit the order that the Sergeant-at-Arms take into custody and bring to the bar of the House those of its members who are absent without leave of the House.

Mr. HOAR. I submit that that motion is only in order when the Speaker is in the Chair, and that a member designated for a day to perform the duties of the Chair is merely designated as a presiding officer of the House, and is not the Speaker of the House.

Mr. RANDALL. That is at variance with common sense, and that is the only remark I have to make about it.

The SPEAKER *pro tempore*. This point of order has been frequently made and decided as it has been decided to-day, that the occupant of the chair is Speaker during the session for which he is appointed.

Mr. HOAR. Does the Chair overrule the point of order?

The SPEAKER *pro tempore*. The Chair does overrule it.

Mr. HOAR. Then I respectfully claim an appeal.

Mr. BANNING. I move to lay the appeal on the table.

Mr. HOAR. I think I am entitled to the floor to state my point of order.

The SPEAKER *pro tempore*. The gentleman from Ohio certainly has a right to make a motion to lay the appeal on the table.

Mr. HOAR. I have not been able to state my point of order to the House. It is a constitutional question.

Mr. RANDALL. I think it is a question of common sense.

Mr. HOAR. I am sure the gentleman from Pennsylvania does not intend to be discourteous to me.

The SPEAKER *pro tempore*. The Chair will state the question to the House. The gentleman from Massachusetts [Mr. HOAR] has raised the point of order that there is no Speaker in the House to execute the orders of the House. The Chair has decided that the point of order is not well taken; that the present occupant of the chair will discharge the duties of Speaker for this day's session. The gentleman from Massachusetts appeals from that decision of the Chair, and the question is: Shall the decision of the Chair stand as the judgment of the House? Pending that question, the gentleman from Ohio [Mr. BANNING] moves that the appeal from the decision of the Chair be laid upon the table.

Mr. HOAR. Has the gentleman from Ohio the floor to make that motion?

The SPEAKER *pro tempore*. The gentleman was recognized by the Chair.

Mr. HOAR. It is a departure from all the courtesies of this House.

The SPEAKER *pro tempore*. The gentleman appealed from the decision of the Chair, but did not proceed to make any remarks.

Mr. HOAR. I raised an appeal from the decision of the Chair; and before the question was stated by the Chair to the House, the gentleman from Ohio made a motion to lay the appeal upon the table.

The SPEAKER *pro tempore*. The motion to lay upon the table is in order.

Mr. HOAR. The gentleman had no right to make that motion until my appeal was stated to the House.

The SPEAKER *pro tempore*. The motion to lay on the table is not debatable.

Mr. HOAR. The Chair violates all the courtesies of the House in so ruling.

The SPEAKER *pro tempore*. The Chair regrets that the gentleman so regards it.

The motion of Mr. BANNING was agreed to.

Mr. HOAR. I call for the yeas and nays on the motion to lay my appeal on the table. I have no desire to filibuster, but——

Mr. KNOTT. I move that the House now adjourn.

The SPEAKER *pro tempore*. A motion to dispense with further proceedings under the call would be in order.

Mr. ROBBINS, of North Carolina. Can we not agree to have the night sessions and stop this nonsense? That is what I want to know.

The SPEAKER *pro tempore*. The Chair cannot decide that question.

Mr. ROBBINS, of North Carolina. I would like to have it submitted to the House.

Mr. KNOTT. Is my motion to adjourn in order?

The SPEAKER *pro tempore*. The Chair will entertain the motion to adjourn.

Mr. CAULFIELD. How can we get out? The doors are closed.

The SPEAKER *pro tempore*. If the motion to adjourn is carried, the doors will be opened.

Mr. BAKER, of Indiana. I move that further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The motion to adjourn is the first in order.

The motion to adjourn was not agreed to.

Mr. BAKER, of Indiana. I move now that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. RANDALL. I make a further appeal to the gentleman from Wisconsin [Mr. RUSK] who insisted upon the point of order that no quorum voted upon my resolution for night sessions.

Mr. RUSK. I will not insist upon my point of order.

Mr. RANDALL. As the gentleman from Wisconsin withdraws his point of order against the adoption of my resolution, I hope there will be no further objection to it, but that the resolution may be adopted without further trouble.

The SPEAKER *pro tempore*. That order can be made by unanimous consent.

Mr. FORT. I object.

Mr. RANDALL. Why?

Mr. FORT. Gentlemen have begun to run this thing, and now let them go on with it.

Mr. RANDALL. Then you are to blame, and not I, if this thing continues.

The SPEAKER *pro tempore*. Objection being made to the proposition of the gentleman from Pennsylvania, [Mr. RANDALL,] the question now before the House is upon the motion of the gentleman that the Sergeant-at-Arms be directed to take into custody and bring to the bar of the House such of its members as are absent without the leave of the House.

The motion was agreed to.

Mr. EAMES. I move that all further proceedings under this call be dispensed with.

Mr. COOK. We voted that motion down just now.

Mr. EAMES. Other business has intervened.

The motion of Mr. EAMES was not agreed to.

Mr. SAYLER. I desire to make a proposition for the unanimous consent of the House. I do not believe that the members of this House are at all inclined—I will not say to play the great big boy, because that is hard on the boy—to play the great big baby. I propose, therefore, that by unanimous consent we agree to meet on the evenings of Tuesday, Wednesday, and Thursday, for discussion and consideration of the legislative, executive, and judicial appropriation bill, and that we abandon all further proceedings under the call of the House.

Mr. HOOKER. Make it Wednesday, Thursday, and Friday.

Mr. SAYLER. I am asking unanimous consent to agree to the proposition as submitted by the gentleman from Pennsylvania.

Mr. RANDALL. It was claimed that there was no quorum, and of course the resolution could not be adopted.

Mr. SAYLER. It can be by unanimous consent.

Mr. RANDALL. I have no objection to dispensing with further proceedings under the call, if my resolution can be adopted.

Mr. SAYLER. My proposition is that the resolution of the gentleman from Pennsylvania be now adopted by unanimous consent.

Mr. STONE, Mr. THROCKMORTON, and others objected.

After some time,

Mr. CONGER said: I take the liberty of appealing to those gentlemen on the democratic side of the House who objected to the agreement proposed by the gentleman from Ohio [Mr. SAYLER] to withdraw their objection.

Mr. ROBBINS, of North Carolina. That is right.

Mr. RANDALL. I want to understand what the proposition is. Is it that the resolution for night sessions, as I originally offered it, be adopted?

Mr. SAYLER. That is my proposition.

The SPEAKER *pro tempore*. If there is no objection, all further proceedings under the call will be dispensed with, and the resolution submitted by the gentleman from Pennsylvania, [Mr. RANDALL,] in regard to night sessions will be agreed to.

Mr. THROCKMORTON. I object.

Mr. STONE. I object, and I desire to state the grounds——

Several MEMBERS objected to debate.

The SPEAKER *pro tempore*. No debate is in order.

Mr. CAULFIELD. I now move that all further proceedings under the call be dispensed with, if gentlemen on the other side of the House will agree to withdraw their objection that there was no quorum upon the resolution of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RUSK. I have stated that I will withdraw my objection.

Mr. TERRY. I object.

The SPEAKER *pro tempore*. The arrangement suggested can only be made by unanimous consent; and there is objection.

Mr. CONGER. I object to its going upon record on the statement of the gentleman from Illinois [Mr. CAULFIELD] that the objection comes from this side of the House. It has been withdrawn on this side long ago; the objections are upon the other side; they come from the gentleman from Texas [Mr. THROCKMORTON] and the gentleman from Virginia, [Mr TERRY.]

Mr. RANDALL. I do not any longer charge it upon the other side.

Mr. CONGER. The gentleman from Illinois did.

Mr. SAYLER. I will attest the same thing.

Mr. O'NEILL. I would like to make a suggestion to my colleague, [Mr. RANDALL,] the chairman of the Committee on Appropriations. I am exceedingly anxious that the business of the House should go on and that we should have night sessions, because, if we do not, no one can say when we shall be able to adjourn finally. Now, I suggest to my colleague that for this week only we meet on Tuesday, Wednesday, and Thursday at eleven o'clock in the morning and sit until five o'clock in the afternoon, and then adjourn. I propose this as a compromise, for the present week. With daily sessions of six hours we may do as much as by holding two daily sessions.

Mr. RANDALL. That would interfere with all our committee business, and I cannot consent to it.

A MEMBER. Let the committees meet in the evening.

Mr. FORT. This side of the House has been striving to-day to get some recognition. We have a couple of resolutions, and if we had been allowed to present them I am confident there would have been none of this delay.

The SPEAKER *pro tempore*. Resolutions are not now in order.

Mr. FORT. There seems to be nothing else on hand.

Mr. MILLS. I move that the House take a recess until nine o'clock to-morrow morning.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. FORT. I want to know whether it is in order to send for some of Mr. Kilbourn's lunch? [Laughter.]

The SPEAKER *pro tempore*. The gentleman is out of order.

Mr. WHITE. I move that all the doors of the galleries be opened, so that we may get some fresh air here. The air is very foul.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. WHITE. Is it not in order to open the doors of the galleries, so as to get some fresh air?

Mr. HOOKER. I move to dispense with all further proceedings under the call, provided the resolution of the gentleman from Pennsylvania be unanimously adopted.

Mr. NASH. I object.

Mr. WHITE. I object unless I am allowed to introduce my resolution.

Several MEMBERS. O, no.

Mr. HOAR. Cannot the question be settled by a majority vote?

The SPEAKER *pro tempore*. Further proceedings under the call can be dispensed with by a majority vote; but the motion, as now submitted, is coupled with the suggestion that unanimous consent be given to adopt the resolution of the gentleman from Pennsylvania, [Mr. RANDALL,] and objection was heard to the latter proposition.

Mr. HOAR. I desire to say to the gentleman from Pennsylvania that, if this motion to dispense with further proceedings under the call be adopted by a majority, his motion can then be adopted by a majority. Nobody will make the point in regard to the absence of a quorum.

Mr. RANDALL. I renew the proposition that further proceedings under the call be dispensed with, provided that the vote on the adoption of my resolution, which was 98 to 9, shall not be objected to upon the ground of the absence of a quorum.

The SPEAKER *pro tempore*. If there be no objection, that arrangement will be made.

Mr. NASH. I object.

Mr. RUSK. I make the point that I raised the objection originally and I have withdrawn it.

Mr. WIKE. But I submit that any other gentleman may renew the objection.

The SPEAKER *pro tempore*. Any member has the right to object.

Mr. WHITE. I object, unless I be allowed to introduce my resolution.

Mr. RANDALL. I suggest that the gentleman have leave to print his resolution in the morning paper.

Mr. CAULFIELD. May I inquire of the gentleman from Kentucky [Mr. WHITE] what his resolution is?

Mr. WHITE. May I be allowed to tell the gentleman, in the language of the distinguished gentleman from Pennsylvania, [Mr. RANDALL,] that it is "none of his business?" [Laughter.]

Mr. FORT. I suggest that we might consider those resolutions.

The SPEAKER *pro tempore*. No business is in order.

Mr. RUSK. Is it in order to have the Kilbourn bill of fare read?

Mr. PLATT. Is it in order to have the bill of fare served?

The SPEAKER *pro tempore*. It is if gentlemen will pay for it. [Laughter.]

Mr. O'NEILL. It seems, Mr. Speaker, that ninety-eight gentlemen voted to suspend the rules and adopt the resolution so we can have evening sessions for the consideration of the general appropriation bills, and only nine members voted against it. After that vote I do not see how gentlemen can stand up here to prevent the House going on with the legitimate public business we are sent here to transact. [Cries of "Good! Good!"] I do hope those on this side who have made objection will withdraw it. I do not believe the country will stand by any nine men who in this way seek to stop the legitimate business of the country.

Mr. WHITE. I do not intend to obstruct business.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from New York.

Mr. LAPHAM. I wish to suggest to the gentleman from Pennsylvania, chairman of the Committee on Appropriations, that he adopt the suggestion of his colleague to have the daily sessions commence at eleven o'clock. It is much easier for committees to meet in the evening than for the House. If we commence our sessions at eleven o'clock in the morning, I am sure we will accomplish more in that way than by having evening sessions.

Mr. RANDALL. That is contrary to the experience of the older members. Certainly it is contrary to my experience.

Mr. PATTERSON. The Doorkeeper of the House refuses to allow the Delegate from Colorado to leave the Hall.

Mr. FORT. I object to the gentleman's leaving.

The SPEAKER *pro tempore*. Objection is made to the gentleman's leaving; but as the Delegate is no part of the quorum of the House, he has the right to leave.

Mr. WADDELL. Is there objection to the adoption of the proposition that all further proceedings under the call will be dispensed with and the resolution submitted by the gentleman from Pennsylvania will be adopted?

Mr. CONGER. I have voted for evening sessions; I desire to continue my vote for them; but I make a suggestion to the Chair and to the House——

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. CONGER. I wish to suggest whether we can, with the doors closed and members interested in our agreement in regard to evening sessions not allowed to come into the Hall—I ask whether we can properly keep other members out of the House until we make the arrangement for night sessions?

Mr. RANDALL. They ought to have been here; and, not being here, they are not entitled to that consideration.

Mr. CONGER. That is very true.

Mr. RANDALL. Or to the consideration which they might have had.

The SPEAKER *pro tempore*. Discussion is not in order. The Chair hears no objection to further proceedings under the call being dispensed with, and by unanimous consent the resolution of the gentleman from Pennsylvania for evening sessions is agreed to. The doors will now be re-opened.

And then, on motion of Mr. RANDALL, (at five minutes to seven o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: Memorial of A. F. Breed & Co. and 60 manufacturers of boots and shoes, that the duty now imposed on English lastings and serges by weight may be changed to an *ad valorem* duty, to the Committee of Ways and Means.

Also, the memorial of A. F. Breed and 60 other shoe manufacturers of Massachusetts, for an amendment to section 3020 of the Revised Statutes, inserting in addition to said section the words "and also boots and shoes" after the words "United States," to the same committee.

By Mr. BOONE: The petition of citizens of Trigg and Lyon Counties, Kentucky, that the present tariff laws remain unchanged, to the same committee.

By Mr. BRADLEY: Resolutions of the Detroit Board of Trade, in favor of the efficient organization of the Signal Service of the United States, to the Committee on Appropriations.

By Mr. BROWN, of Kansas: A paper relating to his claim for compensation for one hundred and seven hogsheads of sugar seized by Colonel J. W. McMillan, United States Army, and sold, to the Committee on War Claims.

By Mr. BUCKNER: The petition of Samuel McMonigle, for compensation on account of damages to his property in Washington City caused by a change in the grade of Twenty-fourth street, between M and N streets, to the Committee for the District of Columbia.

By Mr. CALDWELL, of Tennessee: The petition of the trustees of the Christian church, at Union City, Tennessee, for compensation for their church edifice destroyed by the United States Army, to the Committee on War Claims.

By Mr. CANDLER: Memorial of Roderick Rutland, for a duplicate land warrant in lieu of one taken from his possession during the war, to the Committee on Public Lands.

By Mr. DURAND: The petition of citizens of Michigan, that the pension laws may be amended so as to extend the time in which to make application for pensions to June 1, 1877, to the Committee on Invalid Pensions.

By Mr. ELY: Memorial of Abraham Harris, for compensation for information furnished the Treasury Department whereby frauds thereon were discovered, to the Committee on Expenditures in the Treasury Department.

By Mr. FROST: The petition of the Boston Marine Society, the Boston Board of Trade, and 700 other citizens of Massachusetts, for a light-ship with steam-whistle attached upon Stellwagon's Bank, in Massachusetts Bay, to the Committee on Commerce.

By Mr. HATCHER: Memorials of the county court and citizens of Iron County, Missouri, for the issuance of land scrip, to the Committee on Private Land Claims.

By Mr. HAYS: The petition of Archie Threet, for compensation for carrying mails in Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: The petition of citizens of Shenandoah County, Virginia, that the tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of citizens of Shenandoah County, Virginia, of similar import, to the same committee.

By Mr. KING: Memorial of the Irish-American citizens of Saint

Paul, Minnesota, asking the intervention of this Government in behalf of E. O'M. Condon, incarcerated in a British prison, to the Committee on Foreign Affairs.

By Mr. LAPHAM: The petition of Elizabeth Page, for a pension, to the Committee on Revolutionary Pensions.

Also, the petition of W. H. Gould, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Susan A. Heazlit, for a pension, to the same committee.

Also, the petition of Edwin A. Leland, for an extension of letters-patent on an improved paint-can, to the Committee on Patents.

By Mr. LORD: The petition of importers and dealers in crockery from Utica, New York, that a uniform rate of duty of 30 per cent. be levied upon earthenware, crockery, china and glass ware, &c., to the Committee of Ways and Means.

By Mr. LYNDE: The petition of E. M. Gilbert and others, for certain amendments to existing steamboat laws, to the Committee on Commerce.

By Mr. MACKEY, of Pennsylvania: Memorial of workingmen in the employ of Valentines & Co., iron manufacturers in Centre County, Pennsylvania, that no change be made in the present tariff laws, to the Committee of Ways and Means.

Also, memorial of workingmen in the employ of the Logan Iron and Steel Works, of Mifflin County, Pennsylvania, of similar import, to the same committee.

Also, memorial of workingmen of Mifflin and Huntingdon Counties, Pennsylvania, of similar import, to the same committee.

Also, the petition of workmen in the employ of the Glamagan Iron Company, of Mifflin County, Pennsylvania, of similar import, to the same committee.

By Mr. MEADE: The petition of wholesale liquor dealers and grocers of the city of New York, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the same committee.

By Mr. ODELL: The petition of wholesale dealers in liquors in New Haven, of similar import, to the same committee.

Also, four petitions of citizens of New York, for the repeal of the check-stamp tax, to the same committee.

By Mr. PACKER: Remonstrance of 64 workingmen at Lebanon Furnaces, Lebanon, Pennsylvania, against the proposed reduction of the tariff and that the tariff laws may be left undisturbed, to the same committee.

Also, remonstrance of workingmen of Middletown, Dauphin County, Pennsylvania, of similar import, to the same committee.

By Mr. PLATT: The petition of citizens of Ithaca, New York, that Congress convey to the city of Brooklyn the strip of land and land under water lying between Washington avenue and the navy-yard in the city of Brooklyn for the purpose of establishing a public market, to the Committee on Public Buildings and Grounds.

By Mr. POWELL: The petition of Patrick Farrell and 790 other citizens of Pennsylvania, that some action be taken to secure the release of E. O'M. Condon, incarcerated in a British prison, to the Committee on Foreign Affairs.

By Mr. SEELYE: The petition of citizens of Northampton, Massachusetts, against the present method of the manufacture and sale by the Government of postal envelopes and cards, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Memorial of John A. Treadway, for a pension, to the Committee on Revolutionary Pensions.

By Mr. TARBOX: The petition of Charles W. Parker, for a pension, to the Committee on Invalid Pensions.

By Mr. THOMPSON: The petition of the mayor and aldermen and 100 business men of Haverhill, Massachusetts, that greenbacks be made receivable for duties on imports, to the Committee of Ways and Means.

By Mr. THORNBURGH: The petition of Gilbert Reed, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Cullen & Newman, of Knoxville, Tennessee, for a reduction of the duty on imported china and glass ware, to the Committee of Ways and Means.

By Mr. VANCE, of Ohio: The petition of John Matthews and 116 other workingmen of Lawrence County, Ohio, that existing tariff laws be left undisturbed, to the same committee.

By Mr. WALKER, of Virginia: The petition of Susannah C. Cocke, for compensation for the destruction of her property by the United States Army, to the Committee on War Claims.

Also, papers in relation to the petition of Leander Smith, for a pension, to the Committee on Revolutionary Pensions.

By Mr. WALLING: Papers relating to House bill 1449, from Lieutenant Anderson, to the Committee on Military Affairs.

By Mr. WARREN: The petition of wholesale dealers in liquor of Boston, Massachusetts, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of Rev. O. D. Dooley and 46 other citizens of Kern County, California, for the establishment of a post-route from Bakersfield, via Granite, to Glenville, in said county, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

TUESDAY, *April* 4, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 744) to increase the pension of Mary W. Jones, was read twice by its title, and referred to the Committee on Pensions.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States, organized and unorganized, according to the latest returns received at the office of the Adjutant-General, United States Army; which was ordered to lie on the table, and be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs, in relation to the condition and necessities of the Pawnee Indians in the Indian Territory, and the imperative necessity which exists for their immediate relief.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed, if there be no objection.

Mr. MORRILL, of Maine. It is hardly worth while to print that. The subject-matter of the communication was passed upon yesterday by the House of Representatives in a bill which will probably reach the Senate to-day and be referred to the Committee on Appropriations. I move that the letter be referred to the Committee on Appropriations without being printed.

The motion was agreed to.

UNVEILING OF LINCOLN STATUE.

The PRESIDENT *pro tempore*. The Chair will present a memorial in the form of an invitation to the Senate, which will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *April* 3, 1876.

SIR: On behalf of the national committee of arrangements and in the name of the colored people of the United States, I have the honor to express most grateful thanks for the passage by the Senate of the joint resolution declaring the 14th day of April, 1876, a holiday, and to extend to you, and through you to the honorable Senate, a most cordial invitation to be present at the inauguration ceremonies of the Lincoln statue which will be unveiled in Lincoln Park, in this city, at one o'clock p. m. on that day.

Very respectfully, your obedient servant,

J. M. LANGSTON,
Chairman of the Committee.

Hon. THOMAS W. FERRY,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The paper will lie on the table for the present.

Mr. SHERMAN. It seems to me it would be courteous to take some action upon it, and therefore I move that the invitation be accepted and that the communication be referred to the Committee on the District of Columbia.

Mr. EDMUNDS. Let us have it read again if there is to be a vote upon it.

The Chief Clerk again read the communication.

Mr. DAVIS. I suggest to the Senator from Ohio that it would be better to refer the paper to the committee without accepting the invitation at present.

Mr. SHERMAN. I think not. I think the acceptance of an invitation of that kind is an act of courtesy.

Mr. DAVIS. If there is to be an acceptance, then there will be no necessity for reference to a committee.

Mr. SHERMAN. It is necessary to refer the paper in order that proper arrangements may be made for those who choose to attend.

Mr. DAVIS. An acceptance would imply an adjournment of the Senate on that day.

Mr. SHERMAN. We have made it a legal holiday already, and I doubt very much whether we can sit on that day.

Mr. WITHERS. We have made it a holiday only for the employés of the Government.

Mr. DAVIS. I suggest to the Senator from Ohio that he consent to a reference without an acceptance of the invitation.

Mr. SHERMAN. I think we ought to accept it out of courtesy.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to accept the invitation and refer the communication to the Committee on the District of Columbia.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of A. A. Bailey, D. A. Blizard, and several hundred other citizens of New York, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of Willard E. Reynolds and other citizens of Olean, Cattaraugus County, New York, praying for the prohibition of the sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented three petitions of citizens of New York City and State, praying for the passage of House bill No. 8, providing for the improvement of the navigation of Harlem River and Spuyten Duyvil Creek; which were referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented a petition of citizens of West Sweden, Polk County, Wisconsin, praying for the establishment of a mail-route from Trade Lake, Burnett County, to West Sweden, Polk County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of Wisconsin, relating to a consolidated official centennial directory of the General and several State governments of the United States of America; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas the year 1876 being the centennial of American Independence, in order to keep pace with the spirit of the times, and more especially with the spirit of this our centennial year, and for the purpose of placing here a landmark of our national progress, which shall cement more closely the ties of a national fraternity and good feeling at this particular point of time in the history of this Union of independent States: Therefore,

Be it resolved by the senate, (the assembly concurring,) That the Congress of the United States and the legislative bodies of each of the several States of this Union be, and they are hereby, invited to participate with us for the purpose of compiling a consolidated official centennial directory of the several branches of the General Government and of the several State governments of this Union, which said consolidated directory shall contain a complete list, with their autobiographies, of the members of the executive, judicial, legislative, and the different heads of the military and naval departments of the General and State governments of these United States for the year 1876.

Resolved by the senate, (the assembly concurring,) That, with the concurrence of the several States, Congress be, and is hereby, requested to compile and bind said consolidated directory in such style and form as may be deemed proper and fitting for this occasion.

Resolved by the senate, (the assembly concurring,) That the good faith of the State of Wisconsin is hereby pledged to pay to the General Government the cost of such a number of copies of said directory as are herein designated, upon their completion and reception, to-wit: one copy for each member therein recorded from this State of Wisconsin, which said copies shall be delivered to each such member by the State, and, together with one hundred copies for the use of the State, to be deposited with the State librarian.

Resolved by the senate, (the assembly concurring,) That the governor be, and he is hereby, requested, upon the passage of these resolutions, to transmit a copy of the same to the President of the Senate and the Speaker of the House of Representatives of the United States, to each of our Senators and Representatives in Congress, to the governor of each of the several States, to the president of the senate and speaker of the house of the legislative body of each of the States of this Union, and solicit their co-operation and concurrence in the same.

Approved February 29, 1876.

Mr. CAMERON, of Pennsylvania, presented a memorial of the Philadelphia Board of Trade, in favor of legislation concerning the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented four memorials of workingmen of Allegheny County, Pennsylvania, and two memorials of workingmen of Columbia County, Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to the Committee on Finance.

He also presented a resolution of the Philadelphia Board of Trade, in favor of so amending the postal laws as to permit the transmission through the mails of small packages of merchandise at former rates of postage; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORTON presented a memorial of workingmen of Clay County, Indiana, remonstrating against the proposed change in the tariff laws; which was referred to the Committee on Finance.

Mr. WADLEIGH presented a petition of the Third Division of Sons of Temperance of New Hampshire, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors, that total abstinence be made a condition of the civil, military, and naval service, and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

THE MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore* announced the appointment of Mr. BOUTWELL, Mr. CAMERON of Wisconsin, Mr. OGLESBY, Mr. BAYARD, and Mr. MCDONALD as the committee to investigate matters connected with the recent election in the State of Mississippi under the resolution adopted on the 31st of March.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress," to report it back without amendment. The bill provides for the payment of the judgments in the Alabama claims cases; and as the matter is somewhat pressing, I ask for its present consideration. The Senate will see what it is from the reading of the bill.

The PRESIDENT *pro tempore*. It will be reported subject to objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. SHERMAN. I give notice that I will call it up to-morrow. I ought to state that this bill simply changes the form of the bond, and that the objection of the Senator will only delay the payment of this award another day. The Committee on Finance examined the bill carefully and unanimously report it. It takes nothing from the Treasury. A bond for $15,000,000 is now in the hands of the Secretary of State, but as a matter of course it is not available for the purposes of paying these judgments. The bill simply authorizes the surrender of that fifteen-million-dollar bond, and the issue of the same amount of other bonds, part of which is to be applied to the payment of the judgments which have been rendered.

Mr. WITHERS. I suppose the objection arose from the fact that the Senate was ignorant of the provisions of the bill. It referred to certain statutes by the number of the sections and the date of passage only.

Mr. SHERMAN. I intended to read the statutes, and I have them before me; but I have stated the substance of the bill. Three years ago Congress directed that the $15,000,000 paid by Great Britain to the United States should be put into a bond of the United States, payable to the order of the Secretary of State; and there it is. Judgments have been rendered in favor of private individuals to the amount of five or six millions, I believe, and they are to be paid; but this fifteen-million-dollar-bond is too large a denomination to pay them, and the bill provides that it is to be surrendered and other bonds issued, enough to pay the amount of these judgments. That is all. It is a House bill.

Mr. MCDONALD. I should like to have the bill laid over for the present. I know the general character of the bill. It simply provides for the payment of certain awards of judgments that have been rendered by the Alabama claims commission. I think it is very likely that I shall desire to offer a resolution looking to an inquiry in regard to some of those awards.

Mr. SHERMAN. I have no objection to letting the bill lie over, say for an hour or so.

Mr. MCDONALD. Let it lie over until after to-day, because I shall not be able to prepare my amendments to-day. I prefer that the Senator should call it up to-morrow morning.

Mr. SHERMAN. The Senator has a right to have the bill go over until to-morrow, as it was only reported to-day; but as these creditors are pressing for money and are entitled to it, the Senator can see that every day's delay is important to them.

Mr. MCDONALD. The question I may desire to consider is whether these awards have not been greatly in excess of what they ought to have been, in some instances, and I am not yet prepared to submit the matter to the Senate.

Mr. SHERMAN. Let it lie over then.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. MCMILLAN, from the Committee on Claims, to whom was referred the petition of Dr. Joseph Robbins, of Quincy, Illinois, praying for additional compensation for services rendered the United States by him as examining surgeon of applicants for invalid pensions, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. MCMILLAN. I am directed by the same committee, to whom was referred the memorial of Jesse Warren and Joseph A. Moore, of Nashville, Tennessee, praying compensation for a brick building and a stone foundation of a building alleged to have been destroyed by the United States Army, to report adversely, and recommend that the claim of the petitioner be disallowed.

Mr. COOPER. I ask that the report lie on the table.

The PRESIDENT *pro tempore*. The report will lie on the table.

Mr. MCMILLAN. I ask that it be printed.

The PRESIDENT *pro tempore*. All written reports are ordered to be printed without a special motion.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation, reported it with amendments.

Mr. WEST, from the Committee on Railroads, to whom was referred the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route, reported it with amendments.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 598) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the royal Norwegian order of Saint Olaf, the same being a literary and scientific order, reported it without amendment.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the memorial of Walker Pierce, praying additional compensation for services performed as registrar in North Carolina, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. MERRIMON. The Committee on the District of Columbia, to whom was referred the bill (S. No. 526) to amend section 1036 of the Revised Statutes, relating to the District of Columbia, have directed me to report it without amendment. The bill in effect requires constables filing their official bond to give sureties who have real estate to the value of $5,000.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MERRIMON. The same committee, to whom was referred the bill (S. No. 525) to amend section 994 of the Revised Statutes, relating to the District of Columbia, have directed me to report it without amendment. The bill in effect requires justices of the peace to give bond and security as in the case of constables.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue, reported it with amendments.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes, reported it without amendment.

Mr. STEVENSON, from the Committee on Revolutionary Claims, to whom was referred the petition of Elizabeth M. Dittoe, daughter and heir of John Manley, an officer of the revolutionary army, praying for grant of one hundred acres of land as compensation for the services rendered by her father, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

BILLS INTRODUCED.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 693) concerning corporations engaged in the business of distilling; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. KEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 694) to improve the civil service of the Patent Office; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 695) to promote immigration to the United States and to protect immigrants on their passage; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers in the case of A. S. Robinson be withdrawn from the files of the Senate.

THE CALENDAR.

Mr. WRIGHT. As there is no regular order to-day, I move that we proceed to the Calendar and consider unobjected cases.

Mr. SHERMAN. I am informed by the Senator from Indiana [Mr. MCDONALD] that he has no further desire to postpone action on the bill which I reported from the Committee on Finance this morning. I therefore move to take it up.

Mr. MCDONALD. As to that bill I make no objection.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield for that purpose?

Mr. WRIGHT. There will be no objection to taking up the bill of the Senator from Ohio after the Calendar is ordered to be taken up.

Mr. SHERMAN. With that understanding, I have no objection to taking up the Calendar.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to proceed with the Calendar.

The motion was agreed to.

ALABAMA CLAIMS COURT JUDGMENTS.

Mr. SHERMAN. I now ask that House bill No. 2800 be taken up.

Mr. CONKLING. I would like to hear it reported.

Mr. COCKRELL. I thought I had my objection filed against the consideration of that bill.

The PRESIDENT *pro tempore*. The Chair understood that the objection was withdrawn.

Mr. COCKRELL. Until I have an opportunity of examining the bill to see whether I am satisfied with it, I must object to its consideration.

Mr. SHERMAN. I supposed the objection came from the Senator from Indiana, and he withdrew it.

The PRESIDENT *pro tempore*. Objection being made to the bill of the Senator from Ohio, the first case on the Calendar will be reported.

MUTUAL FIRE-INSURANCE COMPANY.

The first bill on the Calendar was the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia.

The Chief Clerk proceeded to read the bill.

Mr. ANTHONY. Have not the persons who desire this act of incorporation a right to be incorporated under the general law of the District?

Mr. INGALLS. They have not. This is what is commonly known as a mutual insurance company, and the general law provides only for the organization and incorporation of stock companies.

Mr. ANTHONY. I am content then.

The Chief Clerk resumed the reading of the bill.

Mr. MERRIMON. This seems to be a long bill, and I desire to interrupt the reading of it. The Senator from Connecticut, [Mr. ENGLISH,] who is interested in the bill, is absent from the Senate, and I trust it will go over.

Mr. SHERMAN. The Senator from Kansas [Mr. INGALLS] was called out of the Chamber a moment, and asked me to interpose if any objection was made until he came back. I ask the Senator from North Carolina to withhold his objection until the Senator from Kansas returns. He will be back in a moment.

Mr. MERRIMON. Very well; I will withdraw my objection for the present.

The Chief Clerk resumed the reading of the bill.

Mr. MERRIMON. I see the Senator from Kansas is in his seat now, and I will suggest to him that I understood the Senator from Connecticut felt considerable interest in this bill, and as he is absent I think it had better go over.

Mr. INGALLS. I will state to the Senator from North Carolina that is a mistake in regard to the bill which the Senator from Connecticut desires to be present at the consideration of. The bill the Senator from Connecticut desires to be heard upon is in regard to the establishment of an insurance department or a superintendent of insurance for the District of Columbia; not in regard to this bill.

Mr. MERRIMON. Very well, sir.

Mr. DAVIS. I would ask the Senator from Kansas whether or not there is any general law by which fire-insurance companies and other insurance companies can be organized in this District; and, if so, what is the use of a special bill?

Mr. INGALLS. I have already stated, in response to the Senator from Rhode Island who asked the same question, that this is a mutual fire-insurance company, and the general law provides merely for the incorporation of stock companies, so that the provisions are entirely inapplicable.

Mr. DAVIS. I doubt very much the propriety of passing special bills, and I think the Senator had better let this bill go over.

Mr. INGALLS. This is a House bill and it has been considered by the committee. The incorporators and beneficiaries are among the most respectable and responsible business men of the city of Washington. They are ready to commence their operations. Insurance to the amount of $525,000 has already been subscribed for, and as there is no objection upon principle, and as the general law does not provide for the incorporation, I trust the Senator from West Virginia will permit us to pass the bill. It has been examined by several Senators, and its provisions, I believe, are found to be entirely innocent and the objects are approved.

Mr. DAVIS. The provisions of the bill may be innocent for aught I know; but I ask the Senator whether there is personal liability?

Mr. INGALLS. All the provisions of the law in regard to personal liability are preserved.

Mr. DAVIS. What is the difference, then, between the present charter and one that would be obtained under the general law?

Mr. INGALLS. As I have already explained to the Senate, this is a bill to organize a mutual fire-insurance company, and the general incorporation law provides for the incorporation of stock insurance companies. They are entirely different in their character, as the Senator undoubtedly understands. The parties named in this bill and their associates and successors unite themselves for the purpose of insuring their own property. Each one subscribes for a certain amount of insurance, and he gives his note for 10 per cent. of the amount, and that bears interest at 6 per cent. per annum. That constitutes the fund out of which losses are to be ultimately met. It is a method that has been adopted with great success in many of the States of the Union, and as the general law does not enable these gentlemen to associate themselves, it seems proper that an act of incorporation should pass.

Mr. DAVIS. If I understand correctly there is no capital except——

Mr. INGALLS. The capital consists of the premium notes given by the insured.

Mr. DAVIS. Of premium notes? But premium notes of course are no capital.

Mr. INGALLS. They constitute a lien on the real and personal property of the person who gives them.

Mr. DAVIS. How is that?

Mr. INGALLS. The notes constitutes a lien on the real and personal property of the persons who give them.

Mr. DAVIS. Does the Senator mean that the property insured has a lien upon it if damage should occur by fire?

Mr. INGALLS. All the other real and personal property owned by the persons who give the notes.

Mr. DAVIS. So far as the notes are concerned.

Mr. INGALLS. So far as the notes are concerned.

Mr. DAVIS. On the particular property that is insured. Then I understand that what is known as mutual-insurance companies have no capital whatever further than the notes and premium that may be collected from one another, and so the personal liability clause that is in the other bill, I take it, is dropped from this.

Mr. INGALLS. No, sir. They are liable to the extent of the notes they give and to the amount of their insurance.

Mr. DAVIS. I believe the bill is subject to objection. I prefer that it should go over.

The PRESIDENT *pro tempore*. The Senator objects to the consideration of the bill. It will lie over.

Mr. DAVIS. I will state so that the Senate may understand me that to-morrow or any other day, unless I find there are real objections, I shall withdraw any objection I have after I examine the bill and see the state of facts.

GEORGETOWN AND TENNALLYTOWN RAILROAD.

The next bill on the Calendar was the bill (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SIOUX INDIAN RESERVATION.

The next bill on the Calendar was the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes.

Mr. INGALLS. The chairman of the Committee on Indian Affairs, the Senator from Iowa, [Mr. ALLISON,] is absent, and I presume that bill had better lie over until his return.

The PRESIDENT *pro tempore*. The bill will be passed over and the next bill on the Calendar will be read.

Mr. OGLESBY. I suppose in regard to Senate bill No. 590 that the Senator from Iowa would be perfectly willing that the bill should be considered and passed now if there is a disposition on the part of the Senate to pass it without any further debate. I do not know how that is, but it has been already considered in the Senate. There are only a few moments left of the morning hour, and, of course, if the bill is of that character that it will lead to debate, there will be no utility in taking it up now.

The PRESIDENT *pro tempore*. The morning business has been concluded, and the Senate is engaged in the continuous consideration of the Calendar.

Mr. OGLESBY. I have just had a conversation with two members of the Indian Committee, who were present when this bill was up before—and I was not—who tell me that the Senator from Iowa has several times expressed a very great desire to have the bill passed; but if it is thought better by the committee to let it lie over, I shall be content.

Mr. MORRILL, of Maine. I had some conversation with the Senator from Iowa as he was about leaving the city, in which he expressd a desire to have the bill passed, but thought he would be back in season to participate in the consideration of the matter, which I understood him to be desirous of doing.

Mr. OGLESBY. I do not hear what the Senator says.

Mr. MORRILL, of Maine. I think the Senator from Iowa went away with the idea that the bill would not be considered before his return.

Mr. OGLESBY. Very well. Let it go over.

DECORATION TO PROFESSOR BAIRD.

Mr. MORRILL, of Vermont. I ask the consent of the Senator from Iowa [Mr. WRIGHT] that the bill in relation to Professor Baird, which was reported by the Senator from Pennsylvania from the Committee on Foreign Relations, merely giving him a literary decoration, be taken up and passed.

By unanimous consent, the bill (S. No. 598) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the royal Norwegian order of Saint Olaf, the same being a literary and scientific order, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

The bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company was considered as in Committee of the Whole.

Mr. CONKLING. By whom was that bill reported?

Mr. HITCHCOCK. By the Committee on the District of Columbia.

Mr. CONKLING. I should like to inquire of some member of the committee if that be the railroad whose tracks run across the bridge over the Eastern Branch?

Mr. HITCHCOCK. It is not.

Mr. CONKLING. Where does this railroad operate?

Mr. HITCHCOCK. This is the railroad that commences in the front of the Capitol, runs up Fourth street to O street, then along O street to Eleventh street and down Eleventh to the Avenue near the National Theater. The object of this bill is simply to change the line, which under the original charter allowed two tracks on O street, to now allow them to run to P street and run one track to go one way on P street and the other on O street.

Mr. CONKLING. Which company is it whose tracks cross the eastern branch?

Mr. HITCHCOCK. I think it is called the Anacostia Railroad.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALMON P. GRAVES.

The next bill on the Calendar was the bill (H. R. No. 1580) granting a pension to Almon P. Graves; which was considered as in Committee of the Whole. It provides for placing upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Almon P. Graves, late a private in Company G, Third United States Artillery, of Alstead, New Hampshire.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MELVILLE H. HUDSON.

The next bill on the Calendar was the bill (H. R. No. 2305) granting a pension to Melville H. Hudson; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melville H. Hudson, late drummer Company C, Third Regiment Kansas Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HARVEY LULL.

The next bill on the Calendar was the bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge; which was read the second time, and considered as in Committee of the Whole.

Mr. SHERMAN. I ask for the reading of the report in that case.

The Secretary read the following report, submitted by Mr. WINDOM, from the Committee on Patents, on the 20th ultimo:

The Committee on Patents, to whom was referred the petition of Harvey Lull for an extension of his letters-patent for a self-locking shutter-hinge, having examined the evidence submitted, beg leave to report:

That said patent was issued in January, 1854, and extended by the Commissioner of Patents for a period of seven years from January, 1868; that, owing to the poverty of the inventor, he was unable for a long time to introduce his invention, and from various other causes beyond his control he failed to receive an adequate compensation therefor; that the invention is shown by the evidence to be of very considerable value to the public, but, through the misfortune rather than the fault of said Lull, the net profits received by him, after deducting necessary expenditures, have been very small.

No opposition to the extension has appeared, but, on the other hand, some eighty prominent hardware-dealers and manufacturers (not interested in the patent) residing in the cities of New York, Hoboken, Philadelphia, Reading, Pittsburgh, Cincinnati, Baltimore, Washington, &c., have petitioned Congress for its extension, on the grounds that the invention is of great value to the public; that the said Lull has not received adequate compensation; that the public will be better protected by the extension, in having good and substantial castings made; and that the cost to the public will not be increased.

Believing that no one will be injured by the extension and that it will be an act of justice to the petitioner, your committee report the accompanying bill and recommend its passage.

Mr. SHERMAN. I should like to know what this invention is about; the report does not disclose what is the nature of the invention.

Mr. WINDOM. A self-locking shutter-hinge.

Mr. CONKLING. The bill discloses it.

Mr. ANTHONY. I should like to ask the Senator who reported this bill one question, whether the extension of this patent inures to the inventor or to other persons? A large proportion of extended patents inure to the benefit of others than the inventor. I should like to know if that question is understood by the committee.

Mr. WINDOM. The committee are entirely satisfied that it inures to the benefit of the inventor and his family only.

The bill was reported to the Senate, ordered to be engrossed for a third reading, was read the third time, and passed.

WILLIAM J. ANDERSON.

The next bill on the Calendar was the bill (S. No. 393) for the relief of William J. Anderson, of Pickensville, Alabama, which had been indefinitely postponed, and the motion to postpone indefinitely reconsidered.

Mr. COCKRELL. The bill was introduced by the Senator from North Carolina, [Mr. MERRIMON.] I am ready to take it up at any time.

Mr. MERRIMON. I ask that it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

MILITARY RESERVATIONS IN FLORIDA.

The next bill on the Calendar was the bill (S. No. 119) to authorize the Secretary of the Interior to sell at public auction lands no longer required for military purposes.

The Committee on Public Lands reported an amendment, which was read.

Mr. EDMUNDS. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

MUTUAL FIRE INSURANCE COMPANY.

Mr. INGALLS. The Senator from West Virginia [Mr. DAVIS] has withdrawn his objection to the present consideration of House bill No. 700 that was suspended on his motion. I ask that the reading be resumed.

There being no objection, the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia was considered as in Committee of the Whole.

Mr. WRIGHT. Some conversation occurred between the Senator from West Virginia and the Senator from Kansas, who has this bill

in charge, all of which I did not hear, and it may be that the inquiries that I propose to make were answered by him. If so, he will pardon me, as I did not hear his answers to all that was inquired of him.

I find that about one-fourth or one-third of our time is taken up here in special legislation, legislation upon special matters, matters especially applicable to this District. Not very long since we had a bill for the incorporation of a company for building purposes. By reference to the statute it was found that we had a general incorporation law in this District, but it was said by the Senator reporting the bill that that law did not cover such cases. The propriety of amending the general law so as to cover such cases and avoid the necessity of these special acts was then suggested. Now we have another special act.

It is said that the present law does not cover this case because it is a mutual company and the present law does not apply to such companies. Now is it not possible, and would it not be better, by an amendment to the present general incorporation law, to cover mutual companies, and not have a special act as in this instance for the purpose of incorporating a company? If you do this, then to-morrow or before we adjourn, or as often as parties may organize a proposed new corporation, we shall have new acts presented. In almost all the States we have general laws under which incorporations can be effected. I can see no reason why it should not be done in the District of Columbia. I can see no reason why our statute-book should be encumbered by these lengthy private or special acts. I do not know but the Senator from Kansas answered the inquiry, but I make the inquiry whether it is not possible and whether it is not advisable and much better to amend the general law and let these persons come in and incorporate under it, and all other persons who may want to do so on complying with the general law? I know it is so in our State. I am sure it has been done in almost all the States. Why there should be a special act for incorporating these persons and conferring upon them special powers and privileges, I am sure I have seen no good reason yet given. It may be that it is not practicable to do it under the general law. If so, I should like to understand why it is not practicable. If it is practicable, it seems to me infinitely better that we thus legislate, and so save the time of the Senate, and save encumbering our laws with these numberless special acts.

Mr. INGALLS. I entirely agree with the Senator from Iowa in regard to the advisability of providing, as far as possible, by general laws for the incorporation of companies for the transaction of business in this District; but it is not the fault of the gentlemen named in this bill, nor is it my fault, that the general incorporation law does not provide for the creation of mutual-insurance companies. This is one of those cases; and the time that has been consumed in considering that abstract question might perhaps as well have been devoted to taking the vote upon this bill, and at least one obstacle would then have been removed from legislation.

I can say that I will at any time very heartily and very cheerfully act with the Senator from Iowa in securing such an act; but this cannot be accomplished by an amendment to the general law; it will require an entirely new chapter. I trust the Senator will not insist upon his objection sufficiently to retard or defeat the passage of this bill.

Mr. WRIGHT. So far from being satisfied by what the Senator has said, I think I am confirmed in the justice of the position I have taken. He says the time taken in the consideration of this abstract question, if devoted to the bill, could have passed it. That is true enough; but so you can pass a dozen such bills without any trouble if you just let them go on and make no objection to them. But why not amend your general law at once? The committee, if they will turn their attention to the general law and amend it, can obviate the necessity of introducing these special bills. It is not the fault of these gentlemen, nor the fault of the committee, it is said. I do not lay it to the fault of any person. It is said this can be done not by a mere amendment, but by a new chapter. That is an amendment of the general law. Why not introduce a new chapter and have a general law, and thus avoid these special acts? I think there is a very great propriety that that should be done instead of having our time taken up here by these special acts.

I do not know anything about the circumstances of this particular case. You pass this bill; you give to this company by the indorsement of Congress a national character, and you thus give them an opportunity by your special act to go out and have special powers of a national character all over this Union. I say give us a general law under which all persons, without an indorsement of their names in a special act, can incorporate. It is done so in the States. Why not do it here, I repeat?

Mr. INGALLS. The Senator shows how little he knows about the character of this bill by saying that the corporation is endowed with a national character and empowered to transact business all over the country. If he had listened to the terms of the bill, he would have ascertained that it is confined exclusively to this District. Therefore his objection certainly has no significance.

Mr. WRIGHT. I have not said that they had such powers, but I said that this legislation had the effect of giving them a national character. It gives them an indorsement by Congress and confers on them special powers, whereas I say that should not be done.

The bill was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. COCKRELL. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 24; as follows:

YEAS—Messrs. Anthony, Cameron of Wisconsin, Clayton, Cragin, Dorsey, Ferry, Hitchcock, Ingalls, Key, Logan, McMillan, Morton, Spencer, West, Windom, and Withers—16.

NAYS—Messrs. Bayard, Bogy, Booth, Cockrell, Cooper, Davis, Hamilton, Kelly, Kernan, McCreery, McDonald, Merrimon, Mitchell, Morrill of Vermont, Randolph, Sargent, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, and Wright—24.

ABSENT—Messrs. Alcorn, Allison, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Conkling, Conover, Dawes, Dennis, Eaton, Edmunds, English, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Harvey, Howe, Johnston, Jones of Florida, Jones of Nevada, Maxey, Morrill of Maine, Norwood, Oglesby, Paddock, Patterson, Ransom, Robertson, and Saulsbury—33.

So the bill was rejected.

WAGON-ROADS IN OREGON.

The next bill on the Calendar was the bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon.

Mr. MITCHELL. I ask that that be laid over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

SWAMP LANDS IN FLORIDA.

The next bill on the Calendar was the bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850.

Mr. SARGENT. I ask that that lie over.

The PRESIDENT *pro tempore*. The bill will be passed over.

JAPANESE INDEMNITY FUND.

The next bill on the Calendar was the bill (S. No. 626) in relation to the Japanese indemnity fund.

Mr. FRELINGHUYSEN. Let that pass over.

The PRESIDENT *pro tempore*. The bill will be passed over.

BUTLER, MILLER & CO.

The next bill on the Calendar was the bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

Mr. SARGENT. I should like to hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary commenced to read the report.

IMPEACHMENT OF W. W. BELKNAP.

The managers of the impeachment on the part of the House of Representatives appeared at the bar (at one o'clock and twenty-five minutes p. m.) and their presence was announced by the Sergeant-at-Arms.

The PRESIDENT *pro tempore*. The managers on the part of the House of Representatives are admitted and the Sergeant-at-Arms will conduct them to seats provided for them within the bar of the Senate.

The managers were thereupon escorted by the Sergeant-at-Arms of the Senate to the seats assigned to them in the area in front of the Chair.

Mr. Manager LORD. Mr. President, the managers on the part of the House of Representatives are ready to exhibit on the part of the House articles of impeachment against William W. Belknap, late Secretary of War.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will make proclamation.

The SERGEANT-AT-ARMS. Hear ye! hear ye! hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against William W. Belknap, late Secretary of War.

Mr. Manager LORD rose and read the articles of impeachment, as follows:

Articles exhibited by the House of Representatives of the United States of America in the names of themselves and of all the people of the United States of America against William W. Belknap, late Secretary of War, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in said office.

ARTICLE I.

That William W. Belknap, while he was in office as Secretary of War of the United States of America, to wit, on the 8th day of October, 1870, had the power and authority, under the laws of the United States, as Secretary of War as aforesaid, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States; that said Belknap, as Secretary of War as aforesaid, on the day and year aforesaid, promised to appoint one Caleb P. Marsh to maintain said trading establishment at said military post; that thereafter, to wit, on the day and year aforesaid, the said Caleb P. Marsh and one John S. Evans entered into an agreement in writing substantially as follows, to wit:

"Articles of agreement made and entered into this 8th day of October, A. D. 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

"Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid by permission and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

"Now, therefore, sa d John S. Evans, in consideration of said appointment and the sum of $1 to him in hand paid by said Caleb P. Marsh, the receipt of which is

hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of $12,000 annually, payable quarterly in advance, in the city of New York aforesaid; said sum to be so payable during the first year of this agreement absolutely and under all circumstances, anything hereinafter contained to the contrary notwithstanding; and thereafter said sum shall be so payable, unless increased or reduced in amount, in accordance with the subsequent provisions of this agreement.

"In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

"First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

"Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto. The above rule laid down for the continuation of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as this agreement shall remain in force and effect.

"Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

"Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid, said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

"Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

"Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

"Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name, it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

"Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and bind the heirs, executors, and administrators of the respective parties.

"In witness whereof the parties to these presents have hereunto set their hands and seals, the day and year first above written.

"JOHN S. EVANS. [SEAL.]
"C. P. MARSH. [SEAL.]

"Signed, sealed, and delivered in presence of—
"E. T. BARTLETT."

That thereafter, to wit, on the 10th day of October, 1870, said Belknap, as Secretary of War aforesaid, did, at the instance and request of said Marsh, at the city of Washington, in the District of Columbia, appoint said John S. Evans to maintain said trading establishment at Fort Sill, the military post aforesaid, and in consideration of said appointment of said Evans, so made by him as Secretary of War as aforesaid, the said Belknap did, on or about the 2d day of November, 1870, unlawfully and corruptly receive from said Caleb P. Marsh the sum of $1,500; and that at divers times thereafter, to wit, on or about the 17th day of January, 1871, and at or about the end of each three months during the term of one whole year, the said William W. Belknap, while still in office as Secretary of War as aforesaid, did unlawfully receive from said Caleb P. Marsh like sums of $1,500, in consideration of the appointment of the said John S. Evans by him, the said Belknap, as Secretary of War as aforesaid, and in consideration of his permitting said Evans to continue to maintain the said trading establishment at said military post during that time; whereby the said William W. Belknap, who was then Secretary of War as aforesaid, was guilty of high crimes and misdemeanors in office.

ARTICLE II.

That said William W. Belknap, while he was in office as Secretary of War of the United States of America, did, at the city of Washington, in the District of Columbia, on the 4th day of November, 1873, willfully, corruptly, and unlawfully take and receive from one Caleb P. Marsh the sum of $1,500, in consideration that he would continue to permit one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, which said establishment said Belknap, as Secretary of War as aforesaid, was authorized by law to permit to be maintained at said military post, and which the said Evans had been before that time appointed by said Belknap to maintain; and that said Belknap, as Secretary of War as aforesaid, for said consideration, did corruptly permit the said Evans to continue to maintain the said trading establishment at said military post. And so the said Belknap was thereby guilty, while he was Secretary of War, of a high misdemeanor in his said office.

ARTICLE III.

That said William W. Belknap was Secretary of War of the United States of America before and during the month of October, 1870, and continued in office as such Secretary of War until the 2d day of March, 1876; that as Secretary of War as aforesaid said Belknap had authority, under the laws of the United States, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States, not in the vicinity of any city or town; that on the 10th day of October, 1870, said Belknap, as Secretary of War as aforesaid, did, at the city of Washington, in the District of Columbia, appoint one John S. Evans to maintain said trading establishment at said military post, and that said John S. Evans, by virtue of said appointment, has since, till the 2d day of March, 1876, maintained a trading establishment at said military post, and that said Evans, on the 8th day of October, 1870, before he was so appointed to maintain said trading establishment as aforesaid, and in order to procure said appointment and to be continued therein, agreed with one Caleb P. Marsh that, in consideration that said Belknap would appoint him, the said Evans, to maintain said trading establishment at said military post, at the instance and request of said Marsh, he, the said Evans, would pay to him a large sum of money, quarterly, in advance, from the date of his said appointment by said Belknap, to wit, $12,000 during the year immediately following the 10th day of October, 1870, and other large sums of money, quarterly, during each year that he, the said Evans, should be permitted by said Belknap to maintain said trading establishment at said post; that said Evans did pay to said Marsh said sum of money quarterly during each year after his said appointment, until the month of December, 1875, when the last of said payments was made; that said Marsh, upon the receipt of each of said payments, paid one-half thereof to him, the said Belknap. Yet the said Belknap, well knowing these facts, and having the power to remove said Evans from said position at any time and to appoint some other person to maintain said trading establishment, but criminally disregarding his duty as Secretary of War and basely prostituting his high office to his lust for private gain, did unlawfully and corruptly continue said Evans in said position and permit him to maintain said establishment at said military post during all of said time, to the great injury and damage of the officers and soldiers of the Army of the United States stationed at said post, as well as of emigrants, freighters, and other citizens of the United States, against public policy, and to the great disgrace and detriment of the public service; whereby the said William W. Belknap was, as Secretary of War as aforesaid, guilty of high crimes and misdemeanors in office.

ARTICLE IV.

That said William W. Belknap, while he was in office and acting as Secretary of War of the United States of America, did, on the 10th day of October, 1870, in the exercise of the power and authority vested in him as Secretary of War as aforesaid by law, appoint one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, and he, the said Belknap, did receive, from one Caleb P. Marsh, large sums of money for and in consideration of his having so appointed said John S. Evans to maintain said trading establishment at said military post, and for continuing him therein, whereby he has been guilty of high crimes and misdemeanors in his said office.

Specification 1.—On or about the 2d day of November, 1870, said William W. Belknap, while Secretary of War as aforesaid, did receive from Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 2.—On or about the 17th day of January, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 3.—On or about the 18th day of April, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 4.—On or about the 25th day of July, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 5.—On or about the 10th day of November, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 6.—On or about the 15th day of January, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 7.—On or about the 13th day of June, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 8.—On or about the 22d day of November, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 9.—On or about the 28th day of April, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,000, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 10.—On or about the 16th day of June, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,700, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 11.—On or about the 14th day of November, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 12.—On or about the 22d day of January, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 13.—On or about the 10th day of April, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 14.—On or about the 9th day of October, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 15.—On or about the 24th day of May, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 16.—On or about the 17th day of November, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 17.—On or about the 15th day of January, 1876, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $750, in consideration of his having appointed said John S. Evans to maintain a a trading establishment at Fort Sill aforesaid, and continuing him therein.

ARTICLE V.

That one John S. Evans was, on the 10th day of October, in the year 1870, appointed by the said Belknap to maintain a trading establishment at Fort Sill, a military post on the frontier, not in the vicinity of any city or town, and said Belknap did, from that day continuously to the 2d day of March, 1876, permit said Evans to maintain the same; and said Belknap was induced to make said appointment by the influence and request of one Caleb P. Marsh; and said Evans paid to said Marsh, in consideration of such influence and request and in consideration that he should thereby induce said Belknap to make said appointment, divers large sums of money at various times, amounting to about $12,000 a year from the date of said appointment to the 25th day of March, 1872, and to about $6,000 a year thereafter until the 2d day of March, 1876, all of which said Belknap well knew; yet said Belknap did, in consideration that he would permit said Evans to continue to maintain said trading establishment and in order that said payments might continue and be made by said Evans to said Marsh as aforesaid, corruptly receive from said Marsh, either to his, the said Belknap's, own use or to be paid over to the wife of said Belknap, divers large sums of money at various times, namely: the sum of $1,500 on or about the 2d day of November, 1870; the sum of $1,500 on or about the 17th day of January, 1871; the sum of $1,500 on or about the 18th day of April, 1871; the sum of $1,500 on or about the 25th day of July, 1871; the sum of $1,500 on or about the 10th day of November, 1871; the sum of $1,500 on or about the 15th day of January, 1872; the sum of $1,500 on or about the 13th day of June, 1872; the sum of $1,500 on or about the 22d day of November, 1872; the sum of $1,000 on or about the 28th day of April, 1873; the sum of $1,700 on or about the 16th day of June, 1873; the sum of $1,500 on or about the 4th day of November, 1873; the sum of $1,500 on or about the 22d day of January, 1874; the sum of $1,500 on or about the 10th day of April, 1874; the sum of $1,500 on or about the 9th day of October, 1874; the sum of $1,500 on or about the 24th day of May, 1875; the sum of $1,500 on or about the 17th day of November, 1875; the sum of $750 on or about the 15th day of January, 1876; all of which acts and doings were while the said Belknap was Secretary

of War of the United States, as aforesaid, and were a high misdemeanor in said office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or accusation or impeachment against the said William W. Belknap, late Secretary of War of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said William W. Belknap may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

The PRESIDENT *pro tempore*. The Chair informs the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

The managers thereupon withdrew.

G. B. TYLER AND E. H. LUCKETT—VETO MESSAGE.

The PRESIDENT *pro tempore*. With the permission of the Senate, the Chair will lay before it a message from the President of the United States.

The Chief Clerk read as follows:

To the Senate of the United States:

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith without my approval Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

U. S. GRANT.

EXECUTIVE MANSION, *March* 31, 1876.

Mr. WRIGHT. I ask that not only the message but the accompanying documents be read, and I shall then move their reference to the Committee on Claims.

The PRESIDENT *pro tempore*. The accompanying communication will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *March* 30, 1876.

To the President:

Referring to the letter of the 25th instant, written by your direction, transmitting Senate bill No. 489, for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, and requesting my opinion as to the propriety of its approval by you, I have to say that there are no data on file in the Department, so far as I can learn, which indicate that the amount it is proposed by this bill to refund to the assignees of Mr. Cheatham was wrongfully collected or that the amount should be refunded.

The Commissioner of Internal Revenue, in his report to me in reference to the matter, says:

"The re-imbursement to the United States by said Cheatham of the salary paid to this store-keeper by the collector of internal revenue for the months of December, 1869, and January, 1870, was in accordance with the provisions of joint resolution of March 29, 1869, (volume 16 Statutes at Large, page 52,) and there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this store-keeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouse at that time."

The facts above stated are considered by this Office valid and serious objections to the approval of this bill, and they would have been communicated to the congressional committees before the passage of the bill had they called the attention of this Office to the subject.

The bill is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

B. H. BRISTOW,
Secretary.

Mr. WRIGHT. I move that the message be printed and referred to the Committee on Claims.

Mr. McCREERY. I want to make a few remarks before it is committed.

I confess my surprise at the contents of the extraordinary document which has just been read at the desk. It is probably the most remarkable State paper that ever emanated from the Executive Mansion. It is the joint production of the brain-power of this Administration. As a measure of economy it might live in the memories of a grateful people, unless its own injustice shall mark it for an early grave. The veto power was vested in the President to protect the people against the consequences of hasty and inconsiderate legislation. There is a check upon the abuse of this power in a two-third vote of each branch of Congress. The bill which has been returned with the objections of the President was neither hastily nor inconsiderately passed. It was carefully investigated by two committees and has twice passed the Senate. Under these circumstances we are led to inquire into the probable causes of its return, in order to vindicate the petitioners, the witnesses, the committees, and the Senate against the implied censure of their action in the premises. It is manifest from the phraseology of the message that it was prepared without reference to the evidence and in utter forgetfulness of the action of the Senate and of the Treasury Department in the matter. The veto itself is a hasty and ill-advised act, and should find a correction in the justice of the American Congress.

The petitioners, Drs. G. B. Tyler and E. H. Luckett, who are my neighbors and friends, need no vindication at my hands. It is no disparagement to the Secretary of the Treasury to say that, in point of sterling integrity, they are his peers or the peers of any man here or elsewhere. They would not pollute their touch with a cent that they did not honestly and conscientiously believe to be their own. They have that sensitive honor which shrinks instinctively from the semblance of wrong. The witnesses are numbered among our best and most reliable citizens, and the tongue of the foulest calumniator would not venture to whisper a suspicion of falsehood or perjury in connection with their names. William H. Perkins, Captain John Woolfolk, and William O. Speed, the store-keeper, move in a sphere beyond the reach of slander.

What, then, are the facts? William T. Cheatham gave notice that on the 14th day of December, 1869, he would permanently discontinue his occupation, and the officer of the Government proceeded to lock his furnace-doors and to close his distillery on that day. On and before the day mentioned Cheatham had sold his entire stock of whisky, the purchasers demanding permits for its removal and tendering the tax due to the Government, the collector refusing to grant the one or receive the other. Thus was this unfortunate man, ruined in his circumstances, worn down by disease, and a burden to his friends, compelled to pay $4 a day for a store-keeper until the 26th day of the following January, almost snatching the bread from the mouths of his helpless children. The two or three hundred dollars which he was forced by the Government to pay for the worthless bauble called the Tice meter was gone, and he, too, was rapidly going; but he had two friends who stood by him until he was wrapped in his winding-sheet, and they were the petitioners. In the jaws of death he thought of them, and sought to make some small return for their kindness and for their sacrifices in his behalf; but the Executive veto is interposed, and I fear the ends of justice will be defeated.

The Commissioner of Internal Revenue seems to think that any other distiller would have an equal right to make this demand, which only proves in my mind that he knows nothing at all about the merits of this application, and that the testimony relied upon by the petitioners was in the Capitol and on the files of the Senate when the Executive veto was prepared at the other end of the avenue. The suspicions of the Commissioner were evidently aroused from a belief on his part that there had been no application to his Department for the information which he would have been so ready and so willing to impart. He is aware that he is not the first man who ever filled this position, and if he had extended his researches back as far as to the days of his immediate predecessor it might have saved his official dignity from a fancied slight.

Mr. MITCHELL. Will the Senator from Kentucky yield to me a moment? I simply desire to ask a question. The Senator from Kentucky reflects very severely upon the Executive for vetoing this bill.

Mr. McCREERY. I have sought to make no unjust reflections.

Mr. MITCHELL. I wish to put this question: Whether the mistake (because I agree with the Senator fully that there is a mistake in this veto) does not attach entirely to the Treasury Department, and not to the Executive? In other words, could the Executive have done otherwise on the letter from the Secretary of the Treasury than he did? That is the point. I agree that the veto is all wrong.

Mr. McCREERY. We are told, and we believe truly, that "there were brave men before Agamemnon," and so there were Commissioners of Internal Revenue before Daniel D. Pratt was installed into that honorable position. So far from making any attempt to evade or avoid the scrutiny of the Commissioner, the papers were filed first in his Office, and his special attention was directed to them by a resolution of the Senate, and his response accompanying the papers was sent to the Committee on Claims, of which it is believed Mr. Pratt was a member at the time. If he ever had a doubt as to the merits of this claim, I never heard of its utterance in committee or on the floor of the Senate. Whenever a wrong is inflicted upon the citizen he turns trustfully and hopefully to his Government for redress; and if that redress is thwarted by unauthorized executive interference it becomes the high and the solemn duty of Congress to come to the rescue by the only means in their power, a two-thirds vote, in vindication of the right and in condemnation of the wrong. I ask that the Clerk shall read the report of the Committee on Claims.

The Chief Clerk read the following report, submitted by Mr. MITCHELL, from the Committee on Claims, May 25, 1874:

The Committee on Claims, to whom was referred the petition of G. B. Tyler and E. H. Luckett, assignees of W. T. Cheatham, praying to be re-imbursed for certain moneys wrongfully paid to the Government as a distiller of whisky, in Kentucky, have had the same under consideration, and beg to submit the following report:

William T. Cheatham was engaged in the manufacture of whisky in Daviess County, Kentucky, in the year 1869; that petitioners were his bondsmen to the Government as such distiller; that on the 14th day of December, A. D. 1869, said Cheatham permanently discontinued his said distillery, and all taxes and charges then due on all liquors in bond were then tendered to the collector of internal revenue by Cheatham, having sold all said liquor to third parties; and on that day notice of such permanent discontinuance was filed in the office of the United States assessor of the second district of Kentucky, in which district said distillery was located; that the collector of said district wrongfully refused to issue permits to the purchasers of said whisky for the removal of the same from the bonded warehouse for a period of fifteen days, in December, 1869, and twenty-six days in 1870, in all, forty-one days, during which period of forty-one days said Cheatham was wrongfully assessed the salary of a store-keeper of said bonded warehouse, to wit, $4 per day, amounting in all to the sum of $164, which amount said Cheatham afterward, in December, 1870, paid to the collector of internal revenue for said district; that, in consideration of moneys advanced by petitioners to said Cheatham and for his benefit, he, Cheatham, transferred to petitioners all his right to such moneys so wrongfully collected and the right to collect the same.

Wherefore your committee report the accompanying bill and recommend its passage.

Mr. McCREERY. I ask that the Clerk shall read the resolution offered by myself January 5, 1874.

The Chief Clerk read as follows:

CLAIM OF W. T. CHEATHAM.

Mr McCREERY submitted the following resolution, which was considered by unanimous consent, and agreed to:

"*Resolved*, That the Secretary of the Treasury be requested to furnish to the Sen-

ate the papers on file with the Commissioner of Internal Revenue in the case of W. T. Cheatham, distiller in the second district of Kentucky, with an opinion from said Commissioner of Internal Revenue as to the equity of a drawback of $164 alleged to have been improperly and unlawfully collected by the revenue officers of said district."

Mr. McCREERY. I ask for the reading of the following letter from the Secretary of the Treasury.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 15, 1874.

SIR: As requested in the Senate resolution of the 5th instant, I herewith transmit the papers in the case of W. T. Cheatham, distiller in the second district of Kentucky, together with an opinion of the Commissioner of Internal Revenue as to the equity of refunding to the said Cheatham the sum of $164.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. M. H. CARPENTER,
President of the Senate pro tempore.

Mr. McCREERY. I ask the Clerk to read the following letter from the Commissioner of Internal Revenue.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., January 13, 1874.

SIR: In response to the inclosed resolution of the Senate, I herewith transmit to you the original application on form 46 of E. H. Luckett and G. B. Tyler, assignees and sureties on the distiller's bond of William T. Cheatham, of the second district of Kentucky, together with all the papers accompanying said application, asking to have refunded the sum of $164. It appears from the correspondence of this Office with Collector J. R. Rend that William T. Cheatham was in arrears for taxes due from him as distiller; but if it shall, however, be shown that all the whisky in bond had been sold to *bona fide* purchasers and that the taxes due thereon had been tendered to the collector prior to the 14th day of December, 1869, (the day of permanent discontinuance of said William T. Cheatham's distillery,) and, before seizure and distraint, then I am of opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. W. A. RICHARDSON,
Secretary of the Treasury, Washington, D. C.

Mr. McCREERY. I move now that the veto message and the papers be referred to the Committee on Claims.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2454) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows; and

A bill (H. R. No. 2678) to authorize the sale of the Pawnee Indian reservation.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Secretary will continue the reading of the bill which was interrupted by the message.

Mr. THURMAN. The bill had been read and also the report, and the question is on the passage of the bill.

Mr. CAMERON, of Pennsylvania. I move that the Senate now proceed to the consideration of executive business.

Mr. THURMAN. I appeal to the Senator to let a vote be taken on this bill.

Mr. CAMERON, of Pennsylvania. I will yield for that purpose.

Mr. CONKLING. What is the bill?

Mr. THURMAN. It is a little private bill, Senate bill No. 627, making an appropriation to pay the claim of Butler, Miller & Company.

Mr. EDMUNDS. Let us hear the bill read.

The Chief Clerk read the bill.

Mr. WRIGHT. I wish to say that this bill and the one that follows stand upon precisely the same facts. If this bill is considered now, I shall insist that the other be considered also. If the Senator from Pennsylvania gives way with his motion for an executive session at this time, I shall expect him to give way with the understanding that we shall consider both bills.

Mr. EDMUNDS. We had better have an executive session then.

Mr. WRIGHT. They turn upon precisely the same facts. If one case is decided, the other is decided also.

Mr. THURMAN. What is the other case?

Mr. WRIGHT. The bill immediately following. One is for the relief of Butler, Miller & Company, and the other is for the relief of Anderson and White, for property taken at the same time, under precisely the same circumstances. The same facts are involved in the one case as in the other.

Mr. THURMAN. Then both ought to pass.

Mr. CAMERON, of Pennsylvania. Then I am sorry to say that I cannot give way.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania insists upon his motion that the Senate proceed to the consideration of executive business. The question is upon that motion.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2454) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 2678) to authorize the sale of the Pawnee Indian reservation was read twice by its title, and referred to the Committee on Appropriations.

IMPEACHMENT OF W. W. BELKNAP.

On motion of Mr. EDMUNDS, it was

Ordered, That the articles of impeachment presented this day by the House of Representatives be printed for the use of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 4, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864;

An act (S. No. 575) for the relief of Charles E. Hovey;

An act (S. No. 682) to suspend the sale of the jail on Judiciary Square, and for other purposes;

An act (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut; and

A joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday.

RELIEF FOR PAWNEE INDIANS.

The SPEAKER laid before the House the following communication from the President of the United States:

The Clerk read as follows:

To the House of Representatives:

I have the honor to transmit herewith for your information a communication from the Secretary of the Interior of this date upon the urgent necessities of the Pawnee Indians.

This tribe has recently been removed to the Indian Territory, and is without means of subsistence except as supplied by the Government. Its members have evinced a disposition to become self-supporting, and it is believed that only temporary aid will be required by them. The sums advanced by the United States for this purpose it is expected will be refunded from the proceeds of the sale of the Pawnee reservation in Nebraska.

The present destitute condition of these Indians would seem to call for immediate relief, and I recommend the subject to your early and favorable consideration.

U. S. GRANT.

EXECUTIVE MANSION, *April* 3, 1876.

The message and accompanying papers were referred to the Committee on Indian Affairs, and ordered to be printed.

HOLIDAY ON APRIL 14, 1876.

The SPEAKER. It is the duty of the Chair to lay before the House the following communication.

The Clerk read as follows:

WASHINGTON, D. C., *April* 3, 1876.

SIR: On behalf of the national committee of arrangements and in the name of the colored people of the United States, I have the honor to express most grateful thanks for the passage by the House of Representatives of the joint resolution (S. No. 12) declaring the 14th day of April, 1876, a holiday, and to extend to you, and through you to the honorable House, a most cordial invitation to be present at the inauguration ceremonies of the Lincoln statue, which will be unveiled in Lincoln Park, in this city, at one o'clock p. m. on that day.

Very respectfully, your obedient servant,

JOHN M. LANGSTON,
Chairman of the Committee.

Hon. M. C. KERR,
Speaker of the House of Representatives.

Some time subsequently,

Mr. HOAR, by unanimous consent, submitted the following resolution:

Resolved, That the Speaker be directed, in behalf of the House, to accept the invitation just received to be present at the unveiling of the statue of Abraham Lincoln on the 14th day of April, current.

The SPEAKER. Before taking the sense of the House on this resolution, the Chair will direct the communication from Mr. Langston to be again read.

The communication was read as above.

The question was upon adopting the resolution.

Mr. RANDALL. Does that involve an adjournment of the House over that day?

Mr. HOAR. That day is declared by a joint resolution of Congress to be a legal holiday for this year; therefore there will be no business of the House on that day.

Mr. RANDALL. Why not?

Mr. HOAR. It is a legal holiday.

Mr. RANDALL. The House can sit on Sunday if it chooses.

Mr. HOAR. I do not desire to press this resolution if there is any serious objection to it. Congress having by law made the 14th of April a legal holiday for the purpose of this celebration, and as there will be no business transacted that day in any of the Departments of the Government or in any court, I supposed that there would be none done in the House.

Mr. RANDALL. Will the gentleman from Massachusetts indicate the hour at which this unveiling will take place?

Mr. HOAR. At one o'clock on the 14th.

Mr. RANDALL. This would involve the loss of that day.

Mr. HOAR. I think there will be no objection; but I certainly will not press the resolution against objection.

Mr. RANDALL. I will make none.

Mr. COX. I remember when this joint resolution was proposed to make the 14th day of April a legal holiday, and the idea was to make it a legal holiday for the employés of the Government and also for commercial and other purposes; but it was never intended that Congress should lose that day. We sometimes have sat here on the 22d day of February and on the 8th of January. That would be no reflection on the gentlemen who invite us. On the contrary, we have done all that we can to be courteous to them.

Mr. HOAR. This is a matter in which the entire colored people of this country take very great interest. From their little means they have contributed a considerable sum of money and have obtained a statue of Mr. Lincoln, whom they regard as one of their great benefactors, as I am sure all American citizens do, which statue is said by competent judges to be a work of art of a very high order. It is to be presented by the colored people to the nation and placed in a public park in this city. Now as Congress, in recognition of that interest, has declared that that day shall be a legal holiday, I am quite sure the House will be glad, even if it does transact business in other portions of the day, to interrupt its business at one o'clock for a short time, so that we may see the statue unveiled.

Mr. KASSON. And we can have an evening session, if necessary, on that day.

Mr. RANDALL. I admit myself that there are peculiar reasons why honor should be done to the memory of Mr. Lincoln. With this explanation, I will interpose no objection whatever to the adoption of the resolution.

The resolution was then adopted.

Mr. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT FAYETTEVILLE, NORTH CAROLINA.

Mr. WADDELL, by unanimous consent, introduced a bill (H. R. No. 3023) to authorize the purchase of a building at Fayetteville, North Carolina, for a post-office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES SIGNAL SERVICE.

Mr. O'NEILL. I ask unanimous consent to present the resolutions of the Vessel Owners and Captains' Association of Philadelphia. I ask that they may be read and referred to the Committee on Appropriations, and printed in the RECORD.

There was no objection, and it was so ordered.

The resolutions, which were read, are as follows:

VESSEL OWNERS AND CAPTAINS' ASSOCIATION,
Philadelphia, March 16, 1876.

At the annual meeting of the Vessel Owners and Captains' Association, held March 1, 1876, the following resolutions were unanimously adopted, and ordered to be sent to the members of Congress:

Resolved, That this association does hereby recognize the efficiency of the United States Signal Service, and the importance of the results of its observations to commerce.

Resolved, That we do hereby authorize and instruct the board of directors to at all times urge upon Congress the great importance of making liberal appropriations to the United States Signal Service, to the end that its observations may be extended in all directions, but more especially to storms approaching our coasts from the Atlantic.

Resolved, That this association recognize the importance of the work now being carried on by the hydrographic branch of the Navy Department, and that we feel the importance of continuing the same by a liberal appropriation by the Government.

Extract from the minutes.

JOHN W. EVERMAN,
President.

Attest:

CHAS. H. STEELMAN,
Secretary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed a bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress; in which the concurrence of the House was requested.

The message further announced that the Senate is ready to receive the managers for the purpose of exhibiting articles of impeachment, agreeably to notice received.

AMENDMENT OF SECTION 1044 OF THE REVISED STATUTES.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to ask the unanimous consent of the House to report back the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes, with the recommendation that it be immediately passed. I desire to say for the information of the House that I have had conferences with the Solicitor of the Treasury and with the Attorney-General of the United States in regard to the subject-matter of the bill, and that they are both exceedingly anxious that it shall become a law at the earliest possible moment.

The bill was read. It provides that section 1044 of the Revised Statutes of the United States be amended so as to read as follows:

No person shall be prosecuted, tried, or punished for any offense not provided for in section 1043 or in section 1046, unless the indictment shall be found, or the information instituted, within three years after such offense has been or may be committed.

Mr. KNOTT. I send to the desk to be read for the information of the House a letter from the Attorney-General on the subject.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, April 1, 1876.

SIR: In the prosecution of various crimes against the United States the Government is likely to be embarrassed by the statute of limitations which will take effect before the evidence can be sufficiently developed to procure indictments. As the law now stands, crimes arising under the revenue laws are not barred by the statute of limitations until the expiration of five years next after the crime is committed, but in all other cases, except for a capital offense, no person can be prosecuted unless the indictment is found within two years after the offense is committed.

I respectfully suggest that there are many crimes the punishment of which is quite as much demanded by public justice as is the punishment of crimes against the revenue laws; and that the limit of two years, in a country like ours, is too short.

I respectfully suggest to the committee that the limitation of two years named in section 1044 of the Revised Statutes be repealed and the limit be made three years instead of two.

I have the honor to remain, your very obedient,

EDWARDS PIERREPONT,
Attorney-General.

Hon. J. PROCTOR KNOTT,
Chairman of the Judiciary Committee, House of Representatives.

Mr. STEVENSON. I did not distinctly hear the bill when read. I would like to have it reported again.

The bill was again read.

Mr. LAPHAM. I rise to make a suggestion to the chairman of the Committee on the Judiciary. I suggest that this limitation be extended to five years instead of three, so as to make all prosecutions uniform in the Federal courts.

Mr. KNOTT. I have no objection to the gentleman's offering an amendment to that effect.

Mr. CALDWELL, of Alabama. I desire to inquire of the Chair if an objection would carry this bill over?

The SPEAKER. It would do so, if made in time; but the Chair cannot hold that an objection now is in time.

Mr. CALDWELL, of Alabama. Are amendments in order?

The SPEAKER. With the consent of the gentleman who controls the floor.

Mr. LAPHAM. With the consent of the chairmain of the committee, I move to strike out the word "three" and insert "five."

Mr. KNOTT. I yield to the gentleman for the purpose of offering that amendment.

Mr. LAPHAM. This will make the law of limitation uniform in regard to all criminal offenses.

Mr. McCRARY. If that amendment should be adopted it would be necessary to remodel the entire bill. As the bill stands now it applies to all offenses except those named in two sections, to wit, section 1043 and section 1046; that is to say, as reported it applies to all except revenue cases and capital offenses. If the limitation be made five years, that limitation will apply to all except those cases. And as the law now applies that limitation to revenue cases, I apprehend that the law in relation to revenue cases might be repealed by this act if passed with this amendment.

Mr. KNOTT. I call the previous question on the bill and amendment.

Mr. HOAR. I desire to make a suggestion to the chairman of the committee and to the gentleman from New York [Mr. LAPHAM] also. If this bill applies to all offenses committed within the District of Columbia, and not merely offenses against the United States in general, but local offenses, for instance, libel committed in the District of Columbia, I think the extension to five years is too broad. If it is proposed to extend the limitation to five years, I think the bill should be recommitted, and some careful limitations and exceptions expressed. I do not wish to interfere with the course of the bill, but merely submit this suggestion to the discretion of the chairman. Certainly a statute of limitations much shorter than five years ought to apply to cases of libel in this District.

Mr. KNOTT. I will say, Mr. Speaker, that in yielding to the gentleman from New York in submitting his amendment I by no means concurred in the propriety of it. I think myself that the bill as reported by the committee is proper, more especially as it meets the concurrence of the Departments immediately interested in its passage, and which desire its passage at once. There is no objection at all to the limitation of three years, whereas there might be objection to extending it further, and I would not like to have the safety of the bill jeopardized by its being amended, inasmuch as it meets now the approbation of the Department.

Mr. LAPHAM. With the permission of the chairman of the committee, I will say that at the suggestion of a member of the Judiciary Committee I withdraw the amendment, as it is proposed, I understand, to consider a bill hereafter making the rule uniform in the United States courts.

Mr. KNOTT. I call the previous question.

Mr. HEWITT, of Alabama. I would like to call the attention of the chairman of the Committee on the Judiciary to the question whether this bill would not apply to cases already barred. I am satisfied that it is the law that it should not apply, and it will depend on the decision of judges from whom there is no appeal. I therefore want it expressed in the statute so there may be no doubt on the subject.

Mr. KNOTT. That question was discussed in the committee, and they agreed beyond any kind of controversy that it cannot apply to any cases already barred.

Mr. HEWITT, of Alabama. I am satisfied that that is the law, but why not express it?

Mr. KNOTT. I have called the previous question.

The question was on seconding the previous question; and on a division there were—ayes 71, noes 35; no quorum voting.

Mr. CALDWELL, of Alabama. I feel constrained to ask for tellers.

Mr. KNOTT. If the gentleman will allow me one word of explanation he will probably withdraw the call for tellers.

The SPEAKER. The Chair must suggest that debate is not in order, as the previous question is pending.

Mr. KNOTT. Very well.

Tellers were ordered; and Mr. KNOTT, and Mr. CALDWELL of Alabama, were appointed.

The House divided; and the tellers reported—ayes 118, noes 35.

So the previous question was seconded.

The main question was then ordered to be put; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PERSONAL EXPLANATION.

Mr. HARRISON. I rise also to a question of privilege. I find in the RECORD, in the discussion growing out of the closing of the doors late last evening, that the gentleman from Michigan [Mr. CONGER] asked whether the doors being closed would not be injustice to the members who could not then get in. My friend from Pennsylvania [Mr. RANDALL] remarked "they ought to have been here, and they are not entitled to that consideration." And I understand, sir, that warrants were issued for the apprehension of those not present. [Laughter.] I wish to state that since the beginning of the session I have never been out of this Hall a single day, and I have never been absent from my seat for over a few minutes at a time.

For the last three weeks I have been busy in an act of charity, endeavoring to discover the reasons of the bad ventilation of the House, for the preservation of the lives and health of the members of this House. In pursuance of these duties I was compelled to go into the air-ducts leading to this House, and was exposed to the vicissitudes of heat and cold, of a temperature sometimes at 150°, and then almost freezing. The result is, sir, that I have been attacked by a violent rheumatic affection, culminating yesterday so that I could not occupy my seat for longer than a few moments at a time. Having voted on the Kilbourn resolution, I asked my friend from Pennsylvania [Mr. RANDALL] and the gentleman from Missouri [Mr. BUCKNER] if I then could not go. I was told that nothing more would be done; and while the propriety of this House was being shocked by the confusion of last evening's proceeding, I was seated in an electrical chair, my nerves being shocked by the currents of lightning rushing through them.

I think, sir, under the circumstances the remarks of my friend, Mr. RANDALL, were uncalled for, and had he thought for a moment he certainly would have excused me at least.

DR. MARSHALL'S INDELIBLE INK.

Mr. HAMILTON, of Indiana. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the merits of Dr. D. M. Marshall's patented indelible ink for the cancellation of postage-stamps, and also as to the policy of its adoption by the Post-Office Department to prevent the frauds now being perpetrated by the use of washed stamps; and said committee be instructed to report to the House by bill or otherwise.

Mr. O'BRIEN. I object unless the gentleman allows an amendment to make the resolution of a general nature.

Mr. HAMILTON, of Indiana. I cannot see what objection there can be made to it.

The SPEAKER. Objection being made, the resolution is not before the House.

MILITARY OFFICERS ABSENT FROM DUTY.

Mr. BLACKBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be directed to inquire and report to this House under what law, in obedience to what orders, for what purpose, and at what expense to the Government Brevet Major-General Emory Upton, Brevet Brigadier-General George A. Forsythe, and Brevet-Major Joseph P. Sanger, officers of the Army of the United States, are now absent in foreign countries, how long they have been so absent, and whether they should not be ordered back to their respective commands.

SEALS, LOCKS, ETC., IN REVENUE SERVICE.

Mr. ELY. The Committee on Expenditures in the Treasury Department have instructed me to report back a resolution which I send to the Clerk's desk and ask that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury and the Commissioner of Internal Revenue be requested to furnish this House with copies of all contracts and the character of any verbal contracts entered into by any person or persons for furnishing paper or glass seal locks, or other locks or seals, for their respective Departments, or any branch thereof, since the 4th of March, 1869, to the present time, and to inform this House what, if any, changes in the contracts for such locks or seals have been made, or what, if any, changes have been made in the character of the locks or seals in use, or those which have been in use, and the reasons for such changes; and to furnish all correspondence relating to contracts or to changes made in the contracts or in the character of the various locks or seals used by their respective Departments since that date for the protection of the revenues of the Government; and if any commissions have been instituted, to examine into the character of locks and seals presented to their respective Departments for adoption, the reports made by such commissions, together with the names of the persons constituting such commissions; and further to inform this House what methods are now employed in the shape of locks or seals or other implements for the purpose of protecting bonded goods in transit and goods in bonded warehouses, and the character of such locks or seals or other implements used by the Treasury Department, or that of the Internal Revenue or any of its branches, at the present time, and all expenditures in regard to the same.

The resolution was adopted.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LORD. On behalf of the managers appointed to conduct the impeachment of William W. Belknap, late Secretary of War, I am directed to offer the following resolution:

Resolved, That the managers appointed to conduct the impeachment of William W. Belknap be authorized to employ a clerk, to be paid $5 per day, and have power to send for persons and papers.

The resolution was adopted.

Mr. LORD. In behalf of the managers of the impeachment of William W. Belknap, I ask permission that they may retire from the House for the purpose of presenting the articles of impeachment to the Senate.

The SPEAKER. Is there objection to the request that the committee of managers on the part of the House have leave to retire to present the articles of impeachment in due form and manner to the Senate of the United States?

Mr. KASSON. I suggest that the gentleman enlarge his motion so as to give the managers leave of absence for all proceedings in the performance of their duty as managers.

Mr. LORD. I have no objection to that. But on this occasion, in accordance with the rules of proceeding adopted by the Senate, nothing will be done except the reading of the articles of impeachment. I find that it has not been customary (the case of Andrew Johnson being an exception in this respect) for the House to go over to the Senate on the presentation of articles of impeachment; but when the trial comes on it is usual for the House to go over and attend the opening of the case, and also to adjourn from day to day during the trial for the purpose of enabling members to go there as they please. I have no objection whatever to the suggestion, but I find it is not usual for the House to attend the presentation of the articles.

The SPEAKER. If there be no objection, the motion of the gentleman from New York, [Mr. LORD,] with the modification suggested by the gentleman from Iowa, [Mr. KASSON,] will be adopted.

There was no objection.

ADMISSION TO THE FLOOR.

Mr. LORD. Mr. Speaker, I rise to a question of privilege under the rules. I ask the Clerk to read the latter part of Rule 134.

The Clerk read as follows:

Provided, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no person except those herein specified shall at any time be admitted to the floor of the House.

Mr. LORD. As a matter of duty, the question having been pressed upon my attention from various quarters, I request that that rule may be enforced, and that ex-members who are admitted to the floor may be required to sign the statement mentioned before they are admitted to the floor.

The SPEAKER. Does the gentleman from New York also urge the enforcement of the other part of the rule, providing that no other persons than those specified in the rule shall be admitted to the floor?

Several MEMBERS. "O, no!"

The SPEAKER. If the House will so order, the Chair has no doubt that infinite good will result to the public service from such an order. With the loose manner in which the rule on this subject is now enforced, it is impossible to keep the spaces outside the seats of members clear of those not entitled to the privilege of the floor. The Chair is often importuned to give to gentlemen passes to the floor, and many times he feels it his duty not to refuse. Members are no doubt still oftener so importuned, and they often give like permissions or in other ways admit their friends. Now, if the rule is to be enforced, to which the Chair makes no objection, it will add wonderfully to the capacity of this House to proceed expeditiously and intelligently with the transaction of business.

Mr. WOOD, of New York. Will the Chair allow me a remark? We have rules already with reference to this question; but they have been not only in this Congress, but within my experience during the last fifteen years, entirely disregarded. I submit whether it is worth while

to have any rules at all unless they are rigidly enforced. The complaints now made are only a repetition of the same difficulty that has been experienced here for many years. Therefore I hope that any rule which we may adopt will be enforced, if in securing that end it be necessary to discharge every doorkeeper connected with this establishment.

Mr. RANDALL. During all my service here it has been the uniform practice of all Speakers, I believe, to exercise this privilege of issuing passes to the floor; I say this much in justice to the present occupant of the chair, to show that he is only following the uniform practice in this matter. In some respects the practice has good results; in others I suppose it works evil at times. But in view of the statements made, I think it had better be understood that this rule is to be enforced for the remainder of this session. I think that thereby business will be expedited, members will be more protected from interruption, and, as my friend from Illinois [Mr. HARRISON] suggests, ventilation will be improved.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LORD. I rise to a question of privilege. I do not understand from the action of the House whether it is expected that the managers in the impeachment shall go to the Senate alone to present the articles of impeachment, or whether the House is to accompany them. If the House is to accompany the managers, the Senate will have to make fuller arrangements than have been made with the expectation of the managers going alone.

The SPEAKER. The Chair understood the gentleman from New York, [Mr. LORD,] in his opening statement on this subject, not to express any desire that the House, as a body, should accompany the managers on this occasion to the Senate. If, however, such is the desire of the managers, and the gentleman from New York wishes the sense of the House to be taken on the question, the Chair will submit it.

Mr. LORD. No, sir. A gentleman over here [Mr. KASSON] made, as I understood him, a suggestion of that kind, to which I replied that I had no objection. Conforming to the arrangements made by the Senate, we had supposed that the managers would go over alone and present the articles; but while the Senate of the United States can in a few minutes get ready to receive the House, they are not yet ready. Therefore I have no desire on that subject one way or the other. If the House prefers to go, notice should be sent over to the Senate.

Mr. RANDALL. In the instance of the Johnson impeachment the House did go, but that was an impeachment of the President of the United States.

Mr. KELLEY. In the impeachment of Judge Humphreys, of Tennessee, during the Thirty-seventh Congress the House attended the managers to the bar of the Senate.

Mr. FRYE. Those are the only two cases.

The SPEAKER. The Chair begs leave to call the attention of the House to the language of the resolution of the Senate which has just been brought here and read. It is in this limited style: That the Secretary inform the House of Representatives the Senate is ready to receive the managers for the purpose of presenting articles of impeachment.

Mr. HOAR. That resolution of the Senate is in reply to a communication from the House that the House had selected managers to present articles of impeachment; that the House did not propose to do it as a body, but by the managers it had selected.

Mr. KELLEY. In the case of the impeachment of Judge Humphreys, I remember it was stated to the House that the usage was for the House to attend the managers. I have never looked up the record myself, but I have a distinct recollection that statement was made and that the House did attend the managers.

Mr. FRYE. It was done only in those two cases.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER. The regular order of business is demanded, and the morning hour now begins at one o'clock and fifteen minutes. The call of committees for reports of a public nature is now in order, the call resting with the Committee on Foreign Affairs.

JAPANESE INDEMNITY FUND.

Mr. SWANN, from the Committee on Foreign Affairs, reported a bill (H. R. No. 3024) in relation to the Japanese indemnity fund; which was read a first and second time.

The bill, which was read, authorizes and directs the President to pay over to the government of Japan the fund now in the custody of the Secretary of State, known as the Japanese indemnity fund, including the interest and accumulations thereof, excepting and reserving the sum of $125,000 which is claimed by certain officers and others of the United States Navy, which said sum so reserved shall remain in the custody of the Secretary of State until Congress shall otherwise direct.

Mr. HALE. I make the point of order that the bill must have its first consideration in the Committee of the Whole.

Mr. SWANN. I ask the gentleman to wait until the report I submit from the committee is read by the Clerk.

Mr. HALE. Is it reported for consideration now?

Mr. BANKS. It is not, but for the purpose of having its consideration assigned to a future day.

Mr. HALE. My point of order applies as well that the bill makes a point of order.

Mr. SWANN. I ask that the report I have submitted be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the joint resolution (H. R. No. 49) submitted by Mr. MONROE, of Ohio, in relation to the Japanese indemnity fund, having had the same under consideration, have instructed me to report as a substitute therefor the accompanying bill.

The committee further recommend that the accompanying bill be read a first and second time to-day, that it be ordered to be printed, and that the further consideration of the bill be postponed and made the special order for Thursday, April 27 instant, immediately after the morning hour; and that the committee have leave to report upon the facts in connection with the Japanese indemnity fund at the time set for the consideration of the bill, by a printed report.

Mr. BANKS. This bill will necessarily go to the Committee of the Whole, but the Committee on Foreign Affairs has been engaged for some two weeks or more in an investigation of a matter referred to it, and have not had time to agree upon a report. The proposition of the chairman of the committee is, this should be referred to the Committee of the Whole and its consideration assigned for the 27th day of this month, and from day to day until disposed of; and, further, that the committee may have leave to report in print.

There being no objection, it was ordered accordingly.

Mr. BANKS moved to reconsider the vote by which the report of the committee was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CHARGES AGAINST GEORGE F. SEWARD.

Mr. SPRINGER, from the Committee on Foreign Affairs, reported back a message from the President, transmitting a communication from the Secretary of State in response to a resolution of the House of February 23, calling for information with regard to charges made against George F. Seward, minister to China, and moved that it be referred to the Committee on Expenditures in the State Department; which motion was agreed to.

J. E. ROBERTSON & CO.

Mr. TUCKER, from the Committee of Ways and Means, reported back a bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana, with a favorable report; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

MINES AND MINING.

Mr. DURHAM. I wish to make a parliamentary inquiry of the Chair. House bill No. 2284, reported from the Committee on Mines and Mining, was made the special order for a day now passed, and I would like to know whether I can call that bill up for consideration at this time?

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) Committees are now being called for reports of a public nature in the morning hour, and it is not in order for the gentleman to call up for consideration at this time the bill to which he refers.

SECURITY OF PROPERTY IN PATENTS.

Mr. SAMPSON, from the Committee on Patents, submitted an adverse report on a bill (H. R. No. 2492) for the better security of property in patents for metallic castings; which was laid on the table, and ordered to be printed.

IMPROVEMENT OF THE CAPITOL GROUNDS.

Mr. WALSH, from the Committee on Public Buildings and Grounds, reported back a bill (S. No. 417) for continuing the work of improvement on the Capitol grounds, with an amendment.

The bill provides that for continuing the work of improvement on the Capitol grounds during the present fiscal year the sum of $25,000 is hereby appropriated.

The amendment of the committee is to strike out $25,000 and insert $20,000.

Mr. WILSON, of Iowa. I make the point of order that the bill must have its first consideration in Committee of the Whole, as it makes an appropriation.

The SPEAKER *pro tempore*. The point of order is well taken, and the bill is referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

COUNTY BUILDINGS IN DUBUQUE.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back, with the recommendation that it do pass, the bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes.

The bill was read. It gives the consent of the United States to the proper authorities of the county of Dubuque, in the State of Iowa, (the consent of the proper authorities of the city of Dubuque and also of the owners of property fronting on said square or heretofore located by description on said square being first had and obtained,) to the construction of such public buildings as may be necessary for court purposes and for the public officers of said county in the public park in the city of Dubuque known as Washington Square; and whatever title the United States now has to said premises is thereby

relinquished to the county of Dubuque for the purposes therein indicated, and for no other.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTIONS 4924 TO 4928 OF THE REVISED STATUTES.

Mr. SAMPSON. There is another bill on which I have been directed to present a report from the Committee on Patents. I ask unanimous consent that, although the call has passed that committee, I may be allowed to present the report now.

There was no objection.

Mr. SAMPSON, from the Committee on Patents, reported back, with an adverse recommendation, the bill (H. R. No. 1470) to repeal sections 4924, 4925, 4926, 4927, and 4928 of the Revised Statutes of the United States; and the same was laid on the table, and the accompanying report ordered to be printed.

CUSTOM-HOUSE LOT IN ROCKLAND, MAINE.

Mr. PLAISTED, from the Committee on Public Buildings and Grounds, reported back, with the recommendation that it do pass, the bill (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine.

The bill was read. It authorizes the Secretary of the Treasury to sell and convey a strip of land from the easterly side of the custom-house lot in Rockland, Maine, being that part of the lot lying easterly of the proposed street running through the lot, being about 18.6 feet wide at the northerly end and running southerly 121.4 feet to a point, and containing about 1,122 square feet, at public auction or private sale; provided that said land shall be sold for not less than the original cost to the Government; and provided further that the sale of said land shall be made in one year from the approval of the act.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. PLAISTED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS MORAN'S PAINTINGS.

Mr. WADDELL, from the Joint Committee on the Library, reported back, with the recommendation that it do pass, the joint resolution (S. No. 11) to authorize the Joint Committee on the Library to send two paintings by Thomas Moran to be exhibited at the centennial exhibition at Philadelphia.

The joint resolution was read. It authorizes the Joint Committee on the Library of Congress to permit Thomas Moran to exhibit at the international exposition at Philadelphia the two paintings executed by himself entitled "The Cañons of the Yellowstone" and the "Chasms of the Colorado;" provided the said Moran shall cause the same to be insured to the satisfaction of the chairman of the Joint Committee on the Library of Congress for the benefit of the United States against loss by accident or otherwise, and shall return the same to their places in the Capitol on or before the 1st day of December next.

The question was on ordering the joint resolution to be read a third time.

The question being taken, there were ayes 52.

Before the noes were counted,

Mr. COX said: I would like to hear from the gentleman from North Carolina [Mr. WADDELL] his reason for reversing the action of the House the other day on this subject.

The SPEAKER *pro tempore*. It is hardly in order to permit debate during a division, but the Chair will tolerate it in order to expedite the business of the House.

Mr. WADDELL. I can only say on behalf of the Library Committee, in answer to the question of the gentleman from New York, what I have already twice said in this House, that this joint resolution was before the Committee on the Library of the Senate, and it comes here as having passed unanimously the Library Committee of the Senate. The conditions on which those paintings are to be taken to the exhibition are set forth in the resolution. But if it is the pleasure of the House to refuse to allow the artist to take his pictures there under those conditions I have no objections to make, nor have the committee. The House can dispose of the matter just as they please. It is desired to take these paintings to the exhibition as specimens of American art. They will be taken there and kept in good order, and will be insured even to the extent of being reproduced if injured. I yield to my colleague on the committee, the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. My colleague yields to me the floor for a moment, and I am in danger of repeating something he has said, because I did not hear him very distinctly. I will state in a word what was the motive of the Joint Committee on the Library in recommending the passage of this resolution. It is all summed up in a single sentence. We do feel some interest in having a creditable art-exhibition at Philadelphia. That is all there is about it. And we do not know of any paintings about this Capitol which are more characteristic, which are more strictly national, which would be more interesting or more instructive to submit to foreigners visiting this country than those pictures of Moran.

Some members on the floor have spoken to me as if this were in some sense a private bill. It was not with that spirit that the Joint Committee on the Library considered it. Nor is it in that spirit that they have recommended its passage by the House. We have agreed upon it and recommended it in the interest of the centennial exhibition, because we wanted a great art-exhibition there. And, Mr. Speaker, I hope the House will permit me to add that we are in danger of not appearing as well as other nations have appeared in that department when these great exhibitions have been held. At the Paris exposition the British government—I want the gentleman from New York just to hear this—took thirty-five of the best paintings they had from the South Kensington Museum and sent them to Paris at the expense of the government and in charge of officers deputed by the government, in order that Great Britain might appear reputably as a country that could produce great works of art. At that exposition the same thing was done by all the great powers of Europe.

At the Vienna exposition, Great Britain appeared there in great force in this respect. Now, sir, we are to have a great centennial exposition upon our own soil, upon an occasion of great interest, just such an occasion as cannot come again for one hundred years. The Joint Committee on the Library all feel that it would not be creditable for the United States, after a growth and existence of one hundred years, to have an exposition of this kind and invite all the great powers of Europe to be present without offering something worthy the name of art; and, as it is quite in our power to contribute something from the Capitol that would help the reputation of the country in that respect, we thought that we would accede to the request of the painter, who himself offered to take charge of these works, which of course he himself is proud of and would do his best to protect, and to allow him to have these paintings conveyed to Philadelphia.

Mr. PLAISTED. I would like to ask the gentleman whether the committee would not grant the same privilege to other artists whose works are about this Capitol and thus strip the Capitol of art when the Capitol is to be exhibited?

Mr. MONROE. I would reply very frankly that I think the Joint Committee on the Library would be disposed to accede to the same request in the case of other works of art so far as they thought they would do us credit at the exhibition. That is just how I should feel about it.

We shall not be on exhibition in the Capitol. We shall be on exhibition in Philadelphia. We have not invited the world to come to Washington to see the productions of the United States, but to come to Philadelphia, and that is where they will expect to find them.

I have already stated that when an exhibition of this kind has been held on the continent of Europe the great powers have stripped their galleries and left the walls bare in order to make a creditable exhibition.

Mr. PLAISTED. In that case the exhibition was in another country.

Mr. MONROE. They send their works of art to the places where the world would see them. I want to send these works of art to Philadelphia, where those who visit us from abroad will see them and where they will do us some credit. I have no motive in this matter myself, and I think I am justified in saying for the committee that the only motive we have in the world is this: that we want the nation to appear well in this department of art in which we are not of course quite as well up as the older nations relatively to our progress in other respects.

Mr. WOOD, of New York. Mr. Speaker, I should be very sorry if any of the paintings about this Capitol should be presented to the governments of Europe or to the artists of Europe as an indication of the advancement and progress of the people of the United States in the arts. I do not believe that any of the paintings that have recently been introduced into our Rotunda or into either House of Congress would be a fair specimen or indication of the performances and the advancement which the people of this country have made in the arts. You and I know, sir, that there have been other influences which have in recent years been introduced into the Capitol which have induced the selection and the paying for of artistical productions other than those which have applied exclusively to the merits of the productions themselves, and if the gentleman from Ohio, [Mr. MONROE,] for whose opinion I have the profoundest respect and who has always been actuated in his course in this House by purely conscientious and correct motives, desires to place this proposition on the ground that we want to exhibit the paintings referred to as an indication of the progress of this great nation in the arts, I take exception. I believe there is no private gallery of paintings in New York, Philadelphia, or Boston that is not far in advance in its productions of art to anything that we have here, and therefore, upon that ground, I should be sorry to see this proposition carried out.

But, sir, the references made to the expositions of London, Paris, and Vienna do not apply to this case. Those expositions were exclusively governmental enterprises; governmental in every sense of the word; governmental in their origin, governmental in their expenditures, governmental in their surveillance and control. Individuals and the people as such had nothing to do with them except to bring their works there for exhibition for the purposes of enterprise

and of sale. This is not our case; this centennial exhibition is a private enterprise, very laudable and initiated under circumstances and at a period that necessarily commanded the patriotic attention of the people of the United States, and the Government of the United States has accorded to it its countenance; nothing more, nothing less.

I had the honor to be on the Committee on Foreign Affairs to which this subject was originally referred. We considered it in that relation, and agreed to invite the nations of Europe to recognize and participate with us in this simple exhibition.

Now, sir, whatever the governments of Europe may have done in giving their works of art, as they gave their treasure, as they gave all the power and influence officially of the governments themselves toward the advancement of the exhibition and the progress of the people, not only in the arts but in industry, does not apply to this case. We are asked, after an appropriation of $1,500,000, after giving it our official sanction, after extending invitations to the governments of Europe to send contributions—we are asked to go further, and strip this Capitol of everything in the nature of art belonging to the Government of the United States. We might as well be required to take those paintings beside the Speaker's chair and send them to Philadelphia, because we may as well be asked to contribute them, which, as works of art, are better than those which have been referred to.

Why, sir, if you were to extend that principle, then, as my colleague [Mr. COX] very properly said the other day, you might transfer the Rotunda and the Dome of this Capitol to Philadelphia for the purpose of making a poverty-stricken exhibition to gratify people who have no interest or care for us as a nation or in our Government. I hope this proposition will not be adopted, that we will give nothing that belongs to us officially, in the way of paintings or works of art or anything else, to be shown there at Philadelphia. The people who come to this country from abroad will of course come to Washington; and, if we carry out the principle involved in this joint resolution, they will see that we have stripped our Capitol for the purpose of making an exhibition at Philadelphia. In my judgment that of itself would show us in a very unfavorable light.

Mr. MONROE. I am sure the gentleman from New York does not mean to make the impression that the nation is not be one of the exhibitors at Philadelphia, for all the Departments here are making preparations to exhibit there.

Mr. WOOD, of New York. I do not understand that the Government of the United States as such is to be one of the exhibitors at Philadelphia; I understand that the people of the United States are to be exhibitors there.

Mr. MONROE. I am not particular what you call it.

Mr. WOOD, of New York. There is a vast distinction between the Government and the people. The Government, as such, does not appear at Philadelphia, but the people do.

Mr. COX. I did not intend to pursue the little antagonism I made against this joint rule. I simply wished to hear from the gentleman, in some esthetical way and in his own accomplished manner, what reason there was for taking these pictures of physical scenery to Philadelphia, and leaving with us so many of these historial pictures that are centennial in their character. I did not pursue my objection because of a little telegram that came to me just at that time and which made me very good-natured. The telegram reads thus:

Connecticut democratic to the core; house, senate, and State officers elected by the people.

I was so good-natured that I did not like to antagonize my friend at that particular moment. [Laughter.] However, that is a little irrelevant to the question before us.

If, for the purpose of accommodating the artist, we give up these pictures of physical scenery, why may not those other pictures also be transferred, which have more of the elements of the Centennial in them? We have many historical pictures. There is the picture of the Signing of the Declaration of Independence; there is the picture of the Surrender of Cornwallis; there is the picture of the Landing of the Pilgrims, which might be called a double centennial. Besides, I might remark here that some of these pictures could well be spared, and our statuary also, to a large extent. If anybody will look over these pictures of our continental people they will hardly be able to tell General Washington from John Hancock; they all look alike. And if you look at our statuary, there is Christopher Columbus out there playing nine-pins; we might spare him. [Laughter.]

If we go into this business let us spare the worst of these pictures, and keep, as a compliment to this artist, these very fine pictures of our western physical scenery. I am opposed, however, to beginning this work of denuding this Capitol. We want all the attractions here we can get, for the living pictures are not always as attractive as they might be, though they do excite a great deal of interest and admiration sometimes. [Laughter.]

When our visitors come here I would like to have something besides the living pictures to show that our Capitol is properly decorated. There is a piece of statuary down in one of the crypts of this Capitol sent from the West years ago. We do not know the name of the artist. It is a representation of a dying Indian, and I am sure the War Committee and the Indian Committee have not properly studied it. Why is that dying Indian left to a second death, or to an imprisonment worse than Kilbourn's, for he eats nothing? [Laughter.] There he is, low down in the crypt of the Capitol. It is the best piece of sculpture which we have, as Mr. Powers once told me. Now, if you want anything to go to the centennial exhibition, take that dying Indian; but do not commence on these works that represent our western physical scenery, that have no more to do with our Centennial and look no more like the spirit of '76 than I look like Hercules. [Laughter.]

The question was taken upon ordering the joint resolution to be read a third time; and upon a division there were—ayes 51, noes 101.

So the joint resolution was rejected.

IMPEACHMENT OF W. W. BELKNAP.

The SPEAKER *pro tempore*, (Mr. WHEELER.) Business will be suspended to receive a report from the managers on the part of the House of the impeachment of W. W. Belknap, late Secretary of War.

The managers appointed by the House to conduct the impeachment of W. W. Belknap, late Secretary of War, appeared at the bar of the House, when

Mr. LORD said: Mr. Speaker, the managers of impeachment beg leave to report to the House that the articles of impeachment prepared by the House of Representatives against William W. Belknap, late Secretary of War, have been exhibited and read to the Senate, and the Presiding Officer of that body stated to the managers that the Senate would take order in the premises, due notice of which would be given to the House of Representatives.

TEXAS FRONTIER TROUBLES.

Mr. SCHLEICHER. I am instructed by the Select Committee on the Frontier Troubles of Texas to report a joint resolution to provide for the protection of the Texas frontier on the Lower Rio Grande, together with the testimony taken by the committee and the report accompanying the testimony. I move that the joint resolution be made the special order for Thursday, the 20th instant; and I ask that the report, without the testimony, be printed in the RECORD.

The joint resolution (H. R. No. 96) was read a first and second time.

The question was upon the motion to make the joint resolution a special order for Thursday, the 20th instant.

Mr. RANDALL. Not to interfere with the appropriation bills.

Mr. REAGAN. In view of the suggestion made by the chairman of the Committee on Appropriations [Mr. RANDALL] that he desired to reserve the privilege of that committee to occupy the time for which this bill may be set, I wish to say that the matter now reported is of very considerable consequence to the whole country; it is of especial importance to the people of the frontier of Texas bordering on Mexico. In addition to the difficulties which have existed there and have threatened for some time past to involve this country and Mexico in war, there is now going on in many portions of Mexico and on that immediate border a revolution which in its effects may involve new and embarrassing complications. It is very desirable that this matter should be acted on as early as possible; and to that end I feel it a duty to ask on behalf of the Committee on Texas Border Troubles, of which I am not a member, that the question shall be considered at the earliest practicable day. If it be set for the 20th of this month, I ask that no exception be made, so that it may absolutely be considered at that time. On a question of such importance the members of the committee will doubtless wish to be heard. It is a question not of local, but of national consequence; and the action taken upon it may save considerable expense, may avoid troublesome complications, and possibly may avert war. I hope, therefore, that it may suit the convenience of the Committee on Appropriations to let the matter be fixed absolutely for the day named.

Mr. RANDALL. I will say to the gentleman from Texas [Mr. REAGAN] that I do not underrate the importance of this bill, nor am I desirous to be placed in an attitude of opposition to it; but I suggest that the bill be made a special order for the 20th instant, and from day to day until disposed of, adding my modification that it shall not interfere with the appropriation bills. Then if an appropriation bill should interfere with it on the 20th, it would hold its place and would be reached as soon afterward as possible.

Mr. SCHLEICHER. I was about to ask the chairman of the Committee on Appropriations what would become of the bill, if when the time named arrives, it should not be taken up?

Mr. RANDALL. In the form in which the gentleman has submitted his motion, if the bill should not be disposed of on the day named, it would drop. With the modification I suggest, the bill would hold its place from day to day until disposed of. Hence with my modification the bill would occupy a more advantageous place than under the motion of the gentleman as offered.

Mr. SCHLEICHER. Then I accept the gentleman's modification.

The SPEAKER *pro tempore*, (Mr. WHEELER.) Will the House agree to the motion that the bill be made a special order for the 20th instant immediately after the morning hour and from day to day until disposed of, not to interfere with the regular appropriation bills?

The motion was agreed to.

Mr. BANKS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The report is as follows:

The special committee who were appointed under a resolution of the House of Representatives, passed January 6, 1876, "That the portion of the President's message which refers to the inroads, robberies, and murders along the Mexican border in Texas be referred to a special committee of five members, with instructions to inquire into the causes and the nature and extent of these depreda-

tions, and the measures that might prevent their continuance, with power to send for persons and papers, and to report at as early a day as possible," beg leave to submit the following report:

Your committee, in order to obtain the most comprehensive and reliable facts connected with the subject of their investigation, collected from the War Department, from the State Department, and from the proceedings of the State government of Texas, all the important information bearing upon the subject; and also had before them witnesses from whose personal observations a true representation of the condition of the country on the Lower Rio Grande frontier could be gathered.

In the year 1872, three commissioners were appointed by the President, under authority of a joint resolution of both Houses of Congress, approved May 7, 1872, which read as follows:

"Whereas there are complaints of many depredations having been committed for several years past upon the frontiers of the State of Texas, by bands of Indians and Mexicans, who crossed the Rio Grande River into the State of Texas, murdering the inhabitants or carrying them into captivity, and destroying or carrying away the property of the citizens of said State; as also that bands of Indians have committed, and continue to commit, like depredations on the property, lives, and liberty of the citizens along the northern and northwestern frontiers of said State: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint three persons to act as commissioners to inquire into the extent and character of said depredations, by whom committed, their residence or country inhabited by them, the persons murdered or carried into captivity, the character and value of the property destroyed or carried away, from what portions of said State, and to whom the same belonged.

"SEC. 2. That it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the frontiers of said State and take the testimony, under oath, of such witnesses as may appear before them, after having given notice for ten days previous, by publication in the nearest newspapers, of the time and place of their meeting, of all such depredations, when, where, by and upon whom committed, and shall make up and transmit to the President full reports of their said investigations.

"SEC. 3. That said commissioners shall be entitled to and receive as compensation for their services the sum of $10 per day each, and their traveling expenses to each, for and during the time they shall be engaged in said service; and the sum of $6,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to pay the expenses of said investigation and said commissioners."

No action has ever been taken in regard to the report of that commission; but, saying nothing of the claims investigated, which do not come properly under the notice of your committee, the statements of facts, the accounts of the murders and robberies, must be considered as correct, and are corroborated by all that came immediately before your committee. We deemed it, therefore, unnecessary to again go over the same ground, but confined our examinations to the condition of that region since the date of the report here mentioned, only referring back occasionally so as to keep the thread of a connected history unbroken. But even for that time the documents from the War and State Departments were found so bulky, and the array of robberies and murders so long, that your committee confined themselves chiefly to the occurrences of the last year and the present condition of that country.

For the same reasons your committee excluded all matter referring to the incursions and raids of Indians, residents of Mexico, near the Upper Rio Grande, into Texas for murder and pillage, and confined themselves to the district in which the raiding is done by the Mexicans residing on the south bank of the Rio Grande, from its mouth up some distance above Laredo, altogether about three hundred to four hundred miles.

SCENE OF THE RAIDS.

The country lying between the Rio Grande (by the Mexicans called Rio Bravo del Norte) and the Nueces River, in the State of Texas, belonged, previous to the Texan war of independence, like all Texas, to Mexico; but while all the rest of Texas was united with the state of Coahuila under one state government, the government of "Coahuila and Texas," this country was a portion of the Mexican state of Tamaulipas.

When Texas achieved her independence, in 1836, the republic claimed the Rio Grande as the boundary-line, and thereby included in her territory this portion of Tamaulipas lying between the Rio Grande and Nueces Rivers. Mexico resisted that claim; and during the nine years of existence of Texas as a sovereign and separate republic, and after Texas had become one of the United States of America, by the act of annexation in 1845, that country was disputed ground. Although the independence of Texas was recognized by Mexico, it was not until after the Mexican war of 1846, and in the treaty of Guadalupe Hidalgo, in 1848, that Mexico recognized the Rio Grande as her boundary. The first battles of the war, the battles of Palo Alto and Resaca de la Palma, were fought on that disputed ground, the theater of the present raids.

This country is mostly prairie, about three hundred miles from the coast to its upper line and an average width of one hundred and fifty miles, covered with the most nutritious grasses, and is looked upon as among the best pasture land of all the fine pastures of Western Texas. Before the revolutionary war of Texas it contained vast herds of cattle, horses, and sheep, the owners living partly on the lands and partly in the Mexican towns west of the river. In 1835, just before the war, according to the assessment-rolls of the towns on the Rio Grande, there were over three million head of stock on these plains. (See Executive Document No. 52, Thirty-sixth Congress.) The war followed. During its progress, and after its close, nearly all the inhabitants left, either withdrawing to the south of the river by order of the Mexican generals or keeping close upon the river bank, to be ready to cross. The stock was abandoned and destroyed. None of the people remained to reside there, as they were disarmed by Mexico and treated as enemies by Texas. (See Executive Document No. 52, Thirty-sixth Congress.) The Indians commenced their devastating forays upon the defenseless country. On the early American maps that portion of Texas was marked as a "desert," inhabited only by "large droves of wild horses and cattle." It is far from being a desert, but the wild horses and cattle were there, the remnants of former wealth. For years this country was the hunting-ground of "mustang-hunters," Americans, Mexicans, and Indians alike.

After the Mexican war the Government of the United States established military posts along the frontier, and the State of Texas kept several companies of "rangers" in the field, thus affording protection from Indian incursions. The Legislature of the State, in the year 1852, also passed liberal laws confirming the titles of the old Mexican owners to their lands. The assertion made by a committee of investigation sent by the government of Mexico, that the Mexicans were deprived of their lands by legislation, (see report of Mexican commission, page 129,) is directly contrary to the facts and without foundation. The legislation of the State has been of the most liberal character, and the decisions of the courts uniformly in favor of the old titles.

In consequence of this liberal legislation the Mexican residents returned about the year 1853, and re-established their stock ranches, and in 1856, and since, Americans settled throughout the country, purchasing lands from the old owners, or acquiring the unlocated public domain under the laws of Texas. They were remarkably prosperous until the raids assumed a formidable character. From reports given to the committee it may be seen that, although agriculture is still in its infancy there, and the country still held and used alone by the herdsmen, the wealth was rapidly increasing.

In the report of the commission sent there in 1872 to investigate the raids, it is stated that, in the year 1870, the assessment-rolls in the counties of Cameron, Hidalgo, Starr, Webb, La Salle, Encinal, Duval, Zapata, and Nueces (the returns of two other counties, Live Oak and McMullen, not having been included) showed 299,193 cattle and 73,593 horses; and now, even after the enormous losses by the raids, the following estimates give an idea of the exportations of that district:

The firm of Coleman, Mathis & Fulton, of Rockford, having contracted to ship cattle by Morgan's steamboat-line, supply, per annum, 50,000 steers, at the rate of $18 per head, or	$900,000
The packing and rendering establishments at Fulton consume 50,000 head of steers, worth $15 per head	750,000
The number of cattle driven north to the Kansas market is estimated at 75,000, at $12 per head	900,000
The export of wool from Corpus Christi was last year 6,000,000 pounds, at an average price of 22 cents	1,320,000

The number of mutton-sheep is not estimated.

All the figures given mean gold values.

HISTORY OF THE RAIDS.

The history of the present raids can be said to have commenced with the Cortina war in 1859 and 1860. We will quote enough of the official account of Major Heintzelman, United States Army, dated March 1, 1860, and contained in the Executive Documents of the first session of the Thirty-sixth Congress, Document No. 84, submitted to the House of Representatives by the Secretary of War under a resolution of the House to give an outline of that war:

"Juan Nepomuceno Cortina, the leader of the banditti who have for the last five months been in arms on the Lower Rio Grande, murdering, robbing, and burning, is a ranchero, at one time claiming to be an American and at another a Mexican citizen. At the time General Taylor arrived on the banks of the Rio Grande he was a soldier in General Arista's army. He has for years been noted as a lawless, desperate man.

"Ten years ago he was indicted for murder, and the sheriff attempted to arrest him, which made him for a long period keep out of the way until the witnesses were gone. In 1854 he again began to be seen about; but no effort was made to arrest him until in the spring of 1859, when he was indicted for horse-stealing, and he has since been a fugitive from justice. When he came to town he was always well armed or had some of his friends around him, making it dangerous to interfere with him.

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"On the 13th of July last he was in Brownsville with some of his ranchero friends, when a man who was formerly a servant of his was arrested by the city marshal for abusing a coffee-house keeper. Cortina attempted to rescue the man. He fired twice on the marshal, the second shot wounding him in the shoulder. He mounted his horse, took the prisoner up behind him, and with his friends around him rode off, defying the authorities to arrest him. He escaped to Matamoras, and there was treated with consideration and lauded as the defender of Mexican rights.

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"Before daylight on the morning of the 28th of September, Cortina entered the city of Brownsville with a body of mounted men, variously estimated at from forty to eighty, leaving two small parties of foot outside, one near the cemetery, the other near the suburbs of Framireño. The citizens were awakened by firing and cries of 'Viva Cheno Cortina!' 'Mueran los Gringos!'—Death to Americans! 'Viva Mexico!' The city was already in his possession, with sentinels at the corners of the principal streets, and armed men riding about. He avowed his determination to kill the Americans; but assured Mexicans and foreigners that they should not be molested. Thus was a city of two thousand to three thousand inhabitants occupied by a band of armed banditti—a thing till now unheard of in these United States.

"He made his headquarters in the deserted garrison of Fort Brown, and sent mounted men through the streets hunting up their enemies. He broke open the jail, liberated the prisoners, knocked off their irons, and had them join him. He killed the jailer, Johnson, a constable named George Morris, young Neale, in his bed; and two Mexicans were after Glavecke, the wounded city marshal, and others."

We will not go further into the details of the war thus inaugurated. Cortina went to the Mexican side, and "he and his men staid about Matamoras publicly, unmolested by the authorities."

Cortina established himself subsequently on the American side of the river above Brownsville, where he collected men and arms. He repulsed an attack made on his position by a number of Americans, assisted by national guards from Matamoras, with some artillery, on the 24th of October. The governor of Texas sent out forces against Cortina. Several fights took place in the *chaparral*, in which Cortina maintained his position. Major Heintzelman says:

"Cortina was now a great man. He had defeated the 'Gringos,' and his position was impregnable. He had the Mexican flag flying in his camp, and numbers were flocking to his standard. When he visited Matamoras he was received as the champion of his race—as the man who would right the wrongs of the Mexicans and drive back the hated Americans to the Nueces."

Major Heintzelman arrived, in command of United States troops, on the night of the 5th of December, at Brownsville. He took command, and, with a mixed force of United States troops, Texas rangers, and volunteers, dislodged Cortina, and finally defeated him, at Rio Grande City, on the 27th of December. Cortina crossed over into Mexico and established himself there. Once more he crossed over to the American side on a raid. We close this account by another quotation from Major Heintzelman's report:

"Most of his arms, ammunition, and supplies to maintain his forces for so many months came from Mexico, and principally from Matamoras. Most of the men were 'pelados' from the towns and ranches along the Rio Grande. On the Mexican side he always found a market for his plunder. He was styled in orders 'General en Gefe,' and he went about with a body-guard.

"The whole country from Brownsville to Rio Grande City, one hundred and twenty miles, and back to the Arroyo Colorado, has been laid waste. There is not an American, or any property belonging to an American, that could be destroyed in this large tract of country. Their horses and cattle were driven across into Mexico and there sold, a cow, with a calf by her side, for a dollar."

In a letter to the Mexican general commanding on the Rio Grande, who had taken exception to the troops of Major Heintzelman following Cortina across the river into Mexican territory, Major Heintzelman maintained the right to do so, and said:

"After his (Cortina's) defeat, as above stated, he fled for safety to the Mexican side of the river, and there found it. He was received with sympathy. He was then allowed to remain and recruit his forces, arm and equip them, and watch for a favorable opportunity to make another attack. This attack he made by firing across the river, mortally wounding a man of our troops, and by firing upon the steamboat."

We have quoted fully from this official report, because, although written sixteen years ago, in describing the opening scenes of this border warfare it gives all the characteristic features of what has been enacted on that field for the last ten years.

During the civil war of the United States, and until about the year 1866, there was a period of comparative peace on that border. The reasons were various. In the first place, the Rio Grande became the only open inlet into the southern confederacy, and an immense trade was established there. The towns were full of

strangers. Cotton was exported in immense quantities, and vast stores of merchandise imported. Matamoras became an important mart for the commerce of the world, and the whole population had an exceedingly remunerative employment. The roads were covered with wagon trains and travelers. Many of the Mexican merchants made large fortunes. A number of them had their business in Texas, and mutual profits and usefulness established a friendly feeling. Meanwhile the French invasion and the establishment of Maximilian's empire drove the liberal government north toward the border, and for some time the fugitive government of Juarez was at El Paso, on the American line, one foot, so to speak, on American soil and the other on Mexican. Then followed the rallying of the liberal forces. Escobedo, the chief commander of Juarez's forces, made up his army on the border and started from there on his campaign which closed with the final tragedy of Queretaro. His army and the other liberal corps operating against the forces of the empire absorbed and carried away all the loose population of that border.

But after the close of the war, and with the return of the soldiery, commenced the pillaging on the Texas border. Cortina, the old robber chief, had obtained the rank of brigadier-general in the Mexican army, and had risen to power and distinction. From that time forth he was the central figure of the robbing population which established itself on the Mexican side of the Rio Bravo. His power was despotic. The lawless men who, through him, enjoyed the advantages of organization and political power on their own soil, and unlimited license to plunder on the Texan side, supported him with enthusiastic devotion, and in turn gave him the power and position which, in such a country, naturally falls to the leader who can command the unhesitating services of a large body of warlike followers. He became individually far more powerful than any other power—national or state. It was known that he had made and unmade governors at his pleasure. (See report of Mexican commissioners, page 150.)

When we now look upon the fearful history of rapine, murder, and wholesale robbery which from that day to this present date has desolated and is still desolating our border, the robber communities that have sprung up and are constantly increasing, a whole population living on what they plunder from their neighbors, and a set of local authorities conniving at and participating in the spoils of these notorious crimes, grown to be a regular means of livelihood, we cannot wonder at this result, when we reflect on the condition of a government which had to confer rank and position on a successful robber in order to avoid his hostility.

And when we consider that it is our own people who have been the constant victims of these crimes for the last ten years and are now still more exposed to them than ever, we feel that every sentiment of manhood and of regard for the honor of our country and its most sacred obligations to defend the life and property of its citizens cry out against the criminal neglect which allowed this evil to assume its present formidable proportions. That a man like Cortina, who had left the territory of the United States, in open war with the United States troops and the troops of the State of Texas, and against whom numerous indictments for murder and other crimes are now pending in the State courts, should have been placed in high command immediately on our border was a strange act for a government professing to be friendly; and it was as strange for our Government to suffer it for so long a time. Cortina has been arrested by the Mexican government and, until lately, held in the city of Mexico. His return to the old theater of his crimes and insults against our people, some time since triumphantly announced in Matamoras, would be an act of open defiance.

We have stated that the report of the commission sent by our Government to that border in 1872 has never been acted upon by Congress. We consider it due to their labors, and valuable as filling up that portion of the history of the border, to append to this report an abstract of the outrages proved before them. A similar list, more revolting in its details, with reference to the incursions of Indians, residents of Mexico, into Texas, we omit as not belonging to the immediate subject of our investigation: the cattle-raids on the Lower Rio Grande.

But since the report of those commissioners was made to the President, the crimes on our soil near the border have been even more frequent and have assumed more formidable proportions. From the evidence before us, we append a statement of the principal crimes committed during this time.

It will be seen that the constant and immense robbery of cattle, which is the basis of this entire system of outrages, has, in these later statements, hardly been mentioned, as the murders and other crimes which have grown out of it overshadow it. The question with the people has become one of existence, not of pecuniary loss.

Since the close of this enumeration, in December, 1875, a band of Mexicans was pursued, and they crossed over into Mexico with two hundred and fifty head of cattle, the soldiers standing on one bank of the river and seeing the cattle come out on the other side, where the population of the robber village turned out to receive them. Captain McNalley, commanding a small party of about thirty-five Texas State troops, arriving soon after, followed on the trail across the river, but found that the cattle had been driven behind the village and that several hundred men had collected to oppose him. He had a fight with them in which he killed several, and, supported by United States troops on the Texas side, succeeded in recrossing the river. About sixty of the poorest cattle were returned—the first restitution, poor as it was, which has been made for years. Captain Randlett's report of the crossing will be found in the appendix, and is mentioned as the fight at Las Cuevas.

ROBBER POPULATION.

It is shown from the evidence before us that there is on the Mexican or south side of the Rio Grande a population far more numerous than that on our side, and who support themselves mainly by robbing our people. It is shown that they possess only a scanty supply of cows; that they have a few sheep and goats; that their agriculture is not enough to support but a small portion of their number, notwithstanding which they live better, dress better, are mounted and armed better than the same class elsewhere in Mexico. From their entire immunity and the great attractions of the spoils, their numbers are continually increasing. From the oldest times, and among all people, punishment of crime has always been considered necessary to prevent its increase; but here we have the strange spectacle of a community openly subsisting on crime, while there is no punishment for them. Their own nominal government is not strong enough to inflict it, while the Government of their victims—our own Government—from a highly-refined sense of international politeness, has refrained from inflicting it.

All vagrant and dangerous elements are congregating to that paradise of robbers; a new generation is springing up, knowing no means of livelihood but robbing, aptly compared by our commanding general on that border to the pirate communities which formerly resided on the northern coast of Africa. (See testimony of General E. O. C. Ord, page 42.) When the robbers return with a drove of cattle, it is stated by the witnesses, old men and young boys all turn out to help the cattle out of the miry ground of the river-bank.

This state of things is wholly due to the inactivity of our Government. A few years ago some energetic chastisement, convincing the plunderers that there was some danger connected with their trade, would certainly have checked it, but the impression that our troops dare not cross the river has made them feel at ease. When, after a hot pursuit, the robbers and their spoil reach and cross the river, and our brave troops stand helpless and overwhelmed with shame on the American side of a small river and bear the taunts and insulting gestures of the escaped robbers and their friends, our nation and its Government become in their eyes, as they do not study the subtle arts of diplomacy, an object of scorn and contempt.

As long as the cause lasts the result, the increase of the number and power of the robber clans, will continue. What a few years ago might have been suppressed with a small force will now demand a much larger one and much more energetic measures; and, unless they are taken now, delay will, day by day, increase the evil and the difficulties in the way of its suppression.

MEXICAN AUTHORITIES.

All statements agree that the authority of the national government of Mexico on the border is only nominal. If they would, they could send no troops there, as they would desert and join the thieves. They have no forces to spare, and they cannot interfere with the livelihood of the robbers without risking the danger of driving them into the ranks of some revolutionary leader. The real power is altogether local. The governors of the states and the people of the states, with their own local authorities, are the only powers with whom our people have to deal. We find that our relations with the Mexicans are far from being the same along the whole border. On the upper Rio Grande the authorities and people of the state of Chihuahua are on terms of perfect friendship with our people. General Ord, commanding in Texas, has stated in his report that Mexican troops have come over repeatedly in pursuit of Indians on the American side of the Rio Grande. He has had rations issued to them and complimented them in orders.

From Laredo to El Paso there is entire harmony and amicable intercourse between the people on the two sides of the river, only for a time disturbed by the raids of the Kickapoo and Lipan Indians, who lived in Mexico, and whose robberies were checked by a severe chastisement administered to them on the Mexican side of the river by General McKenzie. The Indians are now removed and there has been comparative peace.

There is no doubt, says the American consul at Monterey, whose letter will be found in the appendix, (appendix B, No. 1,) that the raids are entirely owing to the demoralized condition of the mass of the people of Tamaulipas, and the class of men who hold office in that State. This is substantiated by all the evidence. The officials when called upon for redress are profuse in promises never followed by performance. They find the robbery a source of profit, and if they find that they can continue this profitable state of things and the inactivity of our Government by lying and diplomatic correspondence, they will, as a matter of course, do it, and the Federal Government has no agency but theirs and acts to suit them.

To characterize these proceedings it is of interest to follow a particular case. Among the latest and boldest performances of the raiders was the Corpus Christi raid, a full account of which will be found in the evidence accompanying this report. Mr. Foster, the American embassador, made a representation of the outrage to the Mexican minister of foreign affairs. The colonel commanding the national forces at Matamoras, Colonel José L. Christo, reported officially to the minister of war, Mejia, (see appendix B, No. 3, page 156,) "that in his judgment it cannot be the case," (that Mexicans could have been engaged in the raid.) "Granting that some Mexican robbers pass from this side to Texas, as also those from that side to this, they only engage in the robbing of cattle and horses, and never attack a town. For the reason, my opinion is, that the wrongs are committed by individuals resident in Texas itself, who, in consequence of local State questions, have risen up as a kind of insurrectionists against the government of Texas." (!) This report was communicated by Mr. Mejia to Mr. Lafragua, the minister of foreign affairs. This Christo is the same colonel who, as stated in Captain McNally's evidence, (see testimony of Captain McNally, page 3,) when called upon by some personal friends from the Texas side to return stolen cattle of theirs, which were then herded near Matamoras, put them off for three days by fair promises, and in the mean time by special orders had all the cattle bearing their brand slaughtered for the Matamoras market; and after being informed that his orders had been obeyed, he went out to the remaining cattle with the duped friends, and showed them that there were no cattle of their brand there.

His official statement as above, indorsed by the minister of war, would have been the last of this affair had not an officer of less discretion and more honesty arrested eight of the raiders at Camargo, and another officer two at Mier.

General Escobedo, (appendix B, No. 2, page 154,) commanding at San Luis Potosi, reported to the minister of war that thirty armed Mexicans had crossed the Rio Grande, coming from Texas, where they had, among other acts, burned a store. That they had scattered after getting into Mexico, but that ten were arrested and sent to Saltillo, to await punishment. Mr. Lafragua at once informed the American minister, Mr. Foster, of this act of good faith, (appendix B, No. 2, page 153,) and Mr. Foster answered as follows: "I have to thank your excellency for the information contained in your note, which I will communicate to my Government, which will doubtless be gratified," &c. It seems that he was grateful for small favors, for the raiders were turned loose without any punishment whatever, and their little trip from Camargo to Saltillo was the only satisfaction given to our people for the brutal outrages they had committed. The clear proof of this is the absence of any further mention of the criminals, while any act of punishment would certainly have been communicated to our embassador with great flourish and would have elicited from him additional expressions of gratitude. In the light of this experience a sentence in the letter of Minister Lafragua to Mr. Foster appears highly significant: "In the future the *same* strict vigilance will continue to be exercised by every class of authorities." Of course, including Colonel Christo.

MEXICAN CHARGES.

It will be noticed that Colonel Christo indicates that the robberies are committed by robbers of both sides, and that the losses and sufferings are mutual. This is the continual charge of the Mexicans, repeated again and again with unblushing effrontery. This committee have, after diligent search, been unable to find a single case of a plundering raid from Texas into Mexico. Hon. Hamilton Fish, in his letter of May 20, 1875, to Mr. Foster, (appendix B, No. 4, page 156,) states, with full knowledge of all the facts, as follows:

"It may be regarded as frivolous to seek to justify the hostile incursions into our territory on the ground of retaliation for similar incursions from this side. There have been none such, and proof of the contrary is challenged. Indeed, the charge is improbable on the face, from the fact that Mexico, near the border, holds out no temptation to plunderers from this side, while the reverse is the case in respect to baits in Texas for Mexicans."

The proof has been challenged in vain. With the continued charges made and reiterated by the Mexicans not a single special case has ever been stated. Failing utterly in getting the material for such statements, it has become common with the Mexicans to assume a tender care for the welfare of Mexican citizens in Texas.

"Toward the close of the years 1873 and 1874," writes Mr. Mariscal to Mr. Fish, in a letter dated January, 1875, (report on Foreign Relations, 1875, part 2, page 954,) "an unusual number of crimes and outrages of all kinds were committed against Mexicans in the State of Texas by inhabitants of that State, the perpetrators thereof, in a great majority of cases, remaining unpunished, either from powerlessness on the part of the authorities of the State, or from some other cause still more to be lamented." This other cause, which he does not express, but only laments, is stated more explicitly by his witnesses, who declare that the State authorities were accomplices in the crimes. "I confined myself to counseling moderation and prudence in the midst of the excitement prevailing among the Mexican population of these regions."

Your committee is assured by the representatives of the Mexican population in Texas in this Congress that they are not in need of the sympathy thus wasted upon them. Indeed, all the witnesses declare that all those Mexican citizens of Texas who possess anything are patriotic and respected, proud of their American citizenship, and complying with every duty of citizens. Some of them have been honored members of the Legislature, others have repeatedly held military commands. Far from sympathizing with the robbers and raiders, they have often been foremost in the defense of our border and in the punishment of invaders. The brothers Ben-

avides, in Laredo, have for many years held commands in Texas. Colonel Santos Benavides earned a high reputation for conspicuous vigilance and bravery in the protection of the border; and his brother, Captain Refugio Benavides, commanded with distinction a company of State troops in the same service, as will be referred to in another portion of this report. Their troops were all Mexican citizens of Texas, and they have more than once impressed on the invaders the lesson that the vicinity of Laredo was a bad region for the pursuit of their trade. They ask no sympathy from such quarters.

But it seems from the correspondence of the State Department that, in answer to the repeated challenges by Mr. Fish to give some substance to the repeated charges of crimes committed by Texans in Mexico by naming even one, the Mexican embassador at last produces two. Strange to say, from his statement they were both committed on Texan soil, and therefore did not meet the challenge; but it is fair to presume they came nearer meeting it than any other he could discover. One is substantiated by the oath of some Mexican witnesses that it was rumored that one Robles and one Leyva, both Mexicans who had been sojourning in Texas, were made away with. (Report on Foreign Relations, 1875, part 2, page 974.) No more need be said of this charge than to quote Mr. Fish's reply, (report on Foreign Relations, 1875, part 2, page 980:) "Your note is accompanied by the affidavits of certain persons; no one of whom, however, claims to have seen the homicides. They all speak of them as a matter of public notoriety. Even the names of the supposed culprits are not mentioned. It seems clear that testimony of this character can hardly be made the basis of any specific proceeding. It is noticed, too, that Leyva is said to have been carried to the bank of the Rio Grande by order of a judge in Texas. This statement, likewise, is so incredible on its face as to serve as its own refutation."

The other case was as follows: Toribio Lozano, a Mexican, living in Aguafria, in the state of Nueva Leon, had, since the year 1861, been grazing his sheep and goats in Texas, and continued doing so until the winter of 1873. His servants, or "peons," (peonage is forced servitude for debt, and is the common system of labor in Mexico,) were with his sheep and goats. (Foreign Relations, 1875, part 2, page 955.) Now, this fact that Mexicans, residents of Mexican states in the interior, did not hesitate to send their flocks to graze on the Texas pastures, and should, as in this case, do it for twelve years without loss, is a stronger contradiction of the charges made by the Mexican minister of the reign of violence and insecurity in that State, and against the allegation of the great fear which Mexicans are asserted to entertain from lawlessness in Texas, than any facts which could be adduced. We are informed that it is very common for citizens of Mexico to graze their stock in this manner without fear of loss; an assurance which could only have grown up by the experience of perfect safety and fair treatment from the people of Texas.

Mr. Mariscal, in his correspondence, speaks of the estates of Mr. Lozano in Texas, but Mr. Lozano, in his own statement, is silent as to estates, and it is stated, by well-informed residents of that country, that Mr. Lozano only assessed for taxation his sheep and goats, but no land. Now, it is stated that the principal subsistence of the shepherds was the cattle of the country, which during the years of the war passed unnoticed, as it did for some time after. But in 1873 a noted outlaw from Mexico, Alberto Garza, followed the business of "peeling" on a large scale in Texas; that is, he killed cattle for their hides, and took the hides to market. He is said to have had his camp close to the camp of Lozano's shepherds, and they were suspected of assisting him. No direct evidence exists of these facts, nor as to the perpetration of the crime which followed. Seven of the shepherds were found hanged. Great indignation prevailed in the surrounding country, and the grand juries of Nueces County and Live Oak County made every effort to discover the murderers, but without success. In those sparsely-settled parts of Texas we learn that it has again and again occurred that horse or cattle thieves were punished in such summary manner by owners of stock, without distinction of nationality. It seems to be difficult for the authorities to prevent or punish such acts, much as they may deplore them, as proof is very difficult of access.

Mr. Lozano charges this crime directly to the authorities of Texas, and his witnesses, in the evidence which he adduces, charge, in a formula to which they all swear, the collusion of the authorities of Texas with the criminals. (Report on Foreign Relations, 1875, part —, pages 967, 968.) On this, Mr. Mariscal bases a claim which is curious in its details. As the Mexican commission have criticised severely some of the claims established by the American commission which investigated the raids in 1872, which claims it is not now in our province to condemn or defend, it may be interesting to look into this claim. The Mexican shepherds belong to the lowest class of "pelados" in their country; they own nothing in the wide world, and they earn from six to eight dollars per month, which they receive in the necessaries of life furnished by their owner or employer at such prices as he may see proper. Their state of civilization is hardly removed from that of the Indian. They are half clad, their feet protected by raw-hide sandals fastened with raw-hide thongs. Yet, in the evidence accompanying Mr. Mariscal's letter, a number of the same kind swear that each one of the killed shepherds caused a pecuniary loss to his widow and other family of more than $50,000. (Report on Foreign Relations, 1875, part 2, pages 970, 971, 972, 973.) Comment is unnecessary. The voluminous correspondence kept up on this subject by Mr. Mariscal is sufficiently answered by Mr. Fish in one sentence:

"Mexicans in Texas and Americans in Mexico who engage in business near the border must not at present, or perhaps for some time to come, expect either government to insure them against all the risks inseparable from such enterprises."

He might even have left out "Americans in Mexico," for from what your committee can learn no American would ever be reckless enough to send his stock and herders to the Mexican side for grazing.

While no charge of a raid from Texas by robbers or lawless persons into Mexico has ever been substantiated or even specifically stated, all the evidence shows that there is no inducement for such raids, there being nothing to take. Moreover, the danger connected with any such attempt is alone sufficient to deter any party from such a venture. A robbing population, from the very nature of their occupation, are always on the alert, ready with their horses and arms. They have a perfect and efficient system of guards and patrols, which makes it impossible for any party to enter their country without at once being noticed, and confronted in a short time by a considerable force.

CONDITION OF OUR PEOPLE.

Meanwhile our people on the border are impoverished day by day, and their lives are held by a slender tenure. It is stated in the evidence before us that all the American stock-raisers, who could do so, have abandoned their ranches, and sought safety for their families in the towns. Business in the towns has almost ceased. No merchant dares to credit a country merchant or a stock-raiser, whose whole possessions are liable every day to be swept away, burned, or otherwise destroyed. Such is the insecurity of life that Captain McNally, who appeared before your committee, a man of known daring, and a bold leader in those border fights, declares upon oath that no compensation, however great, could induce him to incur the danger which every inhabitant of the country between the Rio Grande and Nueces incurs every day, and that he considers his life, as a man whose business is war, safer than that of any inhabitant of that district. Deliberately and with full conviction, as this opinion is stated by one who is familiar with that country and all the facts, as a perusal of his evidence will show, it is fearful in its weight, and should come home to the heart and mind of every American.

But it is not alone the danger incident to the life in a country overrun by robbers, which is the constant menace to our people, but there is, according to all the statements, a perfect terrorism established by the robbers. Every one who is suspected, by word or deed, to have taken part against them is doomed to death. Captain McNally says: "Many of them have not nerve enough to take an active, decided stand against it, either by giving information or by personal assistance. Still, a number of them have done it since I have been out there, and some eight or ten, probably twelve, have been killed on that account. It has been the history of those border counties that when any man, Mexican or American, has made himself prominent in hunting those raiders down, or in organizing parties to pursue them when they are carrying off cattle, he has been either forced to move from the ranch and come into town, or he has been killed. Quite a number of Americans have been killed within the last year out there, and also quite a number of Mexicans, probably twelve or fifteen, for that offense alone. The men on the other side of the river threaten to kill them, and the fact is known publicly. They say, "We will kill that man within a week," and the report is heralded over the country, and if the man does not leave they usually carry their threat into execution. (See testimony of Captain McNally, page 9.) The same statement occurs in all the evidence. While the resident Mexican population who have any property are in sympathy with our people, there is a large floating population who have come over from the other side who have no permanent abode anywhere, and who are the spies and informers of the raiders.

General Ord states that some of his informants implored him not to give their names to the public, as they would assuredly have to flee from the country or be murdered; and your committee, compelled to publish this evidence, in order to satisfy Congress and the American people of the extraordinary condition of that country, cannot refrain from saying in all earnestness that if this Congress should fail to give ample protection to that unfortunate country, this very report with the evidence annexed may deliver some of the men, our own citizens, testifying to your committee and to you, to death by the hands of the murderers.

The appeals from the State of Texas have been earnest and oft repeated. Governor Coke has again and again addressed urgent calls for relief to the Federal authorities. The Legislature of Texas and the constitutional convention memorialized Congress. They claim that they are entitled, as certainly they are, to protection by the power of the nation. The representations of Mr. Fish to the Mexican government have been earnest and persistent. But it is perfectly evident to your committee, and must be evident to anybody who reads the history of this tragedy for the last ten years, that the Mexican government is utterly powerless to prevent these evils or to check them, and that the only reliance is to be placed in the energetic and positive action of our own Government. Indeed the only explanation compatible with the theory that the national government of Mexico is on friendly terms at this moment with this nation, as it professes to be, is that it is too weak; otherwise, the fact of these continued hostile armed incursions would be stronger than all professions of amity and peace.

MANNER OF DEFENSE.

In coming to the manner in which protection can be given, we must state it as the unanimous opinion of all military men familiar with that border that protection can only be complete if the commanding officer of our troops can, whenever he finds robbers in the act of carrying off their booty, follow them up, even across the river, punish or kill them and retake the property of our citizens. They are unanimous in stating that a merely defensive policy would give imperfect protection even if a large force were maintained there at great expense. The river is skirted by a belt of from fifteen to twenty-five miles of an impenetrable thicket, crossed by narrow paths, known to the inhabitants and the robbers. The robbers can pass in a short distance from the troops without being observed, and cannot be intercepted or followed except on these paths. General Sheridan and General Ord, as well as Captain McNally, gave it as their opinion that a force of ten thousand men, without power to follow the robbers and punish them, would afford inadequate protection, while a force of twenty-five hundred or even two thousand movable cavalry, exclusive of garrisons, if permitted to follow up the raiders when caught in committing their robberies, would soon break up the raiding.

Your committee are strongly in favor of avoiding all cause of dispute with the Mexican national government, and would go as far as honor and duty to our citizens would permit in remaining entirely on the defensive, and have therefore given this subject considerable attention. We find, in examining again the official reports of the Cortina raid in 1860, that Major Heintzelman, in command of the United States forces, found it necessary to send a command of Texas rangers over to the other side of the river, as Cortina's force threatened an attack on a steamer which was coming down the river. His instructions to the commanding captain were as follows:

"It is of the utmost importance that you preserve the most rigid discipline among your troops, and that no injury that can be avoided is done to the inhabitants or their property. Confine your operations strictly to the protection of the boat."

In a letter to the Mexican general, Garcia, commanding on the line, he says: (See Executive Document No. 81, Thirty-sixth Congress, page 67.)

"I am pleased to learn, both from your note and from the gentleman who brought it, of the measures you have taken to arrest Cortina and his followers. The notorious fact that he recruited his forces, and armed and equipped them on the Mexican side of the river, from the means furnished by your people, for the purpose of crossing to this side to rob and murder, has naturally and justly exasperated our people.

"To preserve and continue the friendly relations which so happily exist between the two governments renders it necessary that the most prompt and energetic measures be used to apprehend this man, and to put a stop to these outrages.

"To show you my desire to preserve the friendly feeling, I sent an order for the immediate withdrawal of the troops to this side of the river."

In a second letter, answering a complaint made by the general, he again said: (Executive Document No. 81, Thirty-sixth Congress, page 68.)

"You are right in saying that the burning of the 'jacales' (huts) was not authorized by Captain Ford, nor done by his forces. Had the act been done by his order, it is justifiable by the law of nations." (See Vattel, book 3, chapter 7, section 133.)

"This rancho, 'La Bolsa,' was notoriously occupied for near a month, ever since his defeat at Rio Grande City, by Cortina and his band, and for the avowed object of intercepting a steamer. Only the day before, several hundred head of stolen cattle were taken from a party of his men close by this place, and seven of his men killed. The fact of the authorities of Mexico having failed to prevent these outrages, justified the crossing of our troops, and they alone must be answerable for the consequences.

* * * * * * *

"From that time to this he (Cortina) has depended on Mexican aid for men and arms, and for supplies. The whole frontier he has laid waste as far as Rio Grande City, one hundred and twenty miles, and there is not an American living, or any property belonging to an American, that could be destroyed, and but few, very few, Mexicans. Nearly all the Americans that he caught he murdered.

"Cortina is himself a Mexican, and his men are Mexican citizens; and as he has organized and armed them openly, and without opposition or interruption from the authorities, we are entitled to make reclamation for our devastated frontier and our murdered citizens.

"There are other facts which I might adduce, but it is unnecessary to enlarge discussion, as I am here with my forces for the purpose of dispersing these outlaws and defending the frontier from further outrages."

Your committee quote the last sentence with pleasure and pride. It breathes the spirit in which deceptive and insincere diplomacy should be met. There is only one act more contemptible than the use of such diplomacy, and that is to submit to being duped by it. These letters of the gallant Heintzelman were conclusive on the subject, and established peace.

We add another official letter, from R. E. Lee, brevet colonel, commanding Department of Texas, to the civil and military authorities of the city of Reynosa, Mexico, April 7, 1860: (Executive Document No. 81, Thirty-sixth Congress, page 85.)

GENTLEMEN: In pursuance of instructions received from the honorable Secretary of War of the Government of the United States, I hereby notify you that you must break up and disperse the bands of banditti within your jurisdiction engaged in committing depredations upon the persons and property of American citizens, and that I shall hold you responsible for the faithful performance of this plain duty on your part. I have been informed that there are now within your jurisdiction armed followers of Cortina who were engaged in the recent outrages committed by him on this side of the Rio Grande, prepared to make similar aggressions.

This state of things cannot longer exist, and must be put an end to.

I am,

R. E. LEE,
Brevet Colonel Commanding.

Also, in orders to Captain Brackett, he said, (Executive Document No. 81, Thirty-sixth Congress, page 88:)

I have been informed that threats have been uttered by citizens of Reynosa against residents of Edinburgh and Tobasco. I desire you to inform the authorities of Reynosa of the menaces, and give them to understand that they will be held responsible for outrages committed by their citizens on American soil. You will give protection to all citizens within the line of your operations.

R. E. LEE,
Brevet Colonel Commanding.

This had the desired effect.

General Sam. Houston, then governor of Texas, April 14, 1860, wrote to the Secretary of War in a long communication on this point, speaking of invasion of Indians from Mexico in Texas:

"They were pursued on their flight across the Rio Grande. This surely furnishes a just cause of pursuit of them into Mexico, and there punishing them; and should the Mexican authorities declare their inability to repress such outrages upon our people, it would be our duty, as well as our right under the law of nations, to hold the country until we had an assurance that similar outrages would not be inflicted." (Executive Document, Thirty-sixth Congress, No. 81, page 92.)

On January 16, 1873, Mr. Hamilton Fish wrote to Mr. Nelson, then American envoy in Mexico:

"The federal government of that republic appears to be so apathetic on this subject, or so powerless to prevent such raids, that sooner or later this Government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts wherever they may be. Of course we should prefer that this should be done with the consent, if not with the co-operation, of Mexico. It is certain, however, that if the grievances shall be persisted in, the remedy adverted to will not remain untried." (Report on Foreign Relations, 1873, No. 277, page 635.)

Governor Coke, of Texas, in the year 1874, mustered into the State service a company of mounted men at Laredo, all, or nearly all, Mexican citizens of Texas, commanded by Captain Refugio Benavides. Their service was the protection of the frontier against raiding parties. In the orders to the company the governor directed them as follows:

"Should the company be in close pursuit of thieves or marauders with their plunder, it will follow as far as possible, whether on this side of the Rio Grande or the other, having a due regard for its own safety and the prospect of recovering the stolen property."

Attorney-General Williams having called Governor Coke's attention to the doubtful propriety of this order, Governor Coke answers in a lengthy letter, (appendix C, No. 1, page 165,) from which we will quote the following:

"If these Mexican raids which this force is called out to repel were of recent date, of irregular occurrence, and of such character as to elude the efforts of an ordinarily vigilant and energetic government to suppress, and such efforts were being made in good faith by the authorities of Mexico, I grant, in that case, that to allow an armed force to pursue even robbers, for the purpose of recovering their booty, across the Rio Grande would be a violation of the rights of Mexico and of well-settled principles of international law. The right of the government of Mexico to immunity for its territory from the incursions of armed forces from Texas would then be based on a proper discharge of the duties of that government to Texas, in repressing the lawlessness of its own people, and preventing and punishing their crimes committed against the people of a neighboring state. It is because each state or nation has undertaken to restrain its people from making war on the people of its neighbors that the law of nations forbids an armed force from one entering the territory of another. The right of immunity grows out of, and depends upon, the performance of this duty, which each power owes to the other. No state has surrendered the right of defense of its people in its own way against aggressions from neighboring states or people, except upon the promise and performance of the great duty toward itself, which all nations owe each other, of so governing their people as that they shall not depredate or make war upon other nations, or any of their people or territory. I apprehend that international courtesy, comity, and amity have never been required by the law of nations, carried to the romantic extent of surrendering the great natural right of self-defense against the constant infliction of serious, permanent, and wrongful injury upon the people of one nation by those of another, although the attacks may be unauthorized by the government of the territory from which it comes."

Attorney-General Williams acquiesced in these conclusions, and the orders remained in force.

We have been thus lengthy upon the right of crossing the river, if necessary for a defense of our border, because, on the one hand, we wish to state most emphatically that we do not desire any collision with the national government of Mexico nor the acquisition of any of its territory; while, on the other hand, we are reluctantly forced to the conclusion that the only efficient defense will involve the following up and punishment of the robbers. In the case of several precedents, like the crossing of General McKenzie, Captain McNally, and Captain Randlett, the Mexican government have remonstrated, but shown their judgment and appreciation of the motives of this Government by not regarding such invasions, temporary as they were and under the strong aggravations leading to them, as a serious offense. Indeed, it would be an untenable position if they offered us the alternative of quietly submitting to outrages which they cannot prevent or incurring their displeasure. It is safe to say that no sensible nation could afford to go to extremities on such grounds. At the same time, we do not expect that the Mexican government would give such a right by treaty or formally in any manner, as the exacting pride of their people might cause them great political troubles.

The protection of our border is a supreme duty, and we must take such means as will be efficient in giving that protection. Should Congress fail in this, there may be well-grounded apprehensions that the people of Texas will rise in arms in their last despair, and themselves cross the border and wage a war of retaliation. They want no war and no more territory. We are assured that they would consider a war as destructive to their interests and that they want peace and immigration to fill up their own vast territory before they desire to see new fields opened to draw immigrants elsewhere. Their country offers them all the prosperity they desire, if they can only have peace and security for themselves, their families, and their property. But they are men and they are Americans, and there are limits to patient suffering. A war of retaliation, after what they have suffered, would not be confined to the punishment of the robbers alone, and would precipitate such complications upon this nation that we could not ignore them. A failure to act promptly may, and probably will, therefore, bring about the very thing we wish to avoid. As yet what has to be done can be done in regular order, justly, discreetly, and in proper bounds, and this Government will be able to know and direct how far to go and where to stop.

We beg leave to submit the following joint resolutions and recommend their passage:

Resolved, That for the purpose of giving efficient protection to the country between the Rio Grande and Nueces Rivers, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the State of Tamaulipas, above Laredo, two regiments of cavalry, for field-service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiments so as to fill each troop to number one hundred privates, and they shall be kept up to that strength as long as they shall be required in that service.

Resolved, That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever in his judgment it shall be necessary for the protection of the rights of American citizens on the Texas frontier above described, to order the troops, when in close pursuit of the robbers with their booty, to cross the Rio Grande and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases against any unnecessary injury to peaceable inhabitants of Mexico.

G. SCHLEICHER.
A. S. WILLIAMS.
N. P. BANKS.
S. A. HURLBUT.

Hon. L. Q. C. LAMAR absent on account of sickness.

[From the report of the commissioners appointed in 1872.]

Extracts from the evidence as to murders and violence by Mexicans.

"E. B. Barton testifies that Thompson and a companion were murdered by Mexicans near Las Olmas in 1859. (See deposition No. 42.)

"Francis M. Campbell testifies that W. P. Neall was murdered by Mexicans in 1859; also a young Mexican murdered at Brownsville, 1859; also a Mexican shot, 1859. (See deposition No. 84.)

"Victor Morel testifies that Captain N. P. Spear, William Robinson, and John Box were murdered in 1859 by Mexicans, at or near Rio Grande City. (See deposition No. 157.)

"Indictments show the following persons to have been murdered at or near Brownsville in 1859 by Mexicans:

"1. Robert Shears, wounded July 13, 1859.
"2. V. Garcia, murdered September 28, 1859.
"3. R. S. Johnson, murdered September 28, 1859.
"4. George Morris, murdered September 28, 1859.
"5. J. Montes, murdered November 25, 1859. (See document 27, current file.)

"W. D. Thomas testifies that James Dunn and Richard Rowland were murdered and the sheriff of Hidalgo County wounded at Granjero ranch by Mexicans in 1861. Leonicio Ensualdo was one of the murderers. (See deposition No. 16.)

"William Burke, lieutenant of State police, testifies that a number of United States soldiers were murdered by Mexicans in 1864 and 1865. A courier of the Fourth Wisconsin Volunteers was killed at San Martin ranch in 1864 or 1865; his body shamefully mutilated. Eben Cobb was murdered seven miles from Brownsville in 1865 or 1866. (See deposition No. 4.)

"William Burke testifies that Dr. Morse, United States Army, was murdered by Mexicans about five miles from Brownsville, and a German named Burmester, about twelve miles from the same city. (See deposition No. 4.)

"Louis Renaud testifies that J. C. Rosa and Cecilio Gomez were murdered at Sabinito Rancho, in Texas, in 1866, by armed Mexicans under Leandro Ramirez. (See deposition No. 88.)

"James F. Scott testifies that A. J. Cook was murdered on the highway, in the Nueces Valley, in 1867, by Mexicans. (See deposition No. 52.)

"William Burke, lieutenant of State police, testifies that Inspector Dupont was murdered in sight of Brownsville, by Mexicans, in 1869 or 1870. (See deposition No. 4.)

"William Kelly, justice of the peace, testifies that Inspectors Hammond and Phelps were murdered and Inspector Ryan wounded at Clarksville, on December 18, 1869, by armed Mexicans, who crossed from Bagdad for the purpose. (See deposition No. 149.)

"Mary C. Clark confirms the above. The Mexicans robbed her residence and murdered Inspector Hammond in her presence. (See deposition No. 147.)

"William Burke, lieutenant of State police, testifies that Dr. Cleveland was murdered by Mexicans seventy miles from Brownsville in 1870. (See deposition No. 4.)

"William Burke, lieutenant of State police, testifies that in 1871 John Clark and Pat Fox were murdered by Mexicans, eight and seventy-five miles, respectively, from Brownsville, as well as Inspector McLaughlin, killed in Live Oak County. (See deposition No. 4.)

"William Burke, lieutenant of State police, testifies that Inspector Miller was wounded by Mexicans at White's ranch in 1871. (See deposition No. 4.)

"Richard King testifies to the murder of Carl Specht, his traveling companion, on July 31, 1872, near Corpus Christi, Texas. It was dark when the attack on the ambulance was made. Witness believes the murderers to have been Mexicans. (See deposition No. 89.)

"Henry Simeon and Crespin Peña testify to the murder of their companion, Joseph Alexander, of Brownsville, on August 11, 1872, near Relampago ranch, by one Francisco Perez, (alias Chicon,) a sublieutenant of Cortina's forces. The murderer was mounted and stopped the ambulance, firing without the slightest provocation at Mr. Alexander, killing him instantly, and immediately escaping to Mexico. (See depositions Nos. 36 and 37.)

"*Enumerations of robberies, murders, and assaults by raiders since the report of the commissioners of 1872.*

"1. During the months of March and April, 1873, Alberto Garzo, a notorious outlaw from Guerrero, Mexico, with a party of cattle-thieves, crossed to this side of the Rio Grande and located himself near Piedras Pintas, in Duval County, in the neighborhood of which there are dense thickets, affording means of concealment, where he engaged regularly and systematically in killing and skinning cattle. On the 19th of April he offered two hundred hides for sale at Piedras Pintas that had just been taken from the cattle on the range. And it was not until the owners of the cattle collected in force that he retreated to Mexico.

"2. On the 8th day of June, 1873, the United States custom-house, or deputy collector's office, at Carrizo, in Zapata County, was robbed by a party of Mexicans.

"3. On the 6th of July, 1873, Dr. J. C. Crocker was murdered and robbed by an organized band of Mexicans, about fifteen miles west of Captain King's ranch in Nueces County.

"4. On the 7th of November, 1873, the store of R. Schubert, a merchant at Concepcion, in Duval County, was entered by a party of twenty or thirty armed Mexicans, who overpowered Schubert and his clerks and gutted his store, taking between $2,500 and $4,000 in money, besides arms, goods, &c., with which they

recrossed into Mexico at the ranch of Las Cuevas, in the lower edge of Starr County.

"5. On November 30, 1873, Henry Grey, a son of E. N. Grey, of Concepcion, Duval County, was killed by a party of Indians and Mexicans. The same party killed in all their raid twenty-four men and wounded fifteen Mexican herdsmen, in Duval and Webb Counties, and stole between seventy-five and one hundred head of horses and scattered the sheep-stock of the country, so that the owners suffered great loss. G. W. Sank, recently killed in the Corpus Christi raid by another party of Mexicans, was wounded by this party. Don Hypolito Mendiola was killed at his ranch near Laredo. This party was pursued by Captain Refugio Benavides, of Webb County, and one of them, an old Mexican, was wounded and captured. The rest fled and found refuge in Mexico, from whence they came upon this raid.

"6. On May 5, 1874, a young man by the name of Watson, traveling with two companions, was tied up with his companions and robbed by a party of armed Mexicans about twenty-five miles from Corpus Christi, Nueces County.

"7. John Albertson, traveling from Brownsville, Texas, to Corpus Christi, was on the 3d of February, 1874, tied up with the members of his family and robbed, in the upper part of Cameron County, by a party of armed Mexicans, and his wife was subjected to the most horrible outrage by members of this band of robbers.

"8. On May 5, 1874, a Frenchman named Martinet was tied and robbed of about $1,800 by a party of armed Mexicans between the Olmito and Lampasitos ranches, about seventy-five miles southwest of Corpus Christi.

"9. On May 9, 1874, a party of twenty-five to thirty armed Mexicans appeared at the ranch of Peñescal, near the line of Nueces and Cameron Counties, and not very far distant from the scene of the preceding case, No. 8, where they attacked the people, brutally murdering John F. Morton, Michael Morton, P. F. M. Coakley, and Herman Tilgner, and robbed their store of its contents. One of these raiders was afterward caught, tried, and hung at Corpus Christi. From his confession, several parties became known, and it was established that they were all Mexicans from Mexico.

"10. On the 7th of June, 1874, a party of five armed Mexicans attacked the house of Mr. Thaddeus Swift, of Refugio County, and brutally murdered Mr. Swift and his wife, both of them being cut to pieces and horribly mutilated with knives, the object being robbery. For the terrible details of this tragedy we refer to the annexed affidavit of Mr. F. M. Swift. Three of the assassins were hunted down and hung by the outraged neighbors. Two of them escaped to Mexico. One of these is Juan Juares or Juan Flores, as he called himself. This man had claimed to be an American citizen and had registered himself as a voter. He was arrested in Guerrero, Mexico, and a demand made for his extradition under our treaty with Mexico. He confessed his guilt with cold assurance, but claimed to be a Mexican citizen and not subject to rendition. His case was transferred to the Mexican federal court at Matamoras, where, upon his examination, he again confessed his guilt. We refer to the copy of his confession, herewith attached, taken from the record of his case. He has been finally delivered to our authorities, not in accordance with the treaty, but upon the payment of a large reward (or bribe) paid in money by the relatives and friends of the murdered Swift family.

"11. On August 2, 1874, an attempt was made by a party of marauders to murder Mr. Roach, living about thirty-five miles from San Diego, in Duval County, and to rob his store, but being prepared for the danger, he made a successful defense.

"12. On November 3, 1874, the store of Mr. George E. Blaine at the Los Olmos ranch, near the line of Nueces and Hidalgo Counties, was robbed by a large party of armed Mexicans, the loss being $500 to $600 in money and about $2,500 in goods. No lives were lost on this occasion, Blaine making no resistance to the robbery. The thieves had declared their intention to kill Blaine, and he was only spared by the timely arrival of a party of twelve Americans who happened to be encamped in the vicinity, and who rushed to the rescue in time to save Blaine's life, they having been advised by a courier of what was transpiring.

THE CORPUS CHRISTI RAID.

"13. The success that had attended the robberies of stores in the scattered outsettlements emboldened the robbers to make a more daring attempt and a more general pillage, and on the 26th of March, 1875, began what is generally called 'the Corpus Christi raid,' from the fact that it was supposed that an attempt would be made by the raiders to sack Corpus Christi. We present the following brief account of the raid, taken from the Valley Times:

" 'From all the information we can glean from those who were present and eyewitnesses of the recent Mexican raid, we give the following:

" 'From Mr. Doddridge we learn that rumors of the gathering of a party were conveyed to him about a week ago, but nothing was thought of it more than that of any other idle assemblage.

" 'Their first overt act appears to have been the demand made upon Campbell, near Tule Lake, for horses, as narrated yesterday.

" 'Procuring a few animals, which were ridden by the captors without saddles or bridles, the crowd went to Page's, nine miles from Corpus. Here they made a clean sweep of everything valuable. Two ladies in the house betook themselves to the chaparral, while Mr. Page was carried off.

" 'The next placed visited was Frank's store, at the Juan Sais ranch. There were eighteen or twenty of them here. Three or four, presenting pistols at Frank's head, demanded all his valuables. Of course no resistance was made, Frank yielding them everything. Overhauling his stock they took everything they wanted, exchanged their old clothes for new, and even stripped Frank to his underclothing.

" 'They stopped at this store for some time, supplying themselves with horses, saddles, &c., from the travelers passing either way. As soon as a vehicle or horseman would arrive, he was immediately surrounded, a score of pistols and guns levcled, and the demand for surrender made. In this manner was Mrs. Sidbury, Mrs. Savage, Miss Laura Allen, Messrs. H. A. Gilpin, Jos. Saunders, S. G. Borden, George Reynolds, Joe Howell, with Mr. W. W. Wright's team and wagon, the driver of Gilpin's team, W. A. Ball, Mr. Reynold's little daughter, Frank Page and son, and a number of Mexican women and children captured, and all their valuables appropriated, some of the ladies having part of their clothing taken from them. The miscreants attempted to disrobe Mr. Reynolds, but one of their number interfered and prevented it by the threat of a pistol.

" 'It was at Frank's the first killing was done. One of the robbers asked a Mexican to join the party in their raid. He refused, when a pistol was placed to his head, the trigger pulled, and his soul sent to eternity. It was a terribly cold-blooded deed.

" 'After leaving Frank's, the Mexicans, driving their prisoners before them like sheep, started for the Motts. Their first effort there was against the store of Mr. Thomas Noakes, which they found closed.

" 'Opening the door the first man who presented himself was shot twice by Mr. Noakes. Immediately afterward a man named Smith, in the store at the time, rushed out the front door, was met by the party, and shot down, mortally wounded. Aggravated, it is supposed, by the unexpected resistance, the store was fired. Noakes took refuge under the counter, and afterward got out of the building and into a place of safety. The destruction of his property was so complete that the calves in the pen were roasted. His loss is at least $10,000.

" 'At the Motts the women prisoners were liberated and allowed to go to their homes. After staying here an hour, the party started off toward Peñitas. In the neighborhood of Mr. Hunter's house they were brought to a stop by Pat Whelan and his party of ten, who charged the devils at once. Received by a volley—in which poor Swanks lost his life, he being shot through the stomach—it was returned with vigor. Thirty-five to ten were heavy odds to fight, and after exhausting his ammunition fruitlessly Whelan was obliged to give up the contest and return to the Motts for ammunition and re-enforcements. Receiving these, pursuit was resumed almost immediately.

" 'The Mexicans had with them two wagons, piled with plunder, which were on ahead under an escort. One of them belonged to Reynolds.

" 'The following, to a great extent identifying the party, was received here by a lady yesterday from Piedras Pintas, and is reliable:

" 'Alberto Garza passed through Piedras Pintas March 25. He shot one of Silverio Salinas's vaqueros three times because he would not give him his horse. He was thought to have twenty-five men with him and on his way to San Diego."

" 'Friday night Mr. Lee Riggs, R. W. Archer, and two others coming from Lagartaville were shot at near a creek. Camping six miles this side of the place, and about fifteen miles above Nuecestown, about three o'clock in the morning, a party of between twenty and thirty armed Mexicans passed them. But for being concealed in a little hollow, suggested by the attempt spoken of, they would have undoubtedly lost their lives.'

"The raiders, having sacked the country in the neighborhood of Corpus Christi, turned their course toward the Rio Grande. On the night of April 2 they surrounded the town of Roma, in Starr County, on the Rio Grande, and were prepared to sack that town and rob the custom-house, a deputy collector of customs being located there, but were prevented from doing so by the presence of a company of United States troops stationed at the place. They then withdrew from before the place and crossed the river into Mexico in the immediate vicinity. These facts are shown by the deputy collector of customs, herewith attached.

"This raid having attracted universal attention on this frontier, the Mexican authorities of Mier and Camargo, in which jurisdictions the raiders crossed into Mexico, took action in the case and arrested eight of the raiders. These prisoners were started for Matamoras, and the judge of the district court of this district was notified of the fact by the United States consul at Matamoras and advised to be prepared by the time of the arrival of the prisoners at Matamoras. Judge Dougherty immediately telegraphed to Corpus Christi to procure witnesses to identify the criminals, and was answered that plenty of witnesses would be ready to attend at Matamoras. But while the prisoners were *en route* to Matamoras an order was received from General Escobedo, from San Luis, Mexico, that the prisoners should be sent to Monterey, about two hundred miles into the interior, and not to Matamoras. For the particulars of these facts we refer to the letters of the United States consul to Judge Dougherty, herewith attached.

"It is claimed that this order of Escobedo was issued in good faith, in order to keep the prisoners from being subject on their arrival at Matamoras to the influence of Cortina, and to keep them beyond his protection. But it appears to us that this is a flimsy pretext to send them where there would be no possibility of their being confronted with the necessary testimony to convict. The allegation, however, although it may prove the punic faith of the Mexican authorities, also proves the character of Cortina with his own government.

"During this raid Miss Lizzie Joy arrived at Corpus Christi from Laredo, and made affidavit that she had left Laredo on the 20th, and on the 26th saw the dead bodies of two Americans near the roadside hacked to pieces with knives, and their horses hitched near and in a famishing condition. Miss Joy was traveling with a train of carts, and the cartmen buried the dead bodies. The next day two other bodies were discovered hanging near the road-side; these latter bodies were Mexicans. As there was no other party out except the Mexican raiders upon Corpus Christi, these four additional deaths to those already recounted are attributable to them. We annex the published account and the affidavit of Miss Joy in this case.

"14. On the 16th day of March, 1874, Vidal la Haille, a Frenchman, traveling from Corpus Christi to this place, was killed and robbed by Ricardo Flores and a party of armed Mexicans in this county, near Olmos, the line between this and Nueces County. Flores is a registered voter of this county. He was arrested, and, upon investigation before a magistrate, was committed to jail to answer for the murder before the district court; but broke jail and fled to Mexico. He is now in Matamoras, Mexico, where he has been since his escape. A requisition has been made under the treaty with Mexico for his rendition, but without success, Flores being under the all-powerful protection of General Cortina.

"15. On the 27th day of February, 1875, a party of armed Mexicans, seven in number, crossed the Rio Grande from near Reynosa, Mexico, and went to El Sauz, in Hidalgo County, where there is a post-office, and they entered the store of Mr. J. L. Fulton, the postmaster, when they made an assault upon him and his clerk, Mauricio Villanueva, a young Spaniard, in which both these parties were killed. The object was to plunder the store of Fulton, but the neighbors, having become alarmed by the shots, assembled and sent to Edinburgh, about seven miles distant, for assistance, which the robbers perceiving, they fled across the Rio Grande without accomplishing their purpose of robbery. Mr. Fulton was an officer of the Thirty-sixth Regiment of United States Colored Troops, and had settled here after the close of the war. He was an industrious, law-abiding, peaceable, and useful citizen.

"16. On the 23d day of March, 1875, Alexander Morel, a citizen of Hidalgo County, was killed by a party of Mexican cattle-thieves from Reynosa Vieja, in Mexico, who had crossed the river to ply their vocation. The details of his death are given in the annexed letter of his brother, Victor Morel. The body of the deceased was not found until the thieves sent word to his brother Victor where he would find it buried

"17. On the 16th day of April, 1875, George Hill, a resident of Tio Cano ranch, in Cameron County, was killed by a party of Mexican cattle-thieves, who had crossed the Rio Grande to pursue their nefarious traffic. Hill was out hunting stock, and came upon the party unexpectedly, and was evidently killed to prevent discovery. The evening after his death the thieves crossed their plunder to Mexico, near Santa Maria, which fact came to the knowledge of and was reported by the customs inspectors stationed at Santa Maria. Mr. Hill was a hard-laboring farmer and stock-raiser, who had settled here after the close of the war, in which he served as a member of the Fourth Wisconsin Cavalry, and he has left a large and helpless family of small children thus robbed and deprived of the protection of their father.

"18. On the 19th of April, 1875, a party of twelve armed Mexicans crossed the Rio Grande from Guerrero, Mexico, and appeared at Carrizo, Zapata County, where there is a post-office, and where a deputy collector of customs and two mounted inspectors are stationed. The raiders entered the store of Dr. D. D. Lovell and murdered him in cold blood. They then robbed his store of several thousand dollars in money and goods. They then proceeded to the office of the deputy collector of customs, robbed the place of all the property in the office except the money, which was in a large iron safe, which they could not break open, but broke off the knobs, leaving it useless. The deputy collector was absent and the inspectors fled, being two only against the twelve robbers. Dr. Lovell was the postmaster at Carrizo, and the post-office, as well as the store, was gutted of its contents. Dr. Lovell was an intelligent and enterprising citizen, who had built up a considerable trade at Carrizo, where he had settled at the close of our late war, in which he had served honorably as a volunteer in the Fourth Wisconsin Cavalry, which regiment, within two days lost two of its members, Dr. Lovell and George Hill. These deaths occurring at distant points from each other, but at nearly the same period of time, prove the thorough organization and understanding between the Mexican thieves scattered all along the Mexican border of the Rio Grande. The sheriff of Zapata County, writing to Judge Ware, states the loss of Dr. Lovell at $4,000, and that he lost $1,000 taxes collected, that was on deposit with Dr. Lovell.

"19. On the 1st day of December, 1874, a large party of Mexican cattle-thieves encamped near the ranch of Carlos Danache, of Cameron County, about fourteen miles from Brownsville, and they sent word to Mr. Danache, who had been active in the pursuit of these *caballeros*, that they were encamped near his place and

would be pleased to see him. Mr. Danache gathered a party of friends and went to their camp next morning, but found it abandoned. And at their camp he found a Mexican hung, and the dead body so badly mutilated that it could not be identified, but supposed to be some honest man who had made himself obnoxious, like Danache, to the thieves. We refer to the affidavit of Mr. Danache in this case, herewith annexed.

"20. On the 18th day of January, 1875, Albert Dean and Joseph Dunn, mounted inspectors of customs, stationed at Rio Grande City, Starr County, were attacked by a party of five Mexicans, armed with Winchester carbines, who had just crossed from Mexico and whose outfit was undergoing examination by the inspectors, and their outfit, consisting of raw-hide ropes and other paraphernalia of the cattle-thief, indicated the object of their visit. This was about two leagues below Rio Grande City.

"In the same neighborhood, G. W. Lowe, another mounted inspector of customs, accompanied by Joseph Dunn, was ambushed and fired upon from the *chaparral* on the 22d day of April, 1875, the ball cutting through his clothing across the breast, which indicated the intention of the assassin. For particulars in these cases we submit copies of the official reports in relation thereto.

"21. On the 26th day of January, 1875, a fight occurred between a party of United States soldiers and a party of Mexicans at the rancho Solises, in Starr County, about eighteen miles below Rio Grande City, in which two soldiers and one Mexican were killed and two other Mexicans were wounded."

The fight of Captain McNally near the old battle-field of Palo Alto in June, 1875, and the fight at Las Cuevas in December, 1875, will be found mentioned in the appendix.

Since the appointment of your committee, in January, 1876, a Mexican citizen of Texas, Dionysio Garza, who kept a store in the county of Zapata, was murdered by Mexican raiders, together with his family, and his store robbed.

This is an account, so far as we could get it, of murders and outrages which were known. A full account cannot be made, as men often disappear without their fate being known or their bodies found.

The enormous number of cattle continually being stolen we have not attempted to ascertain, except in a general way, as may be gathered from the evidence.

PAYMENT OF SPECIAL COUNSEL BY DEPARTMENT OF JUSTICE.

Mr. DURHAM, from the Committee on Expenditures in the Department of Justice, reported back, with a recommendation that it pass, a bill (H. R. No. 2822) repealing section 363 of the Revised Statutes of the United States, and the substitution of another section in lieu thereof.

The bill was read. It provides that section 363 of the Revised Statutes be repealed, and the following enacted in lieu thereof:

SEC. 363. In cases where large amounts are involved, in which the United States may be a party in interest, and in cases of the United States against individuals for high crimes or misdemeanors, where the judge of the district or circuit where said cases are pending shall state, in writing, to the Attorney-General of the United States that in his opinion the public interest requires that the district attorney of the United States should have assistance in the prosecution or defense of said cases, then the Attorney-General may, with the consent of the head of the Department which may have control of the subject-matter in litigation, employ and retain, in the service of the United States, attorneys and counselors at law to assist the district attorneys in the discharge of their duties; but in no instance shall he employ more than one attorney or firm of attorneys in any one case, and said attorney shall make out and swear to an account of the nature and value of the services rendered by him, and file the same in the court where such services were rendered, and send a copy of the same to the Attorney-General, and the said judge before whom said cause or causes may be tried shall certify to the Attorney-General that said attorney has rendered the services set out in the account, and his approval of the amount charged; but the Attorney-General and the said head of the Department shall fix the amount of the compensation for said service.

Mr. DURHAM. Mr. Speaker, I desire to make a brief explanation of the objects and purpose of the bill. It grows out of a resolution introduced by one of my colleagues [Mr. PARSONS] as to the number of special counsel employed by the Attorney-General, and the amount of compensation paid, in cases where the Government of the United States is a party. Accompanying this bill is a report setting out all the facts as called for by the resolution.

The committee were of opinion that in all probability too many counsel had been employed to assist in these prosecutions for some kinds of offenses. It appears by the report that within the last three or four years the large sum of $220,000, and more, has been paid to these special counsel. It also appears that extra compensation to the amount of $53,000 has been paid to the regular United States attorneys, in addition to their regular fees.

It is proper I should state that the present Attorney-General of the United States informs us that no adjustment has been made of special counsel fees in the various whisky prosecutions which have been going on within the last few months. We all know the importance of those prosecutions; but I suppose I shall be pardoned when I state the fact (without giving the name) that in one of those special cases one gentleman alone claims the enormous sum of $26,000 as fees for assisting in those prosecutions when he has not been engaged more than three months.

Now all this responsibility devolves upon the Attorney-General himself without any recommendation on the part of the district judge as to whether or not it is necessary to employ special counsel. In order that the House may see exactly what the present statute is, I ask the Clerk to read from the Revised Statutes, section 363.

The Clerk read as follows:

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

Mr. DURHAM. In many instances, Mr. Speaker, two and three counsel have been employed. With an able district attorney one lawyer is sufficient, and we therefore so provide in the bill; and further, that no attorney shall be employed to assist the United States district attorney unless upon the certificate of the judge himself that assistance is needed.

It undertakes to throw around that section of the Revised Statutes all the safeguards necessary, and I am sure the Attorney-General himself will not object to having some checks, if I may say so, placed upon him, or at least there shall be some counsel in regard to this matter. In addition to that the assistant attorney is required to make out and swear to the value of his service, which shall be certified to the Attorney-General, who then, in connection with the head of the Department out of which the litigation springs, shall determine what is fair and right as compensation to the assistant counsel.

In some instances men have been employed and paid $10,000 in one single case. Assistant counsel have been employed and paid more for three months' service than has been paid to the Attorney-General for one whole year's salary.

Mr. HURLBUT. Let me call the gentleman's attention to the last provision in his bill. It does not limit the power of the Attorney-General or the head of the Department out of which the litigation grows in fixing the salary, notwithstanding the opinion of the judge.

Mr. DURHAM. Yes, the Attorney-General and the head of the Department out of which the litigation springs are to determine what is a fair compensation. That is to say, if it grows out of customs, the Secretary of the Treasury and the Attorney-General; if out of any matter of state, the Secretary of State and the Attorney-General; and if out of any matter of war, the Secretary of War and the Attorney-General.

Mr. HURLBUT. The bill provides that the judge shall certify to the fact that the service has been rendered and his opinion as to the charge made, and then it goes on to say that the Attorney-General and the head of the Department having charge of the subject-matter are to fix the compensation. It does not say it shall be within or above the amount specified.

Mr. DURHAM. It does not; for I take it for granted they will not allow a man more than he asks. They generally ask as much as they are entitled to. The assistant attorney has to swear to his account and the value of his service. That has to be certified to, and then the Attorney-General and the head of the Department out of which the litigation may spring may cut down the bill, or, in their judgment, I admit, raise it as suggested.

Now, Mr. Speaker, this is the purport of the bill reported, and unless some gentleman desires to say something in regard to it I will demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CLERK TO COMMITTEE.

Mr. ROBERTS, from the Committee of Accounts, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the special committee appointed to investigate the real-estate pool and Jay Cooke indebtedness be, and are hereby, authorized to employ a clerk for the further term of one month from the 15th of March, and said clerk be paid the sum of $4 a day for his services.

CONTESTED-ELECTION CASES.

Mr. HARRIS, of Virginia. Mr. Speaker, I desire to state it was my intention on Thursday of this week to call up for the action of the House the reports of the Committee of Elections in the contested-election cases of Bromberg and Haralson, and Finley and Walls, but on account of the absence of the gentleman from New York, [Mr. TOWNSEND,] I now give notice I shall postpone the calling up of those cases until Tuesday of the next week, after the reading of the Journal, so gentlemen interested may prepare themselves.

Mr. RANDALL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from North Carolina, [Mr. WADDELL,] which the Clerk will read.

The Clerk read as follows:

Strike out all from and including the words "Chief Clerk," in line 126, down to and including the word "session," in line 155; and in lieu thereof insert the following:

Chief Clerk and journal clerk, $3,000 each; two reading clerks and tally clerk, $2,700 each; disbursing clerk, file clerk, printing and bill clerk, enrolling clerk, and index clerk, $2,332.80 each; assistant to Chief Clerk, two enrolling clerks, resolution and petition clerk, stationery clerk, and newspaper clerk, $1,944 each; doorkeeper in stationery-room, distributing clerk, assistant index clerk, superintendent of document-room, assistant to clerk, $1,620; six assistant clerks, $1,300 each; six messengers, at $1,300 each; engineer, at $1,620; three assistant engineers at $1,300 each; five firemen, at $1,090 each; one laborer, at $820; six laborers, at $720; one upholsterer and locksmith, at $1,300; one telegraph operator during the session, at $100 per month; one telegraph messenger and page, at $2.50 each, to be paid during the session.

Mr. WADDELL. I desire to make a statement. Since I introduced that amendment, Mr. Chairman, about which I have not changed my opinion in the least, the Clerk of this House has intimated to me he has been put into a false position in regard to this matter, and suggested the propriety of withdrawing it. As I have no personal interest in the matter one way or other, and as it seems to be the wish of the Clerk, I will not antagonize the gentleman's bill, but will withdraw the amendment.

Mr. CONGER. Before we leave this paragraph, I desire to have the attention of the chairman of the Committee on Appropriations for one moment. I find in line 135 provision for the hire of a horse and carriage for the use of the Clerk of this House. While in the same proposition for the Senate the gentleman has reported for the hire and use of a wagon. I call the gentleman's attention to it for the purpose of inquiring why he makes this invidious distinction of a wagon for the Senate and a carriage for the House? [Laughter.]

Mr. RANDALL. I am obliged to the gentleman. No invidious distinction was intended. Heretofore the Clerk of the House has been allowed three horses, and we have restricted him to one horse. I will accept the gentleman's amendment to strike out the word "carriage" and insert "wagon."

Mr. CONGER. I thought the question of carriages had been made so often by the democracy that perhaps they would not like to have it in this bill.

Mr. RANDALL. I have a prejudice myself against employés riding in carriages at the expense of the Government. They can do as I do, ride in a car.

Mr. CONGER. The gentleman would not wish to have a greater privilege accorded to the Clerk of this House than to the Secretary of the Senate?

Mr. RANDALL. Of course not. It is suggested also there is another mode of locomotion, and that is on foot. I hope the amendment of the gentleman from Michigan will be adopted.

Mr. CONGER. I made no motion.

The CHAIRMAN. Then the gentleman had no right to hold the floor.

Mr. CONGER. I take back all that I said. [Laughter.]

Mr. RANDALL. I move to strike out "carriage" and insert "wagon."

The amendment was agreed to.

Mr. CALDWELL, of Alabama. I desire to call the attention of the gentleman from Pennsylvania to the item in lines 164 and 165—

Private secretary to the Speaker, $1,500.

I desire to ask the chairman to admit an amendment to strike out "$1,500" and insert instead thereof "$1,800." My reason for offering this amendment I can state in a moment.

The corresponding officer in the Senate, the secretary to the Vice-President, is allowed by this bill $1,800; and there is certainly no difference, either in the importance of their respective duties or the amount of labor performed, which should require a higher salary to be given to the secretary of the Vice-President than to the secretary of the Speaker. On the contrary, the labor imposed on the private secretary of the Speaker in this House is greater than the labor imposed on the private secretary of the Vice-President. I feel sure the chairman of the Committee on Appropriations or the committee will not resist the amendment. There ought not to be an invidious distinction made between officers of the same class in the two branches.

Mr. WELLS, of Missouri. In the statement of the pay of the different officers connected with the Senate, considered in consultation with the chairman of the Committee on Appropriations of the Senate, the salary of the secretary of the Vice-President was put down at $1,800. Hitherto the secretary of the Speaker of this House was receiving the same as the secretary of the Vice-President, $2,120. I see no impropriety in placing the secretary of the Speaker on the same footing as the secretary of the Vice-President, with a salary of $1,800.

Mr. RANDALL. It will be borne in mind, however, that the Vice-President of the United States, the President of the Senate, has but one secretary, while the Speaker of this House has a clerk and a secretary.

Mr. WELLS, of Missouri. One of them stands here at the desk while the House is in session and does not do any business outside of the House.

Mr. RANDALL. I have no objection to agreeing to the amendment on behalf of the committee.

Mr. HALE. I think the two officers ought to be put on the same basis.

Mr. RANDALL. That is right; let the amendment be adopted.

The amendment was agreed to.

Mr. RANDALL. To make the sum-total in lines 203 and 204 correspond with the paragraph as amended, I move to strike out "$173,120" and to insert "$173,860."

Mr. WALLING. I ask the gentleman to withhold that amendment until I offer another amendment to this paragraph. I offer the following amendment:

In line 168, strike out "$2,000" and insert "$2,250;" so that it will read, "clerk to Sergeant-at-Arms, $2,250."

This amendment has reference to the pay of the clerk of the Sergeant-at-Arms, known as his cashier, who holds as responsible a position, perhaps, as that of any clerk in this House or of any officer connected with it, since he has charge of the accounts of all the members and has to give bonds for the faithful performance of his duties.

The tally-clerk at the desk by this bill receives $2,250. That is what this amendment proposes to give the clerk to the Sergeant-at-Arms. I think by the printed statement in the report of the committee that they intended to give him this salary. It is there stated at $2,250. His present pay is $2,500. The bill will reduce the salary of this clerk 20 per cent., while other officers are reduced only 5 per cent.

I am satisfied the House will see the propriety of leaving the pay of this clerk at least equal to that of the tally-clerk at the desk. The gentleman from Missouri, [Mr. WELLS,] a member of the committee, informed me that he supposed that this officer's salary was fixed at that amount. I hope the amendment will prevail. The position is one of great importance, and the pay at $2,250 will be small enough.

Mr. SINGLETON. I rise to oppose the amendment.

This debate, to my mind, has been somewhat remarkable both on account of the character of the objections that have been made to the provisions of the bill and the class of gentlemen who have made them. It has been objected that the salaries of the clerks, officers, and employés of this House are about to be reduced unwarrantably and unconscionably. Now, sir, I venture to assert that you might take these gentlemen, clever as they are, and possessing eminent qualifications for the positions they occupy, and put them in any other position in a city or in a rural district, where the same duties were to be performed, and not one of them will get the amount of salary the United States is now paying them. I know the impression has obtained, and has been too extensively carried out in practice, that everything that is done for the Government should have a higher price paid for it than for that which is done for individuals. I ask you if there is any soundness in this practice? I ask if there is any justice in giving any class of men for Government services higher wages than they could get in any other like pursuits or employments in life?

Every one of those gentlemen holding offices in this House knew, when members of Congress came here, that every man of us, especially on this side of the House, was pledged to retrenchment, and they accepted these offices upon condition, implied if not expressed, that they would submit to whatever reduction Congress might think proper to make. They knew as well then as they know at this time that one of the most potent agencies employed in changing the political complexion of this House was a promise upon our part to reform the abuses in the use of public funds which had brought the republican party under condemnation. And yet, sir, when it is proposed to touch their salaries, at once a clamor is raised against it all over the country, and you cannot get into a street-car or go to one of the hotels without having somebody hanging to you and protesting against the provisions of this bill.

Now, sir, have we reduced the salaries improperly? Gentlemen have said on this floor that these salaries were raised some years ago and have remained at the figures then fixed up to the present time. I hold in my hand a carefully prepared statement taken from the laws passed on this subject, and I propose to show gentlemen how salaries have been increased from year to year extravagantly, recklessly, and the necessity now of bringing them back again to the old standard. Let me take the year 1866, if you please. I find that then the Clerk of the House received $3,600; in 1867 it was raised to $4,320; in 1873 it was still $4,320, and in addition to that an act was passed giving him $576 as disbursing clerk of a particular fund; making the whole salary $4,896.

Mr. GARFIELD. I call the attention of the gentleman to the fact that under a former law the Clerk had large fees paid him, which made his salary a good deal more than he got after those fees were abolished.

Mr. SINGLETON. I hope that the gentleman will not interrupt me, for I have but a few minutes in which to discuss this question. We find the Clerk received $4,320, and also received $576 as disbursing clerk. Then he had the use of three horses and wagons, for the use of which appropriations were made of $912.50 each, making $2,737.50 in the aggregate, thus increasing his pay by these perquisites to $7,637.50. It must be borne in mind that the Government furnished stables and everything necessary to the taking care of the teams except feed. Allow him now $300 for taking care of the three horses, the salary will still be $7,337.50; and yet gentlemen tell us with serious faces that there ought not to be any retrenchment in this direction.

Again, they say that these salaries ought not to be reduced because they are inadequate to the support of our clerks and employés. These parties are not compelled to remain here if the salaries are inadequate. All they have to do is to please themselves by retiring, and please a like number of men who will come here and take their places for the salaries offered.

[Here the hammer fell.]

Mr. BLOUNT obtained the floor.

Mr. RANDALL. I think there need be no further discussion on this question, as I understand the gentleman from Ohio is willing to withdraw his amendment.

Mr. WALLING. I withdraw it if there is any objection to it.

Mr. SINGLETON. I desire to say a few words more on this subject.

Mr. BLOUNT. I yield the floor to the gentleman from Mississippi.

Mr. SINGLETON. I was going on to say further that there is no responsibility attaching to the officers and employés of this House. If they can get their salaries doubled or quadrupled and coolly pocket them, no responsibility whatever attaches to them. No wonder, therefore, that they lobby to have their salaries increased. But we, as the representatives of the people, are responsible for what is done in this House, and gentlemen on this side of the House are responsible especially, because we constitute the majority in this House.

One of the gentlemen who addressed the House the other night said that we should not cut down salaries, but reduce the number of employés; yet as soon as that question was touched the gentleman from Kentucky [Mr. DURHAM] rose and informed us that the Clerk of the House had notified him that if the force was materially reduced he could not perform the labors devolved upon him. Sir, it is his duty, with the force allowed him by Congress, to perform to the best of his ability the duties attaching to his position, and then if he does not meet them, as he says he cannot, we can remedy the evil. But, sir, the time has come when we should take the responsibility of meeting this question for ourselves, and not allow any clerk or employé of the House, no matter how high or important his position may be, to obtrude his opinion upon us and dictate what shall be done in the way of fixing the salaries. I hope the time has come when this thing will be stopped.

Why, sir, it has been bruited all over the country that if we cut down these salaries we shall ruin these men. Petitions have come in on the subject and we constantly get letters concerning it. Outside influences are brought to bear in order to prevent us from carrying out our views of retrenchment. I hope that we shall disregard these things and go forward in the discharge of our duty like men.

Some other gentlemen propose to apply the 10 per cent. rule inflexibly and invariably. Now, I want the gentlemen who have advocated this proposition to say whether they are in earnest. Your President receives a salary of $50,000 a year. Are you willing to apply that rule and leave his salary at $45,000? If you are, you throw yourselves in antagonism to the republican Senate, for they have already said in a bill this day sent to us that the President's salary shall be reduced to $25,000. Again, are you willing to apply that principle to those employés in the Treasury and other Departments of the Government who receive $900 a year, women who are faithfully discharging the duties heretofore performed by men receiving $1,400, $1,600, and $1,800 a year? Do you want the inexorable rule of 10 per cent. applied to them, so that their salaries shall be cut down to $810 a year? I want gentlemen who desire that to be done to rise up and so declare. When, therefore, you put yourselves behind these pretended objections to be used as a masked battery from which to fight the action of the Committee on Appropriations, I say that you are not acting in good faith.

[Here the hammer fell.]

Mr. RANDALL. I understand that the amendment of the gentleman from Ohio [Mr. WALLING] is withdrawn.

The CHAIRMAN. It is withdrawn.

Mr. DURHAM. I offer the following amendment:

In lines 190 and 191 strike out the words "document file-clerk, $1,200," and insert in lieu thereof the words "document file-clerk, $1,500."

I desire to say a word or two, not in regard to this proposed amendment, but in reply to what has fallen from the gentleman from Mississippi, [Mr. SINGLETON.] I desire to say that my position is not inconsistent, as stated by himself. My position in regard to all these offices is that there are supernumeraries in the various Departments, and that the true policy is to give fair salaries to those who are retained. I stated, too, the other evening that the Clerk of the House had informed me that the reduction proposed to be made by this committee in his force was so great that he could not carry on the business of his office, but that he had to submit to a certain amount of reduction in his force.

That reduction should be had; beyond that I contend, on the statement of the Clerk himself, this House ought not to go, provided it would retard the public service here. I stand by and maintain that position. I say that, in the real philosophy, the real genius of our institutions, those who come here and perform public service should have fair and reasonable salaries, and they should not be required to work for a compensation less than their services demand.

Now one word in regard to the amendment I have offered. As was said the other night, the injustice that seems to be done—mark you, I desire to exculpate the Committee on Appropriations; I desire to again declare that I believe they have acted honestly and conscientiously in this matter. But here is the document file-clerk, who under this bill will receive but $1,200 a year when he now receives $1,800, thus cutting his compensation down 50 per cent. He is required to be here from one end of the year to the other; his duties require him to be here all the time, as I understand from him. Now I suggest to the committee and to the House that a salary of $1,200 a year for an employé of this House, who is required to be here the entire year, is really not enough, considering the cost of living in the city of Washington. I have therefore moved to reduce his salary only $300 a year instead of $600, as proposed by the Committee on Appropriations.

Mr. HALE. Will the gentleman allow me to ask him a question?

Mr. DURHAM. Certainly.

Mr. HALE. If the gentleman is correct in saying that $1,200 a year is not enough in the case of a clerk employed by this House, what does the gentleman propose to do with the clerks in the Departments, all of whose salaries above $1,200 are cut down by this bill?

Mr. DURHAM. The proportion is not the same, mark you. For instance, you take a fourteen-hundred-dollar clerk, and cut his salary down 10 per cent. But here you have taken a man whose services are acknowledged to be worth $1,800 a year, by your own bill brought in here a year ago, and cut down his compensation 50 per cent., or from $1,800 to $1,200.

Mr. HALE. I understood the gentleman to say—perhaps I did not understand him correctly—that he thought $1,200 a year was not enough for a clerk to live upon here in Washington. Perhaps the gentleman did not say that.

Mr. DURHAM. I meant for such a clerk as this one. I will say in this connection that, while I am in favor of all necessary economy, I will resist to the utmost the cutting down of the compensation of the poorly-paid officers who come here and labor as hard as I do. That is my position all the way through.

[Here the hammer fell.]

Mr. SINGLETON. I do not wish to vex the ear of this House by any remarks I may make; but I wish to respond a little further to the gentleman from Kentucky, [Mr. DURHAM.] The gentleman talks about the reduction of the salaries below what they should be. I will refer a little more in detail to the statement I have in my hand.

The Chief Clerk to this House appointed by the Clerk elected in 1866 received an annual salary of $2,160. In 1867 it was raised to $2,592; in 1870 it was put up to $3,000, and in 1873 it was further raised to $3,600. You can see from this statement how these salaries have been increased for favorites, for particular persons who hold places here. They have been increased from year to year, and gentlemen can very well see the necessity of bringing them back again to a reasonable compensation for such services.

I find by this statement that the journal clerk in 1866 received $2,160 a year; in 1867 his salary was raised to $2,592; in 1870, to $3,000, and in 1873, to $3,600. Thus it has been going from bad to worse every year, until it has reached this enormous amount. In 1866 the reading clerk received $1,800 a year; in 1867, $2,160; in 1870, $2,592, and in 1873, $3,000.

With these facts staring them in the face gentlemen tell us that for years past the salaries of our clerks have not been increased—have been at these figures since the day of democratic rule. This list shows the matter differently; it demonstrates that these salaries have been increased year after year because individual favorites held the positions, and they have grown until they have become disproportionate to the amount of labor they have to perform. I might go through the list and show the same thing in reference to all parties employed about this House, but I will not dwell upon it further.

The gentleman from Kentucky [Mr. DURHAM] says that he did announce here, as I remember he did, that the Clerk had interposed his objection to this reduction. I repeat, that the Clerk ought to have remained silent; his voice should not have been heard in this matter. He had no right to interfere with the action of this House by getting his Representative to rise and tell us that he cannot perform the duties of his office with the force we propose to give him. If he cannot perform the duties required of him, then let him get out of the way and take his whole force with him, and we will see that those are appointed who can and will perform the duties. I have no unkind feeling toward the Clerk and his appointees; they have all been courteous and attentive to me. But I have a duty to perform, and I will perform it regardless of the consequences to them or myself.

Mr. DURHAM. I desire to state that my attention has been called to the fact that I said the compensation of this document file-clerk has been reduced 50 per cent.; I should have said 33⅓ per cent.

Mr. RANDALL. I do not think any portion of this bill received more consideration from the Committee on Appropriations than the portion relating to the salaries of the employés of this House. We have fixed them at what we deemed to be adequate and equitable, compared with the salaries paid for like services in the Departments.

Take the case of the reading clerk of this House, at a salary of $2,250 a year, as fixed by this bill. That reading clerk will receive that salary from the 1st of July next, and for seventeen months following that date he will be engaged in the performance of his duties here but three months. What his duties are you all see and hear? The moment he is through with his duties at that desk, he can put on his hat and go away. And the very moment your session is closed, he can pack his trunk and leave the city by the next train. Yet the reading clerk for the three months' service receives absolutely $1,000 a month.

Now, in considering these questions, (and I believe we have done no injustice whatever,) we have taken them up just like a matter of our own business; just as I. acting as a merchant, would fix for my clerk a salary liberal and at the same time just. I hope the amendment will be voted down.

Mr. GARFIELD. I wish to make a single remark in reply to the gentleman from Pennsylvania, [Mr. RANDALL.] In the main I agree perfectly with what he has said; but I would not have the new members of the House misunderstand the steps by which we have arrived at the salaries which this bill now proposes to reduce. New members ought to be informed that these exceptionally high salaries upon

which the gentleman from Mississippi [Mr. SINGLETON] has just been commenting—those of the reading clerks, journal clerk, &c.—were forced up last year against the efforts of the Committee on Appropriations. Four conference committees between the Senate and the House broke down, and only the fifth succeeded in settling the disagreement. At that time, as chairman of the Committee on Appropriations, I again and again used the argument which the gentleman from Pennsylvania has to-day used and which I fully indorse, but was met again and again by the indignant answer of the gentleman from Pennsylvania, [Mr. RANDALL,] the present chairman of the Committee on Appropriations, that I was attempting to "save at the spigot;" that these very officers required higher salaries because of the importance of the work that they did. The Committee on Appropriations and I, as their chairman, were beaten on that question; and those salaries were raised as the result of the unprecedented struggle I have mentioned.

I simply wish that the House, and especially members who are here this session for the first time, may know that the high figures at which the salaries under discussion have been heretofore fixed cannot be charged upon the recent administration of affairs in this House. Those salaries were put up by persistent effort under the leadership of the gentleman from Pennsylvania, who now takes precisely the view which the Committee on Appropriations took a year ago.

Mr. RANDALL. If I have in the past committed any error, I have the courage to stand up here and correct it.

Mr. GARFIELD. There is no objection to that.

Mr. RANDALL. Now, as to the remark quoted by the gentleman as having been made by me in regard to "saving at the spigot and wasting at the bung-hole," the gentleman will recollect that that related to the sundry civil bill of last year, upon which I refused to sign the conference report, if I remember rightly, because the gentleman from Ohio [Mr. GARFIELD] caviled at these salaries of the clerks at our desk, while the conference committee and the Committee on Appropriations inserted upon the bill appropriations to the amount of millions of dollars which should not have been there.

Mr. GARFIELD. Where?

Mr. RANDALL. Why, sir, the sundry civil bill, as made up last year, embraced appropriations to the amount of $23,000,000.

Mr. GARFIELD. The gentleman knows that salaries of officers of this House are not contained in the sundry civil bill.

Mr. RANDALL. I say to-day that I believe appropriations to the amount of many millions contained in that bill had no more right in that bill than I have to put my hand in the pocket of the gentleman and take his pocket-book.

Mr. GARFIELD. When we come to the sundry civil service bill I shall be very glad to discuss all those items with the gentleman. This is another bill that we are now discussing.

Mr. WHITE. I move as an amendment to the amendment to strike out "$2,250" as the salary of the Chief Clerk, journal clerk, two reading clerks, and tally clerk, and insert "$1,800." I offer this amendment because, as I have before stated, none of these men, if they should lose their places here and be thrown upon their own resources, can make as much money as we now pay them. That to my mind is a sufficient reason why we should reduce these salaries. I agree entirely with the gentleman from Mississippi [Mr. SINGLETON] that it is our duty to reduce them to something like consistency with the salaries received for similar work in the private affairs of life.

There is one other remark I wish to make. I find here a good many messengers at $125 a month. Every man on this floor must know that none of these messengers do work anything like so hard as that of the conductors and drivers of our street cars; yet the latter, working from ten to sixteen hours every day, receive but $56 a month; while these men, who lie around and do almost nothing, get $125 a month. There is ample room here for a great reduction; and the country demands it of us. The only question is whether we have the courage to make these reductions. When I have the opportunity I shall move a reduction in the pay of these messengers.

Mr. RANDALL. I hope the amendment of the gentleman from Kentucky [Mr. WHITE] will not be adopted. I think we have equalized the pay properly.

The CHAIRMAN. The amendment of the gentleman from Kentucky is not properly an amendment to that of his colleague, [Mr. DURHAM.] However, the Chair will put it to a vote.

The amendment of Mr. WHITE was not agreed to.

Mr. MILLER. For the purpose of saying what I desire to say I move to amend the amendment by striking out the last word.

Mr. Chairman, I am very glad to hear from the chairman of the Committee on Appropriations [Mr. RANDALL] that this bill and these reductions have been framed on business principles, and that the salaries proposed to be paid to the employés of the Government have been regulated by the prices which business men are paying to their employés for like services. As I said the other day, I am in favor of that principle. But, Mr. Chairman, I regret that the majority on the other side of the House have not been able to agree upon their financial policy before calling upon us to meet and finally settle this question of a reduction of salaries; for, sir, the practicability and permanency of any reduction of salaries must, in my opinion, depend wholly upon the early return to specie payments.

As I said the other day, I am in favor of reducing those salaries which have been raised by reason of the inflation of the currency, and I am in favor of doing this because I believe in the republican doctrine of an early resumption of specie payment, and because I believe the people at the next election will indorse that doctrine. I do not believe we can have any permanent reduction of salaries on any other policy than this, and I believe any attempt to have such reduction on any other policy will prove a delusion which will deceive nobody but ourselves.

The present value of a dollar greenback is about eighty-eight cents, and if its value shall be raised to one hundred cents, we could reduce the salaries of our clerks and employés 10 per cent. without any loss to any officer or employé. But, sir, will it be right and just to reduce salaries, and then supplement that action by legislation which will inflate prices and increase the cost of every necessary of life? Can our officers and employés live between the upper and nether millstones of reduced salaries and an inflated currency? I now ask my distinguished friend from Indiana, [Mr. HOLMAN,] because I know he is an honest man and I believe he will meet this question fairly, if he shall induce us to unite with him in reducing salaries, whether he will then turn round and insist on the repeal of the specie-resumption act and oppose legislation which will lead to the funding of the greenback—legislation which is absolutely necessary to any return to specie payments?

[Here the hammer fell.]

Mr. KELLEY rose.

Mr. MILLER. I appeal to the gentleman from Pennsylvania to let the gentleman from Indiana answer my question.

Mr. KELLEY. I desire to promptly, instantly, correct a mistake the gentleman has fallen into. Does he not know that a dollar greenback will buy twice as much wheat as it would two or three years ago? Does he not know it will buy more silver than it would six months ago? Does he not know it will buy more yards of cotton goods of the same texture and of woolen and worsted goods than it would six months ago, one year ago, or two years ago? Does he not know, I ask, that it will buy more silver, more cotton goods, more woolen goods, more wheat, more wheat flour, than a gold dollar would before the war? Why does he call it depreciated? Why does he say you cannot measure values by it?

There is but one commodity in the world which it will not buy so much of as it did, and that is one the value of which has been fictitiously enhanced by our legislation and by the action of foreign governments, and that is gold. It is the only commodity. By demonetizing silver in foreign nations, by demonetizing paper here, by insisting that there is and can be but one standard of value in the world, gold, we have run it up to a fictitious value. But the gentleman forgets he does not eat gold, does not wear gold, does not sleep in a golden house, does not feed his cattle and horses on gold, does not travel in golden carriages; and yet he tells us that the greenback is depreciated, and we cannot reduce salaries until we get rid of it! The gentleman from Ohio [Mr. GARFIELD] asks whether we can feed on paper——

Mr. GARFIELD. Whether we can feed horses and cattle on paper?

Mr. KELLEY. That same gentleman, when some years ago I spoke of the value of an inexportable currency, said we had other articles which were unexportable, rancid butter, moldy cheese, addled eggs, and wanted to know whether the country was richer because they were not exportable. He had not studied the question of currency and money sufficiently to know that the value and power in use of money depend on the fact that it is legal tender, and this nation had never made rancid butter, addled eggs, or moldy cheese a legal tender, [laughter,] and that therefore——

Mr. GARFIELD rose.

Mr. KELLEY. Not in a five-minute speech. And that, while to export our money was to derange values and contract production, to combine rancid butter, moldy cheese, and addled eggs might make an invaluable manure that would stimulate the growth of exportable articles the next year. [Laughter.]

[Here the hammer fell.]

Mr. RANDALL. Now, Mr. Chairman, I submit the point of order; this is not a bill to resume specie payment.

Mr. KELLEY. I did not introduce the subject.

Mr. RANDALL. Therefore I shall object hereafter to any debate not pertinent to the bill.

The CHAIRMAN. The Chair cannot rule on the point of order, as no one now holds the floor.

Mr. WILSON, of Iowa. There are some points made by the gentleman from Pennsylvania altogether correct.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MILLER. I withdraw my amendment.

Mr. WILSON, of Iowa. I renew it.

I wish to call to the attention of my friend from Pennsylvania, that the reason why the greenback will buy more wheat is not from anything intrinsically in the greenback itself, but from the fact that our industries have been prostrated, our people have not been earning money, and have not been able to buy as much wheat as if they had been earning money. They have not been able really to buy as much as when they were at work of that most costly of our cereals. There are some commodities raised here, the value of which is determined by gold in foreign countries, which the greenback will not buy as much of as it would last year, and one of them is pork, the foreign demand for which has raised its price, so that the assertion of the

gentleman that the greenback will buy more of all the necessities of life is not quite correct. The greenback will not buy as much pork, simply because we do not fix the value of pork.

Mr. KELLEY. If wheat has gone down and pork gone up, does it not prove that the volume of the currency does not regulate the value of both, and send one up kiting and the other down a precipice?

Mr. WILSON, of Iowa. Pork is wanted where there is gold to pay for it. No increase in the volume of our currency would help a laborer without a demand for his labor to buy anything.

Mr. KELLEY. Pork is wanted where they can get it by paying a high price for it. Demand and supply and not the volume of currency regulate prices.

Mr. WILSON, of Iowa. It is wanted where it will be paid for in gold, and we send it there. But people are not so able to buy wheat on account of want of work through which to get money. There having been a shorter crop than formerly has not raised the price, because our workmen could not buy.

But let me say one word on the pending amendments to this paragraph of the bill. The majority of this House have come to the spot where if they do not stand together they may just as well abandon their bill, unless the minority go to their assistance. And I wish to assert what I consider a truism, that economists are not of a party; economical men of both parties effect economy. If, Mr. Chairman, the economy proposed to be carried out by this Congress is to be carried out, now is the time, when the majority is disorganized on a proposition, that the economists on the minority side must go to their support, as we did when we had obnoxious legislation proposed on finance.

I cannot tell, individually, whether all the amendments proposed by the Committee on Appropriations are correct or not. I do not belong to any of the committees that get up those bills. My labors are elsewhere. But all through the last Congress, when we cut down the appropriations of this Government $30,000,000, I stood by our Committee on Appropriations, because I knew they had investigated the subject and were honestly trying to bring about a reform in expenditures.

Now, sir, I do not acknowledge party feeling in this question. I am not aware that any exists. I am going to stand by the Committee on Appropriations on every proposition looking to retrenchment where it is not evident that the service will be crippled. If they make any mistake, they are responsible to the country for their mistakes. I have no means of getting information as to what is right in regard to particular salaries and other expenditures of the Government except through the legitimate committees of the House.

Mr. RANDALL. I am very much obliged, indeed, to the gentleman from Iowa, and I believe I speak the mind of the Committee on Appropriations in saying so. I do not think that when we have got through he will find that his confidence in us has been misplaced.

Mr. WILSON, of Iowa. I withdraw my amendment to the amendment.

The question being taken on Mr. DURHAM'S amendment, it was not agreed to.

Mr. FORT. I offer the following amendment:

After the word "engineers," in line 148, add these words:

"And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders of and in all respects be under the direction of the Doorkeeper."

I have no desire whatever to interfere with the organization of the officers of this House. But it does seem to me proper that whereas the Doorkeeper has charge of the Hall he ought also to have control of all the persons who are connected with the ventilation and heating of the Hall. I am told, sir, that just now this is not the case. Perhaps if it were, things might go better; they certainly could not go worse. There is no possibility of their going worse than the ventilation has been in this Hall for the past few weeks. Therefore we have nothing at all to lose, and perhaps might gain some comfort by adopting this amendment.

The Doorkeeper, as we all know, and by the way he is a very gentlemanly and accommodating man, is about with us on the floor all the time. His duties are here, and so far as I have observed he has in all respects tried to accommodate the members and others who have business in the Hall. He tells the House, or at least he has told me, that he has no control over the engineer; that the engineer will not obey his order; and that when he takes to him requests coming from this House, he receives an answer that intimates that he is not at all responsible to him for what he does.

It seems to me that the Clerk of the House, who I understand appoints the engineer, not having charge of the Hall, is really not the proper person to control the engineers and the persons having charge of the ventilation. Let me say that I have no fault in the world to find with the Clerk; but he is not here among us all the time as is the Doorkeeper. His duties take him elsewhere. His are clerical duties, while those of the Doorkeeper, it does seem to me, are more fit and proper to be coupled with the control of the engineer department and the ventilation of the House.

It is well known that the night before last the gas was let on and was running all night, which made the Hall the next day very disagreeable, with an unwholesome odor about it. We cannot blame the Doorkeeper if we come here and find things wrong in that way. He says he has no control. If peradventure a spark of lightning had struck the building an explosion of the gas might have resulted and the Dome of this beautiful Capitol might have been carried off. It does appear to me, unless I hear some reason to the contrary, that this appointment to this position should be in the hands of the Doorkeeper. There can be no political feeling in the matter. My amendment neither raises nor lowers any salary, and I think it should be adopted.

Mr. RANDALL. I admit there is great force and propriety in the statement of the gentleman from Illinois. And on a subject which touches so closely the comfort of all the members, I have no hesitation in permitting an unbiased vote of the House without a word from the committee. The reason why no change was made in this particular in the bill was that our attention was not called to it; and perhaps if it had been we should not have made the change, because we should have felt reluctant to transfer from one officer of the House of Representatives to another officer of the House the patronage which belonged to him. But I am entirely content, and the members of the committee, to whom I have immediate access, are quite willing that this amendment should be voted on without any expression of opinion on their part.

Mr. HOAR. Will the gentleman allow me to occupy the remaining few minutes of his time?

Mr. RANDALL. Certainly.

Mr. HOAR. I simply wish to say that if this measure is to be adopted it seems to me it should be by a rule of the House. I suppose we have the right to control the matter by a rule, but if it goes in the appropriation bill it will not bind anybody until the bill has gone through the Senate, then gone through a conference committee, and been signed by the President. The result would be that it would be utterly inoperative for this session, for it would not take effect until about the time we would adjourn.

Mr. RANDALL. I take it that the matter is regulated by law.

Mr. HOAR. No; the offices may be created by law, but certainly the House has the right to control the duties of its officers. I do not wish to interfere with a vote on the amendment, but it seems to me that if this vote should indicate an opinion in the House in favor of the proposition, which I think it will, then the chairman of the committee should bring forward a rule on the subject.

Mr. RANDALL. That the change be made immediate?

Mr. HOAR. Yes, sir.

Mr. WELLS, of Missouri. I move to amend by striking out the last word, simply for the purpose of making some explanation in regard to this department. As to putting the charge of the lighting and heating of the Hall under the control of the Doorkeeper, I see no impropriety in that; but it will be borne in mind that the Clerk furnishes the coal and oil and all the other matters connected with the heating-apparatus. It is done by contract. All the material used by the House, such as carpeting, desks, and furniture connected with the House, goes through the Clerk's office, under contract made by him or employés of his. The Doorkeeper of the House has the expenditure of no money and keeps no account of it. I can see no impropriety, however, in giving the control of the heating and the lighting of the Hall to the Doorkeeper.

Another matter connected with the heating-apparatus, the employing of hands, &c., should be still under the control of the Clerk.

I think the matter would be as well arranged by a resolution as by a clause in the appropriation bill, and I suggest, therefore, to the gentleman from Illinois [Mr. FORT] that he prepare a resolution defining the duties of the Doorkeeper and Clerk in connection with the heating and lighting department of the House.

Mr. FORT. I cannot see that the reason that the Clerk purchases the fuel should interfere with reference to this matter more than it does with the stationery. The Clerk purchases the stationery by contract very properly, and the fuel and oil also, and he can turn it over to the engineer.

Mr. WELLS, of Missouri. The stationery department is under the Clerk, the document-room is under the Doorkeeper, and these matters have been so changed about that it is difficult to understand where any of them belong.

Mr. FORT. I can see no difficulty here.

Mr. WELLS, of Missouri. There is a difficulty.

Mr. FORT. I should like an expression of the feeling of the House in regard to the amendment. It can certainly do no harm, and if the sense of the House is in favor of it, we can apply it immediately by a resolution and see if we cannot place the custody of this Hall and its ventilation and heating in the charge of a man who is in it at all times and about and among us and knows what we need.

Mr. O'BRIEN. I would suggest to the gentleman from Illinois [Mr. FORT] the fact that the question of the jurisdiction of the employés of the House or the different departments of the House should be decided and determined, as the gentleman from Missouri [Mr. WELLS] has suggested, by resolution, from the fact that the Senate has nothing in the world to do with the employment of the servants of the House, and it would be very improper to incorporate this in an appropriation bill. This question can be very readily determined by an independent resolution offered at another time. But the fact that it is a good thing in itself and that it would be proper to divest the Clerk of this duty and impose it on the Doorkeeper is no good reason why it should be adopted here in this appropriation bill.

I suggest to the gentleman from Illinois [Mr. FORT] that he withdraw his amendment, and at the proper time in the House offer it as

a resolution, and it would no doubt meet with the concurrence of both sides of the House.

Mr. WELLS, of Missouri. I withdraw my formal amendment.

The question was taken on Mr. FORT's amendment; and on a division there were ayes 98, noes not counted.

So the amendment was agreed to.

Mr. RANDALL. In line 204 I move to strike out the word "1" and insert "8," and to strike out "20" and insert "60;" so that it will read, "making in all the sum of $173,860."

The amendment was agreed to.

Mr. LUTTRELL. I move to amend the section by striking out in lines 105, 106, 107, and 108 the following:

Twelve messengers, during the session, at $125 per month each, and two at $1,200 each.

And inserting in lieu thereof as follows:

Fourteen messengers, at $1,200 each per annum.

We all know what duties these messengers have to perform, commencing at early dawn and lasting until eight, nine, or ten o'clock at night. I believe they earn the salaries proposed by the amendment. The amount paid now is $18,200 a year; the amount proposed by my amendment will be, at $1,200 each, $16,800, making a saving of over $2,100, or a little over 11 per cent. I believe the amendment should be adopted.

Mr. RANDALL. I desire that it shall be understood precisely that the result of that amendment is to add about $13,600, which is really a gratuity, and there is no occasion whatever for it. Two messengers during the year are quite sufficient. We examined this subject very carefully, and I repeat that this is nothing more or less than a gratuity to these men. I hope the amendment will be voted down.

Mr. HUNTON. The gentleman is mistaken in calling this a gratuity.

Mr. WELLS, of Missouri. I ask that the amendment be again reported.

The Clerk again read the amendment.

Mr. PRATT. I was about to propose this amendment when it was proposed by the gentleman from California, [Mr. LUTTRELL.] I want to ask the chairman of the Committee on Appropriations this question: Whether the messengers of the House are not really entitled to the same compensation that is provided in this bill for the messengers of the Committee of Ways and Means and the Committee on Appropriations?

Mr. RANDALL. I will answer the gentleman, and I am very much obliged to him for calling my attention to that matter. There is a mistaken impression prevailing in this House in reference to the messengers of the Committee on Appropriations and the Committee of Ways and Means. The messenger for the Committee of Ways and Means, I think—I know that the messenger for the Committee on Appropriations is assigned by the Doorkeeper. The messenger for that committee is in fact an assistant clerk; he keeps the docket and performs all the clerical work which the time of the chief clerk of the committee will not permit him to perform. The gentleman will see that the salary is only $1,200 a year, and when we compare it with the salaries of others around this House it is very low.

Mr. PRATT. I wish to ask the gentleman further if these messengers of the committees——

Mr. RANDALL. And they are here during the recess also.

Mr, PRATT. Do I understand the gentleman to say that these committee-messengers have to remain here during the recess?

Mr. RANDALL. Before the short session of Congress the Committee on Appropriations always meet here a month or six weeks before the beginning of the session. Gentlemen will recollect that the short session is only three months, and this meeting of the Committee on Appropriations previous to the beginning of the session is necessary for the preparation of the appropriation bills which have to be passed at the short session. In addition to his other duties the messenger of the committee has to remain here at the close of the session. In fact, although he is called a messenger, he is not really a messenger at all, but a clerk at the modest salary of $1,200 a year.

Mr. PRATT. I do not suppose that these committee messengers are needed here very much of the time when the committees are not here. But under this bill these committee messengers get just double what the messengers of the House will get. During a Congress the two sessions will not ordinarily exceed ten months. That would give the messengers of the House for the two years but $1,250, while the messengers of the committees would get for the same time $2,400. It seems to me that that is unequal, and that either the pay of the messengers of the House should be increased or the pay of the messengers of the committees should be decreased. Certainly the messengers of the House ought to have a compensation equal to that given to the messengers of the committees of the House. I therefore shall favor the amendment.

[Here the hammer fell.]

Mr. FOSTER. In reply to the gentleman from Iowa, [Mr. PRATT,] allow me to suggest that the messengers of the committees of whom he speaks are in no sense messengers. They are clerks; they perform clerical duty and nothing else. The messengers for these committees are assigned by the Doorkeeper. I have served on both the Committee of Ways and Means and the Committee on Appropriations, and therefore I am able to make this explanation. I know that in both cases these so-called messengers have been as hard-worked clerks as any about this House.

Mr. BUCKNER. Can the gentleman give any reason why the one messenger should be paid by the month and the other by the year?

Mr. FOSTER. The clerks of the leading committees are paid by the year, and I presume that is the reason why these assistant clerks are paid by the year. They have always been designated as messengers, and the Committee on Appropriations this time chose to continue that designation; but they are really assistant clerks.

Mr. RICE. Are these two committees entitled to two clerks each?

Mr. RANDALL. If the gentleman knew all the work imposed upon the clerk, he would say at once that it is a wonder that he should get along at all. The fact is that the members of the committees are all clerks; they have absolutely had to discharge the duties of clerks.

Mr. RUSK. Then let them draw the pay of a clerk. [Laughter.]

The amendment to the amendment was withdrawn.

Mr. HUNTON. I renew the amendment to the amendment for the purpose of correcting a mistake made by my friend, the chairman of the Committee on Appropriations, [Mr. RANDALL.] He says that the difference between the bill as reported by the committee and the bill as proposed to be amended by the gentleman from California [Mr. LUTTRELL] would be $13,000. I have made a calculation and find that he is mistaken by the small sum of $5,000. The difference between the bill and the amendment is $8,400.

Mr. RANDALL. I say that the gentleman is mistaken, as I will show him.

Mr. HUNTON. No, sir; "the gentleman" is not mistaken, and I will show him I am not. I will make the comparison so that my friend can follow me in my calculation. According to the bill there are twelve messengers at $500 a year, that is $125 a month for four months, which makes $500 each; that amounts to $6,000. Then there are two messengers at $1,200 each, making $2,400 a year. These two sums added together aggregate $8,400.

According to the amendment, the messengers of the post-office would cost as follows: fourteen messengers at $1,200 each, making $16,800; and subtracting $8,400 from $16,800 leaves the amount $8,400, which I suggested.

Mr. RANDALL. Now I will show the gentleman how he is mistaken. We have in this bill twelve messengers at $500 for the session; we need not mix up these with the two officers who are employed during the year.

Mr. HUNTON. That is $6,000.

Mr. RANDALL. That is $6,000. The amendment of the gentleman from California proposes that these messengers shall receive a salary of $1,500 per annum.

Mr. HUNTON. O, no.

Mr. RANDALL. Yes, sir.

Mr. HUNTON. Twelve hundred dollars.

Mr. RANDALL. One hundred and twenty-five dollars a month.

Mr. HUNTON. No, sir; $100 a month. I knew my friend did not calculate upon a proper basis or he would not have criticised my arithmetic.

Mr. RANDALL. Well, even upon the figures as now stated by the gentleman, it would still be a large gratuity.

Mr. HUNTON. Still the amount is exactly what I stated, the difference being $8,400 instead of $13,000. It does seem to me, Mr. Chairman, that to run the post-office of this House properly requires this number of messengers. I, with my friend from Pennsylvania, [Mr. RANDALL,] am a sincere advocate for reform and economy; and I think this amendment carries out that idea. Reductions have been made upon salaries; and they have been decided reductions. Under the present law the Postmaster gets $2,592; under the bill as proposed to be amended by the gentleman from California he will get $2,200. His first assistant gets under the present law $2,088; under the bill as proposed to be amended he will get $1,800. Under the present law seven of the messengers receive $1,500 and seven $1,200. The aggregate under the present law is $23,580; while under the bill as proposed to be amended by the gentleman from California the aggregate would be $20,800; a reduction of over 10 per cent., which is the average reduction proposed by the committee in the expenses of this House.

Mr. WELLS, of Missouri. I move to amend the amendment by striking out the last word. The Committee on Appropriations found that we had sixteen men—the Postmaster, the assistant postmaster, and fourteen messengers—to do the post-office business of this House of less than three hundred men. Now, no village or town in the United States with a population of three thousand people has over five men in its post-office to discharge the whole duty.

Mr. HUNTON. Is there any village in the United States where the postmaster delivers the mail in a cart three times a day?

Mr. WELLS, of Missouri. I am going to explain that. The committee in making their appropriations for the post-office of the House have been governed by precisely the same considerations as in dealing with other branches of the House service. We propose that the Postmaster, the assistant postmaster, and two messengers shall receive pay during the whole year, whether Congress is in session or not; but we could not see any reason why fourteen messengers should be employed in that post-office during the vacation of Congress. At that time there is nothing for them to do except to receive their salaries and spend their time with their families. We do not propose to

deduct one employé in that office; its efficiency will not be affected in the least; while there will be a saving of $8,400 a year in the salaries of messengers alone, saying nothing about the Postmaster and the assistant postmaster, in whose salaries we have made a reduction of $800.

If the amendment now proposed be adopted it will be equivalent to re-instating the messengers of this House and the Senate in regard to whom, as I showed a few evenings since, we propose a reduction of upward of $50,000 a year. If the amendment of the gentleman from California should be adopted, the same reasoning would restore the messengers of the Senate and the House on the footing of the old law. For that reason, if for no other, I trust the amendment will not be adopted.

Mr. BUCKNER. I move to make it $1,500 instead of $1,200.

Now, Mr. Chairman, the difficulty I have about this bill is in the discrimination made in favor of clerks and against messengers. It does seem to me the same rule applied to one should be applied to the other, and there is no more propriety in fixing yearly compensation for any of these clerks than there is for fixing a yearly compensation for messengers, doorkeepers, and other employés. There are a great many officers who remain no longer on duty than do these messengers. Take for instance the reading clerk of the House. I ask the chairman of the Committee on Appropriations, what has he to do after Congress adjourns? And yet he is paid by the year. In the very next section we find that the doorkeepers are paid by the month. I cannot understand it. In my judgment there is no good reason for it. On the contrary, it seems to me when you attempt to limit the pay of these messengers to four or five months you necessarily exclude from appointment to such offices any person coming from remote districts in the country, and confine the appointments to such places to persons living in this District or in the surrounding States. I protest against it. I hold these officers should be all paid alike, either by the month or by the year, and if we pay clerks by the year, I do not see any good reason why we should not pay messengers by the year.

I object to this bill on another ground, and I suggest to gentlemen of the House whether we ought to confine the session of Congress necessarily to three months. I hold that the Congress of this country should sit six months in every year, and that instead of adjourning on the 4th of March next we should meet earlier in the year and sit in the spring at the beginning of every Congress.

Mr. RANDALL. Some people think we sit here too long already.

Mr. BUCKNER. Then on the same ground we ought not to sit here at all. I do not know but it is right we should adjourn at once and the whole concern ought to be abolished. If we have a Congress at all it ought to sit long enough to attend to the duties intrusted to it.

I see the difficulties which the Committee on Appropriations labor under. They have had a large amount of work to do within a very short time. This Congress should have met, instead of on the first Monday in December, much earlier. Practically it did not meet until January. This Congress ought to have met immediately after the 4th of March or on the 1st of April last year, for the purpose of organization if for no other purpose, and these men ought to be paid on that theory, that Congress instead of sitting for only three months in one year should sit six months. As it is now during the short session of Congress nothing is done except to run through the appropriation bills. Our time is absolutely wasted except in passing appropriation bills for the purpose of running the Government. None of the practical legislation which it is our duty to enact in behalf of the people is gotten through with at all. Therefore as it is now the short session practically amounts to nothing.

Mr. EDEN. If we are not here but three months in the year, is that any good reason why we should pay these officers for a whole year?

Mr. BUCKNER. I hold we ought to provide by law that each Congress should begin early in April, and not on the following first Monday in December.

[Here the hammer fell.]

Mr. CHITTENDEN. Mr. Chairman, I have a single word to say in regard to an amendment proposed by the gentleman from California, [Mr. LUTTRELL.] If the argument of the gentleman who has just taken his seat is good for anything, then whoever is employed by this House for one month should be voted a year's salary. I cannot for my life imagine anything more preposterous than to employ a messenger, or twelve messengers, for this House while in session and propose to vote them yearly salaries. Sir, all talk of reform is a farce, or that is preposterous. Are we, the representatives of the people, bold enough to go to the people voting away their money in this way? And if we do, what will the people in charge of the chief custom-houses and chief post-offices of the country, who have not money to light their gas to-night, say? I ask gentlemen here to look at this thing from a reasonable point of view. Are we not informed to-day that through lack of attention to our business the custom-houses and post-offices of the chief cities of the Union are obliged to cut off their water and gas? And shall we stand here in this House to discuss a question whether men employed for four months, in light, easy service, shall be paid for a full year? As knowing something of the feeling of the country in regard to the time wasted on such questions, I implore, with all due respect, that gentlemen will cease to discuss so preposterous and inadmissible a proposition.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise for the purpose of closing debate on this paragraph. That will not cut off amendments.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move when the committee resume the consideration of the legislative appropriation bill that all debate on the pending paragraph be closed in one minute.

The motion was agreed to.

Mr. WHITE. I wish to ask a question of the Chair. When the Clerk was reading, the Clerk passed the paragraph for mileage, $100,000, when I was on the floor ready to move an amendment.

The SPEAKER *pro tempore*. The Chair cannot settle any question arising in the committee.

Mr. RANDALL. I move that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

Mr. WHITE rose.

The CHAIRMAN. The gentleman from Kentucky has one minute in which to debate the pending paragraph.

Mr. WHITE. I ask unanimous consent to go back to the previous paragraph at line 130.

The CHAIRMAN. That cannot be done except by unanimous consent.

Mr. RANDALL. I object.

The CHAIRMAN. The question is on the amendment of the gentleman from California, [Mr. LUTTRELL.]

The amendment was rejected—ayes 44, noes 83; no further count being asked for.

Mr. TUCKER. I offer the following amendment:

In line 200 strike out the words "Henry Douglass."

Mr. RANDALL. If you do that it will break a man's heart.

Mr. BLOUNT. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. BLOUNT. I thought I was entitled to one minute under the order of the House.

The CHAIRMAN. The minute allowed by the House has already been occupied.

Mr. TUCKER. I wish to make a single remark.

The CHAIRMAN. Debate has been closed by order of the House.

Mr. WELLS, of Mississippi. May I have the privilege of asking a question?

The CHAIRMAN. Debate is out of order.

The question being taken on Mr. TUCKER'S amendment, it was not agreed to.

Mr. POPPLETON. I offer the following amendment:

In line 178 strike out the words "Chaplain of the House, $900."

I believe I have one minute to debate this amendment.

The CHAIRMAN. Debate has been closed.

Mr. POPPLETON. I wish it to be understood that I am not opposed to praying——

The CHAIRMAN. Debate is not in order.

The amendment was not agreed to.

Mr. JAMES B. REILLY. I offer the following amendment:

In line 191 strike out "thirty-two" and insert "eighteen;" and in line 194 strike out the words "of whom shall be" and insert "messengers," and after the word "roll" add the words "at the rate of $3.60 per day."

The amendment was not agreed to.

Mr. HOOKER. I offer the following amendment:

In lines 180, 181, and 182 strike out "$4,500," and insert in lieu thereof "$5,000."

I desire to say simply a word in regard to this amendment.

The CHAIRMAN. Debate is not in order. All debate on this paragraph has been closed by order of the House.

The amendment was not agreed to.

Mr. MACKEY, of Pennsylvania. I offer the following amendment:

In line 193 strike out "$500" and insert "$600."

The amendment was not agreed to.

The Clerk read the following paragraph:

For contingent expenses of the House of Representatives, namely:
For twenty-one clerks to committees, at $5 per day during the session, $12,600.

Mr. HUNTON. I desire to ask the chairman of the Committee on Appropriations if the twenty-one clerks to committees, at $5 per day during the session, includes the clerk of the two Committees on the Pacific Railroad, and on Revolutionary Pensions and the War of 1812?

Mr. RANDALL. They include all the clerks except such as are enumerated in the prior pages of the bill; four in the bill as reported, with one subsequently added.

Mr. HUNTON. I think the Committee of Accounts have reported in favor of the two committees I have named having a clerk from the 1st of March last.

Mr. RANDALL. The appropriation in this bill applies for the short session of this Congress. Of course any action of this Congress as to the employment of clerks for the current session must either come out of the existing appropriation, or if that be not sufficient out of the contingent fund of the House. Where the House have ordered the employment of clerks they will see to it that they are paid in some way, and if the contingent fund is not sufficient, then it will be provided for as a deficiency.

Mr. FOSTER. At the request of some of my friends I wish to inquire how many clerks of committees are employed now?

Mr. WILLIAMS, of Indiana. I think there must be at least thirty, including the five specially provided for in a previous paragraph of this bill.

Mr. HOSKINS. Nearly every committee of the House has a clerk. The number is much greater than it has ever been before while I have been in Congress.

Mr. RANDALL. We will have the number cut down for the next session.

Mr. HOSKINS. The number is much larger, though the pay is less.

The Clerk read the following paragraph:

For materials for folding books, $8,000.

Mr. O'BRIEN. I give notice that I have an amendment to offer to this and the two following paragraphs. I will wait until they are read before offering my amendment.

The CHAIRMAN. After the paragraphs have been read you cannot go back unless by unanimous consent.

Mr. O'BRIEN. Then I send my amendment to the desk. But before it is reached I desire to call the attention of the committee to the fact that it is for the purpose of striking out the three paragraphs from line 210 to line 219, and inserting the words contained in my amendment.

The Clerk read Mr. O'BRIEN's amendment, as follows:

Strike out from line 210 to line 219 inclusive, and insert in lieu thereof the following:

For folding documents, including pay of folders in the folding-room and materials, $20,000: *Provided*, That no part of this appropriation shall be used in paying more than fifteen folders.

Mr. O'BRIEN. The amendment which I have offered is an amendment in the line of retrenchment. It does not antagonize in any sense the bill which is before the committee, except as regards the manner and form in which the work contemplated is to be done. In fact I am informed by the Doorkeeper of the House, who has jurisdiction over this matter, that it will be a saving of expense; that is to say, while the committee's bill recommends $15,000 and a further sum to be paid without stating the amount, depending upon the terms of the contract. This contract is given out with the object of having the speeches, pamphlets, and documents folded, and the amount with the appropriation of $15,000 will be over the sum named in the amendment I have offered; that is to say, the sum of $20,000.

Now, Mr. Chairman, there is a considerable risk in this innovation which is proposed by the committee's bill. They propose to do this work by contract; that is to say, that whatever profit may be derived from this employment, and necessarily there will be some profit, shall go into the pocket of some one individual who has capital and influence enough to get the contract; whereas, upon the other hand, my amendment is in favor of the rights of the people, in favor of the rights of those poor men who need labor and are willing to perform it at the ordinary salary.

The amendment does not constitute any officers or employés, whether by the month or by the year, excepting those that will come within the line of the amendment; that is to say, fifteen employés. The salary of these, together with the material that will be required, will be covered by a sum not over $20,000.

Now, the amount appropriated last year was $25,000, and I understand from the Doorkeeper that there is a deficiency in his department which will make the amount $40,000, if not over $40,000.

Mr. FOSTER. About $60,000.

Mr. O'BRIEN. Mr. Chairman, I learn from an investigation into this matter that the service which I propose to pay with $20,000 for amounted during the last year to the sum of $126,000, and that at no time within the past four years has the same service which I propose to have performed for the insignificant sum of $20,000 cost less than $100,000.

I think therefore that it would be better, not only in the line of retrenchment but in the line of carrying out the views of the officer who has charge of this work and is supposed to know better than any other individual how it can be performed economically and in the best interest of the service, that it should not be provided for in the manner set forth in the bill of the committee. The amount the committee propose to provide is $15,000 for material and the labor to be given out by contract. The amount provided by my amendment is $20,000 to cover all expenses and to pay fifteen employés of the House to be employed as now in the folding-room. I trust that the committee will accept the amendment, because that it is not only in the interest of retrenchment but that it is an amendment which has the concurrence of the Doorkeeper.

Mr. RANDALL. I do not doubt that.

Mr. O'BRIEN. I believe that the committee have the right and I lay it down as a rule that they are bound to a certain extent to be governed by the opinions and judgment of the officers of this House within the domain of their duty. We have reposed confidence in them, and it is reasonable to expect that their experience in the line of their service is worthy of consideration and respect.

[Here the hammer fell.]

Mr. WELLS, of Missouri. Of all Departments of the Government and subdepartments I suppose the folding-room of the House has been more loose than any other Department. It cost the United States during the Forty-third Congress for labor alone and clerical force $89,191.59. Frequently you find on the pay-rolls of that folding-room from eighty to ninety-five men all at one time.

The plan laid down by the committee is a very great and radical change, and one probably that the House will not understand without some explanation. I am afraid that the proposition of the gentleman from Maryland [Mr. O'BRIEN] cannot be carried out satisfactorily. The committee in organizing the folding-room have provided for all the clerical force necessary, for one superintendent and three clerks and four laborers to handle the books and to do the work of packing and shipping them and all that sort of labor necessary outside the actual folding. The committee found that prior to the Thirty-sixth Congress folding was done by the piece. The price paid was for quarto volumes eighty cents for one hundred volumes and for octavo volumes forty cents for one hundred volumes. The committee propose to pay fifty cents a hundred volumes for quarto volumes and one cent per volume for octavo volumes. In making up their estimates they were governed by the number of books received from the Government Printing Office during the Forty-third Congress, which was 225,477 quarto volumes and 79,833 octavo volumes. They also base the force necessary for doing the folding, including the number of speeches to be folded, being governed by the number paid for in the Forty-third Congress. We felt that this is the only way to carry out this new system in order to save this large amount of money to the Treasury.

The plan proposed by the gentleman from Maryland would leave the door open for the Doorkeeper to hire men by the piece, or, if he chose, by the day, and in all probability by the day. So far from its being any advantage to the laboring man, under the system of the committee any man can go to the Doorkeeper and propose to make a contract for one hundred, five hundred, or fifty thousand volumes; in other words, it leaves persons who are expert and competent to do the business rapidly an opportunity to secure work. We have had men in the folding-room who never folded a book in their lives, and scarcely ever read one, and whom it has taken a whole day to fold a hundred books, while another man would go in and fold five hundred books in a day.

Mr. O'BRIEN. What would the plan of the committee cost? Have you made any calculation?

Mr. WELLS, of Missouri. We are saving $70,968.37 this Congress, taking it on the basis of the work done in the Forty-third Congress.

[Here the hammer fell.]

Mr. FOSTER. I move to strike out the last word. The statement made by the gentleman from Missouri [Mr. WELLS] relates entirely to the Forty-third Congress. I feel that it is due that this House should know, though I favor this proposition, that the same abuse that is charged on the Forty-third Congress continues in the Forty-fourth Congress, and that to-day we are asked for a deficiency of $35,000 in addition to the appropriation made for it last year.

Mr. RANDALL. That is true; and that is what we want to root out. The amendment of the gentleman will fasten upon this very abuse, which is the worst that we have found about this building.

Mr. FOSTER. I yield the remainder of my time to my colleague, [Mr. GARFIELD.]

Mr. GARFIELD. The criticism I made the other evening upon the clauses of this bill relating to the organization of the force about this House were directed wholly to the amount of the force needed. I ought to have said, and would have said if time had permitted me, that I regard the method of arranging the force about this House proposed in this bill as a great improvement; that is, to get down to specific duties, to assign a person to a specific duty for a specific amount of compensation. The principal proposition under discussion, that of paying so much a thousand for folding documents, is manifestly a wise business improvement, and one that I am glad to see made.

The only criticism I made at all was whether we had not so cut down the whole force as to cripple the necessary amount of official duties that ought to be performed. The method adopted by the committee, in my judgment, is a great improvement on anything we have had in recent years. But if it is found that the price proposed to be paid for folding is not high enough, as it may turn out to be—I do not know how that is—of course it can be corrected. The method adopted here is a first-rate method.

[Here the hammer fell.]

Mr. FOSTER. I withdraw my formal amendment.

Mr. O'BRIEN. I renew it.

Mr. FORT. I understood the gentleman from Missouri [Mr. WELLS] to say that these folders now employed cannot read a book.

Mr. WELLS, of Missouri. I do not know how that is; but I know that men have been appointed who do not know the way to the folding-room and who could not find it to-day if told to go there.

Mr. O'BRIEN. In offering the amendment I had two motives in view. The first was to indicate by what I wished to say upon the question the opinion of the present officer who has jurisdiction of this matter, so that, if it should turn out that the plan adopted by the committee was a more costly one than the other, he would have the benefit of that expression of opinion. Secondly, I desired to show the character and the extent of the reform proposed by the honorable gentleman from Pennsylvania [Mr. RANDALL] in incorporating this plan in the appropriation bill.

Mr. RANDALL. I am entitled to no credit for this; the gentleman from Missouri [Mr. WELLS] and the gentleman from Ohio [Mr. FOSTER] are entitled to it.

Mr. O'BRIEN. I proposed to give the credit to my distinguished friend from Pennsylvania [Mr. RANDALL] until I was better informed. I now give it to those who are entitled to it. My object was to show by contrast the extent of that reform. The committee tell us that this work can be done for perhaps less than $20,000. My distinguished friend from Ohio [Mr. GARFIELD] is willing to chime in with that plan now as not only economical but as right and proper and judicious. Why was it not a good plan when he was at the head of the Committee on Appropriations? Why did he not inaugurate this reform? In the judgment which he now pronounces in regard to the merit of this bill he eulogizes, as he should, the distinguished gentlemen on this side of the House who compose the Committee on Appropriations and at the same time condemns his past course as unjust and improper.

Mr. RANDALL. He is now converted.

Mr. O'BRIEN. Very well; it is a late conversion for the gentlemen on the other side. The gentleman from Ohio [Mr. FOSTER] also favors this proposition of the committee. It is better that he and his colleague [Mr. GARFIELD] should be converted now than that they should never see the light and follow it. If there is any propriety in this rule in regard to the Doorkeeper's department, the credit for it does not belong to that side of the House, for they never inaugurated it; it belongs here. And it gives me great pleasure to give all honor and credit to my distinguished friend from Pennsylvania [Mr. RANDALL] and the present committee, where it properly belongs.

Mr. GARFIELD. I rise to say that I take meekly the punishment I have received from the powerful gentleman from Maryland, [Mr. O'BRIEN.] I receive it in all meekness.

Mr. RANDALL. I am glad to receive the co-operation of gentlemen on that side of the House.

Mr. O'BRIEN. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read as follows:

For hire of horses and mail-wagons for carrying the mails, $4,000; and the Postmaster of the House of Representatives is hereby directed to advertise in one of the daily papers in Washington, District of Columbia, for one week for proposals for furnishing horses and wagons for carrying the mails, books, and other documents between the city post-office and the House post-office and document-room and the Departments and residences of members; said proposals to include for the carrying of said mails, books, and documents the use of not more than seven horses and wagons during the session of Congress, two of which shall be in use during the year; and he shall contract with the lowest responsible bidder for such service for the term of one year.

Mr. RANDALL. I have an amendment to the phraseology of the paragraph just read. I move to amend by inserting after the words "the House post-office" the words "and folding-room;" also after the word "books" the word "boxes."

The amendment was agreed to.

Mr. DURHAM. I move to strike out the paragraph just read as amended, and to insert in lieu thereof the following:

For hire of seven horses and seven wagons for carrying the mails, books, and other documents between the city post-office and the House post-office and document-room and the Departments and residences of members, the sum of $4,000, and at least three of said horses and wagons shall be in use during the whole year.

I desire to state the reason for my amendment. In the first place I doubt very much the propriety of saying to the present employé of the House, who is discharging this duty, that his services shall terminate on the 30th of June next. He has entered into a contract in one sense of the word with the present Doorkeeper of the House for the whole of this Congress in the same manner that the principal officers of the House have entered into such a contract, except that they have been elected. He is employed for the whole year.

That is one objection I have to the proposition. Another is this: While I think that in most instances it is better to provide for giving out work of this kind by contract to the lowest bidder, still I do not think the necessary restrictions to secure the efficiency of the service are provided by this proposition. For instance, a responsible man in the city of Washington may undertake to deliver these mails; he may have a good one-horse cart and a first rate mule, and he will deliver the mails—when? Not at eight o'clock in the morning, as the person now employed does, the latter being subject to the order of the Postmaster, so that if he fails to do his duty he may be turned out and another man put in his place. The man who undertakes to do this business by contract may take until twelve o'clock to deliver the mails; and still he may be regarded as a responsible bidder. That is the objection I have to the proposition.

I believe that this matter ought to be left precisely as it is now. Let the amount of compensation be fixed and let the postmaster be responsible that his employé shall deliver the mails with promptness and dispatch, which I think would not be secured by this proposition to let out the work to the lowest responsible bidder. Besides, there is no economy in the proposition. The Committee on Appropriations cannot say that I propose any increase of cost. The amount fixed in my amendment is the price which has been fixed by the Committee on Appropriations—$4,000. Let the postmaster be held responsible, as he now is, for the employment of good messengers, good wagons, good horses, and that the mails shall be delivered with promptitude at the residences of the various members. For these reasons I hope the amendment will be adopted.

Before taking my seat I wish to modify my amendment by putting in "folding-room," as it was in the original.

Mr. WELLS, of Missouri. Under the present system the Postmaster uses the Government wagons, the horses are kept at the Government stable, taken care of by Government employés, and are driven of course by the officers of the Government. This amendment changes the law so as to authorize the Postmaster to advertise for these wagons and horses, which are to be driven by the messengers of the post-office. The wagons and horses are to be brought to the Capitol at such times as the Postmaster may direct. They are to be at all times under his control.

During the last year we have been paying for six wagons $5,472, or $912 a year for each wagon. Now we propose to make an appropriation to pay for the use of seven horses and wagons for three months. We provide for seven instead of six, in order to make up for a deficiency in the number of wagons heretofore allowed by the Clerk for this purpose. We propose that during nine months of the next year there shall be only five wagons in use, they being necessary only for carrying documents to the post-office and the different Departments, and such other work as may be required outside of the delivery of mails to members in this city. I believe that under this system the service will be as efficiently rendered as under the present system. We shall certainly have the same drivers; and there is no reason why they should not be able to deliver the mails at the same hours as heretofore.

Mr. DURHAM. What control would you have over a man who might get this contract as the lowest bidder to require him to deliver the mail promptly?

Mr. WELLS, of Missouri. The man from whom we hire the horses and wagons will not deliver the mails. The mails are to be delivered by the messengers of the House post-office. The man with whom we contract agrees only to furnish seven wagons and seven horses. This is now done by the Postmaster himself, and he to-day is making $4,000 or $5,000 a year out of this business. We propose that this money, which now goes into the pocket of the Postmaster, increasing his perquisites, shall be put into the Treasury of the United States.

The $4,000 which we name is merely the limit of the appropriation. The work may actually be done for $2,000 or $3,000. Whatever part of the $4,000 may not be expended will be covered into the Treasury. I think the work can be done for $2,500. I think men can be found who will agree to furnish for that amount the required number of horses and wagons, especially as the Government has a stable here that they can occupy.

All I ask is that members shall take up this book of expenditures issued annually by the Clerk of the House, and see by going through the items the amount of money which is now thrown away—which goes into the pockets of men elected as officers of this House. Any one making this examination will be convinced that it is time we should put a limit in our appropriation bills upon this kind of expenditure.

Mr. HOSKINS. If I understood the gentleman from Missouri correctly he stated that the Postmaster in former Congresses had been in the habit of making $4,000 or $5,000 a year out of contracts of this kind.

Mr. WELLS, of Missouri. Yes, sir.

Mr. HOSKINS. I would like to ask the gentleman in what way the Postmaster could make $4,000 or $5,000, when the horses and wagons were provided by contract and the pay for them was drawn from that fund?

Mr. WELLS, of Missouri. They have never been furnished by contract.

Mr. HOSKINS. The gentleman is entirely mistaken. They have been furnished in that way in a former Congress to my certain knowledge.

The CHAIRMAN. Debate is exhausted.

Mr. RANDALL. I move to strike out the last word. If I understand the object of the gentleman from Kentucky, it is to continue after the 1st of July the contract now said to be existing between the Postmaster of this House and some gentleman for carrying our mails. After the 1st of July, that contract having expired, we ought to have the benefit of the lowest bid. I therefore hope the amendment will be voted down.

I see that the time has nearly arrived when we are to take a recess, and I therefore move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571)

making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company;

A bill (S. No. 598) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the royal Norwegian order of St. Olaf, the same being a literary and scientific order; and

A bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company;

A bill (H. R. No. 1580) granting pension to Almon P. Graves; and

A bill (H. R. No. 2305) granting a pension to Melville H. Hudson.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PACKER for one week; to Mr. TOWNSEND, of New York, for two weeks on account of a death in his family; to Mr. LEAVENWORTH for ten days; to Mr. FAULKNER for two days; and to Mr. HEWITT, of New York, for one week.

The SPEAKER. The hour has arrived for taking a recess. On the House re-assembling this evening the gentleman from Illinois [Mr. SPRINGER] will take the chair as Speaker *pro tempore*.

And then, pursuant to a previous order of the House, (at four o'clock and thirty minutes p. m.,) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., and was called to order by Mr. SPRINGER, as Speaker *pro tempore*.

BUILDING LAW FOR THE DISTRICT.

Mr. STEVENSON. I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

Resolved, That the Committee for the District of Columbia be directed to inquire whether the building laws and regulations for the District of Columbia have been violated; whether any part of the avenues or streets of Washington have been appropriated to private use, and if so, by whom, and to what extent; and whether in the erection of dwellings or other houses in blocks or separately the laws and regulations to protect life and property have been observed; with power to send for persons and papers, employ an expert, and report at any time.

Mr. O'BRIEN. Is that resolution in order?

Mr. COX. It cannot be done even by unanimous consent, according to the ruling of the Speaker.

The SPEAKER *pro tempore*. If there be no objection the resolution will be received.

Mr. O'BRIEN. It cannot be done by unanimous consent.

Mr. STEVENSON. I ask the resolution be adopted.

Mr. RANDALL. I have no objection to the resolution, but I do not think it can be received, even by unanimous consent.

The SPEAKER *pro tempore*. Under the ruling made at a former sitting, the Chair was inclined to accept it, no objection being made.

Mr. COX. There is no objection; but as this evening session has been set apart for a special purpose under a suspension of the rules, I doubt very much whether we can receive anything by unanimous consent that does not relate to the purpose for which the session has been fixed.

The SPEAKER *pro tempore*. Under the circumstances, the Chair must rule that the resolution cannot be received.

Mr. RANDALL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending amendment is on the motion of the gentleman from Kentucky to strike out from line 221 to line 226, and in lieu thereof to insert what the Clerk will read.

The Clerk read as follows:

For hire of seven horses and seven wagons for carrying the mails, books, and other documents between the city post-office and the House post-office, folding-room, and document-room, and the Departments and residences of members, the sum of $4,000; and at least three of said horses and wagons shall be in use during the whole year.

Mr. HOSKINS rose.

The CHAIRMAN. Debate has been exhausted on this amendment.

Mr. HOSKINS. I move to strike out the two last words in order to give me an opportunity to say a single word in reference to this matter of horses and wagons for the use of the House post-office. I take it for granted that my distinguished friend from Missouri would not intentionally misstate or misrepresent this matter, although it should be in relation to a person who did not agree with him in politics. I regard him as one of the fairest members of the House. I was struck, however, with the remark he made before the recess, in which he stated this bill proposed to save three or four thousand dollars which had fallen in some way into the hands of the Postmaster of the House of Representatives previous to this session of Congress. Now in the last session of Congress when Mr. Sherwood was Postmaster of the House, I had occasion to examine this question of horses and wagons used in the transportation of the mails from the post-office of this House to the residences of members. I ascertained these horses and wagons were provided under a contract made many years ago, running back as far I think as 1842. The Postmaster of the House was then authorized to contract for carrying the mails from the city post-office to the post-office of the House and from the post office of the House to the residences of members. A contract was made by the last Postmaster of the House with one Jacob Murtz, who was to furnish a certain number of horses and wagons and harness at $2.50 per day for each horse and wagon. The Committee of Accounts, whose duty it was to see that no money was paid out contrary to law, determined the number of horses necessary to carry on this business for the convenience of the members of the House. They determined the contractor should be paid for five horses and five wagons at the rate of $2.50 per day. The contractor himself had to provide for the horses, pay for their keep and all other expenses, the wear and tear of the wagon and the wear and tear of the harness. And whenever the monthly accounts were presented to the Committee of Accounts they allowed this contractor at the rate of $2.50 per day for each horse and wagon furnished. That is the only compensation the contractor for this service received from the last Congress.

How it was possible that, under that contract, the Postmaster of this House could get $2,000 or $3,000 into his own pocket, I cannot conceive. Every one knows, who lives in a city like this, that $2.50 per day for the use of a horse and wagon and harness and for keeping the horse is not an extravagant price. And I may say while I am up that this contractor furnished not only the five horses that were paid for by the Government, but absolutely furnished six horses; for he said to me frequently that the five horses were compelled to work too hard, and he preferred to keep a sixth, although he got no compensation for it.

I do not believe the last Postmaster of this House ever received one dollar, directly or indirectly, by the contract made with this man for carrying the mails. If the contract price is too large, that is a question for the House to consider; but my judgment is that the contract price of $2.50 is not too large.

But I rose for the purpose of saying that I do not believe, on such an examination of this matter as I have been able to make—and it came particularly under my personal attention from my being on the Committee of Accounts—that the Postmaster of the House in the Forty-third Congress received one single dollar from this contract; and how this bill is to take four or five thousand dollars or two or three thousand dollars out of his pocket or prevent that sum going into the pocket of the Postmaster I do not understand.

Mr. DURHAM. During the recess of the House this evening, the present Postmaster of the House stated to me that so far as he was concerned—and I make the statement for his benefit—he denies most distinctly the assertion that he makes one single dollar out of this contract. He says that whatever is allowed for the purpose of carrying the mails is turned over to the gentleman who has the contract for carrying the mails. So far as past Postmasters and their operations are concerned in this matter, I know nothing about them; and I know nothing of the operations of the present Postmaster except what he stated to me during the recess.

Mr. RANDALL. This is a grave matter. The effect of it is to allow $4,000 for this service beyond the time allowed in the contract now existing, while the proposition of the committee, as prepared by the gentleman from Missouri, [Mr. WELLS,] gives an opportunity to have the contract given to the lowest bidder; and, as a matter of experience, the gentleman from Missouri believes the work can be done for $2,500. I am in favor of the effort to have the work done for $2,500, instead of $4,000.

Mr. DURHAM. I simply desire to say to the chairman of the committee that I took his own estimate of the amount necessary for this work when I put it at $4,000.

Mr. RANDALL. We have put the amount in the bill at the outside figure, but we provide that the contract shall be let to the lowest bidder; and, as stated by the gentleman from Missouri, we are inclined to believe that the work can be done for $2,500. Of course, the difference will go into the Treasury.

Mr. WELLS, of Missouri. I move to strike out the last word.

I was glad to hear my friend from New York [Mr. HOSKINS] make so satisfactory an explanation to the House. I was credibly informed that the contractor for these horses and wagons was a mere sham, a partner of the Postmaster himself, and I had reason to believe that to be the case. The Clerk of the House and other officers of the House, as the Doorkeeper and the Sergeant-at-Arms, have been in the

habit of being allowed $900 for a horse and wagon, while we are in possession of information to show that the keeping of these horses should not exceed $200 each per annum.

It must be borne in mind that the Government furnishes the stable, furnishes the man to take care of the horses, furnishes the driver to drive them, and that there have to be provided simply the bare feed of the horses and the cost of shoeing them and the repairs of the wagons. It appears, therefore, that $700 was clear profit.

Mr. DURHAM. I understand Mr. Latham, who carries the mails now, to say that he furnishes the man to take care of the horses, and that that expense is not provided out of the public money.

Mr. WELLS, of Missouri. That has not been the custom heretofore. It has not been so understood by the committee.

Mr. HOSKINS. Will the gentleman from Missouri allow me to make one remark? I think the gentleman from Missouri is entirely mistaken in saying that a person has not been paid by the contractor himself to take care of these horses. No one has been employed by the Government to do so. The contractor himself takes care of his own horses.

Mr. WELLS, of Missouri. They are kept at the Government stables, are they not?

Mr. HOSKINS. The Government owns some sheds, and they are kept there by the contractor, who does all the service at the stables.

Mr. WELLS, of Missouri. Well, I am differently informed.

Mr. HOSKINS. I know that to be true.

Mr. WELLS, of Missouri. I am informed by the Clerk, who makes up the account, that these horses have been paid for by the Government; not only the Clerk's horses, the Sergeant-at-Arms's horses, the Doorkeeper's horses, but also the horses employed by the Postmaster of the House.

Now, what are we providing for in this bill? For carrying the mails for three months during the next session and for two wagons and two horses for the purpose of carrying documents from the Departments to the folding-room and from the folding-room to the post-office backward and forward. For the balance of the year after the three months the horses will be at pasture and doing no service to the Government, and still we are to pay $2.50 a day for them. The bill proposes to make a contract for this purpose, and provides $4,000, or so much thereof as is necessary, to pay the expenses.

[Here the hammer fell.]

Mr. DUNNELL. I understand that there is a subsisting contract between the Postmaster of the House and other parties, a contract which runs beyond the 1st day of July next, and it would be embarrassing to interfere with the existing contract which the Postmaster of this House had a right to enter into.

Mr. RANDALL. I am informed that the contract does not run over the present fiscal year; but if it did, the Postmaster had no right to bind the House beyond the appropriations made for the year.

Mr. DURHAM. Allow me just one moment to answer an inquiry made here. I learn from Mr. Latham himself that he is entitled to this contract until the expiration of the Congress.

Mr. RANDALL. Then the Postmaster had no authority to enter into that contract whatever, and the sooner we break it up the better; there is no law for it.

Mr. HOSKINS. I move to strike out the last word for the purpose of saying just one word. As I understand the gentleman from Pennsylvania, he says that there is no law for this contract.

Mr. RANDALL. I say that there is no money appropriated to pay the contractor beyond the 1st of July next.

Mr. HOSKINS. I will explain what I understand is the fact. I understand that a resolution was passed by this House many years ago and that the several Postmasters from that time to this have had authority under that resolution to contract for this service for the Congress, and that resolution is in force to-day.

Mr. RANDALL. There is a law which prevents any one under this Government from making contracts beyond the appropriations.

Mr. HOSKINS. I am not discussing that point, but the Postmasters of the House in the past have not acted certainly without authority of law, and they have pursued this same course. Of course appropriations have been made year by year for this service and to these payments must have been made out of that fund. The Clerk of the House had no authority to trespass on any other fund, and the amount appropriated for this purpose has never been exhausted and there never has been any deficiency. Each Congress has made a direct appropriation to pay this very expense, and out of that fund, and no other, the service has been paid for.

Mr. RANDALL. The gentleman will understand that the effort in this bill is to make everything show item for item that is appropriated, just as you do in your private business.

Mr. HOSKINS. Let me say in answer to the gentleman that I have not risen to oppose this bill. I agree with the Committee on Appropriations in its effort to reduce expenses where they can be reduced at any time. My remarks were in answer to those made by the gentleman from Missouri, [Mr. WELLS,] and not in opposition to the bill: my only object is to disembarrass the House and the Postmaster and to place this matter on the proper grounds.

Mr. RANDALL. I am quite willing for the gentleman to do that.

The question was taken on Mr. DURHAM's amendment; and, on a division there were ayes 9, noes not counted.

So the amendment was not agreed to.

Mr. RANDALL. I offer the following amendment:

In line 232, strike out the words "not more than;" so that it will read, "the use of seven horses and wagons during the session of Congress," &c.

The Clerk proceeded with the reading of the bill, and read as follows:

For miscellaneous items, $20,000.

Mr. DUNNELL. I move to amend that clause by striking out "$20,000" and inserting in lieu thereof "$15,000."

I would like to have the chairman of the Committee on Appropriations state the items which make up this appropriation. It seems to me that almost everything has been already appropriated for.

Mr. RANDALL. Last year the appropriation for this item was $28,000.

Mr. DUNNELL. Very well; that makes no difference. I would like to know what the items are.

Mr. RANDALL. I refer the gentleman to the executive document which contains the contingent expenses of the House. As I have said, last year the appropriation for this purpose was $28,000. We deemed that too much, and have reduced the amount to $20,000, which is a reduction of $8,000.

Mr. DUNNELL. Well, the chairman of the committee can give the information better than I can find it out for myself.

Mr. RANDALL. It would take me half an hour to read it; and if the gentleman will send for the document he will find all the items there down to a tooth-brush, a package of soap, or a paper of pins, and he can examine in his idle moments each article that it is proposed to appropriate for.

Mr. DUNNELL. Then I understand that the report of the proper officer shows where that money went?

Mr. RANDALL. Yes; the whole of it. It shows everything, and is made in obedience to law. Does the gentleman think we can do this on $15,000? If so, we will try it.

Mr. DUNNELL. I will withdraw my amendment.

The Clerk resumed the reading of the bill, and read as follows:

For newspapers and stationery for members of the House of Representatives, officers of the House, and committees of the House, including $6,000 for stationery for the use of the committees and officers of the House, $43,370.

Mr. O'BRIEN. I desire to ask my friend, the chairman of the Committee on Appropriations, for some explanation of the second word in this paragraph, "newspapers." I did not know that we were furnished with newspapers; if there are none furnished to us, then there is no occasion for an appropriation for that purpose, and this would be a deception.

Mr. RANDALL. It is not a deception at all.

Mr. O'BRIEN. I did not say it was a deception on the part of the Committee on Appropriations, but it is a deception upon members who expect to get newspapers and do not get them.

Mr. WELLS, of Missouri. The law allows each member of this House $125 for newspapers and stationery. Multiply that sum by 301 and the amount will be $37,750. The other $6,000 appropriated by this paragraph is for stationery furnished to committees and officers of this House, making in all $43,750.

Mr. O'BRIEN. I move to amend by striking out the words "newspapers and;" so that it will read, "for stationery for members," &c. There are no newspapers furnished members; I never heard of any.

Mr. WELLS, of Missouri. Each member is allowed $125, and he can take it out in newspapers, stationery, pocket-books, knives, or anything else, just as he pleases, or in money. By looking over the statement which is furnished us it will be found that some members draw a great deal of stationery, others draw very little and are paid the balance in money. At the end of the session there is found due members, beyond the amount of stationery they have taken, various sums, $110, $90, $60, and so on down. The difference between those sums and the $125 allowed to each member is the amount of stationery and newspapers they have taken. We keep a clerk on purpose to send for newspapers, and if members do not send for them he will have very little to do. You will find in the list of clerks a newspaper clerk.

Mr. RANDALL. At the end of each session, as the old members will recollect, a statement is furnished them in which the stationery and newspapers they have taken are charged against this $125. If they do not take all the amount in stationery and newspapers, then they obtain the balance in money.

Mr. FORT. Buy postage-stamps with it.

Mr. RANDALL. No, it is given them in money. They can buy postage-stamps with it or anything else.

Mr. O'BRIEN. I propose to withdraw the amendment after saying a single word further. I desired an explanation of this paragraph. Although I have been here for three years I did not before know that we could get newspapers by subscribing for them at the stationery-room. Of course I read the newspapers, as we all do, but I bought them outside.

Mr. RANDALL. Do you not at the end of the session have a clerk come to you with an account showing what stationery you have got, and how much is left of the $125; and if anything is left do you not get the money?

Mr. O'BRIEN. I do; but I did not know that we had the convenience of obtaining newspapers from the stationery office. I withdraw my amendment.

Mr. WHITE. I move to strike out all of this paragraph except the words "for stationery for the use of the committees and officers of the House, $6,000." I do that for this reason: As I understand this paragraph, it is simply adding $125 a year to our salaries, which by another paragraph in this bill we have cut down $500 a year. It seems to me that is a fraud and deception practiced upon the country. If we are going to take $4,625, let us take it; if we are going to take but $4,500 salary, let us not add $125 for newspapers, stationery, and other traps. Let us be candid and honest before the country, and if $4,500 a year is not enough let us take what will be enough.

Mr. RANDALL. I hope this will not be stricken out. This is no new thing at all; it has existed since 1866 at the present amount and away back of that to some amount, I do not recollect how much, but I think largely more than this. This limit of $125 in 1866 was really a reduction.

Mr. HALE. This amount was really fixed as a matter of economy, was it not, to prevent a much larger amount being drawn by members, as stationery and newspapers?

Mr. RANDALL. It was formerly without limit.

Mr. HALE. And greatly exceded this amount.

Mr. RANDALL. It did.

Mr. HALE. And this was in the line of economy, was it not?

Mr. RANDALL. It was.

Mr. WHITE. Whatever members draw for this purpose, whether $125 or $225, cannot that be deducted from their salaries?

A MEMBER. No!

Mr. RANDALL. This is in conformity with law. Those who do not want it need not take it.

The amendment of Mr. WHITE was not agreed to.

The Clerk read as follows:

PUBLIC PRINTING.

For compensation of the Congressional Printer, $3,500; and three clerks of class 4, one clerk of class 2, one clerk of class 1, and one messenger at $720, in his office; in all, $11,520.

For contingent expenses of his office, namely: For stationery, postage, advertising, horse and wagon, and miscellaneous items, $2,000.

Mr. RANDALL. I move to amend by striking out both these paragraphs. The Public Printing Office is now undergoing an investigation which is likely to lead to great improvements in the administration of the office. We are advised by the Committee on Printing that they desire for the present that these appropriations shall be stricken out and that whatever appropriations may be necessary for running the Government Printing Office during the next fiscal year shall be inserted in the sundry civil bill, which seems to be a more appropriate place at any rate.

Mr. WELLS, of Mississippi. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] a question in reference to the provision for twenty-eight pages of the House in the paragraph last under consideration.

The CHAIRMAN. It is not in order to go back.

Mr. WELLS, of Mississippi. I was searching for information when the clause was passed. I find that there is a distinction made between the pages in the House and those in the Senate. I want to know whether that is intended.

Mr. RANDALL. This is for pages of the House.

Mr. WELLS, of Mississippi. I find by referring to the provision with reference to pages in the Senate that it is provided that they shall be paid while actually employed, while as to the House pages there is no such provision. Are we to understand that it is intended to make a discrimination between the pages of the House and those of the Senate?

Mr. RANDALL. The pages of the House and the pages of the Senate are each to receive $2.50 per day.

Mr. WELLS, of Mississippi. But in the Senate provision I find the words "while actually employed."

Mr. RANDALL. We only pay the pages of the House during the session.

Mr. WELLS, of Mississippi. Why make a discrimination?

Mr. HALE. It is an additional clause put in for security, which by oversight dropped out in the House provision.

Mr. WELLS, of Mississippi. Then why not put it in?

The CHAIRMAN. This debate is not in order. The paragraph referred to has been passed.

Mr. RANDALL. I have no objection to inserting the words "while actually employed."

Mr. WELLS, of Mississippi. I would either propose to strike them out in the Senate provision or put them in here.

Mr. RANDALL. Well, put them in here.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. RANDALL] to strike out lines 254 to 265.

Mr. WELLS, of Mississippi. I understand the gentleman from Pennsylvania proposes to insert an amendment in reference to the pages, so as to put them on the same footing with those of the Senate.

The CHAIRMAN. It is impossible to go back except by unanimous consent. The pending amendment offered by the gentleman from Pennsylvania must first be disposed of.

The amendment was agreed to.

Mr. RANDALL. I am now willing and desirous that the words suggested by the gentleman from Mississippi should be inserted in the paragraph next to the last.

The CHAIRMAN. What is the amendment?

Mr. WELLS, of Mississippi. I propose that the pages of the Senate and of the House shall be put on the same footing.

Mr. RANDALL. To insert the words "while actually employed" in the paragraph embraced in lines 251 to 253.

Mr. WELLS, of Mississippi. I was opposed to the insertion of the words in the Senate provision because I think these pages should be paid for the whole time; but since it has been inserted there I think it should be inserted with reference to the House pages.

The CHAIRMAN. Is there any objection to inserting "while actually employed" in reference to the pages?

There being no objection, the amendment was agreed to.

Mr. HUNTON. I move to amend by striking out $500 after the words "for hire of horses" in line 252. I make this motion in order to ask the gentleman from Missouri [Mr. WELLS] to explain how it costs $500 for the hire of a horse during the session of Congress, when according to my information a horse can be purchased and fed during the session for less than $500.

The CHAIRMAN. The Chair will state to the gentleman that it is impossible to go back.

Mr. RANDALL. We consent to going back in this case.

The CHAIRMAN. By unanimous consent it can be done.

Mr. WELLS, of Missouri. Heretofore the Doorkeeper of the House has kept one horse during the year at $912.50; the Sergeant-at-Arms has also had a horse at the same expense; and the Clerk has had three horses, costing $2,737.50. The committee in the bill have provided for giving each one of these officers a horse at an expense not exceeding $500 a year. The Doorkeeper of the House probably requires a horse, for the riding pages and for his own use, more than either of the other officers. We allow the Sergeant-at-Arms and the Doorkeeper each $500 for a horse; and there is no reason why we should not make the same allowance to the Doorkeeper. We propose a reduction of $412.50 on each horse.

Mr. HUNTON. But my friend does not understand ——

Mr. WELLS, of Missouri. I understand that the Doorkeeper requires two horses most of the time.

Mr. HUNTON. The gentleman does not understand my point. This provision is for the hire of one horse——

Mr. WELLS, of Missouri. That is for the Doorkeeper; the Doorkeeper is allowed $500 for the hire of a horse.

Mr. HUNTON. But my point is that you cannot make the hire of a horse cost $500 for a session.

Mr. WELLS, of Missouri. The Doorkeeper claims that he needs a horse frequently during the recess as well as during the sessions.

Mr. HUNTON. It seems to me that this $500 is simply an addition to the salary.

Mr. WELLS, of Missouri. He has to have a horse. The riding pages are continually going.

Mr. HUNTON. I move to strike out $500 and insert $300.

The amendment was not agreed to; there being ayes 24, noes not counted.

Mr. WHITE. I move that instead of saying for "twenty-eight pages" it shall read "for twenty-eight fatherless pages" or "orphan pages." [Laughter.] And I do it for this reason: there are pages on this floor who are neither fatherless nor motherless, and there are other pages who have no father.

A MEMBER. And there are pages who have several fathers. [Laughter.]

Mr. WHITE. Now I have observed those pages whose mothers are dependent upon them for a living, and who give their mothers a living from their salaries. As pages, they are much more efficient than those who are the sons of subordinates who lie around this establishment.

Mr. WELLS, of Mississippi. I move further to amend "that this establishment shall be known as an orphan asylum." [Laughter.]

The CHAIRMAN. The Chair would be compelled to rule that amendment as frivolous and therefore out of order.

Mr. WHITE's amendment was disagreed to.

Mr. WILLIAMS, of Indiana. I move to amend in line 252 by making it read "horses" instead of "horse;" so that if more than one horse is needed they can provide for more than one out of this $500.

Mr. HALE. That has all been stricken out.

Mr. WILLIAMS, of Indiana. I think not.

Mr. WILLIAMS's amendment was rejected.

The Clerk read as follows:

LIBRARY OF CONGRESS.

For compensation of the Librarian, $3,600; and for thirteen assistant librarians, three at $2,250 each, two at $1,600 each, two at $1,450 each, two at $1,300 each, two at $1,200 each, one at $1,000, and one at $960 per annum; in all, $23,410.

Mr. WADDELL. I move to strike out, in line 266, "two" and insert "three," in line 267 to strike out "two" and insert "three," and in line 268 to strike out "two" and insert "three;" so as to give three assistant librarians in each case, instead of two, at the salaries indicated.

Now, Mr. Chairman, the best and briefest statement I can make for offering this amendment is that which was made by the Librarian of Congress before the committee, March 4, 1876, and which is embodied

in the report of the Committee on Appropriations accompanying the present bill.

The Library of Congress has been allowed sixteen assistants, besides the Librarian, by existing laws; and this bill, if I understand it correctly, cuts it down to thirteen and reduces the salaries on a scale of 10 per cent. I appeal to the chairman of the Committee on Appropriations whether I am not correct in that statement.

Mr. RANDALL After the gentleman gets through I will answer him.

Mr. WADDELL. It reduces the force from sixteen to thirteen, while at the same time it reduces the salaries 10 per cent.

The Library of Congress contains now about three hundred thousand volumes, and as I have stated a moment ago it has been allowed sixteen assistants besides the Librarian by existing laws, and this bill cuts it down to thirteen, while at the same time it reduces salaries at the rate of 10 per cent.

The Boston Public Library, with 225,000 volumes, employs seventy assistants for its very large catalogue and circulation business. The British Museum Library, with nine hundred thousand volumes, and no circulation, employs eighty-six officers; the Patent-Office about three hundred and fifty.

Among the labors which have to be performed in the Library of Congress are the recording and issuing certificates of copyright to the number of fourteen thousand five hundred a year, (average,) with the receipt and filing away of, first, fourteen to fifteen thousand title-pages; second, twenty-eight to thirty thousand (two copies of each publication) of books, periodicals, musical compositions, engravings, maps, photographs, &c., all of which have to be filed and preserved.

The copyright department involves as many letters to be written for the patent business, the number of patents and of copyrights being about equal. It is now conducted on the principle of answering every letter on the day of its receipt, and registering all copyrights, legally applied for, the same day. This promptitude cannot be kept up, but this important business, placed by law in exclusive charge of the Librarian of Congress, will fall into arrear, as it will be impossible to keep it up during the sitting of Congress with a smaller force.

The Librarian further states that the business involves the adding to the Library of about fifteen thousand volumes every year, all of which must be carefully and correctly catalogued, collated, (to see if the copies are perfect,) stamped, labeled, and distributed to their proper places in the Library.

The purchases abroad and at home involve a large correspondence, orders from all prominent auction sales, and constant search of literary periodicals and catalogues to avoid duplication, and at the same time to select the best books to enrich the Library.

The accounts connected with all this business as well as the accounts of the Botanic Garden and greenhouses have all to be kept in the Library, besides the accounts of the Librarian as register of copyrights and disbursing officer for salaries.

The catalogue system of the Library (and a great library is useless, as the Librarian tells us, without a catalogue) must be kept constantly up to date, the books being entered on receipt. This absolutely requires men not only of thorough education and knowledge of both ancient and modern languages, but of thorough practical training in the work. There were last year written in the Library over twenty-five thousand titles in careful detail; and a catalogue of new books, arranged both by names of authors and subjects, is now nearly printed, while the material for a new and complete catalogue of the Library, up to 1876, is all prepared for the printer.

The foreign exchanges of the Library demand the whole time of one assistant, as fifty copies of everything printed by Congress or by Government Bureaus are exchanged for foreign publications of great extent and value.

Another important thing is this: An index to the documents, debates, and laws of Congress, complete in a single alphabet, was undertaken by the Librarian, and two assistants granted by Congress in 1874 to begin the work. About three hundred and fifty volumes are already indexed; but the work must necessarily be stopped if the workers on it are removed.

It may be added that the Library force is necessarily worked the year round eight hours per day, while other officers of Congress are employed during the session only. I hope, therefore, the amendment I have offered will be agreed to; for I think it is necessary to the public service the Librarian of Congress should be allowed sixteen assistants instead of thirteen assistants. I have left the salary as it has been reported by the committee.

[Here the hammer fell.]

Mr. RANDALL. They all state the one thing, that they cannot do the work if reduction in force is made. The cry from this Bureau is the same which comes from all the others. We had this statement made by the Librarian before the committee. The committee originally reduced the number by four, but at the urgent request of the Librarian we gave him an additional assistant, making the reduction only three. After the fullest consideration we deemed that force quite adequate.

In 1860 the salary of the Librarian was $2,160, and it was kept so in 1867 and up to 1870, when it was raised to $4,000. It ran up $1,840 that year. Now in 1867 the force in the Library embraced only seven assistants, four laborers, and one messenger. The amendment of the gentleman from North Carolina, in the judgment of the committee, should not be adopted. We have examined, as I have already stated, the subject fully, and the committee are convinced that this is a place where a reduction can be properly made without any injury to anybody. The demand for books from the Library during the session, perhaps, is large; but it is not so during the recess of Congress. I hope the amendment will not be adopted.

Mr. WADDELL. I wish to say just one word more. Part of this force is required to be not merely practical men, but men acquainted with other languages, ancient and modern. Another fact is that they are bound to stay here the whole year round.

Mr. RANDALL. We are aware of all that. We gave nearly the whole of a morning session to the discussion of this question.

The question being taken on Mr. WADDELL's amendment, there were —ayes 55, noes 87; no quorum voting.

No further count being demanded, the amendment was not agreed to.

The Clerk read the following paragraph:

For pay of superintendent, $1,440; assistants in Botanic Garden and green-houses, and two additional laborers under the direction of the Library Committee of Congress; in all, $6,440; and said superintendent shall have charge of all the public gardens in the District of Columbia that are supported by specific appropriations.

Mr. RANDALL. The Committee on Appropriations have directed me to offer the following amendment:

In line 291 strike out "$6,440" and insert "$7,440."

On an appeal from the chairman of the Committee on the Library we have agreed that this appropriation shall be increased $1,000.

The amendment was agreed to.

The Clerk read the following paragraph:

For a foreman and laborers employed in the public grounds, $13,256.

Mr. FOSTER. I offer the following amendment:

In line 305 strike out "$13,256" and insert in lieu thereof "$20,000."

Mr. Chairman, this appropriation is for the maintenance of the public parks and public gardens of the city belonging to the United States. The whole of this expenditure is for labor, and the work is now fixed by law under the charge of Mr. Smith, the efficient manager of the Botanic Gardens. I feel that in these times of distress it is cruel to cut down this appropriation for labor in this city. We have these parks. They are here. They need to be maintained. The people of this country will not complain if we beautify them and thus give employment to the poor laboring people of this city. I think, Mr. Chairman, that the committee ought to vote in this amendment.

Mr. RANDALL. I call for a vote. I will merely say that the amendment recommended by the committee is a reduction on former expenditures and a reduction which we think is perfectly proper. I hope the amendment will not be agreed to.

Mr. FOSTER. I neglected to state that the amount recommended for this purpose was twenty-one thousand and some odd hundred dollars; the amount I believe that has been usually appropriated for this purpose.

Mr. RANDALL. The truth of the matter is that there has been a great waste of money in connection with these public grounds, hothouses, greenhouses, botanic gardens, and everything else of that kind; and there is no place where the public are more willing to have the expenditures upon rose-buds cut down than here.

Mr. FOSTER. Allow me to say that this is not the appropriation for the Botanic Gardens, but the appropriation for the public grounds of the city. As I have said, they are placed under the charge of Mr. Smith, the efficient superintendent of the public gardens, who the gentleman from Pennsylvania will not say is extravagant or wasteful. He is an economical Scotchman.

The amendment was disagreed to—ayes 25, noes not counted.

The Clerk read the following paragraph:

For furnace-keeper in charge of heating-apparatus under the old Hall of the House of Representatives, $864.

Mr. RANDALL. I offer the following amendment:

After line 311, as a new paragraph, insert as follows:

For the person in charge of the heating-apparatus of the Library of Congress and other steam heating-apparatus in the central building, $864.

The amendment was agreed to.

The Clerk read the following paragraph:

For the following employés at the Executive Mansion, namely: For furnace-keeper, $864; two night-watchmen, at $840 each; two watchmen, at $840 each; and two doorkeepers, at $900 each; in all, $6,024.

Mr. HALE. I offer the following amendment:

In lines 314 and 315 strike out the words "two night watchmen, at $840 each" and insert in lieu thereof "two policemen, at $1,200 each."

Under the present law and appropriations there are two policemen for the Executive Mansion who are paid $2,640, or $1,320 each. Now, this is a thing that is ours, is the people's, is the nation's. It has nothing to do with the establishment of the President. The Mansion is ours. The people go there. It is public property. There should be policemen there to guard it and to be present at times of receptions and on occasions of public state.

I think I may be justified in saying, and perhaps the chairman of the committee will bear me out, that this reduction in the bill is too much. If you reduce these policemen from $1,300 to $1,200 we have them down to the rate that we have fixed in other reductions. We

leave them as policemen, and I do not believe that there is anybody here in this House who upon this little matter of a saving of two or three hundred dollars will care to especially strike at this establishlishment, which is our establishment; and I hope, therefore, that nobody will oppose this amendment. I have fixed the salary at $1,200, cutting off $140 from each salary.

Mr. WELLS, of Missouri. I think there is no objection to that.

Mr. RANDALL. I think we agreed in committee that the gentleman from Ohio [Mr. FOSTER] was to prepare an amendment on this subject.

Mr. FOSTER. I think I can explain what the committee intended to do but did not do. The amendment of the gentleman from Maine [Mr. HALE] should come in in line 315. In the Book of Estimates you will find a provision for a night watchman and night usher. These two night watchmen provided for here were to cover the night watchman and the night usher. I think we agreed in committee to restore the salaries of these two persons to what they are now, $900 and $1,200, and to substitute the motion of the gentleman from Maine [Mr. HALE] for that portion of the paragraph as it now stands.

Mr. RANDALL. How would it then read?

Mr. FOSTER. It would read, if amended as I tried to have the committee agree, "two night watchmen, one at $900 and one at $1,200; two policemen, at $1,200 each; two doorkeepers, at $1,200 each."

Mr. RANDALL. My recollection is that the agreement of $1,200 only applied to the doorkeepers. The reason given was that they are there in the day-time and that they are necessary to receive visitors at the door, and of course have to be tidy in their dress and gentlemanly in their deportment.

Mr. FOSTER. That is so with all these gentlemen.

Mr. HALE. They have to be there longer than the watchmen and doorkeepers do in any other department.

Mr. RANDALL. I believe that is true.

Mr. HALE. They cannot go off duty at four o'clock. They have to remain on until late in the evening, when they are relieved by the night watchmen.

Mr. RANDALL. I suggest that we fix the salaries of the watchmen at $1,000 and the doorkeepers at $1,200.

Mr. HALE. Why reduce the watchmen below $1,200? We have not touched that class of salaries.

Mr. RANDALL. Yes, we have; the Capitol police have been reduced to $1,000.

Mr. HALE. But the Capitol policemen have not exactly the same kind of duties to perform that these men have. They have reliefs and they divide the day up into a period of eight hours each, while these men have to be there all the time ten or twelve hours, for there are but two of them.

Mr. RANDALL. I offer the following amendment to the amendment.

Two watchmen, $1,000 each; two doorkeepers, $1,200 each.

I think that is reasonable and quite high enough, and I hope gentlemen on the other side will accept it.

Mr. FOSTER. Well, I shall not object, although I think the salary for the "watchmen" is too low.

Mr. RANDALL. I do not want to put the "watchmen" above the Capitol police in point of pay.

Mr. FOSTER. Two of these men are practiced messengers.

Mr. RANDALL. Those are the two we give $1,200 a year to.

Mr. HALE. You had better call two of these men policemen, had you not? They are so at present.

Mr. RANDALL. I do not care what they are called.

Mr. HALE. Then call two of them "policemen."

Mr. RANDALL. I ask that my amendment be now read in the form in which I offered it. I move to strike out from line 314 to the end of the clause as follows:

Two night-watchmen, at $840 each; two watchmen, at $840 each: and two doorkeepers, at $900 each.

And to insert in lieu thereof the words "two night watchmen, at $1,000 each; two watchmen, at $1,000 each; and two doorkeepers, at $1,200 each."

Mr. HALE. I now move to amend, so as to make the "two watchmen" "two policemen."

Mr. FOSTER. I call the attention of the chairman of the Committee on Appropriations to the fact that of the two night watchmen at present one receives $900 and the other $1,200.

Mr. RANDALL. Well, I want to equalize them.

Mr. HALE'S amendment to the amendment was agreed to.

Mr. RANDALL'S amendment, as amended, was then adopted.

Mr. RANDALL. I move to amend line 317 by inserting in lieu of $6,024 $7,264, so that it will read "in all $7,264."

The amendment was agreed to.

The Clerk proceeded with the reading of the bill, and read as follows:

For compensation of the President of the United States $33,611.11; and on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum.

Mr. RANDALL. I am instructed by the Committee on Appropriations to offer the following amendment to that clause:

After the word "States," in line 331, insert "up to the 4th of March, 1877, at the rate of $50,000 per annum."

And after the word "cents," in line 332, insert the words "and from said day to the 30th day of June, 1877, both days inclusive, at the rate of $25,000 per annum, $835; in all, $41,746.11.

Mr. O'BRIEN. I move to amend the amendment by striking out all after the word "cents," as follows:

And on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum.

That amendment is to strike out all that part of the clause which refers to the President's salary after the 4th of March next.

The CHAIRMAN. The question is upon the amendment to the amendment. Those in favor——

Mr. O'BRIEN. I desire to speak upon it.

The CHAIRMAN. The gentleman has five minutes.

Mr. O'BRIEN. I do not know that I shall speak one minute. I do not propose to discuss at all the question of what should be the President's salary. I am not going to say whether, at what I consider a proper time, I would or would not vote to reduce the salary of the President to $25,000. I will only say that I think it improper to cut it down in an appropriation bill. There is a bill now on the Speaker's table, I understand, that has come over from the Senate, which meets this question squarely and fairly; and I would rather postpone my vote upon the question until that bill comes up.

Mr. RANDALL. That bill might be passed by both Houses of Congress and yet not receive the executive approval. I do not think there are two opinions concerning the judgment of the people of this country upon this question of the salary of the President, that it should go back to the old amount; and by this provision in this bill we secure its going back to the old amount. If the other bill is passed by Congress and signed by the President, well and good.

Mr. O'BRIEN. I am willing to test the President upon that very question. I am not at all afraid he will not sign it; certainly if he would sign an appropriation bill containing it, he would sign the bill containing it alone. I propose to put this test to him fairly and squarely.

Mr. EDEN. Did the gentleman think it right to increase the salary of the President by a provision in an appropriation bill?

Mr. O'BRIEN. No, I do not think that was right. I am opposed to covering an appropriation bill all over, as it were, with outside matters. I prefer to meet such matters in a fair, open, and candid manner, as I will this question of the President's salary when it comes properly before the House. I am not going to say now whether I am in favor of a salary of $50,000 or $25,000 for the President. But I do express the opinion that this is not the proper place to decide that question. If the precedent has heretofore been set of raising salaries in an appropriation bill, it is time to do away with such a precedent as bad and not favorable to reform.

Mr. RANDALL. In obedience to the will of the people, that will that filled these seats with democrats, wherever we can reduce expenditures we mean to do it.

Mr. HALE. I would ask the gentleman from Pennsylvania [Mr. RANDALL] if he believes the seats in this House were filled by democrats on account of his exertions in the last Congress to reduce salaries?

Mr. RANDALL. I believe this, that I am placed where I am by the confidence of my party, and I will in no manner by my action weaken the confidence which has been reposed in me.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the amendment to the amendment has been exhausted.

Mr. O'BRIEN. I will withdraw my amendment to the amendment if the gentleman from Maine [Mr. HALE] will renew it.

Mr. HALE. I will renew it simply for the purpose of saying that the gentleman from Pennsylvania [Mr. RANDALL] is taking a different course in this Congress in reference to the indorsement of his constituents from what he did in the last Congress.

Mr. RANDALL. I have said all I want to say.

Mr. HALE. So have I.

Mr. HOAR. I rise to oppose the amendment to the amendment for the purpose of entering my protest against the doctrine which has been advanced by the gentleman from Pennsylvania, [Mr. RANDALL.] I do not believe that the people of the United States will approve this reckless fashion of accomplishing any result that any particular gentleman happens to wish to accomplish, without any regard to the constitutional principles, the constitutional methods, as the example established in the precedents of legislation.

The Constitution of the United States provides that all laws to be valid shall receive the assent of both Houses of Congress and are to be submitted to the President for his approval; and that they shall not take effect unless the President, the only officer who represents the whole people of the United States as a unit, gives them his assent, except two-thirds of the two branches of Congress shall re-enact them after his disapproval. Now here is a measure having nothing to do with the current expenses of the Government for the next year, or very little to do with them. It is a matter of permanent public policy, not to go into effect until the 4th of March next. It seems to me it is an utterly unconstitutional doctrine, fraught with evil and peril in our legislation, to say that we will not deal with such a measure by a separate bill, but will put it on an appropriation bill, because thereby the Government must stop or the President be constrained against his judgment to give his assent to a bill he does not approve.

Mr. RANDALL. This salary was increased in an appropriation bill.

Mr. HOAR. And this proposition is to do the same sort of bad and evil thing over again. The President of the United States is bound to protect the dignity, the authority, and the interest of the office which he holds under the Constitution against infringement from any quarter whatever; and he is entitled to have his constitutional judgment consulted and recognized in regard to a law which affects, not him, but his successor in the high office which he holds; and this attempt to put a constraint upon the President by saying that we will put into an appropriation bill, and if the President defeats it the Government must stop, a particular piece of legislation which we may conceive to be desirable—such an attempt as that, in my judgment, is utterly repugnant to the spirit of the Constitution.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HALE. I will withdraw the amendment offered originally by the gentleman from Maryland [Mr. O'BRIEN] if the gentleman from Indiana [Mr. HOLMAN] will renew it.

Mr. HOLMAN. I renew the amendment.

Mr. HOAR. I desire to add that almost all the evil and corrupt legislation which we have had has grown up in this way.

Mr. RANDALL. But we have changed the rule so that you cannot get evil and corrupt legislation on appropriation bills, that only economy shall prevail on them.

Mr. HOLMAN. It will be admitted that Congress would act very unjustly toward the Executive of the nation by incorporating into a bill which had to pass, or some important branch of the Government be stopped, a provision which otherwise would not receive his sanction. If it were done for that purpose I think such an act upon the part of the legislative branch of the Government would be highly improper, although it is easy to foresee that emergencies might occur again in the history of the Government, as they have occurred in the past, where such on act on the part of the legislative body would be at least excusable.

But, Mr. Chairman, the proposition now before the House reducing the salary of the President of the United States to $25,000 is not of that character. It is not presumed that upon the mere question of what should be the salary of the Executive the President of the United States would interpose his veto. It is not one of those measures about which gentlemen might hesitate. To fix the salaries of officers of this Government is a legislative measure. This is not a case in which the President of the United States might hesitate on the score of high public policy or upon the ground of constitutional objection. There is no trouble here in that respect.

But, sir, I do not agree with the gentleman from Massachusetts [Mr. HOAR] that these legislative provisions are improper on appropriation bills; and the whole history of this Government is against his proposition. It is a fact that legislative provisions which are germane to legislative appropriations are so kindred in character that practically it is absolutely impossible to carry on this Government under ordinary circumstances for any considerable period of years without this practice prevailing to a greater or less extent. Why, sir, scarcely in any instance from 1853 to 1860, and rarely from 1860 down to the present time, has there been an office created in any of the civil branches of the Government, or a salary increased, except upon an appropriation bill. The most important reforms that you have effected in your Post-Office Department have been through legislative enactments on such bills within a comparatively few years. Some of the most important legislative provisions in your revised code were gathered from appropriation bills, the necessity of them having been indicated by the appropriations required to be made—not the result of the spur of the moment, but of legislative necessity.

The suggestion of the gentleman from Massachusetts, which is an echo from another branch of this Capitol, that at this particular time the incorporation of legislative provisions upon appropriation bills germane to them, in the interest of retrenchment and purity of Government, ought to be resisted, comes to us, it seems to me, with a very poor grace when through all these years office after office has been created upon appropriation bills. Not an appropriation bill has passed this House within ten years without creating some new office. Salary after salary has been increased up to the very last hour of the last session of Congress through every successive appropriation bill. Your entire diplomatic system was changed by an appropriation bill in the last Congress. The salary of every important functionary in the Treasury Department was increased during last session of Congress on an appropriation bill. The whole re-arrangement of the Treasury system was upon an appropriation bill; and I heard no objection from the gentleman from Massachusetts; I heard no echo from the other branch of the Government.

Mr. CONGER. The gentleman must be mistaken——

Mr. HOLMAN. No, sir. Now when this same power is to be exercised properly and in the interest of the people, in the interest of pure, honest government, now it is discovered that it is perilous to good government that legislative provisions should be ingrafted upon appropriation bills.

Mr. CONGER. The gentleman is mistaken about the re-organization of the Treasury Department. That was in a separate bill, reported from the Committee on Civil-Service Reform.

Mr. HOLMAN. Certainly it was reported by a committee, and was incorporated upon an appropriation bill in the House. The same thing occurred in regard to the whole diplomatic system. You cannot mention a single important branch of the Government that has not been remodeled within the last twelve years through appropriation bills; and I never heard any protest from the other side until now.

[Here the hammer fell.]

Mr. HOAR. Mr. Chairman, ever since I have been in the House, and when my own party was in power, I have denounced this villainous practice. It is the judgment of all intelligent observers, more unanimous than in regard to almost any other public question, that this habit of putting legislation upon the appropriation bills, which must go through or the Government stops and therefore obliging men to vote for a particular measure whether they like it or not, is fraught with evil in a thousand ways. In the first place, it overthrows the constitutional right of this House, in substance, to have the yeas and nays called on every particular measure. You put on in Committee of the Whole a piece of vicious legislation; and it is in the power of the chairman of the Committee on Appropriations alone to say whether there shall be any record made of the opinion of the members of this House upon that piece of evil legislation.

Mr. HOLMAN. My friend knows certainly that when it comes into the House——

Mr. HOAR. No; you can have but one vote on the whole bill; and thus at the end of the session members vote under constraint, the alternative being that they must have an extra session or the Government must stop if the bill should not pass with all the evil which it contains. You cannot have a vote on particular questions by yeas and nays. Mr. Chairman, this one thing has tended more than any other to overthrow and degrade the position of this House in relation to the other branch of the Government.

The constitutional equivalent for the equality of States in our Constitution was the right to originate appropriation bills. The Constitution said there might be amendments proposed to those appropriation bills as in other cases, but it was the intent of the framers to limit those amendments made in the Senate to amendments to the substance of the bill in regard to the particular matter it dealt with, that is, to enlarge or diminish the sum of money granted. Now the Senate has usurped the power of ingrafting on our appropriation bills any matter of independent legislation they choose, whether germane or not.

What is the result? An appropriation bill comes back to us and we non-concur in one hundred Senate amendments in the lump and the matter then goes to a conference committee, at midnight, at the close of a session. The result is that the legislation of this Government is not by President, Senate, and House of Representatives, but it is by Senate and three or four members of the Committee on Appropriations of the House of Representatives, the rest of us being practically excluded from our constitutional functions in the Government.

When my colleague, Mr. DAWES, was chairman of the Committee on Appropriations, I charged him in this very matter with being untrue to the constitutional privileges and dignity of the body of which he was leader, because the result of this was to put all the powers of legislation into the hands of three or four members of the Appropriation Committee. And my friend from Pennsylvania has acquired early the old Appropriation Committee slang when he stands up and declares he is willing to have independent legislation put on an appropriation bill and force the Senate to pass it, because he knows by adopting this practice they take away from the majority of the House and put into their own hands practically the power of legislation. And, sir, new-comers, whether they believe what I say now, will every one agree with me when we adjourn in midsummer at the end of the session.

It is no new doctrine, Mr. Chairman, and we shall never have any practical part in the constitutional legislation under this Government until we put an end to and burn out as with red-hot iron this vicious and pernicious practice.

I did not rise to say anything about this particular measure of the President's salary. I am not discussing that or dealing with it. It is a wholly independent question. I rose to express my protest against the doctrine, the unconstitutional and most pernicious doctrine, avowed in this House by the chairman of the Committee on Appropriations.

[Here the hammer fell.]

Mr. HOLMAN. I withdraw my amendment.

Mr. RANDALL. I renew it. Now, Mr. Chairman, this is a very simple question. There are two sides to it, it is true, one being the republican side, if you will, and the other the democratic side.

Several MEMBERS on the republican side of the House. "O, no!"

Mr. RANDALL. With honorable exceptions.

Fourteen years of experience has shown me that side of the House have adopted this means of legislation uniformly to increase the expenditures of this Government. Now, when we come here, (and I avow it boldly,) we found there was no other way to prevent these extravagant expenditures or to do away with that vicious practice than by changing the rules. We did change the rule, and we stopped the practice, which for fourteen years had been indulged in by the republican party, of incorporating into appropriation bills extravagant expenditures which ought not to have been embraced in general appropriation bills, or indeed anywhere else.

I wish to say a word to the country on this matter. I have no concealments to make; I do not go behind the door in any respect. It was absolutely necessary, in order to relieve the people from the onerous burden of taxation, that the expenditures of this Government should be reduced $30,000,000 or $40,000,000. I mean to stand here erect in advocacy of any rule or any number of rules necessary to reach that end, in spite of what may be done by an extravagant co-ordinate body, and in spite of the taunts of gentlemen on the other side of this House.

We have come here to put an end to extravagance of appropriation, to retrench and reform, to secure if possible honest administration. When you find we are not properly performing that duty, when in the least we produce friction in the running of this Government, call our attention to it, and for one if I can agree with you I will do so. I know as well as I know I have life that the expenditures of this Government, if you will only co-operate with us, can at this very session of Congress be reduced from $30,000,000 to $35,000,000. I believe that is one of the sure roads to specie resumption. We must have economy, and the people all over the land harmonize with this democratic sentiment. It finds utterance on the part of the majority of this House. You find it in every municipality, in every city, in every State. The people are rising up and demanding economy of administration of their respective governments and consequent reduction of taxation.

Now, Mr. Chairman, that is our sole purpose here. We have no desire to interfere in the least degree with the Government. Your Secretary of the Treasury has told you that unless frugality is enforced in the administration of the Government it will soon be bankrupt. The honorable gentleman from Ohio, late chairman of the Committee on Appropriations, has told this House he believes that a democratic House can cut down the expenditures, when they could not do so on that side with the same facility. I mean to be encouraged by his words, and this side mean if possible to secure a reduction of expenditure to the extent at least of $30,000,000 during this session of Congress. The object is a worthy one and must commend itself to the approval of the country in whose behalf the effort is made.

[Here the hammer fell.]

Mr. HALE. I rise to oppose the amendment. The gentleman from Pennsylvania, Mr. Chairman, need not arrogate to himself or to his party the position of being exclusively reformers and retrenchers in cutting off the expenditures of the Government. He is an old member here, and he knows that for four years the Committee on Appropriations under the late republican management and with a majority of republican members cut down the expenditures of the Government to a figure that, when the books are made up and the records compared, not of speeches and of promises, but of actual attainments, will compare well with all that he claims can be done.

Neither need the gentleman claim that the practice of putting legislation upon all sorts of subjects on appropriation bills is a republican practice; it is one that comes down from democratic times. It is a practice that in democratic days struck at the liberties of the people. If the gentleman goes far enough back, he will find that legislation, not simply upon dollars and cents, but upon matters that treat of higher and deeper things than those, were put by democratic Houses on legislative appropriation bills, and by the whip and spur of an intolerant party in its waning and decadent and disgraceful days were put there only to be sent back by an indignant country in a voice of protest and denunciation.

The gentleman will find that in the last days of the last of the democratic administrations that he has ever seen or will see, some of the most pernicious legislation was crowded, and whipped, and driven through both Houses of Congress upon appropriation bills. And I for one will not sit here and hear it claimed that this, which in itself is outside of party and beyond party, this, which has been so well characterized by the gentleman from Massachusetts as a pernicious and evil-fraught system of legislation, belongs to the party of which I am a humble member. And more, sir, I say—and I agree there with the gentleman from Massachusetts—that the day will come, and it will not be far distant, when the gentleman from Pennsylvania and other gentlemen who have sought to throw the legislation of Congress into the appropriation bills, will regret it. The day will come when not even he, striving for economy, can control what will be done under this practice. I predict that if the gentleman and his wiser colleagues, as wise as he, have controlled certain elemental forces in his party into a line of prudence in view of the coming election, in the next session of Congress he will witness a carnival of legislation in the interests of extravagance and in the trampling down of economy, before which he will be as powerless as a child before the storm, and he will call on the rocks and the mountains to hide him, if he is as honest in the interests of economy as he claims to be, and as I believe he is.

Mr. HOLMAN rose.

The CHAIRMAN. Debate is exhausted on the amendment to the amendment.

Mr. RANDALL. I withdraw it.

Mr. HOLMAN. I renew it for a moment. The gentleman from Maine [Mr. HALE] has repeated a remark which was made in a somewhat magnified form by the gentleman from Ohio [Mr. GARFIELD] in regard to the work of retrenchment that has been going on for the last four years. I want the gentleman from Maine to bear one fact in mind. I hope he will not forget the fact that the highest point of expenditures that has been reached since the year 1866, I mean of the ordinary expenditures of the Government, was $194,000,000, and that the appropriations for the present current year are $179,000,000. The gentleman from Maine and the gentleman from Ohio, when they talk about vast reductions of the expenditures of the Government, will bear in mind the fact that the highest point of expenditures reached was $194,000,000, and that you appropriated for this present fiscal year $179,000,000, which is many millions more than you appropriated in the years 1867, 1868, and 1869.

Now one word, Mr. Chairman, on another point. What does the gentleman from Maine mean by pernicious legislation? I trust he will be a little more careful in the use of his terms. What does he mean by talking about pernicious legislation and about whipping measures through?

Mr. HOAR. He had reference to the salary bill of the Forty-second Congress.

Mr. HOLMAN. Who found it necessary in the progress of the legislation of the House of Representatives to call for the reading of bills in full at the Clerk's desk, or to reserve points of order? There are now on the floor of the House comparatively young men who saw that system inaugurated and who saw the necessity arise for it; for after a bill had gone to the Committee of the Whole it was beyond the reach of your points of order unless they were reserved. That has been inaugurated within the last fifteen years.

Mr. KELLEY. I believe it was E. B. Washburne, of Illinois, who originated that system.

Mr. HOLMAN. It was within the last fifteen years that points of order were first reserved on an appropriation bill. And why? Because it was so uncommon for a bill to come into the House, prior to fifteen years ago, loaded down with measures not germane to the subjects of appropriation that no member deemed it necessary either to call for the reading of bills in order to point out objections or to reserve points of order. The first point of order made on an appropriation bill in Congress was in 1863. I will not dispute with the gentleman from Pennsylvania as to who made the point of order. The gentleman named by him made it over and over again, but he was not the first on the floor of this House to do so.

Mr. HOAR. The gentleman's words do not fall to the ground; they are heard with great respect by the House and the country; and will he now allow me to ask him before he sits down to state whether he thinks the practice of putting these things on an appropriation bill is a good one?

Mr. HOLMAN. I do not hesitate on that subject; it is one of the questions on which I entertain no doubt whatever, and no doubt has been entertained all along in our history by men infinitely wiser and more competent to express a judgment on that subject than I can pretend to be. If the measure be germane, if it tends to reform an abuse in the Government, if it tends to reduce the expenditures of the Government, it is highly proper in an appropriation bill. But, sir, I did not hear the gentleman from Massachusetts [Mr. HOAR] or the gentleman from Maine, [Mr. HALE,] although he says he has been protesting against this legislation, denounce that vast body of amendments that went upon an appropriation bill the Congress before the last by which the expenditures of the Government were increased millions. I did not hear the protest. I would like to look through the Congressional Globe and find one very mild protest from the gentleman from Maine or any other gentleman on that side of the House against that monstrous, that pernicious system of legislation.

Mr. HALE. The gentleman will find fifty such protests from me.

Mr. HOLMAN. I should like to find one very mild protest.

Mr. HALE. I have always opposed that kind of legislation both in the House and in the Committee on Appropriations.

Mr. HOLMAN. Then it has been communicated to gentlemen around you no doubt, but it has not fallen upon the ears of gentlemen who sit so far from him as we do on this side of the House.

Mr. HALE. The gentleman has not done me the honor to listen to me.

Mr. HOLMAN. Sir, the rule of the House which requires that a measure offered as an amendment to an appropriation bill shall be germane to the bill and that it shall retrench expenditures is a saving and wise measure in legislation, and so long as it shall be adhered to—and it will be adhered to and it must be adhered to—there is no danger of the pernicious legislation which used to take place under the old order of things.

The gentleman from Massachusetts [Mr. HOAR] speaks about the younger members who have come into the House seeing the pernicious effect—of what? Why, not of legislative provisions going upon appropriation bills, but of bills being withheld until the last hours of the session and then going into a committee of conference composed of six members, thus dwarfing the legislation of the country. Why, that is the evil resulting from an appropriation bill, whether its provisions be strictly appropriations or not. It does not merely relate to legislative questions, and gentlemen cannot say that even during the last ten years the evil has been that measures of legislation have crept into appropriation bills through these conferences and that that has been the evil, for it has not been. The evil has been that under this system appropriations such as were allowed by the rules of the House and by the rules of the Senate have crept into the reports of the conference committees at the last moment and have perniciously increased the expenditures of the Government; but the gentleman

fails to show to this House any bad consequence from ingrafting proper legislative provisions on such bills.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I had hoped that we might work together in the interest of a fair, reasonable economy without an ever-recurring attack from the majority of this House upon the immediate past of our legislation; but it appears that every man must come into this House armed and equipped for the defense of even the nearest historical facts of his own career.

I am amazed to witness the gentleman from Indiana, [Mr. HOLMAN,] a member of the Committee on Appropriations, rising from his seat and saying that the appropriations for the last year were $179,000,000, and that that was only about $20,000,000 less that the highest amount which has been appropriated since the war. I do not know where the gentleman keeps his eyes, nor where he directs them when he reads. The official facts certified through the Departments to the Treasury stand out in bold relief. Here is a statement of the appropriations for all purposes for the last three fiscal years. What were they? These were not permanent appropriations, but the annual appropriations that Congress votes, and they were as follows: For the year ending June 30, 1874, $172,000,000 in round number; for the year ending June 30, 1875, $155,000,000; for the year ending the last of next June, (the appropriation made last session,) $147,000,000. There are the figures, which this House consented to and passed. The appropriations in three years were reduced from $172,000,000 to $147,000,000 for the current year, a matter of over $30,000,000 reduction in the annual bills granted by Congress.

Now what can the gentleman from Indiana mean by flinging back over the career of his history and ours together a statement of this sort to go out to men who do not know the facts? If you want us to join you in helping you in all worthy things, treat us fairly, be true to the truth, and let the history of the case speak for itself. Dispraise us wherever we have deserved it; lay faults at our doors wherever we have committed them, but in the name of fair dealing and common honesty state the truth about what we have done. Sir, no man can have been on this floor during the last four years and not know that the chairman of the Committee on Appropriations, aided by almost every member of that committee without regard to party, arrested to the extent of the power of the committee the vicious practice of legislating generally on appropriation bills; but that committee were frequently overruled, and overruled to the detriment of good order in a way that I will always help the present committee from being overruled, to the extent of my voice and vote. I remember very well that we were overruled in the matter of the salaries of members of Congress known as the "salary-grab."

Another committee, organized not to regard appropriations but to regard salaries, forced upon us, over the heads of the Committee on Appropriations, a bill to increase not the salary of the President alone, but the salaries of all the members of Congress, our salaries being increased to $7,500 a year. And after fighting to the extent of our power as a committee, overwhelmed in nineteen different votes taken upon the question, fighting it inch by inch, as a captain would fight his ship in a naval battle, overpowered, boarded by those who took the other view, we were overborne in nineteen different votes and in conference committees, until at last the nefarious measure was passed, and the majority of the votes in its favor were from the other side of the House; more democrats voted for it than republicans. And the leadership of that measure was divided between the late member from Massachusetts, General Butler, and the present chairman of the Committee on Appropriations. Many a man has been left at home for the part he took in that business. I am here to vindicate the career of the Committee on Appropriations for the last four years from the charge that we have allowed extraneous and unwise legislation to come in upon appropriation bills.

[Here the hammer fell.]

The amendment to the amendment was withdrawn.

Mr. HOLMAN. I renew the amendment to the amendment. On this question of the measure of the expenditures of the Government, which has been introduced into this debate——

Mr. GARFIELD. Not expenditures, but appropriations.

Mr. HOLMAN. I take the data just as I find them furnished by the gentleman's authority and mine; I take them just as they are. I take the ordinary expenditures of the Government for the very years the gentleman has mentioned, and there will be found a margin of over $40,000,000 between the statement of the gentleman and the statement which I hold in my hand. From that statement it appears that the expenditures for 1874 were $194,000,000 in round numbers; I omit the odd thousands. That was the highest point of expenditures reached. In 1875 the expenditures were, in round numbers, $171,000,000.

Now, the gentleman may tell me that I cannot go later than that, because we have no report upon that point from the Treasury Department. I will take the next best evidence. By the law the Clerk of this House is required to publish, after the adjournment of Congress, the amount of appropriations made by that Congress for the next fiscal year. And what does he report upon that point? The gentleman certainly has this report or some such report before him. I do not know what document he read from. I find no such work as he seems to have among the public documents. According to the published report of the Clerk of this House, the total appropriations for the present fiscal year are $179,166,209.90. I will incorporate into my remarks the whole of this table, showing the items of the total appropriations for the present fiscal year.

Now, if this document is true, if this published statement is true, published by authority of law and by the Clerk of this House—and, as a friend near me suggests, a republican Clerk, which of course would neither add nor detract from his reliability as a public officer—if this statement is true, then the $147,000,000, which the gentleman says is the amount for this year, should be made $179,166,209.90. I will call the attention of the gentleman to the reports which I have upon this subject. The finance report gives us the amounts down to last year; and to that we have added a report required by law, to be made by the Clerk of this House, of the appropriations made by the last Congress. Now, if the gentleman has a document there which I have not seen—and he seems to be reading from some document—if he has before him a public record, some document importing verity, which contradicts this which I hold, I will yield to the gentleman to produce that document.

Mr. GARFIELD. I will produce it at the proper time.

Mr. HOLMAN. Until then, I hold up to him a report of your Secretary of the Treasury in the one hand for all the years up to the present and in the other hand I hold up the other document, published by authority of law, showing the appropriations for the present year. If that is true, then where is your reduction of $30,000,000? For 1874 the appropriations were $194,000,000 and for this year the appropriations are $179,000,000.

The gentleman should not forget that even in the year 1870 we had reduced the expenditures of this Government down to $164,000,000. In 1872 we had reached a point as low as $153,000,000. This remorseless growth of expenditures is what arrests attention. If what the gentleman from Ohio suggests be true, then it would be a most gratifying spectacle if the ordinary current expenditures of the Government had been reduced for the present year to $147,000,000. Instead of that, however, the record shows the enormous aggregation of $179,000,000.

I will ask to have printed in the RECORD to-morrow morning the table prepared by the Clerk of this House, of the appropriations of the last Congress, with its various items, making $179,000,000. If that statement is false, let us understand why it is false, why a public record is no longer to be relied upon, and that a margin of $40,000,000 can possibly exist between the statement of a gentleman so well informed as the gentleman from Ohio, [Mr. GARFIELD,] so long chairman of the Committee on Appropriations, and these solemn records, upon which this whole matter is dependent.

[Here the hammer fell.]

The table referred to by Mr. HOLMAN is as follows:

Object of appropriation.	Amount.
For pensions	$30,000,000 00
For legislative, executive, and judicial expenses	18,902,236 99
For Indian service	5,360,554 55
For sundry civil expenses	26,644,350 09
For deficiencies	4,703,699 18
For rivers and harbors	6,643,517 50
For Army	27,933,830 00
For Navy	17,001,006 40
For consular and diplomatic service	1,374,985 00
For Post-Office	37,524,361 00
For Military Academy	364,740 00
For fortifications	850,000 00
For awards of commissioners of claims	729,653 62
Miscellaneous	1,133,275 57
Total	179,166,209 90

Mr. GARFIELD. I am very glad that my friend from Indiana [Mr. HOLMAN] and I have at last locked horns on facts. I will not look at the document which the gentleman proposes to publish, I know it so well; but I ask the Clerk to read from that document the appropriation for the Post-Office Department for the last fiscal year.

Mr. HOLMAN. Yes, sir; and the gentleman will find the same modes embodied in the report on finance. It covers the whole.

The Clerk read as follows:

For Post-Office, $37,524,361.

Mr. GARFIELD. O, that is it, is it?

Mr. HOLMAN. Certainly, you will find the same items in the report which I hold in my hand.

Mr. GARFIELD. The Post-Office Department never has appropriated for it out of the Treasury anything except the deficiency necessary on account of the revenues falling short of the expenditures; and the Secretary of the Treasury, in a book lying on the gentleman's table in the committee-room, a book in the possession of every member of the committee, has certified the warrants of appropriations to the whole amount of every dollar appropriated out of the Treasury. From that book I read my statement that the appropriations of last year were $147,000,000. Now, how much does the Secretary of the Treasury say was appropriated out of the Treasury for the Post-Office Department; that is, the deficiency of money to supply the lack of revenue? Here is the amount, $7,175,542. And the gentleman reads from the report of the Clerk, which includes in its statement the whole

amount of revenue of the Post-Office Department, superadded to our deficiency appropriation, and makes it $37,000,000.

Mr. HOLMAN. Certainly.

Mr. GARFIELD. There he makes just the difference; there we have all the explanation. Having been so long a member of this House, and now almost five months a member of the Committee on Appropriations, does he not know the methods of keeping accounts; that the Secretary of the Treasury issues his certificate of the amount of money appropriated out of the Treasury, which is the thing we have to do with, and that the Clerk states the whole of that, plus the revenues of the Post-Office Department? I have explained this twenty times to new members who have come here within the last four years, but I did not suppose it was necessary to explain it to the Nestor of the House, least of all did I suppose I should need to explain it to any Thersites who merely scolds without knowledge. Now, that is all there is in this case. And the statement I made is the actual official statement made by the Secretary of the Treasury of the amount of money appropriated out of the Treasury by Congress.

Now, I have said many a time (and I agree to help any man who will join with me in the effort to make such a provision the law) that the revenues of the Post-Office Department should be covered into the Treasury and then appropriated out; but I have never been able to get that idea carried through nor to get any considerable support for it. If that were done, then the report of the Clerk would agree with the report of the Secretary of the Treasury.

Now, the other book from which the gentleman read was a report of expenditures, not of appropriations; and the report of expenditures covers not only what we appropriate annually, but also all the interest on the public debt, which comes out of permanent appropriations with which Congress from session to session has nothing to do. The gentleman reads from a table of expenditures, compares it with my statement of appropriations, and hurras over the difference, wanting to know what is the matter with our accounts.

[Here the hammer fell.]

Mr. HOLMAN. The gentleman from Ohio [Mr. GARFIELD] seems to plume himself upon having discovered a mode of reconciling this difficulty. Why, sir, did I not assert that this finance report dealt in expenditures, and do I not still so assert? Does not this book of appropriations also deal in the same mode of expenditures? Does the gentleman pretend to say there is no doubling up all the way through?

Mr. GARFIELD. In what?

Mr. HOLMAN. In the statement of the expenditures by warrant as well as the statement of the expenditures in appropriations.

Mr. GARFIELD. No, not at all.

Mr. HOLMAN. Well, I say it is the fact.

Mr. GARFIELD. I do not know that I know what the gentleman means by "doubling up."

Mr. HOLMAN. When the statement of the present fiscal year shall be published, the fact will be apparent that these revenues have been expended in the ordinary way, (I do not care whether they come from the Post-Office Department or any other Department,) and the statement for the present current year will show an expenditure exceeding $179,000,000. The gentleman need not think to squirm out of that proposition.

Mr. HALE. What was it last year, taking the gentleman's mode of reckoning?

Mr. HOLMAN. Last year it was $171,000,000, the year before $194,000,000, by the same mode of reckoning exactly. Do not the revenues of the Post-Office Department, the body of them, go to the credit of that Department? Are they not covered into the Treasury, and are they not re-appropriated in the regular, ordinary way?

Mr. HALE. They are not.

Mr. HOLMAN. They are.

Mr. HALE. Only the deficiency is appropriated.

Mr. HOLMAN. The whole are appropriated. They are estimated for by the Post-Office Department and are drawn by warrant from the Treasury. The gentleman from Maine [Mr. HALE] will find that he has a great deal to learn on this subject. The gentleman from Ohio, [Mr. GARFIELD,] in spite of the opportunities for acquiring knowledge which he enjoyed upon the Committee on Appropriations, will find that he has a great deal to learn if he does not know that the moneys appropriated from the revenues of the Post-Office Department are drawn from the Treasury of the United States by warrant and placed to the credit of that Department.

Mr. GARFIELD. Does the gentleman mean that a dollar of those revenues ever goes into the Treasury?

Mr. HOLMAN. I do mean it.

Mr. GARFIELD. Never a dollar of it.

Mr. HOLMAN. The gentleman is entirely mistaken.

Mr. HALE. The gentleman is mistaken. It does not go into the Treasury.

Mr. HOLMAN. The very fact of appropriation implies that. I hope they will watch the process for the coming year. The next report on finance, when accounts are made up, will show it embraces appropriations of the current revenue of the Post-Office Department. The expenditures of the present fiscal year on that basis exceed $179,000,000. I have heard this attempted explanation made over and over again. I remember the quarrel between the gentleman from Massachusetts, Mr. DAWES, and the gentleman from Ohio, Mr. GARFIELD, on this very point when the latter attempted——

Mr. GARFIELD. That was about the sinking fund.

Mr. HOLMAN. Mr. DAWES was then chairman of the Committee on Appropriations—no, chairman of the Committee of Ways and Means, and the gentleman from Ohio [Mr. GARFIELD] was chairman of the Committee on Appropriations. The latter charged that Mr. DAWES was adding largely to his figures, when in fact the gentleman from Ohio discovered that the gentleman from Massachusetts, Mr. DAWES, chairman of the other great committee of the House, was correct, while he himself was in the wrong.

Mr. GARFIELD. My friend forgets that was about the sinking fund.

Mr. HOLMAN. Take the appropriation for the last year. It is provided that if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $6,852,705, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenues of the Post-Office Department for the year ending June 30 1876.

Mr. RANDALL. That appropriates the revenues.

Mr. HOLMAN. How could it be possible the Clerk of the House, under the law, would certify an appropriation of $37,000,000 if the money did not happen to be appropriated from the Treasury of the United States? Where is it appropriated from? From what other place do you appropriate money except the Treasury of the United States?

Mr. BURCHARD, of Illinois. Will the gentleman yield to me?

Mr. HOLMAN. I will for a question.

Mr. BURCHARD, of Illinois. I desire to know whether the gentleman includes in the statement for 1875, which is $171,000,000, the Post-Office revenue?

Mr. HOLMAN. The figures in the report of the Secretary of the Treasury show the expenditures for that year, and the revenues of the Post-Office are included. That is unavoidable.

Mr. BURCHARD, of Illinois. I have the statement from which that amount is made up, $171,000,000, and the gentleman will find on page 4 of the report the deficiency only is there included.

Mr. HOLMAN. The gentleman may have those items before him, but the fact is as I have stated. They are all put upon the same basis. The attempt has been all the time to show an enormous reduction of twenty-odd millions of dollars was made in the last Congress. The same effort is being made now that was made then. The gentleman from Ohio then made the same kind of speech he has made recently. This is not a new attempt to cover up the facts.

[Here the hammer fell.]

Mr. HALE. It struck me many times this session that the gentleman from Indiana never appears better in debate upon this floor than when almost driven to the wall; but when he is driven clean to the wall, even he cannot stand up against the facts and figures. He made his issue upon the statement that the appropriation for the year 1876, ending July of that year, instead of being one hundred and forty-seven million and odd dollars, as claimed by the gentleman from Ohio, was $179,000,000. Now either one or the other is true, and what we have to deal with as of importance to the people is the appropriation of money to be raised by taxation. That is represented by $147,000,000, and I say again to the gentleman from Indiana, those are the figures. When he proceeds to add thirty-odd millions in order to make bigger figures he takes those millions from sources of revenue for which the people have no taxation put upon them in appropriation bills. Therefore he is wrong.

If he says there has not been an actual reduction in the last year by Congress through the Committee on Appropriations ranging from $25,000,000 to $30,000,000, thereby reducing the draft on the people, he states what is not borne out by the facts, and he may search from now until doomsday in all the books, and he will find himself to be wrong.

One thing more in which I wish to correct him, as he is the subject of discipline to-night, and that is his charge that objection on this side of the House to legislation on appropriation bills is new-born. He has said I for one have sat here for years, and he has never heard any objection from me and no speech of mine in opposition has come to him. Why, sir, under the old arrangement no speech had to be made to prevent legislation being incorporated upon an appropriation bill. If an amendment was offered for general legislation all that a member had to do was to rise in his place and object on a point of order, and it was ruled out. No speech was made and none was needed.

Now, I have sat here side by side with the gentleman for years, and on some days he knows, and as I bring this to his mind he will remember it, he and I have risen, turn and turn about, in our seats, and objected to amendments putting legislation upon appropriation bills on the point of order that they involved new legislation. If the gentleman does not remember that, he does not give me as much credit as I give him, for I know that he has done so scores of times, and as I look him in the face and call this to his mind, I am sure he will remember that I have done it. And my friend from Ohio, [Mr. GARFIELD,] the former chairman of the Committee on Appropriations, has risen from his seat over and over again, and prevented legislation, not by speeches—because they were not needed—but by a simple objection on the point of order.

Mr. RANDALL rose.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. MACDOUGALL. I am glad to hear it.

Mr. DUNNELL. I rose at the same time as the chairman of the Committee on Appropriations, simply for the purpose of asking that gentleman whether, in his judgment, the debate on this question has not been pretty well exhausted?

Mr. RANDALL. I think it has, but I want to say a word further. I renew the amendment to the amendment.

The expenditures by the Post-Office Department are different perhaps from those of any Department of the Government. We provide generally for an appropriation of all the revenues of the Post-Office Department, and appropriate in addition a deficiency. Now, to all intents and purposes that money comes out of the Treasury, just as the money comes out of the Treasury which is included under the head of collections of internal revenue; and it is a stronger case than even that. The gentleman from Ohio [Mr. GARFIELD] knows perfectly well that we do not from year to year make appropriations for the collection of customs; and yet there go out of the Treasury of the United States for that purpose specific appropriations of five and a half millions of dollars and all the money that is collected from fines, forfeitures, penalties, and fees. And when the gentleman makes up his account for the present fiscal year as showing that the expenditures are only $179,000,000, he has not told us at all what were the permanent specific and indefinite appropriations of the Government. Now, those permanent indefinite appropriations of the Government include the amount necessary to pay the public debt and the amount necessary to meet the sinking-fund requirements; and it is quite right that those two items should be out of the reach of legislation, because something might occur by which legislation for the payment of the interest on the public debt might fail in Congress. Nevertheless, these permanent appropriations, these indefinite, and these post-office appropriations all come out of the revenues of the Government, and it is an evasion of the gentleman from Ohio when he says that the money which comes in through the Post-Office Department is not an expenditure of the Government. The truth is that this is as much an expenditure of the Government as any other money that comes in.

We have that source of revenue, it is true, just as we have the source of revenue of internal taxation, just as we have the source of revenue from customs. But it is all one and the same thing; it comes out of the great body of the people after all. And when we come to show how much it costs to run the Government, the customs, the internal revenue, the indefinite, the permanent, and the Post-Office receipts are entitled properly to be charged as expenditures when they are paid out, whether they are in the nature of deficiencies of the Post-Office Department, or whether they appear as revenues.

The gentleman from Maine spoke some time ago of the system of placing legislation on appropriation bills as pernicious. I want to draw the attention of the gentleman from Massachusetts [Mr. HOAR] to the appropriation act for the sundry civil expenses of the Government for the year ending June 30, 1865. The gentleman from Ohio and I at the time of the passage of that act were here together. The honorable gentleman from Indiana [Mr. HOLMAN] was also here. I read the last clause of a section in that appropriation bill in the form of a proviso, as follows:

Provided, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to, or interested in, the issue tried.

I read from the report of the proceedings as I find it in the Congressional Globe:

The question recurred upon concurring in the amendment of the Senate, which was to add the following proviso:

Provided, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to or interested in the issue tried.

I find that Mr. HOLMAN objected and demanded the yeas and nays, and I find among the yeas the name of the honorable gentleman from Ohio, [Mr. GARFIELD;] and I find voting against it the gentleman from Indiana, [Mr. HOLMAN,] and I am by his side voting against incorporating that legislation on an appropriation bill. And now talk to me about inserting legislation in appropriation bills, and about its being pernicious, after the insertion of that legislation relating to a matter which had no more connection with the appropriation bill than I have with the man in the moon. The proviso was attached to a section to meet expenses in convicting counterfeiters, as follows:

SEC. 3. *And be it further enacted*, That the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of meeting any expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, or other securities of the United States, as well as the coin of the United States.

Mr. HOAR. Mr. Chairman, one simple statement I think will dispose of the position of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] in regard to the rightfulness of including the Post-Office Department appropriation in the sum spent for the expenses of the Government, and for which we may hold either political party responsible. Suppose the revenues of the Post-Office Department shall go up to $100,000,000 next year and it should pay its own expenses and something over, would you think it quite fair to add that to the amount to be charged to you as a matter of extravagance of expenditures? That $100,000,000 is what the Government receives for a particular service rendered to the people for something that it sells, and every additional million received by the Post-Office Department from the people is an additional evidence of the prosperity of the people and of the economy with which the Department is managed.

Mr. RANDALL. What is the difference between a postage-stamp which yields three or two cents and a revenue-stamp on tobacco?

Mr. HOAR. Why, the difference is very great. Every new postage-stamp represents a new service done to the business of the country by the Government and which is sold and paid for; but we lament the necessity of every revenue-stamp we issue, and rejoice in the increased demand for postage-stamps.

Mr. RANDALL. That does not affect the question of revenue; both relate to revenue, whether they be Post-Office stamps, tobacco stamps, or whisky stamps.

Mr. HOAR. The gentleman from Indiana and the gentleman from Pennsylvania were debating with this side of the House the question whether the expenditures of the Government had been more or less economical, and I do not believe either of them can find an associate on that side of the House who will say he believes that an addition of $100,000,000 to the Post-Office revenues of the Government, if it should take place by reason of growth in population and increase of prosperity, should be charged against the party in possession of the Government.

Mr. HOLMAN. I only indulged in that by way of comparison.

Mr. HOAR. Now, in regard to this question of legislation upon appropriation bills, I think the instance that the gentleman from Pennsylvania has read, although the matter inserted in the bill was a wise and just law, was a vicious example of the method of getting a wise and just law through. Every majority in this House will claim that the matter which, without the responsibility of the yeas and nays, it ingrafts upon an appropriation bill is a good measure, and will say, as the chairman of the Committee on Appropriations does and the gentleman from Indiana [Mr. HOLMAN] does, that he thinks it a good thing to do when the end is a good one and a bad thing to do when the end is a bad one.

Mr. RANDALL. If it be germane.

Mr. HOAR. It is a bad thing to permit it to be done whenever the majority of the House happens to believe or professes to believe that the thing is a good one.

The gentleman from Massachusetts, Mr. Butler, who was here in the last Congress, claimed that the bill increasing the salaries of members and the salary of the President was a good bill, and it was put on. Now I think that the bill to which the gentleman has referred, making colored men witnesses, although I suppose there is no gentleman in the House who now would rise up and vote against it as a separate measure, could have waited until the sense of the country and Congress would pass it as a separate measure and that it was an abuse. I said to the gentleman from Pennsylvania [Mr. RANDALL] that I agreed that the side of the House to which I belonged had practiced and set an example of that abuse in times past. I have denounced it quite as earnestly as I have denounced it at the time it was done by a two-thirds majority of Congress. The difference is this: this is the first time in the history of this country that the chairman of the Committee on Appropriations has stood up in the face of the country and the House to justify the practice, a practice which introduces all manner of vicious and evil legislation, which forces it through without the constitutional record being made, and which deprives the House of its constitutional power and dignity in relation to legislation and puts it into the hands of five or six members of a conference committee.

Gentlemen know very well that upon these conference committees' reports when they come in there is but one motion in order: will you concur or non-concur? You cannot move an amendment; you cannot lay them on the table; you cannot under the rules of the House do anything but concur or non-concur, or send the whole appropriations to destruction and thereby stop all the operations of the Government of the country.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. HOAR. Certainly.

Mr. HOLMAN. Does the gentleman see any impropriety, or has he ever heard any question of propriety raised as to an amendment on an appropriation bill that limited the appropriation of the money?

Mr. HOAR. No, sir.

Mr. HOLMAN. Now, does not the gentleman know that where a measure is germane to the bill and in the nature of retrenchment it belongs simply to that class of legislation, and nothing more? And that is all we are asking for.

Mr. HOAR. I understand the point, and I agree that the gentleman is right as far as he goes. My objection is to the statement of the gentleman from Pennsylvania, [Mr. RANDALL,] that he puts into an appropriation bill matter not limiting the appropriation of money and having nothing to do with the appropriation for the salary of the President for the present year.

[Here the hammer fell.]

Mr. RANDALL. To my knowledge there is nothing in this appropriation bill except what is germane and proposes to reduce expenditures.

Mr. HOLMAN. I withdraw the amendment to the amendment.

Mr. REAGAN. I renew it to answer a question which has been discussed to-night without being fairly met. The gentleman from Ohio [Mr. GARFIELD] says that he sought to have the money received by the Postmaster-General's Department covered into the Treasury

and could not get it done, and objected to its being considered a part of the expenditures of last year.

I state that whether the expenditure be for the Post-Office Department or for any other Department of the Government, it cannot be made without a legal appropriation. And I state further, what the former chairman of the Committee on Appropriations [Mr. GARFIELD] doubtless knows, but what he seems not to recognize as the fact now, that, while the revenues of the Post-Office Department may not be actually paid into the Treasury here in Washington City or elsewhere, they cannot be used by that Department until they are by covering warrants carried into the Treasury, and by a law of Congress appropriated for the service of that Department. And following that statement, which will not and cannot be controverted, I will read section 3623 of the Revised Statutes, being a provision of the act of Congress approved March 3, 1809.

All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof according to the appropriation under which the same may have been advanced to them.

The only point I desired to make was this; in making up the accounts referred to by the gentleman from Indiana, [Mr. HOLMAN,] he is clearly correct in assuming that the moneys from the Post-Office Department, like all other moneys, are actually carried into the Treasury or go there by the fiction of covering warrants, and cannot be expended unless so covered into the Treasury and appropriated by an act of Congress.

Mr. BURCHARD, of Illinois. I desire to call the attention of the gentleman from Texas [Mr. REAGAN] to one point. The statement of the gentleman from Indiana [Mr. HOLMAN] as to the expenditures for 1875, 1874, and preceding years include only the deficiencies appropriated for the expenditures of the Post-Office Department, as the Treasury reports for 1875 and preceding years show. In his statement of the expenditures that will be incurred for the present fiscal year, ending June 30, 1876, he has included, as I understand, all of the expenditures of the Post-Office Department, not limiting his statement, as in the preceding years, to the appropriations for deficiencies in the expenditures of that Department. That is the difference between his statement and the statement of the gentleman from Ohio, [Mr. GARFIELD,] who includes in the expenditures of the present fiscal year, as well as of the preceding fiscal years, the deficiencies only for the Post-Office Department.

Mr. REAGAN. Does the gentleman mean by that statement to assume that the ordinary revenues of the Post-Office Department are not appropriated by law before they can be used?

Mr. BURCHARD, of Illinois. As a matter of fact, whether they are passed upon by the Treasury Department or not has nothing to do with this case. Here is the finance report, from which the gentleman from Indiana [Mr. HOLMAN] read the statement of the expenditures of the several Departments of the Government for the year 1875 and preceding years. In the preceding pages of that report will be found the items of those expenditures, and those items—and I call his attention to them—merely cover the deficiencies of appropriations for the expenditures of the Post-Office Department, being a little over $6,000,000 for 1875. This report from the Treasury Department sustains the statement made by the gentleman from Ohio, [Mr. GARFIELD.]

[Here the hammer fell.]

Mr. DUNNELL. I desire——

The CHAIRMAN. Debate upon the pending amendment and upon the amendment to the amendment has been exhausted.

Mr. RANDALL. I desire to have the pending paragraph disposed of, and then I will move that the committee rise.

The CHAIRMAN. The question is upon the amendment of the gentleman from Maryland [Mr. O'BRIEN] to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] which the Clerk will now report.

The Clerk read the amendment to the amendment; which was to strike out of the pending paragraph the following:

And on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum.

The amendment to the amendment was not agreed to.

The question recurred upon the amendment of Mr. RANDALL, which was to insert after the words "United States" where they first occur the words "up to the 4th day of March, 1877, at the rate of $50,000 per annum;" and to insert after "$33,611.11" the words "and from the said day to the 30th day of June, 1877, both days inclusive, at the rate of $25,000 per annum, $8,035; in all, $41,746.11;" so that the paragraph will read:

For compensation of the President of the United States up to the 4th day of March, 1877, at the rate of $50,000 per annum, $33,611.11; and from the said day to the 30th day of June, 1877, both days inclusive, at the rate of $25,000 per annum, $8,035; in all, $41,746.11; and on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum.

The amendment of Mr. RANDALL was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For compensation of the Vice-President of the United States, $8,000.

Mr. CONGER. The gentleman from Pennsylvania [Mr. RANDALL] said that as soon as we had passed the paragraph relating to the salary of the President of the United States he would move that the committee rise.

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BRADLEY: Resolutions of the Vessel Owners and Captains' Association, favoring the granting of liberal appropriations to the United States Signal Service and to the hydrographic branch of the Navy Department, to the Committee on Appropriations.

Also, the petition of 73 citizens of Gladwin County, Michigan, for the establishment of a post-route from Loomis to Cedar, via Grant, Michigan, to the Committee on the Post-Office and Post-Roads.

By Mr. CAULFIELD: The petition of A. G. Burley and other importers and dealers in china and glassware, of Chicago, Illinois, that a uniform rate of duty of 30 per cent. be levied upon earthenware, crockery, china, and glassware, to the Committee of Ways and Means.

By Mr. CLYMER: The petition of citizens of Union Township, Berks County, Pennsylvania, against a revision of the tariff laws, to the same committee.

Also, the petition of citizens of Douglass Township, Berks County, Pennsylvania, of similar import, to the same committee.

By Mr. DURHAM: The petition of Lemuel S. Brown, for a pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of Mary P. Mullin, for indemnity for the destruction of her house and household property by order of the military authority commanding at Paducah, Kentucky, on the 25th of March, 1864, in defense of the attack of confederate troops under General Forrest, to the Committee on War Claims.

By Mr. FROST: The petition of citizens of Massachusetts, for a light-house and fog-bell upon the Grave's Rocks, in Boston Harbor, to the Committee on Commerce.

By Mr. HOAR: The petition of Sydney S. Turner, for renewal of his patent No. 11588 and re-issue No. 163, to the Committee on Patents.

By Mr. HUNTON: The petition of J. M. Talbott and others, for an appropriation for the improvement of the approaches to the National Cemetery of Richmond, to the Committee on Military Affairs.

Also, the petition of the heirs of Jamima Bell, that they be paid money due her at the time of her death as the widow of Isaac Bell, a revolutionary soldier, to the Committee on Revolutionary Pensions.

By Mr. LAPHAM: Resolution of the Vessel Owners and Captains' Association, favoring the granting of liberal appropriations to the United States Signal Service and to the hydrographic branch of the Navy Department, to the Committee on Appropriations.

By Mr. MACDOUGALL: Resolutions of the Vessel Owners and Captains' Association, favoring the granting of liberal appropriations to the United States Signal Service and to the hydrographic branch of the Navy Department, to the same committee.

By Mr. PARSONS: Papers relating to the claim of Thierman & Frast, of Louisville, Kentucky, to the Committee of Ways and Means.

By Mr. ROBERTS: The petition of 72 farmers, fishermen, and others having interests in the North East River, Cecil County, Maryland, against any further appropriation for the deepening of said river, to the Committee on Commerce.

By Mr. STONE: The petitions of wholesale grocers, liquor dealers, brewers, mineral-water manufacturers, and druggists, of San Francisco, California; of New Orleans, Louisiana; of Milwaukee, Wisconsin; of Cleveland, Ohio; of Brooklyn, New York; of Sacramento, California; of Columbus, Ohio; of Macon, Georgia; of Memphis, Tennessee; of Augusta, Georgia; of Springfield, Tennessee; of Mobile, Alabama; of Saint Paul, Minnesota; of Toledo, Ohio; of La Grange, Missouri, and of Nashville, Tennessee, that cork and manufactures of cork be placed on the free list, to the Committee of Ways and Means.

By Mr. SWANN: The petition of Clement Deitrich, Edward A. Deitrich, and 68 other workingmen, against any reduction in the tariff, to the same committee.

Also, remonstrance of W. C. Dulany & Co., Cushing & Baily, Kelly, Piet & Co., and 17 others, envelope manufacturers, printers, stationers, and lithographers, against the Post-Office Department manufacturing, selling, and printing envelopes so as to interfere with petitioners' business, to the Committee on the Post-Office and Post-Roads.

By Mr. THORNBURGH: The petition of Cynthia Spradlin, for a pension, to the Committee on Invalid Pensions.

By Mr. VAN VORHES: The petition of citizens of Athens, Ohio, and also a letter from Messrs. Kurtz & Norris, remonstrating against the Post-Office Department manufacturing, selling, and printing envelopes so as to interfere with their business, to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS, of Missouri: Memorial of Anthony S. Robinson, heir of Dr. John Hamilton Robinson, for compensation for services rendered by him as a brigadier-general in the Mexican army during the struggle for independence in that country, and indemnity for losses and injuries sustained while acting in that capacity, to the Committee of Claims.

By Mr. WHITE: A paper relating to a post-route from Mouth Pond, Kentucky, to Big Rock, Virginia, to the Committee on the Post-Office and Post Roads.

By Mr. A. S. WILLIAMS: The petition of 122 citizens of Detroit, Michigan, for authority to construct a bridge across Detroit River, to the Committee on Commerce.

Also, the petition of 16 citizens of Michigan, soldiers of the late war, for the passage of the bill for equalizing bounties, to the Committee on Military Affairs.

Also, the petition of 18 citizens of Michigan, soldiers of the late war, of similar import, to the same committee.

Also, the petition of 22 citizens of Michigan, soldiers of the late war, of similar import, to the same committee.

Also, the petition of 28 citizens of Michigan, soldiers in the late war, of similar import, to the same committee.

Also, the petition of 14 citizens of Michigan, soldiers in the late war, of similar import, to the same committee.

Also, the petition of 13 citizens of Michigan, soldiers in the late war, of similar import, to the same committee.

IN SENATE.

WEDNESDAY, *April* 5, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

IMPEACHMENT OF W. W. BELKNAP.

Mr. EDMUNDS. I wish to ask the attention of the Senate to a matter which I, after consultation with as many Senators as I could find, think it necessary to bring to the notice of the Senate respecting the matter of the impeachment to-day. The third rule of the Senate in regard to impeachments provides that on this day at one o'clock—

> The presiding officer shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

But on examination we are unable to find any statute of the United States which authorizes the President of the Senate or the presiding officer to administer this oath. It stands upon the rule alone. The language of the statute about the authority of the presiding officer is that when Senators appear to take their seats upon an election to this body the presiding officer shall swear them in, and any Senator may administer the similar oath to the Vice-President, the President of the Senate, when he appears; and there the statute stops except in respect of witnesses who are by law to be sworn by the President of the Senate.

In this state of difficulty and in the very grave doubt, at least, that in the minds of all the gentlemen whom I have been able to consult there is about this being a constitutional compliance with that requirement which obliges us to be under oath, which, of course, implies a legal and binding oath, we have thought it best for this occasion, until provision can be made by law, to submit to the Senate a proposition that the Chief Justice of the United States be invited to attend at one o'clock to-day to administer these oaths, there being no question about his authority to do so. Therefore, Mr. President, I ask unanimous consent that this portion of Rule 3 which I have read, respecting the administration of the oath by the presiding officer, shall be suspended for this day; and if that be unanimously agreed to, as of course it requires unanimous consent to suspend this rule, I shall then offer an order which will accomplish the next step in the matter.

The PRESIDENT *pro tempore*. The Senate has heard the proposition of the Senator from Vermont, that so much of the rule as pertains to the swearing in of the Senators by the presiding officer be suspended for to-day. Is there objection? [A pause.] The Chair hears none. The order is unanimously made.

Mr. EDMUNDS. I now offer the following order:

> *Ordered*, That a committee of two Senators be appointed by the Chair to wait upon the Chief Justice of the United States, and invite him to attend in the Senate Chamber at one o'clock p. m. this day to administer to Senators the oath required by the Constitution in the matter of the impeachment of William W. Belknap, late Secretary of War.

Mr. INGALLS. Can the Senator from Vermont inform us if the authority of the Chief Justice is statutory to administer oaths in cases of impeachment?

Mr. EDMUNDS. No, sir; not to administer oaths in cases of impeachment; but there is a general authority given the judges of the courts of the United States to administer any oath that it is lawful for any person to take, swear persons upon affidavits, or swear any body into office, or administer any other oath in the course of proceedings, as we understand the law.

Mr. HAMLIN. I desire to inquire of the Senator from Vermont if he knows certainly that it will be within the power of the Chief Justice to attend, and if not, I make a suggestion whether it would not be well to make his resolution in the alternative, in case the Chief Justice should not be able to attend, then some associate justice?

Mr. EDMUNDS. I think that may be very well, and I will modify the resolution by adding, "or, in case of his inability to attend, any one of the associate justices."

While that correction is being made, as is suggested by the Senator from Ohio, [Mr. THURMAN,] we propose to introduce a bill presently to provide for cases of this character, and also to provide, as probably we ought, (although that would be a matter for consideration,) an authority to the Secretary or the Chief Clerk to administer oaths to witnesses, which by statute does not now exist, though that has usually been practiced; but it is certainly not authorized by law, so far as can be discovered.

Mr. BOGY. I could not very distinctly hear what the Senator from Vermont said; therefore I am a little at a loss, and would like to know the reason why the presiding officer cannot administer the oaths required on this occasion.

Mr. EDMUNDS. The reason I stated was that, as we understand it, in order to make an oath a lawful oath, it must be administered by some person authorized by law to administer oaths, and there is no law that can be discovered which confers that authority, the present law merely conferring it upon the presiding officer in the case of the first appearance of Senators when elected.

Mr. BOGY. The difficulty was that I had not heard the Senator from Vermont distinctly.

Mr. WRIGHT. I ask to have the resolution reported as modified.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read as follows:

> *Ordered*, That a committee of two Senators be appointed by the Chair to wait upon the Chief Justice of the United States and invite him to attend in the Senate Chamber at one o'clock p. m. this day, or, in case of his inability to attend, then to invite any one of the associate justices to administer to Senators the oath required by the Constitution in the matter of the impeachment of William W. Belknap, late Secretary of War.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Vermont [Mr. EDMUNDS] and the Senator from Ohio [Mr. THURMAN] as the committee.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented a memorial of workingmen of Fayette County, Pennsylvania, a memorial of workingmen of Delaware County, Pennsylvania, and two memorials of workingmen of Berks County, Pennsylvania, remonstrating against any change in the tariff laws; which were referred to the Committee on Finance.

Mr. KERNAN presented the petition of Daniel Sullivan, of Saint Lawrence County, New York, praying that he may be allowed an increase of Pension; which was referred to the Committee on Pensions.

Mr. INGALLS. I present the petition of a large number of United States pensioners who have lost a leg above the knee or an arm above the elbow, praying for the repeal of the proviso prohibiting the issue of artificial limbs or commutation therefor to them. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. MORRILL, of Vermont, presented a memorial of the American Baptist Home Mission Society, in favor of legislation authorizing the Secretary of the Treasury to confirm to that society the sale of the marine hospital building at Natchez, Mississippi; which was referred to the Committee on Public Buildings and Grounds.

Mr. BAYARD presented the memorial of F. E. Hering and 31 others, of Wilmington, Delaware, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. HITCHCOCK presented the petition of Allen B. Wilson, of Waterbury, Connecticut, praying for the extension of his letters-patent for an improvement in sewing-machines; which was referred to the Committee on Patents.

ALABAMA CLAIMS COURT JUDGMENTS.

Mr. SHERMAN. I ask the Senator from Missouri [Mr. COCKRELL] if he is willing now to allow us to take up and act upon the bill reported yesterday in regard to the payment of certain judgments?

Mr. COCKRELL. I am willing to have it taken up and considered.

Mr. SHERMAN. I now ask the attention of the Senate to this bill. I move to take it up.

The PRESIDENT *pro tempore*. The morning business is not through, the Chair will observe.

Mr. SHERMAN. Then I will wait until after the morning business is concluded.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Thomas N. Poullain, sr., of Georgia, praying to be indemnified for the loss of cotton seized by the United States authorities in 1863 and 1864, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WRIGHT. The same committee, to whom was referred the pe-

tition of Angeline Logan, of Van Buren, Arkansas, praying compensation for services rendered in a Federal hospital, have had the same under consideration, and instruct me to report a bill providing for the allowance of the claim. There was a printed report in this case at the last Congress. That report is adopted by the committee. I do not ask that the report shall be printed. The matter is of very small importance.

The bill (S. No. 696) for the relief of Angeline Logan was read, and passed to a second reading.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the petition of Josiah Wardwell, of Penobscot, Maine, praying remuneration for the loss sustained by him by reason of the enlistment of his son, Hiram F. Wardwell, in the Navy of the United States, he being at the time a minor, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 622) for the relief of John L. Williams, sole heir of Eleazer Williams, deceased, reported adversely thereon; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Lyman Guinnip, praying payment of expenses incurred by means of his imprisonment through false charges of rebels during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mrs. Zepherin Lambert, of Saint Landry Parish, Louisiana, asking compensation for nineteen bales of cotton delivered to Captain C. H. Conwell, acting quartermaster United States Army, in 1863, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CLAYTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 212) to provide for the issuance of patents to certain Indian lands in Kansas, submitted an adverse report thereon; which was agreed to, and ordered to be printed, and the bill was postponed indefinitely.

SALE OF PAWNEE RESERVATION.

Mr. WITHERS. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation, to report it without amendment; and I am also instructed to ask for its present consideration, as the exigency of the case requires it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MENOMONEE INDIANS.

Mr. OGLESBY. The Committee on Indian Affairs have had under consideration a subject not referred to them by this body in regard to some Indians in Wisconsin on the Menomonee reservation, and the committee have instructed me to report a bill on that subject authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin, under the direction of the Interior Department, a bill originating in the committee, recommended by the committee, and I should like to state the reason why the bill should pass at once. I will ask to have it considered now.

Mr. SHERMAN. Let it lie aside long enough to take up a bill lying on the table for a day.

The bill (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin was read the first time by its title.

Mr. SHERMAN. Let it lie over for a little while.

Mr. OGLESBY. Is there any particular reason why the Senator desires it to lie over, provided it is a meritorious and just bill?

Mr. SHERMAN. Not the slightest; but I desire to have a bill passed that has priority.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield for that purpose?

Mr. OGLESBY. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. OGLESBY. I understood that the bill would lie over momentarily, not to be placed on the Calendar.

Mr. SHERMAN. Just let it lie on the table for the present. It can be called up again.

BILLS INTRODUCED.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 698) authorizing the President to nominate Ira C. Whitehead an assistant surgeon in the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MORRILL, of Vermont, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 699) to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MORRILL, of Vermont. I will take this occasion to state that I think it would be exceedingly well that all bills and resolutions introduced by request should be so labeled on the back, so that the committees may know whether the Senator introducing them is responsible for them or not.

Mr. INGALLS. The suggestion made by the Senator from Vermont appears to me to be very just. In common with many others, I have been frequently called upon to introduce bills in the interest of parties with whom I was unacquainted, and upon matters that I had no knowledge of whatever; and if it is now in order, I will move that the Secretary be instructed in printing bills, if they are introduced by request, to have that fact appear upon the title of the bill itself, inserting in brackets the words "by request." It always appears, I believe, in the RECORD, but the bill is the document from which information is received by the public at large. They see the bill, and ascertain that it is introduced by a Senator, and suppose it is his bill, and that he is concerned in it or interested in its progress. In order to prevent that difficulty, I move that the Secretary, in having bills printed hereafter, be instructed to have the words "by request" inserted when that is the fact.

The PRESIDENT *pro tempore*. The Senate has heard the motion of the Senator from Kansas. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair would suggest, for the convenience of the Secretary, that Senators, if they please, will note the words "by request" on the bills they introduce; and then there will be no confusion.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 700) for the relief of the heirs of Jean François Perry; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HITCHCOCK, it was

Ordered, That the papers pertaining to the claim of James R. Porter be taken from the files of the Senate and referred to the Committee on Claims.

Mr. COCKRELL. I ask permission to have the evidence and papers in the case of the University of Missouri, now pending before the Committee on Claims of the Senate, withdrawn, to be referred to a committee in the other House.

The PRESIDENT *pro tempore*. It will first be necessary to discharge the committee.

Mr. COCKRELL. I do not want the committee discharged. The committee of the House are considering the claim now, and they desire the evidence. We want simply permission for them to take the papers from the files here and use them there, to be returned, of course.

Mr. WRIGHT. The proposition of the Senator from Missouri is in regard to papers not in the possession of the Senate, but in the hands of the committee; and the Senate has no control over them, as I understand, until the committee is discharged.

The PRESIDENT *pro tempore*. So the Chair understands. Does the Senator move that the committee be discharged?

Mr. COCKRELL. Under the rules, must the committee be discharged before the papers can be withdrawn from the committee?

The PRESIDENT *pro tempore*. Certainly. They are in possession of the committee, and it will be necessary to discharge the committee. The Senate will then have possession of the papers, and then they can be transmitted, by copies or otherwise, to the other House.

Mr. WRIGHT. I suggest to my friend from Missouri that he can accomplish all he wants by either having some person take copies of the papers as they are now before the committee or getting the consent of the committee for their present use in the House if that is desirable.

Mr. COCKRELL. All I want is their presence in the House; and if the chairman will direct the clerk of the committee to let the House committee have them, that will be sufficient.

Mr. WRIGHT. It is a matter that we can arrange in committee.

Mr. COCKRELL. Very well.

ALABAMA CLAIMS COURT JUDGMENTS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of House bill No. 2800.

The motion was agreed to; and the bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress," was considered as in Committee of the Whole.

The bill authorizes the Secretary of the Treasury, for the purpose of paying the judgments provided for in the act approved February 15, 1876, to convert into coupon bonds and to sell, after five days' notice, so many as may be necessary for this purpose of the 5 per cent. registered bonds of the United States now held subject to the disposition of Congress under the provisions of the act approved March 3, 1873.

Mr. SHERMAN. As there was an objection made to this bill yesterday, I will state that under the act referred to, approved March 3,

1873, the money received from Great Britain in consequence of the arbitration at Geneva was invested in a 5 per cent. registered bond of the United States to be held subject to the future disposition of Congress. During the present session provision has been made for the payment of judgments to the amount of five or six million dollars—I do not know the precise amount; but the fund out of which they are to be paid now stands in the form of a registered bond payable to the order of the Secretary of the Treasury to the amount of $15,000,000. It is necessary to break it up and change it in order to pay these various judgments; and this bill is intended to carry that into execution. That is all there is of it. The bill was carefully prepared by the Secretary of the Treasury with a view to meet the case, and was passed in the House of Representatives and is now before us without amendment.

Mr. COCKRELL. Will the Senator from Ohio permit me to ask him a question? The fifteenth section of the act of June 25, 1874, seems to make an ample provision for this matter.

Mr. SHERMAN. Under that section it would be necessary to print an entire new bond, and it is objectionable to have another class of bonds for so small an amount comparatively as five or six millions of dollars. Therefore it was thought best to issue the existing 5 per cent. bonds of the United States that are now on the market, without introducing a new loan. Every Senator can understand how desirable it is not to multiply the loans of the United States.

Mr. COCKRELL. Then section 15 of the act of 1874 provides for a parcel of new bonds different from any heretofore issued?

Mr. SHERMAN. Yes, that provides for a class of bonds not now in use—old bonds entirely out of use—while the bill that is now before us provides for what is called the new 5 per cent. bonds. I supposed myself that the objection of the Senator grew out of the fact that this bill did not require the bonds to be sold for coin.

Mr. COCKRELL. I want to come to the objections as I go along.

Mr. SHERMAN. Very well.

Mr. COCKRELL. Why does not this bill require these bonds to be sold at not less than par, when all the other bills I have seen authorizing the sale of bonds put some limit upon the price at which they shall be sold?

Mr. SHERMAN. I can only say, in reference to that, that such a provision is entirely unnecessary, because these bonds are above par in coin in the market, and it may not be desirable to sell them in coin, because they will sell for a higher price in currency. The judgments are payable in currency, and it is as a matter of course the interest of the United States to get as much for these bonds in currency as possible.

Mr. COCKRELL. My objection was not that the bonds were not to be sold for coin, but that there was no limit as to the price at which they should be sold. The Secretary may sell them at any price he chooses.

Mr. SHERMAN. That may be; but we know very well that they are worth in currency about 118. If the Senator really desires to put in a limitation that they shall not be sold at less than par, I have no objection except that it sends the bill back to the House.

Mr. COCKRELL. I have no desire to encumber the bill; but I want to know the reason why we have here this departure from any act I have been able to find.

Mr. SHERMAN. That is the reason. The reason the phrase is omitted, "sold at not less than par in coin," is because it may be advisable to sell these bonds in currency.

Mr. COCKRELL. I should not want them sold for coin. I would want them sold for gold. "Coin" would include silver.

Mr. SHERMAN. They will be sold for more than par. They are worth 103 in gold and 118 in currency, I believe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE-SERVICE.

Mr. MORRILL, of Vermont. I ask to be excused from further service upon the Committee on Revolutionary Claims. Being on four committees, I think I am entitled to resign one of them, and I prefer to resign this one.

Mr. ANTHONY. I think, after the very exhaustive and careful report that the Senator has made from the Committee on Revolutionary Claims at this session, he is entitled to a furlough.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that he be excused from further service upon the Committee on Revolutionary Claims.

The motion was agreed to.

The PRESIDENT *pro tempore*, by unanimous consent, was authorized to fill the vacancy.

MENOMONEE INDIANS.

Mr. OGLESBY. The reason for the present consideration of the bill that I reported this morning from the Committee on Indian Affairs arises from the fact that the logs in question were cut under the direction of the Indian agent by the Indians on the reservation in Wisconsin and are now distributed along the waters which lead into Green Bay, and, if some disposition is not made within a very few days by an act of Congress on the subject, the spring thaw will come and the logs will be lost and carried off by the high waters, and no good can come to either the Indians or the Government from it. Upon consultation with the Interior Department and communications from the Commissioner of Indian Affairs and the Secretary of the Interior, and upon consideration by the committee this morning, the bill, which is an original bill and not yet printed, attempts to meet the difficulty. Now, I will state the facts so that the Senate will be in possession of all there is about it.

In 1874, through the Commissioner of Indian Affairs and under the direction of the Secretary of the Interior, the Indian agent on the Menomonee reservation, which lies forty-five or fifty miles west of Green Bay, was permitted to give the Indians employment and labor in cutting pine logs. They were cut from trees that had been injured by the fires and were in the process of decay. It was thought that they would go to ruin unless they were utilized by putting them into what we call saws. So this Indian agent employed the Indians there and they cut up the partially-damaged pine timber and stored it away, and it has been remaining there to the amount of about fourteen million feet at a cost of some $45,000 for the labor and service of the Indians and for supplies purchased on credit for the Indians while the trees were being cut into logs, of which about $12,000 has been paid. The remainder is unpaid and the Indians stand greatly in need of it. The Secretary of the Interior understands that he cannot give directions for the disposition of these logs at public sale after due advertisement without a special act of Congress. This bill provides that the special agent of the Interior Department shall go upon the ground and give the necessary public notice and sell the logs to the highest bidder for cash, and out of the proceeds the amount due shall be paid to the Indians for their labor and to those persons who furnished them supplies, and the balance shall be deposited in the nearest depository of the Treasury for the benefit of the United States.

The necessity for the bill, as the committee regard it, is that it may pass both Houses and be put into execution, so that the logs may be sold and what benefit will ever be derived from them be derived instantly, that the purchasers of the logs may have the benefit of the spring rise and take them to market. If this bill be not passed, they may be drifted away, and probably will be, and a large portion, if not all of them, lost. The committee regard the bill as entirely meritorious, and only ask for its present consideration in view of the coming spring thaw and floods; and if it be not speedily acted upon, it will be of no utility this year. These are the substantial facts in the case. The committee would be glad if the Senate would act favorably on the bill.

The bill (S. No. 697) authorizing the sale of logs cut by the Indians on the Menomonee reservation in Wisconsin, under the direction of the Interior Department was read the second time and considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be sold at public sale to the highest bidder, for cash, after due advertisement and in such lots or quantities as he may deem judicious, all pine timber cut upon the Menomonee Indian reservation in Wisconsin under the direction of the United States Indian agent, J. C. Bridgman. The proceeds arising from the sale of such timber are to be applied, first, to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of the timber; and the surplus, if any, is to be deposited in the nearest depository to the credit of the United States.

Mr. BOGY. I should like to move an amendment to the bill. I will state that I think the bill is very proper, and it ought to pass immediately if it is intended to carry out the object designed to be accomplished; otherwise it will be too late—that is, to permit the logs to be sold before they can be washed away by the spring freshets. But the bill provides that the remainder of the money, after the expenses are all paid, "shall be placed to the credit of the United States." It should be "to the credit of the United States for the benefit of the Indians." I move to insert the words, "for the benefit of the said Menomonee Indians."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

Mr. SHERMAN. I move that we proceed with the Calendar, and consider unobjected cases, for the present.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the first bill on the Calendar, at the point where its consideration was left yesterday.

BUTLER, MILLER & CO.

The bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co., was read the second time, and considered as in Committee of the Whole. It appropriates $7,224.88 to Butler, Miller & Co., for cotton taken at Nashville, Tennessee, in 1863, by the United States Army, and in full satisfaction and discharge of their claim for such cotton.

Mr. CAMERON, of Wisconsin. That bill was read yesterday, and the accompanying report was also read. I think there is no objection to the passage of the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

The Chief Justice of the United States, Hon. Morrison R. Waite, entered the Senate Chamber, escorted by Messrs. EDMUNDS and THURMAN, the committee appointed for the purpose.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, the Senate, according to its rule, will now proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Chief Justice will take the seat provided for him at the right of the Chair.

The Chief Justice took a seat by the side of the President *pro tempore* of the Senate.

The PRESIDENT *pro tempore*. The Senate will give attention while the constitutional oath is being administered.

The Chief Justice administered the oath to the President *pro tempore*, as follows:

You do solemnly swear that in all things appertaining to the trial of the impeachment of William W. Belknap, late Secretary of War, now pending, you will do impartial justice according to the Constitution and laws: so help you God.

The PRESIDENT *pro tempore*. The Secretary will now call the roll of Senators alphabetically in groups of six, and Senators as they are so called will advance to the desk and take the oath.

Mr. MORTON. If there be no objection on the part of any Senator, I suggest that all the Senators be sworn at once, standing in their places. I see no objection to that. It will save time and some trouble.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Indiana?

Mr. THURMAN. There will be some doubt about verifying who are sworn if we proceed in that way. I think we had better follow the precedent heretofore established.

Mr. MORTON. Very well.

The Secretary proceeded to call the roll alphabetically, and the Chief Justice administered the oath to Senators ANTHONY, BAYARD, BOGY, BOOTH, BOUTWELL, BRUCE, CAMERON of Pennsylvania, CAMERON of Wisconsin, CLAYTON, COCKRELL, COOPER, CRAGIN, DAVIS, DAWES, DORSEY, EATON, EDMUNDS, FRELINGHUYSEN, GORDON, HAMILTON, HAMLIN, HARVEY, HITCHCOCK, INGALLS, JONES of Florida, KELLY, KERNAN, KEY, LOGAN, MCCREERY, MCDONALD, MCMILLAN, MAXEY, MERRIMON, MITCHELL, MORRILL of Vermont, MORTON, NORWOOD, OGLESBY, PADDOCK, RANDOLPH, SARGENT, SAULSBURY, SHARON, SHERMAN, SPENCER, STEVENSON, THURMAN, WALLACE, WEST, WHYTE, WINDOM, WITHERS, and WRIGHT.

The PRESIDENT *pro tempore*. The absentees on the call will now be called, so that in case they have entered the Chamber since the oath has been administered they may come forward.

The Chief Clerk called the names of the absentees as follows: Messrs. ALCORN, ALLISON, BURNSIDE, CAPERTON, CHRISTIANCY, CONKLING, CONOVER, DENNIS, ENGLISH, GOLDTHWAITE, HOWE, JOHNSTON, JONES of Nevada, MORRILL of Maine, PATTERSON, RANSOM, ROBERTSON, and WADLEIGH.

The Chief Justice thereupon withdrew from the Senate Chamber, escorted by Messrs. EDMUNDS and THURMAN.

Mr. FRELINGHUYSEN. Mr. President, I offer the following order, and ask for its present consideration:

Ordered, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against William W. Belknap, late Secretary of War, and is ready to receive the managers on the part of the House at its bar.

The order was agreed to.

At one o'clock and forty minutes p. m. the managers of the impeachment on the part of the House of Representatives appeared at the bar and their presence was announced by the Sergeant-at-Arms.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will conduct the managers to the seats provided for them within the bar of the Senate.

The managers were conducted to the seats assigned them within the space in front of the Secretary's desk.

The PRESIDENT *pro tempore*. Gentlemen managers, the Senate is now organized for the trial of the impeachment of William W. Belknap, late Secretary of War.

Mr. Manager LORD rose and said: Mr. President, we pray for the issuing of process against William W. Belknap, late Secretary of War, on the articles hitherto presented.

Mr. EDMUNDS. Mr. President, I offer the following order:

Ordered, That a summons be issued, as required by the rules of procedure and practice in the Senate when sitting for the trial of impeachments, to William W. Belknap, returnable on Monday, the 17th day of the present month, at one o'clock in the afternoon.

The PRESIDENT *pro tempore* put the question on the proposed order; and it was agreed to.

Mr. Manager LORD. That is satisfactory to the managers.

The managers thereupon withdrew.

Mr. STEVENSON. If there is no further business I move that the court adjourn.

Mr. EDMUNDS. I do not think that is precisely the proper motion to make under the rules. I think we ought to adjourn until the day at which the summons is returnable; and therefore——

Mr. STEVENSON. I should like to ask the Senator from Vermont whether the counsel of General Belknap are satisfied with the period of time fixed for his appearance.

Mr. EDMUNDS. I do not understand the Senator.

Mr. STEVENSON. I desire to know whether there has been any conference with General Belknap's counsel to learn whether the period fixed for his appearance is ample enough to meet with their wishes.

Mr. EDMUNDS. I am not authorized to speak for anybody but myself. Speaking for myself, I say, as a Senator sitting on this trial and as a judge, that I have not had and do not expect to have any conference with the counsel of General Belknap; but I have proposed this period of time as a reasonable and suitable one. Of course, when he appears, if he needs further time he will apply for it.

Mr. STEVENSON. Mr. President, I did not suppose there was any impropriety in the question, nor did I suppose that there was anything that could be implied by the question; but certainly a good deal of time may be saved to the Senate, and I see no impropriety in the managers, if they think proper, before the time is fixed, having a friendly interview with the counsel of General Belknap as to what would be a proper time. If we adjourn now until Monday week, and then ten day's more should be asked, we shall lose that much time, which it seems to me might be avoided by some conference with the counsel of General Belknap. That was the only reason I made the suggestion.

Mr. EDMUNDS. I am sure the Senator ought not to have understood me as intending to reflect on the propriety of his question, but only as stating my own view of what it would be proper for me to do under the circumstances. I move that the Senate sitting for this trial adjourn until the 17th instant.

Mr. BOGY. Before the motion to adjourn is put I should like to make an inquiry; and I call the attention of the Senator from Vermont to what I am about to state. I see by the twenty-fourth rule that the summons has to be returned to the Senate or to the court at twelve o'clock and thirty minutes p. m.; and this order speaks of one o'clock.

The PRESIDENT *pro tempore*. The motion to adjourn does not fix the time.

Mr. EDMUNDS. The Senator has turned to a form, and that form happens to say twelve o'clock and thirty minutes, but the Senate has ordered changing that form which I thought it was convenient to do, and as it was merely a form I did not suppose it was necessary to make a separate motion on that subject to make the form say "one o'clock," in order that the necessary preliminaries from half-past twelve, usual on such occasions, might take place before-hand.

Mr. BOGY. That may be; I speak on this subject with very great modesty, for I really know nothing about it; but, nevertheless, the forms being given in the rule, I am of opinion that they are a part of the rules, and unless a very good reason can be given why the forms should be departed from, it may be that the very first step we take in this proceeding may possibly be wrong. The form is given in a joint rule, and it would be a very easy thing to conform to that form which appears to be a part of that joint rule as adopted for this specific purpose.

Mr. EDMUNDS. It is not a joint rule, but a rule of the Senate. It is a form of the Senate rather than a rule.

Mr. BOGY. It is a Senate rule, nevertheless; and why not conform to the rule?

Mr. EDMUNDS. It would have been very well to have made that suggestion before the order of the Senate had been adopted fixing the hour of one o'clock as the moment at which this accused person should appear. But if the Senate has adopted an order which is contrary to a form which it had previously adopted, I take it that the adoption of this order would, for the time being, override the form of the writ of summons fixing a different hour.

Mr. BOGY. I would suggest to the Senator is it not a rule? The form makes it a rule. Is it not so?

Mr. EDMUNDS. Suppose that to be so, if the Senate, without objection, orders that a particular moment named in the rule shall be for a particular occasion changed to another moment, I take it that order making the change would be binding nevertheless. Certainly the Senate, in the presence of the managers, has ordered that this summons shall issue for this person to appear on the 17th instant, at the hour of one o'clock in the afternoon, which is, to be sure, a half hour later than the form of the summons names. So the present order of the Senate is that the summons go in that way; and until that order is reversed, I take it, it will bind the President of the Senate and the executive officers to follow it.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate sitting for the trial of the impeachment adjourn until the 17th instant.

Mr. BOGY. The suggestion I have made has not been disposed of. Perhaps there is nothing that the court can dispose of. Nevertheless it does seem to me that the form is a rule, a rule prescribed by the Senate for the government of the Senate when it sits as a court. This body in its capacity of a court has changed that rule. It may be altogether proper; I am not clear that it is proper. If there could be any way by which we could retrace our steps and conform to what appears to me to be a rule, because it is a form prescribed by the Senate as a Senate for the government of this court as a court of impeachment, and which we as a court perhaps cannot well change, it is a subject worthy of being considered, and I suggest that the matter be more thoroughly investigated.

Mr. EDMUNDS. Mr. President, I think it right to say to my friend

from Missouri that so far from our inability to change the forms of procedure sitting as a court, as the expression is, when the late Chief Justice of the United States appeared, these rules having been adopted by the Senate before he did appear, to preside at the trial of Mr. Johnson, the President of the United States, he thought, and submitted to the Senate, that it ought to adopt these rules while we were sitting as a court, inasmuch as its composition was such that a new element was introduced into it on that occasion. And accordingly the Senate sitting as a court, or sitting for the trial of the impeachment, which is the same thing, adopted over again these rules as part of its orders. So I think there can be no question, judging from the previous consideration given to the subject, that it is perfectly competent for us to change or to modify these forms by any order that we choose to make sitting as a court. That was the general opinion at that time. Although it was thought by many Senators that it was quite unnecessary to adopt them over again merely because the Chief Justice, a new element, had come in, yet everybody agreed that it was competent to do it; and, out of respect to his wishes, it was done.

Mr. SHERMAN. If I understand it, the Senate have only fixed one o'clock as the hour for the return of the process. It seems to me we ought to adjourn until half past twelve o'clock, with a view to making the necessary preliminaries before that.

Mr. EDMUNDS. Certainly, that is the time the rule provides we shall meet.

Mr. SHERMAN. I do not see that there is any difficulty. The summons calls on General Belknap to appear at one o'clock. That is not at all inconsistent with the rule; but the court is to convene at half past twelve o'clock for the purpose of making preliminary orders and arrangements. The action of the Senate thus far is in perfect harmony with the rules.

Mr. BAYARD. All that I have to guide my mind is the rules of the Senate on the subject. Looking at them, it seems to me that the suggestion of the Senator from Missouri is entitled to a great deal of consideration. Rule 7 provides that—

> The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for.

There is in the twenty-fourth rule a special provision, according to my understanding, of the form of the summons to be served upon the party impeached, and that form requires the impeached party—

> To be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the —— day of ——, at twelve o'clock and thirty minutes after noon, then and there to answer to the said articles of impeachment, &c.

By Rule 9 it is provided that—

> At twelve o'clock and thirty minutes after noon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following.

Then follows the form prescribed for the returning officer. The tenth rule provides that—

> The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particulary if by himself, or by agent or attorney, naming the person appearing, and the capacity in which he appears.

It seems to me, with all due respect for the superior experience of those who have heretofore sat in business of this kind, that the language of the rules is directory, and I cannot imagine any inconvenience or ill to follow from our following their language with precision. If the Senate has from any inadvertence or from any other cause fixed a time for the appearance contrary to that prescribed by the form contained in Rule 24, it seems to me that it is erring upon the side of caution if it follows the rule by amending the order lately made. I see no possible objection to the amendment of the order, and if it be fixed at twelve o'clock and thirty minutes of the afternoon of the day named for the return of the writ, then it will be in precise accordance with the form prescribed in Rule 24 and also in accordance with Rules 9 and 10, which fix the time of the return of that writ for the swearing of the officer as to the true service of the process and of the appearance of the party, either in person or by attorney. I think it is just possible that there might be a technical objection made to the hour and minute of the return of this service. It may not be one of substance; but even if of form, if it be necessary for the Senate then to pass upon it, certainly the necessity for passing upon it can be saved by an amendment of the order of the Senate as made just now.

Therefore I trust there will be a reconsideration of that order for the purpose of having an order made in accordance with the twenty-fourth rule. No harm can come, but much difficulty may be saved.

Mr. WHYTE. Mr. President, I should like to ask the President of the Senate whether it is not proper for us in the first instance, as a court, to adopt the rules of procedure by the Senate in cases of impeachment? It was the opinion of the Chief Justice in the trial which last took place in this Hall that while the Senate might as a Senate in its legislative capacity adopt certain rules in regard to impeachment, it was necessary for the Senate when sitting as a court of impeachment to adopt those rules as such court. Therefore I suggest to the Chair whether it is not proper for us in this instance to adopt the rules before we discuss any questions arising under those rules?

Mr. EDMUNDS. I insist upon the motion I made, that the Senate, sitting for the trial of this impeachment, stand adjourned until the 17th instant at half past twelve o'clock.

Mr. BOGY. Before that motion is put I hope that this matter may be further considered. I intend to present a motion that the order which has been made, for the return of service at one o'clock, be amended so as to make the return at half past twelve.

Mr. EDMUNDS. That cannot be properly done without the presence of the managers.

Mr. BOGY. Why is it not proper?

Mr. EDMUNDS. And there is not the slightest need of it.

Mr. BOGY. I can see no reason for the Senator's suggestion. Any order made by a court can be changed by the court on a proper case being made out. I desire to present the question to this body in a proper way. The very limited discussion which has taken place upon the subject has tended to confirm me in the belief that we are departing, in the very first step we take, from the rules prescribed for our guidance. If the motion of the Senator from Vermont be insisted upon, I hope it will not be carried, so that I may make a motion to amend the order which has been made.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, that the Senate sitting for the trial of the impeachment adjourn until the 17th instant at half past twelve o'clock.

Mr. BOGY. The motion I would make of course cannot be entertained if that motion is carried.

Mr. EDMUNDS. That is so.

Mr. BOGY. I am extremely sorry that at the very first step the Senator from Vermont should be rather disposed to cut short and be curt about this thing. I desire no offense to him, and do not question anything he may have done. I am inclined to think we have committed an error; and the views expressed by the Senator from Delaware confirm me in that opinion. To dispose of this thing in that manner, I think, is not treating the subject, or those persons that do not agree with the Senator, with much courtesy.

Mr. EDMUNDS. I ask unanimous consent to make an observation, as all this debate is out of order.

The PRESIDENT *pro tempore*. The Chair will state that as different Senators were speaking, he supposed it was done by unanimous consent. The rule is explicit that there shall be no debate.

Mr. EDMUNDS. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. I wish to state to my honorable friend from Missouri that I have not intended to be either curt or short, but after the subject has, by unanimous consent, been considered upon both sides of the views, it struck me that the simplest way of testing the sense of the Senate upon this question of half past twelve or one o'clock would be to make this motion. If a majority of this body are of opinion that we have exceeded our jurisdiction in making this order returnable at one o'clock instead of half past twelve, of course it will be their bounden duty to refuse to adjourn, and to send for the managers and have the order amended; but if they are of opinion that this court can change one of its forms by making an order inconsistent with it as to an hour, without violating the Constitution of the United States, then I take it the Senate will be willing to adjourn until that time. Making this explanation to my friend, lest he may have misunderstood the spirit in which I made the motion, I take my seat.

Mr. BOGY. I shall feel compelled under the circumstances to call for the yeas and nays upon the question, a thing which I have never done in this body before. I think we are starting wrong in this thing, and therefore I call for the yeas and nays on the motion of adjournment.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Secretary will call the roll of Senators who have been duly sworn.

The Chief Clerk called the roll, as directed; and the result was announced—yeas 38, nays 10; as follows:

YEAS—Messrs. Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Cockrell, Dawes, Dorsey, Edmunds, Frelinghuysen, Gordon, Hamilton, Hamlin, Hitchcock, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morrill of Vermont, Morton, Oglesby, Paddock, Sargent, Sherman, Spencer, Wallace, West, Windom, and Wright—38.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Eaton, Norwood, Randolph, Saulsbury, Whyte, and Withers—10.

ABSENT—Messrs. Cragin, Ferry, Harvey, Ingalls, Sharon, Stevenson, and Thurman—7.

The PRESIDENT *pro tempore*. The Senate sitting for the trial of the impeachment stands adjourned until the 17th instant at twelve o'clock and thirty minutes p. m. The Senate resumes its legislative business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes; and

A bill (H. R. No. 2822) repealing section 363 of the Revised Statutes, and the substitution of another section in lieu thereof.

The message further announced that the House had passed the following bills:

A bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes; and

A bill (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills and joint resolution; which were thereupon signed by the President *pro tempore:*

A bill (S. No. 58) to pay the First National Bank of Saint Albans, in the County of Franklin and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864;

A bill (S. No. 682) to suspend the sale of the jail on Judiciary Square, and for other purposes;

A bill (S. No. 575) for the relief of Charles E. Hovey;

A bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut; and

A joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday.

ADMINISTERING OF OATHS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to inquire into the expediency of further providing by law for the administration of oaths in the proceedings of the Senate, and to report by bill or otherwise.

POSTAGE ON THIRD-CLASS MATTER.

Mr. HAMLIN. I now move, in pursuance of the notice which I gave the Senate a few days since, to take up the bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes.

The motion was agreed to; and the bill was read the second time, and considered as in Committee of the Whole.

The first section declares that mailable matter of the third class shall embrace all pamphlets, occasional publications, regular publications devoted primarily to advertising purposes or for free circulation or for circulation at nominal subscription rates, prices-current, catalogues, annuals, hand-bills, posters, unsealed circulars, prospectuses, books bound or unbound, book-manuscripts, proof-sheets, maps, prints, engravings, blanks, flexible patterns, samples, merchandise, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not from their form or nature liable to destroy, deface, or otherwise injure the contents of the mail-bags or the person of any one engaged in the postal service. All liquors, poisons, glass, explosive materials, and obscene books or papers shall be excluded from the mails.

Section 2 provides that packages of matter of the third class shall not exceed four pounds in weight and shall be subject to examination and rates of postage as hereinafter provided. The postage on mail matter of the third class is to be for all distances of one thousand miles or less, one cent for each ounce or fractional part thereof; for all distances over one thousand miles, two cents for each ounce or fractional part thereof. Every package of the third class of mail matter is to bear the post-mark of the office at which it shall be mailed for transportation.

By the third section, postages on third-class matter are to be prepaid by stamps. If, however, the postages on third-class matter mailed at an office be less than the full amount prescribed, in cases where the sender is known he shall be notified of the fact and the amount of postage due be collected from him. In case the sender is not known, and where it has not been the evident intention of the party so depositing the package to place less than full postage thereon, the package shall be forwarded, and double the amount of deficient postage shall be collected from the party to whom it is addressed or delivered at its proper destination.

Section 4 provides that the sender of any article of the third class of mail matter may write his or her name and address therein or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles inclosed. Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid.

Section 5 provides that transient newspapers and magazines shall be admitted to, and transmitted in, the mails at the rate of one cent for every three ounces or fractional part thereof, and one cent for each two additional ounces or fractional part thereof.

By section 6 the act is to take effect on and after the 1st day of July, 1876.

Mr. HAMLIN. I submit a formal amendment to the bill. After the word "sender,' in line 6, section 3, I move to insert:

Before the same shall be transmitted by mail.

So that, if amended, that portion of the section will read:

If, however, the postage on third-class matter mailed at an office shall be less than the full amount above prescribed, in cases where the sender is known such sender shall be notified of the fact and the amount of postage due shall be collected from such sender before the same shall be transmitted by mail.

The amendment was agreed to.

Mr. THURMAN. Before the Senator from Maine explains the bill, I wish to ask whether the words in lines 13 and 14 of the first section, "and all other matter which may be declared mailable by law," do not really make all mailable matter come within the third class?

Mr. HAMLIN. Only within that specified in the third class. That is the design.

Mr. THURMAN. It seems to me that the language should be changed, then.

Mr. HAMLIN. The caption of the bill, as the Senator will see, has reference to third-class matter. It may be made more certain, however, by inserting the words "third class." That is precisely what it does mean.

Mr. THURMAN. It seems to me it should read, "declared mailable by law as third-class matter."

Mr. HAMLIN. I have no objection to that amendment. I think that is precisely what the section means, but let that be added.

Mr. SHERMAN. After the word "other" put in "third-class."

Mr. THURMAN. In line 13, after the word "other," I move to insert the words "third-class;" so as to read:

And all other third-class matter which may be declared mailable by law.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BOGY. I request the Senator from Maine to give way for a moment, that he may have the benefit of what I intend to say. I object to this bill because it raises postage pretty much in accordance with the bill which we passed last session.

Mr. HAMLIN. I do not hear the Senator.

Mr. BOGY. This bill, as I understand, raises the postage on third-class matter; that is, it is raised by the distance. At the last session of Congress we raised the postage on third-class matter from one cent for two ounces to one cent for one ounce. I opposed that bill at the time, but yet there was not much said upon the subject. My wish is to return to the old law, and I make these remarks now that the Senator from Maine, who is, I admit, remarkably well versed in the subject of the post-office and mail transportation, may have the benefit of my objection. He may be able to satisfy me that I am wrong. If there be a good reason why the postage should be raised, I of course will accede to it, and it will receive my vote. We raised the postage at the last session. I know that in my section, and I may say throughout the entire western country, it has been the cause of very great dissatisfaction. I make these objections now so that my friend may have the full benefit of them, and be able to answer them.

Mr. WRIGHT. I wish to make one inquiry before the Senator from Maine proceeds. An amendment was offered to the thirteenth line of the first section by the Senator from Ohio [Mr. THURMAN] and accepted by the chairman of the committee. It has occurred to me—I do not know that I am right, and I make inquiry for that reason—that this section prescribes what matter is third-class matter. It sets out in detail the matter which is third-class matter. The amendment makes it read, "and all other third-class matter." How can there be any other third-class matter than what is provided for in this section? Was not the amendment contemplated by the Senator from Ohio to be that all other matter, the rate of postage upon which is not otherwise prescribed, shall be as herein prescribed?

Mr. THURMAN. The idea that struck me in suggesting an amendment was that the effect of the words "and all other matter which may be declared mailable by law" would be to make everything third-class matter. Therefore I suggested to add after the word "law" the words "as third-class matter;" so as to read:

And all other matter which may be declared mailable by law as third-class matter.

Upon the suggestion of my colleague [Mr. SHERMAN] I agreed to insert the words "third class" after the word "other;" but upon looking more carefully at it, and hearing what the Senator from Iowa has said, I think the amendment which I first suggested would be better, and then it would apply to whatever any future Congress might declare to be third-class matter

Mr. WRIGHT. If the Senator will allow me to interrupt him, I would suggest that the Senator having the bill in charge may proceed with his remarks, that we hear his general exposition of the bill, and in the mean time we can have sufficient time to look at the bill and prepare amendments with more care than we can do now.

Mr. THURMAN. I ask to reconsider the vote by which the words "third-class" were put in after "other," in order that I may move to add after the word "law" the words "as third-class matter;" so that the section shall read:

And all other matter which may be declared mailable by law as third-class matter.

That would refer to future legislation, and it would be better than to put in the words "third-class" after "other."

Mr. HAMLIN. That is just what it is now; but the amendment can do no possible harm.

Mr. THURMAN. I think it would be very dangerous to leave it as it is.

Mr. HAMLIN. It can be transposed by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to reconsider the vote by which the amendment was agreed to.

Mr. HAMLIN. It is simply to transpose the words to another place.

Mr. THURMAN. I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn by unanimous consent.

Mr. THURMAN. I now move to insert after the word "law," in the fourteenth line, the words "as third-class matter."

The amendment was agreed to.

Mr. HAMLIN Mr. President, I have not often vexed the ear, and I am quite sure I have not tired the patience, of the Senate, in discussing any of the various propositions which have been submitted to it for its consideration. I have known well that there were others who would do ample justice to all matters presented to us for our deliberation, and I have chosen to express my opinion upon all these various questions in the vote which I should give that determines the action of the Senate upon the proposition before it. I would prefer to do so now, but having been directed by the Committee on Post-Offices and Post-Roads to report the bill now before us, it becomes my duty to state as briefly and as well as I may the considerations which have controlled that committee and the facts and evidence upon which they have acted. It is a delicate and a difficult duty. It is a delicate subject, because it affects the interests of so many in our community and thereby touches the pocket-nerve, which I think is the most sensitive nerve around the human system. It is difficult, because it embraces such a variety of aspects.

I am inclined to believe from the investigation which the committee have given to this subject that we may safely come to the conclusion that persons who are specially interested in a particular thing are not able to judge as well or quite as wisely as other parties who may not be controlled by their particular interest.

The committee have given a great deal of time and attention to this subject, and I must express my gratitude in being able to say that we come in our results before this body with an undivided opinion; we come here, after examining the whole subject, united in our judgment that action by Congress is demanded in relation to the postal service. If we had a full Senate here, I would invoke its attention, and I would say that it challenges their investigation and their cool and deliberate judgment.

We are presented with a peculiar condition of things. Two years ago the revenues of this Department were deficient in the aggregate more than $6,000,000. Last year they were deficient more than $7,000,000, and the Postmaster-General tells you in his annual report in December last that there will be a deficiency of more than $8,000,000 in the ensuing year. I say, Mr. President, that the deficiency in the Post-Office Department, if you reduce the postage on third-class matter to the rate of two ounces for one cent, will exceed $9,000,000 and probably reach $10,000,000. This is a matter that I have said challenges our attention. Here are deficiencies by millions in a year, and it will require but few years before these deficiencies will aggregate hundreds of millions of dollars. There is no question, there will be none that will be submitted to Congress during this session, of more importance in relation to the finances of the country than this bill or the subject with which this bill is connected.

The Postmaster-General has told us, after stating the deficiency at $8,181,602.19, that there is also an additional deficiency which is to be supplied by the Treasury of $850,000 to pay the postage of the Post-Office Department alone, and when I go to the estimates for appropriations by the other Departments I find that the Interior Department estimate for $129,750
The Treasury Department 150,000
The War Department 80,612
The Navy Department 20,000
The Department of Justice 5,000
The Executive 600
And the Bureau of Agriculture 10,000

Making 345,962

Add this to the estimated deficiency for the Post-Office Department, and you have the aggregate of $9,377,564.19. The committee in considering this subject have acted under a resolution of the Senate submitted by my colleague, December 8, 1875, and which is in these words:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the expediency of so amending the laws in relation to the postal service of the United States as to produce an annual revenue adequate to the support of said service.

The committee had also before it the law passed at the last session of Congress as an amendment, I believe, submitted on the motion of the Senator from Ohio, [Mr. SHERMAN,] directing—

That the Postmaster-General shall cause a full inquiry and investigation to be made into all branches of the expenditure of the Post-Office Department, with a view to reduce such expenditures as nearly as practicable to the postal receipts; and with that purpose he shall report to the first session of the next Congress such a rate of compensation for postmasters and other employés of that Department as will reduce such compensation to a rate not exceeding that paid for equal service in private employments, and to limit the number of clerks and employés, and to reduce the number of free-delivery cities, and the compensation of postal transportation companies; and that he also report a rate of postage on printed matter and packages approaching the actual cost of their transportation and delivery, together with such practical measures that will, in his opinion, tend to make the Post-Office Department self-sustaining.

I will say here, in passing, that the Postmaster-General has complied with the provisions of that section of the law. He has sent to the other House a bill in relation to the compensation of postmasters and the employés. He has furnished to the committee of the Senate a communication relating to the bill regulating the postage upon third-class matter.

Such, then, is the basis upon which your committee have acted, first upon the resolution submitted by my colleague and second in the spirit of the law which was adopted at the last session of Congress.

In discussing these propositions I have to submit to the consideration of the Senate, first, what was the original object and purpose of the Post-Office Department; second, was it the design of its founders, as exhibited in the language which created it and the practice which existed under it for more than fifty long years, that it should be self-sustaining; and, third, what is the condition of the Department at the present hour and what are the evils which this bill seeks to remedy?

Mr. MITCHELL. Before the Senator proceeds to discuss those points, I should like to ask him simply whether the bill he is now discussing has received the sanction of the Post-Office Department?

Mr. HAMLIN. It has. I have here the letter of the Postmaster-General, and the Senator has it also. Under date of February 8, 1876, he says:

In regard to the rates which are proper to be charged for miscellaneous third-class matter, which I have denominated "merchandise in the mails," I am decidedly of the opinion that the rates should be varied according to the distance. Thus applying the simplest rules of business, that the charge should bear some proportion to the service rendered, and is, in my opinion, the only way to prevent an increase of the already too large deficit in this Department.

Very respectfully,

MARSHALL JEWELL,
Postmaster-General.

If this communication were not before us, the question of the Senator from Oregon would have been improper, and one which I could not have answered. The Senator will see that his question is answered by the Postmaster-General. Senators will notice two distinct points made by the Postmaster-General in the extract which I have made from his letter: first, that the rates should be varied according to the distance; second, that it was the only way to prevent an increase of the already too large deficit in the Department, as bearing directly upon what I shall have hereafter to say.

Before proceeding to the consideration of the propositions which have been considered, I wish to make one further statement. The action of your committee has been made in view of other and different things than those which are connected either with the resolution of my colleague or the section of the law to which I have referred. We have looked at this question in a broader light and from a higher stand-point. We mean cheap postage. We claim to be the advocates of cheap postage; and that is what we are aiming at. There is nobody here from the millions asking that their rights shall be looked to; but there is not a petty manufacturer within all the broad land that is not either complaining by letter or through the newspaper press that we will not carry his matter as third class through the mail for half what it costs. The view of the committee has been this, and I state it distinctly, that, if Congress will wisely adopt a system of measures that shall make every article that goes in the mail contribute a fair, just, and equitable rate of compensation, based upon what it costs the Government to transport it, we will put letters to-morrow at two cents, and make our post-office self-sustaining; and when you do that, you accomplish an object that benefits the millions. I affirm that it is mainly in consequence of men who are particularly interested in special branches of industry, and who want to use the mail for particular purposes, and who do not pay the Government what it costs to transport their matter, that we are not enabled this very hour to reduce the postage on letters to two cents and make the Department self-sustaining.

What was the object of instituting our postal system? It is well, I think, to look at these things, and I am going to invite the attention of the Senate to what our fathers said and to the purpose for which this Department was instituted. I go back, because there is wisdom in it, and it is a wisdom that guided us for a long time, but have not adhered to as we should; I go back to the men who preceded the formation of the Constitution and who founded our postal system. I read from the Journals of Congress of 1775, that first established the postal system in this country:

As the present critical situation of the colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other:

Resolved, That Mr. Franklin, Mr. Lynch, Mr. Lee, Mr. Willing, Mr. S. Adams, and Mr. P. Livingston be a committee to consider the best means of establishing a post for conveying letters and intelligence through this continent.

Mark the purpose, "letters and intelligence." That was the object; and we will trace it along from that day down to 1851, when books were first made mailable matter; subsequently, by different acts, soldiers' clothes, boots, shoes, brogans, watches, jewelry, and all the catalogue of articles that come within the scope of merchandise got into our mail, and when at that precise period of time the mail system began to show a deficiency, which increased as you admitted these articles into the mail. Following along the Journals of Congress, in 1782 the first ordinance for regulating the Postal Department in the United States was passed, and in its very first words the object is stated for which the postal system was created:

Whereas the communication of intelligence with regularity and dispatch from one part to another of these United States is essentially requisite to the safety as

well as the commercial interest thereof; and the United States in Congress assembled being by the Articles of Confederation vested with the sole and exclusive right and power of establishing and regulating post-offices throughout all these United States; and whereas it is become necessary to revise the several regulations heretofore made relating to the Post-Office and reduce them to one act.

I could illustrate this point by a great variety of references to the postal laws and to the opinions of men who have been connected with the Government in relation to the objects of the mail service, but I will not tire the patience of the Senate by doing that. There is in the mind of every Senator a well-defined idea of what the postal service was established for. It was originally established for the purpose of communicating intelligence. By the men who created it, the purposes for which it was created, were well understood; but I state again that in 1851 matter not pertinent, not legitimately mail matter, began to be admitted into your mails; and from that very date, as I will show you by the figures presented from the Post-Office Department, the revenues began in their deficiency, until they are now startling—$8,000,000—enough to support your Government within my recollection. And I say to you, Mr. President, and through you to this body, that we have but just trodden upon the threshold of that mighty store-house of merchandise which, if it is to go through the mail at half rates, will load it down, and you will find deficiencies within a very limited period of time that will more than exceed the whole revenues of your Department. Is it not a question that demands our attention, and demands a remedy?

I come then to the next proposition, Why should the Post-Office be self-sustaining; why any more than the State, Navy, War, or Treasury Department? I think the answer is as obvious and as clear as a mathematical proposition. Under the Constitution Congress has the power to establish post-routes. It might be that we should have done our duty and have complied with the letter of the Constitution by declaring what should be post-routes; but I think Congress has assumed more wisely that the necessary power to put mail service upon those routes was rightfully and properly to be inferred. They have inferred it; they have acted upon it. But the Post-Office Department is distinct from all the other Departments of your Government. You have none others like it. It was instituted for the purpose of giving both to the Government and to the people of this country the opportunity of transmitting social and business correspondence and intelligence from the one to the other through it. That was the object of it. It never was designed to be a source of revenue; it never was designed to be a tax upon the Government. It was no Department from which you could seek a revenue. It was a simple compliance with that provision of the Constitution which authorizes us to establish postal routes, to prepare the proper laws and instrumentalities for transmitting intelligence. I want Senators to bear in mind that that comprises only letters and what was current intelligence of that day.

You establish the State Department for the purpose mainly of superintending and regulating our relations with foreign governments. You establish your Navy Department to construct ships to protect your Government against foreign invasion, to protect your flag all over the world, to represent your country on distant seas. You create your War Department to provide arms and munitions for time of war and to make the preparation that shall be necessary when the sad hour for their use shall come. You organize your Treasury Department for the purpose of collecting your revenue and regulating your commerce. You create your Interior Department to supervise the industrial pursuits of the country and its internal relations, the Indians, pensions, and all other subjects that are necessarily a tax upon us. You create your Administration of Justice that the laws shall be administered. You create every other Department of the Government for the purpose of performing some functions appropriate, and I may say national in their character and in the duties that are imposed upon them both by the law and by the Constitution. You create your Post-Office Department solely to afford citizens and the Government opportunity to interchange one with another letters and intelligence. That was the original design.

The Post-Office being established for this purpose, the Government using it only as the citizen uses it, for transmitting its own information through it, what has been the practice of the Government? It has been recently stated in the newspapers that our Post-Office had never from its commencement been a self-sustaining Department in a single year. I called on the Department for the purpose of obtaining the facts, and I find that from 1789 to 1841 not one dollar was appropriated from your Treasury to support the Post-Office Department, but it was made self-sustaining. From 1789 to 1841 there was not a mill of deficiency in the Post-Office Department. I ought to qualify that, perhaps, by saying that if you run along over the various years you may find a deficiency one year of a small amount, with a small excess the next year; but no appropriation was ever called for, and up to 1841 no dollar had ever been appropriated from the Treasury for the purpose of sustaining the Post-Office Department. In 1841 what we would call to-day a very paltry sum, $482,657, was appropriated. I am not able to state precisely the objects of that appropriation, but I hazard the suggestion that it was to meet foreign and not home mail service. There were no other appropriations before 1852 for the relief of the Post-Office Department except, in 1846, $750,000; in 1847, $12,500; in 1848, $125,000—paltry and inconsiderable and aggregating nowhere near what the Government ought to pay for its own use of the mail. Therefore, I hazard the assertion that the Department was practically self-sustaining down to 1851.

Mr. SHERMAN. The Senator wants to be very exact, I have no doubt, and I am listening to his statement with pleasure; but I wish to remind him that before 1851 there was a permanent appropriation to pay the expense of carrying free matter, that ought to be mentioned. I do not know when that commenced, but I think it was as early as 1842.

Mr. HAMLIN. I have not now the data before me which would enable me to tell the Senator precisely when it did commence, but I think it did not commence until 1852. That is my impression, but I am not certain.

Mr. SHERMAN. I will find out.

Mr. HAMLIN. In 1851 and 1852 the postal rates upon second-class matter were reduced about 66 per cent., and the restrictions upon the limitation of their weight largely reduced, and books were then first made mailable matter. Books communicate knowledge, I grant, but not current intelligence, for the transmission of which the Post-Office was established. How did they get in? I have some practical knowledge in relation to that, because I have been familiar with and aided in the admission of most of the articles that have gone into the mail as third-class matter. They all went in upon the general idea that, if your mail could carry other than the matter for which it was properly and originally instituted without a loss, it would be a convenience to the public, to the people, and a convenience that might be granted. From 1861 down to the present time article after article has been made mailable, until at last merchandise went in; and when you got merchandise in you might as well have put everything else out, because merchandise covered everything. Nearly every article that is enumerated in the third class to-day, with the exception of advertising-sheets, may be classed under the head of merchandise. They crept in; and it is from these sources, from the vast amounts of weight, from the expense which it entails, that the revenues of your Department have been falling behind, as I will show you under another head.

But I will go one step further in this regard. I say that every Postmaster-General from the formation of the Government down to this present time has recognized or recommended the general doctrine that the Post-Office Department ought to be self-sustaining, with one exception; and that exception establishes the rule. And, as most pertinent to this part of my argument, to invite the attention of the Senate to the opinions of some of the eminent men who have occupied that place, I will ask my friend from Massachusetts to read from the report of Postmaster-General Holt, a man known to you all, whose judgment, whose legal ability, challenge the respect of every man who knows him. He was Postmaster-General in 1859. We shall learn his opinions, and they support me in the position which I assume.

Mr. DAWES read as follows:

The Post-Office Department, according to the theory of its organization, should be self-sustaining, and, because of the peculiar character of its functions, should not be a charge on the common Treasury. In this respect, its aspects and mission are wholly unlike those of the other branches of the Government, and demand a corresponding principle of administration. The dispensation of public justice, the enforcement of laws enacted by national authority for the general protection, and the vindication of the rights of the Republic upon land and on the sea, are duties whose performance is of the very essence of our political system, and, affecting, as they do deeply, every member of the body-politic, they justly claim their support from the fund which is the contribution and property of all. But the transportation of a letter or newspaper or pamphlet for the citizen is no more public business than would be the transportation of his person or merchandise. It is an operation prompted by and performed in subserviency to a private, personal interest, and that interest, and that alone, should bear the pecuniary burden inseparable from it. The Government has charged itself with the establishment and superintendence of the postal system, because the peculiarities of this complex and widespread service rendered such intervention indispensable. The service, to be effectual, had to be clothed with an energy and power, and to enjoy immunities and the guardianship of a prompt and rigid accountability on the part of multiplied thousands of agents, which no private enterprise could possess; and hence the interposition of the Government became a necessity—a necessity, however, which, while it occasioned the intervention, also furnished its limitation. While it was thus essential that the system should be organized and supervised by the Government, it was at the same time entirely practicable to sustain it from the means of those for whose benefit it was established; and, therefore, it was not necessary that its maintenance should be imposed as a burden on the National Treasury. On the contrary, it was eminently just and proper that they, and they only, who used mails should pay for them, and that such payment should be exactly proportioned to such use. Were the support of the system charged on the Treasury, those who do not participate in its advantages would be equally taxed with those who do, and the farmer who dispatches a single letter a month would have to contribute as much as the merchant who dispatches and receives fifty per day. The gross injustice of this result is too flagrant to require exposure or comment. It was in obedience to this sentiment that a self-sustaining character was impressed upon the Department in its creation, and was long and most sedulously and scrupulously adhered to in its administration. The act of February 20, 1792, to establish the Post-Office and Post-Roads in the United States, declares that "the Postmaster-General shall provide for carrying the mail of the United States," and "shall defray the expense thereof, together with all other expenses arising on the collection and management of the revenue of the Post-Office;" and to enable him to comply with this requisition, no other fund is placed at his disposal than that derived from the current receipts of the service.

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In 1836 Congress provided that "the aggregate sum required for the service of the Post-Office Department in each year shall be appropriated by law *out of the revenues of the Department.—Postmaster-General Holt's Report for* 1859.

Mr. HAMLIN. In the year following, after Judge Holt had been at the head of that Department for one year, he expressed this additional opinion, which I will ask my friend to read.

Mr. DAWES read as follows:

The opinion is entertained more firmly than ever that the Department should be administered in conformity to the self-sustaining theory on which it was organized

and faithfully conducted for forty-five years, and that every departure from this principle is deplorable in its tendencies alike to its honor and to the vigor and success of its operations.—*Postmaster-General Holt's Report for* 1860.

Mr. HAMLIN. Mr. President, if I were to take up the time of the Senate I could quote from the report of almost every Postmaster-General showing they have acted upon or recommended this principle; but I will ask the Senator from Massachusetts to read one or two additional extracts from one head of that Department, once a Senator distinguished in this body, whose counsels, in my judgment, it is always wise to follow—Judge Collamer, of Vermont.

Mr. DAWES read as follows:

It seems long to have been the received principle in this Department that its expenses should always be kept within the income furnished by postage, and all exertions at the improvement and extension of the service are to be limited to and fall within such receipts. The opinion of the community without the Department is believed to be that the General Post-Office, being for the dissemination of intelligence and advancement of business, is not a proper subject of taxation; that no burden for public service should lean upon it, and that the rate of postage should only be such as will pay the expense of the care, conveyance, and delivery of the matter on which the postage is laid. These views are in no way incompatible, and may both be successfully regarded, provided a reasonable compensation be made to the Department for the service it performs by those for whose benefit such service is required.

Mr. SHERMAN. If my friend from Maine will allow me, I will now refer to the law. I find an appropriation as early as the 3d of March, 1847, and there may have been some earlier than that. This is an appropriation for compensation to the Post-Office Department for mail service performed in the several Departments of the Government under the twelfth section of the act of March 3, 1847, $166,577.34. Then year by year that was increased until it was fixed by a permanent appropriation, I think, at $800,000. That law was repealed recently, when the franking privilege was abolished, but it is in harmony with the argument of the Senator because it shows that a specific sum was estimated for by the Department each year, varying year by year, in order to pay for the services rendered by the Post-Office Department to other Departments of the Government.

Mr. HAMLIN. It is in harmony with the precise line of argument which I have laid down. This action of Congress was predicated upon the simple idea that there should be an annual appropriation from the Treasury to compensate for the use which the Government makes of the mail. They should pay for its use as the citizen pays, and there should be an annual appropriation.

Mr. SHERMAN. That is, the Government should pay like other people.

Mr. HAMLIN. Like other people. I have already shown that the estimates for the coming year are about $1,200,000 to pay the postage of the Departments.

I was referring to the views of different Postmasters-General. I have given you those of two eminent men, well known by nearly all of us: Judge Collamer and Judge Holt. Let me now present extracts from the reports of other heads of this Department. In the report for 1843 Postmaster-General Wickliffe says:

I concur in the correctness and justice of the position that the Post-Office Department should not be regarded as a source of revenue to the Government; that if its receipts were greater than its expenditures the rates of postage should be reduced, and the annual surplus, if any, should not be carried into the Treasury.

It seems to have been a principle, at the foundation of the mail system of the United States, that the Department should sustain itself by its own income. Of the soundness of this principle I am fully persuaded, and should regard its abandonment as impolitic at any time, particularly at the present moment, when the national income is unequal to the ordinary demands upon it.

In his report for 1844 the same officer said:

For reasons obvious to those who founded the post-office system of the United States, the principle that it must sustain itself by its own operations was ingrafted into the first and has been adhered to in every subsequent act of legislation concerning the Department. While it has ever been required to sustain its own expenses, unlike the system in some other countries, it has not been regarded as a source of revenue to the general Treasury.

* * * * * * *

If the Department is to be continued under the control of the General Government, as it should, I cannot imagine any mode by which its expenses can be met more equitable, more just, than by the collection of as much postage, and no more, upon the matter which passes through the mail as will be equal to the demands of the service.

It is to the fact that the Post-Office Department has been compelled to rely upon its own energies and resources that its great and rapid extension and usefulness are mainly to be attributed.

The head of this Department, feeling his responsibility to the public, would not permit the service to expand without a correspondent increase in its receipts, which would at the same time furnish evidence of extended usefulness. His responsibility to the Government and a just regard for his own reputation would admonish him so to regulate the service that, while it gave the greatest possible benefits to the country, it should produce an amount of revenue equal to its wants.

In the report for 1848, Postmaster-General Cave Johnson said:

Under these circumstances, shall a further reduction of the postages be made? The means which a well-digested cheap mail system affords of a rapid interchange of ideas between different and distant sections of the country, and the consequent increase of knowledge; its influence upon society, but little, if any, less than that of printing; its importance to every interest, social, commercial, and political, would justify the answer that a lower rate of postage should be adopted, if it can be done without a departure from that principle heretofore maintained in the country, that this Department should be sustained from its own resources.

Postmaster-General Aaron V. Brown, of Tennessee, says in his report for 1858:

The Post-Office has of late years been made the instrument of accomplishing many things of great national importance not within its original scope and purpose of merely sending letters and newspapers from one place to another.

* * * * * * *

The exact principle of justice on this whole subject I conceive to be that, in conducting its ordinary business of transmitting correspondence, it should be thrown entirely on its own revenues.

Coming down to a recent period, Postmaster-General Creswell, in his report of 1869, says:

When I accepted at your hands the position of Postmaster-General, I propounded to myself two questions: How can the postal service of the country be made most efficient? and, How can it be relieved from the heavy deficiencies annually charged against it? Knowing it to be your desire that the Department should be restored to a self-sustaining condition as rapidly as a faithful discharge of its duties would permit, I have diligently sought the true answers to the above questions.

I have thus shown an almost unbroken current of opinion and judgment on the part of the distinguished men who have administered that Department that it ought to be self-sustaining.

Mr. THURMAN. If I do not interrupt my friend, before he leaves the question of the Department being self-sustaining, may I ask him whether, if you make the Department self-sustaining, you do not necessarily make the letters pay very much more than their fair proportion?

Mr. HAMLIN. We do that now; and it is a part of the design of the committee to reduce, as I said, the postage on letters to two cents. There is a surplus of between four and five million dollars now from the postage on letters; and I think social and business correspondence is entitled to as much consideration as anything else that can go through the mail.

Mr. MAXEY. I will ask the Senator from Maine to state if the whole of the surplus of between $4,000,000 and $5,000,000, created by the postage on letters, is not consumed by second and third class matter, and many millions besides? I wanted to get at the theory upon which the committee seek to equalize the rates of postage.

Mr. HAMLIN. That is precisely what I propose to do when I come to speak of the bill. I have been stating the object of establishing the Post-Office Department and the general idea upon which it was for half a century and ought now to be conducted. Now I come to the bill we have reported, which is in harmony with the doctrines I have laid down. In discussing this proposition I propose to show what is the existing condition of the Department; and in doing that I will answer both what the Senator from Texas and the Senator from Ohio have alluded to.

Mr. MAXEY. If the Senator will permit me, I wish to ask him whether in response to his inquiries of the Department, and in the investigation of the committee, it was not shown that all laws anterior to the adoption of the Federal Constitution in 1787 had reference to carrying intelligence alone, and if that was not upon investigation shown to have been the law of Great Britain also prior to the adoption of that instrument?

Mr. HAMLIN. That is so; and I think it was very many years before Congress would admit a pamphlet into the mails.

Mr. DAWES. If the Senator will allow me, I think the statement is not absolutely correct; for in 1757 the British government provided for the carrying of samples of merchandise in the mails. It is not absolutely correct, but it is substantially so.

Mr. HAMLIN. I will state the fact precisely as I think the Senator from Massachusetts and myself understand it. At the time of the adoption of the Constitution I have stated the object and have quoted authorities to sustain my position showing the purpose for which the Post-Office Department was created. When we formed our Constitution, and put into it the clause to establish post-routes, we looked to England for the construction of what was meant by the language there used. From the information submitted to the Committee on Post-Offices and Post-Roads, we find that nothing but letters were transmitted through the British mails except packages of merchandise weighing two ounces.

Mr. DAWES. If the Senator will allow me, they were samples; nothing but samples.

Mr. HAMLIN. They were samples and they were designated as samples. There is the authority by which we admitted, as we did in our first law, merchandise under the title of "samples of merchandise," corresponding with what was the practice of the English government.

Mr. SHERMAN. If I do not interrupt my friend, I wish to call his attention to a fact which was entirely unknown to me, and which will be perhaps of some information to him, that up to 1847 each Department and each House of Congress kept an account with the Postmaster-General of its postage, and it was paid out of their contingent fund. Therefore they went on the theory that every branch of the Government should pay its share of postage, each branch keeping its accounts with the Postmaster-General, and as that became rather inconvenient they aggregated it.

Mr. HAMLIN. They aggregated it. That is so. In that way we began. Before we aggregated it and made a general appropriation, I was aware that we had made specific appropriations, recognizing the doctrine by law that the Post-Office Department ought to be self-sustaining, and that each Department should pay for its own use as citizens pay precisely.

Mr. SHERMAN. Each Department to pay for itself.

Mr. HAMLIN. Each Department to pay its appropriate proportion.

Before proceeding to discuss the provisions of the bill before us, I deem it appropriate to allude to the amendment increasing the postage on third-class matter made at the last session of Congress, this being the first and only opportunity when I could appropriately do

so. There has been, I think, great misunderstanding in relation to it. What are the facts in relation to that amendment? I will state them.

On the 18th day of February, 1875, the Postmaster-General communicated to the Senate a letter which I have here, printed, stating the condition of the Department, the vast amount of third-class matter that was being transmitted through the mail, showing that we were not receiving one-half of the net cost to the Government of transmitting it, inviting the attention of the Senate to that condition of things, and recommending "that the rate of postage on merchandise should be doubled; that is, the rate should be one cent for each ounce or fraction thereof, instead of one cent for each two ounces." That letter was referred to the Committee on Post-Offices and Post-Roads. They gave to it a careful consideration. On the 1st day of March the chairman of that committee presented to the Senate and had printed two amendments; first, one reducing the weight of third-class matter transmitted through the mail; the other increasing the postage. There has been a great cry that it was a measure in the interest of express companies. Who says that? The men who are seeking to put their hands into your pockets and into mine and then into the Treasury, and who are asking us to pay for transmitting their mail matter. It was a measure designed wholly, purely, and solely in the relief of your Treasury, to save the people from a taxation that never ought to be imposed upon them. That was the object of the amendments. No member of the Post-Office Committee ever heard any express company. No member of any express company ever approached that committee. With a view of relieving the Treasury and people from an onerous taxation that should never be imposed upon them, the committee considered the subject and obtained such information as was possible from the Department and from contractors carrying the mail, and facts of a very extraordinary character were presented to the committee. Upon some small routes where the mail was carried by a single horse the contractor was compelled to double his force solely to carry merchandise transmitted by mail. On other routes the weight of the mail became so much increased that the contractors were obliged to abandon the service. One most remarkable case was upon the route from San Diego, in California, to Tucson, in Arizona. There merchandise was transmitted by the ton. Large quantities of harnesses were manufactured in Massachusetts and transmitted in four-pound packages through the mail, and many articles of dry goods and groceries packed in the same way were transmitted at the insignificant rate of eight cents a pound from Massachusetts and New York to Arizona. The distance between San Diego and Tucson is about eight hundred miles, and the regular price of transportation by men who hauled it with their teams was sixty cents a pound. Upon this condition of things, presented in a variety of cases, it became evident to the committee that there must be some remedy. If the contractors should be able to continue their service, it was very evident that a large increase of the compensation would necessarily have to be made on renewal of their contracts. It could not be otherwise. The two amendments were therefore presented to the Senate to partially remedy this evil.

I may add here that information communicated to the committee during the present session of Congress shows that merchandise is still transmitted over various routes in quantities oppressive to the contractors and contrary to what it was supposed the law would impose. The Postmaster-General has been obliged to authorize the contractors upon some routes to leave quantities of merchandise to enable them to forward the letter and newspaper mail. Within a very few days past the contractor upon the route from San Diego to Tucson informed your committee that on a single day one hundred and sixty-five packages of merchandise of four pounds each were delivered to him for transportation upon said route.

I did not happen to be in committee on the day that the amendments were agreed to, and why? God never made a man who could be in two places at one and the same time. I was in the Committee on Foreign Relations doing my duty as well as I could. I was not with the Committee on Post-Offices and Post-Roads. The two amendments were prepared and laid upon the tables of Senators; first to reduce the weight of these packages, and, that failing, to increase the rates. The then Senator from Minnesota, the chairman of the committee, (Mr. Ramsey,) offered the first amendment. The Senate refused to adopt it. Then my friend from Arkansas [Mr. DORSEY] came to my seat and said to me, "Mr. HAMLIN, will not you offer the other amendment; it will show a little more interest on the part of the committee if the amendments come from different members?" I declined. Senator Ramsey had offered the first amendment as chairman of our committee, and I thought it would be uncourteous for me to offer it, and said so to my friend DORSEY. He went from my seat to the Senator from Minnesota and immediately returned to me, and stated that it would be highly gratifying to the Senator from Minnesota if I would offer the amendment. I said that if that was the case, concurring in the amendment, as I understood it related only to merchandise, I would offer it. I went to the Senator from Minnesota and he said it would be agreeable to him if I would do so. I said, "Very well; I will offer it." Now, I committed one error. I did not turn to the statute to see what was embraced in the third class. I did not think it increased the rates on transient newspapers and magazines; and they came so near the object of the Department for promulgating intelligence that I would not have included them in that amendment if I had so understood it. But I offered the amendment and it was adopted. That is the whole history of that amendment about which so much has been said. There was no catch upon the Senate. It was before the body for weeks. Everybody could understand it. Its object was to relieve the Post-Office Department from embarrassment and to increase its revenues.

Before considering the subject-matter of this bill, by direction of the Post-Office Committee I addressed a letter to the Postmaster-General, as follows:

UNITED STATES SENATE CHAMBER,
Washington, January 24, 1876.

DEAR SIR: I am directed by the Committee on Post-Offices and Post-Roads to request that you will furnish the committee with such information as you may be able to give in response to the following interrogatories:

What are the relative proportions of the different classes of mail matter?

What revenue is derived from each class of mail matter?

What proportion of the expenses of the Department is justly chargeable to each class of mail matter?

What proportion of these expenses are chargeable to transportation?

What comparison is there between the revenue derived from and the expenses chargeable to each class of mail matter?

What proportion do the different articles of third-class mail matter bear to each other, distinction being made between transient printed matter and other articles of third-class mail, such as come under the head of merchandise or express packages?

Give the revenues and expenses of the Department for each year, with the amount of the deficiency or surplus.

Give the rates of postage that have obtained in the past years.

The answers to these questions should be as much in detail as the information of the Department will permit.

Respectfully yours,

H. HAMLIN,
Chairman of Committee.

Hon. MARSHALL JEWELL,
Postmaster-General.

In response to that communication the following reply was submitted:

During four weeks in December, 1874, a detailed statement was made of all classes of mail matter originating in fifty of the largest offices in the United States. This was followed in January, 1875, by a similar statement from two hundred and nine large offices.

These statements are the only reliable information that the Department has upon the relative proportions of the different classes of mail.

From these statements a table was compiled by the general superintendent of railway mail service, which is herewith submitted:

Tabular statement of the cost, revenues, and comparative profit and loss of carrying the different classes of mail matter for the period of one year.

Class of mail matter.	Total number of pieces of mail matter of each class originating in the United States.	Percentage of each class to the total of all classes.	Total weight of each class of mail matter originating in the United States.	Percentage of each class to the total of all classes.	Number of pieces of each class of mail matter to each pound.	Revenue from each class of mail matter in the United States.	Percentage of the revenue from each class to the revenue from all classes.	Revenue from each piece of mail matter.	Revenue from each pound of mail matter.	Cost of transportation, handling, &c., of each class of mail matter.	Percentage of cost of each class to the whole cost.	Cost of each piece.	Cost of each pound.	Total profit or loss on each class.	Profit on each piece.	Profit on each pound.	Loss on each piece.	Loss on each pound.
	Pieces.		*Pounds.*		*Pieces*			*Cts.*				*Cts.*		*Profit.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
1st class..	629, 185, 386	61. 5	13, 502, 762	12. 1	46. 6	$19, 597, 204 90	77. 6	3. 11	$1 45	$15, 384, 614 20	47. 7	2. 445	$1 13. 937	$4, 212, 390 70	.665	31. 063	....	.....
2d class..	155, 399, 019	15. 2	55, 783, 832	50	2. 785	976, 217 06	3. 9	0. 628	1 75	7, 969, 240 97	24. 7	5. 128	14. 28	*Loss.* 6, 993, 023 91	....	.....	4. 5	12 53
3d class..	237, 081, 046	23. 3	42, 351, 308	37. 9	5. 59	4, 658, 643 88	18. 5	1. 96	11	8, 772, 559 41	27. 6	3. 7	20. 7	4, 113, 915 53	...	.....	1. 74	9. 7
Total..	1, 021, 665, 451	.....	111, 637, 902	.....	....	25, 213, 865 84	.....	.....	.....	32, 126, 414 58	.....	.....	.....	.....	...	...	....	.....

It is not claimed that this table is exactly accurate in all its figures. It is, however, as nearly so as it is possible to make it, and the comparisons as to the different classes of mail matter are doubtless very nearly absolutely correct. This is clearly shown by the following facts:

The information upon which the table is based was gathered from 258 fairly representative post-offices, from which about 50 per cent. of the entire revenue of the Post-Office Department is collected. The estimates from these actual examinations, compared with the actual facts so far as reported by the proper Bureaus of the Department, are found to be approximately correct. Thus: the total number of pieces of first and third class matter is shown by the table to have been 866,266,432, while by the official report the number of stamps, stamped envelopes, and postal cards issued for the same period was 905,451,305, leaving 39,184,873 pieces for packages upon which more than one stamp was used, which is believed to be about in accordance with the actual fact. The figures as to the weight of the matter are based upon actual weighing, and are almost exactly correct.

For the figures showing the comparative cost and revenue of the different kinds of matter long and searching examinations were made; and the deductions therefrom for the year, being compared with official reports so far as they exist, were found to be correct. The table, therefore, forms a proper and just basis for any deductions that may be made therefrom.

This table shows that the first-class mail matter consists of letters only, and that there was 629,185,386 letters transmitted through the mail for the year. Those letters weighed in round numbers (the table will show the exact figures) thirteen million pounds, and they constituted of the weight of the whole mail but 12.1 per cent. The revenues received from those letters were nineteen and one-half million dollars. The expense of transmitting, delivering, and everything connected with delivering these letters was $15,384,000, yielding a surplus revenue to the Government of $4,212,309.70. The fact is presented to us, first, that all the letters transmitted through the mail composed only 12 per cent. of its weight; that they paid 70 per cent. of all the revenue of the Department.

I pause here, Mr. President, to ask Senators why is it that social and business correspondence is not entitled to as high a consideration as any other matter that goes through the mails? I pause again to ask if we shall not exclude even other matter if it is to be a tax upon social and business correspondence?

I come next, then, to the second class, which is composed exclusively of newspapers and periodicals sent from the office of publication to the subscribers. It has been the policy of the Government—and I hold it to be a wise policy—to maintain and afford all the facilities for as cheap a transmission of newspapers through the mails as is possible and consistent with the just rights of all others. Newspapers were admitted into the mails, I think, up to 1851, at one cent within the State for every weekly publication and one and a half cents without. In 1851 and 1852 those rates were changed. Mark, again, the point I make. Those rates were reduced 66 per cent. Between 1851 and two years ago, 1874, the rates fluctuated, but were not materially changed. In 1874 we again reduced the postage on newspapers to two cents a pound, and on periodicals to three cents a pound, to actual subscribers; this was a reduction of 50 per cent., and allowed transient newspapers to go through the mails at a rate of one cent for two ounces, while the Postmaster-General tells you that it costs fourteen and a quarter cents to carry every pound of them, taking the long and the short distances together. What are the facts in relation to that class of mail matter? We find that there were over 155,000,000 newspapers and packages of newspapers carried, weighing 55,000,000 pounds, 50 per cent. of the whole weight of the mail carried, yielding a revenue of $976,000, while it cost the Government $7,969,000 to do the service, leaving a deficit of $6,993,000. In other words, while reducing your postage 66 per cent. in 1851 and 1852 and 50 per cent. two years ago, we are now called upon to contribute $7,000,000, as what? Plain, naked subsidy, and nothing else. You cannot make anything else out of it.

Mr. MORRILL, of Maine. Will my colleague allow me to ask him a question? Do I understand that that applies to newspapers and periodicals issued from the office and going into the mails from the press?

Mr. HAMLIN. I mean precisely those periodicals and newspapers that go from the office of publication to the subscriber directly. I have no controversy with the newspapers, and I approve of every proper criticism, but trust I am indifferent to that criticism which is improper and unjust. If we have not got a school of disinterested, benevolent philosophers here the world has never produced them and will never produce them. I want to make one comment upon the consistency of the newspaper press in relation to his body. I voted to abolish the franking privilege, and I did so consistently for years, because I wanted to get rid of it; but I think, and Senators will say whether I am right or wrong, that that result was produced by the clamor of the public press. With what consistency does that public press array you, Senators, for transmitting replies to communications received by you from your constituents, and which are as much official as communications received or replied to by the several Departments? They say "$7,000,000 to subsidize us, but not one mill to let a member of Congress transmit official communications between himself and his constituents." I have heard something said about consistency being a jewel; and what a jewel it is!

Mr. President, we have had the newspaper men before the committee; we have had the book men before us; we have had the publishers before us; we have had the card and envelope men before us. We have had the attorney of the express companies and who sought to exclude all merchandise from the mail. Your committee, shortcoming as it may be, have sought lights from every source possible. We have had them all there, but we have seen nothing so striking in transcendent benevolence as that which marks the newspaper press, that says, "Subsidize us at the expense of $7,000,000, but do not let a Senator send a communication officially between him and his correspondents." If the Senate shall adopt the views of your committee, if they shall join with us, there are other measures to follow this in the line of reform and in the line of retrenchment. I hail this as a common cause upon which we can all unite unaffected by partisanship. It is a common question in which we have a common interest, and in which your Post-Office Committee come before you as a unit.

We want to reform your Post-Office Department by reducing its tariff of compensation to some of its employés. A report was required of the Department, and they have made it to the House committee, and it has not reached us. We are ready to act when it comes. We want to reform the Department by providing against that sum which we are paying annually in excess of the cost by distributing stamped envelopes for letters and newspaper-wrappers. We want to reform the Department in every possible way; and I have thought that if we can have the candid judgment of the Senate, free from all influence from outside clamor that has mainly self-interest in it, we will reform that Department, we will put it in a condition which shall make it self-sustaining, and enable the citizen to transmit his private communication to the utmost confines of the Republic for two cents.

I come, then, to the third-class matter with which we are dealing. The table shows 237,000,000 pieces, weighing 42,000,000 pounds, being 38 per cent. of the weight of the whole mail, yielding a revenue of $4,658,000, and carried at a cost to the Government of $8,772,000; leaving a deficiency of $4,113,000 at the rate of one cent for two ounces. This, Senators will bear in mind, is composed of matter which has been admitted only as a favor and convenience, and there is a deficiency of more than $4,000,000, to pay which you must absorb the surplus derived from business and social correspondence or take it from the Treasury. This bill is designed to provide a remedy, and if adopted, then third-class matter will be sure to pay its own expenses. Shall this be done? What do equity and justice require? If you fix the rate at one cent per ounce uniform all over the country, there will still be a deficiency very near $2,000,000. Therefore it has been that your committee, and I think on the suggestion of my friend from Texas, [Mr. MAXEY,] agreed on two rates in the bill.

I ought to be a little more analytical. The first section states what shall be third-class matter, and provides that it shall pay at the rate of one cent per ounce postage for one thousand miles and two cents above. One cent per ounce will not cover the cost.

Now, there is a very severe criticism all over the country in relation to different rates. The world is coming to an end; nobody can tell where the thousand-mile line will be! Mr. President, the opposition on this point reminds me of the individual who on returning to his home solemnly affirmed that if his dinner was nicely cooked he would not eat it, and if it was not cooked he would give his wife a severe scolding. If we had fixed a uniform rate of one cent and a half, although it is objectionable to have a fractional part of a cent, the howl would have been, "Are you going to charge for transporting merchandise from one town to another, simply across a bridge, a cent and a half an ounce? It is outrageous!" Would a man making such a complaint ever allude to the fact that the same rate would allow him to transport it from my State to the State of California? No, not he. The complaint would continue to be made that you had fixed a rate that would not allow him to transmit it reasonably within a short distance.

I agreed with the committee. If I could have had my own way I should have had one more scale of three hundred miles within which I would have the rate half a cent an ounce, because the Government can do it for that; it is most desirable I know to have one rate; it is more desirable to have two rather than three. As a matter of convenience and as a matter of accommodation, and inasmuch as the Government could do the service within three hundred miles, I would have fixed that rate for that distance; but the committee thought otherwise, on careful consideration, and fixed two rates.

Now mark the criticism. I answer it here because it is all over the land, some of it unjust, some of it ungenerous. First, different rates are recommended, as you will have seen, by the Postmaster-General in the extract from his letter which I have already read. Second, up to 1851 we had five rates on letters and various rates and qualifications on newspapers, and there was not that woful degree of ignorance in our postmasters that would not enable them to execute that law; it was executed. And, what is a peculiar fact as applied to this matter which I denominate merchandise, that when you admitted into the mail in 1861——

Mr. MORRILL, of Maine. Will my colleague allow me to ask him a question? I do not know that I understand the point precisely. Is it that formerly rates were graduated on distance?

Mr. HAMLIN. Certainly. My colleague knows it as well as I do. I am not so much older than my colleague that he will not well recollect. He remembers as well as I do when he paid postage on his letters at five rates, according to distance; and that they were five, ten, twelve and a half, eighteen, and twenty-five cents. These men are now finding a good deal of fault because we propose two rates, according to distance. I find on turning to the statute that when you admitted merchandise into your mail you made rates for two dis-

tances—charging for fifteen hundred miles one cent, and above fifteen hundred miles two cents.

Mr. DAVIS. Will my friend allow me to ask him whether the rates he speaks of were for distances on all mailable matter, or only on letters?

Mr. HAMLIN. At that day we had not made such progress in the march of improvement as to admit all this stuff into the mail; there were different rates for newspapers, for letters, for everything that went into the mail, and when you put merchandise into the mail you provided in terms that it should pay for the first fifteen hundred miles one cent and above that two cents. Our amendment differs only that we fix the rate of one cent for one thousand miles and over that at two cents. That is all.

Mr. BOGY. Will the Senator permit me to ask him a question? He has not read the receipts and expenditures of the third class.

Mr. HAMLIN. Yes, sir, I have. I will read them again if the Senator wishes.

Mr. BOGY. Perhaps my attention was called off at the time.

Mr. HAMLIN. The receipts were $4,658,000; the expenditures $8,772,000, or, to speak practically, about one to two, leaving the deficiency over $4,000,000.

Mr. MITCHELL. The purpose of this bill being to graduate postage on third-class matter according to distance, why, if the principle be correct, should we not return to the old system of making the postage on letters depend on the distance?

Mr. HAMLIN. I answer the Senator; you make a uniform rate on letter postage of three cents for each half ounce or fraction thereof. The weight is so small that it does not constitute an element in the cost of transportation. You may therefore transport a letter across the continent for three cents; but when you make a uniform rate for packages of four pounds, the weight does become an element of cost; for in the compensation for transporting the mail $9,000,000 out of $15,000,000 is based entirely upon weight, and on the remainder weight is an essential element of the cost. If you were to exclude all the third-class matter there would be probably a reduction in the expenses of the Department equivalent to all the revenue received from that class of mail matter. But, besides that, there is the element of weight that enters into the transportation of the mail off the railroads. The man who transports it in his coach by horses estimates about what he is to take over the route and makes it an element. It adds to the handling; it adds to the official expense; for you will find in comparing the official expenses of the Department from 1851, when all this matter went into the mail at low rates, that all the branches of expense have run up *pari passu* with the increase of your mail, showing that every article you put in the mail calls for additional aid, labor, clerks, and transportation.

In transporting letters you may have a uniform rate. But what would my friend from Oregon do to-day as a business man?—and I am disposed to adopt the suggestion of the Postmaster-General, that the Post-Office Department ought to be conducted on business principles. What would my friend tell me? Can you carry four pounds two thousand miles as cheaply as you can one hundred? He will naturally tell me he cannot. I was for making more grades and more rates; but I agreed with my committee, because this was their judgment, and I am going to stand by such a good committee. I will not agree to change it. The reason why we adopted a scale of rates upon merchandise, and not upon letters, is because weight is that element which demands it in the one case, and does not in the other.

Mr. MITCHELL. The question is whether we ought not to apply a rule that would enable my friend from Maine to transact all his business, whether it has reference to letters or to first-class mail matter, for a certain rate that will operate differently on me because I happen to live at a distance remote from the persons with whom I am brought in contact in a different way.

Mr. HAMLIN. I answer again that the difference is so inappreciable that the Senator from Oregon must be a vastly better mathematician than I am to discover the fraction of it.

I want to state here that the fractional parts of letters for which the Government gets full pay enables it to collect $1.46 per pound for every pound of letters that it transports, while if every letter was of just full weight it would receive only ninety-six cents a pound. We therefore receive $1.46 a pound for transporting our letters through the mail.

Mr. BOGY. Will the Senator permit me to ask him a question? There are now three classes, first, second, and third. The third class embraces many matters that are not—I will use the word—homogeneous, pamphlets, publications, and many other printed matters which are put in with roots and scions and merchandise of every description. Now, suppose we keep in the third-class printed matter pamphlets, newspapers, &c., and make a fourth class, and put that class as far as possible at a self-sustaining rate, would not that be the way to obviate this great difficulty and relieve printed matter, which is called intelligence or information, from the burden of carrying merchandise?

Mr. HAMLIN. My answer to the Senator is that nothing enumerated in the third class is that kind of intelligence which was designed to go into the mail by its founders. It is knowledge, I grant; but it is not current intelligence or current news. They come within the category of merchandise. At most, all that can be said is that when you make an examination of each article named as third-class matter there may be a little difference of degree; but I will state to the Senator from Missouri that the best reason in the world requires that it should be there, because it imposes a tax on the Government to do a service for which it ought to be paid, and it cannot be done at any rate lower than that named in the bill.

Mr. DAWES. As the Senator has been interrupted, I hope he will permit me to suggest that there is another reason. There is no fractional currency so small as to make payment in it for each one of these pamphlets or transient newspapers at any less rate. To require any currency that we issue would make them pay a great deal more than they now do in this class.

Mr. MAXEY. I will ask the Senator from Maine, the chairman of the Committee on Post-Offices and Post-Roads, to state, as there seems to be some misunderstanding, that the two rates for distance have no application whatever to first and second class matter, which is properly intelligence, but apply alone to the third-class matter, which is common-carrying business, and is regulated by the Post-Office Committee, on the idea that the rules of common carriers should govern that.

Mr. HAMLIN. The Senator from Texas is perfectly right, and I thought I had just stated to the Senator from Oregon precisely that fact.

Mr. MITCHELL. I understand it only applies to third-class matter.

Mr. HAMLIN. Mr. President, perhaps I have detained the Senate longer than I ought; and yet there is one other consideration to which I wish to invite attention. Our mail is transported to-day over 70,000 miles of railroad routes; by post-coaches, single-horse wagons, and on horseback, 192,000 miles; and 15,000 miles by steamboat. If we had a postal service running all over the country by railroad, we could do this service; but such burdens as those imposed by the transportation of third-class matter cannot be performed by wagon or coach service, much less by horseback; nor can it be performed in any way at rates less than those named in this bill.

If there were nothing but railroads transporting this matter, and they run all over the country, weight would not be so important an element; but we must protect ourselves and the service. And here I want to say that it is the frontier settlements, it is the new States that are more interested in this question than the old. They have got their mail service; nobody designs to take it from them; but when you make the Post-Office Department a tax upon our Government, you must look for a curtailment of your service in the Postal Department, though that service may have been originated in the legitimate line and object of the Department.

Mr. President, I may be a little sensitive in this matter. I was an early pioneer in the doctrine of cheap postage; I am for it now; but I do not want a class of men to come in and crowd out the social correspondence of this country from the mail or make it tributary to the service which they receive. I aided in making third-class matter mailable; I am for keeping it there if it will pay the simple expense. It may be said the expense is more than it ought to be. I have no controversy upon that point. I wish it could be less. I know what the actual cost is; and, knowing that, I ask that it shall contribute to the revenues of the Department a just and adequate sum for the service which it receives.

If the Senate shall agree with the committee upon this subject, they will propose other remedial measures which I hope will enable us to arrive at the result which I have named. Individually I have no thought or care upon this question beyond that which attaches to me as a Senator. It is one of great and grave importance. If we will meet it as becomes us, with that intelligence which ought to belong to this body and with that manly firmness which ought to mark our course, I can see the day when we shall bring the Post-Office Department back to what our fathers intended it should be, to what it ought to be in principle, having a just regard to the rights of all. It is a matter which we commit to the consideration of your judgment, Senators.

We propose to abolish the governmental stamps, which give forty thousand office-holders a right to their use, under which all the abuses that ever existed under the old sytem of congressional franking sink into utter insignificance.

I repeat again, Mr. President, that perhaps I have occupied your time too long, and I now commit the bill to your good judgment.

Mr. SARGENT. I did not hear the whole of the Senator's interesting speech, but I heard much of it, and in the portion which I heard I did not understand him to state the amount of additional revenue which would be produced by the operation of this bill if it should become a law; how much of the gulf it would fill up; how much of the $8,000,000 deficiency it would prevent.

Mr. HAMLIN. That is a question which cannot be answered with certainty, because we do not know how much of the matter that would go in the mail at half rates will not go if full-paying rates are established. But I will say that, taking the letter of the Postmaster-General, who has gone into a detailed scaling of the price of carrying it various distances, I think these rates will pay; for whatever does go in the mail we shall get full rates. Less matter will go and we may have less revenue, but we shall have less to pay for transportation. But I will say, as a matter of opinion, that I believe when they find we are not to be driven to let all merchandise pass through

the mails at half what it costs it will be used by everybody, and the amount to go will be much larger and the amount of revenue will be much larger.

Mr. SARGENT. I think it is a fair observation that even if we pass this bill we still leave the great cause of deficiency untouched; that is, the enormous cost of transporting the newspaper mail.

Mr. HAMLIN. That is one of the subjects which, if the Senate are disposed to adopt the ideas of the committee, we may present.

Mr. MERRIMON. I have heard most of the Senator's speech, and have been very much interested in and profited by it. I beg to ask him one question before he takes his seat, though I am sure he must be fatigued: Was there any special reason which moved Congress to admit merchandise into the mail at all; and, if there was, is there any reason why we should not carry through the mail six pounds or ten pounds or twenty pounds as well as four?

Mr. HAMLIN. I think the original reason for admitting merchandise in the mail was that of convenience. I never heard any other argument, and when it went into the mail, as I have already stated, it went in with the limit of twelve-ounce packages, at one cent an ounce. Now the deficiency has arisen by heavy packages at low rates. My friend from North Carolina may carry a given amount upon his shoulders and go off straight with it; but he cannot carry double as much. We may carry merchandise to a limited extent in weight in the mail, but we cannot carry all articles of merchandise. We cannot carry a hogshead of molasses very conveniently by mail. Therefore the limitation at first was twelve ounces. It was increased to four pounds and the rates reduced. But why were the rates reduced? Mainly upon the same argument that we reduced them on newspapers. We secured prepayment. Before that time prepayment had not been made compulsory; but when we changed the weight from twelve ounces to four pounds we provided for prepayment; precisely the argument made when we changed the postage on newspapers from the subscriber to the publisher and reduced the rate one-half on the allegation that we should get twice as much revenue, while the fact shows that we do not get as much.

Now, Mr. President, I leave the question for the consideration of the Senate.

Mr. HARVEY. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MENOMONEE RESERVATION, WISCONSIN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior in relation to the proposed legislation to authorize the sale of pine logs on the Menomonee reservation, in Wisconsin; which was referred to the Committee on Public Lands.

CHEROKEE INDIAN LANDS IN NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs on the subject of taxes on lands belonging to the Cherokee Indians in North Carolina; which was referred to the Committee on Public Lands.

MONEY PAID TO NEWSPAPER WRITERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to House resolution of the 3d instant, asking for a statement of moneys paid to newspaper writers and others in the matter of whisky frauds in Saint Louis, Milwaukee, &c.; which was referred to the Select Committee on the Saint Louis Whisky Frauds, &c.

ORDER OF BUSINESS.

The SPEAKER. The Chair inquires whether there is objection to the presentation now of bills on the Speaker's table for appropriate reference?

There was no objection.

BANKRUPTCY.

The bill (S. No. 332) to amend and supplement an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

SALARY OF PRESIDENT OF THE UNITED STATES.

The bill (S. No. 172) fixing the salary of the President of the United States was taken from the Speaker's table, and read a first and second time.

The SPEAKER. If there be no objection, this bill will be referred to the Committee on Appropriations.

Mr. RANDALL. Let us pass that now.

Mr. HOLMAN. I hope this bill will be put on its passage at once.

Mr. HURLBUT. Let it go to the Committee on Appropriations.

Mr. RUSK. The committee can report it back at any time.

The SPEAKER. The bill cannot be put on its passage now except by unanimous consent.

Mr. HURLBUT. Let it go to the Committee on Appropriations.

Mr. RANDALL. With leave to report at any time.

Mr. HURLBUT. The committee has that leave now.

Mr. HOLMAN. The bill might as well be acted on at this time. I hope there will be no objection.

The SPEAKER. Is there objection to taking up the bill for consideration now?

Mr. HURLBUT. I object. I have no objection to its being referred to the Committee on Appropriations with leave to report whenever they choose.

The SPEAKER. The bill will be referred to the Committee on Appropriations.

Mr. RANDALL. With leave to report at any time.

The SPEAKER. The committee has that right at any rate.

Mr. RANDALL. Not as to a bill of this nature.

The SPEAKER. If there be no objection, the bill will be referred to the Committee on Appropriations, with leave to report at any time.

There was no objection.

CHAPTER 166, LAWS OF SECOND SESSION FORTY-THIRD CONGRESS.

The bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

HARVEY LULL.

The bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge was taken from the Speaker's table, read a first and second time, and referred to the Committee on Patents.

SPENCER F. BAIRD.

The bill (S. No. 598) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the royal Norwegian order of St. Olaf, the same being a literary and scientific order, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs.

CAPITOL AND NORTH O STREET RAILROAD.

The bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

BUILDING LAWS FOR THE DISTRICT.

Mr. STEVENSON, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia:

Resolved, That the Committee for the District of Columbia be directed to inquire whether the building laws and regulations for the District of Columbia have been violated; whether any part of the avenues or streets of Washington have been appropriated to private use, and, if so, by whom and to what extent; and whether in the erection of dwellings or other houses in blocks or separately the laws and regulations to protect life and property have been observed; with power to send for persons and papers, employ an expert, and report at any time.

JAIL ACCOMMODATIONS FOR THE DISTRICT.

Mr. STEVENSON also, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia:

Resolved, That the Committees for the District of Columbia of the Senate and House of Representatives be, and they are hereby, directed to inquire what additional jail accommodations are required and should be erected for the use of the District, and to make a joint report in respect to the same.

TREASURY EXPENDITURES FOR FUEL, LIGHT, ETC.

Mr. RANDALL, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of the Treasury is hereby requested to furnish to this House an itemized account of the amount expended under the item of $300,000 appropriated by the act of March 3, 1875, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," for fuel, light, water, and miscellaneous items, for buildings under the Treasury Department, together with a statement of the quantity of each article used and price paid therefor respectively, and whether said articles were purchased by contract or in open market.

Mr. O'NEILL. I should like to ask the chairman of the Committee on Appropriations a question as to the form of this resolution. I hope the resolution will be answered in detail in reference to each post-office in the principal cities of the country as to the expense of each—that is, a detailed statement in reference to the New York, Boston, Philadelphia, and other principal post-offices. And while I ask that question, if he will permit me, I will state that in Philadelphia business men and merchants tendered to the postmaster of that city payment of the expense of keeping that post-office lighted during the night and during the day when needed. The very intelli-

gent, active, and energetic postmaster of that city, Mr. Fairman, telegraphed at once to the Secretary of the Treasury to know whether he should accept that proposition. Of course the Secretary could not give him the liberty to accept that offer, but told him to act on his own responsibility. Intelligent, prompt, and active as Postmaster Fairman always is, in reply to the merchants he informed them the Secretary of the Treasury advised him that he must act on his own responsibility; and he did take the responsibility, as he always does in every proper way in discharge of the duties of his office to meet the convenience and wants of the commercial city of Philadelphia.

I hope the chairman of the Committee on Appropriations will insist that the expense of lighting and heating each one of these offices in New York, Philadelphia, Boston, and other large cities shall be enumerated in detail when the Secretary comes to reply to this resolution.

Mr. RANDALL. What is the gentleman's question?

Mr. O'NEILL. I hope he will do that so we may see how economically and efficiently the post-office of the city of Philadelphia is carried on, and that, too, while the postmaster there receives much less compensation than the postmaster of the city of New York, the latter receiving $8,000 a year while the postmaster at Philadelphia receives only $4,000. My question is, when will the appropriation be made available, as every day is important?

Mr. RANDALL. It is needless for me to say to my colleague that I am prepared to indorse all he may say in behalf of the efficiency of the postmaster of the city of Philadelphia.

Mr. O'NEILL. Of course I know it, and every one cognizant of the facts must indorse the prompt and energetic conduct of the postmaster of the city of Philadelphia.

Mr. RANDALL. I wish to say on this subject that $300,000 was appropriated for these objects at the last session of Congress, and that was all the money estimated for by the Treasury Department. It comes now to be seen that in nine months the Department has expended for this purpose the entire amount, and requires, in order to carry them through the year, 25 per cent. more than was estimated for.

The object of the resolution is to know how this money has been expended; whether this fuel has been purchased in open market, or by contract as it should be; whether gas companies have been contracted with as private individuals sometimes do contract with them; and whether the water is paid for by the year, as water taxes in the principal cities generally are.

The committee on yesterday made this appropriation under a sort of duress, without full information, and without knowing certainly or not it was necessary in view of the manner in which the appropriation heretofore has been expended. We did not know whether this $300,000, which was all that was estimated for by the Department, had been expended properly or not.

By some contrivance this matter had been carried under the control of the Supervising Architect of the Treasury Department, and I am anxious to know—and I offer this resolution on my own responsibility—exactly how this $300,000 has been expended. Gas bills are usually paid by the month, and water bills by the year, and I cannot bring myself to believe but there is plenty of fuel in every one of the cellars of these public buildings to keep them warm.

The purpose of the committee was to insert this in the general deficiency bill, which we will be ready to report to the House to-morrow. There was no occasion to make a deficiency bill especially for this, any more than for the payment of witnesses. We propose to bring in the deficiencies in one general bill, as heretofore has been the custom.

Mr. O'NEILL. I will ask the chairman of the committee another question, if he will permit me.

Mr. RANDALL. Certainly.

Mr. O'NEILL. I presume the House would allow the gentleman to offer a deficiency bill to accomplish the purpose desired in reference to these large post-offices and custom-houses in the principal cities of the country. Would it not therefore be well for him now to move an appropriation sufficient to meet this deficiency? Because one day's stoppage of the mails, the cessation of one night's work in the large post-offices, will lead to the greatest inconvenience and disadvantage to the people of the whole country. I know from letters received by me this morning that even the threatened interruption of the business in the Philadelphia post-office has been the cause of the greatest alarm among those having extended business operations.

Mr. RANDALL. I regret very much my colleague is in such a fright about this matter. I do not apprehend any danger myself.

Mr. O'NEILL. I do not think my colleague ever does think of danger. I do not charge him with it.

Mr. RANDALL. I think by to-morrow we will have everything ready. The bill is really ready now, and only awaits transcribing. It is composed of a few items, and can be passed promptly. In the meantime I think gas and water will be furnished by somebody.

Mr. O'NEILL. Knowing the public spirit and readiness of Philadelphia business men, of course he knows that the Philadelphia post-office will not suffer either for gas or water.

Mr. RANDALL. That was very clever on their part. It was part of the "hurrah boy."

Mr. O'NEILL. It was not part of the "hurrah boy," but a part of the activity and energy of the business people of Philadelphia in behalf of every matter affecting the interest of the Government in their locality and elsewhere.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HURLBUT. I demand the regular order of business.

The SPEAKER. The regular order of business is demanded, and the morning hour now begins at twenty-five minutes to one o'clock. The call of committees for reports of a public nature is now in order, the call resting with the Committee of Elections.

There were no reports from the Committee of Elections.

RECEIVERS OF NATIONAL BANKS.

Mr. COX. I am authorized by the Committee on Banking and Currency to report back the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes. This bill was recommitted to the committee and is now reported back with amendments. There are some merely verbal, and one is to strike out a section. I ask that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That whenever any national-banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section 5239 of the Revised Statutes of the United States, or whenever any creditor of any national-banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national-banking association, he may, after due examination of its affairs, in either case, appoint a receiver, who shall proceed to close up such association and enforce the personal liability of the shareholders, as provided in section 5234 of said statutes.

SEC. 2. That when any national-banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditors' bill, brought by such creditor, on his own behalf, or on behalf of himself and other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district within which any of the shareholders may reside or be found, or in which such association may have been located or established.

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of said statutes, and when, as provided in section 5236 thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating-notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote; and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and released from any and all liabilities to such association and to each and all of the creditors and shareholders thereof; and such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on. Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares, may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands. In selecting an agent as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians may so act and sign for their ward or wards.

SEC. 4. That the Comptroller may, if in his judgment the interests of creditors or of shareholders of national banks which are in the hands of receivers will be promoted thereby, invest the money of such associations which may be on deposit with the Treasurer of the United States, subject to the order of the Comptroller, in interest-bearing bonds of the United States, which may be subsequently sold by him, and the interest accruing on such bonds, together with the principal thereof, be distributed among the creditors and shareholders, with the avails of the other assets, as prescribed by law.

SEC. 5. That the last clause of section 5205 of said statutes is hereby amended by adding to the said section the following proviso:

"*And provided*, That if any shareholder or shareholders of such bank shall refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank and by publishing such notice in a newspaper of the city or town in which the bank is located or in a newspaper published nearest thereto) to make good the deficiency, and the balance, if any, returned to such delinquent shareholder or shareholders."

SEC. 6. That no association shall be liable beyond its common-law liability for the exercise of ordinary care to make good any deficiency, loss, or damage which may hereafter arise in any special deposit made with such bank for safe-keeping, unless a receipt shall have been given by such bank to the owner or person making such deposit specifying a different degree of care or liability.

SEC. 7. That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes

issued in the form of, and intended to circulate as, money which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

SEC. 8. That all savings-banks or sayings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish all the reports which national-banking associations are required to make and publish under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before any court of the United States in the district in which said banking company may be located. And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia under any act of Congress which shall have capital stock paid up in whole or in part shall be subject to all the provisions of the Revised Statutes and of all acts of Congress applicable to national-banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That such banks shall not be required to have a paid-in capital exceeding $100,000.

SEC. 9. That so much of section 553, Revised Statutes of the United States, relating to the District of Columbia, as authorizes the organization of savings-banks within said District, be, and the same is hereby, repealed.

The amendments were read, as follows:

In section 5, line 14, after "any" insert the words "shall be;" so that it will read: "to make good the deficiency, and the balance, if any shall be returned to such delinquent shareholder or shareholders."

Strike out section 6.

In section 8, line 12, after the word "said" insert the words "savings-banks or savings and trust companies" and strike out the words "banking company;" so that it will read "which penalties may be collected by suit before any court of the United States in the district in which said savings-banks or savings and trust companies may be located."

Mr. COX. This bill, reported unanimously by the Committee on Banking and Currency, was originally framed by the Comptroller of the Currency and sent to our committee. We had several conferences with the Comptroller in relation to it, and occupied several sessions of the committee in the endeavor to perfect it in accordance with what we supposed to be the practice under our national-banking system.

The committee, with the consent and approbation of the Comptroller, struck out the sixth section, or report as an amendment that that section be stricken out. It provides that no association shall be liable beyond its common-law liability for the exercise of ordinary care to make good any deficiency or loss on special deposits. The reason why we struck that out was that in nearly all, or I may say in all the decisions of cases referring to special deposits the courts have held that such deposits were not within the banking law; in other words, as the courts say, they were *ultra vires;* and a strict construction of the banking law settled all those litigations in reference to that matter, so that men who are suitors in reference to special deposits have their remedy at law, and must pursue it in the courts, without any further amendment of the banking law as at present existing.

The object of this bill is not to aggrandize the national-banking system in any respect. In its first section, however, it does give the Comptroller some power to appoint receivers, which he has not now, and that power is in the interest of liquidation, in the interest of closing up insolvent banks. I have a communication from the Comptroller, giving specific cases wherein he cannot now exercise that power by reason of the existing law. He asks for this amendment of the law in order that when banks do go into liquidation they may be honestly and speedily closed in the interest of the public as well as of the shareholder and the stockholders. In the second section——

Mr. CONGER. Before the chairman of the committee leaves the first section of the bill, I desire him to explain one point in connection with it. I wish to ask him whether the provision that a creditor may institute proceedings in any district in which any of the shareholders may reside, is a new provision of law?

Mr. COX. That is a new provision of law and received the approbation of the committee after a long and careful consideration of it.

Mr. CONGER. I do not wish to interrupt the gentleman by discussing that point now, but I wish to be heard on it a moment when he is done.

Mr. COX. I shall have no objection to hearing the gentleman after I shall have made a short explanation of the bill. The first section, as I have stated, simply gives the Comptroller full power to appoint receivers in cases of insolvency properly ascertained by the courts, and in other cases, as the gentleman may see by looking at the section.

In regard to the second section, I am satisfied that the law now prevents a creditor from seeking, in his own name, a remedy under section 5151 of the Revised Statutes. That is perhaps the point to which the gentleman from Michigan referred, the remedy against stockholders and debtors of the banking association. We have undertaken in this bill to give the public that remedy against the party liable wherever he may be found. As regards the third section, I may say that certain insolvent banks have not paid their creditors in full. Six of them are reported to us by the Comptroller; three of them are now in receivers' hands for collecting assets. This section provides that when the creditors have been paid under section 5236 of the Revised Statutes the balance remaining after the distribution and satisfaction of all the creditors shall be paid over to the shareholders. That is the object of this legislation. The United States and its officers are relieved from all liability, and a settlement is made by the receiver of any bank that is in difficulty turning over the rest of the assets that remain after satisfying the creditors to an agent to be selected by the shareholders themselves.

The fourth section provides for the investment in United States bonds of certain assets which may be lying idle in the Treasury during the pendency of the litigation.

The Comptroller is authorized, if in his judgment the interests of creditors or of shareholders of national banks which are in the hands of receivers will be promoted thereby, to invest the money of such associations which may be on deposit with the Treasurer of the United States subject to the order of the Comptroller in interest-bearing bonds of the United States, which may be subsequently sold by him, and the interest accruing on such bonds, together with the principal thereof, shall be distributed among the creditors and shareholders with the avails of the other assets as prescribed by law.

Mr. WHITEHOUSE. Suppose the bonds fall below par?

Mr. COX. There is no danger of the bonds falling below par certainly in this country at present. It is satisfactory at least to know that the bonds while they remain in the hands of the Treasurer will be producing something instead of nothing in the interest of the creditors and shareholders.

Mr. WHITEHOUSE. But he purchases the bonds not at par but at the market price, and when he sells them he sells them at the market price. Now if the value of the bonds changes 1 or 2 per cent. in value both shareholders and creditors suffer thereby.

Mr. COX. But the interest is accruing all the time. I think the gentleman's own experience will justify the providing of securities as provided in the fourth section. We have stricken out the sixth section, and I shall ask to have read a statement of the Comptroller in reference to that matter. But I have omitted to refer to one section here with reference to the stamping of counterfeit, altered, or worthless notes, which provides that all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as, money which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

That is not a new thing in this country, although it is new as applied to our national-bank notes. Several laws of the New England States formerly contained a provision like this. Such a law would prevent the circulation of counterfeit or altered or worthless notes, and if such notes should be wrongfully stamped the officer doing the same is required to redeem them at the face value. I am told by gentlemen from New England, and especially by gentlemen from Massachusetts, where a similar law prevailed in reference to the banking system of that State, that it works admirably, doing no harm to the bank, its officers, or the public.

In relation to the last section referring to the savings-banks of the District of Columbia, I ask the Clerk to read the concluding clause of the letter of the Comptroller which I send up with reference to that subject.

The Clerk read the portion of the communication referred to. [See communication printed in full at the close of the debate upon this bill.]

Mr. COX. I will now call the previous question on the bill.

Mr. FORT. I would venture to suggest an amendment to the first section, to insert after the word "days," in the twelfth line, the words "and that no valid appeal has been taken therefrom."

I suppose there will be no objection to that.

Mr. COX. The committee considered that very question, and voted it down unanimously.

Mr. LAWRENCE. I desire to offer an additional section, to which I think there will be no objection, and then to say a word upon it if the gentleman will allow me.

Mr. COX. I will hear it.

The Clerk read the additional section, as follows:

Any banking association may deposit in the Treasury any bonds of the United States or of the District of Columbia as security for deposits made in such bank, and the bonds so deposited shall be registered in the name of such bank and shall be held as security for the depositors making such deposits; each bank shall be entitled to proper certificates from the Secretary of the Treasury for the bonds so deposited, and the bonds may be withdrawn when it is shown to the satisfaction of the Secretary of the Treasury that all deposits made on the security of such bonds have been paid.

Mr. COX. I am not authorized by the committee to accept any amendment. We are going a little out of the purview of this bill. I cannot consent to the admission of that amendment. I call the previous question on the bill. The bill is being matured for a special purpose, which requires a little urgency. I do not want it re-referred to the committee.

Mr. CONGER. I ask the gentleman to allow me a moment.

Mr. LAWRENCE. I wish the gentleman would hear me too.

Mr. COX. I cannot withdraw the previous question.

Mr. CONGER. The gentleman stated when I interrupted him during his remarks that he would hear me when he had concluded. I wish only to refer to one or two points in the bill.

Mr. COX. I will yield to the gentleman for a moment, but not for an amendment.

Mr. CONGER. Mr. Speaker, I speak on the merits of the second section of this bill. Section 5220 of the Revised Statutes says that any association may go into liquidation and be closed by a vote of its shareholders holding two-thirds of its shares. This bill says:

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of

the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association by a bill in equity, in the nature of a creditors' bill, brought by such creditor on his own behalf, or on behalf of himself and other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district within which any of the shareholders may reside or be found, or in which such association may have been located or established.

Now, I submit to this House that this section is one by means of which, upon the vote of the shareholders that their bank will go into liquidation, any creditor may sue any and all of the shareholders, and may bring one, twenty, or a hundred suits in as many different districts against as many shareholders, before any notice is given to the public of this liquidation, and thus secure to himself, perhaps by collusion with the shareholders, the right to take all the avails which by the provisions of this law are given to the creditors. I think it is unjust to the creditor. I think there should be a receiver, and only a receiver to secure this amount for the benefit of the creditors, and not open the way for one creditor, perhaps by collusion, to secure all that might be obtained. That is my objection to this provision which is new and unusual.

Another provision of this bill to which I object is one which has been very fully discussed in this House in a former Congress, and was condemned by a large majority of the then members of the House. I refer to the provision which requires all United States officers charged with the receipt or disbursement of public moneys, postmasters, pension-agents, all officers charged with the receipt and disbursement of public moneys, to stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as, currency. The power given to these thousands of officers throughout the country to write or stamp upon the note of the individual citizen, whenever it is presented to them for payment, the word "worthless," or "counterfeit," or "altered" is a power that never should be vested in any such officers, the power to deal with the private property of the individual citizen. To be sure this bill says that if that citizen shall go to work in a legal manner and establish by proof sufficient, and a decision of the courts that the particular bill so marked was not counterfeit, or worthless, or altered, then the officer shall pay him back—what? Not any damages for the loss of his property or for the expense he has incurred in proving it to be good, but shall pay him back the face value of the note.

Mr. LAWRENCE. There certainly can be no property in a counterfeit bill.

Mr. CONGER. No; but if the bill is good, and that private property of the individual citizen is stamped as counterfeit, or worthless, or altered, by any one of these thousand officers, who may not even be able to judge whether it is counterfeit or not, in order to recover the value of his property he must prove it is not counterfeit or worthless. When he has proved that, what is his remedy? Not damages from the officer having destroyed the use of his property, but only the face value of the note. I submit that that is a provision which should not be adopted by this House.

Mr. COX. As for the first objection of the gentleman from Michigan [Mr. CONGER] to the second section of this bill, the House will understand that the law now, in section 5154 of the Revised Statutes, prevents the creditor from seeking in his own name any remedy against the stockholders, &c. This section is intended to give him his remedy in his own behalf or on the behalf of himself and other creditors of the association. It is therefore a protection to the creditor, and I think there is no danger of collusion, except the chimerical one raised by the gentleman from Michigan. That right now exists as to all other corporations, and why should it not exist as against national banks?

As to the other objection of the gentleman, he says the subject was once before this House and was defeated. So it was; but it was not lost by a large majority, as the gentleman said. It passed the House once, and was then reconsidered by a small vote. The provision has been well considered by the Comptroller of the Currency; nothing of harm can come from stamping a worthless or counterfeit note. If a note is wrongfully stamped the remedy is plain for the innocent holder. The experience of New England, as I have said, where there has been a refinement of this system of bank circulation in that regard, compels me to say, as it compelled the Comptroller of the Currency from his knowledge and experience to say, that this section is invaluable and should be incorporated in the bill. I now call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee on Banking and Currency were agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. COX. Before that question is taken I ask permission to have printed in the RECORD, as a portion of my remarks, the entire letter of the Comptroller, addressed to the chairman of the Committee on Banking and Currency.

Mr. CONGER. I object; the gentleman has called the previous question, and let him abide by it.

Mr. COX. I am entitled to an hour after the previous question has been ordered. I do not propose to occupy that time, and in the place of remarks by myself I ask that this letter be printed in full in the RECORD.

No objection was made, and it was so ordered.

The communication from the Comptroller of the Currency is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, March 6, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant inclosing copy of H. R. No. 244, a bill authorizing the appointment of receivers of national banks, and for other purposes, for any suggestions which I may desire to make in reference to said bill.

Section 5239, Revised Statutes, provides for the forfeiture of the rights, privileges, and franchises of national banks for violations of law. Such violations, however, must be determined by the circuit, district, or territorial courts of the United States in a suit brought for that purpose by the Comptroller of the Currency. The section does not provide for the appointment of a receiver, either by the court or by the Comptroller, in the event of the dissolution of the association; and the first clause of section 1 of the bill introduced by you is for the purpose of remedying this deficiency in the Revised Statutes. The section also provides for the appointment of a receiver by the Comptroller whenever a judgment shall be obtained against any national bank and application is made to him for such purpose accompanied by a certificate from the clerk of the court, stating that such judgment has been rendered and has remained unpaid for the space of thirty days. The Comptroller is also authorized to appoint a receiver of a national bank when he is satisfied, from an examination of such bank, that it is insolvent.

Forty-four receivers have been appointed since the organization of the national-banking system: thirty-eight of these upon the protest of a circulating note, as provided in section 5234 Revised Statutes, and four for failure to make reserve good for thirty days after notification, as required in section 5191 of said statutes. Only two banks (the National Bank of the Commonwealth, New York, and the New Orleans National Banking Association) have been placed in the hands of receivers for any other violation of law, and in these latter cases receivers were appointed for certifying checks of depositors when the amount of money certified was not on deposit.

The law provides that receivers may be appointed when associations fail to pay up their capital stock or to restore the same when impaired; also, for failure to sell the stock of the bank purchased or acquired within six months from the time of its purchase; also, for failure to select a redemption agent; but no action of this kind has thus far been taken for such violations of law. Section 4 of the act of June 20, 1874, provides for the deposit of circulating notes of a national bank with the Treasurer of the United States in sums of not less than $9,000, and the withdrawal of the bonds on deposit as security for such circulation, and section 5222 provides that national banks in liquidation shall, within six months from the date of the vote to go into liquidation, deposit with the Treasurer lawful money sufficient to redeem its outstanding circulation and withdraw the bonds on deposit. A bank may therefore give notice of liquidation and deposit lawful money for the full amount of its outstanding circulation in the Treasury, after which its notes will be paid upon presentation to the Treasury. In such a case no protest of the circulating notes of a national bank can happen, and in any other case where a national bank is insolvent the stockholders of the bank can prevent the appointment of a receiver by keeping a sufficient amount of money on deposit with the Treasurer for the purpose of redeeming any notes that may be presented or by redeeming in legal-tenders any notes of the association which may be presented at its place of business. If an association shall fail for thirty days after notification by the Comptroller to make good its reserve of lawful money, a receiver may be appointed; but if an association should make its reserve good for any one of the thirty days included in the notice, then a receiver cannot be appointed. It follows, therefore, that shareholders of national banks, even if insolvent, can prevent the appointment of a receiver by the Comptroller, although the necessity may exist for such an appointment. The last portion of section 1 of the bill is intended to authorize the Comptroller to appoint receivers of national banks in all cases of insolvency of such institutions, and experience has shown that such a provision is necessary.

Section 5151, Revised Statutes, provides that shareholders of national banks shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such associations to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; and the Supreme Court of the United States (Kennedy *vs.* Gibson, 8 Wallace, 505–6,) has decided that "it is for the Comptroller to decide when it is necessay to institute proceedings against the stockholders to enforce their personal liability, and whether the whole or a part, and, if only a part, how much, shall be collected. These questions are referred to his judgment and discretion, and his determination is conclusive. * * * This action on his part is indispensable whenever the personal liability of stockholders is sought to be enforced, and must precede the institution of suit by the receiver. * * * The claims of creditors may be proved before the Comptroller or established by suit against the association. Creditors must seek their remedy through the Comptroller in the mode prescribed by the statute; they cannot proceed directly in their own names against the stockholders or debtors of the bank."

In several cases of banks in voluntary liquidation a small amount of indebtedness remains unpaid. Under existing laws the Comptroller has no power to appoint receivers in such cases; but it is necessary under the decision of the Supreme Court for him to appoint a receiver in order that the personal liability may be enforced. If the creditors could bring a suit in their own name against the shareholders, it is probable that the amount of indebtedness in every such instance could be collected without the necessity of the expense of a receivership. If the bill under consideration should become a law, any creditor in his own behalf, or in behalf of himself and other creditors, might enforce the individual liability against shareholders of national banks.

By reference to page 104 of my last annual report, it will be seen that six insolvent national banks have paid their creditors in full. The affairs of three of these associations are, however, still in the hands of receivers for the purpose of collecting the remaining assets, and distributing them among the shareholders of the bank, as provided in section 5236, Revised Statutes. Section 3 of the proposed bill provides that, after all claims of creditors which have been proved shall have been paid in full, the remaining assets of the bank shall be placed in the hands of an agent appointed by the shareholders for distribution among them. Such an appointment would facilitate the settlement of the affairs of such insolvent banks, would save expense to the shareholders, and relieve the Comptroller from all responsibility in connection therewith.

In some instances the affairs of insolvent national banks become involved in litigation, and considerable amounts of money which have been collected remain on deposit with the Treasurer of the United States. Section 4 of the proposed bill provides that such moneys may be invested in United States bonds, thus giving the creditors of the bank the benefit of interest while such litigation shall continue.

Section 5205, Revised Statutes, requires that, when the capital stock of a national bank shall have become impaired, such bank shall, within three months after notice from the Comptroller, pay the deficiency by assessment upon the shareholders *pro rata* for the amount of capital stock held by each. It also provides that the Comptroller may appoint a receiver if such association shall refuse to pay up its capital stock or go into liquidation within three months after receiving such notice

from the Comptroller. In almost every instance where an attempt has been made to enforce the provisions of this section it has been found that a small minority of the shareholders have refused to respond to the assessment. Section 5 so amends the act that such shareholders are required to pay such assessment, or in default thereof their stock may be sold for that purpose.

The laws of several of the New England States formerly contained provisions applicable to State banks similar to those contained in section 7 of the proposed bill. Such a law would prevent the circulation of counterfeit and worthless notes which had been once presented at the Treasury or at the counter of a national bank. If such notes should be wrongfully stamped, then the party stamping the same is required to redeem and be at the expense of sending such notes to the Treasury for final redemption.

Section 4 of an act to provide for the creation of corporations in the District of Columbia by general law, approved May 5, 1870, provided specially for the organization of manufacturing, agricultural, mining, and mechanical corporations. This act was amended by a subsequent act of June 17, 1870, so as to provide for the organization of savings-banks within the District of Columbia. (Statutes at Large, volume 16, page 153.) Section 9 of the proposed bill repeals this provision, so far as it applies to the organization of savings-banks. The first clause of section 8 of the bill provides that all savings-banks organized in the District of Columbia shall be required to make reports to the Comptroller at the same times and in the same manner as national banks are required to report. The second clause requires that all savings-banks *having capital stock* shall be subject to all the provisions of law which are applicable to national-banking associations, except that such banks shall not be required to have a paid-in capital exceeding $100,000. Only one bank is in existence in the District *without capital stock*, and that bank is organized under a special charter. Four other banks are in existence, two of which were organized with a capital of $25,000; one of which has a capital stock of only 50 per cent. of that amount paid in. The remaining banks are organized upon a capital of $200,000 and $50,000, respectively. The proposed bill provides that the first-named bank, having no capital stock, shall be required to make reports to the Comptroller, and that the four other banks, having capital stock, shall re-organize in accordance with the provisions of the national-bank act, except that their capital need not exceed $100,000.

The general corporation act under which four of these banks have been organized authorizes the organization of such banks without any restriction as to the amount of capital, and requires that 50 per cent. of the amount shall be paid in in one year and the remainder within two years, and that such banks shall publish a report annually, in some newspaper of the District, which "shall state the amount of capital, and the proportion actually paid in, and the amount of existing debts," which report shall be filed in the office of the recorder of deeds of the District. The act contains few, if any, restrictions which are applicable to such institutions. By subsequent legislation (Revised Statutes, § 323) the Comptroller is authorized to examine these banks and to report to Congress, if he deems advisable, the results of such examination. It is important that all institutions organized within the District of Columbia should be subject to the same restrictions as are provided for national banks, and that banks shall hereafter be prohibited from organizing under the general corporation act before referred to.

I inclose herewith a communication from the receiver of the First National Bank of Mansfield, Ohio, in reference to section 6 of the proposed bill. The receiver is of the opinion, as will be seen from his letter, that this section should be stricken from the bill. If, in the opinion of the committee, the adoption of the section would have the effect suggested by the receiver, it would, in my judgment, be better to defer legislation upon this subject for the present.

Very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. S. S. COX,
Chairman Banking and Currency Committee,
House of Representatives.

The question was then taken upon the passage of the bill as amended; and upon a division there were ayes 79.

Before the noes were counted,

Mr. CONGER said: I think the House had better express its opinion upon a bill which I consider very dangerous.

Tellers were ordered; and Mr. COX and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were ayes 102.

Mr. CONGER. I am satisfied the bankers are too strong for me, and I will not call for a count on the other side.

So the bill was passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate was organized for the trial of the impeachment of William W. Belknap, late Secretary of War, and was ready to receive the managers at its bar.

NATIONAL RATE OF INTEREST.

Mr. HUBBELL, from the Committee on Banking and Currency, reported back adversely the bill (H. R. No. 1226) to fix the legal rate of interest on national money throughout the United States at not exceeding 6 per cent. per annum and affixing penalties for its violation, and moved that the same be laid on the table.

Mr. HUNTER. I move that the bill just reported, instead of being laid on the table, be referred to the Committee of the Whole to be placed on the Calendar for future consideration.

The question being taken on the motion of Mr. HUNTER, there were—ayes 54, noes 56.

Mr. HUNTER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. The taking of the yeas and nays will consume a very considerable portion of valuable time. It certainly can do no injustice to let this bill go to the Calendar. I ask unanimous consent for that arrangement.

Mr. HUBBELL. I object.

Mr. HOLMAN. We are consuming very valuable time over this matter.

Mr. HOSKINS. I suggest to the gentleman from Indiana [Mr. HUNTER] that he allow the question to be taken by tellers. It is so much quicker.

Mr. HUNTER. Let gentlemen who are not in favor of limiting the rate of interest to 6 per cent. put themselves on record.

The SPEAKER. The bill will be read, so that the House may understand intelligently what it is.

Mr. HOSKINS. I rise to make a parliamentary inquiry. Is not the question now simply upon referring the bill to the Calendar; not on its passage?

The SPEAKER. That is all. The proposition is that it shall be placed on the Calendar, instead of lying on the table, as moved by the gentleman from Michigan [Mr. HUBBELL] on the part of the Committee on Banking and Currency.

Mr. HUBBELL. I make this proposition to the gentleman: To allow the bill to go to the Committee of the Whole.

Mr. HUNTER. And make it a special order; otherwise it will never be reached.

Mr. HUBBELL. I cannot consent to making it a special order.

Several MEMBERS called for the regular order.

The SPEAKER. Debate is not in order.

Mr. HUNTER. I think we had better take a vote on the question.

Mr. COX. Is it in order to ask the condition of the question?

The SPEAKER. The yeas and nays have been ordered on the motion of the gentleman from Indiana [Mr. HUNTER] to refer the bill to the Calendar.

Mr. COX. It is not generally understood, Mr. Speaker, that this is an adverse report from the committee.

The SPEAKER. It was so announced by the committee distinctly.

Mr. COX. I raise the point of order, then, that the motion to refer the bill to the Calendar is not in order after an adverse report and a motion to lay on the table.

Mr. HUNTER. The yeas and nays have been ordered, and I insist that they shall be called.

The SPEAKER. It is too late to make the point raised by the gentleman from New York, [Mr. COX.]

Mr. COX. I tried to get the ear of the Chair some time ago to make the point.

The SPEAKER. It is too late to make it now.

The bill was read, as follows:

Be it enacted, &c., That no person or persons shall hereafter, within the United States of America, take, receive, reserve, or charge, directly or indirectly, a greater rate of interest than 6 per cent. per annum, which may be taken in advance for periods of three months or over, for the sale, discount, hire, use, or loan of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, gold or silver coined by the United States or by its authority; and every person or persons who shall knowingly receive, reserve, or charge, directly or indirectly, a greater rate of interest than is provided as aforesaid for the sale, discount, hire, use, or loan of his or their money as aforesaid, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, gold or silver coined by the United States or by its authority, as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be fined in any sum not less than $100, to which may be added imprisonment in the penitentiary of the State or Territory where the case may be tried for any period of time not less than six months, within the discretion of the court or jury trying the case. Where it is not the first offense, imprisonment in the penitentiary shall be a part of the punishment inflicted upon the person or persons so convicted as aforesaid. And every direct or indirect means used or resorted to by any such person or persons as aforesaid to evade the provisions of this section, in order to procure a greater amount of money in the shape of interest, exchange, profit, or gain than is provided as aforesaid for the hire, discount, use, or loan of his or their money, as aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, by using or allowing the same to be used in any other manner than in *bona fide* loans or discounts, at the rate of interest as herein provided as aforesaid, shall be *prima facie* evidence of a willful violation of the provisions of this section, and such person or persons so guilty of a violation as last aforesaid, shall be deemed guilty of a misdemeanor as aforesaid, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as provided in this section for punishing persons convicted of a misdemeanor. And the words "*bona fide*" loans or discounts, as used in this section, shall be construed to mean only such loans or discounts where the person or persons making or causing the same to be made parts with his or their entire interest in the money aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, so used or allowed to be used by him or them as aforesaid, in making or causing to be made such loans or discounts as aforesaid, without any intention, understanding, hope, or expectation of receiving any benefit or profit therefrom, either directly or indirectly, except the notes, draft, bill of exchange, or thing of value received or to be received in exchange by such person or persons as aforesaid for such money as aforesaid, used in making such loans or discounts as aforesaid, at the rate of interest as herein provided as aforesaid. And every note, draft, bill of exchange, contract, or other evidence of indebtedness, which shall be knowingly made or executed for the purpose of being sold, loaned, given, discounted, or in any way exchanged, either directly or indirectly, for said money as aforesaid, consisting in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority as aforesaid, at a greater rate of interest or discount than is allowed by the provisions of this section for the hire, discount, use, or loan of money as aforesaid, with intent to evade the provisions of this section as aforesaid, the same is hereby declared usurious and absolutely null and void. And every person or persons who shall knowingly make, receive, hold, keep, or use any such note, draft, bill of exchange, contract, or other evidence of indebtedness, so made or executed as aforesaid, for the purpose of being used to evade the provisions of this section as aforesaid, or who shall knowingly use any such note, draft, bill of exchange, contract, or other evidence of indebtedness so made or executed as aforesaid, to evade the provisions of this section as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as is provided in this section for punishing persons convicted of a misdemeanor. And every sale, exchange, or transfer of property of any kind, character, or description, whether real or personal, which shall be made for said money, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as afore-

said, for the purpose, either directly or indirectly, of evading the provisions of this section, by enabling any such person or persons as aforesaid, by means of such sale, exchange, or transfer last aforesaid, to procure, either directly or indirectly, a greater rate of interest, discount, or profit for the use, hire, or loan of his or their money, as aforesaid, than 6 per cent., as aforesaid, such contract so made as last aforesaid shall be absolutely null and void. And every person or persons who shall knowingly make, execute, or receive any such contract as last aforesaid, or who shall knowingly advise the same to be made, executed, or received as aforesaid, for the purpose of evading the provisions of this section, as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States having jurisdiction thereof, shall be punished as is provided in this section for punishing persons convicted of a misdemeanor. And every person or persons who shall pay any money or thing of value upon any note, bill of exchange, draft, contract, or other evidence of indebtedness, made or executed for the purpose of evading or violating any of the provisions of this section as aforesaid, where a greater amount of money is paid or received as interest, discount, exchange, or profit of any kind, for the loan, discount, hire, or use of money as aforesaid, composed in whole or in part of United States notes, United States Treasury notes, United States fractional currency, national-bank notes, or gold or silver coined by the United States or by its authority, as aforesaid, all such money so paid, including principal and interest, shall be recovered back by the person or persons paying the same, and in case of his death, by his or their heirs or legal representatives, by suit at law in any court having jurisdiction, provided the suit shall be brought within six years from the time of such payment as aforesaid. The statute of limitations for all misdemeanors, as provided for in this section, shall be six years. It shall be the duty of every judge of the United States courts, within each State and Territory of the United States, at the opening of such court in each of said States and Territories, to specially charge the grand jury of such court to inquire into violations of this section, and to present indictments against all persons violating the same. In construing this section, the words "person or persons" shall be construed to include corporations, companies, and assoc ations of every kind and description, also attorneys, agents, and officers of such person or persons, corporations, companies, or associations. The words "legal representatives" shall be construed to include "successors in office" and "associates," when a corporation, company, or association is a party to any suit, as provided for in this section. The words "his and him" shall be construed to include "hers and her." Words in the singular shall be construed to include the plural, and words in the plural to include the singular.

Mr. COX. I move to lay the motion of the gentleman from Indiana on the table.

Mr. SPARKS. I call for the regular order.

Mr. HUNTER. I object to the motion of the gentleman from New York. The yeas and nays have been called and ordered, and that motion comes too late.

The SPEAKER. The regular order is demanded, and the morning hour has expired.

Mr. COX. Will my motion be entered?

The SPEAKER. No, sir; it was not recognized.

Mr. CONGER. Can the call for the regular order interrupt the calling of the roll when it has been ordered?

The SPEAKER. The morning hour has expired, and the question goes over.

Mr. CONGER. There is a division going on upon a call for the yeas and nays.

The SPEAKER. The process of division has not been reached.

Mr. CONGER. The vote was being taken, and a further vote was demanded.

The SPEAKER. The morning hour arrests further progress in this matter. The gentleman from Illinois [Mr. SPARKS] is entitled to the floor upon the special order.

IMPEACHMENT OF WILLIAM W. BELKNAP.

The managers appointed by the House to conduct the impeachment of William W. Belknap, late Secretary of War, appeared at the bar of the House, when

Mr. LORD said: Mr. Speaker, the managers beg leave to report that in answer to the summons from the Senate they proceeded to its bar, and that the Senate has fixed Monday, the 17th of this month, as the day on which the process against William W. Belknap, late Secretary of War, shall be returnable.

TRANSFER OF INDIAN OFFICE TO WAR DEPARTMENT.

Mr. SPARKS. I move that the House resolve itself into the Committee of the Whole to proceed with the consideration of the special order, the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

The motion was agreed to.

The Committee accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to the consideration of the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

Mr. SPARKS. Mr. Chairman, the bill now under consideration has come from the Committee on Indian Affairs, receiving the votes of a majority of its members. I would say further, that this same subject has been acted upon by three important committees of this House, namely, by the Committee on Appropriations, who have reported substantially this bill, and, I am informed, agreed to that report with but one dissenting voice; by the Committee on Military Affairs, who have reported a bill now pending on the Calendar nearly identical in form and substance with this, and reported it unanimously, as I am informed; and, lastly, by the Committee on Indian Affairs, who have reported this bill as I have stated by a majority of that committee. I say this, Mr. Chairman, for the purpose of directing attention on the part of this Committee of the Whole House to the nearly unanimous voice of three committees who by their actions are committed to the passage of this bill. I think I am warranted in suggesting that with three important committees of this House so thoroughly agreeing on a question as they have in case it should command the respectful attention of the members of this House.

This, Mr. Chairman, as I understand it, is a subject demanding careful consideration. It is certainly a very grave question. Indian affairs have very materially interested the people of this country ever since its settlement. Sir, think of it. It was only about two hundred and fifty years ago that the Indian was building his wigwam on the site of Boston; about the same period we find him bartering with the Hollanders for the sale of Manhattan Island, and less than two hundred years ago treating with William Penn for the sale of the site of Philadelphia. Within the recollection of men now living he roamed undisturbed over the whole of the State of Illinois, a State now containing a population of three millions of people; and within the recollection of men of middle age he was taking scalps within what is now the corporate limits of the city of Chicago, now containing half a million of people.

The Indian as civilization has approached him has gradually receded from it. It has failed to convert him, it has failed to hold him, to fasten or fix him, and as it has advanced he has receded. All of these changes affecting him in his relations to the civilized white man have been effected by a rapid process. A few years ago when the Indian was driven upon what is now known as the plains country, it was believed the Indian difficulty was pretty well settled. There was a vast expanse of territory, (and, by the by, not a very good territory,) and it was supposed to be beyond the range of settlement; but very shortly afterward California was acquired and our settlements began to grow on the Pacific coast. Emigration then commenced progressing from the west to the east, and still from the east to the west, so that to-day the Indian is confined within a territory of the United States bordered on the west nearly entirely by the Sierra Nevadas, and on the east by a line running somewhere from near the west end of Lake Superior southwesterly through to the Gulf of Mexico.

Now, the question is what is to become of him? This territory he cannot hold. This is not his territory. I think it is well we should be frank about this. We do not recognize it as his. Our emigration pouring in from the east is demanding it, and the emigration also coming up from the west demands it.

Now, what are his rights in and his relations to this territory? I understand our courts have decided his claim to be simply a right of "occupancy," a kind of "possessory claim." It is frank to say, Mr. Chairman, in this view of it, that the enterprising spirit of civilization is not only demanding this territory, but that this tide of emigration now pouring in upon it will have it. That is the living, practical fact, sentimentalize upon it as much as you please.

In that event, sir, what is to become of the Indian? In my judgment he has either to adopt the system and the habits and customs of civilized life and come within the rules and order of that life, or be trampled out of existence by this on-rolling tide of emigration and civilization.

Mr. Chairman, I understand that the Indian must give up his nomadic, rambling, wild life. He has to quit scalping and plundering, and he must be settled down somewhere in a fixed habitation and be kept there. This is to be done, I think, in the interest of humanity, (for he is human,) and done by the Government of the United States. Our people will not allow him to have a fifth part of our territory to roam over wildly and to commit his depredations upon our frontier. The frontier settler and the emigrant demand protection, and this Government is strong enough, and it must give them that protection. The Indian also demands protection and should have it, and the Government has the power and the will to give him that protection; but he must consent to be settled on reservations and be kept there.

Now, sir, in what I have stated thus far I meet with no opposition. There is a concurrence in these sentiments by those for and those opposed to this bill. Then how are we to accomplish that object, how are we to fix the wild tribes of the country upon reservations, feed them, clothe them, educate them, civilize and christianize them with the least cost and so as to insure the protection of the white man and of the Indian? How are we to do all this best?

The answer to this question, in my judgment, solves this whole Indian problem. Now, Mr. Chairman, let me ask, has the present system in the Interior Department, known as the "civil management of the Indians," or the "peace policy," as it is commonly called, been a success? Has it been efficient and has it been productive of no more cost than was absolutely necessary? In my judgment, it has been neither. It has not been efficient and it has been extravagantly costly. In arriving at this conclusion I must rely upon proofs. Of myself, I know but little of it; but, going to the proofs to see whether or not the system has been efficient of itself, I think it is demonstrable that it never could have succeeded at all without the aid of the Army; and, on the subject of cost, the men who control the Department themselves, as well as others, must admit its extravagance.

I have in my hand the report of the Commissioner of Indian Affairs for 1875, in which he suggests that all of the transportation of supplies to the Indians (which is a large item) could be done by the War Department more efficiently. He says also that the War Department is better arranged to manage the whole question of supplies, purchases, inspections, transportation, &c., which make up the main items of the whole expenditures of the Indian Bureau. I call the at-

tention of the committee to this report of the Commissioner for 1875, page 20, and ask the Clerk to read the passage which I have marked.

The Clerk read as follows:

There is, however, a sphere of service now undertaken by this Bureau which might to its great relief be transferred to the War Department. The supplies of clothing and subsistence required to be purchased for the Indian service amount to about $2,000,000. Much the larger portion of this sum is expended in purchasing for the Sioux and several other tribes a few articles in large amounts. The Indian Bureau has never had an adequate appointment for making such large purchases and for transportation of the articles to the distant parts of the country. The Quartermaster and Commissary Departments of the Army have such appointments in complete organization, through which the War Department would be able to purchase, inspect, and transport the goods and supplies required to subsist Indians and fulfill the treaty obligations with much more regularity and system than is possible for this Bureau as at present organized; and, while a comparison of purchases made by the Army with those made by the Indian Bureau of the same article at the same place does not indicate that the transfer will on the whole tend to economy of funds, but rather otherwise, it will yet tend to allay suspicion, and will furnish checks and tests for ready application whenever charges of fraud in the service are made, either on good grounds or for partisan or selfish purposes or by persons of repute and acting in good faith who are themselves victims of such purposes on the part of others.

Mr. SPARKS. With reference to this matter of managing that Department of itself and its powerlessness to succeed in that, I quote also from the report of the board of Indian commissioners for 1874. Speaking of the effort made by the board or by the Bureau to manage the Indian Department purely upon the peace principle, they say:

The experiment was made in the belief that by the removal of what was regarded by the Indians as a standing menace in the presence of a military force their good faith could be relied on for the execution of the treaty stipulations entered into by them with the Government; it was not followed by a successful result.

Hence it may thus be seen from the report of the peace commissioners themselves that without the aid of the military they are powerless to contend with this grave question. The passage I have read is on page 3 of the sixth annual report of the board of Indian commissioners for 1874.

Again, I direct attention to a letter in the same report, on page 24, of Governor Potts, of Montana Territory, on this same point, namely, the inefficiency of this Department.

The Clerk read as follows:

In reply to your note I will, as requested, give you my views briefly upon the subject of the act of Congress of June 22, 1874. The present Indian policy, while successful in many respects, has failed to secure competent men as Indian agents; and, until better men are selected, the said act of Congress must remain a dead letter. The church authorities (unintentionally I am satisfied) have signally failed to select proper men for Indian agents, which failure has tended to impress the people unfavorably with the policy. I am quite confident I can demonstrate to the satisfaction of your honorable board that the agents generally selected by the churches for the Montana Indians have been total failures.

Mr. SPARKS. Mark, he says "generally selected."

The men selected may have been fair men at home, but they are without business ability or experience in the business world, and have little or no knowledge of men and things. Such men invariably fall victims to the wily machinations of corrupt sharpers that are always to be found around Indian agencies. It is apparent to me that unless better men are selected as agents the policy must be voted a failure in Montana.

The question with me, Mr. Chairman, is, how could it be otherwise than a failure? The very means by which these men are selected are sure indices that failure must result from their mode of selection. They are selected now by religious organizations; then formally nominated by the President, and also formally confirmed by the Senate. Does that system strike a sensible, practical business man as the one calculated to get efficient servants for the discharge of duties involving large money transactions and other grave questions of interest? I apprehend the religious organization will select the man having influence in his church, a good class-leader perhaps; a man who is of good standing as a church member, but who would prove a total failure when you apply the touch-stone of practical business life to him. Now, sir, the bill under consideration proposes to put the management of Indian affairs under the control of the War Department; and that, allow me to say, Mr. Chairman, is the special subject that I proposed in the outset mainly to discuss.

I am not the champion of the military. Its championship constitutes no part of my brief history. I have not been regarded by them or by those who are regarded as most favorable to them by any means as their special defender. But here is a grave and responsible subject-matter demanding service on the part of some Department of the Government; and the question occurs what Department of the Government can best discharge that service? Looking to the Treasury, looking to the general good, to the protection of the white man and the red man, to the civilization, enlightenment, and advancement of the Indian—in view of all this I favor this measure. But we are met here with the argument that this bill proposes to put the Indians entirely at the mercy of the strong arm of the military. "That if you mean war and the extermination of the Indians, your policy is correct," &c. "But that if you mean to civilize and make something of them, you must keep them away from the War Department," &c.

Now, Mr. Chairman, we propose frankly to meet these issues as well as all others connected with this subject. And here again we are compelled to rely upon the proofs. I myself, sir, I have had no practical knowledge upon this subject; but I will state to the committee that of over sixty officers of the Army examined by the Committee on Military Affairs and three civilians—am I right? [addressing Mr. BANNING, chairman of the Committee on Military Affairs]—

Mr. BANNING. Yes.

Mr. SPARKS. All of them concurred in this transfer except one person; and, sir, as I must rely upon proofs on this question, it has been my desire to get the testimony of practical and competent men to advise me as to the direction that my vote should be cast upon it. The report of the Committee on Military Affairs upon our desks shows that of over sixty officers of the highest grade, none lower than that of colonel, and three civilians, there was but one voice against this proposed transfer; all of them except only one advocating it. I will also state to the committee that the Committee on Indian Affairs examined twenty-nine persons, or have, in the way of letters and examination, the opinions of twenty nine parties, twenty-seven civilians and two military men, (General Sherman, the head of the Army, and General Stanley,) and that out of these twenty-nine persons twenty-three of them advocated this transfer.

Now, when you take the witnesses that were before these two committees together, we have an aggregate of nearly one hundred practical and able men, disinterested, and seeking to give the best advice for the benefit of the whole country—the Indians included—and the almost unanimous voice of all of them in favor of this transfer, it seems to me certainly a very strong argument in favor of the passage of this bill. I will also state that in regard to the character of the civilians who were before the Committee on Indian Affairs, it was the object of that committee to select gentlemen of the most extensive practical experience on this subject—such men as General Denver, now in civil life; General Pike, an old pioneer, who for a great number of years has been experienced in Indian matters; and Mr. Sanborn, a very eminent gentleman from Minnesota, and many others. And then, sir, we made it a point to select as witnesses gentlemen in this House who represent territory bordering upon the Indian Territory. I would mention as among the gentlemen who appeared before the committee the distinguished gentleman from Texas, Governor THROCKMORTON, Judge HANCOCK, Mr. SCHLEICHER, and Mr. MILLS, of Texas: Mr. STRAIT, of Minnesota; Colonel GUNTER, of Arkansas; Judge WILSHIRE, of Arkansas; and the Delegates representing the Territories of Dakota, Montana, Wyoming, Colorado, and New Mexico—Messrs. KIDDER, MAGINNIS, STEELE, PATTERSON, and ELKINS; and also two of the Representatives from the State of California, Messrs. PIPER and LUTTRELL, and the Representative from the State of Oregon, Mr. LANE.

We made a point to select gentlemen who represent districts bordering upon the Indian territories. Among all of these gentlemen there was a concurrence of sentiment in favor of the transfer, except Mr. WILSHIRE, of Arkansas.

Mr. YOUNG. If the gentleman will allow me, I will make an inquiry.

Mr. SPARKS. Yes, sir.

Mr. YOUNG. I would ask the gentleman how many Indians were examined before the committee and what their views were?

Mr. SPARKS. We had none before us. I found strewn upon the desks here a few days ago what is called an extract from the annual report of the Commissioner of Indian Affairs, in which the main argument that I presume is to be relied upon here by the opposition is presented. It is "that the control of Indian affairs under the military arm of the Government or under the War Department is to produce war." There are some novelties about this extract to which I beg the attention of the committee. I have in my hand the report of the Commissioner of Indian Affairs from which this document to which I refer is extracted. I prefer to read from the book containing the report (report of Commissioner of Indian Affairs, 1868) rather than from the pamphlet which is extracted from it. The author, N. G. Taylor, on page 8, says:

Our true policy toward the Indian tribes is peace, and the proposed transfer is tantamount, in my judgment, to perpetual war.

This pamphlet, placed on our desks and from which I have just read, is a letter of Commissioner N. G. Taylor, incorporated into the report of the Commissioner of Indian Affairs for 1868. He was president of the board of Indian commissioners, and this pamphlet is a copy of his letter. He goes on in the letter to charge all the Indian wars upon the regular Army. He charges our wars with the Seminoles, the Sacs and Foxes, and the trouble with the Creeks and Cherokees, and the Cheyenne war, and the Chivington or Sand Creek massacre, and the Sioux war, and all the Indian wars upon the Army.

Now, in reference to this Mr. Taylor, I want to direct the attention of the committee to a report signed by that same gentleman. It was the report of a commission consisting of Mr. Taylor, Mr. Henderson, General Sherman, General Harney, Mr. Sanborn, General Terry, Mr. Tappan, and General Augur.

Mr. HEREFORD. I desire to ask the gentleman a question, and I will do it now, unless he prefers that I should wait until he gets through.

Mr. SPARKS. I will hear the question.

Mr. HEREFORD. Do I understand that this bill interferes with the present organization of the legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaws, Chickasaws, or Creeks?

Mr. SPARKS. It does not change them at all in any sense.

Mr. HEREFORD. Not at all?

Mr. SPARKS. It would make an Army officer their agent, instead

of the present agent; that is all. I now read from the report signed by Mr. Taylor, on page 48:

That there are bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be denied that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way.

What? This man has just stated "that if you put the control of Indian affairs under the War Department you would have perpetual Indian wars;" "that all the wars with Indians had come from the military." Yet in this report, in order immediately following and signed by him and others, he says that "it cannot be denied that wars have originated from bad men connected with the Indian Bureau pocketing the funds belonging to the Indians," &c. He goes on to say that "*the Sioux war in Minnesota is supposed to have been produced in this way.*" That is one of the wars mentioned by him as having been caused by the military. He says further:

For a long time these officers have been selected from partisan ranks, not so much on account of honesty and qualification as devotion to party interests and their willingness to apply the money of the Indians to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the Bureau now.

I presume this pamphlet was put upon the desks of members to influence the sentiment of the House upon this subject. It is a strong document, and, if you believe it, it would seem that to put the control of Indian affairs under the Army would lead to the destruction of the Indians. This Mr. Taylor, as I have before stated, is the author of that pamphlet, and yet he, with the full commission, says also as follows about the cause of Indian wars, on pages 48 and 49 of the report:

No governor or Legislature of States or Territories should be permitted to call out and equip troops for the purpose of carrying on war against the Indians. It was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes; it was a regiment of hundred-day men that perpetrated the butchery at Sand Creek, and took from the Treasury millions of money.

In the pamphlet, the Cheyenne war and the Sand Creek butchery are mentioned as being caused by the Army. This report of the commission, and signed by Taylor, says that "it was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes;" that "it was a regiment of hundred-day men who perpetrated the butchery at Sand Creek," that all of this hurrah is made over.

A regiment of Montana troops last September would have involved us in an almost interminable war with the Crows, but for the timely intervention of the military authorities.

That is an "Indian war" that would have been upon us, it seems, but for the "intervention of the military authorities."

If we must have Indian wars, let them be carried on by the regular Army, whose officers are generally actuated by the loftiest principles of humanity, and the honor of whose profession requires them to respect the rules of civilized warfare.

That is in the report signed by this same N. G. Taylor, who is also the author of this pamphlet which makes it appear an outrage and cruelty to put the control of Indian affairs in the War Department. It is just suggested to me by a friend that the Chivington or Sand Creek massacre (so called) was conducted by a minister of the Gospel. I do not know that that makes it any worse, but I hope for the sake of the prospect I may have for a better world that all the ministers of the Gospel are not like him.

Mr. THORNBURGH. Will the gentleman yield to me a moment?

Mr. SPARKS. I would rather not.

Mr. THORNBURGH. I desire to make a statement.

Mr. SPARKS. Very well.

Mr. THORNBURGH. Mr. Taylor, to whom the gentleman refers, is a citizen of my State. I do not agree with him in regard to the transfer of Indian affairs to the War Department. What I want to say, however, to the gentleman is, that Mr. Taylor is affiliating with his own party, and was appointed Commissioner of Indian Affairs by Mr. Johnson.

Mr. SPARKS. What was the gentleman's question? I did not understand fully the point in the close of his remarks.

Mr. THORNBURGH. I propounded no question. I simply made a statement.

Mr. SPARKS. What was it?

Mr. THORNBURGH. The gentleman seemed to be making an attack on Mr. Taylor, and I only stated who Mr. Taylor was.

Mr. SPARKS. I do not know that I have made any onslaught on Mr. Taylor; he seems to have been making an onslaught upon himself. He charged in this pamphlet here, which the opponents of this bill have evidently circulated for the purpose of producing prejudice against it, that the regular Army have produced all the Indian wars. I then have shown from a report in order immediately following his letter, of which this pamphlet is a copy, that he himself with the other commissioners attributed the Indian wars to other causes, and that they wind up with the highest encomiums upon the military.

Now, sir, will it produce Indian wars to transfer the control of Indian affairs to the War Department? What is the inducement to war? If the control of Indian affairs is put in the War Department, why should there be Indian wars? Are these military men disposed to war with the Indians? Is there any glory in an Indian war? Is there any military capital to be made out of an Indian war? Do men risk life and reputation without some inducement? And now, sir, on this point I ask gentlemen to give attention to what is said upon this subject by General Sherman, (the General of the Army:)

The idea which prevails with some that the Army wants war with the Indians is *not true.*

That is the military way of putting it.

Such wars bring exposure, toil, risk, and privation, with no honor. Therefore it naturally wants peace, and very often has prevented wars by its mere presence; and if intrusted with the exclusive management, a control of their annuities and supplies as well as force, I think Indian wars will cease and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry, the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

That is what General Sherman says about it. He also says:

The Indians can be cheaper and better managed by the War Department than by the Interior Department, because we have the Army at our command, the machinery which brings us directly in contact with the Indians themselves; and I contend that the Army is more kindly disposed toward the Indians than the citizens generally, and that if the country demands an extremely charitable treatment of these Indians it can be accomplished by and through the agency of the Army better than by and through the agency of those persons who approve more charity than we do, but do not, I believe, practice as much.

General Harney, a man of perhaps forty or fifty years' experience among the Indians, says:

I never heard of any difficulty being brought about by the Army. It is the whisky sellers and the Indian agents that make the difficulty. Indian agents go out there to make money and do not care about the Indians, but take care only of their own interests.

General Sheridan says on the same subject:

It has been my belief that if the Indians had been under the charge of the War Department, we never would have had any considerable wars with the Indians. I believe that if the Indians were in the hands of the War Department the Indian expenses would be reduced one-third or one-half.

General Pope, in answer to the question whether or not the transfer would conduce to war, says:

My answer to that is that there are no men in the country who are so emphatically peace men, so far as Indians are concerned, as the officers and soldiers of the United States Army. There lives are passed in that forlorn, desolate country, insufficiently sheltered, with nothing whatever of what is agreeable in life around them, and with the bare necessities of existence and shelter from storms furnished to them.

* * * * * * *

They are bound by every interest and consideration that can influence men to preserve the peace. A state of war means for them continual and harassing service. On the one side denounced by the worthy people of the East, who have but small understanding of the condition of affairs on the frontier, if they do anything to hurt an Indian, and denounced on the other side at the West by the western men if they do not hurt the Indians, they are of all men in the most unhappy and unfortunate condition. Peace to them means association with their wives and children. It means freedom from continual exposure and hardship; and it means what perhaps is quite as valuable to them, freedom from outrageous and unjust slander. There is, therefore, I say, no set of men who are more in favor of peace with the Indians and of preserving it and doing all they can to make it, than the officers and soldiers of the United States Army.

I take it, sir, that the proofs I have adduced and others which I have not taken time to present, together with this testimony taken by the Military Committee, and that taken by the Committee on Indian Affairs, and all concurring in the same sentiment, will certainly convince this Committee of the Whole House that, so far as regards the supposed danger of producing war is concerned, there need be no apprehensions of danger from this transfer.

But it is said, "that it will demoralize the Indian." Is it a fact that the transfer of Indian affairs from the Interior to the War Department will demoralize the Indian? This pamphlet which is being circulated here says that in this respect "the effects will be terrible." Again, sir, I must rely not upon the statements of sentimental philanthropists, men who live many hundreds of miles from the Indian country and who never saw an Indian; but, sir, I prefer to rely on practical men, who know something about this question, to tell me whether or not the influence of the Army over the Indians is any worse than the present system of managing them.

I refer to the report of the Committee on Military Affairs, published in 1874. This question was put to General Nelson H. Davis:

What is the character of the troops at the post you inspected? Have they or not a demoralizing influence on the Indians?

He answers:

My experience as to the influence of the troops upon the Indians generally is that it has been the reverse of demoralizing. The Indians have more respect for and they trust further in the troops than in any other people they have anything to do with. They have repeatedly asked, and have almost demanded, that they shall have officers of the Army for their agents. They say, [of the soldiers:] "You punish us when you are ordered to, but when you are not fighting us you are our friends; and you never cheat us, but give us what the Government sends us." That has been the case for years and years—for over twenty years of more or less experience among the Indians. As to any demoralizing influence exercised by the troops upon the Indians, if there is any charge or accusation of the kind, I think there is no truth in it, except that you may find an exceptional case where something has been done that you may call demoralizing or improper. If such be the case, a little investigation will perhaps show more bad results from other sources.

I next direct attention to the testimony of General Stanley. When he was upon the stand before the subcommittee on Indian affairs and was speaking of demoralization, this question was put to him: "Would that demoralization be increased or diminished by this transfer?" He answers:

I would say that the effect would be to diminish it; for the Army officer would not undertake to break up any connection that he found existing now; but if he was stationed as an agent he would prevent anything of that kind taking place, and, if necessary, would send a file of soldiers to drive off all those bad white men from

the reservation. The Indians have more respect for a military officer than any other. They will leave an agent at any time to go to a commanding officer of a post for advice. The Indian respects a man that has power to make him respect him.

Mr. Chairman, I direct attention next to the testimony of Dr. Burleigh, formerly a Delegate in Congress from Dakota Territory, an old plains man who has had experience in the Indian country for many years. He says:

My experience goes to show that the morality, subordination, and advancement of Indian tribes, when controlled by officers of the regular Army, is equal, if not superior, to those same tribes when under the management of the civil department of the Government.

Among the Sioux, Ponca, and Winnebago Indians on the Missouri River, I feel safe in asserting that, of all the illegitimate Indian children whose paternity can be traced to white men, more than nine-tenths of the fathers belong to civil life.

How now, sir, about the demoralization?

Then on this question of protecting the Indian, giving him the advantage of education, &c., he says:

Schools and churches for the benefit of the Indians would be better maintained under military than under civil control, from the fact that the commanding officer has at all times the necessary means at his disposal to enforce the rules of government established for his agency, and the same is true so far as educating the Indians in agriculture and the mechanic arts is concerned.

On that question allow me to direct your attention to what General Hazen says. I ask the Clerk to read that which is marked from the testimony of General Hazen.

The Clerk read as follows:

There is but one justifiable course to be pursued toward these wild men. Place them in charge of the Army; compel obedience; and it can be obtained in no other way. The veteran officers of the Army know thoroughly the Indian character, and will not be deceived by them, nor will they wrong them, but know exactly what steps to take, and when and how to prevent outbreaks. At the same time, they are their protectors when desiring it. Then fast as practicable place humane men over them to direct and instruct them, and use all the humane elements of civilization to better their condition and make them self-supporting; but never give this purely moral element the leading place with the wild and unconquered, as failure will always follow. This is erecting your mill without a dam, your church without an audience; in fact, to do a good work before securing the materials out of which it is to be wrought. Here, coming after, never before, should be seen the Quaker, the philanthropist, the religionist, and all those moral forces that have for the past six years wrought so worthily and laboriously, but with so meager results.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPARKS. I would like a few minutes more for the purpose of concluding what I have to say on this question.

Mr. STEVENSON. I move that the gentleman have his time extended for twenty minutes to finish his speech.

There was no objection, and it was ordered accordingly.

Mr. SPARKS. I am much obliged for the courtesy, and think that is as much as or more time than I will need. I have tried, sir, to make the point, mainly by reading extracts from these books, that the change of this Bureau from the Interior to the War Department would not conduce to war. I have shown by the testimony of men acquainted with the subject that it would not tend to any greater, if as great, demoralization than now exists under the present system, and that it would have a tendency to encourage civilization fully as well, if not better, than the present agents are able to give to that subject.

Now, sir, I propose to direct attention precisely to what this bill means. How are these Indians located and how situated? There are a great many tribes of Indians known to all of us who need no control of either or any Department. I would say that the five tribes in the Indian Territory certainly do not need any. I would further say that all the Indians in North Carolina need no control. If anything ought to be done with them, they should be put under State government, given in charge to the State. Those in New York certainly need no control. I apprehend those in Wisconsin, Michigan, and Minnesota would be much better cared for if controlled under those States. These are peaceable Indians. These are men many or all of whom ought to be now put upon the standard of citizenship. Then I would mention a large class of Indians, in fact the great body of them so far as numbers of tribes are concerned, who need no restraint; no control further than to have an agent whose duty it would be to pay them their annuities, to have a general supervision over the affairs of the agency, and in that way protect them.

Now, sir, who can do that? Just grant, if you please, that the men appointed as they are now by the Interior Department would do it as well as the military officer, (but certainly no better,) I ask this committee, then, why not use the military officer when you have him? He has nothing to do; you have educated him; you now pay him; he can do this service, and why hire another man to do it? Answer me that. In all these agencies of peaceable Indians that I have mentioned, the agent would have no soldiers with him, no more than the present agent has. Is he going to demoralize them? Who is he? A captain in your Army, a major, a colonel; and is he not as moral and upright a man as Agent Saville? Is he not competent to receive so many thousand dollars a year in annuities, supplies, or money and pay it out to these Indians as well as any civil agent? If he can do so and as we already have him, and as he belongs to us, and we must pay him anyhow, why hire anybody else to do this service? Why not let him do it? Nay, sir, why not make him do it? We have plenty of them to perform this service. Sir, to tell me that the Army officer would be a worse man and less competent than the agents appointed in the way they are now appointed, is treating our Army with great disrespect as also the system under which it is organized.

Now, how do you get your Army officers? Young men are selected with great care, rigid examination mentally and physically is gone through with, and they are educated carefully at the expense of the Government. Their profession I have always thought, with their surroundings, made them a class of men certainly equal to the ordinary standard of professional men if not superior to it. If that be so, and you have fifty agencies where you want peaceable agents, and you have these men paid by you who have nothing to do, I ask why not give charge of these agencies to them? Why do you want to hire others to do it.

We are told that these men are not morally fitted for the discharge of these duties, and that their employment will have a tendency to produce demoralization. If that be the fact, I suggest, then, that you burn up and demolish West Point and discharge the Army. And it is said they would not civilize the Indian; that they would not educate him as well as the present agents. Why, sir, the agent does not civilize or educate anybody. The agent is merely there to dispense the annuities and to take general charge of the agency. Your teachers educate and your missionaries preach and civilize and christianize the Indian. The officer will do the agent's part as well as anybody else can do it, and it will be a saving to the Government in the simple item of pay to these men, as I have estimated it, of about half a million of dollars annually.

But there are some of these tribes that are wild. Now, sir, allow me to suggest that in every one of them they have already got the Army. Hence, if the Army is demoralizing it is demoralizing now, and you cannot get along without it. These commissioners in their reports all show the necessity of a military force in the country where the wild tribes are. If that be so, why not give the entire charge to the military and let them be your agents? At the agencies they will fill the places of the present agents, and then there is the power back of them and under their immediate control that says to the Indian, "Here is your reservation; we propose to feed and clothe you, to educate you, to civilize and christianize you; but you must stay at home and behave yourselves, for we have a force back of us to make you." I think that will be better, and it will save much cost. And, sir, the Army will be used only where it is now used. No more, no less. Under this bill we do not expect to use the Army except where we are using it now, among the wild and warlike tribes; but we do propose to supply agents from it, and the chairman of the Military Committee will tell you that you have a great number of Army officers qualified for that duty and having nothing else to do.

Will the Chair please inform me how many minutes I have left of my twenty minutes' extension of time?

The CHAIRMAN. The gentleman from Illinois has ten minutes unused.

Mr. SPARKS. I hope to get through in that time.

I now wish to call attention to the last section of the bill, the section making provision for the protection of all the agencies that can be brought to bear upon the Indian touching his civilization and christianization. With my views and my sentiments with respect to these matters, I must say that I could hardly favor any proposition in which could be seen a possibility of an impediment being thrown in the way of civilizing, christianizing, and educational influences being brought to bear on the Indian. I am for this, and I think this bill makes provision for it better than has ever been made for it in any bill ever before presented to Congress. And I think that the educated, high-toned, honorable Army officer, colonel, major, captain, or first lieutenant, who is at his station with the power behind him to protect, will protect the missionary in his clerical garb and with his Bible and the emblems of his holy office in his hand in front of him. Sir, I would feel sadly out of joint with respect to the Army officer if I did not feel that he would do this. He will not be the missionary; neither is the present agent. He will not be the educator; and neither is the present agent. But he will be a gentleman and the official who dispenses the annuities, discharges the duties devolving upon that station, and gives countenance and protection to these agencies that are at work in front of him by persons chosen to educate, by farmers chosen to educate in agriculture, by mechanics selected to educate in the mechanic arts, by teachers selected to educate in books, and by missionaries who go there to prosecute their high calling.

This bill makes provision that *all* Christian organizations shall "equally and alike" have the right to be represented there. I will read section 9:

That it is hereby provided that all Christian churches shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their christianizing, civilizing, and educational efforts.

I charge that your present system does not do that, and I am prepared to make the charge good. The Constitution of our country of course covers this. Under it there is no doubt that the missionary has the right to go anywhere and everywhere. But under the present Indian management these agencies or reservations are divided or parceled out among the Christian organizations by an arbitrary rule under which the religious teacher may go and exercise his functions as a missionary and erect school-houses and churches upon the reservation to which he is assigned, and not otherwise. Now, sir, I want to encourage these religious instructors to go into any or all of them,

I proposed that question to the late Commissioner of Indian Affairs in this city, the gentleman who occupied that position at the beginning of this session. He said to me that the system "did not preclude anybody from going upon the reservations and exercising his functions as a minister, but that it *practically* amounted to that." In a word, where a reservation was given, if you please, to the Presbyterians, Presbyterianism only was allowed to be taught in it and all others had to leave it alone. Now, sir, that will not do. He said that it "practically amounted to that." Why of course it does, and it must "practically amount to that" when the Methodists select their agents and have their particular reservations, or where the Presbyterians select theirs, or the Baptists, or the Quakers, or the Catholics each select theirs. What we want to do is to encourage all; and, if the Indian cannot be converted under the preaching of the one, I would like that they may have the opportunity of hearing and being converted by some of the others. I would like for it to be understood that all have the right to take charge of him; and let them all exercise their best influence upon him.

And on this subject I have here a letter addressed to General Charles Ewing by Hon. E. P. Smith, late Commissioner of Indian Affairs. It is in relation to the erection of a building for a Catholic mission-school at Standing Rock agency, Dakota Territory. He says:

You will understand, however, that the Government cannot surrender its control over any matter connected with the Indian service, nor commit the religious instruction of the Indians, except for a temporary period, to any religious or other body, but retains as trustee for the Indians all rights over the property and buildings supplied at public expense used for school or religious purposes, and *reserves the right to change the religious and educational management when it shall consider such change desirable in the best interests of the Indians.*

The Commissioner is doubtless an excellent gentleman, but perhaps with this power conferred upon him he would compel the Indians to take just what religion he prescribes or have none. Now, sir, this bill under consideration says that the reservations shall be free to all.

Again, here is another letter addressed by Ex-Secretary Delano to the Commissioner of Indian Affairs, in which he says:

Perfect freedom should be allowed to the Indian population to attend such schools and churches as they prefer, but the right should be reserved by the Indian Office and the Department, in case of difficulty or contentions in consequence of allowing more than one religious denomination to have schools and churches on the same reservation, to *require one or the other to leave* it, as in their *judgment might* be *deemed best.*

Sir, I demur to that. This bill makes special provision that the religious teaching of the Indian shall be *free* to all, and then, sir, if rivalries exist, let them exist, but let it be distinctly understood that the field is *free* to *all* to exercise their religious functions among the Indians. In my judgment, that, and that only, is the correct rule. I have no time to argue it, and in fact it needs no argument. Had I the time, sir, it could be shown that difficulties have occurred under the present system, wherein it had been attempted to prescribe that upon the reservations particular denominations alone have exclusive control.

And again, sir, and in conclusion, allow me to suggest that there should be no partisanship in this matter; and the bill under consideration conserves that view of it. The Army is not supposed to be partisan. Its officers are not appointed for a year or two (in the language of General Stanley) to "feather their own nests" and then retire, but they hold their offices for life or during good behavior. They are educated by us, paid by us, and good sense and common justice to the millions of tax-payers of the country demand that we shall use them in these capacities rather than continue the inefficient and expensive system that is now upon us.

[Here the hammer fell.]

The committee informally rose, and Mr RANDALL took the chair as Speaker *pro tempore* to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.; and

A bill (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin, under the direction of the Interior Department.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in the act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress;" and

A bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation.

TRANSFER OF INDIAN BUREAU.

The Committee of the Whole resumed its session.

Mr. VAN VORHES. I had the honor to present the minority report on this bill, and the committee have generously given me a portion of the time; but not being in a condition to address the House to-day, I will yield my time to the gentleman from New York, [Mr. Cox.]

THE INDIAN—WHERE SHALL HE GO?

Mr. COX.

Rushing westward o'er the mountains,
Stumbling westward down the mountains,
To the door-ways of the west wind,
To the portals of the sunset,
To the earth's remotest border,
Where into the empty spaces
Sinks the sun, as a flamingo
Drops into her nest at night-fall
In the melancholy marshes.—*Hiawatha.*

Mr. Chairman, "Give them hell" was the expression written upon a slate by a chivalric officer in the Mexican war as he breathed his last. Consciously or unconsciously, he expressed in one terrific monosyllable the horrors of war.

Well may the gentleman from North Carolina rush to Paradise Lost, and, as he surveys the Indian seeking to escape from his sad and unhappy environment, exclaim for the Indian, with the fallen archangel:

Which way I fly is hell; myself am hell;
And, in the lowest deep, a lower deep,
Still threat'ning to devour me, opens wide.

If the present system is hell and the Indian himself is hell and the lowest deep is in the Interior Department, where is the lower deep, lower even than the lowest, threatening to devour him, unless it be found in the War Department?

The bill before us, reduced to its last analysis, would transfer the Indian Bureau from the benignities of peace to the waging of battle. It would lift among the 300,000 Indians who are spread over 200,000 square miles of our territory some other banner than that of white. It would not merely give military supervision over the wild Indians of the West, but over the civilized tribes now organized in lawful communities. It would, to use the phrase of the gentleman from Illinois, [Mr. SPARKS,] place the latter under "general supervision" of a military officer. It would reverse the progress of our age and the civilization of centuries. It would give incentive and provocation to force and destroy those elements of peace which belong to a new and better order of society.

We have boasted since the Alabama treaty with England of the great value of arbitration in settling disputes between nations. We have condemned the umpirage of war. We have boasted of those principles which are blessed as peace-making, and yet, to still subdue the already subdued Indians of our plains and forests, we renounce the principles of peace to offer our devotions before the wrathful Moloch of hate.

NO GOOD WAR OR BAD PEACE.

Even a heathen writer has declared that he preferred the "unjustest peace to the justest war;" and Dr. Franklin acknowledged, on signing his name to our treaty of peace with England, "that there never was a good war nor a bad peace." But if the spirit and provisions of this bill are sustained every example and precept which would enchain the worst passions of our nature are discouraged; and that, too, for a war in which there can be no glamour of glory for its participants. The appeal to arms for the maintenance of peace with our Indian tribes is a solecism. *Cedant arma togæ*, was the expression of olden times, when wars ended. This bill would reverse the motto, and hide arms under the toga.

I hold it to be the duty of civilization, as represented by a Government based on the concord of our States, to restrain the natural tendencies to causeless violence and inequitable dominion. The philosopher, Thomas Hobbes, has many chapters upon the tendency of mankind in this direction. He holds that there is perpetual war which even victory does not end. Our own civil war has shown that the conqueror is subject to danger, and the strongest in mere force, except by a miracle, closes his life without many years. No man reasoning purely can believe that the pleasures, beauties, and felicities of life can come without peaceful society. Make those who are weak and in your power your enemies and you ask in vain for those auxiliaries of happiness which are the law of our highest nature.

TRIBAL CONFLICTS—TAMMANUND.

What is war, Mr. Chairman, but force against force; and if that be the case, how little time remains for us on earth which may be called peace. With but few exceptions since the discovery and settlement of our colonies or our continent have the native tribes enjoyed repose. Their traditions indicate that before our discovery war was their natural state.

It may be asked why a representative from the great metropolis should take such an interest in this Indian business. Perhaps it might be suggested that it was because I was associated with the Tammany wigwams. [Laughter.] And in this connection may I say that there is one tradition, however, which may be worth referring to as exceptional. It is said that Tammanund, after whom a very belligerent society has been named somewhat familiar to our politics, was a chief of many days because he was a wise and merciful sachem. He fought the malignant forces of nature, the malaria, the reptile, and the monsters of the elder world. Torrents, inundations, and, what was worse than all, the hearts of the tribes were turned against him, while brethren were arrayed against and slew brethren in civil war. How did he give peace? "We are children," said he, "of the same Great Father. Go to your desolate wigwams and wasted fields to repent,

work, and amend." His descendants forgot his teaching; and we, too, have forgotten the moral of the legend. But why should not that moral be applied to the descendants of these tribes who still remain with us? Why should we not in practical legislation find means for so wise a purpose?

If history were read aright it would be seen that the indictment which Milton made against war in its every count is, alas! too true. Under what favorable condition soever war may be waged, whether you hide the sword beneath the toga, or give the laws of humanity to conflict, the counts in the indictment are only varied by the words: rob, spoil, burn, slaughter, enslave, and ruin. From the earliest wars of Joshua down to the last of General Reynolds against Crazy Horse's village, this indictment can be proved. Vices, robberies, rapes, treacheries, spoils, cruelties, and crimes, not to speak of the vast taxation, losses, and expense of armament mark the red foot-step of battle.

EUROPEAN DISARMAMENT DEMANDED.

The best men of Europe are to-day considering how by prevention and conference to disarm the great powers which so oppressively tax the wages of workingmen. They do not indulge in the sentimentality or dream of brotherhood and universal peace, nor languish over the orphan's desolation or the widow's tear; but they would give the oppressed peoples of Europe those peaceful triumphs, in home, field, workshop, study, arts, science, and labor, which are more renowned than those of war. They would start the shuttle of that magic loom that weaves concord between the nations. They talk not of a golden age, but they talk practically of an age of freedom from the slavery of public debt and the exactions of insatiate rulers. Four millions of men in the flower of their age, supported by the industry of the rest of the population, with the large armaments and bustling preparation constantly going on, is a reproach to progress and a crime against humanity. Military establishments, and especially in the purchase of subsistence and clothing, are more expensive than other service, unless we except naval armaments. Turkey bought a lot of ironclads. They talk of selling those vessels now to raise money enough to pay their July dividends. Austria-Hungary this year shows a deficiency in the military budget of about twenty-five millions, reduced to dollars.

Statesmanship would reverse these onerous evidences of the philosophy of Hobbes, and create international interdependence. It would substitute co-operation for competition. It would thus establish the normal condition of civilized communities. Cannot these high thoughts now wrestling with the irrational elements of power and the national vanity of kings and states be applied with equal reason, on a less scale, to our relations with the red man? Fresh as we are from our own civil conflict, it is unnecessary in this Congress, where the repetitions of our great calamity are so frequent, to refer to the billions which have been wasted and to the distrust and animosity that have been engendered.

QUESTION OF DIGNITY TOWARD THE WEAKER.

There is no good rule, Mr. Chairman, which can be applied for the preservation of peace between civilized nations which should not obtain between the civilized and barbarous. Indeed, for a stronger reason, we can well afford to do that toward the weaker which cannot be done without some sacrifice between nations of equal position. Is there any question of dignity involved between those who are unequal? Is there anything contemptible in yielding for the general good to mere barbaric fury? Is it not a sign and source of strength in the superior to refuse contest with the inferior nation? What historic nation that is wise that did not regard the fighting of savages as folly, and the warring upon barbarians as fruitless? What mean our treaties and our presents and our annuities to the Indian tribes? Are they not intended to cultivate compliance with reason, and cannot that be done without degradation, even when the most insolent and unreasonable terms are urged?

PENN—HIS POLICY AND ITS VIOLATION.

The best portion of our Indian history is not that of war. I know that gentlemen who represent our Territories and border States laugh at the law of love as a rule of conduct between the Federal Government and the Indians. They laugh at the best examples of that conduct in our own nation. If I should quote William Penn as an example they would sneer at his efforts to subject savage nations by gentle manners and civil association. The picture of the great Quaker beneath the spreading elm forming the treaty of friendship with the Indian is to them a theme for leers and jeers; for to them is not the Indian only a treacherous savage, to be subdued by carnal weapons? Are not his lands to be wrested by violence or acquired by fraud, and not by free will and honest purchase? The doctrine of coercion in a Christian state dealing with savage neighbors is that which Mr. Sumner once called "the flinty hardness of the pilgrims of Plymouth Rock," whose "coarse and earthly" treatment of the Indians stands out in such brave and gentle contrast with the policy of Penn. The splendid State of Pennsylvania, as a philanthropist has said, became armed without arms, strong without strength, and safe without the ordinary means of safety. Unlike other colonies, which spent their money in forts and arms, not merely for the provocation of war but in anticipation of danger—Pennsylvania during the administration of Penn had no Indian quarrel and no war. Her record is stainless, at least during such peaceful rule.

But, sir, history paints another picture of Pennsylvania, which only makes by its dark background the shining contrast of its founder more resplendent.

Leaving Western Pennsylvania and going beyond the limits of the Ohio, ay, and beyond the bounds of right and the law of love, following the peaceful track of the Moravian missionary to Gnadenhütten, in my own native Muskingum Valley, her white marauders ravaged the peaceful towns of the simple Christian Indian, and massacred and burned men, women, and children without discrimination, leaving a peaceful Arcadian village in ashes without a survivor to tell the terrible story.

JEFFERSON'S VIEW—SHEEP AND WOLVES.

Glancing to-day into Jefferson's Notes of Virginia, I found his significant article on the aborigines of his State. In 1607, from the "Pawtowmac to the most southern waters of the James, and from the sea-coast to the mountains, the country was occupied by upward of forty tribes of Indians." Their names are metrical poems; from the Mannahoacs and Chiccahominies to the Tuscaroras and Nottaways. Their names only live in stream and valley. Nor is the interest in the Indian or his fate less interesting to me because of the speech made by Logan, the Mingo, reported to or by Jefferson himself, and which every school-boy has read. There are other associations running along the early border of Ohio and Pennsylvania which give their added interest to these narratives of Mr. Jefferson. He wrote kindly of the red man. He knew the injustice they suffered from the "Big Knives" and "land-jobbers" of that early day. He thought it strange that the Indian was not even made a subject of natural history, like the beasts that perish. He detected their art even in drawing, and their "astonishing strokes of sublime oratory, such as proved their reason and sentiment strong, their imagination glowing and elevated." He regarded their laws with his philosophic eye, and in his Notes (page 100) he says:

> Imperfect as this species of coercion may seem, crimes are very rare among them; insomuch that were it made a question whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last, and that the sheep are happier of themselves than under care of wolves. It will be said that great societies cannot exist without government; the savages, therefore, break them into smaller ones.

Were he called upon to vote upon this bill, where would he find the sheep, and where the wolves? Would he allow the sheep to be transferred to the care of the wolves?

The seeds of hate, sown very early in our annals, have brought forth their legitimate fruit in recent times upon our border. The bloody massacres known as the Chivington, Piegan, Black Kettle, Camp Grant, and others have their originals in other times, and have created more distrust and loss than all our three hundred and seventy-two Indian treaties can remedy in a century.

DOUBLE POLICY—KILLING AND CARESSING.

The permanent alarm and warfare upon our borders are not to be attributed to the savage quality of the Indian so much as to our own policy; for has not part of our policy been founded on the idea that the Indian was a beast of prey? Is he not to be hunted, fired upon, and dragged about at the will of the superior white man? And then, again, by a sudden caprice of policy, has he not been nursed as a ward of the nation, and given missionaries and agricultural implements and guns for the chase? Is it not time that we had a settled policy which would treat him with something else besides whisky and trinkets, gewgaws and cards? Bad liquor and bullets may not always find their proper substitute in pantaloons and plows, but if we treat the Indian as the worst of animals or of men, as a sort of chimpanzee or a dropped stitch in the garment of humanity, it is not so politic or wise as the other extreme which caresses, feeds, clothes, and patronizes him. There is certainly a better side to the red man than we are apt to see from the representations of our border men. I would not paint him as Cooper's lofty, poetic, generous Uncas; but is he always found the dirty, thieving, drunken savage, who allows his squaw to work with her papoose strapped to her back while he slumbers ingloriously in his wigwam or dances the war-dance with its pagan orgies? The good men upon our border, like Bishop Whipple or Bishop Hare, the Methodist, Quaker, and Catholic, who have gone out to talk with him for the highest and holiest purposes, do not confirm the statements made by the dishonest and selfish who prey upon him. We read of Bishop Hare's sojourn among the Oneidas, of their twenty thousand cultivated acres, of their frame-houses, neat table, healthy food, and we wonder why all the tribes should have such general odium. He found among the Cherokees, Creeks, and Choctaws 50,000 law-abiding and moral people. The Santees were earning their own living, surrendering their rights to annuities, rations, &c., while schools were overcrowded and honest faith and friendship prevailed. Mr. Janney, in his letter from Loudoun County, Virginia, dated "Twelfthmonth 23, 1873," reliably describes the self-reliant and self-supporting condition of the Santee Sioux, to which I can only refer. Can these be the beasts and demons too often confounded with the worst of the wild tribes who have come in contact with our blessed civilization? Some one has said that every savage can be made a "Friday" if you choose a Robinson Crusoe as his companion.

CANADIAN SYSTEM.

Why, I ask gentlemen who are urging the transfer of this peaceful Bureau to that of war, has the Canadian policy been successful as com-

pared with our own? Why has Canadian policy been cheap and good while ours has been expensive and bad? Has civilization been stopped in Canada by the presence of the Indian? Does not the Canadian government get along comfortably with him? Why have they not wars and rumors of Indian wars there? The Canadian Indians number 85,379; the Indians under our own Bureau, not counting the wild Indians, are 115,000. In 1874 the Canadian bureau cost $199,000 in gold, or $2.35 for each Indian under its care. Our Bureau in 1872 and since has averaged six or seven million dollars a year, or about $60 for each Indian. Solve the Canadian Indian question, and you may possibly strike a policy of peace and economy for ourselves. Is it successful because the Canadian agents are more honest and capable than our own, or is it because they treat the Indians as the governor-general, Lord Dufferin, has so often expressed to the Indians themselves, as an integral part of the British empire, to be legislated for as others of the human race?

BELLIGERENT SPIRIT IS WAR.

Let us remember that a state of war does not consist merely in fighting. The belligerent will and spirit is in the nature of war. Its existence implies destruction. It is said that "it is not foul weather which gives us a shower or two of rain; but it consists in an inclination thereto many days together; and so the nature of war consisteth not in the actual fighting but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace." We know too well that under military espionage and protection over the Indian the spirit of hostility continues even under a peaceful exterior. It is almost as if we were in actual battle. As in days and years of menace and unrest like those which followed Alsace and Lorraine after the Franco-German war, though not to the same extent, similar consequences follow. Industries cease, because the fruit is uncertain. There is little or no culture of the earth; scant navigation, transportation, and the use of commodities; no building of houses, no dissemination of knowledge, no commerce, no letters, no society; continual fear and danger. So "the life of man is solitary, poor, brutish, and short." This describes well the condition of the Indian and settler upon our border from the beginning of our Government down to our present and recent experiences, under our changeful and capricious policy.

HOW EUROPEAN BARBARISM WAS ERADICATED.

The "unrelenting vigor" with which General Ord would pursue the Indian, the exterminating spirit of Sheridan and Sherman, and the military *élan* which belongs to the Army hereafter to be proved, would lead us to infer *a priori* that to commit the Indian to the care of the soldier is to write his sentence of death. Certainly this is not in the spirit of those laws of progress which have redeemed our kind from barbarism. We are apt to forget that our ancestors were once no better than the Modoc, and far inferior to the Choctaw. I open Keightly's History of England, and read its first paragraph. It is based upon Roman authority of two thousand years ago. It calls upon us to behold the isle of Britain as it was then! It is a region covered with forests, and spreading into marshes. Its inhabitants are a rude, barbarous race. They subsist on the milk and flesh of their cattle. Their towns are mere inclosures in the woods. Their dwellings are rude, wicker cabins; not so good as the stone or cane huts of the Kabyles. Their only vessel, the *coracle;* a boat of frame-work and skins. Or, as the historian says, they were nearly as low in the scale of humanity as our colonists in after times found the aborigines of the New World. When they fight they do so *in puris naturalibus*, and their fighting is like a war of kites and crows. They are tattooed like the savages of the southwestern seas, and on their bodies—wonderful antitype of our ensign—is punctured the red, white, and blue, or, as the historian says, they were tattooed with "the stars and stripes." [Laughter.] Now behold that little island! Its valleys and plains are blooming with cultivation; its cities and towns are animated with the activity of commerce and manufacture. Its fleets ride triumphant on the most distant ocean; and its institutions are the wonder of the world. Its queen is just made empress of two hundred millions of subject races in a distant continent, held in perfect peace to a distant throne by the defender of another faith, whose Kohinoor in the imperial crown reflects the prismatic brilliance of farthest "Ormus and of Ind."

Dressed in beads and flowers, with weapons of bone and flint, clothed in the fur and wool of cats and rabbits and sheep, the condition of the British barbarian was no better than that of the indigenous Gaul and German who through many cycles of time have ruled by their policy and their refinement of civilization. In the time of Tacitus the Germans were barbarians. They had a warlike subtlety equal to our Indians, and the Romans acknowledged their skill in war. The Rhine and the Elbe were to them what the Missouri and Yellowstone are now to us. Mountains and forests were full of these barbarians. Their yellow-haired children had no cradles and no swaddling-bands. True they gambled with dice and allowed their women to work in the field; but it was from this cradle and by the very lack of the swaddling-bands that Rome was overcome by arms, only to overcome the barbarians in turn by arts.

From the family or the clan or the tribe, mere seedlings of progress, the early European nations have grown into a tree whose shadow covers many nations, and of whose magnificent bloom, fragrance, and fruitage our nation is a part.

ROMAN LAW VS. ROMAN EAGLES.

What was the cause of this growth in civilization? These barbarous tribes had their conquerors and their wars. But their conqueror was Roman, and Rome conquered more by her laws, language, fasces, and citizenship than by her eagles. A German chieftain once addressed the Romans thus:

Since I was made a Roman citizen by the divine Augustus I have had the conviction that the same thing is beneficial to both Roman and German, because I prefer peace to war, tranquillity to turmoil. I can become to the German people a useful advocate should they choose order instead of ruin.

DISHONEST AGENCIES MUST BE ERADICATED.

Who are the wise intermediaries between our superior Government and our savages? The squaw-men, the half-breed, the dishonest adventurer, the post-trader, the bar-tender, the vendor of sheet-iron spades, cast-iron axes, paper-sole brogans, shoddy and glue blankets, iron spoons, two-inch mirrors, gimlets, Jew's-harps, hair-oil, finger-rings, and elastic garters. [Laughter.] Alas! too many such selfish and scoundrelly evidences of civilization intervene against the law by which the greater should teach, civilize, and ennoble the weaker. "You tell me," said Little Raven to the good missionary, "that all good men, red and white, will go to heaven, and all bad ones to hell. Good notion; heap good; for if all the whites are like those I know, when Indian gets to heaven few whites trouble him there."

But is there any reason, Mr. Chairman, why abuses in the Indian service should be abated with a firm, strong hand, rather than increase them by other policies? Reprobating all the frauds so long continued in this service under every system; conscious that it is not an exceptional Bureau, and that purification and accountability are indispensable; yet how can one, overlooking the whole field, turn over the service to that destructive and expensive management which in the past forty years has cost five hundred millions, while the civil policy has cost but little more than one-tenth of this sum, including annuities, presents, purchase-money for lands, and all?

We have no reason to distrust safe and humane policies toward the Indian, if pursued by agents, without menace, force, or fraud. What we want is not the transfer of the Indian Bureau from one Department to another, but honest agents; not a partisan Bureau, but honest agents, even if under an independent Department. We have never yet seen in this service what the policy of peace can do when properly managed; for it has been so closely connected always with the military. We need not go to Canada, or to Algiers, or to William Penn for lessons. Is there not civil ingenuity and wisdom enough to devise remedies for Bureau mismanagement, purge our system of its putrescence, punish crime, and compel accountability without a transfer of the functions of civil government to the military?

ABORIGINAL CIVILIZATION.

Once the pioneers of Georgia, Alabama, Mississippi, North Carolina, Tennessee, and Florida had their conflicts with the Indians of the Savannah Mountains and valley. The fields of Talladega, Emuckfau, and Horseshoe, are they not associated with Andrew Jackson? The tomahawk and scalping-knife are not alone associated with the Pequots, the Delawares, or the Modocs. The beautiful land of the South had its Indian orgies and war-dances. Now go to the land provided for the Choctaw, Cherokee, Chickasaw, Creek, and Seminole, and, although you may find some relic of the superstitious and barbarous element, yet their average intelligence and morality put to shame many communities of the pure white type. These tribes yielded to the advance of the whites from time to time and clung to their old habits until agriculture and pasturage took the place of the destroyed game, and they learned the arts of war no more. True, they were circumscribed in domain and properly so. The members of their tribes were localized. The idea of property and sale was introduced, and in the one-fiftieth part of the time it took to regenerate the barbarians of Britain and Germany they have demonstrated that for peaceful civilization, with its herd and field, its plow, loom, and anvil, its book, school, and literature, and its religion, they are intrenched beyond the possibility of retrogression. May we not infer that like causes will operate upon the Cheyennes, Arapahoes, Apaches, Kiowas, Comanches, and even the Sioux, if affairs are properly administered? Referring to the Six Nations, said Oldmixon, "We entered their land and inhabited therein as safe as if there had been thousands of garrisons." What New York has done, through wise policy, for the confederated six tribes, other States have done and will do for the tribes within their borders. How much better to prepare for such local management than at once to open the flood-gate of distrust and destruction.

INDIAN PROTESTS AGAINST THE TRANSFER.

There has been laid upon the table of members a protest of the lawful delegates of some of these civilized tribes or nations of the Indian Territory against their transfer to military control. The delegation of Cherokee, Creek, Choctaw, Seminole, and other nations have honored me with a letter asking me to protest against the transfer of their race from the civil to the military rule "as unnecessary, impolitic, and unlawful." I do this, inasmuch as it was just answered here that not a committee hearkened to them. They only heard the Army officers, who "can be well spared" and have "nothing to do," according to the gentleman from Illinois, [Mr. SPARKS.] Judgment is taken against them by default. Their protest is signed by the authorized delegates of some of these tribes. They have no representative here. The colored man has his Senator and his Representative and

friends here, and the descendants of the Celt, the German, and the Englishman have their exponents, partial by blood and association; but these red men depend solely for their protection on the law of kindness, the treaties of faith, and the dictates of justice. Lord Chatham once commended the papers of the Continental Congress as unequaled in style and manner since the time of Thucydides. This equally commendable paper which I hold in my hand is an able, though brief, presentation in the interest of humanity and liberty against an infraction of our own Constitution, which disallows the quartering of soldiers in time of peace without consent or in time of war except by law. It is a protest against breaking contracts and treaties, and it appeals to us by the very genius of our hundredth anniversary against the avaricious and tyrannical designs of those who would prejudge—not for his own faults, but on account of the bad conduct of our own officials—the red man whom the United States have treated on equal terms.

SECTARIAN AND MILITARY AGENCIES.

It was argued by the gentleman from North Carolina [Mr. SCALES] that the association of the Christian missionaries was in violation of the Constitution of the United States in relation to the free exercise of religion. It is not my purpose to defend the selection of sectarian agents. But this ought to be quoted from the testimony of Mr. Welsh, in this connection, as a full answer. He says to the committee:

I think the present policy is the best we can advise. No agent has the right to exclude any religious body from exercising their missionary operations on his reservation. They dissuade others from coming if he thinks the multiplication of them will be injurious. On three of the reservations in which we operate other religious bodies are at work as well as ours, and they are all equally favored by the agent, though it might not be promotive of the highest good, but inasmuch as there are more Indians than the religious bodies of this country are willing to undertake the care of, there seems to be an advantage in the system as at present adopted.

Much reproach has ensued because of these teachers and preachers; much more because of the partisan character of the agents, and still more because of the robbery and plundering, suffering and starvation of the Indian through the infidelity of the Indian agents generally. I do not extenuate in the least the fraud and corruption of the present system. I doubt not that the special report of Mr. Nesmith, quoted by the gentleman, is true as to the outrageous swindling of the Indians in their goods both in the quality and the prices. This special report of Senator Nesmith is calculated, without proper deliberation, to assist the transfer of this Bureau to the War Department, but I beg the House to pause before the fraud of the Indian Office is made a pretext of worse injustice. It is not the ills which the Indian now suffers from the Indian Office which should be considered merely, but the ills which may come to him that we know not of, when the transfer is consummated. I ask the distinguished gentleman from North Carolina, who has served in war, not merely to recall his own honorable service and that of his compatriots, but to remember what the Army has been in connection with his section in time of peace during the last ten years. Has it not been used throughout the South to overturn established institutions from the ballot up through various gradations to the Legislatures of sovereign States? Must I rehearse to him the jealousy of arms in free countries, handed down in traditions, bills of right, and constitutions for our guidance in the pursuit of well-ordered civil freedom?

WAR DEPARTMENT HONEY-COMBED WITH FRAUD.

It is not necessary to refer to post-traderships and other recent illustrations of rascality. It is not necessary to hint that during many years this very War Department has been honey-combed with fraud, and that but a few of those officers on the frontier posts had the courage to announce these frauds to the public or to the Government. I know men now say that they knew of this abomination all the time; but why stand by fearfully subordinated without the nerve to call a halt upon this progress in vice and fraud? And yet, sir, in the face of these revelations, and while impeachment stands *in terrorem* over the late head of this very Department, and with a soldier Chief Magistrate reckless of just accountability, and his brother a convicted stipendiary of corrupt post-trading, we are asked in the open sunlight of these scandalous truths that have startled the nation and the world to place the Indian Bureau under a system which connects so much fraud with its force.

If the Indian service, which should be entirely peaceful in order to be economical and just, is to be transferred to the War Office because of the corruption of Indian agents and contractors, let us first purify the military service in the War Office. Let us sweep away the rotten *débris* before we build a new structure. Let us first ascertain the length and breadth of this confessed corruption. Let us be in no haste to give these Indians, against their protest, over to irresponsible force and unexampled fraud.

MILITARY OMNIPRESENT.

If, Mr. Chairman, the military should take charge of this civil service, why not have it in every branch of the service, as we have had it around the ballots and the Legislatures and the courts of the South? Is it not said to be constituted of most honorable men? Has it not stern systems of account and penalty? Are not its teachings rigorous and its officers unsullied? Suppose we grant all this, and what is the consequence? But how is it? Many of the officers in the Army are honest gentlemen, doubtless; but it is an insult to suppose that the only honest gentlemen in this country are educated at West Point. It is a mistake to imagine that every military officer is a modest, truthful, humane man. I will not go so far as an old writer, who said the Gods never made a polite soldier. The members of this House, who are ex-soldiers, forbid the ungallant remark. But this remark may be hazarded: that there are profanity and drunkenness and vice among Army officers as well as elsewhere. They are educated to exercise power; and Army officers in all ages and countries have not hesitated to exercise it harshly when it suits their whim or convenience. Is it claimed that they are more honest than other men? It is to be hoped that men who have been educated at a great expense to the Government and given positions of high honor and generous pay for life are not quite so likely to steal as poor devils who were never educated at all and who have no secured future; but is it possible that among the tens of thousands of young men who leave our families, seminaries, and colleges year after year, the sons of cultured, honored people, there cannot be found a sufficient number to fill honestly and faithfully the civil offices of the Government? If that be so, the sooner we establish schools to educate, at the expense of Government, boys who are to have a life-tenure of all the offices the better. But, if the Indian agencies are to be turned over to the Army simply because we cannot get honest agents in civil life, why stop there? Why not give the Army control of the Land Office or the collection of internal revenue? Why not have the mail contracts let by Army officers? If a warrior is to be chosen for peace, and the War Office is to be the organ of civilization, why may not the soldier be detailed as bank examiner or a troop of cavalry deliver letters in our big cities? Frauds are alleged to exist in almost all the Departments of the Government. Even the War Department, as I have said, is not free from suspicion.

O, yes; carry out the logic to its finality. Let us have a private at the light-house, a corporal to manage the boats of the life-saving station, a sergeant to watch the smuggler on the frontier, an adjutant to collect statistics, a sutler to run our Printing Bureau, a lieutenant to collect the whisky tax, a captain to run the custom-house, a judge-advocate to decide upon the Alabama claims and write letters about guilty witnesses, a drum major to distribute seeds, a quartermaster to issue patents for bee-hives, a commissary for Secretary of the Interior, a paymaster as foreign minister, a major as Sergeant-at-Arms of the House of Representatives, a chaplain of the Army to pray for the Senate, a company to run the Bureau of Education, a battalion to man our iron-clads, a regiment in place of the girls in the redemption bureau, and, if it would not make too much of an innovation, a general and his aids to run the White House, while brigadiers by brevet should swell under the stoles of our supreme judges! [Laughter.]

PENSION TRANSFER.

It has already been suggested by the gentleman from Pennsylvania [Mr. JENKS] in a bill that we should employ the military for pension purposes, and perhaps this is the most sensible, if not economical, of all these recommendations. His bill will save us over a half million; and, as he so clearly showed us on the 15th of March, there is a close connection between pensions and the War Office, which would facilitate and cheapen the service. True, there are negligence and fraud in the Pension Office, but that should be cleared. It is not for that reason but for other reasons that I find myself an advocate of the plan of the gentleman from Pennsylvania.

THE ECONOMIES.

In the present financial condition of the country it would be strange indeed if this suggestion as to pensions as well as to Indians did not meet with favor, since it has the flavor of economy in it; and I shall be much surprised if it be not pressed with energy by a class of men professing to be advocates of economy.

I am aware that the expenditures for the Indian service have increased rapidly in the last few years. I am also aware that the service is not in a satisfactory condition, and many persons believe that under what is known as the "peace policy" corruption has been and now is as prevalent as at any former period.

The bill under consideration, Mr. Chairman, is based on economy. The Committee on Appropriations seem to have accepted this bill, as well as the bill in relation to the transfer of the Pension Office to the War Department, as in the line of retrenchment. The chairman of that committee has left this proposition in the last clause but two of the legislative bill, so that Congress may pass upon the transfer before we make the appropriation. This is wise. Those who wish to assist the committee in its strenuous and laudable efforts for reform will be glad to hear a full debate of this subject before the short debates are concluded upon the legislative bill. I doubt not that the Committee on Appropriations will cheerfully concur in the action of the House on this bill, when that action is ascertained. It is no antagonism to the principles of retrenchment, but in my judgment a vindication of them, that leads members to hesitate before adopting this policy of transfer.

COST OF KILLING RED MEN.

I have read carefully the speech of the gentleman from Texas, [Mr. THROCKMORTON,] whose superior sources of information and his locality near the border naturally color his views and give emphasis to his judgment. He has made a special study and statement of what may be saved by this transfer. I will not contest the exactness of his calculation. His saving runs into the millions by the proposed transfer, from his stand-point. But it seems to me, sir, that he mis-

takes in failing to estimate the expensive alternative should this transfer be made. Has he calculated what it will cost to keep up the Army for Indian warfare? It was stated some time since by a gentleman from Minnesota, in 1867, that it cost over $6,000,000 for a regiment in the Indian country. "One Indian was killed," said Senator WINDOM; "$6,000,000 for one Indian, and it is doubtful whether he is dead or alive." [Laughter.]

I have before me a statement of the cost of our Indian wars. Before, however, dilating upon that, allow me to say that in 1849 Congress created the Department of the Interior and transferred the Indian Bureau to that Department. Since that time the Army has had more or less connection with the Indian service; and the great bulk of the expenses of the Army has been in consequence of that connection. The entire military and civil cost of the Indian management under the present mixed policy, if we include the twenty regiments of soldiers, ten of cavalry and ten of infantry, will be a little short of $40,000,000 per annum, instead of the seven millions as represented in our Indian appropriation bills. If it costs $2,000,000 a year for a cavalry regiment and $1,000,000 for the infantry, the $40,000,000 can easily be made up from other details which it is not necessary now to consider.

Why did not gentlemen-economists cut down the Army? Was it because of such protests as this from Colonel Kautz, and addressed to the chairman of the Military Committee? Hear him:

> I should consider it very expensive in the end to reduce the Army further. A hundred thousand men would have saved the expenses of the late war, and what that war cost the country would have maintained such an army for more than a hundred years; in fact one-half the interest the country now pays on the national debt would support such an army throughout.
>
> Our Army is all on duty. Not a soldier of the cavalry and infantry but what is practically standing guard over from fifty to one hundred savages, while the two thousand five hundred artillery-men are taking care of the armament and fortifications for the protection of seven thousand miles of coast.

The reasoning of such officers did not prevail to keep up salaries; but they did prevail with committees to preserve the 25,000 rank and file and the supernumerary officers. What reasoning it is! It requires no answer.

CUT DOWN THE ARMY.

It must be remembered that it costs a little less than $1,000 a man in the Army. Why not, you economists of the House, strike off or cut down your Army? It will yet bear a reduction of 10,000 men. But the experiment of the gentleman from Ohio, [Mr. BANNING,] however much we may applaud it, does not go to the root of the matter. It does not reduce the existing force at all. It provides for an Army of 25,000; more than double what is needed. I agree with the gentleman from Texas that the Rio Grande needs protection and that the forts need manning in the Indian country; but what other utility has this armed machine, with its constant wastes and its exposure to abuse? My friend from North Carolina [Mr. SCALES] states that in 1874 Sheridan had 18,000 troops in the Indian service alone—three-fourths of the Army. May not this expense be lessened by other agencies and with benefit? Gentlemen differ, however, as to the saving by this transfer. The gentleman from Texas [Mr. THROCKMORTON] estimates a saving of a million by the transfer; the gentleman from North Carolina [Mr. SCALES] reckons the saving at $300,000. It is easy to cipher out how much can be saved by striking off 10,000 privates; it is easy to reckon what utility can be subserved by dispensing with 10,000 bayonets in southern elections. If you would put the Army on a cheap footing, cut down not merely the salaries of the officers, but dismiss the supernumerary officers and men. The saving would be at least 5 per cent. on $350,000,000 of our bonds.

The gentleman from Ohio, [Mr. BANNING,] for whose bill I voted, has not recognized the full extent of the reduction demanded by the people in these times of luxury among the few and suffering among the many. It was the hope of this House at its beginning that the implacable demand of our people for retrenchment would be heeded and that the military establishment would be brought down to a republican standard. We want no standing army either for the South or the frontier. We want no more partisan duty for the bayonet. We want no more Gatling guns to repress liberties and no swords drawn over legislators at the call of United States marshals or State governors. What we want is a restriction on the aggrandizement of the power of the War Department and of the Commander-in-Chief, who is President.

Does the House remember an order which I read to them issued by Mr. Belknap forbidding officers of the Army to give information as to military matters to Congressmen, or give advice for the conduct of military forces to legislators, except they were in harmony with the Department of War itself? Is such a Department, capable of issuing such orders without protest, handling so many millions of dollars and such immense patronage, the one to which we must ever defer as to the civilization and moralization of our Indians? Do we not know that the sound of our gun and the presence of uniformed soldiers upon the border and on the hunting-ground and reservation inflames, instead of conciliates, hostility? The recent Commissioner of Indian Affairs threw a little tub to the whale in his report, in which he recommended the War Department as preferable for the supply of subsistence and clothing, amounting to two millions. He gave, as General Sherman does, some plausible reasons for this recommendation.

But, Mr. Chairman, let us remember the law of human nature. If the military through the policy of economy is made to distribute the food and clothing to the Indians, will not the Indian cease to regard the agent and lose his respect for his authority? He will look at the donor perhaps with fear and trembling, but not with love and kindness, when that donor is the military man.

INDIAN WARS CAUSED BY SOLDIERS; THEIR COST.

I have said that our Indian wars have been under the direction and control of the War Department. I may go further and say that for more than half the period while the Bureau was under that control it was occupied in wars, more or less unjust, against the Seminoles, Sacs and Foxes; not to speak of troubles with the Creeks and Cherokees. It can also be shown that since the Bureau has been under the Interior Department the military stationed in the Indian country have been responsible for most of the wars. It was the cause of the Sioux war in 1852–'54. That war arose, like the fire at Chicago, from a cow; a lieutenant and his squad began the killing and wounding, and the expenditure of $20,000,000, besides hundreds of lives and immense loss of property, was the result.

The Chivington massacre, the Cheyenne war, culminating in the Sand Creek massacre, started with a lieutenant. Forty millions was its cost. The violation of treaty stipulations in Dakota cost us many lives and many millions of dollars. Was it not so with the Cheyenne war of 1867, the Navajo war in New Mexico, not to speak of others, all costing us millions in money and hundreds of lives? Let us, sir, separate the Army from the Indian in so far as is possible, unless we would have a repetition of the seven-years Seminole war, which cost fifteen hundred lives on our part and fifty millions in treasure. At the same Indian death-rate our 300,000 Indians when exterminated will have cost a million of dollars each, and at the rate of one Indian to kill per month it is calculated that he will be exterminated in 25,000 years, at an expense of three hundred billions of money. If our previous experience is to be reproduced, then twenty-five whites are to be slain for every Indian, which, by a similar calculation, will bring about the slaughter of 7,500,000 of our people.

But all this calculation is an absurdity. It is impossible for the American people long to acquiesce in a system of extermination without mercy. Allow your whites to break faith and push in on the Black Hills, allow your military to treat the Indian according to the code laid down by the chairman of the Military Committee of this House, and you break down all that has been done for the Indian in the past, and leave us without our ameliorating agencies and tendencies for the future, by which I mean agricultural and mechanical tuition, for which all agree the soldier is unfit. We must regard the Indians as they are. . With rare exceptions they seldom make war without provocation. But when the war comes, as come it will, under Army auspices; when it comes, and come it will when power seeks to aggrandize itself; when it comes, as come it will when the dispensation of patronage goes hand in hand with mere power, the necessity for war will be easily created to give employment to a Department that has no other *raison d'être* than force and slaughter.

LESSONS FROM ALGERIA.

Would gentlemen disdain to consult the policy of other nations, or the history of the treatment of other tribes by civilized nations, to reach a proper policy? I have been in Algiers. Time will not allow me to state the number and variety of the tribes with which the French for so many years have fought in that dependency of France. The long war of France against Abd-el-Kader and the Marabouts was intensified by the differences of religion, peculiarity of country and climate; and it never could have ended in the permanent subjection of even the most civilized under the finest military system then existing but for the arts of peace and the policy of persuasion. A marshal of France, once governor of Algiers, at a public dinner in Paris gave this toast: "To the pacific union of the great human family by the association of individuals, nations, and races! To the annihilation of war! To the transformation of destructive armies into corps of industrious laborers, who will consecrate their lives to the cultivation and embellishment of the world." In the spirit of this sentiment Algiers was reconciled; and the most warlike of their tribes, the Kabyles of the Atlas, were induced to take up the pursuits of agriculture and the mechanic arts.

Standing upon one of the mountain heights in Eastern Algeria I counted one hundred and seventy prosperous Kabyle villages.

[Here the hammer fell.]

Mr. WILSHIRE. I hope the gentleman will be allowed to proceed.

No objection was made.

Mr. SPARKS. Before the gentleman proceeds, will he allow me to ask him one question?

Mr. COX. I must respectfully decline. It would be difficult for me from the mountain height on which I stood when my time expired to descend to the level of the gentleman from Illinois. [Laughter.] I know that he stands much higher than I do in one respect, and perhaps morally and intellectually too, but, if he had been on that mountain height, I think I might have overtopped him on this question, even as a pigmy upon an alp. [Great laughter.]

There was but one fort with five hundred soldiers amid 600,000 people. Markets for animals and fruits and coals and everything needed for comfort are held periodically. Thousands of the natives who attend these fairs go buzzing about their barter like so many bulls and bears in a New York exchange. Prosperity was on every hand. What was the secret? The native laws and customs were not interfered with. Their system was home rule. Their villages were made up of

so many families, each electing a local legislator and a mayor yearly. They met *en masse*, voted *viva voce*. They had a parliament, whose speaker was the reponsible intercessor between the French and the people. I have seen these Kabyle mayors and legislators sitting serenely cross-legged in their courts giving advice and establishing justice, while hundreds of anxious suitors were waiting decisions as to their rights of person and property. The secret of this prosperity and peace was the promise, never broken, to conserve their domestic institutions, and on that promise the military rule was mitigated and French domination became elevating and honorable.

As in Algiers so in Canada, the military are not a perpetual menace, nor are the government agents a perpetual fraud. What warrant is there in history or in humanity for a nation which has enfranchised five millions of blacks for treating the Indian as a beast of prey? Why should our boasted civilization keep up the warfare upon the red race while trying to reconcile the blacks to new and better conditions? Why should hostility toward the Indians be encouraged?

OLD QUARREL BETWEEN CIVIL AND MILITARY, FOR INDIAN CONTROL.

At intervals for more than twenty years the military arm has made efforts to capture the Indian Bureau. During all that time it has thwarted the work of the civil department in its management of Indian affairs. Instead of acting in harmony with and properly aiding the officers in the civil service in charge of the Indians it has placed obstacles in the way. It has thus retarded the work of civilization, encouraged trespasses upon the Indians, resulting in hostilities and the sacrifice of the lives of the Indians and the contiguous frontier settlers as well.

In all these years Congress has signally failed to do its duty. Appeal after appeal has been made to it to legislate so as to protect the Indian in his rights and at the same time shield the honest frontier settler from the horrors of Indian wars. Occasionally a spasmodic effort has been made in Congress looking to some future action on this important subject, but before anything was accomplished, the subject was dismissed from consideration. Hence the years have passed and the interests of this race of men have been neglected. To-day it is the saddest sight on our continent to contemplate the condition of these helpless people.

In my judgment two elements have combined, and their influence has been potent in negativing every proper impulse that has heretofore shown itself in the halls of Congress. These elements are the Army, which has desired to wrest Indian management from the civil service, and the heartless, avaricious, and corrupt men who make plunder and gain from all the complications and disturbances that grow out of the unsettled condition in which our Indian affairs are kept.

NEGLECT OF CONGRESS.

In throwing open the country west of Iowa, Missouri, and Arkansas to the settlement and occupation of the whites, the United States should have made provision for the care and protection of the Indians. This was not done, however, and in 1856 the Commissioner of Indian Affairs in his annual report, dated the 22d of November of that year, called the attention of Congress to the necessity for such legislation as the exigency demanded. No heed was given to the suggestions of that officer, and the same fate has met all subsequent suggestions looking to a proper solution of our Indian affairs. The influence of the Army has always been against the views of the Indian Bureau when its efforts have been for the amelioration of the condition of the red man. I regret to say that the Bureau has not always stood up manfully against the impertinent interference of the military, and in all instances where it has failed the Army has made an aggressive movement and untold injury has resulted.

But I must return to the question of the transfer of the Bureau. It is time this question was settled and settled forever, for so long as it remains open for discussion it is pregnant with injury to the Indian and to all inhabitants adjacent to them. Both suffer and the Treasury of the nation is depleted as a necessary result.

The transfer of the Bureau to the War Department, then, means force in the management of Indian affairs; force begets outbreaks, and war follows. As an economic measure it is a delusion. If the Army was entirely withdrawn from the Indian country, economy in the Indian service would follow. A single Indian war on the smallest scale, as I have shown, will deplete the Treasury of millions. All such wars ought and could be avoided. But they never will be until the military is given unmistakably to understand that its officious interference will not be tolerated.

JOINT COMMITTEE AGAINST TRANSFER, 1866-'67.

About the close of the civil war Congress appointed a joint committee of both Houses, consisting of Messrs. Doolittle, Foster, Ross, Nesmith, Higby, Windom, and Hubbard, directing it to inquire into the condition of the Indian tribes and their treatment by the civil and military authorities. This committee made their report January 26, 1867, through Senator Doolittle to the Senate. It is a document of more than five hundred pages. It discussed this question, and its conclusion was in these words:

Weighing this matter and all the arguments for and against the proposed change, your committee are of the unanimous opinion that the Indian Bureau should remain where it is.

BOARD OF COMMISSIONERS AGAINST TRANSFER.

On the 20th of July, 1867, Congress passed a law creating a board of commissioners the object of which was "to establish peace with certain hostile Indians; and said board was authorized to call together the chiefs and head men of such bands of Indians as were then waging war for the purpose of ascertaining their reasons for hostility, and, if thought advisable, to make treaties with them having in view if possible the removal of the causes of the war, and as far as possible to secure the frontier settlements and the safe building of our railroads to the Pacific coast, and to suggest or inaugurate some plan for the civilization of the Indians. I gather the substance of the duties of this commission from the text of their report. From my reading of the current history of the times, I would amend this text by substituting that the war was waged by the whites and not by the Indians, and that the latter were only acting in self-defense.

This peace commission was composed of N. G. Taylor, Commissioner of Indian Affairs; Hon. J. B. Henderson, Senator from Missouri; John B. Sanborn and S. F. Tappan, civilians; and Generals Sherman, Harney, Terry, and Augur, of the Army. On the 8th of January, 1868, this board of peace commissioners made a report to the President. It will be found in the executive document of that time, and to it I ask your attention. In it this commission treats of the question of the transfer of the Indian Bureau to the War Department. Remember, Mr. Chairman, that the Army had a full and able representation in this commission. General Sherman himself, just quoted by the gentleman from Illinois, [Mr. SPARKS,] concurred in this report. From this and other reports, which I have not time to read at length, I ask to be permitted to print an extract, which is as follows:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the Bureau should go the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us we cannot now advise the change. The military arm of the Government is not the most admirably adapted to discharge duties of this character. [To educate and instruct in the peaceful arts.] We have the highest possible appreciation of the officers of the Army and fully recognize their proverbial integrity and honor, but we are satisfied that not one in a thousand would like to teach Indian children to read and write or Indian men to sow and reap.

Again, and in the same report, the commission say:

We believe the Indian question to be one of such momentous importance, as it respects both the honor and interests of the nation, as to require for its proper solution an undivided responsibility. The vast and complicated duties now devolved upon the Secretary of the Interior leave him too little time to examine and determine the multiplicity of questions necessarily connected with the government and civilization of a race. The same may be said of the Secretary of War. As things now are it is difficult to fix responsibility. When errors are committed the civil department blames the military; the military retort by the charge of inefficiency or corruption against the officers of the Bureau. The Commissioner of Indian Affairs escapes responsibility by pointing to the Secretary of the Interior, while the Secretary may well respond that, though in theory he may well be responsible, practically he is governed by the head of the Bureau. We therefore recommend that Indian affairs be committed to an independent bureau or department. Whether the head of the department should be made a member of the President's Cabinet is a matter for the discretion of Congress and yourself.

I most cordially indorse the recommendation of the commission. Let the Indian service be confided to an independent department, and the head of it made a member of the Cabinet. This done, the service would at once be emancipated from its confused condition. Disturbances, outbreaks, and wars would then be the exception, and not, as now, the rule. The condition of the Indian could then in reality be improved, and his domestication and civilization assured, and a vast saving of money would assuredly follow this new relation. Could I reach the heart of every member of Congress I would implore each and all to unite in this measure of emancipation of the red race, confident in the happy results that would follow.

The question naturally arises, why did not Congress act on the subject and adopt the policy recommended by the commission created by it? In the commission the military was ably represented, and there was but one voice, and that was, to make the Indian service an independent department.

During the fall of the year 1867 this commission made treaties with certain tribes of Indians, among whom were the Cheyennes, Arapahoes, Kiowas, Comanches, &c., and, closing their labors for the season, repaired to Washington and made their report to the President, on January 7, 1868. But it had not then closed its labors, but had further work in view for the season of 1868. In 1868 various treaties were made, among which were those with the Sioux, Crow, Snake, and other tribes. On the 8th of October, 1868, the commission convened in Chicago, General Sherman and all his military associates being present. Commissioner Taylor and Messrs. Sanborn and Tappan were also present. Ex-Senator Henderson was absent. At the date of the Chicago meeting the Government had not taken a single step toward fulfilling the stipulations of the treaties made by the commission except that some few had been ratified by the Senate, though a number were not then ratified. The Indians had ceded their respective lands to the Government and in return were to be provided with reservations designated in general terms in the treaties, but none of the boundaries had been defined, no agency buildings provided, and, but for a right guaranteed in the treaties to the Indians to roam and hunt on lands adjacent to the reservations, they were without a place to dwell. It was, in my judgment, the duty of the

commission to see to it that prompt action was taken by all departments of the Government to fulfill its obligations to the Indians as the same were expressed in the treaties. In the homeless condition of the Indians grave duties were imposed upon the commission, and how did it meet them?

THE BOARD RECONSIDERS ITS LAUDABLE ACTION.

In its deliberations at Chicago on the 8th day of October, 1868, by the vote of the military part of the commission, it was resolved that the treaties it had made with the Indians should be broken in this, that the clauses guaranteeing the right to roam and hunt outside of the reservations should be abrogated, the Indians compelled by military force to go upon their reservations, the boundaries of which had not then and to this day some have not been defined, and further, as the judgment of the commission, that the Indian Bureau should at once be transferred from the Interior to the War Department. This proceeding at Chicago is, you will observe, the work of the very same military gentlemen who united in the report of January 7, 1868, to the President. Such gross inconsistency has no parallel, that I am aware of. General Grant was at Chicago at the date of the meeting, and, it is said, concurred in the action there taken, whereupon the commission adjourned *sine die*, leaving its great work in an unfinished condition, not even, so far as I have seen, making a report of its doings during the summer of 1868.

Now what evil, malign influence operated to produce this extraordinary action on the part of this commission?

SHERIDAN ON HIS INDIAN RIDE.

In the spring of 1868 General Sheridan was transferred from New Orleans to the command of the Department of the Missouri. In a very short time after his assuming the command of that department he did not fail to condemn the work of the commission then treating with the Indians. He expressed it that the commission had pursued a mistaken policy; that, instead of treating with the Indians, they should be punished; as he during the season expressed it officially, the Indians should be "soundly whipped, their ponies killed, the ringleaders hung, and such destruction of their property as will make them very poor." That was his remedy and the mode he would adopt to civilize the red man. During the spring General Sheridan made a tour of inspection to the military posts on the Arkansas, and he found about Fort Dodge some of the Comanches, Kiowas, Cheyennes, and Arapahoes with whom the commission had made treaties the fall previous, and he states that the Indians asked him "to have an interview with them; which he declined, stating to them that he was simply visiting the military posts to learn their condition and that of the soldiers, and that he was not authorized to talk with them."

It is to be observed that the Indians who sought this interview with General Sheridan were the same Indians that by the treaty of Medicine Lodge Creek had ceded their country to the Government, and were to have as a permanent home a reservation set apart for them south of the State of Kansas, but nothing had then been done to prepare it for occupancy. He found them near a military post, not in a hostile attitude. He refused them an audience, but was willing to hear others, and says:

> From all I could learn at Dodge there appeared to be outspoken dissatisfaction on the part of the Indians to removing to the reservation assigned to them by the treaty of Medicine Lodge Creek of the previous fall. I learned from officers and others that all the tribes considered the treaty of no importance, save to get the annuities promised them in it, and that they did not intend to remove to the reservation.

I am satisfied that had General Sheridan allowed these unlettered men to tell their own story to him, he would have learned that they were awaiting some one to inform them when they could be placed on the reservation and that they were impatient of the delay on the part of the Government. But he would not hear, preferring to listen to those who had schemes of their own and whose views harmonized with his own. He had decided in his own mind that the Indians should be "punished," and to justify his action they must be adjudged hostile; and he immediately set about the work of preparing for a military campaign against them. By what authority he inaugurated his campaign I know not. His theory was to get ready by fall with a large force and make what he termed a winter campaign "against the hostile Indians south of the Arkansas," and prove to the Indians that they would be soundly whipped during the winter, their leading men killed, their property destroyed, the tribes reduced to extreme poverty, and thus the Indian problem be solved. These Indians were not hostile, but he determined they should be. Before the meeting of the peace commission at Chicago in October, 1868, General Sheridan had his military plans perfected, and five different columns of troops were in the field, covering the territory between the line of the Smoky Hill Fork and the Republican Fork toward the north and the Cimarron and Canadian Rivers on the south. This formidable military movement was in direct conflict with all that the peace commission had been and were then doing, and contrasts strangely with the views expressed by that commission in its report of January 7, 1868, to the President. Instead of rebuking this restless man, the commission, at its Chicago meeting, yielded to his views, encouraged his movements, repudiated its own work, and by a *sine die* adjournment left General Sheridan master of the situation. His campaign was a very expensive one, and its climax an outrage that has no parallel in barbarity: the assassination of Black Kettle's band of friendly Cheyenne Indians on the Washita River, where they were legally and peacefully dwelling.

In June, 1869, General Sheridan issued an order in which the following paragraph appears:

> All Indians, when on their proper reservations, are under the exclusive jurisdiction of their agents. They will not be interfered with in any manner by the military except upon the requisition of the special agent resident among them, his superintendent, or the Bureau of Indian Affairs at Washington. Outside the well-defined limits of their reservations they are under the original and exclusive jurisdiction of the military authority, and as a rule will be considered as hostile.

This order is without lawful authority; it is a gross usurpation. It is to this day in force, and under it Indians are punished even to death. And here we have this strange condition of things: A board of peace commissioners, of whom General Sherman is one, making treaties with the Indians by which the right is guaranteed to them to roam and hunt outside of their reservations, and when found in the exercise of this right they are, under General Sheridan's order, regarded hostile, and remorselessly killed. Who can justify such conduct? And what kind of custodians of the Indians would the officers of the Army be who are guilty of such flagrant injustice? In such a state of things who can expect the Indians to be passive or that Indian outbreaks will not occur?

PIEGAN MASSACRE.

Does the House desire further evidence of ruthless massacres? Read the history of the Piegans and their massacre. I have it before me and from it I quote——

Mr. MAGINNIS. By whom?

Mr. COX. By Colonel Manypenny, former Indian Commissioner under President Pierce.

Mr. MAGINNIS. What does he know about it?

Mr. COX. He has been following the scoundrels about the Indian Department from the time he left the service as Indian Commissioner. He fought the Army, too, when Jeff. Davis had much to say about Indian affairs from a military stand-point. He has never flinched from his duty as a friend of the Indian; and his authority with good men is absolutely true.

Mr. HANCOCK. I ask the gentleman to yield to me.

Mr. COX. No, sir; not now.

Mr. HANCOCK. I do not think he was in the service much.

Mr. COX. The gentleman from Texas has his speech already handsomely attached to the committee's report. I read it with great interest, as I do everything which comes from a man who bears so distinguished a centennial name. I read his remarks about the Indians with more than ordinary interest; for does he not tell the committee that the Indian is capable of great things? Did he not find among the Mexicans Indian poets? Did he not find their best president, Juarez himself, to be a pure Indian? Did he not find that a large body of the best of the Mexicans were Indians; and does he not believe that they are capable of improvement? He actually believes, without the doubt expressed on this side by others, that the Indian is capable of advancement; but, alas! he would place him under the Army. He knows not what he does. Perhaps his judgment may be colored by his associations on the border. I know there have been ruthless, horrible Indian barbarities upon his border. I would not fail by my vote to protect that border, as he well knows from my previous conduct here, as well from the Mexican marauder as from the treacherous savage. But the border is not the place to settle this question in a philanthropic, statesman-like view of it, if he will allow me to say so. Every border-man, I suppose, is in favor of the extermination of the Indians, or nearly all.

Mr. HANCOCK. You do injustice to the border-men.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] yield?

Mr. COX. I must decline to yield. I do not mean all the border-men; I mean all the border Congressmen, [laughter,] except the one gentleman from Arkansas [Mr. WILSHIRE] who so nobly stands up in vindication of the red man of his neighborhood.

Let me proceed with the Piegan narrative.

General Sheridan concluded in October, 1869, that in the civilizing treatment of the Piegan Indians it was necessary to punish them, and that it would be the best plan to let him "find out exactly where these Indians are going to spend the winter, and about the time of a good heavy snow he would send out a party and try and strike them. About the 15th of January they will be very helpless, and if where they live is not too far from Shaw or Ellis we might be able to give them a good hard blow. * * * We must occasionally strike where it hurts, and if the General-in-Chief thinks well of this I will try and steal a small force on this tribe from Fort Shaw or Ellis during the winter."

On the 4th of November, 1869, General Sheridan was advised from headquarters at Washington that his plan for punishing the Piegans was approved by the General of the Army; that is, by General Sherman.

Preparations were therefore commenced, and Colonel Baker was selected, General Sheridan informing General Hancock that he (Sheridan) had had a personal conference with Baker on the subject when the latter was at Chicago on his route to Fort Ellis. General Hancock was admonished that the greatest care should be taken to keep the Indians from gaining any information on the subject.

The result of the expedition is announced in General Orders No. 1,

headquarters at Chicago, March 12, 1870, by General Sheridan, in which he "takes great pleasure in announcing to the command the complete success of a detachment of Second Cavalry and Thirteenth Infantry under command of Brevet Colonel Baker, of the Second Cavalry, against a band of Piegan Indians in Montana. He concludes the bulletin thus:

One hundred and seventy-three Indians were killed, three hundred horses captured, and the village and property of the band totally destroyed.

The Lieutenant-General cannot commend too highly the spirit and the conduct of the troops and their command under the difficulties and hardships they experienced in the inclemency of the weather, and as one of the results of this severe but necessary and well-merited punishment of these Indians he congratulates the citizens of Montana upon the reasonable prospect of future security for their property and lives.

Lieutenant Pease, who was for the time being the agent of these Indians, reported the result of the expedition, as he was in duty bound to do, to General Sully, then acting as superintendent of Indian Affairs, and the latter made report to the Indian Office, at Washington. From Lieutenant Pease's report it seems that of the one hundred and seventy-three Indians killed only fifteen were what might be called fighting men, that is, men between the ages of twelve and thirty-seven years. Ten were from thirty-seven to sixty years of age, and eight additional were over sixty years. Fifty children under twelve years of age were killed. The village had been suffering for over two months with the small-pox raging in it, and some half dozen were dying daily.

The band attacked and thus destroyed were Red Horn's band, against which no charges of hostility had been made, and General Sully remarks in his report that it was to be regretted, since it was thought necessary to chastise a portion of the Piegans, "that Mountain Chief's band was not the band that suffered;" but this band was across the line in the British possessions.

The report of General Sully, which was simply the substance of that of Lieutenant Pease, in fact the transmission of the report of the latter to the Indian Bureau, as it was his duty by the regulation to make, so incensed General Sherman that he wrote to General Sheridan that—

General Sully, by communicating by telegraph the particulars of the fight for the use of Mr. Collyer did an unofficer-like and wrong act, and this will in the end stand to his discredit.

I give this as a sample of military treatment of Indians. It gave General Sheridan pleasure to announce to the Army the complete success of Baker without, to be sure, going into "the particulars of the fight;" and, when these are given, the General of the Army, though approving of the deed, is indignant at the officer who in the discharge of his duty states officially the facts in the case.

If the policy of butchering peaceful bands of Indians, even to women and children, is good, then the victors make fame by the publication of such achievements. To approve and order this to be done and then to denounce it as an offense on the part of the officers who tell it, is to notify all such that the public must not be apprised of the actual facts, and if the Indians be under Army treatment such cruel acts will inevitably be smothered.

In every aspect in which I view this question I turn away from the idea of giving the treatment of the Indians to the Army. The Piegan matter will show the unscrupulous and heartless conduct of the "high military officers," and this runs down through all grades. There are exceptions, to be sure, but they are few and would have no place or influence in the new order of things.

ARMY INFLUENCES.

General Sheridan on all occasions urges the transfer of the Indian Bureau to the War Department, and if the thing be accomplished, no man in the Army would exercise equal influence with him in the management of our Indian affairs. He believes in extermination. He never speaks of any other kind of treatment toward the Indians but that of force. They must be "punished;" they must be struck "a hard blow;" they must be "wiped out." Such expressions as these are favorite terms with him.

General Sherman holds that extermination is proper, having expressed the sentiment in an official paper thus:

We must act with vindictive earnestness against the Sioux, even to their extermination, men, women, and children. Nothing less will reach the root of this case.

With such sentiments as are held by the General and Lieutenant-General of our Army, how admirably they would minister President Grant's "peace policy!"

THE ARMED PEACE POLICY.

Practically, ever since the "peace policy" of the President has been in operation, the Army, under Sheridan's order of June, 1869, has had the discipline of all Indians found outside of the well-defined limits of their reservations, and he has administered to them such treatment as may be expected in the future should the tribes be turned over to the tender care of the Army. I might cite, too, the operations of the Army from year to year, and give some appalling facts in the way of showing how rapidly the Indian population, by the surprise of peaceful villages and their slaughter, is being decimated. I could cite the exploits of Custer, Carr, Crook, Baker, &c., and show how remorselessly a war of extermination has been waged; and I am pained to say that I look in vain for any proper remonstrance against these outrages on the part of the board of Indian peace commissioners of whom the Hon. Felix Brunot was president, or of the mission boards of the various churches to whom the selection of agents was remitted, or even the Indian Bureau itself. On the contrary, these humanitarian gentlemen have been lavish in their compliments to Army officers for their courtesies and aid, and some have expressed the opinion that such military gentlemen as Sherman and Sheridan are more in sympathy with the "peace policy" than the Christian churches.

BLACK KETTLE MASSACRE.

Before I close I must give an insight into the manner in which the Army officers present to the untutored Indian their view of civilization.

General Sheridan's formidable and expensive campaign of 1868, against what he called the hostile Indians south of the Arkansas, resulted in the destruction of Black Kettle's band of friendly Cheyenne Indians. In the official report of the affair, which General Custer calls "the battle of the Washita," Custer says that on the morning of the 26th of November, 1868, his command struck a "trail of an Indian war party" at a point where the Texas boundary crosses the Canadian River, the direction of the trail being toward the southeast. He abandoned his wagons, tents, and all impediments to a rapid march. From daylight until nine o'clock at night the pursuit was unchecked. The horses and men were then allowed one hour for refreshments, and at ten o'clock the march was resumed, and continued until half past one o'clock at night, when the Osage Indian trailers reported an Indian village within one mile in advance. This was Black Kettle's village, the inhabitants of which were quietly reposing in profound sleep and unconscious of danger. General Custer withdrew to a retired point to avoid discovery, and after reconnoitering the location of the village, he and his subordinates planned the order of attack which was to take place at a given signal about daylight. The troops were thrown around the devoted village, and at dawn of day, the band playing "Garry Owen," the attack was made. "It was a complete surprise." Men charged the village and reached the lodges before the Indians were aware of the presence of the troops. The report, which I ask leave to insert in full, says:

The Indians left on the ground and in our possession the bodies of one hundred and three of their warriors, including Black Kettle himself, whose scalp is now in the possession of our Osage guides. We captured in good condition 875 horses, ponies, and mules, 241 saddles—some of very fine and costly workmanship—573 buffalo-robes, 390 buffalo-skins for lodges, 160 untanned robes, 210 axes, 140 hatchets, 35 revolvers, 47 rifles, 535 pounds powder, 1,050 pounds lead, 4,000 arrows and arrow-heads, 75 spears, 90 bullet-molds, 35 bows and quivers, 12 shields, 300 pounds bullets, 775 lariats, 940 buckskin saddle-bags, 470 blankets, 93 coats, 700 pounds tobacco. In addition, we captured all their winter supply of buffalo-meat, all their meal, flour, and other provisions, and, in fact, everything they possessed, even driving the warriors from the village with little or no clothing.

General Custer admits that some squaws and some children were killed, but does not give the number. The fact is the slaughter was indiscriminate. About noon, and long after the "battle" had ceased, General Custer says that the Kiowas and Arapahoes under Satanta and Little Raven, who were encamped about six miles farther down the stream, came to attempt the rescue, hoping to recover the squaws and herd of the Cheyennes.

CUSTER'S PROCESSION AND SHERIDAN'S SCALP-DANCE.

General Custer made and transmitted his official report to General Sheridan on the 28th November, 1868, and then immediately set out to return to Camp Supply, the headquarters of General Sheridan, to receive in person the congratulations of that officer. So great was his haste, that he left the body of Major Elliott and a number of soldiers killed in the affair on the field unburied, to be the prey of wild beasts. Of course he gave no attention to the bodies of the slaughtered Cheyennes. His troops were wearied and exhausted and required repose, but they were pressed forward, and actually appeared at Camp Supply on the morning of the 1st of December, 1868. The column camped about ten miles distant the previous night, and a courier was sent in to herald the arrival of Custer the following morning. An eye-witness and ready writer thus describes the pageant:

Shortly after the sun had passed its meridian a cluster of dark and almost indefinable objects appearing upon the crest of the hill about a mile distant, simultaneously accompanied with shouts and the firing of musketry, announced the approach of the column. On the summit of the hill the head of the column halted for a few moments. Meanwhile General Sheridan took position in the valley to await the column which was to pass the commanding general in review. All the officers and soldiers not on duty assembled in the vicinity of the fort to witness the warlike pageant.

The column was now within a short distance of the commanding general, the Indians (the Osage trailers belonging to the expedition) shouted, the band reiterated the stirring tones of "Garry Owen," and the troopers cheered. In reponse rounds of huzzas from the troops of the fort shouted welcome and congratulation. In advance were the Osage Indian trailers. Before leaving camp this morning they had arrayed and decorated themselves in a manner becoming the importance of the occasion. Their faces were painted in the most fantastic and hideous designs. About their persons were dangling the trophies they had captured in battle. Spears upon which were fastened the scalps of their fallen foes were slung upon their shoulders; from their own painted scalp-locks were suspended long trails of silver ornaments and feathers; over their shoulders hung shields and bows and quivers full of arrows, while in one hand they held their trusty rifle and with the other grasped the reins.

Even the animals which the Osages bestrode were decorated with scalps and strips of red and blue blanket. At the head of the band rode Little Beaver, the chief, with a countenance as fixed as stone, yet in his bearing showing indications of self-glorification, which was apparently kept stirring and swelling higher and higher by the gesticulations and wild notes of the war-songs shouted by his warriors, intermingled with whoops and the discharge of rifles. In a moment of enthusiasm the chief shouted, "They call us Americans; we are Osages!" to which sentiment went up a responsive yell of approval. Conspicuous in this party was the young Osage warrior, Koom-la-Manche, (Trotter.) It was he, under the im-

pulse of the highest ambition of Indian valor, that singled out the great chief, Black Kettle, the terror of all the Osages, as his victim. After a severe conflict he reached the crowning point of his efforts, and bore away the ghastly scalp of the terrible chief as the trophy attaching to his success. With a mark of special attention this scalp was carefully and fantastically decorated and hung prominently among the most sacred possessions of the young warrior.

Following the Indians were the scouts, led by California Joe, a veteran pioneer of more than forty years. Joe is a hirsute-looking specimen of humanity, exhibiting an altitude of six feet, a mat of red whiskers hiding two-thirds of his face, and a long, knotty head of hair, well powdered in a series of coats of dust, intermixed with stray blades of grass, leaves, and sticks, as the vestiges of his previous night's slumbers on mother earth. Joe was a suitable figure-head for the motley band of curiously-clad, brave, adventurous, and rugged men. Next came General Custer, riding alone, mounted on a magnificent black stallion, and dressed in a short blue sack-coat trimmed with the color of his arm of the service and re-enforced with fur collar and cuffs. On his head he wore an otter cap. When General Custer came within fifty yards of the commanding general he left his position in the column and dashed up to his chief, when a warm and hearty exchange of salutations was made between the commander and his distinguished and successful lieutenant.

Next followed the living evidences of the victory—over fifty squaws and their children, surrounded by a suitable guard to prevent their escape. These were mounted on their own ponies, seating themselves astride the animals, their persons wrapped in skins and blankets, even their heads and faces being covered, leaving nothing visible but their eyes. The mothers had their offspring mounted behind them, the papoose being visible only by its diminutive head peering up over the back of the head of its mother. As many as three were mounted on some of the ponies. Without a sigh, without a glance to the right or left, this remnant of the band of the once powerful Black Kettle followed with all the submission of captives. Following them came the keen-sighted sharp-shooters, commanded by Brevet Lieutenant Colonel Cook, and following the bravest men in the different companies of the regiment, in column by platoons under their proper officers.

On a separate line of march from the summit came the wagon-train pouring over the hill. In the lead were the ambulances conveying the dead and wounded. The regiment moved up the Beaver about half a mile from the fort and there went into camp.

The next evening after the arrival of this cavalcade at Camp Supply, the Osage trailers and some Kaw Indians gave a scalp-dance in honor of Custer's fete on the Washita, which is described by the same writer as follows:

The scene was one of savage effect. The burning logs in the center, the Indians painted and attired in war costumes, with spears, bows, shields, and all the trophies taken by them about their persons, performed their mysterious contortions of the body and whooped wildly as if about to engage their foe. One of the Kaw warriors stepping forward said he would be buried under the ground sooner than run from the enemy. This sentiment was received with a shout of approval. Each made his profession of bravery when he should meet the enemy. The dance lasted until a late hour. Generals Sheridan and Custer and a large number of officers witnessed the scene.

Can it be possible that treatment of our Indian population will ever be confided to the Army in which the highest officers are capable of participating in such cruel, wicked, and barbarous practices?

A PERMANENT PEACE POLICY.

The policy which should be pursued toward the Indians by the Government, not for one year, or for five, or ten, but as a permanent, well-defined, intelligent policy, should now be determined. If it is the intention of the advocates of this bill by its passage to settle the question as to the future treatment of the Indians, few if any graver questions can receive the consideration of this Congress.

The consideration of this bill involves the fate of a race. The main question in respect to it is whether the hope of the civilization of the Indian tribes is to be given up. If so, then we should adopt some plan by which we can most cheaply and efficiently protect the white people from Indian hostilities as the race gradually perishes. If it ought to be assumed, as many seem to assume, that the aborigines are destined to pass away as the buffalo is passing away, then perhaps the only question worth our consideration is whether it may not be cheaper for the Government to simply establish an efficient military police throughout the immense regions of the West to see that there shall be no flagrant violations of the peace, but allow the Indian to gradually succumb to influences for his destruction which will inevitably surround him.

A savage race always must fall before a civilized race unless the disparity of numbers is tremendously in their favor, or unless the civilized race protects and aids them. The survival of the fittest makes this result inevitable.

But does it become a great nation to assume that three hundred thousand people, who in many respects, both physical and mental, are the equal if not the superior of other races to which I have referred, which have been elevated from barbarism to civilization, are hopeless savages? If, in spite of every possible effort which we can make, that in the end should prove to be true, does it become us to assume it? Is it not our duty to make one honest, faithful, persevering, even very costly effort to avert such a doom? Do not our benevolence and fair fame demand that much?

For more than two centuries we have had an almost continual spirit, if not a state of war, broken by armistices with the Indian. He has been driven from his home, from one home to another, with little regard to his wishes and with no regard to his interests. He has retaliated for his own injuries, or supposed injuries, with savage brutality. But war, whisky, disease, and chicanery, backed by overwhelming numbers and the power of civilization, have at last put him into our power completely. He is at our feet and at our mercy. Everywhere, in every State and in every Territory, the white man is more numerous and ten times more powerful than the Indian. We have taken his land; we have destroyed his game; we have convinced him that he is powerless.

CONTRAST OF POLICIES.

Now, how shall we treat him? What shall we try to make of him? To any one not versed in the conflict on this topic the testimony collected by the Indian Committee in its report is a puzzle of contradictions. Even the members of Congress whose opinions are collated differ widely. The gentleman from Texas [Mr. HANCOCK] insists that the Indian must be civilized. He traces the blood of the Indian in the veins of Mexican poets and presidents, and does not depreciate him as a human being, even when he would place him under the Army. The Delegate from New Mexico finds the Pueblo a man who works for wages and has ninety thousand sheep, and soon to be self-supporting. The gentleman from Arkansas [Mr. GUNTER] and the Delegate from Montana evidently are afraid of the War Department. Other testimony is of a mixed nature; while another gentleman from Arkansas [Mr. WILSHIRE] has no uncertain voice as to the demoralizing tendencies of war rule. The testimony of Dr. Dart (page 33) is almost conclusive as to this lamentable result.

There are two general plans of treatment proposed: The "peace policy," as it is called, is to put the Indian on limited reservations of land, protect him on that land from intrusion and spoliation, give to him instruction in the arts of peace, and provide him such assistance as his necessities most require. That he will need much assistance is beyond a doubt. It is a long road from barbarism to civilization, and if we undertake, in one or two generations, to raise the Indian to the level which it has taken our race a thousand years to reach, it will no doubt be very costly. But at each advancing step, if the attempt succeed at all, the cost will grow less. All the evidence we have (and, as the present able Indian Commissioner states, there is much more than usually seems to be supposed) tends to show that under favorable circumstances with full protection and adequate aid the Indians are rapidly acquiring the art of providing themselves with food. Some of the tribes already produce an abundance of corn, wheat, and cattle for their own supply. This is notably the case with the civilized tribes in the Indian Territory. Before the war they had hundreds of thousands of cattle, and in a few years they will be able to count them by the million. Doubtless these Indians have advanced more than most of the others, but rapid progress is being made in many places and among various tribes. There is a constant call upon the Indian Office for supplies of farming implements and seeds. This demand is so great that it can be met only to a very limited extent.

It is not claimed, it cannot be claimed, that the supplies actually furnished are always, if ever, used with the most care, intelligence, and profit. That cannot be expected. But the fact is beyond question that real substantial progress is made from year to year, and if the present peace policy is persistently pursued and its methods improved as experience may suggest, there is good reason to hope, if not to believe, that in a few more years it will be demonstrated that the Indian may in time not only become self-supporting, but that he may, as some tribes have already become, be elevated to respectable and useful citizenship.

This policy is in its infancy. No doubt it needs much amendment in administration. Time and experience will correct mistakes and errors. Inefficient and incompetent men will have to be got rid of. The confidence of the Indians as yet is only partially acquired. He grudgingly surrenders his wild independence. He very slowly and reluctantly abandons the idea that labor is degrading. He is as tenacious of his wild customs and as averse to toil as the Scotch highlander was two centuries ago. His superstitions, his traditions, and his personal tastes all have to be revolutionized.

DIFFICULTIES OF THE INDIAN SERVICE AND HOW MET.

One of the principal difficulties which lies in the way of the successful administration of our Indian affairs arises from the fact that very much of the greater part of the service is performed in the most remote and frequently inaccessible regions of the country. Our Indian agents are not and cannot be under the same sort of constant espionage and supervision that officers in other Government Departments are. There are and must of necessity be unusual facilities in the service for fraud. But as the management is perfected, as the country is opened up, as railroads, telegraphs, and mail facilities come into more frequent use, as the agents are brought more and more under the observation and criticism of the public it is fair to suppose that the public service will become purer and more efficient.

The aim of this policy is to throw around the Indian the best influences of a Christian civilization and sympathy. We aim to send to live with him at least one upright, virtuous family. We see to send him to aid and care for him a good physician in place of his ignorant, superstitious "medicine-man." We usually send to him a farmer to instruct him in the simplest processes of agriculture. We send him a teacher to teach those of his children who can be got into school, and it is gratifying to know that many of the schools are well filled with willing scholars. Joined to all this which is done by the Government is the active, earnest, efficient help of nearly all the religious organizations of the land. Suppose you turn over to the Army the control of the Indians. What is to be gained? Of course you must put into immediate and direct management of all the tribes men whose very presence is a menace. The Indian will understand that hereafter he is to fear and obey.

BAD CONTACT—DISEASE.

The gentleman from North Carolina [Mr. SCALES] has dwelt, with no pleasure in his kind heart, upon the demoralizing influences of the Indian system, which allows contact between the baser elements of the white and red races. But he should not forget the report made to us in 1868 by the Indian Commissioner. Let him remember the results of our establishment of military posts: six or eight hundred half-breeds vagabondizing around Fort Laramie. It is the same at the Missouri forts. Fort Sumner, in New Mexico, was an illustration. Massacres by wholesale, as at Sand Creek, are as nothing to the syphilitic poisons about military posts. In the report of the committee there is testimony on this point worth considering. Peruse the statement of Dr. Dart, (page 33.) He says, somewhat vaguely but all too suggestively:

You observe—perhaps you already know the fact—that, prior to 1850, for seventeen years the Indians were under the control of the Army; and if you will take the trouble to look at Mr. Taylor's report of that matter, he will show you the enormous cost of the indiscretion of the Army in the management of the Indians. I was first brought to the views that I have now in regard to the merits of the question by noticing the great number of half-breeds surrounding the military reservations. The number is astonishing. It would astonish any man to go into the country around the reservations and see the great number of half-breed children of all ages.

Those who are disposed to peace and who wish to have their wives, young men, and children grow up and hold the lands, says Mr. Kimball, are bitterly hostile to military government, and, as we can guess, for some other reasons than the constitutional inhibition against quartering soldiers.

CIVIL SERVICE.

Mr. Chairman, we must purify our civil service. But still the service of the Government must be a civil service, except to the small and very limited extent where force is absolutely required to maintain the civil authority. I would in no case, except for that purpose alone and for the defense against a foreign foe, employ the Army.

But suppose you put an honorable, upright officer in charge of an Indian agency. What is the result? He must be surrounded with soldiers, at least as far as the employés are required. The command he will exercise over them must be despotic. What sort of farmers and millers and blacksmiths and teachers is he likely to get from the ranks of his company or regiment? In many cases, including families, there is now quite a little community of white people at the agencies, each one of whom is a missionary of civilization and culture. Can the officer with his dozen soldiers take their places? They could do so just to this extent: They could receive and distribute supplies of food and clothing, and they could compel the obedience of the Indians. The accounts might be rendered correctly. But the day this bill passes you close every Indian school. You no longer teach the Indian to farm or hold out to him the hand of encouragement and assistance. The private soldier in time of peace is, as every one knows, too often taken from the most ignorant and degraded classes of society; and these are the men whom you propose to put into daily and hourly contact with Indians of all ages and of each sex. What must be the inevitable result? The records before me show this too well and too sadly.

It may be that you can preserve the peace. But that, it is manifest, we can now do under the peace policy. Indeed, except a small band of Sioux, who have never acknowledged the Government at all, and whom the Army now is endeavoring to subdue, we are at peace with all our Indian tribes. That they are at last conscious it is better for them to remain at peace, whatever provocation they may receive, is proven by the fact that many hundreds of men are at this moment, in violation of treaty engagements, invading and occupying the reservation of the most powerful and warlike tribe on the continent without having so far excited an Indian war.

The Apaches of Arizona, numbering several thousands, who were three or four years ago at war with us, are to-day so profoundly at peace, that the agent not only has requested the withdrawal of troops from the reservation, but has organized an Indian police, who aid him in the most efficient manner in keeping in subjection to the authority of the Government those fierce warriors, and Arizona is to-day as safe to the white citizen or traveler as Maryland.

But, sir, this Indian question is not simply a question of policy. Is it not a question of statesmanship? Is it not a question of statesmanship as difficult as any which has risen in our history? For several generations we have been dealing with it in a fragmentary, desultory way, sometimes fighting the Indian at the cost of many millions and then buying a peace with him at the cost of many millions more. Sometimes we have treated him generously and sometimes meanly, rarely with justice. Sometimes he is the noble red man, dressed in all the glowing fancies of poetry; sometimes he is an unmitigated, barbarous, treacherous savage. He has done us infinite harm, and we have done him infinite harm. At last the way seems to be open to settle with him our long dispute. He is helpless; we are powerful. At last, in almost every instance, over half of our territory, he asks for peace and begs for kindness and help. Shall we turn to him a deaf ear?

The true way to deal with this Indian question is to make the "peace policy" more and more perfect. The Indian Office should have at its head a man of clear head and honest heart. He should have sufficient power and means conferred on him to do those things which in a wise discretion should be done. The duties of the office are to some extent anomalous. In every other Department our officers have to deal exclusively with civilized men. The Indian service is among savages and those who are just rising from the savage state. As I have already said, the service is remote. In the purchase of supplies and in the aid generally to the Indians a very large discretion has to be conferred. No other officer in the Government must necessarily have so large a discretion. The soundest judgment should be exercised, and doubtless even the soundest judgment will sometimes fail. The Commissioner of Indian Affairs should make himself thoroughly familiar with all the circumstances which surround each Indian tribe, and deliberately and intelligently decide what can be done to aid them most effectually without too much cost.

If you have an able man or can get one for this work, a few years will solve the problem I believe that, if you will faithfully fulfill all your agreements with the Indian; if you will keep white men from trespassing upon and abusing him; if you will give him a sure guarantee that he shall be protected in a suitable home; if you will keep whisky away from him, and give him for a few years intelligent aid, that he can be civilized. But at all events, whether we succeed or fail, I shall be ashamed of Congress and of my countrymen if we do not make a fair trial.

IN CONCLUSION,

Therefore, let me say, that by all the sanctions of economy, faith, justice, humanity, honor, statesmanship, and civilization, the peaceful policy is that which is kindest, wisest, and best. Besides, it is the policy of human advancement. If Rome made her mission grand by the rule of men "entirely great" who studied the arts of peace; if, in deference to classic morals and in the fulfillment of Hebrew prophecy, and as the consummate flower of the holiest of religions—we are to look forward to an era when material and moral devastation shall cease, and men shall learn that violence is chaotic and destructive; if mankind is destined to make this world better for living in it,—then let the very forests and plains of our land, where the Indian roams, echo the glad tidings of great joy which ushered into our fallen star with angelic anthems the Prince of Peace himself, by whom the beatitudes were so gloriously promised to the peace-makers!

Mr. COOK obtained the floor.

Mr. HURLBUT. In consideration of the lateness of the hour and as the House has to take a recess in less than ten minutes, I ask the gentleman from Georgia to yield to me to move that the committee rise.

Mr. COOK. I yield for that motion.

Mr. HURLBUT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLOUNT for three days on account of business, and to Mr. CHITTENDEN for two days on account of a death in his family.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which were signed by the Speaker:

An act (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company;

An act (H. R. No. 1580) granting a pension to Almon P. Graves;

An act (H. R. No. 2305) granting a pension to Melville H. Hudson;

An act (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps; and

An act (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order of business, which, I believe, is the calling of the yeas and nays on the motion made just before we went into Committee of the Whole to refer a bill to the Committee of the Whole.

The SPEAKER *pro tempore*. That is the unfinished business of the morning hour.

Mr. LANE. I move that the House now adjourn.

Mr. RANDALL. I hope the gentleman from Oregon [Mr. LANE] will not make that motion, but will let us have an evening session for the further consideration of the legislative appropriation bill.

Mr. LANE. I will withdraw the motion to adjourn.

A. J. PRICE.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3025) granting a pension to A. J. Price, sergeant of Company A, Sixteenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELATIVE RANK OF OFFICERS OF THE NAVY.

Mr. MILLS, by unanimous consent, introduced a bill (H. R. No. 3026) to fix and determine the relative rank of officers of the several corps of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OSCAR S. COLLINS.

Mr. EAMES, by unanimous consent, introduced a bill (H. R. No. 3027) granting a pension to Oscar S. Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADOLPH MÜLLER.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 3028) for the relief of Adolph Müller, of Madison County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-SHIP IN MASSACHUSETTS BAY.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 3029) to appropriate money to place a light-ship with steam-whistle attached upon Stelwagen's Bank, in Massachusetts Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VENEZUELAN INDEMNITY FUND.

Mr. A. S. WILLIAMS, by unanimous consent, submited the following resolution; which was read, considered, and adopted:

Resolved, That the President be requested to furnish this House, if, in his opinion, it is not incompatible with the public interest, with a statement of the amount of money in gold received from the republic of Venezuela since the 5th of August, 1868, in payment of the interest due on American claims, with the dates of such payments; and also to specify the percentage distributed in gold to the American claimants, with dates, and the amount in gold, if any, now remaining in the State Department applicable to the payment of said American claimants, with the reason why further distribution is withheld.

CONTINGENT EXPENSES OF TREASURY DEPARTMENT.

Mr. RANDALL, from the Committee on Appropriations, reported back a communication from the Treasury Department, transmitting a statement of the contingent expenses of that Department for the year ending June 30, 1875, and moved that the same be printed and recommitted.

The motion was agreed to.

The hour of half past four having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The hour of half past seven having arrived, the House resumed its session, Mr. HOLMAN in the chair as Speaker *pro tempore*.

Mr. COX. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. When the committee rose last night there was no amendment pending to this bill.

The Clerk resumed the reading of the bill and read the following:

For compensation to the following in the office of the President of the United States, namely: For private secretary, $3,150; assistant secretary, $2,250; one executive clerk at $2,000, steward at $1,500, and messenger at $980; in all, $9,880.

Mr. FOSTER. I move to amend the paragraph just read by striking out "one executive clerk at $2,000" and inserting in lieu thereof "three executive clerks at $2,000 each."

Mr. HOLMAN. I move to amend the amendment by inserting "two" instead of "three." That was the understanding in the Committee on Appropriations, I believe.

Mr. HALE. Accept that.

Mr. FOSTER. Very well; I will modify my amendment so as to make it "two executive clerks."

The amendment, as modified, was agreed to.

Mr. RANDALL. I move to amend by striking out "$980" and inserting "$1,200" as the compensation of the messenger. As there has been one additional clerk inserted in this paragraph on the motion of the gentleman from Ohio, [Mr. FOSTER,] his salary will have to be added to the total for the paragraph.

Mr. HALE. The salary of the additional clerk is $2,000.

Mr. RANDALL. Then the total for the paragraph should be $12,100 instead of $9,880.

The amendment of Mr. RANDALL was agreed to.

The Clerk read the following:

For contingent expenses of the executive office, including stationery therefor, $2,000.

Mr. FOSTER. I move to amend this paragraph by striking out "$2,000" and inserting "$4,000." The estimate for the contingent expenses of the executive office was $6,000, and I believe the appropriation last year for this purpose was $6,000. I learn upon examination that over $1,100 was expended last year for telegrams alone. I think $2,000 will not be enough for that purpose.

Mr. RANDALL. The reason the committee struck that out was that we considered $6,000 entirely too much. Upon research we found that during Mr. Lincoln's administration the expense for this item was but $1,000. We thought we would allow this Administration to be twice as extravagant as the administration of Mr. Lincoln. Two thousand dollars we consider quite enough.

Mr. HALE. A great deal of the business of the executive office at that time came in a loose way from appropriations for other Departments. I suggest to the gentlemen of the Committee on Appropriations to consent to make the amount $3,000.

Mr. RANDALL. I think $2,000 is enough. We have consented to allow this office one more clerk than the bill as printed proposes. I think that $1,100 for telegraphing is a little excessive.

Mr. FOSTER. I modify my amendment so as to strike out "$2,000" and insert "$3,000."

The question being taken on the amendment of Mr. FOSTER as modified, there were—ayes 28, noes 41; no quorum voting.

Tellers were ordered; and Mr. FOSTER and Mr. RANDALL were appointed.

The committee divided; and the tellers reported ayes 26, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For official postage-stamps, $600.

Mr. CANNON, of Illinois. I move to amend by striking out the paragraph just read.

Mr. Chairman, in 1873, I believe at the close of the fiscal year, the franking privilege was abolished by an act passed a little prior to that time. There was a great flourish of trumpets in reference to the saving that would accrue to the Post-Office Department by virtue of that measure. I want to state in the outset that it never has saved the Government one penny, but has absolutely added over $50,000 to the expenses of the Department every year since the measure was adopted. Though I have but five minutes, I think I can show this satisfactorily.

The first thing that was done upon the abolition of the franking privilege was to provide some means by which 35,000 or 40,000 postmasters in the United States could have the franking privilege by virtue of official stamps and some means by which the executive departments could also have the franking privilege in the same way; and, in arranging this, the first thing that was done (and I have the official figures before me) was to spend $50,000 for plates from which to print those official postage-stamps; and every year since that time $50,000, in round numbers, have been spent for the purpose of printing those official postage-stamps and furnishing official stamped envelopes; and what for? Purely that the account might be kept between the Post-Office Department and the other branches of the Government; that and nothing more. It never has yielded one cent of revenue in fact.

I know that the money appropriated for these stamps is counted as revenue. One million seven hundred thousand dollars in round numbers was returned in that way for the first year, 1873, and $1,100,000 in round numbers for the last fiscal year. But no money ever came in. It was a credit to the Post-Office Department without any money.

Now it appears that there is a franking privilege for the executive departments by means of these official stamps; there is a franking privilege for 40,000 postmasters in this country as to official business by aid of these official stamps; and nobody who ever had the franking privilege is deprived of it in fact except members of this House and of the Senate.

These official stamps we have to make and pay for, putting our hands into the Treasury every year and taking out the cost thereof in clean cash and making it a present to the printers of these stamps, in order that these people who had the franking privilege before may still have it at the additional expense of cost of stamps.

Now, who else has the franking privilege in this country? The newspapers practically have it or those who take the papers. Many of them have been making a great deal of fuss ever since I have been in Congress and before about the franking privilege of members to Congress. I have the data before me to show that eight-tenths of all the mail matter that passes through the mails of the country consists of newspapers and periodicals. Now the expenditures of the Post-Office Department are in round numbers $36,000,000 a year. Eight-tenths of all this expense is paid out that the newspapers may pass through the mails at a cost of say $25,000,000. How much do you suppose these newspapers pay or the people who get them pay as postage thereon? Less than $1,000,000 per annum; an absolute loss to the Department of over $24,000,000 per annum in order that the newspapers may practically go free through the mails.

I am not complaining of this, nor would I change it, for the circulation of papers and periodicals is necessary for the dissemination of knowledge among the people, and should have as few burdens attached as possible, but I refer to it to show the fact as to why the Post-Office Department does not pay expenses.

[Here the hammer fell.]

Mr. RANDALL obtained the floor and said: I yield the time to

which I am entitled to the gentleman from Illinois, [Mr. CANNON,] that he may conclude his remarks.

Mr. CANNON, of Illinois. So much for the franking privilege to forty-thousand postmasters, to all the Executive Departments, and the franking privilege practically to the newspapers of the country or the people who receive them at an actual loss to the Department of $24,000,000 per annum.

Now, about one-tenth of all the mail matter consists of letters, which pay, in round numbers, $23,000,000 postage annually.

Mr. BUCKNER. Has the gentleman made any calculation how many messengers or other employés it requires to do the stamp-licking at the Departments? [Laughter.]

Mr. CANNON, of Illinois. Well, I should think it would take oceans of saliva. [Laughter.] Of course that is an expense to be taken into consideration. You may go back and look at the estimates of the Postmaster-General and the appropriations since the franking privilege was ostensibly abolished, and you will find that the Third Assistant Postmaster-General in 1873 claimed that he must have more clerks because he has more duties to perform in the handling of official stamps, and more clerks have been granted him.

It is about time, Mr. Chairman, that this foolishness was stopped. How much do you think the franking privilege would cost if members had it for public documents?—and I only advocate the restoration of the franking privilege so far as public documents are concerned. Let members continue to pay postage on their correspondence. The people want these documents. Suppose it cost $300 a year for each member, how much would that be? It would be $112,000, counting three hundred and seventy-five Members and Senators. Yet you pay more than half that amount each year to the printers for printing official stamps and manufacturing official stamped envelopes.

I undertake to say Postmaster-General Jewell was right when he said that the restoration of the franking privilege so far as sending public documents through the mails without one cent of postage would not make any appreciable difference in the expenditure of the Post-Office Department. This is true, as I have shown time and again upon this floor. It will be apparent when you recollect that you have the machinery to carry on anyhow. In fact, Postmaster-General Jewell tells us that he took up tons and tons of books under temporary restoration of the franking privilege and sent them broadcast over the country and absolutely did not perceive it as affecting the mails.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the effect of making this appropriation of $600 is simply a mode of furnishing the facilities for free mailage to the Executive Departments, and at the same time to make appropriation of money to the Post-Office Department. The gentleman from Illinois thinks it will be safer and better to go back to the franking privilege. The expense to the Government for the printing of these official postage-stamps is very slight. It accomplishes at least one good purpose. It prevents the fraudulent use of the frank in the Departments of the Government. That was its main object. That was the main object of the abolition of the franking privilege. It was to prevent fraudulent use of a frank. It was impossible the postmasters of this entire country, or any considerable number of them, could know the genuineness of the frank of any person connected with any one Department of the Government. So far as any mail matter from any Department of the Government under the franking privilege is concerned, it necessarily went free, no matter whether it was public or private business. The effect of private official stamps has been to cure that evil, for no person could apprehend the executive office would permit these stamps, the character of which is known by every person in this country, to be used for private business. There is a reasonable guarantee, therefore, the stamps will not be used for any other than the legitimate purpose of public business.

Mr. HALE. Let me ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. HALE. I see the point the gentleman makes. I ask the gentleman if there had been any abuse to any great extent of the kind indicated, then the abolition of the franking privilege with its abuses and the substitution of stamps would have shown a saving to the Department. Does not the fact that there is not any such saving show the abuse which was much talked about was really very small? The transportation of matter is as much under a system of stamps as it was under your system of franks.

Mr. HOLMAN. I do not think the gentleman can assume safely there has been no saving on the part of the Government.

Mr. HALE. There was some abuse, but it was small.

Mr. HOLMAN. There was no such extensive saving as the recent Postmaster-General assumed there would be. Every person understands his calculations were all fictitious; but at the same time there has been in fact a very material saving to the Government by the abolition of the franking privilege, and by this mode alone.

The CHAIRMAN. The gentleman's time has expired.

Mr. ATKINS. I move to strike out the last word, and will yield my time to the gentleman from Indiana.

Mr. HOLMAN. That there were frauds perpetrated upon the Post-Office Department under the old order of things, I think every fair-minded man must admit; and that this is the only remedy suggested is equally clear. That it does limit the amount of free mail matter which comes from each Department of the Government is clear beyond all question.

Now, the cost of furnishing these stamps is but a trifling matter and of no consequence. And having said that much, I wish to call the attention of the House to the result of striking this out. We will have to revise all the estimates. The Post-Office estimates are based upon the assumption that a certain amount of revenue will come to the Post-Office Department by appropriations through this channel.

We appropriate to each Department of the Government certain sums of money for stamps. That is a portion of the appropriations for the Post-Office Department. All this has got to be revised if you abandon the present practice, and provide for the free use of the franking privilege in every Department of the Government.

This is the first test of that question which has been attempted during the present Congress, I believe. I trust the committee will not accept the proposition of the gentleman from Illinois. If it be thought desirable to return to the old system, which I think it is not, I believe it is better to make the usual appropriations to the various Departments during the present session of Congress, and then to repeal the present law providing for stamps, and to restore the franking privilege to take effect at some future day. Then no inconvenience and no embarrassment would result. But gentlemen must see that the striking out of this particular item must be followed by a long series of measures, a long series of estimates, and further appropriations to the Post-Office Department which have not been in contemplation up to this time, and which cannot really be entered upon at so late a stage in this session of Congress.

I trust, therefore, that the gentleman from Illinois will withdraw his amendment. Let us make our appropriations to the Post-Office Department through this channel as heretofore, and if it is thought desirable to go back to the franking privilege with all its abuses, let it be done by a repeal of the law to take effect at some future time, before the appropriations are made for the following fiscal year.

I agree with all the gentleman has said on the subject of the postage on third-class matter; but I trust he will not bring so incongruous a subject into the debate on so simple a question as this: the abolition of the franking privilege in the Departments and the substitution of stamps. The gentleman must bear another fact in mind: A single clerk, a female clerk, will apply stamps with great rapidity, and perform the labor of giving the quality of free matter to matter going from a Department, which would require the services of many clerks under the other system. That is to be taken into account also. We have to provide an increased number of clerks for every one of the Departments of the Government if this change is made. The gentleman must see that this is a serious matter, and I trust that he will not press his motion.

I withdraw the formal amendment.

Mr. HUNTON. I renew it.

Mr. Chairman, I have renewed the formal amendment in order to call the attention of the committee to a most unwarranted statement and attack upon the Postmaster of the House in the remarks of my friend from Missouri [Mr. WELLS] last night. It is in these words, as his remarks are reported in the CONGRESSIONAL RECORD:

> Mr. WELLS, of Missouri. The man from whom we hire the horses and wagons will not deliver the mails. The mails are to be delivered by the messengers of the House post-office. The man with whom we contract agrees only to furnish seven wagons and seven horses. This is now done by the Postmaster himself, and he to-day is making $4,000 or $5,000 a year out of this business. We propose that this money, which now goes into the pocket of the Postmaster, increasing his perquisites, shall be put into the Treasury of the United States.

I desire to say, sir, that that is entirely erroneous, and I am surprised that the gentleman from Missouri should have fallen into so egregious a mistake. The Postmaster of the House has nothing in the world to do with this matter, except to contract with this man to furnish the horses and wagons. I will read here a memorandum which has been furnished to me by the Postmaster of the House, and it is as follows:

> The Postmaster has nothing whatever to do with the mail-contractor, except to give out the contract and certify to his account. The contractor furnishes seven wagons and eight horses each day, for which he receives $12.50 per day, or at the rate of $2.50 each for five wagons and five horses. No money passes through the Postmaster's hands, nor has he any interest in the contract. The accounts of the contractor have to be approved by the Committee of Accounts and paid by the Clerk.

Mr. WELLS, of Missouri. I have not read the report of my remarks in the CONGRESSIONAL RECORD. But I will say this, that, so far as the profits of the Postmaster are concerned, I had been informed that it had been the custom for the Postmaster heretofore to own the horses and wagons himself.

Mr. GARFIELD. The Postmaster never owned the horses and wagons. He has hired them all.

Mr. WELLS, of Missouri. I will say this, that I look upon the present Postmaster of the House as being a high-minded man in all respects, and I would be sorry to do anything or say anything that would do him injustice; and if I have done him injustice in any remarks, I take them back.

Mr. HUNTON. That is satisfactory. At the same time I must say that I cannot see how the gentleman from Missouri could have made the charge contained in his remarks last night without some idea that he was reflecting on an officer who, I will undertake to say as a high-minded man and a gentleman, is the peer of any man on this floor.

Mr. WELLS, of Missouri. I wish to say a word or two more on this matter. I will state, sir, that my calculation was made entirely on the number of wagons which this bill proposes to allow for this work. I made the calculation on the supposition that the Postmaster was furnishing the horses and wagon. That was my impression, and I was so informed. My calculation was made on the impression that the Postmaster was getting at the rate of $10 a day for each horse and wagon used during the short session of Congress; that is, that he would be getting pay for twelve months while he was only doing the work for three months. It was a simple matter of calculation. That, getting $2.50 a day during the year and only working a fourth of the time, he was receiving at the rate of $10 per day during the short session for each horse and wagon; and which would leave him, on a fair calculation with regard to the expenses of the horses, a profit of at least about $4,000. That is my calculation. I do not impugn anything in the action of the present Postmaster of the House, but I may have been misinformed.

Mr. HUNTON. I was going to say if the gentleman had gone to the Postmaster himself he would have ascertained all the facts.

Mr. WELLS, of Missouri. I did not expect when I rose to make any remarks. I did not expect to be called on to explain this matter. I had not taken any particular interest in the matter until my attention was called to it by gentlemen on the other side.

Mr. HUNTON. I withdraw my formal amendment.

The question was taken on the amendment offered by Mr. CANNON, of Illinois; and on a division there were ayes 49, noes not counted.

So the amendment was not agreed to.

Mr. CANNON, of Illinois. I move to strike out the last two words.

Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] a few minutes ago stated that the cost of printing these official stamps is now merely nominal. I do not so understand it, and I read from a statement that I obtained to-day from the Third Assistant Postmaster-General, and which is as follows:

SIR: The cost of making plates for official stamps was $50,000; the cost of manufacturing official stamps for the fiscal year ending June 30, 1874, was $23,856.07; the cost of official stamped envelopes for the same period was $13,486.08; the cost of official stamps for the fiscal year ending June 30, 1875, was $14,764.74, of official stamped envelopes for the same period, $35,252.76, and the official envelopes were for the State and Post-Office Departments.

E. W. BARBER,
Third Assistant Postmaster-General.

Now, then, let the gentleman's statement stand upon the one side and mine on the other, with mine backed by the Third Assistant Postmaster-General.

Mr. HOLMAN. How much does he say it amounts to?

Mr. CANNON, of Illinois. The statement of the Third Assistant Postmaster-General has just been read and speaks for itself. Now, the gentleman says, if the franking privilege is to be restored let it be restored in some other way. We are not now considering the restoration of the franking privilege. We are considering, under the rule which you have adopted, whether or no we cannot save the cost of these official stamps. I want to see whether you are in favor of retrenchment and reform or not, or whether you want to continue to give to the bank-note companies of Philadelphia and New York this large sum of money for printing stamps that are of no use to the Government and only benefit the bank-note companies.

Ah, but says the gentleman from Indiana, there will have to be more clerks if you give the Department the franking privilege instead of using stamps. Not so; the official records show that more clerks are required for licking the stamps and handling the same than were required for the franking.

I therefore trust that when this item is reached in the next paragraph it will be stricken out, so that the heads of the Department or Bureau shall have the right to frank these official letters and matters that now pass under the frank of these official stamps.

Mr. HOLMAN. I do not wish to consume time in the discussion of this question, because the committee has already passed on it and rejected the motion of the gentleman from Illinois, [Mr. CANNON.] But I wish to call the attention of the gentleman to the fact that the evil is not in the law, which was the best substitute we could get on abolishment of the franking privilege; the only evil is in its execution. My friend knows very well that if $50,000 is expended for this purpose it is a misappropriation of the public money, a wrongful appropriation of it. The gentleman knows very well that scarcely one-fifth of that sum of money would be necessary for this purpose. The experience of every citizen must show him that the expense of clerical hire for placing these stamps on the various documents sent from our Departments will cost far less than the clerical force necessary to write a frank on every document, without reference to the frauds which are usually perpetrated under the franking privilege.

Sir, I do not pretend to say what may be the extravagance of carrying this simple law into effect. I speak of what was to be presumed, that it is a mere bagatelle; and the extravagance, if extravagance there be, arises from the administration of the law, and not from the law itself. But, for my part, I do not intend by my silence to give my sanction to the proposition involved here of a restoration of the franking privilege. In my judgment, it was a system full of fraud in every part of the Government, not excepting the legislative branch of the Government. It was a system to be got rid of, and one that members of Congress should not desire to have in existence, because their names were liable to be counterfeited on every hand, and in such a manner as to work fraud on the Government.

Mr. CANNON, of Illinois. Does not the gentleman know that the most objectionable portion of the franking privilege has already been restored, and that any buncombe speeches made on this floor, any Agricultural Report published, any seeds sent out from the Agricultural Department, and the CONGRESSIONAL RECORD all go free under the present system?

Mr. HOLMAN. I understand that the Agricultural Report is sent free through the mails. And if anything is to be sent free, I think it should be the Agricultural Report. I understand that the seeds purchased for distribution by the Agricultural Bureau are sent free, and I think if anything should go free, next to the Agricultural Reports, that is proper enough. And perhaps it is well enough that the record of what transpires here in Congress should pass free through the country without restraint or limitation. To that extent I was myself willing to go; but I am not willing to go one step further than that. All this discussion year after year is to lay the foundation for the restoration of that huge fraud, the franking privilege.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I withdraw my formal amendment.

Mr. WILLIAMS, of Wisconsin. I renew the amendment. I think the keen sense of equity and justice and the high heroism of members of Congress and politicians generally have never been more eminently displayed than upon this single question of the franking privilege.

I do not agree with the gentleman from Illinois [Mr. CANNON] in regard to the comparatively free circulation of newspapers. One newspaper will convey more intelligence to the country, more knowledge of the current events of this capital and elsewhere than you could convey in a hundred letters. I do agree with him, however, in regard to the restoration of the franking privilege so far as the circulation of public documents is concerned, provided Congress proposes to continue their publication. Under the spasmodic effort at economy, by the repeal of the franking privilege printing has been interrupted in some directions, until now we are sending forth to our constituents in the West, as fresh and valuable reading, the Agricultural Report for 1873. And every man to whom you send that report or some of his neighbors write back, wanting to know why you do not send a report for 1874 or 1875. And if you were to pay the postage on answers to those letters—and you are liable to offend the constituent if you leave his letter unanswered—you will expend more for postage than it would cost to send all the documents printed by the Government.

Then again, as to letters, I do not quite agree with my friend from Illinois in regard to them. The Post-Office Department sends to a member of Congress, making an inquiry about some local matter in his district, and incloses to him a two-cent stamp to pay for the reply. The member of Congress writes to some gentleman in a central town of his district, making the inquiry; that gentleman writes into the country. His letter is answered, and he answers the letter of the member of Congress. Thus the *constituent* and the member have paid twelve cents postage and the Government has paid *two cents*. This certainly ought to satisfy even our eminent and economical friend from Indiana [Mr. HOLMAN] so far as the Government is concerned; but how is it with the constituents, leaving out the member of Congress?

Now, sir, in regard to printing and circulating documents and in regard to "official correspondence," I would make a law putting it upon the high and sacred honor of a member to mark his letters "official business," and let these and their answers go free. I would not resort to any fine or imprisonment, which is never enforced; but if we have the power under the Constitution I would make the breach of that privilege in the slightest degree by a member work a forfeiture of his seat in this House. And, my word for it, his district will be policed by disinterested gentlemen, willing to serve the public, with a vigor which will keep the Representative strictly in the line of duty and of law.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee now rise in order to have debate closed on this paragraph.

Mr. HOLMAN. Do not rise. It can be done without that.

Mr. RANDALL. Then I ask unanimous consent that debate now be considered closed on this paragraph.

There was no objection.

Mr. WILLIAMS, of Wisconsin. I withdraw my formal amendment.

The Clerk read the following:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; two Assistant Secretaries of State, at $3,150 each; for chief clerk, $2,250; ten clerks of class four; four clerks of class three; eight clerks of class one; and ten clerks, at $900 each; one messenger; one assistant messenger; one superintendent of the watch, at $1,000; six watchmen; ten laborers; chief engineer, who shall be a machinist, $1,200; one assistant engineer, $1,000; four firemen, at $720 each; ten charwomen, at $180 each; and a conductor for the elevator, at $720; in all, $78,630.

Mr. KASSON. I move to amend the paragraph just read by striking out "two" and inserting "three" before the words "Assistant Secretaries of State." In some remarks which I addressed to this committee just before the close of the general debate upon this bill, I said to the gentlemen of the committee and of the House that on reaching the paragraph in this bill relating to the Department of State I should

ask their attention to those provisions which seem to affect the organization of that Department. I now desire to call their attention to that question.

In the last Congress provision was made for the organization of that Department with double reference to the business of the Department and to its arrangement in the new and permanent building provided for its occupancy. A part of that organization involved three Assistant Secretaries, and there are three now performing the work of the Department. Among them the business is so classified that the additional Assistant Secretary provided by the last Congress has an entire independent charge, distinct not only in amount but in character, from the work pertaining to the two other Assistant Secretaries. The Third Assistant Secretary has the entire correspondence with non-christian countries, embracing diplomatic and consular correspondence and the jurisdiction of all the consular courts and the business arising therefrom. Each has a specialty, with which he has become practically acquainted.

The reason for the appointment of the additional Assistant Secretary was that this division of labor might be made, the business of the Department being so large as to require this in addition to all their correspondence with the countries under the Christian dispensation.

This paragraph just read destroys that organization. I desire to appeal to the gentlemen of the committee and of the House that, in this retrenchment, some parts of which, of course in various portions of the bill, arouse no opposition whatever, they will not carry it to the point of an essential derangement of the public business in any of the Departments. The entire clerical force of the State Department is less than fifty, including the chiefs of Bureaus. Gentlemen certainly will see that it is not an expensive Department so far as regards the amount of clerical force authorized by law.

I will also say touching the amount of this force (and I beg gentlemen to observe it) that in this Department clerks do not leave their offices at three o'clock as they might do if there were a surplus. They do not now leave and never have left before four o'clock; they often stay till five and six o'clock; and the assistant secretaries of the Secretary himself frequently continue at their work till a late hour. In this there is an evidence that the work is sufficient to employ this force; and in respect to the organization it shows also that this is essential to the proper conduct of the Department.

There is but one fourth-class clerk to each Bureau in that Department. If you take away one Assistant Secretary, and then destroy the arrangements of the Bureaus, (with, as I said at the beginning of this debate, a single exception where two Bureaus may be united,) you necessarily derange the conduct of business to a very serious extent. For that reason I beg that this proposition may have fair consideration from all gentlemen of this House.

[Here the hammer fell.]

Mr. RANDALL. The reduction proposed in the bill was not agreed to by the committee without due consideration. The gentleman will remember that a Third Assistant Secretary of State was added only two years ago, which was deemed at that time by a very considerable minority here an unnecessary expense.

Now the State Department in its appointments and conduct—in consequence, I suppose, of its intercourse with foreign nations—assumes rather a regal aspect, instead of that free republican aspect appropriate to our Government. Perhaps as the result of its associations, it has crept along and increased in various ways.

In the arrangement of this paragraph the committee was governed by an examination of the force which Mr. Seward had in that Department during his administration of it. We found that in the appropriations for the year ending June 30, 1868, there were but two Assistant Secretaries. I do not speak positively, but my impression is that Mr. Seward conducted that Department during the entire period of the war with but one assistant. The amount appropriated for the force of the Office in this paragraph in the year I have named was $65,000. In this bill we give $87,000. In order to avoid producing any friction in the administration of the Office we allow 25 per cent. more than the expenditures at that time. This allowance we think adequate. In fact, I think that Department could be administered for the same expense for which Mr. Seward administered it during the trying period of the war, when the Department was busy in keeping other nations from interfering in our internal struggle. I believe the committee have acted upon this matter with great discretion. I hope, therefore, the amendment will not be adopted.

Mr. KASSON. For the purpose of making some additional remarks, I withdraw my previous amendment and move to make the number four. The gentleman from Pennsylvania [Mr. RANDALL] is mistaken touching the fact alleged that in the time of Mr. Seward there was but one Assistant Secretary. He will remember that during the administration of Mr. Seward Mr. Hunter was made an Assistant Secretary, in addition to the son of Mr. Seward himself. This statement will probably recall to the gentleman's mind the fact to which I refer.

In addition to the work that is constantly and naturally increasing in this Department with the increased extent of our relations with foreign countries, an entirely new kind of work has been introduced in this Department. In Mr. Seward's time there was no organization and analysis of the correspondence of that Department. One most important improvement effected under the present Administration has been in indexing, analyzing, and abstracting every official letter that comes from foreign countries, preserving that complete analysis with index for all future time. The work is going on touching all former correspondence of the Department, in order that whatever information exists upon its files may be permanently accessible for the benefit of the country.

Besides, since the time mentioned we have greatly enlarged our relations with several countries. Our commerce with oriental countries has been considerably increased, and the wise business men of this country are looking largely to the commerce across the Pacific Ocean for the restoration of our commercial prosperity. But, sir, I go further than that. I said in the last Congress, and I take the liberty to repeat now, that when there is a Department of the Government unassailed and unassailable for the character of its administration—so unassailable that a democratic Senator has recently declared in Connecticut that this is the exceptional Department in the Government—when that Department insists that it is necessary to have a certain force for the proper conduct of its business, that it is disorganizing to cut off the arrangements that have been made by previous act of Congress, I submit that those of us who are not better informed, unless we assail either the judgment or the honesty of the Department, must admit that it is dangerous to carry out retrenchment to the extent proposed here.

Mr. Chairman, this is a subject in which I have no other than a public interest. No friend of mine within my knowledge has ever been appointed in that Department. I speak simply as a public man in the interest of the public service. I speak of what I know; and the committee do not tell us that any of the chief officers of the Department have been consulted on this matter or have expressed their approval of this proposed disorganization of the Department. You have cut down salaries; I am not quarreling with you about that. I simply ask that you do not destroy the efficiency of the Department.

Why, sir, look at the number of clerks. Of the few clerks in that Department thirteen receive but $900. There are but ten fourth-class clerks; but few third-class clerks; no second-class clerks. You have not merely made a reduction of 20 per cent., but a reduction of over 25 per cent. upon the force in that Department.

I have only to make these statements. I know unless gentlemen vote purely in the public interest it is useless for me to offer an amendment, but I do submit it to the honest judgment of the House.

I withdraw the amendment last offered, and renew the amendment increasing the number from "two" to "three."

[Here the hammer fell.]

Mr. HOLMAN. I know the gentleman from Iowa must have noticed that the efficiency of this branch of the Government does not depend on the increased force during the war when our relations growing out of the early events in the war and subsequently in regard to the relations of European powers with Mexico when it is clear the duties devolving on the Department of State exceeded anything which has occurred for a great many years or anything at the present time.

Mr. KASSON. Let me say to the gentleman from Indiana that the records disprove that statement, for the correspondence is much greater now.

Mr. HOLMAN. That is absolutely impossible, so far as the necessary correspondence of the State Department is concerned.

Mr. KASSON. Nevertheless it is a fact.

Mr. HOLMAN. The correspondence of this Government with Great Britain, France, Germany, Prussia, and Russia, and indeed with the whole civilized world, was of such a character as absolutely to require vigilance on the part of the State Department, which could not possibly be exceeded in a time of peace. Then but a single Assistant Secretary of State was all that was necessary, and it was all that was necessary clear up to the close of the war.

Now, the gentleman from Iowa, if he has examined the history of the times, must know that the beginning of the extravagance in that Department occurred just about the same time that it occurred everywhere else in our Government. It occurred in 1866, from which year we date the tendency toward growth of expenditure in the civil branch of our Government. So, too, in 1867, when the money of the Government was of less value than now.

I find, Mr. Chairman, in 1867, under Seward, the whole expenditures of the Government in this branch of the service were $57,800. We appropriate by this bill $122,280, being an increase since 1867 in this one Department of $64,480; more than double the expenditures since 1867. If you take out an item of $16,000, an unusual item, for the purchase of Howard's Reports, you will still have an increase of expenditure for the present fiscal year, as appropriated by this bill, of $48,380; $48,380 of an increase even by this bill, without reference to the heavy appropriations of last year, and the basis upon which these reductions are made.

Mr. KASSON. What are the elements of increase?

Mr. HOLMAN. Mainly in the clerical force and in the increased number of the heads of Bureaus in this Department of State.

Mr. RANDALL. There are six Bureaus——

[Here the hammer fell.]

Mr. FOSTER. I move to make it four, instead of three.

Now, Mr. Chairman, I have the best authority for stating that the correspondence and business of the State Department are to-day larger than ever before in our history, notwithstanding the statement of the gentleman from Indiana. There are but fifty clerks in that Depart-

ment to-day. We propose to reduce them 35 per cent., and the statement has been made here, and not denied, that not a single chief of division, not a single officer of the Department of State, has been consulted in reference to this proposed reduction. I believe a reduction could be made, perhaps, of 20 per cent.; but the head of this Department, acknowledged by everybody to be an able and pure man, and who has been successful in the management of his Department, says that it will be simply impossible for him to run the Department if the proposed reduction by this bill is made.

Mr. RANDALL. I am very sorry, then, that Mr. Seward is dead, for he ran it in much more difficult times for a great deal less.

Mr. HOLMAN. I wish to correct a mistake into which I have fallen.

Mr. FOSTER. In those times there were large contingent expenses. We did not appropriate as closely as we do now in this itemized way.

Mr. HOLMAN. The gentleman will excuse me; in matters like this accuracy is of the utmost importance. I find I have fallen into a mistake in reference to my statement a moment ago. I made my statement on the estimate of 1859, the year before the war. The appropriations made in 1859, 1869, were $57,850, against $122,000. I find in 1867, to which I have referred, the expense had gone up to $122,800; so that appropriations made by this bill are within a few dollars of the same as the appropriations made in 1867, when there was but two Assistant Secretaries, the same this bill proposes to appropriate for.

I desire to make that correction because in a statement of fact, in matters upon which legislation is to be founded, absolute accuracy is of the first importance. I only fell into the error by having the appropriation of 1858-'59 before me as well as that for 1867.

Mr. CONGER. Does not the gentleman from Indiana know that at that time no fees were covered into the Treasury? Now the fees are covered into the Treasury and the appropriations cover all the expenses.

Mr. HOLMAN. My friend from Michigan must be aware that there is no change in the law in that respect at all. The consular act dates back prior to 1867. The system by which fees go into the Treasury instead of going to public officers existed even prior to 1860 in the main, and it has been still further extended since 1860 and all along prior to 1867. No, sir; the basis is the same. The whole sum of money received by the State Department in 1867 was received out of the Treasury by direct appropriation just as much as it is now; and I think when we appropriate the same sum of money this year, when the value of money is largely increased, that we did in 1867, we appropriate a sum that certainly is amply sufficient.

Mr. KASSON. I rise again because I failed to notice before one observation of the gentleman from Pennsylvania. As the gentleman from Indiana [Mr. HOLMAN] has corrected his comparison with the expenditures of 1867, I need not make any remark upon that.

The gentleman from Pennsylvania, however, made an observation which I can hardly understand as being a proper one to make, when he said that the State Department had assumed a regal sort of aspect. It is almost impossible for any one who understands the working of the State Department to see any fitness in that remark. This Department has responded more to the demand of the country for civil-service reform than perhaps any other. Those in its employment have risen by merit through the various grades, their promotion depending on their merits and efficiency in the service. There is now an assistant secretary in that Department who had his first appointment, I think, under Andrew Jackson. There is another officer in that Department who is a man of great age, the nephew of Thomas Jefferson, and bearing that honored name. All through that Department I see in it men whom I remember having seen there when I first came to Congress.

If it is this that the gentleman from Pennsylvania means when he says it is a regal Department, I can understand him, but in no other way. It is at all events a Department which has responded to the demand of honest men on both sides of politics that promotion in the service should be the recognition of faithful service and merit, irrespective of political predilections on the part of the clerks of the Department.

Mr. RANDALL. I move that the committee rise for the purpose of closing debate on this paragraph.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that when the committee resume the consideration of the legislative appropriation bill all debate on the pending paragraph be closed in one-half minute.

Mr. KASSON. I hope the gentleman will not make his motion apply to the whole paragraph. I wish to offer an amendment relating to chiefs of Bureaus.

Mr. RANDALL. This will not cut off amendments.

Mr. KASSON. But I wish to make a statement in explanation of my amendment. I ask the gentleman if he will not allow ten minutes' debate on the question of the chiefs of Bureaus and fourth-class clerks?

Mr. RANDALL. That is not in the pending paragraph.

Mr. KASSON. The clerks are.

Mr. RANDALL's motion was agreed to.

Mr. RANDALL. I move that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending paragraph is limited to one-half minute.

The question was taken on Mr. FOSTER's amendment; and it was not agreed to.

Mr. FOSTER. I offer the following amendment:

In line 357 strike out "six" and insert "nine;" so that it will read, "nine watchmen."

That is the present force, and it is for a large building.

The CHAIRMAN. Debate is not in order.

The amendment was not agreed to.

Mr. FOSTER. I offer the following amendment, to which I call the attention of the gentleman from Indiana, [Mr. HOLMAN:]

In line 361 strike out "ten" and insert "twenty;" so that it will read, "twenty charwomen, at $120 each."

I would like to have a minute's debate on that. I am entitled, I believe, to a half minute.

Mr. RANDALL. I object to debate. The half minute has been exhausted.

The CHAIRMAN. In the judgment of the Chair, the half minute allowed for debate has not been exhausted. The gentleman from Ohio will proceed.

Mr. FOSTER. I simply desire to make the statement to the gentleman from Indiana [Mr. HOLMAN] that he proposes to preserve the whole force of charwomen in the Treasury Department, while in the State Department he cuts it down one-half.

Mr. RANDALL. We have avoided striking out any female employés where we could.

The question being taken on Mr. FOSTER's amendment, there were—ayes 57, noes 72; no quorum voting.

No further vote being called for, the amendment was rejected.

The Clerk read the following paragraph:

For three chiefs of Bureaus and one translator, at $2,100 each, $8,400.

Mr. KASSON. I desire once more to call the attention of the House to the proposed reduction in the chiefs of Bureaus. I think it very likely that I will do so in vain, though not necessarily, because this reduction does not follow from the reduction in the number of Assistant Secretaries.

The CHAIRMAN. The gentleman from Iowa will state what is his amendment.

Mr. KASSON. My amendment is to strike out "three" and insert "five;" so that it will read, "for five chiefs of Bureaus," &c.

The Bureaus now are as follows: Bureau of Indexes and Archives, to which I have already alluded, and I need not go over the same ground again. The work there is very extensive and very useful, and is going on upon hundreds of volumes of collections of foreign correspondence. Another is the Diplomatic Bureau, having charge of all that relates to diplomatic correspondence. Another is the Consular Bureau, having charge of all that branch.

The fourth is the Bureau of Accounts, taking charge of all accounts, the seamen's fund in foreign countries as well as the accounts in the diplomatic and consular offices, amounting to between one and two millions dollars every year. There are very many accounts to be stated, adjusted, and settled.

The fifth is the Bureau of Rolls and Library, having charge of all the laws of Congress, the copying of them for publication, the supervision of them for publication.

The sixth is the Bureau of Statistics, which prepares for publication the volume which we have used every year, analyzing the statistics obtained from every part of the world.

These are the Bureaus as now organized, and I think that every gentleman who has examined it will appreciate the importance of maintaining the system.

But my information—which I am bound in frankness to state to the House—is that they can combine the Bureau of Statistics and one of the other Bureaus, that of Rolls and Library; that these two can be combined in one without damaging necessarily the organization, as both classes of work are in their nature statistical. My information is that the work of these two Bureaus can be performed by one without serious injury to the Department; and having made this statement I submit the question to the House.

Mr. RANDALL. One of the evils which we find in the Departments is the multiplying of Bureaus, which is a sort of excuse for giving large salaries. Now, the Committee on Appropriations were of the opinion that the six Bureaus of the State Department could well be consolidated into three, in this manner: that the diplomatic and consular business could be conducted by one, the account, rolls, and li-

brary by another, and the statistics, index, and archives by a third. I believe, and the majority of the committee believe, that this consolidation is wise, and I hope therefore that the amendment of the gentleman from Iowa will not be adopted.

The question was taken on Mr. KASSON'S amendment; and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For expense of editing, printing, binding, and distributing the laws enacted by the first session of the Forty-fourth Congress, $10,000.

Mr. KASSON. I call the attention of the chairman of the Committee on Appropriations to the fact that there is no provision made here for the publication of the laws of the next session of Congress. He has provided only for the publication of the laws of the first session of the Forty-fourth Congress, and I suggest to him that, unless he make some provision for the printing of the laws of the second session of the Forty-fourth Congress, because it is within the present fiscal year, it will require a deficiency.

Mr. HOLMAN. The appropriation for that purpose will only be required after the 4th of March next.

Mr. KASSON. Yes; but it will come within the fiscal year for which this bill provides.

Mr. HOLMAN. It can readily be provided for next year.

Mr. KASSON. But it will be a deficiency.

Mr. HOLMAN. It will not be a deficiency; it will simply be authorizing the use of the money at once after the appropriation between the 4th of March and the 1st of July.

Mr. HALE. Why not make the appropriation now?

Mr. KASSON. It is for this fiscal year for which we are providing.

Mr. HOLMAN. It comes within the limits of that fiscal year, but it is to be expended after the appropriations of next year. It is for the publication of laws to be enacted hereafter, and it seems to me to be much more appropriate that that appropriation should be made for laws to be enacted next year, and which can just as well be made then as in this appropriation bill.

Mr. KASSON. Then it is simply left out, and is to be a deficiency after the coming election.

Mr. HOLMAN. That is entirely a gratuitous remark, and if I wished to retaliate I would call attention to the half million of dollars which we are now called upon to appropriate for the use of the Army, which is a deficiency for the last fiscal year.

Mr. KASSON. If the Committee on Appropriations wish to have it as a deficiency, I have no objection.

Mr. HALE. I rise to oppose the amendment, whatever it is.

The CHAIRMAN. There is no amendment pending.

Mr. HALE. Then I move to strike out the last two words, and I do it for the purpose of saying to the gentleman from Indiana [Mr. HOLMAN] that he has given no reason whatever against the amendment indicated, if not formally presented, by the gentleman from Iowa, [Mr. KASSON.]

The gentleman says that this need not be put in this bill, because the work will be done in the next short session, and therefore it can be put in a bill in the next session of Congress. Why, Mr. Chairman, that argument would apply to divers matters in all the appropriation bills. We are here confronting the expenditures for the fiscal year beginning July 1, 1876, and it is our duty to appropriate for the needs and wants that arise between July 1 next and July 1, 1877; and it is a poor way to cut down an appropriation and claim a saving when it is admitted that in the next session of Congress we shall have to appropriate this summer's deficiency.

Why, sir, the gentleman must know that if we neglect to make this appropriation, which comes in the fiscal year which we are confronting now, we have got to put it in next year in some bill, and that it will be a deficiency.

I deny what the gentleman states, that this will not be a deficiency. Next winter we shall be face to face with a demand or a request on the part of the Secretary of State to piece out the appropriations for the fiscal year ending June 30, 1877, and that is logically and legitimately what a deficiency bill is for. There is no reason, there is no fairness, there is no justice in not putting this in here.

Mr. HOLMAN. What is your amendment?

Mr. HALE. I have——

Mr. HOLMAN. I supposed the item was of such magnitude that the gentleman had his mind upon it.

Mr. HALE. So I have.

Mr. HOLMAN. This item of $10,000 that the gentleman makes such a disturbance about is for printing laws to be enacted next winter.

Mr. HALE. Does the gentleman deny——

Mr. HOLMAN. It is for printing laws to be enacted next winter.

Mr. HALE. Does the gentleman deny that the $10,000 not included in this item, but which must be appropriated next winter, is a legitimate subject of expenditure for the fiscal year that we are appropriating for in this bill?

Mr. HOLMAN. It may be expended within the year.

Mr. HALE. Does the gentleman deny that it is a legitimate subject-matter for this bill?

Mr. HOLMAN. I do not know whether it is or not; that depends upon whether it will be expended prior to the month of July of next year.

Mr. HALE. Does not the gentleman expect that these laws will be enacted and published within the fiscal year for which we are now appropriating?

Mr. HOLMAN. My belief is——

Mr. HALE. Published immediately after the next session.

Mr. HOLMAN. My belief is that they will not be then published; they will be published during the summer some time. The gentleman must see that it is a matter of no sort of consequence, and if he had been half as earnest about the matter upon another occasion as he seems to be about this little item of $10,000——

Mr. HALE. Does not the gentleman——

Mr. HOLMAN. It seemed to the committee, and the gentleman from Maine [Mr. HALE] did not seem to regard it——

Mr. HALE. The gentleman and I discussed this matter.

Mr. HOLMAN. It seemed to the committee that inasmuch as the laws were to be enacted next winter——

Mr. HALE. The gentleman must recollect that he is speaking in my time.

Mr. HOLMAN. Inasmuch as appropriations are to be made next winter to meet the current expenses after the 4th of March next, it seemed to the committee that it would be more appropriate to make the appropriation in the bill which will be passed at the session which will pass the laws that are to be published for that expenditure of $10,000. It is a question of no practical moment.

Mr. HALE. Then why not——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Maine [Mr. HALE] has expired. [Laughter.]

Mr. HOLMAN. Now, Mr. Chairman——

Mr. HALE. I want as much of the gentleman's time as he took of mine. When he once gets up it is a hard matter to get him down. [Laughter.]

Mr. HOLMAN. I think the gentleman from Maine, [Mr. HALE,] in view of the deficiency of nearly $3,000,000 (over $2,000,000) that comes down to the present Congress, ought not to talk about a little item of $10,000 being withheld for the purpose of diminishing the aggregate of appropriations. Why, sir, in contrast with the $13,000,000 or $14,000,000 appropriated by this bill, that item of $10,000 amounts to nothing. It simply occurred to the Committee on Appropriations that inasmuch as the laws to be published are not yet passed, and will not be enacted until the next winter, and will probably not be published during the next fiscal year, it would be time enough to provide for their publication when they were enacted. And I will say to my friend another thing——

Mr. HALE. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. I will tell him another thing, if he pleases. It seemed well enough to make some inquiry, when we had time to do so, how it happened that this expenditure of $10,000 is required.

Mr. HALE. Now will my friend allow me to ask him a question?

Mr. HOLMAN. The gentleman must bear in mind that this has a little to do with the more economical work of printing and the incidental matters pertaining to the publication of the laws; and inasmuch as we had not looked carefully into these little items, we thought it would be well that the printing of laws to be enacted eight or nine months hence should be provided for in appropriation bills to be passed at the next session.

Mr. HALE. Now, will my friend tell me if that is good reasoning in regard to the publication of laws to be passed at the next session, an expense which we know we must meet and provide for, why would it not be just as well to put off the appropriations for the compensation of officers of this House——

Mr. GARFIELD. And for our own salaries.

Mr. HALE. And for our own salaries, and everything else that is dependent upon the next session of Congress? The gentleman knows now that there will be a session next winter, and there will be laws enacted then, and those laws must be published, and that must be done in the next fiscal year. And as the gentleman has referred to me, as though I had sprung this matter suddenly here, he will remember that on another occasion—I will not refer to anything as having occurred in the committee-room—he and I discussed this matter, and I wanted it put on this bill at that time.

[Here the hammer fell.]

Mr. RANDALL. I move to amend the amendment by striking out the last word. This is a very plain matter. The last Congress provided in the last appropriation bill for the printing of the laws enacted at the second session of the Forty-third Congress. This bill will provide for the printing of the laws enacted at this first session of the Forty-fourth Congress. The next session of Congress will provide for the printing of the laws passed at the second session of the Forty-fourth Congress. It is following exactly the line that you pointed out to us in the appropriation bills of last year.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands that the formal amendments are withdrawn.

Mr. KASSON. I have reduced my proposition to writing and now offer it, as follows:

For editing, printing, and distributing the laws of the second session of the Forty-fourth Congress, $10,000.

For Statutes at Large, Forty-fourth Congress, $20,000.

That is the regular estimate, and is the usual form of providing for all the expenses for the fiscal year. As is well known, the Statutes

at Large are prepared for the entire Congress at the close of the Congress. This Congress closes on the 4th of March next, and within this fiscal year. The work should be commenced promptly and brought to completion and the laws distributed before the close of that fiscal year.

Now that the question is presented, I ask that it be fairly acted on to see whether the expenses of the coming fiscal year are to be provided for by this bill or postponed to a future session of Congress. Personally, it is a matter of indifference to me if gentlemen on the other side refuse to make the appropriation.

Mr. RANDALL. We understand what we are about; and this is right. The Statutes at Large will be provided for when both sessions of Congress have completed their labors.

Mr. KASSON. Then the next Congress only can provide for them.

Mr. GARFIELD. Mr. Chairman, we have tried in years past, so far as possible, to reduce the deficiency bills. Of all the bills that business men pay in their private affairs, or that governments pay in public affairs, none are more troublesome, none more odious than the payment for "dead horses"—the payment for things that are already done in the past. Of that nature are deficiency bills.

During the war the deficiency bills grew to be very large, and mainly because nobody could tell in advance what the amount of expenditures would be. Some years after the war the deficiencies arose to $23,000,000. They averaged about $10,000,000 or $11,000,000. In the last four years we were able to reduce them so that last year all our deficiency bills amounted to less than $3,000,000. The only way we were able to do that was by adhering rigidly to this rule: whatever we knew would properly come under the fiscal year for which we were appropriating, we put in the bill for that year; and we were the more careful to avoid deficiencies for the reason that we knew they were always hard to explain.

We are now passing a bill to cover not the year in which we are living, but to cover a year that will begin on the 1st of July next and will end on the 1st of July, 1877, nearly four months after we shall have ceased to be a Congress. We are appropriating for a time extending beyond the existence of this Congress. All the appropriations we shall make next winter, except deficiencies, will be for a year entirely beyond the existence of the Congress making the appropriations. Now, the large sum of money we appropriate in this bill for salaries of Congressmen is not for our salaries for this winter, but for salaries beginning with next July, and running not only until we cease to be a Congress, but including the first six months of the next congressional term.

Now we come to the cost of printing the laws that we are to pass during the next year. The Department has made the proper estimate for this session and the next session for the publication of the general statutes under general laws. It is simply a plain question whether we will now appropriate for what we know will come as an expense within the year for which we are appropriating, or whether we will save up two items, one of $10,000 and the other of $20,000, to be put into a deficiency bill next winter. It is a simple, plain question of fair business dealing.

Now I must say that I do not see why the appropriation for this session was not in the bill of last year. It ought to have been. I do not now remember on what ground it was left out; it must have been through inadvertence.

Mr. RANDALL. On the same ground perhaps that you are charging we had in view in this bill.

Mr. GARFIELD. O, no, I take whatever fault is due to me, if any is, for leaving out the $10,000 for printing the laws for the first session of this Congress. That is really a deficiency. The two items now proposed are for the year for which we are now appropriating; and we ought to put them in.

Mr. HOLMAN. The gentleman from Ohio [Mr. GARFIELD] must see that in this respect we make exactly the appropriation made by the last bill. No appropriation was made for publishing the laws of this session; and we must therefore appropriate in this bill the sum necessary to publish the statutes enacted at the present session of Congress. Next session, following the same example, we will appropriate the sum necessary to publish the laws of the next session. Does not the gentleman from Ohio perceive that we are doing here exactly what his own precedents require us to do? We appropriate this year for the publication of the statutes enacted at this session. We shall appropriate next year the amount necessary for the publication of the laws enacted then; and at that time we shall determine the question whether the laws of the two sessions shall be incorporated into a single volume or not.

I think that is a debatable question, and for one I am not willing at this time to provide for $20,000 for the republication of the acts of this session and the republication of the acts of next session in a volume to be added to the present Statutes at Large, forming the eighteenth volume.

Mr. GARFIELD. Does not the gentleman see the difference between a long and a short session? This is the long session, and I very much fear it will run into the next fiscal year.

Mr. HOLMAN. It might not.

Mr. GARFIELD. We are appropriating for what will cover the short session. We will get through and cease to be a Congress on the 4th of March next, and this fiscal year we are appropriating for will run on and end on the 30th of June after we are gone.

Mr. HOLMAN. We have adopted your principle of appropriation, and you have no right to complain. We are adopting the principle which you have recognized up to this time.

Mr. GARFIELD. I do not recognize it; I never have recognized it.

Mr. HOLMAN. To call it a deficiency is all wrong.

Mr. RANDALL. I rise to oppose the amendment. I wish to reply to that part of the gentleman's remarks alluding to deficiency bills. He said during the war deficiency bills rose as high as $23,000,000, and spoke at one time of a deficiency bill of $11,000,000. I have a statement from the Clerk that the deficiency for the year ending June 30, 1876, was $4,703,699.18. I wish to tell gentlemen how much harder we work and with how much better result we have labored during this session of Congress, for the Committee on Appropriations have already considered the deficiency bill and do not consider it will amount to more than $1,500,000.

Mr. GARFIELD. I am much delighted to hear that, because if it does not amount to more than that it is because we prevented it at the last session of Congress.

Mr. RANDALL. Because we served notice on you at the last session of Congress we would not allow any more deficiencies. That was the reason of it, and next year we hope our advice will be taken to heart more earnestly and practically so we will not have any deficiency at all.

Mr. GARFIELD. You are laying the foundation for a deficiency now by refusing to make proper appropriations in this bill.

The question recurred on Mr. KASSON'S amendment.

The committee divided; and there were—ayes 54, noes 78.

So (no further count being demanded) the amendment was rejected.

Mr. CAULFIELD. I wish to inquire of the Chair whether it is in order to go back at this time to lines 374 and 375?

The CHAIRMAN. Unanimous consent is required by the rule in order to go back.

Mr. CAULFIELD. I ask unanimous consent to offer an amendment to lines 374 and 375, "for care and subsistence of one horse and repair of one wagon and harness, $1,000." It seems to me $1,000 is a remarkable sum for that purpose. I move to strike out "$1,000" and insert "$500."

Mr. KASSON. They cut off one horse.

Mr. HURLBUT. I object.

Mr. CAULFIELD. I am afraid this is a one-horse concern. [Laughter.]

Mr. GARFIELD. O, no; it is a one-horse amendment.

The CHAIRMAN. The amendment is not in order.

The Clerk read as follows:

For the purchase of official postage-stamps, $20,000.

Mr. SPRINGER. I move to amend by adding the following proviso

The Clerk read as follows:

Provided, That all letters, books, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States residing in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mails and be prepaid with official stamps.

Mr. RANDALL. That amendment ought to be adopted.

Mr. HOAR. I rise to a point of order, that it is new legislation.

Mr. RANDALL. But this is to reduce expenses.

Mr. HOAR. It does not so appear.

Mr. SPRINGER. I think I can make it appear if the committee will indulge me.

Mr. HOAR. I desire to call the attention of the Chair to the effect of that very important rule which has been adopted. It cannot be claimed—it would be unsafe to claim any substitution of a new system of government or legislation for the old one would be cheaper. Would it be in order to strike out the Department of State and transfer the whole to the Treasury or War Department upon the ground claimed by the gentleman who made the motion, that it would be a cheaper mode of doing the business? This amendment is unimportant, but the construction of this rule in its effect on general legislation is of great importance.

Mr. SPRINGER. I think, sir, that this amendment is a reduction of expenditure.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. SPRINGER. I hope the Chair will decide it.

The CHAIRMAN. The Chair will decide, under the new rule adopted this session, that in the first place the amendment is germane and in the next place it does not increase expenditure. The Chair rules it in order.

Mr. SPRINGER. I desire to state to the committee the reason for moving the amendment. The committee will remember the United States formed a postal treaty, which took effect on the 1st day of July, 1875, with Germany, Austria, Hungary, Belgium, Denmark, Egypt, Spain, Great Britain, Greece, Italy, Luxembourg, Norway, the Netherlands, Portugal, Roumania, Russia, Servia, Switzerland, Sweden, and Turkey. With these governments we have a special postal treaty, which provides among other things that—

Each country retains all the postage it collects on the postal-union correspondence of every kind, both on the prepaid sent or the unpaid received, thus dispensing with all accounts between the several post departments of the union upon the international correspondence exchanged between them.

My amendment provides that all correspondence between the State Department and those countries shall have the postage prepaid with official postage-stamps in this city and committed to the regular mail communications.

Mr. HURLBUT. Will my colleague allow me to ask him whether the treaty covers all the class of matter he speaks of?

Mr. SPRINGER. It does. Here is the treaty, if the gentleman desires to examine it. It covers everything put into the mails.

Mr. HURLBUT. Books?

Mr. SPRINGER. Yes; books go in the mails. In Europe you can send a live ox by mail if you desire. [Laughter.]

At this time the State Department, instead of committing its mail matter to the regular mails sends it by special communications of its own to New York, and thence it is transmitted through its agent, being put on board the steamer at New York and carried to Liverpool or Queenstown, and thence by special agents carried to London, and in the city of London the dispatch agent of the United States prepays the postage on this matter with postage-stamps purchased of the British government with gold furnished that dispatch agent by the State Department here. During the last year, that ending June 30, 1875, that dispatch agent purchased postage-stamps to the amount of £2,000 sterling, or $10,000 in gold. He purchased postage-stamps to that amount of Great Britain to prepay the postage on American correspondence; whereas under the present postal treaty they need not cost this Government one cent, except the official postage-stamps which are put on by the Department of State in the city of Washington.

Mr. HALE. May I ask the gentleman from Illinois when that treaty was negotiated?

Mr. SPRINGER. It was signed at Berne on the 9th of October, 1874, and was finally ratified on the 3d May, 1875, by all the governments that were parties to it, and it took effect as to this Government, with all those that I have named, on the 1st day of July, 1875.

Mr. HALE. Some seven or eight months ago?

Mr. SPRINGER. Yes, sir.

Mr. HALE. Now, does the gentleman know that since that treaty took effect and became operative advantage has not been taken of it in the transmission of its dispatches by the State Department?

Mr. SPRINGER. I do happen to know that from the circumstance that I went to the Fifth Auditor of the Treasury, who keeps the accounts of the State Department, and having examined the accounts of this dispatch agent in London but a few weeks ago, I found that, notwithstanding that the treaty took effect on the 1st of July last, the postage account of the dispatch agent was running on at the same rate as before, with but little diminution.

[Here the hammer fell.]

Mr. KASSON. The gentleman from Illinois [Mr. SPRINGER] perhaps failed to notice that the treaty did not take effect so far as France was concerned until the 1st day of January last. The principle he refers to is not new so far as some of the countries are concerned. There were similar provisions in the postal treaties made in 1867. I ask that the gentleman's amendment may be again read.

Mr. SPRINGER's amendment was again read, as follows:

Provided, That all letters, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States residing in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mail and be prepaid with official stamps.

Mr. KASSON. Now, if the gentleman will insert in his amendment the words "so far as compatible with the public interests," I do not know but it may be well enough to submit this at least to consideration, as it is now proposed for the first time. I think there is not a man in this House who knows anything of the diplomatic sagacity of foreign governments who will say that they dare to commit the private instructions addressed to their agents abroad to the public mail. The secrecy of the mails has been repeatedly violated, and counterfeit seals have been used to replace the seals which have been broken. And I think it should not be permitted that the private correspondence of the Government of the United States should be advertised to every post-office and public agent abroad by an official stamp that it is on business of the State Department, and that if they wish to examine it they may. That is why I suggest to the gentleman that if he will add the words "so far as compatible with the public interests" perhaps it may be well enough to let his amendment go.

Mr. SPRINGER. I desire to say that the argument that foreign governments will interfere with our mail matter is not well taken; because it is the fact that this very dispatch agent in London has committed the correspondence of the State Department to the mails of the foreign governments which the gentleman says will purloin and open that correspondence.

Mr. KASSON. The gentleman will remember that what he alludes to is but part of the correspondence of the State Department. Some of it even goes from Washington by special hand, and some of it is forwarded from London by special agents.

Mr. SPRINGER. I know that. I know that the American minister at London in 1871, sent General Badeau, consul-general at London, to Spain, as bearer of special dispatches, for which service General Badeau was paid nearly $500. I am aware of that.

Mr. HOAR. I move to strike out the last word. I can hardly believe that the gentleman from Illinois [Mr. SPRINGER] means to deprive absolutely the Government of the United States of the power to send a dispatch abroad, from one point abroad to another, however confidential, however vast the interests that it may affect, by private messengers. This amendment, as I understand it, is peremptory; it applies to all cases without any exception whatever. It would prevent the Department of State from sending a dispatch by private hand without cost to the Government at all. It would be a violation of the law under that amendment to commit to an agent of the Government going abroad, a minister, a consul, or a secretary of legation going abroad, letters from the Department to any other diplomatic agent of the Government.

Mr. SPRINGER. I am willing to accept the amendment of the gentleman from Iowa.

Mr. HOAR. Then instead of moving to strike out the last word and substitute for it the amendment suggested by the gentleman from Iowa, I will discontinue my remarks.

The amendment of Mr. SPRINGER, as modified, was read, as follows:

Provided, That all letters, books, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall be transmitted through the regular mails and prepaid with official stamps so far as is compatible with the public interests.

Mr. HOAR. I think the amendment, being the words "so far as is compatible with the public interests," had better come in after the word "shall" where it first occurs.

Mr. SPRINGER. I think that would be better, and I accept that modification.

The amendment, as modified, was agreed to.

The Clerk proceeded with the reading of the bill, and read as follows:

TREASURY DEPARTMENT.

Secretary's Office:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $4,000 each; chief clerk and, ex officio, superintendent of the Treasury building, $2,500; one principal clerk of warrants, estimates, and appropriations, $2,500; four principal clerks, at $2,500 each; four assistant clerks, at $1,800 each; twenty clerks of class four; two disbursing clerks, at $2,500 each; stenographer to the Secretary, $1,800; twenty clerks of class three; fifteen clerks of class two; fourteen clerks of class one; twenty-five female clerks, at $900 each; eight messengers and six laborers; one clerk of class one, to assist the chief clerk in superintending the building; one captain of the watch, $1,000; one engineer, $1,200; one assistant engineer, $1,000; one machinist and gas-fitter, $1,200; forty watchmen, at $720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, $180 each; twenty laborers, at $720 each; six firemen, at $720 each; ninety charwomen, at $180 each; in all, $245,520; and for the loans division and for the currency division, namely: Two clerks, at $2,500 each; one assistant, at $1,800; ten clerks of class four; six clerks of class three; four clerks of class two; four clerks of class one; fifty clerks, at $900 each; four messengers; five laborers, at $720 each; and six laborers, at $2.25 per diem; in all, $97,686.50.

Mr. RANDALL. I offer the following amendment in behalf of the Committee on Appropriations:

In line 395, strike out "four" and insert "six;" in line 400, strike out "twenty" and insert "nineteen;" in line 401, strike out "fifteen" and insert "fourteen."

It will be seen that that does not increase the number; it only changes the classification of the clerks and provides for six principal clerks instead of four, but it reduces the number of clerks of class three and clerks of class two one each.

The amendment was agreed to.

Mr. RANDALL. I also, in behalf of the Committee on Appropriations, offer the following amendment:

In line 415, strike out the word "five" in each case of its occurrence and substitute therefor the word "seven."

That makes the total right.

The amendment was agreed to.

Mr. RANDALL. I move to strike out all after the word "dollars" in line 416 down to the end of line 424, as follows:

And for the loans division and for the currency division, namely: Two clerks at $2,500 each; one assistant, at $1,800; ten clerks of class four, six clerks of class three, four clerks of class two, four clerks of class one; fifty clerks at $900 each, four messengers, five laborers at $720 each, and six laborers at $2.25 per diem; in all, $97,686.50.

And to insert in lieu thereof the following:

And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division, and all the work now done in the one division shall be done in the other division, with the following employés, namely: One chief of division, at $2,500; two assistant chiefs of division, at $2,100 each; seven clerks of class four, five clerks of class three, three clerks of class two, four clerks of class one; forty clerks, at $900; four messengers, at $840 each; five laborers, at $720 each; and six laborers, at $2.25 per day each; in all, $51,035.50.

Mr. FOSTER. Was that agreed to in committee?

Mr. RANDALL. No, sir; I offered that amendment because the Secretary of the Treasury has stated that he can consolidate these two Bureaus, and I propose to give the Secretary the option to consolidate them as he pleases.

Mr. GARFIELD. What bureaus are they?

Mr. RANDALL. The Bureau of Loans and the Bureau of Currency. I have been advised that they could be consolidated in one way; but I understand that the Secretary prefers to consolidate them in another. I have therefore left it optional with the Secretary of the Treasury to consolidate them in his own way. I have reduced the force from what is recommended in the bill, because I am advised that the work can be done with the number of clerks that I have provided for.

Mr. GARFIELD. This amendment is so important that I hope the gentleman will let it be printed and passed over for the present.

Mr. RANDALL. No, sir.

Mr. GARFIELD. It is in manuscript, and we cannot see it or understand it, and it is simply in the interest of fair legislation that we should see it in print so that we may know what it is. It will not delay the progress of the bill if the gentleman allows it to be passed over for the present.

Mr. RANDALL. The gentleman can find out all about it if the committee so determine, and then he will have the privilege of asking a vote upon it in the House.

Mr. GARFIELD. You cannot discuss it, then. I do not ask the gentleman to delay the consideration of this bill at all, but simply to give us an opportunity to see what this amendment is.

Mr. RANDALL. Well, I will not object to that.

Mr. GARFIELD. I have done that sort of thing many times myself. This amendment may be all right; I do not know that it is.

Mr. RANDALL. I do not think the Department concurs in the reduction to the extent I have proposed. But I believe the Secretary of the Treasury has said—I think the gentleman from Ohio [Mr. GARFIELD] will confirm my statement—that these two Bureaus can be consolidated with great propriety and much economy.

Mr. GARFIELD. I should not be at all surprised if that is true, that they can be consolidated; but how, is another thing.

Mr. FOSTER. Allow me to ask the chairman of the Committee on Appropriations if by this amendment he leaves eight chiefs of divisions? I think that is what he intends to do.

Mr. RANDALL. I leave seven chiefs of divisions. I provide for six principal clerks in the main Treasury Office and two here.

Mr. FOSTER. That makes eight altogether.

Mr. RANDALL. That makes seven: six in the first part of the bill and one here. In the other amendment which I offered the chief clerks were increased from four to six.

Mr. FOSTER. Yes.

Mr. RANDALL. According to the wish of the Department.

Mr. FOSTER. I think the gentleman is mistaken. I think he will find just preceding this a single chief of division, which will make eight chiefs of divisions, just exactly as I think he intended.

Mr. RANDALL. I have provided for one, the chief of warrants, estimates, and appropriations, at $2,500.

Mr. FOSTER. The Secretary says he can get along with eight chiefs of divisions.

Mr. RANDALL. I will permit this amendment to be printed and go over, with the privilege of having a vote upon it with the understanding that no objection shall be made to going back.

Mr. FOSTER. Yes, that is right.

The CHAIRMAN. If no objection be made the pending amendment will be passed over for the present and until it can be printed.

Mr. RANDALL. With the right to refer to it without objection.

The CHAIRMAN. That is understood.

There was no objection, and it was so ordered.

Mr. WHITE. In line 398 I find "twenty clerks of class four;" in lines 402 and 403 I find "twenty-five female clerks, at $900 each." The twenty clerks of class four receive $1,800 a year; the twenty-five female clerks are to receive but $900 a year. I would like to know of the chairman of the Committee on Appropriations——

The CHAIRMAN. Does the gentleman propose any amendment?

Mr. WHITE. I move to strike out "twenty clerks of class four" and increase the clerks of class three from twenty to forty. I am informed that in the Treasury Department there are clerks of classes one, two, three, and four who are doing precisely the same work, but they receive $1,200, $1,400, $1,600, and $1,800 a year respectively. I am also credibly informed that there are ladies in the Treasury Department who receive but $900 a year each, performing the same amount of work, under more rigid surveillance than any of the males in that Department, and receiving but half the pay of the fourth-class clerks. Now that is an act of injustice, a disgrace to the legislation of this country and to our system, and I protest against its being continued in this bill.

I ask that wherever these fourth-class clerks occur and a distinction is made against female clerks the one shall be reduced and the other elevated. This bill says, "twenty-five *female* clerks." Why does it not also say "twenty *male* clerks of class four?" It might just as well have said it, for that is just what it means.

Mr. HOLMAN. Females can be employed in the higher classes.

Mr. WHITE. They are not generally put there.

Mr. HOLMAN. Sometimes.

Mr. WHITE. Very rarely.

Mr. HOLMAN. The law allows it.

Mr. WHITE. And on the next page of the bill the committee seems to have become ashamed of its own work, for, instead of saying "fifty female clerks, at $900 each," it puts a comma there, and supposes the country will understand the fact. [Laughter.] I ask that this injustice of cheap pay to female clerks, who perform the same kind of work, and as much of it, and under more rigid surveillance than the male clerks, will be remedied. At least I would like to have the chairman of the Committee on Appropriations explain why there should be a distinction made on account of sex when we are told that in this country there shall be no distinction on account of race or color. [Laughter.]

[Here the hammer fell.]

Mr. CONGER. This charge is so serious that I ask the gentleman from Indiana [Mr. HOLMAN] to make a full explanation. [Laughter.]

Mr. HOLMAN. Vote.

Mr. WHITE. I will state in clearer terms——

The CHAIRMAN. The gentleman's time has certainly expired. [Laughter.]

Mr. RUSK. Let the Clerk read the amendment.

Mr. WHITE. I am sure the Clerk cannot read it. [Renewed laughter.]

Mr. RUSK. Then if there is no amendment that can be read, let the Clerk read on in the bill.

The CHAIRMAN. The Clerk informs the Chair that it is impossible for him to read the amendment as proposed.

Mr. WHITE. I will give it to him, unless I am allowed to read it myself.

Mr. HOLMAN. What is the amendment?

Mr. WHITE. I move to strike out "twenty clerks of class four" in line 398; and in line 400 to insert "forty" instead of "twenty" as the number of clerks of class three, and in lines 402 and 403 to strike out "twenty-five female clerks, at $900 each," and insert in lieu thereof "twenty-six clerks, at $1,000 each." That will be a saving of $500 over this part of the bill, and be doing something like justice, but not equal justice even then.

Mr. HOLMAN. Ladies can occupy the higher grades of clerkships if they are competent.

Mr. RANDALL. There is nothing to prevent the Secretary of the Treasury from appointing ladies to the highest positions.

The CHAIRMAN. Debate is exhausted on the amendment.

The question being taken on the amendment of Mr. WHITE, it was declared not agreed to.

Mr. WHITE called for a division.

The vote was again taken; and there were—ayes none, noes none. [Laughter.]

Before the result was announced,

Mr. HOLMAN. I think the gentleman from Kentucky is certainly satisfied to withdraw his proposition and let us proceed with the bill.

Mr. WHITE. No quorum has voted, and I call for tellers.

Mr. HOLMAN. Inasmuch as the House evidently does not favor the amendment of the gentleman from Kentucky, I believe he does not wish to consume further time. I hope he will withdraw it.

Mr. WHITE. I will not. It is a matter of justice. I call for tellers.

The CHAIRMAN put the question on ordering tellers; and less than one-fifth of a quorum rose.

The CHAIRMAN. Tellers are not ordered; and the amendment is not agreed to. The Clerk will read the next paragraph.

Mr. GARFIELD. I cannot consent to see the rights of any member of the House disregarded. The gentleman from Kentucky had the right to demand tellers, as there was no quorum voting.

The CHAIRMAN. The gentleman from Kentucky did not make the demand.

Mr. WHITE. Of course I demand them, if I am entitled to them.

Mr. GARFIELD. The gentleman from Kentucky did state that there was no quorum voting and called for tellers.

Mr. WHITE. I supposed the Chairman understood his business.

The CHAIRMAN. The rule is that any gentleman who makes a point in this House should rise. Nobody makes a point more frequently in his seat than the gentleman from Ohio, [Mr. GARFIELD.] The Chair cannot recognize members unless they rise and address the Chair.

Mr. GARFIELD. I desire to say to the Chair that I made my point standing where I am.

The CHAIRMAN. The Chair has the present say on this subject.

Mr. RANDALL. We have had a good laugh. Now let us go to business.

The CHAIRMAN. The Chair has already requested the Clerk to read the next paragraph.

The Clerk proceeded to read.

Mr. GARFIELD. I respectfully appeal from the decision of the Chair, upon the ground that it is the duty of the Chair to order tellers on the demand of any gentleman when a quorum has not voted.

The CHAIRMAN. The Chair heard no such demand from the gentleman from Kentucky.

Mr. GARFIELD. I heard it.

Mr. WHITE. With all courtesy to the Chair, I must say that I made the demand twice.

The CHAIRMAN. The Chair will take the statement of the gentleman from Kentucky, although confirmed by the gentleman from Ohio.

Mr. GARFIELD. I desire to say respectfully that I do not conceive it to be the right of the Chair to insult a gentleman in this House. [Applause in the galleries.]

The CHAIRMAN. The gentleman from Ohio undertook to say to the Chair that he had not recognized the right of the gentleman from Kentucky. He recognized his right until the proceeding became so frivolous that the House became a laughing-stock, which the Chair is not disposed to permit. [Applause.]

Mr. GARFIELD. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. MACDOUGALL. I move to amend by striking out the last word.

Mr. GARFIELD. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio has no right to the floor at this time.

Mr. GARFIELD. I move that the committee do now rise, that the words of the Chair may be taken down and reported to the House, so that we may see whose rights are invaded.

Mr. RANDALL. The gentleman can have that done hereafter. Let us go on with this paragraph.

Mr. GARFIELD. No; now is the time to exercise that right.

The question being taken on the motion that the committee rise, it was declared not agreed to.

Mr. GARFIELD. I call for a division on that question.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky and the gentleman from Ohio that, if they say to the Chair that they demanded a count on the failure of a quorum to vote, the Chair will again put the question to the committee. He was trying to make a count on tellers when this matter arose.

Mr. GARFIELD. Will the Chair allow me to state again the point which I make in the presence of every gentleman in this Committee of the Whole? This point, which is personal to myself, is that when the Chair remarks in his place officially that he accepts the word of the gentleman from Kentucky, notwithstanding its indorsement by the gentleman from Ohio——

A MEMBER. O, no.

Mr. GARFIELD. "Although confirmed by the gentleman from Ohio."

The CHAIRMAN. "Confirmed by the gentleman from Ohio," the Chair said.

Mr. GARFIELD. "Although confirmed by the gentleman from Ohio," I desire to ask this Committee of the Whole——

The CHAIRMAN. The Chair withdraws the remark.

Mr. GARFIELD. Whether that is to be allowed to go on record?

Mr. HOLMAN. The remark was understood to be a mere pleasantry by every person except the gentleman from Ohio.

Mr. GARFIELD. Very well; then I do not press my point further.

The CHAIRMAN. The gentleman from New York [Mr. MACDOUGALL] rose to propose an amendment.

Mr. MACDOUGALL. I sought the floor to say that I rose to call for tellers myself, when the gentleman from Kentucky rose and his motion was distinctly heard in this quarter of the Hall.

Mr. FOSTER. I move in line 400 to strike out "$1,800" and insert "$2,200;" so it will read, "stenographer to the Secretary, $2,200." This place of stenographer to the Secretary is a very important one, requiring the service of a very able man. We pay in this House $5,000 for less service than is rendered by this stenographer to the Secretary.

Do you intend, let me ask the gentleman from Pennsylvania, to increase the fourth-class clerks to $2,100?

Mr. RANDALL. I strike out four principal clerks and make it six.

Mr. FOSTER. At what salaries do you intend to leave them?

Mr. RANDALL. Eighteen hundred dollars.

Mr. DUNNELL. I move the committee rise.

Mr. RANDALL. We wish to go on and read the next paragraph before rising. I hope the gentleman will withdraw his motion until the next paragraph is read.

Mr. DUNNELL. I withdraw my motion.

Mr. SPRINGER. I hope the pending amendment moved by the gentleman from Ohio will not be agreed to. The duties performed by the stenographer to the Secretary are very simple in their character in comparison with the duties performed by the Official Reporters of this House. I am surprised the gentleman from Ohio should have made the statement he has.

Mr. FOSTER. The duties of the stenographer to the Secretary are much greater.

Mr. SPRINGER. The duties of the Official Reporters of this House could not be performed by the stenographer to the Secretary. They are more arduous, of greater importance and difficulty, requiring unusual skill and ability, and of course are worthy of larger compensation.

Mr. FOSTER'S amendment was rejected.

Mr. RANDALL. I move that the committee rise, with the understanding that when the committee again meets the pending paragraph will be that relating to the Supervising Architect.

Mr. WHITE. I do not agree to that, as I have an amendment to offer to the paragraph we are now on.

Mr. RANDALL. Then I withdraw the motion that the committee rise.

Mr. WHITE. I move in line 402 to strike out "$900" and insert "$1,000," so it will read "twenty-five female clerks, at $1,000 each."

Now, Mr. Chairman, I desire to state that if this amendment be agreed to I will then propose in line 398 to strike out "twenty clerks of class four" and in line 400 to amend by striking out "twenty" and inserting "forty," so it will read "forty clerks of class three."

As will be perceived it will not take any more money from the Treasury, but provides only for giving a part of the money appropriated to class four in this bill to these female clerks, and it will still leave $500 for the contingent fund.

Mr. HOAR. I desire to ask the chairman of the Committee on Appropriations whether there is any doubt about the correctness of the statement made a little while ago that the Secretary of the Treasury is at liberty under existing law to appoint a lady he finds to be competent to a clerkship of any grade whatever?

Mr. RANDALL. I so understand it. I do not think I am mistaken about it. Such at least is the general understanding. So far as I know, there is no provision of existing law which will prevent the Secretary of the Treasury from appointing a female clerk competent to discharge the duties of the higher class. In fact I believe some do now get $1,200.

Mr. RUSK. One or two get $1,400 a year each.

Mr. HOAR. I understand it as the gentleman from Pennsylvania does.

Mr. RANDALL. It ought to be so if it is not.

Mr. HOAR. Let me say a word. This amendment of the gentleman from Kentucky, which was received with some merriment by the House, of course relates to a very serious matter, a matter of livelihood as well as of right as citizens to a large portion of the citizens of the Republic. I understand the law to be as the gentleman from Pennsylvania does, but I think it proper in this connection to have it explicitly understood in this bill.

Mr. RANDALL. I have not seen the law, but it is my understanding that the Secretary of the Treasury has the power to appoint any female to any one of the classes he may desire. In my judgment, lady clerks who are competent in every way to discharge the duties of the higher classes should be promoted. Certainly when they discharge the duties of the higher class of clerkships they ought to receive compensation accordingly.

Mr. WHITE. I do not wish to be misunderstood in regard to this matter. I may say, there are one or two, or half a dozen female clerks of class four in the Department. What I undertake to say is this, that the standard—and it is upon the very face of this bill—that the standard of pay for female clerks in the Department is $900, while for male clerks it is from $1,200 to $1,800, all doing similar work. This is not justice. There are men who have been there for ten years as first and second class clerks. I heard of one the other day who was called up by the Assistant Secretary and asked whether he did not think he had been there long enough to be made a third-class clerk. He replied, if they would let him alone he would let them alone. [Laughter.]

Both males and females should be promoted when they deserve it; and all should be paid alike, according to the class of work and the talent and skill required to perform it.

The amendment was rejected.

Mr. FOSTER. I move in line 409 to strike out "forty" and insert "sixty." This relates to watchmen of the Treasury Department. Sixty is the number of the present force. They have the care of the Treasury building, a portion of the Post-Office Department, a portion of Winder's building, occupied by the Second Auditor's Office, as well as of several other buildings about the city. The force is simply in good working order at present. They guard hundreds of millions of dollars daily, and they guard valuable papers. I think if the committee had fairly considered this matter they would have allowed the number to stand at sixty. I do not propose to take the time of the committee at this late hour, but will ask for a vote on the amendment.

The amendment was rejected.

Mr. CONGER. I do not wish to retard the business, but gentlemen said if we would m et and go on with the business the committee would rise at ten o'clock.

Mr. RANDALL. I will move that the committee rise as soon as the next paragraph is read.

The Clerk read as follows:

Supervising Architect:

In the construction branch of the Treasury: For Supervising Architect, $4,050; chief clerk, $2,250; photographer, $2,250; one principal clerk, at $2,000; two clerks, at $1,800 each; one clerk of class four; two clerks of class three; one clerk of class one; one at $900; and one messenger; in all, $21,590.

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. J. H. BAGLEY: The petition of Van Deusen Brothers and others, that cork and manufactures of cork be placed upon the free list, to the Committee of Ways and Means.

By Mr. BAKER, of Indiana: The petition of William H. Replogle, for a pension from the time of his discharge from the Army, to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of Elizabeth T. DuBois, for a pension, to the same committee.

By Mr. BRIGHT: The petition of C. D. Pennebacker, attorney, relating to the claim of Thomas J. Harding, administrator of the estate of John Waters, deceased, late of Nashville, Tennessee, for rent of post-headquarters in Nashville, Tennessee, to the Committee of Claims.

By Mr. GARFIELD: The petition of citizens of Ashtabula, Ohio, against any change in the present tariff laws, to the Committee of Ways and Means.

Also, the petition of citizens of Ravenna, Ohio, in relation to the protection of millers in regard to patent-rights covering machinery, &c., to the Committee on Patents.

By Mr. HOUSE: The petition of J. C. Garrett and others, of Stewart County, Tennessee, that the tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. HUNTON: Papers relating to the claim of the Washington and Ohio Railroad Company, for compensation for railroad supplies purchased for military purposes in 1861, to the Committee on War Claims.

By Mr. KELLEY: The petitions of importers of quinia bark and wholesale dealers in quinine and druggists in Philadelphia, Pennsylvania; Milwaukee, Wisconsin; La Crosse, Wisconsin; Saint Paul, Minnesota; Dubuque, Iowa; Burlington, Iowa; Zanesville, Ohio; Mansfield, Ohio; Columbus, Ohio; Portsmouth, Ohio; Maysville, Kentucky; Louisville, Kentucky; Cincinnati, Ohio; New Albany, Indiana; Indianapolis, Indiana; Terre Haute, Indiana; La Fayette, Indiana; Wabash, Indiana; Fort Wayne, Indiana; Toledo, Ohio; Detroit, Michigan; Grand Rapids, Michigan; La Porte, Indiana; Peoria, Illinois; Chicago, Illinois; Pittsburgh, Pennsylvania; Allegheny, Pennsylvania; Youngstown, Ohio; Erie, Pennsylvania; Cleveland, Ohio; Wheeling, West Virginia, against placing sulphate and other salts of quinine upon the free list, to the Committee of Ways and Means.

Also, the petition of 335 workingmen of the county of Philadelphia, Pennsylvania, against making any change in existing tariff laws, to the same committee.

Also, the petition of 208 business men of Philadelphia and 22 business men of Pittsburgh, of similar import, to the same committee.

Also, the petition of 189 workingmen employed in one establishment in Philadelphia, of similar import, to the same committee.

Also, the petition of business men of Philadelphia, that the further consideration of the tariff be suspended for the present year, to the same committee.

By Mr. LYNDE: The petition of Richard B. Conlan and others, for the establishment of a post-route from Durham Hill, in the town of Muskego, to Howard Prairie, town of Franklin, Milwaukee County, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. McFARLAND: The petition of T. A. Middleton, for additional compensation as a United States officer, to the Committee on Military Affairs.

By Mr. MORRISON: The petition of citizens of Delaware, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. SHEAKLEY: Remonstrance of citizens of Mercer County, Pennsylvania, against a reduction of tariff duties, to the same committee.

By Mr. TURNEY: The petition of R. L. Martin and 43 other citizens of Fayette County, Pennsylvania, against any change being made in the present tariff laws, to the same committee.

By Mr. WALDRON: The petition of W. F. King and others, of Adrian, Michigan, against the sale and delivery of envelopes at less than cost by the Post-Office Department, to the Committee on the Post-Office and Post-Roads.

By Mr. WALSH: The petition of G. W. Utermahle, for compensation on account of damages sustained by acts of the late board of public works for the District of Columbia, to the Committee for the District of Columbia.

Also, the petition of A. Shoops's heirs and other citizens of Washington County, Maryland, for compensation for property destroyed by the United States Army on the 17th of September, 1862, to prevent the confederate army crossing the Potomac River, to the Committee on War Claims.

Also, the petition of J. B. Oder & Brother and others, citizens of Frostburgh, Maryland, that the Post-Office Department be prohibited from printing and delivering envelopes and postal cards at a loss to the United States Government, to the Committee on the Post-Office and Post-Roads.

By Mr. A. S. WILLIAMS: The petition of 17 citizens of Michigan, soldiers of the late war, for the passage of the bill equalizing bounties, to the Committee on Military Affairs.

IN SENATE.

THURSDAY, *April* 6, 1876.

Prayer by the Chaplin, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes; and

A bill (H. R. No. 2822) repealing section 363 of the Revised Statutes, and the substitution of another section in lieu thereof.

CHANGE OF REFERENCE.

Mr. HAMLIN. Day before yesterday House bill No. 186, to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington, of July 9, 1842, was inappropriately referred to the Committee on Foreign Relations. The bill originated in the Committee on Claims in the House last year, passed the House, came here, and went to the Committee on Claims, as it should have gone this year. I therefore move that the Committee on Foreign Relations be discharged from its further consideration, and that it be referred to the Committee on Claims.

Mr. WRIGHT. I inquire if that is what is known as the Drew case?

Mr. HAMLIN. Yes, sir.

Mr. WRIGHT. I think that is a proper reference.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine, that the Committee on Foreign Relations be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a memorial of citizens of Philadelphia, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. HARVEY presented a concurrent resolution of the Legislature of Kansas, in favor of the passage of an act ceding and donating the Fort Harker military reservation to the State of Kansas for educational purposes; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of Kansas, opposing any reduction of the Army, and urging that troops be stationed on the frontier to protect the settlers from the incursions and depredations of warlike tribes of Indians; which was referred to the Committee on Military Affairs.

Mr. MERRIMON presented the petition of John A. Rowland and Henry Turner, property-owners on Sixth street northwest, in the city of Washington, praying that there be refunded to them certain amounts which were erroneously collected of them for special improvements on that street; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John A. Rowland and others, of Washington, District of Columbia, remonstrating against the payment of a special assessment made by the authorities against them for the improvement of Sixth street in front of their property; which was referred to the Committee on the District of Columbia.

Mr. KEY presented the petition of Margaret Knight, of Meigs County, Tennessee, praying additional compensation for property taken and used by United States troops during the late war; which was referred to the Committee on Claims.

Mr. WRIGHT presented the petition of A. M. Garoutte, late captain and acting quartermaster United States Army, praying to be re-imbursed for the amount of money refunded by him to certain parties for property taken and sold by him by order of the military authorities, also for money paid for expenses of clerks and for balance of pay and travel pay, and also amount of a fine adjudged against him by a court-martial; which was referred to the Committee on Claims.

Mr. COCKRELL presented the memorial of the Board of Trade of Kansas City, Missouri, praying the passage of a law providing for holding the terms of the district and circuit courts of the United States at Kansas City, Missouri; which was referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the petition of Eugene O'Sullivan, late sergeant of Company K, Eighteenth Missouri Volunteer Mounted Infantry, praying to be allowed an increase of pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2313) granting a pension to Mary Ann Cornell, widow of Stephen Cornell, late a private in Company I, One hundred and twenty-fifth New York Volunteer Infantry, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 11) granting a pension to Eliza Jane Blumer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, in response to the order of the Senate adopted yesterday, directing that committee to inquire into the expediency of making further provision respecting the administration of oaths in the Senate, to report that we have considered the subject, and beg leave to submit a bill.

The bill (S. No. 701) further to provide for the administering of oaths in the Senate was read and passed to a second reading.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes, reported it with amendments.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2309) granting a pension to Catharine Johnson, submitted an adverse report; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 362) granting a pension to William T. Simms, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMILTON. I am also directed by the same committee, to whom was referred the bill (H. R. No. 527) granting a pension to George Pendleton, to report it back adversely. It appears from the papers accompanying the bill that the case is still pending in the Pension Office. I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1179) granting a pension to James Riley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2307) granting a pension to Mary Bell Decker, infant daughter of James W. Decker, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1656) granting a pension to Aaron Buchanan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the petition of Maria H. Granger, widow of the late Major-General Gordon Granger, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1189) granting a pension to William J. Drake, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 226) to make persons charged with crimes and offenses competent witnesses in the courts of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 242) to abolish capital punishment, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency, to report it with sundry amendments. I give notice that I will call it up perhaps to-morrow, at the latest on Monday.

PAPERS IN EXTRADITION CASES.

Mr. THURMAN. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States, have directed me to report it with sundry amendments and recommend its passage. I will state that we are advised by the Secretary of State that the Department is very much embarrassed for want of this legislation, and that the passage of this bill at as early a day as possible is necessary. I therefore move that it be taken up for present consideration. There can be no objection whatever to the bill.

By unanimous consent, the bill was considered as in Committee of the Whole. It amends section 5271 of the Revised Statutes, so as to read:

> In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers, or copies thereof, offered in evidence, shall be admitted and received for the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any such deposition, warrant, or other paper, or copy thereof, is authenticated in the manner required by this section.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment of the committee was in line 7, to strike out the words "or copies thereof."

The amendment was agreed to.

The next amendment was in line 12, after the word "escaped" to insert:

> And copies of any such depositions, warrants, or other papers shall, if authenticated according to the law of such foreign country, be in like manner received as evidence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 5271 of the Revised Statutes of the United States relating to extradition."

SALE OF PAWNEE RESERVATION.

Mr. WRIGHT. There was passed yesterday House bill No. 2678, reported by the Senator from Virginia [Mr. WITHERS] from the Committee on Appropriations, as I remember, to authorize the sale of the Pawnee reservation. I am not prepared to say but that that bill is in all respects correct; but I think, in view of the importance of it, it would be well to have an opportunity to examine it further. I therefore enter a motion to reconsider at this time the vote by which the bill was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. WITHERS. I hope the Senator will investigate the matter and satisfy himself upon the subject, because it was represented to the committee that it is a matter of great importance, and it is necessary that prompt action should be taken.

Mr. WRIGHT. I shall take an early occasion to do so. I suggest to the Senator that, as I stated just now, I am not prepared to say that the bill is not in all respects correct, but I desire an opportunity to examine it further.

BILLS INTRODUCED.

Mr. HAMLIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 702) to secure service of process in United States courts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) to amend the act of Congress creating the court of commissioners of Alabama claims, approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 705) for the relief of Albert Towle, postmaster at Beatrice, Nebraska; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. PADDOCK. There are certain papers in connection with this case in the hands of the Committee on Post-Offices and Post-Roads which I ask leave to withdraw, in order that they may also be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the papers relating to this case before the Committee on Post-Offices and Post-Roads be transferred to the Committee on Finance. If there be no objection, that order will be made.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) making an appropriation to defray the expenses of the committee appointed by the Senate to investigate the recent election in Mississippi; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

THE CALENDAR.

Mr. INGALLS. If there be no further morning business, I move that the Senate proceed to the consideration of the Calendar under the Anthony rule.

Mr. DAVIS. To consider unobjected cases?

Mr. INGALLS. Unobjected cases.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

Mr. ANTHONY. In going through the Calendar in this way the resolutions stand no chance, because as fast as we approach the resolutions the intervening space is filled up by new reports. I hope, therefore, without taking any vote on the subject, it will be understood that when we reach the end of the general orders as they stand, we shall pass through the resolutions and then go back to the general orders as they may come in after to-day.

The PRESIDENT *pro tempore*. The Chair hears no objection to the suggestion of the Senator from Rhode Island. The Secretary will report the first bill on the Calendar at the point where its consideration was last interrupted.

ANDERSON & WHITE.

The bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White, was read the second time and considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to John J. Anderson, surviving copartner of the firm of Anderson & White, $8,597.83, in full of all claims of Anderson & White, or either of them, against the Government of the United States for cotton belonging to that firm, im-

pressed for and appropriated by the authority of the Government of the United States to the defenses of Nashville in August and September, 1862, and for all damages in connection therewith.

Mr. BOUTWELL. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. EDMUNDS. Let us hear it read.

Mr. WRIGHT. This bill arises on the same facts as the bill which was passed yesterday to pay the claims of Butler, Miller & Co., and the report in that case was read. It in all respects arises upon the same facts.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts desire the report to be read?

Mr. BOUTWELL. No, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. DAVIS. I will ask the chairman of the committee whether or not this is the same bill or whether it is an addition to the bill that passed last year? There was an amount appropriated at that time, if my recollection is right.

Mr. WRIGHT. It is the same bill precisely, upon the same facts as reported at the last session of Congress. The amount is changed somewhat; and it is much less than it was as originally reported from the committee.

Mr. DAVIS. It is right, I think.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? The bill was passed.

JAMES M. COFFINBERRY.

The next bill on the Calendar was the bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio; which was considered as in Committee of the Whole.

The preamble recites that James M. Coffinberry, of Cleveland, Ohio, was lately a judge of the court of common pleas for the fourth judicial district of Ohio, and it is represented that, as such judge, he was assessed and paid income taxes on his salary for the period of five years, under the internal-revenue laws of the United States, as then construed and executed; and that by reason of his serious ill-health and his absence from home considerable periods of time consequent thereon, since the assessments and payments, he was not informed that such assessments and payments had been held by the proper authorities to be illegal, and that the same would be refunded by the Treasury Department, in time to prepare and present his claims therefor within the period required by section 44 of the act approved June 6, 1872.

The bill therefore directs the accounting officers of the Treasury to examine these claims of Coffinberry, when presented for that purpose, in the manner heretofore prescribed by the Treasury Department for the presentation of the like claims, and to reject them, or to refund the taxes, the same as if the claims had been presented within the period fixed by section 44 of the act approved June 6, 1872.

Mr. WRIGHT. I wish to say one word in reference to the bill. It was reported by the Senator from Florida, [Mr. JONES,] according to my recollection.

The PRESIDENT *pro tempore*. The Senator is correct.

Mr. WRIGHT. The facts with reference to the bill are sufficiently stated and correctly stated in the preamble. I think the facts are precisely as they are stated. The principle involved in the bill, aside from the exceptional circumstances of this case, in my judgment is wrong. I do not believe Congress should be compelled to refund these taxes where the parties did not apply in time to obtain the money from the Treasury. I have always entertained the very gravest doubts whether any portion of such money ever should have been repaid, but under the law and the practice of the Department these taxes have been refunded to several persons in the State, the State judges, Mr. Coffinberry being one of the judges in Ohio. It appears from the special circumstances of this case that he was prevented from making application in time, and relief was granted by the committee because of the special circumstances. I am inclined to believe that the special circumstances of this case are sufficient to entitle him to relief and to take his case out of what would otherwise be the operation of the rule.

I merely desire to say that upon principle, aside from the very exceptional circumstance of this case, I should be opposed to this bill. I therefore do not want my vote on this bill or the action of the Senate upon it to be taken as a precedent when applications come up hereafter, unless there be in subsequent cases equities equally persuasive with those in this case.

Mr. THURMAN. I wish to say that I know that the statement made by the Senator from Iowa in regard to the exceptional circumstances of this case is correct. I am very well acquainted with Judge Coffinberry. I do not know a more high-minded, meritorious man than he. He has suffered prodigiously from a railroad accident, by which he lost one of his legs and came very near losing his life. If ever there was a case that ought to be taken out of the statute of limitations, this is that case. He is not a man who would make any claim whatsoever unless it was a meritorious one. I hope, therefore, as the committee are unanimous in saying this bill ought to pass, that it will receive the sanction of the Senate.

Mr. WRIGHT. I wish to say in addition, confirming what my friend from Ohio has said, that the very high character of this gentleman has not been left unweighed by the committee, and they were thoroughly assured of the fact that he would have made no claim that he did not in his judgment believe to be entirely correct; and the committee believe that his circumstances have been such that he could not sooner make this application.

Mr. DAWES. There is a case on the Calendar involving precisely the same principle and having the same excuse as this case, though perhaps it was not presented fully to the committee. I understand from the committee that it was not. I heartily agree with the statement of both of the Senators. I would not think it right to do away entirely with the statute of limitations; but in the case before the Senate I agree with them. I do think there was sufficient reason for doing away with the statute in this case; and I will try to satisfy the Senate when the other case comes up that it existed in that case also.

Mr. WRIGHT. My friend from Massachusetts will of course remember that the case to which he refers was reported back adversely upon the ground that there was no evidence at all giving any reason why the party had not made his application in time. This case is entirely different.

Mr. DAWES. I want to say in explanation of the fact that there was no evidence before the committee, that the bill was introduced by me and I was not aware of the condition of the case before the committee. At the proper time when it shall come up, I shall either ask the chairman of the committee to present the facts to the committee on a recommitment or state them to the Senate; and I may satisfy the Senate that it comes within the rule laid down here. I have not the slightest doubt but what the Senator's sense of justice will lead him to the same conclusion. Otherwise, I do not think it is right to waive the statute.

Mr. WRIGHT. I suggest to my friend, in order to get that question properly up, that it would be as well to have the bill recommitted and get the testimony before the committee at the proper time.

Mr. DAWES. I entirely agree with the position taken by the Senator. Unless the case I speak of comes within the rule, I shall not ask favorable action upon it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMANN KREISMANN.

The next bill on the Calendar was the bill (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin; which was considered as in Committee of the Whole. It directs the proper accounting officer to credit Hermann Kreismann, United States consul-general at Berlin, in his account, with $397.72, in full for consular funds stolen from the consulate on the 13th of February, 1873, without fault or neglect on the part of the consul.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JANE DULANEY.

The next bill on the Calendar was the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of William Dulaney, late colonel United States Marine Corps.

The bill was reported from the Committee on Pensions with an amendment, to insert after the word "pension," in line 7, the words "at the rate of $30 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

JOHN PIERSON.

The next bill on the Calendar was the bill (S. No. 121) granting a pension to John Pierson; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Pierson, late captain of Company H, Tenth Regiment of Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN MISSOURI.

The next bill on the Calendar was the bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826; which was read.

Mr. WRIGHT. The Calendar says this bill came from the Committee on Pensions.

The PRESIDENT *pro tempore*. It was reported by the Senator from California, [Mr. BOOTH.]

Mr. WRIGHT. I should like to have some explanation of the bill.

Mr. BOOTH. There is a mistake in printing the Calendar. The bill was reported by the Committee on Public Lands.

The PRESIDENT *pro tempore*. There is a mistake in the print. The bill was reported from the Committee on Public Lands.

Mr. BOOTH. The Senator from Missouri can explain the provis-

ions of the bill better than I can. It is a bill in relation to school lands in Missouri. The sixteenth sections were taken from school purposes, and where the townships did not get the lands this is to give them additional lands.

Mr. WRIGHT. I do not know to which Senator from Missouri the Senator from California refers.

Mr. BOOTH. The bill comes here from the House of Representatives. I suppose either of the Missouri Senators understands it more thoroughly than I do.

The PRESIDENT *pro tempore*. The Senator from California calls the attention of the Senator from Missouri to the bill.

Mr. COCKRELL. I am watching it as closely as I can, earnestly hoping that the bill will pass, as it is very just and very meritorious.

Mr. WRIGHT. The trouble I have is this: It seems to be a general bill, not applicable to the State of Missouri upon its face.

Mr. EDMUNDS. Let us hear it read again.

Mr. WRIGHT. If it is expected to apply alone to lands in Missouri I see no reason in it, as we have a general law. It occurs to me we have a general law on this subject now; although I am not certain upon that point.

Mr. COCKRELL. The bills refers exclusively to Missouri, as I understand it. It is a special bill in regard to school lands.

The PRESIDENT *pro tempore*. The bill will be again reported.

The Chief Clerk again read the bill.

Mr. EDMUNDS. May I ask what is the occasion for the passage of such a law? What is the mischief now?

Mr. COCKRELL. There are certain townships there where the school lands have been taken by paramount title.

Mr. EDMUNDS. What kind of title?

Mr. COCKRELL. There were Spanish grants in Missouri, old grants, and in some cases before the location was made certain claims were made and the parties held the lands. The bill is simply to enable these different townships to select inside of the State of Missouri lands in lieu of those which were taken from them and which they had never received, not increasing the lands which go to the school fund at all.

Mr. EDMUNDS. Yes; but it is increasing the land which the United States is to lose by just that much.

Mr. COCKRELL. I beg pardon of the Senator. I do not understand that it is increasing the lands which the Government is giving. The Government had disposed of these lands which it had pretended to give to the State and the title which the State claimed from the Government failed, and now the Government is simply placing them in the same situation in which they would have been had the title remained good in the first instance.

Mr. EDMUNDS. But these land grants to States, when they are organized into States, are never understood to be grants with a warranty; so that if it should turn out that a particular part of the land that the State was to get by this general and sweeping designation of two sections in a township for this purpose did not happen to be available, that should not raise any ground of claim against the United States. I do not think it can be a sound principle that we make a warranty; but, whether that is sound or not, the difficulty with this bill is that it is not the kind of bill that the honorable Senator from Missouri describes his case to be. If the bill were limited in definite terms to a case where the United States under this grant to the State of Missouri had under its authority disposed of these lands, so that the State of Missouri had become deprived of them by subsequent grants of the United States, there would be great force in his proposition. The only doubt about it then would be that the grant once made to the State of Missouri is absolute to convey whatever title the United States possessed in the land at the date of the admission of that State, and no subsequent action of Congress or of any Department could affect the title of the State of Missouri at all, if I correctly understand the law; and I think my friend from Missouri will agree with me. That being so, it appears to me to be taking a pretty broad step, in a bill as broad as this is, to say that from whatever cause—I think that phrase or something very like it is in the bill—it may have happened that the State has not got every one of the sixteenth and thirty-sixth sections, if they are the ones——

Mr. COCKRELL. Only the sixteenth.

Mr. EDMUNDS. Very well, the sixteenth; that from whatever cause the township, not the State, may have failed to get that section, then the United States shall give that township another section. It would be perfectly consistent with the terms of this bill, although I know it is not designed for that, if the State of Missouri herself had disposed of one of these sections that had been confided to her for the use of schools so that the township had been deprived of it before the township was organized, we should give another section for that purpose. That would not be just even in the Senator's theory.

I suggest, therefore, either that this bill lie over for consideration in respect of limiting it to precisely the cases where some wrongful act of the United States has been the cause of this loss, or that it be recommitted for that consideration; but I very much fear the language of the bill (for it will be a precedent for all other States as well, of course, once it is adopted) is so broad that it will cover a great many cases, if any such happen to exist, that ought not to be covered.

Mr. COCKRELL. Let the bill lie over.

The PRESIDENT *pro tempore*. The bill will be passed over. The next case on the Calendar will be reported.

SETH W. HOMESTEAD.

The next bill on the Calendar was the bill (H. R. No. 610) granting a pension to Seth W. Homestead; which was considered as in Committee of the Whole. It instructs the Secretary of the Interior to place the name of Seth W. Homestead, late a sergeant in Captain Seaton's company, (K,) First Regiment Wisconsin Volunteer Cavalry, on the pension-rolls, subject to the provisions and limitations of the pension laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID J. GARRETT.

The next bill on the Calendar was the bill (H. R. No. 111) granting a pension to David J. Garrett; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David J. Garrett, late a private in Company C, Ninth Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP J. SHAW.

The next bill on the Calendar was the bill (H. R. No. 2304) granting a pension to Philip J. Shaw; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip J. Shaw, late private Company G, One hundred and twenty-sixth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA SCROGGIN.

The next bill on the Calendar was the bill (S. No. 641) granting a pension to Julia Scroggin; which was read the second time, and considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia Scroggin, widow of Humphrey Scroggin, late private in Captain L. Worthy's company of Georgia militia in the war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The next bill on the Calendar was the bill (S. No. 563) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof; which was read.

The PRESIDENT *pro tempore*. The morning hour has expired. The unfinished business is the bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes.

Mr. ANTHONY. Does the Senator from Maine desire to go on with that?

Mr. HAMLIN. I do.

Mr. ANTHONY. Then let this bill go over.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

Mr. ANTHONY. This will be in order of course when the Calendar is taken up again.

The PRESIDENT *pro tempore*. The next call of the Calendar will commence with this bill.

SALE OF THE PAWNEE RESERVATION.

Mr. MORRILL, of Maine. Yesterday a bill passed the Senate and was sent to the House, as I understand, in regard to the disposition of the Pawnee Indian reservation in Nebraska. A motion to reconsider has been entered in that case, but the bill, I believe, has not been returned. I think the Senator from Iowa [Mr. WRIGHT] who entered the motion has become more or less satisfied about the character of the bill, and I should like to have the Senator withdraw the motion if he feels willing to do so.

Mr. WRIGHT. As I stated this morning, that bill was passed yesterday without anything being said in explanation of it. I waited myself supposing that the Senators from Nebraska, in whose State this reservation is located, having a familiarity of course as I supposed with the entire circumstances, if there was objection to it, would interpose. Nothing was said by them, and therefore I kept my seat. It seemed that the bill passed without any attention whatever being given to it, so far as the Senate was concerned. It occurred to me at the time that it was a question of great importance and that there were many things in it which ought to be considered by the Senate. Subsequent reflection led me to think the same thing, and therefore, as I said this morning, I entered the motion out of abundant caution, stating at the time that I might not have any objection to the bill. I learn since I entered the motion that the matter has been considered by the Committee on Indian Affairs, as also by the Committee on Appropriations, very carefully, and that in addition to that there is a communication from the Secretary of the Interior and from the Commissioner of Indian Affairs and also from the President calling attention to the necessity of legislation, and of such legislation in the form provided for by this bill. I understand from conference with the chairman of the committee that it is important that this bill

should be disposed of to-day by reason of peculiar circumstances. I am satisfied from the conversations I have had on this subject and after examining these communications, that the bill is, perhaps, necessary and just; and perhaps I ought not even to put a "perhaps" there; that the bill is one that ought to pass and pass at once and be out of the way, so that it may be carried into effect immediately. Resting upon these assurances and these recommendations, I am prepared to, and do, withdraw the motion to reconsider.

Mr. PADDOCK. Inasmuch as the Senator from Iowa has alluded to the inaction of the Senators from Nebraska in reference to this measure, I wish simply to say that I understood the bill to have originated with the commission of Friends who have these Indians in charge and to have come through the channels which he has described, the Commissioner of Indian Affairs and the Secretary of the Interior, and that the President of the United States himself had recommended it. Therefore we took no part nor lot in it, except to examine the bill and be satisfied that it was all right. Beyond that we did not think it to be our duty to intervene in the matter.

Mr. WRIGHT. I wish to say in addition, as a part of what I said before, that since entering the motion I have also consulted with the Senator from Nebraska who has just taken his seat, and his opinion confirmed me in what I propose to do now.

Mr. WITHERS. I will state that no remarks were submitted in explanation of the bill at the time, because when it was considered in the Committee on Appropriations it was ascertained there, on inquiry, that it had the assent of the Committee on Indian Affairs, who were interested also of course in the subject, and both the Senators from Nebraska were cognizant of the fact that the bill was presented, and of its character, and were just before me examining the bill when it was presented. No objection being intimated by any of these parties or any of these committees, I thought it unnecessary to detain the Senate by any explanatory remarks on the subject.

Mr. WRIGHT. I hope my friend, the Senator from Virginia, does not understand me as complaining that no remark was made. I understand very well that, no objection being made, that was the quickest way to pass the bill, and it was right and proper. I am satisfied now, and have not been otherwise than satisfied all the time. I only entered the motion out of abundant caution.

Mr. MORRILL, of Maine. As a notice has been given to the House of Representatives to recall this bill, I suggest that notice be sent of the withdrawal of the motion to reconsider.

The PRESIDING OFFICER, (Mr. WEST in the chair.) If there is no objection, the motion to reconsider will be withdrawn and the Secretary will recall the request for the return of the bill.

LIMITATIONS IN CRIMINAL CASES.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to take up a bill reported by the Judiciary Committee this morning extending the statute of limitations in certain cases from two to three years, sent over from the House and which is urged by the Attorney-General, and is thought necessary to be passed presently. I hope there will be no objection.

By unanimous consent, the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes was considered as in Committee of the Whole.

The Committee on the Judiciary report the bill with an amendment to strike out all after the word "follows" in line 3 and insert:

No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046 unless the indictment is found or the information instituted within three years next after such offense shall have been committed. But this act shall not have the effect to authorize the prosecution, trial, or punishment for any offense barred by the provisions of existing laws.

So as to make the bill read:

That section 1044 of the Revised Statutes of the United States be amended so as to read as follows:

No person shall be prosecuted, tried, or punished for any offense not capital except as provided in section 1046, unless the indictment is found or the information instituted within three years next after such offense shall have been committed. But this act shall not have the effect to authorize the prosecution, trial, or punishment for any offense barred by the provisions of existing laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. DAVIS. I, of course, have no objection to the bill; but I know nothing about it. I should like to ask the Senator from Vermont, as I see neither the Senator from Ohio nor the Senator from Kentucky in his seat, whether the bill was reported by general consent of the Committee on the Judiciary unanimously?

Mr. EDMUNDS. I have great satisfaction in informing my distinguished friend from West Virginia that the bill met the cordial approval of both the Senator from Ohio and the Senator from Kentucky.

Mr. DAVIS. Then it meets the Senate's view, I suppose.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: A bill to amend section 1044 of the Revised Statutes relating to limitations in criminal cases.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 172) fixing the salary of the President of the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company;

A bill (H. R. No. 1580) granting a pension to Almon P. Graves;

A bill (H. R. No. 2305) granting a pension to Melville H. Hudson;

A bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps;

A bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation; and

A bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in the act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had, on the 5th instant, approved and signed the act (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

The message also announced that the following bills, having been presented to the President of the United States March 24, 1876, and not having been returned by him to the Senate, wherein they originated, within ten days, (Sundays excepted,) as prescribed by the Constitution, had become laws without his approval:

An act (S. No. 295) to amend an act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation;" and

An act (S. No. 401) to incorporate the Citizens' Building Company of Washington.

ARRESTS IN ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

In further answer to the resolution of the Senate of the 7th of January last, (partial answers having been transmitted on the 6th and 24th ultimo,) calling for a statement of "the number of military arrests in the Territory of Alaska during the past five, &c.," I have the honor to submit herewith a report, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April* 6, 1876.

The message was referred to the Committee on the Judiciary, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

POSTAGE ON THIRD-CLASS MATTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 650) fixing the rate of postage on third-class matter, and for other purposes.

Mr. HARVEY. I move to amend by striking out all after the enacting clause and inserting the following:

That all mailable matter of the third class referred to in sections 3878 and 3911 of the Revised Statutes of the United States may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof. That all acts or parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. President, it was my purpose to make a few remarks in support of the amendment; but, not being in very good health this morning and not having the opportunity to read in the RECORD the able speech made yesterday by my friend from Maine, the chairman of the Committee on Post-Offices and Post-Roads, [Mr. HAMLIN,] I shall simply confine myself this morning to stating the effect of this amendment if adopted.

It is simply to restore the rates which existed prior to the passage of the act of March 3, 1875. That measure, it will be recollected, was passed in the closing hours of the session as an amendment to the sundry civil appropriation bill. I think the purport of the act at that time was not fully understood. If my recollection serves me aright, a proposition embodying the same principle had been defeated in the Senate some days prior. Am I correct in that?

Mr. HAMLIN. No, sir.

Mr. HARVEY. I accept the correction.

Mr. HAMLIN. The Senator will allow me a word. Almost immediately preceding it the proposition to reduce the packages from four pounds to twelve ounces was defeated, and the proposition immediately following was one to increase the rate and limit the weight to

four pounds. The Senate voted down the first proposition and adopted the second.

Mr. HARVEY. In any event I am satisfied that the increase of the rates on third-class matter has not met the approval of the people of the country. I do not speak of any particular class of people, newspaper-men, or merchants, or farmers, or any particular class; but I say that in my opinion it has not met the approval of the people of the country, and I do not think that it has in any degree benefited the revenues of the Post-Office Department.

This amendment has been offered because I have good reason to believe that it embodies the views of a majority of the people of this country upon that question. During the discussion yesterday my friend the Senator from California [Mr. SARGENT] asked the Senator from Maine if this bill passed what increase of revenue it would bring. The answer was that it was impossible to tell, for the reason that we cannot know what amount of third-class matter would be sent through the mail if this bill passed. Therefore, even if the bill passes, it must be an experiment and nothing more. It cannot be defended on the ground that it will make the Post-Office Department self-sustaining, because we do not know that it will have that effect. We cannot know it.

I do not agree with the idea that the Post-Office Department must necessarily be self-sustaining; but, if I did, the passage of this bill would not be acceptable to me, for the reason I have stated. From the very nature of things it is impossible to determine how a proposition of this kind will affect the revenue, for the reason stated by the chairman of the Committee on Post-Offices and Post-Roads. It is, at any rate, admitted, I believe, that the amendment made at the last session has not benefited the revenue, the amount of third-class matter transmitted through the mail having been so much reduced that the revenue has not been equal to that arising from third-class matter prior to the passage of that law, and it cannot be shown that the expenses of the Department have been in any manner reduced by the passage of that act. Therefore the present rates cannot be defended on the ground of making the Department self-sustaining.

Then upon what ground can the advance be placed? The bill now pending proposes to make the rates dependent upon distance to this extent: that for the distance of one thousand miles or less the rate shall be one cent per ounce; for distances over one thousand miles, two cents. Let us examine the effect of this proposition as regards, for instance, the transmission of public documents from this Capitol to different portions of the country. It will be readily seen that, if this bill passes with this distinction as to distances, people residing in the State that I represent wishing public documents forwarded to them through the mail would have to pay, or the Senator or Representative forwarding the documents would have to pay, double the postage which would be due upon a document forwarded by the Senator from Maine to his State. The same would be the case with documents transmitted by the Senator from California or the Senator from Oregon to the States represented by them. The distance to either of those States being double that to the State I represent or those immediately adjacent, the expense upon the document would be double that upon the one sent to Maine, but exactly the same as upon those sent to the States in the center of the continent.

Mr. HAMLIN. Let me inquire of the Senator——

Mr. HARVEY. I am only using it as an illustration.

Mr. HAMLIN. Public documents?

Mr. HARVEY. Yes, sir.

Mr. HAMLIN. This bill does not touch public documents.

Mr. HARVEY. They are books, are they not?

Mr. HAMLIN. But they come under another section of the law, which makes postage on them uniform. This bill does not affect public documents.

Mr. HARVEY. I only use that as an illustration. It would apply to the transportation of any other book with the same force. As to the question of the rate that existed prior to the 3d of March, 1875, being adequate for the cost of the transportation of third-class mail matter, I will quote from the letter of the superintendent of railway mail service sent to the Postmaster-General, February 18, 1875. He says:

> At eight cents per pound, the amount of third-class mail matter forwarded in the mails in 1874 would yield a revenue of over $4,000,000, but the actual revenue from third-class mail averages twelve cents per pound, ranging from 54.33 cents from unsealed circulars to 8.2 cents from books, (the excess arising from fractional parts,) yielding the Department from third-class mail matter a revenue of about $6,000,000.
>
> Whether this class of mail matter is remunerative or not has been questioned. It cannot be placed upon the same footing with either letters or regular publications, for these reasons: In all post-offices the number of clerks necessary is determined almost entirely by the first and second classes; there must be force enough to dispose of these classes in the quickest possible time; while matter of the third class, where the quantity is of any moment, is distributed and handled at leisure, and therefore serves to fill in the intervals that would otherwise be wasted. Its handling is, therefore, less expensive, piece for piece or pound for pound, than either first or second class mail.

And in regard to transportation he says:

> In transportation a certain system of routes is necessarily maintained. On all stage-routes and steamboat-lines weight is not considered, unless it be in a very few and exceptional cases, speed and frequency regulating the cost. The weights on this class of routes could be doubled without material increase of compensation.
>
> In railroad transportation fully one-fourth of the annual compensation is to railroads on which the weight could be largely increased without raising their compensation above the minimum; fully one-half is to railroads upon which an increase in weight would increase their compensation at the minimum rate per ton.
>
> So that of the $16,000,000 paid for transportation, $9,000,000 would not be materially affected by doubling the mails; $3,000,000 only would increase directly with the weights, and $4,000,000 would increase indirectly with the weights.

He says:

> I have introduced these statements to show the fallacy of all arguments that have been produced to show that the deficiency of the Post-Office Department is attributable to the samples of merchandise, which form hardly a perceptible portion of the mails, or to matter of third class, which forms but 30 per cent., and yields about 24 per cent. of the revenue, against 61.4 per cent. of mail matter of the second class and 8.4 per cent. of the first-class.

Here, then, is a statement, from one competent to know, that the deficiency in the Post-Office Department is not attributable to the fact that packages of merchandise are transported through the mail, or in any wise to the rates that existed at that time upon the transportation of all third-class matter. It is evident to every one that we, having some thirty-odd thousand post-offices in the United States, must still maintain the number of postmasters and clerks necessary to transact the business of those offices, and it has been shown that in the employ of the Post-Office Department, including postmasters and employés of the Department, route-agents, and those occupying like places, there are upwards of forty thousand persons employed. The payment of these people and the payment of the expenses necessary to the transaction of business in the Post-Office Department proper constitute more that half the whole expense of that Department. Is is evident that this must be continued. The people must, therefore, pay the salaries of all the persons necessary to the handling of the mails, whether this third-class matter is carried through the mails or not, and it has been shown that upon three-fourths at least of the routes as to distance the cost of transportation will not be materially increased.

Now, if the third-class matter, or more particularly samples of merchandise, cuttings, seeds, &c., should be excluded from the mails, either by positive enactment or by making the rates of postage so high as to drive them out or making regulations as to different distances so vexatious as to lead people to prefer to pay transportation companies or express companies for carrying such mail matter—I say, if the bill should have this effect, the result would be that the people must still continue to pay the expense of the transportation and handling of the mails, and in addition to that pay to express companies or others engaged in the transportation of packages an exorbitant price for their transmission, thus making it necessary to pay twice for what might be effected for the people through their Department at a reasonable and fair compensation for that work.

It has been shown, and I think conclusively, that for eight cents a pound packages of that size may be transported anywhere, certainly within the boundaries of the United States. It has been stated by what I regard as good authority that packages of that kind can be profitably transported around the world at that rate. This being the case and the public having been satisfied with the law as it existed prior to the 3d of March of last year, why not let us be governed by the principle of that conservative adage which says "let well enough alone?" Let us return to the rate as it existed prior to that time, a uniform rate throughout the United States. The idea of discrimination in rates as to distances has been abandoned as being a thing pertaining to the infancy of the mail service. Why restore it in this vexatious shape, and especially when public opinion is already against the simple increases of rates, leaving the rate as to distance uniform? I say that the adoption of the discrimination proposed in this bill would further aggravate the feeling which exists among the people throughout this country, the people of all parties and all classes engaged in every kind of business. I hope that the Senate will adopt my amendment.

The only other thing aimed at in the amendment besides what I have stated, the restoration of the rate that existed prior to the 3d of March, 1875, is to remedy a construction which the Postmaster-General has placed on the existing law prohibiting soldiers from transmitting through the mails packages greater than two pounds. The effect of this part of the amendment is to provide that soldiers, the same as citizens, may send or receive through the mails packages of merchandise not to exceed four pounds.

I think that I have stated enough to enable the Senate to clearly comprehend what the object of this amendment is. I will therefore close with the expression of the hope that the amendment will be adopted.

Mr. BOGY. Mr. President, I do not desire to discuss this question at any length, but only to make one or two suggestions. My friend from Maine, in the speech which he delivered yesterday, and to which I listened with very great pleasure and great instruction, aimed to establish this point, which has been the point aimed to be accomplished from the very beginning of the Government: to make the Post-Office Department a self-sustaining institution. I think the day has come when that should be abandoned. Doubtless at the beginning of the Government it was possible to make that Department a self-sustaining institution; and for a great many years afterward this was possible, and was in fact accomplished; and I think until 1840 or 1841 it was in the main self-sustaining—if not every year, what was considered a deficit one year was more than made up the succeeding year. It was, I may say, self-sustaining.

But is it reasonable at this day to require the Department to be yet self-sustaining; and is it wise that we should curtail mail facilities, or augment the price for the transportation of mail matter, to accom-

plish this object? We must consider at the present day the condition of the country. Since 1841 we have acquired the vast domain of Texas, large in extent, with but very small population, of course very widely dispersed, and yet they needed mail facilities, and indeed required mail facilities. Since that time we have acquired another most extensive region of country from Mexico—California, Arizona, New Mexico, and a portion of Colorado. That vast and extensive region of country must have mail facilities, and the population is very small and widely dispersed also. Since that time the spread of population in this country has been amazing. We have spread over the new States of Nevada and Oregon, the Territories of Wyoming, and Montana, and Idaho, and Washington. We have acquired that distant region called Alaska.

Is it reasonable to attempt to make the Department self-sustaining if these distant countries are to be supplied with mail facilities; and would it be wise, for the purpose of saving a few dollars, I may say even a few million dollars, that those distant, outlying States and Territories should in the least be deprived of mail facilities? I say not. These countries that are an expense on the Post-Office Department are yet of essential importance to the prosperity of the Union. Why, sir, Texas produces annually 500,000 bales of cotton, worth from $40,000,000 to $50,000,000. The new States and Territories of Utah, Nevada, and California yield in precious metals $80,000,000. Strike those two items from the list of our productive annual wealth, and you would paralyze the entire country. Therefore, while they are an expense, and doubtless a great expense to the Post-Office Department, they yet pay back richly that which they get even from that Department.

It is not my intention, without any preparation, to make a speech in answer to the speech made by my friend from Maine. I really on this occasion can but commend the industry which he certainly has bestowed upon this subject; and I for one feel under great obligation to him. Nevertheless I think that I may be allowed to disagree to some of his positions, and this is one of them. I do not think it is wise at this day for us to attempt to do that which could be done in the earlier years of the Republic. The condition of the country is entirely changed, and these few people away in the distant States and Territories are entitled to mail facilities; and it is for the benefit of the Eastern States, where the population is dense and more compact, that they should get those mail facilities. Again, those people who are there to-day are natives of the old States; many of them are natives of the State of my friend, and they are entitled to mail facilities. As a matter of affection, as a matter of interest, as a matter of great governmental policy, they should not be restricted at all in their mail facilities.

I know that my friend will answer, and to a certain extent will answer very truthfully, too, that it is not his intention to deprive them, but if you make the transportation excessively high by increasing it in proportion to distance, you do to a very great extent affect them. I disagree, and I have for some time, with all those persons who believe that the Post-Office Department should at this day be self-sustaining. It has been self-sustaining until a few years back, but it ought not be now, and we should not sacrifice the facilities so as to make it self-sustaining any more than you can make your Army and Navy self-sustaining. It is an essential arm of the Government for the good, the prosperity of the country, and for which the people as a whole must be willing to pay. Of course I am not in favor of no restriction whatever. I am in favor of some; but I think we ought to abandon the abstract idea of its being self-sustaining. We cannot make it so at this day. The country has become too extensive and the population is too sparse in this newly-acquired country.

It strikes me that one of the troubles—and I attempted to obtain information upon that subject yesterday, when my friend was addressing the Senate—is the defective classification. I may be wrong in this, and I certainly am very willing to be corrected, and my friend may be right, for he is much better versed in the matter than I pretend to be; but I think the classification is defective. The first class is letters. That is all very well. Although cheap transportation is a great idea and has proven itself to be a great success, nevertheless I doubt whether it would be policy at this day to reduce it below the present price. It is now a very light tax indeed; three cents for the transportation of a letter from the Atlantic to the Pacific Ocean. Let the distance be short or long, it is three cents. That classification yields a certain profit, a very handsome one. The second classification, which is the transportation of newspapers, periodicals, and books from the office of the publisher, is attended with great expense and a loss of some millions of dollars.

Mr. HAMLIN. The second class is confined exclusively to newspapers and magazines going from the office of publication to regular subscribers.

Mr. BOGY. So I said; yet it is attended with considerable loss.

Mr. HAMLIN. I thought the Senator also included books in it.

Mr. BOGY. Perhaps I did; but it does not include books. It is attended with considerable loss. But that second classification as well as the first is intended to carry out the original idea when Mr. Franklin and his *confrères* were made at first a committee to organize a Post-Office Department in the year 1775. To carry "letters and intelligence" throughout the continent was the intention even at that day. Letters and newspapers and periodicals ought to be scattered broadcast throughout this land, and as cheaply as possible; and if there should be a tax necessary to maintain that thing, the people of this country cannot pay a few millions of dollars for a better and more worthy and more useful object. I am not in favor of increasing the tax so as to accomplish the object aimed at by my friend and, I may say, every other gentleman who has ever been connected with the Post-Office Department, either in Congress or at the head of that Department, to make it self-sustaining. That is, I think, the error. We desire to increase the charge of transportation to accomplish that object. That object I do not think we ought to attempt to accomplish.

The third classification I think is very erroneous. While it includes all that kind of matter which partakes of the character of intelligence or knowledge, it also is extended to include a class of articles entirely different and distinct. While I would not increase the rates of transportation upon pamphlets, occasional publications, or regular publications, or newspapers not sent from the office of publication, but transient, I would be very willing, and I think it would be well sustained, to increase the charge upon all the other articles which are strictly embraced within the term merchandise, including roots, cuttings, bulbs, scions, and all things of that kind, as well as merchandise. I have yet myself to see the wisdom of making the Post-Office Department a common carrier for merchandise, and I doubt if it be constitutional. As stated by my friend yesterday, the Constitution provides for mail-routes; but by construction at the very beginning of the Government the power was thought to be sufficiently broad to include the transportation of the mail on those routes. It is only by construction, because the provision is merely for routes. My friend spoke of that yesterday. It should certainly be limited to what we understand in common parlance by mail. It is the transportation, the transmission, of all those things which come within the order and category of knowledge and intelligence, books, pamphlets, newspapers, letters. It is impossible to extend it beyond the power conferred on Congress by the Constitution. I do not think, strictly speaking, that we have power to make our mails common carriers or express companies. Without dwelling upon that point, I doubt its expediency. Although it may appear that it is not attended with very large expense, this can be said: that all the calculations with regard to the separation of expense—that is, how much it does cost for the transportation of the first class of mail matter, for the second class of mail matter, and for the third class of mail matter—are to a certain point extremely defective and only a mode of approximation. It is not strictly correct, yet I admit it does approximate to what it costs. If we could relieve the mail of the transportation of merchandise, I think we could afford to carry strictly mail matter without any augmentation of price, and let that part of the service be performed by common carriers, express or other companies.

I am therefore, Mr. President, in favor of the amendment offered by the Senator from Kansas, [Mr. HARVEY.] I myself do not attach any great importance to making the Mail Department self-sustaining. I would rather it were so, of course, but I am not disposed to curtail or to embarrass the transmission of the mail from the center to the circumference of this country for the purpose of accomplishing that object.

It seems to me, in conclusion, that a fourth class ought to be made, if we intend to transport merchandise at all. I mean by merchandise anything independent of letters, periodicals, and newspapers. My friend from Maine yesterday classified newspapers with merchandise, and gave a very good reason for it, because it was a matter of profit to send them. Nevertheless they are intended for another object. It is knowledge you are disseminating over the country, intelligence. The other is mere merchandise. We are told that harness has been transported to some portions of Arizona. That should not be allowed. It is an imposition; it is a speculation on the part of the persons who do it. There ought to be some way of preventing it. If it is to be allowed, there ought to be a fourth class and we should make those persons pay a reasonable price for doing the work. Hence I am compelled to vote against the bill of my friend from Maine, and will vote for the amendment offered by the Senator from Kansas.

Mr. MAXEY. Mr. President, the bill before the Senate has received, as I happen to know, being a member of the Committee on Post-Offices and Post-Roads, very careful and deliberate consideration and investigation. We have sought information as to this measure from all sources, and the bill has been prepared as nearly correct as we could get it. It was prepared with the full knowledge that it would be criticised, because, where there are so many various and conflicting interests as there are affected by this bill, necessarily any committee that prepared a bill would subject themselves to criticism; and this is to be expected.

I will state at the outset that, had the views which I individually entertain been entertained by the entire committee, almost the whole of this third-class mail matter would have been stricken out, and what little would have been left would have been transferred to the second-class mail matter; and my reasons are these: An examination of the laws that were in force at the adoption of the Constitution of the United States will show that the purpose, design, and intent of the establishment of post-offices and post-roads was the transmission of intelligence, and nothing else. The various laws prior to 1787 show this to be so.

If that was the understanding and the intention of the clause "post-offices and post-roads" at the time the Constitution was adopted, then that is the constitutional meaning, purpose, and design at this

time; and, so believing, I have not thought that merchandise was properly a matter which should go through the mails at all. That was my view of it. But in regard to seeds and roots, cuttings, and such things as have become a matter of necessity for the settlement of the western and southwestern country, I was not desirous or disposed to raise a constitutional objection on those points.

Mail matter proper is embraced in the first and second classes of the law: the first class being letters; the second, regular printed matter; the third, miscellaneous matter.

Mailable matter of the first class shall embrace all correspondence, wholly or partly in writing, except book manuscripts and corrected proof-sheets passing between authors and publishers.

Mailable matter of the second class shall embrace all matter exclusively in print and regularly issued at stated periods from a known office of publication, without addition by writing, mark, or sign.

The third class embraces miscellaneous matter going through the mails not enumerated in the first or second class. It is a fact that, if this third-class mail matter be not intelligence, then the mails of the country are used simply as a convenience for those desirous of transmitting merchandise or their own advertisements. Hence they use the mails simply as common carriers; and it is not just, it is not right, it is not honest that the whole people of the United States should be made to pay millions of dollars for the convenience of the few who thus use the mails; and yet that is the practical result of this system. The very able and interesting speech made yesterday in support of this bill by the chairman of the Committee on Post-Offices and Post-Roads [Mr. HAMLIN] showed that the writers of letters pay over $4,000,000 to this Government for the privilege of sending their letters through the mail over and above the expense which the Government is at in transmitting those letters. In the next place it is shown that the newspapers which are regularly issued and constitute the second-class mail matter are millions—I do not remember the precise amount—but several millions in deficit of enough to pay the actual expense of their transmission.

Mr. HAMLIN. Seven million dollars.

Mr. MAXEY. Thus then you see what? That the letter-writers, the millions, the toiling masses of the people, who desire to keep up their correspondence with their friends away from home, and the business men of the country not only pay to the Government of the United States a full pay for sending their letters, but $4,000,000 over and above that amount, which $4,000,000 is absorbed in the transmission of newspapers, and then the balance of the people of the country have to pay $3,000,000 to complete this deficit. So much for newspapers. They and the letters comprise the first and second classes. But we have made no change so far as letters are concerned, no change so far as newspapers regularly issued are concerned, between the transmission of one for instance from the city of Washington to Baltimore and of one from here to San Francisco.

Now in regard to the two distances and the tariff of prices according to those distances, fixed by this bill, I desire to say that the bill as originally presented contained several different distances, three hundred, five hundred, eight hundred, and fifteen hundred miles, making different rates for those different distances. Living as I do west of the Mississippi River and far beyond the great commercial metropolis of the country, New York I made a motion, as stated by the Senator from Maine yesterday, to make but two distances, one under a thousand miles, the other over a thousand miles; and that was adopted by the committee, and so the bill is reported.

If it be true—and that it is true you have only to examine the bill—that the legitimate mail matter going through the mail is embraced in the first and second classes which are untouched by this bill, and if it is true that this bill covers that which properly was characterized by the chairman of the committee [Mr. HAMLIN] as merchandise, then it is not legitimately entitled to claim the right to go through the mails. I say it has no legitimate claim to go through the mails, and yet, if it be permitted as a convenience, it should pay its way like anything else that is carried by common carriers, according to distance. That is, it seems to me, common sense.

We have heard a great deal said about retrenchment and reform in this Government. I claim to be and am in favor of sound and just economy. I do not believe in this thing of "saving at the spigot and wasting at the bung," but I am for striking where economy really should strike; and that is in this instance where the people of the United States are paying millions of dollars for the convenience of a few. That is exactly what we are doing to-day. The transmission of this merchandise through the mails is a convenience to those who send it; but the expense of transmitting it is in a large degree paid by the masses of the tax-payers of this country who are not benefited by its transmission. That is unjust, and the theory of this bill is that "he who dances must pay the fiddler." That is what we mean, and if the Senate will sustain us we will save this Government in this item about $7,000,000, and thus lessen the taxes of the people that much. That is not "saving at the spigot," but it is "saving at the bung;" and it is in matters of this kind that we ask that the Senate of the United States shall come to the help of this distressed country in true economy, in true retrenchment.

Mr. President, in regard to this distance of one thousand miles, if the theory be correct that this is not strictly legitimate mail matter, but simply permissible mail matter, and that it is for the convenience of those who send this merchandise, they should pay the expense, and not the people generally. That is the purpose of this bill. But it may be said that those who live at a distance, as I do, from the great metropolis have double rates to pay. That is not true. Do the people of Texas, of Kansas, of Nevada, do the people of Nebraska, of California, or Oregon trade with New York? Not one out of fifty trades there. In the State of Texas, for example, our trade-centers are Saint Louis, Galveston, and New Orleans, and all those points are within the radius of one thousand miles. For Kansas, Saint Louis is the trade-center. For Iowa, Nebraska, and Minnesota, Saint Louis and Chicago are centers of trade. And for Nevada, and Oregon, and California, San Francisco is the business center.

What we want in the way of merchandise to be carried through the mails, if it is permitted at all, we will send for to one of our own trade-centers, instead of building up one great city at the expense of other cities of the Union. We thus aid in keeping up the trade-centers for the various localities which fall within a radius of one thousand miles; and it will so happen that there is not one time in fifty that you may desire a thing of less weight than four pounds to be sent through the mails that you cannot get that article in one of our own trade-centers. And if it be so costly or so rare that it cannot be found in such places as Chicago, Saint Louis, New Orleans, Galveston, and San Francisco, then, to the one who desires to get that costly article and who has to send to New York for it, the difference is trifling; and it is a mere exceptional case to a general rule and therefore should not be considered. Hence, I say, those who think they are badly hurt by this rate should remember that there were on this committee three gentlemen who certainly understood the interests of their own country. This investigation was made with the utmost care and deliberation in the interest of the people, not in the interest of anybody except the people. We believe that the people are now unjustly taxed millions of dollars for the convenience of those who transmit merchandise through the mail. So believing and believing that the people have this money to take out of their own pocket to pay for those who thus desire to use the mail by permission for the transmission of third-class matter, we have framed the bill in such a manner as to make these things, as nearly as we are able to do, pay their own way.

Mr. BOGY. Will my friend permit me to ask him a question?

Mr. MAXEY. Certainly.

Mr. BOGY. What objection is there to making a fourth class, so as to include merchandise distinct from publications of every description, and make a higher rate upon this fourth class, if you transport merchandise at all? I am opposed to the transportation of merchandise at all; but, if it is to be done, what objection is there to making a fourth class, to include merchandise? I am open to conviction.

Mr. MAXEY. I will answer the Senator from Missouri. One of the reasons which I had for moving to strike out the table of distances, three hundred, five hundred, eight hundred, and fifteen hundred miles, was that it complicated the matter; that the more simple you have anything the better for the country; that the one great reason why Great Britain, for example, collects her tariff with so much facility is the fact that she has but few articles upon which the tax is collected; and one of the reasons why our tariff is so defrauded is that we have more than three thousand articles taxed to be looked into, and thus fraud is invited. This general principle applies to the mails; the more complicated you have your system, the more classes you have, the more difficult it becomes, and the more liable to fraud.

Therefore, as I stated, what there is in the third-class matter that might be considered legitimately entitled to go through the mail should be transferred to the second class, and the balance entirely wiped out, and we should have but two classes; and I yet believe that that is the correct principle; but, as before stated, it was thought best by the committee to retain the third class and make it pay its way.

I have been in the habit during my life of expressing my honest opinions without much regard to whether they would be critisised or not. If I honestly believe a thing, I am in the habit of saying so. That is my belief about this thing. I do not believe these things should go through the mails at all. But it is like a great many other evils, when you get an evil fastened on the country, like these little shells that fasten themselves to the bottom of a ship, these barnacles, it is very difficult often to get rid of them, and hence we had to do the best we could, and if they were fastened there make them pay their way.

I had not intended to speak this morning in regard to this bill, and have done so at the suggestion of some of the committee.

Mr. BOGY. My friend has not answered my question.

Mr. MAXEY. I thought I had.

Mr. BOGY. Why not make a fourth class?

Mr. MAXEY. In endeavoring to reply to the Senator's question I tried to show that I was not in favor of a fourth class, because I was not in favor of a third class. I want but two classes. My objection to it is that you complicate the system. The more classes you have the more difficult it is to carry out the system; and therefore that was my reason for opposing it. I was opposed to a fourth class. I am opposed to a fifth class. I prefer two classes to three. I certainly prefer three to four.

Now, sir, one other word. I heard a remark thrown out yesterday, when the Senator from Maine was explaining the policy of the committee, which led me to suppose that it was thought by some that newspapers regularly issued were affected by this bill. Not at all.

There is nothing in the second class or the first class in the statute to be affected. It is only the third-class matter which is set forth in the bill, and which is regarded as merchandise and not strictly legitimate mail matter, but simply permissible mail matter. If, then, we can bring this merchandise to be tolerated at all in the mails, it should pay its own way. If this bill will accomplish that, certainly it will do great good and save the country millions of dollars, millions more than will be saved by cutting down a clerk's wages here and there.

Then, when third-class mail matter shall have been regulated by Congress, the committee propose to equitably adjust first and second class matter, so that each will bear its just share of the expenses. We shall endeavor by thorough examination to ascertain why it is that the first-class mail matter has to pay its own way and $4,000,000 toward paying somebody else's way. That is a matter for after-consideration, not the subject of debate at this time. I confine my remarks now entirely to the third-class mail matter, which is the subject-matter of this bill. While I do not pretend to say that the bill is perfect, I do say in all candor that I have never known any committee in the Senate or elsewhere who gave any subject a more faithful, conscientious, laborious investigation than was given to this subject by the Post-Office Committee; and I will add that it was done without the slightest regard to party, nor was there, so far as I know, any difference as to the general outline of the bill between the members of the committee. My judgment is the bill should pass.

The PRESIDING OFFICER, (Mr. WEST in the chair.) The question is on the amendment of the Senator from Kansas, [Mr. HARVEY.]

Mr. EATON. I ask that the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The proposed amendment is to strike out all after the enacting clause of the bill and to insert the following:

That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. HARVEY. For the information of the Senator from Connecticut and others, I will state that the amendment is a transcript of the bill that passed the House of Representatives on the 20th of January last.

Mr. SAULSBURY. The bill reported from the committee may not be exactly a perfect bill, may not be the very best bill that possibly could be framed. It has, however, been presented after mature reflection on the part of the committee, and I think it is worthy of favorable consideration by the Senate.

The bill was designed to meet and avoid an improper burden upon the postal service and relieve the Government from providing by large appropriations for the deficiency in that service. The first question that presented itself to the committee, and one which I presume will present itself for the consideration of the Senate, is whether the Post-Office Department should be made self-sustaining. All will admit that that is desirable if it can properly be done, and especially so at the present time when there is so much embarrassment in the country and when the taxes of the people should be rendered as light as possible. At the present rates of postage on the different classes of mailable matter there is a deficiency of somewhere in the neighborhood of $8,000,000, which must be supplied by an appropriation from the public Treasury, unless some measure is adopted that shall make the postal service self-sustaining. The committee were of opinion, and I presume it will be admitted by the Senate, that it would be improper to increase the rates of letter postage; and I apprehend also that on the second class of mailable matter, newspaper publications, there would be opposition on the part of the Senate and on the part of the country to any increase of rates upon that class of mailable matter. Therefore, if any correction whatever of this admitted evil is made, it must be made by some alteration in the carrying of the third-class mail matter; and I think this is very desirable.

While I do not believe that the whole of the deficiency of the postal service arises from the cost of the transportation of mailable matter of the third class, yet I am satisfied that a very large percentage of the deficiency arising in the postal service is created by the carrying in the mails of what might properly be termed merchandise. I admit that I did not subscribe to the idea that that was the only cause of the deficiency arising in the revenues of the Postal Department. On the contrary, I think that deficiency arises from various causes. One of those causes is the extension of our mail-routes over the vast expanse of western territory where the postal service must necessarily be unremunerative. We have acquired the possession of a vast public domain, and our people, enterprising and active, have gone to and settled in those vast sections of the country. As a matter of course, they desire postal facilities. They desire to communicate with their friends at home, and their friends at home desire to correspond with them, and the Government has very properly extended the postal facilities even to the shores of the Pacific and through all the vast expanse of country lying between the Mississippi River and the Pacific Ocean. I do not complain of that. I think that it has been wisely done. That extension of the postal service has necessarily entailed on the Government a very large expense; and this is one of the causes why the expenditures for the postal service have been so largely increased of late years.

Another cause of the vast expenditures for the postal service, which I believe now amount to between $35,000,000 and $40,000,000, is the exorbitant amount paid on mail contracts. While these contracts have been made and properly made to carry the mails, there is no question but that there has been a loose system of contracting for the purpose of carrying the mails, especially through the territory of the United States lying west of the Mississippi. Thousands and millions of dollars have been unnecessarily expended because of the improvident contracts that have been entered into for the carrying of the public mails; and the investigations which have been going on into the Post-Office Department as well as other Departments by the House of Representatives have demonstrated conclusively that a system of robbery has been perpetrated on the postal service through the medium of straw-bids and otherwise, entailing vast expenditures of money by reason of unconscionable contracts made for the carrying of the mail. I do not say that the Post-Office Department could protect itself against all the frauds that have been practiced upon it. I speak of this as a fact which explains to some extent the expenditure and the largely-increased expenses of the Post-Office Department.

Another cause of the vast amount of money required now to carry on the postal system in this country is, in my opinion, that there have been entirely too many employés in the postal service. I speak now especially of letter-carriers and clerks in the post-offices throughout the country. This has been done perhaps not with the full knowledge of the Postmaster-General as to the necessity of such force, nor perhaps was it a matter which he could entirely control. Unfortunately politicians have attempted in this department of the public service to provide for their political friends, just as they have done everywhere else; hence in many of the post-offices in this country there is a large number, an unnecessarily large number, of clerks pensioned upon the post-offices of the country, and also a large number of letter-carriers in many places wholly unnecessary for the service, that are pensioned upon the Post-Office Department. I wish in this connection to call attention to some facts in regard to this subject.

I find by looking at the Blue Book that the number of post-office clerks employed in the city of Baltimore is about seventy-five; and I call attention to this subject in this debate in order that, if there is a wrong here, as I apprehend there is, some means may be taken to remedy it. I do not say that that is an excessive number for Baltimore, because I find that in the city of Boston there are about three hundred and seventy-five clerks—a city, I suppose, of not greater population than there is in Baltimore. I cannot account for this vast discrepancy in the number of employés of the Department in these two places, unless there is a deficiency at Baltimore or a surplus of clerks in the city of Boston. So, too, in Chicago, there are about three hundred and forty clerks, while in Philadelphia, a much larger city, there are only two hundred and ten, a difference of about one hundred and forty between the numbers of clerks employed in these two different post-offices.

Mr. HAMLIN. Will the Senator from Delaware allow me to state what perhaps I omitted to say to him as a member of the committee? At his suggestion I have addressed a note to the Department calling its attention to this very case and asking such explanation as it can give.

Mr. SAULSBURY. I was speaking of the various causes why the postal service was not remunerative. Among them I referred to the excessive employment of post-office clerks and letter-carriers at various points in this country which help to swell the expenses of the Department, and I think it proper that it should be brought to the attention of the Senate and a remedy be provided for the wrong if any in fact exists.

I find that in Cincinnati there are about one hundred clerks; in Cleveland about fifty; in Indianapolis about forty; in New Orleans about one hundred and twenty. I do not know that these are excessive; but I find that there is a very great disparity between the amounts in these several cities and at some other points where perhaps there is not a greater number of inhabitants to be supplied. For instance, in the city of New Orleans there are about one hundred and twenty. I suppose that that is not a larger city than some others that have only about seventy-five. Saint Louis has about one hundred and thirty-five. Saint Louis is as large as Chicago, but has only a little more than one-third of the number of clerks. The same facts exist in reference to letter-carriers in different cities and large towns, and justifies the conclusion that there is something wrong in this regard.

I call attention to the existence of this great discrepancy in the number of employés at the post-offices in different cities of this country for the purpose of explaining, to some extent at least, one of the causes why the mail service is not self-sustaining, as well as to have the wrong, if any exists, corrected. It is utterly impossible, when there are such vast expenditures of money paid out by this Department, that the postal-service establishment can be self-sustaining at our present rate of postage. The same remarks which I have made in reference to the clerks in the post-offices apply also to letter-carriers. Almost every town of any large size now has its letter-carriers, and these are positions given to political friends. They are political offices, and they are multiplied for the purpose, very frequently, of finding some place for a political favorite, some man who is considered useful to the party; and hence in all the cities of this land and in all the large towns there is now an army of letter-carriers and post-office clerks who are paid out of the revenues of the Post-

Office Department or out of appropriations made by Congress to supply the deficiencies in that Department.

This is one of the causes why the Post-Office Department to-day is not self-sustaining. It may be very convenient for gentlemen to have their letters brought to their doors and placed on their breakfast-table; to have their morning papers served in their own houses. But the people of this country are paying for the convenience of gentlemen who are thus favored, and it is only in the larger towns and cities that this favoritism of having their mails delivered in their own houses is provided for. Persons who live in rural sections of the country, who live in small towns and small villages, have no such facilities; and yet they are compelled to pay their share for the convenience enjoyed by persons who sit in their slippers by the fire and read their morning papers, instead of having to do as others do: go to the post-office and get them.

I do not mean to say that I am in favor of the abolition of the letter-carrier system or that I am in favor of restricting to a lower point than is necessary and proper the number of clerks employed. I think there should be a sufficient number of clerks to do the business in every office, and there should be enough letter-carriers, where the system is adopted, to serve the people in reasonable time. But if the Post-Office Department will give its attention to this subject, I think there might be a very material reduction both in the number of clerks and in the number of letter-carriers now in the pay of the Government.

But these, Mr. President, are not the only causes why the Post-Office Department is not self-sustaining. We have been carrying through the mails merchandise and that which amounts in fact to merchandise, though it may not be technically called merchandise, at very reduced rates, burdening this public service and entailing upon it vast expenditures of money beyond what has been derived from carrying these articles. All the articles included within the third class of mailable matter may, I repeat, properly be termed merchandise, for, while some of them may consist of books, pamphlets, and occasional publications, they are such as are issued for speculative purposes, designed to benefit the man who issues them and the man who sends them through the mail. Now, let us see what they are as a class in this bill.

"Pamphlets." Under that general denomination almost every kind of publication may be included. Why, sir, the laws of the different States of this Union are published in pamphlet form, and I as a lawyer desiring to become acquainted with the statutes of other States may send an order for a pamphlet copy of the laws of the several States of this Union and it is carried through the mail at nominal rates, when as an attorney it is valuable to me in my business, and for which I ought to be willing to pay a proper cost for the transportation when carried in the mail, as much so as if carried in any other manner.

So, too, "occasional publications." For instance, a gentleman desires to advertise a patent-right which he has secured, and occasionally he issues a publication advertising to the world that he has for sale a certain patent-right. He sends it through the mail. It is valuable to him, and he sends it all over the country through the mail for not one tithe of what it costs the public to carry it.

Regular publications devoted primarily to advertising purposes, or for free circulation, or for circulation at nominal subscription rates.

These business transactions are not to convey that kind of intelligence which the Post-Office Department was originally established to convey. They are those kinds of publications which bring to the sender profit, issued to advance his interest and extend his business, and do not convey that general intelligence in which the public are interested, not such as were originally designed to be carried through the mail. Other articles which are carried through the mail are also named: some nurseryman, some grower of plants, desires to send his scions, his plants, through the mails; it is his legitimate business, and he ought to be willing to pay for it that which it costs the Government and to be thankful for the facilities which the Government furnishes him to send those articles through the mails at the prime cost to the Government of carrying them. It is doubtless a convenience to the person sending them and the person receiving them, but it is a convenience which the Government is under no obligation to afford, and for which the parties benefited should pay at least the cost to the Government.

All these articles, too numerous to mention, are carried now through the mails at much less than it costs the Government to carry them. This bill proposes to some extent to correct the wrong that exists, and to that extent relieve the Post-Office Department by making those articles pay the Government just what the Government has to pay for the transportation of them. If that is not fair both toward the man who sends the article and the man who receives it, I cannot conceive what would be fair. It is at any rate a gratuity on the part of the Government to take these articles in the mail at all, and perhaps nothing but the exorbitant charges made by common carriers, and especially by express companies, has justified the action of the Government in subjecting the mails of this country to the inconvenience and burden of the transportation of any such articles.

But it has been found that common carriers and express companies have not infrequently imposed upon the public, and the Government has gratuitously consented that these articles included in third-class mail matter may be transported through the mails, which has to some extent counteracted the exorbitant charges made by the common carriers and express companies, and is, to a certain extent, a convenience as well as a relief to the people who are engaged in sending or receiving such articles. I am perfectly willing that it should be continued, in fact I am in favor of its continuance, but I wish to make it subject, so far as I can, to the exact expense that the Government incurs in the transportation of these articles. This bill aims at that result; and I am sure that at the rates charged in this bill, from the best information I can get, the Government will not be one cent profited by carrying these articles but will, perhaps, still be the loser by the operation.

Now in reference to the discrimination made in this bill between distances, that must be considered just and fair to every section of the country. My friend from Kansas proposes by his amendment to carry these articles throughout the entire country at the same rate, if I understand the purport of his amendment. I do not think that he represents a section of the country that has any right to complain of any unjust discrimination on the part of this Government.

Mr. HARVEY. Will the Senator permit me to explain?

Mr. SAULSBURY. In a moment. The people west of the Mississippi River have had extended to them the facilities which the people in every other section of the country have, so far as the Government could do it; and yet the mails through that section of the country have been far less remunerative to the Government than the mails in the eastern portion of the country and east of the Mississippi River; and therefore there is no injustice done to the West by the operation of this bill. On the contrary, they have been the recipients of special favors, because they have had the mails carried to them at a dead loss and cost to the Government. Now I will hear the Senator from Kansas.

Mr. HARVEY. I merely wish to explain to the Senator that the effect of the amendment is simply to place the law as it existed prior to 3d of March, 1875, when the law was changed by an amendment to the sundry civil appropriation bill.

Mr. SAULSBURY. That is the effect of the amendment, I admit, to restore the old law, but the old law was unjust in its operation. It was unjust in its operation to the Post-Office Department because it did not secure to the Department the proper compensation which ought to have been secured to it for the transportation of articles of the third class. Then it was unjust in its operation because it taxed the people of the whole country for the benefit of persons who used the mail for their own purposes and for which they paid but very nominal rates.

If the proposition had been brought here that for every one hundred miles there should be a different rate paid, it would have commended itself to my judgment as one of justice, but the committee in their magnanimity have extended the first charge to a distance of a thousand miles, subjecting all the people within a thousand miles to the same charge, and all the people over a thousand miles to a different charge. It would have been, in my judgment, much more equitable if we could have for every one hundred miles this mail matter of the third class carried at a different rate of postage. If that were practicable, it would be much more just, in my opinion. At any rate the proposition of this bill does no great injustice to any section of the country, no great injustice to any community. It provides for two rates, one rate being one cent an ounce for all distances of one thousand miles or under, and the other rate being two cents for each ounce for all distances over one thousand miles.

Mr. President, after the very exhaustive argument and speech of the Senator from Maine, the chairman of the Committee on Post-Offices and Post-Roads, I deem it unnecessary to make any further remarks on this subject. His speech fully explained and illustrated the necessity for this bill, and the operation of the postal system from its very foundation, the object that was contemplated by the formation of the Postal Department, and the operations of that Department from its origin to the present time. It was deemed of primary importance in the origin of this Government that this Department should be self-sustaining; and up to 1841 that was the case. But now we find ourselves deficient in the revenues of that Department some $8,000,000. This bill proposes to correct to a certain extent that evil; and, if it is adopted by the Senate, it will, so far as *mailable* matter of the third class is concerned, subject it, not to any unjust charge, but make it contributory to a certain extent, at least equal to the expenditures on account of carrying the same.

There are some other points in connection with the postal service that I may hereafter, on some proper occasion, call the attention of the Senate to; but I will not detain the Senate further at the present time.

Mr. WINDOM. Mr. President, it has been assumed throughout this debate that the necessity for the change proposed by the Committee on Post-Offices and Post-Roads arises from the fact that we are now carrying this third-class matter at a loss. It is upon that point that I want some information from the Senator in charge of the bill. I cannot by any possibility see how the Government sustains loss by carrying third-class matter at one cent per ounce for the average distance carried in this country, and I want to give to the Senator from Maine some figures which were prepared for the Committee on Transportation some two years ago, when they had a kindred matter in charge. They made a careful investigation, as careful as they could, of the cost of carrying various classes of matter and of running our postal cars, in order to ascertain what should be the compensation to the railroad companies.

The demand of the railroad companies was that they should receive compensation at the rate of thirteen mills per linear foot of car per mile run. That was the highest demand made. Now let us compare the demand made by the railroad companies with the charge which the Government makes for carrying third-class matter and see how they compare, and also for a moment examine the cost to the railroads themselves of transporting this mail matter.

Thirteen mills per linear foot per mile run gives for a thirty-foot car, the usual size I believe used in mail service, thirty-nine cents per mile where that car runs with the mail. What does one cent per ounce give, allowing the average distance to be one thousand miles? One cent per ounce is sixteen cents per pound, or $320 per ton. For an average distance of one thousand miles, $320 per ton, thirty-two cents per ton per mile, allowing each car to carry eight tons—and its capacity is ten tons—you have eight times thirty-two cents per ton per mile, which is $2.56 per car per mile. The railroad companies only demand for all kinds of mail matter, letters and everything else, for the expensive mail-cars too, thirty-nine cents per car per mile, and yet one cent per ounce gives $2.56 per car per mile.

Let me repeat that, Mr. President. The highest demand made by the railroad companies is thirty-nine cents per car per mile, and the present rate on third-class matter is $2.56 per car per mile, allowing that the average is one thousand miles, and I think the average is less than one thousand miles, carried by rail certainly over the country. How we can suffer a loss when we collect from the people $2.56 per car per mile, if we pay the entire demand of the railroad companies, thirty-nine cents, I have been unable to figure. Consequently, these heavy losses that we have suffered I cannot understand, and I address these figures to the committee so that when the bill comes up again we may be enabled to understand them.

Now let us look at it in another point of view. Compare the amount collected from the people on this third-class matter with the cost of running railroads. The same committee to which I have referred, through the Senator from Oregon, [Mr. MITCHELL,] reported upon this subject as follows, and I believe from my own examination of the evidence the report to be correct:

The results as to the cost of moving one ton of car in passenger trains one mile, on four leading railroads, are as follows:

Bear in mind this is the swift passenger train and not the freight train that I am now speaking of.

	Cents.
Boston and Albany Railroad, cost per ton of car per mile run	1.7
New York, New Haven and Hartford Railroad, cost per ton of car per mile run	1.489
New York Central and Hudson River Railroad, cost per ton of car per mile run	1.2
Erie Railway, cost per ton of car per mile run	1.0
Average cost per ton of car per mile run	1.34

The weight of those cars unloaded is about ten tons. For an empty car, then, the average cost on these four leading railroads would be 13.41 cents for running a car one mile—the actual cost to the railroad. Suppose that car, then, to be loaded with ten tons of mail matter, it would double it, or amount to 26.81 cents. The actual average cost being 26.81 cents, the people pay, if we carry only eight tons upon the car, $2.56. Certainly over $2 for every mile these cars run is a fair profit.

One of the great difficulties complained of by the railroad companies is that the Government requires too expensively built and furnished cars and takes too much space for the tonnage carried. To my mind there is no conceivable reason why this third-class matter may not be carried in the ordinary cars, or, at least, inexpensively built and furnished cars; and I cannot conceive that the expense of carrying it should be greater than the expense of carrying passengers, and yet I have shown you that the expense of the passenger trains on four leading roads is but 1.34 cents per ton per mile, or 13.41 cents per car.

Mr. MITCHELL. I will state that that estimate relates also to the light mail that is carried in these magnificent postal cars, while as a matter of fact most of the third-class matter is carried in different cars.

Mr. WINDOM. Let me read another extract from this report of that committee based upon the figures of the cost of running a car per ton upon the four railroads named:

Dividing the average cost of moving a ton of car one mile (1.34 cents) by 2.66, (the number of linear feet representing a ton of passenger-car,) we obtain five mills as the actual cost of transporting each linear foot of car per mile run. If to this amount 50 per cent. be added for profits, making the net income from the postal service 33⅓ per cent. of gross earnings, we obtain seven and a half mills per ton per mile run as a compensation, covering cost and about the average amount of net income on railroads in the United States, instead of thirteen mills demanded by the railroad companies.

That committee found, upon a full investigation of the question, that seven and a half mills per linear foot was fair compensation to the railroads. They demanded, as I said before, thirteen mills per linear foot, and yet at the full face of their demand the people pay some ten times more for the transmission of this third-class matter than the railroads demand for carrying it, and that, too, as my friend from Oregon has suggested, upon very expensively built mail-cars.

There are some further statistics here with reference to the cost of carrying:

From data presented in the last annual report of the Illinois Central Railroad it appears that the actual receipts from the passenger business were at the rate of 7.18 mills per linear foot of car per mile run.

The foregoing results may be summarized as follows:

1. Average cost per linear foot of cars per mile run on four main roads, with 50 per cent. added for profits, 7.50 mills.
2. Average cost per linear foot of cars on the railroads of Massachusetts, with 50 per cent. added for profits, 7.98 mills.
3. Actual average charges per linear foot of car per mile run, as per report to the State engineer, by New York Central and Hudson River Railroads, 7.37 mills.
4. Average charges Illinois Central Railroad per linear foot of car per mile run, 7.18 mills.

This is the average cost on all these leading representative roads, being in all cases below eight mills per ton per linear foot of car per mile run; and yet the rate now charged upon third-class matter, as I said a moment ago, gives for a thirty-foot car $2.56, or seven and a half cents per linear foot of car run. The cost of all the railroads of the country—and I ask the attention of the chairman of the Post-Office Committee to this—adding 50 per cent. for profits, is seven and a half mills per linear foot, and yet the rate to-day that the people pay on this third-class matter gives seven and a half cents per linear foot, or ten times the amount of the actual cost, with 50 per cent. added to the railroads for carrying it. How it is that the Government is losing and that we can save millions of dollars by taking off this matter, I have been unable to understand, and it is a conundrum which I present to the chairman of the committee and hope he will explain to-morrow.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Kansas.

Mr. DAVIS. Mr. President, I am inclined to believe, all things considered, that the bill as reported from the committee ought to receive the sanction of the Senate. If I understand the bill correctly, it reduces the postage upon all transient newspaper matter to what it was previous to the last year when it was made double. Formerly transient matter in the mails, such as newspapers, was charged one cent for each two ounces. The fifth section of this bill makes the postage one cent for three ounces and a cent for each additional two ounces, which on all transient matter, such as newspapers, of course reduces the postage greatly from what it now is. I understand that newspapers sent from the office of publication to regular subscribers are not touched by this bill. In that case the postage I believe is two cents a pound—even less than on merchandise or third-class matter.

It occurs to me that if persons for convenience—because it is a great convenience—desire to send what would otherwise have to be sent by express, through the mails, that matter ought to pay the cost of transmitting it. It is well known that if you take a package of four pounds or half a pound to an express company, they charge for it according to distance, and a long distance is charged much greater than a short distance; but in the mails the reverse is the case. A package of merchandise can be sent through the mails to the farthest point, three thousand, or four thousand, or five thousand miles, and part of the way on horseback, which costs the Government probably ten times as much in some instances as is received for it, at no greater price than if it is sent ten miles. The package carrying does not pay, because for short distances merchandise is sent by express and for long distances by mail.

But I rose more especially to answer a part of the argument of my friend from Minnesota. He has given some statistics which were gathered a few years ago by himself as chairman of a committee of which I had the honor to be a member. In his treatment of car-loads of mailable matter he said that the capacity of the car was ten tons, but he calculated it at eight tons; but in his latter estimate he made it ten tons, I believe. But that is not important. He will recollect probably that the railroad men said that while the capacity of the car was eight tons, yet with the high speed they ran, six tons were as much as they would permit in a car. So his calculation ought to have been on the basis of six tons, and not eight or ten tons.

Again, it must be borne in mind that a mail-car has to be run at times with the fractional part of a load. It cannot always be loaded; it cannot always have its full capacity.

Mr. WINDOM. But, if the Senator will remember the statement I made, I assumed that we paid for a full loaded car; that we ran thirty-feet cars, and paid what the railroads demand, thirteen mills per ton per mile, which would make thirty-nine cents; and that even if we paid for a full car all the time, we then are collecting from the people nearly ten times as much as that on this third-class matter.

Mr. DAVIS. But the Senator estimated that there would be eight tons of mailable matter in that car each time it ran.

Mr. WINDOM. Then allow me to change that for a moment, if the Senator will permit. Multiplying thirty-two cents per ton per mile by six will give you $1.92 per mile of car run, whereas the railroad companies demand only thirty-nine cents. I am willing to take it on those figures, not quite so strong as in the other case; but that makes some eight times as much.

Mr. DAVIS. The Senator also introduced the leading railroads of the country to give a fair estimate of what they demanded, and what was a fair cost to run them per car; but it appears to me the question is not that; for he knows that probably eight-tenths of the mail-matter is not hauled on the lines of road which demand the price spoken of by the Senator from Minnesota. The great cost of the mail service to the Government is not on the railroads. The Senator from Maine yesterday well said, that if we had rail transportation for all this matter, the existing rates would do; but much of it has to be taken into the interior of the country by stages and by horses. In

those portions of the country the mails are generally most used for the transmission of third-class matter. Within five hundred miles of here packages are generally sent by express; but on the routes going into the Territories and to the Pacific, and where the cost of transportation is great, the mails are used. If the distance is short, the matter does not find its way into the mails so readily, for it is sent by express at less cost.

It occurs to me that we ought to increase the postage on matter passing through the mails that is strictly merchandise. It is a great accommodation to the people to have this matter go through the mails, even though they pay the full rates of express charges; for you must bear in mind that the mail-route goes in many places where there is no express. In that way it is a great accommodation to the people; and I believe that nearly every person, perhaps ninety-nine out of a hundred, would be willing to pay what it actually costs the Government. Therefore it occurs to me that in some degree this transportation will give back to the Government a part of the cost even now. I believe the rate fixed by the bill which has come from the committee is too low, when we consider that the mail has to be taken upon horseback and in stages sometimes thousands of miles. It would be, I think, justice to all if the rates were higher where the distance exceeds two thousand miles.

Mr. WINDOM. I ask the Senator from West Virginia whether even on the stage-lines thirty-two cents per ton per mile does not very nearly pay? That would be for twenty miles $6.40, and that is a daily business, a constant supply on hand. I think I have any number of constituents who would undertake to haul a ton twenty miles for $6.40, and that is what it is now, allowing a thousand miles, if I am not wrong in my average. I think we do not carry this matter an average of a thousand miles, or anything like it, and if we do not then the figures are much stronger on the side stated by myself.

Mr. DAVIS. I think the Senator from Minnesota is in error about the distance. As I stated a moment ago, packages for short distances do not readily find their way into the mails, but are sent by express. It is when the distance is long that they go in the mails. As to hauling mail matter at $6.40 a ton, I have no doubt, if the man could have a full load and it could be drawn by an ox-team, in some of the western Territories you could get it hauled; but bear in mind that you put these people up to time. Time is more essential than money sometimes, or than mail matter. The complete answer to the Senator is that I believe the contract price in the Territories at which this mail matter is hauled is more like $6 a pound than $6 a ton. The answer to the whole of it is that it is not done. The Government has to pay now $6 a pound I believe in some cases.

Mr. WINDOM. The Senator thinks I am mistaken in assuming a thousand miles as the average distance that this third-class matter is carried. Let me call his attention to the fact, and see whether he is not mistaken himself. This matter is distributed from the leading cities of the Union, from Boston, New York, Philadelphia, Baltimore, Chicago, Saint Louis, Cincinnati, &c. Does he think that the amount of matter is greater which goes more than a thousand miles from each of these circles than that which is delivered within the circle of a thousand miles from all these various centers that send it out? My own belief is that there are ten pounds delivered within this limit of a thousand miles to one that goes beyond it from these cities, and that my average of a thousand miles is altogether too large, and it is not carried so far as that.

Mr. DAVIS. The answer to that is furnished by the report of the Post-Office Department. The Department have given this subject a great deal of attention. They have for years been making experiments, watching the mails and weighing them, in order to ascertain the result. What do they say? They say that the Government lost on this third-class matter last year between five and six million dollars in transportation. They say that the first-class matter pays a profit of between four and five million, and that the second-class is carried at a loss of about six million dollars. We are now dealing with the third-class specially, and not touching the first and second classes. After careful examination, weighing the mails and taking into consideration the mail contracts throughout the country, part on horse, sometimes one, sometimes two, and sometimes a four horse coach, the Department estimate the cost of carrying third-class matter and find that the Government paid last year to the persons receiving third-class matter in the shape of merchandise between five and six million dollars.

Mr. WINDOM. That is a conclusion, I think, rather than a statement of facts. I gave very good attention to my honorable friend from Maine nearly throughout his entire speech yesterday; possibly during the few moments I was out of the Chamber he may have mentioned it; but the difficulty in my mind is how the Department know precisely the difference in the cost of first, second, and third class mail matter. I have very serious doubts whether the difference in cost is not somewhat guessed at.

Mr. DAVIS. I am inclined to think the Senator is right in part, and that in some cases the figures only approximate the truth. I am told that the manner in which they found out what the cost was for long distances was by the amount sent and by the payment on the routes. I understand from the Post-Office report that if we had all rail transportation probably there would be a profit instead of a loss at present rates, but it is understood that probably two-thirds of the distance that merchandise is taken is off railroads and either by stage or on horseback.

Mr. MERRIMON. Mr. President, I am not in favor of making the postal system self-supporting, but I am in favor of confining it to the legitimate purposes embraced by it. As was said yesterday, the purpose of our postal system originally was, and it seems to me the legitimate purpose of it is, to transport private and public intelligence. It was an essential provision in our organic system. It was intended to effectuate one of the great purposes contemplated by our free republican system of government. It was intended to enlighten the popular mind. Therefore I am strongly in favor of making postage upon letters, upon newspapers, upon pamphlets, upon magazines, and upon books, nominal. The more readily, the more frequently, the more generally the people get information, the better for the country, the more enlightened they become. The cheaper postage is, the more intelligence of this character will go to the people throughout the whole breadth of the land.

I cannot understand how it ever was contemplated, or how it can be, that Congress shall undertake to make the postal system a means of cheap transportation for merchandise. If it is wise and politic for the Government to carry four pounds of merchandise, that is four pounds of dry goods, or four pounds of harness, or an ax weighing four pounds, or any other article of that weight, it seems to me there is a like obligation upon the Government to provide the means for transporting twenty pounds, fifty pounds, a hundred pounds, or a thousand pounds. The obligation rests upon the Government under that theory to provide for transporting cheaply all the merchandise that is carried from one section of the country to another, from time to time and all the time. It never was contemplated that such a thing should be done. It is illegitimate in my judgment to do it, and no reason has ever been assigned for it except the reason of convenience. Suppose we had the power to do it, to what extent might Congress venture to grant this convenience to that class of people who want to make the mails a vehicle for the transportation of merchandise? Certainly not beyond that which will pay for the transportation. If I want the convenience of transporting through the mails a silk dress to a friend of mine in San Francisco, or to another friend in Oregon a set of harness, I ought to be willing to pay the Government at least what it costs the Government to transport it. It would be doing injustice to every other citizen of the United States if I could have the advantage of transporting those articles through the mails for less than it costs the Government to take them. It is unjust; it is wrong in theory, and it is wrong in practice.

We find in practice, granting that it may be done for the sake of convenience, that those who transport merchandise through the mails do not pay what it costs by a very large percentage. The loss last year on account of the transportation of such matter was between four and five millions of dollars. Those who had the benefit of that transportation got it at the expense of the vast majority of people who had no interest in it at all. That service was no benefit to the public generally. It did not add to the spread of intelligence; it did not add to the stock of enlightenment of the American people, as would have been the case if newspapers had been sent instead, or books or pamphlets or anything calculated to enlighten the mind or convey intelligence. That was a purely selfish transaction, not calculated to benefit the public in any sense whatever. It was only calculated to benefit the parties who were concerned in the immediate transaction; and there is no more reason why they should have had that benefit than that the merchant should have had the benefit of sending through the mails his whole stock of goods from New York to San Francisco, or to some point in Oregon, or to some point in Minnesota. There is as much reason in transporting a whole stock of goods as there was in transporting the pair of harness to Arizona that the Senator from Maine alluded to yesterday.

If merchandise is proposed to go through the mails, for one I am for making whoever sends it through the mails pay for it, pay every farthing it costs the Government to transport it. That is right and just. It is even doubtful whether Congress has the power to engage in any such business. I think the question might well be raised as to whether Congress has the power to allow the transportation of merchandise through the mails; but I do not care to make that point here now. It seems to me it is too plain upon other grounds that we ought not to adopt any such policy.

I think the bill under consideration embraces too much in the third class. It contains a great deal that is as legitimate as a newspaper, and which, in my judgment, ought to go as cheaply as a newspaper. I will call attention to two or three. The third class embraces "pamphlets." Pamphlets generally contain intelligence of an important character, which the people want promptly. It is through pamphlets that they are enlightened. The speeches in pamphlets that go out from this Capitol convey intelligence to the people about the condition of the country; they convey important statistical facts, important legislative views, that the people ought to be familiar with in order that they may have their judgments better informed as to the character of the men they ought to send here to legislate for them.

Then I suggest also that "prices-current" ought not to be embraced in this third class. Prices-current are intended to inform the people everywhere. I believe they are generally sent out without cost. They inform the people as to the state of the markets, information that

every industrial man wants, and indeed almost every class of people wants it. "Posters" are intended to give information of what is going to happen at an early day. The people want that and want it promptly, and they ought to have it cheaply. It is legitimate that they should go through the mails. "Prospectuses," and I go further, and say that "books, bound and unbound," ought to go through the mails and ought to go cheaply, upon the theory, as I said in the outset, that these things are calculated to add to the stock of public information. They enlighten the popular mind, they convey intelligence in one sense or another, and although they are carried at the expense of the Government, although the postal system in carrying them may not be self-supporting, the Government has done a good and economical thing in scattering them broadcast throughout the land.

In that view and acting somewhat upon the suggestion of the Senator from Missouri, [Mr. BOGY,] while he was making his remarks I prepared an amendment which I will offer. I will offer a first amendment with a view to a second. If it is not in order I make the suggestion now and I will offer it when it is in order. I propose to strike all out after the word "scions," in line 13 of the first section, down to the word "service," in the eighteenth line, and to insert just before the word "scions," in the thirteenth line, the word "and," and then I propose to substitute the following:

All matter and articles not above the weight prescribed by law not provided in the first, second, or third classes of mailable matter, which may be made mailable by law, shall make the fourth class of mailable matter. The postage on mail-matter of the fourth class shall be at the following rates: For all distances of one thousand miles or less, for each ounce or fractional part thereof, —— cents; for all distances over one thousand miles, —— cents for each ounce or fractional part thereof; and every package of the fourth class of mail matter shall be post-marked and may be marked in all respects as provided in case of third-class mail matter.

And then for one I would be content to reduce very considerably the several matters and things mentioned in the first section of this bill. I think there are various things in this bill that might be included in the fourth class. "Phonographic papers, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations, seeds, cuttings, bulbs, roots, scions," &c., might go into the fourth class, and then I think "pamphlets, occasional publications, regular publications devoted primarily to advertising purposes or for free circulation or for circulation at nominal subscription rates, prices-current, catalogues, annuals, hand-bills," &c., ought to go quite as cheaply as newspapers, and upon the ground that all these things add to the stock of popular information; they are such information as the people want, and most of them convey intelligence that the people want promptly, and therefore they ought to get it cheaply. When it is appropriate, I will offer the amendment.

Mr. HAMLIN. Will the Senator allow me to suggest to him that he prepare accurately his amendment and have it printed.

Mr. MERRIMON. Very well. The amendment is framed on the basis I have stated.

Mr. HAMLIN. I understand that. I will say that several Senators have been to me to-day, and have requested that the vote should not be taken; and under that view of the case I shall not ask the Senate to vote upon this question to-day; but I should like to have the Senator's amendment printed. He can submit it and have it printed, because it is a good deal more intelligible and better understood when we have it before us in print.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina propose an amendment?

Mr. MERRIMON. It is not in order now, I believe, but I will offer it at the proper time. I shall propose, when it is in order, to insert the word "and" before the word "scions" in line 13 of section 1, and to strike out after the word "scions" down to the word "service," in line 18. The words I propose to strike out are "and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail-bags or the person of any one engaged in the postal service."

Mr. INGALLS. I would suggest to the Senator from North Carolina that his amendment is in order now.

Mr. MERRIMON. I understand there is a pending amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas is a substitute. This is to perfect the text and is in order.

Mr. MERRIMON. Then I move the amendment which I have just stated.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to perfect the text by the amendment which he has stated. Does the Senator desire it to be put to a vote at this time?

Mr. MERRIMON. I do not. As the Senator from Maine has not indicated a purpose to take the vote, I ask that the amendment be printed; and I suggest further that, after the Senate shall have acted on this amendment, I will offer what I now send to the table as an additional section to come in at some proper place.

Mr. HAMLIN. Let it be read.

The PRESIDENT *pro tempore*. The proposed additional section will be reported.

The Chief Clerk read as follows:

SEC. —. All matter and articles not above the weight prescribed by law not provided for in the second or third classes of mailable matter which may be made mailable by law shall make the fourth class of mailable matter. The postage on mail matter of the fourth class shall be at the following rates: For all distances of one thousand miles or less, for each ounce or fractional part thereof, —— cents; for all distances over one thousand miles, —— cents for each ounce or fractional part thereof; and every package of the fourth class of mail matter shall be post-marked and may be marked in all respects as provided in case of third-class matter.

Mr. MORRILL, of Vermont. The Senator from North Carolina says that the information circulated in the mails is a kind that we ought to have promptly and cheaply. I agree most cordially with the Senator from North Carolina on that point; and I desire to ask him whether he includes this kind of information that I find in a paper on my desk:

The following are the republicans who joined in the solid democratic vote, under the leadership of Benjamin F. Butler, to reject the best diplomatic nomination the President has sent to the Senate for years. It has been openly avowed that their votes were controlled, not by any sense that Mr. Dana was unfit for the post, but by the fact that his letter concerning the action of the Foreign Relations Committee was not sufficiently obsequious to their high mightinesses the Senators. This is the republican list. It is worth preserving:

ROSCOE CONKLING, JOHN P. JONES, SIMON CAMERON, JOHN A. LOGAN, NEWTON BOOTH, JUSTIN S. MORRILL, ANGUS CAMERON, OLIVER P. MORTON, HANNIBAL HAMLIN, JOHN SHERMAN, ALGERNON S. PADDOCK.

It is evident that the reporter of the press was not present, but I agree that it is worth preserving.

Mr. EATON. I simply wish to ask the Senator from Vermont if that is third-class or fourth-class matter, or merchandise? [Laughter.]

Mr. HAMLIN. Mr. President, I think the reporter for that paper ought to be discovered and ought to be dismissed for his inaccuracy. [Laughter.]

The PRESIDENT *pro tempore*. The Senator from North Carolina has proposed an amendment to the text and also desires to offer at the proper time an additional section which it is moved now to print.

Mr. PADDOCK. I give notice that I shall at the proper time offer an amendment eliminating the figures "1,000," and inserting "1,800," as the dividing line of distances.

Mr. HARVEY. I move that the amendment offered by me as a substitute for the pending bill be printed.

The motion was agreed to.

Mr. HAMLIN. If there is no other Senator who wishes to address the Senate at this time, I will move a postponement of this bill until Monday next.

Mr. WRIGHT. I suggest to the Senator from Maine that we proceed to the consideration of executive business, and then his bill will remain the unfinished business.

Mr. HAMLIN. The Senator may submit that motion.

EXECUTIVE SESSION.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session, the doors were re-opened, and (at four o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2678) to authorize the sale of the Pawnee reservation.

INLAND WATER NAVIGATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers, on the practicability and the cost of inland water communication between the Mississippi River and the Atlantic Ocean, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

MAJOR ARTHUR W. ALLYN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the resolution of the House of the 23d ultimo, copies of correspondence, &c., in the case of Major Arthur W. Allyn, United States Army; which was referred to the Committee on Military Affairs.

DES MOINES RAPIDS, MISSISSIPPI RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the board of engineer officers on House bill No. 117, to provide for the use of the surplus water along the canal at Des Moines Rapids, Mississippi River; which was referred to the Committee on Commerce.

LIFE-SAVING SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to an inquiry as to the life-saving service; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WOOD, of New York. I call for the regular order.

Mr. FAULKNER. I desire to make a personal explanation.

Mr. WOOD, of New York. I withdraw the call for the regular order to allow the gentleman from West Virginia to make an explanation.

The SPEAKER. The gentleman from West Virginia asks consent of the House to make a brief personal explanation. Is there objection? The Chair hears none. The gentleman from West Virginia will proceed.

PERSONAL EXPLANATION.

Mr. FAULKNER. I propose to call the attention of the House to an article that appeared in the Washington Republican, which I believe is the recognized organ of the Administration in this city. The editor heads this article, in large capitals, "Serious charges against C. J. FAULKNER," and proceeds in the course of it to state what those charges are. I hardly think that I should dignify that article to the extent of having it read at the Clerk's table, so as to be incorporated in the CONGRESSIONAL RECORD, but, if any gentleman so desires, that can be done. I propose simply to notice one or two of the matters contained in that article.

Mr. Speaker, I should have been very much disappointed, I might indeed say I should have been mortified, if, in the flood of obloquy and defamation which for the last two months has, from the same source, been poured upon almost every active and leading man on this side of the House, I had not come in for some share of abuse from this reckless and habitual defamer. It might well have been construed into evidence of my insignificancy which might have been wounding to my personal pride. It is, however, some consolation to me that with an official life extending through many years, and challenging the most unsparing scrutiny, and with an eager disposition upon the part of these hyenas of the press to feed upon filth and garbage, they have found nothing worthy of attack except the perverted and easily-explained matters contained in this article in the Washington Republican, an article marked by consummate ignorance and which would be wholly unworthy of any notice here if it did not connect itself with proceedings before this House and a committee of this House.

This leading organ of the Administration, in his ignorance, has confounded two transactions that have no possible connection with each other. I will refer to them separately.

Early in the session, some of my impoverished constituents—men who had been in the employment of the Government as mechanics and laborers at Harper's Ferry about the opening of our civil conflict in 1861—sent down their petitions to be paid their wages for March and April, 1861, which they alleged had been honestly earned and which had never been paid by the Government. I forwarded these claims to the proper Bureau for examination and settlement. The reply came that these demands could not be paid by the Department: first, because the claimants were believed to be disloyal; and, secondly, because the appropriation of that year had been carried to the surplus fund, and was no longer under the control of that Department; and it was further stated that relief could be given only by Congress. I accordingly had the subject referred to the Committee on Military Affairs, where these claims are now pending, subject to their consideration and action. This embraces all my connection with that subject.

The other transaction, which this common defamer has so ignorantly confounded with the one just stated, was this: In 1858 Dennis Murphy, of my county, was appointed military store-keeper and paymaster at Harper's Ferry. I was one of four solvent men who became his securities in his official bond. He settled his accounts—and so they appear upon the books of the Department—with the most scrupulous accuracy up to the 1st of January, 1861. His settlements being quarterly, no further account was required of him until the 1st of April, 1861. Before that last quarterly settlement could be made the confederate forces took possession of Harper's Ferry, the vault in which his vouchers were contained was broken open, and every voucher but one destroyed. In the absence of these legal vouchers the accounting officers of the Treasury had to treat him of course as a defaulter; but having the highest moral and persuasive evidence in their possession that he was not really a defaulter, they permitted the matter to slumber until the 8th of January last, when the first information was given to the securities of this apparent balance on the books of the Treasury. It was then deemed expedient to present a petition to Congress, in which all the facts of the case were carefully set forth; and as Allen C. Hammond, the security thus petitioning, resided in the State of Maryland, Mr. O'BRIEN, of that State, very kindly took charge of the petition and had it referred to the Committee on Military Affairs. That committee sent the petition to the Chief of the Ordnance Bureau to examine the statements contained in it, to return copies of any papers bearing upon the subject, and to express his opinion upon all the evidence before his Bureau whether Paymaster Murphy was in default or not, and, if so, to what amount. A report was made by the Chief of the Ordnance Bureau, which passed from him into the hands of the Second Auditor of the Treasury, who also made a report, and thence through the Acting Secretary of War, George M. Robeson, to the Committee on Military Affairs of this House. I will quote but two short paragraphs from the report of the Ordnance Bureau:

> If all the checks thereon reported were drawn in favor of public creditors and from the balance shown to be on hand December 31, including remittances after that date, as shown by statement B, it would seem that he had accounted for all the public money intrusted to him.

And again, at the conclusion of his report, he says:

> In my opinion the sureties of Military Store-keeper Murphy should be relieved from responsibility under their bond.

It was obvious that under these reports the Committee on Military Affairs could have done nothing less than report a bill discharging the securities from all further liability. But I said to my friend, Mr. HARDENBERGH, of New Jersey, a member of that committee, when he showed me these reports, that I did not wish the Committee on Military Affairs to report any bill in conformity with them; that I could not consent that any bill should pass Congress while I was a member of it that would release me from pecuniary liability to the Government; and I accordingly requested my friend, Mr. O'BRIEN, to withdraw the papers from the files of the House, as I also informed him that I could not consent that any legislation personally benefiting me should take place while I was a member of the body. The papers were accordingly, on the motion of Mr. O'BRIEN and with the assent of the petitioner, Hammond, by his agent and representative, withdrawn from the files of the House about four weeks ago.

And yet these are the facts upon which the leading organ of the Administration in this city announces in staring capitals, "A serious charge against C. J. FAULKNER," and asks that an investigation shall be made into it. Sir, if I do not characterize the editors of this public journal in the terms which they merit, and this Administration which feeds and nourishes these vipers that bask in the sunshine of executive patronage, it is not from any respect to either, but because I feel restrained by that sense of propriety which is due to a unanimous vote of this House according to me the privilege of a personal explanation. I have been honored by the people with many positions of high trust and responsibility, and, while I boast no higher purity or exemption from infirmity than should characterize every ordinary American citizen, yet I should welcome with unaffected pleasure the most rigid and unsparing scrutiny into every personal and official act of my life.

The public press is one of the grandest instrumentalities ever designed for the perpetuation of free institutions and for the good of mankind. But to fulfill its exalted destiny it must be honest and under the dominion of truth. A corrupt, prostituted, debauched, and mercenary press is an enemy of liberty and a curse to the human race. No one who has observed the course of the leading organ of this Administration during the present session of Congress but must have been struck with the unutterable baseness and degradation of its columns. You find this fully illustrated in the facts that have this day been brought to your attention. With the privilege of free admission within these walls to obtain correct information of the proceedings of this body and for the purpose of imparting that information correctly to the public, you find it deliberately perverting innocent, if not meritorious, acts of a member of this House and spreading through the community the most unblushing perversion of his acts. Their ignorance of the facts is no excuse for their misrepresentations. If, as the celebrated Fox once said, ignorance in a statesman is a crime, so inexcusable ignorance in an editor is equally a crime, where that is made the cover under which he falsely and wickedly holds up to public accusation and scandal a meritorious act of one of the representatives of the people.

PROPERTY OF THE CONGRESSIONAL GLOBE.

Mr. BALLOU. I rise to make a privileged report. I have been instructed by the Committee on Printing, to whom was referred the petition of Messrs. F. & J. Rives, asking Congress to purchase the plates and bound and unbound volumes of the Congressional Globe, to report a resolution for reference to the Committee on Appropriations, accompanied by a brief statement.

The statement and accompanying resolution were read, as follows:

Statement of the kind, amount, and present condition of the property of the Congressional Globe, as described by the present owners and proprietors, and offered by them to Congress for a consideration.

The Congressional Globe commenced with the Twenty-third Congress, in 1833, and closed with the Forty-second Congress, in 1873, containing a complete record of the work and proceedings of Congress for a period of forty years, embracing the last term of President Jackson's administration and the full terms of Presidents Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, and the first term of President Grant.

The work has been published in one hundred and eight volumes, eighty-three of which, together with one index volume, have been stereotyped upon 73,069 plates; leaving twenty-five volumes without stereotype-plates, but with printed copies of each volume, either bound or unbound, ranging from ninety-three, the smallest number of any one volume, to twenty-one hundred, the largest number, namely:

Printed copies of volumes not stereotyped.

	Bound.	Total.
Part of Twenty-fifth Congress, (1837-'39:)		
Volume 4	3	844
Twenty-seventh Congress, (1841-'43:)		
Volume 8	3	150
Volume 9	4	93
Volume 10	11	583
Volume 11	20	798

Printed copies of volumes not stereotyped—Continued.

	Bound.	Total.
Part of Twenty-eighth Congress, (1843–'45:)		
Volume 13	6	659
Volume 14	3	656
Thirtieth Congress, (1847–'49:)		
Volume 18	3	784
Volume 19	3	1,162
Volume 20	3	1,920
Thirty-first Congress, (1849–'51:)		
Volume 21		516
Volume 22		865
Volume 23		226
Volume 24		886
Volume 25	67	1,467
Thirty-second Congress, (1851–'53:)		
Volume 26	4	2,104
Volume 27	4	2,004
Volume 28	8	2,008
Volume 29	3	2,003
Volume 30	4	2,004
Volume 31	4	2,004
Part of Thirty-third Congress, (1853–'55:)		
Volume 32	4	2,004
Volume 33	3	305
Volume 34	4	307
Volume 35	4	304

The total number of bound volumes reported is..... 25,071
The total number of unbound volumes reported is..... 40,951

There are complete sets of plates for seventy-four consecutive volumes, from the second session of the Thirty-third Congress (1853-'55) to the third session of the Forty-second Congress (in 1873) inclusive, and there are ten sets of plates from the Twenty-third to the Twenty-ninth Congress, (from 1833 to 1847 inclusive.)

Ninety-three sets can be produced, without reprint, by binding the old volumes of printed sheets. Seven volumes would have to be reprinted in order to complete five hundred full sets, and the reprint of seventeen volumes would enable the binder to complete two thousand sets.

The plates are partly stored in a fire-proof building, two stories high, in the rear of the Globe office, north of Pennsylvania avenue, which can be purchased of the proprietors, and is capable of holding all the stereotype plates and several thousand bound volumes. Most of the bound volumes are in the fire-proof building; a portion of the unbound volumes are in the Globe office, and a portion are stored in the country.

The Printing Committee are informed that the foregoing-described property must be sold in the settlement of the estate of F. & J. Rives, and probably will be destroyed unless purchased and preserved by Congress.

To reprint the entire work would cost not less than $700,000, and as it contains the only complete record of Congress during the most eventful period of the country's history, and will probably grow more rare and valuable with the lapse of time, and as the entire work can at this time be secured for distribution and preservation at a nominal price, the Committee on Printing unanimously recommend the adoption of the following resolution:

Resolved, That the sum of —— dollars be, and the same is hereby, appropriated for the purpose of purchasing all the property of the Congressional Globe of its present owners and proprietors, after statement and schedule annexed, embracing all the stereotyped plates, the bound and unbound volumes, and the copy-right, together with the fire-proof building located in the rear of the Globe office, where most of the plates and bound volumes are now stored.

Mr. BALLOU. I move that the resolution and accompanying statement be referred to the Committee on Appropriations.

The motion was agreed to.

SALARY OF THE PRESIDENT.

Mr. HOLMAN. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back the bill (S. No. 172) fixing the salary of the President of the United States with a unanimous recommendation that it do pass.

Mr. HOAR. I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. HOAR. My point of order is that the regular order of business has been demanded, and this report is not a privileged report, the Committee on Appropriations being only privileged to report at any time the regular appropriation bills.

The SPEAKER. This is a privileged report, and was made so by the unanimous order of the House yesterday. The Committee on Appropriations were authorized to report back this bill at any time, and in pursuance of that authority the report is now made.

Mr. WILSON, of Iowa. Is the bill reported for reference to the Committee of the Whole House?

Mr. HOLMAN. No, sir; it is reported for action at this time, and is unanimously recommended by the Committee on Appropriations.

Mr. HOAR. I was not aware that the committee had got leave to report this bill at any time. I withdraw the point of order.

Mr. HOLMAN. I ask that the bill be read.

The bill was read. It provides that from and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum; and that all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. HOLMAN. I call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JONES, of Kentucky. I desire to present a report from a committee.

Mr. HUNTER. I demand the regular order.

NATIONAL RATE OF INTEREST.

The SPEAKER. The regular order of business is demanded, and the morning hour now begins at twenty minutes before one o'clock. The call of committees for reports of a public nature is now in order, and the call rests with the Committee on Banking and Currency. The business first in order is the taking of the yeas and nays on the question of referring to the Calendar the bill (H. R. No. 1226) to fix the legal rate of interest on national money throughout the United States at not exceeding 6 per cent. per annum, and affixing penalties for its violation.

Mr. COX. I intervened a motion yesterday to lay the bill on the table.

The SPEAKER. In the judgment of the Chair at this stage of this proceeding the motion is not in order.

Mr. COX. Is not a motion to lay the bill on the table in order?

The SPEAKER. It is not in order.

Mr. COX. Then I move to reconsider the vote by which the yeas and nays were yesterday ordered on this motion. I do it in order to save time.

The question was put; and the Chair announced that there were 66 in the affirmative.

Mr. COX. I withdraw my motion; it may save time; the yeas and nays may be ordered anyhow.

Mr. WILSON of Iowa. Why not let the bill be referred to the Committee of the Whole on the state of the Union by unanimous consent?

Mr. ELY and Mr. RUSK objected.

The SPEAKER. The Chair will again state to the House that the motion now pending is the motion of the gentleman from Indiana [Mr. HUNTER] to refer the bill (H. R. No. 1226) to fix the legal rate of interest on national money throughout the United States at not exceeding 6 per cent. per annum and fixing penalties for its violation to the Committee of the Whole on the state of the Union.

Mr. COX. It is a bill reported on adversely by the Committee on Banking and Currency.

The SPEAKER. The Chair would further state that the Committee on Banking and Currency reported adversely on this bill.

Mr. GARFIELD. Then an adverse vote on this question is substantially one to lay the bill upon the table.

Mr. CONGER. If the House will indulge me for one moment I would say that there are gentlemen here who wish to speak on this bill, and if it be referred to the Committee of the Whole on the state of the Union they can speak on the bill. I do not see why there should be any objection to its going to that Committee.

Mr. ELY. I call for the regular order.

Mr. BURCHARD, of Illinois. An adverse report simply leaves the bill before the House.

The question was taken; and there were—yeas 75, nays 132, not voting 82; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Baker, Banks, Bradley, Buckner, Horatio C. Burchard, Samuel D. Burchard, William P. Caldwell, Campbell, Cason, Caswell, John B. Clark, jr., of Missouri, Conger, Dobbins, Dunnell, Egbert, Evans, Fort, Freeman, Fuller, Goodin, Hale, Haralson, Hendee, Henderson, Hoar, Holman, Hoskins, Hunter, Kelley, Kimball, Franklin Landers, Lapham, Lawrence, Lord, Lynch, L. A. Mackey, Magoon, MacDougall, McCrary, McFarland, Monroe, Morgan, Oliver, O'Neill, Piper, Plaisted, James B. Reilly, John Robbins, Robinson, Sobieski Ross, Sampson, Scales, Seelye, Stevenson, Thornburgh, Tufts, Van Vorhes, Robert B. Vance, John W. Wallace, Walling, Wheeler, White, Willard, Andrew Williams, Charles G. Williams, James D. Williams, William B. Williams, James Wilson, Fernando Wood, Woodburn, and Woodworth—75.

NAYS—Messrs. Adams, Ashe, John H. Bagley, jr., Ballou, Banning, Blackburn, Bliss, Blount, Boone, Bradford, Bright, William R. Brown, Cabell, John H. Caldwell, Candler, Cannon, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, Cochrane, Collins, Cook, Cox, Crapo, Crounse, Culberson, Cutler, Davis, Dibrell, Durham, Eames, Eden, Ely, Felton, Forney, Foster, Franklin, Frost, Frye, Garfield, Glover, Goode, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Hathorn, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hooker, Hopkins, Hubbell, Hunton, Hyman, Thomas L. Jones, Kehr, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Luttrell, Lynde, Maish, Meade Miller, Milliken, Mills, Money, Morrison, Neal, O'Brien, Odell, Page, Parsons, Payne, Poppleton, Potter, Powell, Pratt, Randall, Rea, Reagan, John Reilly, Rice, Riddle, Roberts, Savage, Schleicher, Singleton, Slemons, Smalls, A. Herr Smith, Southard, Sparks, Springer, Stenger, Tarbox, Teese, Terry, Thompson, Throckmorton, Washington Townsend, Tucker, Turney, John L. Vance, Waddell, Waldron, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Whitehouse, Whiting, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, Willis, Alan Wood, jr., Yeates, and Young—132

NOT VOTING—Messrs. George A. Bagley, William H. Baker, Barnum, Bass, Beebe, Bell, Blaine, Blair, Bland, John Young Brown, Burleigh, Cate, Clymer, Cowan, Danford, Darrall, Davy, De Bolt, Denison, Douglas, Durand, Ellis, Farwell, Faulkner, Gause, Gibson, Robert Hamilton, Benjamin W. Harris, Hartridge, Haymond, Hays, Henkle, Hill, Hoge, House, Hurd, Hurlbut, Jenks, Frank Jones, Joyce, Kasson, Ketchum, King, Leavenworth, Edmund W. M. Mackey, McDill, McMahon, Metcalfe, Morey, Mutchler, Nash, New, Norton, Packer, Phelps, John F. Philips, William A. Phillips, Pierce, Platt, Purman, Rainey, William M. Robbins, Miles Ross, Rusk, Sayler, Schumaker, Sheakley, Sinnickson, William E. Smith, Strait, Stone, Stowell, Swann, Thomas, Martin I. Townsend, Charles C. B. Walker, Alexander S. Wallace, Walls, Whitthorne, James Williams, Wilshire, and Benjamin Wilson—82.

So Mr. HUNTER's motion was not agreed to.

During the roll call,

Mr. CLARK, of Missouri, said: My colleague, Mr. PHILIPS, is absent from the House on account of sickness.

The result of the vote was then announced as above recorded.

Mr. COX. I move to lay this bill upon the table, if that motion is not already pending.

The SPEAKER. That motion is pending.

Mr. CONGER. I rise to a point of order. Rule 164 of this House requires that when a committee makes an adverse report it shall be in writing and printed.

I submit that no report under the rules of the House has been made in reference to this bill in writing, and I therefore move that the bill be recommitted to the committee, so as to enable them to make a report.

Mr. HUBBELL. There is a written report.

The SPEAKER. The Chair overrules the point of order; it comes too late.

The question was taken on Mr. COX's motion, and it was agreed to.

So the bill was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, requested the return to the Senate of the bill (H. R. No. 2678) for the sale of the Pawnee reservation.

COAST-SURVEY REPORTS.

Mr. WARD, from the Committee on Commerce, reported the following resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That one thousand extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.

CHEAP TRANSPORTATION.

Mr. WARD, from the same committee, reported adversely upon House bill No. 1382, to provide for means of cheap transportation upon the interior waters, to restore the carrying trade of the United States, and for other purposes; and moved that the committee be discharged from the further consideration of the bill, and that the same be laid on the table.

The motion was agreed to.

SHIPPING COMMISSIONERS.

Mr. WARD, from the same committee, reported back, with a recommendation that the same do pass, House bill No. 2337, declaratory of the sense of section 4504 of the Revised Statutes relative to the shipment of crews of vessels of the United States.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That section 4504 of the Revised Statutes shall be so construed as to exempt the masters of vessels engaged in trade between the United States and the British North American possessions, or the West Indies, or the republic of Mexico, and the masters of vessels of less than seventy-five tons burden bound from a port on the Atlantic to a port on the Pacific Ocean, or *vice versa*, from shipping their crews or procuring their shipping articles to be signed before a shipping commissioner; but said section shall not be construed as exempting the masters of such of the hereinbefore-mentioned vessels as may be destined to foreign ports other than West Indies, British North American possessions, or the republic of Mexico from presenting their crew lists to collectors of customs for examination and certification, as required by section 4574 of said statutes.

SEC. 2. That all suits commenced in any court of the United States against the masters of the vessels, or their agents, hereinbefore described, to enforce any penalty for the failure to ship their crews or neglecting to procure the signing of their shipping articles before a shipping commissioner shall be discontinued on the payment of costs.

Mr. WARD. I desire to say a few words in explanation of this bill. Section 4504 of the Revised Statutes is as follows:

Any person other than a commissioner under this title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than $500. Nothing in this title, however, shall prevent the owner, or consignee, or master of any vessel, except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, from performing himself, so far as his vessel is concerned, the duties of shipping commissioner under this title Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

The bill before the House follows this portion of the statutes verbatim so far as the limitation to the vessels bound to ports in the British possessions, West Indies, and the republic of Mexico is concerned. The reason why this bill is asked for at this time is the necessity of a declaratory act upon this subject. Under the shipping act, of which the section I have just read is a part, the shipping commissioners assume to libel vessels and attempt to enforce the penalty imposed by this section of the Revised Statutes notwithstanding the proviso. This section was amended in 1873 by the addition of that portion making an exception in favor of vessels running to certain ports. It was regarded as sufficiently conclusive to prevent shipping commissioners from continuing to libel these vessels and enforce the penalties. Such, however, has not been the case; there have been several vessels libeled and an attempt made on the part of the shipping commissioners to enforce the penalties.

An appeal was made to the Treasury Department with a view to obtain some redress or some modification of the law. But the construction of the shipping law is such that the control is almost supreme with the shipping commissioners, and there is no power to restrain them except through the course of law. The subject was brought to the attention of the Treasury Department by the honorable gentleman from Pennsylvania [Mr. RANDALL] who introduced this bill, and I call attention to a communication addressed to him by the chief of the navigation division.

The communication was as follows:

TREASURY DEPARTMENT, *February* 25, 1876.

SIR: Your official letter to the Secretary of the Treasury, requesting an inquiry into the matter of a suit against R. H. Carlisle, commenced in Philadelphia, came by virtue of my duties in the Treasury into my hands. The views of this Department as regards the shipment of seamen are in conflict with those of the shipping commissioners at several ports, and there is a constant liability to the arrest of masters under the shipping commissioners' statutes, unless the proper construction can be given by Congress to section 4504 of the Revised Statutes.

I have drawn a brief bill which would settle the whole difficulty, and which could be passed before Mr. WARD's larger bill can be properly considered, if turned over to the proper committee. I take the liberty to inclose a copy of it for your consideration.

Very respectfully,

D. LYMAN,
Chief Navigation Division.

Hon. SAMUEL J. RANDALL,
House of Representatives.

Mr. WARD. The bill which I have the honor to report is one prepared at the Treasury Department to meet this difficulty. There is no way of meeting it except by a distinct act declaring what was the purpose of this section of the Revised Statutes, and giving the power to the Secretary of the Treasury to discontinue these vexatious suits. I now ask for a vote upon the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHICAGO WATER-WORKS LIGHT.

Mr. WARD. I am instructed by the Committee on Commerce to report back, with amendments, House bill No. 2123, making an appropriation for a light on the tower of the crib at the lake end of the tunnel of the water-works of the city of Chicago.

The bill, as proposed to be amended, was read, as follows:

Be it enacted, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, $4,000, for the purpose of establishing a light on the tower of the crib erected by the city of Chicago at the terminus of the lake tunnels, and situated in Lake Michigan, about two miles from the Illinois shore: *Provided*, That the jurisdiction of the Light-House Board is hereby extended so that it shall be lawful for said board to lease at a nominal rent the necessary space in said tower for the erection and maintenance of said light so long as it may be used for the purpose herein provided: *And provided further*, That this appropriation shall not be available until the proper space has been duly leased, and that while the light on the tower of said crib shall be maintained one of the main lights on the shore at Chicago may be discontinued.

Mr. WARD. I am aware that it requires unanimous consent to consider this bill at this time, as it contains an appropriation. But there is an emergency for its passage, and if we await the action of Congress upon the ordinary appropriation bill it will be crowded over until too late to be of advantage to commerce upon Lake Michigan for this season.

No objection was made, and the amendments reported from the committee were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAM-PROPELLER SENATOR MIKE NORTON.

Mr. WARD also, from the Committee on Commerce, reported back, without amendment, the bill (H R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America.

The bill was read. It authorizes and directs the Secretary of the Treasury to change the name of the steam-propeller Senator Mike Norton to America, and grant a new register for the same.

Mr. CONGER. Is there a report accompanying this bill?

Mr. WARD. There is no written report. The committee recommend the passage of the bill.

Mr. ELY. I ask my colleague [Mr. WARD] to give some explanation of the necessity for this change of name.

Mr. WARD. The application of the parties sets forth that this vessel is used as a tow-boat in the harbor of New York. When purchased by the present owners, they were informed that the name could be changed upon application at the custom-house, that name being objectionable. Subsequently they learned that it was necessary to apply to Congress to authorize the change of name. They allege that from the connection of Senator Norton with the New York ring (of which members have heard something) the present name is prejudicial to the interests of their business. They therefore ask this change. I presume my colleague will not object to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, in was according ly read the third time, and passed

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMER ISABELLE.

Mr. WARD also, from the Committee on Commerce, reported back, with an amendment, the bill (H. R. No. 354) to give an American register to the steamer Isabelle.

The bill was read. It authorizes and directs the Secretary of the Treasury to issue an American register to the Dominion steamer Isabelle, owned by E. A. Starr, of Tacoma, Washington Territory.

Mr. CONGER. Is this a passenger-boat?

Mr. WARD. It is used for carrying passengers. I will state briefly the facts connected with the case and the ground upon which the application for an American register has been made.

It appears that the steamer was bought at Victoria, British Columbia, by Lewis M. Starr, in September, 1870, for $13,000, when he was under contract to carry the United States mails on the post-route between the cities of Olympia, Washington Territory, and Victoria. At that time he owned the steamer Alida, which was found inadequate to make the voyage within the time specified in the contract, and he could not obtain a license for her as a safe boat. This was when the season was too far advanced for him possibly to build a suitable vessel. He endeavored to buy one in Washington Territory, Oregon, and San Francisco, but was unable to do so. The approach of the tempestuous weather of winter made it absolutely necessary for him to procure another and safe boat or else forfeit his bonds to the United States and subject the public to the inconvenience and loss of his ceasing to carry the mails and passengers. Consequently he was compelled to buy the Isabelle as the means of temporary relief.

As soon as possible, in the following summer, the owner of the Isabelle built, in Washington Territory, the steamer North Pacific, expressly for the business already described, at a cost of $134,000 in gold, but he retains the Isabelle for use in case the other vessel needs repairs or becomes disabled. Much the largest portion of the trade is between way-ports, and for this the petitioner is prevented from using the Isabelle.

Although the original cost of the Isabelle was only $13,000, the petitioner has expended about $20,000 in repairing her. Every part of the vessel is new except the frame of her hull, some old planking, and the machinery. It was impossible to have the work done at any place within the United States except at great loss of time and hazard of the vessel and the lives of the people on board. The timber, spikes, iron, tubes, and other materials used in the repairs on reconstruction were purchased in the United States at a cost of about $10,500, and the labor employed was wholly or almost so that of American citizens brought to Victoria for that purpose.

The Isabelle was purchased by the present owner simply because the urgent want of such a steamer at the time would not admit of delay. No suitable American vessel could then have been bought for the purposes required. She can now be used to the great advantage of the people of Washington Territory by increasing the means of steam-travel on the waters of Puget Sound.

Under these circumstances it seems just and proper that the application to change the register should be granted.

Mr. CONGER. I am satisfied by the gentleman's explanation of the propriety and necessity for granting this vessel an American register.

Mr. WARD. The steamer has been put in perfect order, and has been repaired with materials obtained in the United States.

The amendment reported by the committee was read, as follows:

Strike out E. A. Starr and insert Lewis M. Starr.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT ROBERT BASS.

Mr. WARD, from the Committee on Commerce, reported back, with amendments, the bill (H. R. No. 1915) to change the name of the steamboat Robert Bass.

The bill was read. It provides that the name of the steamboat Robert Bass be changed to that of Molly Krater of Moline.

The amendments reported by the committee were to make the bill read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to change the name of the steamboat Robert Ross to that of Mollie Krater of Moline.

Mr. CONGER. I understand this to be a tow-boat.

Mr. WARD. Yes, sir; it is a towing craft. It is in good order.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

An amendment of the committee to strike out "Bass" in the title and insert "Ross" was adopted; and the title, as thus amended, was agreed to.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAME OF STEAMBOAT CHANGED TO F. C. A. DENKMANN.

Mr. WARD also, from the Committee on Commerce, reported back a bill (H. R. No. 511) to change the name of a steamboat, with amendments.

The bill, which was read, provides that the owners of the steamboat Caffrey have authority to change the name of said steamboat to F. C. A. Denkmann, by which name the said boat shall hereafter be known.

The amendments of the committee were read, as follows:

In line 3 strike out "owners have authority" and insert "the Secretary of the Treasury be, and he is hereby, authorized to change the name of."

Strike out these words in line 4: "change the name of said steamboat to."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAME OF STEAMBOAT CHANGED TO E. O. STANARD.

Mr. WARD also, from the same committee, reported back a bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania, with amendments.

The bill, which was read, provides that authority is thereby given to the owners of the steamboat Paragon, of Pittsburgh, Pennsylvania, to change the name of said vessel to that of E. O. Stanard, by which name said vessel shall hereafter be known.

The amendments of the committee were read, as follows:

In line 3 strike out the words "authority is hereby given to the owners" and insert "the Secretary be, and he is hereby, authorized to change the name of."

In lines 4 and 5 strike out the words "change the name of said vessel."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAME OF STEAMBOAT CHANGED TO DR. BURLEIGH.

Mr. WARD also, from the same committee, reported back a bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood, with amendments.

The bill, which was read, authorizes the Secretary of the Treasury to change the name of the steamboat Hiram Wood to such other name as he may deem proper, and to grant to said vessel an enrollment and license in such other name. The said vessel is a commercial boat, and owned by Grant Marsh, of Omaha, Nebraska.

The amendments of the committee were read, as follows:

Strike out in line 5 "such other name as he may deem proper, and to grant to said vessel," and insert "Dr. Burleigh and grant."

Strike out lines 7 and 8, "said vessel is a commercial boat and owned by Grant Marsh, of Omaha, Nebraska."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSTRUCTION AND FURNISHING OF NEW YORK POST-OFFICE, ETC.

Mr. RANDALL. I am instructed unanimously by the Committee on Appropriations to submit the following resolution for adoption by the House.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Treasury Department are instructed to proceed to make full investigation into the expenditures heretofore made under the direction of the Supervising Architect of the Treasury Department on account of construction and furnishing the public buildings of the United States, and especially as to the sums expended on the construction and furnishing of the New York post-office and court-house building; and they are also instructed to inquire into the cause and manner of the sale of the furniture formerly used in the Federal court-rooms in New York City, and as to the manner of purchase of new furniture for the new court-rooms; and to this end they are authorized to send for persons and papers, administer oaths, and to sit during the recess of Congress.

Mr. ELY. I will suggest to my friend from Pennsylvania that this resolution is in the line of investigation already in progress under the direction of the Committee on Expenditures on Public Buildings. Therefore, it should be referred to that committee.

Mr. RANDALL. I will modify the resolution so that the instruction shall be to the Committee on Expenditures on Public Buildings.

As modified, the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolu-

tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AUSTIN AND TOPOLOVAMPO ROUTE.

Mr. THROCKMORTON, by unanimous consent, from the Committee on the Pacific Railroad, reported back a bill (H. R. No. 218) to survey the Austin and Topolovampo route, with a favorable recommendation; which was referred to the Committee of the Whole on the state of the Union, and the report ordered to be printed.

CHEAP TRANSPORTATION.

Mr. JONES, of Kentucky, by unanimous consent, from the Committee on Railways and Canals, reported back a bill (H. R. No. 2929) to provide for cheap transportation of freight between tide-water on or near the Atlantic and Ohio and Mississippi Valleys, with the recommendation that it do pass; which was referred to the Committee of the Whole on the state of the Union, and the report ordered to be printed.

Mr. JONES, of Kentucky. I ask unanimous consent that this bill be made the special order in Committee of the Whole on the state of the Union for Wednesday, the 10th of May, and from day to day until disposed of.

Mr. RANDALL. I do not object, if it is understood that it is not to interfere with appropriation bills.

Mr. JONES, of Kentucky. I will so modify my motion.

There was no objection, and, as modified, the motion was agreed to.

SECTION 2303 OF REVISED STATUTES.

Mr. MOREY, by unanimous consent, from the Committee on Public Lands, reported back the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Louisiana, Arkansas, and Florida, and for other purposes, and moved that it be ordered to be printed and recommitted to the same committee.

The motion was agreed to.

SALE OF PAWNEE RESERVATION.

The SPEAKER. The Chair desires to lay before the House the request of the Senate which was sent over this morning and then to make a statement.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 6, 1876.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. No. 2578) to authorize the sale of the Pawnee reservation.

The SPEAKER. This is a House bill which passed the Senate and came down from the Senate yesterday; and this morning it was reported to the House as having been examined by the Committee on Enrolled Bills, and was signed by the Speaker. The bill is therefore passed.

Mr. RANDALL. Has it passed out of the possession of the House?

The SPEAKER. In the judgment of the Chair it has not.

Mr. RANDALL. The practice has been uniform to grant, by unanimous consent, all such requests between the two bodies.

The SPEAKER. It is the duty of the Chair further to say that he has been informed at this moment by the gentleman from California [Mr. PAGE] that he has had an interview with Senators since the request for the return of the bill came to the House, and that they intimate their willingness to reconsider their request and allow the action of the Senate upon it to stand.

Mr. RANDALL. Still we do not know that. We only know what is of record. There is a distinct application on the part of the Senate to this House to return the bill. And it has always been the practice to grant such requests between the two bodies. I think we should by unanimous consent respond to the application of the Senate. I therefore move to reconsider the action of the House.

Mr. PAGE. I suggest that the matter be delayed till later in the day, that it may be seen if the Senate takes any further action.

Mr. RANDALL. I enter my motion to reconsider. I do not know anything of the subject-matter of this bill, but I think that between the two bodies there should always exist that relation which should induce each to grant promptly such a request as this on the part of the other.

Mr. PAGE. There can be no doubt of that; but I have been informed by the mover of the resolution in the Senate that he was laboring under a misapprehension, and that a motion to reconsider would be made.

Mr. RANDALL. Still, this request comes to us as the act of the Senate, and it is with that alone we have to deal.

Mr. PAGE. I suggest that any action be delayed till a later period of the day.

The SPEAKER. The motion to reconsider is entered.

HAWAIIAN TREATY.

Mr. WOOD, of New York. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. No. 612) in relation to the Hawaiian treaty.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SAYLER in the chair,) and resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

The CHAIRMAN. The gentleman from Mississippi [Mr. MONEY] is entitled to the floor.

Mr. MONEY. Mr. Chairman, when the report of the Committee of Ways and Means on the bill relating to the Hawaiian treaty was formerly under consideration, I was absent from the House on business of my committee, and I had the misfortune not to hear the arguments presented by gentlemen *pro* and *con*. Upon my return and on some slight examination of the RECORD I was surprised to find that there had been any discussion, much more any opposition to this treaty.

It is well understood, Mr. Chairman, that a treaty is next to the Constitution the highest law in the land, and the power to make treaties is vested in the Executive and the Senate, but in this case the House of Representatives can make a treaty operative, because this treaty involves some questions of revenue which properly belong to this House. By the Executive a custom-house might be ordered to be built, but it requires an appropriation from this House to make that order operative; and although this treaty by the sanction of the Executive and the Senate is the law of the land, it requires the voice of this House in consideration of this change in the revenue to make it operative.

I find, sir, one of the objections urged by the opponents of this treaty is the loss of revenue to the United States. It is claimed by the opponents of the bill that we will have a loss of $500,000 in revenue, without any adequate compensation in the shape of imports from the Hawaiian Islands. But it seems to me, Mr. Chairman, that this loss of revenue is more than compensated for by the monopoly of the trade of those islands.

The objections in the report of the minority of the committee follow too closely upon the heels of each other in their inconsistencies, as I shall show you. One of their objections to the bill is that not only is there a loss of revenue of two and two-fifths cents per pound on all the sugar imported from the Hawaiian Islands, but that we also lose the revenue on the sugars from the other islands in the Pacific, that it is claimed cannot compete with the Sandwich Islands in the production and exportation of sugar to this country, when we pay a bounty to the sugar-producers of the Sandwich Islands. And immediately following this, in most dangerous proximity, follows this other conclusion of the minority of the committee. They say:

Neither would this give us cheap sugar; the quantity imported is only 1 per cent. of our consumption, nor can it exceed (for natural causes, such as the limited quantity of arable lands) 5 or 6 per cent. of our consumption; and this cannot reduce the prices in our market.

It seems to me, and I think it will strike the committee, that one objection is fatal to the other; for surely, if the free import of sugar from the Sandwich Islands does not cheapen the price of sugar, it cannot materially interfere with the importation from other islands.

Another argument urged in opposition to this bill is the discouragement it gives to the sugar-planters of the Southern States. But, Mr. Chairman, I take it for granted that it is well known to this committee that no sugar raised on this side of the Rocky Mountains, or any considerable quantity, is ever carried across the country, on account of the cost of transportation. If I thought that the adoption of this treaty would have the effect to discourage the production of sugar in the Southern States, then I would not raise my voice in advocacy of this treaty, but the minority of the committee who objected to this bill show by their own report that it is impossible to cheapen sugar on the Pacific seaboard on account of the cost of transportation; and if that is so, I do not see how this measure can have the slightest effect upon the production of sugar in the Southern States.

But, sir, even if it should have the effect which they allege, then I am in favor of the bill so far as the Pacific coast is concerned. It has been too infrequent here to have any legislation in favor of the consumer. I, for one, would be glad to see the entering-wedge which would produce free trade, not only with the Sandwich Islands, but with other countries with which we have commercial and friendly relations.

Another objection urged to this bill is that by existing treaties with other sugar-producing countries we should sustain an immense loss of revenue because by these treaties they stipulated that they should be placed on the same footing with the most favored nations. Upon examination of the treaties with those countries we can find nothing which will warrant this assertion. This treaty with the Sandwich Islands stipulates not only for free trade with the United States and reciprocity, but it is agreed on the part of his Hawaiian Majesty that so long as this treaty shall remain in force he will not "lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions," &c.

Mr. Chairman, if there are other countries with whom we have commercial relations guaranteed by treaty who claim that their sugar shall be admitted duty free into the ports of the United States, they can take this treaty, not upon that simple ground alone, but in its entirety. They cannot accept one of the terms of the treaty to the exclusion of the others, and if any other country which can bring sugar to the United States is willing to take this whole treaty and put us on the same footing guaranteed by the Hawaiian treaty, I for one should be glad to secure such treaties. But they cannot pretend that on the one article of sugar, or upon any other article in which

we trade with them, they should be admitted on the same footing with the Hawaiian Islands and not stand upon the same footing in other respects. If they accept one provision of the treaty they must accept all; therefore the argument that if we permit the importation of sugar free of duty from the Sandwich Islands we shall be compelled by existing treaties with other countries to admit their sugar on an equal footing falls to the ground; for it is not to be believed that any other countries in relations with the United States are willing to grant us the terms secured by this treaty. There is no country on the face of the earth, except the Sandwich Islands, that will pledge itself to such conditions, and none but a weak nation in its extremity would make such an offer with any other power.

Mr. Chairman, I was surprised to find in a cursory reading of the debates in March the disparagement of the Sandwich Islands by the distinguished gentleman from Pennsylvania, [Mr. KELLEY.] I must think that his attack upon the character of these islands in their social, political, and natural features does no credit to that goodness of heart which has entitled him always to the respect of this House.

Mr. KELLEY. If the gentleman will pardon me, I will say that I did not discuss their social or political condition. I avoided both.

Mr. MONEY. Well, we will see whether you did or not. If I mistake not, the gentleman from Pennsylvania, in his disparagement of these islands, read from a book that I have before me, by Mr. Nordhoff, in which he shows that the islands are arid and uncultivable.

Mr. KELLEY. That is the physical condition of the country; but I avoided any allusion to the social and political condition of the people entirely. I did discuss the physical condition of the islands.

Mr. MONEY. Moreover, in his disparagement of these islands the gentleman called attention to the fact that a portion of this territory, Molokai, a point of rock in mid-ocean, is simply a quarantine for lepers.

Mr. KELLEY. Will the gentleman yield for a question there?

Mr. MONEY. Yes, I will.

Mr. KELLEY. Does not the leper asylum at Molokai contain 2 per cent. of the entire population of the eleven islands?

Mr. MONEY. I will admit that it does; but I say, sir, that it comes with a bad grace for a representative of the Caucasian race to hold up the fact of that quarantine of lepers in disparagement of the people of the Sandwich Islands; for the gentleman very well knows that when the first English navigators touched these islands the people there were a symmetrical, handsome, noble, and brave race.

The agents of civilization and Christianity which our friends carried there with them—rum and syphilis—have ruined these islands, and made necessary a quarantine in the Pacific. This condition of things dates back only a quarter of a century, and physicians in charge of that island assert that it owes its origin to the diseases left by Europeans and Americans upon the island. The degradation and misfortune of this people can be traced back to those of our own race who visited these islands. And it comes, I think, with bad grace from the gentleman from Pennsylvania [Mr. KELLEY] to cite these things against this people.

Mr. KELLEY. If the gentleman will pardon me, I will say that he does but elaborate now what I said, to wit, that these were the sad remnants of a people showing the effects of commerce and missionary labors upon the race.

Mr. MONEY. I do not deny the facts advanced by the gentleman, because I obtain them from the same source as himself. What I object to is the spirit with which he urges these things as objections to a treaty which secures to us the largest and most liberal advantages.

But I do not contend for this treaty upon merely commercial grounds. In this utilitarian age we are accustomed too much to confine legislation to matters that concern only to-day; we want bargains that bring immediate returns. I would look at this matter in a more liberal spirit. This House has seen too much of bills introduced and speeches made for home consumption; of gentlemen who come here to represent the whole country, and who turn their heads over their shoulders and see only their constituents at home; whose efforts here seem to be simply to secure their own renomination and election. For that reason I would not insist upon any view of this question from a sectional stand-point. Coming from the South, I do not urge the feeling which I know exists among southern sugar-planters against this treaty. I think they are mistaken in their view of this question, for I am satisfied, upon mature consideration, that it will not affect their interest.

Notwithstanding the disparagement by the gentleman from Pennsylvania, we must admit that there is something in the character of this people which is worthy our consideration. It is true, as he states, that they have diminished from three hundred and twenty thousand, according to their first census, to about fifty-five thousand at this time. But we must admit under the circumstances they are entitled to some respect. The area of the islands is seven thousand square miles. The population is 56,000. They have maintained an honorable public credit; they have paid their debts. To-day their credit stands as well as the credit of any other nation, I care not how large that nation may be. This nation, with its small population, by its tremendous advancement in civilization and Christianity, with a trade that is growing yearly, is entitled to more consideration than the gentleman seems disposed to admit. I claim that this matter cannot be dismissed with a sneer at the paucity of their population and the diseases which have been the gift of Americans and Europeans.

These islands are important to us not merely in a commercial respect. In a few years we will be amply compensated for any loss of revenue by the monopoly of their trade. There is a foreign population steadily pouring in there, and as their resources develop emigration is invited, and they are obtaining the attention and increased respect of foreign nations, which have been accorded to them since 1846, when the first treaty was made.

One objection to the list of articles admitted free of import duty is that it does not include clothing and spirits. As to the matter of clothing, it seems to me that objection should have little weight. It must be known to the gentlemen who raise that objection, if they have considered the subject, and I presume they have, that the universal import duty in the Sandwich Islands is only 10 per cent. *ad valorem*. In this country we have an import duty for the protection of the manufacturers of the East of from 40 to 240 per cent. upon clothing and the cloths used in manufacturing clothing. That duty is imposed to protect our manufacturers from the competition of the manufacturers of England. Now, if there is only 10 per cent. duty in the islands upon clothing imported from England, how can we, who now barely maintain competition with from 40 to 240 per cent. duty, hope to compete with them in the islands? If clothing had been in this treaty, it would have been of no effect whatever, so far as protecting our industries. I will say further that this treaty which is presented to-day for our action was made by the American authorities. The Sandwich Island authorities did not insist upon any single specification in that schedule of articles except one.

The other article which is excluded from admission free of duty is spirits—brandy, whisky, &c. The admission of that article was objected to by the Sandwich Island authorities, not upon commercial or business considerations, but upon moral considerations. It is one of the faults, or weaknesses rather, of these islanders that they are inordinately fond of drink. That is one of the boons of civilization to them. We have taught them the habit of intoxication. To provide against this abnormal appetite of the people has been the studied desire and intent of their government. We find that on two occasions the French government could not agree with the Sandwich Islanders upon a treaty because of this very article of brandies and wines. At one time the French admiral told the Sandwich Island authorities pointedly that he either must have free brandies and wines or he must have war. And this insignificant little power, so much derided and despised by some gentlemen on this floor, had the moral courage, for the purpose of protecting their population, to insist that wines and brandies should not be admitted free. In spite of the objections urged and of the menace of the French fleet, they insisted that brandies and wines should be subject to a duty of $3 per gallon. It was in consideration of the weakness of the people and to secure their protection that the mantle of this duty was thrown around them to save them from their besetting sin of intoxication.

The Danish nation was the first to make a treaty with that country in every way fair and honorable. They accorded to these Sandwich Islands all the rights and honors that they accorded to any other nation, however powerful. They engaged to respect their neutrality, a thing which had not been stipulated before by any other country.

But, Mr. Chairman, the mere barter and trade of this treaty, its merely commercial aspect, is to my mind the least of the considerations in its favor. We are here not to legislate for particular sections nor for to-day merely. Gentlemen, it has been charged against the democratic party that they are too much absorbed in the things of to-day; that they have no forecast and have not been able to look into the future and lay down the track upon which the Government can run for many succeeding years. It is also true that in the past—not within my recollection, but within that of some other gentlemen on the floor—Representatives from the South have sat here and upon a barren construction of the Constitution denied themselves the advantages of aid from the Federal Treasury enjoyed by other sections of the Union. I admire and honor their adherence to what they conceived to be a just principle. But we have suffered by such a policy; and the democratic party to-day stands lowered in the estimation of the American people by pursuing that policy. We should not commit ourselves to any such doctrine. We must look to the future.

Sir, for one hundred years the United States has shot like a brilliant meteor through a path of transcendent glory up to the very zenith of the broad firmament of nations; and it rests with us, legislators of to-day and those who may come after us in this Hall, to decide whether she has completed the crescent promise of her destiny or whether she is to remain there a fixed star forever.

We cannot concern ourselves merely with the affairs of to-day. We must look to the future; and I, as a member of this House, with abiding confidence and faith and hope and trust in the future of our Government, propose to consider this treaty in its relations to after-times. These islands are important, not so much in the view in which the gentleman from Pennsylvania [Mr. KELLEY] would have us look at them, for what they are; but they are important for where they are; not so much for their area, their population, or their productions. The Sandwich Islands stand in the Pacific an ocean fortress. Indeed, sir, they are the Thermopylæ of the Pacific. If gentlemen will consult a map of ocean currents and winds, they will find that the Sandwich Islands are placed in the very gateway of the track of commerce.

Why, sir, the chief justice of the islands, and the minister plenipo-

tentiary to this country, informs me that not only were the islands visited last year by one hundred and forty-three ships, bringing cargoes to them, but that numberless sails passed within sight of their cliffs without stopping. This shows that that country is in the direct path of commerce with Asiatic countries.

The statistics show that the marine of the Pacific is constantly increasing; that within the last one or two years the number of steam and sailing vessels built upon the Pacific coast outnumber those upon the Atlantic, where ninety-nine one-hundredths of our commerce is located. We have a right to believe from the past that the march of empire is westward and that our relations with the countries bordering upon the Pacific will in the course of fifty years be of paramount importance to the people of this country. We have that track across the globe to the trade of Asia that was sought by the adventurers of the fourteenth and fifteenth centuries.

Every country that has seized upon the successive changes of travel to the East has grown rich in the trade derived therefrom. From the time of Vasco de Gama, who doubled the Cape of Good Hope in the fifteenth century, down to this day, the Dutch, the British, every people who have enjoyed Asiatic commerce have grown rich and prosperous. We must look now to our commerce as the chief element of our coming future, and gentlemen can see by reference to the map that these Sandwich Islands are a point in the Pacific that give the key to the whole North Pacific.

Gentlemen are accustomed to speak of these islands as being two thousand miles distant from our coast, but they should also recollect that distance is relative. If they are two thousand miles from our coast, they are five thousand miles from the next mainland, making that country really one of the dependencies of the United States. With that island in our possession—to which this treaty evidently looks—we shall make the North Pacific in effect an inland ocean. It is true the British possessions in that region are great and there are other foreign nations resting upon the border; but I say that in effect, so far as the control of those waters is concerned, they would be an inland ocean.

In the consideration of this and other bills we would do well to look to England, our great progenitor. We belong to a race which to distinguish it we call Anglo-Saxon. From our very origin down to this date we are filibusters. If there is any trait that distinguishes the Englishman and his American descendants, it is a greed for territory, and they are always supreme where their borders are upon the sea. England has set us an example which we are prone to follow, and if we will follow her policy with her sagacity and wisdom we are destined to accelerate the march of our progress to a supremacy among the nations of the earth.

Some gentlemen object to the cost of the maintenance of these islands if, in the course of events, they should fall into our hands like ripe fruit. Sir, did any gentleman ever consider the cost of maintenance of the British fortifications upon the rock of Gibraltar? When gentlemen speak of the 50,000 population of the Sandwich Islands, and their productiveness as exhibited in but a little over $2,000,000 of exports, let them consider the productiveness of the barren rock of Gibraltar, which yields no revenue, which has no population except a garrison; and then ask Britain what she would take for the release of her sovereignty there.

Ask her what she would take for her control of Saint Helena, which brings to her no revenue? She holds the island of Helgoland, in the German Ocean, in the very teeth of the German powers, and, sir, she supports fortification and armament there at immense cost, levying no tax whatever on the people and deriving not one cent of revenue. England understands the importance of protecting her marine by having these fortified places. And so she holds the island of Malta, in the Mediterranean, as a rendezvous for her fleets. As Daniel Webster eloquently said, it is "a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning-drum beat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England." The banner of Saint George to-day flaunts every sky and dallies with every breeze under heaven.

She has now possessions on our Pacific coast in British Columbia and in Oceanica which make her surround us as with a cordon; but, with this point in our control, her chain is broken and her communication is cut off. But, with the Sandwich Islands as a *point d'appui* for her operations, we, it is true, would not apprehend any descent upon our coast, for I take it there is no American who dreads any country or all countries of the globe making a descent upon and invasion of our soil. What would become of the commerce of the Pacific if this point was held by Great Britain? Mr. Chairman, must I warn the American Congress to-day that the eyes of Great Britain and other nations are now fixed upon these islands?

If this island had nothing on earth but the Bay of Honolulu and the port of Pearl River, it would be a pearl of great price to be secured to the United States at every cost.

Our neighbors, sir, across the Pacific, the Chinese, the Japanese, the Coreans, and the Formosans number 600,000,000 of people, skilled in the arts of mechanism of the production of the most valuable material, and their trade, which is a desideratum long sought by European countries, by the completion of our railroad across this continent must pass through our territory. This point of the Sandwich Islands rests immediately in the track of this traffic, and its possession gives us the gateway through which Asiatic commerce must pass in future years.

Mr. Chairman, the disposition of the people of this island is not only friendly, but it is cordial to the people of America. The men who govern the policy of that island, who constitute its active government, are Americans; Americans who have sat in this Hall as Representatives of our people and who are to-day at heart Americans, and whose most fervent desire is to see their country brought into most intimate and friendly relations with the United States.

The majority who have reported this bill have in their favor not only the action of the Senate upon this matter, but they have also the action of Secretaries of State, including such men as John M. Clayton, Daniel Webster, John C. Calhoun, William L. Marcy, and, I believe, Mr. Seward. While deprecating any seizure of these islands by the United States, yet at the same time in pursuance of the Monroe doctrine, they have declared that if any other power should occupy these islands they were to be dislodged at any cost of blood and treasure. Now, sir, the cheapest and most pacific way to prevent the occupation of these islands is by this treaty presented to you by the majority of your committee.

The gentleman from Pennsylvania [Mr. KELLEY] put upon the stand Mr. Nordhoff, the author of a book on "Northern California, Oregon, and the Sandwich Islands," and, while we must admit the reputation of Mr. Nordhoff as a newspaper correspondent and book-writer, we have had no especial exhibition of his ability as a legislator. But take the witness the gentleman himself puts upon the stand. We will see to what conclusion this witness will bring him. He draws from him his facts with reference to the depreciation of these islands and neglects the summing up this gentleman presented. After all these statements in detraction and disparagement, Mr. Nordhoff, a gentleman of the widest and clearest comprehension, makes this conclusion:

> But justice, kindly feeling, and a due regard for our future interests in the Pacific Ocean ought to induce us to establish at once a reciprocity treaty with the Hawaiian government. We should lose but little revenue; and should make good that loss by the greater market which would be opened for our own products in the islands. Such a treaty would bring more capital to the islands, increase their prosperity, and at the same time bind them still more closely and permanently to us. It would pave the way to annexation, if that should ever become advisable.

That is the testimony of the witness whom the gentleman put upon the stand to prove this treaty was not consistent with the commercial interests of the United States.

I have not gone into statistics on this matter, because the subject has been treated in the most complete and exhaustive manner by the distinguished gentleman from New York, [Mr. WOOD,] and it was unnecessary for me to do anything whatever, even if I had been informed, which I am not, fully on this point. The main question which suggested itself to me was not its commercial value to the United States merely, and it must be claimed to be great, for with the monopoly of this trade we certainly can derive a great advantage from it.

Gentlemen insist this release of duty on sugar is simply a bounty to the Sandwich Islands sugar-plantations. I must confess, Mr. Chairman, that I have never heard so narrow a view taken of so great a question. If we are to be deterred from the favorable consideration of a bill offering us superior advantages to those of any other nation by the fact that some agriculturists in the Sandwich Islands will be profited by that treaty, why, sir, we would reject every treaty brought up for our consideration; for it is impossible for us to believe that any country would offer us a treaty with the advantages all on our side. But does that lessen the advantages to be derived from this treaty, because some other people may profit by it? Is trade to be stopped because only one party can win? The very idea is preposterous, and not to be entertained seriously by this committee.

In my remarks concerning the importance of fostering and cherishing and providing for our commercial future, I am guided by the history of the past. I know of no nation in history that has ever become a great and conquering people unless they were a commercial people, from the Greeks down to this day, except perhaps the Romans. They were organized for war and conquest. From the rape of the Sabine women down to the day when the imperial purple was sold by the pretorian band in the capitol, Rome existed only as a warlike nation, with no dependence whatever on agriculture, because she had no fields; with no dependence on commerce, because she had no commercial marine. She existed on the supplies from the granaries of Sardinia, Sicily, and the Nile. She was organized for conquest. Every feature of the government of the Romans shows that they totally neglected and despised the arts of trade and of commerce. They perpetuated their conquests not by trade and commerce, but by a system of laws which were effective wherever their power extended. They established in every country they conquered *municipia*, in which all the citizens were invested with the right of Roman citizens, the highest right then known to the world. They disturbed not the customs, the costumes, nor the religion of the people they overcame, and for that reason they were firmly established.

But, sir, with this solitary exception, as I before said, every people who have conquered and colonized have been a commercial people. And if we desire to secure the permanency of our prosperity, we too, I say again, Mr. Chairman, must look to the future of our commerce. It is unnecessary for me to dwell upon this point. I am satisfied that

the gentlemen of this committee from every part of the Union will unite with me in agreeing at least that that is of the last importance. But we consider the question simply with reference to the relation that the Sandwich Islands hold to the question.

If any members of this committee will turn to the map showing the ocean currents and trade-winds, they will see that the Hawaiian Islands dominate as completely the commerce not only of the North Pacific, but of all the nations of Eastern Asia, as did one of the robber fortresses of the barons of the feudal ages dominate the peaceful valleys and commercial highways that wound below. Sir, a bold, enterprising people on that island, with no other territory than its seven thousand square miles and with an active marine, would completely despoil the commerce of the Pacific, as completely as the eagle from his eyrie overawes the birds of the air. In the further consideration of this question we are called upon from a regard for the highest duties of legislators, who are here not representing sections, not representing to-day simply, but the whole country and the future, to give our assent, and by our legislative action put into operation this law establishing these relations between the United States and the Hawaiian Islands.

Discharging this duty only in the interests of the whole country, and as a southern Representative looking to the future for the highest position of honor and glory to this great Government, I shall not look back to contemplate the unhappiness of the past, but await the inevitable destiny of a nation united and restored in friendship and harmony, that shall be a model to the world and a hope to the oppressed everywhere.

Mr. GARFIELD. I will not long detain the committee with reflections of my own; but I have in my possession an important contribution to this debate, which I think the committee will be willing to hear and consider.

Before presenting it, however, I will say that I do not approve of the Hawaiian treaty, because it looks in the direction of securing possession of those islands. I wish to state distinctly on the general question of annexation of outlying islands or territory, except in the north—I make an exception there—that I trust we have seen the last of our annexation, and in this remark I include the whole group of West India Islands and the whole of the Mexican territory contiguous to the United States, inhabited as it is by a portion of the Latin races, strangely mixed and degenerated by their mixture with native races; a population occupying a belt of territory that naturally enfeebles man; a population and a territory that I earnestly hope may never be made an integral part of the people and territory of the United States. I cannot more strongly state my view of that subject than by saying that if the island of Cuba were offered to us by the consent of all the powers of the world and $100,000,000 in gold offered as a bonus for its acceptance by the United States, I would unhesitatingly vote to decline the offer. We occupy a portion of that great northern zone which girdles the world and which has been the theater of the greatest achievements of civilization, especially in the history of the Anglo-Saxon races; but should we extend our possessions into the tropical belt, we should weaken the powers of our people and Government. Hence I disclaim any purpose or suggestion of annexation of these islands as any part of my reason for supporting the treaty. On the contrary, one of the reasons why I favor the treaty is that it will be a satisfactory substitute for all probable schemes of annexation that may come if this fails. It is the best solution of the question.

Mr. Chairman, there are two reasons why I specially desire the passage of this bill in its relation to the treaty. The first is on the ground of the duty which the nation owes to the Pacific coast; the second is on the ground of the general good of the whole country. The Pacific coast, the latest born of our possessions, was in a most perilous position fifteen years ago. Far remote from us, there was great danger that a feeling of isolation and of alienation would spring up between the people of that coast and the people east of the Rocky Mountains, and that these distant commercial and industrial interests should be more closely united. And to me it is one of the sublimest facts in our recent history that in the face of the opening horrors and dangers of our great war, when it was in question whether our Republic should live or die, the great men of that period who filled these seats and the seats in the other Chamber dared to show their faith in the future of the Republic by proposing and finally carrying a measure to make the largest appropriation that up to that time had ever been made by any nation of the world in a single act, substantially to appropriate $100,000,000 in order to bind by material bonds of iron the Pacific coast to the Atlantic, and thus hold together in nearer ties of commerce, amity, and brotherhood the two coasts of this Republic. I speak, of course, of the legislation that looked toward the construction of the Pacific Railroad. It was a great act of statesmanship. The purchase of Alaska was another step in that direction, not so marked, not so important, but yet important, for it secured the whole of the American northern coast of this great Pacific Sea.

Now, as we still desire to complete the work of amity for our Pacific brethren, we must get a foothold on the southern line of our western border.

The whole Pacific coast, with hardly a dissenting voice, comes and asks us for this legislation; and if we have doubts ourselves on the ground of general policy, we owe it to these men, our brethren, who are among the choicest, bravest, and most enterprising spirits from all our Eastern, Middle, Western, and Southern States who have planted that wonderful civilization on the Pacific coast to meet their wishes, unless there be strong reasons why we should not. Their wishes are strong with me as controlling my view of this question.

The other reason relates to the interests of the whole country. It seems to me that no man can look in the remote or even the near future of this country, remembering the vastly important relations which have sprung up between us and the two ancient kingdoms of the East, where the correlation of our young country has met the old in that strange union which recent years have developed, and the quaint civilization of these old countries are pouring their influence upon us, and we answer back with our fresh young life. I say no man thinking of that new and vast development of the relations of our country to these can be insensible to or neglectful of anything, however insignificant, that may be considered necessary to perpetuate the new relations of these two civilizations.

Now, here is a group of islands midway between Asia and the United States, the resting-place for the great caravans of the sea, the halting-ground whereon travelers on the ocean stop to recruit their shattered ships it may be, or supply themselves with needed materials for carrying on the work of commerce. That group of islands, fortunately for us, is to-day dominated in all its leading influences by Americans, our own brethren. Their hearts warm toward us as their first choice in forming alliances. They are ours in blood and sympathy, and in this treaty they offer us the first place, an exceptionally favorable place, in our relations to them. And they are so situated that if we reject it they must go elsewhere for alliances. If we reject this treaty they will be compelled to go to England or to France. Both of these countries have for years and years been longing for just such an opportunity as we have to-day in reference to this group of islands. It is the simple logical result of the rejection of this treaty that before many months these islands will be taken, controlled, and dominated either by England or by France; and it is for us to say whether we shall consent to that alien union by rejecting this offer, or by closing with it ourselves make that other union impossible.

I have heard no argument against this treaty that appears to me to have any considerable weight beyond the one of cost; and, as applied to this bill, it is a strange one. It is not that cost that we must pay out of the Treasury from revenues we have collected as taxes from the people. It is only that cost that declines to tax. It is not an expenditure, but a remission of taxation, that the treaty calls for. It does not call for the appropriation of a dollar of any taxes collected. It simply calls for the repealing of taxes as to a class of our own citizens.

Now our friends on both sides of the House have already shown themselves anxious to reduce expenditures to such an extent that they could remit taxes. And the most grateful work that the American legislator is ever called upon to do for his people is to be able to tell them that he has remitted some of their burdens of taxation. And the thing proposed to be done by this bill, and the only thing that is seriously criticised, is that by it we do remit a little less than $400,000 of taxes which the people are now required to pay. That objection, it seems to me, wholly fails to rise to the height of this great question.

And now, Mr. Chairman, in the absence of that knowledge of the details of this subject which a man ought to have before he speaks with much particularity, I will ask the Clerk to read a letter which has been addressed to me within the past few days by a gentleman of ability and distinction, an honorable soldier in our late war, and now connected with one of the most flourishing educational institutions of Virginia. He was for twenty years a resident of the Sandwich Islands, a merchant and successful business man there. He left there long ago, and now speaks from no personal interest, but only from the interest of an American citizen on a great question. I ask the Clerk to read the letter of General Marshall, of Hampton, Virginia.

The Clerk read as follows:

HAMPTON NORMAL SCHOOL,
Hampton, Virginia, March 31, 1876.

DEAR GENERAL: I am very familiar with the history of the Hawaiian Islands. I resided there twenty years as an American merchant, during which period I held various posts of honor and trust under the Hawaiian government, having been honored by the king with "letters-patent of denization" in acknowledgment of services rendered by me as his commissioner to England on the occasion of the seizure of the group in 1843 by Lord George Paulet in behalf of the British Crown. This gave me the rights of a Hawaiian subject without the loss of my American citizenship, and I was for several years a member of the king's parliament and one of the commissioners to draw up the new constitution of the kingdom. I have no sort of personal interest involved in the action of the House upon the Hawaiian treaty now before it, and I therefore feel justified in asking your attention to some reasons why that treaty should be promptly passed.

The important position of this group has made it an object of interest to all commercial nations. England and France especially have each made repeated efforts to secure its possession, and Hawaiian history is full of outrages and intrigues on the part of these powers, or their representatives and citizens, the object of which was to involve this feeble nation in hopeless complications that should compel the surrender of its sovereignty.

In 1839, France, without any just cause, sent Laplace in the frigate L'Artémise, who threatened hostilities unless heavy demands were complied with which the king unaided could not meet. The assistance of the American merchants, who made a loan to the king, frustrated this design.

In 1843 Lord Paulet, commanding the British frigate Carysfort, compelled a cession of the group upon the most flimsy pretenses. I was sent by the king on that occasion as his commissioner to England to protest against the outrage and to ask the restoration of his sovereignty. On my way to England I had an interview with the United States Secretary of State, Mr. Webster, who assured me that the United

States would not tolerate the possession of the group by Great Britain. Mr. Everett, our minister in London, was instructed to remonstrate against the outrage. The British government disavowed the act and restored the Hawaiian flag, the utter groundlessness of the charges against the king having been readily made apparent.

On another occasion a French fleet menaced the sovereignty of the group, and the day and hour were set for hostilities to commence. In his great straits the king offered to cede the islands to the United States as his only escape from ruin. The American minister accepted the proposal, and the American flag was to have been run up before the attack commenced, when the French consul, learning of the proposed cession, withdrew the fleet.

All these and other instances of attempts on the sovereignty of the group came under my personal observation, and illustrate the constant desire of these two powers to obtain control of these islands.

Any foreign naval power in possession of this group will dominate the commerce of the North Pacific.

Our trade with China and Japan is yearly increasing, and the Hawaiian group is the half-way house from our western coast to these ports. It is of vital importance that we secure a paramount influence at this group, and the treaty gives us this. Under its provisions no other power can obtain like privileges, and while annexation would entail needless expense and complications, for which there is no corresponding advantage that is not equally secured by the provisions of this treaty, we can obtain annexation if we wish it hereafter by terminating it at any time after seven years. The prosperity which will result under its provisions will depend upon its continuance, and if it is terminated there will be no escape from ruin on the part of the islanders, except through annexation.

The rejection of the treaty will force the group to seek other help, not from choice but necessity; and, having repeatedly rejected their overtures for a closer alliance, we can hardly refuse them the right to go elsewhere.

This is the third treaty of reciprocity that has been negotiated between Hawaii and the United States. The first, undertaken at my suggestion in 1856, failed of confirmation in the Senate through the opposition of the Louisiana Senators, Slidell and Benjamin, whose fears that the interests of the Louisiana sugar groves would be injuriously affected by it were, in my judgment, utterly groundless. Eleven years since, another treaty was negotiated which also failed in the Senate. This, by far the most favorable in its provisions to the United States, passed the Senate, as you are aware, by a decisive vote. For the House to fail to ratify it would, I am sure, be a serious injury to our Pacific interests, for which the apparent saving to our revenue would be a poor compensation.

Most of the trade of the group and most of its foreign population are American. The islands have been civilized and christianized by Americans and they and their children are truly Americans in feeling. During our late civil war they gave freely of their substance and their personal service in favor of the Union. Our muster-rolls show a brigadier-general, colonel, lieutenant-colonel, and several other officers, who were natives of the islands and who offered their services to fight for the land of their fathers which they had never before seen, but which they had been taught by their parents to love, while in money they contributed to our United States Sanitary Commission the respectable sum of $16,113.43, being more than was given by some of our oldest Northern States and more in proportion to their numbers than was given by any State in the Union. Are not such true Americans entitled to our protection and sympathy, and do not the interests of our country demand that we should bind the government and people of this important group to us by the closest possible ties?

I am, dear general, yours faithfully,

J. F. B. MARSHALL.

Hon. JAMES A. GARFIELD,
House of Representatives, Washington.

Mr. GARFIELD. I have but a few more words to add. The statements contained in the letter just read by the Clerk are to me exceedingly striking, taken in connection with the reports which have been published on this subject. Remembering that every Secretary of State, of whatever political party, before whom this subject ever came has recommended it earnestly; that the men whom we are most willing to regard as our political teachers have held this view strongly; remembering also that it is clear that this group of islands must seek an alliance, if not with us, then with our rivals, I cannot conceive that the grounds upon which gentlemen base their opposition to this treaty can overcome the reasons in its favor.

I said in the outset of my remarks that one of my reasons for favoring this treaty was that it would obviate any necessity for annexing these islands. Let us make this alliance, and while it lasts the respect which the name of the United States carries with it among the nations of the earth will prevent any attempt on the part of any other nation to obtain control there. They will not undertake any scheme of annexation at the risk of quarreling with the United States. But if we do not make this treaty, schemes of annexation will vex us from year to year until we shall be compelled to annex these islands as a matter of self-protection. This treaty will completely avoid such a result as that.

In conclusion, I ask consent to submit a brief editorial article from the New York Evening Post of yesterday, written, as I am informed, by that honored poet and scholar, (*clarum et venerabile nomen,*) William Cullen Bryant, in which is stated, with great clearness and force, the grounds for believing that this treaty should be ratified. I have no doubt that members of this House will be glad of the opportunity to read the views of this distinguished citizen upon this subject.

The article referred to is as follows:

THE QUESTION OF TO-MORROW.

On Thursday the debate on the treaty which makes the Sandwich Islands ours without the expense and trouble of governing them is to be renewed. Their ports are to be opened to us if we accept the treaty, as they will be opened to no other nation in the world; the products of our industry are to be admitted there as freely as they are admitted in Florida; we are to be allowed to do the carrying trade between their marts and our own; we are to have a commodious and secure naval station in their sheltered waters, and we escape the result which otherwise threatens us of giving into the hands of Great Britain a station which, lying north of the equator, puts into her hands the key of the Pacific, completes the mighty chain of her dependencies from the remotest south to Vancouver's Island on the northwest coast of our continent, and links together the isles and coasts subject to her sway, forming them into a great ocean empire, inhabited by a hardy race of men accustomed to the sea, and having the same dominion over the Pacific which Britain once arrogated over the Atlantic. The possession of the Sandwich Islands—the virtual if not the nominal possession—is all that Britain now requires to make her supreme in those waters, and that she will have if we fail to carry the treaty into effect. For if we reject the treaty by refusing to conform our revenue laws to its conditions the authorities of the Sandwich Islands have already avowed their intention of entering into like arrangements with the austral possessions of Great Britain.

It seems to us that this treaty ought to unite the votes of every class. The mill-owners ought to vote for it because it opens a free market for the products of their looms and forges; the ship-owners ought to favor it because it gives employment to their vessels; the friends of free trade ought to insist on giving it effect because it will bring the United States and the Sandwich Islands into those relations with each other which should prevail everywhere between all the nations of the earth. Those who look with apprehension on the enormous growth of British predominance in the Pacific, and those who simply desire that a convenient naval station should be obtained in that great waste of waters for the Navy of the United States, should unite their voices in favor of the treaty. As for the cultivators of the sugar-cane in Louisiana and Texas, they can well afford to bear a little competition on our western coast for the sake of giving cheap sugar to the millions who inhabit California and Oregon.

In the course of years, when the Sandwich Islands shall have regained something like their ancient remarkable populousness, they will send us, if we take advantage of the treaty, large quantities of products peculiar to the lands which lie between the tropics, and which we shall receive with no other enhancement of the price than the cost of transportation. For it should be borne in mind that so temperate is the climate of those islands that the white race there can endure to perform field labor and keep their health and strength. There will come a time when we shall receive coffee from the islands equal to the Mocha, raised in spots too elevated to feel the blight which attacks the shrub in the lowlands. Then we shall import indigo, which there is literally a weed, and sandal-wood which grows wild; to say nothing of the sea-island cotton which grows in so few places on the globe, and of which the Sandwich Islands produce the best in the world. Let the treaty go into effect and American capital will accompany the migration of American adventurers to this new field, and these garden-isles of the Pacific will be essentially a part of our country.

One great advantage of this measure is that it strengthens our power without causing a drain upon our Treasury. We build fortresses, we establish garrisons, we lay the keels of ships of war, we cast huge guns of a new construction, we forge muskets and small arms by the million, and all these at a vast expense, and claim that we are providing for defense against the possible attack of an enemy; yet here is a proposition to put into our hands, without the payment of a dollar, a stronghold in the depths of the Pacific, in the very track of the power which threatens to be supreme in that quarter, and we hesitate at accepting the advantage. But it may be said that the advantage is not obtained gratuitously—it may be said that it will cost us the half million of dollars that would be levied in our ports on the Sandwich Islands sugar if the treaty should be rejected. Not a penny of it—the offered advantage will cost us nothing. If the half million dollars comes not to the Treasury in the shape of duties—a considerable part of which is always lost on its way thither—it will remain in its proper place, the pocket of the consumer; it will be left with its rightful owners, the people. Can the money that is not taken from the people in taxes be called so much money lost?

Let us hope that the question of to-morrow will be rightly decided. To us it seems impolitic in a degree little short of madness to put by the advantage offered us of holding a respectable maritime rank on the great ocean that bathes the beaches of our western coast. By rendering the treaty ineffectual we simply offer to Great Britain the advantage which we reject. The key-stone will then be fitted into the British possessions in that quarter; the portions now disunited will be firmly locked together for all coming time. We may not obtain from the British Parliament a vote of thanks for this service, but we shall amply deserve it.

Mr. GIBSON. Mr. Chairman, the considerations which have been offered by the members of the Committee of Ways and Means who reported this bill to carry into effect the convention with His Majesty the King of the Hawaiian Islands have not been of a character to induce me to support it. It might be imagined from the remarks which have fallen from gentlemen in favor of this measure that there was no existing treaty between the United States and His Majesty the King of the Hawaiian Islands, or that some great public exigency had arisen demanding the convention submitted for our approval.

But so far from this being true, we have already a treaty between the United States and His Majesty the King of the Sandwich Islands, proclaimed on the 9th of November, 1850, which I venture to assert will be found upon examination to be more satisfactory in every respect than the convention which is before us. I invite the attention of members of this committee to the careful consideration of the articles of the treaty of 1850, before they commit themselves to the abrogation of that treaty, or to the new policy upon which this proposed convention rests.

If gentlemen will examine especially article 2 of that treaty, they will find that it provides that no higher duties shall be placed upon the imports from this country than upon the imports from any other country with which His Majesty may hold relations; that no other state shall enjoy any favor, privilege, or immunity whatever in matters of commerce and navigation which shall not also upon like conditions be extended to the people of this country. Look also at article 4, which provides "that no duties of tonnage, harbor, light-houses, pilotage, quarantine, or that other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands, which shall not be imposed in like cases on national vessels." Also at—

ARTICLE VI.

Steam-vessels of the United States which may be employed by the Government of the said states in the carrying of their public mails across the Pacific Ocean or from one port in that ocean to another shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein—

Now mark the language—

to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to *no duties of tonnage, harbor, light-house, quarantine or other similar duties*, of whatever nature or under whatever denomination.

There are also very liberal provisions in favor of our steam-vessels. Then there is a rendezvous for our whaling-ships and ample provision for their security. Then, sir, the like privilege of frequenting the same ports of the Sandwich Islands named in this article is also guaranteed to the public armed vessels of the United States. Our citi-

zens who are resident in that country possess nearly all the privileges that citizens of one State of this Union enjoy in another—the right to manage their business, liberty of trade, liberty of conscience; in a word, complete protection and security in the enjoyment of all rights and privileges cherished as fundamental by American freemen.

Whence, then, arises the necessity for the abrogation of a treaty which has continued to foster friendly and multiplying relations between the people of the two countries for so long a period? Is there anything in the present state of trade and commerce which calls for or will justify a departure from the wise policy which has up to this time been pursued? Let us look for a moment at the facts. According to the tables furnished by the Bureau of Statistics it appears that the value of the imports into the United States from the Hawaiian Islands during the fiscal year ending June 30, 1871, was $1,153,154; for 1872, $1,285,320; for 1873, $1,316,270, and for 1874, $1,017,172, while the exports to those islands were in 1871, $840,385; in 1872, $620,295; in 1873, $654,103; and in 1874, $623,280.

And in order that it may be fully seen what commodities enter into these exchanges, I invite attention to the annexed tables marked A and B.

These tables show that the total value of all dutiable commodities imported into the United States from the islands during the fiscal year ended June 30, 1875, was $1,053,420. The value of sugar, molasses, and melado amounted to $948,379; of rice, to $60,000; miscellaneous articles to less than $40,000. Their exports consist of sugar and rice. The total value of all commodities imported into the islands from this country for that year amounted to $655,154.

Mr. Charles Nordoff, on page 89 of his interesting book on Northern California, Oregon, and the Sandwich Islands, furnishes the following valuable statements with regard to those islands, showing the supremacy which the United States have achieved under the wise policy of the treaty of 1850. He says:

The annual report of 1872 of imports and exports made up by the collector-general of the Hawaiian kingdom, shows how completely the islands depend upon the United States. Of one hundred and forty-six merchant vessels and steamers entered at Hawaiian ports during 1872, ninety were American, only fifteen were English, six were German, nine belonged to other nations, and twenty-six were Hawaiian. Of a total of 98,647 tons of shipping, 73,975 were American, 6,714 Hawaiian, and but 7,741 British. Of forty-seven whaling-vessels calling at the island ports during the year, forty-two were American, two Hawaiian, and three British.

Of a little less than 16,000,000 pounds of sugar exported during the same year 14,500,000, and of 1,349,503 pounds of rice and paddy exported 1,317,203 pounds, came to the United States. All the cotton, all the goat-skins, nearly all the hides, all the wool, the greater part of the pea-nuts and the pulu; in short, almost the whole exports of the islands are sent to the United States. On the other hand, of $1,234,147, the value of duty-paying merchandise imported during 1872 into the islands, $806,111 came from the United States, $155,939 from Great Britain, and $205,396 from Germany. Besides this, of the total value of bonded goods, $349,435, the large amount of $135,487 was brought from sea by whalemen, almost all of whom were Americans, and $99,567 were goods from the United States. Bonded importations, $235,000 of American products, against $21,801 of British and $23,904 of German.

It is plain the island trade is so largely in our hands that no other nation can be said to dispute it with us. If our flag flew over Honolulu we could hardly expect to have a more complete monopoly of Hawaiian commerce than we already enjoy. Moreover, almost all the sugar plantations, the most productive and valuable property on the islands, are owned by Americans, and the same is true of the greater number of stock-farms. Our political predominance is as complete on the islands as our commercial. In the present cabinet all the ministers except one are Americans. This was true also of the cabinet of the late king. Of the supreme court, two of the judges are Americans and one is German. Almost all the executive or administrative officers are in the hands of Americans or Hawaiians. What the islands are they are because of American effort, American enterprise, American capital. American missionaries civilize them. Americans gave them laws wisely adapted to the customs and habits of their people. American enterprise and Boston capital established the sugar-culture and other of the important industries.

* * * If the islands ever offer themselves to any foreign power, it will be to the United States. Their people, foreign as well as native, look to us as their neighbors and friends; and the king last summer blurted out one day, when too much wine had made him imprudent, this truth: that if annexation came, it must be to the United States. As I write, a negotiation has been opened with the United States Government for the purpose of offering us *Pearl River in exchange* for a *reciprocity treaty*. * * * In our present condition the chief use of distant naval stations appears to me to be as convenient out-of-the-way places for wasting the public money. Pearl River would be an admirable spot for a dozen pleasant sinecures and the expenditure of three or four millions of money. It seems to me, therefore, that it would be a dear bargain. For the accommodation of merchant steamers and ships Honolulu offers sufficient facilities. There are ingenious American mechanics who have taken a frigate upon a temporary dry-dock and repaired her hull.

Now, it is plain that all the commodities which are exported from these islands, that every pound of sugar and rice produced for exportation, come to the markets of the United States, and the entire commerce and shipping of the islands are in the hands of Americans, and that their laws, frame-work of society and government, have received the impress of America. Why should we desire to make any change in relations so highly satisfactory? Has any power threatened the independence of the islands? No intimation has been made to this effect. Are their institutions, their government, are the people falling into decay and exhibiting any symptoms of dissolution? It is true that the population has fallen off in numbers. But it was hardly to be expected that a people who a few years ago were untutored savages could undergo the severe schooling, the radical changes, and rigid processes essential to rescue them from their wild state without such a result. Indeed, all estimates of the population until they were brought within the embrace of civilization and a regular government established were conjectural, exaggerated, and unreliable. With this exception, which is easily accounted for, they have made marked progress in the arts of peace. They have schools and colleges, a government modeled upon our own, division of labor, and perfect security to life and property.

I repeat then, sir, what are the considerations of a public or patriotic character to abrogate the treaty under shelter of which the islands have progressed so satisfactorily, under which their independence is assured, and our commercial supremacy complete? What is the convention that is proposed to us to-day? It is in effect that sugar, which is the chief article of production and every pound of which for exportation it has been already seen comes to this country, shall be admitted free of duty. It has been estimated by the Secretary of the Treasury that the amount so remitted for the fiscal year 1873 is about $320,345. But with increased production the subsidy and consequent loss of revenue, will equal the sum of one, two, and probably three millions. This amount bestowed as a bonus on the twenty-five or thirty American sugar-planters would necessarily enhance their profits, and stimulate production. It would be an invitation to those planters to bring hordes of Chinese into the Hawaiian Islands, under the contract system which prevails there, and they would extend the area of sugar-culture so as to embrace every foot of arable soil.

I ask gentlemen if it is desirable, looking at the true welfare of the people of the Sandwich Islands, that we should be a party to a policy that shall convert the islands into one vast and crowded Chinese settlement devoted to the exclusive task of producing sugar?

Mr. Chairman, let us reflect upon precisely what the Chinese are not as they may be in their own country but as we see them in this country. They are the most immoral of mankind; they have none of the wants of civilized man; they contribute nothing to the real wealth of the State; they have no appreciation of free institutions, and they war upon all the elements that form the basis of the strength, safety, and prosperity of free people. They come without families; they merely camp on the soil. They are simply skilled barbarians when we contrast them with American workmen, American freemen. The great factor in modern civilization, the principle which has preserved and borne aloft the banners of Christian civilization and upheld the pillars of the modern state through wars, revolutions, and all changes, has been the family tie, the institution of the family.

Sir, open these islands to these eastern hordes, and you condemn their whole civilization, their institutions, their liberties founded upon law, the benevolent auspices under which these people are being gradually trained and growing up into a well-formed and compact commonwealth; you condemn them to a state worse than that from which you have but recently rescued them, to a moral and intellectual sterility in striking contrast to the gardens these Chinese materialists, debased and debasing, will plant upon all their slopes and plains, their hill-sides and valleys.

What markets will be created for our countrymen under this policy? There will be a demand for steam-engines and sugar-mills, for rice, and fish, and opium, and wearing apparel, and plantation implements.

Great Britain can sell them sugar machinery at lower prices than we can, and pay the 10 per cent. duty which would be exacted, and which is the uniform customs rate in the island. Rice they would produce for home consumption, or at all events we have none to export to them; of fish, like rice, they have an abundance; wearing apparel is not among the articles admitted free from our country; of opium the Government has a monopoly; and it is well known that in tropical countries agricultural implements required are few and inexpensive.

It then appears that, notwithstanding this gift to the sugar-growers of the islands, we shall not enlarge the demand for our products, or confer any genuine benefit upon the people of the islands. It has been insisted upon by the advocates of this bill that it would not cheapen sugar in the markets of the Pacific States. If, then, we confer the bonus upon the planters of the islands, and the effect shall be neither to give to our people cheaper sugar nor enlarged or new markets, upon what principles can the policy be defended? Where is the benefit? But is it clear that it would not lower the price of sugar? The islands contain about six thousand square miles, larger than the States of Connecticut and Rhode Island, and though much of the surface is volcanic and mountainous, yet the climate and soil are singularly adapted to the growth of cane. It is never cut down by biting frosts. They take off two crops in succession. Nordhoff says that the soil appears to be inexhaustible.

I have seen a field of thirty acres which two years ago produced nearly six tons of sugar to the acre. Four tons per acre is not a surprising crop, and from all I can hear, I judge that two and a half tons per acre may be considered a fair yield. The sugar products of the islands has constantly increased. In 1860 they exported 1,444,271 pounds of sugar; in 1864, 10,414,441 pounds; in 1868, 18,312,926 pounds; and in 1871, 21,760,773 pounds.

A distinguished Senator from New England, when this convention was under consideration in the Senate, said:

Their capacity is variously estimated, and will reach from three to five times the amount of the present production, which is stated to be from twenty-three to thirty millions of pounds, so that from one hundred to one hundred and fifty millions of pounds of the Sandwich Islands sugars will ultimately take the place of an equal amount coming from other places that are now subject to the payment of duties, averaging for the class which will be received not less than three and a half cents per pound, and may soon involve an uncompensated loss to the Treasury of two, three, or four million dollars annually. Our market for their sugars is the best they can possibly have, treaty or no treaty, charged with duty or not. The duty is a sheer loss to us and a sheer gain to the twenty-five owners of the sugar plantations, whether they reside in Hawaii or elsewhere. It is an immense subsidy to these wholly private interests, and far more obnoxious than any subsidy which has heretofore found congressional advocates. However honestly intended by the parties to the negotiation, I feel constrained to denounce it as a job, the chief result of which will be to put money into the purses of a few Hawaiian sugar-planters, who have captured a good enough king to march at the head of their triumphant pro-

cession through the country at our expense, and who, by the by, is to issue his royal proclamation ratifying the treaty. When the rejected Hawaiian treaty of 1869 was before us, it was claimed as a merit that all of the owners but two of the twenty-five were foreigners, and almost wholly Americans. There is no doubt they are so now.

Mr. Nordhoff says:

There is room on the different islands for about seventy-five or eighty more plantations on the scale now common, and there are I think still excellent opportunities for making plantations. A planter in his presence described the situation by saying, "If we had plenty of labor and a free market for our sugar we should be thoroughly satisfied."

Mr. Nordhoff speaks of some of these plantations as having cost $100,000, some which cost a quarter of a million, but he adds that they have depreciated in value on account of the improvidence and extravagance of the planters.

It is impossible to say from the data before us what may be the increased production of sugar in the islands under the stimulus of a bonus so great, but it will unquestionably exceed the production of our own country.

It has already been shown by gentlemen who have preceded me in this debate, that under "the most-favored-country clause" in our treaties with other sugar-producing countries, they will be entitled, upon like terms and conditions, to introduce their sugars also free of duty. But as this view of the subject has been already discussed and will be more fully elaborated by gentlemen who are still to speak, I will not dwell upon it.

The total amount of sugar likely to be so imported will largely exceed our own production, and the inevitable effect will be to cut down the revenues of the Government by five or six millions and to overwhelm with ruin the struggling sugar interest of our own country.

The gentleman from New York who introduced this bill predicted that at no distant day we should have two or more railroads completed to the Pacific sea. Now it may be that the commonest kind of sugar cannot be brought to the Mississippi Valley or to the eastern markets by the Central American route, yet it is not impossible that *refined sugars* from these islands or the Pacific refineries may undersell such sugars of our own production in New Orleans, Saint Louis, and Boston. If the effect would be to cheapen sugars on the Pacific coast, it would be an injustice to tax the people of the whole country for their benefit. Our tariff should be regulated not by sectional lines or geographical positions, but upon the principle of uniformity and equality of burdens.

So far then, sir, I have been unable to discover the first single consideration growing out of our trade or commerce to induce us to vote this bonus, to make this donation, exacted from the industry of our tax-burdened people to this alien interest in these distant islands, owned by a few enterprising Americans who do not share with us the difficulties of our situation.

But gentlemen say that we should not be controlled by mere questions of trade; that we should contemplate the purposes and objects of this convention from the pedestal of a lofty statesmanship; that we shall secure by this convention vast political advantages. Now, sir, I challenge gentlemen to point out one single right or privilege of a political character secured to our country. Read the article of the convention, article 4, in which this precious boon is carefully preserved:

It is agreed, on the part of his Hawaiian Majesty, that so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

Now, sir, unless the language of this article was intended not to express but to conceal its meaning, I affirm that there is not one word in it that secures to our country any lien or privilege in any port or harbor or on the territory in the dominions of the King of the Hawaiian Islands. It merely guarantees that he will not make any such grants in favor of any other power. It does declare that no other nation shall obtain the same privileges relative to the admission of any articles free of duty hereby secured to the United States. But we have already demonstrated that this provision was wholly without value to us. So that, when you come to examine this clause critically, there is not the first political right or privilege absolutely secured to us. There is nothing of the kind in it. By the treaty of 1850 the King of the Hawaiian Islands could not grant any privileges to foreign powers which we would not be entitled to upon the same terms and conditions. Hence it is clear that this convention substantially does no more for us in a political point of view than the treaty of 1850. And in all other respects it is not so satisfactory. It does not secure for our merchant-vessels, for our whaling-ships, for our war and mail steamers, for our citizens resident in the island, the same liberal advantages as does the treaty of 1850. And yet the advocates of this convention have discovered in these few barren phrases the basis for our dominion over the islands, a foundation extremely frail for a superstructure so ambitious and imposing.

Gentlemen have delighted us with the spectacle of a proud dependency far out in the Pacific Sea, a half-way house for our caravans laden with the rich treasures of the East; our flag flying over Honolulu; our garrisons passing in reviews before some general officer in command of the islands; our heaviest guns crowning their ramparts, and our invincible monitors quietly sleeping in the harbors of Pearl River, but ready at the first tocsin of war with Great Britain to wake the echoes of those silent seas with their loudest thunders and to drive the British fleet from the track of our commerce.

But gentlemen are mistaken. All this fine rhetoric, these bright visions, these dreams of extended empire, vanish at the touch of fact. Sober-minded men, charged with the responsibilities of government, will appeal from these fancy sketches to the prosaic terms of the convention itself. And when they shall analyze them, they will at once perceive that there are no flag-staffs, no ramparts, not even Pearl River harbors that were to have been offered to us according to Mr. Nordhoff, no emblems of empire, but only sugar, provided we will admit it free of duty! A serious proposition to buy trade; a matter of mere dollars and cents; a vulgar subsidy in favor of a few men and no reciprocity. Where, then, is your lofty statesmanship?

But suppose we were to accept the assurances of gentlemen. Let us take it for granted that this convention (violent as the presumption may be) does secure to our country the great political advantages set forth in such glowing language. Is it advisable that we should accept them at such a price? Is it prudent to tax our people at this time to raise this bonus in order to acquire the extension of our political dominion over these islands two thousand miles distant and more? The honorable gentleman from New York [Mr. WOOD] has attempted to re-enforce his argument in favor of this convention by the high authority of Daniel Webster; and other gentlemen who have preceded me have appealed to the Monroe doctrine as a vindication of the bill. Sir, no allusions could have been more unfortunate for the advocates of this measure.

Surely, gentlemen have forgotten that Mr. Webster, as Secretary of State, was the first to recognize the independence of the islands, and has left upon record his opinions upon the point directly at issue. In volume 6, page 464 of his works, will be found a message of President Tyler, written by Mr. Webster, dated December 31, 1842, in which the following language is used:

Considering, therefore, that the United States possess so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their government seeks nevertheless no peculiar advantages, no exclusive control over the Hawaiian government, but is content with its independent existence and anxiously wishes for its security and prosperity.

Again, in replying to a letter addressed to him by Messrs. Timoteo Haalilio and William Richards, commissioners on behalf of the King of all the Hawaiian Islands, expressing the wish of their government that its independence should be recognized by the United States and a convention entered into for the regulation of their mutual interests and concerns, Mr. Webster employed the following language—speaking as Secretary of State, Washington, December 19, 1842—to be found in volume 6, page 478:

The United States, therefore, are more interested in the fate of the islands and of their government than any other nation can be; and this consideration induces the President to be quite willing to declare as the sense of the Government of the United States that the government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purposes of colonization; and that no power ought to seek for any undue control over the existing government, or any exclusive privileges or preferences with it in matters of commerce.

These were the sober and wise sentiments of one of the purest, firmest, and ablest men who ever spoke the English language! Not one word in favor of an extension of our political dominion! Not one word in favor of securing exclusive privileges or preferences in matters of commerce! The treaty of 1850, the first made with the King of the islands, was projected upon the policy so clearly set forth by Mr. Webster.

I beg to refer for one moment to the Monroe doctrine, in order to show how completely it has been misapprehended by the honorable gentleman from Mississippi [Mr. MONEY] who has just taken his seat, as well as by the other gentlemen who have spoken. What was the Monroe doctrine? I will read it. In the message of President Monroe to Congress at the commencement of the session of 1823-'24, the following passage occurs:

In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. We owe it therefore to candor and to the amicable relations existing between the United States and these powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny in any other light than as the manifestation of an unfriendly disposition toward the United States.

What were the circumstances, the political events, which called forth this famous declaration? In the fall of 1822 the allied sovereigns of Russia, Austria, Prussia, France, composing the Holy Alliance, held their congress at Verona. The question to be determined was whether Ferdinand should be re-instated upon the throne of Spain against the will of the people of that country. Canning, then prime minister of Great Britain, had sent the Duke of Wellington to represent the British government.

The allied sovereigns resolved upon the policy of intervention in the

face of the protest of Great Britain. The doctrines proclaimed the year before at Saybach were to be vindicated. It had been declared there that they had the right to interfere in the affairs of another state and to remodel its government, in order "to prevent the effect of its bad example"—the bad example being always free government. France thereupon sent an army into Spain, the Cortes was overthrown, and Ferdinand restored to power. No sooner, however, did these events transpire than Ferdinand demanded that upon the same principles he had a right to call upon the allied sovereigns to assist him in the endeavor to recall his revolted colonies in the western hemisphere to their obedience and to reduce them to subjection to the Spanish Crown. The pernicious example of America and its baneful effects were pointed out. Mr. Canning, prime minister of Great Britain, informed Mr. Rush, the American minister to the court of Saint James, of these designs against free institutions upon the American continent, and gave to him at the same time the assurance that, if sustained by the United States, Great Britain would resist. Mr. Rush immediately communicated this to our Government. It was received with joy, for it was everywhere felt that if the Holy Alliance should interfere with success with the governments south of us they would surely turn their attention to us and put forth all their united strength to crush our free institutions.

Mr. Calhoun, who was a member of President Monroe's Cabinet, says:

I well recollect the reception of the dispatch from Mr. Rush as distinctly as if all the circumstances had occurred yesterday. I well recollect the great satisfaction with which it was received by the Cabinet. It came late in the year, not long before the meeting of Congress. As was usual with Mr. Monroe upon great occasions, the papers were sent around to each member of the Cabinet, so that each might be duly apprised of all the circumstances and be prepared to give his opinion. The Cabinet met. It deliberated. There was long and careful consultation, and the result was the declaration which I have just announced.

There, sir, is the famous declaration and the history of it. It was not a declaration by Congress, but by the President, and not against Great Britain, but with her cordial approval, if not by her invitation. It was made for a particular emergency. The Holy Alliance vanished before it and has not again re-appeared upon the stage.

Mr. Calhoun uniformly contended that this Government was not bound by this doctrine to intervene whenever there was any disturbance in the internal affairs of our neighbors, nor to extend our supremacy over them whenever we had the power or even if invited by them. Surely it was not intended as a defiance to Great Britain. It was hailed with joy and exultation all over Europe by the lovers of free institutions, but nowhere did it meet with such hearty concurrence as in England. Canning and Brougham expressed themselves to Parliament as proud of their connection with the people of the United States, and the latter observed that the policy disclosed by the message became a great, a free, and independent nation.

Mr. Webster, in his speech on the Panama mission, says:

I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor tear it out; nor shall it be by any act of mine blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor. Over those hopes I will not bring a mildew, nor will I put that gratified patriotism to shame. But how should it happen that there should now be such a new-born fear on the subject of this declaration? The crisis is over; the danger is past. At the time it was made there was real ground for apprehension; now there is none.

Both these statesmen cordially indorsed the declaration, and they both insisted that it did not commit our Government to any specific and uniform policy inexorable in all cases.

Now, sir, there is not one word in that famous declaration which commits us to the policy of extending our political dominion over the Hawaiian Islands. Let us admit that it applies. It rather forbids us to embark in the policy of intervention and empire. Mark the language:

It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for defense.

It will not be pretended that our rights are now invaded or seriously menaced. Have we any public information to this effect? Has the President sent to this House any message informing us that Great Britain or any other power was invading or menacing our rights, or the rights or independence of the Hawaiian Islands? Sir, nothing of the kind is pretended. It may be that the sugar-planters or their agents are whispering vague rumors of war or intervention in the corridors of the Capitol, but they may be dismissed as the sole beneficiaries of the convention. We have no information to this effect. Sir, from the time of the revolution in this country, whenever all other means have failed, our fears and jealousy of Great Britain have been appealed to when a point was at stake to be gained.

Fee, fi, fo, fum,
I smell the blood of an Englishmun,

was the nursery chant for many of us, and now we find the advocates of this convention appealing to our apprehensions of British power.

Well, sir, I do not share these fears and cannot be moved from my sense of duty and right by these appeals. When occasion shall arise, I doubt not we will put forth, if necessary or proper, another declaration of our principles and policy with regard to the Hawaiian Islands or any other question that may arise, and those who may have faced one another on opposite sides in the recent war—the men of Gettysburgh and Perryville, or their descendants—re-united, standing shoulder to shoulder as brethren, as Americans, will take care of the honor and the welfare of our common country on land and sea. We have outlived the dread of Britain, but I trust we shall never outlive our love of peace and our horror of war.

Mr. Chairman, I would ask gentlemen whether this is any time to be giving away our revenues or embarking in a new policy of entangling alliances? Have we not already upon our hands questions relating to our internal affairs of sufficient magnitude to absorb our whole time and tax all our powers? It may gratify the pride of gentlemen to indulge the dream of foreign dominion; of seeing our power stretched across the Pacific Ocean; to embrace the Hawaiian Islands as the advance post on our way to the conquest of the vast countries beyond. I confess, sir, I have no such ambition. I know too well the lessons of history. I trust I properly estimate the ample dimensions, the magnificent area of my country; but broad and boundless and fertile as it may be, this is neither the source of her happiness nor of her greatness. Other nations extend over a still wider area; and yet how weak amid all the prodigality and richness of nature! No, sir; these are in part the elements of greatness, but there is something more that is indispensable to mighty and lasting achievement.

The only power that will give to our country true greatness and carry her forward foremost in the march of civilization is the moral and intellectual supremacy of the people, coupled with a more thorough appreciation of the Constitution and the Union, the duties they impose, and the privileges they confer. We have never yet realized how much we are indebted to these free institutions, nor how great is the task of preserving them in all their original purity and strength, not for ourselves only, not for one portion of the country, but for the whole people, in the South as well as the North, of whatever condition and without distinction, and for those who may come after us. Never was an American Congress confronted with graver questions, and no member of this House contemplates the condition of public or private affairs without the deepest concern. *Hic labor, hoc opus est.*

Let us avoid these complications with distant countries; let well enough alone, and let us address ourselves to the work before us. The people are waiting upon us.

I ask permission to annex to my remarks the tables furnished by the Bureau of Statistics, marked A and B, the text of the treaty proclaimed November 9, 1850, and a letter of Mr. David Wells on the subject before us:

TABLE A.—*Statement of domestic exports from the United States to the Hawaiian Islands during the fiscal year ended June* 30, 1875.

Commodities.	Ports.											
	Pacific.								Other.		Total.	
	San Francisco.		Oregon.		Puget Sound.		Willamette.		Boston and Philadelphia.			
	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.
Agricultural implements	.....	1,394	.....	.....	.....	.....	.....	.....	.....	1,054	.....	2,438
Animals	.....	2,570	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,570
Books, &c	.....	6,951	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,951
Breadstuffs:												
bread and biscuit.....lbs..	196,289	12,250	.....	.....	.....	.....	132,430	3,250	20,293	765	349,012	16,265
oats.....bush..	4,187	1,962	.....	.....	.....	.....	4,127	2,109	.....	.....	8,314	4,071
wheat.....do...	574	466	.....	.....	.....	.....	.....	.....	.....	.....	574	466
wheat flour.....bbls..	8,392	41,352	.....	.....	.....	.....	1,513	6,349	.....	.....	9,905	47,701
other	.....	3,820	.....	.....	.....	.....	.....	.....	.....	116	.....	3,936
Brooms	.....	1,442	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,442
Candles.....lbs..	1,323	1,188	.....	.....	.....	.....	.....	.....	.....	.....	1,323	1,188
Coal, bituminous.....tons..	68	1,161	.....	.....	.....	.....	.....	.....	.....	.....	68	1,161
Coal, other.....do...	.....	.....	.....	.....	.....	.....	.....	.....	2,975	18,333	2,975	18,333
Cordage.....lbs..	49,247	6,534	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,534

TABLE A.—*Statement of domestic exports from the United States to the Hawaiian Islands during the fiscal year ended June* 30, 1875—Continued.

Commodities.	Ports.										Total.	
	Pacific.								Other.			
	San Francisco.		Oregon.		Puget Sound.		Willamette.		Boston and Philadelphia.			
	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.
Cotton, manufactures of		23,020								601		23,621
Drugs, &c		10,733								657		11,390
Earthenware		1,592								42		1,634
Fancy goods		14,745										14,745
Fruits of all kinds		8,820		294				667		45		9,826
Glassware		3,550								1,552		5,102
Gold and silver		33,200										33,200
Hats, caps, and bonnets		17,891										17,891
Hemp, manufactures of		966								822		1,788
Hops lbs.	2,537	748										748
India rubber, manufact'res of		3,203								384		3,587
Iron & steel, manufactures of		41,692								12,619		54,311
Leather, manufactures of		35,442								289		35,731
Lime bbls.	3,270	8,013					1,225	1,850			4,495	9,863
Matches		9,594								6,775		16,369
Musical instruments		2,428								1,254		3,682
Oils, illuminating galls.	20,740	5,958							23,000	4,787	43,740	10,745
Ordn. stores: gunpowder lbs.	4,110	768										768
Paper and stationery		10,466								125		10,591
Provisions:												
bacon and hams lbs.	36,145	6,132					8,369	1,429			44,514	7,561
beef do.	100,185	4,301					4,200	295	12,000	665	116,385	5,811
cheese do.	12,573	2,233									12,573	2,233
fish, dried cwt.	58	428										428
fish, pickled bbls.	174	1,304	875	6,513			1,287	10,017			2,336	17,834
fish, other		2,736		9,337				478		54		12,605
lard lbs.	9,117	1,348										1,348
pork do.	22,600	2,708					700	74	16,900	1,386	40,200	4,168
onions bush.	995	731										731
potatoes do.	6,406	5,962					319	148			6,734	6,120
Rice lbs.	7,500	377									7,500	377
Sewing-machines		3,138										3,138
Soap lbs.	13,823	871									13,823	871
Spirits, of grain galls.	5,633	14,335					230	649			5,863	14,984
Sugar, refined lbs.	5,708	535							4,770	560	10,478	1,095
Tobacco, manufactures of		13,884										13,884
Wearing-apparel		49,470								660		50,137
Wood:												
boards, &c M feet.	522	7,693	26	214	2,199	19,119	103	1,048	19	1,047	2,869	29,121
shingles M.	2,966	6,205	58	144	1,862	2,826			30	71	4,916	9,236
other shooks		3,143								20,464		23,607
other manufactures		7,296								5,686		12,972
Wool, manufactures of		6,050										6,050
All other articles		36,403		2,279		608		4,186		9,276		52,752
Total domestic exports		491,202		18,781		22,553		32,549		90,089		655,174

BUREAU OF STATISTICS, *January* 18, 1876.

EDWARD YOUNG, *Chief of Bureau.*

TABLE B.—*Statement of imports into the United States from the Hawaiian Islands during the fiscal year ended June* 30, 1875.

Commodities.	Ports.								Total.	
	Pacific.						Other.			
	San Francisco.		Oregon.	Puget Sound.	Willamette.		New Bedford and Boston.			
	Quantities.	Dollars.	Dollars.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.
FREE OF DUTY.										
Articles of the United States brought back		4,419								4,419
Coffee lbs.	45,773	11,312			26,710	5,374	8,693	1,912	91,176	18,598
Cotton, raw do.	230	56								56
Fur skins		42								42
Guano tons.	5	201								201
Hides and skins		82,661						10,858		93,519
Household goods, &c		1,662								1,662
Oils:										
whale or fish galls.	26,564	13,614							26,564	13,614
fixed or expressed do.	16,847	7,191							16,847	7,191
Seeds		258								258
All other articles		27,116				1,393		702		29,211
Total free of duty		148,542				6,767		13,462		168,771
SUBJECT TO DUTY.										
Animals, living						10				10
Brass and manufactures of		169								169
Rice lbs.	1,454,965	54,135	11		132,967	5,985			1,588,232	60,131
Chemicals, drugs, &c		164								164
Flax, manufactures of		105								105
Fruits		8,839	24	25		53				8,941
Glass, manufactures of		126								1,126
Iron and steel, manufactures of		639								639
Leather, manufactures of						233				233
Oils, whale and fish galls.	7,000	1,794					28,437	10,204	35,437	11,998
Potatoes bush.	72	101							72	101
Salt lbs.					746,582	2,089				2,089
Seeds		102								102

TABLE B.—*Statement of imports into the United States from the Hawaiian Islands during the fiscal year ended June* 30, 1875.—Continued.

Commodities.	Ports.								Total.	
	Pacific.						Other.			
	San Francisco.		Oregon.	Puget Sound.	Willamette.		New Bedford and Boston.			
	Quantities.	Dollars.	Dollars.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.	Quantities.	Dollars.
SUBJECT TO DUTY.										
Sugar and molasses:										
sugar, brown ..... lbs.	14,590,287	748,782	.....	.....	3,236,707	188,002	61,006	1,892	17,888,000	938,676
molasses ..... galls.	61,718	8,692	.....	.....	1,860	269	.....	.....	63,578	8,961
melado, &c ..... do .	21,360	742	.....	.....	.....	.....	.....	.....	21,360	742
Wood, manufactures of	.....	62	.....	.....	.....	.....	.....	.....	.....	62
Wool:										
raw ..... lbs	217,990	24,769	.....	.....	.....	.....	.....	.....	217,990	24,769
carpets ..... sq. yds.	.....	.....	.....	.....	7	21	.....	.....	.....	21
All other articles	.....	.....	.....	.....	.....	155	.....	110	.....	381
Total subject to duty	.....	849,337	35	25	.....	196,817	.....	12,206	.....	1,058,420
Total imports	.....	997,879	35	25	.....	203,584	.....	25,668	.....	1,227,191

RECAPITULATION.

Pacific ports	$1,201,523
Other ports	25,668
Total	1,227,191

THE SANDWICH ISLANDS TREATY—IS BUYING TRADE LIKELY TO BE PROFITABLE?

To the editor of the Evening Post:

Although it is well-nigh certain that no further discussion of the subject can now have much influence upon the proposed Sandwich Islands reciprocity treaty—the ratification of which the Evening Post (strangely, as it seems to me) warmly advocates—I desire, nevertheless, to present once more to the public, through your columns, the points involved, in the form of a little story and dialogue.

Suppose an independent island in the Gulf of Mexico, inhabited by some fifty thousand Indians, averse to work, and capable, by reason of the climate and abundant natural productions, of living almost without work. Suppose, further, that to this island the American Screw Company, of Providence, Rhode Island, dissatisfied with the existing tariff, determine to emigrate, in place of going, as they propose, to Dundas, Canada—the main object for moving in both cases being a desire to buy the iron out of which the screws are made without paying, as now, a duty of 66 per cent. on its import. The natives not being willing to work, the company imports Chinese coolies; and under these favoring circumstances their product year by year increases. This product they sell to all who desire screws, but more especially to the United States; and this, too, at a profit, although the United States exact a duty of 50 per cent. on the import of all screws coming from other countries.

After a time, however, the screw people, being shrewd fellows, desire, like everybody else, to extend their business and make a little more money, and in order to do this they hit on the following scheme: They go to Washington, and, getting hold of the proper officers, say: "Look here, now. We used to live in Providence; we believe in the United States. We've got this island down here in the Gulf of Mexico for nothing; we are doing pretty well making screws there, but we want to enter into more intimate and friendly relations with the great American nation. We propose, therefore, to allow you to export to the islands everything—like lumber, provisions, leather, tobacco, &c., which you now sell to us cheaper than we can buy elsewhere, and in addition we will include a lot of other things in our free list, some of which we should not buy of you any way, treaty or no treaty, like glue, and manufactures of iron and steel, and others which would be especially suited to send two thousand miles by sea to a tropical island—like, for example, fresh fish and oysters, eggs, sugar, rice, fruits, nuts, green vegetables, furs, skins and pelts, warm woollen cloth, blankets, and even bullion. In return you must reciprocally consent to allow the natural products of the island, whenever the natives gather more than they consume, to enter the United States free of duty; and more especially you must allow all our product of screws, on which you now charge 50 per cent. import duty, to come in free; at the same time keeping up this 50 per cent. duty on all the screws imported from other countries, and an equivalent duty on all the material out of which screws are made; so that, if any one desires to make screws in the United States, he will not be able to do so, except at a cost of 50 per cent. in excess of what the island establishment can afford to export them." Then up jumps the intelligent Congressman and says: "Of course this is just what we ought to do. Why hesitate to extend the area of commercial freedom?" and the leading free-trade newspapers cordially acquiesce. But just then that troublesome fellow, the arithmetic man, comes along, and, desirous as usual of smashing somebody's slate, propounds a few questions to the screw man, somewhat as follows:

Question. How much of the products of all nations—imports—does your island annually require, Mr. Screwman?

Answer. In 1873 we required $1,155,422; but as the native population of the island is rapidly diminishing, we did not take so much as we did in 1871 by $340,000.

Q. How much of domestic product does the island annually sell to other countries?

A. Our total foreign trade—exports—is about $1,400,000 per annum, of which, in 1875, screws at six cents per pound represented $1,200,000.

Q. So that you don't send much out of the island but screws?

A. No, sir.

Q. How many of those screws are imported into the United States?

A. In 1875 we sent you about eighteen million pounds; a mere trifle, sir; only about 1 per cent. of the consumption of the country, and of course not in any degree affecting the general prices of screws to your bureau and washstand makers.

Q. What duty did these screws pay on coming into the United States?

A. On an average about three cents per pound, or about 50 per cent. of the value of the screws at the shipping ports.

Q. So that if the duty had been remitted, as you propose we shall do under the treaty, the United States would have virtually made you a present last year of $540,000 gold?

A. It would have been somewhat so.

Q. If we remit the duty on the import of screws, what, in your opinion, is likely to be the future screw-product of the island?

A. The product last year was twenty-eight million pounds. With a guarantee of 50 per cent. profit over and above what is realized at present, the product will certainly increase very rapidly. Some think we can produce fifty million pounds per annum; others fix it as high as one hundred and fifty million pounds, or about 6 per cent. of the total consumption of the United States. Suppose we say fifty million pounds.

Q. And you will probably send your entire product to the United States?

A. Of course. If we can get three cents a pound more in the United States than we can elsewhere, or fifty per cent. certain profit, we should be fools to send a pound to any other country.

Q. Suppose, then, you send us the supposed minimum of fifty million pounds per annum, and we remit the duty of three cents, would not that be equivalent to making you an annual payment of $1,500,000?

A. Those would be just about the figures, though it might go higher, and probably would if we could import a sufficient additional number of Chinese laborers, and put up new factories. These figures look rather large, I admit, but then you are rich, have few taxes, and we give you reciprocity; and if you can sell us cheaper than we can buy elsewhere (which I don't believe you can) you may in time possibly get our whole trade.

Q. Yes, I understand. How much did you say your total trade, I mean imports from all countries, now amounts to?

A. About $1,400,000; but, of course, with this guaranteed profit of 50 per cent. on screws, we shall have more money and shall buy more wines, spirits, fermented liquors, clothing, furniture, pleasure carriages, &c., from foreign countries.

Q. Yes, I think you will; but I observe that none of these things, which already constitute large items of your imports, are to be admitted free under your proposed reciprocity treaty.

A. It is very true they are not included in the treaty; but they are not of much account.

Q. But two of these items represent about one-tenth of the value of your total imports?

A. I admit it.

Q. So that, if this treaty is adopted and everything works as expected, the United States (as is not probable) selling everything to the island to the exclusion of all other countries, we shall pay you about $1,500,000 per annum for the privilege of selling you another $1,500,000; or, to put it differently, for every dollar that we sell to you you give us a dollar's worth of screws, paying 50 per cent. profit, and then we in addition make you a present of another dollar as an expression of gratitude that we have an opportunity of buying screws of you. This may be reciprocity, but it looks to me like buying trade and paying so high a price for the privilege that if we keep on we shall not have anything left to trade with.

A. I can't stop to discuss this dollars and cents side of the question; but I do know that Mr. FERNANDO WOOD and the Evening Post say it is reciprocity; and if we once make a start in this business, there is no knowing where we will bring up. If there is a big hole left in your Treasury, you can keep up or double the duty on soda-ash, analine dyes, and grindstones; or, if it is luxurics you are after, why, hold on to the taxes on hair-pins and toothpicks. I for one am astonished that you should make such a fuss on giving a million and a half in gold every year to encourage us to make screws. Why, it isn't to be compared to what you are doing for those who grow linseed in your country. You put such an import tax on that as to get a revenue last year of only $20,000.06; but you raised the price of oil, which every man uses who paints his house, from forty-eight cents in London to seventy-eight cents in New York; and as you required twelve million gallons that year, you taxed your people double the amount which you propose to tax them now on this more indispensable article of screws, to encourage this far-off colonial industry. Besides, the aggregate wealth of the United States and the screw island will obviously be the same as before, only a little differently distributed; somewhat as the darkey said when he helped himself surreptitiously to his master's poultry, "There'll be less turkey but more nigger."

Seriously, Messrs. Editors, if you will only in the above dialogue substitute the Sandwich Islands for the island in the Mexican Gulf, and some thirty white planters for the American Screw Company, you will have this scheme of the Sandwich Islands reciprocity treaty complete. It is, furthermore, a good time when the burden of taxation is overwhelming all our material interests, to venture on such a costly experiment for the sake of buying trade.

I am yours, most respectfully,

DAVID A. WELLS.

NORWICH, CONNECTICUT, *February* 22, 1876.

HAWAIIAN ISLANDS.

HAWAIIAN ISLANDS, 1849.

Treaty of friendship, commerce, and navigation, between the United States of America and His Majesty the King of the Hawaiian Islands, concluded December 20, 1849; *ratification advised by the Senate January* 14, 1850; *ratified by the President February* 4, 1850; *ratification exchanged at Honolulu August* 24, 1850; *proclaimed November* 9, 1850.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states and

consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce, and navigation, for which purpose they have appointed plenipotentiaries; that is to say:

The President of the United States of America, John M. Clayton, Secretary of State of the United States, and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as his special commissioner to the Government of the United States, who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs, and his successors.

ARTICLE II.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs or other impost shall be charged upon any goods, the produce or manufacture of one country upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III.

All articles the produce or manufacture of either country, which can legally be imported into either country from the other in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other in ships of that other country, shall, when so exported or re-exported, be subject to the same duties and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges than shall be payable upon the like goods and articles when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE IV.

No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands if laden, or in respect of any voyage if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE V.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ARTICLE VI.

Steam-vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

ARTICLE VII.

The whale-ships of the United States shall have access to the ports of Hilo, Kealakeakua, and Hanalei, in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant-vessels; and in all the above-named ports they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of $200 *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of $1,000 *ad valorem* for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments; but they shall not discharge their seamen or land their passengers in the said islands except at Lahaina and Honolulu; and in all the ports named in this article the whale-ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities which are enjoyed by, or shall be granted to, the whale-ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands above named in this article as not being ports of entry for merchant-vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands other than Lahaina or Honolulu.

ARTICLE VIII.

The contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands and the subjects of his said majesty in the United States of America; that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practiced toward the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hinderance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owners may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretense whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective states shall enjoy their property and personal security in as full and ample a manner as their own citizens or subjects or the subjects or citizens of the most favored nations, but subject always to the laws and statutes of the two countries respectively.

ARTICLE IX.

The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together and fix the price of any goods or merchandise imported into, or to be exported from, the states and dominions of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands further than such sale may be allowed by the Hawaiian laws.

ARTICLE X.

Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice-consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and other officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals form part of the crews; and, this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But, if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters shall be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XI.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties in the countries of the one and the other without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them or by their duly-authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul or vice-consuls in whose district the wreck may have taken place; and such consul, vice-consul, proprietors, or factors shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless entered for consumption, it being understood that, in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII.

The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other shall be exempt from all duties of port or navigation paid for the benefit of the state, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ARTICLE XIV.

The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged papers, committed within the jurisdiction of either, shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found would justify

his apprehension and commitment for trial if the crime had there been committed. And the respective judges and other magistrates of the two governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XV.

So soon as steam or other mail packets under the flag of either of the contracting parties shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the post-offices of those ports all mailable matter and to forward it as directed, the destination being to some regular post-office of either country, charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post-office and dispatched to ports of the United States, the postmasters at which ports shall open the same and forward the inclosed matter as directed, crediting the Hawaiian government with their postages as established by law and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States and forwarded to San Francisco or other ports on the Pacific coast of the United States, whence the postmaster shall dispatch it by the regular mail-packets to Honolulu, the Hawaiian government agreeing on their part to receive and collect for and credit the Post-Office Department of the United States with the United States rates charged thereupon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI.

The present treaty shall be in force from the date of the exchange of the ratifications for the term of ten years, and further until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Hawaiian Islands, by and with the advice of his privy council of state, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same in triplicate, and have thereto affixed their seals.

Done at Washington, in the English language, the 20th day of December, in the year 1849.

JOHN M. CLAYTON. [SEAL.]
JAMES JACKSON JAROES. [SEAL.]

Mr. BANKS obtained the floor.

Mr. WOOD, of New York. If the gentleman from Massachusetts [Mr. BANKS] will yield, I will move that the committee now rise.

Mr. BANKS. I will yield for that purpose.

The motion of Mr. WOOD, of New York, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole, pursuant to the order of the House, had had under further consideration the bill (H. R. No. 612) to carry into effect the convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th of January, 1875, and had come to no resolution thereon.

Mr. WOOD, of New York. I now give notice that I shall ask the House, on Tuesday next after the morning hour, to go into Committee of the Whole for the purpose of having two more speeches made upon this treaty, and then I shall ask the sense of the House upon the passage of this bill.

Mr. REAGAN. I would suggest to the gentleman that there is another special order set for Tuesday next, the steamboat bill, as it is sometimes called; the bill in relation to navigation.

Mr. RANDALL. I would suggest to the gentleman to say Saturday next; there will be a business session on that day.

Mr. WOOD, of New York. I will say to-morrow after the morning hour.

Mr. KELLEY. One of the members of the Committee of Ways and Means, the gentleman from Maryland, [Mr. THOMAS,] is now absent. He has expressed a desire to be heard upon this subject, and I think the opportunity should be reserved for him to speak.

Mr. WOOD, of New York. I do not think I have any right to delay the action of the House on this bill. I shall be ready to call for a vote upon the bill after the gentleman from Virginia [Mr. TUCKER] and the gentleman from Massachusetts [Mr. BANKS] shall have spoken. I do not understand that there are any more speeches to be made, after I have concluded what I may desire to say in reply. I will therefore name to-morrow, after the morning hour.

Mr. BRIGHT. I object to that. To-morrow is objection day, and we will need it in Committee of the Whole on the Private Calendar.

Mr. WOOD, of New York. Then I will name Monday, after the morning hour.

The SPEAKER. The Chair would suggest that there are several special orders now pending, three at least, to run from day to day, and there will be no lack of business to take up Monday or any other day for many days to come. What is the motion of the gentleman?

Mr. WOOD, of New York. Before making any motion, I would say that I understand this bill is the special order from day to day until disposed of. I ask unanimous consent that the House will now make the order that on Monday next after the morning hour the consideration of this bill shall be resumed and concluded in Committee of the Whole.

There was no objection, and it was so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. When the committee rose last night, the House had proceeded in the consideration of this bill as far as the paragraph relating to the Supervising Architect. The Clerk will continue the reading of the bill.

The Clerk read the following:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, $4,500; deputy comptroller, $2,600; four principal clerks, at $1,800 each; four clerks of class four; ten clerks of class three; six clerks of class two; four clerks of class one; six clerks, at $900 each; one messenger; and two laborers; in all, $55,480.

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, $4,500; deputy comptroller, $2,600; four principal clerks, at $1,800 each; four clerks of class four; ten clerks of class three; ten clerks of class two; six clerks of class one; nine clerks, at $900 each; one messenger; and two laborers; in all, $65,780.

Mr. FOSTER. In the paragraph relating to the Second Comptroller of the Treasury, I move to strike out the words "four clerks of class four" and to insert in lieu thereof the words "eight clerks of class four." I make this motion more particularly to call the attention of the Committee of the Whole to the fact that by this bill the reduction proposed in the office of the First Comptroller of the Treasury is 20 per cent., while in the office of the Second Comptroller the reduction is 34 per cent. I know of no reason for that discrimination. Both of these Comptrollers claim that the business of their offices cannot be done by the reduced force proposed in this bill, especially the Second Comptroller's Office. Now I would like to know why this discrimination is made between these two Comptrollers?

Mr. RANDALL. Let us have a vote.

Mr. FOSTER. Can I not get an answer?

Mr. RANDALL. We made an examination of these Bureaus, and the gentleman was in the committee at the time. So far as this part of the bill is concerned the whole plan is one in regard to numbers, and it is believed that the public service can be properly conducted in the two Comptrollers' Offices with the force which we have given.

Mr. FOSTER. The force in the one office is reduced 34 per cent., and in the other only 20 per cent.

Mr. RANDALL. Because one is capable of being reduced more than the other.

The amendment was not agreed to.

The Clerk read as follows:

Commissioner of Customs:

For Commissioner of Customs, $4,000; deputy commissioner, $2,250; two principal clerks, at $1,800 each; three clerks of class three; six clerks of class two; six clerks of class one; one messenger; and one laborer; in all, $30,760.

Mr. DUNNELL. I move to amend by striking out "$4,000" as the salary of the Commissioner of Customs and inserting "$3,000." I notice on examination that there is a very wide difference between the compensation allowed to the different Commissioners. The Commissioner of Customs under this bill is to receive $4,000, while the Commissioner of Pensions has had his pay reduced to $2,750. Now, perhaps it is owing to my want of knowledge upon this matter; but I am unable to see why there should be so large a difference between the salaries of these two officers. I am unable to comprehend why the Commissioner of Customs should receive $4,000 and the Commissioner of Pensions only $2,750. From what I know of the two offices there is really no comparison in the amount of labor required of these two men.

Mr. RANDALL. By the Revised Statutes, section 316, the salary of the Commissioner of Customs is fixed at $4,500; and we reduce it 10 per cent., or a little over. When we reach the subject of the salary of the Commissioner of Pensions, I will then reply to the other question of the gentleman.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. DUNNELL] insist on the amendment?

Mr. DUNNELL. I do not.

Mr. FOSTER. I move to amend by striking out "$2,250" as the salary of the deputy commissioner of customs and making it "$2,600." Mr. Chairman, I cannot for my life see why this discrimination should be made between the deputy commissioner of customs and the deputies of the First and the Second Comptrollers of the Treasury. The salary of the two deputy comptrollers is now fixed by this bill at $2,600. They were raised last year, for the first time, from $2,000 to $2,800. The deputy commissioner of customs is a similar officer, the Commissioner of Customs being a controlling officer. The salary of the deputy commis-

sioner of customs, whose duties are in all respects equally important with those of the deputy comptrollers, is reduced to $2,250. I cannot understand the reason for this discrimination between officers whose duties are equally important.

Mr. RANDHLL. The deputies of the First and the Second Comptroller were kept at $2,000 for many years, while all other officers of similar grade had their salaries increased. The act known as the "Kellogg bill" raised the salaries of these deputy comptrollers to $2,800. The committee has made a reduction of only $200 in view of the fact—that was my reason—that they had had no increase until the "Kellogg bill."

Mr. FOSTER. Then the gentleman concedes that $2,600 is too high.

Mr. RANDALL. Well, we took 10 per cent. off.

Mr. FOSTER. Only about 7½ per cent.

Mr. RANDALL. In reference to the deputy commissioner of customs, we took of 10 per cent. If gentlemen will turn to the Statutes at Large, volume 18, page about 290, they will find that the salary was fixed at $2,500. The reduction of 10 per cent. makes the salary what is proposed in the bill, $2,250.

Mr. FOSTER. That does not answer my point.

Mr. RANDALL. The deputy commissioner of customs is a much less important office. I do not suppose there are two more important offices in the Government than the First and the Second Comptroller of the Treasury. The gentleman is quite aware that those officers have power with which the President of the United States himself cannot interfere.

Mr. FOSTER. The Commissioner of Customs has equal power in his sphere.

Mr. RANDALL. Not finally. Their action is final.

Mr. FOSTER. I understand the action of the Commissioner of Customs to be final within his own province.

Mr. RANDALL. As to the deputies of these two Comptrollers of the Treasury, it should be borne in mind that Congress a few years ago assigned to their chiefs important duties in connection with the District of Columbia; so that the great bulk of the business of their offices for a year or two past has been performed by the deputies.

Mr. FOSTER. That does not apply to next year.

Mr. RANDALL. This matter is equitable and right as the committee have fixed it.

Mr. HALE. Taking these three offices, the First Comptroller, the Second Comptroller, and the Commissioner of Customs, I think there are very good reasons why the corresponding offices should be fixed at an even rate. What the committee is attempting to do in this bill is even-handed justice. Now the responsibilities resting upon these three leading and important officers of the Treasury Department do no differ materially. The Commissioner of Customs passes upon accounts, and is a final officer to that extent.

Mr. RANDALL. Let me call the gentleman's attention to the fact that the salaries of the two Comptrollers are $500 higher than the salary of the Commissioner of Customs.

Mr. HALE. I do not think they should be.

Mr. RANDALL. I do not consider there are two more important offices in the Government than these two Comptrollers of the Treasury.

Mr. HALE. And the Commissioner of Customs likewise. As to these deputies they are very faithful, competent men in all these Bureaus. They are men of long service, not only in the Comptrollers' Offices but in this Bureau of Customs. The deputy commissioner is a man who has been there for years and is thoroughly conversant with the law pertaining to the immense number of accounts which pass through that Bureau. He has been there for many years and is thoroughly acquainted with all the details of the business. Under any system of civil service, such as would be acceptable in good government, that gentleman would be entitled to promotion and to salary equal to either of the deputies in the Comptrollers' Offices of the Treasury. He should be placed by his deserts and his knowledge as high as the same officer in these other Bureaus. I should be glad to see this equality in these deputyships continued. I would not maintain it by striking these others down. The process of leveling to do most justice would be to level up and to put them all on the same basis. If gentlemen wish to oppose it they can do so, but I think it a fair thing and ought to be adopted.

Mr. HOLMAN. Let me suggest that the salary of the deputy comptroller of customs is $2,250, which is $250 higher than any deputyship until the last Congress. The highest then corresponding with that of chief clerk was $2,000 only. So there is an increase here of $250 within the last two years of the salary of this deputy, who was formerly chief clerk.

Mr. HALE. What is the effect in the Comptrollers' Offices?

Mr. HOLMAN. The same. They have been advanced. If the gentleman was proposing to reduce the First and Second Comptrollers' deputies back to $2,000, I think the argument would be unanswerable. I do not think the increase should take place. When he applies his remarks to what is a reasonable salary for that office he will see if we make it $250 higher than it was two years ago he cannot complain this salary is insufficient.

Mr. HALE. The salary of the chief clerks, now deputy comptrollers, in these other Bureaus was also at $2,000 a year, precisely as the case in this office. If you put up the deputies to $2,600 why not also put up this salary to $2,600?

Mr. HOLMAN. Why not put the others down?

Mr. RANDALL. One word more about these Comptrollers' Offices. The First and Second Comptrollers' Offices have charge of all the civil accounts of the Government except the accounts of the customs and post-offices. The Second Comptroller has the accounts of the War and Navy Departments. The Commissioner of Customs has only the customs accounts.

Mr. HALE. And these are about $200,000,000 a year.

Mr. RANDALL. A comparison of the business of these offices is very largely in favor of the Comptroller's Office. I think the discrimination in the salaries of the chief officers, varying $500, is correct, and I think the difference should be continued as to the deputies.

Mr. FOSTER'S amendment was rejected.

Mr. FOSTER. I now call the attention of the chairman of the Committee on Appropriations to the amendment he offered last night, lest it be forgotten. I presume he wishes the committee to act on it now?

Mr. RANDALL. Does the gentleman refer to the consolidation of the Loans and Currency Bureau with other Bureaus?

Mr. FOSTER. Yes, sir.

Mr. RANDALL I have no objection to taking that up now.

Mr. HALE. Let that be considered to-night.

Mr. RANDALL. Very well.

Mr. HOAR. I move the following amendment, to come in at the end of the paragraph.

The Clerk read as follows:

Add to line 458 the following:

Whenever, in the judgment of a head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of a higher grade and increase the number of clerks of a lower grade to the same extent.

Mr. HOAR. If my friend, the chairman of the Committee on Appropriations, will attend to this one moment, I will be much obliged to him. I think it will meet with his assent. The purpose of this amendment is not to put any discretion or power into the hands of the head of a Department, except discretion and power to reduce expenditures in particular cases. Suppose we assign in any Department of the Government ten first-class clerks and ten second-class clerks, and the head of the Department finds he can get along with fifteen first-class clerks and only five of the higher grade, making a reduction to the extent of the difference between the first and second class salary of five clerks, there would seem to be no reason why he should not be permitted by law to do this. So, too, in regard to the matter of female clerks. This provides in no case can there be a larger expenditure or a larger number of clerks of a higher grade than the law authorizes, but it permits the head of a Department, instead of five fourth-class clerks when he can get along with five first-class clerks, to make that substitution, thereby saving so much to the Government. And it will also give the head of the Department to that extent the power of trying clerks who are appointed as to their fitness and capacity for the office at a lower salary when they are first appointed and of holding out the hope of their being raised to the higher grade as a reward for faithful conduct and capacity in the service. I cannot see that there can be any objection to it.

Mr. RANDALL. A somewhat similar provision was embraced in the act of last year as to the General Land Office, and under it quite a number of nine-hundred-dollar clerks were appointed instead of twelve-hundred-dollar clerks; that is to say, in this way: three twelve-hundred-dollar clerks would make the expense $3,600, which would provide the pay for four at $900.

Mr. HOAR. This does not do that. This limits the number. Take an extreme case. Suppose you appropriate for twenty fourth-class clerks in a particular Department and provide for nothing else; this provision would permit the head of the Department to appoint to that duty twenty first-class clerks, if he thought they could do the work, or ten first-class clerks. It would not increase the number of persons employed. He cannot go beyond the number authorized, but merely has the authority to have a cheaper kind of clerks.

Mr. RANDALL. I should like to hear the gentleman's amendment read again.

Mr. HOAR. I will say that, if, on examination, the chairman of the committee should object to this amendment, I will consent to its being stricken out.

Mr. RANDALL. I have no objection to it except that I apprehend there might perhaps be a charge made that we are putting in inefficient clerks, giving an excuse for the appointment of a higher class of clerks.

Mr. HOAR. The amendment is very carefully drawn, and could not have that effect.

Mr. HOLMAN. I will make this suggestion to the gentleman from Massachusetts, that this should come in as an independent section, and its proper place would be at the close of the bill anyhow. I suggest that the gentleman withdraw his amendment at present and offer it at the end of the bill.

Mr. RANDALL. I ask the Clerk to read the paragraph to which I have referred in the appropriation bill of last session. I would like to have the gentleman from Massachusetts hear it read.

Mr. HOAR. My amendment avoids any evil that might arise under the provision referred to by the gentleman from Pennsylvania.

The Clerk read as follows:

Provided, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not ex-

ceeding a salary of $1,200 per annum; also, for three clerks of class four, two clerks of class three, four clerks of class two, and twenty-one clerks of class one, to be available from and after the 1st day of March, 1875, $52,533.33.

Mr. RANDALL. The effect of that was to produce confusion. When we came to take up the estimates for this year we knew nothing about that, and the result is that quite a number of clerks in the General Land Office under that provision have been—well, legislated out of office. I will say, in conformity with the suggestion of my friend from Maryland, that if the gentleman from Massachusetts allows us to examine his amendment, and if we find that there are not valid reasons against it, we will insert it in the bill.

Mr. HOAR. I am entirely contented with that suggestion. I desire, however, before withdrawing my amendment to make another remark. What has just been read is liable to the objection the gentleman from Pennsylvania states, and also to the objection that a portion of the appropriation is for work to be done by persons who are not made officers of the Government subject to the penalties applicable to officers. But my amendment does not increase the number of the officers; it authorizes no work which is not done by public officers, but simply says that when you give so many fourth-class clerks to the head of a Department to do a certain work, if he can do that work with the same number of clerks paid at a cheaper rate, he may do so.

Mr. RANDALL. I quite understand that the gentleman desires by his amendment to promote the efficiency of the service.

Mr. HOAR. In conformity with the suggestion which has been made, I withdraw the amendment.

The Clerk read the following paragraph:

First Auditor:

For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; two principal clerks, at $1,800 each; two clerks of class four, four clerks of class three, six clerks of class two, ten clerks of class one, one messenger, and one laborer; in all, $39,810; and for the division of loans, namely: Two clerks of class four, two clerks of class three, two clerks of class two, and two clerks of class one; in all, $11,100.

Mr. DUNNELL. I offer the following amendment:

In line 460 strike out "$3,600" and insert "$4,000;" so that it will read: "For the First Auditor of the Treasury, $4,000."

The chairman of the Committee on Appropriations a few minutes ago said that the aim of the committee was to arrive at exact justice with regard to these officers. Now by the last Congress the pay of the Auditors was fixed at $4,000, and it is now reduced by this bill to $3,600. I am aware that that is the 10 per cent. reduction.

During the five years that I have been here in this House I have frequently heard it stated that we were to have a revision of the civil service of the Government. There was a partial reform made last Congress in the Treasury Department, and also in another Department of the Government. The bill of this year undoes all that was done in the last Congress, and it would require a great deal of learning, a great deal of study, and a great deal of skill to write out the civil service of the American Government, and to show the justice of this compensation and of that as compared among themselves.

Now here are the Auditors, very important officers, having very large trusts committed to them. We ask them to perform the services with which they are intrusted for the small compensation of $3,600, reducing their compensation below what it has been hitherto. These men have in their keeping millions and millions of dollars. Take for instance the Second Auditor of the Treasury, who went into his office fifteen years ago the present week, and during all that period has been in his place guarding the interests of the Government. A more faithful officer never served any government. All the bounties and all the larger Army accounts have passed through his hands, and there has never been a word said by anybody against the Second Auditor of the Treasury. And yet we propose to cut down his pay, bringing it proportionately far below that of officers who perform less work; giving $2,600 for instance to a deputy comptroller, and paying him $3,600. There is no just measure of proportion between the salaries that it is proposed to give to these different officers.

I had hoped, Mr. Chairman, that what was accomplished in the way of reform in the last Congress would have been preserved in this; but, sir, we are going on from bad to worse, and I am not amazed at the fact that the chairman of the committee finds it difficult to explain.

Mr. RANDALL. I did not say I found it difficult to explain.

Mr. DUNNELL. You said so last night.

The CHAIRMAN. The hour of half past four has arrived, at which time the House takes a recess.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of bills of the House of the following titles, with amendments; in which concurrence was requested:

An act (H. R. No. 2655) to amend section 1044 of the Revised Statutes;

An act (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States; and

An act (H. R. No. 1118) granting a pension to Jane Dulaney.

It further announced the passage of the following bills, without amendment:

An act (H. R. No. 2304) granting a pension to Philip J. Shaw;

An act (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin;

An act (H. R. No. 610) granting a pension to Seth W. Homestead;

An act (H. R. No. 111) granting a pension to David J. Garrett; and

An act (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio.

It further announced the passage of the following bills; in which concurrence of the House was requested:

An act (S. No. 64) granting a pension to Julia Scroggins;

An act (S. No. 121) granting a pension to John Pierson; and

An act (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

The hour of half past four having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The hour of half past seven having arrived, the House resumed its session, Mr. HOLMAN in the chair as Speaker *pro tempore*.

Mr. COX. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending amendment was offered by the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. I would ask the Chair if my time has expired?

The CHAIRMAN. The Chair thinks that the gentleman has exhausted about half of his time, and the Chair will now hold that he is entitled to five minutes.

Mr. DUNNELL. I do not know that I desire to occupy the five minutes assigned me through the courtesy of the Chair, but perhaps I might do so. I have stated that I was unable to see why the reduction should be such as has been made in the case of those other Auditors. The salaries provided, if we make a comparison with these officers of the Government who perform an equal amount of service—as I said, these officers are the most important in the Government; a very large amount of money passes through their hands; their services are such as call for great care and great labor, and in point of fact large experience. It was believed that, when the salaries of these officers was made $4,000 a year, as it was by the bill of last year, these men were being paid no more than what they deserved. We now propose by this bill, in point of fact, to disregard the law utterly, to disregard it, and, as the chairman of the committee admitted this afternoon, we are here in the act of appropriating a less sum of money for very many officers than the law declares them entitled to. Now, this manner of legislation, in my judgment, is unworthy. The law says that a certain class of these officers shall have $4,000 a year, but we are only willing to pay them $3,600 a year. The law gives them a fixed compensation, and when a man enters on his duties as such an officer he has a right to expect the compensation that is marked out in the law. I said that I hoped that some committee in this Congress would bring in a bill to promote reform in the Federal service, and that there might be a fixed compensation well grounded, and that there might be an appropriation in harmony with the law itself.

Why is it that we are having so much trouble with this appropriation bill? Mr. Chairman, it has already been five weeks before this House, and the chances are it will be before the House three or four weeks longer. What is the trouble with this bill? It is because an attempt is made to pass an appropriation bill in utter violation of the law. Men are to be paid a compensation other than the law provides, and the bill comes before us containing provisions other than those which are in accordance with law.

[Here the hammer fell.]

The question was taken on Mr. DUNNELL'S amendment, and it was not agreed to.

Mr. TARBOX. I offer the following amendment:

Strike out all after the word "dollars," in line 472, and insert in lieu thereof the following:

Five principal clerks, at $1,800 each; 6 clerks of class four; 35 clerks of class three; 70 clerks of class two; 45 clerks of class one; 1 messenger; and 12 laborers; in all, $229,860.

My amendment does not conflict at all with the reduction of salaries proposed by the bill; it is simply a retention of the present clerical force now in the office at the salaries fixed by the committee. From information and from some familiarity with the business of that Bureau I am convinced that the reduction of that clerical force

contemplated in this bill would do violence to its efficiency in the transaction of its business. I beg gentlemen to remember that this office has to do with a class of citizens of whose interest the country are and ought to be specially tender, the men, and the widows, and the orphans of the men, and their representatives, who fought for the country, and the quick dispatch of their claims is a matter that we should be specially careful of.

Now, sir, this office for many years has been administered by gentlemen who have not been governed by political influences in the discharge of their duties. In the years 1873 and 1874 the force employed in that office was two hundred and sixty-seven clerks. In 1875 the force was reduced to one hundred and eighty-four. Again at the commencement of the present fiscal year it was reduced to one hundred and sixty-one clerks. The present bill proposes to reduce it still further to ninety-seven clerks, and the report will show that while the business of that office has diminished under recent legislation the reduction of its business has been in no proportion to the reduction already accomplished in its force; and in some departments of its labor there has been an actual increase of duties imposed upon it. I will instance one. It is the duty of this Bureau to respond to interrogatories put to it by other offices and Bureaus, notably the Pension Office, in the transaction of their business. It has been called upon to make responses amounting to more than two thousand a month. I submit that this office should not be crippled in its ability to discharge the duties that are imposed upon it.

[Here the hammer fell.]

Mr. RANDALL. This office at one time was a very important one, as regards the soldier, the soldier's widow, and his heirs. It relates to back pay and bounty. The committee have examined this subject thoroughly, as they believe, and find that the duties of this office and its business are now enormously on the decline. The force that we have allowed them in this bill for the coming fiscal year, I think the Committee on Appropriations, without dissent, deem to be adequate. I may say that, in my own opinion, the work can be done with less force than we have given it. We have in no way whatever, either through the gentleman at the head of this Bureau, to whom I accord all the qualities that have been stated by the gentleman from Massachusetts, [Mr. TARBOX,] nor through any agency of any member of the committee, has any remonstrance been received as to the manner in which we have fixed the force in this Bureau. I hope, therefore, the amendment will be voted down, because it involves an additional expenditure of $90,000.

Mr. POPPLETON. I would inquire of the gentleman from Pennsylvania [Mr. RANDALL] if, in the apportionment of labor in the Treasury Department, the Committee on Appropriations have increased the labor of the Auditor in this office?

Mr. RANDALL. Not that I know of.

Mr. POPPLETON. Then I would be glad to know why the salary of this Auditor is increased by this bill $600 over the salary appropriated for the last year?

Mr. RANDALL. You mean the Second Auditor?

Mr. POPPLETON. Yes.

Mr. RANDALL. The gentleman is mistaken; the salary last year was $4,000, and we have reduced it 10 per cent., to $3,600.

Mr. POPPLETON. I understood that it was $3,000 last year.

Mr. HOLMAN. No; it was $4,000 last year.

The amendment of Mr. TARBOX was not agreed to.

Mr. JOYCE. I move to amend the pending paragraph in line 474, by striking out "twenty-five clerks of class three" and inserting "thirty clerks of class three."

By virtue of my right under a motion to amend I desire to avail myself of this opportunity to say a few words upon the impracticability and injustice of the policy adopted by the Committee on Appropriations with reference to reducing the numbers and cutting down the salaries and wages of the employés in the several Departments of the Government.

The democratic party came into power in this House by telling the people how extravagant and corrupt the republican party had been, and what marvelous things they would do to revive business and relieve the distresses of the people if they were permitted to have control of this branch of the national Legislature.

By deception in one quarter and force and intimidation in another they succeeded in carrying a majority of the popular elections, and in this Congress for the first time in sixteen years they find themselves largely in the majority.

When once in power, the situation demanded that at least a violent attempt should be made to satisfy the people, and induce them, if possible, to extend their lease and give them the control of the General Government for the next four years.

At the commencement of this session it was perfectly evident that, in view of the promises they had made of retrenchment and reform, their hope, if they had any in this emergency, lay in the Committee on Appropriations and in the organization of the House; all the political Moseses they could muster were placed upon that committee.

In their anxious and reckless haste to grind out political capital for the next presidential campaign a majority of that committee originated and adopted a policy which, if carried out by a majority of this House, will be a blunder much worse than a crime, and bring down upon the democratic party the well-deserved censure of every fair-minded and honest man in this country.

An honest purpose to reduce the expenditures of the Government and inaugurate a system of economic reform in all its different branches would have led that committee, before they put the filling into this bill, to make a thorough examination of all the Departments, consult fully and freely with those in charge, and then, with all the evidence before them, they would have been prepared to decide intelligently where the help could be reduced without detriment to the public service and where the salaries and wages could be cut down with a real saving to the Government, and without robbing honest labor of its hard-earned wages.

But, instead of pursuing this course, and doing as any wise and prudent man would do in the management of his own business, they decided in the first place that, in order to supply democratic orators and presses with sufficient ammunition for the coming campaign, they must reduce the current expenses of the Government at least thirty or forty millions of dollars, and so they sat down in their committee-room and, without any reliable data upon which to act, and in almost perfect ignorance of the amount of work to be performed, or the amount of help required to perform it, they cut and slashed regardless of personal rights or the public weal, with but a single idea, and that was an arbitrary reduction of 10 per cent. on the salaries and wages and 20 per cent. on the number of persons employed.

Now, sir, it seems to me that any man with the smallest possible modicum of common sense and discretion, or knowledge of business affairs, would have known at once that the number of employés in all these Departments and their wages could not be fairly and economically established and regulated by any such rule as the one adopted by the Committee on Appropriations.

As I have said, Mr. Chairman, a thorough examination should have been made of each one of the Departments, and if any drones or sinecures were discovered, they should have been cut off, the help reduced to the smallest number consistent with economy and efficiency, none but competent and worthy persons retained, and to them should be paid a fair and liberal reward for their services.

The business of the Government, in this respect, should be conducted on the same principle that a shrewd and cautious man would run a manufacturing establishment; hire none but competent and industrious persons, who are qualified for the business, a sufficient number to do the work, and then pay them wages which will enable him to retain them in his employ.

Cheap help is always the most expensive, and overworked laborers are always a source of loss to the employer.

The truth is, and no men ought to know it better than the learned gentlemen who compose the Committee on Appropriations, that the wages now paid to the Government employés in this city, with present high prices and cost of living, is barely enough, if they have small families, to enable them to keep soul and body together.

And there is another thing which it may be well for us to remember with reference to this matter, and that is that a large proportion of the men employed in these Departments and about this Capitol are those whose constitutions have been more or less shattered and their health broken down by services and privations in a war which saved us a country and the blessings of our free institutions.

These men, who bring honorable scars from many a hard-fought field, and women whose hope and stay were swept away in the red storm of war, are the nation's wards; and while they are unable, many of them, to endure the labor and exposure of the farm and the factory, they are able to do good service in these Departments for the Government they helped to preserve, and thus save themselves, their wives and little ones, from grudging charity, the pangs of want, or the disgrace of beggary.

I insist then, Mr. Chairman, that the rule, or pretended rule, upon which this bill was made up by the committee, is radically wrong, and would, if they had kept within it, worked great injustice to an intelligent, hard-working, and deserving class of our citizens; but they have not kept within their own rule, and bad as it is, the committee in their feverish zeal to serve their party have gone beyond it, and parsimoniously, and as I say knowingly, reduced the salaries and wages of many of these people below the point of actual starvation.

Now, sir, I am in favor of establishing a fair, honest, and reasonable standard of economic reform everywhere and reducing the expenditures of this Government to the lowest possible figure consistent with the public good and the due execution of the laws; but I am utterly opposed to this clogging of the machinery of the Government, this ruthless slaughter of the innocents, and this bold, audacious, and high-handed robbery of those who toil and who earn their daily bread by the sweat of their brow, for political or any other purpose.

And, sir, I can but look upon it as beneath the humanity and dignity of an American Congress to spend its valuable time and the money of the people in hunting out some poor soldier or widow whose already-scanty wages they can reduce still lower and save a few paltry dollars to the Government, while they are spending millions in bogus investigations and in schemes of all sorts to bolster up the waning fortunes of the democratic party.

Mr. Chairman, every dollar you get in that way is the price of blood; and, in the name of humanity and that old Jewish law which Christ and his Apostles held sacred, I demand that the money thus wrung from the hand of toil and of those who have reaped down your har-

vests shall be used to purchase a field in which those who vote for it shall be buried, and that not a penny of it go into the national Treasury.

Do you suppose, gentlemen, that in the rôle you are now playing you can deceive the people by this bold and shameless assumption of virtue and this hollow-hearted and brazen display of hypocrisy? If you do, the ides of November will convince you of your error. Your political history is known and read of all men.

You are now attempting to steal "the livery of the court of heaven to serve the devil in;" but you are already detected and your dissembling has been exposed, and millions of honest and intelligent men, who were last year cheated by your promises, now hold you in derision and look upon you as a political organization beyond the pale of hope and as being "banded together by despair of forgiveness and the universal detestation of mankind."

As a party you are not to be trusted, for, while you are holding up one hand in holy horror at republican corruption, with the other you are robbing the national Treasury of the last dollar in its till.

You are crying retrenchment and reform, and at the same time you are wasting and squandering the public money with a reckless dissipation unparalleled in the history of this or any other country.

With unholy design you are now seeking to get control of the Government in order that you may undo, vacate, and annul all that has been done and suffered during the past fifteen years, and then turn it over to men who for five years sought to destroy it, who now submit because they dare not rebel, and who to-day inwardly hate the people of the North, the Union, and liberty as bitterly and intensely as they did at Antietam and Malvern Hill.

Your history during the present session of Congress is enough to make the cheek of every American tingle with shame, and presents one grand series of unmitigated blunders; and the more you investigate and probe the body-politic the more your own meanness and dishonesty are exposed and made manifest.

Now, sir, let me ask the gentlemen composing the majority of this committee, when and by whom they have been called upon to stain the honor of the Government by robbing the honest, industrious laborer of his hire. Have the people required this at your hands? Have they demanded that you should do this great wrong?

Do you desire to celebrate the great centennial year of your independence amid the cries of your own citizens whom you have defrauded and oppressed and whose hard-earned wages you wrongfully withhold?

Sir, the people of this country are brave and generous; they like honesty and sincerity and despise buncombe and demagogism; while they are prudent and economical, they are liberal and just. They are opposed to jobbery, to subsidies, to salary grabs, to Credit Mobiliers, and corruption of all kinds; but they are in favor of a fair and honest day's work and of paying every public servant and employé a just and reasonable compensation for their labor.

Now, sir, I am well aware that any man who has the boldness to differ with the committee upon these points is at once branded as an opponent of all retrenchment and reform, and that this side of the House is helpless to prevent the consummation of this great wrong unless honest democrats, who care more for right and justice than they do for party, shall join with us in amending this bill.

I am told that if any democrat dares to wince at this nauseating draught he is at once informed by the chairman of the committee or his trusty lieutenant that the party demands the sacrifice; that Isaac, though a favorite son, must be offered; that in this case there is no ram in the thicket or angel to call upon these modern Abrahams to hold; and so they must harden their hearts, stifle their consciences, and perform the oblation.

Believing and knowing, as I do, that the provisions of this bill will discharge many persons from the Government employ whose services and labor are absolutely necessary to carry on the business of the several Departments, which must be done, and that the salaries and wages of those who are left are unjustly and cruelly reduced, I appeal to the candid and sensible men in this House to forget for a moment partisan politics and the presidential campaign, and join with me in so amending this bill that no waste or extravagance shall be committed on the one side, or injustice and cruelty suffered on the other.

During the remarks of Mr. JOYCE the hammer fell.

The CHAIRMAN. The five minutes of the gentleman from Vermont [Mr. JOYCE] have expired.

Mr. FOSTER. I rise to oppose the amendment, and will yield my time to the gentleman from Vermont.

Mr. JOYCE resumed and concluded his remarks as above.

Mr. RANDALL. I move to strike out the last word of the amendment, for the purpose of saying that I have listened with attention to the general condemnation of this bill made by the gentleman from Vermont, [Mr. JOYCE.] I want to direct the attention of the House, and if the country should take notice of it it would do no harm, to the fact that while the gentleman has made a general complaint against us, up to this time he has failed to point out a single detail in this bill with which he finds fault.

Mr. WILLARD. I have generally supported the Committee on Appropriations in reference to the various motions which have been made in regard to this bill, and I will take this occasion briefly to state the reasons why I have done so. I believe that when this Congress met there was a very general expectation, in view of the condition of the industries of our country, that we should take hold of the business of retrenchment in real earnest. I must say that when this bill was brought in I felt that I could give it my hearty support. It may be wrong in some of its details, but I have every reason to believe that the committee have given to this bill that attention which it requires.

For the laborers in this city engaged in doing service for the Government I feel as much as any one; but I feel also for that great body of laborers throughout the country from whom we are taking their wage-fund by onerous taxation. The other day, in looking over the first message of Thomas Jefferson, I came across this passage, to which I will call the attention of this committee:

Considering the general tendency to multiply offices and dependencies and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it may never be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the whole residue of what it was instituted to guard.

I believe that we should observe this rule in this peculiar period of our country's history. When there is such a surcharge resting upon labor throughout the entire country I believe we should come up heroically to the task of relieving the country from its burdens.

The CHAIRMAN. Debate has been exhausted upon the amendment and upon the amendment to the amendment.

Mr. RANDALL. I withdraw the amendment to the amendment.

The amendment of Mr. JOYCE was not agreed to.

The Clerk read as follows:

Auditor of the Treasury for the Post-Office Department:

For compensation of the Auditor of the Treasury for the Post-Office Department, $3,660; deputy auditor, $2,250; eight principal clerks, at $1,800 each; four clerks of class four, and, additional to one clerk as disbursing clerk, $200; fifty clerks of class three; sixty-four clerks of class two; thirty-six clerks of class one; one messenger; and eighteen laborers; twenty assorters of money-orders, $10,000; also, fifteen female assorters of money-orders, at $900 each; in all, $263,050.

Mr. RANDALL. I move to amend by reducing the number of assorters of money-orders from twenty to eighteen, and by appropriating for their payment $18,000, instead of $10,000; also by changing the total of the paragraph to $271,050. This amendment is offered at the instance of the Department. It will be observed that an appropriation of $10,000 for twenty assorters of money-orders would allow each person a salary of only $500, whereas the salary ought to be $1,000.

The amendment was agreed to.

The Clerk read as follows:

Treasurer:

For compensation of the Treasurer of the United States, $6,000; Assistant Treasurer, $3,500; cashier, $3,500; assistant cashier, $3,000; chief clerk, $2,500; five principal clerks, at $2,000 each; two principal book-keepers, one at $2,400 and one at $2,250; two tellers, one at $2,200 and one at $2,100; ten clerks of class four, ten clerks of class three, six clerks of class two, six clerks of class one; forty clerks, at $900 each; four messengers, five laborers, at $720 each; and seven laborers, at $240 each; in all, $127,590; and for the division of loans, namely: Ten clerks of class four, five clerks of class three, four clerks of class two, nine clerks of class one; one hundred and ten counters and copyists, at $900 each; four messengers, and twenty laborers; in all, $156,010; and for the force employed in redeeming the national currency, namely: For superintendent, $3,200; two principal tellers and one principal book-keeper, at $2,400 each; one assistant book-keeper, $2,300; and two assistant tellers, at $2,000 each; two clerks of class four, two clerks of class three, four clerks of class two, thirty-six clerks of class one; fifteen clerks, at $1,000 each; forty clerks, at $900 each; two messengers, three assistant messengers, three employés, at $432 each; in all, $127,336.

Mr. RANDALL. On behalf of the Committee on Appropriations I move to amend by striking out the following:

Assistant cashier, $3,000; chief clerk, $2,500; five principal clerks, at $2,000 each; two principal book-keepers, one at $2,400 and one at $2,250; two tellers, one at $2,200 and one at $2,100.

And inserting in lieu of the portion stricken out the following:

Assistant cashier, $3,200; chief clerk, $2,500; four principal clerks, at $2,500; one principal book-keeper, at $2,400; two tellers, at $2,400 each; two assistant tellers, at $2,200 each; five book-keepers, at $2,000 each.

In line 531 after the words "for the division of loans, namely:" strike out "ten clerks of class four" and insert "nine clerks of class four."

This is somewhat of a re-arrangement and exchange in some particulars of the salaries. It is done to meet the views of the Treasury Department.

The amendment was agreed to.

Mr. RANDALL. I submit the following further amendment:

In line 542 strike out "two clerks of class four" and insert "four clerks of class four;" strike out "two clerks of class three" and insert "four clerks of class three."

In line 544 strike out "forty clerks, at $900 each" and insert "thirty-six clerks, at $900 each."

Change the total of the paragraph so as to read $129,836.

This amendment does not increase the number of clerks. It is a re-arragement.

The amendment was agreed to.

The Clerk read as follows:

Register of the Treasury:

For compensation of the Register of the Treasury, $4,000; assistant register, $2,250; four clerks of class four; six clerks of class three; ten clerks of class two; eight clerks of class one; six copyists, at $900 each; one messenger; and two laborers; in all, $51,630; and for the division of loans, namely: four clerks, at $1,800 each; four clerks of class four; eight clerks of class three; two clerks of class two; four clerks of class one; seventy-five copyists and counters, at $900 each; four messengers; and four laborers; in all, $106,340.

Mr. DUNNELL. I move to amend by inserting after the word "dollars" in line 552 the words "one chief clerk, $2,000."

My attention has been called to the appropriation of last year for the Register of the Treasury. The compensation of the Register was fixed at the same amount as in this bill. There was also an assistant register at $2,000, as in this bill. The bill of last year provided for a chief clerk at $2,000. That chief clerk has been the disbursing clerk in that Department, and has been under bonds for $10,000. It is now proposed to do away wholly with that disbursing clerk. The duties of this clerk must be performed by somebody. It will be necessary to have that duty performed by a clerk of class four. That chief clerk last year had $2,000. The clerk of class four who will be detailed to act as disbursing clerk will receive under this bill a compensation of $1,600, and will of course not be under bonds.

Now it seems to me very poor policy to take away an office so important as this, an officer who is under bonds—an important requirement for securing the faithful discharge of the duties of the office. I hope, after the very large reductions which have been made, this disbursing clerk will be restored to the Register of the Treasury; for it will be observed that there is an important difference between the appropriations of last year and those proposed in this bill. Last year we provided for seven clerks of class four; here we provide for four. Then we appropriated for ten clerks of class three; in this bill we appropriate for only six. The reductions in this office amount to some 33 per cent.

Mr. Chairman, in reply to the gentleman from Michigan, [Mr. WILLARD,] who saw fit to compliment the Committee on Appropriations so much that he elicited a faint cheer on the other side, I want to ask him whether it is enough for this House to come here and spend the entire session in cutting down a little in the appropriations of this Government? Is this all the revolution promised the country? Were we to get nothing more from a democratic triumph than a 10 per cent. reduction of salaries? There has been no bill yet presented from the other side for the revival of industry. There has been no proposition to give labor a better reward than it had under a republican administration. There has been no bill presented to restore commerce or to benefit manufactures. It is a very small consolation to a man who stands on the street-corner with his hands in his pockets, without an hour's work to do, with starvation staring him in the face, to tell him, "My friend, I can tell you how you can live on thirty-six cents a day while it now costs you forty cents." That is not the question. The man cares but little how he may live on a few cents less per day unless, perchance, you give him an opportunity to work. Now, the country will not be satisfied with your simple cutting off 10 per cent. in official salaries. I say to the democratic majority here that superadded to this retrenchment there must be some affirmative measures for a revival of the business of the country. It will be a cheap argument in the campaign to talk of the little reductions you have made, amid the starving laborers of the country for whose benefit you have done nothing and about which you have talked so much.

[Here the hammer fell.]

Mr. WHITEHOUSE. Mr. Chairman, I should like to inquire of the gentleman from Minnesota who has just taken his seat what measures the republican party inaugurated to relieve the suffering interests of the country during its long lease of office. The party he represents has been in power for the last fifteen years, and from the legislation of that party the great material interests of the country have not received any benefit. Does he expect that during this one session of Congress we can initiate and complete measures that will at once relieve the people? As much as can be done will be done.

Mr. DUNNELL. If the democratic party in this House lets this session go——

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. WHITEHOUSE. I do for a moment.

Mr. DUNNELL. If this long session of Congress shall not be sufficient for this democratic House of Representatives to take the first step toward a revival of business, how long, O, how long, do you think the people will wait for you to take that first step?

Mr. WHITEHOUSE. Well, now, that is enough.

Mr. DUNNELL. One word; the gentleman is not quite answered. It was said by democrats some two years ago they only needed to reach this House and reforms would take place and there would be a revival of business. You had a bill here to repeal the resumption act, and yet your party allowed it to be slaughtered. You have a tariff bill here which is an insult to the laboring masses of the country.

Mr. WHITEHOUSE. Not so, sir.

Mr. DUNNELL. It has not one redeeming feature in it.

Mr. WHITEHOUSE. Now, that is enough. I do not yield any longer. This country is now suffering because of the extravagance of administration which obtained during the long possession of office by the republican party. To say upon the floor of this House that we can legislate here in regard to finance or tariff and revive the drooping industries of the country is to say what the facts will not bear out. What has finance, what has the tariff to do with the immediate revival of the depressed and suffering industrial interests? We have to go back to simpler habits, to retrench and reform, to travel the tiresome road back to good government; we have, however repulsive it may be to gentlemen on the other side, to retrench, to economize, to save the people from taxation; and to that end this democratic House of Representatives is exerting its very best endeavors. I believe in carrying out the policy which it has inaugurated we will not only have the best results for the Government, but we will secure the hearty approval of the people.

[Here the hammer fell.]

Mr. WILLIAMS, of Wisconsin. I move to strike out the last word.

I do not desire to trespass long upon the time of the committee, but I trust my friend from Minnesota [Mr. DUNNELL] and my friend from Vermont, [Mr. JOYCE,] who sits near me, will not be too severe with our friends on the other side of the House. They are good-natured gentlemen, and they have their tribulations. I have thought myself this treatment was a little topical. The true physician deals with the seat of the disease and leaves nature to work the cure. Real statesmanship deals with fundamental laws and trusts to logical results. I may here inquire if $5,000 per annum was too much for a member of Congress to live on in Washington, with the incidental expenses attached to his office? Our friends have replied, "Whether it is or not, if we cut down these clerks' salaries upon an arbitrary reduction of 10 or 20 per cent., we ought to cut down our own." I think their position is a sound one, and I propose to stand by them on that theory, but I have thought it would be a little more logical first to inquire whether it is proper to cut down the salaries of these laboring and faithful clerks to begin with.

But our friends on the other side reply, "It is hard times, the people are in distress; members can afford to put in $500 each; these poor clerks can put in $100 each, and thus *relieve* the country!" I can understand how the *principle* of prudence and economy should be preserved in the public service and how this amounts to statesmanship; but will you dip up the flood with a pail and make no effort to find the source of the torrent? Will you seek to restore prosperity to this country by taking contributions from a few poor clerks, while public charity relieves their pinching wants? Is political favor to be purchased in this wise? However, our friends have had their trials sore and severe. They are not unlike the two terror-stricken boys in the boat when the storm overcast the sky and a crash of lightning seemed to split the very dome of the heavens. One said to the other, "Bob, can you pray?" "No, Jim; can you?" "No." "Well, by mighty, Jim, it's time to do something religious. Suppose we take up a collection." [Laughter.] So with our democratic friends; they are out in thick weather. For fifteen years they have clamored for power, and for fifteen years their statesmanship has been broken on the wheel of every vital issue which came before the country. Finally they came in, with a grand flourish, for "civil-service reform;" and on the second day of the session they sent true and faithful public servants trooping down the hill for partisanship alone. They proposed a constitutional amendment limiting the tenure of office of the Executive; they tried finance, but the democratic team halted and balked; tariff was tried, but it lingers in committee, uncertain whether to live or die; they tried amnesty, and went all to pieces.

The lightning of discord has been seen to flash from face to face over there, and the rumble of discontent has run through that side of the Chamber; matters were becoming serious; something "religious" had to be done; something which seldom fails in a political stress of weather; so they said, "Let us take up a contribution from the poor, hard-worked, half-starved clerks." [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIAMS, of Wisconsin. I will ask for no further time now, and withdraw the amendment.

Mr. WILLIAMS, of Wisconsin, withdrew his formal amendment.

Mr. DUNNELL's amendment was rejected.

The Clerk read as follows:

Comptroller of the Currency:

For Comptroller of the Currency, $4,500; deputy comptroller, $2,250; two principal clerks, at $2,000 each; six clerks of class four; ten clerks of class three; eight clerks of class two; eight clerks of class one; twenty-five clerks, at $900 each; two messengers; two laborers; in all, $80,470; and for expenses of the national currency, namely: one superintendent, at $2,200; one teller and one book-keeper, at $2,000 each, and one assistant book-keeper, at $1,800; fifteen clerks, at $900 each; and one messenger; in all, $22,340.

Mr. RANDALL. I am instructed by the Committee on Appropriations to submit the following amendment.

The Clerk read as follows:

Page 24, line 565, strike out "2" where it occurs a second time and insert "5," and strike out "and 50" in the same line; so the bill will read, "deputy comptroller, $2,500," and make the total $22,590.

Mr. J. H. BAGLEY. I desire to offer an amendment to the amendment, to strike out "$500" and insert "$700;" so as to make the salary of the deputy comptroller $2,700.

My reasons for offering this amendment I will explain as briefly as possible. The present salary of this officer is $3,000. The bill as it now reads would reduce it to $2,250, about 25 per cent.; but the chairman of the committee proposes to make it $2,500, which is about 16 per cent. reduction. This officer has always been considered as entitled to more salary than the other deputy comptrollers. For instance, the salaries of the deputy comptrollers of the Treasury were fixed under the Kellogg re-organization at $2,800. This bill places their salaries at $2,600. The committee in their bill propose to re-

duce the salary of the first deputy comptroller of the Treasury about 7½ per cent. The present proposition of the chairman of the committee is to reduce the salary of the deputy comptroller of the currency about 15 or 16 per cent. I think, sir, there is here a clear case of injustice. This deputy comptroller is required to give a bond of $50,000, whereas the first deputy comptroller of the Treasury is not required to give any bond. The duties he performs are quite onerous, and I ask the chairman of the committee to agree to my amendment.

Mr. RANDALL. Before what is known as the Kellogg re-organization the salary of this office was $2,500, the amount named in my amendment. The members of the committee around me, however, are willing to make the salary the same as those of the deputy comptrollers of the Treasury, $2,600.

Mr. J. H. BAGLEY. I will agree to that.

Mr. RANDALL. I am aware that he is a very efficient officer.

The amendment, as modified by inserting $2,600, was agreed to.

Mr. TOWNSEND, of Pennsylvania. I offer the following amendment:

In line 564, strike out "$4,500" and insert "$5,000;" so that it will read: "For Comptroller of the Currency, $5,000."

Mr. Chairman, the Comptroller of the Currency is the head of the whole currency system of the country. He has a very large responsibility. He has the management and care of twenty-two hundred and eighty banks. He has to see that they are properly managed, and their reserves kept in proper order and to a proper amount. He must watch over the bank examiners who take charge of the banks in the different parts of the country and ascertain whether or not they are solvent, and he has also the charge of winding up all the banks that may fail, amounting to thirty or forty at the present time. He gives security to the amount of $100,000, and has had the charge of the national currency, amounting to $1,623,000,000, received, issued, and destroyed, since 1864. He has the care of as much currency and of as many accounts probably as the Treasurer of the United States, who gets a salary of $6,000. Under these circumstances I think it but right and proper that this officer should be allowed a salary of $5,000, which he has had heretofore. I trust the Committee on Appropriations will be willing to accept the amendment.

Mr. RANDALL. That would be doing injustice to all the other heads; and besides I do not think that the duties of the office warrant the distinction or exception that is sought to be made in favor of this officer.

The amendment of Mr. TOWNSEND, of Pennsylvania, was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I offer the following amendment:

In line 565 strike out "2" and insert "4;" so that it will read: "Four principal clerks, at $2,000 each."

Mr. Chairman, there are now four heads of divisions in the Bureau of Currency, and I want to call the attention of the Committee on Appropriations to the work of this Department. As I understand, the committee have not been to that Department at all, and have made no inquiry of the Comptroller of the Currency as to the number of clerks that were necessary to carry on that Department, or the character of the services they have rendered.

As one of the Committee on Banking and Currency, I have been making some inquiry in regard to this matter. The duties of these chiefs of divisions are exceedingly important. There are four of them. This bill proposes to cut down the number to two.

Two of these have charge of the large amount of national-bank notes which is received from the engravers for issue and also that which is returned by the banks for destruction. The total amount of such currency since June 20, 1874, has been nearly $624,000,000, and the monthly average $32,800,000. The amount of such circulation issued and counted in the office since 1869 has largely increased, as will be seen by the table inclosed, the amount during the last fiscal year being $411,000,000. Two vaults are in charge of these two heads of divisions, containing in the aggregate more than $70,000,000 of national-bank notes. Then there is another chief of division, who has charge of the reports which come from the banks, and he receives more than seventeen thousand reports annually, which are carefully examined and have to be tabulated, and more than ten thousand letters are annually transmitted from this division to the national banks.

Then there is another chief of division who has charge of the organization of these banks and of the correspondence relative thereto. He ascertains whether such banks are organized in accordance with law; receives and examines the lists of stockholders and oaths of directors; reduces and increases the capital stock of banks; receives reports on dividends; prepares the tables and reads the proof of the reports of the banks for the Comptroller's annual report, containing six hundred pages; and examines the accounts and reports of receivers of national banks.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania. I ask, therefore, that these four chiefs of division shall be allowed to remain. It is a matter of great importance to the efficient working of the Department. The table referred to is as follows:

Statement of national currency received from engravers, issued to banks, together with the amount returned and destroyed, during each fiscal year ending June 30, from 1864 to 1875; also showing the number of banks organized.

Year.	Banks organized.	Received.	Issued.	Returned and destroyed.	Total.
1864	470	$41,365,000	$31,235,270	.....	$72,600,270
1865	1,370	138,773,950	115,171,455	.....	253,945,405
1866	1,653	130,722,565	135,787,565	$329,022	266,839,152
1867	1,671	16,224,875	20,804,436	3,621,775	40,651,086
1868	1,682	6,501,835	5,619,050	3,794,845	15,916,330
1869	1,692	8,053,630	7,287,465	7,296,510	22,637,605
1870	1,698	10,110,710	10,793,090	11,089,383	31,993,183
1871	1,839	48,271,445	42,066,208	22,355,181	112,692,834
1872	2,007	55,214,920	50,895,937	28,356,110	134,466,967
1873	2,115	51,229,730	48,945,965	35,708,152	135,883,847
1874	2,155	42,841,966	43,968,850	37,742,413	124,553,229
1875	2,282	159,064,287	126,310,689	125,731,037	411,106,013
Total	.....	708,374,913	638,886,580	276,024,428	1,623,285,921

Mr. RANDALL. The gentleman from Pennsylvania does the committee injustice if he thinks we have not examined as to this Bureau. I cannot consent to the amendment, because the committee think there are too many chiefs of divisions there now, and believe that the service can be performed by two as well as by four.

The amendment of Mr. TOWNSEND, of Pennsylvania, was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I offer another amendment.

In line 566 strike out "$2,000" and insert "$2,160;" so that it will read: "two principal clerks, at $2,160 each."

Mr. Chairman, that will be exactly in accordance with the principle laid down by the chairman of the Committee on Appropriations to reduce these clerkships 10 per cent. The bill reduces them from $2,400 to $2,000. I ask now to make the amount $2,160 so as to come within the principle laid down by the chairman. I trust, therefore, he will have no objection to that.

Mr. RANDALL. I oppose the amendment and ask for a vote.

The question was taken on the amendment of Mr. TOWNSEND, of Pennsylvania; and it was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I offer the following amendment:

In line 566 after the word "each" insert "one stenographer, $1,800."

Mr. Chairman, since the organization of the Department there has been a stenographer allowed to it for the purpose of taking down from the lips of the Comptroller of the Currency replies to the letters which are to be answered, letters which have to be sent out daily to the amount of one hundred to the different banks of the country; and there are stenographers allowed to several of the other Departments which need them no more than this one; and unless this stenographer be allowed the Comptroller of the Currency will be at a great loss to get through with his work. I trust the chairman will have no objection to the amendment.

Mr. RANDALL. My own judgment is that there are too many stenographers employed about these Departments.

Mr. TOWNSEND, of Pennsylvania. It is a matter of absolute necessity that this officer should have a stenographer. He will not be able to get along with the business in his Department without him.

Mr. RANDALL. This is a new feature to employ stenographers in the service of the Government. They used to get along very well without any.

Mr. TOWNSEND, of Pennsylvania. The Government had not one-half the business to do before these stenographers were appointed.

Mr. RANDALL. The committee struck it out, and we knew what we were about.

Mr. TOWNSEND, of Pennsylvania. Did the gentleman have any conversation with the Comptroller about it?

Mr. RANDALL. No, sir; I think we knew all about it without any conversation with him.

Mr. FOSTER. I move to strike out the last word. I desire to say that if a stenographer is needed anywhere in any Department of the Government it is in this very place, and he will have to be continued; if he be not, a clerk will have to be detailed for that purpose. I desire to say that I do not make any factious opposition to the bill, as the majority have determined to carry it through as it is. I wish, however, to put on record my statement, so far as this Department is concerned, and many others which we have passed, that if this bill becomes a law the business of the country will be seriously embarrassed.

Mr. RANDALL. I want to say in reply to that, that there has been very little complaint from any Department against reductions. They have come around gracefully to a re-arrangement.

Mr. FOSTER. That statement ought not to go out to the country in that shape. There is a complaint from all these Departments. They met us generously, and they proposed reductions themselves; but I want to say that not one of the gentlemen from the Treasury Department was called to appear before us. We have made up the

bill in committee without the knowledge necessary to make it up. I think the reduction is too large. I agree in some of these reductions, but I believe, if my judgment is good for anything at all, that the Departments will be seriously embarrassed if the bill is passed in its present form.

Mr. RANDALL. I do not expect the gentleman from Ohio to fall in with everything that we have done; but I would like to have him read the speech he made on the day this bill was introduced, when he declared that the bill in the main met with the unanimous consent of the committee.

Mr. FOSTER. I repeat what I said on that day, that the minority of the committee would offer amendments amounting to one and a half million of dollars, and with that adddition I believed that the efficiency of the Departments might be preserved.

Mr. RANDALL. All the amendments that you have offered have not amounted to $50,000 or $60,000.

Mr. FOSTER. It is useless and fruitless for us to offer amendments; we know that the bill is to be put through under the whip and spur, and the opposition that was shown the other night satisfied us that no amendments could be made to the bill.

Mr. RANDALL. They led us up into the mountain and showed us the possessions of the world. But we stand here knowing that this bill is right.

Mr. CONGER. Why did not the gentleman lead us up there, then?

Mr. RANDALL. Because the other side wanted to do it for me.

Mr. FOSTER. I withdraw the amendment.

Mr. HOAR. I renew it. I desire to ask the chairman of the Committee on Appropriations what is the average number of letters per day to which the Comptroller of the Currency is obliged to dictate answers himself?

Mr. RANDALL. Well, he sends out the same letter to two thousand banks, and he sends them out in print.

Mr. HOAR. That is not my question. My question is, what is the average number of letters per day the Comptroller has to answer?

Mr. RANDALL. The gentleman from Massachusetts can get that exactly by going to the Department.

Mr. FOSTER. Why did not you go?

Mr. RANDALL. I have not done so.

Mr. HOAR. I have heard a dozen, twenty, or thirty amendments proposed, and gentlemen who have proposed them have stated what seem to be good reasons—at any rate they are reasons stated as arguments showing that something is necessary. The bill will tend to embarrass the Departments. The gentleman from Pennsylvania [Mr. RANDALL] has three answers only to make; one is that the committee have considered it very fully, another is the committee are confident, and the third is that they are right.

We hardly ever get an answer from the gentleman indicating that he either knows or cares what the facts are on which the proposed change of the law should have been based.

Mr. RANDALL. I will answer that.

Mr. HOAR. Here is a proposition on which the members of this House are to vote. I am perfectly aware that if the Committee on Appropriations have examined the subject great weight is due to their judgment. But it is disrespectful to this House, it is a thing new in this House, and in the relation of the Committee on Appropriations to its own party, for that committee to come in here and say: We will not tell you what our reasons are; we will not tell you what the facts are; we have looked into this matter, or we have not looked into it, but we choose to have it so, and you must swallow it.

Now, as to this matter of the Comptroller of the Currency, my friend from Pennsylvania on my left here, [Mr. TOWNSEND,] who has moved this amendment, is one of the most candid and thorough men in this House, as I have no doubt the chairman of the Committee on Appropriations will admit. He is a man as free from partisan influences or the influences of other minds as any man who has served the country for a generation, and that gentleman, thoroughly familiar as he is with the currency and finance of this country, more so certainly than any other man on our side of the House, gets up here and says that the Comptroller of the Currency has to carry on a correspondence embracing a great number of letters. Now, I think we have the right [here the hammer fell] to ask the chairman of the Committee on Appropriations whether that be so, and, if it be so—[Here the hammer fell.] Am I to understand that the tap of that hammer means that my time is out?

The CHAIRMAN. The five minutes of the gentleman has expired.

Mr. HOAR. The Chair should make that announcement. We cannot always tell what the tap of the hammer means.

Mr. RANDALL. I stated when this bill was brought in that one of its principal features was a reduction of 20 per cent. of the force in the Departments, and that we proposed to have the force in the Departments work the number of hours now required by law; that is, eight hours a day during six months of the year and ten hours a day during the other six months.

Mr. HOAR. Allow me——

Mr. RANDALL. Do not interrupt me.

Mr. HOAR. Allow me to ask a question.

Mr. RANDALL. Very well.

Mr. HOAR. Will the gentleman be kind enough to state to the House some fact or consideration by means of which we can judge whether this officer needs a stenographic clerk or not?

Mr. RANDALL. When we applied this 20 per cent. of reduction to the force, we at the same time, as the gentleman can ascertain by calculation, secured more work by an increase of the hours of service than is now had with 100 per cent. of the force and only six hours a day of service, which is the basis upon which the estimates are made; for, mark you, these estimates are made up on the basis of six hours a day. Four months ago some of the Departments increased the hours of daily work by their clerks to seven.

I desire now to say to gentlemen, and I appeal to the members of the Committee on Appropriations on the other side of the House, that this bill has had nearly two months' of careful and close study and consideration, night and day, by the Committee on Appropriations. There is not an item in it that has not been scanned and discussed in the committee. I therefore say that we have not cut down the number of clerks in these Departments so as in the least degree to produce any friction in those Departments, in my opinion or in the opinion of the majority of the committee.

Mr. HURLBUT. The gentleman has not answered the question of the gentleman from Massachusetts [Mr. HOAR] about a stenographer in this Bureau.

Mr. HOAR. I withdraw the amendment to the amendment, and move to strike out the last two words. The gentleman from Pennsylvania, [Mr. RANDALL,] in addition to the three speeches which I recited a few moments ago, now makes a new one: that all this bill has had the careful attention and consideration of the committee; that they worked over it for two months. He is very much in the condition of that celebrated Roman advocate who was engaged in a small case, and, after spending some hours in talking about the building of Rome, Romulus and Remus, Mars and Rhea, was finally asked by his client, "Are you not going to say something about my pigs?" I say to the gentleman from Pennsylvania, are you not going to say something about whether this Comptroller of the Currency needs a stenographic clerk or not? That is the amendment now before the committee. If you have worked over this bill two months, day and night, if you have examined every item in it, then you must know the reason for striking out the stenographic clerk of the Comptroller of the Currency.

That matter has nothing whatever to do with the question whether you should cut down salaries 10 per cent. or not; it has nothing to do with the question whether the force of clerks may be reduced or not, or whether the clerks should work four hours a day or eight hours a day. The gentleman from Pennsylvania on my left, [Mr. TOWNSEND,] who knows the subject thoroughly, who never made a partisan utterance or gave a partisan vote in his life, gets up here and tells you that there is a great mass of correspondence with the national banks, and that this stenographic clerk is needed to enable the Comptroller to properly conduct that correspondence. We want to be able to judge whether that is so or not. We want to know whether that is a correspondence which would require the head of the office to dictate his letter to a stenographic clerk instead of the slow and laborious process of writing the letters himself.

Now it is no answer to say that thirty years ago his predecessor did not have a stenographic clerk. Years ago we did not have railroads or telegraphs or any decent system of short-hand; there was no such thing as stenography then. What we want to know (I hope the gentleman from Indiana, who generally does know something about things, will be able to tell us) is the reason that this clerk was struck out, and whether he ought to be put back?

Mr. HOLMAN. As this stenographer seems to be so vital to the proper management of that office, will the gentleman inform us when this position was first created?

Mr. TOWNSEND, of Pennsylvania. I can answer that question.

Mr. HOAR. Who has said anything about that?

Mr. HOLMAN. That is just as pertinent as the question you are pressing.

Mr. HOAR. O, no. I have not said anything about whether this office is vital or not. I say it is not my business to find out that fact for this House; it is the business of the Committee on Appropriations. That is the very thing I am asking the chairman or somebody else to tell us. It is not a good answer to say "We have spent two months on this bill, and we will not tell you what the fact is; you must tell us." That is the very thing we are complaining of.

Mr. HOLMAN. The gentleman from Massachusetts must know that this Bureau has never had a stenographer until two or three years ago; it is a new office.

Mr. HOAR. But was it introduced for a good reason or a bad reason?

Mr. HOLMAN. It was introduced for convenience; certainly it is convenient enough to have such an officer. But the gentleman from Massachusetts must know that a large number of clerks are competent to exercise that art. There is scarcely a Department in which you will not find sixteen-hundred-dollar clerks amply competent to perform that duty. No Bureau is going to suffer from a reduction of this kind. This office is a new feature entirely, and may be very well dispensed with.

Mr. TOWNSEND, of Pennsylvania. I desire to answer the query of the gentleman from Indiana.

The CHAIRMAN. Debate is exhausted.

Mr. TOWNSEND, of Pennsylvania. I move to amend by striking out the last word. The gentleman from Indiana [Mr. HOLMAN] inquires when a stenographer was first introduced into the Currency

Bureau. The Comptroller of the Currency told me to-day that the stenographer has been employed ever since the organization of the Bureau.

Mr. HOLMAN. Will not the gentlemen tell me under what law?

Mr. RANDALL. There was no appropriation for it.

Mr. TOWNSEND, of Pennsylvania. I understand all that. This officer may not appear in the law as a stenographer; but a clerk was always detailed for that purpose.

Mr. HOLMAN. That is just what we supposed; that there was no law for it.

Mr. TOWNSEND, of Pennsylvania. I want to go one step further. The chairman of the Committee on Appropriations has told us that the number of clerks and the salaries have been reduced 10 per cent.; but when you take up this bill you find that the clerks in the Department of the Comptroller of the Currency have been reduced from ninety-five to sixty-five in number—a reduction of about 30 per cent.—and the amount of compensation of clerks has been reduced from $126,000 to $80,000—a reduction of over 30 per cent. More than that, not a single member of the Committee on Appropriations has been within the walls of the Department of the Comptroller of the Currency from the time this bill was begun until the present day.

Mr. HOLMAN. How do you know that?

Mr. TOWNSEND, of Pennsylvania. The Comptroller told me so. They have not asked for any information. They have just taken their own judgment for it; and, as I said in my first speech, wherever they saw a head they hit it, like the Irishman at Donnybrook fair. They are endeavoring to-day, as if they had a hatred of the national-banking system, to cripple the Department of the Currency.

The Comptroller of the Currency says that unless this amount of clerical force is allowed to him it will be impossible for him to carry on that Department with satisfaction to the country and with justice to the system. I trust the majority of this House will have strength enough and manliness enough to vote to continue the force of the Comptroller of the Currency as it stands at present, and not curtail it according to the programme of the committee. I trust my amendment will pass.

Mr. CHITTENDEN. Mr. Chairman, I am in general sympathy with this bill and have voted for nearly all its reductions. But in respect to the Comptroller of the Currency, I cannot conceal from myself, and I feel that I ought to give utterance to the fact, that the compensation is unsuitable for the position. If the occupant of the position is worthy of it and competent to perform its duties, I do not hesitate to say that the gentlemen of the Committee on Appropriations will ascertain that $4,500 is not a fit salary for that officer. No first-class commercial establishment in the country, doing one-hundreth part of the business which that Department is required to supervise, would dare, even in these times, to ask a competent man to accept $4,500 for the performance of the duty.

I have no hesitation in saying that anything like a proper investigation in respect to the salaries paid by our banks, by our insurance companies, by our commercial establishments, would show incontestably that to reduce this salary is wrong—wrong in principle and wrong toward the occupant of the position, assuming that he is competent, as I believe him to be.

No man realizes more than I do the necessity of reducing salaries, of cutting down compensation, of removing all sinecures, and in every possible way setting an example on the part of the Government of economy and prudence. But, sir, (if I may properly bring my own experience here,) I have myself paid year after year $5,000 to a man who was in no wise competent to fill this position; and in the city where my home is I can point to a hundred men receiving $4,000 to $5,000, in responsible positions in banks and insurance offices, who would not esteem themselves competent to fill that place. My judgment is that the Comptroller will not occupy it at your price. He ought not to. I should be sorry if his circumstances would not permit him to resent it. And I appeal to the chairman of the Committee on Appropriations to reconsider this question. The Comptroller of the Currency occupies a position which very properly removes him above the large class of subordinates. It is a position of the very highest importance, and is worthy even in these times of more than $4,500 per annum with or without a stenographer to assist him.

[Here the hammer fell.]

Mr. LANDERS, of Indiana. I move to strike out the last word.

The CHAIRMAN. There is an amendment to the amendment now pending, and debate is exhausted on the pending amendment.

Mr. TOWNSEND, of Pennsylvania. I withdraw the amendment to the amendment.

Mr. LANDERS, of Indiana. I renew it. Mr. Chairman, when we examine the report recently made by the Comptroller of the Currency it is not surprising gentlemen in favor of national banks insist that officer should have a high salary, for he has done them great service in that report. It is more in defense of the national-bank system than a fair report of the affairs of these institutions.

Again, Mr. Chairman, I would not object to paying a large salary to a man who would execute and carry out the duties of his office, but I appeal to those gentleman here who are urging this gentleman's salary should be increased—I ask them to point out a single case where the Comptroller of the Currency has attempted to carry out the provisions of the national-banking law in regard to interest. That law provides national banks shall be entitled to such rate of interest as is legal in the States where the banks are located, in the absence of any contract.

Mr. HOLMAN. I hope there will be better order in the House, so we can hear what the gentleman has to say.

Mr. LANDERS, of Indiana. I say, sir, the national-banking law provides the banks shall be entitled to such rate of interest as is legal in the States where they are located, in the absence of any contract. In my State the legal rate of interest in the absence of contract is 6 per cent., but the national banks get from 10 to 12, and I know of no instance where the Comptroller of the Currency has attempted to enforce the law. Yet he is acting under oath. He takes an oath to see the law is faithfully executed, and the people have been paying him for his services. I insist the national banks should pay that gentleman for his service, inasmuch as they get all of his service and the people get none.

Mr. HENDERSON. Mr. Chairman, I do not propose to make any factious opposition to this bill, but I believe that for the proper dispatch of public business and in the interests of true economy the motion made by the gentleman from Pennsylvania ought to prevail.

I know that the gentleman from Pennsylvania, [Mr. RANDALL,] chairman of the Committee on Appropriations, said a little while ago that we had no stenographers in our Departments. That is very true, sir; but I say to him a little while ago there were none known in our courts and none known in our law offices, and yet at the present time there is hardly a respectable law office in the country where there is not a stenographer employed in it for the dispatch of business. Depositions are oftentimes taken by stenographers, taking down the questions and answers so as not to detain professional men, and afterward written out.

I believe this office to be an office in the interest of the people of the country notwithstanding the remarks of the gentleman from Indiana, [Mr. LANDERS.] I believe it is important to have a Comptroller of the Currency at the present time. I believe he has a large amount of business to do, and I think he ought as a matter of justice to have a stenographer.

It is no argument to say that we ought not to do this because a little while ago we had no stenographers in any of the Departments. A little while ago we had no railroads, we had no telegraphs, we had none of a great many things which the progress of the age has given to us as a people and a country. I believe in the interest of a true economy and for the proper dispatch of public business. As I have already remarked, it is important that this officer at least should have a stenographer.

Mr. RANDALL. I move the committee rise for the purpose of closing debate on this paragraph.

Mr. CONGER. I have the right to oppose the amendment for five minutes.

Mr. RANDALL. I will give the gentleman five minutes when we get again into committee.

Mr. CONGER. I do not think there is any need for rising.

Mr. RANDALL'S motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I now move that debate in Committee of the Whole on the state of the Union be closed in five minutes on the pending paragraph.

The motion was agreed to.

Mr. RANDALL moved that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House, debate on the pending amendment is limited to five minutes.

Mr. CONGER. Mr. Chairman, modest a man as I am, I did not demand the committee should rise to go into the House for the purpose of making an order that I should have five minutes. I only want to say a word or two in the interest of the gentleman from Pennsylvania. I want to rebuke and reprove in my feeble way some of my friends on this side of the House for their factious opposition to this committee. It seems as if gentlemen were unwilling to understand, or if they did understand, unwilling to apply the rule which the chairman of the committee has stated fifty-three times within the last three nights, that the rule of that committee, adopted by them after solemn consultation, after three months of arduous labor and patient investigation, was that all salaries should be cut down in these Departments 10 per cent., and the force of laborers and clerks should be cut down 20 per cent.

Now, for some cause, whether from negligence or from carelessness, I know not which, the chairman of the committee has failed to

explain in regard to this stenographer why he is cut out, why this particular stenographer of the Comptroller of the Currency is removed. The gentleman from Pennsylvania knows why it is, and he or the gentleman from Indiana [Mr. HOLMAN] ought to have answered the question long before this time. But as neither of those gentlemen will give that answer to the House, let me tell the reason.

Sir, there are one hundred stenographers in the Treasury Department. Under the old rule that number were employed in one and another of these Bureaus and offices satisfactorily to the Department. And it was thought they were necessary to the Government. But under this wise, prudent, judicious, mathematical rule of reducing 20 per cent. of the force, it was necessary—cannot the House feel it?—that twenty of them should be removed. Where is the intelligence of this side of the House that they cannot see so plain a mathematical proposition as that? [Laughter.] I am ashamed of my colleagues here, [laughter,] for they have been told so often by the chairman of the committee what the rule was, and the propriety of it, and when that statement has been enforced with all the careful, cautious, and shrewd explanations of the gentleman from Indiana, than whom no better expositor of so grand a rule as this lifts his voice in this House. With a reduction of 20 per cent. of the force, what will be the reduction on one hundred stenographers? Surely my friends on this side never went so far as the rule of three. It is clear that twenty stenographers must be removed. And they are removed by lot, as we draw our seats here, and the lot fell on the Comptroller, and his stenographer is removed. I submit to my friends here that it is time to stop this paltry quibbling with the mathematical proposition of the committee. It is time for us to stop if we would stand well before the eyes of the great American people.

The CHAIRMAN. The gentleman's time has expired. [Laughter.]

Mr. CONGER. Mr. Chairman, one word of personal explanation. Mr. Chairman, if you were upon this floor to exhibit this matter with all the grace and beauty of language in which you can do so, I would not have attempted it. [Laughter.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, there were—ayes 83, nays 103.

So the amendment was not agreed to.

The Clerk read the following paragraph:

Commissioner of Internal Revenue:

For Commissioner of Internal Revenue, $5,500; one deputy commissioner, $3,200; seven clerks, at $2,250 each; one stenographer, at $1,800; twenty clerks of class four; thirty clerks of class three; forty clerks of class two; twenty clerks of class one; sixty clerks, at $900 each; four messengers and ten laborers; in all, $242,310

Mr. RANDALL. I offer the following amendment:

In line 583 strike out the word "clerks" and insert in lieu thereof the words "heads of divisions;" so that it will read: "seven heads of divisions, at $2,250 each."

The amendment was agreed to.

Mr. FOSTER. I offer the following amendment:

In line 585 strike out "twenty" and insert "twenty-five;" so that it will read: "twenty-five clerks of class four."

Mr. Chairman, I would consider myself derelict in duty if I did not call the attention of the House to the very large reduction of force that is made in the Office of the Commissioner of Internal Revenue. I know something about the duties of that office and what it has to accomplish. I have given it especial attention, and I undertake to say that there is no Department in the Government anywhere that possesses the confidence of all the people to the same extent as the head of that Department. I think that this committee has unlimited confidence in the head of that Department as well as in his aids and chiefs.

We have made a reduction here in force amounting to fifteen or twenty clerks more than the Department say they can possibly stand. They met us cordially. They met us in the spirit of reform. They met us in the spirit of economy. And they say that if fifteen clerks can be added to their force they will be satisfied. The Commissioner of Internal Revenue and his aids and chiefs all say that with the force we give them it is impossible to successfully run this Department. They collect $120,000,000 of revenue this year, and any lack of sufficient force in any branch of the Department may cost us ten times or one hundred times more than we undertake to save by this reduction. I put this amendment on the broad ground that taking their statement, which, in my judgment, was corroborated by a careful examination of the facts, you certainly injure the working force of that Department if you make the reduction proposed in the bill.

Mr. RANDALL. The gentleman from Ohio states what is true, that we had the fullest conference with the officers of this Department; and I had supposed that in the arrangement of the clerks we had met their views, or at least we had met the views of the head officer of that Bureau; and I still think that he is not seriously opposed to the reduction that we have made in his Bureau. I know that subsequently, some days afterward, a letter was prepared in the Department and signed by the chief of that Department, asking for an increase. Whether it was to the extent that the amendment of the gentleman from Ohio provides or not I do not know. But it is my opinion and the opinion of the majority of the committee—and we gave several nights' diligent study to this matter—that the force provided in the bill is adequate. And I believe that if you will ask Mr. Pratt straight up and down whether it is not so, he will say that it is.

Mr. GARFIELD. Has he said so to you?

Mr. RANDALL. I know that he signed the letter which has been referred to. But subsequently to the receipt of that letter I saw Mr. Pratt, and he met me just in the spirit which the gentleman from Ohio has described, and said he would undertake to run the Bureau upon the force provided for, as I understood him, in this bill.

Mr. WHITEHOUSE. I move to strike out the last word.

I do not desire to cripple the operations of this Department of the Government, because I conceive it to be a very important one; but I believe they have been very derelict in their duty. I have before me the Revised Statutes, and if I rightly interpret the section there has been a greater loss to the people of this country than all your whisky frauds, and it comes to us by reason of not having the institutions to which it alludes conform to the law. I call the attention of the learned gentleman from Massachusetts, [Mr. HOAR,] who is a member of the Committee on the Judiciary, to this fact, and ask him whether the committee has taken into consideration this section of the Revised Statutes?

SEC. 3408. A tax of one-twelfth of 1 per cent. each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money; but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one-sixth of 1 per cent. each month upon the average amount of such circulation, issued as aforesaid, beyond the amount of 90 per cent. of the capital of any such bank, association, corporation, company, or person.

Now, I presume that the learned gentleman from Massachusetts understands what a certified check is. If you keep an account in your bank and you take A, B, or C's check to that bank and get it certified, it is charged to the party who draws it and becomes circulation, and you have never enforced that section of the law. I will say to you further that that section of the law, as I interpret, it has not been enforced in regard to certified checks.

Now I call the attention of the gentleman from Massachusetts [Mr. HOAR] to that section of the Revised Statutes, and I would like to have the report of the Committee on the Judiciary upon it.

Mr. FOSTER. I rise to oppose the amendment of the gentleman from New York. I should not have risen except to correct a statement of the chairman of the Committee on Appropriations. If I understood him correctly, he made the statement that the Commissioner of Internal Revenue is satisfied with the bill as it stands.

Mr. RANDALL. Did he not say that to us in the committee?

Mr. FOSTER. No, sir; he did not. I want to tell the gentleman where he made his mistake. When we went through the bill we left twenty-eight clerks of class four, and the bill only provides for twenty clerks of class four; we left him thirty-five clerks of class three, and the bill only allows thirty; we left him forty clerks of class two, and the bill allows thirty, making a difference of ten; not as I understand the number agreed upon by the committee. I called upon Mr. Pratt and his associates and asked if it was possible for them to agree to it, and they said that if we would add four messengers they would agree to it. The bill allows ten clerks less than the memorandum I took to the Commissioner. The Commissioner says that we allow him ten clerks too few, and he cannot do the work with the number as proposed by the committee.

Mr. BURCHARD, of Illinois. I move to strike out the last word. I desire to say a word in support of the amendment of the gentleman from Ohio, and I desire to call the attention of the chairman of the Committee on Appropriations to the importance of giving this Bureau a sufficient force to do the work. Members of the present House who were members of the last Congress will recollect that we changed the method of assessing the revenue, we repealed the law providing for assessments, and provided that returns should be made directly to the office, and the office work that was formerly done by assistant assessors and by assessors should be performed by the Commissioner of Internal Revenue and the clerks under his charge. We did not then give him the force that the last Commissioner thought was necessary. He said, however, that he would try to get along with that force. We put it at a less number then than we thought it could be done by effectually and as it ought to be done.

Now this is a very important matter. We collect two-fifths of the revenues through the internal-revenue system, and we do it more cheaply than we collect the revenue from customs.

We employ twice as many men, at least, as the Internal Revenue Department does. This business is scattered through the whole territory of the United States. Why, I had occasion to look up the number of States in which there were located distillers and brewers. There are four thousand distillers, including fruit-distillers, and some six hundred registered distillers scattered through every State and Territory of this Union. These collectors, representing this Department, must make their returns to the Internal Revenue Bureau, and I believe it would be a mistake if we should attempt to cripple the force that is necessary, and thus diminish the efficiency of the service of the Revenue Department. The Commissioner, who I know is in the interest of economy as has been represented, recommended the reduction himself, has made reductions in the force and in the number of districts to the amount of 20 per cent., and who favored every reduction made in the interest of economy—if he says to the committee that he ought to have the force proposed by the gentleman from Ohio, [Mr. FOSTER,] I think he ought to have it.

Mr. BLOUNT. A great deal has been said about the reduction of

this force which I think is entirely unnecessary. If it was a simple reduction of numbers I could conceive where a great embarrassment would occur, but if the gentleman will take the pains to make a calculation of the hours added to the service required under this bill as compared with former laws, he will find the same working force there as now.

Now, sir, previous to this time it is well known that the working time in the Department was only six hours a day; but just before Congress convened an additional hour of service was added.

Mr. BURCHARD, of Illinois. Does the gentleman suppose that clerks or other persons can work as efficiently at mental labor, at clerical labor, if you confine them for eight hours as if confined for a less period? In other words, if you increase the period of time of labor involved in mathematical calculations, can they do proportionately as much more as the time is increased?

Mr. BLOUNT. I do not assume that every man in the Department is engaged constantly every hour in mathematical calculations; there is a great deal of labor there that is merely clerical. For that reason I think the gentleman is entirely in error in his supposition. I conceive that they are perfectly capable of performing eight hours' labor. We here work that much every day, and some days far beyond that, and a very different class of labor.

I hope the House will not increase the force allowed by this bill one iota. The Committee on Appropriations have carefully considered the several parts of this bill. If you take it up and make the calculation, you will see that we have provided for the same amount of service that we had before, by increasing the hours of labor. It is time that these people began to work. It is well known that there have been drones about these Departments. Who has not gone there and found men idle? Who will undertake to deny that in each one of these Departments there is an amount of force far beyond what the necessities of the service require? I will say this: that there is not a single officer of the Departments who has been before the committee but what has made that concession. No matter what else he may have complained about, he has conceded that there has been an overgrowth of force in the Departments. If that be true, and if we have provided the same amount of service by increasing the number of hours of labor for each day, notwithstanding the reduction in the amount of force, how can the gentleman make any complaint?

[Here the hammer fell.]

Mr. BURCHARD, of Illinois. I withdraw the amendment to the amendment.

Mr. GARFIELD. I renew the amendment to the amendment. I desire to address myself for a moment to the majority of this House, to their judgment and sense of right, in one particular. In the first place, I desire to ask them if they assume that this bill brought in by the Committee on Appropriations is absolutely perfect and that no suggestion that can be made on this side of the House is worthy of consideration? I believe it has been the practice here for many, many years to treat this bill and the other great appropriation bills as business propositions, to be considered on grounds of business propriety. During the four years that I had the honor of being the chairman of that committee I felt that I was bound to give a reason, a fair reason, that would satisfy both sides of the House, on mere matters of business, before I could sustain a change in the existing laws.

I want to say to our friends on the other side of the House that this singular spectacle has been presented night after night during the consideration of this bill. When gentlemen of long experience, members of the Committee on Appropriations, have arisen in their places and stated that here was what they regarded as a very serious crippling of a special interest, in reply to all they have said a mere general answer has been returned, as stated by my friend from Massachusetts, [Mr. HOAR,] and then we have seen the spectacle of a united party vote against the suggestion so made. We have just seen that spectacle in regard to the amendment to restore the stenographic clerk in the office of the Comptroller of the Currency.

Now we have a new fact, and one which is to me a very startling one. An honorable member of the Committee on Appropriations rises in his place and says that in the particular paragraph now before us there has been a cutting down of ten clerks in the printed bill below what he understood was authorized by the committee.

Mr. RANDALL. He does not say that.

Mr. HOLMAN. Certainly not.

Mr. GARFIELD. Certainly he does. My colleague from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations, has just made that very statement, in a speech of perhaps ten or fifteen minutes ago.

Mr. HOLMAN. Not without the authority of the committee.

Mr. GARFIELD. He states that he made a careful memorandum upon his book of estimates of what the Committee on Appropriations had agreed to, and that with that memorandum he visited the Commissioner of Internal Revenue and asked him if he could get along with the proposed reduction as indicated by that memorandum. All his interviews and negotiations with the Commissioner were upon that basis. The gentleman now tells us that the printed bill shows a reduction of ten clerks in this Bureau below the number indicated by his memorandum, which memorandum was based upon what had been agreed upon in the committee. It may have been done by the committee, but if so it was without his knowledge. It may have been properly done by the committee in his absence. He does not charge that it was done surreptitiously; he only charges that it was done since he knew of the action of the committee.

No word of explanation is made to us for this change. The Commissioner of Internal Revenue says to my colleague [Mr. FOSTER] and to this House that this clause as proposed will cripple the collection of the internal revenue. The Commissioner is a man well known to gentlemen here on both sides of the House as a most honorable and worthy gentleman, [here the hammer fell,] and that he doubts whether under it he can properly collect the revenue. Now, will his representation be listened to, or will this proposition of my colleague [Mr. FOSTER] be voted down by mere brute force of numbers?

Mr. JONES, of Kentucky. In answer to the gentleman from Ohio [Mr. GARFIELD] I will say to him that, so far as I am concerned and I believe those on this side of the House at least, it would be sufficient for us to rely upon the report of the Committee on Appropriations. I will say further that, so far as I am concerned, I am willing to believe that that report of the committee is absolutely perfect, for the reason that the members of that committee have been delegated by the Speaker, the organ of this House, to attend to certain duties. No one doubts that each member of that committee is an intelligent man, and that most of them have had large legislative experience in this House, the chairman having served here twelve years as a representative of the people. It is their business to investigate the matters properly belonging to their committee. When they make their report to this House, it is fair and proper to presume that they have done their duty faithfully and in the most intelligent manner. Sir, what do you or I or other gentlemen on this or the other side know individually of the matters which it has been the duty of this committee to investigate? It is not our business to go around and inquire how many clerks are necessary in this or that Department or whether this or that clerk is paid too much or too little. It is our duty, in the main at least, to be guided in our action by the reports of our committees. Why, sir, almost every motion that has been made from the other side of the House, (and I have been a silent observer; it is not my habit to participate in discussions like this)—almost every motion from that side has tended to contravene the proper business of legislation and to retard the work of reform.

The only sensible speeches which I have heard from that side of the House this evening have been made by two gentlemen who I believe come from the State of Michigan. One [Mr. WILLARD] said that he believed the interests of the people demanded economy and reform, and he commended the exertions of this committee as being in the right direction. The other [Mr. CONGER] impeached the intelligence of his side of the House, because gentlemen there could not understand the policy and the rule by which the committee had operated. [Laughter.] They were very sensible speeches; and I beg leave to pay my respectful homage to those gentlemen.

Mr. CONGER. Mr. Chairman——

Mr. JONES, of Kentucky. The gentleman will please wait till I get through. Sir, everything coming from that side of the House seems to be (I say it in the best humor) actuated by a partisan purpose. When have we had from that side a proposition to diminish the number of clerks? When have we had a proposition to reduce the salary of a single clerk? No, sir, the propositions from that source look always to increasing the number of officers or enlarging salaries. Wherever our committee has seen proper to recommend that an official should be dispensed with, gentlemen on that side have always wanted him retained. Is that the economy and reform which their constituents as well as ours demand? Sir, let gentlemen on this side of the House march on to the motto of the noble Hampden, who struck for the liberties of the English people. Let us support our committee and vindicate the liberties of the American people. "No step backward!"

Mr. CONGER. Mr. Chairman, I move to amend by striking out the last three words. What I am about to say may not be pertinent to the question of striking out those three words; but, sir, I feel as if it were my duty, having received the courteous attention of the gentleman from Kentucky, [Mr. JONES,] to repay it in kind.

Why, sir, to my utter astonishment, I find the leading Representative of that grand old State of Kentucky, which formerly in this House had a voice that led, controlled, and directed the whole country—led it by reason, argument, eloquence, logic, and affection—I find its leading Representative on this floor to-night standing in the presence of the American Congress and subscribing his subserviency to a committee, telling the American people that he knows nothing of these questions and is not expected to know anything of them himself, [laughter;] telling the American people that—representing as he does that grandest of all the old heroic States, who sent here in former days the grandest of all the statesmen that ever stood on this floor—he has come to a time in his history and in the history of his grand old State when it is enough for him to blindly follow the lead of the gentleman from Pennsylvania. [Laughter.] The time was when a representative of Kentucky had a will of his own, had knowledge of his own, had a voice of his own, and eloquence that thrilled the hearts of all who heard him. Ah, Mr. Chairman, I regret to believe that my friend from Kentucky, the gallant soldier of Kentucky, represents truly the subservient feelings of all his fellows on that side of the House.

The gentleman says he will follow blindly the lead of that committee. Does he do so? Why, sir, there is still ringing in my ears

the gentle voice of my friend from New York, [Mr. J. H. BAGLEY,] who, leaving his associations on the republican side of the House and going over to have the countenance and sustaining spirit of his friends, ventured to make a recommendation for an increase of salary to the extent of only $200; and the gentleman from Kentucky followed his political friend in that motion, against the committee, who had already raised the salary to $2,600.

Mr. JONES, of Kentucky. I did not understand the last remark of the gentleman. I would like him to repeat it.

Mr. CONGER. I say that the gentleman from New York—my brother democrat, Mr. BAGLEY, from New York, (if I may be allowed to name him)—left his associates and his seat on this side of the House and went over into the bosom of the democracy, and reposing there ventured to oppose the committee, and moved to raise still higher the salary of one of the deputy comptrollers; I do not know why; from a sense of justice doubtless; and not only the gentleman from Kentucky, but all his colleagues voted to raise that salary; and he even so far controlled that immaculate committee, which the gentleman says he will follow unshrinkingly, as to lead the chairman of the committee himself to give up $100 against his will! [Laughter.] It was a spectacle which, if it was not so very serious, we might have smiled at.

[Here the hammer fell.]

Mr. JONES, of Kentucky. Mr. Chairman, I am very much obliged to the gentleman from Michigan [Mr. CONGER] for the eloquent tribute he has paid to the State I have the honor in part to represent, and, I admit, in a very humble manner. But the gentleman, I think, has wasted his eloquence on the desert air. Now I do not claim to be a leading representative of the State of Kentucky on this floor. I take it for granted, sir, that Kentucky can take care of herself, and each one of her Representatives, in my opinion, is able to take care of himself.

The gentleman has put words into my mouth which I never uttered. He quoted me as saying that I followed blindly the lead of the committee. I did not use the word "blindly;" not at all, sir. I said this Committee on Appropriations was composed of intelligent men who had duties to perform which it was utterly impossible for me to attend to, and I could not; and I ask the gentleman whether he could leave his place in this House, neglect his other duties, and go about inquiring into the duties of every committee appointed by the Speaker of this House? I could not do it, and it was utterly impossible for him to do it. The gentleman's proposition, therefore, is perfectly absurd.

I said, sir, that in the main it was enough for me to know our committees were composed of intelligent members whom I believe did their duty, and upon matters which did not come under my special observation it was enough for me to sustain their reports, and take them as true. And that must be the case with every man in this House. I have no doubt the gentleman has blindly followed the lead of his committees and always has done it. I do not consider his remarks worthy of any further reply.

Mr. RANDALL. Now, Mr. Chairman, the committee will observe there have been various amendments proposed by the Committee on Appropriations to the bill as originally reported. Now, these amendments—and I want the gentleman from Ohio to listen to this—these amendments almost uniformly have been suggested by gentlemen charged with the administration of the Departments, or by some gentleman of the committee who has had a conference with the heads of Departments. So we have not with unvarying precision adhered to the bill, but we have, in the spirit of trying to meet the Departments, so that no possible excuse can be made for the charge we mean to embarrass them, offered these amendments in the various places I have suggested, which amendments this committee have adopted. So much for the charge of tenacity on the part of the committee in adhering to its original theory. There have been a great number of amendments, some of which I have not approved myself, but which I have offered, and they have been introduced in the spirit I have said by order of the Committee on Appropriations so that no harm shall come to the administration of the Government. I now ask for a vote.

Mr. J. H. BAGLEY. Mr. Chairman, in justice to the committee I will say that the amendment was to correct a manifest error. I suppose the chairman would have made that amendment if I had not done so. I do not think the committee followed, except because it was a simple act of justice.

In relation to my leaving my seat on the other side, I will say I have pleasant companions there, and I have no disposition to make a change. I was located there as a victim of circumstances over which I had no control. I have no disposition to change. The gentleman who addressed the House and mentioned my name is an intimate friend of mine and my colleague on a committee, and a gentleman for whom I have great respect. I do not think he meant to do me injustice.

Mr. JONES, of Kentucky. I did not understand the allusion the gentleman made. I did not hear the gentleman make his motion; I do not think I was present when the thing was done.

The CHAIRMAN. The Chair understands the formal amendments have been withdrawn.

Mr. GARFIELD. I desire to renew the amendment. I wish to complete what I failed to do in the five minutes I had. I have invited, and still desire to invite, the attention of the chairman of the Committee on Appropriations to the very serious statement of my colleague from Ohio [Mr. FOSTER] in regard to the bill now before the House. If my colleague is correct in his understanding of it, this is not the bill agreed to by the committee so far as this particular Bureau is concerned. We are now to vote on continuing or maintaining a series of clauses not the agreement of the whole committee, but some subsequent change not yet explained.

And I wish to call attention to another thing while I am up. Last year on this special clause we are now acting on, the Committee on Appropriations asked the co-operation of the Committee of Ways and Means, and the Committee of Ways and Means appointed a subcommittee of two or three members, one my colleague from Ohio, [Mr. FOSTER,] the other, the distinguished gentleman from Kentucky, Mr. Beck, not now in Congress, and whether there was a third member I do not now remember, but perhaps those two only constituted the subcommittee of the Committee of Ways and Means. They went earnestly through all the divisions of the Internal-Revenue Bureau to determine how far we might safely cut down the force and still not cripple the machine for collecting the internal revenue. A subcommittee of the Committee on Appropriations made an independent examination, and, as the result of nearly two weeks' work of each subcommittee, we did then cut down a little more than Mr. Beck and the other member from the Committee of Ways and Means thought we ought to have done. Now, with so careful a work as was done on this special Bureau on last year by democrats and republicans alike, cutting down lower than the Bureau thought could safely be done, it is proposed this winter to cut down a great way lower, and, according to the statement of my colleague, the print of the bill has ten clerks lower than the committee itself agreed to. We are expected to vote for this without protest, and, if we make a protest, to have no answer except the general answer we have had.

Now I appeal to gentlemen whether this is not a work of reason rather than of the mere force of numbers counted by ayes and noes; and unless there is some answer to this we will have a right to say that this is not a deliberative body, but that we are acting upon what is substantially a party-caucus bill. I do not want to charge that, but we will have a right to charge that if this is not answered.

Mr. RANDALL. If I understand the gentlemen from Ohio, or either of them, to say that this paragraph is not as ordered by the committee, I contradict them flatly, and say that this paragraph as read is by the order of the committee, and I have my colleagues here to say the same thing.

Mr. FOSTER. In reply to the gentleman from Pennsylvania let me say that what I stated was this: that I took from my book the memorandum as agreed upon in committee, and there are other books of other members of this committee bearing precisely the same memorandum as mine to-day. And I took it up to the Commissioner of Internal Revenue. I do not say that it was not changed afterward; but if it was, it was when I was not present. That is the statement I made. I presume it was changed at some time when I was not present in committee.

Mr. RANDALL. Now, there is another statement made by the gentleman from Ohio [Mr. GARFIELD] to which I want to give a flat contradiction, that this bill has ever been considered in any caucus whatever.

Mr. GARFIELD. I did not say that.

Mr. RANDALL. Or alluded to in any caucus. The gentleman said something like that. One would draw that inference from what he said.

Mr. WILLARD. I rise to a question of order. It occurs to me that this debate as to what was done in committee is entirely out of order. I find in Barclay's Digest, page 67, the following ruling:

> It is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. The point of order is no doubt well taken, but I was not the first to introduce this matter. I did not originate it. I move that the committee rise to close debate on the pending paragraph.

Mr. FOSTER. That is not necessary. Let us agree to dispose of this paragraph, and then rise.

Mr. RANDALL. Very well.

The question being taken on Mr. FOSTER'S amendment, it was not agreed to.

The clerk read the following paragraph:

> For dies, paper, and stamps, $450,000; and hereafter the transmission of internal-revenue stamps to the officers of the internal-revenue service shall be made through the mails of the United States.

Mr. RANDALL. There is a matter to which I desire to call the attention of gentlemen before the committee rises. It is well known that the action of the House in what is known as the silver bill has cut off, or is likely to cut off, the fractional currency printing, and I notice by this afternoon's paper that that bill has been reported to the Senate from their committee favorably, except as to one section; that it is reported favorably as to the cutting off of the fractional currency. It has been suggested to the Committee on Appropriations, and the committee want the reflection of the House on the subject, that very much of the hardships incurred by reason of this change can be obviated or mitigated by the proposition to print the revenue stamps in

the Bureau here, instead of doing it under contract. For the purpose of getting information on this subject I addressed an inquiry to the Department, and received from the Secretary of the Treasury a reply communicated by the head of the Bureau of Printing and Engraving, that if this change was made two-thirds of the discharges of the force that would necessarily result from the doing away of the printing of fractional currency and the substitution of silver coin for it would be avoided.

The Secretary of the Treasury, under the terms of the contract with the bank-note companies that are now printing the revenue stamps, has the right to give a notice at the end of ninety days that he will conclude that contract. The Secretary, if I understand him rightly, and I think the gentleman from Ohio [Mr. FOSTER] can correct me if I do not, states that he has already given that notice, so that at the beginning of the fiscal year for which this bill provides appropriations he can, if Congress shall so determine, print these revenue-stamps in the Bureau. If this is done, it ought to be stipulated that it shall not cost in the Bureau more money than it now costs under the contract. And it ought not to cost more, because when you come to consider the rent, the insurance, the machinery, the light, and many other matters which a contractor in competing with the Government has to provide for, it seems to me that these revenue-stamps can be printed in the Bureau for a less sum; and I am informed by those who understand the subject that it is possible that they can be printed for a less sum than is now being charged by the contractor.

Now this is a question that the Committee on Appropriations desire to bring to the attention of all the members of the House, so that when we come again to consider this bill they will come to it with an understanding of this point.

I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of New York: Remonstrance of the Oswego Board of Trade, against any change in the Light-House Board of the United States, to the Committee on Commerce.

By Mr. CALDWELL, of Alabama: The petition of George W. Ashburn, for compensation for services rendered in the seizure of certain goods in Tennessee, being used by the southern confederacy, to the Committee of Claims.

By Mr. COX: The petition of Daniel Sullivan, for a pension, to the Committee on Invalid Pensions.

By Mr. FREEMAN: The petition of workingmen of the city of Philadelphia, that the tariff laws be left undisturbed, to the Committee of Ways and Means.

By Mr. FULLER: The petition of Mark & Warren and others, that a uniform duty of 30 per cent. be levied upon earthenware, crockery, china, and glassware, to the same committee.

By Mr. HAMILTON, of New Jersey: The petition of citizens of Morris and Sussex Counties, New Jersey, against any reduction of the tariff, to the same committee.

By Mr. HAMILTON, of Indiana: Papers relating to the claim of James B. White, for money illegally collected from him by the United States Revenue Department, to the Committee of Claims.

By Mr. HARRIS, of Virginia: The petition of William Milnes and others, of Page County, Virginia, that the tariff laws be left undisturbed, to the Committee of Ways and Means.

By Mr. HEWITT, of Alabama: The petition of Elizabeth Houghy, for compensation for property taken and destroyed by the United States Army, to the Committee on War Claims.

By Mr. HEWITT, of New York: The petition of R. C. Root, Anthony & Co., and other citizens of New York, against the sale of stamped envelopes and postal-cards at a loss to the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS: The petition of 341 business men of Pittsburgh, Pennsylvania, to regulate commerce and prohibit unjust discriminations by common carriers, to the Committee on Commerce.

By Mr. HUBBELL: Remonstrance of workingmen of Marquette, Michigan, against any change in the present tariff, to the Committee of Ways and Means.

By Mr. KELLEY: The petition of wholesale dealers in drugs in Boston, Massachusetts; Portland, Maine; Providence, Rhode Island; and Troy and Albany, New York, against placing sulphate and other salts of quinine upon the free list, to the same committee.

By Mr. LYNDE: The petition of the Riverside Printing Company and others, printers and stationers, asking relief against competition of the Post-Office Department in their business, to the same committee.

Also, memorial of the Merchants' Association of Milwaukee, asking for certain amendments to the bankrupt law, to the Committee on the Judiciary.

By Mr. McFARLAND: The petition of Deborah Floyd, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: Remonstrance of Samuel Riddle and other citizens of Pennsylvania, against any interference with the present tariff, to the Committee of Ways and Means.

Also, resolutions of the Board of Port-Wardens of Philadelphia, asking that a survey may be made between Petty's and Smith's Islands, in the Delaware River, to the Committee on Commerce.

By Mr. PARSONS: A paper relating to the granting of a pension to Daniel Cay, to the Committee on Invalid Pensions.

By Mr. POTTER: The petition of Henry Ford and 43 citizens of Van Buren County, Michigan, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. ROBERTS: The petition of Christopher W. Robertson, late a private in Company C, Sixth Regiment Maryland Infantry Volunteers, to be relieved from the charge of desertion, to the Committee on Military Affairs.

Also, the petition of 69 workingmen of Harford, Maryland, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. SCALES: A paper relating to the establishment of post-routes from Midway to Bethany, from Thomasville to Midway, from Midway to Yadkin's College, to the Committee on the Post-Office and Post-Roads.

By Mr. SHEAKLEY: Remonstrance of citizens of Mercer County, Pennsylvania, against any reduction of the present tariff, to the Committee of Ways and Means.

Also, a petition of soldiers of the late war, that they be granted one hundred and sixty acres of land, to the Committee on Public Lands.

By Mr. SOUTHARD: The petition of James Coats and 150 other citizens of Port Washington, Ohio, that the tariff laws may not be amended, to the Committee of Ways and Means.

By Mr. VANCE, of Ohio: The petition of Robert Lynch and 23 other workingmen of Lawrence County, Ohio, that existing tariff laws be left undisturbed, to the same committee.

By Mr. WALLING: Remonstrance of Siebert & Lilly and 32 other manufacturers and dealers in printed envelopes, &c., against the manufacture and sale of stamped envelopes by the Post-Office Department, to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS, of Missouri: Memorial of the Saint Louis Type Foundery, R. P. Studley & Co., F. O. Sawyer & Co., and others, of Saint Louis, Missouri, opposing the manufacturing, selling, and printing of envelopes and postal cards by the Post-Office Department, to the same committee.

By Mr. WOODWORTH: The petition of A. P. Howells and 122 other citizens of Massillon, Ohio, for the repeal of the specie-resumption act of January 14, 1874, and for the retirement of national-bank notes, and that a bond, bearing interest at the rate of 3.65 per cent. per annum, payable in legal-tender notes and convertible into legal-tenders at the option of the holder, be issued, the proceeds to be applied in payment of outstanding gold-bearing bonds, to the Committee of Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 7, 1876.

The House met at twelve o'clock m. Prayer by Rev. H. PALETHORP HAY, D. D., of Philadelphia, Pennsylvania.

The Journal of yesterday was read and approved.

CONTESTED ELECTION.

The SPEAKER laid before the House testimony in behalf of Samuel Lee, contestant in the case of Lee *vs.* Rainey, from South Carolina; which was referred to the Committee of Elections.

CHARGES AGAINST COLONEL MACKENZIE.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting papers relating to the charges preferred against Colonel Mackenzie by Colonel Reynolds.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 111) granting a pension to David J. Garrett;

An act (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio;

An act (H. R. 610) granting a pension to Seth W. Homestead;

An act (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin;

An act (H. R. No. 2304) granting a pension to Philip J. Shaw;

An act (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county build-

ings in Washington Square, in the city of Dubuque, and for other purposes;

An act (S. No. 172) fixing the salary of the President of the United States; and

An act (S. No. 235) providing for the sale of part of custom-house lot in Rockland, Maine.

ORDER OF BUSINESS.

The SPEAKER. The Chair would inquire if there is objection that the bills on the Speaker's table from the Senate shall now be laid before the House for appropriate reference? The Chair hears no objection.

LIMITATIONS IN CRIMINAL CASES.

The first business on the Speaker's table was the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes, relating to limitations in criminal cases, returned from the Senate with an amendment.

Mr. HOAR. I think the amendment is of a trifling nature and the House might adopt it without reference.

The amendment was read, as follows:

In line 3 strike out all after "follows" to the end of the bill, and insert:

No person shall be prosecuted, tried, or punished for an offense, not capital, except as provided in section 1046, unless the indictment is found, all the information is instituted within three years next after such offense shall have been committed. But this act shall not have effect to authorize the prosecution, trial, or punishment for any offense barred by the provisions of existing laws.

Amend the title so as to read: "An act to amend section 1044 of the Revised Statutes, relating to limitations in criminal cases."

Mr. HOAR. I believe it is merely another mode of expressing the same thing, providing, for greater caution, that the bill shall not revive liabilities for actions already barred by the statute. I suppose there is no objection.

Mr. CALDWELL, of Alabama. I prefer that the bill shall be referred to a committe and take its regular course.

Mr. HOAR. Then let it go to the Committee on the Judiciary.

The bill, with the amendment of the Senate, was referred to the Committee on the Judiciary.

EXTRADITION.

The next business on the Speaker's table was the Senate amendments to the bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes, in relation to extradition; which were taken from the Speaker's table and referred to the Committee on the Judiciary.

MRS. JANE DULANEY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney.

Mr. HUNTON. The amendment of the Senate to this bill is to correct a deficiency in the original bill. It gives the widow the smallest pension ever given to the widow of such an officer. I ask that the amendment of the Senate be concurred in.

The SPEAKER. The amendment of the Senate will be read.

The Clerk read the amendment of the Senate, which was to insert after the word "pension" the words "at the rate of $30 per month;" so that it will read, "and pay her a pension at the rate of $30 per month from and after the passage of this act."

Mr. HOLMAN. What was the provision in the original bill?

Mr. HUNTON. No amount was named.

Mr. RUSK. Let the original bill be read.

The bill was read. It directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of William Dulaney, late colonel United States Marine Corps, and pay her a pension from and after the passage of the act.

Mr. RUSK. The amendment of the Senate does not change the rate of pension at all, and I see no objection to it.

Mr. JENKS. The law fixes the rate of pension as indicated by the amendment.

There being no objection, the amendment of the Senate was concurred in.

JOHN PIERSON.

The next business on the Speaker's table was the bill (S. No. 121) granting a pension to John Pierson; which was taken from the table, read a first and second time, and referred to the Committee on Invalid Pensions.

JULIUS SCROGGINS.

The next business on the Speaker's table was the bill (S. No. 641) granting a pension to Julius Scroggins; which was taken from the table, read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN J. ANDERSON.

The next business on the Speaker's table was the bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White; which was taken from the table, and read a first and second time.

Mr. DURHAM. Is it in order to ask that that bill be now considered?

The SPEAKER. Only by unanimous consent.

Mr. WILSON, of Iowa. I think it had better be referred.

The bill was accordingly referred to the Committee on War Claims.

MENOMONEE INDIANS.

The next business on the Speaker's table was the bill (S. No. 697) authorizing the sale of logs by the Indians on the Menomonee reservation in Wisconsin, under the direction of the Interior Department; which was taken from the table and read a first and second time.

Mr. TUFTS. The Committee on Indian Affairs have had the subject of this bill under consideration and are unanimously of the opinion that it should now be passed, because it relates to property which will be destroyed unless action is taken at once. I ask that it be now considered.

The SPEAKER. The bill will be read for information.

The bill was read. It authorizes the Secretary of the Interior to cause to be sold at public sale to the highest bidder, for cash, after due advertisement and in such lots or quantities as he may deem judicious, all pine timber cut upon the Menomonee Indian reservation in Wisconsin under the direction of the United States Indian agent, J. C. Bridgman. The proceeds arising from the sale of such timber are to be applied, first, to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of the timber; and the surplus, if any, is to be deposited in the nearest depository to the credit of the United States, for the benefit of the said Menomonee Indians.

Mr. WALLING. I object to the consideration of the bill at this time.

Objection being made to the consideration of the bill, it was referred to the Committee on Indian Affairs.

BUTLER, MILLER & CO.

The last business on the Speaker's table was the bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.; which was taken from the table, read a first and second time, and referred to the Committee on War Claims.

COLLECTION OF ABANDONED PROPERTY, ETC.

Mr. ELKINS, by unanimous consent, introduced a bill (H. R. No. 3030) to amend section 3755 of the Revised Statutes of the United States in relation to contracts for the collection and preservation of abandoned property, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH E. LLOYD.

Mr. SMALLS, by unanimous consent, introduced a bill (H. R. No. 3031) referring the claim of Elizabeth E. Lloyd, of Chester County, South Carolina, to the commissioners of claims, under the act of March 3, 1871; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT WRIGHT.

Mr. SMALLS also, by unanimous consent, introduced a bill (H. R. No. 3032) for the relief of Robert Wright, of York County, South Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELECTION CONTEST—BUTTZ VS. MACKEY.

Mr. SMALLS also presented papers in the contested-election case of Buttz *vs.* Mackey, of the second congressional district of South Carolina; which were referred to the Committee of Elections.

UNEXPENDED BALANCES IN AGRICULTURAL DEPARTMENT.

Mr. CALDWELL, of Alabama, by unanimous consent, introduced a joint resolution (H. R. No. 97) to return to the Treasury certain unexpended balances; which was read a first and second time.

Mr. CALDWELL, of Alabama. I ask unanimous consent for immediate action upon this resolution. It will occupy but a moment.

The joint resolution was read. It provides that the sum of $58,227, the total of unexpended balances heretofore appropriated by acts of Congress for the Agricultural Department for postage on seeds, reports, circulars, and letters for the fiscal years ending June 30, 1875, and June 30, 1876, (said aggregate sum being composed of an unexpended balance of $9,227 for the fiscal year of 1875 and $49,000 for the year ending June 30, 1876,) be covered into the Treasury.

Mr. CONGER. Does this come from the Committee on Agriculture? If so, I have no objection.

Mr. CALDWELL, of Alabama. It is presented upon consultation with that committee.

The joint resolution was ordered to be engrossed and read a third time; being engrossed, it was accordingly read the third time, and passed.

Mr. CALDWELL, of Alabama, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF WAR DEPARTMENT ESTIMATES.

Mr. BANNING, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, requested to review and revise so much of the letter of the Secretary of the Treasury transmitting estimates of appropriations required for the fiscal year ending June 30, 1877, as relates to estimates for military establishments of the War Department for said year of 1877, and report to this House at the earliest possible day, naming the reductions that can be made therein without injury to the efficiency of the Army.

ALBERT H. PFEIFFER.

Mr. PATTERSON. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. No. 2787) for the relief of Albert H. Pfeiffer, of Colorado Territory, and that the same be referred to the Committee on War Claims.

There being no objection, it was so ordered.

JOHN S. FILLMORE.

Mr. PATTERSON. I also ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H. R. No. 2786) for the relief of the heirs of John S. Fillmore, late of Denver, Colorado, and that the same be referred to the Committee on Private Land Claims.

There being no objection, it was so ordered.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

The SPEAKER. The morning hour now begins at fifteen minutes before one o'clock. The regular order this morning is the calling of committees for reports of a private nature; and the call rests with the Committee on Military Affairs.

SURGEON-GENERAL CLEMENT A. FINLEY.

Mr. COOK, from the Committee on Military Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

OTIS N. CUTLER.

Mr. JOHN REILLY, from the same committee, reported back the petition of Otis N. Cutler, of New York, for relief; and moved that the Committee on Military Affairs be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

DOROTHEA IRONS.

Mr. JOHN REILLY also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2017) for the relief of Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First United States Artillery; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

COLONEL W. H. EMORY.

Mr. GLOVER, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MAJOR GODFREY WEITZEL.

Mr. BANNING, from the same committee, reported a joint resolution (H. R. No. 98) authorizing Major Godfrey Weitzel, United States Army, to accept position of trustee of Cincinnati Southern Railroad.

The joint resolution, which was read, authorizes Major Godfrey Weitzel, Corps of Engineers, United States Army, to accept the office of trustee of the Cincinnati Railway Company, and to perform the duties of that office; provided they do not interfere with the performance of his official duties as an officer of the United States Army.

Mr. HALE. I must rise to the point of order on this that it is not a private bill. It interferes with the general law. You cannot change a general law by taking up one officer at a time.

Mr. BANNING. This is a joint resolution.

The SPEAKER. The point of order, if good, will lie to a joint resolution as well as to a bill.

Mr. BANNING. This joint resolution relates to a single individual, and does not provide for the change of any general law.

Mr. HALE. Undoubtedly it relates to a single individual, but if we allow the general law to be changed as in this case then you can change every general law in the frame-work of our Government by passing, under the guise of private bills, propositions like this.

Mr. BANNING. There is no private bill brought into this House which does not change the general law in some respect.

Mr. HALE. That is not the point of order I submit. The ordinary claim of an individual does not change existing law. Here, however, there is a clear infraction of law applying to the whole Army. It did not occur to me when I raised the point of order that there could be any doubt about it.

Mr. CONGER. This is the same character of bill or joint resolution allowing officers of the Government to receive presents from foreign governments, and those always have been regarded as private in their nature. This provides that Major Weitzel shall be allowed to do that, without interference with his duties as an Army officer, which under the present law he is prohibited from doing.

Mr. HALE. The bills and joint resolutions to which the gentleman refers are private bills, because there is no general law on the subject. In this matter there is a specific law controlling all officers of the Army.

Mr. CONGER. There is a general law prohibiting the taking of presents from foreign governments, and that is why private bills are introduced for that purpose to permit it to be done.

The SPEAKER. The Chair is embarrassed by the fact that the distinction between private bills and public laws is so extremely indistinct and undefined. The Chair believes this joint resolution goes to the verge, but he is not able, as at present advised, to sustain the point of order and hold that it is a public law. It is a joint resolution, proposing to permit a public officer not exactly to receive a gift, but to perform a service, which service he could not perform properly without this permission. The Chair thinks it is essentially an act for the benefit of the person named in it, and therefore overrules the point of order, although with reluctance.

Mr. HALE. I fear, Mr. Speaker, the precedent will be a very bad one.

Mr. BANNING. I call for the reading of the joint resolution again.

The joint resolution was read a first and second time.

Mr. WILSON, of Iowa. I at first hesitated in reference to the point of order made against this joint resolution, but I am now satisfied the Chair is correct, because every special act brought in here is to give relief or permission to some person to do something or to obtain something which the general law prohibits. I think the safest ruling, and the only ruling the Chair could have made, is the one he has made.

Mr. BANNING. I think there can be no objection, Mr. Speaker, to this joint resolution in the shape in which it is now drawn and reported to the House. It merely authorizes General Weitzel to accept this position, as trustee, to which he has been elected, provided there shall be no interference whatever with his duties in the Army. Surely no one can object to that.

This railroad, as I said before, is a great public enterprise, being constructed by the city of Cincinnati, from that city to Chattanooga, at her own expense. The people of that city pay $16,000,000 to build this road, and this joint resolution merely authorizes General Weitzel, who is an able engineer, to give his advice to the engineers engaged in the construction of that road, provided it shall not interfere in any way whatever with his duties as an Army officer. I hope the joint resolution will be passed.

Mr. HALE. Mr. Speaker, this really as a matter of principle is the same subject up the other day when, upon a vote taken by the House, the bill was laid upon the table; but afterward it was agreed the bill might go back to the Committee on Military Affairs. I supposed then that the bill would not be heard of again, and certainly not brought up here again so soon for action.

The objection in principle against this joint resolution is as strong as against the bill the other day. Officers of the Army have been heretofore kept free from all detail and employment outside of their military duties; they have been kept free from all entanglement, all temptation, all embarrassment arising from connection with business enterprises. That it seems to me to be entirely right. As one of the results of so guarding the Army heretofore, it has maintained a high reputation in the country and throughout the world for integrity and honesty, especially so far as money matters are concerned. Now, this joint resolution, while it provides in terms it shall not interfere with General Weitzel's duties as an Army officer, still it does allow him to accept the position of trustee, which is equivalent to that of director of this railroad corporation, a large corporation, a corporation that has under its control millions of dollars.

I do not deny General Weitzel's service and his skill as engineer would be valuable to this road. I admit he is one of the best of his corps; but if this road wants him and will pay him handsomely, General Weitzel ought not to be excepted by us here from the operations of the general law. Let him do what was done before the war by Generals Sherman and McClellan, and by other able and skillful engineers in the service when they were called to other positions at higher compensation, and that is, resign or go out of the Army and leave the road open to promotion of men who do not ask they shall be allowed to exercise a divided duty. Let General Weitzel accept this position. Let him become absorbed as he will in the important duties of this new position, and in either event he will give the most of his attention to it. But at the same time he stands on the Army roll, and is a bar to the promotion of men who give their whole time and services to the Army. He is a meritorious officer, but there are hundreds of meritorious officers in the Army besides General Weitzel. And I say that this House should not commit itself to a precedent that will be urged in hundreds of instances hereafter whenever a valuable and skillful officer believes he can obtain better compensation in civil employments. Whenever that happens they will come to us and ask that they be permitted to accept trusteeships, directorships, and secretaryships of railroad corporations, of banking institutions, of insurance companies, and of everything that goes to make up the great business of the country.

Let him stick to the Army or let him go out of the Army; but do not let us now, while passing a bill originated on the other side of the House to reduce the pay of officers of the Army, embark on this pernicious practice of piecing out the pay of officers of the Army by letting them get entangled in any civil occupation whatever. There will be no end to this sort of thing if you once pass this bill. To-morrow another officer will come and say, "I can get employment in civil engineering, in banking business, in insurance business, and I want at the same time to retain my position in the Army and my

rank, so that I will be the subject of promotion when it comes; but give me the opportunity of going outside the Army for higher compensation, and I will have a saving clause put in the resolution that it shall not interfere with my services in the Army." This is a matter of so much importance, Mr. Speaker, that if this resolution is pressed I certainly will desire a record of the House upon it by yeas and nays.

Mr. THORNBURGH. Mr. Speaker, there are some facts connected with this question that the House, it seems to me, ought to understand before voting the resolution down. The Engineer Corps of the Army to-day, a very large majority of them at least, are engaged in constructin , highways from one section of the country to another. They are engaged in opening up harbors, and in opening up rivers, so as to let commerce pass from one portion of the country to another. Cincinnati has already spent about $10,000,000 upon a great national highway. She has voted recently to spend $6,000,000 more upon that highway. By the appointment of the new Secretary of War a vacancy was made in the list of trustees to expend that money. In filling this vacancy the city of Cincinnati, which is furnishing so many millions of dollars, desires to appoint temporarily for the construction of this highway, not as a permanent employment or a permanent position, one of the ablest engineers of our Army.

The question has been before the Committee on Military Affairs whether it would be better to grant this officer a leave of absence or whether it would be better to require him to perform the duties in the Army that he is now performing, which are connected with a similar matter, that of river and harbor improvements, and allow him to give what assistance he could to this work so far as it does not take away his time from other duties. It is a case, in my judgment, the like of which has not been presented before, and I cannot well see when another case of like importance would present itself. The Government has recently appointed a trustee of this railroad to be Secretary of War. This officer of the Army will fill the position, it is understood, only till the road is completed.

Mr. HALE. Will the gentleman from Tennessee allow me to ask him a question?

Mr. THORNBURGH. Certainly.

Mr. HALE. When the former trustee of this road was appointed Secretary of War, did he not vacate the trusteeship?

Mr. THORNBURGH. He did. He vacated the trusteeship by sending in a resignation.

Mr. HALE. Then should not General Weitzel give up his position in the Army in order to accept this appointment?

Mr. THORNBURGH. He could not be expected to do so in order to act as trustee in the construction of a road that may be finished perhaps in a year from this day.

The ability and public reputation of General Weitzel are such that they will give confidence to the people of Cincinnati, who are furnishing this money, that it will be well expended and expended under the advice and with the consent of one of the ablest engineers of the Army.

It is a temporary employment, the expectation being that the road will be finished within eighteen months from the present day, at the outside. The Committee on Military Affairs have fully considered this question, and I hope the House will not vote down the recommendation of the committee without some better reason against it than has yet been assigned.

Mr. BANNING. I yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I made objection to this resolution in its former shape for the simple reason that I did not desire that General Weitzel should be relieved from the discharge of very important duties upon our northern lakes. He has been assigned to the charge of two of the largest public improvements on those lakes, the completion of the Saint Mary's Falls Canal and the harbor of refuge on Lake Huron, both works of national importance. He was transferred from another department, having finished the canal at Louisville, to the charge of the works upon these lakes, on account of his peculiar fitness and ability to carry on works of such great importance to the navigation interests of the country.

My objection to passing this bill was for my constituents, for the people of that region and the whole country. I was unwilling to lose his services until these works were completed, for no new man can go and take charge of them and learn all that it is necessary for him to learn for their completion without some months of careful study and attention to them. The committee, however, have modified the resolution, so that in accepting this trusteeship he shall not be called upon to leave the works he has now under his charge; that it shall not interfere with the carrying on of these great works of Government and the people. With that modification I am willing that the resolution shall pass; but I would not vote in favor of a resolution that this distinguished officer should resign and leave these works. They are of more benefit to the whole country in his hands than they would be in the hands of any other officer, in my judgment, in the whole Engineer Department.

Now, if it be so that, acting in an advisory capacity as one of the trustees, he may be useful to the city where he resides and the interests of its people on this railroad without conflicting with his duties as engineer, I have no objection. If it did take him from his duties there I should object, and I should especially hope that he would not resign his place as an engineer officer for the next year or two until he has completed these important works.

Mr. HALE. Does not the gentleman see that if General Weitzel is made a trustee for this road his services on it must interfere with his duties in the gentleman's neighborhood; or else, on the other hand, as the gentleman says he is not to be interfered with in his duties in Michigan, Wisconsin, and above the lakes, why then he cannot render such services to the road as would make it indispensable that he should be employed there. One or the other is true—either he is going to be called from his public duties to perform services for this road or, if he is not, then he cannot do the road any good. It is as broad as it is long.

Mr. CONGER. In answer to the gentleman, I can only say that I am informed—I cannot say it of my own knowledge, for I have no knowledge on the subject—that the duties of this trusteeship are temporary, and that the citizens of Cincinnati and those interested in this road desire a man of great engineering talents and skill and of great integrity of character to act as one of the advisory members to supervise the construction of this road and its management for a short time.

Mr. HALE. The gentleman from Ohio [Mr. BANNING] stated the other day that it was entirely different from that; that they wanted his actual skill, service, and labor in the construction of the road.

Mr. CONGER. They do not propose to make him the practical engineer of the road, of course. But his great knowledge of engineering might enable him at any meeting of the board to give advice, to correct errors, to regulate the action of the board without occupying more than one day.

I am not here to advocate the joint resolution. It was laid aside when it was last up partly on my objection, because I did not desire that the services of this officer should be withdrawn for this or next year from the great works of public improvements on the northwestern lakes, which are so necessary to the cheap transportation of the products of the Northwest to the seaboard. If those services can be retained, then I have no further objection to make to the passage of the joint resolution.

Mr. HALE. I do not object to his giving counsel and advice to this corporation. That he may do if he chooses; but for us to formally endow him with a trusteeship I do object to.

Mr. BANNING. I wish to say one word. I did state the other day that we did want the services of General Weitzel on this road; but in order to remove the objection of gentlemen, and in order that the Government might not lose his services, we have changed the resolution to the form in which it now stands, providing that the acceptance of this position shall in no manner whatever interfere with his duties as an officer of the Army.

Now, I know that there have been many officers of the Army accepting positions without authority of law, and they have placed themselves in a bad position by so doing; but they did it without authority of law; they did it under the orders of the President unauthorized, as I believe; and General Weitzel will not accept this position unless the Congress of the United States authorizes him to do so. Now, why may they not? The gentleman says there are no precedents for what we are doing. I beg his pardon; we have authorized and have to-day officers of the Army acting as professors in institutes in different parts of the country.

Mr. HALE. That is in the line of military education.

Mr. BANNING. Yes, sir; it is in the line of military education, and in the naval service we have the same thing, and this is in the line of building a public improvement: a railroad from Cincinnati to Chattanooga; a public improvement that an engineer officer of the Army may well labor upon; for if we had had this road during the war it would have saved in military operations thousands and thousands, yes, millions of dollars.

Why, Mr. Speaker, we have officers on foreign service drawing two pays; but this resolution gives no additional pay. General Weitzel will not violate the law. He will not accept the position unless we pass this resolution authorizing him to do so. He knows the law and will not violate it. This resolution will change the law in General Weitzel's case. Certainly we have the right to make the change.

Mr. WADDELL. Will the gentleman allow me to interrupt him for the purpose of making a statement?

Mr. BANNING. Certainly.

Mr. WADDELL. I desire to state, and perhaps the gentleman from Maine [Mr. HALE] is aware of the fact, that there are now two officers of our Navy detailed for service on the steamships running from San Francisco to Australia and China, and still receiving pay from the United States.

Mr. HALE. Has that not reference to the action of Congress in regard to carrying the mails upon those routes?

Mr. WADDELL. I think not, so far as I may judge from the correspondence with the Navy Department upon the subject.

Mr. HALE. I desire to ask the gentleman from Ohio [Mr. BANNING] one question. I know he is anxious to get through with this joint resolution, so that his committee can report other business. I would ask him where we will draw the line in this matter? To-day this road asks the service of a valuable officer of the Army; to-morrow the Pennsylvania Central asks the service of another valuable officer; next day the New York Central makes a similar request; then

a canal company asks that favor of the Government; and an enterprise in California wants the services of another officer. They will all ask to be allowed to remain on the Army roll. Now I would ask where the gentleman would stop?

Mr. BANNING. I will answer the gentleman. This proposition will be putting the brains and education of West Point to some practical use to the country. I will tell you where we will stop; we will stop right where we are, and not continue violating the law by sending our officers abroad as you have done. In every instance we will require them, as in this case, to come to Congress first, and ascertain if they can get permission. We have made a law forbidding this detail of Army officers, and we have the right to make a law changing this or any other law. When it will result to the benefit of the country we ought to change the law. When a road comes here that is being built by one city at a cost of $16,000,000, a road which is a great public improvement and a benefit to the country generally, may we not say that that road shall have the advisory use of the brains which we have educated at West Point? I now call the previous question.

Mr. HOLMAN. Before the gentleman calls the previous question I wish to ask him a question for information simply. Where is General Weitzel now stationed, what particular branch of the public service has he under his charge, and how many civilians from private life are now employed as engineers in connection with public works, such as river and harbor improvements?

Mr. BANNING. I will answer the gentleman. General Weitzel is now employed at Detroit, and my friend from Michigan [Mr. CONGER] objected the other day to this joint resolution because it would take General Weitzel away from him. We have modified the joint resotion so that this detail shall not interfere with his duties there.

Mr. HOLMAN. O, no. How many persons are employed from civil life as engineers at this time in connection with the public works of the same class as those with which General Weitzel is now connected?

Mr. BANNING. That is a matter that the Committee on Appropriations and the Committee on Military Affairs are both trying to find out; and when we do find out I hope we will be able to correct an evil that now exists.

Mr. HALE. This is a bad way of correcting it.

Mr. HOLMAN. I think there are now one hundred and six persons from civil life employed in connection with these public works.

Mr. BANNING. That may be. This joint resolution is recommended by General Sherman, whose letter was read here on Saturday last; and it is recommended by the present Secretary of War, and approved by the Chief of the Engineer Corps. I hope the House will pass this joint resolution.

Mr. HALE. Has the gentleman heard any recommendation of this from that large and intelligent body of civil engineers throughout the United States, who have not been educated at the expense of the country?

Mr. BANNING. I thought that at last we would get at the true inwardness of the gentleman's objection. I now insist upon my call for the previous question.

Mr. HALE. I shall not object to this joint resolution in the intermediate stages, but upon its passage I shall call for the yeas and nays, as I consider it involves an important principle.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. HALE. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 127, not voting 73; as follows:

YEAS—Messrs. Atkins, George A. Bagley, William H. Baker, Banning, Blackburn, Bright, William R. Brown, Burleigh, Cabell, Campbell, Candler, Cason, John B. Clarke of Kentucky, Conger, Cook, Cowan, Culberson, De Bolt, Dibrell, Dobbins, Dunnell, Eden, Egbert, Ellis, Evans, Forney, Foster, Fuller, Gause, Glover, Goode, Gunter, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hoge, Hooker, Hurlbut, Hyman, King, Lamar, George M. Landers, Lane, Levy, Luttrell, Lynch, MacDougall, Mills, Money, Monroe, Mutchler, Nash, Odell, Parsons, Payne, John Reilly, Rice, Riddle, Robinson, Rusk, Sayler, Schleicher, Smalls, Southard, Springer, Strait, Thornburgh, Throckmorton, John L. Vance, Robert B. Vance, Waddell, Waldron, Gilbert C. Walker, White, Whitehouse, Wigginton, Wike, Alpheus S. Williams, Woodburn, Yeates, and Young—89.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Bagby, John H. Bagley, jr., John H. Baker, Ballou, Bell, Blair, Bliss, Blount, Boone, Bradley, Buckner, Horatio C. Burchard, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Cannon, Caswell, Cate, Caulfield, Chapin, John B. Clark, jr., of Missouri, Cochrane, Collins, Cutler, Denison, Durand, Durham, Eames, Ely, Farwell, Faulkner, Felton, Fort, Franklin, Freeman, Frost, Frye, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Benjamin W. Harris, Hartzell, Hays, Hendee, Hoar, Holman, Hopkins, Hoskins, Hubbell, Hunter, Hunton, Jenks, Joyce, Kasson, Kehr, Kelley, Kimball, Franklin Landers, Lewis, L. A. Mackey, Magoon, Maish, McCrary, McFarland, Meade, Miller, Milliken, Morgan, Morrison, Neal, New, O'Brien, Oliver, O'Neill, Piper, Plaisted, Platt, Poppleton, Potter, Pratt, Rea, Reagan, John Robbins, William M. Robbins, Sobieski Ross, Sampson, Savage, Scales, Seelye, Singleton, Sinnickson, Slemons, A. Herr Smith, Stenger, Stevenson, Stone, Stowell, Tarbox, Teese, Thompson, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John W. Wallace, Walling, Walsh, Warren, Erastus Wells, Wheeler, Whiting, Willard, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—127.

NOT VOTING—Messrs. Adams, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bradford, John Young Brown, Chittenden, Clymer, Cox, Crapo, Crounse, Danford, Darrall, Davis, Davy, Douglas, Garfield, Gibson, Hartridge, Haymond, Abram S. Hewitt, Hill, House, Hurd, Frank Jones, Thomas L. Jones, Ketchum, Knott, Lapham, Lawrence, Leavenworth, Lord, Lynde, Edmund W. M. Mackey, McDill, McMahon, Metcalfe, Morey, Norton, Packer, Page, Phelps, John F. Philips, William A. Phillips, Pierce, Powell, Purman, Rainey, Randall, James B. Reilly, Roberts, Miles Ross, Schumaker, Sheakley, William E. Smith, Sparks, Swann, Terry, Thomas, Martin I. Townsend, Charles C. B. Walker, Alexander S. Wallace, Walls, Ward, G. Wiley Wells, Whitthorne, Andrew Williams, James Williams, Wilshire, and Benjamin Wilson—73.

So the joint resolution was not passed.

Mr. HALE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. DICKSON.

Mr. BANNING, from the Committee on Military Affairs, reported back, with a recommendation that it pass, a bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF GEORGE SCHWARTZ.

Mr. STRAIT, from the same committee, reported back, with a recommendation that it pass, the bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

A. F. M'MILLEN.

Mr. STRAIT also, from the same committee, reported a bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EXPLOSION AT FRANKFORT ARSENAL, PHILADELPHIA.

Mr. JENKS, from the Committee on Invalid Pensions, reported back a petition asking for a pension to Hugh McLaughlin, on account of loss of his son John, killed at Frankfort arsenal, Philadelphia, August 7, 1875, by explosion of ammunition, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. JENKS also, from the same committee, reported back the petition of Michael Farrell, Henry Steiger, and other sufferers by the explosion at the Frankfort arsenal, Philadelphia, on August 7, 1875, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

WIDOW OF CAPTAIN DAVID RITCHIE.

Mr. JENKS also, from the same committee, reported back adversely the bill (H. R. No. 1078) authorizing the Commissioner of Pensions to place upon the pension-roll the name of the widow of Captain David Ritchie; which was laid on the table, and the accompanying report ordered to be printed.

OLIVER T. EVERHART.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 3034) granting a pension to Oliver T. Everhart; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAFAYETTE DECKER.

Mr. BAGBY, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SMITH BELL.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 3035) granting a pension to Smith Bell, late sergeant Company I, Twenty-sixth Regiment United States Colored Troops Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M'LAIN.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 3036) granting a pension to Mary McLain, widow of Charles McLain, late lieutenant-colonel Two hundred and eleventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL D. FALLS.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 3037) as a substitute for House bill No. 1392, granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGBY also, from the same committee, reported adversely in the following cases; which were laid on the table, and the reports ordered to be printed:

A bill (H. R. No. 1586) granting a pension to Harriet Bowman, Logan County, Illinois;

A bill (H. R. No. 1246) to correct the date of commencement of pension to Anna Brasel, widow of David Brasel, late sergeant in Captain Gordon's Company Mounted Illinois Volunteers; and

The petition of William H. H. Gillespie, Company I, First Missouri Cavalry Volunteers, for pension.

ALMON F. MILLS.

Mr. RICE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3038) granting a pension to Almon F. Mills, late a private Company K, Twenty-ninth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. CASTERWELLER.

Mr. YEATES, from the same committee, reported back a bill (H. R. No. 1641) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABIGAIL T. DAWNEY.

Mr. YEATES also, from the same committee, reported back a bill (H. R. No. 1849) granting a pension to Abigail T. Dawney, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA WESTERVELT.

Mr. BLISS, from the same committee, reported a bill (H. R. No. 3039) granting a pension to Martha Westervelt; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SARAH J. GOSS.

Mr. HEWITT, of Alabama, from the same committee, reported a bill (H. R. No. 3040) granting a pension to Sarah J. Goss; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTONE NEIS.

Mr. HEWITT, of Alabama, also, from the same committee, reported back adversely a bill (H. R. No. 293) for the relief of Antone Neis; which was laid upon the table, and the report ordered to be printed.

WILLIAM M'LAY.

Mr. HEWITT, of Alabama, also, from the same committee, reported back a bill (H. R. No. 2081) granting a pension to William McLay, late private Company G, Twelfth Illinois Infantry Volunteers, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES RUFFIN WOOD.

Mr. SINNICKSON, from the same committee, reported a bill (H. R No. 3041) granting a pension to James Ruffin Wood, of North Carolina; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA J. BROWN.

Mr. SINNICKSON also, from the same committee, reported back adversely a petition of Martha J. Brown, widow of William C. Brown, late private Company H, Thirty-second Regiment Kentucky Infantry, praying for a pension; which was laid upon the table, and the accompanying report ordered to be printed.

NAVY-YARD INVESTIGATION.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That for the purpose of enabling the Committee of this House on Naval Affairs to discharge the duties imposed upon them by the House resolution instructing them to inquire into certain alleged abuses and frauds at different navy-yards of the United States and the misapplication of appropriation made for the construction of eight vessels of war authorized by act of Congress approved February 10, 1873, &c., it is hereby directed that said committee, through a subcommittee appointed for that purpose, consisting of Messrs. WHITTHORNE, JONES, HARRIS, and BURLEIGH, shall make said investigation as far as it relates to the Philadelphia and League Island navy-yards at said yard and at the city of Philadelphia.

LIMITATIONS IN CRIMINAL CASES.

Mr. HUNTON. This morning, when the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes came back from the Senate with amendments, a motion was made to concur in the Senate amendments. Objection was made, and the bill and amendments were referred to the Committee on the Judiciary. The gentleman who made the objection is willing to withdraw it, and I move that the vote by which the bill was referred to the Committee on the Judiciary be reconsidered, and that the Senate amendments be concurred in.

There being no objection, the vote by which the bill and amendments were referred to the Committee on the Judiciary was reconsidered, the committee was discharged from the further consideration of the same, and the amendments of the Senate were concurred in.

MANUFACTURE OF SILK.

Mr. CUTLER. I ask unanimous consent to present a memorial of the citizens of Paterson, New Jersey, for reference to the Committee of Ways and Means. I ask also that it may be printed in the CONGRESSIONAL RECORD. It is brief and contains some valuable facts in reference to the silk interest, which I am sure every member of this House would be glad to know. The memorial is signed by over five thousand operatives in the city of Paterson, a city which employs more labor, gives employment to more operatives, and has more capital invested in silk than any one city or congressional district in this Union.

There being no objection, the memorial was received, and referred to the Committee of Ways and Means, and ordered to be printed in the CONGRESSIONAL RECORD. It is as follows:

To the honorable the Senate and House of Representatives:

This memorial of the citizens of Paterson, New Jersey, respectfully submits:

1. That there are about eight thousand operatives employed in the silk manufacture, in its various branches, in this city alone, and many thousands in other places in the country.

2. That under the present duty on silk goods the American silk manufacture has, during the past ten years especially, developed with incredible rapidity until the value of home production has reached over $20,000,000 annually, the product of last year (1875) being the largest ever known. The imports of raw silk for December, 1875, were 208,456 pounds, compared with 131,673 pounds in December, 1874; and the total receipts of raw silk for American manufacture in 1875 were nearly 40,000 pounds more than in any preceding year; the grand total being over a million pounds for last year. That this was achieved in a period of general depression was mainly due to the immense development of the business into channels formerly filled by foreign products.

3. That the silk trade has created another important branch of industry in America in the manufacture of silk machinery, which, during the late panic, has kept many of our machine-shops busy.

4. For this reason and for others, including the great competition of foreign imports, the products of our looms, especially ribbons, handkerchiefs, fancy silks for trimmings, ties, &c., have largely taken the place of the foreign fabrics, although at present there are some sorts where the manufacture is still in its first steps of development.

5. Notwithstanding the present protection, the imports of manufactured silk goods into the port of New York for the fiscal year ending June 30, 1875, were $22,810,483, compared with $22,669,653 for the preceding year.

In the opinion of your petitioners the heavy imports have crippled our industry. The recent disclosures of smuggling and customs frauds, that have acted with material detriment to our trade, may shortly tend to the further development of the American silk industry, this being, as we believe, very injurious to us in a time of national depression.

From the above facts it must be clear to your honorable House that the present protection is absolutely necessary to protect the home industry.

To make the changes which the pending bill proposes in raw and manufactured silks would be equivalent to an order closing every silk mill in the United States.

Believing that these important facts, which can be readily verified, will receive due consideration from an American Congress, they are respectfully submitted.

JOHN C. WHITE.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 3042) for the relief of John C. White, first lieutenant First United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE CALENDAR.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DURAND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the Private Calendar. This being objection day, one objection carries a bill over. The Clerk will read the first business on the Calendar.

The Clerk read the title of the bill at the head of the Calendar, being the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri.

Mr. HOLMAN. I believe the call of the Calendar to-day begins at the point where the Committee of the Whole last left off.

Mr. BRIGHT. The bill the title of which has been read was under consideration upon the last consideration day. This is objection day, and I submit as a point of order that the bill should go over until next Friday before it can be considered.

Mr. HOLMAN. It is very manifest that the committee should begin now where the consideration of the Calendar closed on the last occasion that the House was in Committee of the Whole on the Private Calendar. It seems to me that the only question is, What was the last bill considered by the committee?

Mr. BUCKNER. The last bill considered in the Committee of the Whole on the Private Calendar was the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico.

Mr. HOLMAN. Not on last Friday.

PAYMENT OF CLAIMS UNDER ACT OF JUNE 16, 1874.

The CHAIRMAN. The Clerk informs the Chair that in resuming the Calendar at the point where its consideration was last left off, the first business is the bill (H. R. No. 1218) making appropriations for

the payment of claims reported to Congress, under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

The Clerk commenced reading the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers since June 30, 1874, under the second section of the act of Congress approved June 16, 1874, namely.

Mr. EDEN. I ask that the reading of the names be dispensed with.

Mr. HOLMAN. It seems to me that there should have been a report accompanying this bill. It appropriates a very large sum of money.

Mr. BRIGHT. I object to debate.

Mr. HOLMAN. I call for the reading of the original bill. This seems to be a substitute.

The CHAIRMAN. The Chair is informed that this is the original bill with the addition simply of some names.

Mr. NEAL. I object to this bill.

The CHAIRMAN. The bill having been once objected to, five objections are now required.

Mr. HOLMAN. If the gentleman from Ohio [Mr. NEAL] desires time to examine this bill, I think the objection should be sustained.

Mr. EDEN. After the bill has been laid aside to be reported to the House, the gentleman can have all the time he requires to examine it, and may, if he wishes, offer amendments in the House. If the bill is not reported now to the House, I give notice that I shall move on Monday to suspend the rules and pass it.

Mr. HOLMAN. I would say to the gentleman from Ohio that, if it be understood that in the House the previous question shall not be called, but that the bill shall be open for consideration and amendment, it may be as well to allow it to be laid aside to be reported to the House.

Mr. NEAL. All I desire is to be heard on this bill before it is put on its passage; I do not care whether in the committee or in the House.

The CHAIRMAN. The Chair not hearing five objections, the bill is laid aside to be reported favorably to the House.

ELIZABETH B. THOMAS.

The next business on the Private Calendar was the bill (H. R. No. 2163) granting a pension to Elizabeth B. Thomas.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Thomas.

Mr. BAGBY. This bill is precisely the same as the Senate bill No. 431 on page 8 of the Calendar. I ask unanimous consent that the Senate bill be substituted for this one.

Objection was made.

No objection being made to the bill it was laid aside, to be reported favorably to the House.

PETERS & REED.

The next business on the Private Calendar was the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors, at the Norfolk navy-yard, in the year 1860.

The bill authorizes and directs the Secretary of the Navy to cause to be paid to Peters & Reed the balances due them for labor done and material furnished at the Norfolk navy-yard in 1860, upon the contracts with them personally, and the balances due them as the attorneys in fact of the contractors John E. McWilliams and F. W. Parmater, in said navy-yard, during the same time, amounting in the aggregate to $15,170.89, as certified by the engineer in charge, and approved by the commandant, in June, 1860; and for the purpose aforesaid appropriates the sum of $15,170.89 out of any money in the Treasury not otherwise appropriated.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. SUSAN E. RHEA.

The next business on the Private Calendar was the bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner.

The bill authorizes and directs the proper accounting officers of the Treasury to pay to Susan E. Rhea, who was the widow of J. Burrows Gardiner, a surgeon in the navy of Texas at the time of the annexation of said republic to the United States, the compensation that he would have received had he been living at the date of the passage of the act of Congress of March 3, 1857; provided that the acceptance of the provisions of this act shall be a full relinquishment of all claims on the part of the said Gardiner, or any other person or persons, for further compensation in this behalf from the Government of the United States.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARGARET C. BELL.

The next business on the Private Calendar was the bill (H. R. No. 2300) granting a pension to Margaret C. Bell.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Bell, widow of Admiral Henry H. Bell, late of the United States Navy, and that she be paid a pension of $50 per month from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

TITLE TO LANDS IN WEST VIRGINIA.

The next business on the Private Calendar was the bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson.

The bill was read. It provides that whatever title the United States may have in a tract of land of about one hundred acres, in Braxton County, West Virginia, which was conveyed by George Wilson to Levi Woodbury, Secretary of the Treasury of the United States, by George Wilson by deed dated September 10, 1836, be released to Sarah Wilson, her heirs and assigns.

No objection being made, the bill was laid aside, to be reported to the House.

WILLIAM L. NANCE.

The next business on the Private Calendar was the bill (S. No. 309) for the relief of William L. Nance.

The bill authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, in full compensation for certain property of said William L. Nance, taken for the use of the Government of the United States during the late rebellion.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JAMES G. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 2457) for the relief of James G. Williams.

Mr. MILLIKEN. I wish to state that the Committee on War Claims referred that case to me as a subcommittee, and upon the facts then before me I reported favorably upon it. From subsequent facts which have come to my knowledge, I desire that the bill be recommitted to the committee that I may make an adverse report upon it. I move that the bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on War Claims.

The motion was agreed to.

BARTHOLOMEW COUNTY AGRICULTURAL SOCIETY.

The next business on the Private Calendar was the bill (H. R. No. 2458) for the relief of the Bartholomew County (Indiana) Agricultural Society.

The bill appropriates the sum of $1,500, to be paid to the Bartholomew County Agricultural Society in full payment and satisfaction for the use and occupation of the fair grounds of said society for military purposes from September, 1863, to June, 1865.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

The next business on the Private Calendar was the bill (H. R. No. 820) for the relief of the mission of Saint James. (Objected to by Mr. JACOBS.)

JAMES B. SINCLAIR.

The next business on the Private Calendar was the bill (H. R. No. 1071) for the relief of Lieutenant J. B. Sinclair, United States Army.

The bill directs the President to restore James B. Sinclair, first lieutenant United States Army, retired, to the rank of captain of infantry, as held by him December 31, 1870; and that his name be placed upon the retired list of the Army as of the rank he held at that date.

The report was read, as follows:

This is an act to place the name of James B. Sinclair, first lieutenant United States Army, retired, on the retired list of the Army as a captain, (not mounted.)

James B. Sinclair was commissioned first lieutenant United States Infantry October, 1861, and served continuously during the war, and on the frontier since the war, until February, 1871, when he, then being captain Twenty-third United States Infantry, was discharged, though he was never examined by or ordered before a board, as provided by the act of July 15, 1870.

He was, March 9, 1871, upon the recommendation of Brigadier-General E. R. S. Canby, Brigadier-General George Crook, Major-General J. M. Schofield, Colonels Sidney Burbank, Roger Jones, W. L. Elliott, and other officers of the Army, re-appointed a second lieutenant, and retired with the rank of captain, (not mounted.) Under the provisions of the act of Congress to fix the rank and pay of retired officers of the Army, approved March 3, 1875, Captain Sinclair was, by General Orders No. 33, War Department, Adjutant-General's Office, March 23, 1875, reduced to the rank of first lieutenant.

The record of Lieutenant Sinclair is that of a brave, faithful, and efficient officer. It is shown by the certificates of five surgeons that he was wounded in action in the head, hip, upper third of the thigh, and four separate and distinct times near the knee, and that these wounds have almost entirely disabled him. It is further shown that, while Lieutenant Sinclair was a captain in the Fourteenth United Stated Infantry, he was urged by the Army medical officers to go before the retiring board, and had he done so he would have undoubtedly been retired with the rank of captain, and would not have been subject to the provisions of the act of March 3, 1875. This he declined to do; but, notwithstanding his wounds, remained with his company and rendered gallant and valuable service against the Indians, as is fully set forth in General Orders No. 9, district of the Owyhee, complimenting him for gallant and meritorious services. His request is approved by the Secretary of War. In accordance with the above facts, the committee, being of the opinion that justice requires that the petition of James B. Sinclair should be granted, report the bill and recommend its passage.

Mr. HOLMAN. The bill just read is not the bill before the committee. What has become of the bill for the relief of the mission of Saint James?

Mr. BUCKNER. In reference to that bill, I understand that a Delegate objected to it; and I suggest to the Chair whether a Delegate has any power to object to a bill.

The CHAIRMAN. The point comes too late.

No objection being made to the pending bill, it was laid aside, to be reported to the House favorably.

THEODORE F. MILLER.

The next business on the Private Calendar was the bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers.

The bill directs the proper accounting officers of the Treasury to allow and pay to Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers, the bounty to which he would have been entitled under the law if he had been regularly mustered out and discharged with his regiment.

No objection being made, the bill was laid aside, to be reported favorably to the House.

CHARLES W. HILL.

The next business on the Private Calendar was the bill (H. R. No. 2460) for the relief of Charles W. Hill, of Urbana, Ohio.

The bill directs the Secretary of the Treasury to pay to Charles W. Hill, out of any money in the Treasury not otherwise appropriated, the sum of $201.50, in full of his traveling expenses from Helena, Montana Territory, where he was discharged from service as clerk to a paymaster in the Army in January, 1871, to his residence at Urbana, Ohio.

No objection being made, the bill was laid aside, to be reported favorably to the House.

COMPENSATION FOR LOSS OF CLOTHING.

The next business on the Private Calendar was the bill (H. R. No. 2461) for the relief of certain officers of the Third United States Artillery who suffered loss by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875.

The bill authorizes the proper accounting officers of the Treasury of the United States to settle with the first lieutenants of the Third United States Artillery who lost their personal effects by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875, at a sum not to exceed $600 each.

Mr. MACDOUGALL. I move to amend that bill by adding to it the words "and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. HOLMAN. That amendment is not necessary, and I must object to it. Claims of this kind are paid out of the general appropriations for the support of the Army.

Mr. MACDOUGALL. The amendment can do no harm at any rate.

The amendment was agreed to; and the bill, as amended, was laid aside, to be favorably reported to the House.

HENRY E. WILKINSON.

The next business on the Private Calendar was the bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninty-ninth Regiment Pennsylvania Volunteers.

The bill authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Henry E. Wilkinson, late first lieutenant of Company I, Ninty-ninth Regiment Pennsylvania Volunteers, the sum of $414.20, being the amount justly due him as first lieutenant from September 1, 1862, to December 26, 1862, for which time he has never received any pay or other allowance.

No objection being made, the bill was laid aside, to be reported favorably to the House.

NEWPORT BARRACKS.

The next business on the Private Calendar was the bill (H. R. No. 1055) to authorize the Secretary of War to convey to the city of Newport, Kentucky, the grounds at the confluence of the Licking with the Ohio River, in Campbell County, Kentucky, known as the Newport Barracks.

Mr. HOLMAN. I see it stated that the Government contemplates a renewal of the use of those grounds for military purposes, and I trust therefore that this bill will not be pressed.

Mr. TERRY. I understand that there is some prospect of the ground being used for military purposes.

The CHAIRMAN. Debate is not in order.

Mr. HOLMAN. Let it be passed over; I object to it.

REDICK M'KEE.

The next business on the Private Calendar was the bill (H. R. No. 620) for the relief of Redick McKee.

The bill provides that the memorial and claims of Redick McKee, late disbursing agent of the Indian Department in California, (Miscellaneous Document 102, printed February 25, 1871,) be referred for examination and settlement to the Secretary of the Interior. If the Secretary shall find the allegations and statements of the claimant verified by the records of the Department or other satisfactory evidence, he shall allow him such relief as may be equitable and just, to be paid out of any money in the Treasury not otherwise appropriated.

The report was read, as follows:

That, in 1850, or thereabouts, the said McKee was appointed by President Fillmore one of three commissioners upon Indian affairs in California, and also purchasing and disbursing agent for the commission.

That in the execution of this trust, which was then one of great difficulty and importance, and which he seems to have fulfilled with remarkable success, the said McKee avers that an indebtedness of the United States Government to him was contracted, the evidence of which, he also avers, exists upon the records of the Interior Department, but which has never been paid.

That the Interior Department, from which information respecting this matter has been sought, has "stated that it was not prepared, without a full examination of the case, to give an opinion upon the merits of the allowance suggested by the claimant in his memorial," and also that, "should the proposed joint resolution meet the approval of Congress, Mr. McKee's claim will receive careful attention at the hands of the Department."

And also that an act in precisely the same terms as the present bill passed the House of Representatives March 19, 1872, but failed of action in the Senate.

The committee therefore report back the bill, with a recommendation that it pass.

No objection being made, the bill was laid aside, to be reported favorably to the House.

COLLEGE OF WILLIAM AND MARY, IN VIRGINIA.

The next business on the Private Calendar was the bill (H. R. No. 2462) for the relief of the College of William and Mary, in Virginia, for property destroyed during the late war.

Mr. BURCHARD, of Illinois. That bill ought to be debated, and I object to it.

NIRAM W. PRATT.

The next business on the Private Calendar was the bill (H. R. No. 1944) granting a pension to Niram W. Pratt.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Niram W. Pratt, late a private in Captain A. J. Millard's independent company of Sioux City, Iowa Cavalry.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ROSE MILLER.

The next business on the Private Calendar was the bill (H. R. No. 1235) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry.

The bill authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rose Miller, widow of the late Reason F. Miller, who was a private in Company E, One hundred and twenty-third Illinois Infantry.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ADAM SMOUSE.

The next business on the Private Calendar was the bill (H. R. No. 2463) granting a pension to Adam Smouse.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Adam Smouse, of the township of Bell, Jefferson County, Pennsylvania, the father of Charles Smouse, late a private in Company F, One hundred and fifth Regiment Pennsylvania Volunteers, during the life of the said Adam; and in case Eve, the wife of said Adam Smouse survives him, then to the said Eve during her life.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DIANA BREYSACKER.

The next business on the Private Calendar was the bill (H. R. No. 2464) granting a pension to Diana Breysacker.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Diana Breysacker, and her successors, guardian of William Parks, born May 7, 1860, minor child of Cornelius Parks, late private in Company C, Fourth Regiment Ohio Volunteers,

There being no objection, the bill was laid aside, to be reported favorably to the House.

EMILY SCHWARTZ.

The next business on the Private Calendar was the bill (H. R. No. 2465) granting a pension to Emily Schwartz.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Schwartz, widow of Adolphus Schwartz, late major of the Second Regiment of Artillery Illinois Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

BUTLER FITCH.

The next business on the Private Calendar was the bill (H. R. No. 2466) granting a pension to Butler Fitch, late captain Eighth Independent Battery, New York.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Butler Fitch, late captain Eighth Independent Battery, New York.

Mr. HOLMAN. I ask that the report in this case be read.

The report was read, as follows:

That Butler Fitch enlisted in the service of the United States on the 24th day of September, 1861, and organized an artillery company known as the Eighth Inde-

pendent New York Battery, of which he was elected captain. He served as such as a gallant and meritorious officer, and was discharged on the 20th day of September, 1864, on his resignation, based on a medical certificate, having been in service three years.

This officer and his command performed most efficient service for the Union cause in the eastern campaigns. Captain Fitch at the time of entering the service was an able-bodied, healthy man, weighing about one hundred and sixty-five pounds. For years before entering the service he was entirely healthy. The evidence is clear and unquestioned on this point. The evidence further discloses that while in the service his command was much of the time on duty in low, malarial regions, and in consequence of such exposure claimant became sick, reduced in flesh, and was finally taken with congestive chills, and that on account of continued ill-health, occasioned by said malarious influences, and by the advice of the surgeon of his command, he was compelled to resign, and was honorably discharged as above stated.

In the medical certificate, on which his honorable discharge was based, the surgeon states that claimant was unable to perform his duties as a soldier for reason, first, of "incipient phthisis," indicated by physical signs in upper lobe right lung, namely, dullness upon concussion, bronchial and puerile respiration, with cough; also, second, that he has been for some months very much reduced and debilitated by frequent attacks of malarial fever of congestive type, which has rendered his general health so feeble that there is imminent danger of developing rapidly his constitutional phthisical condition. In this condition he quit the service weighing only one hundred and eighteen pounds.

The evidence is conclusive that he has ever since remained in ill health, having had four congestive chills on different occasions since his discharge from the service; also, that he is now very much enfeebled in health and a confirmed consumptive, and all his indisposition directly traceable to the disability caused by work and exposure, as above stated, while in the service of the United States and in the direct line of duty. He is now so much reduced as to be unable to perform any manual labor. He has a wife and family to support, and even the attempt to perform physical labor causes great suffering and pain.

Hope of regaining his health has deterred claimant from applying earlier for a pension.

In view of the facts above stated, and feeling it to be but a simple act of justice to a gallant and meritorious officer, the committee would make a favorable recommendation.

There being no objection, the bill was laid aside, to be reported favorably to the House.

FRANCIS CURRAN.

The next business on the Private Calendar was the bill (H. R. No. 1176) granting a pension to Francis Curran, Thirteenth Indiana Cavalry.

The bill authorizes the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Curran, late sergeant of Company E, Thirteenth Indiana Cavalry, and to pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN GROPPER.

The next business on the Private Calendar was the bill (H. R. No. 1178) granting a pension to John Gropper.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the conditions and provisions of the pension laws, the name of John Gropper, late of Company I of the Twenty-third Kentucky Volunteer Infantry, and to pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SARAH J. KING.

The next business on the Private Calendar was the bill (H. R. No. 2467) granting a pension to Sarah J. King.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. King, widow of James E. King, late corporal of Company B, Second Regiment Illinois Cavalry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HENRY H. WHARFF.

The next business on the Private Calendar was the bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment Ohio Volunteers.

The bill authorizes the Secretary of the Interior to place the name of Henry H. Wharff, late a private of Company C, Eighteenth Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JULIA A. SCHUTT.

The next business on the Private Calendar was the bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier.

The bill authorizes the Secretary of the Interior to place on the pension-roll the name of Julia A. Schutt, widow of Martin Schutt, a private in Company I, in the Fourth Regiment of Heavy Artillery, New York Volunteers, to take effect from the death of said Martin Schutt, as shown by evidence on file in the office of the Commissioner of Pensions.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DAVID M'COMB.

The next business on the Private Calendar was the bill (H. R. No. 2468) granting a pension to David McComb.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David McComb, late employé in the naval service of the United States.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ANDREW J. BARRETT.

The next business on the Private Calendar was the bill (H. R. No. 648) for the relief of Andrew J. Barrett.

The bill directs the Secretary of the Treasury to pay to Andrew J. Barrett the sum of $154 in payment of draft No. 3609, on the United States depository at Richmond, Virginia, drawn by Peter A. Kellar, the disbursing agent, upon W. M. Harrison, the officer in charge of the United States depository at said place, in favor of said Andrew J. Barrett; said draft bearing date January 28, 1861, and being for the first payment for taking the eighth census.

Mr. ATKINS. I ask that the report in this case be read.

The report was read, as follows:

This is a claim for $154, and the facts on which it is based are as follows, namely: That the disbursing agent for the eighth census, Peter A. Kellar, drew a draft for that sum January 28, 1861, on the United States depository in Richmond, Virginia, in favor of the claimant, to pay him for services as assistant marshal in taking that census, the claimant giving a receipt for the same, which was used in the settlement of his accounts for taking said census.

He soon after paid over said draft, indorsing it, in a business transaction, to William Thompson, then sheriff of Boone County, Virginia. The said draft lay in said Thompson's hands for some time, when he attempted to use it by turning it over to J. M. Bennet, auditor of public accounts of Virginia, and said Bennet declined to take it. Thompson then tried to get it cashed at the United States Treasury, but this was refused, because the accounts of said Barrett had been closed, and the Department would not re-open them. Mr. Barrett then received back said draft from Mr. Thompson, paying him its full value.

The committee are satisfied that Mr. Barrett never received the amount represented in said draft, though the same was and is justly due him, nor has the United States ever paid the same to any person; they therefore recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN HALEY.

The next business on the Private Calendar was the bill (H. R. No. 2585) granting a pension to John Haley, late a private in Company C, One hundred and thirtieth Regiment Illinois Volunteers.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Haley, late a private in Company C, One hundred and thirtieth Regiment Illinois Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARTHA R. ROBINSON.

The next business on the Private Calendar was the bill (H. R. No. 2198) granting a pension to Martha R. Robinson, of Portsmouth, Ohio.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha R. Robinson, widow of Major Joshua V. Robinson, late of the Thirty-third Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SARAH EMMONS.

The next business on the Private Calendar was the bill (H. R. No. 1939) granting a pension to Sarah Emmons.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Emmons, widow of Charles E. Emmons, late a private in Company H, Sixth Regiment Michigan Cavalry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HENRY H. KAISER.

The next business on the Private Calendar was the bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late a private in Company H of the Eighth Regiment United States Veteran Volunteers.

The bill authorizes the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Kaiser, private in Company H, Eighth Regiment of United States Veteran Volunteers, and to pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. HANNAH W. SUMNER.

The next business on the Private Calendar was the bill (H. R. No. 2271) to increase the pension of Hannah W. Sumner, widow of Major-General Edwin V. Sumner.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Hannah W. Sumner, widow of the late Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, at the rate of $50 per month, to commence from the passage of the act, and to continue during her widowhood, and to be in lieu of the pension heretofore granted to the said Hannah W. Sumner under the provisions of the general pension laws.

Mr. HOLMAN. I ask that the report in this case be read.

The report was read, as follows:

The bill increases the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, from $30 per month to $50. This increase is asked on account of the long, arduous, and distinguished services of her late husband in the Army of the United States, and that such increase is necessary for a decent support of the said Mrs. Hannah W. Sumner for the few years she may be permitted by a kind Providence to remain on earth with her children.

The widow is over seventy years of age, and can survive but for a short time. General Edwin V. Sumner entered the service in 1819 as second lieutenant. He served in 1832 in the Black Hawk war with much credit. In 1833 he was commissioned by General Jackson as captain, and assigned to duty on the western frontier, where he continued on active duty until war was declared against Mexico, in 1846. The First Dragoons were ordered to New Mexico, and Edwin V. Sumner was assigned to the command of the same. During this campaign he was appointed major of the Second Dragoons, then near Vera Cruz. While on his way thither, at New Orleans, he received an order from General Scott appointing him to the command of a new regiment just then raised. He commanded this regiment at the battle of Cerro Gordo, where he was severely wounded. He was, soon after his recovery from the wound, assigned to the command of the Second Dragoons, then about to leave Puebla for Mexico. He was engaged in the action of Churubusco, and led his regiment in a gallant charge upon the enemy. On the 8th of September he commanded the dragoons at the battle of Molino del Rey, the bloodiest of all the battles of Mexico, and General Worth, in his report of the battle, speaks in the highest terms of the courage of Sumner. For his services at Cerro Gordo and Molina del Rey he was brevetted. After the close of the war he was (in the fall of 1848) assigned to the command at Jefferson Barracks. In the spring of 1849 he was ordered to Leavenworth, where he continued in command until the spring of 1851, when he took command of the Department of New Mexico. He was in several different commands up to the breaking out of the late war, when he was appointed a brigadier-general, in place of General Trigg, who had been dismissed from the service because he was suspected of disloyalty. In April, 1861, he was ordered to repair to San Francisco, and to assume command of that department and to relieve Colonel Sidney Johnston. His administration in that department was highly successful.

In November, 1861, he was placed in command of one of the divisions of the Army of the Potomac, in the command of which he continued until the battle of Fredericksburgh. He took an active and prominent part in the battle of Williamsburgh, and an honorable part in the battles of Fair Oaks, Seven days around Richmond, and Fredericksburgh. On the 5th day of July, 1862, he received General George B. McClellan's recommendation for promotion, in which he says: "I have the honor to recommend and request that the gallant veteran, Brigadier-General E. V. Sumner, United States Army, may be appointed a major-general in the Army, or, if there is no vacancy, be brevetted as such. The extreme gallantry evinced by this noble and honest soldier on many a hard-fought field during this campaign, his uniform cheerfulness under the most trying circumstances, the judgment and energy he displayed in saving the day at the battle of Fair Oaks—these and other causes render it eminently just that he should receive the reward I ask for him." This was indeed a high compliment, coming as it did from one of the most distinguished officers of the Army.

There being no vacancy, Sumner was brevetted in accordance with this recommendation. Soon after the battle of Fredericksburgh, General Sumner, at his own request, was relieved from duty in the Army of the Potomac, and in the month of March following he was assigned to the command of the Western Department. While on his way thither he was attacked by disease, which proved fatal on the 21st day of March, 1863. This brave and honest soldier, after forty-four years of arduous and brilliant service, fell at his post of duty, "leaving no blot upon his name;" and his gallant deeds should be enshrined in every American heart; and the country which he served so long, faithfully, and well, and for which he gave his life, ought to support decently and comfortably his aged widow. It is the sacred duty of the Government to support the widows of our soldiers who have given their lives for its preservation.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN L. BARTLEY.

The next business on the Private Calendar was the bill (H. R. No. 2586) granting a pension to John L. Bartley.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John L. Bartley, late a private in Company C, Second North Carolina Mounted Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MELVINA INGLE.

The next business on the Private Calendar was the bill (H. R. No. 2587) granting a pension to Melvina Ingle.

The bill authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melvina Ingle, widow of Joseph H. Ingle, late a pivate in Company H, Second Illinois Light Artillery Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WIDOW OF GENERAL L. H. ROUSSEAU.

The next business on the Private Calendar was the bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States.

The bill was read. It provides that the pension heretofore granted to the widow of Lovell H. Rousseau, deceased, late a brigadier-general and brevet major-general in the Army of the United States, be increased from the sum of $30 to the sum of $50 per month from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

RE-IMBURSEMENT OF MAYOR, ETC., OF BALTIMORE.

The next business on the Private Calendar was the bill (H. R. No. 2690) to refund to the mayor and city council of Baltimore certain moneys illegally assessed and collected for internal-revenue tax. (Objected to by Mr. HOLMAN.)

F. M. BLOUNT.

The next business on the Private Calendar was the bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois.

The bill was read. It authorizes and requires the Secretary of the Treasury to pay to F. M. Blount, a clerk in the office of the assistant treasurer of the United States at Chicago, Illinois, $500, to re-imburse him for a like sum paid by him into the Treasury of the United States out of his own private means, and so paid by him to make good a loss to the Treasury caused by his having taken, in the discharge of his duties as such clerk, a counterfeit $500 United States Treasury note.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JAMES J. WARING.

The next business on the Private Calendar was the bill (H. R. No. 776) for the relief of James J. Waring, of Savannah, Georgia. (Objected to by Mr. WILSON, of Iowa.)

CLAIMS.

The next business on the Private Calendar was the bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department. (Objected to by Mr. HOLMAN.)

B. F. WEST & CO.

The next business on the Private Calendar was the bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge (Ohio) post-office.

The bill was read. As amended by the committee, it authorizes the Secretary of the Treasury to pay to B. F. West & Co., of Martin's Ferry, Ohio, out of any money not otherwise appropriated, the sum of $357, to re-imburse B. F. West & Co. for revenue stamps purchased by them of the collector of internal revenue of the sixteenth district of Ohio, on the 4th of May, 1871, and stolen from the post-office at Cambridge, Ohio, on the night of May 4, 1871.

Mr. HOLMAN called for the reading of the report; and it was read, as follows:

It appears that the petitioners, B. F. West & Co., of Martin's Ferry, Ohio, in the year 1871 were the owners of a distillery registered as No. 3, in the sixteenth revenue-collection district of that State; that they filed with the collector of the district in Cambridge an entry for the withdrawal from their distillery warehouse packages of distilled spirits numbered from 63 to 76, inclusive, and accompanied the entry with $357, the amount of the tax on the spirits contained in the packages, according to the requirements of the law. Whereupon the collector issued to B. F. West & Co. tax-paid spirit-stamps properly filled out and signed, denoting the payment of the tax, and, on the evening of the 4th day of May of that year, he inclosed said stamps for said B. F. West & Co. and addressed them to the United States ganger at Barnesville, Ohio, to be by him delivered to said West & Co., and deposited the same in the post-office at Cambridge; that on that night the post-office was entered by burglars and the package containing said stamps, with other mail matter, was stolen therefrom and destroyed; that afterward, on the 11th day of July, 1871, upon the application of West & Co. and upon their paying therefor, other stamps were issued for the same packages of spirits. By reason of the loss of the first lot the petitioners were compelled to pay the tax twice, and they ask that the value of one set of stamps may be returned to them. This claim seems to be meritorious. The only cost to the Government in the re-issue would be the cost of production, which is but a trifle. Had the law authorized it, it would be but justice that the lost stamps should have been replaced, as the filling up and signing is the cancellation of them, so that they stand virtually as vouchers or receipts for so much tax-money paid and applicable only to the casks for which they were issued, therefore not usable by any other parties or in any other place; but, there being no law for it, West & Co. were compelled to pay a second time the tax on the thirteen casks of whisky, and the Government received $357 of money, the property of the petitioners, that they might under the law withdraw from the custody of the Government their property to put it into the market. The committee are of the opinion that the amount, $357, ought to be paid. The bill calls for $414.

The committee therefore report the bill back with an amendment, and, when so amended, recommend that it do pass.

There being no objection, the amendments were agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

MARINE-HOSPITAL LOTS, SAN FRANCISCO.

The next business on the Private Calendar was the bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California. (Objected to by Mr. WILSON, of Iowa.)

MISSION-LAND PATENTS IN OREGON, ETC.

The next business on the Private Calendar was the bill (H. R. No. 631) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana. (Objected to by Mr. DUNNELL.)

HOT SPRINGS RAILROAD COMPANY, ARKANSAS.

The next business on the Private Calendar was the bill (H. R. No. 2382) granting the right of way to the Hot Springs Railroad Company over the Hot Springs reservation, in the State of Arkansas.

The bill was read. It recites in the preamble that the Hot Springs Railroad Company has constructed and equipped, and is now maintaining and operating, a first-class line of railroad from the town of Malvern, on the Saint Louis, Iron Mountain and Southern Railroad, in Hot Springs County, in the State of Arkansas, to the town of Hot Springs, in the county of Garland, in the same State, which passes over a small portion of the Hot Springs reservation, in Arkansas, reserved from sale or other disposition by act of Congress approved April 20, 1832; that the construction, operation, and maintaining of this railroad will be of great convenience and comfort to the thousands of feeble and crippled invalids who annually visit the Hot Springs to receive the benefits of the wonderful curative powers of the waters of those springs, thus affording comfortable, quick, and cheap transportation.

The bill therefore grants the right of way to the Hot Springs Rail-

road Company, a company duly incorporated and organized under the laws of the State of Arkansas, to construct, maintain, and operate its line of railroad upon, over, and across the Hot Springs reservation, in the State of Arkansas, as follows: Commencing on the east line of the south half of section 33, in township 2 south of the baseline, in range 19 west of the fifth principal meridian, in the county of Garland and State of Arkansas, at a point about six hundred feet from the southeast corner of said section; thence running up a ravine parallel to and south of the Benton wagon-road, westwardly through said section to a point at or near the Hot Springs Creek on said reservation. The right of way granted is to consist of a strip of land fifty feet wide on each side of the railroad, measured from the center line thereof, from the point on the east line of the section of land where the railroad enters the same to within twelve hundred feet of the terminus of the track of the road, and of the width of two hundred feet on each side of the railroad, measured from the center line thereof, for the last twelve hundred feet of the railroad, to be used by the company solely and exclusively for the construction of its track, side-tracks, switches, depots, machine-shops, engine-houses, turn-tables, &c.

There being no objection, the bill was laid aside, to be reported favorably to the House.

C. M. PURVIANCE AND F. WYETH.

The next business on the Private Calendar was the bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth.

The bill was read. It directs the Secretary of the Treasury to pay to Caroline M. Purviance and Francis Wyeth, out of any money in the Treasury not otherwise appropriated, the sum of $4,500, the same to be in full satisfaction to them, and all persons claiming under them, for the use and occupation of and destruction to their property by the military authorities of the United States in Saint Joseph, State of Missouri, in the years 1861, 1862, and 1863.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HEIRS OF JOHN W. GALL.

The next business on the Private Calendar was the bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers.

The bill was read. It authorizes and directs the Secretary of War and the proper accounting officers of the Treasury Department to recognize the military services of John W. Gall, deceased, late of the One hundred and thirtieth Regiment Illinois Volunteers, as an officer of that regiment; and the Secretary of the Treasury is authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of Gall the pay and allowances of a second lieutenant of infantry from March 9, 1863, to November 1, 1863, and the pay and allowances of a first lieutenant of infantry from February 20, 1864, to January 25, 1865, deducting therefrom the amount of pay received by him as a private soldier or non-commissioned officer of the regiment for the period above named.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOSEPH ANDERSON.

The next business on the Private Calendar was the bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee.

The bill was read. It directs the Secretary of the Treasury to pay to Joseph Anderson, of Nashville, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full compensation for certain lumber furnished the Quartermaster's Department of the United States Army at Nashville, in February, 1862, for the construction of bridges, pontons, fortifications, and quarters for workmen; which sum shall be received by Anderson in full satisfaction of his claim against the United States.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. ATKINS. I move that the committee rise.

The motion was not agreed to.

W. W. VAN ANTWERP.

The next business on the Private Calendar was the bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late major of the Fourth Michigan Cavalry.

The bill was read. It directs the Secretary of the Treasury to pay to W. W. Van Antwerp, a citizen of Jackson, Michigan, the sum of $160, out of any moneys in the Treasury not otherwise appropriated, it being the value of a private horse lost in action while Van Antwerp was in the strict line of his duty as a soldier.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. BRIGHT moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOSKINS having taken the chair as Speaker *pro tempore*, Mr. DURAND reported sundry bills, with the respective recommendations of the Committee of the Whole thereon.

WAR CLAIMS.

The House proceeded to the consideration of the bills reported from the Committee of the Whole on the Private Calendar.

The first bill (reported with a recommendation that it be passed with an amendment) was the bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

The SPEAKER *pro tempore*. This bill has been reported back from the Committee of the Whole on the Private Calendar with an amendment, which the Clerk will read.

The Clerk read as follows:

At the end of line 10 add the following:

And embrace in the schedule the claims reported by the Secretary of the Treasury at the commencement of the second session of the Forty-third Congress.

Mr. NEAL rose.

The SPEAKER. The question will first be upon the amendment of the Committee of the Whole.

Mr. HOLMAN. It was understood that the gentleman from Ohio should have such time as he might deem proper when this bill came into the House.

Mr. NEAL. None of the claims for which this bill appropriates money were examined by the committee from which it was reported.

Mr. HOLMAN. I hope the bill will be reported in full, so the House may be informed about it.

The bill was read *in extenso*.

Mr. NEAL. Mr. Speaker, none of the claims for which this bill appropriates money were examined by the committee from which it is reported, with the view to ascertaining whether or not they were such as ought to be paid by the Government, the members of that committee having been of the opinion that their duty in the premises was purely formal, and did not require them to make any such examination. I trust therefore that the bill will not be passed at this time. I do not know what the practice of this House has been in regard to bills of this kind. But if it has been customary to pass such bills upon the simple examination and allowance of the claims contained in them, by the accounting officers of the Treasury, without a thorough and complete investigation of each and every one of them by some proper committee, I think that the sooner such a custom is abandoned the better it will be for the Government. The system of reform which has been determined upon and so happily inaugurated by us cannot, in my judgment, be extended in any direction with more successful results than will be realized by a departure from such a usage.

I am aware that to adopt the course I suggest will impose a large amount of labor upon those to whom such bills shall be committed; but at the same time I can see no other way in which fraudulent and dishonest claims can be discovered and rejected and the interests of the Government fully protected. There are in this very bill between two and three hundred claims, amounting in the aggregate to $112,000. In another bill upon this Calendar, just a little below it, there are three hundred and forty-seven claims, amounting to $158,548.10, making the total sum $270,548.10; and I can but feel that to appropriate this amount in payment of them, without any further inquiry into their validity and justice than has been made by us, will be scarcely less than criminal negligence upon our part. We shall at least lay ourselves liable to the charge of gross negligence if we make such an appropriation without other and further knowledge in the premises than we now have. Some, possibly a majority, of these claims are doubtless meritorious. But then we can with almost equal certainty assume that others, a large number, too, will prove upon examination to be dishonest and fraudulent. So that the only safe course for us to pursue will be, it seems to me, to recommit the bill, in order that the finding of the Treasury officials in every case may be reviewed and we may be fully advised by one of our own committees as to whether all or any of them are of such a character as to justify us in providing for their payment.

Sir, nothing can be clearer to my mind than that we ought to review the action of the Department officers in the allowance of these claims. That it is our imperative duty to do so appears most fully, not only from the reasons I have stated, but from any fair or reasonable construction of the law under and by virtue of which they have been presented to us. The act of June 16, 1874, by the last section of which the Quartermaster-General, the Commissary-General, and the Third Auditor of the Treasury were authorized "to continue to receive, examine, and consider the justice and validity of such claims," provides in express terms that "the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration."

I give the exact language of the statute, and I submit that it will be a most miserable evasion of both its letter and spirit to so construe it as to hold that it means the same thing that it would mean if the word "appropriation" were used instead of the word "consideration." No one, I apprehend, will dare contend that it can be so construed. Yet this is just what must be done, if, as is now in effect proposed, we declare the finding of the Quartermaster-General and Third Auditor of the Treasury in these cases to be final and conclusive, and the simple appropriation by us of the amount of money ascertained by them to be due, and reported to us by the Secretary of the Treasury, to be a full compliance with the requirements of this section.

Mr. EDEN. If I can have the attention of the House I think I can answer the indictment of the gentleman from Ohio, [Mr. NEAL.]

The bill under consideration is a bill that was passed substantially just as it is now in the last House. These claims were reported by the Secretary of the Treasury at the beginning of the last session of Congress. The letter of the Secretary was referred to the Committee on War Claims, of which the distinguished gentleman from Ohio [Mr. LAWRENCE] was chairman and my economical friend from Indiana [Mr. HOLMAN] was a member; and after they had given it that careful consideration which it was likely to receive at their hands and at the hands of the committee, it was reported to this House and passed unanimously without reading. It never went to the Committee on Revolutionary Claims at all; and so far as I know there is no other person within the limits of this country who has any sort of suspicion against these claims than my distinguished friend from Ohio, [Mr. NEAL.]

Now, what are these claims, and why are they here? Prior to the act of July 4, 1864, the Court of Claims seems to have had jurisdiction of matters of this kind. At that time a law was passed changing the jurisdiction. I will read a section of that law, section 2, which is as follows:

That all claims of loyal citizens in States not in rebellion for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by, said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

There are one or two other enactments extending the jurisdiction of the accounting officers; one extending it to the State of Tennessee and another to a part of the State of West Virginia. The act does not and never did embrace any part of the insurrectionary States, but is confined solely and exclusively to the loyal States. The proof of loyalty is one of the conditions upon which the accounting officers have jurisdiction to determine and pass upon the merits of the claim. Now, under this law of July 4, 1864, until the 16th day of June, 1874, every single claim was passed upon by the Quartermaster-General and referred to the proper auditing office, and there passed upon by the Auditor of the Treasury without any further act of Congress. On the 16th day of June, 1874, in an appropriation bill, an amendment to this law was passed requiring those claims to be certified to Congress for an appropriation, or, as my friend from Ohio has it, for consideration.

Now, I have looked somewhat into these claims, and I have ascertained the mode by which the accounting officer proceeded to determine as to their justice. In the first instance, they go to the Quartermaster's Department.

The claim is first proven by affidavits of two persons, their credibility and the loyalty of the claimant being certified by a United States officer. The claim is then sent out for examination and report of a Government agent, who goes on the ground, summons witnesses to impeach the claim or claimant's loyalty. He makes his report. The case is then reviewed by the depot quartermaster. He reports to the Quartermaster-General. The case receives a thorough examination by his office. When approved by him it is sent to the Third Auditor, who reviews it, and if allowed by him, it goes to the Second Comptroller for his action. He examines and reviews it, and if he allows it, it is then reported to Congress for appropriation.

Now, that is the process by which these claims are examined. First by the Quartermaster's Department upon the application with two witnesses proving the justice and merit of the claim, and the character of these witnesses certified to by a United States officer; and then a special agent is sent out for the purpose of examining witnesses, if there be any, to impeach the claim; and then the evidence is reported to the Quartermaster's Department for examination there. And after going through all the red tape there is in the Quartermaster's Department it goes to the accounting officers of the Treasury, and is by them thoroughly examined according to the rules to which I have called the attention of the House. Then it comes to Congress.

Now, if my friend from Ohio [Mr. NEAL] will take the pains to examine the evidence in these cases, as I have done—I do not mean to say that I have gone over all the evidence in all the cases and examined it as a lawyer would do, because I could not do that in a single session of Congress—but if he will take up these papers and examine them, I venture to say he will not find an instance in which there is not a good case made out on paper. It may be possible that there are some claims fabricated, that there is some testimony fabricated, but I do make the assertion that, according to my best judgment from the examination I have made, every single one of those claims shows a good case on paper.

Now, what has this House got to do? The Government of the United States has established the Quartermaster's Department and the accounting officers of the Treasury as the proper tribunal for the persons having this class of claims to go to and have them adjudicated. Stringent rules and regulations have been adopted in order that there may be no fraud practiced. I do not say that it is impossible that frauds may be practiced, but stringent rules are adopted to prevent anything of the kind. The evidence is all carefully scanned and examined after the special agent has gone out to hunt up testimony to impeach both the justice of the claim and the loyalty of the claimant, and then these claims are reported to Congress, with the accompanying evidence. And I will state that, so far as the Committee on War Claims is concerned, when they take up these papers they find there is a good case there on paper in every instance. I suppose the gentleman from Ohio wants the committee to send out and have the witnesses brought up again, and take their testimony.

Mr. NEAL. O, no.

Mr. EDEN. I do not pretend to say that this is the very best mode of adjusting these claims.

I rather incline to think that it would be better that there should be a judicial tribunal to adjust these accounts, where there would be proper counsel on the part of the Government to cross-examine all the witnesses, and whose duty it would be to see that no fraud was perpetrated on the Government. But that is not the tribunal that has been established by law. The accounting officers of the Treasury and the Quartermaster's Department constitute the tribunal that we have invited these claimants to come to with their witnesses, and they have been at the expense of doing that; they have complied with the law which we have made for them, and now the gentleman from Ohio, [Mr. NEAL,] because he is suspicious that among these four hundred claims included in this bill there may possibly be one or two which are fraudulent, proposes that these people should not have their money, when they have been at the expense of going to the only tribunal to which they can go in order to have their accounts adjudicated. Sir, I say that it would be infamous for us to adopt such a rule as that. If Congress is not satisfied with this tribunal let it establish another, but when it has established a tribunal, and these men have gone in good faith before it and presented their claims and proven them to the satisfaction of the accounting officers of the Treasury, and no suspicion has been cast upon them, I ask if it is not the duty of the House to make an appropriation to pay the claims?

Sir, these are not rich claimants who come here clothed in the panoply of power to demand their rights. They are poor persons, and their claims range from $5 up to $500; and unless this Congress shall make an appropriation upon the evidence that has been presented before the tribunal that we have fixed upon to adjudicate the cases the result will be that these poor people will not get their pay; and I say that that is not right.

I repeat, sir, that you may go and examine these claims and among them there may be fabricated claims. I do not say that it is not possible that there may be such. I do not in saying that, however, mean that there is the slightest suspicion of that sort, and I do not mean by any means to be understood as saying that any officer of the Government whose duty it has been to adjudicate these claims would be guilty of anything of that sort. But, sir, in spite of the utmost carefulness on the part of the accounting officers and of the committee and on the part of the House, there will now and then an unjust claim creep in and get passed, and men will get money out of the Treasury to which they are not entitled; and therefore, because that is a fact, the gentleman from Ohio [Mr. NEAL] thinks those who have just claims against the Government ought not to be paid.

In case you refer this bill back to the committee, I tell you that the committee cannot examine the papers as a lawyer would do, and unless you go over them and examine them in that way, you might just as well not examine them at all. I say further to the gentleman from Ohio that there are before the Committee on War Claims, including the cases in this bill and those reported from the southern claims commission, two thousand or three thousand cases, and in some instances the testimony amounts to two hundred pages, and, unless the House is going to give some credit to the tribunal established by law to adjudicate these claims, you might as well turn the claimants out and let them go unpaid. It would be an act of injustice, an infamy to do so, and for one I do not intend to do so. If the gentleman from Ohio can make any reputation for extreme reform views by depriving these poor claimants of their just claims, which have been adjudicated by the tribunal fixed by law, I am willing that he shall make it. I shall do my duty here. None of my constituents are concerned in any of these claims, and I have no concern in them except to do my duty as a Representative here.

Mr. NEAL. Before the gentleman sits down, will he allow me to ask him one question?

Mr. EDEN. Certainly.

Mr. NEAL. Under the act of July, 1864, as was correctly stated by the gentleman, the Quartermaster and the Third Auditor of the Treasury were authorized to examine, adjust, and pay these claims.

Mr. EDEN. Yes, sir.

Mr. NEAL. Under the act of June 16, 1874, the Congress of the United States took away from the Quartermaster-General and the Third Auditor of the Treasury the power to pay these claims.

Mr. EDEN. Certainly; but they did not take away the power to adjudicate them.

Mr. NEAL. By that law these claims, instead of being paid by the proper officers of the Treasury Department without submission to the Congress of the United States, are required to be brought here and submitted to us for our consideration.

Mr. EDEN. Certainly; and that is just what we are doing now.

Mr. NEAL. Let the gentleman tell this House what was sought to be accomplished by that change in the law. If it was not contemplated by that act that this House should review the action of the Quar-

termaster-General and the Third Auditor of the Treasury, what was the necessity of bringing these claims here to trouble and annoy this House with the passage of a bill appropriating money to pay them instead of letting the officers of the Treasury pay them, as they had done prior to that act, without the intervention of Congress?

Mr. PHILIPS, of Missouri. Will the gentleman from Illinois [Mr. EDEN] allow me to ask the gentleman from Ohio [Mr. NEAL] a question?

Mr. EDEN. Certainly.

Mr. PHILIPS, of Missouri. I would ask the gentleman from Ohio this question: if his position is correct, that it was the intention of Congress, in passing the act which provided for the submission of these claims to Congress for their consideration, that we should enter upon an examination of all these claims in detail, why did not that act of Congress provide that with these claims all the proof that had been taken should also be submitted to Congress for their consideration? That which is certified to us here is simply the claim as ascertained by the accounting officers, and the act of Congress does not contemplate the sending here of the proof, which Congress doubtless would have required if it had intended that we should enter into a re-investigation of all the facts in the cases in detail.

Mr. NEAL. In reply to the gentleman, I would state that the officers of the Department differ from him in regard to what the intention of Congress was in the passage of that act. The Secretary of the Treasury not only reports to us the claims and the amounts found to be due by the Quartermaster-General and the Third Auditor, but also all the evidence on which they made their allowance of the amount. Why do they send that evidence here, if it was not understood by the officers of the Department that their action was to be reviewed by this House?

Mr. PHILIPS, of Missouri. Simply for information; so that any gentleman who was captious could go to the committee-room and inform himself.

Mr. EDEN. I now yield to the gentleman from New York, [Mr. WHEELER.]

Mr. WHEELER. I was the author of the statute referring these claims to Congress. The intention was that Congress should give the same revision to these claims that had been provided for the claims that come here from the southern claims commission, and that only. Of course Congress has the power to review the decisions of the Department in these cases; but the presumption is in favor of the faithful performance of duty by the officers of the Department. If the gentleman from Ohio [Mr. NEAL] will suggest that there is any fraud in any one of these claims, then Congress has the power to stop the payment.

Mr. EDEN. That was the object of the law.

Mr. WHEELER. That was the object of the law, to act simply as a check, and not to require Congress to go through all these claims in detail. Congress has the power to review any of these cases; and upon the suggestion by the gentleman from Ohio, [Mr. NEAL,] or any other member, of fraud in any one of these cases, the claim would be stopped and re-examined. That was the only object I had in view in drawing the bill, and that Congress had in view in enacting it into a law.

Mr. EDEN. I will yield now to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. This particular bill was before the last Congress. The Committee on War Claims, of which I was then a member, satisfied itself that the Department had confined itself to the law in making these reports. We gave this bill a review, comprehensive enough to satisfy ourselves on that point. The bill passed the House but failed to pass the Senate. This winter the bill has again come before the Committee on War Claims. We had enough to do in giving any attention at all to the seventeen hundred other claims which the House has referred to us, besides carefully examining the testimony and findings of the southern claims commission, in each case referred to us from that commission, without going over this bill again in detail.

I think gentlemen will find that everything that comes from the Committee on War Claims has had some considerable attention and consideration by that committee. I hear ten complaints from members of this House and from claimants that we are altogether too severe in our examination where I hear one that we are not careful enough. I am glad, however, to see my young friend from Ohio [Mr. NEAL] take advantage of any opportunity to air his vocabulary that presents itself. He speaks well, and he looks for an opportunity to pick at big fellows like the chairman of our committee. [Laughter.]

Mr. EDEN. I yield a few minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I have but one or two words to say upon this subject. The claims of this class, like all other claims submitted to the House, are submitted with the testimony. The Secretary of the Treasury sends with the list of claims the testimony in each case on which the Quartermaster and the several Bureau officers have acted, and from which they drew their conclusions. This House sends to the Committee on War Claims the memorials and evidence that is submitted to this House; whatever testimony is presented here by claimants.

The Committee on War Claims take up each of these cases as they find them. If the proof is insufficient, and those pressing the claims bring in other evidence, the committee hear it. In these as in all other cases where a member of the committee has given personal examination to any one of these claims, has looked over the file of papers and made his report to the committee, the committee would rely upon that report, although it may have been made in a former year and to another committee, with the same certainty that they would if it was made by any member of the committee now. Every case has the voucher of the written recommendation of a member of the committee, made this year or in some former year, that it has received the assent of that member or of the committee in its final determination.

I am pleased to bear testimony before this House to the strictness, accuracy, and care with which every claim is examined by the Committee on War Claims, so as to bring it within the rules which I and other gentlemen of that committee require, those rules which should apply to the whole class of war claims either in the loyal States or in the Southern States.

Mr. MILLIKEN. And the rules prescribed by law.

Mr. CONGER. And the rules prescribed by law. I take pleasure in saying here, for the committee with which I have the honor to act, that so far as I have seen there has been on the part of every member of that committee unusual care and strictness in the examination of every one of these claims. Not only have members of the committee insisted upon the observance of those rules of law which we are all bound to regard, but they have conformed to the strictest rules which I, claiming to be an extreme man in reference to the allowance of southern claims, would regard as proper.

I think it due to myself as a member on this side of the House to say, in answer to my friend from Ohio, [Mr. NEAL,] that I am satisfied the Committee on War Claims do not intend to permit any of the thousands—I do not know but I might almost say millions—of claims which have been and will be presented before that committee in this and succeeding Congresses to be reported to this House until they are brought strictly within the requirements of law. I feel satisfied that the most rigid rule must be complied with before they can be reported here.

Mr. EDEN. I now ask for the previous question.

The previous question was seconded and the main question ordered; under the operation of which the amendment reported from the Committee of the Whole was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading. Being engrossed, it was accordingly read the third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH B. THOMAS.

The next bill reported from the Committee of the Whole on the Private Calendar with a favorable recommendation was the bill (H. R. No. 2163) granting a pension to Elizabeth B. Thomas.

Mr. BAGBY. A bill substantially the same as this has already passed the Senate; and in order to simplify the action between the two Houses on this question, I ask unanimous consent that the bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army, be substituted for this bill.

There being no objection, it was ordered accordingly; and the bill (S. No. 431) was taken up, ordered to a third reading, read the third time, and passed.

Mr. MILLIKEN. I suppose that the House bill on this subject will be laid on the table.

The SPEAKER *pro tempore*. That order will be made.

PRIVATE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the Private Calendar with favorable recommendation, were severally taken up, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860;

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

A bill (H. R. No. 2300) granting a pension to Margaret C. Bell;

A bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson; and

A bill (S. No. 309) for the relief of William L. Nance.

JAMES G. WILLIAMS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2457) for the relief of James G. Williams; which was reported with a recommendation that it be recommitted.

Mr. MILLIKEN. I desire to state, and have it go upon record, that I wish to withdraw the report heretofore made upon this case and have the bill recommitted to the Committee on War Claims, that an adverse report may be presented. I make the motion that the bill be recommitted.

The motion was agreed to.

PRIVATE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the Private Calendar with favorable recommendation, were severally taken up, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 2458) for the relief of the Bartholomew County (Indiana) Agricultural Society;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, of the United States Army;

A bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers;

A bill (H. R. No. 2460) for the relief of Charles C. Hill, of Urbana, Ohio;

A bill (H. R. No. 2461) for the relief of certain officers of the Third United States Artillery who suffered loss by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875; and

A bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers.

REDICK M'KEE.

The next bill reported from the Committee of the Whole on the Private Calendar, with a favorable recommendation, was the bill (H. R. No. 620) for the relief of Redick McKee.

Mr. LAWRENCE. This bill, according to my recollection, was reported adversely during the last Congress.

Mr. HOLMAN. And reported adversely in the Senate before. I hope the gentleman from Massachusetts, [Mr. SEELYE,] who reported this bill from the Committee on Indian Affairs, will consent that it be recommitted.

Mr. LAWRENCE. Let it be examined; that is all we ask.

Mr. SEELYE. This bill has already been before the Committee on Indian Affairs, and has been carefully considered by them. In their opinion there is certainly an honest claim on the part of McKee against the Government, but a claim extending back some twenty-five years, during which time he has been urging its settlement, which, however, he has failed to secure.

It is a claim of a very intricate nature, which can only be adjusted by careful examination of accounts in the Department of the Interior. This careful examination the Committee on Indian Affairs have not been able to secure, the Department of the Interior not feeling willing to give the attention to it requested for the information of the committee. The committee have reported this bill which passed the Forty-Second Congress and failed for want of time for action in the Senate. The only way in which it seems the case can be adjudicated is by the Secretary of the Interior depending upon the examination of the books of the Department. The bill merely proposes it shall be referred to the Secretary.

If I may be allowed to say, there is certainly no reason for any other reference of it to the Indian Committee.

Mr. LANE. If there ever has been an adverse report on this case the Committee on Indian Affairs have been unable to find it. On the contrary, sir, this claim has been examined in this House and in the Senate, and in each House has received, as I understand, favorable consideration and report. The character of the claim is such that the Committee on Indian Affairs deem it should be submitted to the Secretary of the Interior for adjudication and adjustment. I have no hesitation in saying that in my judgment a more just claim has never been presented to this House than that of Redick McKee.

Mr. LUTTRELL. I think, Mr. Speaker, there must be some misunderstanding in relation to the report made to Congress last year in reference to this claim. As I recollect, this was referred to Mr. Burrows, of Michigan, and I urged him again and again to make a report upon it. My recollection now is that he failed to make any report.

I wish to say, in addition, that I have known this old gentleman, Redick McKee, for many years. He resided in my neighborhood and occupied an adjoining farm. I know that he was a good and faithful agent of the Government; that he served the country honestly and truly, and that in so doing he paid out of his own pocket money in behalf of the Government, which it is only just should be returned to him. He made a treaty with the Indians, and to this day the Government has never fulfilled the terms of that treaty. He discharged his duties in good faith. If there ever was a good claim presented to this House, this is one; and I hope the bill will be passed.

Mr. HOAR. I desire to say, Mr. Speaker, that I know this gentleman very well. He is as worthy, upright, and excellent a soul as ever lived. I do not believe he would consent to take ten cents from the Government which was not his legal due.

He was employed, early after California was admitted, by one of the Departments of the Government to deal with some Indians. A draft, which was to have been sent by the Government, either was not sent or did not arrive, and he paid a considerable sum out of his own pocket, out of which he has lain all these years.

Mr. SEELYE. May I add, the bill which is now proposed is an exact copy of a bill which passed the Forty-second Congress, and only failed in the Senate for the want of time?

Mr. MILLIKIN. What is the amount of this claim?

Mr. SEELYE. That could not be stated, for it depends on a long series of accounts running for some twenty-five years.

Mr. LAWRENCE. The bill was reported adversely in the Senate by Mr. Pratt; and I am informed, by a gentleman who undoubtedly knows, that it was reported adversely in the last Congress.

Mr. LANE. It was reported favorably by Senator MAXEY, of Texas.

Mr. DUNNELL. I was on the Committee of Claims in the last Congress, and remember distinctly there was a favorable report made in these cases.

Mr. SEELYE. The Committee on Indian Affairs were unable to discover any adverse action, either from the committee of the Senate or of the House. As I have already stated, the bill passed this House in the last Congress, and only failed in the Senate for want of time.

Mr. LAWRENCE. It is a claim twenty-five years old.

Mr. STEVENSON. I should like the gentleman from Massachusetts to state to the House something near the amount of the bill.

Mr. SEELYE. It is some few thousand dollars.

Mr. LAWRENCE's motion to recommit the bill to the Committee on Indian Affairs was rejected.

Mr. SPRINGER. I should like to know how much this is to take out of the Treasury?

Mr. LANE. This bill provides only for a settlement by the Secretary of the Interior.

Mr. SPRINGER. There may be a million dollars in this bill.

The bill was ordered to be engrossed and read a third time; and being engrosssed, it was accordingly read the third time, and passed.

Mr. LANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

The following bills reported from the Committee of the Whole on the Private Calendar with favorable recommendation were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 2462) for the relief of the College of William and Mary, in Virginia, for property destroyed during the late war;

A bill (H. R. No. 1944) granting a pension to Niram W. Pratt;

A bill (H. R. No. 1235) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry;

A bill (H. R. No. 2463) granting a pension to Adam Smouse;

A bill (H. R. No. 2464) granting a pension to Diana Breysacker;

A bill (H. R. No. 2465) granting a pension to Emily Schwartz;

A bill (H. R. No. 2466) granting a pension to Butler Fitch, late captain Eighth Independent Battery, New York;

A bill (H. R. No. 1176) granting a pension to Francis Curran, Thirteenth Indiana Cavalry;

A bill (H. R. No. 1178) granting a pension to John Gropper;

A bill (H. R. No. 2467) granting a pension to Sarah J. King;

A bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment Ohio Volunteers; and

A bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier.

SESSION ON SATURDAY FOR DEBATE.

Mr. ATKINS. I ask unanimous consent that the session of to-morrow be set aside for debate only.

Mr. HOAR. I object.

Mr. ATKINS. Then I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken on Mr. ATKINS's motion, there were—ayes 116, noes 35.

So the motion was agreed to.

Mr. ATKINS. The motion to adjourn over having been agreed to, will the Chair permit me to state that there are certain gentlemen who desire to have their speeches published in the RECORD? If gentlemen will not allow them to deliver their speeches to-morrow, I ask that they may have leave to print them in the RECORD. But before making that request I ask the gentleman from Massachusetts [Mr. HOAR] to withdraw his objection to a session to-morrow for debate only.

Mr. HOAR. We know very well that every Saturday that we adjourn over causes us to remain here a day longer in midsummer.

Mr. ATKINS. The House has agreed to the motion to adjourn over.

Mr. HOAR. I am aware of that, but without my consent. I for one will not agree to such waste of the public time. There has not been a Congress for ten years in which public business has been so backward at this stage of the session. Not a single important election case has been settled. Not a single important appropriation bill has been got through.

The SPEAKER *pro tempore*. Debate is not in order. The gentleman from Tennessee [Mr. ATKINS] asks that gentlemen who have prepared speeches to deliver may have them printed in the RECORD.

Mr. BAKER, of Indiana. I object.

Mr. KASSON. The privilege of printing speeches in the RECORD has been abused in some instances by introducing personal reflections upon members, and for that reason I object to granting this leave to everybody to print speeches in the RECORD.

The SPEAKER *pro tempore*. The proposition has been objected to, and is not before the House.

Mr. HOAR. Will the Chair permit me to say that I do not wish

to put my individual objection against what is so largely the desire of the House. Having made my protest on the subject of the way in which the business of the House is being conducted, I withdraw the objection.

The SPEAKER *pro tempore*. To what proposition does the gentleman from Massachusetts withdraw his objection?

Mr. HOAR. I made but one objection, and that was to a proposition for a session to-morrow for debate only. If that is the unanimous desire of the House excepting myself, I do not insist on my objection.

The SPEAKER *pro tempore*. The question of a session to-morrow for debate can only be reached by a motion to reconsider the vote to adjourn over till Monday.

Mr. HOAR. It can be reached by unanimous consent. It has been usual to determine the question in that way.

The SPEAKER *pro tempore*. If it is proposed that there shall be a session to-morrow for debate only, the Chair will only entertain one motion, and that is, to reconsider the vote by which the House agreed to adjourn over till Monday.

Mr. SPRINGER. I make the motion to reconsider that vote. I make it for the purpose of allowing a session to be held to-morrow for debate only.

Mr. ATKINS. I rise to a privileged question. I would ask the Chair if we cannot by unanimous consent set aside to-morrow for discussion?

The SPEAKER *pro tempore*. The Chair has ruled that a motion to reconsider is the only correct way of reaching that.

Mr. ATKINS. I understand that unanimous consent can suspend all rules.

The SPEAKER *pro tempore*. The Chair overrules the gentleman's point of order. The question is, Will the House reconsider the vote by which it agreed to adjourn over till Monday?

Mr. BEEBE. I move that the House do now adjourn.

The question being taken, the motion to adjourn was not agreed to.

Mr. BURCHARD, of Illinois. Will the Chair state what effect agreeing to the motion to reconsider will have on the proposition for a session to-morrow for debate only?

The SPEAKER *pro tempore*. If the motion to reconsider prevails, then the motion to have a session to-morrow will be in order.

The question being taken on the motion to reconsider, there were ayes 36.

Before the noes were counted,

Mr. DUNNELL said: I think the question is not understood.

Mr. SAYLER. I believe it is entirely understood. The gentleman is mistaken.

The SPEAKER *pro tempore*. The Chair will state the question once more, and for the last time. The question is, Will the House reconsider its action by which it ordered that when the House adjourns to-day it be to meet on Monday next, which cuts off the session to-morrow? Should the House reconsider that vote, then it would be competent and in order for any gentleman to move that there be a session to-morrow for debate only. But the House having determined to adjourn over till Monday, a subsequent motion for a session to-morrow would be in direct violation of that vote, and is not in order till the vote to adjourn over is reconsidered.

Mr. HOAR. Will the Chair allow me to submit a suggestion on the question of order? I understand, with great respect to the decision of the Chair, that the other way has been the uniform practice of the House for many years: first to pass the vote to adjourn over till Monday, and then, without reconsidering that, to obtain unanimous consent for a session on Saturday for debate only. The reason is this: To reconsider the vote adjourning over till Monday would leave it open to have a business session to-morrow, which the majority of the House do not want. Now, the House may be unanimous in assenting to a session for debate only and at the same time may not desire to incur the risk of having a business session by reconsidering the vote to adjourn over. I respectfully submit to the Chair that the better way is to follow the uniform precedent of the last ten years; that is, that after the House votes to adjourn over a request for unanimous consent for a session for debate only be entertained.

The SPEAKER *pro tempore*. The Chair, with all due respect to the opinion of the gentleman from Massachusetts, desires to say that he is not familiar with the precedents on this point; but, as a parliamentary question, he has no doubt his ruling is correct; and for this reason, if for no other: The object sought to be obtained by the gentleman from Massachusetts is entirely within the control of the House. Should the vote to adjourn over be reconsidered, it is entirely competent for the House to say that it shall have a session to-morrow for debate, no other business to be transacted. The House is not deprived of any privilege, and the Chair sustains its ruling.

Mr. BANKS. If the Chair will allow me, I would like to suggest that what has been stated by my colleague [Mr. HOAR] as the uniform practice in regard to ordering sessions for debate only is the only way in which we can get a session for that purpose; because when the proposition is to have a session for debate only unanimous consent is required; and we can never get that unanimous consent until the question is decided whether we are to have a sitting for legitimate legislative business, or whether we are to adjourn over; and then any member is perfectly justified in giving his consent to a session for debate only without any legislation, when perhaps he would not be justified in giving that consent to a session for legislation.

The SPEAKER *pro tempore*. The Chair will only say in reply to the gentleman from Massachusetts [Mr. BANKS] that it requires unanimous consent even although the same course should be pursued that he proposes; unanimous consent is required in the one case as in the other.

Mr. BURCHARD, of Illinois. Will the Chair allow me to suggest that this proposition is simply to allow the order already made to be modified or set aside so far as to provide for a special session for debate to-morrow? I believe that that has been the usual practice since I have been here. [Cries of "Regular order!"]

The question was taken on Mr. SPRINGER'S motion to reconsider the vote whereby the House agreed to adjourn until Monday next; and on a division there were—ayes 75, noes 70; no quorum voting.

Mr. SAYLER. I call for tellers.

Mr. ATKINS. I hope the gentleman from Ohio will withdraw that call, and let us have a session for debate to-morrow.

Mr. SAYLER. I do not withdraw it.

Tellers were ordered; and Mr. SAYLER and Mr. HENDEE were appointed.

The House divided; and the tellers reported—ayes 63, noes 84.

So the motion to reconsider was not agreed to.

Mr. ATKINS. I now renew the request that, by unanimous consent of the House, a session shall be held to-morrow for debate only; no other business to be transacted.

There was no objection, and it was so ordered.

Mr. LANDERS, of Indiana. I ask unanimous consent that gentlemen who have prepared speeches be allowed to print them in the RECORD.

Mr. BAKER, of Indiana. I object.

Mr. KASSON. That proposition has already been once objected to for reasons which I stated.

WITHDRAWAL OF PAPERS.

On motion of Mr. HARDENBERGH, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Paymaster Meade, there having been no adverse report in the case.

Mr. HOLMAN. I call for the regular order.

DAVID M'COMB.

The next bill reported from the Committee of the Whole on the Private Calendar with a favorable recommendation was the bill (H. R. No. 2468) granting a pension to David McComb, late employé in the naval service of the United States.

The bill was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David McComb, late employé in the naval service of the United States.

Mr. HOLMAN. This bill is so unusual in its terms that I shall have to ask that the report be read, and I desire that the attention of the House may be attracted to it, for it is the first instance of the kind that I have known. It is a bill proposing to grant a pension to an employé. Unless there is something to indicate that he was in the naval service, the bill ought not to pass.

The Clerk read the report, as follows:

The petitioner, David McComb, entered the naval service of the United States in the year 1825, and was assigned to the duty of purser's clerk, and continued as such for a number of years, part of the time acting as purser, but not receiving the pay as such. From this service he was transferred in 1837, and became clerk to the commandant at the navy-yard, Washington, District of Columbia. He served in this capacity until the middle of the year 1868, when he was dismissed the service on account of physical disability which incapacitated him for the efficient discharge of duty. His physical disability is attributable to two causes, both of which it can be said occurred in the line of duty: first, to a fall which he sustained on board of the frigate Brandywine, and, second, to the severe mental strain to which he was subjected during the pressing times of the late war, he being compelled frequently to remain at his desk beyond the hour of midnight.

He is now suffering from the effects of scrotal hernia and partial paralysis, doubtless superinduced from the causes above mentioned. At present he is seventy years of age, forty-three of which he has devoted to the service of his country. He is confined to his bed continually, consequently unable in any way to assist himself. He is much reduced in circumstances, and has not the means to live without assistance, nor for medical attention, which he sadly needs. The committee, therefore, for the reasons above assigned, recommend that the prayer of the petitioner be granted by the passage of the accompanying bill.

Mr. HOLMAN. It seems to me that this bill proposes to grant a pension to a person in the civil service of the Government, and not in the naval service proper. If I am mistaken in that respect—the gentleman who reported this bill can perhaps inform the House whether I am or not—if am mistaken, and this man was in the naval service and is entitled to a pension, it is quite certain that the term "employé" should not be used, but that a term which would indicate his rank and standing, whether as a private or an officer or a non-commissioned officer in the Navy, should be made use of. The only employment of this person seems to have been that of a clerk in a navy-yard, as I understand it, at one time acting as purser and at a more recent period, at the time when he left the service, as a clerk in a navy-yard.

Now, I ask the chairman of the Committee on Pensions, or the gentleman who reported this bill, if it is true, as I have stated and as I infer from the reading of the report, that this man was a clerk of a commandant of the Navy? If so, that fact should be stated, and it

should appear upon the face of the bill to whom the pension is granted and for what character of service.

I submit that it is a very perilous precedent, and, unless the gentleman who reported this bill is present, I would move that it be recommitted to the Committee on Invalid Pensions, that the question may be considered whether we are prepared to make a civil pension list or not; whether we are prepared to enter on that business of a civil pension list, granting pensions not to persons who have served in the Army or Navy, but to persons employed in civil positions, such as clerks in the navy-yards.

Mr. RUSK. The gentleman from South Carolina, [Mr. RAINEY,] who reported this bill, is absent from the city. I do not myself recollect any of the particulars of this case, but from the reading of the bill and report it would appear that this man belonged to the civil service and should not be pensioned.

I would suggest that the bill be recommitted to the Committee of the Whole on the Private Calendar, so that Mr. RAINEY, who has had charge of the bill and has had all the facts and evidence before him, may make his own statement in regard to it.

Mr. HOLMAN. That would be perfectly satisfactory.

Mr. RUSK. I move then that the bill be recommitted to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge (Ohio,) post-office;

A bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois;

A bill (H. R. No. 648) for the relief of Andrew J. Barrett;

A bill (H. R. No. 2585) granting a pension to John Haley, late private in Company C, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 2198) granting a pension to Mrs. Martha Robinson, of Portsmouth, Ohio;

A bill (H. R. No. 1939) granting a pension to Sarah Emmons;

A bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late private in Company H, Eighth Regiment United States Veteran Volunteers;

A bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner;

A bill (H. R. No. 2586) granting a pension to John L. Bartley;

A bill (H. R. No. 2587) granting a pension to Melvina Ingle;

A bill (H. R. No. 2382) granting the right of way to the Hot Springs Railroad Company over the Hot Springs reservation, in the State of Arkansas;

A bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee; and

A bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late major in the Fourth Michigan Cavalry.

The following bills were ordered to a third reading, read the third time, and passed:

A bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth; and

A bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States.

L. H. ROUSSEAU.

Mr. MILLIKEN. The bill just passed for the relief of the widow of L. H. Rousseau is a Senate bill. There is a House bill for the same purpose, which I move may be laid on the table.

Mr. RICE. The Senate bill was before the Committee on Invalid Pensions at the same time the House bill was before the committee, and the Senate bill was reported in lieu of the House bill.

The SPEAKER *pro tempore*. If there be no objection, an order will be entered to lay the House bill on the table.

No objection was made.

STRAW BIDS.

Mr. STONE asked and obtained unanimous consent to have printed in the RECORD, as a part of the debates of this House, some remarks he had prepared on the subject of straw bids for carrying the mails. [See Appendix.]

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now adjourn.

Mr. BRIGHT. I move to reconsider the various votes by which the House has this day passed bills reported from the Committee of the Whole on the Private Calendar; and I also move that the motion to reconsider be laid on the table.

Mr. HOLMAN. I object to that. I want to have an opportunity to examine these bills in case it should be necessary to reconsider any of them.

The SPEAKER *pro tempore*. The motion pending is the motion to adjourn.

G. W. VARNUM.

Pending the motion to adjourn,

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 3043) for the relief of G. W. Varnum; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HORACE JARBOE.

Mr. ROBERTS, by unanimous consent, introduced a bill (H. R. No. 3044) for the relief of Horace Jarboe; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FRANCES J. WHEELER.

Mr. ROBERTS, by unanimous consent, also introduced a bill (H. R. No. 3045) for the relief of Frances J. Wheeler; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. DURHAM asked and obtained consent for the withdrawal from the files of the House of the papers in the case of Sarah Buchanan, no adverse report having been made.

Mr. CANDLER asked and obtained consent for the withdrawal from the files of the House of the papers in the case of James Atkins, no adverse report having been made.

LEAVE OF ABSENCE.

Mr. WOOD, of Pennsylvania, was granted leave of absence for two weeks from to-day on account of important business.

Mr. WALLACE, of Pennsylvania, was granted leave of absence for one week on account of business.

Mr. SPARKS was granted leave of absence for one week on account of important business.

Mr. SMALLS was granted leave of absence for ten days from Monday next.

Mr. ROBBINS, of Pennsylvania, was granted leave of absence for one day on account of important business.

Mr. ELY was granted leave of absence for one week.

SAN FRANCISCO MINT.

Mr. PAGE. I ask unanimous consent to have printed in the RECORD some communications from the superintendent and acting superintendent of the San Francisco mint, addressed to Dr. H. R. Linderman, Director of the Mint. They contain information which will be very useful to members when we come to debate the subject of the mints of the United States.

No objection was made, and it was so ordered.

The communications are as follows:

MINT OF THE UNITED STATES AT SAN FRANCISCO,
Superintendent's Office, February 16, 1876.

SIR: In reply to yours of the 17th ultimo, in relation to wages paid employés of this mint, and also inclosing comparative statement of prices paid at the various mints and assay offices, I have to say that since the receipt of the communication in question I have made careful inquiry with the view to ascertain whether such changes had been made in the rates of compensation in outside employments as would tend to abrogate the rule declaring that the wages paid in the mint shall not be in excess of those paid for similar services by outside employers, and from my investigations I find that in scarcely an instance are the mint wages in excess of those paid by private establishments for similar or corresponding services, but in nearly every instance are below the outside rates. Clerical services in this mint are compensated at the minimum rates. Book-keepers in banking and mercantile establishments, requiring no greater and in many cases a lesser knowledge of accounts than is required in this mint, and with assured guarantees of accuracy and reliability, receive from $250 to $500 per month in gold coin, while other responsible clerical positions, comparing with those held by the clerical force of this mint, command from $125 to $250 per month in coin. The pay of conductors and watchmen is barely equivalent to that given to common laborers, where no responsibility or sense of it is required, and the pay of workmen is equivalent to mechanics' wages of the second class.

Assayers receive in private establishments $7, $8, and $9 per day in gold coin. In the Pacific Refinery and other private establishments melters receive $3 per day in gold, while skilled assistants receive $6 and $7, and helpers $100 per month in gold.

In all of the founderies and machine-shops $5 per day in gold is the ruling rate of wages for first-class machinists, while blacksmiths' wages range from $5 to $5.50 in coin. For the cutters, annealers, and rollers we have no exact means of comparison, but their duties require a knowledge of machinery, with the additional special training and experience for their work.

The pay of adjusters is smaller than the compensation awarded women in outside pursuits. In the school department the salaries of lady teachers range from $70 to $125 per month in gold. In the county clerk's office, where women are employed in copying by the folio, they earn about $80 per month in gold. In the post-office they receive $75 per month, gold. In none of these occupations is the work as laborious or confining as in the adjusting rooms of this mint, nor do they work as many hours in the day.

In regard to engineers, the position of chief engineer of this mint corresponds very nearly with that of superintending engineer in the steamship companies. Mr. Waddell, with the Oriental and Occidental Steamship Company, receives $3,600 per year, and Mr. Birmingham, with the Colorado Steam Navigation Company, receives $4,000 per year; Fowler, of the Pacific Mail Steamship Company, receives $3,600 a year—all in coin. In the California Sugar-Refinery the engineer receives a salary of $175 gold per month, with a house to live in and other perquisites. The engineer of the Pacific Refinery receives $150 per month; that of the Golden Gate Flour-mills, $6 per day, and of the National Flour-mills, $150 per month—all in gold. The engineers of the steamship companies receive $100 to $150 per month in coin, live on board ship at no expense, and are allowed rations while on shore.

The pay of firemen is about $3 per day, in gold, but those employed in the mint are competent men, able to run the engines in case of necessity, tend the pumps, &c., and should rank as third-class engineers, by reason of their capabilities and the double and sometimes treble duties imposed upon them. This explanation, I

apprehend, takes in the entire force of the mint, and it will be seen that the wages paid here are, as a rule, lower than those paid for similar services with equal responsibilities and the requirement of equal capacities in outside employments.

In your communication you state: "I am aware that the cost of living is greater on the Pacific coast than in the Eastern States, but not to the extent of the difference in the rates of compensation." You will, I trust, pardon my suggestion that your ideas of the relative cost of living on the eastern and western slopes may have been derived from your experience as a temporary sojourner and traveler. A comparison of hotel rates and charges is well calculated to deceive one in this regard; but while hotel living is as cheap if not cheaper here than in the East, the cost of maintaining a household here is probably double, and more particularly among those who are compelled to toil for a livelihood. Rents are exceedingly high, as are all the necessaries of housekeeping when purchased in small quantities, owing in a great measure to the absence of a small currency to accommodate the requirements of those in poor or moderate circumstances.

For these and other reasons it is generally conceded that the cost of living in California is at least 50 per cent. more than in the Eastern States.

Very respectfully,

FRANK W. GROSS,
Acting Superintendent.

Hon. H. R. LINDERMAN,
Director of the Mint, Washington, D. C.

MINT OF THE UNITED STATES AT SAN FRANCISCO,
Superintendent's Office, March 24, 1876.

SIR: In reply to yours of the 10th instant, accompanying copy of the legislative, executive, and judicial appropriation bill, calling my attention to the provisions of the same relating to this mint and requesting my views as to what amendments may be required to enable this mint "to transact its business properly, comply with the regulations, and meet the work required of it," I have to say:

In order to comply with your request it is necessary to dissect the bill, so far as it relates to this mint, and examine its various provisions in their order.

As to salaries, the reduction of my own is in conformity with my wishes, expresssed long since, and which I endeavored of my own motion to carry into effect, as will be shown by the records of your office.

The reduction in the pay of the operative officers, whose qualifications are necessarily of a high professional and scientific order, requiring special skill and training, large experience, and unblemished reputations for integrity, does not appear to me to be called for upon any considerations of public policy. To reduce the pay of such officials to a minimum of compensation would have the effect of depriving the Mint of the services of the most competent men and supplying their places with others of mediocre abilities who lack the qualifications to earn a livelihood in outside pursuits. The proposition to consolidate the offices of chief clerk and cashier is absurd on its face, as is also the idea of reducing their salaries to $1,250 each per annum.

It would be an absolute impossibility for one man to perform the duties of both positions, as you very well know, and neither could be dispensed with except to the great injury and demoralization of the service. The chief clerk is the executive officer of the superintendent, and under the law is the acting superintendent during the superintendent's absence. It is necessary that he should be familiar with the operations of every department of the mint, and his time is constantly occupied between the different departments and in the management of the general business of the institution. The cashier's duties confine him constantly behind his counter in the receiving and disbursing of funds, and do not permit of his leaving his post to attend to other business. The cashier of this mint receives and disburses from $26,000,000 to $30,000,000 per annum in coin, besides the appropriations made by Congress, keeps his books and accounts, and for the services performed and the responsibilities incurred is inadequately paid at this time.

So far as the salaries of clerks and wages of workmen are concerned, I beg leave to call your attention to the letter of February 15, ultimo, from the acting superintendent at that date. Reiterating the facts enumerated in that letter and the deductions made, I have to add that the compensation of mint employés is reduced still lower than that paid in outside pursuits in the fact that the great majority of them are suspended from fifteen to thirty days without pay on the occasion of every annual settlement. Under the provisions of the bill which you forward the chief melters cannot receive pay to exceed $6 per day. The effect of the enactment of such a law would be to immediately force these men to accept positions in private establishments, where similar services now command compensations 15 to 25 per cent. in advance of those now paid in this mint. Such a result would inevitably prove most disastrous to the service. The chief melters in this mint have had many years of experience in their business, and through their thorough understanding of its needs and the intelligent care they are enabled to exercise, they save what would be lost by inexperienced men, and which amounts to more to the Government than the entire aggregate of their wages. To place inexperienced men in their places would be equivalent to taking from the Government an amount of bullion, through the wastage, of more than twenty times the sum that would be saved in the difference of wages.

The requirements in lines 901, 902, and 903, limiting the compensation of all employés of a certain grade to $3 per day in currency, would, if enforced, have the effect of substituting in place of intelligent, competent, and trustworthy men the very lowest order of manual labor. The compensation is about the same that is paid to those laborers who drive paving-blocks, shovel sand, and dig ditches, and would command a similar order of talent and a corresponding degree of responsibility.

The addenda to line 904, providing that employés shall be paid "only for actual service," is a gratuitous insult to this mint, having its origin in malice or misrepresentation. There is not a man or woman in the pay of this mint, nor has there ever been, who did not perform his or her full quota of service for the compensation rendered. I challenge here, in this and in every other respect affecting the management of this mint, comparison with the workings of any other mint or assay office in the United States as to the amount of work performed in proportion to the number employed to perform it, the ratio of cost of coinage per dollar or piece, and the ratio of expense to the coinage executed. In the light of the record of this mint, with which you are familiar, and in which I believe I have a pardonable pride, I cannot repress my indignation at the imputations cast upon it, and that it should be singled out for unjust and gratuitous attack. If the faithful performance of a public service is to furnish provocation or opportunity for censure by the legislative branch of the Government, then I must confess to a life-long misapprehension of the scope and intent of republican institutions.

The appropriation of $75,000 for "material and repairs, fuel, lights, chemicals, and other necessaries" is totally inadequate to the necessities of this mint, and which is in no degree benefited by the provision of the bill which permits the employment of the refining and parting charges to defray the cost of conducting the refinery. The charges thus collected would barely pay the cost of conducting the refinery alone. Under the terms of the bill, therefore, the only appropriation for the ordinary and contingent expenses for the ensuing year would be the sum of $75,000, the inadequacy of which amount has been shown in previous years in the performance of far less work than is now required to be executed. The appropriation of the last fiscal year was $75,000, with a deficiency which was provided for by Congress of $19,000, making a total of $94,000. The estimates were based on the proposed coinage of gold and trade-dollars alone, and the entire amount sufficed for a gold coinage of $26,000,000 and a silver coinage of $1,330,000, the great bulk of the latter being in trade-dollars.

During the coming fiscal year the coinage of this mint promises to be far in excess of any previous year's, and the demand for gold coin will undoubtedly exceed that of any previous year by at least 33 per cent. This will be occasioned mainly by the great amount of gold parted from the Doré bullion produced by the Comstock mines, while the gold products of the Pacific States and Territories will be unusually large by reason of the extraordinary fall of rain and snow during this winter, furnishing an abundance of water for placer mining. It is further estimated that the trade-dollar coinage of this mint will average $500,000 per month during the remainder of the calendar year.

Were the operations of this mint confined to the coinage of gold and trade-dollars only, I would endeavor to make an amount equal to last year's appropriation suffice; but, in addition to the foregoing, the mint will be required to coin some $500,000 a month in subsidiary silver coin, the cost of manufacturing which is 2 per cent. on the issue. It would therefore be impossible, with the proposed appropriation, to continue the coinage of subsidiary coins in addition to the gold and trade-dollar coinage. An enforcement of the rules of the Department would require a division of the appropriation into twelve equal parts, and that in no one month should the expenses exceed the quota set apart for that period. As the case now stands, I am compelled to accept for coinage any amount of bullion that may be deposited. It would therefore be manifestly absurd to expect this mint to perform an indefinite or extraordinary amount of work, the cost of doing which is clearly defined, upon an allowance that would be totally inadequate to meet the cost of such a performance. In the event of a minimum appropriation for the execution of its work, it would be necessary to empower me with the option of rejecting all tenders of bullion for deposit for coinage at any period of the month when the amount previously deposited necessitated in its manipulation an expenditure exceeding the quota of the appropriation set apart to defray the expenses of that month.

I have to ask, therefore, that the sum of $94,000 be appropriated for the coinage of gold and trade-dollars, and that the sum of $120,000 be appropriated to defray the actual cost of manufacturing subsidiary silver coins, of which last-named sum $50,000 should be added to the appropriation for wages of workmen, and $70,000 to the appropriation for contingent expenses, making the total appropriation for wages of workmen $275,000, and for contingent expenses $164,000.

In the expenditure of the moneys allowed for contingent expenses the greatest economy and care will be observed in the purchase of supplies; not a dollar will be wasted, and should any surplus remain at the close of the fiscal year, it will be covered into the Treasury.

Very respectfully,

O. H. LA GRANGE,
Superintendent.

Hon. H. R. LINDERMAN,
Director of the Mint, Washington, D. C.

Mr. HOLMAN. I insist upon my motion to adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BEEBE: The petition of citizens of Middletown, New York, for a protective tariff, to the Committee of Ways and Means.

By Mr. CRAPO: The petition of H. B. Cattell and others, for a post-route from Gaithersburgh to Goshen, Maryland, to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: The petition of P. B. Conn and other printers and publishers of Steubenville, Ohio, against the manufacturing, selling, and printing of envelopes and postal cards by the Government below their cost, and delivering them free of cost through the mails at a loss to the Government, to the same committee.

By Mr. HEWITT, of New York: The petition of John F. Henry, Curren & Co., and other merchants of New York, for further legislation to protect trade-marks, to the Committee on Patents.

By Mr. HOPKINS: Seven petitions from 359 business men of Pittsburgh, Pennsylvania, for a law regulating commerce and to prevent discriminations by common carriers, to the Committee on Commerce.

By Mr. HUNTON: The petition of the heirs of James Barnett, deceased, for compensation for services rendered by him as a lieutenant in the Second Virginia Regiment in continental establishment during the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. JENKS: The petition of soldiers of the war of 1861, for bounty and bounty land, to the Committee on War Claims.

Also, the petition of United States pensioners for the repeal of section 1, act of 18th June, 1874, relating to a commutation for artificial limbs, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of 23 business men of Pittsburgh, Pennsylvania, against making any change in existing tariff laws at the present time, to the Committee of Ways and Means.

Also, the petition of 504 business men of Trenton, New Jersey, of similar import, to the same committee.

By Mr. LANDERS, of Indiana: The petition of 400 soldiers and sailors of Indiana, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. LAPHAM: Resolutions of the Maritime Association of New York, favoring the extension of the Signal Service of the United States, to the Committee on Commerce.

By Mr. O'NEILL: Resolutions of Vessel-owners and Captains' Association of Philadelphia, favoring the survey of the river Delaware near Petty's and Smith's Islands and Cherry Island Flats, to the same committee.

Also, papers relating to the application for relief of Lieutenant John C. White, First United States Artillery, to the Committee on Military Affairs.

By Mr. JOHN REILLY: The petition of Martin Lewis, M. B. Hunter, and others, soldiers in the late war, that the Treasury Department be authorized to loan colonies of soldiers with their families (when they number one hundred families in each colony) $500 each, or $50,000 to each colony, the money to be used only for settle-

ment and cultivation of lands granted them by act of Congress, the money to be loaned for six years at not more than 3½ per cent., to the Committee of Ways and Means.

By Mr. RIDDLE: A paper relating to the petition of Mrs. Laura M. Lessessne, to the Committee on the Post-Office and Post-Roads.

By Mr. SINNICKSON: The petition of David Griner and other citizens of Cumberland County, New Jersey, that the tariff laws remain undisturbed, to the Committee of Ways and Means.

By Mr. SMITH, of Pennsylvania: Memorial of tobacco manufacturers of Cincinnati, Ohio, and Covington, Kentucky, for the reduction of the tax on tobacco to sixteen cents, to the same committee.

Also, the petition of envelope manufacturers, printers, stationers, and lithographers of Lancaster, Pennsylvania, for a change of the law by which the Government secures a monopoly of printing stamped envelopes and cards, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: The petition of Goodrich & Porter and others, of Haverhill, Massachusetts, that duty on English lastings and serges be changed to an *ad valorem* duty, to the Committee of Ways and Means.

Also, the petition of L. Johnson & Co. and others, of Haverhill, Massachusetts, for an amendment of section 3020 of the Revised Statutes, by inserting the words "boots and shoes" after the words "United States," to the same committee.

By Mr. WHEELER: The petition of Mrs. Peter Stryker, chairman of the executive committee of Woman's Christian Temperance Union of New York, and of 6,000 temperance and Christian men and women of that State, that Congress appoint a commission of inquiry to investigate and report upon the effects of the alcoholic liquor traffic on pauperism, crime, revenue, taxation, and the general welfare of the country, and that the liquor traffic may be prohibited in the District of Columbia and the Territories, to the same committee.

By Mr. WOODWORTH: The petition of Ed. McGinnis and 576 other citizens of Youngstown, Ohio, for the repeal of the resumption act of January 14, 1874, that national-bank notes be retired, and that a bond bearing a rate of interest at 3.65 per cent. per annum, payable in national legal-tender notes, and interchangeable at the option of the holder for national legal-tender notes, be issued, the proceeds to be applied to the payment of outstanding gold-bearing bonds, to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

ORDER OF BUSINESS.

The SPEAKER. By order of the House made yesterday the session of to-day is to be devoted to debate only, without the transaction of any business. The gentleman from Illinois [Mr. EDEN] will resume the chair.

QUIETING LAND TITLES.

Mr. LAWRENCE. On the 12th of January I introduced a bill (H. R. No. 844) relating to land patents, which was referred to the Judiciary Committee, by whom it has been fully considered and directed to be reported to the House with a recommendation that it be passed by this branch of Congress. The bill is in these words:

That all patents for land which have been or may be issued shall in all actions hereafter commenced to recover the title or possession of said land for all purposes of any statute or law limiting the time for commencing actions have effect as if issued to the party entitled thereto at the time such party was or may be authorized to make any proof of a right to such patent.

I will state in brief the ground upon which the authority to pass this bill rests and the object of and necessity for it.

There can be no doubt of the right of Congress to pass it. In Bagnell *vs.* Broderick, 13 Peters, the Supreme Court said:

That Congress had the sole power to declare the dignity and effect of a patent issuing from the United States; that a patent carries the fee, and is the best title known to a court of law.

This doctrine is well supported. (Martin *vs.* Waddell, 16 Peters, 367; Hooper *vs.* Scheimer, 23 Howard, 249; Morton *vs.* Green, 2 Nebraska, 441; same case in Supreme Court of United States, October term, 1874; Fenn *vs.* Holms, 21 Howard, 481; Bennett *vs.* Butterworth, 11 Howard, 669.) In the case of Wilcox *vs.* Jackson, 13 Peters, page 516, the Supreme Court said:

It has been said that the State of Illinois has a right to declare by law that a title derived from the United States, which by their laws is only inchoate and imperfect, shall be deemed as perfect a title as if a patent had been issued from the United States; and the construction of her own courts seems to give that effect to her statute. That State has an undoubted right to legislate as she may please in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens by descent, devise, and alienation. But the property in question was a part of the public domain of the United States. Congress is invested by the Constitution with the power of disposing of and making needful rules and regulations respecting it. Congress has declared, as we have said, by its legislation, that in such cases as this a patent is necessary to complete the title. But in this case no patent has issued; and therefore by the laws of the United States the legal title has not passed, but remains in the United States. Now, if it were competent for a State Legislature to say that, notwithstanding this, the title shall be deemed to have passed, the effect of this would be, not that Congress had the power of disposing of the public lands and prescribing the rules and regulations concerning that disposition, but that Illinois possessed it. That would be to make the laws of Illinois paramount to those of Congress in relation to a subject confided by the Constitution to Congress only. And the practical result in this very case would be, by force of State legislation, to take from the United States their own land, against their own will, and against their own laws. We hold the true principle to be this: that whenever the question in any court, State or Federal, is whether a title to land which had once been property of the United States has passed, that question must be resolved by the laws of the United States; but that whenever, according to those laws, the title shall have passed, then that property, like all other property in that State, is subject to State legislation, so far as that legislation is consistent with the admission that the title passed and vested according to the laws of the United States.

It is competent then for Congress to pass this bill, at least in its prospective character. There is a necessity for this bill. Every lawyer understands that in the ordinary modes of acquiring title to land from the Government, the legal title or fee-simple does not pass until the patent issues; certificates of entry under the pre-emption and homestead laws, and under the laws authorizing sales, only convey an equity or equitable title. (Carroll *vs.* Safford, 3 Howard, 441; Frisbie *vs.* Whitney, 9 Wallace, 187; Bagnell *vs.* Broderick, 13 Peters, 450.)

It is equally well settled that while the legal title remains in the Government the statute of limitations does not run in favor of a party in possession of land. This results from a well-known principle, "*Nullum tempus occurrit regi.*" The result of this is sometimes productive of great evils, great wrong, great hardship. Let me illustrate: A party makes an entry of land and procures a certificate of entry from the proper land office. By this he is the owner of an equitable title to the land. He neglects to procure a patent, and the legal title remains in the Government. He sells the land, receives full payment, and makes a conveyance to the purchaser. The purchaser goes into possession, occupies, improves, and sells to others, who do likewise. When the land has been occupied for half a century the heirs of the party who originally entered it procure a patent and bring ejectment, and *at law* they may recover, so far as any protection can arise under the statute of limitations. The statute of limitations gives no protection. I know a court of equity might, in such case, afford relief to the occupant. But suppose the first purchaser from the party who originally entered the land has lost the evidence of his purchase, or never, in fact, procured a deed of conveyance. In such case a court of equity would afford no relief to the party in possession, unless it be upon the doctrine of a "presumed grant." If in such case the patent had issued at the proper time, the legal title would have passed from the Government, and the party in possession could protect himself against an ejectment suit by pleading the statute of limitations. His defense would be at law. He would not be required to go into a court of equity for relief.

In the Virginia military district in Kentucky and in Ohio it is no unusual thing for entries and surveys to be made and the issuing of the patent to be delayed many years. I know of cases where entries and surveys have been made eighty years and yet no patent is issued. I have heard it said that in the Virginia military district in Ohio, only a few counties of the State, there are more than 40,000 acres covered by ancient entries and surveys occupied by parties whose possession and ownership date back from twenty to seventy-five years, and yet they are unconscious of the fact that a patent may suddenly issue to some adverse claimant who will or may harrass them with a lawsuit, or extort money to secure a "compromise."

In all such cases I believe that either a court of law or equity should and would afford relief to the occupants by "presuming a grant" from the original owner of the entry and survey after a possession which the statute of limitations would protect, if the patent had been issued at the date of the survey which perfected a right to a patent. The reasons for this and the authorities which support it have been stated somewhat fully in an article which will be found in the Philadelphia American Law Register for February, 1874, pages 69 to 76 inclusive. I will not repeat now what is there said.

But there are some other reasons why this bill should pass. It will quiet land titles without the aid of the courts, at least to such an extent that those who seek to speculate against occupants by "compromises" will find "their occupation gone." It will settle the question, so that it will be no longer subject to controversy, that the courts can and shall afford proper relief. It will be eminently just. It will prevent parties from profiting by the mere delay in procuring patents. It will give repose and security to many land titles. This is essential to the security and proper improvement of homes and to the prosperity of their occupants. It will encourage industry. It is right. It will put an end to fraudulent and rascally claims. It has the sanction of the Judiciary Committee. By direction of that committee this bill is to be submitted to the House, and I hope it will pass.

In further explanation of the necessity of this bill I present extracts from two letters from the General Land Office, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 12, 1876.

SIR: In compliance with your application of the 10th instant, received through Hon. WILLIAM LAWRENCE, of the House of Representatives, I transmit herewith a certified copy of page 69, volume 10, of the Record of Virginia Military Patents.

As you will perceive, this transcript is very defective, but is an exact counterpart of the original page, &c., as the same now appears.

There is no doubt the original patent was correctly issued March 21, 1823; but the record thereof was neglected to be properly made, and is in the exact condition, with many others of a like character in the Virginia military district, Ohio, as set forth in the inclosed exemplification.

This Office has repeatedly in its annual reports called attention to these imperfect

records of patents. Thus, in the report of 1856: "Authority from Congress is desired to perfect a number of the Virginia military records filed in this Office, in which the surveys of the land patented are merely posted (pasted) in the records, and in some instances not inserted at all; consequently showing an imperfect recital of title. As the lands so granted are valuable, and this Office is the source from which parties interested can alone obtain official evidence of their title, it is important the records should be perfected." The same recommendation was made in the report of 1857. But nothing has resulted therefrom, and all that can be done in such matters is to give an exact transcript of the volume and page, with the contents thereof, where the patent purports to have been recorded.

As these errors and omissions occurred in and about the year 1823, the present administration of the Office can in no wise be held responsible therefor, especially when repeated efforts have been made to remedy the defects in question.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT,
Acting Commissioner.

E. J. HOWENSTINE, Esq.,
Bellefontaine, Ohio.

In another letter from the Commissioner of the General Land Office there is this statement:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 14, 1876.

SIR: * * * The patent in question purports to have been issued in 1823, and I find from examination that several hundred others are in like condition as to the record thereof.

As stated in my letter to Mr. Howenstine, attention has repeatedly been called to these defects and authority asked to remedy the same, but without result.

In the case of the records of patents for services in the war of 1812, under the act of Congress of May 6, 1812, many thousands were only signed with the initial letters of the President's and Commissioner's names. But these defects, in cases of the exemplifications thereof, were cured by the act of Congress of March 3, 1843. (See United States Revised Statutes, § 891.) Nothing, however, has been done to cure the omissions, &c., in the case of the defective records of patents for lands in the said Virginia military district.

The letter of Mr. Howenstine is herewith returned. The fees, $2, were received.

I am, very respectfully, your obedient servant,

L. K. LIPPINCOTT,
Acting Commissioner.

Hon. WILLIAM LAWRENCE,
House of Representatives.

Mr. Speaker, I submit these remarks now in order to save the time of the House when the bill is finally reported from the Committee on the Judiciary, which it will be when the committee is again called.

SPECIE PAYMENTS, REPUBLICAN POLICY, ETC.

Mr. JOYCE. Mr. Speaker, on the 29th of last month the republicans of Vermont met in State convention at Burlington and, true to their history and principles, unanimously resolved—

That the best interests of all citizens, of every condition and pursuit, imperatively demand the speediest return to a specie basis of values and currency, and we hail with gratification the act of a republican Congress definitely providing for that end, and we are firmly opposed to the repeal thereof or to any step backward in the matter.

This clear, bold, and manly declaration by the republicans of that noble State I proudly adopt as the key-note to my remarks to-day.

The present depressed and languishing condition of business in every department, the utter stagnation of trade in all its different branches throughout the entire country, and our waning commerce with foreign nations, reaching back nearly three years and continuing without abatement to the present time, have given distinguished prominence to the subject of the national currency, and the importance now assigned to it in the popular mind is well measured and attested by the fact that it is the only real question now occupying any considerable share of the attention of the people and can hardly fail to be the one on which the next presidential contest must be fought out.

The subject of the national finances, as presented to us to-day, is in no sense a party question, and no true patriot and statesman would for a moment seek to drag it down in discussion from its conceded lofty plane to the degrading level of partisan politics.

The great problem now submitted to us for solution is not, what man or what party is most to blame or is to be held responsible for the condition of the country and the crushing evils under which we are now suffering? because the absolute demonstration of that issue would not relieve the people or mitigate their calamities; but the great work to which this Congress should apply itself is to inaugurate and adopt such measures as will lift the burdens from the people and build up a highway of industrial enterprise upon which the people, redeemed from the curse and thraldom of a depreciated currency and all its attendant evils, may once more walk in peace and security.

It is to us the people are now looking for redemption, and we shall criminally fail of our duty if we refuse or neglect at this session to mature such legislation as will, in connection with the act of 1875, appreciate our currency and enable us to redeem our pledges and resume the use of good money on the 1st of January, 1879.

Now, Mr. Speaker, I should not have referred in this discussion to parties or politics, or said one word upon that subject, had it not been for the very remarkable speech made the other day by the honorable gentleman from New York, [Mr. WILLIS,] in which the republican party is not only held responsible for the present financial condition of the country, but is saddled with all the frauds and sins committed against the Government and the people by everybody for the last fifteen years.

Sir, I have been a republican since 1854; I helped in my feeble way to organize the party in my State in that year; and I have labored for the welfare and prosperity of it from that time down to the present. I know and am frank to confess its errors, while I mourn over its blunders; I know its history and exult in its achievements; I am proud of its record and glorious triumphs in the cause of honest government, of civil liberty, and equal rights. And, sir, while I hold a seat upon this floor I will not allow any man, however high and exalted he may be, with impunity to vilify and defame that party, which is composed of the noblest men, inspired by the purest principles and having the most illustrious history, of any party that ever existed on earth.

What spirit or feeling actuated or moved the honorable gentleman to make such a speech it is not for me to say, whether it was a desire to become notorious or to show his new democratic friends how zealous and enthusiastic young converts always are.

Whatever may have been the cause, it is perhaps enough for us to know now that the republican party has lost this "blazing star" from its constellation, and that it now sparkles and glows in the coronet which adorns the darkened brow of modern democracy.

Every statement made by the gentleman with reference to the republican party as connected in any manner with the question of the currency is overwhelmingly contradicted by the facts of history. Sir, there is no sane man North or South who dares for a moment deny that the present unfortunate condition of the country is the direct result of our legal-tender irredeemable greenbacks, and that the depreciation of our currency is the bitter fruit of treason, the loss of more than 250,000 men, a public debt of two billions and a half of dollars, the loss of the productive labor of two millions and a half of men for four years, 213,000 pensioners, with woes unnumbered, and that these calamities are all due to rebellion and our civil war, and that the war was precipitated upon us by the democratic party, of which the distinguished member from New York is now a bright and shining light.

Seemingly filled with malignant hate toward the party he has left, ashamed no doubt of his new allies, knowing that the people see and understand their factious schemes and hollow-hearted hypocrisy, and goaded to madness by their signal defeats and blunders during the present session, the gentleman pours out his denunciations forgetful of the truth of history or the honor of his country, and, like Samson of old, attempts in his desperate struggles to pull down the majestic temple of liberty in order that he may be buried in its ruins. In his wild frenzy and audacious impudence, he declares that the republican party in this House "have opposed retrenchment at every step" and that "they have attempted to defeat every economic endeavor."

Now, sir, what are the facts? I undertake to say directly the reverse of what the gentleman has stated, and the records and journals of the House will show it. Why, sir, how does such language as this sound coming from the lips of a man whose days have been spent and whose political education has been acquired in a city which can boast of such men as McCunn and Barnard and William M. Tweed?

While the republicans in this House are fully aware, as the country is, that there is no honest purpose on the part of the democratic party in making these reductions and pretended reforms, but that this "economical spasm," contrary to every other act of their whole lives, is all for political effect and to create capital for the coming presidential campaign, yet in all cases where it has appeared that reductions could be fairly made without robbing honest labor of its hard-earned wages, as in the case of many of the clerks and employés in the different Departments of the Government, impairing the efficiency and working power of its different branches, or tending to the manifest injury of the people, these bogus reformers and retrenchers have received the hearty co-operation of every man on this side of the House through his voice and vote, and no man has more perfect knowledge of that fact than the honorable gentleman from New York.

Mr. AINSWORTH. If the gentleman will permit me, I desire to inquire of him what reduction the republicans have favored?

Mr. JOYCE. Mr. Speaker, if the gentleman pays strict attention he will find out before I get through.

Mr. AINSWORTH. I understood him to say that every reduction proposed here has been favored by the republicans. I deny it; and I ask him what single reduction they have favored in any case?

Mr. JOYCE. I have only to repeat that if the gentleman will pay strict attention he will find it all out before I get through.

Mr. AINSWORTH. Can the gentleman give me any instance in which the republicans have supported a reduction?

Mr. JOYCE. I do not desire to be interrupted any further. The gentleman can get all the information he desires if he will only wait and keep as quiet as possible.

Mr. AINSWORTH. Certainly; if the gentleman does not want to yield, that is all right.

Mr. JOYCE. Mr. Speaker, upon these questions of "retrenchment" and "economical endeavor," as demonstrated by the democratic party upon this floor during the present session, the republicans are willing to stand upon the record; and if the gentleman from New York and his party can satisfy the people of this country that they are honest reformers, and that they have spent the four months of this session already gone in making honest and successful "economic endeavors" for "retrenchment" instead of in bitter wranglings among themselves over the spoils of office, demonstrating in the history of their caucus bill their total inability to grapple with the question of the currency, and deciding who should be honored by their brief smiles, then I shall believe that their powers of persuasion and legerdemain are equal to their inconsiderate assertions and their brazen and insolent mendacity.

Sir, I have not the time nor desire to follow the learned gentleman through all his devious wanderings or to answer all his reckless and fallacious assumptions regarding the policy of the republican party upon the question of the national finances, and shall therefore content myself with the comforting assurance that the temple which the gentleman labored so hard to destroy is yet standing firm and erect, and that "the flag is still there;" while the honorable gentleman himself and his democratic allies, "sickened with their defeats, mourning" their "falsity to true democratic principles," having "belied the trust of the people" and blasphemed "the memory of Jefferson and Jackson and Wright," now lie buried beyond the hope of any political resurrection beneath the righteous indignation of all honest and candid men.

Why, sir, if I had the time I would like to call the attention of this House to some few of the multitude of good things that the republican party has done within the past ten years. I would like to call its attention to the fact that within that time it has reduced the public expenditures over one billion twenty-two millions; that it has paid more than five hundred and forty millions of the public debt; that it has reduced the interest on that debt nearly forty-one millions; that it has saved to the Government annually five millions in interest by funding a portion of the debt; that it has reduced the internal-revenue taxes nearly two hundred millions, the customs taxes sixty millions, and other taxes, by special acts of Congress, three hundred and four millions.

Now, sir, above and beyond all this, the republican party has always shown, and shows to-day, an honest zeal in exposing and bringing to trial and punishment every man within the pale of the party who has in any manner betrayed its confidence or violated the laws of the Republic. I challenge comparison of its course during its whole history with the conduct of the democratic party down to the present moment, and then let the people say into which scale they will cast their influence and their votes.

Sir, I firmly believe that the republican party, with its brilliant record of grand achievements, marred, as I am compelled to confess it is, here and there with blunders and errors, stands refined and purified before the country to-day stronger than ever before in its great and noble principles and as the only party in whom the people have confidence or in whose hands they dare to trust the control of this Government, and to which they confidently and proudly look as the hope and salvation of the rights and liberties of the people.

Having said thus much in answer to what I conceived to be an uncalled-for, unwarranted, unprovoked, and malicious attack upon the republican party, a party which saved the Republic and made it possible for us to be here, I now invite the careful attention and candid consideration of the House to the history of our legal-tender legislation, the present financial condition of the country, the evil and ruinous results of a depreciated currency, and the remedy by which we can obtain relief.

The financial condition of our country at the present time is unlike that of any other solvent nation on the face of the globe, and invokes the sound and honest experience and statesmanship and the united efforts of the best men of all political parties upon this floor and elsewhere to devise and adopt the best means to appreciate our currency and breathe life into our prostrate and exhausted industries.

We present to the world the wonderful phenomenon of a country containing over forty millions of enterprising, inventive, and educated people, rich and unlimited in resources, with no war, pestilence, or famine to retard our growth or mar our prosperity, with nearly eight hundred millions of currency in circulation, the best and safest banking system in the world, and yet our commerce is sadly deranged, our factories and workshops shut up, our ship-yards deserted, every business interest and industry of the country almost entirely crippled and paralyzed, confidence swept away, and bankruptcy spreading its dark pall over all classes of our people. The cause of this universal business depression and commercial gloom is perfectly apparent, and is written so plainly upon the dark background of our experience for the last three years that he who runs, though a fool, may read.

By the universal consent of mankind, in all ages and in all countries, gold has always been the recognized standard of value the world over; "it is possessed of all the requisite elements and characteristics to enable it to perform all the functions of such a universal measure; it always has a certain and stable value; unlike all other things, it is capable of almost unlimited division and is indestructible; while the great laws of supply and demand reach every other article of trade and commerce, gold is always exempt from their operation and enjoys an eternity of peace, certainty, and infinite demand." All else changes, varies, and fluctuates; but gold remains unchanged and unchangeable, yesterday, to-day, and forever.

Mr. Speaker, among all the evils with which mankind have been cursed and nations have been afflicted there are none which have fallen with more crushing and grievous weight upon all classes, and especially upon the producer and laborer, than a disordered and depreciated currency. These two classes stand under and support those of all other callings, professions, and avocations; consequently they are the first and last to feel the overpowering burden of this destructive scourge. I speak then to-day, sir, for the millions of producing and laboring men throughout this great country, who are demanding a strict performance of every national obligation and a speedy return to a gold standard and honest money.

The plain, unvarnished statement of the case is that we are attempting to run this Government without any recognized standard of values, with a vast volume of depreciated, fluctuating paper currency, much more than is required by the wants and demands of trade, every dollar of which is irredeemable; and the question now presented is whether we shall lie still and float with the current, plunge into unlimited inflation, or by a wise and gradual contraction appreciate our greenback currency, and thus in the only way possible bring it to par with gold.

The condition of the country which led to the legal-tender legislation of 1862 and 1863 and the overpowering necessity which justified it are very fully and clearly set forth by Mr. Justice Strong in the opinion of the Supreme Court, delivered by him and reported in 12 Wallace, in which said legal-tender acts were declared by a majority of the court to be constitutional.

After discussing at great length the constitutional question involved and disposing of that, he then proceeds to speak of the circumstances in which the Government was placed when Congress attempted to make Treasury notes a legal tender in the following terse and emphatic language:

> Suffice it to say that a civil war was then raging which seriously threatened the overthrow of the Government and the destruction of the Constitution itself. It demanded the equipment and support of large armies and navies and the employment of money to an extent beyond the capacity of all ordinary sources of supply. Meanwhile the public Treasury was nearly empty and the credit of the Government, if not stretched to its utmost tension, had become nearly exhausted. Money-eyed institutions had advanced largely of their means, and more could not be expected of them. They had been compelled to suspend specie payments.
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> Taxation was inadequate to pay even the interest on the debt already incurred, and it was impossible to await the income of additional taxes.
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> The necessity was immediate and pressing. The Army was unpaid. There was then due to soldiers in the field nearly a score of millions of dollars. The requisitions from the War and Navy Departments for supplies exceeded fifty millions and the current expenditure was over one million per day. The entire amount of coin in the country, including that in private hands as well as that in banking institutions, was insufficient to supply the need of the Government three months, had it all been poured into the Treasury at once. Of foreign credit we had none. We say nothing of the overhanging paralysis of trade and of business generally, which threatened loss of confidence in the ability of the Government to maintain its continued existence, and therewith the complete destruction of all remaining national credit. It was at such a time and in such circumstances that Congress was called upon to devise means for maintaining the Army and Navy, for securing the large supplies of money needed, and, indeed, for the preservation of the Government created by the Constitution. It was at such a time and in such an emergency that the legal-tender acts were passed.

In the spring of 1861, when actual hostilities commenced between the North and South, the armies of the United States numbered more than a hundred thousand men, to which large re-enforcements were added in the summer and autumn following. The payment of these troops and the other vastly-augmented expenditures of the Government soon drained the country of gold, and in December of that year specie payments were suspended by the Government, and the banks throughout the country immediately followed.

The Secretary of the Treasury undertook to issue Treasury notes with which to meet the payment of the troops and the increasing expenditures, but it was soon found that from their isolation these notes had no standing of value in the market—could not be depended on—and the result was that on the 25th of February, 1862, Congress passed an act authorizing the issue of one hundred and fifty millions of Government notes and, in order to make them equivalent in value to gold and prevent their depreciation, invested them with the majesty and sovereign power of legal tender for all debts and obligations, public and private, except duties on imports and interest on the public debt.

The enormous gulf created by the war soon swallowed up the issue of notes under the act of February 25, and on the 11th of July following Congress authorized the issue of one hundred and fifty millions more under the same conditions, and clothed them with the same rights, privileges, and powers as the first.

Under the provisions of the acts authorizing the issuing of the three millions of legal-tenders already referred to, the holder had the right at any time when he had no use for the currency to fund them into bonds bearing 6 per cent. interest and payable in gold. This wise provision for funding the greenbacks had a very marked and salutary effect upon the market value of the notes, by connecting them with a gold bond and making them convertible into an obligation which would bring gold. It held them up nearly to par and prevented their depreciation and fluctuation, which without such a provision would have certainly followed.

Under the funding system as provided in said acts I have no doubt the Government would have been able to have met all the demands of the war and maintained a volume of currency sufficient for the wants of trade at or nearly at par, so that in a very short time after the war closed specie payments might have been resumed without any appreciable derangement of the business of the country or the infliction of any serious injury upon the people.

It has been truthfully said that "a strong impression that something must be done is the origin of many bad measures."

It was no doubt this "impression" which led to what I deem to be the mistaken policy adopted by Congress in the act of March 3, 1863, when, because money did not flow into the Treasury fast enough to meet the demands of the Government, and for the purpose of forcing the people to fund the Government notes at once, it was deemed advisable to issue another batch of legal-tenders, enough to make up

four hundred millions in all, and provide in said act that the right to fund all of the outstanding legal-tenders which had been issued under and by virtue of the acts aforesaid should expire on the 1st of July following. The repeal of the provisions of the statute giving the holder of the greenbacks the right to fund them at pleasure resulted, as has been said, in making "financial orphans" of them. It at once severed their connection with and isolated them from all other Government currency and obligations, and their rapid depreciation became at once as sure and certain as their existence.

The abandonment of the funding policy at a time when, as I believe, it ought to have been tenaciously adhered to, led the people in time to look upon the greenbacks as money, and to forget that they were the mere evidence of a debt which the Government had solemnly pledged itself to pay in coin.

In order to check the increasing depreciation of the currency and stay up the credit of the Government Congress, on the 30th of June, 1864, passed an act providing that the total amount of United States notes issued or to be issued should not exceed four hundred millions, which gave the people to understand that the Government was not committed to unlimited inflation, and that the greenbacks would in time be redeemed with gold or its equivalent.

Mr. Speaker, the distinguished gentleman from Maine [Mr. BLAINE] said the other day:

> When the war was over and the Union saved, one of the first duties of the Government was to improve its credit and restore a sound currency to the people.

The administration was deeply impressed with this policy, and the Secretary of the Treasury, in his report for December, 1865, expressed the opinion that the legal-tender acts were war measures, and ought not to remain in force one day longer than should be necessary to enable the people to prepare for a return to the gold standard. And the House of Representatives during the same month passed a resolution, by a vote of 144 yeas to 6 nays, "cordially concurring in the views of the Secretary of the Treasury in relation to the necessity of the contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit." And in order to carry into effect this resolution, Congress, by an act approved March 12, 1866, again authorized the funding of the legal-tender notes, and under the operation of that act more than $72,000,000 were retired. But in January, 1868, for some reason unknown to me, the tide turned, and any further reduction of the volume of legal-tender notes was prohibited, the amount then remaining outstanding being $356,000,000.

On the 18th of March, 1869, an act was passed in which the United States Government "solemnly pledged its faith to make provision, at the earliest practicable period, for the redemption of United States notes in coin," and the act of June 20, 1874, limited their amount to $382,000,000.

The act of January 14, 1875, provided for free banking, the redemption of legal tenders to the amount of 80 per cent. of the amount of notes issued to the national banks, and for a full and complete resumption of specie payments on the 1st of January, 1879.

Thus it is conclusively shown by the decision of the Supreme Court, the opinion of the Secretary of the Treasury, and the declarations of its authors, that this legal-tender policy was born of an absolute necessity; that it was understood by all, when adopted, as a war measure, demanded by the pressure and exigencies of the times to save the life of the Republic, and with the solemn promise of the Government that, at the earliest practicable moment, the notes should be redeemed in coin.

When Congress passed the first act authorizing their issue, it was done by what then seemed to be absolute compulsion, although wise men now think some other course would have been better, and no one then was so insane as to suppose they would become the permanent currency of the country, or be kept in circulation seventeen or eighteen years before they were redeemed.

But, Mr. Speaker, notwithstanding all these hopes and expectations and pledges, we find ourselves to-day with three hundred and eighty-two millions of irredeemable legal tenders in circulation, each one bearing upon its face the evidence of the nation's broken promise, business prostrate, values unsettled, labor unemployed, the arm of industry paralyzed, corruption and crime increasing, and commercial faith and confidence well-nigh destroyed among the people.

Now, sir, it is charged that for all these evils the republican party is responsible and should be held to a strict account. While I would not seek to shield that party from the force of a single obligation which rests upon it, yet I cannot forget that at every step toward resumption republicans have been met by the obstinate and determined opposition of the democratic party, and that to-day it is flaunting in the face of a distressed and suffering people the black flag of inflation and repudiation, while its leaders on this floor are plotting the repeal of the act of January, 1875, because it contains the solemn promise of the Government to redeem these notes, instead of aiding by auxiliary legislation the patriotic purpose contemplated in that law.

In traveling this unbeaten path without the lights of history and experience the republican party has made mistakes, but it has ever shown an honest desire to do right; and although it has not yet quite accomplished the full measure of its ambition in the restoration of national credit and sound money, yet it has done much in staying the mad waves of inflation, confining the greenback currency within the limits of four hundred millions and saving us from the shame and disgrace of national repudiation.

In view of the situation, can there be a reasonable doubt or a serious question as to what is now our high and imperative duty as wise legislators and patriotic citizens?

Mr. Speaker, I believe it is the duty of the General Government to furnish to the country a uniform currency, "one that is based upon the world's great standard of values, and which shall at all times be equal in value to that used by other nations; a currency which has a value abroad as well as at home, and by which foreign as well as domestic debts and obligations can be paid and satisfied." The failure of the Government to perform this duty to its citizens, or the slightest departure from this fundamental and vital rule, will always be attended with the most serious and damaging results.

History, the teachings of wise men, and our own experience for the past fifteen years, furnish undoubted authority in support of this wholesome and universal maxim. The great Massachusetts Senator and statesman once said when discussing this important subject in connection with the removal of the Government deposits, that "a sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be a real and substantial representative of property, not liable to vibrate with opinions, not subject to be blown up or down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of a permanent value.

"A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy, and it fosters the evil spirit of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny and oppression, excessive taxation, these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by a depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by Government."

Had Mr. Webster been inspired with the spirit of prophecy he could not have more fully or truthfully foretold the monetary history of our country during the past twelve years than he did in the great speech to which I have referred.

While capitalists and speculators have often escaped, the storm has spent its whole force and violence upon the unprotected heads of the laboring-men. The man who buys and sells under a depreciated currency can by due care and shrewd calculations so manage his business as to make his profits balance his losses, to save as much when he sells as he loses when he buys; but the poor man cannot do this; he buys to consume, and not to sell, and, therefore, has no way in which to balance the ends and make up his losses. While the merchant and trader can daily regulate the price of their goods by the quotations from the stock exchange and the gold board, the laborer cannot adapt the price of his labor to the daily, hourly, and weekly rise in gold. To be sure he receives for his labor the premium on gold, which may be 10, 12, or 15 per cent., but for every article he buys he is compelled to pay 40, 50, and even 70 per cent. more than he would with such a currency as I am now contending for. The palace and the royal exchange may escape, the gamblers of Wall street, the merchant princes of Beacon, and the nabobs of Chestnut street may be saved and go unscathed, but the workshop and the poor man's cottage are crushed and swept away, and their inmates exposed to all the fury of the storm.

During the war high prices and cheap money filled every man's pocket with currency, the result of which was extravagance, dissipation, wild and reckless speculation, contraction of debts, and a total disregard of every rule and principle of prudence and economy. Large manufacturing establishments, the fungus growth of inflation, sprung up all over the North and West, built and carried on with borrowed capital; men rushed into extensive business operations without thought or reflection, and bought whatever they could get trusted for, regardless of the price or the day of payment. Apparently men were prospering, but business was not healthy; everything was vacillating, unsettled, and blown up like a balloon. But as long as the country was flooded with depreciated paper and all had a supply, they rushed on regardless of the end or the consequences. In the mad excitement of the hour men lost their reason and their judgment; gold had become their object, and nature had quickly fallen into revolt. They did not heed the voice of history and the experience of other nations and peoples, that they were deluded, that the business of the country was unsound and morbid, and necessarily must be with a circulating medium which could only be used at home, and there even at a discount. Their seeming prosperity was a cheat and a sham, and, when the bubble finally burst, all the ugly deformities of this disastrous inflation

system of finance were exposed to the disgust and indignation of the people.

The evil effects of this depreciated paper currency early became manifest in the hatching out of a swarm of greedy speculators and swindlers, at all our business and money centers, who were always watching and ready to seize upon every opportunity to embarrass the Government and increase their own profligate and ill-gotten gains.

They made corners in gold by which they reaped rich harvests to themselves, while the Government was hindered and impeded in its operations, the business interests of the country prostrated, credit inflated, "a false value fixed upon every man's property, a spirit of lawless and reckless speculation and gambling engendered, the rules of honesty and integrity entirely ignored or dangerously relaxed," and the people in the end driven to the very verge of bankruptcy.

These speculations and gambling transactions at one time embraced a large share of the money capital of the country, completely crazed and bewitched the men engaged in them, diverted the money from the legitimate avenues and channels of trade, and threatened to make our name a by-word and reproach among the nations.

With a depreciated medium of exchange, in all commercial transactions with foreign nations the losses are all on our side and the margins and premiums are all charged in our account, because, no matter what may be the value of our currency at home, all our products and manufactures are there measured by the gold standard.

If we purchase of them in the payment our currency is reduced to gold, and the balance is made up with money from our pockets. If we exchange with them the same results follow, and we are the losers by the bargain. Not only this, but the country is at the same time drained of gold, which increases the premium, depreciates our paper, and opens the way for corners, gambling, and every species of vice and corruption which the cupidity and avarice of mankind can conceive of or invent. We are also the losers if we invest our money in the building of railroads or in any other great public enterprise in our own country where bonds and mortgages may become necessary to complete the work and put it in operation. The bonds must be made payable on time, put into the market, and sold at a discount or below par for currency; but when pay-day comes we shall be com pelled to count out the gold at a loss of from 20 to 40 per cent. to the debtor. A depreciated currency is a double loss to the honest laborer who earns his bread by the sweat of his brow; he very often loses the margin or difference between gold and currency when he receives pay for his labor, and loses it again when he purchases with it the comforts and necessaries of life. It is one of the most skillfully-wrought contrivances to cheat the laboring classes; it is the most effectual of all inventions which tyrannizing capital and avaricious greed have ever invented "to fertilize the rich man's field by the sweat of the poor man's brow." To the man who is doing business on borrowed capital the burden is oppressive and crushing, because the interest on his loans is reckoned on a gold basis, when the money he borrows is worth perhaps only two-thirds as much.

If we attempt to compete with foreign nations in the world's great markets in articles of our own manufacture, we find ourselves at once shut out, because our labor costs so much more than theirs, in consequence of the depreciated condition of our currency, that they can afford to undersell us and yet reserve a fair margin for profits to themselves.

In addition to all the burdens and woes I have enumerated which it brings upon the country, it keeps business of all kinds in an unsettled and vascillating condition, destroys all confidence in the Government, breeds crime and immorality, and neutralizes nearly one-half of the productive power and capacity of the country. Thus in every form and direction in which this subject can be approached or investigated, we find that loss and financial ruin are the inevitable results of a base standard of values and a depreciated currency. The history of European nations that have attempted it, and the sad experience of our own country for the past few years, abundantly authorize the statements I have made and confirm their truthfulness.

Never returning to specie payments and bringing our paper money to a par with gold would be the perpetual robbery of honest labor, the demoralization of business, the debauchment of the public conscience, national bankruptcy, repudiation, and disgrace.

One of the most demoralizing and worst features of this system of depreciated paper money is that it destroys all confidence among business men, and they shrink from making an investment or going into business of any kind. The merchant and manufacturer do not know whether to buy light or heavy, or not at all, because they are at the mercy of the speculator and gambler. If gold should chance to go up, they may be all right; but if the reverse, they lose their profits and perhaps in the end their capital. Says a wise man:

With what safety can men embark in enterprises that look to the future for results when they cannot predict with any degree of certainty what will be the value of legal-tender notes one year or two years hence? How can any man venture to engage in any far-reaching business while the currency upon which his transactions are based is constantly changing in value? Especially how can he risk the future when the currency, now greatly depreciated, may be still more depreciated by further issues? It is uncertainty in regard to the future of the currency that is destroying confidence, and without a restoration of confidence there will be no improvement in our financial and industrial condition. What healthy business requires is a stable basis. Let men of capital and enterprise feel that there is to be stability in the legal measure of value; let it be understood that the higher law which makes gold and silver the only true measure is hereafter to be recognized and obeyed, and the existing lethargy will disappear and the country will rapidly recover from its prostration. The remedy is not in the maintenance of the present volume of irredeemable paper, and certainly not in an increase of it.

The money of the country now lies in the vaults of the banks, because there are no borrowers to call it out; there are no borrowers, because it is not safe to engage in any kind of business; and it is not safe, because we are afflicted with a currency "unstable as water," going up to-day and down to-morrow, and can never "excel."

Money alone cannot bring us business, but the revival of business will bring us money. If the forge or the mill stops and men are thrown out of employment, of what avail is a bank full of money to their dependent and starving families? It is not a greater volume of currency they want then, but the fire rekindled in the forge and the gate hoisted again at the mill. That will bring them labor, and the labor will bring them money and all the necessaries and comforts of life.

This result can only be brought about, in my opinion, by a gradual redemption of the greenbacks until they are at par with gold; this would place the business of the country upon a firm and stable foundation, and restore trust and confidence among the people.

This, it seems to me, is the only royal road to success, and is what the people now demand of us; and, depend upon it, the people will see to it that no party advocating or even suspected of entertaining the humiliating and abominable doctrines of a depreciated currency and unlimited inflation shall ever have the control of this Government; and ere the ides of November, 1876, shall have passed, the great public voice of the freemen of this country will have settled it forever, and vindicated before the world the honor of the Republic.

When that voice, the first note of which has been heard from the Granite State, shall have been uttered at the polls, it will, in my humble judgment, be no uncertain sound, but will dispel every doubt; it will sweep as with a political cholera every inflationist and rag-money repudiator from the national deck, tear down the base paper banner of repudiation, and throw to the freshening breeze the American patriot's ensign, brilliant with the great record of past achievements and sparkling in the blazing light of this new victory.

The panic of 1873, which shut up the mills and the factories, threw thousands out of employment and brought all business to a standstill, was the legitimate but bitter fruit of our existing financial system. Inflation had unsettled all values, put an embargo on all legitimate trade, and paralyzed all our industries. Self-protection led consumers everywhere to stop buying on credit; the currency remained undiminished, but capital subject to loan was entirely exhausted.

The people had lived beyond their means; their fancied riches vanished like a shadow; the debtor and creditor were both alike bankrupt, and the poor laborer was turned homeless and penniless upon the world.

The effect of the panic upon the business of this country was overwhelming and terrific. We have not recovered from it yet, and in my opinion we never shall, until the financial policy of the hard-money party is adopted and carried out, and gold becomes the standard of values in this Government. While it spread desolation and ruin through every branch of trade and commerce and shut up a large share of the manufacturing establishments in the country, throwing out of employment thousands of men and exposing to suffering and starvation the families dependent upon them for support, yet I believe it will in the end, in one aspect at least, be seen to have been a blessing in disguise; for nothing short of just such a financial convulsion would ever have stopped the people in their mad career, driven them to repentance, and pointed out to them the way of salvation; and it is one of the encouraging signs of the times, that may serve to cheer and support us while we are suffering the woes of this terrible calamity, that it has indeed had the warning and awakening effect upon the people that I have described. The moment they recovered from the stunning effects of the overwhelming concussion and got upon their feet, they commenced the work of reform and preparation for their final deliverance, which they have pursued ever since with an earnestness and constancy which is comforting and commendable.

Driven by necessity to an overhauling and inspection of their financial affairs, men soon discovered that they had covered too much ground; that their business, like their currency, was dangerously inflated; and that in order to avoid bankruptcy and utter ruin, they must curtail their business, circumscribe their operations, and call in their scattered and weakened resources. They found that they had been living too fast, and far in advance of their salaries and incomes; that a spirit of wild and reckless speculation, engendered by the vast quantity of depreciated currency with which the country had been flooded, had led them into all manner of extravagance and dissipation, had buried them in debt, and driven them unconscious to the brink of financial ruin; and that the only way out was to diminish expenses, adopt a system of rigid economy, pay up old debts and contract no new ones, purchase nothing except what was absolutely required, abandon all wild-cat schemes and foolish speculations, make no investments unless known to be safe, discard all unnecessary and costly luxuries, stay at home and patronize our own institutions and domestic manufactures, and strain every branch of productive industry to its utmost capacity.

In 1874 the people, who attributed their distresses to a lack of currency, and who therefore favored inflation, complained that they had been unfairly dealt with in the distribution of bank capital, and referred their miseries and afflictions largely to this cause, and asked for more. Congress very readily complied with their request, and increased the banking capital of the country some millions, and placed it at the disposal of those who claimed they most needed it. If the

theory of inflation and more money had been sound, every dollar of this new issue of banking capital would have been anxiously sought for and eagerly taken by those for whom it was in fact issued. But, instead of this, nearly every share was taken in the Eastern and Middle States, at the great business centers, where most of the previous stock had found a market, and but the smallest possible amount called for or taken in those sections of the country from which these complaints had emanated.

Mr. Speaker, it is a commercial and financial fact that the city of New York is the great trading and money center of this country. From thence the money is called out to move the crops in the autumn and for all other business purposes, and to that point it returns when it has accomplished its mission. Money can no more be confined within city limits or State lines than the sun's great light or the air we breathe. Wherever business demands or securities and rewards invite money flows, regardless of location, distance, or color of borrower. If the people of the West and South have the securities for loans, they can obtain them as well with the banking capital in Boston and New York as they could if it was all in Chicago and New Orleans. If there are no buyers to pay money for what they have to sell, and they have no securities with which to entice investers, they would have no bank-notes though bank stock was unlimited and banks were located in every village in the land. Bank-notes are not given away; they are obtained by loans or by exchanging for them something else of equivalent value; and the man who has neither of these very handy and convenient facilities, whether he lives in the North or the South, the East or the West, will not be likely to be weighed down with money or be troubled with bank bills.

This illustration demonstrates most forcibly and clearly the utter fallacy of inflated currency and this cry about an increase of banking capital.

Instead of there being a lack of currency, there has never been a time when there has been so much money lying in the vaults of the banks waiting for borrowers at a low rate of interest as now.

These practical lessons drawn from experience and the every-day life of our people ought to convince any candid, unbiased man that it is not an increase or inflation of the volume of depreciated paper that is required to relieve us at the present time, but we want legislation in aid of the act of 1875, together with prudence, industry, and economy on the part of the people; then business will revive, hard times will vanish, confidence be restored, and prosperity follow.

But, sir, I have already said enough upon this question, and I shall therefore proceed with my argument upon the assumption that the evils under which we are now suffering and their cause stand fully proved, and that the only duty which remains to us is to discover and apply the remedy.

The lion which to-day stands in the path to resumption is the specious and artful policy of the opposition, who, while they claim, many of them, to be in favor of a return to sound money, yet bend every effort and exert every power to prevent it and force a further inflation of the currency.

To prove this beyond the power of contradiction, it is only necessary to examine the propositions they submit and the measures they advocate.

Those who are most shrewd and cautious propose the drifting process, or the policy of masterly inactivity. This has been tried ten years and has utterly failed. They demand the repeal of the resumption act of 1875, because it was passed by a republican Congress. That means inflation, because while that law remains upon the statute-book there can be no further expansion of the currency.

Those who are bold and reckless would compel the payment of import duties and the interest on the public debt in currency, thus on the one hand violating the solemn obligations of the Government, cheating it out of the difference between gold and currency, reducing the customs revenues to the same rank as our paper, compelling us to buy gold to pay interest on the public debt and for the sinking fund, and, on the other, degrading our Government and debasing our people. Some of them propose the wild scheme of having the Government issue all the bills and carry on all the banking operations of the country, with a currency covered all over with broken pledges and violated promises; while others advocate the policy of repealing the national-banking act and plunging us into the cess-pool of State banks and wild-cat currency.

Our present system of banking has been in operation thirteen years; it works admirably; the bills are well secured and pass current in every State in the Union, and the only objection to them is that they are not redeemable in coin. During these thirteen years about twenty-one hundred and fifty banks have been organized, and only about thirty of them have suspended, and these with no loss to the bill-holders. A comparison of this result with our experience under the State-bank system for the same length of time, during which nearly one-third of them failed and the bill-holders lost $50,000,000, ought to be a conclusive argument against the change they propose to make.

The national banks now organized and in operation have a paid-up capital of $493,751,679 and a circulation of $320,000,000. They pay the Government annually over $7,000,000 in taxes and the States in which they are located nearly $10,000,000. What the result would be of forcing twenty-one hundred banks to wind up their affairs at once, withdraw all their circulation, and collect the $1,000,000,000 due to them, no human power could predict and no patriot would care to contemplate.

When the civil war came on, business very soon began to be depressed, credit was impaired because the Government was not responsible for the redemption of any of our money, and it was not until Congress, in 1864, passed the present banking act that our credit revived and that our paper stood at par in the commercial and money markets of the world. The widows, orphans, and pensioners in this country have, in pensions and deposits in savings-banks, a capitalized investment of $1,700,000,000, and the repeal of the national-banking law or the further inflation of the currency would work "instant and lasting injury" to them, by reducing the value and impairing the purchasing power of every dollar of their little store, which has come to them through pinching economy or valiant service in the field.

Mr. Speaker, no proposition in geometry was ever more clearly demonstrated than the fact that instead of a deficiency of currency we have too much: "too much machinery for the amount of work we have to do with it;" $200,000,000 hoarded or lying idle in the banks and no chance or opportunity to use it, is an argument which no sophistry can refute. It has been truly said upon this floor that the markets of the world are filled with good money, and if our currency was really deficient it would be made good out of those stores as soon as the cable could flash the news.

If we are to have resumption, how can it be brought about except by a contraction of our greenbacks until our currency shall come up to par?

Legislation gave us too much paper and legislation must retire it.

The cause of its depreciation is its redundancy, and this can be overcome only by its reduction.

Sir, I verily believe that it is as impossible to ever arrive at a sound standard of values and honest money without a limited contraction of the currency as it would be for the surgeon to remove the cancer without using the knife. For this reason it was a vital mistake, in my opinion, when Secretary McCulloch's scheme of gradual contraction was abandoned; for if it had then been persevered in the greenbacks would have been appreciated and we should have resumed specie payments long ere this without shock or derangement of the industrial interests of the country.

But that, sir, is no argument in favor of unlimited inflation, or against a re-adoption of the same policy without delay, as doubt and uncertainty will do more damage than some settled policy looking in that direction, even if it does not fully meet all the requirements of the situation; because during every month's delay millions of gold are exported, which the Government ought to retain by exchanging bonds for it at a rate of interest which will command the market.

Having now said all I desire to upon the evils of our present system of currency, and the solemn obligations we are under to return, at the earliest practicable moment, to specie payments and a sound measure of values, I shall now for a few moments examine the different remedies suggested, and indicate what seems to me as the most feasible of all the plans proposed for appreciating our currency, restoring confidence, and reviving the languishing industries and prostrate business of the country. And, sir, allow me to say that while I have my own opinions in reference to this question, I have no pet scheme, but will heartily join hands with any man in any measure which shall give reasonable assurance of success.

The policy of hoarding gold with which to purchase two or three hundred millions of greenbacks is, to my mind, not only objectionable, but absolutely absurd. Even if it was possible for the Government to accumulate such a quantity of gold, it would take years to accomplish it, and during all this time the interest on the coin thus hoarded would be lost, not only to the Government but to the world. If it should ever be deemed expedient to redeem the greenbacks by saving gold, the Government should do as any wise and prudent business man would do, as fast as it gets the gold, instead of hoarding it, use it to take up this unfunded greenback debt, thus saving the interest on the coin and appreciating the notes left outstanding.

The theory of purchasing greenbacks with surplus revenue hardly need be considered as affording any hope, because, although it is entirely unobjectionable and perhaps worthy of consideration, yet we have no surplus at present, and in all human probability shall not have for long years to come. This seems to leave but two modes of appreciating the greenback currency and resuming specie payments, which seem to offer any reasonable grounds of success: first, to authorize the Secretary of the Treasury to gradually fund it into long bonds at a low rate of interest; and, second, to sell the bonds and with the gold purchase the legal-tender notes for cancellation. In addition to this, any surplus coin in excess of the wants of the Government, if any could be saved, might be used for the same purpose.

The President, whose loyalty to sound values and honest money has never been questioned, in his last annual message suggested—

That the Secretary of the Treasury be authorized to redeem, say, not to exceed $2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent. per annum, of denominations ranging from $50 to $1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly

The Secretary of the Treasury, who has given much time and con-

sideration to this subject, and whose opinions have great weight with me, recommends in his last annual report that—

Authority be given for funding legal-tender notes into bonds bearing a low rate of interest. * * * It seems probable that a bond bearing interest at the rate of 4 per cent. would invite the funding of a sufficient amount of legal-tender notes to lessen materially the sum of gold which, in the absence of such provision, must be accumulated in the Treasury by the 1st of January, 1879, to carry out the imperative requirements of the act of January 14, 1875. If it be apprehended that authority to the Secretary to fund an unlimited amount of notes might lead to too sudden contraction of the currency, Congress could limit the amount to be funded in any given period of time. The process being in no sense compulsory as to the holders of United States notes, and the rate of interest on the bonds being made low, it is not probable that currency which could find profitable employment would be presented for redemption in such bonds. Only the excess of notes above the needs of business would seek such conversion. Authority to the Secretary of the Treasury to redeem and cancel two millions of legal-tender notes per month by this process would greatly facilitate redemption at the time now fixed by law, and besides would have the advantage of publicity as to the exact amount to be withdrawn in any given month. Bonds issued for this purpose should be of the denomination of fifty and one hundred dollars, and any multiple thereof, in order to meet the convenience of all classes of holders of United States notes.

Now, Mr. Speaker, I would, in addition to the power of funding the greenbacks, authorize the Secretary of the Treasury to issue, sell, and dispose of, at not less than par in coin, bonds of the United States redeemable after forty years, bearing interest at a rate of not exceeding 4 per cent. per annum, and use the proceeds in the purchase or redemption of legal-tenders; the redemption of said notes not to exceed a given amount per month, either fixed by law or left to the discretion of the Secretary, and said notes, when redeemed, to be canceled and withdrawn from circulation forever. This is a part of the plan presented by Senator MORRILL, of my State, and supported by a masterly speech by him in the Senate on the 6th of January last. In the mean time the national banks should be required to accumulate and hold a portion of their reserve and of their coin interest in gold, or coin certificates, in order to do their share and to be in readiness to act in concert with the Government on the 1st of January, 1879, in redeeming their own bills and any greenbacks then outstanding.

The first of these plans, the one I would most urgently press upon the attention of the House, as it would enable us to keep these bonds at home, is recommended by the President and Secretary in their last annual communications to Congress, as I have shown, and both plans are warmly commended by leading bankers and financiers throughout the country, among whom I am pleased to mention Hon. John A. Page, State treasurer of Vermont, and Sidney W. Rowell and Henry F. Field, bank-cashiers of long experience and high standing in that State.

The only serious objection which is made to the propositions I have stated is that it will contract the currency and thus still further depress and paralyze the business of the country and increase the burdens of the people.

The history of this subject from January, 1875, down to the present time, refutes every argument of that kind and proves that the slight contraction I advocate would be so gentle and gradual that it would not even provoke a ripple upon the sea of business and that the people would not know that any contraction was going on only from the published reports of the Secretary.

From January 14, 1875, the date of the passage of the resumption act, down to March 20, 1876, the national-bank circulation increased $13,989,340.

During the same time the legal-tenders retired under that act amounted to $11,056,608, leaving a net inflation of the currency in that period of $2,932,732 by that method of figuring.

But, to get at the facts and the true state of the currency, we must remember that a large amount of national-bank circulation was surrendered and that during that time $36,202,864 in legal-tenders was deposited for the redemption of the national-bank notes so surrendered. Says the New York Tribune in an able article upon this subject:

Thus it appears that while the free banking of 1875 has permitted an increase of circulation amounting to $2,932,732, the "laws of trade" have caused a contraction of the circulation amounting to $36,202,864. The net result is practically a withdrawal of $33,270,132 from that circulation, which the inflationists insist is much too small for the wants of trade.

Now, sir, let Congress meet this question squarely and manfully, with an honest determination to surmount all obstacles and settle it forever.

I would not only invest the Secretary of the Treasury with the powers I have indicated, but I would by law prohibit him from calling in any more of the bonds already issued till such time as the Government shall be prepared to pay all of its matured obligations in gold.

Sir, we must take no step backward. We must not suffer the act of January 14, 1875, to be repealed. We have already taken one step in advance in the passage of the silver bill, and this must be followed up by others, until the end is reached and the victory is achieved.

If Congress will obey the voice of the people and mature the legislation I have urged, it will not be long before the margin between gold and greenbacks will begin to disappear, foreign exchange will turn in our favor, helping us to keep the products of our mines at home, gold will flow in upon us from abroad, and in this way the Government, the banks, and the people will all be prepared for resumption at the same time, each bearing a share of the burden, which will come so gradually and quietly as to provoke no disturbance of the business of the country; confidence will be re-established, commerce revive, prices find a healthy level, values become settled, manufactures will again spring into life, the sweet music of honest industry will again be heard, and peace, plenty, and prosperity will once more smile upon our beloved country.

RESUMPTION OF SPECIE PAYMENTS.

Mr. BUCKNER. Mr. Speaker, I indulge the hope that the act of January 20, 1875, providing for the resumption of coin payments will be repealed by the majority of this House. If there were no other reason for its repeal than that it prescribes a time for resumption without the slightest evidence that permanent resumption can then take place, it would suffice to justify our action. Legislation at any time, fixing a period for resumption so long in advance, is not only useless but positively mischievous. It is as idle for Congress to name a day for resumption as it would be by legislative enactment to prescribe the number of bales of cotton that will be grown or the amount of grain that will be exported in 1878. The resumption of specie payments by the Government and the banks depends so much on the condition of the industries of this country, as well as the prosperity of other countries, between now and the 1st of January, 1879, that any attempt to unduly hasten it by such legislation cannot but be productive of evil. When the country is ready for resumption no legislation will be needed prescribing a period for its inception, and, until that period arrives, any legislation prescribing a time for resumption is not only vain and nugatory, but positively mischievous.

I can recall but one instance where legislative power has thus interfered, and the results of that interference were such as to warn us from imitating an example fraught with such dire calamities. I allude to the act of Parliament of April, 1820, compelling resumption in full by the Bank of England in 1823, to which I will hereafter refer. The Bank of France has been in suspension since the beginning of the Franco-German war, in 1870, and I have not heard that the French Parliament has appointed a time when it shall redeem its notes in coin. In this country, when the banks have suspended cash payments, resumption, like suspension, has been their own voluntary act. No State has ever attempted to determine for the banks when and how they should resume. And if we are to judge of the next three years by the past twelve months, every consideration of private interest and of public policy demands the repeal of this mischievous act. The country had reason to complain of the depression of business, the stagnation of trade, the increase of bankruptcy, and of the universal shrinkage of values for some years before the passage of this act; but how vastly these grounds of complaint have been multiplied since is known and read of all men in all sections of the Union.

This act was passed not in the interest of resumption, but in the interest of party. It was the offspring of supposed party necessities, and it became the law of the land not to restore specie payments, but to advance partisan ends. It was devised to heal the divisions in the republican party—concocted in secret conclave—and enacted under the imposition of the gag, without discussion and without amendment. It has served the purpose of its enactment, and is therefore *functus officio*. Why should it be retained longer upon the statute-book? If it was designed to bring about resumption in 1879, what are the ways and means by which this result is to be reached? There are none provided adequate to this end. The whole scope and intent of the act is to substitute the obligations of the national banks for those of the Government. Its chief and paramount purpose is to fasten upon the country and to perpetuate the national banks at the expense and by the withdrawal of the cheap and inexpensive issue of the Government. If specie resumption was its real purpose, how does it happen that no provision is made for the national banks redeeming their promises to pay in coin? The act gives the Secretary of the Treasury power to sell bonds with which to accumulate gold to redeem the greenbacks and fractional currency, and for that purpose he is also authorized to use any surplus revenue not otherwise appropriated. He has already sold bonds and purchased and coined silver exceeding $15,000,000, and which is locked up for the redemption of the fractional currency when he shall find it able to take care of itself in the channels of circulation. The national-bank circulation now amounts to three hundred and forty-eight millions, and is destined to be increased to over four hundred millions under the operation of this act. This circulation is now redeemable in legal-tenders, but in 1879 they will have been either funded in bonds, redeemed in gold, or will be made equal with gold. Are the national-bank notes not to be redeemed in gold after January, 1879? Or are we to have resumption by the Government and not by the banks? If by the banks, how, and by what process?

Where is their coin reserve to be kept—in the Treasury at Washington, in the vaults of each national bank, or at one of the redeeming agencies? What percentage of its circulation is each bank required to keep on hand to redeem its notes? There is no provision whatever made for the redemption of the notes of the national banks, in coin or anything else. As to everything touching these institutions, except their absorption of the greenback, this act is as silent as the grave. If it was intended that these banks should pay their notes in specie after January, 1879, the act fails so to declare, and we thus have an act to resume that does not resume, and makes no provision to resume. Instead of an act for resumption of specie payments, it is an act to extend and perpetuate the national banks, and

give them the monopoly of issuing an irredeemable currency, and filling the channels of circulation with "rag money." And what is still more worthy of remark is that neither the President in his late message, the Secretary of the Treasury in his annual report, nor the Comptroller of the Currency in his elaborate defense of the national banks, offers a suggestion or makes a recommendation which looks to compelling the national banks to redeem their notes in anything but lawful money of the United States, that is, greenbacks, of which there will be none in circulation in 1879, or, if in circulation, will be at par with gold coin. But to show conclusively that the object of this legislation is not resumption but rag money, in the shape of national-bank notes, both the President and Secretary Bristow recommend the funding of the legal-tenders, one in a long 3.65 gold bond and the other in a 4 per cent. bond, which shall be a basis for the issue of national banks. This would at once convert 90 per cent. of the outstanding legal-tender circulation into national-bank notes, and thus increase the capital invested in these banks by at least three hundred millions. It is, therefore, a mere pretext that this act of January 20, 1875, means resumption of coin payments. It means no such thing. It means the wiping out of the greenback currency, the increase of the interest-bearing debt of the Government by the sum of $413,000,000, and the increase of its anhual interest by the sum of at least seventeen and a half millions, and last, but not least, the surrender of the entire paper circulation for 40,000,000 of people to a comparatively few capitalists, with no obligation on their part to redeem their promises to pay in gold coin, or any provision of law compelling them to do so.

Nor is this the result of oversight, but of deliberate, well-considered purpose: All the wild, unreasoning clamor for hard-money specie resumption, honest money and against "inflation," rag money, and "repudiation," which, emanating from that large colony of eastern agents domiciled on Manhattan Island, is echoed and re-echoed by the subsidized press of the country, east and west, never was intended to apply to the rag money of the banks. Under the guise and mask of specie payments and hard money the sole object has been and is now to extinguish the legal-tender currency and to fill its place with the irredeemable notes of national banks, while the power and number of these institutions will be so augmented, enlarged, and ramified as to make them omnipotent in the legislation of Congress and in the control of the press and politics of the country. It is most obvious to the slightest reflection that the owners and stockholders of the national banks would not have been indifferent to the passage of the act of January 20, 1875, if they had believed that they were required to begin coin payments within the next three years. It would be a reflection upon their financial sagacity to suppose that they consider it possible that these two thousand banks, scattered all over the Union, could redeem their promises to pay in gold in 1879, either at their own counter or at the Treasury in Washington or elsewhere. While it must be admitted that the security of these banks for the ultimate payment of their circulation is undoubted and beyond question, it is equally clear, as well from reason as experience, that they have less capacity than almost any other kind of banks to redeem their circulation in coin. The bonds which a most generous Government pays these banks to take and deposit for the security of their circulation is their capital; and whatever means the bank has is exhausted by the purchase of the bonds. Unlike the old chartered banks, after their investment in bonds they live and move and have their being in credit and nothing else. If they issue their own circulation it is but borrowing from the people. Their deposits are debts to their customers, and all their capital having been exhausted in buying their bonds, and they being beyond their control, how can they be expected to keep a sufficient coin reserve to redeem their circulation? From foundation to turret the national banks are built upon credit, nothing else.

This fatal defect of the system—I mean their want of cash-paying power—was fully illustrated and tested by what was called the stock banks of 1853 and 1854. The general organization was the same as the present national banks, the bonds of the States being pledged for their circulation instead of United States bonds, and these bonds, as compared with gold, then were as valuable as the bonds of the United States are now. But when the financial storm came, when depositors and bill-holders wanted the cash for their deposits and for the notes of the bank, its vaults were innocent of specie; and great was the fall of that bank! And while this was true of all the stock banks, many of the chartered banks came out of the storm unscathed and unhurt and redeemed all their cash obligations. In truth, the central idea of the national-banking system is credit as contradistinguished from cash, and a convertible currency and a national-bank circulation are wholly incompatible and incongruous.

When, at the close of the great struggle between France and the allied powers of Europe, it was proposed in the English Parliament that the Bank of England should resume specie payments after a suspension of nearly a quarter of a century, the "currency question" was the overshadowing topic of discussion throughout all England. Politicians and philosophers, theorists and "economists," school-men and book-worms, were generally then as now for immediate resumption; but the sagacious directors of the Bank of England protested against it as a measure "fraught with great perils, and which would compromise the universal interests of the empire in all its relations of agriculture, manufactures, commerce, and revenue." They were not satisfied with the theory of Ricardo, one of the most influential of the economists, that specie resumption would not affect the value of all commodities over 3 per cent., but their resistance was to no purpose. And if the directors and officers of the national banks believed that these institutions would be compelled to redeem their circulation within three years from this day, the corridors and lobbies of the Capitol would have swarmed with these gentlemen when this act was under consideration in caucus, and they would be here now imploring this Congress to erase it from the statute-book. They made no opposition to its passage and make no appeals for its repeal because they understand that, so far as it may appear to require specie redemption of their circulating notes, it is a fraud and a sham. They appreciate at its proper value the franchise of a too liberal Government, by which they are paid by the people as well as the Government to furnish circulating notes for the vast and increasing population of America; but until the field of circulation is cleared of all competition, until the greenback is forced out of existence and they become sole monarchs of all they survey, they willingly join in the game of deception and fraud by which the people are to be hoodwinked and cheated into the belief that specie resumption and coin payments by the Government and the banks will be inaugurated in 1879.

Mr. Speaker, I denounce this hard-money clamor as a bold, barefaced, and wicked deception, and instead of desiring resumption of specie payments, the chief end and purpose of the eastern moneyed power is to enlarge and perpetuate the national banks, and to secure the uninterrupted reign of "rag money" and the "rag baby."

Beyond question there are many and grave, if not insurmountable, difficulties in the way of resumption by the Government or the banks. The unprosperous condition of the industrial classes; the immense burden of debt, individual, city, county, corporate, and State; the large amount of capital sunk in unprofitable works of improvement; the heavy drain entailed upon the resources of the country by its contributions to the payment of the public debt and interest since the war, exceeding in amount the total value of all the taxable wealth of the Union in 1820; the decline in the productive wealth of the late slave States; the inefficiency and thriftlessness of their laboring population; and the maladministration, profligacy, and official corruption which have characterized the governments of many of these States for years past, all combine to present a most formidable barrier to a successful and permanent resumption. It may be doubted whether all these causes aggregated offer such serious obstacles to maintaining permanent specie payments as the national debt, amounting on 1st of July last to twenty one hundred and twenty-eight millions and the interest-bearing debt being the sum of seventeen hundred millions.

What proportion of this debt is held abroad cannot be ascertained with any exactness. It is estimated by good authorities that the annual gold interest due by the Government and payable abroad, together with interest due by States and corporations, and which is a yearly drain upon the resources of this country, does not fall short of two hundred millions. If we have no exportable productions with which to pay this interest it must be paid in gold, and in addition to whatever balance of trade that may be against us must be taken into the account in ascertaining our ability to successfully maintain specie payments. It would seem to be the extreme of folly to increase this gold drain and at the same time increase our interest-bearing debt by funding a non-interest-bearing debt, unless overruling necessity demands it. But this is just what the pretended resumption act of last year does or provides for doing. It looks to a conversion of the greenback and fractional currency, aggregating in round numbers $413,000,000, into bonds bearing from 4 to 5 per cent. gold interest, and thereby makes an addition of at least seventeen and a half millions to the burdens of the people annually in the shape of interest. At simple interest the people will have paid $525,000,000 in interest alone at the end of thirty years, and both principal and interest become a continuing bar to the successful maintenance of coin resumption. What possible justification can there be for thus placing additional impediments in the way of resumption? Is not our interest account large enough, and its payment difficult enough, without adding to its volume? If resumption be so important for the prosperity of the people, and their advancement in wealth and material production, why put obstacles unnecessarily in its way? Does any sane man doubt that specie payments can be more certainly effected and maintained by the Government than by the banks? And is there a shadow of doubt, but for the relentless war of eastern bankers and money kings against the issue of the Government, that, with a tithe of the legislation they have secured for the bonds of the Government, the money of the people would be at par with gold instead of at a discount of 10 to 15 per cent?

It may be asserted without the fear of successful denial that the immense indebtedness of the Government, of the States, and of corporations, municipal and public, offers the great impediment to successful and permanent resumption—if, at present, and for many years to come, it does not form an absolute and insurmountable barrier. For myself, I do not hesitate to assert that there is but one road to resumption, and that road leads to the extinction or recall of our national debt. So long as a large proportion of our debt is held abroad we are at the mercy of our foreign creditors, and it is just as true among nations as it is among individuals that the borrower is the slave of the lender. This is especially true when applied to a

debtor people, providing for the payment of its obligations in the world's currency, which at the same time performs the functions of money and is an article of merchandise and commerce in the same sense that wheat, cotton, or tobacco is. Like other articles of merchandise, it is governed by the same law of supply and demand—its abundance in one country rendering it cheap there, and causing it to flow to other countries where it is more in demand and dearer, because of its local scarcity. We have the authority of the great financier, Mr. Biddle, so long the president of the Bank of the United States, that the universal suspension of the banks in this country in 1837 was caused primarily by the short crops of grain in Great Britain, which were supplemented by purchases on the Baltic, and paid for in gold extracted from this country in payment of debts by our merchants. A war in Europe or a great political disturbance on that continent—a short crop of cotton here or a superabundant crop of grain in Europe, so that there could be no profitable shipment of our cereals, would produce a similar drain upon our gold reserves.

We may conceive of the existence of a state of things liable to occur at any time, either here or among any of the great commercial nations of Europe, that would cause large amounts of our gold bonds to be sent home for conversion and the proceeds remitted to the holders. It must be apparent that the increase of our bonded debt, which from the rate of interest as well as the time the bonds have to run will find their way to Europe, is a step not in the direction of permanent resumption, but in the direction of suspension and financial collapse, with all their attending calamities. And I cannot but look with suspicion and distrust upon any attempt needlessly to increase that debt, especially when it comes in the guise of hard money and cash payments. It is impossible to resist the conviction that some other motive than the one professed is at the bottom of this effort to increase our foreign debt. I am safe in saying that the real motive grows out of a determination to supplant our greenback circulation with that of the national banks.

I have thus far, Mr. Speaker, considered the question of the currency as if the resumption of specie payments, especially by the banks, was a mask and disguise, and as if it was neither expected nor desired to resume at the time indicated in the act of January 20, 1875. I have treated this act as having no other purpose than to saddle upon the country the most odious, the most expensive, and the most dangerous monopoly that ever had an existence in the history of the world, with enlarged and constantly augmenting powers of mischief. It is my purpose now to assume that the real purpose of this act and whatever supplementary legislation it may require to enforce resumption is what it professes and purports to be, the restoration of specie payments by the Government and the national banks within the next three years. In this aspect of the subject, is it possible or practicable to resume specie payments by the banks and Government the 1st of January, 1879? And what I may have to say is not predicated upon a temporary or illusory resumption, but an actual *bona fide* and permanent resumption, a resumption that resumes in fact, and will not cost the country more than it is worth and will not cripple and destroy every other interest than that of capital and money.

The Secretary of the Treasury evidently places no reliance upon the plan of selling bonds for gold, and by this means providing for the redemption of the three hundred millions of legal-tender notes which will be outstanding on the 1st day of January, 1879. He says, "it may be doubted whether the process of accumulating a large amount of gold by a given time could go on without meeting opposition from the financial powers of the world," and instead of relying upon this means (which is alone provided by the act of January, 1875) to redeem the greenback circulation, he recommends a 4 per cent. long bond by which to absorb the three hundred millions of greenback circulation. If the hoarding process is adopted, or if the 4 per cent. bonds absorb and take up the greenback circulation, as is contemplated, the only paper circulation left to the country January, 1879, on the supposition that silver takes the place of the fractional currency, would be the national-bank circulation of $348,216,902, with the possible increase of eight-tenths of $382,000,000 of legal-tenders, less $82,000,000, say $65,000,000; making the sum of $413,216,902.

This is the programme whereby, if either of these means be adopted, the greenbacks are to disappear altogether. If the 4 per cent. bonds, as recommended by the Secretary, should become the basis of national-bank issues, which is more than probable, this sum of paper circulation would be increased by the sum of $270,000,000. This would give as the sum of paper circulation $683,000,000 on the 1st day of January, 1879, less by seventy-nine millions than that circulation amounted to on November 1, 1875, and equivalent to a contraction of twenty-six and one-third millions annually for the next three years. When it is recollected that within the next three years we shall make an increase of population of not less than two millions and a quarter, that in despite of financial mismanagement our productions are keeping pace with the growth of our population, farms are multiplying, towns and cities are being built and populated, and there is growth, expansion, and increase in almost every branch of industry, while the means and instruments of exchange are thus decreased, such a turn of the contracting screw may well strike terror into the stoutest heart.

Contraction of the currency has been the only means brought into requisition by the devotees of gold in order to bring the country to resumption, and it will no doubt be carried on to the end of the chapter, let the consequences be what they may to those who are so unfortunate as not to belong to the creditor class. But how much more appalling the picture, if from any cause the 4 per cent. bonds by which the three hundred millions of greenbacks are to be absorbed and canceled shall not become the basis of another brood of national banks. The paper circulation will then stand at the sum of four hundred and thirteen millions, against seven hundred and sixty-two millions on the 1st day of November last. I have no fear that any public man, party, or administration will ever have the hardihood so to contract the volume of currency; and yet in my judgment, if we are to reach resumption by contraction of the paper circulation within three years, this amount of contraction is absolutely necessary to reach that end.

Whether resumption reached by a reduction of the circulation in three years of 45 per cent., involving a still more disastrous fall in the prices of all commodities, the closing of factories, of ships rotting at our wharves, of labor unemployed, of store-houses deserted, the public revenues decreased, and the pressure of debts between individuals trebled, would be worth the sacrifice, I leave to those whose reverence for the golden god is much more developed than mine. I think it much safer to assume that the circulation of paper money will not be reduced to less than the sum of $683,000,000. And the question arises, what amount of gold will be needed to enable the banks to make this amount of circulation convertible? We can only arrive at a correct conclusion on this subject by the experience of our own and other countries.

In 1857 the aggregate paper circulation of the United States was two hundred and fifteen millions, and the Secretary of the Treasury in his report of that year estimated the amount of coin in circulation and in the vaults of the banks and the treasuries of the United States at two hundred and sixty-five millions. Here we have, according to the best authorities on the subject, more coin than paper money to sustain this circulation; but we know as a matter of fact that it was not sustained, but convertible paper money, as it seldom fails to do, lost its convertibility, the banks all suspended, and a monetary panic swept over the country like a tornado, prostrating commerce and industry and carrying ruin and bankruptcy to thousands. The Director of the Mint estimates the amount of coin in the country at this time at $142,000,000; but if the banks failed and went into suspension in 1857, with more gold in the country than there was paper by fifty millions, it certainly will require all of four hundred millions to sustain a paper circulation of six hundred and eighty millions in 1879. Does any one believe that we shall have that sum in the country in January, 1879, or that we can retain it if it were here?

If we go to Great Britain for her experience on this subject it will be found that the aggregate paper circulation of the Bank of England and all other banks of issue does not exceed $225,000,000, and the estimated amount of coin in circulation is $525,000,000, exclusive of that held by the bank. Speaking of the bank reserve, (some twelve years ago,) the author of the Science of Finance says when "the stock of gold in the bank is at its ordinary sum (say $70,000,000) the export of ten or fifteen millions of gold suffices to produce a dearth of money and a serious commercial crisis." This extreme sensitiveness of the bullion market was illustrated while Secretary Boutwell was at the head of the Treasury, both in the payment of the Alabama award and when he had sold United States bonds in London amounting to $21,000,000. In both cases he says that the Treasury Department was "compelled" to leave the gold in London and to invest these sums in American securities by the influence of the bank and "by diplomatic arrangements here operating upon the Treasury Department."

It is well known that this bank reserve is watched with the most jealous care, and several times this "wonderful organization of credit," within the last thirty years, has been upon the verge of suspension, notwithstanding its heavy reserve and notwithstanding the large sum of metallic money in the hands of the people and in the channels of circulation. Even when it has escaped suspension, it has been by the exercise of sovereign power in increasing the rates of interest as much as from 3 to 10 per cent. within a few weeks, and thus indirectly prohibiting the export of specie, and while saving itself has brought ruin to thousands of merchants and traders, and scattered panic, consternation, and commercial distress throughout the kingdom. Shall we arm our national banks with this power to save themselves at the expense of the public interest? And if they were vested with such authority, is it likely that they could protect themselves against suspension and insolvency?

The latest and most reliable statement of the condition of the Bank of France accessible shows that about a year ago its paper circulation stood at $509,500,000, and the specie reserve at two hundred and sixty-four millions, or more than 52 per cent. The amount of gold and silver coin in circulation, inclusive of the bank reserve, is variously estimated at from ten to twelve hundred millions, and according to American ideas of banking it would appear that the Bank of France could resume specie payments with safety at any time. It is, however, still in suspension. It is not improbable that a remarkable event in the history of this bank may have taught its managers a lesson which our financial managers could study with profit. On the 12th of May, 1854, the coin and bullion held in the vaults of the bank were eighty millions, for the redemption of a note circulation of one hundred and thirty millions. By the month of October, 1855, its specie had been reduced to forty-five millions, and in March following the paper circulation stood at one hundred and twenty-five millions, and the bullion at forty-two millions. It appears from the pub-

lished accounts of the bank that from July, 1855, to December, 1856, a period of about eighteen months, the bank purchased and imported into France, at a cost of $2,150,000, the enormous sum of $136,800,000, in order to sustain its paper circulation, and the figures show that as fast as it was drawn into the bank it was drawn out and exported.

I have collated these facts and submit them to the House to show the impossibility of our maintaining specie redemption in 1879 by any means at our command. If we contract the paper circulation even to the amount of the present bank-note circulation it would be a perilous experiment, fraught with ruin and destruction to every interest but that of the bondholder and money-lender; and as when Secretary McCulloch began to carry out his programme of resumption by hard, relentless contraction, the people from all parts of the country called a halt upon his policy, so now if this Congress shall again try the heroic treatment this Hall will never know us again forever, and every vestige of this resumption act would be effaced from the statute-book by another Congress. And with a larger paper circulation than I have stated, the experience of Great Britain and France, as well as our own, shows conclusively that resumption in 1879 will result in a disastrous and calamitous failure.

Mr. Speaker, it has often been a matter of wonder and astonishment that in our servile imitation of so many things English we should go so far as to copy even her mistakes and the blunders of her statesmen. We adopt English ideas of banking, finance, and taxation, and blindly accept the theories of her "philosophers" and her political economists, and we refuse to be warned of their errors or their sophistries. That the return to specie resumption by the Bank of England by virtue of what is known as Peel's bullion act was a mistake fatal to almost every interest in Great Britain, is now universally conceded. Greville, in his Memoirs of George IV and William IV, volume 2, page 145, speaking of Sir Robert Peel, says:

If we look back through the long course of Peel's life and inquire what have been the political measures with which his name is particularly connected, we shall find, first, the return to cash payments, which almost everybody now agrees was a fatal mistake, though it would not be fair to visit him with extraordinary censure for a measure which was sanctioned by almost all the great financial authorities.

This measure, so prolific in misfortune to the people and so ruinous to the productive industries of Great Britain, was sanctioned by the leading statesmen and political economists of the day, and was engineered through Parliament in great part by Ricardo, a writer on political economy of no mean pretensions. The similarity in the condition and surroundings of the two countries and the result of the English resumption policy ought to be a warning to us not to follow too closely in the footsteps of her statesmen. Never has experience so effectually refuted the false theories which entailed upon England such fearful calamities. The Bank of England was in suspension about twenty-five years, from 1797 to 1821. The war with Napoleon terminated in 1815, and during the whole of this terrific struggle the prosperity of England in all departments of industry never was at a higher pitch. By the terms of the acts legalizing suspension by the bank from time to time the resumption of specie payments was wholly within the discretion of Parliament, and from 1815 till the resumption act, known as Peel's bill, in 1820 became the law of the land the currency question overshadowed all others. By this act resumption was to begin on the 1st of February, 1820, in part, and resumption in full to take effect by the 1st of May, 1823. Contraction, stern and relentless, was enforced by the Bank of England and all the country banks, the entire circulation of the empire having fallen from two hundred and thirty-two millions in 1818 to one hundred and twenty-nine millions in 1822, and the discounts of the Bank of England dropped down from fifty-seven millions in 1816 to five millions in 1821. The debt of England had increased from $1,100,000,000 in 1792 to $4,000,000,000 in 1815.

The resemblance between the prominent facts in the history of England and those of our own up to the passage of the resumption act of 1875 must arrest the attention of the most careless observer. It may be said that they run in parallel lines; and if our financial managers had not been deaf to the lessons of experience, and had not yielded such implicit obedience to the speculations of schoolmen and the vagaries of the closet, America should have been spared the misfortunes and calamities that befell England from 1820 to 1845. Sir Archibald Alison, in his History of Modern Europe, volume 2, pages 398–400, thus speaks of the effect of this legislation:

The effects of this extraordinary piece of legislation were soon apparent. The industry of the nation was speedily congealed, as a flowing stream is by the severity of an arctic winter. The alarm became universal, as widespread as confidence and activity had been. The country bankers who had advanced largely on the stocks of goods imported refused to continue their support to their customers, and they in consequence were forced to bring their stock into the market. Prices in consequence rapidly fell; that of cotton in particular sank in the space of three months to half its former level. The country bankers' circulation was contracted by no less than five millions sterling. The entire circulation of England fell from £48,278,000 in 1818 to £40,928,000 in 1820; and in the succeeding year it sunk as low as £34,145,000. Nothing in this disastrous contraction of the currency at a period when its expansion was so loudly called for sustained the national industry or averted a general bankruptcy but the fortunate circumstance that the obligation on the bank to pay specie was by the act of 1819 only to commence on the 1st of February, 1820, and this enabled that establishment in the preceding autumn, when the crash began, not only not to contract its issues, but even in a slight degree to increase them.

The effects of this sudden and prodigious contraction of the currency were soon apparent, and they rendered the next three years a period of ceaseless distress and suffering in the British islands. The accommodation granted by bankers diminished so much, in consequence of the obligation laid upon them of paying in specie when specie was not to be got, that the paper under discount at the Bank of England, which in 1810 had been £23,000,000, and in 1815 not less than £20,660,000, sunk in 1820 to £4,672,000, and in 1821 to £2,676,000. The effect upon prices was not less immediate or appalling. They sunk in general, within six months, to half their former amount, and remained at that low level for the next three years. Imports sunk from nearly £36,000,000, in 1818, to £29,769,000 in 1821; exports, from £45,000,000 in the former year to £35,000,000 in the latter. Distress was universal in the latter months of the year 1819, and that distrust and discouragement were felt in all branches of industry, which is at once the forerunner and the cause of disaster.

In a debate in the House of Commons in 1821 Mr. Baring thus speaks as to the effects of the contraction of the currency:

Looking at the facts growing out of the contraction of the currency, it is material to show what is the state of the country in this the sixth year of the peace. Petitions are coming in from all quarters remonstrating against the state of suffering in which so many classes are involved and none more than the agricultural class. When such is the state of the country in the sixth year of peace, and when all the idle stories about overproduction and underconsumption and such like trash have been swept away, it is natural to inquire into the state of a country placed in a situation without a parallel in any other nation or time. No country ever before presented the continuance of so extraordinary spectacle as that of living under a progressive increase in the value of money and decrease in the value of the productions of the people. It appears clear that from the operations of the currency we have loaded ourselves not only with an immense public debt, but also with an increased debt between individual and individual, the weight of which continues to press upon the country and to the continuance of which pressure no end can be seen.

In the Financial, Monetary, and Statistical History of England, by Doubleday, we have the following summary of the effect of this legislation:

As the memorable 1st of May, 1823, drew near, the country bankers as well as the Bank of England naturally prepared themselves by a gradual narrowing of their circulation for the dreaded hour of gold and silver payments "on demand," and the withdrawal of the small notes. We have already seen the fall in prices produced by this universal narrowing of the paper circulation. The effects of the distress produced all over the country, the consequence of this fall, we have yet to see.

The distress, ruin, and bankruptcy which now took place were universal, affecting both the great interests of land and trade; but among the landlords whose estates were burdened by mortgages, jointures, settlements, legacies, &c., the effects were most marked and out of the ordinary course. In hundreds of cases, from the tremendous reduction in the price of land which now took place, the estates barely sold for as much as would pay off the mortgages, and hence the owners were stripped of all and made beggars.

Pages of the same work are filled with the details of the misery and calamity of the English people, the effects of this measure.

In 1822 a resolution was offered in Parliament for a committee to consider the effect of the act for resumption on the agriculture, commerce, and manufactures of the kingdom, and in the debate growing out of that motion Mr. Atwood, who had stood alone in opposition to the resumption act, said:

In the year 1818 the average price of wheat was eighty-four shillings per quarter; and if the present price be taken at forty-seven shillings, that is a reduction on wheat of thirty-seven shillings, which is equal to a fall of £45 in every £100, or 45 per cent.

The price of iron in the year 1818 appears to have been £13; that price is now £88 per ton, and is equal to a reduction of about 40 per cent.

The price of cotton in 1818 was one shilling, and it was sunk to sixpence per pound, which is a fall of 50 per cent. on cotton.

Wool in the year 1818 sold at 2*s.* 1*d.*, which now sells for 1*s.* 1*d.*, and there is, therefore, in wool a fall of nearly 50 per cent.

The fall that has taken place, therefore, since 1818 in iron, in cotton, and in wool is as great as the fall in wheat. These are the great staples of commerce, and the average of the fall upon all three is 45 per cent., being exactly the reduction in grain.

This is recommended to the consideration of those who tell us of overproduction and an excessive cultivation of corn-land; but I refer also to a table compiled by Mr. Tooke, which contains a list of the principal articles of commerce and manufactures, thirty in number, which exhibits the same fall of 45 per cent. in all the articles except indigo, the price of which has been sustained, as I am informed, by circumstances of an exceptional kind.

The fall, therefore, is not peculiar to the products of agriculture, but is universal and has embraced every article of industry and every article of commerce. This fall of prices must have been produced by one of two causes—either the quantity of all commodities has increased, or the quantity of all money has diminished. One of these must of necessity have occurred, for the proportion is altered. Are we to believe that great changes have suddenly taken place in the productive powers of nature or the resources of art, so as to account for this sudden and universal fall in prices?

Is it likely that production in all the branches of industry, agricultural and manufacturing, would go on for three years constantly increasing in the presence of a constantly diminishing price? Evidently, it is not so.

In the midst of this fall of prices what operation in business could proceed without loss or ruin? There has been no form in which the capital of the merchant, none in which the capital of the manufacturer, could be invested without the half of it being sacrificed during this calamitous period. We have been thrown back upon a condition of society in which all industry and enterprise have been rendered pernicious or ruinous, and where no property is safe unless hoarded in the shape of money, or lent to others on a double security.

The effect upon labor and its diversified interests of the resumption act of 1819 was not more disastrous and depressing than upon the revenues of the country. Between 1815 and 1821, $640,000,000 was raised and applied to the payment of the public debt; from 1821 to 1836 only two hundred and forty millions was so applied, and from 1831 to 1841 there was a deficiency in the revenue and a slight increase of the public debt. That inestimable blessing, as predicted by Mr. Cobbett, has become as much of a fixture as its ecclesiastical establishment or its nobility; and the people of England begin to realize, as Americans do, "that no currency but one that was able to sustain a great war need be expected to liquidate its cost."

We may find some excuse for the chosen people of God when, after years of hardship and tribulation they forgot their deliverer from Egyptian bondage and the miracles by which Jehovah had brought them on their way to the land flowing with milk and honey, they made unto themselves a golden calf, and fell down and worshiped

it. Four hundred years of debasing servitude had effaced from their minds all idea of a spiritual, invisible God, and with false and blasphemous lips they cried out before the idol of Aaron's hand, "These be thy gods, O Israel, which brought thee up out of the land of Egypt." I say we can find some palliation for this act of daring wickedness and impious sacrilege in the gross darkness and deep degradation of the weary, wandering, and unbelieving descendants of Abraham and Isaac. But what apology can be offered, what justification can be made for the folly and wickedness of our financiers and their blind idolatry of gold, in closing their eyes and ears to the experience of England, and forcing the American people to travel the same road to commercial ruin, to the destruction of all their industrial interests, and to the aggrandizement of wealth and capital? Have we not worshiped at the shrine of the golden calf long enough? Have we not tasted sufficiently of the fruits of contraction? Have we not drank of the waters of bitterness long enough to satisfy the avarice of the usurer and the capitalist, as well as the crudities and crotchets of the theorist? Is there to be no end to the insane attempt to bring us to an impossible specie basis? Are we to be forever fed on delusions, shams, and cheats? Are we to sacrifice all the great interests of the country to the selfishness and greed of the money-dealers, bankers, and capitalists of the country, in the vain effort to secure a mere fiction—an unsubstantial "ideality"—a convertible currency? We should be warned by the experience of England, as well as our own, to call a halt in this ruinous and abortive policy of contraction, and abandon for years to come this delusion of a convertible currency.

I appreciate the importance, if not the necessity, of our having a monetary circulation of equivalent value with the currency of the world, it matters not what that currency may be; and having the most decided conviction that the framers of our Constitution intended to institute a hard-money government, I do not doubt that when the Government has obligated itself to pay a certain sum in dollars, the only fair and reasonable construction of such an obligation is that it is to pay so many grains or ounces in gold or silver, and nothing else can be made a legal tender. Nor do I give countenance for a moment to that construction of the Constitution which gives this Government powers in war that it does not possess in times of peace, and which authorizes Congress to enact laws which may be either within or without the scope of its delegated authority, according to the exigency or the pressure of surrounding circumstances. The Constitution was made for war as well as peace, and its powers are ample to protect the people and preserve the Government amid the conflict of arms as well as in the piping times of peace. Hence, while I yield to the authority of the legal-tender decisions of the Supreme Court, they do not have the approval of my judgment. The argument against the power of Congress to make anything but gold and silver a legal tender may be presented within a very narrow compass, and must be conclusive upon all who recognize the democratic canons of constitutional construction. This Government has no powers except what are specifically delegated or necessarily implied to carry out the delegated powers. The prohibition against the exercise of this power by the States gives no additional power to the General Government, and is a persuasive reason that the framers of the Constitution did not design that the General Government should do that which the States were prohibited from doing. There being therefore no expressly delegated power in Congress to make paper money a legal tender, and the exercise of this power not being necessary to carry into effect any of the express grants of power, it cannot be exercised by the States because of the prohibition, nor by the National Government, because the power is not specifically granted, nor is it necessary to carry out any express grant of power.

Nor is there any inconsistency between these views and opposition to forcing specie payment at the sacrifice of all other considerations, or preference of the direct issues of the Government over those of banks, guaranteed by the credit and resources of the Government. Specie payments by the Government or the banks, either now or in the near future, is an impossibility; but specie values are not only possible, but entirely practicable. If, as I have said, the Government had directed a tithe of its energies to appreciating the market value of its bonds, on which it paid no interest, which it has employed to appreciate and make more valuable its bonds bearing interest, I doubt not they would now be as relatively valuable as the forced circulation of France is. Nor, in my judgment, would the fact of their being deprived of their legal-tender quality tend to depreciate them in the slightest degree, provided they occupied, without any competitors, the entire field of paper circulation, and become, as they necessarily would, receivable for all taxes, national, State, and municipal.

For reasons hereafter given, discretion would have to be vested in the Secretary of the Treasury either to redeem these Treasury notes in gold or in an interest-bearing bond of par value, at his option, or to pay them when presented at the market value of gold instead of its mint value, in order to prevent the drain of a commodity so fluctuating as gold. But that such a paper token would be infinitely preferable to the issues of banks, either State or national, and would fulfill all the conditions of a uniform, cheap, and safe circulating medium is demonstrable both from reason and experience. Aside from the obligations of the Federal Constitution, and as an original proposition, it may admit of serious question whether the commerce, trade, and monetary transactions of this country and the world have not outgrown the use of metal as a circulating medium for domestic purposes. The general adoption of paper money among the most commercial and civilized nations of the world for the purposes of domestic circulation, not as a representative but as a substitute for coin, would seem a practical confession that the metals are inadequate for the business purposes of the world, and are only useful to liquidate balances among nations and peoples.

The theory that the circulating medium of a country must possess intrinsic value is comprehensible when applied to an exclusively metallic circulation or to a paper circulation such as that of the Bank of Amsterdam, which was a certificate of deposit of so much coin in its vaults. But the commerce and monetary arrangements of the world have progressed far beyond this point. Paper money has ceased to be a mere representative of coin, but an actual substitute for it, and its convertibility into coin has become a financial fiction. It passes current purely and simply on the credit of the issuer, and the idea that it can be converted into coin rarely enters into the mind of those among whom it circulates. The use of the precious metals was no doubt a great advance on the barter of barbarism and the cattle money of Abraham and Lot; and the certificates of the goldsmiths of London and of the banks of Venice and Amsterdam indicate a still higher civilization and a greater adaptation to the needs of society and commerce. Paper money is the outgrowth of a condition of things in the state where order reigns, rights are respected, and honor and good faith are observed among men, and its free circulation depends upon confidence, and not upon whether it can be converted into gold or silver. Herbert Spencer, one of the most original thinkers of the age, is not far from the truth when he says:

> The greater the prevalence of fraud, the greater will be the number of transactions in which the seller will part with his goods only for an equivalent of intrinsic value; that is, the greater will be the number of transactions in which coin is required, and the more will the metallic currency preponderate. On the other hand, the more generally men find each other trustworthy, the more frequently will they take payment in notes, bills of exchange, and checks; the fewer will be the cases in which gold and silver are called for, and the smaller will be the quantity of gold and silver in circulation.

It is one of the axioms of the economists that a circulating medium must have intrinsic value, and they tell us that gold and silver were made for that express purpose by the Creator of all things. But no sooner have our minds taken hold of this fundamental truth than they inform us that these metals are so expensive, so unwieldy, so liable to loss, that it is absolutely necessary to replace them with something that has no real or intrinsic value. They prove by specious and plausible arguments that money must be a veritable reality, and in the next breath they prove that this reality must be necessarily replaced by a ficticious substitute that has no real value. In order to escape from this contradictory dilemma, they tell us that their paper substitute is convertible into gold at will, and therefore is just as good as gold. But the reverse is true in fact, and your paper money is convertible when you do not want it, and inconvertible when you do. The convertibility of bank paper ever since it has been issued as a substitute for coin, and not its representative, has been a fiction and a delusion. When times are prosperous, business remunerative, and there is no demand for gold, you can have your bank-bill converted into gold or silver; but let a panic set in, let there be wars or rumors of war, let too much rain or too little leave the labor of the husbandman without reward and you should want your bank-note converted, the gold is not there for you. If your note is converted into cash, it has been accomplished oftentimes by cutting off accustomed discounts, curtailing the amount of this convertible paper, refusing to make loans, and thus paralyzing the legitimate operations of business and spreading bankruptcy and financial ruin through the country.

Convertibility is as false in fact as it is unsound in theory. We need not go abroad for examples. The history of America is crowded with evidences of its utter fallacy. Scarcely a decade has been numbered with the past that we have not had a commercial crisis and a monetary panic. Within the memory of the living the panics and suspensions of 1819 and 1820, of 1837, 1857, and 1861 have occurred, and all of them traceable directly or remotely to this financial fiction and its synonym, specie payments. A movement of one-tenth of the large reserve kept in the Bank of England is the sure forerunner of a commercial storm that sweeps like a hurricane over the British islands, and often leaves its marks among the remotest nations of the world. If it has not suspended specie payments as often as the banks of America, and its convertibles have not become inconvertible, it is because its power is supreme and autocratic, and it hesitates not to save itself by increasing its rates of interest to such an extent as to stop the movement of gold, bankrupt its customers, and spread panic and consternation through all the channels of commerce. Can a system which brings forth such fruits be worth preservation? "Do men gather grapes of thorns, or figs of thistles?"

And yet it is the necessary, inevitable, and logical result, demonstrable as well by reason as experience, of the theory that we must have a paper-money substitute for gold based upon gold and convertible into gold at all times. The precious metals are commodities, and must be treated as such. Like all other commodities, as wheat, iron, cotton, &c., they must share their fate, and will rise or fall in value according as they are plenty or scarce in the markets of the world. Their small bulk in proportion to their value and their facility of transportation render their fluctuation in value more rapid and frequent than most other commodities. A highly prosperous condition of this country, large crops of cotton, cereals, and provisions sold

abroad at high prices, would ordinarily bring to us a heavy flow of the precious metals. This in turn produces a decline in the value of gold here in comparison with other commodities from its superabundance, and immediately it is shipped abroad. The same effect takes place when we have a short crop or large crops with low prices, or when there is a heavy demand for gold abroad from any cause. It matters not whether we have plenty or scarcity, good crops or bad; whether we have domestic prosperity or foreign disaster, the drain of the world's currency will go on; and if from any unusual cause it becomes intensified, monetary panic and commercial distress, if not bank suspension, will surely follow. So common have these seasons of pecuniary distress become that they are beginning to be regarded as inevitable as death, and we resign ourselves to our fate in hopeless despair. Never in our history has this country been so free from such panics as within the last fourteen years; and it must be obvious that, with a currency convertible into gold, the export of so large an amount of gold and bullion during the last fiscal year as reported by the Secretary of the Treasury would in all probability have produced a suspension of the banks with all its attendant calamities. I do not doubt but our true policy is to establish and maintain a non-exportable and a domestic currency, for many long years to come at least.

The solution of our financial problem is full of difficulties and embarrassments in its best aspects; but it must be apparent to any who have given the subject even a cursory consideration that these difficulties are vastly multiplied by the presence of two kinds of circulation, each endeavoring to supplant the other. If we had but one, in undisputed possession of the field, the problem would be greatly simplified. But we have in this currency question another illustration of the inferior attempting to supplant the superior, of the bottom rail taking the place of the top; and it is this conflict between opposing and conflicting interests which excites class, sectional, and individual animosities, obscures the judgment, confounds the real issues involved, and adds greatly to its real embarrassments. If the people of the United States were called upon to pass upon the real question at issue, which in the natural order of things must first be passed upon and finally adjudicated before other extraneous questions are considered; if they were required to make up a judgment on the elaborate argument of the Comptroller of the Currency in behalf of the national banks, presented to the country with all the zeal of an advocate with a fat retainer in his pocket, and the argument of my distinguished friend from Pennsylvania [Mr. KELLEY] in behalf of the greenback and his interconvertible scheme, the currency problem would be greatly simplified and its solution comparatively easy. But this, unfortunately for the cause of truth, is not permitted to them. Beyond doubt the primal question to be disposed of by Congress is who shall furnish the paper circulation of the United States? Shall the banks or the Government furnish it? Shall we pay a few individuals to supply the instruments of exchange for our people at a cost of twenty millions per annum, or shall it be furnished by the Government for nothing? This is the first question to be passed upon; and yet it is studiously kept out of view, covered up, and concealed by others of secondary grade. It is driven into the background by simulated efforts at resumption and by false clamors for specie payments and hard money, when resumption by the banks is an impossibility.

Again, the real issue is covered up and concealed by the raw head and bloody bones of "inflation." No more remarkable instance of shameless hypocrisy and unblushing impudence can be found in the history of partisan warfare. It is another attempt to steal "the livery of the court of heaven to serve the devil in." This resumption act, which its friends claim is a step in the direction of "honest" money and cash payments, is the most gigantic inflation scheme that ever received the consideration of Congress. It makes the issue of "rag money" and the birth of "rag babies" free to everybody who is the fortunate owner of national bonds, or who can borrow, beg, or steal them to the amount of $50,000. The only limitation to the issue of the irredeemable notes of the national banks is the amount of the interest-bearing debt of the Government, which is to be increased by the withdrawal of the fractional currency and the legal-tenders, to over four hundred millions. By this pretended resumption act 90 per cent. of the entire debt, interest-bearing and non-interest-bearing, may be converted into lamp-black and rags for circulation. This is the hard money, specie payment, anti-inflation feast to which all the organs of Wall street invite us. Inflation in their vocabulary means the increase of blackbacks without limit, and resumption means the total extinction of the greenbacks. If you are favorable to a substitution, dollar for dollar, of the bank issues for the direct obligations of the Government, and in favor of making the greenback equal in value to gold by appropriate legislation, you are branded as an inflationist; but if, on the contrary, you are for getting rid of the legal-tenders by an increase of the annual interest of the Government in the sum of seventeen or eighteen million dollars, and for an indefinite expansion of bank paper, with no obligations on the bank to redeem its notes at its counter or elsewhere, with no provision of law requiring such redemption, and with the almost absolute certainty that they cannot make such redemption, you are entitled to a high seat in the synagogue of money-changers and bullion-brokers, hard money, and honest currency!

The increase of national-bank circulation from June, 1874, to November 1, 1875, was $15,721,175, most of this increase being since the passage of the resumption act, so called, of last January; while the actual amount of aggregate bank circulation is diminished by little more than four millions within the same period. When the high price of United States bonds is considered, and the additional fact that many of the banks have been compelled to realize on their bonds and withdraw their circulation in order to meet losses sustained by them in the general stringency of money and the disordered financial condition of the country, it is a little remarkable that the amount of new circulation is so large and the sale and withdrawal of bonds not larger. The fact still remains that an act pretending to provide for resumption and hard money in reality provides for an indefinite augmentation of rag money, in the shape of bank paper; and it only requires the issue of the 4 per cent. bond recommended by Secretary Bristow to be made the basis of national-bank circulation, or a fall in the market value of the five-twenties and other bonds held as security for bank issues, to find banks multiplying rapidly.

Mr. Speaker, I can well comprehend how this conflict between Treasury notes and those of banking corporations should be accompanied with such deception, such false clamor, and with such studied concealment and avoidance of the real gist of the controversy. The organized wealth and capital of the Union has large interests at stake in it; the vast army of bondholders and stockholders, directors and attorneys, of two thousand banks are not indifferent spectators of it, and the whole eastern and northern sections of the Union, who have controlled and directed the finances of the country for the last fifteen years in the interest of money and capital, are aroused and excited about it. Selfishness, cupidity, and avarice furnish the weapons of this unholy warfare. The question whether a small and privileged class shall furnish the circulating medium for this vast and growing country and its forty millions of people and its diversified and expanding industries in perpetuity, not only without compensation to the Government or the people, but that they should receive a bonus for their liberality, or whether this circulation shall be furnished by the Government not only without cost, but at a saving of millions every year to a tax-burdened people, is sufficient to arouse all the baser passions of those so vitally interested. Not only is the value of four hundred millions of circulation to be duplicated in the near future involved, but the use of the taxes collected of the people as a basis of loans and discounts, on which high rates of interest are to be charged, as well. In addition to this the moneyed interest of the country and the men of invested capital look with favor to any plan that centralizes the Government; that steals power from the many to the few, and enables them to control the legislation and political action of the Government.

Never before in the history of America has there existed such a vast combination of organized wealth, welded and consolidated together by the "cohesive power of public plunder;" and it is not a matter of wonder or surprise that resort is had to every deception and device that cunning and cupidity can suggest. Following in the wake of this mighty army of greed and selfishness is an inconsiderable band of well-meaning men, wedded to the traditions of the past—afraid of experiments, enslaved to prejudice, and unwilling to trust the convictions of their reason and judgment. To them the exercise of the power of the Government to supply the people with a uniform and safe circulation for the business wants of the country is of doubtful expediency. They say that it has always been given to a corporation; it is opposed to all experience; it is a dangerous power to intrust to the representatives of the people. But is its exercise more perilous, or does it require a wiser discretion, than the power to borrow money and to issue the Government's obligations for it? There is no limitation on the power to raise revenue, either in the imposition of external duties or internal taxes—to declare war or to make peace. If Congress can be intrusted with the exercise of such important powers, can it not be intrusted with power to determine when and for what sum the Government shall issue its notes to the people? The power to borrow money is one of the specific powers intrusted to Congress; shall it be said the representatives of the people can mortgage the resources of the present and future generations for the payment of debts bearing interest, and yet cannot borrow of the people without interest? So far as governments have exercised this power it has been as often exercised with success as otherwise. It failed during the Revolution because there was a large excess of circulation, put in circulation by an unstable government, and there was no taxation levied with which it could be redeemed. We have not only the faith and resources of the Government on which to bottom it, but we have over three hundred millions of taxation by which to redeem it, in addition to the State, city, and county taxes of the several States of the Union.

The assignats of the French revolution is another bugbear that is always raised up by those who seek to give the banks a monopoly of the Government credit. Like our continental money, they were issued beyond all hope of redemption. Their sum exceeded $9,000,000,000, more than three times the amount of the whole debt of the United States and equal to about $360 to each inhabitant of France. They were not based on the revenues, the faith, or resources of France, but on the estates of the church and the nobility, confiscated by a government in a state of revolution at the time. Real estate of unquestioned title is indifferent security for a circulating medium at any time; but here the security was not only doubtful, but the government itself had no stability, and with the best security and under the best

government the large amount issued would have depreciated it indefinitely. In a speech delivered by Mr. Calhoun in the Senate, September 19, 1837, in which he then advocated the duty and power of the Government issuing the paper money necessary for the business wants of the country, he thus spoke of the success which had attended the issue of Government paper by the State:

It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her. It was also made a legal tender, but which of course was not obligatory after the adoption of the Federal Constitution. A large amount, say between four and five hundred thousand dollars, remained in circulation after that period, and continued to circulate for more than twenty years at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the State, which was much less than $100,000 per annum. * * *

On the same point, in the same great speech, he made the following statement of facts:

We are also told that there is no instance of a Government paper that did not depreciate. In reply I affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper receivable in the dues of Government had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The drafts of the Treasury at this moment, with all their incumbrance, are nearly at par with gold and silver; and I might add the instance alluded to by the distinguished Senator from Kentucky, in which he admits that as soon as the excess of the issues of the Commonwealth Bank of Kentucky were reduced to the proper point, its notes rose to par. The case of Russia might also be mentioned. In 1827 she had a fixed paper circulation, in the form of bank-notes, but which were inconvertible, of upward of $120,000,000, estimated in the metallic ruble, and which had for years remained without fluctuation, having nothing to sustain it but that it was received in the dues of the Government, and that, too, with a revenue of only about $90,000,000 annually. I speak on the authority of a respectable traveler. Other instances, no doubt, might be added, but it needs no such support.

Mr. Jefferson, from whom it is not improbable that Mr. Calhoun borrowed the scheme of Government Treasury notes as being the best, safest, and cheapest form of paper circulation, had in 1813 advocated the same policy, and as evidence of its efficiency and soundness he gave the experience of Virginia in 1755. He thus wrote to Mr. Eppes, then a member of this House and chairman of the Ways and Means Committee:

In the war of 1755, our State availed itself of this fund by issuing a paper money, bottomed on a specific tax for its redemption, and, to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, widows, farmers, &c. We then issued bills, bottomed on a redeeming tax, but bearing no interest. These were readily received, and never depreciated a single farthing.

We have the authority of Adam Smith for the statement that the State of Pennsylvania also issued a Government paper in 1745, made receivable for taxes, and that it maintained a value equal to the precious metals. And it is a fact well known to every one that the first issue of Government paper in 1861—of sixty millions, and which was receivable for all dues to the Government—was as good as gold, and never depreciated a farthing.

I concede that there is danger that they may, under a peculiar stress of circumstances, be issued to an excess that might depreciate them. But is there any greater danger of this being done by Congress than that the same Congress should make it to the interest of capitalists to put out too many of their promises to pay by organizing large numbers of banks. I have shown that the resumption act leaves the quantity of bank paper to be issued unlimited except by the sum of the Government debt. If the debt be two thousand millions, then 90 per cent. of that amount ($1,800,000,000) of bank paper may be issued under the provisions of that act. And how long would it be, if from any cause there were impediments in the way of the increase of banking and bank paper, before these impediments would be removed by legislation? One of the main grounds on which the people sustained President Jackson in his war against the Bank of the United States was that it exerted an undue and corrupting influence on the legislation of Congress in which the bank was interested. And does any one suppose that the influence of two or three thousand banks, representing six or eight hundred millions of capital, would not be felt in these Halls? Do we not know that they would dictate the legislation of Congress, and that the entire metropolitan press of the country would approve and applaud?

Power to determine the amount of paper money needful for the wants of the country must be lodged somewhere, and the same power that fixes the rates of taxation, that enacts a prohibitory or a revenue tariff, that can borrow a million or a hundred million dollars and issue the obligations of the people therefor, that can increase or decrease the Army, and that can in its discretion expend millions upon millions in building ships and custom-houses and improving harbors and rivers, ought to be as safe a depository of this power as can be found. But let us suppose that they should be issued in excess of demand, and depreciation should follow; the only effect would be to make the burdens of taxation lighter to the tax-payer, and the Government would be the chief sufferer. This injury thus inflicted upon the Government and its fiscal operations would necessarily throw all its power and influence against it, and afford a guarantee that the representatives of the people would commit no such folly except under the pressure of an overruling necessity.

If there were no graver objection to the national-banking system than that it necessarily perpetuates the public debt and organizes a gigantic monopoly in opposition to its reduction or extinction and pledged by the very law of its being to make it a permanent fixture of the Government, this alone should condemn it with a tax-ridden and overburdened people. Without the national debt we could have no national banks such as now exist. It constitutes their foundation, and is the meat and bread on which they subsist. They live and move and have their being in national indebtedness and in high taxation. Their existence is a confession that a national debt is a national blessing, and by their continuance we give form and life to a party and an interest inimical to the well-being of the Government, supported from exactions upon the labor and industries of the country, and dangerous to republican institutions.

No greater curse can be inflicted upon the people of this country, or republican government itself, than a permanent public debt. No party in this country, not even the republican party of this generation, has regarded a public debt other than a public calamity, to be extinguished as rapidly as possible. And yet we are countenancing and giving strength and vitality to a banking system whose central, fundamental idea is a permanent national debt, with its necessary attendants—profligate expenditures, high taxation, and corruption in all departments of the public service. The autocratic power which must necessarily be vested in the head of the Treasury Department under this system, the supervisory control which the national-banking law necessarily gives him over the banks and indirectly over the business of the country and the fortunes of individuals, the discriminations and favoritism of the law in favor of cities and sections, the consolidation of the political and moneyed power of the country which is effected by this system, are all grounds of serious objection; but they sink into comparative insignificance by the side of this gigantic evil of a permanent public debt.

Nor is it fair or just, as the Comptroller of the Currency has done, to contrast the national banks with the old State banks, and offset the vices of the one system against those of the other. It may be regarded as one of the questions on which the public mind is well agreed that no currency will be permitted to exist in this country that is not of uniform value in every part of it, and as good in Maine as in Texas. The day has passed in America when the channels of circulation can be filled with the promises to pay of local banks without credit fifty miles from home, or when a counterfeit detector is a necessary means of protection to every traveler beyond the borders of his State. Assuming that an exclusive metallic circulation is inadequate to the demands of trade and commerce in a highly civilized community, there is nothing more certain than that the paper circulation of the United States must either be issued by the Government directly, or by individuals or corporations under authority of the National Government. No State corporations will ever again be permitted or authorized to issue their notes for circulation, and the issue now is not between the paper emissions of the national banks and those of State banks, but between the direct and the indirect issues of the Government, between Treasury notes and the national-bank notes.

That is the great question before the American people, and it can neither be obscured or concealed permanently by simulated efforts at resumption, or by the false clamor of "inflation," "repudiation," or "hard money." It will not down at the bidding of politicians or party managers, whether republican or democratic. The divorce which the democratic party of the last generation decreed between the Government and the banks will be made final and perpetual by this, and the illicit intercourse which has grown up in a time of national peril and political corruption will cease forever, never more to be renewed. The inauguration of the Independent Treasury was the first step in the direction of a separation of those who should never have been joined together, and the abolition of the national banks will be the next and last in the final separation of the political from the money power.

The common sense of the people revolts against discarding a currency that saved the Union in its hour of peril, and substituting in its place one that never participated in the shock of battle or the trials of the tented field and only came to the help of the Union in time to unite in the shouts of victory. And their sense of fairness and equal and exact justice is not less outraged when they consider the wrong and injustice of establishing a privileged class in America, and conferring upon a favored few the franchise of supplying the paper circulation needed for the transaction of the trade, commerce, and business of forty millions of people. There was a time in the history of England when the right to transport the mails was farmed out to members of the royal family for a consideration, and we look back in amazement and wonder at the degradation of a people that would countenance such violations of right and justice. But what is the national-banking system but the farming out to the owners of United States bonds for a paltry consideration this invaluable franchise of supplying the people with a circulating medium? Indeed, so anxious is the Government to barter away one of its highest duties and to abdicate one of its sovereign powers, that it actually offers a bonus to this privileged class to undertake the business of issuing their own notes and making the people pay interest on them.

If by an act of Congress the Government should confer the privilege of furnishing the circulation for the Union to certain individuals by name, in each State, on their compliance with certain terms, the enormity of such legislation would shock the most obtuse intellect. It would simply be vesting with a new and valuable attribute that which was without such legislation comparatively valueless. It would be in effect saying to these favored individuals that their notes of hand, on which they had heretofore paid interest, should hence-

forth yield them interest. It would be allowing them the privilege of exchanging their promissory notes without interest for the promissory notes of other men bearing interest. Such are banks of issue in their best and simplest form. But is it any the less an enormity and an outrage upon the rights of the many that this franchise of issuing its notes for circulation and making them receivable for hundreds of millions of Government dues is granted to a corporation called a national bank? Is the injustice and wrong of the thing sanctified by this valuable privilege being made over for a generation to an artificial instead of a natural person; to five men and their successors, instead of to one and his administrators or assigns? But national banking is a still greater enormity than this. It is a proposition to the capitalist if he will invest his money in United States bonds the Government will not only pay him 6 per cent. on his investment but give him the additional privilege of issuing his notes to the extent of 90 per cent. of the par value of his investment, without interest, in exchange for other promissory notes bearing any rate of interest he can bargain for.

I do not doubt that in the extremity in which the credit of the Government was placed during the late unnatural conflict the national banks served a good purpose in absorbing and floating the national debt; but the credit of the Government needs no such adventitious aid now, and justice to the Government and to a tax-ridden and overburdened people demands that we should put these institutions into a course of liquidation and adopt a more just, cheaper, and less burdensome system of currency.

No question of greater moment to the country, and especially to its industrial classes, has ever occupied the attention of Congress. Nor is it less important to the democratic party. From the days of Jefferson to the present time it has been in opposition to national banking, and it can ill afford to repudiate the teachings of its great founder and go back upon its past history. "The field of circulation," which, to use his forcible language, "has been filched from us by individuals," must be restored to the General Government. We cannot permit a delegation of its powers to corporations or individuals. Much less can we permit it to abdicate such an important function of its sovereign authority as that of supplying the people with the life-blood of circulation. If we would preserve the integrity of our party and the purity of its principles, if we would retain the confidence and support of the great producing sections of the Union and of its industrial classes, we have no other alternative than to wage an unceasing war against national banking, whatever disguise it may assume, whether that disguise be hard money or rag money. A timid, hesitating, time-serving policy, that fears to do right and yields to the clamorous demands of money and capital, will expose us to the just indignation of our friends and to the deserved contempt of our enemies.

LEAVE TO PRINT.

Mr. DIBRELL was granted leave to print some remarks he had prepared, in the RECORD, as part of the debates. [See Appendix.]

THE TEXAS AND PACIFIC RAILWAY.

Mr. WILLIAMS, of Alabama. Mr. Speaker, for years the question of a southern line of railway to the Pacific Ocean has more or less engaged public attention. At first such a line was regarded by its opponents as a mere vagary or a bare possibility of the distant future, and by its friends as a something to be dimly hoped for, but by no means a definite expectation. But with the rush of events and the changes of years requirements have been impressed upon the attention of the country which before were either unknown or not appreciated, and public thought is now impelled to this question as one of grave magnitude and importance. And not only has it assumed proportions that keep it in the foreground of the country's observation, but it is also of a shape and character that demand for it some definite disposal. This is a fact which will hardly be denied. The question must be settled before a great while, or it may not only grow more absorbing, but become to some extent an element of bitterness and strife. The friends and foes of one enterprise are already taking sides, and the time has come for a full and fair inquiry into its merits. Shall this inquiry be made in a spirit of liberality and fairness, or shall it be warped and obscured at the behests of jealousy and partisanship?

Will the establishment of a southern road to the Pacific Ocean benefit and promote the interests of the whole country? Will it benefit and promote the legitimate interests of one section without detriment to those of another? If either question can be safely answered in the affirmative, then certainly one obstacle is removed. Do the necessities of the country require the construction of such a road? This question, in the purview of national legislation, is above and beyond all others.

In taking position in favor of the Texas and Pacific Railway, I do not profess the ability to elaborate the great importance and value of that enterprise. Nor will I, in the course of a brief and general argument, undertake to range long columns of figures, or to marshal an array of bewildering statistics. Statistics are facts of history; while figures, though they do not of themselves deceive, can be so grouped as to exhibit almost any desired result. I shall prefer to consider the question in its general aspects, and will leave to those who choose them the pleasures of calculation.

If it be true, Mr. Speaker, that he is a benefactor who causes two blades of grass to grow where but one grew before, we have in that brief saying a text which epitomizes much of the argument in behalf of this great movement. It is expressive of a principle which underlies the whole of human progress in whatever is wise and good. Development is one of the grand ends of physical as well as moral life, and advancement is as much the duty of a people as of an individual. And in the line of material development, that is, of the latent treasures of soil and of opportunities for the use of capital and labor, thus giving range and impetus to the progressiveness and energy of American spirit, the good results that will follow the success of this or some such enterprise are beyond estimate. There is a grandeur in the thought of filling the wilderness with the appliances of progress and the blessings of civilization. But it is not the sole end of this great scheme to people the wilderness and civilize the solitude. Its advantages will be immediate and tangible in every quarter of the country. And the fact that from the construction and operation of this road benefits and advantages will accrue to the Government which it has not now and which are well-nigh indispensable, should be a leading consideration in all our discussions of this subject. To appreciate the gain that the Government will derive we must understand something of its necessities. A vast area of country in the Southwest now requires aid and protection; and on account of the absence of proper facilities this aid and protection can be provided only at vast expense.

In the year 1873 a dozen regiments of cavalry and infantry were stationed in Texas, New Mexico, and Arizona to furnish protection against the danger of hostile incursions. And yet with all this force, comprising nearly one-half of the effective strength of the United States Army, it is said that life and property were not adequately protected. A reasonable estimate of the cost of maintaining for a year a single regiment in those remote regions is a million for infantry, and a million and a half of dollars for cavalry. Then more than $12,000,000 must be expended annually in the matter of transportation, equipment, and supplies for the military force stationed in that portion of the public domain as long as a force of such size may be necessary. If this expense can be obviated or lessened, we ought to hasten to do it. To be convinced that it can be very greatly lessened, we need but inquire of those sections of country crossed by the present Pacific Railroad which were formerly troubled by Indian incursions, and where two regiments are now force sufficient. In the latter case the reduction of expense is due to railway communication and facilities; in the former the magnitude of expense is due to their absence. I do not claim strict accuracy in these figures—they are not mine—but I believe that if there is error in stating the cost of military force in Texas, New Mexico, and Arizona, it is in an underestimate.

It is hardly necessary to urge that with railway and telegraphic communication to and through these regions, furnishing facilities for speedy transportation and intelligence, savage incursions would end, and the remote settler would realize the blessings of peace and security. As it is now, he must lead a precarious life, and at great pecuniary cost to his Government, or turn back his gaze from the boasted "star of empire," and leave to the savage and brute a land that challenges his enterprise and hope. It was recently stated in this Hall that the Mexican and Indian had driven back the frontier of Texan occupation two hundred miles. Whether this is true to the extent stated or not, it gives proof of the inability of our Government to protect its territory against a trifling foe except at the cost of a standing army that would deplete its coffers and undermine its strength. We ought not to have this Texan frontier and these Territories, or we ought to provide for their protection through means that will not amount to a positive evil. This reflection, however, we need not indulge. The frontier of Texas and the Territories of New Mexico and Arizona are of this Government, and, whether we will or not, the problem of their security must be confronted.

But if there were no danger of Mexican and Indian depredations, and the employment of an army were unnecessary, there are other and commanding reasons in favor of this highway. In developing the resources of the country where they are worth developing the Government strengthens its own power by widening the field of industry and enlarging the sphere of the citizen's usefulness and prosperity. Of what use to the Government is a waste of territory, wild, remote, and uninhabited? It may abound in natural wealth, but that wealth is of no value to the world. Its mountains may be grand and its valleys lovely; its soil may hold untold fertility, its mines may glitter with gold and gems, its streams may flow in perennial beauty, but the world is none the wiser, none the better. These, which might be blessings, are hid from the sight and touch of man; or, what is substantially the same thing, they lie beyond his reach.

The distance from Fort Worth to San Diego is given at fourteen hundred and fifty-seven miles. The Territories of New Mexico and Arizona are together about six hundred miles across. In 1870 New Mexico had a population of about one hundred thousand, and Arizona about forty thousand. Through all this country, as well as the large region of Western Texas, military posts must be kept up and increased in number and strength as occasion may require. Material and supplies must be transported no matter what the cost; land-offices must be had; post-routes must be established and mails carried; in a word, the active supervision of the Government must extend to remote and isolated sections, without any facilities for the prompt transmission of intelligence or rapid disposition of force. If

that whole country were a wilderness, with no inhabitant but the wild Indian, its exploration and discovery might be left to the hunter and his follower, the pioneer. But such is not the case. Already New Mexico is knocking at the door of the Union for admission as a sovereign State, and Arizona doubtless looks forward to the same step.

But there is yet another view why the contemplated railway should be built. The country through which it will pass, taken as a whole, is full of such resources as supply wealth to large populations. The line of construction will lie along the thirty-second parallel of latitude, which is the natural outlet and direction for the expansion of southern industries. It will connect directly and indirectly with the leading southern roads east of the Mississippi, and open to them new sources of strength and new opportunities for prosperous business. As the main line moves westward, penetrating new fields for enterprise, population will go with it. Agriculture will take possession of the soil, manufactories will be built, and commerce in its multiform shapes and relations will send the currents of busy life through all the channels of employment. Renewed vitality will be imparted to the languishing roads of the South, and their invested capital rendered valuable and secure. New hopes will quicken the energies of a people, and business, shaking off the paralysis that has so long weighed it down, will arise from its prostration and diffuse throughout the land the kindling influences of spirit and action.

It is not proposed that the Government shall subsidize this great scheme. It is asked only that the Government, being first amply secured, shall guarantee the interest on the bonds of the road at a given rate, thus enabling the road to procure money by sale of the bonds as the work of construction proceeds. At an average rate of $40,000 per mile, (which is an overestimate,) the cost of actual construction from Fort Worth to San Diego would be a little less than $30,000,000. The only liability the Government is asked to assume is 5 per cent. interest on the bonds. This interest on the cost of construction at the figures stated would be less than $3,000,000 per annum. In fact it is asserted that—

The utmost liability which the Government could assume is less than $2,000 per mile per annum if all the bonds authorized were issued, and this liability would be lessened in proportion to the actual cost of the road.

And the Government is to be protected against loss in this way:

The bonds are secured by a first mortgage covering the road, equipment, franchises, and Government lands; these bonds are placed in the United States Treasury, and as sections of the road are completed the Government commissioners must certify that they are properly constructed, and also as to the actual cost of the same, and that the money has been properly expended.

On this certificate the respective companies get bonds to the amount of the actual cost of the work, but not exceeding an average of $35,000 per mile on the main line, and $30,000 upon extensions.

The Government retains all sums due for its transportation, Indian, military, and postal, and for its telegraphic service.

All net receipts from the sale of Government lands are paid into the Treasury.

Such additional sum from the earnings of the roads is to be paid into the Treasury as may be necessary to meet the interest as it matures.

In case from any cause the earnings should be insufficient, $5,000 of bonds per mile are left in the Treasury, which the Secretary is authorized to sell, and thus put himself in funds to pay the interest.

The ability of the company to meet this interest cannot be doubted. The net earnings of the present Pacific line average $6,000 to $8,000 per mile per annum. The bonds proposed would require less than $2,000 of net earnings at the utmost.

These statements are quoted from good authority, and I believe them to be correct. If they are correct, is not the security ample beyond question? The aid sought for the Texas and Pacific Railway is modest in comparison with the amount received from the Government by the present Pacific road. I do not now know how much of public land was given to that work, but it was certainly a munificent donation. I have seen an assertion that it was enough to make two States, each the size of the State of New York. In addition the Government loaned to that line its bonds to the amount of nearly $60,000,000. On these bonds the Government now pays and must continue to pay $3,000,000 of interest per year as long as the bonds shall run. Nor is the security furnished the Government for this large outlay such as would seem commensurate with such liabilities and burdens; and the present line is a vast monopoly, oppressive to Government and citizen alike. It runs through large reaches of barren country which must remain waste. In the cold seasons it is operated at great trouble and expense, and at times is completely blocked. The difficulties of grade and season will remain difficulties as long as the mountains stand and winters return.

I have no estimate of the commerce that comes from the Pacific to San Francisco, and thence, with the productions of California, along this great highway, nor of the trade and carrying that pass back along the same path; but it is enough to say that the Golden Gate is not merely an entrance to the Pacific shore. Being the only connection between the mighty East and prolific West, and bearing the shipments and trade of both sections on its own terms, the present line is a gigantic monopoly. And yet who would say that the Pacific Railroad is not a necessity to the Government and people of the United States? Who would undo the work, restore the wilderness, obliterate the achievements, give back the progress, and remand the country to its prior situation? Alaska might, perhaps, be left to its freezing with but little regret, but the States of Oregon and California, with all the grand domain of the Pacific slope and the grander domain east of the mountains, would forbid with a voice like a convulsion.

As competition gives life to trade, so it is a safeguard against abuse, and this is another reason for at least one more line of railway to the Pacific Ocean. The country is too large and its interests are too extensive to be in the control of a single line, apart from the inconvenience of such a situation. And, if there were nothing else, the matter of inconvenience is of itself sufficiently serious to demand the location of another line. I speak not now of the inconvenience to the Government in the matter of troops and supplies to the remote regions of the Southwest, but of the general inconvenience to both Government and citizen in any section of the Southern States in reference to the use of the present road. A trader or traveler in New Orleans desiring to go to San Francisco has but one way. He must first go to Omaha, and then he is nearly as far from his destination as San Diego is from New Orleans. In other words, if the Texas and Pacific Railway were built he would be at San Diego, on the Pacific coast, almost if not quite as soon as by the present route he could reach Omaha. A thousand similar illustrations might be made.

This is not in any proper sense a question of party or sectional difference, but if there be a disposition to oppose the enterprise because the South will reap advantages, let me quote high republican authority in its favor:

There are a dozen arguments each sufficient in itself to warrant the construction of a southern transcontinental line of railway from the Mississippi to the Pacific coast. Such, for instance, as the needs of a vast undeveloped territory possessing boundless mineral and agricultural wealth, the addition to our stores of precious metals from Northern Mexico, New Mexico, and Arizona more than now comes from the silver mines of Nevada and the gold-fields of California; the substitution of civilization for savagery or barbarism over a district larger than the thirteen original States of the Republic; the saving to the Government (which means the people) eight to ten millions annually in the single item of border protection; the saving of nearly as much more in Government and general transportation; the addition of annual millions to the revenue from a district that is now only a burden; the giving of facilities for transit and transportation to twelve millions of people; the doing justice to the whole West and South by giving them the same facilities that have been provided at vast expense for the North and Northwest; the restoration of prosperity to the whole country by stimulating all its industries and opening new channels of trade.

A plenty of other reasons might be given for the prompt execution of this great enterprise, but one single argument absorbs or overshadows all the others. There is now in existence and active operation a huge monopoly as corrupt as it is powerful, which holds the only gateway to the Pacific, and levies upon all travelers and traders a tax measured only by its avaricious greed.

If this is true, Mr. Speaker, it is argument conclusive.

If it be asked what will follow the construction of the Texas and Pacific Railway, let me quote, by way of answer, from other authority:

Some of the immediate and legitimate results of the inauguration and vigorous prosecution of this work may be stated as follows:

It will bring many millions of foreign capital into the country to be distributed among iron-masters, contractors, and laborers, thus contributing largely to the relief of the financial pressure throughout the country.

It will rekindle the fires and start the machinery in furnaces and founderies East and West, giving profitable employment to an army of idle men, either in the construction of the work or in the preparation of material.

It will aid in the rapid development of many millions of acres of good farming lands in Texas, the Indian Territory, New Mexico, and Arizona, and in the successful working of the rich silver, gold, and copper mines of the two last-named Territories, and of the northern states of old Mexico.

It will bring into those regions a multitude of industrious emigrants from the older States and from Europe, to build up mining towns and transform a wild waste into productive farms.

It will do much toward the solution of the Indian question by reason of the more rapid advance of the great army of civilization which it will inevitably secure, thus saving the Government millions annually in the single item of border protection. (It was estimated by a committee of the last Congress that it costs the Government annually $10,000,000 to maintain an available force sufficient to protect the lives and property of the white inhabitants of the country traversed by this line of road.)

It will save to the Government in the diminished cost of transporting military stores, Indian supplies, and the mails more annually than the interest on the bonds proposed to be issued for the construction of the road.

It will carry the industries of civilization into the northern states of Mexico, a country containing nearly ten millions of people, and secure to us the immense trade that is now being diverted into other and foreign markets.

It will secure to us a highway from the Mississippi to the Pacific Ocean on the shortest, best, and most economical route—a line free from the obstructions of high mountains, deep snows, and the annual floods which beset the present route.

It will aid largely to secure cheap transportation, by creating a healthy competition with the only other line of transcontinental railway.

It will bring increased revenue to the Government, by substituting industrious, productive communities in the place of savage hordes, now a source of enormous expense and perpetual annoyance.

It will rehabilitate the South, by pouring through that fertile but distracted region of our country a perpetual tide of the world's commerce, vitalizing its railroad system, and reviving its paralyzed industries.

It will bring more immediate, substantial, and permanent benefits to the West and South than any enterprise that has yet been inaugurated.

This rich territory, covering an area of nearly one million of square miles, which has been practically ignored in the legislation of Congress, while it is entitled, equally with any other section, to such favors as the Government may legitimately bestow, will add by its prosperity to the wealth and glory of the whole country.

These are facts and arguments, Mr. Speaker, which challenge the approval of every citizen of this Government. They perhaps have been read by most of the members of this House, and it is safe to say that they grow more apparent to the people every day. If any enterprise or measure can secure to the country the whole, or even a part, of the ends stated, it ought to meet only encouragement.

For these and other reasons which might be urged, we say that the contemplated road is demanded by the best interests of the country. It is conceded that it cannot be built by private capital. The Government must give it indorsement, else it cannot proceed. Nor would I advocate a single step that would fix ultimate liability upon the Government, even in this instance, without abundant and unquestioned security. I was reared in the school of strict construction, that tolerated no theory of internal improvements by the General Gov-

ernment, nor do I depart from its teachings. This enterprise does not ask the Government to loan or vote a dollar to its aid.

This is said to be an age of advancement, and if it be true that new liabilities grow with enlarged surroundings, legislation certainly has a broader field and larger responsibilities than it had a generation ago. The area of the Government has immensely expanded, and the Constitution itself has been stretched well-nigh out of its original semblance. The growth of the country, with corresponding requirements, interposed an exception to a time-honored rule of construction or excused its violation, and like causes are offering a similar exception. Knowing, then, that this road cannot be built by private means; that the Government must lend a limited security or see the movement fail; feeling that the Government will be amply assured by accepting the terms proposed, and recognizing the construction of the road as a public necessity, I do favor the scheme in its general features, as I understand it.

There may be matters of minor importance in the measure which are objectionable; and, inasmuch as the bill is not now before the House, I am not pledged by these remarks to any specific details. I reserve to myself the right to oppose, at the proper time, objectionable provisions, or the bill altogether if it be not such as I can consistently support; and I will without hesitation give my humble support to any other measure that may be shown to be better than this.

How long must the yearly drain of millions of money go on without an effort on the part of Congress to stop it? But a few years will pass before enough will have been spent to construct another road from ocean to ocean, and then the same demands will exist as now. Indeed, expenditures and necessities may increase with even pace, for American citizens will continue to push their way into this land of the southwest and impose upon the Government the responsibility of their security. Nor is there any other way of relief to the Government than that of a southern transcontinental line of railway. Trade may revive, industries may awaken to renewed life, commerce and capital may spread prosperity through all the favored portions of the country, but this special section, without the iron road and the steam-engine, must, with all its wealth, remain isolated and unproductive; and still it must be kept in the watchful care of the Government, be the cost what it may.

I have thus presented some of the general and leading propositions in favor of this great enterprise. I have not sought to enter the wide field of specification and detail. To do so would require much time and unnecessary labor. The merits of the question can be sufficiently presented in any general statement, and sufficiently understood without any labored mental effort. If certain leading facts be admitted, the conclusion is inevitable. This enterprise may fail. The road so much desired, and of such commanding importance, may never be built, but the logic of its necessity will be irresistible still.

If, Mr. Speaker, the tendency of this Government to centralization is right; if the doctrine of State rights is a dream of the past and the rights of the States are absorbed in the authority and power of the General Government; if, in short, we are a nation, as some extremists seem to mean by that term, then there need be no hesitation in either lending a limited credit to the Texas and Pacific Railway or in building and equipping it outright. Centralized, consolidated power might well dispense with the farce of enactment and proceed upon its own fiat. But, sir, I can never yield assent to such despotic doctrine. Representative governments are made for the people, in whom alone sovereignty is inherent; and the more there is of centralization the more the people are shorn of their rights. Let it not be said that this tends to wild democracy and would destroy Federal authority, for the very fact of representative government recognizes such authority. But this authority is a creature and servant, and not the creator and master. The creature is of trifling worth in comparison with the power that made it, and if displaced can be re-established by the same power; but if the power itself be destroyed, the tribunal of responsibility is gone and despotism may work its will.

But the question of this road is not one of politics or of party differences. It offers no field for dissension in our views of legislation and government. It affects political parties alike, and looks to the general good as well as the interests of a particular section. I will not deny that to myself its chief attractiveness lies in the fact that such a highway will do much to rebuild the South. In this feeling there is no undue selfishness, for the North already has its road and needs no other, while the South has no such road and is in need. Shall we have to conclude that the more favored section will rest its opposition in a spirit of jealousy and ill-will; that, enjoying the splendid facilities of its own line, it would crush generous competition and still hold the people and Government to an onerous and enforced tribute? Shall we of the South have to learn that peace, though subsisting for a decade, is only nominal, and that beneath the appearance of reconciliation rankle the passions and animosities of the war? Shall the same flag be the evidence of a common prosperity and a common hope, or shall it float above the tide of progress in one section and amid the shadows of decay in another? When we boast of the glory and power of the American nation is it to be understood that a large section, though bearing its full share of public burdens, shall be discredited and despised? Sir, when the soldiers of the South laid down their arms the soldiers of the North quit fighting. With them reconciliation was immediate and final. It could not be otherwise with men who had tested the virtues and exhibited the courage of manhood in a conflict that has no parallel. The brave man who conquers never tramples. Allow me to say that as the great scene of last year in the presence of Bunker Hill Monument was in its sentiment and effect beyond the gift of tongue or pen, so it fell upon the eager heart of the South, and kindled emotions that have not weakened with the lapse of time.

There can be no more effectual way to bind the southern people to the nation's weal than to give us an equal chance in the race of progress. We seek nothing more. It is said that since the beginning of the Government the North and the Northwest have had, in one way and another, aid to the extent of $175,000,000, while the South has had less than twenty millions. I do not allude to this fact in an invidious sense. It is perhaps to be attributed largely to another fact—that the South was almost entirely an agricultural region, and did not so much need the facilities that are indispensable to purely commercial localities. But to-day the case is different. We are dependent upon commerce, and without it must remain in a state of comparative prostration. We have but to contrast our situation with that of the more favored sections to see what we might be. And surely, if there has been so much disparity in the favors of the Government, it cannot be amiss now to ask that the difference shall be lessened. We have borne our share of burdens under a heavy yoke, and now we are entitled to a division of benefits, or we are serfs in a land of vaunted republican equality. If the Mississippi could change its course, and empty its turbid volume into New York Harbor, but a little while would pass before impregnable levees, built at Government expense, would line its banks and all the agencies of prosperous and powerful commerce would be in active operation under the encouragement of the Government.

Sir, I would stir no passion, revive no prejudice; but I would bring the cause of my people to a tribunal of generous minds and responsive hearts. With us the bitterness of strife is past. Our women scatter the roses of spring upon the grave of the soldier that wore the blue as they do above the sleeping dust of the soldier that wore the gray. We invoke oblivion for the ills and sorrows of a family contest; or, if they must be remembered, let it be in that twilight between memory and forgetfulness, where rugged outline and harsh angle are softened by mellowing tints or obscured by deepening shadows. We would lift our gaze to a brightening future, in which a nation's glory is upheld by the common devotion of an undivided people. [Applause by members on the floor.]

REMOVAL OF TAX ON LEAF-TOBACCO.

Mr. CALDWELL, of Tennessee. Mr. Speaker, I avail myself of the opportunity afforded by the order of the House setting apart this day for general debate to present some considerations that in my judgment appeal strongly in behalf of the repeal or modification in some essential particulars of our present revenue laws on the subject of tobacco.

The provisions complained of, and to which I desire to call your attention, are found in section 3244 of the Revised Statutes, and are contained in subsections 6 and 7, which are as follows:

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay $25. Every person shall be regarded as a dealer in leaf-tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; and payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf-tobacco, for selling tobacco of his own production, or tobacco received by him as rent from tenants who have produced the same on his land: *Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export. Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export.

Seventh. Retail dealers in leaf-tobacco shall each pay $500, and if their annual sales exceed $1,000 shall each pay in addition thereto fifty cents for every dollar in excess of $1,000 of their sales. Every person shall be regarded as a retail dealer in leaf-tobacco whose business it is to sell leaf-tobacco in quantities less than an original hogshead, case, or bale, or who sell directly to consumers, or to persons other than dealers in leaf-tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars, who have paid a special tax, or to persons who purchase in original packages for export. Retail dealers in leaf-tobacco shall also keep a book, and enter therein daily their purchases and sales in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Whenever it becomes necessary to ascertain the amount of annual sales made by any retail dealer in leaf-tobacco, or to ascertain the excess of such sales over $1,000, such amount and excess shall be ascertained and returned under such regulations and in such form as may be prescribed by the Commissioner of Internal Revenue; and whenever the amount of sales or receipts is understated or underestimated by any retail dealer in leaf-tobacco, he shall be again assessed for such deficiency, and shall be required to pay the same, with any penalties that may by law have accrued or be chargeable thereon.

In explanation of the interest I feel upon the subject I may be permitted to remark, that in a large portion of the district which I have the honor to represent tobacco is very extensively grown, and great inconvenience and oppression have resulted from the operation of those provisions, both to the producer and consumer of tobacco.

Complaint is directed especially against the proviso to section 6 and the last portion of section 7, which impose a tax of $500 upon every person who sells leaf-tobacco in less quantities than an original hogshead, case, or bale, or who sells directly to consumers or persons

who have not taken out license as dealers in leaf-tobacco. The dealer in leaf-tobacco having paid $25 and taken out license can purchase in any quantities, but he can sell only to "other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export." The *retail* dealer in leaf-tobacco is one whose businesss it is to sell leaf-tobacco in quantities less than an original hogshead, case, or bale, or who sells directly to consumers or to persons other than licensed dealers in leaf-tobacco; and such retail dealer is required to pay $500 for his privilege.

While no doubt the Government derives considerable revenue from the twenty-five-dollar tax imposed upon the dealer, it is almost unnecessary to state to this House that very little revenue is derived from the five-hundred-dollar tax upon *retail* dealers.

Your attention is invited to the following letter from the Commissioner of Internal Revenue, communicating some important information on this point:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 27, 1876.

SIR: I have received your letter of the 26th instant, and in reply to the inquiries therein contained would state that * * * no collections of special taxes of retail dealers in leaf-tobacco have ever been made from Tennessee. The following returns have been made from Kentucky: In May, 1873, $1,000, by A. H. Bowman, collector of seventh district; and from the same collector, in May, 1874, $1,000; and in May, 1875, $500; in August, 1875, $62.50, by W. S. Holden, collector of sixth district. The last amount is the special tax for one month, with a penalty of 50 per cent. added.

Yours, respectfully,

D. D. PRATT,
Commissioner.

Hon. W. P. CALDWELL,
House of Representatives, Washington, D. C.

It therefore appears from the foregoing letter that there cannot legally exist now, nor has there legally existed at any time since the enactment of the tobacco law, any retail trade in leaf-tobacco for consumption in the State of Tennessee, which State, I beg to remind the House, as appears by reference to census of 1870*, is in respect of quantity of tobacco raised within its limits the third on the list of tobacco-growing States.

In Kentucky, which stands at the head of the list, the amount of the retail tobacco tax is so insignificant that it is apparent the law there is in effect prohibitory of the trade. The same I take to be the case all over the country; and the result is that the consumer of tobacco who is not a producer of it, though he may prefer the unmedicated leaf, is forced to the use of the manufactured article at a greatly enhanced cost as being the only sort which he can purchase lawfully, or he may share with his neighbor, the producer, the risk of a violation of the law by purchasing the leaf by retail or accepting it as a gift. That the sale of it by retail is in violation of law admits of no doubt; and the opinion is not without some show of plausibility that under the proviso to section 6 the words "transfer or dispose of" would bring even a gift of leaf-tobacco within the purview of the law and make it criminal. The intent of the law-maker seems to have been the absolute prohibition of the use of raw or unmanufactured tobacco except by the producer; for the manufacturer, in whose interest and at whose instance it is believed the law was passed, seems to have paused only before the enormity of denying to the farmer the use of the fruits of his own labor.

Governments should never have recourse to oppressive legislation, unless the public welfare imperatively demands it. When such legislation has to be resorted to, and is of a character which renders it difficult of enforcement and easy of evasion, it is not only vexatious, but demoralizing. When laws are disregarded and set at naught with impunity, the effect is to be deprecated, as tending more or less to bring all law and authority into contempt. It is scarcely necessary to say that the habit of using tobacco, when once contracted, exercises a dominion over its subject from which only the highest degree of moral courage can deliver him; but we cannot assume it to be in any sense a moral or legal offense which the law can undertake to correct, or punish, or prevent.

All the traditions and habits of our people render them extremely averse to sumptuary laws, and the law under consideration is liable to many of the objections which have been urged against sumptuary legislation. It is unjust and oppressive to the unfortunate devotee to drive him from the use of a kind of tobacco to which he has been accustomed by placing it absolutely out of his reach and force him to the use of another kind by which the expense of the habit is increased from six to ten fold. It is unwise and ill-considered legislation which presents to him the alternatives of submitting to these heavy exactions or becoming at small risk a party to a violation of the law.

Only highly conscientious men, it must be admitted, who are restrained from infractions of the law by a higher motive than the fear of detection, prosecution, and punishment, yield obedience and submit, though not uncomplainingly, to its hardships. If it could be rigidly enforced, which it would be impossible to do except at a greatly disproportionate expense, it would be extremely harassing and obnoxious to non-producing consumers in tobacco-growing sections, and the impunity with which it can be evaded is all that renders it at all tolerable. It therefore appears that while the object of the legislation seems to be to coerce the consumer to the use of the manufactured article upon which Government may assess and collect its revenues, its great if not leading tendency is to encourage what wise governments should guard well against—evasions, subterfuges, and covert infractions of law on the part of their citizens.

I ask your attention now to hardships and inconveniences which the law inflicts upon the producer and those who occupy toward him the relation of tenants and employés. A planter may have raised a tobacco crop the past year, and, though having it yet in his barn and under contract with tenants and employés to furnish them supplies for the current year, he cannot lawfully furnish them the leaf-tobacco which he has and which they may and do generally prefer, but must buy for them the manufactured article at a cost of from 400 to 1,000 per cent. more. The leaf-tobacco which is bulked in the barns around which they work must be sold and transported to a licensed buyer, who in turn sells and transports it to a manufacturer, where, having gone through the manufacturing process and been subjected to Government taxation, it is ready to be sold and transported back to where it was raised. The pound of tobacco which would in the barn have cost the consumer ten cents now costs him from five to ten times that amount. This loss is inflicted upon the poor and needy, the laboring-man, the lately manumitted slave, and such as are least able to bear it. They may manage to escape it by some artful subterfuge, but the policy of a law that holds out such temptations to its evasion must be condemned.

Here, Mr. Speaker, I beg the attention of the House to some extracts bearing upon this subject from a memorial presented to this Congress in behalf of the tobacco manufacturers of Cincinnati and Covington. They show very clearly the enormous rate of taxation imposed by existing laws upon this great agricultural interest, and the absolute necessity of some remission of it:

The existing tax upon the annual product of at least 25,000,000 pounds of tobacco ranges from 600 to 800 per cent. on the original cost of the material, while the entire remainder will average at least 200 per cent. Many million pounds of leaf-tobacco will be sold this year by the grower at the place of production for not more than 3 cents per pound. A package weighing 1,000 pounds, which brings the farmer $30, requires, upon its manufacture, the payment of $240, which amount, with accumulating interest and sufficient profit to cover the risk of selling on credit to the dealer, follows the tobacco to the consumer.

The average yield of tobacco is about 1,000 pounds to the acre; there is therefore, under this system of taxation, an annual tax levied of $240 upon the production of each acre of tobacco-land. Is it strange that growers of tobacco are restive against this continued discrimination against their industry and urgent for permission to reach the consumer with unmanufactured tobacco free of tax?

A vast quantity of cheap smoking-tobacco, amounting annually to several million pounds, is made by cutting tobacco-stems, which are now worth only ¼ cent per pound, and the expense of manufacturing them is covered by another ¼ cent. One thousand pounds of this, therefore, costs, ready for use, only $10, the direct tax of which is $240, with an additional cost of $20 to meet the requirement of law in packing it in small papers, labeling, stamping, &c., making the actual tax $260 upon the value of $10.

This extreme taxation, with the reduced wages of labor, is leading to the general cultivation of tobacco in small quantities for domestic use; and, as no change whatever is made in any of its properties by the process of manufacture, this domestic culture will soon reach immense proportions, unless the tax is speedily reduced, to the injury alike of the grower, the trade, the manufacturer, and the revenue.

All the European governments that derive a large revenue from tobacco find it absolutely necessary to exercise the utmost surveillance and to place extreme restraints over its culture and traffic. Such oversight and restriction being, as we believe, impracticable here, it necessarily follows that a permanently high tax cannot be maintained.

We ask you to consider the manifest injustice of this tax, which is borne principally by laborers and persons of moderate means, to whom tobacco is as much of a necessity as tea, coffee, or any other article of comfort or luxury not absolutely essential to the direct support of life. While such a tax might have been justifiable under the exigencies of the great war, equity and fair dealing would have led to its early reduction, along with multitudes of other interests then subjected to taxation, but which were very soon entirely relieved of it. Instead of such a policy, the opposite, as we have shown to you, has been pursued, by increasing the tax within the last three years 50 per cent. on those grades of tobacco that were already the most heavily taxed.

A glass of beer or ale sold for five or ten cents pays less than ½ of a cent tax. A cigar which sells for five or ten cents pays .6 of a cent tax. Native wines, articles of pure luxury, pay no tax at all, but a four-ounce paper of smoking-tobacco, that is sold for 10 cents to the laborer who works for $1 a day, pays an actual tax of 6¼ cents.

Well may it be inquired why this excessive and disproportionate tax, the burden of which falls especially upon the working classes, who are the consumers on one hand, and the growers on the other. Tobacco being native to this country and from the earliest colonial times constituting one of its most important and valuable productions, and in which several of the largest, most populous, influential States of the Union are now greatly interested, is it not entitled to be more justly and reasonably regarded by your legislation?

The effect upon the small producer is most injurious and oppressive. He may not have enough for a hogshead; he cannot sell to or purchase from his unlicensed neighbor. He cannot sell to the consumer. His only market is the licensed dealer, who having paid the twenty-five-dollar tax, can buy by retail, but can only sell to other licensed dealers. It often happens in the country that for miles around there is not more than one of these dealers. If there chance to be more, combinations are easily formed among them which result in the suppression of all competition, and place the small producer completely at the mercy of a monopoly.

I submit to you, Mr. Speaker, that it is difficult to realize how hardly

* By reference to volume 3, Ninth Census, page 83, it will be seen that the tobacco production of the United States in 1870 aggregated 262,735,341 pounds, of which Kentucky alone raised 105,303,869 pounds, Virginia 37,086,364 pounds, while Tennessee, as next on the list, raised 21,465,452. The largest tobacco-producing county in Tennessee, as will be seen by reference to the same volume, pages 244, 248, is Montgomery, whose yield was 4,856,378. Next to Montgomery was Weakley, yielding 2,599,590 pounds. Next to Weakley were Smith and Robertson, each yielding a little over 2,000,000 pounds. And next Henry, with a yield of 1,715,000 pounds.

the law bears upon one who is dependent upon his little crop for the few common necessaries of life; luxuries indeed to him, but articles of necessity to his more fortunate neighbor. He cannot exchange his tobacco for them unless the merchant, as is seldom the case, is a licensed dealer. Such dealer he must find, and must then submit to this dealer's terms, whatever they may be. It is difficult for him to realize why it is that his Government places no restriction upon the sale of corn, or wheat, or cotton, or any of the products of the soil which his neighbor may raise, but places his skill and his labor at such a disadvantage by harsh and onerous restraints upon it; in effect, making the product of that skill and labor contraband and interdicting it as a subject for ordinary commerce and exchange, as if, indeed, the business of producing tobacco were an unlawful and criminal one, deserving to be discouraged, if not suppressed, by Government.

Prejudice against the law has been greatly intensified in some sections of the country by the arbitrary, insolent, and oppressive manner in which its enforcement has been attempted. I can but give the House an idea of some of the complaints on this subject by submitting an extract from a letter received from a very intelligent and public-spirited citizen of my district:

Our people are very much annoyed by a deputy United States marshal, who employs detectives to go through the country to buy a hand of leaf-tobacco. I and others who furnished our hands with supplies, including tobacco, have had much trouble and expense in going to Memphis. This marshal employs and pays a bonus to all informants.

Cannot a law be passed to allow a farmer to sell tobacco of his own production to his neighbors without license, and also allow him to sell it in small quantities to any one for consumption? By all means let it be settled as to whether he can supply his tenants and employés with it without first taking out the $500 license.

This extract will serve to show, Mr. Speaker, how extremely vexatious and annoying the law has become in certain portions of the country through the superserviceable zeal of irresponsible and unprincipled Government agents; and I only express the opinion of thousands in the section of country in which I live, including all classes from the wealthy planter to the poor laborer, when I say that there is to-day upon the statute-book of this Govrnment no law which excites so much dissatisfaction, prejudice, and discontent as the law under consideration. It violates grossly their traditional and cherished ideas of freedom in the disposition of the fruits of their labor. It affects injuriously their material welfare by circumscribing their markets and remitting them to the proverbial mercy of soulless monopolies. It outrages their sense of equal right and justice by subordinating their weal to the prosperity of a favored manufacturing class to whose insatiable greed they are ruthlessly sacrificed. It should not, therefore, be a matter of surprise that there is an emphatic popular protest against it—a universal demand for its repeal or modification in all the tobacco-producing sections of the country.

While we would be gratified to see all restrictions removed from commerce in leaf-tobacco, it is not expected that this Congress is prepared to go to that extent. I do, however, earnestly hope the honorable Committee of Ways and Means in the exercise of its great and responsible trust may find it neither incompatible with the public interest nor its sense of duty to relieve the law of at least its most obnoxious features. Many bills are pending before them looking to that end. One of them (H. R. No. 2063) I had the honor to introduce, and my distinguished colleague, Mr. ATKINS, whose constituents are also deeply interested in this subject, has embodied his views of the necessary modification of the law in another bill, and the attention of the committee is now invited to them in connection with others upon the same subject. I trust that in any event their deliberations may lead them to conclusions at least as favorable as those reached by the Ways and Means Committee of the last House, whose chairman (Mr. DAWES) reported May 25, 1874, a bill (H. R. No. 3491) the last section of which provided that from and after its passage any farmer or planter might "sell at the place of production tobacco of his own growth and raising, at retail, directly to consumers to an amount not exceeding $100 annually."

Unfortunately it failed to become a law; and I simply refer to it now, in conclusion, for the purpose of respectfully commending to the present committee the liberal spirit which their predecessors charged with the same delicate trust brought to the consideration of this important subject.

THE DANGERS OF GOVERNMENT SUBSIDIES.

Mr. PIPER. I avail myself of the present opportunity to address you on a subject of great importance not only to the people of the Pacific States, but to the people of the whole United States. I mean the subject of subsidies, either of lands or money, granted by Government to railroad corporations.

In making these remarks I shall be obliged to oppose the arguments heretofore advanced in this body; but trusting to the inherent strength of my positions, I have no fear that I shall fail in proving that the projects of subsidies, either of money or lands, in aid of internal improvements, now pressed upon the attention of the House with so much perseverance, are, from the greatest to the least, unwise and improvident, will not produce a tithe of the benefits promised by their advocates, and will as heretofore promote the interests of the corporators, and not those of the people.

I shall endeavor not to comment unjustly on any individual or corporation, but at the same time I shall censure as severely as they deserve the various plausible schemes of internal improvement which have had for their object the advancement of the interests of the projectors, and not the interests of the community at large.

Naturally the first question that arises in the discussion of this subject is the power of Congress to grant pecuniary aid to private individuals or corporations in building railroads and canals. And here let me remark that, in all the arguments now advanced by the advocates of this power, the instances of its discussion are taken only from the periods between 1806 and 1827 and from 1862 to the present time, leaving an interval of thirty-five years during which the subject was discussed in Congress with great ability by the most prominent statesmen; and, as far as any point of constitutional law could be considered as settled, the general opinion of the people in 1860 was adverse to the appropriation of money by Congress in aid of internal improvements.

The principle upon which the early measures making grants of lands alone was based is entirely different from that lying at the foundation of the innumerable subsidy bills passed within the last fifteen years, commencing with the great act of 1862, which granted 35,000,000 acres of land and $65,000,000 in bonds to the Pacific railroads. There is, I repeat, a great and very perceptible difference between the early measures and the audacious projects approved by Congress in 1862 and since as well as the colossal plans that are now being advocated.

At the present time it would hardly be profitable to criticise the action of the Government previous to 1862; but while admitting that Congress did not violently transgress any constitutional provision in granting lands in aid of roads and canals, I hold that these precedents by no means justify the extravagant theory that the power to provide for the common defense and promote the general welfare authorizes the Government to appropriate money in lavish profusion in aid of various enterprises which by some possibility may benefit the people, but at an expenditure double the amount necessary and out of all proportion in comparison with the advantages conferred. As for myself, I adhere to the old-fashioned, but as I believe correct, doctrine that Congress is limited in its powers but supreme within its sphere of action, and that it possesses no powers except those expressly granted by the Constitution or to be derived by necessary implication from that instrument.

In these days of liberal and free construction, our hopes of prosperity can only be realized by returning to the old methods of thought and to that reverence for the Constitution which it is now the common practice to ridicule and deride.

My adversaries in opposition to the preceding views may cite the recent opinion of the Supreme Court in United States *vs.* The Union Pacific Railroad Company, but that opinion confesses that the traditional policy of the country was opposed to works of internal improvement built by or under the authority of the General Government, and justifies the incorporation and subsidizing of the Pacific railroads by a variety of insufficient considerations, but really on the ground that, the public mind being impressed with the necessity, demanded the construction of these thoroughfares without a regard to the particular means to be employed, and the court virtually holds that under the circumstances a departure from the strict provisions of the Constitution was excusable. But the court, in so many words, also holds that the United States Government has no constitutional power to incorporate companies to advance private interests and to agree to aid them on account of supposed incidental advantages which would accrue to the public from the completion of the enterprises.

In the incorporation of the Pacific railroads Congress is supposed to have acted, not for the benefit of private persons nor in their interests, but for an object deemed essential to the security of the country as well as its prosperity. On this point, however, Congress and the people were wickedly misled; and in my remarks I shall, as I think, clearly prove that all subsidized railroads are virtually incorporated for the benefit of private persons and to advance private interests, and that therefore, under the recent decision of the Supreme Court, Congress has no constitutional power to aid such projects on account of the supposed incidental advantages which may or may not accrue to the public. In proof of this position I have only to give a succinct history of the operations of the Pacific railroads, drawing my materials chiefly from printed public documents, but supplementing this with a truthful account of the burdens under which the people of the Pacific coast are groaning by reason of the oppressions of these mammoth corporations.

The operations of these various railroad companies are based upon the act of Congress of July 1, 1862, (Statutes at Large, volume 12, page 489,) and its various supplements. This act incorporated the Union Pacific Railroad Company, with enormous grants of land and money, and admitted to similar privileges the Central Pacific of California, the Leavenworth, Pawnee and Western of Kansas, the Pacific Railroad of Missouri, and the Hannibal and Saint Joseph of Missouri. The right of way through the public lands, two hundred feet in width on each side of the track, was granted, together with the grounds for depots and shops, and the right to take from the adjacent public lands timber, stone, and other materials for the construction of the road. There were also granted five alternate sections of land per mile on each side of said railroads within the limits of ten miles; all mineral lands, with the exception of the timber thereon, being excepted.

The Secretary of the Treasury was authorized to issue to said companies United States bonds at the rate of $16,000 per mile, it being

provided that the issue of said bonds and their delivery to the companies should constitute a first mortgage on the roads and their equipments. It was also provided that all compensation for services rendered for the Government should be applied to the payment of said bonds and interest, and that at least 5 per cent. of the net earnings should be annually set aside as a sinking fund.

All lands within fifteen miles of any designated route were ordered to be withdrawn from pre-emption, private entry, and sale after a map of the line had been filed in the Interior Department.

Upon the mountainous portions of the road a bond subsidy was granted of $32,000 a mile and $42,000 a mile, according to the difficulties of construction, and 25 per cent. and on the mountain section 15 per cent. of the bonds were ordered to be reserved out of each installment to secure the construction of the roads.

To minds of ordinary intelligence these munificent grants would seem sufficiently liberal, but the terms were not satisfactory to the greedy speculators, and another act of Congress, that of July 2, 1864, was passed by which other and more immense privileges were granted to these companies. The number of sections of land granted was increased from five to ten per mile on each side, the selection was allowed to be made within twenty miles of the line, and all the lands within twenty-five miles were directed to be withdrawn from pre-emption and sale. The term "mineral lands" was construed so as to exempt from reservation all coal and iron lands, and thus the companies were enabled to secure a monopoly of these valuable products, more valuable than those of the precious metals. The full amount of the subsidy bonds, without any reserved percentage, was ordered to be paid, and only one-half of the compensation for services was required to be applied to the payment of the interest. The companies were also authorized to issue first-mortgage bonds equal in amount to the subsidy bonds, which were made subordinate to the company bonds; and by a subsequent act company bonds were allowed to be issued one hundred miles in advance of the completed road.

Such were the general provisions of the Pacific Railroad acts in 1864; and the various companies mentioned in the early act of 1862 having by 1867 gradually become absorbed and merged in the two great corporations, the Union and the Central Pacific Railroads, let us now briefly examine their financial operations.

UNION PACIFIC RAILROAD.

And, first, as to the "Union Pacific." From a series of developments within the last few years, it would seem to be conclusively proved that the stockholders and directors of this company formed a combination for the purpose of defrauding the Government and the people. When the road was declared by the Government to be completed—that is, on October 1, 1874—it had cost $115,214,588, or $111,000 a mile on a length of ten hundred and thirty-eight miles.

According to the reports of the company, the whole line of the road is a very favorable one, the soil on the greater part of it forming an admirable road-bed. More than one-half of the route is practically level, while the Rocky Mountains do not present obstacles so formidable as those offered by the Alleghany ranges to the railroads crossing them, and an elevated table-land extends for four hundred miles, from the eastern to the western crest.

The highest cost of construction of these Atlantic roads, including land damages, is placed much below $50,000 a mile; but taking this sum as a fair estimate, the Union Pacific road should have been built for $52,000,000.

The company has as yet never published an exhibit in detail of its expenditures and liabilities, but from accessible information the account may be stated as follows:

First-mortage bonds	$27,237,000
Land-grant bonds	10,400,000
Omaha-bridge bonds	2,500,000
Sinking-fund bonds	16,000,000
Capital stock, (paid up)	36,762,300
Total bonds and stock	92,899,300
United States subsidy bonds	27,236,512
Total	120,135,812
Estimated cost of road	52,000,000
Difference	68,135,812

What, then, has become of this difference of over $68,000,000 between the money passing through the hands of the directors of the Union Pacific and the estimated reasonable cost of constructing the road? The answer is found in the history of the Credit Mobilier of America, to be read of not only in the Pennsylvania law reports but also in the congressional records. The infamous character of its transactions is sufficiently well known to the public without any attempt on my part to enter into details; it is enough to say that through the interposition of this shadowy corporation the directors and stockholders of the Union Pacific distributed among themselves an immense sum of money for which no actual service was rendered.

Starting in 1864 with a cash capital of $25,000, the Credit Mobilier built forty miles of the Union Pacific in 1865 and 1866, and then from the subsidy bonds received reported in 1867 a paid-up capital stock of $3,750,000. On this capital during seven months' operations it declared dividends in cash and bonds amounting to $7,237,500, or nearly 200 per cent. on their fictitious capital.

Again, the report of the special committee of the Forty-second Congress on the Pacific Railroads, presented March 1, 1873, also throws great light upon the collusive proceedings of the directors of the Union Pacific, who were the managers of the Credit Mobilier. From that investigation it appears that the Credit Mobilier represented the cost of constructing eleven hundred miles of road to be $78,945,012, or an average of $71,768 per mile. The railroad company, however, paid $94,646,288 in stock and bonds under the contracts with Hoxie, Ames, and Davis, guaranteed by the Credit Mobilier; and these contractors actually expended only $50,720,959, leaving a profit in stock and bonds of $43,925,329, which, reduced to cash, produced at least $23,000,000.

This brief account is sufficient to show that the schemes of the audacious projectors of the Union Pacific were conceived in rascality and carried out in fraud. And while thus coining money by the mere exercise of their wits in consequence of the improvident bounty of the Government, the directors of the Union Pacific conceived the happy idea of refusing to pay the interest on the Government subsidy bonds until the principal became due at the end of thirty years. By this miraculous conception the Government will actually be obliged to pay on these bonds, principal and compound interest, $164,964,887, while the company will only pay, principal and simple interest, $78,400,000, and thus the Government will suffer an actual loss of $86,564,887. But this outrage on decency I shall leave for the present, intending to comment upon it more at length toward the close of my remarks. The directors also refused to set aside 5 per cent. of the net earnings as a sinking fund and are contesting the point in court, but at the same time they profess a disposition to carry out any plan that will do justice to the company and to the Government; they being the judges of the justness of the plan.

By the report of the company for 1875 it appears that the profits are being applied to the redemption of the land-grant bonds of which $10,400,000 were issued; of these $2,768,000 have already been actually canceled, and $3,072,502 are protected by land-notes, leaving $4,619,498 to be provided for by future sales. It is therefore evident that the directors are rapidly paying off the bonds supposed to be owned by themselves at the expense of the General Government.

Does any man believe that the members of the Thirty-seventh Congress would have voted for the Union Pacific act of July 1, 1862, had they for a moment supposed that such monstrous evasions would have been attempted? Common sense and common honesty are the only requisites for the construction of the statute, and yet these cunning monopolists with unblushing effrontery excuse their dishonest manœuvers under the plea that they have been nearly ruined in endeavoring to benefit the country, when in reality not a cent of tangible wealth was invested in the enterprise. The comparatively small amount of money raised was employed in floating the concern, and the remaining funds were procured at the expense of a deluded people.

So much for the Union Pacific, remarking that the provisions of the acts of 1862 and 1864 in reference to subsidies and land grants are substantially applicable to all the roads constructed by Government aid in the Territories and in the Pacific States, and also remarking that by the acts incorporating the Northern Pacific, the Central Pacific, (Oregon branch,) the California and Oregon, the Atlantic and Pacific, the Southern Pacific, and the Texas Pacific, the grants of land were extended to twenty, thirty, and forty alternate sections per mile of public lands in the States, and forty, fifty, and sixty sections per mile in the Territories.

CENTRAL PACIFIC RAILROAD.

I shall now turn my attention to the Central Pacific Railroad, and under this head I include also the Southern Pacific, the California and Oregon, the Western Pacific, and several other smaller roads, all under the control of the Central Pacific, that giant corporation which rules the Pacific coast with a rod of iron.

The Central Pacific Railroad of California was incorporated June 27, 1861, under the general railroad law of California, to construct a road to the eastern boundary of the State. The act of Congress of July 1, 1862, (Public Laws, volume 12, page 490,) incorporating the Union Pacific, authorized the Central Pacific of California to construct a railroad and telegraph line from the Pacific coast, at or near San Francisco or the navigable waters of the Sacramento River, to the eastern boundary of California, upon the same terms and conditions in all respects as the Union Pacific.

The act of Congress of July 2, 1864, already mentioned in my remarks on the Union Pacific, granted to the Central Pacific other valuable franchises. In addition to an enlarged grant of lands and the release of certain conditions, Congress authorized the Central Pacific to continue the construction of the road through the Territories and States intervening to the Missouri River. And here let me remark in passing that these two words "States intervening," quietly inserted in the act of 1864, contain a most dangerous innovation, and to my mind grossly violate the constitutional privileges of the States. That by the insertion of two words, or seventeen letters, in an act of Congress, the whole current of decisions during seventy-seven years should be turned aside, is only another instance of the insidious attacks of these monopolists on all law and all constitutional construction.

The Central Pacific Railroad of California in 1870 became consolidated with the Western Pacific, the San Joaquin Valley, and the San Francisco, Oakland and Alameda Railroad Companies under the name of the Central Pacific Railroad.

With a desire to own every pass and natural avenue to the Pacific, the directors, by well-known means, also secured control of the Southern Pacific Railroad Company, a corporation formed October 11, 1870, by the consolidation of the San Francisco and San José, the Southern Pacific of California, the Santa Clara and Pajaró Valley, and the California Railroad Companies. The Southern Pacific Railroad of California should not be confounded with the Southern Pacific Railroad of Texas, a corporation of which a great deal has been said.

In my remarks in connection with the just-mentioned railroads I shall expose the operations of a ring of California speculators, who since 1861 have been engaged in plundering the people of the United States and in oppressing the citizens of the Pacific coast.

The schemes of these men to secure immense profits in the construction of roads to the Pacific were similar to those of the Credit Mobilier of America; but as no real investigation of their conduct has ever been made either in the courts or in Congress, the precise particulars of their projects can only be conjectured. This fact, however, is certain, that five of the confederates having resolved to cheat one of their innocent and honest stockholders, he was obliged, June 21, 1870, to commence a suit to protect his rights; and the disclosures in his complaint at once aroused the attention of the people of California to the serious dangers threatened by the plots of the autocrats who were resolved to rule or ruin the State. Although the suit was never brought to a hearing, yet the facts alleged were so strongly supported by affidavits of respectable persons and were so convincingly presented, that the defendants at once admitted the truth of the charges by compromising the case.

Under these circumstances the account given by Samuel Brannan, the plaintiff in this suit, may be considered as substantially true. He asserts that C. P. Huntington, Leland Stanford, Mark Hopkins, Charles Crocker, E. B. Crocker, and others, being a majority of the directors of the Central Pacific, formed themselves into a company styled the Contract and Finance Company, for the purpose of taking contracts for the construction of the road at rates largely in excess of the sum at which the work could have been let out to responsible parties. The said directors then entered into a contract with themselves, as members of this fictitious corporation, for the construction of the Central Pacific, and transferred to the Contract and Finance Company the entire subsidies of land, money, and bonds granted by the United States, the States of California and Nevada, and various municipal corporations of California in aid of the enterprise. They also granted to Wells, Fargo & Co. the exclusive right of running express trains for the transportation of freight, packages, and bullion over the Central Pacific, and received as pay for the concession stock in that company. They also bought up the stock of competing railroads, and, receiving the subsidy bonds from the United States, appropriated to themselves the profits of said roads. By means of fraudulent devices, they so managed their operations, principally through the Contract and Finance Company, as to earn immense profits, recklessly increasing the cost of building the Central Pacific to double or treble the amount necessary.

In order to obtain these immense grants of land and money, and to procure the re-organization of the competing railroads purchased by them, and to secure their re-election as officers thereof, they expended vast sums of money in lobbying, and in carrying out their schemes generally they rode rough-shod over the people of the Pacific coast, using every conceivable mode of oppression. These grave charges are substantially confirmed by the reluctant testimony of Richard Franchot and C. P. Huntington, given in the early part of 1873 before the special committee of this House appointed to investigate the operations of the Central Pacific.

As all the records and books of the company were in Sacramento, and as most of the persons concerned in the construction of the road lived in California, the committee were unable to make a complete investigation before the Forty-second Congress expired; but they examined the two witnesses just mentioned, who seemed to have lost their memories and were bright and shining specimens of the "don't recollect" class.

Richard Franchot, the lobbyist, testified that he was employed in watching over the interests of the Central Pacific at Washington and other places, subject to the call of the president of the road; but he would not specify any one act of the services he performed at a salary of $20,000 per annum.

Huntington, the vice-president of the road, in his examination, with crafty obtuseness forgot the particulars of his numerous transactions, limited all his answers by the vague phrase "I am under the impression," professed ignorance on every point on which he was questioned, and had no distinct recollection of any one thing. Persistently pursued in all his windings through a maze of evasions, when at last brought to bay he admitted that persons active in the management of the Central Pacific had received considerable values as profits on contracts for its construction; he also admitted that the practical control of the Central Pacific and of the Contract and Finance Company was in the same parties at the time of the signing of the construction contracts and during their execution.

The same committee reported that the capital of the Central Pacific did not represent cash, but profits on construction, and that the property of the road had passed largely into the hands of its own officers, who made contracts in the company name with themselves.

During the present session of Congress similar damaging charges have again been made against Mr. Huntington and his associates, and instead of demanding a thorough investigation of his conduct, throwing open the books of his company for examination, he maintains an impenetrable silence, and will not answer the simplest question, however remote, lest by any possibility it may give a clew to his mysterious course. In his recent argument and examination before the House Committee on Pacific Railroads he could not give the name of any one of the officers or directors of the Contract and Finance Company, or its present successor, the Western Development Company, but relied upon the memory of Judge Brown, who was equally oblivious. And here let me remark that the late contest before the Committee on Railroads to control the southern route to the Pacific has disclosed the secret maneuverings of Huntington and the plans by which he keeps out of the market all the Government lands and compels the settler to buy from his companies at exorbitant rates.

COST OF THE CENTRAL PACIFIC RAILROAD.

I have already given a statement of the condition of the Union Pacific, and I shall now present a similar statement in regard to the Central Pacific, taken from their annual report for the year 1874, the latest source of information:

First-mortgage bonds	$25,883,000
Convertible mortgage	1,483,000
Land-grant bonds	9,049,000
Western Pacific bonds	2,735,000
California and Oregon bonds	6,000,000
Central Pacific, (C. and O. division)	1,291,000
San Joaquin Valley bonds	6,080,000
San Francisco and Oakland	500,000
State-aid bonds	1,500,000
Capital stock, (paid in)	54,275,500
Total bonds and stock	108,796,500
United States subsidy bonds	27,855,680
Grand total	136,652,180

The actual cost of the road and equipments is placed at $140,803,789.

The company claims that under the grant of 12,800 acres per mile for 1,033 miles of road it is entitled to at least 11,722,400 acres, worth at the minimum price $29,543,000, and says that these are its most valuable assets. It owns in addition the undivided half of 60 acres in Mission Bay, San Francisco, 500 acres water-front at Oakland, and 140 acres and the water-front at Sacramento, the estimated value of all which, exclusive of improvements, is $7,750,000. These valuable assets are therefore worth $37,293,000.

SOUTHERN PACIFIC RAILROAD.

I shall now turn my attention to the Southern Pacific Railroad. This road is the favorite bantling of Huntington, Stanford, and their associates, and although the former gentleman has nominally withdrawn from the direction and taken the comparatively humble position of purchasing agent in New York, he is the ruling spirit of the combination, and his operations for the last ten years in this connection present striking proofs of the multifarious projects born in his fertile brain.

The Southern Pacific Railroad of California was incorporated November 29, 1865, under the general railroad act of that State. The articles of association provided for the construction of a continuous line from San Francisco through the counties of Santa Clara, Monterey, San Luis Obispo, Santa Barbara, Tulare, Los Angeles, and San Diego, to the town of San Diego; thence eastward to the east line of California, there to connect with a contemplated line from the Mississippi River. Not a single mile of this road had been constructed when on July 27, 1866, an act of Congress incorporating the Atlantic and Pacific Railroad authorized the Southern Pacific of California to connect therewith, and in aid of its construction made large grants of public lands as well as of the right of way.

On January 3, 1867, this Southern Pacific of California filed in the General Land Office a map of the route which had been selected. But in fact this line was not based upon actual surveys; for the interval of time was too short for the work, and it is believed that Huntington or some one by his direction had drawn a red-pencil line on a map of the State of California and had sent the same to the General Land Office. The line so selected and so filed did not correspond with the chartered line, as it did not touch the counties of San Luis Obispo, Los Angeles, and San Diego, and did not approach the town of San Diego nearer than one hundred and fifty miles. The filing of this spurious survey, however, accomplished the intended object, for it caused the withdrawal and reservation of all the odd-numbered sections of public lands in California on a belt sixty miles wide from San Francisco to the Colorado River, containing an area of 6,000,000 acres. It also enhanced the price of the even-numbered sections to $2.50 an acre. At this time not a single mile of road had been built, and only $1,829 had been expended for surveys. The first annual report was filed by Huntington, who transmitted it to Washington from the New York office of the Central Pacific. On being informed of these irregularities on June 14, 1868, Secretary Browning ordered the reserved lands to be restored to the public domain; but Huntington interposed, and in 1869 the order of restoration was suspended to await the action of Congress.

The Legislature of California on April 4, 1870, permitted the Southern Pacific to file new articles of association and validated the change of route and location. Congress also came to the rescue, and by a

joint resolution of June 28, 1870, (16 Statutes at Large, 382,) permitted the Southern Pacific to construct its road on the route indicated by the map filed January 3, 1867, and validated the previous irregular proceedings. About this time the Central Pacific, having previously been working in the dark, now came forward openly and bought out the line then actually constructed between San Francisco and San José, and entered into an agreement for the extension of the line to Gilroy. The company then set up a claim to a belt of land lying along the line of this route, and a bitter legal war with the actual settlers ensued.

The land cormorants, however, were not yet satisfied, and on October 11, 1870, the San Francisco and San José, the Southern Pacific of California, the Santa Clara and Pajaró Valley, and the California Railroad were consolidated under the name of the Southern Pacific Railroad Company.

A contract was made with the Contract and Finance Company, and subsequently with the Western Development Company, to construct and equip the whole line of road, for which they were to receive mortgage bonds at the rate of $40,000 a mile and the balance in capital stock. These immense donations, however, did not come up to the expectations of Huntington, and the act of Congress of March 3, 1871, (Statutes at Large, volume 16, page 579,) was passed, authorizing the Southern Pacific to construct a line from Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River. On April 3, 1871, or within thirty days, a map of the additional line was filed, and the lands on each side of the road withdrawn from private entry. The Southern Pacific has received 11,926,600 acres from the United States, and it is asking for more.

Time fails me to speak of the Northern Pacific, with its domain of 47,000,000 acres; of the Atlantic and Pacific, with 40,000,000 acres, and of the Texas Pacific, with 17,000,000 acres. I shall therefore conclude my remarks with a general exposition of my views of the impolicy of alienating such immense portions of the public domain in favor of these grasping corporations.

IMPOLICY OF ALIENATING IMMENSE PORTIONS OF THE PUBLIC DOMAIN.

In the world's history no such donations of national property were ever made to individuals. No Roman Cæsar ever lavished on a favorite who ministered to his vices and pleasures such imperial gifts as have been lavished upon the few individuals composing these corporations, and that, too, by the representatives of the people of a Republic in which each and every citizen is supposed to be equal and to be equally entitled to the benefits flowing from Government. I suppose it can only be accounted for on the principle of placing stock "where it would do the most good," as was declared by a former member of this House when speaking of the disposition of the Credit-Mobilier stock. It is clearly demonstrable that the laws, both original and supplementary, creating these corporations were enacted simply in the interests of the companies without interposing any safeguards to protect the rights of the people or Government. Surely no man could have voted for these laws unless he was grossly deceived as to their effect, or had other than the public interests in view.

The system of Government subsidies in aid of persons or of corporations is fundamentally vicious, and is as unjust as was the granting of monopolies and franchises by the despotic governments of the Old World before the people had any voice in the management of public affairs, and when they were considered mere chattels.

I am more especially conversant with the workings and the baleful influences of this system through my knowledge of the workings of the Central Pacific Railroad and its adjuncts heretofore spoken of. This great corporation, as I have previously stated, is owned in the main by four men, to wit, Leland Stanford, C. P. Huntington, Mark Hopkins, and Charles Crocker, and these four men also own the controlling interest in the Southern Pacific. I have no reasonable doubt that they own three-fourths of the last-mentioned road. Could any one ever have supposed that in a Republic four citizens could have ever been the recipients of such bountiful gifts from the Government?

It may not be considered exactly chivalric to comment on individuals upon the floor of this House when they have not an opportunity to reply here; but as Huntington, "the lachrymose," before a committee of this Congress complained of the persecutions his companies were undergoing and of the ingratitude of the public, after he and his friends had risked their fortunes in this doubtful enterprise, wasting the best part of their lives in this patriotic work and only receiving a dividend of 13 per cent. upon the capital invested, as a return for their great labors and hazardous risks, I believe I shall be justified in explaining the means they used, and what and how much they risked. I doubt whether these men, all told, were in the aggregate worth more than $150,000 when they embarked in this railroad enterprise; and now after twelve or thirteen years their aggregate wealth amounts to as many millions as they then possessed thousands. So these "poor" men have been terribly maltreated by the Government!

Now, as to the means they have used to accumulate this colossal sum. About the time they commenced this enterprise they procured the passage of a bill through the Legislature of California submitting to a vote of the people of San Francisco the question whether the city should issue $600,000 of bonds for their benefit. When the election took place there was some opposition on the part of the voters, and I was an eye-witness of a humiliating sight. The brother of this Leland Stanford was openly going about the polling-places scattering gold and silver to influence and buy votes for this municipal subsidy. This is the way in which they have succeeded in drawing these vast sums from the people.

The Southern Pacific Company in 1870 procured the passage through the California Legislature of an act authorizing the voters of San Francisco to decide whether the city should grant a subsidy of $1,000,000 to the company. When the election came off, some of us, thinking that the railroads had got about enough from the public, opposed and beat them at the poll; but what was our surprise when they demanded a recount by the canvassing board! Presto, change, they had carried a majority of the votes for the subsidy. But upon investigation it was so apparent that the returns had been opened and changed, that the railroad men—the penitentiary staring them in the face—abandoned their efforts to secure this million-dollar subsidy from the people of San Francisco. These two instances are evidence of their mode of operating.

These railroad speculators always become alarmed at the prospect of the election to office of any one whom they cannot control, from a supervisor to a governor or President. If they had earned their vast fortunes by legitimate means, they would certainly not be afraid of the election of honest men.

These people have controlled the Legislatures of the States through which their roads are located, and also the assessors and supervisors of the counties. And by these means they are relieved from the burden of their just proportion of the public dues. They pay no taxes on their enormous land grants, as patents are not taken out until they have made contracts for the sale of the lands. By these dishonest means they evade their liability to pay their just proportion of the public burdens. Their mode of influencing a public officer who has not been elected as their tool is to undermine his probity by gradual advances. If they think an officer can by any means be tempted to violate his duty, immediately after he is elected he is approached and sounded by their emissaries—for they keep up a corps of agents as well organized as that of Fouché under the first French empire—and if he is at all pliable he will be presented with a complimentary free pass over all their roads from San Francisco as far east as Omaha. If he happens to be a member of the legislative department of Government, he is accommodated with a special car.

This is only the beginning of the downward course, and it is not difficult to foretell what will follow; for a public officer is already half corrupt when he condescends to accept gratuities.

The president of the Central Pacific, Leland Stanford, as he has always done, remains in California with his corps of lobbyists to corrupt and manage the State Legislature. But this year, it is to be hoped, he will be foiled; for so far he has been defeated in the lower house, and he will probably meet with a similar disaster in the upper unless he succeeds in deluding three or four senators into the belief that he will make them governors or United States Senators in case they will maintain their allegiance to him.

The other partner in iniquity, the "lachrymose" Huntington, operates here in Washington with a corps of lobbyists in his train equal to that of an Indian nabob—men some of whom, I regret to say, have held high positions here. This corps is supplemented by a band of lawyers, who are acting professionally, it is true, and who would be offended at the intimation that they are lobbyists; but it is hard to determine where the lawyer ends and the lobbyist begins.

However strenuous may be the denials, the Southern Pacific is undoubtedly the Central Pacific under another name and in another guise. A mere fraction of the Southern Pacific, it is true, may be owned by outside parties, who have recently been taken into the company, but only taken into the ring to do their dirty work and swearing, since the four "original Jacobs" have already sworn to such an extent that long since no one would believe them.

These railroad speculators have also organized a complete system of black-mailing. They invariably ask to be paid for running their roads through any town that may happen to lie near the projected line, and in case their demands are refused they threaten to locate the route some distance off, and start an opposition town on their own land and go into the "lot and hotel business." This they have done in numberless instances. In one case in Los Angeles County a gentleman who had a tract of land, through which the Southern Pacific was running their road, generously offered them the right of way and twenty acres for depot purposes. But this liberal offer was not satisfactory, and they demanded four square miles of his best land. Upon his refusal to comply with this very modest request, they set their satellites to work in the Departments here at Washington, and have succeeded in getting an order from the Secretary of the Interior instituting proceedings to vacate a patent regularly issued by Government officers over eight years ago. And they have also publicly boasted that they will get possession of half the rancho after they have succeeded in setting aside the title and patent. How indecent is it for such people to talk of fraud and corruption when the life-blood of their existence springs from such sources!

Under the unwise system of subsidizing corporations, the gift of land is, I think, tenfold less defensible than that of money. Land is a necessity for animal existence, and legislation which gives such vast domains to a few corporations must be destructive of the very highest interests of the people and Government.

Since 1861 there has been legislated into the hands of corporations a tract of nearly 235,000 square miles of territory—a domain

larger than France or the German Empire, over five times greater than Pennsylvania, six times as large as Ohio, and three times larger than the island of Great Britain. This immense territory has been granted to five corporations, yielding to each one an average of more than the area of the Empire State.

One shudders involuntarily at the contemplation of such vast possessions being in the hands of five soulless corporations—possessions sufficient to support a population of forty millions. This land at $2.50 per acre would produce the immense sum of $275,000,000. What have we got in exchange for this spoliation of the people's patrimony? Three thousand miles of single-track railway run in the interest of these greedy speculators, without any restrictions as to charges for freights and fares. Say what you will, this is a robbery of the people's birthright, and it was criminal to have given it to these pampered favorites of the party that has controlled the Government for the last fifteen years. In addition to all this, the Government has given them $65,000,000 of bonds for thirty years without the payment of interest as it becomes semi-annually due.

I now quote the following from Attorney-General Pierrepont's brief in the case of The United States *vs.* The Union Pacific Railroad:

> At the end of thirty years the Government will have paid out three hundred and eighteen millions in interest alone, because it must be borne in mind that it is compounded every six months for the term of thirty years.

This is a fact proven by figures; and yet the Central Pacific, which will be indebted for half this amount, as owner of the Southern Pacific, has the audacity to ask for more land to build the road farther east to head off the Texas Pacific, thereby preventing the construction of a competing line and binding more firmly the shackles of steel upon the people of the western coast of the Republic.

As to the great evils that have grown out of this system of legislating the public lands and moneys into the hands of a few speculative corporations, I presume no one will doubt; and as a remedy to some extent, in my judgment, the House should pass bill No. 1033, which provides for the restoration to the public domain of all lands that have lapsed by reason of the non-fulfillment of the conditions of the grants, and forever put an absolute stop to any further concessions of public lands for any other than settlement and homestead purposes.

The construction of a competing line between the Atlantic and Pacific coasts is no doubt very desirable, and no one longs for it more than I do; and if this becomes an absolute necessity, in the name of common honesty do not, as in the past, give double the amount necessary in money and land to some grasping corporation to build the road to be used for private advantage and as another source of public corruption.

In my judgment it is the duty of Congress, and the nation demands it of us, to remedy these evils, and to wrest as far as possible from these public spoliators their ill-gotten gains. Their defenders, it is true, intrench themselves behind the statutes, but they may find that the law-makers are stronger than the law-interpreters. The very acts granting to the railroads these vast subsidies of land and moneys have made reservations that may be legitimately used to coerce them to observe a decent respect for the rights of the people and Government, the courts to the contrary notwithstanding. Let their directors attend to their duties to the country instead of hovering around these Halls and those of State Legislatures like birds of prey in order to retain what they have fraudulently acquired.

The directors of these roads must submit like other citizens to the laws; they must cease trying to be masters of the people, and must cease setting themselves above the Government, or ere long they will find a power greater than the courts that will resist their tyranny to the death—the power of the people, who in their anguish and might will rise and sweep them together with all their ill-gotten gains from the face of the earth.

TEXAS AND PACIFIC RAILWAY.

Mr. WOODBURN. Mr. Speaker, since the commencement of this session many matters of grave moment have been learnedly, logically, and eloquently discussed by members of this body. If what is known as the currency question be excepted, there is a measure now slumbering in the hands of the Committee on the Pacific Railroad, which, for aught I know, sleeps the sleep that knows no waking, that in my humble judgment overshadows them all in point of national importance. I allude to the Texas and Pacific Railway bill, designated by its enemies as the "Tom Scott bill," introduced by the honorable member from Tennessee, [Mr. ATKINS.]

The object of the bill is to further the construction of another transcontinental railroad from Texas to the Pacific Ocean on or near the thirty-second parallel. It must necessarily be for all time to come an independent and competing line, for the reason that it is provided that Congress shall have the exclusive and perpetual right to regulate the rates of transportation of freight and passengers, and for postal and telegraphic service, and it can never be leased or controlled by any other line.

In order to consummate this great national enterprise, the aid of this Government is now invoked. No grant of the public domain, no loan of money, no indorsement of the principal of the bonds of the company is prayed for; all that is asked is the guarantee by the Government of the interest on a limited amount of 5 per cent. construction bonds, issued by the company, payable in fifty years, which is necessary in this period of financial depression to facilitate their sale in European markets.

The bonds are not to exceed $40,000 per mile in the mountains, and $30,000 per mile on the plain, limited to an average of $35,000 per mile or less, if the cash cost of the work shall be less.

The liability of the Government would be but $1,750 per mile per annum if the limit of $35,000 per mile is reached.

To secure the Government against any possibility of loss by reason of its guarantee, the bill provides that the acceptance of its provisions shall constitute a first lien upon the road, telegraph, rolling-stock, shops, fixtures, and property of every kind, including the franchises and all lands granted by the United States in aid thereof.

The Government has the right to reserve all moneys due for the transportation of troops and supplies, and for its postal and telegraphic service, and apply it to the payment of the interest.

Besides, there must be deposited in the Treasury of the United States $5,000 in bonds for each mile of road, to be sold by the Government to meet any possible deficiency in the payment of interest while the road is in process of construction.

These, in brief, are the main provisions of the bill, concerning which so many arguments have been made before committees and so many pamphlets have been written for the information of members. It has furnished the press of the country a fruitful theme for discussion. The Legislatures of many States have requested by resolution their Representatives in Congress to support it. It is a matter of intense interest to the people of that vast empire lying west of the Rocky Mountains, who are now anxiously awaiting the action of this body.

Believing that this measure will some day not far distant come up for our consideration, I deem it my duty to my constituents to state the reasons which induce me to give it an honest and earnest support.

I understand, sir, that one of the main objections urged against the passage of this measure is that the aid demanded to assist in the construction of the Texas and Pacific Railroad partakes of the nature of a subsidy, and is in violation of that spirit of economy and retrenchment which is almost hourly manifested by the dominant party in this House. I would not be numbered among its supporters were I convinced that affirmative action on my part would have the most remote tendency to encroach upon any equitable rule of economy which ought to characterize our republican form of government.

I have heard it daily and perhaps truthfully asserted by the leaders of the other side of the House that there never was a time in the history of the Republic when it was more necessary to curtail, economize, and retrench than the present. We have been told that this side of the House is for economy in the abstract, while the other is for the concrete reality. It has been said that the republican members of this House would march in platoons against every measure of economy. Extracts from the life of Franklin, containing the information that before he left this country on his mission to France he gave all his money to the Government, have been read in solemn tones for the purpose of alluring us from the paths of extravagance.

Why, sir, the cry of economy is growing louder and stronger the nearer we approach the presidential election. The very atmosphere that surrounds us is pregnant with its fragrance, and has been purified by its spirit. Even the winds that blow around the Capitol babble and gossip of economy.

I believe in economy, for I have been taught that the real economist is a true statesman, not a politician, who, for the purpose of manufacturing political capital, applies the pruning-knife of retrenchment to cut down the meager salaries of public servants in humble and subordinate positions.

Nor did obedience to the doctrine of economy ever demand a candidate for office to pledge himself to his constituents to vote against even a subsidy to a lawful enterprise, the successful result of which will increase the wealth and promote the prosperity of this whole country.

No supporter of this measure need ever fear the imputation of extravagance, for the possibility of loss to the Government is carefully guarded against by its provisions. If I am correct, then the cry of anti-subsidy is pharisaical, and protestations against extravagance are meaningless.

To prove the strength of my position, I ask no better evidence than is contained in the following extract from the admirable speech delivered a few days ago by the gentleman from Tennessee, [Mr. ATKINS.] He says:

> What further security is given to the Government for this mere extension of credit? I answer, the absolute remission to the Government of 33,000,000 of acres of land which is now granted to the Atlantic and Pacific Company, and which, by the enactment of this bill into a law, reverts to the United States for the benefit of actual settlers. Is the reversion to the Government of such a large majority of land nothing? Why, sir, it is worth at least $50,000,000; more than half the entire amount of bonds were the Government required to pay every dollar of it. Add the 33,000,000 acres of land which the bill returns to the Government to the 9,000,000 of acres unencumbered, donated by the State of Texas, computed at $3 per acre, a low price for that rich and prolific soil, beneath a more than Italian sky, together with the grant in the Territories of 10,000,000 acres, and we have at the outset a present and unfailing security against the loss of a dollar upon the part of the United States. The whole amount of bonds to be issued for the entire road would not exceed $90,000,000, and, at 5 per cent., the amount of annual interest, if every bond were issued, would not exceed $4,250,000. But as the bonds are only to be issued as the road is built in sections, the last bond will only be issued as the last

section is contracted for. Besides, the bill provides that there shall be no accumulation of interest, because, whenever the company shall fail to pay the annual coupons of interest, the Government at once has the right to sell the property of the company and the road itself. Hence the Government would not, could not, be involved for only six months' interest before it would have the right to sell and indemnify itself. And as the bonds are only issued as the road is constructed, no large amount of bonds would at any time be upon the market.

I invoke especial attention to this point and challenge refutation. Observe, in order that the Government shall be certainly protected, the company is required to pay the interest every April and October; that is, every six months. Now, suppose that the company shall build as much as one hundred miles in six months, which is, perhaps, a large estimate, and should fail to provide for the interest, amounting to $87,500, when due, it is the privilege of the Government to foreclose the mortgage and sell enough of the property of the company at once to re-imburse itself for any payment it may have made.

Before Congress chartered the Union and Central Pacific railway companies, the cost of Army transportation alone was $7,357,781 per annum, which has now been reduced to about $500,000, the reduction being largely in excess of the amount necessary to pay the interest on the greatest amount of bonds that can be issued. As there are about forty military posts and eleven regiments of troops that will naturally draw their supplies from the line of the Texas and Pacific road, there can be no doubt, in the event of its construction, that the Government would annually save more than its maximum liability under the proposed bill. As additional testimony that the security offered to the Government is more than ample to protect it against loss by reason of its guarantee, I call your attention to the recent report of the Union and Central Pacific companies, which shows the net earnings of that line of twenty-two hundred and fifty miles in length to have been $6,279 per mile during the last year.

The report of the Secretary of the Interior for 1875 shows that for the year ending June 30, 1875, the net earnings of three hundred and twenty-six miles of the Texas and Pacific, now in operation, amounted to $1,742,000 per mile; only $8 per mile less than the interest on the proposed bonds.

The Railroad Committee of the last House of Representatives, reporting on this subject, say:

It is evident that the construction of this road (the Texas and Pacific) will enable the Government to withdraw three-fourths of the troops now stationed in the country traversed by it and render the remaining fourth far more efficient than the whole force now employed there.

Who can doubt that the Texas Pacific road, traversing a region unsurpassed in agricultural resources, with a climate unexcelled, and pregnant with the ore of every precious metal, will not derive a much larger annual revenue than the Union and Central Pacific?

I venture the assertion, Mr. Speaker, that few of the honest opponents of this measure have ever maturely reflected upon its provisions. Opposition ought to vanish when the fact becomes apparent as the noonday sun that the Government will reap a golden harvest instead of incurring a pecuniary liability. Its passage would be followed by an immense immigration into the States and Territories of the Pacific, which must augment not only the revenue from imports, but also the revenue from the increase in the sale of public lands now almost worthless because inaccessible. The mines of Arizona, Lower California, and Mexico, now unproductive, would be developed, and would doubtless produce as much gold and silver annually as California and Nevada. To aid the construction of the road at this particular time would be the wisest economy. Money, material, and labor are cheaper now by 50 per cent. than when the Union and Central Pacific roads were built. It would restore a healthy business confidence, would furnish employment to thousands of laborers and mechanics, and would do much toward restoring prosperity to the country.

Mr. Speaker, it is contended that this bill is objectionable for the reason that the grant of the aid demanded is in violation of the organic law of the land, which we have sworn to maintain.

I do not intend to discuss at length the constitutionality of the grant, nor do I consider a profound knowledge of the provisions of the Constitution at all necessary to guide my judgment upon this question. I deem it sufficient to tread the beaten pathway of precedent carved out by the wisest statesmen of this country. The parliamentary history of our country for the last forty years contains abundant evidence that even the apostles of the doctrine of a strict construction of the Constitution favored liberal appropriations for the construction of canals, the improvement of the rivers of the interior, and the harbors of the great lakes. Constitutional scruples should vanish when we are admonished that the great Webster, Calhoun, Monroe, Douglas, and Benton recognized the right and duty of the Government to appropriate money to construct roads and canals of a national character.

In the great presidential struggle of 1856 the democratic party in convention assembled at Cincinnati solemnly resolved that it recognized the great importance in a political and commercial point of view of a safe and speedy communication between the Atlantic and Pacific Oceans, and that it was the duty of the Government to exercise all its constitutional power to the attainment of that object.

The republican party the same year, in Philadelphia, asserted by resolution that the Federal Government ought to render immediate assistance to the construction of a road on the thirty-second parallel to the Pacific, and at that time no warning voice was raised in either party against a threatened invasion of the Constitution. Buchanan, a strict constructionist, in his inaugural address laid down the doctrine that under the constitutional power to declare war, to raise and support armies, provide and maintain a navy, and to call forth the militia to repel invasion, Congress had the right to grant lands or money, or both, to aid in the construction of a Pacific railroad.

The grant of about thirty-five million acres of land and the loan or nearly $65,000,000 in bonds to the Union and Central Pacific Companies, in 1862; the grant of about forty-seven millions to the Northern Pacific, in 1864, and the still later grants to the Atlantic and Pacific and the Texas and Pacific companies, together with the fact that the legality of these grants have never been questioned, afford the strongest evidence that Congress does not override any constitutional provision in granting the boon demanded by this bill.

It appears from a report of the Secretary of the Treasury made to the Senate January 7, 1874, that there was expended upon public works of the National Government in the United States and Territories from June 30, 1865, to June 30, 1875, and by the United States in aid of construction of canals, railroads, and wagon-roads, from 1789 to 1873, the sum of $207,999,664.77.

The recent decision of the Supreme Court in the cases of the Union Pacific Railroad Company, distinctly recognizing the right of Congress to construct works of internal improvement national in character, in addition to the precedents already adduced, ought to be sufficient warrant for our support of this measure, if we believe the speedy construction of the road is a national necessity.

To prove that the construction of the Texas and Pacific road is necessary to meet the demands of increasing trade and commerce, and that public sentiment on the Pacific slope is in its favor, I desire to introduce in evidence a few extracts from the argument of Hon. PETER D. WIGGINTON, member from the southern district of California, a gentleman for whom I have the highest regard, recently delivered in opposition to this measure before the House Committee on the Pacific Railroad. He said:

I recognize that to the people of San Diego and San Bernardino Counties the building of a direct line from Texas to the Pacific seaboard at San Diego is a question of grave moment. I recognize fully their wishes and desires in the matter, but I do not believe it can be any better, and certainly not as readily accomplished upon the plan contemplated in the Texas and Pacific bill as by other plans which have been or may be suggested; but the whole people of my district feel the need of another transcontinental road, and that too below the snow belt.

Again he says:

The speedy construction of a transcontinental railway from California to Texas, to connect there with the vast railway system of the East, is, I will venture to say, of far more importance to the people I represent than to those of any other congressional district in the country.

Now I find in the same argument that the gentleman's district comprises the nineteen southernmost counties of the State of California, and is more than one-half the size of the second largest State in the Union.. It has an area of one hundred thousand square miles and a population of two hundred thousand souls, and has taxable property of the value of $275,000,000. Taking it for granted that the people of the nineteen southern counties of California are unanimous in favor of the construction of the thirty-second parallel road, let us ascertain how the remaining portion of the population of that State feel upon the subject.

Last fall the democratic party of California adopted a platform of which the following was one of its planks:

Resolved, That we favor the speedy completion of a transcontinental railroad on the thirty-second parallel, subject to such limitations by the Federal and State governments as shall protect the rights of the people.

Now, I undertake to say that that resolution had direct reference to the construction of the Texas and Pacific road, in the manner provided by the pending bill. This measure had been agitated during the last session of Congress, and for a long time had attracted the attention of the people of California. They were familiar with the nature of its terms and well knew that it was the only railroad bill ever presented to Congress for consideration which contained ample and explicit provisions for the protection of the rights of the people. They were aware of the fact that the Texas and Pacific Railway Company, in consideration of the aid demanded to further the construction of their road, gave the full control and management of it to the Congress of the United States.

That plank in the platform could have no reference to the Southern Pacific Railway Company, for up to that time they never made any offer to the Government to construct the thirty-second parallel road subject to any greater limitations or restriction in favor of the rights of the people than is imposed in the charters creating the Union and Central Pacific companies.

The democrats, with that plank in their platform, carried California by 30,000 majority.

The democratic party of California has been uniformly an anti-railroad or anti-monopoly party, and when they adopted that resolution it was in deference to public opinion, which loudly called for relief from the monstrous exactions of the Central and Southern Pacific companies, which I will hereafter show are identical in interest.

Why, sir, on the very day the railroad convention assembled in Saint Louis the Alta California, one of the leading newspapers of San Francisco, and a recognized organ of the Central Pacific, bowing gracefully to public sentiment, declared in a well-written editorial that the country needed the Texas and Pacific road and that the Government should aid it to the extent of at least $20,000,000, but that Leland Stanford should be permitted to take all he could build from the west till he should meet Scott coming from the east.

It would seem strange indeed if public opinion were otherwise in California when we consider some of the causes most instrumental in its creation. It is a notorious fact, that since the completion of the Central Pacific road many of the great political struggles in that State have been determined by the magnitude of its corrupt influence.

Its directors and agents have uniformly attempted to control State legislation in their favor; they have subsidized newspapers of prominence, and visited their vengeance on independent journals of respectability that dared to warn the people of their aggressions.

I will cite one instance, that of the Sacramento Union, not long ago one of the most prosperous and influential newspapers in the West. It was found in the cabin of every miner of California and was regarded as the great molder of opinion. It refused to bow to the behests of the magnates of the Central Pacific, and was consequently marked for destruction.

They who enjoyed the favor of the mighty corporation withdrew their advertisements and stopped their subscriptions. Its general distribution was interdicted by an arbitrary mandate prohibiting its sale on the cars or at any of the stations along the entire line. This persecution was kept up for four years, until the Union fell beneath it. Its property, which had been valued at $300,000, was sold at auction for $45,000, the Central Pacific corporation being the purchaser.

But, Mr. Speaker, there are graver reasons than any yet presented which influence the people of California in favor of the construction of an independent and competing road. They are easily discovered by an inspection of the schedule rates for freight and fares between New York and San Francisco, and by the system of unjust discrimination on roads controlled by the Central Pacific within her borders.

In this I am partially corroborated by the gentleman from Southern California, [Mr. WIGGINTON,] who in the argument to which I have before alluded said that "there is much complaint that these railroads are permitted to charge what seems to be too much for freights and fares over their lines, and I am of opinion that in some cases the complaint is just."

The following freight tariff for the year 1875 indicates what the people of the Pacific coast may expect if the routes by land and sea are controlled by the Central Pacific.

On the tariff of February 3, 1875, their rates were, per one hundred pounds: First class, $3.25; second class, $2; third class, $1.90; fourth class, $1.80, with special classes as against sailing-ships around Cape Horn for low-grade freight running from $1.70 to $1.40.

On the 4th of March, 1875, the day Congress adjourned, they advanced their tariff to—First class, $5; second class, $4; third class, $3; fourth class, $2.50; showing an advance of from 40 to 100 per cent.

On the 29th of March, 1875, they made their rates—First class, $5; second class, $5; third class, $4; fourth class, $3.

Owing to the establishment of this tariff, though forty millions of pounds of through freight less than in 1874 passed over the road, its earnings were $13,300 per mile; an increase of 15 per cent.

I wish to call the attention of the democratic members from California to the report of the committee on corporations of the California Legislature, made on the 15th day of February, 1876, by its chairman, L. Archer, one of the purest men and brightest intellects in that State. That committee made a thorough investigation of the conduct of the Central Pacific and other roads within the State for the purpose of comparing their tariff rates with those of eight of the great railroads of the country. The report, as it appears in the San Francisco Post, shows that by the Stanford and Huntington monopoly the charges on all through and local freights per ton per mile are—

More than the Union Pacific, 98.3 per cent.; more than the Lake Shore and Michigan Southern, 67.8 per cent.; more than the Pennsylvania Central, 338.0 per cent. more than the New York Central, 111.1 per cent.; more than the New York and Erie, 140.7 per cent.; more than the Pittsburgh, Fort Wayne and Chicago, 387.0 per cent.; more than the Atlantic and Great Western, 277.3 per cent; more than the Alleghany Valley, 330.4 per cent. Here are eight roads. They average in length 1,088 miles, which is a greater distance than from San Francisco to Ogden; and the Central Pacific charges for transportation of freight an average of more than 225 per cent. above their tariff rates; while the operating expenses of the monopoly average 40 per cent. less a difference of 265 per cent. against the business community of California. Examining the charges for first-class through passengers, we find that the average difference is 96 per cent. against us, and is greater yet for the other classes of passengers.

The road from Lathrop to Goshen, 146 miles, is level, while the road from San Francisco to Sacramento City, 140 miles, crosses the Coast Range of mountains; still the rates to Goshen are from 100 to 400 per cent. greater than from San Francisco to Sacramento, while the rates from Sacramento to Red Bluff are from 100 to 300 per cent. greater than the San Francisco and Sacramento charges. The rates per ton per mile are found to be from 33 to 100 per cent. greater in the San Joaquin than in the Sacramento Valley, except for fourth class, which is 8 per cent. less. Certainly no just cause for this discrimination exists. All these stations being on valley roads, the cost of transportation per mile should be equal.

From San Francisco east to the State line, 278 miles, the Central Pacific tariff on staple articles like coal-oil is now $11.70 in coin per ton, while the freight on coal-oil in the same quantities from New York to San Francisco is only $30 in currency. In other words, the discrimination against shippers within this State is more than 1,500 per cent.; and the same is true in relation to such articles as sheet-iron, rope, and iron pipe, which are brought from New York to San Francisco for from $30 to $35 per ton in currency, but cannot be shipped east to the State line for less than $34.80 in coin.

The honorable gentleman from Pennsylvania, [Mr. KELLEY,] for whose ability I entertain the highest respect, in his celebrated speech on finance, drew a comparison between the increasing prosperity of Minnesota and California, to the disparagement of the latter. A careful examination of the above reports, in my humble judgment, would have furnished a better and stronger reason why the Golden State is not keeping step to the music of progress than that her circulating medium is gold and silver instead of paper. He might have asserted without fear of contradiction that, with all her unrivaled advantages, she can never enter the lists of competition with many of her sister States until every branch of her industries, now languishing beneath the exactions of this monopoly, shall be stimulated by the construction of an opposing and competing line.

I hope I have not incurred the displeasure of my brother members from California in referring to matters in their State. I trust they will not deem me guilty of encroaching upon their high prerogative by undertaking to prove the condition of the public mind there. Such a course was necessary to prove the justice of my cause, and was prompted by the belief that public opinion on this question was crystallized and unmistakable.

Believing that I have shown beyond all reasonable doubt the absolute necessity to the people of California of an opposition line to the Pacific Ocean, I desire now to enter the protest of the constituency I have the honor to represent against the discriminating policy of the Central Pacific company, unrelentingly enforced in the State of Nevada, which is traversed from east to west by their line of railroad.

Nevada as well as California has been liberal in her donations to the Central Pacific, and ought to be entitled to some consideration. Her people united with those of California in rejoicing over the completion of the road, believing it was intended to facilitate and cheapen transportation and develop her hidden treasures. But hardly had the shriek of the first locomotive been heard on the sage-brush than we were doomed to a most bitter disappointment. It was the signal for the inauguration of an arbitrary and exorbitant system of freight tariffs, remarkable for discrimination between localities, and in favor of California as against Nevada.

To illustrate: I live, sir, in Virginia City, the largest city between Denver, Colorado, and San Francisco, and perhaps the wealthiest in the world in proportion to its population.

From Virginia City we connect by a local railroad fifty-one miles in length with the main stem of the Central Pacific at Reno, two hundred and ninety-eight miles from San Francisco. Our merchants living in the shadow and awe of this grasping monopoly dare not have their merchandise purchased in New York consigned to the city of Virginia, for the freight rates are higher than they are clear through to San Francisco and back again.

If a merchant desires to ship one hundred pounds of goods from New York to a local station on the Central Pacific road in the State of Nevada, say Winnemucca, which is four hundred and sixty miles east of San Francisco, he is compelled to pay the through rate to San Francisco, $6 per hundred, and in addition to that the local rate from San Francisco to Winnemucca, $2.29, making $8.29 per one hundred pounds.

But discrimination in freight is not all the people of Nevada have to suffer. The fare from San Francisco to New York is $138. We in Nevada are from three hundred to five hundred miles east, yet if we desire to take a trip to New York we are compelled to pay at any of the way stations on the line the full rate of fare, $138.

Such is the brief outline of the system of discrimination that is preying upon the vitals of our people and eating out their substance. For years it has been vehemently but vainly denounced by every journal in the State. Judging by the past and the present, there is no shadow of hope in the future if this measure be defeated.

We have been told by Leland Stanford, the president of the Central Pacific and the head and front of the Southern Pacific, that the main feature of his grand continental railway system is discrimination in favor of the city of San Francisco.

We of Nevada are principally old Californians. We rejoice in the prosperity of the Queen City of the West, and believe the day not far distant when she will rival in magnificence the greatest commercial mart of the nation. Half of the life-blood that circulates in her veins comes from the bone and muscle of the hardy miners of Nevada. The most costly of her garments, the most brilliant of the gems that sparkle in her diadem, and the most palatial of her mansions have been purchased by their industry. They will pour into her coffers this very year a stream of gold and silver bullion which, if properly directed, would in a short time sweep from the land all of our fractional currency. But we protest against the policy which builds up great cities at the railroad termini at the expense of localities of the interior.

Owing to our geographical position we cannot expect to be an equal participator with the people of California in the blessings that must spring from the construction of the Texas and Pacific road; but we claim the right to sound the tocsin of alarm to the countless thousands that contemplate settling in the rich sections of country through which it passes, and to the people of this country, lest congressional legislation should give the control of this great national highway to the Central Pacific Railroad Company.

Mr. Speaker, the people of California and Nevada, of Arizona and New Mexico, are not the only parties interested in this most important measure. From twelve to fifteen millions of people, represented by eight hundred and sixty-nine delegates, and representing every variety of business interests, have in solemn conclave at Saint Louis last November raised their united voices in favor of the construction of the Texas and Pacific road in the manner designated in the bill. The propriety of its speedy construction has been urged upon Con-

gress by resolutions of the Legislatures of ten great States, and by the chambers of commerce of New Orleans, Memphis, Cincinnati, Vicksburgh, Richmond, Saint Louis, Augusta, Louisville, Atlanta, Macon, Indianapolis, Pittsburgh, and the Cotton Exchange of Nashville. They respectfully petition Congress to loan the credit of the Government to further its construction, for the reason that it is the most practicable and preferable route, and which, in the language of Benton, "is the one demanded by every national consideration." They believe the people of the United States are entitled to a road below the snow belt, so that transportation of troops and munitions of war may not be retarded in case of Indian insurrection or invasion of the Pacific States and Territories by a foreign foe. Our merchants demand the construction of this road, over which the products of our land, the imports of the Orient, and the islands of the Pacific may pass without interruption from the great snow blockades so frequent this winter on the Central Pacific.

Experience has demonstrated that the Union and Central Pacific Company's line is totally inadequate to supply the increasing demands of trade and commerce, by reason of the great uncertainty in the delivery of freight in the winter season, and the want of restrictions in their charters in favor of the rights of the people.

Let us now ascertain from what quarter comes the most serious opposition to this bill. Is it not from the Central Pacific Railroad Company, which, though a distinct corporation, owns and controls the Southern Pacific? Since the commencement of this session its agents and attorneys have made more speeches before committees than have been made by the most eloquent members of this body in the course of legislation. They even dared to attack the measure on the ground that the Government aid solicited partook of the character of a subsidy, in face of the fact that the honorable member from California [Mr. LUTTRELL] introduced a bill, the object of which was to further subsidize the Southern Pacific Company, declaring the land grant of the Texas and Pacific lapsed and forfeited, and bestowing it on them. A subsidy is infamous when asked for the Texas and Pacific, but when demanded by the Central Pacific for the Southern Pacific it is wise economy.

Now for proof that these two corporations are as closely connected as the Siamese twins in their business relations with each other.

The gentleman from the southern district of California, in response to a question propounded him by the Committee on Railroads as to their identity, said that a great many people of his district believed they were one and the same. Mr. Huntington, the open and avowed attorney of the Southern Pacific, did not dare to give a direct answer to a similar question put to him by the same committee, but awkwardly evaded it by stating that the two corporations were on neighborly terms. I am aware that he has emphatically denied their relationship, but his testimony on this point, when viewed in a legal aspect, cannot be entitled to much, if any, consideration. Before the committee he said he had no concealments to make as to his connection with the Southern Pacific. He knew the rails for the Southern Pacific were bought by the Central Pacific. He could tell whether they were steel or iron, the name of the wood out of which the ties were hewn, the number of tunnels and ranges of mountains traversed by the road, the number of miles to be constructed under the charter per year, yet his memory became so suddenly obscured that he could not tell the name of a single officer or member of the contract and finance company of the Southern Pacific.

Stanford, the president of the Central Pacific, virtually admitted their identity when he said, in speaking of the Southern Pacific, "We are toiling for the greatest prize this continent affords. Had Scott built his railroad to the Pacific he would have taken from us our best prospective traffic and carried it East. He would have reached even to our borders and carried off our trade."

But, sir, I am not confined solely to verbal admissions. I have some documentary evidence in support of the proposition. I discovered it in a speech of the honorable gentleman from California, [Mr. LUTTRELL,] who introduced the bill to give the Texas and Pacific land grant to the Southern Pacific, delivered in the last session of Congress. It was made in support of a resolution for the appointment of a select committee to inquire into the affairs of the contract and finance company of the Central Pacific. The gentleman accumulated a vast amount of reliable statistics to prove the directors of the Central Pacific, who now control the Southern Pacific, were perfidious toward the Government, were robbing the stockholders, and resorted to bribery to cover up their infamy. To use his own language, "they formed a combination before which the fraud and rascality of the Credit Mobilier sink into insignificance."

In showing the necessity for investigation he presented the sworn and uncontradicted affidavit of Sam Brannan, one of the foremost citizens of California, a stockholder in the corporation to the extent of two hundred shares, who, believing himself swindled out of his dividends, brought suit against the Central Pacific, and Stanford, Huntington, and others. That portion of it which bears on my proposition reads as follows:

> That said defendants, Leland Stanford, Huntington, Hopkins, Charles and E. B. Crocker, and their confederates, to plaintiff unknown, have by the use of the means, moneys, and assets of the said Central Pacific, and the gains and profits so as aforesaid acquired by them under the name of Charles Crooker & Co., and under the name of said contract and finance company and not otherwise, purchased and acquired, on or about the 20th day of December, 1869, a majority of, and almost the entire amount of, the capital stock of the said Southern Pacific Railroad Company.

He might have made a similar affidavit to-day without any fear of committing perjury, for during the last five years the secretary, land agent, superintendent, and several directors of the Central have held corresponding positions in the contract and finance company of the Southern Pacific.

The parties contracting to build the Southern built the Central. Besides, the Southern Pacific road is only an extension of the Central, it being admitted that the two hundred and twenty-eight miles of road running from Oakland to Stockton and from Lathrop to Goshen is owned and controlled by the Central Pacific.

If these two corporations have an identity of interest, it is not difficult to detect the secret of their opposition to the Government aid asked to assist in the construction of the Texas and Pacific road. The road being necessarily independent and competing, and running below the snow belt through sections of our country richer in agricultural, and with one exception in mineral wealth, than any traversed by the Union and Central, is destined to reap a great revenue. Whatever may be its profits, they lessen to that extent the receipts of the latter, which last year amounted in gross to nearly $26,000,000. The net receipts of the Central alone were nearly $6,500 per mile, and its managers, originally poor men, according to Mr. LUTTRELL, are now among the wealthiest in the land. In order to secure their present and prospective revenue, they propose by the Luttrell bill to construct the thirty-second parallel road without any governmental guarantee of interest on construction bonds, if Congress will give them the Texas and Pacific land grant.

Now, if Congress had the power to declare a forfeiture in this instance (which I deny) and did subsidize the Southern and Central Pacific with the Texas and Pacific land grant, can any one believe the road will be ever constructed?

In order to believe the offer a serious and honest one, we must do violence to every rule that governs human actions. We will witness for the first time the strange spectacle of a rich corporation begging for a chance to construct another road over which they can exercise no control, and which must materially reduce their profits. Give them the land grant, let them construct the road, and we have the first instance on record of a corporation creating an opposition to itself. Why, sir, if an individual were indicted for the commission of the most heinous offense, and it were proven on the trial of his cause that for three months before the perpetration of the deed he had devoted all the energies of his nature to the maturing of a plan for the reduction of his annual or monthly income to the extent of one-half or perhaps more, an honest jury would acquit him on the ground of insanity without leaving their seats. No government ought to treat with such a corporation, for its directors ought to be regarded as irresponsible agents.

With the land grant the directors of the Central and Southern Pacific are willing to construct the road, subject to the limitations in favor of the people as are contained in the following section of the bill of the gentleman from California, [Mr. LUTTRELL:]

> SEC. 7. That three commissioners shall be appointed, one each by the governors of New York, Missouri, and California, who shall prescribe the rates for freight and fares to be charged, limiting such rates to a reasonable percentage of returns on the actual cost and running expenses of the entire line; and said line or lines shall never be leased to any other railway company, or controlled in the interest of any other line.

The striking singularity of the proposition contained in the above section is sufficient at first blush to induce us to doubt its sincerity. Three commissioners shall be appointed by the governors of New York, Missouri, and California to prescribe the rules for freight and fares without the filing of a bond or the taking of an oath for the faithful performance of their duties, responsible to no one for malfeasance in office. What a temptation for a vast railway combination, possessing great political experience, to influence the gubernatorial struggles in these three States for the purpose of securing two corrupt commissioners. But even if the section were amended (as I believe is intended) by giving Congress the right to regulate fares and freight, I have the most incontestable proof that they never intend to construct the road subject to such a restriction upon monopolizing tendencies. In a letter addressed to C. P. Huntington, bearing date the 8th day of February, by the chairman of the Senate Committee on Railroads, this question is propounded:

> Will you consent that the tariff rates for the use of said road for both local and other business shall be subject to the control of Congress at all times?

The letter of Mr. Huntington in reply contains the following language:

> Any further supervision or regulation by Congress, beyond that already provided by law, we regard as uncalled for and superfluous. Without entering upon the question of the policy or power of the General Government attempting to regulate and fix the rates of freight and passenger traffic on roads authorized by States and operated within States, where collateral and possibly conflicting enactments prevail, I desire simply to show that there is here no occasion for it.
>
> If the Government is willing to guarantee, say, 7 per cent. per annum upon the capital invested, then perhaps we might consider the question; but where the parties who furnish all the capital take all the risk of losing it or getting no return, they should have the hope, at least, of making 10 per cent. to induce them to invest. If the bill shall be amended that "whenever the net earnings, after defraying the expenses of operation, administration, maintenance, and the sinking fund and interest payments on its debts, shall exceed 10 per cent. per annum upon its capital stock, then Congress may regulate the rates of freights and fares by general laws, applicable alike to all railroad companies aided by the Government of the United States"—then I am not sure but I could procure the consent of the company to build the road with this provision in the bill.
>
> C. P. HUNTINGTON,
> *Agent and Attorney Southern Pacific Railroad Company.*

Now, this letter of Mr. Huntington bears date February 15, nearly a month subsequent to the introduction of the Luttrell bill, and ought to set at rest the question of their insincerity. It must carry conviction to every unprejudiced mind that all their protestations against subsidies and all their offers to construct the Texas and Pacific are but as sounding brass and tinkling cymbals. Like the apples that bloom on the shores of the Dead Sea, they are fair to the view but ashes at the core. They are only intended to balk legislation until they obtain possession of every natural avenue and gateway that leads to the Pacific. Already they control not only every road of note on the Pacific coast, but the Pacific Mail, the line of steamers running to China, the Oakland Ferry and California Steam Navigation Company. Their attorneys have studied every industry of the Pacific slope to ascertain the utmost amount of tribute they can levy without hazarding its destruction. Inaction on our part only strengthens the iron grasp of the Central Pacific upon the commerce of the country.

In the language of the Stockton Herald of the 22d of February:

> The only hope of escaping the burdens that now weigh us down lies in the speedy construction of a competing line. California is already bound hand and foot by the capitalists.

In conclusion, I desire to state that I have not set down "aught in malice." My relations with several of the prominent attachés of the Central Pacific Railroad Company are of the most friendly character, while I am totally unacquainted with any of the directors or corporators of the Texas and Pacific. The remarks I have made are simply the result of honest conviction, and, in my humble judgment, will meet the approval of the people I represent.

SALARIES OF OFFICIALS AND EMPLOYÉS.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, as the remarks which I purpose to submit will relate more to the general policy and scope of this bill than to any particular paragraph, I prefer to present what I have to say now to the House than to seek the opportunity under the limited debate in Committee of the Whole.

The attempt to cut down salaries and to economize in the public service is at all times an ungracious task, and where undertaken in good faith and carried forward with enlightened caution should receive the support of every member of this House. Cut where you will, you touch some vital interest and are sure to provoke instantaneous and determined resistance. And because you are dealing with interests which are vital, furnishes all the more reason why you should proceed only upon the most thorough knowledge of the needs and requirements of the public service.

None could know these special wants better than the heads of Departments and Bureaus, yet it seems to be conceded that while some of these have been called before the Committee on Appropriations while this bill was in course of preparation others have been wholly ignored, and of those who did appear, some have been informed at once, after giving valid reasons why their force should be increased rather than diminished, that their number of clerks would be reduced 20 per cent., and the compensation cut down 10 per cent., and this in direct opposition to the advice of those who knew the value of their services and the absolute necessity of retaining in the public employ faithful and experienced clerks.

Passing now, Mr. Speaker, to the question of our own salaries, I cannot accede to the doctrine alluded to in this debate and sometimes contended for outside of Congress, that the compensation of a member here rests in contract, in the nature of entirety, not to be increased or diminished during the term for which he is elected, because if it be formed in contract at all it rests always upon the fundamental condition of the power of Congress to increase or diminish it at pleasure. But, sir, without discussing the legal technicality of the question, I prefer to place it on the higher ground of a sacred trust, founded in good faith and mutual confidence. It resembles the case of a party who desires the services of another in whom he has such confidence that he says to him: "Perform this service with fidelity and to the best of your ability, and I shall leave it to you to name the amount of your compensation." No proposition could place a true man under a more delicate or higher sense of honor. And having named what he believed to be a just compensation, upon the slightest intimation that his employer thought it too much, he would respond: "You name the sum yourself."

Now while this theory may be a little too refined for the actual condition of things existing between members and their constituents, it certainly furnishes a hint in the right direction.

So, when in the Forty-second Congress members placed their own salaries at $7,500 per annum and there came up an unmistakable demand from the people for its restoration to the old figure, the Forty-third Congress, responding to that demand, at once put it back to $5,000 per annum; and in my judgment, sir, it should have gone back to that figure on the first day of the session, and without one hour of cavil or debate.

The people had spoken in no uncertain tones. We are their public servants, and in matters personal to ourselves, after a fair hearing and an unmistakable demand, it is our duty to obey. So had there come up now from the people, through the press, by letter or by petition, any general, well-defined demand for the reduction of salaries of members of Congress, arising out of a fair understanding of the facts, it would be our duty to heed it. But who has heard of any such demand? And who does not know that this whole matter has been inaugurated and set forward as a mere matter of cheap political buncombe?

There has been no more apt remark in this whole debate than that of the gentleman from Massachusetts, [Mr. HOAR,] to the effect that there could be no more unseemly spectacle than that of the American Congress wrangling before the country and the world over the compensation of its members. I believe the public mind was content when the compensation was placed back to $5,000 per annum, and I believe it was and is a just sum. When the compensation was $3,000 the mileage was double what it is now, so that members in the vicinity of Chicago, as I am informed, received as high as $1,600 mileage instead of that received at the present time, and each drew a congressional library said to be worth some $1,500; all of which has since been corrected.

But, sir, I still reiterate what I have heretofore said in this debate, that if the salaries of these twelve-hundred-dollar clerks is to be cut down regardless of the right or the wrong of the matter, then common justice requires that our own go with it. Five thousand dollars may seem a large sum for men engaged in their usual avocations at their homes, and it is. But let any one of these take any portion of his family and proceed upon a journey among strangers, and he will soon discover that there are a hundred ways in which he can practice economy at home which it is utterly impossible to do when abroad; money will seem to evaporate in spite of all his prudence. I judge that more money can be saved in a year from an income of $2,500 in an ordinary western city than with the same economy can possibly be saved from the present salary of a member of Congress. But, sir, whether his salary be $5,000, $3,000, or $2,500 per annum, I would have it understood that from the hour he accepts the trust his services belong to his constituents and the public, and to them alone. I believe there is no more pernicious doctrine than that which teaches that a member of Congress should practice his profession or pursue his private business while he is paid for serving the public.

Look for a moment at the mere routine duties of a Senator or member of Congress here, saying nothing of his extra labors. He visits the Departments from nine to half past ten o'clock a. m. The majority of the members now go daily to committee work at half past ten o'clock, and remain in committee-rooms and in the sessions of this House till half past five o'clock p. m. And during three nights in the week the House sits from half past seven till eleven o'clock at night; making some twelve hours spent in the stifling air of these chambers. In the mean time three mails have arrived. Now, what time or opportunity has the member to attend to his correspondence, read the debates of the two Houses, investigate and write out reports upon matters referred to him in committee? It is simply impossible. He cannot do it. Something must be neglected. The rich member may employ his private secretary; the poor one cannot. Whatever he does must be done on the spur of the moment. He has little time for study and none for reflection. When then, if ever, shall he read or examine the fifty volumes and more of executive documents, reports of committees, and miscellaneous papers of a single session of Congress, many of them containing the rarest information upon matters which are the continuous subjects of legislation? He can never do it except during the recess of Congress and in the quiet of his home.

Mr. Speaker, I should as soon think of counting the hours during which a judge actually sat on the bench, an executive occupied the chair of state, or a clergyman stood in his pulpit, with a view to fixing his salary, as I should of measuring the compensation of a member of Congress by the time spent in actual session.

Of the one hundred and eighty-five lawyers, members of this House, how many have any business whatever in the Supreme Court of the United States? Perhaps a score of them may have such national reputation as to command business there. But, sir, instead of encouraging this practice I believe it should be discouraged, if not prohibited by positive law. No man can go into court and argue causes where the interests of his clients will often conflict with the public interest, and not render a divided service, or not have his judgment warped as an attorney from what it should be as a legislator. To require him to continue practice in local courts a thousand or two thousand miles from the seat of Government is about as reasonable as to ask him to practice medicine or teach school under like circumstances.

No, Mr. Speaker, the compensation should be fair, reasonable, and just, and for that the constituent should command the undivided service; and the member should devote to his public duties the very best energies of his life. I am not unaware, sir, that there is a cry of distress in the country and a demand for economy in all the Departments of Government. It is equally true that the impression very generally prevails that there is a reign of fashionable frivolity, extravagance, and folly at this capital, which within the last few years has been the primary cause of dragging down from places of high position and trust some of the most honored men in public life. Let this impression become fixed, let the belief pervade the public mind that every man in official station has his price, that common honesty is the exception rather than the rule, and we may bid adieu to the traditions of the American Republic and banish all hope for its continued perpetuity.

The people do not demand that we shall enter men's houses and declare by positive law what shall be the grade of their expenditures, the mode of their lives, or the cost or cut of their garments; nor

whether they shall indulge in badges, decorations, cockades, coat-of-arms, or any other weak imitations of royalty; whether they shall employ one coachman or two, or whether these shall wear the plain garb of the citizen, or be clothed in the livery of the lackey. These are matters of private taste and personal privilege, though no one can reflect upon them without serious apprehensions from their tendency in a republican form of government. But what the people do want, and what I believe they are longing and praying for daily, is the appearance here of the wife of some leading American statesman who can comprehend the true dignity of her position, and who, by her nobility of character, grace of heart, varied accomplishments, and womanly worth and virtue, can assume her true place in society, and put to eternal rout the shoddy and shams which have dominated here for the last few years to the ruin of individuals and the disgrace of the American name. I am not saying, sir, that we have not such women here now. They exist by the score. Let them come to the front, assert their power, and forty millions of people shall "rise up and call them blessed."

One other thing, Mr. Speaker; for these are times for plain words. There is no disguising the fact that within the last three years the republican masses of this country have been shocked, stunned, and disappointed until they have become sore, sensitive, and distrustful. They scarcely know who to trust or what to believe. The question of the hour is fast passing beyond that of how many delinquencies one political party can score up against the other into the higher and more important one of, "Do these offenses really exist? and, if so, who will ferret out the offenders and bring them to justice." Answer this question; winnow these bushels of chaff and lay bare the clean grain of *fact;* wring out from these mountainous clouds of accusation, rumor and scandal, the one crystal drop of truth; hold it up before the world, so that by its light honor may shine the brighter and corruption blush the blacker. Do this fairly, thoroughly, impartially, and the people will not haggle with you about a few dollars of a Government clerk's salary on this side or that of the ledger.

Much has been said about the issues of the coming political campaign. May I be allowed to predict, sir, that the real issue will not be finance, the tariff, or any other question of political economy, so much as it will be: First, can the electral franchise be freely and safely exercised in the southern half of this Republic; and, second, can the offices of this nation be honestly administered and our men in public life be trusted? These are the things the people want to know about, and what they want to know and mean to know generally finds its way to the front in political campaigns in spite of parties or political managers.

One word further as to the salaries of these clerks, and I will relieve the patience of the House. If it be true, as it doubtless is in some instances, that there is an excess in the number of these clerks, such excess should be speedily reduced. But, though times are hard, the Government of the United States is not bankrupt; it can afford to employ all the service it needs, and of the very best kind, and for this it should pay a just and reasonable compensation, which compensation should bear a true relation to the nature of the service rendered and the circumstances and surroundings under which it is performed. What would be a fair compensation under some conditions would be wholly inadequate under others. Now, I lay down this general proposition, that he who, by the practice of *prudence* and *economy*, can save something from his annual income over necessary expenses, is in the best condition to serve himself, and therefore to serve his employer. It is the man who is gaining a little in the world whose hopes revive and whose energies increase. Would, you then, fix these salaries so low as to *discourage* all attempts at prudence or economy?

The salaries of these clerks range from $1,200 to $1,800 per year, and were fixed, in 1854, on a gold basis. A statement which we have all seen presented in their behalf shows, in detail, the appreciated price of living in this city and the depreciated purchasing power of money, and demonstrates that, except during and immediately following the war, these salaries since 1818 have never been so low as at the present time. Yet this bill proposes to reduce them 10 and 20 per cent.

The question recurs whether an average of $1,500 a year for a Government clerk in the city of Washington is too high a compensation. It would not be deemed too high at most of the State capitals. Is it here? If we were to estimate just what it would cost to feed, clothe, and lodge one of these clerks precisely as we would do in the case of a *horse;* if we were to treat them *sui generis*, isolated from the rest of the world; if they are presumed to have no social relations or intellectual tastes, no desire for reasonable recreation or mental improvement; if they stand separate and apart from all mankind, then doubtless the price is too high. But the exact opposite is the case with most human beings, and so it is with these clerks. Those of them who are unmarried, both male and female, are apt to have a mother, sister, or friend more or less dependent upon their earnings.

Some of the most cultivated young men and accomplished young women in Washington may be found among these Government clerks. You will meet them in the libraries and art galleries rather than at the "german." Some of these might teach even the "Hon. Bardwell Slote" things which it would be profitable for him to know, and "by a large majority." Many of them are married men with families to provide for. I know, sir, of no nobler example either of manhood or of heroism than that of a father, who perhaps has seen better days, and may have served his country in its hour of peril, standing up to his desk day after day, year in and year out, performing routine duties without a murmur, that he may provide for the daily wants of his family. And yet, with such a man, $100 or $200 taken from his salary often marks the dividing line between comfort and want.

I was told by the Adjutant-General of the Army to-day that some of his clerks had been in service so long as to become experts in their special duties; but that as this bill proposed to reduce their salaries, they would not remain, and that many of them had charge of valuable papers pertaining to the war and the country, which he would never intrust to the care of inexperienced clerks. He further said that some of these old clerks had become so interested in their specialties and the prompt performance of their duty that he often found them working at night and out of office hours, and for no additional compensation. Now, Mr. Speaker, what does this bill say to such as these? It says to them, work on; be faithful and diligent, and if at the end of the next ten or fifteen years political party exigencies shall require it, we will again reduce your salary 10 or 20 per cent. in the interest of "retrenchment and reform!"

Gentlemen of the opposition, you hold the knife; you cut among vital interests. See to it that you so wield it that for mere party purposes you do not cripple the public service. The people are neither stupid, parsimonious, nor mean. All they desire is what is reasonable and fair. He who attempts to deceive them upon fictitious issues by appealing to their prejudices, real or supposed, will sooner or later be hoist by his own petard.

Mr. Speaker, in conclusion I will say let us so compensate all our officials and employés that by the exercise of reasonable prudence they shall feel that they are not mere drudges nor slaves, but that they have a common interest with the Government in the faithful performance of their duties, and that year by year they are gaining a little upon the up-grade of life and gathering around them something more of its comforts. Put hope, energy, interest, manhood, and self-respect into your civil service, and it will reform itself; crush these out, and the opposite will be sure to follow.

DISTRIBUTION OF GENEVA AWARD.

Mr. BURLEIGH. It has been my fortune for about twenty-five years to be familiar with ships and their interests, and with insurance companies, during this time being more or less interested in navigation. I remember well the feelings and action in war times of the ship-owners and insurers. Both were scared. The insurers knew not what to charge, and kept on the safe side by exacting from their scared and cornered customers such rates as would make themselves safe in all human calculation. I said "cornered" customers; most of them were cornered; they were cornered in different ways. It is the custom to own vessels in shares; sometimes they are divided into sixty-fourths. One man is appointed ship's-husband, whose duty it is to insure and look after the interests of the vessel. If he neglects to insure and the vessel be lost, he had better quit the country or pay the loss out of his own pocket. He will keep the vessel insured, whatever the rate may be. Often some of his owners are dependent women and children, having their all in the ship. Others, bolder, have every dollar they are worth invested in one ship; they must insure. Other ships are in debt to banks or for hired money; they must insure to protect their creditors, so that a large proportion of our vessels were and are to-day in such a position that they must insure.

With confederate cruisers turning up in unexpected quarters, and ships being captured and burned in all parts of the world, is there any wonder that a panic seized those interested in navigation; that they paid freely the exorbitant premium demanded by insurers; that the ship-owners were bled, year after year, until their vessels were lost or sold to foreigners to pay their debts; and that the United States from being the second largest mercantile marine nation in the world sank to about the fifth?

Where are the men that officered those ships of ours? Go with me to New England and I will find you men in every town on the seaboard that will take us out in their little fishing-boats to the fishing-grounds; get into conversation with them and you will learn that they once commanded or were mates of a ship in the foreign trade, that the war came on, the insurance bills ate the ship up, and they have no money now, neither have their friends, to build a new vessel. Their life has been spent on the water, and they knew nothing of any other business.

Now, the question is, Who shall have the money awarded to this country by Great Britain to pay for losses sustained by our commerce from English-countenanced confederate cruisers? Shall it be given to insurance offices that are to-day only in name what they were twelve and fourteen years ago? In the ordinary course of events their stock is more than half changed to new men, that will get this award if it goes to them. Or suppose the same men own the insurance offices that owned them in the war, shall we add to their gains? Shall we enrich those who, when their country was struggling for life, took advantage of the necessities of their distressed customers, and sucked the blood from their veins to build marble edifices and offices on Broadway, and palatial residences, with brown-stone fronts, on Fifth avenue? To those that send lobbyists of great fame here, that some way or other have the *entrée* on this floor, and have long and earnest interviews in the cloak-room with members of this House. This is the way it was last session and the session before; it is so to-day.

They are re-enforced by men that can talk "subrogation" well from the great city of New York. I have seen them often recently in the cloak-rooms and lobbies, exercising on this long word in the interest of the great and powerful insurance companies that have made a league with each other, and mean by their wiles to gobble up this money and add it to their gains, which their own books show were very large.

Let me state a parallel case to a ship-owner and insurer in this question. A business man hires money of a money-lender to do business with at fair rates of interest and prospers. Adverse action to business man's interest turns up; his property is being destroyed and is in danger; both men get scared; the money-lender raises his rates of interest from time to time until the business man is impoverished and exhausted. Money-lender has become rich. Afterward parties responsible for adverse action and destruction of business man's property finds that he has done wrong and makes restitution—to whom? The business man or the insurer?

We have heard a great deal said of insurance law. I know by experience that in adjusting insurance losses hardly any two adjusters agree. In settling losses by insurers the rule in France is different from the rule in England; that of England differs from that of Boston; and the rule in Boston differs from that of New York.

Now we, the members of this Congress of the United States, the highest power in the land, have losses without precedent to adjust. Let us so adjust them that we may not be ashamed of our own action; let us not prefer the gainer to the loser, not prefer those who have grown rich upon the misfortunes of the country to those who did business on the waters and know no other, who are impoverished; men whom the whole country look to to build up our commerce; men who, if the Government will give them their due, will put it on the waters in ships, and dot every sea with their white sails. Again build up our commerce till it stands the foremost in the world, and the old Stars and Stripes will be flung to the breeze in every port—the emblem of a free country purified in the blood of its bravest and best and united from end to end.

Mr. WILSON, of Iowa. I take an interest in the Department of Agriculture. I visit it often. It rests the eye, as it were, after looking upon the severe faces across the Hall, to gaze upon a shrub, a flower, or a bird. It rests the mind after following the flights of fancy and analytical disquisitions of gentlemen to contemplate nature in her less demonstrative moods. It is next to a visit to the prairies to visit the Smithsonian Institution and Agricultural Department grounds, to see nature robing her beauties in spring verdure. These strolls usually include utilitarian calls at the offices that are sending all over the country seeds, plants, roots, and cuttings that are to enable our people in every State of the Union to add to the comforts and luxuries of life and prevent the exportation of $75,000,000 in gold to foreign countries for such commodities as can be produced at home, where our soil and climate are as diversified as our wants in these respects.

The Department of Agriculture has been the means of introducing many of the comforts and necessities of life among our people; better grains, a greater variety of vegetables suitable to the different latitudes of the country. The improvements necessary to be made in these directions are as great to-day as at any time in the past. The greatest of all our crops and the most important is the grass crop. An empire lies in the Mississippi Valley to be seeded down with tame grasses, and while we have plenty of men who can creditably fill a position on the supreme bench, we have very few who can successfully seed down a field in grass that will graze a cow or steer to each acre in both wet and dry seasons. The common law of England applies to causes in our courts between citizens, and precedents centuries old can be quoted in the adjudication of cases arising to-day. Human nature is the same as it was a hundred years ago; but our soil and climate are different from most other soils and climates, while our prosperity as agriculturists keeps pace with the growth of our knowledge of all the elements that enter into the production of our staple crop.

The only aid the farmers of the country have outside of their individual experiments and observation to enable them to determine what is most suitable and profitable as regards grasses, grains, roots, trees, and shrubs, and their adaptability to our varied latitudes, has come from the Department of Agriculture. If the Department can introduce a grass plant that will stand our winters as well as timothy, and be in blossom in summer a month later or a month earlier than timothy and blue-grass, it will lay the foundation of wealth not to be measured by the total sum appropriated by this bill multiplied by itself. The Department is distributing Italian rye-grass this spring that may suit south of the forty-first parallel of latitude, where the winters somewhat resemble Southern Europe. But the great grass belt is north of that latitude, and if there is a grass plant in any part of the Old Word that will add to our pastures and meadows, we need it and must have it. We may have to wait a quarter of a century till we become possessed of the knowledge in this direction we need. Individual effort may discover and demonstrate in a life-time what the Department of Agriculture could bring about and publish to the country in a season.

We buy six million dollars' worth of barley in a season, and nearly as much flax-seed. We have in the Northwest about two weeks of hot, moist weather, about the last of June and first of July, when barley is in blossom. It rusts the straw, preventing the proper ripening of the grain, and also discolors it, rendering it unfit for many purposes for which barley is used; and, in consequence, we are compelled to buy barley from Canada and other countries that succeed in raising a superior sample. The Department of Agriculture has imported one thousand bushels from England, with the assistance of one of our consuls, that may enable us to solve the problem, if it ripens earlier or later, or is better fitted naturally to resist the influence I have spoken of.

There is a manufacturing establishment in my district, at Cedar Rapids, that makes oatmeal from three thousand bushels of oats every day, sending the meal to Glasgow. A much greater breadth of oats has been sown within a radius of fifty miles from Cedar Rapids. But we can only raise oats weighing thirty-two pounds to the bushel, while the standard in most foreign countries is forty-two pounds. The Department of Agriculture is distributing oats imported from Europe weighing forty-five and fifty pounds to the bushel.

It is perhaps not universally known that the country suffers more from worn-out seeds than worn-out land. When a field is partly seeded with oats received from the Department weighing fifty pounds to the bushel, and partly with the best common oats that could be procured weighing thirty-seven pounds to the bushel, and when the heavier oats produced sixty-five bushels an acre weighing forty-eight pounds to the bushel, and the lighter oats produced forty-eight bushels an acre weighing thirty-one pounds to the bushel, it is time every farmer should know what is meant by worn-out seed, the percentage of annual deterioration, and the necessity of periodical renewal, where the best seed can be had, and what sections of our country are best adapted to this and other crops.

We have in the Department the best agricultural library in the country. No provision is made in the bill for librarian. There is no provision for an assistant chemist. In an analytical laboratory a chemist cannot work without an assistant.

Perhaps no feature of this Department is of as much value to the country as the collection and dissemination of statistical information respecting our crops; their condition compared with past seasons in all parts of the country, the probable excess or deficiency, the probable increase or depression of price consequent upon the supply; and while during the present year the stagnation of our industries has prevented the laboring man from earning the money to buy wheat, bread, and beef to the extent he would were our industries prosperous, and has kept the price of these commodities at a lower range than the shortness of the supply may have led the producers to expect, the statistical information furnished by the Department has been of incalculable value to all classes of people interested. From correspondents in every county, nearly, in the United States facts approximately correct are printed in the monthly report. The newspapers, magazines, societies, and correspondents get the facts and spread them broadcast over the land. There is no other agency competent to gather such statistics. No provision is made in the pending bill for the monthly report. The annual report is generally out of date as far as the crop being harvested and marketed is concerned.

The first statistical information the farmers of the country obtained was from the census reports. We have been printing the annual report only after it was years old and out of date. If this Congress refuses to appropriate money to print the monthly, we will be just where we were before the Twenty-fifth Congress, in 1839, when the first appropriation of $1,000 was made for distributing seeds and procuring agricultural statistics, under the Commissioner of Patents, who prepared statistical tables until 1853, when they were discontinued till the Department of Agriculture was established in 1862. In 1863 the first monthly report was issued, which has been continued up to the present time. About this time a Maine farmer wrote to the Department:

> Your monthly reports give me just the information I have wanted for years. Knowing the supply and demand, I am able to sell at my own price, and we can also foresee what will probably be wanted next year. Give practical farmers facts and let gentlemen of leisure theorize.

Individual effort cannot supply this want. No journal in the land furnishes a tithe of the information respecting the monthly condition of crops in all the States and foreign countries.

About one-half of our people are engaged in agricultural pursuits. This is the only Department of the Government that interests one-half of our people directly. The States cannot supply the information for themselves, for while each State could very readily arrive at a knowledge of the condition of all its industries, such knowledge is comparatively valueless without like information respecting all the others.

We were told last Congress that the Bureau of Education and Department of Agriculture were to be abolished, as they had no place legitimately in the Federal Government, but I did not expect to see them starved to death. If this House intends to carry out the States-rights doctrine to this extent, I hope they will do it squarely and openly. If speculators from their superior facilities for getting information are to control the price of our staple products from want of means at the disposal of the Department of Agriculture to procure and promulgate the statistical information that will enable every man who feeds animals, grows grain, manufactures cheese or butter, raises fruit or grass, to judge of the future for himself and of the probably best

avenues in which to exert himself in order to prosper individually and benefit mankind, then we should have the manliness to say so, and not continue this Department in such a sickly condition that it cannot work efficiently.

We need apple-trees for the Northwest that will stand our cold winters. Six years ago the Department imported a collection, numbering two hundred and forty-five varieties, from St. Petersburg for the purpose of increasing the list of hardy trees adapted to extreme northern climates. Already the value of this importation is being felt; localities in which the common apple-trees of the country could not live are being furnished with fruit-trees that are not affected by any degree of cold.

The practicability of growing and manufacturing tea is now known to be of reasonable expectation, in competition with countries where labor is cheap, as much can be improved upon in regard to modes of preparation; the ingenuity of our people will apply machinery to the preparation. Foreign manufacturers in China are demonstrating this by superseding hand-labor with machinery. The Department has over five thousand plants ready for distribution, and has been sending out three thousand annually. We paid $22,664,840.78 last year for tea.

Some years ago a valuable collection of orange and lemon trees were imported after being carefully selected in Europe. These are now being propagated and distributed. Scarcely a day passes that a box of these plants is not sent out. The work of propagation is slow. There are several thousand young plants under way at present. They require several years between stock and scion. The amount we appropriate for labor measures the number propagated; the amount produced is equal in value to the labor expended. The introduction of the best varieties is largely due to the Department of Agriculture.

The far-famed Bahia orange was introduced by the Department after much trouble. Several hundred are being distributed this spring. We paid $3,178,872 last year for oranges and lemons.

Superior Chinese bananas that sell higher than the West India variety have been introduced by the Department that produce more per acre and at an earlier age. We paid $338,229.97 for imported bananas last year.

The Department propagates olives, for which we paid $48,223.49. They make a specialty of hybridizing, propagating, and distributing new and valuable grape-vines, for the fruit of which, as raisins, green grapes, pulp-juice, &c., we paid a million dollars last year.

The basket-willow will grow in every swamp in the country, and in many swamps where nothing else will flourish. The Department has been at work for years propagating and distributing the best varieties. There are two hundred distinct varieties, and skilled botanists are required to select the best and most useful, not only for basket-making but for the purpose of inducing verdure on the treeless plains of the West, and for fencing and other purposes. We pay $809,236.44 a year for willow and willow-ware.

Great apprehension has existed during the last few years in consequence of the devastations of insects. The potato crop has been threatened by the potato-bug, and vast territory devasted by the grasshopper. The black locust, which was considered the most valuable tree for economic purposes, was easily grown from the seed, and was valuable for fuel and all farm purposes, has been within a few years literally swept from the face of the whole Northwest, where it occupied thousands of acres, by an insect that no one had seen before nor knew anything about. The natural history of these pests must be studied by some entomologist, and the Department employs a man in that capacity. It is impossible to estimate the amount of loss to the husbandman caused by insects. Their ravages are not confined to States, but are co-extensive with the nation.

The microscopist has also been of vast service since his appointment was made. His advice to cranberry-growers, showing the origin and progress of the rot in the berry which had caused losses in a single county of many thousand dollars, was conceded to be of the greatest value, and is an illustration of the value of the division. It is now well understood that fungoid growths are connected with nearly all the diseases of plants and fruits; a vast number are due to fungi alone. In this class of investigations discovery of the true cause of a disease is very often equivalent to its eradication, and without the aid of an intelligent observer of microscopic objects it would be simply impossible to reach proper conclusions with regard to the nature and extent of plant diseases.

The every-day work of the Department includes answers to inquiries upon almost every conceivable subject connected with the farm and the orchard, and I venture to assert that the advice given and suggestions made, even through the daily correspondence, would be no mean return for the cost of the Department.

This office supplies a want that can be filled no other way. The consequence of informing the workers and thinkers of one part of the country what the others are doing is to teach how much the prosperity and comfort of one citizen depend upon the exertions of others, and how much the general welfare depends upon the prosperity of every industrial interest. The tendency is to break up or prevent sectional feeling, to lift the mind above the contemplation of local interests, and train it to desire and rejoice in national more than sectional prosperity.

Nearly all of our exports are from the farm. The farmers of every section of the country are directly interested in the progress of the farmers of every other section. The leading products of each State are known to us all at present, but the tendency to abandon one branch of agriculture and gradually adopt another by some States is of great interest to all. The agriculturists are the most prosperous of our people to-day, their efforts create most of our exports, and bring back money to pay the interest on our public debt; many of our other industries are prostrate.

It is not the time to strike at our greatest industry. The farmers of the country have had liberal attention since the republican party came into power in 1860. If this democratic House checks the efforts of the Government to communicate information to the men who toil in the fields, it will be remembered that they poll half the votes on election day. I say not a word against reducing the salaries of the employés, but I do protest against cutting off the monthly report and the necessary help to carry on the Department.

And then, on motion of Mr. WILSON, of Iowa, (at four o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HAMILTON, of New Jersey: The petition of citizens of Hunterdon County, New Jersey, against any reduction of the tariff, to the Committee of Ways and Means.

By Mr. HOPKINS: The petition of 191 business men of Pittsburgh, Pennsylvania, for the regulation of commerce and for the prohibition of discrimination by common carriers, to the Committee on Commerce.

By Mr. JENKS: The petition of George Hayes, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: Papers relating to the claim of Battelle & Evans, for beef furnished the United States Army, to the Committee of Claims.

By Mr. RANDALL: The petition of employés in the Bureau of Engraving and Printing, for one month's additional pay upon their discharge, to the Committee on Appropriations.

IN SENATE.

MONDAY, *April* 10, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. WINDOM. I present the petition of a mass meeting held at Winona, Minnesota, signed by T. J. Slavin, president, and James T. Bowditch, secretary, reciting that—

Whereas Edward O'Meagher Condon, a citizen of the United States and a soldier of the late war, is now undergoing a life sentence in a British prison for a crime of which there is ample proof he never was guilty; and whereas said sentence was passed upon and conviction obtained upon the evidence of perjured witnesses; and whereas the said Edward O'Meagher Condon has for the last ten years been made the associate of the lowest order of criminals; and whereas there has never been any successful interference on the part of our Government to obtain his release: Therefore,

Be it resolved, That the citizens of Winona, in mass meeting assembled, do petition Congress that such steps may be taken as shall lead to a thorough investigation into the facts of this case, and that the United States demand of England the unconditional surrender of the said Condon, or at least secure for him a fair and impartial trial as speedily as possible.

I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FRELINGHUYSEN. I present a petition of workingmen of the county of Hunterdon, New Jersey, praying that Congress may leave the tariff laws undisturbed for the present, and that when any alteration is made they will take counsel of the workingmen of the country rather than of the enemies of our industries and commerce. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FRELINGHUYSEN. I present a like petition of workingmen of Mercer County, New Jersey; which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. MAXEY. I present the petition of Franklin Round, late sergeant Seventh United States Infantry, and ordnance sergeant of the United States Army, praying to be allowed a pension. I will state in this connection, as the chairman of the Committee on Pensions [Mr. INGALLS] is present, that many of the facts set forth in the petition are within my personal knowledge. I served with him in Mexico. I therefore ask that my testimony be taken by the Committee on Pensions, to which committee I move the reference of the petition.

The motion was agreed to.

Mr. HAMLIN presented the petition of David De Harven, of Boonville, Missouri, praying for compensation for the loss of the steamboat Alonzo Child, taken possession of by the rebel forces at Memphis, Tennessee, in May, 1862; which was referred to the Committee on Naval Affairs.

Mr. CONKLING. I present resolutions of the Chamber of Commerce of the State of New York, expressing the views of that body touching the postal laws. They commend the rates as they formerly existed, and say that believing them to have been of great value to the public, unless it can be plainly shown that some items which were carried under the former schedule have proved unduly burdensome to the mails, the former rates should be restored. And further, they insist that in the adjustment of rates, a distinction should be made between merchandise and merchandise samples, the former being usually of large size and bulk, limited only to four pounds, and the latter being usually quite small, and generally coming under the limit of twelve ounces. As a bill on this subject has been reported, and is before the Senate, I move that these resolutions lie on the table.

The motion was agreed to.

Mr. CONKLING. I present also 2,525 memorials signed by pensioners, largely widows, and to some extent others, remonstrating against the proposed abolition of local pension agencies and the mutation projected in the mode of paying pensions. I believe these petitions, on the suggestion of a Senator, went to the select committee of which the honorable Senator from Massachusetts [Mr. BOUTWELL] is chairman, a committee touching changes in the Departments. If I am right in that, I move that these memorials take that reference.

The motion was agreed to.

Mr. CONKLING presented the memorial of Messrs. Appleton & Co., Sheldon & Co., and other leading publishers, remonstrating against the passage of the postal bill now before the Senate; which was ordered to lie on the table.

He also presented the petition of Matthew Callaghan, praying compensation for having originated and furnished to the Post-Office Department the plan now in use for the return to the writer of letters not delivered to the person addressed; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. I present also the memorial of a large number of workingmen of the county of Essex, in the State of New York, remonstrating against the proposed change or any like change in the tariff laws; and a similar memorial numerously signed by workingmen of the county of Onondaga, New York. I move the reference of these memorials to the Committee on Finance.

The motion was agreed to.

Mr. HOWE. I present a resolution agreed to by the Chamber of Commerce of the city of Milwaukee, Wisconsin, in the following terms:

That in the opinion of this chamber it is of vital importance that the Signal Service should be established and maintained upon a permanent basis, and that such appropriation be made as may be necessary to maintain this branch of the public service at the highest point of efficiency, (the estimated appropriation asked for the coming fiscal year being about $415,000.)

I move the reference of the resolution to the Committee on Appropriations.

The motion was agreed to.

Mr. HOWE. I also present the petition of Burr S. Craft, of Norfolk, Virginia, who represents that he has lost a coin certificate for $5,000, and he prays that the Secretary of the Treasury may be authorized to issue a duplicate upon proper terms. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN presented resolutions of the New York Cotton Exchange, in favor of a permanent organization by Congress of the weather bureau of the United States Signal Service; which were referred to the Committee on Commerce.

He also presented the petition of D. Appleton & Co. and the leading publishers of New York, Boston, Philadelphia, Cincinnati, and other cities, praying for the establishment of a uniform rate of postage on third-class mail matter; which was ordered to lie on the table.

Mr. PADDOCK presented three petitions of citizens of the State of Nebraska, living in the vicinity of the Otoe reservation, praying that Congress pass a law providing for the sale of the whole reservation to actual settlers, and also making suitable provision for settling said Indians upon a new reservation in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. MERRIMON. I present the petition of John A. Harroll, of Henderson, North Carolina, in behalf of himself and the envelope manufacturers, printers, stationers, lithographers, and over fifty thousand dealers throughout the United States, respectfully representing that the United States Government, through the Post-Office Department, has been for some years past manufacturing, selling, and printing envelopes, newspaper wrappers, and postal-cards, at or below their cost to the Government, and delivering the same through the mails to all parts of the country free of charge, at a loss to the Post-Office Department of the cost of transportation, handling, &c.; and also printing address cards on the same gratuitously for merchants and others, requiring a large and expensive clerical force to receive, copy, and transmit orders for the same at a total estimated loss to the Department for the fiscal year 1875, of $4,925,736; and assigning many reasons why their protest should receive consideration. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. STEVENSON presented the petition of Thomas Boles and J. A. S. Miles, colored citizens of Cumberland County, Kentucky, school trustees, praying the passage of a law vesting in them and their successors in office the title to certain property in said county and State, to be used for school purposes; which was referred to the Committee on Education and Labor.

Mr. COOPER presented a memorial of citizens of Memphis, Tennessee, remonstrating against the passage of the House bill establishing an additional Federal court at Jackson, Tennessee; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented the petition of workingmen of Lawrence County, Ohio, and a petition of workingmen of Jackson County, Ohio, praying that the tariff laws may be left undisturbed for the present; which were referred to the Committee on Finance.

Mr. WALLACE presented a memorial of 23 business men of Pittsburgh, Pennsylvania; a memorial from 523 workingmen in the county of Philadelphia; a memorial of 152 business men of Philadelphia; and a memorial of 22 business men of Pittsburgh, remonstrating against any changes in the existing tariff laws at the present time; which were referred to the Committee on Finance.

He also presented a memorial of 10 importers of quinine bark, and a memorial of 113 wholesale dealers in sulphate of quinine, remonstrating against placing sulphate and other salts of quinine upon the free list; which were referred to the Committee on Finance.

Mr. GORDON presented a memorial of Thomas E. Collier, and others, of Barton County, Georgia, praying that the present tariff be left undisturbed; which was referred to the Committee on Finance.

Mr. WITHERS presented the petition of the leading publishers of school and other books in New York, Boston, Philadelphia, Cincinnati, and other cities, praying for a uniform rate of postage on third-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

PRINTING OF A MEMORIAL.

Mr. OGLESBY. Some time ago the memorial of citizens of California, settlers upon certain of the lands granted to the Southern Pacific Railroad Company, praying that the grant may be forfeited, said lands restored to the public domain, &c., was presented and referred to the Committee on Public Lands. The committee took up the subject, passed upon it, and reported a bill which is now upon the Calendar. Parties interested in the subject-matter of the bill and memorial have desired to see the memorial. It was printed by the memorialists, and they have seen that, but they desire also to see the names, some six hundred and odd names, describing the even and odd numbered sections upon which the memorialists reside. A majority of the committee have consented that the request be made that the memorial with these names should be printed. The committee would not have made this recommendation, as it is expensive and takes time, had it not been for the desire of parties who deem themselves interested in the subject against which the memorialists memorialize. I move for the printing of the memorial with the names.

The PRESIDENT *pro tempore*. Is there objection to the memorial being printed, with the names appended? The Chair hears no objection, and the Senate so orders.

Mr. SARGENT subsequently said: I wish to enter a motion to reconsider an order made this morning to print the names connected with the petition of certain citizens of California relating to the Southern Pacific Railroad Company's lands. I think printing the names would be a piece of extravagance.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (S. No. 592) referring the claim of J. Snowden & Son and Snowden & Mason to the Court of Claims, have had it under consideration and instruct me to recommend its indefinite postponement. I may state in support of this recommendation that this bill in the Forty-third Congress was referred to the Committee on Naval Affairs, and there was an adverse report upon it. There are no additional papers in the case at all, and we report it back and recommend its indefinite postponement because we do not propose to review the action of that committee.

The bill was postponed indefinitely.

Mr. WRIGHT. The same committee, to whom was referred the joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina, have instructed me to submit a report thereon, with a bill in the nature of a substitute for the joint resolution. It is entirely in accordance with the joint resolution, but we change the frame of it with a slight amendment.

The bill (S. No. 708) for the relief of John M. English, of North Carolina, was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners, reported it with amendments.

He also, from the Committee on Claims, to whom was recommitted the bill (S. No. 167) for the relief of Sarah E. Wedelstedt, of Manitowoc, Wisconsin, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the peti-

tion of Annie E. Paige, praying compensation for cotton destroyed by fire while in possession of the Government of the United States, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of sufferers from the raid in July, 1864, upon Washington, praying for an appropriation to pay their claims, which have been audited by a board of officers approved by General Augur, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 532) to authorize the restoration of Nathan D. A. Sawyer to the rank of captain and assistant quartermaster in the Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the petition of Hans C. Peterson, of New Ulm, Brown County, Minnesota, praying compensation for property destroyed in August, 1862, by the Sioux Indians, submitted a report thereon, accompanied by a bill (S. No. 709) for the relief of Hans C. Peterson.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (S. No. 606) to establish the Territory of Pembina and to provide a temporary government therefor, reported it without amendment.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers, to report it without amendment. I would like, as it will take but a moment, that the bill should be considered at the present time.

The PRESIDENT *pro tempore*. The bill will be read for imformation, subject to objection.

The Chief Clerk read the bill.

Mr. LOGAN. The Senator from Vermont [Mr. EDMUNDS] has made a suggestion which I think is a very proper one, and that is to provide that in case of emergency the Secretary of War may use his own discretion in granting leaves of absence. I do not object to that at all. I move to insert:

Subject to the power of the Secretary of War, in his discretion, to refuse such application.

The object of the bill is to provide for cases where the troops are at such a great distance that thirty days do not give them time to get home and return again.

Mr. SHERMAN. I will ask the Senator from Illinois to let the bill lie on the table until to-morrow. I should like to look at it.

Mr. LOGAN. I am in no hurry about it; but as it is a very small bill I thought it might as well be passed this morning.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 688) referring the claim of John H. Russell to the accounting officers of the Treasury of the United States for adjudication and settlement, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 584) to extend the time for presenting claims for collecting, drilling, or organizing volunteers for the war of the rebellion, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 440) to repeal section 2 of an act entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (S. No. 17) in aid of the commerce of the North Pacific coast by the construction of a canal and locks at the Cascades of the Columbia River, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 566) for the relief of Captain Bird L. Fletcher, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

THE MISSISSIPPI ELECTION.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (S. No. 706) making an appropriation to defray the expenses of the committee appointed by the Senate to investigate the recent election in Mississippi, have instructed me to report it back with an amendment and recommend its passage, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of —— thousand dollars, or so much thereof as may be necessary, to defray the expenses of the investigation into the late elections in Mississippi, authorized by a resolution of the Senate adopted March 31, 1876.

The amendment of the Committee on Appropriations was to fill the blank in line 3 with the word "ten;" so as to read:

That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CONKLING. At the instance of a constituent, the party interested, I ask leave to introduce a bill which is accompanied by papers, to be referred to the Committee on Claims.

By unanimous consent, leave was granted to introduce a bill (S. No. 710) for the relief of Obadiah B. Latham and Oliver S. Latham, of Seneca Falls, New York; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BOUTWELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 711) for the relief the sureties of Samuel Chisholm, late postmaster at Newton, Massachusetts; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KERNAN. By the request of a party residing here, I ask leave to introduce a bill to go to the Committee on Claims. I do not know anything about the claim.

By unanimous consent, leave was granted to introduce a bill (S. No. 712) for the relief of William Rutherford, of Washington, District of Columbia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 713) to establish a municipal court in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 714) to aid in the construction of a military bridge across the North Platte River; which was read twice by its title, and, with the accompanying maps and papers, referred to the Committee on Commerce.

Mr. ENGLISH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 716) to authorize the execution of a resolution of the Osage National Council of the Osage Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 717) for the relief of Nelson Taylor, of Alexandria, Louisiana; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Claims.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 718) to amend section 858 of the Revised Statutes relating to the rules of decision as to the competency of witnesses; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 719) to provide for the coinage of goloid-silver coin of the United States of America; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

THE MISSISSIPPI ELECTION INVESTIGATION.

Mr. BOUTWELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the special committee appointed by the Senate, under a resolution adopted on the 31st day of March last, to investigate the late election in Mississippi, be authorized to employ a clerk and stenographer, to send for persons and papers, to administer oaths, and to take testimony; and the expenses of said committee shall be paid upon vouchers approved by the chairman of the committee.

ABERT'S REPORT.

Mr. MERRIMON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 10,000 extra copies of the report of J. T. Abert, engineer, on the survey of a line to connect the waters of the Cape Fear and Neuse Rivers and for a connection by water between Norfolk and Cape Fear River, be printed for the use of the Senate.

OATHS TO SENATORS.

Mr. EDMUNDS. I ask unanimous consent to take up at this time a bill which was reported on Thursday last further to provide for the administering of oaths in the Senate, a bill which Senators know to be necessary.

By unanimous consent, the bill (S. No. 701) further to provide for

the administering of oaths in the Senate was read the second time, and considered as in Committee of the Whole. It empowers the presiding officer, for the time being, of the Senate of the United States to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect of any matter within the jurisdiction of the Senate. It also empowers the Secretary of the Senate and the Chief Clerk thereof, respectively, to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge, Ohio, post-office;

A bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier;

A bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

A bill (H. R. No. 620) for the relief of Redick McKee;

A bill (H. R. No. 648) for the relief of Andrew J. Barrett;

A bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army;

A bill (H. R. No. 1176) granting a pension to Francis Curran, Thirteenth Indiana Cavalry;

A bill (H. R. No. 1178) granting a pension to John Gropper;

A bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers;

A bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury;

A bill (H. R. No. 1235) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry;

A bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1944) granting a pension to Niram W. Pratt;

A bill (H. R. No. 1939) granting a pension to Sarah Emmons;

A bill (H. R. No. 354) to give an American register to the steamboat Isabel;

A bill (H. R. No. 511) to change the name of a steamboat;

A bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America;

A bill (H. R. No. 1915) to change the name of the steamboat Robert Bass;

A bill (H. R. No. 2123) making an appropriation for a light on the tower of the crib at the lake end of the tunnel of the water-works of the city of Chicago;

A bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late private in Company H, Eighth Regiment United States Veteran Volunteers;

A bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;

A bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner;

A bill (H. R. No. 2287) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860;

A bill (H. R. No. 2300) granting a pension to Margaret C. Bell;

A bill (H. R. No. 2382) granting the right of way to the Hot Springs Railroad Company over the Hot Springs reservation, in the State of Arkansas;

A bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson;

A bill (H. R. No. 2458) for the relief of the Bartholomew County Agricultural Society of the State of Indiana;

A bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers;

A bill (H. R. No. 2460) for the relief of Charles C. Hill, of Urbana, Ohio;

A bill (H. R. No. 2461) for the relief of certain officers of the Third United States Artillery who suffered by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875;

A bill (H. R. No. 2467) granting a pension to Sarah J. King;

A bill (H. R. No. 2463) granting a pension to Adam Smouse;

A bill (H. R. No. 2464) granting a pension to Diana Breysacker;

A bill (H. R. No. 2465) granting a pension to Emily Schwartz;

A bill (H. R. No. 2466) granting a pension to Butler Fitch, late captain Eighth Independent Battery, New York;

A bill (H. R. No. 2585) granting a pension to John Haley, late private in Company C, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 2586) granting a pension to John L. Bartley;

A bill (H. R. No. 2587) granting a pension to Melvina Ingle;

A bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee;

A bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late major in the Fourth Michigan Cavalry;

A bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

A bill (H. R. No. 2337) declaratory of the sense of section 4504 of the Revised Statutes relative to the shipment of crews of the vessels of the United States;

A bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania; and

A joint resolution (H. R. No. 97) to return to the Treasury certain unexpended balances.

The message further announced that the House had passed the following bills:

A bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth;

A bill (S. No. 309) for the relief of William L. Nance;

A bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army; and

A bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney, and the bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 111) granting a pension to David J. Garrett;

A bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio;

A bill (H. R. No. 610) granting a pension to Seth W. Homestead;

A bill (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin;

A bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney;

A bill (H. R. No. 2304) granting a pension to Philip J. Shaw;

A bill (H. R. No. 2655) to amend section 1044 of the Revised Statutes relating to limitations in criminal cases; and

A bill (S. No. 172) fixing the salary of the President of the United States.

FRACTIONAL CURRENCY—SILVER COINAGE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first section appropriates $163,000 to provide for engraving, printing, and other expenses of making and issuing United States notes.

The second section directs the Secretary of the Treasury to issue silver coins of the United States, of the denomination of ten, twenty, twenty-five, and fifty cents, of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption, or whether it may be presented for redemption; and authorizes the Secretary of the Treasury, under regulations of the Treasury Department, to provide for such redemption and issue, by substitution, at the regular sub-treasuries and public depositories of the United States, until the whole amount of fractional currency outstanding shall be redeemed.

Section 3 makes silver coins of the denomination of $1 a legal tender at their nominal value for any amount not exceeding $50 in any one payment, and silver coins of less denominations a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

The bill was reported from the Committee on Finance with amendments. The first amendment was in section 2, line 6, to strike out the word "whether" and insert "whenever."

The amendment was agreed to.

The next amendment was to amend section 3, so as to make it read as follows:

SEC. 3. That there shall be coined at the mints of the United States a silver dollar of the weight of four hundred and twelve and eight-tenths grains troy, of standard silver, the emblems, devices, and inscriptions of which shall conform to those prescribed by law for the gold and silver coins of the United States, with such modifications thereof as may be necessary to render the said dollar readily distinguishable from the trade-dollar; and in the coinage and delivery thereof, the same deviations from standard weight and fineness shall be allowed as are prescribed by law for the trade-dollar; and the said dollar herein authorized shall be a legal tender

at its nominal value for any amount not exceeding $20 in any one payment except for customs-duties and interest on the public debt; and the trade-dollar shall not hereafter be a legal tender.

Mr. SHERMAN. Mr. President, I was in hopes that the Senate was willing to act upon this bill without much discussion: but, as Senators desire it, it is due to the Senate that I should state in behalf of the Finance Committee the reasons for the passage of the bill and for the amendments proposed by the committee.

The first section of the bill contains simply an appropriation of $163,000 to provide for engraving and printing and other expenses of making and issuing United States notes; and it is plainly unobjectionable, unless the Committee on Appropriations desire to change the amount.

The second section provides that the Secretary of the Treasury is directed to issue silver coins of the United States of certain denominations in redemption of an equal amount of fractional currency, and is, in substance, the provision of the existing law, but is inserted by the House of Representatives for the purpose of making the direction of the law mandatory.

The third section of the bill, however, presents the most difficult question in political science. This section, as sent to us by the House of Representatives, provides:

That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

This presents the question of the single or double standard, which has probably been the occasion of more pamphlets, books, and documents than any other question whatever in political science. As a general rule, the English authors have favored a single standard upon the gold basis; the French writers have generally favored the double standard of both gold and silver; while there are writers without number who have advocated, some the single gold standard, some the single silver standard, and very many of them the double standard. I might state the argument briefly, without going into details, in the language of a recent author, in which the arguments in favor of the single gold standard are concentrated into three.

The advocates of the gold valuation say, "There is a constant liability to fluctuations in the standards of value. It is better, therefore, that, in order to secure unity, there should be but one standard, and this standard should be gold."

* * * * * * *

The second argument brought forward by the advocates of gold valuation is, that silver is too heavy for the present purposes of commerce; that its carriage and handling are inconvenient, and that gold, being so much lighter, is more suitable. * * * The third argument or allegation is, that all civilized nations either have adopted, or show the disposition to adopt, the gold valuation.—*Seyd, Metallic Currency of the United States*, page 39.

Each of these positions has been answered, as it is thought, by those who advocate the double standard, or the single silver standard. To the first objection in regard to the fluctuation of the value of gold and silver, it has been answered that sometimes gold has declined in value as compared with silver; sometimes silver has declined below gold value; sometimes the variation is one way and sometimes the other, and therefore the mere fact of variation is not an objection to either silver or gold as a standard, and ought to have no weight in the argument. The two metals have kept together with remarkable nearness; and it is said with great force, it seems to me, that to adopt the gold standard alone and demonetize silver would be to deprive the poor people of the world of the money which alone measures the value of their productions and of their labor. The gold, from its nature, is not divisible into a less coin of convenient form than $2.50. The dollar gold coin in this country and the five-franc piece in France never attained any considerable circulation. Therefore gold alone is not suitable for a currency because it will not measure the daily wants of the great mass of mankind.

To the second objection, that silver is too heavy to export, it is answered that it costs no more to transport $100,000 of silver from one port or place to another than it does $100,000 of gold. This is true, as shown by the statistics all the world over. By any form of conveyance the price of transporting $100,000 of silver is precisely the same as of transporting $100,000 of gold.

Mr. EDMUNDS. Based on value and not on weight?

Mr. SHERMAN. Yes. I was going to say that it is on the ground that transportation is based on value and not on weight, because it is the risk of loss that is the chief element of cost. That is the answer to the second argument.

The third allegation, that all civilized nations either have adopted or shown a general disposition to adopt the gold valuation, is denied as a matter of fact. England alone of all the great powers of the world has adopted the single gold standard. Half a dozen other countries of minor importance have adopted it. The body of the nations of the world have adopted either the double standard or the silver standard. The great mass of mankind (two-thirds of the human race) still use and do all their business upon the silver standard alone; so that there is no such weight of example among the nations of the world as gives to either standard a decisive advantage over the other.

Mr. President, I shall dismiss this controversy of the schools without going further into it, although it is a very interesting subject of study, and I could give Senators references to about a hundred volumes about it. I will dismiss it so far as the theory of the question has been discussed among political economists, but I wish to call the attention of the Senate in some detail to the existing law of the United States and also to the laws of Great Britain, France, and Germany, so that we may know precisely what the condition of the coinage of those countries is, in order that we may test by law and experience whether the amendments proposed by the Committee on Finance are wise or not.

The first United States statute on the subject, which established the Mint, was passed in 1792 and is contained in volume 1 of the Statutes of the United States, page 248. I have it here before me. This act establishes the proportional value between silver and gold by declaring that one ounce of gold shall be equivalent to fifteen ounces of silver, and the coins are based on the idea that the relative value of silver to gold shall be as fifteen to one. The consequences of this error will be perceived in a moment. The alloy of our gold coin was one-twelfth alloy to eleven-twelfths fine gold, or the English standard. The alloy of silver coin was one hundred and seventy-nine parts to fourteen hundred and eighty-nine of silver, or about one-ninth. The weight of the gold coin was twenty-seven grains to a dollar, the weight of the silver coin was four hundred and sixteen grains, and either gold or silver was made a legal tender for all purposes. Thus the double standard was adopted by the people of the United States at the beginning of the Government to the fullest extent. The only debate on this bill, showing that it excited no attention, was as to whether the head of the President of the United States for the time being or the head of the Goddess of Liberty should be put upon the coin. That was the only thing they cared about. All the philosophical questions involved in the proposition, the relations of silver to gold, and whether they should both be made legal tender, do not seem to have been deemed worthy of consideration in that early Congress of the United States.

The result of this act was to demonetize gold, because one ounce of gold was worth more than fifteen ounces of silver; and then the law of currency comes in, that if a coin or currency is undervalued it flees the country. The result was that in the early period of our history gold entirely disappeared. It is a part of the history of the time and is also shown by official reports that there was substantially no gold in the United States from 1792 to 1834, simply because the gold, being undervalued, fled the country, and silver and bank-notes were the basis of all transactions. In order to counteract this effect of our coinage law Congress, in 1834, by an act to be found in the fourth volume of the Statutes at Large, reduced the weight of gold coin from twenty-seven grains to the dollar to twenty-five and eight-tenths grains of standard gold, nine-tenths fine. That is, they made one ounce of gold equal to sixteen ounces of silver. That was the substance of this change. They changed the relative value of gold and silver to each other; and subsequently, by the act of 1837, they changed the silver coins so as to conform to this standard. By the act of 1837, the alloy of gold and silver coin was one-tenth to nine-tenths fine. That is the metrical system of alloy. The weight of the silver coin was fixed at four hundred and twelve and one-half grains for a dollar. It was of less weight than the old silver dollar but was of the same value, because it was finer, having less alloy. By these two acts both silver and gold coins were of the same fineness and bore the relation to each other of one to sixteen. And the weight and fineness of gold coins thus fixed has never been changed; and all coins, both silver and gold, were a legal tender for all sums.

Here again a mistake was made that would appear to be very trivial in ordinary legislation, but it was great enough to revolutionize our metallic currency. In 1834 and 1837 Congress underestimated the value of silver; that is, one ounce of gold was not worth sixteen ounces of silver; but by law they made it so, and at once this result commenced: Gold commenced coming into the country, and silver flowing out; so that from 1834 or 1837 until 1853 silver had entirely disappeared from the currency of the United States by reason of our laws undervaluing silver as they had previously undervalued gold, the true ratio of silver to gold being between one to fifteen and one to sixteen, or one to fifteen and a half. The effect of this is stated very strikingly by Mr. Seyd, from whose book I will read an extract——

The PRESIDENT *pro tempore*. The morning hour has expired. Is there objection to continuing this bill?

Mr. HAMLIN. I should be very glad indeed to proceed with the consideration of the bill which was under consideration at the last adjournment, but I am myself aware of the necessity which attaches to the measure now before the Senate in reference to the employés of the Government, and, at the suggestion of the Senator from Ohio, I think it is my duty to yield to allow this bill to proceed informally. I will not call up the unfinished business, but let it maintain its place, to be proceeded with on the conclusion of this bill.

Mr. SHERMAN. I have no objection to that.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. SHERMAN. I wish to get through with this bill to-day if possible. I will read from Mr. Seyd's recent work on the metallic currency of the United States in regard to the effect of the laws of 1834 and 1837:

The disappearance and exportation of the American silver coinage were caused by quite a different matter. The American silver coinage was always liable to exportation for the simple reason that it contained an undue proportion of silver.

In all countries where the double valuation prevails the relative proportion of value between gold and silver stands at one to fifteen and one-half, and the market value of silver in countries where it is not a standard give on the average the same result. In the United States alone the rate taken was one part of gold to sixteen of silver, (15.98837,) the proportion resulting from the eagle at two hundred and fifty-eight and the silver dollar at four hundred and twelve and one-half grains. The dollar therefore contained 3¼ (3.29) per cent. more silver than it ought to have contained according to its nominal value. No wonder, then, that the dollar was rapidly exported, and that no one found inducement to bring silver to the mints for coinage. And let it be understood that the supply of gold had little or nothing to do with this. Long before the discovery of gold in California, ever since 1837, has the effect of this premium on the United States silver dollar made itself manifest. In exchange for it the foreigner need not have supplied gold; other commodities served the purpose of realizing elsewhere the large profit which the United States gave to the exporter of her silver coin. Much that has been doubtful, peculiar, and unsatisfactory in the history of the United States currency between 1837 and 1850 owes its origin to this astounding mistake on the part of the Government, which must, as every one can see, have given rise to general disorganization of the currency and to disappointment in the capacity of the country to retain metallic currency. I go further, and say that it was the cause why America was obliged to make so large a use of paper money, with all its evils of unequal interests, extravagant habits, and expenditure.

It is remarkable that by the adoption of the first standard of 1792 gold at once fled the country and silver filled the channels of business, and that by the attempt to correct this error our laws overleaped the market and true relative value of these metals and established the rate of silver too low, and this drove silver out of the country and gold became the universal currency. This necessary result was deepened and strengthened by the fact that in 1850 by the discovery of gold mines in California gold came pouring into us in such floods that our silver currency entirely disappeared and its relative value increased. All the money we had was gold money, not silver money. We had no change. In some parts of the country we resorted to "shinplasters." Thus a slight error in fixing the relative value between gold and silver made two remarkable movements in these precious metals, a striking illustration of the necessity for the utmost care in dealing with all questions affecting metallic money.

In 1853 Congress undertook to correct this evil, and under the lead of Mr. Hunter, of Virginia, then chairman of the Committee on Finance, the act of 1853 was passed. I have before me a very learned report made by Mr. Hunter, in which he pointed out the evils of the then existing system and prescribed, as he thought, a remedy. Perhaps I had better read to the Senate a brief extract from Mr. Hunter's report to show that he examined the matter with great care; that he appreciated the evil to be remedied; but even he finally fell into the error of largely demonetizing silver by not reducing the silver dollar then undervalued. Mr. Hunter, on the third page of his report, says:

Indeed, it appears from a carefully compiled table appended to Mr. Ingham's report, (document No. 117, page 101,) that from 1492 to 1825 there were coined from the American mines $4,310,000,000 in silver, and only $1,890,000,000 in gold. But, in tracing the effect of this change of the relative value upon particular countries, we must not forget its operation upon the rest of the world. In thus excluding one of these metals from one country, if its property and trade were large, and in thus forcing more than its natural proportion into manufactures, we should diminish the volume of specie currency of the world below the natural supply. How this would affect mankind will be hereafter examined. But the mischief would be great indeed if all the world were to adopt but one of the precious metals as the standard of value. To adopt gold alone would diminish the specie currency more than one-half; and the reduction the other way, should silver be taken as the only standard, would be large enough to prove highly disastrous to the human race. Indeed, a reference to the history of the precious metals and the general course of human production can scarcely fail to convince us that there has been a constant tendency to appreciate their value as compared with the residue of the property of the world, and that every extraordinary increase of the supply of the precious metals of which we have any account has exercised a highly beneficial effect upon human affairs. When contracts are made by a standard which is gradually contracting, the advantages are on the side of capital as against labor, and productive energy is cramped by receiving less than a fair share of the profit of its enterprises.

It is manifest from this extract that I have read from Mr. Hunter's report, which is itself very voluminous, that the desire of Mr. Hunter and those who voted for the passage of the act of 1853 was to bring back silver into this country, so that we might have silver and gold again as the currency of the country, and the measure they adopted was intended to produce that effect. What was it? By the act of 1853 no change was made in gold coin or in the silver dollar. It was left demonetized by being rated at less that its market value. The act provided, however, for subsidiary silver coin; the half dollar, the quarter dollar, the dime, and the half dime. It prescribed the weight of the coin at three hundred and eighty-four grains to the dollar, instead of four hundred and twelve and a half grains. It made the subsidiary coin a legal tender for $5, and all other coins were left a legal tender without limit. This act, as I stated, provided for a subsidiary coinage worth about 6 per cent. less than the par of specie, assuming the par to be at the rate of sixteen to one. The subsidiary coin was only made a legal tender to the amount of $5, leaving the silver dollar still in force a full legal tender for all contracts.

The effect of this act of 1853 was to bring back to us silver change in abundance as a token coin. There was issued between 1853 and 1861 about $48,000,000 of silver coin. It was the change of the country, and to that extent silver was monetized again and in daily use; but the dollar was still undervalued and has never entered into circulation from 1853 to this time. Except for special purposes, the silver dollar of the United States disappeared from among the coins of the world for the palpable reason that it was more valuable to export than to coin.

Mr. MAXEY. I will ask the Senator from Ohio if the dollar established as the unit of value shortly after the adoption of the Constitution was left of the same weight and fineness in 1853 that it was originally established? The old Spanish milled dollar, in other words, was the unit of value originally; and was it not left so?

Mr. SHERMAN. I shall answer my friend from Texas with great pleasure. The silver dollar of the United States has never been changed in intrinsic value; the change has been in the gold dollar. But as Senators see that this is a technical question and I have to be precise in facts, I ask that they will not cross-examine me until I get through. Then I will answer all questions.

The effect of the law of 1853 was practically to demonetize the silver dollar to provide a subsidiary coin for circulation, and to give employment to about $48,000,000 of silver for the change of the country. So the laws of the United States as to our coins continued until February, 1873, when Congress passed an act to revise and consolidate all the statutes in regard to coinage. This act is embodied in the Revised Statutes. The changes made by this act are very slight. No change is made in the gold coin; it is still twenty-five and eight-tenths grains of standard gold to the dollar. The subsidiary silver coins were to weigh twenty-five grams to the dollar. That raised the value of the silver coins from three hundred and eighty-four grains to twenty-five grams or three hundred and eighty-five and eighty one-hundredths grains, so that it very slightly raised the amount of silver in the subsidiary coins in order to harmonize with the French coins; so that now $1 of our subsidiary money is precisely of the same weight and fineness as five francs of the French coin, and our silver coin is now easily convertible into French or Latin unit coins. The old silver dollar was dropped out in the revision, and why? Simply because it was not in use. No law repealed the silver dollar; it was simply dropped out—there was no such coin in use. It could not circulate because in 1872 and 1873 the silver dollar was worth more than the gold dollar. As it had not been coined for twenty years it was dropped out from among the coins of the United States. As a matter of course this does not prevent us restoring it at any time when we think it is for the public interest to do so.

But the most striking change made by the act of 1873 was the introduction of a new dollar called the trade-dollar. Senators here mostly understand the reason why that trade-dollar was provided for. Silver was beginning to be affected by the events that I shall allude to presently. There was a great demand for silver in China, however; and the Mexican pillar dollar for a good reason had gotten into the markets of China, and was the most desirable coin, because it was worth a little more than the dollar of the United States and more than the dollar of any other country. Therefore in China they would not take anything but the Mexican pillar dollar. There they measure small differences much more carefully than we do. In order to induce the Chinese to take our dollar instead of the Mexican milled dollar, so that we might give to our people a chance to export their silver in the form of coin, we authorized the holders of bullion to present their bullion at the mints of the United States to be coined into trade-dollars containing four hundred and twenty grains of standard silver. The old dollar only contained four hundred and twelve and a half grains; so that the trade-dollar contained seven and a half grains more of silver, and that made it a little more valuable than the Mexican dollar, which contained four hundred and sixteen grains of silver with a little less alloy than ours. The trade-dollar has a shade more value than any other dollar, and at once superseded the Mexican silver dollar in China, where they measure silver coins with the greatest accuracy. The result was that the Government of the United States, by coining at the expense of the holders of this bullion trade-dollars, have introduced into the commerce of the world a new money, which is now being absorbed largely in Japan and China and all Asiatic nations. This is done, not at the expense of the United States, but at the expense of the holders of the bullion, who pay the cost under the law of 1873.

I have stated, I believe, all the laws of the United States without exception which affect the value either of gold or silver coins. There have not been many of them. Our coinage laws have been very uniform, very stable; no changes have been made except for an obvious purpose. The law of 1792 stood on our statute-books unchanged until 1834, and then was only modified so far as the gold coins were concerned; and the law remained unchanged from that time until 1853, and was then only modified so as to introduce subsidiary coinage; and it remained then until 1873, when it was only changed so as to introduce the trade-dollar.

Those are all the changes, so that the silver dollar of our revolutionary fathers is the silver dollar of to-day if we choose to restore it. The trade-dollar has been introduced simply as a commercial dollar. Here is the difficulty in which we are placed: by the sudden fall of silver the trade-dollar, instead of being worth more than gold, is worth less than gold; and yet by the act of 1873 the trade-dollar was made a legal tender. The result is that a dollar less valuable than gold is made a legal tender for the payment of gold contracts to a limited amount. But that is not the worst of it. We could bear that very well; but the worst of it is that by the act of 1873 any holder of silver bullion can convert his bullion, at the mere cost of minting, into dollars; and then the law steps in and makes them a legal tender for gold values, to the extent of $5, for customs dues and the like. Thus the Government of the United States allows private individuals to regulate the amount of our coinage by giving every holder of

bullion the opportunity to convert his bullion, which is worth 7 per cent. less than par, into par and make it a legal tender to the extent of $5. It is perfectly manifest to every man who will examine this matter that we have got to do one of two things: either take away from the trade-dollar its legal-tender quality or take away the right of the holder of bullion to make the trade-dollar. We must do one or the other.

The simplest thing to do is to repeal the section authorizing the issue of the trade-dollar. But then come these gentlemen from California and Nevada and say, "We have built up a trade on this; it is a convenient form of exporting our bullion; we do not ask you to pay the expense, however. We pay that ourselves. Why should you step in now and destroy that which we have built up?" And there is no answer to it. Therefore I think it is well to keep the trade-dollar as it stands, to enable the people of this country to convert their silver bullion into the best form for commercial purposes, but to take away from it its legal-tender quality, and then no silver coin can be issued except by the United States and the profit and the benefit inure to the United States; and, more than all, the amount is regulated by the United States. It is manifest that if the trade-dollar is to continue and silver is still to stand depreciated, with the right of any holder of silver bullion to convert it into trade-dollars, the country will be overwhelmed with money that is not par in gold.

I hope, therefore, Senators will see that, so far as the trade-dollar is concerned, while we do not wish to interfere with its usefulness and its value, we must take away from it that attribute which was not intended to be given to it when the law was passed which changes its character from a commercial dollar to a forced legal-tender token coinage. We must, therefore, restore the trade-dollar to what it was intended to be, purely a commercial agent.

Mr. President, I have now stated all I desire to state about the laws of the United States. But this question is affected by the laws of all other countries with whom we have dealings. The question of coinage is an international question. It is not enough for us to stop with seeing what our own laws are and deciding how far we shall change them, but we must see what the laws of other countries are, or otherwise we may be in the same position that Congress was in 1853 and in 1837 and in 1792, when by making a mistake in the relative value of gold and silver they drove out of circulation, contrary to their intention, first gold and then silver.

Great Britain is generally supposed to be at the head of the nations that have adopted what is called the single standard of gold. In England anybody may carry gold bullion of any kind or in any form to the mint and there have it coined into sovereigns of certain weight and fineness, without charge at all. They have some refining-charges, but they make no charge for coinage. The same right is conferred upon the owner of silver bullion, with this qualification, and it is a very important one: a man may take a pound troy of silver bullion of a certain standard, or of what will make a pound troy of silver bullion of a certain standard of fineness, and Great Britain engages to convert that into sixty-six shillings; and then it pays him sixty-two for it. It retains the other four for its own use as a seigniorage. It issues sixty-two shillings of the proper fineness for sixty-six shillings' worth of bullion, levying the four shillings for its seigniorage.

Mr. BOGY. That makes the alloy.

Mr. SHERMAN. No; the shillings issued are of the standard fineness. The result of that is that every English shilling is worth less than bullion in intrinsic value, but by being made a legal tender for small amounts and limited in amounts it is equal in money value to gold coin. It is used as what is called a "token" coinage. The weight of the shilling is eighty-seven and one-fourth grains. Four shillings are equal to three hundred and forty-nine grains of standard silver. The alloy of standard silver there is eighteen two hundred and twenty-seconds or seventy-five one-thousandths. Their silver coin is finer than ours, but it is not so valuable, our alloy being one-tenth, but containing more grains to the dollar. The value of the English silver shilling in our money is twenty-one cents and four mills. The value of the gold shilling is twenty-four and thirty-three one-hundredths cents, or twenty shillings passes for a sovereign worth $4.866. The difference between the English shilling and our quarter dollar is in favor of ours. Our coin is more valuable than theirs. Our silver coin has always been more valuable than theirs since 1816. And yet, notwithstanding that Great Britain has thus debased its coinage, four shillings to sixty-six, they keep in circulation of this token coinage in a country of 32,000,000 people from eleven to fifteen million pounds sterling on an average, over $60,000,000. Though everybody knows it is intrinsically worth 6 or 7 per cent. less than gold, yet from the fact that they carefully limit the amount and regulate its issue it is maintained in circulation, and is the coin by which nearly all the labor of England is paid. It is a legal tender to the extent of forty shillings and no more. Nor is it necessary, in order to maintain this large amount in circulation, to have it a legal tender for any greater sum, because, the Government having the exclusive power to issue it, they only issue so much as the demand calls for at par with gold. It is a token coinage. Such is the law of Great Britain.

In Canada, where there are 4,000,000 people, their twenty-five cent piece is worth a little less than ours. It is very much like the English coin, but a little less valuable than ours. I estimate it at six one-thousandths of a grain less than ours. As a matter of course our silver coin will pass between this country and Canada from hand to hand when we get to specie payments. Our subsidiary silver coin will go all over Canada. It is worth a little more than the Canadian money, and I have no doubt it will fill the channels of business in Canada.

This brings me to the statement of the silver coinage of France, Belgium, Switzerland, and Italy, composing 72,000,000 of among the most intelligent people in the world. Their money is based mainly on the French standard of 1792, and it is regulated by the convention of December 23, 1865, which I have here before me. It is, probably, the most important monetary convention now in force in the world. I will cite some of the provisions of it. The weight is five grams per franc, so that they have a simple metrical unit of weight. For five francs it is twenty-five grams, and that is precisely the weight of our two half dollars or four quarters. The fineness is nine-tenths, precisely like our own coin. The limit of amount is fixed at six francs, or $1.20 per inhabitant. In Great Britain they have no enforced limit, because it being entirely in the hands of the government the director of the mint controls it according to supply and demand. But in this convention they have provided that neither of the nations shall issue more than six francs per inhabitant. But that makes an enormous sum. The limit of $1.20 per inhabitant would give to Belgium 32,000,000 francs; France, 239,000,000; Italy, 141,000,000; Switzerland, 17,000,000; in all 429,000,000 francs, or about $82,000,000 or $83,000,000. And this, remember, is subsidiary coin. Each nation has its standard of silver besides, which it maintains at the relation to gold of fifteen and one-half to one. The five-franc piece in France is precisely like our dollar was in 1853 and up to 1873—a legal tender for all sums. The same law applied to us would make a circulation of about $50,000,000, except that our country being more scattered it is generally supposed by those who have studied the subject that we can now maintain a circulation of subsidiary coin of seventy or eighty million dollars with our present population.

The legal tender among private individuals under this convention is fifty francs, or $10. It will be seen that wherever silver is used in modern nations, the limit of legal tender is carefully preserved as the only way of preventing the depreciation and exportation of one or the other of the coins. Among private individuals it is limited to fifty francs, or $10; among the contracting states to one hundred francs; that is, each of the contracting states agree to receive it at their treasuries for one hundred francs. The old coinage is redeemed in the gold and silver of that standard. Such is the conventional law which I have before me, which regulates now the monetary transactions of 72,000,000 people. There is no doubt whatever, that in 1867, when the Paris monetary conference was held, if Germany had consented, this conventional law would have been agreed to as an international law, and would have been made the basis of the entire commerce of the world. I was present at that monetary convention, and then it was the general sentiment of the nations represented that gold should be the unit of values; and after that, by providing for subsidiary silver coinage and maintaining it at its relative value fixed by this convention of fifteen and a half to one, there would have been no difficulty in maintaining that relative value. What defeated that convention was the pride of the English in the pound sterling, and the refusal of the German nation, then not united as now, to surrender the silver standard, which was then their sole standard of value; and so the effort for an international money failed. But the monetary convention of the Latin states, which was the work of purely scientific men, has proved a success. One of the provisions of the convention authorized any nation whatever to join it, with all the advantages conferred by that convention; so that it is open to all the world. It was not more successful only for the reasons that I have given. In this convention the legal relation between gold and silver is fixed at fifteen and one-half to one.

Now I come to what is called the German law; and I think there is a great deal of misapprehension not only in the newspapers and among the intelligent people, but among the mass of our people, in regard to the recent action of Germany. I have the German statute here, which I have taken the pains to have translated, not being able to read it in the original vernacular.

In Germany formerly silver was alone the standard of value. They had but little gold. I remember very well in 1867, in traveling in Germany, that we relied entirely upon the English sovereign and the French twenty-franc piece to pay expenses in Prussia because the German coinage was abominable, composed of pfennigs and a confusing variety of coin. There were many states or nations in Germany; they could not unitize; they could not agree. They had the silver thaler, which was the standard of value, but there was no gold in Germany that I saw except the French napoleon and the English pound sterling. But when Germany became a great power as the result of the recent war, the German Reichsrath, on the 4th of December, 1871, provided for gold coins and established a mark, worth twenty-three and eight-tenths cents, as the unit of value. That is the unit not only of silver but of gold. The ten-mark piece of gold is worth $2.38 of our money, and so it goes on in multiples. That act of December 4, 1871, only related to gold coins and provided a unit, but did not demonetize or affect in the slightest degree the silver coinage of Germany, which then amounted, according to some estimates, to four or five hundred million dollars. By the act of July 9, 1873, which I have before me, Germany undertook to change her standard from a single silver standard to the double standard of silver and gold. The common im-

pression now is that Germany has adopted the single gold standard and demonetized its silver. On the contrary, the change in Germany is simply from the single silver standard to the double standard of gold and silver. I have the translation furnished me by an employé of the library—and I suppose it is correct—of the statute of the Reichsrath:

Article 2 provides that in addition to the gold coins created by act of December 4, 1871, there shall be coined also silver coins.

Article 3 provides for pieces of 5 marks, 2 marks, 1 mark; of 50 pfennigs, and of 20 pfennigs; nickel and copper.

The coinage shall be regulated by the following decisions:

One pound of fine silver shall be coined into 20 pieces of 5 marks, 50 pieces of 2 marks, 100 pieces of 1 mark, 200 pieces of 50 pfennigs, and 500 pieces of 20 pfennigs.

The alloy consists of 900 parts of silver and 100 parts of copper, 90 marks weighing one pound.

The process of coinage shall be decided by the Bundesrath. The deviation from the standard shall not exceed in single coins .003 in fineness, and not more than .001 in weight, with the exception of the 20-pfennig coins; the normal weight, however, must be preserved in the bulk.

Article 4 provides that the total amount of silver shall, until further orders, not exceed 10 marks per head of the population.

This is the important provision of this law by which a larger silver coinage is authorized in Germany than is found anywhere else in Europe, because while 6 francs is the limit in France, while our limit has practically been only about $1.25, having only issued $48,000,000 of this coin, and while in England the amount has been limited to about $2 per inhabitant, in Germany the amount of silver provided for by this law is 10 marks per inhabitant, or $2.38, making for 40,000,000 of people at least $100,000,000 of silver coin; and, as I will show, they have already issued nearly two-thirds of that amount.

Mr. MAXEY. Have they limited their silver as legal tender?

Mr. SHERMAN. I will read that:

After every new issue of coins an equal quantity of the old circulating silver coins shall be drawn in, beginning with the coin under the thirty-thaler foot standard. The value to be determined in the way explained in article 14, section 2.

ART. 7. The coinage and redemption is done at government expense.

ART. 9. Nobody is obliged to receive more than 20 marks in silver or more than 1 mark in copper.

The Reichs and the Landes cassa (government banks) shall receive silver to any amount as legal tender.

That is, all the government banks are bound to take silver as legal tender for all transactions.

The Bundesrath will designate the banks which shall exchange amounts of not less than two hundred silver marks for gold coin.

The government undertaking to supply the banks with the necessary money to redeem and the banks undertaking to redeem all this money at its par rate, so that is practically a legal tender.

ART. 10. Silver coins which have lost considerable weight by circulation shall be received in Reichs and Landes cassa; they must be, however, drawn in at the cost of the empire.

ART. 14, SEC. 2. In reducing the value of other coin, not gold, the value of the thaler is three marks, the gulden süddent: währing one and five-sevenths marks, the mark of Hamburg one and one-fifth marks.

The important bearing of these provisions of the law will be seen when I come to look at what has actually been done in Germany and has so disturbed the monetary values of the whole world. The amount of silver coin outstanding in Germany has been estimated by various authorities, and was estimated by the government of Germany at $340,000,000; but it is shown now while they are changing currency from one form to another the amount was underestimated, so that the amount of silver in circulation in Germany alone in 1873 when this act passed was probably $400,000,000. The one and two thaler pieces which were the common circulation of Germany are still a legal tender for all amounts, and are received by the government at par in gold. The great body of them is still outstanding. A recent writer in the London Economist says:

As regards the bearing of this arrangement on the requirements for gold in our market, the leading facts are, first, that the one and two thaler pieces coined were estimated by the German government in introducing the coinage law of 1873, to amount to 459,000,000 thalers, equal to about $340,000,000, or £68,000,000, of which the two-thaler pieces represent 65,000,000 thalers, or £9,750,000, and the one-thaler pieces, 394,000,000 thalers, or £59,000,000; second, that according to the estimates of writers like Herr Soetbeer and others, at least three-fifths of this silver coinage is still in circulation—that is, $180,000,000, about £36,000,000 in all, of which £5,850,000 would be in two-thaler pieces and the remainder, or about £30,000,000, in one-thaler pieces.

That is, there is still outstanding $180,000,000 of the old silver coins of Germany, besides the amount that has been issued of new coin. I have here also a statement taken from the London Economist of a late date, March 25, 1876, of the amount of new coins issued by Germany:

On the 11th of March all the newly-coined money in Germany amounted to:
In gold pieces, 1,356,141,220 marks—

Or about $300,000,000 in gold coin.

In silver pieces, 193,118,226.

Or about $50,000,000 of new silver coins have been issued, besides having outstanding, as I have shown, $180,000,000 of old silver coins, which are now a legal tender for all purposes. The enormous effect of this law in Germany, and as a consequence the partial demonetizing of silver coins, I suppose is felt by every man, woman, and child who buys or sells anything. I suppose there is no act of any parliament that has had so wide-reaching effects as this act of the German Parliament. The amount of coin in the world is estimated by Mr. Seyd and other technical writers at $3,200,000,000 silver and $3,500,000,000 in gold. That does not include plate, jewelry, or silver in the form of merchandise, but that in the form of coin. So the effect of the act of Germany, aided no doubt somewhat by the large supply of silver by our mines, has been to reduce the purchasing power of the whole of this enormous sum of thirty-two hundred millions of silver fully 10 per cent. The fall of the silver trade-dollar in this country has been from 103 to 91. This effect extended itself to what is called the Latin league, who feared that German silver would be rushed into Italy, France, and the nations of the league for coinage purposes, and they interfered at once and stopped the coinage of silver. It also created an impression in India; so that, for the first time for two hundred years, the current flow of silver into China and India was arrested but for a short time. It is one of the remarkable currents of trade in the history of mankind that with the amount of silver that has been coined out of the mines of the world the great body of it flows in an unceasing and continuous stream into these oriental nations; and only for three or four months a feeling of alarm was created in India and China lest that which they cherish as the measure of all their values should become valueless to them. It created a partial panic, but that panic has passed, and now the stream goes on; silver flows into India and China and all the Asiatic nations as heretofore.

That was not the worst of it. It at once begot a struggle for the possession of gold between all the great nations of the world, because everybody could see that if you demonetized $3,200,000,000 of silver coin and made $3,500,000,000 of gold coin the sole standard of all the transactions of the world, commencing with the great nations of Europe, then extending to the smaller until it reach the Asiatic countries, it would enormously add to the value of gold, and therefore it was that the Bank of France, the Bank of England, and the Imperial Bank of Germany at once commenced grasping for gold in whatever form. Therefore what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of demonetizing the whole mass of this silver; and now the Bank of France has in its vaults the enormous amount of $300,000,000 of gold in coin and bullion; England has in the Bank of England $170,000,000, and the Imperial Bank of Germany has $125,000,000. So, in these three depositories there is over $600,000,000 of gold, or nearly one-fifth of the supply of the world. This accumulation of gold has been produced largely, first, by the partial demonetization of silver in Germany, the endeavor of the Imperial Bank of Germany to accumulate gold, and the effort made by the Bank of France to meet that current, and then by the Bank of England, until these three great banks, three spots on the face of the world, contain nearly one-fifth of all the gold that has been coined from time immemorial and that now exists in the world.

Mr. President, the effect of the movement in Germany has already reacted in a wonderful manner. A recent order in Germany has suspended the conversion of the thaler and monetized it. I have not that order, but I have here a recent French pamphlet, a very incisive one and a very well-written one, which speaks of the recent action of Germany thus:

It is scarcely necessary to point out the gigantic losses Germany would, before causing this disastrous crisis, entail upon herself should she continue to offer heavy sums of silver and to demand heavy sums of gold. The silver so offered would be more and more depreciated, and the price of gold would rise in a converse ratio, entailing a loss of millions to the German treasury.

The ministry of the Empire have foreseen these difficulties. To meet them they inserted in the decree-ruling that from January 1, 1876, all payments shall be made neither in florins nor thalers, but exclusively in marks, a restrictive clause to maintain in circulation the thalers, which are to be counted as gold and to be each held as equivalent to three marks.

Since demonetization has begun, silver which is constantly offered to foreign markets goes on falling in price, while at home the value of the thaler, this coin being a legal tender under the restrictive clause above mentioned and appraised at three golden marks, is not depreciated. Bankers, therefore, when they have payments to make abroad, are careful not to transmit thalers. They send gold marks, reserving their thalers for home payments. Government buys back the gold in foreign markets and the bankers go on exporting it. The treasury thus undertakes to weave a Penelope's web without any Ulysses in the distance. Already 20,000,000 marks have been sent abroad, the sixth part of all that has been coined. To sum up, Germany has judged it prudent not to demonetize rapidly, while the success of a slow demonetization appears highly doubtful.

I do not believe that this process will go any further than it has already gone. It is now arrested. Besides that, an agitation in Great Britain and France already has arisen for the establishment of a bimetallic currency. Even Great Britain, that since 1816 has maintained the system of a single-unit and a token-coinage, is now discussing the question whether it will not be necessary for them in self-defense, especially for their India commerce, to restore, to some degree at least, the double standard. In France they have already provided that when specie payments are resumed they shall be resumed upon the double standard of fifteen and a half to one, which is now the legal relation of silver to gold in France; and when specie payments are fully entered into, as they very soon will be, and probably can be now, the old law of the monetary conference will be enforced in France and all the Latin countries. Besides that, Asia again is absorbing rapidly the silver of the world, and the forced demonetization of silver will be counteracted. It is used now by two-thirds of mankind as the sole standard of value. It is used by all

nations as a token-coinage to a very large extent, as I have already shown. It will soon be used to the extent of forty or fifty million dollars in the United States of America. We now have nearly $20,000,000 to pay out, and can coin it at the rate of $2,000,000 a month; so that we shall ourselves, in the execution of our law and of this law among others, use a large amount of silver, probably not less than sixty or seventy million dollars. The absolute necessity of smaller coins will always maintain more or less of silver and make it absolutely necessary. The utter ruin that would come to mankind, especially to the poorer nations, by the entire demonetization of silver cannot be estimated by us. Take one-half of the solid money of the world out of existence; take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It cannot be done; it will not be done. There is no danger of it. These two metals, gold and silver, have traveled side by side from the beginning of time; the records of human history do not go back beyond it. They have varied, sometimes one and sometimes the other higher; but they have gone on, gold the money of the rich, silver the money of the poor, the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of parliament, although it may disturb for a moment the relation of these two metals to each other, nothing but an act of God, can destroy the use of both these metals among the nations of mankind. I will add some statistics from Dr. Soetbeer, published in Germany, of the proportionate values of gold and silver at different dates and epochs:

Some interesting notes have been published lately in Germany by Dr. Soetbeer on the variations in the proportionate values of gold and silver at different dates and epochs. In ancient times the relative value of gold to silver was about one to thirteen and one-third, and toward the end of the old Roman Empire of the West it rose to about one to fourteen and one-half. In the Middle Ages and down to the fifteenth century the standard was about sixteen of silver to one of gold; but after the discovery of America the value of gold fell rapidly, until the proportion stood at ten and one-half to eleven of silver to one of gold, which relation was maintained with but little fluctuation during the sixteenth and beginning of the seventeenth century. After that date gold began to rise again in value, and by the end of the seventeenth century the proportion had become one to fifteen. The standard of comparative value fluctuated backward and forward at about that figure during the eighteenth century, and at the close silver was about fifteen and one-half.

Up to 1850 silver had never fallen so low as sixteen, while from 1850 to 1852, owing chiefly to French coinage operations and the absorption of silver for the double standard in that country, the price of that metal tended to advance slightly. It was never higher than fifteen, but still it was considerably less than fifteen and one-half. After 1859 the course of the price of silver tended downward by almost imperceptible steps; but it was not until 1873 that the price began to be decidedly low; it then fell to sixteen and eight one-hundredths in relation to gold, and by the end of 1875 had touched in London sixteen and eighty one-hundredths, or fifty-seven and eleven-sixteenths pence in London.

Perhaps I am wearying the Senate by these details; but it seems to be necessary in the condition of the information on the subject that I should state them. There are certain general conclusions which I draw from a reference to these statutes in various countries which I will briefly state.

First. It is impossible in the nature of things to fix the precise value of silver and gold. We have tried it three times and failed.

Second. Whenever either coin is worth more in the market than the rate fixed by the law, it flees from the country. That we have twice proved. That is the admitted economic law. It is the Gresham law—a law of currency named from the name of its discoverer. He wrote a book to show that always the poorer currency would drive out of circulation a superior currency; and his book gave name to the theory that is called the law of Gresham. It is the universal law of political economy: that, whenever two metals or two moneys are in circulation, the least valuable will drive out the most valuable; the latter will be exported.

The third proposition is that the example of several great European nations as well as of the United States proves that to prevent the depreciation of silver the tendency of modern nations is to issue it as a token coinage somewhat less in intrinsic value than gold, and maintain its value by issuing it only as needed, at par with the prevailing currency, and to make it a limited legal tender. I may say that has been acted upon by every great Christian nation. Russia and Austria have not yet gold coinage at all, but still they have their values based upon gold.

Fourth. That the demonetizing of silver tends to add to the value of gold, and that though its relative value ebbs and flows it is more stable compared to gold than any other metal, grain, or production. Its limit of variation for a century is between fifteen to seventeen for one in gold.

Fifth. That both coins are indispensable, one for small and the other for large transactions.

Sixth. That the causes of its decline are temporary. It is still used by a great majority of mankind as the standard of value. Its use in France and the United States will on resumption more than counteract its decline in Germany.

Seventh. The general monetizing of silver now, when it is unnaturally depreciated, would be to invite to our country, in exchange for gold or bonds, all the silver of Europe, and at last it would leave us with a depreciated currency.

Eighth. The decline of silver enables us now to exchange silver coin of the old standard for fractional currency, leaving the exchange optional with the holder, until we have the courage, as we now have the ability, to redeem it in gold.

Ninth. More silver can be maintained at par than we have now of fractional currency.

Tenth. The redemption of a part of our currency would advance its purchasing power, while the silver in circulation will counteract the contraction of the currency.

Whenever we have heretofore proposed any measure that looks to the redemption of our United States notes—and I cannot but regard our failure to provide for them now, twelve years after the war, as a disgrace to American civilization—when we seek to advance United States notes, it is said that we contract the currency and affect prices and a derangement of values. Here we can pay out solid money, good money, money of the Revolution, money unchanged in value from the time of the Revolution to this hour, for the redemption of our United States notes without loss, without contraction; and surely we cannot refuse to do it. If we pay out the silver it enters into circulation and it takes the place of United States notes; and why should we refuse to the holder of the United States notes the right to demand that of us which is now no more valuable than the note itself? It is sometimes said that nobody wants the silver dollar. Try the people and see if they do not want it. If they do not want it, then no harm is done. I would not make any man take it. I would not make any man who holds a greenback note payable in gold take the dollar in silver, because I would tell him beforehand the greenback some time probably in the future will be much more valuable than the dollar he gets; but that is no reason why we should not give him the dollar if he wants it, and there can be no reason why we should not.

Now, Mr. President, that brings me, and very briefly, to the provisions of this bill. It will be perceived that the Committee on Finance took the House bill as far as possible without alteration. With deference to the House we made no change in the first and second sections, and if the House had not put in the third section, I for one would not have desired to change the bill as it was sent to us at all. But they presented to us this difficult question of the double and single standard, and we were forced to consider it. I have no doubt, perhaps—I betray no secret when I say that the Committee on Finance would have been glad to have laid this question aside and considered it more fully; but it was presented to us in the bill, and therefore we had to deal with it, I may say forcibly, against our will. As it was before us, we could not get rid of it in any other way, and we cannot now unless the Senate should see proper to strike out the third section and risk a controversy with the House, which would probably produce longer delay. Therefore we undertook to amend the third section so as to avoid the objections to it.

The first provision I wish to call the attention of the Senate to is that our amendments make no enlargement of the legal-tender quality of subsidiary coin. We have left the subsidiary coin precisely where it was under the old law, unchanged, and it is clear that it should be unchanged. To make the subsidiary coin a legal tender for $25 would utterly destroy our customs revenue, would raise the question of the payment of the interest on the public debt in the subsidiary coin, would evidently impair the public credit, and would be wrong in every sense of the word. Besides that, it would be a departure from the example given to us by other intelligent nations that have acted upon every one of these questions.

The House of Representatives proposed a legal tender of $25. We left it where it was, at $5, and I have here a letter from the Secretary of the Treasury showing in the most conclusive manner the evil results that would flow from the enlargement of the legal tender of subsidiary coins and its effect on the revenue. I will not have it read, but may hand it to the reporter to be embodied in my remarks, so that Senators may have the benefit of reading it if they desire.

As to how much of it can be kept at par, I have already stated that, in my judgment, from fifty to sixty or seventy millions can be kept at par.

But the vital question presented by the amendments of the committee is the restoration of the silver dollar. Why restore the silver dollar when it is now so depreciated by the events that I have named? Well, sir, the answer is that we have a large amount, some $400,000,000 of United States notes, which now are a legal tender for all purposes, and the time has arrived when we can redeem all these United States notes with the old dollar of the United States. We do not create a dollar; we simply provide for the issuing of the dollar. The law was, as I have shown you, up to 1873, that this old dollar could be tendered for the payment of all debts; but it was simply not coined because the silver dollar was worth more than the gold dollar. Does that prevent us from coining it? Not in the least. I will read you a short extract from Seyd on the very subject I am now speaking of, the importance of the American dollar in the commerce of the world; and as he expresses it much better than I can, I think Senators will be better pleased to hear his statement:

What, indeed, could America risk in adopting silver again as a coadjutor to gold? What, considering the actual state of the question in the world, namely, that the majority of the nations adhere to the double or the silver valuation, does she not lose now in endeavoring to follow the footsteps of England? Would America do wrong in following the example of France, which maintains the five-francs silver piece? Germany is obliged to adopt the double valuation; is the example a pernicious one?

I think not; I think that America, by deciding in favor of the double valuation, would not only save the world at large from an abyss, and prevent the accomplishment of a stupid general crime, whose authors humanity would some day learn to curse, but that she would advance her own material interests more than may be

supposed possible, and that she may perchance take the lead in the intelligent and prudent organization of firm monetary systems.

The state of the whole question in the United States favors the re-introduction of the silver dollar. It has not been abolished by law, consequently no legal enactment for its re-establishment and legal-tender rights is required. All that is necessary is an act of Congress fixing the weight of the silver dollar at four hundred grains (399.9) of nine hundred fine, reducing its present weight by twelve and one-half grains.—*Seyd's Metallic Currency of the United States*, pages 56, 57.

This is the opinion of Mr. Seyd, an English writer, who is perfectly familiar with the whole subject, and who has lived in this country the most of his life.

There was one question of detail that came before the Committee on Finance, upon which there was some difference of opinion: what should be the dollar; what should be the weight of the dollar? Should we take the gold value now of silver and make a new relative standard; or should we take the French ratio of fifteen and a half to one; or should we take the old ratio of fifteen to one; or should we take the American dollar as it has stood from the foundation of the Government to this time? It seems there was a mistake; I do not know how to explain it. The old dollar was intended to be sixteen to one; but we know very well, if our arithmetics do not deceive us, that sixteen and a half multiplied by twenty-five and eight-tenths grains will make four hundred and twelve and eight-tenths; and therefore it was an error in some way by somebody to make the old dollar weigh only four hundred and twelve and a half grains. It was not very material for it was a very small fraction; but still the committee thought it was better to take the exact standard fixed by law, sixteen to one, and make the new silver dollar weigh exactly sixteen times the weight of one dollar of gold. The gold dollar is twenty-five and eight-tenths grains, and the silver coin we have provided for is four hundred and twelve and eight-tenths instead of four hundred and twelve and a half grains. I make this explanation because a New York paper says the Committee on Finance did not know what the old dollar was; that the old dollar was four hundred and twelve and a half grains, and we have made it four hundred and twelve and eight-tenths, because we did not know better. I give the editor my respects, and state that we did it for a reason. The author, Mr. Seyd, that I have read, recommends, on the contrary, that we should adopt the French standard. I am not sure but that it would be a very good thing to do if we were treating the question apart from all old customs and habits. If it were a new question, I should say at once adopt the French standard, and make the dollar four hundred grains. That would be exactly fifteen and a half to one. But I would not do that. I would not debase and degrade the dollar below its old standard merely for the purpose of assimilating it with the metric system of the French. I think, therefore, the old dollar is the best dollar.

It has been also proposed to make the dollar to be issued equal to two half dollars of the subsidiary coin. That would be only three hundred eighty-five and eight-tenths grains; that would be to debase the coin. I have no doubt that if this dollar is now restored to its old standard, in all human probability the fluctuations that have gone on in one way against silver will after a while turn in favor of silver, and the dollar may come to the par of gold. It has been done in the past; it was done when it was provided for. Whether that be so or not, I would not force anybody to take this silver dollar who does not desire to take it. If anybody desires to surrender a note of ours past due, payable in gold when paid, for a silver dollar, because he is tired of waiting so long for payment, give him the silver dollar; but I would not force him to take it, because the time will come when these notes of ours I think will be worth dollar for dollar in gold. If a man prefers, rather than wait the uncertain time in the future, to take a dollar in silver, give him the opportunity to do it.

The question is to what extent should it be made a legal tender. The House provided that it should be made a legal tender for $50. There are serious objections to making silver a legal tender for $50. I would prefer to leave it at $10; but the House proposition made it a legal tender for customs duties and interest on the public debt. That would plainly be a bad proposition. It would drive gold out of the country. If the silver dollar now, with its depreciated value, is made a legal tender for $50, you will have no gold whatever except in the mints and sub-treasuries of the United States. Our experience has shown that fully; and therefore the only way to maintain our silver coin at par in currency is to limit the amount either by the law of demand and supply or by the demand for silver coin in exchange for fractional currency and United States notes. That will at least keep United States notes and fractional currency always up to the par of silver, and would not prevent the United States notes from rising above the par of silver when the people become satisfied that we were about to redeem or were preparing to redeem them in gold. Therefore the committee fixed on the amount of $20 as a fair compromise. I would greatly prefer to reduce it to $10; but I am willing to vote for $20. It is manifest that to make it $50 would entirely destroy our gold revenue, and probably cause the exportation of gold abroad and impair the volume of gold in the country.

It is objected that this measure is the entering wedge for the double standard; and very good men, specie-paying men, have made this objection, and it is therefore proper to answer it. I reply that we have always had a double standard, and generally to a greater extent than this bill allows. Until three years ago the dollar was a full legal tender. Since that time the United States have contracted no debt, and every existing debt could have been paid in dollars of that standard. Does it injure any man to restore it now and limit its legal-tender quality to $20?

We are asked, then, why was the old dollar omitted in the act of 1873? I answer that it was omitted practically by the act of 1853 by being undervalued. It was formally omitted from the silver coinage by the act of 1873 because it was then too valuable for circulating coin, and was made to replace the Spanish milled dollar with a commercial coin. Is there any reason why it should not be restored now when we can use it as an agency for the redemption of United States notes?

It is said that a silver coinage is in the interest of silver bullion and those who produce it. Certain Senators have even been designated in the House of Representatives as owning bullion in the West; "silver-clad Senators," I believe, has been the expression. I hope it will be a benefit, not only to the producer of the silver, but to the people who use it as money. I have always supported the policy of encouraging the production of iron, wool, and fabrics. Why not also of silver? The most common and the meanest of arguments against a measure is that it will help somebody. I am quite sure that this will help the body of the people; and that is the only interest I have in it certainly.

But, sir, the House of Representatives have also made this silver coin a tender for duties and interest on the public debt. I do not think it is necessary to waste much time about that. Our duties are by law made payable in gold and are set aside as a sacred fund to pay the interest on the public debt and to provide for a sinking fund.

Mr. BOGY. The law says "coin." It does not say "gold."

Mr. SHERMAN. I know that. It is set aside, however, in coin. Now, I ask the Senator, suppose we should receive silver coin into the Treasury of the United States in payment of duties, as it would be received almost exclusively in case $50 could be paid in silver, would you pay that silver money now, taking advantage of its depreciation, out to the public creditors who bought your bonds payable in gold coin of the present standard, weight, and fineness?

Mr. BOGY. No bonds are payable in gold that were issued before 1873; not one.

Mr. SHERMAN. I do not suppose any one would desire to raise the question whether they should be paid in gold.

Mr. BOGY. That is another question; but the obligation was "coin" without one single exception until 1873.

Mr. SHERMAN. In 1862 when the act passed there was no coin in the United States except gold coin.

Mr. BOGY. Silver coin was just as much coin as gold at that time.

Mr. SHERMAN. There was not any of it, and you would not pay it then; you would not have paid the silver dollar then to the bondholder, because the silver was worth more than gold.

I do not care to discuss that matter much further. I know one thing, that the House of Representatives—I have reason to argue it, and I think I know it outside of that—never intended at all to interfere with our general law by which the customs duties are collected in gold, the change only being paid in silver, and that that gold should be used to redeem our promises. And, sir, any intimation by Congress, any effort by Congress to impair the public debt or the honor of the public debt, or its full payment in gold coin, would, in my judgment, do more harm than all the silver that can be issued under this or under any other law can do good. Anything that tends to destroy the public credit or the confidence of the creditors in our willingness and ability to pay, depreciates the value of our bonds, and brings them back to us for payment or for sale, and will prevent us from funding our debt at a lower rate of interest and availing ourselves of our present excellent credit. Therefore I hope in this debate there will be no suggestion which in the mind of the most timid man can induce a fear that we shall avail ourselves of the present circumstances to pay his bond in some other standard than that of gold coin. Therefore we except, from the operation of even the limited legal tender of the silver dollar here provided for customs duties. The same reason applies also to the interest on the public debt, with this additional reason that the bill as it stands now discriminates against the small holders of bonds. For instance, a man owns a thousand-dollar bond—a person in the country—and he could be paid his interest in silver dollars, for it is less than $50 in one payment, while the capitalist abroad who collects his coupons through a bank presents them in hundreds and thousands. He must be paid in gold coin by the bill as it passed the House, while the widow or small holders all over the United States who may hold small bonds would be paid their interest in silver coin. I think it is a discrimination against the small holders of bonds in favor of those who hold large sums. I take it, therefore, and I have no doubt that it was not the intention of the House to interfere with the law in this respect.

As to the legal-tender quality of the trade-dollar, I have already pointed out the necessity of changing the legal-tender quality or of abolishing the trade-dollar entirely. I was rather disposed for one to abolish it entirely, as making confusion; because we have two dollars so near each other. But as a matter of course the people who have built up a trade on the trade-dollar ought not to be deprived of it, except for some good reason; and we have required, in our amendments, that the trade-dollar shall be so different in its devices and emblems, that it can be readily distinguished from the general dollar.

Mr. WHYTE. May I ask the Senator from Ohio a single question

in regard to that very point? The injustice of his amendment strikes me to be apparent against those persons who have sent silver bullion to the mints, and have been able to get no coin from the mints but the trade-dollars, and who have those trade-dollars on their hands now, coined at a time when the trade-dollar was a legal tender to a certain amount; and now, while they have that money in their possession, you take away from them its value as a legal tender.

Mr. SHERMAN. I have answered that as I went along. The trade-dollar was only intended as a commercial dollar, as a convenient mode of putting silver bullion for the benefit of depositors.

Mr. WHYTE. Still it was a legal tender to a certain extent.

Mr. SHERMAN. I know; but we can change that. It is no harm to change that; and it is entirely within our power to change it. It does not do them any harm. These trade-dollars are worth more in China than they are in the United States to-day; so that as a matter of course the holders will have the benefit of the China market.

Mr. HOWE. They are worth more than the legal-tender dollar here.

Mr. SHERMAN. Certainly; and everybody will take the trade-dollar for another silver dollar.

Mr. WHYTE. But you cannot sell it on this coast.

Mr. SHERMAN. I guarantee that I will find plenty of people in the city of Baltimore who will agree to take all the trade-dollars, and give silver dollars for them.

Mr. WHYTE. I can show you some of them in Baltimore now.

Mr. SHERMAN. I will get some one over there to do it. There is no weight in that point. The trade-dollar is worth 3 or 4 per cent. more than the silver dollar.

Mr. President, some objection might have been made to this bill if we had authorized the Secretary of the Treasury to issue bonds to buy the bullion to make these dollars, but we did not. On the contrary, we simply carry into effect the spirit of the law of 1862, which authorized the sinking fund to be used in payment of any portion of the public debt, and to the extent that the sinking fund can be used to buy bullion and coin silver dollars with which to redeem fractional currency and redeem United States notes—to that extent the sinking fund may be used. That is a wise provision at all events, because now our bonds are so exceptionally high that under the sinking-fund law the Secretary has got, in buying bonds, to pay 18 per cent. premium, when there is a debt existing against the United States which must some time be paid in coin, which he will be at liberty under this bill to buy in silver and extinguish and put it out of existence, and add to the sinking fund.

Now, Mr. President, I am afraid I have wearied the Senate, but I have gone through this matter simply as a business matter. The exchange of silver coin for silver bullion is a profit to the Government of the United States. On the issuing of silver dollars the profit is several per cent.; on the issuing of subsidiary coin it is 6 per cent. more; and this profit more than pays all the expenses of the mints, saves all the expense of printing your fractional currency. The actual profit under this law will carry into the Treasury a surplus over and above all the expenses of the mints.

There are but two things more that are needed to make this bill, in my judgment, a complete financial measure. They are, first, to authorize any holder of greenbacks to convert them at his will and pleasure into a bond of the United States. Would to God that we had the courage now, without regard to party, to do this and give to every holder of these notes of ours the right at his will to convert them into a 4 per cent. bond running forty years! No considerable amount would be converted, in the present state of the market, into bonds now. Some would be. Those persons desiring a perfectly safe and long investment might convert their notes into 4 per cent. bonds in small sums; but as credit rises, and it is rising every day, these 4 per cent. bonds will advance to par in gold. What I would desire next is to authorize the Secretary of the Treasury to convert our 6 per cent. bonds into 4½ per cent. thirty-year bonds. A bill has passed the Senate for that purpose, but yet sleeps in the House. Then authorize the holder of the notes to convert them at his will and pleasure into a 4 per cent. forty-year bond and there stop, and you will reach specie payments without a ripple on the current. These two bonds would approach each other in value; your notes would gradually be retired; silver would take their place—its natural place in the currency of the country. We are producing the silver, and our own products would be converted into our currency. Then our notes would gradually rise to par in gold. Then the circle of the rebellion, or the revolution, as our southern friends may call it—I prefer to call it by the old-fashioned name—would be finished——

Mr. DAVIS. Would you withdraw the greenbacks?

Mr. SHERMAN. As soon as greenbacks were at par with gold I would keep them afloat; but that is not in this bill. I merely alluded to it in passing.

There is another object that could be desired, and I think if the United States would now lead off in it it would undoubtedly be accomplished; that is to establish by international convention a unit of money of accounts, both of gold and silver. Advances have already been made to this Government by Great Britain, and a proposition is now pending looking to that end; and there is no doubt whatever that Germany would be glad to enter into the same international relation that was proposed in 1867, and which she then defeated and rejected. The difficulties and embarrassments in which Germany is now involved from the unforeseen effect of her own measures would make her eager to enter into a general monetary union or the extension of the Paris conference so as to make everywhere fifteen and a half ounces of silver equal to one of gold among all the nations of the world; to limit silver coinage to the token coinage or small change of the people, and make gold the standard of value, but silver the standard of labor and all minor accounts. By a convention between the leading nations, including Great Britain, France, Germany, Russia, and the United States, which must find the gold and silver to carry this arrangement into effect, you would have a monetary unit, and you would then be free from the oscillations that we have met in our whole history, of gold disappearing and silver disappearing by turns, destroying the value of contracts and deranging all our monetary affairs.

Sir, I do not hope to accomplish these things now; but I see in this bill an opportunity to accomplish some good; and I believe that true statesmanship consists in doing the good you can, without seeking the unattainable, and therefore doing no good at all. Here we have an opportunity to monetize a portion of our silver product; to redeem a portion of our United States notes; to come back toward specie payments—all in the right direction. And the fact that this bill does not accomplish all I desire is no reason why I should delay it, oppose it, or antagonize it.

Mr. MORTON. Mr. President, I desire to submit a few remarks rather in the nature of inquiries than discussion of this subject, for I have not had time to examine it.

I shall be glad to see silver introduced into the circulation of this country largely, and I shall be glad to see the proper silver coin made a legal tender for a much larger sum than is authorized by this bill; but there are several questions which I should like to have the Senator from Ohio, who has been paying much attention to this subject, answer. I sent this morning to an officer of the Treasury who is informed on the subject to obtain certain statements of values which I think it important that the Senate should consider in undertaking to decide this question.

In the first place, what is the value of the present silver coin; the old coinage and that which is now lying in the Treasury that has just come from our mints, which is still authorized and which is to go on after this bill shall have become a law; the coinage of half dollars, quarters, twenty-cent pieces, and ten-cent pieces? Taking the gold dollar as the standard of value, this mass of silver coin is to-day worth eighty-four and five-eighths cents on the dollar, a small fraction over eighty-four and a half cents.

Mr. SHERMAN. The subsidiary coin?

Mr. MORTON. The subsidiary coin; and its currency value to-day in greenbacks is ninety-five and eight-tenths cents. The new silver dollar proposed to be issued by this bill the Senator from Ohio says is the revolutionary dollar. I do not know that there is any merit to be given to it on that account; for when it was made the dollar gold and silver bore a different relation to each other from what they do now. Then that dollar was intended to be the equivalent of gold, so that the gold dollar and the silver dollar should be interchangeable. This dollar was established first upon that hypothesis. The dollar provided for in the third section of this bill may, therefore, be considered a new one; and its value is as follows: It contains according to this bill four hundred and twelve and eight-tenths grains of standard silver, or three hundred and seventy-one and fifty-two one hundredths of pure silver; and that dollar when it is issued will be worth, according to the gold dollar, ninety and seven-tenths cents. It will be nine cents and three mills under the gold par as soon as it comes into the world. It is depreciated coin to begin with.

Mr. BOGY. It is supposed that this depreciation will disappear when it is made a legal tender. Not being so now is the reason it is below the value of gold.

Mr. MORTON. Making this new dollar (which we will say to begin with is ten cents under par) a legal tender for $20 may add something to its value, but very little. Your legal-tender notes are a legal tender for all amounts, and they are all the money you now have to pay your debts with, and yet to-day they are 12 per cent. under par; and this new dollar that is to start out with a permanent depreciation of nine cents and three mills cannot be brought to par, nor will it have more than one or two cents added to it, in my judgment, by making it a legal tender for the small sum of $20. The currency value of this new dollar in greenbacks would be $1.027 to begin with. These values are based on the present price of silver, fifty-three and one-half pence per ounce standard, and the premium of gold 13¼, as it was last week. With silver at fifty-three and one-half pence sterling or $1.172 per ounce fine, a full-valued silver-coin dollar would have to contain four hundred and fifty-four and fifty-nine one-hundredths grains of standard silver or four hundred and nine and thirteen one-hundredths grains of pure silver. This dollar will contain three hundred and seventy-one and fifty-two one-hundredths grains of pure silver, and to make it equal to gold it would have to contain four hundred and nine and thirteen one-hundredths grains of pure silver.

I will call the attention of the Senator from Ohio, and I want him to inform me—perhaps everybody else understands it—what is to be the benefit of this coin. We shall then have four different standards of value in circulation: First, we shall have the subsidiary coin, some

twenty millions of which are now in the Treasury, worth eighty-four and five-eights cents to-day; we shall then have the greenbacks, which are to-day worth eighty-eight cents; the fractional currency, being convertible into greenbacks, is worth the same sum, and is worth four cents more to-day than this subsidiary coin which we are now making, half dollars and quarters; and then we shall have this new coin, worth ninety and seven-tenths cents. That is the third currency we shall have in point of value; and then, fourth, we shall have the gold coin, worth one hundred cents. Here we have four different currencies differing in value, ranging from eighty-four to one hundred cents on the dollar.

Mr. President, what is to be the value of this coin, or rather what is to be the use of it; what is the office it is to perform? The fourth section of this bill authorizes the Secretary of the Treasury to exchange it for an equal amount of United States notes, greenbacks. The coin will start out worth ninety and seven-tenths cents, while the greenbacks to-day are worth eighty-eight cents. If there were $10,000,000 of this coin in the Treasury to-morrow to be converted into greenbacks there would be a great rush for it, because the holders of greenbacks would thereby realize two cents and seven mills by converting their greenbacks into the coin, and then they would take the coin to the melting-pot, get bullion, and sell it as bullion. But when the greenback gets above ninety-one cents, gets three mills above the value of this dollar which starts out at ninety cents and seven mills, there is no longer any conversion. No man will convert a greenback worth ninety-one cents into a currency worth ninety cents and seven mills; and if the greenback gradually appreciates, goes up to ninety-two cents, ninety-three cents, ninety-four cents, as we hope it will do and expect it will do under the law we have passed, who will convert his greenbacks into this coin? So far as the use of this coin is concerned, after the greenbacks are worth ninety-one cents there would be no use of it for the purpose of conversion. What is the next use to be made of this coin by the Secretary of the Treasury?

And he is authorized to exchange such silver coin at its nominal value for silver bullion at the market value, to be ascertained and announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury.

The Secretary is authorized to exchange these new coins, worth ninety cents and seven mills, for silver bullion at its market value and at the nominal value of the coin. What is the nominal value of the coin? One hundred cents. What is its actual value? Ninety cents. What is the market value of bullion? It is so much in gold. Now the idea that the Secretary of the Treasury can buy one dollar's worth of silver bullion in gold at the market value (for that is the way bullion is measured) for the nominal value of a coin that is worth only ninety cents and seven mills, is a thing I cannot understand. I hope my friend can explain this. I want to state that again. This bill authorizes the Secretary of the Treasury to exchange these coins at their nominal value—that is, their face value—for silver bullion at the market price. Who will do it? Will a man sell a gold dollar's worth of bullion for a silver dollar worth only ninety cents? I cannot understand it.

If we come to specie payments, as I hope we shall, here is a coin that is permanently depreciated. We talk about having a uniform currency. It is not subsidiary coin; it is not change. This dollar cannot be change, unless you abolish one-dollar bills. If we have nothing less than a two-dollar bill, then a silver dollar would be in the nature of change; but as long as you have one-dollar bills, either bank-notes or greenbacks, a silver dollar is not change.

To begin with, here is a difference of six cents in these two kinds of coin. I call the attention of the Senate to that. We now have silver coin worth eighty-four and five-eighths cents on the dollar. It is proposed now to make a new coin worth ninety and seven-tenths cents. There will be a difference of six cents and a little over one mill between these two coins to start with. Will these silver coins be interchangeable? Certainly not. The man who has these silver dollars worth ninety cents and seven mills will not exchange them for silver coins worth eighty-four and five-eighths cents, unless it is a matter of sheer necessity. Then these silver coins will not be interchangeable. The man who has subsidiary silver and wants silver dollars cannot exchange them either. Why? Because he proposes to give that which is worth eighty-four and one-half cents even for that which is worth ninety and seven-tenths cents. The man who holds the silver coin worth ninety and seven-tenths cents will not be able to see it in that light. You have two silver coins of different value and not interchangeable any more than gold and greenbacks are interchangeable. Why can you not exchange a greenback for gold coin even? Because one is worth more than the other; and when you have these two silver coins of different value they are not interchangeable, and you have confusion thrice confounded. The merchant in New York will have to regulate his stock in this way: "I will sell my goods for so much in subsidiary coin worth eighty-four and one-half cents; I will sell my goods for so much in greenbacks worth eighty-eight; I will sell my goods for so much in silver coin worth ninety and seven-tenths cents, and I will sell them for another price in gold worth one hundred cents on the dollar." Instead of having a uniform currency you create more confusion, it seems to me, than there is now.

Mr. President, I should like to have the attention of the Senator from Ohio to this question. If we are to make new silver coins, why not make them of the value of gold coin? Put enough silver into them and make them the equivalent of gold coin, so that they may circulate together and be interchangeable the one for the other. Then you can make it a legal tender for a large amount. I understand the Senator to say to-day that the depreciation of silver is not the result of the increased quantity, but of the action in Germany, the demonetization of silver; and he thinks that has gone as far as it will go; and therefore the depreciation of silver has ceased, and the prospect is that silver will increase in value instead of declining in value from this time. If we can make a silver coinage that is the equivalent of gold coin or very near it, that will circulate alongside of the gold coin, you can make that a legal tender for a much larger sum than $20. There was one question that I wanted to ask the Senator as he went along, and I will ask him now, if he will answer it. What is the difference between the value of the silver coin of Germany and the gold coin; take five thalers in silver and some gold coin representing the same sum, and I want to know what is the actual difference in the bullion value of the two coins?

Mr. SHERMAN. I thought my friend was here all the time I spoke, and so would have saved me the necessity of answering these questions; but I can answer every one of them *seriatim*, and, reversing the order in which he puts them, I will answer the last first.

He asks me what is the standard value of the German coins. I stated two or three times in the course of my remarks that it was fifteen and a half to one. That is now the legal fixed value of German silver coin. Fifteen and a half ounces of silver coin are issued as the equivalent of one ounce of gold coin. That is the German relation. Ours, however, was sixteen ounces of silver coin to one of gold coin, and our silver coin is worth more than the German coin; and yet theirs is at par in gold.

Now I will answer the next question. The Senator talks about the value of the subsidiary coin as eighty-four cents. Well, it is worth eighty-four cents for bullion no doubt; but as money it is worth a good deal more. To the extent of $5 it is worth gold. The subsidiary coin is received for customs to the extent of $5. It is worth greenbacks always any way. If it is not, try the people and see whether they will take it for greenbacks or not. The Senator's idea is a confounding of the value of silver as bullion and its value as money. Let us try it on paper. What is the value of the paper in a dollar bill? About one-tenth of one mill. As bullion it is worth one-tenth of a mill; but as money it is worth eighty-nine cents, my friend says. Silver is worth as much as money as paper money; certainly it cannot be worth less. The silver dollar we provide in this bill is worth 2 per cent. more than paper money is to-day, as my friend says. Therefore, in any way you take it, the silver money is worth more than paper. As bullion our silver is worth eighty-four cents on the dollar, and our paper is worth one-tenth of one mill; while as money they would naturally be in the same relation to each other.

In regard to the other question, the Secretary of the Treasury is authorized to issue these silver coins. As a matter of course, that is the exercise of discretionary power. He would issue them probably; and the notes would advance up to par with the silver coin. He would not probably pay them out until they were at par. When they were, he would pay them out to the extent that he had the silver on hand, to the extent that he could redeem the notes, and every note that he redeemed would add to the value of the remaining notes without diminishing the value of the silver.

But the Senator says, Why not make the silver dollar of the full value of the gold coin? The answer is that if we do that to-day, to-morrow it may change; the silver may go down or go up, and in either event it would be demonetized. The only way you can keep two coins in circulation together is by making one tributary to the other by limiting the amount, by limiting the legal-tender quality. In this way you keep the two both in circulation, and although their bullion value may change, their money value never changes. In England the shilling, worth only twenty-two cents, goes every day for gold and is exchanged for gold. The silver is worth as bullion twenty-two cents in the shilling, but it is worth twenty-four and three-tenths cents for money. My friend certainly ought to perceive the difference. Now the paper is not worth anything as bullion except the lamp-black and rags, but it is worth whatever the law fixes on it as money.

But my friend cannot see how the Director of the Mint can purchase bullion under this law. He does it now under the same law; that is, he has bought this bullion at so much an ounce. A man comes and says, "I have got one hundred ounces of bullion; what will you give me for it?" The Director of the Mint says, "The price to-day is $1.03 in gold per ounce; but if you will take currency I will give you one hundred and fourteen cents for it." Then the man says, "I will take it in gold; I prefer to sell it in gold;" or, "I will take it in currency;" the two having a fixed value day by day; and he sells an ounce of silver for one hundred and fourteen cents in currency. What does the Director of the Mint do with that ounce? He does not pay that ounce out at the same rate he gets it for. On the contrary, he coins that ounce of silver into $1.28 in money, pays it out in money, giving the man back only $1.14 in currency. That is what they do in England every day. They buy silver bullion of everybody for so much, sixty-six shillings for a pound sterling; but when they come to pay him for it they only pay him sixty-two shillings, keeping the balance as seigniorage. We do the same. That is the way we have bought all our gold and silver bullion since the organiza-

tion of the Government, buying from private dealers at the market price and paying them in our own money at the money price. If my friend will keep in view the difference between the bullion value and the money value, he will have no difficulty in answering the question.

I believe I have now answered all the questions he put.

Mr. MORTON. I suggest to my friend that he has missed the point entirely, I think. Now he says the bullion value of a greenback dollar is one-tenth of one mill. Is that any answer? What makes the greenback dollar to-day worth eighty-eight cents? Because of the promise of the Government to redeem it in coin, a promise that it is bound to carry out. That is what makes the greenback dollar worth eighty-eight cents to-day. Why are two silver half-dollars worth only eighty-four cents? It is because of the quantity of silver bullion that is in that dollar. When you come to compare gold coin and silver coin you estimate the relative value of the amount of bullion that is in each. My friend says there is a difference between the bullion value and the money value. What is that difference? The subsidiary coin is a legal tender for $5 and the greenback is a legal tender for any amount; but yet that does not make the legal-tender equal in value to gold and making the subsidiary coin a legal tender for $5 does not make it equivalent to the greenback that is worth eighty-eight cents when its intrinsic worth is only eighty-four cents. The point that I asked in regard to the German and French coin was this: What is the actual value of this coin?

Mr. SHERMAN. Fifteen and a half to one.

Mr. MORTON. But that still is not answering the question. I hold in one hand a German silver coin calling for $5; I hold in the other a German gold coin calling for $5. I want to know what is the actual difference in the intrinsic value of these two coins. In this country if I take $5 in silver and put it in one hand, and a gold five-dollar piece in the other, the actual difference in intrinsic value is nearly sixteen cents—fifteen and a half cents; and I want to know what the difference in the intrinsic value between $5 in a German silver coin and $5 in a German gold coin is. That is the point. The Senator says that in England there is a difference of nearly 6 per cent. between the shilling and the gold coin in its intrinsic value, and that the shilling still passes for twenty-four and three-tenths cents in common circulation. That may be as a mere matter of change in common use; but that is a small difference compared to what we have got. We have got nearly sixteen cents to begin with, and yet we talk about honest money. We make a coin sixteen cents depreciated, to begin with, the equivalent of a gold coin worth one hundred cents, and are here proposing to make a coin almost 10 per cent. depreciated the equal of a gold coin. Talking about honest money, it seems to me that is not much more honest than the greenback which we have heard denounced so much, and the failure to redeem which, we are told, is the disgrace of the age and of our civilization.

I want to see a uniform currency; and if we are to have a silver currency and a silver dollar, why not make that silver dollar the value of the gold dollar, or so near it, perhaps saving out enough for the cost of coinage and the waste, say about one cent and a quarter, that they shall be interchangeable, that they will pass side by side in the commerce and trade of the country? Then the silver coin would not go abroad because it is not the standard over there where they have taken gold. Being a shade less than gold coin in point of value, it would not be its equivalent for circulation; but in common circulation, if you will put them within a cent or two of each other, they will go for each other and exchange with each other. I can remember when before the war the five-franc piece, worth only ninety-five cents, was actually received for one dollar in circulation; and the silver dollar, worth ninety-eight cents, that is to say the ninety-eight cents of silver bullion in it being in the commerce of the world worth two cents less than the gold dollar, would still pass in common circulation along with gold coin of this country and became a part of the permanent circulation of this country; but when it is depreciated sixteen cents, as it is now with our present coin, or nearly ten cents with this new coin, they never will go together. There will be no use for this new silver coin. It will not float along with your greenbacks after the greenback gets over ninety-one. It never will circulate alongside of the gold dollar. What is the use of it? What office is it to perform? If we are to have a measure, let it be a practical measure. I should like to see a silver coin adapted to the new state of things. When this old coin was first authorized by law in 1792 the value of silver was different. It has changed and perhaps permanently changed. Why not adapt ourselves to the change? We cannot undo that change. The Senator says perhaps the value of silver will go back. It may, but it is not likely to do so in our life-time. I hope it may appreciate.

Mr. SHERMAN. I thought I assured the Senator from Indiana many times that our silver coin is now worth more, ounce per ounce, than that of any nation in the world. Did he not hear me say that to-day our silver coin is worth more and the dollar we provide in this bill is worth more than the coin of Germany, or the coin of France, or the coin of England, or the coin of any other nation? and yet the coin of these nations is maintained at par in gold. The people of California and Texas who use our silver dollars, although they are worth as bullion only eighty-four cents, pay gold coin for them; and they cannot get them in any other way, because we being the only makers can control our sales of them so as to keep them at any standard we may fix. So, we being the only makers, the United States may convert lampblack and rags, worth one-tenth of one mill, into a note worth a dollar or very nearly that. That is all there is of it. The Senator from Indiana certainly ought to see that.

Mr. MORTON. One word. The greenback, although made of lampblack and rags, has the promise of the Government to redeem it in gold at par. The silver dollar worth ninety cents to begin with is not to be redeemed; it is never to be worth more than ninety cents. That is the difference.

Mr. MORRILL, of Vermont. Mr. President, I was not aware that this question would come up this morning; and therefore I am not prepared to go into it at length, and, after the interesting and perhaps technical speech of the Senator from Ohio, it is probably less necessary; but let me congratulate the Senate and the country upon the sound position taken by the Senator from Indiana; and I hope my indorsement will not injure him.

I most cordially agree with the Senator from Ohio in being ready to circulate a larger amount of silver, provided we can raise it so that it shall be equal to the standard of gold. It seems to me that the Senator from Ohio, in making his argument, has attempted rather a wide straddle, to make it include a double circulation of gold and silver; and yet his argument, if it is worth anything, is worth most in favor of a change to a silver currency alone.

This bill appears to me a very incongruous one. It comes here with a proposition at the head to supply a deficiency in the Treasury for the printing of legal-tender notes; and yet attached to it is a proposition that is to revolutionize our whole established custom from the foundation of the Government in relation to legal tender in coin; and I regret to say that, when I see the Senator from Ohio advocating a bill like this, I think we are right on the brink of Niagara; we are just about ready to go over. What is the proposition here? The proposition is to make silver dollars a legal tender, the House proposition to the amount of $50 and the amendment to the extent of $20. I admit that this bill will not accomplish the main purpose or, if not the purpose, the ultimate result without further and additional legislation; but I say that it is a blundering attempt to introduce nothing but silver as the legal tender of the country and to utterly abolish the use of gold. When we have taken this step, the next will be at less cost for a greater introduction of the system of silver legal tender.

The Senator from Ohio admits in his argument and in the authorities he cites that in all cases the currency of less value will drive out of practical use the currency of greater value. Therefore, if silver shall be introduced now at its present value, it will, as a matter of course, drive out gold. And yet the Senator says that this is the same identical coin that was started in the Revolution. Is not that rather an unfair statement when he knows that even since the introduction of the trade-dollar silver has gone down from 103 to 91? Between the fifteenth and sixteenth centuries the price of silver, after the discovery of the mines of Potosi and other mines in Mexico and Peru, went down 60 per cent. It has gone down within a few years some 15 or 16 per cent. We know that all over our western country, in Montana as well as Nevada, there are very valuable silver mines that are increasing the product much more largely than the discovery of the mines in Mexico and Peru did. Those mines produced to the extent of $12,000,000 to $20,000,000 each annually; and yet the mines we have in Nevada exceed them beyond all comparison.

I am quite ready to accede to the proposition of making a double currency, provided it can be made equivalent one for the other, but I am utterly averse to the attempt to introduce two currencies, one of which shall be 10 or 12 or 15 per cent. less than the other.

The Senator from Ohio maintains that the silver currency of Europe is now at par, but it seems to me he gave us the facts which showed conclusively why it was kept at par: simply because the amount was limited.

Now, so far as the exchange of silver for our fractional currency is concerned, I am heartily and cordially in favor of it. I think it ought to have been done before. That would give us between $40,000,000 and $50,000,000 in circulation of the subsidiary coinage, and these, being mere tokens of money, would pass current and be kept at par; but the Senator from Ohio has no clause in this bill limiting the amount. It is merely limited by the proposition to make $20 or $50 the amount that shall be tendered in any one sum as legal tender.

It seems to me that this is altogether too grave a question to be tacked on to a little deficiency bill. It never ought to have been here except as a separate and independent proposition, to be thoroughly considered and discussed by all Senators. There are many here who could contribute some knowledge, some valuable information on this subject, and it is in my opinion wrong, radically wrong, to attempt to force a measure of this kind through upon a deficiency bill.

Mr. President, I do not like to delay the Senate when I have not even at hand the documents that I have at home on this subject, and I shall not detain the Senate this morning, for I have no idea that this bill is going to pass to-day, or to-morrow, or even next week. It will have to be thoroughly discussed and considered before a question involving all the points that this bill involves can be passed by this body, I am very confident.

Mr. BOGY. Mr. President, I think it very possible that I am the only Senator who is out and out in favor of making silver a legal tender without any limit whatsoever; and it is my wish at the proper time to give my views upon that subject. Enough has been said to-

day by the different Senators who have spoken to show the magnitude of the question, and the question is more important to us than to any other people of the world, and more important at this time, when we consider our large amount of paper issue, our large amount of bonded debt, the condition that we are in of non-resumption, the attempt that we are making to resume at an early day, the fact that there is in this country but a limited amount of gold to redeem a very large amount of paper money, the fact that the balance of trade is largely against us every year, and the further fact that we have to provide in coin every year an amount upward of $100,000,000 to pay the debt which we owe, the debt which is owing by the Federal Government, by the State governments, by the city governments, by individuals, and by railroad companies. All these combined make this question, as was well said by the Senator from Ohio at the outset of his speech, the most important in the range of political science.

Again, we see it assumes the form of a constitutional question, and a very nice question. Has the Congress of the United States the power to say what shall and what shall not be a legal tender in execution of contracts between the citizens of each State? That is a question which is worthy of discussion. The Constitution says that "no State shall make anything but gold and silver coin a tender in payment of debts." That being so, clearly each State has the power to make "gold and silver," not "gold or silver," a legal tender. That being so, can the Congress restrain that? I say the subject is worthy of discussion. I hold that it is not impossible to make silver as a currency equal to gold. I hold that it is equal to gold to-day in all countries where the double standard is recognized. While it may be true and is true that gold intrinsically is more valuable than silver, nevertheless, if you establish the ratio between the two for all purposes for which money is used in trade and in commerce, one will be as good as the other.

The Senator from Ohio alluded a while ago to the fact that the public credit is of so delicate a nature that the mere whispering in this body that we had the most distant idea of paying our obligations in silver would affect the public credit. That may be so; nevertheless it is always well to face the dangers that may exist, nationally and individually, and not to skulk. Now the fact is that all our obligations, without one single exception, up to the year 1873 are not payable in gold; they are payable in "coin." It is a further fact that the duties are not required to be collected in gold, although that has been said not once but a thousand times. The duties are to be paid in "coin." It is a further fact, which cannot be successfully disputed, that at the time the law was passed coin in this country was composed of two well-known metals, gold and silver, and therefore the duties could be paid as well in one metal as in the other, as well in silver as in gold. Since 1873 we have made our bonds payable in gold, but up to that time they were not.

Mr. President, I do not rise at this time to discuss the subject. I can very well see that the Senate is somewhat weary. I desire to do so at a future day, and I must hope that the Senator from Ohio will not urge his bill to a vote to-day. The subject is too important; it is too vast and too complicated; and not only to-day, but it is a subject which should be discussed with care and with great labor. We did commit a blunder once in regard to this very question. In 1873 the silver money of this country was demonetized by an amendment to a bill not germane to the subject without any discussion in this body or out of this body, by the public press or by anybody in this country. By a mere amendment to a bill regulating the Mint the silver coinage of this country was demonetized, and gold was made the only standard and the gold dollar the unit of value. I say it was a very great mistake, and we have been laboring from that time to the present under that mistake. It can be demonstrated, I think, that we in this country can freely part with our gold which we annually produce from our mines, and if we retain nothing but silver as the circulating medium of this country the nation would not be injured, if we had enough silver. With 40,000,000 of people in this country we could very well, without suffering any great bad effects, use $400,000,000 of silver coin. I say more, that we could very well afford to part with our gold to pay off the balance against us annually which we owe to foreign nations and retain our silver; and unless we do increase the basis of our metallic money we cannot. The production of gold to-day is not equal to the export of gold from this nation; and it is a question of a very few years when the last gold dollar will be on its way from the shores of this country to the shores of the Old World. These are all great facts which should be discussed.

The speech of the Senator from Ohio was certainly something very remarkable and very singular. I admit its ability and I admit the fact that he has well and laboriously investigated the subject. I have no question about that; but, while he advocates in an able way the utility, the value, the wisdom of the double standard, he yet concludes by advocating a bill which is not the double standard. It is of very little consequence as a financial proposition that you make silver a legal tender for $20. That will absorb but very little money. It will not relieve the wants of the people; it is too small.

I hold that silver and gold are the money of the Constitution, and that it is not competent for Congress to restrain it. It is not within the power of Congress to prevent silver from being a legal tender. I hold that you can to-day go to the custom-house and tender your duties in silver, and if the question was brought before the Supreme Court of the United States the tender would be held to be a legal tender. I have no doubt of it. If these legal propositions are true, let us not try to avoid the discussion; let us meet them. If they are not true, let them be proved not to be true. This subject was discussed at the very beginning of the Government. At the time the Mint was created in 1792 the subject was discussed by the ablest financial mind of that day, Mr. Hamilton, and, for reasons given in that remarkably able report of his, silver and gold were looked upon as the two royal precious metals for us to use in this country.

Mr. President, I do not know exactly how to go at the subject. I am not in favor of voting on this bill to-day. I will therefore move, if it is a proper motion, that the subject be postponed until Thursday week.

Mr. SHERMAN. I wish to state to the Senate what I know officially, that the passage of the first and second sections of this bill immediately is very important; that the country at large is getting scarce of change. As a matter of course, under the law as it now stands, the Treasury cannot issue fractional currency, because they have no appropriation to print it; nor have they issued the silver coin, and there is no appropriation to print United States notes. So there is a necessity for passing the first and second sections of this bill. I therefore venture to suggest whether we cannot, by unanimous consent, pass the first and second sections of the bill, leaving out the third section, promising that the Committee on Finance will consider the matter and report to the Senate on that subject, so that it may be considered.

Mr. BOGY. I have never yet seen the necessity of the first section of this bill; because, if I understand the subject at all, the Secretary of the Treasury is now authorized to issue silver coin in lieu of fractional currency.

Mr. SHERMAN. The first section of the bill appropriates money to enable him to make and issue United States notes. They have no money now; the whole Printing Bureau is stopped. As for the silver coin, I suppose——

Mr. BOGY. I have never seen the policy of that bill. They have $15,000,000 now; why not issue that to redeem the fractional currency? I do not see the utility of that section.

Mr. MORRILL, of Vermont. There are nearly one hundred national banks without notes who want them.

Mr. BOGY. But we must understand each other. The passage of this law is not going to put any money into the Treasury. You have fifteen millions there now; no more, no less; he is authorized to pay that out.

Mr. SHERMAN. I have been unfortunate in making myself understood. I say there is an immediate necessity for the passage of the first and second sections of the bill; and I am endeavoring to suggest a mode in which the third section may be reserved and the Senator debate it to his heart's content. But the first and second sections, together with an amendment in regard to national banks, ought to be adopted; and I think the House will agree to that, reserving the consideration of the legal-tender question for another bill.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator propose to amend the bill?

Mr. WITHERS. I ask the Senator if it is possible to do that without taking out the third section.

Mr. SHERMAN. Certainly not; and I was about to propose to strike out the third section of the bill and pass the first and second sections, and then take up the subject of the third section as an independent proposition.

Mr. BOGY. I do not want your speech to go without an answer. It is too good a speech to lose.

Mr. SHERMAN. I will promise my friend a chance to make a speech on the very day he names.

The PRESIDING OFFICER. The motion made by the Senator from Missouri to postpone to a day certain takes precedence.

Mr. BOGY. Just one word. The first section makes an appropriation to the amount of $163,000, I think, for the printing of this fractional currency. I presume that is the fact.

Mr. SHERMAN. No, not fractional currency, but United States notes—greenbacks.

Mr. MORRILL, of Maine. It is apparent from the communication of the Comptroller of the Currency that it is very important the first section of the bill should pass. I do not speak of anything more than that section which was referred to the Committee on Appropriations, and to which that committee have authorized me to propose an amendment. It is vastly important that that part of the bill should pass, in order to supply the means for printing the legal-tender notes and also to supply the national banks with currency. According to the schedule handed to me, there are one hundred and ninety-five banks distributed over the country that are without currency, without bank-notes, and they will be in that condition until this or some other bill passes by which provision shall be made for supplying those notes. It seems to me the suggestion of the Senator from Ohio is eminently fit and proper that we pass so much of the bill as makes this appropriation, and remit other portions to the Finance Committee, to be reported upon and discussed hereafter. I should greatly hope that that course would be pursued.

Mr. SHERMAN. In order to accomplish that object I will move that the third section be stricken out. I withdraw the amendments of the Committee on Finance.

Mr. MORRILL, of Maine. And the fourth section?

Mr. SHERMAN. I withdraw the amendments of the committee which include the proposed fourth section and move that the third section be stricken out. That would leave it as an independent proposition. As a matter of course, the Committee on Finance can report upon the subject hereafter and the effect would be to leave the first and second sections stand intact.

The PRESIDING OFFICER. Does the Senator from Missouri insist on his motion to postpone?

Mr. BOGY. I do not. I am glad of the proposition of the Senator from Ohio.

The PRESIDING OFFICER. The motion to postpone is withdrawn.

Mr. KERNAN. If we strike out the third section of the House bill the bill will then still be amended by the Senate.

Mr. SHERMAN. My motion is to strike out all after the second section. As a matter of course the amendments of the committee are not acted on and they fall with the third section of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to strike out all after the second section of the bill.

The motion was agreed to.

Mr. SHERMAN. I wish it distinctly understood, not only for myself but others, that the vote which has just been taken to strike out does not imply that we are opposed to that part which has been stricken out. Some Senators seem to think that in voting to strike out this section they were voting against the amendments. I made the motion simply to expedite the business of the Senate; to have the action of the Senate on the first and second sections.

Mr. MORRILL, of Maine. I move to insert at the end of the first section of the bill the words:

And the further sum of $48,000 to provide for engraving and printing national-bank notes, to be disbursed under the direction of the Secretary of the Treasury.

An appropriation of $100,000 was made for this specific object for the current year, but it has run short, and this is to supply a necessary deficiency. In further support of the amendment I will send to the Chair, and ask that it may be read, a communication from the Comptroller of the Currency.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 6, 1876.

SIR: I have the honor to suggest an amendment to House bill No. 2450, now pending in the Finance Committee of the Senate, so as to provide for an appropriation of $48,000 for the purpose of engraving and printing national-bank notes. The annual appropriation for engraving and printing national-bank notes being exhausted, this Office is now unable to furnish to the banks new notes in place of the worn and mutilated notes which are returned to us canceled from the Office of the Treasurer. In other cases it has been impossible to furnish to new banks circulating notes upon the bonds which they have deposited with the Treasurer as security therefor, causing great inconvenience to these institutions and embarrassment to this Office.

The backs of the national-bank notes are printed by the bank-note companies and the faces by the Bureau of Engraving and Printing. The coat-of-arms of each State is printed upon the backs of the notes issued to the banks therein, and the backs of each denomination are different, so that a great variety of backs is required, and it is necessary that the Bureau of Engraving and Printing shall have on hand a supply of each kind in order to furnish suitable notes for the banks in all the States. More than one hundred and ninety banks are now entirely out of circulating notes, and the Printing Bureau is unable to fill the orders of the banks until an appropriation shall be made to pay the expenses of printing such notes.

In this connection it is proper to state that section 5173 of the Revised Statutes provides that the expenses of this Office shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of the national banks. The amount of such taxes from the organization of the system to July 1, 1875, was $30,836,937, while the total expenses of this Office, including the printing and preparation of the notes, has been but $1,689,617.

The appropriation asked for will be sufficient to supply this Office with circulating notes for the remainder of the present fiscal year.

I have the honor to be, very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. JOHN SHERMAN,
Chairman Finance Committee, United States Senate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maine, [Mr. MORRILL.]

The amendment was agreed to.

Mr. SHERMAN. I will now move to add at the end of the second section of the bill the last words of the fourth section as reported by the committee, to which, I suppose, there will be no objection:

And the fractional currency redeemed under this act shall be held to be a part of the sinking fund provided for by existing law.

Mr. EDMUNDS. I would like the Senator to explain that. What is to be done with this after you make it a part of the sinking fund?

Mr. SHERMAN. The Senator is aware that, when fractional currency and United States notes are retired, it will relieve the Secretary from the necessity of buying bonds to the extent that he receives and cancels fractional currency and United States notes for the subsidiary coin he issues.

Mr. EDMUNDS. Yes; so much I can see; but you are making it a part of the sinking fund, which implies a fund which in some way is invested and draws interest.

Mr. SHERMAN. Interest will be counted on this just as much as on the other. It will be counted on the whole sinking fund.

Mr. EDMUNDS. If the Senator is quite sure about that, I have no objection to the amendment.

Mr. SHERMAN. There is no doubt of it.

Mr. EDMUNDS. I should have a little doubt about that.

Mr. MORTON. My understanding is that the bonds purchased go into the sinking fund to draw their interest, and they are not extinguished in the sinking fund; they are created and live, and if this bond did not draw interest it would not require a note.

Mr. EDMUNDS. That is precisely the question I was putting to my friend from Ohio; and his saying it will be a part of the sinking fund without saying interest shall be included upon it in some way was what raised the doubt in my mind.

Mr. SHERMAN. As I am not prepared to answer the question positively, I will accept with pleasure any amendment the Senator from Vermont may offer.

Mr. EDMUNDS. I am not prepared to offer any. I am merely asking for information, and making the suggestion.

Mr. SHERMAN. I think these words will cover the point:

Interest to be computed thereon the same as in the case of bonds redeemed.

Mr. EDMUNDS. I think that would answer.

Mr. FRELINGHUYSEN. What kind of bonds?

Mr. EDMUNDS. Call them the lowest kind; it is a gain of that interest.

Mr. BOUTWELL. It is all computed at 6 per cent.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be reported.

The CHIEF CLERK. At the end of section 2, line 12, it is proposed to insert:

And all fractional currency redeemed under this act shall be held to be part of the sinking fund provided for by existing law, the interest to be computed thereon as in the case of bonds.

Mr. EDMUNDS. "As in the case of bonds redeemed under the sinking-fund acts."

Mr. SHERMAN. My impression is that they count the interest on the whole sinking fund.

Mr. EDMUNDS. It may be; but to save all question I think it better to state it.

Mr. SHERMAN. Very well.

The PRESIDING OFFICER. The Clerk will report the amendment as modified.

The Chief Clerk read as follows:

And all fractional currency redeemed under this act shall be held to be part of the sinking fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the sinking-fund acts.

Mr. SHERMAN. Instead of "sinking-fund acts" say "the acts relating to the sinking fund." There are two, the act of 1862 and the act of 1871.

Mr. BOUTWELL. As I recollect the redemption act, as it is called, of 1875, authority was given to the Secretary of the Treasury to issue bonds, the proceeds of which were to be applied to the purchase of bullion for the subsidiary coin, and those coins are now to be used under this act for the redemption of the fractional currency. The question I had in mind was whether this, taken in connection with that act, will not so operate that the sinking fund will be credited with the proceeds of the bonds issued by the Government, when the theory of the sinking fund is that it is to be created by the application of current revenues to the payment of a portion of the public debt. I apprehend that the two acts, considered together, will work that result; that is, we create a debt to redeem the outstanding fractional currency, and the amount of that debt is made a part of the sinking fund precisely as though the bullion for the subsidiary coin had been purchased from the current revenues of the Government. That ought not to happen, it seems to me. I fear it will.

Mr. SHERMAN. As I understand it, this operation is a very simple one. Instead of selling bonds, as the Secretary may do under the existing law, he may use a portion of the sinking fund, if necessary, to redeem this fractional currency and just charge it to the sinking fund. It is money that would otherwise be used to purchase bonds in the redemption of fractional notes.

Mr. BOUTWELL. Really what ought to happen is this: So much of the fractional currency as is redeemed by the use of subsidiary coin, the bullion for which was purchased out of moneys derived from current revenues, should be carried to the sinking fund; but fractional currency redeemed with coin, the bullion for which was purchased by the issue of bonds, should not be carried to the sinking fund. I fear that the amendment does not make that distinction.

Mr. SHERMAN. It seems to me that to the extent the sinking fund is used for the purpose of paying these fractional notes the fractional notes should be placed to the credit of the sinking fund. That is the way I understand it. If the Senator can express it in any other language I would be glad to have him do so.

Mr. BOUTWELL. I am not prepared to do it.

Mr. SHERMAN. I think it is clear enough now that this sinking fund is used to supply these fractional notes. As a matter of course the sinking fund should be credited with the amount so purchased.

Mr. BOUTWELL. But there is no sinking fund applicable. That is to say, the sinking fund is created by the use of current revenues in the purchase of bonds and the payment of interest on the capital of the sinking fund. There is no money in the sinking fund. The sinking fund is merely an account.

Mr. SHERMAN. They all mean the same thing. As I understand it, the actual accretion of the sinking fund is 1 per cent. of a certain amount with accumulated interest. That is a fund in the Treasury

in gold, in coin, and it would be, and it may necessarily be, used in the absence of this law in the purchase of bonds, but it may also be used according to this provision in the retirement of fractional currency. That would diminish the fractional currency.

Mr. BOUTWELL. That should be done.

Mr. SHERMAN. That is what I want.

Mr. BOUTWELL. Very well.

Mr. SHERMAN. So that the Secretary need not necessarily sell new bonds, but may use this fund to buy fractional currency.

Mr. BOUTWELL. If that 1 per cent. is derived from current revenues and not from the sale of bonds for the purchase of bullion and the manufacture of subsidiary coin, that is all right.

Mr. SHERMAN. As I understand, they go together into the Treasury in the way of customs duties. I think there is no trouble about it.

Mr. EATON. As the sinking fund strikes me, I think this appropriation of the currency exceedingly improper. Is it not the best thing we can do when we redeem this fractional currency to cremate it?

Mr. SHERMAN. When we redeem the fractional currency we do cremate it. If we redeem a bond we cremate it, destroy it.

Mr. EATON. Very well; then do not put it into any sinking fund; destroy it, and let us have no question on the matter hereafter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 682) to suspend the sale of the jail on Judiciary Square, and for other purposes; and the joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday.

THOMAS N. POULLAIN, SR.

Mr. BAYARD. I desire to move a reconsideration of the vote by which on Wednesday last the Senate agreed to the adverse report submitted by the Committee on Claims on the petition of Thomas N. Poullain, sr., of Georgia, praying to be indemnified for the loss of cotton seized by the United States authorities in 1863 and 1864. I only desire to have the motion entered.

The PRESIDING OFFICER. The motion will be entered.

PRINTING OF A MEMORIAL.

Mr. SARGENT. I entered a motion this morning to reconsider an order made for printing a certain petition with the names. I wish to call up that motion and dispose of it. I moved to reconsider the vote by which the Senate ordered the printing of the names in the petition of certain citizens of California, settlers upon certain railroad lands.

The PRESIDING OFFICER. The Senator from California moves to reconsider the vote by which the Senate ordered the printing of names attached to a certain petition. The question is on the motion of the Senator from California.

The motion was agreed to.

Mr. SARGENT subsequently said: An order was made to reconsider a motion to print certain names and it was reconsidered, but I believe no final action was taken upon it. I ask unanimous consent that the petition be printed without the names.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes; and

A bill (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine.

DISTRICT CERTIFICATES OF INDEBTEDNESS.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to communicate to the Senate the amount of certificates of indebtedness commonly called "greenbacks," issued by virtue of the acts of the Assembly of the District of Columbia and of Congress; also, the amount of assessments made in pursuance of said acts to secure the payment of said certificates of indebtedness; the amount of said assessments collected, and the amount outstanding unpaid, if any, and the reasons why the same have not been collected; and whether any further legislation in the premises is necessary.

ORDER OF BUSINESS.

Mr. GORDON. If there is nothing before the Senate, I move to take up Senate bill No. 177.

The PRESIDING OFFICER. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes.

Mr. HAMLIN. I desire to say to the Senate that I am informed that the present occupant of the chair [Mr. INGALLS] desires to address the Senate on that question and would not like to do so at this late hour. I therefore ask to let the bill remain precisely as it is, the unfinished business, and then the Senator from Georgia can call up his bill, so that the postal bill will come up to-morrow morning in its regular order.

The PRESIDING OFFICER. If there is no objection, Senate bill No. 650, the unfinished business, will remain until to-morrow morning, and be then resumed as the unfinished business of to-day.

Mr. GORDON. I move to take up Senate bill No. 177, to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government, on account of the Western and Atlantic Railroad. I will state for the information of the Clerk that the committee report a substitute for the original bill.

The PRESIDING OFFICER. Will the Senate proceed to the consideration of this bill?

Mr. WRIGHT. Let the bill be reported in full before the question is put.

The PRESIDING OFFICER. It will be reported in full, subject to objection.

The Chief Clerk read the bill.

Mr. GORDON. I ask that the report of the committee, which explains the whole bill, be read.

The PRESIDING OFFICER. If there is no objection the report will be read.

The Chief Clerk read the report submitted by Mr. GORDON on April 3, from the Committee on Military Affairs.

Mr. EDMUNDS. I wish to suggest to my honorable friend from Georgia that the question of the legal controversies between the Government and the railroads—there have been a good many of them at previous sessions of Congress—have been referred to the Committee on the Judiciary, and only, I think, two sessions ago we passed an act reported by the Judiciary Committee under a good many limitations that this bill does not contain, apparently, but which appeared to meet the general approval of the Senate, and even of the gentlemen who were interested in the railways, providing for a particular method of inquiry and of adjustment and of settlement. I see that this bill does not contain many of those limitations, and what I rose for was to ask the Senator from Georgia, in order to have a uniformity of consideration upon the subject, whether he would have any objection to this matter being referred to the same committee, in order that it might undergo consideration there as the other matters had done.

Mr. GORDON. I would state for the information of the Senator from Vermont, the chairman of the Judiciary Committee, that this bill is very simple in its provisions, and that the Committee on Military Affairs, to whom it was referred, went very fully into all the facts. I want to state further, that one member of the committee, the Senator from Rhode Island, [Mr. BURNSIDE,] had had no inconsiderable labor to perform heretofore in looking after the very roads to get at a basis of the settlement such as is here sought; and that in referring it to the Military Committee it was thought by the Senator who introduced the bill that it would be more likely to find full investigation there than anywhere else, because of the fact that there was a member of that committee who had already been cognizant, by reason of his former connection with these roads, of the very details which were incorporated in this bill. I can hardly see, unless there is some legal question in the way, any reason for referring it to the Committee on the Judiciary. I would prefer, therefore, unless the Senator is very anxious that it should go there, that the bill take its regular course in the Senate.

Mr. EDMUNDS. I am not very anxious by any means that anything should go to the Judiciary Committee, because it has rather an overplus of work without working out of hours; but my anxiety is to have a uniformity of rule adopted in respect of re-adjusting railroad accounts with the United States, and that one railway shall not re-open settlements and accounts upon one set of principles and under one set of limitations, and another railway upon an entirely different one. This bill may perhaps contain great deal better provisions; I am not prepared, of course, to express any opinion upon that; but I see that it does not contain the provisions and limitations which the Judiciary Committee and the Senate were unanimously of the opinion it was desirable that bills of this character, if they were to pass at all, should contain.

That is my reason for making these inquiries and these observations. I am sure the Senator will not suppose for a moment that I have any criticism at all to pronounce upon the action of the Committee on Military Affairs. It may be perfectly correct in its essence, but it is not the course of legislation which in analogous instances coming from the Judiciary Committee, in all previous instances that I remember, certainly all the last ones, has been adopted; and that leads me to suppose that it would be wise in the general interest of legislation, in the protection of the Government, and in the administration of

justice, to have certainly a uniformity, to the extent of a clear analogy at any rate, between the law that we applied to one railroad in Tennessee and to another in Georgia.

The last bill that we passed upon the subject embraced, I think, at least half a dozen different railways, and it underwent a great deal of consideration in the committee to which I refer; and we thought it necessary, I believe with entire unanimity, that several provisions in respect of limitations and securities in re-opening old accounts and settlements, should be incorporated to guard against events which, if we believe the public newspapers, have, in respect of some railways, transpired in a way that they ought not to have transpired; but of course I know nothing about that. That is my reason for making this suggestion, which I had hoped would meet with the approval of my distinguished friend from Georgia.

Mr. GORDON. There are one or two members of the Committee on Military Affairs who have gone into the investigation of this bill who are not now present in their seats; and if it is the pleasure of the Senate, I would prefer that this bill lie over until to-morrow, and I will call it up again.

The PRESIDING OFFICER. The bill will lie over. At the request of the President *pro tempore*, the Chair will lay before the Senate some House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. No. 2123) making an appropriation for a light on the tower of the crib at the lake end of the tunnel of the water-works of the city of Chicago;

A bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

A bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania;

A bill (H. R. No. 354) to give an American register to the steamboat Isabel;

A bill (H. R. No. 511) to change the name of a steamboat;

A bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America; and

A bill (H. R. No. 1915) to change the name of the steamboat Robert Bass.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee;

A bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge, Ohio, post-office;

A bill (H. R. No. 648) for the relief of Andrew J. Barrett;

A bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois; and

A bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Illinois Volunteers;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, of the United States Army;

A bill (H. R. No. 2458) for the relief of the Bartholomew County Agricultural Society, of the State of Indiana;

A bill (H. R. No. 2460) for the relief of Charles C. Hill, of Urbana, Ohio;

A bill (H. R. No. 2461) for the relief of certain officers of the Third United States Artillery who suffered by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875;

A bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late major in the Fourth Michigan Cavalry;

A bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers; and

A bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers.

The following bills from the House of Representatives were severally read by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 2337) declaratory of the sense of section 4504 of the Revised Statutes relative to the shipment of crews of the vessels of the United States;

A bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860; and

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier;

A bill (H. R. No. 1176) granting a pension to Francis Curran, Thirtieth Indiana Cavalry;

A bill (H. R. No. 2300) granting a pension to Margaret C. Bell;

A bill (H. R. No. 1939) granting a pension to Sarah Emmons;

A bill (H. R. No. 1944) granting a pension to Niram W. Pratt;

A bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late private in Company H, Eighth Regiment United States Veteran Volunteers;

A bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;

A bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner;

A bill (H. R. No. 2463) granting a pension to Adam Smouse;

A bill (H. R. No. 2464) granting a pension to Diana Breysacker;

A bill (H. R. No. 2465) granting a pension to Emily Schwartz;

A bill (H. R. No. 2466) granting a pension to Butler Fitch, late captain Eighth Independent Battery, New York;

A bill (H. R. No. 2585) granting a pension to John Haley, late private in Company C, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 2467) granting a pension to Sarah J. King;

A bill (H. R. No. 2586) granting a pension to John L. Bartley;

A bill (H. R. No. 2587) granting a pension to Melvina Ingle;

A bill (H. R. No. 1178) granting a pension to John Gropper;

A bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers; and

A bill (H. R. No. 1235) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry.

The bill (H. R. No. 2382) granting the right of way to the Hot Springs Railroad Company over the Hot Springs reservation, in the State of Arkansas, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 620) for the relief of Redick McKee was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 97) to return to the Treasury certain unexpended balances was read twice by its title, and referred to the Committee on Finance.

JOHN M. ENGLISH.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

Mr. MERRIMON. I ask the honorable Senator from Maine to yield to me a moment, to call up Senate bill No. 708 for the relief of John M. English, of North Carolina.

The PRESIDING OFFICER. Does the Senator from Maine yield for that purpose?

Mr. HAMLIN. I withdraw the motion.

Mr. MERRIMON. It will not detain the Senate ten minutes. I will ask the Senator from Iowa, [Mr. WRIGHT,] the charirman of the Committee on Claims, to make some explanation of the bill. I think there will be no objection to it.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill which he has named.

The motion was agreed to; and the bill (S. No. 708) for the relief of John M. English, of North Carolina, was read the second time and considered as in Committee of the Whole. It instructs the Secretary of the Interior to direct the pension agent at Raleigh, North Carolina, to issue a duplicate check, No. 8424, for $1,334 in favor of John M. English for one lost in the mail on May 18, 1875; but that the Secretary of the Interior is to be satisfied that it has not been paid, and said English is to first execute a bond with good and sufficient sureties, to be approved by the Secretary of the Interior, to hold the United States harmless against the double payment of the check.

Mr. WRIGHT. I will just state that the Committee on Claims, in examining the matter, find that such check was issued; that it was never received by the invalid pensioner; that it has not been paid; and the Department is powerless to issue a duplicate check. We thought it right that a duplicate check should be issued, with the guard provided in the bill.

Mr. FRELINGHUYSEN. I will ask the Senator whether there is any evidence of the destruction of this check?

Mr. WRIGHT. There is no evidence of the destruction of the check. The evidence is that it was issued, has not been received, and has not been paid. The bill provides that the Secretary of the Interior shall be satisfied that it has not been paid; and he shall take a bond to indemnify the United States against double payment.

Mr. FRELINGHUYSEN. I do not know that we can avoid doing it, although in the multitude of checks that are presented it would be a very easy thing for that check hereafter to be paid twice.

Mr. MERRIMON. Under the law, I believe they have no right to

pay it now; and the Secretary of the Interior has no power to issue a duplicate as the law now stands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CONGRESSIONAL CEMETERY.

Mr. MORRILL, of Vermont. I ask unanimous consent to take up Senate bill No. 679.

The PRESIDING OFFICER. Does the Senator from Maine insist on his motion for an executive session?

Mr. HAMLIN. No, sir.

By unanimous consent, the bill (S. No. 679) relating to interments in the Congressional Cemetery was read the second time, and considered as in Committee of the Whole. It provides that hereafter whenever any deceased Senator or member of the House of Representatives shall be actually interred in the Congressional Cemetery, so called, it shall be the duty of the Sergeant-at-Arms of the Senate, in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives, in the case of a member of the House, to have the usual monument erected, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions are authorized to be supplied in like manner.

Mr. MORRILL, of Vermont. This cemetery originally belonged to the members of Christ church. In 1807 they obtained a subscription for $200, with which they bought square 1115. At a meeting of the vestrymen March 30, 1812, it was deeded to Washington Parish, now the name of Christ church, and it was designated as the Washington Parish Burial Grounds. It was subdivided into thirty-four ranges, each range containing one hundred and fifty-two sites, April 6, 1816. The vestry voted then to assign a hundred sites of the burial ground in the most eligible situation as a reservation for the interment of members of Congress, the said sites to be so located as to be as near each other as possible. Since that time it has generally been called the Congressional Cemetery. In compliance with a memorial of the vestry, Congress appropriated $2,000 to enable the parish to inclose the cemetery with a brick wall. At the same time the parish added three hundred sites, making a total of four hundred sites, to the use of Congress. April 25, in the words of the petition, Congress granted two additional squares, 1116 and 1117, which were taken and offered and disposed of in 1850. A few years later another addition was made, embracing squares 1104 and 1105, and made available for interments in 1855. A further addition was found convenient, and in 1867 square 1123 was added to those previously taken. Further exigencies in 1870 caused square 1106 to be added to build up the city of the dead.

This cemetery has been used for the burial of Senators and Representatives in Congress, and cenotaphs have been erected, whether the parties deceased were buried there or not. Since the introduction of railroads the remains of most of the deceased Senators and members of the House have been taken to their homes. There are several of those who are interred there with monuments having inscriptions unfinished. The monuments there are made of soft sandstone, and are rapidly decaying. Some of them are out of order, but it seemed to the Committee on Public Buildings and Grounds that it was an unnecessary expenditure of money to put up cenotaphs there for parties who were not absolutely buried there. They therefore report this bill providing for monuments to such as shall actually be buried in the cemetery, and also for completing the inscriptions of such as may be there without inscriptions or with imperfect inscriptions. There is one Senator, the late Senator from Virginia, [Mr. Bowden,] who has no monument erected on his grave. He died here in 1864 of the small-pox, and there is a spare monument there that could be used for the purpose.

It has seemed also proper that we should have some law on this subject. I have not been able to find anything in the statutes as to who shall have charge of burials in this cemetery. By the bill it is proposed to leave the subject in charge, where the case involves a deceased Senator, of the Sergeant-at-Arms of the Senate, and where a member of the House, of the Sergeant-at-Arms of the House. I will also move as an amendment to the bill that these monuments when put up shall be made of granite, so that they need not require to be painted, and will be more durable. I move to strike out all after the word "have" in line 8 to the word "erected" in line 9, and to insert as follows:

A monument erected of granite in the form of the cenotaphs heretofore provided.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I also move to add at the end of the bill the following:

And all laws upon the subject of monuments in the Congressional cemetery are hereby repealed.

The amendment was agreed to.

Mr. MORRILL, of Maine. I will inquire of the Senator if there is any limitation as to the expense to be incurred for these monuments? They are to be made of granite, and at what expense?

Mr. MORRILL, of Vermont. The matter is left entirely in charge of the Sergeant-at-Arms. The expense so far as anything now is involved will be a mere trifle. It is merely to perfect the inscriptions. For instance, there is a cenotaph there to Henry Clay and another to John C. Calhoun with the inscription imperfect, only partly put on; and it is so in relation to several others. In some cases there is a foundation of stone that requires a little adjustment and some of them require painting to prevent their destruction by the weather. I think that there is no new monument required, and there is ample ground that is already allotted and set apart for the use of Congress to last for the next half century.

Mr. MORRILL, of Maine. My understanding is that a large number of these cenotaphs or monuments are to Senators and members who were not buried there, and that the practice has been heretofore to provide these monuments in all instances where a member of Congress died while in office. I should hope that system would not be continued. It would cover a great deal of ground in the end.

Mr. MORRILL, of Vermont. If the Senator from Maine will notice the provisions of the bill he will see that it provides for nothing more than those who may be actually buried there.

Mr. MORRILL, of Maine. Has it any relation to the monuments that are already there?

Mr. MORRILL, of Vermont. Nothing, except to perfect the inscriptions.

Mr. SARGENT. I see there is a provision for erecting monuments upon those who are already buried there. I would like to inquire if the committee know how many of those monuments are to be erected?

Mr. MORRILL, of Vermont. So far as I can ascertain there is but one, the Senator from Virginia, who died in 1864, and there is a monument there ready to be placed over him.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAPERS WITHDRAWN.

On motion of Mr. MERRIMON, it was

Ordered, That Nancy E. Ammons have leave to withdraw her papers from the files of the Senate.

On motion of Mr. RANSOM, it was

Ordered, That the heirs of Colonel Francis Taylor and the heirs of Dr. Charles Taylor have leave to withdraw their petition and papers from the files of the Senate.

EXECUTIVE SESSION.

Mr. DORSEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were re-opened, and (at four o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 10, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journals of Friday and Saturday last were read and approved.

CONTESTED-ELECTION CASE—LEE VS. RAINEY.

The SPEAKER, by unanimous consent, laid before the House papers in the contested-election case of Lee *vs.* Rainey; which were referred to the Committee of Elections, without printing.

GEORGE W. GREENE.

Mr. BEEBE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the claim of Hon. G. W. Greene for re-imbursement for expenses incurred in defense of his right to a seat in the Forty-first Congress be, and the same is hereby, referred to the Committee of Elections, with instructions to examine and report to this House what is due him thereon.

LAW IN RELATION TO WILLS AND PROBATE IN THE DISTRICT.

Mr. CRAPO, by unanimous consent, from the Committee for the District of Columbia, reported, as a substitute for House bill No. 1357, a bill (H. R. No. 3046) to amend the laws with respect to wills, to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes; which was read a first and second time, recommitted to the Committee for the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-five minutes past twelve o'clock; and, this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

Mr. DUNNELL. I hope the House will consent that the call shall be continued until all the States and Territories have been called.

The SPEAKER. If there be no objection, the call will be continued without reference to the morning hour until all the States and Territories have been called. The Chair hears no objection.

J. A. KENNEDY.

Mr. BLAIR introduced a bill (H. R. No. 3047) for the relief of J. A. Kennedy, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

D. H. MORRISON.

Mr. BLAIR also introduced a bill (H. R. No. 3048) for the relief of D. H. Morrison, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

THOMAS LEWIS.

Mr. BLAIR also introduced a bill (H. R. No. 3049) for the relief of Thomas Lewis, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CATHARINE M. BATES AND OTHERS.

Mr. BLAIR also introduced a bill (H. R. No. 3050) for the relief of Catharine M. Bates and others, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

G. G. CORNWALL & SONS.

Mr. BLAIR also introduced a bill (H. R. No. 3051) for the relief of G. G. Cornwall & Sons, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN QUILTER.

Mr. BLAIR also introduced a bill (H. R. No. 3052) for the relief of John Quilter, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MICHAEL GREEN.

Mr. BLAIR also introduced a bill (H. R. No. 3053) for the relief of Michael Green, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN COLLINS.

Mr. BLAIR also introduced a bill (H. R. No. 3054) for the relief of John Collins, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

UNION RAILROAD COMPANY.

Mr. HENDEE introduced a bill (H. R. No. 3055) to incorporate the Union Railroad Company of Washington, Georgetown, and Northern Virginia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ENLISTED MEN IN ORDNANCE DEPARTMENT.

Mr. HENDEE also introduced a bill (H. R. No. 3056) to repeal that part of section 1287 of the Revised Statutes which relates to enlisted men in the Ordnance Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. HENDEE also introduced a bill (H. R. No. 3057) for the government of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

EXPENSES OF PAYMASTERS.

Mr. EAMES introduced a bill (H. R. No. 3058) in relation to expenses of paymasters of the United States when traveling on duty with troops or escorts for the protection of public funds or property; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERNAL REVENUE.

Mr. LANDERS, of Connecticut, introduced a bill (H. R. No. 3059) for correcting a mistake in the Revised Statutes of the United States in relation to the internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDEMPTION-AGENCY EXPENSES.

Mr. WILLIS introduced a bill (H. R. No. 3060) to provide for refund of redemption-agency expenses; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CLASSIFICATION OF MIXED FABRICS.

Mr. WILLIS also introduced a bill (H. R. No. 3061) to provide for the classification of fabrics composed of mixed materials; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WASHINGTON ABATTOIR AND RENDERING COMPANY.

Mr. MEADE (by request) introduced a bill (H. R. No. 3062) to provide for the care and inspection of all animals to be slaughtered for food purposes in the District of Columbia and to incorporate the Washington Stock-yard, Abattoir, and Rendering Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SECTION 3433 OF REVISED STATUTES.

Mr. MEADE (by request) also introduced a bill (H. R. No. 3063) to amend section 3433 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

STAMP TAX ON PROPRIETARY MEDICINES.

Mr. MEADE (by request) also introduced a bill (H. R. No. 3064) to repeal the stamp tax on proprietary medicines and other proprietary articles; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TITLE 33 OF REVISED STATUTES.

Mr. MEADE (by request) also introduced a bill (H. R. No. 3065) explanatory of title 33 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BRITISH SHIP DON ENRIQUE.

Mr. BLISS introduced a bill (H. R. No. 3066) to give an American register to the British ship Don Enrique; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER ANDERSON.

Mr. MACDOUGALL introduced a bill (H. R. No. 3067) for the relief of Alexander Anderson, late first lieutenant Fourteenth New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. MACKEY, of Pennsylvania, introduced a bill (H. R. No. 3068) to repeal so much of section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 4, 1875, as provides for the resumption of specie payments on and after the 1st of January, 1879; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REUBEN ZIMMERMAN.

Mr. TURNEY introduced a bill (H. R. No. 3069) granting a pension to Reuben Zimmerman, father of —— Zimmerman, a private in the Fifteenth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER W. ROBERTSON.

Mr. ROBERTS introduced a bill (H. R. No. 3070) for the relief of Christopher W. Robertson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM L. W. SEABROOK.

Mr. ROBERTS also introduced a bill (H. R. No. 3071) for the relief of William L. W. Seabrook, late commissioner of the land-office of the State of Maryland; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JAMES W. ANDERSON, AND OTHERS.

Mr. WALSH introduced a bill (H. R. No. 3072) for the relief of James W. Anderson, James Anderson, Mary E. Anderson, Thomas Anderson, Frances W. Rozer, wife of Francis W. Rozer, Edward Anderson, and George W. Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SURVEY OF STAUNTON RIVER, VIRGINIA.

Mr. CABELL introduced a bill (H. R. No. 3073) for the survey of Staunton River from Roanoke Station, in the county of Charlotte, to Brookneal, in the county of Campbell, State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RESUMPTION ACT OF 1875.

Mr. GOODE introduced a bill (H. R. No. 3074) to repeal in part the resumption act of 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

USURY.

Mr. DAVIS introduced a bill (H. R. No. 3075) to amend section 5198 of the Revised Statutes relating to usury; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RATE OF INTEREST CHARGED BY NATIONAL BANKS.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3076) to amend title 62, chapter 3, Revised Statutes, regulating the rate of interest which may be taken by national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NANNIE HALL.

Mr. LYNCH introduced a bill (H. R. No. 3077) referring to the Court of Claims the claim of Nannie Hall, formerly widow of late Lieutenant Denman, of the United States Army, for cotton seized and the proceeds paid into the United States Treasury; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMALIE H. SMITH.

Mr. ELLIS introduced a bill (H. R. No. 3078) for the relief of Amalie H. Smith, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEW ORLEANS MINT.

Mr. MOREY presented a joint resolution of the Legislature of the State of Louisiana, regarding the United States mint in the city of New Orleans; which was referred to the Committee on Appropriations, and ordered to be printed.

OSAGE INDIANS.

Mr. FOSTER introduced a bill (H. R. No. 3079) to authorize the execution of a resolution of the National Council of the Osage Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE W. GILDOU.

Mr. NEAL introduced a bill (H. R. No. 3080) granting a pension to George W. Gildou; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. HALL.

Mr. BOONE introduced a bill (H. R. No. 3081) for the relief of the sureties of John P. Hall, late collector of internal revenue in the —— district of Kentucky; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

RICHARD T. JACOB, JR.

Mr. BLACKBURN introduced a bill (H. R. No. 3082) for the relief of Richard T. Jacob, jr., lieutenant Sixth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

C. M. WILCOX.

Mr. YOUNG introduced a bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHRISTIAN CHURCH, UNION CITY, TENNESSEE.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 3084) to indemnify trustees of Christian church, at Union City, Tennessee, for the appropriation of their church building to Government purposes by United States forces in the month of March, 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH LIPPMAN.

Mr. McFARLAND introduced a bill (H. R. No. 3085) authorizing the southern claims commission to grant a rehearing in the claim of Joseph Lippman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK H. NICHOLS.

Mr. McFARLAND introduced a bill (H. R. No. 3086) authorizing the southern claims commission to grant a rehearing in the case of Frank H. Nichols; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY ROGERS.

Mr. McFARLAND also introduced a bill (H. R. No. 3087) granting a pension to Mary Rogers, mother of John Rogers, deceased, Company D, Fourth Tennessee Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. R. SIMPSON & SON.

Mr. RIDDLE introduced a bill (H. R. No. 3088) to enable S. R. Simpson & Son, of Gallatin, Tennessee, to navigate the Cumberland River with a small steamboat, without the usual examination, the same to be used in private trade only; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. G. A. DENNIS.

Mr. HAYMOND introduced a bill (H. R. No. 3089) granting a pension to Mrs. G. A. Dennis, widow of Abraham Dennis, captain of Company D, Second Regiment Indiana Volunteers in the war with Mexico; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIAL-TAX STAMPS.

Mr. MORRISON introduced a joint resolution (H. R. No. 99) concerning special-tax stamps; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SILAS TAGGERT.

Mr. HARTZELL introduced a bill (H. R. No. 3090) granting increase of pension to Silas Taggert, Randolph County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN M. L. COURTNEY.

Mr. WHITING introduced a bill (H. R. No. 3091) for the relief of Captain M. L. Courtney, Twenty-fifth United States Infantry, for loss sustained by fire at Fort Stockton, Texas, on the night of November 17, 1872; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHANNA DOUHERTY.

Mr. EGBERT, by unanimous consent, introduced a bill (H. R. No. 3092) granting a pension to Johanna Douherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF ZACHARIAH B. WASHBURN, DECEASED.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CALVIN B. HINKLEY.

Mr. REA (by request) introduced a bill (H. R. No. 3094) for the relief of Calvin B. Hinkley, late captain of the United States Maine Volunteers and First Maine Heavy Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT FOR DISTRICT OF COLUMBIA.

Mr. BUCKNER introduced a joint resolution (H. R. No. 100) providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AGENTS AND ATTORNEYS, DISTRICT OF COLUMBIA.

Mr. HATCHER introduced a bill (H. R. No. 3095) in relation to agents and attorneys of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KINSEY B. CECIL.

Mr. FRANKLIN introduced a bill (H. R. No. 3096) to confirm title to certain lands in Platte County, Missouri, and authorizing patents to be issued therefor to Kinsey B. Cecil; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN LANGLAND.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 3097) granting a pension to John Langland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. J. GURLEY.

Mr. MILLS introduced a bill (H. R. No. 3098) for the relief of E. J. Gurley, of McLennan County, Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 778 OF REVISED STATUTES.

Mr. AINSWORTH introduced a bill (H. R. No. 3099) to amend section 778 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

E. G. PENROSE.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 3100) for the relief of E. G. Penrose, of Tama City, Iowa; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ELECTIONS IN UTAH.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 3101) to regulate elections and the elective franchise in the Territory of Utah; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LANDS IN CALIFORNIA.

Mr. WIGGINTON presented a concurrent resolution of the Legislature of the State of California relative to certain lands in that State; which was referred to the Committee on Public Lands, and ordered to be printed.

SECTION 1624, REVISED STATUTES.

Mr. WIGGINTON also introduced a bill (H. R. No. 3102) to amend article 53 of section 1624 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WIGGINTON also introduced a bill (H. R. No. 3103) to repeal article 37 of section 1624 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

IMMIGRATION ACT OF MARCH 3, 1875.

Mr. PIPER introduced a joint resolution (H. R. No. 101) instructing the Secretary of the Treasury to enforce the immigration act of March 3, 1875; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HASTINGS AND DAKOTA RAILROAD, MINNESOTA.

Mr. STRAIT introduced a bill (H. R. No. 3104) extending the time for the completion of the Hastings and Dakota Railroad, in the State of Minnesota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

STEAM-PLOW MACHINERY.

Mr. KING introduced a bill (H. R. No. 3105) to authorize the importation of steam-plow machinery free of duty for a period of two years; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LANDS RESERVED FOR SALT SPRINGS, MINNESOTA.

Mr. KING also introduced a bill (H. R. No. 3106) to relinquish to the State of Minnesota the lands reserved for salt springs therein; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RAILROAD LAND GRANTS.

Mr. GOODIN introduced a bill (H. R. No. 3107) to provide for the restoration to market of all public lands conditionally granted in aid of the construction of railways when the conditions of the grants have not been complied with; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TERMS OF COURTS AT LINCOLN, NEBRASKA.

Mr. CROUNSE introduced a bill (H. R. No. 3108) providing for holding terms of the circuit and district courts at Lincoln, Nebraska; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY GREBE.

Mr. CROUNSE also introduced a bill (H. R. No. 3109) for the relief of Henry Grebe, of Omaha, Nebraska; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

THOMAS BLAIR.

Mr. ELKINS introduced a bill (H. R. No. 3110) for the relief of Thomas Blair; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABRAM G. HOYT.

Mr. ELKINS also introduced a bill (H. R. No. 3111) for the relief of Abram G. Hoyt; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. JACOBS introduced a bill (H. R. No. 3112) to confirm a private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CITIZENS OF TRINIDAD, LAS ANIMAS COUNTY, COLORADO.

Mr. PATTERSON introduced a bill (H. R. No. 3113) for the relief of citizens of Trinidad, Las Animas County, Colorado; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM GEMMILL.

Mr. KIDDER introduced a bill (H. R. No. 3114) for the relief of William Gemmill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

An act (S. No. 701) to provide for administering oaths in the Senate; and

An act (S. No. 706) making an appropriation to defray the expenses of the committee appointed by the Senate to investigate the recent election in Mississippi.

The message further announced that the Senate had rejected the bill (H. R. No. 700) to incorporate the Mutual Protective Fire Insurance Company of the District of Columbia.

ORDER OF BUSINESS.

The SPEAKER. The call of the States and Territories for bills, &c., having been concluded, the Chair will now receive requests from members who were absent when their States were called who desire to introduce bills.

CONTRACTS FOR LIGHT-HOUSES.

Mr. BANKS, by unanimous consent, introduced a bill (H. R. No. 3115) in relation to contracts for light-houses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALABAMA CLAIMS.

Mr. MEADE, by unanimous consent, introduced a bill (H. R. No. 3116) providing for the payment of judgments of the court of commissioners of Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM PINN.

Mr. RICE, by unanimous consent, introduced a bill (H. R. No. 3117) granting a pension to William Pinn, late a private in Company C, Third Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. W. REESE.

Mr. TURNEY, by unanimous consent, introduced a bill (H. R. No. 3118) restoring the name of R. W. Reese to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL ARMBRUST.

Mr. TURNEY also introduced a bill (H. R. No. 3119) restoring the name of Daniel Armbrust to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RUTHERFORD.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 3120) for the relief of William Rutherford, of Washington, District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ELIJAH ROUND.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 3121) for the relief of Elijah Round; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DENNIS MARTIN AND WILLIAM T. MERRILL.

Mr. HOLMAN also, by unanimous consent, introduced a bill (H. R. No. 3122) for the relief of Dennis Martin and William T. Merrill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FLUCTUATION IN VALUE OF UNITED STATES NOTES.

Mr. GARFIELD, by unanimous consent, introduced a bill (H. R. No. 3123) to prevent the fluctuation in value of United States notes and to make them redeemable in gold coin at the option of the holders; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ELISHA D. VAN KUREN.

Mr. BEEBE, by unanimous consent, introduced a bill (H. R. No. 3124) for the relief of Elisha D. Van Kuren, late a private in Company H, One hundred and twenty-fourth New York Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

The SPEAKER. The call of States and Territories is now complete.

SIGNAL SERVICE.

Mr. HOSKINS, by unanimous consent, presented resolutions of the New York Produce Exchange and the New York Cotton Exchange in relation to the weather bureau of the Signal Service; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD.

The resolutions are as follows:

NEW YORK COTTON EXCHANGE.

The following preamble and resolutions were unanimously adopted by the board of managers of the New York Cotton Exchange at a meeting held April 3, 1876:

Whereas the interests of commerce and agriculture in the United States demand the fullest consideration from the Government as forming the true basis of the country's wealth and greatness; and whereas the growth and exportation of cotton has contributed largely to the development of the resources of the Southern States and to the commercial prosperity of the North; and whereas every one who is engaged in the production or exportation of cotton has recognized the great importance and advantages of the reliable and timely meteorological information and weather news furnished by the weather bureau of the United States Signal Service, and by means of which shipments are almost entirely regulated, large losses prevented, and the trade surrounded with a safeguard which renders it steady and profitable: Therefore,

Resolved, That we, the board of managers of the Cotton Exchange of New York, recognizing the present value and efficiency of the weather bureau of the Signal Service to our trade, do most heartily recommend this public service to the favorable and special consideration of Congress, and that such steps be taken and such appropriations be made as will enable the service to be raised to the highest standard of efficiency for the benefit of commerce and agriculture.

Resolved, That Congress is hereby urged and requested to take favorable action on the bill now pending in the House of Representatives making a permanent organization of the weather bureau, as recommended by the Chief Signal Officer of the Army.

Resolved, That copies of these resolutions be forwarded to each Senator and member of Congress from New York State.

HENRY HENTZ,
President.
EDWD. LEVERICH,
Secretary.

NEW YORK PRODUCE EXCHANGE,
New York City, New York, April 4, 1876.

At a meeting of the board of managers of the New York Produce Exchange, held this day, the following preamble and resolutions were unanimously adopted:

Whereas this exchange, recognizing the great benefit it has already derived from the Signal Service, the daily reports furnished bearing a very important part

in the commercial transactions of the day, and being impressed with the importance and utility of the system and the future advantages which agriculture and the various departments of commercial industry may derive from its labors; and whereas a general and increasing confidence in the utility of the weather bureau is manifested by all classes because of the practical and immediate benefit derived from these weather reports; and whereas the future efficiency, not to say existence, of the bureau is to be secured only by a more permanent organization, whereby officers and men whose services have become invaluable by years of study and experience may be retained: Therefore,

Resolved, That to this end Congress is hereby earnestly requested to make such appropriations as shall be in its judgment necessary; and that we recommend and urge the passage of the bill now pending in the House of Representatives making the weather bureau a fixed organization, as recommended by the Chief Signal Officer of the Army.

Resolved, That a copy of these resolutions be forwarded to each member of Congress from New York State.

On behalf of the board:

B. W. FLOYD, *President*.
E. W. MASCORD, *Secretary*.

Attest:
S. H. GRANT,
Superintendent.

PORTSMOUTH, OHIO.

Mr. VANCE, of Ohio. I have here the memorial of the Board of Trade, the city council, and others, of Portsmouth, Ohio, praying that that place be declared a port of delivery. It is brief, and I ask that it be printed in the RECORD and referred to the Committee on Commerce. The memorial is signed by the president of the board of trade, the president of the city council, and the importers and manufacturers generally of Portsmouth.

There was no objection, and it was so ordered.

The memorial is as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Board of Trade, city council, importers, manufacturers, and wholesale merchants of the city of Portsmouth, Ohio, respectfully pray your honorable bodies to establish this city as a port of delivery for foreign goods imported into this country, fully believing the same will inure to the benefit of the Government and the great convenience and profit of our people.

The city of Portsmouth was early settled, and has steadily grown by the enterprise and industry of its people and the merit of its location, without any aid from the State or General Government, to a population of 13,731, with a wholesale trade of $7,069,185, of which over $2,000,000 are of foreign products, while her manufactures amount to $4,202,146 annually, and the whole business of the city exceeds $14,000,000.

The books of the collector of internal revenue show a revenue of over $750,000 annually paid into the Treasury of the United States from the city alone, and an aggregate of over eight millions since the tax was first levied.

The city is situated one hundred and fifteen miles above Cincinnati, and is the trade center of the best mineral region in the valley of the Mississippi, a region abounding in inexhaustible quantities of iron, coal, salt, fire-clay, stone, and timber. The Ohio River furnishes unobstructed navigation to the Mississippi and the Gulf. Six steamboats make this city their daily terminus, while as many more do a heavy business here. It is also the southern terminus of the Ohio Canal, connecting with Cleveland and the lakes. It is, in addition, the terminus of one railroad, and will be the terminus of another now being constructed down the Scioto Valley.

For further particulars we respectfully refer you to a more detailed statement in the hands of our member of Congress [Mr. VANCE] and our Senators, in printed form.

Trusting to your wise and discriminating judgment to grant our request, your memorialists will ever pray, &c.

REVENUE FRAUDS IN THE PACIFIC STATES.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House, if not incompatible with the public interest, all reports and correspondence of David L. Phillips, an agent of the Treasury Department to investigate frauds on the revenue in the Pacific States, and also all reports and correspondence of others in relation thereto.

POTOMAC AQUEDUCT WATER.

Mr. JONES, of Kentucky, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the causes of the muddiness and impurity of the Potomac Aqueduct water, and to report as soon as practicable to this House.

ELECTION CONTEST—BASKIN VS. CANNON.

Mr. HARRIS, of Virginia. I am instructed by the Committee of Elections to request of this House an order for the printing of the papers in the contested-election case of Baskin *vs.* Cannon, from the Territory of Utah.

There was no objection, and it was so ordered.

CONTESTED ELECTION—LE MOYNE VS. FARWELL.

Mr. HARRIS, of Virginia, from the Committee of Elections, submitted a report in writing in the contested-election case of Le Moyne *vs.* Farwell, from the third congressional district of Illinois, with accompanying resolutions, as follows:

Resolved, That Charles B. Farwell was not elected and is not entitled to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Resolved, That John V. Le Moyne was elected and is entitled to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Mr. HARRIS, of Virginia. I move that the report be printed and laid upon the table, and I give notice that I will call it up at an early day.

The motion was agreed to.

Mr. BROWN, of Kansas. The minority of the Committee of Elections desire to submit a report embracing their views upon this case, but it is not now prepared.

The SPEAKER. If there be no objection, the views of the minority of the Committee of Elections, if presented within a reasonable time, will be printed with the majority report.

There was no objection, and it was so ordered.

RIVER AND HARBOR BILL.

Mr. HEREFORD. I am instructed by the Committee on Commerce to report back House bill No. 3022, making appropriations for the construction, repair, preservation, and completion of certain public works of rivers and harbors, and for other purposes, and to move that the rules be suspended and the bill now passed.

The Clerk began the reading of the bill; but before concluding,

Mr. HAMILTON, of New Jersey, said: Has not the morning hour expired?

The SPEAKER. It has, some time since.

Mr. HAMILTON, of New Jersey. Then I call for the regular order.

The SPEAKER. This is the regular order.

Mr. HAMILTON, of New Jersey. Then I call for the special order.

The SPEAKER. This is Monday, and after the morning hour it is in order to move a suspension of the rules; and that motion is now pending.

Mr. HAMILTON, of New Jersey. Is not the bill subject to a point of order that it contains an appropriation, and therefore must receive its first consideration as in Committee of the Whole.

The SPEAKER. No points of order can be made against a bill when the motion is to suspend the rules and pass the bill.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I understand that on Thursday last the bill in relation to the Hawaiian treaty was made a special order after the expiration of the morning hour. I submit that a motion to suspend the rules on Monday does not override an order made for that Monday by unanimous consent.

The SPEAKER. There are several special orders pending, either of which, if the Hawaiian-treaty order had not been made, would have equal privilege. Yet as to all of them the Chair holds that on this day motions to suspend the rules take precedence.

Mr. RANDALL. Then the assignment of the Hawaiian-treaty bill for to-day was of no use.

The SPEAKER. That often happens. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

The question was upon the motion to suspend the rules and pass the bill.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON, of Illlnois. Is it in order to offer an amendment to or to debate this bill?

The SPEAKER. Neither is in order at this time. Nothing is in order but to vote upon the motion to suspend the rules and pass the bill.

Mr. EDEN. Upon that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 27, noes 139, not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. HOLMAN called for tellers upon ordering the yeas and nays.

Tellers were ordered; and Mr. HOLMAN and Mr. HEREFORD were appointed.

The House again divided; and the tellers reported that there were—ayes 42, noes 141.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 50, not voting 68; as follows:

YEAS—Messrs. Adams, Ainsworth, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Barnum, Blaine, Bradford, Bradley, Bright, William R. Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Crapo, Crounse, Culberson, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Egbert, Ellis, Evans, Faulkner, Felton, Forney, Foster, Freeman, Frost, Fryc, Fuller, Garfield, Gause, Gibson, Goode, Gunter, Andrew H. Hamilton, Hancock, Haralson, Henry R. Harris, Hartzell, Hatcher, Hathorn, Haymond, Hays, Hendee, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hoskins, House, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kehr, Kelley, Kimball, King, Lamar, George M. Landers, Lane, Levy, Lewis, Lord, Lynch, L. A. Mackey, MacDougall, McCrary, McFarland, Meade, Miller, Milliken, Mills, Monroe, Mutchler, Nash, New, O'Brien, Oliver, O'Neill, Page, Parsons, Payne, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Powell, Pratt, Rea, Reagan, Riddle, John Robbins, William M. Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Sayler, Scales, Schleicher, Seelye, Sinnickson, Strait, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Washington Townsend, Tucker, Tufts, John L. Vance, Robert B. Vance, Waddell, Waldron, Gilbert C. Walker, Warren, Erastus Wells, Wheeler, White, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Fernando Wood, Woodburn, Yeates, and Young—171.

NAYS—Messrs. Anderson, John H. Baker, Blackburn, Blair, Bland, Boone, Horatio C. Burchard, Cannon, Caswell, Chapin, Clymer, Cochrane, Collins, Cutler, Danford, Eden, Fort, Franklin, Glover, Goodin, Robert Hamilton, Hoar, Hoge, Holman, Hooker, Kasson, Lawrence, Luttrell, Magoon, Maish, Money, Morgan, Neal, Poppleton, Randall, John Reilly, Rice, Savage, Singleton, Southard, Springer, Stenger, Stevenson, Thornburgh, Turney, Van Vorhes, Walling, Walsh, Wilshire, and Woodworth—50.

NOT VOTING—Messrs. Ashe, Bass, Beebe, Bell, Bliss, Blount, John Young

Brown, Burleigh, Cox, Darrall, Duglas, Ely, Farwell, Hale, Hardenbergh, Benjamin W. Harris, John T. Harris, Harrison, Hartridge, Abram S. Hewitt, Hopkins, Hunton, Jenks, Frank Jones, Ketchum, Knott, Franklin Landers, Lapham, Leavenworth, Lynde, Edmund W. M. Mackey, McDill, McMahon, Metcalfe, Morey, Morrison, Norton, Odell, Packer, Phelps, Purman, Rainey, James B. Reilly, Roberts, Miles Ross, Schumaker, Sheakley, Slemons, Smalls, A. Herr Smith, William E. Smith, Sparks, Stone, Stowell, Swann, Martin I. Townsend, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walls, Ward, G. Wiley Wells, Whitehouse, Whitthorne, Wigginton, James D. Williams, Benjamin Wilson, and Alan Wood, jr.—68.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

During the roll-call the following announcements were made:

Mr. NEW. I desire to state that my colleague, Mr. LANDERS, of Indiana, is absent on account of sickness.

Mr. JAMES B. REILLY. I am paired with my colleague, Mr. ALAN WOOD, who is absent by leave of the House. I do not know how he would vote on this question if present, and therefore I prefer not to vote.

Mr. BOONE. My colleague, Mr. BROWN, of Kentucky, is absent by leave of the House on account of sickness.

Mr. WALKER, of Virginia. My colleague, Judge HARRIS, has retired to his room on account of illness.

Mr. TEESE. Two of my colleagues, Mr. HARDENBERGH and Mr. ROSS, of New Jersey, are absent on account of a death in Mr. ROSS's family. They would each vote "ay," if present.

Mr. CABELL. My colleagues, Mr. DOUGLAS and Mr. HUNTON, are absent by leave of the House. If they were here, I think they would vote "ay."

Mr. CANDLER. I desire to state that my colleague, Mr. BLOUNT, is absent on account of sickness of himself. If present, he would vote "ay."

Mr. SMITH, of Pennsylvania. On this question I am paired with Mr. WELLS, of Mississippi. If he were here, he would vote "ay" and I should vote "no."

Mr. HARTZELL. My colleague, Mr. SPARKS, is absent by leave of the House.

The result of the vote was announced as above stated.

ORDER OF BUSINESS.

Mr. WOOD, of New York, obtained the floor, and said: I have sought the floor for the purpose of moving that the House resolve itself into the Committee of the Whole to resume the consideration of the bill to carry into effect the Hawaiian treaty; but, before making that motion, I will yield to several gentlemen, first to the gentleman from Pennsylvania, [Mr. RANDALL.]

EVENING SESSIONS.

Mr. RANDALL submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the rules be suspended so as to enable the House to take a recess daily for three days of the present week, to wit, Monday, Tuesday, and Wednesday, at half past four o'clock p. m. until half past seven o'clock p. m., for the purpose of considering the legislative, executive, and judicial appropriation bill.

CONVENTION WITH VENEZUELA.

Mr. LORD, by unanimous consent, submitted the following resolution; which was read, considered and adopted:

Resolved, That the President of the United States, if not incompatible with the public interest, be requested to inform this House as to what measures have been adopted to enforce the provisions of the following bill:

An act to enforce the stipulations of the convention with Venezuela of April 25, 1866, and the payment of adjudicated claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the adjudication of claims by the convention with Venezuela of April 25, 1866, pursuant to the terms of the said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the republic of Venezuela.

Approved February 25, 1873.

RIGHT OF PETITION BY ARMY OFFICERS, ETC.

Mr. SEELYE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Whereas in the testimony taken before the Committee on Expenditures in the War Department it appears that an order was issued from the War Department dated March 15, 1873, which directed, first, that no officer, active or retired, shall, directly or indirectly, without being called upon by proper authority, solicit, suggest, or recommend action by members of Congress for or against military affairs; second, all petitions to Congress by officers relative to subjects of a military character will be forwarded through the General of the Army and Secretary of War for their action and transmittal: Therefore,

Resolved, That the Committee on the Judiciary be, and hereby are, directed to inquire and report to this House at any time, by bill or otherwise, if any additional legislation is necessary to define the relation of the Army to Congress, and to secure to officers of the Army and soldiers the rights of petition which belong to every citizen.

E. O'M. CONDON.

Mr. CANNON, of Illinois, moved a suspension of the rules and the adoption of the following resolution; which (two-thirds voting in favor thereof) was agreed to:

Whereas it is alleged that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British government for a political offense: Therefore,

Be it resolved, That the Committee on Foreign Affairs be directed to inquire into the cause of the imprisonment of said E. O'M. Condon by the British government, and report to this House by bill or otherwise such steps, if any, which should be taken by the Federal Government in behalf of said E. O'M. Condon to secure his release from imprisonment and return to his adopted country.

HAWAIIAN TREATY.

Mr. WOOD, of New York. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. No. 612) in relation to the Hawaiian treaty.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SAYLER in the chair,) and resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BANKS] is entitled to the floor.

Mr. BANKS addressed the committee in favor of the bill. Before he had concluded, (his time having been twice extended,)

Mr. WOOD, of New York, said: As the hour for the recess is near at hand, the gentleman from Massachusetts [Mr. BANKS] yields to me to move that the committee rise, in order that the House may extend the session.

The motion of Mr. WOOD, of New York, that the committee rise was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, and had come to no resolution thereon.

Mr. RANDALL. I move that the evening session of to-day be dispensed with, upon the understanding that this bill is to be disposed of to-night and that Thursday evening be substituted for to-night in the resolution which I offered to-day in regard to evening sessions.

Mr. WOOD, of New York. Do I understand that we now proceed to finish the bill before we adjourn?

Mr. KELLEY. If it is to be voted on to-night we may be obliged to have a call of the House.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] asks a modification of the order previously made to-day, so as to dispense with the recess to-day and substitute a session on Thursday night of this week for the session to-night, in order to enable the House to proceed at this time with the consideration of the bill to carry into effect the Hawaiian treaty. If there be no objection, it will be so ordered.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

During the remarks of Mr. BANKS,

The SPEAKER took the chair and said: The Chair desires to request unanimous consent that the committee now rise, in order that the Committee on Enrolled Bills may report and the Speaker sign two bills, one of which, relating to limitations in criminal cases, the public interest requires may become a law at the earliest possible moment.

There was no objection.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney; and

An act (H. R. No. 2655) to amend section 1044 of the Revised Statutes relating to limitations in criminal cases.

SUBSIDIARY SILVER COIN.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

Mr. RANDALL. I ask unanimous consent that the bill just received from the Senate, with amendments, be taken from the Speaker's table, and referred to the Committee on Appropriations.

There being no objection, it was so ordered.

HAWAIIAN TREATY.

Mr. WOOD, of New York. I now move that the House again resolve itself into Committee of the Whole, to resume the consideration of the bill to carry into effect the Hawaiian treaty.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, (Mr. SAYLER in the chair,) and resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

[Mr. BANKS resumed and concluded his remarks, which are withheld for revision. [His speech in full will appear in the Appendix.]

Mr. TUCKER obtained the floor.

Mr. MORRISON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. SAYLER reported that the

Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, and had come to no resolution thereon.

Mr. KELLEY. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ADAMS: The petition of John F. G. Lyons, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Stetson & Hawkins, Isaac White & Son, E. H. Bender, and other envelope manufacturers, printers, stationers, and others, for such legislation as will relieve them from unjust competition by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. CATE: The petition of Moses Ladd and John L. Williams, Menomonee half-breed Indians, for relief, to the Committee on Indian Affairs.

By Mr. COCHRANE: The petition of Eleanor N. T. Meeds, for the payment of a claim for services rendered by her husband, Benjamin N. Meeds, deceased, to the Committee of Claims.

Also, the memorial of citizens of Allegheny County, Pennsylvania, that the present tariff laws may remain undisturbed, to the Committee of Ways and Means.

By Mr. CRAPO: The petition of Israel Crocker and others, of Osterville, Massachusetts, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. EDEN: The petition of D. P. Smith and others, for the establishment of a post-route from Jewett to Newton, Illinois, and for the establishment of post-offices on said route at Grove Corners and State Point, to the Committee on the Post-Office and Post-Roads.

By Mr. EGBERT: The petition of citizens of Pennsylvania, for modification of the postal laws authorizing the manufacture and sale of envelopes and postal cards below cost, to the same committee.

By Mr. FREEMAN: Remonstrance of the marine underwiters of Philadelphia, against the passage of House bill No. 2685, to the Committee on the Judiciary.

By Mr. FRYE: The petition of David DeHaven, for compensation for the loss of the steamer Alonzo Child, captured by the confederate forces at Memphis, Tennessee, recaptured by the Federal forces and sold as a prize; and also for compensation for services rendered in conveying the bodies of deceased Federal soldiers from Selma, Alabama, to Montgomery, Alabama, to the Committee on Naval Affairs.

By Mr. HENDERSON: Six petitions of E. A. Richmond, Charles Weinrich, J. B. Horr, H. Davison, Adam Fielder, J. Ernst, and 18 others, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. HILL: The petition of T. A. Burke & Co., booksellers and stationers, for such legislation as will relieve them from unjust competition by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. HURLBUT: The petition of Mary J. Eddy, for compensation for the use and destruction of her property by United States forces, to the Committee on Military Affairs.

By Mr. JENKS: Remonstrance of citizens of Pennsylvania, against a revision of the tariff, to the Committee of Ways and Means.

Also, the petition of business men of Kittanning, Pennsylvania, for the regulation of commerce and the prohibition of discriminations by common carriers, to the Committee on Commerce.

By Mr. JONES, of Kentucky: Memorial of tobacco manufacturers of Cincinnati, Ohio, and Covington, Kentucky, for a reduction of the tax on tobacco to sixteen cents, to the same committee.

By Mr. JOYCE: Papers relating to the claim of David Ogden, Andrew Foster, and other ship-owners for re-imbursement of certain moneys illegally exacted as "permit money" in the port of New York, to the Committee of Claims.

By Mr. KIMBALL: Memorial of the Legislature of Wisconsin, asking for the completion of the Fox and Wisconsin Rivers improvement, to the Committee on Commerce.

By Mr. KING: Memorial of envelope manufacturers, printers, stationers, and lithographers of Saint Paul, Minnesota, that the price of stamped envelopes and postal cards be so increased as to cover a portion of the loss now sustained by the Post-Office Department in printing and distributing the same, to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: Resolutions of the New York Cotton Exchange, favoring the making of the weather bureau a fixed organization, to the Committee on Commerce.

Also, resolutions of the New York Produce Exchange, of similar import, to the same committee.

Also, memorial of tobacco manufacturers of Cincinnati, Ohio, and Covington, Kentucky, for the reduction of the tax upon tobacco, to the Committee of Ways and Means.

By Mr. LYNCH: Papers relating to the claim of Nannie Hall, for compensation for cotton seized, sold, and the proceeds paid into the United States Treasury, to the Committee on the Judiciary.

By Mr. LYNDE: Resolutions of the Chamber of Commerce of Milwaukee, protesting against bridging Detroit River, to the Committee on Commerce.

By Mr. MAGOON: The petition of 332 citizens of Iowa, and of La Fayette and Grant Counties, Wisconsin, that the present duty on flaxseed and linseed oil be not reduced, to the Committee of Ways and Means.

By Mr. MOREY: Papers relating to the private land claims in Louisiana of James Howell, Alphonso Miltenberger, James B. Elam and wife, Louisiana Jockey Club, Mechanics and Agricultural Fair Association, and John W. Arrowsmith, to the Committee on Private Land Claims.

By Mr. NEW: The petition of William T. Pate and Silas Q. Howe, that the Court of Claims have jurisdiction to hear and determine their claim for taxes twice paid, to the Committee on the Judiciary.

By Mr. PIERCE: Remonstrance of the marine underwriters of Boston, against the passage of the bill reported by the majority of the Judiciary Committee, relating to the Geneva award, to the Committee on the Judiciary.

By Mr. PIPER: The petition of banks and bankers of San Francisco, California, for the abolition of the tax on deposits and capital now imposed upon State, national, and savings banks and private bankers, to the Committee of Ways and Means.

By Mr. REAGAN: The petition of citizens of Jefferson, Hardin, Tyler, Jasper, Newton, and Orange Counties, Texas, for the improvement of the bars of the Sabine and Neches Rivers, and Blue Buck Bar in Sabine Bay, to the Committee on Commerce.

By Mr. RIDDLE: A paper relating to a post-route from Lebanon, via Rome, to Carthage, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. SAVAGE: Memorial of T. Worthington, that the Secretary of the Treasury be required to answer certain questions, and charging that false and contradictory reports concerning a claim of his have been made from the Third Auditor's Office, to the Committee on the Judiciary.

By Mr. SPRINGER: The petition of W. A. H. Allen, passed assistant engineer, United States Navy, in relation to his pay for sea service, to the Committee on Naval Affairs.

Also, the petition of Elisha E. Rice, late United States consul at Hakodadi, in Japan, in relation to his claim against the government of Japan, to the Committee on Foreign Affairs.

By Mr. VANCE, of Ohio: Memorial of Ralph Lute and others, that the further enlargement of the national-banking system be prohibited, &c., to the Committee on Banking and Currency.

By Mr. WALKER, of Virginia: Memorial of printers, stationers, and others, of Richmond, Virginia, that they be relieved from injurious competition in their business by the Post-Office Department, to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: The petition of F. K. Real, A. W. Burdick, and 39 others, interested in commerce, that compulsory pilotage upon vessels enrolled and engaged in the coasting trade be abolished, to the Committee on Commerce.

By Mr. WALSH: The petition of Samuel Emmert, for compensation for cattle taken in July, 1863, by the United States Army, to the Committee on War Claims.

By Mr. WELLS, of Missouri: Resolutions of the Cotton Exchange of Saint Louis, recognizing the Signal Service as an important branch of the Government service, to the Committee on Appropriations.

By Mr. WHITING: The petition of publishers, stationers, and printers, of Peoria, Illinois, for the discontinuance of printing address-cards on envelopes, postal cards, and newspaper wrappers by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. WOODWORTH: The petition of W. H. Schmick and 108 other citizens, of Canfield, Ohio, for the repeal of the act of January 14, 1875, known as the act for the resumption of specie payments, to the Committee of Ways and Means.

By Mr. YOUNG: The petition of William McK. Hall, for the reopening of the examination of a claim disallowed by the southern claims commission, to the Committee on War Claims.

IN SENATE.

TUESDAY, *April* 11, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of Major Thomas M. Vincent, Assistant Adjutant-General, on Senate bill No. 637, to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the provisions of paragraph 10 of the fourth section of the river and harbor act of March 3, 1875, the report of Major C. B. Comstock, Corps of Engineers, showing the progress made by Mr. James B. Eads in the improvement of the South Pass of the Mississippi River since his report to the Senate of the 13th of December last up to February 7, 1876; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DAVIS. I present the petition of Joseph Pitzell, of New Creek, West Virginia, praying for compensation for certain damages done during the war. The papers in this case are at the War Department; and the petition further prays that they may be withdrawn by the committee. I think the claim a meritorious one, and I commend it to the Committee on Claims, to whom I move its reference.

The motion was agreed to.

Mr. KERNAN presented resolutions of the Maritime Association of New York, in favor of legislative action fixing the permanency of the Signal Service, and in favor of the plan of organization approved by the Chief Signal Officer in his last annual report; which were referred to the Committee on Commerce.

Mr. HOWE. I present a petition from a large number of printers, stationers, and lithographers of the State of Wisconsin, who say that the Government is doing their work and doing it for less than they can and for less than the Government can without loss; and they desire to be protected against the competition of the Government. I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. WADLEIGH presented the memorial of Nathan Mansur and other citizens of New Hampshire, remonstrating against any change in the law providing for the payment of pensions at specified localities throughout the country; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. BOGY presented a memorial of citizens of Saint Louis, Missouri, remonstrating against any change in the tariff laws; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the petition of Moses B. Bliss and others, of Augusta, Maine, praying for the adoption of a new uniform decimal system of weights and measures throughout the United States; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of Maine, in favor of the repeal of all laws now in existence in relation to the French metric system of weights and measures; which was referred to the Committee on Finance.

Mr. HAMILTON presented two petitions of citizens of Pennsylvania, praying for the passage of a law to regulate commerce and prohibit unjust discriminations by common carriers; which were referred to the Committee on Commerce.

Mr. STEVENSON presented the memorial of tobacco manufacturers of Cincinnati, Ohio, and Covington, Kentucky, in favor of a reduction of the tax on tobacco to sixteen cents; which was referred to the Committee on Finance.

CHANGE OF REFERENCE OF PETITIONS.

Mr. INGALLS. On the 30th of March five petitions of citizens of Pennsylvania, praying that the tariff laws may remain undisturbed, were by some mistake or inadvertence referred to the Committee on Pensions. I move that that committee be discharged from their consideration, and that they be referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the memorial of Burr S. Craft, of Norfolk, Virginia, praying the passage of a law authorizing the Secretary of the Treasury to pay to him the sum of $5,000, being the amount of a coin certificate alleged to have been stolen from him, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia, reported it with amendments.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation, reported it with amendments.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Charles B. Phillips, praying to be allowed a share of the avails of the one-third part of the wharf-boat D. G. Fowler, forfeited under act of Congress of August 6, 1861, submitted a report accompanied by a bill (S. No. 720) for the relief of Charles B. Phillips.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. EDMUNDS. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 2572) to protect witnesses who shall be required to testify in certain cases, have directed me to report the bill with a written report adverse to its passage. We recommend that the bill be indefinitely postponed, but do not ask action now; let it be placed upon the Calendar.

Mr. STEVENSON. I desire to present the views of the minority of the committee on the bill referred to by the chairman of the committee, to be printed.

Mr. EDMUNDS. I ask that the majority and minority reports may be printed together for the use of the Senate.

The PRESIDENT *pro tempore*. The report will be printed with the views of the minority, under the rule.

FOREIGN GOODS AT THE CENTENNIAL.

Mr. COOPER. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exposition at Philadelphia, to report it without amendment, with the recommendation that it pass, and to ask for its present consideration.

Mr. EDMUNDS. I think it had better go over till to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. COOPER. I will suggest to the Senator from Vermont that the goods are now being received, and it is important if the bill passes at all that it should be passed now.

Mr. SHERMAN. It is nothing but an appropriation necessary for receiving the centennial goods.

Mr. EDMUNDS. Is that all? Nothing but an appropriation! I will hear it read for information.

The Chief Clerk read the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $40,000, to be expended under the direction of the Secretary of the Treasury, for the purpose of examination and appraisement and for the incidental expenses connected with the admission of foreign goods to the centennial exhibition at Philadelphia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 721) to provide for cheap transportion of freight between tide-water, on or near the Atlantic Ocean, and the Ohio and Mississippi Valleys; which was read twice by its title.

Mr. HOWE. I present this bill at the request of other parties. I have not examined it thoroughly. I am inclined to think there are some decided merits in the bill from the examination that I have given it. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 722) for the relief of Charles F. Chandler; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Patents.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 723) for the relief of Nannie Hall; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 724) granting arrears and increase of pension to Francis A. Liebschutz, of Company K, Ninth Kansas Volunteer Cavalry; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 725) for the relief of settlers on the Osage ceded lands in Kansas; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DAVIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 726) to fix and determine the relative rank of officers in the several corps of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

ACCOUNTS OF SOUTHERN RAILROADS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to inform the Senate whether any, and if so what, action has been taken under the act approved February 27, 1875, entitled "An act to provide for settlement with certain railway companies," and that he report such action in detail.

And that he also inform the Senate of the circumstances under which the Western and Atlantic Railway of Georgia was taken possession of by the United States in the year 1864; what was its condition at that time; how long it was kept in the possession of the United States, and what was its condition when such possession ceased; the person or corporation to whom it was relinquished; the kind and value of rolling-stock and other property of the United States, if any, sold in connection with the relinquishment of said road; and whether such property was appraised, and if so, by what persons; and whether there is any, and if so what, evidence in the possession of the War Department tending to show that any such appraisal was excessive; whether any allowance was made to the United States, or compensation in any manner received by it for any improvements or repairs of said railway; and if any property was sold by the United States on the occasion aforesaid, whether the same has been fully paid for, and to what amount, and in what way. And that he further report any correspondence in possession of the Department on the subject.

GEORGETOWN RESERVOIR.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be instructed to inquire, and report as soon as may be, whether the distributing reservoir of the water-works near Georgetown is properly protected from the wash and drainage of the highway and grounds adjacent thereto; and that they report by bill or otherwise.

MUTUAL FIRE-INSURANCE COMPANY.

Mr. INGALLS. On the 4th of the present month, I believe, the Senate considered House bill No. 700 to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia; and upon the vote on its passage the bill was rejected. I ask unanimous consent that the action of the Senate on that bill may be reconsidered, and that the bill lie on the table.

The PRESIDENT *pro tempore*. Being a House bill, it is not in the possession of the Senate. It has been sent to the House of Representatives, and it will be necessary to request that the bill be returned to the Senate.

Mr. INGALLS. If that is necessary, I ask that a request may be sent to have the bill returned from the other House.

The PRESIDENT *pro tempore*. The Senator from Kansas modifies his motion. Is there unanimous consent to have the vote reconsidered, a request made for the return of the bill, and that the bill lie on the table when returned? The Chair hears no objection, and it is so ordered.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. DORSEY. I move that the Senate proceed to the consideration of Senate bill No. 680.

Mr. ANTHONY. The last time the Calendar was up, a bill was reached which had been reported by me, and I was in hopes that we would proceed with the Calendar at the conclusion of the morning business to-day. Is the bill which the Senator from Arkansas wishes to call up one likely to lead to debate?

Mr. DORSEY. I think not. It is a bill authorizing the repavement of Pennsylvania avenue. Let it be read any way.

By unanimous consent, the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue was considered as in Committee of the Whole.

The first section appoints Brigadier-General A. A. Humphreys, Chief of Engineers, General H. G. Wright, General Q. A. Gillmore, of the Engineer Corps of the United States Army, a commission to select and determine the best kind of pavement, other than wood or stone, to be used in paving Pennsylvania avenue, and to have that thoroughfare paved therewith from the northwest gate of the Capitol grounds to and including the crossing of Fifteenth street west, with such a pavement as they, or a majority of the commission, may agree upon.

The second section provides that within ten days after the passage of the act, or as soon thereafter as may be, the commission shall meet and organize by the election of a president and secretary from among their number, and shall proceed to perform the duties imposed upon them; and within ten days after they have determined upon the pavement to be used, shall contract for the paving of the Avenue between the points named on the lowest and most favorable terms possible. The pavement shall be of the best material, laid in the most substantial manner, and without unnecessary delay; and a good and sufficient bond, with sureties, to be approved by the commission, is to be exacted, guaranteeing that the terms of the contract shall be strictly and faithfully observed.

The third section directs the cost of laying down the pavement to be paid for in the following proportions and manner: The Washington and Georgetown Railroad Company shall bear all of the expense for that portion of the work lying between the tracks of their road and for a distance of two feet from the track on each side thereof, which shall be paved with square blocks of stone, to be approved by the commission; but the company may pave the space between their tracks as above set forth under the supervision of the commission; by the owners of private property lying and abutting on Pennsylvania avenue, in proportion to their frontage thereon, one-third of the expense, after deducting the amount paid by the Washington and Georgetown Railroad Company; one-third to be paid by the United States out of any money in the Treasury not otherwise appropriated; and the remaining one-third to be paid out of the general revenue of the District of Columbia from any funds in the hands of the commissioners or the treasury of the District.

Section 4 directs the assessments contemplated in the foregoing section to be made by the commission, and the sums so found due to be collected by the collector of the District of Columbia and paid into the Treasury of the United States, where it is to be held as a special fund for the specific purpose named; and such fund, together with such sum as shall be found to be due and payable from the United States for its proportion of the cost of said pavement, shall be paid by the Secretary of the Treasury to the contractors for the work authorized, on the warrant or order of the commission, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

By the fifth section it is provided that the cost of laying down the pavement, including the removal of the present pavement, grading the Avenue, and all other work and materials necessary to fully complete it for use, shall not exceed the sum of $4.60 per square yard. The commission is to have power to contract for the repair and maintenance of the pavement for a period not exceeding ten years, and at no greater cost than 3 per cent. of the original cost.

Section 6 provides that if the Washington and Georgetown Railroad Company, or any private citizen or other corporation or person, shall neglect or refuse to pay the amount assessed for the paving herein authorized, (within thirty days after the notification of such assessment shall have been left at the property assessed,) in front of or adjoining their property, when the work so fronting or adjoining their property shall have been completed to the satisfaction of the commission and assessed by them, the commission shall issue certificates of indebtedness against the property, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall be a lien upon the property on or against which they are issued. If these certificates are not paid within one year, the commission shall, upon the application of the holder thereof, proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the tax, such sales to be first duly advertised, daily, for three successive weeks, in some newspaper published in the city of Washington, and to be made at public auction to the highest bidder; and a deed given by the commission is to be deemed and held to be a good and perfect title to any property bought at such sale; but the owner of the real estate shall have the right to redeem the property sold by paying the amount of purchase-money and 20 per cent. on the amount of the purchase within one year from the date of the sale.

Section 7 provides that the old pavement, to be removed as provided in the act, shall be delivered to the authorities of the District of Columbia, for such disposition as they see fit to make.

The bill was reported by the Committee on the District of Columbia with amendments.

The first amendment was read, being in section 3, after the word "may," in line 9, to insert "select the material with which to pave their tracks, and may;" so as to make the proviso read:

Provided, That the said railroad company may select the material with which to pave their tracks, and may pave the space between their tracks as above set forth under the supervision of said commission.

Mr. DORSEY. Before acting on that, I move that the word "square," in section 3, line 7, be stricken out and the word "rectangular" inserted, so as to read: "which shall be paved with rectangular blocks of stone."

The amendment was agreed to.

Mr. DORSEY. In the same section, lines 9 and 10, I move to strike out the words in italics.

Mr. EDMUNDS. Those are words reported to be inserted by the committee. You want the amendment disagreed to.

Mr. DORSEY. Very well; let the amendment be disagreed to.

The CHIEF CLERK. The amendment reported by the committee in the proviso is to insert after the word "may," in line 9 of section 3, the words "select the material with which to pave their tracks, and may."

The amendment was rejected.

The next amendment was after the word "District," at the end of section 3, to insert "upon the warrants or orders of said commission."

Mr. EDMUNDS. Mr. President, it seems to me that there ought to be added to that the usual phrase for having these accounts audited in the Treasury Department, just as in the case of other disbursements by public officers. I have the greatest possible respect for this commission that is here named, and would trust those gentlemen as soon as anybody in the world that I know of; but I think that the regular form of having all disbursements finally subjected to the scrutiny of the Treasury Department is a very wise one; and I therefore move to add to this amendment these words: "when the same shall have been passed in the Treasury Department, as in case of the disbursement of public moneys," so as to put it into the regular form.

Mr. DORSEY. I have no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment reported by the Committee on the District of Columbia was at the end of section 5 to insert the words "per annum;" so as to read:

And at no greater cost than 3 per cent. of the original cost per annum.

Mr. EDMUNDS. That term "per annum" I think ought to go in after the word "cent.," in line 9, so as to read "3 per cent. per annum of the original cost."

Mr. DORSEY. Very well.

The PRESIDENT *pro tempore*. The words will be so transposed, if there be no objection.

The amendment, as modified, was agreed to.

The next amendment was in section 7, after the word "such," in line 3, to insert the words "use or," so as to read "for such use or disposition as they see fit to make."

The amendment was agreed to.

Mr. SHERMAN. I wish to inquire of the Senator from Arkansas whether this bill authorizes the pavement of the entire street, including the present sidewalk, or whether it is intended to confine it to the roadway? Because if it is intended to extend to the sidewalk as well, it would be necessary to change the authority to use stone,

Mr. DORSEY. It is simply to pave the street, the carriage-way.

Mr. SHERMAN. I think it ought to be expressed, because the authority in this general language would extend to the full width of Pennsylvania avenue. It ought to be confined to the roadway of Pennsylvania avenue. I move to insert the word "roadway" in line 8 of section 1.

Mr. DORSEY. I suggest that the amendment read "between the curbs."

Mr. SHERMAN. Well, "between the curb-stones of Pennsylvania avenue." Any language that carries out the idea will satisfy me.

Mr. EDMUNDS. "Roadway" is a good word.

Mr. DAWES. The clearest form is "not including the sidewalks." That is more definite.

Mr. SHERMAN. "To be used in paving Pennsylvania avenue, not including the sidewalks."

Mr. MORRILL, of Maine. I would like to inquire of the Senator who has charge of this bill whether the bill provides for the expense of paving of the railroad-way, that part of the avenue occupied by the street railroad?

Mr. MORRILL, of Vermont. I will say to the Senator from Maine that I have just handed an amendment to the Senator from Arkansas, which he will present, providing for that.

Mr. SHERMAN. I will put my amendment in this form: In line 8, section 1, after the word "avenue" insert the words "not including the sidewalks."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator frem Ohio, [Mr. SHERMAN.]

The amendment was agreed to.

Mr. WEST. I should like to call the attention of the Senator who has charge of this bill to the somewhat extraordinary provisions in section 2, commencing on line 6, which compel this commission to contract within ten days after they have determined upon the proper material to be used in paving this avenue. The section compels them to make a contract within ten days. They might determine upon some material to be used by some party who would have no notice of the contract or of the intention to give it out. Nor is there any provision made for giving public notice to bidders, or requiring this commission to advertise their intention to pave the avenue. It merely compels them to select the material, and then requires them to contract within ten days. I do not think that provision ought to meet the approbation of the Senate, unless there is a satisfactory explanation given in regard to it by the Senator having charge of the bill.

Mr. DORSEY. In presenting this section the committee on the District of Columbia have copied almost verbatim a section of the law under which the Avenue was paved once or twice before; and we assumed that before these commissioners determine the sort of pavement they want they would listen to nearly all those who have pavements, asphaltum, stone, or any other sort, and that they would determine, by actual examination of the different patents, which one should be selected. They would first ask for competition, ask to have the different sorts of pavements submitted to them. When that has been done, they will then determine whether they will accept any one of those proposed or not. But, to meet the objection of the Senator from Louisiana, I suggest that after the words "ten days" the words "or as soon thereafter as may be" be inserted.

Mr. EDMUNDS. "Or as soon as practicable."

Mr. DORSEY. Very well. I will move to insert those words, "or as soon as practicable," after the word "days."

Mr. WEST. That will do.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend in line 7 of section 1 by striking out the words "or stone." As the bill now stands there is excluded from the consideration of this commission wood pavement and stone pavement, and that leaves nothing but mother-earth and asphalt that we know of.

Mr. INGALLS. Macadam.

Mr. EDMUNDS. That is stone. I think that these gentlemen ought to be authorized, inasmuch as we have had such misfortune with this street and its pavement hitherto under the contract system, to consider at least whether it will not be the wisest thing to put down a stone pavement of square blocks, such as in a great many cities is thought on the whole to be the best for permanent and heavy traffic. I do not know that it is the best. I am rather inclined myself to believe that a really good asphalt will on the whole be the best; but I do not think we ought to make the bill so that these gentlemen are confined practically to the consideration of nothing else than an asphalt pavement, and for that reason I move to strike out the words "or stone," so that there will be nothing excluded from their consideration except wood, which I am quite ready to condemn.

Mr. WHYTE. I hope that amendment will prevail. I rose a moment ago to make identically the same proposition, and it occurred to me from reading the very report of the committee in this case. I will ask the attention of the Senate to Lieutenant Hoxie's report on the subject, which is on the second page of the report made by the committee in this case, in which he says expressly:

> I should recommend, however, that proposals be invited for pavements of every kind except wood, and that bidders be required to make their proposals upon blank forms prepared in such a manner as to compel a complete description of the pavement and of its cost, so that a careful comparison can be made of their relative merits.

It struck me on reading the bill that there was no use in having such a commission as the bill provides for, composed of such prominent gentlemen, if they were to be left to but one kind of pavement. I hope therefore that the proposition of the Senator from Vermont will be adopted by the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. INGALLS. I certainly hope this amendment will not be adopted. It was the purpose of the committee, as the Senator from Vermont has intimated, to exclude the material of wood and stone from the consideration of this commission, believing as the committee did that the experience of the different pavements used and employed in this city was such as to condemn the use either of wood or stone upon Pennsylvania avenue.

While it is true that it does in terms confine the material to be employed to concrete or asphalt alone, yet the Senate is undoubtedly aware that there are some twenty different kinds of asphalt or concrete pavement, under as many different patents. The committee were not able, of course, to give an exhaustive examination to this subject, but from the best information they could obtain, it was believed that stone in the form usually employed, that of the Belgian or square-block pavement, was specially adapted to heavy draught and commercial traffic; that in addition to its unnecessary expense, it being the most costly kind of pavement that can be employed, it was also a very noisy, and, in that respect, undesirable for that avenue. Of course, Pennsylvania avenue is not used generally for heavy traffic, or for commercial purposes; it is pre-eminently a driving thoroughfare; the great amount of business transacted on that street is retail, and the committee were not able to see that there was any necessity for the employment of stone, considering the objections that have been supposed to exist to its use. Concrete seemed to the committee to combine in an eminent degree all the requisites necessary for a pavement upon Pennsylvania avenue, and I trust that the Senate will see the propriety of confining the material that is to be considered by the commission to what is known as asphalt or concrete, inasmuch as when it is properly laid it is the least expensive and has been shown by experience in this city to be very serviceable and very durable.

Mr. BURNSIDE. I simply desire to suggest that it would be almost impossible to build any road that would be a proper road at all without having it partly composed of stone. I think it would be well to amend this bill in such a way as to exclude cobble-stones and square blocks of stone from consideration; but all good road-beds are made of stone. The road-beds of the roads in Central Park are made in that way, and among them are some of the best roads we have in our country. Even the concrete that the Senator from Kansas speaks upon is laid upon a stone road-bed. I think the amendment should be made to simply exclude cobble-stones or block stones. It is barely possible that this commission might find that a Macadam road was the best road; but as the bill stands now it confines them to asphalt, and even an asphalt road could not be made without stone, as I suggested before.

Mr. CONKLING. Mr. President, I am very willing to vote for this amendment for the reason which the Senator from Rhode Island has stated, if in fact his understanding of these words as they are be the understanding which they bear. If it is true that the bill as reported would prevent the commission from considering the propriety of a Macadam way, certainly I would vote for any change which would enable them to consider Macadam. If, however, the purpose of the amendment, or its effect would be to suggest seriously to the commission that Pennsylvania avenue ought to be paved with any kind of stone that I know of (and I know something about many kinds of stone used as pavement,) and especially if the effect were to be to suggest that square blocks ought to be laid down as a pavement on Pennsylvania avenue, for one I would never vote for that. There may be streets on this continent and elsewhere trampled by ponderous traffic which ought to be paved, in the latitude where they are, with square blocks, although those blocks come to be almost as glary as ice, and although whenever they are moist and the mercury is below the freezing point they are as insecure as ice, with unevenness beside which ice might not have, and although they become the constant theater of danger and of injury to the animals which travel them, which nobody can look on unmoved. I often stand in the streets of New York, where the best sort of square blocks that have yet been found have been put down as pavement, and you need not select even a rainy day or even a time when the pores of the stone are filled with congealed moisture to see horse after horse tumble down and to see the very great imperfection of such a pavement as compared with almost any other.

I should not be in favor of inducing any commission to pave Pennsylvania avenue with cobble-stones; and, for reasons perhaps not quite so strong but equally clear, I would vote for nothing leading to a block pavement, whether it be a Russ pavement, or a Belgian pavement, or a pavement made of square blocks of one size or another size. I think one remark made by the Senator from Kansas [Mr. INGALLS] disposes of the whole thing. This is not a street in which ponderous transportation is chiefly to take place, and therefore some way, be it MacAdam in its foundation, or asphalt, or something of the various other sorts which have been suggested and which are found desirable for such purposes, ought to be selected, and never, I believe,

any wooden pavements that I know anything about. I do not forget that there are various stones, Medina sandstone for example—a very familiar stone in my own State—which has too much silex and grit to wear smooth, as lime-stone does, and many of the other kinds of stone used. That very fact makes it inevitable that a pavement made of these blocks becomes uneven at once, and, before it is much worn, almost as disagreeable to pass over with any rapidity as a corduroy road. There is no stone pavement that I know anything about—and I have looked with some care at all the kinds of stone pavement in the region in which I live—which is fit, in my opinion, to be adopted on this street, and none for which I would vote; and, therefore, if any turn is to be given to this language which is likely to induce the commission to select a stone pavement, for one I am against it, whatever kind the pavement may be.

Mr. EDMUNDS. I did not make this motion for any such purpose, and I think the Senator from New York will see on looking at the way the bill will read after striking out these words that no such construction can be put upon it. It merely leaves it to the judgment of the commission to cover the whole subject, except that they are excluded from putting in wood, to which I believe everybody agrees, because it will not last.

There is a great deal in what the Senator says; and I stated myself that, while I did not wish to exclude some form of stoneway, either of blocks or Macadam, or whatever it may be, I did wish to provide, so far as my present opinion goes, for an asphalt pavement; but I do not think that we have the time and the opportunity to determine finally and for once and all that it should be of asphalt. If you strike out these words Macadam may be considered; and it is used in the streets of some of the cities, a fine kind of Macadam, which seems to be admirable except in respect of the wash; it requires some trouble to keep it in order; but it is probably the finest sort of pavement in the world in any climate like this. Of course in a very cold climate it might be different, Striking out these words, they would be left then to consider Macadam, and to consider asphalt and everything else except wood.

Mr. FRELINGHUYSEN. I would suggest to the Senator, instead of striking out those words, to qualify the word "stone" by saying "of cobble or block stone."

Mr. EDMUNDS. I do not want to hamper their judgment; they are three very eminent engineers, as we can see, and they will be quite as likely to do what shall be satisfactory to the average sense of the people who are to be affected and those who have judgment upon it as can be possible.

Mr. BURNSIDE. I hope this section will be amended so as to do away with the possibility of having a cobble or block-stone payment on the Avenue. These are eminent engineers, I know, but they may be favorable to block stone, though it is not likely that they would be favorable to cobble-stone. It would be easy to amend the bill by inserting in the seventh line the words "block or cobble" before "stone." I move to amend by inserting "block or cobble" before "stone."

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MORRILL, of Vermont. I would be very unwilling that Pennsylvania avenue should be paved with any kind of stone, and for the reason that I believe that the prices of asphalt or concrete have gone down so low now as to be obtainable at much less price than heretofore. The ordinary concrete that has been used is not good enough; but the better qualities of concrete, such as the Neuchâtel, can now be obtained for about half what they could be formerly; and such concrete as is used in many of our streets can be had for less than half what was paid heretofore. Therefore there is no necessity of using anything except the very best kind of asphalt, which can be obtained at a much less rate than stone of any sort and would be far superior.

Mr. DORSEY. To meet the objections of the Senator from Vermont and other Senators, I move to amend in line 7 after the word "wood" by inserting "block or cobble."

Mr. MORRILL, of Vermont. That is the amendment proposed by the Senator from Rhode Island, [Mr. BURNSIDE.]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.] These are separate amendments.

Mr. EDMUNDS. I will withdraw my amendment so as to let the other be put.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his amendment, and the question recurs on the amendment of the Senator from Rhode Island, [Mr. BURNSIDE,] which will be read.

The CHIEF CLERK. It is proposed after the word "or," in line 7 of section 1, to insert "block or cobble;" so as to read:

To select and determine the best kind of pavement other than wood or block or cobble stone.

Mr. LOGAN. I have not taken any part in this matter, and do not desire to do so; but I should like to ask a question. If wood is to be excepted and stone is to be excepted——

Mr. FRELINGHUYSEN. Only a particular kind of stone, block and cobble stone.

Mr. LOGAN. I thought from the reading that a particular character of pavement was to be put down.

Mr. WHYTE. I wish to inquire what sort of stone that would leave the commission to select. If block and cobble stone are to be excluded, what stone is left?

Mr. BURNSIDE. Broken stone as the road-bed.

Mr. WHYTE. That is so entirely out of fashion, that I do not think any intelligent man would use it now.

Mr. BURNSIDE. Some of the best roadways in the country have that foundation.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Rhode Island, [Mr. BURNSIDE.]

The amendment was rejected.

Mr. EDMUNDS. Now I move to strike out the words "or stone."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The question being put; there were on a division—ayes 14, noes 17; no quorum voting.

The PRESIDENT *pro tempore*. There is a quorum present. The Chair will put the question again.

Mr. WITHERS. There is some misapprehension here as to what is the exact amendment pending.

Mr. WHYTE. There is a misunderstanding as to the effect of the amendment. Some gentlemen on this side of the Chamber seem to suppose that by voting against this amendment they are really leaving the question open to the commission; whereas those voting in the negative are taking that question away from the commission.

Mr. WITHERS. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 7 of section 1, after the word "wood," strike out the words "or stone;" so as to read:

To select and determine the best kind of pavement, other than wood, to be used in paving Pennsylvania avenue.

Mr. EDMUNDS. If I correctly understand the present attitude of the question, the Senate refused to agree to the amendment proposed by the Senator from Rhode Island to insert "block or cobble."

Mr. CONKLING. I beg to say to the Senator although his statement is formally correct, it is true of me, for example, and of several Senators who sit around me, that we did not understand what the question was at the moment and we did not vote; and I am inclined to think that if the Senator from Rhode Island had asked for a division or for the yeas and nays, the Senate would not have done what the Senator from Vermont very truly says it did do.

Mr. EDMUNDS. I do not know; I am merely stating the present attitude of the question, that we now propose by refusing to strike out these words to leave the exclusion of every kind of stone which would cover the Macadam pavement just as the bill stands, so that the commissioners would have no power to lay down a Macadam road if they should think best. Now I suggest that, if the Senate will agree to strike out these words "or stone," we can then, if the question was not well understood before when we voted upon the qualifying words, move to insert after the word "wood" the words "block or cobble stones" again as filling a blank.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Vermont that if he will withdraw his amendment, I will make a motion that the section be amended by inserting before the word "stone" the words "cobble or block."

Mr. EDMUNDS. That is exactly the amendment the Senate has rejected.

Mr. FRELINGHUYSEN. No, it was the other way. It was "block or cobble." [Laughter.]

Mr. EDMUNDS. The Senator may see the difference, but I do not. My perception is not sufficiently acute to see that. I think I will stand on this amendment for the time being, and take the sense of the Senate upon it. Then if the Senate choose to insert what the Senator from New Jersey suggests, it can be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to; their being on a division—ayes 25, noes 14.

Mr. BURNSIDE. I move now to insert the words "or cobble or block stone" after "wood."

Mr. OGLESBY. I suppose the object of the Senate in making arrangements to pave Pennsylvania avenue is to leave this commission of three engineers who are named in the bill to decide upon what the pavement shall be. Then why exclude anything in this bill? Why exclude wood? Why exclude stone? Why exclude metal? Why exclude cobble-stone? For my own part, if I voted to exclude anything, I should exclude wood, mineral, cobble-stone, asphaltum, and everything but common dirt. I think that would be a first-rate highway for Pennsylvania avenue under the circumstances, [laughter,] good enough, plenty good enough for the people who have made it the way it is. For my part, I would not care much whether they had one or not. It is disgusting to look at it the way it is now; but I am glad that it is to be built, of whatever material, under a new management and by a different commission. I suppose the Government, if I read the bill right, is to pay one-third of the expense of this new pavement or more, certainly not less than that. It seems to be the opinion that there should be a new highway here or that the highway of the Avenue should be put in better condition. It is a failure as it is.

There is no more inconvenient or disagreeable highway in the United States to pass over to-day than Pennsylvania avenue. It is

an exhibition to the human eye of the greatest fraud that has been perpetrated for a quarter of a century—in the very building of it. It is a disgusting spectacle in all its associations and sights. The burden comes back on the Government now to fix it up and build it over again. I do not know how much it will cost; but, if we are going to leave it to this commission, to these civil engineers, if Congress is going to make up its mind to leave it to them, why not leave it untrammeled as to material and all? Why exclude wood? Why exclude stone of any kind, or gravel, or asphalt, or any other material? Why should Congress undertake to partially define what the material shall be or what it shall not be? We are going to leave it to a commission of three competent engineers, I doubt not; and, so far as I have any opinion at all, I have one that it will be pretty tolerably, fairly, and honestly built this time. I think that probably will turn out to be true. But why should we undertake to put any limitations upon it? I do not like a cobble-stone highway. I think what the Senator from New York [Mr. CONKLING] said this morning on that subject was elegant and very much to the point. Horses are not the only animals that have fallen down in New York on slippery stones, [laughter,] and I would not like to see that sort of an avenue in this city. I do not like it. Neither do I know that the common asphaltum that is used now in the streets and highways will be sufficient. I am not sufficiently familiar with the subject to say. Unless I get to voting here merely for a preference for some man's material to be put down or on some new-fangled notion about a new pavement for a highway, I do not feel that I am a competent judge as to the material that should go down; and I do not like to vote to put any restriction in this bill on the discretion of the commission here named. Why not leave it without any restriction? Why not leave it to them? Is it not most likely that they will select the best material? Wood may turn out under all the circumstances to be better than anything else. Asphaltum may be better; gravel may be better; stone may be better. Here is a commission that must pass on the material. Why not let them pass on it without any restriction at all in the bill? I do not see that we ought to go into this subject of material. I would not put down a cobble-stone pavement, if I had it to build; but I would not rely on my own judgment; I would not ask the Senate to do it.

I believe these engineers, under the admonitions they have received and that the country generally has received from this body, together with the experience of the last few years about the best material for streets and avenues in this city, will be exceedingly careful about the material they put down on Pennsylvania avenue. It is the main artery of this city and destined to be. The city is not to grow very much for years to come; many of the lots here will remain unoccupied. The hard times that have settled down upon other portions of the country, now that we have ceased to make lavish expenditures in this city, will settle down here. Real-estate speculations will measurably die out. This great capital will come back on to a par with the feelings of other portions of the country. We have all got to travel the same road during these hard times; and we are not in a condition just now to build a magnificent avenue or an expensive one. A cheap and durable material, the cheapest material that is the most durable for this avenue, I doubt not, is what this commission will settle upon. All ideas of splendor and all ideas of magnificence are dying away here as elsewhere. We have got to come back to common soil; we have got to come down to the dirt road; and if it were not for the personal inconvenience it is to me to travel through the mud here I would be very glad if they had such roads here for a while and nothing else. [Laughter.]

It seems to me that we ought to leave this matter to the discretion of the commission. If we are going to the expense of building an avenue from the Capitol to the White House or from the Capitol to the Treasury, if we are going to reconstruct Pennsylvania avenue, and reclothe it, and re-adorn it, polish it up for the centennial year, and have it out with its Sunday clothes on, so that all the world may see what a pretty thing it is, we had better let it be under the control and discretion of this board of civil engineers. So it strikes me. Therefore I am inclined at present to vote against this amendment. I would vote even to strike out the exclusion of wood and stone here.

Mr. EDMUNDS. "Stone" is out.

Mr. OGLESBY. It is simply out in Committee of the Whole; not by the act of the Senate. The safer and better way, it strikes me, is to leave it without limitation at all, for the engineers to settle upon the material to build the highway.

Mr. ALLISON. I voted for the amendment of the Senator from Vermont because I did not wish to restrict the commission, and, on reflection, I think I shall vote against the amendment proposed by the Senator from Rhode Island. I have a distinct recollection of being a member of the other branch of Congress when Congress did undertake to regulate this District. The very pavement which my friend from Illinois has so utterly and absolutely condemned is a pavement authorized by act of Congress. Congress itself directed that this pavement should be made of wood, and directed the commission distinctly as to the character of the material, as I recollect the facts, which should be put down on this avenue; and whatever there is of defect in this pavement is to be charged directly to Congress. In addition to that fact, this pavement put down under the direction of Congress is, I believe, the most expensive pavement ever laid down in this city. It cost $3.90 per square yard.

I am opposed to the insertion of the amendment proposed by the Senator from Rhode Island for another reason. The engineer of this District now has condemned practically the asphalt pavement. He has told us in his last report that of all the pavements laid down in this city, including wood and concrete, the only proper pavement is that called the Neuchâtel; so that if we restrict these commissioners we practically require them to adopt the Neuchâtel pavement, and no other. I have faith that these three eminent engineers will select carefully a proper pavement for this avenue, and I hope they will select the very best pavement that can be made, and notwithstanding our poverty I think the United States Government can afford to pay one-third of the expense of it. And here, while I am on this subject, I desire to say that I think it extremely hard on the property-holders of Pennsylvania avenue to be again assessed to pay one-third of the cost of this pavement. They paid two-thirds of the cost of paving the Avenue under the act which was passed before, and we put down absolutely a worthless pavement. Now at the end of five years we come in and say that the adjacent property-holders shall pay one-third of the cost of this new pavement and that the general property in this city shall pay another third. I do think that it is rather an extreme measure to the people who happen to own property on this wide avenue.

Mr. MORRILL, of Vermont. May I ask the Senator from Iowa if the residents on this avenue have not petitioned for this very repaving?

Mr. ALLISON. This morning is the first knowledge I had of this bill. I merely mention this fact, which is perfectly well known to Senators, that the Avenue is absolutely unfit for travel at this time; it was paved under the supervision of Congress, and the pavement is worthless.

Mr. MORRILL, of Vermont. May I ask the Senator from Iowa another question, as he has mentioned the price of the wood pavement formerly put down, whether he is not aware that the Neuchâtel pavement can be put down a ta less price than was paid for the wood pavement?

Mr. ALLISON. I have no doubt it can; and that is just what I was saying in reference to this matter, that, if we are to take the testimony of the engineer under this bill, as proposed, the only choice there is is the Neuchâtel pavement, because all the concrete pavements have been condemned by the District engineer. I have his report before me, in which he says:

> With the exception of the Neuchâtel pavement, all of the bituminous concretes put down by the board of public works are preparations of the bitumen of coal-tar, containing only a small proportion of mineral tar, varying principally in the quality and proportion of the ingredients and the method of manipulation, and all more or less perishable from the rapid loss of the volatile elements of the artificial bitumen.

So that he practically condemns every pavement in this city, concrete and wood, with the exception of the Neuchâtel. Now we say that this commission shall be confined to concrete pavement, which is virtually saying that if we take concrete we must take Neuchâtel. I am willing to give these eminent engineers a discretion to select the best pavement in their judgment, whether it be stone, wood, or concrete, or whatever.

Mr. SARGENT. Mr. President, I was somewhat at a loss to know what my friend from Illinois [Mr. OGLESBY] referred to when he spoke of the jobbery and corruption which had surrounded the paving of Pennsylvania avenue. I am not sure that he had an entirely distinct idea himself on that matter. My impression is that he did not know that that avenue was paved under the provisions of a law to be found on page 196 of the sixteenth volume of the Statutes at Large which provided for a commission consisting of the Secretary of the Interior, at that time I think Jacob D. Cox, of Ohio—and I am not aware that any suspicion of corruption ever attached to his name—Brevet Brigadier-General N. Michler, engineer in charge of the public buildings and grounds—and if any one has anything to say against General Michler it might be well to say it expressly; I am not aware that anybody ever charged him before with anything dishonorable—and the mayor of the city of Washington, whose name I do not now remember.

Mr. SHERMAN. Mr. Emery.

Mr. SARGENT. Emery. Under the commission thus organized Pennsylvania avenue was paved prior to the era of scandal under which every decent man, and some indecent men of the country almost, have suffered. It was paved according to the requisitions of this act. The kind of pavement was not named in the act. I think it might be somewhat a matter of curiosity to ascertain why it is, when anything in connection with this District, remote or present, is mentioned, that it is the occasion of a tirade of arraignment of everybody who has ever had anything to do with the administration of its affairs.

Speaking not merely for myself, but for my constituents, I desire to say that we have no wish that Pennsylvania avenue shall be a mere dirt road; we have no desire that any of the roads in this city, any of these beautiful streets, shall be turned back to the condition of irreclaimable muddiness which they were in a few years ago. We have no desire to sell the Dome of this Capitol for old iron or to tear down the pictures and sell them for canvas. We have no wish to go into the nursery business by rooting up the little trees through the public parks and squares and selling them out to replenish the Treasury of the United States. We have some pride in this Capitol, some pride

in this city. We desire that it may be beautified, that it may be worthy of a great people of forty millions, and certainly it cannot be said that the Congress of the United States have not taxed the people of this District enough to pay their proportion. Take Pennsylvania avenue, with its broad, vast extent, laid out for the convenience of the Government, the great connecting avenue between the principal Departments and the White House and the Capitol. What city requires accommodations like these for its ordinary business or purposes? And so with all these avenues, made so broad, upon the French system, that there might be certain centers of defense swept by cannon in order to prevent *émeutes*, a system I believe entirely unnecessary in a republic; but this was the original idea of the Government. It has been maintained down to the present time by keeping these broad avenues. How can the people who live along them keep them in order unless they revert simply to the condition of dirt roads?

I say, sir, speaking for the people of the Pacific coast, farther away from this capital than the people of Illinois, that we have a pride in the history of this spot, a desire for the prosperity of this city, that the Government may do its share, and liberally its share, toward maintaining it in good order, in beautifying it, in laying out walks and squares and streets. I do not believe that the people of the United States or of any State desire that it shall revert to the condition of dirt roads or fall in the contempt which is sometimes poured on the people of this District.

Mr. HAMLIN. I want to express my most hearty concurrence in the views and opinions which have been uttered by the Senator from Iowa [Mr. ALLISON] in relation to this bill. I think it is little less than an absolute outrage to impose a tax upon the property-holders along the Avenue again at this time to repave it. It is an avenue for the nation; it is an avenue for the whole city; and I think that the property-holders along it ought not to have that onerous tax imposed upon them.

But I do not rise to discuss the bill or say one word about it. I have allowed it to go on for half an hour after the time had come for the regular order. If the Senate will vote upon it, however, I will not interpose any objection; but if discussion is to continue I must ask the Senate to proceed with the unfinished business, because I want to dispose of that matter to-day.

Mr. OGLESBY. Mr. President——

Mr. HAMLIN. If the Senator is going to talk I ask for the special order.

Mr. OGLESBY. I am not going to talk any length of time.

Mr. HAMLIN. O, well.

Mr. OGLESBY. I did not suppose that the remarks which I submitted this morning upon the bill or the amendments proposed to it would necessarily attract the attention of the Senator from California, [Mr. SARGENT.] I did not certainly desire to disturb his equanimity, nor did I suppose that, if any Senator upon the floor chose to make any remark about the District of Columbia, that Senator would be necessarily expected to rise to defend it. I am very glad to hear what I suppose is absolutely true, that the people of California take a just pride in the capital of the nation. I suppose I might venture to say that for the people of Illinois, though they are usually able to express their feelings about the pride they have in any subject for themselves. I take a pride in the capital of the nation, and I trust a commendable pride. I take such a pride in the capital of this nation as to wish to have the administration of those duties that pertain to it and the local affairs about the capital and in the District above suspicion. I wish that this capital and its administration, too, as a matter of national pride, might be in a condition to-day to escape the criticism and just indignation of every voter in the land. That is the pride that I have in the city, that it may have no blemish either upon its name or its administration. I may differ with the Senator from California in my estimate of its standing to-day. I may have different notions from him as to the idea prevalent in the public mind in regard to the character of the administration that has heretofore characterized the city, but, as a matter of opinion, I say it is most deplorable, if not absolutely detestable. In the remarks that I made this morning I alluded to the pride of our capital, the splendor of our capital. I said I hoped the time would come, and I believe it has come, when the people of this city will feel in common with the mass of the nation, now oppressed, now depressed, that it is high time to turn their thoughts to moderations in expenditures, toward modest deportment, toward common living.

I am a citizen of this Republic and for the time being reside in this city, but most of my life I have had to travel on a dirt road. What is good enough for me is good enough for the Senator from California, for I remember when he and I together slung dirt in the mines of California, and we ought neither of us to be particularly fastidious about the manner of pavements so long as they are comfortable. A large portion of my life was spent in traveling over corduroy bridges, bridges made by throwing fence-rails and poles in the mud; but I am glad we have passed beyond that era. I am glad we have arrived at an era of railroads and that we have highways of the most elegant character. I am glad that the Government has advanced from the old experiences; but because we can have better highways now, because we can have asphaltum pavements and Nicolson pavements and block-stone pavements, because we may be better accommodated now by the advance of civilization, is not any reason why those pavements, whether they be of corduroy or whether they be of cobble-stone or Nicolson or asphaltum, should not be laid in the most economical and honest manner. Nor do I believe from the volumes of testimony that have been thrown before the country by the investigations of this body and the other House, but especially of the Senate, that the management of the public interests of this city can expect to escape the just indignation of the people, or in this body fair and reasonable criticism. I have no feeling of ill-will or unkindness toward the capital of the Republic. I would wish to see the capital of the Republic, like the fame of the Republic, like the character of our institutions, without spot or blemish. I wish there had been no investigations that developed facts to show that a system of corruption had been carried on here absolutely disgusting. I wish there never had been any such investigations, or rather I wish there had been no provocation for such investigations, and I do not think it is untimely in me or unbecoming in me, as a citizen of the nation, to some extent bearing a reasonable proportion of its burdens, to occasionally file my protest in respectful if not in elegant language. I take a just pride in the nation and in its capital.

In regard to the bill I ventured to make the suggestion that we might with safety under the commission named in it leave it without conditions as to the material to be used for the pavement. If I were called upon to execute a duty of that kind I should be wholly unqualified. My opinion here is worth no more than it would be as a private citizen about the material to be put into a pavement, and I feel hesitation in putting amendments upon the bill providing the material to be used or limiting the discretion of the commission which is to select and use that material.

I shall probably vote for the bill. I suppose Pennsylvania avenue must be fixed up; it must be put in a passable condition. I suppose we have met one of those cases again where we must draw upon the Treasury. I suppose we shall have to do it. First it is one thing and then it is another. There is always some demand upon the Treasury. These demand are usually fortified by argument and generally find able defenders. Committees make reports in favor of them based upon evidence; and I must yield to reasonable argument and reasonable truth. Seeing the condition of the Avenue, I suppose it is our duty to put it in a passable state, and I must take the responsibility to vote for some bill, I suppose. I am very sorry indeed that the necessity is upon me to spend another dollar here; but I must meet the responsibility whenever it falls upon me.

Mr. HAMLIN. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Maine calls for the regular order.

Mr. INGALLS. Will not the Senator from Maine consent to allow the debate to proceed for a certain time, say thirty minutes? It is really very important. If any action is to be taken upon this bill it should be taken quickly. It will require some twenty days' preliminary inquiry before the work can be commenced, and at least ninety days more before the work can be completed. Every day now is very essential, and I wish the Senator from Maine—and I am sure I speak the wishes of the committee—would consent that the debate might continue not to exceed thirty minutes, when, I think, the vote can be taken.

Mr. LOGAN. I would like to ask a question. The Senator from Kansas says it is very important that this bill should pass at once. I would like to know why it is so important. The Avenue is not in such a condition that we cannot drive over it.

Mr. INGALLS. It is important because the avenue is in what is known in law as a founderous condition; and if it were fenced on either side, I think the passers by would be authorized to take down the fence and enter their neighbor's inclosure.

Mr. LOGAN. I do not see that that shows the importance of the immediate passage of the bill. The Avenue is not in such a condition that it is impassable. I travel over the Avenue as other people do, and I find its condition is such that it will certainly last for a few days anyhow. There is no danger of people getting their necks broken for a few days yet, I think. If there is, there are plenty of other streets over which they can pass. I do not see the importance of immediate action; and, if the Senator from Maine proposes to take up his bill, I suggest to him to do so now, for you will not pass this bill in thirty minutes.

Mr. HAMLIN. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Maine insists on the regular order, which is the unfinished business, Senate bill No. 650.

Mr. INGALLS. Will this bill resume its position as unfinished business after the conclusion of the postal bill?

The PRESIDENT *pro tempore*. It will not.

Mr. INGALLS. Then I ask unanimous consent that it may be taken up as the unfinished business at the conclusion of the postal bill.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill pending before the unfinished business of to-day be resumed at the conclusion of the unfinished business. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin, under the direction of the Interior Department.

The message also announced that the House had passed the bill (S. No. 417) for continuing the work of improving the Capitol grounds, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth;

A bill (S. No. 309) for the relief of William L. Nance;

A bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and major-general of the United States Army; and

A bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army.

IMPROVEMENT OF CAPITOL GROUNDS.

Mr. MORRILL, of Vermont. There is a bill just returned from the House of Representatives with amendments reducing the appropriation for the improvement of the Capitol grounds $5,000, and providing that the money shall be expended under the direction of the architect of the Capitol, as it would have been whether so provided or not. As the bill has been delayed ever since February 9, which has almost made it impossible that the object of the bill can be now attained, I ask that the Senate concur in the amendments proposed by the House.

The PRESIDING OFFICER, (Mr. DAVIS in the chair.) The Chair will lay before the Senate the amendments of the House of Representatives to the bill.

The amendments of the House of Representatives to the bill (S. No. 417) for continuing the work of improving the Capitol grounds were read, being in line 5 to strike out the word "twenty-five" and in lieu thereof insert "twenty," and to add to the bill the following clause:

To be expended under the direction of the architect of the Capitol.

Mr. INGALLS. As the Senator from Vermont says it is too late now for this appropriation to be of any service, I would like to inquire what is the use of concurring in the amendments of the House?

Mr. MORRILL, of Vermont. It will be of service; but I say it is too late. The bill ought to have been passed long ago. It was sent to the House over two months ago.

The amendments were concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes.

HOUSE BILL REFERRED.

The bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river, was read twice by its title and referred to the Committee on Commerce.

POSTAGE ON THIRD-CLASS MATTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes, the pending question being on the amendment of Mr. MERRIMON, which was to strike out after the word "scions," in section 1, line 13, the following words:

And all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not from their form or nature liable to destroy, deface, or otherwise injure the contents of the mail-bags, or the person of any one engaged in the postal service.

Mr. MERRIMON. Mr. President, my object in offering the amendment was to put as nearly as may be all mailable matter which may be termed merchandise in a fourth class, and to require such postage to be charged upon it as will pay for its transportation. At the same time I announced my desire to see the postal system confined to the purposes for which it was originally instituted. I believe that nothing ought to be transported in the mail other than letters and intelligence of one sort or another. I think the postal system is one of the great popular educators of this country. It is one of the essential means of enlightening the public mind; and although sometimes vicious information is communicated, still we cannot get the wheat without some chaff; and the minds of the people must be so enlightened as that they will be able to distinguish between the wheat and the chaff. It is one of the great means of educating the popular mind; and I am in favor of developing the system from time to time, and enlarging its means and avenues for such a purpose. I do not care to make it self-supporting. I do not believe that is wise. Still I think that whatever goes through the mails ought to pay something. Generally that is true. In that view I want to put the matter embraced in the third class in such a shape as that it will embrace only those things that communicate intelligence, information calculated to enlighten and educate the public mind. I desire to put the postage upon that class of matter at a very low rate, to place it back to what it was before the law was changed a year ago. Then if we are to pass merchandise through the mails, let us put upon it a higher rate of postage than the third-class matter has heretofore paid, to the end that whoever would avail himself of that convenience shall pay what it costs the Government.

I have not yet heard any advocate of sending merchandise through the mails give any reason, much less a substantial reason, why the postal system of the United States should become a means of cheap transportation. There is no more reason why the Government should carry through the mail for me a pair of boots, an ax, a hat, or any other article of merchandise singly in itself, than that they should carry a whole stock of goods. If the postal system is to be made a matter of convenience for the transportation of merchandise, why not make some other Department of the Government a matter of convenience for the people? Why not authorize the quartermasters to keep whole stocks of goods for the convenience of the people where they have business? Why not establish stores all over the West for the convenience of the pioneer settler? I see no more reason for the one than for the other. It is not within the legitimate purposes and powers of the Government to provide such conveniences. It is contemplated under our system that the people should do this work for themselves, and I repeat what I said the other day: that when the Government undertakes to carry merchandise through the mails for the convenience of the party selling and the party to whom it is sold, requiring the parties to pay less than the Government pays for such transportation, injustice is done to every citizen of the Republic other than the two or three parties interested in this particular transportation. It is wrong in theory; it is wrong in practice. It is unjust, and in my judgment Congress ought to proceed as promptly as possible to correct such a policy and such a practice.

In looking at the amendment that I offered the other day, which was drawn very hastily, I find that I did not have it in as good shape as I desire to put it now. I ask leave to withdraw that amendment in order to offer another which I have prepared. I propose to insert before the word "maps," in line 9 of section 1, the word "and," and then to strike out from the word "prints" down to the words "photographic representations," in line 12; and then also to strike out from the word "and," in line 13, down to the word "service," in line 18. If the Senate concur in that amendment, I shall then move to strike out, in line 7 of section 2, the word "ounce" and insert in place thereof the words "two ounces;" so as to make the law stand as it was before the amendment a year ago increasing the rate on third-class matter. If the Senate shall agree to this amendment, then I propose to offer an additional section in these words:

SEC. —. That prints, engravings, blanks, flexible patterns, samples, merchandise, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations, and all other matter and articles not above the weight prescribed by law not provided for in the first, second, or third classes of mailable matter which may be made mailable by law shall make the fourth class of mailable matter. The postage on mail matter of the fourth class shall be at the following rates:

For all distances of one thousand miles or less, — cents for each ounce or fractional part thereof.

For all distances over one thousand miles, — cents for each ounce or fractional part thereof.

Every package of the fourth class of mail matter shall be post-marked, and may be marked in all respects as provided in case of third-class matter.

The object of that additional section is to create a fourth class, which is to embrace merchandise only. I leave the postage to be imposed on merchandise blank, for I confess my information is not sufficiently accurate to warrant me in suggesting the amount of postage that ought to be put on the ounce, but I think it ought to be such rate of postage as will reasonably pay the Government the expense it must undergo in transporting articles of that character.

That is all I care to say. I desire, however, to withdraw the first amendment as I submitted it, in order to offer the amendment that I now present.

The PRESIDENT *pro tempore*. The Senator from North Carolina withdraws his amendment and offers another.

Mr. MERRIMON. My present amendment is in line 9 of section 1, before the word "maps" to insert the word "and," and to strike out, beginning at the word "prints," in line 9, as follows:

Prints, engravings, blanks, flexible patterns, samples, merchandise, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations.

And then passing over what follows to the word "and," in line 13 after "scions," I move to strike out down to the word "service" in line 18. This amendment is preparatory to the amendment providing for a fourth class, which I shall offer.

Mr. HAMLIN. Let me make an inquiry of the Senator. If I understand his amendment aright, he leaves cuttings, bulbs, scions, roots, and other matters in the third class. I suppose they convey intelligence; do they?

Mr. MERRIMON. No, they do not. I ought to have made a remark upon that subject. So far as I am concerned, I should be will-

ing to strike those words out; but I know there is great anxiety among the people to get shrubbery, seeds, &c., from the Agricultural and Horticultural Departments of the Government here. The people are very anxious upon that point.

Mr. HAMLIN. They are not touched by this bill.

Mr. MERRIMON. Then, if the Senator is correct about that, I do not object to including them. I do not see why the nursery-man should send his merchandise more cheaply than anybody else. He is no better than anybody else. I will include, then, all in section 1 from the word "prints," in line 9, down to "service," in line 18.

The PRESIDENT *pro tempore*. The question is on the amendment of the gentleman from North Carolina, as modified.

Mr. HAMLIN. I have not interrupted a single speaker who has spoken upon this bill, nor did I propose to do so until each Senator who spoke should have completed what he had to say. I have always believed that that was the appropriate method of conducting a debate in this Chamber; but on this amendment, as it is distinct from the general discussion which has obtained upon the bill, I will make a word or two of remark, coming at the same time within the limits which I think ought to govern debate in this body.

The Senator from North Carolina has said very much in which I concur. The postal service, as I attempted to show the other day, was organized for specific purposes, for the purpose of transmitting letters and intelligence. That was the limit. That being the limit, as I understand, the Senator is disposed to confine it to what it was originally designed to be. There is not, in my judgment, a single reason in the world why the articles which he has left to remain in the section as third class should not be transferred along with the rest to the proposed fourth class. Merchandise is of a variety of kinds. Merchandising in books is just as much merchandising as it is in bulbs or roots or dry goods. There is no difference whatever. It is true that there are classes of people in the world who may desire books and who may write to remote sections of the country for the purpose of obtaining those books; but my word for it they will get them not one mill cheaper whether they pay the full postage that it costs the Government to transmit the matter or get it at one-half that rate. But it is merchandising. It is not intelligence; it is knowledge. It ceases to come within the proper limit of that kind of articles that should be transmitted in the mail, just as much as your bulbs or your roots. One may desire the book most. The scholar desires it and knowledge desires it; but let me say to my friend that there is behind knowledge something of more importance perhaps than knowledge; at least there is something behind it absolutely more necessary. Before the scholar can store his brain with knowledge he must have raiment to wear and food to eat, without which he cannot exist. There is then to the man who is not a man of knowledge a vastly greater necessity perhaps for the subsistence of life, for transmitting food through your mails; and it can be sustained by as strong an argument and upon the consideration of comity and convenience that that should be required to go into the mail before books go. Knowledge ought to be willing to pay for the transmission of that which it receives. Knowledge ought to be willing to contribute to the Department that which it costs the Department, in my judgment. I think it more appropriate that knowledge shall contribute to the revenue of the Government rather than to wring it from the labor of your country; for it must come from your labor before it goes into your Treasury.

I insist that the Senator's theory is all wrong. The moment you depart from that which the Senator and I both agree is legitimate mail matter, that ought to go in it in accordance with the original design of the law, that very moment you can make no distinction except one of degree; and when you come to degrees, that thing which the Senator may think of least importance in degree becomes absolutely of the most importance to the man who is interested; and I have discovered that fact in a most eminent degree in the consideration of this question by the committee. Why, sir, we have had it illustrated over and over and over again in the numberless letters that have come to me. Each man has demonstrated that his own particular specialty should be provided for and was of more importance than everything else. All of them have illustrated that maxim of wisdom uttered by Artemus Ward that every one of them is willing to sacrifice all his wife's relations if he can be accommodated himself. That is the whole of it.

I wish that all this matter could be communicated through the mails at a less price than anybody has named. There is no man holding a seat in this Chamber who is more desirous that our community shall be accommodated with the very lowest possible rates of postage, and I am willing if I can get our compensation to let that go in the mail, which is only for an accommodation, and if we cannot get that then I think it ought not really to go in the mail at all.

I think, therefore, and I cannot but think that my friend from North Carolina, keen as he is, will see, that the distinction can be drawn only at the line of the current information of the day, which is embraced literally in letters and newspapers, although magazines do come very near communicating intelligence though they are rather the communicators of knowledge than of intelligence. I mean intelligence in that view of it for which your Department was instituted. When you depart from that rule, you are all afloat. There is not a single article specified in his amendment in which the particular party interested does not fairly believe and justly believe, from his own stand-point, that it is of more importance than anything else because it is of more importance to him.

I think, therefore, that a fourth classification is unwise, and is one that should not be made.

Mr. MERRIMON. I will say but a word or two further in support of the amendment which I have proposed.

My venerable friend from Maine and myself, it seems, do not disagree in principle. We differ about the proper classification of mailable matter. I believe that one of the essential features of our system of Government is to educate the popular mind. I believe that our institutions and system of Government depend upon the virtue and the intelligence of the people; and because of this important fact it is the duty as well as the interest of the Government to place that which is calculated to educate and develop the popular mind before the people in the cheapest and most speedy way possible. Nay, sir, I go so far as to say that, if the Government would send any matter that is calculated to effectuate such a purpose through the mail free, it would do not only a noble work, but it would do an essential and a good work; it would do a work in the interest of the Government, in the interest of the people collectively and severally. I therefore do not want to confine that matter which goes cheaply through the mails merely to newspapers. Newspapers are no more educators of the popular mind than books, whether they are bound or unbound. The truth is books are better calculated to educate the popular mind properly than newspapers, because they are written with more care, after more deliberation, investigation, and examination. The information they convey is of a more correct character; and there is this further to be said in connection with the subject of books: The great centers of books are the great commercial cities of the Union, and we know by practical observations that they do not go out into the remote parts of the country as rapidly and as promptly as they ought to do. The difficulty is to get the people to read enough. They are the more inclined to read, the more rapidly and the more frequently and the more cheaply they can get reading matter. If we could go into the statistics, it would appear that millions of dollars' worth of books are sent through the mails annually in small quantities, generally not in greater numbers than two or three volumes in a package, very often but one volume going hundreds, sometimes thousands of miles to the party who is to receive it, read it, and get information from it.

I have here a very interesting petition, which was presented yesterday, signed by numerous book merchants in New York, book houses of high character, great reliability, high respectability, of course looking after their own interests, but at the same time looking after the interests of their country. It is no doubt interesting to them; and that they should have the opportunity to send books through the mails, and send them through the mails cheaply, is to their advantage; but while it is to their advantage in the way of dollars and cents, it is to the advantage of the people who get the books in the way of enlightenment, and to the people of the nation collectively in the way of enlightenment.

Now, sir, taking up the several things that are to be embraced according to my amendment in third-class matter, let us see whether they are interesting with a view to communicate information. According to my amendment, what will third-class mailable matter embrace? First, pamphlets. We know that pamphlets generally contain matter that is to give the people prompt general information touching some particular subject—speeches or interesting articles written on some current subject in which the people are interested, political, moral, religious, or something else. Will any one say that that is not calculated to educated and inform the public mind? In the line of policy agreed upon between the Senator from Maine and myself, will not the Senator say that a man ought to get a pamphlet cheaper through the mails than he gets a hat or a coat or some other article of merchandise?

The same remark applies to "occasional publications" and to "regular publications devoted primarily to advertising purposes or for free circulation." They cost the people nothing and give them important information, generally as to the character of books. Next take the "prices-current." The whole people are interested in them. They contain practical information that everybody ought to have. The citizen in North Carolina, in Illinois, in Ohio, in Nebraska, everywhere, wants the prices-current in order that he may see how he can buy particular classes of merchandise in Baltimore, New York, or any place in the country, and because such a publication is calculated to convey intelligence, information, it ought to go promptly, and certainly it ought to go at a cheaper rate than ordinary articles of merchandise.

The same may be said of "catalogues." It is very important that the people should have catalogues, and have them at a cheap price; they are generally published at a nominal price, and very often published free; and yet the people are required, according to the policy of my friend from Maine, to pay as much for a catalogue giving the people information as to where they can get additional information and enlightenment as upon ordinary merchandise.

Then "annuals." I suppose that would embrace almanacs, which convey a sort of information that every family and every individual ought to have. They convey intelligence of a practical character that a man wants; he wants it every year; it is essential; the whole people ought to have it. And yet almanacs are to pay just as much

as ordinary merchandise. The same may be said of "handbills, posters, unsealed circulars, prospectuses, books bound or unbound, book-manuscripts, proof-sheets, and maps." Every one of the items that I have enumerated is calculated to add to the volume of intelligence that the people ought to have, that it is to the interest of the country to force upon the people, if you may use that word. It ought to be forced upon them; the people ought to be forced to be enlightened, if they will not be voluntarily, and it is the true policy to adopt all means that will lead to that result.

It might be said, in the line of argument used by the Senator from Maine a moment ago, that the editor or proprietor of a newspaper makes the matter of printing his newspapers, and his newspapers after they are printed, articles of merchandise, and he realizes a profit. That can be said of any publication whatever. Whoever publishes any production, of whatever character, expects to realize a profit on what he does; but under the policy of the Government, inaugurated under the postal system, we do not have regard so much to what the proprietor of a newspaper shall realize, or the author of a book shall realize, as we have to the purpose of the Government in giving the whole people, everybody who will avail himself of such intelligence, the benefit of it. It is therefore that I insist that there ought to be a fourth class, and that fourth class ought to embrace what we understand as merchandise proper, and that class ought to pay, I repeat, such compensation to the Government for transporting it through the mail as will compensate the Government for doing so.

As to the other classes, the first, second, and third, for one I think it is not very material whether they pay the Government or not. If the Government carries letters, if it carries newspapers, if it carries anything whatsoever that is calculated to enlighten the mind, it does well to carry it at a nominal price; and I am not sure that it would not be as well to carry it free. If the whole collective people were to pay for transporting it through the mail, although we could not realize the advantage in dollars and cents, the addition to the popular stock of information I am sure in the course of time would show its effect upon the popular mind and in the administration of the Government.

I do not differ from the Senator from Maine as to principle; but we differ as to the classification. I say that books, and whatever else is calculated to educate and develop the mind, ought to go through the mails cheaper than merchandise; and such things it is legitimate to send through the mails and nothing else.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is on the amendment of the Senator from North Carolina, [Mr. MERRIMON,] striking out certain words.

Mr. MERRIMON. My object in striking out is to offer another amendment, making a fourth class, comprising merchandise proper which is to pay.

The question being put, there were on a division—ayes 12, noes 16; no quorum voting.

Mr. HAMLIN. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 29; as follows:

YEAS—Messrs. Bogy, Caperton, Davis, Frelinghuysen, Hamilton, Kelly, McCreery, Merrimon, Sargent, Wallace, and Withers—11.

NAYS—Messrs. Allison, Bayard, Boutwell, Bruce, Clayton, Conkling, Cooper, Cragin, Dawes, Dorsey, Eaton, English, Goldthwaite, Gordon, Hamlin, Harvey, Key, Logan, McMillan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Randolph, Sherman, Stevenson, Wadleigh, and Windom—29.

ABSENT—Messrs. Alcorn, Anthony, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cockrell, Conover, Dennis, Edmunds, Ferry, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kernan, McDonald, Morton, Norwood, Paddock, Patterson, Ransom, Robertson, Saulsbury, Sharon, Spencer, Thurman, West, Whyte, and Wright—33.

So the amendment was rejected.

Mr. MERRIMON. In view of the disposition of that amendment it is unnecessary that I should offer the other, and I am now prepared to vote for the substitute. If I cannot get what I want, I will take the best I can get.

Mr. DAWES. Mr. President, the question now is, I believe, on the amendment proposed by the Senator from Kansas, [Mr. HARVEY.]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. HARVEY,] proposed as a substitute for the bill.

Mr. DAWES. That is a restoration of the law as it stood previous to the amendment of last year. On that I desire to say, simply for one, that I shall vote for the bill, because I believe the bill to be in the line of legislative duty. That duty I understand to be to secure the cheapest possible postage to every village and hamlet and home in the nation; and all legislation that will contribute to that end ought, it seems to me, to receive the support of the Senate; and I think the Senator from Kansas himself would assent to that as an abstract proposition. There is no other limitation to the duty of Congress to secure that cheap postage to everybody except the ability of the nation to carry it out. The Senator from North Carolina [Mr. MERRIMON] has well said that the post-office is a great educator. I think nobody can overestimate its importance in that respect; and any legislation that limits or curtails it is that which must only be resorted to by reason of stern necessity.

The Senator from Kansas proposes to go back to a measure that has been once tried and with other features of the postal law left the revenue of the Post-Office Department short eight or nine millions of dollars, with the prospect before us of the deficit increasing to nine and a half or ten millions the present year, and with its continual increase in years to come. He proposes no remedy; he proposes to leave the legislation there. He is mistaken in one view of the subject when he states that the departure from the previous legislation by the act of last year has not been beneficial to the revenues of the Department. They have improved upon the expense of carrying this class of mail matter 60 per cent., which is a fact that the Senator seems entirely to have overlooked. The Senator could find no encouragement in voting for the present bill because the chairman of the committee was unable to tell him precisely how much it would improve the revenues of the Post-Office Department. But the Senator from Maine presented very strong reasons for believing that it would improve them and improve them largely. I think the Senator from Kansas did not present us any reasons to the contrary. But does the Senator from Kansas propose to leave legislation where his amendment would leave it? Does he propose to pervert the Post-Office Department from that for which it was originated, the transmission of intelligence, to the transmission of merchandise, and not stop to look at the effect it must inevitably have upon the original purpose for which the post-office was established?

It is not necessary for us, it seems to me, in determining what we ought to do as legislators upon this question, to consider whether the Post-Office should be self-sustaining or not. Long before we reach that point, it seems to me, we should settle the other, whether the Post-Office Department shall be turned into a common carrier of merchandise or whether it shall so far as is possible be kept at its original function and be made as little as possible a charge upon the Treasury in carrying out that purpose. Does not the Senator see that just so long as this deficit increases, this charge upon the Treasury increases, year after year, by millions of dollars, as it did under the law which the Senator proposes to restore, the inevitable effect of it must be a curtailment of mail facilities; that as the country increases in population and in extent and in territory, the attempt of the Post-Office to carry a cheap mail to every door in the land, which is its highest and first duty, must necessarily be crippled, be curtailed, be weakened by every new charge and burden that is imposed upon the Post-Office Department? Is it not self-evident that there must be some limitation upon the charge of the Post-Office Department, upon the amount of money which, consistently with carrying on all the branches of Government and consistently also with a reasonable and proper economy, is taken out of the Treasury for purposes even so important and so necessary as the Post-Office Department? Every dollar you expend through the Post-Office for anything else but its legitimate function is a dollar taken from its first and highest duty, to carry the mails the farthest possible at the cheapest possible rate. The two are inconsistent, incompatible, and warring upon each other, and the one must yield to the other in the very nature of things. That is the reason why I longed to hear the Senator from Kansas suggest, if it be best for us to go back to the previous rate of carrying merchandise through the mails and the old order of things, how the old hiatus between the receipts and the expenditures—growing wider and wider, deeper and deeper—is ever to be filled up or to be spanned. Does the Senator propose to abandon the idea of carrying into the new States and into the new Territories, and into the new cabins and hamlets and villages that are growing up every year in those new States and Territories, the mails on new routes to be opened, creating new draughts upon the Treasury? Certainly the Senator from Kansas does not want to throw himself across the idea of cheap, efficient, and rapid communication among all the people of the land, however remote they are. Every citizen of this great country has some sort of a claim and demand on the Government that the Government shall carry to him all that knowledge and intelligence which the functions of the mail were established to carry, and to carry them to him in the quickest possible and the cheapest possible and the safest possible manner; and if it clogs and weighs down the wheels of the carriage with other and extraneous matter it does injustice to that very class of our fellow-citizens to whom I should suppose the Senator from Kansas would be most solicitous that legislation should be directed.

Now, take the comparative receipts and expenditures of the Post-Office Department, classified by States, and it is full of instruction upon this point. The old States have all the mail facilities that they can have. There is no great opening in my State, for instance, or in New England generally, for any improvement in mail facilities, according to the present system of transmitting mails. Whatever of the revenue, if any there be, that comes from the mail system into the Treasury of the United States from these old States over and above their expenditures is rightly and properly devoted, consecrated to the higher work of carrying the mails to those States and to those sections yet undeveloped that cannot pay the current expenses, and that ought not to pay them, and that are entitled under our present system to have their letters, their intelligence, carried to them just as cheaply, though they live hundreds of miles beyond the voice of civilization it may be, as they are carried to my door or to that of my neighbor in a State as old as any in the Union. There are but six States that bring into the revenues of the Post-Office Department as much money as is taken out to carry the mails in those States. In all the rest of the States of the Union it costs more to carry the mails than all that is obtained in those States; and which are those States?

I do not speak of it in any other sense than to call to the attention of the Senator from Kansas, and to the attention of other Senators, that they have more interest in this effort of the Senator from Maine than any other section of the country, than the section from which that Senator himself comes; that the new States necessarily and largely, and in the present condition of things the whole southern country, are dependent upon this principle which lies at the very outset of this legislation, and ought to underlie all legislation on the subject, namely: that the first duty of the Government is to carry the mail everywhere that the flag floats, and to carry it just as cheaply as possible and just as rapidly and as safely as it can be. Of all the States there are only six where the Post-Office is self-sustaining, and they are Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

Mr. MERRIMON. Will my honorable friend allow me to interrupt him for a moment?

Mr. DAWES. Certainly.

Mr. MERRIMON. A great part of the postage paid in those States is paid upon merchandise, books, and such things that are sent to distant States, to North Carolina, all over the South, and all over the West, Kansas and everywhere; and the persons to whom they are sent, although the postage is paid in the post-office from which they are sent, have to pay the postage at last; it is added into the bill.

Mr. DAWES. I am quite ready to discuss that point with my friend; and I should not have forgotten it if he had not been kind enough to remind me of it. The State of Massachusetts is the second of all the States in the Union in this list. There is but one State, the great State of New York, which has the great post-office in the city of New York in it, that pays a few dollars more postage over and above its expenditures than the State of Massachusetts. I desire the Senator from North Carolina and the Senator from Kansas to look at the fact that the letter postage in the State of Massachusetts bears to all other postage the ratio of fifteen to thirty-one. That is to say, there is about twice as much postage paid in Massachusetts upon other matter than letters, other matter than the legitimate matter of the post-office, as there is upon letters; and so in different ratios it is characteristic of all these six States.

My friend from North Carolina says that a great deal of that is for the benefit of the people who live out of those States. Let us see how that is. If so, it is for States not so far from Massachusetts as North Carolina. North Carolina does not do a mercantile business with Massachusetts through the mail. Massachusetts, when she sends her mercantile traffic to North Carolina, sends it part way to a wholesale dealer, and the wholesale dealer sends it to the retail dealer, and the retail dealer, within a few miles of my friend from North Carolina, distributes single articles not exceeding four pounds in weight to his customers in the different States. The people engaged in this kind of specialty traffic largely in these six States, more than in any other States, avail themselves of the benefit which the mail furnishes them to distribute their specialties in small packages to their customers in a way that my friend in North Carolina and my friend in Kansas cannot avail themselves of. They never correspond with a producer of these articles in the distant States for a single article to be sent them by mail, but the producers of these articles that supply distant sections send them in gross, not by mail, to the wholesale dealer, and the wholesale dealer distributes samples, perhaps in the mail or otherwise, to the retail dealer, and it is the retail dealer who distributes through the mail his small packages. That is the practical application of it. And therefore it is that those most devoted to the specialties are those who derive the greatest benefit from this, because they get their specialties carried at mail rates, while other people are obliged, the consumer and everybody else, to pay freight rates.

Mr. MERRIMON. I beg to say to my friend from Massachusetts that while goods are generally sent in bulk to the West and to the South by the merchants in the commercial cities in the East, thousands and tens of thousands of dollars' worth are sent through the mails in small packages—as a silk dress, a pair of gloves. I know one or two houses in New York that send to my city annually tens of thousands of dollars' worth of goods that pass through the mails exclusively. It is true the New York merchant pays the postage upon those things at the post-office in New York when he mails them, but he never fails to charge the consumer with the postage which he pays there, so that the citizen in North Carolina virtually pays that postage; and the same may be said of every State in the West. I remember I was a member of the Committee on Post-Offices and Post-Roads last year; and it appeared before the committee from one witness that one stage from San Diego to some point in New Mexico, probably Santa Fé, carried over a thousand pounds of merchandise put up in four-pound packages, sent there from New York, thus transporting a stock of goods in that way.

Mr. DAWES. Does not my friend from North Carolina see that that cost the Government so much that the Government was not able to carry the letters all over Arizona to that extent that it would if it had the $4,000,000 that were taken out of the Treasury and expended in carrying merchandise? That is what I am trying to enforce on my friend from North Carolina, that money was taken out of the Treasury over and above what the merchant in New York paid for the privilege of carrying his merchandise in the mail to make up the difference between that and what he would have paid if he had paid the common freight charges upon it; and that this was so much taken from the ability of the Government to furnish facilities to which the citizens in Arizona were entitled under the Constitution.

Another thing is true, that the merchant in New York, for the sake of obtaining the trade of the customer in North Carolina away from the merchant of Raleigh and from other cities in his locality, is obliged to pay this charge in the mail, and he offers mail-free to deliver to the man in North Carolina cheaper than he can get that same article of his local trader; and therefore my friend not only deprives himself by this policy of the mail facilities he would otherwise have and is entitled to, but he makes war upon the local industry of his own State; he builds up the trader in New York; he makes the millionaire in New York who commands the mail facilities of this whole country to distribute goods from the New York center at the expense of the local interests all around him. He loses sight entirely of that fact. I know he gets his goods as cheap thereby and perhaps a little cheaper than he can of his Raleigh merchant; but, after he gets his goods so much less, he is obliged to pay in taxes to the Government to support the New York merchant every dollar that he gains by sending it through the mail.

I said, sir, that I should vote for this bill; not that this bill accomplishes everything in the line which it is intended to pursue, but that it accomplishes something, and leaves us much better off than we should be by adopting the proposition of the Senator from Kansas. I do think that perhaps we could improve upon this bill by providing that samples, for instance, might be sent through the mail in small quantities of eight, or ten, or twelve ounces at a much cheaper rate than ordinary merchandise; but I would contrive to extend mail facilities at the expense of mercantile facilities rather than mercantile facilities at the expense of mail facilities. The policy suggested by the Senator from Kansas is in the opposite direction. The Senator is apprehensive that the people of this country will not understand us; that they will confound this effort with the idea that it is increasing postage. He says that he believes the people of the country have condemned the effort of last session to undertake to extend mail facilities at the expense of the freight business of the Government. I do not agree with the Senator. I do not think that the people will fail to see ultimately that the outcry which comes from those engaged in these specialties, those engaged in the patent-medicine business and in the pattern business in the East, that crowd every workshop in that part of the country with the manufacture and production of such material as can be carried through the mail—I do not think the people will fail to understand in the end that if they have these facilities extended, if we go back to the old system, it is for the benefit of the few at the expense of the many.

There are many ways in which the great deficit in the receipts of the Post-Office Department has come about. The Senator from Delaware [Mr. SAULSBURY] the other day alluded to some of them. In all administrations and under all Postmasters-General, those most solicitous of administering the office upon economical principles, there has been waste, glaring waste. When it appears that a mail contractor can pay, as was disclosed the other day in some investigation at the other end of the Capitol, $200,000 in a brief space of time for outside purposes, outside of his legitimate contracts, no one can fail to see that he must necessarily obtain his contracts at an enormous amount beyond the actual cost of the service, or else he never would have either the ability or the desire to pay these large sums for outside and illegimate purposes. That is so now. That has always been so. I know of a mail contractor of the olden time, whose whole contract price for performing his mail service all told was $106,000, who received in the olden time $109,000 extra for performing that $106,000 mail service, and who has been knocking for the last ten years at the door of the Treasury for $450,000 additional, and whose counsel said the other day of his prospects that he had come within a squirrel's jump of his money once already. That was of the olden time, not differing from this time in that respect, nor likely to differ from the administration of the Department in all time to come this side of the millennium; but he who fails to put forth every energy in the drection of economy in the mail service, of curtailment of every extra dollar of expenditure, or the expenditure of any dollar for anything but its legitimate function, curtails so much of mail facilities and cheap postage to his constituents wherever they may live in this land.

There was a departure thirty years ago which has crippled the mail service, the Post-Office Department of this Government, more than any other, and which sooner or later must command the serious consideration of the Government. In 1845 and 1846, I think it was, or perhaps in 1846 and 1847, the Government put the telegraph under the control of the Post-Office Department, as an adjunct of that Department, as a part of it, as a new method of transmitting intelligence, as the stage-coach was a new method over the horseback method, and as the railroad was a new method over the coach. Nobody at that time supposed that it was possible to maintain it in this country otherwise than as an adjunct of the Post-Office Department. They tried it two years. At the end of the first year, against the protest of the Postmaster-General, and because the receipts in its infancy were only a little over $1,000 while its expenses were $3,000, lest it should become too much of a charge upon the Post-Office Department, they turned their back upon that, the most important instrumentality for the transmission of intelligence to every mortal in this land ever invented by the genius of man. In less than thirty years this com-

petitor with the post-office for the transmission of intelligence has grown into so important and so extensive a business, that its yearly receipts are somewhere near $10,000,000, and it divides more than 8 per cent. upon a nominal capital of $40,000,000. It enters directly into competition with the Post-Office Department; it takes the cream of its business. It will continue year after year to increase in business at the expense of the Post-Office Department and its revenues. It is too large now for us to grapple with. We shrink from the attempt to recover what, against the protest of the Postmaster-General of that day, we voluntarily gave up because it was a charge of some two or three thousand dollars more upon the Treasury than were its receipts. To-day we pay something like $4,000,000 more than we receive to those who insist upon it that they shall have the right to carry merchandise through the mails at a cheaper rate than they can carry it in any other way, and that deficit is increasing year after year. Men recognize this fact more extensively in all kinds of business every year. They have come to devise methods by which almost every kind of industry can accommodate itself to the mail, as the ingenious Yankee in Boston did when he divided up his team-harnesses into pieces of four pounds weight and sent them all to Arizona through the mail at less than one-quarter what he would have been obliged to pay to the express or the freight agent. He chuckled over it; he broke down the mail in Arizona, and the poor inhabitant by the wayside is waiting now to hear from the Senator from Kansas, or from you or me, if we have any desire to communicate with him, until these harnesses that are distributed all along the mail-route are gathered up and carried off.

That is what this system and this policy, which the Senator from Kansas invites us to go back to, will bring the mails to and will bring the tax-payer to also; for these nine and a half millions this year and ten and a half or eleven millions next year (more than all the expenditures of the Government within my recollection) have got to be paid somehow, and other branches of the Government must be curtailed, other services must be crippled, other means of development must be foregone for the purpose of turning, perverting the mail back into a freighting machine, and that solely, and for no other purpose than because he who can avail himself of it by the subdivision of his material can do it with an advantage over his neighbor. Four or five years ago—I do not know how it is now; the Senator from Nevada [Mr. SHARON] can tell me—a large part of the treasure of California was transmitted East through the mail, because it could be done cheaper that way than it could be done by the express or in any other mode. A considerable part of it came in that way, and it was increasing when I was there more and more every month. I do not know how it may be at this hour, but why should it not be? Why should not the entire business of the coast that is capable of being divided into packages of not more than four pounds pack down the mail, so that instead of being what our fathers thought it was, an agency for the transmission of intelligence of such a peculiar character that it could not be trusted to private hands, it should become a grand express office?

Mr. President, having said that the people will see that the Senator from Maine is engaged in a warfare for cheap postage, and whatever blows and scars he may receive, he will receive also at their hands ultimately a pension for his service and the suffering he may endure, as the military men say, in the line of his duty, I propose to support him in this bill, though I do not agree that it is perfect by any means. I do not agree that this schedule of his is the best. I think something like what the Senator from North Carolina seems to have in his mind as to a fourth class might have improved the matter; but if the Senator from North Carolina had experience, and I do not know how that is, upon the Post-Office Committee last Congress, he will appreciate what I say, that there are many minds, eight or ten of them, in that committee, to say nothing about the seventy in this body, and it is difficult to bring them all to agree upon any one thing. In that line I support this bill.

Mr. HARVEY. Mr. President, I entertain for the Senator from Maine, the chairman of the Committee on Post-Offices and Post-Roads, and for every member of that committee, as high regard probably as any Senator here. I do not think it is inflicting or aiming to inflict upon either the chairman or the committee any scar when I offer as a substitute for this bill a proposition to simply go back to the law as it existed before it was changed on the 3d of March, 1875, by an amendment to the sundry civil appropriation bill, an amendment so hastily offered that it was not understood by the gentleman who moved it himself. That being the case, it can hardly be expected that other Senators understood what its effect was. If any Senator doubts that this was the fact as regards the way in which the amendment was offered, I refer him to the speech of the chairman of the Committee on Post-Offices and Post-Roads. The portion of the speech I allude to was published on the fourth page of the RECORD of April 8. He states, speaking of another Senator:

> He went from my seat to the Senator from Minnesota—
>
> The Senator from Minnesota, [Mr. Ramsey,] by the way, was at that time the chairman of the Committee on Post-Offices and Post-Roads, and is not now a member of this body—
>
> and immediately returned to me, and stated that it would be highly gratifying to the Senator from Minnesota if I would offer the amendment. I said that if that was the case, concurring in the amendment, as I understood it related only to merchandise, I would offer it. I went to the Senator from Minnesota and he said it would be agreeable to him if I would do so. I said: "Very well; I will offer it." Now, I committed one error. I did not turn to the statute to see what was embraced in the third class.

Senators, even the best of us may commit errors; and that error of the Senator from Maine led the Senate into the commission, as I think, of a great error; an error the effect of which has been, as I stated the other day, in my opinion, to render the people of this country dissatisfied with the postal law as it now exists and as it is proposed to be amended by the bill brought forward from the committee.

What is the ground on which this bill is brought forward? It is upon the assumption that the Post-Office Department must be made self-sustaining. According to the classification made by the law as it exists and the figures returned by the Post-Office Department, supposed to be correct by the Committee on Post-Offices and Post-Roads, it is shown that on the carriage and handling of second-class matter the deficiency is in the neighborhood of $7,000,000, while by the figuring as regards third-class matter, the estimates for which I think can be shown to be erroneous, they only claim the deficiency to be $4,000,000. That being the case, why does the bill brought forward by the committee propose to make up this deficiency, not by levying additional rates upon the class which causes the bulk of the deficiency, but upon the third class, which even by the calculations that I have said I believe to be erroneous can only be shown to be deficient in the amount of $4,000,000? A proposition to remedy a deficiency caused in that way by such a bill as the one brought forward looks to me a good deal like the artifice of the man who proposed to lengthen his blanket by cutting off one end and sewing it on to the other. We made an attempt of that kind last spring on the 3d of March, when we increased the rates upon third-class matter, and we find the effect is that the deficiency is greater than ever. We cut off one end and sewed it on to the other, and find the blanket shorter than it was before.

Mr. DAWES. Where does the Senator get those figures?

Mr. HARVEY. It is admitted, I think.

Mr. DAWES. Where does he get the statement of the deficiency?

Mr. HARVEY. What was the deficiency last year?

Mr. DAWES. The statement of the Senator from Maine, the statement which I have just quoted from the Postmaster-General, is that what we did last spring, increased the revenues 60 per cent.

Mr. HARVEY. I can show that that is guess-work. In the letter from the Postmaster-General he says:

> These figures are subject to a variation of about 10 per cent., on account of increase of business since they were first compiled.
>
> The proportion of the revenue from third-class matter will increase while there will be a decrease in pounds sent, (about 15 per cent.,) &c.

Now, what is the basis of that calculation? It is simply experiments made in weighing mail matter, referred to and quoted in a former letter from that Department.

Mr. DAWES. I understood the Senator to say that it was admitted. If the Senator proposes to refute the statement, that is proper enough. No one can object to that. That is not what I complain of. I complain that the Senator says it is admitted.

Mr. HARVEY. Does the Senator from Massachusetts or the Senator from Maine claim that the deficiency in the Post-Office Department for this year will be less than it was when the former law was enforced?

Mr. DAWES. In this part of it it will be 60 per cent. less.

Mr. HARVEY. O, yes; that is another question. That is just what I was speaking about, cutting off at the place where the deficiency is not caused. The deficiency is caused, as these statistics show, by second-class matter. It is a deficiency of about $7,000,000; but we are met——

Mr. DAWES. If the Senator will allow me, and will turn to the tenth page of the pamphlet he has in his hand, he will see this:

> The only feature wherein the present workings would differ is in the revenue from each pound of third-class matter. The total matter of third class sent has decreased about 15 per cent., while the revenue has increased from eleven cents to between seventeen and eighteen cents per pound, an increase of about 60 per cent.

Mr. HARVEY. To show the fallacy of that kind of calculation, I call the attention of the Senator to this fact: The revenue of the Post-Office Department will be decreased from the fact that a large amount of third-class matter is now sent to Canada and mailed in post-offices just beyond the border, the Dominion of Canada charging one cent for four ounces, or one-fourth of the amount that we charge in this country under the present law. That revenue is all paid there, and if it is destined to go to post-offices anywhere in the United States, under our postal arrangement I believe the United States is bound to transport it without pay.

Mr. DAWES. I will state to the Senator that merchandise carried from Canada and remailed here cannot exceed more than eight ounces in a package; and it is to be patterns and samples of merchandise, and that is all.

Mr. HARVEY. Does the Senator doubt——

Mr. DAWES. I will state further that the post-offices in Canada have been forbidden to mail in Canada for the United States any matter that is brought into Canada from the United States for that purpose.

Mr. HARVEY. The Senator will certainly admit that matter may be shipped there as freight, the duties paid upon it, and then the agent or any one representing the shipper can post it. The authori-

ties in Canada cannot determine where it comes from. It can be taken to any post-office and mailed at the rate of one cent for four ounces, one-fourth of what it costs here.

Mr. DAWES. It cannot be anything but patterns and samples of merchandise, including grains and seeds. That is the phraseology: "Patterns and samples of merchandise, including grains and seeds." It cannot be carried as freight into Canada, since a recent order, for the purpose of being remailed here; so that the Senator need have no anxiety about the diminishing of our revenue from that quarter.

Mr. HARVEY. I am satisfied of the way it has already operated. Packages are sent in that way, pamphlets, catalogues, &c.; and in this manner single firms have deprived the postal revenues of the United States by thousands of dollars.

I was going on to say when interrupted that this tabular statement in the letter of the Postmaster-General is compiled from the very same experimental weighing of the different classes of mail matter that was made before this new postal arrangement went into effect, and I quoted from the conclusions of the then superintendent of the general railway service in the speech I made the other day.

His conclusion was:

I have introduced these statements to show the fallacy of all arguments that have been produced to show that the deficiency of the Post-Office Department is attributable to the samples of merchandise, which form hardly a perceptible portion of the mails, or to matter of third class, which forms but 30 per cent., and yields about 24 per cent. of the revenue.

Mr. HAMLIN. That refers to single packages of merchandise—samples.

Mr. HARVEY. The same rule will apply so far as the cost of transportation is concerned, whether samples or articles of merchandise or transient publications. The question is about the weight. That is about the only way in which the transportation of third-class matter can affect the mails. I know that in this tabular statement the attempt was made to charge as part of the cost of third-class matter a large percentage of what they style the maintenance of the establishment, or, in other words, the cost proper of maintaining the Post-Office Department and the different post-offices, the clerks and others who handle the mails throughout the United States. It will be conceded that these expenses must be borne and will be borne by the people whether merchandise is excluded from the mails or not.

It is therefore a fallacy to urge that third-class matter costs anything like what is charged now for its transmission. The Senator from Minnesota, [Mr. WINDOM,] the chairman of the special committee of the Senate on transportation, showed very plainly by calculations made by those competent to do it that, allowing to the railroad companies engaged in the transportation of mails 50 per cent. for profit, the people still, under existing laws, pay several times what is necessary to pay for the cost of transportation of mail matter.

As I have said before, the third-class matter cannot be properly charged with the cost of maintaining the Department or paying the officials engaged in handling the mails. Therefore the cost of transportation is the only additional cost that comes as a consequence from the transmission of third-class matter at reduced rates. The document I have just quoted from, the report of George S. Bangs, the late general superintendent of the railway mail service, states correctly:

Of the $16,000,000 paid for transportation, $9,000,000 would not be materially affected by doubling the mails; $3,000,000 only would increase directly with the weights, and $4,000,000 would increase indirectly with the weights.

So that the question, Senators, is simply this: Shall the people of the United States, being as we are bound to support the existing mail establishment, be compelled, either in one way or the other, to resort to certain corporations engaged in the transportation of small packages for profit, and endure the extortions that such corporations choose to inflict, or shall they be enabled by the use of their establishments, the cost of which they are paying, to send at a reasonable rate small packages to any part of the United States at a uniform and equitable rate? That is the whole question in a nutshell. The Postmaster-General, in the conclusion of his last letter on this subject, says:

While it is possible that second or third class matter might be doubled without proportionately increasing the expenses of the Department or entirely thrown out of the mail without materially reducing the expenses, this has not been considered, nor, in my opinion, should it be, especially as far as relates to that portion of matter admitted to the mails in the third class and not strictly belonging to the class of privileged mail matter. If such matter is admitted to the mails at all, it should not be as privileged matter, but should be made to pay its way.

So far as second-class matter, and also second-class matter sent at transient rates and now included in the third class, is concerned, it is for Congress to decide whether such should be admitted to the mails at a loss to the Department.

He says that the question whether the expenses of the Department would be increased or not by carrying third-class matter in the mails should not be considered. That is rather a heroic statement of the proposition. It is a good deal like that of the philosopher who, when told that certain theories of his did not accord with the facts, said, "So much the worse for the facts." I apprehend that when the people of the United States become satisfied, as they will upon a thorough examination of this matter, that the Post-Office Department can be properly and legitimately used to reduce the exorbitant cost of transportation of small packages where it is possible to transport them by express companies, and to transport them to other portions of the country where it is not possible to have express companies—when the people learn that these conveniences can be had without material additional cost, they will not be willing to throw away the facilities caused by the possession of all these means which must be maintained for other purposes independent of the question whether they transport mail matter of this kind or not. The service must be maintained for the transportation of first and second class mail matter. That will be admitted on all hands. No one proposes to abolish the Post-Office Department and the mail service, and throw everything in this country into the hands of corporations.

The Senator from Massachusetts [Mr. DAWES] discussed at some length the telegraph companies. Legislation of the kind proposed by this bill tends to throw into the hands of other corporations as much monopolies and as much disposed to profit by every advantage they can get as telegraph companies. This legislation tends to their benefit. I do not say that it is intended to do so. I do not believe that it is; but such corporations never quarrel with the motives of acts which benefit them. I assert my belief, and I think it is the belief of a majority of the people of this country, that no class, no interest, no people have been benefited by the legislation which we had last spring, or will be benefited by that proposed in the bill, except express companies.

Senators talk about people engaged in a special interest or employment being active to make the mail useful to their business. It is the characteristic of every kind of special interest to be active and to endeavor to influence, as far as possible, legislation in their behalf. Such has been the case with the express companies. The Senator from Maine stated the other day that the committee had before them the attorneys of the express companies, arguing in favor of the entire exclusion of this class of matter from the mails. I think myself it was something like carrying coals to Newcastle to go before the committee with any such arguments; for it seems to me that all the members of the committee, from their own motion, from their own convictions, are disposed to go far enough in that direction. The effect of the bill would be virtually to exclude from the mails small packages, the transmission of which would be of great benefit to a great many classes of people in the country. Farmers and planters all through the country take agricultural papers and publications of all kinds. Circulars are sent to them advertising improved kinds of scions and fruit-trees, bulbs, flowers, valuable seeds, and a great many things of that description. The crops of this country have been increased in value immensely by the very facilities which have been afforded for the transmission through the mails of packages of this kind.

As I said, many of these people live remote from the lines of express companies. These small packages cannot be transported as freight. They are too small to be handled in that way. They would be lost in transmission. The people depend upon the United States mails to bring these little packages; and, by the way, the statistics of the Post-Office Department show that they do not average above three and a half ounces to the package. These, I say, can be transported without any material cost to the Department. They are of great benefit to the people to whom they are sent. The publications which are sent out call the attention of the people to advertisements of many articles, and cause the writing of many letters in making these orders, thus increasing your revenues on the most profitable kind of mail matter, letters, money-orders, &c.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. HARVEY. Yes, sir.

Mr. HOWE. I have not heard the whole of his remarks. I want to know whether he means to controvert or does controvert the statement of the Post-Office Department to the effect that the transportation of third-class matter does in fact cost the Government something like $4,000,000 more than the revenues derived from it?

Mr. HARVEY. I do.

Mr. HOWE. The Senator controverts that statement?

Mr. HARVEY. Yes, sir; and on this ground——

Mr. HOWE. I should like to hear the ground.

Mr. HARVEY. They charge to the transportation of that matter costs which legitimately do not belong to it. They charge a large percentage to it for the maintenance of the establishment, as the book-keeping term is, I believe, or as we would ordinarily speak of it, "for the necessary expenses of the Post-Office Department, and of the officials connected therewith," which we must pay whether this matter is transmitted or not. Therefore, as a practical question it is not properly and legitimately charged to the cost of the transportation of third-class matter. We may ignore it here, but it is a plain enough proposition; and if the Senator will examine the tabular statement, and all the deductions drawn from it, he will find that it is assumed all the time that it is legitimate to charge that additional cost and expense.

The true effect of this bill, if it should pass, would be to saddle the third-class mail matter with a large portion of the cost of transmitting a certain class of publications which some Senators class under the head of current intelligence. I mean by this certain trashy newspapers published at a regular office, and at regular periods, but containing nothing, or substantially nothing but trifling silly stories, novels. It would have the further effect of necessitating the publication by the Department, or through some contract with the Department, of a great number of lists and charts, by which postmasters and others could readily ascertain the difference in distance between different post-offices. Either something of that kind will be neces-

sary, or else the rates of postage will have to be guessed at. However this may be determined, to reach any exact compliance with the law, it will require a great many calculations, a great many lists, a great many statements of difference in distance. Even then many mistakes will be made and many differences of opinion will occur between those sending mail matter and the different postmasters. The additional taxation imposed by this bill at different distance-rates would be levied in a hap-hazard manner, a manner that would be very disagreeable and offensive to the people of the country. For instance, from the city of Washington to a number of post-offices in the West or South or East it would be one thousand miles. From the city of Baltimore to some of those places it would be more than a thousand miles and to some of them less. An arbitrary difference would there arise. That would be felt in a like manner to a greater or less extent throughout the United States at every post-office where any mail matter of this class was sent or received.

Therefore, Mr. President, taking all things into consideration, the way in which the law as it now stands was made, the dissatisfaction felt and expressed toward it, and the feeling of opposition that exists to the proposed bill reported by the committee, the safest and surest way the Senate can take out of the difficulty is to return to the law which was in existence prior to the 3d of March of last year. That law was satisfactory, so far as I know, to every interest in the United States except the one special interest which has been referred to here; and probably it was not satisfactory to certain officials who entertain the opinion that has been uttered here that the Department must necessarily be made self-sustaining, and that this must be accomplished according to certain ideas which have been dignified or otherwise by styling them business principles. I like to see business principles. In commercial business I like to see the business regulated by commercial law and in official business in accordance with official laws and requirements.

The people of this country are not ready to indorse an idea which would have the effect to bring any Department of this Government to the position of placing any portion of the territory of the United States, as regards the benefits of any one of the Departments of this Government, in a provincial light; and that would be the effect of charging upon those residents of the country who live at a distance of more than a thousand miles beyond the trade centers or beyond the centers where these little packages, the transmission of which through the mails is such a great convenience, are dealt in. The same idea of business principles carried into the idea of free delivery in a city would be something like this: A man who lived in the next block to the post-office would receive his mail by the carrier and a penny or something like that, and he would have this given him as an advantage pertaining to him because of his proximity to the post-office; while a man a few blocks away or in the vicinity of the boundary of the city would have to be satisfied if he got his mail occasionally at some cost in addition. This might be the case if the delivery was not made absolutely free. The same idea is applied by them to the transmission of the mail throughout the country, and it would work with just as much justice in the one case as in the other. I hope the Senate will agree with me in these views and adopt the amendment which I have proposed.

Mr. MORRILL, of Maine. There are a few aspects of this general subject, Mr. President, which I should be surprised to see pass from the Senate without attracting a good deal of attention. The first is the financial aspect which is presented by the terms of the bill. I am sure that that will be felt to be all-important by every member of this body who has given to the subject of our general finances any consideration at all. The general sentiment in the country growing out of the operation of general causes, causes touching public and private affairs alike, is that both public and private economy, always a virtue, has now become the absolute necessity of the American people.

My colleague offers an opportunity in this direction. I propose to consider it first in the interest of public economy growing out of the present condition of things. I am perfectly aware how indifferent we have come to be in regard to all questions of appropriations. The truth is that we have been accustomed in the last ten or fifteen years to deal in such magnificent sums, that our notions have become entirely confused upon the whole question of appropriations out of the public Treasury. Ten millions of dollars of appropriations now would not startle the Senate as $10,000 would a few years ago. We are somehow insensible to the general fact that we are appropriating these immense sums of money. The expenditures for the coming fiscal year for which we are now appropriating are estimated to be $262,995,000, and the estimated receipts are to be $276,331,000.

I expect that before the session closes we shall have the hat carried around everywhere, as it is likely to be, to the clerks in the Treasury Department and in other Departments, to the twelve-hundred-dollar clerks, to contribute to the Government. I only refer to that as showing the sense of the condition of our finances in a general way. But we are not so badly off as that. I do not want to represent any such thing as that. The general finances of the country may be said to be in a reasonably prosperous condition from the fact that the Secretary of the Treasury tells us that the receipts this year will be equal to the entire obligations of the Government.

It cannot be denied by any one the least familiar with the public service that in the last fifteen years the expenditures of the Government in many directions have been largely extended and largely increased over what they previously had been. The truth about it is, that the American people had come to entertain larger and more enterprising ideas upon several branches of the public service than in former years, and the excessive expenditures of this country are attributable as much to that fact as to any other; and it cannot be denied that we have grown a little latitudinarian as to the subjects of appropriation. We have got very liberal in our interpretations of the powers of Congress to appropriate money. This year the estimates for internal improvements are $17,000,000. Tell me when such a thing as that happened before or until recently? I am not mentioning this fact to criticise it, but mentioning it as a fact which enters into the financial ecomony of the American people. That is precisely what we are doing—a proper thing to do in its way. I am not here to criticise it; but there stands the fact. Other branches of the public service have been or are being enlarged in the same way; and these facts lead us to criticise the public service, to look sharply at it. When we find the public service being enlarged and making these draughts upon the Treasury, it is our duty to look it square in the face, and see upon what ground it proceeds.

It is said, Mr. President, that this is one of the branches of the public service to which the principle ought not to be applied that it should be self-supporting. I happen to be one of those who do not entertain that opinion. Undoubtedly, in the beginning, those who framed the Constitution and those who were here in the early days to interpret it did not understand it to be one of those essential principles of the Government, one of those services which were in themselves essential elements of the Government, and which therefore must be provided for, whatever the expense was. They did not understand that it was like the Army and the Navy, essential to national existence, because the mail could be carried by private enterprise. Whoever is curious to see what the constitutional interpretation is, let him just look at the language of the Constitution itself, and it will be evident that it never was intended to be that.

Congress shall have power to establish post-offices and post-roads.

That is one thing.

Congress shall have power to raise and support armies, * * * to provide and maintain a navy.

Those are quite other and different things. But I am not going to enter into a constitutional argument on this subject. Suffice it to say that from the beginning for the first fifty years no other idea was ever applied to this system than that it was to be self-sustaining and self-supporting. In that respect it is precisely on the principle of that provision of the Constitution which provides for copyright and for the right of an inventor to have the benefit of his invention. Did it ever occur to anybody that he was to have that at our expense or that we should protect him in it? But look at the statute if you would know precisely what the idea was. He was to pay the bills, and whoever applies for a patent will find that the expense which the Government incurs in the protection of that right devolves on the patentee in every instance. So here. Congress has power to establish post-offices and post-roads. Was it ever intended, was it ever believed, that Congress might draw upon the Treasury of the United States for the support and maintenance of them? Clearly enough the fifty years of administration under this provision of the Constitution by the founders of the Government and those who succeeded them, who provided in all instances for the support of the system from the revenues imposed upon the service, ought to be conclusive upon that point. Standing here to-day, having departed from that principle, can any of us say that that was not the belief, the opinion, and sentiment of the founders of the Government?

Mr. President, there is no more authority for charging the Treasury of the United States for carrying the mail than there is in the case I have already put of patents or of any other service in the world which you may assume that Congress has a right to charge upon the public Treasury. This whole departure by which the Government of the United States is charged with a deficiency in this case is in my judgment utterly unauthorized.

Mr. MERRIMON. May I ask the honorable Senator a question at this point?

Mr. MORRILL, of Maine. Yes, sir.

Mr. MERRIMON. Can he point to any clause or word in the Constitution which restricts the discretion of Congress in the matter of imposing or abstaining from imposing postage upon letters or anything else that we transport through the mail, or that prevents Congress, if in its wisdom it shall see fit, to allow the patentee to have his patent without cost to him?

Mr. MORRILL, of Maine. No, sir; but it is not what you cannot find prohibited; it is what you can find affirmatively stated in the Constitution of the United States that justifies the exercise of authority by Congress. That is the question.

Mr. MERRIMON. Or by reasonable implication.

Mr. MORRILL, of Maine. Yes; reasonable implication. I accept that amendment. That is what I am talking about, that there is in this case no affirmative proposition and no reasonable implication; and the fifty years of policy under that clause, originating in the very foundation of the Constitution, silence us on that subject. If anything ever was settled or if anything ever can be settled, that question is settled, that this was expected to be a self-sustaining and self-supporting service, and not chargeable upon the public Treasury,

and any departure from that is a departure from the sound interpretation of the Constitution, in my judgment; at any rate, it is a departure from a policy of fifty years' standing.

Mr. HAMLIN. Sixty-three years.

Mr. MORRILL, of Maine. Half a century will do very well, but the longer the better, so that we regard it. This argument applies to carrying the mail proper, establishing post-offices and post-roads. What does that mean? When the convention put into the Constitution the declaration that Congress should have power to establish post-offices, what did it mean? The meaning was apparent. It had a historic character. It meant that we would do precisely what they were doing in England and in other countries. To establish a post-office and a post-road was to carry the mail. Carrying the mail was to do what? What was carrying the mail? That had a definite, fixed meaning, growing out of the practice on that subject. It was to carry letters, messages originally, and intelligence, newspapers, in other words. It was confined absolutely and unqualifiedly to that, so that when the Constitution provided that Congress should have power to establish post-offices and post-roads, it was to make provision for carrying the mail, to wit, letters, messages, newspapers. Suppose it had been proposed in the convention that formed the Constitution to add "and merchandise," does anybody suppose that would have been entertained? Is there a Senator here who supposes such a proposition as that would have been entertained in the convention? No, not one. Was it ever thought of? No. Is it deducible from anything here? No; nobody can say that. How comes it here, then? Answer that. How did merchandise get into the mail?

Mr. MERRIMON. Congress did exercise the power, though, to send matter through the mail free, and did it from a very early day. I do not remember exactly the day, but from a very early day members of Congress were allowed the franking privilege.

Mr. MORRILL, of Maine. That is not on the point; I am not talking about that.

Mr. MERRIMON. It proves that Congress exercised the discretion of imposing postage or abstaining from it at its pleasure.

Mr. MORRILL, of Maine. That is not the point I am on. I am talking about how merchandise got into the mail. That is the question. It got in in that insidious way that all encroachments come. The first thing that was done in regard to it was they said, "Let us put a sample in the mail, a sample of merchandise." See how seductive that was. What was a sample? A sample was something that you could put into the mail or send on a message or an errand to convey an idea that somebody had something to sell.

Mr. HAMLIN. If my colleague will allow me right there, I will make a suggestion to him. Samples in all time had gone through the mail, but had gone under letter postage.

Mr. MORRILL, of Maine. Very well, you allowed a sample in the mail. If you could send a sample in the mail indicating that somebody had something to sell, the next proposition would be "why not send the thing itself?" If you encourage a man to look at the sample, why not allow him to send the thing itself? So the thing itself got into the mail, and by small degrees, one step after another, one little innovation after another, a little yielding by good nature every now and then, step by step, at last merchandise at large has got in. Now you have the whole body of merchandise in the mail. There is nothing I believe that is not absolutely dangerous to the mail which is not allowed. I appeal to the sense of the Senate whether there is a Senator here who believes there is the slightest authority on earth for any such thing in the mail? If this question could be raised before the Supreme Court of the United States, every particle of it would be inhibited in the mail, absolutely enjoined. There is not a shadow of foundation for it. It is an absolute usurpation in every sense. There is no justification for it. It not only is abhorrent to the sense of the Constitution, and in violation of sixty-three years of policy as my colleage says, but it is in contravention of and incongruous to the very subject of the mail. What is merchandise? It goes with the pace of the snail. What does the mail do? It goes by express. I know in these days of lightning expresses and lightning trains, which I may notice a little later, we carry a portion of the mail by lightning express to the exclusion of the rest.

Mr. President, the remedy for what we are complaining of, the remedy for the evil we are encountering, the remedy for this incongruity in the public service, is to strike it out. That is the only remedy you have. I know how difficult that is, how difficult it is going to be; but I appeal to Senators in this time of reform, in this time of retrenchment, in this time when it behooves us to criticise every branch of the public service and lop off all its excrescences, when it is our duty with manly fortitude to walk up to every branch of the public service and criticise it and prune it and bring it within the principles of the Constitution and the laws—I submit whether when four millions of deficiency come to this service from this one particular item, or class of items, we shall not cut it out, although it may be imbedded, as my honorable friend from Kansas says, in the public service in such a way that the people of the United States would be greatly disappointed if we should do it. The people of the United States are patriotic and intelligent, and the people of the United States would no more sustain a thing of this sort if they understood it than we would ourselves. The truth about it is that the people of the United States did not put it in and the people of the United States would not allow it to be kept in, in my judgment, in the interest of classes. That is what it is to a very great extent; it is in the interest of the trading classes. It is the spirit of traffic that makes these innovations on the laws, and that spirit grows stronger and stronger every day as the great trading, trafficking centers become potent and influential in the country.

I regret extremely that my honorable colleague and his committee have not found it worth while to strike directly at this burden on the public Treasury, at this incongruity in the public service; but it is better than nothing that it should be taxed if it must be in the mail. If it must go in the mail, make it pay. Now it does not pay. It ought to pay. It ought not to be in the mail for the reasons I have stated, because it is not there by authority and it is incongruous; but if it must stay in the mail, let it pay.

Let us look at another subject, Mr. President. In the speech, so full of facts, made by my colleague the other day, he gave us a table, which is printed and will be found in the CONGRESSIONAL RECORD, which discloses another feature of this same service, that is itself, as I submit to the Senate, a very great abuse—which discloses a very startling fact to my mind, a fact wherein the most important, the primary, and the essential idea of the mail is subordinated to the secondary consideration; a fact wherein letter postage yielding four or five millions of dollars to this branch of the service is entirely subordinated and that sum absorbed, and three millions in addition to that sunk in the carrying of newspapers well-nigh free. Now let us look at that fact. I believe that is not embraced in this bill; I am sorry it is not. That newspapers are legitimately in the mail, I do not deny. They are there properly; they ought to be carried, and they ought to have all the facilities of the mail; but that they ought to make a reasonable compensation for that service, I think every Senator will agree; that they ought to make a reasonable contribution, every Senator will agree; and never in the history of this country was the press of this country better able to do it than it is now. Look at the magnificent establishments in New York City, Boston, Chicago, and all the large cities and centers. They have become large establishments, wealthy establishments, having immense revenues and immense influence in the country. Now I ask is there any earthly reason why such establishments as those should not make a reasonable contribution for the privileges they ask, demand, and receive?

According to this table we carry through the mails 55,783,832 pounds of newspapers annually, which is about twenty-seven thousand tons, from Maine to California, the length and breadth of this country. For how much? The cost of that transportation is $7,969,240.97, according to the estimation and calculation of the Post-Office Department. What do they pay? They pay $976,217.06, leaving a deficiency to be paid out of the Treasury of the United States of $6,993,023.91. Can any Senator tell me on what ground that is allowable? Can any Senator tell me why the newspapers of this country should be carried through the mails at a loss of $7,000,000, a subsidy of $7,000,000, and we be forced to go about to these Departments and carry the hat for contributions from twelve-hundred-dollar and fourteen-hundred-dollar clerks? We are engaged in that business, and shall be until the close of this session, cutting down salaries, cutting in all directions, as if our case was one of desperation. We do not have either the public virtue or the manly independence or the patriotism to look this startling fact in the face and say to the press, "You must pay something for this service; you must pay something more, you must pay a reasonable contribution." It is not a case of charity at all.

How did this come about? Until 1850 the newspapers were always below the letters, but they were upon terms very nearly compensating, contributing a reasonable sum for the privilege. But in 1852 or 1853, I think, as it appears from the speech of my colleague, the rates were reduced some 50 or 60 per cent. That went along until 1861 or 1862 when the newspaper postage was further reduced, some 50 per cent. more of what was left, and in 1874 it was still further reduced. During all this period the public press was never more prosperous in the world. Was there any occasion for that? Was there any reason for it? Is there any other class of interests in this country so subsidized? If there is, I do not know it.

I ask Senators is there any justification for such a thing as that? Are you willing to vote $7,000,000 deficiency this year out of the Treasury of the United States and assess it on the people of this country to the end that the newspapers may be carried through the mail without charge? For, Senators, $976,000 out of nearly $8,000,000 expense is too small a matter to talk about as a compensation. It is a mere beggarly charge anyway. In these days of financial reform I submit whether the Committee on Post-Offices and Post-Roads in the sense of this Senate have not proposed a most important reform, and I submit whether this branch of the public service has not gone in this direction as long as it ought to go; and, Senators, I submit to you that there are two abuses here which are really startling. The fact that the postage upon newspapers in the last twenty years has been reduced so that their contribution to-day is merely nominal, while from that branch of the service or from that item of the postal service there is a deficiency of $7,000,000, is a fact so startling that the Senate should never pause until it is corrected.

I know what is said about it, that it is the distribution of intelligence and news. I do not know that the newspapers themselves would like to put it upon that ground wholly. I hardly think that there is an intelligent editor or publisher in the whole country who would claim this exemption for himself. If we vote it, very well; if

we choose to give a subsidy of $7,000,000 to the newspaper press of the country for any consideration, they will not reject it. If we can harmonize our views with an idea of public interest or the advancement of the public interest by taking $7,000,000 out of the public Treasury to float the press free, they are not the people to complain, and they are not to blame for that. But I submit, Mr. President, that upon every principle of economy, upon every principle of fair dealing, this interest ought to take its share in the public burdens with all other interests; and as high as I think of the distribution of intelligence and of knowledge among the people, and as liberal as I would be in all legitimate undertakings to accomplish that end, I do not put so high an estimate upon what we are doing as to believe that we are doing our full duty when this expenditure is put in our face and we know that while we are doing all we can to cut down the public service in all other directions, here is a deficiency so large that it cannot but challenge our consideration.

My honorable friend from Kansas seemed to have an idea that this service should be treated as a branch of the essential government itself. I want to show Senators how this has always been treated in matters of appropriation, what we have always thought of this branch of the service, so to speak. You will find that instead of appropriating money out of the Treasury of the United States for this service, the practice uniformly has been to appropriate it in this way: "The money appropriated for the postal service in each year shall be appropriated by law out of"—out of what? Out of the Treasury of the United States, as in the case of the Army and the Navy? No, sir; but "out of the revenues of the service." That is what the law is; that is the rule of action; that is the rule, I submit to my honorable friend, with the great respect I have for his character. He is here under the obligations of the law, and the obligations of the law from time immemorial require him to appropriate out of the revenues of the postal service and not out of the public Treasury; and whenever we put our hands into the public Treasury at the rate of $4,000,000 in the interest of cheap transportation, or of $7,000,000 in the interest of the press, we violate the Constitution or violate that policy which was established by the founders of the Government and continued uninterruptedly for over sixty years, to say nothing of our own notions in these times of public economy.

Mr. President, I greatly hope that, as a partial measure, the bill which has been reported by the Committee on Post-Offices and Post-Roads, with such commendable industry in the consideration of it, will pass. Although I think it inadequate, it is one step toward getting back to a sound basis on this question. To make this third-class matter in the mail, merchandise in the mail, pay an adequate compensation for its carriage will do something toward in the end getting it out of the mail, I hope. At any rate, in the interests of economy it will enable us in this year to make such retrenchments as that we may not be compelled to unreasonably cripple other branches of the public service which cannot so well bear the burden.

Mr. WITHERS. Mr. President, I understand it is the desire of the chairman of the committee who reported the bill to have a vote this evening on the bill, and therefore I propose to devote a very few moments to what I shall say in reference thereto. I will premise by stating that I agree very much with what has been said by several Senators on the other side in reference to the impolicy of making the mails the medium for distributing merchandise, and I very cheerfully voted for the amendment offered by the Senator from North Carolina proposing to strike from the bill those provisions which apply to merchandise; but as we could not secure the adoption of that amendment, as it was resisted by the friends of the bill, we have now to do the best we can.

I am utterly and entirely opposed to the prohibition of the transportation of books or any other literary matter through the mails. I believe that a proper regard for the public interest for multiplying the facilities for acquiring knowledge and information demands that books should be carried through the mails whether they pay the cost of transportation or not.

But before I descend to a discussion of the details of the bill, I want to say one or two words in reference to my friend, the Senator from Maine, [Mr. MORRILL,] who has just discussed the constitutional features of the bill, who denies *in toto* that there exists any constitutional power to transport through the mails the matter to which he objects at a loss to the Government. Mr. President, I had been of the opinion that I was rather a straight-laced, strict constructionist of the Constitution, and I cannot say now that I am sorry to find that the Senator from Maine goes a bow-shot beyond me in requiring the most rigid adhesion to the principles of that great instrument. All that I ever claimed for it was that we had the right to do anything which the Constitution authorized or to pass any act which was necessary to carry out the plain provisions of the Constitution. I therefore argue that when the Constitution empowers us to establish post-offices and post-roads it is entirely within the province of Congress to decide for themselves and fix by appropriate legislation as to the character of the matter which shall be transported along those post-roads and shall be received in those post-offices. I think, so far from this being a violent interpretation of the Constitution, that we have before us indubitable evidence that such was the construction placed upon it by the framers of that instrument; and, so far from merchandise and books being excluded from the mails, the history of the legislation on the subject indicates that from the very earliest period of the formation of this Government and the establishment of the postal service both books and packages were transmitted through the mails by authority of law.

The Senator from Maine shakes his head. I propose to read from the statutes the law providing for the transportation of letters and packets through the mail, passed within less than five years after the Constitution was adopted; and I wish also, in the same connection, to state that Congress at that day exercised the discretion which I claim for it under the Constitution, by permitting mail matter to be transported through the mail at a dead loss to the Government, because the franking privilege was established in 1791 by authority of law. I ask now the attention of both the Senators from Maine to this provision in the statute, section 9 of an act passed by the Second Congress:

That from and after the 1st day of June next, the deputy postmaster and persons authorized by the Postmaster-General shall demand and receive, for the postage and conveyance of letters and packets, except such as are hereinafter excepted, according to the several rates and sums following.

Mr. HAMLIN. Perhaps I can save my friend some trouble if he will allow me to say that in the administration of the Department from then to now a packet has been a packet of letters, and nothing else.

Mr. WITHERS. Very good; but I will show the Senator that he is mistaken in his definition of the word "packet," and that it has not the signification which he gives to it, but it is used as a generic term. My friend from North Carolina is looking for the reference.

Mr. HAMLIN. It means packages of letters and dispatches.

Mr. WITHERS. "Letters" are one thing and "letters and packets" are another thing. I think I can substantiate my allegation by the quotation I referred to just now.

Mr. DAWES. In point of fact, I think the Senator is mistaken. Whether the language of the statute is broad enough to include merchandise or not, may be a question; but in practice I think the Senator will ascertain at the Post-Office Department that no such thing as merchandise ever went through the mail until 1851.

Mr. WITHERS. I am perfectly aware that merchandise as such is not provided for by the statute; but I say that during the years which immediately succeeded the adoption of the Constitution and the establishment of the postal service, provision was made by law for the transportation of other matters than those to which both the Senators from Maine assert that the postal service was restricted.

Mr. MORRILL, of Maine. I think the Senator must misunderstand me, because the distinction I drew was between mail matter proper and merchandise. My proposition was that merchandise had been put upon the mails recently, and that there is no authority in the Constitution for that.

Mr. WITHERS. I understood that portion of the argument of the Senator from Maine who has just interrupted me. I thought, though, if I understood the argument, that it tended to establish two propositions: first, with regard to the unconstitutionality of providing for the transmission by mail of anything other than letters and intelligence, especially if it was done at a loss so as to require an appropriation of money from the Treasury to cover such transportation.

Mr. MORRILL, of Maine. No, sir; on that the Senator will allow me to state that I said that that was the policy of the Government and that that was in harmony with what I conceived to be the nature of the service itself on the ground that it was not an essential element of the Government. That is my ground. I did not say that it was otherwise than constitutional.

Mr. WITHERS. My understanding was that the constitutional argument was directed to that particular point by the Senator from Maine who has just taken his seat. If I was mistaken in it, of course I have nothing further to say upon that branch of the subject. I will read from an act of the Fifth Congress, passed in 1799:

And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing—

I ask the especial attention of the Senators from Maine—

And for every packet composed of four or more pieces of paper or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, That no packet of letters conveyed by the water mails shall be charged with more than quadruple postage unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive to be conveyed by the mail any packet which shall weigh more than three pounds.

Now, if the provision "or other thing" is not broad enough to cover something more than the specific restriction which the senior Senator from Maine desires to apply to it, I am not competent to construe the English language. I therefore assert as susceptible of demonstration that the practice in the earlier years of this Government, when the Constitution had recently been adopted, when the men who framed that Constitution were yet living and acting in Congress as members thereof, and who must of course have known what they designed to provide for by the provisions of that Constitution, was that matter was carried through the mails at a dead loss to the Government and by operation of law, and that packets of other than letters were received and transmitted by mail. This being the case, I think the whole argument based upon the allegation as to the unconstitutionality of the proposed amendment, and also as to the impolicy and want of any precedent in the history of the Government for the trans-

portation of matter other than letters and newspapers, falls to the ground.

I was very much struck with the very able argument made by the distinguished Senator from Maine [Mr. HAMLIN] the other day in his opening speech on this bill; and I think he nearly, if not entirely, convinced me of the impolicy and impropriety, in the present straitened condition of our finances, of permitting merchandise, properly so called, to be carried by mail at a loss to the Government; but I dissent entirely from the position which he subsequently assumed by which he sought to establish the identity of books, bound or unbound, with merchandise. He believes that the publishers of books stand precisely on the same footing with any other merchants. I do not. I think they are entitled to greater consideration at the hands of the Government. I believe that greater encouragement should be given to them than to merchants who trade in clothing or other articles, simply because, by the dissemination of their wares through the country, as you increase the facilities for their distribution through the country you increase the intelligence of the country, you cultivate the intellect of the country, and the country gets paid back more than four times over for the expense which is thereby incurred.

The Senator's nice distinction between knowledge and intelligence, it seems to me, though philologically correct, was scarcely applicable to the bill under consideration; for if any reason exist why we should transmit intelligence to the people through the medium of the mail even at a loss to the Government, I think the reason exists *a fortiori* for the transmission of knowledge through the mail for the benefit of the public mind. Therefore I dissent entirely from the distinction he drew, especially as he applied the principle to discriminate against books as in favor of newspapers.

Now, that the revenues of the Government derived from the postal service fall far short of its expenditures is a fact about which there can be no question; but I think the assertion that this deficit has its origin in an immense loss on the transportation of second and third class mail matter may be received with many grains of allowance. I think the developments which have taken place recently here and elsewhere indicate that a portion of the deficit in that service, at least, may be attributable to other causes than the loss simply by the transportation of second and third class matter. I think that the frauds which are admitted now to have been perpetrated upon the Post-Office Department in the way of straw-bids for contracts, and other means whereby that Department has been wronged to the extent of thousands and hundreds of thousands and perhaps millions of dollars, go far toward accounting for a considerable portion of the alleged deficit.

But, sir, I do not care to pursue that branch of the subject further. I want to bring the mind of the Senate to the consideration of the question whether the bill as reported from the committee is preferable to the bill passed by the House of Representatives. Both have their defects, I admit. If I were individually consulted upon the subject I should provide a bill differing from both. But as we are reduced now to the alternative of selecting the one or the other, I have no hesitation in saying that I give the preference to the substitute offered by the Senator from Kansas, which is the House bill. I give it for the reason that I believe the public sentiment through the country generally demands a restoration of the old rates, especially as to books and matter of a similar character, and it is in this question of book distribution that I feel a special interest. And I hope I may be pardoned, in the absence of the Senator from Mississippi [Mr. BRUCE] and in the absence of the distinguished Senator from Indiana, [Mr. MORTON,] who have in their special charge the interests of this special class of my constituents, and whom I profess myself to have some interest in, for saying a word or two in behalf of the colored people of the South, who are especially interested in this matter of cheap postage on books.

We are making an effort now, an honest and earnest effort, to educate the colored people of the South. They are as a general thing impecunious. It is an important matter to them that they should have the facilities for acquiring the necessary books for prosecuting their education at the lowest possible rates. If you restore the old law to what it was prior to the amendment which passed a year ago, you enable these people to get from the publishers at first cost, with the addition of postage and a very moderate percentage of profit, the school-books which they demand and require to enable them to prosecute their studies; and although the amount involved is a trivial one in each case, in the aggregate it amounts to a good deal. Although it is but a little matter to me whether I pay fifteen cents for a spelling-book or twenty-five cents at a country store, it is a very important matter to the darkey who wants to send his children to the public schools but has not the means to furnish the books for them. In the interest of these people, I ask that this matter of the transmission of books by mail may be placed at the least possible rate, to increase the facilities for the distribution of school-books among the common people of the country, and especially among the colored people of my State of Virginia and the South generally.

The senior Senator from Maine, while admitting that the distribution of knowledge and intelligence was a matter of great import, dived deeper into the philosophy of the question and attempted to demonstrate that there were other claims far superior to those which demanded intellectual food, and that if we looked at the question in that way alone we ought to provide for the transportation of flour, meal, and meat, as well as clothing, in the mails, inasmuch as food and clothing were matters of greater necessity and importance than intelligence. The argument would be a good one but for the fact that food, flour, corn, and meat are generally the products of the soil and they are raised in every agricultural community throughout the land, and they can be much more cheaply provided by the efforts of individuals at home than they can be purchased at a distance unless some providential cause interposes. But I do not hesitate to assert here that I regard it as the duty of the Government in case such a contingency should arise as to threaten with starvation or severe suffering any portion of the people of this country, and there were no other means of transportation, and none more cheap could be devised, to send them by mail or by any other means at their command.

There is one feature of the postal bill under consideration which has received no attention from any one in this discussion, so far as I have heard, and I would ask attention to it. It is this: the great difference between the rates of postage as provided under the bill reported by the committee and the rates established in foreign countries, palpably and particularly the Canadian rates. I have on my table a report in which some statistics are given showing the relative rates of transportation by mail as provided for under the existing bill and those under the Canadian postal law. A practice seems to have grown up in the face of the discrimination and inequality which here exist, by which the postal service of the United States annually loses a very large amount of money in consequence of the great difference between these rates. The postage on books, for example, being four cents per pound in Canada, and in the United States sixteen cents per pound for distances under a thousand miles, as provided for in this bill, what is the practice? A dealer desiring to distribute books through the United States puts up one hundred, or five hundred, or a thousand of them in packages in a box, and transmits them by express to a post-office in Canada just beyond the border where each package being previously marked, before they are boxed, with its destination, the name of the person, and the post-office where it is to be sent, the box is opened at the Canadian post-office, and four cents per pound postage is collected upon the packages and they are distributed throughout the United States to the post-offices to which they are directed, and the Canadian postal service realizes all the money on them.

It seems to me that a bill is manifestly defective which permits such a practice to grow up under it, and that it is inevitably necessary that the bill should at least be amended in this particular so that the postal service in this country can be placed on an equal footing with that of the Dominion of Canada.

Mr. President, I am not discussing, I am suggesting objects of thought and points in reference to this bill as I go along, because the limited time which I propose to occupy precludes any extended and systematic discussion of its various features. I throw out these suggestions for the consideration of the distinguished Senator from Maine, the chairman of the committee, if his attention has not already been drawn to them, as I presume it has. I would suppose that he could suggest some remedy for the evil which I have just mentioned.

Mr. HAMLIN. I want to understand the Senator. Do I understand him that books printed in Canada are thus sent to this country?

Mr. WITHERS. No, sir. Books may be printed in New York and Boston and can be shipped by express to Canada marked to the destination of individuals in a thousand post-offices in the United States and they are mailed for the first time in Canada under the operation of the Canadian postal law, which prescribes a rate of four cents per pound, and no more can then be collected at our offices; the payment being made in Canada, no postage is collected by the United States.

Mr. President, I thought I was as much in favor of an economical administration of the Government as any Senator on this floor; that I was disposed as much as any one to economize in all directions which would not result in manifest detriment to the public service; but there are considerations which outweigh dollars and cents with me, and this question of disseminating information, intelligence, and knowledge among the people is one of those things. I think it is of superior importance to the question of dollars and cents. I dissent entirely from the doctrine of the Senator from Maine who last addressed you, that it was the design of the Government that the Post-Office Department should be a self-sustaining institution. I do not think there is anything to indicate that such was really the design primarily of the Government. Certainly its history for many years shows that it did not carry out the intention of the originators, if such were the design of those who planned and organized this service.

But, sir, the second-class matter to which the Senator from Maine who sits nearest me [Mr. MORRILL] alluded so frequently, the distribution of newspapers through the post at a loss to the Government of about $8,000,000 or $9,000,000 per annum, which was the fruitful source of stricture and criticism with him, would appear at first blush to be startling to the public mind, and some might well question the fact whether the rates established on newspapers ought not to be revised and modified in order to correct the immense loss which grows out of their transportation. But I think even in this matter, if it be carefully analyzed and studied, the Senate of the United States will agree with me that, although a large loss is realized by the Government for the transportation of this matter, though it is carried through the country at an immense loss, and requires an appropria

tion of $6,000,000 or $8,000,000 to make good the deficit, still this money also is well spent. I believe in a free press. I believe in the distribution far and wide throughout the country of this grand source of intelligence. I believe that it will be a bad day for the country when we have the press muzzled in any particular, by any legislation, directly or indirectly. I believe that it is essential for the preservation of our free institutions that the people everywhere throughout the length and breadth of the land, not only in the centers of civilization and intelligence, but in every hamlet and cross-road and cabin throughout the land, shall know and feel an interest in what is transpiring at their national and State capitals. I believe that there is no better safe-guard for public virtue than the dissemination of such intelligence among the people; and while I would not defend the profligacy of the press, which sometimes crops out in rather offensive prominence, and while I would say that this liberty of the press is occasionaly abused by the newspapers of the land or some of them, I still take them in the aggregate, and no pecuniary consideration upon earth could induce me by my voice to smother or in any way retard the distribution of the intelligence which they convey throughout the length and breadth of this land.

I should like, if time permitted, to have discussed this question more elaborately in several of its phases; but, warned by the progress of time and knowing and sympathizing full well with the desire of the chairman of the Committee on Post-Offices and Post-Roads, who reports this bill, to come to a final vote this evening, I will close what I have to say on the subject.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. DAVIS. Before the doors are closed, I wish to present a compilation of the laws showing the changes in the domestic rates of postage and the various provisions of the franking privilege from 1789 to the year 1876; also a statement showing the amount of receipts and expenditures of certain post-offices of the United States for the fiscal year ending June 30, 1875; which has been prepared at the Post-Office Department. I move that it be printed, so that we may have it before us in the further consideration of the bill of the Senator from Maine, [Mr. HAMLIN.]

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened, and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 11, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION.

Mr. WADDELL. I rise to make a correction of the Journal. I am recorded on the vote upon the river and harbor bill——

The SPEAKER. The gentleman refers to the vote as published in the RECORD.

Mr. WADDELL. It is the same in the Journal. I am recorded as absent and not voting I was present, and voted "ay."

The SPEAKER. The Journal will be corrected accordingly, and also the RECORD.

The Journal, as corrected, was approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth;

An act (S. No. 309) for the relief of William L. Nance;

An act (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army; and

An act (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army.

CONTESTED-ELECTION CASES.

Mr. HARRIS, of Virginia. I gave notice that this morning, immediately after the reading of the Journal, I would call up the contested-election cases of Bromberg *vs.* Haralson and Finley *vs.* Walls. But the gentleman from New York, [Mr. TOWNSEND,] who was one of the subcommittee in one of the cases and who made a minority report, is absent on account of a severe affliction in his family. I think it would be discourteous to him to take up the case in his absence. Therefore I will not call it up this morning, but give notice that on Tuesday of next week, immediately after the reading of the Journal, I will call up those cases, and will follow them with the case of Le Moyne *vs.* Farwell.

OSAGE LANDS IN KANSAS.

Mr. GOODIN, by unanimous consent, introduced a bill (H. R. No. 3125) providing for the sale of the Osage ceded lands in Kansas to actual settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SALE OF LOGS ON MENOMONEE RESERVATION.

Mr. TUFTS. I ask unanimous consent that a Senate bill, which has the unanimous recommendation of the Committee on Indian Affairs, be taken up and acted on at once.

There being no objection, the House proceeded to the consideration of the bill (S. No. 697) authorizing sale of logs cut by Indians on the Menomonee reservation in Wisconsin, under the direction of the Interior Department.

The bill was read. It authorizes the Secretary of the Interior to cause to be sold at public sale to the highest bidder, for cash, after due advertisement and in such lots or quantities as he may deem judicious, all pine timber cut upon the Menomonee Indian reservation in Wisconsin, under the direction of the United States Indian agent, J. C. Bridgman. The proceeds arising from the sale of such timber are to be applied, first, to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of the timber; and the surplus, if any, is to be deposited in the nearest depository to the credit of the United States, for the benefit of the said Menomonee Indians.

Mr. TUFTS. I think there can be no objection to this bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TUFTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARCHIE THREET.

Mr. LUTTRELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, moved that committee be discharged from the further consideration of the petition of Archie Threet for carrying mails in Alabama, and the same be referred to the Committee of Claims; which motion was agreed to.

THIRD-CLASS MAIL MATTER.

Mr. COX. I ask unanimous consent to present resolutions of the Chamber of Commerce of the city of New York, relative to the rates of postage on third-class mail matter, and to move its reference to the Committee on the Post-Office and Post-Roads.

The motion was agreed to.

Mr. COX. The resolutions are very brief, not hardly a stickful, and I move by unanimous consent they be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
Instituted A. D. 1768.

Resolutions relative to the rates of postage on third-class mail matter.

At a meeting of the Chamber of Commerce of the State of New York, held on the 6th day of April, 1876, Mr. George W. Lane, second vice-president, in the chair, the following preamble and resolutions, offered by Mr. Francis B. Thurber, were adopted:

Whereas during the closing hours of the last session of Congress changes were made in the rates of postage on third-class matter which have proved detrimental to the business interests of the country, and have been productive of general dissatisfaction; and whereas the present House of Representatives have passed an act restoring the old schedule of rates, but this act is now sought to be amended in the Senate in a manner that retains many of the objectionable features of the legislation of last session: Therefore,

Resolved, That in the opinion of this chamber the former rates have proved to be of great value to the public, and unless it can be plainly shown that some items which were carried under this schedule have proved unduly burdensome to the mails the former rates should be restored.

Resolved, That in the adjustment of rates a distinction should be made between merchandise and merchandise samples, the former being usually of large size and bulk, (limit four pounds,) while the latter are usually quite small and would generally come under the limit of twelve ounces.

SAM. D. BABCOCK, *President.*

A true copy. Attest:

GEORGE WILSON, *Secretary.*

IMPROVEMENT OF THE CAPITOL.

Mr. HOLMAN. I ask unanimous consent that Senate bill No. 417 may be considered now and put upon its passage with an amendment recommended by the Committee on Public Buildings and Grounds. In the first place, I ask the bill may be reported, and then I wish to say a word. It is a bill (S. No. 417) for continuing the work of improvement on the Capitol grounds.

The bill, which was read, provides that for continuing the work of the improvement on the Capitol ground during the present fiscal year the sum of $25,000 is thereby appropriated.

Mr. HOLMAN. Mr. Speaker, the appropriations for the last fiscal year are $200,000 and $200,000 for the present fiscal year. The appropriation made for the present fiscal year is substantially exhausted, and, as the House is aware, one of the marble vases on the east front of the Capitol is still incomplete and certain grading and filling are necessary to be done north of the Capitol and south of it to put these grounds in reasonable condition. Twenty-five thousand dollars is required for that purpose by the architect of the Capitol, Mr. Clark. The Committee on Public Buildings and Grounds recommend the pas-

sage of this bill reducing the amount of the appropriation from $25,000 to $20,000, believing $20,000 would be sufficient to accomplish the purpose.

I wish to say to the House that the importance of early action on this bill is apparent. If these grounds are to be put in fair condition, such as is desirable, it must be done in the early spring. While I am not favorable to this kind of appropriations, I do not see how it can be avoided in this instance.

I move to amend the bill by reducing the appropriation from $25,000 to $20,000, as recommended by the Committee on Public Buildings and Grounds, and also to add the following words:

To be expended under the direction of the architect of the Capitol.

Mr. KASSON. Does that change the way in which the work is now being done?

Mr. HOLMAN. It is to be expended under the direction of the architect of the Capitol.

Mr. KASSON. But under whose charge is it to be expended?

Mr. HOLMAN. That is not defined in the bill.

Mr. KASSON. The improvements are going on under Mr. Olmstead.

Mr. HOLMAN. But the money itself is to be expended by the architect of the Capitol; he is the accounting officer.

Mr. KASSON. I have no objection if it does not interfere with the plans approved by the two committees of the House and Senate.

Mr. HOLMAN. It does not interfere with them.

The amendments were agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMITTEE ON THE TERRITORIES.

Mr. SOUTHARD. Mr. Speaker, in consequence of the pressure of business before the Committee on the Territories I am directed by that committee to ask leave of the House for it to sit during the sessions of the House.

There was no objection, and it was ordered accordingly.

BAKER CANFIELD.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 3126) for the relief of Baker Canfield, of Saint Louis, Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INDIAN DEPARTMENT.

Mr. WILSHIRE, by unanimous consent, introduced a bill (H. R. No. 3127) to create an Indian department and provide for the government and civilization of the Indians; which was read a first and second time, and ordered to be printed.

Mr. WILSHIRE. I ask, Mr. Speaker, that the bill be referred to the Committee of the Whole on the state of the Union, to be considered at the same time with the bill now in that committee providing for the transfer of the Indian Bureau to the War Department.

Mr. CONGER. That is a most unusual request.

Mr. RANDALL. I object to the proposition of the gentleman from Arkansas. Let the bill be referred to the committee.

Mr. WILSHIRE. My object in introducing the bill is to have it printed.

Mr. RANDALL. I have no objection to its being printed and referred to the Military Committee, which is the proper committee.

Mr. WILSHIRE. I desire that it shall be referred to the Committee on Indian Affairs.

Mr. RANDALL. I understood the bill to relate to the War Department.

Mr. WILSHIRE. The object of the bill is to create an Indian department. It has nothing to do with the War Department.

The bill was ordered to be printed, and referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

Mr. PAGE. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty minutes to one o'clock; and the business of the morning hour is the calling of committees for reports of a public nature. The call rests with the Committee on Commerce.

FOG-SIGNAL ON POINT WILSON.

Mr. HEREFORD, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 1553) for the purchase of a site and the erection of a fog-signal on Point Wilson, in Washington Territory, and moved that it be referred to the Committee on Appropriations, and that the accompanying report be printed.

The motion was agreed to.

EMBANKMENT ON NEVILLE ISLAND.

Mr. HEREFORD also, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river.

The bill was read. It authorizes and empowers the residents and property-owners of Neville Township, county of Allegheny and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island, in said township, by the construction of an embankment or causeway from the head of said island to the southern shore of said river; provided, however, that the Government of the United States shall not be liable for any expenses incurred in the performance of said work, or by reason thereof.

Mr. HEREFORD. Neville Island, or township, is in the county of Allegheny, in the State of Pennsylvania. It is cut off from the main shore by a branch of the Ohio River. There is a petition among the papers accompanying the bill from the residents of that island or township asking that that arm of the river may be closed. They represent in their petition that they are entirely cut off from the main land of their county and their State by this arm of the river, and they ask that it be closed up so that they may have a causeway by which they can communicate with their county and State.

There is a letter accompanying the report from the Chief Engineer to whom this matter was referred. He referred it to Colonel Merrill, the engineer in charge of that river. Colonel Merrill reported to him, and the Chief of Engineers reported to our committee that he saw no objection to the closing up of that arm of the river; that it did not in any way endanger the travel or commerce of the world, but, on the contrary, would perhaps be an aid to it. Therefore, the committee, being satisfied that it would be of very great advantage to these parties living upon this island, and of no disadvantage to the commerce or the travel upon the Ohio River, have directed me to report the bill favorably and to ask that it be placed upon its passage.

Mr. HOLMAN. I would inquire of the gentleman reporting this bill whether this work is recommended by the officers of the Engineer Corps of the Army having charge of that river?

Mr. HEREFORD. I stated that the matter was referred to the Chief of Engineers, General Humphreys, and he referred it to Colonel Merrill, who is in charge of the Ohio River, and they both concurred that this work would be of no disadvantage to the travel on the river or the commerce thereof. I may state also that the bill provides that it shall be done at the expense of the persons living on the island. It will involve no expense to the General Government at all.

Mr. HOLMAN. Is the Government not liable for damages?

Mr. HEREFORD. Not in any way.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEREFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF LIVES ON STEAMSHIPS, ETC.

Mr. REAGAN, from the Committee on Commerce, reported back, with an adverse recommendation, the bill (H. R. No. 1380) to protect life on steamships, steamboats, and sailing-vessels; and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. REAGAN also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 103) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes; and the same was laid on the table, and the accompanying report ordered to be printed.

RECIPROCAL TRADE WITH CANADA.

Mr. HEREFORD. I am instructed by the Committee on Commerce to report adversely on the joint resolution (H. R. No. 14) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged, and to move that it be laid on the table. But I desire to say that, while the committee recommend that the resolution shall be laid upon the table, it entirely meets their consent that the minority of the committee shall present their views.

Mr. WARD. With the approbation of the committee and the consent of the House, I desire to present a minority report, and to ask that the report be printed, and that a day, some distant day, be assigned for the discussion of this question. I would suggest the third Tuesday in May.

Mr. RANDALL. I have no objection to the request of the gentleman from New York [Mr. WARD] if he excepts appropriation bills.

Mr. WARD. I am willing to agree to that. I believe there is no other order in the way on the day I have mentioned.

The SPEAKER. The first question is on the motion of the gentleman from West Virginia, who reports back the joint resolution, that it be laid on the table.

Mr. WARD. I call for a division. I think the question is too important to be thrust aside in this way. There is no matter of greater importance in the commercial relations of this country.

Mr. FORT. I rise to a point of order. The question is not debatable.

The SPEAKER. The motion to lay on the table is not debatable.

Mr. KASSON. I ask that the joint resolution may be reported.

The joint resolution was read. It authorizes the President of the United States to appoint three commissioners, by and with the advice and consent of the Senate, to confer with other commissioners duly

authorized by the government of Great Britain, or whenever it shall appear to be the wish of that government to appoint such commissioners, and to investigate and ascertain on what basis a treaty of reciprocal trade, for the mutual benefit of the people of the United States and the Dominion of Canada, can be negotiated.

Mr. KASSON. Will the Chair now state the position of the question?

The SPEAKER. The Committee on Commerce reported the joint resolution adversely, and the chairman moves that it be laid upon the table. The gentleman from New York, [Mr. WARD,] representing the minority of the committee, desires that it shall remain before the House and be assigned for a day as a special order for consideration. The pending motion is to lay the joint resolution on the table.

Mr. KASSON. If that motion is not sustained, then I presume the motion of the gentleman from New York will be in order?

The SPEAKER. That motion will then be in order.

Mr. KASSON. I hope an opportunity will be given for the consideration of this joint resolution in the House.

Mr. FORT. I object to debate.

The question was taken on Mr. HEREFORD's motion to lay the joint resolution on the table; and on a division there were—ayes 83, noes 71.

Mr. WARD called for tellers.

Tellers were ordered; and Mr. WARD and Mr. HEREFORD were appointed.

The House divided; and the tellers reported—ayes 64, noes 89.

So the House refused to lay the joint resolution on the table.

Mr. WARD. I now move that the joint resolution and the minority report be printed and made the special order for the third Tuesday in May, after the morning hour, and from day to day thereafter until disposed of.

Mr. RANDALL. Subject to appropriation bills.

Mr. WARD. Certainly.

Mr. WARD's motion was agreed to.

Mr. WARD moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT SIOUX CITY.

Mr. KEHR, from the Committee on Commerce, reported back a bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa.

Mr. KEHR. I would state to the House that this bill was read in the House on the first day of this month, and it will be found in the CONGRESSIONAL RECORD of the following day. I make that statement with the view of avoiding, if possible, the necessity of having the bill read again. I have been instructed by the committee to report it back with an amendment.

Mr. HOLMAN. I think the bill had better be read.

The bill was again read.

The amendment reported by the committee was as follows:

Add to the second section the following proviso:

And provided further, That any bridge built under the provisions of this act shall be at right angles to the current of the river.

Mr. KEHR. Mr. Speaker, shortly after the bill for which this is a substitute came into the hands of the Committee on Commerce the committee addressed a communication to the Secretary of War with a view to obtain the opinion of the Engineer Department of the Government upon the propriety of the bridge plan provided for in the bill, and in due time they received an answer informing them that the requirements designated in this bill were similar to those that are in vogue in reference to bridges already constructed over the Missouri River, and indicating a few slight amendments which were adopted by the committee and are incorporated in the substitute.

In addition to this the committee has also examined the bills authorizing the construction of bridges across the Missouri River at Saint Joseph, Booneville, Nebraska City, and Brownsville, and find that the requirements are the same, with the exception that this bill authorizes the Secretary of War, if in his opinion it will not interfere with the free navigation of the river, to authorize the company to construct a ponton or pile bridge.

The bill is very careful in its provision to the effect that the Secretary of War is invested with full control over the bridge, the object being to secure the free navigation of the Missouri River. The bill is the unanimous recommendation of the committee; and I ask that the amendment be agreed to, and the bill passed. I am willing, however, to answer any inquiries that gentlemen desire to make.

Mr. HOLMAN. I did not hear very distinctly the reading of the bill, and I wish to inquire of the gentleman from Missouri whether it provides that in case it is found necessary by the Engineer Corps that changes shall be made in the plan of the bridge, those changes shall be made at the expense of the bridge company?

Mr. KEHR. The bill provides that the bridge plan shall be submitted to the Secretary of War before the work is commenced under this charter, and if it is found at any time thereafter that changes are necessary with a view to secure the free navigation of the river, that the Secretary shall not only have the power to direct that those changes shall be made, but that they shall be made at the expense of the bridge-owners. Indeed, the authority is far more ample than that, for the bill authorizes the Secretary of War, in case he finds it necessary, even to direct the removal of the bridge at the expense of the owners.

Mr. HOLMAN. Does the engineer fix the point of location?

Mr. KEHR. The point of location is designated by the bill itself. I can only repeat that before work is commenced on the bridge the plans are to be submitted to the Secretary of War, and his sanction is necessary before any steps whatever can be taken in the construction of the bridge.

The amendment reported by the Committee on Commerce was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KEHR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAM FERRY-BOAT GENEVA.

Mr. DUNNELL, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (H. R. No. 2479) granting American registry to the Canadian steam ferry-boat Geneva, and for other purposes.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Treasury to grant an American registry to the Canadian steam ferry-boat Geneva, now owned by B. W. Folger and M. H. Folger, citizens of the United States, and residing at Cape Vincent, New York, upon their payment into the United States Treasury the duties legally chargeable upon said vessel.

Mr. DUNNELL. There is a report accompanying this bill, but it is somewhat lengthy, and I can state in a few words the substance of it. This ferry-boat, which is used simply for pleasure purposes, to carry pleasure parties among the islands between Cape Vincent and Kingston, was built by two young men at Kingston, at a cost of $8,750; the machinery was all bought in the State of New York. The boat runs largely in American waters; and the Committee on Commerce were unanimously in favor of giving an American register to this pleasure boat. The result of so doing will be to make the boat subject to taxation in our own country. The owners of the boat purchase their supplies in American ports. The committee could see no reason why under the circumstances there should not be an American register granted to this boat.

Mr. COX. I would like to inquire of the honorable gentleman what duties are payable to the United States on a vessel brought in under our registry laws?

Mr. DUNNELL. There are no duties payable to the United States, but the boat will be subject to taxation within the jurisdiction of the United States. There is now paid to the Canadian government some $270 taxation on this boat, which of course might be saved to our own citizens, for our own citizens own the boat, run it, and supply it in American ports. The boat was built of timber which at the time was at Kingston, but all the machinery was bought in the State of New York. It is the unanimous report of the committee, and I trust there will be no objection to the passage of this bill.

Mr. KELLEY. In the absence of the gentleman from Michigan, [Mr. CONGER,] who has given much attention to this subject, I desire to state one or two objections to this bill. One objection is that all such granting of registers to foreign-built vessels vitiates our statistics. There is nothing more interesting to us at this time than to know the progress, especially the relative progress of ship-building, of steam tonnage constructed in this and other countries. All these admissions of foreign-built vessels to registry, as I have said, vitiate our statistics.

Again, it is a method of evading the tariff laws of this country. The wood hewn into shapes that was put into this vessel had it been brought from Canada into this country would have paid duties; and so with regard to all the materials in this vessel. But if you advance those materials from the simple forms to the perfect steam-vessel and then grant it an American register, you admit all that material free of duty.

Again, this is often made a means of committing frauds on the traveling public, especially the change of name, which is a very insidious form of bill, often introduced into this House. A steamer has run down and deteriorated; has lost reputation; has encountered accidents. A bill is introduced here to change the name of that steamer; she is put upon some other river or body of water; and because of the action taken by Congress upon false or imperfect information a cargo of valuable goods, perhaps a number of lives, are lost from being intrusted to a worn-out vessel under a new name. This granting of American registers to foreign vessels is a better form of perpetrating the same injury to the public.

Considering that this is a matter of only some two or three hundred dollars a year in the way of taxes and revenue, (if that be all that we would get,) I think it would be a most inadequate compensation for a change that may be inflicting a wrong upon our own people and no compensation at all for the duties we would have derived had these patriotic young gentlemen brought their timber from Canada and constructed their steamboat in some American ship-yard.

Mr. DUNNELL. Permit me to say that this vessel was built last

year, in 1875, therefore there can be no such danger as the one referred to by the gentleman from Pennsylvania [Mr. KELLEY] speaking for the gentleman from Michigan, [Mr. CONGER.] If there shall be any objection to the passage of this bill I will call for the reading of the report. I did not do so at first, hoping that the Committee on Commerce might have an opportunity during this morning hour to report the few bills remaining in their hands.

Mr. KELLEY. I would ask the gentleman if he wanted to know how many steam-vessels we had constructed within any given period of years, and what their tonnage was, how would he get that information except by going to the office of registry of vessels? If our steamers are to be built in foreign countries and admitted by act of Congress to American registry, we will have no means of knowing the progress or the decline of one of the most important branches of our industry. If it were for that reason alone, I would resist the making of a precedent of this kind. There is nothing that should be more reliable than the Government statistics of the increase or decrease of tonnage, whether steam or sail, ocean or inland, lake or river. This is a precedent for vitiating all these statistics, and I hope the House will resist it.

Mr. COX. This bill is a very curious commentary on our tariff system. I agree with my friend from Pennsylvania, [Mr. KELLEY,] if anything is to be done with reference to the tariff, or the bringing in of foreign materials, it ought to be done in a proper legal manner. Now, if I understand this bill, it is for the purpose of giving a register to a foreign-built vessel. I believe that if we cannot have ships built abroad to come in free, it might be wise policy to make a tariff per ton *ad valorem* on all vessels built abroad. Everybody can see the animus of my friend from Pennsylvania [Mr. KELLEY] in opposing this bill.

Mr. KELLEY. My animus is the vindication of the statistics of the Government.

Mr. COX. I do not care so much about the vitiated character of our statistics as I do about increasing our tonnage and our shipping in a fair way; in other words, I would cheapen transportation by cheapening our steam and sail tonnage.

Mr. KELLEY. And I would maintain the accuracy of the facts by which the gentleman from New York [Mr. COX] and all others can from year to year learn whether our tonnage is increasing or decreasing, whether we are building more or fewer vessels; and I see here an attempted inroad upon the only line of information that will enable us to do that.

Mr. COX. Well, Mr. Speaker, I do not care much about the statistics as to a dozen or so of these vessels, averaging perhaps less than one hundred tons each; but I do object to this class of special legislation. We may as well enter our protest at once against it. Here we have bill after bill brought in by the Committee on Commerce for special vessels. Why does not that intelligent committee get up some general law? Never in any Congress since I have been here have I seen so many bills of this kind emanate from any committee unchallenged. There is only one remedy for this; cut down your tariff, or fix a rate per ton on foreign vessels, or let them come in free. This mere subterfuge—I use the word with all respect—by which the tariff is dodged is not the highest kind of legislative politics.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, this bill is but another effort to transfer to foreign ship-yards the building of our ships. It is the commencement of a system which would transfer to Canada or to the ship-building establishments of Europe the building of such vessels as are now built at Philadelphia, Chester, Wilmington, New London, and other ship-yards in the United States. It would allow the building of steamboats in Mexico for the navigation of the Mississippi River. It would destroy entirely the industry of this country now employed in that branch of our navigation in order to give to the subjects of other countries advantages which we ought to hold and maintain for our own citizens. The ship-building of this country has dwindled very rapidly since the war. Before the war our tonnage employed in the foreign trade amounted to two-thirds of all that was so engaged; to-day it amounts to only one-third. The passage of bills of this kind tends to transfer the whole of that tonnage to foreign vessels. I trust that every gentleman on this floor who desires to keep the industry of this country in the hands of our own people will vote against this insidious attempt to transfer the ship-building of the nation into foreign hands.

Mr. DUNNELL. I am certainly surprised at the very great effort which is being made by certain gentlemen to defeat the change of the register of a little pleasure-yacht costing $8,750, which has been built at Kingston by Americans, a majority of all that went into the vessel (including the machinery, which came from New York) having been the product of this country. Circumstances favored the building of the hull in part by American mechanics at Kingston.

Now gentlemen speak a great deal about shipping. This is simply a pleasuring yacht for going among a few islands in that vicinity. These are American young men, who started poor boys and have built themselves up. This yacht is their property. It runs almost wholly in American waters, touching at Kingston. This is their business and their only business.

Mr. KELLEY rose.

Mr. DUNNELL. The gentleman from Pennsylvania [Mr. KELLEY] always drags in matter of this kind upon the most trivial occasion. I can see no reason why the question of American shipping should be brought in necessarily by either of the gentlemen from Pennsylvania or by the gentleman from New York, [Mr. COX.]

Mr. KELLEY. As I said, I spoke in the absence of my friend from Michigan, [Mr. CONGER,] who I see is now here. I want merely to say in this connection that Kingston is not very far from Detroit, and that American mechanics at Detroit build very good steamers; and I have no doubt that, if these patriotic young men had not discovered that they could have their work done more cheaply with Lower Canadian wages at Kingston than at Detroit, they would have been as willing to build on one bank of the river as on the other.

Mr. DUNNELL. Let me say one word further in this connection. This change of registry is recommended by the United States consul at Kingston, by the collector of the port at Cape Vincent, and by all the Federal officers in that vicinity. I am satisfied that if the report were read (which I wished to avoid so as not to delay other bills in the hands of the committee) there would be no objection.

Mr. KELLEY. As this is a pleasure-boat, I have no doubt the consul and the collector will enjoy many a pleasant excursion on it.

Mr. CONGER. The gentleman from Pennsylvania, [Mr. KELLEY,] who has very enlarged ideas about statistics, is not very much acquainted with the geography of the lakes. Kingston is only seven hundred or eight hundred miles from Detroit. It is at the foot of Lake Ontario, and between it and Detroit are Lake Erie, Lake Ontario, and the Niagara River.

Mr. KELLEY. I confounded Windsor with Kingston.

Mr. CONGER. Now, Mr. Speaker, I believe I have been as strict and continuous in my opposition to the registry of foreign vessels, when it interfered with our own ship-building, as perhaps any member of the House. I find, however, that this is a pleasure-yacht for running among the islands of the Saint Lawrence. But, more than that, any objection which I might have to the bill is obviated by the provision that this boat shall pay duty as any other property coming into the United States. Therefore, if vessels thus registered are required to pay duty on their value as other property, I have no objection. I have myself introduced a bill for registry of an old ferry-boat, which is to be rebuilt, upon paying duty. It is to be repaired in an American ship-yard, and pay duty on all new material, and the repairs are to be done by American labor. When duty is to be paid there is no objection, but the general rule is not to change foreign registers to American registers without the payment of any duty whatever, affording no protection whatever to our own ship-yards and ship-builders. I do not oppose this particular boat, for it comes in paying duty on its whole value, and therefore our ship-builders are fully protected by it.

Mr. DUNNELL. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF LA CROSSE.

Mr. DUNNELL also, from the Committee on Commerce, reported back a bill (H. R. No. 2403) to extend to the port of La Crosse, in the State of Wisconsin, the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes, with the recommendation that it do pass.

The bill, which was read, provides that the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes be, and they are thereby, extended to the port of La Crosse, in the State of Wisconsin.

Mr. DUNNELL. I ask for the reading of the report accompanying the bill, as it contains a statement of all the facts.

The Clerk read as follows:

The Committee on Commerce have had under consideration the bill (H. R. No. 2403) and would respectfully report:

The committee find that a like bill was passed by the last Congress through the House of Representatives, and that the Secretary of the Treasury furnished the following letter in relation thereto:

TREASURY DEPARTMENT,
Washington, D. C., January 5, 1875.

SIR: I inclose herewith a bill for the amendment of section 2997 of the Revised Statutes, and for reasons hereinafter mentioned respectfully recommend the passage thereof.

The object of the bill is to add to the list of ports entitled to the privilege of immediate transportation in bond to an interior port without appraisement at the port of original importation the ports of La Crosse, in the State of Wisconsin, and Detroit, in the State of Michigan.

It is represented that the business of La Crosse is rapidly increasing, and that it is for the interests of the revenue to extend to that port the same facilities as have been given to other western ports.

By the fifteenth section of the deficiency appropriation act of April 20, 1871, (17 Statutes at Large, page 10,) Detroit was added to the ports previously entitled to the privilege in question, but is omitted in the revision. This omission has not been regarded by this Department as affecting the status of Detroit in this respect, although there is room for question whether, under the operation of the repeal provisions, that port is or is not excluded from said privilege. To set the question at rest, therefore, I deem it advisable to reinstate said port by name among those entitled thereto.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

Mr. HOLMAN. If this was a port of delivery before the Revised Statutes were enacted, I do not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. WELLS, of Missouri. I am instructed by the Committee on Appropriations to report a bill (H. R. No. 3128) to make appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. GARFIELD. I desire to give notice that I reserve all points of order on this bill.

Mr. WELLS, of Missouri. I wish to give notice that I will to-morrow after the morning hour move to go into Committee of the Whole on the state of the Union for the purpose of taking up and considering this bill.

ORDER OF BUSINESS.

Mr. SAYLER demanded the regular order of business.

The SPEAKER. The morning hour has expired, and the regular order of business is the consideration of the special order relating to commerce and navigation.

Mr. REAGAN. I am willing to yield, if there be no objection, to the gentleman from Massachusetts [Mr. PIERCE] to submit a report.

The SPEAKER. The regular order has been demanded, and the gentleman must proceed.

COMMERCE AND NAVIGATION.

Mr. REAGAN. I now call up the special order for this day.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The special order for to-day is the consideration of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, reported from the Committee on Commerce by the gentleman from Texas, [Mr. REAGAN.] This comes over from Saturday, April 1, and is made the special order for this day after the morning hour. The House had proceeded as in Committee of the Whole under the five-minute rule as far as the ninth section, which the Clerk will read.

The Clerk read as follows:

SEC. 9. That section 4418 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4418. The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure, and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery and the appurtenances may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged, and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, reliable and approved steam-gauges, one of which is to be placed in each fire-room and one in the engine-room, and which shall at all times be free to the inspection of passengers; and that there are reliable low-water gauges and a suitable steam-whistle; and that, when required by the inspectors, the fusible metals are properly inserted, so as to fuse by the heat of the furnace whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues; and that means for blowing out are provided, so as to, so far as practicable, thoroughly remove the mud and sediment from all parts of the boilers when they are under the pressure of steam. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates one-fourth of an inch thick and of a quality required by law, and shall rate the working power of all high-pressure boilers, whether old or new, according to their strength compared with this standard; and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic tests boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working power for each new boiler a pressure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure as is above described, they may, for reasons to be stated specially in their certificate, fix the working pressure of such boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels, and constructed of iron or steel plates inspected under the provisions of section 4430, shall be subjected to a hydrostatic test in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause."

The SPEAKER *pro tempore*. The pending amendment is one moved by the gentleman from Missouri [Mr. STONE] to amend the section just read, in line 25, after the words "gauge-cocks properly inserted," by inserting the words, "and the lowest gauge-cock shall not be inserted less than four inches above the top of the flues."

The SPEAKER *pro tempore*. The House divided on that amendment and no quorum appeared. The tellers were Mr. ODELL and Mr. REAGAN, and they will now resume their places.

The House again divided; and the tellers reported—ayes 32, noes 112.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill of the House (H. R. No. 2934) to provide for the expenses of the admission of foreign goods to the centennial exhibition at Philadelphia.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 679) relative to interments in the Congressional Cemetery; and

A bill (S. No. 708) for the relief of John M. English, of North Carolina.

The message also requested the House of Representatives to return to the Senate the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia.

COMMERCE AND NAVIGATION.

The House resumed the consideration of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels.

The Clerk read the following section:

SEC. 12. That section 4427 of the Revised Statutes of the United States shall be amended so as to read as follows:

"SEC. 4427. The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected under the provisions of this title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water gauges, steam-gauges, steam-whistle, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this title, and shall be subject to the same provisions of law as officers navigating passenger-steamers."

Mr. COCHRANE. I offer the following amendment:

Amend section 4427 of the Revised Statutes, under section 12 of the bill, by adding to the end thereof and after the word "steamers" the following words:

"*Provided*, That nothing in this section shall in any way affect the provisions of section 4420 of the Revised Statutes, or any other act of Congress relating to the limitation of steam-pressure of vessels used exclusively for towing and carrying freights on the Mississippi River and its tributaries."

I understand that there is no objection on the part of the committee to this amendment. I would like the chairman of the committee to state whether I am correct.

Mr. REAGAN. Though I have not the authority of the committee to accept the amendment, I see no objection to it; and perhaps it is safest that it should go into the bill.

The amendment was agreed to.

The Clerk read the following section:

SEC. 18. That section 4436 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4436. Every boiler shall be provided with a good, well constructed safety-valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge-cocks and a reliable low-water gauge; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown-sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin."

Mr. REAGAN. I am instructed by the committee to offer the following amendment:

Amend section 18 by inserting after the word "thereto," in line 9, the words "when required by the inspectors."

The amendment was agreed to.

The Clerk read the following section:

SEC. 20. That section 4458 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4458. Before issuing any license to any steamer, the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums in addition to the fees for issuing enrollments and licenses now allowed by law according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, $25; and, in addition thereto, for each and every ton in excess of one hundred tons, five cents.

"Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay, for every certificate granted by any inspector or inspectors, the sum of $8; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of $4.

"Such fees shall be paid over to the chief officer of customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury."

Mr. CONGER. I desire to ask the gentleman from Texas whether the amounts prescribed in this section would be sufficient to make this branch of the service self-sustaining?

Mr. REAGAN. I will state that the receipts last year from inspections and licenses were $260,944.75; the expenditures of the same year were $212,392.02, leaving a surplus last year of $48,552.73. And upon this statement of the account the inspector-general of steam-vessels and the board of inspection are of opinion that we could reduce the fees of both classes of officers 20 per cent. and still leave the service self-sustaining.

Mr. COCHRANE. I offer the following amendment:

On page 16, line 16, strike out the word "eight," and insert in lieu thereof the word "seven;" and on page 16, line 18, strike out the word "four," and insert in lieu thereof the word "three."

As I am informed, the feeling prevails among the pilots and engineers of the country that the fees which they pay for their certificates are too large. The committee have very wisely and very properly, in my judgment, made a reduction. The amount paid in one case heretofore was $10; in the other $5. This section of the present bill proposes to reduce the amount to be paid in the one case to $8, and in the other to $4. But I am still of opinion that there might be a further reduction; and I therefore offer this amendment to make it $7 in the one case, and $3 in the other. I think those figures would be entirely acceptable to the engineers and the pilots.

Mr. REAGAN. This service, the inspecting of steamboats and the licensing of pilots and engineers and other officers, is made by the law self-sustaining. The fees for the inspections and the fees for licensing officers furnish the fund out of which the expenses of this service are to be paid.

As I have just explained in answer to the interrogatory propounded by the gentleman from Michigan the committee felt that they would be authorized to reduce somewhat the fees for the licensing of officers. At that time, and under the law as it now is, one class of these officers pay a license fee of $10 a year; and another class pay a license fee of $5 a year. Upon conference with those who are in charge of this branch of the service, the committee have come to the conclusion that they can reduce the fees for the first class from $10 to $8, and in the second class from $5 to $4, making a reduction of 20 per cent. on these fees.

While it is possible the service might be self-sustaining, if the amendment of the gentleman from Pennsylvania [Mr. COCHRANE] should be adopted, it has not been thought safe by the committee to make the reduction go so far. They think it safest for the present to adhere to the rates provided by the bill in its present form.

Mr. CONGER. The reduction should not be such as to leave this branch of the public service, in its fees and charges, below the self-sustaining point. The object was to make such charges and such fees as would pay for the service, and since the present law came into force there has been, among the owners of the steamboats, no complaint. The answer of the gentleman from Texas, [Mr. REAGAN,] that the rates fixed in this bill will leave the service self-sustaining, is satisfactory to me. I am inclined to think that a further reduction at this time would be unwise. Let it be tried a year or two longer at these rates. In case there should be an excessive revenue from the different fees prescribed, Congress can again reduce them after further knowledge. I think that they had better not be reduced further now, for there is no appropriation to pay these expenses excepting the money covered into the Treasury from the fees imposed.

Mr. COCHRANE. In view of the statements made by the gentleman having charge of the bill and other gentlemen on the floor, I will withdraw my amendment.

The Clerk read the twenty-second section of the bill, as follows:

SEC. 22. That section 4472 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4472. Except on ferry-boats, no loose hay, loose cotton, or loose hemp, camphene, naphtha, benzine, benzole, crude petroleum, or other like explosive burning-fluids shall be carried as freight or used as stores on any steamer carrying passengers.

"Baled cotton shall not be carried on such steamers unless the bales are compactly pressed and covered with bagging or other similar fabric, in good merchantable shipping order, and secured with good rope or iron bands; nor shall baled hemp be carried on the deck or guards thereof, unless the bales are compactly pressed and securely covered with bagging or a similar fabric; nor shall gunpowder be carried on any such vessel, except in case of special license granted by inspectors; nor shall oil of vitriol, nitric acid, or other dangerous chemicals be carried on such steamers, except on the decks or guards thereof.

"Refined petroleum, when in good hermetically-sealed metallic cases, securely packed in boxes or casks, or when in iron-bound barrels, and plainly marked with the manufacturer's name, the name of the article, the temperature at which it will ignite, which shall not be less than 150° of Fahrenheit if put up in iron-bound barrels, nor lower than 110° of Fahrenheit if put up in good hermetically-sealed metallic cases; oil or spirits of turpentine, mastic or other varnishes, when in good metallic cases, or in casks or barrels well and securely bound with iron; friction-matches when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, may be carried on the decks, guards, or forecastle of any such steamer, as the local inspector shall designate in writing, and under a special certificate from the local inspector, stating the particular location in which the same shall be carried, the precautions adopted for safety, and any special conditions, if there be such, respecting the storage thereof. No products of petroleum shall be used on any steam-vessel for illuminating-purposes that will ignite at a lower temperature than 150° Fahrenheit: *Provided, however*, That it shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance known or designated as nitro-glycerine, or glyoin oil, or nitrated oil, or powder mixed with such oil, or fiber saturated with any such article or substance, or other similar explosive compound or mixture, upon or in any vessel employed in the transportation of passengers on any waters of the United States. For the willful violation of this provision, the penalty shall be a fine of not exceeding $5,000 or imprisonment not exceeding three years, or both, one-half of the fine for the use of the informer."

Mr. REAGAN. I am instructed unanimously by the Committee on Commerce to offer the following amendment to that section:

Amend by striking out all of section 22 from the end of line 19 down to the word "thereof," in line 38, as follows:

Refined petroleum, when in good hermetically-sealed metallic cases, securely packed in boxes or casks, or when in iron-bound barrels, and plainly marked with the manufacturer's name, the name of the article, the temperature at which it will ignite, which shall not be less than 150° of Fahrenheit if put up in iron-bound barrels, nor lower than 110° of Fahrenheit if put up in good hermetically-sealed metallic cases; oil or spirits of turpentine, mastic or other varnishes, when in good metallic cases, or in casks or barrels well and securely bound with iron; friction-matches when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, may be carried on the decks, guards, or forecastle of any such steamer, as the local inspector shall designate in writing, and under a special certificate from the local inspector, stating the particular location in which the same shall be carried, the precautions adopted for safety, and any special conditions, if there be such, respecting the storage thereof.

And insert in lieu thereof the following:

"Refined petroleum, when in good hermetically-sealed metallic cases securely packed in boxes or casks, or when in iron-bound barrels, and such cases, boxes, casks, or barrels plainly marked with the manufacturer's name, the name of the article, and the temperature at which it will ignite, which shall not be lower than 150° of Fahrenheit if put up in iron-bound barrels, nor lower than 110° of Fahrenheit if put up in good hermetically-sealed metallic cases, may be carried in such parts of any such steamer as the local inspector shall designate in writing by special certificates, stating the particular location in which the same shall be carried, the precautions adopted for safety, and any special conditions, if there be such, respecting the stowage thereof; oil or spirits of turpentine, mastic or other varnishes, when in good metallic cases, or in casks or barrels well and securely bound with iron; friction-matches, when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, may be carried on such steamers when stowed in a safe part of the vessel, at a secure distance from any fire or heat."

Mr. BURCHARD, of Illinois. I move to amend by striking out "150°" where it is inserted in the clause relating to petroleum put up in iron-bound barrels, and insert in lieu thereof "140°;" and I desire to call the attention of the committee to the law as it now exists. It permits petroleum at a temperature of not more than 110° to be carried in iron-bound barrels when it is not found practicable to carry it by other routes. This provision increases the limit from 110° to 150°. It will be a practical prohibition in some localities of the supply of cities and towns with petroleum by any ordinary route. On our rivers there are some towns that have no means of transportation excepting by river steamboats. If it were absolutely necessary that this extreme limit should be placed I would not offer the amendment. Perhaps the committee have considered the question, but my attention has been directed to a report made by Major Elliot, of the Corps of Engineers, in which he refers to the English light-house system, the Scotch light-house system, and the French light-house system, and the lowest limit of prohibition in either of those light-house systems as to the use of petroleum is 140°. On page 89 of his report I find the test of the English light-house engineers:

If the oil be petroleum it must have a specific gravity not less than .785 nor greater than .790 at 60° Fahrenheit; its flashing point not lower than 125° to 130° Fahrenheit.

On page 178 of the report I find the test of the Scotch light-house engineers:

The tanks have tight-fitting covers, and the oil is tested in the presence of the keepers to ascertain that the flashing point is not below 120° Fahrenheit.

Then on page 188 I find the test of the French light-house engineers:

It is considered that an oil is unsafe for illuminating purposes if it gives out inflammable vapors below 50° centigrade, (122° Fahrenheit,) and the contracts require that the oil actually used shall not have a flashing point lower than 60° centigrade, (140° Fahrenheit.)

Now, if that is sufficient for the safety of light-houses I think it is in the interest of commerce and for the convenience of the supply of some of the towns on the rivers with petroleum that the limit should be lowered to 140°.

Mr. SAYLER. Mr. Speaker, I hope that the modification of this section will not be made as suggested by the gentleman from Illinois, [Mr. BURCHARD.] The section itself, so far as this part is concerned, was prepared under the supervision of the Treasury Department and the board of inspectors. This has been a matter of contention between different parties for some time. Under the old law passenger-steamers were prohibited entirely from carrying this oil except where there was no other practicable route, and then they were permitted to carry it at a temperature of 110°. This arrangement seems to be satisfactory to all parties in interest; and if this is once adjusted and fixed upon between the carrying parties and the Treasury Department, we will have no further contention about it, and the parties engaged in the business of shipping these oils will be enabled to conduct their business without any further restraint; and certainly there can be no good reason why a less degree of safety that would be occasioned by putting the rate at 140° should be made when the parties interested agree to 150°. I hope therefore the amendment of the gentleman from Illinois [Mr. BURCHARD] will not be adopted.

Mr. CONGER. I think that the amendment which the committee have proposed is in the line of safety and a very good one. It makes more definite the restriction on carrying these inflammable matters; and it requires greater security in marking and in other respects, which I think is an improvement.

The amendment of the gentleman from Illinois, [Mr. BURCHARD,] or any amendment diminishing at all the number of degrees Fahrenheit at which this very inflammable oil will ignite, is, I think, a dangerous one. Congress has heretofore refused to permit the carrying of refined or crude petroleum at all upon passenger-boats generally, and permitted it only upon such passenger-boats as were upon routes where no other mode of transportation, no other class of boats, like sail-vessels or freight-boats merely, were passing, and then under very careful restrictions. There has never been any permission in any law for this purpose. In the present law passenger-boats are

prohibited from carrying either refined or crude petroleum, and they are prohibited from using either as illuminating stores.

To my mind the proposition of the committee, even with its restrictions, is somewhat dangerous. But inasmuch as the committee have limited the point of inflammability to 150°, and required it to be carried in securely iron-bound barrels, and to be stowed in a place specified and permitted by the inspectors, I shall make no objection to that innovation upon the law. I must oppose, however, the making it one degree less in wooden vessels, however iron-bound, than 150° Fahrenheit. And if in the bill the limit was fixed at any considerable number of degrees less, I should oppose the whole bill until that was remedied.

Now one word in regard to the use of this oil in light-houses. The gentleman from Illinois [Mr. BURCHARD] forgets to state that Elliot, in his report upon English light-houses, gives the specific gravity as well as the number of degrees at which the oil will inflame. That covers very materially the question of its safety. In this bill, however, there is no provision in regard to the specific gravity of the oil, and therefore it has one less of the essential limitations which obtain in England. More than that, the oil there is simply for light-house use, where no person can be endangered except the people in the light-house.

We are here legislating for all the vast channels of communication where passengers by the million go every year. It is the duty of this Congress to see that no more such disasters shall occur as have occurred upon our lakes and rivers, where hundreds of our citizens have been destroyed at a time in years gone by, in consequence of fires caused by the use of petroleum oil. Gentlemen living on the Mississippi will recollect that but a few years since many lives were lost, caused by the accidental breaking of a lamp in which petroleum oil was used. It is but a few years since that some seven or eight or ten large steamers were burned at the levee at Saint Louis, in consequence of the accidental breaking of a kerosene lamp among the stores of kerosene on one of the steamers. As regards the loss of property, the owners of that property must judge somewhat for themselves. I consider, however, that Congress is the guardian of the lives of the passengers upon these boats.

I have heretofore opposed the use of refined petroleum for stores on the boats, or to its being carried at all upon passenger-boats except with the restrictions provided. I consent to this only because I believe with the inflammable point fixed at 150°, and requiring it to be carried in good barrels securely bound with iron, or with the inflammable point fixed at 110° when carried in metallic cases, there will be no probable danger of injury to the passengers who frequent these boats; therefore I assent to the proposition of the committee. But I oppose any further reduction than to 150°, even of a single degree.

Mr. REAGAN. The provisions of this bill in reference to the rules for security in carrying inflammable and combustible materials of various kinds have occupied a great deal of the attention of the committee. One of the great objects of this bill is to give additional security to life and property by the adoption of such rules as would attain that end. At the same time this bill liberalizes the law in relation to the interests of the steamboat-owners themselves and those engaged in the oil business.

As has been stated by gentlemen who have preceded me, under the law as it now stands refined and crude petroleum cannot be carried upon steamboats unless, as stated by the gentleman from Michigan, [Mr. CONGER,] there is no other mode of conveyance on their route. The fact was brought to the attention of the committee that this provision in the law allowing these articles to be carried on steamboats where there was no other mode of conveyance, was equivalent to allowing them to be carried by all steamers because there was no sufficient tribunal or mode pointed out in the law as to who should determine whether there were other modes of conveyance or how that question should be determined.

In relation to the temperature of the oil itself, the gentleman from Illinois [Mr. BURCHARD] has called attention to the degree of temperature of the oil authorized to be used in the light-houses in other countries, and mentioned that in France the oil used in the light-houses was required to be of 140° Fahrenheit for what is termed its flashing point; that is, the point at which it gives off explosive exhalations. Gentlemen should remember, however, that when the standard is at 140° for the flashing point it takes fifteen degrees above that to reach the explosive point, which brings it about to the point at which we have put it in this bill.

It was stated to the committee that under the regulations we have made as to the places where this refined or crude petroleum should be carried on a vessel, and requiring it to be in hermetically sealed cases or securely put up in iron-bound barrels, passenger-steamers could carry it without danger at 110°. We permit that to be done by this bill, which is an enlargement upon the provisions of the existing law. But it was stated by those familiar with the subject, both steamboat men, inspectors, merchants trading in oil, and others interested, that refined petroleum put up in barrels would give off these explosive exhalations from the barrels at a point near what we have indicated, 150°. All parties interested—not only steam-vessel owners, but merchants and manufacturers of oils, have agreed before the committee in recommending for oil in barrels for transportation on passenger-steamships, the requirement of 150°. I state this so that the gentleman from Illinois [Mr. BURCHARD] may know that all the delegations, deputations, and individuals who have been before us on this subject from nearly all parts of the country, and who represent all the interests concerned, concur without exception in the propriety of the recommendation we have made as to the degree of temperature for oil carried in barrels. There has been no dissent upon that point whatever. The object in view is the security of vessels, their cargoes, and passengers; and no material hardship is imposed upon the dealers in these oils. I trust that the amendment of the gentleman from Illinois will not be adopted.

Mr. BURCHARD, of Illinois. I am not calling attention to this question in the interest of any company engaged in the manufacture of oil or any transportation company. I am speaking in the interest of portions of the country that might be deprived of the opportunity of procuring these oils through the ordinary methods and by the ordinary routes by which the supply must be furnished.

Mr. CONGER. One hundred and fifty degrees is the point which State inspectors and State laws, so far as there has been legislation on this subject, have fixed.

Mr. BURCHARD, of Illinois. That I understand is higher than some States have fixed.

Mr. CONGER. That is considered to be the safe point.

Mr. BURCHARD, of Illinois. One hundred and ten degrees has been the law up to the present time.

Mr. REAGAN. I will state to my friend from Illinois that not only his own State but Iowa, and perhaps Michigan, have by law required oils to be at 150° before their transportation is allowed.

Mr. BURCHARD, of Illinois. So far as the lakes are concerned, I think the gentleman from Michigan [Mr. CONGER] is right in the view that these oils ought not to be permitted to be carried on steam-vessels, because they can be carried on sailing-vessels. I would go with him in support of a prohibition of the transportation of oils in that way. But there are river routes that cannot be supplied by sailing-vessels. All the authorities thus far presented (and I believe the committee agree in this statement) place 140° as the extreme limit; and in some places 120° is considered safe. The gentleman having this bill in charge says that the limit fixed by the committee is 150°, which, as I understand him, is intended to be the point of explosion. Practically, as I understand, the point of ignition, which is the flashing point, would be 15° lower.

Mr. REAGAN. There are two tests, the flashing test and the igniting test. The latter is intended to be put at 150°. The flashing point is estimated at 15° below that.

Mr. BURCHARD, of Illinois. If it is the understanding of the committee that the explosive limit is 150° and the flashing point is 15° below that, (which would be 135°,) I am satisfied that the limit fixed by the committee is not too high.

The amendment of Mr. BURCHARD, of Illinois, to the amendment of the committee was not agreed to.

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That section 4475 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4475. All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other dangerous chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when shipped or offered for shipment, or when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside with the name or description of the article contained therein.

"And no refined petroleum shall be put up or packed for shipment on any passenger-steamer that will ignite at a lower temperature than 150° of Fahrenheit if put up in iron-bound barrels, nor lower than 110° of Fahrenheit if put up in good hermetically-sealed metallic cases, which temperature shall be plainly marked on the packages."

Mr. REAGAN. I move to amend the section just read by inserting after the word "shipment," near the beginning of the third paragraph, the words "or shipped or offered for shipment."

The amendment was agreed to.

The Clerk read as follows:

SEC. 31. That section 4493 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4493. Whenever damage is sustained by any passenger to himself or to his baggage, or by any person or persons to any freight shipped on any vessel used to navigate the rivers, great northern lakes, or other inland waters of the United States, from explosion, fire, collision, embezzlement, loss, destruction, or other cause, through the willful misconduct or neglect of duty of any master, mate, engineer, pilot, or other officer or employé, or of any owner or owners, of such vessel, or through any neglect or failure to comply with the provisions of this title, every such master, mate, engineer, pilot, officer, employé, or owner or owners, guilty of such willful misconduct, neglect of duty, or failure to comply with the provisions of this title, shall be liable to the person or persons so injured to the full amount of the damage so incurred; or if such damage shall result from known defects or imperfections in such vessel, her machinery or equipments, the master, or any other officer or officers, employé or employés, whose duty it shall be to know of such defects or imperfections, and the owner or owners of such vessel, and the vessel, shall be liable to the person or persons so injured to the full amount of the damage so incurred; and in all other cases in which a carrier would at common law be liable for damages, the owner or owners of such vessel shall be liable to the person or persons so injured, individually, equally, and ratably, and not one for another, to an amount equal to the value of his interest in such vessel and the freight then pending; and any person or persons sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, pilot, or other officer or employé of such vessel, or through his or their neglect or refusal to obey the laws governing the navigation of such vessel, may sue such master, mate, engineer, pilot, or other officer or employé, and recover damages for any such loss or

injury so caused by any master, mate, engineer, or pilot, or by any other officer or officers, employé or employés; and such master, mate, engineer, or pilot, or other officer or officers, or employé or employés, may also be imprisoned for any term not exceeding three years."

Mr. HOPKINS. I move to amend by adding to the section just read the following:

And in case of the loss of life of any passenger by reason of the negligence, misconduct, defects, or imperfections aforesaid, the legal representative of the person so killed shall have the same right of action as hereinbefore provided.

The bill as reported by the committee gives a right of action in case of injury to person or property. The amendment which I offer provides that in case of greater calamity—the loss of life—the same right of action shall accrue to the legal representative.

The amendment was agreed to.

Mr. CONGER. I desire to offer a substitute for the pending section, but before action is taken upon that substitute I wish to move some amendments to the section as reported by the committee. I ask that my substitute be reported.

The Clerk read as follows:

In lieu of section 4493 as given in the printed bill insert the following:

"Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured, to the full amount of damage, if it happens through any neglect or failure to comply with the provisions of this title, or through known defects or imperfections of the steaming apparatus or of the hull; and the total liability of such owner or owners shall in no case exceed the amount or value of his or their interest in such vessel and freight then pending; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot; and such officer may also be imprisoned not exceeding three years."

Mr. CONGER. Now, Mr. Speaker, if the House shall see fit to adopt that amendment, which is substantially the present law, with a change in it making the liability correspond to the admiralty liability of the United States in other cases, in other laws of the United States, I think it will be better than the present section. There is very little change; the last part follows the amendment of the committee, but lest the committee might not adopt that substitute for this section—and I believe it is not opposed particularly by it; however, they will speak for themselves in that matter—I desire to amend the present section in two or three particulars, which I will state. I move to strike out in line 5 of this section, and I ask the attention of the gentlemen to it, on page 24, after the word "baggage" the words "or by any person or persons to any freight shipped." That is an innovation upon the present law, and the object of this section is to provide for loss or injury to the individual, the person; and I may say to the gentleman who offers the proviso to this section I am willing to have that appended to the substitute which I have offered if it should be adopted.

Now, right in the midst of a section providing for damage to the person or his baggage, which is in the present law, the committee have gone further and placed a provision which covers the whole cargo. It conflicts with the rules of admiralty and the laws of every civilized nation in the world to allow a person to recover for full cargoes for freight shipped by him as he might for personal damages.

I think the committee could not have understood the effect of that simple provision of ten words or they would not have inserted it. The section reads:

That whenever damage is sustained by any passenger to himself or baggage.

That is the present law; but the committee then adds, "or by any person or persons to any freight shipped" anywhere and everywhere. The law of all commercial nations is that the owner of a vessel is liable to the extent of his interest in the vessel and in the freight. That is the law of England and every maritime nation in the world. It is the law of the United States, adopted in 1851 and continued up to this time. It is in force now in the laws of the United States that general liability for damage to freight, or damage to cargo, or damage to other vessels—but I cannot see why in a bill, the principal object of which is the security of life, the security of the person, and when we have already heretofore included full damage for the particular personal baggage accompanying him—I say I cannot see why we should extend the common law of nations, I might say the liability of the common law of nations, the maritime law, to freight and cargoes. It certainly overturns the whole theory of liabilities, and, I may say, no person will engage in the owning and running of steamboats who have any property to be reached by law, who have any personal responsibility, if they are to be made liable for the loss of all cargoes when a vessel collides with another, and sinks or destroys it, or for any of the accidents which occur. I ask the consent of the committee that these words, "whenever damage is sustained by any person or persons to any freight shipped," shall be stricken from the bill. If they desire to change the general law in regard to the general liability of ship-owners, let it be done in another section, where we are not making a law specially for the security of life.

There is another amendment I will offer when this is disposed of; but I will not detain the House further at this time.

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, no section of this bill elicited so much investigation as the one now under consideration, and the effect of the section is to ameliorate the law as it now stands, and to ameliorate it exactly in the point to which the gentleman from Michigan refers. Under the law as it stands to-day the owners of boats upon inland waters of the United States are liable as common carriers for all the damage done to freights shipped upon their boats. Each individual boat-owner, if he owns two thousand dollars' worth of stock in a fifty-thousand-dollar or a one-hundred-thousand-dollar boat, is liable to any shipper of goods on that boat for the whole loss. This section, as it will be seen, limits that liability as to cases of willful misconduct or neglect of duty of any master, mate, engineer, pilot, officer, or employé, or owner or owners of such vessel guilty of such willful misconduct, neglect of duty, or failure to comply with the provisions of this act. It was intended to fix that liability only upon officers and owners who were guilty of willful misconduct and of no neglect of duty. Certainly they could not ask more of amelioration than this.

Then to guard against the general liability as common carrier of each owner of the vessel, we inserted after having made the provision for the cases of willful misconduct or neglect of duty the following: "And in all other cases in which a carrier would at common law be liable for damages, the owner or owners of such vessel shall be liable to the person or persons so injured, individually, equally, and ratably, and not one for another, to an amount equal to the value of his interest in such vessel and the freight then pending." So this limits the liability to the owners of the vessel on our inland waters, as it is by the existing law limited in reference to vessels navigating the seas and the northern lakes, making the rule uniform both upon inland and lake waters, and bringing it in harmony with similar rules now in existence in Great Britain and Continental Europe.

Why, sir, should not those guilty of such willful misconduct as leads to the destruction of property not be held as amenable as they would be for injury to the person. The great object of the laws on this subject is to give security both to life and to property, and to throw every safeguard around both life and property on the dangerous element of water. Any law that falls short of that would be cruelly unjust and inhuman, and not in accordance with the spirit of our enlightened and Christian age.

But while we hold them responsible for full damages in case of willful misconduct or willful neglect, as to the owners of vessels who are not guilty of willful misconduct, but only happen to be owners where the destruction or injury occurs, they are to be only held liable to the amount of their interest in the vessel and pending freight, and they are not held liable as they are under the law as it now stands as common carriers for all the damages sustained. I trust, therefore, that the substitute offered by the gentleman from Michigan, or the amendment suggested by him, may not be adopted. For, if it is, the attempt of the committee to cure these evils, by this section which they have prepared with great labor, would be defeated.

Mr. CONGER. The argument of the gentleman from Texas is not directly to the point I have raised, but covers considerably more than that. I agree with the gentleman that the rule of law should be the same on our inland waters as on the ocean and the lakes as to the liability of the owners of the steamboats, but this particular clause says that for any loss of freight—

From explosion, fire, collision, embezzlement, loss, destruction, or other cause, through the willful misconduct or neglect of duty of any master, mate, engineer, pilot, or other officer or employé, or of any owner or owners of such vessel—

such officers or owners shall be liable to the full amount of the damage incurred. Now, then, the neglect of an officer of the vessel in any respect will make the owners, though not upon the vessel at all or having any personal knowledge of the matter, liable for all embezzlement, for all loss of cargo. I submit that this is a thing which no shippers or vessel-owners can stand.

Mr. REAGAN. If the gentleman will look further on in the section, he will find a clause that expressly saves the liability of the owners in the case he supposes.

Mr. CONGER. The section reads just as I have stated it.

Whenever damage is sustained by any passenger to himself or to his baggage—

I do not object to that—

or by any person or persons to any freight shipped—

To that I do object—

on any vessel used to navigate the rivers, great northern lakes, or other inland waters of the United States, from explosion, fire, collision, embezzlement, loss, destruction, or other cause, through the willful misconduct or neglect of duty of any master, mate, engineer, pilot, or other officer or employé, or of any owner or owners, of such vessel, or through any neglect or failure to comply with the provisions of this title.

Any neglect or failure to comply with any of the provisions of this long title, as amended by this bill.

Mr. REAGAN. If the gentleman will look at line 35 and what follows he will see that the liability of the owner is expressly excepted.

Mr. CONGER. I know that there are some other provisions in the section. The liability is for any neglect or failure even to comply with the provisions of this title, this whole bill of many sections and many requirements.

Every such master, mate, engineer, pilot, officer, or employé, or owner or owners, guilty of such willful misconduct, neglect of duty, or failure to comply with the provisions of this title, shall be liable to the person or persons so injured to the full amount of the damages so incurred.

Now, no one objects to their liability for the damage to the person, including with that as the immediate personal accompaniment of the passenger the damage to his or her baggage, but the committee have

extended it beyond the law of any maritime country in the world, to freight, to cargo, and make that liability even for a failure to comply with the raising of a light, or the turning to the right hand or to the left, or a failure to comply with any of the provisions, the thousand provisions, in this long bill. That ought not to be. No responsible man under such a law will dare to own vessels or run them, or be a master, or mate, or officer upon them, if he is to be liable for all the damage to the cargo which might arise from the neglect of some subordinate, the swinging of a light at the proper time, or showing the torch on the right side of the vessel, or turning to the right or to the left, or giving the signals at intervals half a minute too little.

Mr. REAGAN. If the gentleman will allow me, let me call his attention——

Mr. CONGER. I am coming to the other part of the section presently. At line 25 it says:

> In all other cases in which a carrier would, at common law, be liable for damages, the owner or owners of such vessel shall be liable to the person or persons so injured, individually, equally, and ratably, and not one for another, to an amount equal to the value of his interest in such vessel and the freight then pending.

That is embraced in the substitute I have sent to the desk. That is the proper rule. It ought to be the rule on all boats. It is the rule in England and France and Germany and all maritime nations, that the owners shall be liable for their interest in the vessel and the freight pending. But what does this committee do? They make the owner and all the officers liable for all the cargo to the full amount of the damage.

Mr. REAGAN. If the gentleman will examine the section carefully he will find that only the owner that is guilty of willful misconduct or willful neglect is liable.

Mr. CONGER. The owners and employés are made liable for willful misconduct, neglect, or failure to comply with any one provision of this long title, which embraces over one hundred sections.

Mr. REAGAN. The liability only applies to those who are guilty of willful misconduct or neglect, and to no others.

Mr. CONGER. It applies to all owners for a failure to comply with the provisions of this title. Now I know that this would be a burdensome provision, because I know it from shipping-men themselves in many conversations with them during the last six years, and I speak from a good deal of knowledge, for I think I have had charge of all the bills on this subject from 1871 until this winter which have been passed, including the present law.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Michigan has expired under the rules.

Mr. CONGER. Very well; I ask for a vote on my amendment to strike out the words "to any freight-ship."

Mr. SAYLER. I would ask if there is not a substitute for the section now pending before the House?

The SPEAKER *pro tempore*. The Chair would state that the substitute is not now before the House, but the amendment offered by gentleman from Michigan for the purpose of perfecting the original section.

Mr. CONGER. I offered a substitute and it is now pending, but I understand that under the rules it is first in order to perfect the part proposed to be stricken out.

The SPEAKER *pro tempore*. The gentleman from Michigan is correct; amendments to the original text for the perfection of the section are first in order.

The question was taken on the amendment; and on a division there were—ayes 41, noes 40; no quorum voting.

Tellers were ordered; and Mr. REAGAN and Mr. CONGER were appointed.

The House divided; and the tellers reported ayes 76, noes not counted.

So the amendment was agreed to.

Mr. CONGER. I have one further amendment to offer to this section. I move to strike out in line 7 the words "great northern lakes." By the law as it now stands the admiralty jurisdiction of the United States is extended over the great northern lakes as over the ocean. All the decisions of the courts and all the laws in regard to liability on these lakes are by the present laws of the United States the same as upon the ocean. An attempt is made here to bring the northern lakes within the same jurisdiction as the inland rivers, narrow rivers, easily accessible to the shore. I think the law should remain as it now is, and I move that these words be stricken out.

Mr. REAGAN. I suggest to the gentleman from Michigan that while he is correct in his statement, it is only made so by the decision of the Supreme Court, but not by law, and it is to obviate that difficulty that we propose to put it in the law.

Mr. CONGER. The present law of the United States extends admiralty jurisdiction over these lakes the same as over the ocean, and makes the liability then just as the gentleman has it in the last part of the section. The first part of this section is inconsistent with the last part of it.

Mr. REAGAN. If the gentleman is right, then the admiralty jurisdiction extends over the Mississippi, the Hudson, and other rivers.

Mr. CONGER. There are abundant decisions that the liabilities on these northern lakes are the same as those upon the ocean. These northern lakes are in common with another country; they are a part of British waters.

Mr. REAGAN. So, I suggest, is the Rio Grande River a part of Mexican waters, and as the admiralty jurisdiction over the lakes has depended heretofore upon the decisions of the Supreme Court, we have put it in the law.

Mr. CONGER. I do not know any man on the northern lakes, either a ship-owner or a resident in one of the lake ports, who does not protest against this. It is an innovation on the present law.

Mr. REAGAN. What is the precise amendment?

Mr. CONGER. It is to strike out the words "great northern lakes," so as to leave it as this bill in the latter portion of this section and the law now leave it. It is an attempt to make the northern lakes, which are oceans in themselves, like these little rivers. There have been numerous decisions of the Supreme Court that the laws of the ocean apply to the great inland lakes.

Mr. REAGAN. And the object of this is to place the matter by law where the decision of the Supreme Court places it. The gentleman is actually operating against the object he himself desires to attain.

Mr. CONGER. I am not often mistaken in what I seriously undertake to attain here. I cannot possibly be mistaken in regard to this matter, and the gentleman, in the last part of this section says, beginning in line 25:

> And in all other cases in which a carrier would, at common law, be liable for damages, the owner or owners of such vessel shall be liable to the person or persons so injured, individually, equally, and ratably, and not one for another, to an amount equal to the value of his interest in such vessel and the freight then pending.

Now that is inconsistent with this provision. The gentleman might as well say that a part of the ocean lying within certain parallels of latitude should be subject to the laws which control inland rivers.

Mr. REAGAN. This provision would also apply to ocean steamers as well as to lake steamers.

Mr. CONGER. Then why did not the gentleman say ocean? Why confine it to inland rivers and to the great northern lakes where the laws of the ocean rule?

Mr. REAGAN. I do not think the gentleman understands the bill. The courts may have made the decisions he states, but that is not in the statute, and we are endeavoring to provide that the statutes shall say what the courts say.

Mr. CONGER. The laws of the United States do make the inland lakes subject to the same laws as the ocean.

[Here the hammer fell.]

Mr. SAYLER. I think the gentleman from Texas [Mr. REAGAN] is mistaken. I certainly think that, for the sake of the interests of navigation on the northern lakes, these words should be stricken from this section.

Mr. REAGAN. I understand there is a substitute for this section.

The SPEAKER *pro tempore*. The pending question is upon the motion of the gentleman from Michigan [Mr. CONGER] to strike out of line 7 the words "the great northern lakes." It is in order first to perfect the section before the question is taken upon the substitute for the section.

Mr. SAYLER. The trouble about this section is precisely this: it does impose responsibilities in addition to those imposed by the act of 1851 in direct terms on ocean steamers, and which act was subsequently held by the Supreme Court of the United States to apply to vessels navigating the northern lakes, on the ground that those lakes were high seas. The responsibilities imposed by the act of 1851 are precisely the responsibilities which have existed among the maritime nations of Southern Europe, and indeed the nations of Central and Northern Europe, for more than a hundred years. They are precisely the liabilities and limitations fixed by the British government three-quarters of a century ago. To the shame and disgrace of our country, and to the injury of our commerce for many years, we retained the common-law liability, which made the liability of the ship-owner co-extensive with his whole fortune in responsibility for any injury or damage which occurred. We nearly drove our ships from the ocean, as we are to-day driving our steamboats from our inland and internal rivers, by making it impossible for any man to own a small interest in a steamboat because some terrible accident might occur any day without his knowledge or fault, and sweep from him every dollar of his fortune.

We compel men who desire to own interests in steamboats on our western rivers to do so under false pretenses. A gentleman in Boston, however wealthy, does not dare to invest $10,000 in a steamboat navigating the Mississippi River, although she may be worth $100,000, because the liability imposed upon him for his interest of only $10,000 might any day sweep from him a fortune of $1,000,000.

This section does not bring back the responsibilities imposed by the act of 1851, to which our Government was finally driven, and under which the ocean navigation and the navigation of the great lakes have since been conducted. It would be a great wrong to the navigating interests of the northern lakes to impose upon them the additional responsibilities of this bill even if we are going to compel the owners of steamboats on our western rivers to suffer these wrongful liabilities. Those of us who live along those rivers are not disposed to injure other people simply because we cannot help ourselves.

What I contend for is simply this: that the whole of this section should be stricken out, and the substitute offered by the gentleman from Michigan, [Mr. CONGER,] which embodies the liabilities of the

act of 1851, should be inserted in its stead. Those liabilities, stated in legal terms, are exactly these: that in all matters *ex delicto* the liability of the owners of the vessel shall be co-extensive with the interest of each owner in the vessel. That is the law of every maritime nation in the world, and ought to be a law as applicable to the great rivers that float the mighty commerce of the West and South as to the northern lakes and the ocean. I never could understand why, when this act of 1851 was passed, which liberalized the commerce of the ocean and of the lakes, there should have been appended to it the provision that its terms should not be applicable to vessels navigating our internal streams, when the navigating interests on those streams have grown to be vastly greater than even the commercial interests of the ocean and of the lakes.

I want to say another thing: I am utterly opposed to the amendment offered by the gentleman from Pennsylvania, [Mr. HOPKINS,] in the loose terms in which it is worded, (I would be opposed to it in any terms,) that all ship-owners shall be held liable for loss of life; that is, that the heirs or legal representatives may bring suits for loss of life. That would drive every steamer and ship from the lakes and rivers. We have something of that kind in our States I know, but it is under very close limitations; it is carefully guarded. The heirs of a man must prove what his life is worth; it may not be worth anything. The representatives of a great many men have found in the courts that the lives of those men were not worth anything, because they were not of any value to anybody. In addition to that there is an express limitation in the State laws that in no case shall the damages recovered exceed $5,000. But here is a loose provision, under which no man could afford to be an owner of an interest in any of these vessels.

Now, Mr. Speaker, I hope that these amendments may be adopted, and that finally we may vote down this section and impose merely the liability which was fixed by the act of 1851.

Mr. REAGAN. I must express my surprise at the argument of the gentleman from Ohio, [Mr. SAYLER.] He argues against the law as it now exists, which we are amending—not against the pending section of the bill, which obviates the very difficulties of which he complains as to the extent of liability. I trust the House will not be misled by any argument of this description, an argument directed to the evils of the existing law which the section under consideration proposes to remedy. That is not the proper way to argue a question like this.

One word further. I desire to call attention to the fact—and I beg that gentlemen will understand it before they vote on this question—that there are two classes of interests affected by this important bill. One class embraces the interests of the owners and officers of vessels, the other the interests of the whole people of this country. This bill was not framed expressly in the interest of vessel-owners. While it takes away the harsh common-law liability, while it makes them liable only where they are guilty of willful misconduct, to the amount of their interest in the vessel and the current freight, it does hold them and is intended to hold them liable for good faith; it is designed to impose upon them a proper accountability and responsibility to the vast mass of people whose interests are different from those of the vessel-owners. If this House in acting upon this section proceeds upon the idea that no one but the vessel-owners are interested in it, they will disappoint the expectations and the hopes of the people and defeat the ends of justice. While the measure of liability of vessel-owners ought to be reasonable and just, as it is fixed in this bill, we ought not to deny to people who may be injured by the willful misconduct or fault of the officers or owners a remedy for the wrongs which may be done to them by such willful misconduct.

One word in relation to the amendment offered by the gentleman from Pennsylvania [Mr. HOPKINS] to which the gentleman from Ohio [Mr. SAYLER] objects. It may be that that amendment requires additional limitation; but, while it was not recommended by the committee, the principle of it, that liability shall extend to the destruction of life as well as injury to person or property, is correct. Perhaps some such limitation as the gentleman from Ohio speaks of, as to the amount for which judgment may be rendered in such cases, would be right; but the principle that liability should exist and that those guilty of willful fault, willful misconduct, willful wrong should be liable for this damage admits, I think, of no doubt. In passing this bill we are to consider the millions of lives and the hundreds of millions of dollars of capital intrusted to the good faith, the discretion, and the honesty of steamboat-owners and officers.

Mr. HOAR. Before the gentleman sits down I wish to ask him how far the liability to imprisonment imposed by section 31 on the master, mate, engineer, pilot, or other officer or employé extends. In half a dozen instances throughout the section, the misconduct or neglect of the master, mate, engineer, or other officer is spoken of, including the case of injury to property by carelessness or accident. Then at the close, without specifying what they are to be imprisoned for, it adds as a general sentence:

> And such master, mate, engineer, or pilot, or other officer or officers, or employé or employés may also be imprisoned for any term not exceeding three years.

Now, for what are they to be imprisoned?

Mr. REAGAN. They are to be imprisoned for a violation of this law, for willful misconduct, for willful neglect of duty, for disobedience of the law in failing to comply with these requisitions which are intended to give security to property, person, and life.

Mr. HOAR. Then for any carelessness of a sailor which causes any injury to property, however slight, he is liable under this bill to imprisonment for three years.

Mr. REAGAN. Not at all. I beg to answer the gentleman from Massachusetts [Mr. HOAR] as I did the gentleman from Michigan, [Mr. CONGER.] If he will read from line 25 down, he will find that there is an express limitation of the liability of owners not guilty of misconduct; and if he will analyze the whole section he will see that the penalties apply to the willful wrong-doer, but that the owners and those guilty of no fault cannot be mulcted in damages to an amount exceeding their interest in the vessel and the pending freight.

Mr. HOAR. Then the gentleman's answer to my first question is in conflict with his answer to my second. The section provides that if any damage shall be sustained by any passenger to himself or his baggage through the willful misconduct or neglect of duty of anybody on the boat, or through any neglect (whether willful or otherwise) or failure to comply with the provisions of this title, then the person so negligent shall be liable to the full amount of damage so incurred. Then in all other cases in which a carrier would at common law be liable for damages, any person or persons sustaining loss or injury through the carelessness of any of these parties may sue. Then comes this further provision:

> And such master, mate, engineer, or pilot, or other officer or officers, or employé or employés may also be imprisoned for any term not exceeding three years.

Mr. REAGAN. If the gentleman will take the trouble to analyze the section he will see that the liability applies to the person guilty of the neglect or misconduct; not to anybody else connected with the boat.

Mr. HOAR. Mr. Speaker, that is precisely the point. The statute imposes the severe penalty of imprisonment for not exceeding three years on any sailor or other person employed on board a boat who is guilty of any neglect or failure of duty, whether willful or accidental, by which any injury is done to baggage or other property, or to the person, however slight. I do not understand the person not guilty of a neglect is liable to imprisonment. My point is that it is altogether too severe and harsh a punishment that, for the slightest neglect from which property, including baggage, or the person suffers, the negligent person shall be punished by imprisonment not exceeding three years.

Mr. REAGAN. That is a subject upon which opinions may differ; but I wish to say to the gentleman from Massachusetts and to the House that the committee have considered this whole question very carefully.

The SPEAKER *pro tempore*. Debate is exhausted on the pending amendment.

The question recurred on Mr. CONGER'S amendment.

The House divided; and there were—ayes 53, noes 43.

The SPEAKER *peo tempore*. No quorum has voted, and if no further count be asked for the Chair will decide the amendment as carried.

No further count was demanded.

So the amendment was agreed to.

Mr. CONGER. Now, Mr. Speaker, I have one more amendment to offer. On the same page, line 18, after the word "incurred," I move to strike out these words:

> Or if such damage shall result from known defects or imperfections in such vessel, her machinery, or equipments, the master or any other officer or officers, employé or employés, whose duty it shall be to know of such defects or imperfections and the owner or owners of such vessel, and the vessel, shall be liable to the person or persons so injured to the full amount of the damage so incurred.

Now, there is a proposition that, if in all of this law there are defects known to anybody, known to the master or other officers of the boat, and loss result from such defects, the owner or owners shall be liable for all damage to the full extent of the damage. Now, that is a question of liability which never yet in any civilized country was imposed upon any class of carriers anywhere.

It is added to all the other penalties of this law. All that is proper has been provided for in other parts of the bill. If there be a defect, if in point of fact a rivet has been inserted in a hole drilled unfairly, and somebody on board that boat knows such a defect exists at the time of making the boiler and damage is incurred, the master, owner, or owners are made liable to the full extent of the injury. There is no limitation whatever. How that could have crept into this bill I am unable to perceive.

One word in answer to the gentleman from Texas, [Mr. REAGAN.] He would intimate that the amendments I propose are in favor of steamboat-owners and against the life and security of the innumerable passengers upon these boats. Sir, my whole effort for the last six years against steamboat-owners, in contradiction to their desires, has been to perfect a steamboat law for the security of life which would hold the steamboat-owners to proper legal liability, and provide for all means of security, even in all of the details if possible, to give greater security to life and passengers on board of vessels upon all these great thoroughfares of our country. I would not sacrifice the life or security of one of these passengers for the value of all the steamboats on all these waters by any known effort of mine in that direction. But I believe, while we give security to life and to travel as we have done within the last few years, reducing at the rate of almost 78 per cent. the casualties upon our waters within the last six years, much of it by means of such bills as these—while I would do much to promote

the security of passengers, I would not lay such burdens upon the steamboat-owners that we would not have any vessels upon which our people might travel.

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, the gentleman from Michigan expresses astonishment at the incorporation of this principle in the pending bill. Now, he has been chairman of the Committee on Commerce as he told us since 1871, and he has been engaged on a number of bills for this purpose. He has been, he has told us, the author of some, and aided to pass one last winter. I wish to call his attention to the law as it stands to-day, and which he has had all the time before him, and with all his experience ought to be familiar with every one of its provisions:

SEC. 4493. Whenever damage is sustained by any passenger, or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this title, or through known defects or imperfections of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot.

Why, sir, we have the whole principle in the law with which the gentleman has been familar all the time, and he expresses his profound astonishment that we have placed it in this bill, and he moves to strike it out.

Now, the only difference is this; that we have extended it not only to the passenger and his baggage, but to the freight. That is all the difference between the bill and the section of the law as it stands now. And I submit here that the man who has $10,000 or $50,000 freight on a vessel has as good a title for damages to that as a man who has a trunk worth $25. The principle is just and cannot be combated with propriety, and to oppose it is only to save the vessel-owners from their just liability to those who ship property on their boats and trust to their fidelity and integrity and obedience to the laws as a protection for life and property.

Mr. CONGER. I do not want that there shall be any misunderstanding in regard to this. The law as it stands now reads thus: "The master and owner of such vessel shall be liable." What does the gentleman from Texas do? He extends the liability to every employé of the boat.

Mr. REAGAN. If the employé has been guilty of willful misconduct or willful neglect.

Mr. CONGER. Or failure to comply with the provisions of this title. If it means the same thing, why change the law in all these particulars? But the committee have made it apply to all of the employés of the boat for their failure to know these things.

The law as it stands at present makes this distinction: it allows anybody to sue the employés of the boat for an injury caused by them personally; it holds the master and owner of the boat liable for injuries caused by their misconduct or their negligence. That is the common-law rule; but the committee have included in it all the employés of the boat; whereas the present law——

Mr. REAGAN. The last clause in the section covers precisely what the gentleman from Michigan is aiming at.

Mr. CONGER. It is not at all the same. The present law makes the employés liable for what injury they personally do, and not for what others do; but this bill makes anybody liable that is employed on that boat—the cook and everybody.

The question being taken on Mr. CONGER'S amendment, it was agreed to.

Mr. CONGER. The amendments apply only to a portion of this bill. In the substitute which I have offered are embodied substantially the amendments which have been adopted; and also this, which is the main thing in the substitute: It equalizes the liability of vessel-owners and employés on vessels on all our waters alike; on the Mississippi as well as the ocean; on the Ohio as well as the great lakes. I agree with the gentleman from Ohio in his remarks that there is and can be no valid, cogent reason why the liability on our great inland rivers should be different on our lakes, on our great bays and gulfs around the coast, and on the ocean itself. The substitute I have offered provides for this liability on the inland waters as on the ocean and as on the lakes; and, as has been remarked by several gentlemen, makes it the same as it is in all civilized maritime nations of the earth.

I have long thought that there should be no distinction in the law of liability between our inland waters and the oceans, bays, and lakes. Why, sir, as the law is now, the same vessel having one liability on the ocean coming into the Mississippi meets another liability. The master or owner of the vessel does not know where the one ends or the other begins. He does not know where the imaginary line between the gulf and the river is drawn. Again, a vessel coming up the Hudson passes, somewhere between the outer harbor and the inner harbor, no man can tell where, a point where the liability ceases under one law and commences under another. There is nothing to mark where the liability becomes greater in one place than in another. And there is no reason in the world for this except the following, out of the old common-law definition of England, that tide-waters alone were subject to maritime jurisdiction.

On our great rivers there should be the same law as there is for the lakes. And I ask the adoption of this substitute, which embraces whatever provisions there are in this section which it is desirable to adopt for the security of life, and at the same time makes the liability of vessels on our rivers and all our waters alike; so that no master of a vessel need be searching for an imaginary line where his liability under one law is left behind him and his liability under another law commences with his onward progress.

I will not take up the time of the House further than to say that the distinction which my substitute seeks to do away with it has always appeared to me was wrong. It is owing to that distinction that to-day almost the entire ownership of vessels on our inland waters is in the hands of men of straw, as is known to everybody. There are men who own their own vessels who have all their property in the world on them, and therefore there is no more liability than in their property in those vessels. But very many of the vessels on our inland waters are owned nominally by men who assume the ownership of them, because the real owners, the men of wealth who really own them, will not be liable for them because of this law which subjects their whole property to liability for damages, contrary to the rule of every civilized nation.

The question being taken on Mr. CONGER'S substitute for the thirty-first section, it was adopted.

The Clerk read the following section:

SEC. 32. That every steamer shall be provided with good and sufficient anchors and chain cables, suitable in size, weight, and number to the size of the steamer and to the trade in which she may be employed; and on all steamers hereafter built, all swinging doors shall be hung on parliament hinges, so that they may be readily removed and used as life-preservers.

Mr. REAGAN. I offer the following amendment at the suggestion of the committee:

Amend section 32 by inserting the word "length" after the word "size" in the second line of the section.

The amendment was agreed to.

Mr. REAGAN. I offer the following as an additional section, to come in immediately before section 33 of the bill:

SEC. 33. That the fifth clause of section 4414 of the Revised Statutes of the United States be so amended as to read as follows: "In the districts of Mobile, Memphis, Cleveland, and Galveston, to a salary of $1,500 each;" and that the word "Galveston" be stricken out of the sixth clause of said section.

Mr. HOLMAN. I would inquire what is the effect of that amendment?

Mr. REAGAN. The effect of the amendment is to increase the compensation of the inspectors at Galveston from $1,200 to $1,500 and place them upon the same footing with the inspectors in other collection districts of the same grade, but which all together have not so much commerce as this single port at present. It really should be placed in a higher grade, but it is put there because it puts these inspectors on something like an equality with other inspectors.

The question was taken; and on a division there were—ayes 51, noes 16; no quorum voting.

Mr. CONGER. If the gentleman from Indiana will allow me to say a word in explanation I think he will not insist upon a further count.

Mr. HOLMAN. I must insist on a quorum upon any proposition to raise salaries; but I am willing to hear the explanation of the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I wish to make a very brief explanation. When these inspectors were classified in 1871 they were classified as to their salaries in reference to the amount of business at the different ports and in the districts. Since that time, as every one knows, the port of Galveston has very largely increased in its shipping and commerce, so much so that under the rule then adopted the pay of these inspectors should really go to a higher class than the one proposed by the gentleman from Texas. The shipping inspectors there have $1,200 a year, and have a greater amount of business now than they had when they were classified. I have examined the matter and I see no reason why they should not be placed in the class above the one they are now in, at $1,500. This service is self-sustaining, and these officers are paid for by the ship-owners themselves; it is not a tax on the Government, and we ought to have good and efficient men in these places.

Mr. HOLMAN. What is the classification now of the salaries for inspectors?

Mr. CONGER. The classification is for two or three of the largest ports $2,200, then $2,000, then $1,500, and then $1,200. It is proposed to raise the pay of the inspectors of the Galveston district from $1,200 to $1,500.

Mr. HOLMAN. I will not call for a further division, although I think that these salaries should not be increased.

The amendment offered by Mr. REAGAN was agreed to.

Mr. SAYLER. I understand that this amendment was offered as a substitute for section 33.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Texas, under the directions of the committee, offered the amendment to be inserted as section 33; but the number of section 33 now in the bill will of course be changed.

Mr. HARRISON. I offer the following as an additional section, to come in after the one just adopted:

That pilots and engineers of all steam-vessels, who shall be licensed as such, are hereby declared officers of said vessels, and are hereby declared subject to the same

obligations and entitled to the same privileges as other licensed officers of steam-vessels, and that none but American citizens shall be licensed as pilots and engineers.

Mr. Speaker, the law now is supposed to be that none but American citizens, or those who have taken steps to become citizens, can become officers. It was supposed that pilots and engineers were considered officers; but on the western lakes it is frequently the case that they are not so considered, and persons coming from ports in Canada act as pilots and engineers to the great detriment of the skilled engineers and pilots of the lake ports.

This is a section declaring positively that pilots and engineers are officers. It simply takes the vagueness out of the law as it at present stands. I think there can be no objection to the adoption of the amendment.

Mr. CONGER. That is the construction put upon the present law.

Mr. KEHR. As the law now is that officers of vessels of the United States shall in all cases be citizens of the United States, the gist and pith of the amendment offered by the gentleman from Illinois [Mr. HARRISON] must be looked for in that clause of it which provides that none but American citizens shall be licensed as pilots and engineers. The amendment can have no other object except to discriminate against pilots and engineers who, though skilled in their calling, have not added to their fitness and qualification for the service the political attribute of citizenship. Sir, does the shipmaster, bent upon employing a skillful and faithful pilot or engineer; does the passenger, whose personal safety is for the time being confided to the keeping of the officer of the vessel upon which he is about to embark; does the shipper, the safe delivery of whose freight depends upon the efficiency with which the vessel is officered—does either of these inquire as to the nativity or citizenship of the engineer or pilot? Is not the inquiry limited to the question whether or not the officers and servants of the vessel are skillful and whether or not they are diligent and faithful? Can there be any other test than fitness for the service and diligence and fidelity in the performance of its duties? This being the sole test, it is necessarily utterly immaterial whether the applicant for the service or the person performing the service is a full-fledged citizen or an alien resident among us. I for one am not willing to countenance any discrimination between them in this regard, and I trust that this House will not, but that it will unhesitatingly vote down the amendment.

Mr. HARRISON. Just one word. The law at present emphatically states that American citizens alone shall be officers. All through this bill the phrase "pilots, engineers, masters, and other officers" shows that it is the assumption that pilots and engineers are officers. But the language as existing in the law now enforced has been overridden in the maritime courts, and for that reason we have here to-day memorials from pilots and engineers of our lake ports asking for the passage of a provision of this kind.

Mr. REAGAN. I now call the previous question on the bill as amended and the pending amendment.

The previous question was seconded and the main question ordered.

The question was then taken upon the amendment offered by Mr. HARRISON; and upon a division there were—ayes 53, noes 45.

Before the result of this vote was announced,

Mr. KEHR called for the yeas and nays upon the amendment.

The question was taken upon ordering the yeas and nays; and upon a division there were 10 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

Mr. KEHR. I call for tellers upon the amendment.

Mr. HARRIS, of Virginia. I ask for a division of the House upon ordering tellers.

The question was taken upon ordering tellers; and upon a division there were 25 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

Mr. O'BRIEN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. O'BRIEN. A quorum not having voted upon the adoption of the amendment, tellers were in order.

The SPEAKER *pro tempore*. No quorum having voted, it was competent for the Chair to have ordered tellers. But the sense of the House was taken upon the question by a division, and tellers were not ordered.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSIDIARY SILVER COIN.

Mr. RANDALL. The Committee on Appropriations, to which was referred the amendments of the Senate to House bill No. 2450, to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency, have instructed me to report the same back to the House with a recommendation that the amendments of the Senate be concurred in. Upon that I call the previous question.

Mr. CONGER. Will the gentleman state the substance of those amendments or allow them to be read?

Mr. FORT. Let them be read.

Mr. HOLMAN. I desire to give notice that I shall call for a separate vote upon one of the amendments of the Senate.

Mr. RANDALL. I have no objection to that. I only ask that the previous question may be ordered.

The SPEAKER *pro tempore*. The Clerk will report the amendments of the Senate.

The amendments of the Senate were read, as follows:

At the end of line 6, page 1, insert the following:

"And the further sum of $48,000 to provide for engraving and printing national-bank notes, to be disbursed under the direction of the Secretary of the Treasury."

Page 1, line 3, strike out the word "whether" and insert in lieu thereof "whenever."

At the end of line 19, page 1, insert:

"And all fractional currency redeemed under this act shall be held to be part of the sinking fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the act relating to the sinking fund."

Strike out section 3 of the bill.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. I ask a separate vote on the amendment of the Senate to strike out section 3 of the bill of the House.

Mr. HURLBUT. I ask that section 3 be read.

The section was read, as follows:

That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment; and silver coins of the United States of denominations less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Mr. HOLMAN. I am opposed to concurrence in the amendment of the Senate striking out that section, and I shall ask a separate vote on that amendment.

Mr. RANDALL. The section was stricken out in the Senate upon the statement that a separate proposition would be introduced for that purpose in another bill.

The SPEAKER *pro tempore*. Debate is not in order.

The question was taken upon concurring in the amendment of the Senate to strike out the third section of the bill; and upon a division there were—ayes 96, noes 55.

Before the result of this vote was announced,

Mr. HOLMAN called for tellers.

Mr. KASSON. I ask unanimous consent of the House that the session of this afternoon be continued for fifteen minutes longer.

Mr. RANDALL. It is important to pass this bill in order that the people in the Treasury may be set to work again.

Mr. LUTTRELL. There is so much suffering that I think we should pass this bill now, even if we have to go without our dinner.

Mr. HURLBUT. I call for the regular order.

LEAVE OF ABSENCE.

Mr. KING was granted leave of absence for three weeks on account of important business.

The hour of half past four having arrived, the House, pursuant to previous order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock, and was called to order by Mr. BLACKBURN as Speaker *pro tempore*.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole on the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The Clerk read as follows, under the heading "Commissioner of Internal Revenue:"

For dies, paper, and stamps, $450,000; and hereafter the transmission of internal-revenue stamps to the officers of the internal-revenue service shall be made through the mails of the United States.

Mr. RANDALL. In accordance with the suggestion which I made when this bill was last under consideration in the Committee of the Whole, I now submit, not as coming from the committee, but with their permission, so as to test the sense of the House, the following amendment:

Insert after the first clause of the paragraph just read the following:

"Said engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department: *Provided*, The cost does not exceed the price paid under existing contract."

I may perhaps repeat with propriety the statement which I made on the last evening when this bill was under consideration. It is well known that a large number of persons have been discharged from this Bureau; and upon application to the Secretary of the Treas-

ury I learn the fact that if such an amendment as I have indicated be adopted about two-thirds of the employés now on furlough or discharged would be re-employed by the Government. The question is between having this work done in the Bureau or done by private contractors. Heretofore, I believe, a portion of this work—the printing of the adhesive stamps—has been done in Philadelphia. The check stamps have been prepared by phototype in New York. Various other classes of stamps, such as beer stamps, distillery stamps, tobacco stamps, snuff stamps, &c., are now being printed by three bank-note companies, the American, the National, and the Continental. It is a question for the House to determine whether this work should be given to employés of the Government in the Engraving and Printing Bureau or whether it should be allowed to continue in the hands of the three contracting companies that I have named. I am informed by the Secretary of the Treasury that he has given the ninety days' notice provided for in all those contracts by which the Government can, without any violation of the terms of the contracts and without subjecting the Government to any liability for damages, resume the work in the Department on the 1st of July next. With this statement I leave the question for the House to determine.

Mr. HAMILTON, of New Jersey. I would inquire of the gentleman from Pennsylvania whether it is now discretionary with the Secretary of the Treasury under the law to do the work in the Treasury Department?

Mr. RANDALL. The Secretary of the Treasury, under the contract, has the right to give ninety days' notice when the contract shall cease.

Mr. HAMILTON, of New Jersey. Has he then the discretion to do the work in his own Department?

Mr. RANDALL. I do not know that he has that discretion; but he has the authority to discontinue doing the work under contract with the parties who now execute it.

Mr. HENDEE. I will ask the gentleman from Pennsylvania [Mr. RANDALL] whether his amendment, if adopted, will not in fact save a large expense to the Government in the matter of transportation and expressage.

Mr. RANDALL. Undoubtedly it will save money in expressage. I understand that there has been some arrangement made by which the expressage has been reduced, but according to a statement embraced in a report of the Committee on Banking and Currency in the last Congress the cost of expressage on revenue-stamps in one fiscal year was more than $19,000. In the report of that committee upon the engraving and printing of bank-notes, fractional currency, internal-revenue stamps, &c., there is a table, designed to show the difference between the cost of having the stamps printed by the bank-note companies and the cost if printed in the Bureau. One of these tables, all of which I include in full in my remarks, shows a difference in favor of the Bureau of $5,902.50. Another of the tables, based on reduced prices to journeymen printers, shows a difference in favor of the Bureau, exclusive of freight, of $1,762. To my mind there is no reason why the Government should not be able to print these stamps at less than the cost when printed by contractors, when we take into consideration the fact that the Government incurs no additional expense for rent or machinery, pays nothing for insurance, and has no dividends to declare the stockholders, as have these companies. One reason why the Government cannot compete so successfully as it should with private parties arises from the difference in hours of labor. To some extent, also, private parties are enabled to get more work out of their mechanics and skilled laborers than the Government can, so far as experience shows.

Statement of the cost of internal-revenue stamps in the Bureau of Engraving and Printing—plate-printing and finishing at rates now charged, surface tints at rates recently submitted.

Title of stamps.	Number of stamps.	Price per 1,000.	Aggregate.
Beer-stamps	30,275,000	$1 45	$43,898 75
Tax-paid stamps	1,128,900	*13 75	15,522 37
Distilled spirits	3,400,000	8 00	27,200 00
Tobacco-stamps:			
¼ to 5 pounds	1,115,000	2 00	3,233 50
10 to 60 pounds	3,225,000	7 25	23,381 25
Snuff-stamps:			
¼ to 5 pounds	645,000	†1 90	1,225 50
10 to 20 pounds	175,000	†5 75	1,006 25
Exportation:			
Tobacco	74,000	7 25	536 50
Spirits	60,000	7 25	435 00
Brewers' permits	90,000	7 25	652 50
Cigar-stamps:			
25s	570,000	2 25	1,282 50
50s	4,500,000	2 50	11,250 00
100s	15,500,000	2 90	44,950 00
250s	35,000	4 00	140 00
500s	123,000	4 00	492 00
Cigarette	46,000	2 00	92 00
Tobacco-stamps:			
1-ounce	15,500,000	66	10,230 00
2-ounce	33,000,000	66	21,780 00
4-ounce	60,000,000	82	49,200 00
8-ounce	16,000,000	1 40	22,400 00
16-ounce	1,820,000	1 78	3,239 60

Statement of the cost of internal-revenue stamps in the Bureau of Engraving and Printing—Continued.

Title of stamps.	Number of stamps	Price per 1,000.	Aggregate.
Snuff-stamps:			
¼-ounce	40,000	$14	$5 60
1-ounce	3,350,000	14	329 00
2-ounce	2,200,000	24	528 00
4-ounce	500,000	1 30	650 00
6-ounce	1,700,000	1 30	2,210 00
8-ounce	130,000	1 30	169 00
16-ounce	170,000	2 15	365 50
Aggregate			286,404 82
Cost at companies' rates		$242,799 22	
Expressage		19,986 00	
			262,785 22
			23,619 60

* Tints by plate process. † Tints not included.

Comparative cost of internal-revenue stamps by the New York bank-note companies and in the Bureau of Engraving and Printing at proposed rates; tints, with the exception of those for tax-paid stamps, to be surface-printed.

Bank-note companies.	Title of stamps.	Number of stamps issued by the Commissioner, fiscal year 1874.	Proposed rates by New York bank-note companies. Per 1,000 stamps.	Proposed rates by New York bank-note companies. Aggregate cost of last year's issue.	Proposed rates by Bureau. Per 1,000 stamps.	Proposed rates by Bureau. Aggregate.
National	Beer-stamps	30,275,000	$1 15	$34,816 25	$1 15	$34,816 25
American	Tax-paid stamps	1,128,900	13 75	15,522 37	13 75	15,522 37
Do	Distilled spirits	3,400,000	7 00	23,800 00	6 75	22,950 00
	Tobacco-stamps:					
National	¼ to 5 pounds	1,115,000	3 04	3,389 60	2 90	3,233 50
Do	10 to 60 pounds	3,225,000	6 94	22,381 50	6 75	21,768 75
	Snuff-stamps:					
American	¼ to 5 pounds	645,000	3 50	2,257 50	2 90	1,870 50
National	10 to 20 pounds	175,000	6 94	1,214 50	6 75	1,181 25
	Exportation:					
Do	Tobacco	74,000	7 50	555 00	7 25	536 50
Do	Spirits	60,000	7 50	450 00	7 25	435 00
Do	Brewers' permits	90,000	7 50	675 00	7 25	652 50
	Cigar-stamps:					
American	25s	570,000	1 70	969 00	2 05	1,168 50
Do	50s	4,500,000	1 95	8,775 00	2 00	9,000 00
Do	100s	15,500,000	2 20	34,100 00	2 65	41,075 00
Do	250s	35,000	3 35	117 25	3 50	122 50
Do	500s	123,000	3 35	412 05	3 50	430 50
Do	Cigarette	46,000	1 70	78 20	1 75	80 50
	Tobacco-stamps:					
Do	1-ounce	15,500,000	$0 55	$8,525 00	$0 60	$9,300 00
Do	2-ounce	33,000,000	55	18,150 00	60	19,800 00
Do	4-ounce	60,000,000	60	36,000 00	77	46,200 00
Do	8-ounce	16,000,000	1 50	24,000 00	1 24	19,840 00
Do	16-ounce	1,820,000	1 75	3,185 00	1 65	3,003 00
	Snuff-stamps:					
Do	¼-ounce	40,000	15	6 00	14	5 60
Do	1-ounce	2,350,000	15	352 50	14	329 00
Do	2-ounce	2,200,000	20	450 00	22	484 00
Do	4-ounce	500,000	1 00	500 00	1 18	590 00
Do	6-ounce	1,700,000	1 00	1,700 00	1 18	2,006 00
Do	8-ounce	130,000	1 00	130 00	1 18	153 40
Do	16-ounce	170,000	1 75	297 50	1 93	328 00
				242,799 22	.....	256,882 72
The face value of the stamps enumerated as having been issued during the last fiscal year is $99,930,000, and the expressage from New York to Washington, at 20 cents per $1,000, added to the companies' rates will be				19,986 00		
				262,785 22		
Deduct estimated cost in Bureau				256,882 72		
Difference in favor of Bureau				5,902 50		

Comparative cost of internal-revenue stamps at proposed rates by New York bank-note companies, and proposed rates by Bureau of Engraving and Printing, based on reduced prices to journeymen printers.

Bank-note companies.	Title of stamps.	Number of stamps required.	Proposed rates by New York bank-note companies. Per 1,000 stamps.	Proposed rates by New York bank-note companies. Aggregate.	Proposed rates by Bureau. Per 1,000 stamps.	Proposed rates by Bureau. Aggregate.
National	Beer-stamps	30,275,000	$1 15	$34,816 25	$1 15	$34,816 25
American	Tax-paid stamps	1,128,900	13 75	15,522 37	13 75	15,522 37
Do	Distilled spirits	3,400,000	7 00	23,800 00	6 75	22,950 00

Comparative cost of internal-revenue stamps at proposed rates by New York bank-note companies, &c.—Continued.

Bank-note companies.	Title of stamps.	Number of stamps required.	Proposed rates by New York bank-note companies.		Proposed rates by Bureau.	
			Per 1,000 stamps.	Aggregate.	Per 1,000 stamps.	Aggregate.
	Tobacco-stamps:					
National..	¼ to 5 pounds	1,115,000	$3 04	$3,389 60	$2 90	$3,233 50
Do....	10 to 60 pounds	3,225,000	6 94	22,381 50	6 75	21,708 75
	Snuff-stamps:					
American.	¼ to 5 pounds	615,000	3 50	2,257 50	2 90	1,870 50
National..	10 to 20 pounds	175,000	6 94	1,214 50	6 75	1,181 25
	Exportation:					
Do....	Tobacco	74,000	7 50	555 00	7 25	536 00
Do....	Spirits	60,000	7 50	450 00	7 25	435 00
Do....	Brewers' permits	90,000	7 50	675 00	7 25	652 50
	Cigar-stamps:					
American	25s	570,000	1 70	969 00	1 55	883 50
Do ...	50s	4,500,000	1 95	8,775 00	1 90	8,550 00
Do....	100s	15,500,000	2 20	34,100 00	2 25	34,875 00
Do....	250s	35,000	3 35	117 25	3 40	119 00
Do....	500s	123,000	3 35	412 05	3 40	418 20
Do....	Cigarette	46,000	1 70	78 20	1 80	82 80
	Tobacco-stamps:					
Continen'l	1-ounce	15,500,000	55	8,525 00	55	8,525 00
Do....	2-ounce	33,000,000	55	18,150 00	55	18,150 00
Do....	4-ounce	60,000,000	60	36,000 00	70	40,000 00
Do....	8-ounce	16,000,000	1 50	24,000 00	1 16	18,560 00
Do....	16-ounce	1,820,000	1 75	3,185 00	1 47	2,675 40
	Snuff-stamps:					
Do....	½-ounce	40,000	15	6 00	14	560 00
Do....	1-ounce	2,350,000	15	352 50	14	329 00
Do....	2-ounce	2,200,000	20	440 00	20	440 00
Do....	4-ounce	500,000	1 00	500 00	1 00	500 00
Do....	6-ounce	1,700,000	1 00	1,700 00	90	1,530 00
Do....	8-ounce	130,000	1 00	130 00	1 00	130 00
Do....	16-ounce	170,000	1 75	297 50	1 75	297 50
				242,799 22	.....	241,037 12
The face value of the stamps enumerated as having been issued during the fiscal year is $99,930,000, and the expressage from New York to Washington, at 20 cents per $1,000, added to the bank-note companies' rates will be				19,986 00		
Making total cost by bank-note companies				262,785 22		
Total cost by Bureau				241,037 12		
Difference in favor of Bureau rates				21,748 10		
Difference in favor of Bureau, exclusive of freight				1,762 10		

This question is for the House to determine. I do not wish, nor does the committee, to bias the House in any degree one way or the other.

The amendment was agreed to.

Mr. RANDALL. I have a further amendment to the same paragraph, to come in after line 593, which I send up to the Clerk's desk to be read.

The Clerk read as follows:

And the unexpended balance standing on the books of the Treasury to the credit of the appropriation for stamps, papers, and dies for the fiscal year ending June 30, 1875, is hereby made available for any expenditures incurred on account of stamps, paper, and dies during the fiscal year ending June 30, 1876, and June 30, 1877.

Mr. RANDALL. There is what is in the nature of a deficiency of $28,000, and the pending amendment allows them to expend that amount of money.

Mr. HURLBUT. How does he propose to expend a deficiency?

Mr. RANDALL. I propose to make a re-appropriation to meet the deficiency. I ask the letter from the Commissioner of Internal Revenue be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, February 29, 1876.

SIR: Confirming the verbal statement made to the Committee on Appropriations by Mr. E. R. Chapman, chief of the stamp division of this Office, I have the honor to state that the estimated expenditures on account of stamps, paper, and dies during the fiscal year ending June 30, 1877, are $466,280.83.

The expenditures during the first six months of the current fiscal year and the estimate of expenditures for the last six months of the year aggregate $528,000, and as the appropriation is but $500,000, there will therefore be a deficiency of $28,000, which should be provided for.

If an appropriation is made to cover the deficiency, it is the opinion of this Office that it can reduce the expenditures for the next fiscal year to $450,000.

Inasmuch as a balance is shown upon the books of this Department to the credit of the appropriation for stamps, paper, and dies for the fiscal year ending June 30, 1875, it is suggested that the necessity of a deficiency appropriation can be obviated by adding to the appropriation clause in the legislative, executive, and judicial appropriation bill now under consideration in your committee the following, namely:

"*Provided*, That the unexpended balance standing on the books of the Treasury to the credit of the appropriation for stamps, paper, and dies for the fiscal year ending June 30, 1875, is hereby made available for any expenditures incurred on account of stamps, paper, and dies during the fiscal years ending June 30, 1876, and June 30, 1877."

If the deficiency appropriation is not made or the above proviso inserted in the bill, it will be absolutely necessary that the appropriation for the next fiscal year should be not less than $480,000.

With reference to the expenditures under this appropriation, I beg to add that the printing of all stamps, except those for special taxes, is done under contracts made after due advertisements for proposals and awards to the lowest bidders.

The rates paid have been materially reduced during the past eighteen months, and this Office would be prepared to show a material reduction in the expenditures were it not for the annual increase in the production throughout the United States of the articles upon which internal duties are levied.

I shall take pleasure in waiting upon your committee at any time that may suit your convenience, personally or by representative, for the purpose of exhibiting the existing contracts and explaining the reductions in rates hereinbefore referred to.

Very respectfully,

D. D. PRATT,
Commissioner.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations.

The amendment was adopted.

Mr. FOSTER. I move to strike out all after the word "dollar" in line 591, being the clause which provides for the transmission of internal-revenue stamps through the mails.

Mr. RANDALL. The gentleman from Vermont [Mr. HENDEE] desires to move an amendment to perfect the paragraph which the gentleman proposes to strike out.

Mr. FOSTER. I will withdraw my amendment for the present.

Mr. HENDEE. I move at the end of line 593, after the words "United States," to insert "in registered packages," so it will read, "and hereafter the transmission of internal-revenue stamps to the officers of the internal-revenue service shall be made through the mails of the United States, in registered packages."

Mr. RANDALL. I have no objection to that amendment.

Mr. HENDEE. It seems to me that would be a guard which would protect that class of property while passing through the mails.

The amendment was agreed to.

Mr. FOSTER. I now renew my motion to strike out the clause as amended, that is to strike out these words: "and hereafter the transmission of internal-revenue stamps to the officers of the internal-revenue service shall be made through the mails of the United States, in registered packages."

Mr. Chairman, the object of the insertion of this clause is to save a small sum of money to the United States. The objection to it is this: We make a specific appropriation for these stamps in amount just about what is necessary. There is no sure protection against theft and robbery in the United States mails, nor is there any recourse in case of robbery. If twenty-five or fifty thousand dollars' worth of these stamps should be stolen the Department would be short that much.

It strikes me, Mr. Chairman, it is not a sound policy to trust so large an amount of valuable property in stamps in the mails of the United States for the mere purpose of saving a few thousand dollars—ten or twelve thousand at the outside.

Mr. RANDALL. The object is to save between fifty and sixty thousand a year, which to my mind unnecessarily goes to express companies. This is one of the abuses; and there are many others of the same character. The people and the House will be surprised at the enormous amount of money which under the existing law goes to express companies.

It is an extraordinary position to my mind for a friend of the Administration to assume that the United States mails are not secure. I supposed they were, and more especially when I find the amendment which was so well put in by the gentleman from Vermont. I think there is no danger whatever in connection with the transmission of these stamps in registered packages.

Mr. FOSTER. I should like to ask the gentleman from Pennsylvania a question. He is a business man; so am I. There are $80,000,000 or $90,000,000 of these stamps to be transmitted through the mails, and I put this question to him as a business man, would he trust the mails of the United States?

Mr. RANDALL. As a business man I do and am compelled to trust them. I always do. I have, just as proposed by the gentleman from Vermont, my package registered. I am quite aware of the fact that I can have no claim against the United States for damage in case of loss; but, as it were, I have a constant eye on that package until it arrives at its destination. These registered packages are made up especially, and here is a good place to save the amount of money I have indicated.

Mr. CANNON, of Illinois. I would like to ask the chairman of the Committee on Appropriations whether it is not true that stamps and stamped envelopes distributed by the Post-Office Department to the thirty thousand or forty thousand post-offices do not go through the mails, and whether they do not always go without loss?

Mr. RANDALL. I understand that to be so, but as the gentleman knows the fact, I hope he will assert it here upon this floor.

Mr. CANNON, of Illinois. Such is my understanding of the fact in the case.

Mr. RANDALL. This is a mere gratuity to the express companies.

Mr. LUTTRELL. I wish to suggest that since we passed the law allowing packages to go through the mails on the Pacific coast, thousands and tens of thousands of dollars in gold dust and gold bars pass through the mails every month—$20,000 a month going into the San Francisco post-office every month, and not one dollar has ever been lost.

Mr. RANDALL. I have a better opinion than the gentleman from Ohio of the safety of the mails.

Mr. FOSTER. I am very glad to hear this testimony in favor of the efficiency of the Post-Office Department.

Mr. LUTTRELL. We are not speaking of straw bids now,

Mr. FOSTER. I withdraw my amendment.

The Clerk read the following paragraph:

For salaries and expenses of collectors, $1,531,000.

Mr. DUNNELL. I offer the following amendment:

Strike out "$1,531,000" and insert "$1,931,000."

It seems to me that the reduction in the amount appropriated for the collection of the revenue has been very large. Last year there was appropriated $2,150,000. This year there is a reduction to $1,531,000, or between 24 or 25 per cent. Now, I do not wish to be captious at all on this bill, but this is an item that gives force and efficiency to the internal revenue. We get upward of $100,000,000 of internal revenue. It seems to me very bad policy to cut down a few hundred thousand dollars in providing for that collecting force, if by doing that we might lose two, three, four, five, or ten million dollars.

It will be remembered, Mr. Chairman, that within the last five years we made a large reduction in the internal-revenue collecting force. In the Forty-second Congress the assessors were dispensed with, and in the Forty-third Congress there was a very large reduction in the collecting force. And now it is proposed to make a still further reduction of one-fourth. I think it is stated by the Commissioner of Internal Revenue that we have now no more force than we ought to have; that the number of collectors and deputy collectors is as small as it can be consistently with a thorough and vigorous collection of the revenue.

Take my own State, the State which I have the honor in part to represent. We have at least seventy-five counties in which this collecting force have to go. We have but two collectors and about eight deputies to take care of seventy-five counties; a territory larger than all New England. Now it is proposed to cut down the force, and I suppose my State will be affected as well as others. It is, I believe, the fact that when the deputy collectors are sent out from time to time to make a special examination, when they return they collect in increased revenue more than the cost of those deputies. It is utterly impossible to get the revenue unless it is looked after. The deputies must go from county to county and from village to village, and the entire territory must be looked over. I think it is not economy to reduce this collecting force, this supervising force, because by cutting down a few thousand dollars we may lose ten times the amount we save. I insist that this reduction is altogether too large, and I hope that if the amount shall not be brought back to the point indicated in my amendment, there will be at least something added to the collecting force provided for in the bill as it stands.

Mr. RANDALL. It is necessary for me to state that the reduction in this appropriation involves a reduction in the number of collection districts, and therefore of the number of collectors from one hundred and sixty-six, as it is now, to one hundred and five. The general character of the business for the various districts was examined into, and the result was reached of the reduction I have stated. An examination was also made in regard to the necessary expenses, and an estimate of what was required in each State was reached with great care. I have before me a table showing the result; the number of collection districts in each State, and the amount of money which was deemed necessary to maintain the officers and to collect the revenue as heretofore. The reduction made in the number of collectors is sixty-one. Of course we are relieved from the payment of the salaries of that number of collectors. The other salaries in the collection offices above $1,200 were reduced 10 per cent. The number of deputies that we reduced was very few. I think the gentleman from Ohio [Mr. FOSTER] will bear me out in stating that no considerable reduction was made in the number of deputy collectors.

Now, having reduced the collection districts to one hundred and five, the amount was reached which is stated in this paragraph, $1,531,000. In the reduction of the districts and the provision directing their consolidation we left it to the discretion of the Commissioner of Internal Revenue how those consolidations should be made. The basis upon which we arrived at the result I have indicated can be varied from by the Commissioner of Internal Revenue whenever he may see fit. For instance, it may be that our basis in some of the States is not as large as it should be; but we are advised that in other States it is in excess of what it should be. For instance, according to our basis Georgia should be divided into three districts; and yet the member of the Committee on Appropriations from that State thinks that one is sufficient; and two of the leading citizens of Georgia, one of them I think having been formerly connected with the internal revenue, came before the committee, or at least came to me and other members of the committee, and stated that one is sufficient. He wrote a letter on the subject, which is on file.

Again, take the State of Indiana. We have provided for four districts in the State of Indiana, while my friend in front of me from that State, [Mr. HOLMAN,] and he is a member of the Committee on Appropriations, deemed that two were sufficient, and that certainly not more than three were necessary. Arkansas has but one now. Of course we made no increase there. Then take my own State of Pennsylvania. We fixed the number there at eight, and yet I have little doubt but it will be found that six collection districts in that State are sufficient.

Mr. KASSON. How about Iowa?

Mr. RANDALL. Iowa has four.

Mr. KASSON. That will do.

Mr. LAWRENCE. How in Ohio?

Mr. RANDALL. Ohio has seven; the number being fixed by the gentleman from Ohio [Mr. FOSTER] who is a member of the Committee on Appropriations.

My own State, as I have before stated, has eight. I think the work could be done with six. I merely mention these States to illustrate the fact that we have not crippled the Commissioner of Internal Revenue at all in fixing the number of these districts.

Mr. HURLBUT. How about Illinois?

Mr. RANDALL. The gentleman from Illinois inquires as to his State. We have given seven districts to the State of Illinois. The State of Tennessee has three, and yet I believe that this is more than is sufficient, certainly one more.

I state these facts so that the House may see at once that we have not crippled the Commissioner.

Now we have directed him to make these subdivisions for this reason, that it came to the knowledge of the committee that unless we did so direct him to do he would have great difficulty in overcoming—I say it with great respect—a sort of political pressure brought to bear on him whenever he comes to consolidate districts. It is the opinion of the Commissioner of Internal Revenue that these districts may be consolidated, and he has more than once attempted to consolidate them. Let me say to his credit that I do not know any man in the Government who is more desirous to reduce the expenditures of the Government than the present occupant of that office.

Mr. PRATT. I would ask the gentleman if the committee have provided in this bill for the number of districts in each State?

Mr. RANDALL. No; we have declared that the total number shall be one hundred and five, and have directed the Commissioner of Internal Revenue to redistrict the United States as he may see fit, restricting him, however, to one hundred and five districts.

Mr. PRATT. Then the numbers which the gentleman has been giving for each State are from his own calculations merely.

Mr. RANDALL. It is the basis adopted by the committee for its government, and is one that in our opinion could do no harm, as we thought.

Mr. HENDERSON. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Certainly; I am ready to answer all questions.

Mr. HENDERSON. I desire to ask the gentleman whether the reduction of collectors will not result necessarily in an increase of the number of deputy collectors?

Mr. RANDALL. We think not. The collector does not travel, but the deputies do; and the reduction we have made in the number of deputies amounts to a mere nothing. I think the gentleman from Ohio [Mr. FOSTER] will corroborate me in the statement that the increase in the number of deputies is not large.

Mr. FOSTER. It is not large——

[Here the hammer fell.]

Mr. FOSTER. I move to strike out the last word.

Mr. Chairman, I can cheerfully attest to the faithfulness and attention that this part of the bill has received from the committee, and especially from its chairman. I disagree with him as to the amount of reduction he proposes to make, but I cordially concede that he has given it careful and close attention. For myself, I am governed and I feel that I am bound to be governed to a certain extent by the views of the able management of that Department. There are to-day one hundred and sixty-six collection districts in the United States. They have been steadily reduced from two hundred and forty-odd to one hundred and sixty-six, and the bill proposes to reduce the number to one hundred and five.

In my judgment, Mr. Chairman, and in the judgment of the Department which has given this subject a careful, close, and scrutinizing attention, this reduction is too great. In their own opinion, as in mine, it jeopardizes the successful collection of the revenue. They met us in a spirit of economy; they met us as we desired they should; they have gone over this whole subject carefully, and they gave to us as their opinion that the lowest possible point to which this reduction can be made is one hundred and thirty districts. To that reduction they accede. They have gone over carefully the expenses attending the collection of the revenue, and in their judgment it requires $1,900,000, or $200,000 less than last year.

In my judgment, Mr. Chairman, it is a dangerous thing to do to to carry this reform or retrenchment to such an extent in a Department like this, which collects more than two-fifths of all the revenues, to an extent that may possibly cripple it. I say here that I would rather give more to this Department than it needs than less. I believe that it is economy in this matter. I think that the committee ought to give the Commissioner of Internal Revenue the sum he asks, which is, $1,900,000.

Mr. RANDALL. As the gentleman from Ohio has alluded to the conference of the committee with the officers of this Bureau, which was a pleasant one, I want to say that for myself I suggested that we should reduce the number of collection districts to one hundred, that we then embarked upon the task of consolidating and reducing the number, not knowing exactly where we would reach until we got to the end, and strange to say, these very gentlemen of the Department and our subcommittee, consisting of the gentleman from Ohio [Mr. FOSTER] and myself, reached one hundred and five districts together as a proper basis of reduction.

Now let me say, and I say it with great respect, that the natural inclination of the gentleman at the head of this Department is to hold on to the number of collection districts now existing. I suppose that if I were there myself I should want to retain all I could, but really I think that there is no possible harm that can come from this consolidation down to one hundred and five districts.

We have not in any measure whatever reduced the number of deputies who do the traversing of the various collection districts to see that the revenues are collected, and we have set apart, as I think, a liberal sum in each State for the collection of the revenues. But if it should be developed that this reduction is too large, we shall have it within our power to remedy it.

Now, I remember very well the discussion which took place formerly on this subject, and the same character of complaint was made when the former consolidation took place at the instance of a then member of the House from Kentucky, Mr. Beck, and I am not certain but that the gentleman from Ohio [Mr. FOSTER] was a member of the subcommittee that made that reduction.

Mr. FOSTER. That was another matter.

Mr. RANDALL. What I want to state to the House is that it is the disposition of Bureau officers to predict great injuries to the revenue if we make these reductions.

Mr. FOSTER. I withdraw my formal amendment.

Mr. DUNNELL. I renew the amendment to the amendment. The gentleman from Pennsylvania [Mr. RANDALL] has said that this reduction would not reduce the number of deputy collectors.

Mr. RANDALL. I said it would not materially reduce the number.

Mr. DUNNELL. I think it would materially reduce the number of deputy collectors. Here is proposed a reduction of about $600,000 in the expenses of collecting the revenue. It will be seen at once that all that amount is not saved by simply reducing the number of collectors from one hundred and sixty-five to one hundred and five.

Mr. RANDALL. A part of it comes from the 10 per cent. reduction upon the salaries above $1,200.

Mr. DUNNELL. There are but few salaries above that sum in this Bureau.

Mr. RANDALL. The gentleman is mistaken in that.

Mr. DUNNELL. Gentlemen must see that this reduction will not be only in the number of collectors, but there must necessarily be a reduction of the number of deputy collectors. A few moments ago I went over to the seat of the chairman of the Committee on Appropriations to examine the list of States that he has there, for the purpose of ascertaining the principles of this reduction. I found that the State of Minnesota was consolidated into one district. As I stated before, there are seventy-five counties in Minnesota that must be visited, and there are stretches of four hundred miles that must be gone over in a territory larger than all New England. The amount here appropriated is but a little more than half of what has been heretofore appropriated; yet fault has been found with the deputies there because they could not go over the Territory sufficiently under the former appropriations. The loss which will result will not be in a place like Philadelphia or New York, and other larger and more thickly-settled places; but it will be in the more sparsely-settled portions of the country, the remote villages and the remote cities, all of which must be visited once a month.

Now, if we before had none too many men to do this work, I insist, in the interest of true economy and of the thorough collection of the revenue, that with this reduction of 24 per cent. the year that shall tell the story of the result of this reduction will show that we have lost millions while attempting to save a few thousands. I hope the amendment proposed to be made to this paragraph will be adopted.

Mr. BURCHARD, of Illinois. It seems to me it is a very hazardous experiment which the Committee on Appropriations are recommending to this House. One year ago the tax on distilled spirits was raised from seventy cents to ninety cents per gallon. The proposition was debated here very fully, and the only serious objection that was urged to it was that it would be impossible to collect a higher rate of tax. To-day arguments are made in favor of the reduction of the rate of tax, because it is insisted that a greater amount of revenue will be collected from the lower rate of tax. You cannot collect the tax on distilled spirits unless you have officers to attend to the duties connected with the assessment of the tax, and the ascertainment of the amount of material used and the amount produced. You must have collectors, deputy collectors, gaugers, store-keepers, and all the other officers provided by law at the present time.

Mr. LUTTRELL. Did we not collect a larger amount of revenue when we had a fifty-cent tax?

Mr. BURCHARD, of Illinois. You are calling me off to a proposition that I want to discuss at the proper time, when I will show you why we collected more when the tax was lower; and it was not because the tax was lower. However I do not want to discuss that proposition at this time.

Mr. RANDALL. Will the gentleman from Illinois allow me to suggest that the store-keeper and gauger is the man to do the work, not the collector?

Mr. BURCHARD, of Illinois. I understand that; I do not want to discuss that part of the subject until we come to it. You must have deputy collectors as well as collectors. You have in this country some six hundred and ninety-six registered grain and molasses distilleries, besides about four thousand fruit distilleries. There are in Georgia twenty-two grain distilleries, besides four hundred fruit distilleries; and it is necessary that you have the officers to assess these distilleries.

This Administration has already reduced the number of officers in this branch of the executive Government. When the President was first inaugurated there were six thousand and forty-three officers connected with the internal-revenue service. In two years from that time they had been reduced to four thousand one hundred and seventy-one; and at the present time there are but two thousand eight hundred and two.

The following will show the number of the several officers and employés engaged in assessing and collecting the internal revenue in the various collection districts of the United States at the different times named:

	March, 1869.	Dec'r, 1871.	April, 1876.
Assessors	240	232	.....
Collectors	240	232	166
Supervisors	25	25	10
Detectives	24	22	25
Assistant assessors	2,746	1,391	.....
Gaugers	742	987	806
Store-keepers	1,116	781	698
Tobacco inspectors	750	134	29
Surveyors	160	367	.....
Deputy collectors	.....	.....	865
Clerks, messengers, and janitors	.....	.....	203
Total	6,043	4,171	2,802

We have by law changed the system so that it has become possible to reduce the number by imposing upon collectors and assistant collectors the duties that prior to that time were imposed by law upon assessors and assistant assessors.

When the law was first framed providing for the collection of internal revenue it was upon the principle which was recognized during the war of 1812, when we had an internal-revenue system; that is, with one set of officers performing duties connected with assessments and another set of officers acting as a check upon them. We concluded to abolish that system, and did abolish about one thousand assistant assessors, and in their places we provided for the appointment of deputy collectors. At the present time we have eight hundred and sixty-five deputy collectors. There were deputy collectors before that time, but they were paid out of the allowances and commissions provided for the collectors of the district. In 1871 we abolished two hundred and thirty-two assistant assessors and consolidated the districts. At the present time there are one hundred and sixty-six collection districts; they have been reduced 20 per cent. during the last year. The present Commissioner of Internal Revenue has done all that he could do with safety and economy from time to time, experimenting carefully and wisely to see that he did not impair the efficiency of the service while reducing the number of officers. Now, he has said, as gentlemen here state, that he can, without impairing the collection of the revenues, reduce the number to one hundred and twenty-nine, and that he does not believe it safe or prudent to make a greater reduction. But the committee come in here and take up the list; and one gentleman from Georgia says, "I think one collector and two or three deputies can take care of twenty-two grain distilleries and over four hundred fruit distilleries in Georgia; I believe I know more about this than the internal-revenue officers; I believe these districts can be consolidated." So these gentlemen go on and undertake to place themselves in the position of this officer. I believe seriously that if gentlemen on the other side of the House sustain the reduction proposed by the committee the country will hold them responsible if the tax of ninety cents a gallon cannot be collected.

[Here the hammer fell.]

Mr. KASSON obtained the floor, and yielded his time to Mr. BURCHARD, of Illinois.

Mr. BURCHARD, of Illinois. In my view the present tax should be maintained and the necessary force given to the internal-revenue officers until we see whether we can collect the tax or not. Give the present system a fair trial; then if the tax appears too high, let us reduce it; but let us not cripple the force of the Commissioner of Internal Revenue and the officers acting in conjunction with him, and then divide the responsibility. Let the responsibility rest upon the office and those who administer it. Let us give them the force which they say they require, and then hold them responsible for the efficient administration of the law. There are in the present service about fourteen hundred men, including all the officers connected with the service except the gaugers or store-keepers. I do not understand that the committee propose to reduce the number of gaugers or store-keepers. That is not particularly connected with this paragraph. But the number of other officers you must have in some shape. In this bill you propose, as I understand, to dispense with ten supervisors and also to refuse to the Commissioner twenty-five additional revenue agents that he asks for. As I understand, and I have it from the Commissioner himself, he has consented to one hundred and twenty-nine collectors, provided he can have twenty-five more revenue agents. If the districts be reduced to one hundred and twenty-

nine, he can send out these officers to perform service now performed by other officers. The Commissioner asks that there may be this additional force of twenty-five revenue agents, and if this be granted, he will consent that the collection districts shall be reduced to one hundred and twenty-nine. But you do not give him a single additional officer that he asks, while you propose to reduce the number of districts to one hundred and five upon a consolidation made in the committee. Mr. Chairman, it seems to me this is unwise and unsafe. It is better, far better, to move slowly and carefully. Other governments have for years collected a part of their internal revenue by a tax on distilled spirits. France and Germany and Great Britain have moved cautiously. Let us do the same. If we experiment at all, let us do so with great caution. Let us give proper trial to any system or law which we may adopt. Let us not, in pursuit of a false and mistaken economy, interfere with a system which is now working with advantage, and which is collecting revenue more cheaply than any other system that has been tried. Our internal-revenue service does not now cost nearly so much in proportion to the amount collected as the customs-revenue service. The internal revenue is collected more cheaply than at any time before in the history of the country.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Chairman, I move to strike out the last word. I desire to say that I favor the amendment of the gentleman from Ohio, [Mr. FOSTER.] Gentlemen will recollect that under existing law the Commissioner of Internal Revenue during last year reduced the number of collection districts, I believe, thirty, and he tells us that he cannot reduce them further at this time without endangering an honest collection of the revenue. Now, gentlemen on the other side tell us that the Commissioner of Internal Revenue is honest, intelligent, and vigilant, the best man that can be found for the place. Now, then, why not let the law remain as it is? If the districts can be consolidated further, it is admitted by all that the Commissioner will and has the power to consolidate them. Why, without a better knowledge of the necessities of the service than we can have, blindly and, I may say, recklessly provide that the collection districts shall be cut down fifty-six more?

The chairman of the Committee on Appropriations says that one district for Georgia is enough. Now, let us see about that. During the last fiscal year Georgia paid $387,000, all told, internal-revenue taxes, and there were operated in the State four hundred and nineteen distilleries; while my own State (Illinois) for the same year paid largely more internal-revenue taxes than any other State, namely, over $17,600,000, and there were operated one hundred and seven distilleries; and the chairman of the committee says seven collection districts are enough for Illinois. Now, I want to submit that the amount of revenue collected in Georgia perhaps will not justify more than one collector; possibly many persons in Georgia do not pay the taxes, and possibly we could well pay the salaries of several additional collectors in Georgia for a full collection of the revenue. I do not say that this is the case. I only judge that it may be so from the large extent of territory, the great number of distilleries in that State, and the small revenue collected. Again, the chairman of the committee tells us that in making up the number of districts it is upon the basis of four districts in Iowa. Now, Iowa only paid a revenue of $1,000,000 last year. Now, if it takes four collectors for Iowa to collect $1,000,000, surely seven collectors in Illinois are not enough to collect $17,600,000 per annum.

So I might go on and make similar comparisons as to nearly all the States. I want to get along with the smallest possible number of officers that can collect the revenue; and when I say *collect the revenue*, I mean just what I say—*collect the revenue*. Therefore, let the law remain as it is. If the good of the service requires two or three collectors in Georgia, let the Commissioner have the power to appoint them; and if he can dispense with collectors in Georgia, Illinois, Iowa, or elsewhere, let him continue to have power to do so. Such authority has worked well heretofore; then why, in the interests of a false economy, change it? It looks to me as though the effect of the proposed law would be to prevent an honest and efficient collection of the revenues.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, it is conceded not only by gentlemen who have discussed this subject here, but I think by gentlemen who are connected with the Internal Revenue Bureau, that the number of collection districts can be reduced thirty-six. It is a well-known fact that the present very efficient head of that Bureau, a gentleman whose capacity as well as integrity admirably fit him for so important a department of the Government, has made the attempt to reduce the number of districts below the present number of one hundred and sixty-six, and for reasons not now necessary to mention he has been compelled to desist. It is believed by others who have examined this subject carefully that the number may be safely reduced to one hundred and five.

I do not think that there is any officer of this Government less likely to magnify his office than the head of this Bureau. He is a very great man for a Bureau office as important as this; great in his experience, great in his intellectual capacity, and great in his high character for integrity—a very strong man indeed for such an office. It is an important office in this Government, and at this time especially one that ought to be presided over by the first order of ability as well as of the highest possible integrity. But still no man could hold an office in this Government or any other without a disposition to magnify somewhat the office itself. It would not be very remarkable, therefore, that the present Commissioner of Internal Revenue should be inclined to insist and feel the number should be rather above than below the actual number required for the efficient discharge of the duties of the Bureau.

The fact, however, Mr. Chairman, cannot be overlooked, and every gentleman looking at the subject from his experience in his own region of country must admit that this internal-revenue system has been greatly simplified.

Our experience of about fourteen years has been a very valuable one. All of the revenues are paid now with stamps, with the single exception perhaps of the slight tax imposed on the banks. They are collected by the sale simply of stamps. Not only that, but so great has been the reduction of the number of things to which the revenue applies that in a given section of the country, in a given State of the Union, there are comparatively small portions which furnish the revenue. I call to mind a district which furnishes $2,000,000 of revenue with six counties, where the revenues are collected in a single county excepting $200,000, and the cost of collecting the revenue in that one county, to the extent of $1,800,000, is only $2,900, while the whole cost of collecting the revenues in the district runs up to $11,000 or $12,000. The additional expense in the absence of consolidation simply results in the collection of $200,000 and the keeping up of the office of collector at a given point. It can readily be seen that consolidation in such a district—and so it is with any number of other districts of a similar character presided over by a single chief acquainted with the persons who are appointed to the various subordinate positions—renders the execution of the revenue laws perfectly safe.

The only reason why it is important to have a considerable number in any one State is that the collector shall have a district not too large for him to supervise, devoting himself to its duties, and not too large but he may be personally acquainted with the qualities, capacity, and integrity of the persons who may be employed subordinate to himself. With the facilities now existing in most of the States of the Union, railroads reaching points at very brief intervals of time, and the general acquaintance of a gentleman traveling over a given region of country, it is rendered almost certain that he will find no difficulty in almost any State of the Union of medium size and population in knowing the character of the men whom he brings into the public service as his subordinates and deputies. I therefore think, in view of these considerations and in view of another important fact of the public vigilance, an important element to be considered in giving aid and assistance to the revenue officers of the Government everywhere, this reduction of force and expenditure is entirely safe.

[Here the hammer fell.]

Mr. HENDERSON. I think, sir, it is not so very important as to the number of collection districts or of collectors that may be required; but, if you reduce the number of collectors, it is manifest, as it seems to me, you must increase the number of deputies, or else in very many districts of the country the revenues will be but partially collected. Now, sir, as a matter of economy, a few years ago the office of assessor of internal revenue was abolished. I think it was an unfortunate day for our country when that was done. It was, perhaps, necessary then that the number of districts should be reduced; but the office of assessor, in my judgment, ought to have been continued in existence, because the one is a check on the other, and checks and balances are necessary in our Government for honest administration of this or any other service.

I doubt very much whether any of the frauds which have so recently startled our country could have been committed if the office of assessor had been continued, because, as between the collectors and assessors, the one would necessarily have been a check upon the other. Now, when we had assessors and assistant assessors, it was the duty of the assistants to assess from month to month all persons who owed the Government a tax, and their lists were then placed in the hands of the collector, and it was his duty to collect the amounts. And I believe sincerely that since the office of assessor was abolished we have lost more revenue in every district almost of this country than would have paid the assistant assessors for their services. I believe that in very many portions of the country there is revenue lost every year that would not be lost if it was the duty of some assistant assessor to look after this.

It is said that the deputy collectors do this duty. Perhaps they do. But you are cutting down, you are reducing the force, and in fact it is becoming in many cases a mere voluntary tax. The people pay it who want to pay it, and those who do not want to pay it get around it in some way or other.

I think if you reduce the number of collectors you will necessarily have to increase the number of deputy collectors, or else the revenue will not be honestly and fairly collected. And I wish to say here, that I am not interested in the appointment of any collector or deputy collector, gauger, or store-keeper, and I do not want to be. But I do want the taxes and revenues of the country to be honestly and fairly collected.

Mr. RANDALL. Now I ask that by unanimous consent the debate on this paragraph be closed.

Mr. FOSTER. I would like to reply in a word or two to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. RANDALL. I withdraw my request for the present.

Mr. FOSTER. The gentleman from Indiana seemed to make a great point of the idea that officers of the Departments are likely to magnify their position. He wanted to give the present incumbent of the office of Commissioner of Internal Revenue a very high character, and yet he said that with all this high character he is likely to magnify the importance of this position. Now, I want to put it to this House whether or not, in their judgment, the gentleman from Indiana is not more likely to magnify the question of reduction than the Commissioner of Internal Revenue is to magnify the importance of his office?

Mr. HURLBUT. A very fair conundrum.

Mr. RANDALL. I now ask unanimous consent that debate on this paragraph be closed.

There was no objection.

The question being taken on Mr. DUNNELL'S amendment, there were—ayes 56, noes 101.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For salaries, expenses, and fees of store-keepers, agents, surveyors, gaugers, and miscellaneous expenses, $1,450,000; and hereafter no gauger shall receive a greater compensation than $5 per day, and no store-keeper shall receive a greater compensation than $4 per day; and said gaugers and store-keepers, respectively, shall only receive said compensation when rendering actual service. And from and after the 30th day of June next, there shall be no more than one hundred and five collection districts. And the Commissioner of Internal Revenue is hereby authorized and directed to locate the collectors at such central points as in his judgment he may deem best for the interests of the public service. And it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid in the manner heretofore provided by law. And sections 3159 and 3160 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal-revenue service, are hereby repealed. And sections 2649, 2650, and 2651 of the Revised Statutes, and all laws and parts of laws authorizing the Secretary of the Treasury to appoint special agents to be employed in the customs service, and classifying them and regulating the duties of said agents, are hereby repealed. And sections 3321 and 3323 of the Revised Statutes, so far as the latter section relates to wholesale liquor-dealers' packages filled on the premises of wholesale liquor dealers, shall, from and after the 30th of June next, be repealed; and packages of distilled spirits filled on the premises of any wholesale liquor dealer shall thereafter be stamped under such rules and regulations as the Commissioner of Internal Revenue may prescribe.

Mr. RANDALL. I have an amendment to offer to that paragraph.

Mr. BURCHARD, of Illinois. Meanwhile I desire to reserve the point of order.

Mr. RANDALL. I offer the following amendment:

In line 605 strike out all after the word "districts" down to and including the word "service" in line 608, namely, these words: "And the Commissioner of Internal Revenue is hereby authorized and directed to locate the collectors at such central points as, in his judgment, he may deem best for the interest of the public service.

That clause was put in at the instance of the Commissioner of Internal Revenue. Since it was inserted here the House has passed a bill accomplishing the same result, and that bill is now in the Senate and likely to pass.

Mr. BURCHARD, of Illinois. It was on that that I desired to reserve the point of order. I desired to call the attention of the chairman to it, not because I objected to the provision, but because I think it has no business in the bill. The provision itself is all right.

Mr. RANDALL. There is no objection to this provision at all. It was put there at the instance of the Commissioner.

Mr. SAMPSON. If I remember correctly, the bill that was passed here left it entirely discretionary with the Commissioner where he should locate these officers. I see by this it is provided that they shall be located at central points. Now, I submit to the House whether this is not an important feature; whether it is not desirable to limit the Commissioner to some extent in the location of these officers.

In my judgment this provision is an improvement upon the bill that has already passed this House. There should be some limitation. The Commissioner should be required to locate those officers in some central part of the district with reference to the business of that district. There ought to be at least that limitation upon the judgment of the Commissioner. He should not have it entirely within his power to select any point he might desire, but should be requ red to consult the convenience of the district, at least to that extent that the office should be located in some central and convenient point of the district. For that reason I hope this provision will not be stricken out.

Mr. RANDALL. The necessity for this provision arose from the difficulty encountered by the Commissioner of Internal Revenue when he came to consolidate two districts; each district was desirous of securing the location of the office, and the collector in the district selected would be retained in the office.

Now, I really believe that the Commissioner of Internal Revenue, if the bill which has already passed the House should pass the Senate, will select a central point, notwithstanding those words are not embraced in the bill as it passed the House. But this provision, as I said before, was placed in the bill at the instance of the Commissioner; but the Committee on Appropriations, on reflection, did not wish to trench in any respect on such legislation as rightly belongs to the Committee of Ways and Means.

Mr. SAMPSON. I would ask the gentleman what harm this provision can possibly do?

Mr. RANDALL. I can see no harm in it.

Mr. SAMPSON. I see no necessity for striking it out.

Mr. HOLMAN. This provision is similar to a bill which has already passed the House, but has not passed the Senate. It is a very proper provision, and I hope the chairman of the Committee on Appropriations will not insist on his motion to strike it out.

Mr. RANDALL. If I do not make the motion the gentleman from Illinois [Mr. BURCHARD] will make the point of order.

Mr. HOLMAN. It is too late to make the point of order. It is quite clear that it is a good provision. We have already passed a bill containing substantially the same provision, and if the bill should not happen to pass the Senate it will be very convenient to have this provision here.

Mr. BURCHARD, of Illinois. I stated that I desired to reserve the point of order. I did not care to press it, because I understood the chairman of the Committee on Appropriations proposed to strike out the provision.

Mr. HOLMAN. Does not the gentleman from Illinois think that it is a proper provision somewhere, in some law?

Mr. BURCHARD, of Illinois. Well, I do not think it is in this bill. I think that it should be considered in the House as a subject by itself. It has been so considered in the House. I want also to make the point of order upon that portion of the section from the word "and" in line 616 down to and including the word "repealed" in line 622, as follows:

And sections 2649, 2650, and 2651 of the Revised Statutes, and all laws and parts of laws authorizing the Secretary of the Treasury to appoint special agents to be employed in the customs service, and classifying them and regulating the duties of said agents, are hereby repealed.

That provision relates wholly to customs revenue and has no relation to internal revenue, and therefore is not germane to this subject.

Mr. HOLMAN. I submit that the point of order comes very late.

The CHAIRMAN. The Chair understands that the time to make a point of order is at the close of the reading of the paragraph.

Mr. BURCHARD, of Illinois. I rose and said that I would reserve the point of order until the gentleman from Pennsylvania had offered his amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

The question was taken on Mr. RANDALL'S amendment, and it was agreed to.

Mr. RANDALL. I offer the following amendment, to come in at the end of the paragraph:

The said Commissioner may consolidate the offices of gaugers and store-keepers whenever, in his judgment, it can be done without detriment to the service at such distilleries whose producing capacity does not exceed forty gallons per day.

I offer that amendment in obedience to the recommendation contained in the report of the Commissioner of Internal Revenue, and which, as he stated, will cause a saving to the Government of $100,000 a year.

Mr. WHITE. I move to amend the amendment of the gentleman from Pennsylvania by adding thereto the following:

And section 3245 is so amended as to read:

"The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt persons who manufacture spirits by hand-mash copper distilleries having an average daily capacity of less than ten gallons; and distillers of brandy made exclusively from apples, peaches, and grapes, from any provision of this title relating to the manufacture of spirits except as to the tax thereon, when in his judgment it may seem expedient to do so."

Mr. RANDALL. That amendment changes the existing law, but I am willing to waive the point of order for the present. I suggest, however, to the gentleman from Kentucky that he allow the amendment offered by the committee to be adopted.

Mr. WHITE. My amendment is an amendment to the amendment of the committee and is germane.

Mr. RANDALL. I make the point of order that the amendment of the gentleman from Kentucky changes the existing law, but I am willing to reserve the point of order so as to allow the gentleman to speak five minutes to it. I do not want to interfere at all with any remarks which the gentleman desires to make.

Mr. WHITE. Mr. Chairman, I desire to say that there are a great many of these little distilleries that have an average capacity of less than ten gallons, and it is with the same end in view, doubtless, which the chairman of the committee had in view when he proposed to restrict it to the capacity of forty gallons daily, that I offer the amendment. A store-keeper gets, for instance, $4 a day, and these little distilleries will not pay the Government $4 on the amount they distill.

Now, anybody can see the point I am trying to make. It is that we shall save money to the Government on the one side and save annoyance to these little distillers on the other by this amendment. I propose only to insert two lines in the section of the general statute which I propose to amend.

Now, Mr. Chairman, it has been said by persons on the stump, and I have heard it myself, that the law as it now stands was evidently intended by the republican party to oppress these little distillers. There can be no question but what the law as it now stands is in the interest of the large manufacturer of whisky. I do not intend to encourage the manufacture of whisky. I hope I am as far from doing that as any one. But if whisky is to be manufactured, I can see no reason why the man of limited capital should not be allowed the same

privileges as the man with large capital. I cannot believe but these distillers are just as honest as the store-keepers who are set to watch them. For that reason I would abolish the store-keepers entirely where the distilleries have an average capacity of less than ten gallons a day, as the gentleman from Pennsylvania [Mr. RANDALL] proposes in his amendment in regard to distilleries with an average capacity of less than forty gallons a day. The object of each of us is the same.

I would add one other remark, as to how the Government would get the tax in case my amendment should be adopted. Where these little distilleries at the present time make brandy from peaches, apples, and grapes, the tax is collected by the gauger going around and gauging the amount manufactured and stamping the barrel or keg. The same process could be gone through with in regard to the distilleries that would be reached by my amendment. What I propose is to do away altogether with the store-keeper and apply the same law to those who distill from corn and rye as is applied to those who distill from apples, peaches, and grapes.

Mr. RANDALL. I now insist upon my point of order.

The CHAIRMAN. The Chair must overrule the point of order. The amendment proposed by the gentleman from Kentucky [Mr. WHITE] is certainly germane to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.] The one proposes to consolidate these offices, the other to abolish them.

The amendment to the amendment was not agreed to, upon a division—ayes 28, noes not counted.

The question recurred upon the amendment of Mr. RANDALL.

Mr. RANDALL. I will read a brief clause from the report of the Commissioner of Internal Revenue, which relates to my amendment. It will be found on page 164 of the report of the Secretary of the Treasury at this session of Congress:

> If Congress see fit to confer power upon the Commissioner to consolidate the offices of gauger and store-keeper whenever, in his judgment, it can be done without detriment to the service, this power, in my opinion—

That is, the opinion of Commissioner Pratt—

> could be profitably and wisely exercised at such distilleries whose producing capacity does not exceed forty gallons per day. In this way I estimate that at least $100,000 would be saved in expenses.

We have incorporated in this amendment almost the identical words of the Commissioner in this report.

Mr. O'BRIEN. I want to ask the gentleman one question in regard to his amendment. I see that by the paragraph under discussion the compensation of the store-keeper is limited to $4 a day, and of the gauger to $5 a day. Now, in case of the consolidation proposed by the amendment of the gentleman from Pennsylvania, would the person in whose interest both of these offices were consolidated draw both salaries, or the larger one or the smaller one?

Mr. RANDALL. That of course would be left to the discretion of the Commissioner of Internal Revenue. Under existing law he could not draw two salaries.

Mr. O'BRIEN. That is what I want to know.

Mr. BURCHARD, of Illinois. I do not know that there is any objection to this recommendation of the Commissioner of Internal Revenue, any more than there is to several recommendations that he has made and which the Committee of Ways and Means are now considering. For one I think this is a desirable amendment in itself; but as I said in regard to the provision which was stricken out of this bill, this provision should be in a bill relating to the administration of the revenue, concerning which there are many recommendations which will be reported upon in due time.

Mr. RANDALL. We believed it was germane here.

Mr. BURCHARD, of Illinois. I do not object to it.

Mr. RANDALL. There was no purpose on the part of the Committee on Appropriations to interfere with any of the prerogatives of the Committee of Ways and Means.

Mr. BURCHARD, of Illinois. We are happy to hear the chairman of the Committee on Appropriations say so.

Mr. HOLMAN. I suggest to the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, that the last clause of his amendment might very well be omitted. The Secretary of the Treasury expresses the opinion that this consolidation can safely be made where the capacity of the distillery does not exceed forty gallons per day. But the important thing is simply to confer upon the Commissioner the power to consolidate these offices when in his judgment it can be done without detriment to the public service. The other is simply incorporating into this amendment the argument of the Commissioner as to the cases where this consolidation might be properly applied. The Commissioner of Internal Revenue should be given without restriction the power to consolidate these two offices. I therefore suggest that the last clause of this amendment be omitted.

Mr. RANDALL. I have no objection to that. I am quite willing to leave it to the discretion of the Commissioner, for I have no doubt the power will be properly exercised. I will, therefore, modify my amendment by striking out the limitation as to forty gallons per day.

The amendment, as modified, was read, as follows:

> The said Commissioner may consolidate the offices of gauger and store-keeper, whenever in his judgment it can be done without detriment to the service.

Mr. HOLMAN. That is right.

The amendment, as modified, was then agreed to.

Mr. LAPHAM. I move to amend the pending paragraph by striking out the following:

> And sections 2649, 2650, and 2651 of the Revised Statutes, and all laws and parts of laws authorizing the Secretary of the Treasury to appoint special agents to be employed in the customs service, and classifying them and regulating the duties of said agents, are hereby repealed.

This provision, abolishing the sections of the Revised Statutes authorizing the Secretary of the Treasury to appoint special agents when he deems the public service may require him to do so, is a very radical one. Those sections were incorporated in the Revised Statutes at the last session of Congress, as a part of the permanent laws of the United States. They are permissive merely; they authorize the Secretary of the Treasury, if in his judgment the public service may require it, to appoint special agents. They create no office unless the public necessity demands, temporarily or permanently, the employment of special agents to detect frauds in the revenue. I doubt not that those sections were voted for by the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana, [Mr. HOLMAN.] Why, so soon after their enactment, should this absolute repeal of those provisions be proposed, taking away from the Secretary of the Treasury all power to investigate matters of fraud upon the revenue from one end of the country to the other? Why, sir, I would as soon think of taking away from the United States marshal or his deputy, or from a sheriff, the *posse comitatus* necessary to enable him to execute the laws, as absolutely and forever to deprive the Secretary of the Treasury, as this proposition does, of any power whatever to discover frauds in the collection of the revenues of the Government. I do hope that so sweeping an amendment as this will not receive the sanction of the committee.

Mr. RANDALL. The first of these three sections of the Revised Statutes provides for the appointment of special agents, the second classifies them, and the third makes regulation as to their duties. I do not think it is improper for me to state the fact that the proposed abolition of these offices was originally inserted at the instance of the Secretary of the Treasury himself. Subsequently, however, he thought he ought to have ten of these officers. Now he has fifty-three, I think. I have recently understood, although I am not fully informed, that he now desires twenty; that he would abolish thirty-three.

Mr. LAPHAM. I suggest to the gentleman that if the Secretary needs only twenty, all he has to do is to appoint only that number. The provision is permissive entirely.

Mr. RANDALL. No, sir; that is the very rock upon which the Secretary has stranded. There is the ground of trouble. He does not know whom to turn out. He wishes the law to be directory, fixing an absolute number. When I spoke to him on the subject he thought that he could do without these officers entirely. Since then, in a conference with the committee at his office, he thought that ten ought to be retained. The committee thought that this character of detective service was not required at all; that a large sum of money, amounting in the aggregate to nearly if not more than $200,000, could be saved by the abolition of these offices. This is the large sum which we expect to save by the repeal of these three sections of the Revised Statutes. I hope that the House will confirm the judgment of the committee.

Mr. KASSON. Do I understand the gentleman from Pennsylvania to desire to abolish all the agents, or simply to have a reduced number?

Mr. RANDALL. To abolish them all.

Mr. KASSON. The observation that we have had in a former Congress in the course of an investigation by the Committee of Ways and Means as to the misuse as well as the use of these officers left the impression, I think, on the mind of every member of the committee that a limited number of these agents is indispensable to the detection of fraud; and, unless this committee is advised by the present Committee of Ways and Means against it, I hope the gentleman from Pennsylvania will consent to what I thought was going to be his own suggestion: a limited number for this service of the Department.

Mr. RANDALL. I was merely stating the judgment of the Secretary of the Treasury, as distinguished from that of the committee.

Mr. KASSON. And his judgment, I understood, was that there should be ten or twelve of these officers.

Mr. RANDALL. Ten, we understood him; but I have learned since that he wants twenty.

Mr. KASSON. I understood a member of the committee was going to propose that number; and I thought that the gentleman from Pennsylvania as he took his seat indicated a disposition on the part of the committee to allow perhaps a reduced number.

Mr. RANDALL. As one member of the committee, I should not object seriously to ten.

Mr. KASSON. In view of a very long examination which, as the gentleman may remember, was made by the Committee of Ways and Means in the last Congress as to the misuse as well as the use of these agents, I can certainly say for myself that I became very thoroughly satisfied that a limited number of these officers is absolutely indispensable to the detection of frauds under the best system that we can devise. I venture to give the gentleman this assurance, because I understood a motion would be made by a member of the committee to allow a limited number of these officers.

Mr. RANDALL. I do not think the committee have authorized any change in the paragraph; but I am willing, so far as I am individually

concerned, and I think the committee would be willing to continue not more than ten of these officers.

Mr. GARFIELD. I hope, then, the gentleman will allow an amendment of that kind to be offered. To say that the Secretary of the Treasury shall have no special agents, that he shall not be armed with power of law to send an agent to any place where there may be frauds upon the revenue, is, I think, to cripple the Department in a very important branch of the service. I agree with the gentleman, and I have thought for a number of years that this force could be reduced and ought to be reduced. But to take away the law by which the employment of any officers for this kind of work is authorized would, in my judgment, be a serious crippling of the Department.

Mr. RANDALL. The gentleman must not inveigh against the committee in that respect, because we conformed to the original wish of the Secretary of the Treasury, as we understood it.

Mr. GARFIELD. But I understand that such is not the Secretary's wish; and the committee ought not to stand upon a misunderstanding. If the gentleman will himself offer the amendment in proper shape, I have no doubt it will meet the general concurrence of the House. I request the gentleman to indicate the shape in which he would like to have the amendment offered.

Mr. RANDALL. I am entirely willing, of course, that any gentleman should test the sense of the House on that point, (as he would have the right to do,) without interposing any objection from the committee.

Mr. LAPHAM. I desire to call attention to the language of the statute:

The Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number, for the purpose of examining the accounts of the collectors and for the purpose of detecting frauds.

Now if the Secretary of the Treasury finds that only ten are necessary, it is fair to assume that he will appoint but ten.

Mr. RANDALL. He has fifty-three now in office.

Mr. FOSTER. Read the next three clauses.

Mr. LAPHAM. They simply classify them.

Mr. KASSON. The language is imperative.

Mr. FOSTER. Read it to the House.

Mr. LAPHAM. Section 2650: "The special agents shall be divided into three classes."

Mr. KASSON. "*Shall be divided into three classes.*" Then it goes on to give the number in each class and fix the compensation.

Mr. LAPHAM. It does not make the number of each class imperative. It is enough for me, Mr. Chairman, this bill proposes to take from the Secretary of the Treasury absolutely and forever all power to appoint these agents.

Mr. HOLMAN. I believe the gentleman from Pennsylvania did not make any motion.

Mr. RANDALL. I did not.

Mr. HOLMAN. I am not very well informed as to the propriety of retaining any number here. The impression made upon the Committee on Appropriations was that these agencies might be dispensed with without any detriment to the public service. If it is desirable to retain any number, certainly ten, in my judgment, will be sufficient. In that event it will simply be desirable to retain section 2649 and add to it, repeating from the next section the following words: "each of whom shall receive a compensation of $8 per day and actual traveling expenses when employed in the duties of such agencies."

The law as it now is provides that the Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number. Then section 2650 provides that the special agents shall be divided into three classes. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expense necessarily and actually incurred by him, a compensation of $10 per day; and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of $8 per day.

The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of $6 per day.

I do not know but the compensation provided for the second class would be more reasonable, and I therefore suggest the section as it now stands be re-enacted with the modification limiting the number to ten, each of whom shall receive the compensation of $6 a day and actual traveling expenses when employed in the duties of such agencies. I trust that will be deemed satisfactory.

Mr. GARFIELD. While I do not agree with the gentleman from Indiana that the number is sufficient, I think that it is better than the proposition in the bill; and, if the gentleman will allow me while up, I will state that before the law which has just been read was passed the Secretary had the power to appoint an almost limitless number of these special agents of the Treasury, limited only by the appropriation he had.

Mr. HOLMAN. The law limits the number of these special agents to fifty-three.

Mr. GARFIELD. I was referring to a period before the law to which the gentleman refers was passed. The law from which he has read in the statutes is one limiting his power, limiting the number of these special agents and classifying them as to the total number and the pay of each class, so that there could be no abuse of the power given to the Secretary. The very law the gentleman has read from was in the direction of limitation and economy.

Now they stand precisely in the same relation to customs duties that the people referred to in the next clause of the bill, in lines 632 to 635, for detecting and bringing to trial persons guilty of violating internal-revenue laws, &c., do to the discovery of the rascals upon the internal revenue. The crooked-whisky developments of the last year have come out of just such a provision in the internal-revenue service as this is in the customs service. If we drop this out altogether, we would take it out of the power of the Secretary of the Treasury to ferret out frauds in the customs service, just as we would take it out of his power to ferret out crooked-whisky frauds. If we drop out the next clause in reference to the internal revenue, he would have no power to send men to follow smuggled goods or anything of that sort.

Mr. HOLMAN. I move to modify this provision in the pending bill to read as follows——

The CHAIRMAN. There is an amendment now pending to strike out.

Mr. HOLMAN. I propose to perfect it before it is stricken out. I move that sections 2649, 2650, and 2651 of the Revised Statutes be modified.

Mr. HILL. I suggest to the gentleman from Indiana to strike out in line 622 the word "repealed," and then say "are hereby modified so that the number of said special agents shall not exceed ten, and the compensation of each shall be $8 a day."

Mr. HOLMAN. The gentleman from Maryland [Mr. O'BRIEN] suggests to strike out the words "are hereby repealed," and insert in lieu thereof, "are so far modified as to authorize the appointment of ten special agents, each of whom shall receive the compensation of $8 a day. I propose to make it $6 per day.

Mr. KASSON. You want to repeal section 2650, which is the only one to be repealed. I phrase it in this way, "that section 2650 of the Revised Statutes is hereby repealed, and the number of special agents authorized by section 2649 is reduced to ten."

Mr. HOLMAN. Sections 2650 and 2651 have both to be repealed.

Mr. KASSON. Only 2650 needs to be repealed.

Mr. LAPHAM. I suggest to the gentleman from Iowa that there would then be no compensation fixed.

Mr. HOLMAN. The amendment I have prepared accomplishes the purpose, the gentleman will see, very fully. I therefore move to strike out the words "are hereby repealed" and insert the following words:

Shall be so modified as to authorize the appointment of ten special agents, each of whom shall receive a compensation of $6 a day and actual traveling expenses when employed in the duties of such agency.

Mr. LAPHAM. If the gentleman from Indiana will drop the last clause of his amendment changing the compensation, and will leave that as provided by the statute and merely limit the number to ten, I will accept his amendment.

Mr. HOLMAN. The trouble is that the law provides for compensations varying from $10 to $6.

Mr. HILL. Make it $8.

Mr. HOLMAN. Very well, I shall not object to putting it at $8.

Mr. LAPHAM. I accept that.

Mr. HILL. I would suggest to the gentleman from Indiana to insert the word "only" before the word "ten."

Mr. HOLMAN. Very well. I agree to that.

Mr. FOSTER. I desire simply to state that the Secretary of the Treasury, after careful investigation, thinks twenty is the proper number and the number he should have. I do not propose to trouble the committee by moving an amendment. I simply want to put on record the opinion of the Secretary of the Treasury.

Mr. RANDALL. I would further suggest to the gentleman from Indiana that he add the words, in an appropriate place, "when actually employed."

Mr. HOLMAN. I think that is very proper.

The CHAIRMAN. The Clerk will report the amendment as now modified.

The Clerk read as follows:

Strike out the words, in line 622, "are hereby repealed," and insert:

"Shall be so modified as to authorize the appointment of only ten special agents, each of whom shall receive the compensation of $8 per day and actual traveling expenses when actually employed in the duties of such agency."

Mr. RANDALL. I desire to correct a statement I made a moment ago, that the reduced expenses of this would reach $200,000. I have a letter from the Secretary of the Treasury stating it will be $124,000, $76,000 less than I stated.

Mr. BURCHARD, of Illinois. I want to have the gentleman from Pennsylvania add to his remarks that the amount of fines and forfeitures collected previous to last year has usually been half a million dollars, and the greater part of it was collected through these agents on discoveries made by them.

The question being taken on Mr. HOLMAN'S amendment, there were—ayes 92, noes 14; no quorum voting.

So (no further count being demanded) the amendment was agreed to.

Mr. WHITE. I offer the following amendment:

At the end of the sentence in line 616 insert:

And section 3255 is so amended as to read:

"The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt persons who manufacture spirits by hand-mash copper

distilleries having an average daily capacity of less than nine gallons, and the distillers of brandy made exclusively from apples, peaches, or grapes, from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

I have changed the amendment which I introduced some minutes ago, at the suggestion of gentlemen on the other side of the House, who agree with me that it is nothing more than just to the small distillers to pass such an amendment. Perhaps I was not clearly understood before.

The law as it now stands requires as to these small distilleries that gaugers shall gauge their spirits and stamp them; but there is an exemption from the provisions relating to the manufacture of spirits except as to the tax thereon, where the distillers make their brandy from peaches, apples, and grapes. Now, I propose to amend that by saying that at the discretion of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, these hand-mash distilleries which have a daily capacity of less than nine gallons shall be included in the same category of exceptions. There can be no objection, it seems to me, to this.

It is known to other members on this floor, as well as to myself, that a great number of these hand-mash copper distillers are almost totally destroyed as the law now stands. They are subjected to so many of these new arrangements connected with distilling that the expense is more than their profit amounts to. Consequently these people are debarred altogether from the business. This, I think, is not just.

In addition to this, the violation of the law as it now stands leads to what is known in my section of the country, and I believe in North Carolina and in some parts of Virginia and Tennessee, as moon-shining, that is to say, they go out into the heads of hollows and start a little distillery of their own in violation of law. Now, if this provision becomes a law, these distillers will come down in open daylight and conform to the law. I received intelligence the other day of a case where a family were taken from my district to Saint Louis simply because some one had been making moonshine whisky. The Government makes nothing as the law now stands. If the law was complied with, the distiller would not pay enough tax to half pay the store-keeper. It would be better for the Government to leave it alone than to attempt to get fifty dollars or a hundred dollars a year from it, and at the same time great annoyance to these people would be saved.

Mr. RANDALL. The effect of this amendment would be to put all these whisky-distillers making less than nine gallons per day, which is about twenty-seven hundred gallons per annum, under the provisions of section 3255 of the Revised Statutes, which is as follows:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

Now it seems to me, in the absence of any suggestion from the Internal Revenue Department or the Secretary of the Treasury, this would be an unsafe and unwise amendment to adopt. I do not know exactly where it would reach; I have not been advised upon that point. I was not aware that this amendment was to be offered, and therefore I have not been able, nor has the committee been able, to consult with the Department of Internal Revenue in relation to it.

Mr. GARFIELD. The gentleman from Pennsylvania will allow me to say that the chief danger in the revision of the internal-revenue laws has been from these small distilleries which are hidden away in some little ravine or some out-of-the-way place, and run in a considerable amount of spirits in that way without its ever being known. The very earliest difficulty that the Internal Revenue Department encountered was from this group of small distilleries and it was deemed best to root them out entirely by law, although it might hurt some in a great many localities. But in England, where these subjects have been carried to the nicety of finding out how to collect the revenue, these small distilleries have been substantially broken down and none but the largest are allowed to remain in operation; in fact it may be said to be true in England that the government runs the business of making spirits so as to control it and get revenue from it. If you allow these small distilleries to come in, you may be sure that they will spring up everywhere in the country and we shall lose the largest part of our revenue in that way.

Mr. FORT. I move *pro forma* to strike out the last word.

Mr. Chairman, I do not know that I fully understand the object to be attained by this amendment, and therefore I thought that I would discuss it a little myself. It is clear, however, Mr. Chairman, that the gentleman from Ohio [Mr. GARFIELD] who has just spoken is wrong, or else it is the duty of this House to repeal those sections of the Revised Statutes which refer to distilling spirits from fruit. If I understand it, small distilleries are now permitted by the Secretary of the Treasury to be operated without having a store-keeper to keep watch over them, without subjecting the Government to the cost of paying for gauging or for storing whatever spirits they may make.

Mr. PAGE. They have to pay the tax right off.

Mr. FORT. They have to pay the tax, of course. That is not the question. As I understand it, small distilleries may now be operated to make spirits from fruit.

Now, will the gentleman tell us why we should not allow high-wine distilleries to be operated in the same way in making high wines from grain? Is there any reason?

Mr. GARFIELD. Will the gentleman allow me a word?

Mr. FORT. Yes; for I have great respect for the gentleman from Ohio.

Mr. GARFIELD. It was permitted in the case of fruit distilleries, although it was considered somewhat dangerous, because such a distillery could run only a few weeks during the year, in the fruit season; but if you apply it to high wines, a distillery will run the year round, winter as well as summer.

Mr. RANDALL. In addition to that let me say that no one carries on fruit distilling as a separate business.

Mr. FORT. I hope these interruptions will not come out of my time.

Mr. WHITE. The gentleman will allow me to say that I had not expected that any opposition to my amendment would come from this side of the House; I did expect it from the other side, since they charge this upon us as republican maladministration.

Mr. FORT. I cannot yield further to the gentleman. This is not a political question; unfortunately republicans drink whisky as well as democrats.

Mr. HENDEE. O, no.

Mr. FORT. Now, it is a simple question as to whether we will permit men of small means and capital, poor people, to manufacture high wines when we are permitting men to do so from fruits. I can see no difference.

Gentlemen say that these distillers who manufacture brandy out of fruits only run in the fruit season. The fruit season may be long or short; but that is no reason why such a law as this should be upon the statute-book. Now, if it is proper to allow men of small means to manufacture brandy from fruit without a store-keeper being placed over them and if the revenue is collected on brandy made from grapes, apples, and peaches—which, by the way, run through a very considerable portion of the year—why not collect the tax in the same manner when it is made out of grain, corn, or sod-corn, as we do in Illinois? It can be collected in the one instance as well and correctly as in the other; and as the gentleman from Kentucky well said the law as it now stands effectively prohibits men of small means who have not capital to employ in building and operating large distilleries from engaging in this business. We all know that it takes a great deal of capital to set up a distillery and run it, whether it be in Tennessee, Illinois, or Kentucky. In my judgment, men of small means ought to have a right to enter into this industry and make liquor from corn just as much as those who make it from fruit or anything else, and I see no reason why this amendment should not be adopted in some form or other.

[Here the hammer fell.]

Mr. BURCHARD, of Illinois. I concur very fully in the views of the chairman of the Committee on Appropriations. I think it would be most dangerous to adopt the amendment of the gentleman from Kentucky, [Mr. WHITE,] for there is a great difference, as I understand it, between the manner of distilling in large distilleries from grain and that of distilling in these little distilleries from fruits.

A great distillery to be carried on with profit must have machinery for grinding, must have the mash and fermenting tubs, for the mash must remain in the tubs for a long period. To carry on a distillery profitably requires a large amount of capital. That is why the small distilleries, of the size that it is proposed by this amendment to permit to carry on the business, cannot compete with the larger distilleries, unless they manufacture some special quality of liquor or in some way avoid the payment of the tax. In the West it is found that the large distilleries in the grain-centers break down the small distilleries under the present law.

It is for the advantage of the revenue, as was said by the gentleman from Ohio, [Mr. GARFIELD,] that this business of distilling should be concentrated. It would be odious indeed to make distilling exclusively a monopoly; but it would probably be for the interest of the revenue, and secure the fullest collection of the taxes, if it was confined to perhaps one hundred grain distilleries of the largest capacity. But our system has not proceeded upon the principle of making this a monopoly.

If, however, we encourage the establishment of little distilleries all over the country making ten gallons a day, the Department cannot watch them. It is proposed by this bill to cut down the number of officers to watch those who are engaged in distilling, and also the rectifiers and dealers in spirits, and those engaged in the transportation, sale, or handling of spirits; and at the same time here is a proposition to open all the avenues of fraud. It seems to me that this proposition is worse than that of the committee to reduce so largely the number of the officers.

Mr. FORT. It is left within the discretion of the Secretary of the Treasury, and none of these small distilleries can be so operated without his consent.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. SAYLER. I move to amend by striking out the last word for the purpose of saying, in the interest of the honest men engaged in this business, that I do not know so profitable a source of fraud on them and on the revenues of the country as this proposition made by the gentleman from Kentucky, [Mr. WHITE.] If it should be adopted, in my judgment, the hills and valleys of Kentucky, with the bordering portions of Southern Ohio, will have more "mountain dew" in them than can be found in the Pass of Dunloe, in Ireland, to-day. I cer-

tainly hope that all who are in favor of the interests of the revenue will oppose this amendment.

Mr. FORT. I suppose the gentleman, representing as he does the large distilleries of Cincinnati, is not willing that they should compete with the poor people of Kentucky.

Mr. SAYLER. Certainly not.

Mr. WHITE. I doubt not the gentleman from Ohio represents the large distilleries, or some of them at any rate. I have stated here that the large distilleries will fight this proposition. I have no doubt of that. The large distilleries are opposed to the little distilleries. It has always been the principle of the large dealers in everything to try and crush out the small dealers. It is the same way in the manufacture of whisky, the large distillers want to shut off the small distillers entirely. Gentlemen must see that that will work great injustice to men who are not fortunate enough to be possessed of a large amount of this world's goods.

Mr. SAYLER. I withdraw my formal amendment.

The question was then taken on the amendment of Mr. WHITE; and upon a division there were—ayes 31, noes 49.

Mr. WHITE. No quorum has voted.

Mr. HURLBUT. It is not fair to raise that point.

Mr. WHITE. I call for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. WHITE were appointed.

The committee again divided; and the tellers reported that there were—ayes 30, noes 77.

Mr. WHITE. I will not call for a further count.

So the amendment was not agreed to.

Mr. FOSTER. I move to amend the pending paragraph by striking out the following:

For salaries, expenses, and fees of store-keepers, agents, surveyors, gaugers, and miscellaneous expenses, $1,450,000; and hereafter no gauger shall receive a greater compensation than $5 per day.

And in place of that I move to insert the following:

For expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of store-keepers, and for miscellaneous expenses, $1,800,000; and hereafter the fees paid to the gauger shall in no case exceed $5 per day.

The amount estimated for this item is $2,300,000, which was the amount appropriated last year; the amount proposed by the Committee on Appropriations in this bill is $1,450,000. I hold in my hand a table prepared at the Department of Internal Revenue, which shows the operations of that Department, so far as this fund is concerned, for the present fiscal year. Up to the 1st of March, 1876, the amount expended on account of this fund was $1,437,000, or at the rate of $1,950,000 a year.

We propose, with the concurrence of the Department, to make a reduction of the supervisors to the amount of $136,000. We propose a reduction of the fees of gaugers to the amount of $60,000, and of store-keepers to the amount of $35,000; also for the gauging, &c., of wholesale establishments to the amount of $100,000. In regard to this latter item—gentlemen on the other side will doubtless refer to it—I know that the Commissioner of Internal Revenue in his annual report suggested that a change in the law respecting gauging at wholesale liquor establishments would work a saving of two hundred and odd thousand dollars. He now states that this is an overestimate; that about $100,000 will cover it.

Now, Mr. Chairman, this Department has carefully gone over this question. It has submitted the figures which I give to the House. In the view of the Department, the amount necessary to run the Department for next year under this item is $1,800,000.

Gentlemen on the other side of the House have confessed that they know nothing at all about this bill; that they are following the committee. We have the committee on one side and an intelligent Department on the other. But I congratulate myself and the House that finally, on the motion of the gentleman from Philadelphia, the solid phalanx on the democratic side of this House has been broken, and that too on the most monstrous proposition that has been brought before the House during this discussion. Now, gentlemen, you have broken away once from this committee, and I put this question to you, Do you believe that a majority of this committee understand this question any better than the head of this Department, associated as he is with able chiefs who have been there for years?

Mr. RANDALL. Now, Mr. Chairman, I propose to show by the Department's own figures that what we propose to give them is quite adequate. I will take the last fiscal year, ending June 30, 1875. There was expended during that year for the purposes embraced in this paragraph $2,055,641. Now come the deductions by reason of the changes which we have made in this bill. For instance, we have abolished entirely the supervisors, which cost in that year $136,674. The new arrangements for gauging, providing for single gauging of wholesale dealers, will, according to a statement in one part of the report of the Commissioner of Internal Revenue, save $250,000 a year, and according to another estimate of the Commissioner, $200,000. The committee, in arriving at what they thought would probably be the correct figure, struck a middle point and deducted $225,000. As to the gaugers, the committee from the information they obtained estimated that the reduction to $5 a day would effect a saving of $75,000, and that by the reduction of the store-keepers to $4 a day there would be a saving of $60,000. Now, the amendment proposing to carry these stamps through the mails in registered packages will save $54,000. The amount paid during the last fiscal year as attorneys' fees—paid to our own district attorneys—was $16,683. The committee deemed it proper that our own officers should protect the Government against frauds without expecting any compensation beyond their regular salaries and fees. Again, the consolidation of the gaugers and store-keepers, as suggested by the Commissioner, would save, according to his estimate, $100,000. Making these deductions in the aggregate from the amount this branch of the service cost for the year ending June 30, 1875, we reach as the figure necessary to be appropriated now about $1,385,000. But in order not to cut too closely we allow $1,450,000—$65,000 more than we believe to be absolutely essential.

But, sir, we were not content with this estimate. I took occasion to make inquiry of the Commissioner of Internal Revenue as to the amount that had been expended during the first nine months of the current fiscal year. He referred me to the First Comptroller of the Treasury; and I have received from the Acting Comptroller a letter, which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., April 10, 1876.

SIR: The amount expended from the appropriation for salaries, expenses, and fees of supervisors, store-keepers, agents, surveyors, gaugers, and miscellaneous expenses, from July 1, 1875, to March 31, 1876, was $1,248,164.46.

Very respectfully,

WM. HEMPHILL JONES,
Acting Comptroller.

Hon. SAMUEL J. RANDALL,
United States House of Representatives.

Mr. RANDALL. Now, if the expenses of the current quarter do not exceed the average of the past three-quarters of the fiscal year ending June 30, 1876, there will remain from last year's appropriation of $2,300,000 a surplus of $635,780. According to this estimate, it will be observed, the amount that will be expended for the current fiscal year will be $1,664,219. It should be remarked that the present Commissioner of Internal Revenue came into office on the 18th of May, 1875; that during the fiscal year ending June 30, 1875, he was in office only about six weeks; he has now been in office considerably less than a year. He has, I admit, made various reductions; and I think it quite "a feather in his cap" that he is enabled to show a surplus of $600,000. Deducting that surplus from $2,300,000, we have $1,700,000. Then, making the deductions which I stated as the result of the change of the law, and which in the aggregate amount to $660,000, it appears probable that less than $1,100,000 will be sufficient for the next fiscal year, provided that the same economy now exercised should be continued. But we propose to allow $1,450,000, giving a margin of $350,000. I think it will be admitted that we have certainly shown no disposition to cut down this appropriation too low.

Mr. FOSTER. I move to amend by striking out the last word. It is hardly fair for the gentleman from Pennsylvania, the chairman of the committee, to submit the statement of the Comptroller of the Currency, without the additional statement——

Mr. RANDALL. You have given that, and therefore it was not necessary for me to give it.

Mr. FOSTER. Without the additional statement that there are due and unpaid bills chargeable to this fund of $200,000, accrued prior to March 31

Mr. RANDALL. I have not had that established to my satisfaction; but, even if it is true, there is still a margin of $150,000.

Mr. FOSTER. I submit, to go with the gentleman's figures, a statement prepared by the Commissioner himself showing that the total amount of expenditures for this year will be in round numbers $1,950,000 instead of $1,400,000 as stated by the gentleman from Pennsylvania.

Appropriation for salaries and expenses, supervisors, and subordinate officers, &c., of internal revenue.

Amount expended as shown in accounts adjusted by Comptroller to March 31, 1876		$1,248,164 46
Accounts for services prior to March 31, 1876, not yet adjusted—gaugers for February and March, 1876, estimated	$110,000 00	
Supervisors' account, March, estimated	5,000 00	
Revenue agents' account, March, estimated	8,000 00	
Adams Express Company's accounts for October, November, and December, 1876, appropriated for	17,009 00	
Adams Express Company's accounts for January, February, and March, not received, estimated	18,000 00	
Surveyors' account, not received, estimated	1,000 00	
Miscellaneous accounts not yet filed, attorneys, telegraph, locks, &c., estimated	10,000 00	
Payments to store-keepers and gaugers for months prior to March, not yet received or suspended temporarily, estimated	20,000 00	
		189,309 00
Total probable expenditures for the period from July 1, 1875, to March 31, 1876		1,437,473 46
Or at the rate per annum of		1,916,630 00
Add for contingencies not considered above, say		34,000 00
Probable expenditures for the year		1,950,630 00

Mr. RANDALL. Until I found these figures on yesterday the Department insisted that $1,950,000 was necessary. After I had found these figures in the First Comptroller's Office they now come down to $1,800,000. I am quite certain we have given them an adequate sum.

Mr. BURCHARD, of Illinois. I suggest to the gentleman from Pennsylvania that the committee now rise.

Mr. RANDALL. I should like to finish this revenue branch before the committee rise.

Mr. BURCHARD, of Illinois. I hope the committee will rise now, as I think we should all like to see these various statements in print.

Mr. RANDALL. If we do not finish this paragraph to-night, but let it go over until to-morrow night, a new debate will spring up, and we cannot tell where it will end. The committee now understands this subject, and I hope we will continue in session until it is disposed of.

Mr. FOSTER. You will not get beaten.

Mr. RANDALL. I am so strong in my facts I think I cannot be beaten if intelligence sways.

Mr. FOSTER'S amendment was rejected.

Mr. FOSTER. I now move the latter clause of that amendment as another amendment.

Mr. RANDALL. Where would it come in?

Mr. FOSTER. After the word "dollars," in line 598.

The Clerk read as follows:

And hereafter the fees paid to gaugers shall in no case exceed $5 per day.

Mr. RANDALL. I have no objection to that.

The amendment was adopted.

Mr. FOSTER. I move in line 605 to strike out "105" and insert in lieu thereof "129;" so it will read:

And from and after the 30th day of June next there shall be no more than one hundred and twenty-nine collection districts.

Mr. RANDALL. We have already discussed that sufficiently.

Mr. FOSTER. I do not propose to make a speech.

The amendment was rejected.

Mr. FOSTER. I move to insert after the word "repealed," in line 616, the words "and section 3152 of the Revised Statutes is hereby amended by striking out in the third line the words 'twenty-five,' and inserting in lieu thereof the word 'forty.'"

Mr. RANDALL. I hope that will not be done.

Mr. FOSTER. Mr. Chairman, the present number of special agents is twenty-five. The Commissioner of Internal Revenue in his last annual report asks for fifteen more. He submits to the abolition of the office of supervisor and only asks for fifteen more. That is what this amendment accomplishes.

The amendment was rejected.

The Clerk read as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving in such crime, including payments for information and detection, $60,000.

Mr. HILL. I understood the gentleman from Pennsylvania after the reading of that paragraph would move the committee rise.

Mr. RANDALL. I did not give the gentleman to understand that; but I said I would move the committee rise when we got through with the Revenue Department. This is the only paragraph left. Let me ask whether the gentleman desires to discuss the question?

Mr. HILL. I do.

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Mason Carter, first lieutenant Fifth United States Infantry, and 9 other officers, for promotion in accordance with section 1204 Revised Statutes of the United States, to the Committee on Military Affairs.

Also, the petition of Richard Vance, first lieutenant Nineteenth United States Infantry, and 3 other officers of the United States Army, for legislation fixing the rule of promotion in the Army, to the same committee.

Also, the petition of Alured Larke, second lieutenant Tenth United States Infantry, and 13 other officers of the United States Army, of similar import, to the same committee.

Also, resolutions of the Cincinnati Chamber of Commerce, asking that a generous consideration be given to the claims of the Signal Service, and for such appropriations as will secure its increased efficiency and enlarged usefulness, to the Committee on Appropriations.

By Mr. BRIGHT: The petition of W. E. Hoke & Co., for compensation for the value of goods lost by being burned in transit over the Nashville and Decatur Railroad while under control of the military railroad department, to the Committee on War Claims.

By Mr. CANNON, of Utah: The petition of citizens of Utah Territory engaged in mining, smelting, milling, merchandizing, and other pursuits, for an appropriation to pay for the arresting, maintaining, subsisting, and guarding prisoners; for summoning jurors and payment of same in civil cases; also for buildings for holding courts, and other incidental expenses; and for the subsistence, clothing, guarding, and care of convicts in the penitentiary, to the Committee on Appropriations.

Also, the petition of Federal officers of Utah Territory, for an appropriation to defray the traveling expenses and to pay the fees of the United States marshal of that Territory and the expense of summoning jurors and witnesses, of keeping and transporting prisoners, and caring for the penitentiary, and the contingent expenses of the courts, to the same committee.

By Mr. CUTLER: The petition of the mayor, aldermen, common council, and 1,500 citizens of Paterson, New Jersey, for such action as will secure the release of E. O'M. Condon, to the Committee on Foreign Affairs.

By Mr. FOSTER: Remonstrance of citizens of Sandusky, Ohio, against the erection of low bridges across the Detroit River, to the Committee on Commerce.

By Mr. HARDENBERGH: The petition of the trustees of Stevens Institute, at Hoboken, New Jersey, for the remission of a certain income or succession tax by them paid to the United States, to the Committee on Education and Labor.

By Mr. HENDERSON: The petition of J. L. Finley and 181 others, citizens of Galena, Illinois, for the repeal of the act of January 14, 1875, known as the resumption act, to the Committee on Banking and Currency.

By Mr. HEWITT, of New York: The petition of Charles F. Chandler, for the extension of a patent used in refining sugar and sirups, to the Committee on Patents.

By Mr. HOPKINS: The petition of 171 business men of Pittsburgh, Pennsylvania, for the regulation of commerce and the prohibition of discriminations by common carriers, to the Committee on Commerce.

By Mr. O'BRIEN: Remonstrance of the Merchants' Mutual Insurance Company and others, against the passage of House bill No. 2685, to the Committee on the Judiciary.

By Mr. O'NEILL: Remonstrance of the Book Trade Association, of Philadelphia, against the passage of Senator HAMLIN'S third-class mail-matter bill and Mr. MORRISON'S tariff bill, to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: The petition of wholesale liquor dealers and manufacturers of Denver, Colorado, for the definition of the powers and duties of internal-revenue officers and to provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. STONE: The petition of citizens of Saint Louis, Missouri, against any change in the present tariff, to the same committee.

By Mr. SWANN: The petition of Peter Kissam Livingstone Cole, for a lien upon the indemnity money due the Japanese government by the United States Government, to the Committee on Foreign Affairs.

Also, the petition of W. T. Dixon & Brother, Heiser & Co., and 18 other shoe manufacturers of Baltimore, that the present duty on English lastings and serges may be changed to an *ad valorem* duty, to the Committee of Ways and Means.

Also, the petition of W. T. Dixon & Brother and 14 other shoe-manufacturers, that section 2030 of the Revised Statutes of the United States be amended by inserting the words "and also boots and shoes" after the words "United States," to the same committee.

By Mr. VAN VORHES: The petition of J. W. Thomas, secretary of Pomeroy Iron Company, and 187 other workingmen, of Meigs County, Ohio, that the tariff laws remain undisturbed for the present, and that when alteration is made counsel be taken of workingmen of the country rather than the enemies of our industries and commerce, to the same committee.

By Mr. WALKER, of Virginia: The petition of workingmen of Henrico County, Virginia, against a reduction of the tariff, to the same committee.

By Mr. WILLIAMS, of New York: The petition of George S. Nicholson, Caleb C. Reynolds, and 76 others, against any change in the tariff, to the same committee.

Also, the petition of George L. Clarke, D. C. Boynton, and 40 others, against any change in the tariff, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Kent County, Delaware, for an appropriation for the improvement of Murderkill River, Delaware, to the Committee on Commerce.

Also, the petition of citizens of New Castle County, Delaware, against any change in the present tariff laws, to the Committee of Ways and Means.

IN SENATE.

WEDNESDAY, *April* 12, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a copy of memoranda furnished General O. O. Howard, commanding the Department of Columbia, by Mr. G. H. Atkinson, taken from verbal statements of Captain J. W. White, revenue-marine service, on Alaska and its resources, and in relation to the colonization of Icelanders in Alaska; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented the memorial of Charles Platt, vice-president of the Insurance Company of North America, and others, marine underwriters, owners of claims by reason of which the money paid by Great Britain was awarded by the tribunal of arbitration at Geneva, remonstrating against the passage of House bill No. 2685, reported to the House of Representatives by Mr. LORD from the Judiciary Committee; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS presented the petition of E. M. Wright and sundry other citizens of the State of Vermont, praying for a repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS. I present the memorial of Alfred Robar and a large number of other citizens of Vermont who were soldiers in the late war of the rebellion and are now on the pension-list, remonstrating against any change of the present system of paying pensions through pension agents near their homes, which I move be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that like petitions have been referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. EDMUNDS. That is not the correct reference.

The PRESIDENT *pro tempore*. This was done at the request of the chairman of the Committee on Pensions [Mr. INGALLS] in several instances.

Mr. EDMUNDS. I have no objection to letting it take the usual reference, of course.

The PRESIDENT *pro tempore*. The petition will be referred to the Select Committee on the Civil Service.

Mr. WRIGHT presented the petition of E. C. Burdorf, of New York, late private in the Thirty-fifth New Jersey Regiment, who enlisted as a substitute in that regiment, praying that he may be allowed a bounty; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, presented the memorial of Marcus T. Colton & Son, and other envelope manufacturers, printers, stationers, and lithographers, remonstrating against the manufacture and sale of stamped envelopes and the printing of address cards on the same by the Government without any charge therefor; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented the petition of George W. Carpenter and others who served in the late war, praying for the passage of an act equalizing the bounties of all persons who served honorably in the military and naval service of the United States during the late war; which was referred to the Committee on Military Affairs.

Mr. WHITE presented a memorial of the Merchants' Mutual Insurance Company and the Maryland Insurance and Security Company of Baltimore and other marine underwriters of Baltimore, remonstrating against the passage of House bill No. 2685, relating to the distribution of the proceeds of the Geneva award; which was referred to the Committee on the Judiciary.

Mr. MORRILL, of Maine, presented a petition of citizens of Portland, Maine, booksellers and stationers, praying the discontinuance by the Government of the manufacture and sale of stamped envelopes, newspaper wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HITCHCOCK presented the petition of William N. Tibbets and others, citizens of Sage County, Nebraska, living near the Otoe and Missouri Indian reservation, praying for the speedy passage of the bill authorizing the sale of that reservation; which was referred to the Committee on Indian Affairs.

He also presented the petition of Le Roy H. Berryman, of Washington, District of Columbia, praying for the passage of an act authorizing the District commissioners to issue a duplicate of a certificate of corporation stock of the city of Washington, which certificate was destroyed, and the acceptance of the petitioner as bondsman for John Newton Berryman, who is now insane; which was referred to the Committee on the District of Columbia.

Mr. BURNSIDE presented the petition of James Flanagan, late private in Company I, Fourth United States Artillery, praying for an increase of pension; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented the petition of Charles W. Ingalls, Milton Sawyer, and 22 others, of Little Traverse, Michigan, praying Congress to pass a law to facilitate the issue of patents for homesteads to disabled soldiers; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation by Congress for the completion of the improvement of the Wisconsin and Fox Rivers; which was referred to the Committee on Commerce.

He also presented the petition of D. Appleton & Co. and 22 publishing firms of different cities of the United States, praying for the passage of a law making a uniform charge on all printed matter of third class at a postage not exceeding one cent for each two ounces or fraction thereof, regardless of distance; which was ordered to lie on the table.

Mr. CLAYTON presented the petition of Elizabeth M. Kershon, widow of John S. Fillmore, late of Denver, Colorado, praying that the title to certain lands situate in Denver City, Colorado, may be relinquished by the United States to her and the other heirs of Fillmore; which was referred to the Committee on Private Land Claims.

TREASURY BUILDING.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to report back the letter of the Secretary of the Treasury in relation to the cost of the land required for the completion of the east front of the Treasury building, and ask to be discharged from its further consideration. I will merely say that by the examination of the committee we find a rather curious state of facts. The land itself on that street is assessed at a value of $379,369.64, but the estimated value of it is $1,039,674. By the estimate of the Supervising Architect of the Treasury it would cost to obtain the whole of the grounds, including what would be wanted by the United States in the different lots, $939,272. If we only took what we require for the extension it would cost $100,000 more, or $1,039,674.80.

Under these circumstances, the committee does not recommend immediate action, although the extension of the east front of the Treasury building has been recommended for a long series of years. It was first mentioned by Isaiah Rogers, Supervising Architect of the Treasury, in his report for 1863. He there suggests five changes for the Treasury building and ground about it, the fourth for reconstructing the east of Fifteenth-street front on the same plan as the other portions of the building. In his next report, for 1864, the matter is again urged. In the report of the Supervising Architect (A. B. Mullett) for 1867 this change is considered at considerable length and very strongly recommended. The purchase of a strip of land on the east side of Fifteenth street of sixty-one feet deep is proposed. In each succeeding report of this architect up to and including that of 1874 this same measure continues to be most earnestly recommended, and for the following reasons:

First. It was the original design when the extensions were made upon the north and west that the east front should be extended under similar plans.

Second. The present front is of sandstone and is rapidly disintegrating. The rebuilding of it will soon be a matter of necessity.

Third. Considering the nearness of the buildings on the opposite side of the street and the fact that there is woodwork about the windows and in the rooms of the east front, it cannot be considered fire-proof.

Fourth. The Treasury building is very greatly crowded, scarcely accommodates half the force that belongs to the Department. The extension would nearly double its capacity.

Fifth. Every year it increases the cost of the land to be purchased on Fifteenth street.

Sixth. Up to the year 1870 $6,700,000 had been spent upon the Treasury building, and it is too late to pretend to economize by leaving what might be the grandest departmental building in the world mutilated and unfinished.

Seventh. By purchasing land on Fifteenth street and lowering the grade of that street and of the Avenue on the north, the building would no longer be marred by its present location below the level of the streets about it.

But the committee have reached the conclusion that we are too poor to buy this land at the present time, and that although a vastly increased amount will be required at some early future day for the extension, yet that we may be better able then to bear the increased expense than to ask for any appropriation for the addition to the site that would now be required, although it is obvious that it might be obtained for very much less before the new buildings shall be erected that are now in the process of going up.

Mr. SHERMAN. I do not wish the statements of the Senator from Vermont to go out at least without a *caveat*. Plans have been drawn that would complete the eastern front of the Treasury building according to the other fronts of the Treasury building, without widening the street at all and without making it necessary to appropriate a million of dollars or any sum whatever to carry out the plan. It can be done in either one of two ways: First, by extending the east front over the walk and covering the walk with arcades. That would give sufficient and ample extension to complete the plan according to the northern and southern fronts. Or, on the other hand, there is width of street enough on that part of Fifteenth street to allow a walk outside of the extended front of the Treasury building and still leave more space in that street for carriage-way than is indispensably necessary.

I have always thought that the idea of my friend from Vermont to buy a million dollars' worth of land to complete the plan of the Treasury building was rather an extravagant one to indulge in with regard to a public building. I say to him that plans have been prepared by which the east front of the Treasury building can be made to conform exactly to the north and south fronts, with a proper projection. One plan is by making the projection in the nature of an arcade, of which there are innumerable examples in Paris, and very beautiful examples, where the walk is under the projection or arcade. The Rue de Rivoli, the most beautiful street in Paris, is a series of arcades. The Treasury building could extend over the whole walk along Fifteenth street, with full proportions; or, on the other hand, there is sufficient room to swing a footway around the building on the south of the extension and leave plenty of room for a carriage-way and all other roadway. Therefore I hope that the Senator's statement, that we shall at some future time have to spend not only a million dollars but buy all the new buildings that are to be erected, will not be taken unless at least with some allowance.

Mr. MORRILL, of Vermont. I have proposed no expenditure of a million dollars nor of any other sum. I do not know that it would cost anything like the sum mentioned to obtain the land that we require. I only gave the assessed value of all the lots here showing that the whole value of the lots were assessed at only about $379,000, and according to law they are assessed by men under oath to put them down real estate at its cash value; but upon inquiry of the parties we find that they ask a higher sum. I have no very magnificent ideas in relation to public buildings and grounds. I wish to maintain of course what we have got. I have not certainly endeavored to bring here any Parisian fashions to inaugurate arcades, covered ways, for foot-travelers. I am a little at a loss to perceive how my friend from Ohio could manage to introduce steps sixty-one feet broad into a street without occupying any portion of the street. The sidewalk is only fifteen feet wide, and it seems to me that we should interfere with that if we had the same extent of frontage for the steps. It would require fully as much, if not a little more, for the ground on the eastern front is lower than that on the western side; so that the steps for the approach would require at least an equal distance to that taken on the other side.

Mr. SHERMAN. I know as a matter of course that steps cannot be introduced on the south front of the Treasury building. In my judgment and in the opinion of good architects, steps really are a detriment, not only to the appearance, but to the form and full plan of the architecture. We have an example of it in the Interior Department. The west front of the Interior Department is a more beautiful front by far than the south front or the east front.

Mr. MORRILL, of Vermont. Simply because the architecture has been destroyed by sinking the street. I agree with the Senator that the south front of the Interior Department has been utterly ruined by the mismanagement in that respect.

Mr. SHERMAN. Let me complete my sentence. The idea of having a series of steps to approach columns has been abandoned, and is not really a part of the architecture from which they are taken. We have an example of the truth of this in our front here. The west front of the Senate Chamber is plain; it shows a whole story below the columns. In the same way the Treasury building might be extended in the form of an arcade over the width of the walk, showing a complete full story, including the projected portico, and making an arcade of that projection, without any more ground being required than we have now. The failure to put in steps there would be an actual improvement of the front, especially if the Treasury building should be extended by a series of arcades over the walk. You have ample width for the projection necessary to complete the style of arcade, omitting the steps, and the front then would be more beautiful than the present south front of the Treasury building.

I did not intend, however, to enter into the question of architecture, but simply desired to say that, in my judgment, it is unnecessary to expend a million of dollars or any sum of money to carry out the proper extension or improvement of the Treasury building whenever we are ready to do it.

Mr. MORRILL, of Vermont. I have no doubt the suggestion of an arcade is valuable, so far as this, that it might provide for the sidewalk to go under an arcade; but if there is to be an approach and an entrance on the east side, steps will be indispensable. If you abandon the idea of having any entrance upon the east side, of course you can abandon the steps; otherwise you have to take and use the same amount of space there is on the west side. I do not suppose that anybody expects there will be the same amount of land appropriated and used that there has been on the south side; but there ought to be the same amount that there is on the west front. The committee ask to be discharged from the further consideration of the communication.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 173) to provide for the appointment of Frederick F. Baury on the retired list of the Navy; the bill (S. No. 426) for the relief of Elias D. Bruner; the bill (S. No. 112) authorizing the President to nominate Henry S. Wetmore, a lieutenant in the Navy, upon the retired list, submitted adverse reports thereon; which were ordered to be printed, and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William F. Pratt, late acting master United States Navy, praying to be placed on the retired list of the Navy, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Turner Merritt, praying compensation for one hundred and thirteen bales of cotton taken by order of General Banks for the use of the United States Army, for the construction of fortifications at Port Hudson, Mississippi, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. PADDOCK. The Committee on Post-Offices and Post-Roads, to whom was referred the petition of Albert Towle, postmaster at Beatrice, Nebraska, praying to be relieved from all responsibility on account of the robbery of postage-stamps at the post-office at that place, have instructed me to report a bill for his relief, and to submit a written report. I will state that the claim was a complex claim. There were stolen not only postage-stamps, but revenue-stamps. So much of the claim as relates to the loss of revenue-stamps has been referred to the Committee on Finance, and I ask that, when the part of the claim passed upon by the Committee on Post-Offices and Post-Roads has been disposed of, the papers in the case may be referred to the Committee on Finance, in connection with the other papers.

The bill (S. No. 727) for the relief of Albert Towle, postmaster of Beatrice, Nebraska, was read and passed to the second reading, and the report was ordered to be printed.

Mr. WHYTE, from the Committee on Public Buildings and Grounds, to whom was referred a resolution of the Senate in regard to allowing artists to exhibit examples of their statues which are now in the National Statuary Hall at the centennial exhibition, asked to be discharged from its further consideration; which was agreed to.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands, reported it with an amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Frances E. Stewart, administratrix of the estate of Michael S. Stewart, of Tennessee, praying compensation for wood cut under contract for the Government, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the petition of Martha J. Coston, praying an appropriation for the amount justly due on the manufacture by her of the Coston signal-lights for the use of the Navy Department, submitted a report thereon, accompanied by a bill (S. No. 728) for the relief of Martha J. Coston.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Susan Ten Eyck Williamson, widow of the late Captain Charles L. Williamson, United States Navy, praying to be allowed arrears of pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 79) to amend section 10 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes," approved March 3, 1875, reported it with an amendment.

Mr. INGALLS, from the Committee on Indian Affairs, reported a bill (S. No. 729) authorizing the issue of patents to the purchasers of certain Miama lands in Kansas; which was read and passed to the second reading.

Mr. FRELINGHUYSEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

CHANGE OF REFERENCE.

Mr. BOUTWELL. I ask the Senate to discharge the Committee on Claims from the consideration of a bill introduced by me yesterday, being the bill (S. No. 711) for the relief of the sureties of Samuel Chisholm, late postmaster at Newton, Massachusetts, and have it referred to the Committee on Post-Offices and Post-Roads. I understand that is the practice of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 730) to prevent panics and give elasticity to the legal-tender currency without impairing its value, by limiting its amount, together with national-bank notes and gold and silver coin in circulation according to population, and to make legal-tender notes equal in value to United States Government bonds with the consent and by the action of their owners, and to authorize the issue of legal-tender notes and the retirement of the same under certain circumstances and on certain conditions; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 731) to limit and fix the Signal Service; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 732) to dispose of the lands formerly covered by the waters of Pistakee Lake, in the State of Illinois; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 733) donating a parcel of land in the city of Saint Augustine, Florida, known as the Powder-house lot, to the corportion of said city for public uses; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 734) for the relief of William Jasper Cordill;

which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. No. 15) authorizing the qualified voters of the District of Columbia to vote upon the question whether they desire Congress to establish a government for the District for the regulation of its domestic affairs the officers of which shall be chosen by the qualified voters of the District, and for laying the result of the election before Congress for its confirmation; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. HAMILTON, it was

Ordered, That the papers in the case of Lieutenant-Colonel Lewis Downing, Captain James McDaniel, and Chaplain Evan Jones be taken from the files of the Senate and delivered to the representatives of the parties.

THE CALENDAR.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the Calendar.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the first case on the Calendar.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The first bill on the Calendar was the bill (S. No. 563) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof; which was considered as in Committee of the Whole.

Mr. ANTHONY. Mr. President, this bill is virtually a codification of existing laws regulating the printing and distribution of public documents, and also of certain customs of the Senate concerning the distribution of some of these documents, the original authority for which cannot be found. Anterior to the passage of the resolution of March 3, 1819, the printing and distribution of the Senate's public documents was made under the discretionary power of its Secretary, and that resolution, while it fixed the numbers to be printed, left the distribution of the same discretionary in the absence of any special order. The mode of distribution, however, was assimilated as nearly as possible to the order of the House of Representatives of March 25, 1818, for the distribution of the documents printed for that House, and since that time this precedent has been made the basis of a system of distribution alike irregular, capricious, and expensive.

In 1818 six hundred copies of all executive documents, congressional reports, bills, resolutions, &c., were printed. Now, that number has been gradually increased to nineteen hundred copies of the documents and reports, and nine hundred and twenty-five copies of the bills and resolutions. The cost of printing these bills and resolutions for the last Congress, the Forty-third, was $39,128.94, and there are good reasons for believing that for the present Congress the cost will exceed $50,000.

These expensive publications have been lavishly and capriciously scattered, without any principle of distribution. In the Treasury Department, for example, the First Comptroller has had two sets of all public documents, while the Second Comptroller has had four, the Commissioner of Customs has had three, the Light-House Board has had two, and so on. While some of the documents published by Congress are of great use in conducting the business of the Bureaus to which they relate, the greater portion are of no possible value, and those which are unbound are ultimately sold as waste paper.

For instance, the Light-House Board has two copies of every bill and resolution introduced in Congress. The Light-House Board probably should have a dozen copies of those that relate to the Light-House Board, but they require none whatever of the others; and so of the other Bureaus of the Government. Each Bureau should have a considerable number, doubtless, of copies of those bills, resolutions, and documents that relate to that Bureau, but it wants none others. It is no use to send documents relating to the light-houses to the Commissioner of the General Land Office or of Indian Affairs, or to send those that relate to Indian affairs to the Light-House Board, and yet under this distribution the Light-House Board has two copies of all documents.

This bill, which was prepared after consultation with the heads of the Executive Departments, gives to each Department a specified number of documents, bills, &c., for distribution among the Bureaus to be directly benefited. Instead of sending documents to the First Comptroller and Second Comptroller and to the Commissioner of Customs, &c., the documents are to be sent in bulk to the Secretary of the Treasury, and he is to distribute them among the different Bureaus, as the Prayer Book says, "according to their several necessities."

Another feature of this lavish distribution was the supplying of documents, reports, &c., to foreign legations existing or which had existed here. In 1818 nine legations were thus supplied. But when the Senate's Committee on Printing began the investigation of this distribution, in 1874, it was ascertained that upward of thirty sets were sent by different officials. Some legations thus received six sets, others but one. A regular supply was sent to the legation of Sardinia, which country had some years previously become a part of the kingdom of Italy; another set was sent to the legation of Bremen, which no longer existed; another to the legation of Uruguay, or the Cisplatina republic, which had also ceased to exist; and another was regularly sent to the legation of Switzerland, which never had existed, as Switzerland has never had a diplomatic representative here, a consul-general having looked after the interests of her citizens among us.

This bill provides for the supply of thirty sets of public documents to the Department of State, of which five sets are to be for the use of the Department and twenty-five sets for transmission to United States legations and consulates abroad and to the foreign legations in this city.

In fixing the quotas of the Departments, provision has been made, without increasing the numbers printed, by the proper curtailment of the previous distribution, for furnishing sets of the public documents to the Chief Justice and associate justices of the Supreme Court, the Military Academy at West Point, the Naval Academy at Annapolis, the Mint and its branches, and the Naval Observatory.

Provision is also made for supplying the Library of Congress, the libraries of the Senate and of the House, and the State and territorial libraries, and one set is to be furnished to such incorporated college, public library, athenæum, literary and scientific institution, board of trade, or public association as may be designated by each Senator, Representative, and Delegate in Congress to receive them, provided that the institution so furnished shall pay the cost of transportation.

Another feature of the bill is the distribution of the reserved sets (as they are called) of the public documents for the immediate use of Congress. Heretofore they have been sent to the committee-rooms, and where six sets were thus distributed in 1818 among the committees of the Senate, there are now seventeen sets. These sets are scattered over this wing of the Capitol in as many committee-rooms generally, without arrangement or order and with insufficient accommodations to receive them. This bill provides that instead of this distribution of seventeen sets to the committee-rooms, ten sets be deposited in the library of the Senate. There they will be stamped, catalogued, arranged, and always accessible for the use of any Senator or any committee. In some committee-rooms certain series of documents will be permanently kept for reference, but they will be looked after by the Librarian of the Senate and kept perfect.

Of course, in the Committee on Naval Affairs we require all the documents that relate to naval affairs; but we do not care about documents that relate to public lands or to Indians. In the Committee on Printing we want the documents that refer to that particular branch of the service, which is in some measure committed to our charge, but we do not desire the documents that appertain to all the other departments of the public service. If these documents be kept in the library, where they are accessible to all the committees, they will be taken out and used as they are wanted, and there is an officer charged with reclaiming them and preserving them for future use. Complete sets of the Journals of the Senate and House of Representatives and of the CONGRESSIONAL RECORD, I think, should be in every committee-room.

The bill practically repeals the laws which require the publication of certain documents of course, for popular distribution. There are 25,000 copies of the abridgment of the President's message and accompanying documents, copies of the report on commerce and navigation, and of other documents that the law requires to be printed for the use of the Senate; that is, for popular distribution. We have repealed this requirement twice in the Senate, but our action has not met with the favor which I hope it will this time in the other House. Instead of that, we have provided for the publication of certain numbers of these documents, such number as upon consultation with the heads of the Departments and of the Bureaus are thought to be necessary for executive purposes, not for congressional purposes, leaving it of course in the power of Congress by concurrent resolution to print such number of other documents or of these documents as the two Houses may see fit.

It is provided now by law that any document may be sold by the Congressional Printer, but under the existing law it is necessary for money to be deposited in advance of the publication of the document. That is of course inconvenient, and the cost cannot be correctly estimated in all cases, and so very little distribution of public documents has been made in that way. The proposed law provides that as to every public document the Joint Committee on Printing shall decide whether it shall be stereotyped or not, and then shall decide what number, if any, the Congressional Printer shall print for sale at cost. The documents of every other great government can be bought at some designated place. There is no mode of obtaining ours now except by applying to a member of Congress or by depositing the money in advance of the publication of the document; and where a man wants a single document that is an inconvenient mode. There are, however, some persons who make a deposit with the Congressional Printer and receive all the public documents.

If any Senator desires any information about the bill that I can supply, I shall be happy to give it.

Mr. DAVIS. I would ask the Senator whether this bill increases or diminishes the number now ordered by law to be printed, either for the Departments or for the use of either House of Congress?

Mr. ANTHONY. The number is about the same. The number would have been decreased, but that the increase of the membership of the other House requires a larger number than we had before, and that and the distribution to the Chief Justice and the associate jus-

tices of the Supreme Court about take up the amount that has been saved in other quarters. So the number of documents published will be about the same, but the distribution will be to a larger number of persons, and I think the Senate will be convinced that we provide a much more judicious distribution, carrying the documents more immediately to those who require them for use in the public service, and taking them away from those to whom they are entirely useless.

Mr. MORRILL, of Vermont. May I inquire of the Senator from Rhode Island whether this bill proposes any means by which public documents can be obtained at cost by the public?

Mr. ANTHONY. It does. It provides that the Joint Committee on Printing shall instruct the Congressional Printer what number of every document, if any, shall be printed for sale at cost.

Mr. MORRILL, of Vermont. May I then ask further whether it provides that members of the Senate and House of Representatives may obtain copies of such of their speeches as appear in the RECORD on the same terms or at cost?

Mr. ANTHONY. That is provided now. Members of Congress obtain their speeches reprinted from the CONGRESSIONAL RECORD at cost. I believe 10 per cent. is added generally. This bill does not propose any addition, but barely the cost. I do not suppose that the Government wants to make money out of the sale of public documents, and as we have been in the habit of giving them away, it seems that if people will pay what they cost us it will be a sufficient economy without putting on any profit. So the bill does not provide, as the present law does, that there shall be 10 per cent. added to the cost, but makes the sale at cost. I think the speeches are printed at cost now; they are printed under a provision put into an appropriation bill last year at cost.

Mr. SHERMAN. There is one point that ought to be provided for in this bill. The present law requires the cost of all documents, even when ordered by a member of Congress, to be prepaid.

Mr. ANTHONY. Yes.

Mr. SHERMAN. It is not possible to carry that into literal execution in the ordinary course of business. When I order a document, not knowing the amount of its cost and perhaps the Printer not knowing the exact cost, I am not able to prepay for it; and therefore the Printer is liable every day and he does every day violate the law. He may be called to account for a violation of the law simply because he is not allowed the ordinary discretion that everybody should have who sells a book. Senators here every day order documents, their speeches for example; as a matter of course we subscribe our names for copies, and we think our names are good; and yet if the Public Printer furnishes those documents according to our order he violates the law. The law ought not to be so framed as to compel him to violate the law and to compel us to be participants in that violation.

Mr. ANTHONY. My attention has been called to that by the Congressional Printer, who has received notice in another quarter, that if when a member of Congress sends for a document, for a report of the General Land Office, or if when he orders any speech, and does not pay the money in advance, the Congressional Printer supplies it, and sends the bill next day, as we all know he does with commendable promptness, he violates the law, and is subject to the penalty of embezzlement, and felony, and murder for aught I know. If he is to blame for it, I wish to assume my share of the responsibility; for I told him that I thought if he assumed the responsibility of printing speeches for members of Congress, and in case the cost was not paid in advance paid it himself, or theoretically deposited the money himself, there could be no complaint of that technical violation, if it be a technical violation, of the law; and I think there is a little doubt about that. I spoke to several Senators, who agreed with me.

Mr. BAYARD. May I ask the Senator from Rhode Island if this was not under the same act of Congress by which we order extra copies of what appears in the RECORD? We were first told that we must pay in advance, though we do not know the precise amount that may be required. That we tried for a few weeks, and it was awkward; and I think the Senator from Rhode Island stated—I know he did to me and to other Senators here—that he thought it could be arranged if the Printer would take the responsibility of trusting members of Congress for the payment to him of the actual cost after it had been ascertained and after the copies of the speeches had been delivered. Therefore, for the convenience of the entire Senate and with the approval of the entire Senate I think, that construction was practically adopted, and we did order what speeches we required or any number of copies of the RECORD that we required, and after we received them, after the lapse possibly of a week or ten days, the bill was sent to us and it was paid.

Now, what harm can come or what defalcation there exists in an officer charging himself with the actual cost and being responsible for the actual cost and sending in his account according to the actual cost, instead of receiving the money in advance, I am unable to perceive. There is not a loss of a farthing to the Government. It is simply a question of convenience in dealing. I mean dealing with the Government Printing Office as we should deal with a bookseller. In the one case, we might send an order to a bookseller for books and pay him at the end of a week. That would be perfectly satisfactory to him and convenient to us. If, on the contrary, he would deliver nothing until it was paid for in advance, it might oftentimes be found inconvenient.

That has been the history of this construction of the act; and if the letter of the law be so rigid and is to be so inflexible, then it seems to me we had better alter it to the extent of permitting members of Congress to be charged with the printing ordered by them and have the amount taken out of their pay unless they are willing to settle their bills, as they ordinarily do.

Mr. ANTHONY. I recollect that I spoke to the Senator from Delaware and to several Senators on both sides of the Chamber, and to members of the Committee of Printing, and we all thought, as the Senator from Delaware did, that Senators might be trusted with four or six dollars apiece for the publication of a speech, and I am happy to say for the honor of Congress that the Congressional Printer told me yesterday that there had never been a failure on the part of a member of either House to pay for speeches on presentation of the bill. But if it is a technical violation of the law, (and I am not sure but that it is,) it is better to amend the law doubtless.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Printing will be read.

The first amendment reported by the committee was in section 13, line 2, before the word "print" to insert "stereotype;" so as to read:

That it shall be the duty of the Congressional Printer to stereotype, print, and bind 10,000 copies of the annual report of the regents of the Smithsonian Institution, for distribution by the Smithsonian Institution.

The amendment was agreed to.

Mr. SHERMAN. There is one feature in regard to our public printing that my attention has been called to and, by what I see in the public prints of what has been going on in the other wing of the Capitol—I do not refer to anything that has occurred, but to what I have seen in the papers—that ought to be corrected. It is unusual for an officer charged with the execution of duties like the Public Printer to have anything to do with the disbursement of public money or to pass on accounts. It is manifest that the Public Printer must be seriously embarrassed in the duties imposed upon him by the law in receiving money from members of Congress and from every citizen of the United States who wants to buy a document, fixing the price himself and making up his accounts. I perceive that that officer, who is an officer of the Senate and whom we are bound to see has fair play, is involved in a controversy or difficulty growing out of a duty that was imposed upon him by law which ought never to be imposed upon an officer performing such duties as his.

This bill or some other bill ought to provide for some paymaster, or for some authorized agent of the Treasury Department, to pay all money and to receive all money, so that the proper accounts may go through the ordinary formula of investigation by the accounting officers of the Treasury Department and money paid into and paid out of the Treasury like any other money. I would not hold the office of Public Printer with the responsibility attached to it by law for any consideration whatever, because the accidental omission to charge himself with ten cents or fifty cents for a public document would involve him in a charge of embezzlement. He may be ever so innocent and yet suspicion would be attached to him, and he could not overcome it. An officer charged with the important duties of Public Printer and having to expend, I think, two millions of public money in the course of a year; who makes contracts and buys paper; who hires I do not know how many employés——

Mr. ANTHONY. A thousand.

Mr. SHERMAN. An officer who has all the multifarious duties imposed on him by law that are devolved on the Public Printer ought not to be charged with the payment or receipt of money. That is clear. Suppose that county commissioners, to take the instance of one of our smallest municipal corporations, were to act not only as county commissioners, but direct how all the work should be done and act as auditor in estimating the accounts and as treasurer to collect the money—what would be thought of the proposition? To combine all these offices in one man would be faulty legislation. This matter ought to be corrected by us. In every railroad company, in every city corporation, in every branch of the Government, there is a division of responsibility. There is one man who directs the employés and superintends operations; another who audits accounts, and still another who collects money and pays it out.

It is perfectly manifest that the legislation about the public printing is faulty, and it ought to be corrected, and I do not know why it cannot be done on this bill. I merely call attention to the fact that the present law in regard to the public printing is imperfect, and that it ought to be revised, and that under it there can be no safety, no guards, no security that an honest man may not be disgraced, and that a dishonest man may not be corrupt.

Mr. ANTHONY. I agree fully with what the Senator from Ohio has said. If he has prepared any amendment of that kind, I shall not resist it; but it requires great care, and I suppose consultation with the accounting officers of the Treasury, to prepare such a measure as he suggests. As this bill is for a particular purpose, confined to a particular purpose, I think we had better pass it now; and I shall be very happy to co-operate with the Senator from Ohio in the passage of such a law as he intimates; but unless he has the amendment prepared now, it will be manifestly impossible to prepare it at our desks. It requires very careful consideration.

The PRESIDENT *pro tempore*. The reading of the amendments of the Committee on Printing will be continued.

The next amendment reported by the committee was in section 13 after the word "Institution" to insert:

And that the Congressional Printer shall furnish at any time at the expense of the Institution, from the stereotype-plates, such number as may be required of separate parts of the said reports.

The amendment was agreed to.

The next amendment was in section 13, line 9, to strike out "four" and insert "five;" so as to read:

That the aggregate number of pages of said report shall not exceed five hundred, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The amendment was agreed to.

Mr. ANTHONY. Somewhere in the bill the Commissioner of the General Land Office is styled the "Commissioner of Public Lands." The Clerk can find the place. It is a verbal error that can be corrected. I have found the place. In section 11, line 6, the words "Commissioner of Public Lands" should be "Commissioner of the General Land Office."

The PRESIDENT *pro tempore*. That correction will be made by unanimous consent.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COCKRELL. I desire to ask the Senator from Rhode Island one question. I understand this bill does not affect the distribution of the RECORD or anything that may be published in it as provided by law at this time.

Mr. ANTHONY. It does not apply to the RECORD.

Mr. COCKRELL. How does it affect the Agricultural Department?

Mr. ANTHONY. It does not apply to that. The report of the Agricultural Department goes free through the mail now, and such numbers are printed as Congress may order from time to time. The bill originally contained a provision for the publication of the Agricultural Report for the use of the Commissioner, but that was stricken out when the bill was before the Senate at the last session. There was a long debate on the number that should be printed of the Agricultural Report. An attempt was made to amend the bill by making a popular distribution of the Agricultural Report. This bill does not provide for any popular distribution at all. It was left out. So that rests as it is now.

The bill was passed.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. WEST submitted an amendment intended to be proposed to the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue; which was ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa;

A bill (H. R. No. 2479) granting an American register to the Canadian steam ferry-boat Geneva, and for other purposes;

A bill (H. R. No. 2403) to extend to the port of La Crosse, in the State of Wisconsin, the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes; and

A bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels.

The message also announced that the House had passed the bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

POSTAGE ON THIRD-CLASS MATTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Kansas, [Mr. HARVEY.]

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I ask that the substitute be reported. I should like to know what it is.

The Chief Clerk read the amendment, which was to strike out all after the enacting clause of the bill, and in lieu of the words stricken out to insert:

That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. MORRILL, of Vermont. I desire to ask the chairman of the Committee on Post-Offices and Post-Roads whether this does not restore virtually the old law as it stood previous to the act of last year, and whether it is not intended, therefore, to supersede any amendment that has been or may be proposed by the Committee on Post-Offices and Post-Roads?

Mr. SARGENT. The substitute has a very decided advantage over the report of the committee in that it proposes but one rate of postage, without regard to distance in the United States. In the infancy of postal communication we had various rates, differing according to distances, upon letters and all other matter sent through the mail. I remember distinctly myself in old times when we paid some three or four times as much to get a letter in San Francisco as would be paid for one in Chicago. The system was found burdensome in many respects; and the difficulty a correspondent had in ascertaining the distance of the point to which he wished to send his letter, unless it was very much over the limit, was a great inconvenience. In the progress of postal business it was discovered that this feature was a great inconvenience and it has been discarded. No reasons are given why it should be restored; why this feature, burdensome and troublesome, should be again put in the law, and with reference to third-class matter, while it is not applied to first and second class matter. I, for one, think that there are good reasons why we should not recur to the exploded system.

If it is said that we can carry matter at a profit a thousand miles and would lose upon it if it was carried two thousand miles, and that therefore we should charge less for the shorter distance, I say we can carry matter for five hundred miles less than for one thousand miles, and that would make another discrimination, and we should make the same discrimination in reference to letters. We charge uniform postage on letters, three cents to any part of the United States. It costs as much to send a letter to our neighboring town of Alexandria as it does to send it to Yreka, in California, or to Washington Territory. Why should we not charge a quarter of a cent or an eighth of a cent or even a less sum, to get anywhere near a proportion, for sending a letter from here to Georgetown; why not charge half a cent on a letter from here to Philadelphia, provided there is any good reason for these discriminations?

I think the true rule is that there should be an average of cost based upon an average of distance; and when you make discriminations you fetter the postal service and confuse the people. If the one cent proposed by this substitute, and which was the former law, is not sufficient, make a compromise between one and two cents, make it a cent and a half, and certainly that will overcome any economic objection, and it will yield as much revenue as though it were one cent for one thousand miles and two cents for distances over one thousand miles. The only objection that could be urged would be that there would be a fraction of a cent, but as we are dealing with pounds rather than ounces the objection is specious rather than real. My own opinion, however, is that the one cent is sufficient and that the old law was satisfactory to the people. I know that the change which is now in the law, and which Senators seem to think was a reform, was put in at a very late hour of the last session and without consideration, and, so far as some features of it were concerned, it was not understood by the Senator who made the motion for this innovation. I remember that at the time of that debate. I, having charge of the sundry civil bill, on which the amendment was put, had some doubt as to its propriety. I was disposed to move to lay it on the table; but, on the urgency of my friend from Maine, I allowed him to make his explanation and submit the matter to the Senate. There was scarcely a moment for consideration, for time was our enemy; it excluded any decent consideration even of the bill as reported from the committee, and gave no opportunity whatever for fair consideration of the amendments changing the public service which were offered from various parts of the Chamber, and most of which were laid abruptly on the table. In view of these facts, it is apparent that the law as it now exists has not the merit of having been intelligently considered by Congress. It was adopted at a chance, upon the imperfect recommendation of a committee, without deliberation, and the result was very general dissatisfaction and clamor throughout the country.

If, however, it is asserted that there should be a closing up of the gap between the receipts of the Post-Office Department and its expenditures, there should be a general movement for this purpose. If no deficiency should be allowed, a bill which will prevent any deficiency should be brought forward, not one which simply deals with a single proposition, and that entirely inadequate to cover the whole matter. As I understood the Senator from Maine in his reply to a question of mine the other day, it is unknown how much good will be effected by the proposed amendment to the law.

If it is a principle established in the minds of the Post-Office Committee and of the Senate that there should be no deficiency whatever in carrying the mail, and that the mail-matter should absolutely pay all expenses of running the mail, then bring us forward a bill which the champions of it assert will have that effect.

Mr. HAMLIN. Allow me to explain.

Mr. SARGENT. I will yield to my friend with pleasure.

Mr. HAMLIN. The other day the Senator asked me, as I understood him, if I could tell him what amount of revenue this bill would yield if it became a law, and I answered substantially that I could not, for the reason that I could not tell what amount of matter would

go through the mail. I did not understand the scope of the Senator's question. If I had understood the question as he propounded it, and as I read it subsequently in the RECORD, I should have said this to him, that upon a very careful examination of the subject there might be more matter going through the mail than there is at present, and I have no doubt that would be the case, and in that event the bill would yield more revenue than we get now. If there was more mail carried through the mail there would be more expense. At any rate, the bill would leave the Department without any deficiency, as it would remunerate the Department for everything that it carried. That is what I meant to suggest.

Mr. SARGENT. Do you mean that it would leave the Department without any deficiency for this matter?

Mr. HAMLIN. For this class. Let me say here another thing, because there has been a great deal of comment upon it. It is a subject that was fully discussed in committee. I did not myself agree with several of the other members, but the committee finally thought it wisest and best to take this class by itself, because it was a distinct class of mailable matter. We thought it was a class our action in regard to which would commend itself to the judgment of the Senate, and would receive their approval. If so, then it was the intention of the committee to follow it up, precisely as the Senator from California is now suggesting, with remedies of various kinds, which we believe will cover all the deficiencies in the Department. That was the reason why we took this class separate and distinct.

Mr. SARGENT. When a measure shall be brought forward which the committee can intelligently assure the Senate will prevent deficiencies in the postal service, I for one certainly will give it very great attention, and I am inclined to think that I may be induced even to vote for it, although I firmly believe that the Post-Office Department, like the Signal Service, like the light-house service, like many other services which the Government does for the people, ought not to be expected to pay its own way. I regard it as a benefit which the Government confers on the people in exchange for taxation, and that it is a very general benefit. I see that my friend from Wisconsin [Mr. HOWE] shakes his head at my proposition.

If it shall be asserted as a rule that the Government shall render no service except that which pays into its own Treasury its cost, then I am wrong. But if there is any Department where the Government should render a benefit without expecting that the benefit itself will bring back money into the Treasury sufficient to cover its cost, then I claim that the postal service is one of those. That there are such benefits I confidently assert. Our courts do not pay their expenses. The few fines which they collect for criminal matters are scarcely to be considered beside the items of their cost. It is a benefit which the Government, by means of this department of its action, confers upon the people of the United States. There are others, as for instance, the Signal Service, which renders no benefit to the Government in the return of money to its Treasury, but an incidental benefit perhaps by warnings which may be given to its ships of war, in common with those of the merchant marine. But it is, on the other hand, a benefit to the people of the United States—to the farmer in predicting the rains which may interfere with the planting of his crops or the tempests which may prevent his reaping his crops; to the merchantman upon the lakes or the Gulf or the Atlantic seaboard, by which his ships may be kept in their harbors, and not go forth to be exposed to a storm which the ordinary eye cannot detect but which electricity has taught the Signal Office to predict, and predict with certainty. I say the Government does confer these benefits on the people without expecting revenue therefrom, and I believe that the Government may confer an equal benefit, and with equal propriety, upon the people by providing the means of circulation of both intelligence and knowledge throughout the United States; that so far it may become an educator of the people, or at any rate furnish the means of education for them.

So I am not disturbed by the consideration that the Post-Office Department does not pay its expenses, and I am glad to see it extending its operations on all sides and building up its usefulness, even if the result is a still growing deficiency, for I know that the benefit is to all the people of the United States, not merely to the inhabitants of the crowded cities, but the inhabitants of the distant frontier who receive their weekly, or it may be their monthly, mail as their contribution from the Government in this direction. But I say that when a measure is brought forward which shall in good faith, in the opinion of its projectors and according to sound reason, seem to bridge over this chasm entirely and prevent any deficiency, I will certainly give it a fair and careful consideration, and it may be, notwithstanding my ideas which I have expressed, that I may give it my support; but I am not in favor of these partial measures, of this chipping at the system. Give us a consistent proposition, and wait until the committee has time to elaborate that and present it for the attention of the Senate, and not lop off these little matters which go but a little way to remedy the evil, if it is an evil at all.

For this reason I am in favor of the substitute which is offered by the Senator from Kansas. I am in favor of it because it is better than a mere partial measure, which promises reform while not covering the subject. I am in favor of it especially because it prevents the re-introduction of a discarded feature from the postal service, a feature which has been tried and found wanting, found inconvenient, and I am indisposed to have it again introduced.

Mr HOWE. Mr. President, I did not mean to say a word in this debate, and I should not if the Senator from California had not detected me in shaking my head. Having been caught in that, I want to say a word by way of convincing him that "there is nothing in it." [Laughter.]

I did not quite assent to the proposition which I understood the Senator to submit. I do not see any analogy or any very close analogy between the postal service, and the naval service, or the Army service, or the judicial service, or the Signal Service, to which I believe the Senator alluded. The Army does nothing, as a rule, for the special benefit of an individual. What it does is for the public good, and, ordinarily, as much for the good of one man of the public as for another; and so of the Navy; so of the Signal Corps; so of most branches of the public service. But it is not so with the postal service. When the mails of the United States bring me a letter, or a newspaper, or a sample of Claflin's silks, or a small package of Dow's whisky, or any other parcel the transmission of which is allowed in the mail, that service is either for my special benefit or it is for the special benefit of the sender. It may be, perhaps in a remote sense, desirable to the Senator from California that I should receive the newspaper; it may be in a very remote sense desirable to him that I should receive the silk, or the whisky; but not so much for his interest that I think he could afford to pay for the newspaper, the silk, or the whisky, or for the transmission of one or the other. If I cannot afford to pay for bringing me the newspaper, I who get it; if I cannot afford to pay for bringing me the merchandise, I who get it, or if the sender cannot afford to pay for sending it to me, how can they afford to be taxed who neither send nor get the article?

Mr. SARGENT. Will the Senator allow me to answer him?

Mr. HOWE. Certainly.

Mr. SARGENT. I will answer him by asking another question.

Mr. HOWE. No; answer the question, but do not ask another.

Mr. SARGENT. I will answer the question by asking another, which is my right by birth, being a Yankee. The Senator is not a merchant, nor a shipper of merchandise, nor an owner of ships, nor is he a farmer, or he may not be either of these; and how can he afford to pay his share of nine hundred thousand dollars, nearly a million dollars, to sustain the Signal Service, which is simply and exclusively for the benefit of the individuals engaged in those occupations? The merchant does not send his ships to sea because the Signal Service informs him that a storm is coming. Why should I or the Senator be taxed for this? We have no interest in these pursuits except the general interest of the community.

But I might answer the question directly by saying that if I pay the postage on my letters and he on his, another one who does not receive a letter this morning has an equal right to receive or send one and it is a benefit to the whole community to have that right. It is the right of the whole community to have that right. It is a privilege, though it may not be exercised. The Senator and I both have the right to vote. He or I may not see fit to vote, but is that a reason why it is less a privilege to me if I do not exercise it? There is an equality of right in that matter, and there is equality of right in the mail to send letters, and the system which is maintained is irrespective of the fact whether the particular individual receives a letter on a particular morning, but he has the right to receive it or send it.

Mr. HOWE. Well, Mr. President, I do not think the answer is satisfactory to myself; I know it is not. I do not know but that it may be to the Senate; I do not know but that it may be to the country. Mr. President, I do not raise bread nor sail ships, but I eat bread, and I help consume the commodities which ships carry; and whatever influences the cost of those articles is interesting to me, not as a producer but as a consumer, and as directly interests me as if I were a producer. So that if the Signal Service is calculated to make calculations of the movements of the atmospheric elements more certain, better known, more clearly predicted, I am as much interested, I take it, as if I cultivated a farm or as if I pursued the gains of commerce upon the ocean. Every man, every woman, every child is interested more or less in knowing whether to-morrow is to be fair or foul; and you can say with substantial accuracy that we have about the same interest in it. But the service which is rendered through the mail is of especial, and a great deal of it is of exclusive benefit to the parties who send or the parties who receive. It is not of public importance, it is not of interest to the public, that a package of goods shall be sent from A to B. It may be of interest to A and of interest to B, and undoubtedly is of interest to the one or the other, or it would not be sent; but it is not of interest to the public. But the right to have these goods go, says the Senator from California, is precious to everybody, whether he has anything to go or not. Unquestionably the mail establishment is of interest to almost all the people of the United States, but then it is of especial interest to those who use it, and it is more or less interesting in proportion to the use that is made of it. I think the Senator will agree with me that there is but a very small percentage either of his constituents or of mine who make as much use of the mail as he and as I do; it is of especial advantage to us; and I think we had better afford to pay for these especial accommodations that we receive, rather than to put the burden on our constituents, when it can be done.

There is another difficulty in the way of levying special taxes to support the Navy and Army, or the Signal Corps. Upon what portion of the people of the United States are you going to make assessments for sending an army corps, a brigade, or a regiment to the Black

Hills or to Arizona, or for establishing a signal station at Du Luth, or at Mackinaw, or the Falls of Saint Mary? It cannot be done. But when you bring me a letter you know exactly who is benefited by that particular service; nay, you acknowledge who is benefited; and you not only charge the full cost for transmitting that letter, but you charge several times the cost of it; and out of that branch of the service, as I understand, you not only collect all it costs to perform it, but you actually make it pay a profit into the Treasury; and then I am told you expend those earnings in loading down the mail with carrying parcels which the people at large have no sort of interest in having carried at all. It was so far as that that I meant to dissent from my friend from California.

Mr. WINDOM. Mr. President, the argument thus far has proceeded upon the assumption that third-class mail matter is a heavy expense to the Government. The Senator from Massachusetts [Mr. DAWES] and the Senators from Maine have urged upon the Senate with their usual force and power this argument. Especially is that true of my friend from Maine farthest from me, [Mr. MORRILL,] to whose utterances I always listen with the utmost respect, for I know he means to be always right. I stand here in my place to-day to challenge this whole assumption. The Senator from Wisconsin [Mr. HOWE] asked the question yesterday of the Senator from Kansas [Mr. HARVEY] whether he questioned the statement that this third-class matter is a burden upon the Treasury. I do most distinctly challenge it; and from the very document on which the Committee on Post-Offices and Post-Roads has mainly based its report I think I can demonstrate that if you strike out third-class matter entirely from the mail service you will thereby work a loss rather than a saving to the Government. I know this is a bold assertion in view of the course the argument has taken, but I think the figures before me and the report upon which the action of the committee is based fully sustain me in that statement.

I attempted to show to the Senate a few days ago by another set of statistics that it was utterly impossible for the Government to lose money by carrying third-class mail matter at sixteen cents per pound. The figures which I presented I suppose were not worth notice, for they certainly have not been honored with any attention either by the honorable chairman of the committee, or by the Senator from Massachusetts, or any one else. I assume, therefore, that I must have erred; but, if so, it illustrates almost as forcibly as does the document on which the committee bases its action that figures are not always reliable. I showed you the other day that the railroad companies only ask thirteen mills per linear foot of car per mile for carrying the mail at the highest rate of speed on their most expensive cars, and that the amount we pay for the third-class matter, allowing eight tons to the car, would be eight times as much per linear foot as the railroads demand. I was unable to see wherein the Government could lose money in paying at that rate while collecting eight times as much from the public for the same matter. I have not yet been enlightened on that point.

Mr. MERRIMON. I beg to say to the Senator from Minnesota that I listened to his argument the other day with a great deal of pleasure and interest; but I was not satisfied with it upon this ground—and I call it to his attention now, so that he may explain it, if I am mistaken in that respect—he based his calculation on four leading railroads, I do not know whether he mentioned the names of them or not; but it was based upon the charges of four leading railroads, whereas, it seemed to me, he ought to take the railroads of the country generally into the calculation; and not only that, but the cost of carrying the mails on horseback and in stages over a great portion of the country where railroads do not pass. I do not think he took that into his calculation.

Mr. WINDOM. I thought that there was an ample margin saved on the railroad carriage to pay stage carriage, and I believe it to be so if you will refer to the statute which I will read directly. The figures which I presented the other day erred, but against myself. I find, in the report of the Post-Office Department on which the committee bases its action, that instead of the mail being carried an average of a thousand miles, as I then assumed, it is only eight hundred and thirteen and one-half miles. Sixteen cents per pound gives $320 per ton; and for an average of eight hundred and thirteen and one-half miles gives thirty-nine cents per ton per mile instead of thirty-two, as I stated at that time. As my friend from West Virginia [Mr. DAVIS] questioned somewhat my estimate of ten tons to the car, I will now allow five tons to the car, which I think will satisfy him. Allowing five tons per car at thirty-nine cents per ton per mile we have $1.95 per car per mile as the amount that we collect from the people upon a charge of sixteen cents a pound. Now, for a thirty-foot car, $1.95 gives six and one-half cents per linear foot of car per mile. The railroad companies, as heretofore stated, only demand one and three-tenths cents per linear foot, and we do not pay them nearly that much. The controversy between the railroad companies and the Government is because we will not pay them one and three-tenths cents per linear foot for the quantity of car used. Their compensation is much less. But if we pay them their full demand of one and three-tenths cents per linear foot, and then carry five tons of mail matter per car, we collect six and one-half cents per linear foot against one and three-tenths cents demanded by the railroad companies.

I am unable yet to see how we can lose money by carrying an article which costs us only one-fifth as much as we receive for the service. And I assert that the profits on railway transportation of third-class matter at present rates will more than cover any deficiency on the stage and horseback lines. I shall show hereafter that on the smaller railroads, which must perform the service whether they carry third-class matter or not, the entire amount received by the Government for third-class matter is clear profit.

Mr. SHERMAN. I should like to ask my friend a question.

Mr. WINDOM. Certainly.

Mr. SHERMAN. According to his figuring we ought to make a great deal of money in carrying postal matter. How does he account for the fact that there is an actual loss in carrying third-class matter of $4,000,000 and an actual loss to the United States of $8,000,000 on the second-class matter? In other words, how comes it that we pay a bounty to newspapers to carry their matter and a bounty to merchants to carry their matter?

Mr. WINDOM. I think the chief loss is on the second-class matter. But, to answer my friend more fully, a very large proportion of the entire cost of our mail service is for items other than transportation; while it is in the item of transportation almost exclusively that the addition of this third-class matter increases the cost to the Government. If you take all this class of matter from the mails, you will reduce the revenue much more than you will the cost of the service. I want now to call the attention of the Senate——

Mr. HARVEY. If the Senator from Minnesota will allow me, I will make a statement in response to the question of the Senator from Ohio about this four-million-dollar deficiency.

Mr. WINDOM. I have no objection.

Mr. HARVEY. I was only going to mention a matter that has probably escaped the attention of the Senator from Minnesota, that that $4,000,000 is estimated in this way; by charging as a part of the cost of the transmission of third-class matter, not only a large percentage of the necessary expense of maintaining the Post-Office Department, but the whole mail service, including the salaries of everybody employed.

Mr. WINDOM. If the Senator had permitted me to finish my sentence, he would have found that I was coming to precisely the same thing.

Mr. HARVEY. And, in addition to that, I was going to say they charge a large percentage of the cost of unproductive mail-routes, ignoring the fact that whether this matter is carried in the mails or not, the Post-Office establishment must be maintained, the officers must be paid, and there will still be unproductive mail-routes, a large number of them, if not one pound of this matter was carried.

Mr. WINDOM. There has been no time lost by the Senator's interruption, because he has made a part of the speech that I intended to make better than I could have done it.

Mr. HARVEY. I beg pardon.

Mr. DAVIS. My friend from Minnesota has stated very correctly the position of the railroads and the Government as to the linear foot of the car as I understand the question, but he has not told us that the Government pays by the pound on most of the roads and not by the linear foot in any instance.

Mr. WINDOM. Now I want to ask the Senator from West Virginia a question. Does he not know from his observation on the committee of which he and I were both members, that the railroad companies expressed themselves entirely willing to carry by weight if they could be permitted to carry this mail in ordinary cars on fast trains? They did not complain of that at all. By weight they received enough, but they complained we occupied too much space.

Mr. DAVIS. I understand that to be the case on the leading routes, such as between here and New York. I do not understand it to be the case generally upon railroads where the mail facilities go. I understand, however, that the railroads claim that the Government requires entirely too much space for the amount of pounds that are carried, but in all cases, I believe, even between here and New York, we pay by weight, and not by the linear foot. So the Senator's calculation by the linear foot cannot enter into the present cost of carrying the mails over the country, and it must be by the pound.

Mr. WINDOM. Then take it per linear foot it would be thirty-nine cents per mile run for a thirty-foot car, and, allowing five tons to be carried, would give about eight cents per ton per mile, whereas we collect from the people thirty-nine cents per ton per mile. If you allow them to carry five tons and pay them at the rate they demand you will then pay a little less than eight cents per ton per mile to the companies, while, I have shown, on the average distance you collect thirty-nine cents per ton per mile; so that there would be on that assumption a profit of thirty-one cents per ton per mile on this class of matter, taking into account the transportation only.

Mr. DAVIS. My friend has gone back to the linear foot of the car, though I stated, and I think he will recollect, that we now pay by the pound, and not by the linear foot. There is no instance in which we are paying for the car by the linear foot, or by the foot in any way that I understand, but it is by the pounds actually hauled, weighed, I believe, once a year.

Mr. WINDOM. Let me ask the Senator another question. Do not the railroad companies insist that the payment we make per pound is less than their demand of thirty-nine cents per car per mile?

Mr. DAVIS. Certain railroads have, for instance, as I have named, that between here and New York; but I have not heard of railroads

outside of the particular roads between here and New York, and some other leading lines, claiming that they ought to be paid by the linear foot. They do claim, however, that where there are very few pounds going over a road on the smaller routes the Department requires too much space for the route-agent.

Mr. WINDOM. Does not the Senator believe that every railroad in the country will be willing to carry our mails at less than one-half of thirty-nine cents per ton per mile, weighing it? I have shown you that, taking the average distance, as stated in this document, at eight hundred and thirteen and one-half miles and paying sixteen cents per pound, means thirty-nine cents per ton per mile. Now, does not the Senator know that the average charge for carrying freights on the large railroads of the country is about a cent and a half per ton per mile, and on the smaller ones not over three or four cents per ton per mile? Does he not believe that every railroad in the country would be glad to accept all this mail matter at one half the amount we receive per ton for carrying it?

Mr. DAVIS. I think the Senator is wrong in saying a cent and a half a ton per mile for mail matter.

Mr. WINDOM. Not mail matter, but general freight.

Mr. DAVIS. That is another question.

Mr. WINDOM. Then I put up the cost of transportation to nineteen cents per ton per mile for mail matter as against a cent and a half ordinary freight. The Government saves one-half it collects from the people on third-class matter.

But I do not care to dwell longer on this point. I want to look at this document for a moment. In presenting my estimates of cost and profit the other day, I was answered by one or two Senators with the statement that the report of the Post-Office Department showed a loss of about $4,000,000 per annum on this class of matter, and that was assumed to be a conclusive answer to the results which I had stated.

I believe that almost every Senator who has discussed this proposition yet in the interest of economy has waxed eloquent upon the fact that we are paying out—as the Senator from Wisconsin says taxing the people—$4,000,000 per annum in order that we may carry this freight which does not properly belong in the mails; that we are taxing the letter mail and thrusting our hands into the Treasury to make up deficiencies assumed to be about $4,000,000 per annum on merchandise. I want to show what the facts are from the report on which the committee has acted and on which these eloquent economical appeals are based. Instead of $4,000,000, the loss on third-class matter, as assumed by the Department itself on existing rates of sixteen cents per pound, is only $1,361,135.41. They profess to know exactly what that loss is. Instead of being $4,000,000, it is only about one and one-third millions; and yet every Senator thus far who has spoken on this subject has told us that there was a deficiency of $4,000,000.

Mr. HAMLIN. I stated that it was on the basis of two hundred pounds.

Mr. WINDOM. But that is not the law. The Senator from Maine who sits nearest to me may have stated that, but certainly the figures generally used here have been $4,000,000. It is stated in this very document——

Mr. DAWES. Mr. President——

Mr. WINDOM. Let me finish my sentence. It is stated in this document that the loss on third-class matter payable at eight cents per pound is $4,113,915.53, but alongside of that statement is another, based upon the present rate of sixteen cents per pound, which is, as I have said, $1,361,135.41.

I merely mention that to show that the statements of the extent of our losses have been based upon the wrong figures. As my former statistics were challenged by this document, which professes to have ascertained exactly what the cost of these different classes of mail matter is, I want the attention of the Senate for a few moments while I analyze the basis upon which its calculations are made and show their utter fallacy. Let us see how they ascertain the cost of third-class matter. They divide the cost under three heads:

First. "Maintenance of the establishment."

Second. "Transportation."

Third. "Handling or distribution."

The first of these, "maintenance of the establishment," they say added 18.5 per cent. Eighteen and one-half per cent. of the cost of "maintenance of the establishment," "apportioned as per revenue," they say should be charged to this third-class matter, making $2,373,443.92. Elsewhere in the document you will see what they mean by "maintenance of the establishment;" the "salaries of postmasters," "allowances for fuel, light, and contingent expenses," "cost of non-productive roads," &c. Let me ask the honorable Senator from Maine how much this third-class matter adds to each one of these items of expense. You must maintain your Post-Office Department, you must have all your routes, you must light and warm your offices and cars whether you carry this class of matter or not. How much does it increase the compensation of postmasters? Up to $2,000 the compensation of the postmaster is fixed by his commissions, I believe; but above that, the amount of business the Post-Office Department does in the way of transmitting packages or anything else does not, as I understand it, add one iota to the salaries of postmasters. That is a very large class. Some of them receive over $2,000 salary, but the increase above that sum is wholly from box-rents, and not for commissions; so that this matter has nothing whatever to do with the increase of the compensation of postmasters above $2,000 a year. Does it add any considerable amount of fuel to the various post-offices? Does it cost any more to warm your Department here or to warm your post-offices all over the country because this third-class matter is carried? I do not believe that the committee will tell us it costs a cent more for fuel, and yet that is one of the items which is charged up as a part of the expense. Contingent expenses are charged. I am not aware that they are increased a farthing by the third-class matter. Another item is the cost of "non-productive roads." In the name of reason, if you strike out this third-class matter entirely will your non-productive railroads cost you any more or any less?

So that, taking the whole of these items which are included under the "maintenance of the establishment," there is but a very slight increase in the expense of the Government upon the third-class matter, and yet of the $8,872,559 charged up to this class $2,377,443 is added on account of increased salaries of postmasters, increased allowances for fuel and lights, contingent expenses, and increased cost of non-productive roads. Can anything be more absurd than that? I say that to make a fair showing of the cost of this class you should strike out at least three-fourths of this $2,377,443. There is some addition to the salaries of postmasters, but no material increase of expenses anywhere else.

Take the second item. They tell us that this third-class matter adds 37.9 per cent. to the cost of transportation, which amounts to $4,942,458.85. Does it do any such thing, Mr. President? I said a moment ago that the chief cost of this class was in transportation, but does it increase the cost in proportion to its weight? I say it does not, nor anywhere near it.

Let us see about that. Take the railroads alone on which the mail is carried by weight. I believe they are not weighed on the stage-routes.

Mr. HAMLIN. They are not.

Mr. WINDOM. I am informed by the chairman of the Committee on Post-Offices and Post-Roads that they are not weighed on the stage-routes. Consequently we are to look to the railroads alone to see what this increased weight costs the Government. There are seven hundred and twenty-nine of these railroad mail-routes in the country, as reported in 1874. Of those, three hundred and seventy-six are roads that receive $50 or less per mile for carrying the mail. Of the seven hundred and twenty-nine railroad mail-routes, three hundred and seventy-six are not affected at all by the increased weight. Hence more than one-half of the railway transportation in the country was not affected at all when we carried, as we did in 1874, the largest amounts of this third-class matter. This statement from which I quote was made up on the weights of 1874, when we were carrying at the reduced rate of eight cents per pound. There are but three hundred and fifty-three roads that go over the fifty-dollar rate. Every Senator knows that $50 is the minimum, and if the railroads furnish the facilities for carrying the mail at all, they receive the $50 per mile. So that the adding of this third-class matter in 1874, when it was at the low rate of eight cents per pound, did not increase the cost of transportation at all on one-half of the railroads of the country. And yet we have in this document this item:

Thirty-seven and nine-tenths per cent. of the cost of transportation, &c., included under the head of "transportation," apportioned according to weight.

They took the whole weight of the mail carried of every kind and said that this third class constituted 37.9 per cent. of it; and they charged 37.9 per cent. of the total cost to the cost of third-class matter, when it did not increase the cost at all on more than one-half of the railroads of the country, as I have shown. Instead of making that $4,942,000, it ought not to have been more than half that much, in my judgment.

Again, let us see how much loss there is by weight. Under the existing law it is provided—

That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of two hundred pounds, $50—

And they pay them all $50 whether they carry that or not—

five hundred pounds, $75.

Five hundred pounds additional to the two hundred, carried the whole length of the road, adds $25 per mile. Let us see whether we lose anything when we add that $25 per mile. I will state the case in the strongest possible light for those who advocate this bill. I will assume that the whole length of the route is equal to the average distance which the mails are carried, according to this document—that is, eight hundred and thirteen miles. When you add this third-class matter at sixteen cents per pound on five hundred pounds, you are making money by the transaction. Let us see. Average distance of mail carried, eight hundred and thirteen miles, five hundred pounds in addition to the two hundred pounds adds $25 per mile. Twenty-five dollars per mile for eight hundred and thirteen and one-half miles gives $20,337.50 that we pay to the railroad; but sixteen cents per pound on five hundred pounds gives $80 per day, and three hundred and thirteen days at $80 per day gives $25,040; so that if you add weight enough to increase the rates above $50, making it $25 per mile additional, and carry the whole average distance that the mails are carried in the United States, you gain nearly $5,000 every time you do it on each five hundred pounds during the year.

The Senator from Massachusetts [Mr. DAWES] may smile at these statements, but he would do much better to answer them. I think it is much easier, however, to answer them with a smile than in any other way; and I apprehend that is the course my honorable friend will take.

Now, then, take the third item on which they make up this cost of over $4,000,000 for carrying third-class matter. They say it is 23.3 per cent. of the cost of clerical force included under the head of "handling" or "distribution" apportioned to the number of pieces. Does anybody believe that adding this class increases the clerical force to that extent? Can any one believe that it is increased in proportion to the number of pieces handled? In three-fourths of the post-offices in the country it has not added one clerk. In some large offices it may have required a small increase. I am not good on proportion, but I will say at a rough guess in four-fifths of the mail cars of the country this third-class matter does not add one postal clerk. The force they have for distributing the mail distributes this matter also. The force in nearly all the post-offices of the country, with the exception of the larger cities, necessary to carry on the establishment distributes this matter without any additional cost. Will anybody base a vote in the Senate upon a document which purports to estimate the cost of this matter by saying that as the number of these pieces is 23.3 of the whole number of pieces carried therefore it adds 23.3 per cent. to the clerical force of the country?

If you deduct from this calculation of the Department that which is charged up to the "maintenance of the establishment," which I have shown you should be thrown out substantially, and leave the other to stand entire; that is, if you leave 37.9 per cent. of the cost of transportation, when the very reports of the Department show that on one-half the roads it does not add anything, and if you leave 23.3 per cent. for the cost of clerical force, when everybody knows it does not add one-half or one-quarter of that number, and only strikes out that absurd proposition that it adds 18½ per cent. to the "maintenance of the establishment," you would have the cost, $3,395,166; and you have from this document an acknowledgment that the receipts are $7,411,425. Then striking out these items, which everybody must admit upon any sort of consideration are not properly chargeable, you have a profit on this third-class matter of $1,016,309, and I believe that is below the actual profit that the Government realizes on it.

I believe that if you were to strike this class out entirely you would lose much more in revenue than you will save in expense. You would not reduce your cost of transportation, your cost of maintenance of establishment, your cost of increased clerical force anywhere near $7,411,425, which is the amount you now receive. I am not quite certain that the half cent per ounce proposed by the honorable Senator from Kansas will pay the full cost, but I believe it will come very near it; and, as a choice between his amendment and the bill as reported by the Senate Committee on Post-Offices and Post-Roads, I shall vote for the amendment of the Senator from Kansas, although I would prefer to leave the law as it now is, at sixteen cents per pound. But, as against the unjust discrimination of doubling the charge on all distances over a thousand miles, when I think we are making a profit at the present rates, I would prefer to take the amendment of the Senator from Kansas, and shall therefore vote for it. I should prefer, however, to vote against the bill of the committee and let the law stand as it now is.

Mr. HAMLIN. Mr. President, I listened to the statement of the Senator from Minnesota [Mr. WINDOM] the other day in relation to the cost of transportation of freight over our railroads, and I wish to assure him that I intended no disrespect because I made no answer thereto. I did state in the commencement that I purposed not to be continually interrupting Senators as they should be discussing this subject. I believe I have kept my word; and not being aware that there is any other Senator who wishes to address the body, I now propose to answer as briefly and as well as I may the positions which the Senator from Minnesota has taken. Whether I shall be able to do it satisfactorily to the mind of my friend is one thing. That I shall do it satisfactorily to myself, I am quite certain; and I may express the hope that I shall be able to do it in a manner satisfactory to the Senate.

I begin by saying, first, that all the gentleman's figures in relation to transporting freight on railroads have no earthly connection with the subject before this body. You cannot make the two things applicable by any possibility. A contract to transport freight over a railroad is so unlike and so dissimilar to transporting mails over your railroads that they can by possibility have no connection whatever with each other.

Mr. WINDOM. Shall I interrupt the Senator if I ask him a question now and then?

Mr. HAMLIN. No, sir; I will answer.

Mr. WINDOM. I ask whether the rates charged by the railroads themselves for carrying the mails have any connection with the rates which we charge the people for carrying them?

Mr. HAMLIN. Next to none whatever; but I will come to that, and I will state precisely what they do do, and precisely what we have to pay, and precisely what we get in return, which I think will be more satisfactory to my friend than any hypothetical case he can state in relation to transporting freight. What on earth has the matter of transporting freight, as my friend stated it the other day, over railroads with cars of the capacity of ten tons and with a number of linear feet reaching I think 30,000, to do with a railroad car that runs over a railroad with one hundred pounds of weight, and what would be the cost of that hundred pounds of weight when you have reduced the ten tons of freight down to a hundred pounds? And of the linear feet which you must have in a postal car more than half, I think two-thirds, is necessarily reserved for the use and occupation of the Government Post-Office to receive and distribute the mail matter along the road. I want to tell my friend that on inquiry I learned, and I think I am authorized to say absolutely, that there are no cars that carry five tons of mail matter save the fast-express line that goes out of New York, and there they run two cars full, but with a capacity when full of only five tons, and they run two others nearly empty.

Again, the Senator makes all his estimates in relation to railroads upon cars that run twelve or fourteen miles per hour. The statements which the Senator made have application to freight trains.

Mr. WINDOM. O, no; the Senator is entirely mistaken. The demand of the railroad companies for thirty-nine cents a car per mile was for their best and fastest trains and their very best cars, expensively built and fitted up for postal cars.

Mr. HAMLIN. I am talking of what was the rate of speed made by the railroad in freight trains.

Mr. WINDOM. Twelve or fourteen miles, I suppose, but they only charge a cent and a half a ton per mile as against thirty-nine cents that we pay.

Mr. HAMLIN. But they make it on the estimate of a full car of freight or passengers all the time, while your mails will not reach five hundred pounds; they often will not reach half that; consequently the railroad gets its compensation on the bases of $50 a mile, to pay for running their car if there is but a single letter to carry.

Mr. WINDOM. As the Senator mentioned the fact that some railroads carried so small an amount for $50 a mile, I ask him whether he thinks adding this third-class matter to these roads costs anything; and, if so, how much?

Mr. HAMLIN. The universal rule is to make the contract first for $50 a mile, and that includes an obligation on the part of the railroad to run the car if there is but a single letter to transport in it. I undertake to say you could make a contract which would give them five tons to carry every day at the Senator's figures; they might be willing to take it, while they could not undertake to carry the mail at a less rate than they are carrying it now, subject to the small amount of mail and depending on the weight of that mail for their compensation.

Mr. WINDOM. I do not want to interrupt the Senator, but he and I both desire to get at the truth in this matter. He has mentioned a class of railroads that get $50 a mile and have a very small quantity of mail to carry. I have shown you that that class of roads numbers more than one-half the roads in the United States. Now, I ask the Senator if this third-class matter in 1874, when there was more than half the mail carried at $50 a mile, added anything whatever to the cost of transportation on those roads? Did we not get it just as cheap on those roads as if we had not had that matter carried at all?

Mr. HAMLIN. Did you not get your first-class matter carried just as cheap? If the Senator's argument is worth anything, would it not scale down the prices upon both those classes?

Mr. WINDOM. Would you not have to maintain all this service on all these roads if we did not carry this matter at all?

Mr. HAMLIN. I will come to that.

Mr. WINDOM. So that this is simply adding to the convenience of the people without any cost to the Government.

Mr. HAMLIN. It costs nothing to carry third-class matter, accordcording to the Senator, but everything else that goes in the mail is bound to pay. You make all the other branches of your Department pay the first and the second classes, but when the third class comes the Senator's argument, if it is worth anything, is that that shall go for nothing, because you must maintain your Department for the first and the second classes.

Mr. WINDOM. Let me ask another question. Do we not make an absolute profit on all the third-class matter that we carry on the roads that get less than $50 a mile? You would have to maintain the service, you must run it in order to maintain the railway service of the country. Now, my point is that we make more than we lose, and a great deal, out of this third-class matter; and I ask the Senator if every dollar's worth of third-class matter carried on these small railroads is not so much actual profit to the country, and had we better not carry it than lose that money?

Mr. HAMLIN. I answer no.

Mr. WINDOM. Now I should like to know why.

Mr. HAMLIN. I think I will now proceed to make the suggestions which I desired to make in relation to the Senator's proposition.

Mr. WINDOM. I will not interrupt the Senator further.

Mr. HAMLIN. First, these estimates are made on cars that run twelve or fourteen miles an hour. If you double the speed, you double the rate. Consequently the Senator must double his compensation for the increased speed; and when you come to your fast express trains you have got to more than triplicate the expenses that are incurred and which are charged by railroads for running at the increased speed. But this is the view I take, this is the view that has been submitted by the Department to the committee and to the Senate in relation to the cost of transporting these various classes of mail mat-

ter all over the country, and the Department has based its statements upon a classification of the articles sent and then a classification of the various branches which in the Department go to make up the expense, and the Senator says that it is entirely unreliable, that figures will lie; I do not know that he uses that expression, but he says they are extremely unreliable. Now I affirm that, in the theory and for the purpose of presenting just what the Department designed to present to the committee and just what the committee designed to carry out in their action, the estimates of the Department are accurate almost to a mill. I suppose we have no disagreement in the fact that it costs so many million dollars to support our Post-Office Department for the year. I suppose we have no disagreement in the fact that the receipts of that Department amount to another sum, less than its expenditures. I do not want to dispute about terms, and it is on that very point that the Senator from Minnesota has based his argument. I think it is a misunderstanding of terms. When you speak of the Government losing so much upon this class or that class, what do you mean and what did the Department mean? They meant that, if the Department was to be self-sustaining and the articles that passed through the mail should contribute enough to make it self-sustaining, then there should be added to each of these various classes, the first, the second, and the third, enough to make the Post-Office Department self-sustaining and that it should not be a charge upon the Government.

The accuracy of these figures I think I can demonstrate with a good deal of certainty. In the first place, there is the first class. I do not understand that the Senator from Minnesota denies that the revenues from the first class are in round numbers about $19,000,000 and that its cost is about $15,000,000. No matter what may be the expenses of the Government, its revenues are that amount, as we know absolutely by the receipts. That is, we know that the first and third classes do yield a revenue of about $25,000,000. We know that by the report of the Postmaster-General. We know that the second class of mail matter yields $995,000. The estimate made in these tables was $976,217. The estimate made in these tables on third-class matter was $4,658,643. Now I want to test the accuracy of these tables by an illustration. To get at what was produced in revenue by the first and the third classes it became necessary to adopt some mode of estimation. They could have at the end of the year the actual figures only of the second class. That revenue was paid by the newspaper men, was kept in a separate account, and the report of the Postmaster-General shows precisely what it was. What did the Department do in attempting to estimate what would be the revenue of the first and the third classes? In the second that 155,000,000 pounds. That is composed of newspapers, magazines, and newspapers that circulate within the county, on which no postage is received. They took from that 25 per cent. in weight, estimating that to be what would go free in the various counties, and taking out what went free through the mail left us but 1.75 cents on the pound for transmitting newspapers and periodicals; and that is all the Department gets to-day after taking out what we lose by transmitting local papers in the counties. Under that process of estimation they estimated at the Department that the revenue would be $976,217 from second-class matter. These are estimated revenues. What did the fact prove at the end of the year? It proved to be $995,000, being less than 2 per cent. in actual revenue that was received, as appears by the annual report of the Postmaster-General, over this estimate.

Pursuing the same basis and following out precisely the same calculation, they estimated for the first and the third classes, and they made their estimate on this same table which my friend from Minnesota thinks is so valueless and so unreliable. What was their estimate of what would be the revenue of the first and third classes, and what is it in the table? Twenty-five million two hundred and thirteen thousand eight hundred and sixty-five dollars. What was the actual revenue which was found at the end of the year when the Department knew to a cent how accurate or how inaccurate was this estimate? The amount proved to be $25,733,911, or, in other words, it was underestimated $478,000. Senators will bear in mind that these estimates were made for three-quarters of the year upon the old rate of postage, two ounces for one cent, and for a quarter of the year the receipts were upon the present rate of one cent an ounce. Estimating that the increased rate would give $2,000,000 additional a year, $478,000 was almost the exact sum for a quarter that showed an increase over and above the estimates.

Mr. WINDOM. Where does the Senator find his estimates in this document?

Mr. HAMLIN. They are all estimates; there is nothing but estimate. They are all based on these tables that the Senator says are so unreliable.

Mr. WINDOM. Why should it be an estimate any more than the other document here I see as late as February 8, 1876?

Mr. HAMLIN. These tables are estimated at the Department. I have given you the figures from the report of the Postmaster-General to show you how near the estimate came to actual results on all three of the classes.

Mr. WINDOM. What I cannot understand is how the Senator makes out this document to be an estimate in advance of the official figures when the document itself is dated February 8, 1876. We have not any figures later than that. This is the latest thing we have.

Mr. HAMLIN. The document itself was made and prepared at the Department before the end of the fiscal year, and, I repeat, no matter when it was sent to us, this table was made upon estimates; and I show you with what perfect results the estimates came out at the end of the year in relation to the three classes to which I have referred. If they were so almost precisely accurate in relation to these three classes, I imagine that there is the same accuracy in relation to their estimates on this table in regard to the cost. The first estimate was one of revenue; then comes the estimate of cost.

The Senator has over and over again stated, almost in words, that an increase of the transportation of this third-class matter has not increased the expenses of the Government, and virtually that it yields a net revenue, and that the expenses of the Government would be no more if it were left out, or a very little more than they are now. From 1850 to 1855, if you will take the expenses of your Department for those five years and add them together, you will find that they increased 75 per cent. In those five years the business of the Office increased 60 per cent. From 1855 to 1860 the expenses increased 60 per cent.; the business 40 per cent. In 1852 you began to get this heavy matter on your hands. From 1865 to 1870 the expenses increased 70 per cent. and the business 40 per cent. From 1870 to 1875 (and this heavy mail matter went extensively into your mail in 1872) the expenses of your Department increased 45 per cent., while your business increased 55.

I present this compilation of figures for the purpose of showing to the Senate that as all this matter has gone into the mail, the expenditures have gone up almost *pari passu*. Your clerical force has been increased, your postal force has been increased, everything has been increased in the same ratio as your mail service has increased, showing, as I say, conclusively that as you have added this heavy matter to your mail service you have added to the expense of the Department. It cannot be otherwise.

These estimates are made for the purpose of showing in what way and manner your Post-Office revenues should be increased to supply the deficiency, and I ask if that is not an equitable rule which compels them to share their proportion of all the three classes that go to make up the Post-Office Department, to wit, the maintenance of the establishment; the transportation; and the handling or distribution. When the evidence is that all the expenses of your Post-Office Department are increasing in almost the precise proportion that the business of the Department increases, and when you see in the last five years when all this heavy matter has gone into the mails that the increase of the force exceeds a little in proportion what it had in anterior years, I ask if we may not assume, as they did in making these estimates beyond a doubt, that in ascertaining what is the cost of carrying the third-class matter they should tax to it its relative proportion of maintenance, transportation, and handling? The rule which they did adopt charged the same for handling a letter that they did for handling a package of merchandise; and figures which they have given us in other tables are so nearly accurate that I accept them. While every Senator knows that in handling a package of merchandise there is more of labor and more of cost to the Government than there is in handling a single letter, yet when you go to the handling part of the table, you see they only charge the handling of one package as they charge to letters the handling of one letter. When you go to transportation they do precisely the same thing there. They estimate your mail upon weight as the nearest approximate method of ascertaining what it may be, and then charge to the third-class transportation according to the amount which is transported; and tested by the figures which I have mentioned, I say it must necessarily be very nearly mathematically correct.

So in relation to the maintenance of the establishment. I do not say that on some minor points there may not have been very little increase, on others more; but taking the three together, it is a fair, it is a just, it is an equitable rule, and it is one upon which we may rely. It is a rule by which it was designed to ascertain what each class ought to pay to support the Department and to make it self-sustaining. You may call it a deficiency; you may call it whatever else you please; the object of it was to ascertain what fairly, justly, and equitably third-class matter should pay to contribute its proportion relatively with the other classes.

Now, suppose that it can be transmitted through the mails at figures lower than the Senator from Minnesota would transport freight, and the Government gets its one cent an ounce to-day. Suppose it could be done, what are the facts? You have got a deficiency; we have no disagreement about that. The Senator from Minnesota asked me the other day where it comes from? Strictly speaking, you might say that five millions of it come from post-routes that do not pay their expenses, but that has never been regarded as a deficiency; and I do not think the Senator from Minnesota will join with me, either from the condition of his own State or my own, in dispensing with the service on those routes that do not pay. They were established for legitimate mail purposes; and what the community have a right to complain of is that when they are non-paying, when many of our States do not contribute as much of revenue as we receive in the support of our mail service, we should in addition to that ask the Government to contribute to carry third-class matter or any class of mail matter.

Mr. WINDOM. I agree with the Senator fully; and on all these small routes that are not paying I want to get the profit of carrying this third-class matter. We have got to run those routes any way;

and all the third-class matter we carry on them is clear benefit, and I want to make something out of it.

Mr. HAMLIN. The Senator may perhaps to his own satisfaction figure out an actual profit on those routes; but if he is right in his figures, it is more than doubly absorbed in the large routes that have got above the fifty-dollar limit.

Mr. WINDOM. No. I have shown that the additional pounds we add we make money out of. Now, I say as to all the little routes where we pay $50 a mile—and we have got to pay the $50 anyhow on more than half the roads in the United States now—all the third-class matter we carry and get pay for on those roads is so much clear profit and harvest over the expense of those roads. I think the Senator cannot get out of that conclusion.

Mr. HAMLIN. If the Senator's argument is worth anything, it surely proves too much. If we make a profit by transporting matter over roads that get only the minimum of compensation, why is it that all the classes, the first and second, are not remunerative?

Mr. WINDOM. I will answer the Senator. If we are compelled to maintain those roads in order to carry the mails, as I insist we are, then the second class-matter is remunerative to the extent that it pays anything; and so is the third-class matter.

Mr. HAMLIN. Will the Senator be kind enough to go one step further, and tell me how the deficiency in the Department happens—where it comes from?

Mr. WINDOM. The deficiency in the Department happens from various causes. It happens from the fact that you must maintain your mail service all over the country. But that does not answer the question. Let us look at this step by step. Here is a State in which there are no railroads except the small ones that get $50 a mile, and they will get that $50 whether you carry second-class matter at all or third-class matter at all; and you are bound to give the people this service by keeping up those roads. Now I ask the Senator if adding the second-class and third-class matter on those roads, which does not put them above $50 a mile, as I have shown by the report of 1874, is not a clear profit to the extent of all we get out of the second and third class matter on those roads?

Mr. HAMLIN. The answer first is that the great amount of all the second and third class matter does not go in any considerable portion over the little roads, but over the large roads. That is true almost entirely of the second class, consisting of newspapers and magazines.

Mr. WINDOM. Is it not true of third-class matter?

Mr. HAMLIN. It is not so true of the third-class matter; but the proposition which I want to submit to the Senate, and with that I shall leave the subject, is simply this: We know the fact that we are taxing our people for social and business correspondence $1.46 on every pound of letters that goes through the mail; we know that we are receiving to-day but sixteen cents a pound upon merchandise which legitimately has no standing in the mail, and has gone in as a special favor. The estimates to which I have referred were made upon a basis and calculation that should enable us to find that sum which would compel the third class to contribute that portion to the revenues of the Department which would be equivalent to its proportion of the expenses for the service it receives. What is the aspect that we present to the world? What is the light in which we stand? To-day, if we vote to restore this rate of postage to two ounces for the cent, we are going to declare that we are willing to continue to burden the mail with this matter, with five millions of money required to pay railroads that are non-remunerative, and with a surplus of more than $4,000,000 from social and business correspondence, and then following it demand that your Treasury shall contribute $7,000,000 more. I ask the Senator from Minnesota, aside from all his figures, if that single statement (and that is a statement which cannot be denied in any way) does not show that we are required to devise some mode by which this third-class matter shall contribute, irrespective of what it may or may not cost to go through the mail, its due proportion of what is required to sustain the mail service?

Mr. President, I have said I think once before that I wish this service could be performed much cheaper; but we must take our whole postal service as it is, and we must supply the sinews, the revenues as they are required, and I as one individual am not willing to be made a figure in that picture that seeks to grasp from an indigent widowed mother, who may write but her four letters annually to her son, a tribute of one-fourth of the sum she so pays to put into my pocket to aid me in transmitting rattlesnakes and centipedes, ox-horns and bowie-knives. Nor am I willing to be made a figure in that picture with the other end resting upon the Treasury of the United States and demanding its revenues to supply the balance of the deficiency and that revenue contributed by the labor of our country.

Mr. HARVEY. Mr. President, I desire to say but a few words to show the spirit of this crusade against third-class matter. The Senator from Minnesota, though making a very conclusive argument against this system of estimates, omitted to mention one very important fact. I contend that neither the Post-Office Department, nor the Committee on Post-Offices and Post-Roads, nor any one else can show that the cost of transportation of 55,783,832 pounds of second-class matter is only $7,969,240.97, while 42,351,308 pounds of third-class matter cost $8,772,599.41. That calculation would assume that for carrying 13,432,524 pounds less of third-class matter than of second-class matter the cost was $803,319 more—nearly a million dollars more for carrying and handling 13,432,524 pounds less—and this in the face of the fact that nothing is involved here except the transportation and the handling, and the transportation is done by the pound, and a pound of second-class matter costs the same as a pound of third-class matter, and as to the handling there is no material difference. The statistics of the Department say that the average size of the packages of third-class matter is three and one-half ounces. It is as easy to handle a package of three and one-half ounces as it is a single letter.

I think enough has been said and shown to satisfy the Senate that the United States can afford to transport third-class mail matter anywhere within its boundaries at the rate that this amendment proposes. It has been shown that the postage charged upon fractions of ounces makes the Department realize about twelve cents per pound for the carriage of this matter at the rate we propose to go back to. If we cannot carry it for this, in what position does it place us before the world? The Dominion of Canada, having a population of about four millions, having mail lines as long as any of ours, carries such matter for four cents a pound, a uniform rate. What is the ground on which we can justify ourselves for charging such a rate as this?

Mr. SHERMAN. I desire to offer an amendment to the pending amendment, and for that purpose I will ask the Secretary to read the amendment offered by the Senator from Kansas.

The Chief Clerk read Mr. HARVEY'S amendment.

Mr. SHERMAN. I have received letters, and I suppose every Senator has, from a great many of my constituents, complaining about the change of the postage on printed circulars and articles of that kind, various descriptions of printed matter which weigh less than an ounce. They complain that the act of last session injuriously affected the transmission of circulars and printed matter of that kind to the people in carrying on their business. I think there was a good deal of ground for this complaint. Probably that effect was brought about by a misapprehension, in the haste of the closing scenes of the last session. That ought to be corrected, in my opinion, and circulars ought to be sent as before, at the rates formerly provided by law.

The difficulty occurred with the larger packages which were more than one ounce, and the old law fixed the rate at one cent for two ounces and a proportionate rate for all amounts up to four pounds. It is shown very clearly by the Senator from Maine, and by all the Senators who have participated in the debate that that is doing work for nothing or for less than half-price, and that the result has been to cause a deficiency in the revenues of the Post-Office Department for this class of service to the amount of $4,000,000. True there is some difference of opinion as to whether this four million is overstated or not. The Senator from Kansas and the Senator from Minnesota differ from the Senator from Maine as to the amount, but that it does create a large deficiency there can be no doubt. That is shown by the documents admitted by these Senators themselves.

The Senator from California also objects to the proposition of the committee inasmuch as it establishes two rates of postage, and he says that it will be difficult to distinguish between where the thousand-mile line begins and where it ends. There is much force in that. That consideration led to the adoption of a uniform rate both for letters and printed matter. I can see the force of it.

It seems to me we ought promptly to repair the injury we did, without going further until there is a general system provided for the regulation of mail matter, so as to make the Department self-sustaining, as near as may be. It seems to me the best thing we can do under all the circumstances (unless we take up the House bill sent to us a long while ago and pass it) would be now to establish a uniform rate per ounce. This would restore the old law so far as circulars are concerned and allow circulars to be sent at one cent, because they weigh almost uniformly less than an ounce. As the proposition of the Senator from Kansas restores the old law and continues the old deficiency and rather adds to it if anything, I propose to amend his amendment by striking out the word "two" in line 8, so that it shall read "and postage shall be charged thereon at the rate of one cent for each ounce or fraction thereof." Even then I should feel disinclined to vote for the amendment, because I should be rather disposed to follow the committee, who propose to fix the rate at one cent per ounce. I want to leave it at one cent an ounce, which was the old law. One cent was the rate of a circular because the weight was under an ounce. It went all over the country for one cent an ounce, and hence the complaint made now by my constituents. Almost uniformly the complaint has been that by defect of the law the rate has been changed so as to advance the rate on these light matters, which they send as a matter of business, and they say it cripples business operations and interferes with the dissemination of intelligence in regard to trade.

It seems to me, therefore, we can accomplish the purpose by providing that the rate shall be one cent for each ounce or fraction thereof. The only difficulty in the way of this proposition would be in regard to transient newspapers, such as are sent through the mails by private persons to private persons. As they weigh more than an ounce, it might not be wise to raise the rate formerly established on that kind of matter. Transient newspapers are sent usually by a person receiving a paper to a friend or neighbor. That practice is carried on to some extent. I would not desire to change it. This amendment

probably might raise the rate a little on transient newspapers, but it could very easily be managed by adopting the fifth section of the committee's report, which declares—

That transient newspapers and magazines shall be admitted to, and transmitted in, the mails at the rate of one cent for every three ounces or fractional part thereof, and one cent for each two additional ounces or fractional part thereof.

That I have no objection to, because it is impossible to tell the exact weight of this transient matter, and to make two rates, requiring two cents for two ounces, three cents for three ounces, &c., would make it obscure and difficult. Persons mailing these papers have not facilities to weigh them. That is a comparatively small matter, but as to merchandise and the various articles named in the old law and named in this bill, there is no question but what it costs the Government of the United States more than one cent for two ounces to transport them. It seems to me that that evil ought to be corrected, and that the most we can accomplish now, especially if this amendment is to be adopted, is to raise the rate on all matter to one cent per ounce. That will tend to lessen the deficiency that now exists in the postal establishment. It seems to me the Senator from Kansas ought to be satisfied with this. It is a reasonable rate, and it will cover the case of circulars weighing under one ounce, so that they can be carried as before at one cent.

Mr. HARVEY. Will the Senator permit me to state that according to my understanding the amendment proposed by him is simply to make the law as it stands now, and to meet the objection which he urged in the beginning in regard to circulars and the hasty legislation of last winter.

Mr. SHERMAN. I want circulars to go for one cent an ounce. I want to make a distinction. I do not either state my opinion clearly, or the Senator does not. I say there ought to be a distinction, that one cent ought to cover the postage on one ounce. The amendment of the Senator makes the postage one cent for two ounces, and there is the evil. I think one cent for one ounce and all under is a reasonable rate. That would cover circulars, the great body of business communications between man and man; but when you go above one ounce then you reach a class of articles not circulars, not merely printed information sent out by manufacturers to dealers to get trade. They are useful, but they are something in the nature of merchandise, packages, goods, all sorts of stuff. They ought to pay certainly one cent an ounce.

Mr. PADDOCK. Do I understand the Senator from Ohio to say that he proposes to make that the uniform rate for all distances?

Mr. SHERMAN. Yes, sir; that is the amendment.

Mr. PADDOCK. Having no dividing line of distances?

Mr. SHERMAN. I present nothing of that kind. I see some argument against it. I listened to the statement of the Senator from California and I listened to the statement of the chairman of the committee. In equity the longer the distance the greater should be the rate.

Mr. PADDOCK. I sought in committee to make an amendment in regard to the dividing line of distances, and reserved the right to do the same thing in the Senate; but if the Senator's amendment prevails, I need not do it.

Mr. SHERMAN. I inferred, but perhaps I am mistaken, that there was a disposition in the Senate to adopt the amendment of the Senator from Kansas, which would be simply to go back and restore the old law. I do not think we ought to restore the old law altogether, but we ought to restore it so far as light circulars are concerned, weighing one ounce or less. Ordinary circulars would not weigh more than half an ounce. There is no propriety in charging these circulars one cent when you only charge a package of merchandise at the rate of one cent for two ounces. I hope, if the amendment of the Senator from Kansas is to be adopted, that the Senate will be willing by general consent to increase the rate to one cent an ounce for all packages weighing over an ounce.

The PRESIDING OFFICER, (Mr. OGLESBY in the chair.) The Senator from Ohio proposes an amendment to the amendment, which will be reported.

The CHIEF CLERK. It is proposed in line 8 of the amendment to strike out "two ounces" and insert "ounce;" so as to read:

And postage shall be charged thereon at the rate of one cent for each ounce or fraction thereof.

Mr. DAWES. I do not know but that after the remark that has just been made by the Senator from Nebraska [Mr. PADDOCK] I am about to anticipate something that he proposes to do. I was about to move an amendment to the text suggested by the remark of the Senator from Nebraska. If the Senator desires to make that amendment I will not interfere.

Mr. PADDOCK. I am satisfied with the amendment of the Senator from Ohio to the amendment, and therefore I shall not offer mine.

Mr. DAWES. It is the simple desire of the committee to get such a bill as will contribute as much as is practicable to the relief of the Treasury and at the same time make as little burden upon the people as possible. They do not desire to see this anomaly in the Post-Office Department, the main feature of the Department, the letter-carrying, being at such a high rate as to produce a large profit, and that profit all consumed by the carrying of third-class matter. That has been the struggle in the committee and in the Department. The Department thought the service would be best maintained by having three different rates, one for a short distance, one for longer distances, and another rate for all matter over a prescribed limit. The committee, feeling the force of the argument urged so well by the Senator from California and by other members of the Senate, yielded to that argument so much as to make but two rates. Still the objection exists. Uniformity is desirable in everything. I do not see any more reason why there should be a distinction in distances here than in the horse-railroad cars of this city, or anything of that kind. While in justice and in point of fact, as the Senator from Ohio has stated, it costs more to carry a long distance than it does a shorter distance, and it ought to pay more, yet uniformity is so much more desirable that on the whole it has come to be the practice of the entire business community to yield to that element. Therefore, and upon consultation with the committee—I have the approval of the committee—I shall venture to adapt this bill itself to that principle by moving to strike out of it the distinction of distances, and make it one uniform rate of one cent an ounce. I think the bill will then be more acceptable.

Mr. LOGAN. What will be the effect of that?

Mr. DAWES. That will be the rate of last year modified by arranging and defining what is third-class matter, making transient newspapers cheaper, which was the main objection to the bill of last year. With that end in view, I move to strike out of the sixth line of the second section the words "of one thousand miles or less," and to strike out the eighth and ninth lines. If this amendment shall prevail it will be necessary to have a letter stricken out of a word in another line.

Mr. WEST. How would that part of the bill read if amended as the Senator now suggests?

Mr. DAWES. It would then read:

For all distances, one cent for each ounce or fractional part thereof.

That will meet the objection of the Senator from California, and I think will make the bill acceptable, with perhaps the modification suggested by the Senator from Ohio.

The PRESIDING OFFICER. Does the Senator propose this as an amendment to perfect the text of the bill?

Mr. DAWES. I move this amendment to the text of the bill, which will be first in order, before the amendment of the Senator from Kansas and the amendment to that amendment proposed by the Senator from Ohio.

Mr. SARGENT. I entirely concur with the Senator from Massachusetts that the principal complaint which arose on the law of last year was from persons who had been accustomed to send transient newspapers, substituting them in a certain sense for letters, and who suddenly found that the postage was doubled, or what was a greater inconvenience yet, they, not knowing this change had been made, that their papers were detained in the post-offices. I remember seeing at the San Francisco post-office last summer, a month or two after the law passed, a very large pile of papers sufficiently stamped under the old law, transient newspapers, which were detained for postage. I have no doubt that was the case in a great many of the post-offices of the country, especially the principal ones. A large number of our people are accustomed to send these papers, giving an account of a death or a marriage, or of some circumstance of family interest or even of party interest, to some friend at a distance. So far as the newspapers themselves are concerned, those papers have discharged their functions. They are not any part of the trade, but they come in the possession of individuals who use them for this purpose, and send them to their friends. It is certainly a diffusion of intelligence, and it is not in the nature of business. It is simply a convenience, and not a business. I think that the law should be reformed in this particular. I believe, if the discrimination had been made at that time, and perhaps in reference to manuscript proofs and a few things of that kind, there would have been no particular clamor raised against the law.

I desire, before I sit down, to say a word or two with reference to the position taken by my friend from Wisconsin, [Mr. HOWE.] I advanced the opinion, which is somewhat firm with me, that the Post-Office Department may properly bear certain deficiencies in consideration of the great public good done, and that it is a public good as well as an individual advantage. The Senator replies to me that the letter which he receives or sends is a matter of interest only to him or to the individual who receives or sends the letter; and that any package he may send or receive falls under exactly the same category; that consequently it is not a public advantage at all; that it is a matter in which the public have no interest. I say to him it is of public interest in the same manner as the observation of storms is of public interest and of particular individual interest at the same time. Although he may not be a merchant and may not have any risk upon goods or ships which are sent to sea, and although he may not be a farmer whose interest it is to be told of the weather for the benefit of his crops, yet, notwithstanding, as an individual in the community he is interested; and the community are properly taxed, if it is useful, to keep it up. The Senator says that he eats bread, and therefore has an interest in common with the farmer. His children have the benefit of intelligence which is circulated through the mail, if he does not take a newspaper himself or if one should not be taken in his family. Of course it is inconceivable to suppose that, for I know he takes a great many. This intelligence is distributed through the mails and illuminates the community in which he lives, makes property safer, makes less crime, and reflects an indirect advantage upon him as an individual. Therefore the mail is of as much advantage to

him as an individual and also as a member of society in the community as is the observation of storms. It is more important, perhaps, as the benefit of intelligence is above that of mere animal food. It is food of the mind rather than that of the body.

If the Senator is correct in his assumption that each particular letter and each particular package is of interest only to the individual to whom it is sent, and that there is no general public benefit in the privilege which each one has to send it, then each particular letter and package ought to pay its full expense, and a State wherein the receipts from the Post-Office Department are greater than the expenses ought certainly not to be called upon to make up deficiencies in other States. In the State of Wisconsin alone, as my friend will find by examing the Sixth Auditor's report, there is a deficiency of $150,000 between the receipts and expenditures, while in the State of Massachusetts there is a very large excess of receipts over expenditures. Why should Massachusetts be taxed, why should money be taken out of the general revenue which taxes Massachusetts in order to pay for that particular package of silks which, he says, he might receive by mail? So New York and New Jersey pay, each of them, a considerable excess over the amount of expenditures caused by the mail service within their borders. My own State has a deficiency of about one-third that of Wisconsin. Why should they be taxed in order to pay the deficiency in my State? The answer comes at once, because there is a public advantage in the mail system, because it is not merely of advantage to the individual who sends or receives a letter or sends or receives a package, but on account of the public benefit. Upon that principle we forbid by law any person carrying mailable matter as a business outside of the mail. Why interfere with the business on any other principle except that it is a system beneficial to the public which must be protected and which is liable to be broken down, provided the express companies are allowed to come in competition with it? For that reason you require an express company carrying a letter to put upon it the full amount of postage the same as though it went through the mail. That can only be excused upon the ground that the letters sent and received are not merely for the particular benefit of the individual sending or reeicving them, but that there is a benefit to the public like that received from the observations of storms or like that received from the printing of the decisions of courts which administer justice. If this were not so, then all deficiencies made on account of postal service and paid out of the Treasury would be entirely unjust; it is the duty of everything going or coming to pay its own way. Most certainly, if the Senator's view is correct, it would be requisite that the inequality between sections should be corrected and that letters should be carried more cheaply from one New England State to another where there is no deficiency in the postal service, but rather an excess, than they should be carried between Wisconsin and California or Wisconsin and Michigan, in both of which there is a deficiency in postage.

I do not believe that is the true theory. This service is a public benefit, and I think the Treasury may be well called upon to make up deficiences which arise from conferring this benefit upon the people.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. DAWES] to the bill.

Mr. EDMUNDS. Let it be reported.

The CHIEF CLERK. It is proposed to amend the bill by striking out in line 6 of the second section the words "of one thousand miles or less;" so as to make the clause read:

For all distances, one cent for each ounce or fractional part thereof.

And then to strike out in lines 8 and 9 the following words:

For all distances over one thousand miles, two cents for each ounce or fractional part thereof.

The amendment was agreed to.

Mr. DAWES. In the fourth line of the second section I move to strike out the letter "s" in postages; so as to read "postage."

The amendment was agreed to.

Mr. DAWES. I ask the Senator from Ohio to suggest his amendment in reference to circulars.

Mr. SHERMAN. Circulars are already included in the bill. They are in the bill all right.

Mr. DAWES. The bill is satisfactory to the Senator?

Mr. SHERMAN. Yes, sir. I desired to amend the amendment of the Senator from Kansas so that if his substitute were adopted the rate should be one cent per ounce. My own amendment is to the substitute.

Mr. HARVEY. Then the Senator from Ohio withdraws the amendment which he offered to my amendment?

Mr. SHERMAN. If it is to be adopted, I prefer to have it amended before it is voted on.

The PRESIDING OFFICER. Does the Senator from Ohio insist on his amendment to the amendment?

Mr. SHERMAN. I do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment of the Senator from Kansas, which the Secretary will read.

The CHIEF CLERK. In line 8 of the amendment it is proposed to strike out the words "two ounces" and insert "ounce," so as to read:

Postage shall be charged thereon at the rate of one cent for each ounce or fraction thereof.

Mr. SHERMAN. In order to save time and not delay the Senate any longer, I withdraw the amendment and will allow the vote to be taken on the proposition of the Senator from Kansas, believing now that it will be voted down.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn, and the question recurs on the substitute proposed by the Senator from Kansas, [Mr. HARVEY.]

Mr. HARVEY. I wish simply to state that I voted for the amendment of the Senator from Massachusetts as it was in the nature of an amendment to perfect the text of the bill, the question coming up on perfecting the text before a vote could be taken on the amendment which I had offered. I voted for it simply because of the fact that if my substitute failed the bill of the committee as amended would be less objectionable in some degree than if passed as reported from the committee. I urge the adoption of the substitute for reasons which I stated at the time I offered it.

It is admitted on all hands that the amendment to the law which was made on the 3d of March last year was made hurriedly and was made without understanding. The change then made in the law was very badly received by the country. The people of the country are very much dissatisfied with the rates imposed by that law, as well as dissatisfied with the manner in which it was made.

As I stated at the time I offered my amendment, it is simply a transcript of a bill which passed the House of Representatives on the 26th of January of the present year, going back and restoring the rates that existed prior to our mistake of last year. That, I think, is the proper way to settle the difficulty in which we find ourselves placed. Let us go back to the rates which were satisfactory to the whole country; and then, after giving the Department time, the committee time, and the people of the country time to examine into this question, if there are any reasons why the old rates should be changed, let a comprehensive measure be reported with a view to righting whatever wrongs may exist, not taking a single class of mail matter and attempting to impose upon it such rates and such aggravating exactions as to virtually drive it from the mails. The effect of the bill reported by the committee would not be, as the Senator from Maine claims, to relieve the Post-Office Department from any deficiency which has occurred; for it has been shown conclusively that the mail may be carried at the old rates and afford a remunerative return. According to the doctrine the Senator from Maine advanced a while ago, if you drive third-class matter out you would reduce the expenses of the Department proportionately. If you carry out that doctrine and drive all mail matter out, you would have the cost of maintaining the establishment without any revenue coming in at all. The Senator says the expenses increase in proportion to the amount of business done by the Department; but I am sure that when this matter is investigated the Postmaster-General himself will become satisfied that, after he roots out the straw-bidders and the job printing that is done in the Post-Office Department, and the manufacture of envelopes, and a good many other abuses, the revenue will be found to be very much increased, if the rates on third-class matter are left as they were prior to the 3d of March, 1875. I am well convinced that the people of the country would be much better satisfied if that were done.

Mr. PADDOCK. In the interest of agriculture, which is the basis of all our wealth and prosperity, I move to insert at the end of the amendment of the Senator from Kansas the words:

But the postage on seeds, cuttings, bulbs, roots, scions, State and county fair premium lists, and State agricultural reports, shall be at one-half the rates hereinbefore established for other mail matter of the third class.

Mr. HARVEY. I suggest to my friend, the Senator from Nebraska, that his amendment can be offered after the substitute is adopted; and if the substitute is not adopted it can then be offered as an amendment to the bill.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is now in order.

Mr. PADDOCK. It is in order as I understand, but I do not care to stand in the way of a direct vote upon the amendment of the Senator from Kansas.

Mr. HITCHCOCK. Let us take the vote on the substitute first.

Mr. PADDOCK. Very well.

The PRESIDING OFFICER. The Senator from Nebraska withdraws the amendment to the amendment. The question before the Senate is on the amendment of the Senator from Kansas, [Mr. HARVEY,] which will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert in lieu thereof the following:

That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held o change or amend section 3879 of said Revised Statutes.

Mr. FRELINGHUYSEN. I will take the liberty of renewing the amendment offered by the Senator from Nebraska, to insert after the word "thereof," in the seventh line of the amendment, the following:

But the postage on seeds, cuttings, bulbs, roots, scions, State and county fair premium lists, and State agricultural reports shall be at one-half the rates hereinbefore established for other mail matter of the third class.

The PRESIDING OFFICER. The question is on the adoption of

the amendment proposed by the Senator from New Jersey to the amendment of the Senator from Kansas.

The amendment to the amendment was rejected—ayes 14, noes not counted.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas [Mr. HARVEY] as a substitute for the bill reported from the committee. The yeas and nays have been ordered upon the amendment, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAYTON, (when Mr. DORSEY'S name was called.) I desire to say that I am paired with my colleague, Mr. DORSEY, on this question. I would vote for the amendment, and he would vote against it if he were here.

The Secretary resumed and concluded the call of the roll; which resulted—yeas 25, nays 25; as follows:

YEAS—Messrs. Bogy, Booth, Burnside, Cameron of Wisconsin, Cockrell, Dennis, Edmunds, Harvey, Hitchcock, Ingalls, Jones of Florida, Kelly, McCreery, McDonald, McMillan, Merrimon, Mitchell, Oglesby, Paddock, Ransom, Sargent, Wadleigh, Whyte, Withers, and Wright—25.

NAYS—Messrs. Allison, Bayard, Boutwell, Caperton, Cooper, Cragin, Davis, Dawes, Eaton, English, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Howe, Kernan, Key, Logan, Maxey, Morrill of Maine, Morrill of Vermont, Norwood, Sharon, Sherman, and Windom—25.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Cameron of Pennsylvania, Christiancy, Clayton, Conkling, Conover, Dorsey, Ferry, Gordon, Johnston, Jones of Nevada, Morton, Patterson, Randolph, Robertson, Saulsbury, Spencer, Stevenson, Thurman, Wallace, and West—23.

So the amendment was not agreed to.

Mr. PADDOCK. I now renew my amendment, adding the word "catalogue" to the words which I proposed before. After the word "thereof," in the seventh line of the second section of the bill, I move to insert:

But the postage on seeds, cuttings, bulbs, roots, scions, State and county fair premium lists, and State agricultural reports, shall be at one-half the rates hereinbefore established for other mail matter of the third class.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

Mr. PADDOCK. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WITHERS. Will the Senator from Nebraska accept an addition to his amendment?

Mr PADDOCK. If it is a good one, I will.

Mr. WITHERS. Will he agree to add school-books to the list? I would then vote for his amendment.

Mr. PADDOCK. I think that would be putting on too much.

Mr. WITHERS. I move to amend the amendment of the Senator from Nebraska by adding "school-books" after the word "catalogues."

Mr. SHERMAN. It is pretty hard to tell what a school-book is. I should like to know who is to decide that question.

Mr. PADDOCK. My only objection to the amendment proposed by the Senator from Virginia is that it would cumber up and load down my amendment. It is impossible to define exactly what school-books are. They may embrace all the educational books that are printed.

The PRESIDING OFFICER. The Senator from Virginia moves to insert after the word "catalogues," in the third line of the amendment, the words "school-books." The question is on the amendment to the amendment.

Mr. COCKRELL. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. WITHERS. I will state that it has been suggested to me that the term "school-books" is rather too indefinite and includes more than I designed when I offered it. I designed to restrict it to school-books used in the common schools. I did not design to make it apply to scientific works used in colleges, universities, and high schools, but to books used in the common schools of the country.

Mr. KERNAN. I want to say to my friend from Virginia that among the books used in the common schools of the State of New York are classical books in Latin and Greek. We teach those languages in the common schools of New York.

Mr. PADDOCK. I hope the Senator from Virginia will withdraw his amendment.

The PRESIDING OFFICER. Does the Senator from Virginia modify his amendment?

Mr. WITHERS. Instead of school-books I would say "books used in common schools."

Mr. BURNSIDE. I suggest to the Senator from Virginia to make it apply to reading, spelling, and the ordinary school-books.

Mr. WITHERS. I will state very frankly that I am in favor myself of the transmission of all these things at low rates, but I think there are arguments in favor of permitting books used in primary schools particularly, which do not apply perhaps to other books. If I cannot get all books transmitted through the mails at low rates, I want to get as many as possible, and especially those in which the poorer people of the country, and of my State especially, are very much interested; that is, such books as are used in the primary public schools.

Mr. LOGAN. I merely desire to ask the Senator from Virginia a question. I have not taken any part in this discussion, and I do not desire to do so now. I wish to know if the Senator can say that his constituents will obtain those books any cheaper if we reduce the postage on them?

Mr. WITHERS. Yes, sir; I know they can.

Mr. LOGAN. I wish the Senator would explain in what way.

Mr. WITHERS. By ordering them from the publishers and getting them at first prices, without paying the profits which have to be paid to the intermediate hands through which they pass.

Mr. LOGAN. I do not know anything about it myself, but I have been told, and I presume it is true to some extent at least, that the difference is about this: I believe the usual rule is that when books are sold by agents in the country they are allowed about 30 per cent. by the publishers, the large book houses in New York and other places. The only difference is that the publishers would get the cheap rate and save that percentage for themselves, and it would not be a saving to the purchaser. That is what I have been told; I do not know how true it is. I expect it works a good deal like it did when we took off the tariff on coffee. We took it off at one end and put on the price at the other end, and the consumer gets it now at the same price. That will be about the result so far as books are concerned. At least that is my information in reference to it.

While I am up, I will say in reference to the vote that has just been taken, which was the difference between eight cents a pound and sixteen cents a pound on these packages, that I voted for sixteen cents a pound for several reasons. I want to give one reason that induced me to do it. I have been told, and truthfully, that hames used on horses for plowing and other purposes are shipped through the post-office, because by putting a pair of hames together, and calling each pair of hames a package, they weigh less than four pounds; and that hames have absolutely been shipped from New York to Arizona Territory through the post-office. I was told that by a man who runs the mail cars, and who knows it to be a fact. I voted as I did for the reason that advantage is taken of this privilege by shipping every character of articles. I do not think it is any cheaper to the consumer, even with reference to books, to reduce the cost of carrying these packages lower than sixteen cents a pound.

Mr. MORRILL, of Vermont. I sympathize with the purpose of the Senator from Virginia in order to obtain books for the use of the poor of the country at a less price; but I venture to assure him that his proposition here will not secure that object. No matter what the postage may be, there is not a publisher in all the country who will not send books and pay the postage prior to mailing them and deliver them at the retail price, and that is the lowest price which you can obtain them for, either from the publisher or from the retail dealer at home. Therefore, to reduce the postage upon books with any expectation that the purchaser will receive a book at any less cost is entirely erroneous. You may look at the advertisements of all these publishers and you will find a foot-note to almost all of them that all of the books advertised will be sent by mail upon the receipt of the published price.

It seems to me that the object of the Senator, which is a good one, cannot be accomplished in this way. It merely enables the publisher to get a little greater profit by reducing a small percentage of the cost in the mail. Further than this, the description of school-books is a broad one, and would, of course, include the large editions of Webster's, Richardson's, and other dictionaries.

Mr. WITHERS. That is not the school edition.

Mr. MORRILL, of Vermont. They would be so considered. The description of the books to be sent by mail when confined merely to public-school books would include vastly too much. At all events, nothing is to be gained by it. As the Senator will see, it is only increasing the profit of the publishers.

Mr. WITHERS. A word or two in reply to both the Senators who have addressed the Senate in reference to the amendment which I have just offered. There is a good deal of truth in what has been said by both, I am aware, but I also think that I am fully cognizant of what I speak and of my motive in offering the amendment. Notwithstanding the confident declaration of both of those Senators, I am still inclined to the opinion that the adoption of the amendment which I propose will enable the people to procure the books which are included in the amendment at a less price than they would otherwise procure them. It is true, as has been stated by the Senator from Illinois and also by the Senator from Vermont, that the publishers have a retail price at which they will furnish their books, and that the agents of publishers, traveling through the country, will furnish those books at the same price, receiving themselves from the publishers a percentage varying from 10 to 40 per cent. upon the retail price as published; but, in many of the States, and notably in my own, a different arrangement for supplying schools prevails. There an arrangement has been made by the public-school board of the State with the different publishers to furnish at a certain discount certain dealers who themselves, store-keepers, country store-keepers, are to be allowed a certain percentage upon the books which they buy for their customers. I do not refer to cities or places where the facilities for communication with commercial centers are great, but out in remote country neighborhoods the person who wishes to buy a reader or speller or a primary arithmetic can procure the book at a cheaper rate by sending directly to the publisher than he can by purchasing from the country merchant at the nearest cross-road, because he gets the benefit of the percentage which is allowed to that merchant. Although, as I said yesterday, the amount saved to each of the individuals is small, it is a matter to them

of considerable importance, as I know by the repeated representations which have been made to me in numberless instances of those who had been accustomed, prior to the change in the law which took place a little over a year ago, to purchase books directly from the publisher and who complain of the increased cost and difficulty arising out of the present law. To remedy that evil and enable them to get these books at the lowest cost, I have offered the amendment, and it is for the Senate to decide whether they will adopt it or not.

Mr. WRIGHT. I would be very glad if the amendment to the amendment as proposed now be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the bill by inserting after "thereof," in line 7 of section 2, the following:

But the postage on seeds, cuttings, bulbs, roots, scions, State and county fair premium-lists, catalogues, and State agricultural reports shall be at one-half the rates hereinbefore established for other mail matter of the third class.

It is proposed to amend the amendment by inserting after the word "catalogues" the words "books used in primary public schools."

Mr. WRIGHT. While I sympathize entirely with the motive influencing the Senator from Virginia in offering this amendment, I am opposed to it in the first place for the reason that I think in the language used in all our enactments we ought to use such words as will leave as little as possible open to construction. It is always dangerous and, as I think, vicious in our legislation, when langnage shall be employed that is indefinite and uncertain. I think that the language here proposed to be employed is open to this objection. It is utterly impossible to tell, when you come to the construction of the language, what is or is not included in it. It has already been suggested by the Senator from New York [Mr. KERNAN] that in their public schools in that State they teach the classics, that they use the Greek and the Latin text-books. They do not use those so much in my State, and yet it is done to a certain extent.

Mr. ALLISON. They are used in all our high schools.

Mr. WRIGHT. In all of our high schools connected with our public schools, a part of our system, they do use them. It is suggested that the unabridged dictionaries would come in under this language. It is said again that that would not be the case. That is just as much a book that is used in our public schools as the primer is. It is not used by so many scholars, and yet it is used, and is just as much a necessity in the schools as the spelling-book. It is consulted every day by those in the advanced classes and by teachers, and in my State it is provided by law that it shall be furnished to the several schools and paid for out of the public fund. If you adopt this amendment you enter a field that is as wide and as uncertain as you can possibly imagine in legislative language.

Again, the experience in the States of the West, and in other tates as well, I think, is that these books are furnished largely upon contracts by the purchaser; that they are sent out in large numbers, in large packages, in boxes, in sacks, the publishers making a contract with the school officers. They are sent out in this way, with a contract to pay them so much at the publishing house; and by making such an arrangement as is proposed by the amendment you do not reduce the cost of the books one cent, in my judgment.

I think then, in the first place, because it is uncertain as to what it includes and, in the next place, because, in my judgment, it will reduce the cost, but is actually entering on a system of legislation in the language employed that ought always to be avoided, it is best to leave this amendment and not press it.

Mr. WITHERS. I would say that the objections urged by the Senator from New York, and also some of those urged by the Senator who has just taken his seat, are fully met, I think, by the modification of the amendment which has just been accepted by me and reported. It could scarcely be alleged, for example, that classical works come properly under the denomination of "books used in primary public schools;" and I think the same answer might apply to the objection raised by the Senator from Iowa with regard to the unabridged dictionaries. While in some States they may be required to be purchased for the use of the public schools, a different provision exists in other States, and in no proper sense can they be called primary public-school books. There is an edition of Webster's Dictionary, as well as of Worcester's, which is known as the school dictionary, and which is the book used in schools. I was under the impression also that the term "primary common schools" carried with it as specific a signification as any other term which can be used in connection with the subject; but if the Senator from Iowa can suggest a more specific designation, so as to define more clearly and unequivocally the particular class of books to which I design to allude, and which I am sure he understands as fully as I do, I am perfectly willing to accept it in lieu of the amendment I have offered.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Virginia [Mr. WITHERS] to the amendment of the Senator from Nebraska, [Mr. PADDOCK,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 22, nays 24; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Cockrell, Conkling Cooper, Davis, Harvey, Hitchcock, Howe, Jones of Florida, Kelly, McDonald, Merrimon, Norwood, Paddock, Ransom, Sargent, Whyte, and Withers—22.

NAYS—Messrs. Allison, Anthony, Cameron of Pennsylvania, Clayton, Cragin, Dawes, Dennis, Eaton, English, Ferry, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Kernan, Logan, McMillan, Maxey, Mitchell, Morrill of Maine, Sharon, Sherman, Windom, and Wright—24.

ABSENT—Messrs. Alcorn, Booth, Bruce, Caperton, Christiancy, Conover, Dorsey, Edmunds, Gordon, Ingalls, Johnston, Jones of Nevada, Key, McCreery, Morrill of Vermont, Morton, Oglesby, Patterson, Randolph, Robertson, Saulsbury, Spencer, Stevenson, Thurman, Wadleigh, Wallace, and West—27.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Nebraska, [Mr. PADDOCK,] upon which the yeas and nays have been ordered.

Mr. DAVIS. For information, I should like to ask the Senator from Maine who has charge of the bill whether I am correct in my thought that newspapers sent from the regular office of publication are not affected in any way by the bill or by the substitute?

Mr. HAMLIN. They are not.

Mr. DAVIS. Again, by the bill transient newspapers and pamphlets will go at a less rate per ounce than by the substitute?

Mr. HAMLIN. A little.

Mr. DAVIS. I am correct in that?

Mr. HAMLIN. By the bill reported from the committee a paper weighing three ounces will go all over the country for one cent. By the substitute that sum would only carry a paper of two ounces. By the present bill if two additional ounces were added to the weight of the paper, it would be two cents. There it would be just like the other, only the other would be two cents for four ounces and the committee's bill would be two cents for five ounces. So it is a little better than the old law.

Mr. DAVIS. The bill, as I understand, for transient matter is less?

Mr. HAMLIN. A little less.

Mr. DAVIS. A little less than the amendment; and that has no reference to distance?

Mr. HAMLIN. None.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska, [Mr. PADDOCK.]

The question being taken by yeas and nays resulted—yeas 20, nays 24; as follows:

YEAS—Messrs. Allison, Bogy, Booth, Burnside, Cameron of Wisconsin, Cockrell, Frelinghuysen, Harvey, Hitchcock, McDonald, McMillan, Merrimon, Oglesby, Paddock, Ransom, Sargent, Wadleigh, Windom, Withers, and Wright—20

NAYS—Messrs. Bayard, Boutwell, Conkling, Cooper, Cragin, Davis, Dawes, Dennis, Eaton, English, Ferry, Goldthwaite, Hamilton, Hamlin, Howe, Kernan, Key, Logan, Maxey, Morrill of Maine, Norwood, Sharon, Sherman, and Whyte—24.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conover, Dorsey, Edmunds, Gordon, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, McCreery, Mitchell, Morrill of Vermont, Morton, Patterson, Randolph, Robertson, Saulsbury, Spencer, Stevenson, Thurman, Wallace, and West—29.

So the amendment was rejected.

Mr. WRIGHT. I call the attention of the Senator from Maine to an amendment that I propose in the fifth section, and I trust he will not object to it. I propose to add after the word "magazines," in the first line of the fifth section, the words "and also reports made by charitable or benevolent associations or boards;" so that the section will read:

That transient newspapers and magazines, and also reports made by charitable or benevolent associations or boards, shall be admitted to and transmitted in the mails at the rate of one cent for every three ounces, &c.

I will state the object I have in offering this amendment. I intend this to refer to the annual reports that are made by our charitable and benevolent institutions. They are of course made and circulated without compensation, as far as the boards are concerned, intended to give to the public information of their transactions during the year; and inasmuch as they receive no compensation for them, as it is a mere charitable or benevolent work, it occurred to me that they ought to be put as low as the lowest of any of the articles that are put upon this list. My attention has been called to this by several letters from persons connected with these associations; and it is really, as the law stands now and as proposed here, a very heavy tax upon them from year to year to meet this postage. Inasmuch as the means that they raise they obtain from voluntary contributions of the people to aid and assist in these benevolent and charitable works and enterprises, it seems to me but fair and just that this reduction should be made.

Mr. HAMLIN. I cannot conceive that there is any ample or good reason why this clause should go in here beyond a hundred others just like it. It is said to be exceptional. If you except this, you may find a hundred others just like it; it only makes the difference between two cents for five ounces and a cent an ounce. I am sorry the Senator has thought it his duty to offer the amendment. There are many other things which might go in with as much propriety; these belong in the other class in my judgment, and should remain there.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in; so as to make the bill read:

Be it enacted, &c., That mailable matter of the third class shall embrace all pamphlets, occasional publications, regular publications devoted primarily to advertising purposes, or for free circulation or for circulation at nominal subscription rates, prices-current, catalogues, annuals, handbills, posters, unsealed circulars, prospectuses, books bound or unbound, book-manuscripts, proof-sheets, maps, prints, engravings, blanks, flexible patterns, samples, merchandise, sample cards, phono-

graphic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law as third-class matter, and all other articles, not above the weight prescribed by law, which are not from their form or nature liable to destroy, deface, or otherwise injure the contents of the mail bags or the person of any one engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books or papers shall be excluded from the mails.

SEC. 2. That packages of matter of the third class shall not exceed four pounds in weight, and shall be subject to examination and rates of postage as hereinafter provided:

The postage on mail matter of the third class shall be at the following rates:

For all distances, one cent for each ounce or fractional part thereof.

Every package of the third class of mail matter shall bear the post-mark of the office at which the same shall be mailed for transportation.

SEC. 3. That postages on third-class matter shall be prepaid by stamps. If, however, the postage on third-class matter mailed at an office shall be less than the full amount above prescribed, in cases where the sender is known such sender shall be notified of the fact, and the amount of postage due shall be collected from such sender before the same shall be transmitted by mail. In case the sender is not known, and where it has not been the evident intention of the party so depositing the package to place less than full postage thereon, such package shall be forwarded, and double the amount of deficient postage shall be collected from the party to whom it is addressed or delivered at its proper destination.

SEC. 4. That the sender of any article of the third class of mail matter may write his or her name and address therein or on the outside thereof, with the word "from" above or preceding the same; or may write briefly or print on any package the number and names of the articles inclosed. Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid.

SEC. 5. That transient newspapers and magazines shall be admitted to, and transmitted in, the mails at the rate of one cent for every three ounces or fractional part thereof, and one cent for each two additional ounces or fractional part thereof.

SEC. 6. That this act shall take effect on and after the 1st day of July, 1876.

Mr. HARVEY. I desire to renew the amendment which I offered in Committee of the Whole.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and insert the following:

That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. McDONALD. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CLAYTON. On this question I am paired with my colleague, [Mr. DORSEY.] If he were present I should vote "yea" and he would vote "nay" on this amendment.

The question being taken by yeas and nays, resulted—yeas 23, nays 26; as follows:

YEAS—Messrs. Bogy, Booth, Burnside, Cameron of Wisconsin, Dennis, Harvey, Hitchcock, Ingalls, Kelly, McCreery, Mc Donald, McMillan, Merrimon, Oglesby, Paddock, Randolph, Sargent, Stevenson, Wadleigh, Wallace, Whyte, Windom, Withers, and Wright—23.

NAYS—Messrs. Allison, Bayard, Boutwell, Cameron of Pennsylvania, Caperton, Cooper, Cragin, Davis, Dawes, Eaton, English, Ferry, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Howe, Kernan, Key, Logan, Maxey, Morrill of Maine, Norwood, Sharon, Sherman, and Windom—26.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Christiancy, Clayton, Cockrell, Conkling, Conover, Dorsey, Edmunds, Gordon, Johnston, Jones of Florida, Jones of Nevada, Mitchell, Morrill of Vermont, Morton, Patterson, Ransom, Robertson, Saulsbury, Spencer, Thurman, and West—24.

So the amendment was rejected.

Mr. DAVIS. I believe the bill is now open to amendments.

The PRESIDENT *pro tempore*. It is.

Mr. DAVIS. I believe that merchandise of all kinds ought to pay its own expense in the mail. At the same time I think that the third-class matter according to this bill embraces a number of articles which ought not to be embraced with merchandise. With that view I move to strike out all after the word "of" in the third line of section 1 down to the word "proof-sheets" in line 9, and in section 5 after the word "newspapers" to insert what I propose to strike out in section 1. Then a number of articles that are now in the third-class by the bill, including circulars, prices-current, catalogues, annuals, handbills, posters, &c., will go in as what are known as transient newspapers.

The PRESIDENT *pro tempore*. The amendment of the Senator from West Virginia will be read.

The CHIEF CLERK. It is proposed to strike out in section 1 the following words:

All pamphlets, occasional publications, regular publications devoted primarily to advertising purposes, or for free circulation or for circulation at nominal subscription rates, prices-current, catalogues, annuals, hand-bills, posters, unsealed circulars, prospectuses, books bound or unbound, book manuscripts, proof-sheets;

and to insert those words after the word "newspapers," in section 5 line 1.

Mr. DAVIS. It will be noticed that my amendment is intended to transfer a number of articles now in the first section, under third-class matter, over to the fifth section, which covers transient newspapers, making the postage on the articles named there less than it would be if they remained in their present classification in the bill.

Mr. HAMLIN. I hope the amendment will not be adopted, and I hope my friend from West Virginia will not press it. That matter has long been embraced in the third class, and I think it unwise to change it. It certainly does not come within that category of intelligence which is of a general character. It does not come, I think, within any rule which has governed or should govern us in settling the principles involved in this bill. I hope the Senator will not press the amendment.

Mr. DAVIS. I am firmly of the opinion that merchandise should pay what it costs to transport it; but there are a number of other articles in the third class, such as hand-bills, posters, and circulars, that are of general advantage, and I believe that they ought to go at less postage than merchandise. For that reason, in good faith I have offered the amendment and hope that it will be adopted.

Mr. HAMLIN. One word more. I think they are all matters of a business character affording an individual an opportunity, who may be engaged in any of the various businesses to which these subjects relate, to do his business through the post-office less than other people. They do not come within the category of circulating information. The section to which the Senator refers—the fifth section—applies to newspapers and magazines which are of that character. I hope the amendment will not be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COCKRELL. Let us have the yeas and nays on the passage of the bill.

Mr. SARGENT. It is better than the present law. Withdraw the call.

Mr. COCKRELL. Very well.

The bill was passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa;

A bill (H. R. No. 2479) granting American registry to the Canadian steam ferry-boat Geneva, and for other purposes;

A bill (H. R. No. 2403) to extend to the port of La Crosse, in the State of Wisconsin, the privileges of sections 2930 to 2997, inclusive, of the Revised Statutes; and

A bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EATON, it was

Ordered, That the original papers relating to the claim of H. and S. Sayles against the United States be taken from the files of the Senate, copies of the same being filed with the Secretary.

On motion of Mr. HITCHCOCK, it was

Ordered, That the papers in the case of James Millinger be taken from the files of the Senate and referred to the Committee on Claims.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The PRESIDENT *pro tempore*. By unanimous consent, the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue was made the special order to be considered at the conclusion of the bill just passed. That bill is now before the Senate.

Mr. LOGAN. I move that the Senate adjourn.

Mr. CAMERON, of Pennsylvania. I hope the Senator will allow us to have an executive session.

Mr. LOGAN. I withdraw my motion for that purpose.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were re-opened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 12, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MINNESOTA CONTESTED-ELECTION CASE.

Mr. HARRIS, of Virginia. I am directed by the Committee of Elections, to whom was referred the case of E. St. Julien Cox, claiming to be elected to a seat in this House for the second congressional district of Minnesota, to report the following resolution.

The Clerk read as follows:

Resolved, That Horace B. Strait was duly elected and is entitled to retain his seat which he now holds for the second congressional district of Minnesota.

The SPEAKER. Is there a minority report?

Mr. HARRIS, of Virginia. This is a unanimous report.

The report was laid on the table and ordered to be printed.

MEMBER SWORN.

The SPEAKER. The Chair has received the certificate of the governor of the State of Connecticut, certifying the election of Hon. John T. Wait for the third congressional district in that State, for the unexpired term of Hon. Henry H. Starkweather, deceased.

The certificate was read by the Clerk.

The SPEAKER. These credentials being in due form of law, the member-elect will present himself at the bar of the House and take the oath of office.

Mr. WAIT appeared at the bar and duly qualified by taking the oath of office prescribed by section 1756 of the Revised Statutes.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Chair desires to direct the attention of the House to the fact that some days ago the Senate returned to the House the House bill No. 700 rejected, and that yesterday the Senate sent a request that the House would return the bill to the Senate. Is it the pleasure of the House that that request be granted and the bill returned? The Chair hears no objection, and that order is made.

Mr. COX. What bill is that?

The SPEAKER. It is the bill (H. R. No. 700) to incorporate the Mutual Fire-Insurance Company of the District of Columbia.

The Chair now desires to lay before the House a matter of privilege.

Mr. HOAR. If the Chair will permit me to make a remark, I desire to say that it seems to me that the request of the Senate for the return of the bill indicated raises a very serious question. This bill, as I understand, has passed the House and then been rejected by the other branch of the Government and has been returned with a certificate of that fact to the House. Now, if that be true, how can the House return it to the Senate? Suppose the Senate should now pass it, unless the House passes it all over again as from the beginning, it cannot take effect as law.

I take the liberty of calling the attention of the Chair to the fact that there have been two or three requests, certainly one previous request of the Senate of this kind. One was a request to return to the Senate a bill which had already been signed by the Speaker and any change in which would therefore have changed the effect of the Speaker's certificate of the action of this House. That request was afterward withdrawn. But it seems to me we are getting into a very loose practice in regard to making these requests between the two bodies. I object to granting the request of the Senate in this case, and move that it be referred to the Committee on Rules. They can report upon it in a very short time.

The SPEAKER. In the judgment of the Chair, the objection of the gentleman from Massachusetts comes too late.

Mr. HOAR. I move to reconsider the action of the House in granting the request of the Senate.

The SPEAKER. The Chair desires to say that there will be other opportunities for considering this matter, and at any rate the general question may be referred to the Committee on Rules. He also desires to say that, governing ourselves by the considerations of high courtesy that always have prevailed between the two Houses, it seems to the Chair that it is the duty of the House to assume that the Senate in making this request understood itself and did it with the distinct purpose of considering its previous action, and to take thereafter such other and further action as would be consistent with its duty and with our privileges. The Chair prefers that this matter shall stand upon the present order.

Mr. HOAR. In compliance with the suggestion of the Chair, I will withdraw the motion to reconsider and let this pass by unanimous consent. But the Chair will pardon me for saying that the other day, on the suggestion that the courtesy between the two bodies required it, the House let pass an application—which was afterward reconsidered—to return to the Senate a bill which had already passed both Houses and been signed by the Speaker and was out of our power for any such purpose. I do not wish to interpose any objection, but merely to call the attention of the House to the great gravity of these requests.

Mr. RANDALL. I think this case is somewhat different from the one to which the gentleman from Massachusetts has just referred. That was a case where the Senate probably desired to make a correction in a bill passed and about to become a law. But this, as I understand the facts, is a bill that passed the House, was sent to the Senate and defeated there, and a notification was sent here that the bill was defeated. The Senate however, as I am informed, have reconsidered their action.

HALLET KILBOURN.

The SPEAKER. The Chair lays before the House a communication from the Sergeant-at-Arms, which the Clerk will read.

The Clerk read as follows:

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 11, 1876.

SIR: I respectfully report to you, and through you to the House of Representatives, that on this day a writ of *habeas corpus* has been served upon me, commanding me as the Sergeant-at-Arms of the House of Representatives to have the body of Hallet Kilbourn, who is now in my custody, before one of the justices of the supreme court of the District of Columbia at ten o'clock in the forenoon on the 12th day of April, 1876, to do and receive whatever shall then and there be considered in that behalf. Said Hallet Kilbourn is now detained in my custody by the order and judgment of the House of Representatives, because of an adjudged contempt of its authority.

I respectfully ask the instructions of the House as to what my action in the premises shall be.

A copy of said writ is attached hereto.

All of which is respectfully submitted.

JOHN G. THOMPSON,
Sergeant-at-Arms House of Representatives.

Hon. M. C. KERR,
Speaker House of Representatives.

The SPEAKER. The Clerk will now read the writ.

The Clerk read as follows:

DISTRICT OF COLUMBIA, *to wit:*

The President of the United States to John G. Thompson, Sergeant-at-Arms of the House of Representatives of the Congress of the United States of America, greeting:

You are hereby commanded to have the body of Hallet Kilbourn, detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name he may be called in the same, before one of the justices of the supreme court of the said District, at the court-house, in the city of Washington, at ten o'clock in the forenoon of the 12th day of this instant, to do and receive whatever shall then and there be considered of in this behalf, and have then and there this writ.

Witness, D. K. Cartter, chief justice of said court, the 11th day of April, 1876.

[SEAL.] R. J. MEIGS, *Clerk, &c.*

A true copy:

R. J. MEIGS, *Clerk, &c.*,
By R. J. MEIGS, JR., *Assistant.*

Mr. NEW. Mr. Speaker, in view of the gravity of the matter involved in this communication from the Sergeant-at-Arms, I offer for adoption the following resolution, upon which I demand the previous question:

Resolved, That the matter of *habeas corpus* relating to Hallet Kilbourn, a recusant witness, as just called to the attention of the House, through the Speaker, by the Sergeant-at-Arms, be referred to the Committee on the Judiciary for their examination and opinion as to what should be the action of the Sergeant-at-Arms in reference thereto, and that said committee report to the House on Saturday next.

Mr. KASSON. I would suggest to the gentleman that he say "as soon as possible." This is a question affecting the liberty of a citizen, and I think it better to say "as soon as possible" than to fix a day.

Mr. NEW. I will modify the resolution so that it will end with the words "as soon as possible; not later than Saturday next."

Mr. KASSON. That would be satisfactory.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was agreed to.

INTERNAL IMPROVEMENT IN WASHINGTON TERRITORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, a report on the examination of a route to connect the waters of Shoalwater Bay with those of Columbia River, Washington Territory; which was referred to the Committee on Commerce.

F. H. E. EBSTEIN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Lieutenant F. H. E. Ebstein, for relief from responsibility for $400 of lost funds; which was referred to the Committee on Military Affairs.

INFRINGEMENT OF A PATENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter, &c., from the Chief of Ordnance on the bill (H. R. No. 2865) relating to an infringement of a patent; which was referred to the Committee on Patents, and ordered to be printed.

BREAKWATER AT PORT HENRY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of March 3, 1875, a report on the location of the breakwater at Port Henry, Lake Champlain; which was referred to the Committee on Commerce.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report upon the bill (H. R. No. 175) authorizing the construction of a bridge across the Missouri River at Nebraska City; which was referred to the Committee on Commerce.

EDUCATION OF INDIAN CHILDREN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of Lieutenant R. H. Pratt on the progress of education of young Indian children; which was referred to the Committee on Indian Affairs.

LANDS AT FORT READING.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War relating to the value of lands at the Fort Reading Indian reservation; which was referred to the Committee on Military Affairs.

CARRYING OF THE MAILS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting, in compliance with the eighth section of an act to revise, consolidate, and amend the

statutes relating to the Post-Office Department, approved June 8, 1872, report of offers for carrying the mails, &c.; which, with the accompanying documents, was referred to the Committee on Post-Offices and Post-Roads.

STEAMER GENEVA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the acting Secretary of the Treasury, inclosing a petition of citizens of Jefferson County, New York, protesting against the passage of the bill to grant an American register to the steamer Geneva, of Kingston, Canada; which was referred to the Committee on Commerce.

ELECTION CONTEST—LEE VS. RAINEY.

The SPEAKER also, by unanimous consent, laid before the House additional testimony in the contested-election case of Lee *vs.* Rainey, from South Carolina; which was referred to the Committee on Elections.

SUBSIDIARY SILVER COIN.

The SPEAKER. The next business in order this morning is the unfinished business at the close of the day session of yesterday, which is the consideration of the amendments of the Senate to the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency.

The position of the question when the recess took place was as follows: A vote had been taken on concurring in the amendment of the Senate striking out what is known as the Reagan section, or the third section of the bill, as follows:

That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment and silver coins of the United States of denominations less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Upon that question the ayes were 96 and the noes 55. Thereupon the gentleman from Indiana [Mr. HOLMAN] demanded tellers, and at that point the session was discontinued. The question now is upon ordering tellers.

Tellers were not ordered.

Mr. BRIGHT. I call for the yeas and nays.

The yeas and nays were not ordered, there being on a division—ayes 31, noes 125.

So the amendment was concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. It is the understanding of the Chair (and if in this understanding he is wrong he desires to be corrected) that the other amendments of the Senate to this bill were concurred in by the House on yesterday.

Mr. RANDALL. By reference to the RECORD, the action of the House on yesterday can be ascertained.

The SPEAKER. From the RECORD there seems to have been no action taken upon the other amendments of the Senate.

Mr. RANDALL. The safe way will be to take the question now upon concurrence in the other amendments of the Senate. I believe there was no objection in the Committee on Appropriations to the amendments of the Senate, except the one striking out the third section of the bill.

The question was taken upon concurring in the amendments of the Senate; and they were concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNION PACIFIC RAILROAD.

Mr. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Judiciary inquire and report what steps have been taken for properly representing the interests of the United States in the suit instituted against the Credit Mobilier and others, under the provisions of the act of March 3, 1873, and also whether the Union Pacific Railroad has not forfeited its charter, and whether the same should not be repealed, by reason that said railroad has resisted the recovery in its behalf of its capital stock, wrongfully withdrawn by means of fictitious construction contracts or illegal dividends.

Mr. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUILDINGS RENTED BY THE GOVERNMENT IN WASHINGTON.

Mr. WALSH, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Public Buildings and Grounds be instructed to examine the buildings rented by the different Departments of the Government in the city of Washington and to ascertain the necessity of continuing the occupation of such buildings, or any of them, and the present rental value of the same.

MARY E. BRACKENRIDGE.

Mr. EDEN, by unanimous consent, from the Committee on War Claims, reported back the bill (H. R. No. 2909) for the relief of Mary E. Brackenridge; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

DENNISON B. WILLARD.

Mr. EDEN also, by unanimous consent, from the Committee on War Claims, reported back the bill (H. R. No. 1373) for the relief of Dennison B. Willard, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

ANN HENSLEY.

Mr. VANCE, of North Carolina. I ask unanimous consent to introduce and have considered at this time a bill to amend an act granting a pension to Ann Hensley, approved March 3, 1873.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill provides that the act approved March 3, 1873, granting a pension to Ann Hensley, mother of William Hensley, late a sergeant of the First Provisional Regiment of Missouri Volunteers, shall read: "Ann Hensley, mother of William Hensley, late a sergeant in Company C, First Provisional Regiment enrolled Missouri Militia."

Mr. O'BRIEN. Is there any report from a committee on this subject? If not, I think the bill should take the usual course and be referred to a committee for consideration.

Mr. RUSK. There is a letter here from the Commissioner of Pensions. This woman was placed on the pension-rolls by a special act of Congress, but in that act the command to which her son belonged was not correctly stated. This bill is to correct that error; that is all.

Mr. O'BRIEN. I have no objection.

There being no objection, the bill (H. R. No. 3129) was received, read three times, and passed.

MESSENGER FOR COMMITTEE FOR THE DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Committee for the District of Columbia be, and they are hereby, authorized to employ a messenger at such compensation as may be fixed by the Committee of Accounts, and that he be paid from the date at which he may be sworn in, provided his services commence at said date.

MARGARET R. COLONEY.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 3130) granting a pension to Margaret R. Coloney, widow of the late Major Jesse B. Coloney, First Maryland Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECEPTION OF EMPEROR OF BRAZIL AND PRESIDENT OF PERU.

Mr. COX. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be requested to consider and report what action, if any, should be taken to enable the President properly to receive and entertain the Emperor of Brazil and the President of Peru, who are soon to arrive in this country.

Mr. O'BRIEN. Let that resolution be referred to the committee.

Mr. COX. Why not adopt it?

Mr. HOLMAN. I object to adopting the resolution; I have no objection to its reference.

Mr. COX. The Emperor of Brazil is expected to arrive in this country within two or three days.

Mr. O'BRIEN. Let it be referred to the committee for their action without any instructions.

There being no objection, the resolution was received and referred to the Committee on Foreign Affairs.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at one o'clock. The first business in order during the morning hour of to-day is the call of committees for reports of a public nature. At the conclusion of the morning hour of yesterday the call rested with the Committee on Commerce.

COMPULSORY PILOTAGE.

Mr. PIERCE, from the Committee on Commerce, reported, as a substitute for House bill No. 381, a bill (H. R. No. 3131) to relieve certain ships and vessels from compulsory pilot fees; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted to the Committee on Commerce.

LAND DISTRICT IN UTAH.

Mr. SAYLER, from the Committee on Public Lands, reported back, with a recommendation that the same do pass, a bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes.

The bill was read. It provides that so much of the public lands of the United States in the Territory of Utah, beginning at the southwestern boundary of the Territory, thence running north on the line between the Territory and the State of Nevada to the fourth standard parallel of latitude, thence easterly along that line to the eastern boundary of the Territory, thence southerly to the southern boundary

of the Territory, thence westerly to the place of beginning, be formed into a land district, to be called the Beaver land district, the land office for which shall be located at such point as the President may direct, and may be removed from time to time to other points within the district whenever, in his opinion, it may be expedient.

The second section authorizes the President to appoint, by and with the advice and consent of the Senate, a register and a receiver for the district, who shall respectively be required to reside at the site of the office, and who are to have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to the land office now established at Salt Lake City.

Mr. SAYLER. In the large Territory of Utah, there is now but a single land office—that at Salt Lake City; and it is almost impossible for settlers in the southern portion of the Territory to go to that land office. There is a distance of probably three hundred miles between Salt Lake and Beaver City in the southern portion of the Territory where we now propose to establish another office. I will state that this bill is recommended by the Department; it has passed the Senate without objection; and I hope it will be passed by this House.

The bill was ordered to a third reading, read a third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND OFFICE AT COLFAX, WASHINGTON TERRITORY.

Mr. SAYLER, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to establish an additional land district in the Territory of Washington, which district shall be bounded as follows, namely: Commencing at a point where the Columbia guide-meridian intersects the third standard parallel in said Territory; thence east along the line of said standard parallel to where the same intersects Snake River; thence along said Snake River to where the same intersects the boundary-line between Washington Territory and Idaho Territory; thence north on said boundary-line to where the same intersects the boundary-line between Washington Territory and British Columbia; thence west along said line to where the same intersects the aforementioned Columbia guide-meridian; thence south along the line of said meridian to the place of beginning. Said district, as above bounded, shall be known and designated as the Whitman district, and the office of said district shall be located at the town of Colfax, or at such place as the President may direct, in the Territory of Washington; and the President of the United States shall have power to change the location of said land office, in said Territory, from time to time, as the public interests may seem to require.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land-officers in said Territory.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States: *Provided*, That all sales and locations made at the office of the old district of land situated within the limits of the new district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Mr. SAYLER. In regard to this bill I desire only to state that it is asked for by the Legislature of Washington Territory and recommended by the Land Department. It proposes to establish an additional office east of the Cascade Mountains and north of the Snake River, where there is now a large population of settlers. The only office at all accessible to them at present is the office at Walla Walla City, a distance of about two hundred miles. I ask the Clerk to read the memorial of the Legislature of Washington Territory, setting forth the facts.

The Clerk read as follows:

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the establishment of a land office at Colfax, Washington Territory, is a matter of great importance to all the settlers north of Snake River and east of the Cascade Mountains, and that Congress in justice ought to act in this matter for the following reasons, to wit: The only land office east of the Cascade Mountains is located at Walla Walla City, near the southern boundary of said Territory, and distant about two hundred miles from a majority of the settlers in said portion of the Territory.

Therefore we, the Legislative Assembly of the Territory of Washington, do earnestly request you to pass an act establishing a land office at the town of Colfax, the district to be composed of Whitman and Stevens Counties, as now bounded; and, as in duty bound, your memorialists will ever pray.

TERRITORY OF WASHINGTON,
Office of the Secretary:

I, Henry G. Struve, secretary of said Territory, do hereby certify the foregoing to be a true and correct copy of a memorial praying for the establishment of a land office at Colfax, Washington Territory, passed by the Legislative Assembly of said Territory at its session of 1875, now deposited for record in this office.

Witness my hand and the great seal of said Territory this 29th day of October, 1875.

[SEAL.] HENRY G. STRUVE, *Secretary.*

EXECUTIVE DEPARTMENT,
Olympia, Washington Territory, October 30, 1875.

I heartily concur in the above memorial.

ELISHA P. JONES, *Governor.*

Mr. SAYLER. I will ask the Clerk to read also a brief communication from the Commissioner of the Land Office.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 14, 1876.

SIR: I am in receipt, by reference from the clerk of your committee for report, of a bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory.

In reply I have to state, that while the amount of business now transacted at the Walla Walla office (from which district it is proposed to take the new district) is hardly sufficient to warrant me in recommending the measure, yet in view of the representations made by the Legislature of the Territory and the great benefit that would result to the settlers, I am not disposed to offer any objections to the passage of the bill in question.

Very respectfully, your obedient servant,

S. S. BURDETT, *Commissioner.*

Hon. MILTON SAYLER,
Chairman Committee on Public Lands,
House of Representatives.

Mr. SAYLER. I propose now to call the previous question.

Mr. HOLMAN. I do not rise to object to this bill, although it is subject to a point of order. But I wish to say to the gentleman from Ohio, [Mr. SAYLER,] the chairman of the Committee on Public Lands, that it is quite manifest that in creating these new land districts quite a number of old ones may be dispensed with. There is a tendency in the land system to perpetuate land districts when once established, so that such districts are still in existence as far east as the State of Indiana and in every State west of that, although the lands are substantially all disposed of and the districts might well be abolished. The keeping up of these districts is of course attended with some expense. I wish to inquire of the chairman of this committee whether it is not proposed, as has been urged now for some years, that quite a number of the land districts which have now become unimportant shall be dispensed with?

Mr. SAYLER. In answer to the gentleman from Indiana, [Mr. HOLMAN,] I will say that the view he has just expressed has the entire concurrence of the committee; and we propose to look into the matter which he suggests. So far, however, as regards these offices in the Territories of the far West, where great distances have to be traveled at such great expense, while of course these offices may not exactly pay in the sense of bringing in revenue, (for that we cannot expect,) yet they really cost the Government very little; and it is only fair to the people who go to those far western Territories and settle them that the land offices should be within reasonable distance. Now, in this instance, and in each instance in which we have reported or propose to report a bill, the majority of the inhabitants of the district have had to travel from two to three hundred miles. Now, traveling two or three hundred miles by wagon or by stage through that country is a very expensive business. I hope the bill will pass.

Mr. HOLMAN. Mr. Speaker, I wish to say that the creation of these new districts seems to be inevitable as the tide of emigration tends toward different sections of our unsettled territory; and the practice has been of late years to create two or three new land districts in the progress of a session of Congress. For a while, on account of their being an increased expense to the Treasury, there was a tendency to suspend the creation of new land districts, which resulted, of course, in great hardships to many settlers. I do not think objection should be made to the creation of a reasonable number of land offices in the settled sections of the country; but at the same time I must insist that, while we are creating at every session of Congress two or three new districts, a large number of old districts ought to be dispensed with. When once established, these districts seem to become a fixture. They are of course attended with some expense; although no great amount, yet enough to require some measure of reform. I am very glad that the Committee on Public Lands are considering this subject.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW LAND DISTRICT IN WYOMING TERRITORY.

Mr. SAYLER also, from the same committee, reported back the bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming, with the recommendation that it do pass.

The bill, which was read, in the first section provides that all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington shall constitute a new land district, to be called the Evanston district.

The second section provides that the President be, and he is thereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Evanston, Wyoming Territory, until such time as the President may in his discretion remove the site of said land office from said town, be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said Territory.

Mr. SAYLER. I am glad to be able to assure my friend from Indiana this is the only other land office bill we have.

Mr. HOLMAN. I am glad to hear that.

Mr. SAYLER. Or at least that we consider of sufficient importance to present to the House.

There is, however, very great reason why this land office should be established. The only land office now existing in the Territory of Wyoming is in the extreme southeastern corner of the Territory. The northern portion of that Territory is not much settled. All along the line of the Union Pacific Railroad, to a distance of about four hundred miles—I believe the Territory is four hundred miles from east to west——

Mr. STEELE. This will be four hundred and thirty miles distant from the other.

Mr. SAYLER. Then the Territory must be five or six hundred miles across. The enormous distance from Cheyenne, the present office, to the proposed new office at Evanston, certainly justifies its establishment. I have a letter to that effect from the Commissioner of the General Land Office, but as it is much in the same terms with the letter I had read a moment ago in regard to Washington Territory, I will not detain the House with it. If there be no objection, I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCHANGE OF LANDS AT WALLABOUT BAY, NEW YORK.

Mr. SAYLER. I am also instructed by the Committee on Public Lands to report back to the House the petitions of sundry persons to exchange lands at Wallabout Bay, Brooklyn, New York, and to ask that they be referred to the Committee on Naval Affairs, where they properly belong.

SURVEY IN MICHIGAN.

Mr. GOODIN, from the Committee on Public Lands, reported back the bill (H. R. No. 967) authorizing the survey of certain townships in Michigan, and making an appropriation therefor, with amendments.

The bill, which was read, directs the Commissioner of the General Land Office to cause to be surveyed townships numbered 18 and 19 north, of range 1 west, these townships having never been properly surveyed; and that there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the expense thereof, not exceeding $5,000.

The amendments of the committee were read, as follows:

In line 5, after the word "west," insert "in the State of Michigan;" so it will read: "range 1 west, in the State of Michigan."

Strike out in the last line the words "$5,000," and in lieu thereof insert "$2,500;" so it will read: "and that there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the expense thereof, not exceeding $2,500."

Mr. HOLMAN. I will have to reserve the point of order on this bill, although I do not object to the gentleman from Kansas making a statement. I do not understand that last item of $2,500.

Mr. GOODIN. That is an amendment proposed by the Committee on Public Lands.

Mr. HOLMAN. Reducing the amount from $5,000 to $2,500.

Mr. GOODIN. That is it. I think, Mr. Speaker, when the gentleman from Indiana hears the explanation of this bill which I now propose to make he will not insist upon his point of order. It seems in the year 1849 certain representations were made to the Interior Department of defective surveys in the State of Michigan. In view of those suspected defective surveys in that State an examination was made in the field of the townships described in this bill, as well also of adjacent townships. It appears from the report of the surveyor-general of the State of Michigan it was ascertained that more than three-fourths of the lines were never run or marked, and that where corners were established they were not in the proper places, and his recommendation was that an entirely new survey should be made of those townships.

Accordingly many of the townships were resurveyed, but before the two townships embraced in this bill were reached in the survey, the office of surveyor-general for the State of Michigan was abolished. The result is that those lands remain unsurveyed; or, if they have ever been surveyed, there are no monuments, no indications whatever of such survey upon the field. They are valuable lands. Individuals desire them for settlement, but the exact locations cannot be ascertained and titles cannot be acquired in consequence of the failure to mark these surveys upon the field and designate the same by proper monuments and marks, if indeed surveys were ever actually made, which is somewhat doubtful.

The appropriation asked for the survey of these two townships in the original bill was the sum of $5,000. Upon conference with the Commissioner of the General Land Office, whose letter I hold in my hand, and who believes that one-half of that amount would be sufficient for the purpose, the committee made the amendment striking out $5,000 and inserting $2,500. The Commissioner in the letter I have referred to says:

In view of these facts the provisions of the bill are fully approved.

He having mentioned substantially the facts which I have related to the House.

The committee then, acting upon the recommendation of the Commissioner of the General Land Office, have reported this bill favorably, and it seems to me, after the explanation that I have made, that the gentleman from Indiana will not insist on his point of order.

Mr. HOLMAN. I wish to ask the gentleman from Kansas, inasmuch as this state of things has existed for a great many years, how it occurs that this survey has not been made years ago, before the abolition of the office of surveyor-general of that State, and how it comes to be matter of pressing moment now?

Mr. GOODIN. To the first interrogatory propounded by the gentleman from Indiana I may say, while possessing no definite knowledge upon the subject, that I presume the reason why the survey has not been made since the year 1849 has been that these lands were not perhaps required for settlement. But now the fact of settlers desiring to take them, or of persons wishing to purchase them and desiring some accurate description of them, makes a necessity which did not previously exist for pressing the matter of this survey.

Mr. HOLMAN. Perhaps those lands are within the limits of some of those numerous land grants which have been made to railroad corporations in that State.

Mr. GOODIN. I believe not. I have not learned of any land grants made in that section of the country at all. It is a case of omission to cause the survey to be made, and requiring now congressional action on the subject. I do not know definitely why it has been deferred so long. Perhaps the gentleman from Michigan [Mr. BRADLEY] who introduced the bill can explain in reference to this. I yield to the gentleman from Michigan for that purpose if he so desires.

Mr. BRADLEY. The necessity for this bill arises from the fact that the lands have been purchased, or at least a large portion of them, by individuals. They are not within the land grants, and the question of railroad lands is not raised here. Settlers have been upon the lands in some cases for several years, and have made improvements, and other parties having purchased adjacent thereto, a conflict is now raised as to where the lines should be, and whole towns are now in uproar regarding the lines.

Now, if the question was one as between two or three individuals merely, they might perhaps apply to the court and get a competent surveyor appointed, and have the line run. But inasmuch as these lands are owned by individuals throughout the different States it is a matter of impossibility to reach them all, to have them enter into an agreement and abide the result of the survey by any authority that can be reached that will be short of authority emanating from the General Land Office. The gentleman from Indiana will see how suits may arise between a poor settler, perchance, who has improved his farm and been living upon it, and a man of much larger means; and as there are some parties owning pine lands near these towns, some portion of these settlers' places may have some timber, and the party owning adjacent thereto may attempt to get that timber away from the settler. These questions have been raised within the last year or two, and have caused so much feeling that it is plain that it becomes necessary that a competent authority shall step in and survey these lands and designate where the lines shall be.

Mr. HOLMAN. The difficulty which the gentleman mentions is a very common one all over the country. In new sections of the country the interior lines are found to be improperly run.

Mr. BRADLEY. If the gentleman from Indiana will allow me to make another remark there, I desire to state that no lines have ever been run in this instance. This is one of those cases—and the officers of the Land Office tell me they find indications of its being so—where undoubtedly there was a rainy day, and the surveyor sat in his tent, and took his plat, and surveyed upon his plat, and did not enter upon the field at all.

There are no corners, no lines, no blazed trees, and it is all timber land, where, if ever, a line may be perfectly plain and easily distinguished.

Mr. HOLMAN. Are there no field-notes?

Mr. BRADLEY. Yes, I think the field-notes are upon the Land Office books; but they are only imaginary.

Mr. HOLMAN. Have the lands been actually sold?

Mr. BRADLEY. The lands have been sold, but no lines have ever been run. Now, the gentleman from Indiana, I trust, can easily understand how a surveyor, if he is disposed to defraud the Government, can make up field-notes, make up plats, make up lines and report them, and until parties go on the lands and make examination the discovery would not be made of his failure to perform his duties.

Mr. HOLMAN. It is rather an extraordinary case where there has been an actual sale of lands by the usual subdivisions and the parties have taken possession that the Government is called upon to survey the lands; but I understood the gentleman to say that none of these lands were within any railroad grant or any other public grant.

Mr. BRADLEY. They are not within any railroad grant.

Mr. HOLMAN. Although it is a very extraordinary case, I will not press the point of order.

Mr. BRADLEY. The bill is simply in the interest of poor men.

Mr. GOODIN. I will not add anything further, but send to the Clerk's desk the letter of the Commissioner of the General Land Office before spoken of, and ask that it be printed as a part of my remarks.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 15, 1876.

SIR: At the request of Hon. N. B. BRADLEY I have the honor to inclose herewith a copy of House bill No. 967, "authorizing the survey of certain townships in Michigan and making an appropriation therefor."

In regard to the proposed survey I have to state that, upon an examination of the records of this Office, it appears that in 1849, in view of suspected defective surveys, an examination was made in the field of the townships described in the bill (townships 18 and 19 north, range 1 west, Michigan) and other adjoining townships, and the surveyor-general, on the 10th of July, 1849, reported that the surveys were fictitious and fraudulent; that in many of the townships examined more than three-fourths of the lines were never run or marked, and that where corners were established they were not in proper place, and he recommended an entire new survey. Accordingly many of the townships thus reported were resurveyed between 1849 and 1857, when the office of surveyor-general for the district of Michigan was closed.

In view of these facts, the provisions of the bill are fully approved by this Office. I would state, however, that in my opinion the sum of $2,500 will be amply sufficient to defray all expenses connected with the survey.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT,
Acting Commissioner.

Hon. JOHN R. GOODIN,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOODIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON THE KANSAS RESERVATION, KANSAS.

Mr. GOODIN, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 1959) for the relief of certain settlers on the Kansas Indian reservation in Kansas.

The bill was read, as follows:

Whereas certain *bona fide* settlers upon the Kansas Indian reservation in Kansas have applied at the local land office at Topeka, Kansas, to purchase tracts of said reserve, not exceeding one hundred and sixty acres to any one person, and have tendered the amount supposed to be the first payment on such tracts, and have made lasting and valuable improvements thereon; and whereas in some cases such tracts, instead of constituting a single Government quarter section, embraces portions of contiguous quarter sections; and whereas it being impossible for the local land office to determine what the proportionate value of such portions of quarter sections is where the quarter section is appraised as an entirety: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in cases where parties have applied to purchase tracts of land on the Kansas Indian reservation in amounts not exceeding one hundred and sixty acres to any one person, said tracts being made up of legal subdivisions of contiguous quarter sections, have tendered the supposed price of the first payment for the same, and gone on and made lasting improvements thereon, the register and the receiver of the land office at Topeka may take evidence as to the value of the tracts so proposed to be purchased, and the improvements thereon, as compared with the entire quarter section, and so apportion the value of the quarter section and improvements thereon, between the portion so proposed to be purchased and the remaining portion thereof, as shall be just and right, and shall make the value of all portions and improvements taken together equal to the appraised value of the entire quarter section and improvements thereon; and the settlers shall be allowed to purchase the tracts so originally filed upon, upon the same terms and conditions as if the land had consisted of entire quarter sections.

Mr. HOLMAN. I hope the gentleman from Kansas will explain the purport of that bill.

Mr. GOODIN. I will do so. We have in my State a tract of land known as the Kaw or Kansas Indian reservation, upon which reservation a large number of settlers went several years ago. Upon the 8th day of May, 1872, an act of Congress was passed directing the Secretary of the Interior to cause the lands occupied by actual settlers to be appraised, together with the improvements thereon, and that the settlers then residing upon the same should be entitled to purchase at the appraised value a tract not exceeding one hundred and sixty acres each.

The law provided that the appraisement should be made in tracts of one hundred and sixty acres or less, including the improvements. The appraisers went upon those lands and appraised them in tracts of one hundred and sixty acres, according to the regular legal subdivisions; but in some instances it was found—and there was no law to prevent the settlement in that manner—that settlers had occupied, say, for instance, eighty acres in one quarter section and eighty acres in another quarter of the same section, or of still a different section.

The settlers, acting under the provisions of that law, went to the local land office for the purpose of purchasing their lands, and they paid the first installment, or what they supposed would be the first installment, of the purchase-money. Finally application was made by several of them, not a great number, however, to make their final proof and receive title, but the register and receiver of the local land office refused to hear their final proof and give them their certificates of purchase because they could not apportion the value of the land sought to be purchased and the value of the improvements thereon. This bill is to authorize the register and receiver to apportion the value of the improvements and the value of the lands occupied by the settlers, having in view the valuation made by these appraisers. That is the sole purpose of this bill.

Mr. HOLMAN. How was the appraisement of these improvements made?

Mr. GOODIN. The gentleman from Indiana asks me a question in relation to the appraisement of these improvements. I will state that a number of years ago the Government of the United States, having in view the civilization of this tribe of Kansas Indians, caused to be erected buildings all over these lands, which the Indians, by the way, never occupied, and there were also some meager improvements made from time to time by the Indians themselves.

Mr. HOLMAN. These improvements had been made at the time the settlements took place?

Mr. GOODIN. Yes; and it was provided that when settlers went upon the lands to occupy them they must pay for the value of the land, including the value of the improvements, and the improvements were so valued by the appraising board.

I understand that there are but few individuals who will be affected by this proposed legislation. These persons, many of whom are quite poor, went upon these lands and occupied them for years in good faith. The register and receiver refused their final proof, for the reason only that the manner in which the appraisement was made by the board of appraisers would not permit them to hear this proof. This bill provides, as I have said, that they may apportion the appraisement according to the value as fixed by the board in such a manner as to do justice and right between the settlers and the Indians who are entitled to receive the money paid for these lands. I hope the bill may meet with the favorable consideration of the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. GOODIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALINE LANDS.

Mr. GAUSE, from the Committee on Public Lands, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2260) providing for the sale of saline lands.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That whenever it shall be made to appear to the register and receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of said register and receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder, for cash, at a price not less than $1.25 per acre; and in case said lands fail to sell when so offered, then the same shall be subject to private sale, at such land office, for cash, at a price not less than $1.25 per acre, in the same manner as other lands of the United States are sold.

Mr. GAUSE. This bill is to correct what is believed to be an error of omission in the laws of the United States relating to public lands. As the bill was introduced at the instance of the gentleman from Kansas, [Mr. BROWN,] I will yield to him to explain it.

Mr. BROWN, of Kansas. The only object of this bill is to remedy what is believed to be an error of omission in the land laws of the United States. It is known by gentlemen that under the homestead and pre-emption laws saline lands cannot be taken, nor do they come under the provisions of law in regard to the sale of mineral lands. The matter was called to my attention by some parties in my own State who desired to purchase a salt marsh there. I brought the matter to the attention of the Commissioner of the General Land Office, and he informed me it would require some additional legislation by Congress in order to enable any party to obtain title to any land containing salt deposits. I drew up this bill and submitted it to him, and it met his approval. I think there can be no objection to its passage.

Mr. HOLMAN. Are these lands fit for cultivation?

Mr. BROWN, of Kansas. Some of them are and some are not. But it has been decided again and again that if there is a salt spring upon the land it cannot be sold, for the law provides that no land can be taken either under the pre-emption or homestead laws upon which there are any salt springs, coal mines, or other minerals.

Mr. HOLMAN. I am aware of that provision of the law. The motive for preserving from entry the saline lands does not seem to be of sufficient importance to require us to continue that system. This bill contemplates the sale in open market, at public sale, of all the lands heretofore reserved as saline lands; and if not so sold at public sale they are to be subject to entry at $1.25 an acre. That is merely a nominal price. If they are adapted to cultivation, they certainly should come in under the homestead policy of the United States. The effect of such a law as this will be to enable men of capital to monopolize large portions of the public lands at a merely nominal price. It seems to me it would be a much wiser policy to extend the homestead laws over these lands, unless they are unadapted to cultivation. I do not myself believe in the sale of public lands adapted for cultivation; I think they should be reserved for the benefit of settlers, of landless people, under the homestead laws.

Mr. BROWN, of Kansas. I know of only one body of land of this character, and that is a salt marsh in my own State of eight hundred or a thousand acres, which is totally unfit for cultivation. It is on account of that one parcel of land that I have brought in this bill. I know of no other lands of this character, and the Commissioner of the General Land Office said he knew of no other such lands. He said it

was possible that after the twelve salt springs allowed to each new State had been selected, there might be some other land with salt springs on it. He thought this bill was a good one.

Mr. HOLMAN. This bill is not confined to the State of Kansas.

Mr. BROWN, of Kansas. It is not. It was thought better to make it a general bill.

Mr. HOLMAN. The saline lands in some of the States east of the Mississippi cover large portions of the country and embrace valuable agricultural lands. I believe that to be the case in other States besides Indiana. If this bill applies only to lands not adapted to cultivation, I have no objection to it.

Mr. BROWN, of Kansas. That is the way I understand it.

Mr. GAUSE. I understand that no lands susceptible of cultivation are included in this bill. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATIONS IN ARIZONA.

Mr. LANE, from the Committee on Public Lands, reported back, with amendments, the bill (H. R. No. 2545) authorizing the Secretary of War to relinquish and turn over to the Interior Department certain military reservations in the Territory of Arizona.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to relinquish and turn over to the Department of the Interior, for restoration to the public domain, what is known as old Camp Grant and Camp Crittenden, in the Territory of Arizona, the same being reported as no longer required for military purposes.

The amendments reported by the committee were read, as follows:

Insert after the word "domain," in the fifth line, the words "and declared to be a part thereof subject to entry under the homestead and pre-emption laws of the United States."

Strike out in the fifth and sixth lines the words "old Camp Grant and."

Mr. HOLMAN. I trust that the first amendment of the committee will be amended by striking out the words "and pre-emption."

Mr. LANE. I just as earnestly trust that those words will not be struck out. I can see no reason why we should make any particular tract of land in the country an exception from the general laws governing the disposition of the public domain. I do not think any sufficient reason can be given for such an exception. I trust the motion of the gentleman from Indiana [Mr. HOLMAN] will not prevail. All our public lands not embraced in certain excepted portions in the Southern States are subject to entry under the pre-emption and homestead laws. I must confess, after seeing the operation of both systems, that I like better the operation of the pre-emption law than of the homestead law.

Mr. HURLBUT. Has the gentleman a report from the Secretary of War on this subject?

Mr. LANE. Yes, sir.

Mr. HOLMAN. I trust that the gentleman from Oregon will consent to strike out the word "pre-emption." This amendment will not make a discrimination in this case against a particular region of country, but on the contrary it is simply continuing and carrying out a policy which has been universal in the legislation of Congress for a number of years past. Very few bills for restoring lands to the public domain have been passed without a limitation making them expressly subject to the homestead laws. The drift of public sentiment is certainly in that direction. There is a growing and just public opinion against the sale of public lands. The spirit of our people is in favor of that humane policy which seeks to secure the public lands to our landless people under the homestead policy. The price, $1.25 per acre, which pre-emptors pay for the land, is a mere bagatelle; it bears no relation to the actual value of the land; yet that system as a general thing inures to the benefit of speculators. My friend from Oregon will remember that in many of the new States and Territories the pre-emption law has been found the most available means by which men of capital might secure large portions of the public lands at the nominal price of $1.25 an acre. It seems far better for the prosperity of the country and in harmony with the genius of our institutions to secure these lands to landless settlers and nobody else.

Mr. LANE. My experience does not support the view indicated by the gentleman from Indiana, [Mr. HOLMAN.] On the contrary, having watched carefully the operation of both the pre emption and homestead system, I regard the pre-emption law as the better of the two. That is now the general system, and I do not see any good reason why we should except a little tract of land not exceeding in area six thousand acres from the operation of the general laws of the United States. To except here and there a little tract from the general operation of the law governing the public domain confuses our whole landed system. I think that the purpose of the gentleman from Indiana, if his argument is of any value at all, would be better subserved by a general bill abolishing at once the pre-emption law, or consolidating the pre-emption and homestead laws. I do not think he should make an exception in this particular instance.

Mr. HOLMAN. The gentleman makes a mistake as to the drift of our legislation in regard to the public lands. The bill reported by the gentleman from Pennsylvania [Mr. TOWNSEND] in the last Congress provided, if I remember aright, for the application of the principle of the homestead law to all our public domain; and we have had assurances, I think, during the present session that there will be general legislation presented upon that subject. There has not been an act of Congress passed for years (unless it might have been in some accidental instances, which did not receive the special attention of Congress) which contained the principle of pre-emption. Indeed, the general drift of our legislation has been right the other way, to secure the appropriation of the whole public domain to the benefit of actual settlers.

Mr. LANE. Then why not abolish the pre-emption law?

Mr. HOLMAN. The tendency of the pre-emption law is to monopolize the public lands in the hands of speculators at a nominal price. I admit that if our lands were being sold at a price commensurate with their value, which would go into the public Treasury, there might be some argument for the perpetuation of that system. But while on the one hand you deprive multitudes of landless people of opportunities of obtaining homes, you on the other hand, for a trifling sum realized to the Treasury as the price of the lands, establish a land monopoly in various portions of the country. I trust that the great reform which I regard as the most worthy and creditable that Congress has entered upon for years, that of securing lands for the benefit of landless settlers, will not be departed from in a single instance, whether the law be applied to six thousand acres or six hundred thousand acres.

Mr. KASSON. Did not the gentleman from Indiana understand the other day, in a discussion we had here, that the Committee on Public Lands would report a general bill having in view the policy he now advocates?

Mr. HOLMAN. I so understood.

Mr. KASSON. And with that view one bill on the subject was sent back to the committee.

Mr. HOLMAN. The bill reported by the gentleman from Pennsylvania, in the last Congress, contained such a provision. This has been the entire drift of legislation for years, and this is an exception from the general rules instead of any attempt on my part to establish an exception.

Mr. KASSON. I wish to ask the gentleman from Oregon to put in the word "only" after the word "subject," because by general law they may be disposed of in this way.

Mr. LANE. I have no objection to that amendment.

The amendment was agreed to.

Mr. HOLMAN. I have an amendment pending to strike out the word pre-emption; so it will read, "and declared to be a part thereof, subject only to entry under the homestead laws of the United States."

The House divided; and there were—ayes 47, noes 39.

So (no further count being demanded) the amendment was agreed to.

Mr. LANE. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the committee were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HURLBUT. The title of the bill should be amended. It speaks of military reservations, and should be amended so as to read:

A bill authorizing the Secretary of War to relinquish and turn over to the Interior Department a certain military reservation in the Territory of Arizona.

I move that amendment.

The amendment was agreed to, and the title, as amended, was adopted.

ORDER OF BUSINESS.

Mr. SCALES. The special order for this day in Committee of the Whole on the state of the Union is the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department; and I therefore move the House resolve itself into Committee of the Whole for the purpose of taking up and proceeding with that order.

Mr. WELLS, of Missouri. Mr. Speaker, I gave notice yesterday when I reported from the Committee on Appropriations a bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, that I would immediately after the expiration of the morning hour move to go into Committee of the Whole, for the purpose of taking up and considering that bill. It is one of the general appropriation bills, and ought to be passed at once.

Mr. RANDALL. I hope the House will permit this deficiency bill to be considered at this time. We can consider it in the House as in Committee of the Whole under the five-minute rule. We cannot reach any result to-day by going on with the bill to transfer the Office of Indian Affairs from the Interior to the War Department, while if we take up this deficiency bill, which it is important to pass now, we can dispose of it before the recess.

The SPEAKER *pro tempore*, (Mr. GARFIELD in the chair.) Does the gentleman raise the question of consideration?

Mr. RANDALL. I do.

Mr. SCALES. I hope the House will not further postpone the special order.

The SPEAKER *pro tempore*. The question of consideration having been raised, the Chair will first put the question on the motion of the gentlemen from North Carolina, [Mr. SCALES,] that the rules be suspended and the House resolve itself into Committee of the Whole to consider the bill (H. R. No. 2577) to transfer the Office of Indian Affairs from the Interior to the War Department. If that shall fail the question will recur on the motion of the gentleman from Missouri to go into Committee of the Whole on the deficiency appropriation bill.

The motion of Mr. SCALES was disagreed to, only 42 voting in favor thereof.

DEFICIENCY APPROPRIATION BILL.

Mr. WELLS, of Missouri. I now ask for a vote on my motion that the House resolve itself into Committee of the Whole on the state of the Union to take up and consider at this time the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

Mr. HOLMAN. Instead of going into Committee of the Whole I suggest to the gentleman to ask unanimous consent to consider the bill in the House as in Committee of the Whole under the five-minute rule.

Mr. HALE. Let me suggest it may take up more time, as there will be in the House records of votes by yeas and nays, which would not occur in committee.

Mr. HOLMAN. I think not.

Mr. RANDALL. I do not think there is anything in this bill which is exceptionable.

Mr. HALE. If gentlemen on the other side think there is no objection, I have none.

Mr. WELLS, of Missouri. I make the motion then that we proceed with the consideration of that bill in the House as in Committee of the Whole under the five-minute rule.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I move that the first reading of the bill for information be dispensed with.

The motion was agreed to.

Mr. WELLS, of Missouri. Mr. Speaker, I will state briefly that the total amount appropriated by this bill is $632,315.07. Last year the deficiency appropriation bill, as reported from the Committee on Appriations, amounted to $2,496,556.58. When the bill finally became a law the appropriations were increased to $4,703,699.18. It will be seen by the House, therefore, that the Committee on Appropriations reporting this bill have cut down these deficiencies to the lowest possible figure.

The total amount re-appropriated and rendered available from unexpended balances, under act of June 20, 1874, (see Executive Document No. 152, Forty-fourth Congress, first session,) is $2,073,481.43.

I will not detain the House further at this time, but will explain the different items as occasion may require.

The Clerk read as follows:

For miscellaneous items, $60,000.

Mr. BUCKNER. I offer the following amendment, to come in at the end of line 18, page 2.

The Clerk read as follows:

Provided, That witnesses residing in the District of Columbia, and not in the service of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding $2 for each day's attendance before said committee.

Mr. BUCKNER. I desire to say that the rule heretofore has been to allow witnesses residing in the District summoned before the House, and I believe also the Senate, $4 a day. Now, under the direction of the Committee of Accounts, the amount may have been reduced to $3. I desire to make this rule certain that, so far as witnesses in the District of Columbia not in the service of the District government or the Government of the United States are concerned, they shall be allowed uniformly $2 a day for their attendance on committees.

Mr. WELLS, of Missouri. I have no objection to that on the part of the committee. I ask that the amendment may be again reported.

The amendment was again read.

The question being taken on Mr. BUCKNER'S amendment, it was agreed to.

Mr. HOAR. I move to strike out the last word in the pending paragraph, for the purpose of asking the gentleman from Missouri what this appropriation of $60,000 for miscellaneous items is for.

Mr. WELLS, of Missouri. I hold in my hand a communication from the Clerk of this House asking for the several items here. And among them is this, "for miscellaneous items, $60,000," for the purpose of paying the witnesses who have been summoned before committees of the House. The communication gives a list in detail of what is required for each committee. These witnesses are paid out of the miscellaneous appropriation. If there be no objection I will have the communication read.

Mr. HALE. Will the gentleman allow me to ask him a question? Is not this an entirely unexpected call and demand for an appropriation not at all considered last year?

Mr. WELLS, of Missouri. It is so understood by the Committee on Appropriations.

Mr. HALE. For the payment of the numerous witnesses that have either been summoned here or have come here, and are either testifying or are waiting in attendance on the committees of this House?

Mr. WELLS, of Missouri. I may state further that I am informed by the Clerk of the House in person that these items are made up in accordance with the suggestions of the respective chairmen of the committees. He called on them officially to ascertain the amounts they would require for the payment of their witnesses, and the amount, according to the list, is over $50,000.

Mr. HALE. I desire to ask another question of the gentleman, as he has looked into this matter more than I have done. Does he know that in some cases in reference to some of the committees these charges or estimates have been largely swollen by the fact that witnesses have been about here for days and weeks without being examined, and claiming to draw pay all the while for attendance?

Mr. WELLS, of Missouri. I have no such knowledge myself, but I have no doubt it is so. Does the gentleman from Massachusetts desire that the letter to which I have referred shall be read?

Mr. HOAR. Certainly.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 13, 1876.

SIR: There will be required to be appropriated to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the service of the present fiscal year the following sums, namely:

For cartage	$737 50
For folding documents, including pay of folders and materials, ($15,000 off)	20,000 00
For furniture, and repairs of the same, ($1,000 off)	1,750 00
For miscellaneous items	60,000 00
	98,487 50
	16,000 00
	82,487 50

The appropriation for folding documents being $25,000 only, against $70,166 appropriated for the last fiscal year, of which $49,000 was expended, has proved insufficient; and this year being that of the presidential election, a much larger sum will be required.

The appropriation of $10,000 for furniture and repairs has been exhausted, and the estimated sum of $2,750 will be required to meet actual expenses and to refurnish the Hall with mattings, &c., for summer use.

The appropriation for miscellaneous items will be required to pay expenses of the several committees of the House of Representatives engaged in investigation. In further explanation hereof I transmit a list of the estimates furnished this office by the investigating committees.

Very respectfully,

GEO. M. ADAMS,
Clerk House of Representatives United States.

Hon. SAML. J. RANDALL,
Chairman Committee on Appropriations.

Mr. HALE. Mr. Speaker, I rise to oppose the formal amendment offered by the gentleman from Massachusetts for the purpose of asking the gentleman from Missouri, who has more knowledge of these matters than I have, as I have been absent from the committee part of the time lately, whether he has made any such examination of these estimates as to the expenses of witnesses before committees as leads him to know or believe that this item of $60,000 in the bill is all that we will be asked to appropriate for this service this session?

Mr. WELLS, of Missouri. I have not the information which the gentleman desires. It is impossible for me to tell how much will be required to pay these witnesses.

Mr. HALE. I suppose this is mainly the reckoning of this expenditure cast up to the present time. I do not know whether it is so, but I have been informed by gentlemen on some of these committees that the expenses of a single committee for witnesses amount to more than $10,000.

Mr. RANDALL. I think each committee was called upon to make estimates. I ask the gentleman to state if this is not the fact?

Mr. WELLS, of Missouri. In the communication from the Clerk of the House there is a memorandum of the amount asked for by each committee.

Mr. RANDALL. That will answer the question of the gentleman from Maine.

Mr. WELLS, of Missouri. Let that list be read.

The Clerk read as follows:

List of estimates.

Committee on Indian Affairs	$6,218
Committee on Expenditures in the War Department	5,000
Committee on Naval Affairs	3,500
Committee on Expenditures in the Department of Justice	3,000
Committee on the Freedman's Bank	2,750
Committee on Expenditures in the Treasury Department	2,500
Committee for the District of Columbia	2,000
Committee of Ways and Means	2,000
Committee on the Post-Office and Post-Roads	2,000
Committee on Expenditures in the Post-Office Department	1,500
Select Committee on Texan Frontier Troubles	1,400
Committee on Printing	1,200
Committee on Reform in the Civil Service	1,000
Committee on Foreign Affairs	1,000
Committee on Expenditures in the Interior Department	1,000
Committee on Expenditures in the State Department	500
Committee on Expenditures on Public Buildings	300
Committee on Military Affairs	2,000
Committee on Public Expenditures	1,000
Committee on Expenditures in the Navy Department	1,500
Committee on the Judiciary	10,000
Total	51,363

Mr. RANDALL. This is an estimate at best, but we think it a safe one, and the committee examined the amounts heretofore expended in such and similar cases of investigation.

Mr. HALE. Does the chairman of the committee believe that this will carry us through?

Mr. RANDALL. I hope so; but I would not like to state positively it would. It depends entirely upon how much scope the committees take and how much is required to be investigated.

Mr. HALE. I do not think, on the policy which has been pursued on this side of the House of objecting to nothing in the shape of an investigation, the scope of the committees can be added to.

Mr. RANDALL. I have made no statement of that kind. Does the gentleman from Maine design to offer an amendment to this bill making an appropriation of $10,000 for an investigation into the affairs of Mississippi?

Mr. HALE. I believe the gentleman in charge of the bill intends to do that.

Mr. RANDALL. The sum of $60,000 for all these committees bears no comparison with the sum of $10,000 for a single investigation.

Mr. HALE. I hope the gentleman from Pennsylvania will take the same course in reference to that as we have taken with reference to the other investigations.

Mr. RANDALL. I certainly shall.

Mr. HOAR'S formal amendment was withdrawn.

The Clerk read the following paragraph:

For amount due William M. Long for services under the Doorkeeper during the months of July and August, 1874, $223.20.

Mr. DUNNELL. I move to strike out "$223.20."

I desire for a moment the attention of the chairman of the Committee on Appropriations. I held in my hand a few weeks ago an account found due by the proper accounting officers of the Treasury Department to a detective during the late war for $174. I presented that account to the Committee on Appropriations, and was told that it must go to the Committee of Claims. Now I find in this bill a large number of similar claims. I do not know why this man should be compelled to go to the Committee of Claims any more than Mr. William M. Long.

Mr. WELLS, of Missouri. Of how long standing has been this claim to which the gentleman from Minnesota refers?

Mr. DUNNELL. It arose during the war.

Mr. RANDALL. In this bill we only touch matters of the past year. Long was a doorkeeper of this House, and no provision was made for the payment of his services actually performed as an officer of the House.

Mr. DUNNELL. Further on I observe that there is provision made for accounts certified to be due in 1871 and previous years.

Mr. RANDALL. In every instance we have endeavored to confine these appropriations to cases occurring during the year.

Mr. DUNNELL. I trust the committee will allow me at the proper point in the bill to introduce an amendment to provide for the case to which I have referred. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read as follows:

To pay the assistant disbursing clerk of the House of Representatives the amount due him to the 30th of June, 1876, under a resolution of the House of June 20, 1874, $898.33.

Mr. WELLS, of Missouri. I offer the following amendment, to come in after the last line of the paragraph just read as a new paragraph:

To defray the expenses of the investigation into the late election in Mississippi, as authorized by a resolution of the Senate adopted March 31, 1876, $10,000.

Mr. Speaker, in explanation of that amendment I will state that the Senate have passed a bill, which is now on the Speaker's table, appropriating $10,000 to defray the expenses of the committee to investigate the Mississippi election. I suppose there will be no objection to the insertion of this amendment here, instead of passing the Senate bill.

The amendment was agreed to.

Mr. HOLMAN. In regard to the paragraph to which this is an amendment, I wish to ask the gentleman having charge of the bill to pass it over for the present so that I may have a right at any time to recur to it if it be necessary.

The SPEAKER. The Clerk had commenced to read the next paragraph, and it requires unanimous consent to go back.

Mr. HOLMAN. No, sir; the Chair is mistaken. The gentleman from Missouri moved an amendment to come in immediately after that paragraph, so that that paragraph is not disposed of. I suppose there will be no objection to passing it over for the present, in order to enable me to make inquiry in regard to this appropriation.

Mr. HOSKINS. I do not rise to object to that, but it strikes me that it might as well be considered now as at any time, if the gentleman has any amendment to offer.

Mr. HOLMAN. My only object is to make some inquiry as to whether this appropriation is necessary and proper.

Mr. HOSKINS. The Committee on Appropriations appear to have thought it proper.

Mr. HOLMAN. I know all that the Committee on Appropriations knew about it, and I presume that it is all right enough, and if I do not call attention to it hereafter, of course it will be understood that it is concurred in. But I ask unanimous consent that it be passed over for the present.

No objection was made, and the paragraph was passed over informally.

The Clerk resumed the reading of the bill, and read as follows:

And hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath and shall enter upon the duties of such office in such Territory, and said oath shall hereafter be administered in the Territory in which such office is held.

Mr. FORT. Mr. Speaker, I move to amend that paragraph by adding thereto the following proviso:

Provided, That all officers appointed by the President for the Territories shall be *bona fide* residents of the Territories respectively for which they shall be appointed.

I suppose, Mr. Speaker, there will be no objection to this amendment. It is certainly a very proper provision. There has ever been great complaint made by the people of the Territories of the officers appointed and sent to rule over them, and I think not without cause. It has been said that broken-down politicians from the States are sent to the Territories to hold official position and control the interests and destinies of a people to whom they are strangers and who are strangers to them, and with whom they have no common feeling or desire for the public welfare.

In most instances they seek these appointments to official place for the mere purpose of speculation. In nine cases out of ten they do not seek such offices with any purpose of becoming *bona fide* residents there. They merely go there for the purpose of drawing their salaries and looking after whatever of private interest may turn up, and are generally and principally engaged in mending their fortunes, and when convenient they abandon their offices and return to the States or enter into some speculations or enterprise and neglect public duties. Some of their transactions are not very creditable to themselves, to the Territory, or to the country. Of course many territorial officers are excellent men, who adorn the positions they hold. But they are not of, and too often are not in sympathy with, the people whose offices they hold. I can see no reason why the rule should not be applied to the Territories that is and ought to be applied to the States. All officers should be residents of and citizens of the State or Territory where the office is to be executed, if possible. Now, sir, I say that, if any Territory of the United States has not within its boundaries citizens of sufficient intelligence, honesty, and integrity to fill the offices of that Territory, that Territory clearly never ought to have been organized and ought to be disorganized and placed under some other authority. There is no question but what the people of the Territories have a moral right to be ruled over by their own neighbors and their own citizens the same as the people of the States; by men who help bear the burdens and who share the privations of the frontier; by men who have common interest with them; by men who are identified with the country and desire the future prosperity of the Territory. They should feel some sort of responsibility to the people among whom they live and whose authority they exercise and whose rights they adjudicate. They are sent there by a power, by an administration in the choice of which they have no part. These officers are thus sent there, and serve only so long as they may find it convenient or profitable to themselves.

The principle of appointing officers from a distant part of the country and from among strangers is neither democratic nor republican. In my judgment, a great deal of the discontent and a great deal of the complaint that comes to us from the Territories and a great deal of the anxious desire of the people of the Territories to be early admitted as States arise from the fact that officers are appointed and sent there to administrate their laws who have no common interest with them. What objection can there be to this principle of selecting officers? Are there not as good men in the Territories as elsewhere? I think it will be found upon reflection that the very best talent, the very best energy, is found in the Territories, and the citizens of the Territories are as fully competent and in every way qualified for officers and as well fitted to manage the affairs of the people with whom they live as those found elsewhere.

Unless there be valid objection to this amendment, I hope it will be adopted.

Mr. HUBBELL. Does not the gentleman wish to except from the operation of his amendment soldiers who served in the late war against the rebellion?

Mr. FORT. No; I will not except anybody. The Territories are full of Union soldiers. If the Executive seeks soldiers for appointment he will find as many of them in the Territories as in the States, and as gallant.

Mr. BAKER, of Indiana. Will the gentleman yield to me for a question?

Mr. FORT. Certainly.

Mr. BAKER, of Indiana. I would ask the gentleman what authority the legislative department of this Government has to interfere with the President, the executive department, in the exercise of the constitutional function with which he is charged in making appointments to office?

Mr. FORT. This is no interference with his constitutional prerogative. That question has been fully discussed on other occasions and settled, and it has been held to be no limitation upon the appointing power to restrict the appointments to a certain class of citizens or to citizens of a certain state. That is no sort of objection to this provision. It has been held by the most eminent of our statesmen that

the appointing power could be constitutionally limited to persons found to have certain qualifications, and that other branches of the Government may pass upon such qualifications.

Mr. MAGINNIS. If the gentleman will yield to me right here, I will say, in answer to several remarks that I hear from gentlemen on the republican side, intimating that this will be an interference with the Executive, that I do not think so. A few years ago all the Delegates representing the Territories on this floor, at that time, waited upon the President, and, presenting to him the abuses that resulted from the appointment of strangers to these positions in the Territories, preferred a request that all appointments to office in any Territory should be made from the citizens thereof. The President agreed with them and promised relief, and, in order to remedy the evil, made an announcement that thereafter he would make all appointments to office in the Territories from *bona fide* residents of the Territory in which the office was to be filled. I have no doubt that the President faithfully tried to carry out that promised policy of reform; but the political pressure from all parts of the Union for these places was so great that he was obliged to abandon it.

Mr. FORT. The politicians were stronger than the President.

Mr. MAGINNIS. If that be so, then I presume that no one would be better satisfied with this provision than the President. Ever since the days of ancient Rome, Mr. Speaker, the pro-consular system of government has been regarded, and rightfully regarded, as wretched and oppressive at the best. In our system of territorial government all its evils have been aggravated by our wretched system of appointments to offices in the Territories. Rarely if ever can our home citizens, even of the ruling party—citizens identified with our interests, understanding our wants, and known to our people—get appointments to offices among us. These appointments are made from strangers, and generally consist of broken-down politicians or inefficient and unworthy persons; or, if occasionally an abler man is chosen, it is not so much in the interests of the people which he is to govern as to get him temporarily out of the way of some political rival. They come among our people with no acquaintance with our people or our interests, no sympathy with our aspirations, our hopes, and our endeavors to develop the country, and depend for their continuance in office upon the favor of those who originally sent them to us, rather than upon the good-will, the affection, or confidence of the people of the Territories.

Governors have been sent to the Territories without honesty or character, men who not only disgraced the Government, but used their official positions to borrow all the money they could obtain from respectable citizens and then decamped to the places from which they came. We have had secretaries who squandered the appropriations and defiantly disgraced their positions. We have had judges who could not pass an examination for admission to the bar and could never earn a living in competition with our local bar; and these have not been exceptions, but the rule.

The committee in their bill attempt to reform one abuse; that is, where officers are appointed and qualify at home and draw their pay without ever going to the Territories at all. The committee have in their bill attempted to remedy this abuse, and I hope the House will adopt the further reform proposed by the gentleman from Illinois, [Mr. FORT,] from the Committee on the Territories. It is certainly a long step in the right direction.

Mr. BENNETT. I indorse every word which has been said by the gentleman from Illinois, [Mr. FORT.] I have had some experience in these Territories as a Federal officer. I believe it would give much more satisfaction to the people of the Territories in every way to have these appointments confined to the citizens of the Territories. I know such a provision would meet the approval of the President.

Mr. PATTERSON. If there is any measure that will be popular with the people of the Territories, it is that measure which will give to them as their officers their own citizens. They feel that it is bad enough to live under officers in whose appointment they have no voice. More especially do they feel it to be an imposition and outrage to have men sent to their Territories to take charge of and control their dearest interests who have no interest whatever in the welfare of the Territory save so far as it will redound to their own personal profit.

I know as a fact that in one of the Territories there is now an individual holding the high position of supreme judge who, when he received that appointment, was holding the office of a mere justice of the peace in the State of Pennsylvania. I have seen the evil effects of sending men from outside States and Territories to control our affairs, more especially in the matter of judges than anything else. Each Territory has its own judicial system. Very frequently men are sent there to act as judges with no judicial capacity in the first place, and then with no experience whatever in the particular judicial system that is existing in the Territories. The result of that has been that for years the whole judicial system is in chaos; cases pending in the courts are determined ill-advisedly; they are not and cannot be properly considered. The system that has been in force there since the formation of the Territory is virtually set aside and abandoned, on account of the incompetency and want of familiarity of the judges with the system in vogue in the Territories.

It seems to me, therefore, that as an act of common justice to the people of the Territories, who have great interest there, there should at least be none appointed to fill offices in the Territories unless they are actual, *bona fide* residents of the Territory at the time of their appointment.

Mr. JONES, of Kentucky. I move to amend the amendment by striking out the words "*bona fide* residents" and inserting "citizens." As the amendment now stands it will not meet the difficulty referred to by the gentleman from Illinois, [Mr. FORT.]

Mr. FORT. I do not suppose the gentleman wants to strike out the words "*bona fide*," but merely to strike out "residents" and insert "citizens."

Mr. JONES, of Kentucky. That will be the same thing. I am willing to leave in the words "*bona fide*," and strike out "residents" and insert "citizens."

Mr. FORT. I accept the amendment.

Mr. JONES, of Kentucky. A man may be a *bona fide* resident and have taken up his residence yesterday or immediately preceding his appointment. I think, therefore, the word "citizens" would be better than "residents." I approve of the amendment most heartily, because it is in furtherance of home rule and local government, which of late years have been so much violated.

Mr. FORT. Let the amendment as modified be now read.

The amendment was read, as follows:

Provided, That all officers appointed by the President for the Territories shall be *bona fide* citizens of the Territories, respectively, for which they shall be appointed.

Mr. RUSK. I hope the gentleman will make an exception in favor of the soldiers; he has been the champion of the soldiers all the way through.

Mr. FORT. I will stand by the soldiers as long as the gentleman from Wisconsin, [Mr. RUSK.]

Mr. RUSK. If you will make an exception in favor of the soldiers, I will not oppose the amendment.

Mr. MAGINNIS. You can find as many Union soldiers in the Territories as in other portions of the country.

The question being taken on the amendment of Mr. FORT as modified, it was agreed to; there being ayes 75, noes not counted.

The Clerk read as follows:

JUDICIAL.

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States for the safe-keeping of prisoners, being a deficiency for the fiscal year 1875, $65,000.

Mr. WELLS, of Missouri. I move to amend by inserting after the paragraph just read the following:

For the defraying of the expenses and fees of the United States marshal of the Territory of Utah and of summoning jurors and witnesses, of keeping and transporting prisoners and caring for the penitentiary, $6,000.

The amendment was agreed to.

The Clerk read as follows:

For payment of amounts that may be certified to be due by the accounting officers of the Treasury Department, for expenses of recruiting and transportation of recruits, being for the service of the fiscal year 1871 and prior years, $243.94.

Mr. DUNNELL. I move to amend by adding after the paragraph just read the following:

For payment of J. A. Murray, of Minnesota, $174, the amount found due him by the proper accounting officers for services and expenses as detective in 1865.

Mr. HOLMAN. I shall have to reserve a point of order on this claim.

Mr. DUNNELL. Before I make my remarks upon this amendment, I ask the Clerk to read a letter from the Treasury Department.

The Clerk read as follows:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington D. C., May 24, 1875.

Sir: The claim of Mr. J. A. Murray for services, &c., in 1865 has been reported to the Second Comptroller, and, in accordance with his decision, so much thereof as has relation to the re-imbursement of Mr. Murray's expenses in May and June, amounting to $174, has been approved for payment. As, however, there are no funds in the Treasury available for the payment of accounts arising prior to July, 1870, the claim cannot be paid until Congress shall have made the necessary appropriation.

Very respectfully,

A. M. GANGEWER,
Acting Auditor.

Hon. M. H. DUNNELL, M. C.,
Owatonna, Minnesota.

Mr. DUNNELL. It will be seen at once that this amount of $174 was disbursed by this man for expenses in 1865, eleven years ago. The Treasury Department finds that this amount in due him. I had been led to suppose that provision would be made in this bill for the payment of this item; and I respectfully submit that the item to which I have offered it as an amendment must be of a like character. Some individual of course is to receive the amount named in that item.

Now, the person named in my amendment is a poor man, and has been unfortunate. He came to me and asked that I would look after this item. I had supposed it would be provided for in the deficiency bill. I am told by the Committee on Appropriations that I must go to the Committee of Claims. Now, everybody knows that that is very poor encouragement. The Committee of Claims may not have an opportunity to report it, and this Congress cannot be expected to pass one out of ten bills that may be favorably acted upon by that committee. I hope there will be no objection on the part of the Committee on Appropriations to providing in this bill for the payment of this

amount found due by the proper accounting officers. It is for disbursements, money already paid out, about which there can be no doubt. It is not in the nature of a claim; it is in the nature of a liquidated amount. I trust there will be no objection to this amendment. It will increase the amount of the bill only $174, and will be a godsend to this poor man, to whom the amount is undoubtedly due.

Mr. WELLS, of Missouri. I have no doubt in my own mind that the friend of the gentleman from Minnesota [Mr. DUNNELL] has been provided for in this appropriation bill. I hold in my hand Executive Document No. 152, which asks that $906,679 be re-appropriated to meet expenditures already appropriated for, but the fund to pay which has been covered into the Treasury. This $906,000 refers to the same class of claims as that which the gentleman here presents; and I have no doubt that if he will go to the Treasury Department he will find that his claim is here included.

Mr. DUNNELL. I do not find the name of this gentleman in that statement.

Mr. WELLS, of Missouri. No, it gives the name of nobody, or of very few persons. Here, for instance, is one item of $609,946 which the Department asks to be re-appropriated to pay claims to officers and enlisted men of the volunteer service for arrears of pay.

Mr. DUNNELL. That would not cover this man's case.

Mr. WELLS, of Missouri. Then there is an item for officers of the regular Army for transportation. There are many other items too numerous to mention, some of them running back a number of years, the money heretofore appropriated having been covered in the Treasury at the end of two years from the original appropriation. It appears by this statement that the amount carried to the surplus fund was $21,956,000; and we are asked to re-appropriate $906,679.

Mr. DUNNELL. I have looked over all these subdivisions, and I find none that will cover a case of this kind. I will, however, modify my amendment by adding to it these words:

In case said amount is not provided for in some other portion of this bill.

Mr. HOLMAN. That would be very unsafe. Without waiving the point of order, I desire to say that a very large number of claims of this class which accrued prior to 1870 have gone to the Committee on Appropriations, but they have all been reported back for reference to the Committee of Claims with the exception of two amounting in the aggregate to less than $50, which by some means have found their way into this bill. It seems to be impossible for the Committee on Appropriations to consider this great body of small balances on the adjustment of small accounts which arose years ago. While the Committee on Appropriations may properly be called upon to provide for deficiencies occurring in the regular administration of the Government, everything in the nature of a claim ought to go to the proper committee.

Mr. DUNNELL. I respectfully submit that this is in the nature of a deficiency; that it is not properly to be regarded as a claim. Now, take the item which I find on the nineteenth page of this bill, "for settlement of the account of Major James A. Hearn, late Indian agent." To be sure, the amount is only $5.13.

Mr. HOLMAN. It ought not to be in the bill, I agree.

Mr. DUNNELL. Still it is there. I trust the Committee on Appropriations will make no opposition to the insertion of my amendment.

Mr. RANDALL. The House will see at once that to adopt an amendment of this kind is to put on an appropriation bill an appropriation which our committee has no means of examining. Besides, if I am not misinformed, this subject is now before a committee of this House—the Committee of Claims. Is it not?

Mr. DUNNELL. The case has been before the Committee of Claims.

Mr. RANDALL. That committee has power to pass upon it. The Committee on Appropriations has no means, and never had the means, to examine such cases properly.

The question being taken on the amendment of Mr. DUNNELL, it was not agreed to; there being ayes 44, noes not counted.

The Clerk read as follows:

To adjust the settled accounts of the Bureau of Engraving and Printing, Treasury Department, being amount found due said Bureau for counting, trimming, sealing, and numbering national currency, involving no expenditure of money from the Treasury, being for the fiscal year 1875, $5,011.50, a transfer entry is hereby authorized.

Mr. STEELE. I move to amend by adding after line 147 the following:

The Clerk read as follows:

For payment of amount due Henry Housman for supplies furnished the Red Cloud agency in December, 1873, and January, 1874, being a deficiency for the fiscal year 1874, $339.66;

Amount due E. Nagle for oats, &c., furnished the Red Cloud agency in December, 1873, and April, 1874, being a deficiency for the fiscal year 1874, $180;

Amount due H. Haas for supplies furnished the Red Cloud agency in November and December, 1873, and January and February, 1874, being a deficiency for the fiscal year 1874, $377.11;

Amount due Jules Ecoffey & Co. for supplies furnished the Red Cloud agency in August and September, 1873, being a deficiency for the fiscal year 1874, $94.85;

Amount due Jules Ecoffey for the delivery at the Red Cloud agency, under contract, 119,000 feet of sawed lumber in March, 1874, being a deficiency for the fiscal year 1874, $1,779.05;

Amount due Todd Randall for one hundred tons of hay delivered at the Red Cloud agency, Dakota, in October, 1873, being a deficiency for the fiscal year 1874, $1,650;

Being in all the amount of $4,420.67.

Mr. RANDALL. I make the point of order on that amendment that it is a claim, and not in order to an appropriation bill.

The SPEAKER *pro tempore*. If the gentleman from Wyoming has any authority of law for this, he will send it to the Chair.

Mr. STEELE. I desire to be heard on the point of order.

Mr. RANDALL. I am willing to hear the statement of the gentleman from Wyoming.

Mr. STEELE. I wish to speak to the point of order. The measure now under consideration by the House is a bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes. This, then, is a bill making appropriations for deficiencies in the service of the Government, and I find here Executive Document No. 151, from the Treasury Department, certifying to this House certain amounts as deficiencies, for the payment of which appropriations are required by the various Departments of the Government to meet the service of the fiscal year ending June 30, 1876, and for prior years. It is an estimate of appropriations to meet deficiencies in the service of the Government. In this estimate of deficiencies certified to this House by the Secretary of the Treasury I find these amounts in the exact form and language in which I have submitted this amendment. Therefore I say, this being a bill making appropriations for deficiencies in the service of the Government, and these amounts being certified, not as claims, Mr. Speaker, but as adjudicated accounts, passed upon by the proper accounting officer and certified to this House as being due from the Government, the point of order will not justly lie against the pending amendment.

Mr. RANDALL. I claim this is not only not in obedience to any law, but these sums are in violation of law, for they are expenditures in excess of appropriations. The Committee on Appropriations, as the gentleman has alluded to this document No. 151, I will say deemed all accounts of a like character in this document, and there are a great many of them, to be claims, and have instructed one of their members, who is ready at the proper time, to move their reference to the Committee of Claims.

Mr. STEELE. I desire to say if Congress does not propose to pay these claims that it ought to say so at once, and that will save gentlemen representing these districts all further trouble in reference to them.

Mr. RANDALL. We propose to pay them when the proper committee so determines they are debts due from the Government.

The SPEAKER *pro tempore*. The Chair is compelled to overrule the point of order, upon the ground that these are estimates for carrying on the Government and have been certified from the proper Department as such.

Mr. STEELE. I simply desire to say, in reference to this amendment, that it embraces a class of claims which are very troublesome to all parties who have anything to do with the representation of the districts where they arise.

The gentleman from Pennsylvania says these expenditures are in violation of law; that they are expenditures beyond the appropriation. Nevertheless they are expenditures that have been incurred by various officers of this Government who have gone out among these people and purchased their property upon the implied promise that the Government would pay for it. Sir, one of these men, whose claim I make, and the payment of which I now seek for him, amounting to $1,800, has had his property sold on execution to pay for the very supplies which he furnished this Government two years ago, and for which the Government will not pay him. Sir, if you authorized these officers to go out and purchase these things, the Government certainly ought to pay for them. If the officer exceeded his authority, the person who sold him the supplies is not accountable for that. I understand the rule to be that an agent acting within the scope of his authority binds his principal, unless the party he deals with has knowledge that the agent is exceeding his authority. Now, sir, what knowledge did these tradesmen have when these men went to them to purchase these supplies for the Government that the appropriation was exhausted? If you make that a rule, no officer of this Government can purchase on credit one dollar's worth of supplies for the Government until he comes here to the Treasury and makes an examination to find out whether the appropriation is exhausted.

Mr. Speaker, every one of these claims is just. I venture to say not one of them is the claim of an Indian contractor. If it was, he would not be here now asking to be paid in a deficiency bill. On the contrary, they are the claims of tradesmen, men who deal in a small way, and who furnish supplies to the Government which to them are cash, and ought to be paid for as soon as possible.

Mr. RANDALL. The Committee on Appropriations have not the means to know whether these claims are just claims or unjust claims. They are sent to us. There are here twenty pages of closely-printed matter occupied with claims covering half a million of dollars. Now it is manifest that it is both physically and mentally impossible for the Committee on Appropriations to investigate these claims. They are claims; nothing but claims. The gentleman from Wyoming practically admits it. Therefore we did what we thought was next best, we referred the whole of them from our own committee to the appropriate committee of this House, whose duty it is to investigate such matters. If we had done anything different from that we should have been trenching upon the duties of another committee, besides inserting in the bill half a million of dollars about which we knew nothing.

Mr. BAKER, of Indiana. Will the chairman of the Committee on Appropriations allow me to ask him a question for information: whether or not these accounts have been presented to any proper tribunal or Department of the Government for examination and settlement?

Mr. RANDALL. I take it that they have been, and that there is no appropriation to pay them. But they are in the nature of claims nevertheless, and, as I am reminded by the gentleman from Indiana, in excess of law.

Mr. STEELE. I would like to ask the gentleman from Pennsylvania if these accounts are not all certified here by the Secretary of the Treasury as being due?

Mr. RANDALL. Undoubtedly they are certified, and they cover in amount half a million of dollars. But I would not like to stand here and give my consent that half a millon of dollars shall be taken out of the Treasury without due and proper investigation by the proper committee of this House.

Mr. BRADLEY. I move to strike out the last two words. I desire to ask the chairman of the Committee on Appropriations if these claims that he speaks of, amounting to half a million of dollars——

Mr. RANDALL. Or thereabouts.

Mr. BRADLEY. Were not claims reported to the House from the proper Department?

Mr. RANDALL. I have said so.

Mr. BRADLEY. And by the House referred to the Committee on Appropriations. Then, I do not see, Mr. Speaker, but these claims stand in the same condition before the Committee on Appropriations as claims of a like nature that have been referred by the House to the Committee of Claims, and also to the Committee on War Claims for which bills have been recently reported by those committees.

Now if these are claims that have been passed upon by the Departments, a large number of them, amounting in the aggregate to nearly half a million of dollars, as the chairman of the Committee on Appropriations says, I would like to ask the gentleman what committee of this House is going into the details of all these claims to re-examine them? And I would like to call his attention to the fact that the bill which was passed here only last Friday, coming from the Committee on War Claims and opposed by the gentleman from Ohio, [Mr. NEAL,] comprised a large number of claims, I understand, of a similar nature. Then why is it not competent for the Committee on Appropriations to take cognizance of these claims, and to embrace them in some appropriation bill? And it strikes me that there is no more appropriate bill to put them into than this appropriation bill. Certainly it would seem to be advisable and to be the duty of this House to provide for these claims in some manner, and I hope the committee will consent to incorporate in this bill, or in some other to be soon reported, an amount sufficient to cover these claims, if they have been properly examined; for it is perfectly plain that no committee of this House can take up these claims in detail and re-examine all the evidence which has been once thoroughly examined by the Departments, and by officers who have had the testimony before them and were perfectly competent to go into the merits of the cases and determine whether they should be allowed or not.

Mr. RANDALL. We had no papers before us in the Committee on Appropriations in reference to these claims at all. There they stand on the statement of the Department. I do not think these claims should be paid unless they are each one investigated and found to be just.

Mr. BRADLEY. I would like to ask the chairman of the Committee on War Claims, the gentleman from Illinois, [Mr. EDEN,] whether the claims in the bill reported by him a short time since and acted upon last Friday by the House, and for which provision was made by that bill, were not of a nature similar to this, and whether the evidence in detail in support of the various claims was examined by his committee?

Mr. EDEN. I cannot answer the gentleman's question fully, for the reason that I have not examined the claims now in question at all. The claims reported in the bill under consideration on Friday last were claims passed upon by the Quartermaster's Department and the accounting officers of the Treasury, particularly the Third Auditor, under the law giving them jurisdiction to hear testimony and examine the cases, and determine whether or not they were just claims against the Government.

Mr. BRADLEY. Now I understand these claims referred to by the chairman of the Committee on Appropriations stand in the same condition before his committee, having been passed upon by the Department.

Mr. HOLMAN. Will the gentleman allow me to make this statement: The claims in the bill considered last Friday were before the last Congress, were before the Committee on War Claims, were referred to a subcommittee of the Committee on War Claims, of which the gentleman from Ohio [Mr. LAWRENCE] was chairman, and were all carefully examined into. The committee of this Congress reported on the strength of that examination.

Mr. RANDALL. Under the act of June 16, 1874.

Mr. STEELE. I desire to say a word. One thing is certain, unless an appropriation is made to pay these claims they cannot and they will not be paid. To refer them to a committee for examination is virtually to repudiate these claims.

Now, Mr. Speaker, I had the honor, in the last Congress, on the 3d of March, 1875, to move this same appropriation. These accounts were then a deficiency. They were adjudicated accounts against the Government, certified by the Indian Bureau and the Treasury Department to be due. They were not paid then; they have not been paid since, and are no nearer payment than they were at that time. One thing is certain, that unless Congress makes an appropriation to pay them, they never can and never will be paid.

I do not ask, Mr. Speaker, I assure the chairman of the Committee on Appropriations, that the House should pass an appropriation amounting to half a million dollars without any knowledge in reference to it. The only thing I ask is the payment of these four or five claims which I know to be just and which I know to be right, which the Treasury Department and the Indian Department have passed, audited, and declared to be proper accounts against the Government, amounting in the aggregate to $4,400.

Mr. HOLMAN. I presume that the point under discussion is well understood by the House. The House understands that the Committee on Appropriations have not made any examination of these claims at all; on the contrary, they have directed one of their members to report them back to the House with the recommendation that they be referred to the Committee of Claims. I now call the previous question.

Mr. MAGINNIS. Before the gentleman calls the previous question will he allow me to ask him one question?

Mr. HOLMAN. I will hear the question.

Mr. MAGINNIS. Has not this money been expended just as all other money is expended by the Government?

Mr. HOLMAN. We do not know anything about that. We have not examined the subject; but we do know this, that if these contracts were made and there was no money on hand to meet them, they were not made in conformity with law.

Mr. MAGINNIS. Then the whole deficiency bill is not in conformity with law. The point the gentleman makes against this amendment is good against the whole bill.

Mr. KASSON. I ask the gentleman from Indiana to allow me to offer the following as an amendment to the amendment of the gentleman from Wyoming, [Mr. STEELE:]

The same to be paid only when ascertained by the proper accounting officers to have been expenditures of the class provided for by law, and to be justly due.

Mr. HOLMAN. O, I cannot yield for that.

The previous question was seconded and the main question ordered.

The question was taken on the amendment of Mr. STEELE, and it was not agreed to.

Mr. MAGINNIS. I offer the following amendment, to come in after line 147:

For payment of amount due as allowed by the accounting officers of the Treasury Department of a voucher issued in payment for the delivery of one hundred and seventy-five head of beef-cattle at Fort Peck agency, in May, 1875, under contract of May 11, 1874, being a deficiency for the fiscal year 1875, $4,032.

That amendment stands upon almost a similar basis as the amendment offered by the gentleman from Wyoming, except that it is one year later, and is not included in the half million of dollars of claims referred to by the chairman of the Committee on Appropriations.

This is the case of a man who, in pursuance of his contract, made under law, delivered one hundred and seventy-five head of beef-cattle to an agent on the requisition of that agent. He was obliged to do it. The agent called for the cattle, and he had to deliver them under his contract. He received a voucher. It came on to Washington, and went to the Interior Department, and was there audited and allowed; from there it went to the peace commission, by whom it was examined, audited, and allowed; from there it went to the Third Auditor's Office, and was there examined and pronounced correct; from there it went to the Comptroller's Office, where it was examined and ordered to be paid. When the order for payment was presented it was found that there was no money in the Treasury to pay it, and the Secretary of the Treasury certified that fact to the House. Now, how can that be called a claim? How can the Committee of Claims have any jurisdiction over it whatever? It is not a claim in any sense of the word. It is an adjudicated account, a deficiency made in accordance with law. I beg to call the attention of the chairman of the Committee on Appropriations to the bad position in which he is placing the democratic party, of which I am a humble member not enfranchised by the fifteenth amendment, so far as a vote in the House is concerned. Of course the republican party are not only responsible for the general appropriations of last year, but also for all that is contained in this deficiency bill; the whole amount is charged up against them. Now, if you take this out of the deficiency bill and put it before the Committee of Claims, where it has no business whatever, and that committee allow it, and it be passed, then it will be charged to the democratic party, instead of to the republican party. I hope the gentleman will see the mistake he is making, and allow this amendment to be adopted.

Mr. RANDALL. It would be a very bad example to set.

Mr. MAGINNIS. O, no! it is a good democratic principle to pay just debts.

The question was taken on the amendment offered by Mr. MAGINNIS, and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For payment of amount found due by the accounting officers of the Treasury Department on settlement of the account of Major James A. Hearn, late Indian agent, on account of maintaining peace among and with the various tribes, bands, and parties of Indians, being for the service of the fiscal year 1871 and prior years, $5.13.

Mr. DUNNELL. I think the Committee on Appropriations should give us some explanation of this claim.

Mr. HOLMAN. Move to strike it out.

Mr. DUNNELL. I move to strike out that paragraph.

Mr. RANDALL. There is no objection to that.

Mr. DUNNELL. This claim ought certainly to go to the Committee of Claims.

Mr. WELLS, of Missouri. I will say that this claim came before the House in Executive Document No. 152, which names this claim especially; the account was audited and the amount appropriated, and this is simply a re-appropriation, the money already appropriated having been covered into the Treasury.

Mr. DUNNELL. It is difficult for a man who is not on the Committee on Appropriations to see where the re-appropriation comes in. I move to strike out this clause.

The motion to strike out was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. WELLS, of Missouri. I now call the previous question upon the bill as amended.

Mr. HOLMAN. I reserved the right to go back to the paragraph embraced between lines 26 and 30.

Mr. WELLS, of Missouri. I will withdraw my call for the previous question for the present.

The paragraph referred to by Mr. HOLMAN was as follows:

To pay the assistant disbursing clerk of the House of Representatives the amount due him to the 30th of June, 1876, under a resolution of the House of June 20, 1874, $828.33.

Mr. HOLMAN. I presume it is not too late to raise the point of order on this paragraph, that it is not properly in this appropriation bill. I ask the Clerk to read the resolution of the House upon which this paragraph is based.

The Clerk read as follows:

Resolved, That the salary of the assistant disbursing clerk of the House be fixed at the same rate with the assistant journal clerk, and that the Committee on Appropriations provide for the payment of the same.

Mr. HOLMAN. That resolution seems to be the only foundation for this clause. This clause is intended to make an appropriation to cover the additional salary for two years, by authority of that simple resolution of the House. I raise the point of order that there is no authority of law for this proposed appropriation.

The SPEAKER *pro tempore*. The Chair is inclined to believe that the point of order is made too late. No point was made when the paragraph was first read.

Mr. HOLMAN. I rose to make the point of order as soon as the paragraph was read, but a member arose and moved an amendment to come in immediately after the paragraph.

The SPEAKER *pro tempore*. If the gentleman says that he made the point of order in time——

Mr. HOLMAN. I did not make the point of order, for I had no opportunity to do so. But, as soon as I could, I arose and asked to have this paragraph passed over without prejudice, so that I might ascertain the real facts before I called the attention of the House to it.

The SPEAKER *pro tempore*. If the gentleman says he reserved all the rights that would originally have pertained to him——

Mr. HOLMAN. I intended to do so.

The SPEAKER *pro tempore*. Then the Chair will sustain the point of order that there is no law authorizing this appropriation, and the clause is therefore ruled out.

Mr. ELKINS. I desire to move an amendment to this bill, if it is not too late.

Mr. WELLS, of Missouri. I call now for the previous question on the bill.

Mr. FORT. Can that be done while there is an amendment to be offered?

The SPEAKER *pro tempore*. The bill is in the House, not in Committee of the Whole, and the majority of the House can determine whether the previous question shall now be ordered or not.

Mr. ELKINS. I desire to offer my amendment.

The SPEAKER *pro tempore*. If the previous question shall not be ordered, then the Chair will recognize the gentleman to move his amendment.

The previous question was seconded and the main question was ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF AND TAXATION.

Mr. MORRISON, from the Committee of Ways and Means, to which had been referred the bill (H. R. No. 1711) to revise and simplify existing laws imposing duties on imports and to reduce taxation, reported a bill (H. R. No. 3132) as a substitute therefor and moved that the same be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for two weeks from to-day, and from day to day until disposed of.

The bill was received, and read a first and second time.

The motion of Mr. MORRISON was agreed to.

Mr. COX. I move that an additional number of copies of this bill be printed for the use of the House.

The motion was agreed to.

TRANSFER OF THE INDIAN BUREAU.

Mr. SCALES. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the special order, the bill transferring the Indian Bureau to the War Department.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair.)

The CHAIRMAN. The committee will now resume the consideration of the bill (H. R. No. 2677) to provide for the transfer of the Office of Indian Affairs from the Interior to the War Department, upon which the gentleman from Georgia [Mr. COOK] is entitled to the floor.

Mr. COOK. "Give them hell" was the thrilling if not classic language with which the gentleman from New York [Mr. COX] opened his speech upon this question the other day. If he intended that remark to apply to the Army, as no doubt he did, those who heard the speech, and the public who have read it, must be satisfied that it was a success.

The gentleman offered some explanation, or rather some apology, for the very earnest and zealous manner in which he defended the Indians and denounced the Army, whom he regarded as their greatest enemies. The explanation he offered for the earnest manner in which he delivered himself was that he was some Indian himself. He told us that he belonged to the great Tammany tribe, and passed a high eulogium upon the character of his Indian ancestors. I looked through the list of Indian names in order to see if I could find among them the name of my distinguished friend from New York, [Mr. COX.] I was astonished when I ascertained that his name was not there. I found Spotted Tail, Sitting Bear, Sitting Bull, Big Indian, Crooked Indian, and a great many other names, but among them all I could not find his name; his name seems to have been omitted entirely from the catalogue of distinguished Indian chiefs. [Laughter.]

The gentleman, in alluding to the peace policy and the character and conduct of Indian agents, subagents, and supervisors, must have drawn his morals and his ethics from his Tammany Hall notion of what was right and proper; and he certainly studied the Indian policy when he went up into the mountain of Algeria and looked down upon 600,000 Kabyles below him.

This question is one of deep interest to the country. Upon the discovery of our continent the Indians were estimated at 3,000,000; they are now estimated at 279,000. Of this number we are told 105,000 wear citizen's dress; the other 174,000 dress in their native costume, shave their heads, and paint their faces. They have lived upon game and the products of the earth such as they could find. They have been driven across the country before the tide of civilization and development, until the Pacific coast now turns them back. The Indians now occupy but a small and insignificant portion of this country, and are surrounded on all sides by the civilizing or demoralizing influences of the white man.

How are we to dispose of these Indians? How are we to provide for them? That is the great question. I shall argue this question not from the view which would be taken of it by the gentleman from Tammany Hall looking down upon it from the mountains of Algeria, but from a common-sense view of it. I shall discuss it as a man bound by the obligations of his oath to deal with this question in such a manner as to do justice to the Government and also to these people, to administer in good faith the treaty obligations which have been imposed upon us from time to time through generations in the most sacred and binding manner. I shall consider the question, first, as a matter of economy—of simple dollars and cents to the tax-payers of this country. I shall consider it next as a question of justice to the Indians—a matter of integrity in reference to the payments due to them. Finally, I shall consider the peace policy.

Taking first the economical view of this question, I find on looking at the records that up to 1849, when the Interior Department was organized and the care of the Indians transferred to it, from 1840 to 1850 the expense of caring for the Indians was $13,079,000. The annual appropriations ranged from $1,000,000 in 1840 to $1,799,000 in 1849. From 1850 to 1860 the expenses grew to $19,627,000. From 1865 to 1876, under the peace policy which we are now pursuing, the expenses of the maintenance of these Indians, outside of treaty stipulations, amounted to $57,242,295. Last year we expended for the support of the Indians more than $7,500,000; and for the current fiscal year the appropriation is $5,780,000. It will be thus seen that during this period of thirty years the Government has paid for the support of these Indians, outside of treaty stipulations, $39,949,000. This is an extraordinary sum to be contributed by the Government mostly as charity. We have a right to look into and scrutinize these expenditures. As we are the donors and the Indians the beneficiaries, we have a right to examine this question and to pass upon it as a matter of dollars and cents. When we make these people our wards and bestow this bounty upon them, we have a right to scrutinize the expenditure and see that they get the benefit of it.

From the evidence of officers of the Army, from the testimony of

the Indians, and even of the Indian agents themselves, I am prepared to satisfy every man in this House who will examine the subject that year by year the Indians have never received one-half of the amount which has been appropriated for them. Of the appropriations made and the annuities provided for two years ago the evidence is that a large part has never been received by the Indians. A few years back the governors of Territories were *ex officio* the Indian agents; the money for the Indians in the Territories went into their hands; and we have the sworn testimony of a civilian, one of these peace men, that in one of those Territories only 25 per cent. of the amount appropriated by Congress could be traced to the hands of the Indians; that 75 per cent. of it was used by the governor for political purposes—for the purpose of organizing his Territory in the interest of the dominant party. That testimony is corroborated by every witness who testifies on the subject. The peace commission in 1868 was composed of as able and honest men as ever served this Government; yet when they looked into the frauds and rascalities perpetrated upon the Indians they recommended that every Indian agent should be removed or required to resign. The same thing occurred in the report made within the past year. The Secretary of the Interior was obliged to require all these new agents to resign; and the President became so well satisfied that he could not select men who would honestly and properly disburse the money appropriated for the benefit of the Indians, that he turned them over to the religious denominations of the country to see what they could do with them.

The Committee on Military Affairs have reported a bill which at a proper time I shall offer as a substitute for the bill reported from the Committee on Indian Affairs, because it is much more elaborate and perfect in its details. The Military Committee examined some seventy or eighty gentlemen, officers and civilians. They examined them without knowing when they commenced the examination what were their views upon this question. Among those examined were gentlemen of long service in the Indian country, one of them having had twenty years' experience, and others eight, ten, and fifteen years, among the Indians, in various positions, entitling their views to the respectful consideration of the country. The civilians whom we had before us trembled at the thought that the Army was to take control of these ignorant savages, who they apprehended would be turned back in their progress toward civilization. I believe myself that the Indian is capable of great advancement in civilization and education.

I would vote for no measure which would retard or in any degree interfere with or destroy or neutralize any efforts the Government may see proper to make, or which religious societies of the country may make. But we have seen a gross failure in this policy. We have seen the money wasted. We have seen the Indians not benefited by it. We have seen the people of the country taxed year by year. And now what is the spectacle presented by this bill? We are asked, Mr. Chairman, to appropriate to the various Sioux tribes from a million and a half to two million dollars, not one dollar of which do we owe. By the eighth article of the treaty of 1868 those Indians were to be clothed for thirty years and fed for four years. The four years are expired, and not having any further claims upon the Government, they have to depend for their subsistence upon what they can steal from the citizens in the Territories where they live, or what is given them.

Look at the peace policy and read what it has been, so far as the Sioux tribe of Indians are concerned. They have removed these Sioux Indians from the Missouri River to the Red Cloud and Spotted Tail agency, two hundred and fifty or three hundred miles from navigation. They have located them in a country which Sherman and Sheridan and Hancock and Ord and every man who has seen it, as well as the Indian agents themselves, say is wholly and entirely unfit for cultivation. They say that the sterility of the soil renders it impossible under the most skilled agriculture for these people to maintain themselves upon it. Your peace commissioners did this. Your Indian agencies did it.

I wish this House to remember one fact, that all these Indian agencies are established irrespective of the Army. They are established without any conference or consultation with the Indian Department. The Indian agent takes his tribe, the Indians committed to his charge, locates his agency, and then calls upon the Government to build a fort and send troops to protect him.

The gentleman from New York, [Mr. COX,] however, says they do not want these soldiers there. General Sheridan in his testimony says that he has four applications now pending before him, pressing for the establishment of four agencies and to send troops to those agencies to protect them. He had those four applications before him when he testified before a committee of this House. One of these agencies was at Devil's Lake. I do not know where it is, but it ought to be close by Hell Gate, near which the gentleman from New York lives. [Laughter.] The names of the two places have a fitness, at all events. [Laughter.]

One witness testified they found a little tribe on the borders of New Mexico, somewhere beyond the Rocky Mountains, and that the Indian agent gathered them up, established an agency, and called upon the Government to build a fort, and the cost of that fort to the Government of the United States was over $400,000.

Now at that time they had in their regulations a provision that you could not establish an agency with less than fifteen hundred Indians. In the case just referred to, however, the Indian agent counted fifteen hundred and twelve; and Captain Thompson, an officer of the United States Army, who was there, swore that he and his whole command had counted these Indians repeatedly, and they never did find more than seven hundred and fifty.

Captain Thompson also testified to another fact; that the money appropriated for seed and for agricultural implements was wasted, as neither seed nor agricultural implements were sent to them until the season had passed, but that these cruel, harsh Army officers, out of their own money, bought seeds and the Indians scratched them into the earth with their fingers.

The great expense to the Government from the peace policy grows out of the fact that these agencies are established in this loose way. Sheridan says that on the Missouri River they built forts costing the Government about $60,000, and then, without any good reason for so doing which anybody could give, the agent gathered the Indians together and moved them about sixty miles farther, to which place he asked the removal of the forts. General Sheridan refused to do it, when the Interior Department appealed to the War Department, and he was compelled to do it at an additional expense of from $60,000 to $80,000.

The gentleman from Tennessee, [Mr. YOUNG,] the other day when the question was discussed, asked whether we had heard from the Indians. I wish he was here now; I would like to tell him that we have heard from several of them. Here is what the commissioners say. I refer to the seventh page of the annual report of the commissioners; and this goes to illustrate how the money appropriated to civilize the Indians is expended. I want gentlemen to listen:

> Each of these agencies has a butcher who is paid $900 per annum for his services. There are also several employés at each agency who have little to do, and are paid $40 or $50 a month.

This is the wise and just policy under which you are paying $900 to have a butcher slaughter cattle for the Indian who has been killing buffalo beeves for all the years of his life! In addition you pay $40 or $50 a month to others to aid the butcher. Here is your economy. There are thousands of citizens in this city begging for what? Not for money; not for clothes; but begging for labor, employment, that they may earn an honest living. Yet here you are voting $900 a year to a butcher upon the distant plains, and $40 or $50 a month for his assistants, to slaughter cattle for the Indians!

In the minority report, and I wish to call especial attention to it, we are told the Indian Bureau furnishes the Indians with less valuable clothing than the soldiers, therefore costing less, and that it would be better, so far as economy is concerned, to abide by the present system.

Well, now, here is what the Indians say about the clothing. I ask the attention of the gentleman from Massachusetts, of the Committee on Indian Affairs, to this. This is from Mr. Blackfoot's speech made to the Indian agent, and this is what he says about the clothing the Indians get:

> We sell our land, and what do we get for it? We get a pair of stockings, and when we put them on they go to pieces. They get some old shirts and have them washed and give them to us; we put them on and our elbows go right through them. They send us tin kettles; we go to get water to carry to our lodges; we dip the water up, but it all runs out again. That is what we get for our land. Why do they not send us annuity goods?

That is the testimony of one of the Indians delivered to the Indian agent and recorded in the report of the Commissioner for 1873. There were several other Indians who gave similar testimony. I wish my friend from Tennessee [Mr. YOUNG] was here, that he might listen to it. This is what Napoleon said:

> We never saw any man as agent on the reservation who had pity on the Indians; they all frightened them. As soon as the new agent comes on the reservation the Indians go away; they wander all over the country, get whisky, and are killed.

These are the pious gentlemen that are going to civilize and christianize them.

> When some of our agents who are gone were here, there were many Indians on the reservation. The agents brought whisky on the reservation and drank it; the Indians thought it must be good and now they drink it. That is what killed the Indians, and we feel sad; that is what I want to tell you; that is what makes the Indians leave the reservation. There is no farm because there are no Indians to make it.

I ask the attention of gentlemen over there to this passage. This is another Indian's testimony:

> When the white people come as agents or superintendents they get rich. When the President sends a poor white man as agent, he says you must go to the Indians and work with them. The President sends the money, but the Indians never get a cent of it. We do not know where the money goes; perhaps it is drowned on the way. All these tribes receive no money from the President. We cannot say anything else; this is true. Listen to what we say, and take it to the President, and write back to us from Washington. You see these old Indians; they cannot go to school; they are too old. I was sorry when Father Chirouse went to the woods. I am not a priest; I am an Indian, not a white man.

He rejoiced that he was an Indian. Here is the testimony of another Indian. All these testimonies were given at a council of the Indians at which the Commissioner of Indian Affairs had a representative:

> Perhaps the President thinks all the Indians are good as they were to be under the treaty. But they are not; they are Indians still. I think there was plenty of money sent by the President, but I think much did not come here. Perhaps it gets scattered; really think it does not come. When it comes it is in calico; but I know there is more sent than gets here. Every agent gets rich that comes here.

Mark that. "Every agent gets rich that comes here;" and "perhaps it gets scattered."

> Mr. Hale, the superintendent, got rich off our money.

Perhaps somebody knows Mr. Hale.

He bought a steamboat with it. If all your white men knew how poor the Indian is, your hearts would ache; but they feel better when they see you. They tell their complaints, and they will go to the President. All the Indians are glad that you came. These old Indians never came before.

That is Frank who is speaking. The next is Spar. Here is what he says:

When the agents came they never taught us anything; never said, Go and fix your places. All they think of is to steal, to sell the reservation cattle and the reservation hay, to sell the fruit and get all they can, to go and log and sell them.

I do not understand that Indian phrase. Perhaps the gentleman from New York [Mr. COX] does.

Mr. COX. What is the gentleman reading from?

Mr. COOK. From the report of the Commissioner of Indian Affairs for 1871.

Mr. GLOVER. It means selling timber.

Mr. COOK. There is a member of this House, and perhaps he is within the sound of my voice, who lives in one of the Eastern States, and who told me the other day that a young man went out from his State as an Indian agent who was not worth a dollar on a salary of $1,500, and at the end of four years he returned to his native place and invested $150,000 in property. These people to take care of the Indian! They know that money is the root of all evil, and that if an Indian gets it it will ruin him; so they take care of it for him, I suppose.

I have not got much from the treaty—a blanket or two at a time. My people don't like this; they know the President sends more than we get. Governor Stevens said at the close of the treaty we would get rifles and shot-guns. Perhaps what Governor Stevens said was not true. Governor Stevens promised us a schooner. From this day I have heard some of the words Governor Stevens said. Hereafter I want you white men to find me work, so that I can earn something.

Mr. SCALES. The time having arrived when the House takes a recess, if my friend from Georgia will yield to me I will move that the committee rise.

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. GARFIELD having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the special order, the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

ADMISSION OF NEW MEXICO.

Mr. SOUTHARD, by unanimous consent, from the Committee on the Territories, reported back the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States, with amendments; and moved that the bill and amendments be printed and recommitted.

Mr. RANDALL. Not to come back on a motion to reconsider.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced to the House that the Senate agreed to the amendments of the House of Representatives to the bill (S. No. 417) for continuing the work of improving the Capitol grounds.

The message further announced that the Senate had passed a bill (S. No. 563) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof; in which the concurrence of the House was requested.

LEAVE OF ABSENCE.

Mr. LANDERS, of Indiana, by unanimous consent, obtained indefinite leave of absence, to date from Monday last.

S. S. TURNER.

On motion of Mr. HOAR, by unanimous consent, leave was given to withdraw from the files of the House papers in the matter of the petition of S. S. Turner, on which there was no adverse report.

The hour of half past four having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock, and was called to order by Mr. BLACKBURN as Speaker *pro tempore*.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole on the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. COX in the chair) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving in such crime, including payments for information and detection, $60,000.

Mr. FOSTER. I move in line 635 to strike out "60" and insert in lieu thereof "100," so as to make the amount of the appropriation $100,000.

Mr. RANDALL. Does the gentleman desire to speak to that amendment?

Mr. FOSTER. Just a moment, Mr. Chairman. This clause appropriating for the Department a sum of money for detecting and bringing to punishment parties who are guilty of crimes against the internal-revenue laws originated in the repeal of the detective system, or the moiety system. It is true, sir, that for the last year or two the sum expended for this purpose has not exceeded $60,000; that is to say, that a portion of this appropriation made by Congress has annually been covered into the Treasury; but I think it is unwise to reduce this appropriation to the lowest possible amount that the Department has in previous years expended. I would leave it at $100,000, fearing that circumstances may be such as to require that amount.

Mr. RANDALL. There remains unexpended, as I am informed, of the amount that was appropriated for the year ending June 30, 1874, $86,000. I think that $125,000 was appropriated for that year. For the year ending June 30, 1875, there remained $52,000 unexpended. I do not know the amount appropriated for that year, but for the year ending June 30, 1876, (the current year,) the appropriation was $100,000 and there remains now unexpended $67,000.

Mr. FOSTER. Sixty-seven thousand dollars has already been expended?

Mr. RANDALL. No, that amount remains.

Mr. FOSTER. Unexpended?

Mr. RANDALL. Yes, unexpended. I have here a statement of the amount expended from July, 1875, to the 1st of March, 1876, and it was $34,000. I had a conference this morning with Mr. Yaryan, and he told me that he did not believe that more than between $40,000 and $50,000 would be expended for this purpose before the 30th of June next. He said that $60,000 would be quite sufficient. I have here his letter, which I will insert in the RECORD as a part of my remarks. I will state, however, for the information of the gentleman from Georgia [Mr. HILL] that this money is expended, first, for expenses in discovering and breaking up illicit distilleries, &c.; second, for rewards for information of violations of law; third, for expenses of preparing transcripts of books of dealers in spirits and tobacco to detect frauds committed at distilleries, &c.; fourth, for expenses of watching distilleries to detect fraud, &c.; fifth, for expenses of witnesses not paid by court, &c.; and sixth, for the preparation of evidence to be used in the trials growing out of the late seizures.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 12, 1876.

SIR: In compliance with your request, I have the honor to inclose herewith a statement showing the amount that has been expended up to March 31, 1876, as per accounts that have been received and acted upon from the appropriation "for detecting and bringing to trial and punishment persons guilty of violating internal-revenue laws;" and also showing under several different heads the manner and for what specific purposes this amount has been expended. It is known that there are a number of similar accounts, particularly for rewards for information furnished for services prior to March 31, 1876, that have not yet been presented, and of course are not included in the above amount. The amount thus outstanding can only be estimated, but I presume it will not fall much short of, say $4,000.

Respectfully,

D. D. PRATT, *Commissioner.*

Hon. S. J. RANDALL,
House of Representatives.

Appropriation for "detecting and bringing to trial and punishment persons guilty of violation of internal-revenue laws;" expended from July 1, 1875, to March 31, 1876, as per accounts received.

1.	For expenses in discovering and breaking up illicit distilleries, &c	$10,363 00
2.	Rewards for information of violations of law	3,105 00
3.	Expenses of preparing transcripts of books of dealers in spirits and tobacco to detect frauds committed, distilleries, &c	4,350 00
4.	Expenses of watching distilleries to detect fraud, &c	1,334 00
5.	Expenses of witnesses not paid by court, &c	6,246 00
6.	Preparation of evidence to be used in the trials growing out of the late seizures	8,800 00
	Total	34,198 00

Mr. RANDALL. I wish to say in justice to this branch of the service, that the examination I made this morning indicated to me that none of this money is misused and some of it is used to very great advantage. In the neighborhood where these illicit distilleries are, information is regularly received of the coming of an internal-revenue officer; they get word of it, as it were by magic; it is telegraphed or communicated in some way. Some of this money has been used in the employment of persons unknown to the distillers, sometimes citizens of the very place or neighborhood where the illicit distilleries are carried on, and who can go among them and discover these frauds.

I confess that I looked with some degree of suspicion myself upon the expenditure of this money, but to-day's investigation at the Department convinced me that the money is not improperly, and certainly not dishonestly expended.

Mr. FOSTER. I withdraw my amendment.

Mr. HILL. I believe there is no amendment now before the House.

The CHAIRMAN. There is no amendment now pending.

Mr. HILL. Then I move to strike out the whole paragraph, so as to pay nothing for the purpose of paying informers. I believe, Mr.

Chairman, that the whole habit of employing informers in connection with the revenue service is exceedingly vicious. I believe, in the first place, that not one dollar is saved to the Government by that system. I believe from the investigation which I have given to the subject that the Government expends more in paying informers than it collects from the revenue; and I believe that the oppressions and wrongs inflicted upon the people fraudulently by these informers exceed tenfold, almost, the amount of any profit possible to the Government by reason of this system of informers.

In the first place, Mr. Chairman, I do not myself believe an informer. I believe that a man who enters into that business and agrees to become a scavenger for pay is unworthy of pay and is doing a great deal to demoralize the country. These oppressions, sir, are especially extravagant in some portions of the country. A large portion of the district which I represent here is composed of what are called the mountain counties. The population there are poor; they are laborers; and these informers go into that country and commit all kinds of depredations under the pretense of enforcing the revenue laws.

As evidence upon this point I ask the Clerk to read one of many letters I have received from that portion of the country.

The Clerk read as follows:

ELLIJAY, GEORGIA, *March* 10, 1876.

DEAR SIR: Since writing to you before, we have come into the possession of facts that go to prove beyond cavil that one of the most corrupt rings has existed for years in this country. A considerable belt of our country has been for years unmolested for the purpose of carrying on a trade in illicit whisky. Parties co-operating with revenue men have been very active in encouraging the running of these distilleries by getting hold of stills from revenue men, and selling them to different parties and inducing them to engage in the business, agreeing to buy all the whisky, and to protect them from interference, assuring them that they could control the revenue officials.

This trade has been carried on to a great extent as long as it was thought profitable or safe to do so. Now these same parties act the part of detectives, and have the stills and property all seized, the parties arrested, and then extort money from them by way of compromising their cases. Numerous instances have come to our knowledge of these kinds of transactions. In order to carry out their schemes and harass and oppress the people, and, we may say, add insult to injury, the most noted criminals and desperate and abandoned characters in the country have been employed to execute the laws. Such villains and vagabonds are honored with office and armed with power to oppress the people. We need an investigating committee to look into this matter. We have the evidence, and can unearth one of the meanest, if not one of the biggest frauds that have been perpetrated in the name of law. If we cannot get a committee, then let the Departments send us a detective, and we can put him in possession of the facts.

Our people are represented as outlaws, standing out in defiance of law, when the truth is our people have taken the matter in hand, and we can furnish the proof that at least in Gilmer County not a single illicit distillery exists, and the people do not intend to tolerate one in the future. If we do not get relief in some way the people will actually suffer. In some neighborhoods nearly every man is either arrested or taken off as a witness, to attend for weeks in Atlanta, right at the time they ought to be engaged in their crops. We presume that you are aware of the fact that most of these violations are of the most frivolous and trifling character, involving but little in value to the Government, and the parties are arrested only for the purpose of securing fees and rewards out of the Government or of extorting money out of the parties by way of compromise. These are substantially facts and can be proved when necessary.

Many of these warrants are sworn out upon pretended information by deputy marshals, and a class of base characters in their employ are ready to commit them before the commissioner, and he has his office fifty miles from this place, the commissioner in this county having been removed before the work of destruction commenced.

With high regard, we are yours very truly, &c.,

J. C. ADLEN.
WM. ELLINGTON, *C. S. C.*
G. H. RANDELL, *Sheriff.*
J. R. JOHNSON, M. D.
J. M. WATKINS, M. D.

Hon. B. H. HILL,
Washington, D. C.

Mr. HILL. I wish to state to the House that I know these gentlemen personally, and they are entitled to absolute credit. Their statements establish the fact that these informers, in conspiracy with deputy marshals, some of whom I know, and some of whom have recently been detected in the commission of offenses——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I would like a little more time.

Mr. ATKINS. I will take the floor and yield my time to the gentleman from Georgia, [Mr. HILL.]

Mr. HILL. I thank the gentleman for his courtesy. I say these gentlemen are entitled to absolute credit. I have had that letter read to the House as a specimen of the letters I have received upon this subject. I have in my possession a long list of names of citizens who have been arrested and carried fifty miles, some of them in chains, and who are ready to testify that they paid for being released, and to state the sums of money each one paid to be discharged from arrest.

In addition to that, we have proof positive that hundreds of cases—I say just what I mean; hundreds of cases—have occurred in these mountain counties where parties have been arrested without the slightest evidence against them; and, there being no commissioner to try them nearer than Marietta, Cartersville, or Atlanta, from fifty to eighty miles, and being liable to be marched off on foot, and sometimes in chains, the informers have proposed to them to take a given sum of money to discharge them; and rather than be carried that distance many innocent men have paid the money.

Mr. HURLBUT. I notice that in this communication just read there was a request that the Government would send a detective down there.

Mr. HILL. Yes.

Mr. HURLBUT. Then it would not do to strike out this paragraph making an appropriation for the payment of a detective force.

Mr. HILL. My argument is for the purpose of showing that this system pays nothing to the Government and is a robbery of the people. I had an interview upon this subject with the Commissioner of Internal Revenue, and I called upon him for information as to the expenses of the prosecutions in this portion of the State of Georgia. He told me that the expense to the Government would average $135 for each person. Now, three out of four of those who are arrested and refuse to purchase their ransom are discharged as not guilty; about one in four is convicted. I learned recently, directly from a court which was in session last week, that a large batch of these persons had been brought down there and not one in ten was convicted.

Mr. RANDALL. Are these grain distillers or fruit distillers?

Mr. HILL. Some of them are not distillers at all; they are charged with distilling when they are not guilty.

Mr. RANDALL. There are only about twenty grain distilleries in all Georgia.

Mr. HILL. I know that.

Mr. RANDALL. And about four hundred fruit distilleries.

Mr. HILL. I understand that there is a small still of some kind that these officers have got up and carried among these people and encouraged them to use, in order to get up a pretext upon which to arrest them. In addition to that, these people are laborers, making their living by their own labor. They are arrested at this season of the year when if they do not plant their crops they cannot make any. I have made an estimate from the data furnished me, and adding the wrong to the people to the expense to the Government I cannot make it less than $500 a head. I have it from a judge of the district court that a month ago there were three hundred in jail there, and the poor creatures are often compelled to remain in jail three times as long as their sentences would be if convicted, for want of a court to try them.

Mr. RANDALL. There must be some mistake about the gentleman's statement. His estimate is that there are three hundred of these cases, costing $100 each, which would be $30,000. Now the records of the Department show that there was only $34,000 in the whole United States expended for this purpose during the last nine months.

Mr. HILL That is perfectly explainable. I understand from the Commissioner of Internal Revenue that the informer gets paid for only those that he convicts, whereas he fills the jail with innocent men who lie there for months before they can be tried. In addition to that, the larger number of those whom they arrest purchase their ransom. In that case the Government gets nothing. The proceeding is simply the levying of black-mail upon the people by these informers. The supervisor of internal revenue told me himself at the time three hundred were in jail that he had five hundred more reported and informed upon, and that really he did not know what to do.

Mr. HURLBUT. Why do you not indict those officers for conspiracy?

Mr. HILL. Why, sir, we have already commenced that; but what good will that do? How does that relieve these innocent people? How does that answer the argument that the Government is making nothing by this system of information and the people are being oppressed most alarmingly? You see by the letter which has been read something of the condition of affairs, and I learn by the papers that one deputy marshal has recently been indicted for highway robbery and another has left the country to avoid indictment. But that does not meet the evil. The trouble is that, under pretense of serving the Government, these officers are serving themselves. They are levying black-mail upon the people under pretense of collecting the revenue. I do not blame the Government in this matter; it is impossible that it can always have honest officials. I say the error is in the system. I have no faith in men who make it a business to turn informers upon the people.

[Here the hammer fell.]

Mr. HALE. Mr. Chairman, I do not know anything about the condition of things as portrayed by the gentleman from Georgia, [Mr. HILL,] because I have not had the opportunity of observation that he has had. But I agree with him fully; and I go further as to the Government by appropriations recognizing or encouraging the informer anywhere. Wherever such a provision is found in a bill before Congress, I go for striking it out. This paragraph I would amend by striking out the words "for information," because the whole system of encouraging the informer is contrary to what should be the spirit and practice of our Government. It is a thing that comes down from the repressive days of monarchy, from the days of irresponsible central power, under which bands of spies and informers have been accustomed to do espionage upon the private citizen, watching and waiting for him to report him to headquarters so that he might be haled before the authorities, and in many cases, as the gentleman from Georgia has said, black-mailed instead of fairly punished. It is a system upon which you cannot run the Government without the saddest and grossest abuses. It is a system which in our Government is less needed than under any other, because there is no part of our system for the collection of taxes in which we do not liberally provide regular officials whose duty, whether in the customs or the internal revenue, is to so patrol and police the land that all in-

fractions of the revenue laws shall be brought to light. If we have not force enough for this, I would increase the force; but I would not anywhere encourage the spy, the informer, the sneak, who, whenever he is inclined to inform, if he can get his money down from the man whom he proposes to inform against, will shut his jaws in secrecy instead of reporting to the Government, and therefore no benefit comes to the revenue.

It is a system that everywhere, in the Executive Departments here in Washington or elsewhere, should never be encouraged. We are likely any day here in Washington to fall into the condition of profound skepticism in the public mind in regard to all sorts of charges against any man, because of the encouragement given to the informer. No man's reputation is safe. No reputation, however much built up by good deeds in the past, is safe against the man who writes a letter or dispatch to some official or some committee that he has information against some one whose character he wishes to smirch. The gentleman from Georgia is right, but the evil extends further than the executive department, and I predict that as the result of the encouragement of the informer and black-mailer, the American people will sooner or later fall into the condition of skepticism into which the English people fell after the performances of Oates and Bedloe: they will believe nothing.

Mr. VANCE, of North Carolina. Mr. Chairman, in addition to what has already been said, I desire to bear my testimony in this matter. The laws ought to be so fair, so just, and so equitable that all good men in the country would desire to see them carried out. There is now so much opposition in the minds of the people of the country against spies and informers that they do not feel that interest in having the laws enforced which they otherwise would. It is my opinion that the system of spies and informers, instead of being a benefit to the country in collecting the revenue, really amounts to an obstruction in the collection. The juries of the country have so little confidence in the testimony of hired informers—men who come forward and testify for pay—that they very seldom will find a verdict on that side upon which these informers have sworn.

I am opposed to this system of spies and informers from principle. It is not an American idea. It does not become a Government like ours, a Government of a great and a free people. It is an idea that we borrowed—and I am sorry we ever borrowed it—from tyrants who instituted a system of watch and espionage upon the people in order to carry out their own ambitious designs. I am opposed to it. What we need is to simplify the collection of the internal revenue. We do not need to have, as we now have, hired spies and informers, and also deputy marshals traveling all through the land with pistols buckled to them.

What we want is more faith in the people—that is what we want in order to collect the internal revenue. I hope the time is coming, and is near by, when a man's oath will be worth something. We look back to the good old times when a man rendered an account of his taxable property upon oath, and it was believed. Now how is it? You have a man with a long stick, with notches in it, to measure the barrel, and you have another to act as store-keeper, and you have a man's distillery tied up all round with a padlock as big as a peck upon everything connected with the concern. Now, what is the impression made upon the people by this? That a man's oath is not worth a cent, and you have to hire men and pay them often more than the revenue is worth to watch them.

I am praying, Mr. Chairman, for the time when a man's oath will be regarded as something valuable. I tell you, sir, a great deal of oppression is in the country through the workings of the Internal-Revenue Bureau. The people of the country desire to love this Government and its laws, but in many places they are oppressed; they are ground to powder through the workings of this internal-revenue law.

What we want is to simplify the collection of the internal revenue. And just here permit me to state a case of oppression which occurs to my mind, while I am on the floor. It is this: A man hired his team to another, and in about two hours afterward the man who had hired the team was accosted by one of these detectives, and inside of the wagon was a jug with a gallon of spirits in it; and what was the result? The owner of the team was arrested and carried off to jail. His property was taken from him. It is true when he came to stand the test in court he was cleared, but it cost him $110, although he was innocent. That grew out of this system of spies.

Now, Mr. Chairman, is the time; let us strike out that paragraph. No more spies and informers for me, and I believe that is the wish of the country.

Mr. RANDALL. The Committee on Appropriations are not responsible in any degree for a practice such as the gentleman has animadverted upon. The committee found that practice in existence. They found by reason of the estimate that the Department believed it to be necessaay for the collection of the revenue, and they were unwilling to throw any obstacle in the way of the faithful collection of the internal revenues.

Now I wish to re-affirm deliberately here what I said previously when upon the floor, that the administration of this fund, so far as I know, and so far as I am able to find out, has been honest and upright. It was under this fund, and by the officer in charge of it, that your Saint Louis frauds were exposed and those engaged in them brought to punishment. The same is true of Milwaukee. The same is true of Chicago. Is there anybody here who believes that the moneys expended for those purposes were spent in vain?

Mr. HALE. Does he know in the cases to which he is referring any money has been paid to informers?

Mr. RANDALL. I do not know it has been paid to informers, but I do know that through the agency of the Bureau this gentleman presides over the Secretary was first informed of the Saint Louis conspiracy to defraud the revenues of the country.

Mr. HALE. Undoubtedly.

Mr. HILL. I should like to ask the gentleman from Pennsylvania a question.

Mr. WIKE. I hope the gentleman from Pennsylvania will yield to me.

Mr. HALE. I understand the gentleman from Pennsylvania yields to me.

Mr. RANDALL. I yield to the gentleman from Maine.

Mr. HALE. I believe you must keep up the detective force, but the informer is the man I would strike at. I do not believe in the cases referred to by the gentleman a dollar has been paid from the Treasury to any informer.

Mr. RANDALL. I measured every word I uttered a moment ago, and I stand ready to bring the proof from the Department to the truth of what I stated.

Mr. HALE. Does the gentleman know any money was paid to informers?

Mr. RANDALL. I do not know whether any money was paid to informers or not.

Mr. HILL. I should like to ask whether it was not done by the special agents which we provided for last night?

Mr. RANDALL. I know the Bureau in charge of this officer, by his industry, by his integrity, first brought, as I am informed, to the notice of the Secretary of the Treasury the conspiracy in which the chief clerk of the Treasury Department, Mr. Avery, was engaged.

Mr. HALE. He is an officer, not an informer.

Mr. HILL. That is it; not an informer.

Mr. RANDALL. I did not say he was an informer.

Mr. HALE. That is all the point I make.

Mr. WIKE. I wish to ask the gentleman from Pennsylvania as to the propriety of the action of this House in reference to the celebrated letter of Mr. Pierrepont concerning this very matter——

Mr. RANDALL. I did not hear the gentleman's question.

Mr. WIKE. Unless your position is correct, we cannot animadvert upon the proposition of Mr. Pierrepont in reference to his letter.

Mr. RANDALL. Why, sir, Mr. Pierrepont's letter, if it meant anything, meant or had this effect, whether that was the motive or not, to interfere with the punishment of these people.

Mr. WIKE. That is it exactly.

Mr. RANDALL. But I want to say deliberately to the gentleman from Maine, [Mr. HALE,] and other gentlemen on that side of the House, that if they do not want this money for the purposes for which it is sought, then it is not for this side of the House or the Committee on Appropriations to insist upon it. But you must not come forward and say that we have interfered in any respect with the full collection of the internal revenue or the punishment of fraud.

Mr. HALE. This is not a party question at all.

Mr. RANDALL. This section says nothing about informers.

Mr. HILL. Yes, sir; it does.

Mr. HALE. I desire to ask the chairman whether any formal amendment has been offered since my amendment to strike out the words "information and?"

The CHAIRMAN. The Chair will state to the committee that the rule has not been observed exactly in the mode of debate—five minutes for and five minutes against an amendment; that should have been observed.

Mr. HALE. I only wish my amendment should be the one first voted on, to strike out the words "information and," before the amendment of the gentleman from Georgia to strike out the entire paragraph.

Mr. ROBBINS, of North Carolina rose.

The CHAIRMAN. Does the gentleman from Maine insist on a vote on his amendment?

Mr. HALE. Yes, sir.

Mr. HILL. I desire to say a word on the amendment of the gentleman from Maine.

The CHAIRMAN. Debate is exhausted on this amendment, which is an amendment to an amendment.

The question being taken on Mr. HALE'S amendment to the amendment, the Chairman stated that in the judgment of the Chair the ayes had it.

Mr. HOLMAN. I call for a division.

Mr. GLOVER. I think the gentleman from Maine is mistaken in the effect of his amendment.

The CHAIRMAN. Debate is not in order.

Mr. BURCHARD, of Illinois. I hope the gentleman will allow it to be debated before it is pressed to a vote.

Mr. HOLMAN. I have called for a division.

The committee divided; and there were—ayes 42, noes 84; no quorum voting.

So, further count not being demanded, the amendment was rejected.

Mr. ROBBINS, of North Carolina. I move to strike out the last word.

I was in hopes that the gentleman from Pennsylvania, [Mr. RANDALL,] when he arose a while ago, had risen to accede to the proposition of the gentleman from Georgia to strike out the entire paragraph. I am in favor of striking it out. And for the reason, Mr. Chairman, that if the laws are good, and the people are capable of self-government, they will execute the laws without the intervention of these paid secret agents. This system of spies and detectives is growing upon our body-politic as a fungus, that ought to be eradicated root and branch I think we have seen enough of how this system works in these later days to satisfy us how evil and injurious the system is.

My district, sir, is one of the grand theaters where this kind of work is done, which was spoken of so well by my friend from Georgia, [Mr. HILL.] There is a system of oppression and of black-mailing and underhanded dealing with the people there which I trust this House will grant a committee to go and investigate before the session shall come to an end, in order that these abuses may be corrected.

I need not go into the details. If I had time I could consume hours giving you a history of the extraordinary oppressions and frauds that are perpetrated there against the people, not against the law by the people, but against the people by these professed agents of the law, these accredited agents and detectives and spies and informers.

I think myself, sir, that the whole internal-revenue system ought to be abolished, and a tariff fixed by which we could raise enough money to carry on the Government upon economical principles. I am well satisfied that the internal-revenue system ought to be abolished entirely, because it is such a grand engine of tyrannical power. Your Executive has a representative in every neighborhood that is advocating his personal cause. And to-day the President of the United States can get the vote of every one of them for emperor in my section of the country; because, if he were in for life, they would be in for life. They have no principle, and they go in only for the spoils and for office.

The system, Mr. Chairman, ought to be abolished; and, if it cannot all be abolished, let us at least strike out this paragraph and remit the execution of the law to the law officers of the Government and the honest disposition of the masses of the people to see all laws executed so far as they are right and equal and fit to be executed.

[Here the hammer fell.]

Mr. HOUSE. The same voice that comes from Georgia and from North Carolina comes from nearly every State in the South and the West in reference to these spies and informers that are turned loose upon the people in the shape of deputy marshals; they are the same as spies.

I agree with the gentleman from North Carolina first up [Mr. VANCE] that the idea of a government turning loose upon its citizens a horde of detectives is an un-American idea and is beneath the dignity of this American nation, or country, or whatever you choose to call it. I believe it is disputed on this floor what it should be called. [Laughter.] If it is a Republic, the practice is unrepublican. If it is a nation, it is not national and not respectable. They talk about these detectives bringing guilty men to punishment. Where they bring one guilty man to punishment they oppress a hundred innocent men. They are wholly unworthy of credit, Mr. Chairman, in a large majority of instances. I should feel, Mr. Chairman, if I were to hang a dog upon their testimony, for the balance of my life that I had been guilty of murder. [Laughter.] Here is the Government turning loose detectives on its citizens and paying them for works of informing and oppression out of the National Treasury. I say, sir, it is anti-republican and ought not to be tolerated, and is a disgrace to the nation which ought to be wiped out by striking out this section. This system does no good, sir, but it oppresses the citizens of the country. Why, sir, I am receiving letters every day as a member of the Committee on Expenditures in the Department of Justice upon this subject, and there is a universal cry coming up from every part of the country against these infamous men who are paid by the Government to do their work of oppression, and in nine cases out of ten, ay, sir, in ninety-nine cases out of a hundred, on innocent men, whom they oppress and black-mail and drive from their homes or throw into prison.

[Here the hammer fell.]

Mr. HOLMAN. I have but one word to say, and then I desire to appeal to the committee to close debate upon this paragraph. We have largely reduced the appropriations as gentlemen know, on page 25 of this bill, for store-keepers, agents, surveyors, gaugers, &c.; we have largely reduced the appropriation for this purpose, reduced it indeed to the extent of over half a million of dollars, and out of that appropriation heretofore quite a large number of agents have been employed. An appropriation of $100,000 has been made annually for the purposes contemplated in the paragraph proposed to be stricken out. I do not think the House should take upon itself the responsibility of contravening the views of the acknowledged competent and honest head of an important Bureau by refusing him a reasonable appropriation for the purpose of employing agents to prevent frauds on the public revenue, and that he asks this is known to every gentleman here. I was willing to reduce this appropriation to $40,000. I was willing to reduce the appropriation for store-keepers, agents, and other subordinates employed in his Bureau to the extent of $600,000, but I insist that some reasonable regard should be paid to the views of this official, a gentleman of acknowledged ability and of acknowledged integrity, and who is at the head of one of the most important Bureaus of the Government.

Now, without consuming the time allotted to me, I ask unanimous consent that the debate upon this paragraph shall cease now; otherwise I shall move that the committee rise for the purpose of moving in the House to close debate, with the consent of the chairman of the Committee on Appropriations. I now ask unanimous consent that the debate cease now upon this paragraph.

The CHAIRMAN. Is there any objection?

Mr. FOSTER. I object.

Mr. HOLMAN. I move, then, that the committee rise for the purpose of closing debate upon this paragraph.

Mr. FOSTER. I hope the gentleman will allow me five minutes.

Mr. HOLMAN. I will consent to allow ten minutes' debate when we go back into the committee.

Mr. FOSTER. The debate has been all upon the other side of the House.

Mr. HOLMAN. I ask, then, unanimous consent that the debate on this paragraph be limited to ten minutes.

Mr. CANNON, of Illinois. Say fifteen minutes?

Mr. HOLMAN. O, no; Mr. Chairman, I move that the committee rise.

The motion was agreed to; there being on a division—ayes 71, noes 58.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the legislative, &c., appropriation bill; and pending that motion I move that all debate on the pending paragraph be limited to ten minutes.

Mr. HILL. Say fifteen minutes.

Mr. MILLS. I move that the House do now adjourn.

The question was put; and on a division there were—ayes 30, noes 84.

Mr. MILLS. I call for the yeas and nays.

Mr. HOLMAN. I trust that the gentleman from Texas will not consume the time of the House in this way. How much time does the gentleman want?

Mr. VANCE, of North Carolina. Thirty minutes at least. [Cries of "Regular order!"]

Mr. HOLMAN. I now ask unanimous consent that when the House again resolves itself into the Committee of the Whole on the state of the Union debate be limited to fifteen minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. CANNON, of Illinois. I hope the gentleman will make it twenty minutes.

Mr. VANCE, of North Carolina. I object; if the gentleman will say thirty minutes, I think that will give satisfaction to everybody; gentlemen wish to discuss this question.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. HOLMAN. Then I will ask unanimous consent that debate be limited to twenty minutes, and I stand by that.

Mr. SCALES. Say thirty minutes?

Mr. MILLS. I object.

The SPEAKER *pro tempore*. Objection being made to the proposition of the gentleman from Indiana, [Mr. HOLMAN,] the question is upon the demand of the gentleman from Texas [Mr. MILLS] for the yeas and nays upon his motion to adjourn.

The yeas and nays were not ordered.

Mr. ATKINS. I call for tellers on the motion to adjourn.

Mr. HOLMAN. O, no; I hope not.

Mr. ATKINS. Very well; I will withdraw the call for tellers.

So the motion to adjourn was not agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Indiana [Mr. HOLMAN] that when the House shall again resume the consideration in Committee of the Whole of the legislative, executive, and judicial appropriation bill all debate upon the pending paragraph shall be limited to twenty minutes.

Mr. MILLS. Is that motion debatable?

The SPEAKER *pro tempore*. It is not.

Mr. HOLMAN. I have moved that debate be limited to twenty minutes; that motion, I believe, is amendable.

Mr. VANCE, of North Carolina. I move to amend so as to limit debate to thirty minutes.

The amendment was agreed to, upon a division—ayes 77, noes 57.

The motion, as amended, was agreed to.

The motion to suspend the rules and resolve the House into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the

consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending paragraph will be limited to thirty minutes.

Mr. BURCHARD, of Illinois. I move to amend by striking out the last word. I hope that the gentlemen from North Carolina, Tennessee, and Georgia, who have so eloquently described the acts of revenue officers and informers in prosecuting those who have been engaged in committing frauds upon the revenue, are not pressing this motion to strike out the pending paragraph upon the same principle that a gentleman from the South a short time ago said was the platform upon which he was elected to Congress. He said he went before the people of his district advocating free whisky, and was elected upon that platform. Now, it seems to me that that is what this proposition means, although I will not say that is what gentlemen intend by it.

There are frauds upon the revenue; there is illicit distilling largely engaged in in many of the States where the legitimate manufacture of distilled spirits is not profitable and cannot be profitably carried on. This gentleman said, by the bye, that his people were in favor of free whisky, because corn down there was worth only about a dollar a bushel. From a bushel of corn you can make three gallons of whisky, and if there was no tax of seventy cents a gallon to be paid on it it would yield at the rate of $3 for the bushel of corn. Upon that argument the gentleman said he went before the people of his district, and they believed him and elected him to Congress.

Gentlemen speak of the prosecutions for infractions of the internal-revenue law. In North Carolina during the last fiscal year there were three hundred and seventy-four convictions for violations of the internal-revenue law; in Georgia there were one hundred and one convictions; in Tennessee there were three hundred and ten convictions. The persons convicted were men engaged in the illicit manufacture of whisky, who want free whisky down there. The gentleman from Maine [Mr. HALE] has been very eloquent here, almost vieing with the gifted Irish orator in his condemnation of informers.

Mr. JONES, of Kentucky. I would like to ask the gentleman——

Mr. BURCHARD, of Illinois. I cannot yield.

Mr. JONES, of Kentucky. The gentleman has told us how many were convicted. Will he tell us how many were arrested?

Mr. BURCHARD, of Illinois. Do not take up my time. The gentleman from Maine [Mr. HALE] has spoken about informers. It has been found necessary in every government to make use of these means of detecting frauds of this kind.

The Committee of Ways and Means of the last Congress, after a long investigation of the subject, reported a change of the old system of giving to the informer a moiety of the amount collected in the prosecution of any person against whom he furnished information of violating the internal-revenue laws. We abolished that old system and gave to the Secretary of the Treasury and the Commissioner of Internal Revenue a fund from which to pay the men who legitimately gave information, to pay them what their information was worth. The Department was to depend upon that means for the detection and prosecution of frauds. And the chairman of the Committee on Appropriations, [Mr. RANDALL,] with a magnanimity which I admire and which is creditable to him, has testified here to the honesty and efficiency with which that money has been expended.

It seems to me it would be most unwise and foolish for this House to repeal all that is left of our old system, to refuse to appropriate the paltry sum proposed here of $60,000, which this bill proposes to put in the hands of the Secretary of the Treasury for the detection and punishment of frauds. I do not believe that this House in its madness, although informers may not be popular on the one side or the other, will strike out this small appropriation for the sake of yielding to what I regard as a sentimentality.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I have listened to the gentleman from Maine, [Mr. HALE,] the gentleman from Georgia, [Mr. HILL,] and I believe two gentlemen from North Carolina, as well as to my colleague, [Mr. BURCHARD,] with some pleasure. I cannot, however, agree with all of them. To hear gentlemen talk here we might suppose that some man was ready with some new invention, some patent-right, some law that ought to be patented, which would execute itself; that gentlemen were in favor of ushering in the millennium by legislative enactment, so that there would be no necessity for executing the laws, for the reason that everybody would be honest and do right. Now, then, my experience in a somewhat limited practice of the law teaches me that you must resort to every legitimate means possible to detect and punish the class of men who feed and fatten upon the body-politic by evading the law and in defiance of the law; and while I do not fall in love with the informer, yet I must say I have no admiration for bad men who by evading the law sometimes make the employment of informers necessary for the protection of society in the enforcement of law. Why, sir, if a dog could testify and lead to the elucidation of truth, I would take the testimony of the dog for what it was worth. The question is not whether the informer or the spy is a lovely man; the question is whether the law can be enforced and the revenue collected without some such assistance. But to hear some gentlemen talk as they have been talking here, I am inclined to think they certainly must have constituents who are in favor of revenue laws but against their enforcement.

Now, one word as to this matter of moieties of which gentlemen have spoken. I took no part in the discussion of that question, although I was a member of the Forty-third Congress which acted upon it. I understand it to be a fact, however, (and, after all, facts are better than theories,) that to-day an honest importer in this country cannot compete with the smuggler and at the same time do justice to his business and make a fair profit. These are matters for us to think about; and I commend to the gentleman from Georgia this fact, to which I have called attention before, that his State of Georgia, with its four hundred and nineteen distilleries, pays as internal-revenue tax only about $370,000 annually, all told. The truth is, I suspect, that the taxes ought to be collected more strictly down there, notwithstanding all the oppression which he says has existed in that State.

Now, my notion is that under our form of government there is not much danger of anybody being oppressed. The courts are open. Writs can issue. Certainly there is not much danger to personal liberty in this country when you can sue out your writ of *habeas corpus* before almost any court in any county through the whole land. There is not much danger when you can resort to your action for malicious prosecution, and bring the whole power of the body-politic for the protection of the rights of the humblest citizen. My belief is, at least it is so out in Illinois, (however it may be in Georgia and North Carolina,) that the men who make the greatest outcry about personal liberty and set up a howl about persecution in the enforcement of the law are ordinarily the men who are most ready to break the law, and make the outcry for a purpose.

Mr. HILL. Mr. Chairman, I desire merely to correct an error into which my friend from Pennsylvania [Mr. RANDALL] has fallen, and under which some other gentlemen seem to labor. In the first place, the cases to which he alludes have nothing to do with this paragraph. We provided last night for a corps of special agents, and it is through these special agents, as I understand, that the discoveries to which the gentleman alludes have been made; they have not been made by any ordinary spy or informer.

Mr. HOLMAN. The ten special agents provided for last evening are to be employed in the collection of customs, not in the internal-revenue service.

Mr. HILL. Again, for these large distilleries you can employ a corps of special agents; there is no impropriety perhaps in that. These informers or spies do not commit their mischief with large distilleries, or in thickly-settled portions of the country, or where communication is easy. They go off into the mountains, into the interior, away from the cities, and there they perpetrate these wrongs upon the people.

The gentleman from Illinois [Mr. CANNON] says that the State of Georgia paid only about $387,000 of internal revenue last year; and I will venture to say that the poor people of the mountains paid almost as much in the shape of black-mail to these miserable informers. None of these complaints come from our large cities or our regular distilleries. As the President said, wisely and kindly and justly, they apply to cases where men perhaps do not make more than a jug of whisky. Why, sir, of these cases in Georgia where these outrages have been committed, I do not believe there is one where the revenue would exceed $10. They are exceedingly small cases where the informer does his mischief; for these people, being arrested, rather than be carried from fifty to eighty miles will often pay the black-mail. Those unwilling or unable to do so have to be carried a considerable distance and lie in jail for several months for want of a court to ascertain whether they are guilty or innocent. Now this whole paragraph, in my opinion, relates solely to information. It is true it says "for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws," but the words "for information" are added. You can provide for special agents; there is no trouble about that. It can easily be done in the case of internal revenue as in the case of customs, if gentlemen be right.

One more remark. It is said that the Commissioner of Internal Revenue desires this clause and is in favor of this system of informers. I did not so understand him, and I do not understand the gentleman to say the Commissioner told him he was in favor of this system of informers. Certainly that was not his conversation with me. I spoke with him on the subject. He spoke in the most contemptuous terms of spies and informers, and went so far as to ask me a question which I feel at liberty to state, why our people did not kill them. He made the further remark: "It is a system the Government employs; these people are entitled to the money; they say they have informed and have convicted so many; they claim the money and I must pay it to them." He never said one word in favor of the system of informers. Everything he did say on the subject left the impression clearly on my mind that he looked upon it as an odious system, and certainly that he enforced it from necessity. I did not understand him to say he was in favor of it. He repeated the question, why our people did not kill them.

Mr. RANDALL. Why does he estimate for this item?

Mr. HILL. He says it is the system. I did not ask him the question; I did not ask whether he was in favor of informers or not, but I know he spoke of them in the most contemptuous manner. He repeated the question, and asked why our people did not kill them if we had the evidence. I told him we had the evidence, that these miserable creatures were ruining innocent and unoffending citizens. The last information I had was that a respectable lady was about to

die because of their brutality. They go into the country and make these arrests at midnight.

Mr. HURLBUT. Why not indict them?

Mr. HILL. How can we do it? These poor people have but little money; the Federal courts alone have jurisdiction, and they are from fifty to sixty miles away, and these people would rather pay blackmail than indict or go to jail fifty or sixty miles off.

Mr. CONGER. Do they make the whisky?

Mr. HILL. Some of them do and some of them do not. If the gentleman had been here when I had the letter read, he would know that most of the illicit distillation which takes place is because of conspiracy with these informers. These informers encourage them to illicit distillation, assuring them they can protect them from the internal-revenue officers, and when they get them to distill they inform upon them. That I have already shown.

[Here the hammer fell.]

Mr. FOSTER. It strikes me, Mr. Chairman, this discussion has proceeded upon a false assumption. As I understand it, there is not in the employ of the Internal Revenue Department a detective to-day, and has not been for two years past. The people complained of by the gentleman from Georgia are undoubtedly the regular officers of the Department. They are not informers; there is not an informer in the Department. They may arrogate to themselves that quality.

Mr. HILL. They have informers who have acted with worthless officers.

Mr. FOSTER. I think the gentleman is mistaken.

Mr. HILL. The letter read stated that fact; that there were officers and also informers.

Mr. FOSTER. The gentleman is mistaken.

Now, Mr. Chairman, I thank God I have no record to make on this question. I fought these informers years ago, and to-day for the fight which has been made by the Committee of Ways and Means of the last House the number of these gentlemen is very greatly reduced.

I agree with much that has been said about this class of people, and the impolicy of their employment. But what do we see to-day? Gentlemen on the democratic side of the House denouncing these informers, and yet, I undertake to say, there is hardly a dirty fellow of this kind in the country but what is here to-day testifying before some committee, and the House has passed a law to protect him in doing that sort of thing; paying hundreds of thousands of dollars out of the Treasury for the purpose.

Mr. HOLMAN. Sixty thousand dollars.

Mr. FOSTER. I despise this sort of people as much as any man can, and I have made my record years ago.

Now what is it the gentlemen from the South complain of?

Mr. HILL. I ask the gentleman this question. Do not these gentlemen who come here to testify get pay for their information?

Mr. FOSTER. They undoubtedly get pay. Most of them come here for that purpose; they will not come here without it. I find no fault with it, and unless I may be misunderstood I say go on with your investigation. They may hurt republicans, they may damage republican candidates for the Presidency, but I suppose the country will be the better for it. I say go on with it; probe them to the bottom; bring on your informers and pay the bill; but do not stand up here and denounce them when you are using them yourselves.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. FOSTER. The gentleman must excuse me. I decline to yield.

I understand something of this matter about which so many of the gentlemen of the South are complaining. It is a most difficult question to manage. All over that country, to the number of more than five thousand, are small fruit distilleries. These men have been engaged in this business from their early youth, and their fathers and their grandfathers before them. They hardly know that they are committing a crime when they thus manufacture illicit whisky. It is a most difficult question to deal with. I pity them, and if I was omnipotent I would try to inaugurate some plan that would bring them relief. That they cheat and defraud the revenue in every district of the South is unquestionable. But I do not make any great complaint against them. They do not know any better. Whisky is a great part of their meat and their drink, and has been always so.

The gentleman from Georgia [Mr. HILL] must know that the bare statement of the case shows that the people of that State do not pay the tax on the whisky they make. There is collected from spirits $200,000 in that State. There are there four hundred fruit distilleries and twenty-one grain distilleries. It is evident from these figures beyond all question that the people of Georgia do not pay the tax on a vast amount of the whisky they manufacture. But how are we to better this? I wish we had better agents in Georgia. I am sorry to hear of a bad one anywhere. But the people complain of these agents in Saint Louis, in Chicago, and in Milwaukee, and they will complain of them perhaps everywhere that the law is violated.

Mr. BLACKBURN. Before the gentleman from Ohio takes his seat I want to ask him whether he is entirely sure he is correct in the figures he has just submitted?

Mr. FOSTER. To what does the gentleman allude?

Mr. BLACKBURN. The gentleman from Ohio said that $200,000 is the amount collected from the distillation of spirits in Georgia. Is not the amount $337,000?

Mr. FOSTER. That is the total collection. The exact amount collected from spirits, I should have stated, is $151,000.

Mr. SINGLETON. I move to strike out the last two words.

It seems to be the established policy of the Government of the United States to raise a large proportion of its revenue by a tax upon the manufacture of spirituous liquors. And if we are to adhere to that system we certainly ought to take all means necessary for the purpose of detecting frauds upon it. Why, sir, it is a well-known fact that there have been more frauds committed in the direction of the manufacture of whisky than there have been in all other matters connected with the revenues of the Government.

Now, if we propose to raise revenue from this article, what objection can there be to obtaining information from every available source, come from what quarter it may, for the purpose of detecting those who undertake to violate the law? I take the ground that if a man is honest and does not intend to violate the law then this clause will never reach him. If he be dishonest and does violate the law we ought to have all the information obtainable in regard to his transactions, that he may be punished.

Why, sir, look at the trials that have been had lately. You see how men in high places have been brought down from their positions in society and degraded on the very ground that they have been engaged in this thing of defrauding the Government revenues of the tax upon whisky. What objection can there be to the provisions of this section of the bill on the part of men intending to be honest and meaning to obey the law and pay the tax that is exacted by it? And if they do not, then there is the stronger reason why we should make the law even more stringent, if possible, than this section now provides.

That is the view the committee entertained on this question. I know there have been some detectives, some men engaged in this business who have at times gone beyond the line of their duty. We are all aware of that fact. But shall we because of that abuse of the system remove all restriction upon illicit distilling, banish all safeguards against fraud upon the revenue, and turn men loose actuated by greed of gain, even at the expense of the solemn enactments of Congress? Shall we dispense entirely with these detectives and allow lawless individuals to go on *ad libitum* in the manufacture of this article and defraud the Treasury of the money now flowing into it from this source? As long as we undertake to make the manufacture of spirituous liquors a source of revenue we should throw around it all the safeguards necessary to accomplish the end proposed. I think the lesson which has been taught by the recent convictions will tend to rid us of the fraud and corruption which have been brought to light. I think the detections which have taken place and the punishments visited upon guilty parties will have a tendency to purge the country of these evil-doers.

And there is another thing I desire to say to friends on both sides of the House, which is, that I look very shortly to see inaugurated a new administration, that we shall have a democratic President, and then we may look for honest office-holders, and have but little use for informants or detectives.

[Here the hammer fell.]

Mr. YEATES. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Mississippi, and to submit a few remarks upon this important question. I dislike very much to hear a poor and honest people denounced as I have heard it done to-night, especially as my friend's distinguished colleague, General GARFIELD, announced here last night that the object of this law, inaugurated and put in operation by the republican party and by a republican administration, was to crush out the business of distilling on a small scale, and I want it to go upon the record, so that the people may read it, that that distinguished gentleman from Ohio said last night that that was the policy and the object of the law.

Now, sir, if that is the case, the object of the law has been to suppress honest labor; for these small distillers have as much right to manufacture whisky as the large distillers.

Mr. WHITE. Will the gentleman allow me to interrupt him a moment?

Mr. YEATES. No, sir; I have but five minutes. I say that the object of this law has been to root out the business of poor men in our country. I will admit that there has been some fraud there, but I deny that there has been one tithe of the fraud there that has been perpetrated where the large distilleries are. If we have had some bad whisky, we have had very little crooked whisky. I want to say, Mr. Chairman, further, that these very informers came into the mountain country of North Carolina, Tennessee, and Georgia, and indicted and convicted and sent to the penitentiary the poor men of that country; but when we bring these same informers here and endeavor to obtain their evidence against the big rogues and thieves, gentlemen on the other side howl and prate about their ignorance and corruption, and denounce them as unworthy of belief. I want the country to understand that the gentleman from Ohio said that the policy of this law inaugurated by the republican party was to root out the employment of those people in the mountains of North Carolina, and which gives to the large distillers of Ohio and other States a monopoly of the manufacture of whisky. Of this injustice I protest; and that is all I have to say.

Mr. BUCKNER rose.

Mr. HOLMAN. Debate is exhausted under the order of the House.

The CHAIRMAN. There are two minutes left for debate.

Mr. BUCKNER. I shall occupy but a very few moments. I have no doubt of the correctness of the representations made by my southern friends as to the wrongs perpetrated in the execution of this law, but I beg to remind them that it is an abuse of a bad system, and that system is the collection of revenue from whisky.

Sir, I wish here to enter my protest against this system of taxation, taxation upon the labor of the country, upon its products; and nothing but a servile and slavish imitation of the English systems, of English ideas, of English thought and customs could ever have made it a part of the statute laws of this country.

Why, sir, let us look back to the history of the country. We had an insurrection immediately after the Revolution in Pennsylvania, growing out of a tax on whisky far less onerous than this is, an insurrection which required the strong arm of General Washington and the Federal army to uphold the law, such was the odium with which the people regarded this tax on their products and their labor.

Sir, the system is false. If we would get rid of the wrongs and outrages perpetrated by these wicked, bad men in the South, who are preventing these poor people from using the products of their labor, their fruit, and converting them into something that will pay them, we must find some other mode of taxation.

[Here the hammer fell.]

The CHAIRMAN. Debate is now exhausted on this paragraph, and the question is on the motion of the gentleman from Georgia [Mr. HILL] to strike out the entire paragraph.

The question was put; and on a division there were ayes 48, noes not counted.

So the amendment was not agreed to.

Mr. RIDDLE. I offer the following amendment, to come in at the end of the paragraph:

Provided, That nothing herein contained shall be construed as authorizing payments for information derived from spies and informers.

Mr. WHITE. Is that amendment debatable?

The CHAIRMAN. It is not; debate on this paragraph has been closed by order of the House.

The question was taken on the amendment; and on a division there were ayes 38.

Mr. RIDDLE. I do not call for a further count.

Mr. WHITE. I call for the yeas and nays on that amendment.

The CHAIRMAN. The gentleman must be aware that the yeas and nays cannot be called in the Committee of the Whole.

Mr. WHITE. I was not satisfied with the count, and I still ask for a division on the amendment.

The question was again put; and on a division there were—ayes 1, noes 112.

Mr. WHITE. I want it understood that the other side of the House——

The CHAIRMAN. Debate is not in order.

Mr. WHITE. I make the point of order that no quorum voted on the last vote, and I do it for the reason that I want to have a minute to reply——

The CHAIRMAN. No debate is in order. Does the gentleman from Kentucky insist upon his point of order?

Mr. WHITE. I do; no quorum voted.

The CHAIRMAN. Then the Chair will order tellers.

Mr. WHITE and Mr. RANDALL were appointed tellers.

The question was again taken; and the tellers reported—ayes 20, noes 104.

Mr. WHITE. I am satisfied that the other side of the House indorses informers, and I will not insist upon a further count.

So the amendment offered by Mr. RIDDLE was not agreed to.

Mr. VANCE, of North Carolina. I move to amend the pending paragraph by striking out "$60,000" and inserting "$40,000."

Mr. HILL. That amount certainly is enough.

Mr. HOLMAN. We have already reduced the amount $40,000 below what was appropriated for this purpose last year.

The CHAIRMAN. Debate upon the pending paragraph has been closed by order of the House.

The question was taken upon the amendment of Mr. VANCE, of North Carolina; and upon a division there were—ayes 57, noes 117.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

Bureau of Statistics:

For the officer in charge of the Bureau of Statistics, $2,250; chief clerk, $1,800; three clerks of class four; four clerks of class three; six clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one char-woman, at $480; in all, $33,790. And all the duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress shall be performed by the clerical force herein provided for.

Mr. TOWNSEND, of Pennsylvania. I move to amend the paragraph just read so as to provide for nine clerks of class four, six clerks of class three, and seven clerks of class two. I move this amendment in order to correct an error into which the Committee on Appropriations seem to have fallen. They told the House that in preparing this bill they had adopted the principle of reducing the clerical force in the Departments 20 per cent. At the present time there are twenty-seven clerks of classes two, three, and four in the Bureau of Statistics, and the Committee on Appropriations have cut down the number to thirteen, or about 50 per cent. I think that is a mistake. In the very last clause of this paragraph the committee impose upon this Bureau all the duties that were to be performed by the twenty-seven clerks. The last clause of this paragraph reads as follows:

And all the duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress shall be performed by the clerical force herein provided for.

In order that the Committee of the Whole may understand the duties that were devolved upon these twenty-seven clerks by the action of the last Congress, and which by this paragraph are devolved upon thirteen clerks, I ask to have read the paragraph from the legislative appropriation bill of the last session of Congress.

The Clerk read as follows:

It shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to the Secretary of the Treasury, for transmission to Congress, statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly, under the direction of the Secretary of the Treasury; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Treasury, to defray the expenses thereof.

Mr. TOWNSEND, of Pennsylvania. The whole amount of the clerical force of the Bureau of Statistics as it stands to-day, including the officer in charge, is forty-one. By the present bill that force is brought down to twenty-seven, being a reduction of the whole force of about 33 per cent., much more than the principle upon which the Committee on Appropriations tells us they have endeavored to carry out this bill. Now it is a matter of absolute impossibility that this Bureau, with the reduction of the clerical force proposed by this bill, shall be able to do all the work provided by the act of Congress which has just been read. There is probably no office in the Treasury Department that is more useful to members of Congress than this office of the Bureau of Statistics.

[Here the hammer fell.]

Mr. RANDALL. I desire to say to the House that this part of the bill relating to the Bureau of Statistics was referred to the gentleman from Maine, [Mr. HALE,] who last year examined this subject very thoroughly. He reported to the general committee, and I believe the general committee were unanimously of the opinion that the force provided for in this bill was sufficient. I ought to state another fact in connection with this matter; that is, that there are about eighty custom-house officers throughout the United States, more or less, engaged in this Bureau. It has absolutely grown into a monster machine, without any benefit, at least to the extent the gentleman represents.

Mr. TOWNSEND, of Pennsylvania. I move to amend by striking out the last word, in order that I may say in reply to the chairman of the Committee on Appropriations [Mr. RANDALL] that the Chief of the Bureau of Statistics says that the force here provided for that Bureau is absolutely inadequate to the performance of the duties required by law. It embraces not only the returns of the custom-houses but also statistics in relation to the internal commerce of the United States, especially railroads. Gentlemen may have noticed the provision of the law as it was read, requiring all the railroad statistics to be collected by this Bureau of the Treasury Department; the expenses of making the several roads, the amount of dividends, the tolls charged for transporting merchandise; all these statistics have to be collected and reports thereon made quarterly by the chief of this Bureau. The Committee on Appropriations have cut down the force of this Bureau 33 per cent. If members of this House, who are continually applying to this Bureau for commercial statistics, internal as well as external, expect to have their inquiries answered, they must vote for the amendment I have offered or they will not get the information.

Mr. HOAR. I rise to oppose the amendment to the amendment. I desire to say to my friends on the other side of the House, especially those from the Northwestern States, that if they are sincere in their representation of the desire of their people for railroad reform they make a great mistake when they strike this blow at the only practical measure which will tend to bring about that reform. The wit of statesmen in this country and in England has been tasked to the utmost in attempts to devise by legislation regulations and restrictions for the government of railroads which will satisfy the public desire for cheap freights and compel greater facilities for that purpose; and the best railroad authorities agree that there is but one practical remedy, and that is by well-devised systems of statistics to let in the daylight upon the receipts, business, and transactions of railroads.

More has been effected in my own State by the railroad commission of which Charles Francis Adams, jr., is the accomplished head than anywhere else on this continent; and Mr. Adams, after proposing and testing one scheme after another, has declared that a well-considered system of obtaining perfectly reliable railroad statistics will let in a public opinion upon the conduct of railroads which will answer the purpose sought.

Now, in the last Congress, after a bill had been prepared by my friend from Iowa, [Mr. MCCRARY,] as chairman of the Railroad Committee, contemplating a constraint upon railroads, the House con-

tented itself with providing for the gathering of these railroad statistics by the Bureau of Statistics; and if that law is carried out thoroughly and in good faith, it will be one of the most important pieces of legislation, especially for the interest of the Northwest, ever accomplished in this country. Now this bill proposes by taking away the necessary working force from the Bureau to practically abolish the system, and to deny to the States of the Northwest their demand upon the American Congress for a full statistical view and exposition of railroad business so far as it relates to foreign commerce or commerce among the States.

Mr. RANDALL. I now ask that debate on this paragraph close.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, it was not agreed to.

Mr. CAULFIELD. I move to amend the paragraph by striking out "three clerks of class four," and inserting "five clerks of class four." I understand that at present there are in this force eleven clerks of class four; and from the information which I have it seems to me that a reduction from eleven to three is entirely too great. In that particular class there are several chiefs of divisions. One of them is called the chief of the pay property and stationery division. He is the superintendent of the building, the disbursing clerk, and he has charge of the stationery, the copying, and the *personnel* of the office. Another is the chief of the publication division. Now these two clerks will be stricken out if the bill is allowed to remain in its present shape. It seems to me that the addition of two, as proposed in my amendment, will leave the force in a much more manageable shape than if we make the very great reduction in numbers provided for by the bill. I have understood that the head of this Bureau says it will be impossible for him to get along without these two men, and that the whole force is so cut down by this bill that it will be very difficult for him to manage the Bureau at all.

Mr. TOWNSEND, of Pennsylvania. I hope the gentleman from Illinois [Mr. CAULFIELD] will consent to make the number six instead of five.

Mr. HOLMAN and Mr. RANDALL. O, no.

Mr. CAULFIELD. I prefer to leave my amendment as I have offered it.

Mr. CONGER. Mr. Chairman, for several years past many efforts have been made to provide for some commission, some department that should procure the statistics which are to be collected by the force provided for in this bill. More than the amount proposed to be appropriated here has been expended for this purpose, if I recollect a right, in each of several Congresses; and I might say that more than this amount was expended even by the Senate committee appointed to inquire into this question of transportation.

Now there have come to Congress every year, for the last five years, innumerable petitions from the farmers, the producers, the grangers of the West, demanding that Congress should make some inquiries which would lead to some legislation to control in part at least the monopoly of railroads, at all events to promote cheap transportation.

Now we are expending $5,000,000 or $6,000,000 a year for the improvement of harbors and rivers, the water communication of the United States, mainly for the purpose, I might almost say in many instances for the sole purpose, of establishing a route of transportation competing with railroads. In many of the States of this Union, and especially in the Northwestern States, it is a vital question, upon which all interests of politics and policy turn, whether there can be transportation of the produce of the farm and the forest so cheap that all the profits of labor shall not be consumed by freight. Summing up all the plans proposed, some suggesting a commission, some a chamber of commerce of the United States, and many other very expensive plans, the plan which has met most effectually the general wish, and which has but just now had its beginning, is this plan of collecting statistics. Last year too small an appropriation was made and too small a clerical force provided; yet I am informed that the force has been and is now at work in gathering statistics of value to every producer in the United States, to every member of Congress, and to every one who would settle that great question of cheap transportation.

Now, why should this force, right in the midst of its valuable labors, before any result whatever has been reached, be cut down so as to render it useless? I tell my friends from the lumber States of the Northwest, I tell my friends who represent the farmer who complains that he must burn his corn for fuel because the transportation is so dear, that he will ask why we did not keep up a system that would show him and show the whole people that there may be devised a plan by which the producer can receive a part of the profit of his labor and that it shall not all go to the transporter.

Now, this is a small appropriation. The appropriation for these additional clerks for so great and so valuable an object to the people, and especially to members of Congress, ought not, it seems to me, to make the House hesitate a moment. I ask the chairman of the committee to assist in giving a proper force to this Department, which is not connected with politics, but connected only with the actual exhibition of the industries of the country. And while I am speaking I wish to call his attention to the fact that the law under which this Bureau is established requires the chief officer of the Bureau to perform the duties which by his amendment he says shall go to the clerical force. I ask the House to increase the force of clerks so that each division may have its chief clerk.

Mr. RANDALL. I ask, by unanimous consent, that all further debate be closed on this paragraph.

Mr. WILSON, of Iowa. I want to say a word before debate is closed.

Mr. RANDALL. I move the committee rise for the purpose of closing debate.

Mr. WILSON, of Iowa. I want to offer an amendment and speak five minutes on the paragraph.

Mr. RANDALL. I have no objection, if that is the wish of the House. I am willing to give the gentleman five minutes if it is agreed on both sides that shall close the debate.

Mr. WILSON, of Iowa. That is all I want.

Mr. TOWNSEND, of Pennsylvania. I wish to offer another amendment.

Mr. RANDALL. My motion does not cut off amendments; I merely wish to move that the committee rise for the purpose of closing debate.

Mr. HAMILTON, of New Jersey. We must limit debate in some way on these various paragraphs or we will never get through with this bill.

Mr. HOLMAN. Everybody understands what this is about, for we have talked on it at every session for six years.

The question was put to the committee, and the Chairman decided that by the sound it appeared the ayes had it.

Mr. WILSON, of Iowa. I demand a division of the committee.

The committee divided; and there were ayes 75, noes not counted.

So the motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that when the House goes into committee again on the legislative appropriation bill, all further debate on the pending paragraph be limited to five minutes after its consideration shall be resumed.

Mr. HUBBELL. I move the House do now adjourn.

The House divided; and there were—ayes 28, noes 86.

The SPEAKER *pro tempore*. If the Chair hears no objection, he will decide that the House refuses to adjourn.

Mr. WILSON, of Iowa. I hope the gentleman from Pennsylvania will agree to give us ten minutes.

Mr. HOLMAN. Five minutes is enough.

The SPEAKER *pro tempore*. The Chair hears no demand for a further count.

So the House refused to adjourn.

Mr. RANDALL. I now insist on my motion that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union to proceed with the consideration of the legislative appropriation bill; and pending that motion I move all further debate on the pending paragraph in committee be terminated in five minutes.

The question was put to the House, and the Speaker *pro tempore* decided that by the sound the ayes had it.

Mr. HOAR. I demand a further count.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts demand a further count?

Mr. HOAR. I do.

The House again divided; and there were—ayes 97, noes 31.

Mr. HUBBELL. I make the point of order that no quorum has voted.

Mr. HAMILTON, of New Jersey. If gentlemen on the other side wish to waste time in this way let them do it, and let the country know it.

Mr. HUBBELL. I demand a further count by tellers.

Tellers were ordered; and Mr. HUBBELL and Mr. RANDALL were appointed.

The House again divided; and the tellers reported—ayes 97, noes 1.

The SPEAKER *pro tempore*. If no further count be demanded, the Chair will decide the motion agreed to.

Mr. WILSON, of Iowa. I suggest to the chairman of the Committee on Appropriations to allow debate to be extended to ten minutes.

Mr. HAMILTON, of New Jersey. I hope the chairman of the Committee on Appropriations will not consent to it.

Mr. WILSON, of Iowa. I suggest to the chairman to give us ten minutes to speak on this paragraph. Then business can go on. This is a vital matter.

Mr. RANDALL. The House has already said five minutes, and I do not propose to yield at the dictation of one or two gentlemen.

Mr. ATKINS. I move there be a call of the House.

Mr. HOLMAN. I hope not. I do not hear that any gentleman makes a demand for a further count, or a point of order on account of no quorum being present.

The SPEAKER *pro tempore*. The tellers have reported ayes 97, noes 1. Unless a point of order be made, or a further count be demanded, the Chair will decide that the motion has been agreed to.

Mr. DUNNELL. I demand a further count.

Mr. ATKINS. I move there be a call of the House.

Mr. FORT. Is it in order to move to adjourn?

The SPEAKER *pro tempore*. It is.

Mr. FORT. I do not wish to filibuster, but under the circumstances I move to adjourn.

The House divided; and there were—ayes 40, noes 87.

So the House refused to adjourn.

The question recurred on Mr. ATKINS's motion that there be a call of the House.

Mr. FOSTER. I suggest to the chairman of the committee to agree to a compromise, and allow debate to terminate in seven and a half minutes.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order. The question is on the motion that there be a call of the House.

The motion was agreed to.

The Clerk accordingly proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Ainsworth, Anderson, George A. Bagley, Ballou, Banks, Bass, Blaine, Bland, Bliss, Blount, Bright, John Young Brown, William R. Brown, Burleigh, William P. Caldwell, Candler, Caswell, Cate, Chapin, Chittenden, Clymer, Crapo, Crounse, Culberson, Darrall, De Bolt, Durham, Eden, Egbert, Ellis, Ely, Evans, Farwell, Faulkner, Felton, Frost, Frye, Fuller, Garfield, Gibson, Goode, Goodin, Gunter, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Henry H. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hathorn, Hays, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hooker, Hoskins, Hunton, Hurlbut, Hyman, Frank Jones, Kasson, Kelley, Ketchum, Kimball, King, Knott, Franklin Landers, Leavenworth, Lord, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, McDill, Meade, Money, Monroe, Morey, Morgan, Mutchler, O'Brien, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Miles Ross, Schleicher, Schumaker, Seelye, Smalls, Sparks, Strait, Stenger, Stevenson, Stowell, Swann, Thomas, Thornburgh, Martin I. Townsend, Turney, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walls, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wigginton, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Young.

The roll having been twice called over,

The SPEAKER *pro tempore* said: The Doorkeeper will cause the doors of the House to be closed and will allow no member to pass in or out. Excuses for absentees are now in order.

Mr. YEATES. I rise to offer the excuse for Mr. DE BOLT, that he is detained at home by sickness in his family.

Mr. ATKINS. I desire to ask the Chair if there is a quorum present?

The SPEAKER *pro tempore*. The call of the roll shows the presence of a quorum; 151 gentlemen have answered to their names.

Mr. ATKINS. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER *pro tempore*. Further proceedings under the call of the House having been dispensed with, the Doorkeeper will re-open the doors.

Mr. O'NEILL. Two gentlemen on this side of the House desire to speak each for five minutes.

The SPEAKER *pro tempore*. The Chair must state to the gentleman from Pennsylvania [Mr. O'NEILL] that debate is not in order. The question recurs on the motion of the gentleman from Pennsylvania that the House do now resolve itself into Committee of the Whole to resume the consideration of the legislative appropriation bill, debate on the pending paragraph being limited to five minutes.

Mr. MCCRARY. I move to amend by striking out "five" and inserting "ten."

Mr. HOLMAN. That has already been voted upon.

Mr. HOAR. A quorum did not vote on that.

The SPEAKER *pro tempore*. The recollection of the Chair is that the motion limiting debate was not agreed to, because no quorum voted, and the point of order was made that a quorum did not vote. The question is on the motion of the gentleman from Iowa [Mr. MCCRARY] to amend the motion of the gentleman from Pennsylvania by striking out "five minutes" and inserting "ten minutes."

Mr. MACDOUGALL. I move that the House do now adjourn.

The motion was not agreed to.

The question recurred on Mr. MCCRARY'S amendment to Mr. RANDALL'S motion; and being taken, there were—ayes 48, noes 73.

Mr. BURCHARD, of Illinois. A quorum has not voted.

The SPEAKER *pro tempore*. Does the gentleman from Illinois make the point that no quorum has voted?

Mr. BURCHARD, of Illinois. I do.

The SPEAKER *pro tempore*. The Chair will then order the question to be taken by tellers, and appoints the gentleman from Illinois, Mr. BURCHARD, and the gentleman from Pennsylvania, Mr. RANDALL, to act as tellers.

The House again divided; and the tellers reported—ayes 53, noes 76; no quorum voting.

Mr. RANDALL. I move that there be a call of the House.

Mr. FOSTER. I desire to suggest to the gentleman from Pennsylvania——

The SPEAKER *pro tempore*. The gentleman from Ohio must know that this question is not debatable.

Mr. FOSTER. I know that; but the Chair always hears propositions for adjustment in such cases as this.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded, and the gentleman from Ohio must see the necessity the Chair is under to submit the motion.

Mr. CASON. I move that the House do now adjourn; and upon that I call for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 25, noes 75.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 25, nays 114, not voting 151; as follows:

YEAS—Messrs. Adams, John H. Baker, Blair, Bradley, Cannon, Cason, Denison, Dunnell, Eames, Foster, Haymond, Hoar, Lapham, Lawrence, McCrary, Nash, Norton, Oliver, Packer, Rusk, Sinnickson, Van Vorhes, Willard, Andrew Williams, and Charles G. Williams—25.

NAYS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Barnum, Beebe, Bell, Blackburn, Boone, Bradford, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, Campbell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Conger, Cowan, Cox, Cutler, Davis, Dibrell, Dobbins, Douglas, Forney, Fort, Franklin, Freeman, Gause, Glover, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hendee, Henderson, Hill, Holman, Hopkins, House, Hubbell, Hunter, Hurd, Jenks, Thomas L. Jones, Joyce, Kehr, Lamar, George M. Landers, Lane, Levy, Lewis, Luttrell, Maish, MacDougall, Miller, Milliken, Morrison, Neal, New, Odell, O'Neill, Page, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Sampson, Savage, Sayler, Scales, Sheakley, Siemons, A. Herr Smith, William E. Smith, Southard, Springer, Stone, Teese, Terry, Thompson, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Waldron, Walling, Walsh, Erastus Wells, Wike, Alpheus S. Williams, James Williams, Jeremiah N. Williams, William B. Williams, James Wilson, Woodburn, and Yeates—114.

NOT VOTING—Messrs. Ainsworth, Anderson, George A. Bagley, William H. Baker, Ballou, Banks, Bass, Blaine, Bland, Bliss, Blount, Bright, John Young Brown, William R. Brown, Burleigh, William P. Caldwell, Candler, Caswell, Cate, Chapin, Chittenden, Clymer, Cook, Crapo, Crounse, Culberson, Danford, Darrall, Davy, De Bolt, Durand, Durham, Eden, Egbert, Ellis, Ely, Evans, Farwell, Faulkner, Felton, Frost, Frye, Fuller, Garfield, Gibson, Goode, Goodin, Gunter, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hathorn, Hays, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hooker, Hoskins, Hunton, Hurlbut, Hyman, Frank Jones, Kasson, Kelley, Ketchum, Kimball, King, Knott, Franklin Landers, Leavenworth, Lord, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, McDill, McFarland, McMahon, Meade, Metcalfe, Mills, Money, Monroe, Morey, Morgan, Mutchler, O'Brien, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Miles Ross, Schleicher, Schumaker, Seelye, Singleton, Smalls, Sparks, Strait, Stenger, Stevenson, Stowell, Swann, Tarbox, Thomas, Thornburgh, Martin I. Townsend, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walls, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wigginton, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—151.

So the House refused to adjourn.

During the roll-call,

Mr. ATKINS said: I desire to state that Mr. WHITTHORNE is absent in Philadelphia on an investigating committee.

Mr. FORNEY. I wish to state that my colleague, Mr. HEWITT, is absent on account of sickness.

Mr. YEATES. I desire to state that Mr. DE BOLT is detained from the House on account of sickness in his family.

Mr. CABELL. My colleagues, Mr. HUNTON and Mr. GOODE, are both absent on account of indisposition.

Mr. CLARK, of Missouri. I desire to state that my colleague, Mr. PHILIPS, is detained from the House on account of sickness.

Mr. SOUTHARD. Mr. DURAND has been called away from the House on account of illness.

Mr. LUTTRELL. My colleague, Mr. WIGGINTON, has been quite ill recently, and went home a short time ago on account of feeling quite unwell.

Mr. MILLIKEN. My colleague, Mr. BROWN, is at his home in Kentucky by leave of the House on account of sickness in his family.

Mr. STONE. Mr. DURHAM is detained at his room on account of sickness.

Mr. WELLS, of Missouri. My colleague, Mr. BLAND, is absent on account of sickness in his family.

Mr. JAMES B. REILLY. I am paired with my colleague, Mr. ALAN WOOD, and as he is absent I will withdraw my vote.

Mr. FORT. My colleague, Mr. WHITING, is not able to be in the House to-night, and my colleague, Mr. STEVENSON, is also unavoidably detained.

Mr. PAGE. My colleague, Mr. PIPER, is absent from the House on account of sickness.

Mr. CONGER. Mr. BASS is absent from the House on account of ill-health.

Mr. SAMPSON. I desire to say that Mr. AINSWORTH has leave of absence from the House on account of sickness; he is unwell and unable to be in attendance.

Mr. HAMILTON, of Indiana. I understand that my colleague, Mr. FULLER, is unwell and is detained from the House on account of indisposition.

Mr. HUBBELL. Mr. FRYE was unexpectedly called to the bed of a dying friend from Maine, from his own city. He requested me to state that fact in case there should be a roll-call, and ask that he be excused.

Mr. COCHRANE. I am informed that my colleague, Mr. STENGER, is absent in attendance upon his duties as a member of the Committee on the Expenditures in the Treasury Department.

Mr. BAKER, of Indiana. My colleague, Mr. LANDERS, is absent from the House by leave of the House on important business at home.

Mr. MAISH. I desire to state that my colleague, Mr. POWELL, is detained from the House on account of sickness.

Mr. CUTLER. My colleague, Mr. Ross, is absent on account of a death in his family.

Mr. ASHE. I desire to say that my colleague, Mr. VANCE, is absent, for what reason I do not know; but I know he has a good reason, for he is always at his post.

Mr. MACDOUGALL. My colleague, Mr. BASS, is absent from the House on account of illness. My colleague, Mr. WHEELER, has but recently left the House, his health not permitting him to sit through these long night sessions. My colleagues, Mr. C. C. B. WALKER and Mr. HATHORN, are absent on account of sickness. My colleague, Mr. LEAVENWORTH, is absent by leave of the House.

Mr. HILL. I desire to say that my colleague, Mr. BLOUNT, is absent on account of sickness; and my colleague, Mr. FELTON, is absent on account of sickness in his family.

Mr. CAULFIELD. My colleague, Mr. HARRISON, is absent on account of sickness.

The result of the vote was then announced as above recorded, and the question recurred on Mr. RANDALL'S motion that there be a call of the House.

Mr. PAGE. I rise to inquire if the last vote disclosed the fact that there is a quorum of the House present?

The SPEAKER *pro tempore*. The Chair would state to the gentleman from California that it does not; but no quorum is needed, as the gentleman knows, on a motion to adjourn.

Mr. FORT. In view of the fact that so many members are sick——

The SPEAKER *pro tempore*. The Chair must state to the gentleman from Illinois that this motion is not open to debate.

Mr. MACDOUGALL. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. MACDOUGALL. As I understand the order under which we are now sitting, the agreement was that the House would adjourn at half past ten o'clock, and it is after that now. A gentleman near me says the understanding was that we should adjourn at ten o'clock.

The SPEAKER *pro tempore*. The Clerk informs the Chair that he has not at his desk the resolution providing for night sessions of the House.

Mr. RANDALL. I will withdraw my motion for a call of the House, and move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BARNUM: The petition of Glover, Sanford & Sons, of Bridgeport, Connecticut, against the reduction of the duty on wool hats, to the Committee of Ways and Means.

By Mr. DAVY: The petition of druggists, perfumers, and others, of Rochester, New York, for the repeal of the law requiring stamps on medicines and other proprietary articles, to the same committee.

Also, the petition of citizens of Brockport, New York, for the repeal of the stamp tax on safety matches, to the same committee.

Also, two petitions of citizens of Rochester, New York, that Government buildings be erected at that place, to the Committee on Public Buildings and Grounds.

Also, resolutions of the common council of Rochester, New York, favoring an appropriation for the erection of Government buildings at that place, to the same committee.

Also, remonstrance of citizens of Rochester, New York, against the Post-Office Department manufacturing and selling printed envelopes, newspaper-wrappers, postal-cards, and delivering the same through the mails free of charge, to the Committee on the Post-Office and Post-Roads.

By Mr. ELKINS: Papers relating to the claim of Lieutenant Thomas Blair, for compensation for services rendered as a quartermaster in the United States Army, to the Committee on War Claims.

By Mr. FELTON: The petition of 64 citizens of Paulding County, Georgia, for a post-route from Dallas to Rockmart, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HARTZELL: The petition of citizens of Randolph County, Illinois, for an appropriation for the improvement of the Mississippi River and to prevent erosion of the eastern banks thereof, between islands numbered 14 and 15, in said river, to the Committee on Commerce.

By Mr. HOPKINS: Ten petitions of 503 business men of Pittsburgh, Pennsylvania, for the regulation of commerce and the prohibition of discriminations by common carriers, to the same committee.

By Mr. HUNTON: The petition of William Lloyd, for a rehearing of his case in the matter of a claim rejected by the southern claims commission, to the Committee on War Claims.

Also, the petition of the administrator of Peter Virtz, deceased, of similar import, to the same committee.

Also, the petition of Martha A. Fisher, of similar import, to the same committee.

Also, the petition of Joseph Ruse, of similar import, to the same committee.

Also, the petition of Joseph Boger, of similar import, to the same committee.

Also, the petition of Edward T. Preston, of similar import, to the same committee.

Also, the petition of Samuel Ridenour, of similar import, to the same committee.

By Mr. JONES, of New Hampshire: The petition of John W. Magraw, for a pension, to the Committee on Invalid Pensions.

By Mr. KNOTT: The petition of William H. Pferman, for compensation for services rendered as a wagon-master in the United States Army, to the Committee on War Claims.

Also, the petition of John A. Miller, for pay for services rendered and clothing furnished while a United States soldier in the Mexican war, to the Committee of Claims.

By Mr. MAGOON: The petition of 152 citizens of Southwestern Wisconsin, that the duty on lead and zinc be not reduced, to the Committee of Ways and Means.

By Mr. PHELPS: The petition of Mary Olmstead and others, of Saugatuck, Connecticut, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and pauperism of the individuals; also, upon taxation, revenue, and the general welfare of the country; also, for legislation prohibiting the importation of alcoholic liquors from foreign countries; also, prohibiting the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories, and wherever Congress exercises exclusive legislation; also, requiring total abstinence from alcoholic liquors as a beverage on the part of officials and subordinates in the civil, military, and naval service of the United States, to the Committee for the District of Columbia.

Also, the petition of Mrs. F. A. Hill and others, of Bristol, Connecticut, of similar import, to the same committee.

Also, the petition of Mrs. D. C. Gateley and others, of Sandy Hook, Connecticut, of similar import, to the same committee.

Also, the petition of Elizabeth A. Pratt and others, of Essex, Connecticut, of similar import, to the same committee.

Also, the petition of Lizzie M. Norton and others, of West Haven, Connecticut, of similar import, to the same committee.

Also, the petition of Mrs. Philander Hine and others, of Walcotville, Connecticut, of similar import, to the same committee.

Also, the petition of Louisa L. Fuller and others, of Colchester, Connecticut, of similar import, to the same committee.

Also, the petition of Edith E. Graves and others, of Litchfield, Connecticut, of similar import, to the same committee.

Also, the petition of Mrs. George A. Partington and others, of Bethel, Connecticut, of similar import, to the same committee.

Also, the petition of Mrs. A. R. Shorter and others, of Deep River, Connecticut, of similar import, to the same committee.

Also, the petition of Mary E. Holcomb and others, of Lakeville, Connecticut, of similar import, to the same committee.

Also, the petition of Ella C. Barrett and others, of Westville, Connecticut, of similar import, to the same committee.

Also, the petition of Maria Stanton and others, of Mystic, Connecticut, of similar import, to the same committee.

Also, the petition of Ann Downs and others, of Bethany, Connecticut, of similar import, to the same committee.

Also, the petition of Louisa Milhouse and others, of Norwalk, Connecticut, of similar import, to the same committee.

Also, the petition of Susan Gates and others, of East Hampton, Connecticut, of similar import, to the same committee.

Also, the petition of Miss Julia Munson and others, of New Haven, Connecticut, of similar import, to the same committee.

Also, the petition of Lavinia P. Vinton and others, of Woodbury, Connecticut, of similar import, to the same committee.

By Mr. PLAISTED: The petition of Daniel Johnston, a British subject, to be placed in the possession of certain lands in Aroostook County, Maine, (from which he was driven by the land authorities of Maine,) under the provisions of the treaty of Washington of August 9, 1842, and for compensation for losses incurred, to the Committee of Claims.

By Mr. SCALES: Papers relating to a post-route from Thomasville to Midway and from Midway to Yadkins College, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to a post-route from Lexington to Jackson Hill, North Carolina, to the same committee.

By Mr. SPRINGER: Memorial of the publishers and stationers of Springfield, Illinois, in relation to stamped envelopes, &c., to the same committee.

By Mr. TARBOX: The petition of the Middlesex Mechanics' Association of Lowell, Massachusetts, for the establishment of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. WALDRON: The petition of Isaac R. Sutton, that the sum of $300, paid by him to release his son from the draft, in 1863, be refunded; his son being under age at the time, to the Committee on Military Affairs.

By Mr. WILLARD: A communication to Mr. WILLARD from Hon. Charles Upson, relating to a proposed amendment to the Army bill, to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of 14 citizens of Porter, Wisconsin, for the unconditional repeal of the resumption act, to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *April* 13, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present a memorial from the Congressional Printer, stating that his official bond is $80,000, upon which he is authorized by law to draw $53,000; that his monthly payments approach nearly double that amount; that he was in the habit for a considerable time, when the monthly payments were less than they are now, of borrowing the money on his own personal responsibility until he could obtain the pay-rolls, properly accounted, from the Treasury and draw additional upon his bond; that this was the practice of all of his predecessors; that, the pay-rolls increasing considerably, he has found it exceedingly inconvenient to borrow the money on his personal responsibility, and he has been in the habit of using for the purpose of paying the workmen in the Government Printing Office the amount of money received from the sales of waste paper, old material, documents, &c.; that he is advised that this is a violation of the law; and desiring to conform himself to the law, and it being impossible to carry on the business of the office under the existing law, he asks for such relief as Congress in its wisdom may see fit to grant; and, being an officer of this body, he has presented his memorial to the Senate. In conclusion he says:

> The undersigned would further suggest, most respectfully, that the law relating to the Government printing and binding be so amended as to provide for a disbursing officer, who shall give bonds to the Government, and who shall receive and disburse all moneys relating to this office, thus relieving the Congressional Printer of all financial duties and responsibilities.

I move that the memorial be printed, and referred to the Committee on Printing.

The motion was agreed to.

Mr. BOGY presented a memorial of the Cotton Exchange of Saint Louis, Missouri, in favor of the passage of a law by Congress recognizing the Signal Service as a Department of the Government, and placing it on a sound and lasting basis; which was referred to the Committee on Commerce.

Mr. WALLACE present a memorial of the Book-Trade Association of Philadelphia, remonstrating againt the proposed rates of postage on third-class mail matter, and also against any change in the present tariff laws; which was referred to the Committee on Finance.

He also presented a petition of citizens of Kittanning, Pennsylvania, and two petitions of citizens of Pittsburgh, Pennsylvania, praying for the passage of a law to regulate commerce and prohibit unjust discriminations by common carriers; which were referred to the Committee on Railroads.

He also presented a petition of citizens and iron-workers of Montour County, Pennsylvania, praying for aid to the Texas Pacific Railway; which was referred to the Committee on Railroads.

Mr. BOUTWELL presented a memorial of the Middlesex Mechanics' Association of Lowell, Massachusetts, in favor of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of Withenbury and Doyle, praying compensation for cotton alleged to have been taken for the use of the Army and destroyed by the enemy while in use as bulwarks to an army transport on the Mississippi River; which was referred to the Committee on Claims.

Mr. CONKLING presented a petition of citizens of Bath, New York, praying the repeal of the bankrupt act; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Onondaga County, New York, praying that there may be no change made in the present tariff laws; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Saint Lawrence County, New York, remonstrating against the passage of any law or laws granting American register to foreign-built vessels; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented the memorial of Renauld, François & Co., and 25 other wine merchants of New York, remonstrating against an increase of the rate of duty on champagne imported into the United States; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory;

A bill (H. R. No. 967) authorizing the survey of certain townships in Michigan, and making an appropriation therefor;

A bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming;

A bill H. R. No. 1959) for the relief of certain settlers on the Kansas Indian reservation in Kansas;

A bill (H. R. No. 2260) providing for the sale of saline lands;

A bill (H. R. No. 2545) authorizing the Secretary of War to relinquish and turn over to the Interior Department a certain military reservation in the Territory of Arizona;

A bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; and

A bill (H. R. No. 3129) amending an act granting a pension to Ann Hensley, approved March 3, 1873.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 744) to increase the pension of Mary W. Jones, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Martha Irwin, widow of John Irwin, alias Samuel West, late of the Navy, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. HAMILTON. On the 16th of March the bill (S. No. 607) for the relief of Eliza Howard Powers was referred to the Committee on Pensions. The committee find that Mrs. Powers was employed in some way in the sanitary department of the Army and that the case is not covered by the pension laws. I therefore move that the committee be discharged from its further consideration, and that the bill and papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of John Dwyer, late a private in Company C, Fourth United States Cavalry, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1598) granting a pension to William R. Duncan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 151) to define certain crimes and the punishment thereof, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Mary M. J. Frank, widow of Paul Frank, late colonel Fifty-second New York Volunteers, praying to be allowed a pension, submitted a report, accompanied by a bill (S. No. 736) granting a pension to Mary M. J. Frank.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Harrison H. Dodds, late private in Company C, Sixteenth Ohio Infantry, praying that he be granted a pension, submitted a report, accompanied by a bill (S. No. 737) granting a pension to Harrison H. Dodds.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1989) granting a pension to Robert Cavanaugh, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 656) granting a pension to W. R. Browne, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the bill.

He also, from the same committee, to whom was referred the petition of Sarah E. Bowden, widow of Lorenzo D. Bowden, late a private in Company K, Sixteenth Regiment Maine Volunteers, praying to be allowed a pension, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 458) for the relief of Jessie McCoy, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the bill.

Mr. BOOTH, from the same committee, to whom was referred the bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2303) granting a pension to Mary S. Greenlee, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Nathan Braustetter, guardian of Louisa White, praying that she may be granted a pension on account of the services of her brother, Jesse J. White, late of Company F, One hundred and twenty-fifth Illinois Volunteer Infantry, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2290) granting a pension to Frederick Hoeh, submitted an

adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. DORSEY. If there is no further morning business, I would like to call up Senate bill No. 634.

Mr. SHERMAN. I wish to introduce a bill.

Mr. WITHERS. I have a report to make.

The PRESIDENT *pro tempore*. The morning business is not yet concluded.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of David H. Sims, praying for a pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches, and tributaries, reported it without amendment and submitted a report thereon, which was ordered to be printed.

Mr. INGALLS. If there be no further morning business, I move that the Senate proceed with the Calendar.

The PRESIDENT *pro tempore*. Several Senators have risen with morning business.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 738) for the relief of Withenburg & Doyle, of Cincinnati, Ohio; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 739) to amend section 5457 of the Revised Statutes of the United States relating to counterfeiting coin; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 740) to establish a post-route in Wisconsin; which was read twice by its title, and, together with the accompanying petition, referred to the Committee on Post-Offices and Post-Roads.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 741) for the relief of such members of the Menomonee tribe of Indians as may desire to become citizens of the United States; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted amendments intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MERRIMON submitted an amendment intended to be proposed by him to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; which was referred to the Committee on Appropriations.

TRANSFER OF UNITED STATES PRISONERS.

Mr. WRIGHT. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States, providing for imprisonment and transfer of United States prisoners.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 5546 of the Revised Statutes, so as to read:

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States whose punishment is imprisonment in a District or Territory where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and if the conviction be had in the District of Columbia, in such case the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was in line 19, after "District of Columbia," to strike out the words "in such case;" so as to read:

And if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District.

The amendment was agreed to.

The next amendment of the committee was to add at the end of the bill:

And such change may be ordered in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prison or because of his treatment after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf.

Mr. COCKRELL. I desire to ask the Senator from Iowa, who has charge of this bill, what is the necessity for the small change or variation that is made in the law by this amendatory bill?

Mr. WRIGHT. I will explain to my friend, the Senator from Missouri, that, as the law stands now, the power is given to the Attorney-General to make this change or designation as to where the prisoner shall be confined at the time of sentence. There is no power given him to make a change after sentence and during confinement. It has been found in many instances that the penitentiaries are overcrowded, and that this has occurred without any knowledge on the part of the Attorney-General at the time of the sentence. It was deemed advisable, and he has so recommended, that the power be given to make these changes after sentence, because in some instances it has been found that the prisoners have been abused; in others that the penitentiaries were insufficient to restrain them; in others that the penitentiaries were unhealthy. For instance, in the State of Arkansas, as I am advised, the penitentiary is quite overcrowded, and there is no power to order the removal of prisoners after sentence and during their confinement. The object of the bill is to give the power to the Attorney-General to make such change after the sentence as well as at the time of the sentence.

Mr. KERNAN. I call the attention of the Senator from Iowa to the first line of the amendment:

And such change may be ordered in any case.

Does that mean in any case where a man has been convicted by a court?

Mr. WRIGHT. Of course it can only refer to the cases that are contemplated in the preceding part of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there is no further morning business, the morning hour has expired, and the Chair will call up the unfinished business, which is the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue.

Mr. INGALLS. The Senator having that bill in charge is absent from the Chamber, and I suggest that the remainder of the morning hour until one o'clock be devoted to the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the Calendar be proceeded with.

Mr. WRIGHT. I understood the Senator from Kansas to so move some time since.

The PRESIDENT *pro tempore*. Is there objection to laying this bill aside temporarily, for the purpose of considering cases on the Calendar?

Mr. INGALLS. Until one o'clock.

The PRESIDENT *pro tempore*. Until one o'clock. It will be so understood. The first bill on the Calendar at the point where its consideration was last left off will be resumed.

PAY DEPARTMENT OF THE ARMY.

The CHIEF CLERK. The first bill on the Calender at the point indicated is the bill (S. No. 126) to restore appointments and promotions to the Pay Department of the Army.

Mr. ALLISON. This seems to be rather an important bill. I see the Senator from Rhode Island who has charge of the bill [Mr. BURNSIDE] is absent.

The PRESIDENT *pro tempore*. Does the Senator object to its consideration?

Mr. ALLISON. I do.

The PRESIDENT *pro tempore*. The bill will be passed over.

NAME OF A STEAMBOAT.

The next bill on the Calendar was the bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead; which was considered as in Committee of the Whole. It confers authority on the owner of the steamboat Charles W. Mead, of Allegheny City, Pennsylvania, to change the name of that vessel to that of General Meade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCISCO V. DE COSTER.

The next bill on the Calendar was the bill (S. No. 291) for the relief of Francisco V. De Coster.

Mr. INGALLS. There is an adverse report in that case.

The PRESIDENT *pro tempore*. This bill was reported adversely by the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. ALLISON. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be passed over.

PONTON-BRIDGE AT LA CROSSE.

The next bill on the Calendar was the bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota.

Mr. CAMERON, of Wisconsin. The Senator from Missouri [Mr. BOGY] desires to consider the matter further. I therefore consent that the bill may go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

SETTLERS IN CALIFORNIA.

The next bill on the Calendar was the bill (S. No. 445) for the relief of settlers on public lands in the State of California.

Mr. McDONALD. The understanding in the committee was that that bill was to stand over for the present, as some parties desire to be further heard in regard to it.

The PRESIDENT *pro tempore*. The bill will be passed over.

PUBLIC ALLEY IN WASHINGTON.

The next bill on the Calendar was the bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes; which was considered as in Committee of the Whole.

The first section authorizes the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for the purpose of locating a public alley in that square, should they deem the abandonment of the projected alley compatible with the interests of the public; but the abandonment is only to be made upon the petition of a majority of the residents and owners of the property in that square.

The second section directs that the commissioners shall take steps to recover into the treasury of the District of Columbia any damages paid to any person or persons occupying or owning property in the square named where the property of said person or persons has been in no manner interfered with or damaged; and that, upon such recovery, the commissioners shall refund any benefits assessed against any person or persons owning or occupying property in the square, provided such benefits shall have been paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENTRY OF PACKAGES.

Mr. MORRILL, of Vermont. There is on the Calendar a bill from the House, No. 2951, that ought to be passed at once if it is passed at all. There has been a slight amendment made to it by the Committee on Finance. I ask unanimous consent to take up that bill now out of its order.

There being no objection, the bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation was considered as in Committee of the Whole. It provides that a separate entry may be made of one or more express packages contained in an importation of packed packages consigned to one importer or consignee, and concerning which packed packages no invoice or statement of contents or values has been received. Every such entry is to contain a declaration of the whole number of parcels contained in the original packed package, and to embrace all the goods, wares, and merchandise imported in one vessel at one time for one and the same actual owner or ultimate consignee.

The importer, consignee, or agent's oath prescribed by section 2841 of Revised Statutes is modified for the purposes of the act so as to require the importer, consignee, or agent to declare therein that the entry contains an account of all the goods ——— imported in the ———, whereof ——— is master, from ——— for account of ———, which oath, so modified, is in each case to be taken on the entry of one or more packages contained in an original package. But nothing herein contained is to be construed to relieve the importer, consignee, or agent from producing the oath of the owner or ultimate consignee in every case now required by law; or to provide that an importation may consist of less than the whole number of parcels contained in any packed package or packed packages consigned in one vessel at one time to one importer, consignee, or agent.

Mr. MORRILL, of Vermont. This bill is recommended by the Secretary of the Treasury and the necessity for it arises from the fact that there are a large number of packages that are sent here to custom-house brokers and brought over by express companies. The object is to confine the packages, where they come for one person, to one invoice and one entry; and if there is more than one person who is interested in the package, then to allow a separate invoice for the package. For instance, an express company may have a trunk containing fifty or one hundred packages. Under the existing law it is construed that they shall be compelled to enter all those packages in one invoice, and there is great inconvenience about it, for some of them may be for remote parts of the country, some of them perhaps for Saint Louis; some of them perhaps for Washington; some of them for New York; and some of them for Chicago; and they would have therefore to wait until they could get the invoice and the oath of the party to whom they belonged before they could enter any portion of those that are in that single package.

Under existing circumstances, when so many packages are coming here constantly, ordered from this side of the water or sent from abroad to parties here by relatives, as, for instance, clothing of various descriptions, sometimes nothing but old clothing, and frequently sent as presents, it is utterly impossible for those having the shipment in charge to make out an invoice until they hear from the party who is the actual owner. It is a kind of business that is largely transacted. It is also transacted through the mails. This appears to be indispensable to the prompt transaction of the business.

I have any quantity of documents in relation to this matter if the Senate desire to hear further on the subject. I have a letter from the Secretary of the Treasury, and, if any Senator desires to have it read, I will have it read. If not, I think we may as well act on the bill with this explanation.

Mr. LOGAN. Is there an amendment reported by the committee?

The PRESIDENT *pro tempore*. There is an amendment, which will be read.

The amendment reported by the Committee on Finance was in line 3, to strike out the word "express;" so as to read:

That a separate entry may be made of one or more packages contained in an importation of packed packages consigned to one importer or consignee, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for the separate entry of packages contained in one importation."

SMITHSONIAN REPORT.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Smithsonian Institution, submitting the annual report of the operations, expenditures, and condition of the Institution for the year 1875; which, on motion of Mr. HAMLIN, was ordered to be printed.

Mr. HAMLIN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That ——— additional copies of the annual report of the Smithsonian Institution for 1875 be printed.

HOUSE BILL REFERRED.

On motion of Mr. MORRILL, of Maine, the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LEGAL TENDER OF SILVER COIN.

The PRESIDENT *pro tempore*. Bills on the Calendar will be resumed in their order. The next is the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

Mr. DORSEY. Let that go over.

Mr. SHERMAN. If that bill cannot be passed without objection, I ask that it be recommitted to the Committee on Finance. I submit a motion to recommit.

The motion was agreed to.

SETTLERS IN CALIFORNIA.

Mr. SARGENT. I see that the bill (S. No. 445) for the relief of settlers on public lands in the State of California has been passed over. Was there objection to the present consideration of the bill?

Mr. COCKRELL. The Senator from Indiana [Mr. McDONALD] objected.

Mr. McDONALD. It was the understanding in the committee that the bill should not be acted upon at this time.

Mr. SARGENT. The Senator from Indiana has made a very interesting and able report in favor of the bill, which I have read with very much pleasure, and being convinced thereby I should like very much to have an opportunity to give effect to my conviction by a vote in favor of the bill.

Mr. McDONALD. I expect to sustain that report by my vote; but there are other parties who claim that they have not been sufficiently heard on the question, and the committee were inclined to give them a little time to be heard.

Mr. SARGENT. As this bill is one of considerable importance to a very large number of persons embraced in it, I trust the time will be as short as is consistent with justice.

Mr. McDONALD. It will be.

RECORDING OF DEEDS, ETC.

Mr. MERRIMON. If there be no objection, I ask to call up the bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.

By unanimous consent the bill was considered as in Committee of the Whole. It repeals sections 446 and 447 of the Revised Statutes relating to the District of Columbia, passed at the first session of the Forty-third Congress, and enacts in lieu thereof the following:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds, shall take effect and be valid, as to creditors, and as to subsequent

purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage, conveyance, covenant, agreement, or instrument in writing shall have been acknowledged, proved, or certified, as the case may be, and delivered to the recorder of deeds for record, and from that time only.

The bill was reported by the Committee on the District of Columbia with an amendment, which was to add to the bill:

And the recorder of deeds shall note on each deed or other instrument of writing required by law to be recorded the time of delivery of the same to him to be recorded.

SEC. 2. That this act shall not be so construed as to affect any deed or other instrument of writing heretofore recorded.

Mr. WRIGHT. This bill is not on the Calendar, I believe; it has been reported this week.

The PRESIDENT *pro tempore*. It has been reported since the Calendar was printed.

Mr. WRIGHT. I ask the Senator from North Carolina to explain the changes which are proposed by this bill in the existing law.

Mr. MERRIMON. As the law now stands, any deed may be probated within six months after its execution. It will be seen at once that in a community like this great frauds might be perpetrated. The object of this bill is to cure that trouble, to provide that a deed shall take effect and be valid as against creditors and subsequent purchasers without notice from the day that it shall be registered.

Mr. WRIGHT. Is the existing law that if it be recorded at any time within six months, it takes effect from its date?

Mr. MERRIMON. Yes, sir; that is the state of the law as to all deeds except deeds of trust and mortgages.

Mr. WRIGHT. If they are recorded within six months?

Mr. MERRIMON. I will state again that as the law now stands, any ordinary deed of bargain and sale, or any paper writing required to be recorded touching the conveyance of real property, may be probated and registered at any time within six months after its execution. It will be seen that a wide door might be opened to fraud.

Mr. WRIGHT. I understand that; but what I want to get at is this: as the law stands now, if it is recorded within six months, does it become notice from its date?

Mr. MERRIMON. Yes.

Mr. WRIGHT. The object of this bill is that it shall only become notice from the day of its being filed for record?

Mr. MERRIMON. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

PONTON-BRIDGE AT LA CROSSE.

Mr. CAMERON, of Wisconsin. I ask now that Senate bill No. 336 be taken up.

There being no objection, the bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. SARGENT. I should like to hear an explanation of the bill. I understand that to a large extent it is local, and I do not desire to make any unnecessary objections, but I should like to know whether there is much commerce by this point; whether a ponton-bridge will not obstruct the passage of vessels, and whether it would not be thereby a hinderance to navigation.

Mr. CAMERON, of Wisconsin. The bill was referred to the Committee on Commerce, and by the Committee on Commerce it was referred to the War Department for its opinion and advice, and there is a communication from the Secretary of War on file with the bill, stating that in the opinion of that Department it will not be any obstruction to commerce. That Department can see no objection to the passage of the bill. The Senator from Missouri, [Mr. BOGY,] when the bill was called up some time ago, made some objection to the consideration of the bill at that time. I have since submitted to that Senator a letter from Captain P. S. Davisson, who is the general superintendent of the Keokuk Northern Line Packet Company. This packet company own a line of boats running from Saint Paul to New Orleans, but more especially running and doing business between Saint Paul and Saint Louis. Captain Davisson, who has had long experience as a river man, says that a bridge constructed as this bridge is proposed to be constructed will be no obstruction to the navigation of the river.

I also submitted to the Senator from Missouri a communication from Captain McDonald, who is one of the owners of the most extensive tow-boat company on the Upper Mississippi, who says that in his opinion the bridge, if constructed as it is proposed to be constructed by this bill, will not be an obstruction to navigation. It leaves a clear, open channel of four hundred feet; and it is to be constructed, as the Senator from California will see, under plans approved by the Secretary of War.

Mr. HOWE. I have not seen the letters to which my colleague refers, and I ask him, as they are very important testimony, if there is nothing in them which may not appear in print, to have them read.

Mr. CAMERON, of Wisconsin. Very well. I ask the Secretary to read each of these letters which I send to the desk.

The Chief Clerk read as follows:

LA CROSSE, WISCONSIN, *April* 7, 1876.

GENTLEMEN: Hearing that there is some objection made by certain United States Senators to the erection of a ponton-bridge between La Crosse County, Wisconsin, and Houston County, Minnesota, I take this method of giving the knowledge I possess in relation thereto. It would perhaps be proper to state first that I am a practical pilot, and that I am a member of a firm having a greater number of boats used exclusively in the towing of rafts than has any other firm or individual, and as a necessary consequence have a greater interest than any one has in keeping the Mississippi River as free as possible from artificial obstruction. But I regard a ponton-bridge similar to that now in use at Prairie du Chien as no obstruction or hinderance to the safe and speedy navigation of this river; providing, however, that the ponton or boat shall be at least four hundred feet in length, and crossing the main channel at a right angle to the stream, and that the abutments shall be protected by suitable shear-booms to enable any and all craft to pass safely through from above. All the pilots and parties interested in the navigation of the Mississippi River, so far as I have any knowledge, entertain a like opinion.

I am, gentlemen, very respectfully, yours,

D. A. McDONALD.

To the SENATORS AND REPRESENTATIVES OF WISCONSIN
in United States Congress.

I hereby certify that I am the general superintendent of the Keokuk Northern Line Packet Company, which company is engaged in the transportation of freight and passengers, by steamboat, on the Mississippi River, between Saint Paul and New Orleans. That I have been engaged in various positions as a practical navigator of western rivers for the last twenty years. That I am of opinion that ponton-bridges, if built so as to leave a clear channel of four hundred feet, with guide booms, are not a serious obstruction to the navigation of said rivers.

P. S. DAVISSON,
General Superintendent.

Mr. CONKLING. I wish to suggest to the Senator from Wisconsin, in no hostility to the bill at all, the propriety of adding a proviso which has become a somewhat favorite one here, reserving to Congress the right at any time to amend or repeal this act. I think the Senator will have no objection to that.

Mr. CAMERON, of Wisconsin. I have no objection to such an amendment.

Mr. CONKLING. Therefore I move to insert the words:

And provided further, That the right is hereby reserved to repeal or amend this act.

The honorable Senator from California [Mr. SARGENT] asks me if I do not think the words should be added "that the bridge shall then be removed." In answer I say that this being a boundary river between States, manifestly it does not fall within the police power of any single State to authorize this bridge, and if the time shall come when it is no longer authorized by Congress, it will be a nuisance and may be prostrated by the order of a court. Does the Senator doubt that? It seems to me it would stand entirely without permission. What I say would not be true, as I understand the law, touching a river wholly within the domain of a State, because I think until Congress shall act in derogation of that right, among the police powers of the State is the power to regulate bridges, ferries, turnpikes, and other things. But this, I repeat, is a boundary river between States and therefore it must fall, as the Supreme Court said in the Wheeling bridge case it ought to fall, within the domain and power of Congress, and once withdraw that power, the bridge would be an intruder, and it must fall, if judicial proceedings were leveled against it. So that if we reserve the right to take away the authority by which it shall be constructed, it seems to me that we cover the ground.

Mr. SARGENT. I ask the Senator if that is not qualified by the fact that the bridge is authorized to be constructed? the words "and maintain" are not in the act.

Mr. CONKLING. If the Senator from California has doubt about this, certainly there can be no objection to enlarging the amendment as he proposes. I submit to him, however, that that would not be the effect of the amendment. The Mississippi is a navigable stream and it is a public highway. It is a river within the domain and jurisdiction of the United States. No man has a right to span it with a bridge, merely because he is a riparian owner, or for any reason which inheres in him. Congress under its power may license and permit him to erect a construction spanning this river. His structure is lawful because of that authority. When the authority is withdrawn, it remains an impediment, an obstruction, a nuisance, an erection in derogation of right. It may be said, however, that if this act should be repealed or modified, the question would be what claim those who have invested money in the bridge would have upon Congress if they were compelled to prostrate it. Although I do not think there would be such a claim, yet I suggest to the Senator from California that that may be an additional reason for his proposing an additional amendment such as he suggests which I take it would be that the bridge should be removed without expense to the Government if its authority should be withdrawn. I presume the Senator from Wisconsin would make no objection to that modification of the amendment.

Mr. SARGENT. I move that amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York will first be read.

The Chief Clerk read the amendment of Mr. CONKLING, which was to insert at the end of the bill:

And provided further, That the right is hereby reserved to Congress to alter, amend, or repeal this act.

Mr. CONKLING. "And in case this act be repealed the bridge shall be removed without expense to the United States, or if it be amended requiring a change, such change shall be made without expense to the United States." I believe that will accomplish the purpose of the Senator from California.

Mr. WRIGHT. Allow me to suggest to the Senator from New York whether it is not true that the necessity for all of the amendment proposed, except the first part of it, is obviated by the acts that are referred to in this bill. I think the acts providing for the construction of the bridges at Clinton and the other places referred to in this bill have these provisions. If it be so, it would be unnecessary to put these provisions in here.

Mr. CAMERON, of Wisconsin. I have no objection to their going in.

Mr. WRIGHT. Then I shall not resist their insertion.

Mr. CONKLING. One of the acts to which the Senator from Iowa refers is general in its terms applying to a range of this river from a certain point to a certain point marked; another act is specific; and I take it neither of those acts would be applicable to this case, this being a specific license to erect a bridge on a certain site, which is not within the range of one of these acts, and, I think, not within the range of the other.

Mr. WRIGHT. My impression is that those acts provide that in the case of repairs to the bridge they shall be made at the expense of the persons erecting the bridge; and, if so, this act referring to those acts perhaps would make it unnecessary to put in such a clause here.

Mr. CONKLING. That is true touching bridges between the Big Sandy and another point, and touching one or two specific cases; but as I remember those acts, they would not cover the case of this bridge far above the point to which they apply.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be read.

The CHIEF CLERK. The amendment, as modified, reads:

And provided further, That the right is hereby reserved to Congress to alter, amend, or repeal this act; and in case of the repeal of this act the bridge shall be removed without expense to the United States; and if this act be amended any changes or alterations required in the bridge shall be without cost to the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory;

A bill (H. R. No. 967) authorizing the survey of certain townships in Michigan, and making an appropriation therefor;

A bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming; and

A bill (H. R. No. 2260) providing for the sale of saline lands.

The bill (H. R. No. 1959) for the relief of certain settlers on the Kansas Indian reservation in Kansas was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 3129) amending an act granting a pension to Ann Hensley, approved March 3, 1873, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 2545) authorizing the Secretary of War to relinquish and turn over to the Interior Department a certain military reservation in the Territory of Arizona was read twice by its title, and referred to the Committee on Military Affairs.

THE LINCOLN STATUE.

The PRESIDING OFFICER. The morning hour having expired, the unfinished business is before the Senate, which is the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue.

Mr. INGALLS. Before the Senate proceeds to the consideration of that bill I desire to make a report. On the 3d day of the present month an invitation was extended by the chairman of the committee of arrangements having in charge the inauguration ceremonies attending the unveiling of the statue to Abraham Lincoln, in Lincoln Park, in this city, on the 14th instant, to the Senate to attend on that occasion, which invitation, I believe, on the motion of the Senator from Ohio, [Mr. SHERMAN,] was accepted by the Senate. The memorial was referred to the Committee on the District of Columbia and by them committed to a subcommittee, consisting of the Senator from Connecticut [Mr. ENGLISH] and myself, with instructions to report to the Senate what course we thought advisable to be followed.

We have had an interview with the chairman of the committee having these ceremonies in charge, and are informed that the statue is now in place in the park and that the exercises attending its inauguration and unveiling will commence to-morrow at one o'clock. It is said to be a work of art that is worthy of the subject, procured in Italy at an expense of $17,000, from the contributions of the colored people of America. Seats have been prepared in the park for the reception and accommodation of the Senate. Whether it will be the pleasure of the Senate to attend collectively in a body, or whether they will desire to attend individually as separate members thereof, I have no means of ascertaining. I simply desire to submit the fact to the Senate, and I offer the following resolution and ask its adoption:

Resolved, That the Sergeant-at-Arms be directed to make suitable arrangements for the attendance of the Senate at the inauguration ceremonies of the Lincoln statue, in Lincoln Park, in the city of Washington, at one o'clock on the 14th instant.

Before the resolution is considered, I suggest that it is worthy the attention of the Senate to determine whether they will attend these exercises collectively in a body or whether the members will attend as suits their own convenience; and I should like some expression of opinion in order that I may make to the chairman of the committee having these exercises in charge such explanation as will be necessary to enable him to complete the arrangements. I would say in addition that it is my purpose, when this action is had, to supplement my motion by a motion that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDING OFFICER. The question is on the resolution reported by the Senator from Kansas.

The resolution was agreed to.

ADJOURNMENT TO MONDAY.

Mr. INGALLS. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS its Clerk, announced that the House had passed a bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre.

The message also returned, in compliance with the request of the Senate, the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

An act (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency; and

An act (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia.

HOUSE BILL REFERRED.

The bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre was read twice by its title, and referred to the Committee on Public Lands.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue.

Mr. DORSEY. When this bill was passed over the other day the amendment pending was that of the Senator from Rhode Island [Mr. BURNSIDE] to insert in line 7 of section 1 the words "or cobble or block stone" after the word "wood." I hope that amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

The question being put, there were on a division—ayes 18, noes 14; no quorum voting.

Mr. DORSEY and Mr. MCDONALD called for the yeas and nays.

The PRESIDING OFFICER. The Chair is satisfied that there is a quorum present.

Mr. MERRIMON. I do not understand the question and ask to have the amendment read again.

Mr. KERNAN. As I understand, the amendment excepts cobble or block stone from being used.

The PRESIDING OFFICER. The amendment will be read again.

The SECRETARY. In line 7 of section 1, after the word "wood," it is proposed to insert "or cobble or block stone;" so as to make the section read:

A commission to select and determine the best kind of pavement, other than wood, cobble, or block stone, to be used, &c.

Mr. CONKLING. I understand the effect of the amendment to be to leave this commission perfectly free, without let or hinderance, to select any pavement whatever that they think it is wisest to select, except that the act will indicate that they are not expected to select a wooden pavement, or a cobble-stone pavement, or a block-stone pavement. The Senate adjudges by this vote, if this amendment shall be adopted as I hope it will be, that, although it is not prepared to settle any question between pavements, there are three pavements, to wit, a wooden pavement, a cobble-stone pavement, and a block-stone pavement, which they are prepared to say it would not be wise to put down on this avenue.

I heard a Senator inquire the other day why we should say this. Mr. President, I answer that, although we may not know what pave-

ment should be put on Pennsylvania avenue, we know that some pavements ought not to be put there. For example we should oppose a pavement of gold, or jasper, or ivory, although we hear of streets so paved. It is not necessary to exclude them in this bill. Why? Because everybody knows that no commission would select a pavement of that sort. If we thought there was the slightest danger of it, we should put in that exception. But it so happens that there is a smooth-running, agreeable pavement made of cypress blocks, or made of hemlock blocks squared, which has been tried, I think to the satisfaction, and more than to the satisfaction of every Senator who is to be called upon to vote. Therefore we say we are opposed to that kind of pavement being included in the field of selection. Every Senator is tolerably familiar with a cobble-stone pavement, and therefore we go so far as to say that our familiarity with that pavement enables us to exclude it from the field of selection. Every Senator has come to be familiar with a block-stone pavement as it is called, and therefore we say that this pavement too, we are prepared to declare ought not to be adopted. There we stop, leaving this commission to distinguish between all the pavements, whatever they may be, admissible as we think, as their judgment may direct.

Mr. RANDOLPH. What is left?

Mr. CONKLING. My honorable friend asks me what there is left. Well, there is an asphalt pavement, there is a concrete pavement, and there is a Macadam pavement such as my honorable friend has seen on the boulevards in New York and on one or two of the streets here; and traveled as I believe he is in foreign lands, although I am not, he has seen Macadam there and seen how it endures the attrition of time and of traffic. There are various forms of these pavements which I have mentioned. Two or three of those forms are to be seen in this city; and there are still others which I have not enumerated. Surely the honorable Senator from New Jersey does not put his question to imply that when we exclude block-stone and cobble-stone on Pennsylvania avenue, we have seriously impaired the list of pavements the selection from which he would approve?

Mr. RANDOLPH. It occurs to me that we have seriously impaired the list. We have not embraced the Macadam or the asphalt; and as to the block-pavement, Broadway is an evidence that it can be made a very good pavement, although a right expensive one. It is a very noisy one; and it may be objectionable to the persons who are living on Pennsylvania avenue, and it may be objectionable to those who prefer a stiller pavement, a quieter pavement to ride over. But it occurs to me that we can trust this commission with a wider discretion than that implied by the amendment. I am perfectly willing to exclude wood; but as to the exclusion of all kinds of stone pavements, I do not think it would be wise.

Mr. CONKLING. This amendment does not exclude all kinds of stone pavements; it excludes no kind of stone pavement whatever, save two: one is a cobble-stone, and the other block-stone. Every other kind of pavement, wholly of stone or partly of stone, still remains.

Mr. WITHERS. My objection to the amendment is this: It seems to me a very remarkable procedure for the Senate to select a commission of scientific engineers, to whom they desire to delegate this duty of making a selection, and then to decide for themselves what class of pavement shall not be considered by this commission. I am in favor of leaving them the widest discretion. They are presumed to be competent to examine the question in all its phases; and I think that no restriction ought to be thrown upon the action of the commission, but that they should be left free to select such pavement as in their opinion is best.

Mr. WHYTE. I understand that if this amendment is adopted it will exclude the Belgian pavement. Surely the Senate does not mean to exclude from the consideration of this commission the Belgian pavement. It has been tried, successfully tried in many of our cities, certainly in my own city, with great success, and it is likely to be adopted there very much more than it has yet been. I will vote against a cobble-stone pavement, because that is entirely out of fashion. Nobody would at the present day, I suppose, except from necessity, lay a cobble pavement. If, therefore, the word "block" is not inserted, I should be very glad to vote for the amendment; and with a view of reaching that point I ask for a division of the question, so that we may vote upon the block-stone and upon the cobble-stone separately.

The PRESIDING OFFICER. The Senator from Maryland, as the Chair understands, moves to amend the amendment by striking out the words "or block."

Mr. MERRIMON. I do not think I go out of the way when I say that the question of the character of this pavement was very fully discussed in the committee, and the committee were unanimously of opinion that an ordinary stone pavement was not desirable in any view. A good stone pavement would cost very much money, and would be a noisy one, and one unnecessary for Pennsylvania avenue, where ponderous bodies are not transported. The committee were of opinion that a smooth pavement, one made of asphalt, or some pavement of that character, would be a suitable one and a proper one. They were unanimously of that opinion; and the run of the debate here indicates that the Senate entertain that opinion. A pavement such as would be required in Broadway, New York, and the great business streets there or in Baltimore, is not required in the city of Washington. We need here a smooth pavement, and one that has great durability; and it is conceded on all hands that an asphalt pavement, or one like it, would answer every purpose. It would be wisest in point of durability and in point of smoothness, and the ease with which vehicles and passengers could get over it; and then, besides, it is not out of the way in point of cost. It would probably be as cheap or cheaper than the stone pavements that have been suggested.

That being the view taken by the committee without dissent, the committee were of opinion that it was wise, that there was no doubt about what ought to be done on the part of Congress to narrow the field of discretion as much as possible; and therefore the exclusion of wood and stone was inserted. We all know that for the last two or three years we have heard the authorities of this District and commission after commission denounced because, in the exercise of a wide discretion, they had perpetrated frauds and had done hundreds upon hundreds of acts that resulted in the injury of the people of the District and of the whole country and brought the city of Washington into disgrace. While the committee had the highest confidence in the proposed commission, they deemed it wise, they almost felt instructed, to make the discretion as narrow as it could be properly made. That was the object in limiting this discretion; and it seems to me that, as there is no reasonable doubt about the fact that the pavement ought to be one of asphaltum or some such substance that would answer every purpose, we ought to narrow down the field of discretion as much as possible by excluding wood and stone. If we had a pavement on Pennsylvania avenue like the pavement on Broadway, New York, or some of the pavements in Baltimore, people could scarcely live along the street at all; the noise would be intolerable. Indeed, after it became smooth it would be dangerous to pass over it.

I have deemed it worth while to say this much in defense of the committee and in furtherance of what I deem the best policy that ought to be adopted by the Senate.

Mr. COCKRELL. I desire to ask the Senator from North Carolina one question, and that is, whether the committee considered the question whether the present pavement on Pennsylvania avenue would do for one year longer?

Mr. MERRIMON. I answer my friend very frankly that that was considered, though we did not deem that that view of the matter was particularly referred to us. The committee regard the pavement on that street as in a very ruinous condition now; it is perhaps not to be called dangerous, but it is scandalous in appearance and very inconvenient to the vehicles and persons and horses that pass over it. I think there is no difference of opinion about the fact that the street must be repaved, and at a very early day. There is no escape from it.

Mr. HITCHCOCK. Mr. President, I concur with what has been said by my colleague on the committee, the Senator from North Carolina, [Mr. MERRIMON,] in regard to the unanimous opinion of the committee that all stone should be excluded as material for this pavement. But this amendment, if adopted, does not, as I understand it, exclude the Belgian pavement. The Belgian pavement is not, as I understand, a block pavement; it is a rectangular pavement, consisting of narrow slabs set edge-wise. If this amendment is adopted, that pavement will be among the materials from which this commission is allowed to select, and it is not, as the honorable Senator from Maryland supposes, excluded. Block pavement, I understand, is a pavement of square blocks of stone.

Mr. EATON. If it does not exclude Belgian pavement, I hope there will be another amendment introduced so that it shall be excluded. I think the committee have done wisely in leaving as little discretion to the commission as possible. From some little experience in paving of this character, I do not believe that square blocks of stone, or rectangular blocks, or Belgian pavement, as it is ordinarily called, or the cobble-stone would answer for this Avenue. I think the duty of Congress is, so far as possible, to determine what this pavement should be. I have my own theory in regard to the matter; I do not know that I care to express it to the Senate now, because these competent engineers doubtless understand the subject much better than I. Much of Pennsylvania avenue runs through very low and what was once swampy ground; and therefore, in my judgment, there never can be, there never will be, a well-paved street there until it is thoroughly drained, first underlaid with a coating of broken stone, and over that stone the concrete or the asphalt put. That, in my judgment, is the only pavement that is proper for this Avenue. Therefore I am prepared to vote that there shall be no square blocks or rectangular blocks, or cobble-stone pavement on this Avenue, and leave it to this board of commissioners to determine what is the best outside of those, the concrete, the asphalt, the Macadam, or any other species of pavement.

I trust that the amendment of my friend from Maryland [Mr. WHYTE] will not be adopted, and I think the stone should be stricken out.

Mr. LOGAN. Let the amendment be stated.

The PRESIDING OFFICER. An amendment to the amendment is now under consideration.

Mr. LOGAN. Let us hear both the amendment and the amendment to the amendment.

The CHIEF CLERK. The pending amendment is to insert after the word "wood," in line 7 of section 1, the words "or cobble or block stone;" and the amendment to the amendment is to strike out the words "or block."

Mr. LOGAN. I do not know that I can add anything to what has

been said which will be calculated in the least to enlighten any Senators on this subject; but in noticing the debate here I have been a little surprised at one or two statements which have been made, and especially at one made on a previous occasion by the Senator from Iowa, [Mr. ALLISON.] I am not appointed for the purpose of defending any commission, or Congress, or anybody else; but I notice that it seems to have become very fashionable, especially in the Senate Chamber, when anything turns out to be a failure, that the Senate are always ready to accept the responsibility and charge it upon themselves. I do not agree to that proposition, nor have I agreed to it since I have been here at any time. It was stated by the Senator from Iowa that the Congress of the United States was responsible for the failure in the pavement of Pennsylvania avenue. I presume—for probably it is presumption on my part—to say that I do not believe that proposition. The responsibility of the failure of the pavement on Pennsylvania avenue is because of the manner in which the contracts were made and the frauds that were perpetrated under the law that Congress passed, and not because Congress passed the law. Acting upon that hypothesis, Congress now proposes to do what? If a law is passed under which persons act, and they perpetrate frauds, and Congress has not enough nerve to unearth those frauds and show who perpetrated them, then the whole responsibility is laid upon Congress.

Now, let us see what this bill proposes to do. It proposes to do the very self-same thing that the Senator from Iowa said had been done by Congress heretofore. What is that? That Congress assumes the whole responsibility, and hence there is no responsibility placed upon any one else. How does it assume it? First, by declaring, at least inferentially, that there are no persons that can be trusted except a certain class in this country. If no one can be trusted except that class, then why not leave it to that class to determine what kind of pavement we shall have? If they are more honest than members of Congress; if they are more honest than civilians; if they are more honest than anybody else, why not have Congress appoint these honest men to be a commission, and let them determine, and then the responsibility will be placed upon men against whom there can be no suspicion.

But Congress proposes to do a different thing. Congress proposes here to say to this commission, "You are appointed for the purpose of selecting the character of material that shall be used for the paving of Pennsylvania avenue, but while we choose you as an honest commission to perform that duty we indicate to you that you are not to take any material except one particular class of material." Why do we say that? Why do we cover up in this bill the fact that it means that this commission shall pave Pennsylvania avenue with just one kind of material and none other? Why not say that? If Congress is to be responsible for the want of having a good pavement here, why will not Congress have the honesty at least to indicate the character of material that this commission are to take? You do that in an indirect way in the bill. You say they shall not take wood; that they shall not take stone. What then shall they take? They cannot take Macadam. Why? You do not exclude it, but yet under the bill they cannot put down a Macadam pavement on Pennsylvania avenue, although some gentlemen say that is the best pavement. Why can they not take Macadam? Because you must underlay it with stone and you exclude stone in your very bill.

Mr. MORTON. The surface may be of broken stone.

Mr. LOGAN. The surface may be of broken stone; but gentlemen speak about the manner of the pavement in Central Park. That is paved by first putting down stone and then covering it over, and then covering it again with broken stone. That is a Macadam pavement.

Mr. CLAYTON. That is not Macadam.

Mr. LOGAN. What is it?

Mr. CLAYTON. It is not Macadam. Macadam is broken stone alone.

Mr. LOGAN. Very well; Macadam is broken stone on the surface.

Mr. CLAYTON. Alone.

Mr. LOGAN. Very well, alone.

Mr. CLAYTON. Is the whole broken stone?

Mr. LOGAN. You cannot pave the Avenue with broken stone under your bill; you cannot use Macadam, because the word "stone" embraces broken stone as well as unbroken stone. Therefore you exclude that character of pavement. What kind of pavement do you propose? I want some gentleman on the committee to tell me what kind of pavement the committee is in favor of, and probably that will throw some light on the subject.

Mr. MERRIMON. To be obliging to my honorable friend from Illinois, I will tell him that the committee were clearly of the opinion that it would not do to have a wood pavement. That has been tried. We were unanimously of opinion that it would not do to have what is called an ordinary stone pavement such as there is on Broadway, in New York, and on most of the business streets of Baltimore. We thought it ought to be an asphaltum pavement, or one like that.

Mr. LOGAN. It could not be one like that unless it is that, for there is nothing else like it.

Mr. MERRIMON. I cannot mention the technical names of all of them. There is quite a variety of them. You might put Macadam at the bottom and asphaltum on the top. Our purpose was to leave it to the discretion of the commission as to which of the various classes of asphaltum were the best, or whether it would be well to combine Macadam and asphalt, making a Macadam foundation, as suggested by the Senator from Connecticut, [Mr. EATON,] and putting the asphaltum on top. We were of opinion unanimously that it was not wise to have it of wood or to build the ordinary stone pavement; and because we were so unanimously of that opinion we deemed it wise to so recommend it in the Senate. I think that the tone of the debate here has indicated that the Senate is of the same opinion, to wit, that it ought not to be made of stone or wood. If that is the sense of the Senate, why should we leave that to the discretion of the commission? We want their scientific opinion and their judgment as to the other classes of pavement, exclnding these two. We do not want it of stone or wood, and therefore we excluded those materials by the bill.

Mr. RANDOLPH. Will the Senator from Illinois yield to me a moment?

Mr. LOGAN. Certainly.

Mr. RANDOLPH. It seems to me after what the Senator from North Carolina has said about this matter that the committee are anxious to have the judgment of these commissioners, General Humphreys and others, and yet exclude them from using that full and free discretion which is necessary to a proper decision. As I said to the Senator just now, it seems to me like granting the right of suffrage to everybody, provided they will vote, for instance, the democratic ticket. Thus these commissioners are permitted to take any sort of pavement they please, provided they will use the asphalt. That is about what it comes to.

Mr. LOGAN. That is what it means.

Mr. MERRIMON. No, sir; the gentleman does the committee injustice, and I think, inadvertently, the subject injustice. What the committee say is this: "We do not want the pavement made of two articles, but, as to all other articles of which the pavement might well be made, we leave that to your judgment." We exclude two things. There are two things which we do not want, to wit, wood and stone; and as to all other kinds of pavement we invite their judgment.

Mr. LOGAN. If the Senator will allow me I think I can convince him that he is mistaken in the proposition which he now states. He says that under this bill the committee thought they might use stone for the base and asphaltum for the surface. Am I to understand him to say that?

Mr. MERRIMON. That would be a sort of combination.

Mr. LOGAN. I say that under this bill they cannot do that. Let us read and see if I am correct. Certain officers are—

Appointed a commission to select and determine the best kind of pavement, other than wood or stone, to be used in paving Pennsylvania avenue.

In other words, they are to select the best character of material to be used except—what? Except stone or wood, which are not to be used. How are you going to make a base of stone for asphaltum under the bill?

Mr. MERRIMON. The mere bed upon which the asphaltum would rest would not be the pavement.

Mr. LOGAN. It would not. Would it not be a part of it?

Mr. MERRIMON. It would be a part of it; the base of it.

Mr. LOGAN. I ask the Senator to tell me what a pavement is. Is it the mere stuff that you smear over the surface of the ground? That is not a pavement. To make a pavement you have got to include the base as well as the surface. Pennsylvania avenue is paved now with wood. What does that mean? Does that mean that the mere blocks that are put together with pitch, or whatever it may be, that is poured in, with gravel thrown over it, form the pavement? If the Senator means that, I say to him that he is mistaken. The first thing to do is to level the ground and put the boards down upon which the blocks rest. The boards upon which the blocks rest are as much a part of the pavement as the blocks or gravel that form the surface are part of it. So it is that, in paving, the material for the base is a part of the pavement and the other material is merely put on to make the surface smooth. I am not in favor of a wood pavement. Where I live I believe the wood pavement is the best pavement we have; but perhaps experience has taught us here that in this climate the character of wood used is such that it is not the best material for a pavement in this city. I think probably that is true. I have no choice, so far as I am concerned, and I have no feeling on the subject except that I think if you appoint a commission for the purpose of examining and determining the character of material to be used in making a pavement over which you shall travel, you should let that commission have their judgment unconfined and unrestricted in reference to the choice of material. Let them choose that which is the best for the purpose of paving the Avenue, and let us except nothing. I do not presume that they would pave this Avenue with cobble-stones. If they should undertake to pave it with cobble-stones, I presume at this time the people would say that they were going outside of the better judgment and outside of the experience of the time in reference to a pavement. Hence they would not be likely to do that, if you leave them free to choose that which they may deem best. If it is best to make the base for asphaltum of stone, let them make the base of stone, and then you will add durability to that which will cover the surface of the Avenue.

I must say that I cannot agree with the committee or with what has been said on this floor in reference to the selection of materials. If these men are to be trusted, trust them as you would trust any hon-

est man. Trust them, not as you would an idiot, an ignoramus, or a fool. This bill first trusts them because they are honest; then because they are experienced; and in the third place it refuses to trust them because you think they are ignoramuses. Is that what is intended? That is the meaning of the bill.

Mr. MERRIMON. Will the honorable Senator allow me to interrupt him a moment?

Mr. LOGAN. Certainly.

Mr. MERRIMON. I simply wish to propound a question with a view to illustrating the propriety of the course taken by the committee. If the honorable Senator should have occasion to build a house in Illinois he would appoint an agent to superintend it; and if he did not want stone, and did not want wood, he would be apt to say to the agent, "I am going to Washington to attend the Senate; I want you to build a house for me; but I desire two things out of it: I do not want you to build it of wood and I do not want you to build it of stone. As to all other building materials, you may exercise your discretion." The committee were of the opinion that the interests of the District of Columbia as well as of the whole country demand that this pavement ought not to be made of wood, and that it ought not to be made of stone. They recommended that to the Senate. They thought that would meet the approbation and judgment of the Senate. It is for the Senate now to say whether that is their judgment. I put the question to my honorable friend whether or not he would be apt to give his agent special instructions as to the material of which he did not want his house built?

Mr. LOGAN. Mr. President, I may illustrate the Senator's position by a story. I think he is in the condition that a certain gentleman once was who did desire to build a house. Inasmuch as the Senator puts that illustration to me and asks me what I would do, I will tell him that I once heard of an old gentleman who invited all his neighbors in to fix the location for a fine house that he was going to build. They all gave their views. When they got through, said he: "I like your views very much, but, gentlemen, I will build the house just where I please."

That is what the Senate proposes. You have invited a commission to tell you the character of the material you shall choose for paving this Avenue. After they tell you, then you say "no; not at all; we have pointed out in this bill the character of material you shall use and the character you shall not use."

Mr. MERRIMON. We leave it to their discretion except in two things.

Mr. LOGAN. That is, you except wood; they cannot use wood at all as a material, though it may become necessary to use it for some purpose.

Mr. MERRIMON. I do not think a court would give the language of the bill that construction. I do not think my honorable friend would if he were going to give his client legal advice.

Mr. LOGAN. I say that the language of the bill does mean just that precisely. You cannot use wood according to the Senator's own statement. A while ago he said you might use stone as a base. Now, if you can use stone as a base, can you not use wood as a base? I should like to know the difference. You cannot use either one according to the meaning of this bill. There is no right to use either one in any way whatever as a part of the material.

I have other objections to this bill. I certainly am as far as anybody from making insinuations in reference to rings or cliques or anything of that kind as any man in the world. I do not believe in such things. Hence I say to the Senate, in order that the Senate and the Congress of the United States may not at all times be charged with every responsibility and every failure that occurs in this country under their law where men act corruptly, that in making a law of this kind they should open it so that when you charge a commission with the performance of a certain duty that commission shall be responsible for the manner in which that duty is performed. The trouble we have had has not been the fault of the law; it has not been the fault of Congress, but the fault of the agents, owing to the manner in which the law was executed or the views of Congress carried out.

While I am up I will make one other suggestion in reference to this bill. In line 5 of section 1, I suggest to the committee that an amendment ought to be made. The bill reads that "Brigadier-General A. A. Humphreys, Chief of Engineers, General H. G. Wright, General Q. A. Gillmore, of the Engineer Corps of the United States Army, be, and they are hereby, appointed," &c. These three gentlemen are gentlemen of experience, education, and honor. I do not question that. Right after the word "Army" should follow "without extra compensation" or "without compensation other than their Army pay." That ought to be in the bill. If it is not in the bill, you appoint men to service out of the line of their duty, for which they will be entitled to pay.

Mr. WHYTE. Will the Senator from Illinois allow me to ask him whether the bill ought not to request the President of the United States to detail them for that service? Is it in order for Congress to direct officers of the Army where they shall go and what they shall do?

Mr. LOGAN. I think the bill ought to be amended as the Senator suggests. I will not say that Congress has not the power to do what is here proposed, because God knows recently it seems to have power to do anything on earth, to reach up to the angels in heaven and dictate to them what they shall do. But, strictly confined to the letter of the Constitution, Congress has no right to detail officers from the Army to perform duty. That would be my opinion.

Mr. MERRIMON. Will the Senator allow me to say a word touching this point which the Senator from Maryland has raised?

Mr. LOGAN. Certainly.

Mr. MERRIMON. The committee were not unmindful of that point. I suggested myself, I believe, that under the Constitution the President of the United States appoints all officers except certain officers that Congress may allow the heads of Departments or the courts to appoint; but when we came to consider this matter we found that this was merely assigning another duty to an office already in existence. These officers are assigned this duty; and if, under the law, it becomes necessary, it will be the duty of the President, in pursuance of this statute, to assign these officers to this duty.

Mr. WHYTE. I have prepared an amendment, which hereafter I will offer, asking the President to detail these officers.

Mr. LOGAN. I think that is proper, and I will indicate now to the Senator from North Carolina wherein he makes a mistake, in my judgment. You say you merely assign a duty to officers to perform. In the assigning of that duty you assign it not to the Corps of Engineers at all, but you assign it to individual officers of that corps. If you assigned this duty to the Corps of Engineers, it would be an additional duty belonging to that corps to perform, for which officers might be detailed from that corps by their chief or by the President of the United States; but when you assign the duty to specified persons of a corps, it is a duty not assigned to their branch of the service, but to individuals. Hence it is not a correct provision of law.

Mr. MERRIMON. I think, without a great deal of reflection or examination, that it is perfectly competent for Congress to assign a new duty to an office, and to direct the present incumbent to discharge that duty. I apprehend it to be competent for Congress to pass an act directing the President to assign the General of the Army to command west of the Mississippi River.

Mr. LOGAN. Let me put a case to the Senator. I believe under the Constitution and laws the President of the United States is Commander in Chief of the Army and Navy, is he not?

Mr. MERRIMON. Under the law.

Mr. LOGAN. Under the Constitution, is it not?

Mr. MERRIMON. Yes, sir.

Mr. LOGAN. Very well. Now, inasmuch as the Senator and I differ, I will put a case. Suppose you, by an act of Congress, assign a duty to the Chief of Engineers to-morrow, and the President of the United States details him and assigns him to some other duty, what does your law amount to?

Mr. MERRIMON. I apprehend the President in that case would violate his duty as President of the United States.

Mr. LOGAN. I do not apprehend any such thing. The Constitution clothes him with the power to assign officers of the Army anywhere he chooses in strict accordance with their duty, and the lawyer who insists that Congress can deprive him of that power is not, in my judgment, as thorough in constitutional law as he might be. What would your act amount to? Suppose you pass a law to-morrow depriving the President of the United States of the right to assign officers of the Army anywhere, what would your act amount to? It would be in clear violation of the Constitution, and any court would set it aside in a moment by their decision; at least they would decide that there was no force in it.

It seems to me there is no proposition clearer than this, and none can be made clearer. I know heretofore when duties have been assigned to officers of the Army wherein they were mentioned by name, the bills have provided that the President should appoint them to that duty. When you put an Army officer on the board of commissioners for the District of Columbia, I opposed it in the Senate at the time it was done, as Senators will remember perhaps; but there the provision was put in the bill that he should be appointed by the President. That brought it within his power. He could assign by appointment, but without that your law would have amounted to nothing.

There is another objection; and I am merely making these suggestions to the committee that they may make the bill better. I know it is a foregone conclusion, and there is no use of my fighting against this thing. I do not propose to take up the time of the Senate in doing so. Whatever my views may be, I do not propose to make an exhibition of myself here in opposition to a thing that I know the Senate is going to favor. It is not my object to attempt to defeat the bill. I know I could not do it. But my object is to try to point out wherein the bill is imperfect that it may be made better; better for the Congress that passes it, and better, too, for those who have to administer the law.

Section 2 provides—

That within ten days after the passage of this act, or as soon thereafter as may be, the commission named herein shall meet and organize by the election of a president and secretary from among their number, and shall proceed to perform the duties herein imposed upon them; and within ten days after they have determined upon the pavement to be used—

Mr. DORSEY. The Senator has omitted an amendment which is put in there. After the word "days" an amendment was adopted when the bill was up before inserting the words "or as soon as practicable."

Mr. LOGAN. I did not know that. I have one of the bills as printed.

Mr. DORSEY. The amendment was made in the progress of the bill the other day.

Mr. LOGAN. I did not know it. I saw that defect in the bill. I did not notice that an amendment had been put in there; but it obviates my objection as a matter of course. It was not in when the amendment was adopted. I am only reading from the bill as given to me by the Clerk supposing it was correct and contained the amendments already adopted.

I do not know that I care to say anything more in reference to this bill. What I have said has only been by way of suggestion that the bill may be made better. There are other objections that I have to it, but they are not objections going to the points I have named. I should object to the whole of it for reasons that I have not given; but it is unnecessary for me to state them now. In my judgment the committee ought to agree to strike out the words "wood or stone," and leave the matter entirely open. We know the commission will not select wood; everybody understands that. But you confine them within a certain scope in their judgment; and in that confinement they may understand from this bill that you have indicated that they shall go in a certain direction; that, in other words, although you have not said so, you have clearly indicated to them the character of pavement that they shall select, some particular patent or other that they shall follow. I presume neither Congress nor the committee wishes to be, even seemingly, placed in that light.

Mr. MORTON. Mr. President, this bill provides that General Humphreys, General Wright, and General Gillmore, engineers of the United States Army, shall constitute a commission to build this pavement. It is said that everything should be left to the judgment of this commission. Now I presume that these gentlemen are very competent engineers; but I presume that, so far as laying pavements is concerned, they have not much more experience than we have. Perhaps they have never had occasion to study the subject and practically do not know anything about it; and if they are appointed, they will have to go to work and learn it just as any other commission would do. Perhaps their skill as engineers will enable them to learn it a little sooner.

Mr. DORSEY. Will the Senator from Indiana allow me a word? He is entirely in error in respect to that. General Gillmore and General Wright have been for many years the acknowledged authorities on all questions of pavements, especially concretes, and General Gillmore has written quite a voluminous book on the subject. It was that fact which called my attention first to his ability in this direction. I have no question that he is by far the best judge of what is a proper pavement of any man in this country. I have no doubt of it.

Mr. MORTON. I did not know that fact. I only know these gentlemen by reputation as Army officers; and I never heard that they were engaged as officers of the Army in building pavements; but they may have written books, and may be qualified. The presumption with me was that this would be rather a new business to them, as it would be to us if we were called upon to build pavements. But I did not make that suggestion for the purpose of opposing the bill, as my friend will come to understand. I supposed these gentlemen would have to learn this business, and that there would not be so much presumption on the part of the Senate in saying that they should not take certain materials, or should not make a certain kind of pavement. While I have confidence in the judgment and ability of these men, I have just as much confidence in my own experience in regard to certain kinds of pavement. I have been traveling over pavements for a good many years, and over some dirt roads, such as my friend from Illinois [Mr. OGLESBY] has been in the habit of traveling on, and I have yet to find a smooth stone pavement as compared with what may be called an asphaltum pavement; and I never expect to find one. I have traveled over what would be considered good stone pavements, and I have never yet found an easy one; I have never yet found a comfortable one. They can be made comparatively smooth; but if a stone pavement is made entirely smooth like an asphalt pavement, a horse cannot pull on it and cannot stand up on it. Consequently, a stone pavement has to be comparatively rough. Therefore I would exclude stone pavements in this bill.

One word in regard to the construction put upon the bill by my friend from Illinois, [Mr. LOGAN.] If this bill is to be so construed, because it says "other than wood or stone," as that stone cannot be used in the foundation, that is wrong. I gave that language construction as referring to the surface of the pavement; but no asphaltum pavement can be constructed without stone for the foundation.

Mr. DORSEY. I will say to the Senator from Indiana that the amendment which is now pending before the Senate is perfectly clear on that subject. It says "cobble or block stone." Block-stone is not used for the base; it is for the surface.

Mr. MORTON. That amendment would not be entirely satisfactory, because that would leave the commission open to adopt a macadamized pavement, would it not? I am opposed to any macadamized pavement in any city, I do not care whether it is built of limestone or of freestone, because a macadamized pavement, built of small pieces of broken stone, is necessarily a dusty pavement. The attrition of these small pieces of stone constantly produces dust, and in a city where there is so much travel over a street as there is on this avenue the dust would be almost unendurable in the summer time. I would therefore be opposed to a macadamized pavement under any circumstances, I do not care what kind of stone it is made of. The very nature of the structure of the surface produces dust. My friend never traveled over a macadamized pavement that was not a dusty one in dry weather, and it raises the worst kind of dust—fine, impalpable dust.

Mr. SPENCER. They would have to keep constantly sprinkling it.

Mr. MORTON. Yes, sir. Therefore I prefer to have this as it is, unless there should be some words added to show that it does not refer to the foundation of the pavement, because an asphaltum pavement must have a stone foundation. Giving it the construction the Senator from Illinois does, the language is wrong; but it might be so amended as to show that it refers to the surface of the pavement.

Mr. LOGAN. The language is "other than wood or stone, to be used in paving Pennsylvania avenue." I ask the Senator to read it in that light, and see if I am not correct.

Mr. DORSEY. The other day when this bill was up the words "or stone" were stricken out, the word "wood" only remaining in the exception. On the motion of the Senator from Rhode Island, [Mr. BURNSIDE,] the words "or cobble or block stone" were proposed to be inserted after "wood." As the bill now stands, the word "stone" is not there at all.

Mr. LOGAN. When was it stricken out?

Mr. DORSEY. The other day.

Mr. MORTON. I would oppose that, because I would oppose my personal experience to the judgment of any board of engineers so far as a stone pavement is concerned. I have never yet found a smooth and comfortable stone pavement.

Now, one word in regard to the character of this pavement. I believe an asphaltum pavement can be constructed that will be durable, and nobody questions that it is the most comfortable pavement to travel over that has ever been built. You may take the best wood pavement in this town when it first comes from the hands of the contractor, and driving a carriage from that on to a smooth asphaltum pavement the difference is at once perceived, and everybody appreciates the comfort of it. Pavements ought to be constructed, as far as possible, with regard to comfort and pleasure in traveling over them. If you take a carriage now and start out over the streets of this city, trying first the best wood pavement and then trying the asphaltum pavement, the superior comfort of traveling over the asphaltum pavement is appreciated and noticed at once before you have been on it twenty feet.

I do not say that the pavement problem is entirely solved, but think it is pretty near it. There are asphaltum pavements in this city now that have been down for years, and you can hardly see the mark of a wheel on them, they are so hard and they are so perfect. I should regret to see any other kind of pavement put on this avenue, even if it was done gratuitously. I think that in constructing this pavement two or three things ought to be considered. One would be the expense. As a matter of course, we should consult economy to a reasonable extent. The next is durability, and the next is comfort, and perhaps that should be the first. You may take the best stone pavement you can find in the city of New York, or Boston, or Montreal; you may take the best wooden pavement; and they bear no comparison to a good asphalt pavement, so far as the pleasure of travel over it is concerned. My opinion is also that it is a saving in regard to horses and in regard to carriages. There is a great deal less wear on vehicles upon smooth pavements than there is upon rough pavements. I think the same thing is true in regard to horses.

Mr. LOGAN. While the Senator from Indiana is up I wish to make a suggestion to him. I had been detaining the Senate to such an extent that I stopped before I was through. I ask the Senator from Arkansas if section 3 has been amended so as to allow cobble-stones to be used instead of block-stones between the railroad tracks?

Mr. DORSEY. The words in italics in lines 9 and 10 have been stricken out, and the word "rectangular," in line 7, inserted in place of the word "square."

Mr. LOGAN. The reason that I asked the question is, that at the time the pavement was put down there was quite a discussion in the House of Representatives, of which I was then a member, and the railroad companies insisted that cobble-stone was the only character of stone to be placed down between the tracks that it was safe for horses to travel over, and I have seen a circular since that from some of the railroad companies insisting upon the very same thing. At that time the question was fully discussed in the other House, and I remember perfectly well that on the information we received there we put in a proviso to allow the companies to pave between the railroad tracks with cobble-stones as being the preferable material for the travel of horses.

Mr. WEST. If the Senator will permit me, I should like to ask whether there were not cobble-stones there at that time?

Mr. DORSEY. There were.

Mr. WEST. I think that that fact and the fact that cobble-stones are there now is the reason of the preference of those companies for cobble-stones, because, if cobble-stones can be given the preference, it will save them that much expense; but really in fact the rectangular stone is as good as the other.

Mr. LOGAN. I know nothing about it; I only make the suggestion. I know they say that in reference to the horses; and that is all I know about it. If the other stone is the best material for the horses, they certainly would have used the other stone, I suppose. That argument, at least, has its force on my mind.

Mr. SPENCER. If the Senator from Illinois will permit me, I should like to state that the use of cobble-stones is a matter of economy to the railroad company. Rectangular blocks will form a much prettier pavement.

Mr. LOGAN. The cobble-stones between the railroad tracks are not traveled over by our horses; they are traveled over by the railroad horses. Now, if the railroad people put down a cobble-stone, and it is cheaper and yet just as good a pavement as the other, I want to know why we should object to it?

Mr. SPENCER. I can state the objection. People with carriages very often have to cross the railroad track, and it is a great deal better for them to have a comparatively smooth track than one that is very rough.

Mr. LOGAN. So far as the part between the railroad tracks is concerned, it is not a matter that attracts my attention. That has nothing to do with our driving or the driving of the community. I care nothing about it myself; and I certainly know nothing about it. But I read a circular this morning—and that is what called my attention to it—which I found lying on my table, and I suppose it is on the table of every other Senator, calling attention to that fact and stating that cobble-stones were preferable for the travel of horses. I believe it, and I will state why. If you put down a smooth pavement between the railroad tracks, what will be the consequence in slippery seasons of the year? Any man, in my judgment, who knows anything about horses traveling, must be aware that the horses will travel more safely and with more speed over stones that are a little rough than they will over smooth stones in time of ice or freezing weather.

Mr. SPENCER. It is not intended to put down an entirely smooth pavement. It is intended to put down rectangular blocks with plenty of places for the horses to plant their feet with firmness.

Mr. LOGAN. Rectangular blocks do not change the character of surface. I care nothing about it; I merely suggest it.

Mr. DAWES. I think it has been suggested by those who make the habit of the horse a study that wood is the very worst possible material for a horse to stand or travel on. In his stable a granite floor or a brick floor is much more preferable for the horse, and more conducive to his health and his continuance of soundness than wood. So in the travel upon the road, it has been tested by those who have written upon the habit and endurance of the horse that wood is the worst of all roads for him to travel on; that a smooth or comparatively smooth surface like the block pavement is the next; that asphaltum is the next; and the best track for the horse to travel on, which he will seek of his own accord, upon which he will draw the greatest load, upon which he will manifest the most ease and comfort, is the cobble-stone. There is no doubt about that among those who understand what the horse can do. I do not speak about the beauty or propriety of it; but I can see plainly that an asphalt pavement between the tracks will render it almost impossible for the horse to do the service that is required, and next to that would be wood, and next to that would be this block pavement. Whether it is not proper after all to require a block pavement I am not going to say. I have no doubt a pavement of cobble-stones is cheaper, and that probably is a great deal of the motive on the part of the railroad company; but at the same time it is cheaper with them, not only because it costs less to lay it down, but because the horse will endure more and perform more upon that kind of pavement than any other that is used.

Mr. MORTON. One word about wooden pavements. There is something very curious in the experience of the country in regard to wooden pavements; they stand very well in some cities, and in others they do not. They have endured very well in Chicago, while here they are rotting off within two or three years. In the city of Indianapolis they will not stand. It is very curious that while wooden pavements are now being repudiated here and in most of the eastern cities, there are towns where they are now putting them down; and I suppose nobody will learn in regard to them except by experience.

But there is one question connected with this bill which in my opinion is more important than any other. I think I shall vote for the bill as it is; but I desire to call the attention of the committee and of the Senate to a consideration in connection with the third section of the bill. The bill provides that this pavement shall be paid for, one-third by the property-holders on Pennsylvania avenue, that is, one-sixth of the expense of the pavement will be borne by the property-holders on each side; and then the District itself is to pay one-third out of the fund raised by general taxation, and then the United States pays one-third. I want to understand upon what principle it is that the District is to pay one-third of this expense.

Mr. MERRIMON. The people of the whole District are interested in it to some extent certainly. All the people travel over it more or less.

Mr. WEST. I will mention to the Senator from Indiana that in paving all other streets the District pays one-third.

Mr. BAYARD. I will say to the Senator from Indiana that I propose to offer an amendment touching that subject, of the proportion of this expense to be borne by property-holders along the route of the street. The matter has been brought to my notice by some persons in interest, and I desire to submit to the Senate, when the occasion shall arise, an amendment which shall limit and decrease the proposed portion of expenses to them. I think it exceedingly unjust as it now stands, and I desire to submit to the Senate, when no other amendment is before it, a proposition to regulate that portion of the cost of this pavement which the property-holders along the line of Pennsylvania avenue should equitably bear. If it be not out of time, I will state the facts to be about these: Under a computation which has been handed to me, the cost of the pavement of 1871, and the pavement now proposed to be laid down in 1876, as assessed upon each property-holder, would be thirty-five dollars and some cents a front foot. There is in the report made by the Committee on the District of Columbia, submitted by the Senator from Arkansas, [Mr. DORSEY,] a statement which I think is palpably erroneous, to the effect that the cost is to be but $9.56 per front foot to the property-holders. That, I am assured, is an error. There are extracts from the report of the commissioners of the District, on page 2 of this report, stating a rate per foot of about $9.56, with a small fraction added, stated here in decimals as the cost per foot.

Mr. DORSEY. Will the Senator yield to me for a moment?

Mr. BAYARD. Certainly.

Mr. DORSEY. The Senator has just stated that the figures in my report were entirely erroneous. I am glad to say that those figures were based on the report of the engineer of this District and of the commissioners, and the statement is precisely that made by the engineer of the District.

Mr. BAYARD. I understand it is not stated by the Senator, because he has quoted the source from which he derives it; but what I say is, that the report of the commissioners, which has in some degree been adopted by the Committee on the District of Columbia, is inaccurate.

Mr. DORSEY. If the Senator will go over the figures of the engineer of the District showing the charges made against the property-holders on the Avenue, against the general revenues of the District, and the sum paid by the Government, he will find that the engineer's statement is substantially correct. I believe it is entirely correct. I ran over the figures, not very closely, but enough to see that the cost per front foot was something less than $10, and I doubt very much whether the Senator is correct in stating that it is more than $30. I think that is more than the entire cost of the pavement.

Mr. BAYARD. There can be no difficulty in a correct ascertainment of the facts. Perhaps the best test would be the production of such bills as I hold in my hand in respect of the pavement of 1871. I have bills for several lots of land along the Avenue of the cost of the pavement which was laid in 1871. Here is one, on lot 33 of reservation A—a bill of $488.99 for a lot of twenty-five feet front. That would be $19.55 a front foot, and such was undoubtedly the amount of tax paid for the pavement laid in 1871. The bills which I hold in my hand disclose that fact. That is the fact, and there is no getting over it, because the amount was paid at that time.

Mr. WEST. Will the Senator permit me a question?

Mr. BAYARD. Certainly.

Mr. WEST. Possibly that might have been a corner lot, so as to involve paying for paving an intersection.

Mr. BAYARD. No; it was not a corner lot.

Mr. WEST. Does the Senator know it was not?

Mr. BAYARD. Yes, sir; the plot has been handed to me. The lot is in the center of the square.

Figures have been given me to show that if the estimated expense of $300,000 for paving this Avenue is assessed upon the private property along the route on the same basis as the assessments made in 1871, there will have been a cost to the property-owners of $34.35 per front foot of their lots. I submit to the Senate that such a tax is crushing and unjust. It cannot be paid without such serious loss as to amount almost to a confiscation of the property.

Let the Senate not forget that much of the property along this route is held by those who are simply tenants for life, by widows who may have the right of dower, or widowers who may have a right by the curtesy, and who, having simply a life estate, cannot bear such taxation. It would fall in a very great measure on life tenants; but whether it falls on the tenant in fee or whether it falls on the tenant for life, the question still is whether it is just to impose so heavy a tax upon property as this. It is to remedy that injustice that I have prepared an amendment, which I will send to the desk now to be read, if in order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) It is not now in order.

Mr. WEST. Let it be read for information.

The PRESIDING OFFICER. The amendment will be read for information.

Mr. BAYARD. Let it be read now for information, and I will offer it when it is in order.

The CHIEF CLERK. The proposed amendment is to insert in line 11, of section 3, after the word "commission," the words:

The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be paid as follows.

Mr. BAYARD. Then the "as follows" will read:

By the owners of private property lying and abutting on said Pennsylvania avenue in proportion to their frontage thereon, one-third. * * * One-third to be paid by the United States out of any money in the Treasury not otherwise appropriated; and the remaining one-third out of the general revenue of the District of Columbia.

There has been handed me a diagram of the Avenue, which is open to the inspection of any gentleman who desires to examine it, showing the frontage of private property, the frontage of park distances, the frontage of United States property, and the distances covered at the intersections of the streets. The result of this diagram, which I believe to be entirely correct and which is made up from official sources, shows that there is a frontage on both sides of the Avenue of something over twelve thousand feet, (the exact figures are there;) that very nearly one-half of that frontage is covered by the intersections of the streets and by the park spaces, leaving a little more than one-half of the private property which is to be assessed for the improvement of this pavement.

It seems to me very plain that the property-owners of this District hold a very peculiar position in respect of the rest of the country. This is the Federal city. The streets are used far more by citizens of other places than Washington than by Washingtonians themselves. The pavement laid some three or four years ago is found knocked to pieces. Justice requires you to repair the damage done by the use of that pavement by other than the people of Washington. I do not know how to ascertain it, but I have a very strong conviction that upward of 90 per cent. of those who drive over these luxurious pavements are not citizens of Washington at all. These pavements are kept in order for the luxury, the accommodation, and the benefit of non-residents far more than of residents. Taking that fact as the true basis of our estimate of cost, it seems to me that we must consider in apportioning this burden upon an unrepresented people here the use that they have for the property, or, rather, the proportionate use they have for the property with other citizens of the United States. I have endeavored to accomplish this by the amendment which at the proper time I shall ask the Senate to pass upon. It provides that the intersections (which front on no one's property, which the adjacent property-holder has no benefit from any more than those who do not live near them) shall be paved out of the general fund of the District; that then the portions of the street immediately in front of United States property, especially the Botanic Garden, (which I think reaches two or three blocks,) should be borne exclusively by the United States on that side of the street upon which the property lies and out as far as the westerly side of the railway track in the center; and so of the park spaces, which are public grounds and which the private holders of property along the street should no more be compelled to keep in order than the property-holders on other streets, leaving then the private property-holders to bear their one-third of the expense of paving the body of the street in front of their respective properties. This amendment of course very much reduces their contribution toward the expense.

Mr. RANDOLPH. Will the Senator allow me?

Mr. MORTON. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor.

Mr. BAYARD. I was not aware that I was interrupting the Senator.

Mr. MORTON. I yielded willingly.

Mr. BAYARD. I have gone on unconsciously. I believe I have said all that I need say at present in explanation of the amendment I mean to propose.

Mr. MORTON. Mr. President, the question to which I desire to call the attention of the Senate in connection with the payment for this pavement is this: The bill provides that, after putting the part paved by the railway company out of consideration, the holders of the property on the Avenue shall pay one-third of the expenses, the District of Columbia shall pay one-third, and the United States one-third. Now, the question is, what is the measure of justice to the people of the District of Columbia living off this avenue? I do not understand that under the law the United States pay for the repair of any streets except the avenues. The District of Columbia has to pay for them, or the people living on those streets have to pay for those pavements. I am told by the Senator in charge of this bill that the District pays one-third for the repair of all streets; or the Senator from Louisiana, I believe, stated that in regard to the rest of the streets, leaving out the avenues, the District pays one-third of the expenses of repairing them.

Mr. EDMUNDS. It pays for all repairs, I suppose.

Mr. MORTON. I mean the building of a pavement where an old one has been taken up and a new one is to be put down.

Mr. WEST. I can only say to the Senator that in respect to one locality in this city—and I believe the principle applies to all—the property adjacent to the line of improvement is assessed one-third of the expenses, each side of the street paying one-sixth, being one-third of the whole, and the other two-thirds come out of the general fund of the District; that is, the taxable property of the whole District pays two-thirds of the expense of improving any street and the property on the line of the street pays the other third.

Mr. MORTON. I understood the Senator a while ago to say that the District paid one-third.

Mr. ALLISON. I think I can explain that to the Senator, if he will allow me. Under the law of the District the District proper pays two-thirds of the expense, and one-third of the expense is paid, as stated by the Senator from Louisiana, by the abutting property-holders. But in reference to this particular bill I think it is hardly fair to say that one-third of the whole expense is paid by the District, because it provides that this third shall be paid out of the general fund; and the Congress of the United States is in the habit of contributing to this fund. We contributed, for instance, last year $1,000,000, which was thrown into this general fund for specific purposes. No portion of this third can be paid out of this general fund unless the fund is provided. I do not see how this fund is to be provided for, unless first by appropriation, and second by special taxes for repairs or for improvements. There is no fund now out of which repairs of streets can be paid. The board of District commissioners, as the Senate will remember, have paid these repairs thus far out of the 3.65 bonds; but those are gone, and there is no fund. So that taxation will necessarily follow for the payment of this.

Mr. DORSEY. I understand that there is a fund of $400,000 or $500,000 that they are authorized by law to pay it out of.

Mr. ALLISON. Those moneys have been specifically appropriated, and they cannot pay, I understand, for the repairs of streets out of that fund.

Mr. DORSEY. We can authorize them to do it. This bill authorizes them to do it.

Mr. ALLISON. Out of any general fund. Therefore of course they will pay out of appropriations and out of taxation.

Mr. DORSEY. We authorize them to pay out of any money in the treasury of the District.

Mr. ALLISON. Undoubtedly; but how is that money in the Treasury? First, by appropriations from Congress and, second, by taxation.

Mr. DORSEY. By taxation, certainly.

Mr. ALLISON. Therefore I say it is hardly fair to assert that the people of this District pay one-third of the cost, because Congress contributes a portion by appropriation.

Mr. DORSEY. Last year we appropriated to this District $1,050,000 in one lump, and I think the appropriations altogether were something like $1,600,000 for different purposes. This general fund is made up largely of appropriations made by Congress.

Mr. ALLISON. That was the point to which I wished to call the attention of the Senator from Indiana.

Mr. HARVEY. The pending amendment, I believe, has relation to the question of restricting the board to the choice of material for pavement; and, such being the case, I wish to say a word upon that question.

I agree with the Senator from Indiana that on this question we must consult the teachings of experience. Carlyle says that experience charges higher wages than any other teacher, but that the knowledge thus gained, if remembered, is worth its cost. I think it is perfectly true, and it so happens that in this matter we have some experience. I learned during the discussion of this question the other day, from the speech of the Senator from California, that when this Avenue was last paved the choice of the material was made by a commission consisting of the Secretary of the Interior at that time, the then mayor of the city of Washington, and a distinguished engineer, and I further learned that this commission, being left unrestricted in choice, made the choice of wood. The experience has certainly been such as to prove that in this climate, with the materials at hand, such pavement is not suitable. Therefore I think the committee perfectly justifiable in reporting a bill excluding wood from the consideration of this board.

Before I heard the speech of the Senator from California, I had the impression that the paving of the Avenue was done under the direction of the board of aldermen or corporation of the city of Washington, and that it was probably the original of the story which reports that a certain member of a board of aldermen suggested to his brethren that they lay their heads together and make a wooden pavement. [Laughter.] I think that in view of the experience resulting from the use of wood upon that Avenue a board who would now take such a course would show that, though making a great personal sacrifice, it would be somewhat of the nature of the gentleman who took part in a civil war in Scotland a number of years ago, and as a consequence lost his head. An old lady speaking of the circumstance said that, to be sure it was no great head, but it was a sore loss to him.

I think that in view of this experience Congress would be justified in placing it beyond the power of anybody to make such a sacrifice, inasmuch as it would result in no public good. I do not think that the gentlemen who compose the board would do such a thing. I know none of them personally, but I know something of their reputation as engineers. I do not believe they would make use of wood in any portion of the work of paving the Avenue; but I do insist that the committee, in view of the experience of the last paving of the Avenue, is justified certainly in excluding the use of wood for that purpose in this climate.

I think also that the committee are justified in suggesting an amendment to exclude cobble-stone from being used and also rectangular blocks of stone, especially if they should be of such a character of stone that the surface would be so smooth as to result in making the streets so slippery that horses in icy weather would find it impossible to stand up. I think there is a good deal of force in the ground taken by the Senator from Illinois and the Senator from Massachusetts in

urging that probably cobble-stone for the pavement of that particular portion of the Avenue between the railroad tracks is as good a material as can be used. It is well known that if the street cars are stopped upon an incline they are very hard to set in motion again by the exertion of the horses, and that would be almost impossible at times upon a smooth stone pavement. There may be some better material than either smooth surface stone or cobble-stone, but I think it would subject us to the criticism of the members of the Society for the Prevention of Cruelty to Animals if we should compel the use of such material as would make it impossible for the horses to get a footing in order to set the cars in motion.

I do not agree that we should entirely exclude the commission from the use of stone of any kind. I think they should be allowed to make use of any kind or quality of stone that might be necessary to form a foundation to the pavement. With these limitations, I would be perfectly willing to vote for the bill substantially as reported by the committee.

Mr. WHYTE. Mr. President, the question as it now stands before the Senate, I understand to be on the amendment moved by the Senator from Rhode Island, to insert in the seventh line of the first section of the bill the words "or block or cobble stones," and I have moved to strike out the words "or block" in that amendment, so as to leave it stand "or cobble-stone;" thus excluding from the consideration of the commission about to be appointed any cobble-stone pavement, but leaving it open to the commission to select any other stone, if, in their judgment, they come to the conclusion that a stone pavement is better for Pennsylvania avenue than any other sort of pavement.

Having some experience upon this subject, I am willing to vote for the bill excluding wood pavement and a cobble-stone pavement, so far as the pavement between the railroad tracks and the curb-stone is concerned, leaving the question to come up hereafter on the third section of the bill as to the character of the stone which shall be used for paving inside the railroad tracks and for two feet on either side.

If you do not leave within the range of selection by the commission some sort of stone, you confine them either to an asphalt pavement or a concrete pavement. We ought not to shut our eyes to the experience of those in whose charge this subject has been in the District of Columbia for some years past. We ought to pay, it occurs to me, some attention to the recommendation, or at least to the experience, of the engineer who has been in charge of these public highways during the last few years. In regard to concrete pavements, he has stated in the report lying upon our table that, as a general thing, they have been utterly worthless. After showing the character of the wood pavement in the District, in the report of the commissioners of the District of Columbia, on page 234, the engineer speaks of the condition of the concrete pavements thus:

> The condition of the defective concrete pavements was equally alarming.

Therefore they were in as bad a condition as the wood pavements in the District—

> The upper or wearing surface disappearing rapidly, exposed the foundation of the pavement to destruction, and each day's delay increased the cost of repair.

And they had to go to considerable expense to repair these utterly worthless pavements. Then of the Neuchâtel pavement—which is an asphalt pavement, I suppose—he says:

> The Neuchâtel pavement has been down one year and eleven months and has not yet required any repairs whatever, except over sunken excavations, for which the pavement was in no way responsible. It has not been severely tried.

Therefore, it has not been upon an avenue like Pennsylvania avenue, where the stores mostly are located, which is traveled by shoppers and persons engaged in trade probably more than any other of the avenues in the city:

> It has not been severely tried, as its slippery surface causes it to be shunned by regular travel; but, if this defect can be remedied, the pavement should rank as first class.

That is the only concrete pavement in the city of which he really speaks well. That pavement has not been tried severely because drivers avoid it on account of its slippery character and go somewhere else.

Mr. DORSEY. I should like to inquire of the Senator whether there is any other asphaltum pavement in the District except that to which the engineer refers?

Mr. WHYTE. He refers to the Grahamite pavement in New York, which has been laid somewhere in the District by the owners of the patent, but which has not been sufficiently tried. I would like to know what is left to an engineer if you exclude stone of every character. With the experience we have had with the worthless concrete pavement in this city, you are left to the Neuchâtel pavement or the Grahamite pavement as the only two to select from.

In regard to the Neuchâtel pavement, the engineer says distinctly that you cannot use it because of its slippery character until some mode has been devised which will rid it of that element of defect. You cannot use it, because drivers avoid it. Are you going to lay upon Pennsylvania avenue, a public highway like that, a pavement that drivers avoid rather than seek? The Grahamite pavement has been tested on Fifth avenue, New York, for three years. It has done pretty well there, but has not been tested in this city. Washington City in regard to an asphaltum pavement is a very different place from the city of New York. I have seen these pavements both in America and on the continent of Europe. I have walked upon them in the heat and found my feet giving way under me. I do not believe that experience can show the use of a pavement in such a climate as this made of asphalt that will wear any time at all. The difficulty is that our extreme heat affects it, and the result is that the pavement becomes soft and utterly useless. We have had it in Baltimore, where our climate is very nearly the same as in the city of Washington, and it is a perfect failure there, a disgrace to the people who have laid it on our public streets. I think that now when we are about to undertake the pavement of this street again, charging the people living on or using stores upon each side of the Avenue with a heavy item of the cost in relaying the pavement, and charging the whole people of the United States with a third of it, we ought to give them a pavement that will be durable in its character and at the same time be neither dangerous because too slippery nor likely to require relaying or mending or "poulticing," as they call it, in a short space of time.

Let us give this commission, if you are going to put it in the hands of a commission of intelligent gentlemen at all, an opportunity of selecting from the general character of pavements laid throughout this country, excluding only what our own experience has demonstrated to be utterly worthless, that is, wood pavements, and cobble-stones, if you please, as being out of fashion in this day. Let us exclude only those, leaving a wide range of selection to such an intelligent commission. Then, when we expend the public money in laying a durable valuable pavement, we shall feel that we have discharged our duty to our constituents.

Mr. ALLISON. I only desire to say a word. The motion is to strike out the words "or block." I shall vote for that amendment and I shall vote for every amendment which proposes to leave this matter to the discretion of the commissioners. This bill presents to us three of the most eminent engineers in this country, who are to execute the simple business of paving Pennsylvania avenue. The Senator in charge of this bill tells us that two of these commissioners are men who have made a specialty of the study of proper pavements and that one of them has written a work upon the subject. After calling these eminent engineers, generals in the Army of the United States, to this service of putting in a mile of pavement on Pennsylvania avenue and leaving to them the discretion of selecting the material, we say to them that they shall only select a single material, because no Senator can say that this commission is likely to accept any material except concrete, either the naked bitumen called Neufchâtel or some patent imitation of this naked material. The Senator from Indiana tells us that his experience is that this is the only proper pavement. If that be so, why select three brigadier-generals in the United States Army to decide?

Mr. CONKLING. May I ask the Senator a question? Shall I understand him to say, and does he mean to say, deliberately, that when you have told these men they must not make either a block or a cobble-stone pavement you have left only one pavement for them to make? Does the Senator mean that?

Mr. ALLISON. I mean that practically that is the effect of the exclusion.

Mr. CONKLING. Then practically there is no way to pave a street except to make a cobble-stone pavement, or a block-stone pavement, or an asphalt pavement.

Mr. WEST. Or wood.

Mr. CONKLING. A wood pavement is out of the question. That is what the Senator means to infer.

Mr. ALLISON. I will answer the Senator. This bill requires these three brigadier-generals to constitute a commission to select and determine the best kind of pavement, but they are to be limited to one character of pavement. Every Senator who has discussed this question, and almost every one who has had practical experience on the subject of paving, admits that if you exclude wood and stone you must necessarily be confined to that character of pavement called concrete. You can make a Macadam pavement, even with these insertions, I admit, which is broken stone mixed with other materials, and I am not certain but that that would be the very best pavement we could lay down on Pennsylvania avenue, and sprinkle it every day of the year. I think it would be the most economical pavement. What I want to do in this matter is, if we are to have three brigadier-generals of the Army of the United States to conduct the business of selecting the material and laying down the pavement that these gentlemen shall have something to do besides supervising the laborers upon the Avenue who shall lay down these blocks of stone or spread over this asphalt or concrete or whatever it may be. I submit to Senators that it is rather a small business to call in a board of eminent engineers, and brigadier-generals, and major-generals to lay down a pavement on Pennsylvania avenue unless we also give to them as experts some discretion as to the best pavement to be put down.

Mr. CONKLING. I think I discover that the difficulty with my friend is not as to the pavement but as to the commissioners.

Mr. ALLISON. No, sir; I am in favor of the commissioners.

Mr. CONKLING. My impression is that he would be relieved in his mind if we should take three high privates and not call upon these eminent brigadier-generals, of whom he reminds us so often, to swoop down from their lofty eminence and consider the matter of a pavement. I think we had better amend the bill by beginning there, in my friend's view.

Mr. ALLISON. The Senator desires to be facetious. I should quite agree with him if there was nothing else to do except to lay down a good pavement of material fixed and arranged in advance, and that is practically what is done here. Senators tell us that the concrete pavement is the only one that can be laid down here if you exclude wood and stone. If that be true, then why not let the engineer of the District of Columbia see to it that the pavement is properly laid, and not call together, if the Senator will pardon me again, these distinguished officers of the Army, requiring them to leave their stations and posts and come here for the purpose of superintending the laying of a pavement on Pennsylvania avenue.

Mr. DORSEY. I venture to remind the Senator from Iowa of the fact that there are thirty or forty different kinds of concrete and asphaltum pavements, different patents, out of which we desire this commission to select some suitable material.

Mr. ALLISON. I am aware of that; and the engineer in charge, Lieutenant Hoxie, who is a graduate of West Point, and also a member of the Corps of Engineers, tells us that every one of those patents is worthless. He makes the statement in the volume that I hold in my hand. That is the evidence of the engineer.

Mr. MORTON. There are several streets in this city paved with concrete (I do not know whether it is the kind the engineer mentions) in which the pavements are nearly perfect. They are unbroken; they are smooth. They have been down for several years, and they appear to be scarcely worn at all. I would say, notwithstanding the report of any single or any dozen engineers, riding over these pavements and looking at them myself, that they are a success; and no report can convince me to the contrary.

Mr. CONKLING. Is the gentleman a brigadier-general who makes that report?

Mr. ALLISON. I have an Army Register here; and I will pass it over to the Senator from New York, and he can examine it. I think he is a lieutenant.

Mr. CONKLING. If he is not a brigadier-general I do not want it.

Mr. ALLISON. He was designated by the President as an engineer to take charge of the streets and alleys of this city.

What I submit to Senators is this: that if we are to relegate to this board the question of the material to be used we should not so restrict them as that they shall be confined to one class of material. That is all I have to say on this subject. Therefore I shall vote for the amendment proposed by the Senator from Maryland to the amendment; and I shall vote against the amendment of the Senator from Rhode Island. I have faith that these engineers will select a good pavement.

Mr. MORTON. I see no objection to the selection of this board. The experiment with pavements in this city has been valuable for one thing if for no other. It has determined the proper kind of pavement to be built. The different patents have been tried. Wood has been tried in different ways, and concrete, and all that. The stone pavement was tried. It appears to me by an inspection of the pavements in this town, taking those that are perfect, or nearly so, and inquiring of what material they are made and how they are constructed, that this board will not have a very difficult job. Concrete pavements have been greatly improved in this country in the last fifteen years. They have been improving them from year to year. They did not know how to make them at first. When they first laid them down in New York they were failures, and were called "poultice" pavements; they became soft in the summer-time, as was stated by the Senator from Maryland; but they now construct them so that they are hard in the summer time, a horse's foot making but little impression upon them, and they do not stick to the wheel at all. Great improvements have been made and they have been brought nearly to perfection. It seems to me that there is no trouble in determining the proper pavement to be put down, and I should be perfectly willing to make a positive provision in this bill that it should be a concrete pavement.

Mr. WEST. I think, if we admit that the wooden pavements in this city are a failure and that only so much of the pavements of Washington as are laid down with wood are a failure, we shall have to acknowledge that the remaining pavement is the best pavement in the United States. There is no city in the United States, at least none within my experience that I have visited, where the streets are as well paved, with the exception of wood, as those in Washington. The proposition that we have now before us simply confines this commission to the selection of a concrete pavement. If you exclude wood and if you exclude cobble-stone and block stone, you are really brought down to a concrete pavement. I do not think that the Macadam can be considered a stone pavement. It may be considered as stone at first, but it is not really so; it does not last very long. I myself would be in favor of confining this commission to the selection of a concrete pavement. I think the experience in Washington, contrasted with other cities, bears out that proposition as being the best for the interest of all parties concerned.

As this debate, however, has been general with reference to the policy that should be pursued, I will touch upon one subject, and that is the distribution of cost. The Senator from Delaware deprecated, and very properly too, that the individual property upon the line of this street should be subjected to such an extraordinary and burdensome taxation as he illustrated, but he will bear in mind that this is a different proposition, and that the taxation must be proportionately very much less. This is not a proposition to tax the property per running foot. It is a proposition to do one grand job of work from the gate of the Capitol to the crossing of Fifteenth street. Assuming that the cost of that work will be, in round numbers, $300,000—and that is an approximate estimate—that cost will be divided into three separate sums, deducting, first, the amount that will be expended by the railroad company. Assuming that we have $300,000 to pay for the work, $100,000 of that is to be assessed upon all the private property lying along the line, not per foot for the work done in front of it, but per foot throughout the whole length. The next third is to be assessed upon the general property of the city, and the last and final third the Government of the United States will pay for. Looking at the diagram which the Senator presented, it will be seen that that proposition is not equitable; that the charge to the Government of the United States really exceeds its interest; that the Government of the United States does not own one-third of the property upon that line, and that private individuals own more than one-third, but pay less than a third. Furthermore, with reference to the amount that is to be charged to the property-holders, it is not as onerous as it was when the original pavement was laid down. The original law provided that the property-holders should pay for the paving from the curb to within two feet of the line of the railroad. According to the proposition now, after deducting twenty feet from the center you have one hundred feet to provide for, and the property-holders will pay for thirty-three feet. Therefore the assessment will be less upon them.

Coming back to the proposition of the railroad companies in accordance with the circular that is laid upon our tables here to-day, I should be very loath to do those companies an injustice. I should be very loath to so stipulate in the law that a certain kind of pavement should be provided that would be detrimental to the railroad companies or injurious to their horses; but I look for the motive. I look for the conviction and the reason of the conviction upon the minds of these railroad companies that cobble-stones are the best. I find that this idea originated probably in this way: When we laid down the wood pavement we agreed that the company should select their material. Their material was selected, when the offer was made. They had cobble-stones there, and they were willing to adopt that because they had it, and were saved the expense of getting any other material. Hence their zeal in behalf of cobble-stones now. They have them now; but we must ask ourselves the question whether the interest of the railroad company alone is to be consulted or whether or not the public convenience has something to do with it. I think if Senators will reflect a moment they will find that the horses of the railroad company travel the tracks on Pennsylvania avenue as little as the horses of individuals. To be sure, those horses follow a beaten track, and at the present moment the travel on Pennsylvania avenue may not be so great in consequence of the imperfect condition of the roadways on either side; but you will find that a market-man's carriage, an omnibus, and everybody else's vehicle traverses those tracks. They are as much interested in having proper tracks and they are more interested in having a good pavement than the railroad company, because the railroad company's cars have smooth and level iron to travel on, whereas the individual's carriage has to travel over the cobble-stones and is affected by it. Therefore the pavement of the tracks will be not only for the convenience of the railroad company but of the general public, who will use those tracks, in my opinion, quite as much as the railroad company.

Furthermore, I think the proposition made by the company, and supported here on the floor of the Senate by some Senators who accede to their views, that cobble-stones are the best material for the railroad tracks, is scarcely borne out by the facts. They are more economical because they are right here within this District. There have been laid down miles upon miles of railroad track in the city of Washington within the last two or three years where the railroad companies, I believe without any compulsion whatever, without any requisite of law compelling them to do so, have voluntarily put down rectangular blocks. I do not know the name of the little road with the yellow cars that runs right along the foot of Capitol Hill. At all events Senators will recognize what I refer to when I say that it is the road that has been put in operation within the last eighteen months. I think its track is of rectangular blocks throughout. We should not be carried away by the proposition of the railroad company upon the supposition that cobble-stones are entirely the best, because, although those cobble-stones are to be used perhaps by the railroad horses, and may be some benefit to them, there are other horses that travel there which require the same advantages, and also the vehicles of private individuals, be they engaged in trade, convenience, or pleasure. They are subjected to travel over a road that shackles them and tears them to pieces. Cobble-stones being an obsolete idea in almost every city in the Union that is adopting new improvements, why should we not discontinue their use here? We should scrutinize whether this company is exactly correct in its proposition, because we know that that proposition is actuated altogether by its own interest.

But, coming back to the amendment that has been offered, it is tantamount to confining this commission to the selection of concrete pavement. That is what it will accomplish, express it as you will, either by the words of the Senator from Rhode Island or by the more direct and terse expression of the Senator from Indiana. Pass the

bill in that way, and we shall have a concrete pavement; and that is what, in my judgment, you want; and I am ready to vote for the amendment.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the amendment of the Senator from Maryland [Mr. WHYTE] to the amendment of the Senator from Rhode Island, [Mr. BURNSIDE,] which will be reported.

The CHIEF CLERK. The amendment is to insert after the word "wood," in line 7 of section 1, the words "or cobble or block stone." The amendment to the amendment is to strike out the words "or block;" so that if the amendment as proposed to be amended is agreed to the bill will read:

A commission to select and determine the best kind of pavement other than wood or cobble-stone to be used in paving Pennsylvania avenue.

Mr. CONKLING. That is an invitation to make it out of stone.

Mr. EDMUNDS. It is an indication we do not want to interfere with their judgment. If we are going to have a commission to decide anything we ought to leave them something to decide.

The question being put, a division was called for; and the ayes were 19 and the noes 14; no quorum voting.

Mr. INGALLS. I think we had better have the yeas and nays on this proposition.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 13; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Cameron of Wisconsin, Cockrell, Davis, Dennis, Edmunds, Gordon, Hamilton, Hamlin, Howe, Jones of Florida, Kernan, Logan, McCreery, McMillan, Norwood, Oglesby, Randolph, Ransom, Saulsbury, Sherman, Stevenson, West, Whyte, and Withers—27.

NAYS—Messrs. Boutwell, Clayton, Conkling, Cragin, Dorsey, Ferry, Harvey, Ingalls, Key, Merrimon, Morrill of Vermont, Sargent, and Windom—13.

ABSENT—Messrs. Alcorn, Anthony, Booth, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Conover, Cooper, Dawes, Eaton, English, Frelinghuysen, Goldthwaite, Hitchcock, Johnston, Jones of Nevada, Kelly, McDonald, Maxey, Mitchell, Morrill of Maine, Morton, Paddock, Patterson, Robertson, Sharon, Spencer, Thurman, Wadleigh, Wallace, and Wright—33.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Rhode Island as amended.

Mr. INGALLS. It appears to me that the result of the vote that has just been taken, unless it is in some way explained, will be to indicate to the commission appointed by this bill that a majority of the Senate prefer that the Avenue shall be paved with block stone.

Mr. EDMUNDS. What ground has the Senator for saying that?

Mr. INGALLS. Simply because the whole debate has turned upon that point. The Senate has been asked to discriminate between different varieties of stone, and has by this vote, in my judgment, expressed a preference in favor of block stone for the Avenue. It appears to me it would be a great deal better, rather than to leave that impression upon the minds of the commission or admit the possibility of its being made upon them, that all restriction should be removed and that the commission should be left entirely at liberty to select whatever material they may see fit to employ for the purpose of paving the Avenue.

Mr. LOGAN. If the Senator will allow me, I can state to him upon what principle I voted for the amendment to the amendment. I voted for it upon the ground that I think the commission we select are honest, capable, sensible men, and that they will select the best material without any reference at all to my preference of material. That is the reason why I voted for the amendment.

Mr. INGALLS. I was not inquiring what reason the Senator had for voting. He is responsible to himself, and, like all the rest of us, is undoubtedly able to sustain his own view. The commission appointed by this act are the agents and servants of Congress, and we have as much right to instruct them in regard to the material they shall employ in carrying out the provisions of this bill as any private individual has to instruct his agent what material shall be employed in the construction of any edifice he may desire to have built. I believe if it were left to a vote of the members of this body, every member would vote to exclude the use of wood. I believe also that every Senator would be as explicitly opposed to the employment of cobble-stone, and that there is not a single member of this body who would vote to use either the Belgian or any other form of rectangular-block stone for paving the Avenue. If that is the case, what conceivable objection is there to an expression of opinion on the part of the Senate and a consequent instruction to our agents as to what we prefer they shall do? I submit that inasmuch as a discrimination has certainly been intimated, if not expressed, by the vote just taken, it would be a great deal wiser, as the Senator from Illinois suggests, to remove all restrictions and leave this commission entirely free to select whatever material they see fit.

Mr. HAMLIN. I wish to state in a word that I voted for the amendment which has been adopted because I believe the commission named in this bill are vastly better qualified than I am to determine what is the best material with which to pave the Avenue. I confess my ignorance. There are other Senators a great deal wiser than myself; but they tell me these gentlemen are eminent engineers. I think I know enough of some of them to indorse that statement, and I know that their opinion is infinitely better than mine. I would prefer to vote for the bill without the slightest restriction in the world; but if I cannot have a bill without any restriction, then I will vote for a bill that has out of it all the restrictions that I can get out.

Mr. KERNAN. I can only say, what has been already so very well said by the Senator from Maine. I voted to strike out those words. The suggestion was made, when the bill was up before, that these men were well qualified to decide upon this work and that we should leave them without restriction as to the material they should use. While I have the greatest respect for the learning of the Senate, I have sat here all day and heard them discuss what was the best for horses to stand on, pull on, and go on, and I have become very well satisfied that we had better leave it to some other body to decide what shall be the material rather than this body.

Mr. LOGAN. In voting a moment ago upon the amendment to the amendment, the fact had slipped out of my mind that I had paired yesterday evening with the Senator from New Jersey [Mr. FRELINGHUYSEN] on the passage of this bill. There was nothing said about the vote on amendments; but he, not being here, might think the pair included all amendments. I should like to have permission of the Senate, on that account, to withdraw my vote.

Mr. RANDOLPH. I move that the Senator have permission to withdraw his vote.

Mr. LOGAN. I do not know how he would stand on the proposition which has just been passed upon. I did not remember until just this moment that he told me he desired to pair on the passage of the bill.

Mr. EDMUNDS. That is all he meant.

Mr. LOGAN. There was nothing said about amendments to the bill; but I prefer to withdraw my vote, for fear that he might not agree with me on the proposition which has just been adopted by the Senate.

The PRESIDING OFFICER. Is there leave given to the Senator from Illinois to withdraw his vote on the amendment to the amendment?

Mr. EDMUNDS. As a matter of principle, after the result of a vote has been declared, that is not allowable. It might be very important sometimes; in this instance it is no matter, because it is merely on an amendment, which does not amount to a great deal; but the principle of withdrawing a vote after it is declared might raise some difficulty. The safest plan would be for the Senator to get a reconsideration, and then when the question is put again refrain from voting. I feel very sure that the common understanding always is when a pair is confined to the passage of a measure that it does not apply, and is not understood to apply, to amendments at all; and I have the impression on this particular point that the Senator from New Jersey would have voted exactly as the Senator from Illinois has done.

Mr. LOGAN. I will state to the Senator that I merely desired to make this explanation, so that the Senator from New Jersey would not feel that I was violating my pair. It did not occur to me until a moment ago that I had paired with him.

The PRESIDING OFFICER. The vote can be withdrawn by unanimous consent.

Mr. RANDOLPH. The Senator from Vermont says that the pair is not regarded as applying to an amendment, but to the vote on the final passage of a bill. Suppose there should be an amendment to strike out all after the enacting clause, changing the whole character of the bill?

Mr. EDMUNDS. We will decide that question when it arises.

Mr. RANDOLPH. I am speaking of it now as a matter that might govern us hereafter. The Senator himself raised the question by his statement that a pair applies only to the final vote.

Mr. EDMUNDS. The amendment to the amendment was agreed to by such a large vote that I do not know that it is material; but the Senator from Illinois has already made an explanat ion of the circumstance.

The PRESIDING OFFICER. Does the Senator from Illinois insist upon his request to withdraw his vote?

Mr. LOGAN. In order not to set a precedent and as there was such a large vote, after what has been said I will not persist in the request.

Mr. EDMUNDS. Mr. President, I am not going to bother the Senate to state the grounds upon which I voted in favor of the amendment that has been adopted; but I want to state that this bill starts out on the declaration and rests upon the principle that we are to appoint a commission of skillful, philosophic, and learned men, in whose capacity and integrity we confide, to select the best kind of a pavement for this avenue; and then we go along and say that they shall have no powers to do the thing that we have constituted them a commission to do; that they shall not select anything except one particular thing, one particular corner into which we drive them. There is no judgment or discretion left to them except to turn themselves to asphalt and inquire whether they will take, as the board of public works did, a slight mixture of coal-oil and broken brick, and a little bit of calcareous sand that will dissolve in rain, or whether they will take Neuchâtel or whatever it may be.

All these amendments in respect of confining their jurisdiction are in violation of the principle upon which the bill is founded. If you are not going to leave it to this body of gentlemen to determine, with their skill and experience and opportunities of inquiry and investigation, to exercise their judgment over the whole thing, then there is no need—indeed it would be almost disrespectful to do it—to ask these three eminent and high officers of the Army to devote themselves to

the mere mechanics of laying a particular kind of pavement. You can get it done a great deal cheaper and with a great deal less fuss by employing John Smith or Tom Jones, or whoever it may be, to do it. I do not think the Senator from Kansas has any right to infer, because we refuse to cripple their discretion, that we are thereby declaring on the other hand that they shall exercise their discretion in a particular way. No such inference can be drawn from the vote that has been taken.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island, [Mr. BURNSIDE,] as amended.

Mr. EDMUNDS. Let the amendment be reported as it now stands.

The CHIEF CLERK. It is proposed to insert after the word "wood," in line 7 of section 1, the words "or cobble-stone;" so that if amended it will read:

To select and determine the best kind of pavement, other than wood or cobble-stone.

Mr. EDMUNDS. I would just as lief it should be rejected.

Mr. OGLESBY. If the amendment is adopted, of course it excludes cobble-stone. Wood is already excluded. I shall vote against the amendment, although I voted to amend it before. My object ultimately was to vote against this amendment. If we vote this amendment down, nothing will be in the exclusion except wood; and I think we can probably get that out finally, and then pass the bill.

The amendment was rejected.

Mr. DORSEY. I move to strike out the words "other than wood," in line 7, after "pavement;" so that, if amended, it will read:

To select and determine the best kind of pavement to be used in paving Pennsylvania avenue.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move to insert in line 6, of the third section, after the word "thereof," the words "and of keeping the same in repair." Of course these railroads ought to be made to keep the track that they pave in repair. I believe that they are all now required so to do.

Mr. MORRILL, of Maine. I was going to make that suggestion to the Senator. They are still under the obligation of the law to do that.

Mr. MORRILL, of Vermont. I do not know that they would be after passing this bill. I think out of abundant caution the words ought to be inserted.

Mr. DORSEY. If the Senator will allow me I will say that the charter of the railway company, under which they are now operating, requires them to keep this pavement in repair.

Mr. MORRILL, of Vermont. Yes; but this is to be a subsequent law, and there certainly can be no objection to the amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 3, line 6, after the word "thereof," it is proposed to insert "and of keeping the same in repair;" so as to read:

The Washington and Georgetown Railroad Company shall bear all of the expense for that portion of the work lying between the tracks of their road, and for distances of two feet from the track on each side thereof, and of keeping the same in repair.

The amendment was agreed to.

Mr. MORRILL, of Vermont. Now, Mr. President, it occurs to me after the action of the Senate that this commission ought to be trusted with the kind of pavement that is put down by this railroad company, and that they ought to put it down themselves, and not wait for the company to do it, and have one part of the pavement on the Avenue completed and another not. We have had considerable difficulty, not in the last two or three years, but some years ago, with even this road in relation to keeping the part that they are obligated to keep under their charters in repair, in compelling them to do so. Now on Ninth street, where we have a concrete pavement, there are two tracks with four rails, and there is a gutter on each side of each rail from one end of the street to the other, making it almost impassable.

I think, therefore, that it would be better to strike out all after the words of the last amendment down to and including all of the proviso in the eleventh line ending with the word "commission." I move to strike out from the sixth line, at the end of the amendment just adopted, all of the words, including the proviso, down to line 11, including the word "commission."

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. In section 3, commencing in line 6, it is proposed to strike out:

Which shall be paved with rectangular blocks of stone, to be approved by the commission herein named: *Provided*, That the said railroad company may pave the space between their tracks as above set forth under the supervision of said commission.

Mr. DORSEY. I make no objection to the amendment.

The amendment was agreed to.

Mr. WHYTE. I desire now to offer this amendment, to come in after the word "then," in the fifth line of the second section:

They shall then invite proposals for such work by advertisements published in such cities as the said commissioners may deem advisable, at least two weeks in advance of the time fixed for the opening of the bids.

My object is to enable everybody who is in the habit of laying pavements to offer a bid of any sort of pavement to this commission, giving them an opportunity of examining the process and then determining, after they have all this information, as to the kind of pavement they will select.

Mr. INGALLS. The result of that amendment, if adopted, would of course be to defer the completion of this work for at least the period named in the amendment. It is now nearly the middle of April. The centennial exposition will open I believe about the 10th of May, and from that period until the close of that exhibition this Avenue probably will be seen by more people from more sections of the world and by men of more nationalities than it ever has been seen by before or probably will be for some time thereafter. It is at the present time in a condition that is alike dangerous to property and disgraceful to our civilization, and I respectfully submit to the Senator from Maryland that if this work is to be done, the sooner it is done the better.

If it were done, when 'tis done, then 'twere well
It were done quickly.

And inasmuch as the information that is sought to be obtained by this advertisement is all readily accessible, as the gentlemen named in this commission are skilled and experienced engineers and familiar with the work to be done and the material to be employed, I would submit that the time proposed is certainly unnecessary and would be detrimental to the public interest. I hope the Senator from Maryland will not insist on this amendment, because, at the best, using the utmost celerity that can be employed by this commission under the terms of this bill, it will be almost impossible to have the work accomplished before the 1st of August, and to insert the time for advertisement that is named in the amendment would defer the completion of it until some time late in the fall.

Mr. WHYTE. The time is only two weeks.

Mr. INGALLS. Six weeks, I understood.

Mr. WHYTE. Two weeks. It cannot possibly interfere with the completion of the work. It gives the opportunity to everybody to bid. If this should be adopted, I propose to offer an amendment afterward that the lowest responsible bidder shall have the work.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

The question being put, there were on a division—ayes 16, noes 13; no quorum voting.

Mr. EDMUNDS. I ask the Chair to count the Senate, and see if there is a quorum here.

The PRESIDING OFFICER counted the Senate, and declared that a quorum was present.

Mr. EDMUNDS. I wish to say a word upon this amendment. I have voted against it, because I think it goes in the wrong direction. Here we have selected a board of three of the most eminent engineer officers in our service to do the best thing in respect of putting down a pavement. The second section as it stands requires them to contract, but without requiring any special notice, for doing this work, which implies on the face of it one solid contract for the whole work with one contractor. That is the fair meaning of the words. Perhaps they might possibly be twisted into something else, but that is the first impression which strikes one. Now, I may be entirely wrong, but it appears to me that the best interest of the United States, and of the people of this city, is to give these gentlemen authority, if they choose on looking it over to exercise it, not to make any contract at all in the sense of what is usually understood by a contract, but to employ days' work, to buy their material, and superintend the putting of it down themselves; and if we are to amend at all, as I rather think we ought, I should be in favor of inserting a clause which would give them the authority I have named, either to do it by contract or to do it under their own supervision and direction by the purchase of material and the hiring of laborers to do it; so that they will have the whole responsibility of judging of the nature of the pavement, and of every step in respect of economy and perfectness of the work in the progress of its being carried on. In that way I am very sure we shall have a pavement that when it is once paid for will be worth the money that is given for it and will be of great value to the city. That is my ground for voting against this amendment, and I shall propose, if I get the opportunity, an amendment in the opposite direction, to leave the whole question to their discretion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. SAULSBURY. I think the amendment is a very proper one. I am not at all certain that it may not be proper for the commission to build the road after ascertaining what it can be contracted for, in the mode proposed by the Senator from Vermont; but, in order to enable them to determine intelligently whether it will be cheaper and more economical to build it by supervising it themselves, it is proper that they should ascertain and be enabled to ascertain what it can be done by contract for. Then they will be enabled to determine whether they can, as a commission, build it in a better manner or more suitably or more economically than they can do it by contract. It only delays the matter for about two weeks; and if the amendment of the Senator from Maryland prevails, the commission will have in their possession sufficient knowledge of what it will cost to do it by contract, and they can make their own estimates and calculations as to the cost if it should not be done by contract but by the commissioners. I think, therefore, that the amendment of the Senator from Maryland is absolutely proper.

The Senator from Kansas objects because the Centennial is upon us. I apprehend the people who go to the Centennial are not coming to Washington City. But if the people from foreign countries should visit the capital they might carry home a knowledge to their own country that this wooden pavement on Pennsylvania avenue had shown its failure in the capital of the American Republic, and I am not certain but that it would be a good exhibition to make to the world to prove the entire failure of wooden pavements.

Mr. MORRILL, of Vermont. If the amendment of the Senator from Maryland should prevail, we make it as "fixed as fate and foreknowledge absolute" that some sneak will succeed in getting a contract that will give us a miserable kind of pavement. The only security we have is in the discretion of this commission that they are to examine and find out which is the best pavement, not which can be furnished the cheapest. If we allow it to be done under this system of bidding, of course the man who has the meanest pavement will be able to fasten it upon the commission; they will have no discretion about it at all. You might as well leave it to any other three persons as to leave it to these eminent scientific gentlemen. I am utterly opposed to having this work done by the job upon bids or anything of the kind, but wish to leave it entirely in the discretion of this commission.

Mr. DORSEY. I move that the Senate now proceed to the consideration of executive business.

Mr. INGALLS. I know the motion is not debatable, but we have no legislative session until Monday, and it appears to me that we might sit an hour longer and perhaps complete this bill.

The PRESIDING OFFICER. The motion is not debatable.

Mr. DORSEY. I withdraw the motion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

The amendment was rejected; there being on a division—ayes 14, noes 25.

Mr. WHYTE. It may be very old fogyish in me to suppose that the position occupied under the Constitution by the President of the United States makes it more respectful for Congress to ask him to detail this commission, rather than for us to designate the commission ourselves and assign them to duty; but so believing, I offer this amendment:

Strike out beginning with the word "that" on the third line of section 1 down to "commission" in the sixth line, and insert:

That the President of the United States be, and he is hereby, requested to detail Brigadier-General A. A. Humphreys, Chief of Engineers, General H. G. Wright, General Q. A. Gillmore, of the Engineer Corps of the United States Army, to act as a commission, whose duty it shall be.

Mr. EDMUNDS. I think this is the first time in a statute that it has ever been proposed to request anybody to do anything by law. I move to strike out "requested" in the amendment and insert "directed."

Mr. WHYTE. I accept that amendment.

The PRESIDING OFFICER. The modification is accepted. The question is on the amendment of the Senator from Maryland as modified.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend section 2, line 7, by inserting after the word "shall" the word "by," and inserting after the word "contract" the words "or otherwise provide;" so as to read:

They shall, by contract or otherwise, provide for the paving of said avenue.

The object of this, as I shall not have to rise again before the question is stated, is to leave it to the discretion of this board of engineers not to be obliged to make what is ordinarily understood as a contract.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. INGALLS. It appears to me upon reflection that there is a defect in the second section, and that the commissioners of the District of Columbia ought to be the parties who should contract, if a contract is made, for the paving of the Avenue and the completion of the work. The bill in terms provides that the commissioners shall contract, and subsequently in the proviso that a good and sufficient bond shall be taken with sureties to be approved by the commission. That bond must run to some person or to some corporation, and it appears to me that the section should be amended to provide that this contract shall be made by the authorities of the District, and that the bond which is required in the proviso should be executed to the District of Columbia, in order that the parties in interest may have the right of action upon it.

Mr. EDMUNDS. You had better make it to the United States.

Mr. INGALLS. Or "to the United States of America," as the Senator from Vermont suggests. I have not had time to deliberate upon this, it having occurred to me but a few moments since in running over the section; but I would suggest whether it would not be best to amend by inserting after the word "used," in the seventh line, the words "to report to the commissioners of the District of Columbia, who shall by contract or otherwise provide," &c.

Mr. WEST. That would do if you made the bond to the District. If you made it to the United States, this commission would answer the purpose.

Mr. EDMUNDS. I think it might be implied that this bond would be to the authority under which the commission acts, the United States; but to guard against any possible doubt, if you insert after the word "bond," in line 11 of section 2, the words "to the United States," it will accomplish the purpose, I think.

Mr. INGALLS. I move that amendment then.

Mr. WEST. Without the other?

Mr. INGALLS. Without the other.

The PRESIDING OFFICER. The amendment is after the word "bond," in line 11 of section 2, to insert the words "to the United States."

The amendment was agreed to.

Mr. EDMUNDS. In line 13 (owing to the amendment which was agreed to in line 7 giving the commission a discretion not to contract unless they think it desirable) there should be a verbal amendment. I move to strike out the word "said" in line 13 and after the word "contract" insert "made;" so as to read "guaranteeing that the terms of the contract made shall be strictly and faithfully observed," so as to apply it to the alternative of there being a contract.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. SHERMAN. I suggest to the Senator whether he had not better make the word "contract" "contracts," because it may be that the commission will find it to the interest of the United States to make contracts for different portions of the work.

Mr. EDMUNDS. Very well; let it read "any contract or contracts made."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, as modified.

The amendment, as modified, was agreed to.

Mr. DORSEY. I move after the word "cost," in line 9, of section 5, to insert: "which shall be collected and paid in the proportions, by the parties, and in the manner herein provided for paving the Avenue;" so as to make the section read:

SEC. 5. That the cost of laying down said pavement, including the removal of the present pavement, grading the Avenue, and all other work and materials necessary to fully complete said pavement for use, shall not exceed the sum of $4.60 per square yard: *Provided, however*, That said commission shall have power to contract for the repair and maintenance of said pavement for a period not exceeding ten years, and at no greater cost than 3 per cent. per annum of the original cost, which shall be collected and paid in the proportions, by the parties, and in the manner herein provided for paving the Avenue.

Mr. WEST. What does the amendment mean?

Mr. DORSEY. The provision of section 5 authorizes the commission to make a contract for the maintenance of this pavement. The amendment, under that, is that the amount to be paid for such maintenance shall be paid in the same manner as the pavement of the Avenue; that is, one-third by the General Government, one-third by the property-owners, and one-third by the District. It is a necessary provision.

Mr. SAULSBURY. I very much question the propriety of that provision which confers upon these commissioners the power to make a contract for the maintenance of this pavement for ten years. It will be utterly impossible for the commissioners to be in possession of the proper knowledge to make an intelligent contract on that point. They will not be able to know what may be the necessary repairs that may be proper on the street for ten years. It may not require any for two, three, four, or five years. If the work is done faithfully and properly it may not require any at all. It is utterly impossible for these commissioners to now enter into a contract as to the cost of maintaining this street for ten years without at least more information than I can see that they can obtain. This is to pay for a guarantee that perhaps will not be required when the work is properly done. I think that matter may safely be left to Congress to determine hereafter what repairs should be done, or left to the District government, as is suggested by my friend from New Jersey, [Mr. RANDOLPH.] Surely the expense of maintaining the street should not form an element in the contract entered into by these commissioners. For that reason I am opposed to this amendment and to the provision entirely. I think we had better strike it out. I move, therefore, that that part of the bill be stricken out.

Mr. DORSEY. The Senator from Delaware seems to be under the impression that the provision permitting this commission to make a contract for the maintenance of the pavement for a period of ten years is likely to impose an unjust and oppressive taxation upon this District or upon the Government. The simple truth is that the entire cost, if such a contract was made, would be only thirty cents a yard for the whole ten years; and I believe that ordinary stone pavements, which are supposed to last longer than others, hardly last over eight or nine years, and they have to be replaced at a cost of four or five dollars a yard. I do not think there is a property-holder on the Avenue who will not object seriously to that provision being stricken out. It was put in at the instance of the property-holders, who said that, if this Avenue was to be paved and provision made for keeping it in repair, it could be kept in repair at a very slight expense if it is watched constantly; and thus the expense of repaving it will be greatly reduced. I am satisfied, if the Senator will consider the matter, he will withdraw his motion to strike out.

Mr. SHERMAN. I ask that the amendment be reported.

The PRESIDING OFFICER. The Senator from Delaware moves to strike out the proviso.

Mr. MORRILL, of Vermont. To strike out the whole section, according to the argument of the Senator from Delaware.

The PRESIDING OFFICER. Will the Senator from Delaware state his amendment?

Mr. SAULSBURY. To strike out the proviso in the fifth section.

The CHIEF CLERK. It is proposed in the fifth section to strike out the following proviso:

Provided, however, That said commission shall have power to contract for the repair and maintenance of said pavement for a period not exceeding ten years, and at no greater cost than 3 per cent. per annum of the original cost.

Mr. SHERMAN. What is the amendment of the Senator from Arkansas?

The PRESIDING OFFICER. The Senator from Arkansas moves to perfect this proviso, and that is first in order.

The CHIEF CLERK. The amendment of Mr. DORSEY is to add to the fifth section:

Which shall be collected and paid in the proportions, by the parties, and in the manner herein provided for paving the Avenue.

Mr. SHERMAN. I think that practically the amendment of the Senator from Arkansas will be very embarrassing to the District government. In the first place it compels them to keep up a special assessment on all the owners of property along the Avenue every year for ten years. It divides the responsibility of maintaining the streets of the city of Washington in good order. It takes away for ten years from the governing power of the District the control over the repairs of the Avenue. If this is to be a concrete pavement, as I think it ought to be, although I voted to enlarge the powers of the commission, it ought to be repaired probably every day or two, or every three or four days. Here and there where a spot becomes defective it ought to be repaired. Now, to make a continuing contract, and to give to a single party the exclusive right of making these repairs, and saying when they shall be made and how made, will be a very great embarrassment. Then, to single out this street and lay a special tax for its repairs for ten years would be very embarrassing in the administration of the government of the city. I shall therefore certainly oppose the amendment of the Senator from Arkansas.

The repair of Pennsylvania avenue, after it is once completed, ought to be a part of the general expense of the District, and ought to be conducted by the officers in charge of the repairs of other streets. It ought not to be placed in the care of contractors, who may die or move away, or whose condition may change entirely. It ought to be left to those having charge of the general affairs of the District.

I agree with the Senator from Delaware that when this pavement is made it ought to be made to last, and that if there is any risk about it the Government of the United States ought to take the risk and not leave it to contractors, not depend on contractors. The result will be that if it proves to be a failure, the contractors will not make the repairs; and if it proves to be a success and no repairs are needed, they will get the stipulated price; so that in either event we are likely to lose. If they bid too low, they will not make the repairs and the Government will be constantly emba rrassed by the failure to repair.

It seems to me we had better leave this proviso entirely out. At all events I hope we shall not adopt the suggestion of the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas, [Mr. DORSEY.]

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Delaware [Mr. SAULSBURY] to strike out the proviso to the fifth section.

Mr. EATON. I hardly think that proviso ought to be stricken out; perhaps it ought to be amended. My experience leads me to think that it had better not be stricken out, and I will give my reason very briefly. I will suppose that here is a contractor in New York, Baltimore, or elsewhere, who has great confidence in a certain pavement which he desires to put down. He will contract to keep that in repair for five or ten years. I should prefer a proviso of that character, that whoever the contractor is he should contract with the commission to keep the pavement in repair. I think we ought in some way to have that in the bill. The contractor might be willing to say that for $300,000, or whatever the sum might be, he would "contract to lay the pavement and keep it in repair for ten years and give good bond and security therefor." That is what we desire. That is what has been done in other places, and it may be done here.

Mr. SAULSBURY. In my opinion, that would be a very proper power to confer on the commissioners. By the terms of the proviso the expenses of the repairs are to be not exceeding 3 per cent. per annum, which would amount in the course of ten years to 30 per cent. of the cost of making the improvement of the street. Now any contractor entering into this contract knowing the price and the cost of the work would add at least the 30 per cent. which it is provided he may have, and it may not actually cost 10 per cent. in the ten years to keep up the repairs. We are burdening the property-holders on the Avenue enough when we require them to pay one-third of the cost of laying this pavement; and to add to that 30 per cent. to be levied and collected out of them on the cost for the purpose of keeping up repairs, when we do not know what amount of repairs may be required, is, in my judgment, unwise. I am therefore opposed to it. I think this matter had better be left to Congress to determine hereafter what repairs should be made, or to the District government, or to some other power than the contractor. We ought to have the control of this affair, and not place it out of our power, as was once done when the affairs of this District were placed in charge of the board of public works. We have to provide the money for it and we ought to hold the control of it. If we enter into any contract at all, limit that contract to simply laying down the pavement on the street, leaving hereafter to be provided for any repairs that may be necessary.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, [Mr. SAULSBURY.]

The amendment was agreed to.

Mr. WEST. I desire to perfect section 5 by the insertion of certain words that I think will remove the section from somewhat of an ambiguity. There is a limitation on the cost of this pavement in section 5 to $4.60 per square yard, the language being that the entire cost of the pavement shall not exceed that. It is not a matter of interest to the property-holders or the Government of the United States how much it costs the railroad company to lay down their part; and I move to exempt their expense from the total cost, so as to make the cost of the pavement fall on the property and on the Government of the United States to the extent of $4.60. My amendment is to insert at the end of the first line of the fifth section the words—

Exclusive of the work charged to and paid for by the Washington and Georgetown Railroad Company, but—

So as to read—

that the cost of laying down said pavement, exclusive of the work charged to and paid for by the Washington and Georgetown Railroad Company, but excluding the removal of the present pavement, &c.

Mr. DORSEY. That amendment is acceptable.

The amendment was agreed to.

Mr. BAYARD. I offer my amendment now and ask that it be read for the information of the Senate.

Mr. EATON. Will the Senator from Delaware permit me to offer an amendment to perfect the fifth section?

Mr. BAYARD. Yes, sir.

Mr. EATON. In lieu of the proviso which was stricken out on the motion of the Senator from Delaware nearest me, [Mr. SAULSBURY,] I propose to offer another in these words:

Provided, That said commission shall demand from the contractor or contractors good and sufficient security that said pavement shall be kept in good repair for the term of eight years.

Now, Mr. President, in my judgment this proviso ought to be attached to the bill. If any contractor has in hand material in which he believes and confides, and if he will make his contract to pave the Avenue and agree to keep it in repair for this term of years, it ought to be done. If not, the commission may possibly be deceived, and in two or three years large amounts may be demanded for repairs. Let the contract be made, let security be given, that the United States and the people of this District will not suffer in this respect, at least, for the term of eight years.

Mr. MORRILL, of Vermont. I suggest to the Senator from Connecticut, without expressing any opinion as to the propriety of his amendment, that he should insert after the word "contractors" the words "if any contract should be made," as it is optional now by the bill, as it stands, with the commissioners to do it under their own supervision.

Mr. EATON. I accept the modification.

Mr. RANDOLPH. My objection to the amendment offered by the Senator from Connecticut is of a purely practical character. It is that no contractors of responsibility are likely to make a contract with the Government at a reasonable price for the term of eight years, and if they were disposed to do so, it is very questionable whether such bonds could be given as would be acceptable to a proper commission.

In addition to that, every member of this body will readily understand that in that event a certain percentage, largely in excess of that which would probably be necessary to make the needful repairs, would be added to the original price. For illustration, if a contractor was willing to do this work at $3 a yard and keep it in repair for a year or two, he would add to that $3 under the amendment proposed by the Senator from Connecticut 10, 20, or 30 per cent. to provide for the contingency. Thus in advance we should be paying for that which may never arise. It amounts, as the Senator from Delaware [Mr. BAYARD] suggests to me, in eight years practically to 24 per cent. on the basis of this bill.

I agree with the Senator from Connecticut that some provision should be made by which this pavement shall be kept in order a reasonable length of time, but the term of eight years strikes me, as one having some experience in such matters, as rather an unreasonable time. I do not think any responsible contractor would engage to do it, and if he did I question very much whether the bond of such a contractor should be taken. I wish, therefore, the Senator from Connecticut would modify his amendment.

Mr. EATON. Have you any objection to making it five years?

Mr. RANDOLPH. That is pretty long.

Mr. DORSEY. By a section of this bill the cost of removing the old pavement on the Avenue and keeping up the street, preparing the foundation for this pavement and the entire cost connected with it, is limited to $4.60 per square yard. It seems to me it is simply absurd to talk about making a contract for a good substantial pavement on the Avenue with a guarantee that it shall be kept in order for eight years at that price. That is an impossible thing to do. I move to amend the amendment of the Senator from Connecticut by striking out "eight" and inserting "three."

Mr. EATON. Say "five."

Mr. DORSEY. No; that is too long.

Mr. EATON. I do not like to accept three years; I have no objection to five. My friend from New Jersey has said that his is a practical objection. There can be, I think, no practical objection. I have myself made contracts where work was to be kept in order for ten years, and I made my contracts for a reasonable price. Therefore it was that I placed this at eight, and I have now modified it to five. I do not like to make it for less than five years.

Mr. RANDOLPH. The advantage the Senator from Connecticut had over the contractors as compared with others was that they expected him to live; but some of these contractors may not live ten years, and I, for one, would not like to be their bondsman.

Mr. EATON. They may assign the bond, and somebody else will carry it out.

Mr. RANDOLPH. I do not believe any responsible man would go on such a bond.

Mr. EATON. It is very easy for the Senator to say that he does not believe the bonds will be given after he has been assured that such contracts have been made time and time again. I have already reduced the time to five years. I venture to say that in this city, in Baltimore, and in every other city in this Union where public work has been done, contracts have been made upon these terms for the period of five years. I know myself personally that more than once they have been made for ten years.

Mr. RANDOLPH. I have no objection to "five."

Mr. EATON. I modify it to five years. If there is no bondsman there will be no work, and we shall have to travel over this Avenue as we do to-day.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. DORSEY] to the amendment of the Senator from Connecticut, [Mr. EATON,] substituting "three" years for "five."

Mr. BAYARD. The Senator from Arkansas will observe that the Senator from Connecticut has modified his amendment to five years. That is so near the point that it might be accepted.

Mr. DORSEY. It seems to me five years is too long; the sum of money we allow for this purpose is insufficient.

Mr. ALLISON. I do not think we ought to adopt either amendment. We have selected three commissioners to make a good pavement on this avenue, and I think after that pavement is laid down the District government ought to be charged with repairs, and that this avenue should be kept constantly in repair out of the general funds of the District. We have had a great deal of experience in reference to guarantees for three years in this District already. I do not think they have been of any real service whatever. The contractors neglect to carry out their contracts; they are then sued in the courts; in the mean time the Avenue is out of repair. I think we should lay down a good pavement here and pay for it, and then have it repaired from time to time out of the general funds of the District. Therefore I shall vote against both these amendments.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the Senator from Connecticut.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

The amendment was rejected, ayes 10, noes not counted.

Mr. INGALLS. I desire to call the attention of the Senate to two defects in section 4. The first three lines read: "That the assessment contemplated in the foregoing section shall be made by the commission above authorized." The fact is that there are no assessments contemplated in the preceding section, and it is very doubtful whether the commission could make any if they were contemplated. The power to levy and assess taxes rests with the District authorities, and cannot be properly conferred upon the commission whose duty it is to pave this avenue. I would suggest that the section be amended by striking out the word "the" before "assessments" in the first line, and the words "contemplated in the foregoing section," and the words "commission above authorized;" so that the section will read:

That assessments shall be made by the commissioners of the District of Columbia.

And then add:

Upon the owners of private property abutting on said avenue and upon the said railway company the amounts respectively provided for in section 3 of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. INGALLS. In order to complete the section in accordance with that amendment, it will be necessary, in line 11, to strike out "said" and insert "the," and after "commission" to insert the words "herein authorized;" so as to read:

On the warrant or order of the commission herein authorized.

The amendment was agreed to.

Mr. McCREERY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were re-opened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 13, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

Mr. SOUTHARD. I rise to a correction of the Journal. On yesterday I reported from the Committee on Territories a Senate bill with amendments for the admission of the Territory of New Mexico as a State, and the bill, as amended, was ordered to be printed and recommitted. The order of the House was that the bill should not be brought back on a motion to reconsider. That order is not entered upon the Journal.

The SPEAKER. That was the order of the House, and the Journal will be corrected accordingly.

The Journal, as corrected, was then approved.

CORRECTION OF THE CALENDAR.

Mr. JONES, of Kentucky. I rise to a privileged question, the correction of the Calendar. On the 30th of March I reported to the House from the Committee on Railways and Canals a bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, and it was made a special order for Tuesday, the 18th of April, as the RECORD will show. By some mistake the Calendar contains the statement that it was made a special order for Saturday, April 15. I desire to have the Calendar corrected.

The SPEAKER. That is not a question of privilege. The Journal is correct, and as that and not the Calendar will guide the action of the House, the error in the Calendar will not cause any difficulty.

BERTHOLD LOEWENTHAL.

Mr. BURCHARD, of Illinois. I am instructed by the Committee of Ways and Means to report back, with a recommendation that the same do pass, House bill No. 1713, for the relief of Berthold Loewenthal, of Chicago, Illinois. It is similar to a bill that was passed by the House and the Senate some time since in the case of George Hibbard.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HURLBUT. I raise the point of order that the bill containing an appropriation must receive its first consideration in the Committee of the Whole.

Mr. BURCHARD, of Illinois. That point of order is well taken if insisted upon.

Mr. O'BRIEN. It is insisted upon.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar.

SURPLUS REVENUE.

Mr. THOMAS, from the Committee of Ways and Means, reported back the joint resolution (H. R. No. 12) in regard to the surplus revenue, with an amendment striking out the third paragraph of the preamble; and moved that the joint resolution be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency; and

An act (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia.

MINING STATISTICS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Acting Secretary of the Treasury, transmitting the report of the commissioner of mining statistics; which was referred to the Committee on Mines and Mining, and ordered to be printed.

CATTARAUGUS RESERVATION, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in reply to House resolution of April 3, papers relating to surveys in the Cattaraugus reservation, in New York; which was referred to the Committee on Indian Affairs.

CONSTRUCTION OF MILITARY POSTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the opinion of the General of the Army on House bill No. 2118, for the construction of military posts on the Yellowstone and Muscleshell Rivers; which was referred to the Committee on Military Affairs.

HARMON L. VAN NESS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report in the case of Harmon L. Van Ness, late private in Company D, Fourteenth Cavalry; which was referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

The SPEAKER. Is there objection to taking from the Speaker's table, for appropriate reference at this time, the bills which have been received from the Senate?

There was no objection.

JOHN M. ENGLISH.

The first business upon the Speaker's table was the bill (S. No. 708) for the relief of John M. English, of North Carolina; which was taken from the table and read a first and second time.

Mr. VANCE, of North Carolina. I ask that this bill be now considered with an amendment. The same bill passed the House, but with a provision in it providing that the man should give a bond.

The SPEAKER. This is a Senate bill.

Mr. VANCE, of North Carolina. It is the same as the House bill, except the provision which I have stated, requiring a bond to be given to secure the United States.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. HURLBUT. I object

Mr. VANCE, of North Carolina. Then the bill should be referred to the Committee on Invalid Pensions.

The bill was referred accordingly.

INTERMENTS IN CONGRESSIONAL CEMETERY.

The next business on the Speaker's table was the bill (S. No. 679) relating to interments in the Congressional Cemetery; which was taken from the table, read a first and second time, and referred to the Committee for the District of Columbia.

ADMINISTRATION OF OATHS IN THE SENATE.

The next business on the Speaker's table was the bill (S. No. 701) to further provide for the administering of oaths in the Senate; which was taken from the table, read a first and second time, and referred to the Committee on the Judiciary.

INVESTIGATION OF MISSISSIPPI ELECTION.

The next business on the Speaker's table was the bill (S. No. 706) making an appropriation to defray the expenses of the committee appointed by the Senate to investigate the recent election in Mississippi; which was taken from the table, and read a first and second time.

Mr. RANDALL. I do not know whether it is necessary to refer that bill. An appropriation of $10,000 to meet this expenditure is included in the deficiency bill passed by the House yesterday.

The SPEAKER. The bill had better be referred.

The bill was referred to the Committee on Appropriations.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The next business on the Speaker's table was the bill (S. No. 563) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof; which was taken from the table, read a first and second time, and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The morning hour begins at half past twelve o'clock. The regular order this morning is the call of committees for reports of a public nature, and the call rests with the Committee on Public Lands.

RESTORATION OF LANDS TO THE PUBLIC DOMAIN.

Mr. WALLING, from the Committee on Public Lands, reported as a substitute for House bill No. 1033 a bill (H. R. No. 3133) to restore lands conditionally granted, the conditions of which have lapsed, to the public domain; which was read a first and second time, ordered to be printed, and recommitted.

CLAIMANTS ON NORTHERN PACIFIC RAILROAD GRANT.

Mr. WALLING, from the same committee, reported back, with an amendment, the bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre.

The bill was read. It provides that claimants upon even-numbered sections within the twenty-mile limits of the Northern Pacific Railroad shall be entitled to make proof and payment upon their claims at the ordinary minimum rate of $1.25 per acre where settlement was made in good faith prior to the definite location of the railroad, upon making proper proof of settlement, cultivation, and occupation as required by existing law.

The amendment reported by the committee was read, as follows:

In line 4, after the word "railroad," insert the following: "According to its preliminary location, but not within the twenty-mile limits as definitely located."

Mr. WALLING. The object of this bill is that settlers who located and made claims within the preliminary location of the land grant of the Northern Pacific Railroad, and who were treated by the Department as maximum settlers under that preliminary location, shall now be permitted to pay for their lands as minimum settlers, their lands being outside the limits of the definite location of the road. Persons who have lands on adjoining sections are now entitled to pay for their land under pre-emption entries at $1.25 an acre, the minimum rate. This bill gives simply the same right to persons who settled there before the definite location.

Mr. DUNNELL. I do not know that anything further need be said in support of this bill. The facts can readily be understood. Certain settlers went within what was the temporary location of these railroad lands, expecting to pay for them at the rate of $2.50 per acre. Subsequently, when the definite location was made, they were thrown outside of the twenty-mile limit. Consequently they should not be required to pay more than $1.25 an acre, the same as settlers on adjacent lands. The bill simply secures to these men the rights they would have had but for the change of the location of the road.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. LANE, from the Committee on Public Lands, reported as a substitute for House bill No. 1552 a bill (H. R. No. 3134) to restore to the public domain land heretofore withdrawn in favor of the Northern Pacific Railroad north of Tacoma, its terminus on Puget Sound, and which is not opposite to and conterminous with its completed line; which was read a first and second time, ordered to be printed, and recommitted.

ARSENAL PROPERTY, LITTLE ROCK, ARKANSAS.

Mr. GAUSE, from the same committee, reported back the bill (H. R. No. 2383) for the dispostion of the arsenal grounds and buildings at Little Rock, Arkansas, and for other purposes, and moved that the committee be discharged from its further consideration and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

GRANT OF LAND TO THE CITY OF STEVENS POINT, WISCONSIN.

Mr. MOREY, from the same committee, reported back the bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land, with the recommendation that it do pass.

The preamble recites that there is situated in the Wisconsin River, within the city of Stevens Point, Wisconsin, a small island containing less than one square acre of land, which has for many years been used for the storage of powder and other combustible or inflammable goods, and the people of said city are desirous that the said island be granted to the city for that purpose.

The bill directs the Commissioner of the General Land Office of the United States to cause to be patented to the city of Stevens Point, Wisconsin, the following-described piece of land, to wit, the island in the Wisconsin River, within the corporate limits of the city of Stevens Point, Wisconsin, in section 31, township No. 24 north, in range 8 east of the fourth principal meridian in said State.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANT OF LANDS TO TERRITORIES FOR UNIVERSITY PURPOSES.

Mr. KIDDER, from the Committee on Public Lands, reported, as a substitute for House bill No. 1549, a bill (H. R. No. 3135) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes, with a substitute.

The substitute, which was read, grants to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming seventy-two entire sections of unappropriated lands within each of the said Territories, to be selected, located, and applied, under the direction of the Legislatures thereof respectively, with the approval of the President of the United States, for the use and support of a university in each of the said Territories.

Mr. KIDDER. I will send up a letter pertinent to this subject from the Commissioner of the General Land Office, which I ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 12, 1876.

SIR: In reply to your letter of the 9th instant, addressed to the honorable Secretary of the Interior, which has been referred to this Office for answer, I have the honor to state that Congress has set apart public lands for the benefit of universities in the Territories of Washington, New Mexico, and Utah to the amount of seventy-two sections, or 46,080 acres each; in Washington, by act of July 17, 1854, Statutes, volume 10, page 305; in New Mexico, by act of July 22, 1854, Statutes, volume 10, page 308; and in Utah, by act of February 21, 1855, Statutes, volume 10, page 611.

In Colorado the quantity of seventy-two sections, or 46,080 acres, was granted for university purposes by the act of March 3, 1875, Statutes, volume 18, page 474, providing for the admission of that Territory as a State of the Union.

In the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming there has been no land set apart by Congress for the benefit of universities.

The foregoing embraces all the organized Territories of the United States, to which only your inquiry is understood to refer.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT,
Acting Commissioner.

Hon. J. P. KIDDER,
House of Representatives.

Mr. KIDDER. It will be seen that all of the Territories except those named in this substitute have had lands donated to them in this way. The original bill included only the Territory of Dakota, while the substitute covers all of the remaining Territories.

Mr. DUNNELL. Is not this bill subject to a point of order?

The SPEAKER. It is.

Mr. HOLMAN. I wish to suggest to my friend an amendment to this measure. I will not press it, but I would be glad to have it considered by the House.

Mr. DUNNELL. I think this bill had better go to the Calendar. It will provoke discussion, and if the committee desire to avoid the waste of time it had better go to the Calendar.

The SPEAKER. It is subject to a point of order.

Mr. SAYLER. I desire to say to the gentleman who raises the point of order that this bill only gives to the remaining Territories precisely the same land for university purposes which has been given to all the other Territories. It only puts them on an equality.

Mr. DUNNELL. I insist on the point of order.

The SPEAKER. The point of order is insisted on, and the bill must go to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. I ask to have an amendment pending to the bill when it goes to the committee, which I ask the Clerk to read.

The Clerk read as follows:

And nothing in this act shall prevent the Legislatures of the said Territories respectively from devoting the proceeds of said lands to the permanent endowment of a system of common schools within said Territories.

Mr. KIDDER. There is no objection to the pendency of that amendment.

The bill and amendments were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

SALE OF DESERT LANDS.

Mr. HATHORN, from the Committee on Public Lands, reported back the bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California, with an amendment to the title.

The bill, which was read, provides in the first section that it shall be lawful for any citizen of the United States, or any person of the requisite age "who may be entitled to become a citizen, and who has filed his declaration of intention to become such," to file a declaration with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land, "not exceeding one section, by conducting water upon the same within the period of two years thereafter;" said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of two years after filing said declaration, upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the sum of $1.25 per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

The second section provides that all lands, exclusive of timber lands and of mineral lands, which do not produce grass or which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act.

The amendment to the title is to strike out "Modoc and Siskiyou Counties" and insert "the State of."

Mr. HATHORN. As will be seen, this bill provides for the sale of barren, desert lands, upon which neither tree, shrub, nor blade of grass grows. The ingenuity of man has devised by means of reservoirs and irrigation a plan by which these sterile tracts may be made productive. This provides for the sale of such desert lands in California, and I do not see what objection there can be to a proposition so reasonable. It only affords an opportunity for the reclamation of these now worthless lands. I demand the previous question.

Mr. PATTERSON. I should like to ask the privilege of offering an amendment to the bill, so as to include the Territory of Colorado.

Mr. HATHORN. I am willing to allow that amendment to be pending.

Mr. LANE. I trust the gentleman from Colorado will withdraw his amendment, as it is in contemplation to present a bill of a general character applicable to all the desert lands of the United States, the provisions of which will cover the gentleman's amendment.

Mr. PATTERSON. I hope there will be no objection to allowing my amendment to the bill, as we are on precisely the same footing with California so far as that class of lands is concerned. Let us have the benefit of the passage of this bill as soon as possible.

Mr. LUTTRELL. Let it go.

Mr. PAGE. Mr. Speaker, I wish to ask the consent of the committee that this bill shall be recommitted. So far as I am concerned I have not had an opportunity to examine the bill, and being a Representative in part of the State of California I should like to do so before the bill is passed. I presume I will have no objection to it, but I should like first to examine it.

The SPEAKER. Does the gentleman from New York, having charge of the bill, assent to its recommittal?

Mr. HATHORN. Yes, sir.

The SPEAKER. The bill is recommitted to the Committee on Public Lands.

Mr. LUTTRELL. I am very sorry the gentleman from New York has agreed to that course.

The SPEAKER. Debate is not in order. The bill has been disposed of.

HOMESTEAD ENTRIES IN MICHIGAN.

Mr. CROUNSE, from the Committee on Public Lands, reported, as a substitute for House bill No. 2923, a bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made; which was read a first and second time.

The bill reported as a substitute provides that section 1 of an act entitled "An act to amend the act entitled 'an act for the restoration to market of certain lands in Michigan, approved June 10, 1872,'" approved March 3, 1875, be, and thereby is, amended so as to read as follows:

That the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan" be, and is hereby, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawas and Chippewas of Michigan, for the selections found to have been made by them, but which were not prior to the passage of said act regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable, mainly for pine timber, shall be subject to entry under the homestead laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION TO MARKET OF LANDS IN UTAH.

Mr. CROUNSE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2110) for the restoration to market of certain lands in the Territory of Utah.

The bill repeals so much of the act of Congress approved May 5, 1864, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to; and authorizes and directs the Secretary of the Interior to restore the same to the public domain for disposition as other public lands.

Mr. CROUNSE. This bill applies to lands which were included within a certain Indian reservation in the Territory of Utah. As far back as May 5, 1864, a bill passed Congress for the appraisement and sale of those lands. From that date to this there has been no bid for nor sale of any portion of those lands. This bill proposes simply to release them from the operation of the act of 1864, and to throw them open to the same disposition as other public lands.

Mr. DUNNELL. I desire to ask the gentleman from Nebraska whether the Indian Bureau approves of this bill?

Mr. CROUNSE. Yes, sir. I have a letter here which I will not take time to read, but which shows that the bill has the approval both of the Land Office and of the Indian Bureau.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMITS OF RESERVATIONS FOR TOWN SITES.

Mr. CROUNSE also, from the Committee on Public Lands, reported back, with the recommendation that it do pass, with amendments, the bill (H. R. No. 1765) respecting the limits of reservations for town sites upon the public domain.

The bill was read, as follows:

Be it enacted &c., That the existence on incorporation of any town upon the public lands of the United States shall not be held to exclude from pre-emption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town site under existing laws, unless the entire tract claimed or incorporated as such town site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used solely and exclusively for business and municipal purposes.

SEC. 2. That where entries have been heretofore allowed upon lands afterward ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land Office, to include only vacant unoccupied lands of the United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if regular in all other respects, are hereby confirmed and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section 2389 of the Revised Statutes.

SEC. 3. That whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section 1 of this act, the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from pre-emption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and pre-emption laws. And upon default of said town authorities to make such selection within sixty days after notification by the Commissioner, he may direct testimony respecting the actual location and extent of said improvements to be taken by the register and the receiver of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section 1 of this act, and declare the remaining lands open to settlement and entry under the homestead and pre-emption laws.

The amendments reported by the committee were as follows:

In lines 10 and 11 of the first section strike out the words "solely and exclusively."

Add to the third section of the bill the following:

And it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor-general of the Territory, for the use of the United States, a copy duly certified of every act of the Legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from the date of its approval.

Add the following section:

SEC. 4. It shall be lawful for any town which has made, or may hereafter make, entry of less than the maximum quantity of lands named in section 2389 of the Revised Statutes, to make such additional entry or entries of contiguous tracts, which may be occupied for town purposes as, when added to the entry or entries therefor made will not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not, together with all private entries, be in excess of the area to which the town may be entitled at the date of the additional entry by virtue of its population as prescribed in the said section 2389.

Mr. CROUNSE. Mr. Speaker, as will be seen by reference to the laws relating to pre-emption and homestead entries upon the public lands of the United States, certain lands are excluded from the operation of those laws. Among these are "lands included within the limits of any incorporated town, or selected as the site of a city or town."

The laws respecting the incorporation of towns and cities within the several States and Territories which contain public lands are enacted by the Legislatures of such States and Territories. The limits of any city may be more or less extended as the special or general laws referred to may permit, and in some instances to which my attention has been directed they have been swelled beyond all propriety or any possible need for municipal purposes. The abuse of which I speak obtains more particularly in the Territory of Utah. Much of the legislation there for years is made up of charters to local municipalities and grants of special privileges of this kind.

Here is a list handed me of cities incorporated by the Legislature of Utah from time to time since the organization of that Territory, and as nearly as may be estimated the area of territory included in each:

	Square miles.		*Square miles.*
Parowan City	25	Provo Grove	25
Millard City	36	Springville Grove	25
Tooele City	9	Spanish Fork	30
Saint George City	25	Payson Fork	25
Beaver City	36	Manti Fork	16
Fillmore City	36	Salt Lake Fork	7
Grantsville City	18	Nephi Fork	16
Coalville City	20	Alpine Fork	4
Deseret City	36	Ogden Fork	20
Smithfield City	16	Logan Fork	16
Franklin City	18	Wellsville Fork	16
Hyrum City	9	Maroni Fork	40
Mendon City	9	Brigham Fork	12
Willard City	6	Richmond Fork	16
Washington	20	Kaysville Fork	18
Cedar City	36	Ephraim Fork	12
Lehi City	16	Mount Pleasant	16
American Fork	16	Spring Fork	16
Pleasant Grove	40		

With but few exceptions the population of these cities must be quite insignificant, and for which a few acres in each would suffice to meet all demands for actual municipal purposes. Still here are something like seven hundred and fifty square miles of public domain, embracing a large portion of the lands there susceptible of cultivation, brought within incorporated limits and over which are extended municipal laws and regulations.

Now the construction given to the law denies the right of any one to enter any portion of any such town site, notwithstanding it may be unoccupied and not used or needed for municipal purposes. Such is the decision of the courts and such is the holding of the Interior Department.

A case of some importance involving this question arose in my State, that of Root *vs.* Shields, and was decided by Mr. Justice Miller, of the United States Supreme Court, whose opinion may be found in 1 Woolworth's Circuit Court Reports. I will not stop to read it in full, but will incorporate it in my remarks as they shall be printed in the RECORD:

1. The city was incorporated, and these lands included within the corporate limits in February, 1857.

2. Shields had no pre-emption claim to them prior to September, 1857.

3. The act granting to him such right, if any he had, provides that a party of the character therein described may pre-empt any portion of the public lands, except such as are included within the limits of an incorporated city. It does not need a single word to show that the law, on its face, does not authorize a pre-emption entry of the lands here in question. But it is insisted, on behalf of the defendants, that this exception in the law is inoperative here. One reason alleged is that the mischiefs of such a provision are so serious that Congress could not have intended the effects which would follow. It is said that the State or territorial Legislature, in which rests the authority of incorporating cities, might, by unduly extending their limits, exclude large bodies of land fit only for agricultural purposes from the beneficent operations of the pre-emption act, and defeat the object of Congress.

We do not stop to repeat what has been said a great many times of the duty of the court, when applying to a case a provision of a statute, the terms of which are clear and precise, and when urged to nullify it by considerations of mischief growing out of it. Here we think the mischiefs are imaginary rather than real. If the local legislature were so unwise as to endeavor to defeat the purposes of a law enacted for the benefit of its constituents, Congress could readily, and certainly would immediately, remedy the evil. And it is not conceivable that the local legislature would ever attempt any such thing.

The pre-emption law was enacted for the benefit of the settlers in the new States and Territories. It offers to that adventurous and worthy class of citizens the advantages of selecting and securing in advance of the speculator the more desirable tracts in the new region. And the uniform policy of the Land Department is to retain the public lands in such a situation for a long time, in order to give those who are willing to encounter the hardships and dangers of frontier life an opportunity to make selections and to settle upon them, and make payment for them at the minimum price before any portion of such lands are offered to purchasers in general. Accordingly such settlers constitute almost the whole body of citizens who settle in such regions. It is not conceivable that they would deliberately devise a measure which would defeat an enactment by which valuable privileges are secured to themselves, and by which the region of country in which they live would be populated and improved. Precisely this argument was urged in the case of Gilman *vs.* Philadelphia, 3 Wallace, 713, 731. It was held untenable there, for the reasons indicated above.

It is insisted that the clause in the law containing this exception is repealed by the provision in the act organizing the Territory, that its Legislature should not have authority to interfere with the primary disposal of the soil. It is said that if the territorial Legislature can, by incorporating a city, withdraw the lands included within its limits from the privileges of pre-emption, it may and it does thereby interfere with the primary disposal of the soil. This argument is specious rather than sound. If the provision of the organic act has the effect claimed, it is because it repeals the provision of the pre-emption law by implication. Between these two provisions there is no such repugnance that they cannot both stand. So that we cannot imply a repeal of the former by the latter. (United States *vs.* Ten thousand Cigars, *ante.*)

This provision in the act is the same as is found in most of the acts admitting new States into the Union. It is intended to withdraw from the local legislatures some special matter of general concernment, and indicates a settled policy in respect thereof.

In 1802, in the act admitting Louisiana, the words used were, "They," that is, the people of the new State, "forever disclaim all right or title to the waste or unappropriated lands lying within the said Territory; and the same shall be and remain at the sole and entire disposition of the United States." (2 Statutes at Large, 642.) And the very phrase here employed by Congress appears in the act for the admission of Michigan, passed on the 15th of June, 1836, (5 Statutes at Large, 59,) and will be found in all similar acts since passed. Having its origin in some reason of general application, it has been felt as a necessary, and adopted as an approved, provision in the legislation of Congress.

One or two considerations will disclose this. To incorporate a city located on the public lands, however contracted its limits, is to withdraw from the operation of the pre-emption law lands included within them. If including public lands within the limits of an incorporated city is an interference with the primary disposal of the soil, then the new States cannot pass an act incorporating a city located on the public lands. But this power in the States was never denied. It has always been exercised by them exclusively of the Federal Government. Indeed, the legislation of Congress concedes the power. So it cannot be that incorporating a city on the public lands interferes with the primary disposal of the soil, even though it has the effect to withdraw the lands within its limits from the operation of the pre-emption law.

I have thus far spoken of the power of States, and am reminded that the charter of Omaha was enacted by a Territory. But we have already seen that the provision has its place in acts admitting States, as well as in acts organizing Territories; and that it is universally used on account of a general policy. So the argument in the one case is of equal force in the other. An act incorporating a city which is located on the public lands does not, by its own force, withdraw lands from pre-emption. That effect is produced by the congressional provision, and is remote, indirect, and only consequential.

These obvious considerations show very clearly that when Congress provided that the Territory should not interfere with the primary disposal of the soil, it did not intend to deny the authority to incorporate a city on the public lands. But this exception in the pre-emption law was not inserted with any view whatever to the extent of the corporate limits of a city, whether they should be reasonable or unreasonable. It was assumed that there was a class of lands which the local authorities would regard as more desirable for town occupation than for agricultural use. Without any inquiry as to the correctness of the opinion on that subject of those who were on the ground, and without convenient means of answering such an inquiry, Congress deemed the short way the best way—to exclude them all from the operation of the act by a general rule. And when, with such a provision of statute before it, and with such obvious reasons for enacting it, Congress proceeded to organize the Territory with the clause which is before us, it is unreasonable to suppose that it intended to repeal or modify the former rule.

The clause in the organic act was intended to forbid the territorial Legislature passing any law to dispose of the public lands as if on its own authority, or intermeddling with the mode by which the General Government should dispose of them, or assuming any authority or jurisdiction in respect of that business. It was not intended to deny authority to pass a law which the Territory alone could intelligently enact.

Clearly the position of the defendants on this ground is untenable.

But we are met by still another reason against giving effect to the exception in the pre-emption law. It is that the act of May 23, 1844, (5 Statutes at Large, 657,) restricts the corporate limits of a city to three hundred and twenty acres. All that that act provides, so far as the matter here in hand is concerned, is that any portion of the public land actually occupied as a town site may, to the extent of three hundred and twenty acres, be by the corporate authorities entered at the proper land office, and at the minimum price, in trust for the occupants. Prior to the passage of that act there was no mode provided for the occupants of such towns acquiring their titles, except at public sales.

The public sales of lands are often delayed long after a large section of territory has been opened for settlement. This is in order to enable settlers to enjoy the preference in acquiring the more valuable tracts. And these sales are made in parcels of not less than forty acres each, and therefore do not afford an appropriate means to claimants of small lots for acquiring title thereto. Congress accordingly provided this mode of relief to such parties, expressly restricting the advantages which it granted to lands actually occupied, and to three hundred and twenty acres. The status of the remaining lands within the corporate limits was untouched. They could not be entered under this act, nor could they any more after than before the passage of it be pre-empted by an individual. The title to them could only be acquired at public sale.

No one of the reasons urged on behalf of the defendants against giving effect here to the clear and express provision of the law, that lands within the limits of an incorporated city should not be subject to pre-emption, are tenable. But if we look to the policy of the provision, we are led to the same conclusion.

Whenever a town springs up upon the public lands, adjoining lands appreciate in value. The reasons are obvious, and the fact is well known. So, too, when a railroad is built through a section of country, the same result follows. So, too, in respect of lands which have been reserved for the use of an Indian tribe, when the Indian title is extinguished, the same may be said. While such lands are held as a reserve, population flows up to their boundaries and is there staid; it of course constantly grows more and more dense, so that when the reserve is vacated, the lands have increased in value, and are always eagerly sought after. The other classes of lands mentioned in the exception, as for instance those on which are situated any known salines or mines, have some intrinsic value above others.

Now all these classes of lands are excepted from the operation of the act, and for the one common and obvious reason, that being of special value, the Government desires to retain the advantage of their appreciation, and is unwilling that

any individual, because of a priority of settlement, which certainly can be of but brief duration, should, to the exclusion of others equally meritorious, reap benefits which he did not sow.

This is as true of lands within the limits of an incorporated city as of any other of the classes mentioned in the exception. And it is no answer to this view to suggest that lands thus excluded from pre-emption are not occupied for a town. They are included within its limits by the local legislature because likely to be required for such occupancy. And it is this fact and their proximity to the town which give them special value. This very circumstance of their situation brings them into the classes of lands mentioned.

The lands were not, at the time Shields first asserted a pre-emption claim thereto, subject to entry under the act, and the entry which he made was illegal and void.

* * * * * * * *

It is further insisted on behalf of the defendants that they are *bona fide* purchasers, and that they as such are entitled to the protection of the court. I think it pretty clear that some at least of these defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers for a valuable consideration without notice in the sense in which the terms are employed in courts of equity. And this is for several reasons.

They all purchased before the issue of the patent. The more meritorious purchased after the entry had been assailed and decided against by the Land Office. But this is a circumstance not material to this consideration. Until the issue of the patent the legal title remained in the United States. Had his entry been valid, Shields would have taken only an equity. His grantees took only an equity. They did not acquire the legal title. And in order to establish in himself the character of a *bona fide* purchaser, so as to be entitled to the protection of chancery, a party must show that, in his purchase and by the conveyance to him, he acquired the legal title. If he have but an equity, it is overreached by the better equity of his adversary.

Besides, these defendants were bound to know the law. They were bound to know that these lands were within the limits of the city; and that lands within the limits of a city cannot be pre-empted. Knowing these facts, they knew that Shields's entry was void. They did not purchase without notice.

Again, the defect in the title was a legal defect; it was a radical defect. It was as if no entry had ever been made. By it Shields did not take even an equity. After he had gone through the process of making the entry, after he received the patent certificate, Shields had no more right or title or interest in the land than he had before. And, as he had none, he could convey no interest in the land. By the deed which he made and by the successive deeds which they received, his grantees took no more than he had, which was nothing at all.

In order to the maintenance of this defense, there must subsist an interest which the law approves and will support, and we have shown in this opinion that that never existed.

There must be a decree according to the prayer of the bill.

Decree accordingly.

This opinion, as I have said, confirms the ruling of the Land Department, and may be regarded as the settled law relating to entries made within the incorporate limits of any city. With the law standing thus, not only are homestead and pre-emption entries disallowed therein when the limits of any town site are known to the local land officers, but even where patents in such cases may have, by inadvertence, been issued, no valid title passes. Not only this, but I presume the same must hold where the lands have passed from the patentee into the hands of an innocent, *bona fide* purchaser.

From this brief statement of facts and the law as pertaining thereto, it must be evident to members that legislation is needed to cut down these needlessly and mischievously large city limits, to restrict those which may be created hereafter, and to confirm the titles to those lands which may have been settled upon under the pre-emption and homestead laws, where such settlement does not interfere with any municipal need. This is the object of the bill. It has been framed with care, and its object and also the details of the bill have the approbation of the Commissioner of the General Land Office. I ask that the bill be put on its passage.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRE-EMPTION AND HOMESTEAD ENTRIES IN SOUTHERN STATES.

Mr. SAYLER, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands in cases where such entries have been made under the regulations of the Land Office.

The bill was read, as follows:

That all pre-emption and homestead entries or entries in compliance with any law of the United States of the public land, made in good faith by actual settlers upon tracts of land of not more than one hundred and sixty acres each within the limits of any land-grant prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed and patents for the same shall issue to the parties entitled thereto.

SEC. 2. That when at the time of such withdrawal, as aforesaid, valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid and a compliance with the laws, and the making of the proof required shall entitle the holder of such claim to a patent therefor.

Mr. SAYLER. I desired to explain the provisions of this bill at length, as it is an important one, but in view of the near approach of the close of the morning hour I abstain from so doing, and only ask that the bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. GOODIN. I desire to ask unanimous consent of the House, inasmuch as I do not wish to take up the morning hour, to print in the RECORD a few remarks upon the subject of the bill just passed.

There was no objection, and leave to print was granted. [See Appendix.]

PUBLIC LANDS IN SOUTHERN STATES.

Mr. MOREY, from the Committee on Public Lands, reported back with a favorable recommendation the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

The bill was read, as follows:

That section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same are hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act shall be offered at public sale, as soon as practicable, from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

Mr. MOREY. I think there will be no objection to that bill.

Mr. LAWRENCE. Yes, there is some objection to it.

Mr. HOLMAN. Mr. Speaker, this I believe is substantially the same bill which was before the House some time since, reported as a House bill and proposing to repeal the legislation of some years since in behalf of the homestead system in certain States of the South. If I understand the matter correctly, this bill is of the same character as that. When the House bill that was reported from the Committee on Public Lands was before the House some weeks since, it was objected to because the tendency of the measure was to repeal the homestead provision as applicable to certain Southern States. It was objected to, further, because the tendency of the measure was to monopolize the public lands in that section of the Union at a nominal price.

That is a policy that has been generally discountenanced and condemned by the people of this country.

The objection to this bill, if I understand it correctly, is that it limits homesteads in these States to forty acres, while the general homestead law allows one hundred and sixty acres of land. The objection to this bill is found in the fact that it limits homesteads to so small a portion of lands as forty acres instead of one hundred and sixty acres. If the Committee on Public Lands would report a bill to apply the general homestead law to the States to which this bill has reference, I think it would be exactly right.

To adopt the policy now of abandoning the homestead system and subjecting to sale what remains of the public lands, so that they may be monopolized at a comparatively nominal price by a few citizens, is certainly a very unwise policy. The system of disposing of the public lands of this country by sale was inaugurated at a time when the public domain seemed to be boundless, limitless, and when the needs of the Treasury required that even the small sums for which the lands were sold should be paid into the Treasury to meet the public necessities. But in view of the rapid exhaustion of the public domain and the increase of the landless people of this country and the certainty that their number will largely increase in the future, it seems to me that a policy which will enable a small number of persons to monopolize the public lands at a nominal price is the worst possible policy upon which we can enter, I do not care what the character of the public lands may be.

If there is any well-defined policy in regard to the public lands in this country, as announced by all parties, democrats and republicans of all shades of opinion, it is and has been for several years past the policy that the remaining public lands of the United States should be secured for actual settlers under the benign provisions of the homestead law. I understand from the reading of this bill that these lands are not even subject to settlement under the homestead law until they shall first have been offered at public sale. I admit that up to this time the evils of land monopoly are not felt in this country. The enterprising landless citizen can press forward to the West and still find a home on the public domain. But that state of things is rapidly passing away. What remains of the public domain, as we see from the reports of the Commissioner of the General Land Office, is being rapidly exhausted, not so much for actual homes for settlers, but by the monopolizing of the land for speculation.

Under a Government like ours, where the ownership of land by the great body of citizens seems to be actually indispensable to good government, a policy which would subject the public domain to a system of speculation, and that speculation fostered and encouraged by the Government so as to enable capitalists to acquire land at a merely nominal price, is in my opinion a very fatal policy.

In the confusion which existed in the House at the time this bill was read I may have misapprehended its purpose. I ask that it be again read.

The SPEAKER. The bill will be again read; and the Chair begs members of the House to give attention to the reading.

The bill was again read.

Mr. MOREY. Without desiring to take the floor from the gentleman from Indiana [Mr. HOLMAN] but by his consent, I wish to say, as the morning hour is about to expire, that I propose, having charge of this bill, that it shall be discussed in the morning hours just so long as the House desires to have it discussed, giving the opponents of the bill ample opportunity to present their views and giving the friends of the bill the same opportunity. With that understanding, the gentleman from Indiana still holding the floor, as the morning hour has expired I will call for the regular order.

The SPEAKER. The morning hour has expired.

ORDER OF BUSINESS.

Mr. HANCOCK. I rise to make a report from the Committee of Ways and Means.

Mr. SCALES. I desire to move that the rules be suspended and the House now resolve itself into Committee of the Whole for the further consideration of the bill to transfer the Indian Bureau to the War Department.

Mr. RANDALL. I desire to raise the question of consideration in regard to that bill; or rather I move to amend the motion so that the rules be suspended and the House now resolve itself into Committee of the Whole for the further consideration of the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Chair recognizes as first entitled to the floor the gentleman from Texas, [Mr. HANCOCK.]

HERMAN HULMAN.

Mr. HANCOCK. I am directed by the Committee of Ways and Means, to which was referred the bill (H. R. No. 256) for the relief of Herman Hulman, of Terre Haute, Indiana, to report the same back with an amendment filling the blank in the bill, and to recommend that as amended the bill do now pass. I will state that this is the unanimous recommendation of the Committee of Ways and Means.

The bill directs the Commissioner of Internal Revenue to allow the amount of the claim filed by Herman Hulman, of Terre Haute, Indiana, for abatements in his office for the sum of $———, as the abatements asked for by him are right and proper, and he should not be required to pay that amount to the Government.

The amendment reported from the committee was to fill the blank with the sum of $1,809.41.

The question was upon agreeing to the amendment of the committee.

The report was read in part, when,

Mr. HOLMAN said: I learn by the report, so far as it has been read, that this bill proposes merely to remedy a mistake of the deputy assessor, and my colleague, [Mr. HUNTER,] representing that district, has assured me that he is familiar with all the facts involved.

Mr. HUNTER. The difficulty all arises out of a mistake of the officer.

Mr. HOLMAN. I am satisfied without further reading of the report. I apprehended that the question involved might be of general application.

Mr. HUNTER. No, sir; it merely arises out of the mistake of the officer.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of the ground in square 762 in the city of Washington for a public alley, and for other purposes;

A bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in the State of Minnesota; and

A bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States providing for the imprisonment and transfer of United States prisoners.

The message further announced that the Senate had passed without amendment:

A bill (H. R. No. 726) changing the name of the steamboat Charles W. Mead.

The message further announced that the Senate had passed bills of the following titles with amendments; in which he was directed to ask the concurrence of the House:

A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; and

A bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation.

ORDER OF BUSINESS.

Mr. SCALES. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the special order, the bill transferring the Indian Bureau to the War Department.

Mr. RANDALL. I move to amend that motion so as to provide that the House resolve itself into Committee of the Whole on the legislative appropriation bill.

Mr. SCALES. Can that amendment be made while I am on the floor?

The SPEAKER. The question will be first upon the motion of the gentleman from North Carolina, [Mr. SCALES;] if that should fail, the motion of the gentleman from Pennsylvania [Mr. RANDALL] will then be voted upon.

Mr. RANDALL. I will say to the gentleman from North Carolina that as the remarks of the gentleman from Georgia [Mr. COOK] were not completed yesterday I do not wish to tear his speech in half. Therefore, if the gentleman from North Carolina will consent to this compromise, I will agree that the gentleman from Georgia be allowed to finish his speech to-day and that we then proceed with the consideration of the legislative appropriation bill. This is the course dictated by courtesy, and I do not wish to depart from it.

The SPEAKER. As both bills are under consideration in the Committee of the Whole, the Chair would suggest that the gentleman from Georgia might speak in either committee.

Mr. RANDALL. The difficulty is that the legislative appropriation bill is being considered under the five-minute rule.

The SPEAKER. That makes a great difference.

Mr. SCALES. In this matter I am acting as the organ of the committee. I feel that we have done all that we can for the gentleman from Pennsylvania. We have voted for night sessions and we have devoted a great deal of time to the appropriation bills. Now the gentleman cannot advance a step until this bill is acted on. It must be debated and the question decided or we cannot go through with the appropriation bill.

Mr. RANDALL. The motion which I make leads to practical legislation; it reaches its results as it goes step by step, while the motion of the gentleman from North Carolina will perhaps involve ten or fifteen speeches, so that the debate may continue for hours.

Mr. SCALES. The saving of $3,000,000, which I believe the gentleman concedes will be accomplished by the transfer of the Indian Bureau, is, I think, a practical result.

Mr. RANDALL. Yes, sir; I believe the proposition of the committee on this subject to transfer the Indian Bureau will save $3,500,000.

Mr. SCALES. That is a very practical result.

Mr. COX. Well, that is a question which ought to be discussed.

The SPEAKER. The question will be first taken on the motion of the gentleman from North Carolina [Mr. SCALES] that the House resolve itself into Committee of the Whole on the bill for the transfer of the Indian Bureau.

Mr. RANDALL. With the understanding that, if that motion be voted down, I will yield sufficient time to enable the gentleman from Georgia [Mr. COOK] to complete his speech. If the motion of the gentleman from North Carolina is not voted down, then the legislative appropriation bill must go over.

Mr. SCALES. The sense of the House on this question might be tested after the gentleman from Georgia has finished his remarks.

Mr. RANDALL. We might as well test the question now as then.

The question being taken on the motion of Mr. SCALES, there were—ayes 83, noes 86.

Mr. SCALES. I call for tellers.

Mr. RANDALL. I call for the yeas and nays. We may as well settle the matter at once.

Mr. GARFIELD. I desire to call the attention of the chairman of the Committee on Appropriations to a single point which, when stated, he will I think recognize as worthy of consideration. If we go on with the legislative appropriation bill, we come pretty soon to a clause providing for the transfer of the Indian Bureau.

Mr. RANDALL. We do not do any such thing.

Mr. GARFIELD. Well, the courtesy and gentleness and urbanity of my friend from Pennsylvania are such that it is hardly necessary for me to reply to his remark.

Mr. RANDALL. I did not mean any discourtesy at all.

Mr. GARFIELD. Do we not in the legislative bill come to this question of the transfer of the Indian Bureau; and when we reach it, must it not be decided under the five-minute rule?

Mr. RANDALL. That is the fourth section of the bill; and it is not probable we shall reach that to-day.

Mr. GARFIELD. But I speak of the general policy of going on with that without hearing the Indian Committee. It seems to me we ought to have a pretty full debate on that question—such a discussion as we cannot have under the five-minute rule. This is the reason I think we ought to allow the Indian Committee to have their measure discussed.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 94, not voting 62; as follows:

YEAS—Messrs. Adams, Ainsworth, Ashe, George A. Bagley, Ballou, Banks, Banning, Blackburn, Blaine, Blair, Bliss, Boone, Bradford, Bradley, Bright, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Cald-

well, William P. Caldwell, Cannon, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, Conger, Cook, Cowan, Cox, Crapo, Culberson, Darrall, Davis, Davy, Denison, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Egbert, Ellis, Evans, Faulkner, Felton, Forney, Fort, Franklin, Frost, Frye, Garfield, Gibson, Glover, Goode, Goodin, Hathorn, Haymond, Hendee, Henderson, Hill, Hoar, Hoge, Hooker, Hoskins, House, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kimball, Lapham, Lawrence, Lord, Maish, McFarland, Metcalfe, Miller, Mills, Money, Monroe, Morey, Morgan, Nash, Norton, Odell, Packer, Page, Parsons, Payne, Piper, Plaisted, Platt, John Reilly, Rice, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Sampson, Scales, Schleicher, Schumaker, Seelye, Sinnickson, William E. Smith, Strait, Terry, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walsh, Warren, White, Wigginton, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, William B. Williams, Woodburn, and Young—134.

NAYS—Messrs. Anderson, Atkins, Bagby, John H. Bagley, jr., John H. Baker, Bell, Bland, Buckner, Campbell, Candler, Cason, Chapin, John B. Clark, jr., of Missouri, Cochrane, Crounse, Cutler, De Bolt, Douglas, Foster, Freeman, Fuller, Gause, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Henkle, Goldsmith W. Hewitt, Holman, Hopkins, Thomas L. Jones, Kehr, George M. Landers, Lewis, Lynch, Lynde, L. A. Mackey, Magoon, MacDougall, McCrary, Milliken, Morrison, Mutchler, Neal, New, O'Brien, Oliver, O'Neill, Phelps, John F. Philips, Pierce, Poppleton, Potter, Pratt, Randall, Rea, Reagan, Riddle, John Robbins, Savage, Singleton, Slemons, Southard, Springer, Stenger, Stevenson, Stone, Tarbox, Teese, Thomas, Turney, Wait, Waldron, Charles C. B. Walker, Walling, Ward, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Willard, Andrew Williams, James Williams, Willis, James Wilson, Woodworth, and Yeates—94.

NOT VOTING—Messrs. William H. Baker, Barnum, Bass, Beebe, Blount, John Young Brown, Burleigh, Clymer, Collins, Danford, Eden, Ely, Farwell, Haralson, Hardenbergh, Benjamin W. Harris, Harrison, Hays, Hereford, Abram S. Hewitt, Hunton, Hurd, Jenks, Frank Jones, Kelley, Ketchum, King, Knott, Lamar, Franklin Landers, Lane, Leavenworth, Levy, Luttrell, Edmund W. M. Mackey, McDill, McMahon, Meade, William A. Phillips, Powell, Purman, Rainey, James B. Reilly, Miles Ross, Sayler, Sheakley, Smalls, A. Herr Smith, Sparks, Stowell, Swann, Waddell, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, Whitthorne, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., and Fernando Wood—62.

So Mr. SCALES's motion was agreed to.

During the vote,

Mr. JAMES B. REILLY stated that he was paired with his colleague, Mr. WOOD, and not knowing how he would vote if present, he would refrain from voting on this question himself.

Mr. RUSK moved by unanimous consent that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The vote was then announced as above recorded.

TRANSFER OF INDIAN BUREAU.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. BLACKBURN in the chair) for the further consideration of the bill (H. R. No. 2677) to provide for the transfer of the Office of Indian Affairs from the Interior to the War Department.

The CHAIRMAN. The gentleman from Georgia [Mr. COOK] is entitled to the floor to conclude his speech.

Mr. COOK. Mr. Chairman, when the House adjourned yesterday evening I was reading the evidence of the Indians in behalf of themselves and against the recklessness and faithlessness of the agents employed by the Government. I will read this morning from a statement of one or two others as furnished to the commissioners who went among them.

I will read from the seventh annual report of the Indian commissioners for the year 1875.

The gentleman from New York [Mr. COX] held that this was a peace commission, having the greatest influence in christianizing and civilizing the Indians. The only conclusion to be drawn from all this testimony of the Indians themselves is directly to the contrary. Every Indian heard from, so far as I know—the universal testimony of chiefs and individual members of Indian tribes—is that they have been swindled; that they have been defrauded in the most shameful and outrageous manner. They say that the clothing which they get is of the most inferior and worthless character; that the money appropriated for them, specifying the years and the amounts, they have never seen. Now it must be perfectly manifest these Indians believing and entertaining this view of these men who have control of them as Indian agents never can christianize them. No man can be civilized and christianized by men he regards as thieves and plunderers.

I am glad to see present to-day the gentleman from Tennessee, [Mr. YOUNG,] who wished to hear what the Indians had to say for themselves.

I propose to read now from the testimony of Ignatius Hole-in-the-Day. This communication is from White Earth reservation, Chippewa tribe of Indians, and is addressed to "the honorable Congress of the United States of America," and forwarded by Charles Ewing, Commissioner of Indian Affairs:

To the honorable Congress of the United States of America:

We, the undersigned, chiefs of the Chippewa Indians, at White Earth reservation, would respectfully represent to your honorable body that we are all greatly dissatisfied with the course pursued by the present agent of the White Earth reservation, and desire the management of this agency transferred to the Roman Catholic church.

We make the request at the earnest entreaties of our respective bands, who unite with us in this petition.

The reasons upon which our request is based are as follows:

First. Our present agent has uniformly used the most unjust discrimination in distributing our annuities and supplies, and has failed to pay over to us large sums of money that are rightfully our due.

Second. We have never been consulted by him as to the manner in which the money left in his hands to be expended for our benefit should be laid out, and our rights have been violated in thus debarring us from having any voice in such matters.

Third. Our people are suffering most severely and are in great danger of losing their lives by freezing, as the clothing which should have been distributed among them has not been issued only in exceptional cases.

Fourth. We have in many instances performed labor for the agency for which we were to have been paid in supplies, and the supplies were issued; but instead of their being considered by the agent as payment for labor, they stand charged to each individual Indian who drew them, as the books of the agent will show to-day.

Fifth. We are all of the Catholic faith and have greater confidence in that denomination than any other, and believe that our rights will be more respected and our interests better served by their management than they would under the management of any other sect or denomination.

We would further show to your honorable body that we have been heretofore greatly imposed upon in the matter of papers purporting to be an expression of our feelings, such papers having fictitious signatures attached thereto; but in this instance our wishes are correctly expressed and our signatures are genuine and true, and we perfectly understand what we are doing.

This, sir, is an outrage. The accusation is made against the Indian agents and the whole Bureau, of excluding them from all care and protection, and especially of withdrawing them from their own religious teachers and placing them under teachers of an entirely different faith.

He says again:

We do not see why they should steal from us and use us as they have heretofore daily done. They are surely not so instructed to do by God's Holy Book, hence our decision is to leave them and flock to the true followers of Christ, who are the Catholics, as they have never been known to steal anything. We humbly beseech our Great Father to remove our officials and replace them by true Roman Catholics.

So outrageous was the conduct of these agents among them professing the Protestant faith that they actually drove them to the care and custody of the Catholic priests and the Catholic Church.

They say again:

On the 1st of July, 1874, there was appropriated $28,000 for the benefit of my people here on our reserve, but instead of our getting any assistance from this money, we are told that he, the agent, has only received $3,000 of this money, and that he has already spent all this; but still we cannot see in what way, for we are to-day poorer and more pitiful than we have ever been, being compelled to be self-supporting without least means of implements.

That, sir, is the accusation in that petition. Here is the complaint of another Indian chief, who has a name I will not undertake to pronounce for fear of the lockjaw. It is in this same Commissioner's report. This is what he says of their agent:

He injured our people a great deal, because he keeps back from us what you send us. This was surely not your intention when you sent him here. One hundred and twenty Indians did not get their pay last fall. But we saw him; he had their money in his pocket. Therefore we pray you most earnestly to take this agent away.

Now, here is what another band of Indians say:

1. That their money is taken from them by the agent, who is countenanced in this by Bishop Whipple and Preacher Johnson.

I do not know what preachers these are, or to what churches they belong.

2. That the above named are working hard and secretly to sell the pine lands of the Indians against their will.

3. That the Pembina Indians are moving on their reserve without having yet paid any part of what they had agreed to pay.

4. That the agent is building a new saw-mill, and that his intention is to use it to saw their pine-logs and sell them for his own profit.

5. That if they do any work they are not paid in money, but only in old clothes from Bishop Whipple's hospital.

6. That they have to pay the agent for everything they get from him, i. e., clothes, calico, &c., though the treaty provides that many things should be given them and not sold.

7. That there are Indians on the reservation who have not received the payment of their annuities for two years.

8. That many Indians, even chiefs, are still living in wigwams of birch-bark, because the agent refuses either to build them houses or to give or lend them oxen to enable them to haul logs and lumber to build the houses themselves.

Now, sir, I will read what Little Bear said. This is in the report of the Commissioner of Indian Affairs for 1875:

From this on we want our Great Father to help us; give us a great deal more than we get now. What we get does not go around. After this, when our Great Father sends us annuity goods, we would like to get a list of them, so that one of our own men can look over it. Tell this to the Great Father. When you help me to all that I will think over what you ask me.

They do not want to trust these agents. They want a list of the goods, and they want one of their own race and their own blood to examine that list and see that they get the goods.

Now, here is what Fast Bear says. No man, I do not care who he is, could have put more in fewer words than this Indian when he spoke of the treatment the Indians were receiving.

The beef-cattle that the Great Father has issued to me, no doubt each steer has been weighed twice and called two, and some of them have been put away somewhere else, and I wish the Great Father would track them up.

I say the expression of the manner in which they have been swindled, and of their contempt for these men who dispose of their goods and annuities for them, could not have been put in more forcible or stronger language by any gentleman upon this floor.

Then Flying Bird says:

From this treaty on, every time the Government delivers an annuity to our agents, we shall choose a half-breed who lives among us. The chiefs must take this list and give it to that man, for we well know that there are many rats between here and the Great Father's door. But if our Great Father only knew he would go on and drown them out, and find many rat-heads all the way.

There is another Indian stating in his homely phraseology, but in a forcible, logical manner, that the rats consume their money, and their clothing, and their provisions between the Great Father and the Indian agent. And they are the men to whom my friend from New York [Mr. COX] would commit these people.

If gentlemen will look into the present appropriation bill, amounting to $5,778,000, they will see a large amount asked to be appropriated for farmer's tools and farming utensils, and for a number of laborers to work for these Indians, and especially for the Sioux Indians. They take great credit for what has been done among these Indians; but the productions and the stock which have been raised among the Indians belong to the tribes that were civilized in 1849, when this Bureau was taken from the War Department. I have got the evidence here, which I will read, from men familiar with the history of Indian affairs, that will show there is not a civilized tribe of Indians to-day that were not civilized in 1849. We are asked now to appropriate perhaps $150,000, or $300,000, or $400,000 to aid in the development of agriculture among these people. I want to show from the reports of this commission and the commissioners who visited this Territory what they think of it:

From all the evidence derived from agents, employés, and the Indians themselves, the commission is of opinion that the annual value of all the products secured by a cultivation of the soil by the Indians at the several agencies would not exceed $5,000 per annum for the last six years. In this estimate we do not include the products of the Santees or the Yanktons, neither of which tribes resides on the Sioux reservation. And the commission is of opinion that, if the present policy is continued—

That is to appropriate money and hire laborers for them—

the results of the next six years will not differ materially from those of the last. Indeed, the commission very much doubts whether enough has been raised in the aggregate to re-imburse the annual appropriations made for the salaries and expenses of the farmers employed by the Government at the various agencies.

You appropriate thousands and hundreds of thousands of dollars for farms, and here the commission, at the end of six years, say they have not raised enough to pay their expenses. And the testimony of General Sherman, General Ord, General Terry, General Sheridan, and of every man familiar with the country, and of the commission that went there is that the 2,500,000 acres of this reservation for the Sioux tribes is wholly and utterly unfit for any agricultural purposes. And yet we are asked to teach these people the science of agriculture. We are invoked to appropriate money for that purpose, and to send them laborers, common laborers. And I shall show you before I get through the number and what it costs to send them. And yet the commission say that the land where they have been located is wholly and utterly unfit for agricultural purposes. That shows in this matter the grossest and most woful and most infamous mistake or fraud, and the only reason ever assigned for it by any witness before the committee was by General Sheridan, who stated that no human being upon the face of the earth was benefited by the removal of these Indians from the Missouri River to the Red Cloud and Spotted Tail agencies except the contractors. They are the men who profit by it.

The commission say:

There are at Red Cloud and Spotted Tail at least twenty thousand Indians now subsisted and cared for by the United States. Our observation leads us to the conclusion that the character of this region is such that farming operations are impracticable, even when conducted by those familiar with the best methods. Small tracts could be made productive by means of expensive irrigation, but the volume of water is not sufficient to irrigate on an extensive scale, even if the country were suitable.

These gentlemen of the commission say further:

For the reasons just stated, and for others equally obvious to any who will visit their country, but not within our province to discuss, no progress whatever has been made toward civilization or self-support at either of these agencies, or among the tribes receiving their rations and annuities at these agencies, during the last six years, unless we should call progress that dependence which makes the Indian rely upon the Government rather than the chase, or labor for the necessaries of life. During these six years, whatever of food, clothing, or shelter they have had has been provided by appropriations from the national Treasury, and the Indians have done absolutely nothing but eat, drink, smoke, and sleep, except indulging each day in the healthful exercise of horseback riding, (each Indian having at least one pony,) and at intervals, for diversion, engage in a hunt to the north or south.

That is the condition of our wards. That is the location in which they have been placed by our agents. That is the progress they have made at the end of six years in civilization. "They eat, drink, sleep, and take horseback exercise, while the white men that we employ to labor for them are attempting to cultivate the waste, arid, and worthless soil, which is wholly unproductive." Is that the way in which the people of the country expect, when they pay taxes to support these people, that they are to be appropriated? Is that the way the money is to be expended? Is it common honesty?

If we are bound by the testimony of our own commission, of the Commissioner of Indian Affairs, of the Indians themselves, and by the unbroken chain of evidence of every Army officer who has ever been among these people, I say we ought to break up the system.

I come now to reply to so much of the speech of the gentleman from New York [Mr. COX] as went to show that troops are not needed among these Indians; that they are not wanted either by the Indians or by the agents. General Sheridan, in his testimony before the committee, said that he had applications from four Indian agents themselves to establish as many military posts in order to protect those Indian agents.

Who is the better able to judge whether the military are needed at these agencies, the Indian agents themselves or the gentleman from New York? Who best understands what power will control these Indians, the gentleman from New York, drawing his morals and opinions of Indian policy from the morals of Tammany Hall, or the men stationed upon the frontier, whose sworn duty it is to protect, not only these Indians, but the white settlers? Here is what the Commissioner himself says in reference to the influence of troops upon these Indians, and I ask the attention to it of gentlemen who are opposed to the presence of troops among the Indians:

The fact of the presence of troops within the Territory has, however, exercised a moral effect of which agents have availed themselves in keeping order without calling for actual interference by the soldiers; and there is little doubt that Sitting Bull and his followers among the northern Sioux have been restrained from overt acts by the fact of military posts being stationed on the Upper Missouri.

Now I will read what the agent of the Flathead agency in Montana Territory says:

Under date of August 6 last the governor of Montana complained that certain Flatheads were roaming over the settlements without escort, causing fright and committing depredations. The whole correspondence on the subject was submitted to the Department for instructions, under date of August 16. I believe the establishment of a military post in the vicinity of this reservation to be an urgent necessity. An outbreak on the part of the strange Indians coming over the mountains annually has long been feared by the citizens; and, although the Indians belonging to my agency are considered peaceable, it is not known at what time they may enter into a combination with the non-treaty Nez Percés, Spokanes, &c., and cause serious disturbance, as has been the case with other equally peaceable tribes. But, setting aside all danger of hostility, I still believe a company of soldiers to be a necessity, to keep roving bands of Indians from leaving their reservations, and thus exercising a salutary influence toward their civilization. An Indian will naturally work rather than starve, and, confined within the limits of his proper country, he would have to turn his attention to some industrial pursuit.

I could read other views of Indian agents establishing the same facts, but I do not care to consume the time of the House now in doing so. I will call the attention of the House, however, to a few statistics connected with these Indians. Here is the statement of the Commissioner of Indian Affairs in reference to the depredations among these Indians: The number of Indians killed during the year 1875 are: by members of the same tribes, 30; by hostile Indians, 27; by United States troops, 30; and by citizens 23—making a total of 110—of whom 57 were killed by Indians. The number of white persons killed by the Indians was 54 males and 27 females. Where the various Indian tribes are at peace with the United States the military have been called upon to establish military posts and to send troops for the purpose of protecting these tribes, not against the soldiers, not to protect the whites against Indians, but to protect the Indians from the larger and superior tribes who have been their traditional enemies for centuries. I will refer gentlemen to the evidence taken of the names of tribe after tribe who have to be protected as white citizens do against the hostilities of the Indians.

I will now read from the evidence of a number of officers of the Army as to the propriety of transferring the Indian Bureau to the War Department, both as a matter of justice to the Government and of humanity to the Indians. That testimony will confirm in every particular every charge made against the Indian agents as to their thieving. General De Trobriand says, in reference to the transfer:

I have no doubt that such a measure would be both eminently proper and beneficial. The present Bureau of Indian Affairs is a Pandora's box, whence endless evils issued and are still issuing. The greater part by far of our difficulties with Indians arise from the shameless way in which they are cheated out of the most of the annuities of all kinds which they are supposed to receive from the Government, and for which the people pay in full. It would be a great error to believe that because they do not know how to read and write those Indians are unable to keep good accounts and to figure exactly to what extent they are cheated. I have heard Indian chiefs who could tell me how many sacks of flour, how many flannel shirts, how many blankets, how many knives, &c., had been taken away from the agency where they had been stored for them; on what nights these goods had been loaded on wagons, the number of which they stated; to what distant posts the stolen articles had been sent, there to be sold in retail by traders to some other tribes. Many times they asked me why I could not take control of the distribution of their goods among them, unable to understand how their Great Father in Washington, who kept so many warriors, could not secure them their rights and save them from being plundered year after year by those very people who were sent especially for their aid and protection. The general corruption which prevails in Indian affairs is a matter of public notoriety, and has been, in some cases, demonstrated by irrefutable evidence.

The above is therefore stated, not to criminate anybody in particular, but only to show that I speak of my personal knowledge, not from hearsay. As all efforts have been unvailing to remedy those evils with the present organization of the Bureau of Indian Affairs, it has become necessary to try some different system to realize the reforms so much needed, and it does not appear that there is any other which could attain that end but the transfer of the Indian Bureau to the War Department. The administration of Indian affairs could not be trusted to better hands. The officers of the Army do not desire it. They understand well that such a transfer will bring to those who will be concerned in it much more trouble and labor than credit or compensation. But their devotion and their patriotism would make them accept their new responsibilities and perform these new duties in the same spirit and with the same efficiency which have maintained so high the integrity and the honor of the United States Army.

Colonel Van Vliet says:

In reference to transferring the Indian Bureau to the War Department, I would beg to state that I am now and have been for years strongly in favor of such transfer. The advantages are so obvious that it is hardly necessary to give any reasons for it. I have served among the Indians in Florida and on the plains for many years, and have given considerable attention to the government of the Indians, and it is my firm belief that they would be governed more efficiently and economically by the Army than they are at present. Indians are governed to a great extent through their fears, and an officer with two or three troops of cavalry at his back is a great deal more respected than is an agent with no power. We have in the Army all the machinery at hand to take care of the Indians without additional cost. The Commissary and Quartermaster's Departments could furnish them with all their supplies without any increase in their force. By placing the Indians in charge of the War Department all chance of a conflict of authority between two co-ordinate Depart-

ments will be avoided, and the Indian will more readily understand what is required of him. I was with General Harney in his Sioux expedition in 1856, and while we were fighting the Indians on the Platte River the Indian agents were issuing arms and ammunition to them on the Arkansas.

Captain Corbin, who is stationed among the Indians, says:

Of course there are some good Indian agents, and some of them have had a great deal of influence with the Indians; but as a general thing, when any serious question has come up among the Indians where I have been stationed, when the agents have told them the wishes of the "Father," (as we call the President on the frontier,) they invariably go and ask an Army officer whether it is true or not, and I think if you will bring the agents here they will tell you the same thing. The Indian's idea of the Army officer is that he will tell the truth and deal with him honestly; that if he is going to hang him he will tell him so; and, if he is going to provide him a home, he will tell him the truth about it; while, on the other hand, they look on the agent as a sort of speculator. I know that was the case with the Navajoes and the Arapahoes. I believe the Navajoes are about the largest tribe we have now. We moved them from the Fort Sumner reservation a number of years ago farther west, and there was a number of agents employed there, and they did some good, but in any case of trouble the Indians will always come to an officer of the Army.

Here is what General Jeff. C. Davis says; he has a C. in his name, and that gives him credit in this House:

The Indian Bureau has of recent years become a synonym for rascality and corruption. I do not think, however, the officers of the Army, as a general thing, covet the responsibility this charge would place upon them, but they can and will, with proper encouragement, perform the task with more efficiency, honesty, and with less hypocritical cant about christianizing and civilizing the Indians, than is now done. The military can teach the Indians how to lay down the rifle and take up agricultural implements and use them; this done, and our honest and sincere Christian workers will see to it that civilization and christianization follow right along as the savage is prepared for these blessings.

General Sykes testifies as follows:

It seems superfluous to repeat that the Indian respects only the power of hunger and the power of the sword; and it is notorious, outside of the "Indian ring," that the word of an officer of the Army will be trusted by an Indian beyond that of any other white man. It arises from two causes: the one, that an officer rarely makes a promise to them that he cannot perform; the other, that he represents the force, which, to an Indian, appeals more than any other to the instincts of his own existence. I have had considerable experience with a large tribe of Indians on a military reservation in New Mexico, (Navajoes,) and had very little trouble with them. I carried out the promises of the Government in their behalf, and rarely called upon them to do an act of justice which they were not prompt to recognize and enforce. Most of our trouble with the Indians would cease were their annuities honestly distributed, and treaties with them faithfully carried out. Everybody knows this who know anything on the subject.

I will close my extracts from the testimony of the Army officers by referring to what was said by General Sanborn. He says:

There is really no progress made, that is perceptible, with the uneducated or wild Indians, under this system. The civilized tribes of to-day were civilized Indians in 1849, when the transfer was made from the War Department to the Interior Department, and there is scarcely a tribe that our civilization has come in contact with during the twenty-seven years that the Interior Department has administered Indian affairs that has not as a tribe been annihilated and disappeared. Civilization under that system, of an Indian tribe as a tribe, I consider impossible. Nearly all the tribes on the Pacific coast have disappeared. The Modocs have disappeared within the last two or three years under that system. There is a loose, careless management of the Interior Department which is necessitated from a lack of force, unless the military is near at hand; and that encourages these savages to outbreaks and disregard of the authority of the Government, which, in the end, must be repressed by an absolute military campaign, and by that time the Indians have become so encouraged that they fight with confidence and with all the zeal of savages, and of course, as a rule, they are nearly annihilated by the superior power of the Government, which, of course, ultimately must succeed in all cases.

I have not visited the Sioux Indians of the plains since we closed our treaty with them in 1868; but I am informed by General Terry, whose headquarters are at Saint Paul, and who was on the commission that visited them this year, that during the eight years that have elapsed since that treaty there has been no perceptible progress in their disposition to try to help to support themselves, or to obey the requirements or follow out the purposes of the Government, but that, if anything, they are more savage and barbarous now than they were then, although the Government has expended, under the provisions of that treaty, from a million and a half to two millions annually, and which we fully expected at the time would, in five years, carry them so far along that they would become at least successful herders, and be able to raise at least enough meat to support themselves, in a good grazing country like that south of the Arkansas, which we looked forward to as the permanent home of the Indians, regarding that as a temporary arrangement; so that I am, and have been, since giving a thorough examination to the whole question, hopeless of our being able to civilize any of these large Indian tribes, the Sioux or the Apaches of Arizona, under the present system. As a nation, their annihilation is as inevitable as doom under the present system; while I have full belief that if the Army had control so that the presence of power would be always felt by the Indians, and the consequent obedience to the purposes and plans of the Government secured, they would become a civilized people, productive as herders, and we shall always need a large population of that kind on the plains—for they are suitable, generally speaking, for no other purpose, and will subserve no other great end in the economy of this Government—a large portion of that country.

In regard to the economy of the service, I believe there would be a large saving in the procuring and issuing of supplies. I think that in the expenditure of six or eight million dollars for supplies there would be a saving of from a million to a million and a half in the cost of transportation. I think that active campaigns in the field, which now occur every two or three years, would be entirely avoided. I have no doubt but that the entire expenses of these campaigns would be avoided. If the Army had full control the Indians never would be encouraged to resist the power and authority of the Government to such an extent as to take up arms against our people at all, and in that view comes the saving. On an average, it would amount to from six to ten millions a year. I am confident that from 1860 to 1870 the expenses of the military establishment were increased annually, on account of our Indian difficulties, to the amount of ten millions on an average, or one hundred millions during the decade. This estimate includes the campaign in Minnesota, the campaign in New Mexico against the Navajoes, and the campaign on the Arkansas, closed out by myself in 1865, in doing which I had under my command seven thousand mounted men and one or two regiments of infantry; and they were supported at an expense that was really alarming, corn at many of those posts being purchased, at the time I arrived there and took command, at $8 a bushel, an expense so great that I concluded it was better to procure a remount every ninety days than to try to keep horses alive by purchasing forage at those rates. I can but consider it, after the study I have given it, as one of the most perfectly one-sided questions connected with the public service, as to where that Bureau should be.

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Q. Do the agents ever turn over beeves on the foot to the Indians so that they can drive them off?

A. Frequently; at least I think so. I have looked at this question very closely and have given it a great deal of study, and my impression is that the transfer of the Indian Bureau to the War Department, by dispensing with civilians whose duties can be performed just as well by officers of the Army—my impression is that the saving in that alone will be $1,500,000. My impression is (and I think I have seen enough of these matters in the last fifteen years to enable me to come to a correct conclusion) that it will save in supplies furnished that never reach the Indians at all fully $500,000; that makes two millions. It will save in the administration of the Army directly, by enabling them to bring the Indians down to navigable highways where supplies can be distributed without the monstrously expensive transportation that is now necessary, fully $3,000,000, making $5,000,000. Take, for instance, the Red Cloud and Spotted Tail agencies, the two largest agencies on the continent, I believe; it costs as much to haul the flour from the point where it is landed on the Missouri to those agencies as it costs to purchase the flour. The distance of those agencies from the river is about three hundred miles, and they are in a poor country, whereas the country on the river is pretty good. In addition to that, our Indian wars for the last twenty years have cost $120,000,000, over $6,000,000 a year, and we are just as sure to be afflicted again with that enormous expenditure as we have been in the past if we continue the present system. Therefore you may add $6,000,000 to the $5,000,000, which will make a saving annually of $11,000,000 by turning the Indians over to the War Department.

I think that our Indian wars have been the direct results of the miserable policy that has prevailed under the civil administration of Indian affairs. Now we have the officers already paid for doing all the duties that are discharged at present by the agents. The surgeon at the post can prescribe for the Indians, and the labor that is to be paid for now can just as well be performed by the soldiers who will be called in at the military posts to aid the quartermaster and the commissary in making their issues. Of course you have to have a head farmer, a head blacksmith, a head carpenter, and where there is a mill, a miller, but all the balance of the labor can be done just as well by the Indians, provided you have force enough at the posts to enable the agent to compel obedience to his orders.

The gentleman from New York, whom I am endeavoring in a feeble way to follow, attributed all the Indian wars to the Army—to the soldiers. I want to show him how badly mistaken General Sheridan, and General Sherman, and General Ord, and General Marcy, and a number of other generals are in their recollection and knowledge of the cause of these Indian wars. General Ord testifies that his father was an Indian agent for a number of years, and nearly all the time under the War Department. He says:

It ought to be entirely transferred, and, as far as practicable, under the control of permanent officers of the Army. It was formerly under the control of the War Department, and officers were sometimes assigned to temporary duty in the Indian Bureau as *ex officio* agents. My father was an Indian agent for fifteen or sixteen years; under the War Department nearly all the time.

He then refers to the two agencies, the Red Cloud agency and the Spotted Tail agency. He says:

I came on here to Washington—

He had been applied to by an Indian agent to furnish more troops, not that they were needed by the Army or by the Indians, but the agent applied for them. He says:

I came on here to Washington and got an appropriation to build up the post; and I had some conference with the Indian Committee, in order to satisfy them that the Indians could not be taken care of without the military. The agent had come to me and applied for a guard, and insisted upon it, saying that his agents had been murdered, and that he could not get anybody to live with the Indians unless they had the military right alongside of them.

Here is what he says about the Modoc war; and this will answer a part of the report of the minority, which charges the responsibility for that war somewhere else. He says:

I have some little knowledge of the Modoc war, Florida wars, Rogue River war, and other wars. I have been in some half-dozen of them. They nearly all originated from mismanagement of the Indians. I believe the Modoc war originated because certain parties wanted to get possession of the Indian lands, and wanted to move the Indians down to where the Klamaths were. The Klamaths were a large tribe on the lower river, and outnumbered the Modocs probably twenty to one.

He goes on to say that if the agent had been a military man he would have known that it would not do to undertake to move those Indians with only a handful of men:

The Modocs did not want to go to the Klamaths, because the Klamaths, being a very large and overbearing tribe, would not let them have any show in the distribution of supplies. The Indians made some representations in regard to it, but they all seemed to be ignored by the Indian Department. The Department seemed to take it for granted that all that was needed to force them to go was a military guard. The handful of men were attacked and driven back. The agent asked for a little larger force, which was still insufficient, and found difficulty—the Modocs taking the war-path, as they say. Whereas the difficulty could have been avoided if there had been a military man in control, and he would probably have had a sufficient military force immediately at hand.

[Here the hammer fell.]

Mr. SEELYE obtained the floor.

Mr. COOK. I ask the gentleman from Massachusetts [Mr. SEELYE] to yield to me five minutes.

Mr. SEELYE. I will yield the gentleman that much of my time if he so desires.

Mr. COOK. I thank the gentleman; and I do so the more cordially, because I want to reply to a part of the minority report. That report states that General Sherman, General Harney, General Terry, General Augur, and a number of others have expressed their opinion against this transfer. But whatever they may have reported in 1868 has long since been taken back by those men. The report says further that while this question has frequently been before Congress, that body has always refused to pass upon it. Now, in 1868 this House passed an act by a large majority, including the gentleman from Maine, [Mr. BLAINE,] the gentleman from Massachusetts, [Mr. BANKS,] the gentleman from Ohio, [Mr. GARFIELD,] and a number of other distinguished gentlemen upon this floor.

I desire especially to ask attention to one passage of this report. I had hoped that there might be presented here in this House some measure in the discussion of which the southern people would not be slandered, traduced, or vilified. But in this minority report I find to my utter astonishment this language, in reference to placing the military over the Indians:

The people of our Southern States, since the late civil war, have made grievous complaints of military interference. Whatever reasons and arguments against military government in the South are valid, apply with equal force to the military government of Indians.

Great God, have we lived to this day to find men so far forgetting their obligation to all that is proper and right—to say nothing of what is just and generous—that eight million of people in the Southern States are to be compared with these savages! Those southern people have fought under that flag from the time of the Revolution; they have watered every battle-field with their blood; they have sent to these Halls some of the distinguished men, the peers of any men whom this country has ever produced. They have organized State governments and framed constitutions and laws which will not suffer by contrast with the work of the men from any other section. But now, because our governments were overthrown, our governors removed, our State Legislatures dissolved in time of peace, and the military sent to prey upon us; and because we have felt this to be an outrage, we are to be compared with the savage men of the forest, 170,000 of whom, as we are informed, are living to-day undressed, unclad, without any form of government, without any respect for law, destitute of every instinct of civilization and every sentiment of Christianity. Because we have felt the grievous wrongs inflicted upon us, the deep outrage upon everything sacred by human or divine law, we are to be compared with the savage of the forest!

I had hoped that the time had come when our feelings and our sensibilities would receive some respect, would command the attention at least of gentlemen on this floor. I had hardly supposed that any man from the walks of civil life whose feelings had not been imbittered by party strife would give assent to such an insult, such an outrage, such an indignity upon 8,000,000 of his fellow-citizens.

I will not trust myself, sir, to speak of this as I feel, and justly feel. If the gentleman can conscientiously make upon us, upon our character and the character of our people this accusation, comparing us deliberately to the savage tribes of the West, if he can reconcile it to his sense of justice, to his sense of propriety, and to his own feelings of right, let him do it.

List of appropriations for the support of the Indian Department for the fiscal years ending June 30—

1840	$1,039,125 84	1857	$2,520,613 78
1841	1,000,968 00	1858	3,550,985 71
1842	1,300,077 47	1859	1,338,104 49
1843	1,228,816 00	1860	1,797,368 48
1844	2,100,383 33		
1845	1,080,240 11	1865	2,704,496 41
1846	1,059,503 74	1866	3,036,848 91
1847	1,106,698 50	1867	3,780,277 82
1848	1,364,204 95	1868	2,947,346 86
1849	1,799,329 36	1869	3,847,528 45
1850	1,000,980 65	1870	6,121,004 81
		1871	6,324,164 16
1851	2,255,134 35	1872	5,448,540 96
1852	872,209 80	1873	6,449,462 04
1853	2,011,469 85	1874	5,541,418 90
1854	1,728,818 73	1875	5,680,651 96
1855	2,258,182 31	1876	5,360,554 55
1856	2,263,845 27		

Mr. SEELYE. Mr. Chairman, I doubt if any topic comes before the present Congress in all respects more important and in some respects more difficult than this. The magnitude of the Indian question is much larger than one who has not given it a special study is likely to suppose. How to adopt a system which shall wisely care for 300,000 Indians, some of whom are citizens, some of whom are wards, some of whom are friends and some foes of the nation, differing among each other as they differ from us in their languages, and thoughts, and ways, and representing nearly every grade of civilized and savage life, whose original rights to a large portion of our national domain we have recognized by purchases and by treaties which have pledged the faith of the nation for their protection and support; with whom we certainly desire to live in peace, but with many of whom we are in constant danger of war—how, I say, to arrange a method for the treatment of these people which shall wisely maintain our rights and at the same time righteously fulfill our obligations, is a problem upon which he who has thought the most will perhaps speak the least. One point is, however, quite clear and will receive the assent of every one. These Indians have not only cost us a great deal in the past, but they are certain to cost us a great deal more for some time to come. This is true whatever treatment of them be pursued. The game upon which the wild tribes have subsisted is disappearing much more rapidly than the wild tribes themselves, and it is a literal fact that without the interference of our Government, starvation must stare these Indians in the face. But when starvation faces a wild Indian, who does not know how to work and who would not work if he did know how, we all know the exact alternative before him. He will murder and plunder white settlements rather than starve. He has always done it, and, little as we like the fact, all the power of this Government cannot stop him in like circumstances from doing it again. If we seek to guard against his starvation by feeding him, the cost is vast, and, if we seek to stop his raids by fighting him, the cost is vastly more. In either case our relations to the Indian involve a prodigious expense to us, which there is no way to avoid, whatever course we take.

Now, Mr. Chairman, this is not a pleasant fact, and no member of this House can be willing to think of it as a permanent one. However inevitable for the present or the immediate future, we would all like to find some plan of ultimate relief. But this relief can, of course, only come through some change in the Indians themselves. Any change on our part, unless it be our decadence and consequent withdrawal from all contact with the Indian, leaving him to roam again untrammeled over his wilds, would only increase the difficulty. In fact, the growing burden comes from our increasing growth.

But what sort of a change in the Indian would secure for us relief? To this inquiry high military authority, echoed, also, by some high in civil life, has answered sternly that extermination of the red man is the only remedy against him which the whites possess. "The only good Indian is a dead Indian." But, Mr. Chairman, in this presence, surrounded by the Representatives of the American people, I should not expect to be pardoned, if attempting to discuss this remedy. We are not ourselves savages; we represent a humane and Christian people, and this House might properly deem itself insulted if it were supposed that arguments against attempting the extermination of the Indian were needed here. I pass this policy, therefore, without a word.

But there is here only one alternative. Unless we are satisfied to let the Indians remain as they are—some of them, indeed, educated, industrious, and Christian, but others ignorant, poor, wild, lawless, needing our constraint and dependent on our support—unless we are content to bear continually the burdens which the Indians now lay upon us, burdens which, if permanent, would be as disastrous to them as they would be oppressive to us, we must maintain a treatment of these people which shall seek to bring them all to a knowledge of the rights, and a fulfillment of the duties of Christian civilization. This surely is the only aim worthy of us and well for them.

Need I stop to prove the possibility of this? The history of the world for the last eighteen centuries proves it. The actual results of attempts thus far made to christianize and civilize these Indians prove it. The wildest and most savage races have been changed from barbarism to a civilized life. The wildest and most savage of these Indians themselves have been transformed into peaceable, and law-abiding, and enlightened men. That which has been done can be done. But how? "Civilization," says Niebuhr, "is never indigenous to any people." No savage ever civilized himself; no barbarous tribe ever rose by its own efforts to an enlightened life. The lamp which lights one people in their advancement, has always been lighted by a lamp behind it. And, in every instance thus far, civilizing movements have had their impulse in civil means. The history of the world has yet to show the first instance where civilization has ever been conveyed to any people, save indirectly, by an army or by military power. Armies have often opened the way for civilization; wars have broken down the doors which kept civilization out, through which civilizing steps have subsequently entered; but war itself does not civilize. Armies alone have never improved the world. The distinguished soldier now General of our Army, among his many terse and true sayings, never crowded more truth into fewer words than when he said at Atlanta, "War is barbarism, and you cannot refine it." War is barbarism, and you cannot, therefore, make military means, in any sense save indirectly, a ministry of civilization.

But if any one supposes that in the present instance we can make a new experiment with results different from all thus far known, I simply wish to call his notice to the actual influence of our Army on the improvement of the Indian. And unhappily—I wish it were otherwise, and that facts would set aside this argument of mine—unhappily this influence does not tend to his improvement. On the contrary, the testimony is not only positive, but well-nigh universal, that in respect of the lowest vices and the most loathsome diseases the Indian is made worse thereby. Military officers, high and low, soldiers of the Army, traders and travelers and explorers, Indian agents, Indian inspectors, and Indian commissioners, missionaries, and teachers, have testified that the presence of a military post among the Indians is always a source of unqualified and awful demoralization. Are we dreaming, therefore, when we seem to hear it gravely proposed to employ the military arm to lead these people unto virtue? Is this the agency by which we shall seek to christianize and civilize them? And if you say that we will separate the military post from the Indian and suffer no contact of the two, how are you going to do this, if you have nothing but the military to do it with? And if you could do it, what need would there then be of the military management? The gentleman from North Carolina, [Mr. SCALES,] chairman of the Committee on Indian Affairs, for whose judgment as well as character I have learned to hold a high respect, said a few days since, in discussing this matter, though arguing for the transfer of the Indian management from the Interior to the War Department:

Now, sir, I would not be understood as underestimating the value and importance of the services rendered by these different religious bodies in the efforts of the Government to civilize the savage races. They must have schools, they must have teachers and preachers, and they must be taught the Christian religion; and to have this efficiently and faithfully done we must in a great degree rely upon the noble and self-sacrificing men and women who, taking their lives in their hands,

with no reward or hope of reward here, go out as missionaries of the Gospel among the Indians. But I would give all the largest liberty; I would open wide every door of access into that country and shut it to none. I would have the Government give its countenance and protection to all, and leave the results to their own faithfulness and energy, to the truth, and to God.

The gentleman makes no claim, it will be noticed, that the Army itself will have any tendency to civilize the Indians. Such a claim is made by no one. If civilizing agencies come in, they must be brought from civil life. This is a notable admission, and ought to be fatal to the bill before us. But will the gentleman let me push an inquiry just here? What sort of success does he judge these "teachers and preachers" would have upon the Indian when confronted by the influences of the military post having the teachers and preachers and Indians also in charge? Granted that the Gospel is able to subdue all vices and to change the demoralizing tendencies of even an Army post by changing the character of the men in the Army, but I want to know if this would not be the first work which, under the system proposed by this bill, these "missionaries of the Gospel among the Indians" would have to undertake? Could there be any rational hope of success until this were done? I do not suppose that our Army officers are any worse or any better than other educated men, but the Army itself, the soldiers who enlist in time of peace, and who are the men actually manning our military posts to-day, need no description here. They are not the men, to say the least, whom we should choose as colaborers in missionary efforts to convert the Indians. Till their influence is checked or changed either by their own conversion or their removal, you can no more work benignly on the Indian by any kind or quantity of missionary agency than you could neutralize the poison of obscene books by binding up Bibles with them! This any one can see who thinks upon the matter but for a moment, and he who thinks upon it most will wonder most that any one should ever think of civilizing Indians in this way. But the truth is, Mr. Chairman, no one does think this. The whole proposal to transfer the Indian management from the Interior to the War Department is either without thought or it involves a confusion of thought. I say this, meaning no disrespect to those who have advocated this course, but I am compelled to say it, because in all their advocacy, when it comes to the question pure and simple of christianizing and civilizing savage Indians by military power, nobody ventures to claim that it can be done. Nobody has claimed this. I venture to say nobody will. And yet this, as we all admit, is the exact end we ought to seek. This alone can solve the Indian problem; by this alone shall they and we cease to disturb each other. Can any man, therefore, who desires this, and who knows also what the Army does and what the Army is and must be, directly argue in favor of this bill with a clear understanding of what his arguments imply? I would put no construction on such a man's mental processes save what they obviously indicate, when I say that he is not thinking here of the main issue, but on some other matter quite subordinate thereto. Questions of economy, the actions of officials, the details of administration, these, and not the question how to transform ignorant and hostile savages into enlightened friends and fellow-citizens, are uppermost in the thoughts as they are foremost in the speech of the advocates of this bill.

But these are side issues. I admit they are important, and upon each of them I also have somewhat to say. But if the civilization of these Indians be the one thing indispensable, and if this end must come through civil rather than through military means, then is it wise to cast aside this agency through some supposed defect in its machinery, or shall we not rather set our powers at work to perfect the machinery itself? If you are conducting a military campaign, will you give up your army and let your enemy triumph because the army costs too much, or because it may be badly officered, and perhaps also badly manned; or will you seek, by wise economy, and careful oversight, and energetic discipline, to maintain your own resources and to make the army strong for victory? In like manner, to use the words again to which the present General of our Army penned his name in 1868:

> If we intend to have war with the Indians, the Bureau should go to the Secretary of War; if we intend to have peace, it should be in the civil department.—*Report on Indian Affairs*, 1868, page 47.

It is not easy to put this whole matter into a simpler shape than in these clear words. And when we look at it in this form, there is, there can be, no dispute about the question before us among intelligent men. It is only when we turn aside from this main issue and put something quite subordinate or accidental in its stead that our thoughts become confused, and we find ourselves discussing whether an agency which perhaps has not been properly conducted is thereby an improper agency. But as these subordinate issues are quite prominent in many minds, and as they are in themselves important, though subordinate, I think it well to inquire into the wisdom and efficiency of our present management of Indian affairs as judged by the actual facts. Do these facts warrant any sweeping condemnation of it, or do they justify our continued confidence and support?

In reference to this inquiry, one general fact should always be remembered. We should not forget, though I apprehend we often do, the magnitude and the difficulties of the Indian problem, and the likelihood that any class of men or set of means may sometimes seem to fail in dealing with it. No man, whether in military or civil life, whether educated or unlearned, is beyond the liability to temptation; and in dealing with these remote, and ignorant, and savage people, temptations are not only so numerous and strong, but opportunities of concealment are so manifold and easy, that we ought to expect—it would be almost incredible to find it otherwise—that some men's virtue, put to such a test, will easily yield, and that some who might for a time stoutly resist will at length give way, and also that bright hopes of Indian improvement may be disappointing. Forgetfulness of these facts is always liable to foster careless criticisms of the conduct of Indian affairs, but these criticisms we should notice were just as frequent and just as forcible when the Indians were managed by the War Department as they have been since. From 1832 to 1849 the Indian Bureau was under the direction of the War Department as it is now proposed to make it again, but in these seventeen years the treatment of these people was so cruel and forbidding, that the people of the land almost with one voice demanded a change. Granted that the change has not been all that could be desired; admitting, if you please, the very worst that has been charged against the present system, it may yet safely challenge comparison with that which it displaced. No worse state of things, even at the worst, has existed in the management of the Indian since 1849 than before, and it is childish not to have learned these things, and imbecile if, having learned, we have forgotten them.

But, Mr. Chairman, it cannot be admitted by any one conversant with the facts that the present Indian management is justly liable to the criticisms often urged against it. Since the so-called peace policy was adopted, a policy which crowns the present Administration with unfading luster, not only has there been a manifest increase of economy and efficiency and integrity in the treatment of the Indian, but also a most marked improvement on the part of the Indians themselves. If gentlemen will turn to the report of the board of Indian commissioners for 1875 they will find evidence which, as the commissioners themselves say, "will convince the most skeptical that in the main there has been an honest purchase and delivery of annuity goods and supplies for this year."

Let me briefly state the method now employed by the board for furnishing the Indians with these supplies. Advertisements are issued and bids solicited, which bids must be accompanied with samples as well as prices of the articles required. The samples and prices are then submitted severally to experts, who are also men of high mercantile standing and who, having first made oath that they have no private interest in the pending bids, advise in each case as to the contracts to be made. The samples of the goods contracted for are retained by the commissioners, while the goods are forwarded to the agents, who in return send back samples of the same for comparison here. To guard against all further possibility of wrong, the commissioners during the last season also sent a special agent to procure from the lodges of the Indians samples of the goods actually furnished them, which again have been compared with those sent by the agents and those originally in the commissioners' hands. Under such a system fraud is almost an impossibility, and under it no wonder the chronic complaints of the Indians have ceased.

The gentleman from North Carolina [Mr. SCALES] read from the records of 1862 an odd list of annuity goods furnished certain Indians, a list which certainly provokes a smile; but what has a matter of this sort, occurring, moreover, fourteen years ago, to do with the case in hand? The gentleman surely knows that in the last six years there has been adopted in the management of Indian affairs a system of oversight and inspection under which nothing of that kind has occurred or can occur. Everything is not yet perfect. Undoubtedly there are frauds still. The board of Indian commissioners found last year certain beef-contractors altogether too smart for them. A system of straw bids against which they had carefully guarded, but which was so deftly handled that the wariest watchers might have fallen into the snare, entrapped and outwitted these commissioners, as they themselves have discovered and declared. They are not likely to be thus deceived again. Indeed, with the Indian Bureau as now organized; with the board of Indian commissioners supervising all purchases and watching carefully the entire treatment of the Indians—doing this also at great labor and without hire—with the Indian inspectors consisting of three trusty men—who should be five—who actually make the tour of all the agencies and closely examine each, fraud cannot go long undetected or shiftlessness or inefficiency fail of being promptly rooted out. I venture to say that neither Congress nor the country is generally aware of the amount of careful, faithful, and successful work now doing for the Indian. We have had such stories of corruption and mismanagement—some of which are certainly true and many of them as certainly false—that we have come to think of these as representing the prevailing state of things. It is no wonder that we believe these stories; no wonder, because the evidence of some of them is beyond dispute and because also they accord so well with what we might expect from subjects of this Government in their dealings with the Indians. We should not forget what a potent example the Government itself has set in this particular; what treaties, what solemn pledges it has broken to the Indian, and with what cruelty, as well as fraud, it has so often treated him. No wonder that our people should be so prone to follow where our Government has so conspicuously led the way. But, notwithstanding all this it is true that under the existing order of things, changes for the better are taking place among the Indians which we ought to acknowledge gratefully. So much was never done in their behalf nor with such good results as now. That this is not a vague and general assertion without proof is evident from almost every page of

our recent official documents relating to this subject. Let me quote, for example, from page 123 of the last report of the board of Indian commissioners, a statement showing results accomplished in the last seven years in the central superintendency, embracing Kickapoos, Pottawatomies, Kaws, Osages, Quapaws, Peorias, Ottawas, Wyandotts, Senecas, Sacs and Foxes, Absentee Shawnees, Cheyennes, Arapahoes, Wichitas, Kiowas, and Comanches, aggregating 16,000 Indians, some of whom have in former years given us great disturbance.

	1868.	1875.
Number of schools	4	15
Number of pupils	105	836
Number of Sabbath schools	.....	13
Amount contributed by friends	.....	$10,000
Acres cultivated by Indians	3,220	14,499
Corn raised by Indians, (bushels)	31,700	320,500
Wheat raised by Indians, (bushels)	633	28,032
Oats raised by Indians, (bushels)	.....	5,930
Potatoes raised by Indians, (bushels)	1,770	17,102
Other vegetables raised by Indians, (bushels)	7 000	12,000
Hay raised by Indians, (tons)	750	4,996
Horses, ponies, and mules owned by Indians	17,924	25,921
Cattle owned by Indians	640	6,580
Hogs owned by Indians	1,074	12,268
Houses occupied and owned by Indians	.....	1,042

But this is not a single case. If gentlemen would only take the trouble to examine what is done; if they would only read the record of results such as appear, for example, at the Yakama agency, in Washington Territory, and the Round Valley agency, in California, and the San Carlos agency, in Arizona, where three years ago the wild Apaches could not be kept in peace by all the army we could send there, and the Santee Sioux agency, in Nebraska, and the Sisseton and Yankton agency, in Dakota, and many others—if gentlemen would only remember that in these last six years, since the present or so-called peace policy was adopted, we have had peace with the Indians to a degree never known before, and this notwithstanding that the advancing tide of western emigration has never so largely encroached upon their reservations and narrowed their hunting-grounds as in this time, they would no more think of abandoning this policy and endangering this progress than in the raging of a pestilence they would reject the remedy under which the sick and dying were becoming restored to health and life again.

But, Mr. Chairman, I am aware that these considerations are sometimes shut out from some minds by other thoughts. Questions of economy and administration are raised and urged in favor of the transfer which this bill proposes. But would it be economical? Here I take issue, and affirm that, besides the great disorder and consequent enormous waste which could not but ensue upon the transfer of so vast and complicated a machinery as this from one set of hands long accustomed to its management to another set all unacquainted with it, the present administration is vastly more economical and efficient than there is any likelihood of obtaining from the War Department. I challenge contradiction when I say that there is no Department of the Government where the sum paid and the work done are so disproportionate as in that which administers our military affairs. This is not, perhaps, anybody's fault; it is perhaps inherent in the system, but it is the literal truth; and the facts within the knowledge of every member of this House will justify the statement. Why, Mr. Chairman, one acquainted with the facts must smile, if he does not stare with wonder, to hear this bill advocated because the War Department can purchase and furnish supplies to the Indians more economically than the Department of the Interior has done. I hold in my hand a tabular statement prepared from official data furnished me from both the War Department and that of the Interior, in which the comparative cost is given of beef and flour per hundred

Comparison of cost of supplies purchased by the War Department and by the Indian Office.

BEEF.

Fiscal year.	War Department.		Indian Office.	
	Place of delivery.	Price per 100 pounds gross.	Place of delivery.	Price per 100 pounds gross.
1874-'75	Fort Sill, Indian Territory.	$3 25 and 2 16½	Kiowa agency	*$1 72 †1 92 ‡1 64
1875-'76	Fort Sill, Indian Territory.	1 74½ and 2 37½	Kiowa agency	§$1.619 ‡1.636
1874-'75	Camp Robinson	4 68½ and 4 62½	Red Cloud and Spotted Tail agencies.	§2.303 ‡3.00
1875-'76	Camp Robinson	4 00 and 3 00		§2.46½
1874-'75	Fort Randall	4 12½	Yankton agency	§2.303
1875-'76	Fort Randall	4 00	Yankton agency	§2.46½
1874-'75	Fort Wingate	4 00	Navajo agency	No contract for 1874-'75; average price paid by agent 2 50
1875-'76	Fort Wingate	3 98½ and 2 00	Navajo agency	2 69½

*April. †May. ‡Balance of year. §April and May.

Comparison of cost of supplies, &c.—Continued.

FLOUR.

1874-'75	Fort Sill	$6 17	Kiowa agency	$4 29
1875-'76	Fort Sill	5 38	Kiowa agency	4 57
1874-'75	Camp Robinson.	7 89, 5 80⅞, and 6 35⅞.	Red Cloud agency	4 83½
			Spotted Tail agency	4 97
1875-'76	Camp Robinson	5 58½ and 4 57	Red Cloud agency	4 53½
1874-'75	Fort Randall		Spotted Tail agency	4 45
1875-'76	Fort Randall	3 22½	Yankton agency	3 13
1874-'75	Fort Wingate	3 22	Yankton agency	Wheat instead of flour.
1875-'76	Fort Wingate	5 55		
		5 38	Navajo agency	No contract.
			Navajo agency	7 35

weight as contracted for and furnished to certain military posts and Indian agencies lying in close proximity to each other. And will it be believed, after all the sweeping assertions we have heard respecting the superior economy of the War Department, and the great saving in the cost of Indian supplies to be expected from the passage of this bill, that the average cost of beef and transportation of the same at these military posts was, in the fiscal year 1874-'75, 78 per cent. more; and in the present fiscal year 38 per cent. more than at the neighboring Indian agencies? Take a single instance, and a perfectly fair one, for illustration. Camp Robinson is a mile and three-quarters from Red Cloud agency. The cost of beef at the two, therefore, ought to be just about the same. But during the present fiscal year the average price paid for beef delivered at the camp was $3.50 per hundredweight, while at the agency the average price was $2.46½ per hundredweight gross weight in both cases. Now, the amount of beef contracted for at Red Cloud agency from July 1, 1875, to February 8, 1876, is 10,608,012 pounds, and the difference betweeen its actual cost ($261,487.50) and the cost ($371,280.42) of the same under the Army management is a difference of $109,792.92, a sum almost large enough to pay the entire salaries of all our Indian agents. The same facts are seen in the cost of flour, as the table shows, and I have no doubt the same would appear also wherever the same sort of supplies have been furnished to the Army and the Indians, the two lying side by side. In the case of flour, it might be said that the flour furnished the Army is of a better grade than that purchased for the Indians, which is probably true and rightly so; but this is not the case with beef, and this will not explain the full difference in the case of flour. I know no other explanation for it than the fact that the Indian Bureau is vastly more economically managed as it is than it would be under the War Department.

But will not this transfer permit us to get rid of a great expense of management? Let us see. The Indian Bureau costs $69,880 per year, which could be saved, or largely saved, it is said, by transferring it to the War Department. This sum is not large, though by no means inconsiderable, but how can any one expect it to be thus saved? Why, this transfer is actually proposed in an appropriation bill which cuts down the salaries in the War Department 10 per cent., and reduces the force there 20 per cent., and though I wish to speak with all deference of those who have had larger experience in this House than I, yet I must say that to seek to save the cost or reduce the cost of the Indian Bureau in this way is to trifle with legislation, and to treat with contempt the grave duties we have been sent here to perform.

But the agents in the field, the superintendents, and inspectors, and commissioners—all their expenses can be saved by detailing Army officers for this service without additional cost? Army officers? And are these then so plenty, and with so little to do, that we have enough at hand for all this work? Then other questions are suggested to which the advocates of the maintenance of our present Army force might not find it easy to reply. But, waiving this, does any one expect that either the officers or the soldiers of our Army are going to do the work now actually accomplished or needing to be done at our Indian agencies? Are Army officers going to teach Indian children, or Indian adults? Are the soldiers of the Army going to act as herdsmen or husbandmen to show the Indians how to care for cattle and how to till the soil? Is the patient and laborious employment of instructing these ignorant people in the arts, and inciting them to the ways of civilized life likely to be congenial to military men of any grade, or, when you come to the point, is it likely to be done by them? The truth is—and why should we not see it before the disastrous experiment is made—either the work would not be done in this way, or we should need as large a force of civilians as now to conduct it. I quote again from the words to which the General of our Army penned his name in 1868:

> Not one in a thousand of the officers of our Army would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military occupations.—*Report on Indian Affairs*, 1868, page 48.

When the great reduction in our Army took place in 1869 we had supernumerary officers who could be detailed to act as Indian agents, many of whom were thus detailed in 1870. But the experiment was not satisfactory, so far as I can learn, to anybody, least of all to the officers themselves, and the practice was abandoned. But we have no such supernumerary officers now in numbers sufficient for this work, and therefore, if this bill should pass, the detailed Indian agents must be taken directly from the Army service. Let us see how this will work. Of course these men will not be taken from the ranks of field officers,

but officers of the line will have to furnish the supply, and as the bill reported by the committee making provision for this transfer directs that Indian agents shall not be of lower rank than first lieutenant, this, or that of captain, is the rank from which these men would generally come. Now, Mr. Chairman, whether the first lieutenants and the captains of our Army are in point of years and character and wisdom just the men for Indian agents I will not inquire. But every one knows that in the Army the rule of such detached service is the rule of rotation, while the one thing needed in an Indian agency, if the agent be fitted for his place, is that he be kept there. But how are these two requirements to agree? They cannot agree. They are irreconcilable. One must yield to the other, and is it difficult to see which this will be? When the efficiency of the Army and the success of the agency have this divided interest, and the Army or the War Department has the sole power to decide the issue, does any one doubt on which side the decision will be? And is it wise in any aspect to take a step which leads to such an end?

But besides all this, as stated in the minority report accompanying this bill, at the root of Army organization lies the principle of readiness to move at any time to any place as orders are received. The transfer of Indian affairs to the War Department would therefore not only be a departure from the policy of peace and civilization of the Indians, but would also be destructive to the efficiency of the Army itself.

But this question of economy assumes much larger proportions than the cost of the Indian Bureau and agencies discloses. Since the Government began we have no parallel, nor aught approaching it, to the magnitude of outlay and meagerness of result which our military relations to the Indians have shown. During the forty years prior to 1868 the cost of Indian wars—the direct cost to the Government, without including the cost from the plundering and destroying of private property—was, according to the estimate of the Commissioner of Indian Affairs for that year, not less than $500,000,000, the interest of which alone would pay five times over the largest amount ever asked for to maintain the peace policy and keep the peace with the Indians. Now, I know it is said these Indian wars have been necessary; but let us not blink the issue here. On what does this necessity hinge? I wish to make no sweeping assertions, and therefore call the attention of the House to the actual source of these wars during the last twenty or thirty years. Take the great Sioux war of 1852-'53-'54. It started thus: A Mormon emigrant train lost a cow upon the road, which a band of Sioux, who were living in perfect peace in the neighborhood, found and took. The Mormons, discovering this, made complaint at Fort Laramie, near which the loss occurred, and a lieutenant with a squad of soldiers was dispatched for the recovery of the cow. But the cow was by this time past recovery. In the language of the protoplastic theorists, she was fast undergoing transmutation into Indian. The Indians offered to pay for her, but the brave lieutenant now demanded that the man who had taken her should be surrendered for punishment. The Indians said he could not be found, whereupon—will it be believed?—the lieutenant, with no other provocation, commanded his troops to fire, and the Indian chief was slain! Those troops never fired again. They were instantly surrounded and massacred, every one; and this was the beginning of that terrible war with the Sioux which lasted nearly three years, which cost the Government $40,000,000 and hundreds of soldiers' lives, and left our relations with the Indians in a worse state than they were before.

In the report accompanying this bill we have from the man probably more competent to testify to the actual facts than any other man living the statement that "the wars in Oregon in 1854-'55 were brought about entirely by the indiscretion of the Army." The troops were ordered out of Oregon in 1851 because the superintendent of Indian affairs appointed for that Territory would not consent to go until the troops were removed, and they were ordered back in 1853 because it was said that the peaceful state which existed in the interval brought no money into Oregon. During the three years of 1851, 1852, and 1853 the entire cost of keeping the Indians at peace by peaceful means in Oregon and California and Idaho altogether was only $25,000, while in 1854 and 1855 it cost the Government $10,000,000 in Oregon alone to quell disturbances by the Army which the Army itself had created.

But these are not single cases. The same facts appear all through our Army intercourse with the Indians. The Cheyenne war of 1864 and 1865 was directly due to the mismanagement of the military. First a lieutenant undertook to arrest some Indians with no authenticated cause; then a major guaranteed protection to a band who were ready to lay down their arms and live in peace; then a colonel ordered this same band to be surrounded, and though he knew the guarantee they had received and also that they had since committed no offense, and though he saw, as he drew near the hapless wretches, women and little children as well as men huddling around a United States flag, up to which they were gazing for the protection which a United States military officer had promised they should receive—though he knew and saw all this, for we have sworn and copious testimony to the fact, he ordered and secured their massacre with such atrocious cruelties to the living and such indecent mutilations of the dead that one wonders whether the perpetrators could be human beings or whether they were fiends in the guise of men. And yet, after these hellish deeds, the commanding colonel vaunted his infamy in the words: "This fight will put a star upon my shoulder." But it was told us the other day that these were militia-men, a Colorado regiment, and the colonel was not an officer of the regular Army, but, forsooth, a Methodist minister, strangely reconstructed! But what shall be said of the major in command of the regular garrison at that point, whose words were:

> I told the colonel I was glad he had come; that I would have gone before and cleaned out the sons of guns if I had had force enough.—*Report on the Condition of Indian Tribes*, 1867, page 91.

And what shall be said of the Piegan massacre and the massacres at Washita and Powder Creek, or of the lieutenant-general and major-general and brigadier-general and colonel by whom these deeds were done? I never heard any of these men called Methodist ministers or any other than officers of the regular Army regularly bred. These deeds are only equaled in horror and some of them are hardly surpassed by that at Sand Creek, and are a blot of damning infamy not only on the guilty perpetrators, but on the War Department, which still sustains the men who did them. But my object in alluding to these crimes is to call attention to the undoubted fact that by such procedures our Indian wars have been precipitated. So far as I know, it has never been denied that the massacre at Sand Creek caused the dreadful Cheyenne war which followed. This deed taught the Indian that he could trust no one but himself, and told him to let his savage instincts run untrammeled. The Cheyennes and Kiowas and Comanches were all inflamed, and conflagration, death, and pillage reigned all along our borders. It took two years to stop this terror, during which time, besides the immense loss to private individuals of property and life, it cost the Government $35,000,000 and many lives of soldiers; while, leaving out the Sand Creek massacre, only twenty Indians, all told, were slain. In 1865 a treaty of peace was made, but in 1867 war broke out again among the Cheyennes. I will let a report, made to this House from the Indian Bureau, July, 1867, tell the story of its source:

> In April, 1867, the Cheyennes, who had been at peace since the treaty of 1865, were quietly occupying their village on the grounds assigned to them by that treaty, when a military command under Major-General Hancock, without any known provocation, burned down the homes of three hundred lodges, (including about one hundred lodges of friendly Sioux,) and all their provisions, clothing, utensils, and property of every description, property being thus destroyed to the value of $100,000.

From this we had another war lasting through 1867 and 1868, which it is reported cost us $40,000,000 and the lives of over three hundred men.

In 1866 we were at peace with the Sioux, when the military officer in command—another major-general of the Army—in direct violation of treaty stipulations, planted the military posts of Phil. Kearney, Reno, and C. F. Smith in the actual territory of these Indians. The Indians flew to arms, and it cost the Government at the rate of a million of dollars a month and many lives before they could be subdued, and when peace came, and new treaties were made, the Government acknowledged the original rights of the Indians, and ordered the forts to be vacated which had caused the war. In the same line must be set the Modoc war, the war in Arizona, and the present troubles in the Black Hills. There has not been an Indian war for half a century but that the whites have been the aggressors, and hardly one for the same period but can be traced directly to the mismanagement of the military. Military men have often said that the Army does not wish to fight the Indians. Such fighting is hard work, and dangerous, and without much glory. All which is doubtless true, but all which does not bar the facts I have recited.

Our treatment of the Indian, Mr. Chairman, has been a dark stain upon our history. But during the last six years, for the first time since the Government began, it has sought to introduce directly among these people Christian influences. It has selected its agents and superintendents, not from the Army and not from the retainers of a political party, but from the churches of the land. The result has been better and larger than one who knew the difficulties, however sanguine, might have hoped. It has not been all that was desired. The work is very great, and the workmen, though thus selected, have sometimes turned out very weak. But never before could a Christian philanthropist find so much hope in our treatment of the Indians as now. I implore the House not to retrace these steps nor retard a forward movement in the same direction. Do not let either the Army or a dominant party have again the management of these affairs. Save the Indian, I entreat, from the cruelty of the one and the corruption of the other, and from the selfishness of both. Let the Christian spirit which has begun to breathe through our relations with the Indian fully penetrate them. Let the strong bear the infirmities of the weak, and not please themselves, even as Christ pleased not Himself, which, I take it, Mr. Chairman, is the highest law of a Christian nation, as it is of a Christian man, and in which the treatment of the Indian for which I plead has both the principle which justifies it and the promise which assures success.

During the delivery of the above speech, Mr. SEELYE'S hour having expired, his time was extended by unanimous consent on motion of Mr COX.

Mr. HOOKER. MR. Chairman, if the premises laid down by the distinguished gentleman from Massachusetts, [Mr. SEELYE,] who has just concluded his remarks, and those which were assumed by the distinguished gentleman from New York, [Mr. COX,] who spoke so eloquently on this subject the other day, are to be taken for granted as true, then there can be no doubt at all but the mind of every mem-

ber of this committee will gratefully and cordially follow the lead of those two gentlemen. I say if the premises upon which they started out in discussing this bill in the committee are true, then there is no difficulty in reaching the same conclusion they did.

They started out with the declaration that the object of the bill which the committee has now under consideration is to declare war against the Indian tribes and nations. Is that true? Is that position verified by the recitals in the sections of the bill? Can we say such is its object and purpose? I am happy to say, Mr. Chairman, to this committee that in the investigation of this matter the Committee on Indian Affairs entered into it in no partisan spirit. They entered upon it with a desire primarily and with the main and prominent object of giving protection to the Indian and carrying out the treaty obligations of our Government.

Now, this has been a question which has vexed the minds of statesmen from the first foundation of the Government. The Indian has been a subject of anxious consideration. He has been swept on to the West by the tide of civilization from the East; and now two tidal-waves, one flowing from the Atlantic and the other from the Pacific slope, meet him upon the western border, and there are no longer any happy hunting-grounds farther west to which he can be pressed.

This committee, sir, has had no desire or wish to violate one single treaty obligation of the Government; and in the conclusion to which the majority have arrived they have been animated, I say, primarily by the consideration of the Indian's welfare. They find now the Indian is confined to Indian territory under treaties made with the Government, and they have no disposition to violate those treaties. When they yielded the vast possessions we now enjoy, and, under the treaties made by former administrations, retired to the West, they were assured by that man of iron will and comprehensive mind who then presided over the destinies of this country, General Jackson, when this territory was assigned them, that it should be theirs and their children's and their children's children, in perpetuity forever, using the beautiful and figurative language so well calculated to strike the Indian mind and impress him with the conviction that the white man did not speak with a forked tongue. He said to them, "This territory shall be yours while the rivers flow and the oaks grow."

And there is no disposition on the part of the American Congress to violate one single obligation assumed either in the ancient treaties with this race or in the modern treaties, but on the contrary we desire to carry out in good faith every pledge of our Government. But it was a question as to what was the most expedient mode of carrying out in good faith the treaties of the Government and of the American people with this race. I wish to say, however, that the committee in investigating this question have been animated by this desire primarily, but they have not forgotten what the gentleman from New York and the gentleman from Massachusetts seem to have forgotten, that we have a people upon our own frontier immediately and directly in communication with the uncivilized Indian tribes, whose property, whose houses and lives, are seriously jeopardized by contact with uncivilized Indian tribes. They seem to have forgotten we have another people of our own to guard and protect. They seem to have forgotten the conventions and treaties between the Indian nations of this country, like all treaties and conventions, impose obligations upon both parties entering into them to observe their stipulations.

You would not have supposed in listening to the eloquent speech of my distinguished friend from New York or that of the gentleman from Massachusetts there had ever been a single act of Indian barbarity or Indian outrage perpetrated during the whole history of the Government. You would have supposed, on the contrary, that the only men guilty of wrong, the only men who had infracted these treaties, the only men who had broken their words and disturbed the plighted faith of our nation were the officers and soldiers of our Army.

It was said by the distinguished gentleman from New York in the progress of his speech that men upon the border could not understand this question; that they might think it a little singular that a gentleman from the great metropolitan district of New York should undertake to determine this Indian question better than the men who live upon the border. Sir, I was very much reminded, as the gentleman dwelt upon this idea and inculcated this opinion, of a description given by Dickens of the wonderfully charitable woman who was knitting socks and making garments for the children of the people of Timbuctoo Island while her own children were unshod and unprovided for. She looked from a distance, as my distinguished friend from New York does on this question; and he thinks he understands it better than the long array of witnesses we have examined by our committee who have lived more than a quarter of a century in that territory in daily contact with the Indian. Was it really an unjust thing to suppose that these men, thus examined by this committee in the spirit and in the temper in which they were examined, did not understand the subject as well as my distinguished friend from the metropolitan district of New York, or as well as the gentleman from the State of Massachusetts, [Mr. SEELYE?]

We had no partisan object to accomplish. We had no consideration for the Army in determining this question as the majority of the committee have determined it. We looked alone, first, to the rights the Indian had and to our duty for his protection; and, secondly, to the equally just rights which under the treaties we were bound to observe to our own people of the Caucasian race.

It was said by the distinguished gentleman from New York, in the progress of his remarks, that he himself had witnessed the wonderful effects of the civilization which had been produced by the Army; and he had previously said, accounting for his own interest in this matter and his understanding of the subject, that he was himself from a distinguished tribe, the Tammany tribe, in the State of New York, but that he had not derived his information from that tribe or its history; and I suppose he had not, for if I read the history of the country aright, I think it is written that the chief of that tribe departed some time ago from the island of Manhattan, taking all the wigwams and almost all the property of the tribe along with him.

I suppose that my distinguished friend from the State of New York, who seems to think that there is so much to be feared from the Army, when he stood upon the top of that lofty mountain, D'Afrique, and looked upon the wondrous spectacle of the civilization of the Kabyles, guarded by five hundred French soldiers in the French uniform, but whom my friend from New York would have denominated wolves in the French uniform—I suppose when he stood upon this lofty mountain and witnessed this spectacle and congratulated himself on the progress of civilization, he had forgotten the fact that he admitted the five hundred soldiers were there for the purpose of protecting and guarding that civilization; and indeed the admission was made that they were the authors and means by which it was produced. But still the five hundred soldiers were necessary to perpetuate and keep alive this civilization.

I thought that some of the ancient blood of the tribe to which the gentleman belonged must have stirred his veins when he stood on this mountain, for he grew so savage in his temper that he was not willing to be interrupted by a courteous remark from my distinguished friend, General SPARKS, who has charge of this bill. The gentleman from New York further stated in the course of his speech that it was necessary the Army should be strengthened, and that the Indian forts should be strengthened. Afterward he seemed to argue it was unnecessary to have any Army at all. Is that the opinion of the distinguished gentleman from New York, and does the gentleman from Massachusetts agree with him? Do they think now that in our Indian Territory there is no Army? Why in the Indian Territory itself, where we have five civilized tribes—the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles—we have troops even there; though this bill does not propose by transferring to the War Department the conduct of Indian affairs to interfere in the slightest degree with any one of these civilized tribes.

The distinguished gentleman from Massachusetts and his colleague upon this question from New York have alluded to the half-breeds of the Indian nation as constituting evidences of reproach to these people. Permit me to say to the gentleman from New York and to the gentleman from Massachusetts, that the most intelligent gentlemen whom we had before us of that tribe were of this class, and that they advocated the idea that the chief sources of civilization were to be found in contact with and intermarriage with the Anglo-Saxon race. And during this session of Congress and before this committee we have had half-breeds of the various tribes, some from the Cherokee Nation and some from others, who constituted the most intelligent and the ruling portion indeed of these various civilized tribes. They were here to speak for themselves. They were here to say that that civilization with which the tribes had been blessed was attributable to contact with the white men.

Now, I say that in this Indian Territory we have at Fort Vincent soldiers of the Army and officers of the Army, and nobody proposes to take them away. We have also at Fort Sill and Camp Supply officers of the Army and soldiers of the Army. They are scattered all over your western frontier. They are necessary there for two purposes: to see that the rights of the Indians are protected, and to see that the rights of the white men living upon our frontier are guarded and protected.

Do I understand that the gentlemen who opposed this bill and who opposed the views of the majority of the committee agree with the idea that we no longer need any troops there at all? Such certainly is not the sentiment of the distinguished gentleman from New York in the speech which he made the other day. But, on the contrary, he seems to be of opinion that it is absolutely necessary that these forts should be kept up and the Army increased, for in the progress of his well-considered and able speech, elaborately pondered over, not uttered on the impulse of the moment, but considerately, he says:

> I agree with the gentleman from Texas that the Rio Grande needs protection and that the forts need manning in the Indian country.

A little further along on the same page he says:

> We want no standing army, either for the South or the frontier.

So that we see here an admission that the Army is necessary, and yet upon the proposition to transfer the Indian Bureau to the War Department the gentleman says that no army is necessary, either upon the border where we have savage tribes or in the Indian Territory.

This bill, sir, does not propose to affect at all the five civilized tribes. This Government, however, has always kept soldiers there during the progress of this civilization. For what purpose and when have they acted? It is said by the gentleman from Massachusetts [Mr. SEELYE] that they have occasionally acted improperly. Would you therefore hold the whole Army responsible on that account? It was said by the distinguished gentleman from New York that you

should not trust the Army because of the improper conduct of some one officer, and he alluded especially to the action of General Sheridan in the city of New Orleans, in January, 1875, when he was sent there for certain purposes. He alluded to a memorable historical dispatch which was sent by General Sheridan to the Secretary of War, proposing that he should be invested with power to establish military commissions and to try those parties alleged to have been guilty of offenses whom he declared were banditti; and the gentleman alluded also to the response of the Secretary of War to that message. That response is yet fresh in the memory of our whole people:

The President and all of us approve the course you pursue.

Now, I say that while these instances of military assumption of authority may here and there exist, and while there may occasionally occur in our history instances in which military men have acted without authority and have exceeded their just powers, and even stained with dishonor the epaulets on their shoulders and the uniforms they wore, there have also been instances, yet fresh in the memory of the country, in which officers of the Army have preserved and observed all the rights and privileges which belong to the citizens of the country under the Constitution and laws of the country made subject to their control.

If the gentleman had looked a little further back in the history of Army officers at New Orleans he might have found that in 1867, two years after the war closed, a distinguished general of the Army, General Hancock, who was assigned to the command of the fifth military district, when Governor Pease, of the State of Texas, asked of him that he should supersede by his own military order the great body of the common law that existed in Texas, and that he should wipe out by one dash of his pen the great body of civil laws that prevailed in the State of Louisiana, his reply is yet fresh in the memory of the people. In order to show that there are officers of the Army who understand something of the Constitution and the rights of the people under it, I quote his reply to this demand of Governor Pease, who was probably a legitimate cousin of Kellogg, of Louisiana, and Ames, of Mississippi, the latter of whom has just gone back to the region of country from which he came, and we think for our country's good. In answer he said:

Solemnly impressed with these views, the general announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property must be preserved.

So I say, sir, that we cannot single out one instance of assumption of authority, either in Indian wars or elsewhere, by the military, and then say that we cannot trust the officers of the Army and the men of the Army on that account.

In this instance a proposition is made—to do what? To use the Army for the purpose of making war upon the Indians? Not at all; but the result shows, when you look at the past management of Indian affairs under the War Department, that the expenditures have increased since it was transferred, in 1849, from the War Department to the Interior Department then created; the expenditures for the Indians, then numbering four hundred thousand, were only $900,000 per annum; not quite a million. What do we see now? And the statement of these results is an answer to the argument of the gentleman from Massachusetts, [Mr. SEELYE,] and all the details of his argument may be answered satisfactorily by other details that can be produced. The expenses for the Indian service have been on the increase from year to year until they have swollen up during the last fiscal year, and probably during the present fiscal year, to from $5,000,000 to $8,000,000. And what has been the number of Indians? In 1849 they numbered, as I have said, more than four hundred thousand according to the census; now they are said not to embrace more than three hundred thousand, including both the savage and the civilized tribes. It appears, therefore, that the expense of the administration of this Indian service under the peace management which has been alluded to by the gentleman from Massachusetts has increased from $900,000 to nearly $8,000,000 per annum, while at the same time the number of Indians has decreased nearly one hundred thousand. Why is this so? I say it is sufficient evidence of the fact that there has not been that just and economical administration of the Department to which the Government is entitled.

Now, where does the fault lie, and can it be remedied? It is said by gentlemen that you must remedy this trouble by getting honest agents; that you have not tried this peace arrangement long enough. Why, sir, you have tried it since 1849, and have seen its operation during all these years. You have seen the expenses of this Department gradually increasing from year to year, until now they have swollen to the enormous amount I have just named. I say this is sufficient evidence of the fact that there has not been an economical administration of Indian Affairs. Why is it that we hear complaints from every Indian tribe that their annuities are not distributed to them, that their supplies are not carried to them.

Your committee took a large amount of testimony on the question of the economy of the transfer of the Indian Bureau to the War Department. It is not proposed in so transferring it that we shall banish from the Indian territories or Indian tribes all civilization and Christianity. The distinguished gentleman from Massachusetts has said that under the peace arrangement the Indians have advanced wonderfully in civilization and Christianity. Who is it that proposes, because the Indians are transferred to the War Department and that Department given the power to purchase these supplies, to make the payments of the annuities, to administer all the Indian affairs by officers of the Army—who proposes to take from the Indians the teacher who goes among them to instruct them in Christianity and civilization? Is it to be presumed that because this transfer is made therefore all effort to civilize and christianize the Indians is to be dispensed with? This very peace commission, upon which the distinguished gentlemen from New York and Massachusetts predicated their remarks, return their thanks to the officers of the Army for the extraordinary kindness and courtesy they received at their hands when they went there for the purpose of investigating the condition of the Indians. My friend from Massachusetts, when he read what was said by the peace commission in 1868, forgot to read the concluding portion of their report, in which they recommend that this transfer to the War Department shall be made.

It will be observed that the very basis of the speeches of the gentlemen from New York and Massachusetts is the fact that this peace commission in 1868 was opposed to this transfer. Let me call the attention of the gentlemen very briefly to what that peace commission said. Mark you, this is the peace commission sent out for the purpose of ascertaining how the affairs of the Indians had been managed. That commission says:

That there are bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation.

Does the gentleman from Massachusetts believe that part of the report? Does he think that that part of the report states what is the fact? The report goes on to say—

It cannot be denied that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty and qualification as devotion to party interests and their willingness to apply the money of the Indians to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the Bureau now.

Again, they say—and I read this in answer to the argument of the gentleman from Massachusetts—

In this connection we deem it of the highest importance that no governor or Legislature of States or Territories be permitted to call out and equip troops for the purpose of carrying on war against the Indians. It was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes; it was a regiment of hundred-day men that perpetrated the butchery at Sand Creek and took from the Treasury millions of money.

My distinguished friend from New York alluded warmly in the progress of his remarks to the Sand Creek massacre.

The commission say again:

A regiment of Montana troops last September would have involved us in an almost interminable war with the Crows but for the timely intervention of the military authorities.

So, that, according to this commission, these Indian wars are not attributable to the Regular Army.

This is a report signed by the president of the commission, N. G. Taylor, the Commissioner of Indian Affairs, by J. B. Henderson, General Sherman, General Harney, John B. Sanborn, General Terry, Mr. Tappan, and General Augur. What I have read is from the first report of this commission, the one alluded to by the distinguished gentleman from Massachusetts, and the one upon which my friend from New York based his argument.

Now, what do the commission say when they come again to treat of this question? When they met in Chicago, October 9, 1868, they speak of this question again. They had already given their testimony that it was undoubtedly true that thousands of dollars had been pocketed by the Indian agents and that the Indians had not received the annuities and goods to which they were entitled. They attributed the Indian wars to what? To the Army of the United States? How does the Army operate? Only upon the call of the Interior Department and these very men who have control of this peace arrangement. The officers of the Army act in obedience to orders; they are so trained.

The gentleman from New York said, among other things, that if you give these Indians over to the Army it would be a sentence of death to the Indian. His declaration was that it was a sentence of death to the Indian to give him into the custody of the War Department. If this is the case, let me ask whence came all these massacres and wars to which he and the gentleman from Massachusetts have alluded in the progress of this debate? They have all occurred since 1849, during your peace administration, while the Secretary of the Interior has had control and management of Indian affairs. You do not propose to remove the Army, do you? And if you do not, and continue your peace establishment, what evidence is there of the assertion that if you turn the Indian over to the War Department it will be death to the Indian? Can you turn him over to a more certain death than that of the peace management? When this convention met in Chicago in 1868, this very same peace commission, what did they then say?

They passed a series of resolutions and I will read the two last:

Resolved, That the military force should be used to compel the removal into said reservation of all such Indians as may refuse to go after due notice has been given to them that provision has been made to feed and protect them within the same.

Again they said in their concluding resolution, and I call the attention of the gentleman from New York [Mr. COX] and the gentleman from Massachusetts [Mr. SEELYE] to this language:

Resolved, That in the opinion of this commission the Bureau of Indian Affairs should be transferred from the Department of the Interior to the Department of War.

So that in point of fact the only ground upon which the distinguished gentleman from New York and his friend from Massachusetts stand is swept from under them. Their arguments in opposition to this bill are built upon pillars of ice; the first warm breeze of truth that comes across them sweeps the foundations from under them and leaves nothing for their magnificent fabric of war, bloodshed, and massacre to rest upon.

Now the distinguished gentleman from New York presented in this very argument a complete answer to his own assertion that to turn over the management of Indian affairs to the War Department is to turn them over to sentence of death and destruction and extermination. The gentleman from Massachusetts has predicated his argument upon the idea that this peace commission was opposed to the measure, and that their testimony on this matter is to be relied upon in preference to that of anybody else. It has been said, Mr. Chairman, that the most formidable opponent a distinguished man has to encounter (and both these gentlemen have evinced marked ability in the progress of this debate) is himself. Therefore I put the argument made by the gentleman from New York on one page of his speech against the argument made by him upon another page. But we may be able to excuse it upon the ground that even Olympian Jove does not always nod with the same power and significance, and that "*Apollo neque semper tendit arcum.*"

You cannot expect therefore that these gentlemen shall be credited by the committee when the very evidence on which they ask the committee to believe them is swept from beneath their feet.

Mr. KASSON. Will the gentleman yield to a motion that the committee rise, so that before the hour for the recess arrives an order may be made touching an adjournment over to-morrow?

Mr. HOOKER. I yield for that purpose.

Mr. SCALES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BANNING having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the special order, the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

ADJOURNMENT TILL SATURDAY.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. WILLIAMS, of New York, till Monday, the 24th instant, on account of important business; to Mr. TOWNSEND, of Pennsylvania, for one week; to Mr. LEVY for five days; to Mr. HATHORN till Monday next; and to Mr. WALSH for one week.

The hour of half past four o'clock having arrived, the House, according to order, took a recess till half past seven o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock, and was called to order by Mr. BLACKBURN as Speaker *pro tempore*.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the legislative, executive, and judicial appropriation bill.

Mr. ATKINS. I ask my colleague on the committee [Mr. RANDALL] whether the time for discussion on this paragraph has been limited?

Mr. RANDALL. I understand it has been limited to five minutes.

The SPEAKER *pro tempore*. The Chair will state that the motion to limit debate upon the pending paragraph was not adopted.

Mr. RANDALL. I move, then, that all debate in Committee of the Whole on the pending paragraph of the legislative appropriation bill be closed in ten minutes. I understand that the gentleman from Maine [Mr. HALE] desires to speak.

The motion was agreed to.

The question then recurred on the motion of Mr. RANDALL, that the House resolve itself into Committee of the Whole on the legislative, &c., appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

Bureau of Statistics:

For the officer in charge of the Bureau of Statistics, $2,250; chief clerk, $1,800; three clerks of class four; four clerks of class three; six clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one char-woman, at $480; in all, $33,790. And all the duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress shall be performed by the clerical force herein provided for.

The pending amendment, offered by Mr. CAULFIELD, was to strike out "three clerks of class four," and insert "five clerks of class four."

Mr. WILSON, of Iowa. As an amendment to the amendment, I move to add at the end of the paragraph what I send to the Clerk.

The Clerk read as follows:

For collecting statistics concerning commerce, as provided by the act of the second session of the Forty-third Congress, $5,000.

Mr. WILSON, of Iowa. Mr. Chairman, the Legislatures of the different States, the chambers of commerce of the great cities, and boards of trade, agricultural societies, and individuals, producers of our staples and consumers, have sent petitions to Congress asking interference in interstate commerce to stop discrimination and extortion in the transportation of the products of the Northwest and Southwest to the seaboard. The last House took the question up and passed a bill for the purpose of giving relief from the exactions of the half dozen autocrats who control American commerce. That bill did not pass the Senate, but that body appointed a committee of its own number for the purpose of collecting statistics in order to have information on the subject before it was acted on, who compiled the first reliable facts and statistics Congress has had. As a result of all these demands from all classes of our people an amendment was put upon a bill making provision for the Bureau of Statistics to collect detailed information to be laid before Congress in order that we might act intelligently.

We are well aware, Mr. Chairman, there are two theories abroad in the land respecting the settlement of this question, considering the question from a national stand-point. One is by positive enactment by law regulating freights and fares, either directly or through a commission. The other is by an enlightened public opinion, of which such men as Charles Francis Adams are the representatives. I do not believe, sir, that the people of this country expect the majority of this House to do anything in the direction of controlling this matter by legislation. The gentlemen who comprise the majority upon this floor believe the States should regulate this matter each for itself, and no representations from the suffering millions seem to reach them. They do not believe Congress has the constitutional power to do it, and, as I have said, I do not think the people expect this House to do anything. I believe, however, the people do expect, in furtherance of the other theory that they get all the facts in this connection, an enlightened public opinion may perhaps compel those great corporations, which control seventy-five thousand miles of railroad, capital equal to twice the amount of the public debt, the prosperity and growth of so many of our interests, and employés in greater number than are embraced by our whole civil service—they do expect, I say, we shall have information to secure that enlightened public opinion which will compel these overgrown corporations to do what is just and right, as no legislation is to be looked for from gentlemen who deny the right of Congress to legislate on the question unless to collect statistics.

I do not believe, sir, when you come to sum up the total amount of your savings you can present to the country with any degree of assurance the fact that you have starved the public mind, that you have refused to give information on this our great question, upon which there is nothing upon the statute-book providing for its regulation—I say I do not think you can appeal to the country with any just pride that you have saved this small pittance by refusing to give the people the information they ought to have and cannot be obtained by any other authority.

There is nothing appropriated in this bill to continue the collection of these facts and statistics. The Bureau has to avail itself of the ripe experience of experts, such as the secretaries of the boards of trade of Chicago, Cincinnati, Saint Louis, Buffalo, Boston, and Montreal, men whose experience in compiling commercial statistics is such as no bureau clerk can acquire in years, and whose experience will enable the Bureau to furnish the country with information not easily obtainable elsewhere. The amendment I propose will enable the Bureau to give such experts reasonable compensation. If it is rejected our resources will be no more ample in the future than in the past, when the people send here representatives who will find a solution to the transportation problem. The majority here expect the States to deal with what is beyond their jurisdiction, and deny national remedies to evils that have become national in their magnitude. You have the majority, gentlemen, and will be responsible to the producers of the Northwest and consumers of the East. I yield the half of this grudged time to my friend from Wisconsin.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I only wanted to rise last evening to indorse, and if I could emphasize, the words so gracefully and gallantly uttered by the gentleman from Massachusetts [Mr. HOAR] and so forcibly seconded by the gentleman from Michigan [Mr. CONGER] in behalf of the interests of the Northwest. Sixty-five minutes were accorded in committee here last night to the discussion of what was denominated hand-mash-copper-bottomed-sheet-iron whisky-machines in the South, whose capacity I believe was stated to be a jugful a day. [Laughter.] Yet when a question was raised involving the interests in some sense of 40,000,000 of peo-

ple, affecting the transportation of every bushel of grain, every pound of merchandise, throughout the country, and relating to a tonnage equal to the ocean-borne commerce of the world, twenty minutes were accorded for its discussion, ten of which were consumed on the opposite side of this Chamber, and when ten additional minutes were asked for on this side an hour and a quarter was spent in dilatory motions, and a peremptory adjournment taken rather than that further time should be given to two or three gentlemen on this side.

Sir, so far as I am concerned personally I make no complaint. It is a pleasure for me to acknowledge the uniform kindness and courtesy of gentlemen of the opposition. But this question goes beyond that, and fully accords with the consistent record of gentlemen on that side of the House upon this question heretofore.

I must hasten, as my two minutes are nearly expired. I ask the gentleman from Maine to yield to me for two minutes.

The CHAIRMAN. The gentleman from Maine has not yet been recognized as entitled to the floor.

Mr. HALE. The gentleman from Wisconsin had better go on without yielding on my part.

Mr. WILLIAMS, of Wisconsin. Very well; but I see that ominous mallet suspended in the air like the sword of Damocles. [Laughter.]

The CHAIRMAN. The gentleman's time has expired.

Mr. LUTTRELL. I should like to know on which side the gentleman is?

Mr. WILLIAMS, of Wisconsin. I do not blame the gentleman.

The CHAIRMAN. The Chair now recognizes the gentleman from Maine.

Mr. HALE. I will give the gentleman from Wisconsin a minute to state his point.

Mr. WILLIAMS, of Wisconsin. Minute-men were very well at Concord, but that was no such time as this. [Laughter.] I respectfully decline the proffered generosity.

Mr. HALE. I should not have ventured to give so little time as one minute to anybody else than the gentleman from Wisconsin; for I know he can, if he chooses, do more in one minute than most of us in five.

On this matter of the appropriation for the Bureau of Statistics, I wish to say that the subject came before the Committee on Appropriations at the last Congress and was investigated very thoroughly, and the committee then decided to strike out the Bureau entirely because they believed that a good deal of its work was fanciful, that its importance was exaggerated, not entirely manufactured but largely exaggerated, and that the work of compiling statistics for the benefit of the people and of Congress and the Government could be done in other Bureaus of the Treasury Department, as it had been done before.

In this Congress the Committee on Appropriations does not recommend the abolition of the Bureau. One reason is what has been hinted at by gentlemen of the West, who have spoken in favor of a certain appropriation for the compilation of railroad statistics. Last year the Senate put on a clause giving a gross appropriation devoted to that purpose exclusively for the benefit of the people seeking information upon that great subject. The Committee on Appropriations in this House reduces the whole force of the Bureau; but yet we leave twenty-nine clerks to do the work of this entire Bureau. And in order to provide for the wants of the people seeking information upon the question of railway traffic and transportation, instead of leaving it out, the committee has declared expressly that all of the duties upon that great subject confided to this Bureau in the last Congress shall be performed by the force that is left.

Now, Mr. Chairman, I have no hesitation in saying from my own knowledge that I believe this force of twenty-nine clerks is amply competent, in connection with the more than sixty clerks we have for that purpose in the different custom-houses of the land, to compile all the statistics in relation to commerce and navigation, and do all the work that is necessary to be done—and it is great—in reference to the subject of transportation; and it was largely for that reason that the committee left so much of a force as it did. It was purely for that reason that the committee put in the clause at the end of this section that all of the duties imposed on the Bureau by the legislation of the last Congress shall be performed by the force that we give them now. Now, if any gentleman will think for a moment how much valuable work in the way of compilation of statistics for congressional documents and speeches a single clerk can do, if a competent man, he will then realize how much of this work twenty-nine good clerks that we have left in this Bureau can do. I have no hesitation in saying that for all legitimate needs the force that has been left by the Committee on Appropriations is ample. There is a deal of fanciful work that has been done heretofore by this Bureau. There are men in that Bureau whose minds I believe run in a fanciful direction rather than in a practical direction. I do not deny that they have done good.

Mr. CONGER rose.

Mr. HALE. My friend from Michigan [Mr. CONGER] who is now on his feet has made good speeches here in the interest of commerce and has presented columns of figures that are unassailable, and I have no doubt he has been helped in the compilation of those figures by the Bureau of Statistics and that his information has been mainly correct. But I believe this, that, while any information from this Bureau is largely correct, yet it is proper for gentlemen making use of it to scrutinize the figures of that Bureau, because I know of instances in which my friend could not depend upon it.

Mr. DUNNELL. I rose some time ago to suggest to the gentleman from Maine that I find in this bill but eighteen clerks in the Bureau of Statistics, while he talks of twenty-nine.

Mr. HALE. There is one head of the Bureau: one chief clerk; three clerks of class four; four clerks of class three; six clerks of class two; four clerks of class one; and five messengers.

Mr. DUNNELL. That is twenty-three.

Mr. HALE. The gentleman's figuring is different from mine. I make it twenty-nine; and besides there are three messengers and laborers.

[Here the hammer fell.]

Mr. CONGER. I desire to ask the gentleman from Maine——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. CONGER. I wish the Chair would not interrupt me while I am asking a question.

The CHAIRMAN. The gentleman from Michigan is not in order.

Mr. CONGER. The gentleman from Maine had promised to allow me to ask him a question.

The CHAIRMAN. By order of the House all debate on the pending paragraph was to close in ten minutes. That time has now elapsed.

Mr. WILSON, of Iowa. I ask unanimous consent to ask the gentleman from Maine just one question.

There was no objection.

Mr. WILSON, of Iowa. Is the gentleman from Maine aware that in the collection of those statistics the Bureau is compelled to employ experts to furnish statistics; such, for example, as the secretaries of boards of trade, who have spent their whole lives in compiling statistics and who furnish such statistics and do such work as no clerk in that Bureau can? And is he aware that no appropriation is made in this bill to pay that class of men?

Mr. HALE. I do not believe there is any information requisite from that Bureau that the regular clerks cannot get up.

Mr. WILSON, of Iowa. I am well satisfied there is.

The question being taken on the amendment of Mr. WILSON, of Iowa, there were—ayes 36, noes 85.

So (further count not being demanded) the amendment was not agreed to.

The question recurred on Mr. CAULFIELD'S amendment; and, being taken, it was not agreed to.

Mr. CONGER. I move to insert the following as a new paragraph to come in before the next paragraph of the bill:

For expense of collecting statistics by said Bureau, $5,000.

Mr. RANDALL. That is an amendment to the paragraph on which debate has been closed.

The CHAIRMAN. The Chair does not understand that it is an amendment to the paragraph, but a new paragraph.

Mr. RANDALL. It is a proposition to increase the force of the Bureau of Statistics, and it is an evasion of our action in cutting off debate upon that paragraph.

The CHAIRMAN. Does the Chair understand that the gentleman from Michigan offers this as an amendment to the paragraph in reference to the Bureau of Statistics?

Mr. CONGER. No, sir; I very carefully avoided that.

Mr. RANDALL. It relates to the Statistical Bureau, and I raise the point of order that it belongs to that paragraph.

The CHAIRMAN. The Chair sustains the point of order; it is properly an amendment to the paragraph on which debate has been closed.

Mr. CONGER. I am free to say that the Chair hastens to decide the point without listening to the persons most interested in being heard; but I accept it as a part of the system.

The CHAIRMAN. What system?

Mr. CONGER. The Chair can understand.

The CHAIRMAN. The Chair cannot understand the gentleman, and therefore cannot retort.

The Clerk proceeded with the reading of the bill, and read as follows:

Bureau of Engraving and Printing.

For Chief of Bureau, $4,500; one assistant, at $2,250; accountant, $2,000; five clerks, at $1,200 each; three copyists, at $900 each; and four laborers; in all, $20,330.

Mr. WILLIAMS, of Wisconsin. I move to amend the paragraph in line 665 by striking out the word "5" and inserting in lieu thereof the word "6;" so as to make the appropriation $4,600 as a formal amendment. This bears somewhat directly on the question on which I was speaking. I will only say that the remarks of the gentleman from Maine [Mr. HALE] will serve as a parenthesis for mine; and if he will appear again to-morrow night and do what we saw him do last night, fire and fall back and leave the rest of us to fight for five minutes additional time for debate, which he graciously comes in and appropriates to himself to-night, and in opposition to the amendment of the gentleman from Iowa, [Mr. WILSON,] I for one will work as bravely as Julius Cæsar for his benefit. [Laughter.]

Now, as I was saying when I took my seat, the course pursued on the former paragraph is perfectly consistent with the record of gentleman on the other side of the House upon this question of cheap transportation. When the resolution of Mr. Hawley was introduced in the Forty-second Congress, asking only for the collection of statistics and information on this question, of the 75 votes given in its favor

only 5 came from the other side of the House. When Mr. Smith's (of Ohio) resolution came up in the Forty-third Congress, simply announcing the jurisdiction of Congress over the question, of the 172 affirmative votes only 14 came from the other side.

When the bill of the gentleman from Iowa [Mr. MCCRARY] came up for final action and passed by a vote of 121 in the affirmative, the old proverbial five democratic votes only were found in its favor. And now when we come here, not burdening this Congress with fruitless measures which we know cannot pass because of the political complexion of the majority of this House, and when there is coming to be a better understanding between the railroad corporations and the masses of the people, and when in defiance to that sentiment my own State has just repealed what has been styled the obnoxious "Potter law," and when we come here and ask the poor privilege of providing a sufficient number of clerks in the Bureau of Statistics to collect the facts and complete the work already begun and which is indispensable to a settlement of this question upon a just and generour basis, then gentlemen on the other side of the House with their old-time tenacity oppose the giving of even this poor pittance, and accord us ten minutes for debate and filibuster for one hour and a half to save five minutes' time, shouting themselves hoarse that the public business should go on!

Gentlemen, if you can afford it, we can. You may stifle a hearing here, but thank Heaven you cannot do it elsewhere. The people will yet be heard upon this question, and though by arbitrary power and the application of gag-rule you may shut off a half dozen gentlemen who would be glad to speak on this side of the Chamber, you may yet learn that this investment of power is a poor one, and that loaded guns for

Duck or plover,
Bear wide and kick their owners over.

[Laughter.]

[Here the hammer fell.]

Mr. BLACKBURN. I hope the gentleman's time will be extended.

Mr. HALE. Mr. Chairman, it is a matter of great grief and self-reproach to me that I was not side by side with the gentleman from Wisconsin last night in that tremendous struggle which agitated the Committee of the Whole for an hour and a half as to whether ten minutes or seven and a half minutes should be accorded for debate. The gentleman does not realize why it was. He says that I made a five-minute speech and then retired from the debate. I should not have done so if I had not looked about me and seen the gentleman from Wisconsin in his seat. There was nothing more needed after that.

One blast upon his bugle-horn
Were worth a thousand men.

I beg to assure him that hereafter when upon any subject I have made a five minutes' speech and where a solid debate is required and an illumination of the subject, if I see him in his seat I shall always feel at liberty to retire and leave the gentleman in possession of the field.

Mr. WILLIAMS, of Wisconsin. I forgive the gallant and generous gentleman.

Mr. HALE. I knew the gentleman would.

Mr. WILLIAMS, of Wisconsin. I withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following:

Office of assistant treasurer at Philadelphia: For assistant treasurer, $4,500; for cashier and chief clerk, $2,430; book-keeper, $2,250; chief interest-clerk, $1,710; assistant book-keeper, $1,620; coin teller, $1,530; chief registered-interest clerk, $1,710; assistant coupon-clerk, $1,440; two assistant registered-loan clerks, one at $1,350 and one at $1,260; assistant coin teller, $1,260; receiving teller, $1,170; assistant receiving teller, $1,200; superintendent of building, $1,100; seven female counters, at $900 each; five watchmen, at $930 each; in all, $35,480.

Mr. RANDALL. I move to amend by inserting after the words "assistant coin-teller, $1,260," these words, "assistant fractional-currency clerk, $1,260."

The amendment was agreed to.

Mr. O'BRIEN. For the purpose of making a suggestion to the chairman of the Committee on Appropriations, I will move a formal amendment, to strike out the last word of the paragraph. It will be observed that this bill abolishes the independent treasury now located at Baltimore. I would suggest to the gentleman the propriety of moving an amendment—and I think this is the proper place for it—restoring the independent treasury at Baltimore as it now exists.

Mr. RANDALL. I am glad to say that the Committee on Appropriations are disposed to meet the views of the gentleman from Maryland, [Mr. O'BRIEN,] for I am authorized by that committee to move as an independent paragraph, to follow the one now under consideration, that which I send to the Clerk's desk to be read.

The Clerk read as follows:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500; for cashier, $2,250; for three clerks, at $1,620 each; for three clerks, at $1,260 each; for two clerks at $1,200 each; one messenger, $840; five vault watchmen, $3,600; in all, $22,230.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Office of assistant treasurer at Saint Louis: For assistant treasurer, $4,500; chief clerk and teller, $2,250; assistant teller, $1,620; book-keeper, $1,350; assistant book-keeper, $1,200; messenger, $1,000; four watchmen, at $700 each; in all, $14,720.

Mr. RANDALL. I am instructed by the Committee on Appropriations to move as additional paragraphs, to be inserted immediately after the paragraph just read, that which I send to the Clerk's desk.

The Clerk read as follows:

Office of assistant treasurer at Chicago: For assistant treasurer, $4,500; for cashier, $2,250; for paying teller, $1,620; for book-keeper and receiving teller, at $1,350 each; for one clerk, $1,200; for one messenger, $840, and one watchman, $720; in all, $13,830.

Office of assistant treasurer at Cincinnati: For assistant treasurer, $4,500; for cashier, $1,800; for book-keeper, $1,620; for assistant cashier, $1,350; for chief clerk and interest clerk, $1,200 each; for fractional-currency clerk, $1,000; for messenger, $600; for night watchman, $720, and two watchmen at $120 each; in all, $14,230.

The amendment was agreed to.

The Clerk read the following:

Office of assistant treasurer at New Orleans: For assistant treasurer, $4,050; for cashier, $2,250; receiving teller, $1,800; book-keeper, $1,350; porter, $900; two watchmen, at $720 each; two night watchmen, at $720 each; in all, $13,230; and so much of section 3595 of the Revised Statutes as provides for the appointment of assistant treasurers of the United States at Charleston, Baltimore, Cincinnati, and Chicago, respectively, is hereby repealed from and after June 30, 1876; and the Secretary of the Treasury is directed to discontinue the depositories at Buffalo, New York; Pittsburgh, Pennsylvania; Santa Fé, New Mexico; and Tucson, Arizona.

Mr. REAGAN. I would inquire of the gentleman from Pennsylvania [Mr. RANDALL] why the salary of the assistant treasurer at New Orleans is fixed at $4,050?

Mr. RANDALL. That is 10 per cent. off the present salary of $4,500.

Mr. REAGAN. I notice that the assistant treasurers at Saint Louis, Baltimore, and Chicago are given by this bill $4,500 each.

Mr. HOLMAN. That is 10 per cent. off their present salary of $5,000.

Mr. RANDALL. I move to amend the paragraph just read by striking out the words "Baltimore, Cincinnati, and Chicago, respectively;" also by striking out the words "assistant treasurers" and inserting in lieu the words "an assistant treasurer;" so that it will read: "So much of section 3595 of the Revised Statutes as provides for the appointment of an assistant treasurer of the United States at Charleston is hereby repealed," &c. That amendment is rendered necessary by the amendments which have just been adopted by the Committee of the Whole.

The amendment was agreed to.

Mr. HOPKINS. I move to amend the paragraph just read by striking out, near the close, the words "Pittsburgh, Pennsylvania." I feel encouraged to make this motion in view of the liberality shown to-night by the Committee on Appropriations in restoring the assistant treasuries at Baltimore, Cincinnati, and Chicago. While I recognize the propriety of every section of the country contributing something to a reduction of the expenditures of the Government and while I hold myself ready to co-operate with the Committee on Appropriations and to contribute to that purpose the amount necessary to keep up this depository at Pittsburgh, yet for the sake of the general convenience of our community I would ask that that depository be retained.

The amount of business transacted there is in the aggregate about $3,000,000, and the total cost of the depository amounts to only about $\frac{1}{4}$ of 1 per cent. of that amount, a trifle compared to the advantage of the facilities which it gives to our different interests in Pittsburgh. I thought the Committee on Appropriations had in a measure agreed to this amendment, but as it has not been moved by the chairman of that committee I will move it now.

Mr. HOLMAN. By this bill the depositories at Buffalo, New York; Pittsburgh, Pennsylvania; Santa Fé, New Mexico, and Tucson, Arizona, are abolished. Until 1873 all such points as Cincinnati and other cities of corresponding importance in the Northwest were simply depositories; but, by the legislation of that year and upon an appropriation bill, the office of assistant treasurer of the United States was established in those cities. The subject of the importance and necessity of these depositories is one essentially within the knowledge and official duties of the Treasurer of the United States. He has informed the Committee on Appropriations that the depositories at the places named in this paragraph may be dispensed with without any injury to the public service. It is altogether upon the opinion entertained and expressed by the Treasurer of the United States that this action was taken by the Committee on Appropriations.

I will say to the gentleman from Pennsylvania [Mr. HOPKINS] that such cities as Louisville, Kentucky, and other like cities have not even a depository; it is not found necessary for the public business that a separate office shall be kept up in such cities for that purpose. The national-banking system affords the necessary means for the only convenience and benefit that system is to the country, and the only thing that justifies the existence of such a system under the Constitution of the United States is that the various national banks are made fiscal agents of the Government, and are convenient depositories for the public funds, both for their receipt and disbursement, without any expense to the Government.

Where coin is collected, as in the case of all ports of entry—and Pittsburgh is a port of entry under what is known as the interior-port-of-entry bill—it is within the scope and power of the Treasurer, under the direction of the Secretary of the Treasury, to make provision for the coin that thus accumulates.

At Pittsburgh some $40,000 or $45,000 a year would be received as duties on imports coming directly to that port. As the gentleman from Pennsylvania is aware, Pittsburgh and Cincinnati within recent years, and Chicago and Saint Louis not so recently, have been made ports of entry. Pittsburgh, I believe, was made a port of entry but

two years ago; and it is not regarded, I believe, as a point of great importance, so far as the amount of duties is concerned.

But inasmuch as we wish to avoid any unnecessary expense and to diminish as far as possible the number of employés drawing salaries from the Government, I think it ought to be sufficient that the Treasurer of the United States does not deem the perpetuation of these four depositories necessary to the public service. But I will make this proposition to the gentleman from Pennsylvania: that by unanimous consent, which I presume will be readily given, this subject shall be recurred to again if, on further correspondence with the Treasurer of the United States, it should be deemed important to the public interests that this office should be continued.

Mr. HOPKINS. The gentleman will allow me to ask whether he has any recommendation from the Treasurer in writing?

Mr. HOLMAN. No, sir.

Mr. HOPKINS. Then I beg to say——

Mr. HOLMAN. I wish to say that no part of this bill, I believe—especially no portion affecting the public revenues and their safe-keeping and disbursement—has been drawn without very careful interviews with the officers of the Government having charge of this subject-matter. All these provisions have been considered by the Committee on Appropriations in connection with the officers of the Government having direct connection with them. The committee has not addressed any communication to the Treasurer on this point, but he has been before the committee again and again, and this matter has been talked over very fully.

Mr. HOPKINS. *Pro forma* I move to strike out the last word. My reason for making the inquiry of the gentleman from Indiana was because there is some misapprehension in regard to the Treasurer's views. The Treasurer stated to me that he had been represented as recommending the abolition of this depository, but that he certainly had not done so. In regard to the duration of the existence of this depository, it was established some twenty-five years ago. True it is only a few years since Pittsburgh was made a port of entry; but, as the Treasurer said to me, "This depository is a part of the old democratic system, and if your Congress chooses to break it up, I have no objection." The port of entry I think was created in 1870.

Mr. HOLMAN. O, no; only two years ago.

Mr. HOPKINS. Probably so; but the office to which I have referred as being a proper one to abolish, thus saving as much as the expense of keeping up this depository, was created only a few years ago. However, if the gentlemen of the committee are willing to leave this matter open for future consideration, I have no objection to allowing it to pass in that way.

Mr. HOLMAN. I presume the committee have no objection to that, and I have no doubt unanimous consent will be given. Allow me one further remark. If I have said that the Treasurer of the United States recommended the abolition of these three offices, the language I used was perhaps too strong. I think the question submitted to the Treasurer, a gentleman of very great competency in this branch of the public service, upon whose opinions most perfect reliance is placed by the Committee on Appropriations and I presume by all members of the House—I think the question submitted to him was whether the offices could be dispensed with without any embarrassment to the public service, and he answered, as I recollect, in the affirmative.

Mr. RANDALL. And I desire to corroborate the statement of the gentleman from Indiana [Mr. HOLMAN] on that point.

The CHAIRMAN. The Chair understands that the *pro forma* amendment of the gentleman from Pennsylvania is withdrawn.

The question being taken on the amendment of Mr. HOPKINS to strike out "Pittsburgh, Pennsylvania," in line 24, it was not agreed to.

The Clerk read as follows:

UNITED STATES MINTS AND ASSAY OFFICES.

Office of the Director of the Mint:

For Director, $4,000; examiner, $2,000; one computer of bullion, $2,000; one clerk of class four; one clerk of class two; one clerk of class one; one translator, $1,200; one copyist, $900; one messenger; one laborer; making in all the sum of $15,760. And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act.

Mr. RANDALL. Under instruction of the Committee on Appropriations, I move to insert in the paragraph just read, after the words "one computer of bullion, $2,000," the following: "one assay clerk, $1,800;" also to strike out "one clerk of class two," and make the total $16,260.

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the United States mints and assay offices, namely: For specimens of coins, to be expended under the direction of the Secretary of the Treasury, $200; for books, balances and weights, and other incidental expenses, $700; and refining and parting of bullion shall be carried on at the mints of the United States and at the assay office, New York; and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, pursuant to law, to the defraying in full of the expenses thereof, including labor, materials, wastage, and use of machinery; but no part of the moneys otherwise appropriated for the support of the mints and assay office at New York shall be used to defray the expenses of refining and parting bullion.

Mr. WOODBURN. I wish to offer an amendment to the paragraph just read.

Mr. GARFIELD. Before any amendment is offered, I wish to raise a point of order on the last clause of this paragraph—all after the words "incidental expenses, $700," in lines 860 and 861. I submit that this is a change of the law and does not come under the new rule. It proposes to authorize what is not now authorized by law. It allows moneys coming into the Mint in the usual way of charges to be used there directly without being covered into the Treasury and without the regular annual appropriation by law. I believe it is always a wasteful method to appropriate money in that way, without a definite annual appropriation. It certainly cannot be claimed to be retrenchment to do this. The paragraph proposes a clear change of the law, without any manifest retrenchment. I believe that the operation of it will be the contrary of retrenchment. I make the point of order against the provision, and I do so because I think it ought not to be here.

Mr. HOLMAN. I should like to say one word on the question of order. The gentleman from Ohio, I think, will remember that the rule of law prescribed by this paragraph is in harmony with the legislation as it stood, I believe, up to 1868. Since then, instead of applying the revenues resulting to the mints from this separation and refining to the expenditure, direct appropriations have been made, and whatever was received by the mints for doing this mechanical process for the benefit of private parties was covered into the Treasury. I submit, Mr. Chairman, that the effect of this change in the law is to retrench expenditure, is to reduce the appropriation, and therefore would seem to come within the spirit of the rule. In other words, it makes this refining process a purely private matter, paying its own way. Instead of the appropriation of three or four hundred thousand dollars a year, no greater sum can be expended than the revenues which arise from this refining by the mints.

I come right back to the proposition I started out with, that it does retrench expenditure from the public Treasury, that it does reduce appropriation from the public Treasury. If it turns out that no bullion comes into the Mint for the purpose of being refined, then there will be no expenditure. In contemplating this subject it may reasonably be assumed there may or may not be. In fact the adoption of this principle will relieve the Treasury of the appropriation of some hundreds of thousands of dollars every year.

Mr. HALE. Let me see whether I have the gentleman's idea. Does he mean to say if an amendment or proposition in the bill simply decreases the aggregate of the bill, but substitutes another and looser method, that that brings it within the rule of retrenchment and economy? I do not think the gentleman can go so far as that.

Mr. HOLMAN. I do not use that form of words, because that form of words does not convey the idea. But I do say this, that the effect of this proposition is to prevent the necessity of drawing money from the Treasury.

Mr. HALE. That is drawing it in that way?

Mr. HOLMAN. No, not in that way; in no shape, manner, or form. The gentleman cannot assume there will be revenues resulting to the mints from refining, yet if money is appropriated it will be expended. The gentleman cannot say no revenues will accrue to the mints by refining—either revenues or expenditures. That cannot be assumed as a proposition of law, but it can be assumed with mathematical certainty under the provision of the pending bill, you will avoid drawing from the Treasury $300,000 a year.

Mr. HALE. Let us see how this will be in practical operation. As the gentleman from Ohio said this was the old method until a few years ago. Now the old method was changed in the interest of retrenchment and economy.

Mr. RANDALL. It has not proved to be so.

Mr. HALE. Because specific appropriations were provided instead of loose appropriations. For the experience of all men is when you particularize, itemize, and confine to specific appropriations you get along much more cheaply than if you give any one of the Departments any general fund to use without any limit or stint. But so far as this proposition being in the interest of the new rule, it seems to me it is opposed to the new rule in its scope. The theory of the gentleman would be, if in an appropriation bill for a given object $500,000 are specifically appropriated, he could by reducing that appropriation $250,000 in amount submit a proposition for a general fund to be used instead of $250,000; that therefore, as he reduced his appropriation one-half, it was in the interest of economy, and it would be subject to the rule.

I have always believed, Mr. Chairman, (if the Chair will permit me,) the rule which we adopted in the early part of the session in reference to amendments changing existing law in the interest of retrenchment and economy comprehended simply patent reduction, patent retrenchment, patent reform in that direction.

Mr. HOLMAN. I agree to that.

Mr. HALE. It must not rest on speculation; it must not rest on the say-so of the mover that what he proposes is economical, nor must it rest on the say-so of any committee.

Mr. HOLMAN. I agree to that.

Mr. HALE. But it must be a patent reduction of a specific appropriation.

Mr. HOLMAN. Will the gentleman allow me a single moment. Now I wish to call the attention of the Chair to the fact that the estimates for this purpose, that is, for the purpose of refining, are two in number, one for $313,210, and the other for $332,000, making in all about $645,000. These are the estimates if we retain the old system, the system in vogue for the last seven years, that which is proscribed

by the law. If we adopt the system in existence for seven years we will appropriate $645,000, and we will appropriate that whether we receive revenues resulting from this mintage or not. But as this provision now stands in this bill we will make no appropriation of $645,000, and this refining will be made a purely private matter at the mints of the United States. The citizen takes his bullion there and it is refined, and he pays for it. That is all there is about it. It is simply alienating the Government of the United States from a business that is in its very nature private, and does not belong to matters of public concern any more than other private business.

The effect, therefore, following the very argument the gentleman has submitted, is that anyhow you avoid the appropriation of $645,000 and leave this private enterprise to pay its own way.

Mr. GARFIELD. The rule under which we are acting does not say retrenchment of "appropriations," but retrenchment of "expenditures." When the gentleman from Indiana and I had a little controversy a few evenings ago about retrenchment in the Post-Office Department, he insisted on figures which counted as expenditures $37,000,000, in which were included all the revenues of the Post-Office Department. I stated I would be glad if the law was changed so as to cover all that money into the Treasury, so that we should have to appropriate all the money out of the Treasury; but the law was such that we had only to appropriate the deficiency. Now we have a case where we appropriate the whole amount needed in our judgment for the refining and parting of bullion, a thing which the Government of the United States has for years thought it ought to attend to; and all we have charged for that we have returned into the Treasury, so that there flow into the Treasury the total charges received from depositors, and we have appropriated out of the Treasury the cost of doing the work. As a matter of fact, we make a little out of it every year. We receive more into the Treasury for this service than we pay out. But if the law now proposed by the gentleman is enacted, they are entitled to use all the receipts from refining and parting for meeting the expenses, and there will come no residuum into the Treasury at all.

We shall therefore have the appearance in this bill of not making the usual amount of appropriation. But we shall have the reality of giving up the whole of this receipt from the parting and refining of bullion and have no residuary amount coming into the Treasury at all. I say it is plainly on the face of the record not a retrenchment of expenditures, although it may be an apparent cutting down of appropriations.

Mr. HOLMAN. The gentleman's argument is purely speculative, while the question whether or not $645,000 shall go from the Treasury is an absolute fact about which there is no dispute. You avoid drawing that sum of money from the Treasury by the adoption of this rule and leave this private business to private enterprise, as far as may be consistent with reasonable accommodation between private establishments for refining and this public establishment.

Mr. HALE. If the Chair will allow me, I will suggest an illustration. The receipts in this case from what the gentleman from Indiana refers to as a private enterprise at present go into the Treasury. Let me give an illustration which, it seems to me, is exactly in point. It may be it is not; I am trying to get at the truth in this matter.

Take the law at present in regard to the sale of Government property. Everything received from this source goes into the Treasury and swells the receipts. Now take a navy-yard—and I ask the gentleman from Indiana to give his attention to this, as it seems to me a case exactly in point—take an appropriation for a navy-yard. We appropriate for a particular navy-yard $500,000 in a gross sum per year. Under the theory of the gentleman we can this year appropriate $250,000, and provide that a portion of the navy-yard may be sold and that the avails of that sale may be used for the expenses of the navy-yard. By doing that you undoubtedly reduce your appropriation, but you allow the expenses of the yard to go upon a fund that is at present turned into the Treasury; and instead of its being in the interest of retrenchment it puts the expenditures on a looser and wider footing. It seems to me that is an illustration in point.

Mr. HOLMAN. I think the proposition of the gentleman cannot be regarded as an illustration in point. This is a matter of expenditures from the Treasury, and the only question is whether the $645,000 shall be taken from the Treasury or not.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The rule adopted this session as Rule 120 reads, as amended, as follows:

> No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The Chair would certainly hold that this is germane to this section of the bill. The Chair cannot see but what this clause tends toward economy, toward retrenchment. It does not add to the appropriation certainly. It takes no money from the Treasury. It prevents money from going from the Treasury. The Chair will therefore overrule the point of order made by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I regret the decision of the Chair, because it seems to me that it would involve us in great difficulty hereafter.

Mr. RANDALL. The country will not regret it.

Mr. HOLMAN. It has been the law for fifty years.

Mr. GARFIELD. I move to strike out the paragraph upon which I raised the point of order. I desire to say, Mr. Chairman, that it has been the purpose for the last six years—yes, for the last eight years—to work in one direction, namely: as far as possible to bring all the appropriations of the Government under the annual review and supervision of Congress; to have no great operations by the Treasury hidden from the annual inspection and inquest of this body.

Sir, when I first occupied the position of chairman of the Committee on Appropriations, a little more than four years ago, more than half of all the expenditures out of the Treasury never came under the review of Congress at all. They were under the head of permanent appropriations, operations going on by force of general law, whereby the Department expended what they saw fit under a general provision of law; and the Committee on Appropriations set their face as flint against that policy except in the matter of the interest on the public debt and the payment of a few items that were fixed and certain and could not be more or less. But wherever we found expenditures like that, for instance, for printing the national greenbacks and fractional currency and bonds that had gone on to the extent of three or four millions of dollars a year and the employment of twelve hundred persons employed in the Treasury to carry on this work, their salaries determined by the Secretary's will and discretion, the number of persons employed determined by his will and discretion, all that we cut off and put it into our bills, annually swelling them to the amount of more than $2,000,000 apparently in those appropriation bills, but really cutting down the expenditures.

Now we come to a case like that; all the operations of the departments of refining and parting bullion are now carried on under the rigid inspection, not only of the Mint officers, but of this House. We have said for years how much money we were willing to appropriate to carry on this great and important business, and in providing for it we determined how many persons might be employed; we fixed the rates at which it might be done, and all the contingent expenses of the mints that relate to the refining and parting of bullion. We have had under that system the control of all of these matters everywhere. Of course it added $500,000 or $600,000 to the appropriation bills to do it, but now our friends on the other side propose to take the back track on that question; they propose, for the sake of an apparent reduction of $400,000 or $500,000 in the appropriation bill, that we shall throw ourselves back into the old method and say that all these large operations—which are certainly going to be very large now in view of the large amount of gold and silver bullion—shall be carried on wholly between the officers of the mints and the depositors. The number of people that shall be brought into our public offices and the amount they may be paid in this business of parting and refining bullion and the number of persons that shall be employed in this business are no longer to be left under our control. The amount of contingent funds for all purposes are no longer to be supervised by us. If this provision prevails, the work is to be carried on in the old way that the printing of the national bonds and fractional currency was carried on two years ago.

Now I hope, sir, that we shall pause and reflect seriously before we take this very unfortunate action. For instance, we have tried for two or three years past to undo what we consider the great mischief that results from a permanent appropriation of $5,000,000 for the collection of the customs, and there are $5,000,000 now going annually without our supervision into the hands of the Secretary of the Treasury to pay just such salaries as he pleases, and employ as many people as he pleases to collect the customs.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. GARFIELD. Certainly, if my time will permit.

Mr. HOLMAN. Do you think that the true policy of this Government is to be engaged in a business such as refining bullion, which is a private business in its character, a mere private enterprise? Do you think it is a proper matter for the Government to be engaged in?

Mr. GARFIELD. If the gentleman raises that question, it is an open question. If we ought to abolish this policy, why do it; but so long as it is the public policy to carry it on as it has been for half a century, as long as we do it at all, let us have it under the supervision of Congress, and not have the work done in a corner without our inspection.

[Here the hammer fell.]

Mr. HOLMAN. I shall ask to have read the fifth and fourteenth sections of the act of March 3, 1853, so as to indicate what has been our policy for a long time past. This has been regarded as a mere private business, and I will say to the gentleman from Ohio that the only object of incorporating this provision in the bill is, on the suggestion of the Director of the Mint, to prevent the effect of the absence of competition, to prevent, in other words, for the present, a monopoly in this business, which would be injurious to the citizens who have bullion to be refined.

Mr. GARFIELD. The gentleman will allow me to occupy the residue of his time?

Mr. HOLMAN. I wish to have the sections of the law which I have indicated read.

Mr. GARFIELD. I only wish to use the remainder of his time, now he is through.

Mr. HOLMAN. I wish to have read the sections of the law of 1853 which I have indicated.

Mr. GARFIELD. I thought the gentleman was through.

The Clerk read the following:

SEC. 5. That when private establishments shall be made to refine gold bullion, the Secretary of the Treasury, if he shall deem them capable of executing such work, is hereby authorized and required to limit the amount thereof which shall be refined in the Mint at Philadelphia from quarter to quarter, and to reduce the same progressively as such establishments shall be extended or multiplied, so as eventually, and as soon as may be, to exclude refining from the Mint, and to require that every deposit of gold bullion made therein for coinage shall be adapted to said purpose without need of refining: *Provided*, That no advances in coin shall be made upon bullion after this regulation shall be carried into effect, except upon bullion refined as herein prescribed.

Mr. HOLMAN. The Clerk need not read the fourteenth section; I can state its substance. It contemplates the payment to the Government of the simple expenses incurred in the process of refining, making it a source neither of profit nor of loss to the Government. And that is the spirit of the provision incorporated in the pending bill, which is intended for the purpose I have mentioned; not that the members of the Committee on Appropriations, or a majority of them, believe that the Government should be engaged in the strictly private business of refining bullion any more than in any other private business, but for the purpose of preventing combinations being formed in consequence of the small number of private refineries in the country, both on the Atlantic and on the Pacific, which would run up the price so high as to operate to the prejudice of the persons engaged in that branch of industry.

Mr. GARFIELD. I move to strike out the last word. The point made by the gentleman from Indiana [Mr. HOLMAN] is quite aside from the subject of this discussion. It makes no difference whether this is a private business or not in its origin; if we still continue it in the law, I insist that we ought to continue it under the wise and judicious rule of keeping it an open matter over which the House shall have supervision and perfect control. Every reason which can be given why this should be put in this shape may be given for going back to the old system of printing our bonds and greenbacks under an arrangement with which Congress had nothing to do.

I tell you that you can by just such legislation as this reduce your appropriations $75,000,000, but you will not reduce your expenditures by that means. You can make your annual appropriation bills $75,000,000 less by a permanent arrangement by which the officers of the Treasury Department may make whatever expenditures they may deem necessary and report at the end of the year. In this way you may get the ostensible credit of reducing your appropriation bills, but you would obtain a wretchedly bad practice in regard to the protection of your revenue.

The report of the Mint shows that on one single item alone, parting charges, there were charges amounting to $188,720.68; and there are a number of other charges amounting to close on a quarter of a million of dollars. In all these cases there is a small profit, the profit increasing as the business increases every year, which comes in and makes a residuum of profit to go into the Treasury.

Now, if you are going to give up that business, then strike out the whole of this provision; that would be a fair proposition. But I insist that so long as we do keep this in operation, so long as the Government does supervise it at all, it ought to come into our annual appropriation bills and be subject to the annual inspection of Congress. I say this in no party sense; for it is a thing I have been trying to preach to the House for four years past. In so far as we succeeded in doing that, I believe we have accomplished a great reform.

I appeal to the gentleman in charge of this bill that he does not now set the example of starting the plan of leaving out of the appropriation bills any necessary operation of the Government, solely to have it appear in another form on the balance-sheet when we come to count up the actual expenditures of the Government. I earnestly appeal, without the slightest regard to party feeling, that this proposition shall not prevail, but that the Committee on Appropriations will bring in a proper appropriation to meet this case, and not allow to be revived what I think is a very vicious and unwise method of legislation.

Mr. RANDALL. This matter of parting and refining bullion is a business with which the Government of the United States ought to have very little to do; certainly only enough to keep up a competition, as it were, to prevent extortion upon the bullion owners being practiced by private refiners. This provision was prepared after consultation with two of the members from California in this House. I think it was written by one of them, [Mr. PIPER,] and it meets the indorsement of the Director of the Mint The Committee of the Whole is entirely safe in sustaining the Committee on Appropriations in the adoption of this proposition. I hope, therefore, that it will not be struck out.

Mr. GARFIELD. I withdraw the *pro forma* amendment.

Mr. LUTTRELL. I renew it. Last year I had occasion to visit the mint in San Francisco, and I made pretty thorough inspection and inquiry in regard to the matter. This examination was suggested to me by General La Grange, the superintendent of the mint in that city, who, I take pleasure in saying, is one of the best and most accurate business men that ever had charge of that mint.

The proposition now under consideration is in the interest of miners, and in the interest of business men. If this clause be struck out, then the private assay offices will control the assaying, refining, and separating of the ores, and we must pay whatever charges they may see fit to fix. It is in the interest of the business men of our country that we should maintain this assay office. I find, by examining the reports, that these offices practically sustain themselves. I find that last year the San Francisco mint earned about $160,000; the Philadelphia Mint nearly $380,000. The latter establishment came within $7,000 of paying all the expenses of assaying, refining, and dividing the bullion. I find that for the last four months the earnings of the assay office in San Francisco have amounted to $57,823.16, an average of $14,000 per month. I can see no good reason why these superintendents should not retain the money that may be earned at the Mint or assay office and use it for carrying on the establishment and defraying expenses as provided in the bill now under consideration.

On the earnest suggestion, as I have said, of General La Grange, I agreed to come here and recommend this proposition. In the early part of this session I made the recommendation to the chairman of the Committee on Appropriations, and was seconded by my colleague [Mr. PIPER] from San Francisco. We have examined this matter. The Director of the Mint favors the proposition, and I can see no objection to retaining the provision as recommended by the Committee on Appropriations. I hope that it will be sustained.

When one gentleman here says that this is a loose way of doing business, he has certainly very little faith in the sound business men of our country; for I assure him he can find an account, item for item, to the value of a cent, of all the earnings, appropriations, and expenditures connected with the mint at San Francisco. I do not know how it may be with other mints, because I have not had occasion to examine them; but I do know that in San Francisco, where we probably assay and coin more bullion than in any other part of the country, the superintendent of the mint is one of the strictest and most accurate business men we have ever had; and I have no fear that every dollar earned will be properly and faithfully expended by this honest and upright official. I hope this provision of the bill may prevail.

Mr. FOSTER. I would like to correct the gentleman from California [Mr. LUTTRELL] on a single point. He said, as I understood him, that this clause in the bill is approved by the Director of the Mint.

Mr. LUTTRELL. I so understand from gentlemen here.

Mr. WOODBURN. I refer gentlemen to the report of this committee, in which they will find a letter signed by Dr. Linderman, in which he favors a direct appropriation by the Government for this purpose.

Mr. FOSTER. The Director of the Mint favors this if he cannot get anything else.

Mr. WOODBURN. He says that he is satisfied with this provision of the bill, provided the committee is not willing to make an appropriation.

Several MEMBERS. Let the letter be read.

Mr. LUTTRELL. I have now heard the statements of gentlemen, and I wish to say——

Mr. WOODBURN. Will the gentleman permit me to read extracts from the letter of Dr. Linderman?

Mr. LUTTRELL. I understand what the purport of that letter is: that he recommends an appropriation. But since this matter was suggested by the superintendent of the mint at San Francisco, by my colleague [Mr. PIPER] and myself, expressing on this subject the wishes of General La Grange—since that time, as I understand, the Director of the Mint approves this proposition.

Mr. RANDALL. Let us have no misunderstanding about this matter. I understood from the gentleman from California [Mr. PIPER] that this amendment had been submitted to the Director of the Mint and was satisfactory to him. The gentleman from California [Mr. PIPER] appeared before the committee, and the result of the conference was the preparation of this amendment over night, after consultation with the Director of the Mint.

Mr. WOODBURN. With the permission of the gentleman from California [Mr. LUTTRELL] and the chairman of the committee, [Mr. RANDALL,] I desire to read an extract from a letter from Dr. Linderman.

Mr. PIPER. The facts are these: I desired to have a direct appropriation for this purpose of refining and parting bullion. I supposed that the committee was going to provide for appropriating the amount asked for by the Director of the Mint. I had no other alternative but to accept that or nothing. They did kindly say to me that I might introduce the proposition as an amendment when the bill came before the House, but I preferred to take something from them for fear I should get nothing here.

And I say now, Mr. Chairman, that I am willing to accept this; that I will stand by the arrangement; but I think the other was the proper business way: the appropriation directly out of the Treasury and to allow the moneys received for this purpose at the mints to go directly into the Treasury.

The *pro forma* amendment was withdrawn.

Mr. PAGE. I renew the amendment. Now the statement made by my colleague who has just taken his seat——

Mr. RANDALL. Did not the gentleman write that amendment himself?

Mr. PIPER. I wrote it under coercion. The committee gave me till eleven o'clock the next day to do it. I did write the amendment as the committee told me that was all I could get. I say that I accept it and am willing to vote for it under the circumstances. I want, however, to tell the truth about the matter.

Mr. RANDALL. All I wish to say is that you wrote it.

The CHAIRMAN. The gentleman from California [Mr. PAGE] has the floor and will proceed.

Mr. PAGE. The understanding of my colleague who has just taken his seat is precisely my understanding of the matter when it was in the Committee on Appropriations. When it was being discussed before that committee it was understood they did not intend to make any direct appropriation out of the Treasury for parting this bullion. I spoke to the chairman of the committee myself, and said that General La Grange was in the city and had stated to me if the committee did not make any direct appropriation out of the Treasury for the parting of this bullion, they would get along the best way they could if the committee would allow them to use the money collected for parting and refining this bullion. I did state that fact to the chairman of the Committee on Appropriations. In justice to the Committee on Appropriations, I admit I said that General La Grange did say to me if the committee did not choose to make an appropriation directly from the Treasury—and of course both he and Dr. Linderman preferred a direct appropriation, as it had been done for years past—but if the committee failed to do that, they were willing to accept the proposition to allow them to use the moneys received for parting and refining.

Now, as much has been said about Dr. Linderman, I wish to read an extract from his letter:

I am unofficially informed that the private refining works in San Francisco will not be enlarged. Refining to a large extent will consequently be necessary at the mint refinery. The depositor pays the expense of refining. If the committee is not willing *to advance* the funds for the purpose, let it insert a clause in the legislative bill authorizing the application or use of the funds derived from the refining charge to the full payment of the expenses of the operation. I prefer a direct appropriation, and turning the amount derived from the charges into the Treasury of the United States, but will be content either way.

Respectfully,

H. R. L.

Mr. HOLMAN. I hold in my hand the report of the superintendent of the Mint for, I believe, the last fiscal year. It seems to be the fiscal year preceding the free coinage of gold. I find the charges for parting and other charges, which embrace refining I presume at Philadelphia, were $4,562.94; at San Francisco, $51,035.34; and at Carson, $50,067.41. The appropriation asked for this year, as I have already mentioned, is $645,000. Looking over these returns, it seems the mints are run at considerable expense over the receipts. For instance, the earnings at the Philadelphia Mint were $379,672.62, while the expenditures were $389,593.94; being an excess of expenditures over receipts of $9,921.32. At San Francisco the earnings were $159,319.87, and the expenditures $387,249.69; being an excess of expenses over receipts of $227,929.82. At Carson, the earnings were $106,004.03, and the expenditures $232,016.29, or an excess of expenditures over earnings of $126,012.26.

Now I submit, Mr. Chairman, the tendency of this evidence, as far as it goes, is to indicate the propriety of throwing this business as far as practicable into the hands of private parties with the exception simply of coinage; that is, assaying as well as refining. Of course, as to the coinage, that must be done by the Government; but these other enterprises, purely private in their character, should be left as far as possible to private parties. And such is the purpose and spirit of this provision.

The CHAIRMAN. The question recurs on Mr. GARFIELD'S amendment.

Mr. GARFIELD. I will modify my amendment by striking out and inserting an appropriation of $250,000 for parting and refining.

The committee divided; and there were—ayes 64, noes 104.

So the amendment was rejected.

The Clerk read as follows:

Mint at Philadelphia:

For salaries of the superintendent, $4,000; for the assayer, melter and refiner, coiner and engraver, four in all, at $2,700 each; the assistant assayer, assistant coiner, and assistant melter and refiner, at $1,900 each; cashier and chief clerk, $2,250; book-keeper, deposit clerk, and weigh clerk, at $1,800 each; and two clerks at $1,600 each; in all, $31,350.

Mr. RANDALL. I am directed by the committee to move to strike out the word "and" in line 876, and in line 877 after the word "dollars" to insert the word "each," and to make the total $33,600.

The amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, $25,000.

Mr. RANDALL. I am directed by the committee, on page 37, line 844, to strike out "20" and insert "30;" so it will read: "For incidental and contingent expenses, $35,000."

The amendment was agreed to.

Mr. FOSTER. I desire to propose an amendment to the preceding paragraph.

The CHAIRMAN. Is there objection to going back?

Mr. RANDALL. I cannot agree to go back.

Mr. FOSTER. It is to increase the pay of laborers in the Philadelphia Mint. [Laughter.]

Mr. HOLMAN. We cannot go back. [Laughter.]

Mr. RANDALL. I wish you could employ more of them.

Mr. FOSTER. I ask to make my amendment.

The CHAIRMAN. Is there objection to going back?

There was no objection.

Mr. FOSTER. I move in line 882 to increase the appropriation $50,000; so it will read "for wages of workmen and adjusters, $250,000." I find the amount appropriated for this purpose and expended last year was $250,000. The effect of this amendment is simply to reduce the pay of the laborers employed at the Mint. The policy of the committee has been not to reduce the pay of laborers; and wherever the gentleman from Indiana [Mr. HOLMAN] could find a laborer with a specific salary attached in an appropriation he has in no case reduced it; but wherever he could catch a lot of laborers that were appropriated for in bulk he has been willing in all cases to reduce their pay. That is simply the case here. It amounts in effect to a reduction in the pay of the laborers in Philadelphia at this Mint.

Mr. RANDALL. It is not so at all. [Laughter.] I would not like to be rude——

Mr. FOSTER. I knew you were good-natured there.

Mr. RANDALL. I would not like to be rude, but the gentleman really knows it is not so. The reduction there is produced by a reduction in the number of the laborers and the increase which we deemed to be right of the hours of labor, and in addition the reduction is further warranted by the fact that they will receive the benefit of the plan of refining that was adopted a few moments ago. So that the Mint at Philadelphia has not been struck severely at all, neither was it my wish that it should be. I wanted to do exactly with the Philadelphia Mint as was done with all other mints, for I must be just, even though my own people suffer.

The amendment was not agreed to.

The Clerk read as follows:

Mint at San Francisco, California:

For salaries of superintendent, $4,000; assayer, melter and refiner, and coiner, at $2,700 each; chief clerk and cashier, $2,500; three clerks, at $1,600 each; in all, $19,400.

Mr. PAGE. I desire to offer an amendment.

Mr. RANDALL. I have an amendment to offer to this paragraph from the committee.

The CHAIRMAN. The Chair will recognize the gentleman from California after the chairman of the Committee on Appropriations has offered his amendment.

Mr. RANDALL. I offer the following amendment:

In line 891, after the word "dollars," insert the word "each;" so that it will read: "Chief clerk and cashier, $2,500 each;" and make the total $21,900.

Mr. PAGE. That is the amendment I desired to offer.

The amendment was agreed to.

The Clerk read the following paragraph:

For wages of workmen and adjusters, $225,000; and hereafter no laborer or subordinate workman, or employé of any grade below the first assistant to the chief, (which first assistant shall in no case receive exceeding $7 per diem,) of any of the operative departments of this mint, who now receives a per diem compensation of more than $6, shall be paid exceeding the sum of $6 for each working-day; and no operative, fireman or helper, laborer or watchman, who now receives a per diem compensation of more than $3 and less than $5, shall be paid exceeding $3 per day, and only for actual service.

Mr. PIPER. I offer the following amendment:

In line 894, strike out "$225,000" and insert "$275,000;" so that it will read: "for wages of workmen and adjusters, $275,000."

The question being taken on the amendment, it was not agreed to.

Mr. PAGE. I wanted to say a few words on that amendment before the question was taken.

The CHAIRMAN. The gentleman can offer a formal amendment.

Mr. PAGE. Then I move *pro forma* to insert "$227,500."

I hold in my hand a letter from the superintendent of the mint at San Francisco, in which he states emphatically that he cannot run the mint on the amount proposed by the committee. The committee appropriated last year $275,000 for the wages of workmen and adjusters. The mint at San Francisco coined last year $31,000,000. The amount provided for the pay of the officers in San Francisco is something over $19,000, while at Philadelphia it is over $31,000, and the Mint at Philadelphia coined only about $9,000,000 last year.

Mr. Chairman, it is reported by the superintendent of the Mint and it is believed by the Director of the Mint, Dr. Linderman, and has been so stated in his report, that the mint at San Francisco this year will increase its working capacity nearly one-third more than the year previous. I ask this committee if they propose to strike out $50,000 from the appropriations made last year; and I believe there was a deficiency of some $19,000 or $20,000 appropriated for the previous year at the short session of Congress.

I desire to call the attention of the committee to this part of the letter of the superintendent of the Mint:

I have to ask, therefore, that the sum of $94,000 be appropriated for the coinage of gold and trade dollars, and that the sum of $120,000 be appropriated to defray the actual cost of manufacturing subsidiary silver coins, of which last-named sum $50,000 should be added to the appropriation for wages of workmen, and $70,000 to the appropriation for contingent expenses, making the total appropriation for wages of workmen $275,000, and for contingent expenses $164,000.

In the expenditure of the moneys allowed for contingent expenses the greatest economy and care will be observed in the purchase of supplies; not a dollar will be wasted, and should any surplus remain at the close of the fiscal year, it will be covered into the Treasury.

I hope the amendment offered by my colleague will be carried. I should like to have a vote taken again on it. I therefore withdraw the formal amendment, and renew the amendment of my colleague making the amount $275,000 instead of $225,000.

Mr. RANDALL. The same reasons which prompted the committee in reducing the Philadelphia appropriation applied in this case. The disparity which the gentleman speaks of as between Philadelphia and San Francisco arises from the minting of minor coins, nickels, at Philadelphia; while at San Francisco I think there is no coinage of a smaller denomination than ten cents.

Mr. PAGE. I would like to ask the gentleman from Pennsylvania why it should cost more to run a mint where only $9,000,000 are coined than a mint where $31,000,000 are coined?

Mr. RANDALL. The reason of the difference is to be found in the enormous work on the minor coins, five-cent and three-cent pieces.

Mr. PAGE. The mint at San Francisco coined $230,000 of these minor coins.

Mr. RANDALL. That is a very small sum.

Mr. GARFIELD. If the gentleman from Pennsylvania will allow me a moment, I will say that in appropriating for the mints it is a thing we really should be glad of when there is a good reason for an increase. I always regard it as a sign of returning prosperity in the country when our mints are doing a good business.

Mr. RANDALL. And so I should if we were circulating the coin.

Mr. GARFIELD. I think the gentleman from Pennsylvania has helped to get a part of it into circulation by his late silver bill, and I hope we shall be doing all we can in the way of coining gold as well as silver. I think it is an exceedingly unwise thing for us to cripple in any way the appropriations for carrying on this business. It is a good sign if we have to make a considerable appropriation for the mints, and I think any reasonable request from the Department for a larger appropriation—and I believe they are reasonable in their requests—should be agreed to.

Mr. HOLMAN. I trust the gentleman from California [Mr. PAGE] will bear in mind the fact that the parting and refining of bullion is a very important industry connected with the mints, especially at San Francisco as well as at Carson City, and that the ground on which it is placed by this bill, which is as near an approach as may be to doing the work by private industry, greatly reduces the necessity for this appropriation. The gentleman will see that all the large sums hereafter appropriated to meet the demands of this labor will be to a very considerable extent met—I mean the labor in connection with the parting and refining—by the simple process of making that branch of industry sustain itself.

Mr. PAGE. This is a separate and distinct question, and has no connection whatever with melting and refining at all, or with the parting of bullion.

Mr. HOLMAN. Why, certainly it has.

Mr. PAGE. Not at all.

Mr. PIPER. I am very much surprised indeed that the Committee on Appropriations took this economical view of this subject.

Now, sir, there is no man in this House who is more economical than I am. I am so economical that I walk up, more than a mile from my residence, to this Capitol to save the five-cent car ticket. [Laughter.] It seems to me that the committee certainly do not understand this matter. It seems to me, sir, as the gentleman from Ohio [Mr. GARFIELD] has said, that the coining of money, real money, should be fostered and ample appropriations made for it, as we are now taking the first steps toward specie payment. I assert here that the appropriation of $275,000 asked for is only sufficient to carry on the work at the mint at San Francisco, and I think myself that it is hardly sufficient. I think that the appropriation should be at least $300,000. Stop the mint at San Francisco and where are we to get our circulating medium to move the vast crops now growing in the valleys and on the plains of California? I hope that the gentlemen of this House will understand this subject, and do us justice and give us this appropriation. It is recommended by Dr. Linderman and by the superintendent of the mint at San Francisco, and I have here a letter from Dr. Linderman stating that $275,000 is the very least amount that will suffice to carry on this department of the mint. Gentlemen, I plead with you to vote us this amount of money.

Mr. FOSTER. I move to strike out the last word. I believe, Mr. Chairman, that the figures of the cost of running this mint have not been given to the House. The expenditures last year amounted to $277,000. The Director of the Mint recommends an appropriation of $313,000, and all there is in this matter is one of two things: we must either interfere with the business interests of the people of California and the Pacific slope or reduce the wages of the laboring-men employed in this work of coinage. The idea suggested by the gentleman from Indiana [Mr. HOLMAN] of an indefinite appropriation has nothing whatever to do with this question.

Mr. HOLMAN. Why, certainly it has.

Mr. FOSTER. Not in the least.

Mr. HOLMAN. The gentleman is certainly mistaken.

Mr. FOSTER. This is for coinage; the other applies to the assay office and this to coinage.

Mr. HOLMAN. This is for the general purposes of labor in connection with the mint, and the gentleman knows that this mint is connected directly with the assay office and the refining establishment, and the appropriation is made in gross.

Mr. PIPER. The gentleman must know that the refining and parting of bullion has nothing whatever to do with the coining of money.

Mr. GARFIELD. Coinage is free.

Mr. FOSTER. That is another subject.

Mr. HOLMAN. Does not the gentleman see that this is an appropriation for the wages of workmen and adjusters at the mint at San Francisco?

Mr. GARFIELD. The adjusters are the men who see that the coin is of the right weight.

Mr. HOLMAN. But this provides for workmen.

Mr. GARFIELD. The workmen who run the machinery.

Mr. LUTTRELL. Will the gentleman tell me how much was appropriated for this purpose last year?

Mr. HOLMAN. Three hundred and eighty-six thousand seven hundred dollars was appropriated last year and that embraced all the work, just as this provision does.

Mr. PAGE. I hope the committee will now permit a vote to be taken on the amendment to insert $275,000.

The question was taken on the amendment; and on a division there were—ayes 89, noes 78.

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. PIPER were appointed.

The committee again divided; and the tellers reported that there were—ayes 77, noes 77.

The CHAIRMAN. The Chair votes in the negative.

So the amendment was not agreed to.

Mr. PIPER. I move to strike out "$225,000" and insert "$280,000."

The question was taken; and on a division there were—ayes 67, noes 90.

So the amendment was not agreed to.

Mr. PIPER. I now move to strike out "$225,000" and insert "$270,000."

The question was taken; and upon a division there were—ayes 85, noes 87.

Before the result of this vote was announced,

Mr. PIPER called for tellers.

Tellers were ordered; and Mr. PIPER and Mr. RANDALL were appointed.

The committee again divided; and the tellers reported that there were—ayes 68, noes 77.

So the amendment was not agreed to.

Mr. LUTTRELL. I move to amend by striking out "$225,000" and inserting "$250,000." I ask only a minute or two to speak to my amendment.

The CHAIRMAN. The gentleman is entitled to five minutes under the rule.

Mr. LUTTRELL. I believe it will be but justice to the mint at San Francisco to increase this appropriation to $250,000. I hope the House will give us that much, for I assure gentlemen that not one dollar of it will be expended except for the benefit of the whole people. We will this year coin in the San Francisco mint more than $50,000,000 if we are given the proper facilities for so doing. Unless we coin our bullion there we must ship it to Europe to be coined. The question with you, gentlemen of the House, is whether you will allow our American workmen to coin our own bullion, or compel us to ship it to Europe and have it coined in foreign countries.

I appeal to you to-night. I have examined this question carefully; I have spent days and days in the mint at San Francisco, and know how operations are conducted there. I would like have $300,000 appropriated for this purpose; but I believe we may get along with $250,000, and I hope you will give us that sum.

Mr. HOLMAN. I simply wish to call the attention of the Committee of the Whole to a single fact. The estimates for this branch of our public service for the next fiscal year are simply enormous. The amount appropriated last year was $386,700. The estimates for the coming fiscal year are $670,900; being an increase over the appropriations last year of $284,000 for this mint at San Francisco.

Now compare the operations of the mint at San Francisco with the amount appropriated for and the work done at Philadelphia. The amount appropriated for this purpose for the Philadelphia Mint is $259,000; and the number of pieces coined there——

Mr. PAGE. State the amount coined.

Mr. HOLMAN. The amount is not the important item, but the number of pieces coined. The number of pieces coined at Philadelphia was 26,394,958; at San Francisco the number of pieces coined was only 9,604,000. There were nearly three times as many pieces coined at Philadelphia as at San Francisco; while, as gentlemen know, the expense of coinage bears no relation to the amount in value of the coins, but to the number of pieces coined. Yet by this bill we are appropriating only $259,000 for the Mint at Philadelphia, while we appropriate $325,000 for the mint at San Francisco, while the mint at San Francisco coins only about one-third of the number of pieces that are coined at Philadelphia. There is no use in talking about there being any economy in the mint at San Francisco with these figures. It is well known to the country that the expense of living in San Francisco at this time——

Mr. PAGE. Will the gentleman state what is the difference in the actual cost of coining a piece of money in San Francisco and in Philadelphia?

Mr. PIPER. A twenty-dollar piece, for instance.

Mr. PAGE. The difference in cost of coining a piece of money in each place, no matter what its value may be.

Mr. HOLMAN. I cannot state the difference.

Mr. PAGE. I can state the difference: it costs less at San Francisco than it does at Philadelphia.

Mr. HOLMAN. The cost of living in San Francisco is not materially greater than it is in Philadelphia; yet by this bill we are virtually giving more than twice as much to San Francisco as we are giving to Philadelphia for coining an equal number of pieces.

Mr. PIPER. An equal number of pieces? That is a most remarkable statement. A nickel is a piece, is it not?

Mr. HOLMAN. Yes, it is.

Mr. PIPER. Does it cost as much to refine the bullion for a nickel piece as it does for a twenty-dollar gold piece?

Mr. HOLMAN. Ah, refining! My friend said that refining was not to be taken into the account.

Mr. PIPER. Refining bullion at Philadelphia is taken into the account.

Mr. HOLMAN. The fact is that, in addition to paying out the money received at the San Francisco mint, it is proposed to appropriate this large additional sum, making a much larger appropriation for this year than that made even last year, and vastly larger, as gentlemen will see at once, than has been made for similar work at Philadelphia.

Mr. LANE. Does it cost as much to coin and adjust a nickel as it does a twenty-dollar gold piece?

Mr. HOLMAN. I suppose not.

Mr. RANDALL. It costs nearly as much to coin a half dollar as to coin a twenty-dollar gold piece.

Mr. LUTTRELL. We are perfectly willing to give them all they want at Philadelphia.

The CHAIRMAN. Debate is exhausted on this amendment.

The question being taken on the amendment of Mr. LUTTRELL, it was not agreed to, there being—ayes 68, noes 95.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union had had under consideration the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

Mr. BANNING. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned till Saturday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr BANNING: The petition of P. E. Holcomb, retired, that he receive the pay of a retired major United States Army, to the Committee on Military Affairs.

By Mr. BRADLEY: The petition of 9 citizens of Saginaw, Michigan, against the Post-Office Department distributing envelopes, newspaper-wrappers, and postal cards throughout the country at a price less than cost, to the detriment of the dealers in such articles, to the Committee on the Post-Office and Post-Roads.

By Mr. DURHAM: The petition of the officers and members of Mount Zion church, Madison County, Kentucky, for compensation for damage done to said church during the late war, to the Committee on War Claims.

By Mr. EDEN: The petition of Cephas Haney and 96 other citizens of Moultrie County, Illinois, for the repeal of the resumption act and the retirement of national-bank notes and the substitution of legal-tender notes interconvertible with a bond bearing a low rate of interest, to the Committee on Banking and Currency.

By Mr. FOSTER: The petition of William McWhood, for a pension, to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of E. N. Curl, Tac Hussey, J. S. Carter, and others, against the Government printing stationery for sale, to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of citizens of Geneva, New York, for such legislation as will relieve them from injurious competition by the Government in the manufacture, transportation, and sale of stamped envelopes, newspaper-wrappers, and printed-request envelopes, to the same committee.

By Mr. MAGOON: The petition of P. B. Barlow and 38 citizens of La Fayette County, Wisconsin, that the present duty on flaxseed and linseed-oil be maintained, to the Committee of Ways and Means.

By Mr. McMAHON: The petition of S. S. Collins, B. F. Adams, and other citizens of Darke County, Ohio, for the repeal of the resumption law, against a tax on tea and coffee, against national banks, and in favor of legal-tender money, to the same committee.

By Mr. OLIVER: The petition of 400 citizens of Northwestern Iowa, that the law be so amended as to permit the McGregor and Missouri River Railroad to form a junction with the Sioux City and Saint Paul Railroad on or near the forty-fifth parallel of latitude, to the Committee on Railways and Canals.

By Mr. PAYNE: The petition of J. H. Merrill, for relief from a special tax in the city of Washington, District of Columbia, to the Committee for the District of Columbia.

By Mr. PLATT: The petition of citizens of Owego, New York, that Congress convey to the city of Brooklyn the strip of land and water between Washington avenue and the navy-yard, Brooklyn, New York, for the purpose of establishing a public market, to the Committee on Public Buildings and Grounds.

By Mr. RICE: The petition of William Silver, for a pension, to the Committee on Invalid Pensions.

By Mr. TEESE: The petition of manufacturers and dealers in distilled spirits in Newark, New Jersey, for the definition of the powers and duties of officers of the internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. THOMAS: The petition of 35 business men and firms of Baltimore, Maryland, against any change in the tariff at this time, to the Committee of Ways and Means.

By Mr. WALSH: Memorial of soldiers of the late war residing in Frostburgh, Maryland, and vicinity, in favor of the equalization of bounties, to the Committee on Military Affairs.

By Mr. WELLS, of Mississippi: The petition of Michael McGuire, for a rehearing of his case in the matter of his claim rejected by the southern claims commission, to the Committee on War Claims.

Also, the petition of Thomas L. Garrett, of similar import, to the same committee.

Also, the petition of Joseph A. Weatherly, of similar import, to the same committee.

By Mr. WILLIAMS, of Alabama: A paper relating to the establishment of a post-route from Rutledge, Crenshaw County, to Troy, Pike County, Alabama, by way of New Providence and Goshen Hill, to the Committee on the Post-Office and Post-Roads.

By Mr. WOODWORTH: The petition of James Cartwright and 115 other citizens of Youngstown, Ohio, that existing tariff laws may not be disturbed, to the Committee of Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Thursday last was read and approved.

JOURNAL CLERK OF THE HOUSE.

Mr. WHITE. I rise to a question of privilege in regard to the character of an officer of this House, and submit the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas the following has appeared in the public press:

"WASHINGTON, D. C., *March* 15, 1876.

"SIR: A bill is now pending before Congress which proposes to pay every non-commissioned officer, musician, artificer, wagoner, private soldier, sailor, and marine (except substitutes) who faithfully served as such in the military service of the United States, and was honorably discharged from such service, the sum of eight and one-third dollars a month for all the time actually so served between April 12, 1861 and May 9, 1865. In case of death of the person before described, the bounty is to be paid to the widow, if alive and not remarried, but, if there is no widow or she has remarried, then to the children. In computing the bounty due any person there shall be deducted the amount of bounty heretofore received by said person from the United States. The bill declares that no agent or attorney shall receive a sum greater than $10 for the prosecution of any claim under the provisions of this act and that no soldier shall sell or transfer his claim.

"As the records under your control readily give you the names of soldiers in your town or ward, I invite you to accept the provisions of the inclosed agreement. Please sign both the inclosed blanks and return one to me, at the address in the agreement.

"If you do not wish to undertake this yourself, please pass the agreements and circular to some active man who will give the subject his earliest attention, and write me an answer.

"You will see the importance of attending to this matter the present week, for if the bill passes hundreds of agents will send circulars to parties granting the percentage which you may now obtain for yourself.

"CHARLES H. SMITH.

"Know all men by these presents, that we ——, of ——, in the county of —— and State of ——, of the first part, and Charles H. Smith, of Washington, in the District of Columbia, of the second part, agree as follows:

"Said party of the first part agrees to collect the discharges of all persons (except substitutes and commissioned officers) in the town or ward in which he resides, who served in the United States Army for any time during the war of the rebellion, to forward said discharges to said party of the second part, at the Imperial Hotel, Washington, District of Columbia, and to do all other acts within said town or ward, which may be made necessary by an act now pending before Congress for the equalization of bounties.

"Said party of the second part agrees that said party of the first part shall receive upon every successful application for bounty, furnished as aforesaid, 25 per cent.

"Witness our hands this ——day of ——, 1876.

"CHARLES H. SMITH."

Therefore, resolved, That the Committee on Military Affairs be, and are hereby, directed to inquire and report to this House whether any of its officers or clerks are acting as claim agents or are interested in procuring legislation, and if there is any further legislation needed to protect the House from having its officers or clerks acting as claim agents and becoming interested in legislation involving appropriations from the public Treasury.

Mr. WHITE. I move that this subject be referred to the committee indicated for investigation. The charge, if true, is a very serious one.

The SPEAKER. It is the duty of the Chair, in justice to Mr. Smith, to say that before the assembling of the House this day there was handed to the Speaker a communication from him on this subject, which he now directs the Clerk to read, omitting the circular embodied in the letter, which has already been read as part of the resolution of the gentleman from Kentucky, [Mr. WHITE.]

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., April 4, 1876.

Hon. M. C. KERR,
Speaker of the House of Representatives:

My attention having been called to criticisms upon certain circulars issued by my direction, I deem it my duty to submit to you the following statement of facts, and to request you to lay the same before the honorable House of Representatives for such action as that body may deem proper:

On the 10th of March last I left Washington for my home in New Hampshire for the purpose of voting at the then approaching election, and while there I learned for the first time, from a Boston paper, that a bill entitled "A bill to equalize the bounties of soldiers who served in the late war for the Union" had been reported on the 11th of March, and would probably be passed by Congress.

I then determined that in the event of the passage of said bill I would resign my position as journal clerk of the House, and enter upon the practice of my profession as an attorney in the city of Washington; and, with this intention, before returning to this city, I caused to be printed and put in circulation the following circulars, directed to the clerks of towns and wards, namely.

[Here follows the circular already read as a part of Mr. WHITE's resolution.]

At that time I had full knowledge of section 5498 of the Revised Statutes prohibiting an employé of the House from acting as an agent or attorney for prosecuting any claim against the United States, but I could not then see nor do I now understand how the above circulars made me an agent or attorney for the collection of these claims until after the passage and approval of the bill, without which there would be no such claims to collect and after which I should cease to act as an employé of the House.

I have not undertaken, nor do I propose to undertake, the collection of any claim against the Government of the United States while acting as one of its employés; but I simply sought in the circular to place myself in condition to become an agent for that purpose at such time as I might see fit to tender my resignation as journal clerk of the House, not supposing that there was the slightest impropriety in my taking steps in this direction so long as I did not use my official position to promote my private interests. I have never obtained any information concerning the situation of said bill in the committee or in the House by means of my position as employé. I have never, directly or indirectly, held any communication with any member of Congress or officer thereof in relation to the subject embraced in said bill.

I have never, directly or indirectly, heard or sought to obtain the opinion of any member of Congress or officer thereof as to the probable fate of said bill, nor have I attempted in any manner to influence legislation on this or any other subject

While I never consulted any person concerning the propriety of my course, the circulars were issued without any attempt at concealment.

Upon every statement contained in this communication and upon every fact bearing upon this subject I court the closest scrutiny and investigation.

Very respectfully,

CHAS. H. SMITH,
Journal Clerk.

Mr. BANNING. I move to strike out "Military Affairs" and insert "on the Judiciary," as this seems to be a matter which should go to the latter rather than to the former committee.

Mr. WHITE. I accept the amendment.

Mr. McCRARY. Is the amendment proposed by the gentleman from Ohio pending?

The SPEAKER. It has been accepted.

Mr. McCRARY. I hope it will not be adopted. I ask for the reading of the resolution and the amendment.

The SPEAKER. It is now a part of the resolution.

The resolution, as modified, was read.

Mr. McCRARY. I move to substitute the Committee on Military Affairs for the Committee on the Judiciary. The resolution is evidently based on the communication just received from one of the officers of the House, and investigation would relate, of course, exclusively to that particular officer and to his action in the premises. That relates to the subject of military bounties and is a matter peculiarly within the jurisdiction of the Committee on Military Affairs. I think that would be the more appropriate reference.

Furthermore, I wish to say the Committee on the Judiciary is already so burdened with work of this character that it seems to me—I do not know what other gentlemen on the committee may think—it is utterly out of the question for that committee to undertake another investigation. I think there are three or four already progressing, and four or five members of the committee are kept out of their seats half the time by work of this kind. I do not think the Military Committee is so burdened, and I hope it will be so referred.

Mr. MACDOUGALL. I think the resolution should be referred to the Committee on Reform in the Civil Service.

Mr. HOAR. I desire to call the attention of the mover of the resolution that limits the inquiry, as to whether any other legislation is necessary. It seems inquiry should be as to what other steps should be taken. There may be action not legislative which may be proper. Inquiry should be as to whether any legislation or other action shall be taken.

Mr. MORRISON. With the permission of the gentleman from Kentucky I will offer a substitute. There is no objection to the inquiry; I think it highly proper that it should be made.

The SPEAKER. The Chair will suggest that after the word "legislation" the mere addition of the words "or other action" would meet the case.

Mr. WHITE. I accept that modification.

Mr. MORRISON. I offer the following substitute, to obviate the objection which has been stated.

The Clerk read as follows:

Resolved, That the communication of Charles H. Smith be referred to the Committee on Military Affairs with instructions to ascertain whether said Charles H. Smith in relation to the subject-matter of said communication has violated any law or done any act inconsistent with his position as an employé of this House, and that they report by resolution or otherwise.

Mr. WHITE. I do not think it is necessary. I think the other resolution covers the ground. If it does not, I am also willing to accept the proposition of the gentleman from Illinois.

Mr. MORRISON. I do not insist if the gentleman objects.

Mr. WHITE. I do not think it is necessary. I now ask that section 5498 of the Revised Statutes be read.

The Clerk read as follows:

SEC. 5498. Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000, or suffer imprisonment not more than one year, or both.

Mr. MACDOUGALL. I suggest to the gentleman that the proper committee to which this investigation should be referred is the Committee on Reform in the Civil Service.

The SPEAKER. In the judgment of the Chair that amendment is not in order.

Mr. HOAR. I desire in a word or two to call the attention of the House to the question of the appropriate committee which should take charge of this matter. It seems to me, Mr. Speaker, that this question has very little to do with the law that has been read and very little to do with the particular form of claim referred to in the circular. The charge against an officer of the House is this: That while a bill is pending or is proposed before this House he seeks to acquire a personal interest in it by getting a percentage on the claims which that bill will render valid against the Government. If a dozen soldiers or a hundred had sent him their claims in accordance with that circular, he would then be interested to the amount of 10 per cent. of those claims in the passage of that bill. Then the question whether that bill passed, and the question of the form in which it passed, the question of what the House did with it, would be determined, conclusively determined by evidence depending upon the integrity of that officer as journal clerk. In other words, when he journalized and recorded the action of this House, he would have, if the charge is true, a personal interest in the form and shape of the record which he made up, acquired by him at his solicitation, while the bill is pending. Now, that has nothing to do with that law. It has nothing to do with the particular jurisdiction of the Committee on Military Affairs. It is a question of the privileges and prerogatives of this House and of the method which it shall take to secure the honesty and integrity of its Journal; on which honesty and integrity all the rights of the American people, so far as they depend on legislation by Congress, are dependent.

Now, that ought to go either to the Judiciary Committee or to the Committee on Rules; the latter committee being a committee of the most distinguished members of this House, and being charged with all the subjects which relate to the regulation of its proceedings and the general directions which it shall give either to its members or officers in their official conduct. I respectfully request my friend from Iowa [Mr. McCRARY] to permit the Committee on Rules to be substituted for the Committee on Military Affairs. I do not in making this statement of the question mean in the least to prejudge it. I will only state what I understand the charge to be without any knowledge whether it shall turn out to be well founded.

Mr. BANNING. It was on my motion that the Committee on the Judiciary was substituted for the Committee on Military Affairs in the resolution of the gentleman from Kentucky. I accept the suggestion of the gentleman from Massachusetts that the Committee on Rules be substituted.

The SPEAKER. The pending question is on the motion of the gentleman from Iowa [Mr. McCRARY] to substitute the Committee on Military Affairs for the Committee on the Judiciary. Does the gentleman from Iowa accept the suggestion that the Committee on Rules be substituted?

Mr. McCRARY. I do.

The question being taken on the motion to insert the Committee on Rules in the original resolution, it was agreed to.

The SPEAKER. The next question is on the substitute offered by the gentleman from Illinois, [Mr. MORRISON.]

Mr. MORRISON. With the permission of the House, I will amend my substitute, to make it conform to the amendment just adopted, by substituting the Committee on Rules for the Committee on the Judiciary.

Mr. WHITE. I ask that the original resolution, as amended, and the substitute be read.

The original resolution, as amended, was read, as follows:

Resolved, That the Committee on Rules be, and they are hereby, directed to inquire and report to this House whether any of its officers or clerks are acting as claim agents or are interested in pecuniary legislation, and if there is any further legislation or other action needed to protect the House from having its officers or clerks acting as claim agents and becoming interested in legislation involving appropriations from the public Treasury.

Mr. MORRISON's proposed substitute, as modified, was read, as follows:

Resolved, That the communication of Charles H. Smith be referred to the Committee on Rules, with instructions to ascertain whether said Smith in relation to the

subject-matter of said communication has violated any law or done any act inconsistent with his position as an employé of this House, and that they report by resolution or otherwise.

The question being taken on the substitute, it was adopted; and the resolution, as amended by the adoption of the substitute, was agreed to.

Mr. HURLBUT. I call for the regular order.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS. I rise to submit a privileged report. I am instructed by the majority of the Select Committee on the Freedman's Bank to report back, with a favorable recommendation, the bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, and to ask that it be made the special order for Saturday, April 22, and from day to day thereafter until disposed of. I make that motion in order to enable one of the members of the committee by agreement to mature and submit an amendment to the bill; and by that time also it is probable that the committee may be prepared to lay before the House a portion at least of the evidence which has been taken in the progress of the investigation.

Mr. HOLMAN. The gentleman from Virginia of course will except reports from the Committee on Appropriations. If this is not done, I shall have to object to the continuance of this order from day to day.

Mr. DOUGLAS. I will have no objection, if the Committee on Appropriations be prepared to proceed with the consideration of any of their bills, to postpone each day the consideration of this bill, provided it does not thereby lose its position.

The SPEAKER. Are there objections to the order being made as requested by the gentleman from Virginia?

Mr. KASSON. Reserving the right to object, I would like to know the character of this bill, whether it is likely to take up much time or not. Perhaps the gentleman from Virginia will state whether it opens up any extended line of debate, and whether it involves any appropriation of money.

Mr. DOUGLAS. No, sir; it involves no appropriation of money, and I presume the only debate, so far as I am apprised, likely to spring up will be on a legal question involved in an amendment proposed by the gentleman from Alabama, [Mr. BRADFORD,] a member of the committee.

Mr. KASSON. With the tariff bill and appropriation bills, and the Indian bill, and other special orders, we are having the business of the House so entangled that we shall have a contest every day over the priority of business.

Mr. DOUGLAS. I hope the gentleman from Iowa will not object to this bill in favor of the Indians. I consider the freedmen quite as important as the Indians, and that their interests should be taken care of.

Mr. KASSON. If the gentleman thinks that this bill can be disposed of in a day I will not object, but I cannot consent that it shall run from day to day.

Mr. DOUGLAS. I cannot state how many days its consideration will take, because I have already agreed that it shall not interfere with the appropriation bills; but I wish that it shall retain its position as a special order so long as there are no bills having preference over it pending. The amendment of my colleague on the committee from Alabama may be offered on the first day, and we may possibly dispose of the bill on that day.

Mr. KASSON. Very well; I will make no objection if the majority think it consistent with the transaction of their business.

Mr. THORNBURGH. I desire to say to the gentleman from Virginia that unless he makes the order so as not to interfere with the consideration of the bounty bill I shall have to object.

Mr. DOUGLAS. Has that been made a special order?

Mr. THORNBURGH. It has.

Mr. DOUGLAS. Then my bill is subordinate to any bill which has been made a special order previously; all such bills will take precedence over this bill.

The question was taken on Mr. DOUGLAS's motion, and it was agreed to.

ORDER OF BUSINESS.

Mr. HURD rose.

Mr. DOUGLAS. I now ask unanimous consent to introduce a resolution for the consideration of the House at this time.

The SPEAKER. Is it a matter of privilege?

Mr. DOUGLAS. No, sir.

Mr. HURLBUT. I call for the regular order of business.

The SPEAKER. The Chair has recognized the gentleman from Ohio [Mr. HURD] to offer a privileged resolution.

Mr. HURD. I yield for a moment to the chairman of the Committee on the Judiciary, [Mr. KNOTT.]

ADMINISTRATION OF OATHS IN THE SENATE.

Mr. KNOTT. I have been requested by the chairman of the Committee on the Judiciary of the Senate to ask the House to pass at the earliest possible moment a bill (S. No. 701) further to provide for the administration of oaths in the Senate, inasmuch as it is absolutely necessary in view of the impending impeachment trial before that body. I therefore, by the direction of the Committee on the Judiciary of this House, ask unanimous consent that that bill may be taken up and passed at this time.

The SPEAKER. The Chair would inquire if this bill has been considered by the Committee on the Judiciary of the House?

Mr. KNOTT. It has, and they reported it back by a unanimous order.

The bill was read. It provides that the presiding officer for the time being of the Senate of the United States shall have power to administer all oaths and affirmations that are or may be required by the Constitution or by law to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate.

The second section provides that the Secretary of the Senate and the Chief Clerk of the Senate shall, respectively, have power to administer any oath or affirmation required by law or any rule or order of the Senate to be taken by any officer of the Senate and to any witness produced before it.

No objection being made, the bill was reported from the committee, ordered to a third reading, and was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HURD resumed the floor.

Mr. SINGLETON. I ask the gentleman to yield to me for a moment that I may make a report from the Committee on Appropriations.

Mr. HURD. I will do so.

Mr. SINGLETON. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, with the amendments of the Senate thereto, with a recommendation that the amendments of the Senate be non-concurred in.

Mr. GARFIELD. I desire to suggest to the Committee on Appropriations that at this stage of the session we are not under such pressure but that we ought to hear the amendments read and act upon them. It occurs to me that the course which the gentleman proposes is only allowable in the last days of a session when business is pressing. I trust the Committee on Appropriations will allow these amendments to be read and acted on in the House one by one. Of course we have a right to demand it, but I suggest to the gentleman that he allow the bill and amendments to be printed so that members may see what the amendments are. I hope the gentleman will make that motion.

The SPEAKER. Does the gentleman from Mississippi accept that suggestion?

Mr. HOLMAN. I wish to say, by permission of the gentleman from Mississippi, that perhaps the last suggestion by the gentleman from Ohio would be proper enough, that the amendments should be printed, for they are very numerous.

Mr. GARFIELD. That is all the more reason why they should be printed.

Mr. HOLMAN. The Committee on Appropriations have directed the gentleman from Mississippi [Mr. SINGLETON] to report as he has done.

Mr. HOAR. I rise to a parliamentary inquiry. If the House shall now non-concur in all these amendments of the Senate in a lump, does it not follow, unless the Senate shall recede from all of them, that they will all go together to a committee of conference and be reported upon together by that committee, and acted upon in the lump—yes or no—by the House, without any one being voted upon separately?

Mr. GARFIELD. Certainly.

The SPEAKER. That is not a proper question for the Chair to undertake to decide in advance.

Mr. HOAR. The Chair would have to decide it by and by.

Mr. HOLMAN. It might be taken for granted that they had been acted upon one by one before they went to the committee of conference.

Mr. SINGLETON. The only reason why I thought the House would non-concur in these amendments is that all of them were offered in the House and elaborately discussed.

Mr. GARFIELD. That does not appear now.

Mr. SINGLETON. As the gentleman desires it, I will move that the bill, with the amendments of the Senate, be printed and recommitted to the Committee on Appropriations.

The motion was agreed to.

HABEAS CORPUS—HALLET KILBOURN.

Mr. HURD. By direction of the Committee on the Judiciary, I report to the House and recommend for adoption at this time the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas one Hallet Kilbourn was subpœnaed to testify in a certain investigation ordered by this House before a committee duly authorized to send for persons and papers; and whereas during his examination as a witness the said Hallet Kilbourn refused to answer certain questions propounded to him as such witness by said

committee, and to produce certain books and papers which he was ordered by said committee to produce; and whereas for such refusal the House of Representatives has adjudged the said Hallet Kilbourn to be in contempt of its authority and has ordered him into custody until he shall purge himself of said contempt and answer the questions as propounded and produce the papers and books ordered to be produced; and whereas said committee is still engaged in the investigation which it was ordered to make by the House, and is unable to complete the same because of the contumacy of the witness; and whereas the said Hallet Kilbourn is now in execution by the legal process of this House as aforesaid; and whereas the chief justice of the supreme court of the District of Columbia has issued a writ of *habeas corpus* to the Sergeant-at-Arms of this House to produce before the said judge the body of the said Kilbourn: Therefore,

Be it resolved, That the Sergeant-at-Arms be directed to make a careful return of said writ, setting out the causes of the detention of said Kilbourn, and to retain the custody of his body, and not to produce it before the said judge or court without further order of this House.

The question was upon adopting the preamble and resolution.

Mr. HURD. Few questions of graver moment or of greater importance will be presented to this House for determination than those which are involved in the present discussion. They relate to the liberty of the citizen, the efficiency of the great writ of *habeas corpus*, and the power of this body to vindicate its authority and to preserve itself from insult and contempt. The House should be cautious in the action it may take upon this subject neither to impair the efficiency of the writ of *habeas corpus* nor interfere with the liberty of the private citizen, nor diminish its own right to preserve by proper measures its own just powers. We should be careful to follow no precedent which violates personal liberty, and we should be careful to make no precedent which shall justify a surrender of the chiefest authority of this House.

In the discussion of these important questions I desire to call the attention of the House first to the proposition as one of law, that it possesses undisputed authority to authorize the examination of witnesses, and to punish them if they refuse to answer questions lawfully propounded, or are otherwise guilty of contumacy of the authority of the House. This power has been said to exist, independently of statutory provisions and independently of constitutional provisions, inherently in every legislative body by virtue of its very organization. From the very earliest days of English history until the time of the formation of the Constitution of the United States both of the houses of Parliament were in the habit of making examinations of witnesses and of punishing them for contempt of authority when they refused to answer the questions propounded. And although in the Constitution of the United States there is no provision authorizing punishment for contempt except as it may be committed by a member of the House, yet the Supreme Court of the United States at a very early day decided that the House had power to subpœna witnesses and examine them, and to punish them for refusing to answer the questions propounded to them by order of the House.

In the case of Anderson *vs.* Dunn, 6 Wheaton, that point was expressly determined. The court say in the progress of their opinion:

But what is the alternative?

That is, the alternative of the proposition that the House has no power to examine witnesses and punish for contempt.

But what is the alternative? The argument obviously leads to the total annihilation of the power of the House of Representatives to guard itself from contempts, and leaves it exposed to every indignity and interruption that rudeness, caprice, or even conspiracy may meditate against it. This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberative assembly, clothed with the majesty of the people and charged with the care of all that is dear to them, composed of the most distinguished citizens, selected and drawn together from every quarter of a great nation, whose deliberations are required by public opinion to be conducted under the eye of the public, and whose decisions must be clothed with all the sanctity which unlimited confidence in their wisdom and purity can inspire—that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested.

And, following that line of argument, the court decided that the power to put the interrogatories was vested in the House, and also the power to punish the witness for refusal to answer.

From that day this power has been exercised by this House. At nearly every session of Congress it has been necessary that witnesses should be examined as to some question or other; and in very many sessions questions that have been propounded have been refused to be answered. So that the authority to punish has been frequently exercised, and under the authority of the Supreme Court of the United States has become so perfectly a part of the parliamentary law of these bodies that I do not think anybody will dispute it.

But it has been suggested in the petition which has been filed in this case, and in the arguments that have been made before the Judiciary Committee, that although this is a power which the House may possess, this particular case is not one in which that power may be exercised. Upon that point I desire to suggest to the House that there are many views of the case in which the inquiries that were propounded to Mr. Kilbourn were pertinent. They were pertinent in the view, as it has been alleged, that it was sought to procure information as to whether members of Congress had been engaged in real-estate speculations in this city by which their actions in legislation might be improperly and corruptly influenced.

It has been suggested that there were persons connected with various branches of the Government who had likewise been interested in the same real-estate speculation, and as to their conduct as a basis for possible impeachment it was proper and pertinent to inquire as to all the transactions relating to what was known as the "real-estate pool." In addition to that, as has been suggested in the argument before the committee, the question as to the right of Congress to appropriate money and as to the amount of money that may be required to be appropriated is one of the most important for this House to decide; and therefore information upon that point might be desired by the committee in this particular connection; for if it were true that there was $25,000 in the real-estate pool which belonged to the United States, and if we could procure it, there would be $25,000 more of money in the Treasury to be applied to the payment of the public debt, and $25,000 less to be levied in the form of taxation upon the people of the United States.

In all these views these interrogatories were pertinent. But whether that be so or not, the fact is that this House has solemnly adjuged that the witness is in contempt of the authority of the House, and when in the exercise of its undoubted jurisdiction it has so declared, there is no power in the land which has the right to review its decision.

As a second proposition, and closely connected with the one I have just stated, I maintain this as a doctrine of the law: that when any court has determined as to the extent of its power and jurisdiction, unless it be an inferior and subordinate one, its decision is absolutely final and conclusive, and no other authority, no other court, has the power, either directly or by indirection, to interfere. I do not know any propositionof law upon this general subject which is better settled than this.

I refer to Hurd on Habeas Corpus pages 385, 412. On page 38 it is said in the text, and the proposition is sustained fully by authority:

It is a rule essential to the efficient administration of justice that where a court is vested with jurisdiction over the subject-matter upon which it assumes to act, and regularly obtains jurisdiction of the person, it becomes its right and duty to determine every question which may arise in the cause without interference from any tribunal.

Then, upon the question of commitment for contempt, it is said:

The right of punishment for contempts by summary conviction is inherent in all courts of justice and essential to their protection and existence. A commitment under such conviction is a commitment in execution, and the judgment of conviction is not subject to review in any other court, unless specially authorized by statute. It cannot be attacked under the writ of *habeas corpus* except for such defects as render the proceedings void.

In 7 Wheaton, Kearney's Case, page 44, this exact question was presented to the Supreme Court of the United States. A writ of *habeas corpus* was applied for to that, the highest tribunal in the country, to relieve from imprisonment for contempt a person who had been ordered into custody by the circuit court of the District of Columbia. After a full discussion of the authorities the Supreme Court of the United States held that it had no authority to issue the writ; that if it did issue the writ the party would be remanded into the custody of the marshal; and that under the circumstances the motion for a writ should be denied. In the course of the opinion of the court, the views of Mr. Justice Blackstone are quoted, which I will read:

All courts, by which I mean to include the two Houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempt and the punishment thereof, belong exclusively and without interfering to each respective court. Infinite confusion and disorder would follow if courts could, by writs of *habeas corpus*, examine and determine the contempt of others.

The Supreme Court then says:

So that it is most manifest from the whole reasoning of the court in this case that a writ of *habeas corpus* was not deemed a proper remedy where a party was committed for a contempt by a court of competent jurisdiction, and that if granted the court could not inquire into the sufficiency of the cause of commitment. If, therefore, we were to grant the writ in this case, it would be applying it in a manner not justified by principle or usage; and we should be bound to remand the party unless we were prepared to abandon the whole doctrine, so reasonable, just, and convenient, which has hitherto regulated this important subject. We are entirely satisfied to administer the law as we find it, and are all of opinion that upon the facts of this case the motion ought to be denied.

One of the strongest authorities in support of the proposition which I have attempted to maintain may be found in 26 Pennsylvania State Reports, in Passmore Williamson's case, in which the opinion was delivered by Mr. Justice Black, who is one of the attorneys for Mr. Hallet Kilbourn in the present proceeding. I quote from the language of Judge Black upon this subject:

It is most especially necessary that convictions for contempt in one court shall be final, conclusive, and free from examination by other courts on *habeas corpus*. If the law was not so our judicial system would break to pieces in a month. Courts totally unconnected with each other would be coming in constant collision. The inferior courts would revise all the decisions of the judges placed over and above them. A party unwilling to be tried in this court need only defy our authority, and, if we commit him, to take out his *habeas corpus* before an inferior judge of his own choosing, and if that judge is of opinion that we ought not to try him, there is an end of the case.

This doctrine is so plainly against the reason of the thing that it would be wonderful indeed if any authority for it could be found in the books. There is none, except the overruled decision of Mr. Justice Spencer, of New York, already referred to, and some efforts of the same kind to control the other court made by Sir Edward Coke in the King's Bench, which are now universally admitted to have been illegal as well as rude and intemperate.

On the other hand we have all the English judges and all our own declaring their want of power to interfere with or control one another in this way. I content myself by simply referring to some of the books in which it is established that the conviction of contempt is a separate proceeding, and is conclusive of every fact which might have been urged on the trial for contempt, and among others want of jurisdiction to try the cause in which the contempt was committed.

If, Mr. Speaker, by the authorities upon this subject, any proposition relating to it can be considered as established, this one is: that in proceedings for contempt no court can be interfered with by any

other court, excepting in the instance where that other court possesses appellate and revisory jurisdiction. In such cases, by virtue of its power to issue a writ of *certiorari*, the facts may all be brought from the inferior court to the superior and judgment upon the facts of the case may be rendered. But in a case like this it is impossible this should be so; for how can the circuit court of the District of Columbia issue a writ of *certiorari* to this body? By what right and authority will this body be bound to respect a writ so addressed to us? There is no rule for it in parliamentary law, and no good sound reason for it upon any principle.

The third proposition which I submit to the consideration of the House is that where a court, without authority, in violation of the provisions of the statutes and in violation of the principles of the adjudications, issues a writ of *habeas corpus* to inquire into the cause of a commitment for contempt, it is sufficient for the authority to which the writ is addressed to return the facts disclosing all of the circumstances relating to the legality of the detention, and it is not necessary the body of the person detained should be produced.

As preliminary to that proposition, I suggest that when the writ has been issued by the court respect must be paid to it by the individual or authority to which it is addressed. That respect is paid to it and the individual is not liable to the charge of contempt where the return is made setting out all the facts if the facts when set out show it to be a case in which the judge had no right to issue the writ or in which, if he did issue the writ, he is bound to remand the prisoner and has no power to admit him to bail or discharge him. We are purged of any contempt of judicial authority by making the return, provided the return shows the fact as I have indicated.

And why, Mr. Speaker, produce the body? What object can be accomplished by it so far as the jurisdiction of this court is concerned? If this court is bound by the precedents which have been established by the Supreme Court of the United States, then the very moment the prisoner is brought into its presence it is bound to remand him to the custody of our officer.

Under circumstances precisely similar, the Supreme Court of the United States decided that the writ should not issue, because if it were issued it would be useless, as the court could do nothing more than remand the prisoner to the custody of the marshal.

But what may be of no value to the court, what is not necessary to enable it to exercise its jurisdiction, the production of the body, may be of serious injury and detriment to this House. Consider what the consequence will be the very moment this witness is taken by the Sergeant-at-Arms before this court. That moment the jurisdiction and authority of this House are at an end. He is held before that court, when taken there, not under the order made in this body hitherto, but is held under the authority of the writ of *habeas corpus*. The case may be adjourned from day to day as the judge pleases. The party may be let out on bail, or may be discharged, and the jurisdiction which has attached in reference to him by which we have been attempting to investigate frauds is entirely lost. It may be that it was an investigation which was the foundation and basis of a proceeding of impeachment, and by the witness being discharged we would become unable to procure his testimony, and thus by the surrender for one hour of time of this prisoner we would be deprived of our constitutional privilege of impeaching officers for high crimes and misdemeanors.

That is a doctrine, Mr. Speaker, which I desire to establish by calling attention to a recent decision of the Supreme Court of the United States, Barth *vs.* Clise, 12 Wallace, 402:

> By the common law, upon the return of a writ of *habeas corpus* and the production of the body of the party suing it out, the authority under which the original commitment took place is superseded. After that time and until the case is finally disposed of, the safe keeping of the prisoner is entirely under the control and direction of the court to which the return is made. The prisoner is detained, not under the original commitment, but under the authority of the writ of *habeas corpus*. Pending the hearing he may be bailed *de die in diem*, or be remanded to the jail whence he came, or be committed to any other suitable place of confinement under the control of the court. He may be brought before the court from time to time by its order, until it is determined whether he shall be discharged or absolutely remanded.

Consider, Mr. Speaker, the consequences in view of an investigation where a witness is before this House, under the authority of the House, to whom questions have been propounded and from whom answers are demanded, that he may be willing to answer the questions to-day but some parties who may be interested in his testimony to-night may arrange with the court that a writ of *habeas corpus* shall be served and custody and power taken from the House and the witness taken in the morning and discharged. I believe there is a precedent quite recent in date of this sort, where a witness under similar circumstances was taken out of the custody of the House and the House was never able to reach him. Here is a person within our jurisdiction, under the custody of our authority, with whom we are proposing to deal, to whom we have the right to propound inquiries, and from whom we have the right to demand information. Before our investigation is finished he is taken out of our hands by the court, a creature of our own authority, and all our efforts in the direction of investigation are thwarted. It has been decided in *Ex parte* H. H. Robinson (Hurd on Habeas Corpus, page 347,) that a court had no right to issue a writ of *habeas corpus* under such circumstances. That was a case where a person was taken from a United States marshal under the fugitive-slave law in Ohio; and in that case Judge McLean held there was no authority to issue the writ, because the court which had acquired the jurisdiction was not through with the body.

I read:

> That the commissioner had jurisdiction in the case is clear. While duly engaged in the investigation of the matter, the honorable judge of the common pleas, whose motives I by no means question, by a *habeas corpus* took from the custody of the marshal the body of the fugitive, which left the commissioner without a case. It wrested from him without any authority of law the subject of his jurisdiction. This, so far as I know, is without precedent.

And the court held that the common pleas judge of the State of Ohio had no authority to issue the writ. The writ was a void writ. And that case is this case. They take from us this witness, Mr. Kilbourn. They wrest from us a person over whom we have jurisdiction in a case which belongs to this tribunal to decide.

The same principle was applied by the circuit court of the United States of New York, where its own process was set aside because it conflicted with the jurisdiction of a State officer which had previously attached. The judge remarked:

> The recorder, therefore, had jurisdiction of the case, and authority to proceed in the inquiry whether the person so seized and brought before him doth, under the laws of the State from which he fled, owe service or labor to the person claiming him.
>
> This inquiry may take up some time and require some delay for the purpose of procuring testimony; and while such examination is pending the party must be deemed in the custody of the law, and the magistrate must necessarily have authority to imprison him for safe-keeping.

The views, Mr. Speaker, which are so well recommended by reason and by the principles applicable to this case are equally well sustained by the authorities. The exact question in this connection is whether upon the service of a writ of *habeas corpus* on the person detaining the prisoner the body of the person detained is bound to be produced before the court. Now, Mr. Speaker, so far as the cases in Parliament are concerned, in some the custody of the prisoner was surrendered to the court, and in others the custody was retained by the House of Commons. But in all cases the House of Commons proceeded on the theory that it was in its discretion to decide whether the custody should be surrendered or not. For prior to the delivery by the sergeant-at-arms in any instance to the court of the prisoner in custody the direction of the house was asked for and given. In some cases they refused to regard the writ at all; in other cases they allowed the return to the writ to be made; in other cases they directed that the body should be returned with the writ.

But there are many other cases, Mr. Speaker, in which it is not necessary that the body of the prisoner should be produced. In the case of Ableman against Booth, 21 Howard, it was expressly decided that when a writ had been served by a State court upon an officer of the Federal court, holding a prisoner in custody under color of authority of the United States, that officer was bound to treat the State court with respect, to the extent of making a return to the writ, but was bound under no circumstances to surrender the body of the prisoner, or permit it to be surrendered to the court. And this doctrine, decided prior to the war in reference to fugitive-slave cases by the Supreme Court of the United States, was re-asserted since the war and during the war in cases where enlistments had been made into the Army of persons who claimed to be minors. It was so re-asserted in the Tarble case. So that the doctrine is well established that where a writ has been issued by State authority to a Federal officer the Federal officer must return to the writ the circumstances of the detention, but not produce the body. Upon that point I desire to read what the Chief Justice of the United States in the Ableman case said:

> We do not question the authority of State court or judge who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of the officer to make a return, grows necessarily out of the complex character of our Government and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers and each within its sphere of action, prescribed by the Constitution of the United States, independent of the other. But, after the return is made and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government, and that neither the writ of *habeas corpus* nor any other process issued under State authority can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offense against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the marshal, or other person holding him, to make known by a proper return the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner in custody under it, and to refuse obedience to the mandate or process of any other government. And consequently it is his duty not to take the prisoner, nor suffer him to be taken, before State judge or court upon a *habeas corpus* issued under State authority.

As I have already remarked, that doctrine was fully approved in the Tarble case, decided since the war. The force of this decision is sought to be broken by saying that it relates to a case where there were courts of different jurisdiction. The point on which I cite the case is this, that it is not necessary in all cases to produce the body where a writ of *habeas corpus* is served; that the rule is not universal; that it is subject to exceptions. From these cases I derive the principle which not only includes this case but others, that when upon a

return of a writ of *habeas corpus* all the facts are disclosed so that it may be brought to the knowledge of the court that it had no authority to issue the writ in the first instance, or to discharge the prisoner, or to bail him, a return setting forth these facts is sufficient without the production of the body.

Hurd on Habeas Corpus, page 154, says:

It has been observed that on the application it was made the duty of the court or judge to examine the commitment, where a copy was produced, to see whether it was "for treason or felony, plainly and especially expressed," or whether the prisoner was "convict or in execution by legal process." Yet if the writ be issued, this question may be again presented for more complete consideration and determination; and this appears to have been allowed without the production of the body under the implication arising under a clause in the first section of the act 31 Charles II.

In a case cited in 10 Peters's C. L., 199, note, it is said that "although the body of the prisoner is usually returned with the writ, the reasons of the prisoner's detention are, however, sometimes returned without actually bringing up the applicant; as where he is charged with treason or felony clearly expressed in the warrant of commitment, or imprisoned for any civil cause or action or in execution; and in either case the return must distinctly show by whom and for what cause the prisoner was committed."

Mr. KASSON. Will the gentleman from Ohio, as I can hardly hear him distinctly, tell me if I understand him rightly that it is not necessary in the return to a writ of *habeas corpus* to produce the body?

Mr. HURD. Yes; not in all cases.

Mr. KASSON. Then I beg his attention to section 758 of the Revised Statutes, which says "that the person making the return shall bring with him the body."

Mr. HURD. I am coming to that point directly. If I have made myself understood on this proposition, it follows, then, that the writ of *habeas corpus* need not be attended in all cases by the production of the body. It has been decided by the Supreme Court of the United States, and the authorities are uniform in holding where a party is in confinement in the execution of a sentence or in confinement under a warrant plainly charging treason or felony, that the person to whom the writ is addressed is not bound to produce the body.

Mr. KASSON. Were not those decisions prior to 1837?

Mr. HURD. They were, but not prior to the act of Charles II, which contained the same provision which is found in the Revised Statutes, and to that point I shall soon direct the attention of the gentleman.

It is objected to this provision of the law and to this principle which I have urged, first, that by the passage of an act in the last Congress making a contempt of the authority of the House an indictable offense the jurisdiction of the House has been superseded, and that the House can proceed no further until the matter has been determined before the circuit court of the District of Columbia; and that seems to be one of the points principally pressed in the petition filed in this case. In answer to that suggestion I desire to say that it is a principle of construction well settled that where a power in reference to a criminal prosecution is conferred by the common law that power remains unchanged where another law upon the same subject is enacted making the act the subject of the prosecution an offense, unless there are express negative words taking away the jurisdiction given by the common law; in other words the statutory remedy is held to be cumulative of the remedy given by the common law, and it is at the option of the party who desires to engage in the prosecution to pursue either the one remedy or the other, or both.

In Sedgwick on Statutory and Constitutional Law, on page 93, it is said:

Questions often arise as to the election of remedies for the violation of statutes. Where a right originally exists at common law and a statute is passed giving a new remedy without any negative, express or implied, upon the old common law, the party has his election either to sue at common law or to proceed upon the statute. The statutory remedy is merely cumulative.

But it has been suggested by the gentleman from Iowa that in the Revised Statutes there is a provision declaring that when a return is made to a writ of *habeas corpus* the body of the person detained shall be surrendered. The language of the Revised Statutes is this:

The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

Now, in the first place, Mr. Speaker, the writ of *habeas corpus* as a writ for the vindication of the liberties of an American citizen, does not as a matter of right or as a matter of principle issue from a court of the United States. The only provision in the Constitution of the United States on the subject is that the privileges of the writ shall not be suspended except in the case of invasion or rebellion, and the Supreme Court at a very early day determined that unless Congress legislated on the subject the writ was without effect, and that no citizen of the United States was entitled to the writ or could enjoy its privilege. The consequence was that in the first judiciary act passed by Congress the law upon that subject was enacted providing that where a person was imprisoned by virtue of or under color of the authority of the United States, he should be released from such imprisonment under writ of *habeas corpus*. Afterward, in 1867, a law was passed similar in many respects to the statute as it now stands, in which it was made obligatory upon the officer to return the body when he made the written return indorsed upon the writ.

Now, it should be borne in mind that there was no definition of the writ of *habeas corpus* in the Constitution of the United States; there was no definition of the writ in the laws of the United States. Reference was made simply to "the writ of *habeas corpus*," a writ which had been regulated by the provisions of the statute of Charles II. There was no other writ known to the American law, none known to the settlers of this country, none known to the world, other than this English *habeas corpus* writ, with all its penalties, all its privileges, all its powers, and all its methods of practice. That writ was especially regulated by the statute of Charles II, in which it was provided—

That the person shall make return to the writ and bring or cause to be brought the body of the party so committed or restrained into or before the lord chancellor or the lord keeper of the great seal of England.

The language of the statute of Charles II was as strong as the language of your statute; the duty of bringing the body was as strongly imposed in that statute as in our statute, and yet, as I have already shown, when the writ was so issued under the statute of Charles II. the body of the prisoner has been repeatedly retained, and not delivered up to the authority issuing the writ. It has been refused over and over again by the houses of Parliament; it has been refused over and over again in cases where parties were in commitment for felony or treason clearly shown in the warrant; it has been refused over and over again, as the authorities I have read show, where the parties were in sentence upon execution.

Now, how will gentlemen say that this provision of our statute is mandatory and obligatory upon this House? When you take the statutes upon the same subject-matter you find that the provisions of the statute of Charles II were not mandatory either upon the houses of Parliament or upon other authorities or individuals to whom the writ of *habeas corpus* might be addressed. I submit that the construction that has been given to this language for the last three hundred years ought to be decisive as to the construction to be given to the language of our statute and as to the writ of *habeas corpus* of which our Constitution speaks and of which our statute speaks. According to that construction, the general rule is that the body shall be given up; but in certain excepted cases it may be given up or not, as the facts upon the return will show to the court whether it had the jurisdiction to issue the writ or to discharge the prisoner when brought before it.

In the next place, in reference to this question, I say that, if the construction is to be given to the statute that is claimed by gentlemen, this House is bound to surrender the body in all instances; then it will interrupt the investigations of this House, take possession of the witnesses and individuals of whom we have acquired jurisdiction, destroy the authority of the House to punish for contempt and to vindicate its just powers, and will therefore operate as an act of one Congress to take from this House the powers that it possesses independently of the action of Congress and even of the Constitution of the United States, after the organization of the House has once been perfected.

I deny the right of the Forty-second or of the Forty-third Congress to pass a law which will take from this House the power to punish for contempt. I deny the right of this Congress to pass laws and enact measures of legislation which shall cripple the powers, bind the arms, and paralyze the hands of Houses of Congress to come after. There are provisions belonging to our parliamentary law, there are principles relating to our jurisdiction as one of the co-ordinate departments of this Government that cannot be affected or taken away by legislation. And if the construction that gentlemen give to this law is to be maintained as the true construction, then I contend that it is a law which the Congress of the United States had no power to enact and a law which this House of the Forty-fourth Congress is under no obligation to regard.

The language of the statute, in section 753 of the Revised Statutes, upon the subject of the writ of *habeas corpus* is worthy of some consideration in this connection. From the language of the arguments of gentlemen who maintain that in all cases the body should be brought in with the return of the writ, I would have been led to suppose that the writ of *habeas corpus* was a writ which should issue as a matter of course under all circumstances and at all times; that the party who was imprisoned had the right at all times to insist that the custody of his body should be delivered up to the authority that issued the writ. But the language of the statute is: "The writ of *habeas corpus* shall in no case extend to a prisoner in jail, unless where he is in custody," &c. The language is not that "the writ of *habeas corpus* shall extend to all persons in jail, except," &c. The section is:

The writ of *habeas corpus* shall in no case extend to a prisoner in jail, unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify.

It has been very ingeniously argued, and it may be maintained with considerable plausibility, that this provision of the writ was not intended to apply to those cases where persons were in custody under an order of the House of Representatives. I wish the House to bear in mind that the writ of *habeas corpus* is not a writ of right or as of course but it is a writ, the advantages and benefits of which are conferred by the statute; and it is perfectly competent for the Congress of the United States to decide in its legislation that no writ shall issue where persons are held in custody under its authority, as it is in its power to decide, by passing no law, that no writ of *habeas corpus* at all shall issue from any of the courts of the United States.

The question is whether, in these exceptions to the rule that the writ of *habeas corpus* shall not issue to prisoners in jail, they have included the House of Representatives. This is simply a question of construction; and I suggest to the consideration of the House a proposition or two upon this subject. First, that a person held in custody under the order of this House is not held in custody under the authority of the United States. The authority of the United States is expressed by that complete Government created by the Constitution, embracing the Congress of the United States, the judiciary of the United States, and the Executive of the United States. Where, under authority properly exercised, under process issuing from the court, or under process which the Executive may have authority to issue, the prisoner is in confinement, then the courts have jurisdiction to issue the writ. But I suggest whether an order from this House is the authority of the United States contemplated. If it be, then it ought to include an order issued by a judge. If an order is made by a judge punishing a man for contempt, it ought to be included just as much in that provision as an order made by this House punishing a man for contempt. But within two lines after that it is expressly provided that where a court makes the order then the writ may issue. If it were necessary to make this express provision for a case where an order of a court had been made to authorize the issuing of a writ, why is it not necessary in cases where the order for imprisonment or confinement is made by the House of Representatives itself?

Again, it may be suggested that whenever a general rule is adopted relative to matters of legislation, the Government of the United States and the Houses of Congress have been held by the courts not to be bound unless they are expressly included; and, while I do not assert this proposition, I suggest to gentlemen as worthy of consideration that, if it be the object of this House to authorize the writ of *habeas corpus* to issue for persons under punishment by the House for contempt, further legislation on this subject is necessary.

No one appreciates more than myself or shares more fully in the devotion that the people of the United States feel for the great writ of *habeas corpus*. With all the studies and investigations that I have given to this subject, I have been led more and more to admire our Anglo-Saxon ancestors, who, never losing sight of the great importance of the writ, insisted upon its preservation everywhere that the jurisdiction of the British judiciary could extend. From that day when the great writ was extorted from King John at Runnymede to the present hour the English people have resisted every infraction of this great writ as understood and administered among them, whether the infraction was proposed by the judiciary, by the Parliament, or by the king. They have maintained it as the key-stone of their liberties; they have prized it as the token and symbol of their freedom; and no greater barrier was ever presented to the abuses of administration than this power of the writ of *habeas corpus*. But although it was designed for the purpose of relieving from illegal imprisonment; although, as has been said, it has required the secrets of every prison to be disclosed and the cause of detention of every individual to be declared, and the body of the prisoner to be produced, yet from the very beginning there has been a class of cases where the writ might issue where the body was not required to be produced and where the prisoner was not entitled to be discharged; and that class of cases, as I have attempted to show this morning, is based upon the principle that one jurisdiction has no authority to interfere with or control another jurisdiction.

If when one jurisdiction has once attached one court may issue the writ to take out of the custody of another a person who is there awaiting the further order of that court; if one court may release from imprisonment in sentence any person who has been confined by judgment of another court, then it follows that you introduce into the administration of justice confusion which will ever confuse, and that you have made each court of the country, whether inferior or subordinate or not, a revisory and appellate court over every other. You have enabled a police justice, created by the authority of this Congress, to review the decision of the Supreme Court of the United States. You have authorized such officer to interfere with this court, this House of Representatives, in the determination of the limits of its own jurisdiction and in the punishment of those individuals who have defied its authority and treated it with contempt.

I say that no conclusion can be tolerated which will lead to such consequences. Let a court of appellate and revisory jurisdiction correct the errors of subordinate courts; that has always been done; but let no subordinate court interfere with our jurisdiction or with the jurisdiction of courts that are superior to it. It has not been done in the ages; it ought not to be done now; if done, it is done in spite of the authority of English courts, in spite of the authority of cases in our own country; and I will not say with the purpose, but with the certain result of destroying one of the most valuable powers that this House possesses.

I say in conclusion that I think this resolution should be adopted, as it treats the court with respect; for it proposes to make a return of the causes of detention, which will show that it had no jurisdiction to issue the writ; that it can neither discharge the prisoner nor admit him to bail. And while doing that, it preserves the dignity of this House, and enables us to maintain unimpaired the powers which are necessary for the administration of the duties which the people have devolved upon us.

Mr. GARFIELD. I wish to ask my colleague a question in the line of his argument. I understand him to hold that we ought not to allow our Sergeant-at-Arms to surrender the body of the witness to the court for a hearing. Suppose he makes that return to the court, refusing on our authority, and suppose that court punishes him for contempt of its authority in not obeying its order to produce the body and imprisons him according to its discretion, what relief has he, and what relief can we give him on the doctrine my colleague now puts forth? Cannot that court in succession imprison for contempt every Sergeant-at-Arms and every deputy sergeant-at-arms and every officer who may be required to answer? For my colleague says we must make an answer to the return one way or the other. And cannot we thus go on, they locking up our officers and we holding the witness, and can my colleague say from his doctrine how that result would follow and how we could get out of such involvement?

Mr. HURD. I see very easily how it does not follow. The advice I would give the Sergeant-at-Arms in such a state of facts, if they were to arise, would be to observe all the provisions of the law which have always prevailed relative to the writ of *habeas corpus*. I should not advise him to do what has been done by Kilbourn, go to another circuit judge of this District and get a writ of *habeas corpus* to have an inquiry made as to the cause of detention, but I would advise him to seek a writ from the Supreme Court of the United States, which has appellate and revisory jurisdiction; which writ the court of this District is bound to respect, and then, if that should be the result, we would have this vexed question settled in as peaceful and quiet a way as possible. In that view a writ of *habeas corpus* properly issued by the Supreme Court of the United States, the person who holds him, Thompson, in custody is bound to return him to the Supreme Court, and it can remit him to bail or remand him from day to day as it pleases.

Mr. GARFIELD. Does my colleague say the Supreme Court can revise a matter of contempt from the court below?

Mr. HURD. I do, and it is the proposition I have been arguing.

Mr. GARFIELD. For contempt of its own authority?

Mr. HURD. It has been the proposition I have been maintaining that if, on the particular subject, the court possesses appellate and revisory jurisdiction and can bring the facts before it in the court below by writ of *certiorari*, in that case it can judge of the contempt as the court did in which the decree of punishment was first entered.

Mr. FRYE. I wish to ask the gentleman a question, so that the full importance of the proposition maintained by the majority may be completely understood. Do I understand the majority or the gentleman to maintain that the House has power to punish for contempt, regardless of the fact whether the question asked was lawful or unlawful?

Mr. HURD. I say upon that point the subject-matter is entirely within the discretion of the House, and that its adjudication is final and conclusive over every other authority, and must remain the adjudication of this House until its action has been reconsidered.

Mr. FRYE. So the committee does assert the House may punish for contempt and may disregard entirely the legality or illegality of the question asked. Now, further, is there any limit as to the time of punishment except as to the life of the House?

Mr. HURD. That is a matter in dispute, sir; it is not settled.

Mr. FRYE. In your opinion, is there any limit to the time of punishment except the life of the House?

Mr. HURD. Although it may not be pertinent to the present inquiry, I am prepared to say, in my judgment, the power to punish, under the suggestion in the case of Anderson *vs.* Dunn, expires with the House.

Mr. FRYE. With the House?

Mr. HURD. Yes, sir.

Mr. FRYE. Allow me to go one step further. If that power inheres in the House of Representatives, does it not also inhere in the Senate of the United States.

Mr. GARFIELD. Which never dies?

Mr. HURD. Unquestionably it does.

Mr. FRYE. Then this result would follow, from the proposition the gentleman is maintaining, that the Senate of the United States may punish a recusant witness for contempt, regardless entirely of the question whether or not the question put to that witness was lawful or unlawful, and may hold that citizen in contempt and in jail during his life.

Mr. HAMILTON, of New Jersey. Cannot any court do the same?

Mr. FRYE. I do not believe any court in Christendom can do it, or any other power.

Mr. HURD. I desire to say in response to the gentleman from Maine——

Mr. GARFIELD. In order to make this clear I have sent to the Clerk's desk to get the resolution now pending, and I wish to ask my colleague a question. I observe in reading the resolution that the word "lawful" seems to be stricken out. I read the first two or three lines in order to point to my colleague the question I desire to ask him. The preamble reads:

> Whereas one Hallet Kilbourn was subpœnaed to testify in a certain investigation ordered by this House before a committee duly authorized to send for persons and papers; and whereas during his examination as a witness the said Hallet Kilbourn refused to answer certain questions *lawfully* propounded to him.

I see the word "lawfully" is marked across. I desire to know from my colleague whether it is intended that the word "lawfully" shall be stricken out of the resolution?

Mr. HURD. It is not in the resolution.

Mr. GARFIELD. Then it is marked out on purpose. Then we are to say that without regard to the lawfulness of the question, leaving that out of the case, assuming even that the question may be unlawful and unconstitutional, we are to proceed with this *per fas aut nefas*. If that is the meaning, if the word "lawful" is stricken out on purpose, it seems to me the House ought to know it.

Mr. HURD. The word "lawful" was stricken out because it was entirely unnecessary and because the gentlemen from Maine, [Mr. FRYE,] if I may be allowed—I will not say what I was going to say. The word "lawful" was stricken out because it was wholly unnecessary, and the whole power and authority of the House in reference to this matter is based on the adjudication of the House, and not on anything preceding the adjudication.

Mr. FRYE. It was stricken out, was it not, on the distinct proposition that it made no difference whether the question was lawful or not?

Mr. HURD. Precisely so.

Mr. FRYE. That is it.

Mr. HURD. And I insist on that proposition, and I say that any gentleman who doubts it is unfamiliar with the authorities; for I know of no case of contempt in which this exact question in some form or other has not been presented. And when the case has been brought into the court which has issued the writ of *habeas corpus*, it has been held that the only question the court can inquire into is the extent and validity and legality of the process. They cannot go behind that to inquire whether the questions were lawful or not.

On this point I will read a passage from Hurd on Habeas Corpus:

> Where the return shows a detainer under legal process, the only proper points for examination are the existence, validity, and present legal force of the process; except where, in commitments for criminal or supposed criminal matters, the court or officer hearing the *habeas corpus* is invested with a revisory or corrective jurisdiction over the court or officer commanding the imprisonment, and with jurisdiction also over the offense or subject-matter of the commitment, in which case the facts constituting the grounds of the commitment may be reviewed.

And I desire to make this further suggestion, which was called to my attention just now by the gentleman from Massachusetts, [Mr. HOAR,] that if the questions which were propounded to this witness, Mr. Kilbourn, are unlawful, the illegality should be determined by the House by a reconsideration of its own action. It is not a question to be left to the courts for determination.

Mr. KELLEY. I desire to ask the gentleman before he resumes his seat a single question as to a matter of fact. He referred to a case in which a witness had been taken from the jurisdiction of the House. What was that case?

Mr. HURD. It is a case to which the gentleman from Iowa [Mr. KASSON] referred in some remarks made on the Irwin case at the last session. In looking over his remarks I saw that he said a witness had been already taken from the custody of the House and had not been heard from again. I repeated it on the basis of that gentleman's authority as I found it in that argument.

Mr. KASSON. The gentleman from Ohio is right in saying that I referred to such a case. But it was not the case of a witness taken from the custody of the House. It was a proceeding with which neither branch of Congress had anything to do. It was a case where a prisoner was produced in court and there was no order to retain him in custody pending the inquiry. The court failed to appoint an officer to have the custody of him and he escaped.

Mr. KELLEY. There was a casual escape?

Mr. KASSON. Yes, sir.

Mr. LYNDE. I wish to present a substitute for the resolution and preamble presented by the majority of the committee, and send it to the desk to be read.

The Clerk read as follows:

> *Resolved*, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Hallet Kilbourn that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of said Kilbourn before said court when making such return as required by law.

Mr. LYNDE. Mr. Speaker, the question presented to the House by the resolution reported by the majority of the committee is whether this House will deny to a citizen of the United States, imprisoned by its order, the right to a hearing before the courts on a writ of *habeas corpus*. If we are to establish this precedent it is of importance that the American people and the American courts should all understand it. There is no precedent of the kind. For more than one hundred and fifty years in England, where the party has been under arrest under the order of the House of Commons or the House of Lords for contempt, writs have frequently issued from the courts and the prisoners have been brought before the courts on those writs, and in not a single instance within the last one hundred and fifty years has Parliament refused to allow the body to be brought before the courts on the writ of *habeas corpus*.

The gentleman who has just taken his seat speaks of authorities in the English Parliament and the precedents in that Parliament where the House of Commons had refused to bring the body into court. The last precedent of that kind was in 1704. Does the gentleman wish to go back more than one hundred and fifty years to establish precedents for this House to follow in guarding the liberties of the citizen? There has been no instance in this country, where a party has been arrested by order of any legislative body and the writ of *habeas corpus* has issued, where the legislature has refused to present the body in court.

Here we stand, then, without a single precedent for the last one hundred and fifty years of any legislative body to sustain the position that is taken by this committee before the House.

Mr. Speaker, we have heard a great deal about the privileges of this House. Ah! we have privileges, but there are privileges far higher and far greater than the privileges of this House. There are privileges which when you strike them down you strike at the very liberties of every citizen in the land; and if we, in the exercise of our privileges, encroach upon the liberties of the people, these privileges will be reviewed and re-adjusted by the return to this House of members who respect the constitutional rights and who will maintain the liberties of the people.

Now, why is it that gentlemen are afraid that the privileges of this House will not be respected by the courts? The point made by the resolution which I have presented as a substitute for the resolution of the committee is that the House shall instruct its Sergeant-at-Arms to make return to the writ of *habeas corpus* that Mr. Kilbourn is held under a judgment of this House for contempt, and present the body in court. That the gentleman from Ohio who has just taken his seat admits to be the usual and proper mode of making return to a writ of *habeas corpus*. Then, when the party is presented to the court, the court will look at the return, and will examine as to whether the party is in custody legally, constitutionally, and properly, under the authority of this House constitutionally exercised. The very moment it decides and determines that this House had jurisdiction over the subject-matter—not the question only but the subject-matter—and that the witness has refused to answer a question put to him in the investigation of that subject-matter, that very moment the court is bound to remit the prisoner again into the custody of the Sergeant-at-Arms and he is returned to his custody.

Now, there is no conflict in the decisions on this question. I will not call the attention of the House to the authorities which the gentleman has cited, but all of the decisions in England and America where they have decided that the very moment that it appears to the court that the legislature had jurisdiction and authority to commit for contempt they would remit the party again to the custody of the Sergeant-at-Arms were all made and sustained after the prisoner was brought into court and within the jurisdiction of the court, and the jurisdiction of the court was obtained through the writ of *habeas corpus*.

Now, what is the object of the *habeas corpus*? It is that the party shall be brought into court and that the person who holds him in custody shall show to the court by what authority he is held.

Now, what court is the proper tribunal to pass upon that question? This House is hardly a model body to pass upon the rights of personal liberty. We do not deliberate upon questions of legal right with that coolness, with that sense of responsibility, with that learning and investigation that the courts possess upon these questions. We have established courts for the very purpose of passing upon the rights of property and the rights of person, and the Constitution has established a judicial department of the Government and vested in it the power to pass upon such questions.

Now gentlemen who take the view represented by the report of the committee seem to be afraid that the courts of the country are going to trench upon the privileges of the House. What right have they to suppose that? We trust these courts with everything; we trust them with the right of property and of life; we authorize them to pass upon the constitutionality of every law which passes Congress and is signed by the President. They pass upon all these questions, and gentlemen do not anticipate that they are going to violate the Constitution, that they are going to prostrate the rights of property; but here in this case because an officer of the House is summoned before one of the same courts and required to show by what authority he holds Mr. Kilbourn in custody, they fear—what? Why are they so sensitive? Does the gentleman from Ohio think that we have no right to hold Mr. Kilbourn? Is he afraid that the jurisdiction of this House over the subject-matter cannot be sustained? He has no reason to do that. To do so is lowering the courts and lowering this House. We have decided that we have authority, that we have jurisdiction over the subject-matter; we have ordered this man to be imprisoned for violation of the authority and privileges of this House, and the gentleman has no right to suppose that the courts of the country will decide differently.

The gentleman who last addressed the House spoke of the difficulties and obstacles thrown in the way of any investigation arising in this House. Mr. Speaker, these difficulties have existed in the past, and the body of the party held in custody has been presented before the courts both in England and in this country; and what difficulty of this kind has been realized? What obstacle has it thrown in the way of legislation? What great purpose has been frustrated by the law as it has been understood and administered by parliaments and by courts? No, Mr. Speaker; I thought when the gentleman said that the construction that has been put upon this law for the last three hundred years should be the construction to govern us that he had laid down a rule of law that would defeat the adoption of the resolution which he had introduced himself.

I have not time, and this House would not tolerate it, to review all

the authorities and all of the cases that have arisen of this kind even during the last fifty years, but I challenge the gentleman, or any other member of this House who shall follow him, to cite a single case within the last one hundred years where a party was under arrest by the order of any legislative body and a court issued a writ of *habeas corpus* to bring that party into court where the legislative body has insisted and stood out and refused to bring him into court.

I recollect that during the last session of Congress, I think it was, a writ of *habeas corpus* was issued by Judge Mac Arthur of this District to bring before the court the body of Mr. Irwin, then in custody for a contempt of this House. This House then thought, as they seem to think now, that in order to preserve the dignity of the House it must do some disloyal act. They passed a resolution in the first place instructing their Sergeant-at-Arms not to produce the body in court. They passed two resolutions before they allowed the body of the prisoner to be taken into court. The court refused to entertain any plea or any return to its writ until the body of the prisoner was brought into court, holding that if an officer could disobey that order of the court, the writ of *habeas corpus*, there was no certainty that any other order made by the court would be regarded; holding further that it was of the very essence of the writ of *habeas corpus* that the body of the prisoner should be presented at the hearing. Maintaining that position, this House, after asserting its dignity by resolutions, came down and authorized the Sergeant-at-Arms to produce the body of Mr. Irwin in court, and then the decision of the court was had. That decision was undoubtedly right, in accordance with the law. It was by one of the judges of the same court as the judge who now has issued this writ. I have no doubt that the decision of this judge will be in accordance with the law. I have not the least particle of doubt that this House will finally obey the writ of *habeas corpus;* that it will go before the court with the body of the prisoner, and that the court will then pass upon this question.

We have had difficulties enough in regard to this denial of the writ of *habeas corpus*. The American people believe that it is a writ too valuable to be trifled with. And I believe that if an amendment was proposed to-day to the Constitution of the United States, confining the power of issuing the writ of *habeas corpus*, as to any persons held in custody under the order of this House, to the Supreme Court of the United States, not one-third of the States of this Union would vote in favor of that amendment. They respect us to some degree; we ought to respect ourselves. We must obey the laws, and the law upon our statute-book upon this subject is perfectly plain. It commands that we shall bring the body into court with the return to the writ.

The gentleman who last spoke says that there have been cases, many cases, where the body has not been required to be produced with the return to the writ. There have been two cases in England where the Parliament refused to pay any attention whatever to the writ. The one was in 1645, the other was in 1704. But from 1704 down to this day there has been no such instance; the body has always been produced with the return to the writ. I therefore do not understand what the gentleman means, excepting those cases where the statute itself expressly provides that it must be shown to the court on the petition that the party is not held in custody by virtue of a judgment for crime, or where the prisoner is too sick to be produced in court, or some other legal impossibility to his being produced with the return to the writ.

We have been referred to the decision of the Supreme Court, delivered by Chief Justice Taney in the case of Ableman *vs.* Booth. We all of us—I believe I may say all of us—have the highest respect and almost reverence for the opinion of that able jurist; but the case then before the Supreme Court of the United States had no similarity to the question before us. This case arises under the laws of the United States, both tribunals in this case being tribunals of the United States Government. That case arose between the courts of the State, who were controlled and guided entirely by State laws, and the courts of the United States, who were bound to be controlled and guided solely by the laws of the United States. As Chief Justice Taney said, it was as if it was a case of a foreign government; it took the whole subject-matter of the case out of the jurisdiction and control in any way of the State courts. Therefore, when that fact came to the knowledge of the court, he held that it was not necessary that the body should be produced. And why? Because it was only by virtue of State laws that the State court was acting when they ordered the body to be brought before it. The writ was issued to an officer of the United States court, to whom the laws of the United States were supreme authority, and which laws he was bound and sworn to obey. He therefore could not surrender the body into the hands of an officer of another government and another jurisdiction entirely. I therefore say that the decision in the case of Ableman *vs.* Booth is no authority whatever here.

If gentlemen will present us with authorities or precedents where any Parliament within the last one hundred and fifty years has refused to bring in the body with the return to the writ, then I will acknowledge the authority as far as it goes. If they should find one, it will be one in a hundred; for all of them, so far as I can find, although they opposed in every instance when the writ of *habeas corpus* was issued to take out of their custody any person arrested by either house of Parliament, or either house of a legislative body, they always opposed and complained, yet they always yielded to the supreme authority of the law.

Now, there is no doubt that the court in this case will claim the right to have this prisoner brought before it with the return of the writ. That will be insisted upon, I have no doubt, as it was last year. If it is so insisted upon, are gentlemen who now advocate the adoption of the resolution reported from the majority of the Committee on the Judiciary prepared to stand by their resolution? Are they prepared to enter into a conflict with the courts of this country, with all the precedents against them, with all the sympathies of the American people against them? No, I do not believe that the members of this House are disposed to establish such a precedent as this; what I believe would be an encroachment upon the constitutional rights of a citizen.

It has been said that this House is alone the judge of its privileges. I presume, if that is good law, that the court in this case will so rule. I presume that when the prisoner is returned to the court and it is shown that the jurisdiction of this House has attached to the subject-matter, the court will say that the House is its own judge of its own privileges, and therefore will return the prisoner.

But on that question as to whether this House is the sole judge of its own privileges; whether this House can arbitrarily investigate, examine witnesses, commit for contempt, or imprison for any violation of the orders of the House; whether we can do that without a possibility of the authority of this House being examined into by a court, is a question upon which I was about to say there was some conflict of opinion. I beg pardon, Mr. Speaker; I think there is no conflict of decision; I think the authorities are all one way of late years. I admit that in the conflict between the House of Commons and the House of Lords, in which the House of Commons refused to deliver up the bodies of five persons who were then under arrest by it, the House of Commons did claim in that controversy with the House of Lords that it was the sole judge of the privileges of the house.

Chief Justice Denman, in 9 Adolphus and Ellis, in the case of Stockdale *vs.* Hansard, in 1839, said:

> The next defense involved in this plea is that the defendant committed the grievance by order of the House of Commons in a case of privilege, and that each house of Parliament is the sole judge of its privilege. This last proposition requires to be first considered, for if the attorney-general was right in contending, as he did more than once in express terms, that the House of Commons by claiming anything as its privilege thereby makes it a matter of privilege, and also that its own decision upon its own claim is binding and conclusive, then plainly this court cannot proceed in any inquiry into the matter and has nothing else to do but declare the claim well founded, because it has been made. This is the form in which I understand a committee of the late House of Commons have asserted the privileges of both houses of Parliament; and we are informed that a large majority of that house adopted the assertion. It is not without the utmost respect and deference that I proceed to examine what has been promulgated by such high authority. Most willingly would I decline to enter upon an inquiry which may lead to my differing from that great and powerful assembly; but, when one of my fellow-subjects presents himself before me in this court demanding justice for an injury, it is not at my option to grant or withhold redress. I am bound to afford it if the law declares him entitled to it. I must, then, ascertain how the law stands. Whatever defense may be made by the wrong-doer, I must examine its validity. The learned counsel for the defendant contends for his legal right to be protected against all consequences acting under an order issued by the House of Commons in conformity with what that house asserts to be its privilege. Can I avoid, then, the question whether the defendant possesses that legal right or not?
>
> Parliament is said to be supreme. I must fully acknowledge its supremacy. It follows, then, as before observed, that neither branch of it is supreme when acting by itself. It is also said that the privilege of each house is the privilege of the whole Parliament. In one sense I agree to this, because whatever embodies the proper action of either embodies those functions which are necessary for the performance of their joint duties. All the essential parts of the machine must be in order before it can work at all. But it by no means follows that the opinion that either House may entertain of the extent of its own privileges is correct or its declaration of them binding. In the course of the argument the privilege of the Commons is said to belong to them for their protection against encroachment by the Lords. The fact of an attempt at encroachment may then be imagined, and we must also suppose that the Commons would resist it. In such a case, the claims set up by the two houses being inconsistent, both cannot be well founded; and an instance would occur of adverse opinions and declarations, while the real privilege, whenever it is asserted, would certainly be the inherent right of Parliament itself.

I will not read further from this decision. In it Lord Denman claims—and he maintains the same view in a subsequent opinion in another case, which will be found in 11 Adolphus and Ellis—that the court even has a right to inquire into the privileges of the house of Parliament. If by that is meant that the court has a right to determine whether the Parliament had jurisdiction over the subject-matter, it is sustained by numerous authorities in this country as well as in England. I think there is one case in the State of Wisconsin——

Mr. HILL. I would like to ask the gentleman whether the case to which he has referred was one arising on *habeas corpus?*

Mr. LYNDE. I think that was not on *habeas corpus*. I will ask indulgence while I refer to a case in 7 Wisconsin Reports, page 528. This was a case of *habeas corpus*, where the party was arrested for refusing to answer questions or refusing to appear, one or both; and the court in deciding it said:

> The counsel who opened the argument for petitioner seemed to anticipate that some question might be made as to the right and power of this court to inquire into the authority of the body instituting the proceedings in the progress of which the commitment was made, and determine whether that body had or had not exceeded its jurisdiction in the premises; but I did not understand that this power of the court was seriously questioned by the counsel for the respondent. At all events I do not think that the contrary doctrine could be successfully maintained. Upon principle it would seem clear that when this court issued the writ of *habeas corpus* to inquire into the cause of the imprisonment of a citizen of a State, it must from necessity have the right further to inquire into the matter and determine whether the committing body, the magistrate, had jurisdiction or not. Otherwise the issuing of the writ would be an idle ceremony and really to no purpose. But this question has been settled, as well by the authorities as by the express provisions of the statute.

Assuming then without further argument the proposition that this court has the power to inquire into the authority of the Legislature to enter upon the investigation of the matters named in the joint resolution we are next to determine whether the subject-matter of this resolution was a proper subject for the investigation of the Legislature, and, if so, whether the investigation could be made in the manner contemplated by the resolution; for it would seem to follow as a necessary consequence that, if the Legislature could enter upon the investigation at all in the matter proposed, in order to make such investigation effectual there must be some way of compelling the attendance of witnesses before the committee and to give evidence.

In that case, after investigating the question and deciding that the Legislature had authority and had jurisdiction over the subject-matter, the court passed upon the case and delivered the prisoner back to the custody of the sergeant-at-arms, he having violated the privileges of the House by refusing to answer the questions.

I would also, without reading it to the House, refer to the case of Burnham *vs.* Morrissey, in 14 Gray, page 240, where the court held it had power to inquire into the lawfulness of imprisonment by order of the house of representatives of Massachusetts. The opinion was delivered by Judge Hoar, and I am very sorry that my colleague on the committee [Mr. HOAR] is not of the same opinion as the judge.

Mr. HOAR. The gentleman, in making this personal allusion, should say that the author of that opinion expressed on the floor of this House at its last session precisely the views which I now maintain.

Mr. LYNDE. The views expressed by the judge on this floor I am not familiar with. I leave that to be discussed by those who heard him. It shows how a judge upon the bench will decide a case, and then, when he comes to be a politician on the floor of this House, may decide the same case in another way. [Laughter.]

Mr. HOAR. Possibly it shows that there is no conflict between that opinion (which the gentleman says he will not read) and the present resolution.

Mr. LYNDE. If I have any time left, I yield it to the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER *pro tempore*. The gentleman has twenty minutes remaining.

Mr. KASSON. Mr. Speaker, I hope in the short time remaining I shall be able to state the issues to the House as I understand them.

Sir, I hope the time will be long delayed when an American citizen whose property or whose liberty is involved finds his final court of jurisdiction in the American House of Representatives. The proposition made here by the majority of the committee is that, in a given case, one of our citizens shall have no review by a court of this country, no appeal to any other jurisdiction, no possible reconsideration of the judgment of the House of Representatives. Is that within the meaning of the American Constitution when it declares the writ of *habeas corpus* shall never be suspended except in time of rebellion or invasion? Is this a body so composed as to determine upon rights of personal liberty in an individual case or upon rights of personal property in an individual case? Can this House determine whether there is due from Jay Cooke & Co. to the United States the sum of $10,000 or $100,000 and, if they have all the testimony in the world upon it, to give a judgment and make execution of it? Can this House award judgment for one dollar of money when it involves the rights of a citizen? Yet it is contended here it shall make, beyond all appeal, beyond all reconsideration, decision of a citizen's right to his liberty.

I deny the existence of the right in the House of Representatives to take any citizen under any circumstances in the broad domain of the United States and say to him, first, "We deprive you of your liberty," and, secondly, in addition to that, "You shall not have the decision of any court of the country as to whether you are entitled to liberty or are bound to slavery."

Point me to an instance in the record of this country where this House hitherto, or the Senate, its co-ordinate branch, has denied the review of the courts—not the review, but the decision of the courts—upon a question of personal liberty or personal right.

I affirm that you are now proposing to do it distinctly and pointedly, and you will have to do it by the yeas and nays. You must now decide whether you will establish this precedent for the first time; whether a citizen, whom you choose to summon as a witness to appear under your unquestioned power to take testimony, shall be denied the great writ to obtain which nations have fought, and any number of lives have been lost, to give it security among the institutions of the race to which we belong. It is incorporated even in the imperfect constitutional rights of Great Britain, in the Magna Charta, and no tribunal, I venture to say, within one hundred years has ever dared to deny the right of an English or American citizen to the privileges of that writ in time of tranquillity.

Gentlemen said the other day that in the last Congress I among others had proposed to deny it. It is not correct. In the case most elaborately argued and considered of any perhaps ever before this House of Representatives—I refer to the case of Irwin—there, in the first day's discussion, you will see in the debate in the CONGRESSIONAL RECORD my argument asserting the duty of this House to authorize its Sergeant-at-Arms to produce to the court the body of the witness when he made his return. I beg, as it states the position of my argument here, to ask that the following extract which I have marked may be read by the Clerk in the hearing of the House. There I state distinctly that under this statute we cannot avoid the production of the body of the prisoner when the return is made by our officer, and I gave the reasons succinctly for that position.

The Clerk read as follows:

The statute regulates proceedings of *habeas corpus* without eliminating from its provisions either House of Congress. The writ may issue, it is provided in section 733 of the Revised Statutes, where the prisoner is in jail—

"Where he is in custody under or by color of the authority of the United States."

We assume that this witness is in custody of the Sergeant-at-Arms "under or by color of the authority of the United States." If that be admitted, then we ascertain what the next step is under the statute. Section 755 reads:

"The court or justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto."

Who is to judge whether under that application the writ should be awarded? It seems to me that the court must judge whether the application is sufficient for awarding the writ. And if that be also conceded, then the judge may issue the writ when the witness is in custody under authority or by color of the authority of the United States. And if it be further conceded that the order of the House of Representatives is of that color and the writ issues, then what is to be done? The next section provides that—

"The person to whom the writ is directed shall certify to the court or justice or judge before whom it is returnable the true cause of the detention of such party."

There, then, is a duty prescribed to the Sergeant-at-Arms when the writ shall have been issued in accordance with the preceding section. Now, what is the next step? Section 758 says:

"The person making the return shall at the same time bring the body of the party before the judge who granted the writ."

There you will observe that the statute of the United States says that if the return is made it shall be accompanied at the same time by the body of the witness. Now, if the judge is satisfied upon the facts that he ought to issue the writ, we cannot, I submit, make an issue with the judge except upon the ground that the judge has not the case properly before him. If these assumptions are correct, then in point of fact the return in this case was made to the court sworn to by the Sergeant-at-Arms, but the court declined to receive it because the body of the witness did not accompany the return. In that situation gentlemen will not fail to observe that the right of this body to punish for contempt is not involved. We are not advised that anybody disputes it or disputes the right of the House to hold this witness in custody. I submit that the only question before the House is, Have we the right under the provision of the Revised Statutes of the United States which I have read to prevent our Sergeant-at-Arms, by our order, from obeying the order of the court under the writ which the judge has issued?

Mr. G. F. HOAR. Has the gentleman considered the question whether any statute can control the power of the House in this matter?

Mr. KASSON. I have considered that question, and I apprehend that the mode in which the power of this House may be exercised is subject to regulation by statute under the Constitution of the United States.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. ELDREDGE. The question I desire to ask is by way of suggestion. I understood the gentleman to have put a question to the House as to whether the power of this House can or ought to be resisted by the Sergeant-at-Arms.

Mr. KASSON. No; whether the power of the court ought to be resisted.

Mr. ELDREDGE. Does not the question go to this extent: whether one House of Congress can set itself up and is in fact above the law and above the action of the whole Congress and the Executive of this Government? Is it not a question, in fact, whether the House can resist the law of the land?

Mr. KASSON. I have only stated the question as simply as possible, because I regard it as one arising directly under this statute which has been quoted; and, so far as my own opinion is worth anything, I cannot but think that the statute intends in all cases arising upon arrests made under authority of the United States, or under color of the authority of the United States, to submit the question in the first instance to the judge whether the writ should issue; then, the writ having issued, the statute is specific that the body must accompany the return; and there is the point we are now discussing.

Mr. KASSON. On the next day, in continuance of the debate, I ask the Clerk to read what then occurred.

The Clerk read as follows:

Mr. KASSON. Mr. Speaker, before sending up the resolution or it is read, in order it may be more readily understood, I wish to say that owing to the language of the statute, which seems imperative, in the opinion of the judge, that at the time of making the return the body should be produced, it has been thought expedient we should provide for the facts upon our record to be presented respectfully to the judge in person, under the advice of his counsel, when it is believed by the counsel and by the members of the committee who have considered the subject, the judge will then have before him the record of this tribunal, which meets any question of doubt which may arise on the allegations of the petition, while at the same time, not being a formal technical return, it does not raise the question of the production of the body. The object of these orders, therefore, is twofold: first, to make the duty of the Sergeant-at-Arms specific; and, secondly, to treat with all proper respect the judge who has the question before him by having these facts presented to him. I wish to answer it upon careful consideration, and with the approval of his counsel, who I believe are well known to the members of this House as competent to give a sound opinion.

Mr. DAWES. Now let the resolution be read.

The Clerk read as follows:

"In the matter of the proceedings against the Sergeant-at-Arms of this House for the production of the body of Richard B. Irwin, held in his custody for contempt of the House of Representatives.

"*Ordered*, That the Sergeant-at-Arms, with the aid of counsel, make known to the judge issuing the writ of *habeas corpus* requiring the body of Richard B. Irwin to be brought before the said judge, that he, the said Sergeant-at-Arms, has said Irwin in his custody pursuant to an order of this House upon its judgment that the said Irwin was in contempt of the House of Representatives, and for no other reason. That the House of Representatives requires of him to retain the body of said Irwin in his custody until the said Irwin shall offer to purge himself of said contempt, as provided by the order of this House, and that he respectfully inform the judge that, as an officer of this House, he cannot disobey the orders thereof in this respect by releasing in any way or transferring said Irwin from his custody; and further

"*Ordered*, That he exhibit to the said judge a copy of the order of this House, duly certified by the clerk, adjudging the said Irwin in contempt, and the warrant of the Speaker in execution thereof, together with a copy of this order."

Mr. KASSON. It is proper I should add that there is a clause in the petition falsely asserting the witness is held to await further proceedings under the statute of 1867, which requires the intervention of a court and grand jury. We understand the point which is made upon the mind of the judge. Hence the language here which we think both the Sergeant-at-Arms and the judge are entitled to have in due form that it was for contempt, and for no other reason. I believe that is all I have to say.

Mr. KASSON. Then we have a proceeding regulated by statute, and as that debate will show, the gentleman from Massachusetts [Mr. HOAR] in front of me asked if I had considered a certain question as to

the power of a statute to control the rights of this House in respect to a recusant witness. I answered that I had, and that in my judgment the American Congress, of which this House is a part, had a right to regulate the mode in which the writ of *habeas corpus* should be executed in respect to a person under the jurisdiction of this House. I maintain that right to-day, and affirm that Congress, including the House and all the legislative elements of the Government, has passed a statute stating what should be done in the case of a writ of *habeas corpus*, covering even their own witnesses, namely, not that we should have no right over the witness, but that we shall direct our Sergeant-at-Arms to take with him the witness before the court, and tell the court in the presence of the witness that he is held, and in what way he is held, by the House of Representatives. And then the court, finding that fact, that he is lawfully held by this House, will remand him to the custody of our officer.

The debate which has run upon this subject has gone outside of the question at issue. I say now, as I said the other day, there is no question made by us as to our right to hold a witness over whom we have jurisdiction, and who is in contempt. The question is, have we a right in the face of a statute of the United States to say that such a witness shall not be produced in accordance with the statute, and be presented face to face before the court, brought by our officer under this writ to the judge, that the judge may take cognizance of the fact that we do hold him because he is in contempt of this House?

That is the whole question. It is claimed by the majority of the committee that we shall not allow our officer to take this witness before a high court of justice to tell the court, with the body of the witness there produced, how and why we hold him. And, sir, this very court, the supreme court of this District, than which there is no higher tribunal except the Supreme Court of the United States—gentlemen talk about "police courts;" it is the highest tribunal save one—this court says it cannot decide anything without the production of the body of the witness. He may need to traverse the return itself. And in the last Congress, as soon as under our order the witness was produced, the court found he was held by the House of Representatives lawfully, and must be remanded or the writ dismissed. Let your witness to-day go before this same court, and let it appear that he is lawfully held by the House of Representatives, and the judge tells your Sergeant-at-Arms: "We cannot interfere with this witness; take him back."

Are you going to stand quibbling upon a point like this in the face of your own precedent in the last Congress, established by a vote of 107 against 64, when nearly every voting democrat in the House voted in favor of Mr. Beck's resolution? That resolution is, with the name changed, verbatim that offered now by the gentleman from Wisconsin [Mr. LYNDE] as a substitute. The chairman of the Real-Estate Pool Committee, the gentleman from Missouri, [Mr. GLOVER,] if I read the record right, voted for it. The majority of the Missouri delegation which voted, if I read the record right, voted for it. The majority of the Ohio delegation voting, if I read the record right, voted for it. And nearly every man who voted against it was I believe on this side of the House and voted against it owing to the fact that it went so far as to make no provision as to the custody of the prisoner pending the proceedings in the court. The yeas on that vote were as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Banning, Barrere, Beck, Bell, Berry, Blount, Bowen, Bright, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, John B. Clark, jr., Clements, Stephen A. Cobb, Cook, Corwin, Crittenden, Crossland, Crounse, Davis, Dunnell, Durham, Eames, Eldredge, Field, Giddings, Glover, Gooch, Gunter, Hagans, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Houghton, Hubbell, Hunton, Kasson, Kellogg, Knapp, Lamar, Lamison, Leach, Lofland, Lowe, Luttrell, Magee, Alexander S. McDill, McKee, McNulta, Milliken, Mills, Myers, Neal, Negley, Niblack, Orth, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Rainey, Ransier, Ray, Robbins, Rusk, Sawyer, Henry B. Sayler, Schell, Shanks, Sheats, H. Boardman Smith, Snyder, Southard, Standiford, Stone, Strait, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Vance, Waddell, Jasper D. Ward, Whitehead, Whitthorne, George Willard, William Williams, William B. Williams, and Willie—107.

Sir, the question is too important for us to pass in haste, as we have done heretofore. As I have said before, this body, as we all know, is not so deliberative and so judicial that on a question of personal rights of a citizen we should deny the privilege of the courts of our country to anybody whose liberty we have under our restraint. Under our constitutional system the citizen looks to the courts for his liberty. Is there an unconstitutional law passed affecting the citizens of the South or the North, is it to this House that you have looked to nullify it? Look at the records of your Supreme Court declaring even our laws unconstitutional and void, and having the right to do it, in the protection of personal rights as well as State rights. It is to the courts we have all appealed as a last resort.

Sir, in England, where they have no written constitution and Parliament is supreme, the courts can declare no law void. And now, with such powers as our courts exercise here, with such powers as they have for protecting the rights of the citizen, designated as they are the constitutional organs for taking care of the rights of the citizen, we, the Representatives of the people, are called upon here to deny that this citizen now in our hands shall have the right to be brought by our officer into the presence of the judge, that the judge may find the one fact that he is held by the House of Representatives pursuant to a lawful proceeding (if it be such) for a contempt of this body.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. CANNON, of Illinois. Suppose the minority resolution is adopted and the Sergeant-at-Arms takes the body of the prisoner in court and makes known the cause of his detention and the authority by which he is detained, and suppose the court decides to discharge the prisoner, what then under the resolution would be the duty of the Sergeant-at-Arms?

Mr. KASSON. The precedent established in the case of the House by this identical supreme court of the District of Columbia shows that as soon as that court finds upon the return of the writ accompanied by the body, without which he cannot examine the return, that the witness is held by lawful authority of the House, the proceedings are at once dismissed. We had in the last session some of the ablest counsel perhaps to be found in the District—Mr. Shellabarger, of Ohio, and Mr. Fisher—and what they claimed was that the proceedings on the production of the body should be dismissed; that is in their final argument. We did entertain the doubt whether we ought not to say that pending the proceedings the witness ought to be held in the custody of our officer.

But it was urged, I think by the gentleman from Massachusetts [Mr. HOAR] and some others, that it was disrespectful to the court, because when the witness came before the court, his body being produced, we could not deny to the court the practical jurisdiction over the body; and it was for that reason that the House adopted, by an immense majority, Mr. Beck's resolution which simply directed the Sergeant-at-Arms to take the body with him in answering the writ and said nothing about the custody. In point of fact, the custody never was taken from the Sergeant-at-Arms; and, upon the return to the writ being made to the court by the Sergeant-at-Arms with the body of the witness, the court determined that the proceeding under the writ must be dismissed. That is all that is contended for now, that the Sergeant-at-Arms when he makes his return shall take with him the body of the witness, because the statute says that must be done in every case, and the gentleman from Wisconsin [Mr. LYNDE] has shown you that even in England for the last one hundred and fifty years, under the thirty-second of the statutes of Charles II, there has never been a case in which the party has not been produced with return to the writ, so that he may say to the court what he has to say touching the truth of the return. That is the whole principle involved—the right of the citizen to be confronted with the court and with his jailer, to correct errors if any there be where his personal liberty is involved; and until a return is made with the body of the witness accompanying it there is no complete issue upon which the court will act, when the great writ of *habeas corpus* is in force.

I submit, sir, that there is no justification for us if we deny the right of the court to pass upon the question involved in this case in the presence of the prisoner. It would be in the face of the action which has been previously taken in similar cases under identically the same circumstances and a violation of the statute, and without justification in view of the fact of the result of that action in the case of Irwin. In referring to the record in that case I find that the yeas and nays were not called upon the first resolution of the House; and, as I have already stated, in a House then largely republican—indeed nearly two-thirds so—the yeas in favor of Mr. Beck's resolution were 107 to 64 nays; and that resolution was exactly that which we are called to vote upon now as the substitute offered by the gentleman from Wisconsin, [Mr. LYNDE,] who is a member of the Committee on the Judiciary.

I believe, Mr. Speaker, I have now stated the case as I look at it and as I have always looked at it. I believe that it is the duty of an officer of this House, as it is the duty of any citizen of the country, to comply with the statute in relation to this proceeding of *habeas corpus* by the production of the body of this witness before the court in connection with his return to the writ; and then, if the return is true, affirming our lawful custody, the judge has nothing to do but that which was done in former cases: remand the witness to the custody of our officer to await the further order of the House.

Mr. JENKS. I desire to offer the following amendment to the resolution reported by the majority of the Committee on the Judiciary:

After the word "Kilbourn," where it last occurs in the resolution, insert the following words:

And the irregularity of issuing the writ without a previous order *nisi*, or rule to show cause.

Mr. LAWRENCE. If the House were now called upon for the first time to decide whether Hallet Kilbourn is guilty of refusing to answer a proper question or of refusing to produce books which the House has a right to demand, I might hesitate as to the decision the House should make. If the question before us were now whether this House should, *by its own act*, reverse the order of imprisonment already made, I would deliberate long and gravely before I would decide that it should not be done.

But these are not now the questions before us. The question now to be decided is whether the sentence pronounced and the decision already made by the House can be re-examined and annulled by the judge of a civil court. If this be so, it must be confessed that every investigation ordered by the House is at the mercy of a single judge who may be wise or otherwise, who may be learned or unlearned, and who as well as the House may err in the judgment he shall render.

In this particular case I know the learning, the undoubted ability and integrity of the distinguished judge who issued the writ for Kilbourn. I do not doubt but he will decide correctly as to the custody of the witness. But this is not the question now we are to decide. If the House now shall surrender to an alien jurisdiction, organized for other purposes, its power to investigate and expose and legislate against corruption and fraud, and thus imperil every interest of the people, they may well start the inquiry whether we have not grievously erred to their prejudice.

In support of the resolution reported by the committee, I will endeavor to demonstrate the four following propositions:

I. The House has power to institute investigations by committees and to summon and examine witnesses.

II. As an *incident* of this power, the House has authority to judge of contempts on the part of witnesses in refusing to testify, and to punish the same by imprisonment.

III. The judgment of the House is final and conclusive—

1. As to its jurisdiction; and

2. As to the right mode and expediency of exercising it by sentence of imprisonment.

It follows from and as a consequence of this that no judicial court can inquire upon *habeas corpus* into the jurisdiction of the House to imprison during the existence of the Congress.

It is a sufficient answer to a writ of *habeas corpus* that the prisoner is held by the Sergeant-at-Arms, and he is not required to produce the body.

IV. This rule has not been changed by any statute.

1. *The House has power to institute investigations by committees and to summon and examine witnesses on oath.*

That this power exists will scarcely be denied.

It has always been exercised by each house of Parliament in Great Britain by virtue of the *lex parliamentaria.*

Two eminent authorities refer the power to this source in these words:

As every court of justice hath laws and customs for its direction, some the civil and canon, some the common law, others their own peculiar laws and customs, so *the high court of Parliament hath also its own peculiar law, called the lex et consuetudo parliamenti.* (4 Institutes, 15; 1 Blackstone's Commentaries, page 163.)

How is this law proved?

Blackstone says:

The only method of proving that this or that maxim is a rule of the common law is by showing that it hath always been the custom to observe it; and it is laid down as a general rule that the decisions of courts of justice are the *evidence* of what is common law.

May, in his Parliamentary Practice, says:

The same rule is strictly applicable to matters of privilege, and to the expounding of the unwritten law of Parliament.

Taking, then, the practice of each house of Parliament as evidence of what its powers are under this law, there can be no doubt of the power to summon and examine witnesses; for, in the language of Blackstone, "it hath always been the custom."

What is the character of this power? It is not *judicial;* for the Commons alone cannot exercise any judicial power. Parliament may, in which it differs from Congress; and the House of Lords may as an appellate court, but the Commons cannot; and in this respect this House is like the Commons.

What, then, is the source of the power? It is an *incident* of the *legislative authority* of the Commons. It grows out of the rule alike of the common and parliamentary law, that where a power is given, this *ex necessitate* carries with it all the other incidental powers "necessary and proper" to make it effectual.

How far does the power extend?

2. *It extends so far as to punish by censure or commitment witnesses who refuse to testify or to produce papers under their control.* The *evidence* that this power exists as a part of the *lex parliamentari* is the fact that it has always been exercised. "The right to commit for contempt," says May, is "universally acknowledged to belong to both houses." (Parliamentary Practice, page 63.)

These two powers of examining witnesses and of punishing for contempt belong to this House as fully as to the Commons of England. Since these are not *judicial* powers, they are open to no objection on that ground. There is, indeed, no specific declaration by enumeration in the Constitution that this House may exercise any such power, but it is nevertheless conferred by the Constitution.

It declares that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

And again:

The Congress shall have power—
To exercise exclusive legislation, in all cases whatsoever, over the District of Columbia.

Now, although the British constitution is not written in the same sense as ours, and in full, yet the power of Parliament is derivative, and it is conferred by unwritten law, if not in the same terms, yet the same in effect as those which confer exclusive legislative power on Congress over the District of Columbia.

The legislative power then given to Parliament by words like those of our Constitution is in England construed to cover the two powers I have mentioned—to examine witnesses and to imprison for refusal to testify.

When the same power was given in practically the same words in our Constitution, they must be construed here as they were in England when our Constitution was adopted.

It is a rule in construing constitutions and statutes that where words are copied from a prior constitution or statute they carry with them the same construction given to the original. (Sedgwick on Statutes, &c.)

But this is not all. It is well settled that we imported from England not only the municipal common law, but the *lex et consuetudo parliamenti* also.

May, in his work on Parliamentary Practice, page 67, says:

So essential to the functions of a legislature is the right to judge of contempts of its authority, and to punish them, that in the United States, where the Constitution is silent upon this subject, it has been repeatedly exercised not only by the House of Representatives but also by local Legislatures, and has been upheld by the Supreme Court on the ground of inherent right and necessity. (1 Story on Constitution, § 846; Cooley on Constitutional Limitations, page 134; McCrary's American Law of Elections, § 524; Anderson *vs.* Dunn, 6 Wheaton, page 204; Jefferson's Manual, § 3; 5 Dow; Parliamentary Reports, page 165; Burdett *vs.* Abbott, 14 East, page 1; Burdett *vs.* Coleman, 14 East, page 163; 4 Blackstone's Commentaries, page 283; Comyn's Digest, Title Parliament, G.)

The existence of this right is proved by its continuous exercise since the foundation of the Government.

3. A judicial court has no power on *habeas corpus* to revise sentence of commitment made by the House either for want of jurisdiction or an erroneous exercise of authority.

This must be so—

1. On reasons of *public policy;*

2. From the nature and structure of our Government; and

3. It is so on authority.

And, *first,* as to the law founded on reasons of public policy. All law is, or is intended to be, based on reason. Rules of law are established because the public good requires them.

Cushing in his Law and Practice of Legislative Assemblies, page 369, says:

One of the modes by which a legislative assembly obtains a knowledge of facts, upon which its orders, resolutions, or acts are founded, is by examination of witnesses.

Now let us see the importance of giving the House the means of obtaining information and the danger of permitting it be interfered with. Congress legislates for forty millions of people. It decides on war and peace. Its legislation affects life, liberty, property, sometimes it may the peace of the world. Let it be supposed the emissaries of a foreign government are among us conspiring to precipitate us into a war with a foreign power. Let us suppose our own citizens are entering into the conspiracy. It is important for the House to know if this is the fact, that it may make laws which the President can execute to protect our Government, our homes, the lives and property of our citizens. Immediate information and action are necessary. A witness is summoned before a committee and while giving his testimony he applies for a *habeas corpus.* Can a court inquire whether the subject of his testimony is one as to which the House has a right to inquire?

Can legislation be arrested to await the pleasure of some judge in deciding on a *habeas corpus?* If it can in an unimportant case it may in one involving the highest interests. The danger of permitting any such inquiry is manifest and so great that its perils cannot be doubted.

The power to examine witnesses before committees is so transcendently important that it goes far beyond the power of the courts. In the courts a witness cannot be compelled to give evidence that may criminate himself, and he is made the judge to decide if it will. But before a committee of Congress he has no such exemption.

Cushing says:

A witness cannot excuse himself from answering on the ground that he may thereby subject himself to a civil action or expose himself to a criminal prosecution. (Cushing, page 369, § 983.)

This is the rule of parliamentary law. The act of Congress of January 24, 1862, as carried into the Revised Statutes, section 103, affirms this doctrine by saying no witness shall be excused from testifying—

Upon the ground that his testimony or his production of such paper may tend to disgrace him or otherwise render him infamous.

Because of this the practice of Parliament is to pass acts "to indemnify witnesses from all the penal consequences of their testimony." (May, page 389; Election Compromises, 1842, act 5 and 6 Victoria, chapter 31; Sudbury Disfranchisement, 1843, 6 and 7 Victoria, chapter 11; Gaming Transactions, 1844, 7 and 8 Victoria, chapter 7.) And Congress has protected witnesses by a general law. (Revised Statutes, § 859; act January 24, 1862, 12 Statutes, page 333; act January 24, 1857, 11 Statutes, page 156.)

Before a committee of Congress even counsel can be compelled to disclose confidential communications of clients.

Here the maxim applies: *Salus populi suprema lex.*

But it may be said this power of the House is liable to abuse, and there should be some protection for the rights of a citizen. The power *is* liable to abuse. So is all power. If the courts were all infallible, and if Congress could afford the delay of appealing to them, the objection would have great weight. But if such a power existed in the courts, it would also be liable to abuse. The courts could then abuse their powers to the great detriment of the public interests. In time of war and other great emergencies and in the closing hours of a Con-

gress such a power in the courts will be liable to great danger of abuse. It is much more likely that injury would result to all the people from tolerating judicial supervision over the exercise of legislative powers than that individuals would suffer from any wrong imprisonment by the House. No great hardship can result, because the witness will always have it in his power to relieve himself by testifying. And this can rarely ever result in any great evil, while really great evils may result if a judicial court could put an end to investigations by the House.

"Investigating committees" are among the approved and useful agencies for exposing frauds, for providing the means of legislating against them, and for ascertaining what officers deserve impeachment. If we shall now say that all these useful agencies may be arrested by a single judge we must assume that he combines in himself a wisdom that cannot err, a purity that cannot be bribed or corrupted, while a majority of two hundred and ninety-two members of this House is a less safe repository of human rights and public interests than one single judge. If that be so it is high time the House was disbanded and abolished. This danger of the abuse of power by the House was adverted to in Kearney's case, 7 Wheaton, 41.

In reply to it Judge Story said:

The argument of inconvenience has been pressed upon us with great earnestness. But where the law is clear this argument can be of no avail; and it will probably be found that there are also serious inconveniences on the other side. Wherever power is lodged it may be abused. But this forms no valid objection against its exercise. Confidence must be reposed somewhere.

Then, again, from the very nature and structure of our Government the judicial courts cannot interfere. The first difficulty the courts encounter is that they are not organized to administer parliamentary law. The courts are clothed with power to administer the common law, the equity law, the statute law, but not the *lex et consuetudo parliamentari*. They cannot administer the unwritten law, which is administered by Congress. The judicial power is one thing, legislative power is another. Judicial law is one kind of law, but parliamentary law is a different law. Courts administer one, but Congress alone can administer the other

The *next* difficulty which the courts encounter grows out of the necessity of preserving the independence and powers of co-ordinate branches of the Government. Neither House of Congress nor both combined can review or reverse the sentence or judgment of a court, however much it may err or abuse its powers. Its judgment is final and there is no relief. The reason is that the sentence is an exercise of judicial power and Congress cannot exercise judicial power.

But the sentence of this House is a legitimate exercise of its legislative power made by virtue of the unwritten law it administers.

The power that made it can unmake it; legislative power can unmake what legislative power has made. But a judicial court cannot review or reverse a legislative sentence, because a court cannot exercise legislative power. If the sentence cannot be reversed it is in force and binding, and a court cannot take the *person* who is sentenced out of the power of the sentence, for that would accomplish by indirection what could not be done directly.

The office of the writ of *habeas corpus* is not to review or reverse a sentence. It has been solemnly decided that it cannot be used to release from imprisonment under a sentence for a longer period than the law authorizes. (Shaw *ex parte*, 7 Ohio State, page 81; 6 Vermont, page 509; 1 Barber's Supreme Court, page 340; *Ex parte* Wagener, 1 Disney, Ohio, page 10.

This necessity of preserving intact the powers and independence of co-ordinate branches of our general system is well understood.

The Supreme Court has decided that a State cannot tax the agencies by which the National Government is carried on; for if so, these agencies might be impaired, if not destroyed. (McCulloch *vs.* Maryland; Bank of Commerce *vs.* New York, 2 Black, page 628; Bank-tax case, 2 Wallace, page 200; Bank *vs.* Mayor of New York, 7 Wallace, page 16; Bank *vs.* Supervisors, 7 Wallace, page 26; Bank of Louisville *vs.* Kentucky, 9 Wallace, page 353; Van Allen *vs.* Assessors.)

The Supreme Court has determined that Congress cannot tax the salary of a State officer or the process of its courts, because, if so, the agencies by which the State is carried on might be seriously impaired. These decisions do not arise upon any express provision of the Constitution, but they arise from the nature and structure of the Government and the necessity of preserving intact the powers of each as co-ordinate parts of the system.

This doctrine is carried so far that the Supreme Court has decided that if a marshal holds the custody of a citizen by process issuing under the national authority he is not bound to produce the body in answer to a writ of *habeas corpus* issued under the authority of a State, but it is a sufficient return to say he is held by virtue of process under the national authority. (Ableman *vs.* Booth, 21 Howard, 503; 9 Congressional Record, 725, January 25, 1875.)

This is an answer to all that may be said in favor of the proposition that the court cannot hear the application without the production of the body.

It is not necessary to produce the body to determine the question of jurisdiction to interfere with the authority of the House. All the books and cases say that if a person lawfully imprisoned on a sentence for crime shows this in his petition the court will refuse to issue the writ.

The same necessity exists for preserving intact the powers and independence of each House of Congress as against interference by the courts, as to preserve independence between the courts of the nation and a State.

This necessity has been admitted as between the courts themselves. Courts of co-ordinate powers cannot interfere with each other in dealing with the custody of persons.

It is only when one court has a revisory power over another that it can so interfere. (*Ex parte* Kearney, 7 Wheaton, 38; Hurd on Habeas Corpus, 254.)

The independence of the House is so perfect, its jurisdiction so far beyond the courts, that a judicial court cannot summon a member as a witness. He is privileged because his presence to vote is so important, his absence might be so ruinous to great public inetrests, that he cannot be called away for mere private interests. His absence might destroy a quorum; it might change the result on measures affecting war and peace. The privilege is not that of a member to waive, and his testimony in court can only be procured by leave of the House. (Cushing, § 598; 1 Hatsel, 112, 118, 171, 173; D'Ewes, 637; 1 Dwarris, 103, 105; Jefferson's Manual, § 3; Journal of House, Fourteenth Congress, first session, 605; Journal of Senate, Fourth Congress, 259, and other instances cited in Cushing, page 242, § 599, note.)

Jefferson, in his Manual, says the reason is that—

A member has superior duties to perform in another place.

It follows from all this and from the nature and structure of the National Government that a judicial court cannot revise or interfere with the execution of a sentence made in pursuance of parliamentary law.

And this is so on authority. The power of the House to imprison for contempt has been sustained by the Supreme Court of the United States. (McCrary's American Law of Elections, § 524; Anderson *vs.* Dunn, 6 Wheaton, page 204.)

May, in his Parliamentary Practice, says:

In 1675 the House of Commons directed the lieutenant of the Tower to make no returns to any writ of *habeas corpus* relating to persons imprisoned by its order; and in 1704 similar directions were given to the sergeant-at-arms.

He adds that "it has since been the invariable practice for the sergeant-at-arms and others, *by order of the house*, to make returns to writs of *habeas corpus*."

Mark the words "*by order of the house.*" This implies that the house is under no legal obligation to submit its rights and privileges to the judgment of a court.

But even if the *habeas corpus* act of England extends to persons imprisoned by order of Parliament, it does not follow that our *habeas corpus* act does or can extend to such persons.

This question becomes very important in view of the fact that it has been decided that if the body is produced, "it is entirely under the control and direction of the court." (Barth *vs.* Close, 12 Wallace, page 400.)

In *ex parte* Kearney, 7 Wheaton, 44, Mr. Justice Story considered the question now made.

He adopted the words of Chief Justice De Grey, in 3 Wilson, 188.

When the House of Commons adjudged anything to be a contempt or a breach of privilege, their adjudication is a conviction, and their commitment in consequence is execution; and no court can discharge on bail a person that is in execution by the judgment of any other court. The House of Commons therefore having an authority to commit, and that commitment being an execution, what can this court do? It can *do nothing*, when a person is in execution by the judgment of a court having a competent jurisdiction.

Blackstone says:

Infinite confusion and disorder would follow if courts could by writs of *habeas corpus* examine and determine the contempts of others.

To the same effect is Williamson's case, 26 Pennsylvania State; Shaftesbury's case, 6 Howell's State Trials, 1296; and several cases cited by May, in his Parliamentary Practice, 77, 78. The case in 14 Gray, 226, was under a constitution which *enumerated* and *limited* the cases of imprisonment for contempt.

No question arises here as to the right of the House to compel the witness Kilbourn to testify on a subject of legislation which is excluded from or not given to Congress by the Constitution. He is a witness in relation to subject-matters pertaining to the District of Columbia, over which Congress has "exclusive" legislative power "in all cases whatsoever."

If this House were seeking confessedly to examine a witness on a question looking to legislation on a subject not confided to Congress by the Constitution, that would raise a different question. But even then a court could not inquire into the purpose of the House. A court could not know the purpose. The House itself could not know until investigation was had. To permit such an inquiry to be made by the courts is to arrest legislation in advance. The toleration of such a jurisdiction in the courts would be so dangerous, so liable to abuse, so destructive of the public welfare, that every consideration already presented applies to deny it.

The power of courts, even under our Constitution, to declare an act of Congress unconstitutional has been denied. (Speech of Hon. Charles D. Drake, in the Senate of the United States, December 13, 1869.) It must be admitted, however, that the power does exist. But the power of judicial inquiry cannot arise until an attempt is made to enforce an unconstitutional act.

To go beyond that and claim that the judicial power can reach

back of legislation is far beyond any claim yet made, and is *so dangerous* it can never be tolerated.

The courts cannot intervene by injunction or otherwise to prevent the introduction of a bill or to prevent the discussion of it on the ground that it is unauthorized by the Constitution. Yet the courts might with as much propriety attempt to interfere in such case as in the case of the witness Kilbourn.

The witness Kilbourn is not protected from the duty to produce books and papers required of him by any provision of the amendments to the Constitution.

These declare that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated.
>
> No person * * * shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

When the question arises in court what is an "unreasonable search," the courts must decide it. When it arises as to a witness before this House or a committee, this House is the sole and exclusive judge whether the proposed search is reasonable or not. No law written or unwritten has given any court the power to reverse its decision, nor can this House or the whole Congress reverse a decision of a court on such question.

But the provisions relating to searches in the amendment of the Constitution have no reference to the production of books and papers by witnesses before Congress.

Neither of the provisions which I have cited have any reference to inquiries by a committee of Congress. (Regina *vs.* Patty, 2 Lord Raymond, page 1105; same case, Salkeld, page 503.) Story says of the provision "against unreasonable searches" that—

> Its introduction into the amendments was doubtless occasioned by the strong sensibility excited both in England and America upon the subject of general warrants almost upon the eve of the American Revolution. (2 Story on Constitution, § 1902.)

These general warrants were issued by the *courts*, and this provision *is a restraint upon the power of the courts.* It has no application to Congress in exercising the power to examine witnesses or to require the production of papers, though of course its spirit and purpose should generally be regarded as a rule of parliamentary law applicable to the House. But the law is to be administered by the House, and not under the direction or compulsion of the judicial courts. In time of war, or in time of peace when war or other great danger is imminent, it might become necessary for this House to require the production of private papers affecting the public welfare and the issues of peace and war.

I proceed to show:

4. *That the statute does not require the production of the body by the Sergeant-at-Arms.*

It seems to be supposed that the statute relating to *habeas corpus* has surrendered some privilege of the House and requires the Sergeant-at-Arms to produce the body of the witness. The provisions on this subject are found in the Revised Statutes, sections 751 to 766, both inclusive.

If it were at all material, it might well be urged that an act of Congress could not take from this House its right to punish for a contempt.

No such question could arise in England, because there an act of Parliament can alter the constitution itself. But here a provision of the Constitution cannot be changed by act of Congress. A power conferred by the Constitution on a court, or the President, or on either branch of Congress, cannot be taken away by an act of Congress. An *incidental* power given by the Constitution is just as fully given as any other. Now, the power to punish for contempt is one of the incidental powers of the House conferred upon it by the Constitution.

It is possible this unwritten law may be changed, or rather not exercised by the House itself for the time being; but the House during one Congress cannot control the House in a subsequent Congress as to its acknowledged privileges and powers. It can make no surrender to reach a future Congress. Those rules of the House which do not rest on the common unwritten parliamentary law are not in force beyond the Congress that adopts them.

The Constitution secures the right of trial by jury. The unwritten law, which defines what a jury is, says it means twelve men, whose verdict in a criminal case must be unanimous. It has been decided that a statute cannot change this unwritten law and dispense with the requisite number of jurors or authorize a majority to render a verdict. (Work *vs.* State, 2 Ohio State, page 296.)

Here a right is given by the unwritten constitutional law which defines what a jury is, and the courts say it is beyond legislative reach.

The Constitution vests certain original jurisdiction in the Supreme Court. It cannot be taken away by statute. The unwritten common law says a majority of the court is a quorum. It may well be doubted if Congress can require the concurrence of all the judges to pronounce a judgment in a court created by the Constitution and not merely by act of Congress.

Limitations may be imposed by statute on the power of courts to punish for contempts; it may be regulated, but not annihilated. An act of Congress cannot annihilate the power of the House to punish for contempt or transfer it to the courts. The Senate has no share in declaring the privileges of the House, either by statute or otherwise. These privileges exist by immemorial usage, as an inherent necessity, as an incident of other powers, and cannot be surrendered by statute so as to work their destruction. (Anderson *vs.* Dunn, 6 Wheaton; Kearney's case, 7 Wheaton, page 38; Irwin's case, Forty-third Congress, Congressional Record, volume 9, pages 181, 473, 512, 708.)

If in England the *habeas corpus* act has been so drawn as to extend to persons imprisoned by order of the Commons, it will not follow that our *habeas corpus* act does or can extend to persons so imprisoned.

The *habeas corpus* statute cannot affect this question of contempt for another reason: It does not in express terms apply to imprisonment by order of the House.

It is a well-known rule of construction that a statute which denies or limits a right, though in terms general and broad enough to include the Government, yet does not include it. The Government is never included unless expressly named. (Sedgwick on the Construction of Statutes, page 106.)

The reason of the rule applies here, and this House is not included as within the remedial provisions of the *habeas corpus* act, because it is not specifically named.

I know that statutes in favor of human liberty are to be liberally construed, but so far as they derogate from the privileges of the House this rule cannot apply. Here the rule of strict construction must apply. Human liberty rests on these privileges, and the necessity of preserving them is so great that they cannot be taken away by construction. If Congress had intended the statute to extend to imprisonment by authority of either House, the statute would have been made to speak in unequivocal terms. But the statute itself shows it was not designed to extend to such case as this. I will read a portion of it:

> SEC. 752. The several justices and judges of said courts * * * shall have power to grant writs of *habeas corpus*.
>
> SEC. 753. The writ of *habeas corpus* shall in no case extend to a prisoner in jail, *unless* where he is in custody under or by color of the authority of the United States.

It then proceeds to enumerate cases, none of which apply to either House of Congress. The rule "*noscitur a sociis*" limits the *habeas corpus* so that it cannot reach a sentence by virtue of parliamentary law. It deals exclusively with restraints on liberty and rights to release as affected by common or statutory law. It does not refer to restraints imposed by parliamentary law.

It may be said that Kilbourn is a "prisoner in jail" and that he "is in custody under or by color of the authority of the United States." But for all purposes of the statute neither of these propositions can be affirmed of Kilbourn. If this statute was intended to give the writ of *habeas corpus* to every prisoner in jail, it cannot extend to Kilbourn. No law or rule requires that the jail shall be the place of imprisonment. The House could order his imprisonment to be, as the practice frequently has been, in a room in the Capitol. He is, in legal contemplation and in fact, in the custody of the Sergeant-at-Arms. He is not necessarily or by any law of Congress in jail.

It cannot in any legal sense be said that he is in custody "by color of the authority of the United States."

This House has the power to imprison for contempt, but it is not "the United States." In imposing the imprisonment it does not act in the name of the United States. It exercises a special power peculiar to itself.

The courts and their officers, the President and all officers under him, exercise power or act "by color of the authority of the United States." But here the House is acting in its own name, by its own authority, for its own protection, or rather, I should say, for the benefit and protection of the public. The power exercised is not that conferred by a general statute but a special, inherent authority of the House.

Another provision of the statute shows it was not designed to reach cases like this of Kilbourn. Section 754 requires the petitioner for the writ to state "the claim or authority, if known," by which he is held. Then section 754 declares that the judge shall issue the writ, "*unless it appears from the petition itself that the party is not entitled thereto.*"

The effect is that in a case like this, where the petition shows that Kilbourn is lawfully detained, the petition should not issue. It is expressly prohibited.

It may be urged that the act of Congress of January 24, 1857, as carried into section 104 of the Revised Statutes, relieves the witness Kilbourn from imprisonment, or that now having been indicted the court is entitled to his custody for trial, or he is entitled to be liberated to demand a trial.

This section provides that—

> Whenever a witness * * * fails to testify * * * the Speaker of the House *shall* certify the fact to the District attorney, * * * whose duty it shall be to bring the matter before the grand jury for their action.

For this crime section 102 provides that on indictment and conviction the guilty party—

> Shall be deemed guilty of a misdemeanor punishable by a fine * * * and imprisonment.

The original act from which the revised statue is condensed declared that a witness so guilty—

> Shall, *in addition to the pains and penalties now existing*, be liable to indictment * * * in any court. (11 Statutes, page 155.)

The revised statute drops out the words "in addition to the pains and penalties now existing."

But it is well known that the Revised Statutes were intended to embody exactly the *existing law* as it stood in the original acts.

The words omitted, therefore, were so omitted because deemed unnecessary, and not to effect a change of the law, and may now be considered to see what the law was and yet is. They were incorporated in the act of 1857 to make it clear that the penalty imposed by indictment was for the *crime against the public*, and was "in addition to the pains and penalties" then and yet existing under parliamentary law by imprisonment for contempt. Even without these omitted words, on common-law principles the punishment by indictment must be deemed as cumulative and in addition to the existing punishment for contempt.

The law which confers the power to imprison for contempt can only be abrogated by a statute containing negative or repealing words. This is the doctrine of all the books on construction.

The court having criminal jurisdiction cannot require the body of Kilbourn for trial. The court has made no such demand. If it did it is well settled that where there are co-equal and co-ordinate powers, each having a right to the custody of a person or to jurisdiction over a given subject-matter, the tribunal which first obtains jurisdiction by process will hold it until its purposes are accomplished. The party so held cannot change the law on this subject by a simple demand for that purpose.

For these and other reasons I might adduce, I believe the resolution of the committee should be adopted.

The public interests, the discovery of truth, wise legislation, humanity, and human rights all demand it.

I yield the remainder of my time to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. I prefer to speak in my own time, and I believe I am entitled to recognition.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) The gentleman has twenty minutes of the time of the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. KELLEY. I prefer to speak in my own time, and I believed I was entitled to recognition at the close of the gentleman's speech. I did not come into the House to-day expecting to speak upon this subject.

Mr. HOAR. Is the gentleman speaking in his own time or in that of the gentleman from Ohio?

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Massachusetts, [Mr. HOAR.] a member of the Committee on the Judiciary, was entitled to the floor at the close of the remarks of the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. HOAR. If the gentleman from Pennsylvania desires to go on, I have certainly no wish to interrupt him.

Mr. KELLEY. I have a few short notes, but I do not know whether I can get through with the few points I want to make in twenty minutes or not. I am ready either to speak or to sit down. I am willing to yield to the gentleman of the Judiciary Committee.

Mr. HOAR. I beg the House to be assured that I shall not set up any privilege against the wish of the gentleman from Pennsylvania, [Mr. KELLEY.] I hope he will do precisely what he prefers. If he prefers to take up the remainder of the time of the gentleman from Ohio, I will speak afterward. If he prefers to take his own time, he can have the balance of the time of the gentleman from Ohio and I will yield him a portion of my time.

Mr. KELLEY. My name is on the list to speak, and I have been informed that my place was after that of the gentleman from Ohio. I understood that it was the desire of the gentlemen conducting this debate that the speeches should alternate, and for that reason I would prefer to go on; but, if I am to go on under the restriction of a limitation of twenty minutes, I am not willing to go on, because I may want more time.

Mr. HOAR. I am willing that the gentleman shall proceed.

Mr. KELLEY. Mr. Speaker, had the suggestions which have passed through my mind been made by any of the gentlemen who have spoken, or had I found any indication in the current of the debate that they would probably be made, I would not have raised my voice on this subject. Gentlemen will, I think, agree with me in regarding the questions involved as important, when they remember that until 1858 Congress, although always asserting its right to deal with a recusant witness, had never imprisoned one, and that the highest punishment it had then inflicted was a reprimand; and when they further remember how frequent commitments have become, it will probably occur to them, as it has to me, that we should pause, and, if possible, fix a limit to our arbitrary power, or provide rules under which it shall be exercised with judicial deliberation, and that to bring ourselves in conflict with the judiciary in connection with this case would be a blunder that might be characterized as worse than a crime.

To gentlemen on the other side of the House I submit in support of my appeal the recent memories of their party. Through the earlier years of my congressional life I heard Crittenden, Wickliffe, Vallandigham, Pendleton, Voorhees, and scores of other democrats whose names do not at this moment occur to me, declare that the maintenance of the judicial safeguards of the rights of the citizen against the encroaching power of Congress and the Government was a democratic tradition that could not be abandoned without danger to our liberties. Long after midnight had passed have I heard these walls ring with the eloquent demands of such democrats that even in time of war these safeguards should be not only respected, but maintained and guarded. When this very Capitol and the unity of our country were threatened, it was the stock in trade of the democratic party that under all circumstances it stood by the constitutional guarantees of the rights of the citizen. Gentlemen will, I hope, believe me when I assure them I make these suggestions not for the purpose of drawing party lines on this question or of reviving past issues, but that I do it in the hope of kindling anew patriotic and conservative sentiments that seem to slumber.

Mr. Speaker, I believe that the commitment of Hallet Kilbourn by order of the House was a grave mistake; a mistake that no court would have made; a mistake that this House would not have made had it judicially heard Mr. Kilbourn through counsel, or given to members generally an opportunity to study the record as presented by the committee, and then opened the question to discussion for a few hours. Experience justifies this conclusion, and teaches that no witness should be committed under the gag of the previous question.

During the last Congress the House committed Richard B. Irwin for contempt in refusing to answer interrogatories propounded by one of its committees. At first it resolved that the high writ of *habeas corpus* should not take his body into court. But that House had the courage, the discretion, the sense of duty that constrained it, after a season of reflection, to send the body into court with its answer to the writ. It did not hesitate to reverse its own action. It found it unbecoming to stand in an attitude that condemned one of the courts of the country as either ignorant or corrupt. The body of law brought to the notice of this House by the two learned gentlemen from Ohio [Mr. HURD and Mr. LAWRENCE] had been brought to the attention of that House, and believing that the law was known to and would control the court, which was constituted of men of learning and integrity, it sent the witness with the return to the writ, and the court vindicated the confidence reposed in its learning and integrity by remanding the prisoner to the custody of the House.

But, Mr. Speaker, there was a distinction between that case and this which I desire to mark. Irwin had admitted and it had been been proven *aliunde* that he had brought $750,000 to the doors of this Hall and had expended it in influencing the legislative action of the House. It was believed that he had corrupted some of the minor officers of the House. It was believed that sums amounting to more than $100,000 had gone into the hands of one of the officers of the House, and that one sum of more than $300,000 had gone into the pocket of a member of the House.

That case, you will perceive, touched the honor of the House. It was important for every innocent man that the country should know who had received these sums of money. It was important for the purity of legislation then pending before the House that all the facts should be ascertained. Nothing could bring a case more clearly within the jurisdiction of the House. The testimony of the witness related so nearly to no other subject as to the honor and the duty of the members of this House. And yet, in that case, in view of all the law which the gentleman from Ohio [Mr. LAWRENCE] has quoted with so much elaboration, and of all that his colleague [Mr. HURD] has presented to us to-day with so much clearness and adroitness, making point after point and sustaining them by authorities, going back no less than one hundred and sixty years for the most recent precedent that supports one of his well-made points, the House, after reflection, reversed its own action, and said in effect that it would not assail the law of *habeas corpus*, as we and the preceding generations of our countrymen from the foundation of our Government had understood it.

Now let us compare this case with that one which came so near to the honor and the duty of Congress. What is this case? It would be scouted out of any court of chancery in England or the United States on the ground that it was a mere fishing bill; that it contained no averments or allegations on which to found equity proceedings or sustain a decree; that it was an attempt falsely, fraudulently, and by trick to discover whether evidence could not be found that would furnish legal or equitable cause of action against the witness or some other person.

Gentlemen may ask me why I did not make these objections at the time the order of the House was made in this case. I will not remind them that the order passed under the previous question, but say that it was because I was not familiar with the facts of the case as I am now; and more, that I acquiesced without question, because I had come to this Congress determined to raise my voice against no investigation of the alleged frauds of the present or past Administration that might be suggested. But it is never too late to do right, and the drift of my argument will be that, having made a grave mistake, Congress should acknowledge the fact, and either send the imprisoned witness before the judge, and when he shall be remanded to us, as I doubt not he would be, discharge him, or, without sending him before the court, should frankly avow that it had in a season of unusual excitement invaded the rights of a citizen and discharge him.

I became specially familiar during the years of war to which I have referred with some provisions of the Constitution; and I wish to repeat to gentlemen some of those provisions that were so frequently rung in my ears. Their frequent repetition made a grave impression

on me. I saw each day abundant illustrations of the horrors of war; I saw the death and the maiming that it caused; I saw the increasing widowhood and orphanage that spread over the country. Yet I felt that these were not the gravest results it was inflicting upon us; for I also saw that the people under the exigencies of war were becoming familiar with infractions of the rights of individuals without due judicial proceedings; and I feared that while the widows and orphans and maimed men would pass away the effect of these infringements upon personal rights might remain as usages. And in the action of our friends on the other side of the House in this case I find a verification of my worst apprehensions.

Sir, thousands of men then believed that when the war should be over they who then clamored so boisterously and persistently for the protection of these rights, even at the risk of the life of the nation, would vindicate them. From article 4 of the amendments of the Constitution I used to hear read:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

And again;

> Nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.

Do these constitutional provisions apply to this case? Let us see. What is the case? A citizen is imprisoned by order of Congress; his fare is restricted; he is deprived of all liberty. And why? Is it alleged that he is attempting to protect any great criminal? Has any member of this House or any citizen alleged that he has perpetrated any act that justified imprisonment under any known judicial procedure? Has any member of the committee on whose resolution he was committed stated to the prisoner or to the House or to his brethren of the committee any fact which justifies the House in believing that Hallet Kilbourn has in his possession any knowledge which, if given to the committee or the country, would lead to the trial or impeachment of any officer of our Government? No, sir. The resolution under which the committee was appointed instructs it to inquire into monetary transactions between Jay Cooke & Co., Hallet Kilbourn, and other private citizens, and on those subjects he has spoken with the most perfect freedom and fullness. He has told how much Jay Cooke & Co. put into the real-estate pool. He has told how their interests in it were settled by a court of law, the trustee of Jay Cooke & Co., Mr. Lewis, being the representative of Cooke's interest in the litigation. He has, through his counsel, Hon. Jeremiah S. Black, said to the committee:

> I now repeat his (Kilbourn's) entire willingness to answer any interrogatories that the committee may put to him concerning the nature and history of the real-estate pool, so-called, provided—

Mark the provision—

> that any gentleman here or any member of the committee will express his conviction, grounded on any fact known to him, that there is any connection whatever with any public act that Congress has a right to investigate or to found any legislation upon.

The prisoner did not ask an oath. He did not ask that a responsible party should make himself responsible in damages for his incarceration. He said to that committee: "Gentlemen, one and all, name any fact in the possession of any one of you that gives rise to a well-grounded impression that I know a single fact that militates against a public officer, and you shall have free and full answer to all your questions."

But the committee were on a fishing excursion. They were like the Yankee who peeped through the key-hole of the room in which a lodge of Masons were organizing. He did not know what might be going on, but he "would like to see them Free Masons do it." No facts, no allegations, no responsible accuser; and yet the American Congress commits a citizen to jail, and proposes to hold him until he shall answer this inquisition and submit his books and papers, so that the committee may investigate the business affairs of every man and woman that has dealt with him or with his firm.

Let us look more closely at the case. Let us see what our *subpœna duces tecum* demands of a man who says, "Let but one of you allege that you have a fact in your possession which will furnish a well-grounded suspicion, and I will give you access to every source of information in my possession." What does it demand from him? Let me read its demand. It is:

> That you also diligently and carefully search for, examine and inquire after, and bring with you and produce, at the time and place aforesaid, the certain deeds and deeds of trust, declarations of trust, and printed papers referred to therein, relating to the following squares, parts of squares, lots and parcels of ground or real property, situate in the city of Washington, in the District of Columbia, to wit: All the property described in the paper writing hereto attached, marked exhibit A, and made a part of this subpœna; also, relating to any other property purchased or sold by you as trustee for either the real-estate pool, in which the firm of Jay Cooke & Co., or Messrs. Stewart, Hilyer & Sunderland, or either of them, had an interest, together with all copies, draughts, and vouchers relating to said documents, and all other documents, letters, and paper writings whatsoever, including bank-books, bills of exchange, bank-checks, stubs of checks, ledgers, blotters, day-books, and other books of accounts, maps, that can or may afford any information or evidence relating to the said matters to be inquired of by said committee belonging to you or subject to your control, either individually or as trustee, or as a member of the firm of Kilbourn & Latta.

Then we have as exhibit A this list, filling more than a column of the RECORD, in closely-printed lines of figures:

EXHIBIT A.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		*Value.*	
66	of 1	22,628	25	$5,657	J. M. Latta.
	2	8,529	18	1,535	Do.
	3, 5	39,501	15	5,925	Do.
	6, 8	37,413	20	7,483	Do.
67	3, 5	33,920	13	4,070	Do.
	of 6	3,440	15	516	Do.
	9, 11	25,750	12	3,090	Do.
	12	10,000	15	1,500	Do.
	13, 16	34,294	20	6,617	Do.
	17	11,322	25	2,831	Do.
	19	8,174	18	1,471	Do.
68	2, 3	14,700	10	1,470	Do.
	15, 16	14,872	15	2,231	Do.
	12, 26	30,000	12	3,600	Do.
	27	2,000	15	300	Do.
	28, 34	14,000	12	1,680	Do.
69	35, 43, (alley)	13,500	8	1,080	J. F. Olmstead.
	16, 17	20,350	10	2,035	J. M. Latta.
70	of 1	10,207	30	3,062	J. F. Olmstead.
	of 2	5,285	12	634	Do.
72	8	11,472	10	1,147	Do.
	10	8,461	12	1,015	Do.
	of 12	3,906	15	586	Do.
	20	1,907	15	286	Do.
	1,7,12.17, (all.)	64,937	25	16,234	Do.
93	2, 6, 13, 16	97,468	30	29,240	J. M. Latta.
	1, 6	15,172	30	4,552	Do.
	2, 7, (all.)	22,400	25	5,600	Do.
92	3 G. N.	39,441	22	8,677	Do.
97	18, 25	20,195	15	3,029	Do.
	of 9	3,139	15	471	Do.
	of 10	4,515	35	1,580	Do.
	1, 5, 9, 10, 12	47,304	50	23,652	Do.
	2, 4, 13, 14	40,166	45	18,075	Do.
115 (all)	6, 8	35,313	35	12,360	Do.
	1	14,856	65	9,656	Do.
	36	2,200	25	550	Do.
134	27, 35, 37, 42	39,887	20	7,977	Do.
	43, 49	12,989	15	1,948	Do.
138	3	41,388	70	28,972	Do.
151	17, 19	5,999	20	1,198	Do.
	23, 24	4,000	20	800	Do.
	27, 37	23,300	20	4,660	Do.
	38	2,200	25	550	Do.
	39, 114, 119	9,900	18	1,782	Do.
	148, 117, 78, 113	67,974	15	10,696	Do.
	4, 75	119,308	12	14,317	Do.
	76	1,760	18	31,680	Do.
	115, 77	3,960	18	713	Do.
155 (all)	14, 16	41,580	15	6,237	Do.
	17	7,520	20	1,504	Do.
	18	10,000	25	2,500	Do.
	19, 22	33,360	20	6,672	Do.
156 (all)	1	10,000	35	3,500	Do.
	2	7,080	30	2,124	Do.
	3, 8	74,340	20	14,868	Do.
	9, 10	24,780	25	6,196	Do.
	11	7,080	30	2,124	Do.
	12	10,000	35	3,500	Do.
	13, 15	23,606	25	5,903	Do.
	16, 26	123,680	20	24,735	Do.
	27, 32	42,168	30	14,452	Do.
157	1	19,493	45	8,772	Hallet Kilbourn.
	2	11,593	40	4,637	Do.
	3	14,000	35	4,900	Do.
	of 5	2,820	35	987	John F. Olmstead.
	23, 38	38,932	...	.....	
158	of 2	6,213	40	2,485	J. M. Latta.
	3	14,464	40	5,786	J. M. Latta, trustee.
	8	8,820	45	3,969	Do.
	½ of 9 and 10	15,759	40	6,303	Do.
	17	16,632	40	6,653	Do.
	18	13,794	35	4,828	Do.
	19	12,163	35	4,257	Do.
	of 21	4,133	40	1,653	Do.
176	16	1,626	22	358	Do.
	2, 4	6,139	18	1,100	Do.
177	E.	4,110	20	822	Do.
	F.	2,683	18	483	Do.
181	1	1,883	75	1,412	Hallet Kilbourn, trustee.
	32, 43	33,322	40	13,327	Do.
	31	2,390	45	1,719	Do.
	3, 2	5,459	45	2,457	Do.
182	36	4,148	60	2,489	John F. Olmstead.
	37, 38	5,767	40	2,307	Do.
	40, 46	23,938	40	9,595	Do.
	47	1,981	70	1,387	Do.
195	11 and 12	14,620	40	5,848	James M. Latta.
	13	6,075	50	3,038	Do.
	14, 17	25,790	45	11,606	Do.
	18	6,075	50	3,038	Do.
	19, 21	20,695	40	8,278	Do.
	22, 25	25,790	30	7,738	Do.
204	5, 8	38,036	25	9,509	Hallet Kilbourn, trustee.
	9, 10	15,100	20	3,020	Do.
	11	10,000	25	2,500	Do.
	12, 14	27,988	20	5,598	Do.
234	30	3,172	15	476	James M. Latta.
241	39	3,019	65	1,962	John F. Olmstead.
	40, 42	10,887	60	6,533	Hallet Kilbourn.
	43, 44	3,634	35	1,272	Do.
	63, 66	15,076	65	9,799	Do.
242	4, 6	27,216	80	21,774	Do.
	of 8, 9, and A.	19,617	70	13,732	Do.

EXHIBIT A—Continued.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		*Value.*	
	63	18,015	75	$13,511	J. F. Olmstead.
280	of 3	104	90	94	Do.
	F.	2,386	90	2,147	Do.

What answer did the prisoner make to all this? Let us read what he said:

Question. You are the same Hallet Kilbourn spoken of and who testified before a joint committee at the last session of Congress?

Answer. Yes, sir.

Q. State whether you have in your possession now and have brought to the committee-room the papers, documents, memoranda, &c., referred to in the *subpœna duces tecum* served upon you?

A. I have not.

Q. State whether you are prepared to produce them at this sitting of the committee?

A. I am not prepared to produce them to-day.

Q. State whether you are willing to produce them now or at any future sitting of this committee?

A. As at present advised, I am not prepared.

Q. You refuse to produce them before the committee in response to this subpœna?

A. Yes, sir. I would like to state the reasons therefor—my personal reasons. My partner and myself are in a private business. We have no connection with the Government of the United States and never have had. Are conscious of having violated no law; are not charged with any fraud. Our business that we do is done with private citizens throughout the country, and I stand upon the right which I think belongs to every private citizen not accused of violating any law, of being protected in his papers. Whatever the law decides, however, I am willing to abide by. I sustain but one relation to the Government, and that is to pay taxes and obey the law. That is the only transaction that I have with the Government at all.

When specially pressed as to the Jay Cooke matter, he said:

A. Yes, sir; I do not know that it was all expended during 1872, but I presume the arrangement was made, as I stated, to use the $25,000.

Q. Was there a fund raised by those who constituted the pool?

A. Certain parties put in a certain amount of money each.

By Mr. LEWIS:

Q. That constituted a general fund?

A. Yes, sir.

By Mr. NEW:

Q. Was the money put in your hands?

A. Yes, sir.

Q. Thus constituting what is commonly called a real-estate pool?

A. Yes, sir.

Q. How much was thus put into your hands or the firm of which you were a member?

A. Of course I have held the right to decline to answer that, but I will not now hesitate to do so; I will detail all the history of this pool to that extent. Five gentlemen each put in $5,000, and Jay Cooke & Co. put in $25,000. Now you have the whole extent of the pool.

By the CHAIRMAN:

Q. That was the entire sum at any time put in?

A. There was an assessment made after Jay Cooke & Co. failed of $2,000 each to meet payments; Jay Cooke & Co. did not pay this, and these other parties paid $2 000 apiece. I may say now that is the whole of it Out of this great, big, world-wide-noised-abroad pool, that is the whole sum of money that was ever put in it in the world.

By Mr. LEWIS:

Q. Was that assessment of $2,000 in addition to the $5,000?

A. Yes, sir. To meet payments, five gentlemen paid. Jay Cooke & Co. never paid that.

Again, when on this point, the chairman said to him:

We had supposed that there was not a gentleman in this city of any intelligence who could not see at a glance that the Government of the United States is interested in this particular property. Jay Cooke & Co. are indebted to Jay Cooke, McCulloch & Co. Jay Cooke, McCulloch & Co. are indebted to the United States in an amount exceeding $1,500,000, and by an assignment of their claim to the Secretary of the Navy the rights of Jay Cooke & Co. are subrogated to the Government. Now, this original investment of Jay Cooke & Co. of $25,000 and the subsequent profits inure to the Government. We could not suppose you would fail to see that at a glance.

WITNESS. I understand from the attorneys of Mr. Lewis that the Government is entirely secured for every dollar.

The CHAIRMAN. Mr. Lewis is not the party to determine that question Congress has appointed a committee to determine that question, and it seems to me that it is improper for you to resist this investigation as far as you have. It has cost the Government a vast deal of money.

WITNESS. I want you to understand that I do not resist it because I want to shield anything from the Government interests. I am only resisting it and protecting my own interests as a citizen who has but one relation to the Government, and that is to obey the law and pay taxes. The Government has no interest one way or the other in this matter. If it had, through Jay Cooke, or Lewis, trustee of Jay Cooke & Co., it was all settled. We have settled through the courts. If the settlement was not fair, the court is open for it, I understand. Instead of resisting anything that affects the Government, as I said, I would help to promote the Government's interests, if it can be shown wherein I can do it.

Mr. Speaker, I fail to find in the facts, when carefully and judicially examined, anything to justify my acquiescence in the incarceration of this man. Anxious as any man on this floor can be for the exposure of fraud or fraudulent practices by agents of the Government, I say that in this matter I have, as a member of this House, assented to an infringement of the rights of the people that may well make them dread the aggressive and irresponsible power of Congress.

Mr. Speaker, when I listened to the law, the indisputable law, as laid down by the gentleman from Ohio, that this House may in a season of excitement, when unbridled license riots with character as it never did before in this country; that in such a season it may in hot haste, without argument, without time for reflection, with partisan zeal on that side and partisan timidity on this—lest it shall be suspected that we are resisting investigations—that in this hot haste a citizen may be sent to a bastile, and be there detained until Congress expires; and that if the Senate, under like circumstances, should send a witness to prison, and he should see fit to vindicate his rights and the constitutional rights of his fellow-citizens, they may keep him there until death should bring him release, I concluded that the limitation of its power in this behalf was the imperative and immediate duty of Congress. If such be the law, and I freely admit that it is, let us make a rule that no vote shall be had upon the demand of any committee for the imprisonment of any witness until the record made by the committee shall have been before the House for a fortnight, or other designated period, and until at least two members on each side shall have been heard on the question by the House. Meanwhile let us do honor to ourselves; let us avoid a collision between the legislative and judicial branches of the Government; let us exhibit at once our magnanimity, our love of justice, and our devotion to the constitutional rights of the people by setting Hallet Kilbourn free absolutely, or, if need be, under bail that shall be adequate to secure his appearance if he shall be again needed.

At the suggestion of the gentleman at my side, I ask leave to avail myself of a moment to read what I have not read, but doubtless will be glad to embody in my remarks. The paper placed in my hands is as follows:

In the case of Wilkins *vs.* Leland (2 Peters, 657) Justice Story, delivering the opinion of the Supreme Court, said:

"That government can scarcely be deemed free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require the rights of personal liberty and private property should be held sacred; at least no court of justice in this country would be warranted in assuming that the power to violate and disregard them—a power so repugnant to the common principles of justice and civil liberty—lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people."

Mr. Chancellor Kent, in his Commentaries, volume 1, 620, (ninth edition,) says:

"It may be received as a proposition universally understood and acknowledged throughout the country that no person can be taken or imprisoned, or disseized of his freehold or estate, or exiled or condemned, or deprived of life, liberty, or property, unless by the law of the land or the judgment of his peers. The words 'by the law of the land,' as used originally in Magna Charta in reference to this subject, are understood to mean due process of law; that is, by indictment or presentment of good and lawful men, and this, says Lord Coke, is the true sense and exposition of those words. The better and larger definition of due process of law is, that it means law in the regular course of administration through courts of justice."

In Dwarris on Statutes it is said:

"To give this clause of the Constitution any value it must be understood to mean that no person shall be deprived by any form of legislative or governmental action of either life, liberty, or property, except as a consequence of judicial proceeding, appropriately and legally conducted." (Totten Dwarris on Statutes and Constitutions, page 430.)

These paragraphs remind me of a point I was omitting. By a law passed by the last Congress, no witness can treat the House with contempt without subjecting himself to judicial punishment. To avoid the possibility of having to go to the extreme of action by the House of punishing a witness by imprisonment throughout the life of a Congress, we passed a law providing for the certification of the case of a recusant witness to the court that he might be indicted, tried, and, if found guilty, punished.

The case of Hallet Kilbourn has, I understand, been certified to the court, and an indictment has been found against him. When shall he be tried upon it? We have remitted him for punishment. When shall the trial be had to determine his guilt or innocence? Shall he have his constitutional right to appear at his trial and take part in selecting a jury, and hear, as the Constitution guarantees him the right to do, the witnesses brought to testify against him, and examine them in person or by counsel? Or shall he lie rotting in the congressional bastile until the statute of limitations shall have freed him from trial on the indictment? Shall he be punished by us until our hot temper and indignation are appeased, and then be handed over to the court for trial, conviction, and further punishment?

No, gentlemen; let us reflect on it—let us see to it. Yes, gentlemen of the democratic party, I pray you to see to it that they who have believed that when you came into power you would sacredly maintain all the guarantees of personal rights, shall not justly charge you with having followed and applied in a time of undisturbed peace, and when the civil courts are open, every evil precedent forced upon your political antagonists by the stern laws and terrible exigencies of war.

Mr. HOAR. Mr. Speaker, one simple sentence seems to me to answer conclusively all the declamatory argument of my friend from Pennsylvania, [Mr. KELLEY.] Whenever a witness or any other person is attached for contempt of court, the tribunal, whether it be a justice of the peace, a county court, a police court, or the Senate of the United States sitting as a court of impeachment, is the final judge of that question, and all the consequences which the gentleman from Pennsylvania has held up in the face of this House follow. There is not a justice of the peace in this country who has not got the exact power which my friend from Pennsylvania denies to this House. Not one. And he underrates the intelligence of either party of this House and he underrates the intelligence of the American people when he deals with this simple and great question of legal principle which we have before us by talking about an American bastile.

Mr. KELLEY. I ask respectfully——

Mr. HOAR. I do not yield. I have made my comment, and I propose to let the comment go with the speech.

Now, Mr. Speaker, this is the question before one of the branches of the national Legislature of 40,000,000 Americans. Is the extent of our right to inquire into facts, either as a grand inquest seeking to punish crimes or as a court of inquiry having the power to inquire into the conduct of public officers, or when we seek for facts to aid us in legislation—seeking to know what are the resources and the property of the American people—limited by the discretion and the judgment of a single judge of the supreme court of the District of Columbia? If that court has this right, when, having called a witness to our bar, he has refused to answer a question put to him by our authority, and that witness is remanded to the custody of the Sergeant-at-Arms to await the further order of this House in substance, to await our direction for the future, to require that that witness be delivered into its custody to abide its revision of our judgment, then it has the same right to do the same thing next week to the Senate. If, when that august tribunal, than which there is no more august and no higher body in the sight of the Constitution, is organized to try the Secretary of War or the President of the United States, and Mr. Marsh or some other witness when a question is put to him says, "On the whole I do not think I will answer that question; you are inquiring into my private affairs;" and the Senate holds otherwise, and commits him to its Sergeant-at-Arms until he answers, Mr. Chief Justice Cartter has the right to say "Take that man out of the custody of the Sergeant-at-Arms, bring him before me, and I will see what I think of that question myself." And if he chooses to order the discharge of the witness, revising the Senate's judgment as to the extent of its own authority, revising the correctness of the order of the Senate in enforcing that authority, it is a contempt of court for any man to retake that witness when thus discharged, and it is a contempt of court for the United States Senate to order his re-arrest.

The bringing the body of the witness into court—it is settled by a uniform current of decisions—is delivering him up for custody for the time being to the court. The judgment of the court, if it sustains the original commitment, is a judgment that the person in custody be remanded, and if it does not sustain the commitment the judgment is that he be set at liberty.

The House of Representatives have seen fit, whether rightfully or wisely I do not say, to institute an inquiry as to whether the United States is possessed of certain property legally or equitably. That is a necessary inquiry. If the United States has due to it the sum of $10,000 or of $10 anywhere in this country, which may reasonably be expected to be collected within the year by proper process, then the Committee of Ways and Means has to initiate in this House, where only it can be initiated, a tax bill imposing upon the American people a burden just so much less. The Committee on Appropriations has the right to appropriate for the necessities of the Government just so much the more, and an inquiry into that fact is therefore a legitimate legislative inquiry, and one which this House, and this House alone, under our Constitution, can properly institute. Now, this House has proceeded to institute such an inquiry. They would have done better to have made their original order of inquiry clearer. They would have done better to have limited and guarded more carefully, in my judgment, the questions which were put to the witness. But they have passed beyond that question. The witness refuses to answer. The House say to the Sergeant-at-Arms, "That man has been guilty of contempt; take him into your custody and detain him until he comes back and says he is willing to answer." Now, Mr. Speaker, the question of law before us is this: When a court sitting in another place demands for any purpose that a person under such circumstances shall be delivered up to them, is it a good answer to that court to say, "The House of Representatives of the United States is making a different use of that person at the present time, and we cannot at present give him up to you?" That is the proposition and that is the question. Now, I affirm, and I wish my friend from Wisconsin [Mr. LYNDE] were in the seat from which he spoke—I affirm that English precedents for the last two hundred years up to-day are uniform and concurrent upon that subject; and I challenge the gentleman's denial. The great *habeas corpus* act of Charles II, which English writers on constitutional law call the second magna charta, authorizes the judges of the King's Bench to issue the writ of *habeas corpus* except in certain cases, to wit, the case where the man is imprisoned by the authority of any other court on a capital charge or on a charge of felony either before or after conviction; and in that case the English practice is uniform that when a writ of *habeas corpus* is issued by the court the person to whom it is directed returns the writ making known the fact, but does not return the body.

Mr. GARFIELD. Will the gentleman allow me just there——

Mr. HOAR. When I get through. I will make this statement very short, if I am allowed to make it consecutive.

Now, that is one of a number of cases in which there is of necessity an exception to the obligation to return the body on a writ of *habeas corpus*. Why, suppose this case—which my near relative, whose decision in Massachusetts my friend from Wisconsin [Mr. LYNDE] quoted with respect put to the House last year—suppose you were holding a court and trying a man for murder and the jury are out and the prisoner is there in your custody and you receive notice of a writ of *habeas corpus* issued from another court. Would you send the man to that other court and let the jury separate and the proceedings go for naught or operate as an acquittal to the prisoner, or would you reply by a respectful message: "A court whose authority to take that man into its custody, is precisely equal to that of the court issuing the *habeas corpus*, has now possession of him and is using him for a different purpose?" Suppose that Mr. Kilbourn was sent into this court and the court was determining this very question of *habeas corpus*, and some other court should issue a *habeas corpus ad testificandum* or *ad subjiciendum*; suppose that to take place while a proceeding of that kind was going on, is it not a good answer for the court to say: "We are dealing with this person under the mandates of the law and we have not got through with him, and when we get through with him it will be time enough to talk about what disposition you will make of him?"

Now let me take another case. Nobody questions, unless it be my friend and neighbor from Pennsylvania, [Mr. KELLEY,] the authority of this House to commit a disobedient witness for contempt or to arrest him if he does not come here in obedience to our summons. Now suppose a witness is summoned to appear before this House and he does not come, and thereupon the Sergeant-at-Arms has a warrant from the Speaker to arrest him and he goes in search of the witness; there is no exception whatever; there is an absolute legal command to take that man into custody, and the Sergeant-at-Arms goes to execute that process and he finds Chief Justice Cartter of the supreme court of the District of Columbia trying that man for murder at the time; could he take the man by force? Why, no! he comes back and says to the House, "I found that another court having the same powers, no more and no less, to take possession of the body of that citizen for legal purposes had possession of the body of that citizen for legal purposes, and thereupon I could not execute your mandate and I return it with that excuse." That is the precise return which it is the duty of the person to whom this writ was issued to make to it.

Now, gentlemen say that the original commitment was wrong. My friend from Pennsylvania [Mr. KELLEY] has ably and eloquently urged that it was wrong. Then take the manly way consistent with the dignity of the House and rescind your original order.

Mr. GARFIELD. That is what we ought to do.

Mr. HOAR. Anybody who thinks that the original commitment was wrong should do that; but do not say that we have wrongfully committed an American citizen but we will not rescind our order, but leave it to the court to affirm or overrule our decision at its discretion.

A great deal of stress has been laid on the statute on this subject. Now, in the first place it has been already said, and I do not want to repeat it, that no statute can lay down or limit the constitutional authority of either branch of the American Congress. You may pass a hundred statutes setting forth that the Senate shall have no power to summon witnesses to try an impeachment. Do you suppose that any future Senate acting for that purpose would regard such a statute in the least? You may pass a hundred statutes saying that this House shall not in the future exercise the powers necessary and essential to the work of legislation, and no future House would be bound to regard them for a moment.

But it is historic that it was not the purpose of this statute to change the existing law in the least particular. These Revised Statutes passed the House by unanimous consent. I had the honor and the discomfort of sitting in that chair during the entire time when the Statutes at Large went through; every clause passed when no quorum of the House was present. The act passed the Senate without even being read except by its title. This volume which I hold in my hand passed the Senate in two minutes' time, on the assertion that it did not alter existing law in the least. Now the law of 1867 which preceded it declared in words what it was not deemed by the revisers necessary to say in words because the statute meant it without them, that it did not affect penalties for contempt of witnesses who refused to answer.

But let us go a little further, Mr. Speaker. Here is a writ of *habeas corpus* which the chief justice of the supreme court of the District of Columbia was prohibited by this very statute from issuing. Here is the statute:

> The court or justice to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto.

That is section 755 of the Revised Statutes, and its provision is in this particular like that in the great act of *habeas corpus* of Charles II, that the judge shall not issue the writ if the party shall be in custody for certain legal purposes.

Now, in this case, therefore, the judge has issued a writ not within his power, not within his jurisdiction, a writ which he is prohibited by the statute itself from issuing, because all the proceedings of the House in this case, the refusal of the witness to answer the questions put to him, the adjudication of the House that he was in contempt, and the order committing him to the custody of the Sergeant-at-Arms appeared on the face of the petition itself.

And the judge of this court has issued to our Sergeant-at-Arms a mandate which, by the statute under which he gets all his power, he is expressly prohibited from issuing. Now, shall we respond to a jurisdiction assumed in direct violation of the statute which is the law of the court by submitting the whole case, by surrendering up the body, or shall we direct our Sergeant-at-Arms to reply to the court: "This man is now in my custody, is now in the possession of an au-

thority equal to yours, and that authority is still dealing with him and is not ready to give him up; and under these circumstances, the the petition of the prisoner himself showed that you had no right to issue the writ?"

The direction of the Supreme Court of the United States is absolute and clear in all such cases. It is true that the case of Ableman *vs.* Booth, referred to here, was a case where the mandate of a State authority, extending territorially over the region where the party was found, was issued to an officer of the United States. In other words, it was a case where one jurisdiction, having the right to take possession of a party, had obtained possession of him before the other jurisdiction applied for his possession by this writ. Now, according to the opinion of the Chief Justice of the Supreme Court of the United States, what is the proceeding to be had in that case? It is the same proceeding which is to be had under the English law, under the statute of Charles II. Chief Justice Taney says:

We do not question the authority of State courts, or judge who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States.

Just as in this case, the judge has the right to issue the writ of *habeas corpus*, "provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of" this House, and that we are still dealing with the party. The Chief Justice goes on to say:

The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the limits of the State sovereignty. And it is the duty of the marshal, or other person having custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. * * * And although, as we have said, it is the duty of the marshal, or other person holding him, to make known, by a proper return, the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner in custody under it, and to refuse obedience to the process or mandate of any other government. Consequently it is his duty not to take the prisoner, nor suffer him to be taken, before the State judge or court upon a *habeas corpus* issued under State authority.

Now, the learned gentleman from Pennsylvania [Mr. KELLEY] dwelt upon the claim of the right upon the part of this House to put a prisoner in jail and keep him there until he rots. The limits of this jurisdiction are carefully prescribed. Chief Justice Marshall, of the Supreme Court of the United States, in 6 Wheaton, says that the right of the House of Representatives to commit a recusant witness for contempt is clear and is essential to legislation itself; but that, being an implied power, the least exercise of that power which is necessary to its accomplishment is all that will be implied. Therefore the House has no right to inflict any other punishment than imprisonment, and that imprisonment must cease at the expiration of the term of Congress or at a final adjournment of the session.

This outcry, as if we were trying to put ourselves against the personal liberty of the American citizen, seems to me to be perfectly preposterous. The question simply is this: What is the highest tribunal under the Constitution and the laws which has the right to judge this question? The answer is, the House of Representatives itself. When the House of Representatives is judging that question, is it bound to submit its judgment to review by any inferior tribunal whatever? The answer is, it is not. The power, when it is exercised, is a power which every justice of the peace in this country possesses and exercises in every case involving a question of the kind.

I now yield the remainder of my time to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I would not detain the House at this late hour but for one or two points made by my friend from Massachusetts, [Mr. HOAR.] In the first place, the gentleman made the statement in the broadest terms that this right of a parliamentary body to control a question of contempt, without regard to the operation of the writ of *habeas corpus*, was admitted in England and ought to be conclusive here.

I had in my hand at that time May's Parliamentary Law of England, from which I desire to read a single paragraph in confirmation of what my friend from Wisconsin [Mr. LYNDE] has said generally, though I believe the quotation has not been made in this debate.

I read from page 75:

The *habeas corpus act* is binding upon all persons whatever who have prisoners in their custody; and it is therefore competent for the judges to have before them the prisoner committed by the Houses of Parliament for contempt.

Now, here is an authority acknowledged to be the first authority on that question. The right to the writ of *habeas corpus* is so broad as to include the two houses of Parliament, and whenever they commit any person for contempt the courts may bring the person thus committed to their bar and inquire into the ground of such imprisonment.

Now, I do not mean to say that this example is necessarily conclusive upon us, but as a matter of history and a part of the history of the country to which in large measure we are indebted for our institutions and laws, and it appears to me——

Mr. HOAR. Let me ask my friend a single question. Does he not see this difference: in England, where there is no written constitution, Parliament passed a *habeas corpus* act, and said that under that act prisoners should be brought into court except in certain excepted cases. Here, having a written constitution, and under it not being able to impair the rights of either branch of Congress, we have said that judges may issue writs of *habeas corpus* except in certain prohibited cases. Is not this therefore a question as to the construction of two statutes framed on a different principle?

Mr. HURLBUT. Who decides whether this is a prohibited case?

Mr. HOAR. The House decides it when it exercises its authority.

Mr. GARFIELD. Now my friend makes answer that the authority and practice I have cited grow out of the peculiarity of the British constitution, where the Parliament is supreme, and hence it will not do to exempt the Lords or Commons from the control of the courts; but in this country——

Mr. HOAR. I say that the English statute is to be construed in a certain way and the American statute is to be construed in a certain other way.

Mr. GARFIELD. Now, I want to say that in this country Congress and each House of it is far less omnipotent that the British Parliament. If there be any one doctrine in American politics that should be regarded as absolutely universal, "broad and general as the casing air," a doctrine covering every human being within our boundaries, it is that our Constitution allows neither citizen nor officer, civil or military, in its employ, neither court nor Congress, to escape from its all-embracing provisions. There is no function so elevated that it is not regulated by law. The reign of law is here supreme and universal. Now, we are confronted to-day by the doctrine, not that the Congress, but that one branch of it, is in a certain class of cases omnipotent; that this House may seize a citizen and imprison him, for a cause lawful or unlawful; and when it has decided, either in a freak of passion or after wise deliberation, as the case may be, to lock him up, that decision is final and irreversible—beyond the reach of our laws, our courts, and even the Constitution itself.

Let me invite the House to consider a fact which until recently I have not sufficiently reflected upon. The position of our bill of rights in the national Constitution is different in one marked respect from that of the bill of rights in any of the State constitutions. In nearly all of these the bill of rights is in the body of the instrument and is followed by other constitutional provisions. They are all, therefore, to be construed together. But in the Constitution of the United States we had first the grants of power and its distribution, and then a year or two afterward the bill of rights, embodied in the first ten articles adopted as amendments. As these amendatory articles were subsequent in the time of their adoption, they must be declared by all the canons of legal interpretation to repeal every clause in the body of the instrument inconsistent with them, on the principle that the later statute or enactment repeals every earlier provision preceding which is in conflict with it.

Now, the gentleman from Massachusetts [Mr. HOAR] says that the articles of amendment quoted by the gentleman from Pennsylvania [Mr. KELLEY] are not applicable to the case before us. I answer that they are a part of the Bill of Rights, enacted subsequently to the body of the Constitution, and repeal every clause or provision of that instrument in conflict with them.

I hold in my hand volume 107 of the Massachusetts reports, containing the report of a case decided in 1871 known as Emery's case, found on page 172. Emery was called as a witness before an investigating committee of the Massachusetts senate, and was asked this question:

Have you ever paid any money to any State constable, or do you know of any corrupt practice or improper conduct of the State police? If so, state fully what sums and to whom you have thus paid money, and also what you know of such corrupt practices or improper conduct.

The witness answered:

Intending no disrespect to the honorable senate, I answer under advice of counsel, I answer, first, that the answer thereto will accuse me of an indictable offense; and, second, will furnish evidence against me by which I can be convicted of such an offense.

He refused to answer on the ground that it would criminate himself. The senate thereupon passed an order that—

Whereas the petitioner, in contempt of the authority of this senate, did give an unsatisfactory answer to the second question, * * * he be committed to the custody of the sergeant-at-arms, to be by him confined in the jail of the county of Suffolk for the space of twenty-five days or until the further order of the senate, unless he shall sooner signify his willingness to appear and purge himself of his contempt and testify before the joint special committee and this senate, and satisfactorily answer the questions propounded to him by the joint special committee and this senate; * * * [and] the president of the senate is hereby authorized to issue his warrant to commit said Henry Emery to the custody of the sergeant-at-arms, to be imprisoned in the common jail in the county of Suffolk.

This order was issued on the 3d of May, 1871. On the same day, on petition of Emery, the supreme judicial court of Massachusetts issued a writ of *habeas corpus*, and on the following day the sergeant-at-arms of the senate made return to the writ, bringing the body of the petitioner into court and annexing to his return a transcript of the records of the senate. After argument on both sides, the case was held under advisement and for conference until the 22d of May, 1871, when Mr. Justice Wells delivered the opinion of the court. I read a few paragraphs from the opinion:

The petitioner relies solely upon the privilege of exemption from answering the inquiry put to him, which he claims under the twelfth article of the declaration of rights of the inhabitants of the Commonwealth of Massachusetts. If that is applicable to his case it is his shield, and he is entitled to be discharged; otherwise not.

The provision is this:

No subject shall be held to answer for any crimes or offense until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself.

After a further statement of the case, the court says:

The question then comes, Do these provisions apply to investigations before a legislative body?

No one will contend, of course, that the Legislature is not limited in its powers by the provisions of the constitution, equally with all other departments of the government and the whole body of the Commonwealth, whether undertaken to be exercised in the ordinary form of laws enacted or by those orders and requirements which are incidental to its functions and are adopted as means of their performance. There is nothing in the terms of the article in question to except legislative bodies from its operation. The nature and purpose of the provisions are equally applicable to investigations conducted by the Legislature itself, or by one of its branches, or by a committee of its own members, as when conducted before the courts or by commissioners or other tribunals established by law. Such tribunals can in no case disregard this rule of protection. The Legislature cannot, by the most formal and solemn enactments of law, authorize them to do it. If, then, the Legislature cannot, by the formal enactment of all its branches, subject a citizen to such a compulsory disclosure, it is difficult to see on what ground of argument or inference, from necessity, propriety, or the nature of constitutional republican government, an authority can be deduced for either branch of the Legislature to do so by its mere order.

* * * * * * *

It is because the constitution of Massachusetts is more potent and above, not only the common law but the Legislature also, controlling all tribunals and all departments of the government alike, as well as all inhabitants of the Commonwealth, that this safeguard of individual rights cannot be suspended or invaded either by general laws or the special order of the legislative body or of any of its branches.

It is to be observed that the provision relates to the privileges of the subject, and not to the authority of any tribunal or body before which inquisition may be made. It places a limit upon all inquiry to which he may be subjected, not by defining the extent of the authority by which it is made, but by surrounding him with a privilege of exemption, which cannot be set aside by any authority without his own consent. It excludes the Legislature as well as the courts. It follows also that in its exercise it is regulated by the same rules in legislative investigations as in judicial or other inquiries.

And, finally, the court concludes its opinion as follows:

The result is, that, in appealing to his privilege as an exemption from the obligation to answer the inquiries put to him, the petitioner was in the exercise of his constitutional right; and his refusal to answer upon that ground was not and could not be considered as disorderly conduct, or a contempt of the authority of the body before which he was called to answer. There being no legal ground to authorize the commitment upon which he is held, he must be discharged therefrom. He is *discharged accordingly*.

This important and instructive opinion shows that the State of Massachusetts, to which we have so long looked as a defender of liberty, and a teacher of sound learning and of constitutional law, holds its Legislature as well as its people under the dominion of its constitution as expounded by the courts. That State does not allow its senate or house to arrogate to itself supreme power over the citizen; but its courts hold the shield of the constitution over the humblest citizen when his rights are invaded by either or both branches of the Legislature.

Mr. LAWRENCE. Do you hold that section 103 of the Revised Statutes is unconstitutional; that the amendment which relates to witnesses not being bound to give testimony which criminates themselves applies to investigations before committees of Congress?

Mr. GARFIELD. That section is outside of this discussion. I am only saying that in the Massachusetts case it was considered the witness had the right under the constitution to be protected by the courts against the senate of his State when that body attempted to imprison him for refusing to answer a question which he had a right to refuse to answer. And the court did not permit the senate to be the final judge of Emery's rights.

Mr. LAWRENCE. Our bill of rights does not extend to Congress.

Mr. GARFIELD. Our bill of rights does not extend to Congress!

Mr. LAWRENCE. Not in that particular.

Mr. GARFIELD. Does my friend really mean to assert that our bill of rights does not extend to Congress?

Mr. LAWRENCE. No, sir; not in that particular.

Mr. GARFIELD. Read the sixth amendment to the Constitution, that no person shall be deprived of life, liberty, or property without due process of law. Could language be more explicit or more comprehensive?

Mr. FRYE. That is what the majority of this committee insist, that the bill of rights does not extend to Congress.

Mr. LAWRENCE. I say in this particular.

Mr. GARFIELD. In this particular! Who ever before heard it said in an American Congress——

Mr. LAWRENCE. Everybody who has read Story.

Mr. GARFIELD. Who has ever before in the American Congress heard the Constitution so tortured as to read "no person shall be deprived of life, liberty, or property, except by due process of law, or by the will of the House of Representatives?" And who is the author of such a monstrous interpolation?

Mr. LAWRENCE. What is due process of law?

Mr. GARFIELD. Due process of law is the law administered by the courts. Go read Chancellor Kent, read the decision of Judge Story in the case quoted by the gentleman from Pennsylvania, [Mr. KELLEY,] read any of the great writers on constitutional law, and they will tell you that "due process of law" does not mean the action of the House of Representatives, does not mean the Senate, much less a committee of either House. If gentlemen doubt the construction I give to the term "due process of law," I refer them to authorities which we are all bound to respect. In the case of Wilkins *vs.* Leland, 2 Peters, 657, Justice Story, delivering the opinion of the Supreme Court, said:

That government can scarcely be deemed free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require the rights of personal liberty and private property should be held sacred; at least no court of justice in this country would be warranted in assuming that the power to violate and disregard them—a power so repugnant to the common principles of justice and civil liberty—lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people.

Mr. Chancellor Kent, in his Commentaries, volume 1, 620, (9th edition,) says:

It may be received as a proposition universally understood and acknowledged throughout the country that no person can be taken, or imprisoned, or disseized of his freehold or estate, or exiled, or condemned, or deprived of life, liberty, or property, unless by the law of the land or the judgment of his peers. The words "by the law of the land," as used originally in Magna Charta in reference to this subject, are understood to mean due process of law; that is, by indictment or presentment of good and lawful men; and this, says Lord Coke, is the true sense and exposition of those words. The better and larger definition of due process of law is that it means law in the regular course of administration through courts of justice.

In Dwarris on Statutes it is said:

To give this clause of the Constitution any value it must be understood to mean that no person shall be deprived by any form of legislative or governmental action of either life, liberty, or property, except as a consequence of judicial proceeding appropriately and legally conducted. (Totten Dwarris on Statutes and Constitutions, page 430.)

In the light of these authorities, I challenge gentlemen to find any warrant for our proceedings in this case. Such warrant cannot be found until you have argued out of the Constitution the words "due process of law."

Mr. HILL. Does the gentleman from Ohio mean to say an order of this House in a case like this is not due process of law?

Mr. GARFIELD. I do mean to say this is not due process of law. I mean to say our action in this case is wrong *ab initio*. You have propounded a question to this witness when the Constitution of this country protects him against your right to demand an answer. You did him wrong. You outraged your country's Constitution when you required him to answer, and every step in which you have involved yourselves has added to the first blunder.

Mr. LAWRENCE. A single question.

Mr. GARFIELD. Certainly.

Mr. LAWRENCE. If, then, a person cannot be deprived of his liberty except by due process of law, then, if this is not due process of law, there is no power to imprison by this House.

Mr. GARFIELD. I say to my colleague that up to 1858, during three-quarters of a century of the history of Congress, there never occurred imprisonment of anybody by the House of Representatives. For three-quarters of a century our citizens were a great deal better than they are now or our fathers were a great deal more careful of the rights of citizens than we are. For three-quarters of a century the House did not imprison any man for contempt or other cause. This I am told by those who have made it a careful study.

But in 1867, in order to settle this great question, the gentleman from Georgia, [Mr. Stephens,] now a member of this House, but not now in his seat, determined to crystallize into the solemn form of law the proceeding by which a court should determine the guilt and fix the punishment for a contempt of the House or the Senate. It is now proposed to break over all the barriers of that law. My colleague, [Mr. HURD,] who has charge of this subject, says that law is unconstitutional, and invades the rights of the House, and he proposes to disregard it.

Mr. HOAR. Let me ask the learned gentleman from Ohio, as I understand him, whether he means to say this House has power to commit for contempt or not? The question is not now whether it has ever been done or not, but whether this House has the power to commit for contempt or whether it has not?

Mr. GARFIELD. I understand we have now delegated that power. We have by law defined the mode and measure of punishment. What we might have done before that law passed is not under discussion.

Mr. HOAR. Have we in any case the power to commit for contempt?

Mr. GARFIELD. O, yes; in cases not provided by that law——

Mr. HOAR. This applies to a recusant witness if it applies at all. Then if we have power to commit for contempt in any case it is not a violation of the Constitution of the United States on the ground he cannot be committed except by due process of law, and that due process of law is exercised by the court.

Mr. GARFIELD. My friend is too good a lawyer to say contempt covers the question I am discussing.

Mr. KELLEY. O, no.

Mr. GARFIELD. It is not contempt but the question of jurisdiction to imprison and punish, and to refuse to allow the courts of the country to pass upon the constitutional rights of the citizen, which it is claimed we have invaded.

Mr. HOAR. My question to the gentleman is this: He argues that you cannot deprive a man of liberty without due process of law, and the gentleman says due process of law is an adjudication of a court. Now, if that be true, whatever other arguments there may be on one side or the other, then every man in prison for a contempt of this House, whether a recusant witness or otherwise, is unconstitutionally imprisoned. But if the act of this House be a due process of law under the Constitution, then the court having jurisdiction of this matter has decided it, to wit, the House.

Mr. LAWRENCE. Due process of law means the judgment of a court; and that provision in the amendment to the Constitution which relates to due process of law does not apply to imprisonment by this House.

Mr. GARFIELD. That is to me a most bold and startling heresy, that this House is above the Constitution. We have of course the power to expel a member. We have the power to preserve order. We have all those ordinary parliamentary powers. But when we have pushed these rights of the House so far in these modern days that, according to the doctrine of my friend from Ohio, [Mr. HURD,] the House may imprison a citizen for two years, and the Senate may imprison him for life, (because the Senate is an immortal body;) when we have so far pushed the privileges and powers of this House as to make it an uncontrolled and uncontrollable despot, a tyrant that overbears all boundaries, that forces its way into all private closets, and breaks into every man's domicile, that its power knows no limit but its own discretion, that it shall have the right to uncover the secrets of all families within the Republic, that there shall be no privity to which it cannot penetrate, but, unrestrained by law, unlimited by the Constitution, like the despots of the Middle Ages, shall be lord paramount of all rights within its boundaries, is a doctrine so monstrous, if adopted by us, that it ought to cover us with infamy and bring down upon us the wrath of an outraged people.

Let this doctrine be once proclaimed and you arm every citizen in hostility against the Congress of his country. You make the House the natural enemy of every citizen, and every citizen ought to be our enemy. I declare myself the implacable foe of such a tyrant and of the doctrine that makes such tyranny possible. The doctrine asserted to-day on this floor would make this House the most odious tyranny that ever stalked abroad over any land to curse it.

Now, I believe, Mr. Speaker, that we have two duties to perform. The first is to show that we are willing to obey the law. Here is a plain law that we have enacted, which declares that when the return to the writ of *habeas corpus* is made the body of the petitioner shall be returned with it. We have ordered the return to be made to the court, but we refuse to return the body. Why? Because we assume to be above the law, and refuse to obey it. I deny the arrogant and wicked assumption. We must obey the law by delivering the body of the witness.

Let us do that as our first duty, just as we did it a year ago when we were under the strongest temptation to refuse. When we were told that the money-bags of a corrupt corporation had reached the corridors of this House; when its bribes had corrupted some of our officers; when the shadow of unutterable disgrace was thrown upon every member of this House by the refusal of a witness to a question which we had an undoubted right to have answered; when this House had the strongest possible reasons for commanding that by all the power and penalties we could inflict upon him he should be compelled to disclose what had been done with that money, even then we were fortunate in being able to do what it was our duty to do—obey the law. There are twenty-five men to-day on the democratic side of the House who voted that the witness should be delivered up to the court; and there are as many more men now on this side of the House who voted in the same way. There are about fifty men in this House who in the last Congress voted to deliver Irwin in answer to the writ. Now, if in that case we obeyed the law under such provocation to resist it, much more should we obey it now when, to say the least, it is a question of gravest doubts whether we have any right whatever to propound the question to the witness.

Let us do that. Let us show ourselves obedient to the law; and then let us calmly set about the work of undoing the wrong we have committed against this private citizen, by rescinding the order that required him to answer about a matter of his private concerns alone; and let our committee go on with all that part of their investigation which relates to the Government or any of its officers or agents.

[Here the hammer fell.]

Mr. HURD. I desire to inform the House that the Sergeant-at-Arms appeared at ten o'clock to-day before the judge of the District, and the order for a return to the writ was continued until ten o'clock on Tuesday morning. I now move that the House adjourn; and I give notice that I will move the previous question at three o'clock on Monday afternoon, after two hours have been allowed for debate. It is absolutely indispensable that the vote be taken on Monday, as no further time will be given to the Sergeant-at-Arms for a return of the writ.

Mr. CONGER. I desire to ask the gentleman by what authority the Sergeant-at-Arms made any arrangement?

Mr. HURD. The Sergeant-at-Arms made no arrangement. The court, interfering with the jurisdiction of the House, has made an arrangement.

INTERNAL REVENUE.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 3137) to amend the laws relating to internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CITIZENSHIP OF THE UNITED STATES.

Mr FAULKNER. The bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and, to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, was made the special order to-day, but these proceedings have crowded it out. I now ask unanimous consent that it be made the special order for next Saturday, and from day to day thereafter until disposed of.

There was no objection, and it was so ordered.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. I rise to a question of privilege. I desire to correct the Journal. I reported from the Committee on Railways and Canals the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, and had it made the special order for the 18th day of April; but by a mistake of the Journal it was put down for to-day. The only way in which I can correct it is by asking unanimous consent that the bill be made the special order for Tuesday next.

There was no objection, and the order was made.

COMMERCE AND NAVIGATION.

Mr. SAYLER. There has been a mistake in the engrossment of what is known as the steamboat bill, and I ask unanimous consent to offer the following resolution:

Resolved, That the House request the return from the Senate of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes, concerning commerce and navigation and the regulation of steam-vessels.

The resolution was agreed to.

The question was then taken upon Mr. HURD's motion, and it was agreed to; and accordingly (at five o'clock and twenty minutes p.m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. COOK: A paper relating to the establishment of post-routes from Montezuma to Drayton, and from Hawkinsville to Hayneville, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. DE BOLT: The petition of S. S. Franklin and 50 others, of Grant Township, Putnam County, Missouri, for the repeal of the resumption act, and for tea and coffee to remain on the free list, to the Committee on Banking and Currency.

By Mr. DUNNELL: A paper relating to a post-route from Saint James to Sleepy Eye, Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: A paper relating to the establishment of a post-route from Barrettsville to Inkerman, and from Savagetown, via Birch River post-office and John Baughman's mills to Welch Glade, West Virginia, to the same committee.

Also, the petition of 25 mechanics of Harper's Ferry, West Virginia, for an appropriation to pay them their wages, earned for services rendered the Government for the months of March and April, 1861, to the Committee on Military Affairs.

Also, the petition of citizens of the counties of Nicholas, Braxton, and Webster, West Virginia, for the establishment of a post-route from Savagetown, via Birch River post-office and John Baughman's mills, to Welch Glade, to the Committee on the Post-Office and Post-Roads.

By Mr. GARFIELD: The petition of Ella Long, that Congress pass a law making her the lawful heir of Jeremiah Long, deceased, to the Committee for the District of Columbia.

By Mr. HAMILTON, of New Jersey: The petition of Hall Colby, for compensation for services and valuable information rendered navigators, to the Committee of Claims.

By Mr. HOAR: The petition of Frank Donahue, for a pension, to the Committee on Invalid Pensions.

By Mr. HOPKINS: Six petitions from 193 business men of Pittsburgh, Pennsylvania, for the prohibition of discriminations by common carriers, to the Committee on Commerce.

Also, four petitions from business men and laboring-men of Pittsburgh, Pennsylvania, of similar import, to the same committee.

By Mr. HUNTON: Papers relating to the petition of G. W. Taylor, late postmaster at Winchester, Virginia, for relief, to the Committee of Claims.

By Mr. JENKS: The petition of 100 oil-producers of Pennsylvania, for the prohibition of discriminations by common carriers, to the Committee on Commerce.

By Mr. KIDDER: The petition of C. F. Mallahan and 32 other citizens of Union County, Territory of Dakota, for the repair of the military bridge over the Big Sioux River, to the Committee on Military Affairs.

By Mr. LEAVENWORTH: The petition of W. H. H. Geer and others, that the present tariff laws may not be disturbed, to the Committee of Ways and Means.

By Mr. LUTTRELL: Memorial of General William T. Sherman, and several hundred pioneers and former residents of California, relative to the claim of General John A. Sutter, to the Committee on Private Land Claims.

By Mr. MACDOUGALL: The petition of citizens of Lyons, New York, that certain lands in Brooklyn, New York, be transferred to that city for market purposes, to the Committee on Naval Affairs.

By Mr. MCMAHON: The petition of J. Oblinger, for the adoption by the Post-Office Department of a return postal card designed by him, and, if adopted, for compensation for the invention, to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: Memorial of the New York Produce Exchange, suggesting such amendments to the revenue laws as they deem will do justice to dealers in distilled spirits, to the Committee of Ways and Means.

By Mr. SPRINGER: The petition of D. W. New Kirk and 105 other citizens of the twelfth congressional district of Illinois, for the unconditional repeal of the resumption act, the retirement of the national-bank currency and the substitution therefor of legal-tender notes interconvertible with bonds, to the Committee on Banking and Currency.

By Mr. STEVENSON: The petition of W. O. Davis and others, of Bloomington, Illinois, for an amendment of the postal laws, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, *April* 17, 1876.

PRAYER.

Rev. BYRON SUNDERLAND, D. D., Chaplain to the Senate, offered the following prayer:

O Thou almighty and everlasting God, the Father of light, help us to see light in Thy light. When we are as men walking in darkness, be Thou our Guide. When we are as men that encounter judgment, be Thou our Adviser and Friend. We pray Thee be very specially nigh to Thy servant who presides in this place, and to Thy servants, the Senators, in the discharge of the high and solemn functions with which they are here now invested. May they not fail to see the right and to dispense justice for the confirmation of all that is good and for the welfare of the nation. Through Jesus Christ. Amen.

JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented the petition of Joseph Wheeler and 100 other citizens and workingmen of Mason County, West Virginia, praying that the existing tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. BOGY presented the petition of the board of directors of the Merchants' Exchange of Saint Louis, Missouri, praying for the passage of the bill providing for the organization of the Signal Service Corps, &c.; which was referred to the Committee on Commerce.

Mr. DENNIS presented the petition of the Board of Trade and citizens of Georgetown, District of Columbia, and also of merchants and citizens of Washington, District of Columbia, praying Congress to make an appropriation of $50,000 for dredging the Georgetown and Virginia channel of the Potomac River, and removing rock therefrom between the Aqueduct and the Long Bridge; which was referred to the Committee on Commerce.

He also presented the petition of James T. Earle, William McKenney, Samuel I. Earle, and others, praying for an appropriation for the improvement of Corsica Creek, Maryland; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the petition of J. H. Hamlin & Son, of Portland, Maine, praying that they may be allowed to change the name of the brig A. S. Pennell, registered in the district of Portland and Falmouth, Maine, to City of Moule; which was referred to the Committee on Commerce.

Mr. WALLACE presented a petition of citizens of Pittsburgh, Pennsylvania, praying for the passage of a law to regulate commerce and prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

He also presented a memorial of workingmen of Centre County, Pennsylvania, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

He also presented a petition of envelope manufacturers, printers, and other citizens of Pennsylvania, praying that the manufacture and sale of stamped envelopes may be discontinued by the Government; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Captains and Vessel Owners' Association of Philadelphia, Pennsylvania, praying for the repeal of the law providing for compulsory pilotage on coasting vessels; which was referred to the Committee on Commerce.

Mr. JONES, of Florida, presented the petition of William Curry, of Key West, Florida, praying that he may be allowed compensation for damage to certain property belonging to him in the city of Key West by the careening of the United States ship Pursuit in the year 1862; which was referred to the Committee on Claims.

Mr. CONKLING presented a memorial of the workingmen of Essex County, New York, remonstrating against any change of the present tariff laws; which was referred to the Committee on Finance.

He also presented five memorials of citizens of Saint Lawrence County, New York, remonstrating against the passage of any law allowing an American register to foreign-built vessels; which were referred to the Committee on Commerce.

He also presented two memorials of citizens of Detroit, Michigan, remonstrating against the passage of any law allowing an American register to foreign-built vessels; which were referred to the Committee on Commerce.

Mr. HOWE presented a joint resolution of the Legislature of Wisconsin, in favor of an appropriation for the completion of the improvements on the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Rock County, Wisconsin, praying for the immediate repeal of the resumption act, so called; which was referred to the Committee on Finance.

DISTRICT COURT OF WEST VIRGINIA.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the amendment of the House of Representatives to the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia to report, recommending that the Senate disagree to the amendment proposed by the House. As the bill merely relates to holding the terms of the court, I ask that it be considered now. I move that the Senate disagree to the House amendment.

The PRESIDENT *pro tempore*. The question is on disagreeing to the amendment of the House. The Secretary will report the amendment.

The CHIEF CLERK. The amendment of the House of Representatives was to strike out all after the enacting clause of the bill and insert the following:

That hereafter the district court of the United States for the district of West Virginia shall be held at the times and places following; but when any of said dates shall fall on Sunday the term shall commence the following Monday, to wit: At the city of Wheeling on the 1st day of March and the 1st day of September; at Clarksburgh on the 1st day of April and the 1st day of October; at Charleston on the 1st day of May and the 1st day of November; and at Martinsburgh on the 1st day of June and the first day of December; and all pending process, rules, and proceedings shall be conducted in the same manner and with the same effect as to time as if this act had not passed: *Provided, however*, That the terms of court hereby authorized to be held at Martinsburgh shall be void and of no effect unless all buildings and conveniences necessary to the holding of said courts shall be furnished by the proper authorities of the county of Berkeley free and clear of all costs and expense to the United States.

Mr. DAVIS. I regret that the committee has not been able to recommend the establishment of a court at Martinsburgh. In my judgment it would be economy on the part of the United States to establish a court there. I, however, have done my duty by trying to persuade the committee to think as I do on that point, and have been unable to accomplish that purpose; but as the bill is important, I will not make unreasonable objections to the disagreement recommended by the committee.

The PRESIDENT *pro tempore*. The question is on disagreeing to the amendment of the House of Representatives.

The amendment was non-concurred in.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, reported it with amendments.

Mr. BOUTWELL. I am directed by the Committee on the Revision of the Laws, to whom were referred certain propositions of amendment to the Revised Statutes, sent to that committee upon the ground that there were errors in the revision, to report a bill. The committee find that in these particulars the request is for new legislation. I therefore report back those proposed amendments in the form of a bill, and as they relate to commercial matters, I will ask its reference to the Committee on Commerce.

The bill (S. No. 742) to amend the Revised Statutes was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred a resolution of the Senate directing that committee to inquire into the expediency of repealing section 8, of chapter 2, title 1, of the Revised Statutes, reported a bill (S. No. 743) to amend section 8, chapter 2, title 1, of the Revised Statutes of the United States; which was read, and passed to the second reading.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HITCHCOCK, from the Committee on Railroads, to whom was referred the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 586) for the relief of Henry K. Kelly, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California, reported it with an amendment.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. The Committee on Privileges and Elections, having had under consideration the question as to the proper amount of compensation to be paid P. B. S. Pinchback, late a contestant for a

seat in this body, have instructed me to report the following resolution and recommend its adoption:

Resolved, That P. B. S. Pinchback, late a contestant for a seat in the Senate, from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant, up to the period of the determination of the contest by the Senate.

I move that the resolution lie on the table and that it, together with the written report which I submit, be printed.

The motion was agreed to.

NATIONAL AND STATE RIGHTS.

Mr. MORTON. Mr. President, I desire to give notice that I will on next Monday, if there be no unfinished business, ask the Senate to proceed to the consideration of certain resolutions which I offered at the beginning of the session declaring that the people of the United States constitute a nation and the true nature and character of the Government.

COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. I rise merely to give notice that at the earliest time I can have opportunity I will ask the Senate to take up the motion submitted by me to reconsider the vote on Senate bill No., 1 to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, and I will ask the Senate to hear me for a very few minutes to give the reasons why I think the vote ought to be reconsidered.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The Chair will at this time take occasion to say that, inasmuch as the bill authorizing the Presiding Officer to administer oaths has not become a law, if there be no objection the Chair will appoint a committee to wait upon the Chief Justice of the Supreme Court of the United States and request him to appear in the Chamber to administer the oath. Is there objection? The Chair hears none. The Chair appoints on that committee the Senator from Vermont [Mr. EDMUNDS] and the Senator from Ohio, [Mr. THURMAN.] They will now discharge that duty.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 256) for the relief of Herman Hulman, of Terre Haute, Indiana;

A bill (H. R. No. 1765) respecting the limits of reservations for town sites upon the public domain;

A bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land;

A bill (H. R. No. 2110) for the restoration to market of certain lands in the Territory of Utah; and

A bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made.

The message also announced that the House requested the return from the Senate of the bill (H. R. No. 2799) to amend certain sections of titles 4852 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels.

The message also announced that the House had passed the following bills:

A bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; and

A bill (S. No. 701) further to provide for the administering of oaths in the Senate.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 744) to restore to notaries public their authority in the Federal courts; which was read twice by its title, and, together with the accompanying memorial, referred to the Committee on the Judiciary.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 745) to authorize the Secretary of the Treasury to issue a register and change the name of the brig A. S. Pennell to the City of Moule; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 746) to amend section 4220 of chapter 3 of title 48 of the Revised Statutes of the United States, entitled "Regulation of commerce and navigation;" which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 747) to establish a post-route; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KEY asked, and by unanimons consent obtained, leave to introduce a bill (S. No. 748) for the relief of James B. Guthrie; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. BURNSIDE, it was

Ordered, That the petition and papers in the case of C. G. Frendenburg be taken from the files of the Senate.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS and Mr. HAMILTON submitted amendments intended to be proposed by them to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPEACHMENT OF W. W. BELKNAP.

The Chief Justice of the United States, Hon. Morrison R. Waite, entered the Senate Chamber, escorted by Messrs. EDMUNDS and THURMAN, the committee appointed for the purpose.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, in pursuance of rule the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Chief Justice took a seat by the side of the President *pro tempore* of the Senate.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will make the opening proclamation.

The SERGEANT-AT-ARMS. Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William W Belknap, late Secretary of War.

The PRESIDENT *pro tempore*. The Secretary will now call the names of those Senators who have not been sworn, and such Senators as they are called will advance to the desk and take the oath.

The Secretary proceeded to call the names of the Senators who had not been heretofore sworn; and the Chief Justice administered the oath to Senators ALLISON, BURNSIDE, CAPERTON, CHRISTIANCY, CONKLING, CONOVER, DENNIS, GOLDTHWAITE, HOWE, JONES of Nevada, MORRILL of Maine, RANSOM, and ROBERTSON.

On motion of Mr. EDMUNDS, it was

Ordered, That the Secretary inform the House of Representatives that the Senate is in its Chamber and ready to proceed with the trial of the impeachment of William W. Belknap; and that seats are provided for the accommodation of the members.

The PRESIDENT *pro tempore*. The Secretary will invite the House accordingly.

At one o'clock p. m. William W. Belknap entered the Senate Chamber, accompanied by his counsel, Hon. Jeremiah S. Black, Hon. Montgomery Blair, and Hon. M. H. Carpenter, who were conducted to the seats assigned them in the space in front of the Secretary's desk on the right of the Chair.

At one o'clock and two minutes p. m. the Sergeant-at-Arms announced the managers on the part of the House of Representatives.

The PRESIDENT *pro tempore*. The managers will be admitted and conducted to seats provided for them within the bar of the Senate.

The managers were conducted to seats provided in the space in front of the Secretary's desk on the left of the Chair, namely: Hon. SCOTT LORD, of New York; Hon. J. PROCTOR KNOTT, of Kentucky; Hon. WILLIAM P. LYNDE, of Wisconsin; Hon. J. A. MCMAHON, of Ohio; Hon. G. A. JENKS, of Pennsylvania; Hon. E. G. LAPHAM, of New York; and Hon. GEORGE F. HOAR, of Massachusetts.

Mr. Manager LORD. Mr. President, in accordance with the invitation extended, the House of Representatives has resolved itself into a Committee of the Whole and will attend upon this sitting of this court on being waited upon by the Sergeant-at-Arms.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will wait upon the House of Representatives and invite them to the Chamber of the Senate.

At one o'clock and five minutes p. m. the Sergeant-at-Arms announced the presence of the members of the House of Representatives, who entered the Senate Chamber preceded by the Chairman of the Committee of the Whole House, (Mr. SAMUEL J. RANDALL, of Pennsylvania,) into which that body had resolved itself to witness the trial, who was accompanied by the Speaker and Clerk of the House.

The PRESIDENT *pro tempore*. The Secretary will now read the minutes of the sitting on Wednesday the 5th instant.

The Secretary read the Journal of proceedings of the Senate sitting for trial of impeachments of Wednesday April 5, 1876.

The PRESIDENT *pro tempore*. The Secretary will now read the return of the Sergeant-at-Arms to the summons directed to be served.

The Secretary read the following return appended to the writ of summons:

The foregoing writ of summons addressed to William W. Belknap and the foregoing precept addressed to me were duly served upon the said William W. Belknap by delivering to and leaving with him true and attested copies of the same at No. 2022 G street, Washington City, the residence of the said William W. Belknap, on Thursday the 6th day of April, 1876, at six o'clock and forty minutes in the afternoon of that day.

JOHN R. FRENCH,
Sergeant-at-Arms of the Senate of the United States.

The PRESIDENT *pro tempore*. The Chair understands that Rule 9 will be suspended for reasons already stated, and the Chief Justice will now administer the oath to the officer attesting the truth of this return.

The Chief Justice administered the following oath to the Sergeant-at-Arms.

I, John R. French, do solemnly swear that the return made by me upon the process issued on the 6th day of April, by the Senate of the United States, against W. W. Belknap, is truly made, and that I have performed such service as therein described: So help me God.

The PRESIDENT *pro tempore*. The committee will please escort the Chief Justice to the Supreme Court room.

The Chief Justice retired, escorted by the committee, Mr. EDMUNDS and Mr. THURMAN.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will now call William W. Belknap, the respondent, to appear and answer the charges of impeachment brought against him.

The SERGEANT-AT-ARMS. William W. Belknap, William W. Belknap, appear and answer the articles of impeachment exhibited against you by the House of Representatives.

Mr. CARPENTER. Mr. President, William W. Belknap, a private citizen of the United States and of the State of Iowa, in obedience to the summons of the Senate sitting as a court of impeachment to try the articles presented against him by the House of Representatives of the United States, appears at the bar of the Senate sitting as a court of impeachment and interposes the following plea; which I will ask the Secretary to read and request that it may be filed.

The Secretary read as follows:

In the Senate of the United States sitting as a court of impeachment.

THE UNITED STATES OF AMERICA } Upon articles of impeachment of the House of
vs. } Representatives of the United States of
WILLIAM W. BELKNAP. } America, of high crimes and misdemeanors.

And the said William W. Belknap, named in the said articles of impeachment, comes here before the honorable the Senate of the United States sitting as a court of impeachment, in his own proper person, and says that this honorable court ought not to have or take further cognizance of the said articles of impeachment exhibited and presented against him by the House of Representatives of the United States, because, he says, that before and at the time when the said House of Representatives ordered and directed that he, the said Belknap, should be impeached at the bar of the Senate, and at the time when the said articles of impeachment were exhibited and presented against him, the said Belknap, by the said House of Representatives, he, the said Belknap, was not, nor hath he since been, nor is he now an officer of the United States; but at the said times was, ever since hath been, and now is a private citizen of the United States and of the State of Iowa; and this he, the said Belknap, is ready to verify; wherefore he prays judgment whether this court can or will take further cognizance of the said articles of impeachment.

WM. W. BELKNAP.

UNITED STATES OF AMERICA,
District of Columbia, ss:

William W. Belknap, being first duly sworn on oath, says that the foregoing plea by him subscribed is true in substance and fact.

WM. W. BELKNAP.

Subscribed and sworn to before me this 17th day of April, 1876.

DAVID DAVIS,
Associate Justice of the Supreme Court of the United States.

Mr. CARPENTER. Mr. President, Judge Jeremiah S. Black, Hon. Montgomery Blair, and myself also appear as counsel for Mr. Belknap.

The PRESIDENT *pro tempore*. The Secretary will note the appearance of the respondent and the presence of the counsel named.

Mr. Manager LORD. Mr. President, the managers pray a copy of the plea that has been filed, and the House of Representatives ask time to consider what replication to make to the plea of William W. Belknap, late Secretary of War, to the jurisdiction of this Senate sitting as a court of impeachment.

The PRESIDENT *pro tempore*. There is no objection, I believe, to the filing of the plea of the respondent. The Chair hears no objection; it will be filed. The managers will please reduce their motion to writing.

Mr. Manager LORD. We will do so.

The PRESIDENT *pro tempore*. The Chair will state to the officers and members of the House of Representatives, that if it is to their convenience to withdraw at any time, they are at liberty to do so.

The House of Representatives then withdrew.

Mr. Manager LORD. Mr. President, I have sent to the Secretary the request of the managers.

The PRESIDENT *pro tempore*. The managers submit a motion, which will be read.

The Chief Clerk read as follows:

The managers on the part of the House of Representatives request a copy of the plea filed by W. W. Belknap, late Secretary of War, and the House of Representatives desire time until Wednesday, the 19th instant, at one o'clock, to consider what replication to make to the plea of the said W. W. Belknap, late Secretary of War.

The PRESIDENT *pro tempore*. Senators, you have heard the motion of the managers. Those who concur will say ay; those who nonconcur will say no, [putting the question.] The ayes have it; the Senate so orders.

The PRESIDENT *pro tempore*. The Chair will ask the gentlemen counsel for the respondent if they will be ready to proceed at the time named in the motion submitted by the managers?

Mr. CARPENTER. That will depend entirely upon what the managers do. We cannot anticipate. If they do what we suppose they will do, we shall be ready. If not, we shall have to consider what we will do next.

The PRESIDENT *pro tempore*. Have the managers on the part of the House of Representatives anything further to propose?

Mr. Manager LORD. We have nothing further to propose at this time. With the leave of the Senate we beg permission to retire.

The PRESIDENT *pro tempore*. Leave is granted. Have counsel for the respondent anything further to propose?

Mr. CARPENTER. Nothing, Mr. President.

The managers and counsel thereupon withdrew.

The PRESIDENT *pro tempore*. What is the pleasure of the Senate?

Mr. EDMUNDS. I move that the Senate sitting for the trial of the impeachment adjourn until Wednesday next, at half past twelve o'clock.

The motion was agreed to; and the Senate sitting for the trial of impeachment adjourned to Wednesday, the 19th instant, at twelve o'clock and thirty minutes p. m.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the Calendar.

Mr. INGALLS. I suggest that the Senate proceed with the consideration of the unfinished business, being Senate bill No. 680, for the repaving of Pennsylvania avenue.

Mr. DORSEY. I believe the unfinished business is the bill for paving Pennsylvania avenue.

The PRESIDENT *pro tempore*. The bill (S. No. 680) authorizing the repavement of Pennsylvania avenue is now before the Senate as in Committee of the Whole. The pending question is on the amendment of the Senator from Delaware, [Mr. BAYARD,] which will be read:

The CHIEF CLERK. In section 3, line 7, after the word "repair," it is proposed to insert:

The cost of paving the intersections of all streets and avenues and all parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be as follows:

Mr. DORSEY. I think that amendment is entirely just and equitable to the property-holders on Pennsylvania avenue, who a few years ago paid nearly one-half the entire cost of paving Pennsylvania avenue. This amendment lessens the burden on them very considerably.

Mr. LOGAN. I do not precisely understand the amendment. Does it mean that the paving of the Avenue opposite the Botanic Garden shall be paid entirely by the Government?

Mr. BAYARD. On the side next to the garden, the space between the Government lots and the westerly line of the railroad track. The Government owns that property.

Mr. LOGAN. But on the opposite side, how is it?

Mr. BAYARD. It is expressly stated that it is from the side of the curb next to the Botanic Garden up to a line two feet west of the side of the railroad track. It is meant that the Government shall pay for the paving of the whole of that portion.

Mr. LOGAN. I see. Then on the opposite side of the railroad track the cost of the paving would be paid one-third by the Government, one-third by the property-holders, and one-third by the District. I merely suggest that if the Government pays for all on the west side of the railroad, why should not the Government be exempt on the east side of the railroad?

Mr. WEST. It only pays, according to the amendment, between the Botanic Garden and the railroad; it has nothing to do with paying on the other side.

Mr. LOGAN. I beg the Senator's pardon; it has to do with paying on the other side under this bill; it pays one-third on the other side. If it is right for the Government to pay all on the side next to its own property, then it is equally just that the District and the property-holders should pay all on the other side. It is not just that the Government should pay all on one side and one-third of the balance on the other side. That certainly is not equal and just.

Mr. BAYARD. The Senate will see that it is placing the obligation of the Government in this act precisely on the basis of the private citizen. I do not hold that that exists. I do not mean to say that there is any principle connected with this assessment of the cost of one-third to the Government, one-third to the District of Columbia, and one-third to the private property-holders on the Avenue; but I merely say that it is an inequitable assessment growing out of the fact that already the cost to the property-owners along the Avenue for the very defective pavement laid down in 1871 has been very great, and my only object in offering this amendment was to diminish the cost of this pavement to them. The Senate will see that the bill in this respect is not based on any principle of natural equity. There is no rule in regard to this one-third. I only considered that it was reducing their share of this great expense to such proportion as they ought properly to bear. If we made them pay the same proportion of this proposed pavement that we made them pay in 1871, the cost of the two combined would amount to about $54.58 per front foot of all their property; and that occurred to me to be a very crush-

ing tax. For the sake of limiting their expense I propose that they should bear the proportion which I have suggested. There is no basis for that beyond a general equitable assessment.

The Senate knows as well or better than I do that there has been a rather undefined understanding that the Government of the United States should keep in repair thoroughly all the avenues, leaving the people here to take care of the cross-streets. If such a rule ever existed it has never been carried out precisely. On the contrary they have assessed the property-holders on these wide avenues just as much as they have on the side streets. Nor do I mean to say that if we had abided by any such rule it would have led to any better results to property-owners under the unrestrained system of improvement which we lately witnessed all over this District and the pavement of streets far beyond the presence of any buildings. There is no more reason why the property-owners on the side opposite the Botanic Garden should pay more for paving the street on their side than the other property-owners pay on other portions of the Avenue.

Mr. LOGAN. Certainly not.

Mr. BAYARD. I admit that by making the Government pay the whole of the frontage along the Botanic Garden we do undoubtedly increase the Government's proportion. I am not certain that the whole work ought not to be done by the Government of the United States.

Mr. LOGAN. I understand the Senator's proposition; and, according to his idea of it, his proposition is fair and proper; but I beg leave to differ on a question of principle. There is no rule that I know of laid down in the government of cities in reference to pavements or other public works that will require a larger percentage to be paid by one set of property-owners than by others on the same street. The Government of the United States, so far as it is assessed to pay for the pavement of streets, stands precisely in the same situation to the law that an individual does; and the very moment that you depart from the principle that the Government stands in the same relation with individuals as property-owners, so far as assessment on property is concerned, then you leave it a wide open sea, unguided, undirected by any line of principle whatever, to be assessed merely at the will and dictation of a majority of the Senate or House. That certainly is not the rule as applicable to assessments in any place in this country. I agree that the Government of the United States, where it owns property fronting upon any street or avenue or side street, should pay the assessment for paving, renewing, or mending that anybody else would pay who owned the same amount of property. That is the true principle, in my judgment, to regulate the assessment.

Now, if the Government of the United States pays for the entire pavement in front of the Botanic Garden of one-half of the width of the street, (which is certainly going beyond the principle that would govern in reference to assessments,) it should be exempt from paying any proportion on the other side of the railroad track, on the east side of the street. If it pays half of the paving of the whole street somebody else should pay the other half; because that half of the assessment itself is a greater proportion than is assessed under any rule upon any citizen. I am willing in a liberal spirit to say that the Government shall pay one-half, or pay under the rule of the bill up to within two feet of the railroad line; but then let the Government be exempt from its third on the opposite side of the track. It is no heavier on the property-owner who has a frontage on the Avenue. He pays but his one-third any how. If you pass this proposition he is still assessed the one-third and pays that. Let, then, the other two-thirds on that side of the street, not on the whole street, be paid by the District. That would leave the Government of the United States a sharer in the amount paid for the pavement to a greater extent than other property-holders.

In reference to the side streets, while I am up I will give the reason, as I understand it, for the rule adopted. Property, for instance, fronts on the Avenue and at the same time that property fronts on a side street. Why is it that the property fronting on the Avenue and the side street pays a greater assessment than the inside property of a block that only fronts on the Avenue? The same principle that governs in all other cities must govern in this. The interior property of a block has but one frontage; it is less valuable than the property that has two fronts. The property fronting on the Avenue and on a side street, called corner property, has a frontage on the side street and also on the Avenue. Having two fronts, the rule of assessment would assess that property higher, not higher on the front upon the Avenue, but higher taking it altogether, because it pays for the two frontages, the property being more valuable on that front, the value of the property being increased in the same proportion by paving the side street that it is by paving the Avenue. That is the reason for it.

When we lay an assessment on any principle or any rule of reason, or right, or justice, then we must establish that rule and stand by it. This is a greater assessment than the Government has paid heretofore; but so far as I am concerned I shall make no objection to it, provided the Government is excluded from paying the one-third on the other side of the Avenue. That would be just and fair, in my judgment. I will say to the Senator from Delaware that if his amendment is adopted, unless that provision shall be added that the Government shall be exempt on the other side of the railroad, I will, when we come down to the clause which provides that one-third shall be paid by the United States and out of any money in the Treasury not otherwise appropriated, in lines 16 and 17, move to strike out that portion so far as it applies to the side of the street opposite the Botanic Garden. If the Senator will agree to that, I shall have no objection to his amendment.

Mr. BAYARD. I have not the least objection to that. I suppose the reason why this amendment was suggested to me was simply that here was a long stretch of about eight hundred feet owned entirely by the Government.

Mr. LOGAN. I know it is.

Mr. BAYARD. The object clearly was to make the Government pay more there, and the individual owners pay less; but if the Senator thinks there is a principle involved in it, I do not know that I shall object to a modification. I do not see that the difference would be great, because under the bill the Government as an owner would pay a third and its proportion of the remainder is a third, and the other third is thrown on the District of Columbia.

Mr. LOGAN. But it makes it balance because the Government as it stands would pay only one-third of the whole. Now you make it pay half for part of the distance and add the other third to the District of Columbia. It will equalize it if you do what I propose. The Government will still pay more than was originally intended under the bill, one-third more anyhow if you agree to the amendment I suggest.

Mr. BAYARD. I comprehend the suggestion of the Senator from Illinois, and his proposition would be reached by amending the amendment by striking out the words "the cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States." If those words were striken out, it would then leave the Government to pay its proportion. I have no objection to that.

Mr. LOGAN. My objection to the Senator's original proposition is that it does away with the rule and appropriates just what we choose.

Mr. BAYARD. I have no objection to the amendment being modified in the way I have stated, and I will accept that proposition.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. FRELINGHUYSEN. I want to call the attention of the Senator from Delaware to a part of his amendment. As I understand his amendment, it provides that the pavement in front of the parks shall be paid out of the general treasury of the District of Columbia. The Government of the United States owns those parks. It takes charge of them. The pavement is but an incident to the park. On the principle which is so well stated by the Senator from Illinois, that property-owners should pave in front of the property they own, that pavement ought to be paid for by the United States and not by the citizens of the District of Columbia. These parks are theirs, because this is the capital and they are there to beautify the city. The Government of the United States recognizes that; it spends large sums of money in keeping them in repair. I think that amendment ought to be made to the amendment of the Senator from Delaware.

Mr. LOGAN. The proposition I make affects the parks the same as anything else. The principle ought to govern property owned by the Government, as, for instance, the parks. Under the rule laid down in the bill, the Government pays one-third and the property-owner pays one-third; and the Government, owning the property, pays two-thirds, and the District the balance. That is the bill as it stands now.

Mr. FRELINGHUYSEN. But this amendment provides——

Mr. LOGAN. It provides that the Government shall pay all.

Mr. FRELINGHUYSEN. No; it provides that in front of these parks the cost of paving shall be paid by the District, which ought not to be.

Mr. LOGAN. I am not speaking of the amendment; I am speaking of the bill. I am speaking in opposition to the principle laid down in the amendment; but I speak of the bill. As the bill stands now, the Government being a property-owner, so far as the parks are concerned, it pays as property-owner and as Government too.

Mr. DORSEY. This whole question was gone over with great thoroughness in the committee, and we there had a schedule of the property owned by the Government between the northwest gate of the Capitol and the Treasury building. We considered the manner in which the pavement was paid for in 1871; and the best judgment of the committee was that we had better put it in a lump, and then divide it into thirds: let the District of Columbia pay one-third, the Government one-third, and the property-holders owning property on the Avenue one-third. I think after all, now, that is the easiest and the best way.

Mr. WEST. In connection with what the Senator who has just taken his seat has said, I should like to call the attention of the Senate to the mode in which that expense would be distributed between the various parties who are to pay their one-third. Taking the estimate of the engineer officer and the limitation prescribed by this bill of $4.60 a yard, you will find that the total sum amounts to $312,295, exclusive of the amount that is to be paid by the railroad company. Under the provisions of the bill as advocated just now by the Senator from Arkansas, the District will have to pay $104,098, and the Government $104,098, and private property-owners $104,098, making a tax upon all the individual frontage of real estate upon the line of the Avenue on both sides of $15.27 a foot—a rate exorbitant and out of proportion to all the taxes to which other property in the District has been subjected. Without considering the fact that this very property has within five years been further and earlier subjected to

a still greater tax, this fact should induce us to have some consideration in the direction suggested by the Senator from Delaware.

But the proposition of the Senator from Delaware is not altogether equitable to the District, and his attention has been called to that by the Senator from New Jersey. He proposes to tax the District at large for paving in front not only of public parks, but reservations; the market space, for instance, which is retained by the Government. The proposition of the Senator from Illinois would make it still worse for the District. Let me show what will be, in figures, the various proportions to be paid under the amendment of the Senator from Delaware. Taking his amendment to leave the intersections to be paid by the District, we have 2,776 feet; the park spaces, 2,188 feet; total cost to the District of Columbia out of $312,000, $172,000. Senators will please notice that there is no mention made either in the debates so far, or in any amendment that has been suggested, of the market reservation, but including that as the property of the Government and not included by the proposition of the Senator from Delaware the Government will have to pay $85,000 for the Government reservations and the Botanic Garden, and the private property-holders will pay $54,000.

Mr. LOGAN. If the Senator will allow me, does he claim that in front of the market property the Government ought to pay the tax?

Mr. WEST. I have not claimed any such thing. I have only noted the fact that it belonged to the Government.

Mr. LOGAN. Does the Senator say the Government ought to pay that tax?

Mr. WEST. I do not. I call attention to the fact that it belongs to the Government, and nobody has said anything about it yet.

Mr. LOGAN. It belongs to the Government in this way. It is in the hands of a corporation here for ninety-nine years, I believe. The Government has nothing to do with it in the world, and the tax ought to be assessed on the parties who hold the property, for the reason that the Government receives no benefit whatever from it.

Mr. WEST. Then the Senator from Illinois ought to be very much obliged to me for calling his attention to it.

Mr. LOGAN. The Senator from Louisiana did not first call my attention to it; I noticed that it was left without mention in the bill. My attention had been called to it before. I was talking to the Senator from Arkansas [Mr. DORSEY] about it before the Senator from Louisiana mentioned the subject. I think the corporation ought to pay the tax themselves.

Mr. WEST. I was calling attention to what would be the practical result upon property in this District and the payments out of the Treasury of the United States, as proposed by the Senator from Delaware. I will recur to that again and show what the figures are. There will be $172,000 to be paid by the District proper.

Mr. ALLISON. Will the Senator from Louisiana allow me to call his attention to the fact right there that this $172,000 is to be paid out of the District treasury, so that the United States will probably contribute by appropriation from one-half to one-third of it?

Mr. WEST. Why?

Mr. ALLISON. That is the custom. We have done so in the last year. We contributed a million and fifty thousand dollars last year to the general expenses.

Mr. WEST. Whenever that shall occur, then I presume the Senator's suggestion would be proper. These are the facts. I do not think the Senate ought to agree exactly to the proposition when they know what would be the results. The District will be required to pay $172,000, the Government of the United States $85,000, and the private property-holders on the line of the street $54,000. That is all there is of it. If the Senate is prepared to put that tax upon the District at large, which is out of all proportion to its interest in the property, I shall not for myself be in favor of such a proposition.

Mr. DORSEY. Will the Senator from Louisiana allow me to interrupt him?

Mr. WEST. Yes, sir.

Mr. DORSEY. The Senator is in error in regard to the manner in which the general revenue of the District is raised. It is not obtained by taxation altogether, but only in part. I think the last year a very small part was obtained in that way. Congress last year appropriated $1,500,000, not all but a large portion of it to go to the general revenue of the District, out of which this expenditure will be borne. One-third is to be paid in this way and another third charged to the property on the Avenue. I think the Senator from Louisiana must be very much mistaken in his estimate that the one-third proposed in the bill, as it now stands, to be charged to the property will amount to $15 per front foot. There are 711,000 front feet on the Avenue, and $15 a front foot would make a very large sum of money. I have not made a mathematical calculation, but I am very sure the Senator is in error.

Mr. WEST. A gentleman who has not made a mathematical calculation says that one who has made a mathematical calculation is in error. I have here a diagram which was handed me, and I have looked over it with a great deal of attention, in which the total private frontage on that street is 6,818 running feet. The city intersections and the park spaces, according to the proposition of the Senator from Delaware, are 4,964 feet, and the United States reservations and the Botanic Garden 1,330 feet. If, as the Senator says, this work will be paid for by the Government of the United States out of the contribution that the Government is to make for the support of this District, let us get at it at once, then, and charge this paving to the Government, so that we shall have no complication on this score hereafter, and the equanimity of the Senator from Iowa will not be disturbed.

I only wish to direct attention to the fact that under this amendment the District is to pay $172,000, the Government $85,000, and the private property $54,000. The Senator from Arkansas has been a good deal misled by the report made by the board of public works. The $9.55 per running foot that is alleged to have been charged upon this property is not within $10 of the amount per foot, as the Senator from Delaware knows, because he showed us the bills here. His is the right calculation. It is very easy for any one to sit down with a pencil and make it in two minutes. It is $19 instead of $9.

Mr. DORSEY. I will not undertake to controvert the official report of the engineer of this District. I supposed that the man competent to act as the chief engineer of this District was competent to determine what the cost of the pavement laid down on Pennsylvania avenue was. I simply took his figures, and I assumed that they were correct. At all events they are over his official signature and over the official signatures of the commissioners of the District.

Mr. WEST. The Senator does not certainly suppose that I am arraigning him or holding him accountable for the mistake of a man upon whose official position he relies. If a mistake has been made, certainly we ought to know it; and we do know, first from the tax bills (and the Senator can compute from them for himself) that the Senator from Delaware has produced here, Pennsylvania avenue is one hundred and ten feet between the curbs. Twenty feet of space are taken up. In my opinion it would be more equitable—and I will show the Senate the results of this proposition—to charge to the District at large the intersections of the streets. Beginning first with the railroad company, and charging it its share; then charge the District with the intersections; then charge the Government with the reservations and the parks; and then let the private property pay one-third of the remainder. A very trifling amendment to the proposition of the Senator from Delaware would accomplish that object.

This will be the result in figures: The District property of Washington at large will pay $120,000 of the expense; the Government of the United States will pay $137,000; and the private property on the line of the street will pay $54,000. I cannot offer an amendment now, because there is an amendment of the Senator from Illinois pending to the amendment of the Senator from Delaware. Under the proposition of the Senator from Illinois the District will pay a great deal more money than I have stated, and I do not think the amendment to the amendment ought to be adopted.

Mr. BAYARD. The proportion of the expense to be borne by the Government of the United States, the District of Columbia, and the private property is agreed upon by the Senator from Louisiana [Mr. WEST] and myself. In looking over the figures which have been handed me, I find that he rather increases the total cost of this work, and there is also some slight discrepancy between us as to the distances of frontage; but it does not alter the proportion of payment. I am inclined to think that there should be an amendment to the amendment which I have offered that would substantially produce this result: that the District government shall pay for the intersections of the streets and avenues abutting upon Pennsylvania avenue, and also a small amount for alleys, amounting to about ninety feet, and also pay one-third of the cost of paving upon private frontages; that the United States shall pay for paving eight hundred feet in front of the Botanic Garden, for the reservations and park spaces, and also one-third of the cost of paving in front of the private property; and that the private property shall pay the remaining one-third. Upon the supposition that the entire work will cost $303,287.50, it would leave the government of the District to pay $118,165.77; the United States Government to pay $133,246.53; and the private property-holders to pay $51,875.19. Under the bill as reported by the Senator from Arkansas there would be the same amount to pay, distributed in equal proportions between these three parties, leaving $101,095.83 to be borne by each.

There seems to be a concurrence between the Senators who have discussed this subject that it would be inequitable to throw upon the private property-holders along Pennsylvania avenue so large an expense as one-third of the gross amount, and that they should be relieved to some extent. That we should let the Government bear only its fractional proportion of its share of pavement in front of the Botanic Garden is to my mind quite clear. There is no principle at the basis of the division of this cost. It is a purely equitable and arbitrary arrangement on the part of Congress as to what further taxation for the sake of improvement they will put upon this District and upon the property-owners. As has been said and shown here to the Senate, for a wooden pavement exceedingly expensive and luxurious, which was not desired by these property-holders, which they did not vote for, which they had no opportunity of voting for, which they did not contract for, and which they had in a great part to pay for, a tax already, within five years, of nineteen dollars and some cents a front foot on their property has been laid. The present bill would add about $15 more, which it seems by the common opinion of the Senate must be regarded as exceedingly onerous and harsh.

I am quite willing that the amendment offered by me should be modified in any way that will produce the result which I originally

contemplated, and which was a relief to these people of the cost of a large portion of this expensive work. If I were a property-owner upon the Avenue, I do not know that I would desire any such improvement as this now contemplated. I must say that I do not think it is in proportion to their use of the property. This Avenue is laid down for the convenience of non-resident citizens of the United States. It is an avenue that is in every sense of the word the avenue of the Federal Government, and those who traverse it and use it are in the proportion probably of 95 per cent. non-residents of the District of Columbia. Therefore it would seem utterly unreasonable to condemn the property-holders, who form so small a fraction of those who have the use of this Avenue, to pay any such proportion of its cost.

I believe I agreed to accept the modification of the Senator from Illinois about the Botanic Garden. That is not a very important part of this expense. It is about eight hundred feet, and the difference between the amount here fixed and the third of the Government under the bill would not be a matter of very great importance. Although I agreed to accept his modification, I am prepared to insist on the amendment as I first offered it, but I am quite willing that the Senator from Louisiana [Mr. WEST] should offer his amendment.

Mr. EATON. Before the Senator from Louisiana suggested the substitute, I was about to propose an amendment to the amendment of the Senator from Delaware. As he very properly observed, there is no precedent in the case. It is an arbitrary act of Congress at all events which determines the relative amount of expenditure. I understand the expenditure will be in round numbers about $300,000 over and above what the railroad company will pay for its own paving. In my judgment the United States should pay, not a third, but a half of it. Let the United States pay one-half that amount, let the District pay one-fourth, and the private property-holders on the Avenue one-fourth. That would make $75,000 to be divided among the property-holders and $75,000 to be laid on the District generally. It seems to me that is fair and equitable. This is the avenue of the United States, and I think it ought to pay one-half the expenditure for this pavement.

Mr. LOGAN. Will the Senator allow me to suggest to him what the result will be if you establish that principle, if it is a principle? I cannot see any principle in it.

Mr. EATON. Nor I.

Mr. LOGAN. Suppose you establish that precedent that the Government shall pay one-half the cost of paving Pennsylvania avenue, after that is paid a great many other streets and avenues here which are in the same condition nearly will need paving; and what principle will you go on when you pave the other streets and avenues? The same?

Mr. EATON. If my honorable friend desires an answer, I would answer by saying that when the subject should come before me I would take such action upon it as I deemed advisable. I regard this avenue as different from K street, or A, or I, or L street. It is the great public avenue of the country. Therefore I would adopt the proportion I have suggested to-day for this purpose.

Mr. LOGAN. Although you denominate Pennsylvania avenue as of great importance, there are other avenues in this city that are very nearly as important as this Avenue—quite a number of them. Are they to be paved? If so, some principle must regulate the Government. It is well known to all who legislate that when you once establish a precedent for a thing, it is very hard to get rid of it. There has been difficulty about this thing of paving these streets for a number of years, and each year there is an encroachment made on the Treasury of the United States. There seems to be a disposition, in other words, in legislation here to levy taxes on the people outside of the city to do that which the people of the city themselves ought to do. That is the whole of it. Taxation is levied on your constituents and mine to do that which should be done by the people here. It is not governed by any principle that is laid down in any city in the world. I ask Senators on what principle they can so act?

If the Government of the United States pays its proportion according to the property its owns, that is all that can be asked of the Government to do and all that upon any just basis or principle whatever it can be asked to do. All that your constituents and mine should be asked to do is to contribute their proportion, so far as Government property is concerned, and let each other citizen of the town contribute his proportion the same as citizens who do not live here. I ask the Senate upon what principle it is, on what rule of justice or equity, that they ask my constituents to contribute the same amount to paving the streets of Washington City that they ask the citizens of Washington City to contribute—people who never travel these streets? Sir, the true rule for us to be governed by is to assess the Government of the United States in proportion to the amount of property it owns. Then we have a rule by which we are guided. Whenever we deviate from that, we are governed by no principle of justice, economy, or equity. I have heretofore in this Senate and in the other House opposed propositions of this kind time and again on the very ground I state to-day, that you cannot justify them upon any rule of justice or equity. Unless you can find a rule by which you can justify your action, it is wrong.

Mr. INGALLS. Mr. President, having been called from the Chamber temporarily, I beg to know the condition of the pending question. What amendment is now before the Senate?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. BAYARD] as modified at the suggestion of the Senator from Illinois, [Mr. LOGAN.]

Mr. INGALLS. I ask to have it reported.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Connecticut [Mr. EATON] did not offer an amendment.

Mr. EATON. No, sir.

The CHIEF CLERK. The amendment, as modified, reads:

The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by said railroad company, and after the aforesaid deductions the residue of the cost to be paid as follows.

Mr. WEST. After calling the attention of the Senator from Delaware to the fact that he proposes to make the District pay for paving in front of the public parks which belong to the Government of the United States, he sees the impropriety of that and agrees to a modification of his amendment. The result of his amendment, if modified in the way I propose, will be to charge the District with the intersections, the Government with the cost in front of its reservations, with the exception, as I understand, of the Market Space, for which the Senator from Arkansas proposes to provide, and it will distribute the cost around somewhat in the same proportion as he has spoken of and as I have agreed upon; that is to say, the District will pay about $120,000; the Government, $130,000; and property holders on the Avenue, $54,000. The amendment, as thus modified, is:

The cost of paving the intersections of all streets and avenues abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of said railroad company and two feet on each side thereof, which shall be paid by the said railroad company; the cost of the said pavement lying between the public parks and the Botanic Gardens and a line two feet outside of the said railroad track to be paid by the United States, and after the aforesaid deduction the residue of cost to be paid as follows.

Mr. BAYARD. I accept the modification.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be so modified.

Mr. ALLISON. I do not think that improves the amendment of the Senator from Delaware, and, if I shall not disturb my friend from Louisiana, I will give one or two reasons for saying so. I think the distribution under the amendment proposed by the Senator from Delaware is more easily arranged for than that provided for by the amendment as now modified.

There are no public parks on Pennsylvania avenue between First and Fifteenth streets, except two little spaces, one at Thirteenth street and one at the intersection of Seventh street.

Mr. WEST. If the Senator will look at this diagram he will see that there are five.

Mr. ALLISON. I have walked the Avenue a great many times and I think I know exactly the condition of the Avenue. The amendment proposed by the Senator from Delaware it seems to me is a very just one and perhaps not at all objectionable, but I call his attention, and also that of the Senator from Louisiana, who seems to have taken sufficient interest at least to have a diagram of the Avenue, to the fact that from the Saint Marc Hotel, between Sixth and Seventh streets to Ninth street, is an entire public space; it is at the intersection of Louisiana avenue and C street and a small park. As I understand the amendment proposed by the Senator from Delaware, the District government would pay for the paving between that entire space, of which the Government of the United States would be required to pay about one-half. So, when you reach Thirteenth street, there is another space, a small portion of which is covered by a park. From Thirteenth street to Willard's Hotel the entire space would be paid for, as I understand the amendment of the Senator from Delaware, by the District Government.

Mr. WEST. On both sides of the street.

Mr. ALLISON. And on both sides of the street; and one-half in turn again would be paid out of appropriations made from the Treasury of the United States. So it seems to me this mode is simpler than the mode proposed by the Senator from Louisiana. The amendment of the Senator from Louisiana is that the Government shall pay in front of the public parks. The public park between Seventh and Eighth streets is but a very small portion of that public space; and you will have confusion as to computations if you undertake to make so many divisions. I would prefer therefore to vote for the proposition of the Senator from Delaware, saving perhaps the provision as to the Botanic Garden; and my vote will be controlled in that respect by a question that I propose to ask the Senator from Arkansas. Aside from that, I think the fairest method is the method proposed originally by the Senator from Delaware.

Now I want to ask the Senator from Arkansas who has charge of this bill, if the amendment proposed by the Senator from Delaware should not be adopted, would the United States pay one-sixth of the cost of paving in front of the Botanic Garden under the bill as it stands?

Mr. DORSEY. In answer to that I wish to state the theory on which this division was made. The United States owns about one-third of the frontage of the Avenue—something less than one-third. The District authorities control the cross streets and avenues, the intersections of which amount to nearly a third—not quite. The property-holders of course, then, own something more than one-third. So

we thought it would be best, the most equitable, and the fairest way to make a division from one end of the street to the other, leaving one-third to be paid by the United States, one-third by the District, and one-third by the property-owners. The paving in front of the Botanic Garden will be paid just the same as that in front of Willard's Hotel; and so of the pavement in front of all property on the Avenue.

Mr. ALLISON. Would the space in front of the Botanic Garden be assessed under this bill?

Mr. DORSEY. It would be assessed under this bill.

Mr. ALLISON. That is, it would pay one-sixth, and the property-holders on the opposite side one-sixth?

Mr. DORSEY. No; the assessment would be spread over the whole Avenue.

Mr. ALLISON. I understand, according to the frontage; but the United States owning the Botanic Garden or that space, would that be assessed at all, or would it only be that the private owners of property on the street would be assessed?

Mr. DORSEY. That would be assessed.

Mr. ALLISON. As private property?

Mr. DORSEY. Not as private property. That goes to make up the Government's one-third.

Mr. ALLISON. It is only the private property on the Avenue that is assessed, then, as I understand?

Mr. DORSEY. That is all.

Mr. ALLISON. With all due deference to the Senator from Louisiana, who has given this subject a great deal of disinterested attention, I do think we ought to adopt the original proposition of the Senator from Delaware, that the District government shall pay for the pavement in front of these spaces, and that the remainder of the property shall be assessed as provided in the bill. But I think the wording of this bill will require an assessment to be made on the line of the whole Avenue unless there shall be some amendment; that is, extending from the Capitol to Georgetown. Is that the understanding?

Mr. DORSEY. From the Capitol to Fifteenth street. The pavement only extends to Fifteenth street.

Mr. ALLISON. But the bill says "by the owners of property lying and abutting on said Pennsylvani avenue in proportion to their frontage thereon." If you mean that portion of the Avenue lying between Fifteenth street and the Capitol, say it.

Mr. INGALLS. Mr. President, the subject is one that is not free from difficulty and is open to some embarrassment in whatever aspect it may be presented; but, in justification of the report made by the committee and the views that have been suggested by the Senator in charge of the bill, I will submit the fact that while this bill was in committee and before it had been reported to the Senate I was called upon by two gentlemen, residents of the city of Washington, who had a petition signed by a very large proportion of the owners of real estate upon the Avenue, representing a very large percentage of the entire assessment of property to be affected by the tax to be levied by this bill, and I then stated to them the views that I entertained in regard to the distribution of the tax upon the property-holders, upon the Government, and upon the District, substantially as set forth in this bill; and those gentlemen, claiming to represent the property-holders, stated to me that they were entirely satisfied, so far as they were concerned, with the assessment that was proposed by this bill to be levied as the share to be paid by the owners of private property. I believe now that, considering all the circumstances, the difficulties that surround the question, and the conflicting rights of the Government and of the property-holders themselves, and considering also the amounts that have been paid under previous assessments, the bill as reported by the committee presents the fairest and most equitable method that can be devised for paying the sum to be raised for this purpose, and I hope that the Senate will agree to the bill as reported by the committee, and reject the various amendments that have been proposed by the Senator from Delaware and others upon the floor.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Delaware, as modified.

The amendment was rejected.

Mr. DORSEY. I move to insert in section 3, line 12, after the word "Avenue," the words "including the frontage of the ground occupied by the Washington Market Company." That is to require the Washington Market Company to pay for the pavement in front of their market.

The amendment was agreed to.

Mr. SAULSBURY. I see that the seventh section of the bill provides that the old pavement shall be removed and delivered to the authorities of the District of Columbia for such use as they may see fit to make. I understand that the District authorities used blocks in the pavement now on Pennsylvania avenue which will be of value to them. These blocks were put down originally at the expense of the property-holders on the Avenue. These blocks were their property; they paid for it originally. If there is any value in it, they ought to have the title to the blocks or other materials which were put down at their expense. It is not right to take private property, property for which value was paid, and convert it to public use without proper compensation. I have prepared an amendment which I will send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be reported.

Mr. SAULSBURY. I will say that I do not know personally whether the District authorities desired to have these materials or not. I have been told, however, that they will be of service to them in repairing other streets; and, if so, it is but fair and proper that proper compensation should be allowed to the property-holders who originally put them down.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment as follows:

Add to section 7:

Provided, That the materials in the old pavement in front of the property of each property-owner shall be valued by the commissioners, and the amount of said valuation credited to said owner and be deducted from the amount of his assessment under this act: *And provided further*, That the railroad company may, if they so desire, remove and retain the cobble-stone and other materials forming the bed of their said railroad.

Mr. DORSEY. I certainly hope that that amendment will not be adopted. In the first place, the provision in regard to the disposition of the old pavement was thoroughly considered by the committee. We have in this city a very large number of streets paved with wooden pavements. A great many of them are giving out and some of them are indeed already gone. It was thought by the committee that the commissioners of the District could take such of these blocks as were good and sound and use them on other streets, as E street, for example. If they were appraised and sold at auction, they would bring but a very small sum of money, and the result would be that they would be frittered away and no benefit realized to the property-holders or to the District.

As to the provision in regard to the railroad company, I desire to say a single word. This company had been, through its president, Mr. Hurt, before the committee and urged the amendment offered by the Senator from Delaware very strenuously on the ground that it could not afford to stand thirty or forty thousand dollars, the sum which would be required to repave the railroad tracks and the space between the tracks. The truth is that this railroad company has got by all odds the most valuable franchise in this District or that this District can ever grant. It paid last year, as was shown by the president in a paper which he submitted to me, 13 per cent. on $900,000 capital, bonds and stock, while the actual cost of the railroad, in answer to a question propounded by myself to the president, was shown not to be over $300,000. It pays 13 per cent. on a capital three times its original cost. I am sure we do not want to grant a corporation of that sort any extraordinary privileges to which they are not entitled under the law. Their charter requires them to do this paving and keep it in order, and to pave two feet outside of their tracks. As the bill now stands, the question of the kind of pavement they are to use, the manner of laying it down, and the whole subject are referred to the commission appointed by the bill, in whose hands I hope it will be left.

Mr. SAULSBURY. I understand that when this pavement was laid down originally the property-holders paid the expense of laying the wooden pavement in front of their property. If so, every block of wood which enters into the pavement was paid for by the property-holder adjoining whose property it was placed. Therefore whatever value there may be in these blocks when removed from the pavement certainly belongs to the property-holders in justice and equity. I do not propose to take that which honestly belongs to a man without compensation. This amendment does not propose to take this material from the District authorities; it only provides that the commissioners who are to lay down this new pavement shall value these blocks and credit each property-holder with whatever value they may have. I do not know that they will value them at anything scarcely; but if there is any value in them, if they have any value, let the property-owner who originally placed them there be credited with that amount, and let the amount be deducted out of his assessment under this bill.

Now, in reference to the railroad company, I have no doubt that company obtained from Congress, or whoever granted it, a very valuable franchise; that it is worth a great deal of money to the company; still it is true that they placed a great deal of stone on the bed of their road. They placed it there at very considerable expense. They did it at their own expense, not at the expense of the Government of the United States, not at the expense of the District government; and you compel them by this act to replace those stones by some other material. The amendment that I have offered only secures to that company which placed these cobble-stones there the right to remove and retain them. They may be valuable to them in some other place. They cost them originally a considerable amount of money, I have no doubt, and they may be of use to them hereafter. They are their property. They paid for it originally. Why do we want to take it now and give it to the District government? I have no special partiality for railroad corporations. I did not help to grant this franchise originally. I have no doubt that it was unwise to grant them a franchise without proper compensation for it; but you have already granted it, and you have compelled them to pave the bed of their road with cobble-stones, and now you require them to remove them. All that my amendment does is simply to secure to the company the right to remove these stones and retain them for their own use.

Mr. DORSEY. I wish to remind the Senator from Delaware that

the Senate struck out the provision in this bill requiring the railroad company to pave the space between its tracks with square blocks of stone, and it is now left to the judgment and the discretion of the commission appointed under this bill to determine how and of what material the pavement shall be made. I certainly hope that the Senate will not intervene and indicate to the commission in any manner what shall be used to pave the space between the railway tracks.

As to the wood pavement, the Senator is only partially correct in saying that the owners of property along the Avenue originally paid for it. They only paid for a part of it. They paid for half of it, and they have had the use of it for five or six years, which, I think, is a fair compensation for what they paid in 1871. It seems to me that if this old material was appraised and put up at auction and sold it would bring a very small sum, hardly worth considering by the property-holders, while if it were put into the hands of the District commissioners it could be made useful in repairing some of the worn-out streets in other parts of the city. That was the purpose of the committee in leaving the matter in the hands of the commissioners.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, [Mr. SAULSBURY.]

The amendment was rejected.

Mr. DORSEY. In section 6, lines 5 and 6, I move to strike out the words "left at the property assessed," and insert "published in one or more papers printed in the District of Columbia," so that the notice of the assessment will be printed in a public newspaper instead of left on the premises.

The amendment was agreed to.

Mr. DORSEY. In line 26 of the same section I move to strike out the word "20" and insert "10," so that on default of the payment of any sum assessed the property-owners shall only be mulcted 10 per cent. instead of 20 per cent.

The amendment was agreed to.

Mr. INGALLS. I desire to call the attention of the Senator having this bill in charge to the fact that there is between Ninth and Tenth streets, on the north side of Pennsylvania avenue, a very considerable tract of pavement of concrete or asphalt that is in perfectly good condition to-day. I ask him whether or not that fact has been taken into consideration in this bill heretofore, as I have been out and have not been present during the consideration of all the amendments that have been offered?

Mr. DORSEY. In reply to my friend from Kansas, I will say that I have considered that fact. I thought it would be better to leave it entirely with this commission, who will probably want to change the grade somewhat. If they do not absolutely lay down a new pavement at that place, they will be likely to lay a new coat over that already down. There are two pieces of pavement there, and if my recollection is right one piece of it is much lower than the other. I thought it best not to make any reference to it in this bill.

Mr. WEST. I presume that now the conclusion of the Senate will be to vote affirmatively on the passage of the bill. I only wish to say in a few words why the bill will not meet my assent. In conjunction with some other Senators I have essayed to protect the owners of property on the line of this avenue from what must be considered nothing less than an extortion, and I will state why. As the bill stands, rejecting the amendment of the Senator from Delaware, [Mr. BAYARD,] the property-holders on the line of Pennsylvania avenue between the Capitol gate and Fifteenth street will be once more subjected to a cost of $15.79 per running foot for paving in front of their property. They paid in 1871 $19 a foot. Consequently you will have over $34 per running foot assessed upon that property for paving within five years. Take Pennsylvania avenue west, from its junction at Fifteenth street to Rock Creek, and the property fronting upon that avenue has paid $4.83 per foot; so that the unfortunate property-holders between the Treasury and the Capitol are to pay $34 and the fortunate property-holders west of that are to pay less than $5. That would be a gross injustice, and certainly is not to receive my assent. Whatever I have said here with reference to protecting the rights of these people has been, if I have any interest at all, directly against my own personal interest, being somewhat concerned in a small piece of property here. The more that is charged to the District the worse I should be off. I propose that the District should in justice incur the greater proportion, and that these unfortunate property-holders should be exempted from this extortion. It would be nothing more and nothing less than extortion. It is $34 a running foot upon their property in five years, which is $30 more than other property pays in the District. The proposition is wholly unjust, and it will not meet my support.

Mr. DORSEY. I should like to ask the Senator from Louisiana a question. I ask him to state to the Senate in what manner the pavement on Pennsylvania avenue west of Fifteenth street was paid for.

Mr. WEST. It is one of those conundrums that "no fellow can find out" how it was paid for. I can only state how much the property that fronts on the street paid for it.

Mr. DORSEY. I will answer the Senator. The pavement was paid for with 3.65 bonds of the Government of the United States, and the cost was never assessed on the property.

Mr. WEST. That may be, but yet the District has to pay for those bonds eventually and the property at large is taxed to pay for them. I remind the Senator once more that under the provisions of his bill he assesses a tax of $34 on one man's property while he allows another to be assessed only four or five dollars. That is the whole of it. I endeavored to come to their rescue, and the Senator from Delaware endeavored to come to their rescue, so as to reduce this enormous extortion which is now sought to be imposed upon these people. The proposition has been voted down. I think before the Senate votes on such a proposition it ought to understand just what it is.

Mr. WHYTE. I move to strike out the words "and sixty cents" in the seventh line of the fifth section, so that the sum shall not exceed $4 per square yard. If those words are stricken out it may probably save the parties who are called upon to pay for this pavement some $42,000. The highest price that I have heard stated here for laying the best pavement is $3.90. I think therefore that $4 is an ample limit as the maximum price which shall be paid for this work.

Mr. DORSEY. I call the attention of the Senator from Maryland to the fact that $4.60 is not only for the pavement, but it is for removing the old one, for grading the street, and for all other expenses attending the work. I will call his attention further to the fact of the importance of laying down a pavement that will last for at least ten years. If a pure asphalt pavement is laid, such as Neuchâtel, Val de Travar, Trinidad, or Grahamite, it will cost at least $4 per yard. A pure asphalt pavement cannot be put down for less. Of course we could get a pavement made of ashes and gravel and coal-tar. There are such pavements which we could probably get for $3 a yard and perhaps for less, but the intention of the committee was to fix on such a sum as would warrant the putting down of the very best kind of pavement. I hope the words "sixty cents" will not be stricken out so as to reduce the limitation. The commission need not go to that figure unless it is necessary in order to get a good pavement. I have faith enough in their integrity and ability to determine what is the right sum to pay to believe that they will not go to that limit unless it is absolutely necessary.

Mr. RANDOLPH. May I ask the Senator whether this $4 or $4.60 is to include the renewal of the pavement for the next three or four years.

Mr. DORSEY. It is the custom, I understand, for those who put down a pavement to keep it in repair for a period of three years, and that expense would be included of course in the contract.

Mr. RANDOLPH. I quite agree with the Senator from Arkansas that the price fixed by the bill is quite low enough. If the experience of experts upon this subject be of avail, the limit is already low enough, taking into consideration the removal of the old pavement, the substitution of the new, and the preparation that would be necessary in order to make a thorough foundation for a new pavement.

Mr. DORSEY. I will state further—and I call the attention of the Senator from Maryland to the fact—that this limitation was added at the suggestion of the property-holders, many of whom in discussing the subject with me thought if it was left open the cost of preparation for the pavement would amount to about as much as the pavement itself. They preferred this limitation or even a higher one to be put in the bill rather than no limitation at all.

Mr. WHYTE. The reason for my offering the amendment is to be found in the fact that we have reports made to us here which ought to give us some information certainly; and I observe that the wood pavement on the Avenue cost about $2 or $2.50 a square yard. I understood from the Senator from Iowa, [Mr. ALLISON,] who spoke the other day on this subject, that the pavement which confessedly was the best pavement in use in this District, the Neuchâtel pavement, cost but $3.90 a square yard. There is no grading to be done. The grading has been done already. All that is to be done is to take up the wood pavement and carry it away and use it for the purposes of fuel, to which I suppose it will be appropriated, and to lay down the new pavement. There is therefore no extra expense except to lift that pavement away and put down the other pavement, and I think a saving of $40,000 is of some importance to the people of this District.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, reducing the limit of the cost from $4.60 to $4.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. BAYARD. I desire to submit to the Senate at this time an amendment which was offered in what I conceive to be a just consideration for the rights of the private property-holders along the route of this Avenue. I do not propose to repeat to the Senate what I have said on the subject or to reread the documents in my possession. The people of this District have no representatives on the floor of either House of Congress, and yet they are taxed without representation. The Avenue which it is now proposed to repave is more of a national highway than any other within the limits of the United States. It runs between the Legislative and the Executive Departments of the Government of the United States. It is traversed by a very large population of non-residents. It ought to be a handsome and well-kept Avenue for every reason. It is the most public street in the United States and probably the finest avenue in the United States. Therefore, for these local property-holders to keep this avenue in a proper condition with expensive pavements at their own cost, seems to me utterly unreasonable. If their property should be enhanced in value it is assessed according to value and pays its share of tax according to value; but to compel them to put down these lux-

urious pavements for the benefit of the citizens of the United States who are non-residents of the District seems to me utterly unfair in any way that it can be looked at.

I have shown the Senate by tax bills handed to me that for a pavement badly constructed, unwisely contracted for, and most extravagantly paid for by these very property-holders, they have been assessed within five years nineteen dollars and some cents per front foot. If the present bill reported by the Committee on the District of Columbia should become a law, $15 a front foot more will be added to that cost. It seems to me that the statement of such a proposition shows how unjust it is that we should subject this property to an expense of $35 and perhaps fifty cents per front foot to pave and adorn a street that is used by these property-owners only in common with so vast a body of their fellow-citizens who have nothing to do with the expense. Therefore it is that I propose to renew now the amendment which I offered in Committee of the Whole.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After the word "repair" in line 7, section 3, it is proposed to insert:

The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be as follows.

Then follow the words in the bill:

By the owners of private property lying and abutting, &c.

Mr. WEST. Will the Senator from Delaware permit me to make a suggestion to him? He has used the expression "the westerly side of the said railroad tracks." I call his attention to the fact that Pennsylvania avenue runs nearly east and west. It should be "outside of the side of the said railroad tracks." It is not the westerly side. He intended the term "westerly" to apply to the Botanic Garden, which is on the southerly side. If he will omit the words "of the westerly side" he will accomplish what he wants.

Mr. BAYARD. I will modify my amendment by striking out the words "of the westerly side."

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment was agreed to; there being on a division—ayes 30, noes 9.

Mr. SHERMAN. I ask, for information, if the amendment requires the intersections of the avenues and streets to be paid by the city government? If that is the case, it seems to me it is rather hard upon the city government.

Mr. DORSEY. As I understand it, it requires the District government to pave all intersections of streets and avenues; that is, two feet from the railroad track back to a line even with the curb-stone on Pennsylvania avenue.

Mr. SHERMAN. It seems to me that there is great injustice in making this pavement at the expense of the city. If there is any force in the argument of the Senator from Delaware, it certainly ought to be to reduce the cost to the city. It seems to me the Government of the United States ought to make all this road between the Treasury Department and the Capitol except such as immediately abuts or fronts on private property. There would be no hardship in doing that, because the Government of the United States undertook five years ago to make this road and made it in a very imperfect manner. To require the city government to pay for it per yard by the taxes of the people of the District, and then make the people themselves pay for the intersections, is very hard. It seems to me the Government of the United States ought to do that.

I did not intend to interfere with the passage of the bill, and will not offer any amendment. I voted for the amendment of the Senator from Delaware. To require the city government to pave all intersections must apply to the whole length of the Avenue. There are fifteen streets or more than that—at least fifteen—the ordinary width of which I suppose would be one hundred feet or more. There would be fifteen hundred feet to be paved by the city authorities. It is between a third and a quarter.

Mr. EDMUNDS. Just about a third.

Mr. FRELINGHUYSEN. I agree entirely with what the Senator from Ohio has said. I voted for the amendment of the Senator from Delaware because I thought it was better that this expense should come out of the general treasury of the District than out of the particular property-holders on the Avenue. I think that the expense of paving the intersections ought to be borne by the United States.

Mr. WEST. The whole of it?

Mr. FRELINGHUYSEN. In front of these streets. An amendment was proposed here that the United States should pay in front of its own property, its parks, and it was voted down, as I understand.

Mr. WEST. If the Senator will permit me, the amendment as adopted requires the Government of the United States to pay $137,000, the District $120,000, and the property-holders on the Avenue the balance.

Mr. DAVIS. What amount will the property-holders have to pay?

Mr. WEST. Fifty-four thousand dollars.

Mr. SHERMAN. The property-holders of the city then have to pay $120,000 besides?

Mr. WEST. Yes, sir.

Mr. SHERMAN. It is a very heavy tax upon the city. The city is now overburdened with debt. It seems to me it would be better that the United States should at once assume this burden rather than throw it upon the District. The District is not able to pay it. It is not in a condition to pay it. One hundred and twenty thousand dollars put by this bill upon the city government is about one-tenth of all the taxes that are laid upon the private property of the city of Washington annually. The tax levied at the rate of 1½ per cent. on the property of the city will not yield over $1,300,000, I am told, the valuation being about $85,000,000 or $90,000,000. Therefore this would be in addition to the other taxes to be imposed upon the city, a tax of one-tenth of the amount. I do not think it is just or right. I would a great deal rather that the Government of the United States should at once assume the entire expense of repaving Pennsylvania avenue except that which properly belongs to private property-holders for the portion abutting on their property. There the private persons ought to pay their portion of the tax, although even then it is very hard upon them. Persons owning property along Pennsylvania avenue have been severely taxed. They have been very much injured already by the pavement that has been laid down; and now within five years to require them to renew this tax and pay it over again is pretty severe. That expense could be borne; but when you add to that and impose upon the general property of this District private property $120,000 more, it seems to me that it is unjust.

Mr. BAYARD. My attention has been drawn by the Clerk to the fact that a portion of the amendment offered by me was not read by him. It was owing to the manner in which it was printed in the RECORD. I handed it to him in that shape. I will ask, therefore, that the remaining portion of my amendment be read. I will state to the Senate by way of explanation that it controls the fractions of this cost which are to be relatively assumed by the Government of the United States, by the government of the District, and by the private property-owners. The amendment as I had it first proposed that the Government should bear one-third, the District government one-third, and the private property-holders one-third. Upon some conversation with the senior Senator from Maine, [Mr. HAMLIN,] I have enlarged the proportion to be borne by the Government of the United States and decreased the proportion to be paid by the government of the District and private property-holders, making the Government of the United States to bear one-half and the others to bear one-fourth of the cost of this improvement each. I ask that the remaining portion of my amendment be now read. The Clerk has it.

The CHIEF CLERK. That part of the amendment which was not reported is to amend section 3 by striking out "one-third" in line 13 and inserting "one-fourth;" in line 15 by striking out "one-third" and inserting "one-half;" and in line 17 striking out "one-third" and inserting "one-fourth;" so that if amended the clause will read:

In proportion to their frontage thereon, one-fourth of the expense, after deducting the amount paid by said Washington and Georgetown Railroad Company; one-half to be paid by the United States out of any money in the Treasury not otherwise appropriated; and the remaining one-fourth to be paid out of the general revenue of the District of Columbia.

Mr. LOGAN. That applies to the whole Avenue?

Mr. DORSEY. Am I to understand that the Senator from Delaware withdraws his first amendment and now proposes this instead of it?

Mr. BAYARD. O, no. I have not withdrawn my first amendment. There was a misapprehension, owing to the form in which it went to the desk. But a part of the amendment was read. The Clerk left out the last clause of it, which divides the cost of this work, and that has just been read.

Mr. SHERMAN. I call for the reading of the whole section as it will read if amended.

The CHIEF CLERK. Section 3, if amended as proposed, will read:

That the cost of laying down said pavement shall be paid for in the following proportions and manner: The Washington and Georgetown Railroad Company shall bear all of the expense for that portion of the work lying between the tracks of their road, and for a distance of two feet from the track on each side thereof, and of keeping the same in repair.

The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be as follows: By the owners of private property lying and abutting on said Pennsylvania avenue, in proportion to their frontage thereon, one-fourth of the expense, after deducting the amount paid by said Washington and Georgetown Railroad Company; one-half to be paid by the United States out of any money in the Treasury not otherwise appropriated; and the remaining one-fourth to be paid out of the general revenue of the District of Columbia from any funds in the hands of the commissioners or the treasury of said District, upon the warrants or orders of said commission, when the same shall have been passed in the Treasury Department, as in case of the disbursement of public money.

Mr. DORSEY. I did not understand that amendment at all. I observe, now that it is read with the whole section, that it throws at least three-fourths of the entire expense of the pavement on the United States.

Mr. SHERMAN. As I understand it, it yet throws upon the District government the entire expense of the intersections of the Avenue,

which is at least one-fourth of the total expense of the whole road. That is unjust. Certainly the United States ought to pay one-half or one-third of the expenses of the intersections. There is no reason why the city should bear the whole of that expense and the Government of the United States no portion of it.

Mr. DORSEY. In the first instance the United States pays the entire cost of pavement from the railroad track back to the curbstone in front of all its reservations and parks. For example, in front of the Botanic Garden it pays the entire expense for two or three squares on one side of the street. In front of the little triangular spaces, where an avenue crosses Pensylvania avenue, the United States pays the entire cost on the side of the street where that triangular piece is, and then in addition to that it pays one-half of the remaining part. It strikes me it is drawing upon the United States Treasury to rather a dangerous point.

Mr. MERRIMON. I beg to say a word in justice to myself and likewise in justice to the committee. I am very sure that I am far from desiring to do any human being on Pennsylvania avenue the slightest injustice. The committee found that to repave that avenue is absolutely necessary. Whether it will cost much or little, some one is bound to bear that burden. Their effort and the effort of the subcommittee of the committee was to ascertain, as nearly as they could, how the burden ought to be borne by the three classes, to wit: first, by the Government of the United States; secondly, by the owners of property along the Avenue; and, thirdly, by the city of Washington. They could adopt no rule, except one arbitrary in its character, but I think they honestly endeavored to see how they could make the levy operate as equitably as possible. In doing so they came to the conclusion that the Government of the United States ought to pay one-third of the gross cost; the people who own property along the Avenue, one-third; and the city of Washington, one-third, after deducting the cost of the railroad track along the center of the Avenue. I myself do not possess a great deal of information upon this subject, but the subcommittee were at a great deal of trouble to ascertain what would be right and equitable. I learn that they consulted with a good many of the property-owners to get their views, and they thought, so far as they were consulted at all, that the proposition named in the bill as reported was reasonable and just and satisfactory.

Very much has been said in this body about the injustice that is to be done the property-owners along the Avenue. I do not see their liability in the light that some Senators do. The great bulk of property-holders along Pennsylvania avenue are engaged in some sort of business or other, and they have an advantage which is superior, and greatly superior, to the advantages enjoyed by any other of the business people of the District of Columbia or the city of Washington. There is more travel upon that street, more passengers go over it, and there are more circumstances that attract people there than upon any other street in the District. They have advantages in the point of trade, growing out of the number of persons who pass over this street, whose attention is attracted there, more than double or treble that of any other portion of the city.

Mr. BAYARD. I suggest to the Senator from North Carolina that, if that is true, that makes their property more valuable; but as it becomes more valuable it is assessed at higher rates and they pay higher general taxes upon it.

Mr. MERRIMON. I was going to remark upon that. That is very true. That is right and just. But I mean to say that they have more advantages, over and above the increased value of their property and the increased assessment, than any other people in the District. I think that they realize the fact themselves. The committee were of opinion that, in view of that additional advantage, it was right and just, inasmuch as their traffic went over the street more than other people's, that they should pay this increased price. It is true it is burdensome. I regret that; but it is of no use to discuss it. That is a fact out of the case entirely. The evil is here. It must be met; the street must be repaved, and the three classes I have mentioned are bound to do it. The simple question is, what is the reasonable proportion among those three?

Mr. RANDOLPH. But they have already paid within the last five years for the pavement some eighteen or twenty dollars a foot.

Mr. MERRIMON. That was their misfortune, and they must bear the misfortune like other people.

Mr. RANDOLPH. It was owing to mismanagement entirely that it was done.

Mr. MERRIMON. I do not think the people of the United States are to be blamed at all. I do not think the people of the city of Washington generally are to be blamed about it. It was a calamity, and this calamity must be borne by these three classes; and according to the best information that the committee after a great deal of labor could obtain, they thought that this arrangement, although arbitrary, was as equitable and fair a one as the committee could hit upon. I do not believe, if the Senate work here six months, that they will come to one that is more equitable. I consented to tax the people along the line one-third of the gross cost, because they have an advantage that no other people of the District of Columbia or of the city of Washington have. They have an advantage over and above the allowed increased valuation of their property and over and above the increased taxes they pay upon that account. It was for this reason that the committee consented to the proportion and arrangement provided in the bill. It was for this reason that I yielded my assent. I am as far from wanting to do the people along the Avenue injustice as any one can be, but I could not see it in any other light than that which I have endeavored to bring to the attention of the Senate.

Mr. LOGAN. From the indications I presume the Government will have to bear all this burden. A short time ago I thought the Senate had the impression that fair dealing toward the tax-payers outside of the District of Columbia should at least be shown in this bill. I do not expect to convince any man, but if I can have the attention of the Senate for five minutes I can satisfy any one that the amendment moved by the Senator from Delaware is an imposition upon the United States Government fourfold more than any that has heretofore been advocated on this floor. Let us consider the proposition in the bill. It is to pave Pennsylvania avenue and allow the Government to pay one-third of all the expense, the city government one-third, and the property-holders one-third. What is the proposition now partially adopted by the Senate? I have not time to show by a map or drawing or anything of that kind, but take Pennsylvania avenue as it runs. On the left we have the Botanic Garden, a short distance farther on we have a park on the right, and so on. The proposition which the Senator from Delaware now proposes requires the United States to pay all of the assessment in front of the Botanic Garden up to the railroad line. What else? It then requires the Government to pay one-half of the amount taxed against property on the other side of the railroad line. That is the proposition of the Senator from Delaware.

I supposed, when we discussed it before, the proposition as we then had it was for the Government to pay one-half in front of the Botanic Garden; and I suggested that the Government be exempt from its third on the other side. He said that was fair, and the Senate partially consented to that; but now he proposes an amendment, not to exempt the Government from the one-third on the other side, but that the Government shall pay the whole on one side and one-half on the other side, instead of one-third, as originally proposed in his amendment. And the Senate seem disposed to take that as being a proper way to dispose of this question, when I think there was no man in the Senate when the proposition was first made this morning who advocated it; the Senator from Delaware himself would not do it.

Let us go a little further. Now the proposition is that Pennsylvania avenue shall be paved. How? That the Government shall pay all the expense of paving in front of its own ground up to the railroad; then it shall pay one-half of all the balance. What do the property-holders pay? Not one dime for the pavement in front of the Government ground, according to this amendment, but one-fourth of the pavement in front of their own property where it is not along Government property, and that the District itself shall pay for the cross streets and one-fourth of the tax on the private property, not one-fourth of the tax on the General Government. I ask any man to tell me on what principle of honesty or justice a proposition of this kind can be advocated?

If, Mr. President, the Senate are determined to saddle this upon the Government, upon their constituents, let them make a smooth thing of it, have no mystery about it, say that the Government shall pay it all except a mere pittance, for that is the meaning of this. Why not say so if that is what you mean? Why not say that the Government shall pay for paving in front of all these hotels and all these large stores? That is what you mean by the amendment; and why not say so? I ask any Senator here if he believes it is honest and just for his constituents to pay for the paving in front of Willard's Hotel, and the National Hotel, and the Metropolitan Hotel, establishments that perhaps make more money than any other parties in this city? You are willing that your constituents shall be assessed to pay what? First, the whole paving in front of your own property, and then one-half in front of these hotels, and then the owners shall pay but one-fourth and the city shall pay the balance. If there has ever been such a proposition passed either in Congress or in a State legislature or in a city council in the United States of America, I should like some man to show it. There never has been so unjust a proposition agreed to anywhere in reference to the paving of streets in any city in the United States.

I know it is not a very comfortable thing to fight against spending the people's money for the pleasure of the District of Columbia. I have done it very often. I have not succeeded very well in doing it. I do not expect to succeed now. But I tell you, Mr. President, when the people of the United States do once understand that outside of the city of Washington taxes are imposed on them which ought to be imposed on the citizens here, aside from the taxes imposed on Government property, they will want to know the reason why. What is the reason? I cannot tell. I do not understand it. No man can tell. No Senator can explain the reason for it. Of course it is not private interest. No man would insinuate that it is private interest. Of course it cannot be that. What is it? It is a disposition to deal with public funds, not as the agent of the people, not as the representative of the people, but merely to deal with them as a man who receives charities would deal with the charities again.

I understand the principle upon which the paving of streets is done to be this: In front of my house I pay a certain portion of the expense of the paving; the city pays the balance. The property-hold-

ers along the side of the streets are assessed first in the opening of the street for the right of way; then when you come to pave the street the property-owners are assessed for that, on either side, a certain amount, and the general fund of the city goes to pay the balance. That is the rule everywhere. If any man can show me a reason for making the Government of the United States pay for paving streets in front of private property, where they own nothing whatever, and pay one-half of it, then I will give it up.

Mr. BURNSIDE. Will the Senator from Illinois allow me to ask him one question?

Mr. LOGAN. Certainly.

Mr. BURNSIDE. Does the Government of the United States pay anything into the District treasury for taxes on its property?

Mr. LOGAN. The Government of the United States has its property in the city of Washington assessed at $60,000,000 for taxing purposes.

Mr. BURNSIDE. Does it pay taxes on that?

Mr. LOGAN. It did do it.

Mr. WEST. When?

Mr. LOGAN. Not long ago.

Mr. BURNSIDE. I did not know it.

Mr. LOGAN. I beg pardon. In the estimates that were made here before the Senate agreed to pay the portion of Government property, the property of the Government was estimated at $60,000,000, and the proportion was fixed on that ratio of assessment right here in the Senate.

Mr. MERRIMON. It was expressly provided in the act of last year or the year before that the Government should be taxed in proportion to its property to pay the interest on the 3.65 bonds.

Mr. LOGAN. Yes, sir. I remember it well, and other Senators do who paid attention, that the estimate was $60,000,000; and after paying taxes on that enormous amount, more than all the property cost, you then come forward and make it pay one-half of all that which is incumbent on the city and its citizens to pay besides.

Mr. DORSEY. That is not so.

Mr. SARGENT. The Government never has paid any money in the sense of taxes in the District. The law in reference to the 3.65 bonds pledged the Government to pay its proportion; and it has been used as matter of argument that the property of the United States in the District was worth $60,000,000, and that in making our appropriations we ought to keep that in view, and appropriate a sum which would be equal to the taxation on it; but it never has been done. If it could be done, if a fair rate could be paid by the Government annually, equivalent to that taxation, then we ought not to tax the Government to pay for this paving at all, and it should all be assessed upon the District treasury.

Mr. BURNSIDE. That was the point I had in view.

Mr. LOGAN. I will answer that proposition, I do not care by what name you call it. You may say it is not assessed as taxes and paid into the District treasury; but, call it by what name you please, under your law that gives the right to assess this property at $60,000,000 in making your estimate for appropriations, it is a tax, and by no other name can it be known. The same principle applies in reference to customs duties. They are not commonly known as taxes, and yet they are taxes, and should be known as taxes.

Mr. MERRIMON. Will the Senator from Illinois let me read the clause of the statute to which I referred a moment ago?

Mr. LOGAN. Certainly.

Mr. MERRIMON. In the act approved June 20, 1874, creating the present commissioners as the government of the District of Columbia, it is provided in section 7:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, create a sinking fund for the payment of the principal thereof at maturity.

Mr. LOGAN. Certainly; that is the law making the Government pay its proportion in accordance with the valuation of its property, as I said; and it was valued at $60,000,000. It is a tax, and it is nothing less, nothing more. Now I want to ask a few questions of the Senate before they propose to make their constituents pay this amount for the paving of this avenue other than what is just according to the ratio that we ought to pay for paving in front of our own property.

For the benefit of the District of Columbia you passed a law but a few days ago assuming the debt of this District and paying the interest on it, amounting to $15,000,000 for improvements in this city. The improvements in this city in the last few years, under the direction of the Congress of the United States, have cost the people of this country very nearly $30,000,000. This is a tax upon the people outside of the District; it is a tax upon the whole people of this country. You have a law here in this District that exempts personal property from taxation. The banker may have his millions in his vaults and he is not taxed on that property. This was done, as I understand, as an inducement for what? To induce rich men to come and live in the District of Columbia where they would not have their private assets taxed; their bonds and their moneys are all exempt here under your laws. Wealth is exempt from taxation! With these exemptions on the citizens of the District of Columbia, you as legislators propose now that you will exempt them further by imposing these burdens upon your own people; and that is called honest legislation!

I said this morning and I say now that I am willing that the Government shall be assessed to pay its proportionate share for pavement in front of every foot of ground it owns, and around its buildings, around its gardens, and all its public grounds. Let it pay that which is just and proper, the same as if it was an individual owner. I ask any man to tell me the difference. A corporation in law is considered an individual. What is the difference between the assessment on property belonging to the Government and the assessment on property belonging to an individual? Will some man explain the difference? One belongs to an individual, and he has a right to deed or assign it, and the other belongs to the Government. The difference is that the individual pays the tax on his own property and the people pay the tax on the property of the Government. But when you come to the just rule of levying assessments, there is no difference; the rule is and ought to be the same.

I enter my solemn protest against this robbery of the Government of the United States. You may call it what you please; but it is the Congress of the United States putting its hands in the public Treasury and dealing out the funds without respect to the interests of the people or the Government. These funds ought to be reserved for other purposes. In other words, this is a legal robbery of the Treasury of the United States for the benefit of the District of Columbia. That is exactly what it is—a legal robbery of the Treasury for the benefit of individuals who reside within the confines of this District. Whenever you impose one dollar's tax on the Treasury of the United States more than you do on the city and the property-owners on account of the property that they own, every cent over and above that which you impose on them is just that much money robbed and wrenched from the pockets of the people outside of this District for the benefit of these people who pay no tax on personal property.

I am willing to see the bill pass as it came from the committee. That made the Government pay one-third, the property-owners one-third, and the District one-third. That is in accordance with some rule, some principle, some justice, and some equity. But when you make the Goverment pay it all, or nearly all—all in front of its own property and one-half in front of everybody else's property—you then rob the Government of that one-half in front of everybody else's property.

This amendment is the stepping-stone to the paving of all the streets in this city finally by the Government of the United States. It is to be a precedent for payment by the Government for paving all the avenues of this city out of the Treasury finally. I think the Treasury has paid about enough for this city. Senators talk about frauds in pavements, about frauds and rings here that rob the Government. How did those men rob the Government? They robbed the Government by taking contracts and defrauding the contracts, by violating the law, by failing to do that which they were required by law to do. They robbed the Government in that way. What is the difference? The difference is that you legalize robbery by an act of Congress. You take it out of the Treasury by an act of Congress; and they take it out by violating the law that you pass by frauds in their contracts. The only difference is that one is punishable and the other is not.

The PRESIDING OFFICER. The Chair understands the Senator from Delaware to move a reconsideration of the amendment for the purpose of perfecting it.

Mr. BAYARD. Only that justice should be done. The amendment, owing to the imperfect form in which it was handed to the Clerk, was not read in full; and although the Senate by a very decided vote adopted the first part, it would be incomplete unless the whole were adopted. I therefore suggest that the amendment be passed upon as an entirety; that the two portions be read together, which was not the case when I first offered it. I state that to the Senate frankly that they may understand the precise state of the case.

Mr. SARGENT. I suppose there will be no objection to the reconsideration.

The PRESIDING OFFICER. The Senator moves to reconsider the vote by which the amendment was adopted.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as modified by the Senator from Delaware.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. DORSEY. I hope the Senator will withdraw that motion.

Mr. EDMUNDS. It is perfectly impossible to finish this bill to-night. There are several other amendments to be proposed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill; and it was ordered to be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and seven minutes spent in executive session, the doors were re-opened; and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 17, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to say to the House this morning, in reference to the order of business for to-day, that the pending matter of privilege which was up on Saturday last will come up this morning as the unfinished business after the reading of the Journal, under the rules; but it can only continue under that privilege until the hour of two o'clock, at which time the right of the Committee for the District of Columbia, this being the third Monday of the month, will attach to control the House until the adjournment to-day, unless the House now makes some other arrangement by which that committee may enjoy its right of being heard at another time.

Mr. BUCKNER. I desire to say in reference to the reports from the Committee for the District of Columbia that we are very anxious to report a tax bill for this District, and under the circumstances I will ask unanimous consent that the Committee for the District of Columbia shall have this day week at the same hour to the exclusion of everything else; and if the House will agree to that proposition I will give up our right to-day; if not, I shall be compelled to ask that there be a session to-night.

Mr. HENDEE. I would like to inquire how much time the committee who have in charge the Kilbourn matter will require to-day.

Mr. HURD. It is impossible to state; I think the discussion may be finished by three o'clock; but then I shall wish to make the final argument.

Mr. HENDEE. I think that if the discussion on the question of privilege could be disposed of by three and a half o'clock the Committee for the District of Columbia might perhaps conclude its business within a reasonable time before adjournment.

The SPEAKER. The Chair in that connection, with the leave of the gentleman from Vermont, would suggest to the House that judging from the list of gentlemen who desire to be heard upon the question of privilege, of whom there are twelve, it would be almost impossible for the gentleman from Ohio, [Mr. HURD,] who has charge of this matter of privilege, to call the previous question before three o'clock, as he has already announced, and if thereafter an hour be consumed under the privilege allowed him under his motion, then it may be safe to assume that it will take another hour to do the voting on the question, which would bring it up to five o'clock.

Mr. HENDEE. I would inquire whether, if the House by unanimous consent or otherwise shall assign to the Committee for the District of Columbia Monday next, it is possible for the House by any proceeding or motion or any pending special order to take that day from us?

The SPEAKER. If the House assigns Monday next to the committee in a proper manner beyond question the right of the committee will attach as firmly and irrevocably as to-day, and the Chair would regard it to be his duty to maintain in that respect the faith of the House.

Mr. HENDEE. With that understanding I would have no objection to giving to-day to the consideration of the question of privilege.

Mr. STEVENSON. As a member of the Committee for the District of Columbia I desire to say that there are a number of bills of importance to be reported by that committee, especially the bill suggested by the chairman, [Mr. BUCKNER,] relative to taxation in this District. I do not agree with the chairman that to-night would be a proper time for considering such an important measure. I am perfectly willing as a member of that committee to give way for to-day, with the understanding that one week from to-day, at the same hour, the committee shall have the same privilege for the consideration of this business that it has to-day.

The SPEAKER. That is the motion pending.

Mr. STEVENSON. The chairman suggested to-night.

Mr. BUCKNER. I suggested a session to-night, if we could not get consent to the other arrangement.

The SPEAKER. The question is upon postponing till Monday next at two o'clock the consideration of business to be reported from the Committee for the District of Columbia, with the same privilege that the committee would have to-day under the rule.

The question was taken, and the motion was agreed to.

HABEAS CORPUS—HALLET KILBOURN.

The SPEAKER. The House will now resume the consideration of the unfinished business of Saturday, being the question of privilege reported from the Committee on the Judiciary.

The preamble and resolution reported from the Committee on the Judiciary were as follows:

Whereas one Hallet Kilbourn was subpœnaed to testify in a certain investigation ordered by this House before a committee duly authorized to send for persons and papers; and whereas during his examination as a witness the said Hallet Kilbourn refused to answer certain questions propounded to him as such witness by said committee, and to produce certain books and papers which he was ordered by said committee to produce; and whereas for such refusal the House of Representatives has adjudged the said Hallet Kilbourn to be in contempt of its authority and has ordered him into custody until he shall purge himself of said contempt and answer the questions as propounded and produce the papers and books ordered to be produced; and whereas said committee is still engaged in the investigation which it was ordered to make by the House, and is unable to complete the same because of the contumacy of the witness; and whereas the said Hallet Kilbourn is now in execution by the legal process of this House as aforesaid; and whereas the chief justice of the supreme court of the District of Columbia has issued a writ of *habeas corpus* to the Sergeant-at-Arms of this House to produce before the said judge the body of the said Kilbourn: Therefore,

Be it resolved, That the Sergeant-at-Arms be directed to make a careful return of said writ, setting out the causes of the detention of said Kilbourn, and to retain the custody of his body, and not to produce it before the said judge or court without further order of this House.

The substitute proposed by Mr. LYNDE, on behalf of the minority of the Committee on the Judiciary, for the preamble and resolution was as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Hallet Kilbourn that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of said Kilbourn before said court when making such return as required by law.

The amendment moved by Mr. JENKS to the original resolution was as follows:

After the word "Kilbourn," where it last occurs in the resolution, insert the following words:

And the irregularity of issuing the writ without a previous order *nisi*, or rule to show cause.

Mr. McCRARY. I was not a member of the subcommittee that considered this subject under the appointment of the Committee on the Judiciary; but I was present in the committee when the report of the subcommittee was discussed, and its discussion suggested to my mind— [After a pause.] I am advised that on account of other engagements of my colleague upon the Committee on the Judiciary, the gentleman from New York, [Mr. LORD,] it is desirable that he should speak first upon this question. I will therefore very cheerfully give way and follow him.

The SPEAKER. The gentleman from New York [Mr. LORD] will proceed, after which the gentleman from Iowa [Mr. McCRARY] will be recognized.

Mr. LORD addressed the House, but had not concluded his remarks, when

A MESSAGE FROM THE SENATE

was communicated to the House by Mr. GORHAM, their Secretary, informing the House that the Senate was sitting in its Chamber and ready to proceed with the trial of the impeachment of William W. Belknap, and that seats were provided for the accommodation of the members of the House.

HABEAS CORPUS—HALLET KILBOURN.

Mr. LORD resumed his argument, but before concluding said: I understand that the Senate is ready to proceed with the impeachment trial. I therefore ask that I may have ten or fifteen minutes more to conclude my remarks after we return from the Senate.

Mr. COX. I move that the gentleman from New York have leave to conclude his remarks hereafter.

There was no objection.

Mr. McCRARY obtained the floor.

IMPEACHMENT OF W. W. BELKNAP.

Mr. COX. I rise to a question of order. The question is suggested by members around me whether the House as a body should go to the Senate in the impeachment trial, the Senate having advised the House officially that it is ready to proceed with the trial.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) The Chair will entertain any motion on that subject.

Mr. KELLEY. I would ask the gentleman from New York whether he has consulted the precedents as to what the usage has been?

Mr. COX. I remember very well that in the case of Judge Humphreys the House in a body went over to the Senate. I do not know how it was in other cases. I believe there are precedents on both sides.

Mr. KELLEY. I participated in two impeachment trials, and in each case the House went over for the first sitting.

Mr. KNOTT. I understand the practice as settled by the precedents to be this: That after issue is joined and a day fixed for the trial, the House upon that day proceeds in a body to attend at the bar of the Senate.

Mr. KELLEY. Such was the usage on the two occasions to which I have referred; the case of Judge Humphreys and the case of Andrew Johnson.

Mr. FRYE. I desire to ask the chairman of the Judiciary Committee if he did not notice that in the message received from the Senate they notified us that they have provided seats for members of the House. If that has been done, does it not seem to be required of us that we should accompany the managers?

Mr. LORD. I request the reading of the resolution of the Senate.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, *April* 17, 1876.

Ordered, That the Secretary inform the House of Representatives that the Senate is sitting in its Chamber and ready to proceed with the trial of the impeachment of William W. Belknap, and that seats are provided for the accommodation of the members.

Mr. LORD. Allow me to say that in an interview with Judge ED-

MUNDS, the chairman of the Committee on the Judiciary of the Senate, he stated that the Senate had determined to invite the House to come over to-day. This seems to be changing the rule, which, as has been stated by the chairman of the Committee on the Judiciary, was to go over upon the trial. For some reason the Senate has seen fit to change that rule and extend this invitation, and therefore I suggest that the managers at once take their places in the Senate Chamber, and that the House, headed by the Speaker, shall go over in response to the invitation of the Senate, seats having been prepared at considerable trouble, and as it will require considerable trouble hereafter we may as well go over to-day as at any other time. When the argument is made to the plea of jurisdiction, which I suppose is the argument first to be made, then all the members can leave who please, or the House can leave in a body when it pleases; but I suggest that, inasmuch as the Senate, with a knowledge of its own rules, has seen fit to extend this invitation to the House on this day, the House should go over in a body, headed by the Speaker; and I make that motion.

Mr. HOAR. I desire to say, Mr. Speaker, that I have consulted the precedents in this matter. In the Blount trial the House did not attend except on one occasion. It was represented entirely by the managers. On the trial of President Johnson, the Journal of the Senate sitting as a court of impeachment reads in this way:

The managers on the part of the House of Representatives attended and took their seats:

Then subsequently there is this entry:

The House of Representatives, in Committee of the Whole, preceded by the Chairman of the committee and attended by the Clerk and the Speaker, entered and took the seats provided for them.

It therefore seems to me that it would be most in pursuance of precedent and most in accordance with respect to the Senate and to the House itself that the House should this morning resolve itself into Committee of the Whole for the purpose of attending the trial, and should, headed by the Chairman of the committee and accompanied by the Speaker and the Clerk, proceed to the Senate accordingly. Hereafter it will be in the power of the House to determine, if it shall see fit, that it will proceed with its legislative business without attending the entire trial, and be represented there by the managers only, or on the other hand that it will attend the entire trial if it thinks that preferable. I will move now that the House of Representatives at one o'clock precisely resolve itself into Committee of the Whole, and as such committee attend the trial of the Ex-Secretary of War in the Senate Chamber, accompanied by the Clerk and the Speaker.

Mr. LORD. I accept that in lieu of my motion.

Mr. HOAR. On that motion I propose to call the previous question; but I will first hear the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. I desire to say a word or two in connection with this matter. It is not a point at all material, but in connection with the remarks that dropped from the gentleman from New York, [Mr. LORD,] I desire to say that on the two occasions to which I have referred this morning the House of its own proper motion attended its managers to the Senate Chamber, arrangements having been made for the accommodation of members. It seemed to the House then fitting that they should attend their managers at least for the opening of the trial. If I remember aright, in the earlier case, which I think occurred in 1862, the House took a recess of one hour that it might do that, and business was resumed at the end of the hour. The sense of the House appeared to be at that time that, as it preferred the articles of impeachment and designated its managers, it should attend in person those managers at least at the opening of the trial, and I would prefer going in that way than to going as a body, having no interest in the trial, but by reason of its dignity, having been invited by the Senate.

Mr. HOAR. I have here the Journal of the Senate sitting as a court of impeachment, and the record of the Senate on the day when the answers of the President were filed, which is what is expected to occur to-day in the case of the late Secretary of War:

MONDAY, *March* 23, 1868.

At one o'clock p. m. the Chief Justice of the United States entered the Senate Chamber, escorted, &c.

The Sergeant-at-Arms opened the court by proclamation.

The managers of impeachment on the part of the House of Representatives appeared at the door, and their presence was announced by the Sergeant-at-Arms.

The CHIEF JUSTICE. The managers will take the seats assigned to them by the Senate.

The managers accordingly took the seats provided for them in the area of the Senate to the left of the presiding officer.

The counsel for the President appeared and took the seats assigned to them.

The Sergeant-at-Arms announced the presence of the House of Representatives, and the Committee of the Whole House, headed by Mr. E. B. Washburne, of Illinois, chairman of the Committee of the Whole, and the Clerk of the House, entered.

The chairman and members were conducted to the seats assigned to them.

A later day's record shows the fact in like manner, except that it records that the House was accompanied by the Speaker as well as the Clerk.

Mr. COX. I suggest that we ought to have some understanding for the resumption of business at the end of this proceeding in the Senate, either a motion for a recess or that the House shall resume business at some fixed time.

Mr. HOAR. The Committee of the Whole will return, and the House will at once resume business.

Mr. GARFIELD. The committee of course must return, and the chairman will report.

Mr. COX. But there should be some fixed time.

Mr. GARFIELD. There cannot be any fixed time, as we do not know when the proceedings of the court of impeachment will terminate.

The question was taken on Mr. HOAR's motion, and it was agreed to.

Mr. KELLEY. Do I understand that the action of the House is equivalent to an adjournment of to-day's session, or would it be in order to move that a recess be taken for an hour?

The SPEAKER. The Chair understands this to be simply equivalent to a continuance of the session of the House in Committee of the Whole for the performance of a specific duty. The House is not adjourned, it is not in recess, but simply in Committee of the Whole for the performance of a specific duty which takes it out of the Hall of the House. When it returns to this Hall, having performed that specific duty, it will proceed with such business as properly comes before it.

Mr. KELLEY. Had we not better fix some time?

Mr. GARFIELD. You cannot do that.

Mr. RANDALL. We cannot fix any time for resuming business in this Hall until we know how much time will be required in the Senate. If we could know that in advance, then we could fix the time for resuming business in this Hall.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] will please take the chair in Committee of the Whole. The Committee of the Whole, preceded by its chairman and accompanied by the Speaker and the Clerk of this House, will follow the managers of the House to the Senate Chamber.

Accordingly (at one o'clock p. m.) the House, as in Committee of the Whole, preceded by its chairman, Mr. RANDALL, and accompanied by the Speaker and Clerk, followed the managers of the House to the Senate Chamber.

[For proceedings while absent from the Hall of the House see Senate proceedings.]

At one o'clock and thirty-five minutes p. m. the Committee of the Whole returned to the Hall of the House.

The Speaker having resumed the chair,

Mr. RANDALL made the following report:

Mr. Speaker, the House, as in Committee of the Whole, pursuant to order, accompanied the managers on the part of the House to the Senate to be present at the opening of the impeachment trial of William W. Belknap, late Secretary of War.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. GRANT, his Private Secretary, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 111) granting a pension to David J. Garrett;

An act (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme court of the several Territories prior to the 22d day of June, 1874, and now undetermined therein;

An act (H. R. No. 610) granting a pension to Seth A. Homestead;

An act (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut;

An act (H. R. No. 2450) to provide for a deficiency in the Printing Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency;

An act (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant of the Tenth Regiment Pennsylvania Reserve Volunteer Corps;

An act (H. R. No. 2655) to amend section 1044 of the Revised Statutes relating to limitations in criminal cases;

An act (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress; and

An act (H. R. No. 2934) to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia.

HABEAS CORPUS—HALLET KILBOURN.

The SPEAKER. The House will now resume the consideration of the preamble and resolution reported from the Committee on the Judiciary concerning the *habeas corpus* in the case of Hallet Kilbourn. The gentleman from Iowa [Mr. MCCRARY] is entitled to the floor.

Mr. MCCRARY. I was about to say, when interrupted, that the discussion of this subject in the Committee on the Judiciary suggested to my mind such grave and difficult questions as to make it my duty, as I thought, to reserve for the time being my own conclusions upon them and give to them such personal examination as I might be able to do; and, although I have not been able to devote as much time and care to the investigation of the subject as I should have desired, yet I have reached the conclusion that the safe and proper course for the House to pursue is to adopt the report of the minority of the Committee on the Judiciary.

It will be observed by gentlemen who have looked into the subject that, when we are asked to refuse to send before the court issuing the writ the body of this prisoner, we are asked to do what no legislative

body in this country has ever done and what no legislative body in England has done for more than one hundred and fifty years. We are asked to do this, too, against the liberty of the citizen. If the subject presents difficulties, if the question is surrounded by doubts, I think it is our duty, as it would be the duty of a court of justice, to solve those difficulties and those doubts in favor of liberty.

Now, it seems to me that the real question in this case is the one which has received the least consideration. What is the case of Hallet Kilbourn as disclosed by his petition presented to the court? In brief, it is this: He sets out the whole record fairly and fully of the proceedings of this House in the investigation in the course of which he was called as a witness. He does this as the basis of the allegation, which he makes the foundation of his application, that the House of Representatives has no jurisdiction over the subject-matter of the inquiry in the course of which his imprisonment was ordered.

Now, sir, I am not going to stop here to discuss the question whether the House of Representatives has jurisdiction over that subject-matter or not. I know, sir, that there is much that may be said on either side of that question; but it is not for the House now to consider it. The question which this case presents, and which I wish to call to the attention of this House, is this: whether in any case where a citizen is imprisoned by order of one of the Houses of Congress the judiciary of the country upon a petition for a writ of *habeas corpus* may inquire whether that House of Congress has jurisdiction over the subject-matter of the proceeding in which the imprisonment was ordered? And if the House will stop to consider the importance of this question as settling, at least in a large degree, the law of the House upon this subject for all future time, it will be seen I think that this step ought not to be taken unless we are very sure that it is right.

It may be, sir, that no outrage has been committed against Hallet Kilbourn. It may be that this House has jurisdiction of the subject-matter of what is known as the real-estate pool investigation. It may be that the questions propounded to him were lawfully propounded, and that the House has a right to compel the answers to them. But we are establishing a precedent for all cases; and the extent of the precedent (if we adopt the report of the majority of the committee) is just this: that when a House of Congress shall lawfully or unlawfully, constitutionally or unconstitutionally, seize and imprison a citizen of the United States, there is no remedy for that citizen. This is the precedent we are asked to establish; for, let it not be forgotten, the position of the majority of the Committee on the Judiciary is that the courts have in no case a right to inquire whether the House has exceeded its powers in ordering the arrest and imprisonment. It follows inevitably that this doctrine would deny the benefits of the writ of *habeas corpus* to a citizen wrongfully, illegally, arbitrarily imprisoned by order of the House. His petition would be answered by the return that he is imprisoned by order of the House of Representatives, and that would be an end of the controversy.

Do gentlemen say it is not to be presumed that either House of Congress will ever wrongfully imprison anybody? But, sir, that argument begs the whole question. It may be just as well answered that it is not to be presumed that any court of justice upon whom Congress in its wisdom shall confer jurisdiction in cases of *habeas corpus* will ever refuse to return to the jurisdiction and control of the House a person properly held in a proceeding in which we have jurisdiction. We have a right to put extreme cases for the purpose of testing the soundness of the principle upon which we are proceeding; and, sir, I say that if the doctrine of the majority report is the correct doctrine, namely, that the House is the final judge as to the extent of its own jurisdiction and powers, then in every case where the House may act unjustly and arbitrarily, in violation of the Constitution, in the very teeth of the Bill of Rights, there is no remedy for the citizen. Sir, I should hesitate long before consenting to such a doctrine as that.

I had occasion to say a few words in opposition to the proposition to deliver over this prisoner to be tried upon an indictment before a court in the District of Columbia. I think that the action of the House upon that question was right. That, however, was a very different question from the one now before us. That was not a petition of the citizen himself to be released upon a writ of *habeas corpus;* that was not a proceeding based upon an allegation that this House had no jurisdiction over the subject-matter of the inquiry. On the contrary, its very foundation was that the House had jurisdiction and that this witness had failed to answer a proper question in a proper inquiry and was liable to be indicted and tried under the laws of the land therefor. That case presented simply the question whether instead of holding him and requiring him to answer we should turn him over to the court to be indicted and punished for the same act. I said, sir, in the course of that debate that in my judgment the decision of the House holding Mr. Kilbourn to be in contempt was final and not subject to review. So far as the question before the House at that time was concerned, that, I think, was a correct proposition. But I am satisfied upon more mature consideration that I stated the doctrine more broadly than I ought to have done; for, sir, if I understand the law concerning *habeas corpus*, the court which has the jurisdiction to issue the writ and to try the case may in all cases inquire as to the jurisdiction of the court or the officer that has ordered the commitment and imprisonment of the prisoner.

I think, sir, that the very authorities which the gentleman from Ohio [Mr. HURD] cited in his speech upon this subject will bear me out in this position, that the court may inquire as to the jurisdiction of the tribunal that has committed the prisoner. The gentleman read from Hurd on Habeas Corpus, page 38, as follows:

It is a rule essential to the efficient administration of justice that, where a court *is vested with jurisdiction over the subject-matter upon which it assumes to act* and regularly obtains jurisdiction of the person, it becomes its right and duty to determine every question which may arise in the cause without interference from any tribunal.

But, sir, it has no right to proceed unless it has "jurisdiction over the subject-matter upon which it assumes to act."

And again, the gentleman read from the same authority, as follows:

The right of punishment for contempts by summary conviction is inherent in all courts of justice and essential to their protection and existence. A commitment under such conviction is a commitment in execution, and the judgment of conviction is not subject to review in any other court, unless specially authorized by statute. It cannot be attacked under the writ of *habeas corpus*—

Does the authority stop there? No, sir.

It cannot be attacked under the writ of *habeas corpus except for such defects as render the proceedings void.*

And if the court which has ordered imprisonment had no jurisdiction of the subject-matter of the inquiry, then its proceedings are void.

Again, sir, my friend reads from the decision of the Supreme Court of the United States, in Kearney's case, (7 Wheaton, 44,) as follows:

The Supreme Court, in Kearney's case, after quoting from Mr. Justice Blackstone, says:

So that it is most manifest from the whole reasoning of the court in this case that a writ of *habeas corpus* was not deemed a proper remedy where a party was committed for a contempt *by a court of competent jurisdiction*, and that if granted the court could not inquire into the sufficiency of the cause of commitment.

From which it is clear that if the party was committed by a court not of competent jurisdiction the writ *is* an appropriate remedy.

And in all the authorities this very clear distinction will be found, that the inquiry may be made, not into the manner of exercising jurisdiction, not as to the propriety or impropriety of a particular question which may be put to a witness, but as to the jurisdiction of the court over the subject-matter of the proceeding, and where that is wanting, where it is made to appear to the court which issues the writ that there is no jurisdiction over the subject-matter, then the writ may issue and the prisoner may be discharged.

But we are told, sir, the House is the final judge of its own jurisdiction, and that no court can inquire as to whether the House has exceeded its jurisdiction. Let us see if that be true. This House has not unlimited power. The Constitution nowhere in words confers any power upon the House to arrest or imprison a citizen. It is only by implication we get any power of this kind at all. We have it as the necessary result of the power to legislate, of the power to make rules, of the power to punish or expel a member, of the power to impeach a civil officer of the Government of the United States; but we have it for no other purpose. Our power then, sir, is limited, and it is limited to a well-defined class of cases. And shall it be said that we of our own motion may go outside of any and all these powers, drag a citizen here, compel him to disclose his private business and his private affairs in an inquiry which we have no right to institute, which we have no right to carry on, over which we have no jurisdiction; that we may imprison him at our pleasure; and in such a proceeding as that the great writ of *habeas corpus* can afford him no remedy and no relief? Why, sir, if both Houses of Congress unite to pass a law and the Executive gives it his sanction so it becomes a statute of the United States, in form at least, yet by all the decisions of the courts of this country and by common consent the judiciary of this land is clothed with the power of inquiring whether the whole legislative department and the executive department have gone beyond the powers conferred by the Constitution of the United States in passing that law which may affect only rights of property. The courts have authority to annul your statute when your whole legislative department and the executive department have united to pass it; and yet are we to be told that a single branch of Congress, deriving its authority from the same Constitution, has the right to make an order by which a citizen may be deprived of his liberty; and, when it does, that there is no power in the judiciary to inquire whether that branch of Congress has gone beyond its jurisdiction?

Sir, by the logic of the committee's report we are led to the absurdity of saying that what both branches of Congress and the Executive in a matter affecting only the rights of property have no right to do one branch may do in a matter affecting the liberty of the citizen. Why, Mr. Speaker, even the Parliament of Great Britain—and nobody claims the Congress of the United States has the unlimited powers conferred upon Parliament—even the Parliament of Great Britain is subject to have its jurisdiction inquired into by the courts of that country in cases of this character. I wish to call the attention of the House to the decision of Lord Ellenborough, which is very long and very elaborate, of which I can only read a very brief extract touching on this point. It is the case of Burdett *vs.* Abbott, to be found in 14 East's Reports. I read from page 148.

Now to what extent it may be warrantable to inquire into the cause of commitment, it is not necessary to pronounce; the commitment must always be *by a court of competent jurisdiction;* and the competence of the House of Commons to commit for a contempt and breach of privilege cannot be questioned. A competence to commit for all matters and in all cases has never been asserted or pretended to on the part of either House of Parliament. The House of Commons does not pretend to a general criminal jurisdiction. But if the judges before whom those applications were made on writs of *habeas corpus* had felt that the houses had *no pretense of power to commit*, or had seen upon the face of the returns that they had ex-

ercised it in those cases *extravagantly and beyond all bounds of reason and law*, would they not have been wanting in their duty if they had not *looked into the causes of commitment stated*, and would it have been an excuse for a most imperfect discharge of their important duty upon the writ of *habeas corpus* to say that, though they remanded the prisoner, he had his remedy by action, if the case were that he ought never to have been committed at all? Is not the value of the intermediate liberty of the subject of such importance that, where his case falls within the remedy of the writ of *habeas corpus*, the judges were bound at common law to give the party the benefit of his immediate liberation rather than to turn him over to a distant remedy by action against a party who may die before he can obtain his judgment or, if he live, may become insolvent.

It seems, therefore, that even the jurisdiction of the Parliament of Great Britain may be inquired into by the courts of that country in cases of that sort.

Let me say here that the effect of the rule proposed to be established by the adoption of the report of the majority necessarily leads us to the assertion of the doctrine that in no possible case when either House of Congress commits a person for contempt can any court of the country inquire as to our jurisdiction! Because it would be a mockery to say to the court, "You may inquire into this question, and if you choose to decide we may hold this man, all right; but, if you decide the other way, we will disregard your mandate." That would be saying to the court, "You have jurisdiction to remand, but not to release." If the court has the right to decide that question, then the body of the prisoner must be taken into the presence of the court and surrendered to its jurisdiction, so that it may decide either one way or the other. That is inevitable.

But, sir, I say that the authorities in this country sustain the doctrine that the court applied to for the writ of *habeas corpus* may inquire as to the jurisdiction of the body that has committed the prisoner. There are two cases, Mr. Speaker, which have been decided by the supreme courts of two of the States of this Union, which involve the right of the judiciary of a State to inquire as to the jurisdiction of the legislative body of the State which has committed a witness for refusing to answer questions. In both of those cases the supreme courts of those States decided squarely and distinctly that the courts of the State had the right to inquire as to the jurisdiction of the legislative body. One of these cases was decided by the supreme court of Wisconsin, and the decision was read by my friend from that State, [Mr. LYNDE.] The other was decided by the supreme court of Massachusetts, and I desire to read briefly from the opinion of the court in that case, delivered by Mr. Justice Hoar.

Now let me premise, Mr. Speaker, that the question whether the courts of a State may inquire into the jurisdiction of one of the houses of the Legislature—State Legislature—in ordering a commitment is the same question exactly as that which is now before the House. The Legislature of a State has the inherent power to commit for contempt in all cases which come within the jurisdiction of the Legislature. I do not know, sir, but what in the State Legislatures the power is greater, because the range of legislation is much broader in State Legislatures than it is in Congress. But, at all events, the Houses of Congress have no greater power to commit for contempt than the houses of our State Legislatures. And yet in the only two cases in all this Union where the question has been raised as to the power of the courts to inquire into the jurisdiction of a legislative body of the State, it has been decided that the courts have that power. I read from Judge Hoar's opinion, 14 Gray, 240:

The house of representatives is not the final judge of its own powers and privileges in cases in which the rights and liberties of the subject are concerned, but the legality of its action may be examined and determined by this court; that the house is not the Legislature, but only a part of it, and is therefore subject in its action to the laws, in common with all other bodies, officers, and tribunals within the Commonwealth. Especially is it competent and proper for this court to consider whether its proceedings are in conformity with the constitution and laws, because, living under a written constitution, no branch or department of the government is supreme, and it is the province and duty of the judicial department to determine in cases regularly brought before them whether the powers of any branch of the government, and even those of the Legislature in the enactment of laws, have been exercised in conformity with the constitution, and if they have not been, to treat their acts as null and void.

Mr. HURD. I desire to ask the gentleman from Iowa one question. Did not the learned judge who delivered that opinion, when a member of the House in the last session of Congress, advocate and vote for a resolution in the Irwin case precisely the same in effect as that submitted by the majority of the Judiciary Committee of this House?

Mr. MCCRARY. I believe there was no vote taken on the proposition to which the gentleman refers; or, at least if there was, there was no record of it. But I am aware that the gentleman who delivered that opinion in the course of the debate and in a very brief speech made the observation that, if he were sitting as a court trying a man for a murder and another court should send a writ of *habeas corpus* to take the prisoner out of his hands, he would say he had other use for that prisoner just at that time. And in that I entirely agree with him. But, sir, that would not be a proper answer in all cases. It will not do to say that no other return shall ever be required of the House of Representatives, when it has imprisoned a citizen and when he has applied by writ of *habeas corpus* for a trial, than that the House has other use for that citizen at that time.

Sir, I apprehend that what the gentleman from Massachusetts, formerly a judge of the supreme court of that State, meant was this: That, assuming the jurisdiction of the House, assuming that it had a case in which it had a right to proceed, and that it was in the midst of its proceeding, it would have a right to make answer that it had use for the body of the prisoner and would not return him. I do not suppose that anybody believes that the writ of *habeas corpus* can be employed to take a prisoner out of the hands of a court which has jurisdiction over him when it is engaged in trying him. But, sir, I lay down the broad proposition that when a prisoner is confined in jail—and these are the cases which are covered by the statutes of the United States—when a prisoner is confined in jail he has a right to apply to any court that is authorized by law to issue a writ of *habeas corpus*, and to allege that the authority which put him in jail had no power to put him in jail; and when he makes that allegation the court has the right to have the prisoner brought before it and to inquire into that question.

Now, sir, the case stands thus: No legislative body in the country has ever refused to return the body upon a writ of *habeas corpus*. The Parliament of Great Britain has not for more than a century refused to do it. In the only two cases which have been decided by the supreme courts of the States on this question, it has been held that the courts might inquire into the question of jurisdiction. I think, sir, that, to say the very least of it, this raises a question of very great doubt, of very great difficulty. It presents a case where, if we decide to hold this prisoner, we decide against all the authorities, against every precedent in this country and against every one in England for more than one hundred years. And I think it presents a case where even if gentlemen have doubts in their minds they ought to resolve those doubts in favor of the liberty of the subject.

The supreme court of the State of New York have held the doctrine for which I contend in some cases to which I beg to call the attention of the House. In the case of the People *vs.* Cassels, in the fifth volume of Hill's Reports, in an opinion delivered by no less an authority than Judge Bronson, I find this doctrine laid down on page 168:

But the prisoner had an undoubted right to show that the committing magistrate acted without authority; and this is so notwithstanding the commitment recites the existence of the necessary facts to give jurisdiction.

And I call attention to the following from the same authority:

No court or officer can acquire jurisdiction by the mere assertion of it—

And what is it, Mr. Speaker, that this House now claims? What is it that is claimed by the majority of the committee except simply this, that this House can acquire jurisdiction over the body and the liberties of Hallet Kilbourn by the mere assertion of it? Nor is it the case of Hallet Kilbourn alone that we are trying. We are trying the great, broad question whether there is any authority or power in the judiciary of this country to review the action of the House when it asserts that it has jurisdiction to imprison a citizen.

No court or officer can acquire jurisdiction by the mere assertion of it, or by falsely alleging the existence of facts on which jurisdiction depends.

The court there, upon an inquiry and investigation, decided that the commitment was not made upon the trial of a case which the committing court had a right to try.

Again, sir, the same doctrine is laid down in the case of The People *ex relatione* Mitchell *vs.* The Sheriff of New York, in the second volume of Barbour's Reports, the syllabus in which is as follows:

On a *habeas corpus* in a case of commitment for a contempt, only two questions can be examined; first, as to the jurisdiction of the court or officer making the commitment; and secondly, as to the form of the commitment. If the jurisdiction is undoubted and the commitment is sufficient in form, and contains the cause of the alleged contempt plainly charged therein, the prisoner must be remanded and the writ discharged. The court has no power to inquire into the justice or propriety of the commitment.

Now, sir, the case of Ableman *vs.* Booth has been cited as authority for the refusal in this case to return the body. That case has no application whatever to this. The decision was simply this and nothing more: that a State court shall not be permitted to take the body of a prisoner out of the hands of a court of the United States, and that in such a case the marshal shall simply return the fact that he is held under process issued by a court of the United States and that shall be sufficient.

There was much difference of opinion, Mr. Speaker, in this country at the time that decision was rendered as to whether it was good law or not, and I think there will be no disposition, at least I think there ought to be no disposition, to extend the principle there laid down any further than the case required.

Here, sir, we have precisely the case which the statute contemplates, for the statute of the United States which Congress has enacted declares that this writ may issue whenever a prisoner is held in jail under or by color of the authority of the United States. That this prisoner is so held I think will be admitted by every gentleman upon this floor. Giving to the case of Ableman *vs.* Booth the full scope that any gentleman can claim for it, it does not reach or touch the question now before the House. This prisoner is held under color of the authority of the United States, and the statute expressly provides that when a prisoner is so held he is entitled to the writ and that his body shall be returned to the court.

The effect of the decision in the case of Ableman *vs.* Booth has been thoroughly considered in the opinion of the late Attorney-General Stanbery, and his opinion on the subject is recorded in the twelfth volume of the Opinions of the Attorneys-General. I will read a sentence or two from page 273:

The construction I have applied to the language used by the Supreme Court, confining the right to refuse production of the body to the case of a prisoner held under judicial process of the United States, is further fortified by authority in England and in the United States.

The English courts have admitted, as one exception to the duty of producing the body on *habeas corpus*, a return that the party was imprisoned "for treason or felony, plainly expressed," or was "convict or in execution by legal process."

This exception was admitted under an implication arising upon a clause in the first section of the act of Charles II. (Hurd on Habeas Corpus, page 254.)

Mr. Hurd adds: "This, however, is not only an exception to the general rule, but should be regarded as a particular indulgence; for if the officer had a right to stand upon his construction of the warrant of commitment there would have been but little gained by the act of 31 Charles II."

Nor can I understand the language of the court in Ableman *vs.* Booth, in reference to the exclusive jurisdiction of the United States, as applicable to any other jurisdiction over persons restrained of their liberty than that which depends upon jurisdiction acquired under process of the *courts* of the United States.

The late Attorney-General, who was one of the ablest of our Attorneys-General, has declared that the decision in the case of Ableman *vs.* Booth goes no further than to hold that where the prisoner is held under process issued by a *court* of the United States, a State court shall not be permitted to release him, and that this exception to the rule requiring the production of the body with the return can be carried no further.

My friend from Ohio [Mr. HURD] has also read from the decision of Judge McLean in the case of Robinson, quoting an extract from his opinion with a citation from Hurd on Habeas Corpus, page 347. I read the extract from his remarks as published in the RECORD:

That the commissioner had jurisdiction in the case is clear.

That is the very first sentence which the court lays down; and upon that the court proceeds to hold that the prisoner must be remanded. But the court inquired into the jurisdiction; the court decided upon the jurisdiction; the court declared the jurisdiction to be clear. The gentleman read also from a decision of the circuit court of the United States for the State of New York, from which he quoted as follows:

The recorder, therefore, had jurisdiction of the case, and authority to proceed in the inquiry whether the person so seized and brought before him doth, under the laws of the State from which he fled, owe service or labor to the person claiming him.

There, again, the first inquiry of the court was as to the authority to commit the prisoner, the jurisdiction of the subject-matter. The court decided that the recorder had jurisdiction, and upon so deciding proceeded to hold that the prisoner must be remanded.

Now it will not do to say, as several gentlemen have said, that we are surrendering the powers and functions of this House to a single judge of the supreme court of the District of Columbia. Why, sir, if there is anything wrong in the conferring of this jurisdiction upon that court, it does not lie in the mouth of Congress to complain. The law of Congress confers that jurisdiction upon the court; Congress by law has given to this court the authority to issue this writ. If it is not the proper court to exercise that authority, though I believe it is the highest court known to the laws of the United States except the Supreme Court of the United States itself, or as high as any other, yet if it is not the proper court to exercise that authority, let the law be so amended as to send all cases of this kind to the Supreme Court of the United States itself. But as it is the law, you can no more complain of the exercise of this jurisdiction by this court than you could complain of its exercise by the Supreme Court of the United States if it had been applied to for this writ.

Furthermore, if Congress does not mean that a writ shall issue under the statute for the release of a prisoner held by either House of Congress, let it be so provided in the law which we make, that it may be understood. As the law now stands it declares that the body shall be returned with the writ.

I do not desire to detain the House longer. I will simply repeat that even conceding that doubts can be raised as to the correctness of the course proposed by the minority of the committee, yet I think it is a safe course, it is in accordance with all the precedents, it is leaning, if at all, in the direction of the liberty of the citizen.

I know the importance of maintaining the right and power of the House to compel disclosures in its investigations in all proper cases. But I am not willing to believe that the judiciary of this country or the judiciary of this District will put itself in the way of this House in any legitimate and legal and constitutional inquiry. I am not willing to proceed here upon the assumption that the court which we have ourselves authorized to exercise this authority, to issue this writ, to possess this jurisdiction, is going to abuse its power and put itself in the way of Congress, so as to prevent the development or the disclosure of any facts which either House of Congress has a right to bring to light.

But if any court does so the House has the power of impeachment. And here is another reason why I think this law should be construed as requiring us to give up the body of this prisoner. If the court abuses its power, if the court tramples upon our right, we have power over that court. But if this body possesses this power, and if this body tramples upon the rights of the court, if it tramples upon the rights of the private citizen, there is no power anywhere to deal with us in a similar way.

I yield the remainder of my time to the gentleman from Maine, [Mr. FRYE,] my colleague on the Committee on the Judiciary.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) The gentleman has five minutes of his time remaining.

Mr. FRYE. I do not desire to occupy the floor for that length of time.

Mr. MCCRARY. I have occupied more time than I intended. I ask unanimous consent that my colleague from Maine have further time.

Mr. FRYE. I do not know that I care about it now.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. FRYE] will be recognized after the gentleman from Virginia, [Mr. HUNTON,] now recognized by the Chair, has concluded his remarks.

Mr. HUNTON. I will yield my time to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. Mr. Speaker, the question presented to the House is certainly one of very grave interest. And in saying what I have to say upon this subject I approach the discussion of it with no feeling at all so far as the person to whom it applies is concerned. I think it is important to the House in investigating and deciding this question to do it deliberately and carefully, with a desire to conform to what is the established law of the land. It is a matter of total indiffference as to who the person is to whom the proceeding refers.

I start out first with the proposition that the power exists in the House to do either one of two things, as it may see fit: The power exists in the House to surrender with the return the body of the prisoner or not to surrender it, as it thinks proper. In this particular case the principle has been invoked by the gentlemen who have discussed it upon the other side in favor of the minority report, based upon the sanctity of the writ of *habeas corpus* and the sanctity of the personal right of the citizen to be protected against unlawful imprisonment. I say that this is the idea which has been current in all the speeches which have been made on this subject. If I thought that the House in agreeing to the report of the majority of this committee were infringing upon the personal right of the citizen, and violating thereby his constitutional right to have his liberty protected, I should be very averse to giving my sanction to the report of the majority. But if the House possesses not the power to determine the question of contempt, and not so much to punish for an offense committed as to exercise such power of restraint over a recusant witness as shall bring him to obey the order of the House—I say if the House possesses not this power, and if it does not possess it because of the constitutional right of the citizen to his liberty, then this House, acting as a *quasi* court, and every court in the land would be powerless to conduct its own proceedings.

I will not go back to the question whether the judgment of the House was correct or not in reference to the question which was propounded to the witness, because that would be to go behind the judgment of the House, which is of record, and to open up again the question whether or not the House, through its agent the committee, had acted correctly in propounding the question to the witness. The judgment of the House that the party has been in contempt and the penalty which is imposed in the shape of imprisonment by way of restraint constitute an adjudication of the House upon that question which you cannot go behind.

At first, Mr. Speaker, this recusant witness, who had refused to answer the question propounded by the House, attempted to avoid and evade the penalty which the House had pronounced upon him for the purpose of compelling an answer by a resort to an indictment found in the criminal court of the District of Columbia. That indictment was presented here, and the *capias* of the court was issued upon that indictment, demanding the custody of the body of the party for the purpose of being tried for the offense under the statute. It was insisted then that under sections 102, 103, and 104 of the statutes in the revised code the power of the House no longer existed, because the Congress of the United States under the revision last made of the statutes had determined that the party could be and should be proceeded against for a misdemeanor in the criminal court of the District of Columbia, and that it was the duty of the Speaker of this House to certify the refusal of the witness to testify to that court. The answer which was very properly made is this: that that statute made it a misdemeanor for a party to refuse to answer, and the whole offense in its entirety was consummated, and was, as the French say, *un fait accompli* whenever the party had refused to answer. If he had relented on the very next day and had proposed to give his answer to the House, as the House was entitled to require of him, he would still have been amenable to the criminal courts for a misdemeanor committed in refusing to answer the question propounded by the House under the law. I say therefore that, when that proceeding was resorted to for the purpose of taking this party out of the possession of the House and its officers, the answer was very properly made, that the statute was simply cumulative, that it did not rob the House of its power to punish for contempt; and so the House decided.

Thus we have two adjudications of the House. First, it was decided that the party was guilty of contempt. Secondly, we have a solemn adjudication of the House, on this indictment being found and this demand being made, that the party could not be surrendered, because he was then undergoing the execution of the judgment which the House had pronounced against him; precisely as would be answered if one court were trying a party for a murder and the court of an adjoining district should issue its writ of *habeas corpus* demanding possession of the body of the party under his allegation in his sworn petition that he was illegally held in custody.

Will it be contended by gentlemen on the opposite side of this Chamber that this writ can in no instance be refused? Will it be contended, in the case which was put by the gentleman from Massachusetts, [Mr. HOAR,] that that party should be surrendered to

another and a different and a foreign jurisdiction? Why, sir, to do so would be in the very face of the *habeas corpus* act itself, which limits the cases to which the writ is applicable, and denies it in a case in which a party is being tried by a court of competent jurisdiction or is being punished under authority of such a court. If that doctrine were true it would apply to the case of every man imprisoned in the penitentiary, who might sue out a writ of *habeas corpus*. Who would say that in those cases the writ would lie?

But, sir, there is a different and a higher reason why the writ does not lie in a case in which a court is inflicting punishment for contempt. It has been said by the distinguished gentleman [Mr. McCRARY] who has just closed his address to the House—an address of marked ability—that you always test the validity of a principle by the supposition of an extreme case. Permit me, then, to test the position which he has assumed by supposing that upon the trial of a party for murder by a court of competent jurisdiction a single witness, having the sole knowledge of the transaction, refuses to testify to his knowledge of the offense. He is committed for contempt and then sues out his writ of *habeas corpus*, alleging that he is improperly in custody. Should that court therefore stop in the exercise of the only power it has to compel the giving of evidence in respect to an offense against the laws of the land? Should it allow another and a different and a foreign jurisdiction to determine whether that court was properly exercising its authority to punish for contempt?

Sir, if the position assumed be true, what a strange spectacle would be presented here! The subpœnas of this House are now running throughout the States and Territories of this broad Union, and wherever a witness refuses to obey such subpœna your writ of attachment or arrest is issued against the party so refusing. Is it true that when any such party in contempt of the House is in custody of your officer every court from Maine to California may stop the witness while *in transitu* to this House for the purpose of being examined, in order to ascertain by hearing upon *habeas corpus* whether the judgment of the House that the party is in contempt of its authority has been properly pronounced?

I am not aware, sir, that there has been a more pointed adjudication made with regard to this question of the power of the House to punish for contempt than was made by that distinguished jurist of Pennsylvania, Judge Black, who is now one of the counsel of the very party who is asking by the writ of *habeas corpus* a surrender of this prisoner. It was asserted by gentlemen that there was no case in which the court had undertaken to decide that the question as to whether the body assuming to punish for contempt possessed the power and jurisdiction of the subject-matter of the question could be adduced. I say that I have found nowhere any opinion so clear, so concise, and so pointed as the opinion of Judge Black rendered in Passmore Williamson's case, to be found in 26 Pennsylvania State Reports, which has been already cited in the progress of this debate. That opinion is expressed, as he usually does, in those plain, simple, forcible Anglo-Saxon terms which carry conviction whenever he speaks now, or whenever he uttered his adjudication in the tribunals over which he presided with such distinguished ability. I ask the attention of the House while I read an extract from the decision in that case, and which is so especially applicable to the very point which the House has now before it. In that case Judge Black says:

> It is most especially necessary that convictions for contempt in one court shall be final, conclusive, and free from examination by other courts on *habeas corpus*. If the law was not so our judicial system would break to pieces in a month. Courts totally unconnected with each other would be coming in constant collision. The inferior courts would revise all the decisions of the judges placed over and above them. A party unwilling to be tried in this court need only defy our authority, and, if we commit him, to take out his *habeas corpus* before an inferior judge of his own choosing, and if that judge is of opinion that we ought not to try him, there is an end of the case.
>
> This doctrine is so plainly against the reason of the thing that it would be wonderful indeed if any authority for it could be found in the books. There is none, except the overruled decision of Mr. Justice Spencer, of New York, already referred to, and some efforts of the same kind to control the other court, made by Sir Edward Coke in the King's Bench, which are now universally admitted to have been illegal as well as rude and intemperate.

And in conclusion, speaking upon the very question presented by the gentleman from Iowa, [Mr. McCRARY,] who last addressed the House, he uses this language:

> On the other hand we have all the English judges and all our own declaring their want of power to interfere with or control one another in this way. I content myself by simply referring to some of the books in which it is established that the conviction of contempt is a separate proceeding and is conclusive of every fact—

I call the attention of the House particularly to this language—

> and is conclusive of every fact which might have been urged on the trial for contempt, and, among others, want of jurisdiction to try the cause in which the contempt was committed.

Thus you have the positive and emphatic adjudication of this distinguished jurist, that the point made by the gentleman who last addressed the House is not well taken, in his estimation at all events, namely, that the courts do not possess the power under writ of *habeas corpus* when a party is brought before them to pass upon the question of jurisdiction. Sir, if that were the case, your Speaker might be taken from his chair in this body by violence, and the parties who did it—if the writ of *habeas corpus* would lie in a case like that—would defy the authority of the House to punish them; and any other disorder, or any other contempt, or any other violence committed toward a member might be committed in your presence and yet, according to the theory of gentlemen who have spoken upon this floor in favor of the minority report, you would be powerless to punish for contempt manifested in open, broad daylight and before your eyes. The House would then be powerless to punish, and any tribunal might inquire whether it had the power to do so or not. I say such a doctrine would be utterly subversive of the organization of the House, and would at once put a fatal stop upon any effort you might make to investigate any question.

My attention has been called to still further passages in this same opinion of Judge Black, to which I beg very briefly to refer:

> But the counsel of the petitioner go behind the proceedings in which he was convicted, and argue that the sentence for contempt is void because the court had no jurisdiction of a certain other matter—

Mark you this language—

> because the court had no jurisdiction of a certain other matter which it was investigating or attempting to investigate when the contempt was committed. We find a judgment against him in one case, and he complains about another in which there is no judgment. He is suffering for an offense against the United States, and he says he is innocent of any wrong to a particular individual. He is conclusively adjudged guilty of contempt, and he tells us that the court has no jurisdiction to restore Mr. Wheeler's slaves.
>
> It must be remembered that contempt of court is a specific criminal offense. It is punished sometimes by indictment and sometimes in a summary proceeding, as it was in this case. In either mode of trial the adjudication against the offender is a conviction and the commitment in consequence is execution. (7 Wheaton, page 38.) This is well settled, and I believe has never been doubted. Certainly the learned counsel for the petitioner have not denied it. The contempt may be connected with some particular cause, or it may consist in misbehavior which has a tendency to obstruct the administration of justice generally. When it is committed in a pending cause the proceeding to punish it is a proceeding by itself. It is not entitled in the cause pending, but on the criminal side. (Wallace, page 134.) The record of a conviction for contempt is as distinct from the matter under investigation when it was committed as an indictment for perjury is from the cause in which the false oath was taken. Can a person convicted of perjury ask us to deliver him from the penitentiary on showing that the oath on which the perjury is assigned was taken in a cause of which the court had no jurisdiction?

And further, this judge proceeds to remark:

> Would any judge in the Commonwealth listen to such a reason for treating the sentence as void? If, instead of swearing falsely, he refuses to be sworn at all, and he is convicted, not of perjury but of contempt, the same rule applies, and with a force precisely equal.

So that even as to that point it will be seen that this decision emphatically lays down the rule that in a case of that sort, which was simply a proceeding in court, the party cannot escape because of his allegation that the tribunal which assumes to punish for contempt possessed not the jurisdiction of the subject-matter about which it was considering when the contempt was committed.

I think, however, Mr. Speaker, that there is another and a higher and a better reason than this for the rule of law, which I undertake to assert is uniform upon the subject, that every court and every parliamentary body, sitting as a *quasi* court, must have, and the Parliament of England always has had—the power to protect its own organization precisely as every court has the right to protect its own order and its own authority in the conduct of the cases before it. And if this principle is true with reference to different tribunals, possessed of equal power, *a fortiori* it is true with regard to the highest court in the land, sitting and making investigations with regard to affairs of public concernment, in which the interests of the whole people are involved in bringing to light the facts of the case.

Why, sir, it was said by the distinguished gentleman from Pennsylvania [Mr. KELLEY] on Saturday that in the case of Irwin, which occurred in the last Congress, there was proof *aliunde* that Irwin had some knowledge on the subject about which the committee were investigating him. Are we to be told that the rule with regard to a witness and the power of the House to coerce a witness is to depend on the power of the House to prove that the party possesses knowledge? In other words, the argument is that you must convict Kilbourn of possessing knowledge. The gentleman from Ohio made the argument that no one said, either by affidavit or say-so, that Kilbourn possessed information which would lead to impeachment. The idea therefore is, convict the witness of possessing the knowledge, establish that in the first place, and then, forsooth, you have a right to demand the witness's knowledge. But then you do not want it. If there is proof *aliunde* by which you can establish what you want Hallet Kilbourn to show, then Hallet Kilbourn is not necessary. It is because the information which the House desires and the House demands is probably within the breast of this particular witness in regard to the facts inquired of that it is important the power of the House should be exercised to coerce an answer.

But I proceed to the consideration of this question so far as it affects parliamentary bodies; and I must do so with brevity, because of the fact that I have but little time in which to address the House. I desire to call attention very briefly to the principle of law which is laid down upon this subject (Jefferson's Manual included) in Barclay's Digest, where it is condensed and very easy of reference, and then to the principle laid down by Mr. Cushing as it affects parliamentary bodies. On page 62 of the Manual this position will be found to be assumed, and the authorities quoted in favor of it:

> If an offense be committed by a member in the house of which the house has cognizance, it is an infringement of their right for any person or court to take notice of it till the house has punished the offender or referred him to a due course. (Lex Parliamentari, page 63.)

And if I can have the attention of the distinguished gentleman who last addressed the House, I will say that the true distinction which

runs through all these cases is that when a contempt has been committed before this House, the House primarily and of right, and as essential to its very existence, possesses the power to punish. And the right of any other court or any other tribunal to inquire into the fact as to whether the party has committed an offense may occur after the punishment has been inflicted by the House but not before; and this, too, not only with reference to a member, but with reference to a witness before the tribunal.

I refer to page 231 of Barclay's Digest, in which this principle is laid down:

The failure or refusal of a witness to appear, or refusal to testify, is a breach of the privileges of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms, by expulsion from the floor as a reporter, and by commitment to the common jail of the District of Columbia.—*Journals*, 1, 12, pages 276, 277; 2, 33, pages 315, 318; 2, 34, pages 269, 277, 281, 384, 567; 1, 35, pages 371, 387—389, 535—539.

So it will be observed, Mr. Speaker, in answer to the argument of the gentlemen on the opposite side, that this is an effort on the part of one House under the parliamentary law to do that which it is asserted both Houses could not do under a law regularly passed and approved by the Executive. But the gentlemen forget that there is already upon the statute-book a law passed by both Houses and approved by the Executive clothing each House with the power to punish; which was unnecessary, because, as I will presently show, this power inherently exists in parliamentary bodies as a very necessity of their life, and without which they would be in a more terrible state of collapse than the distinguished judge in Pennsylvania said the courts would be when he used those strong, powerful, terse, old Anglo-Saxon words and said, if the rule is held that the court possesses not the power to punish for contempt, then you would not only have collisions between courts, but your judicial system would break to pieces in a month.

We have now in the Revised Statutes, sections 101, 103, and 104, these provisions:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

So that, if there was any need to strengthen the parliamentary power of the House by an act of Congress regularly passed through both branches of the national Legislature and approved by the Executive, it stands upon our statute-book. But, as I have said, this act, this defining the duties of witnesses and the power of the House, it is claimed to clothe a subordinate court of the District, a creature of Congress, breathed into existence by our own statute, which to-morrow you have the power at once to do away with—that that court, inferior to the power that created it, with reference to a question of contempt, can supersede the power of this House itself, or of the other House of Congress, and determine questions of contempt upon evidence not occurring in its presence, but simply on the oath of the witness.

I proceed now briefly to refer to the authorities in Cushing on Parliamentary Law, and first I will refer to page 246. He has referred to the privileges of this kind which accrue and belong to each branch of a legislative assembly, and there are enumerated some thirteen in number. Preceding that statement he says:

The privileges of this kind which belong to each branch of a legislative assembly may be classified and arranged under the following heads:

And the thirteenth specification is as follows:

To be free from all interference of the other co-ordinate branch and of the executive and judiciary departments in its proceedings on any matter depending before it.

This is the summing up of the doctrine as to the power of either House to proceed for contempt against a recusant witness.

He says:

One of the modes by which a legislative assembly obtains a knowledge of the facts upon which its orders, resolutions, or acts are founded is by the examination of witnesses, who, when a proper occasion occurs, may be summoned and examined, as in the ordinary courts of justice.

In section 645 the same principle is laid down. He lays down the law upon the subject as to how far this power of investigation and decision is exclusive and final in the House itself.

In that section he says:

This jurisdiction being conferred for the purpose of enabling a legislative assembly to discharge its peculiar functions in a free, independent, and intelligent manner is in its very nature *original, exclusive, and final.*

Final how? Final because no other tribunal can investigate the question whether it properly discharges its duties. To allow it to do so would stop all investigations in every legislative body.

Again, sir, he gives a reason for it:

It is exclusive; otherwise the objects for which it is conferred, namely, the freedom and independence of the assembly, would fail of their attainment, inasmuch as a portion of the means by which the assembly is enabled to perform these functions would be restrained by the concurrent or appellate jurisdiction of some other tribunal.

Again he says in section 649:

The jurisdiction of a legislative assembly acting judicially is necessarily final; that is, its proceedings cannot be revised nor its judgment suspended by any other court or tribunal. Thus when a member is expelled no other court can revise the doings of the assembly and re-instate such member in his place. So if a legislative body commit a member or other person as a punishment for a contempt or other offense, no other court or tribunal can discharge the prisoner on the ground of his having been illegally committed, provided the cause of the commitment appear with the requisite certainty. In cases of this kind, therefore, it should clearly appear in the warrant that the assembly has jurisdiction of the matter for which the commitment takes place. But the particular facts of the case upon which the assembly has predicated its judgment should not be stated. If they are they will be subject to revision.

Thus clearly implying that, where the return was that the party was adjudged guilty of contempt without assigning the particular cause, there was no power of revision or discharge.

Sir, I might read from a number of other sections of the same authority, but I will allude to one other portion only, in which he is treating, not on the question of the privileges of legislative assemblies, but upon the questions of the privileges of the question of State assemblies in the case of recusant witnesses.

In section 967 I find these words:

In regard to the phraseology of the questions which are put to a witness and the language of the answers returned by him while under examination, it is to be observed, on the one hand, that the witness *is in the protection of the House;* that no question ought to be permitted to be put to him which is couched in disrespectful terms and that no insulting or abusive language or conduct toward him ought to be allowed; and any member, counsel, or party who in examining a witness should insult or abuse him would subject himself to the censure and punishment of the House. On the other hand, it is the duty of a witness to answer every question in a respectful manner, both toward the House and toward the member, party, or counsel by whom he is examined. If a witness, forgetful of his duty in this respect, gives his answer in an indecorous or disrespectful manner the usual course is for the Speaker to reprimand him immediately and to caution him to be more careful for the future. If the offense is clearly manifest the Speaker will proceed at once to reprimand and caution the offender; if not, the witness may be directed to withdraw, and the sense and direction of the House may then be taken upon the subject.

I wish to call the attention of the House now to what has been laid down upon the subject of the difference between public documents and private papers, because it has been said that this is a drag-net thrown over this witness with the design and intention of compelling him to produce the papers. I will state the rule of law as to the distinction rather than weary the House with reading it. The rule is that where it is a public document which the House desires to obtain it is produced by an order of the House, and where it is a private paper in the possession of a private citizen who is a witness its production is obtained in precisely the same way that the *subpœna duces tecum* of any court obtains it, by compelling the party to produce the paper.

Now it has been asserted that this is an effort to compel this party to testify with regard to his private affairs, which would not be allowed in a court of justice, unless some foundation was laid for it. But in a court of justice that rule applies to parties litigant, who have no right to look at the papers of their adversaries, except upon an affidavit regularly filed, stating their relevancy to the subject-matter then pending before the court for adjudication. But does that rule apply to a legislative body making an investigation for the public benefit and the public weal? Does it apply to a witness before a committee of this House, and must you necessarily, before a subpœna can issue with authority to bring the person with the papers, make out a case against him by the affidavit either of your Speaker or of a member of this body? Surely not. Such a rule was never contended for until now; such an idea has never prevailed in any adjudication which has been made in reference to this subject. This author, proceeding to discuss this subject, says:

The difference between proceedings in Parliament and the ordinary courts has been established upon grounds of public policy, and is considered to be fundamentally essential to the efficiency of a parliamentary inquiry. But while the law of Parliament thus demands the disclosure of the evidence, it recognizes to the fullest extent the principle upon which the witness is excused from making such disclosure in the ordinary courts of justice, and protects him against the consequences which might otherwise result from his testimony; the rule of Parliament being—

And it is the rule of this House—

the rule of Parliament being that any evidence given in either house cannot be used against the witness in any other place without the permission of the house, which is never granted, provided the witness testifies truly. The parliamentary law on the subject is declared embodied in the following resolutions of the House of Commons, adopted in 1818:

That witnesses examined before the house, or any committee thereof, are entitled to the protection of this house in respect to anything that may be said by them in their evidence.

I will not read the other resolution. So it will be perceived that this author lays down the rule with reference to investigations in public assemblies, like the Parliament of England or the Congress of the United States, that the same rule does not apply that exists in ordinary courts of justice.

This question has undergone investigation in several courts of the Union other than those referred to by gentlemen who have spoken in favor of the minority report. They have said that the power exists somewhere to make inquiry as to whether or not this House has acted within the scope of its authority in pronouncing this party guilty of contempt. Cases have also occurred in courts of States, as in the State of Mississippi, where the constitution of the State makes the writ of *habeas corpus* a writ of right, always available by prisoners; also in States where the constitutions and laws of the States make it an offense

punishable by impeachment and dismissal from office for a judge to refuse to grant the writ of *habeas corpus*.

I desire now to call the attention of the House to a case which was decided in reference to one of the courts in a State where the constitution and laws were such as I have stated. It was a case not with reference to the action of the Legislature or either house of the Legislature. It was a case decided with reference to the power of an inferior tribunal to pass definitely upon and forever settle the question of contempt. It occurred not in a criminal proceeding, but in a case which was civil in its nature, where a guardian had refused to account to the probate court for the property of a ward which had passed into his possession, and had refused to file with the court a final account showing the condition of the accounts between the guardian and the ward. This case will be found in 7 George's Mississippi Reports.

A process of attachment issued from the probate court, possessing jurisdiction in testamentary questions and questions of administration. That attachment was served upon the party, and he still refused to answer. He was imprisoned by the court, and he sued out a writ of *habeas corpus*. The case went to the supreme court of Mississippi upon an appeal from the action of the probate court in passing upon the question of contempt. In that case the supreme court of Mississippi held that the inferior court passing upon the question of contempt, though it was a question whether the party was guilty of a contempt simply in the matter of accounting in dollars and cents, still the adjudication of the inferior court was final, conclusive, and decisive, and was not even subject to review by a court with appellate power over the inferior court. To say that that is not so, that that is not the true rule of law, would be to enable any party litigant or any criminal in an inferior court to stop the proceeding *in medias res* until the question could be adjudicated by the court of last resort whether he had been guilty of contempt or not.

Now, who ever heard of the doctrine that in the case of any court passing upon the question of contempt, and a witness who had seen the most flagrant crime committed, but positively refused to testify, had been imprisoned for contempt, according to the theory of the gentlemen supporting the minority report of the Committee on the Judiciary, it would be in the power of that party to stop the investigation and have the inquiry first by the inferior court as to whether he was guilty of contempt or not, and then if it was in a State where the constitution of the State provided that an appeal should be had in all cases, then and in that case the investigation would have to be stopped until the appellate court itself had decided whether a contempt had been committed or not? As I have said, if the principle contended for is true, then all investigations into the corruptions of this time, which the gentleman from Pennsylvania [Mr. KELLEY] calls the "dry rot" of this age, and which others have called festering sores upon the body-politic, numerous as they may be, flagrant as they are, and now the subject of inquiry by various committees of this body, may be stopped *in limine* in order to ascertain whether the House possesses the power to coerce a witness to answer.

Mr. KELLEY. If the gentleman will permit me, I disclaim the elegant phrase, "dry rot." I did not use it.

Mr. HOOKER. I rather think the gentleman must have used that expression. He probably has forgotten it. He uses so many elegant expressions that I know he does not remember them all.

Mr. KELLEY. I spoke of a citizen being held in a bastile to rot.

Mr. HOOKER. Probably that was it. But, in answer to that, permit me to say that Mr. Kilbourn has the key of his prison in his own pocket, or rather in his own mouth. Whenever he chooses to obey the order of this House he can unlock the door of that prison and walk out into the free air and sunshine. His imprisonment is of his own seeking and his own imposition. This House has done nothing more than indicate its own self respect and protect its very existence by putting him there until he shall be compelled to answer; for, as Mr. Cushing has remarked, that is the only punishment which is inflicted upon him. He is not punished because he has not done any particular act except refusing to answer. He may purge himself of that contempt and unlock his prison-door to-day if he wishes to do so, by coming into this House and answering the questions which have been propounded by your committee.

I was about to proceed to comment upon the authority of the case to which I referred, and I beg to state, without reading, that it was a question not of a criminal nature except in so far as it gave the court the power to imprison for contempt. It was a question in which a guardian refused to account, and the probate court imprisoned him for contempt. He took an appeal to the supreme court of the State; and one of the judges of that court, a man who added to his large learning, that highest ornament of the judiciary, an eminent conscientiousness in the search after truth in any and all questions or cases coming before him, Judge Harris, pronounced the opinion of the court after argument by able counsel. This doctrine is laid down by him:

> But it may perhaps be asked if each court is suffered to exercise the power of punishing contempts without control and revision of any other court, where is the security of the citizen—

The very question which has been propounded by the gentlemen on the opposite side—

> where is the security of the citizen against the oppression of the judge by a willful infraction of the law? It is answered that the citizen finds security—

As I have just remarked Mr. Kilbourn could—

> finds security in his own correct demeanor; in the great lenity and unwillingness which has generally been remarked in courts to resort to this exercise of their powers; but above all, in that responsibility which the judge owes to the assembled representation of the country for any corrupt or willful and arbitrary abuse of his power. It is the boast of our Government that no officer, however exalted his station may be, is above the law; neither can he indulge a wild, arbitrary, or licentious disposition without responsibility.
>
> Government cannot be administered without committing powers in trust and confidence. The exercise of discretion must be intrusted by the people to some agents in matters of this character. And it seems to us to be safer and more satisfactory under our system to leave it in the hands of the respective courts immediately deriving their authority from the people and amenable to the public for its just and wise exercise than to place it in the hands of an appellate tribunal removed in a great measure from their scrutiny as well as their direct authority.

This was a case in which it was assumed by the counsel on the part of the appellant that the supreme court of the State of Mississippi, being an appellate tribunal, with power to review the action of the inferior courts, had the power to review the action of this court with regard to the imprisonment of that guardian.

In this decision the various authorities on the subject, including the English authorities, are fully cited. Among others the case of the Earl of Shaftesbury, 2 State Trials, 615, who was imprisoned by the House of Lords for "high contempt committed against it." The case being brought into the King's Bench, the court held that they had no authority to judge of the contempt and remanded the prisoner. Chancellor Kent, referring in the case of Bates, 4 Johnson's Reports, to this decision in the Earl of Shaftesbury's case, says:

> The court in that case seem to have laid down a principle from which they have never departed, and which is essential to the due administration of justice. This principle, that every court, at least of the superior kind, in which great confidence is placed, must be the sole judge, in the last resort, of contempts arising therein, is more explicitly defined and more emphatically enforced in the two subsequent cases of The Queen *vs.* Paty *et al.*, 2 Lord Raymond, 1105, and of The King *vs.* Crosby, 3 Wilson, 188; 2 Blackstone, 754.

The supreme court of Mississippi, referring to this question, says:

> In Crosby's case, the language of the judges is singularly impressive. Lord Chief Justice De Grey observed that when the House of Commons adjudge anything to be a contempt, or a breach of privilege, their adjudication was a conviction, and their commitment in consequence was execution; and that no court could discharge or bail a person that was in execution by the judgment of any other court.

The body of Hallet Kilbourn is in execution by judgment of this House for contempt; and it will not be denied, I suppose, that this House sitting as a *quasi* court ranks equal in dignity with any other court known to our Constitution or laws.

The opinion of Mr. Justice Blackstone is also quoted; but as it has been already referred to, I will not read it.

Chancellor Kent, after all these citations, adds:

> I have cited the opinions of other judges much at large, because I could not hope to improve upon the strength of their observations; and I entertain the most perfect conviction that the law, as they declared in this case, was well understood, and definitely established as part of the common law of England at the time of our revolution. Mr. Justice Grose, many years afterward, thought he did enough to prove the statement of the law on this subject by merely quoting this very able decision of Lord Chief Justice De Grey.
>
> These cases were also considered and reviewed by Cowen, J., in the supreme court of New York, nad approved as declarative of the common law of England. He says "that it was agreed in the mayor of London's case (Crosby, 3 Wilson, 188) that in cases of commitment for contempt by the Lords or Commons, or by any other court of general jurisdiction, no other court had power to interfere, and relieve by *habeas corpus* or in any other way, because there was no appeal.

Justice Blackstone lays down the doctrine thus:

> The sole adjudication of contempts and the punishment thereof in any manner belongs exclusively and without interfering to each respective court.

Again he lays down the doctrine:

> The right of punishing contempt by summary conviction is inherent in all courts of justice and legislative assemblies, and is essential for their protection and existence. It is a branch of the common law, adopted and sanctioned by our State constitution. The discretion involved in this power is in a great measure arbitrary and indefinable, and yet the experience of ages has demonstrated that it is perfectly compatible with civil liberty and auxiliary to the purest ends of justice.

These are the remarks of the courts in England in commenting on this power, and they expressly referred to it not only as existing in courts alone but as existing in Parliament, and they say that the experience of two hundred years has sanctioned the doctrine that the best ends of public justice and of human liberty are subserved by adhering to these adjudications.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HOOKER. I will only occupy a few minutes longer to conclude what I have to say.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman will proceed.

Mr. HOOKER. Now, Mr. Speaker, let me read in conclusion:

> Our laws are not thus deficient. While they amply protect the liberty and rights of the citizen, they as amply provide for the prevention and punishment of the wrongs he may seek to inflict.
>
> Let the appeal be dismissed—

Why, Mr. Speaker? For what cause?

> for want of jurisdiction in this court.

Thus you have the decision of an appellate court declaring it could not review the action of an inferior court over whose proceedings and over whose judgments and all its decrees it had power to sit in any other cause. The courts say, in adjudging for contempt these tribunals must of necessity, as an element of their very life, possess the power of punishing for contempt.

We have seen a variety of devices resorted to to get this witness

out of the possession of the House. First an indictment was found by the circuit court of the District of Columbia, and under that this drag-net—and we have heard in this debate frequently of "drag-nets" being thrown out—this drag-net of judicial proceedings was resorted to for the purpose of taking this witness out of the possession of the House and taking away from the House the power and authority to continue its investigation. When that failed, then this great writ of human right and liberty, which was so dear to our English ancestors, from whom we derive the great body of our laws, and which is regarded with such sanctity by tribunals in our own country in every State—this great writ of right, the writ of *habeas corpus*, is resorted to. But it has been clearly shown by the arguments already made that where a party is undergoing judgment of a competent court for contempt, undergoing the judgment of a court of competent jurisdiction, the right to resort to the writ of *habeas corpus* does not exist. Let us not therefore, by hesitating and paltering in a double sense with this question, furnish another illustration that he who is backed by the power of eminent counsel or who can array money and friends in his support and at his back can set at defiance the highest tribunal of the land engaged in investigating questions so pertinent to the public welfare and public weal. Let us not furnish another illustration of the saying of the great English dramatist:

> Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, a pigmy's straw doth pierce it.

Mr. FRYE. Mr. Speaker, I did intend to discuss to a certain extent the legal propositions involved in this case, but the lateness of the hour and the absolute necessity of taking a vote on this question to-night is a reminder to me I must be brief. The authorities have been cited, the question has been discussed with signal and remarkable ability, even for the House of Representatives, and therefore I will forbear from discussing at all the questions of law involved and simply address myself to a few practical suggestions to the House in relation to the question at issue.

Now, sir, I was here in 1871 at the spring session, and the President of the United States sent to this House a message in which he declared that justice was invaded, that the rights of citizens were not protected, that citizens of the United States were being murdered, outraged, and deprived of all their rights under the law and the Constitution; and he asked the Congress of the United States to enact the necessary legislation to enforce the constitutional amendments. And what, sir, did I witness? I saw the democratic side of the House united to a single man for two long months, fighting night and day, fighting constantly and filibustering for two weeks, and for what? Why for the right under the writ of *habeas corpus*, and against the proposition of the republicans in this House that we should give the President authority to suspend that writ of *habeas corpus*. Again during the last session of the last Congress, when the proposition was made by the majority of this House to give the same right to the President of the United States to suspend the writ of *habeas corpus* and protect American citizens in their liberty and their lives, the same democratic unity existed. They fought for a fortnight, and the gentleman from Pennsylvania [Mr. RANDALL] gained a world-wide reputation for the skill and power with which he led the forces of the democratic party against the right which the republicans asked that the President might suspend the writ of *habeas corpus*.

Now ever since I have known anything of the political history of the democratic party it has been entirely consistent in this view, that under no circumstances, for no men, for no court, no where shall the writ of *habeas corpus* be suspended and the citizen deprived of the liberty afforded to him by the laws and Constitution.

Now I am met with this new aspect of affairs. I find the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Ohio [Mr. HURD] and the gentleman from New York [Mr. LORD] and the majority of a democratic committee reporting to this House and advocating in this House—what? Why, a proposition to entirely suspend the writ of *habeas corpus* as to this House and the other House. It is an exceptional case, it is said. O, no; it is not exceptional at all. You have got from thirty to forty investigations going on this very day while I am speaking. You are summoning here from all parts of the country from ten to twenty American citizens every day that this Congress is in session. Your committees are propounding to them any questions which may suggest themselves to the minds of the gentlemen on the committees; and there is a liability that you may not only have one American citizen but you may have a hundred American citizens where to-day you have got Hallet Kilbourn.

What is the bald and naked proposition, gentlemen, which you are advocating here to-day? Why, that it is in the power of the House to imprison an American citizen, right or wrong; that it is in the power of the Senate of the United States to take an American citizen, put him in jail, and keep him there for life, right or wrong; and the question of right and wrong, as is asserted by the gentlemen who have spoken on that side, has nothing whatever to do with it. Has it come to this, that the democrats of this House are prepared to say that an American citizen may be deprived of his liberty whether he is guilty of any wrong or not? Why, sir, if Hallet Kilbourn was right in refusing to answer the questions propounded to him, then you were wrong when you put him in jail.

Gentlemen say that the House adjudicated that he was guilty of contempt, and you cannot go behind that. How did you adjudicate that he was guilty of contempt? You demanded the previous question. You allowed no debate. You called the matter up before this House, and in five minutes of time you adjudged without debate that this citizen was guilty of contempt, and you sent him to jail.

O, what a magnificent power that would be for Congress to have! How, by means of it, we could dispose of these correspondents who interfere with us now and then! Take the committee of which my friend from Pennsylvania [Mr. CLYMER] is chairman. The correspondents of the newspapers have treated that committee, in my judgment, very unjustly in many things. I know they have treated the chairman of that committee with injustice, because I know him to be a thoroughly honest and upright man. Now, he has every reason to feel aggrieved and outraged at what has been written to the newspapers of the country in relation to him and his committee. What a splendid opportunity this affords that committee to redress all their wrongs! Let them call any newspaper correspondent before it, ask him any question under the sun, it makes no difference what—ask him "Who struck Billy Patterson?"—and if he declines to answer report him to the House, demand the previous question, refuse debate, commit him to jail, and then determine that your power is without limit and nobody can inquire into it.

Why, sir, we can dispose of any gentleman who insults our dignity in an hour's time, without the slightest difficulty. The lawyers on this floor know perfectly well that they can badger any gentleman brought before any committee so as literally to compel him in defense of his own manhood to refuse to reply to the interrogatories that are propounded to him. And what a chance this gives for the Senate, too! The doings in executive session of the Senate have been divulged by newspaper men, and there is great grief that the discussions in executive session should appear before the country. Just make this a law of the land, and they can settle all that matter without any difficulty. They can take the correspondent of the New York Tribune, or of any other newspaper, and ask him what Senator informed him of the secrets of the executive session; he will decline to answer; then put him into jail, and there is an end of him. You may keep him there for life; you can punish him all he ought to be punished. There is no trouble about it all.

Now, sir, I have agreed to occupy but a very few minutes upon the floor, and I simply desire to say this with regard to Mr. Kilbourn: I hardly know the man myself; I do not know his politics; but it does seem to me beyond a peradventure that there is a very serious doubt about our right to hold him. The gentleman from Massachusetts [Mr. HOAR] admits the doubt. The gentleman from Ohio [Mr. HURD] in his speech admitted the doubt. The very discussion upon the floor admits it. Now, there is a rule of law that in the construction of a statute relating to liberty you must construe it liberally. Are we doing any more than right and justice to give Mr. Kilbourn the benefit of this doubt which this very discussion shows to exist in this House to-day? Let him go before the court; and then, I trust, if the court returns him here, that a resolution will be offered and passed at once giving him his liberty without day.

Mr. HURLBUT. Mr. Speaker, I think it is very well that this House should come back to the consideration of the single question before it. We have listened to a great deal of eloquence relating to a matter which to my mind seemed to be entirely remote from the pending question. There has been a great deal of learning displayed as to the derivation of the power of the House—a power properly described by the gentleman from Massachusetts [Mr. HOAR] as arising from the necessity of things; an inherent power; a power improperly described by the gentleman from Ohio [Mr. HURD] as a power dependent upon precedents and the customs and usage of the English Parliament.

The customs and usages of the English Parliament are not the law of this land. The precedents in favor of liberty in the English Parliament since 1744 are indications tending to show the course the American Congress should adopt, but the old principles of England are invoked by men deyning the rights of personal liberty. Now, sir, a certain thing we all agree upon, that the House has power in any matter which is properly within its own jurisdiction to call witnesses before them, to examine those witnesses and to exert the power of the House to enforce attendance and to enforce answers, and that we agree upon. But there is a possibility that this House may be mistaken. There is an undoubted limitation upon the power of this House as to the character of the subject-matter of the investigation submitted to it. There are rights belonging to individual men, rights guaranteed by the Constitution, rights to guarantee and to secure which the Constitution was made. The Constitution of the United States was not made to guarantee the prerogatives of this House, but it was made to protect the rights of the individual man. It was made for the weak, not for the strong; and it would be far better, in my judgment, if this House should devote itself somewhat more to the consideration of the duties that devolve upon it, rather than the assertion of doubtful privileges.

But, sir, we have exercised a power. Whether we have wisely exercised it or not, I do not care to discuss now. We have exercised it and said by our resolution that this man, Hallet Kilbourn, shall be committed to the common jail of the District until he shall purge himself of a contempt. What then? Hallet Kilbourn by being committed to jail by the House of Representatives has lost no rights that belong to him as an American citizen. He applies to the courts of

the country and asserts a certain right, the foundation of liberty in England and in this country. He applies to a court constituted by the law in a case prescribed by the law itself. He presents his petition, and that petition must be judged of by the judge of the court and not by us. The judge is compelled under the law to examine that petition, and if he finds cause to issue a writ of *habeas corpus*, he is under penalties if he does not do so. The judge, acting under the law and under his official oath, under the penalties prescribed by the *habeas corpus* act if he neglects his duty, issues this writ and the writ issues to the Sergeant-at-Arms, the representative of this House, commanding him to bring the body of Hallet Kilbourn before the court together with the cause of commitment.

Now, sir, the single question before the House to-day is whether the House of Representatives will obey the plain provisions of the law and send the body before the court. The law requires it; the language is plain, undeniable, imperative, and conclusive, and any gentleman who takes the opposite side of this case necessarily claims that the House of Representatives is above the law of the land, a doctrine which for one I am not inclined to admit.

That is the single question presented now, whether or not this writ shall be obeyed according to its terms by our officer in producing the body of the party detained before us in order that the court may pass upon the question as to his rights. That is the one question presented; but the resolution of the majority, if I remember it correctly, requires the Sergeant-at-Arms to disobey the writ; in substance it undoubtedly does.

Now there is one other consideration which I would like to put before the House in the brief time that is allotted to me here, and that is, what would be the probable results of the adoption by this House of the doctrine contained in the majority resolution? This House certainly has no control over the judicial decision of any judge. The judge himself is and ought to be unfettered and free to carry out the law as he believes it to be. If this judge construes the law as I should if I were in his place, he would refuse to recognize the return made by the Sergeant-at-Arms of this House as not being a compliance with the plain terms of the statute, and were I in his place I should proceed to hold the officer who disobeyed the process of the court, whether he was an officer of this House or of any other body, as not only in contempt of the law but in contempt of the great writ of *habeas corpus*. Now suppose that shall be done, by what process now known to the law do gentlemen ever expect that their officer and Sergeant-at-Arms is so be relieved from that contempt. If I understand correctly the doctrine stated by the gentleman from Mississippi [Mr. HOOKER] he read authorities to prove that the determination of any court upon a question of contempt was binding upon all other courts except in cases where the court holds appellate jurisdiction. If that be so there is no remedy for our Sergeant-at-Arms. In that case the burden of power is all upon the other side. We are placed in the position of asserting what at all events is a doubtful power when the weight of the law and of the judicial tribunals of the country and of the Executive who is bound to sustain these judicial tribunals is against us.

Now, because these things are dangerous; because I believe that this writ ought to be obeyed in precisely the terms in which it is given; because I believe that no court that respects itself under such circumstances would take cognizance of a return without having the body produced in court and that the court has the right to have the body there; and because I believe that the jurisdiction of this House over the subject-matter, and thereby over the man whom they hold, is a subject which by the law of the land can be properly inquired into by any court, I hold that this House, laying aside all merely partisan relations—to which I would not now refer—laying aside all those questions that are thrown in here charging that the obedience of the law of the land will defeat this investigation, will consider this question upon a fair and honest and correct basis; that is, that in this country of ours there is but one thing that is sovereign, and that is the law; and that that law binds the Executive, the Senate, the House, the judicial officers, and all citizens; and that outside of the provisions of law there is no safety for liberty and a great deal of opportunity for tyranny.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia.

The message further announced to the House that the Senate had disagreed to the amendment of the House to the bill (S. No. 472) changing the time of holding the terms of the district court for the district of West Virginia.

The message also announced that the Senate had adopted a resolution setting the time for the trial of William W. Belknap, late Secretary of War, upon articles of impeachment exhibited against him by the House of Representatives, and transmitted to the House a copy of the plea of the said Belknap.

IMPEACHMENT TRIAL OF WILLIAM W. BELKNAP.

Mr. HOAR. I ask unanimous consent that the communication from the Senate sitting as a court of impeachment and the copy of the plea of the Secretary of War be referred to the managers on the part of the House.

There was no objection, and it was so ordered.

HABEAS CORPUS—HALLET KILBOURN.

The House resumed the consideration of the report of the Committee on the Judiciary on the subject of the writ of *habeas corpus* in the case of Hallet Kilbourn.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. TUCKER] is entitled to the floor.

Mr. TUCKER. I do not propose to launch upon the wide sea of debate which we have had upon this subject for two days. I will preface my remarks by an amendment which I propose to offer, which amendment is perhaps out of order, unless the gentleman from Pennsylvania [Mr. JENKS] will withdraw the one he has proposed, which I understand he is willing to do.

Mr. JENKS. I will withdraw my amendment for the purpose of allowing the gentleman from Virginia [Mr. TUCKER] to offer the one he indicates.

Mr. TUCKER. I offer the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out all after the word "Kilbourn," where it occurs before the word "therefore," at the close of the preamble, and insert the following:

And whereas the facts stated in the petition and complaint of said Kilbourn present the question whether the said writ could lawfully and properly be issued, and whether the same was not therefore improvidently awarded: Therefore

Be it resolved, That the Sergeant-at-Arms of this House be directed to appear by counsel before the said court and make a motion to quash or dismiss said writ, or take such other proceedure as he shall be advised is proper to raise the question of the legality and propriety of the issue of said writ, upon the facts stated in the petition or complaint and as preliminary to any return to the same; and in the mean time he is directed to retain the custody of the body of said Kilbourn, and not to produce it under the order of said writ without the further order of this House.

Mr. TUCKER. I believe, as I said the other day, that the commitment of this man Kilbourn for contempt of the authority of this House was right. I believe that the questions that were propounded to him in reference to those who were interested in the real-estate pool involved so necessarily the quantum of interest of Jay Cooke & Co. in the real-estate pool, in whose assets the United States are deeply interested in the proceeding in bankruptcy, that the question of who were the parties to the real-estate pool was a pertinent inquiry, and that the refusal of the witness to answer that question put him in direct contempt of the authority of this House.

I am so well satisfied of that, that I am just as well satisfied that any court that respects law or respects precedents, English or American, upon the fact appearing in any way to it that the party is held in custody by reason of his contempt, will at once under *habeas corpus* remand the custody of his body to the keeping of this House. And I go further, so well satisfied am I that the English and American precedents sustain that proposition, that, if any judge in this land should decide otherwise, he would bring himself very nearly within the alternative or dilemma either of knowing nothing about the law or corruptly defying it.

Now in the few remarks that I will address to the House I desire to say that so far as I am concerned as to this amendment which I propose it is not necessary for me to determine the extent of the powers of this House in respect to punishment for contempt. Whether the power be punitive or merely remedial is perhaps not necessary to inquire, although I am frank to say that the inclination of my mind is that this House, in committing for contempt, is only exercising a remedial jurisdiction, a coercive jurisdiction, and not a punitive jurisdiction.

This party having been committed for contempt of the authority of this House, the question is, Can this writ issue or ought this writ to have issued? Upon that question I have before me the Revised Statutes, and I will read a passage quoted from chapter 13, section 755, by the gentleman from Massachusetts [Mr. HOAR] the other day:

The court, or justice, or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appear from the petition itself that the party is not entitled thereto.

Now I apprehend that our relations to the writ of *habeas corpus* issued in this case is just the same substantially that it would be to any suit brought against our Sergeant-at-Arms. The Sergeant-at-Arms may plead either to the jurisdiction, or demur, or plead to the issue, plead in bar. If he pleads to the jurisdiction, it is on the ground that the court has no jurisdiction to issue the writ at all or to issue the writ in this particular case. If he demurs, it would be on the ground that upon the facts appearing in the petition itself the court had no right to award the writ; and that is the ground upon which I put my amendment. If he makes a return to the writ it is in the nature of a plea—gentlemen will excuse me for the forensic phrase—a plea in confession and avoidance; that is to say he confesses he has the party in his custody, but he avoids any subjection to the order of the court upon the ground that it is a legal custody.

Now, if he makes return the court may say, as it did say, I understand, in Irwin's case, "How can we adjudicate in respect to the subject-matter in controversy, which subject-matter is the body of the petitioner, unless you bring the subject-matter before the court?" In Irwin's case the Sergeant-at-Arms made return that the prisoner

was held under an order for contempt. In this case the House has made no return at all; and I propose it shall make no return until the preliminary inquiry has been made and presented to the court. That preliminary inquiry is presented by the Sergeant-at-Arms in this form: "I plead to your jurisdiction. By the law you cannot issue this writ; for upon the face of the petition there is no right on the part of the petitioner to have it issued; and in the nature of a demurrer, admitting all the facts stated in the petition, I deny that there is any right on the part of the petitioner to this writ."

Now what are the facts stated in the petition? I do not know that they have been produced before this House; but they have been published in the papers. I understand that the petition sets out all the facts of the case—sets out the fact that the party has been committed for contempt of the authority of the House in refusing to answer a question. Now, mark you, upon that petition it appears that he is held in our custody upon our judgment that he is in contempt; and the precedents upon that subject are absolutely overwhelming. In the case of The Queen *vs.* Patty, 2 Lord Raymond's Reports, 1105, where Chief Justice Holt dissented, the court said that there could be no objection to the form of commitment by the House, and, if for contempt, no objection that the contempt does not appear on the face of the warrant, or, even if it did appear, that in the judgment of the court it was not sufficient contempt for commitment; in other words, that as soon as we plead that in our judgment this party has been in contempt it concludes the matter and precludes judicial inquiry.

The question has been discussed and mooted here, how long can we hold this man in custody for contempt? Upon that question permit me to say, by way of parenthesis, that we can hold him only till the close of the session. Until the end of the session the House is regarded constructively as pressing its inquiry upon the conscience of the witness. As soon as the House adjourns the inquiry is withdrawn. The party can no longer be in contempt of its authority and no custody for contempt can therefore endure beyond the session. Upon this point I have the authority of an English court, to which I beg leave to refer, and I trust that in an American Congress the liberty of the citizen is no less dear to us than the liberty of the subject is to the Court of Queen's Bench in England. Her Majesty's court says, in Stockdale *vs.* Hansard, 31 English Common Law Reports, 67:

> The privilege of committing for contempt is inherent in every deliberative body invested with authority by the Constitution; but however flagrant the contempt, the House of Commons can only commit till the close of the existing session. Their privilege to commit is not better known than this limitation of it. Though the party should deserve the severest penalty, yet his offense being committed the day before the prorogation, if the House orders his imprisonment but for a week, every court in Westminster Hall and every judge of all the courts would be bound to discharge him by *habeas corpus*.

That is to say, wherever the power of this House goes to the imprisonment of a man one moment beyond the extent of this privilege, the power of every court and every judge in the land is bound to discharge the party upon *habeas corpus*. And I think that if Mr. Pat. Woods could hear this he would know that he had been imprisoned unjustly and unconstitutionally by this House.

Such being the precedents, I think the law upon this subject is perfectly clear, that as soon as it is made known to this court here in this District that this House, representing the commons of the country, holds a party in contempt of its authority in custody, that court in obedience to its oath is bound to remand him to our custody.

My friend from Pennsylvania [Mr. JENKS] proposed the other day an amendment which is in accordance with all the precedents in the Supreme Court, to this effect: that the court should be asked to make an order for a rule upon the Sergeant-at-Arms to show cause why the writ should not issue. My amendment embodies the same idea, although it is perhaps more definite in form. As it appears by the very petition of the party himself that he is held in custody for contempt of the authority of this House and by its order, I propose that as a preliminary to any return of the body as being legitimately within the jurisdiction of the court, we should raise the point that upon the face of the petition the court had no right to issue the writ; that it has been improvidently awarded and should now be quashed. In that way we avoid the question which we have been discussing for several days and present the issue plainly and nakedly to the decision of the court.

Mr. GARFIELD. Will my friend allow me one question? He has read the section of the statute which says that "the court or justice or judge to whom such application is made shall forthwith award a writ of *habeas corpus* unless it appears from the petition itself that the party is not entitled thereto." Now I ask, unless it appears to whom?

Mr. TUCKER. To him.

Mr. GARFIELD. To the judge, or to us of the House?

Mr. TUCKER. To the judge.

Mr. GARFIELD. Then, as a matter of course, he is to be the judge of that.

Mr. TUCKER. Very well.

Mr. GARFIELD. If it be within his discretion as a judge to determine that question, and as he has within his discretion determined it, and determined he must issue the writ and has issued it, how can the gentleman now deny it is interfering with the power of that judge's discretion for us to insist he should not have issued it?

Mr. TUCKER. Well, sir, there is this discretion: The judge is very potential, indeed, when we cannot question his divinity so far as to say: "Judge, we think you nodded when you made that order, and we now ask you, because it was improvidently made, to quash it."

Mr. HOAR. Will the gentleman from Virginia permit me to further suggest in reply to the gentleman from Ohio that the judge never adjudicated that question, as appears upon the face of the petition and papers before the Judiciary Committee.

Mr. GARFIELD. He did *pro forma*.

Mr. HOAR. Neither *pro forma* nor otherwise.

Mr. TUCKER. Certainly.

Mr. GARFIELD. Must he not then go forward and adjudicate it with the party before him?

Mr. HOAR. The judge therefore has issued a writ of *habeas corpus* and we are dealing with one improvidently issued.

Mr. TUCKER. This is the point and the gentleman from Ohio says that we cannot——

Mr. HOAR. I beg the gentleman's pardon for again interrupting him.

Mr. TUCKER. Go on.

Mr. HOAR. I am informed in point of fact that the judge refused to hear the petition read before he issued the writ.

Mr. TUCKER. I think he must have refused to hear the petition read. We must require him to read both.

Mr. GARFIELD. We refused to hear the case before we acted on it.

Mr. TUCKER. No, sir, we did not refuse to hear the case; but we will see that the judge of the District court of the district of Columbia shall hear the house of commons of America, and when the house of commons of America makes a motion to quash a writ improvidently awarded by the judge here that he shall hear the motion and he shall decide it.

Now, sir, suppose we make that motion. There is no requirement that the body shall be produced on that motion. He has no right to require it to be produced, for the very motion itself denies his power to have issued the writ and to have required us to plead by return.

Mr. GARFIELD. The judge held in the case of Irwin that he would not hear the motion to quash until the body was produced.

Mr. TUCKER. I only mean to say that it shows if he refuses to hear—I see the gentleman from Ohio moving off, and I desire that he shall hear me.

Mr. GARFIELD. I do.

Mr. TUCKER. If he refuses to hear the motion it will show that corruption has spread from the "real-estate pool" even to the tainting of the ermine of the courts of the District. [Applause.]

Mr. GARFIELD. We have as good a right to say the statement the gentleman makes could only be made when corruption had reached clearly into this House. [Applause.]

A MEMBER. There is no doubt about that.

Mr. GARFIELD. I would not say that.

Mr. TUCKER. I did not hear the gentleman's remark. I suppose it was not personal to myself. The applause in the galleries was so loud I could not hear it.

Mr. BURCHARD, of Illinois. Let me suggest that in the Irwin case the judge required before he would hear the motion the production of the body. He required, before he would hear the return or the motion to quash which was made, the production of the body, and when the body was produced and the return made the prisoner was remanded to the custody of the Sergeant-at-Arms.

Mr. TUCKER. I have heard all that can be said on that subject on the other side, and I will go on. I say that, as I understand it, in Irwin's case the Sergeant-at-Arms made a return to the writ, but did not return the body; and that then on the motion to quash the court said, "I will not hear any motion until you respect the writ which I have issued by making a return of the body." The point I make is this: I would order the Sergeant-at-Arms to make no return, not to plead to the issue at all, not to admit the jurisdiction of the court to have issued the writ, but to move to quash it as improvidently awarded.

Mr. BURCHARD, of Illinois. In that very case the very point was made by the counsel on behalf of the House of Representatives, that the writ was issued improvidently. That very point was made before the case came on the second time, and the court held that the body must be produced, and then on the next day these proceedings were held and he remanded the prisoner.

Mr. TUCKER. Mr. Speaker, I do not care what the judge did upon a former occasion. But under the amendment which I propose, and which I believe ought to be adopted, he should be made to answer to the motion which we make to quash it, because he had no right to issue it.

Mr. BLAINE, (in his seat, in undertone.) Should be "made to?"

Mr. TUCKER. Be made to. Yes, sir.

Mr. BLAINE. How?

Mr. TUCKER. Made through his conscience, if he has one, and by a power that is superior to him, if he has not.

Mr. BLAINE. Excuse me. I thought the language of the gentleman was very extraordinary, that the judge should be "made" by the House of Representatives to do anything.

Mr. TUCKER. The gentleman is no lawyer, as he has often shown in this House, [laughter and applause,] and the gentleman is perhaps unaware that when a court will not execute his duty he may be made to execute it.

Mr. BLAINE. By an order of the House?

Mr. TUCKER. Not by an order of the House. That shows the gentleman is no lawyer. By a writ of mandamus from a higher court that will compel him to exercise a jurisdiction that he is reluctant to exercise.

Now, Mr. Speaker, if I can get through these friendly interruptions—because I never knew a man to disturb a nest that there was not a great deal of fluttering all about it—I will be permitted I suppose to proceed so far as to say that if my amendment is adopted it will present the question to the court in such a manner that he cannot avoid deciding the question upon the facts appearing in the petition, which the gentleman from Massachusetts says he decided upon without reading.

Now, sir, what is the difficulty here? What is the reason that there is any trouble about this matter? Because there seems to be a grave suspicion that the court of the District of Columbia would not do its duty in this case. Far be it from me to throw that suspicion on any man who wears the judicial ermine until he shall have shown a reluctance to perform his judicial duty. But I say that lest this should be the case, I have prepared a bill which on the first opportunity I propose to present to the House that I think will meet the unanimous concurrence of this House, that in all cases where a party is under the order of either House of Congress, committed to custody for contempt or for any other reason, the only court that shall have the power to issue the writ of *habeas corpus* in such a case shall be the Supreme Court of the United States. To this authority I, in common with my friends all around, from the South as well as the North, and I have no doubt in common with the other side of the House, would be willing to bow. There is no trouble about bowing to their decision as to the extent of the constitutional powers of this House.

While, Mr. Speaker, I have hurried very rapidly through what I have to say in favor of this amendment, I hope it will be adopted, and that it will remove the difficulties which have arisen in the course of this discussion, and will have the effect of quieting them, and presenting the point on which the House will decide.

Mr. BLAINE. Will the gentleman allow me one moment?

Mr. TUCKER. Yes, sir.

Mr. BLAINE. I am permitted kindly by the gentleman to say that I had no intention whatever of doing anything else than making a conversational interruption which the gentleman made the occasion of a fling, and I had no wish or purpose to take part in the debate. The expression was involuntary on my part. I do not know anything in the relations between the gentleman from Virginia and myself that called for the discourtesy with which he treated me. But so long as I am on the floor and twitted with not being a lawyer, I will say to the gentleman I thank God I am not a lawyer trained in the school he was. I thank God I am not a lawyer like the gentleman himself, who, as attorney-general of the State of Virginia, gave an opinion that the local authorities of that State might invade the post-office and compel the postmaster to give up the contents of the mail. I thank God that I am not that kind of lawyer. [Applause.]

I go a little further. The gentleman represents—and with great ability, I will do him the credit to say—that which is known as the great State-rights school that receives its chief inspiration from Mr. Jefferson and the other great lights of Virginia. And yet, sir, he stands here to-day to plead that this House possesses a power over which there is no review anywhere except such as it makes itself. Now, Mr. Jefferson said expressly in a letter, which I recall and could find if I had time, that this Government was so constructed that the absolute power rested nowhere, and he defied any man to show that in any department of this Government anywhere there was absolute power. You take the ultimate judgment of the Supreme Court, which seems absolute. You take the pardoning power of the President, which is without question. Let these powers be misused or abused and there is the power of impeachment, arrest, and punishment. But the gentleman from Virginia, inheriting and professing to represent the principles of Jefferson, says that this House may take anybody on any pretense that may commend itself to its judgment and imprison him at their pleasure, and that there does not exist in the laws to-day the slightest power of relief or review. I thank God again I have not learned law in that school. [Applause.]

Mr. TUCKER. Mr. Speaker, I have no hesitation in saying in reply to the gentleman from Maine that what he took as a fling at him in reply to a conversational and undertone interruption was not intended to be in any degree offensive. I thought that the gentleman from Maine had clearly to his own consciousness some weeks ago in a discussion between himself and the distinguished gentleman from Mississippi [Mr. LAMAR] shown that whatever else he might be, and whatever else he might be fitted to be, and whatever other position he might be fitted to fill by the suffrages of his countrymen, there was one thing he had never been trained to be, and that was a lawyer; and I merely meant to say, though I do not intend to be discourteous to any gentleman upon this floor at any time—I merely meant to say that I thought the gentleman had demonstrated again as he did upon that occasion very signally that he was not a lawyer. But, sir, there is one thing that he is if he is not a lawyer, and that is, sir, he is a Pharisee. [Laughter and applause.] He said thank God——

Mr. BLAINE. That I am not as the gentleman from Virginia.

Mr. TUCKER. The gentleman says he thanks God that he is not as I am, and I thank my heavenly Father that there is no resemblance between us. [Great applause.] I say amen with all my heart to that. He thanks God that he is not as other men are, even as this poor publican. [Laughter and applause.]

Mr. BLAINE. The late attorney-general of Virginia.

Mr. TUCKER. The late attorney-general of Virginia, sir. I am proud to have represented the old Commonwealth in that office; I am proud to represent the old Commonwealth upon this floor. I remember the opinion to which the gentleman from Maine refers, and it seems to me that instead of studying the laws of his country the gentleman has been studying up to see if he could not get points upon his colleagues upon the committee and members upon this floor with which he might twit and taunt them when the occasion arose. I really did not expect that that opinion would be referred to. I think it was made *pendente bello*.

Mr. BLAINE. No, it was before the war.

Mr. TUCKER. Very well, it was a good opinion whenever it was given. [Laughter and applause.]

Mr. BLAINE. The gentleman will please state what it was?

Mr. TUCKER. Then it was *ante bellum*. I am not to be misled in this debate. I have no objection to stating what it was. It was in effect that what mail matter a citizen of a State could receive was a question for State laws.

Mr. BLAINE. That was it, and the gentleman holds to it to this day, I understand.

Mr. TUCKER. I do hold to it to-day.

Mr. BLAINE. That the Post-Office Department can be interrupted in performing its duties by a country justice of the peace in a State; that was the opinion.

Mr. TUCKER. I hold to that opinion yet, and the gentleman has shown that he is no constitutional lawyer when he does not recognize a distinction which is as old as the decisions of Judge Marshall, as far back as the case of Gibbons *vs.* Ogden, in which, and in other cases, it has been held that, between the commercial power of the Federal Government and the police power of the State, the margin and the distinction were as wide as the poles, and so wide that I had supposed even the undisciplined mind of the gentleman from Maine might have seen it. [Laughter and applause.]

Mr. BLAINE. Where does the power of the General Government through the Post-Office Department end and the State power begin?

Mr. TUCKER. I am glad to say that while there is an old adage that a child—and I believe the adage goes a little further than that, although I will not attribute the rest of it to the gentleman from Maine—that a child may ask a wise man a great many questions that he cannot answer—nor do I attribute to myself the quality of wisdom—yet if the gentleman will read for his delectation the great case of Brown *vs.* The State of Maryland he will find the distinction as to when goods cease to be imports and become commodities within State jurisdiction drawn with so much nicety by Chief Justice Marshall, that Judge Taney, then at the bar and counsel in the case, dissented from it, although he afterward acceded to it as just and sound.

Mr. BLAINE. Does the gentleman treat post-office matter as "goods?"

Mr. TUCKER. Ah, well! I did not know; but I thought, though the gentleman was no lawyer, he had probably read some books on logic; but I do not believe he is either a lawyer or a logician.

Mr. BLAINE. According to the Virginia standard, no!

Mr. TUCKER. The gentleman says he thanks God that he was not brought up in the school of State rights, as I was. We were certainly brought up in very different schools. The differences between us in our views of the Federal Constitution are very wide; but, sir, I do not propose to go into that matter now. I am not to be betrayed into a discussion of that sort. There are gentlemen in this House, some gentlemen on the other side of the House, who seem to think that whenever I rise upon this floor it is for the purpose of discussing State rights, whether I propose to discuss State rights or not, because that is one of the great bugaboos which is to go along with the "bloody shirt" in the great contest which is approaching. [Great applause.] I suppose that gentlemen bring that question up on all occasions that they may flaunt it in the face of the multitude and secure a vote for Mr. Blank at one end of the Capitol or for Mr. M. at the other end of the Capitol. [Laughter and applause.] The "bloody shirt" is freely used at one end of the Capitol, and here, at this end, is the bugaboo of State rights. [Great laughter and applause.] As for the "great unknown," I do not know where he stands; and I believe, from an anecdote that I have seen in the papers, that the gentleman from Maine does not know who he is, nor where he stands. [Laughter and applause.]

Now the gentleman has imputed to me an intention of which I am in no wise guilty. And if the gentleman had been in the House a week ago, when I made a speech upon this question before, he would have been satisfied that he did me injustice in saying that I denied the power of any court to revise the action of this House, no matter what it might do. On the contrary, as he will see in my printed speech, I assumed this position upon which I stand, as sanctioned by the English decisions; that while the court may inquire into the extent of the privileges of this House, they cannot inquire into and are precluded from any examination of the mode in which those privileges have been exercised. That is the distinction I have drawn, sustained by English and American precedents.

I do not know but I have consumed more time than I ought. I will

now conclude by asking the House to adopt the amendment which I have offered.

Mr. HURD. I now move the previous question upon the preamble and resolution reported from the Committee on the Judiciary, with the amendments pending thereto.

The previous question was seconded and the main question was ordered.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. HURD] is entitled under the rule to one hour to close the debate.

Mr. HURD. I will yield fifteen minutes of my time to the gentleman from New York, [Mr. LORD.]

Mr. LORD resumed and concluded his remarks begun this morning. They are as follows:

Mr. LORD. I apprehend, Mr. Speaker, that the real question in this case is not whether the House shall reverse the solemn judgment which it has already entered in the premises; the question is not whether that judgment was intrinsically right or wrong. The simple question before this House is whether having entered this judgment it is compelled to surrender the person of Mr. Hallet Kilbourn, whom it has adjudged to be in contempt. As has already been said, this is a very important question; it is a question which comes to this, whether this House may be compelled, while Mr. Hallet Kilbourn or other witness is being examined before it or when the witness is at the door of this House about entering to be examined, to surrender his person and give up the right of investigation.

Before examining this question it is proper perhaps to look at the surroundings of the case which has called from members of this House such bitter denunciation, and even the threat by the gentleman from Wisconsin [Mr. LYNDE] that those who vote to sustain the Committee on the Judiciary shall be retired from the public service. Now, Mr. Speaker and members of this House, has this House rendered any arbitrary judgment? Has it said that Mr. Kilbourn shall be confined ten days, or six months, or ten years? Has it said anything that would take it from the power of Mr. Kilbourn to release himself? Not in the least. He can at any moment be released from this imprisonment by coming forward and stating just the truth in regard to the transactions concerning which he was being examined.

There is no question whatever—I repeat, no question whatever but that this House has jurisdiction over the subject-matter concerning which Mr. Kilbourn was being examined, nor that this House has jurisdiction over his person. He can at any moment unlock the door of his prison; he can at any time, by coming into this House and obeying its mandate and telling the truth in regard to this matter, be released from the confinement of which he complains.

Now, what reason does he give for not doing so? He says that he has nothing but what he is willing to tell, nothing but what he could tell without injury to himself or any one. He says that he has nothing to conceal from this House; that after having told the whole of what he knows, having revealed every personal transaction, or what he calls personal, to which he was called upon to testify, there would be nothing to implicate his character or that of any other person whomsoever. This is his position. Then why does he not state the facts? He says that he cannot do it, because to do so would be to violate a principle. This Mr. Kilbourn therefore seeks to make himself a martyr for a principle. Now what principle is involved? What is there in one's personal transactions, if fairly conducted, in the books and accounts of a person, if fairly conducted, that would do him an injury? And when this House determines, in conjunction with the report of the committee, that such testimony is material, why should Mr. Kilbourn withhold it?

Who is this Mr. Kilbourn who thus refuses to testify? What guarantee has this House in his past history that this point which he makes is sincerely made, is one of principle? It has been developed to this House that since he has been in confinement he has availed himself of a privilege given to him to take of the moneys of the people of the United States at the rate of over $7,000 per annum for purposes of eating and drinking. Now when we are asked to look at this martyr sustaining a principle and to extend to him the belief that he is acting from principle, we cannot but look at the fact that he has thus abused the privilege which it seems in some way was conferred upon him.

Now the question is not before the House—and I beg the House to consider this point—the question is not before the House whether we will make a return to the court which has issued this writ of *habeas corpus*. No one of the Judiciary Committee, no one here, denies that a return should be made. It is proposed to make a most respectful return stating the fact that this House, in the exercise of its jurisdiction in regard to witnesses, has found this witness contumacious and has condemned him as guilty of a contempt and ordered him into the custody of the Sergeant-at-Arms until he shall see fit to answer the questions proposed to him.

The question as to the body is a technical one. My learned friend from Wisconsin [Mr. LYNDE] asserted that the moment this prisoner was taken before the court and the court ascertained and determined that he was held here by virtue of the process and judgment of this House he would be immediately remanded to the control of the House. How do we know that, Mr. Speaker? If that be true, then, certainly the question now being considered is one of no very great importance; for, if it be the duty of that court, as seems to be conceded here, to remand the prisoner the moment it ascertains that he is held by authority of this House, then what is the urgent necessity of taking him before that tribunal? The objection to taking him there is this: that the moment he is there, as is found from all the authorities and as is conceded by every member of this House who has spoken on the subject, so far as I recollect—that the moment he is taken there he is in the custody of the court and he is outside of the custody of the House of Representatives.

Now we are asked by what authority we refuse to produce the person? I say by authority of the last House of Representatives. That House, as is conceded here, refused to surrender the person of a contumacious witness who was ordered into imprisonment by that House. In the first place they did it unconditionally; they said, "We will not give up the prisoner." In the next place they said—what? They said, "We will let the prisoner be taken before the court; but we command the Sergeant-at-Arms not to surrender the person of the prisoner." Now I say that order in all respects affirms and sustains the report of the Judiciary Committee in the present case. I say that, so long as the Sergeant-at-Arms was directed to keep the custody of the prisoner, so long the prisoner was in the custody of the House. Therefore the action of the last House is an authority completely sustaining this House in the position which it has taken.

Mr. MILLIKEN. Will the gentleman please state the difference between the action of the House at the last session and that proposed in the minority report in this particular case? Is not the resolution reported by the minority here identically the same as the resolution of the House in the Irwin case of last winter?

Mr. LORD. I understand that the minority report in this case simply directs that the body of the prisoner be taken before the court; I do not understand that the minority in this case recommend that the Sergeant-at-Arms retain the possession of the prisoner. I understand that in the last House, after full and mature deliberation, the Sergeant-at-Arms was solemnly directed to keep the control of the body of that prisoner. Now in principle what is the difference between that case and this?

Mr. GARFIELD. Will the gentleman allow me one moment to set him right in one respect? I am sure he wishes to be correct.

Mr. LORD. Yes, sir.

Mr. GARFIELD. The gentleman states correctly the first action of the House in the Irwin case. The committee reported against delivering the body, a minority of the committee being in favor of delivering it; and finally, in its first action, the House reached a sort of mixed conclusion: that the Sergeant-at-Arms should take the body before the court, but not lose custody of it. That return was made to the court, and, as several of us here in the House had said we expected the court would do, it answered very properly, "We can accept no such delivery as that; if the prisoner is not delivered into the custody of this court, the court does not consider a proper return made." Whereupon the committee reported the question back to the House; and on the 15th of January, after a long debate, this resolution was adopted:

> That the Sergeant-at-Arms be, and he is hereby, ordered to make a careful return to the writ of *habeas corpus* in the case of Richard B. Irwin that the prisoner is duly held by the authority of the House to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of said Irwin before the court when making such return, as required by law.

So that finally, on a vote of 107 to 64, we ordered the Sergeant-at Arms to make return in accordance with law; and the body was delivered. It thus appears that the action which my friend refers to was overruled on a subsequent day upon a vote of the House by yeas and nays; and, as I understand, the resolution of the gentleman from Wisconsin, [Mr. LYNDE,] representing the minority of the committee in this case, is identical in terms with the resolution which the House finally passed in the Irwin case.

Mr. LORD. Do you mean the last resolution?

Mr. GARFIELD. Yes, sir; the last resolution of the House in the Irwin case; the resolution I have just read. That was the resolution suggested by Mr. Beck, of Kentucky, and which received the votes of many democrats.

Mr. LORD. I was misinformed, then, by the concessions of Saturday as to the final resolution in the Irwin case. It seems that the last House determined in the first place that it would not deliver the person of that witness. In the second place it determined that the person of the witness might be taken before the court, but that the Sergeant-at-Arms be directed to keep possession of the witness. Finally, however, it seems that the House, knowing possibly what the court in that respect would do, yielded the point, and permitted the prisoner to be taken unconditionally before the court. But, Mr. Speaker, I propose now to show very briefly that the action of the last House in the first instance was correct; that unless this be so we have no control whatever over investigations. It has been suggested that this House adopt the second resolution of the last Congress. I propose to show that this resolution was entirely wrong, (as was conceded by referring me to the third and final resolution of that House,) for sending the prisoner before the court in the custody of the Sergeant-at-Arms and commanding him to keep possession of the person would be keeping him within the possession of the House and worse than to refuse to send him at all; for the reason that, in the case of the second resolution being adopted and carried out, there would be danger of collision of authority in the presence of the court. Assuming, as was assumed here the other day, without contradiction, that the action of the last House as expressed in the second resolu-

tion was its ultimate action; assuming that the court had then said that the witness was entitled to his liberty; assuming that the Sergeant-at-Arms had then said, "Notwithstanding this court says the witness is entitled to his liberty, I am instructed by the House of Representatives not to surrender possession of him;" what then? There would be a direct conflict in the very presence of the court.

But, Mr. Speaker, I come now to the simple proposition that this House has the power to detain this witness. I come to the proposition that it is the duty of this House to detain this witness, because if the writ of *habeas corpus* against the final judgment of this House can take the prisoner it may take him while he is in the act of testifying at our bar; it may meet him at the door. Arming the officers of the courts of this District with sufficient writs of *habeas corpus* they can utterly and forever break up every investigation of this House.

Mr. Speaker, in the judgment of the law this man, Hallet Kilbourn, is as much under the control of this House this moment as he was when he stood at its bar refusing to testify. In fact, in legal intendment, as all lawyers who are present will concede, he is in the actual custody of this House under its final judgment, as a contumacious witness, and will be until he testifies or until the House adjourns.

But, Mr. Speaker, let me call the attention of the House to two or three authorities on this point. In the first place the question has been decided in the case of Kearney, 7 Wheaton, 44, by the Supreme Court of the United States; and what higher authority can the supreme court of this District require? In that case it was decided, after due and mature consideration, as follows:

> The sole adjudication of contempt and the punishment thereof belong exclusively and without interfering to each respective court.
> Infinite confusion and disorder would follow if courts could, by writs of *habeas corpus*, examine and determine the contempts of others. * * * *If granted, the court could not inquire into the sufficiency of the cause of commitment.*

Now I apprehend there is no gentleman on the other side, no gentleman however denunciatory of the action of this House, but will admit it has equal authority with a district court of the District of Columbia, to say the least; that this House, in the investigation of matters sent to it and before it, has at least the power to punish a contumacious witness for contempt as much as has the district court of the District of Columbia to issue a writ of *habeas corpus* or to punish for contempt.

Here is the authority of the Supreme Court of the United States saying in such cases one judicature cannot interfere with the jurisdiction of another because it would create infinite confusion, and because, if the writ be granted, the court could not inquire into the sufficiency of the cause.

Now let me call the attention of Congress to another decision made in my own State and precisely like the case before the Congress. In the State of New York the statute is that in all cases the body of the person detained shall be brought before the tribunal. A writ was issued by Judge Bacon, of the supreme court, for the purpose of bringing before that court a young man alleged to be a deserter. Return was made by the officer stating that he held him by authority of the United States, and finally stating that he did not produce the body in court because he did not regard it his duty to do so, notwithstanding the writ. Judge Bacon, in the first place, stated there seemed to be an anomaly in excusing the production of the body, inasmuch as the writ demanded it, and inasmuch as the statute also required the production of the body; but when he came to read the return he took precisely the course which we may assume the chief justice of the supreme court of the District of Columbia will take when he reads the return by this House. And it must be borne in mind in all this discussion we propose to make a return, we propose to treat the court with entire respect; but we propose to make the return that, inasmuch as we hold this man, Hallet Kilbourn, under definite and final judgment, he cannot be wrested from our possession by the writ of *habeas corpus*. When the learned judge reads our return, if he had supposed he had some power to inquire into the facts, yet if he takes it as true, as he undoubtedly will, when its very truth can be ascertained by the paper upon which he must act, he will say what Judge Bacon says *In re* Hapson, 40 Barbour, pages 34, 36, 40. This is the language of the court:

> Our statute in relation to writs of *habeas corpus* * * * provides in broad terms that every person * * * restrained of his liberty, * * * under any pretense whatever, except in certain enumerated cases, may prosecute the writ. By another section it is made the duty of the person against whom the writ is issued to bring the body of the person in his custody * * * before the officer issuing it. * * * The production of the person is also an explicit command of the writ, and as the elementary writers generally state, it constitutes an essential element of the proceeding. * * * But unless the case is entertained and the cause of the detention is to be investigated, it is very obvious that the presence of the alleged prisoner is of no sort of consequence. * * * Even if he were personally present and before the court, it is manifest that his corporal presence and actual production is of no consequence whatever.

Here, Mr. Speaker and gentlemen of this House, is the solemn adjudication of one of the ablest judges of the State of New York, by which he holds and affirms, where the return shows that the court issuing the writ of *habeas corpus* has no power over the question, where the return shows another tribunal has the proper custody and control of the person whose body is ordered to be produced, then the production of his body is of no consequence whatever; and in this case the learned judge held that his body need not be produced; and you will see at once it was a very sensible conclusion.

Every statute is to be read according to its intent. A court has no more right to demand this prisoner under a writ of *habeas corpus* when he is held by the ultimate judgment of this House for contempt than to require a person to be brought from the pest-house who is stricken with the small-pox or malignant fever. The law is to be interpreted reasonably, according to the necessities and requirements of the case. This principle, correctly applied, will never essentially change or repeal a law, but comes within the familiar rule—

> A thing within the intent of the statute is a part of the statute, though not within its letter; and a thing without the letter is within the statute, if within its intention.

So long as it is true—and the learned gentleman who led on the other side, the gentleman from Wisconsin, [Mr. LYNDE,] conceded it to be true—that the supreme court of the District of Columbia could only remand this prisoner the moment he was taken before it and the return made that he was held for the contempt referred to, it is but an idle form and ceremony to take his body there, a form and ceremony in which I have said I would acquiesce were it not for the fact that if we obey the writ in this regard the House of Representatives at once surrenders the person of the prisoner.

When we are asked for authorities we find them in abundance. I need not refer again to the authorities cited on Saturday from the Supreme Court of the United States and in the courts of England. I bring an authority from my own State directly in point, where the statute expressly, as this statute does, requires the body to be taken before the court; and yet the court there held, after mature deliberation, that when the return made—as our return will do—brought before the court the fact that if the person of the prisoner were in court he would be at once remanded, then it follows that the person of the prisoner need not be taken into court at all.

Mr. LAWRENCE. Will the gentleman give the name of the New York case to which he refers?

Mr. LORD. It is *In re* Hopson, 40 Barbour.

It is now too late to question the power of this House to investigate certain questions that are brought before it. It is true that this power is not expressly conferred by the Constitution; but in fact it is conferred by the Constitution in the broadest possible manner. The first section of the Constitution of the United States creates the House of Representatives. The second section provides how the House of Representatives shall be constituted. This House and the Senate, therefore, have the dignified position of being the first named in the Constitution. The first creative act of the Constitution was the creation of the United States Senate and the creation of the House of Representatives; and there is no limitation upon the power of the House as exercised by the House of Commons except that its jurisdiction is limited.

Now I wish to call the attention of the House to this point: It seems to be claimed on the part of some that because the Government of the United States, because the Congress of the United States, because the House of Representatives is limited in its jurisdiction to certain subject-matters, it is therefore limited in regard to this question. This is not so. Conceding the fact to be that this House has the power to examine a witness, then it has the power to punish that witness for contempt in case he refuses to answer. The power, then, of this House as to examining and punishing a contumacious witness is just as broad as that of the House of Commons of England. Whatever may be done by any tribunal on the face of the earth in this regard can be done by this House.

[Without concluding, Mr. LORD gave way for the House to take action in regard to the impeachment trial. He subsequently concluded, as follows:]

Mr. LORD. In concluding the remarks that I began this morning I shall omit at this late hour very much I had intended to say, and shall endeavor to confine myself within less time than the fifteen minutes allowed me by the courtesy of the gentleman from Ohio, [Mr. HURD.]

The strange position taken by my friend from Iowa [Mr. MCCRARY] leads me to concentrate my remarks mainly upon a single proposition. If I understood that gentleman aright, he claimed that it is within the power of any court of the United States, or any court of the District of Columbia having power to issue the writ of *habeas corpus*, to inquire into a judgment of this House. This House, equal in its dignity and power to the House of Commons of England, having the constitutional power to investigate villainies committed within this District or within the United States, having solemnly adjudicated that the witness brought before us was bound to answer the questions proposed to him, can be arrested in that investigation, can have its judgment reviewed and reversed by any inferior tribunal in the District of Columbia. Up to the time that this sentiment was uttered by the gentleman from Iowa, I had supposed that there was a universal concession on the part of the House that its judgments could not be thus reviewed. In fact in all the arguments made, commencing with the argument of the gentleman from Wisconsin [Mr. LYNDE] and coming down through, from State to State, until we reach the argument of the gentleman from Iowa, [Mr. MCCRARY,] no one suggested or pretended that any court could review the judgment of this House.

A great deal has been said about the invasion of the personal rights of Mr. Kilbourn. I ask the attention of the House to this point; the questions put to Mr. Kilbourn had nothing whatever to do with his personal rights. I have not time to read in full the resolutions passed by the House upon the subject of this investigation. What was this

committee charged to do? It was charged with the duty of inquiring into the real-estate pool of the District of Columbia, to ascertain who were its members, to ascertain what had been done in regard to it, because it was believed that a large portion of the property of Jay Cooke & Co. had been covered up in that very pool.

What was the question which the witness refused to answer. He answers very many. He claims that the pool is represented by five individuals. It is important that the House should know who they were. He claims that that pool was represented by five individuals, and therefore any sum which had been made in that pool must be divided by the number 5. So that, in truth and fact, if this pool had been represented only by this one man and Jay Cooke & Co., then the divisor would be 2 instead of 5, and the sum due the United States would be very much larger.

I ask the attention of the House while I refer to these questions in the identical language in which they were put. We have heard very much about this being an invasion of personal rights. I am forced into a discussion that does not belong to this House by the attitude taken by the gentleman from Iowa, [Mr. MCCRARY;] that is, in regard to the questions propounded to this witness. I read them to the House to show that not one solitary question referred to his personal rights; every question referred directly to this pool and the transactions of the pool.

Every lawyer in this House is familiar with the rule that, when you have an unwilling witness in court, it may direct that witness to be examined according to the rules of a cross-examination, and they have often heard in court learned judges say that although they could not see precisely the purport of the questions, although they could not see precisely to what the questions would lead, yet they would allow them, because they had confidence in the examining counsel. But, Mr. Speaker and members of the House, no such policy was needed here, for the questions propounded to the witness in this case were proper under any rule of proceeding, as will be seen when we reflect upon what was the subject-matter of the inquiry before the committee. What were those questions, as propounded by the gentleman from Indiana, [Mr. NEW?]

Question. How many members of the pool were there before you became a member? I believe you have in fact answered.
Answer. Five gentlemen besides Jay Cooke & Co. put in $5,000 apiece.
Q. Will you state where each of these members reside?
A. I do not know that I could do that. Mr. Chairman, if you will indulge me, I respectfully decline to give any testimony as it relates to these individuals.

Now, here was the question in the mind of the committee: should the divisor be 2 or 5? Should $10,000 or $30,000 go to the United States? And the most proper question in the world was put to the witness by this learned committee. He was asked to name those persons; he was asked to state where they resided, for the very purpose of ascertaining whether he had told the truth or not. Yet on that point, knowing he was going to be reached and compelled to divulge the truth, which he did not want to tell, (as we have the right to assume,) he avails himself of what he claims to be a privilege, and says: "I will not answer." He did not pretend then that this was a mere personal matter. He had not then made up his mind to be a martyr to a principle; he had not then made up his mind to give the false reason that this was a mere personal transaction, for he was asked not in regard to his person, not in regard to his household, not in regard to his books, but he was asked who were those five persons who composed that pool concerning which this learned committee was inquiring, and he refused to answer.

Why, sir, there is no court or justice of the peace in the whole land so ignorant as not to hold at once that that question was proper, if it referred to the subject-matter before the court. Yet here learned gentlemen ask us to shelter this witness behind the plea of personality, maintaining that we are invading his personal rights. There never was any greater untruth uttered in any tribunal.

Now let me call attention to another question put by this committee:

Q. For the present you decline to state, even if you were certain as to the locality, where they do reside?
A. Yes, sir; I respectfully decline to state anything in relation to individuals who did business with us except upon consultation with my counsel.
Q. Will you please state their names?
A. That I beg to include in the same answer.

Then he is asked to produce certain books. What books? Not the personal books of Hallet Kilbourn; there never was a greate falsehood uttered in a court of justice. The books called for are or were the books of this very pool. Although Hallet Kilbourn claimed to be its trustee and the books were kept in his name, cannot we look behind that shallow device? They were in no sense books of Hallet Kilbourn; they were books of this "pool;" books which this man had the power to produce; books for which this committee had issued this *subpœna duces tecum*. Yet the witness comes here with this plea for sympathy because imprisoned for refusing to tell the committee who composed that "pool." We know that Jay Cooke composed one part of it. When asked to give the other names the witness refused. When asked to bring forward the books he refused. He defies the power of this House, and says now that he is suffering for a principle.

I tell you, Mr. Speaker, notwithstanding the warning we had the other day from the learned gentleman from Wisconsin that those who dared to vote for this resolution would be left at home—not caring for that threat—I say in behalf of the people of the United States that almost to a unit they will see behind this shallow pretense; they will see that this man Kilbourn has secrets which he seeks to cover up. When they read of his grand array of distinguished counsel—the most distinguished and expensive in the United States—they will see that Hallet Kilbourn does not stand alone, and that behind him is a power which is "the power behind the throne."

Now, Mr. Speaker, are we to have our sympathies appealed to in such a case as this? I concede that I am outside the record; but I follow the gentlemen who spoke against the resolution on Saturday and who have spoken to-day. Are we to have this whole matter blinded and hushed up? Are questions which no lawyer on the face of the earth would declare to be improper to be refused an answer? Are we to have this whole matter closed against us under the plea of sympathy; under the allegation that this man is suffering as a martyr in order to vindicate a principle, in order to vindicate his own personal rights?

Now, Mr. Speaker, for fear that some person may be misled, I want to call attention to chapter 7 of the Revised Statutes. I have heard it suggested by various gentlemen that perhaps the statute was intended to take from this tribunal the power to commit a witness. This has hardly been claimed on the other side; yet I find that on my own side of the House the idea prevails more or less that chapter 7, by which a witness who refuses to answer is subjected to indictment, was intended as a revocation of the powers of this House. What could be more false? That statute was not intended as a sword, but as a shield. It was only intended to aid this House. It was never supposed that it was to be used in order to close the gateway to investigation and the door to the truth. That statute could not abnegate the powers of this House without express enactment; and had there been an express provision in the statute, as was well remarked here the other day, this House, going back to the Constitution, representing within its jurisdiction the whole power of the House of Commons of Great Britain, could not be deprived by any act of the Congress of the United States of a right which is an integral and inherent power under the Constitution, belonging peculiarly to itself to work out the truth through these investigations.

The gentleman from Pennsylvania [Mr. KELLEY] says we must set a limit to our power. Now, Mr. Speaker, I do not know what abuse of this power there has been. I have not been here in Washington to watch these events; yet I supposed I knew what witnesses had proved contumacious and been ordered into custody.

I recollect but two cases where witnesses have been committed, the two cases referred to in this debate, and yet my learned and venerable friend from Pennsylvania, [Mr. KELLEY,] whom I highly respect, stands up in this House and warns it against an abuse of its own power. He does this when the only witnesses who have been confined under the power of the House, so far as I know, or at least so far as has been referred to in this debate from the beginning to the end, were the witnesses Irwin and Kilbourn. I apprehend, when it is remembered that the witness Irwin covered himself all over with perjury, and when it appears from the questions and answers in the examination of this witness, Kilbourn, that he is attempting to cover from the view of this House thousands of dollars—I say I apprehend it will not be admitted there is any abuse of this power such as to call upon the Congress to commit suicide, such as to call upon the Congress to adopt a rule which, as has been already said and as we must all agree, will close every door of investigation. Then, so far as we are concerned, we might as well close our doors and adjourn and go home.

We are asked what Clay, and Crittenden, and other departed worthies would say to this invasion of the rights of the citizen. I wish those worthies so long entombed were in the House and we had their judgment on this question of "addition, division, and silence." I apprehend the learned Representative from Pennsylvania would not gain any comfort from them.

[Here the hammer fell.]

Mr. HURD. I yield now to the gentleman from Kentucky.

Mr. JONES, of Kentucky. Mr. Speaker, it is not an agreeable task for me to resist the report of a committee of this House, especially when that committee is composed of a majority of my political associates, and more especially when it is supported by eminent lawyers. But, sir, my duty is imposed by the Constitution of the United States, which, as a representative of the people, I have sworn to support, and I must support it according to my honest conviction of its import and meaning. That Constitution is the sunlight to my path. When I heard the resolution under discussion read to the House I must confess, sir, I felt somewhat startled and stunned. I paused and said to myself, "What, is it proposed to disobey the writ of *habeas corpus;* to suspend it in time of peace, profound peace, and simply to defend the House of Representatives in the execution of a rule, in the imprisonment of a witness for contempt?" Truly, sir, that conspicuous clause in our Constitution, that immortal command, never recurred to my mind with so much directness and force. I immediately turned to my Manual and read:

The privilege of the writ of *habeas corpus shall* not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

I read it again, and lingered upon it with both love and awe—love and gratitude to our ancestors, the "immortal framers," and awe and fear lest at any time I might be persuaded to disobey and ignore it.

My thoughts involuntarily went back to the dark days of the Republic, when the bloody hand of war was outstretched over the land, when hundreds and thousands of our fellow-citizens and myself were snatched away from home and ruthlessly herded together in the dungeons and prison-pens of the country without even the shadow of just charge or complaint. Too many faces arose to my mind's eye of the young and the old, suffering for long weary days, weeks, and months, some in lingering sickness, some in the agonies of death, and some after death—all innocent as the unborn babe of any crime or real disloyalty to their country. Even then, when there was perhaps some excuse for withholding the writ, *we* thought "the public safety" did not require it, and we cried aloud for *habeas corpus*. O! for the great writ of liberty then, that it might come, unbar the gates, and set the prisoner free. O! for one ray of light from judicial power. O! that the cause of this bondage could be inquired into. O! where is the Constitution of our fathers, the freedom of speech or of the press, or personal liberty? I ask my fellow-democrats on this floor what was our shibboleth then, our all-demanding appeal for the personal liberty of the citizen? *Habeas corpus.*

Mr. Speaker, I could not support this resolution if I would, and I would not if I could. I must be pardoned, sir, for the feeling I display. The proposition touches me deeply. I here declare that in my place as a Representative of the people, or in whatever other capacity I may be called upon to act, I will never ignore or deny to the citizen this great heir-loom of English and American liberty. No political ties, no party zeal, no expected success, shall induce me to lose sight of it for a moment. The living and the dead speak to me and command me to respect it. I am sworn to obey it, and when I fail in that duty may this right arm fall paralyzed by my body.

Now, sir, I beg leave to say that with this contumacious witness, Hallet Kilbourn, I have not the slightest sympathy. I know not the man; never saw him except when he stood at that bar. I believe he is in contempt of the House and was justly imprisoned for a violation of one of its rules. I have no respect for and have never been connected with any rings or like associations for any purpose whatever; and if there are men in the world who stand aloof from pools or rings for speculative purposes or otherwise I think I am one of them. I am even suspicious of my own personal friends who have been said to be connected with them. I have ardently expressed myself in favor of all these investigations into our governmental affairs, that they may be conducted with the most severe scrutiny, and have proclaimed that if democrats be found in fraud or peculation upon the Government, though they may have stood high in popular favor and in my personal esteem, let them go down in the common wreck. I am in favor of the same measure to our political friends as to our political foes. Let us never be amenable to the divine injunction:

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

It is only by acting impartially and justly with all and to all that we shall receive the commendations of a great people, and, what is still more precious, the approval of our own conscience.

I have been quite amazed, sir, at the line of argument pursued by the gentlemen who sustain the report of the committee. They seem to have exercised all their skill and ingenuity to uphold what to my mind seems an illegal and unwarrantable position. I deny the premises from which they argue; they are false, and, as is always the case, arguments drawn from false premises lead to false conclusions. We often fail through the intricacies and mazes of the law and legal decisions as presented and applied by skillful advocates to reach justice and truth. The law to some is but an art, while to others it is a science. Indeed it is but reason, the common reason of mankind, of the highest and most perfect order. Cicero said, "*Lex est summa ratio.*" And Lord Coke perhaps better expressed it "*Lex est perfectio rationis.*" Our Constitution speaks to the ordinary understanding and is not difficult of comprehension, more especially in its isolated mandatory text. The gentlemen who have advocated the majority report of the committee seem to regard the Parliament of Great Britain and the Congress of the United States to a great extent as like systems and clothed with similar powers.

Now, sir, for the purpose of this argument, as to the question under discussion, I deny that there is any analogy between them. The one is unlimited and supreme, the other is limited and the creature of organic law. The one is in its origin a monarchical, aristocratic system; the other a republican system, the emanation of popular sovereignty. The British Parliament is to-day mainly what it was when organized nearly seven hundred years ago in the reign of King John. It is but "the deep-trod foot-marks of ancient customs." The king or queen and the estates of the realm, the lords spiritual, the lords temporal, and the Commons constitute the Parliament. The lords spiritual and the lords temporal were originally appointed by the Crown, and so all hereditary titles of honor. The peers are ennobled of blood, and their dignities can only be lost by attainder. The bishops are only lords of Parliament. It is true the Crown and the House of Lords and the Commons correspond in a degree with our Executive and Senate and House of Representatives, but they all act under different obligations and responsibilities. The king or queen swears to govern the kingdom and the dominions thereto belonging according to the statutes of Parliament agreed on, and the laws and customs of the same. The members of the two houses take the oaths of allegiance, supremacy, and abjuration. It was proclaimed in the days of Elizabeth that "the most and absolute power of the realm of England consisteth in the Parliament." Lord Coke said:

> The power of Parliament is so transcendant and absolute, that it cannot be confined either for causes or persons within any bounds.

To-day there is no limit to its power and jurisdiction; it is not controlled in its discretion; and when it errs, its errors can only be corrected by itself. It is indeed a law unto itself, and that law is the supreme power of the land. The most recent and approved author (Mr. May) on parliamentary law says:

> The legislative authority of Parliament extends over the United Kingdom and all its colonies and foreign possessions; and there are no other limits to its power of making laws for the whole empire than those which are incident to all sovereign authority—the willingness of the people to obey or their power to resist. Unlike the legislatures of many other countries, it is bound by no fundamental charter or constitution, but has itself the sole constitutional right of establishing and altering the laws and government of the empire.

It has, unlike any part of our republican system, an inherent judicature, and hence its time-honored title, the "high court of Parliament."

The most distinguishing characteristic of the Lords is their judicature, of which they exercise several kinds. They have a judicature in the trial of peers, and another in claims of peerage and offices of honor under references from the Crown; another for controverted elections of the representative peers of Scotland, and of all questions touching the rotation or election of lords spiritual or temporal of Ireland. But in addition to these special cases they have a general judicature as a supreme court of appeal from other courts of justice. This high judicial office has been retained by them as the ancient "*Consilium regis*," which, assisted by the judges and with the assent of the king, administered justice in the early periods of English law. Their claim to an appellate jurisdiction over causes in equity, on petition to themselves without reference from the Crown, has been exercised since the reign of Charles I; and, in spite of the resistance of the Commons in 1675, they have since been left in undisputed possession of it. They have at the present time a jurisdiction over causes brought on writs of error from the courts of law, originally derived from the Crown and confirmed by statute, and to hear appeals from courts of equity on petition.

I have thus dwelt, Mr. Speaker, upon the character and jurisdiction of Parliament to show that, in its origin, authority, and scope, it is almost totally dissimilar to the Congress of the United States. It is true that we take what we term our parliamentary law or rules of government in each House in the main from the English system; but we do not possess judicial power, and, unlike Parliament, are in no sense a court, except indeed in the Senate, when it sits as a court of impeachment, as specially provided in the Constitution. Hence it cannot be maintained that because Parliament issues judicial process, and the House of Commons alone may do so and is held as a court, our House of Representatives may exercise like powers or is in any sense a court.

Now, sir, what, in brief, is our system of government? We are a federal or confederate republic, based upon the sovereignty of the people, the Chief Executive elected by the people, you and I and all of us elected by the people, the Senate by the people one degree removed. We are the creatures of an organic law, a constitution which we are all sworn to support, and in our duties here we cannot, if we keep our oaths, transcend its limits or authority. The President of the United States, unlike the monarch of England, is the servant and elect of the people. He swears to "preserve, protect, and defend the Constitution of the United States." That Constitution creates our system of government with its three great distinct branches and defines their powers. It is our higher and highest law. We, as a House of Representatives, are its creature under express affirmative and prohibitive mandates.

Now, sir, let us examine this case closely. The House has committed to prison a witness for refusing to answer questions and to expose the books of a corporation or partnership of which he is an officer or member. I think the House did right, as is admitted, according to custom, and indeed established by statute, in exercising this legislative and quasi-judicial function. But, sir, it may not be amiss, in order to see our way clearly, to consider whether the House possesses the constitutional power to imprison a person for any cause whatever. We find no express authority for it in the Constitution. The only provision which seems to indicate such a power is in the second paragraph of section 5, which says:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Now, sir, from part of that clause alone is to be drawn the only power which this House has to commit a witness for contempt, namely, the words "each House may determine the rules of its proceedings." The balance of the clause refers only to the members of the House. And might it not indeed be contended that the whole clause refers only to members and that the operation of the rules was not to extend beyond them, except indeed in protecting the House from intrusions and disorderly conduct by the public? The question may not be inappropriately asked here, can this House in the exercise of its rules or of any power in the Constitution imprison one of its own members? And if not, can it imprison any other person? I was interested in the argument of my friend from Ohio, [Mr. HURD.] It was ingenious and able. The law and the decisions he quoted were good, but I must be

allowed to say they did not apply to the case at bar. The chief case he instanced, that of Anderson *vs.* Dunn, reported in 6 Wheaton, was simply on writ of error on an action of trespass against the Sergeant-at-Arms of the House of Representatives for an assault and battery and false imprisonment, and the question was whether imprisonment by the House for a breach of its privilege and contempt of its dignity and authority was a legal justification and bar to the action; or, in other words, whether the House had the power to imprison at all. There was no writ of *habeas corpus* in the case. Mr. Justice Johnson, who delivered the opinion, said:

The present question is, What is the extent of the punishing power which the deliberative assemblies of the Union may assume and exercise on the principle of self-preservation?

The counsel for the plaintiff contended that the House had no authority to issue the warrant; that the warrant was illegal on the face of it, and that in either case it was no justification to the officer who executed it; that the power of issuing warrants was judicial; that the Constitution provided that "no warrant shall issue but on probable cause, supported by oath or affirmation;" that at common law the power to punish for contempt was incident to courts, but Congress and House of Representatives being terms unknown to the common law could derive no claims through it; that courts only could enforce the laws, they were therefore clothed with authority to compel obedience; whereas the Legislature is merely deliberative.

The Attorney-General held that the House of Representatives exercised the power to punish for contempt as incidental to its legislative or judicial capacity, and that the necessity of self-defense was as incidental to legislative as to judicial authority; that it was sufficient protection to the officer that the House had jurisdiction to punish contempts and that it had adjudged the plaintiff guilty of contempt; that the doctrine was established by the Supreme Court that the grant of the powers expressly given to Congress in the Constitution involved all the incidental powers necessary and proper to carry them into effect.

Mr. Justice Johnson, in delivering the opinion, said:

It is certainly true that there is no power given by the Constitution to either House to punish for contempts except when committed by their own members, nor does the judicial or criminal power given to the United States in any part expressly extend to the infliction of punishment for contempt of either House or of any co-ordinate branch of the Government. Shall we therefore decide that no such power exists? It is true that such a power, if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers.

He, however, affirmed the judgment of the court below, on the ground that the House of Representatives and all legislative assemblies possessed an incidental power, to protect themselves in the maintenance of their own dignity, to punish for contempt; but this was a power not substantive and independent, but auxiliary and subordinate; and that was "the least possible power to the end proposed," which was the power of imprisonment. The learned justice said in the same opinion, which I quote in answer to the ideas advanced in this discussion, of analogy between the Congress of the United States and the Parliament of Great Britain:

But the American legislative bodies have never possessed or pretended to the omnipotence which constitutes the leading feature in the legislative assembly of Great Britain.

Now, sir, it will be observed that the question under discussion is not touched by this opinion and indeed was not in the case of Henderson *vs.* Dunn at all. The question in that case I repeat was whether the House had power to commit for contempt. *That* is admitted, and I have adverted to the case with so much particularity to show that such only was its extent.

Who can doubt for a moment, after reading the decision of that able jurist, that he would have held that this House could retain a prisoner against a writ of *habeas corpus*? If so, he would have placed himself by his own argument in the ridiculous attitude of maintaining that the House, in the exercise of merely an incidental, implied, and subordinate power could vitiate and annul an express power and prohibitive mandate of the Constitution. He would have maintained that a legislative and quasi-judicial incidental function was superior to the highest and most sacred function appointed by the Constitution to the judiciary branch of the Government of the United States.

It must be perceived, sir, that the entire argument of the gentleman from Ohio [Mr. HURD] and of his colleague, [Mr. LAWRENCE,] and indeed of all who have supported the majority report of the committee, is based, first, on the idea of similarity of authority between the Congress of the United States and the Parliament of Great Britain; and, secondly, that this House has equal power with a court of justice, and, indeed, is a court. All their citations apply to courts. I have shown that the two houses of Parliament are courts, but deny that this House of Representatives is a court, or can exercise, in legal acceptation, judicial functions. It cannot issue judicial process or "due process of law," as meant by the Constitution. Judicial process means something to be done by a judge—*judex* or *judices*. We have none here.

I will repeat the quotation from Blackstone, which my friend [Mr. HURD] made, and upon that hang all the others he made:

All *courts*, by which I mean to include the two houses of Parliament and the courts of Westminister Hall, can have no control in matters of contempt. The sole adjudication of contempt and the punishment thereof belong exclusively and without interfering to each respective *court*. Infinite confusion and disorder would follow if courts could by writs of *habeas corpus* examine and determine the contempt of others.

That, sir, is, of course, good law and I admit every word of it, and so the citation from his own learned father, Hurd on Habeas Corpus:

It is a rule essential to the administration of justice that when a court is vested with jurisdiction over the subject-matter upon which it assumes to act and regularly obtains jurisdiction of the person, it becomes its right and duty to determine every question which may arise in the cause without interference from any tribunal.

This is all true, sir, but applies exclusively to courts. I make no question of the power of a court of superior jurisdiction to hold a prisoner against a writ of *habeas corpus* issued by an inferior court, nor of the power of any court of jurisdiction in the case to hold a prisoner in execution of its judgment against the interference of any other court; but, sir, can any power, or court if you please, in this land—for the Senate may be a court of impeachment—which has not the authority to issue a writ of *habeas corpus*, hold a prisoner against a court that has such authority? Suppose, sir, when the Senate of the United States—a body that never dies—was sitting as a court of impeachment in the trial of President Johnson, they had committed General Sherman, who was a witness, for refusing to answer a question, as they had a right to do, would they have refused to obey a writ of *habeas corpus* issued by the Supreme Court of the United States, or indeed of any court having the power to issue the writ? The Senate even, sitting as a court as authorized by the Constitution, which this House can never be, would have been bound to obey the constitutional mandate in respect to *habeas corpus*. I contend that this House has no option but to obey the writ, from whatever court it may issue, from the Supreme Court down to the lowest whence it may come.

But, sir, how is this great process regarded even by Parliament? It is guided by no law but its own; it is supreme, and could abolish the writ of *habeas corpus* if it pleased. Yes, sir, it could abolish or ignore Magna Charta itself. The latest and most approved English authority on the subject says:

The *habeas corpus* act is binding upon all persons whatever who have prisoners in their custody; and it is therefore competent for the judges to have before them persons committed by the houses of Parliament for contempt. There have been cases indeed in which writs of *habeas corpus* have been resisted, as in 1675, when the House of Commons directed the lieutenant of the tower to make no return to any writ of *habeas corpus* relating to persons imprisoned by its order, and in 1704, when similar directions were given to the sergeant-at-arms. But these orders arose from the contests raging between the two houses, the first in regard to the judicature of the Lords and the second concerning the jurisdiction of the Commons in matters of elections; and it has *since* been the *invariable* practice for the sergeant-at-arms and others, by order of the house, to make returns to writs of *habeas corpus*.

In England, however, it is the practice of the courts not to inquire into the causes of the commitment, but to sustain it and remand the prisoner to Parliament, acknowledging its power and supremacy. As in the case of Lord Shaftesbury, who had been committed by the House of Lords for contempt, when brought before the court of King's Bench he was remanded. Lord Chief Justice Rainsford said:

He is in execution of the judgment given by the lords for contempt; and therefore if he should be bailed he would be delivered out of execution. And again, this court has no jurisdiction of the cause, and therefore the form of the return is not considerable.

The House of Commons alone is, in England, considered a court. As Mr. Justice Powys said in another case, The Queen *vs.* Paty:

The House of Commons is a great court, and all things done by them are to be intended to have been *rite actæ*.

In 1751 Mr. Murray was committed to Newgate by the Commons for contempt, and was brought up to the court of King's Bench by a *habeas corpus*. He was refused bail, Wright, justice, saying:

It need not appear to us what the contempt was for; if it did appear, we could not judge thereof; the House of Commons is superior to this court in this particular. This court cannot admit to bail a person committed for a contempt in any other court in Westminster Hall.

In Brass Crosby's case, in 1771, De Grey, chief justice, said:

When the House of Commons adjudge anything to be a contempt or a breach of privilege, their adjudication is a conviction and their commitment in consequence an execution; and no court can discharge or bail a person that is in execution by the judgment of any other court. And again, courts of justice have no cognizance of the acts of the houses of Parliament, because they belong *ad aliud examen*.

Now, sir, I hope the distinction which I make is clear, that the Parliament, even the Commons alone, is a court, and this House of Representatives is not; but even in Parliament they consider the writ as so important, so sacred to English liberty that in all cases they obey it, although not bound to do so by any superior authority. We, on the contrary, must act by superior authority and by express command. We have no more right to disobey that clause of our Constitution which says, "The privilege of the writ of *habeas corpus* shall not be suspended," &c., than we have to disobey the clause which immediately follows it, namely: "No bill of attainder or *ex post facto* law shall be passed," for who will say that the Congress of the United States can pass a bill of attainder or an *ex post facto* law?

But it is said, sir, that the supreme court of the District of Columbia may not remand the prisoner if taken before it but may admit him to bail or discharge him. I ask, what right have we to suppose that the court will not do its duty in the premises? We must exercise that comity which is due to all courts and which belongs to all

branches of the Government. My judgment is that the court ought to and I have a right to believe will, return the prisoner to the custody of the House, or, in other words, sustain the commitment in respect to the authority of the House in the exercise of this incidental power or usage to maintain its dignity.

But, sir, take the alternative. Admit that the court does not adjudicate as we have a right to suppose it will, but assumes to inquire into the cause of our commitment. May it not be possible that we have erred in judgment? This House is not infallible, nor is any human power. It then becomes us to inquire whether or not we have invaded other great constitutional guarantees to the people.

We have these clauses staring us in the face, and we are sworn to support them:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

And again:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

I admit, sir, that these clauses do not directly apply to the case we are discussing, but in some aspects of it they may do so, and they are worthy of our most serious consideration. Sir, what to us is the right or claim to hold this prisoner according to the *lex et consuetudo parliamenti*, the law and custom of Parliament, as weighed in the balance with these great guarantees of freedom to the citizen?

Habeas corpus is the leading feature of Magna Charta, and has been the great bulwark of English liberty for nearly seven hundred years, since the noble barons extorted it from King John at Runnymede.

No freeman shall be seized or imprisoned but by the judgment of his equals or the law of the land.

It has been held in veneration for centuries, and the laws of England provide a punishment for the judge who dares to refuse the writ; he incurs a forfeiture to the complainant. It may be suspended in time of war, but Blackstone wisely said:

The suspension of it in time of war is the sacrifice of the security of personal liberty for a time the more effectually to secure it in the future.

We can appreciate the wisdom of that utterance now. Sir, this personal privilege to man is even more ancient than Magna Charta. It was recognized in some sense among the Romans, even since Paul, nearly nineteen centuries ago, stood at the judgment-seat declaring he was free-born and a Roman:

I appeal unto Cæsar.
Then Festus, when he had conferred with the council, answered, Hast thou appealed unto Cæsar? unto Cæsar shalt thou go.

Sir, it has been said in this debate that really we had no writ of *habeas corpus* until it was enacted and defined by law; that, although incorporated in the Constitution, it was vague and undetermined; that it required legal enactment to make it of practical effect. Sir, did not the framers of the Constitution understand what it meant? Did they say "The privilege of *a* writ of *habeas corpus* shall not be suspended?" No, sir; they said "The privilege of *the* writ of *habeas corpus* shall not be suspended," &c.

Did not James Madison and Alexander Hamilton and Benjamin Franklin and the other immortal framers of that instrument understand what *habeas corpus* was? Did not the learned and great Jefferson know what it meant when he said in his inaugural address as President of the United States:

Freedom of religion, freedom of the press, and freedom of person under the protection of *the habeas corpus* and trial by juries impartially selected, were among the principles "that form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment!"

The great men of our revolutionary era, and after, understood it and intended it to be understood, as the courts and the great lawyers of England and America held it to be, as it was regulated by the statute of Charles II—

That the person shall make due return of the writ and bring, or cause to be brought, the body of the party so committed or restrained into or before the lord chancellor or the lord keeper of the great seal of England.

The writ was intended to be executed in its literal meaning—"*habeas corpus*," you shall have the body. Without the delivery of the body the execution of the writ would be imperfect and farcical. Let me ask, Mr. Speaker, what sacrifice do we make by obeying this process? It is supposed that the Government had an interest of twenty or twenty-five thousand dollars in this real-estate pool, and if that could be recovered and returned to the Treasury of the United States it would be so much saved to the people. But, sir, do we know that the Government had anything in that pool, or indeed that there was any crime or fraud in the business at all? Was it not a mere suspicion, although perhaps well-founded, by the investigating committee? May it not be that this contumacious witness is an honest man, and has been acting under a mistaken, false pride in his refusal to answer questions? May we not at least give him the benefit of a doubt?

But in any event, Mr. Speaker, regardless of consequences, let us do right; let us bravely and promptly do our duty. Let not the American House of Representatives refuse to execute this great writ so precious to our people, which indeed lies at the foundation of every free government on earth. I would rather, sir, march in solid column with every man in this House, our honorable Speaker at the head, escort this man in all dignity and surrender him at the foot-stool of the judicial power, than hold him a single hour against this process. The people would honor us for it; indeed it would be a glorious sight in the eyes of the nations, and the more humble or mean the individual the more honor to the high representatives of the people. Let us not set the example of disobedience to this almost God-given injunction; if we do, be sure, sir, it will come back to plague us.

It is true, sir, we are the great inquisitorial power of the nation. The people expect us to investigate public affairs, to root out, if possible, all fraud and evil in official places, to expose the wrong-doer, to promote economy and reform in every branch of the Government; but, sir, the very moment in our investigations or acts we come in conflict with the law of our origin, our being, the moment we stand face to face with an interdiction of the Constitution—especially that above all others: the fundamental right of the citizen—that great people would say to us, "Stop! stop!" suddenly as an eclipse of the sun at noonday; "thus far shalt thou go and no farther."

Let us remember how often the obedience to this writ has vindicated the right over the wrong, the innocent over the guilty; how often it has built up the heart of the disconsolate father, and cheered and made glad the stricken mother. Many a poor boy have I myself seen taken from the grasp of the military power of the United States even, and returned to his weeping mother in obedience to this mandate from a mere county court. Shall we not respect it, sir? Shall we not observe the distinction between the judicial and the legislative departments of our Government? What is Hallet Kilbourn and all he knows, every secret in his bosom, in comparison with this great privilege of the American citizen? Better, sir, let ten thousand Kilbourns go—be set at liberty and escape into the distant forests and there perish with the savage and the beast of the wild wood. Yes, sir; better let all impeachments go, all the Belknaps in Christendom untried and unwhipped of justice, than hesitate to respect and obey the *habeas corpus*. It has been the palladium of liberty for ages. It is consecrated in the hearts of our people. It was in principle proclaimed by our fathers in the Declaration of Independence. It is asserted in every bill of rights in our States, and is signally ingrafted in the Federal Constitution. It is a blood-bought inheritance. Under its protection, in the main, though oft through tribulation, we have run a glorious race, and are about to complete a well-rounded century of liberty and law, and I trust a golden era is opening upon us and our children. It is the terror to tyrants, and the last hope of the prisoner. It is the sheet-anchor of freedom wherever on earth the rights of man are recognized. It is the brightest orb in the political firmament. It is the polar star of the American Constitution. Let us guard it with devotion and vigilance as the vestal and very vital flame of liberty, and transmit it unimpaired and sacred through generation and generation to our latest posterity. Stand by the writ forever.

Mr. HURD. I yield ten minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. I will occupy the time in presenting as fully as I can some suggestions which seem to me appropriate to the occasion. I will say a word, in the first place, in reply to the gentleman who has just taken his seat. He seems to suppose we have suspended the writ of *habeas corpus*, or will do so if we refuse to permit the body of Kilbourn to be returned to the court which has issued the writ. He seems not to be aware of the fact that the *habeas corpus* act provides that where a party is in jail under sentence, and that fact appears by the petition, the writ cannot issue.

Mr. JONES, of Kentucky. Yes. But in that case he is held by a court under judicial authority, which we have not.

Mr. LAWRENCE. The gentleman might as well argue that that clause of the statute which denies the right of a judge in certain cases to issue the writ has suspended its privileges, as to say that this House does so when by its sentence it holds a disobedient witness in confinement. This House has no judicial authority, but it has the lawful authority of its privileges and powers to imprison a recusant witness in an authorized investigation as fully as any judicial court. That clause of the Constitution which denies the right to suspend the privileges of the writ of *habeas corpus* has no relation to such case as this. It forbids any exercise of executive power which shall deny the right to the writ, and it equally prohibits Congress or either House, or even a court, to declare generally or in a special case that no writ shall issue where according to law a party may be entitled to it. But if he is not by any law entitled to a writ, then there is no privilege to be suspended. A party lawfully imprisoned in execution by an authorized and lawful sentence was never in any country en-

titled to the writ, and a denial of it suspends no privilege he is entitled to. When a party has had his trial, his "day in court," his rights are *res adjudicata*, and as to him there is no privilege of the writ. The constitutional provision against suspending the writ therefore does not apply or have reference to imprisonment by virtue of a sentence of the House no more than it does to a sentence to imprisonment after a fair trial in a judicial court. So much, then, for that question.

Mr. JONES, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. LAWRENCE. I would if I had time; but this is so limited that I cannot yield to my friend as I could wish to do if I had sufficient time.

I now proceed to consider the question more immediately before us. There is danger that in the excitement of the hour we may lose sight of the real question. The real question is, can a judicial court release a witness from imprisonment who is held by order of the House for refusal to testify in an investigation which the House is making in a matter clearly within its jurisdiction? I say not. And having no power to release, it cannot interfere with the business of the House by writ of *habeas corpus*.

Among all the cases which have been cited by gentlemen on either side of this House, there has not yet been one where any court ever did reverse a sentence of imprisonment by a legislative body.

Mr. GARFIELD. In the Emery case which I quoted on Saturday, volume 107 Massachusetts Reports, page 172, the court discharged the prisoner, who had been sentenced by the Massachusetts house of representatives to twenty-five days' imprisonment.

Mr. LAWRENCE. I had not finished the sentence I was uttering. There never has been a case where a court discharged a person confined under sentence of imprisonment by a legislative body, except in some cases where the constitution limited the power to imprison to *enumerated specific* cases, and where the imprisonment was outside of these, and so unauthorized. But, Mr. Speaker, that is not the kind of jurisdiction we are now exercising. The question we are to decide now is whether in this case, where we are exercising an acknowledged jurisdiction under that clause of the Constitution which gives Congress the power to legislate in reference to the District of Columbia "in all cases whatsoever," where we exercise a *general jurisdiction*—a jurisdiction not *limited* by enumeration or specification—whether in such case as that a judicial court can inquire into and reverse a sentence of imprisonment which this House may pronounce. I say in such case as that no court has ever claimed to exercise any right to interfere with an imprisonment ordered by a legislative body. This precise question, Mr. Speaker, has been decided in the case of Passmore Williamson, which will be found in 26 Pennsylvania State Reports, and from which I will read a single sentence. The learned judge in delivering the opinion in that case says:

> The conviction of contempt is a separate proceeding and is *conclusive* of every fact which might have been urged on the *trial for contempt*, and among others *want of jurisdiction to try* the cause in which the contempt was committed.

That authority is backed up and sustained by the decision of the King's Bench in the case of Lord Shaftesbury, tried in 1675, and which will be found reported in 6 Howell's State Trials, 1269. And there are numerous other cases, all bearing upon the same question and resulting in the same conclusion, which will be found referred to in May's Parliamentary Law, on pages 77 and 78. (1 Freeman, page 153; 1 Modern, page 144; 3 Keble, page 792; Queen *vs.* Patty, 2 Lord Raymond, page 1109; Salkeld, page 503, and numerous other cases.) I will not stop to read these cases, but will content myself simply by referring to them as authorities which sustain the right of a legislative body to imprison for contempt in the exercise of its legislative powers, and which deny the right of any court to take from the custody of the sergeant-at-arms a person held under the legislative sentence.

But a good deal of stress has been laid on the case of Burnham *vs.* Morrissey, 14 Gray, 226; and my colleague [Mr. GARFIELD] has referred to another case in 107 Massachusetts Reports.

In the case reported in 14 Gray the learned judge who pronounced the opinion undoubtedly did say that one branch of the Legislature of Massachusetts was not the exclusive judge of the cases in which it could imprison for contempt. But why? Because the constitution of Massachusetts expressly enumerated the cases in which either branch of the Legislature might imprison for contempt, and by that enumeration excluded the right of the house to imprison in any other class of cases.

Now, sir, if this House were exercising a jurisdiction under a constitution which enumerated the cases in which it might imprison for contempt, and if the House had gone outside of that enumeration, then I would say at once that the courts might make inquiry to ascertain whether we had kept within the enumerated cases prescribed by the Constitution, in which the House had power to imprison for contempt.

But here, as I have already remarked, we are not exercising a limited jurisdiction, but a general unlimited jurisdiction given by that clause of the Constitution which confers legislative powers as to the District of Columbia. If we were exercising a jurisdiction under the legislative powers given under that other clause of the Constitution which says that "all legislative powers herein granted shall be vested in a Congress," and if we were attempting to exercise jurisdiction in a case in which the Constitution had given Congress no power or had excluded its exercise, then I would concede that the question would be a very different one from that which is now before the House. There are limitations in favor of liberty and personal rights imposed on Congress and each House of Congress by the old amendments to the Constitution. If the House were clearly transcending its powers, or invading personal liberty or the liberty of the press outside of its acknowledged jurisdiction, the courts might then well inquire whether we were exercising a jurisdiction authorized by the Constitution, or whether we had stepped outside of it and gone beyond the authority under which we were acting, in undoubted acts of tyranny *ultra vires*.

Mr. CONGER. Does the gentleman claim that this power given to Congress is vested equally and absolutely in either branch of Congress.

Mr. LAWRENCE. O, the power to punish for contempt is a power which is given to each branch of Congress.

Mr. CONGER. Where is that power given in the Constitution?

Mr. LAWRENCE. It is one of the incidental powers of each branch of Congress, as has been abundantly shown in this debate and as has been determined by the Supreme Court. When a question of this kind has been determined by the Supreme Court, it is at least some evidence that it has been rightly determined. The authority for this incidental power is very well stated by the great commentator Kent, who says:

> Whenever a power is given by a statute—

And the same is true of a constitution—

> everything necessary to the making of it effectual or requisite to attain the end is *implied*. "*Quando lex aliquid consedit, consedere videtur et id, per quod devenitur ad illud.*" (1 Kent's Commentaries, page 464.)

I had supposed that question had long since been set at rest.

Before I leave this branch of the subject I may say that the case of Burnham *vs.* Morrissey, 14 Gray, 226, is authority on another point. In that case it was held that in the investigation before a legislative committee—

> It is no ground for the refusal of a witness to produce books or papers that they are private. (18 Howard, 71; Paschal's Const., note, 252, 258.)

My colleague [Mr. GARFIELD] on Saturday referred to the protection afforded by some clauses of the amendments to the Constitution. This case in Massachusetts was decided under a constitution giving all the guarantees of the national Constitution, and yet the Massachusetts court said that one branch of the Legislature could require the production of private books or papers.

I pass on to say a few words on another branch of this subject.

It is urged that the whole power of *punishment* has been transferred to the courts by section 104 of the Revised Statutes, which renders the witness liable to indictment as for a crime in a criminal court for his refusal to testify.

The Constitution says—

> No person shall be held to answer for * * * *crime* unless on a presentment for indictment of a grand jury, * * * nor shall any person be subject for the same offense to be twice put in jeopardy.

Now, a *contempt* is not a *crime*. The courts punish for contempts without indictment. It has never been objected that such punishment is unauthorized. So here, this House has not imprisoned Kilbourn for *crime*. The gentleman from Virginia [Mr. TUCKER] has argued that the imprisonment is *detention*, not *punishment*. However that may be, it is not detention or punishment for *crime*. This House has not abdicated its jurisdiction, then, by authorizing an indictment for the *wrong to the public*, which is the indictable crime.

But there has been much discussion as to the effect of the statute relating to *habeas corpus*. It has been urged that the *habeas corpus* act requires the production of the body of Kilbourn. If so it is a mockery of the law and an insult to the court for this House to *order* what the statute requires. But neither section 758 of the Revised Statutes, which requires the production of the body, nor section 752, which authorizes judges "to grant writs of *habeas corpus*," has any relation to this case. My colleague [Mr. HURD] on Saturday showed us that the writ does not issue except by force of a statute. If the court had not so decided, I would say it would issue as a common-law right and by a judge *ex virtute officii*. But the court has so decided. Now, when the Constitution was adopted, this House immediately by the *lex et consuetudo parliamenti* had the right to imprison for contempt. No statute was required; none was ever passed. This was common parliamentary law. That is just as much law and as forcible law as a statute. If it be repealable at all it can only be done by a statute or the usage of the House.

On all questions of personal liberty it and the *habeas corpus* statute are laws *in pari materia*. Now the *habeas corpus* act was not intended to repeal the common parliamentary power of imprisonment for contempt.

Kent, in commenting on the rule that "acts *in pari materia* and relating to the same subject are to be taken together," says—

> That a code of statutes relating to one subject was governed by one spirit and policy and was intended to be consistent and harmonious in its several parts and provisions. (1 Kent, page 464.)

And he proceeds to say:

> "Statutes are likely to be construed *in reference to the principles of the common law; for it is not to be presumed that the Legislature intended to make any innovation upon the common law* further than the case absolutely required." This has been the language of the courts in every age; and when we consider the constant, vehe-

ment, and exalted eulogy which the ancient sages bestowed upon the common law as the perfection of reason and the best birthright and noblest inheritance of the subject, we cannot be surprised at the great sanction given to this rule of construction. (1 Kent, page 464.)

If by any fair construction of the *habeas corpus* act it is possible to retain in force the common parliamentary law, it must be done. This debate has shown abundant reasons for saying the statute does not apply to imprisonment by order of this House. The *lex parliamenti* then remains in force. By this law, as said by Chief Justice De Grey, an adjudication of this House for a contempt "is a *conviction*, and their commitment in consequence is *execution;* and no court can discharge."

By that common law which regulates courts, and parliamentary law which protects this House, a court has no jurisdiction by *habeas corpus* to reach a commitment in execution. This law has not been repealed. I know the danger of this power to imprison; but the Supreme Court of the United States has it with no authority to review its decisions, and no law to limit the time of imprisonment. There is a power to impeach the justices for an *abuse* of authority, and the members of this House can be reached by popular elections; but no law has said that any court can revise or reverse or defeat the adjudications of the House in the exercise of powers given by the Constitution. Where is the law that gives any court revisory power? There is danger, too, of permitting an interference with this power. If it can be annihilated, corruption can fester all over the land unchecked by investigation, public plunderers may well hold a jubilee, and the vilest mercenaries and criminals will escape impeachment. The whole people will bow to the "one-man power" of a single judge, and this land will cease to be a republic and become an autocracy.

This case will settle the practice of the House. I will bow to its decision as I do to that of courts. When the law is settled I will not disturb but will obey it and follow in the line of precedents. But I admonish the House that momentous consequences and results of the gravest character depend upon the deliberations and decision of this hour.

Mr. EAMES. I have prepared some remarks on this question, but having no opportunity to deliver them I ask unanimous consent that they be printed in the RECORD as a part of the debates.

There was no objection, and the leave was granted. [See Appendix.]

Mr. YOUNG. I desire to make the same request.

There was no objection, and the leave was granted. [See Appendix.]

Mr. W. B. WILLIAMS. I also have prepared some remarks on this question, and I ask leave to have them printed as a part of the proceedings.

There was no objection, and it was granted. [See Appendix.]

Mr. HURD. After the thorough and exhaustive discussion of the proposition involved in the report presented to this House by the Committee on the Judiciary I would regard it as trespassing upon the time of the House to say anything more upon this subject, were it not for the fact, that during the progress of the discussion several propositions have been maintained on the part of those who advocate the minority report to which I think it proper that an answer should be now given.

It has been urged that there has been no precedent for this action of the House as proposed by the report of the majority of the committee in the history of the Congress of the United States. I say to the House that a precedent upon a similar subject, and in the line of the precise doctrine as maintained by the majority of the committee, was made in the last Congress in the Irwin case. When the vote was taken on the first day in that case it was determined that the body should not be delivered by the House to the custody of the court. On the second day another vote was taken which required the Sergeant-at-Arms to produce the body before the court and yet to retain custody of that body. The subsequent order, under a decision of the Supreme Court of the United States, was absolutely null and void. The Sergeant-at-Arms the moment the body was delivered to the court could by no possibility have had any authority over it at all, consequently the action of the House on the second day in revising and reviewing the action of the House on the first day did not change the principle then asserted, then supported by a large majority of the republican members of the House, that the House was not bound when the return was made to surrender the custody of the body.

It has been objected in the progress of the argument that we were anticipating the judgment of the court, and were insisting that the court when it comes to decide the questions of law involved will decide against the authorities and precedents and discharge the prisoner. We are not anticipating the action of the court. It is not the action of Judge Cartter that will release the prisoner if we surrender him. It is our own action that will release him. By delivering him to the court he passes from our control to that jurisdiction; he is discharged by our own act from custody when he has been adjudged in contempt of the authority of the House. The judge himself has made no decree upon the subject at all. It is asserted that a precedent in Massachusetts and one in Wisconsin as to the power of the courts settled the doctrine, so far as State authorities and State Legislatures are concerned, that there can be an interference with the authority of the House by the judiciary. As to the case in Massachusetts, it has been well said by the gentleman from Ohio that it was decided because of a peculiar provision of the constitution of Massachusetts. And in addition to that I desire the House to recollect that the distinguished gentleman who delivered that opinion stood upon the floor of this House last session and advocated the very doctrine on this point that the majority of the committee have reported. I say that does not imply that that eminent gentleman changed his opinion, but it does show that the decision made in Massachusetts was not inconsistent with the proposition maintained here to-day by the majority of the committee.

As to the case in Wisconsin I desire to call the attention of the House to the fact that from the earliest days of their organization the courts of Wisconsin have been out of the line of precedent on the subject of the writ of *habeas corpus*. It was from the supreme court of the State of Wisconsin that the case of Ableman *vs.* Booth went to the Supreme Court, and they still insist in their courts in denying doctrines that have been asserted by the highest tribunals in the land; and if authority upon this subject may be found in the decisions of Wisconsin against the proposition which the committee maintain it is not in the line of precedents established either in the courts of the United States or in the courts of other States.

Underlying the arguments of the gentlemen who have opposed the proposition of the majority of your Committee on the Judiciary there may be said to be four fallacies. One is that the writ of *habeas corpus* is used at all times as a matter of right to release from imprisonment. Sir, the writ of *habeas corpus* possesses no such efficacy. In the statute of Charles II several plain exceptions were made to the general rule. Where parties were held under a warrant plainly charging either treason or felony, or where they were held in execution upon a sentence, the writ of *habeas corpus* could not issue, and, if it did issue, the court, upon ascertaining the facts, were bound to remand the prisoner.

What writ of *habeas corpus* is it that gentlemen are speaking of, to which they attribute such unbounded power? Not the writ of *habeas corpus* of England, not the writ of *habeas corpus* of our country, but a writ of *habeas corpus* which they have imagined for themselves.

The second fallacy is that a refusal to produce the body is a disobedience of the writ. It has never been so regarded. From the beginning a refusal to surrender the body accompanied by a proper return of the writ was regarded as an obedience to the writ in certain exceptional cases. If this case be within the exceptions, then we do not disobey the writ by refusing to return the body. As I showed the other day, this case is one within the exceptions.

Mr. JONES, of Kentucky. Right here, if the gentleman will allow me.

Mr. HURD. I have already yielded the gentleman ten minutes of my time, and I would be very much obliged to him not to interrupt me now.

The third fallacy which underlies these arguments is that the jurisdiction as asserted by the Committee on the Judiciary denies to the court in any case the right to inquire into the cause of the commitment of a person who has been ordered into confinement by the authority of this House. Now I do not believe that any gentleman has maintained any such proposition. We recognize the power of the court to issue the writ. We recognize the power and jurisdiction of the court to inquire as to the process issued by this House by which this person is confined. When that power has been reached, when that doctrine has been recognized, then we have recognized all the power the court possesses or that it can rightfully claim to possess. And when the process is exhibited, as I showed by the authorities the other day, the only inquiry for the court is, is it of legal efficacy now; is it of vital force now? If it be, then the matter is determined, provided this House has the power to pass judgment in cases of contempt.

As the Supreme Court of the United States has decided, the court of this District, which is bound by that authority, upon learning the fact of the process of this House in adjudication of this individual in contempt, and that the House is so holding him for contempt, must cease further inquiry. We do not deny the jurisdiction of the court. We recognize its jurisdiction to issue the writ and to inquire into the process of the House. But when that is done its power is exhausted.

Mr. BLAIR. Will the gentleman allow me——

Mr. HURD. The gentleman will pardon me, but I cannot allow myself to be interrupted now; I have not time.

The fourth fallacy of the arguments of gentlemen is that the judges of the supreme court of this District possess a revisory or appellate power over the decisions of this House. It is not a proposition that the Supreme Court of the United States or the supreme court of the District of Columbia has this power, but that one of the judges of the District court at chambers possesses this power.

It is the Congress of the United States that creates the court; it is the Congress of the United States that gives efficacy to the writ of *habeas corpus*. Although the Constitution of the United States provides that the writ of *habeas corpus* shall not be suspended except in certain cases, yet the Supreme Court of the United States has determined that without an act of Congress there is no writ of *habeas corpus*. Therefore can it be possible that this Congress that created the courts, this Congress that made the writ of *habeas corpus* efficacious in the United States—can it be possible that the body that gives life to both, that possesses the power to determine in reference to the wisdom and propriety of all legislation in regard to them, may have all

its most necessary authority taken away by the one and through the interposition of the other?

In addition to what have been suggested as reasons for the adoption of the report of your committee, I suggest this additional reason for the consideration of the House: The time of the House ought not to be consumed in the discussion of these important questions which are liable to arise in cases similar to the present. It is important that there should be a final adjudication upon this question by the Supreme Court of the United States. And, while I am not willing to assert, as a proposition of law, at this time, that even the decision of the Supreme Court of the United States would be in all respects binding upon this House, as though we were a subordinate court and that was a court which possessed revisory and appellate jurisdiction, yet I do believe that this House would be governed by the decision of that august tribunal as to what were the limitations of its powers.

Now, the only way in which this question can be brought before the Supreme Court of the United States is by the course recommended by the majority of your committee. If the report of the minority should be adopted and the custody of the prisoner given to the court under this writ, he will be either remanded or discharged. If he be remanded, then there will be no question to go to the Supreme Court of the United States. If he be discharged it is not such a final judgment as would authorize a bill of exceptions or a writ of *certiorari* in order that the Supreme Court can revise the action of this House.

But suppose that we retain the custody of the prisoner, in either case we obtain a decision of the question. Either the judge orders our Sergeant-at-Arms into custody, or else he decides that the return is sufficient. If he decides that the return is sufficient without the body, that is all that is desired. If he orders the Sergeant-at-Arms into arrest then the whole matter can be brought before the Supreme Court of the United States, and we can, at a very early day, have an adjudication by which our conduct hereafter may be governed.

It has been objected that the power of this House has been taken away by the passage of the act last year giving to the courts of this District jurisdiction over offenses of this sort and enabling an indictment to be found against a man who is adjudged to be in contempt of the authority of the House. As I said the other day, that provision is merely cumulative. It is no objection to our power. We have not declared that we give it up; we insist upon exercising it; and we say to the courts, "You may punish likewise."

Why, Mr. Speaker, in the view which has been maintained by the majority of this committee, there is no object to be accomplished in this case by the delivery of the body. Under all the established authorities, nothing can be effected by such delivery. The object for which the writ of *habeas corpus* was devised was to relieve from unlawful imprisonment; and the body is given up, that the court may be enabled either to admit to bail or to discharge. But where under the authorities the imprisonment is found to be a lawful imprisonment, where the return will show to the court that it is a lawful imprisonment, then the body need not be produced, for the reason that the production of the body is not necessary to enable the court to exercise the jurisdiction and power which it properly possesses.

I deprecate the political allusions which have been made in this debate by the gentleman from Maine, [Mr. FRYE,] and I feel called upon in concluding to say a word or two upon that point. He said he had heard members of the democratic party at the last session maintain the right of *habeas corpus;* he referred to the grand record made by the democratic party during the war in vindicating the right of civil liberty and denying the power of the Executive to suspend the writ of *habeas corpus* and of the Congress of the United States to delegate that power to the President. That part of the record of the democratic party I am proud of and glory in to-day. For one, I would rather have been associated with an organization which devoted itself to the preservation of the civil liberty of the citizen by maintaining the great writ of *habeas corpus* during those hot and perilous times than to have been associated with a party whose victories have come through blood.

But, Mr. Speaker, the democratic party in denying this power to the President of the United States to suspend the writ of *habeas corpus* did not commit the party to any construction of the statute upon the subject of *habeas corpus*. It did not declare in its conventions what constituted a proper return to the writ of *habeas corpus*. The democratic party has never declared that it was necessary to present the body at all times with the writ. They simply maintained the efficacy of the writ; they declared that the power to suspend it was vested in the Congress of the United States; that it could not be suspended as the Executive authority arbitrarily might desire or direct. And we who are making this report from the majority of the committee are maintaining here on this floor the writ of *habeas corpus* as thoroughly and as completely as we maintained it during the time of the war when we were asserting that this Congress alone had power to pass a law authorizing its suspension.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. HURD. With the permission of the House I wish to say that among members of the House who agree upon the general proposition there is a difference of opinion as to the particular course that should be pursued. I am inclined to think that harmony of action can be better promoted by the adoption of the amendment proposed by the gentleman from Virginia [Mr. TUCKER] than by adopting directly the report of the committee. The whole object sought to be accomplished by the adoption of the proposition of the committee——

Mr. CONGER. I object to further debate.

The SPEAKER *pro tempore*. The question is first upon the amendment of the gentleman from Virginia, [Mr. TUCKER,] which the Clerk will read.

Mr. HURLBUT. That is an amendment to the report of the majority of the committee.

The SPEAKER *pro tempore*. It is.

Mr. FRYE. Does not the question on the substitute come up first?

The SPEAKER *pro tempore*. The question on the substitute will be taken after the amendment submitted by the gentleman from Virginia is voted on. This is a proposition to amend the original resolution. The Clerk will report it.

The Clerk read as follows:

Strike out all after the word "Kilbourn" where it occurs before the word "therefore," at the end of the preamble, and insert the following:

And whereas the facts stated in the petition and complaint of said Kilbourn present the question whether the said writ could lawfully and properly be issued, and whether the same was not therefore improvidently awarded: Therefore,

Be it resolved, That the Sergeant-at-Arms of this House be directed to appear by counsel before the said court, and make a motion to quash or dismiss said writ, or take such other procedure as he shall be advised is proper to raise the question of the legality and propriety of the issue of said writ upon the facts stated in the petition or complaint, and as preliminary to any return to the same; and in the mean time he is directed to retain the custody of the body of said Kilbourn, and not to produce it under the order of said writ without the further order of this House.

The SPEAKER *pro tempore*. The question is on the amendment just read by the Clerk.

Mr. GARFIELD. That settles nothing.

The question being taken, the amendment was not agreed to; there being—ayes 86, noes 149.

The question then recurred on the following, offered by Mr. LYNDE, as a substitution for the resolution reported by the committee:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to make careful return to the writ of *habeas corpus* in the case of Hallet Kilbourn that the prisoner is duly held by authority of the House of Representatives to answer in proceedings against him for contempt, and that the Sergeant-at-Arms take with him the body of said Kilbourn before said court when making such return as required by law.

Mr. KASSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 165, nays 75, not voting 50; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Blount, Boone, Bright, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Crapo, Crounse, Culberson, Cutler, Danford, Darrall, Davy, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Durham, Eames, Egbert, Evans, Farwell, Faulkner, Felton, Fort, Foster, Franklin, Freeman, Frost, Frye, Garfield, Goodin, Haralson, Hardenbergh, Henry R. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henderson, Hoge, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Thomas L. Jones, Kasson, Kelley, Kimball, Knott, Lapham, Leavenworth, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McClary, McDill, McFarland, McMahon, Meade, Miller, Milliken, Mills, Monroe, Morgan, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Parsons, Phelps, Pierce, Plaisted, Poppleton, Potter, Powell, Pratt, Purman, James B. Reilly, Rice, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Scelye, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Strait, Stevenson, Stone, Stowell, Tarbox, Thompson, Thornburgh, Throckmorton, Martin I. Townsend Tucker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, John W. Wallace, Welling, Walls, Ward, Warren, White, Whiting, Wigginton, Willard, Alpheus S. Williams, Charles G. Williams, William B. Williams, Willis, Wilshire, James Wilson, Woodburn, Woodworth, and Young—165.

NAYS—Messrs. Ashe, Atkins, Banks, Barnum, Bland, Bradford, Buckner, Cabell, John H. Caldwell, Caulfield, Chapin, John B. Clarke of Kentucky, Clymer, Collins, Cowan, Cox, Davis, Dibrell, Ellis, Forney, Fuller, Gause, Gibson, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, Hancock, John T. Harris, Harrison, Hartzell, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hoar, Hooker, House, Hunton, Hurd, Kehr, Lamar, Lawrence, Lewis, Lord, Maish, Metcalfe, Money, Morrison, Neal, New, John F. Philips, Piper, Randall, Rea, Reagan, Riddle, John Robbins, Scales, Sheakley, Skemons, Sparks, Springer, Stenger, Teese, Terry, Thomas, Turney, Waddell, Gilbert C. Walker, Erastus Wells, Wike, James Williams, Jeremiah N. Williams, and Yeates—75.

NOT VOTING—Messrs. Blackburn, Bliss, Bradley, John Young Brown, Burleigh, Cannon, Chittenden, Eden, Ely, Gunter, Hale, Benjamin W. Harris, Haymond, Abram S. Hewitt, Holman, Frank Jones, Joyce, Ketchum, King, Franklin Landers, George M. Landers, Lane, Levy, Morey, Mutchler, Nash, Odell, Payne, William A. Phillips, Platt, Rainey, John Reilly, Miles Ross, Schleicher, Schumaker, Smalls, Southard, Swann, Washington Townsend, Alexander S. Wallace, Walsh, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Andrew Williams, James D. Williams, Benjamin Wilson, Alan Wood, jr., and Fernando Wood—50.

So the amendment was agreed to.

During the vote,

Mr. CUTLER stated that his colleague, Mr. ROSS, was detained from the House on account of a death in his family.

Mr. JAMES B. REILLY stated that his colleague, Mr. WOOD, was absent by leave of the House.

Mr. MUTCHLER stated that he was paired with his colleague, Mr. JOHN REILLY, who was absent from the House on account of sickness, and who, if present, would vote in the negative, while he would vote in the affirmative.

Mr. COX stated that Mr. HOLMAN, who was absent on account of sickness, would, if present, vote in the negative.

Mr. MILLIKEN stated that his colleague, Mr. JOHN YOUNG BROWN, was absent on account of sickness in his family.

Mr. KNOTT stated that his colleague, Mr. BLACKBURN, was absent from the House on account of illness.

Mr. WHITEHOUSE stated that he was paired with his colleague, Mr. PLATT, who was absent on account of illness in his family, and who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. CANNON, of Illinois, stated that he was paired with Mr. WELLS, of Mississippi, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. HENDEE stated that his colleague, Mr. JOYCE, had been called to his home by reason of the death of his mother, and that, if present, he would vote in the affirmative.

Mr. WIGGINTON stated that Mr. LANE was detained from the House by sickness.

The vote was then announced as above recorded.

The report of the committee was then adopted as amended by the substitution of Mr. LYNDE's proposition.

Mr. KELLEY moved to reconsider the vote by which the report as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROCEEDINGS IN THE TRIAL OF IMPEACHMENT.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That in the future proceedings of the impeachment trial of W. W. Belknap, late Secretary of War, the House appear, in the prosecution of said impeachment before the Senate sitting as a court of impeachment, by its managers only.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHEELER until next Thursday; to Mr. BRADLEY for two weeks; to Mr. ROSS, of Pennsylvania, indefinitely; to Mr. EDEN for one week; to Mr. PHILLIPS, of Kansas, for ten days; and to Mr. JOYCE for ten days.

UNION PACIFIC RAILROAD.

Mr. McCRARY, by unanimous consent, introduced a bill (H. R. No. 3138) to create a sinking fund for the liquidation of Government bonds advanced to the Union Pacific Railroad; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CANCELLATION OF MORTGAGES.

Mr. McCRARY also, by unanimous consent, introduced a bill (H. R. No. 3139) in relation to the cancellation of mortgages; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

And then, on motion of Mr. CONGER, (at five minutes after six o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DIBRELL: The petition of John L. Divine and heirs of William E. Kennedy, deceased, for compensation for damages by reason of a breach of a mail-contract made with Divine & Kennedy, to the Committee of Claims.

By Mr. DOUGLAS: The petition of William K. Lee, for compensation for three thousand pounds of bacon taken from him by United States marines in April, 1865, to the Committee on War Claims.

Also, the petition of Thomas E. Pullin, for the establishment of a post-route from Farmer's Fork to Warsaw, Richmond County, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. DOBBINS: The petition of Eliza Herzberger, for a pension, to the Committee on Invalid Pensions.

By Mr. DURHAM: Papers relating to the petition of Daniel Suddath, for a pension, to the Committee on Revolutionary Pensions.

By Mr. GLOVER: The petition of 16 envelope manufacturers, printers, stationers, lithographers, and envelope dealers of Hannibal, Missouri, against the practice of the Government through the Post-Office Department in manufacturing and furnishing envelopes, newspaper-wrappers, and postal cards at or below their cost to the Government and delivering the same through the mails to all parts of the country free of charge, at a loss to the Post-Office Department of the cost of transportation, to the Committee on the Post-Office and Post-Roads.

By Mr. HARDENBERGH: The petition of citizens of Northport, New York, against compulsory pilotage, to the Committee on Commerce.

Also, the petition of citizens of New London, Connecticut, of similar import, to the same committee.

Also, the petition of citizens of Belfast, Maine, of similar import, to the same committee.

By Mr. JACOBS: Papers relating to the establishment of a post-route from Skookum Church, by way of Mound Prairie, to Oakville, Washington Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. LEAVENWORTH: The petition of R. N. Gere and others, that the present tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. LUTTRELL: The petition of George H. Wells, for compensation for the use and value of the steamer Southern Merchant, to the Committee on War Claims.

By Mr. LYNDE: The petition of G. A. Mansfield and 500 other citizens of Milwaukee, for the unconditional repeal of the resumption act and for all money to be issued by the Government, to the Committee on Banking and Currency.

By Mr. MACKEY, of Pennsylvania: The petition of citizens of Union County, Pennsylvania, for a post-route from Mifflinburgh to White Springs, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Centre County, Pennsylvania, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. MACDOUGALL: The petition of envelope dealers in Auburn, New York, against the Post-Office Department manufacturing, selling, and printing envelopes, newspaper-wrappers, and postal cards at or below their cost, which, including the cost of transporting and handling, amounted in the year 1875 to a loss to the Government of $4,925,736, to the Committee on the Post-Office and Post-Roads.

By Mr. MAGOON: Remonstrance of Hon. J. W. Rewey and 38 other citizens of Iowa County, Wisconsin, against reducing the tariff on lead, zinc, and flaxseed, to the Committee of Ways and Means.

Also, the petition of Joseph Bennett and Samuel Hoskins and 148 others of Iowa County, Wiseonsin, against reducing the tariff on lead and zinc, to the same committee.

By Mr. NORTON: The petition of citizens of Salamanca, New York, for the passage of House bill 2158, amending act of February 19, 1875, relating to sale of lands of Seneca Indians, to the Committee on Indian Affairs.

By Mr. OLIVER: The petition of 220 citizens of Northwestern Iowa, that the law be so changed as to authorize the junction of the McGregor and Missouri River Railroad with the Sioux City and Saint Paul Railroad on or near the forty-third parallel of north latitude, to the Committee on Railways and Canals.

By Mr. RANDALL: The petition of envelope manufacturers, printers, stationers, lithographers, and other dealers, stating their objections to the existing mode of furnishing stamped envelopes to the public, to the Committee on the Post-Office and Post-Roads.

By Mr. RICE: The petition of J. E. O'Sullivan, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. RIDDLE: The petition of Thomas O. Tilghman, for pay for property taken and used by the United States Army, to the Committee on War Claims.

Also, the petition of Z. A. Lyon and others, for a post-route from Hartsville to Austin, by way of Lockport, Tennessee, and for the change of the name of the post-office at Lockport to Lyonville, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS, of North Carolina: A paper relating to a post-route from Stony Fork to Elkville, North Carolina, to the same committee.

By Mr. ROSS, of Pennsylvania: Memorial of 22 citizens of Potter County, Pennsylvania, concerning the abolition of the Presidency, to the Committee on the Judiciary.

Also, memorial of 22 citizens of Potter County, Pennsylvania, concerning the abolition of the United States Senate, to the same committee.

Also, the petition of citizens of Williamsport, Pennsylvania, against the reduction of the effective force of the Patent Office, to the Committee on Patents.

Also, the petition of 26 citizens of Lycoming County, Pennsylvania, against any change in the tariff laws, to the Committee of Ways and Means.

Also, remonstrance of citizens of Tioga County, Pennsylvania, manufacturers and printers, against the manufacture by the Post-Office Department of envelopes, newspaper-wrappers, &c., at a loss to the Government, to the Committee on the Post-Office and Post-Roads.

Also, the petition of 60 citizens of Potter County, Pennsylvania, that one hundred and sixty acres of land be granted to soldiers who served thirty days during the late war and $200 to enable them to settle the same, to the Committee on Military Affairs.

Also, memorial of 22 citizens of Pennsylvania, concerning the revocability of the people's legislative representatives and ratification by the people of all important legislative enactments, to the Committee on the Judiciary.

By Mr. VANCE, of Ohio: The petition of Joseph Crabtree and 42 other workingmen of Jackson County, Ohio, that the present tariff laws be left undisturbed, to the Committee of Ways and Means.

By Mr. WALDRON: The petition of Henry Romeyn, first lieutenant Fifth United States Cavalry, for a change in the date of his commission, to the Committee on Military Affairs.

By Mr. WALKER, of Virginia: The petition of wholesale liquor dealers of Richmond, Virginia, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. WELLS, of Missouri: Memorial of the Merchants' Exchange of Saint Louis, that no legislation may be enacted that shall affect the efficiency of the Signal Service, to the Committee on Appropriations.

By Mr. WILLARD: Remonstrance of Rufus H. Emerson and 19 other citizens of Jackson, Michigan, against placing soda and alum on the free list, to the Committee of Ways and Means.

IN SENATE.

TUESDAY, *April* 18, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

RETURN OF A BILL TO THE HOUSE.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels; and, by unanimous consent, the request was granted.

HOUSE BILLS REFERRED.

The bill (H. R. No. 256) for the relief of Herman Hulman, of Terre Haute, Indiana; was read twice by its title, and referred to the Committee on Finance.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Public Lands:

A bill (H. R. No. 1765) respecting the limits of reservations for town sites upon the public domain;

A bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land;

A bill (H. R. No. 2110) for the restoration to market of certain lands in the Territory of Utah; and

A bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made.

MUTUAL FIRE-INSURANCE COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia, returned from the House of Representatives at the request of the Senate; and, on motion of Mr. INGALLS, it was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of citizens of Delavan, Kansas, praying for an amendment of the homestead law so as to give patents to homestead settlers, irrespective of the time of residence, when the homesteader gives proof of cultivation; which was referred to the Committee on Public Lands.

Mr. GORDON presented the petition of J. P. Major, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. WHYTE presented the petition of Andrew D. Worman, of Frederick County, Maryland, praying for compensation for certain supplies furnished to the Quartermaster's Department; which was referred to the Committee on Claims.

Mr. DORSEY presented a petition of citizens of Arkansas, praying for the establishment of a mail-route from Malvern, in Hot Springs County, to Lea's Ferry, in Dallas County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a letter from the Secretary of the Interior, with accompanying papers, relative to the deficiency for the subsistence of the Southern Apache Indians in New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORTON presented the petition of W. W. Norris, of Iowa, late lieutenant-colonel Forty-third Regiment Indiana Volunteers, praying compensation for services rendered as physician and surgeon in the rebel military prison at Tyler, Texas, during the late war; which was referred to the Committee on Claims.

Mr. WITHERS presented a petition of citizens of Virginia and North Carolina, praying for the establishment of a post-route from Suffolk, Virginia, to Sunbury, North Carolina; which was referred to the Committee on Post-Offices and Post-Roads.

SALE OF PUBLIC DOCUMENTS.

Mr. ANTHONY, from the Committee on Printing, reported a bill (S. No. 749) relating to the sale of the CONGRESSIONAL RECORD and other public documents; which was read and passed to the second reading.

Mr. ANTHONY. This bill relates merely to the convenience of the Senate and House, making the law as we thought it was and as I am inclined to think it is now; but the question has been raised and the Congressional Printer is unwilling to furnish speeches as he has been furnishing them without more authority than the committee can give him. I would like to have the bill read at length and I will explain it.

The PRESIDENT *pro tempore*. The bill will be read the second time at length.

The bill was read the second time, and considered as in Committee of the Whole. It makes it lawful for the Congressional Printer to furnish to Senators, Representatives, and Delegates in Congress copies of the CONGRESSIONAL RECORD and extracts therefrom at cost, and other public documents at cost with the addition of 10 per cent. thereon, and to collect the moneys due therefor after the same have been delivered.

Mr. ANTHONY. This bill merely allows Senators, Representatives, and Delegates in Congress to order speeches or other documents without requiring them to pay in advance, as they have been ordering them up to a recent time, when the attention of the Congressional Printer was brought to the law and he has some doubts about his right to furnish them in that way. My own opinion is that he has the right; but still I appreciate his desire to act in strict conformity with the law. The law reads:

SEC. 3809. If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and 10 per cent. thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

Then there is this provision in one of the general appropriation bills of 1875:

It shall be lawful for the Congressional Printer to print and deliver, upon the order of any Senator or member of the House of Representatives or Delegate, extracts from the CONGRESSIONAL RECORD, the person ordering the same paying the cost thereof.

It seems to me that this later law covers the other, but if this act shall pass it will remove all possible objection. I think that no one can object to the provision. The Government has not suffered anything by trusting the members of Congress. So long as the Congressional Printer has furnished them under the apprehension that that was the law, there has not been a dollar lost.

Mr. COCKRELL. I should like to hear the bill read again.

The Chief Clerk read the bill at length.

Mr. SAULSBURY. I inquire of the Senator from Rhode Island the object of requiring 10 per cent. in addition to the cost upon other public documents furnished to members?

Mr. ANTHONY. Because that is the existing law, and I did not like to propose a law that should allow members of Congress to have documents at lower rates than other citizens.

Mr. SAULSBURY. That is what is paid for them now by the community generally?

Mr. ANTHONY. That is what is paid by the community in general; but speeches and extracts from the CONGRESSIONAL RECORD are at cost. I think the 10 per cent. on documents should be stricken off anyhow. I think when we are in the habit of distributing so many documents gratuitously, if the people will pay the cost upon them, the Government ought not, poor as it is, to make money out of that transaction; but I did not like to embarrass the bill with anything which I thought might delay its passage either here or in the other House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution, reported adversely thereon; and the bill was postponed indefinitely.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 1100) relative to the redemption of unused stamps, reported it without amendment.

Mr. BOUTWELL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices, to report it without amendment. In connection with this bill I present a letter from the Commissioner of Internal Revenue addressed to the chairman of the Committee on Finance of the Senate in relation to abolishing the office of supervisor of internal revenue; which I move be printed.

The motion was agreed to.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 669) authorizing the Secretary of the Interior to set aside a reservation for the Turtle Mountain band of Chippewa Indians, and for other purposes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of the Chippewa Indians of Turtle Mountain, Dakota Territory, praying for the segregation and confirmation of a certain tract of their land to them and that certain provisions be made for their protection, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of Minnesota, in favor of the adoption of legislation providing for the removal of certain bands of roving Indians from that State and their settlement upon proper reservations, asked to be discharged from its further consideration; which was agreed to.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2133) to amend section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876, reported it without amendment.

Mr. SHERMAN. I am instructed by the Committee on Finance, to whom was recommitted the bill (S. No. 263) to amend the laws relating to legal tender of silver coin, to report it back with certain amendments. I give notice that I will call up this bill on Thursday, if I can get the opportunity to do so.

TAX ON FERMENTED LIQUORS.

Mr. LOGAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 522) to define the tax on fermented or malt liquors, to report it without amendment, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. I should like to hear it explained a little, reserving the right to object.

Mr. LOGAN. I will explain. Under the law as it now stands the tax on malt liquors is so much per barrel, or parts of a barrel, in the same ratio. By a rule established by the Commissioner of Internal Revenue preceding the present one, he estimated two bushels and a half of malt to make a barrel of beer; and wherever there were more than two bushels and a half used the Commissioner of Internal Revenue made an assessment on the quantity, as though beer had been produced in excess of a barrel. The law authorizes no assessment at all on the quantity, but on the beer produced per barrel. The evidence was very satisfactory to the House, and also to the committee of the Senate, that the barley produced in the Northwest at certain times has been of such a character that two bushels and a half of malt made from it would not produce a barrel of beer. So it is in different seasons in reference to the cost of production of any other article. On that account the Senator will see that this bill provides that this act shall not apply to cases of fraud. Where there is fraud, then the Commissioner may assess the tax according to the evidence showing the fraud. For the satisfaction of any one who desires, I will have a statement read, which will explain the bill more fully than I can. This statement was made to the Congress of the United States, accompanying the statement of the Commissioner of Internal Revenue, and is signed by the president and secretary of the Brewers' Association of Milwaukee. It gives the facts in the case, and makes the statement a great deal better than I can make it, and these facts are not controverted anywhere.

The Chief Clerk read as follows:

MILWAUKEE, *February* 1, 1876.

SIR: In behalf of the brewers of the county of Milwaukee, we beg leave to bring to your attention the situation in which they find themselves placed, without fault of their own, by reason of the excessive severity of the administration of the Revenue Bureau.

The Commissioner of Internal Revenue has made a general regulation to the effect that two bushels and a half of malt are sufficient to make a barrel of beer, and that for all malt used in excess of that quantity it shall be presumed that beer has been brewed in that proportion. In pursuance of this regulation he has assessed taxes against the principal brewers of the Northern States for beer assumed to have been manufactured by them in the months of August, September, October, November, and December, 1874. The sole ground of such assessment is that during those months they used in the manufacture of beer more than two bushels and a half of malt to the barrel. There is no other evidence whatever to indicate that they manufactured beer upon which they did not pay the tax. In fact, the evidence is incontrovertible that they actually did use more malt than two and a half bushels to the barrel; and they have since that time, and are now using more than that quantity to each barrel of beer. There is no act of Congress, or other authorized requirement, limiting the amount of malt to be used in the manufacture of a barrel of beer; and we believe that the regulation of the Commissioner is not only arbitrary but wholly unauthorized. Be that as it may, it is unjust in the extreme. The amount of malt necessary to manufacture a barrel of beer is by no means uniform, and more often exceeds (at least with us) the quantity mentioned than otherwise. The beer manufactured by us is strong, and necessarily must be. In the course of our business we ship this beer in large quantities to all parts of the United States, north, south, east, and west. It is frequently kept in store for months after shipment before it is used. In order that it may bear the vicissitudes of the climate and transportation we are forced to make it heavy and strong, and for that reason we are obliged ordinarily to use more than two bushels and a half of malt in the manufacture of each barrel. The saccharine principle, essential to a high degree in beer made for these purposes, is not sufficiently developed in the barley grown in the Northwestern States, and, in order to obtain enough of that element, we are obliged to use more barley than is required by brewers in some other parts of the country.

Furthermore, during the past two or three years the crops of barley in those States from which we draw our principal supplies have been indifferent in quality, much below the standard No. 1 barley, and for that reason we have found ourselves compelled to use more than the average quantity of malt in the manufacture of beer.

We declare in the most earnest manner that we do not manufacture and sell or remove any beer whatever which is not duly stamped. We invite the most rigid scrutiny of Government officers into our process of manufacture and into every portion thereof. Our books are always open to their inspection, and our operations are of a character where the least violation of the laws would be infallibly ascertained within a very short time. Our business is so extensive that even if we were so inclined it would be wholly impossible for us to defraud the revenue of the United States without speedy detection, and it would be in every way dangerous and unprofitable. We understand that it is not charged, nor even suspected, that we have been engaged in any such attempt, or that we have failed to pay the taxes upon the beer actually manufactured and sold. No such charge or suspicion can justly be entertained. The assessments, therefore, made against us are without any foundation in law or in justice, and are, we presume, certain upon investigation in the courts, if not elsewhere, to be overthrown. But months or years must elapse before the final decision can be reached, and meanwhile these illegal assessments will be seriously detrimental to our business, and we submit that it is an oppression of a gross character, however rightly intended, to burden our business with exactions not required by law.

We pray that relief may be granted to us by Congress, either by the passage of an act forbidding the adoption of such regulations as the one in question, or by such other means as shall seem best in the judgment of Congress. We cannot too earnestly impress upon your minds the annoyances, troubles, and expense which such regulations, and the consequent assessments, impose upon us. We think that you will recognize that we ought to receive liberal and encouraging treatment from the Government so long as we faithfully perform our duties toward it, and that measures unjustly oppressive or needlessly annoying to us should be discountenanced and forbidden.

We venture to request that the bill introduced by Mr. KEHR, of Saint Louis, or some similar measure, may receive your support. Mr. JONES, a member of the House of Representatives from New Hampshire, has a practical acquaintance with the whole subject, and can give you full information thereon.

We are, very respectfully, your obedient servants,

JACOB OBERMANN,
President Brewers' Association of Milwaukee.
EMIL SCHANDEIN, *Secretary.*

Mr. LOGAN. I will say that the bill is merely in accordance with sections 3337 and 3339 of the Revised Statutes, authorizing the assessment of the tax on beer, porter, or ale brewed. The law as it stands now imposes a tax on the quantity in barrels of the article, and not on the material used; but, as I stated, the Commissioner's regulation authorizes the assessment where a greater quantity than two bushels and a half are required to produce a barrel. It is a mere regulation of the Commissioner. The bill provides that the tax shall not be assessed on the quantity except in cases of fraud, and it is intended to prevent the trouble that has been incurred many times by reason of these assessments that have been made heretofore.

Mr. EDMUNDS. Why do they not resist the assessment if there is no authority of law for it?

Mr. LOGAN. I will read the law, and then the Senator will see that there is no authority for the assessment.

Mr. EDMUNDS. I do not see that there is myself. I am asking the Senator why these gentlemen do not resist the assessment.

Mr. LOGAN. How can they resist if the assessment is made here by the Commissioner of Internal Revenue? If it is assessed upon them, how are they to resist it?

Mr. EDMUNDS. By refusing to pay the money when the officers come to collect it, or suing to recover the money.

Mr. LOGAN. Of course, but litigation is just what they want to avoid. They do not want to be assessed unless the law authorizes them to be assessed. Here is the section under which these assessments are made:

SEC. 3337. Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence, as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager-beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimated quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also, from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, on or before the tenth day of each month, a true statement, in writing, taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify, or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, according to the form required by law. Said books shall be open at all times for the inspection of any internal-revenue officer, who may take memorandums and transcripts therefrom.

That is the manner of keeping their books and showing the amount of beer, porter, or ale brewed, and the amount of material used. Then section 3339 authorizes the tax to be imposed:

SEC. 3339. There shall be paid on all beer, lager-beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of $1 for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating and computing such tax the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified.

It will be seen that there is no law making an assessment upon any material whatever that is used, but the assessment of the tax is made upon the liquid produced.

Mr. DAWES. Will the Senator from Illinois allow me to make an inquiry?

Mr. LOGAN. Certainly.

Mr. DAWES. I understand that this regulation adopted at the Internal Revenue Bureau is the method by which they propose to ascertain the number of gallons on which the tax is fixed?

Mr. LOGAN. Yes, sir.

Mr. DAWES. I would inquire whether the bill prescribes any other assessment of the tax? How does the committee propose that the Internal Revenue Bureau shall be able to ascertain how many gallons are to be assessed?

Mr. LOGAN. The bill does not change the law at all in reference to ascertaining the assessment. It does not affect it. It only provides that the tax shall not be assessed under this regulation. The regulation is to assess the tax on the quantity of malt used, and the law does not provide for any such thing. This bill is to prevent the Commissioner from assessing the tax in violation of the law, except as the bill provides, in cases of fraud. He has the returns as to the amount of malt used; and if he believes that the brewers have defrauded the Government, he may take any means that he chooses in order to assess

and collect the tax. This bill does not prevent that, but it only says that he shall not assess the tax on the quantity except in cases of fraud. In cases of fraud he may assess the tax on the quantity under the regulation. That is the whole of the bill. It is merely to prevent the Commissioner of Internal Revenue from assessing a tax in violation of law. It is a fact, for instance, as was read at the desk, that two bushels and a half of barley raised in Canada will produce a barrel of beer. Barley raised in the Northwest, at least in some seasons, is not of sufficient heft and weight to produce that quantity, and hence it requires more in the brewing of a barrel of beer. The Commissioner does not take into consideration the character or kind of barley used, but he says where they use more than two bushels and a half they must be taxed more.

Mr. DAWES. If the Senator will allow me a moment, I see the difficulty in practice and the need of legislation. I am not opposed to the legislation proposed, but the existing law was made after conference with the brewers. I think the brewers did not take into consideration this difference between Canada barley and the barley that is raised in the Northwest. I think the small quantities of barley raised in the East are like the Canada barley. They supposed then that this method which has been adopted would be a just method. I do not see how the officers are going to ascertain the number of gallons if you pass this bill. I wish to know whether the committee have contemplated any method of accomplishing this. I think the views of the president of the brewers' association would have great weight, and in any further legislation we should confer with these very men just as we did when the law originated.

Mr. LOGAN. If the Senator will read the bill he will see that it does not affect this regulation in the least particular whatever, except that it prohibits levying a tax on that quantity and quality which is in violation of law. The Commissioner himself will not pretend that he has any authority in law for levying the tax in that way.

Mr. EDMUNDS. I should like to call the attention of the Senator from Illinois to a clause in the middle part of the bill, which does seem to me to go further than the Senator has stated the effect of this bill to be. I entirely agree with him that there is no authority in the law now to tax the material out of which fermented liquor is made; but undoubtedly the assessor, inasmuch as the law requires the beer-maker to report the amount of his grain and malt used, is expected, with a view to see that there is a fair result, to take into consideration the circumstance, for instance, that a thousand bushels of barley have been used and only two hundred barrels of beer accounted for. That appears to be expected under the statute. That is one of the things which the maker of the beer is required to keep for the inspection of the tax-layer. This bill says, in the center of it:

> Nor shall the quantity of materials so used or purchased be evidence for the purpose of taxation.

That means, as I take it—I am quite sure it does in point of law and the Senator will agree with me—that it shall not be evidence of any kind for any purpose in respect of taxation. Therefore the result would be that the assessor, in the extreme case I have put of a thousand bushels of barley and only two hundred barrels of beer, would be at liberty to take no step except in the way of prosecution, none in the way of taxation. He would not be at liberty to take any step for pushing up his assessment based in any degree upon this circumstance, that a prodigious amount of barley had gone into the malt-house and a prodigiously small amount of beer come out. I submit to the Senator whether that clause ought not to be stricken out so as to leave this element that the statute evidently intended, and a very necessary one, of precaution, within the reach of the assessor, to be taken into consideration with other circumstances according to the weight it might justly be entitled to bear.

Mr. LOGAN. In reply to the Senator I will say that the quantity used now under the law is not evidence for the assessment of taxes. That is the law just as it is to-day. You cannot show in the sections of the statutes referring to the brewing of ale, porter, or beer that any authority is given for assessing a tax upon the quantity of material used. It differs in that from the assessment made on the material used for the purpose of distilling spirits. The law now does not authorize it. The bill now only means that it shall not be used as evidence for the assessment of taxation, not that it shall not be used as evidence in case a fraud is charged against the person, because there is a proviso inserted excepting cases of fraud. Then it may be used. If the Commissioner charges fraud against a brewer of beer, then this is part of the evidence, that the quantity is in excess of the quantity of the same character of material used by other brewers for brewing beer. For instance, if one brewer should use a thousand bushels of malt for the purpose of brewing a hundred barrels of beer, and that malt should be purchased in the Northwest, in Wisconsin or Minnesota, or any of the Northwestern States, and another brewer by the side of him should use five hundred bushels for the same purpose, it certainly would be evidence that the man who used the thousand bushels of the same character of material had acted fraudulently. There is no question about that; and this bill would not prohibit that. That would be evidence before a court. The object of this bill is not to require a man to go into court in order to prove that he is innocent before he can be excluded from taxation; but it is to require the Commissioner of Internal Revenue to prosecute the man for fraud if he believes he is guilty of fraud. It does seem to me that it is very strange that the man himself should be required to prosecute a suit all the time to get justice against the Government, instead of the Government prosecuting the man who has acted fraudulently. That is the only object of this bill.

I will state to the Senator that I have talked with the Commissioner on this subject, and I will read a letter from him. He does not claim that he has a right to assess a tax on this excess of quantity over his rule. He claims no such right. I had a talk with another gentleman there who has charge of this matter. They claim no such thing. But of course they give no opinion in reference to this question; they leave that as a matter for Congress to deal with. They do not claim that the law is any different from what I have stated it. I must say that the letter that was written looks a little as though the responsibility was not desired to be taken in reference to it; but I am satisfied, from information I have received, and from information that was presented and read before our committee, and information that was presented to the House of Representatives, that this bill is entirely fair and right. A committee of these men were here, went before the House committee or before portions of it—I do not know now exactly how that was, but I am told so—and they talked with me, and perhaps with others, in reference to this question, and stated the case just as they have stated it in the written statement they have made to the Commissioner of Internal Revenue or to the Congress of the United States. I will read the Commissioner's letter:

> TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE.
> *Washington, April* 13, 1876.
>
> SIR: In accordance with your verbal request of yesterday I have examined House bill No. 522, to define the tax on fermented or malt liquors.
>
> The practice established by my predecessor, Mr. Douglass, upon information leading to belief in its correctness, has been to treat the excess shown by a brewer's material-account above two and a half bushels of malt to the barrel of fermented liquor as representing liquor which was unaccounted for, and to make assessment for the same, without any further or other imputation of fraud against the brewer.
>
> In the exercise of the duty resting upon the Commissioner to make inquiries, determinations, and assessments, this use of the brewer's material-account seems to be one not to be overlooked or disregarded; and were the proportion of material to the barrel of liquor positively established and beyond dispute the rule stated would afford a convenient method of ascertaining and fixing the liability of the brewer. Its reliability as a measure of production has been, however, strenously denied by representatives of the trade.
>
> The purpose of the bill is evidently to preclude assessments under this rule based upon the material used except in cases of fraud. Should it become a law in its present form I should consider it as preventing assessment save where fraud is charged to have been practiced, and to be shown either by the reports themselves or to be established by other evidence.
>
> Respectfully,
>
> D. D. PRATT, *Commissioner.*
>
> Hon. JOHN A. LOGAN,
> *United States Senate.*

That is exactly what the bill does mean. It does mean that, except in cases of fraud, the tax shall not be assessed, but in cases of fraud it shall be assessed on the material used. There is no pretense that there is any law or any authority for this thing whatever.

The paper already presented states the case briefly and better than I can state it. These facts were stated to me before I came to this session of Congress, and have been known to me as facts. Let me read from the paper:

> The Commissioner of Internal Revenue has made a general regulation to the effect that two bushels and a half of malt are sufficient to make a barrel of beer, and that for all malt used in excess of that quantity it shall be presumed that beer has been brewed in that proportion. In pursuance of this regulation he has assessed taxes against the principal brewers of the Northern States for beer assumed to have been manufactured by them in the months of August, September, October, November, and December, 1874. The sole ground of such assessment is that during those months they used in the manufacture of beer more than two bushels and a half of malt to the barrel. There is no other evidence whatever to indicate that they manufactured beer upon which they did not pay the tax. In fact, the evidence is incontrovertible that they actually did use more malt than two and a half bushels to the barrel; and they have since that time and are now using more than that quantity to each barrel of beer. There is no act of Congress, or other authorized requirement, limiting the amount of malt to be used in the manufacture of a barrel of beer; and we believe that the regulation of the Commissioner is not only arbitrary but wholly unauthorized. Be that as it may, it is unjust in the extreme.

Now the reason for it:

> The amount of malt necessary to manufacture a barrel of beer is by no means uniform, and more often exceeds (at least with us) the quantity mentioned than otherwise. The beer manufactured by us is strong, and necessarily must be In the course of our business we ship this beer in large quantities to all parts of the United States, north, south, east, and west. It is frequently kept in store for months after shipment before it is used. In order that it may bear the vicissitudes of the climate and transportation we are forced to make it heavy and strong, and for that reason we are obliged ordinarily to use more than two bushels and a half of malt in the manufacture of each barrel. The saccharine principle, essential to a high degree in beer made for these purposes, is not sufficiently developed in the barley grown in the Northwestern States, and, in order to obtain enough of that element, we are obliged to use more barley than is required by brewers in some other parts of the country.

There is the statement, plain and simple, that, our barley not being of the heft and not containing the same quantity of saccharine matter that barley raised in other portions of the country does, it requires the use of a greater amount of material to brew a barrel of beer; and for transportation purposes, it being shipped to warm climates, the brewers necessarily have to make a heavy beer, and that requires more than two bushels and a half of malt to the barrel. This is the statement of these men, and I believe that it is a truthful statement. It is a hardship on them that they shall be assessed on the quantity of the material used where no fraud whatever is charged, and that they should be required to pay a tax on that, when the law specifically

provides that the tax shall only be levied on the quantity of beer brewed. That is the law; and if in violation of the law your officers can assess taxes unauthorized by law, and there is no remedy for it, it seems to me to be a strange mode of proceeding in a government of law.

This bill, as I have stated, will not interfere with this regulation in the least particular whatever, except that the Commissioner must charge fraud against the individual; and if he does, then he may use this evidence to show that that fraud has been committed. Then that evidence can be used in court, as a matter of course. As I have stated, if one brewer uses more materials than other persons using the same character of material, it will be good testimony. I think the bill is a fair and just one. It passed the House of Representatives almost unanimously. I do not remember now; I have the proceedings before me, but I have not time to look at them; I think there was no opposition to it. There was no opposition to it in our committee.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that it is not in order to refer to the proceedings of the other House.

Mr. LOGAN. I beg pardon of the Chair for having made that reference. I have no right either to refer to our own committee; but I am satisfied that this is a satisfactory bill to every one who has examined the question, and I think it ought to pass.

Mr. EDMUNDS. I am sorry to be an obstacle in the way of the passage of this bill even for a single day; but if it is so important as it strikes me in respect of this absolute exclusion of any reference to the quantity of material used in order to ascertain how much beer has been manufactured, I think we ought to consider of it for a day, and unless it will make a very great difference to my friend from Illinois, I object and let it go over.

Mr. LOGAN. It makes no difference to me. I only reported this bill and asked that it be taken up, because I did not suppose there would be any objection to it, as it provides the same as the law does now.

The PRESIDENT *pro tempore*. Objection is made; the bill will go on the Calendar.

Mr. LOGAN. I ask that it shall not go on the Calendar, as I wish to call it up again. Let it lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table.

PISTAKEE LAKE.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (S. No. 732) to dispose of the lands formerly covered by the waters of Pistakee Lake, in the State of Illinois, have instructed me to report it back without amendment, and recommend its passage. I should be very glad to have the present consideration of it for reasons I can state, and which I hope will be satisfactory to the Senate. I do not like to take up the time of the Senate in the morning hour, but the circumstances in relation to the subject-matter of the bill seem to demand its passage at an early day, if it is to be passed at all. I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I should like to hear it first explained.

Mr. OGLESBY. I supposed, if the Senate would pass the bill at all, it would do it perhaps as well on a five minutes' explanation as on one of five hours.

There are two townships of land, lying in two northern counties of the State of Illinois, adjoining Wisconsin, through which a river runs called the Fox River. As it gets into those two counties it spread out formerly into a large lake called Pistakee Lake. All around the border of the lake the people settled from time to time as close up as they could, to get agricultural land. It was surveyed by the Government of the United States, and a meandering line was run around the outside. The surveys of course stopped there. It was then unsurveyed land, but covered by this lake. People took forty acres, or eighty acres, or sixty acres, and so on, as they could; and then as the waters would recede, being drawn off by Fox River, they would go on and cut the grass and gather it, but could not, in the sense of preemption or homestead settlement, get possession, because it was still covered by the waters, although receding. They have been going on there for a series of years, some of them claiming that it belonged to the State under the swamp-land act, and believing that in time it would be disposed of in that way. So they have gone on until now, not being particularly on their guard, the waters having receded from time to time until the grass can be cut by a man putting on broad shoes and wading out and gathering the hay. But all at once it turns out that a body of speculators, unknown to the farming community there, develop themselves in the city of Chicago, apply to the Commissioner of the General Land Office in agreement with existing law to have the land surveyed, describing the land as agricultural land, swear to it, file affidavits with the Commissioner of the General Land Office that it is agricultural land fit for cultivation, and pray for power to survey it. The Commissioner of the General Land Office grants the power, appoints a surveyor, and they pay the expense, some $125. A survey is quietly made of the ground; the plat is returned to the Commissioner of the General Land Office, and is then by him sent to the register of the land office in the State of Illinois, the only one there is now; for there are really no public lands in the State. The register takes the plats and surveys into his office, and, apparently, the land is open to entry, homestead settlement, cultivation, and so on.

The trick of the thing is that the persons who have been so liberal as to file these petitions, make these affidavits, and get this survey, have, as the Commissioner of the General Land Office supposes, and as I suppose the truth will turn out, secured land scrip of various denominations, possibly agricultural scrip; and far back beyond that various classes of scrip are still outstanding, and when in the possession of a person, he may lay it upon land and take it without purchase, without pre-emption, and without homestead settlement. The apprehension of the people of these two counties and my apprehension (and I am sure my colleague has the same view about it) is that the moment this land gets in the register's office these men will take this scrip, locate it upon it, and up-trip the people there, get possession of this land under the claim that it is agricultural and farming land, and not a dollar will come to the Government, not a cent, not a picayune. They will get control of it, and the land which is absolutely swamp-land and can never be anything else—you can scarcely go upon it at all—will go to speculators. The Commissioner of the General Land Office, on having the facts explained to him, telegraphed the register to suspend locations as far as he could.

This bill simply proposes, as it is swamp land in fact, that it be conveyed to the State of Illinois for the benefit of these two counties as swamp land, and a provision is in the bill requiring these two counties to protect the people who have been living along the margin of this lake for years and years, with forty or sixty or eighty acres of land, as they could pick it up, by allowing them to go forward into the lake where the waters have subsided or receded, and finish out the location of an eighty or a one-hundred-and-sixty acre tract, as their claim may be or as their purpose may be, and pay for it. That privilege is to be given to those actual inhabitants upon the margin, so that they may add to the land they occupy fractional portions of the bed of the lake, and get the ownership by paying $1.25 an acre. The balance of the bottom of the lake will go to the counties as swamp land, to be expended in draining it off and then for common-school purposes.

The Government can lose nothing by it; and if it permits it now to go off under this strategy, under this secret plan of men who do not live around it, who have nothing to do with it, but who have slipped in and taken these preliminary steps, my opinion is that the Government will never get a dollar. Some of the old scrip that is floating around, and seems to gather around Chicago as much as any other place in the country, will be put upon this land; a body of speculators will go in there and get four or five thousand acres of land for the purpose of profit, and the people living around the lake, the people interested in these counties, will lose the benefit of it, although they have been there for a quarter of a century by this lake, watching for the time to come when the waters would recede, so that the land could be got as swamp land and applied to educational purposes. All there is in the bill is to give it to the State for the benefit of the two counties, to be disposed of under the legislation of the State, and to compel the two counties to let the actual settlers around the margin come in and complete their titles.

Mr. BOUTWELL. The Senator understands that these shore-owners obtain title by watching?

Mr. OGLESBY. Very largely; that is, they actually entered forty acres, or eighty acres, proposing of course to extend the entry eighty acres or forty acres more, as the water would recede; and now that it has receded, and they have been waiting and hoping to get it as swamp land, these interlopers come in, and in a quiet and stealthy manner, proceeding in exact compliance with the law, have nearly torn it away from them. It is only within a few days that they found out the facts. I have a resolution of the board of supervisors of one of the counties. They were utterly astonished and taken by surprise. The purpose of the bill is right and proper; and I ask the Senate to pass it.

Mr. EDMUNDS. Before I decide whether or not to object, I should like to make an inquiry or two. I see that this bill states in the preamble that Congress has already conveyed to the State of Illinois "the swamp and overflowed lands lying therein." This land, according to the statement of the Senator from Illinois, was overflowed land at that time, and is swamp land now. It seems to follow then that the land has already been conveyed to the State of Illinois.

Mr. OGLESBY. I will state to the Senator that the statute which provided for donating to the States the swamp and overflowed lands, as to our State was construed at the time as having relation to surveyed lands. This lake had not then been surveyed. Around the margin of the lake the surveys had been run, but the parallel lines had never been run across it. I am very frank to say that the people there have had some hope that they could get it as swamp land; but out of abundant caution, and to cut off this effort which they believe is an insidious one, it was thought that an act of Congress would make the right certain in them, stop litigation, and get rid of a troublesome matter.

Mr. EDMUNDS. Do I understand the Senator to mean that in his opinion these lands already belong to the State of Illinois, or do not?

Mr. OGLESBY. I do not undertake to say what the construction of the supreme court of the State of Illinois or of the United States courts would be under the swamp-land act. There is this trouble:

this was not surveyed land when that act passed. Now, it has been surveyed recently, and the survey paid for by these men, and there is a question as to whether the land goes as swamp land to the State or not.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. OGLESBY. Let the bill pass.

The PRESIDENT *pro tempore*. Is there objection to continuing the consideration of this bill?

Mr. EDMUNDS. I have no objection, subject to objection.

The PRESIDENT *pro tempore*. Is there objection, subject to objection? The Chair hears none.

Mr. DORSEY. I must object to the continuance of debate.

Mr. OGLESBY. I hope the Senator from Arkansas will let the bill pass. The bill will pass in a very few minutes.

Mr. DORSEY. I have no objection, unless the bill is going to lead to debate.

Mr. EDMUNDS. It will not be debated long. We only want to ascertain what it is. It must be debated to that extent.

The PRESIDENT *pro tempore*. The proposition of the Senator from Vermont is that the bill continue under consideration, still subject to objection. Any Senator will have a right to object at any time.

Mr. DORSEY. Very well.

The PRESIDENT *pro tempore*. The objection is withdrawn; and the bill reported by the Senator from Illinois [Mr. OGLESBY] remains, the question being whether the Senate will consider it at this time.

Mr. EDMUNDS. I was merely going to say that the Senator from Illinois as he states the case is, I am afraid, likely to lead us into future difficulty. I have no objection that I know of to these people having this land; but if other people under the existing laws of the United States have already acquired any right in any part of it, then we ought not to be ground between the two mill-stones and give it to these counties and these people now and then be obliged to indemnify those who have already acquired rights in it, or if their rights turn out to be paramount, to indemnify these counties for the land they have lost that we have undertaken to convey to them. We ought not to be asked to do that, I submit to the Senator.

Mr. OGLESBY. Not at all.

Mr. EDMUNDS. The effect of this bill is to make an out and out grant of all the area of this lake to the State of Illinois for the benefit of these counties, and to provide a particular method by which private claimants may obtain priority in its purchase. So far as there are any existing claims by way of pre-emption entries, or homestead operations, or bounty claims, or whatever, those so far as they have gone would naturally under the law override this bill. They ought to do so, in justice. On the general principles of legal justice, anybody who has acquired the first right under the laws of the United States ought to have it, and the courts would undoubtedly give it to him. Then passing this bill as it stands we find ourselves having made a double grant of this land, first under the grant to the State of Illinois and under this act, and second under the general laws of the United States to the people who have been attempting to get on, as the lake has receded, by fresh operations at the land office; and it will result as it did in Indiana in just such a case as this of a lake there which dried up or was drawn off, or at any rate went out of the way when we undertook to do the generous thing, as this bill asks us to do, and we found in two years that we had to do the generous thing twice; we had to secure it to the people to whom we had given it first, and then give as much more to the people whom we tried to give it to the second time. That is not right. The Senator does not wish to accomplish that. Now if he will consent to have added to this bill a provision that this shall merely operate to release whatever title we possess at this moment, subject to everybody's legal rights, I shall have no objection.

Mr. OGLESBY. I will do that. I will consent to that amendment.

Mr. EDMUNDS. Then I move to add at the end of the bill these words:

That nothing in this act shall be construed to convey any other title than a release of all interest of the United States now existing in and to said lands.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. EDMUNDS. I move the amendment I have indicated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had, on the 13th instant, approved and signed the following acts:

An act (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army; and

An act (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army.

The message also announced that the President had, on the 17th instant, approved and signed the act (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 750) granting a pension to T. B. Murdock; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 751) granting a pension to E. O. Nye; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 752) authorizing the recorder of the District of Columbia to appoint an assistant with certain powers; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 753) to extend the jurisdiction of the supreme court of the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 754) granting a pension to John H. Glidden; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 755) to establish a post-route from Dallas, Arkansas, to Stringtown, Choctaw Nation, Indian Territory; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 756) for the establishment of a post-route between Suffolk, Virginia, and Sunbury, North Carolina; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ACTIONS UPON OFFICIAL BONDS.

Mr. MERRIMON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing a reasonable statute of limitations barring all right on the part of the United States to sue upon official bonds, with leave to report by bill or otherwise.

REPORT ON THE BLACK HILLS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish a copy of the report, dated April 15, 1876, of Professor Walter P. Jenney upon the agriculture, climate, and other resources of the Black Hills, which he surveyed under orders of the Commissioner of Indian Affairs.

RESERVED GALLERIES OF THE SENATE.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be directed to inquire and report as soon as may be what further provision, if any, is necessary in order to secure the use of the reserved portions of the galleries to those for whom they are designed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. DORSEY and Mr. SAULSBURY submitted amendments intended to be proposed by them to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR AT BRUNSWICK, GEORGIA.

Mr. GORDON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to the Senate all information now in possession of the Department or of the engineer in charge of the district of Georgia, relating to the importance of the harbor of Brunswick, Georgia, and the necessity for the improvement of said harbor.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; and

A bill (S. No. 701) further to provide for the administering of oaths in the Senate.

TAX ON FERMENTED LIQUORS.

Mr. EDMUNDS. At the suggestion of the Senator from Illinois, [Mr. LOGAN,] touching the beer bill, I wish to withdraw the objection I made to it. I do not desire to debate it any further, but only to suggest two little amendments. If it is agreeable to other Senators I will withdraw the objection I made to its present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his objection, and the Senator from Illinois moves to take from the table the bill (H. R. No 522) to define the tax on fermented or malt liquors. Is there objection?

Mr. DORSEY. I object.

The PRESIDENT *pro tempore*. The bill cannot now be considered, objection being made.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. DORSEY. I call for the regular order.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business of yesterday.

The Senate resumed the consideration of the bill (S. No. 680) for the repaving of Pennsylvania avenue, the pending question being on the amendment of Mr. BAYARD, which was in section 3, line 7, after the word "repair," to insert:

The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be as follows: by the owners of private property lying and abutting on said Pennsylvania avenue.

And in line 13 to strike out "one-third" and insert "one-fourth;" in line 15 to strike out "one-third" and insert "one-half;" and in line 17 to strike out "one-third" and insert "one-fourth;" so as to make the section read:

That the cost of laying down said pavement shall be paid for in the following proportions and manner: The Washington and Georgetown Railroad Company shall bear all of the expense for that portion of the work lying between the tracks of their road, and for a distance of two feet from the track on each side thereof, and of keeping the same in repair. The cost of paving the intersections of all streets and avenues and all public parks lying and abutting upon said avenue to be paid out of the general revenue of the District, except the portions of such intersections lying between the tracks of the said railroad company and two feet on each side thereof, which shall be paid by the said railroad company. The cost of the said pavement lying between the Botanic Garden and a line two feet outside of the westerly side of the said railroad tracks to be paid by the United States; and, after the aforesaid deduction, the residue of the cost to be as follows: By the owners of private property lying and abutting on said Pennsylvania avenue, in proportion to their frontage thereon, one-fourth of the expense, after deducting the amount paid by said Washington and Georgetown Railroad Company; one-half to be paid by the United States out of any money in the Treasury not otherwise appropriated; and the remaining one-fourth to be paid out of the general revenue of the District of Columbia from any funds in the hands of the commissioners or the treasury of said District, upon the warrants or orders of said commission, when the same shall have been passed in the Treasury Department, as in case of the disbursement of public money.

Mr. DORSEY. When this bill was last under consideration the amendment of the Senator from Delaware [Mr. BAYARD] was pending. That amendment places a large part of the burden of this pavement upon the United States Government, a very much larger part in my judgment than ought to be charged to the Government. I conferred with many of the citizens owning property on the Avenue before this bill was prepared, and I have also conferred with them since it was reported, and since the discussion has begun in the Senate, and I am satisfied that the great majority of the property-holders would prefer to pay the entire cost rather than not have the Avenue paved until next winter. I do not believe that there is a respectable number of property-holders on the Avenue who object to the proportion allotted to them by this bill, which as we all know is one-third. I hope the amendment of the Senator from Delaware will not be adopted.

Mr. SHERMAN. I submit an amendment to the amendment of the Senator from Delaware, and I am not sure but that the Senator will accept it. I move to strike out all after the word "repair," in lines 6 and 7, of section 3, to the end of the section, and to insert the following:

The United States shall pay the cost of paving the spaces between its property and the part of the Avenue to be paid for by the said railroad company, and one-half of the cost of paving the intersections of the streets and avenues, less that to be paid by the railroad company, and the other half shall be paid out of the revenues of the District of Columbia, and the residue of the cost of such paving shall be paid as follows: One-third by the owners of private property lying and abutting on said Pennsylvania avenue in proportion to their frontage thereon as hereinafter provided; one-third by the United States; and one-third out of the general revenue of the District of Columbia; and the amount required to pay the part of said cost assumed by the United States shall be paid out of any money in the Treasury not otherwise appropriated; and the amount required to pay the part of said cost charged to the District of Columbia shall be paid by the commissioners of said District from any funds in the treasury of said District, upon the warrants or orders of said commission duly audited in the Treasury Department.

Mr. SHERMAN. I drew this amendment after listening to the discussion on the subject without any intention of participating in it, for the purpose of meeting what I suppose to be the equities of the different parties. I believe it charges less on the Government of the United States than the amendment of the Senator from Delaware, and I believe makes a fair distribution of the cost of this improvement. The Government of the United States pays all the expense of paving in front of its own property up to the line that the railroad pays for. Then the Government shares with the District of Columbia in paying for the intersections of the streets, half and half. Then the Government pays one-third of the residue. It seems to me that that is a fair adjustment of the matter, and throws, as I understand, upon the Government of the United States about $130,000 probably—I am not precise in my figures—on the District of Columbia about $80,000, and the balance on the property-holders on Pennsylvania avenue.

The Senator from Illinois [Mr. LOGAN] seemed to think that the Government of the United States ought not to contribute to this expense. I do not agree with him. Pennsylvania avenue is the great thoroughfare between the executive and legislative departments of the Government. I suppose that at least one-third, or perhaps one-half, of all the transit over this avenue is for Government purposes, or by employés of the Government; and it seems to me that as the thoroughfare is so wide, far wider than is necessary for business purposes, the Government of the United States ought at least to pay one-half of the expense of paving it. This amendment does not put quite one-half the expense on the Government, but a little less than one-half. Still it is a fair proportion to be paid by the Government.

The PRESIDENT *pro tempore*. The first question is on the amendment proposed by the Senator from Delaware.

Mr. SHERMAN. My amendment is a substitute for that.

The PRESIDENT *pro tempore*. But the Senator from Delaware proposes to perfect the text of the section, which comes first.

Mr. BAYARD. I do not object to the substitute for this plain reason: It still further diminishes the cost of this improvement to the citizens who own property along its route. As I said yesterday when this matter was under discussion, the object of my amendment was to diminish the cost of this expensive outlay to the people who happen to own property along the route, and who have no voice whatever in regard to the expense. They are unrepresented in Congress; they are compelled to pay for improvements in the expense of which they have no voice, in regard to which they are not consulted; and therefore every measure that tends to diminish their burdens I favor. I believe that the proposition of the Senator from Ohio lessens the cost to them, and therefore it is that I favor it.

The difference between his amendment and mine is this: The amendment offered by me threw upon the District of Columbia the cost of paving the streets at their intersections where there was no frontage whatever upon private property, and, knowing the great width of the streets, the unusual width of the avenues of this town, that portion of the cost is very great. It is now proposed by the amendment of the Senator from Ohio to divide the cost of paving the intersections between the United States and the District of Columbia, leaving the owners of private property, who of course cannot abut upon intersections, no portion of that expense. That lessens the amount to be paid by the citizens of the District generally, and so far as that is concerned I approve it.

The PRESIDENT *pro tempore*. The Senator from Delaware, as the Chair understands, accepts the amendment of the Senator from Ohio in lieu of his own.

Mr. BAYARD. I do.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. DORSEY. I should like to inquire of the Senator from Ohio if that is a substitute for the third section?

Mr. SHERMAN. For all except the first part, which relates to the railroad company. It comes in after the word "repair," in line 7.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 15; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron of Pennsylvania, Caperton, Cooper, Cragin, Davis, Dennis, Eaton, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Kelly, McCreery, Morrill of Maine, Norwood, Randolph, Ransom, Sargent, Saulsbury, Sherman, Stevenson, West, and Withers—26.

NAYS—Messrs. Allison, Cameron of Wisconsin, Clayton, Cockrell, Conkling, Dorsey, Edmunds, Hitchcock, Kernan, Logan, Merrimon, Morrill of Vermont, Oglesby, Robertson, and Windom—15.

ABSENT—Messrs. Alcorn, Anthony, Booth, Boutwell, Bruce, Burnside, Christiancy, Conover, Dawes, English, Hamilton, Harvey, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Key, McDonald, McMillan, Maxey, Mitchell, Morton, Paddock, Patterson, Sharon, Spencer, Thurman, Wadleigh, Wallace, Whyte, and Wright—32.

So the amendment was agreed to.

Mr. DORSEY. Now, in order to perfect the amendment just inserted, as an amendment inserted yesterday to the section has been stricken out by its adoption, I move after the word "avenue," in line 9 of the amendment just adopted, to insert:

Including the frontage of the ground occupied by the Washington Market Company.

Mr. WEST. That conflicts with the first line of the amendment just adopted.

Mr. SHERMAN. I think not.

Mr. DORSEY. I do not see how it conflicts with the first line of the amendment of the Senator from Ohio.

Mr. WEST. Perhaps it does not; but I will merely read that amendment:

The United States shall pay the cost of paving the spaces between its property and the part of the Avenue.

"Its property" is the market space; and in a subsequent part of the amendment you stipulate that the market company shall pay.

Mr. DORSEY. The property on which the market is located may belong to the United States, but very remotely indeed. As I remem-

ber, the market company has a lease of that property for ninety-nine years; and it seems to me they ought to pay for the paving in front of their property.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas.

Mr. SHERMAN. I suggest the addition to the amendment of the words:

The cost of which shall be paid by the said company.

Mr. DORSEY. I accept that.

Mr. MORRILL, of Vermont. I think the amendment as modified ought to prevail.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas as modified.

The amendment was agreed to.

Mr. BAYARD. I move that section 5 be amended in line 7 by striking out the words "and sixty cents."

The taxable cost by this bill is limited to $4.60 a square yard. I remember very well that the most expensive and certainly the best piece of pavement in this District, laid in front of the Arlington Hotel, was said to have cost $5 per square yard. I lived near by at the time and saw it in the course of its construction; and I believe it to have been very thoroughly and well done—much better than any other pavement that I have seen in this place. I understood that the cost of that at the time was $5 a square yard. Since that time it is well known that the cost of material and labor has very considerably declined, and what would have cost $5 per square yard in 1870, or 1871, or 1872 can reasonably be accomplished for one-fourth less in 1876. I do not say that the very competent gentlemen to whom is proposed to be confided by this bill the paving of this Avenue will spend even as much as $4 per square yard; but $5 was considered then a most expensive pavement, and I am sure that it can be supplied now for $4 per yard. Therefore it is that I think it safer that the limitation of $4 should be imposed.

Perhaps it is worth while for me to say further that I have great question in regard to incurring this expense, or anything near this expense, for this street; but supposing that it was the intention of Congress to repave this avenue, I have offered the amendments which have been in substance adopted here diminishing the cost to the people of the District. I still feel that in the present condition of the finances of the country, and with the amount of suffering that exists in the country from poverty, it is very questionable whether so large an amount of money as this should be expended either under the United States authority or that of the District; but at any rate the restriction of the cost of this improvement to $4 per square yard strikes me as being entirely reasonable in view of the cost of materials a few years ago and their cost at this time. I hope therefore the amendment that I have offered will receive the approval of the Senate.

Mr. MORRILL, of Vermont. I do not see any necessity for the amendment proposed by the Senator from Delaware. If these men are fit to be trusted to select a pavement and to make the contract, it seems to me that they ought to be of such character that we are willing to trust them as to the amount to be paid for this pavement. I suppose it will cost something to remove the old material, something to clear out the street so as to make it possible for it to be repaved. I do not know precisely what the Neuchâtel pavement can be obtained for. I should be unwilling that any kind of concrete or asphalt should be used except the Neuchâtel. I do not believe that the other kind of concrete and asphalt that is used here, made partly of coal-tar and partly of Cuban asphalt, will answer any good purpose, and this Neuchâtel pavement I understand can be obtained for less even than $4; but at the same time I would not like to limit the bill at a less rate for the entire cost than what is proposed by the committee.

Mr. DORSEY. I understand the amendment of the Senator from Delaware to be to strike out "sixty cents." Is that it?

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) It is.

Mr. DORSEY. That amendment was proposed by the Senator from Maryland [Mr. WHYTE] yesterday evening and voted down by the Senate. The fact is that the base of this pavement on Pennsylvania avenue, where as it is well known there is a marshy, soft, uncertain foundation to be built on, has got to be very heavy; there must probably be sixteen or eighteen inches of hydraulic concrete laid, which may cost more than the whole pavement on some other streets where the land is higher.

Again, it is not the intention of the Senate, as I understand, and I am sure it will not be of the commission appointed under this bill, to select anything but a pure asphaltum pavement; and if a pure asphaltum pavement is laid down there with a proper foundation it cannot be done for less than four dollars and a half a square yard, in my judgment. Such a pavement as ought to be laid on the Avenue cannot be laid much under the limitation of this bill; but if it can be, the commissioners will not exceed the price for which they can get a good pavement. I have no doubt the Senate and the country will have faith in the integrity and good sense of the commissioners appointed under the bill, let their action be what it may; but it was thought best to limit it so that the entire expense, including the clearing out of the Avenue, the removing of the old pavement, and laying the new pavement on a proper foundation, should not exceed in the aggregate $4.60 a square yard, and I think, if it is done for that, it will be very cheaply done, and if it is done as this commission no doubt will require it to be done, will be done in the most thorough and satisfactory manner.

I hope the amendment will not be adopted. I think it is against the interest of the Government, the interest of property-holders, and the interest of the District.

Mr. BAYARD. I do not care to prolong this debate, but I fail to see the reason in what is urged by the Senator from Vermont [Mr. MORRILL] in reply to my proposed restriction as to the amount, that in all probability the pavement will cost less than I am disposed to state as the maximum for it. If he is right about that, we might as well strike out all limit whatever. If it is for us to judge, if we mean to exercise any discretion and to impose our discretion upon those who are to construct this pavement, then we should fix it according to the lights we have. I am by no means satisfied that if the members of the Senate of the United States, or of both Houses of Congress, owned this property themselves, and owned the Avenue, they would resort to one-fifth of the proposed expense of paving. I am not sure that a careful and sagacious economy would not dictate the paving of the Avenue in a very much less expensive manner than is proposed; but it appears to me that there seems to be a very fine and generous spirit abroad when the expenditure of public money is concerned. I think it has run to an expense that is certainly dangerous. I do not like rigid small economy, I do not like rigid false economy; but, at the same time, I think we cannot by this system of unlimited expenditure preserve our public credit, and I do not see why the attempt to restrict it should not be applied as much to the paving of this single street as on any other larger scale. The truth is the expenditures in this District have been almost fabulous. Millions of dollars have been poured out on the streets of this District in a manner that sometimes seems to me bordering on insanity. There have been miles upon miles of the most luxurious and extensive avenues I ever saw in any city created for the use of no adjacent residents. Any man who will walk or drive through the suburbs of this town—or what I call the suburbs, the unbuilt portions of Washington—will see an outlay that is almost incredible, and which is, for the purposes of the present generation, absolutely useless, for, being created of a most perishable material, these wooden pavements will not be in existence when houses shall be built along their route; and here now comes the proposition to replace by an expenditure of $300,000 a miserably constructed pavement laid down at a cost of $300,000 barely five years ago.

Mr. President, as this pavement is in such a condition as to need repair, and as sound economy may require that it should be removed altogether and a good pavement take its place, it is evident that as a prerequisite and as a necessary prerequisite to it all, it should be placed in the hands of competent and honest gentlemen to see that the moneys which are expended are faithfully bestowed and do not float off into the pockets of fraudulent contractors. But not only should we take that precaution, which I think this bill does, but we should take the second precaution of seeing that even under their administration the cost of this undertaking should be kept down to the lowest reasonable figure. Three hundred and three thousand dollars is the estimated cost of this pavement between the Capitol and Fifteenth street at the rate of $4.60 per square yard. If, as I said, $5 in labor and building material expended in 1872 or 1873 can be equalized by an expenditure of $4 for the same purpose in 1876, why should it not be impressed upon this bill? The sixty cents will be about the one-seventh, roughly calculated, of the whole. One-seventh of $300,000 is about $40,000, and I certainly think that for $260,000 an excellent enduring pavement can be laid over the route proposed. I have heard no one here deny the fact that there has been a great diminution in the cost of labor and material in the last three years, fully equal to 25 per cent. Any man who has had anything to do with building knows that fact. Whether it is his own experience or from others, he can easily ascertain it. Labor is exceedingly low; materials are low; business is dull. Therefore I cannot understand why it is that we should not, having a duty to perform, the duty of guarding other people's money, establish a limit to this expense and reduce it if we can. I confess that, although I believe the Avenue sadly needs repair, I should have great hesitancy in voting for any further expenditure upon it; but, if I do so, it must be because the measure proposing any outlay is coupled with every guard upon the cost and upon the expenditure. I think it perfectly reasonable to say that $4 in 1876 will do all that $5 did in 1872; and I cannot see why gentlemen should object to voting a limit upon the expenditure.

Mr. MORRILL, of Vermont. I am sure the Senator from Delaware cannot be more strait-laced about economy than I am myself. What he proposes here is to limit the amount to $4 for the entire expenditure. I do not know that it will cost any more than that sum, but I am sure that we have a security in the character of the men whom we select to make this contract. The Senator from Delaware assumes that we know more about doing this work, the cost and the value of it, than the men whom we are to select.

Mr. BAYARD. I think we do know enough to put on this limit.

Mr. MORRILL, of Vermont. I do not believe that is so. Under the denunciations of the Senator from Delaware in relation to the past work, I do not wish that we should pass a bill here that will secure us precisely the same result which we have had in the past. That is to say, this commission shall be so hampered by the limit that

they cannot select the best pavement for the Avenue. I know it is true so far as labor is concerned that you can obtain it at a less price than you could five years ago; but it is not true so far as this Neuchâtel asphalt is concerned, which is only to be obtained in one place, and the use of it in England and France is so great that the price has not gone down. Yet the labor of preparing and mixing it properly for the purpose of a pavement has gone down so that the price is diminished almost one-half as compared with a few years ago.

Mr. BAYARD. I should like to ask my friend from Vermont, does he not believe as a matter of fact that the people who laid down the pavement in front of the Arlington Hotel in 1870 or 1871 for $5 a yard would be very glad to repeat the operation now at $4?

Mr. DORSEY. If the Senator will allow me, I will state that I have been informed by the authorities of this District that the pavement laid down in front of the Arlington Hotel was laid down as a sample, and that its actual cost was $7 a yard; and that the same party who laid down that pavement has laid down a great deal of pavement in the streets of this city of the same material as there is on other streets.

Mr. MORRILL, of Vermont. Let me say another thing in relation to this avenue. It will be noticed by Senators in traveling over the city that there are defects arising from inferior concrete or asphalt in a great many places. Where the foundation is damp, where there are springs beneath, the pavement is at once destroyed. Many of these places are being repaired, and it is done at a very considerable expense, whereas if we shall now authorize a pavement that can be put down of the Neuchâtel character, whenever it decays or needs repair it will be of some service, while this ordinary concrete that we have here can never be reworked at all. It is a total loss from the start, and yet the asphalt is not destroyed but can be reworked. Therefore it seems to me that it is the wisest economy, if we wish to put down a pavement that is going to last for a long series of years, that we should authorize such an expenditure as will secure that kind of pavement. I am not for any sort of experiments in trying these fifteen, twenty, or thirty different kinds. I desire that we shall be able to have the very best. I do not wish to have a bill here again in another five years for the same result.

Mr. SAULSBURY. I shall vote for the amendment because I have no doubt, from the best information I can get, that the amount it allows is fully ample to lay down a pavement in any condition and out of any material of which it shall be the pleasure of the Senate to have it made. The cost of the improvements in this city, I have been told, amounts to between $30,000,000 and $40,000,000. I was informed by one of the oldest and most respectable citizens, and one of the heaviest tax-payers in this city, that every part of the improvements made in this city, in his judgment, including the laying of streets and including the sewerage system, could have been done, by proper economy, at an expense not exceeding $8,000,000. I do not know whether that is correct or not; but that is the assertion of a gentleman in whose judgment I place great confidence. He himself has been here witnessing all the time the improvements that have been made in this city and contributing out of his large substance by the payment of taxes to the expenses that have been incurred; and yet he assured me that, in his judgment, all that had been done could have been done, and as well done as it has been done, at an expense not exceeding $8,000,000. If that judgment is correct, it does not require $4 to the square yard to lay a pavement.

I feel some hesitation about voting for this bill at all. Pennsylvania avenue is in a very dilapidated condition. I have no doubt the property-holders upon the street feel justly aggrieved at the fact that it is in the condition it is. The business men upon the street claim that the carriage trade, as they call it, is now leaving them because the street is in such a condition that ladies and persons using carriages do not like to drive over it, and hence their business is being seriously injured by the condition of Pennsylvania avenue. That is an evil which they have a right to expect to be remedied; but who is the proper party to pay for it? That is a question which I have thought something about, and about which I confess that I feel somewhat at a loss. I am unwilling, with my friend, the Senator from Illinois, that my constituents, a large proportion of whom never come here, never look at the Capitol, never ride on Pennsylvania avenue, should be taxed to any serious extent to keep it up; and yet, when I take into consideration the fact that in 1871 the Congress of the United States, of its own volition, of its own motion, without consultation with the property-holders upon the Avenue, without consulting them in reference to how the street should be paved, without consulting them as to the material of which the pavement should be made, without giving them any voice in the formation of the contracts by which it was laid, and when I consider that under that law they were compelled, without a voice in the question, to bear the burdens imposed upon them, and that they have been sadly cheated by the manner in which the work was done, and that their property has been rendered less valuable, and the business driven from their street, I can see very well how they think that in common justice and common honesty the street should be paved in part at least at the expense of the Government of the United States represented by the Congress of the United States.

I say again that I do not like to vote to tax the people of this country for improvements in this city or on this avenue unless according to the proportion of property the Government owns on the Avenue. Under the provisions of the bill as amended, I understand the Government of the United States is to pay one-third of the expense of paving the Avenue adjacent to the property of private owners and to pay one-half the expense of paving all the crossings. There are some fifteen or more crossings of streets of the paving of which the Government of the United States is to pay one-half; and then we are to pay one-third of the residue. I am not sure but that that is an undue proportion. I am willing that the Government of the United States shall contribute something, because I think in the first place we are bound to contribute according to the property which the Government owns, and I think in justice to the property-holders we are bound to contribute some of the expense that might otherwise fall on them because of the fact that without their consent, against their protest in many instances, we caused a pavement to be laid down in front of their property which has become rotten and which is driving business away from their stores and places of business.

Under all the circumstances I may perhaps vote for this bill, but I say it is with great reluctance that I vote for it, and especially when it will become a precedent for the further action of the Senate. There are about a hundred miles, as I understand, of public streets improved in this city; I do not know the precise amount, but I am told in the neghborhood of one hundred miles of improved streets. Your action in reference to this bill will become a precedent, and will be pressed upon you in the future as such when these other streets need repairs, many of which are beginning to need them already. According to the present calculation of the expense of the Government in reference to Pennsylvania avenue, which will be in excess of $100,000 if you apply the same ratio of appropriation to the improvement of the other streets, in less than five years, in less than ten years at the furthest, you will be called upon to appropriate from five to ten million of dollars out of the public Treasury of the United States to repair streets in this city.

Is this expense of this Government for the national capital never to end? Are the people of the United States, who have already contributed from twenty to thirty million dollars toward the expenses of this capital, still to be saddled with expense from now to the end of time in order to maintain the streets of this city? While I may possibly vote for this measure, I do it with the understanding that it is only because of the peculiar circumstances existing; that the property-holders on this street have actually been damnified by the action of Congress, and have therefore an equitable claim to be remunerated to some extent for the injury we have inflicted upon them. I am not sure that I shall hold myself bound by any action of mine in reference to this street to apply the same rule of action to any other. I shall hold that question in reserve until the time shall come; and yet I can see very well how it will be pressed as a precedent on the Senate of the United States when the necessity arises for the repair of other streets in this city. At any rate, at the present time I am in favor of limiting the expense not to exceed $4 a square yard, and I shall therefore vote for the amendment of my colleague.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment proposed by the Senator from Delaware, [Mr. BAYARD.]

The question being put, there were on a division—ayes 15, noes 16; no quorum voting.

Mr. DORSEY. Let us have the yeas and nays, and then we shall have a quorum.

The yeas and nays were ordered.

Mr. SARGENT. I shall vote against this amendment because I fear that the difference between $4 and $4.60 may be just enough to give us so poor a pavement that in the course of four or five or six years we may be compelled to do this work all over again. The wooden pavement which was laid down five years ago now needs to be replaced obviously; we all agree upon that; whereas if a good pavement had been put down then there would have been no necessity of doing the work over again and incurring this expense of $300,000. I am well aware that at that time wooden pavements were supposed to be a success. The property-holders to a very large extent influenced the choice of that pavement. Experience since that time has shown that it was entirely inadequate, and that several other pavements are not what they were at that time thought to be. It may be that this difference of sixty cents, which will make very little in the gross cost added to the $4, will be enough to give us a pavement that will last twenty or thirty years. I therefore think it is bad economy to strike off the sixty cents.

The question being taken by yeas and nays, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron of Wisconsin, Caperton, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Gordon, Harvey, Kelly, Key, McCreery, Ransom, Saulsbury, Wallace, Whyte, and Withers—19.

NAYS—Messrs. Booth, Boutwell, Burnside, Clayton, Cragin, Dawes, Dorsey, Edmunds, Frelinghuysen, Hamlin, Howe, Jones of Nevada, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Randolph, Robertson, Sargent, Sharon, Sherman, Spencer, and West—25.

ABSENT—Messrs. Alcorn, Allison, Anthony, Bruce, Cameron of Pennsylvania, Christiancy, Conkling, Conover, Dennis, English, Ferry, Hamilton, Hitchcock, Ingalls, Johnston, Jones of Florida, Kernan, Logan, McDonald, McMillan, Maxey, Mitchell, Norwood, Oglesby, Stevenson, Thurman, Wadleigh, Windom, and Wright—29.

So the amendment was rejected.

Mr. MORRILL, of Vermont. I ask unanimous consent that the amendment adopted in relation to the market company shall be

stricken out and inserted in a proviso. There seems to be a little confusion about it, as it might possibly be included in the first part of the section; and so we should be providing for the payment of the expense twice. I therefore offer the following proviso, to come in at the end of the third section, and let the amendment included in the preceding part be stricken out:

Provided, That the expense of paving the space opposite the locality occupied by the Washington Market Company shall be paid by said company in the same ratio as is paid by the owners of private property on the line of said avenue.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the amendment just proposed be adopted in lieu of the provision heretofore inserted in regard to the market company. Is there objection? The Chair hears none, and the amendment is adopted.

Mr. WEST. Now, for the purpose of preventing any possible misapprehension as to the obligation of the railroad companies as to the extent of their pavement, I move in line 5 of section 3, to insert before the word "tracks" the words "exterior rails of the." As the bill now reads, the companies are obliged to pave "between the tracks." There is a very great difference between the expressions "between the tracks" and "between the outer rails of the tracks." "Between the tracks" would be the space between the two tracks. To prevent that misunderstanding, I move to insert before the word "tracks," in line 5 of section 3, the words "exterior rails of the."

Mr. DORSEY. I think that is a necessary amendment.

Mr. CLAYTON. Does not the bill now provide "between the tracks?" There are two rails to each track. If you say "between the tracks," is not that sufficient? When you speak of a double-track railway, you mean a railway with four rails. If you say "between the tracks," it is all you require, it seems to me.

Mr. WEST. The proposition is to make the bill read just in this way: "between the exterior rails of the tracks of their road." Nobody can fail to understand what that means.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana, [Mr. WEST.]

The amendment was agreed to.

Now, to perfect that, I move also to amend on line 6 of section 3 by inserting before the words "the track" the words "and exterior to the track on each side thereof;" so as to read:

And for a distance of two feet from and exterior to the track on each side thereof.

Mr. EDMUNDS. After "from" insert "exterior to;" that will do.

Mr. WEST. Very well; I will put it in that form.

The amendment was agreed to.

Mr. ALLISON. I wish to move an amendment to the amendment of the Senator from Ohio, [Mr. SHERMAN,] which is now a part of the bill. In line 6 of that amendment, after the words "District of Columbia," I move to insert "derived from taxation." Inasmuch as we have provided now for the portion the United States shall pay and the District of Columbia, I think we had better insert the words "derived from taxation;" so as to read: "out of the revenues of the District of Columbia derived from taxation."

The amendment was agreed to.

Mr. ALLISON. The same words should be inserted in line 12. After the words "general revenue of the District of Columbia" add "derived from taxation."

The amendment was agreed to.

Mr. ALLISON. The same amendment should be made in line 17. At the end of the line the words "derived from taxation" should be inserted.

The amendment was agreed to.

Mr. LOGAN. The amendment offered by the Senator from Ohio and adopted by the Senate is now, I believe, a part of the bill.

The PRESIDING OFFICER. The Chair so understands.

Mr. LOGAN. I move to strike out of that portion of the bill which that amendment makes lines 1, 2, 3, 4, 5, 6, and 7. I will state my reasons for this very briefly.

The PRESIDING OFFICER. The Clerk will report the amendment.

Mr. LOGAN. My motion is to strike out the first seven lines of the amendment proposed by the Senator from Ohio.

Mr. MORRILL, of Maine. Let it be reported, that we may know how the bill will read.

Mr. WEST. I rise to a question of order. This amendment that the Senator now proposes to change having been adopted by the Senate, I contend that no one has a right to further amend it. I should like the ruling of the Chair on that point.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment was adopted in the Senate; and that being so, as the present occupant of the chair understands, it is not in order to move to strike out the amendment or any portion of it.

Mr. LOGAN. Or any portion of the bill?

The PRESIDING OFFICER. Any portion of the amendment adopted in the Senate.

Mr. LOGAN. I believe it is in order to add to the bill, is it not?

The PRESIDING OFFICER. It is.

Mr. LOGAN. I move to add the following proviso:

Provided, That this act shall not be so construed as to require the United States Government to pay any more than one-third of the whole cost of the said pavement, the residue to be paid by the property-owners and the District of Columbia in equal proportions, and by the railroad company in the proportion hereinbefore provided.

I will detain the Senate but a moment. I have no idea that the amendment will be adopted by the Senate, but I offer it to give me an opportunity of saying what I desire to say.

The amendment proposed by the Senator from Ohio does more than yesterday evening I said the bill with its amendments then did. It now requires the Government of the United States to pay the entire cost of the paving in front of its own property; not half, as was proposed yesterday, but all, and then one-third of all the residue. Besides, it makes the Government of the United States and the District in equal proportions pay the cost of the pavement of all the cross-streets except that portion paid by the railroad company. If there is anything that could have been added to this bill as it was yesterday, that was known to be by every Senator who voted for it as having the object to require the Government to pay more than it ought to pay under any rule as principle that could be laid down, this amendment does that very thing.

The principle advocated by Senators yesterday was that Pennsylvania avenue, being used by the Government, should be paid for by the Government in greater proportion than it should be paid for by citizens, but now they add to that that the Government shall pay one-half of paving all the cross-streets. What effect does that have? What interest has the Government in the cross-streets, I should like to know? Now we require the Government to pay one-half the cost of paving at the cross-streets, all in front of its own property, and one-third in front of all other property.

I merely enter my protest against this thing, which I look upon as a legal robbery of the people of the United States of America for the benefit of the people of the District of Columbia. That is all it is. I shall call for the yeas and nays on this question. I do not know whether I shall get more than a half-dozen votes, but I want to see how many there are who are in favor of the Government paying for the paving of streets in the city of Washington without reference to the citizens of the city.

Mr. MCMILLAN. May I ask the Senator what proportion his amendment imposes upon the railroad company?

Mr. LOGAN. The same as is proposed in the bill.

The PRESIDING OFFICER. Does the Senator call for the yeas and nays?

Mr. LOGAN. I did not mean to call for the yeas and nays on this amendment, but I meant that I would call for them on the passage of the bill if this amendment be not adopted.

Mr. WITHERS. I ask the Chair if the amendment offered by the Senator from Illinois has not been acted on adversely already by the Senate?

The PRESIDING OFFICER. The Chair does not understand that it has been.

Mr. LOGAN. While I have been in the Senate it has not been.

Mr. WITHERS. It provides for a different proportion of the amount to be paid by the United States Government from that which is provided in the amendment offered by the Senator from Ohio and adopted by the Senate.

Mr. LOGAN. Yes, it provides differently from that.

Mr. WITHERS. It is antagonistic to what the sense of the Senate has already declared, and I was under the impression that for that reason it would not be in order.

Mr. LOGAN. That is not the rule. Being antagonistic in principle does not affect it. The amendment itself has not been voted upon. I have concluded to ask for the yeas and nays on the amendment itself.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 26; as follows:

YEAS—Messrs. Cameron of Wisconsin, Cockrell, Dawes, Edmunds, Hamilton, Hitchcock, Key, Logan, McCreery, McMillan, Maxey, Merrimon, Morrill of Vermont, Morton, Robertson, and Sharon—16.

NAYS—Messrs. Anthony, Bogy, Booth, Boutwell, Burnside, Caperton, Clayton, Cooper, Davis, Dennis, Dorsey, Eaton, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Howe, Morrill of Maine, Norwood, Sargent, Saulsbury, Sherman, Spencer, Stevenson, West, and Withers—26.

ABSENT—Messrs. Alcorn, Allison, Bayard, Bruce, Cameron of Pennsylvania, Christiancy, Conkling, Conover, Cragin, English, Ferry, Harvey, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, Mitchell, Oglesby, Paddock, Patterson, Randolph, Ransom, Thurman, Wadleigh, Wallace, Whyte, Windom, and Wright—31.

So the amendment was rejected.

Mr. EATON. I know, Mr. President, that the Senate as a body have no discretion in regard to the material to be used or the manner in which the work is to be done; but in order that certain information which I have received may go to this very respectable board that we create by this bill, I desire to say a word or two in regard to the exterior pavement.

There has been one great difficulty in regard to the construction of horse-railways and the paving from the outside of the rails in every section of the country where these horse-railways have been used. Senators will remember in passing about our streets here that there are to be perceived gutters directly on the outside of the rails, especially where the asphalt pavement is used. In talking recently with a very distinguished engineer, he spoke of a plan which he had in view, having given the subject a good deal of thought. He communicated with me on the subject, thinking the Senate had the entire power to determine the manner of construction, and I give it here that these commissioners may have the opinion of an engineer as distinguished as any in the United States Army, in my judgment.

His idea is, taking the blocks of granite on the outside, that they

should be laid, not all of an even width, but like teeth; that is to say, if it is to be two feet let the first line be twenty inches and then alternate with blocks of twenty-six and twenty, twenty-six and twenty, so that no matter at what angle a wagon may cross the track it will meet with a solid opposition, and no matter whether it be directly at right angles or whether it be in any other direction it will strike at right angles with this alternate layer of materials. I think all Senators who have noticed will agree with me that the cause of the rut is that in taking the track not at right angle the wheel of a heavy vehicle rolls along between the track and the pavement, and thus you cut off the rut; but in the opinion of this engineer the laying of the outside pavement in this manner will entirely heal this difficulty.

I take the liberty of making these remarks in regard to that subject here so that this plan may go before this commission if the bill should pass.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. LOGAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 11, as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Burnside, Cameron of Wisconsin, Caperton, Clayton, Conkling, Cooper, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Howe, Jones of Nevada, Maxey, Morrill of Maine, Morrill of Vermont, Norwood, Patterson, Randolph, Ransom, Robertson, Sargent, Sherman, Spencer, West, Whyte, Windom, and Withers—37.

NAYS—Messrs. Bogy, Booth, Cockrell, Hamilton, Kernan, Key, Logan, McCreery, McMillan, Merrimon, and Oglesby—11.

ABSENT—Messrs. Alcorn, Allison, Bruce, Cameron of Pennsylvania, Christiancy, Conover, Cragin, English, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Kelly, McDonald, Mitchell, Morton, Paddock, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, Wallace, and Wright—25.

So the bill was passed.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of House bill No. 3128, being a bill making appropriations for sundry deficiencies for the current year.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

Mr. MORRILL, of Maine. I ask that the amendments reported by the Committee on Appropriations be acted on as they are reached in the reading of the bill.

The PRESIDING OFFICER. That course will be pursued, if there be no objection.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was to insert after the word "dollars," in line 35 of section 1, in the clause appropriating for the expenses of the special committee of the Senate to inquire into the Mississippi election, the following words:

And the disbursing officer of the Senate shall advance such parts of said sum to the Sergeant-at-Arms of the Senate as the chairman of said committee shall in writing direct for the purposes aforesaid; and the Sergeant-at-Arms shall, as soon as may be, make a detailed report of the expenditures thereof, with proper vouchers, which, when so made, shall be received by said disbursing officer and returned with his accounts to the proper officer of the Treasury Department.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 43 of section 1:

SENATE.

For compensation of Senators for the fiscal year 1875, $83.19.

Mr. COCKRELL. I should like to know what the object of that is.

Mr. MORRILL, of Maine. That is a balance due a particular Senator whose pay is short that much. That is all.

Mr. DAVIS. I understand that there was an error, probably in the calculation of the mileage of a Senator. It is less than $100.

Mr. MORRILL, of Maine. Exactly this sum, $83.19.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after the amendment just adopted the following clause:

For the payment of mileage to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1875, by proclamation of the President, and who were not members of the previous Senate, $6,336.

Mr. MORRILL, of Maine. I move to amend by striking out the word "Senate," in the last line, and inserting "Congress;" so as to read:

And who were not members of the previous Congress.

The object of the amendment is to provide mileage for Senators who, not being members of Congress and not being here in attendance on Congress at the capital, were called here, as otherwise they would not have been but for the extra session.

Mr. COCKRELL. I do not understand the Senator. What other officers of Congress besides Senators were called here?

Mr. MORRILL, of Maine. I am not aware of any.

Mr. COCKRELL. Were any of the officers of the Senate called here that this appropriation is to meet?

Mr. MORRILL, of Maine. There were undoubtedly.

Mr. COCKRELL. Is this appropriation intended to meet their expense too?

Mr. MORRILL, of Maine. No, sir; it does not reach them.

Mr. COCKRELL. Then why change "Senate" to "Congress?"

Mr. MORRILL, of Maine. I have just explained.

Mr. COCKRELL. I have tried to hear.

Mr. MORRILL, of Maine. As it now stands, members of the other branch of Congress becoming Senators, under a sharp construction of the original amendment, might draw their mileage although they did not travel. The object of the amendment is to provide mileage for the travel of Senators who were summoned here on the proclamation of the President in March of last year who otherwise would not have come until December. It originally read "and who were not members of the previous Senate." If any portion were members of the other branch, and came up from that House to this, although they had not traveled, they might be included in this amendment, as has been suggested to me, and I think it is obvious enough; and as that would not be within the general scope of the amendment, this modification is deemed proper. It is simply to provide for such Senators as under the President's proclamation were required to come here on the 4th of March, when otherwise they would not have had to come until December. My honorable friend I trust by this time will see the pertinency of this amendment.

Mr. COCKRELL. I understand it now, sir. [Laughter.]

Mr. MORRILL, of Maine. I hope it is not offensive to my honorable friend from Missouri.

Mr. COCKRELL. I was not a member of the lower House at the time I came here.

Mr. MORRILL, of Maine. Then certainly my honorable friend has no solicitude on that subject. [Laughter.]

Mr. ANTHONY. Does that say "previous Senate?" What is the phraseology?

Mr. MORRILL, of Maine. Let the Clerk read the whole clause.

The PRESIDING OFFICER. The amendment to the amendment and the amendment will be read.

Mr. ANTHONY. I have it before me. It reads: "And who were not members of the previous Senate." Should not that be "who were not previously members of the Senate?" We never have had but one Senate. That commenced in 1789 and has continued ever since.

Mr. MORRILL, of Maine. What it means is "the previous Congress."

Mr. ANTHONY. That would be proper; but I think it should be "not previously members of the Senate."

Mr. MORRILL, of Maine. That might be a little comprehensive, because once in a while a man who has been in gets back.

Mr. EDMUNDS. That is rare. [Laughter.]

Mr. MORRILL, of Maine. Very rare, to be sure; but that might be a little hard on some of us. [Laughter.]

Mr. ANTHONY. "Members of the previous Congress" will do. I do not like the expression "previous Senate;" as though the Senate expired at a particular time.

Mr. MORRILL, of Maine. That is what I propose to strike out.

Mr. ANTHONY. My friend from Vermont, [Mr. EDMUNDS,] who is always accurate, suggests "who were not members of the Senate at its next preceding session."

Mr. SARGENT. It seems to me that the amendment proposed by the Senator from Maine is very apt. It simply strikes out "Senate" and inserts "Congress." We do not intend that this shall apply to any one who was a member of the previous Congress, because he, being here, did not perform the travel. If he was not a member of the previous Congress, he will be entitled to it.

Mr. ANTHONY. All I object to is the phraseology, which implies that the Senate expires with every Congress. If you avoid that, I am satisfied.

Mr. MORRILL, of Maine. I propose to use the word "Congress."

Mr. ANTHONY. I move to make the latter clause read "who were not members of the Senate at its next preceding session."

Mr. SARGENT. That does not cover the case, because then if they were members of the previous House of Representatives they might receive this mileage though they did not perform the travel. Therefore by saying "members of the previous Congress" we cover the whole case. Then the amendment will read:

For the payment of mileage to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1875, by proclamation of the President, and who were not members of the previous Congress.

That is the way we propose it to read. If they were members of the previous Congress in either branch, they will not be entitled to the money; and therefore we say they shall not have been members of the previous Congress.

Mr. ANTHONY. I think a man who is a member of the House and is elected a member of the Senate is entitled to mileage.

Mr. SARGENT. For an extra session, when he was sitting on the 4th of March in the House of Representatives?

Mr. ANTHONY. Although I think this provision is perfectly right, it is a departure from the precedents certainly. It has not been customary to pay Senators mileage for attendance at a called session. When a session has been called on the 4th of March, at the beginning of the term of a Senator, it has not been customary to pay him mileage; but I think it ought to be done. It was not done in my case, I know.

Mr. SARGENT. For a number of years past it has been the custom where new Senators have come in on the 4th of March, at an extra session, to pay them mileage. I remember distinctly, and can call my friend's attention to the statutes where this appropriation has been made, and it is just that it should be made.

Mr. ANTHONY. I think it is.

Mr. SARGENT. But if they were members of the previous Congress, either in the Senate or the House, and performed no travel at all, we have ceased for a number of years to pay mileage. I remember that when I came over from the House of Representatives I received no mileage, and I ought not to have received any. It had not been done then for several Congresses. It is one of the reforms that we have wrought in this department of expenditure.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Appropriations as amended.

Mr. EDMUNDS. I move to insert after the word "mileage" the words "for actual travel only;" so that, if thus amended, the amendment will read:

For the payment of mileage for actual travel only to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1875, &c.

Mr. MORRILL, of Maine. There can be no objection to that; but whether it is not supererogatory matter altogether is another question. Of course not being members of the Senate before that time, they would necessarily travel to get here. That was our idea about it. However, there is no objection to the Senator's amendment.

Mr. EDMUNDS. I have been under the impression from some observation that in order to prevent money from getting out of the Treasury it is necessary that a law should be as carefully drawn as a plea in abatement; that it should absolutely exclude every possible means of guessing that it could possibly include something else. Therefore, out of abundant caution, I would put this in, particularly as it applies to people who I know in this instance would never think of taking money except for actual travel, so that there can be nothing invidious in beginning the example on this particular class.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the committee, as amended.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was after the amendment just adopted to insert:

For labor, $18,000; and $1,000 of said sum, or so much thereof as may be necessary, shall be used to pay the laborers employed in the Secretary's office.

The amendment was agreed to.

The next amendment was after the amendment just adopted to insert:

For folding documents, $1,400.

The amendment was agreed to.

The next amendment was after the amendment just adopted to insert:

For horses and wagons, $565.

The amendment was agreed to.

The next amendment was after the amendment just adopted to insert:

For furniture, and repairs of the same, $6,500.

The amendment was agreed to.

The next amendment was after the amendment just adopted to insert:

For advertising proposals for reporting congressional proceedings for the fiscal year 1872, $36.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 285 of section 1 to strike out "Office" and insert "Bureau;" and in line 286, after "Education," to insert "exclusively;" so as to make the clause read:

For rent of rooms for the use of the Pension Bureau and Bureau of Education exclusively, for the fiscal year ending June 30, 1876, $9,000.

The amendment was agreed to.

The next amendment was to insert after line 288 of section 1:

For this amount, or so much thereof as may be necessary, to pay the compensation and necessary and incidental expenses of the commission appointed June 18, 1875, to treat with the Sioux Indians for the relinquishment of the Black Hills country in Dakota Territory, $25,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. MORRILL, of Maine. The chairman of the Committee on Indian Affairs [Mr. ALLISON] can explain it.

Mr. EDMUNDS. I am asking the chairman of the Committee on Appropriations to explain it.

Mr. MORRILL, of Maine. I will respond to the Senator from Vermont. This deficiency arises in this way: Apprehending troubles, or in the presence of troubles already existing on the frontier, growing out of the Black Hills expedition, the Sioux Indians were found to be in a state of great disorder, and the President of the United States deemed it expedient to institute a commission to treat with the Indians for the pacification of that question by settlement, by treaty, or otherwise. A commission was instituted to go out and treat with those Indians, at any rate to endeavor to postpone, until Congress should meet or until something further should be done, a collision between the Black Hills people and the Indians, which was deemed to be imminent. This expense grows out of that general fact. A commission was instituted by the President on the recommendation of the Secretary of the Interior; the commission went out; and this appropriation is for the personal expenditures of the commissioners, their incidental expenditures in negotiating and in communicating with the Indians. It turns out that one of the commissioners is now the chairman of the Committee on Indian Affairs, and if any more definite statement or substantial evidence is necessary I shall be obliged to refer to him.

Mr. EDMUNDS. That is definite enough for me. I should like to ask the Senator from Maine further whether there has been any previous appropriation out of which any of these expenses could have been paid?

Mr. MORRILL, of Maine. None at all. The Senator is aware that under our present mode of making appropriations there is no authority for an expenditure out of any specific appropriation for any other purpose. I am not aware of any fund out of which they could have been paid unless it might have been a contingent fund, and latterly we have not appropriated a contingent fund to the Department of the Interior for this purpose.

Mr. EDMUNDS. So that the Senator understands there has as yet been no expenditure of public money for the class of objects named in this amendment?

Mr. MORRILL, of Maine. None at all that I know of. I have no reason to believe that there has been any expenditure for this purpose.

Mr. EDMUNDS. I move, in aid of this amendment, to insert after the word "the" in line 290 the word "lawful;" so that the clause, if amended, will read:

For this amount, or so much thereof as may be necessary, to pay the lawful compensation.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I move in the same line to strike out the word "and" after the word "necessary." It now reads "the compensation and necessary and incidental expenses," so that the word "necessary" does not apply to the word "incidental." You have provided for the compensation, and if you then provide also for the necessary incidental expenses, it covers the whole subject and limits the authority for allowance of accounts to necessary incidental expenses and compensation.

Mr. MORRILL, of Maine. I suppose as it stands it means necessary expenses and incidental expenses——

Mr. EDMUNDS. Whether necessary or not?

Mr. ALLISON. I think there is no objection to the amendment. Indeed, I think it is rather an error to have the word "and" before "incidental."

Mr. EDMUNDS. I think so, too.

Mr. ALLISON. Of course it ought to be confined to the necessary incidental expenses.

Mr. MORRILL, of Maine. I do not know what the idea was, but I supposed a distinction was intended to be drawn between the compensation of the commissioners, their personal expenses, and the expenses incidental to the negotiation with the Indians.

Mr. EDMUNDS. But I submit to my friend from Maine that the personal expenses of the commissioners are incidental to the object they have in view; perfectly so.

Mr. MORRILL, of Maine. Very well.

Mr. EDMUNDS. Whereas, if you leave it as it stands in the committee's amendment, the necessary expenses of the commission are to be paid, and besides that whatever incidental expenses they may have incurred, whether necessary or not. Of course the Senator does not mean that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. On the motion of the Senator from Vermont, in line 290, before the word "compensation," the word "lawful" was inserted. I do not know precisely what object the Senator had in view in inserting that word. I do not know that there is any objection to it, but I should be glad to have some little explanation of it, if it is not too late.

Mr. EDMUNDS. My object was to make this appropriation bill keep within the scope of the law and that this provision should not allow the accounting officers of the Treasury Department to pay any unlawful claims, and to confine this definition of the expenditure of money to any lawful compensation and to allow none that may be unlawful. That was the object, and it was so manifest that I did not think it necessary to make a speech upon it.

Mr. HOWE. Mr. President, under the provision as amended by the Senate could any compensation be paid if there was no statute in existence authorizing the appointment of this commission and fixing the compensation of the members?

Mr. EDMUNDS. You must ask the President, not me.

Mr. MORRILL, of Maine. Allow me to answer that.

Mr. HOWE. I do not care who answers it.

Mr. MORRILL, of Maine. I raised no question as to the amendment proposed by the Senator from Vermont because I did not think it affected the amendment. I have no doubt at all that the appropriation is perfectly legal. I think the President, having by the Constitution of the United States the authority to negotiate a treaty with the Indians, is authorized to institute proceedings to that end. Obviously enough, that is the province of the President, and in this particular instance I have no doubt that the exigency existed which called upon him to do that thing, not by himself but by his embassadors. These commissioners were in that nature; they were instituted a commission to go into that country and negotiate a treaty with these Indians, as has been done heretofore. Would not that create an obligation on the part of the Government to pay them?

Mr. HOWE. But to pay how much, may I ask my friend?

Mr. MORRILL, of Maine. To pay a reasonable compensation.

Mr. HOWE. Who is to be the judge of what is a reasonable compensation?

Mr. MORRILL, of Maine. Congress. We say it is reasonable that they should be paid $25,000, if it was lawful to incur it. The only question here is as to the amount which we will sanction by fixing a sum. As to the qualification of the amendment by the term "lawful," that applies simply to the character of the transaction, whether legal or illegal.

Mr. HOWE. Of course the appropriation is limited. No more than $25,000 can be disbursed both for compensation and expenses. Suppose it should turn out that the expenses are only $5,000, would the disbursing officers be at liberty to disburse $20,000 for compensation?

Mr. MORRILL, of Maine. I do not think there is the slightest limitation as to that. Certainly there is no limitation on the authority of the disbursing officers as to how much of it shall apply to the compensation and how much to the incidental expenses. Twenty-five thousand dollars is appropriated to this particular object, that is for compensation and incidental expenses. The only question that could arise possibly, it seems to me, in the case is, Was it lawful? That it was lawful, I submit, is clear because the President is by the Constitution authorized precisely to do this thing, to make a treaty. That he undertook to do, and whether it failed or not does not become important. I suppose the idea of the Senator from Vermont in inserting "lawful" was to fortify the amendment. I think it does fortify it, and without it I confess I think there would be an omission.

Mr. EDMUNDS. If a private citizen were appointed on this commission to negotiate a treaty which the President, as the Senator says by the Constitution, if any of it is left yet, apparently may do, whatever compensation may be thought proper, any amount that is reasonable pay, it would be lawful to pay him, if Congress provided the money, undoubtedly. But supposing that the President should have selected the General of the Army, the Secretary of the Navy, the Attorney-General, and so on around, to negotiate this treaty, then there is a statute of the United States which declares that no officer of the United States shall draw double pay. Therefore leaving out the word "lawful," if the Secretary of War and the General of the Army and so on had been selected, this would be making a fresh provision of the law that would authorize those gentlemen to draw their salaries as heads of Departments and officers of the United States and in addition thereto to receive compensation and reasonable compensation for this special service. That is contrary to the express statutes of the United States, and is contrary, in my opinion, to sound principles of administrative government. Leaving the word "lawful" in, as it has been agreed to, you obviate that difficulty and apply same principles of law to this case that the general statutes of United States already existing apply to other cases.

Mr. ALLISON. I happen to know something about this particular provision. I know that the President of the United States designated certain private citizens and also certain public officers. The letter of designation and instruction provided that the private citizens appointed upon the commission should receive $8 per day for their services and expenses; and it also provided that those who were in office—I believe two of the commissioners were already holding office—should receive no compensation, but should be allowed their ordinary expenses.

Mr. EDMUNDS. That is according to the law.

Mr. ALLISON. That I understand to be in exact accordance with the law. Therefore, I understand the effect of the amendment proposed by the Senator from Vermont simply to be that those persons who served upon this commission who were already in office shall not again be paid out of this appropriation. If that is the object of it, I entirely concur with the Senator; and I can assure him that no officer upon that commission will ever make any claim for any portion of this fund.

Mr. EDMUNDS. I hope the Senator did not suppose that I thought he was going to make any claim.

Mr. ALLISON. No; I did not for a moment suppose that.

Mr. SHERMAN. I think Senators ought to understand the precise effect of their action. I think the case is covered by section 1765 of the Revised Statutes, which provides that—

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money or for any other service or duty whatsoever, unless the same is authorized by law and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

Without the word "lawful" the clause would prevent any officer of the Government from receiving the compensation or pay. I do not think the word "lawful" would make any change in any particular.

Mr. EDMUNDS. It has been sometimes claimed, let me suggest to the Senator from Ohio, that the later act which contained no limitation has been construed to be additional to the old law, and to change the effect of the standing statutes, as all new laws are generally expected to do either by way of addition or alteration. Therefore, to guard against what has sometimes, as I have known, been claimed, I thought it desirable to put in that word.

Mr. HOWE. With the operation of the word "lawful," as limited by the Senator from Vermont and by my friend from Maine, of course there is no exception to be taken; but it struck me that the use of the word "lawful" would prevent the paying of any compensation whatever. I am doubtless mistaken about it. If the Senator from Vermont and the Senator from Maine are right in supposing that the President has at any and at all times the right to muster into his service in the negotiation of treaties, either with Indians or with foreign powers, any number of citizens that he chooses to employ, and by doing that can create a liability on the part of Government to pay for those services——

Mr. EDMUNDS. If by "liability" you mean "duty," I agree with you.

Mr. HOWE. Of course if there is a liability, there is a duty. If that can be done, as there were some citizens on this commission, I believe, who were drawing pay from the Government as officers—if the designation of those gentlemen to that duty creates an obligation on the part of the Government, a legal obligation to pay them for doing it, and fixes the sum that should be paid to them, then there is no sort of objection to the use of the word "lawful." I thought there was no provision of law—I know of none—which authorized the appointment of those men.

Mr. EDMUNDS. Does the Senator from Wisconsin mean to intimate that he believes that the action of the President on this occasion was contrary to law?

Mr. HOWE. I meant to say that I believed there was no law, that I knew of no law, authorizing their employment.

Mr. EDMUNDS. And he therefore had no authority to do that thing?

Mr. HOWE. No authority to do that thing.

Mr. EDMUNDS. Then it was a violation of the duties of his office?

Mr. HOWE. If there was a law, where was it?

Mr. EDMUNDS. The Senator from Maine has stated that it was in the Constitution, authorizing the President, by and with the consent of the Senate, to make treaties, &c., and as necessary to that to enter into negotiations with the people with whom he is to treat.

Mr. HOWE. I am undoubtedly wrong, because I am at variance with the Senator from Vermont and with the Senator from Maine; but when the Constitution confers upon the President the power to make treaties, I did not suppose that that of itself carried the power to employ all the citizens of the United States to help him make treaties. The law from time to time provides for re-enforcing him, sometimes by Indian commissioners, sometimes by Indian agents, sometimes by special agents, sometimes by foreign ministers, and when the law authorizes such re-enforcement, it provides the compensation to which they shall be entitled. However, this is not a matter that interests me at all. I simply thought the disbursing officers would be a little embarrassed in paying anybody connected with that commission. There were some gentlemen who were not to get pay at all, and I thought they ought to be paid a fair sum.

Mr. EDMUNDS. I think so, too.

Mr. HOWE. If they can be paid under the clause as it stands, I am entirely content with it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended.

The amendment, as amended, was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 311 of section 1:

For the purpose of paying the expenses of transportation, care and custody, arranging and exhibiting, and safe return of articles belonging to the United States to be presented and exhibited in the United States building at the centennial exhibition at Philadelphia, during the year 1876, in pursuance of an act of Congress approved March 3, 1875, the following sums are hereby appropriated, namely: For the Interior Department, $15,000; for the War Department, $18,500; for the Smithsonian Institution, $21,000; for the United States Commission of Food-Fishes, $5,000; for the Treasury Department, $14,000; the same to be disbursed by the board on behalf of the United States Executive Departments appointed in pursuance of the order of the President of January 23, 1874: *Provided*, That for contingent expenses any surplus arising from appropriations made to either of said Departments by act of March 3, 1875, is hereby authorized to be used for the purposes herein mentioned.

Mr. COCKRELL. I should like to have an explanation of the reason why this amount is placed in the hands of the board to be disbursed, instead of being disbursed by the heads of Department themselves.

Mr. MORRILL, of Maine. The board is the agent of the Depart

ments, appointed by the President for that particular purpose. We appropriated $500,000 last year to enable the Departments to make this exhibit, and the President appointed a board, at the head of which is a general of the Army, to make the disbursements. That is the particular reason why it is done.

Mr. COCKRELL. A board of officers?

Mr. MORRILL, of Maine. General Lyford is at the head of it.

Mr. COCKRELL. And the other members of the board are civilians?

Mr. MORRILL, of Maine. I am told they are officers detailed from the different Departments, probably representing each Department.

Mr. COCKRELL. Then the proviso makes an additional appropriation.

Mr. MORRILL, of Maine. That does not make an additional appropriation. That provides that any of the unexpended appropriation for any one of these Departments may be used. That is all that it provides for.

Mr. COCKRELL. Suppose there is a surplus due to any or all of these Departments. Five hundred thousand dollars might be appropriated by this amendment.

Mr. MORRILL, of Maine. The specific appropriations for the purpose of exhibiting have all been exhausted except in one instance, and that is in the Navy Department. It will be perceived that these specific sums are for expense of transportation &c. If it should turn out that there should be a surplus, then we give them authority to use it; that is all.

Mr. ALLISON. If I understood the objection of the Senator from Missouri, it is to the last proviso.

Mr. EDMUNDS. He has no objection now.

Mr. ALLISON. Then he waives his objection. I only wanted to say that the former appropriation for the contingent expenses was only $25,000.

Mr. COCKRELL. I understood the chairman of the committee to say $500,000.

Mr. ALLISON. That was the total appropriation. The appropriation for the contingent expenses was $25,000.

The amendment was agreed to.

The Chief Clerk in reading the bill read the following clause, lines 334 to 342 of section 1:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, for the safe-keeping of prisoners, being a deficiency for the fiscal year 1875, $65,000.

The next amendment of the Committee on Appropriations was in line 346 of section 1, to reduce the appropriation "for the defraying of the expenses and fees of the United States marshal of the Territory of Utah and of summoning jurors and witnesses, of keeping and transporting prisoners and caring for the penitentiary," from $6,000 to $5,000.

Mr. EDMUNDS. While we are on this amendment I should like to ask the chairman of the committee to explain (although it is not perfectly regular to do so, but it may as well be done for convenience) these expenses under the head of "judicial." I find on looking into the estimates that they are only estimated for in this same general way, almost in the words of the bill, without giving any statement of details or causes which have led to this deficiency of $65,000, and also to this deficiency in the Territory of Utah. I should be glad to have the chairman of the Committee on Appropriations explain it, as I have been unable, after some little effort, to get any explanation about it, probably because I did not begin in time.

Mr. MORRILL, of Maine. I have here some figures, but they are not so specific as I think would be satisfactory to the Senator from Vermont. I will send to the Chair, with the request that they may be read, items constituting over $60,000 of this deficiency.

The Chief Clerk read as follows:

Balances found due or claimed by officers of United States courts for the fiscal year ending June 30, 1875.

John Hall, United States marshal, Western Pennsylvania	$3,818 02
S. P. Evans, United States marshal, Eastern Tennessee	5,941 84
John Pratt, United States marshal, New Mexico	3,294 07
John Usher, United States marshal, Massachusetts	6,833 94
J. F. Fagan, United States marshal, Western Arkansas	14,673 88
L. B. Eaton, United States marshal, Western Tennessee	11,400 00
William Spence, late United States marshal, Middle Tennessee	1,721 00
W. H. Smyth, United States marshal, Georgia	2,196 92
R. N. McLaren, United States marshal, Minnesota	1,884 71
C. A. Newcomb, late United States marshal, Eastern Missouri	2,500 00
S. B. Packard, United States marshal, Louisiana	1,280 00
J. W. Chapman, United States marshal, Iowa	2,374 00
John G. Stetson, clerk United States circuit court, Massachusetts	2,187 80
Total	60,106 18

Mr. MORRILL, of Maine. I will now send to the Chair a letter from the First Comptroller of the Treasury on this very point, and ask that it may be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., January 21, 1876.

SIR: The expenses of the United States courts during the fiscal year ending June 30, 1875, proved to have been in excess of the amount appropriated to defray such expenses. On accounts now in this Department the unpaid balances due from the United States amount to $61,288.96, and all are not yet rendered.

It is estimated that there will be required to close the accounts the sum of $65,000, in addition to balances due from a few marshals whose accounts are not yet adjusted.

I respectfully suggest that application be made by you for an appropriation of that amount to supply the deficiency for the fiscal year ending June 30, 1875.

Your obedient servant,

R. W. TAYLER, *Comptroller.*

Hon. EDWARDS PIERREPONT,
Attorney-General.

Mr. EDMUNDS. I should like to ask the chairman of the committee, if I am not trespassing too much upon his time, whether under the head of "expenses of suits in which the United States are concerned," in lines 337 and 338, is included, or could be, the expense of the employment of special counsel, which goes to make up this $65,000, or any part of it? I do not mean by this inquiry to say that special counsel ought not to be employed. They must be employed, as a matter of course, very often; but I merely ask for information.

Mr. MORRILL, of Maine. I suppose the expenses of special counsel would come under that term. "Expenses" is a pretty broad word.

Mr. EDMUNDS. Is this sum adequate, supposing the payment of special counsel would fall under that expression, as I think it would, looking at the face of the law alone? Is this sum of $65,000, which seems to be chiefly accounted for in some other way, adequate?

Mr. MORRILL, of Maine. It occurs to me that the counsel fees are really not included in that item.

Mr. EDMUNDS. I imagine so.

Mr. MORRILL, of Maine. Because what I have had read runs up to $60,000 and a little more for other than counsel fees. The Senator from Ohio [Mr. SHERMAN] suggests a solution of the whole thing. He says that counsel fees are always paid first, and therefore there is no occasion to appropriate for them.

Mr. EDMUNDS. That unhappily is not the case in my experience, but I have never had any with the United States.

Mr. MORRILL, of Maine. They do not do that way up in Vermont perhaps. [Laughter.]

Mr. EDMUNDS. It is not according to my experience. Will the Senator be kind enough to tell us in respect of this second item how it happens that these territorial expenses have run up in this way, when according to our territorial system, as I understand it, the Territories are expected to bear the expense of summoning jurors and witnesses so far as respects the administration of the law of the Territory, setting aside for the time being the United States law *per se*, just as is the case in the States? Why has not this Territory, if it has not, made provision for these expenses? If it has not, why is it not required to do it instead of its being paid out of the Treasury of the United States?

Mr. MORRILL, of Maine. I do not know that I can recall with entire accuracy the fact about this matter, but last year the Senator may remember the proposition was referred to his committee. There was some difficulty about the Territories not having made appropriations to pay for legal expenses, as they are ordinarily bound to do; and in order to correct that it was suggested that the appropriations which Congress usually made for the legislative expenses should be upon the contingency that these judicial expenses might be paid out of that fund.

Mr. EDMUNDS. Has the Senator the statute before him?

Mr. MORRILL, of Maine. I have. The law reads:

For legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, officers, clerks, and others, $23,400; and this appropriation may be used under the direction of the Department of Justice to defray the judicial expenses of the supreme and district courts of said Territory.

Mr. EDMUNDS. That being the state of the law, as I thought it was as to this particular Territory, the only one in which any difficulty appears to occur, I wish to inquire of the chairman of the committee whether the sum appropriated by the act which he has read has been used for that purpose or whether it has been used for paying the legislative expenses of the Territory; so that in result we pay the legislative expenses of the Territory, and also pay for administering their local law?

Mr. MORRILL, of Maine. We have used so much and want so much more.

Mr. EDMUNDS. If the Senator is sure of that, then we are right, except that we ought to impose a tax upon the people of that Territory to make it up.

Mr. SARGENT. I am sure that the Legislature refused to receive any pay. They refused to themselves any pay, and they served without it.

Mr. EDMUNDS. Of course, for aught I can see, this appropriation must be made, but the result is that in this Territory, as distinguished from the other Territories of the United States, we contribute the sum of $5,000 for this last year as a deficiency toward paying the expenses of the local administration of the law out of the Treasury of the United States, which we do not do to other Territories.

Mr. SARGENT. This is for prosecutions under United States laws, by United States officers, and before jurors selected under a peculiar jury law which we have applied to Utah and to which they have objected.

Mr. EDMUNDS. That is perfectly true, because we found we could not have a jury law in Utah which would do anything without it; but the result is exactly the same, and that is, for administering the local law of Utah in the way that Congress believed it ought to be

administered, by this means, instead of the people bearing the expense as they do in the other Territories, the Treasury of the United States to that extent, in addition to what we have appropriated for their legislative expenses, is to bear it.

Mr. SARGENT. It grows out of the anomalous condition of Utah, unquestionably.

Mr. EDMUNDS. That does not make it any better in point of taxing the people of the United States for it.

Mr. SARGENT. I admit it is very bad.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment reported by the Committee on Appropriations was in section 2 to insert the word "dollars" after "thousand" in line 2; so as to read:

That the sum of $1,165,000 remaining to the credit of the appropriation for pay of the Army, &c.

The amendment was agreed to.

The reading of the bill was continued and concluded.

Mr. DAWES. I should like to inquire of the chairman of the committee how came these deficiencies for all these back years which are provided for in the third section on pages 18, 19, 20, and 21? What new process in the War Department has developed these deficiencies?

Mr. MORRILL of Maine. If the Senator will excuse me, I do not quite understand the inquiry.

Mr. DAWES. I see that these are deficiencies occurring six, seven, or eight years past in the War Department. Take the one hundred and thirteenth line of section 3; there is a deficiency that occurred in the "year 1871 and prior years." I simply desire information on the subject.

Mr. MORRILL, of Maine. If the Senator will look to Executive Document No. 151, he will find all these balances stated. They are small balances resulting from the settlement of the accounts of former years, the accounts not having been settled before, and so the balances were not ascertained. They accrued in that year, but as by our recent legislation nothing can be paid except what accrued in the current year, the House of Representatives have, as the Senator will see by turning back, provided for settling these balances by reviving the appropriations applicable to their payment.

Mr. DAWES. I get an idea. How have these unpaid accounts been lingering along?

Mr. MORRILL, of Maine. There is no other explanation of it, and probably it is susceptible of no other explanation than that these accounts had not been settled and the balances stated before the appropriations applicable to them were carried to the surplus fund. The Senator is aware that from year to year we have been in the habit of doing something like this, but not on so large a scale as at present.

Mr. DAWES. These are rather unusual items to me.

Mr. MORRILL, of Maine. They are unusual in the number, but not in the fact.

Mr. DAWES. It is very rare that they cover so many years back.

Mr. SHERMAN. I am very glad to see these items. They all grow out of the law we passed three or four years ago, carrying all balances of appropriations to the Treasury at the end of the fiscal year and forbidding the payment of lapsed funds. As a matter of course these balances accrue and are shown by the accounting officer of the Treasury Department in settling officers' accounts, and as they cannot pay them out of the old lapsed appropriations, as they formerly did, they have to come to us for an appropriation, and this bill is the best evidence of the wise operation of that law.

Mr. DAWES. It did not seem to me possible that these accounts could exist six or seven years undisposed of, and hence I made the inquiry.

Mr. SHERMAN. They are very small items. An officer's account might not have been settled up so as to show the exact sum due him.

Mr. DAWES. Some of the items are forty or fifty thousand dollars.

Mr. SHERMAN. There is one item rather large, and I was going to inquire about that.

Mr. MORRILL, of Maine. These items grew out of the operations of the Quartermaster's Department and the Commissary Department and out of the general service. Take the Indian service, for instance: Here are half a million of balances not provided for in this bill either by the House or by the Senate which grow out of the Indian service and which fall under this general explanation which I have undertaken to give. The whole case before us now, as the Senator from Massachusetts observes, is novel to him, and it is so because these balances heretofore have never come to the attention of Congress; they have been paid out of the general appropriations which the Departments at one time or another had on hand; but since the Departments have been reined in by the legislation of Congress requiring them to pay nothing except out of specific appropriations, and providing that all moneys not expended in the current year shall go into the surplus fund of the Treasury, these things come to light.

Mr. DAWES. They have not had that power for five or six years.

Mr. MORRILL, of Maine. That act, I believe, was in 1870.

Mr. DAVIS. Some of these items, especially the large one that the Senator from Massachusetts [Mr. DAWES] speaks of, grew out of unsettled accounts. For instance, a man had been quartermaster and had not accounted for certain articles which were charged to him, and his account was refused to be settled for his compensation until he accounted for all the articles that were charged to him during his term of service. One case I know especially, where there was a charge of perhaps $300,000 against a former quartermaster, and there was compensation due him of about $1,800. He had to settle his accounts and pay whatever he could not satisfactorily explain into the Treasury before his account for pay could be settled. These balances grew out of such differences as that.

Mr. DAWES. That evil arises—I do not know that any one is to blame for it—from the fact that accounts remain unsettled in the Treasury Department year after year, and in the War Department particularly. Often a man's representatives are called on to pay upon accounts after he is dead and gone, and so sureties on bonds are held responsible for accounts that have lain year after year in the Departments and been supposed by parties and by their representatives and their bondsmen to be settled. Now I hope this is an indication of the fact that they are settling up these accounts, and closing the books, and opening up new books, which was the intention and the purpose of the act of 1870, to which the chairman of the Committee on Appropriations has alluded. The purpose of that was to open new books at the beginning of every fiscal year, and to carry that out it was necessary to settle up the old books.

Mr. MORRILL, of Maine. In lines 166 and 167 of section 1, after the words "secretary's office," I move to insert "of Wyoming Territory."

The amendment was agreed to.

Mr. MORRILL, of Maine. I am directed by the Committee on Appropriations further to move to amend the bill by striking out in line 169 of section 1 "$2,500," and inserting "$2,839.53;" and adding to the clause:

Provided, That the sum of $1,710, appropriated by act of March 3, 1875, for legislative expenses of said Wyoming Territory, having been actually appropriated for the current expenses for the fiscal year ending June 30, 1876, and expended accordingly, shall be so regarded by the accounting officers of the Treasury Department.

For amount due George W. French, secretary of Wyoming Territory, for salary from the 24th day of February, 1875, to April 29, 1877, $499.20.

The amendment was agreed to.

Mr. MORRILL, of Maine. I submit an amendment to the consideration of the Senate proposed by the Committee on Finance:

To enable the Secretary of the Treasury to pay for stone delivered under contract for the post-office building at Parkersburgh, West Virginia, $10,000.

Mr. SHERMAN. I ought to correct a misapprehension. That does not come from the Committee on Finance. It is based on an estimate from the Treasury, showing a deficit in the appropriation for a public building in West Virginia of $10,000. The papers are in the other House.

Mr. SARGENT. Would not the proper place for that class of cases be the sundry civil bill?

Mr. WEST. Let it go now.

Mr. SARGENT. I shall not object.

Mr. DAVIS. I understand that the stone has been delivered and is on the ground, and the party is badly in need of his money.

Mr. SARGENT. I will make no objection if the Senator from West Virginia is satisfied with the proposition.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move to strike out the proviso in lines 163, 164, and 165 of section 1.

The Chief Clerk read the words proposed to be stricken out, as follows:

Provided, That all officers appointed by the President for the Territories shall be *bona fide* citizens of the Territories, respectively, for which they shall be appointed.

Mr. MORRILL, of Vermont. In some of the Territories that might very well be done, but not in all, and especially not in the new Territories with a sparse population. I think it only needs to call the attention of the Senate to it to show the propriety of striking out the proviso.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, to strike out the proviso.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment, to come in after line 333 of section 1:

For the subsistence of the Apache Indians at the Southern Apache agency, New Mexico, $36,000: *Provided*, That the Indian agent located at said agency may, under instructions from the Commissioner of Indian Affairs, exchange sugar belonging to said agency for beef or flour.

I ask the Secretary to read the letter of the Commissioner of Indian Affairs and the letter of the Secretary of the Interior which I send to the desk.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1876.

SIR: I have the honor to transmit herewith a communication, with accompanying papers, from the Commissioner of Indian Affairs, in relation to the present condition of the Apache Indians in New Mexico, and asking for an appropriation to enable the Department to meet the necessities of these Indians during the balance of the present fiscal year.

The recommendations of the Commissioner are approved, and I would respectfully urge that early action may be taken by Congress in the matter.

I have the honor to be, sir, very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Indian Affairs,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 13, 1876.

SIR: I have the honor to transmit herewith a copy of a letter of the 7th instant, from Hon. S. B. ELKINS, inviting attention to a letter dated the 29th ultimo, addressed to him by J. M. Shaw, agent for the Apache Indians at the Southern Apache agency, New Mexico.

In his letter Agent Shaw details the dangerous condition of affairs at his agency on account of the limited quantity of supplies at his disposal, which, at the date of his letter, were nearly exhausted, and setting forth the disastrous consequences to result from a stoppage of issue of supplies to his Indians.

I also inclose a copy of a letter from Agent Shaw of the same date, addressed to this Office, upon the same subject, in answer to a telegram of the 28th ultimo, and copies of Office letter of the 19th February last, and telegram above referred to.

In referring this matter for your consideration, I will state that the amount appropriated for the Apaches in New Mexico for the current fiscal year was $100,000—$25,000 less than was appropriated for the same purpose for the past fiscal year; that according to the annual reports of the several agents in New Mexico for 1875 four thousand and fifty Apaches were on reservations during that year and cared for and subsisted; while the reports of said agents for 1874 show that only three thousand one hundred and sixty of said Indians were on reservations; thus showing a decrease of 20 per cent. in funds and an increase of over 28 per cent. in the number of Indians to be cared for, against the service for the present fiscal year; or a *per capita* of $39.55 for the past, and of only $24.69 for the current fiscal year.

This latter sum was deemed inadequate, and my predecessor entered into contracts for a larger purchase of supplies than was warranted by the appropriation. A deficiency which had accrued before my entering into the service, and which now exists, of about $24,000 was thus created.

Every effort has been made to carry on the service in New Mexico without appealing for congressional aid, but as there is already a deficiency of the amount named, thus leaving the Department powerless to comply with the requirements of the sixth section of the act of March 3, 1875, which provides that no deficiences shall exist, and in view of the urgent demands for additional supplies for the Indians, not only at the Southern Apache agency, but at all the agencies in New Mexico, I am constrained to lay the matter before the Department, with the hope that the same may be forwarded to Congress with favorable recommendation for early action thereon by that body.

There will be required to meet the present deficiency, as before stated, about $24,000; to pay for the actual necessary cost of running the several agencies to the close of the fiscal year, $6,000, and for the purchase of additional supplies, $10,000, making in all $40,000.

Agent Shaw reports that he has a surplus of about twenty thousand pounds of sugar, which will not be needed, and has asked that he be authorized to sell or exchange the same for beef, flour, &c. As there is no law which would authorize a transaction of this character he was notified that authority could not be granted him to do so.

I recommend, however, that Congress be asked to authorize the Department to sell the said sugar and use the proceeds in the purchase of supplies for the Southern Apache agency; or grant the requisite authority to exchange the same for beef, bacon, flour, &c., (which can be done for its full value.)

This sugar cost nearly twenty cents per pound delivered at the agency, and should Congress authorize its disposal in the manner indicated, the amount necessary to be appropriated for the objects herein named might be reduced to $36,000.

I have the honor to be very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

To the Honorable THE SECRETARY OF THE INTERIOR.

Mr. ALLISON. Only one word of explanation in reference to this appropriation. I have in my hand a number of other papers showing the necessities of the Indians at this agency. The reading of the document just presented discloses the fact that whoever purchased supplies for this agency seemed to think that a large amount of sugar was necessary, so that the report indicates that there is a surplus of 20,000 pounds of sugar at this agency, with no beef or flour. The agent thereupon applies to the Commissioner of Indian Affairs for authority to exchange this unnecessary article of sugar for the very necessary articles of beef and flour, and receives a reply, which I have here, stating that the Commissioner of Indian Affairs has no authority to authorize such exchange. I have read these papers very carefully. They disclose I think the necessity for this appropriation. The papers only reached me last evening, and I have consulted with such members of the Committee on Appropriations as I could consult during the day, and they have agreed that I should offer this amendment. I do so believing that it is absolutely essential to carry on the Indian service in this remote region.

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. ALLISON. Yes, sir.

Mr. COCKRELL. When was this report of destitution made? Was it back in the cold weather?

Mr. ALLISON. The first paper that I have here is dated February 19.

Mr. COCKRELL. That was in midwinter, I suppose.

Mr. ALLISON. I presume so.

Mr. COCKRELL. Cannot they subsist themselves now in hot weather when they can roam and range at will?

Mr. ALLISON. I think there is no way of subsisting these Indians unless they use the sugar. They have sugar there, and, unless it should be eaten up by the ants, they probably could subsist themselves a short time on the sugar.

Mr. COCKRELL. The same agent, I suppose, that is there and asks for this appropriation is the man who bought the 20,000 pounds of sugar more than were necessary.

Mr. ALLISON. It may be so. I know nothing about the facts except what I find in these papers; but I am satisfied that it is true economy for the Senate to appropriate this sum of money in order to save the expenditure of a much larger sum in the future.

Mr. DAWES. The papers very likely do disclose the necessity, but they disclose two other interesting facts. One is that with an appropriation of $100,000 against $125,000 the year before the officer in charge deliberately exceeded his appropriation, and he seems to have exceeded it in the purchase of sugar. He has an excess of sugar of 20,000 pounds, when he knew that he had not enough money to meet the necessities of the Indians. That is an interesting fact that should go along with it for our consideration, I take it.

Mr. ALLISON. If the Senator will pardon me, he makes a mistake when he says the Commissioner knew that he was exceeding the appropriation. I doubt very much whether the former Commissioner did know that fact.

Mr. DAWES. The former Commissioner knew that there was $125,000 appropriated the year before and he knew that there was only $100,000 appropriated last year, and he knew there were more Indians the last year than there were the former year; and with that knowledge he felt compelled to exceed his appropriation. The curiosity of the thing is that, knowing that he was obliged to exceed his appropriation, he should indulge in this excessive purchase of sugar. One would suppose that if he were obliged to exceed his appropriation he would have taken care to have it in the line of the absolute necessities of the Indians. Now they have the sugar on hand, and the chairman of the committee is solicitous for fear the ants will eat it. That is an interesting feature of the case that I should like to hear the chairman of the committee upon.

Mr. ALLISON. I have no solicitude on the subject whatever. I only suppose that New Mexico is a reasonably hot place, and I know that ants light upon sugar as well as on other things. I have no interest in this matter other than any other Senator. It is true that the former Commissioner of Indian Affairs did purchase more sugar than was needed. It is also true that he has already exceeded the appropriation. It is also true that that was in violation of a statute. But that Commissioner has passed away and a new Commissioner is now discharging the duties, and he tells us that this appropriation is absolutely necessary to carry on the operations of his office. I have faith in his integrity, and I have faith that this appropriation will be properly administered; and having had these papers presented to me and having consulted the proper persons connected with the Committee on Appropriations in reference to it, I have discharged any duty that I have in the matter, and now leave it with the Senate to decide.

Mr. DAWES. It is true the Commissioner has passed away, but I have seen somewhere some observations of a commission that were sent out to review his great work, commending that work as worthy of commendation and approval.

Mr. ALLISON. That was as to civilizing and Christianizing the Indians, and not so much in reference to the materials supplied.

Mr. DAWES. It may have been that the approval was intended to cover simply the work of civilization; but the community have failed to make the distinction.

Mr. STEVENSON. May I ask the Senator from Iowa if this is an amendment offered by the Committee on Appropriations?

Mr. ALLISON. I may say, in answer to the Senator from Kentucky, that it is an amendment offered rather informally by the committee. It was not considered in the committee-room by the committee, but the various members of the committee were consulted, and it was regarded as so obvious a matter that so far as I did consult the members of the committee they agreed to it.

Mr. STEVENSON. May I ask further whether it is recommended by the Indian Committee?

Mr. ALLISON. No, sir.

Mr. STEVENSON. Then I raise the question of order. It must come from some committee, as I understand the rule.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The amendment is not in order.

Mr. ALLISON. I trust the Senator from Kentucky will not raise that question.

Mr. SARGENT. It seems to me my friend from Kentucky is rather late in raising the point of order.

Mr. STEVENSON. I will withdraw it. I think it is in time, but still I will not insist on it.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on the amendment offered by the Senator from Iowa, [Mr. ALLISON.]

The question being put, a division was called for, and the ayes were 22.

Several SENATORS. Give it up.

The PRESIDING OFFICER. The amendment is agreed to.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and days were not ordered.

Mr. PADDOCK. Mr. President, I wish to offer an amendment.

Mr. COCKRELL. What has become of the amendment of the Senator from Iowa, [Mr. ALLISON?]

The PRESIDING OFFICER. It has been agreed to.

Mr. COCKRELL. How was that amendment agreed to, I should like to know? I called for the yeas and nays, and I thought the call was sustained.

The PRESIDING OFFICER. The call of the Senator from Missouri was not seconded.

Mr. COCKRELL. Has there been a quorum voting?

The PRESIDING OFFICER. Twenty-two voted in the affirmative, and the negative yielded the question.

Mr. MORRILL, of Maine, [to Mr. COCKRELL.] Make the point in the Senate.

Mr. COCKRELL. It is immaterial with me. I simply desire to

say that I am opposed to this amendment, and record my vote in that way. Others may do as they choose.

Mr. PADDOCK. In line 290 of section 1, I propose to strike out the word "lawful," inserted on the motion of the Senator from Vermont, [Mr. EDMUNDS,] and in lieu thereof insert at the end of the section——

The PRESIDENT *pro tempore*. The Senator proposes to strike out a word which the Senate has agreed to insert. That is not in order. The Senator can move to do that in the Senate on the question of concurrence.

Mr. PADDOCK. Very well.

The PRESIDENT *pro tempore*. Does the Senator propose to add to the section?

Mr. PADDOCK. Yes, sir. I move to add, at the end of line 294 of section 1, the following:

Provided, That nothing herein contained shall be so construed as to allow compensation to the members of such commission, who are prohibited from receiving the same by the provisions of section 1765 of the Revised Statutes of the United States.

Mr. EDMUNDS. There are two sections of the Revised Statutes which apply to that subject.

Mr. PADDOCK. If I name one that will be sufficient. I think my amendment will better guard the disbursements under that subdivision of the bill than the amendment which prevailed, offered by the Senator from Vermont. The word "lawful" I think is not so judicious a word to use as the proviso.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. MERRIMON. I gave notice of an amendment providing for a very small claim. It is $9 to pay the claim of A. N. McKimmon for services rendered to a general court-martial which sat at Raleigh. It is duly certified. It was taken before the Department, and I will read the statement made by the Department upon which the claim is based. A letter was addressed by a bank officer in this city, to whom the claim was sent, to the Quartermaster-General, in reply to which he says:

QUARTERMASTER-GENERAL'S OFFICE, *January* 8, 1876.

Respectfully returned to Mr. George H. B. White, cashier National Metropolitan Bank, Washington, D. C.

The within account should be presented to the Paymaster-General of the Army.

RUFUS INGALLS,
Acting Quartermaster-General, Brevet-Major General United States Army.

It was then referred to the Pay Department, whose action was this:

Respectfully returned to Mr. White.

This account was payable from the appropriation for general expenses of the Army for the fiscal year ending June 30, 1872.

Under the law the balance of that appropriation has been turned in to the credit of the surplus fund. There is therefore no appropriation from which the account can now be paid.

The bar to the payment of this claim is due to the long delay in its presentation.

CHARLES T. LARNED,
Acting Paymaster United States Army.

PAYMASTER-GENERAL'S OFFICE, *January* 19, 1876.

RALEIGH NATIONAL BANK OF NORTH CAROLINA,
January 24, 1876.

Respectfully returned to the Paymaster-General of the United States, and asks if the voucher is correct and would be paid were there funds to the credit of the appropriation.

C. DEWEY, *Cashier.*

Repectfully returned to the cashier National Bank of Raleigh.

The within voucher appears to be correct and was properly payable by this Department had it been presented in a reasonable time.

BENJAMIN ALVORD,
Paymaster-General United States Army.

PAYMASTER-GENERAL'S OFFICE, *January* 28, 1876.

The money out of which this ought to be paid was turned into the Treasury. It is a deficiency of $9. The amendment is to enable the Secretary of the Treasury to pay the claim of A. N. McKimmon, $9.

Mr. EDMUNDS. Is not that a private claim?

The PRESIDENT *pro tempore*. The Senator from Vermont makes the point of order. The Chair sustains the point of order.

Mr. MERRIMON. I trust the Senate will not sustain that point. This money is due to the young man who did the service.

Mr. EDMUNDS. I have not the slightest doubt that it is due, and I have not the slightest doubt that the claimant is a young man, because my friend from North Carolina says he is; but it will do this young man less injury to make the point of order on this claim for $9 than on one for $9,000. Therefore, if we can make the point of order at all, under the rules, against private claims, it is the most gracious thing to do to make it on very small ones, because it does much less injury, as the Senator will see.

Mr. MERRIMON. It is a very small claim, and I present it because the claimant urges me to do it. I offered it because the money is due, and this is the deficiency bill, and it is proper here, as it seems to me. Then I see that other private claims are provided for in this bill; and why discriminate against this young man for $9? I trust the Senator will withdraw his objection and let it go. I appeal to the Senator from Vermont to withdraw his objection. There are other private claims provided for in the bill.

Mr. EDMUNDS. So there are; and when I can get the floor I am going to move to strike them out, for it is an outrage on all appropriation bills. As the bill itself comes from the committee, it appears to provide for any amount of private claims, which I propose to strike out if I can get the Senate to agree with me.

Mr. SARGENT. The committee has not reported any private claim. We took the bill as it came from the House, and did not see fit to strike out items which may be regarded perhaps as claims.

Mr. EDMUNDS. The committee reported the bill containing private claims.

Mr. SARGENT. I doubt if there are really any private claims in the bill.

Mr. MERRIMON. I trust the Senator from Vermont will find it consistent with his conscience and judgment to let this matter go in.

Mr. EDMUNDS. I will pay it myself with great pleasure if I can borrow the money of somebody. [Laughter.]

Mr. MERRIMON. This claimant does not want the Senator or myself to pay it. He wants it because the United States owe it to him justly and honestly.

Mr. EDMUNDS. He ought to have it, and the Committee on Claims, if he makes his application in the proper quarter, will report a bill which will pay him.

Mr. MERRIMON. There is no money to pay him. The officer says the fund out of which he ought to be paid was turned over into the Treasury.

Mr. EDMUNDS. That is the case in respect to every private claim. That is just the trouble. There is not any money to pay it until Congress appropriates it and allows it.

Mr. MERRIMON. The Senator's objection cuts it out. Let it go.

Mr. EDMUNDS. I do not wish it to be let go. I will vote for a bill with great pleasure that provides for it; but the point which I always endeavor to make on these bills and that I make now is that the appropriation bills ought not to be loaded with legislation or with private claims. I believe that to be vicious legislation, and therefore I hope the Senator will not feel that I am ungracious in making the point upon him and his small proposition.

Mr. MERRIMON. I certainly should not think so if there were not so many private claims provided for in this bill; and what is manifest is that they are going to stay. This is a trifling matter that this young man is anxious about because the Government owes it to him. He will never get it in any other way. He does not care so much about the amount as that he wants to have what is due him for service that he rendered the Government as clerk to this court-martial. I might introduce a bill, but I do not want to introduce a bill simply to pay $9, his claim. I thought that as other claims were on this bill, surely no Senator would object to allowing this little one to go on.

Mr. EDMUNDS. If the Senate has, either on the report of a committee or the motion of any Senator, authorized any claim to be put on the bill, then I shall not stand in the way.

Mr. MERRIMON. Not ten minutes ago a claim for several hundreds, if not thousands, of dollars was put into the bill when a single objection would have excluded it.

Mr. EDMUNDS. I should like to have that clause of the bill read that has been put in.

The PRESIDENT *pro tempore*. The Senator asks for a clause to be read. Will the Senator indicate what it is?

Mr. EDMUNDS. I refer to the clause named by the Senator from North Carolina, put in by way of amendment as I understand him.

Mr. MERRIMON. The amendment of the Senator from Iowa, [Mr. ALLISON.] One Senator raised the point of order on it, and then on appeal of the Senator from Iowa he withdrew it.

Mr. SARGENT. That was not a claim, as I understand.

Mr. EDMUNDS. I should like to hear that clause read.

Mr. ALLISON. The amendment I offered was to come in after line 233. That is not a private claim.

Mr. EDMUNDS. We will hear what it says.

Mr. MORRILL, of Maine. I inquire what is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Vermont has asked to have a certain portion of the bill read. There is no question pending except the consideration of the bill.

Mr. EDMUNDS. I am discussing the bill.

The Chief Clerk read as follows:

For subsistence of Apache Indians at the southern Apache agency, New Mexico, $36,000: *Provided*, That the Indian agent located at said agency may, under instructions from the Commissioner of Indian Affairs, exchange sugar belonging to said agency for beef or flour.

Mr. EDMUNDS. Is that the private claim referred to by the Senator from North Carolina?

Mr. MERRIMON. I said it was a claim that could not properly go into the bill if an objection was raised. An objection was raised, and upon the appeal of the Senator from Iowa it was withdrawn. It did not come from the committee.

Mr. EDMUNDS. Now, in order to test the sense of the Senate on the question of having private claims in these bills, I move to strike out lines 188 to 192, inclusive, of the first section, which I ask may be reported.

The Chief Clerk read the words proposed to be stricken out, as follows:

For amount due Continental Bank-Note Company for printing national currency as per letter of the Comptroller of the Currency, being a deficiency for the fiscal year 1875, $22,574.94,

Mr. EDMUNDS. I move to strike out that clause on the ground that it appears to me to be clearly a private claim that there does not happen to be any money in the Treasury to pay. We owe this much, as is stated, to this particular corporation. I make the motion, not upon the ground that the claim is not due—for I do not know that it is not, and I presume, on the other hand, that it is—but in order to see whether the Senate in the state that the appropriation bills are in at this session in particular—and this is no new motion with me I will add—is willing to let this bill pass without an effort to make it what it purports to be, an appropriation for the general deficiencies of the service of the Government, instead of a bill providing for a number of private claims.

Mr. WITHERS. I would ask the Senator if that item is not properly included under the general deficiency in the amount provided for printing the national currency? There is a deficiency which this provides for.

Mr. EDMUNDS. Of course that is perfectly true; but I repeat what I said a moment ago, that every just claim on the United States for which money sufficient has not been appropriated grows out of a deficiency of appropriations; that is to say, there are not appropriations enough to pay the debts of the United States. But the rules provide and the course of legislation has attempted to provide that, in respect to sums of money due particular individuals on account of their dealings with the United States, their place is to go to the Committee on Claims for the sums that are due to them, instead of putting them in as items in general appropriation bills. That is the difference.

Mr. ALLISON. I wish to ask the Senator a question. Is not the distinction between a claim and a deficiency this? Where a claim, such as the one now under consideration, is passed by the proper accounting officers of the Treasury, where it is in such a position that it has passed through all the accounting officers and is allowed, it seems to me then it is a deficiency; but where it is a claim that has passed none of the accounting officers, then it is a mere claim against the Government. It seems to me there is a distinction there that might be made between a claim and an adjusted account, as this certainly is.

Mr. EDMUNDS. If I had a private claim on the Treasury for services which I have performed for the Government and came here at the last session and asked to have it allowed, and it was rejected in the appropriation bill on the ground that it was a private claim, and I go to the Treasury before this session and get it allowed, does the Senator mean to say that it ceases to be a private claim and falls within the rule?

Mr. ALLISON. Not at all. But suppose this had passed through all the proper accounting officers of the Treasury last year, but exceeded the appropriation, and now the Secretary of the Treasury asks us to appropriate for the balance remaining unpaid of this adjusted account by the proper accounting officer.

Mr. EDMUNDS. That was exactly the case I put to the Senator. Suppose I have got my account against the United States allowed since the last session, when it was ruled out on the point of order; now it being allowed by the auditing and accounting officers of the Treasury, the Senator says it ceases to be a private claim and becomes a deficiency. I repeat that I do not observe the difference. It is a private claim all the time. A private claim is a demand which a particular individual actually has against the United States, and the fact that it has passed the accounting officers of the Treasury is only a piece of evidence to show that he has a good private claim instead of one that is doubtful.

Mr. PADDOCK. I simply wish to inquire if the Senator from Vermont ought not, under his theory, to extend his amendment so as to embrace the next two paragraphs down to line 204?

Mr. EDMUNDS. I certainly propose to follow it up with that motion.

Mr. DAWES. I am afraid the Senator from Vermont may overlook some of these claims. I will call his attention to the seventeenth page:

For amount required to pay claims of officers and enlisted men of the volunteer service, or their heirs and assigns, for arrears of pay that may be certified to be due them by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $609,946.79.

Mr. EDMUNDS. I can only do one thing at a time.

Mr. MORRILL, of Maine. The Senator from Vermont makes the statement that this bill is pretty well charged up with private claims and illustrates by the motion that he puts to strike out. I am not aware of any such state of things in this bill. Here is the document which is the authority for this bill. [Exhibiting a printed document.] We follow the House of Representatives upon this item, with no suspicion whatever that this is a private claim, and I think the facts will not justify any such inference. By the statute of 1874 it will be seen that we made an appropriation for paper, engraving, printing, &c., of bank-notes. There is the authority of law, and we authorized the Secretary of the Treasury to contract with bank-note companies to do that work, and we made a distinct appropriation of $100,000 to cover that. He made the contract with the company, and there is found to be a deficiency in that service. Is that a public service or private service? The Secretary of the Treasury advises us in this wise:

WASHINGTON, D. C., *March* 24, 1876.

SIR: I have the honor to transmit herewith the estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1876.

Which service in this respect is founded on the statute to which I have referred, to wit, the authority to print and the authority also to do this particular thing. Now, I submit that is not a private claim by any means. There may be something that I have not noticed in the bill, but I do not understand that to be in the nature of a private claim.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was rejected.

Mr. EDMUNDS. I withdraw the objection that I made to the amendment proposed by the Senator from North Carolina, which is no more a private claim than the one which the Senate has voted shall stand in the bill.

Mr. MERRIMON. I offer the amendment:

To enable the Secretary of the Treasury to pay the claim of A. N. McKimmon, $9.

Mr. MORRILL, of Maine. I have no judgment about that; but if it is a private claim I shall object.

Mr. LOGAN. I think we had better just pay it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina. Does the Senator from Maine object?

Mr. MORRILL, of Maine. I do not like to object unless I find that it is objectionable. I suppose it is too small to object.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DAVIS. I want to reserve the amendment in regard to the appropriation of $36,000 for the Apache Indians.

Mr. PADDOCK. My amendment having been adopted to add a proviso at the end of line 294, the word "lawful" inserted before "compensation" in line 290 is surplusage, and therefore I move that it be stricken out.

The PRESIDENT *pro tempore*. That amendment will be reserved. Are there any other reservations?

Mr. ALLISON. I think I shall have, out of courtesy to my friend from West Virginia, to reserve the amendment about the Parkersburgh post-office. That may be all right, but I should like to look into it.

The PRESIDENT *pro tempore*. Shall the other amendments than those excepted be concurred in?

The remaining amendments were concurred in.

The PRESIDENT *pro tempore*. The reserved amendments will be read.

The CHIEF CLERK. The first reserved amendment is after line 28 of section 1 to insert:

To enable the Secretary of the Treasury to pay for stone delivered under contract for the post-office building at Parkersburgh, West Virginia, $10,000.

The amendment was non-concurred in.

Mr. MORRILL, of Vermont. I am not sure that the Senator from West Virginia understood the amendment just passed upon.

Mr. DAVIS. Did the Senate non-concur in the amendment?

The PRESIDENT *pro tempore*. It was non-concurred in.

Mr. DAVIS. Who reserved it?

The PRESIDENT *pro tempore*. The Senator from Iowa.

Mr. ALLISON. I reserved it out of courtesy to the Senator.

Mr. DAVIS. All right. If the Senator from Iowa does that as a lick back at me, I accept with pleasure. If, on the contrary, he does it through——

Mr. CONKLING. If the Senator will allow me, I rise to make a suggestion. Evidently the Senator from West Virginia was diverted at the moment the vote was taken. I presume nobody will object to taking the vote again, which is what he would like. I therefore make that suggestion for the Senator. He was not attending but was diverted by somebody else at the moment and was taken by surprise.

The PRESIDENT *pro tempore*. It may be done by unanimous consent. Is there objection to a repetition of the vote?

Mr. CONKLING. I am sure there will be no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection. The question will be put again on concurring in this amendment made as in Committee of the Whole.

Mr. DAVIS. This amendment looking to an appropriation of $10,000 for a deficiency for stone delivered at Parkersburgh was offered by the Senator from Ohio, and not by the Senator from West Virginia. The amount is due and it ought to be paid. I should not have offered the amendment on this bill, not knowing all the particulars connected with the case; but the Senator from Ohio, who is not now in his seat, offered the amendment, and with the approbation I believe of the Committee on Appropriations, or at least a majority of the committee, and it was accepted by the Senate. I have no particular interest in it further than any other member. If it is the desire of the Senate, especially of the Senator from Iowa to non-concur, let it be so. I hope it will remain as it was agreed to in Committee of the Whole. I understand the bill is now in the Senate.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment.

Mr. EDMUNDS. I should like to inquire whether there is any report from the Treasury Department on the subject of the particular topic embraced in this amendment?

Mr. DAVIS. The papers, I understand, from the Senator from Ohio, who had the amendment in charge, are in the House. There were some special reasons why that Senator desired the appropriation of this amount to pay for stone already delivered, and which is now past due; some special reason which I cannot assign myself, because I did not look into it carefully, but there are some recommendations.

Mr. EDMUNDS. Recommendations from the Department?

Mr. DAVIS. From the Department. At the same time there is a communication from the Treasury recommending a still further appropriation, but the amount I do not recollect, for I have not examined the matter.

Mr. MORRILL, of Maine. I ought to say in reply to the inquiry of the Senator from Vermont that this amendment was sent to the Committee on Appropriations yesterday. The committee had no papers in regard to it and took no action upon it, but it was handed to me by the Senator from Ohio, not now in his seat, [Mr. SHERMAN,] and I presented it to the Senate as coming from the Committee on Finance, as I supposed it did; but the Senator from Ohio corrected me in the presence of the Senate, saying that it did not come from the Committee on Finance, but was an amendment offered by him in the Senate and referred to the Committee on Appropriations.

Mr. EDMUNDS. Then we have no official information before us at all.

Mr. MORRILL, of Maine. The Senator from Ohio then addressed himself to the Senate, stating that the papers in the case were with the committee of the House of Representatives and stated his knowledge or information on the subject; and upon that state of the case the Senate acted.

Mr. EDMUNDS. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The amendment is:

To enable the Secretary of the Treasury to pay for stone delivered under contract for the post-office building at Parkersburgh, West Virginia, $10,000.

Mr. EDMUNDS. I move to amend the amendment by inserting at the end:

If he shall find the same to be a lawful claim.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 13. The Senate as in Committee of the Whole inserted the following clause:

For this amount, or so much thereof as may be necessary, to pay the lawful compensation and necessary and incidental expenses of the commission appointed June 18, 1875, to treat with the Sioux Indians for the relinquishment of the Black Hills country in Dakota Territory, $25,000: *Provided*, That nothing herein contained shall be so construed as to allow compensation to members of such commission as are prohibited from receiving the same by the provisions of section 1765 of the Revised Statutes of the United States.

Mr. PADDOCK. I move to amend by striking out the word "lawful." I desire to state that my proviso takes the place of the word "lawful," and, as I think, more carefully guards the disbursement than the word "lawful" does.

Mr. DAWES. Was not the amendment of the Senator from Nebraska adopted?

Mr. PADDOCK. Yes, sir; the proviso. That proviso meets the purpose sought to be accomplished by the Senator from Vermont, and therefore the word "lawful" is surplusage.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, striking out the word "lawful."

The question being put, there were on a division—ayes 19, noes 15.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 20; as follows:

YEAS—Messrs. Allison, Bogy, Booth, Bruce, Cameron of Wisconsin, Clayton, Cooper, Davis, Dawes, Ferry, Frelinghuysen, Gordon, Hitchcock, Howe, Logan, McCreery, Oglesby, Paddock, Ransom, Sargent, and Windom—21.

NAYS—Messrs. Bayard, Burnside, Cockrell, Conkling, Cragin, Dennis, Edmunds, Goldthwaite, Hamilton, Kelly, Key, McMillan, Maxey, Merrimon, Morrill of Vermont, Robertson, Saulsbury, Stevenson, Wallace, and Withers—20.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Cameron of Pennsylvania, Caperton, Christiancy, Conover, Dorsey, Eaton, English, Hamlin, Harvey, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kernan, McDonald, Mitchell, Morrill of Maine, Morton, Norwood, Patterson, Randolph, Sharon, Sherman, Spencer, Thurman, Wadleigh, West, Whyte, and Wright—32.

So the amendment to the amendment was agreed to.

Mr. EDMUNDS. I move now to amend the amendment by inserting after the word "compensation" the words "not exceeding $8 per day for time actually employed."

Mr. PADDOCK. I would state that I understand the accounts which the Department of the Interior sent to the other House are made up on that basis, $8 per day.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment as amended.

The amendment, as amended, was concurred in.

Mr. EDMUNDS. The Senator from Nebraska has called my attention to the amendment just adopted about the Indian commission. It says, "not exceeding $8 per day for the time actually employed." It may be construed to mean $8 per day for the whole body of gentlemen. Of course it is intended to mean $8 for each member. I ask unanimous consent to add to it, so as to read, "$8 per day for each member of said commission for the time actually employed."

Mr. OGLESBY. I understood the amendment to be $8 a day for the whole commission, and voted for that. [Laughter.]

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the amendment proposed by the Senator from Vermont?

Mr. OGLESBY. No, sir.

The PRESIDENT *pro tempore*. By unanimous consent that amendment will be made. The Chair hears no objection, and it is concurred in.

Mr. MORRILL, of Maine. If it is in order, I wish to call the attention of the Senate at this time—perhaps it may be done by general consent—to the amendment on page 15, line 346, where the committee proposed to strike out "six" and insert "five," so as to make it read "five thousand" instead of "six thousand." Since I have been sitting in my seat here, on an examination of the papers, I have satisfied myself that a mistake was made in the committee in making that amendment. At the time it was made I had in my hands the wrong paper; and as the amendment has been agreed to in Committee of the Whole and again in the Senate, I suppose it can only be reached now by general consent.

The PRESIDENT *pro tempore*. By unanimous consent it can be done; but, before it is done, the Chair will put the question on concurring in the last reserved amendment made as in Committee of the Whole, which will be read.

The Chief Clerk read the last reserved amendment, which was to insert after line 333 of section 1:

For subsistence of Apache Indians at the Southern Apache agency, New Mexico, $36,000: *Provided*, That the Indian agent located at said agency may, under instructions from the Commissioner of Indian Affairs, exchange sugar belonging to said agency for beef or flour.

Mr. DAVIS. In consideration of a certain amount of sugar which can be converted into necessary supplies, and $36,000 being a large sum, it has been suggested by more than one Senator that the amount ought to be reduced. I therefore move to strike out "36" and insert "25" before "thousand." I hope that will not be objected to by the chairman of the Committee on Indian Affairs.

Mr. ALLISON. I have no objection whatever to it. I accept that proposition. Of course if $25,000 proves not to be enough, the conference committee, and there is likely to be one on this bill, can arrange it. I want it thoroughly examined, and of course I do not want an excessive amount fixed. I have no objection to the proposition.

The PRESIDENT *pro tempore*. Is there objection to this modification? The Chair hears none. The question is on concurring in the amendment as modified.

The amendment, as modified, was concurred in.

The PRESIDENT *pro tempore*. The Senator from Maine now asks unanimous consent to change "5" to "6" in line 346 of section 1. Is there objection? The Chair hears none and that amendment is made.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROTECTION OF WITNESSES.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of House bill 2572, to protect witnesses who shall be required to testify in certain cases. I merely want to get it up to-day.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. I will ask the Chair if there is not a message from the President of the United States on his table?

The PRESIDENT *pro tempore*. There is.

Mr. FRELINGHUYSEN. I ask that it be read.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that a message from the President be laid before the Senate. Does the Senator from New York insist upon his motion?

Mr. CONKLING. I suggest to the Senator from New Jersey that it may not be convenient to-morrow to have an executive session, and it is late now. The reading of the paper he refers to will take some time. If the Senator from New Jersey prefers to have it read to-day, I will not stand in his way; but I should like to have an executive session.

Mr. FRELINGHUYSEN. I do not insist upon my request. I merely wanted to call attention to it. I thought it would be no more than respectful to read it at once.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened; and (at five o'clock and seventeen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 18, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION.

Mr. ADAMS. Yesterday on the question to substitute the amendment of Mr. LYNDE for the proposition then pending from the Committee on the Judiciary in the *habeas corpus* case of Hallet Kilbourn, I am recorded as not having voted. I did vote most distinctly in the affirmative, and ask the correction be made accordingly.

The correction was made accordingly.

The Journal was then approved.

ENROLLLD BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; and

An act (S. No. 701) further to provide for the administering of oaths in the Senate.

ESTIMATES FOR MILITARY ESTABLISHMENTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to resolution of the House of the 17th instant, report of estimates for the military establishment; which was referred to the Committee on Military Affairs.

REPORT OF GENERAL CUSTER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to request of the Committee on Expenditures in the War Department for a report of General Custer in reference to supply of corn for Fort Abraham Lincoln and which he refused to accept; which was referred to the Committee on Expenditures in the War Department.

DISCRIMINATING DUTY ON PRODUCTS OF SLAVE LABOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from H. S. Sanford, advocating imposition of discriminating duty on products of slave labor, and one from the Secretary of State on the same subject; which were referred to the Committee of Ways and Means.

INDIAN AFFAIRS, NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting papers from the Commissioner of Indian Affairs in relation to Indian affairs in New Mexico; which was referred to the Committee on Indian Affairs.

BILLS UPON THE SPEAKER'S TABLE.

The SPEAKER, by unanimous consent, laid before the House the following bills from the Senate; which were severally read a first and second time, ordered to be printed, and referred as indicated below:

An act (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes—to the Committee on the Post-Office and Post-Roads.

An act (S. No. 435) to amend section 5546 of the Revised Statutes of the United States, providing for imprisonment and transfer of United States prisoners—to the Committee on the Judiciary.

An act (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Hudson County, in the State of Minnesota—to the Committee on Commerce.

An act (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762 in the city of Washington for a public alley, and for other purposes—to the Committee for the District of Columbia.

The following House bills, returned from the Senate with amendments, were referred as indicated below, and the bills and amendments ordered to be printed:

An act (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation—to the Committee of Ways and Means.

An act (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia—to the Committee for the District of Columbia.

DISTRICT COURT OF WEST VIRGINIA.

The SPEAKER also, by unanimous consent, laid before the House a bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia, returned from the Senate with the amendments of the House disagreed to.

Mr. FAULKNER. I move to insist on the amendments of the House, and to ask a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF JUSTICE.

The SPEAKER. The gentleman from Ohio, Mr. MCMAHON, now a member of the Committee on Expenditures in the Department of Justice, asks to be excused from further service on that committee on the ground that his other committee duties are such as to absorb all his time. Is there objection to excusing the gentleman from Ohio? [After a pause.] The Chair hears no objection, and it is so ordered.

The Chair appoints the gentleman from New York, Mr. MEADE, to the vacancy thus occasioned in the Committee on Expenditures in the Department of Justice.

The Chair also appoints the gentleman from Connecticut, Mr. WAIT, to the vacancy in the same committee caused by the death of Mr. Starkweather.

TEXAS AND PACIFIC RAILWAY.

Mr. CULBERSON, by unanimous consent, introduced a bill (H. R. No. 3140) to extend the time for the construction of the Texas and Pacific Railway; which was read a first and second time, ordered to be printed, and referred to the Committee on the Pacific Railroad, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. ATKINS. I rise to a privileged question. As we did not have the call of States and Territories yesterday for bills on leave and joint resolutions, I ask the Chair would it be in order to move to have that call to-day?

The SPEAKER. It would be in order by unanimous consent, but not otherwise.

Mr. ATKINS. Then I ask unanimous consent that the States and Territories be called for bills on leave and joint resolutions for reference.

Mr. HARRIS, of Virginia. I object. I am compelled to object by the necessity I am under of calling up the reports from the Committee of Elections. Last week I gave notice that immediately after the reading of the Journal to-day I would call up the election cases now before the House.

Mr. CONGER. I ask the gentleman from Virginia to allow those who have bills to present them for reference.

Mr. HARRIS, of Virginia. I am willing to yield ten minutes for that purpose.

Mr. ATKINS. I object.

The SPEAKER. Objection being made, the gentleman from Virginia must proceed with the matters of privilege which he desires to call up.

CONTESTED ELECTION—BROMBERG VS. HARALSON.

Mr. HARRIS, of Virginia. I desire to call up the case of Bromberg *vs.* Haralson, from the first congressional district of Alabama.

In this case, Mr. Speaker, I am happy to inform the House that the committee are unanimous in their report, and that, too, in a full committee composed of all its members; and therefore the committee deem that no debate would be necessary upon this question to enlighten the House. But I must add that I desire the House and I desire the country to read the report which the committee have made in this case. While it retains the sitting member in his seat, it will show frauds as flagrant and abuses as violent as ever have been committed in this country upon the elective franchise. Moreover, it will show that when two years ago this House was called upon to extend its charitable hand to relieve the sufferings of the colored people of Alabama caused by the floods in their rivers, and large quantities of bacon were provided for them, that bacon was taken by the Government officials and used, not in the district where the distress existed, but in the high lands where the people were prosperous, to influence and control the elective franchise.

It will be shown, moreover, that the colored voters were intimidated by their own race against voting for the contestant in this case. It will show, also, undue and unwarrantable interference on the part of the military to secure the election of the sitting member.

But notwithstanding all these acts of fraud, of undue military interference, and of the perversion of the bounty of the Government, still the large majority of the sitting member of 2,700 could not, in the opinion of the committee, be legitimately and properly overcome. Had the committee been disposed to act in a partisan way, there was a case of much more plausibility than has characterized decisions heretofore in this House to have unseated the sitting member and to have seated the contestant. But the committee acting in the spirit of judicial officers, strictly analyzed the vote, and having thrown out a large number of votes illegally and improperly cast, they still found that the sitting member was entitled to his seat, and therefore they offer the resolutions which I desire the Clerk to read, and on which I call the previous question.

The Clerk read as follows:

Resolved, That Frederick G. Bromberg was not elected a member of the Forty-fourth Congress from the first congressional district of Alabama, and is not entitled to a seat in this House.

Resolved, That Jere Haralson was elected a member of the Forty-fourth Congress from the first congressional district of Alabama, and is entitled to a seat in this House.

Mr. TOWNSEND, of New York. I ask permission of the chairman of the committee to say a single word.

Mr. HARRIS, of Virginia. I yield to my colleague.

Mr. TOWNSEND, of New York. I should have said nothing but for the remarks of the chairman. I deem it my duty to say, after what has been said by the chairman, that he is right in stating that the report of the committee is unanimous. But I wish to state to the House and to the country that in this case, in my opinion, the committee are unanimous because the perjuries, glaring and flagrant, that were committed by the witnesses who undertoook to testify in this case were such as condemned the men that testified, and that the witnesses themselves showed that the allegations which they undertook to maintain were impossible; that they could not be true. I have had an experience of three-and-forty years as a lawyer, and I owe it to myself and to the case to say that in all my life I have never seen such infamous, such glaring, such self-confuted perjury as was attempted in opposition to the sitting member.

Mr. CALDWELL, of Alabama. Will the chairman of the committee allow me one moment? I desire to say a word in reply to the gentleman from New York who has just taken his seat.

Mr. HARRIS, of Virginia. It will be difficult to keep down discussion if it is once entered upon. I desire that the case shall not be thrown open to discussion, but I will yield ten minutes to the gentleman from Alabama.

Mr. CALDWELL, of Alabama. I desire to occupy just one moment. I had intended, Mr. Speaker, when this case was first reported to ask the privilege of being heard and to take part, on behalf of contestant, in this debate.

During the last few days, as far as I have had opportunity from other labors, I have given the subject a calm, careful, deliberate, honest, and conscientious investigation; and, as the result of that investigation, I have reached the conclusion that my judgment and conscience, under the evidence, would not allow me to antagonize the report of the committee so far as relates to the first resolution.

But, sir, the gentleman from New York [Mr. TOWNSEND] has stated a truth, a truth that will impress itself upon the understanding of every member on this floor and every citizen of the country who will take the trouble to read the evidence and report in this case, that much of the testimony that has been submitted to the committee bears upon its face willful falsehood and has within it internal evidence of deliberate perjury upon the part of some of the witnesses. But I state to the gentleman from New York, to the House, and to the country that every witness whose testimony is tainted with falsehood and perjury is an active, energetic, working member of the republican party and the partisan friend of the sitting member; that all the false swearing, all the vile machinations that have been disclosed to the country in this investigation were perpetrated by and had their origin in the brain of active, leading members of the republican party in Alabama.

Mr. HARRIS, of Virginia. And friends of the sitting member.

Mr. CALDWELL, of Alabama. Yes, sir. I ought to have added they were active friends of the sitting member.

Mr. HARRIS, of Virginia. I now insist on the previous question.

Mr. LEWIS. I wish the gentleman would allow me a few moments.

Mr. HARRIS, of Virginia. I cannot.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions reported by the Committee of Elections were agreed to.

ELECTION CONTEST—FINLEY VS. WALLS.

Mr. HARRIS, of Virginia. I now call up the contested-election case of Finley *vs.* Walls, from the second congressional district of Florida. In this case, Mr. Speaker, I refer its conduct to the subcommittee who examined the case by the authority of the committee, and who ought, therefore, to have the conduct of it upon this floor. I yield, therefore, to the gentleman from Massachusetts, [Mr. THOMPSON,] who was chairman of the subcommittee which reported the case.

The Clerk read the resolutions reported by the majority of the committee, as follows:

Resolved, That Josiah T. Walls was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the second congressional district of Florida.

Resolved, That Jesse J. Finley was elected, and is entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the second congressional district of Florida.

The Clerk then read the resolutions reported by the minority of the committee, as follows:

Resolved, That J. J. Finley was not elected, and is not entitled, to a seat in this House.

Resolved, That Josiah T. Walls was elected, and is entitled, to a seat in this House.

Mr. THOMPSON. Mr. Speaker, to a clear understanding of this case it will not be necessary to go into the details with reference to all of the questions which have been considered by the committee. There was upon many of the questions that arose but little difference between the majority and the minority, and I propose very briefly to state those points upon which we differ and to give the views of the committee as we have reported them in the report which is now before the House.

The election laws of the State of Florida give the right of suffrage to nearly every citizen of the State, and the mode of conducting elections is all that it will be necessary for the House to understand. The election was held on the 3d day of November, 1874, and in that State the elections are conducted by three inspectors of elections who are appointed by the county commissioners at a session held by the county commissioners within thirty days before the election. They are to be three discreet men; and they are, in connection with the clerk, to act in conducting the election. The clerk is elected by the inspectors, so that the board is organized thus: Three inspectors appointed by the county commissioners and a clerk chosen by the inspectors. There is a registration-list made up by the county commissioners within thirty days of the day of the election, and a person whose name is not upon that registration-list six days before the date of the election has not a right to vote. The registration-list is furnished from the county commissioners by the sheriff to the inspectors of election, as it has been corrected by the board of county commissioners, so that in conducting the election the inspectors and clerk have before them a registration-list giving the name of each individual voter. The vote is by ballot, and at this election they voted for Representative in Congress and for State senator, and also for a member of the State Assembly.

A person who was challenged at that election was, under the laws of Florida, obliged to take the oath which is set forth in section 16 of the election laws of that State; and it is as follows:

> You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, (or that you have declared your intention to become a citizen of the United States, according to the acts of Congress on the subject of naturalization;) that you have resided in this State one year and in this county six months next preceding this election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court.

That is the oath that a person who is challenged is compelled to take, whether his name be on the registration-list or not. But if his name is not found on the registration-list then he also has the right to vote by taking the oath which is prescribed in section 9 of that law, which is as follows:

> That if any person whose name may be erased shall, on offering to vote at any election, declare on oath that his name has been improperly struck off from the list of registered voters, and shall take the oath required to be taken by persons whose right to vote shall be challenged.

So that when a person presents himself to vote and his name is not found on the registration-list, before he is entitled to vote he is not only compelled to take the oath prescribed in section 16, but is also compelled to take a further oath prescribed in section 9, that he has been registered and that his name has been improperly stricken from the registration-list.

Now one of the questions which the committee had to pass upon, and a question of very considerable importance, is this: what shall be done with those votes, if any, cast by persons whose names were not found upon the registration-list at the election precinct; what shall be done with them when they fail to take the oath prescribed by section 9? The committee were unanimously of the opinion that unless a person took the oath prescribed in section 9 he could not vote; that that oath had reference to the qualification of the voter, and was material and mandatory. But in many precincts it is shown that a large number of persons voted who did not take the oath prescribed in section 9 and whose names were not on the registration list.

This singular fact appeared also, and the committee were unable to explain it, and cannot account for it now, except upon the ground that there was gross negligence or inefficiency on the part of the clerk of the circuit court who was *ex officio* clerk of the county commissioners, and whose duty it was to make out a certified copy of the registration-list which was used at the voting-precinct. The committee found, upon a comparison of the poll-lists kept at the voting-places, that the names of many persons who had been challenged and who had voted without taking the oath prescribed by section 9 were actually on the registration-lists at the office of the county clerk. The committee were satisfied that there was a mistake on the part of the county clerk in making out those lists.

The majority of the committee said that it was unfair to reject the vote of a party whose name was not on the registration-list at the polling-place, and who had failed to take the oath required by section 9, when his name was actually on the registration-list at the county clerk's office. The committee said it was not his fault, and as they believed he was actually entitled to vote, if deprived of that right it was only through the action of the county clerk in not making out a proper registration-list. And as there had been a mistake in that respect, and also a mistake by the inspectors in not administering the oath, the committee held that they should not say the party was not entitled to vote because he had not taken the oath prescribed in section 9, when if his name had been where it should have been put by the county clerk he would have been entitled to vote without taking the oath required by section 9, and if challenged would only be required to take the oath in section 16.

We considered it too harsh a rule to be applied to disqualify those parties from voting and to say that their votes were not legal where at most they had been deprived of their apparent right to vote by the action of the county clerk. In those cases the committee have applied this rule; they have said that where the names appeared on the registration-list in the county clerk's office they would count those votes, rejecting only those in cases where there was a failure to take the oath prescribed by section 9 by those whose names were

not found upon the registration-list in the clerk's office of the circuit court.

And they applied this rule so as not to take the whole number from the candidate having the highest number—from the sitting member; but so as to take proportionately from each, which they considered was certainly a liberal rule for the contestee. Therefore, in those cases where that state of facts existed they have applied that rule, and have taken proportionately from the contestant and the contestee. Certainly no objection can be found with that rule.

There is one other question that is quite material. It is provided by the laws of the State of Florida that where the votes in the ballot-box shall be found to be in excess of the names on the poll-list, then the inspectors of election—the votes having been taken out of the box, counted, the fact of an excess ascertained, and the votes placed back again—the inspectors shall then draw out from the ballot-box and destroy unopened the number of votes in excess of the names on the poll-list. This is to be done by the inspectors of elections.

Now, it becomes a question, as the law specifies the party who shall perform that duty, whether the Committee of Elections of this House have a right to substantially perform that duty themselves; that is, where the inspectors of elections have failed to perform that duty, whether the committee ought to say, "It is uncertain for whom the excess of votes was cast; it is impossible for us to determine what the real vote of that precinct is, and therefore the whole vote must be rejected," or shall they undertake to perform the duty which the inspectors of elections were called upon to perform? The majority of the committee believed that it would be a severe rule to say that by reason of that duty not having been performed by the inspectors, therefore the entire vote should be thrown out.

They came to this conclusion; that there were two things established by the law. One was the principle, and the other the mode by which the object which was designed to be effected should be carried out. We acted upon this assumption, which we believed to be the assumption of the law, that that excess appeared through mistake; that there was not sufficient proof to vitiate the entire poll on account of actual fraud; that the excess occurred through mistake, and therefore a drawing out of the excess in the mode prescribed by the statute would draw out a proportionate number from each candidate. The committee therefore said, "We will perform that duty; we will throw out a proportionate number ourselves; we will not discard the entire poll, but will substantially perform the duty which the inspectors through some reason or other have neglected to perform." That is the way in which we have disposed of cases of that kind. Then we have in this case given the most liberal construction to the law in favor of the contestee in all matters which are merely directory.

Now, as to one of the precincts, (which is the main one where there is a contest and the decision of which in the view I take of it is conclusive of this case,) the committee find that the vote at that precinct ought to be rejected on the ground of fraud, gross fraud. That is the colored academy precinct, in Columbia County. In that county the vote between the conservatives and the republicans is very close. Dr. Johnson, who was a candidate for the senate on the part of the republicans, had great anxiety as to his election. He was declared elected I think by some 16 votes. But he, knowing that the vote would be very close in that county, set to work before election day to take control of the polls, to manage in his own interest that election in the colored academy precinct, (where the larger number of the colored men voted,) and to aid in making up any deficiency which he thought by any possibility might exist if a fair and free vote were had.

In that precinct, instead of having three men regularly and legally appointed to act, two of them were substantially appointed by Dr. Johnson himself. The law of the State of Florida provides that the polls shall be opened at eight o'clock in the morning; but under the direction of Dr. Johnson the poll was opened at seven o'clock in the morning, as the testimony most clearly shows. The poll was open one hour at least before the time fixed by law, before the inspectors or electors were called upon to be present.

I know it has been decided in election cases that the polls may be opened for a few minutes after or a few minutes before the appointed time without the election being thereby vitiated. That undoubtedly is good law. But here is the point in reference to which the fact that the polls were opened an hour before the time fixed by law is very material. The law of the State provides that if an inspector shall fail to serve, then the vacancy shall be filled by an election from the electors present. In this case two of the inspectors failed to appear at seven o'clock, so that a majority of those inspectors were elected, or there was a pretense of electing them, at seven o'clock that morning, an hour before the voters were called upon to be present. I submit that such an election could not qualify them to act. Why, sir, it is as bad as if a ballot were held on the day before the day appointed. The people had a right to pass upon the question who should have control of the ballot-box on that day. It was an important question, a vital question, to them. They had a right to be present. They understood the law of the State. They knew perfectly well that if the parties who had been appointed by the county commissioner failed to make their appearance at eight o'clock in the morning, not at seven, new inspectors might be chosen. The common, ordinary course would be to wait till a little after eight o'clock for the regularly-appointed inspectors to make their appearance. I submit that if as early as eight o'clock, without waiting a moderate time, the parties then present had proceeded to elect inspectors, they would have been guilty of great wrong in taking it for granted that the inspectors regularly appointed did not intend to appear. But certainly to go there at seven o'clock and pretend to make an election not only rendered that election of no account, but it was evidence itself of gross fraud.

The testimony shows that Dr. Johnson had those persons at his house, some of them over night—all, I think, at breakfast; that he had made arrangements with them before that day to be present and to act as officers of election. This appears also with reference to Mr. Carroll, who was chosen as clerk by the newly-chosen inspectors. There being no legally-elected inspectors, there could be no legally-elected clerk. He also said to Mr. King and Mr. Tompkins, two of the inspectors, "We shall want you to act." So this man who was a candidate for the State senate, who had such a vital interest in this election, himself appointed the parties who were to preside at the election and to have the full and entire management, manipulation, and control of the vote. That of itself was such a gross fraud, that no reliance could be placed upon the action of those pretended officers. They consented to it; and when a man assists in placing himself in a fraudulent position, his acts cannot be relied upon. They consented to be there; they must have been there at seven o'clock in the morning, because the voting commenced as early as that. They knew perfectly well that no one there had a right to elect them; they knew perfectly well that they could not be legally elected. The clerk knew perfectly well that he could not be legally chosen. Notwithstanding all this they went to work, took possession of the ballot-box, and conducted that election. They were persons acting without any authority, and their acts have no validity, and the party who claims any benefit from the votes cast at that precinct must show in some other way than by the returns of those officers the vote which was actually cast for him.

But we have further proof. The clerk himself admits he was ready to commit fraud. He says that on the evening before the election, at the house of Dr. Johnson, the latter called off from what he believed to be the registration-book some fifty-two names, which he supposed to be the names of parties not living in the county, persons whom he understood himself were not entitled to vote, and that he gave Dr. Johnson to understand he would assist him in enabling them to vote. Here you have the clerk acting at this election who is shown to be in conspiracy with one of the parties who was a candidate for office and who had so great an interest in the result.

It appears furthermore, Mr. Speaker, that at this place at least from seventy-five to one hundred persons voted whose names were not upon the registration-list without taking the oath provided for in section 9, and without being legal voters. It is impossible exactly to tell how many, but the testimony is from seventy-five to one hundred, and that, too, from the parties who presided at that election; that is, from the very inspectors themselves. They admit themselves that they permitted from seventy-five to one hundred persons to vote who had no legal right to vote. Can you place any reliance upon returns made by parties who have been guilty of such an act as that? You cannot determine how many voted illegally.

It also appears by looking at the registration-list sixteen persons voted at the colored academy precinct and the market-house precinct, another voting-place in the same county. Fraud will not be presumed at the other precinct where they were legally organized, but it will certainly be presumed at this place which was fraudulently organized.

Nothing will be presumed in favor of the fairness of the election at this precinct. It is shown that other persons not entitled to vote were permitted to vote at this precinct.

It appears furthermore that the registration-list was burned up, so that it is impossible now to compare the poll-list with the registration-list. The committee had before them nothing by which they could ascertain the correctness of this vote. If they had, they would have gone to work and attempted to purge the poll. They would have been unwilling to throw out a poll which possibly might be purged. They were disposed to give the rule of law in favor of the contestee, and to ascertain if possible, if it could be done with any probable certainty even, the actual vote which had been cast. But, as I have said, it was impossible to do it, because they find that the election was commenced in fraud, was carried on in fraud, and that there is nothing by which they can determine the extent of the fraud, and the fraud being on the part of the persons having charge of the election, it is of that character which makes their acts wholly unreliable. The committee, therefore, were compelled, although reluctantly, to throw out this precinct. They have done it, and we believe the House, reading the testimony fully—and the testimony is substantially reported in the report of the majority of the committee—so as to give the fullest opportunity for examination while the case is being heard, will find that it was impossible for us, acting with just regard to our duty, to do otherwise than report in favor of the contestant.

Mr. BAKER, of Indiana. I move to substitute for the resolutions reported from the majority of the committee those which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That J. J. Finley was not elected, and is not entitled, to a seat in this House.

Resolved, That Josiah T. Walls was elected, and is entitled, to a seat in this House.

Mr. BAKER, of Indiana. Mr. Speaker, in my judgment, the simple question presented by the resolutions now depending before the House is whether or not a member who shall occupy a seat upon this floor is to be elected by the people or whether he shall be elected in defiance of the will of the people by the action of a majority of this House.

With reference to many questions which have been determined by the majority of the committee, I have no disposition to dissent from them. I desire, however, to say, before passing on to one question which will occupy the greater portion of the time I wish to consume in this discussion, that I do not agree with the committee in reference to one or two propositions, although these questions, however found, are not essential to the determination of the question now depending before the House.

In the first place, Mr. Speaker, by the laws of the State of Florida a registration of voters is required to be made and corrected by the board of county commissioners at least six days before the day of election. That corrected registration-list is required to be deposited in the office of the clerk of the circuit court and the clerk of that court is required to send a duly-authenticated copy of the original list to each voting-precinct in the county. And inasmuch, Mr. Speaker, as by the laws of Florida a citizen is entitled to vote at any election precinct within the county, it follows that each certified copy of the registration-list which is sent to the various polls must contain the names of each voter registered within the county. The law further requires that when a voter offers himself at the polls, and his name is not found on the certified copy of the registration-list, he shall take an oath, among other things swearing his name has been improperly stricken from the registration-list.

I desire to say that, in my judgment, the registry list that must be referred to is not the certified copy that is sent out by the clerk to the various precincts, but it is the registration-list found in the clerk's office at the county seat. That is apparent from the ninth section of the statute, which provides:

> That if any person whose name may be erased shall, on offering to vote at any election, declare on oath that his name has been *improperly struck off from the list* of registered voters, and shall take the oath required to be taken by persons whose right to vote shall be challenged, such person shall have the right to vote, and, on making oath before the clerk of the court that his name has been improperly erased *from the list* of registered voters, may have his name again entered upon said list.

The oath, then, that he is required to take is that his name has been improperly stricken from the registry-list; and there is only one registry-list, the list at the county seat. Now I desire to say, as regards the evidence with reference to several of these election precincts, that where objection has been made in the report of the majority to the vote which was there cast, it is made to appear by the same evidence that shows that the names of the voters were not in the certified copy of the registry-list, that the great majority of them were found on the registration-list at the county seat. So much is shown in this regard that I venture to say there is no gentleman of the majority of this committee that will dare to affirm on the floor of the House that the certified copies of the registration-lists that were sent down to the various voting precincts were on their face honestly and truthfully made. The minority of the committee believe that where the certified copies sent down to the various voting precincts are thus shown not to be correct copies of the original registration-lists found at the county seat, the one at the county seat controls, and that no vote can be thrown out or rejected on the ground that the party is not a legal voter, simply because his name is not found on a certified copy of the registration-list at the voting-place, which is proven by the evidence of the contestant himself to have been grossly and flagrantly incorrect.

I do not desire, however, to dwell longer on this point, because, Mr. Speaker, the whole contest circles around the vote of the colored academy precinct, Lake City, in the county of Columbia. That county is very nearly equally divided between the two parties that are now dominant in the country; so nearly so that in the election in 1874 there was a difference of only thirty-eight votes. It further appears in evidence that in consequence of the implacable hatred of the white conservatives toward their colored fellow-citizens, almost the entire colored vote of Columbia County was cast at what is known as the colored academy precinct. It further appears in evidence here that at this county seat in which the colored academy precinct was located the deputy clerk of the circuit court was a candidate on the conservative ticket for the office of State senator, and it appears that a Dr. Johnson, residing in the same town, was a candidate on the republican ticket for the same office of State senator.

The election was held on the 3d of November, 1874. By some inscrutable dispensation of Providence the court-house, with all the records of the election—these records being in the custody of a man by the name of Waldron, the democratic clerk of Columbia County—was on the 20th day of December, 1874, destroyed by fire.

Another circumstance that to my mind is of great significance is this: that the evidence of the contestant was not taken until almost ten months after the election was held. The majority of the committee predicate their report in favor of throwing out the vote at the colored academy precinct, and in favor of disfranchising the whole colored population of that county, upon the ground that a conspiracy had been formed by one Dr. Johnson, the republican candidate for State senator, in order to perpetrate a fraud upon the election at the colored academy precinct. I have said that the taking of the testimony by the contestant, for some reason, was postponed until the 13th day of August, 1875; and Dr. Johnson, the man who was charged with having organized this conspiracy, on which the whole vote of the colored population of Columbia County is asked to be thrown out, was on the 5th day of June, 1875, conveniently murdered and his lips are sealed; so that he is unable to make answer to this report that charges him with attempting infamously to corrupt the purity of the ballot at the colored academy precinct. I do not say, Mr. Speaker, that the contestant or any of his friends are in any way answerable for the destruction of the court-house and of the records of election. I do not say they are in any wise answerable for the fact that Dr. Johnson himself, whose memory is blackened now by the report of the majority of the committee, was conveniently taken out of the way by the shot of an assassin before the contestant found it convenient to take his evidence at the colored academy precinct. I allude to that for the purpose of showing that the circumstances surrounding the taking of the evidence at a period ten months after the election had been held are of such a character as to require that every scintilla of evidence that was offered by the contestant in this case should be jealously and rigidly scrutinized, and that the mere hearsay evidence of self-convicted, self-confessed villains and conspirators shall not be taken, as it has been by the majority of the committee in making up their report, as sufficient.

There is another consideration which, in the minds of members on the floor of the House who are desirous of deciding this case on the law and the evidence, must not be passed over and is entitled to great weight. That is the fact that the evidence in this case is wholly *ex parte*. A notice was given by the contestee, as the minority report shows, that he would take testimony. Counsel was employed for that purpose, and in consequence of the sickness of that counsel and the failure of another counsel to attend, who was telegraphed to by the sitting member, who resided in a distant part of the district, and who was unable to be personally present at the time the testimony was to be taken, the contestee failed to have an opportunity to take any testimony at this precinct. I say in consequence of these facts the sitting member is here without having had an opportunity of offering one single word of evidence for the purpose of explaining either the testimony that may be calculated to raise a suspicion against him or the hearsay evidence that is relied upon by the majority of the committee in order to sustain their report, as I shall have occasion to show before I have got through with what I have to say on this subject.

The contestee presented these facts to the committee in a sworn application for leave to take evidence, in order that he might show that the colored people of Columbia County were being robbed of the new-born right to vote. He was denied the privilege of going into that precinct and taking evidence for the purpose of meeting this *ex parte* case made by the contestant ten months after the election had been held, and which was of such a character as to demand that an explanation should have been given, unless there was something rotten and corrupt in the case made in behalf of the sitting member.

Now then, Mr. Speaker, what are the issues with reference to the colored academy precinct in Columbia County? The issues are reduced to four, and I propose to discuss them in their order.

The first is that a majority of the inspectors of election was not appointed by the board of county commissioners, but they unlawfully and fraudulently assumed to act as such, and were mere intruders.

The second is, the polls were opened more than an hour before the regularly-appointed time, and a large number of votes were polled before the legal hour for opening the polls had arrived.

The third is, many persons not registered were allowed to vote without taking the oath that their names had been improperly stricken from the registry-list.

And the fourth is, that the illegal conduct of the inspectors was such as to indicate a fraudulent purpose to defeat the legal result of the election.

One word with reference to the last ground. It does not contain a single affirmative fact; it is simply a loose, naked deduction of law from a statement of facts which are not set out. It is a character of pleading that would not be respected on a demurrer to it in any court in all the land, and yet it is gravely presented here before the House which has been characterized as the grand inquest of the nation, the grand tribunal of the country, as an issue of sufficient weight and gravity to justify the introduction of evidence to sustain. But bald and naked as this statement is, it is still more bald and more naked so far as the proofs are concerned that are introduced for the purpose of supporting it. I refer now to the first question, namely, that the majority of the electors were mere intruders; and I preface what I have to say on that subject by observing that the law is universal in its application and sustains this as the correct rule: that wherever men are found exercising the functions of office the law presumes that they are rightfully in office, and that whenever any one challenges the authority of such an officer he is compelled to introduce evidence in order to establish the fact that the man is improperly exercising the functions of the office. To establish that fact, we find here three persons were acting as inspectors all day in the presence of all the voters who voted there; in their presence without objection, and also in the presence of the democratic candidate for State senator, and that democratic voters were there all taking part without challenging the sufficiency of the election board.

Now, then, what is the evidence on which the majority of the committee say that they will strike down these officers on the ground that they were not legally appointed? I want to make that point so that it shall be clear and well understood. I say that these men having exercised the functions of this office during the whole day, whenever the contestant seeks to challenge their right to do it he has got to do it by clear affirmative proof. Now, what is the proof he introduced for the purpose of showing that these men were not originally appointed by the county commissioners? The evidence of Mr. Tompkins, which will be found upon page 83 of the record, states:

I was at the colored academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the 3d day of November last, and served as one of the inspectors of election there. I was nominated as inspector by Dr. Johnson. Dr. Johnson asked me the night before the election to act either as clerk or inspector. Mr. Cleaveland had declined to act. Mr. Cleaveland was the regularly-appointed inspector. Dr. Johnson told me that Mr. Cleaveland had declined to act, and that Mr. Cleaveland had suggested to him (Johnson) to get me.

There is the testimony of Mr. Tompkins, the first witness who spoke with reference to this question. He swears Mr. Cleaveland had consulted him to act, and Mr. Cleaveland was the regularly-appointed inspector. On page 86 of the record he says "Mr. Cleaveland told me he could not serve that day."

On page 81 I find this statement:

Before the polls were open George G. Keen was called or sent for and swore us in; four of us were sworn in; I was sworn separately, the rest I think together.

Now, then, Mr. Speaker and gentleman, there is every single word of evidence that there is in this record for the purpose of proving these officers were intruders and had intruded themselves in the place that belonged to the board of inspectors appointed by the board of county commissioners. It shows that one of those who acted as inspector on the day of this election had been appointed by the board of county commissioners; it shows also that the others appointed had declined to act, and that one at least of them had suggested the appointment of the very man who constituted one of the board of inspectors selected by the people next morning.

And yet we are told, forsooth, that these men were intruders; that these men had no right to hold this election; men who sat there and received 600 votes, and in whose presence were these democratic challengers; men in the presence of whom was this man Weeks, the democratic candidate for State senator, who was working around the polls all day where this election was held. Yet there was not a single one of the whole number who ventured to make the suggestion that these men were intruders. It is not found that they were intruders until arson had destroyed the court-house and cowardly assassins had murdered the republican candidate who that day was elected to the senate of Florida.

Now, I say that if an entire poll can be rejected on such evidence as that, then unfortunate indeed is the condition of all the electors of this country. The ignorant poor—and we are told that the poor are to be always with us—the ignorant poor are at the mercy of the shrewd designing villains of the land. I say that if the six hundred colored men who voted at this precinct are disfranchised in this way, and their rights stricken down by turning out of this House their Representative, who was fairly elected to a seat here, it will be one of the grossest outrages, in my judgment, on the elective franchise and on the rights of the humble and the ignorant by the shrewd and the designing.

So much, then, with reference to intruders. I will take occasion, if my time permits, to read a little law on this subject before I get through. I will pass now to the next ground of contest.

What is that? The second ground of contest is that the polls were opened more than an hour before the appointed time, and that a large number of votes were received before the time for opening the polls. I desire to say to the gentlemen of the majority of the Committee of Elections, and also to the House, that in order to sustain that proposition two elements of proof are required. It must be first shown, and that satisfactorily, that the polls as a matter of fact were opened before the appointed time; and secondly, I say that every single respectable authority that I have been able to put my hands upon hold that you must further show that if the polls were in point of fact opened before the hour at which they ought to have been opened, the officers who did thus open the polls did so with a fraudulent and corrupt purpose.

Now, what is the evidence for the purpose of establishing those facts? I want members of the House, if they desire to do justice in this case, to listen to the evidence that is offered for the purpose of proving this allegation. It will not take long to read it, and it is well worth perusal in the light of the majority report. On page 76 of the testimony W. I. Barnett says:

I was in Lake City, in Columbia County, Florida, in the second congressional district, on that day, and at the colored academy precinct the greater part of the day. I was there as a challenger. I reached the polls about eight o'clock; when about three hundred yards from the polls I looked at my watch, which was set the day before to railroad time, and found it wanted five minutes to eight o'clock a. m., and I went immediately to the polls, walking fast, directly, and in haste. The polls were open when I arrived there, and they were voting.

He says he reached the polls "about eight o'clock;" but which side of eight o'clock? He does not tell us. He was a democratic challenger, sent there for the purpose of challenging the colored men who went there to vote. They exercised very liberally that day their right of challenging. Yet we are told there was not any election held there; just a sort of by-play carried on. On page 78 J. V. Brown, another democratic challenger, says:

I was present at the colored academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the 3d of November last, at the general election. I was acting as a challenger for the conservative party. I was there about seven a. m.; it could not possibly be ten minutes after seven. When I got there the house was closed. I looked through the window and saw the managers, and I asked for admission, and they let me in.

By the way, this man remained in the room where the inspectors were carrying on the election all day, as his evidence shows. He was right there; so that everything that was done by the election board was under his eye. He went so far, as shown by his testimony, as to keep an independent list or tally-sheet, showing every vote taken; and his tally-sheet corresponded exactly with the tally-sheet that was kept by the duly-constituted board of inspectors on that day. He goes on to say:

John W. Tompkins, Charles R. King, John A. Carroll, and Francis Carolina, and George G. Keen, (magistrate,) and four or five others whose names I do not now remember were in the room where the ballot-box was. Dr. E. G. Johnson was in the next room, issuing paper of a green color, which I took to be tickets, to the colored people. There was a partition between the rooms. They were voting in there when I arrived.

Now it is clear that this witness at the outset does not deign to give us any information as to how he knew what the time was, for he says:

When I started to the precinct I saw Mr. Baya's watch, and it was five minutes after seven.

But he is as dumb as the tomb of the Capulets as to the distance he went to reach the polls or how he knew the hour when he arrived there. But on that evidence the majority of the committee would throw out the poll of this election precinct. I will turn now to the evidence of F. M. Weeks, a democratic candidate for State senator, on pages 82 and 83.

I was at the colored academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the morning of the 3d day of November, A. D. 1874. I got there about seven o'clock a. m. When I arrived there I went to the clerk's desk, and found about twenty persons had already voted, as appeared from the lists.

Now this witness does not deign to tell how he knew it was seven or eight o'clock. Now, I submit that, even on a fair, bright morning on the day of election in November, no man can tell with any considerable degree of accuracy what time it is by looking at the sun, or in any other manner, without looking at a watch or clock. But we have taken in this contest the evidence of Mr. Tompkins, that is conclusive both as to the fact and the law, and it shows incontestably that this was a fair and legal election.

I refer now to the testimony of Tompkins, an inspector of elections, on page 84. Upon cross-examination he says:

We were at the polls some time before we opened them, and arrived at an early hour. It was insisted by several persons present that it was time to open the polls, but having considerable fixing to do——

Question. Why were not the polls opened?

Answer. Before it was possible to begin the election, it was necessary to open a panel through a door before we could receive the ballots. This took twenty or thirty minutes, as it took some time to send for a saw to open the aperture. The door was broken by doing it. In addition to this we had to arrange the table for the inspectors and clerk. It was quite a cloudy morning.

There is the fact, gentlemen, that demonstrates the impossibility of determining without looking at the watch the hour when the polls were opened; and Mr. Tompkins is not contradicted as to it being a cloudy morning.

It was impossible to tell without a watch when the sun did rise. It occurred to me it was not eight o'clock. Mr. Carolina being present with a watch stated that it was twenty or twenty-five minutes past seven o'clock. By Mr. Duval Selph's watch it was two minutes past eight o'clock; by Armstrong's watch it was three or four minutes past eight o'clock. Armstrong stated that he was just from a watchmaker's (Mr. Ross's) shop, and that he had the watchmaker's time. Consenting to be governed by the majority of the watches present, we opened the polls.

This is in the *ex parte* case made by the contestant himself, showing that according to the majority of the watches the hour of eight o'clock had arrived.

But, gentlemen, suppose that hour had not arrived; what then? I say that the law is—and it would be monstrous if it were otherwise—that if a board of election commence the election at an hour prematurely early, still, if it is done innocently, if it is done ignorantly, nay, I will put it stronger, because the authorities support me in doing so, unless it is affirmatively shown that the officers of the election thus opened the polls for the fraudulent purpose of receiving ballots that ought not to be received, the election is not invalidated.

Now, here is the evidence: Mr. Duval Selph, who is made to figure so largely in this case, testified that he ran his watch an hour and twenty minutes ahead. But in this computation of numbers of watches for the purpose of showing the time I have thrown this man's watch out of the account, just as I say that this House is bound to throw his testimony entirely out of the account. He is a self-confessed conspirator. He has undertaken to blacken the memory of one who is dead; and there is not a word of corroborative proof to sustain him. He comes here reeking with his own infamy, swearing to his own turpitude; yet we are asked to take his hearsay evidence for the purpose of supporting the resolution submitted for our adoption by the majority of the committee.

I say that the commencement of the election prematurely or the keeping of the polls open too long does not affect the legal result of

the election. I invoke attention to the authority of the court of appeals of the State of New York on this subject. I read from 4 Selden's Reports, page 92:

If the particular hour for opening and closing the poll be directory and not imperative, the learned judge did not err in holding that the votes in the district in question should be allowed to Mr. Welch. The cases on the subject of what acts are directory and what imperative have already been stated and need not be repeated. It has been held with regard to corporations that the words "between the hours of ten in the morning and two in the afternoon" are not imperative, but merely directory, and an election may well be begun at any other reasonable hour. (Angell & Ames on Corporations, page 94.) The particular hour in the day is not the essence of the thing required to be done. Should inspectors on a cloudy day—

The very case we have now in hand—

Should inspectors on a cloudy day, and misled by a defective time-piece, close the polls a few minutes before sundown, or receive a few votes after that hour, if the time of day be the essence of the thing, the whole election for that district would be void. I cannot subscribe to this doctrine. I think the statute is directory.

Again, to show more clearly that the hour of closing the polls is directory and not imperative—

And whatever is true as to the closing of the polls is true as to opening them—

suppose, after every voter in the district had deposited his ballot, the inspectors should have closed the polls, although the sun was still an hour high; or suppose they had kept it open an hour after sundown, and no vote had been offered or received, who in either case would have had a right to complain? Not the candidates, surely; for with respect to them the whole object of opening the poll at all had been accomplished. If the irregularity were willful—

If the polls are opened or closed out of season from willfulness—

the inspectors might, indeed, be punished by an indictment; and this, I apprehend, is the extent of the remedy.

Yet, overriding the decision of the highest tribunal in the State of New York, speaking dispassionately and judicially on this question, that the remedy and the only remedy for a willful violation of the direction as to opening and closing the polls is to indict and punish the officers, the majority here propose to strike down the most sacred right guaranteed to these poor colored men, to disfranchise them, and to elect by a majority of votes in this House some one to represent them in place of the man whom they voted for.

The same doctrince is maintained in the case of Piatt *vs.* The People in 29 Illinois Reports, page 72. In that case the supreme court of Illinois say:

The rules prescribed by the law for conducting an election are designed chiefly to afford an opportunity for the free and fair exercise of the elective franchise, to prevent illegal votes, and to ascertain with certainty the result. Such rules are directory merely, not jurisdictional or imperative. If an irregularity, of which complaint is made, is shown to have deprived no legal voter of his right, or admitted a disqualified person to vote—if it casts no uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it—it may be well overlooked in a case of this kind, when the only question is, which vote was the greatest, that for subscription or that against subscription.

The allegation of the defendant, that votes were cast after five o'clock, is not clearly established, and is not so found by the jury. Had it been so, it was necessary for him to show how they voted. We cannot presume one way or the other. This has not been shown, and it is impossible to say if votes were received after five o'clock such votes would have changed the result, and if they did not, it would be going very far indeed to say such an irregularity so vitiated the election as to render it void.

There is the law, clear and unmistakable. Here, when Mr. Weeks came to the poll and went into the room where the election was being conducted, he looked over the poll-list and saw 20 votes had been cast. And this Mr. Weeks, deputy clerk, living in Lake City, where that election was held at the colored academy precinct, an old and well-known citizen, never opens his mouth, never makes a suggestion that a single one of the twenty voters so having voted were not just as fully qualified under the law to vote as he was himself.

Mr. TOWNSEND, of New York. He was a witness, too.

Mr. BAKER, of Indiana. Yes, he was a witness, too. He was on the stand and cautiously and, I believe, purposely refused to press the investigation as to whether a single one of the 20 votes given there that morning was illegal or not. I have already read what he said: that there were about 20 votes cast when he arrived at the polls.

I say, Mr. Speaker, if the election was opened prematurely, if these 20 votes were received, the burden of proof is upon the contestant to show how they voted and whether they were illegal voters. When his challenger, Brown, was inside all day, and his challenger, Barnett, was outside all day, and Weeks was there all day, except for half an hour when he went to dinner, I say that under these facts all sworn to, and it being further sworn to that only 20 votes were received prematurely, to have this poll thrown out on that ground is simply, in my judgment, a judicial outrage.

But, sir, the report of the majority that these inspectors were intruders because they were chosen at an improper time is an utter misconception of the law. I do not desire to misstate the point on which the majority of the committee base their decision, and hence I will read an extract or two from the report of the majority. I read first from page 16. The majority are speaking in regard to the inspectors of the election:

They were not legally elected, as there was no regular meeting of the electors having power to choose inspectors before Tompkins and King undertook to act as such, and without legally appointed or chosen inspectors no legal clerk could be chosen or appointed, so that the election at this precinct was conducted by persons not legally authorized, with the exception of Hamilton, and by persons who were ready and willing to violate the election laws of the State, and who did violate them.

That, as I have already shown, is entirely gratuitous. On page 19, again referring to the inspectors, the majority in their report say:

They cannot stand better than mere intruders having no official character, intruders not for the purpose of aiding in conducting an election fairly, but for the purpose of carrying into execution a previously arranged fraud upon the ballot-box.

Now what is the doctrine gravely announced by the majority of the committee? They say because these inspectors were not regularly elected at the precise time required by law, they are therefore intruders. Pray, if they had been elected regularly, at the proper time, chosen by the proper parties and at the time when they ought to have been elected, what would they have been? They would have been officers *de jure*. What constitutes an officer *de facto*? An officer *de facto* is one who has color of authority when he enters upon the exercise of the functions of office, and is elected prematurely, or elected by a board or authority not having capacity to elect at the time or in the manner in which it is attempted. I will show both classes of cases. These men, if they were elected prematurely, were elected by the consent of the people who had the right to elect, and if there was any irregularity about their induction into office they were at least *de facto* officers, and their right cannot be challenged by third parties.

I propose to cite authorities as to that. I call attention to pages 176 and 187 of 1 Bartlett; to the case of Milliken *vs.* Fuller, of Maine, in the Thirty-fourth Congress, first session. In that case the officers of the election were chosen in the month of April, when they ought to have been chosen in the month of March—chosen at a wrong election, at a wrong meeting—and the House adopted this as the law of the case without division:

Second. That the votes of Hancock plantation be rejected, because the officers who held the election were chosen at a meeting held in the *month of April*, when, as the contestant contends, the law of the State required that it should have been held in the *month of March*.

There is no controversy about the facts in either case, and although there was difference of opinion in the committee whether the election of municipal officers in the Hancock plantation was held *at a time permitted by the law of the State*, yet the committee is unanimously of the opinion that the persons officiating were officers *de facto*, acting in good faith; and, as no fraud is alleged, the votes from the district were rightfully counted for the sitting member.

That is to say, although they were elected a month later than they ought to have been elected, at a meeting held without any shadow of law, yet having been elected, having been inducted into office, having acted as such, they were officers *de facto*, is the solemn adjudication in the case of Milliken *vs.* Fuller. Yet the majority say that no election can be held unless the election officers are elected at the time and by the very body that is qualified to elect. If that were so, unfortunate indeed would be the condition of voters, for the least deviation in the most unimportant particular would strike down and nullify the most sacred right of the American citizen. I protest against the adoption of a doctrine so repugnant to law, so repugnant to justice, so in the teeth of all precedent, and so absolutely and irretrievably ruinous to the rights of the American people.

I will call attention without reading, although I will incorporate an extract or two in my remarks, to the case of Barnes *vs.* Adams where the learned gentleman from Iowa, [Mr. MCCRARY,] whom I have not the pleasure now of seeing in his seat, gave a most thorough examination to the question as to what constituted a *de facto* officer, a *de facto* board, and the doctrine is fully and completely sustained. It is to be found in 2 Bartlett, pages 765, 766:

An officer *de facto* is one who comes into office by color of a legal appointment or election. His acts in that capacity are as valid, so far as the public is concerned, as the acts of an officer *de jure*. His acts in that capacity cannot be inquired into collaterally. * * * If the votes of the citizens are freely and fairly deposited at the time and place designated by law, the intent and design of the election is accomplished. It is the will of the electors thus expressed that gives the right to the office, and the failure of the officers to perform a mere ministerial duty in relation to the election cannot invalidate it if the electors had actual notice and there was no fraud, mistake, or surprise.

Again:

The principle of a *colorable* election holds not only in regard to the right of *electing*, but of being elected. A person indisputably ineligible may be an officer *de facto* by color of election.

Now what can the elector do? He finds an officer surrounded by the muniments of his office conducting an election, and he comes there for the purpose of exercising his sovereign franchise in voting. What can he do? Is he powerless? Is he disfranchised because forsooth there may be a technical flaw which on direct proceedings might be sufficient to invalidate the election of the man who is exercising the functions of the office? If that were so we would find the House, after its judgment pronounced with so much hot haste against a recusant witness, in a very delicate situation; for, if when an inquiry was made collaterally on a writ of *habeas corpus* you could search the record and go beyond the question of the jurisdiction of the House into the details of its action, it might be difficult to sustain its decision. I reckon that instead of getting Hallet Kilbourn back under such a rule to be kept at $20 a day he would entirely escape from our tender embraces.

But, in addition to that, that same question has been solemnly adjudged in the court of appeals in the State of New York in the case of the New York State inspectors of election. I will not read the case, but I will state the point that was made in it. The law required that in case there was a failure of the officers of election to attend at the time of holding the election other inspectors of elec-

tion should be appointed by the supervisor of the township and another officer and two justices of the peace to act in the places of those first appointed. There was a failure to attend, and election officers were appointed with the co-operation of a single justice of the peace. There was only one justice acting; so that the board that made the return of the election was one that was not duly and legally constituted and had no authority to make it; and yet they did make it. The officers exercised the functions of the office. And after an able argument, the case going through the supreme court of the State to the court of appeals, the highest judicial tribunal in the State—after the question had been ably and elaborately discussed by counsel, it was held by the court that although the body that elected the inspectors had no legal power to do it, yet inasmuch as they undertook to do it, and the men thus attempted to be chosen went into the exercise of the functions of the office, were sworn and acted, they constituted a *de facto* board, their action was conclusive. But this precedent is ridden over rough-shod by the majority of the committee in order that they may strike off the vote of these poor colored people in the colored academy precinct.

The same doctrine is maintained, and I will incorporate in my remarks a paragraph from the case which I have not time to read, in The People *vs.* Piatt, 29 Illinois Reports:

A mere irregularity in conducting an election which does not deprive any voter of his franchise, or allow an illegal vote, or change the result, will not vitiate the poll. Although the law directs that the polls shall be closed at five o'clock—and this question is in issue—unless it is made to appear that illegal votes were cast after that hour which change the result, the irregularity will not affect the vote of the precinct.

The last ground of contest is "that many persons were allowed to vote who were not registered without taking the oath that their names had been improperly stricken from the registry-list." This charge, it is claimed, is supported by the proof; and from it it is argued that the inspectors were shown to be ready to commit a fraud on the election.

The law applicable to the question involved is thus stated in the case in 8 New York, from which I have already quoted:

Fraud can never, in judicial proceedings, be predicated of a mere emotion of the mind, disconnected from an act occasioning injury to some one; a fraudulent transaction implies a wrong done, as well as a person wronged. The term fraud when applied to inspectors of an election implies, *ex vi termini*, that some legal voter has been designedly and wrongfully deprived of his vote or that an illegal vote has been purposely and unjustly received by these officers or that a false estimate has been imposed upon the public as a genuine canvass.

The contestant must show that the copy of the registery-list furnished the inspectors of the colored academy precinct was a correct one, or no inference of fraud can be made against the election officers. But the contestant's witness Waldron, clerk of the court, leaves it in doubt whether he furnished any certified list for 1874. It is fairly inferable that the list used was an old and uncorrected one. Here is his testimony:

I was clerk of the circuit court of Columbia County, Florida, and had custody of the county records and election returns in November, A. D. 1874. Since the last general election the clerk's office and (I believe) all the county records had been destroyed by fire; this occurred in the month of December last.

Cross:

I do not remember whether, as clerk, I made certified copies of the registration-lists before the fire. I do not know of any being in existence at the present time.

Thus it appears that the clerk had not furnished the certified list, and it is quite fair to assume that, if the ballot-box, poll-list, returns, and registry-list were in existence, they would utterly explode the charge of illegal voting.

But let us examine the testimony on this point as it appears in the record:

W. J. Barnett, (page 77:)

Question. Were there any votes cast at that precinct when the names were not on the registration-list?

(Objected to by counsel for contestee.)

Answer. A great many. I am satisfied there were seventy-five, and probably a hundred, voted whose names were not on the registration-list, who only took the following oath: "You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, (or that you have declared your intention to become a citizen of the United States, according to the acts of Congress on the subject of naturalization;) that you have resided in this State one year and in this county six months next preceding this election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court." No other oath was taken by those who voted and whose names were not on the registration-list. None of the above took the oath that they had been registered and their names had been improperly stricken from the registration-list.

Cross:

Q. You stated that there were seventy-five, perhaps one hundred, voted whose names were not on the registration-list; will you state on what grounds you make that statement?

A. From the number who voted whose names were not on the registration-list. When a man came up to vote his name was looked for, and if not found the inspectors administered the oath. It is my *impression* the number is as large as seventy-five; not less.

J. V. Brown, a democratic challenger who remained in the room where the officers of the election were, testifies:

There was a number of votes polled that day of persons whose names were not on the registration-list. I looked over the list with Charles R. King, who was an inspector.

Question. Do you know of any who voted twice on that day?

Answer. One Huison Yates, a citizen of Duval County, to my certain knowledge, voted twice. In the morning he voted for Walls; in the afternoon he voted a folded ticket, a green one, (the republican color that day.) A majority of the regularly-appointed inspectors were not present when I arrived in the morning. There were five voted that day that I positively know were not citizens of the county: William Williams, Huison Yates, Mitchell Yates, Peter Ranison, and Sam Jones. Henry Ellis, Charles Jones, and George Sanders were challenged on account of their being sent to the penitentiary. They refused to take the oath in the morning; they came back in the afternoon and took the oath, and voted at the instance of Dr. Johnson.

Cross:

Q. When I started to the precinct I saw Mr. Baya's watch, and it was five minutes after seven; it was just good daylight. The ballot-box was in the room sitting on a little table by the window when I went in; there was an alley-way from the other room to the window; the other room was open; the voters had to go up the alley-way to vote. With the exception of the illegal voting referred to, as far as my own observation extended, the election seemed to be a fair one.

JOHN W. TOMPKINS, being duly sworn, testifies:

Answer. We had two oaths, and Captain King almost invariably administered the oath, and in every instance, as well as I remember, we administered the oath. I recollect occasionally they swore their names had been improperly struck from the rolls. The oath, section 16, act 1868, page 5, was the one generally administered in almost every case, There were only a few took the oath that their names were improperly stricken from the list. I asked Johnson to let me stay at his house the night before the election, as it was threatening rain and I wished to be early at the polls next morning.

FRANCIS M. WEEKS, being duly sworn, testifies:

I was at the colored academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the morning of the 3d day of November, A. D. 1874. I got there about seven o'clock a. m. When I arrived there I went to the clerk's desk and found about twenty persons had already voted, as appeared from the lists. I staid there until about three p. m. I then left for about half an hour. I then returned to the colored academy precinct and remained until the polls were closed. There were a good many voted at the colored academy precinct whose names were not found on the registration-list, but I do not remember how many.

Question. Were the colored academy precinct and the market-house precinct both in the town of Lake City?

(Objected to by contestee's counsel.)

Answer. They were. I partly examined and compared the colored academy precinct returns and the market-house returns. As well as I recollect, I only found about seven persons whose names were checked on both lists. I was then called away to other business, and Mr. Waldron, who was assisting me, continued the examination until he was called away. Mr. Waldron was the clerk of the circuit court, and I was his deputy. My impression is the seven persons voted at both precincts, and I base my impressions on the names being checked on lists. I based my conclusions that a good many voted not on the registration-list by being present and looking over the registration-lists. I think there were four in one crowd. I observed from ten to fifteen who thus voted, as well as I recollect. I was the opponent of Dr. Johnson at this election. *I paid particular attention to those who thus voted, and kept a list of the names until three o'clock; but the list was afterward burned in the clerk's office. Mr. Brown and Mr. Barnett got names that I did not get.* When I saw them take the names I did not do it. The clerk's office was burned on the night of the 20th of December, A. D. 1874.

The mere impression of Barnett that seventy-five persons illegally voted amounts to nothing so far as impeaching the returns are concerned. No one of these witnesses swears to any fact tending to prove any fraud. No poll in the land would be good if it was set aside as fraudulent because the partisan challengers testified they thought somebody who swore in his vote was not a qualified voter. Every witness testified that except in respect to the voters who were challenged it was a fair and legal election. Certainly no more votes ought to be thrown out than are shown to have been illegal. This, on the largest estimate, could not exceed seventy-five. This would leave the sitting member undisturbed, and with a large majority in his favor. The testimony of Duval Selph is not deserving of credit. He testifies to his own infamy; besides, his evidence is hearsay. He pretends to give conversations with a man who had been murdered before the testimony was taken. This man, however, does not swear to any actual fraud committed by Dr. Johnson or any one else. The portion of his testimony most nearly looking to the existence of fraud is the following. Duval Selph testifies:

Question. Did you do anything unfair yourself at the election?

Answer. To my knowledge, I did not. The reason I think the election was conducted unfairly is that from seventy-five to a hundred persons received tickets from Johnson. He called a name and a number and they put it through an aperture in the wall where the ballot-box stood, and called out the name and number, and the ballot was thus received; this is one of my reasons. Johnson called the name and gave the number which he gave to these parties from what he told me was a copy of the registration-list, and the parties took the number with the ticket and passed it through the hole to the inspectors, calling out the name. The returns from the Ellisville precinct were not intercepted.

Redirect:

Q. State other reasons why you consider the election unfair.

A. My other reason is that the number of men who voted through the window by number, as above stated, were (as I believe) voting under fictitious names; no one told me so.

This circumstance, if it occurred, is capable of a simple explanation. There was a large number of men to vote. It would require more than one vote to be cast each minute. The registry-list had the names of all the voters of the county on it. It took some time for the inspectors to hunt up each voter's name. Hence if Dr. Johnson when he gave out a ballot also gave the voter his number on the registry-list, it would enable the inspectors at once to find the name, and thereby would facilitate the election. This man Selph thinks, however, these seventy-five or one hundred men were voting under fictitious names. He does not claim to know it; it is his *impression*. Such a fraud would be a stupendous one and must have attracted attention. Yet neither Brown, who was inside the room as challenger, nor Barnett, who was challenger outside, nor Weeks, the democratic senatorial candidate, observed this occurrence, or, if they did, it was so manifestly proper that they do not allude to it in their testimony. They testify to the fairness of the election, except as to certain men who offered to vote whose names were not found on the copy of reg-

istry-list at the polls, and who on being challenged swore in their votes without taking, it is claimed, the proper oath entire. The whole testimony, however, fails to impeach the returns. It is manifest that in no event can more than seventy-five votes be struck off.

Our duty seems plain. We are furnished with the data whereby we can purge this poll of every vote about which a question is raised. It is our duty to do it. Strike off 75, the number estimated by Barnett to have illegally voted, or strike off 100, the number suggested by Selph, and the sitting member still has a large majority. In this way will we preserve the purity of the ballot-box and at the same time give effect to the honest ballots cast at this precinct. Only by preserving the purity of the ballot-box and by giving honest, unhesitating obedience to the expressed will of the majority can we hope to perpetuate our republican institutions and save liberty itself from perishing from the earth.

[Here the hammer fell.]

Mr. HOUSE. I do not desire nor do I intend to consume the time of the House in discussing anything that is not proper for the House to take into consideration in making up a calm and unbiased judgment upon the merits of this case. But I must be permitted, Mr. Speaker, to enter my protest against the spirit in which the honorable gentleman who has just taken his seat has seen fit to consider this question. A Committee of Elections occupies a quasi-judicial position, and if their opinion upon a case is worth anything to the House their investigations must be conducted in a judicial spirit. The spirit of the partisan is wholly foreign to a question of this sort and entirely out of place in an investigation of this character. Why the gentleman from Indiana [Mr. BAKER] felt himself called upon in discussing what is nothing more than a purely legal question to travel outside of the record and make an attempt to stir up party feeling on this subject against the majority of this committee is a question which he perhaps can answer. I say everything of that sort is wholly foreign to this question.

The question is whether under the laws of Florida the contestant or the contestee is entitled to a seat upon this floor, and the attempt on the part of the gentleman from Indiana to excite prejudice against the majority of this committee or to attribute to them a motive to ride rough-shod over the poor colored voter and to deny him his legal rights does the majority of this committee gross injustice, and the gentleman will allow me to say, without any offense to him, is unworthy of him. There is nothing, Mr. Speaker, which has occurred in the investigations of this committee which would justify the gentleman from Indiana in indulging in any such insinuation against the majority of the committee. Why, sir, he came very near charging, he did by innuendo charge—if he did not mean to cast a suspicion of that character, I am at a loss to know why he made the allusion he did—he came very near charging that the contestant in this case had burned the court-house to destroy the records and murdered a witness to suppress evidence. I submit here in all fairness if this line of argument is not entirely out of place in the discussion of this matter.

It is very true, Mr. Speaker, that the court-house was burned; how or by whom this evidence does not disclose. It is true that this Dr. Johnson who figures in this election was killed by somebody; but where, by whom, and under what circumstances, this record fails to disclose; there is not one particle of proof upon the subject at all. So much, Mr. Speaker, in reference to these outside charges which the gentleman from Indiana has seen fit to insinuate against the majority of his colleagues upon this committee. And I must express my surprise that the gentleman should have exhibited such a partisan spirit. I could not have been induced to believe that under his calm exterior the fires of partisanship would burn so intensely as they seem to do. Now, the charge, Mr. Speaker, that the majority of the committee are depriving the colored voters of their rights I deny, and there is nothing in this record to warrant any such remark on the part of the gentleman.

Now, sir, I do not intend to go into the whole case. A great many of the points that were made by the contestant and the contestee in this case the committee do not disagree about. The whole contest here hangs upon one precinct in Columbia County, known as the colored academy precinct in Lake City.

The sitting member claims to have been elected to this House by a majority of 371 votes. He claims to have received at this colored academy precinct 588 votes, while the contestant received there only 11 votes; so that if the vote of this colored academy precinct is thrown out it settles the contest as between the contestant and the contestee; and I shall not go into the question of this election any further than as relates to the colored academy precinct.

Now, Mr. Speaker, the election law of Florida provides that the election shall be opened at eight o'clock in the morning and that the polls shall close at sundown. It further provides that three discreet men shall be selected to act as inspectors of election, and that, in case they are absent or sick or refuse to act, then the voters who are present at the time fixed by law for the opening of the polls shall select three other men to act in their place.

Now I desire to refer to the law on that subject.

In case of the death, absence, or refusal to act of any or all of the inspectors appointed by the county commissioners, the electors present at the time appointed for opening the election may choose, *viva voce*, from the qualified electors, such a number as, together with the inspector or inspectors present, if any, will constitute a board of three, and the persons so chosen shall be authorized to act as inspectors of that election.

Now what do we find in this case? We find that Dr. Johnson, who was an active republican partisan in Columbia County, and who was a candidate for the State senate, a few days before the election was riding about the county endeavoring to get persons to act as inspectors of election at that colored academy precinct, and on the night before the election a man by the name of Tompkins and a man by the name of Carroll staid all night at the house of this Dr. Johnson. Tompkins was one of the inspectors that Dr. Johnson had selected to act on the following day, and he staid all night at Dr. Johnson's house. Carroll was the man whom Dr. Johnson had selected to act as clerk of the election, and he staid all night at Johnson's house the night before the election. King, another inspector, did not stay all night at Johson's house, but he was there the next morning before daybreak. Carroll, the man who acted as clerk, says that he and Dr. Johnson and King and Tompkins left Dr. Johnson's house together and went to the voting-place and arrived there a little after daylight. Now the election law of Florida says, and all laws say, that fraud may be proved by circumstances. Here was a man who was himself a candidate for office at the election, an active partisan, and he goes himself and selects men to act as inspectors and a man to act as clerk, and on the next morning a little after daylight, before any one could be presumed to be abroad, before the voters of the precinct could be presumed to have got their breakfasts, these men, a little after daylight, go to the polling-place and open the polls and commence voting. There is no proof in this regard that any human being in Columbia County ever had anything to do with the appointing of these inspectors except Dr. Johnson himself.

Now, I beg the House to bear in mind that the law says that, if the inspectors of the election are not present to officiate, then the voters present—when? At daylight? About sun up? No; but the voters present at the time fixed by law for the opening of the polls—may, *viva voce*, select inspectors. Now it is perfectly idle for any one to argue to me or, I think, to any fair-minded man in this House that an active partisan can go about before the election and select the men that are to act as inspectors and clerk and take them to his house and keep them over night, and then take them to the polls and commence operations before other citizens are abroad or can possibly participate in the election. I say that that of itself was a fraud upon the election laws of Florida.

I do not controvert the position taken by the gentleman from Indiana, [Mr. BAKER,] that if the inspectors of elections should happen to open the polls a few minutes before or after the time fixed by law the election would not be invalidated; but here was a deliberate attempt to open the polls before the time fixed by law had arrived. Dr. Johnson said to Mr. Tompkins, "I want you to act as inspector." What right had he to appoint an inspector? He said to Carroll, "I want you to act as clerk." He had no right under the election laws of Florida to appoint either inspectors or clerk; yet he did so and he opened the polls when there were no persons present but his own personal friends, fifteen or twenty in number, while the citizens of the precinct were not there at that early hour.

Now the gentleman from Indiana undertakes to say that there is some discrepancy in the proof about the hour at which they commenced voting. I undertake to say that the proof is overwhelming that they opened the ballot-box about seven o'clock.

Mr. Brown says that he got there about seven o'clock, and that they were voting when he got there; that there were about twenty votes in the ballot-box when he got there, about seven o'clock. Another witness proves the same thing. This man, Selph, proves that it was eight o'clock and twenty minutes by his watch, but he says he set his watch ahead an hour and twenty minutes the evening before, at the suggestion of this same Dr. Johnson. There is one remarkable coincidence in this matter. There was a colored divine by the name of Armstrong, who was a candidate for the Legislature. The strange coincidence is that Armstrong's watch and Selph's watch corresponded. Selph admits that he put his watch up an hour and twenty minutes at Johnson's suggestion, and it is a remarkable thing that Armstrong's watch should correspond with Selph's watch. He was a colored divine and a candidate for the Legislature, and I have no doubt that he put his watch up at Johnson's instigation. Something of that kind must have been done, or else the watch of this divine, Selph, would not have corresponded with Armstrong's.

Mr. TOWNSEND, of New York. Do you say that Selph was a colored divine?

Mr. HOUSE. Not Selph, but Armstrong. The manner in which the gentleman from Indiana [Mr. BAKER] and the minority report of the committee denounce Selph is conclusive proof that he had none of the colored element in him.

Mr. TOWNSEND, of New York. I am glad of that for the sake of the colored people.

Mr. HOUSE. I would take that as *prima facie* evidence of his color every time. So much for the manner in which these inspectors were appointed. I say that from the circumstances you can come to no other conclusion than that it was a deliberate and concocted fraud upon the election laws of Florida. If Dr. Johnson meant to do nothing wrong, meant to do nothing more than to comply with the law, why did he go there about daylight, and why did it so happen that in his selection of inspectors and clerk he took every one from his own political party and gave the other side no showing whatever in the selection of officers who were to preside impartially at that election?

Mr. WALLS. Will the gentleman allow me a moment?

Mr. HOUSE. Certainly.

Mr. WALLS. The evidence will show that not one of these inspectors was my political friend; or rather the evidence does not show that they were, and I will prove to the House that not one of them voted for me, but they all voted for the contestant. I hope the gentleman will not undertake to discredit my case by saying that they were party friends of mine.

Mr. HOUSE. The evidence shows that they were all republicans.

Mr. WALLS. No; nowhere does it show that.

Mr. HOUSE. I will not stop to read the evidence, but it certainly does show that. Tompkins proves that they were all friends of Dr. Johnson or voted for him. And the testimony of Weeks, I think it is, shows that every man present at the polling-place of that precinct when he got there was a republican excepting himself and another man. King and Tompkins and Carroll were all there at that time, and there can be no dispute about their belonging to the republican party. That is clearly shown by the testimony.

But I will show a little further on in this case why it was that Dr. Johnson wanted King and Tompkins and these other men to act as inspectors. The minority in this case make a statement in their report which I was very much surprised to see in view of the proven facts in this record. They say there is no proof that a single illegal vote was cast at that precinct. Now I beg the House to understand one thing; there is a registration law in Florida. No man can vote in Florida unless he is a registered voter; that is clear; there is no dispute about that.

When a man presents himself to vote, if his name is not found upon the registration-list, before he can vote he is required to take an oath that his name has been improperly stricken from the registration-list; he cannot vote without that. That oath is as much a condition precedent to his voting, if his name is not found on the registration-list, as that he shall be registered at all. That will not be disputed by gentlemen on the minority side of this question. If, when a person comes up to the polls, the inspectors look over the list and find that his name is not there, they will say to him: Mr. A, your name is not on this list. He then has no right to vote unless he swears that he has been registered, and that his name has been improperly stricken from the list.

Now, what was done in this case? Between seventy-five and a hundred voters—some put it more and some less, but certainly a very large number of the votes received there that day—were offered by men whose names were not on the registration-list. Now, the minority say that these inspectors have done nothing illegal; that no illegal votes were cast at these polls. I say that the proof shows, and abundantly shows, that from seventy-five to a hundred voters—the number is not very accurately defined, because no one kept count of them—presented themselves there to vote whose names were not on the registration-list, and they were permitted to vote without taking the oath which the law imperatively required they should take before they could vote legally.

Now that is proven by several witnesses here; among them by Tompkins, one of the inspectors appointed by Johnson himself.

Before going further in my argument on this question, I wish, in support of my statement that the proof showed that these inspectors were republicans, to read from the testimony of Mr. Barnett, page 77:

Question. Were these inspectors republicans or conservatives?
Answer. They were republicans.

There are several other witnesses who speak to the same effect, but I will not stop to read their testimony. One of them was a colored man. There can be no dispute on this point at all. The gentleman [Mr. WALLS] has not read the evidence in his own case, I presume, if he says that this proof is not in the record.

Mr. WALLS. I have read all the evidence; and I promise to substantiate my assertion.

Mr. HOUSE. Mr. Speaker, I will not, if I know it, misrepresent the testimony in this case, and I think I know what it is. I say that these inspectors themselves perpetrated a willful and deliberate fraud upon the ballot-box over which they presided. As I said a while ago, no gentleman who sustains the minority report will pretend that any man who presented himself to vote, whose name was not found on the registration-list, could be allowed to vote unless he took the oath, prescribed in section 9 of the election laws of Florida, that he had been a registered voter, but that his name had been improperly stricken from the list. There was another oath that the voter took where the question of registration did not arise, or where he was challenged for other causes. That was the oath contained in section 16 of the election laws:

If any person offering to vote shall be challenged as not qualified by an inspector or by any other elector, one of the board shall declare to the person challenged the qualifications of an elector. If such person shall claim that he is qualified and the challenge be not withdrawn, one of the inspectors shall administer to him the following oath:

"You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, (or that you have declared your intention to become a citizen of the United States, according to the acts of Congress on the subject of naturalization;) that you have resided in this State one year and in this county six months next preceding this election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court."

Now that is one oath; that is the oath required to be taken by a man challenged for other cause than not being a registered voter. And here we have from seventy-five to one hundred men coming up to the ballot-box and offering to vote when they were not entitled to vote, unless they took the oath that their names were stricken from the registration-list; and we find these inspectors, with both oaths before them, administering to men whose names did not appear upon the registration-list this oath which I have just read, which did not entitle them to vote.

Now let us see what Tompkins said about this matter:

We had two oaths.

This shows that they had both oaths right before them then and there. If they had not had the oaths with them at the ballot-box, we might suppose that through mistake they administered to these unregistered voters the wrong oath. But Tompkins removes altogether that ground of escape for these inspectors. Tompkins, an inspector himself, testifies:

We had two oaths, and Captain King almost invariably administered the oath, and in every instance, as well as I remember, we administered the oath. I recollect occasionally they swore their names had been improperly struck from the rolls.

Now mark you, not one of them was entitled to vote whose name was not on the list unless he took that oath.

The oath, section 16, act 1868, page 5, was the one generally administered in almost every case. There were only a few took the oath that their names were improperly stricken from the list.

Now I call upon gentlemen on the other side of this House who support the minority report to argue this question from the proof in the case, and not to indulge in partisan passion. I say that even upon the testimony of Tompkins, the inspectors of elections, with both oaths before them, deliberately committed a fraud in allowing men to vote who they knew were not entitled to vote under the laws of Florida. Gentlemen cannot escape this conclusion.

Let me now read one statement from the minority report, a most extraordinary statement to have been made by any gentleman who had read the proof in this case:

It appears from Tompkins's testimony that men whose names could not be found were challenged and took both oaths required by law.

Now this minority report represents Tompkins as saying that the men who offered to vote there took both oaths, when Tompkins's testimony, which I have just read, shows that very few of them took this oath that they had been improperly struck from the registration-list. Now I call upon the gentleman who wrote that report——

Mr. TOWNSEND, of New York. I wrote it; and I will meet the gentleman at Philippi. Let him be patient.

Mr. HOUSE. I did not want to meet the gentleman anywhere else than at Philippi. It was at Philippi I wanted the gentleman to speak—not now. But whether he speaks here or at Philippi, I say that he incorrectly represents—not intentionally, of course, as he will understand——

Mr. TOWNSEND, of New York. Certainly.

Mr. HOUSE. But that he does erroneously represent Tompkins as swearing to what he does not swear to; he swears to the contrary.

It appears from Tompkins's testimony that the men whose names could not be found on the registration-list were challenged and took both oaths required by law. He says that only a few took the oath that their names were improperly stricken from the list. I know the honorable gentleman is able, and I know he is ingenious, but if he can reconcile that, then his ingenuity exceeds anything I have ever seen exhibited.

I insist, Mr. Speaker, that all this is sufficient to utterly destroy any return that these inspectors could make out; that having both oaths before their faces, they permitted men to come up and deposit votes in the ballot-box without taking the oath which the law required they should take.

This record also shows that men were allowed to vote not living in the county, although not challenged, and yet challengers were there. Mr. Tompkins, who was one of the inspectors, says:

There was considerable challenging at the polls; John V. Brown and W. J. Barnett did most of the challenging. Francis M. Weeks challenged a few. There were, I imagine, at least fifty or sixty votes challenged. Persons were challenged because they were not on the registration-list. Two or three because they had been in the penitentiary.

Their attention was called to that, "I challenge this man because he was not on the registration-list;" but with both oaths before them, instead of making him take the oath he must take before he can vote and which they knew he could not take without committing perjury, they committed the fraud upon the law of putting the other oath to him, which did not amount to a row of pins, and deliberately put his vote into the box. That is of itself sufficient to destroy the returns of this election precinct. It is well understood and well established that when an officer of election is occupied in the perpetration of deliberate wrong upon the ballot-box, although it may not be sufficient to change the result, it destroys the integrity of the returns, and you cannot look to that return for any purpose whatever.

I understood the gentleman from Indiana [Mr. BAKER] to remark that when the testimony of Weeks was taken the contestant failed to ask him a question, and that Weeks failed to prove there were illegal votes cast at this poll. That is altogether a mistake.

Mr. TOWNSEND, of New York. If the gentleman from Tennessee will allow me, the assertion of the gentleman from Indiana was that Weeks failed to state any of the twenty names, or thereabouts, of votes upon the list when he arrived were illegal.

Mr. HOUSE. I did not understand that.

Mr. TOWNSEND, of New York. That is what he said.

Mr. HOUSE. Then I do not care to reply to that, but Weeks does say there were a good many who voted at the colored academy precinct whose names were not found on the registration-list, but I do not remember how many. One says from seventy-five to one hundred. They proved that various parties from other counties, who did not belong to Columbia County, were allowed to vote at that precinct. The challenges were disregarded, and these inspectors, appointed as I have indicated to the House, allowed other votes to be received.

So, Mr. Speaker, I do not think any other conclusion can be reached upon any sound principle than that this colored academy precinct must be thrown out. If thrown out, as I stated before, then it settles the result of this election. The contestee claims to be elected by 371 majority. He claims to have received 588 out of this colored academy precinct. Of course, if the poll at the colored academy precinct is thrown out it settles the question. The other minor questions referred to in reference to other precincts I do not care to touch upon any further.

One thing was said by the gentleman from Indiana [Mr. BAKER] which I will notice before I take my seat. He made a statement in reference to the contestee being deprived of the privilege of taking proof, and something is said in this minority report of the testimony in this case being *ex parte*. I wish to state to the House that every witness examined in reference to this colored academy precinct was cross-examined by a party who certainly represented himself to be the attorney of the contestee. Every witness was cross-examined, and the testimony is not *ex parte*.

But it is further said that the contestee made an application to the committee for time to take additional proof. The contestee never took any proof whatever in reference to this colored academy precinct; but he made an affidavit before the committee for time to take additional proof. The committee considered his application, and with only one solitary exception, the gentleman from Indiana, [Mr. BAKER,] every member on the committee, democratic and republican, decided that his application was wholly insufficient. His affidavit did not disclose the name of a single witness whose testimony he proposed to take, nor did it disclose what fact he desired to prove by a single, solitary witness. His affidavit was so general in its terms and indefinite, that every member of the committee, with the exception of the gentleman from Indiana, ruled without hesitation the application was wholly inadmissible, and that as a committee we could not permit the sitting member upon such a vague and indefinite application to retain his seat forever, when he had given no good reason why he had not taken proof when he had such a long time in which to do it.

So that there is nothing in that. His application to take additional proof was fairly, impartially, and justly considered by the committee, and it was overruled as wholly insufficient by the unanimous vote of that committee with the exception of one. So much for that. I will not detain the House with any further argument of the case.

BUREAU OF INDIAN AFFAIRS.

Mr. WILSHIRE, by unanimous consent, from the Committee on Indian Affairs, reported the evidence so far as taken by the committee in the investigation of the conduct of the Indian Bureau; and moved that it be printed and referred back to the committee.

The motion was agreed to.

CONTESTED ELECTION—FINLEY VS. WALLS.

Mr. BROWN, of Kansas. Mr. Speaker, this contested-election case hinges entirely upon our disposition of the colored academy precinct in Columbia County, as even the majority report of the committee would only show frauds in the rest of the district sufficient to reduce Mr. Walls's majority to 234. And therefore in what I shall say I shall confine myself exclusively to this precinct and leave the other questions as immaterial and not necessary in the decision of the case. No principle of law is better settled in election cases than that the throwing out of the returns of an election district is the very last expedient to be resorted to. The right of the legal voter to have his vote counted is sacred, and we have no right to refuse to count it unless frauds have been committed to such an extent that the returns are absolutely valueless. The mere fact that illegal votes were received is not alone sufficient to base the rejection of a poll upon unless it becomes impossible to show whom such votes were cast for and unless they are sufficiently numerous to change the majority. When they can be eliminated, even by the most violent presumption against the person receiving the majority that they were all cast for him, it should be done as long as it leaves him still in the majority, as he should not be made to suffer to an extent greater than any possible injury the illegal votes may have caused to the opposing party. For instance, if 50 illegal votes are shown to have been cast in a precinct giving a candidate 100 majority and it could not be proved whom they were cast for, it would be absurd to say that the whole poll should be rejected, for there could be no doubt he must at the worst have had 50 majority supposing every illegal voter voted for him. But when the illegal votes are sufficiently numerous to change the majority, then we are all at sea, and there is no certainty whatever as to the legal result.

We state these principles because we fear there may be some misapprehension, and some members may vote to throw out the entire poll under circumstances which at the worst could only decrease Mr. Walls's majority from one to two hundred, instead of 577, as the exclusion of the entire poll would do. The state of this poll is such that it can only be thrown out for frauds which render the returns totally unreliable; for if the only fault be illegal voting we can throw out every illegal vote that the contestant can even claim was cast there and still have a majority sufficiently large upon the report of the majority of the committee to elect Mr. Walls; for in this precinct he received out of 599 votes all but 11. Any fraud that under any rules would make it admissible to throw out the entire poll must be fraudulent conduct on the part of the officers of the election; it must go to the extent of satisfying us that the returns do not import verity; that they are not even presumptive evidence of whom the votes were for or how many were cast for each candidate; for, if the officers did not act corruptly, if the poll-books were correctly kept, the ballots not changed or tampered with, the returns properly made according to the ballots, then it is possible by evidence to prove the illegal votes and to arrive at the truth. But, on the other hand, if fraud enters the portals of the polling-place, exists among the officers of the election, enters the ballot-box, so that we have no reason to believe that the returns are correct, then all reliability is gone, and the only way is to exclude the whole returns and resort to other evidence to determine how the legal electors voted.

Now, what is the evidence in reference to this precinct? To what extent does it go? Are the officers of the election even implicated in any frauds which the contestant has even attempted to prove? The inspectors of the election were John W. Tompkins, Charles R. King, and a colored man named Alexander Hamilton, who, with John A. Carroll as clerk, constituted the election board. The evidence shows that these men were republicans, and friends and supporters of Dr. E. G. Johnson, republican candidate for the State senate from Columbia County, and also of Mr. Walls, the contestee; but with the possible exception that they assisted in opening the polls too early on election morning there is not one scintilla of evidence even tending to prove that they acted fraudulently; and can it be possible that this House, on the mere proof that the election was commenced at too early an hour and that the election officers were republicans, is prepared to disfranchise the whole republican party in Columbia County and throw out 50 legal republican votes, which the adoption of the majority report would certainly do?

We would ask you to take the evidence of the democrats who were at this precinct watching the interests of their party from the time the polls were opened till they closed. Francis M. Weeks, the democratic candidate for the State senate in opposition to Dr. Johnson, swears he got to the voting-place when the lists showed that only about 20 votes had been polled, and, with the exception of half an hour, remained at the polls all day. Mr. Brown and Mr. Barnett were also there as democratic challengers, and remained all day, though probably they were not there as early as Mr. Weeks. These men had every opportunity to see and know how the election was conducted; it was their interest and business to know, and whatever evidence they gave would naturally, from their party affiliations, be strongly against the sitting member and yet, so far as the evidence of these men goes, properly weighed, instead of being evidence that the officers acted corruptly, it is a thorough indorsement of their good faith, especially when taken in connection with the evidence in reference to Alachua County, which shows there was a wide-spread misapprehension as to what was the oath which unregistered voters were required to take and that any presumption that the officers acted corruptly in administering the wrong oath is completely overcome by the fact that this mistake was also made in the precincts which the majority of the committee do not refuse to count. While each of these democratic challengers claims the election to have been illegal and corrupt, it is noticeable that they each and all claim it, because unregistered voters were allowed to vote without taking the proper oath; and that beyond this not one of them testifies to anything illegal and corrupt at this precinct. Barnett testifies:

> I was there as a challenger. I staid there from about eight a. m. till about three p. m. A great many persons whose names were not on the registration-list voted. I am satisfied there were seventy-five and probably a hundred voted whose names were not on the registration-list and who only took the following oath: "You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, or that you have declared your intention to become a citizen; that you have resided in this State over one year and in this county six months next preceding this election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court." No other oath was taken by those who voted and whose names were not on the registration-list; none of them took the oath that they had been registered and their names had beem improperly stricken from the registration-list. Quite a number of persons voted who were not citizens of Columbia County. As I remember, they were all colored. I challenged these voters, and Dr. E. G. Johnson insisted on their right to vote, and Charles Thompson insisted on the right of one to vote whom I knew not to be a citizen of the county. In the morning many of these refused to take the oath, but in the afternoon Dr. E. G. Johnson and others came up with them and insisted on their right to vote, and they took the above oath and voted.

To my mind the above evidence is a grand vindication of the officers of the election, showing that challenges were respected, that the forms of law were complied with, and that no man was allowed to vote until he swore to the facts constituting him a legal voter. If the officers administered the oath they believed to be the legal one, and would allow no unregistered person to vote without taking it, they did their whole duty; and if under these circumstances illegal votes were polled they cannot be blamed, for they were clearly com-

pelled to receive the votes of all persons who on their oaths brought themselves clearly within the requirements of the law. The same witness then, in answer to the question, "Was the election that day at the colored academy precinct, according to your observation, fairly and legally or fraudulently and illegally conducted?" answered:

There were illegal votes cast; there was a good deal of fraud practiced. Some who came in the morning and were challenged and told by the inspectors they could not vote came in the afternoon, took the oath above named, and voted. When a man came up to vote his name was looked for, and if not found, the inspectors administered the oath. It is my impression the number is as large as seventy-five; not less.

This is the evidence of a democratic challenger, and if it has even a tendency to prove fraud on the part of the inspectors, I certainly am ignorant of the force of evidence. It may show that unregistered persons voted without taking the proper oath, and may show that the polls ought to be purged; but it shows conclusively that the officers were endeavoring to do their duty, and sustains rather than impeaches their return. John V. Brown, another democratic challenger, testifies that during the day he was in the room with the inspectors and kept a tally-sheet of the number of votes cast. He testifies that the election was fraudulent and illegal:

There were illegal votes cast and were allowed by the managers, who said they could not stop them if they took the oath. * * * With the exception of the illegal voting referred to, as far as my own observation extended the election seemed to be a fair one. * * * Weeks, the candidate for the senate against Dr. Johnson, arrived at the polls at seven o'clock in the morning, and with the exception of half an hour remained there all day.

He was vitally interested in the result. He knew if he was to be defeated it must be by votes at this precinct, where the bulk of the republican vote was being polled; and yet his evidence, like that of Barnett and Brown, totally fails to show any fraud other than the polling of some unregistered votes, he says ten or fifteen, and the fact, as he afterward discovered, that some persons voted both at the market-house and at the colored academy.

This is the sum and substance of the testimony the democrats give in reference to this precinct, and it totally fails in every respect to impeach the conduct of the managers of the election and show that they were parties to any frauds; and if they were not, we insist that the entire poll cannot be excluded, but that it must be purged in the same manner as the majority propose to do in the disputed precincts of Alachua County, or what would really amount to the same in this precinct, by subtracting all proved illegal votes from Mr. Walls and leaving him his legal votes. Carroll corroborates these witnesses in reference to the conduct of the election by the officers. He says he was only a clerk and not acquainted with the people, but as far as he knew it was a fair election; there were a great many challenges made by Mr. Barnett and Mr. Brown, especially by Mr. Barnett. Mr. Tompkins, inspector, also swears it was a fair election. Not a breath against the fairness of the election, so far as the inspectors are concerned, remains after this evidence is carefully weighed. They tried to do their duty; and, if so, their returns are not valueless, and are deserving of due consideration.

But there is another side to the question, so the majority of the committee say. Where is the evidence of Selph and Carroll? These men were republicans and supporters of Johnson—friends of his—but on their testimony the contestant relies. Carroll swears that he slept at Dr. Johnson's the night before the election; that Dr. Johnson called off names from a book, which witness took to be a copy of the registration-list, to the number of fifty, more or less, and this after Carroll had consented to act as clerk, and the impression on the mind of witness was that Johnson wanted the names worked in to secure his election. But he testifies further that he destroyed the names, and no fraud, to his knowledge, was attempted; and he swears, as far as he knows, the election was a fair one. In reference to opening the election in the morning, he testifies that Johnson estimated they must vote so many a minute to get through during the time, and they wanted to commence as early as possible. Besides this, the witness testifies as to a proposition to seize the ballots and returns from one of the democratic precincts, which however was not attempted. And this is the whole amount of Carroll's testimony. So far as fraud actually perpetrated it proves nothing, and while his evidence may tend in some degree to blacken Dr. Johnson's motives and actions and prove him an unscrupulous man, it proves nothing as to the matters we are investigating.

Duval Selph is a different witness. The self-avowed friend of Dr. Johnson, a coconspirator with him in whatever of wrong was done, he turns his back upon his friends, confesses his villainy, and asks us to believe his confession. The law-books tell us that the uncorroborated evidence of such a man is worthy of little credence, and should be most thoroughly scrutinized. He testifies to but one fact to his own knowledge that seems worthy of consideration, and to statements of Dr. Johnson which are the veriest hearsay. The fact that he testifies to as to the conduct of the election is that "Dr. Johnson called out a name and a number and gave a man a ticket, who put it through an aperture in the wall into the room where the ballot-box was, called out the name and number, and then the ballot was received; and therefore he thought the election was illegal." If true, a strange performance; but the democratic challengers strangely failed to see it, and it appears only in Selph's testimony, which leads me to believe either that Selph has testified falsely or the matter was so evidently innocent that they thought nothing about it. Could Brown have sat in the room and seen such things done and yet swear that except in receiving the votes of unregistered persons he saw nothing wrong? Could this have been going on and Mr. Weeks, whose interests were being jeopardized by the transaction, not have seen it? It is absurd, unless it was innocent. Now when we can reasonably explain a transaction in accordance with innocence we must do it.

Mr. Johnson had, we have seen, a copy of the registration-list; that list contained the names of all the voters in the county. Mr. Johnson sees that the votes must go in rapidly in order to get them all in; and when a voter comes to him he looks for his name and number on the list he has, calls it out, and the voter puts in his ballot and it is received; and the calling out of the number materially assists the judges in their labors. All this is legitimate and honest; and, if the transaction took place at all, it took place in this manner, or we should have the testimony of Weeks, Barnett, and Brown corroborating Selph. Selph also swears that Dr. Johnson told him he brought back into the county fifty-two registered voters. This is the veriest hearsay; Dr. Johnson's unsworn statements would not be received in any respectable court; and we insist that the House reject any consideration of it. But, even if it does not, we claim that the evidence does not permit the inference that the votes were illegal. They were registered, and therefore the presumption is that they were legal voters; and there is no proof they were illegal, except in the fact that Dr. Johnson paid to get them to the county to vote. If this alone makes it illegal then all the voters returned to New Hampshire at the last election at the expense of the committees of the two parties were illegal.

This of course no one claims, nor can it reasonably be claimed because Dr. Johnson brought these voters back to Columbia County at his own expense that they were illegal votes. If they were, why did not contestant show the fact instead of relying on hearsay? Why did not he attempt to prove who they were and where they came from and whether they were temporarily or permanently absent? That the committee should have considered the testimony surprises us, because no one here is bound by what Dr. Johnson said. We do not know whether he spoke truly or falsely, and yet without the least corroboration we are asked to believe what this man Selph, whose own evidence proves him a villain, says that Dr. Johnson says he did. The evidence as to the proposition to seize the returns from Ellisville has no weight in this case, as Carroll and Selph both state that the attempt even was not made.

The evidence of Tompkins is attempted to be impeached by a remark the hearer took to be in jest when Tompkins was in liquor. We do not know upon what principle the contestant would impeach his own witness, for Mr. Tompkins was called by him, and when his evidence does not suit he endeavors to blacken him. I shall not talk in reference to the opening of the polls too early that morning further than to remark that time is not of the essence of an election; that provisions as to time are directory merely, and unless the opening was for a fraudulent purpose the contestant cannot take advantage of the fact that the provisions of the statute were not complied with. The evidence of Weeks shows that he was at the polls by the time twenty votes had been polled, and he does not testify even to an attempt on the part of the officers to poll illegal votes; his testimony rebuts the presumption of fraud; and this, taken in connection with the fact that no person proved to have been in the conspiracy to open the polls too early was on the board, we feel authorized in saying no fraud was intended or attempted in the opening of the polls too early.

The majority of the committee claim, however, that these officers were intruders. The evidence shows that the regular inspectors had said they would not be there; one was nominated by Dr. Johnson; all were sworn. There is no proof that the regular inspectors came; the presumption is they did not. This was a republican precinct; these men were certainly acting with the consent of the voters. There were a number there when the polls opened; no one objected. The officers were sworn in and acted. We have no doubt that the presumption arises that they were duly elected and hence officers *de jure*, but, whether so or not, they were certainly officers *de facto*, and their action valid.

That unregistered voters voted at this poll without taking the requisite oath is proved. How many so voted we think is not proved, but even if we take Mr. Barnett's figures not more than 75 can be deducted from Mr. Walls's majority. We may also subtract the 16 votes proved to have been cast, the voters voting at both precincts, and the 52 imported votes which are not proved, the 75 which Selph says voted through the aperture, and still we do not elect Mr. Finley.

This, then, is not enough; and so, in spite of the evidence of the democrats at the precinct, in spite of the fact that the officers received no vote from an unregistered voter without compelling him to take the oath, in spite of the utter failure of contestant to prove that he was injured by the early opening of the polls and the presumption to the contrary from the evidence of Mr. Weeks, the majority of the committee find the officers were corrupt, the returns valueless, and so reject the whole precinct.

Their argument seems to come down to this: Johnson was unscrupulous, was a rascal, and the officers of the election were his friends; therefore they are unworthy of credit. The polls were open too early; therefore, without the proof of the casting of a single illegal

vote, on that account the election is fraudulent. Dr. Johnson proposed to commit frauds; therefore his friends, the officers of the election, did commit them. Hearsay evidence is considered fully as good if not a little better than direct evidence; and the rule of the law that fraud is to be proved and not presumed is reversed, and the fraud is presumed and not proved.

We are satisfied that the evidence will not warrant the rejection of these returns; that any purging must elect Walls; and that he is entitled to retain his seat.

LEMUEL D. EVANS.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 3141) for the relief of Lemuel D. Evans; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate returned to the House, in compliance with its request, the following bill:

A bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 732) to dispose of the lands formerly covered by the waters of Pistakee Lake, in the State of Illinois; and

A bill (S. No. 749) relating to the sale of the CONGRESSIONAL RECORD and other public documents.

ELECTION CONTEST—FINLEY VS. WALLS.

The House resumed the consideration of the contested-election case of Jesse J. Finley *vs.* Josiah T. Walls, from the second congressional district of Florida.

Mr. DE BOLT. Mr. Speaker, the case before us is one of very great importance. As a member of the Committee of Elections, I have endeavored to give it careful consideration. By reference to the report of the committee and a note thereto appended it will be observed that I concur in the conclusion reached by the committee, but differ somewhat in regard to the application of certain rules to certain precincts therein named.

Before speaking of the rules that I desire to have applied to those precincts, I will first observe that at the precinct of sheriff's office, in Madison County, and at several of these precincts, many electors voted whose names did not appear upon the registration-list in the hands of the inspectors. By a reference to the law of Florida it will be observed that it is the duty of the county commissioners thirty days before the election to make a corrected registration-list, and from that list the clerk of the county court must make a certified copy. That certified copy passes into the hands of the inspectors; not the original list, as has been claimed by the gentleman from Indiana, [Mr. BAKER,] but the certified copy. And it is agreed by the committee unanimously, I believe, that where an elector's name fails to appear on the registration-list in the hands of the inspector at the polls he has no legal right to vote until he takes the oath prescribed in section 9 and also the oath prescribed in section 16. Section 9 requires him to swear that his name has been improperly erased from the registration-list—by whom? By the county commissioners, whose duty it is to make the registration-list.

Now a large number of these electors voted without taking that oath. It is held by the committee, or the majority of them, as the evidence shows that many of these names were found on the registration-list in the clerk's office upon examination, that that makes them legal voters. I hold it does not make them legal voters for this reason: Their names did not appear on the list in the hands of the inspectors, certified by the county clerk from the list made by the county commissioners; and the presumption at once is raised that their names were stricken off from that list by the county commissioners. Why? Simply because their names do not appear upon that list in the hands of the inspectors. And if that is true, then they cannot vote, unless they take the oath in section 9. None of them did take it according to the evidence. At the precinct of Gordon, for instance, many of these electors were allowed to vote, and also at Archer. It is clear, as it has been admitted, that these persons were not properly and legally entitled to vote; and they having voted, and there being no evidence showing for whom they voted, then it is an irregularity. I will lay down this proposition of law: If it is not shown for whom they voted and they are illegal voters, then they are to be deducted from each of the candidates in proportion to the number of votes they have received.

But, in addition to that, the returns from these precincts show fraud and uncertainty on the face of them. For instance, we have at Gordon 173 ballots in the box; 158 names on the poll-list kept by the clerk of the election; 152 certified and returned. Now I would ask who can tell how many votes either of these gentlemen received at that poll? The very return itself and the papers accompanying it show such a discrepancy as to warrant the throwing out of the entire poll.

In order to show that such has been the practice of this House, I shall read from 1 Bartlett, page 284, a case very similar to this, in which Mr. DAWES made the report. In his argument before this House he makes use of this language:

There was one other point. At one of the wards in the city of Detroit the election was not conducted in such a manner as to make it possible to ascertain, after the polls were closed, whether the vote was honestly taken or not. There were two tickets, one for city officers and the other for the State ticket and Representatives in Congress. They were both put into the one box. A voter walked up with two tickets folded up and put them into the box. There was no poll-list so kept that it could be ascertained whether the two tickets which the voter deposited were one for the State officers and one for the city officers, or whether both were not for the State officers or both for the city officers. There was nothing in the mode of keeping the polls to prevent frauds from being committed in that way; and when the polls were closed it appeared that there was some variation in the votes. The committee, therefore, thought that this irregularity was of such a character as to render it impossible to say how many *bona fide* votes were cast at that ward for Representative in Congress.

That report was adopted by this House and the member was seated. I read now from pages 90 and 91, 2 Bartlett:

The committee are not satisfied by proof, beyond any reasonable and fair doubt, that any actual fraud was committed upon the ballot-box during the day of election, and that the conduct of the officers of election and men about the polls, testified to, should subject them to indictment for misdemeanor, rather than the box itself to rejection. The fraud upon the canvass during the night after election, as testified to by Hargin, if fully substantiated by reliable testimony, would require that the return made by such officers and in such manner should be set aside; but the testimony of Hargin, upon which this charge mainly rests, is so shaken by his own appearance as a witness, and the direct contradiction of Connolly and Lyst, that it would be altogether unsafe to base any judgment upon it. The committee, therefore, find that the allegations against this district by the contestant have not been sustained.

I read now from pages 604 and 605 of the same work:

When the votes were being counted in the evening the democratic clerk was taken sick, and William Speers was asked to take his place, and without being sworn first as clerk until the close of the count.

On counting, six ballots was found in the boxes more than the names of persons having voted on the tally-lists of the clerk, which agreed, and only one person is shown to have voted whose name is not on the list.

* * * * * * *

From all the evidence, I think we must conclude that the returns of such an election are too unreliable to be received, and as neither party has attempted to prove that votes were cast for him at that election, that the whole poll of Dunbar township must be rejected.

I read now from McCrary's American Law of Elections, page 336, which he quotes approvingly:

But when the votes were counted there were six ballots in the box over and above the number of names on the tally-list. These facts, together with the further fact that one Speers acted as clerk without authority and without being sworn, were regarded by the committee and by the House as furnishing good ground for rejecting the return.

At the Archer precinct there was a discrepancy also in the number of ballots in the box and the number of names on the poll-list. In the ballot-box there were 309 ballots, 248 for Mr. Walls and 61 for Mr. Finley, and only 298 names on the poll-list. Here we have a discrepancy of 11 ballots.

Again we find that at this precinct a man by the name of G. W. Bogue acted as clerk in the absence of the regular clerk without being sworn. The law which I have read shows conclusively that in case of such irregularities the House has heretofore thrown out the entire vote of the precinct. That is all I desire to say upon that point, as it is unnecessary to pursue the argument further. This case seems to turn upon the colored academy precinct in Lake City, Columbia County. My friend from Indiana [Mr. BAKER] lays down the rule that fraud must be actually proven. I read from the American Law of Elections, section 303:

That the whole conduct of election officers may, though actual fraud be not apparent, amount to such gross and culpable negligence, such a disregard of their official duties, as to render their doings unintelligible or unworthy of credence and their action entirely unreliable for any purpose.

Again, I read from section 442 of the same book:

Fraud in the conduct of an election may be shown by circumstantial evidence. It is sometimes a difficult matter to decide whether misconduct on the part of election officers is to be regarded as constituting fraud or as only the result of carelessness, ignorance, or negligence. If, however, such misconduct has the effect to destroy the integrity of the returns and avoid the *prima facie* character which they ought to bear, such returns will be rejected and other proof demanded of each vote relied on. And this is the rule concerning such misconduct, whether it be shown to have been fraudulent, that is to say, prompted by a corrupt purpose, or whether it arise from a reckless disregard of the law or from ignorance of its requirements. In either case the effect may be to destroy the integrity of the returns.

We see therefore that actual fraud need not be proved, but if the conduct of the officers is such as that the return of the election is unintelligible, or so irregular that the true vote cannot be deduced therefrom, it must be stricken out; that is the only alternative.

Now, then, what was the condition of things at the colored academy precinct, as stated by other gentlemen and as stated in the majority report of the committee? We discover there a purpose on the part of Dr. Johnson and others, a deliberate purpose to perpetrate a fraud upon the voters. What is the evidence? Dr. Johnson some days before saw several of these gentlemen and told them that he wanted them to come to the polling-place and to act some as inspectors and one as clerk. Carroll, the man selected as clerk, and Tompkins, one of the selected inspectors, staid all night at Dr. Johnson's, and another inspector, King, came there early in the morning so as to be early at the polls. Then when all the others had retired, save Carroll and Dr. Johnson, the latter took down a book from the shelf which he called a registration-list and from that he

made a list of fifty or sixty names. Dr. Johnson had previously told Carroll that he had brought into the county from other counties fifty or sixty electors, and that it had cost him about $300 to do it. He made out this list and handed it to Carroll. Carroll, on oath, said that Johnson did not tell him directly what he wanted him to do with the names, but he understood that he wanted him to work them in next day for the purpose of securing his election. What does Carroll say? When asked the question, "Did you work the names in next day?" "O, no; I saw that Dr. Johnson was doing the work so well that they would be unnecessary and I put them in my boot and afterward gave them to some one whose name I have forgotten."

Now, what was Dr. Johnson's part? He goes there early in the morning before the proper officers were expected to meet there, opens the poll at or near seven o'clock, when the law specifies eight. Who goes with him? Carroll, King, Selph, and one or two others of his particular friends. All go there for the purpose of opening the polls early, so as to have full time to cast all the votes—"get them in early," says one witness. Now, what time was that poll opened? On page 17 of the report you will find the evidence of five witnesses; four out of the five witnesses swear that the polls were opened at seven o'clock or near that time, and the other says that he got there about eight o'clock and they were voting; he does not know just what time the polls were opened.

Ah, says my friend from Indiana, [Mr. BAKER,] that miserable scoundrel, Duval Selph, who is a self-convicted villain, put up his watch the night before, or that morning, one hour and twenty minutes. Now I ask the gentleman at whose solicitation it was that he put up his watch? It was at the solicitation of your friend, Dr. Johnson. With whom was Dr. Johnson associating? He was running for days and days with this man Duval Selph, this self-convicted scoundrel, as you would have him understood to be. Dr. Johnson well knew his subject. I will admit, for argument's sake, that Selph was a villian. How much better is Dr. Johnson than Duval Selph? Selph is found in Johnson's company and Johnson suggested to Selph to put up his watch; what does he want his watch put up for? You say the party Dr. Johnson is running with is a self-convicted villain. The minority report of the committee says:

> There is no lawyer who will fail to apply to the testimony of this man the doctrine "*Falsus in uno, falsus in omnibus.*" Being confessedly a villain in one respect, he must be taken to be a "villain all the way through."

There is no repentance for him; O, no. What would become of my friends over there if Holy Writ laid down that rule? Self-convicted in one respect, he is entirely a villain, "taken to be a villain all the way through." That is the doctrine that they apply. But this gentleman, Dr. Johnson, is an angel of purity; he is a very honest man; his object was a commendable one; he only wanted to get the votes of these poor ignorant men into the box, as you say in another portion of the minority report. You call them ignorant; I do not. I am only quoting your language.

Now, my friend from Indiana lays great stress upon the fact that this Dr. Johnson was murdered, foully murdered—no, not murdered, but assassinated. How does he know that he was assassinated? I tell him there is not a word of evidence in this record to show that he was assassinated. Who murdered him? There is no witness in this case who testified as to who murdered him or what caused the killing. I cannot understand why the gentleman from Indiana, with so much dramatic affectation, dragged this into the argument. Suppose he was killed; was he killed because of this election? Did anybody connected with this election murder him? The gentleman does not enlighten us upon that point at all.

But, says he, the clerk's office was burned. Well, who burned it? We are sorry it was burned. The clerk of that court on examining the registration-list found that sixteen men had voted at the market-house and also at the colored asylum precinct, both precincts being in the same town. He says he put the books away and was called into the country; and before he got back the office was burned. How many names he could have found there who voted twice on that day we are not informed.

But my friend from Indiana also says that this evidence was wholly *ex parte;* that the defendant, or the contestee, was not present at the taking of this evidence. The minority of the committee say in their report:

> Walls was not present, in person, at the taking of this testimony, and the committee, on Walls's application for leave to rebut the allegations in relation to that poll, felt constrained to refuse him permission to do so.

Now let us see what the record says. I undertake to say that Mr. Walls was there in person and with his attorney.

The certificate of the notary is as follows:

> In the matter of the contest of Jesse J. Finley, contesting the seat of Josiah T. Walls in the Forty-fourth Congress of the United States, for the second congressional district of Florida.
>
> Testimony taken in pursuit of notice duly served by contestant upon contestee's attorney, on the 2d day of August, A. D. 1875, the said contestant appearing by S. Y. Finley and the said contestee appearing in person and by his attorney, A. A. Knight, at Lake City, in Columbia County, within the second congressional district of Florida, this the 13th day of August, A. D. 1875, before A. B. Hagen, notary public.

That shows conclusively that the contestee was there in person; and yet these gentlemen affirm that this was *ex parte* testimony and that the contestee has never had an opportunity of examining witnesses for the purpose of answering it.

Again, as further evidence that the witnesses were examined on that day I will read the certificate of the notary:

> I certify that the foregoing testimony is the original testimony taken before me as notary public, at Lake City, Columbia County, in the second congressional district of Florida, in the matter wherein Jesse J. Finley is contestant and Josiah T. Walls is contestee, on the 13th and 14th days of August, A. D. 1875.

When was Mr. Walls present? On the 13th day of August, with his attorney.

True, Mr. Walls says that he filed his affidavit before that committee asking time to take further testimony. And, as has been stated by my friend from Tennessee, [Mr. HOUSE,] the committee, after due consideration of that affidavit, ruled it out as wholly insufficient; and I can tell the House that the gentleman from Massachusetts, [Mr. HOAR,] who was then a member of that committee, made the only remarks that were made in reference to it; and he is a strong republican I believe. The affidavit is before me; but I will not undertake to read it.

Before concluding my remarks I wish to call attention to the manner in which Dr. Johnson provided the electors with tickets and their manner of handing them in. Johnson would call out a number and a name. Up would step a voter having the same number and name and stick a ballot through a hole in the door. That is the testimony. How did Dr. Johnson know just what number that man held in his hand? How did he know what name that man bore? Why, he had taken down his book the night before; he had made a list of the fifty or sixty men that he was to bring into the county. He knew his men, and a witness testifies further that Dr. Johnson told him in conversation: "I do not know whether I can get these men to come from their counties; they have a close fight over there, and perhaps the republicans will not let me vote them," naming some men in the adjoining county. But these parties did come in, and that is the way Dr. Johnson voted them. He had their names. They may have been on the registration-list; there is no evidence whether they were or were not. But there is one peculiarity in regard to the making of the registration-list in that county. That list is made in the county clerk's office; and the commissioners, instead of erasing a name, simply leave it off of the copy given to the clerk, from which the clerk makes a certified copy which he gives to the inspectors. They do not erase any name; therefore you can go to that registration-list and get the name of a person who may have been dead for years; his name will still appear on that list. Dr. Johnson could easily have procured those names from the old list in the clerk's office.

Mr. BLAND. I would like to inquire how the registration-list came into the hands of the men who conducted the election and whether there had been any tampering with the list?

Mr. DE BOLT. There is no evidence that the registration was tampered with.

Mr. BLAND. How did it get into the hands of the men who conducted the election?

Mr. DE BOLT. It is the duty of the sheriff to hand the list to the inspectors.

Mr. BLAND. The men who held the election were not the inspectors of the election. How did they get the list?

Mr. DE BOLT. The inspectors of election are the men who receive the ballots; and the sheriff's duty is to pass the certified list made by the clerk into the hands of the inspectors at the polls. When a man comes up to vote the list in their hands is examined to see whether his name is on the list.

Mr. BLAND. How did the officers or the men who conducted the election get that registration-list?

Mr. DE BOLT. There is no evidence to show how they got it; but the evidence is that they had it.

Now, as to the appointment of those officers at that time, Dr. Johnson seems to have known days before which of those officers would present themselves at the polls that morning for the purpose of performing the duty to which they had been assigned. He seems to have understood that none of the regularly-appointed inspectors would be there. He looked up other men. In one instance he went fifteen miles to get one man to come; and he tells Carroll or Duval Selph, "I do not know whether that man will come, he lives so far away;" but in the morning the man was there for breakfast. He did not stay all night with Dr. Johnson, but he was there to eat breakfast with him, and accompanied him to the polls when they were opened. How did Dr. Johnson know for days before, or what object had he in learning days before, that these men would not act? Is not that circumstance sufficient to excite suspicion that everything was not fair or legal; that there was a design on his part to get those fraudulent votes in, and that he wanted men molded according to his own fashion for the purpose of doing it—men who would lend themselves to his purpose to practice a fraud, or assist in carrying out the fraud he intended to perpetrate? That is the sort of men he wanted, and he got them.

Taking all these things into consideration, it seems to me that the votes cast at this poll must be thrown out; and if they be thrown out, it decides the case. Indeed, according to a proper rule, there are other polls at which the votes ought to be thrown out—four other precincts at least. And throwing these out would still further increase the vote of Mr. Finley.

HOLDING OF EVENING SESSION.

Mr. RANDALL. I would like to make a suggestion to the gentle-

man who has this matter in charge, that we take a recess at half past four o'clock, with a view to proceeding this evening with the business of the House. If there be no objection, I ask that the House take a recess at half past four o'clock till half past seven o'clock this evening, to proceed with the regular business.

Mr. FORT. What business?

Mr. RANDALL. I desire to say that if the Committee of Elections or the Committee on Indian Affairs should not desire to go on to-night, I stand ready, as the chairman of the Committee on Appropriations, to occupy the time with the legislative appropriation bill. In any event, there should be a night session.

I attempted the other day to antagonize the legislative appropriation bill as against the bill to transfer the Indian Bureau from the Interior to the War Department and was beaten. I do not feel disposed to test the sense of the House again in the same way, as the House has indicated they prefer going on with the Indian transfer bill to the legislative appropriation bill.

Mr. SPARKS. We would like to go on with the Indian bill to-night.

Mr. FORT. If it be with the understanding that it shall be for debate only, there will be no objection.

Mr. RANDALL. I could not agree to that; I have no power to agree to it.

The SPEAKER *pro tempore*. Is the motion of the gentleman from Pennsylvania that the House take a recess now?

Mr. RANDALL. No, my motion is that at four and a half o'clock the House shall take a recess until half past seven o'clock this evening. I understand the Committee of Elections does not wish to proceed.

Mr. SPARKS. We do desire to go on with the Indian bill.

Mr. RANDALL. In that case gentlemen can go on with the Indian bill at once if they wish to do so.

Mr. FORT. What is the session to-night for?

Mr. RANDALL. I desire to state if any other of these committees does not desire to come to the front, so to speak, I am ready with the legislative appropriation bill.

Mr. SPARKS. I suggest that the Indian Committee is ready to go on.

Mr. RANDALL. Very well then, go on now. The Committee of Elections does not wish to proceed further, and the Committee on Indian Affairs can take possession of the floor now, and they will have the floor to-night. I make the motion that at half past four o'clock the House take a recess until half past seven o'clock this evening.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now suggest that the Committee on Indian Affairs take possession of the floor on their special order.

Mr. HARRIS, of Virginia. I resume the floor and will state that this morning I agreed with the chairman of the Committee on Railways and Canals [Mr. JONES, of Kentucky] to yield the floor to him to make a motion in reference to a bill he has in charge which was the special order this morning but was superseded by the question of privilege coming from the Committee of Elections. Afterward I will yield to my friend from Virginia, [Mr. HUNTON.]

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. Mr. Speaker, as chairman of the Committee on Railways and Canals I reported a bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, which was made the special order for this day after the morning hour, but, as has been already stated by the gentleman from Virginia, it was superseded by the question of privilege coming from the Committee of Elections.

I now move to postpone the consideration of that bill until Tuesday, the 9th of May, after the morning hour, and from day to day until disposed of.

Mr. RANDALL. I believe that special order was subject to the condition that it should not interfere with appropriation bills?

Mr. JONES, of Kentucky. Of course.

Mr. RANDALL. Then I do not object to the postponement if it be under the same conditions.

Mr. JONES, of Kentucky. I agree to that.

The motion was agreed to.

PROFESSOR HAYDEN'S REPORT.

Mr. BALLOU. I am directed by the Committee on Printing to report back a joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories with an amendment.

The joint resolution, which was read, provides that there be prepared forty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and five hundred for the use of the Smithsonian Institution.

The amendment of the committee was to strike out the word "prepared" and insert "printed."

The amendment was agreed to; and the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BALLOU moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM RUTHERFORD.

On motion of Mr. BALLOU, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of William Rutherford, no adverse report having been made.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 3142) for the relief of the Washington and Ohio Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

DANIEL CLEARY.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 3143) granting a pension to Daniel Cleary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDEMPTION OF LANDS SOLD FOR DIRECT TAXES.

Mr. YOUNG, by unanimous consent, introduced a bill (H. R. No. 3144) to provide for and regulate the manner of redeeming lands sold for direct taxes; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

REFUNDING DIRECT TAXES.

Mr. SCALES, by unanimous consent, introduced a bill (H. R. No. 3145) to refund certain direct taxes on lands, collected from citizens in the late insurrectionary States under the act of August 5, 1868; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DISTRICT COURT OF WEST VIRGINIA.

The SPEAKER *pro tempore* announced as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (S. No. 472) changing the times of holding terms of districts courts for the district of West Virginia, Messrs. FAULKNER, CAULFIELD, and FRYE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DURAND for two weeks on account of important business; to Mr. POWELL for one week; to Mr. HUBBELL until Monday next on important business at Philadelphia on behalf of his State; and to Mr. NASH for twenty days.

VETERANS OF THE WAR OF 1812 AND MEXICAN WAR.

Mr. A. S. WILLIAMS, by unanimous consent, introduced a joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for the shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIGNAL SERVICE.

Mr. CAULFIELD, by unanimous consent, presented a resolution of the Board of Trade of Chicago, in regard to the Signal Service of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

BIG SANDY RIVER.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 3146) making an appropriation for the removal of obstructions in the Louisa Fork of the Big Sandy River, between Piketon, Kentucky, and the mouth of the Dismal Creek, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES DE LONG AND OTHERS.

Mr. WHITE also, by unanimous consent, introduced a bill (H. R. No. 3147) for the relief of James De Long and others, in the State of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 494 REVISED STATUTES.

Mr. SAMPSON, by unanimous consent, introduced a bill (H. R. No. 3148) to amend section 494 of the Revised Statutes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WRECK OF UNITED STATES MONITOR TECUMSEH.

Mr. ELLIS, by unanimous consent, introduced a joint resolution (H. R. No. 103) in reference to the wreck of the United States monitor Tecumseh; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. J. BERRY.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 3149) to compensate J. J. Berry, of Fredericksburgh, Virginia, for services as acting postmaster of that town for three months in the year 1865; which was read a first and second time, and, with the accompanying memorial, referred to the Committee of Claims, and ordered to be printed.

PAY OF MESSENGER.

Mr. DOUGLAS. I ask unanimous consent to submit the following preamble and resolution:

Whereas the messenger and watchman to the Committee on Investigation of the Freedman's Savings and Trust Company was inadvertently not sworn; and whereas his pay has been fixed and authorized by the House of Representatives: Therefore

Be it resolved, That the Clerk be, and is hereby, authorized to pay him out of the contingent fund of the House the amount as fixed by the Committee of Accounts and approved by the House of Representatives from the date of his appointment.

The Clerk refuses to pay this messenger and watchman because he was not a sworn officer. As his pay has been authorized by the House of Representatives, I ask that this resolution be passed, so that he may receive out of the contingent fund of the House the pay allowed by the Committee of Accounts.

There was no objection, and the preamble and resolution were agreed to.

JUDGMENT LIENS.

Mr. MCCRARY, by unanimous consent, from the Committee on the Judiciary, reported as a substitute for House bill No. 1945 a bill (H. R. No. 3150) in relation to judgment liens; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

JOHN JOHNSON.

Mr. DAVIS, by unanimous consent, introduced a bill (H. R. No. 3151) to remove the political disabilities of John Johnson, of the county of Granville, and State of North Carolina; which was read a first and second time.

Mr. DAVIS. This is a bill for the relief of John Johnson, of Granville County, North Carolina. I have known him long and well. He is a man of high character and great integrity, and I think there can be no objection to the passage of the bill.

The SPEAKER *pro tempore*. Is there a petition accompanying the bill?

Mr. DAVIS. There is.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

KATE L. USHER.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3152) granting a pension to Kate L. Usher, widow of James D. Usher, deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KASSON. I rise to a parliamentary question. There is not a sufficient understanding in regard to the order of the House for the session this evening, whether it is limited to the consideration of the bill for the transfer of the Indian Bureau or not. I ask the Chair to state whether the order is that no other business whatever is to be transacted?

Mr. RANDALL. The gentleman from Illinois, [Mr. SPARKS,] the member of the Committee on Indian Affairs who has charge of that bill, has the floor for the purpose of moving the House into Committee of the Whole upon it.

Mr. KASSON. I hope that will be the understanding, that no other business is to be transacted.

Mr. SPARKS. I so understood the order.

Mr. KASSON. It will relieve the House if that is the understanding.

Mr. SPARKS. I now move that the House take a recess until half past seven o'clock.

Mr. KASSON. Will the Chair announce to the House what the order is?

The SPEAKER *pro tempore*. The understanding of the Chair as to the action of the House is that the evening session is to be occupied by the Committee on Indian Affairs, the gentleman from Illinois, [Mr. SPARKS,] on behalf of that committee, now having the floor.

Mr. KASSON. On the bill for the transfer of the Indian Bureau?

Mr. BURCHARD, of Illinois. And no other business to be transacted?

The SPEAKER *pro tempore*. It is the understanding of the Chair that the evening session shall be occupied by the Committee on Indian Affairs for the discussion of the bill now under consideration, no other business to be transacted.

Mr. RUSK. And no vote to be taken?

The SPEAKER *pro tempore*. That is not part of the understanding.

Mr. SPARKS. If we reach a vote, we will take it.

Mr. COX. I object to any arrangement by which that bill shall be voted on to-night.

Mr. BANNING. There will not be a vote unless it is reached.

Mr. COX. I desire that the understanding be that no vote is to be taken on the question of the transfer of the Indian Bureau to-night.

Mr. MILLS. It cannot be reached to-night.

Mr. BANNING. I call for the regular order.

The SPEAKER *pro tempore*. The hour of half past four having arrived, the House pursuant to order takes a recess until half past seven o'clock.

EVENING SESSION.

The House re-assembled at half past seven o'clock, and was called to order by Mr. SAYLER, as Speaker *pro tempore*.

TRANSFER OF THE INDIAN BUREAU.

Mr. SPARKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] is entitled to the floor for half an hour, but as he is not present the Chair supposes there will be no objection to his occupying the floor at some future time when he is present.

Mr. CULBERSON. Mr. Chairman, I feel in rising to address the House this evening on this question that no apology is due from me, although I understand that there is scarcely a member upon this floor now who would not rather be at his lodging at this hour then to receive the infliction of a speech; and yet it ought to be remembered that we are expected by our constituents upon a question like this one to give our views.

Now, sir, there is not a question before Congress in which my people are more deeply and intimately interested than upon the question now before this House. The object, Mr. Chairman, of the Government and its purpose in gathering upon these reservations the wild Indians of the West are praiseworthy and noble; for, whatever we may say to the contrary, the Indian has a claim upon us for our sympathies and our aid. By our advance and progress in civilization and in the extension of our population, and in the extent and grandeur which have followed our Government, we have greatly circumscribed the area over which he was accustomed to roam, and thus deprived him of the means of securing subsistence from the chase.

The purpose and object of the Government can be justified by the claims of humanity and the highest interest of the people. We owe this debt to the Indian, and, besides, the experience of the country since the year 1832 has demonstrated that Indian wars are such expensive luxuries as ought not longer be indulged. Over $500,000,000 has been expended by the Government on Indian wars since the year 1832. This policy is not only the mode which will enable the Indian to elevate his character to the dignity of civilization, but is one which if properly carried out would save the Government millions of money. As I understand the question, it is not to destroy the policy of the Government toward the Indians and substitute a new policy. What agencies should the Government of the United States invoke for this system in order to bring that degree of efficiency, power, and success which that noble object entitles it to receive?

But it is to purify the system and to render it more efficient, to economize the bounty and magnanimity of the Government toward these Indians and at the same time to be just to the people of the United States—just especially to those who live upon our borders and those who are specially interested in the proper disposition and regulation of the Indian tribes.

Now I assume that the mode adopted to accomplish these results is totally inefficient; that the Indian Department with its agents, with its employés, and with all its retinue of officers is totally unfit to carry out the purposes of Government, not because, as it has been said, that this Bureau is covered with corruption from head to foot, not because the Indian agents have robbed the Indians without mercy, not because the expenditures of this Department have risen from $3,000,000 to $8,000,000 per annum under this system, for all these things are abuses which the power of legislation can reach and correct, but for the reason of its weakness and utter want of ability to control the savage element confided to its care.

Now, sir, I do not intend to trespass upon the time of this House by discussing this question from a religious stand-point, or from any philanthropic stand-point. I propose to discuss it from a practical stand-point, and in connection with the working of the system as respects the State of Texas; but for that I would not have troubled the House at all to-night.

Mr. Chairman, the Fort Sill reservation is situated in what is called the Indian Territory, forty miles north of the borders of the State of Texas. There never was a lovelier land on earth than the million acres which are embraced in that reservation. The sun never shone purer or brighter than it does over that country which has been set apart and reserved for these Indians, subject to the jurisdiction of the Government, and upon that reservation there are located between ten and twelve thousand Indians to-day; they were estimated in 1874 at 12,000. These Indians embrace the Kiowas, the Comanches, the Cheyennes, the Washitas, and other tribes, which I will not mention now.

These Indians have been the ancient enemies of Texas, and are the enemies of Texas to-day. Ever since that noble State was peopled by the white man the Kiowas and Comanches have made it the theater of their depredations and of their brutal and shocking barbarities. When in 1867 this reservation was organized and established by the Government we indulged the hope that these people, fed, clothed, educated, and sustained by the Government, would be required to keep peace with their neighbors upon the border, and that Texas

would have tranquillity and repose from their depredations and barbarities, but instead of that I assert that this reservation is nothing more nor less than a commissary, quartermaster, and ordnance department for these Indians, from which they draw their supplies, and their clothing, and their ammunition to enable them to depredate upon the people of Texas. In order to show the House how affairs upon this reservation are conducted under the administration of the Interior Department, and to show that the depredations in Texas to which I have alluded have been and are being committed by these Indians, I will call their attention to the very highest testimony upon this subject. In 1874 General Sherman, testifying before a committee of this House, says in reply to a question of General Hawley, of Connecticut:

Mr. HAWLEY, of Connecticut. Do you mean to say that there is danger from Indians as far down in Texas as that?

General SHERMAN. You go and try it. I would not go to-day from Fort Sill to Fort Griffin direct with less than thirty men well armed, and without taking such precautions as we did against guerrillas in the late civil war or against the rebel cavalry.

Mr. ALBRIGHT. What is the distance between these two posts?

General SHERMAN. About one hundred and forty miles, but there is hardly a day that there is not a man killed about there; and yet these Indians are peaceful Indians and under Christian influence.

I will call your attention also to what he says a little further on:

We have no right to invade the Indian Territory, because it is under the direction and control of the Interior Department.

I was not as familiar with the actual condition of the settlements in the western part of Texas prior to our civil war as I am now. About three years ago I made an inspection of the frontier from San Antonio to Forts McKavett, Concho, Phantom Hill, Belknap, Richardson, and the Red River. I was accompanied by General Marcy, Inspector-General of the Army. He had been on that frontier a good deal in the years from 1848 to 1859 and 1860, and he pointed out to me a great many districts of country, especially between Phantom Hill and Fort Richardson, which had formerly been settled, and I could see the remains of houses and fences which had been abandoned, and which he said were abandoned in consequence of the repeated incursions of the Indians in the north and west. I should judge it was a belt of land a couple of hundred miles long by a hundred wide, which he stated had formerly been occupied by a thrifty population, but which at the time of my passage was entirely unpopulated. From the map before me I should suppose that that district would embrace the counties called Brown, Comanche, Eastland, Young, Throckmorton, Jack, Archie, and Clay. That region appeared to have been settled in a former period of our history, but at the time of my passage through it it was abandoned by nearly everybody except military posts and military pickets.

Mr. MACDOUGALL. What was the occasion of that abandonment?

General SHERMAN. The incursion of Indians usually called Comanches, but now understood to embrace also the Kiowas and Cheyennes.

Mr. MACDOUGALL. Had the settlers evidently been driven off by fear?

General SHERMAN. Evidently. Their houses had been burned and their fences were all gone to ruins. We could see the remains of what we would call farms or plantations, especially in the neighborhood of Fort Belknap, in Young County, and Fort Richardson, in Jack County. From Fort Belknap to Jacksborough all the country was abandoned, and I could see where the houses had been and where the fences still were but were decaying and rotting.

Further on he says:

I doubt very much whether there has ever been a compilation of the murders committed and of the property carried away by the Indians in the last seven years, because the authority is somewhat divided. It is not strictly the business of the military, nor does the Indian Bureau exercise jurisdiction over the western frontier of Texas, because there are no Indian reservations in Texas proper. What the civil authorities have done in the matter of collecting testimony and consolidating it in a tabulated and convenient form I do not know. We have nothing of the kind in the War Department that I am aware of.

Mr. YOUNG. State whether the depredations of Indians generally have been increasing or decreasing in Texas within the last two or three years.

General SHERMAN. Ever since I have heard of Texas I have heard of these Indian depredations; and ever since the close of the Mexican war in 1848 down to the present moment a very large fraction of the Army of the United States has been kept along the frontier of Texas. Whether the depredations from Indians are increasing or diminishing, I am unable to state. It appears to be a chronic condition of things. Sometimes for months we hear very little about them. Then again, suddenly, Indians penetrate very far and commit some very vile murders, as was done only two or three weeks ago. On this occasion some Cheyennes from the north part of the Indian Territory made their appearance on the Lower Nueces, certainly eight hundred miles from their reservation, murdered a good many people, collected together a pretty large *cavallada* of horses, and were on the point of escaping with them by the route they had come when Captain Hudson, with a detachment of the Fourth Cavalry, succeeded in surprising them, running them down, and scattering them, killing about twenty. We first supposed them to be Comanches, from the neighborhood of the Double Mountain, in Texas, or the Upper Brazos; but General Sheridan is now under the impression, from their dress and their bows and arrows and other Indian tokens, that the parties to that affair on the Lower Nueces were Cheyennes from the upper part of the Indian Territory, or rather up on the border of Kansas.

It will be seen from what General Sherman says that the depredations in Texas and the destruction of our border settlements are due to these Indians who are gathered together upon this Fort Sill reservation. I undertake to say that very little of the trouble, very little of the ruin brought upon us, very few of the murders that have been committed and inflicted upon the people of Texas, upon her borders, since 1867 have sprung from any other source than the Indian reservation at Fort Sill.

I would like very much to have the attention of this committee for a few moments longer to what General Sherman says of this question. It reads as though it had happened in some land where there was no law, no order, in some country where there was no obligation upon the part of the general government to protect a state from depredation by Indians or others. He says:

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Mr. YOUNG. What is the extent of that frontier in Texas?

General SHERMAN. Starting from the mouth of the Rio Grande and following the line of the western posts up to the Red River, it must be about eight hundred miles. Then add to that the line connecting Fort Concho with El Paso, in New Mexico, nearly three hundred miles more, and it will make over one thousand miles of frontier altogether.

Mr. YOUNG. How many military posts are there along that frontier?

General SHERMAN. There are thirteen.

Mr. YOUNG. Do you think there are troops enough there now to afford protection to that frontier?

General SHERMAN. Not to afford thorough protection; but Texas has a larger proportion of the regular Army than any like frontier in the whole United States. It therefore has more than its reasonable share of the present regular establishment. If trouble arises, as I apprehend it will in this spring on the Upper Platte with the Sioux, (those at the Red Cloud agency more especially,) we will have to draw certainly one regiment of cavalry and probably a regiment of infantry away from Texas.

An hour or two after our passage, a train of ten wagons that was going from below Jacksborough to Fort Griffin, by the reverse route, was attacked by a very large force of Indians who had been waylaying the road and who saw us pass, as I heard afterward from themselves. About four o'clock in the morning of the next day I was near Fort Richardson, camped by a creek, when Colonel Mackenzie came to me and told me that five men had just come in who had escaped from the wagons, which had been attacked about twelve miles out, and who reported that they had lost their train, and that seven of the twelve men who were with the train were killed; the other five had got in safely. I sent for the principal man and talked with him a long time. He told me that he had been a soldier with me in the Georgia campaign, and he brought in the other four. Their story was as plain as anything I ever heard in my life. They described how they were traveling toward Fort Griffin, their wagons loaded with corn, and when they were near this abandoned spring they saw Indians defiling from the woods about three-quarters of a mile off, and as they gradually approached the train they closed up, and finally packed the train in the form of a circle, or rather of a horseshoe, unhitched their animals and gathered them inside, and each man stood by his wagon with a carbine in his hand. Then the Indians swooped around them, closing in their circle, until finally they opened fire upon them. Their guns were indifferent, mere carbines of different patterns, and they did not have much ammunition. The wagon-master seems to have been a man of a good deal of mark. He kept his presence of mind and gave orders till he was killed. Then there was confusion, and the Indians made three or four dashes, closed in upon the train, and succeeded in killing seven of the men. The five others concluded to abandon the train, and they worked their way, back to back, down by a ravine, to a little point of timber three-quarters of a mile off. As long as the men kept compactly together, with guns in their hands, the Indians let them take their way. The Indians then took possession of the train, and when last seen they were burning it.

I ordered General Mackenzie at once to saddle up every man at the post and to go to the point and ascertain the truth of the story; then to take the trail of the Indians and follow it into Fort Sill or wherever it ended. I then started myself by the usual traveled road north by east, crossing Red River, and got to Fort Sill, I think, in about four or five days after this affair. There I waited to hear of Mackenzie, and I think that the second day after I got into Fort Sill was the ration-day for the Kiowa Indians. The agent, Mr. Tatum, whose agency was about a mile from the post, came up to where I was sitting on General Grierson's porch and said to me that Satanta and about twelve or thirteen Kiowa Indians, with a parcel of squaws and pack-animals, had come in for their monthly supply of rations, and that Satanta openly and without hesitation boasted to have been at the affair down at Fort Richardson, and confessed to have led the war-party, consisting of about one hundred warriors. Satanta said that "if any other Indian claimed the honor of that great fight he was a liar, for he, Satanta, himself had done it." "Well," said I, "Tatum, what do you propose to do about it? you are the Indian agent." Said he, "I give it up; I cannot do anything." "Well," said I, "are you willing to turn the matter over to me?" "General," said he, "I wish you would take them off my hands." "Very well," said I, "stand back; I want you to get them in to me here inside the post. Tell Satanta that I want to see him, and in the mean time ascertain the names of all the parties present who were personally with him on that occasion, because we will limit our action to them without involving the whole Kiowa people."

In the course of half an hour in rode Satanta on a pony; hitched his pony on the opposite side to a rail, and came on to the porch. Old Satank, another bad Indian, came in with him or very soon after. Satanta leaned up against the post of the porch, and I inquired of him through an interpreter, "How about that matter down at Fort Richardson, in Texas?" "Well," said he, "I told the agent all about it, so it is no use for me to repeat it again." Said I, "I understand you were down there with a few of your warriors, trying to keep your hand in." He said, "Yes, that he just went down to show them the road and how to do things." Said I, "Do you consider it a great feat of war for one hundred armed men to attack twelve poor teamsters?" "Well," said he, "it was not, and I was merely trying to show the young men how to do things." He said that he was a great warrior and chief himself, and that it was necessary for him to instruct his young men how to fight. "Well," said I, "I suppose you stood off and blew your horn." (He had a trumpet by his side, which he used to blow, imitating the garrison-calls.) He said yes, that he stood off and just blew the signals. "Why did you burn the man at the wheel?" said I, (a fact which had been reported back to me by a note from General Mackenzie, who also reported that he had found the teamsters' story substantially true, with the addition that he had found the wagon-train partially burned and one of the men lashed to the wheel, burned to death and charred.) Satanta's careless manner rather excited my anger, and I told him to take a seat there, that I had something further to say to him. Said he, "If you don't like it, I will go away."

Up to that time there was no armed soldier near us; I whispered to General Grierson to send quickly to the quarters and get some men from the barracks, and to conceal them behind his quarters; he said that he had got an orderly near who was armed. Satanta said, "If you don't like what I have done, I will go; I am not going to stay here." I said, "No, do not go. Sit down here." He started to go for his horse, when this black soldier, a tall, fine-looking sergeant, interposed between him and his horse, and presented his pistol at his face. Satanta saw that we were in earnest, turned around, give a grunt, and took his seat as required. In the mean time Mr. Tatum had sent different strikers of his out to

bring in another Indian named Big Tree, and a fourth Indian, who was known to have been with Satanta on this identical trip. We heard one or two shots down about the sutler's store, in an opposite direction from the agency, and presently a couple of soldiers brought Big Tree up, and sat him down near the others. That made three of the party. In attempting to arrest the fourth one the soldiers killed him. He had started to run, firing his arrow first, which struck the leg of a soldier, when the men shot him off his horse dead. Then there was a general stampede down about the agency, and the Indians, men and squaws, ran in every direction. We managed to keep eight or nine of them, of whom only four had been actually present with Satanta in his Texas raid. I made up my mind that I would pursue the Indian peace policy, and send them to Texas, where I thought they could be tried legally and properly, at the locality where they had committed their crime of murder. I looked upon that step as a measure of peace; that is, as being in the direction of enforcing law against the Indians by the civil processes of a court and jury.

A parcel of Texas citizens had come with me from Jacksborough, who had represented to me the state of facts on the frontier, of whom one was a lawyer. I invited them to accompany me for the purpose of identifying stolen stock, which I promised should be restored to them if their representations proved to be true. These men were with me at Fort Sill, but I do not think they were actually present at the time of the arrest of Satanta and Big Tree and of old Satank. We had an angry council on General Grierson's porch, at Fort Sill, which came near resulting in a hand-to-hand fight. But at last these three Indians were put in double-irons and put in the guard-house, and I am sure it had a most wholesome effect. In a few days after General Mackenzie came in, having followed their trail from the scene of murder up to the Kiowa agency. The Indians were then turned over to him, and were carried back to Jacksborough.

On the way back old Satank tried to escape, and was shot dead, making two of the original four killed. The other two were delivered to the civil authorities at Jacksborough for trial. The rest of the history is as well known to the committee as to myself. They were tried. There was no doubt about their being guilty. They were sentenced to be hung. But by the interposition of the kind friends of the Indians, and of the Indian Bureau here, the sentence was commuted by Governor Davis to imprisonment for life. Of course the governor of Texas ought to have known that the thing would not stop there. This same influence persevered, till finally Satanta and Big Tree have been set loose in the Kiowa Nation, and those who have faith in them will, I think, one of these days have reason to regret it. They will have their revenge, and if they get Governor Davis's scalp only, I will not shed many tears. I thought at the time that the case was an excellent one to illustrate to these Indians how civil force and civil government could be brought to bear upon them. I think we have thus lost a better opportunity than will ever occur again. I am sure that if they had taken those two Indians and hanged them by due course of law, the Kiowas would have staid at home in future, and not bothered the Texas people again. Now, they take it for granted that their influence at Washington is such that they may commit the most hellish murders and yet be pardoned.

Mr. YOUNG. When was the last massacre in Texas that has been reported?

General SHERMAN. Within the last month some twenty-four white people have been reported killed in Texas by Indians as far down as the Lower Nueces. We thought those Indians were the Kiowas, but they are now reported to have been Cheyennes. They are all mixed up. My impression was that the last murder was committed by Comanches and Kiowas, but General Sheridan says that the dress and bows and arrows left with the dead rather evince them to have been Cheyennes. Every Indian has on his arrow a tribal mark. The Cheyennes and Arapahoes have a reservation north of Fort Sill, within what is known as the Indian Territory, but when they are marauding from that quarter they take along anybody they can find willing to go. For instance, three or four young men start out for a raid, and they pick up recruits from other tribes as they go along, so that I do not suppose we can hold any one single tribe responsible for any distinct raid into Texas. But I know that all the Indians regard Texas as a very good place to get horses, and I think that that is their chief object, rather than to kill. I think they go principally to steal horses, but, of course, they kill as incidental to their marauding.

And one poor fellow who had been paralyzed by a ball and fell in front of his team was strapped to the wagon-wheel and burned to death.

Now General Sherman states that immediately after this information came to him he sent for Colonel Mackenzie and directed him to take the trail of these Indians and see whether or not they belonged to the Fort Sill reservation. He took his own party and immediately took up his line of march to Fort Sill, a distance of two hundred and fifty miles, and reached there before Colonel Mackenzie reached that point. The day after he arrived there, while sitting on the porch at Grierson's headquarters, the chiefs of the Kiowa tribe came up and acknowledged that they had been with the party who murdered the Texans at Fort Richardson, two hundred and fifty miles away from their reservation. One hundred Indians armed with United States muskets and rifles, covered with United States blankets, and fed by a United States commissary, had gone down into Texas, two hundred and fifty miles away, and committed this outrage, and acknowledged it in the presence of the General of the Army, and also stated to him that they had previously communicated these facts to the Indian agent at Fort Sill.

Now, I call attention to General Sherman's evidence to show, first, that these Indians upon this reservation do not confine their depredations even along the border of their reservation, but the Cheyennes had been discovered in depredations four hundred and fifty miles within Texas in front of the Nueces River.

This was the condition of that country in 1870 and 1871; and what was true then is true now. Even while you are here debating about how to take care of these Indians upon the reservations they are building their camp-fires within the limits of Texas and spreading desolation and havoc along its border.

Now I wish to call attention briefly to what my colleague [Mr. THROCKMORTON] said the other day in his speech on this question:

Mr. Chairman, I have before me an official report of General William Steele, the adjutant-general of Texas, containing a tabular statement of Indian depredations in Texas since 1866, giving the date of incursions, the date of murders and robberies, the names of the victims killed and those carried into captivity, and the counties and places of their residence. It is a closely written document of twenty-two pages, and does not pretend to give all the casualties that have occurred, but such as have come through official sources. It foots up 120 persons killed; 28 wounded; 36 carried into captivity; 19 attacked who escaped; horses stolen, 10,064; cattle stolen, 12,555; the United States mail-coach plundered; one Government contractor's train robbed and destroyed, and seven of the teamsters killed and burned, (and a fact not stated in the report, but within the knowledge of his comrades who escaped, that one of the wounded men was tied to a wagon-wheel and burned while still alive,) with other casualties mentioned in the report, which I will not repeat.

Accompanying the report is an extract from a communication addressed by the governor of Texas, August 5, 1867, to E. M. Stanton, Secretary of War, which transmits officially received information of depredations by the Indians after the war, and up to July, 1867, showing the murder of 162 persons, the captivity of 43, the wounding of 24, with the loss of over 30,000 head of cattle, 3,781 head of horses, and 2,430 goats. In a letter accompanying the report, General Steele says that the partial returns made to his office fall far short of the actual truth.

Mr. Chairman, will the story be believed when told that captive women and children have been taken to Indian reservations, to which fathers have followed them only to find that the power of the Government was so feeble and its laws and treaties so feebly enforced that they were powerless to obtain a release of the prisoners, and that weeks, and often months, have elapsed before their freedom could be secured through purchase? But occurrences like these, so humiliating to the Government and repugnant to every feeling of humanity, have often happened to citizens of Texas, under the operations of the benign "peace policy." Sometimes these poor victims have been carried great distances from Texas to remote localities, where they have been ransomed by agents, United States officers, or traders.

I remember twenty-three women and children returned to the authorities of Texas by the kindness and generosity of a gentleman who was a trader near some post or agency on the Kansas border. On another occasion a mother and four daughters were restored through the kindness of United States officers. I am acquainted with that family, and know the story of their captivity. On a Sabbath day, the husband, with his family, was going from one settlement to another. The husband was murdered and scalped, the mother, an infant, and four daughters captured, the mother and daughters tied and lashed with thongs of raw-hide on horses. The mother was allowed to keep her babe; but as they traveled in haste, on account of its continuous crying, it was snatched from her and its brains dashed out against a tree and the corpse thrown down as they passed rapidly on. Who can realize that mother's feelings? But the anguish experienced at that terrible deed was nothing when compared to her future sufferings. Her own tortures and the terrible and heartrending cruelties perpetrated upon her helpless daughters, within her sight, are too horrible and atrocious to be described by human language. A thousand times over would death's dark angel have been a welcome relief. But the poor victims survived. I saw them after their ransom, and more pitiable objects, with their scars and wounds still upon them, no eye ever beheld. But, sir, such pictures of suffering are sickening, and are referred to with reluctance, and only that you, who live so far away as not to know of them, may be admonished not to let a sickly sentimentality influence you in behalf of a race many tribes of whom have scarcely one redeeming quality, and who glory in deeds so atrocious and murders so foul that humanity sickens at the bare mention of them.

Now, Mr. Chairman, in addition to this testimony, I call attention to the fact that the Commissioner of Indian Affairs himself reports that the aggregate amount of loss through depredations by Indians under the jurisdiction of the Interior Department up to 1874 was over $4,000,000. He states that over one hundred cases of depredations and loss to the people of Texas occurred from the direct agency of the Kiowa and Comanche Indians upon the Fort Sill reservation since 1867.

I beg to call attention to a fact which I trust the House will bear in mind. The State of Texas has expended in her own defense over $2,000,000 to protect her border from Indians and Mexicans. A sister State in this Union, as much entitled to respect and protection as any other State, has been compelled to pay that out of its treasury to defend its border from Mexicans and Indians. Sir, when she was a republic, strong, (though weak in numbers,) the Government of the United States, to induce annexation, represented to her the thousands of miles of border which fronted Mexico and the Indian country, and offered to the people of Texas as an inducement to come into the Union protection for her people against Indians and Mexicans. This was a strong inducement, and contributed largely to bring about that sentiment in Texas which resulted in annexation.

Mr. Chairman, since 1870 the State of Texas has annually expended $500,000 to keep a force in the field to protect her people against the incursions of Indians and Mexicans. It was the duty of the Government to protect her, but it is history now that adequate protection has been denied that State since 1870, and, indeed, ever since the war.

We have at Fort Sill eight companies of cavalry; and under the contract between Belknap and Marsh and Evans it was understood that this force at Fort Sill should not be reduced below a certain number of companies, unless a corresponding reduction should take place in the amount of money that Evans was to pay to Marsh. Now, it costs the Government of the United States $1,000,000 annually to keep those eight companies of cavalry at Fort Sill. And for what purpose are they kept there? What benefit is derived from those soldiers? They are not allowed to take any jurisdiction whatever over the Indians on their reservations. They are not allowed to control it. They have to obey the command and the order of the Indian agents. They are responsible to the Indian agents, and cannot disobey their instructions in respect to the Indians upon the reservation.

In addition to that, we have about one regiment of cavalry stationed on the Indian border of Texas mainly to protect the people of Texas from the incursion of Indians from the Fort Sill reservation, one regiment nearly around the reservation, and another regiment spread out along the border of Texas to protect the people from the Indians upon this reservation, at an annual cost of not less than one million.

The question arises why does this state of affairs exist? Can we attribute it alone to the corruption of the agents at this reservation? We do not attribute it entirely to a failure in the appointing power to send the proper agents to that reservation. But, sir, I think one reason for this state of affairs may be attributed and is properly attributable to the weakness, the inefficiency, and the powerlessness of this system to afford protection. You understand that agents upon this reservation give the Indians a permit to hunt, to go beyond the limits of the reservation to hunt buffalo, and as a necessary result we

find these Indians roaming not only through the Indian country but crossing the Red River opposite Texas and coming down along the settlements from four to five hundred miles. What we desire, what we demand, and what we have a right to demand, is that these Indians shall be placed in a condition where they can no longer depredate upon the people upon the border.

How can we accomplish that? I undertake to say the cheapest, the best, the most efficacious mode to accomplish that result is to turn these Indians over to the War Department. I do not say to turn them over to the military in order that they may be exterminated. Not so; but the Army has the power, it has the ability, and the disposition to regulate the conduct of these Indians, to control them and to keep them within proper limits. That is not asking too much, because if we feed the Indians, if we clothe them, we have the right to ask and to demand they shall no longer depredate upon the borders of the country.

I do not advocate the transfer of the Indians to the War Department because I believe all the honesty, all the virtue, all the intelligence of the country is in the military arm of the Government; but I believe the Military Department is just as honest, just as efficient, and far more able and trustworthy for the execution and successful accomplishment of the objects of the Government in respect to the Indians than the Interior Department.

The gentleman from New York, [Mr. COX,] in his speech the other day, attempted to array the prejudices of the country against the Army with a view to defeat the transfer of the Indians from the Interior to the War Department. I understand the cost of the Military Department of the Government is enormous, and that it has reached the startling figure of $42,000,000 per annum. I think that it can be reduced, however, by cutting away the peace establishments attached to the Army, and letting the Army stand alone.

If the gentleman from New York lived on the border of Texas he would be, as we are, opposed to reducing the Army in number or the Army proper of this country.

But he says that the Military Department of this Government is honey-combed with fraud, alluding to what has occurred recently in connection with the late Secretary of War. We may admit for the purpose of the argument that the Military Department of this Government is filled with corruption, but I undertake to say that the gentleman himself will hardly deny that this Indian Bureau is filled with corruption from top to bottom. Although the late Secretary of War may have inflicted upon this country the keenest disgrace that ever befell it since Benedict Arnold betrayed its cause, yet that is no argument, it is no reason why the very highest trusts may not be confided to the officers of the Army. No more did his dishonor or his disgrace sully the honor of the brave and gallant men of the Army than did the treason of Arnold affect the character of the brave men of the Continental Army. He may have been false to himself; false to the President who trusted him; false to the true men who compose the Army; false to his country, yet the proof shows that no officer of the Army shared the profits of his disgrace.

Mr. Chairman, the gentleman from New York misunderstands the character of the Army altogether, if he will remember, as we who live in the South know, when the soldiers of the South laid down their arms and took up their lonely, melancholy march homeward, along which every hillock marked the grave of some comrade, and upon the threshold of every house was seen the weeds of widowhood, and upon every side fields and farms and homes lay desolated, baptized in fire and blood, that the true friend of the southern soldier in the midst of his sorrow and ruin was the true soldier in the Union Army. The agents sent down to run the southern governments, and to whom the Army was made subordinate and whom it was required to obey, robbed and plundered the southern people—the Army never; and I have no doubt to-day, if a true expression could come from the hearts of these Indians, an exclamation would be heard throughout the border, "Take away your robbers and send us the men whose word the world over is their honor."

Mr. Chairman, I have but a few more words to say. I have called attention to the fact that the people of Texas are suffering from the depredations committed by these reserve Indians. I have attempted to show the system of this Government as now attempted to be carried out in relation to these Indians is too weak and powerless to effect the objects of the Government, and that every consideration of economy, of fair dealing, and of justice to the people along the border requires these Indians should be placed under the strong hand of the Army, which can control and regulate their conduct and preserve the peace and tranquillity of neighboring States.

They tell us that they want to civilize these Indians by sending among them preachers and agents. Of course this humane and Christian disposition will not be interfered with by the transfer of the Indians to the Military Department. Who ever heard of a savage, with a six-shooter buckled around him, being converted either to the arts of peace or to Christianity? And General Sherman says in his testimony before the committee that every Kiowa Indian on the Fort Sill reservation has not only a carbine but two six-shooters besides. Now, the idea of teaching savages such as they are, with guns in their hands and pistols buckled around them and permits to travel around the country ostensibly to hunt but really to murder and rob, seems to me altogether fallacious. I would display before them the power of the military, and let them understand that they must submit, that they must cease to roam, that they must lay down their arms, and seek the arts of peace and the ways of civilization.

Mr. HOOKER. Mr. Chairman, I will proceed in the few moments left to me of the time to which I am entitled to present to the committee the remaining views which I have upon this question, and they will consist mainly of the proof which was presented to the committee, inducing them to present the bill which they have. That evidence constitutes the foundation of the report of the majority of the committee. That evidence was taken with reference to the question of making this transfer, as I have before remarked, in the first place looking to the interest of the Indian, and secondarily to the interest of the citizens who live in the States bordering upon the territory.

The necessity of some more efficient and honest government than that which has been established under the Department of the Interior seems to be manifest to every one, not alone in its economic sense, but also in reference to the final settling of the relations between the Indian tribes and the people of this country. Even the Commissioner of Indian Affairs, in his last report to the Government, which has been published since this Congress has been in session, and which is found doubtless upon the desks of all the members in the House, concedes the fact that even with reference to those tribes inhabiting the Indian reservation in the Indian Territory it is essentially necessary to have some more formidable and powerful system of management than that which belongs to the Indian Bureau as it exists in the Interior Department. He says, upon page 48 of this report:

> No census has been taken of the Western Cherokees in the Indian Territory since 1872. They were then reported, in round numbers, at 17,000, which number has probably been swelled by natural increase and immigration to 18,000.
>
> They have been much disturbed during the past year by an attempt to distribute a per capita relief fund of $200,000. Many persons who claimed to belong to the nation were excluded from participation in the distribution, being declared aliens by the authorities.

Now I call the attention of the committee especially to the following observation of the Commissioner:

> The contentions between the Downing and Ross factions are often bitter and sometimes bloody. Except for the moral effect of the garrison at Fort Gibson—

"Except for the moral effect of the garrison at Fort Gibson—"

> it is doubtful whether these factions could long be held from open war with each other.

Now that is the testimony of the Commissioner of Indian Affairs in reference to the condition of a portion of the Indian tribes who are ordinarily supposed to have made, and who certainly have made, great advancement in civilization and in the arts of civilized life. It is apparent, therefore, that even the Commissioner of Indian Affairs, under the present system as it exists, is of opinion that that system is an inefficient one. And the Secretary of the Treasury, in the latest report which he has made to us on this subject, has shown that the amount of expenditure for the past year for the Indian Department in all its branches exceeds even the estimates which have hitherto been put upon it, and is greater than I supposed in the remarks I made at a former time to the committee. On page 17 of this report of the Secretary of the Treasury it will be found that he estimates the Indian expenditures for the year ending the 30th June, 1876, to be $8,000,000; so that it will be observed that from 1849, when the management of Indian affairs was taken from the War Department and transferred to the Interior Department, the increase in expenditures has been $7,000,000—$7,100,000 since 1849—though the census shows there has been a very considerable diminution of the number of the Indians since that time.

I now briefly call the attention of the committee to the evidence which was taken before the Committee on Indian Affairs. They examined a number of gentlemen who have lived upon the border, and they testify as to what has been the character of the contest that existed between the Indians and our Army and the depredations which had been committed on the frontier. A gentleman who represents a State on the border, the State of Texas—I allude to Mr. THROCKMORTON, from that State—was examined before this committee, and among the circumstances which he brought to the attention of the committee he alluded to the fact of extraordinary depredations having been committed on a train which was in progress through the Territory in which there were some twelve teamsters. They were attacked by the Indians only a few hours after General Sherman himself had passed along in that direction. They were slaughtered. One of them captured by the Indians was tied by them to the wagon-wheels and the wagons were piled up and burned. Those Indians, among them the chiefs Satanta and Satank, were captured by order of General Sherman shortly after this occurred and were brought to the garrison to which General Sherman was proceeding. They were asked whether or not they did commit this offense. There were three of them; and the answer was, "We have already told the agent." The agent at this post had been the first confidant to whom was communicated the account of the depredations which had been committed by the Indians; and when General Sherman propounded the question himself to these two chiefs and the other chief, whether or not they had committed these depredations, the answer was, "We have already told the story to the agent; where is the necessity of repeating it to you?"

One of these chiefs, in attempting to escape from capture, which

General Sherman ordered to be made, was killed, and the other two were sent to the penitentiary. This is only one instance mentioned in the testimony of Mr. THROCKMORTON of the character of the depredations there committed, and the agencies that now have the control and guidance of Indian affairs, which are so powerful that the Indian agents on the reservation are powerless to give protection to any one, and for the reason, first, that they have been depredators and spoilers to the very tribe of which they were sent as agents, and like all men who have committed spoliations on the persons whom they should have protected, they have lost the confidence of the Indians, and the Indians are under the control of a body of men who have gone to the Indian Territory to the injury of the Indians themselves, and who are interested in promoting war between the Indians and the settlers on the frontier; and the Indian agents are powerless in two senses, they cannot protect the Indians when they are imposed upon on our frontier, nor can they protect the white man when he is imposed upon by the Indians: in othern words, whe Indian affairs were transferred from the War Department to the Peace Department, if I may use the word in regard to the Department of the Interior, it was designed simply to make the Interior Department an agency for the purpose of paying annuities and for furnishing supplies, except, according to the universal testimony taken before the Committee on Military Affairs and the Committee on Indian Affairs, to depredate on the funds which the Government has issued to pay the annuities which are justly due to the Indians under treaty stipulations. This is but a portion of the testimony before the committee. The testimony of Mr. Powell was taken in reference to this matter, and a number of other gentlemen, to whose testimony I referred briefly in this report of the committee. The testimony of Judge HANCOCK was also taken, and of Mr. SCHLEICHER, from the State of Texas, and those two gentlemen, who have lived upon the border with the Indians for years, gave as the reason why they are in favor of this transfer, which was specially urged by a number of intelligent gentlemen who were before the committee—that the reason why it should be done was that the mode of accounting in the War Department was so plain and perspicuous, and that the responsibility of the officers disbursing the funds of the Government would be quick and sudden, and it would also be determined, not merely by the tardy process of a trial before a court of law, but it would be determined before a military commission, authorized to try these officers summarily whenever they may have been guilty of any infraction of their duty.

We also had the testimony of Mr. MILLS, of Texas; and these gentlemen all concur in the opinion that it is absolutely necessary in order to give protection to the Indians that this transfer should be made. A number of other gentlemen were examined, and among others Mr. STRAIT, of Minnesota, all of whom concur in the opinion that this transfer was necessary for the purposes which I have enumerated.

I have demonstrated in my previous remarks that the peace commission themselves, although originally of the opinion that it would not be proper to transfer the management of Indian affairs to the War Department, have changed their opinion, and now, according to their latest, are of the opinion, as published in the report of their sitting at Chicago, that the management of Indian affairs ought to be transferred to the War Department. The testimony of some gentlemen was taken before the Committee on Military Affairs, and while this investigation and discussion was progressing I addressed to the chairman of the Committee on Military Affairs a note to know what had been the character of the evidence offered before that committee, and he said in reply that of the sixty-one persons examined before the committee all of them were of the opinion that this Indian Bureau should be transferred to the War Department but one; there was but a single dissenting voice.

Now, Mr. Chairman, I will refer briefly to the opinion of General Sherman. His evidence was taken before the committee and it is in the shape of a letter, addressed to Mr. SPARKS in answer to an inquiry, and it is here in the report of the committee and appended to it. General Sherman was a member of the peace commission, and this letter shows clearly that he is of the opinion that there is no safety in the management of this Bureau except by its transfer to the War Department. At the time he wrote that letter the necessity must have been forcibly brought on his mind by the occurrences that transpired almost in his presence, but which are so much more aptly expressed by himself than I can do it, that I will venture to weary the patience of the committee by reading from page 273 of the report of the Committee on Military Affairs of the last Congress. He was speaking of the outrage to which I have already referred:

> The Indians then took possession of the train, and when last seen they were burning it. I ordered General Mackenzie at once to saddle up every man at the post and to go to the point and ascertain the truth of the story; then to take the trail of the Indians, and follow it into Fort Sill or wherever it ended. I then started myself by the usual traveled road north by east, crossing Red River, and got to Fort Sill, I think, in about four or five days after this affair. There I waited to hear of Mackenzie, and I think that the second day after I got into Fort Sill was the ration-day for the Kiowa Indians. The agent, Mr. Tatum, whose agency was about a mile from the post, came up to where I was sitting on General Grierson's porch and said to me that Satanta and about twelve or thirteen Kiowa Indians, with a parcel of squaws and pack-animals, had come in for their monthly supply of rations, and that Satanta openly and without hesitation boasted to have been at the affair down at Fort Richardson, and confessed to have led the war party, consisting of about one hundred warriors. Satanta said that "if any other Indian claimed the honor of that great fight, he was a liar, for he, Satanta, himself had done it." "Well," said I, "Tatum, what do you propose to do about it? You are the Indian agent."

This was the address of the General of the Army to the man who had control of Indian affairs in that vicinity.

> "Tatum, what do you propose to do about it? You are the Indian agent." Said he, "I give it up; I cannot do anything." "Well," said I, "are you willing to turn the matter over to me?" "General," said he, "I wish you would take them off my hands." "Very well," said I, "stand back; I want you to get them in to me here inside the post. Tell Satanta that I want to see him, and in the mean time ascertain the names of all the parties present who were personally with him on that occasion, because we will limit our action to them without involving the whole Kiowa people." In the course of half an hour, in rode Satanta on a pony, hitched his pony on the opposite side to a rail, and came on to the porch. Old Satank, another bad Indian, came in with him or very soon after. Satanta leaned up against the post of the porch, and I inquired of him, through an interpreter, "How about that matter down at Fort Richardson, in Texas?" "Well," said he, "I told the agent all about it, so it is no use for me to repeat it again." Said I, "I understand you were down there with a few of your warriors, trying to keep your hand in." He said, "Yes," that he just went down to show them the road and how to do things. Said I, "Do you consider it a great feat of war for one hundred armed men to attack twelve poor teamsters?" "Well," said he, "it was not, and I was merely trying to show the young men how to do things." He said that he was a great warrior and chief himself, and that it was necessary for him to instruct his young men how to fight.

It will be observed that before the Indian agent himself, and in the presence of the general commanding the Army, these perpetrators of this very outrage boasted of the fact, and the agent confessed that he was powerless to accomplish anything. This is a striking illustration of the inefficiency which exists everywhere upon this subject. It will also be remarked that although the General of the Army was there, with all his power as such general, he never undertook to interfere, General of the Army as he was, until he had the permission of the Indian agent.

Now, why keep up this dual management of the Indians? Why keep up a party at the Indian agency ostensibly for the purpose of doing justice to the Indians and looking after their welfare who is powerless on the one hand to protect the Indians and on the other hand to protect the settlers? The universal practice of the War Department, I undertake to say, is never to interfere with the Indians unless the Interior Department demands their interference. And all the various numerous instances of Indian wars referred to by the gentleman from New York [Mr. COX] and the gentleman from Massachusetts [Mr. SEELYE] have invariably been, or almost entirely, under this peace management.

It has been said that no evidence has been adduced, and that no evidence could be adduced, of this fact from any source at all. We have this statement made before one of our committees, in an argument prepared with very great ability, furnishing a happy illustration of the fact that Mr. Ross, an ex-chief of the Cherokee tribe, was right when he said, himself a half-breed, that the great element of civilization which had operated upon the five civilized tribes had been derived from contact with the white men. He himself presented to the committee an address which, for the eloquence and the simplicity of its diction, for the force and power of its thought, has not been surpassed by any production I have listened to from any member of this Congress.

Another gentleman also addressed the committee in an argument elaborately prepared, a gentleman who himself was also a half-breed. The argument was upon this very question in reference to the transfer of the Indian Bureau to the War Department from the Interior Department. He is one who has been familiar with the Indian Territory, the Indian people and their sentiments and wishes. While he differs in some respects with some of the other representatives of the Cherokee Nation here, with regard to the fact as to whether or not that nation of Indians has sufficiently advanced in civilization to be formed into a territorial government, looking to their final admission as a State into the Union, yet, upon this subject of what agency would be most capable of giving protection alike to the Indians and to the men living upon our frontier, he does not hesitate to speak his mind freely, fully, and explicitly, and with a force of expression which I say is equal to anything I have heard from any quarter during this session of Congress. I allude to the argument made before the Committee on the Territories of this House by Colonel Boudinot, of the Cherokee Nation. On page 19 of his pamphlet, replying to the views of Colonel Adair on this subject, he says:

> I reply that these and other massacres were perpetrated while the Indian Bureau was under the exclusive control of the Interior Department; and while the War Department had control I defy any one to show one act of injustice and cruelty. The officers of the Army are, in nine cases out of ten, gentlemen born and bred; they are gentlemen by education and social position, which in a majority of instances cannot be said of the office-seeker, who goes for an Indian agency and gets rich in four years on a salary of $1,500 a year. Transfer the Indian Bureau to the War Department and you will save to the Government $250,000 a year now paid in salaries and weed the official garden of such obnoxious, corrupt, and disgusting plants as J. P. C. Shanks.

And what is said with regard to one agent may be said with regard to another. This I say is the testimony of one thoroughly informed upon the subject. I am also told that, of the five newspapers now published in the Indian Territory, all but one favor this transfer of the Bureau of Indian Affairs to the War Department from the Interior Department.

I was told to-day by a very worthy gentleman of this House, for whose opinions I have great respect, that he had within the last day or two received letters from that class of religious people for whose simple method of worship, for whose genuine piety, for whose unostentatious disposition to do good toward all men with whom they come in contact, I have great respect—I mean the Quakers—this gen-

tleman, a member of this House, said to me, "I have received letters from members of that society expressing opposition of this change because they think that, if it be made, then salutary religious instruction imparted to the Indians in various agencies as well as that given by other religious denominations will be terminated; that the schools which have been established will be broken up; that the improvement of the Indians in agriculture and the other arts and sciences of civilized life will be discontinued." "Why," said I, "no such thing is proposed in this bill. On the contrary, the majority of the committee propose simply to use the accurate and precise agency of the War Department in its Quartermaster and Commissary Departments for the purpose of doing what by stipulation it is our duty to do in disbursing the annuities and supplies which the Government furnishes to these Indians."

Now, it was said by the distinguished gentleman from Massachusetts [Mr. SEELYE] (and it occurs to me just now to speak of it) that at one agency there was a very great difference in the prices of the commodities furnished by the War Department to the post and those furnished through the Indian Department to the agency. But was the distinguished gentleman from Massachusetts aware that the difference between the cost of the supplies furnished by the War Department and those furnished by the Indian Department was owing to the fact that the beef furnished for the officers and men of the Army was sold after it was slaughtered and butchered, and therefore sold for more, while the other was sold on the hoof?

Mr. SEELYE. The gentleman surely does not wish to misrepresent, and will allow me to correct a misapprehension under which he is evidently laboring. I was not unaware of the fact that the beef sold to the Army was sold on the block, while that sold to the Interior Department was sold on the hoof; and consequently it was necessary that the figures furnished to me by those respective Departments should be reduced in order to make a fair exhibit. The figures furnished by the War Department showed that there were two contracts made during the present year for beef at Camp Robinson: one at $8 per hundred-weight furnished on the block, the other at $6 per hundred-weight furnished on the block. I took the mean price, $7; and in order to make a proper comparison with the price paid by the Interior Department I reduced that 50 per cent. So that the figures I gave represented the price in gross in both cases. Reducing $7 by 50 per cent. makes the price of beef in gross, not on the block, at Camp Robinson, $3.50 per hundred-weight. Of course I might have added 100 per cent. to the price paid by the Interior Department, to make it correspond to the net price paid by the War Department; and the result would be the same. But, Mr. Chairman, the figures which I gave in my table represented in both instances the price in gross. If you would get the actual price paid by the War Department during the present year you should add to the figures I gave just 100 per cent.

Mr. HOOKER. I am very glad that I have been interrupted by the fair-minded and candid gentleman from Massachusetts.

Mr. SEELYE. I knew the gentleman would be glad to be corrected.

Mr. HOOKER. But the gentleman concedes that the very distinction which I was pointing out does in fact exist; and therefore, though the gentleman may have changed the form of making the calculation, I think that he will find the difference accounted for by the method I have mentioned: that in the one instance there is an absolute sale of that which is already in condition to be used and in the other the sale of the beef upon the hoof. I do not know what the gentleman's figures may amount to; but I understand that to be the fact; and in reference to cheapness I may be permitted to say that the general result of increasing the expenditures to $8,384,656 shows that the difference is not in favor of this peace establishment.

[Here the hammer fell.]

Mr. WILSON, of Iowa. I hope the gentleman from Mississippi [Mr. HOOKER] will be allowed more time if he desires it.

Mr. SEELYE. I trust at least he may have so much additional time as I have taken from him.

Mr. HOOKER. I am not disposed to occupy very much more time.

The CHAIRMAN. The gentleman's time had expired before he was interrupted by the gentleman from Massachusetts. The gentleman from Ohio [Mr. BANNING] desires the floor; but if there is no objection the gentleman from Mississippi will be allowed to proceed.

Mr. BANNING. How much time does he desire?

Mr. HOOKER. About five minutes.

Mr. BANNING. I yield to the gentleman from Mississippi.

Mr. HOOKER. I was about to remark that it was a great mistake if gentlemen supposed that this bill, or any other bill having for its object the transfer of the Indian Bureau from the Interior Department to the War Department, tends to break down in any degree the system of religious instruction, education, or training in agricultural matters which is now carried on at the various Indian agencies and reservations. Cannot gentlemen understand that an officer of the Army would be fully capable of doing what, as I understand, the Indian agent now does? The agents themselves are not the teachers; they are not instructors in agriculture; they are not the civilizers of the Indians. They employ men for the purpose of giving such instruction, and it is absolutely necessary for them to do so. Will an officer of the Army be less able to do the same thing?

I wish to cite here an extract from the pamphlet of Mr. Ross, showing the number of arable acres in the Indian Territory and other statistics showing how far the Indians are civilized:

In regard to the population of the Territory, I know there are those who contend that an Indian, under whatever influences he may be placed, will remain an Indian still. But no other refutation of such an idea is required than the presentation of the following statistics.

The board of Indian commissioners in 1873 estimated that there were:

Improved lands in farms, acres	204,677
Wheat, corn, &c., produced, bushels	6,739,355
Horses, cattle, &c., number	464,465
Value of farm products, including increase of stock	$4,663,610
Value of personal property, not including real estate and stocks held in trust	16,987,818
The Government holds in trust for the tribes in the Indian Territory not less than	8,000,000

From the published report of the proceedings of the General Council which convened at Ocmulgee in May, 1875, I learn that, omitting schools and aggregate attendance of schools in successful operation among the Kaws, Osages, Shawnees, Sacs, and Foxes, the number of common schools is 185, with aggregate attendance of 5,962; the church membership among the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles is upward of 7,500.

It is not proposed that these schools and Christian organizations which are instructing these Indians shall be abolished. Not at all; but, on the contrary, it is proposed to conduct them under an efficient system of management by the War Department. Instead of breaking them down it is proposed to give them the strength and force and protection to which they are entitled.

I am sure not one of the Indian committee has been animated by any desire to do wrong to the Indian. They have appreciated the fact that he is now surrounded by the tides of civilization coming from the Atlantic and from the Pacific, and that there is no longer any western hunting-ground to which he can go. We must expect therefore to civilize him where he is. He has been connected with our country from its earliest settlement, from the time when our Government was founded, when our ancestors came across the water to inhabit this very Territory. He is indissolubly connected with us in many respects. The first object of art which strikes the mind of the beholder as he walks into the magnificent Rotunda of the Capitol is the picture of an Indian woman married to a white man, kneeling to receive the sacred ceremony of Christian baptism. Everywhere all over our land, from the ice-ribbed region of the north to where the fabled murmurings of our own Biloxi break in perpetual ripple upon the shelving and sloping coast of Mississippi; everywhere all over the broad land, throughout your States and Territories, we hear the euphonious names which the Indian language has given to your States and Territories, rivers, and your mountains; from where the spray of Niagara catches the first beam of the morning sun to where his last parting ray glosses itself upon the broad bosom of the Pacific, breaking in eternal tidal flow against the golden gates of California; everywhere all over the land he has not those monuments which are said to distinguish every other people, savage and civilized, from the time when the Israelites piled up the rough and unhewn stones in the wilderness to commemorate the great events in their history, but he has monuments not devised by the brain of man, nor built up by the handiwork of man, but created by God himself upon the face of the magnificent country which he has ceded to you and your children, and his name and character, whatever it may be, sometimes heroic, sometimes savage, but whatever it is, it is indissolubly mingled with the history of our own Caucasian race, and will remain so while the Indian-named rivers shall flow to the ocean, and while the Indian-named mountains shall lift their granite peaks to the skies. [Applause.]

Mr. BANNING. Mr. Chairman, the management of Indian affairs has been considered and argued many times in Congress. At one time a bill to transfer the Indian Bureau back to the War Office passed this House. The question has long been studied by good men, anxious to civilize and Christianize the Indians, and to protect the settlers upon the frontier from their savage treatment.

Since the transfer of the management from the War Department to the Interior, the civil management has proved an expensive failure, the Quaker policy (so-called) a mistake.

Early in this session of Congress a bill introduced by General HANCOCK, of Texas, to transfer the Indian Bureau back to the War Department was referred to the Military Committee. The committee, in order to procure the opinions of Army officers, experienced in Indian management, ordered a letter of inquiry to be sent to all the general officers of the Army, to each colonel in the Army, and certain other experienced soldiers.

The question addressed to these officers reads as follows:

What is your opinion as to the propriety of transferring the Indian Bureau to the War Department?

More than fifty answers to this inquiry have been received. The officers answering are men of education and experience among Indians, and actuated, I believe, in their answers by patriotic motives and a desire to accomplish the best management of the Indians.

The Committee on Military Affairs have reported unanimously in favor of the transfer.

In support of the bill, I ask the attention of the House to some of the opinions of distinguished Army officers, believing that their opinions should have great weight in determining the important question now under consideration, both on account of their high character and because if the bill becomes the law these Army officers,

in addition to the duties they now perform, will, without any increase in their numbers or pay, be required to carry out the provisions of the bill and perform all the hard labor and duties now performed by the Indian agents, and be held responsible for all Indian troubles, frauds, wrongs, and complaints.

General Sherman says:

The transfer of the Indian Bureau would result in economy and efficiency.

Now, as the military authorities are already charged with the duty of keeping the peace, I am sure they will be the better able to accomplish this end if intrusted with the issue of the annuities, whether of money, food, or clothing. Each military post has its quartermaster and commissary, who can, without additional cost, make the issues directly to the Indians and account for them; and the commanding officer can exercise all the supervision now required of the civil agent in a better manner, because he has soldiers to support his authority and can easily anticipate and prevent the minor causes which have so often resulted in Indian wars. In like manner, our country is divided into military departments and divisions, commanded by experienced general officers named by the President, who can fulfill all the functions now committed to Indian superintendents; and these, too, have near them inspectors who can promptly investigate and prevent the incipient steps that are so apt to result in conflict and war.

The idea which prevails with some, that the Army wants war with the Indians, is not true. Such wars bring exposure, toil, risk, and privations, with no honor. Therefore it (the Army) naturally wants peace, and very often has prevented wars by its mere presence; and, if intrusted with the exclusive management and control of the annuities and supplies, as well as force, I think Indian wars will cease, and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry: the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

General Sheridan says:

I have always been in favor of the transfer of the Indian Bureau to the War Department. It would relieve the military establishment of great expense and much annoyance. We could diminish the number of posts and be enabled to establish new agencies, when required, at posts already established, instead of being required as we now are to establish a new post for every new agency. This transfer would put an end to the conflict of authority occurring constantly between Indian agents and Army officers, and would also relieve the Government of very much of the expenses of the Indian Bureau, such as pay of agents, &c.

It is my belief that if the Indians had been in the hands of the military there never would have been any Indian wars of any consequence. There would be a power over them which would make them respect persons and property, and they would respect that power. The attempt is now being made to govern these Indians without exercising any power over them at all, by simple suasion, while at the same time we acknowledge the necessity of having the severest laws for the government of intelligent white people.

General Hancock says:

I believe it would be a decided advantage to the country, to the Indian, and the pensioners to transfer those Bureaus to the War Department, and in regard to Indian matter especially I may say that I believe there is no motive save the interests of the Indians and those of the country which would lead Army officers to advocate or advise such a transfer, for it could but add to their labors and responsibilities, and would invite hostile criticism, injurious to the Army at large, should cases of maladministration by individuals occur.

General Schofield says:

The transfer of the Indian and Pension Bureaus to the War Department would undoubtedly result in economy and honest administration, and would be wholly beneficial to the public service, provided too much of the labor of those Bureaus be not imposed upon the Army proper. The Army should not be burdened with duties not strictly military to such extent as to cripple its efficiency or in the event of war to render necessary the sudden transfer of an important branch of the public service to untried civilians, in order that the Army officers might go to the field. The legitimate benefit that would be conferred upon those Bureaus by the transfer would arise mainly from the introduction into them of the fundamental principle upon which the military department is organized, and the civil departments also, of all well-administered governments; that is, the tenure of office dependent upon good behavior instead of upon the ever-varying phases of political controversy, with the necessary machinery for the certain detection and punishment of official crimes. The difficulty of adopting this principle in the civil departments of our Government is doubtless very great, and the experiment, if anybody regards it in the light of an experiment, could not be more fairly made than by a transfer of the Indian and Pension Bureaus to the War Department. If this transfer is made, the Commissioner and inspectors of such Bureau should be Army officers of proved character, and the special agents appointed from civil life should hold their office during good conduct and be subject to trial by courts-martial under the Army Regulations.

General McDowell says:

One of the great advantages of such a system would be to take this Indian question—the administrative part of it—out of politics, and correct the frands on the Indians, either in the original contracts for supplies or in the distribution of them, which has been for generations a reproach to every administration of our national affairs.

Another advantage would be its great economy.

General Terry says:

I am decidedly of opinion that the Bureau of Indian Affairs should be transferred to the War Department.

General Crook says:

I think it would be economical to the Government and promote efficiency.

General Augur says:

The Indian Bureau could be transferred, in my opinion, with great benefit to the Indians and to the public service.

Colonel Palmer says:

If the money appropriated for the Indians were placed in the hands of Army officers, it would all be disbursed fairly and honestly; but then what would become of the noble army of Indian agents, who think it very hard if they cannot make a fortune in a very few years on a salary of $1,500 per annum?

General Hazen favors the transfer, and says:

It would secure honest administration, and hence an immense annual saving of money to the United States. From twenty years' service in the Indian country and its vicinity, and a very extended observation of Indian administration, I am entirely convinced that Indian appropriations are not, as a rule, honestly disbursed, nor do I believe, owing to the entire centralization of this administration in Washington, so far from the Indian country, that it is possible to administer honestly, except by the well-tried and positive means of military control, because the difficulties in the way of civil management are so many. * * *

By being under the continuous control and direction of a permanent body of intelligent men, the instruction of the Indian in agriculture, stock-raising and all the civilizing arts would become a strong and active sentiment with the Army; and not, as now, subject to the caprice of a stranger every four years, who has spent much of his term of office before he comprehends the real needs of his wards.

Their control would become in a measure patriarchal, which is the natural government of all barbarous people. The main cause of the little progress now made in Indian affairs is that, from the rotating system of civil office in our highly-civilized republican Government, everything is frittered away in the beginning, and nothing is ever completed.

Colonel Mackenzie reviews the subject fully and ably in his testimony, from which I read these extracts:

Should the Government propose to conduct its Indian affairs without reference to political party, its transfer to the War Department would be very advantageous to the Indians, and no particular disadvantage to the Army. If the question of party politics is to be kept in view in its management, with which the affairs of Indians have no rational connection, its transfer will be a very great disadvantage to the Army, and of no special benefit to anybody else.

The success of an officer from the day he enters the line of the Army till the day he ceases to belong thereto, is mainly a question of the kindly government of other men, and would seem the very best preparation for the firm, kindly control of these bands. It is a question, too, of integrity of administration, and to an officer's success a strong suspicion of a dishonest act (though it may not be proved, or drive him at once from the service) is fatal.

Again, should it be decided to expend all the needed money, but to introduce the party question into its management by the Army, it would be very unpleasant. If we are going to have to employ school-teachers or clerks, or have officers detailed at various agencies on account of their being republicans or democrats, I do not believe the transfer will do the Indians any particular good, and it will be very bad for us.

Colonel Clitz says:

To transfer back the Indian Bureau to the War Department, I believe, has become a necessity in order to prevent in the near future a big Indian war. I believe that if commanding officers of military posts in the Indian country are made Indian agents *ex officio*, with their subordinate officers as subagents, the Bureau will be more economically administered, the Indians would be better fed and cared for, would become better acquainted with the officers of the Army, and the officers with them. I believe officers in authority over them would use their power mildly but firmly, and not make them any promises that they did not know they could carry out. I believe the Indians would be contented, and, therefore, peaceable, and at any rate would have a wholesome dread of the officer who had it in his power to punish as well as reward.

Colonel Wood says:

True policy, as well as good faith, in my opinion, demands a change of the governmental relations with the Indian tribes. Treat them justly and there will be no occasion to spend millions of dollars fighting them. Their welfare would undoubtedly be enhanced by a transfer of the Indian Bureau to the War Department, and a great saving of money effected thereby. Officers of the Army, stationed in the Indian country, could execute the duties of superintendents and agents without interfering with their legitimate duties and without any expense to the Government other than their present pay. Should it, however, be found indispensably necessary to continue civil agents in office for the conduct of Indian affairs, their powers should be circumscribed, accurately defined, and they themselves rigidly punished for any infraction of them.

Colonel De Trobriand says:

I have no doubt that such a measure would be both eminently proper and beneficial. The present Bureau of Indian Affairs is a Pandora's box, whence endless evils issued and are still issuing. The greater part, by far, of our difficulties with Indians arise from the shameless way in which they are cheated out of the most of the annuities of all kinds which they are supposed to receive from the Government and for which the people pay in full. It would be a great error to believe that, because they do not know how to read and write, those Indians are unable to keep good accounts and to figure exactly to what extent they are cheated. I have heard Indian chiefs who could tell me how many sacks of flour, how many flannel shirts, how many blankets, how many knives, &c., had been taken away from the agency where they had been stored for them; on what nights these goods had been loaded on wagons, the number of which they stated; to what distant post the stolen articles had been sent, there to be sold in retail by traders to some other tribes. Many times they asked me why I could not take control of the distribution of their goods among them, unable to understand how their Great Father in Washington, who kept so many warriors, could not secure them their rights and save them from being plundered year after year by those very people who were sent especially for their aid and protection. The general corruption which prevails in Indian affairs is a matter of public notoriety, and has been, in some cases, demonstrated by irrefutable evidence. The above is therefore stated, not to criminate anybody in particular, but only to show that I speak of my personal knowledge, not from hearsay. As all efforts have been unavailing to remedy those evils with the present organization of the Bureau of Indian Affairs, it has become necessary to try some different system to realize the reforms so much needed, and it does not appear that there is any other which could attain that end but the transfer of the Indian Bureau to the War Department. The administration of Indian affairs could not be trusted to better hands. The officers of the Army do not desire it. They understand well that such a transfer will bring to those who will be concerned in it much more trouble and labor than credit or compensation. But their devotion and their patriotism would make them accept their new responsibilities and perform these new duties in the same spirit and with the same efficiency which have maintained so high the integrity and the honor of the United States Army.

Colonel Sykes says:

I have had considerable experience with a large tribe of Indians on a military reservation in New Mexico, (Navajoes,) and had very little trouble with them. I carried out the promises of the Government in their behalf, and rarely called upon them to do an act of justice which they were not prompt to recognize and enforce. Most of our trouble with the Indians would cease were their annuities honestly distributed and treaties with them faithfully carried out. Everybody knows this who knows anything on the subject.

Colonel Jeff. C. Davis says:

The management of the Indians is better done by the War Department. It was formerly a part of the duties of this Department to keep peace with the Indian tribes on our frontier; it is a difficult job and requires the presence of soldiers at all times, often the vigorous use of them; the Indians respect and will obey no authority of the Government not enforced by the military; this is seen every day on our frontier. The management of the Indians by the Interior Department has been a failure.

The Indian Bureau has of recent years become a synonym for rascality and corruption. I do not think, however, the officers of the Army, as a general thing, covet the responsibility this change would place upon them, but they can and will, with proper encouragement, perform the task with more efficiency, honesty, and

with less hypocritical cant about christianizing and civilizing the Indians than is now done. The military can teach the Indians how to lay down the rifle and take up agricultural implements and use them; this done, and our honest and sincere Christian workers will see to it that civilization and Christianization follow right along as the savage is prepared for these blessings.

General Marcy's opinion, which is found on page 145 of the report of the Military Committee, is a careful and able review of the subject. His knowledge of, and experience in, the management of the Indian entitle his opinion to great weight. General Marcy says:

The measure of returning the Indian Bureau to the control of the War Department has long been indicated as one of expediency and wisdom, and on several occasions it has been urgently recommended by different Secretaries of War, under both democratic and republican administrations, and a bill passed the House of Representatives some years since for the transfer. For the reason that the duties involved would be arduous and thankless, no matter how faithfully they might be discharged, the transfer is not seriously desired by the Army. Whatever may be said to the contrary by the opponents of the change, the Army officer is the last person who wants an Indian war, as he has nothing to gain by it; but his experience in Indian affairs is great, his probity is unquestioned, and his influence has doubtless been most salutary with the Indians, as they know he never deceives them; and the only motive he could have for undertaking the gratuitous task of Indian agent, if it were left to his option, would be for the preservation of tranquillity and peace.

These, with thirty-three other distinguished Army officers, all experienced in the management of Indian affairs, have returned answers to the inquiry made by the committee, all of which may be found in printed report No. 354.

Among all the answers received only one officer, General Howard, opposes the transfer. In order that the opponents of this measure may have the full benefit and weight of this officer's opinion, I now read what General Howard says, from page 24 of the printed testimony:

I would not advise the transfer of the Indian Bureau to the War Department for two reasons: First, it turns the attention of the Army from its legitimate work; second, it will subject the Army to the usual public denunciation directed toward Indian Bureau agents, and be constantly detrimental to the reputation and finally injurious to the *morale* of the Army. I do think that officers can be selected from the Army who would do the duty with zeal, efficiency, and probably with more general satisfaction to the public than the Indian agents, who are less well paid and further removed from co-equal associates.

This one expression of opinion in opposition to the proposed transfer stands alone among all the Army officers; and even General Howard does not oppose it on the ground that the Indian service will not be improved, but solely on the ground of its possible injury to the morals of the Army.

I now call the attention of the House to the views of a number of civilians, who can have no bias or prejudice in the matter, and whose knowledge of Indians and Indian character certainly entitles their opinions to the highest consideration.

Mr. John B. Sanborn, a gentleman who has spent many years among the Indians, who has been appointed by different Presidents to settle Indian difficulties, and who, after the abolition of slavery in the South, was sent to the Indian Territory to adjust the relations between the slave-holding tribes and their slaves, says:

In January, 1867, I was again sent by the Secretary of the Interior to ascertain the principal grounds of difficulty with the Sioux Indians in the vicinity of Fort Phil. Kearney, that had resulted in the massacre of eight hundred and thirty-six soldiers and officers of the Army. I served on that commission until July of that year, when Congress, by an act, appointed me with others a commission to visit all the Indians of the plains, and make such recommendations to Congress as the public good seemed to require for the future, for the control and management of Indian affairs, and I served on that commission until the 12th of October, 1868; since which time I have not been connected with the public service. That commission met and conferred with the Southern Cheyennes and Arapahoes, the Kiowas, Comanches, and Navajoes, the Bannacks or Snake Indians, the Northern Cheyennes and Arapahoes, the Mountain Crees, and all the bands of the Sioux Nation, twelve in number. During this time I made the Indian question a constant and careful study, and tried to arrive at correct conclusions as to what policy would be the best for the Government to pursue in the management of Indian affairs.

Question. Please tell us what conclusion you arrived at.

Answer. At the conclusion of that commission—the last session it held was at the Tremont House in Chicago, in October, 1868—all the questions pertaining to that subject were fully and thoroughly discussed by the commission, consisting of General Sherman, General Harney, General Terry, Senator Henderson, Mr. S. F. Patten, General Augur, and myself, and Mr. N. G. Taylor, Commissioner of Indian Affairs. That commission, with perfect unanimity of opinion, with the exception of Mr. Taylor, concluded that the Bureau should be transferred to the War Department, and so recommended to Congress. Nearly all the members of the commission had given the matter their undivided attention for a year and a half, and some of the members had been connected with the Indian service for a quarter of a century, such as General Harney. General Augur, too, had had a great deal of experience. The question of the management of Indian affairs is a very complex and difficult one, and one that nobody can understand without giving it a great deal of study and attention. The evil of contact with the men of the Army is and always has been experienced, and must be always, for the reason that civil officers are not certain of getting along a single day without calling upon the military, which results in the absolute necessity of the military being immediately at hand, on the reservations, or close to them. Hence there would be no increase in that evil by the transfer to the War Department. It stands just the same as it does now. For the tribes that are civilized or semi-civilized nothing is required but a single officer. For the tribes that are still nomadic and savage, the force that is now kept among them is all that is required after the transfer; there is no change in that respect. It is simply consolidating the entire service into one branch of the Government, instead of having it administered by two separate and distinct branches, as now. The system of procuring supplies is far more economical in the Army than in the civil service, and must always remain so. While the Indian service is administered by the civil branch of the Government, there is constant change and vacillation, so that these uneducated savages do not understand or comprehend what the difficulty is. The policy of the Government seems to be one thing under one administration, and another thing another year, under another administration.

Hon. William Welsh, of Philadelphia, the late chairman of the board of Indian Commissioners, appointed by the President, the chairman of the Indian mission of the Episcopal Church committee, in charge under the present management of certain agencies, a man who gives largely of his abundant means to the Indian people through Indian missionaries, a man of high and pure character who has spent much time in the Indian country studying the Indian people and Indian management, and who is doubtful of the civilizing influences of the Army, says:

Question. Tell us in what condition you found the management of Indian affairs.

Answer. When we commenced the Indians were under the control of Army officers. Very little seemed to be done toward civilizing them; but, as General Stanley has said, it was hardly a fair test, for the officers were taken indiscriminately. Before that the agents were mostly men who were seeking their own gain, and perhaps hardly censurable in that, because the system was a very poor one. The governor of each Territory was *ex officio* the superintendent of Indian affairs, and had the control of appropriations, and usually shaped the expenditures politically. In some of the States that were formed out of Territories occupied by the Indians we were not able to trace above 25 per cent. of the appropriations to their proper use. That is, where the superintendent of Indian affairs had been the governor, he had used the appropriation for political purposes, and in many instances gentlemen were promoted politically by the patronage of the appropriations for Indians.

In a letter published in the New York Times Mr. Welsh says:

Very many of the best friends of Indian civilization are deeply troubled by the evident determination of the House of Representatives to refuse to make appropriations for Indian service unless the care of the Indians is transferred from the Department of the Interior to the War Department. This want of confidence in the Department of the Interior is well founded, as it is a Department of the Government that will ever be looked to for the money needful to conduct political campaigns.

Messrs. Brunot, Stuart, Dodge, Bishop, Farwell, Campbell, and Tobey were appointed by the President with full authority of law to check abuses in the Indian service. After years of self-denying labor, without pecuniary compensation, this Indian commission found itself unable to check the evil influence that the Indian ring had acquired over the officers in the Interior Department. When vouchers to a large amount, that the commission had pronounced illegal or fraudulent, were paid by the Secretary of the Interior, they reported the facts to the President of the United States, but as he did not sustain them they resigned. On surrendering to the President their commissions there was no expression of regret, although such expressions had been made on the resignation of Indian Commissioner Parker, and latterly at the resignation of Secretaries Delano and Belknap. At that time informers of wrongs by Government officials were considered the guilty parties, and their retirement was not regretted. It is true that all the officers and clerks in the Interior Department who assisted in or connived at these fraudulent transactions have been removed, yet this does not take the Department out of the political influences that have hitherto environed it.

The Indian ring is rich, and will probably, as hitherto, be assessed to aid in defraying the expenses of the next political campaign. Such an assessment, according to party usage, sanctions a profit beyond the gains usual in commercial transactions of ten times the sum paid.

The fear expressed by prejudiced persons that if the Indians come under the War Department they will be brought into still closer contact with soldiers is groundless, for, Army officers being trained to command, Indians will readily obey them, under the belief that they will be sustained by military power, often rendering the presence of troops unnecessary. Knowing, as I do, most of the division commanders, I express confidence that they will select for Indian agents officers of established moral character and of special fitness for the duty.

Mr. Charles Nordhoff, in his interesting book on Northern California and the Sandwich Islands, written after visiting and making an examination of the management of the Indians on the Indian reservations in California, the Modoc Indians, and the cause of the Modoc war, on page 164 says:

I do not say too much when I say that if General Schofield had been informed and consulted beforehand, there would have been no Modoc war, and General Canby and Mr. Thomas might have been alive to-day.

Again, speaking of our Indian management, on page 166 he says:

In the whole system of management, as I have described it, you will see that there is no reward for or incentive to excellence; it is all debauching and demoralizing; it is a disgrace to the Government, which consents to maintain at the public cost what is in fact nothing else but a pauper-shop and house of prostitution.

After fully and ably reviewing the subject, Mr. Nordhoff recommends that the Indians be placed under the control of Army officers, and says:

An Army officer, methodical, orderly, and having the habit of command, is the proper person for superintendent of a reservation; for drill and discipline, regular hours, regular duties, respectful manners, cleanliness, method—these are the elements of civilization that are needed, and which an Army officer knows how to impress without harshness, because they are the essence of his own life.

In his message to Congress, December 6, 1869, President Grant advocates Army management of Indians, and says:

For superintendents and Indian agents not on the reservations officers of the Army were selected. The reasons for this are numerous. Where Indian agents are sent, there or near there troops must be sent also. The agent and the commander of troops are independent of each other, and are subject to orders from different Departments of the Government. The Army officer holds a position for life; the agent one at the will of the President. The former is personally interested in living in harmony with the Indian and in establishing a permanent peace, to the end that some portion of his life may be spent within the limits of civilized society. The latter has no such personal interest.

Another reason is an economic one; and still another, the hold which the Government has upon a life officer to secure a faithful discharge of duties in carrying out a given policy.

Mr. Chairman, the question has been asked since this discussion commenced, who do the Indians want? Let that great and good man, Bishop Whipple, who has studied this subject with a view to Christianize the Indians, bear testimony. In a letter to the New York Times he says:

Senator WINDOM, if my memory serves me, was a member of an Indiam commission of which Senator Doolittle was the chairman. They made an examination of the causes of our late Indian wars. They published a report in 1865. It was one of the saddest books I have ever read. From the Mississippi River to Oregon, from Canada to the Rio Grande, it is one long record of crime and fraud.

In 1868 another Indian commission was sent out, composed of General Sherman, General Terry, General Augur, General Harney, General Sanborn, Senator Henderson, and Major Tappen. They took testimony again it was too bad to publish. I am told that when the Indian chiefs met the commission at Medicine Lodge Creek, they gave as a reason for not making another treaty with us that "three times men have come to us and made treaties;" they said that "their Great Father sent them;" "They were liars;" "we have not seen one thing which they promised." After long discussion the Indians said that "they believed the men who wore our uniform had straight tongues."

Mr. Chairman, since the discussion commenced the question has frequently been asked, have the Indians been consulted; what do they say to the transfer?

I hold in my hand General Custer's book, Life on the Plains. On page 122 is found an opinion of the "Indian Parker," well known as a distinguished chief of the once powerful Six Nations, and better known as the Commissioner of Indian Affairs during the early part of the present Administration. Colonel Parker quotes from messages of Washington and Jefferson, showing that they had favored the exclusion of civil agents and traders. His recommendation then proceeds:

It is greatly to be regretted that this beneficent and humane policy had not been adhered to, for it is a fact not to be denied that at this day Indian trading licenses are very much sought after, and when once obtained, although it may be for a limited period, the lucky possessor is considered as having already made his fortune.

The eagerness also with which Indian agencies are sought after and large fortunes made by the agents in a few years, notwithstanding the inadequate salary given, is presumptive evidence of frauds against the Indians and the Government.

Many other reasons might be suggested why the Indian Department should altogether be under military control; but a familiar knowledge of the practical working of the present system would seem to be the most convincing proof of the propriety of the measure.

It is pretty generally advocated by those most familiar with our Indian relations and, so far as I know, the Indians themselves desire it.

Civil officers are not usually respected by the tribes, but they fear and regard the military, and will submit to their counsels, advice, and dictation when they would not listen to a civil agent.

Further along, in regard to Army management of the Indians, Parker says:

I believe it to be more economical than any other plan that could be suggested.

A whole army of Indian agents, traders, contractors, jobbers, and hangers-on would be dispensed with, and from them would come the strongest opposition to the adoption of this plan, as it would effectually close to them the corrupt sources of their wealth.

Mr. Chairman, with such an array of testimony upon this subject from honest, upright, and disinterested persons, who have had the amplest opportunities of judging, it would seem that further argument as to the propriety of the proposed transfer is unnecessary, especially in view of the fraud, extravagance, and profligacy known to exist in the present management of the Indian question.

I wish now to call the attention of the House to the economy of this transfer. General Marcy's able letter, in which he reviews the entire subject, found on page 145 of the report, gives the following tables of appropriations for the Indians in 1848, when the management was in the War Department, and 1875, under the present management:

For contingent expenses and for fulfilling treaty stipulations	$6,851,681 96
Pay of officers and clerks in Commissioner's Office	75,520 00
Pay of superintendents, inspectors, agents and their clerks	136,000 00
Total appropriation in 1875-'76	7,063,201 96

The appropriations for the same purposes in 1848 were:

For contingent expenses, &c.	843,1'0 00
Officers, &c., in Commissioner's Office	18,700 00
Superintendents, agents, &c.	12,678 00
Total appropriations in 1848	874,478 00
Difference	6,188,723 96

Mr. Chairman, let the gentleman from New York, [Mr. COX,] who, in the name of Tammany, brandished his tomahawk in our faces a few days since, put this in his pipe and smoke it: the fact that the management of the Indian Bureau in 1848 in the War Department only cost $874,478 and that last year it cost $7,063,201.96, or $6,188,723.96 more per annum under the present management than when under the War Department management. Then, Mr. Chairman, let the honorable gentleman from New York first read in the testimony of Hon. William Welsh, "We could only trace about 25 per cent. of the appropriation to the Indians." Then let him take his slate and pencil and find that the Indians received 25 per cent., or $1,765,000 of the appropriation, and the Indian ring $5,297,740. And then let him go back to Tammany and inform the chiefs how he opposed that transfer and defended the Indian management which permits the Indian ring to steal three-fourths of all the appropriations made for the support of the tribes.

Then let him tell Tammany how he brandished his tomahawk in the face of the Military Committee, and told them they must reduce the Army ten thousand men, leaving only fourteen thousand; that there is a possibility of trouble with Mexico, and that the fourteen thousand soldiers will all be required upon the Texan border, leaving the settlers upon the frontier to the mercy of the Indian. Let him tell Tammany how, in the face of the proof, that never in the history of the country has the Army or Army officers been the cause of an Indian difficulty or any Indian war. He charged "that Army management of the Indians means war, extermination, to give them hell;" that, while he considered the management he thus denounced the best for the poor pensioner, he told the House the management of the Indians should be left where it now is, in the Interior Department, under the control of the Young Men's Christian Association and the Indian ring.

Let him tell Tammany, in the face of the proof, that nine out of ten of the half-breed Indian children are the offspring of Indian agents and traders; without any proof whatever of his assertion, he charged the Army had ruined the Indians "by giving them a loathsome disease."

And if Tammany is not satisfied with this unprovoked and unjust attack of her scalping-chief upon our Army and defense of the Interior management of the Indians, run by the Indian ring, then let Tammany send for Red Cloud, Black Kettle, or Sitting Bull, to come and take the honorable gentleman's place.

Mr. Chairman, the economy of this bill, in addition to the fact that it costs more to manage the Indians in the Interior than it did to manage them in the War Department, is sustained by the evidence of General Sheridan, who says:

If the transfer is made the Secretary of War will modify his estimates for the coming fiscal year $3,500,000.

A table prepared by Adjutant-General Townsend, found on page 229 of the report, states the amount saved by the reduction of the number of officers, in their salaries alone, to be $189,000 annually.

On page 158 of the report can be found a table showing conclusively the extravagance, waste, and profligacy of the present Indian management, and which of itself should be sufficient to convince every member of the House of the necessity of removing the Indian management away from the Interior Department. This table shows that while the Quartermaster's Department pays $4.50 per hundred pounds from New York, Philadelphia, and Baltimore to Colorado, the Indian agents pay $9 per hundred pounds; and so on the different amounts paid for freights, run for three pages in this book, showing that the Indian agents pay 60 per cent. more for transportation of freight than the Quartermaster's Department.

I ask now to have read, to prove the economy of the transfer, Dr. Walter Burleigh's opinion, found on page 216 of the report of the Military Committee. Dr. Burleigh says:

Question. Do the agents ever turn over beeves on the foot to the Indians so that they can drive them off?

Answer. Frequently; at least I think so. I have looked at this question very closely and have given it a great deal of study, and my impression is that the transfer of the Indian Bureau to the War Department, by dispensing with civilians whose duties can be performed just as well by officers of the Army—my impression is that the saving in that alone will be $1,500,000. My impression is, (and I think I have seen enough of these matters in the last fifteen years to enable me to come to a correct conclusion,) that it will save, in supplies furnished that never reach the Indians at all, fully $500,000; that makes two millions. It will save in the administration of the Army directly, by enabling them to bring the Indians down to navigable highways where supplies can be distributed without the monstrously expensive transportation that is now necessary, fully $3,000,000, making $5,000,000. Take, for instance, the Red Cloud and Spotted Tail agencies, the two largest agencies on the continent, I believe; it costs as much to haul the flour from the point where it is landed on the Missouri to those agencies as it costs to purchase the flour. The distance of those agencies from the river is about three hundred miles, and they are in a poor country, whereas the country on the river is pretty good. In addition to that, our Indian wars for the last twenty years have cost $120,000,000, over $6,000,000 a year, and we are just as sure to be afflicted again with that enormous expenditure as we have been in the past if we continue the present system. Therefore you may add $6,000,000 to the $5,000,000, which will make a saving annually of $11,000,000, by turning the Indians over to the War Department. I think that our Indian wars have been the direct results of the miserable policy that has prevailed under the civil administration of Indian affairs. Now we have the officers already paid for doing all the duties that are discharged at present by the agents. The surgeon at the post can prescribe for the Indians, and the labor that is to be paid for now can just as well be performed by the soldiers who will be called in at the military posts to aid the quartermaster and the commissary in making their issues. Of course you have to have a head farmer, a head blacksmith, a head carpenter, and where there is a mill, a miller, but all the balance of the labor can be done just as well by the Indians, provided you have force enough at the posts to enable the agent to compel obedience to his orders.

From all these statements of facts it is proved most fully that the transfer will result in an ultimate saving to the Government of more than $5,000,000 annually, of a far better, more civil, and Christian management of the Indians and better protection to the settler upon the frontier. It is recommended by the Committee on Appropriations, the majority of the Indian Committee, all of the Committee on Military Affairs, by more than sixty Army officers, and by many eminent and Christian gentlemen.

It is not generally understood, Mr. Chairman, why it has been more difficult to secure an honest disbursement of Indian appropriations than any other. A few facts explain satisfactorily the reason. These appropriations are for the frontier, far removed from civilized influences, and generally beyond the control of any court. The white inhabitants there, if any, are the roughest known to the country. The recipients of the appropriations are savages who but poorly understand their rights and are incapable of any appeal other than that found in the rifle and the scalping-knife. The result is that the agent can defraud with perfect impunity, and he generally goes out, not to find Indians, but to manufacture vouchers, as I have shown you that only 25 per cent. of the millions generously voted by our people reaches the Indian, and this, Mr. Chairman, reaches him stained with blood.

The Indian feels the wrong he cannot understand, and resents it, savage-like, with war.

Now, a war is quite as profitable to the Indian ring as thefts from the appropriations. It gives birth to heavy contracts in which, as Senator WINDOM once computed, a million is paid for every dead Indian, with a doubt remaining as to whether the Indian is dead.

Now, Mr. Chairman, these heavy frauds have attracted to the Indian ring all the shrewder rascals of our country. There is no combination that can be conceived by the wicked mind in which such large profits can be obtained so safely. The tenure of office to such is not of long duration. One thief crowds out another, who, satisfied with a fortune, retires from the pursuit. And herein lies the great advantage of a transfer to the War Department. The officer of the United States Army holds his place for life on good behavior; he has a character to sustain, a reputation to defend; and all in the safekeeping of his brother officers, who regard the good name and glory of their profession of enough importance to give to it the service of a life.

It is not true, as urged, that a disposition prevails on the part of the Army to a bloody extermination of the Indians. All the instances evoked in favor of such argument have occurred after the thieving agents have provoked and stimulated the war the Army is called upon to fight out.

A war, we all know, means desolation and death, and in this line our Army has been as efficient as it will be in the better peace policy, when the officer acts as the civil official agent.

Mr. Chairmen, I beg leave to remark in conclusion that an examination of the record shows that in December, 1868, a bill for the transfer of the Indian Bureau to the War Department, reported by Mr. GARFIELD, after a careful investigation of the subject, passed this House by a vote of 116 for to 33 against.

All the members of this House who were then members of Congress, who voted at that time—being Mr. BANKS, Mr. BLAINE, Mr. GARFIELD, Mr. WILLIAM D. KELLEY, Mr. LAWRENCE, and our Speaker, Mr. KERR—all of these gentlemen voted for the bill then, except Mr. KERR, who, I am authorized to say, is in favor of the passage of the bill now.

Again, Mr. Chairman, much has been said by the gentleman from Massachusetts [Mr. SEELYE] in favor of the humane and careful management of the Indian in the Interior Department compared with his savage and murderous management by the Army.

Without stopping to argue this question, and as an unanswerable evidence of the present destructive and murderous management of the Indians, I read from the census of the Indians in 1848 under the War Department, when there were four hundred and eighteen thousand Indians. In 1874 the census shows the total number of Indians to be three hundred and seventy-nine thousand, showing that the present management is not only robbing the Indians of their supplies, but destroying them rapidly, and that under the present management in a few years no vestige of the red man will be left upon the continent.

One word as to the cruelty and low standard of the American soldier charged in the speech of the honorable gentleman from Massachusetts. When that gentleman pictures the soldiers of our Army, as he does, as wanting in morals and carriers of foul disease among the Indians, it is certainly a comfort to the old soldiers to know that the man who utters these statements has never been in and knows but little of our Army, composed as it is of brave men, of whom every American citizen has occasion to be proud, not only for its conduct in Indian wars but in every war in which the country has ever been engaged. Sir, it is not necessary for me to defend its honor, its morality, or its decency against any charges to the contrary made here or elsewhere.

The honorable gentleman is mistaken when he jumps to the conclusion that soldiers are rude and cruel and low. Upon the contrary they are generally tender-hearted and generous men, whose blood is as freely given for the defense of the right as were the gentleman's words spoken in giving publicity to the American soldier's bad character, without reason, without cause, and contrary to the facts.

Mr. Chairman, charges of cruelty and immorality against the men of our Army have been most freely spoken here by gentlemen who would do well to first study the character of the men of the Army before making such wholesale denunciations. The men of the West and the South, and all men who have mingled with the Army, know the charges are not true; while all men who have studied the question have learned, as every man must learn who studies, that it is the Indian agent, and Indian traders, and the Indian ring who debauch the Indian women, steal from the Indian appropriations, and then stir up an Indian war to conceal their wickedness and fraud.

Sir, I look upon this measure as the greatest reform proposed by this House. The defeat of the bill will be a great misfortune both to the Indian and to the country. Its passage cannot possibly make the management worse than it now is, and will, I believe, make it what it should be, firm, honest, just, and kind.

Mr. JACOBS. Mr. Chairman, having lived for twenty-five years in Oregon and Washington Territory, having seen much of the Indians in that portion of the American Union, having studied to some extent their language, habits, modes of thought and life, and having watched attentively the policy of the Government toward them and its effects upon them, I may be pardoned for offering a few suggestions upon this bill.

First, then, there are two classes of Indians:

First. Those who are in active hostility to the authority of the Government or are ever ready to enter upon the war-path. Some tribes belonging to this class have entered into treaty stipulations with the Government, but the obligations of such stipulations have no restraining control over the tribes. There is among this class of Indians a settled hostility to all the modes of civilized life. They are not in a condition to be civilized or christianized. They are governed by fear, they are restrained by power, and to them the military system is the only practical system, the only guarantee of safety and protection to surrounding or advancing settlements.

The second class may be called the reservation Indians. They fully acknowledge the authority and power of the Government. They have tried war with the whites and they have utterly failed. They have felt the power of the Government and they acknowledge the supremacy of that power. There is not the least disposition remaining to enter upon the war-path. They have gone upon the reservation set apart for them, and the great body of them remain there. They are acquiring an attachment for a permanent home, are yielding to the influences of civilization, and are slowly but surely adopting the modes of civilized life. They need not the presence of power to overawe, but the ministers of peace to instruct them.

Such, sir, is the character of the Indians in Washington Territory. There are in that Territory between thirteen and fourteen thousand Indians, thirteen reservations, and seven Indian agents.

Before I call attention to the present condition of these tribes I want to look at the past policy of the Government in Indian affairs.

First we had what I may call the political system. Under this system superintendents and agents were appointed, not for any supposed fitness they may have had for the service, not for any desire they were supposed to have to ameliorate the condition of the Indians, but as a reward for political services. The position of Indian agent was sought, not for its legitimate salary, but for the opportunity given to plunder the Indians and cheat the Government. Men have grown rich on the paltry salary of $1,500 a year. Everything that one of these political agents touched turned to gold. It is needless to say that the system was dishonorable to the Government and demoralizing to the Indians. Understanding as I do their language, I have heard them complain bitterly of their wrongs under the dominion of these political agents and to ridicule the assumed superiority of a civilization that tolerated such gross injustice. The moral sense of the American people, and especially of the religious portion, protested against this system of plunder and demoralization and brought about a change; introduced what is known as the religious system.

Secondly, I wish to call attention to the elements and practical working of this system from actual observation.

First. The agents are appointed through the nomination of the different churches from their real fitness for the work of the civilization and Christianization of the Indians. They are acquainted with the character, habits, and mode of thought of the Indians. Above all, they have a love for the work they undertake, and approach it under a sense of religious duty, and impelled by moral considerations.

Secondly. They all speak the Indian language well. There is not an agent in Washington Territory who cannot address the Indians in their native language. The intervention of an interpreter is not necessary. They are thus much closer to the Indians. Every one at all acquainted with this matter knows the value of this acquisition.

Thirdly. The great obstacle in the way of the civilization of the Indian is his religious belief. Before you can commence the work you must weaken, if not break, the power of his native teachers. This can be done by association with the whites, but it is a slow process. The more direct and effective mode is that of direct teaching. The religious agent is eminently fitted for the work. His zeal is ever active; he knows the Indian's mode of reasoning; he addresses him in his native tongue, and wins him to the better way. Let me ask what fitness the officer of the Army has for this necessary work? What disposition has he to enter into it? There are about three thousand Indians in my Territory completely under the power and control of these native teachers. They refuse to live on the reservations. Their priests denounce the mode of life of the whites as impious, and these bands wander over the Territory without any fixed abode. They are threatened with everlasting banishment from the happy hunting-grounds if they abandon the traditions and customs of their ancestors. Work is not only dishonorable, but it is absolutely impious. I adduce this to show that the first great step in the civilization of the Indians is the breaking of the power and influence of their native teachers.

Fourthly. It cannot be averred that these religious agents in Washington Territory have ever defrauded the Government out of a dollar. It has been a faithful and honest administration, and now what has been the result? As an illustration I will take the Yakama agency, where Rev. J. F. Wilbur is agent. He was appointed in 1864, and with the exception of about a year has been agent ever since. There are thirty-six hundred and fifty Indians belonging to the agency, and all but about three hundred reside there. When Wilbur took charge of this agency the only property the Indians had was horses. They now have fifteen thousand head, worth $195,000; three thousand head of cattle, worth $15,000; a good flouring-mill, a steam saw-mill, with shingle-machine attached; a carpenter and blacksmith shops, all operated by Indians. The grain and vegetables produced by them the last year was sufficient to give every Indian on the reservation twenty-six bushels of corn and oats, one bushel of vegetables, and a barrel and a half of flour. They have two schools in successful operation, and two Methodist churches, one of which has a native pastor. The reservation has been surveyed and the families

were fast settling on forty-acre lots, upon which substantial houses have been built. The sanitary condition of the tribe is excellent, and the births far exceed the deaths. I mention the last fact because the surest evidence of disease and tribal decay is the absence of children.

What I have said of this agency is true of every other agency in the Territory—of the Catholic agencies, of the Presbyterian and Congregational agencies.

Now, sir, these Indians are already self-sustaining, and under the benign influence of these Christian agents are fast adopting the modes of civilized life and are moving slowly but surely up to a higher plane of civilization.

The change proposed in this bill will check if it does not entirely arrest this good work. I am not left to conjecture and speculation as to the correctness of this declaration. This change has been tried before and abandoned, because it was a cold and cheerless negation and was without beneficial results. Father Wilbur and all of those Christian agents were removed in A. D. 1871, and military officers substituted for them. The result is shown in a marked manner on this Yakama reservation. The Indians abandoned their homes on the reservation, let their houses, shops, and mills go to decay, left their farms untilled, and drove their stock to the plains and mountains, and they did not return until Father Wilbur was restored.

The loss to the Indians was heavy. Their horses and cattle were slaughtered for food, the work of civilization entirely arrested, suspicion and mistrust of the whites took the place of a confiding trust in their agent, and for a time there was danger of another Indian war. When Father Wilbur was restored the Indians came in from the plains and mountains with the remnant of their stock and settled down upon the reservation again. From that time to the present they have been making rapid advancement in civilized life; have fenced lands, built houses, plowed and sowed fields, established and sustained churches and schools, and now enjoy a large degree of material prosperity.

A word or two for pioneers and border-men, and I am done. I know that there is a popular belief that there is a settled hostility on the part of the pioneer toward the Indian—that he values the Indian only for his scalp; but, sir, this is a great mistake. Every consideration of protection and safety to himself, his family, and his property prompts him to live on friendly terms with the Indians. He knows the Indian's mode of warfare, he knows that the Indian recognizes no non-combatants, but that he slays alike women and children as well as men. Under these circumstances it would be madness for him to provoke a contest that would imperil the lives of his wife and little ones and consign his property to the flames. Whenever Indian wars have sprung from the wrongful acts of white men those acts were not perpetrated by pioneers, but by the parasites of civilization coming in their wake. They were the individual acts of bad men resented by the Indians on their principles of justice, which were satisfied not by the punishment of the offender, but upon some other white man. But, sir, most Indian wars sprang from no individual act of injustice perpetrated by the whites, but were the result of matured plans among the Indians to check the encroachment of the whites into what they deemed their country, and to preserve to themselves the domain of their fathers.

Mr. SCALES. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. VANCE, of Ohio. I wish to ask the Chair whether the order made this afternoon precludes the introduction of bills?

The SPEAKER *pro tempore*. The understanding of the Chair at the time the recess was taken was that no other business would be transacted this evening than the Indian bill, and he will so rule.

Mr. VANCE, of Ohio. I ask unanimous consent to introduce a bill for reference.

Mr. COX. I do not like to interfere with the gentleman, but we must abide by the understanding of the House before the recess was taken.

The SPEAKER *pro tempore*. The Chair will rule that no other business can be transacted to-night.

Mr. RANDALL. Such was the understanding. Although it may not be a matter of record, nevertheless that was the agreement, that no other business should be transacted this evening. Therefore I think we ought not to put ourselves in any position which is open to criticism.

Mr. LORD. I rise to make a privileged report from the managers of the impeachment.

Mr. RANDALL. I think I must object for the reason I have stated.

The SPEAKER *pro tempore*. The Chair must refuse, under the understanding as to the order of business for this evening, to entertain any other business than the bill for the transfer of the Indian Bureau.

Mr. COX. I understand from the reporter that before the recess the question was asked, and it was distinctly settled that no other business was to be transacted this evening.

The SPEAKER *pro tempore*. That is the understanding of the Chair.

And then, on motion of Mr. SCALES, (at nine o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. G. A. BAGLEY: The petition of Mrs. Mary Danahay, for a pension, to the Committee on Invalid Pensions.

By Mr. BELL: The memorial of H. P. Rolfe, relating to an appropriation for expenses incurred and for services rendered in the matter of the extradition of William Johnson, to the Committee on Appropriations.

By Mr. DAVY: The petition of S. P. Pitts, for compensation for a quantity of salt destroyed by British forces at Oswego, in May, 1814, to the Committee of Claims.

By Mr. HENDERSON: The petition of J. H. Paddleford and 72 other citizens of Cleveland, Illinois, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petition of S. M. Brown and 351 other citizens of Geneseo, Illinois, for the repeal of the resumption act, to the same committee.

By Mr. HEWITT, of New York: Memorial of the Society of Friends, on behalf of the Indians, to the Committee on Indian Affairs.

By Mr. HOOKER: The petition of 2,967 citizens of Mississippi, for the refunding of the cotton tax paid by them in the years 1865, 1866, 1867, and 1868, to the Committee of Ways and Means.

By Mr. HOPKINS: The petition of citizens of Pittsburgh, for the regulation of commerce and to prevent discriminations by common carriers, to the Committee on Commerce.

By Mr. HUNTON: The petition of P. H. Hooff, for compensation for property taken by and furnished to United States troops, to the Committee on War Claims.

By Mr. JACOBS: Papers relating to the establishment of a post-route from Snohomish to Falls City, Washington Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. LEAVENWORTH: The petition of Mrs. Charles O. Roundy and 250 other ladies and gentlemen of Cayuga County, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. MAGOON: The petition of Allen R. Law and 38 other citizens of La Fayette County, Wisconsin, that the present duty on flaxseed and linseed-oil be maintained, to the Committee of Ways and Means.

By Mr. MAISH: Memorial of John A. Rea, for the return to him of certain taxes paid to the Government, to the Committee of Claims.

By Mr. ROBERTS: The petition of R. L. Thomas and 70 others, citizens of Cecil County, Maryland, for an appropriation for the improvement of the Northeast River, and remonstrating against any suggestion that the opening of navigation can do any one harm, and representing that the promotion of commerce will benefit all, to the Committee on Commerce.

By Mr. TUFTS: The petition of dealers and manufacturers of envelopes at Davenport, Iowa, relative to the manufacture of envelopes, postal cards, &c., by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: Papers relating to the petition of Mrs. Kate L. Usher for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Memorial of J. H. Sims, for compensation for property taken by United States troops, to the Committee on War Claims.

By Mr. A. S. WILLIAMS: The petition of citizens of Detroit, Michigan, importers and dealers in crockery, china, and glass ware, that a uniform rate of duty of 30 per cent. be levied upon these articles, exclusive of packages, inland freight, shipping charges, and commissions, to the Committee of Ways and Means.

By Mr. YOUNG: The petition of Mary McMannamon, for the reconsideration of her claim filed before the southern claims commission and rejected, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *April* 19, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

SALARY OF THE PRESIDENT—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

Herewith I return Senate bill No. 172, entitled "An act fixing the salary of the President of the United States," without my approval.

I am constrained to this course from a sense of duty to my successors in office, to myself, and to what is due to the dignity of the position of Chief Magistrate of a nation of more than forty millions of people.

When the salary of the President of the United States pursuant to the Constitution was fixed at $25,000 per annum we were a nation of but three millions of people, poor from a long and exhaustive war, without commerce or manufactories, with but few wants and those cheaply supplied. The salary must then have been deemed small for the responsibilities and dignity of the position, but justifiably so from the impoverished condition of the Treasury and the simplicity it was desired to cultivate in the Republic.

The salary of Congressmen under the Constitution was first fixed at $6 per day for the time actually in session—an average of about one hundred and twenty days to each session—or $720 per year, or less than one-thirtieth of the salary of the President.

Congress have legislated upon their own salaries from time to time since, until finally it reached $5,000 per annum, or one-fifth that of the President before the salary of the latter was increased.

No one having a knowledge of the cost of living at the national capital will contend that the present salary of Congressmen is too high, unless it is the intention to make the office one entirely of honor, when the salary should be abolished—a proposition repugnant to our republican ideas and institutions.

I do not believe the citizens of this Republic desire their public servants to serve them without a fair compensation for their services. Twenty-five thousand dollars does not defray the expenses of the Executive for one year, or has not in my experience. It is not now one-fifth in value what it was at the time of the adoption of the Constitution in supplying demands and wants.

Having no personal interest in this matter, I have felt myself free to return this bill to the House in which it originated with my objections, believing that in doing so I meet the wishes and judgment of the great majority of those who indirectly pay all the salaries and other expenses of Government.

U. S. GRANT.

EXECUTIVE MANSION, *April* 18, 1876.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. CLAYTON. I move that the message be printed, and that the bill and message be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of John L. Divine and the representatives of the estate of William E. Kennedy, who in the life-time of the latter were mail contractors on the route from Jacksonville, Alabama, to Chattanooga, Tennessee, praying that they may be remunerated for losses sustained and time and labor bestowed in carrying the mail on that route from December 1, 1858, to the 30th of June, 1862; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONOVER presented a petition of the common council of the city of Saint Augustine, Florida, praying the Government to donate a certain lot of land to the city of Saint Augustine for the public uses of that city; which was referred to the Committee on Public Lands.

Mr. DAVIS. Mr. President, I desire to present for the consideration of the Senate a petition of a number of citizens of Martinsburgh, West Virginia, asking the intervention of the Government in behalf of Edward O'Meagher Condon, now confined in prison in England for some alleged political offense. The petition is numerously signed by a number of the best citizens of our State.

If the facts set forth in the petition are correctly understood by the petitioners and myself in relation to the trial and imprisonment of this citizen of the United States, then there should be some prompt action taken by the Government for his relief. It is at least due to the prisoner and the large number of people who are appealing to the Government in his behalf that all the facts in the case should be promptly inquired into and some immediate steps taken for his relief.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. STEVENSON presented the petition of D. W. Claywell, late a sutler in the Fifth Kentucky Cavalry Volunteers, praying compensation for certain private property turned over to military officers and used by the United States Government; which was referred to the Committee on Military Affairs.

He also presented the petition of James Haggard, administrator of the estate of Jesse K. Shaw, deceased, praying compensation for one horse owned by Shaw at the time of his death and retained in the service of the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of James Haggard, administrator of Jesse M. Carter, deceased, late captain of Company I, First Regiment Kentucky Volunteer Cavalry, praying pay for two horses owned by Carter at the time of his death and retained in the service of the United States Government; which was referred to the Committee on Military Affairs.

Mr. HOWE. I present the petition of certain persons who represent themselves to be members of the Menomonee tribe of Indians, of Wisconsin, not residing on the reservation set apart for the tribe, praying for the passage of an act authorizing the sale of a portion of their reservation and that they may be allowed to participate in its proceeds. I move the reference of this petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WALLACE presented a memorial of the Board of Trade of Philadelphia, Pennsylvania, in favor of the permanent organization and maintenance of the Signal Service Corps; which was referred to the Committee on Commerce.

Mr. BOOTH presented the petition of George H. Wells, of San Francisco, California, praying compensation for the use of the steamer Southern Merchant during the late war; which was referred to the Committee on Claims.

Mr. MORTON presented a petition of 250 soldiers and heirs of deceased soldiers of the States of Indiana and Illinois, who served in the volunteer forces of the United States in the war for the suppression of the rebellion, praying for the enactment of a law providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. BOGY presented the memorial of the city council and citizens of Saint Louis, Missouri, relative to the boundary line between the State of Missouri and the State of Illinois; which was referred to the Committee on the Judiciary.

Mr. CHRISTIANCY presented the petition of George H. Rathbin and 144 others, citizens of Monroe County, Michigan, praying that a pension may be allowed to the widow and children of William Bell; which was referred to the Committee on Pensions.

He also presented the memorial of Duncan Burnside and 20 other citizens of Michigan, remonstrating against the placing of bicarbonate of soda, sal-soda, caustic soda, and alum on the free list; which was referred to the Committee on Finance.

He also presented the petition of Captain George W. Yates, Seventh United States Cavalry, praying compensation for a horse lost in the Government service; which was referred to the Committee on Military Affairs.

COMMITTEE SERVICE.

Mr. OGLESBY. I ask the indulgence of the Senate and its favor to make a personal request. Some time ago, under the direction of the Senate, the President *pro tempore* placed me upon the special committee to go to the State of Mississippi and make investigations there, under a resolution passed by this body. I have reflected upon the matter as best I could, and while I am willing to share my part in the proper responsibilities that belong to a Senator, it would be exceedingly inconvenient for me to go. I cannot state all the special reasons, but in a general sense I think I may take the liberty to say to the Senate that it would be so inconvenient for me to go, that I feel that I could not in justice to myself and other duties pertaining to me officially venture to go upon that inquiry. Two of the members of the Committee on Public Lands have been appointed upon this committee. We have very important matters before that committee, and to take two members from one committee seems, as I think, rather a heavy draught upon that branch of this body. I therefore ask the Senate to excuse me from serving on the select committee.

The PRESIDENT *pro tempore*. The Senator from Illinois asks to be excused from further service upon the Special Committee on Mississippi Affairs. Will the Senate excuse the Senator from service?

The question being put, Mr. OGLESBY was excused. By unanimous consent the Chair was authorized to fill the vacancy.

REPORTS OF COMMITTEES.

Mr. OGLESBY. The Committee on Indian Affairs, to whom was referred the bill (S. No. 429) to authorize the eastern band of Cherokee Indians to institute suits against the Cherokee Indians residing west of the Mississippi River, and for other purposes, have had the same under consideration. While the subject, upon its title and one provision of the bill, seems to refer to Indian affairs, the whole purpose of the bill is to organize a court, or rather give to the eastern band the right to institute suits or legal proceedings against the western band. It involves a legal construction of treaties, the right to bring suit in the District of Columbia, the question of the service of process; and the bill, although relating by its title to Indian affairs almost exclusively, belongs to the Committee on the Judiciary, because it treats of judicial matters. The Committee on Indian Affairs therefore ask to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The report was agreed to.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred a letter of the Secretary of State, inclosing a proposed amendment to sections 91 and 168 of the regulations for the consular courts of the United States in Japan, reported a bill (S. No. 757) to amend the regulations for the consular courts of the United States in Japan; which was read, and passed to the second reading.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. No. 155) to amend sections 533, 556, and 572 of the Revised Statutes of the United States, reported it with an amendment.

Mr. BOUTWELL, from the Committee on the Revision of the Laws, to whom the subject was referred, reported a bill (S. No. 758) to perfect the revision of the statutes of the United States, general and permanent in their nature, relating to the District of Columbia; which was read twice by its title, and recommitted to the Committee on the Revision of the Laws.

Mr. MITCHELL. The Committee on Claims, to whom was recommitted the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, together with the message of the President of the United States returning the bill to the Senate without his approval, have considered the same and have instructed me to report it back to the Senate with the unanimous recommendation of the committee that it

pass, notwithstanding the objection of the President. I also submit a report on this subject, and move that it be printed.

The motion was agreed to.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2337) declaratory of the sense of section 4504 of the Revised Statutes, relative to the shipment of crews of vessels of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. COOPER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 699) to confirm the sale of the marine-hospital building and grounds at Natchez, in the State of Mississippi, reported it without amendment.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Timothy Newhall, praying remuneration for his invention for the protection of life upon steamships and other vessels, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of Alice E. De Groot and Theodore B. B. De Groot, administrators of the estate of William H. De Groot, deceased, praying payment of the claim of the decedent, allowed by the Secretary of War for the construction of the Washington Aqueduct, submitted an adverse report thereon; which was ordered to lie on the table, and be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 619) to carry out in part the provisions of the act entitled "An act to abolish the tribal relations of the Miami Indians and for other purposes," approved March 3, 1873, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. CONOVER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 759) authorizing the President to appoint Henry Hoover a naval constructor in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. HAMILTON, it was

Ordered, That copies of the papers on file in the case of L. D. Evans, late collector of internal revenue for the fourth collection district of Texas, be furnished to the said Evans or to his attorney.

SIOUX INDIAN RESERVATION.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate any information in his possession in relation to the present situation of Indian disturbances in the Sioux reservation or unceded Indian territory of said Sioux, and whether military force has been interposed therein; and, if so, whether at the instance of the Interior Department, and the reasons for such interposition.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, according to the rules the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will open the session by proclamation.

The SERGEANT-AT-ARMS. Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The respondent appeared with his counsel, Messrs. Black, Blair, and Carpenter.

The PRESIDENT *pro tempore*. The Chair observes that the managers are not present. If there be no objection, the Secretary will inform the managers, before the minutes are read, that the Senate is ready for the trial; pending which, if there be no objection, the Secretary will call the roll of Senators who were heretofore absent and have not been sworn.

The Chief Clerk proceeded to call the names of the Senators who have not been heretofore sworn; and the President *pro tempore* administered the oath to Senators ENGLISH and PATTERSON.

At twelve o'clock and forty-five minutes p. m., Mr. G. M. ADAMS, Clerk of the House of Representatives, appeared below the bar and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that the House of Representatives have adopted a replication to the plea of William W. Belknap, late Secretary of War, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House.

The PRESIDENT *pro tempore*. The Senate is now ready to receive the managers.

At twelve o'clock and fifty-two minutes p. m. the Sergeant-at-Arms announced the managers of the impeachment on the part of the House of Representatives.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will conduct the managers to the seats prepared for them within the bar of the Senate.

The managers (with the exception of Mr. KNOTT, who was not present) were conducted to the seats assigned them.

The PRESIDENT *pro tempore*. The Secretary will now read the minutes of the last day's proceedings.

The Secretary read the journal of the proceedings of the Senate sitting for the trial of the impeachment of William W. Belknap, of Monday, April 17, and they were approved.

The PRESIDENT *pro tempore*. The message received from the House of Representatives will be read.

The Secretary read as follows:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
April 19, 1876.

Resolved, That a message be sent to the Senate by the Clerk of the House, informing the Senate that the House of Representatives has adopted a replication to the plea of William W. Belknap, late Secretary of War, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House.

Attest:

GEO. M. ADAMS, *Clerk*.

The PRESIDENT *pro tempore*. Gentlemen managers, in accordance with the order of the Senate fixing the hour of one o'clock as the time at which it will hear you, the Senate is now ready to hear you.

Mr. Manager LORD. Mr. President, the House of Representatives having adopted a replication to the plea of William W. Belknap to the jurisdiction of this court, as advised by the resolution just read, the managers are instructed to present the replication to the Senate sitting as a court of impeachment and to request that the same may be read by the Secretary and filed among the Senate's papers.

The PRESIDENT *pro tempore*. The replication will be read by the Secretary.

The Secretary read as follows:

In the Senate of the United States sitting as a court of impeachment.

THE UNITED STATES OF AMERICA
vs.
WILLIAM W. BELKNAP.

The replication of the House of Representatives of the United States in their own behalf, and also in the name of the people of the United States, to the plea of William W. Belknap to the articles of impeachment exhibited by them to the Senate against the said William W. Belknap.

The House of Representatives of the United States, prosecuting, on behalf of themselves and the people of the United States, the articles of impeachment exhibited by them to the Senate of the United States against said William W. Belknap, reply to the plea of said William W. Belknap, and say that the matters alleged in the said plea are not sufficient to exempt the said William W. Belknap from answering the said articles of impeachment, because they say that at the time all the acts charged in said articles of impeachment were done and committed, and thence continuously done, to the 2d day of March, A. D. 1876, the said William W. Belknap was Secretary of War of the United States, as in said articles of impeachment averred, and, therefore, that by the Constitution of the United States the House of Representatives had power to prefer the articles of impeachment, and the Senate have full and the sole power to try the same. Wherefore, they demand that the plea aforesaid of the said William W. Belknap be not allowed, but that the said William W. Belknap be required to answer the said articles of impeachment.

II.

The House of Representatives of the United States, so prosecuting in behalf of themselves and the people of the United States the said articles of impeachment exhibited by them to the Senate of the United States against the said William W. Belknap, for a second and further replication to the plea of the said William W. Belknap, say that the matters alleged in the said plea are not sufficient to exempt the said William W. Belknap from answering the said articles of impeachment, because they say that at the time of the commission by the said William W. Belknap of the acts and matters set forth in the said articles of impeachment he, said William W. Belknap, was an officer of the United States, as alleged in the said articles of impeachment; and they say that the said William W. Belknap, after the commission of each one of the acts alleged in the said articles, was and continued to be such officer, as alleged in said articles, until and including the 2d day of March, A. D. 1876, and until the House of Representatives, by its proper committee, had completed its investigation of his official conduct as such officer in regard to the matters and things set forth as official misconduct in the said articles, and the said committee was considering the report it should make to the House of Representatives upon the same, the said Belknap being at the time aware of such investigation and of the evidence taken and of such proposed report.

And the House of Representatives further say that, while its said committee was considering and preparing its said report to the House of Representatives recommending the impeachment of the said William W. Belknap for the matters and things set forth in the said articles, the said William W. Belknap, with full knowledge thereof, resigned his position as such officer on the said 2d day of March, A. D. 1876, with intent to evade the proceedings of impeachment against him. And the House of Representatives resolved to impeach the said William W. Belknap for said matters as in said articles set forth on said 2d day of March, A. D. 1876. And the House of Representatives say that by the Constitution of the United States the House of Representatives had power to prefer said articles of impeachment against the said William W. Belknap, and that the Senate sitting as a court of impeachment has full power to try the same.

Wherefore the House of Representatives demand that the plea aforesaid be not allowed, but that the said William W. Belknap be compelled to answer the said articles of impeachment.

MICHAEL C. KERR,
Speaker of the House of Representatives.

Attest:

GEO. M. ADAMS,
Clerk of the House of Representatives.

The PRESIDENT *pro tempore*. If there be no objection the replication will be filed. The Chair hears none. Have the managers anything further to offer?

Mr. Manager LORD. Mr. President, I understand that we have nothing further to do until we hear from the other side.

The PRESIDENT *pro tempore*. Gentlemen of counsel, what have you to offer?

Mr. CARPENTER. Mr. President, Mr. Belknap, the respondent, wishes a copy of the replications which have been filed to his plea in abatement, and for time to consider the same, and frame pleadings in reply; and I suggest Monday next as the day, and submit a written motion to that effect.

The PRESIDENT *pro tempore*. The Secretary will read the motion.

The Secretary read as follows:

In the Senate of the United States sitting as a court of impeachment.

THE UNITED STATES OF AMERICA } Upon articles of impeachment presented by the
vs. } House of Representatives against the said
WILLIAM W. BELKNAP. } William W. Belknap.

Mr. President, the respondent asks for copies of the replications this day filed by the managers, and asks for time until Monday next to frame pleadings to meet the same.

WILLIAM W. BELKNAP.

Mr. EDMUNDS. Mr. President, I wish to offer an order upon this subject in a moment.

The PRESIDENT *pro tempore*. The order will be put in writing and reported.

Mr. Manager LORD. Mr. President, we desire of course to offer all possible indulgence to the other side, and we do not deem that the request for time until next Monday is in itself unreasonable, and yet there are reasons, which need not now be stated, for having this matter hastened as much as is possible. The managers therefore instruct me to ask that the day be fixed on Friday next, instead of Monday next.

Mr. EDMUNDS. Mr. President, I have reduced an order to writing which I submit.

The PRESIDENT *pro tempore*. The order will be read.

The Secretary read as follows:

Ordered, That the respondent file his rejoinder on or before the 24th day of April, instant; and that the House of Representatives file their surrejoinder, if any, on or before the 25th day of April, instant.

Ordered, That the trial proceed on the 27th day of April, instant, at twelve o'clock and thirty minutes afternoon.

Mr. CONKLING. What days are they?

Mr. EDMUNDS. The 24th is Monday; the 25th, Tuesday, and the 27th, the day of trial, Thursday, of next week.

The PRESIDENT *pro tempore*. Senators, you have heard the motion proposed by the Senator from Vermont.

Mr. EDMUNDS. I shall then propose that the Senate sitting for this trial adjourn until the last day named, the 27th instant.

Mr. CARPENTER. Mr. President, I desire to understand that order. The 24th is Monday, as I understand, and the court is not to be in session on that day.

Mr. CONKLING. How will the rejoinder be received?

Mr. EDMUNDS. Let it be filed with the Clerk.

Mr. CARPENTER. Mr. President, we desire not to deal with anything less than the court in our pleadings from beginning to end.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. EDMUNDS. I will modify it by adding "file and serve on the other party copies," so as to save the necessity of any further order on the subject.

The PRESIDENT *pro tempore*. The Secretary will modify the order accordingly and will report it as modified.

Mr. CARPENTER. Mr. President, I desire to suggest to the Senate that we cannot serve any papers on the other side. We have no standing in the House of Representatives. The courtesy that the Senate has extended to us to be here has not been extended by the House. I do not see how we can serve any papers on the House. We cannot get in.

Mr. CONKLING. Mr. President, I move to amend the order so as to provide that the papers referred to shall be filed with the Secretary, and that he deliver copies to either side promptly on application.

The PRESIDENT *pro tempore*. The Secretary will commit the amendment of the Senator from New York to writing.

Mr. Manager HOAR. Mr. President, I respectfully suggest, at the request of my associates, that we do not understand in what position the House of Representatives will be placed under that order. Certainly it is not in accordance with their custom to make application to the Secretary of the Senate.

Mr. Manager LORD. I would suggest, Mr. President, as relieving the difficulty, that the Secretary be directed to serve a copy on the Clerk of the House.

Mr. CONKLING. I have no objection, Mr. President, to so modifying my amendment. Let it be that he send copies to the managers on the one side and the counsel on the other, or that he send a copy to the Clerk of the House of Representatives on the one side and to the counsel on the other.

The PRESIDENT *pro tempore*. The Senator from New York modifies his amendment as he has stated. The Secretary will reduce to writing the amendment proposed.

Mr. CARPENTER. Mr. President, we are taken quite by surprise by this order. We have always supposed that no paper could be filed in the court of impeachment except by special leave of the court. Are we to come here on the 24th and file anything we please, orderly or disorderly, in form or out of form, and does that become the basis of the action of the House? I supposed that as in the Supreme Court in the exercise of its original jurisdiction, not a paper could be filed in this court without the order of the court when the court should see what the paper was. It seems to me we shall be very likely to get into a jangle in the filing of papers unless we do it in the presence and with the approbation of the court on each paper filed.

The PRESIDENT *pro tempore*. The Secretary will now report the resolution first proposed and then the amendment suggested by the Senator from New York.

The SECRETARY. The order is as follows:

Ordered, That the respondent file his rejoinder on or before the 24th day of April instant, and that the House of Representatives file their surrejoinder, if any, on or before the 25th day of April instant.

It is proposed to be amended so as to read:

Ordered, That the respondent file his rejoinder with the Secretary on or before the 24th day of April instant, who shall deliver a copy thereof to the Clerk of the House of Representatives, and that the House of Representatives file their surrejoinder, if any, on or before the 25th day of April, instant, a copy of which shall be delivered by the Secretary to the counsel for the respondent.

Ordered, That the trial proceed on the 27th day of April, instant, at twelve o'clock and thirty minutes afternoon.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York to the motion suggested by the Senator from Vermont.

Mr. EDMUNDS. There is no objection to that. I accept it.

The PRESIDENT *pro tempore*. The order will be so modified; and the question recurs on the order as so modified.

The order as modified was agreed to.

Mr. EDMUNDS. Mr. President, now I move that the Senate sitting for this trial adjourn until the 27th instant, at half past twelve o'clock afternoon.

The motion was agreed to; and the Senate sitting for the trial of the impeachment adjourned until the time named.

PROTECTION OF WITNESSES.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. THURMAN. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator proceeds, the Chair will call up the unfinished business of yesterday, the morning hour having expired.

Mr. THURMAN. What is the unfinished business?

The SECRETARY. The unfinished business of yesterday is the bill (H. R. No. 2572) to protect witnesses who shall be required to testify in certain cases.

The PRESIDENT *pro tempore*. This bill is before the Senate as in Committee of the Whole.

Mr. THURMAN. I wish to discuss the bill which is the unfinished business more at large than I am able to do to-day, as I am too unwell to proceed with a lengthy discussion. I am very glad that the Senator from Vermont [Mr. EDMUNDS] has caused the bill to be taken up, for it ought to be considered at as early a day as possible. Perhaps by to-morrow I shall be well enough to proceed; certainly by the day after to-morrow I will not ask any further delay. I would not ask for a moment's delay now but that I am too unwell to speak upon the bill to-day at length.

Mr. EDMUNDS. As the Senator from Ohio was not in when I moved to take up the bill last night, although I did not know it at the moment, I think it due to him that the matter should go over. Therefore I move to postpone the bill until to-morrow, and we can take it up whenever he is ready.

The motion to postpone was agreed to.

COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. I want to fulfill a promise which I made the Senator from Indiana [Mr. MORTON] that I would move to take up the motion to reconsider the vote on the bill relative to counting the electoral votes for President and Vice-President. I move to take up that motion to reconsider.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the motion to reconsider the vote by which Senate bill No. 1 was passed.

The motion was agreed to; and the Senate proceeded to consider the motion to reconsider the vote on the passage of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

Mr. THURMAN. Mr. President——

CREDITS TO SETTLERS ON PUBLIC LANDS.

Mr. SARGENT. With the leave of the Senator from Ohio, I ask unanimous consent to restore to the Calendar the bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States and for other purposes, which bill passed the House and was reported by the Committee on the Revision of the Laws and subsequently because it was to be embraced in a general bill for the revision of the statutes it was indefinitely postponed. The Senator from Massachusetts, [Mr. BOUTWELL,] who reported the bill, stated to me that he would ask to have it restored to the Calendar. I see that he is not in his seat. I should like to have it restored to the Calendar. The reason is on account of the pressing necessity for the passage of this bill.

Mr. EDMUNDS. What is the bill about?

Mr. SARGENT. In the Revised Statutes in stating a section the word "seven" is used instead of the word "one," and it has made endless confusion.

Mr. EDMUNDS. On what subject?

Mr. SARGENT. On the subject of public lands, the rights of preemptors, &c. The Revised Statutes refer to the wrong sections.

Mr. EDMUNDS. Has the bill to which the Senator refers been reported from a committee?

Mr. SARGENT. It was reported favorably from the Committee on the Revision of the Laws. I only ask that it go on the Calendar.

Mr. EDMUNDS. I have no objection.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, if there be no objection. The Chair hears none.

TAX ON FERMENTED LIQUORS.

Mr. LOGAN. If the Senator from Ohio will yield to me for a moment, I ask—I think it will take but a moment—that House bill No. 522, which was yesterday ordered to lie on the table, be taken up and passed. I move to take it from the table.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 522) to define the tax on fermented or malt liquors. It provides that nothing contained in section 3337 of the Revised Statutes shall be so construed as to authorize an assessment upon the quantity of materials used in producing, or purchased for the purpose of producing, fermented or malt liquors, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of liquor produced; but the tax on all beer, lager-beer, ale, porter, or other similar fermented liquor, brewed or manufactured, and sold or removed for consumption or sale, shall be paid as provided in section 3339, and not otherwise; but the act is not to apply to cases of fraud.

Mr. EDMUNDS. I move the following amendment, to come in at the end, as an additional proviso:

Provided further, That nothing in this act shall have the effect to change the present rules of law respecting evidence in any prosecution or suit.

Mr. LOGAN. I can see no objection to that; it does not change the bill at all. The only objection there can be is that it sends the bill back to the House; but inasmuch as the Senator from Vermont desires that a provision of that kind should be in the bill for fear that it might be misconstrued, I shall make no objection, and am willing that the amendment shall be adopted.

Mr. THURMAN. I should like to hear some explanation of the necessity of this proviso. I was not here yesterday when the bill was under discussion; but I fail to see the necessity for the proviso. I dare say there is some, or the Senator from Vermont would not have offered it.

Mr. EDMUNDS. The necessity which has occurred to me arises out of a phrase which is used in about the middle of the bill, which says, in substance, that the quantity of material used in making beer shall not be evidence for the purpose of taxation of the amount of beer made. Now I offer this amendment to guard against the possibility that that statement in the statute may be made use of in some prosecution in court to show that evidence against a brewer of the amount of malt he is using is inadmissible under the existing state of the law and to guard against the possibility of that which I myself think is not the true construction of the act; but courts are very critical in criminal statutes, as we all know, and I put in this proviso in order to make it certain that, if evidence of the quantity of material used would be admissible under the ordinary principles of law in a prosecution against a brewer, this statute shall not change that rule.

Mr. LOGAN. As I said, I do not think that this amendment changes the effect of the provisions of the bill at all. It merely sends it back to the House. Still I have no objection to it, because before a court where fraud is charged and a party is being prosecuted for it, I should have no desire to exclude any evidence that the law would recognize as proper testimony. That is all that this means, as I understand it. The only objection I have to the amendment is that it sends the bill back to the House of Representatives. I do not think it is necessary, but at the same time time I shall not make opposition to it, as it is desired by the Senator from Vermont.

Mr. MORRILL, of Vermont. I suggest to my colleague an amendment to come in in the body of the bill which I think would simplify it and accomplish all the purposes he desires. After the word "produced" in line 10, I would insert, "except in cases of alleged fraud," and then strike out the proviso.

Mr. EDMUNDS. I should want the proviso just the same even in that case. I have no objection to any other amendment that is a good one, but I want this proviso.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IMPROVEMENT OF OCONTO RIVER.

Mr. CAMERON, of Wisconsin. I move that Senate bill No. 176 be taken up now.

The motion was agreed to; and the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries, was considered as in Committee of the Whole.

Mr. THURMAN. I should like to have an explanation of that bill.

Mr. CAMERON, of Wisconsin. The bill is accompanied by a printed report, which I will ask the Secretary to read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, from the Committee on Commerce, on the 18th instant:

The Committee on Commerce, to whom was referred the bill (S. No. 176) relating to the improvement of the Oconto River in the State of Wisconsin, have considered the same, and beg leave to make the following report:

The Northwestern Improvement Company is a corporation created by the State of Wisconsin for the purpose of making certain improvements in the Oconto River, a stream emptying into Green Bay, in the northern portion of the State. The river, at some distance above its mouth, divides into what are called the North and South Branches.

The company have already, under their charter, succeeded in improving the main stream, together with the North Branch. They have built seven dams, and so cleared the river of rocks and sand as to permit logs to be run with facility from the lumbering camps above to the mills below.

They are now desirous of commencing similar improvements upon the South Branch. A portion of this branch, however, passes through the Menomonee Indian reservation. The company ask the passage of this bill to enable them to go upon the reservation and make the same improvements they have already made elsewhere.

The bill provides that the company shall be responsible for all damages in making their improvements, and that Indians and all others shall have the right to use the improvements by the payment of charges, to be regulated by the State.

The committee cannot see that the granting of this right will interfere with the rights of any one, but think, on the contrary, that it will be a benefit to all the parties concerned, whether Indians or citizens.

The bill, moreover, has the authority of precedent. On the 15th of May, 1874, an act was approved authorizing the Keshena Improvement Company to go upon the very same reservation and improve the Wolf River. (See Statutes at Large, volume 18, page 46.)

Your committee, not knowing but the Committee on Indian Affairs might possess information showing that the rights of the Indians might in some way or to some extent be affected or injured by this bill, have had the same submitted to the Committee on Indian Affairs, which said committee, on the 5th of April, returned the same to your committee, with a report stating that they knew of no reason why it should not pass. The said report of the Committee on Indian Affairs is embodied in and made a part of this report.

COMMITTEE ON INDIAN AFFAIRS,
Washington, April 5, 1876.

SIR: Referring to your communication of February 26 requesting that the inclosed bill (S. No. 176) and report prepared thereon by subcommittee of the Committee on Commerce, in charge, be considered by the Committee on Indian Affairs, I am directed by the said committee to inform you that they have considered the same and know of no reason why the bill should not pass, and assent to the same.

Very respectfully, your obedient servant,

R. J. OGLESBY,
Chairman (pro tempore) Committee on Indian Affairs.

Hon. ROSCOE CONKLING,
Chairman Committee on Commerce, United States Senate.

Your committee recommend that said bill do pass.

Mr. BOGY. In the absence of the chairman of the Committee on Indian Affairs, I will state that this bill was carefully examined by that committee, and that it appeared entirely unobjectionable. It cannot interfere with the rights of the Indians that this route should be improved at the expense of this corporation; and it is a necessity as an outlet for a very extensive pinery lying above the Indian reservation. There can be no objection to it whatever. At all events, that was the conclusion of the committee. I think it is entirely proper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF CAPITOL GROUNDS.

Mr. MORRILL, of Vermont. I am instructed by the Committee on Public Buildings and Grounds to report a bill, and I desire its present consideration.

By unanimous consent, the bill (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury was read twice and considered as in Committee of the Whole. It makes it the duty of the Capitol police hereafter to prevent any portion of the Capitol grounds and terraces from being used as play-grounds or otherwise, so far as may be necessary to protect the public property, turf, and grass from destruction or injury.

Mr. MORRILL, of Vermont. The Committee on Public Buildings and Grounds are of the opinion that the duty of protecting the grounds in this way is already provided for in the statutes, but there is a little difference of opinion in relation to the subject on the part of some at least; at all events it is not done. I suppose the great pleasure of seeing ten thousand children here on Easter Monday, as was witnessed this week and in previous years, has prevented the police from doing their duty; but at the same time, if Senators will notice the injury done, it will be seen to amount to thousands of dollars. This grass cannot be restored for many months, and some of it could not be restored without being replaced by new turf. Although it is a very great pleasure to see these children enjoying themselves here on Easter Monday, it is deemed important that we should protect the grounds.

There are other reasons why this bill should be passed. There are cattle crossing the ground here frequently, and the police do not consider it a part of their duty to prevent them. Some of the public

monuments, vases, &c., that are here need constant protection. Therefore it seems proper to pass this bill.

Mr. WITHERS. I do not like to oppose the bill just offered, but I beg to suggest a modification of it so as to prevent trespassing upon the slopes of the terraces, which are really the only portions of the grass that are injured by the tramping of the children in their annual holiday which they take in the public squares. I have a very strong sympathy with those children. I have a very strong inclination to permit them to continue in the enjoyment of what seems to be almost a prescriptive right acquired by custom. They are generally from a class of citizens who have little opportunity for enjoying themselves, and I suppose it is only once a year, on Easter Monday, that their feet ever tread upon this sward. The level ground belonging to the Capitol, the grassy bed, cannot be injured by tramping upon it. It is in fact a benefit to grass to be tramped upon; the sod is improved by it; but the slopes of the different terraces can be and are injured and very seriously injured, no doubt, on Easter Monday, by the running and sliding of the children down them. If the bill should pass in the form proposed, it seems to me it would debar these children from an enjoyment which they enter into with so much zest and which it affords us all pleasure to witness. I would suggest therefore that it be modified so as to merely prohibit encroaching upon the slopes of the terraces, because I am sure that the flat grass would not be injured at all by any such means.

Mr. MORRILL, of Vermont. Of course, if the object of the Senator is accomplished, the children will not come here to slide. I know the Russian government in the winter season provide places for their citizens to slide; but I hardly think it is proper that here, in the spring of the year, at so large an expense both of money and of the appearance of the public grounds, we should allow these terraces to be entirely ruined by the process that was witnessed last Monday. I will say to the Senator from Virginia that if the bill passes in precisely the form that it now is in, it will practically accomplish the purpose which he suggests, and nothing more.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the act (S. No. 701) further to provide for the administering of oaths in the Senate.

TRANSFER OF CASES IN ALABAMA.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to report at this time, from the Committee on the Judiciary, a bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State, with a view to its being passed. It is a bill which merely authorizes the transfer of certain causes in the circuit court for the southern district of Alabama back to the northern and middle districts, to which they were transferred by act of Congress two or three years ago, before there were any circuit courts established in those northern and middle districts. In the present state of the law, the parties in the northern and middle districts desire that the causes which arose there should be sent back to the circuit court in those districts for trial, they having been transferred when there was no circuit court in the northern and middle districts. That being all there is of the bill, and the court being just about to sit, as these cases have been suspended so long, I ask unanimous consent to report this bill, and have it considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all civil causes, actions, suits, executions, pleas, process, or other proceedings whatsoever which were transferred by the act of Congress approved March 3, 1873, from the district courts of the United States for the northern and middle districts of Alabama into the circuit court for the district of Alabama, at Mobile, and which are now pending in that circuit court, shall be transferred from the circuit court at Mobile into the circuit courts of the United States for the northern and middle districts, respectively.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 1345, revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

Mr. THURMAN. If it gives rise to no discussion, I shall not object.

Mr. HITCHCOCK. I presume there will be no opposition to the bill, and there are some reasons why it should pass immediately.

Mr. THURMAN. I understand from the Senator from Indiana [Mr. MORTON] that he desires to leave the Chamber soon, and I hope therefore we shall proceed with the electoral bill. I shall not occupy more than ten minutes of the time of the Senate, I think, and there will be ample time after that to take up the bill of the Senator from Nebraska.

Mr. HITCHCOCK. Very well.

The PRESIDENT *pro tempore*. The question before the Senate is the motion of the Senator from Ohio [Mr. THURMAN] to reconsider the vote by which the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, was passed.

Mr. THURMAN. Mr. President, I shall not enter into a discussion of the general subject of this bill on the motion to reconsider, but will simply state the reasons which induced me to make the motion. I have, if it is proper to state it, a very firm conviction that if this bill should go to the House of Representatives with no larger majority than that by which it was passed, with the votes of a very large majority of one of the parties in this Chamber against it, it would not pass the House of Representatives, and the result would be that no law on the subject would be passed. I have said again and again that I think some law on this subject ought to be passed, and I have made the motion to reconsider because I think so, and because I believe that if the bill goes to the House as it has been voted upon, it will not become a law and, in fact, no measure for this purpose will become a law at this session. I wish the vote to be reconsidered in order that one more attempt may be made in the Senate to harmonize the views of Senators upon this measure. I believe that if the Senate by a substantially unanimous vote were to approve a measure it would most likely become a law, and I am not without hope that that unanimity of opinion upon a measure like this, which ought not in any sense to be considered a party measure, may be procured. It is very obvious that the reason why there was so large a vote against this measure was the omission of the bill to provide any ultimate umpire or arbiter or tribunal to decide in cases where there were two or more returns from a State. That omission in the bill was considered by a large number of Senators to be an invitation in fact, or that it would operate as an invitation, to bad men in some of the States to make a second return from those States, and thus produce the case mentioned in the second section of the bill. And it was the fear that it would be so considered and so acted upon, and that we should have from some of the States perhaps, and States whose votes might affect the general result, two returns, and that then the operation of the bill might be to deprive those States of their electoral votes altogether—it was that consideration, I am quite sure from the debate, which led so many Senators to oppose the measure, because upon the main question as to the right of Congress to legislate upon this subject the votes showed that an overwhelming majority of all parties concurred in that right. It was not upon constitutional grounds that the bill was opposed to the extent that it met opposition, but it was upon the ground and the sole ground that here was a fatal omission in the bill, the effect of which might be to deprive States of their electoral votes

Now, if that fatal omission can be supplied, if some mode fair and just and within the scope and the spirit of the Constitution can be adopted which shall remedy that omission and thus perfect the bill, it is my belief that the bill will receive almost or quite the unanimous support of the Senate; and, receiving that, will become a law. But I do very much fear that if the bill go to the House of Representatives upon the vote that has already been taken, instead of being amended in the House it will simply be defeated, and we shall never have any committee of conference upon the subject and the measure will be wholly lost. If I could see that the bill would be amended in the House and that the result would be a conference committee between the two Houses, I should greatly prefer that, because then each House would be represented in framing this great measure; but I very much fear that would not be the result, and therefore I am anxious that one more effort should be made in this body, where discussion and deliberation still prevail, to perfect this measure which in my judgment ought to be perfected and then ought to be passed.

This is all that I have to say. Upon the general subject of the bill I have already expressed my opinion, both at this session and at a former session, as fully as I desire to do. It is true that since the vote was taken upon this bill I have discovered, or there have been pointed out to me, some very instructive proceedings in Congress more than three-quarters of a century ago upon this very subject, proceedings that I think might be read and studied with great advantage by every Senator; but it would take up too much time to go into them now. If, however, the vote shall be reconsidered, then I shall feel it to be my duty to lay those proceedings before the Senate for its consideration.

Mr. MORTON. Mr. President, the Senator from Ohio voted for this bill, and is its friend; but I think he is mistaken in supposing that any good is to be attained by the reconsideration, and by making another effort in the Senate. If the House of Representatives does not like this bill, it can amend it. If it is in favor of any bill at all, it can put the bill into the shape that suits it; and if the Senate disagrees to that, it will then go to a committee of conference, and there the matter can be adjusted; and that will realize the first motion made by the Senator from Delaware, who wanted it considered by a joint committee. I think the only way of getting it before a joint committee is by a committee of conference; and I have faith to believe that, whatever may be the first action of the House of Representatives, the two Houses will finally come together in that way.

But, Mr. President, I must take occasion to express my surprise at the vote which was taken on this bill. I certainly supposed it was as far above party considerations as any bill that could possibly be brought into this body. I could not comprehend how there could

be any partisan feeling about it, or any partisan interest one way or the other; and when I found that the vote was comparatively a party vote almost, I was surprised.

The argument in favor of reconsideration on the part of the Senator from Ohio is that the majority for the bill was not large enough. That is rather a novel argument for the reconsideration of a bill. What is the point in dispute? There was but one, substantially but one point of disagreement, and that was upon the second section. That was in regard to a case where there were two returns from a State, and the two Houses did not concur in adopting one return as being the lawful return—a very remote contingency. I, having faith in men and faith in parties and in the final integrity and patriotism of all parties, will be slow to believe that in a case of that kind the return which is the true and lawful return will not receive the sanction of both Houses, although the parties controlling the two Houses may be different. I am not willing to believe that there is in either party of this country such an absence of patriotism as to do great violence to the rights of the people of the States and to the Constitution in a case like that; and hence the contingency that has alarmed so many has not alarmed me. In such a contingency as that it should be subject to the decision of both Houses, just like every other great question of legislation that comes before Congress.

Since that vote was taken a circumstance has been brought to my knowledge, a historical fact which I am sure will surprise and astonish this country when it is made known. The discovery was made by another Senator and I shall not state what it is; but it shows the overwhelming importance of some action upon this point.

Mr. BAYARD. Will the Senator state the nature of it?

Mr. MORTON. I will not give the name of the Vice-President or the names of the parties concerned; but it was where a Vice-President was counting the vote, himself being a candidate, and he counted a false or null return in his own favor, a return that was no return at all. The facts are in the possession of the Senator from Vermont. But it is just one of those things that at any time might occur when a man is to be the judge in a case where he is a party interested.

Mr. President, I hope this vote will not be reconsidered, for I have but very little expectation that anything will ever come of it. It seems on the part of a majority of our friends on one side of the Chamber there was but one arbitrament that they would accept. If I remember the vote, eighteen distinguished Senators, representative men of their party, voted to make the House of Representatives, voting by States, the umpire in deciding upon a question of that kind. It was simply going back a hundred years in this Government; it was simply going back to the confederation where every question was decided in the Congress of the confederation, not by representatives of States, but by States, each State having one vote. This proposition, so far from showing any progress, is retrogression, a retrogression of one hundred years. If that is the only arbiter that can be accepted, I am sure it will never meet with my approval.

I think it is better all around to let this bill go to the House of Representatives and let the democratic majority there fix up such a bill as will meet with their approbation. If it comes back here and and we cannot agree to it, let it go to a committee of conference. I am sure that the House will see the necessity of doing something, and the only argument my friend offers is that the majority here for the bill was not large enough. It is a bigger majority than you will get again. My opinion is that if this bill is now reconsidered that will be the end of it.

Mr. BAYARD. Mr. President, I have stated to the Senate too often to make it necessary for me to repeat now my sense of the very great importance of this measure or of a measure satisfactory in its nature and its results upon this most important subject. I shall vote in favor of the motion of the Senator from Ohio to reconsider the vote by which this bill was passed by the Senate, because, if it has no other effect, it will lead to a prolonged consideration of a subject that it seems to me thus far has had what I must think a wrong view taken of it.

I regret that the Senator from Indiana should be so thoroughly possessed at all times, as it seems to me, with an idea of distrust and almost of dislike for the very name of State existence or the exercise of State power or the recognition of State individuality. Why, sir, it seems to me that he is forgetting constantly the very federal nature of our system; and everything that tends to give a State individuality, to allow it to act as one of the units in our Union, is distasteful to the Senator. Why should he say it was retrogression; why should he say that it was advancing backward, to intrust a question so vital as the decision of the people in the choice of their Chief Executive Magistrate to the tribunal deliberately selected by those who framed the Constitution, in the event of a majority of the electoral votes not being ascertained at the first count to be in favor of one of the candidates? Why, Mr. President, if it be true that there was a more distinctive recognition of separate State existence under the old Articles of Confederation, yet that was known to have its uses. It was known as a practice, worthy of recognition when, after their experience as a Confederacy, the States resolved themselves into a Union under a national form of government and carried into that, on this very subject which we are now considering, the recognition of the right and power of the States, as separate communities, each voting individually, to elect a President in case a majority of the electoral votes should not be found to be in favor of any one candidate. In the present case it was proposed by an amendment offered by my friend from Tennessee, [Mr. COOPER,] and subsequently renewed by me, and on both occasions, I am sorry to say, rejected by the Senate, that in the event of the two Houses of Congress not having reached that happy condition of mind which enabled them to judge totally irrespective of partisan bias in respect to candidates, the two Houses failing to agree as to which of two returns should be counted by the tellers in calculating the electoral vote, then, in the event of that disagreement, the House of Representatives, following the analogies of the Constitution as expressly declared, should, voting by States, become the arbiter between the two Houses who had failed to agree.

Mr. President, look at it. I do not say that the Senator from Indiana is oversanguine; but I am afraid that he is oversanguine in supposing that that day of political millennium has arrived in which he and his party friends or I and mine shall be able to look at facts imbued with all the color of party feeling and yet decide them as though we were entirely indifferent to the result of our decision. Why, sir, there have been too many votes lately cast in this body—need I refer to the unhappy and discreditable case of the State of Louisiana in which we saw what party would do or what party could do? I do not refer to it for the purpose of suggesting whether on one side or the other the blame or the merit lay. I only state the facts as they exist, facts that astonished me, holding my views, that persons could so be blinded by political prejudices to the extent that perhaps they thought I myself was. But so it is that it would be in my opinion a very dangerous experiment to submit to the two Houses of Congress a question for their separate and distinct decision, the result of a difference in opinion between them being the total disfranchisement of one or more of those political communities that form this Union.

Sir, what must be the feeling of the citizens of a disfranchised community? Bring it home to yourself, sir, (Mr. WALLACE in the chair,) a citizen of the honored Keystone State of this Union. Suppose there a dissatisfied minority, not accepting the results of an election, should meet and go through the form of a count of electoral votes and send forward a certificate, so that from Pennsylvania a double return should be made to the presiding officer of the Senate, and then came the question of counting them, the vote of that State determining the contest, what would be the feeling of every citizen of that State to find that the voice of Pennsylvania was absolutely silenced in a contest of that kind, when her vote would have been productive of a decision complete and final on the subject? Why, sir, it must be dissatisfaction. It cannot be satisfactory to any man who will look at the matter in advance; and, therefore, the very gross defect of the bill as it passed the Senate is that, contemplating just such a difference of opinion as that, it provides no arbitration to settle it. The Constitution has provided and to-day provides for an arbitration where the original electoral vote has failed to contain a clear majority in favor of one or the other of the candidates. Is it not analogous, not simply to the Constitution, but is it not analogous and amenable to reason, justice, propriety, expediency, that we should have an arbitration created and accept that as an arbitration which has been suggested by the Constitution to us for the decision of this very question?

Mr. President, I do not see that it is out of order, but perhaps it may be inopportune to have gone into a discussion of this question, so deeply interesting, at this time. If there has been party feeling in the vote cast upon this bill I sincerely regret it. The Senator from Indiana, however, will agree with me in saying that there was no party feeling exhibited in the debate which preceded the vote. There was at least that feature which I am sure was a grateful one in this Chamber.

Now, sir, I do not know that a reconsideration of this vote and a re-argument of the question before the Senate will change opinions; and yet at the same time I can but remark at the present time what I have often observed before, that here, in the face of a matter of the most vital importance, confessedly so, not more than one-third or one fourth of the seats in this Chamber are filled by their proper occupants; and so it was before. I believe, could the fact be ascertained, that not more than one-half of the members of the Senate who voted *pro* and *con* on the proposition of the Senator from Indiana heard the debate that preceded it or could, it seems to me, have given much attention to the subject. It is, therefore, with a view of provoking, if possible, their attention to this matter, of making their vote even more deliberate than it was before, that I shall vote for the reconsideration of the vote by which this bill passed the Senate.

I did believe and still believe that it would have been wiser to commit this whole matter, in advance of any expression of opinion of either House, to a joint select committee, selected for the purpose of coming together in a proper non-partisan tone for the settlement of this great question. Still it has been the pleasure of the Senate to choose another course: and now the opportunity may arise by a committee of conference to meet somewhat the object which I originally proposed. But still, sir, as I was one of those who did not concur in the action of the Senate and believe still that there should be further consideration before we come to adopt as a measure, by a vote of the Senate, that which I scarcely believe will meet the approval (judging from the color of the vote) of the other House of Congress, believing that every effort should be made, dispassionately made, to arrive at a proper solution, I trust the Senator will consent to have this vote reconsidered.

Mr. MORTON. No Senator, Mr. President, was more gratified at the tone and character of the debate on this bill than myself, for there was no partisan feeling in it. There was no indication that there was any party interest in the question, and hence my surprise when the vote was taken. As the Senator from Delaware says, the bill did not appear to excite a very great degree of interest, and yet it is fraught with the very deepest interest to the country. If we shall adjourn without passing some bill upon the subject, we shall have left the seed of a revolution to grow. You will then have left this great power, that you are now not willing to trust to the two Houses because they may not agree, to the decision of one man. That is the practical result of it, because when we come together to count the votes next February, if there be no law and no rule upon the subject, none can then be made. You cannot then make a rule and agree upon any plan to meet these difficulties. You have then got to decide it as it was in 1857, as it was in 1801, as it was in 1805, and in 1825, by the President of the Senate. The returns that he presents will be counted and those that he withholds will be withheld, and there will be no remedy. You are simply voting to leave this to the decision of one man, because, as I said, when the time comes you can then make no law nor agree upon any rule. As there will be no remedy, it must be left just where it has been from the beginning, to the decision of the Vice-President of the United States, and as one Vice-President did count a vote in his own favor where there was no return the same thing may be done some time in the future.

I do not propose to go into an argument upon this question. It is one of a most important character. We cannot have a subject demanding more important consideration before us at this session. If we desire to have a law to avoid this danger, let the bill go to the House and let the House put upon it just such amendments as it chooses. Then we can come together in a committee of conference and we can agree upon some measure I doubt not. If the vote is to be reconsidered and if the bill is never to go to the House until you get a bill that can be carried by a big majority here, you may just as well give it up. I have no more interest in it than anybody else. It is a matter of no personal importance to me over any other Senator, and I have no feeling about it.

Mr. MERRIMON. Suppose the House should reject the bill, then we could have no conference at all.

Mr. MORTON. That would be because they do not intend to pass any bill. If they should do that, it would be simply saying, "We intend to leave this thing just where it is now." It will be in their power to frame any measure they choose. They can put the bill in such a shape as to refer the decision of the question to the House voting by States, if they choose, and then we can come together in a committee of conference and agree possibly upon some measure. If they should choose the House to be the umpire, as eighteen Senators in this body voted solidly to do, we can then come together and consider the matter; but if they pass nothing it is simply saying that they do not want any bill; and of course that would be the end of it.

Mr. EATON. I should like to ask the Senator from Indiana a question. I understood him to say that a Vice-President of the United States counted a vote that was fraudulently returned. Did I understand him correctly?

Mr. MORTON. I did not mean to say that.

Mr. EATON. Will the Senator state again what he said?

Mr. MORTON. I undertake to say that the return-lists will show that the Vice-President counted a vote in his own favor where there was no certificate of return; where there was simply a certificate by the governor of a State of the election of certain persons as electors, and on the back of the return was a little table, not signed by anybody, not certified to by anybody, stating that so many votes for one man and so many votes for another had been cast.

Mr. EATON. Will the Senator inform the Senate who that Vice-President was?

Mr. MORTON. I will not make that statement now. There is a Senator here who has the record in his possession.

Mr. SAULSBURY. Mr. President, the conclusion to be drawn from the remarks of the Senator from Indiana is that the votes cast on this side of the House in opposition to the bill which he reported were governed by partisan considerations. In reference to the main question which was under consideration, the constitutionality of this bill, the power of Congress to pass laws and make the provisions contemplated by the bill, I was with the Senator from Indiana. I submitted my views upon that point, and they were in harmony with his own. I believe that a majority of the members on this side of the Chamber concurred with the view of the Senator from Indiana as to the power of Congress to make provision for counting the electoral votes. But there were provisions in the bill which we did not like. I was fully impressed with the importance of making some provision for ascertaining the vote of the people of this country in reference to the election of President, believing that it ought to be done at the present session. I tried in my humble way to so shape the bill that it should be perfectly fair and right, proposing such amendments to the bill reported by the Senator from Indiana as I believed would accomplish that purpose. There was a positive provision in the bill as it passed the Senate for throwing out the vote of a State. I was unwilling to commit myself by my vote to the provisions of any bill which provided affirmatively for the rejection of the vote of a State. There is no such provision as that in the Constitution, and I was unwilling to assume the responsibility of voting for a bill which affirmatively provided for throwing out the vote of a State.

Mr. MORTON. Let me suggest to my friend on this point that the bill cannot be said to make provision for throwing out the vote of a State, but it simply provides for the decision of a question arising upon the vote of a State. In the absence of the bill you let the matter stand just as it is now. When we come to count the votes next February, if there are two returns one of those returns must be rejected. It must be rejected by somebody. Who will be that person? It will be the President of the Senate. Nobody else can act upon it because there would be no rule under which anybody else could act. You cannot frame a law then. He may select the wrong return. In such a case the bill provides that the right return shall be selected by the two Houses, and if the matter is so doubtful and so obscure that the two Houses cannot agree upon it, then, as a matter of necessity, in the very nature of the case, it goes out. That is all there is of it.

Mr. SAULSBURY. I contend, nevertheless, that a fair interpretation of the bill proves this to be an affirmative provision that upon a certain contingency the vote of a State shall not be counted. To such a proposition I was unwilling to commit myself. I am aware that grave difficulties may arise if the matter is left to stand as it is now. I would prefer therefore to remedy it, and I will assist the honorable Senator from Indiana in shaping the provisions of a bill that shall provide for every possible contingency in order to secure to the people of every State in the Union a voice in the election of the Chief Magistrate. I was as anxious as the Senator from Indiana that some provision should be made in regard to this matter; I feel the importance of such a provision fully as much as the Senator from Indiana; and I tried in my humble way, as honestly as the Senator from Indiana tried, to make some provision. It was because, and only because, the bill of the Senator from Indiana did not do what I in my judgment thought it ought to do, because it did not provide for the counting of the votes of every State in the Union, that I cast my vote against the bill. I was governed by no party consideration. It is a question that ought to rise infinitely above party feeling and party interests. It addresses itself to the nobler sentiments of our being, and we ought not to be governed by party interests in it. I hope that no inference will arise from the remarks of the Senator from Indiana that the democratic party in the Senate was governed in the vote it cast by anything of party consideration. We were governed by the fact that the Senator's bill did not make proper provisions for ascertaining the popular will in reference to the choice of the people for President of the United States.

I hope the motion of the Senator from Ohio will prevail so that fair and proper consideration may be given to this subject and some proper provision made for securing to the people of every State in the Union their just voice in determining the election of a President.

Mr. THURMAN. I have but a word more to say before the vote is taken. I think I have never heard a discussion in the Senate on any great public measure that was freer from anything like party than was the discussion on this bill. There was not an allusion on any side that could be considered in any sense partisan. The Senator from Indiana is greatly mistaken if he supposes that party feeling dictated the vote upon this bill. There were republican Senators as well as democratic Senators who voted against the bill—republican Senators of great distinction, and of great ability, and of great experience. There are Senators on this floor who rather than leave open the possibility of a State losing her vote would prefer that it should be decided by the President of the Senate. They would rather trust to one man to decide the grave question of which return should be counted, and leave it to his conscience, his honor, his official responsibility to the American people, than leave it open to any possibility that a State should be disfranchised.

It cannot be denied that the bill does make a possibility of depriving a State of any voice in the election. The Senator from Indiana says that it is a misfortune that cannot be avoided where a tribunal that is to decide is unable to form its judgment; but there are Senators here who would, as I said before, follow the early usage of the country and let the President of the Senate, though opposed to them in political sentiment, decide the question, rather than open the door to the possibility of depriving a State of her voice in the election of a President. That is the reason which induced so large a vote against the bill. This reason and the belief that, although no such thing was intended, although any such idea was the farthest possible from those who supported the bill, yet that bad men might take advantage of the second section of the bill, and, taking advantage of that, send up double returns for the very purpose of depriving a State of its voice in the election of President, induced the large vote that was cast against this bill. I do not believe that men ever voted from more patriotic impulses in the world than actuated those Senators who voted against this bill. I voted for the bill. I voted for it although I considered it imperfect. I voted for it in the hope that it would be amended in the House of Representatives; but when I saw the large vote against it, I believed, as I still believe, it will not be by amendment there in all probability that this measure will be perfected. We cannot conceal the fact that the Senate of the United States is alone the department in this Government in which there is full and free and unrestrained discussion. I say this not to reproach any other department of the Government, but because from the very

nature and necessity of the case such is the truth. A measure like this (and no greater measure can engage our attention than this very bill) ought, if possible, to be perfected here where there is deliberation and discussion without trammel and restraint. The Senator from Indina certainly knows that I moved to reconsider the vote on this bill in the most perfect good faith. I may be mistaken as to the effect of a reconsideration and he may be right; but I believe that I have the right view on the subject.

Allusion has been made to a circumstance which I perhaps would not have noticed if something had been said more definitely about it. It was said that a Vice-President of the United States once counted for himself the votes of a State without any return from that State. I have seen it stated in the newspapers that when his attention was called by the tellers to the fact he directed them to record the vote and then tore up the paper in order to prevent a detection of the fraud. I venture to say that that good man never committed any such fraud in this world; and, if there is any paper that is apparently insufficient of itself, it is not all the return that was before him at the time and that was counted. What is conclusive in the matter is that the vote of that State, if it had been rejected, would not have affected the result in the slightest degree. The election would still have been determined by the House of Representatives, for there was no choice by the people. Therefore, he could have had no possible inducement to count for himself the vote which they say he counted without any return. Does anybody doubt how Georgia voted on that occasion? Is there any pretense that she did not vote as her vote was recorded? Is there any pretense, or can there be, that if her vote had been rejected it would have affected the result? She would still have the right, when the President came to be elected by the House of Representatives, to cast her vote. It is of no use to conceal the name of this great man who is charged with this offense. It is no less a man than he whose hand wrote the Declaration of Independence. It is no less a great name than that of Thomas Jefferson that is impugned in this way. It is no less a man than he who at this late day is charged with having counted in his own interest the vote of a State without any evidence whatsoever that it had been cast for him. O, no, Mr. President, it will not do now to make such a charge. I await the production of the evidence upon that subject, and when it shall be produced I venture to say that nothing that impugns the integrity or the honor of that man will be found to exist. But this is apart from the question.

I grant, as fully as the Senator from Indiana can argue, that there is danger. I grant, as fully as he can assert, that the President of the Senate ought not to be the man to count the vote, he himself being interested. I read the Constitution as he reads it, that the duty of the President of the Senate is to open the votes, and not to count them. I know the precedents when he did count them, in support of his counting them. I understand all that; but I know too, I think, the value of precedents where there was no contest and where there was no question. I therefore agree, as the Senator knows, with him in his view of the constitutional power of Congress to regulate this matter; and I urged, therefore, the passage of his bill. I did so at the last session as well as at this, and I hope that it may yet be passed; but I say to him in all frankness that I do not believe that any measure which, so to speak, creates a possibility of depriving a State of her voice in the election of President can pass this Congress.

Mr. MORTON. I did not intend to impugn the motive of any Senator who voted for any amendment to which I referred or who desires to reconsider the vote by which the bill was passed. All I said was that I was surprised at the final vote in view of the general tone of the discussion. I think I was no more surprised than my friend from Ohio, and perhaps not so much as he was. The Senator says that no bill can become a law that leaves a possible contingency by which a State can be deprived of a vote. I tell my friend that we can pass no bill that will not leave such a contingency. He said he would rather leave it to the presiding officer of the Senate to decide. Can we compel the presiding officer of the Senate to decide? Suppose there are two returns, and the presiding officer says, "I will not take the responsibility of deciding between these two returns; I will refer the matter to the two Houses," a thing the presiding officer of this body often does; you cannot make him decide it. And then, if the two Houses, having no knowledge about it, cannot decide it, if they separate and vote by common consent, they may not agree, and in that case the vote is lost. How will you prevent the vote from being lost in that case? In the very amendment offered by the Senator from Virginia [Mr. JOHNSTON] to refer the decision of this question to the House of Representatives voting by States, there were two possibilities for the votes of States to be lost. I have that amendment here. In voting by States the amendment provides:

> But if the representation of any State shall be equally divided, its vote shall not be counted.

As a matter of course, if you vote by States and the State has two, four, or six Representatives, and they are equally divided, the vote of the State is lost.

Mr. WITHERS. O, no; the vote of the State in deciding the question in the House is lost; but the vote of the State is not necessarily lost in the election of President.

Mr. MORTON. Precisely, the vote of the State in deciding that question, and who will decide the other question?

Mr. WITHERS. That is very remote indeed.

Mr. MORTON. I will bring the question right home to my friend from Virginia. Suppose it is referred to the House under the amendment of his colleague. The House is to decide which of two returns shall be counted and to decide by a vote by States. Suppose the States are equally divided; I ask him if the vote of the State is not lost then?

Mr. WITHERS. That is a more remote contingency, possibly, than the other.

Mr. MORTON. If you come to count contingencies, that may be a little more remote; but my friend from Ohio says that no bill can pass which will leave that contingency open. I say you cannot pass a bill which will not leave that contingency, and that contingency is not so very remote either. When you come to decide it there may be half a dozen States which will lose their votes in deciding it. I call my friend's attention to the fact that when the President was first elected by the House in 1801 there were three States that were deadlocked from the first to the thirty-sixth ballot, and then they were only released from the deadlock by one member dodging and the other two changing their votes.

Mr. RANDOLPH. The Senator from Indiana has said three or four times in the course of this short debate that Congress cannot pass a bill that will provide for every contingency. He has not said that Congress has had no opportunity of passing a bill so framed as to provide for every contingency. I beg to remind the Senator that during the previous discussion I presented an amendment which provided for every difficulty, and the Senator not only voted against it, but, as I believe, spoke against it. If the opportunity is offered, I propose to renew that amendment. I propose to do that which he claims he desires to do, that is, to provide that in no contingency shall the people of a State be disfranchised.

Mr. MORTON. What was my friend's amendment? Will my friend read it?

Mr. RANDOLPH. The amendment has almost passed out of my mind, because the debate occurred some time ago.

Mr. MORTON. Has my friend his amendment?

Mr. RANDOLPH. I have a portion of it here. The copy that I finally presented is not now in my possession, but the substance of my amendment is here. In substance it is this:

> Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of a State, then, and in that event only, the President of the Senate shall render a decision of the question, and such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled.

I submitted the amendment at first in this form, and it was afterward put in a better shape, a copy of which I have sent for.

Mr. MORTON. I have it here.

Mr. RANDOLPH. Has the Senator from Indiana the last one?

Mr. MORTON. My friend from New Jersey thinks he has found the method by which the vote of a State shall not be lost in any contingency, and he provides that where there are two returns "such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled," counting so many votes in the Senate and so many votes in the House, and then adding them together as if they had all been cast in one body, and that return which has a majority of all the votes cast is to be adopted. Suppose there is a tie; in that case no return is adopted, and the vote of the State is lost on my friend's own hypothesis.

Mr. RANDOLPH. In the amendment, which is not now in my hand—the one that was finally substituted for that which I have just read—I provided for that very contingency, leaving the President of the Senate to give the casting vote in that exceedingly remote contingency. I regret very much that I could not obtain the Senator's attention upon that subject. I tried very hard, but he seemed to be wedded to his own plan so that he appeared to me to listen very little to the suggestions of others.

Mr. MORTON. My friend proposed to leave it in that case to the determination of the President of the Senate. If he should be a President *pro tempore*, as is the case now, he would vote originally and his vote would be counted in the vote of the State, and then if he decided as President *pro tempore* he would vote on it again. He might refuse to exercise the extraordinary power of voting twice on the same thing. My friend from New Jersey [Mr. FRELINGHUYSEN] suggests that he may himself be a candidate for President or Vice-President and it would place him in a very delicate position. He would not want to be embarrassed and might decline to vote at all.

Mr. RANDOLPH. The difficulty is that there are so many gentlemen in this body who are in that condition that we can pass no bill that will not be surrounded with some such difficulty as the Senator has suggested. [Laughter.]

Mr. MORTON. I appreciate that difficulty, because my gaze falls upon about twenty-five distinguished gentlemen over here who are all in that condition, and I should think they would desire to avoid the embarrassment which may arise from being called upon to decide in that case. [Laughter.]

Mr. MAXEY. Mr. President, I gave the bill to count the electoral vote as much care and deliberation conscientiously as I was capable

of. I regarded the bill as the most important that has been before the Senate during the present session. I think so yet. The bill as originally presented and as it passed the Senate does contain a defect which was made manifest to everybody during the progress of the discussion. If the two certificates are presented and the two Houses disagree, one voting for one certificate and the other voting for the other certificate, both coming from the same State, then according to the bill as it passed the vote of that State is lost. Various propositions were presented to cure that defect. I had the honor of presenting one myself. The Senator from Indiana states that no proposition could come up that would cover every possible contingency. With all deference to the opinion of the distinguished Senator, it does seem to me that the amendment which I presented covered any sort of contingency. That was that where the two Houses disagreed, one voting for one certificate and the other for the other, the Vice-President should give the casting vote. A great many of my friends were so very fearful of the power of the Vice-President that they placed themselves in this condition, in my humble judgment, that by refusing to give him a right to the casting vote in that contingency, (the only case in which he would have the power to cast a vote at all,) the result is that he counts the entire vote. That is my judgment about it; so that they practically, as the Bible says, "strain at a gnat and swallow a camel." That is in my judgment the result of voting down that amendment. But I was not wedded to that amendment, as I stated. I wanted some amendment adopted that would cure that defect. I voted against the bill as it passed conscientiously, because I then believed, and now believe, that the bill as it passed is, though not designedly, an invitation to fraud; for if an election for President is coming to a close vote, and there is the slightest excuse for a State to send up two certificates, that State will send up two certificates—and we have a case directly in point where that might be done—and the vote thus sent up, if one certificate only were to come up, would turn the scale and elect a President. Then the result of sending up two certificates from that State will be that both will be ruled out, one House voting one way, and the other House the other way; and thus it would happen, under the bill as passed, that the voice of the people would not be heard in electing their President. For that reason I voted against the bill. It was not with me a party question. As I stated in the argument when that question was here before, it was a great constitutional question, rising high above and beyond all party considerations; and I should regard myself unworthy of a position on this floor if I were to permit party to control my vote in a matter where the great rights of the people were concerned in the selection of a President of the United States. So I can say for myself at least that I did all that my poor judgment could do to relieve the difficulty. I presented an amendment which I then thought would relieve that difficulty. The wisdom of the Senate saw proper to vote down that amendment, and the bill passed without any amendment. The bill contains a defect which, in my judgment, is an invitation to fraud unwittingly embodied in the bill. So believing I voted against it.

Mr. MERRIMON. Mr. President, I felt a very serious interest in the bill and gave it the most serious attention when it was before the Senate. I did not regard it from a party stand-point at all. The idea of party never entered into my consideration of it for one moment. My vote went upon the grounds that the Constitution charges Congress with the duty of counting the vote. I believe that Congress is as much charged by the Constitution with counting the electoral vote for President and Vice-President as it is charged to pass a revenue law or any other law; and, so believing, I was logically constrained to vote against every proposition which provided an umpire in the case of any difference between the two Houses. I cannot conceive a case in discharging the ordinary legislative duties of Congress, where the two Houses disagree about the passage of a bill, where Congress would have the power to provide an umpire to decide what amendments should be adopted and what amendments should be rejected, or what action of any character should be taken upon a bill passing between the two Houses. No more can I conceive of any possibility that Congress in counting the electoral vote shall provide that the President of the Senate, or the Chief Justice, or the Supreme Court, or any other tribunal shall decide whether the vote of a State should be accepted or rejected in that count. It is a duty that devolves upon Congress exclusively, after the President of the Senate, being the medium by which Congress comes in contact with the States, shall have opened the returns and laid them before it. It cannot escape the duty. I admit that I have some embarrassment about the question when two electoral returns shall be made from a State; but I cannot see that if the matter is permitted to remain as it is now we shall be free from that embarrassment, and it did seem to me that under the bill which was passed the possibilities of such a difficulty were so remote that we need not trouble ourselves a great deal about it. I had the honor to offer an amendment which I thought would relieve the difficulty. The judgment of the Senate, however, was against it. Still I was willing, though not entirely satisfied, to accept the bill as it passed. After having given the matter considerable deliberation since the bill passed, I have not come to any conclusion variant from that which I sanctioned by my vote. I should be willing to stand by that vote to-day, unless I thought the bill could be amended in such a way as to obviate the difficulty that we have all talked about so much. I hear no plan suggested by which that difficulty can be obviated. I do not see from anything that has fallen from Senators in this debate that we shall be in any other condition after the bill is reconsidered, if it shall be, than we were at the time the bill passed. If we had to vote again, I should give the same vote under similar circumstances. I am very sure I never could vote for an amendment which would provide an umpire. If, however, it is thought that by a reconsideration of the bill new light can be thrown upon the subject, and that we can come to a more definite and satisfactory conclusion, I have no objection to that, and without desiring to change my vote on the bill as it stands, I shall vote for the motion of the Senator from Ohio to reconsider, hoping that some amendment in the line of the view that Congress, and Congress alone, shall count the vote, may be adopted which will make it more satisfactory. Upon that ground alone I vote to reconsider.

Mr. BURNSIDE. Mr. President, the more I hear this discussion the more I am convinced that the amendment which I submitted to the committee's bill suggests the proper course to be pursued in order to meet the case in all its points. It is clear to me that Congress has a right to delegate to a court the power to decide as to the electoral returns where there is a dispute in regard to them. In the famous Rhode Island case to which I referred in the former debate it was decided by the Supreme Court of the United States that Congress had the right to refer a question of equal importance to a court. What was that case?

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, &c.

The court goes on to discuss the question, and says finally:

It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee.

So here it is the plain duty of Congress to adopt measures which shall ascertain the will of the electors. The court goes on to say:

They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere.

So spoke the Supreme Court in the great case of Luther *vs.* Borden, uttering its voice through Chief Justice Taney in a decision which is still regarded as settled and fixed law. Now I say that the duty devolves upon Congress to see that the electoral returns are properly counted and that each State shall have its representation in the electoral college; and if any contingency arises which makes it advisable for Congress to impose the duty upon any court of this country to decide for them upon certain points involved in these returns, they clearly have the right to require that court to perform that duty. It seems to me that that comes precisely within the rule prescribed by the Supreme Court in the decision from which I have read. If, as the court there hold, Congress had a right to determine when it was necessary for the Government to interfere in a State under the guarantee clause of the Constitution; if, in other words, Congress had a right to delegate to a court of the United States the power to decide when the occasion for that interposition arose, then Congress certainly have the right to delegate to a court of the United States the power to decide as to which is the lawful return of the votes of electors from any State where two sets of returns from any one State are presented.

It seems to me that the decision to which I have referred is one of great importance. The case there spoken of probably is not of equal importance to the one under discussion, but there certainly can be no reason why all good citizens of the United States would not be satisfied with the decision of the Supreme Court in a case like this. As I said the other day, we have been in the habit of abiding by its decisions. Whether they accord with our own views upon the matters at issue we all acquiesce in their decisions. No safer or more impartial arbitrament can be selected, in my opinion.

Mr. MORTON. Mr. President, my friend from Rhode Island, before the conclusion of the former debate, had his attention called to this decision. The remark that he quotes as having been made by the court in that case was clearly outside of the case; but it does not refer to the question of the power of Congress to establish an umpire to decide the thing other than Congress itself. It refers to the question of fact when the contingency of fact had arisen of domestic violence, and as to that the court say incidentally, in passing:

They—

Congress—

might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely, and, by the act of February 28, 1795, provided that "in case of an insurrection in any State against the government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."

That was a case where the Constitution had not located the power of determining when the contingency of fact had happened; but Congress did vest the President with that power by the act of 1795–'96. I think the language of the court falls short of the principle my friend refers to, and it is mere *obiter* any how; it is not in the case at all.

Mr BURNSIDE. I am quite aware that the court made no decision

on this question, but simply said that Congress might, if it chose, delegate this power. It did not delegate the power, I know, as the Senator from Indiana says; but the court said it might have delegated the power. I consider that a case of the kind now under consideration, of two returns from a State, is a question of fact just as much as the question to which the Senator from Indiana refers, and which the Supreme Court said Congress might delegate the determination of to a court.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The question before the Senate is, Shall the vote by which this bill passed be reconsidered?

Mr. STEVENSON. I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 23; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Conkling, Cooper, Davis, Dawes, Dennis, Eaton, Edmunds, English, Goldthwaite, Gordon, Hamilton, Howe, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Paddock, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, and Withers—31.

NAYS—Messrs. Anthony, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Cragin, Ferry, Frelinghuysen, Hamlin, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Robertson, Sargent, and Windom—23.

ABSENT—Messrs. Alcorn, Allison, Bruce, Christiancy, Conover, Dorsey, Hitchcock, Johnston, Jones of Florida, McDonald, Mitchell, Patterson, Sharon, Sherman, Spencer, Wadleigh, West, Whyte, and Wright—19.

The PRESIDING OFFICER. The motion to reconsider is agreed to. The question recurs on the passage of the bill.

Mr. MORTON. I give notice that I will call up the bill to-morrow.

Mr. EDMUNDS. The bill is before the Senate now. The motion should be to postpone it until to-morrow.

Mr. MORTON. That is to be done by common consent.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. SARGENT. I ask the consent of the Senate to take up House bill No. 1052, to correct an error in the Revised Statutes of the United States, and for other purposes.

Mr. THURMAN. Before the electoral bill passes over, I wish to suggest that it cannot be amended without a further vote of reconsideration, which I suppose is a mere matter of form, and that is to reconsider the third reading. I make that motion.

The PRESIDING OFFICER. It is moved to reconsider the vote by which Senate bill No. 1 was ordered to be engrossed for a third reading.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be regarded as postponed until to-morrow by common consent.

CREDITS TO SETTLERS ON PUBLIC LANDS.

Mr. SARGENT. I move to take up the bill I have indicated.

The motion was agreed to; and the bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes, was considered as in Committee of the Whole.

The bill amends section 2403 of the Revised Statutes by striking out in the second line the word "seven" and inserting the word "one."

The Committee on the Revision of the Laws reported the bill with an amendment to strike out after "one," in line 11, the words:

And all credits to settlers for moneys deposited by them for surveys of lands, as provided by section 2401, allowed since the date of the approval of the Revised Statutes of the United States are hereby declared to be legal.

And in lieu thereof to insert:

And all proceedings under said section 2403 shall have the same force and effect as though enacted as herein amended.

The amendment was agreed to.

Mr. SARGENT. Perhaps I should make a slight explanation of the bill before asking that it be passed. The Commissioner of the General Land Office in his last annual report called attention to the fact that in the revision of the United States laws a section had been named as 2407, when it ought to be named 2401. It affects the rights of settlers who under the law are entitled to deposit in the United States Treasury the cost of surveys of the lands where their homes may be, and subsequently to be credited with the amount of such deposit upon the price of the land. By the error made in the Revised Statutes this is rendered nugatory; that is to say, they make their deposits but cannot receive their credit. The result has been some considerable confusion both with reference to pre-emptions and town sites. He recommends that the change be made. The only change is to make a correct citation of the statute in the Revised Statutes. The bill has been favorably reported by the Committee on the Revision of the Laws and is a House bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WESTERN AND ATLANTIC RAILROAD COMPANY.

Mr. GORDON. I move to take up the bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad.

Mr. EDMUNDS. I hope the Senator will withdraw that motion. I offered a resolution, which was adopted by the Senate some days since, calling on the Secretary of War for detailed information respecting the transactions of the United States about this railroad, and I think we ought not to act upon the bill until we get that information. I ask the Senator from Georgia to let it go over for a very few days, until we can get that information.

Mr. GORDON. I have not the least objection to its lying over, but I think if the Senator will examine the book which I hold in my hand he will find that we have all the information that he asks for. However, it is scattered through the volume and it may be better to get it in a condensed form. I think we already have the information of the transactions of this road with the State, the amount of property turned over, the price the State paid for this property, the order under which it was done, &c.

Mr. EDMUNDS. We have a good deal of that, which was not unknown to me when I offered the resolution to which I have referred; but if the Senator will carefully examine the resolution he will find that it is designed to get from the War Department a supplement to what we already have, which will bear more precisely upon the precise point involved in this bill. The reports to which the Senator refers are perfectly familiar to the Committee on the Judiciary, who had bills of a similar character with this, respecting, I think, about six railways, two sessions ago, I believe, before them; and therefore the subject is not new to us at all. I thought in reading this bill that this information from the War Department it would be desirable to have, in order that we might perfectly understand the whole bearing of the case. I imagine, of course, that we shall get the information very soon indeed.

Mr. GORDON. I have no objection to letting the bill lie over for a short time.

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his motion.

PAY DEPARTMENT OF THE ARMY.

Mr. BURNSIDE. I move to take up the bill (S. No. 126) to restore appointments and promotions to the Pay Department of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to repeal so much of section 1194 of the Revised Statutes as applies to the Pay Department of the Army, and to provide that the rank of Paymaster-General shall be restored to the grade of brigadier-general, and that his rank shall date from the day he entered on the duties of the office.

The Committee on Military Affairs reported an amendment to strike out "and the rank of the appointee under this act shall date from the day he entered on the duties of the office."

Mr. EDMUNDS. Does that section apply to anything else than the Paymaster-General?

Mr. BURNSIDE. No, sir; and the amendment that was reported by the committee makes the repeal take effect from and after the passage of this act.

Mr. EDMUNDS. Section 1194 of the Revised Statutes is as follows:

Until otherwise directed by law there shall be no new appointments and no promotions in the Departments of Adjutant-General, or of Inspector-General, or in the Pay, Quartermaster's, Subsistence, Ordnance, or Medical Departments.

The bill, I believe, provides that, as applied to the Pay Department, this whole section is repealed, which opens the whole Pay Department to promotions and appointments exactly as if this law did not exist. Does the Senator from Rhode Island intend that?

Mr. BURNSIDE. This bill is only for the purpose of making the Paymaster-General a brigadier-general. Nobody else can be promoted under it.

Mr. EDMUNDS. I do not know about that. I should like to have the bill read once more.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. EDMUNDS. What is the object of repealing this section, which applies to the whole Pay Department?

Mr. PADDOCK. Is it not necessary to repeal so much of the act as relates to the Paymaster-General?

Mr. EDMUNDS. Ah, I agree to that.

Mr. BURNSIDE. I think myself it would be well to amend the bill so as simply to repeal so much of the section as relates to the rank of the Paymaster-General.

Mr. LOGAN. I had not observed the bill; in fact, it was in the charge of the Senator from Rhode Island, and the committee agreed to let him report it and I did not examine it; but I am satisfied that the bill as reported will open the Pay Department to promotion. I should not have agreed to it if I had so understood it. Hence I suggest to the Senator, inasmuch as the intention of the bill is not to do that, that the bill be recommitted, and let him report it back again. He can do it to-morrow.

Mr. BURNSIDE. If the Senator from Illinois will allow me I will make one suggestion that may strike him as covering the case. It is that the bill be so amended as to say that so much of this section be repealed as refers to the rank of the Paymaster-General, and that the Paymaster-General may be a brigadier.

Mr. LOGAN. I would report the bill in a form providing that the head of the Pay Department shall hereafter be a brigadier-general;

and that leaves this section stand just as it is, so as not to effect promotions.

Mr. BURNSIDE. I accept the suggestion of the Senator from Illinois, and I should be very glad to have the thing arranged.

Mr. LOGAN. The Senator can report it to-morrow.

Mr. BURNSIDE. The Military Committee meet to-night, and it can be recommitted and attended to and reported back to-morrow, and I shall then call it up.

The PRESIDENT *pro tempore*. It is proposed that the bill be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears no objection to that course, and the bill is recommitted.

MUTUAL FIRE-INSURANCE COMPANY.

Mr. INGALLS. House bill No. 700 lies on the table, it having been read three times and the question now being on its passage. I ask that the bill may be taken up and the vote taken. It is the bill to incorporate the Mutual Protection Fire-Insurance Company of this city.

The PRESIDENT *pro tempore*. A motion to reconsider was pending. The bill was rejected, and a motion to reconsider was made.

Mr. INGALLS. That motion was passed, and the bill returned to the Senate.

The PRESIDENT *pro tempore*. A motion to reconsider was entered, pending which request was made of the House of Representatives to have the bill returned in order to have the motion to reconsider attach to it; but the motion to reconsider was not considered, and it could not be until the return of the bill.

Mr. INGALLS. Then I move that the Senate now proceed to the consideration of that question.

The motion was agreed to; and the Senate proceeded to consider the motion to reconsider the vote rejecting the bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the passage of the bill.

The bill was passed.

DISTRICT REFORM SCHOOL.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. ALLISON. I suggest to the Senator having charge of this bill that the bond of the treasurer is not large enough. I see it is only $5,000. From the very necessity of the case, it seems to me, considerable sums of money may be placed in the hands of the treasurer. I suggest the propriety of increasing the bond.

Mr. HITCHCOCK. Does the Senator offer an amendment?

Mr. ALLISON. I think the bond ought to be larger. I submit that to the Senator.

Mr. HITCHCOCK. The committee thought the amount of the bond was proper.

Mr. ALLISON. We are in the habit of making appropriations for this Reform School, and a considerable sum of money may be in the hands of the treasurer.

Mr. HITCHCOCK. Probably this is a much larger amount than the treasurer will have in his hands at any one time.

Mr. ALLISON. Any one likely to be appointed treasurer could give a bond of $20,000 just as well as $3,000. I move to amend by striking out "$5,000" in line 5 of section 4, and inserting "$20,000" as the amount of the bond.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LEGAL TENDER OF SILVER COIN.

Mr. SHERMAN. I move to take up Senate bill No. 263 with a view at the end of to-day's session of leaving it as the unfinished business for to-morrow. It is what is commonly called the silver bill. I do this at the request of Senators who desire to speak to-morrow. I do not expect action to-morrow on the bill. I make the motion for their convenience, not to interrupt the business of to-day, but simply that the bill may be left as the unfinished business for to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to take up the bill (S. No. 263) to amend the laws relating to legal tender of silver coin. Is there objection? The Chair hears none, and the bill is before the Senate, and will be regarded as left as the unfinished business at the end of to-day's session.

JAPANESE INDEMNITY FUND.

Mr. FRELINGHUYSEN. I move to proceed to the consideration of Senate bill No. 626. It is the bill in relation to the Japanese indemnity fund.

Mr. COCKRELL. I must object to taking up that bill, and insist on calling the Calendar in regular order.

Mr. FRELINGHUYSEN. I move that the Senate proceed to consider the bill I have mentioned.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

Mr. COCKRELL. I think we can soon reach that bill by taking up the Calendar regularly, and there are a number of other matters here that can soon be passed upon. They are accumulating on the Calendar; and it seems to me that we ought to work off some of the business.

Mr. FRELINGHUYSEN. When the Calendar is called it is only for cases that are not objected to. This bill has been passed on the Calendar; and at the request of several Senators, especially those on the other side of the House, I call it up now. It may be that the bill wants more consideration than we can give it this afternoon; but I make the motion to take it up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

The question being put, the Chair declared that the noes appeared to prevail.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PADDOCK. I am satisfied that this bill will lead to a great deal of discussion, and I hope that my friend from New Jersey will not insist upon it at this late hour of the day. It seems to me that it would be better to let the bill go over until another day, so that we may take it up at an earlier hour and make a day's business of it. There are some bills less important which might be considered to-day, to which there can be no objection. I have one of that kind myself. I hope that we shall not be called upon to consider this bill at the present time.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill in relation to the Japanese indemnity fund, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 9; as follows:

YEAS—Messrs. Allison, Bogy, Burnside, Clayton, Cooper, Davis, Dawes, Dennis, English, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Jones of Nevada, Kernan, Logan, McCreery, McMillan, Maxey, Merrimon, Morrill of Vermont, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, Sherman, and Windom—30.

NAYS—Messrs. Cameron of Wisconsin, Cockrell, Dorsey, Eaton, Goldthwaite, Hitchcock, Paddock, Spencer, and Withers—9.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Caperton, Christiancy, Conkling, Conover, Cragin, Edmunds, Harvey, Howe, Ingalls, Johnston, Jones of Florida, Kelly, Key, McDonald, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, and Wright—34.

So the motion was agreed to; and the bill (S. No. 626) in relation to the Japanese indemnity fund was read the second time, and considered as in Committee of the Whole.

The first section authorizes the President to reserve from the Japanese indemnity fund the sum of $125,000, to be used in the manner hereinafter provided; and, if not incompatible with the relations of the United States to other powers, to pay over to the government of Japan the residue of the indemnity fund, including all accumulations of interest; or, after correspondence with that government, and in a manner satisfactory to it, to transfer the fund, together with its increase, to the government of Japan in trust, the income thereof to be perpetually used for the promotion of education in Japan.

The second section authorizes the President to ascertain the claims of the officers and crew of the United States ship Wyoming for bounty, ransom, or prize money on account of the destruction of piratical vessels on the 16th of July, 1863, in the Straits of Simonoseki; and also the claims of that portion of the officers and crew of the United States ship Jamestown who manned the Takiang in the bombardment of the hostile forts at the Straits of Simonoseki on the 5th, 6th, 7th, and 8th days of September, 1864; and if, in his judgment, they are found either in law or equity to be justly chargeable against this fund, then he is directed, in full satisfaction thereof, to cause $125,000, reserved from the indemnity fund, or such part thereof as in his judgment shall be just and equitable, to be distributed among the officers and crews in accordance with the laws and regulations governing the distribution of prize-money in the Navy of the United States. In this distribution no money is to be paid to the assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or, in case of his decease, to his legal representative, excluding any assignee. If after the satisfaction of these claims any part of the $125,000 reserved for this purpose shall remain unused, then he is further authorized to pay over to the Japanese government the remainder in the manner provided in the first section.

Mr. COCKRELL. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. FRELINGHUYSEN. The bill as reported from the Committee on Foreign Relations contains this clause:

And is further authorized, if not incompatible with the relations of the United States to other powers, to pay over to the government of Japan the residue of said indemnity fund, including all accumulations of interest; or, after correspondence with said government, and in a manner satisfactory to it, to transfer said fund, together with its increase, to the government of Japan in trust, the income thereof to be perpetually used for the promotion of education in Japan.

Since the bill has been reported I have had an interview with the superintendent of education, Professor Murray, who went from this country, who has had communication with the representative of

Japan here, and his impression is that it would be advisable not to employ that alternative condition; in which opinion I agree. I have spoken to a number of the members of the committee who also think that in returning this money we should return it without any qualification whatever. I think that is the better sentiment of all with whom I have conferred. Therefore I move to strike out in the first section all after the word "interest" at the end of the ninth line; which will have the effect of returning this money without any condition to Japan. My friend from Missouri [Mr. COCKRELL] asked whether there is a report. There is a full report accompanying the bill.

Mr. COCKRELL. I should like to hear it read.

The Chief Clerk read the following report submitted by Mr. FRELINGHUYSEN, from the Committee on Foreign Relations, March 22:

The Committee on Foreign Relations, to whom were referred the resolutions and the report of the committee on foreign commerce of the Chamber of Commerce of the city of New York, in reference to the Japanese indemnity fund, submit to the Senate the following report, and recommend the passage of the accompanying bill in reference to the same:

It is now more than twelve years since the occurrence which gave rise to this indemnity. The money composing this fund has been paid over to the United States at intervals during this period, and that portion not actually required to pay the damages and expenses for which it was stipulated has been invested in registered bonds of the United States and retained as a trust fund in the custody of the Secretary of State. After the payment of the claims which have been recognized as legally chargeable to this fund, it now amounts, with its interest accumulations, to over a million and a quarter of dollars. The subject of the disposition of this fund has from time to time been brought to the attention of Congress in the messages of the President and by memorials addressed to Congress, and the subject should now be disposed of. The essential facts bearing upon this question are as follows:

The treaties formed by Japan with the United States and with other foreign powers were the occasion of great political excitement and disturbance in Japan, and continued until the revolution of the government in 1868. The cause of this disturbance was the fear and suspicion of foreigners which prevailed among the people of Japan. For several centuries the country had been closed against foreign intercourse, and the people had been taught to regard the admission of foreigners as fraught with danger and as hostile to their prosperity. Hence when the Tycoon of Japan actually formed treaties of amity and commerce with these suspected foreigners, there arose such a tumult of excitement as finally resulted in a civil war and in the overthrow of his power. The government of Japan was a feudal aristocracy, in which the supreme military and executive authority was exercised by the Tycoon, and the details of local government by a number of territorial princes or daimios. These daimios were, in many cases, on account of their wealth and extensive possessions, almost independent rulers. And in this uprising against foreign intercourse several of the most powerful daimios took a leading and active part. Among these was the powerful prince of Chosin, whose territories bordered upon the Straits of Simonoseki, which connect the Japanese inland sea with the Chinese waters. He, in defiance of his government, and while that government was striving as well as it could to fulfill its treaty obligations, erected hostile batteries capable of commanding the straits, and announced his determination to prevent the passage of foreign vessels. In 1863 an American merchant-vessel, the Pembroke, when passing the straits was fired upon, but not injured, by the prince's batteries. In retaliation for this insult to our flag, the United States steamship Wyoming, under the command of Captain David McDougal, was dispatched to Simonoseki. He found there, besides the land-batteries, several vessels belonging to the prince. With great gallantry, and no little danger to his vessel and its crew, he attacked the vessels and sunk or destroyed two of them. Six of his crew were killed and several wounded in the action.

This insult to our flag was brought to the attention of the Japanese government by the American minister. They promptly disavowed the action of their rebellious vassal, and subsequently arranged with the minister for the settlement of the claim for damages on the part of the owners of the Pembroke. Shortly after the affair of the Pembroke, however, the prince, still defiant, fired upon vessels belonging to the French and the Dutch, who, in retaliation, also inflicted summary punishment. The affairs of the country were in so disturbed a condition and the power of the Tycoon was in such danger from his rebellious daimios that he could not and dared not send a sufficient force to put an end to the obstructions of the straits. To the foreign representatives he expressed his deepest regret for this and begged for additional time in which to put down the rebellion. And as the straits of Simonoseki were not necessary to the passage of commerce to and from the open ports of Japan, the delay would not have seriously interfered with the convenience of the foreign nations. But the representatives of the treaty powers resolved to take the matter into their own hands and do for themselves what the government could not undertake to do at once. They therefore dispatched a squadron of armed vessels, seventeen in all, to remove the obstructions to the passage of the straits. The United States having no steam-vessel in Japanese waters at that time, a small vessel, the Takiang, was chartered for the occasion, at an expense of $9,500. The squadron executed its commission with thoroughness and dispatch. The vessels and batteries were utterly destroyed and the prince himself compelled to make his submission.

Immediately after the return of the expedition, the representatives of the treaty powers held a conference with the ministers of the government, and presented to them a demand for damages and expenses, resulting from these transactions. The indemnity was fixed by the foreign representatives at $3,000,000. The share of the United States in this indemnity was subsequently fixed by the negotiations of the home governments, and we have received on this account $785,000, Mexican. The only claims known to exist against this fund which have not been already ascertained and settled are those of the officers and crew of the United States ship Wyoming and of that portion of the officers and crew of the United States ship Jamestown who manned the chartered ship Takiang in the allied expedition. On behalf of the claimants it is urged that, had the vessels and batteries which were destroyed by their actions been the vessels of an enemy, they would have been entitled to bounty or prize money under the laws of the United States, and that, while technically they were not the vessels of an enemy, and therefore they are not technically entitled by law to bounty or prize money, yet that, inasmuch as by these actions, which were attended with danger and loss of life, the United States became possessed of this large sum of money, they are in equity entitled to some share thereof.

Your committee, after a careful consideration of the above facts and of others bearing upon the case, have arrived at the following conclusions:

1. The acts for which this indemnity was exacted were not the willful acts of the Japanese government, nor were they approved or countenanced by it. They occurred during a period of great political disquiet, when the government found it impossible to control the rebellious actions of its subjects and to fulfill its treaty obligations.

2. The Japanese government is justly held responsible for the actual damages and expenses arising to the United States or to citizens of the United States out of these transactions. But it has never been the true policy of the United States to exact indemnities from weaker powers further than was necessary to cover actual outlay; and while the popular hostility to foreign intercourse and the desire to compel the nation to open up additional facilities for trade may have been at the time an excuse for fixing the indemnity at its stipulated amount, yet now, when the attitude and policy of Japan have undergone a complete change, it seems no longer just or magnanimous to exact from them a sum greater than actually needed.

3. Since Japan was opened to the intercourse of the world the United States have felt a genuine and commendable interest in the affairs of that country. They have watched with pleasure the wonderful movements in the development of her resources, in the education of her people, and in the assimilation of her laws and government to those of Christian nations. It is plainly the true policy of the United States to aid and encourage these movements, and we have, in the disposition to be made of this indemnity fund, an occasion, without any draught upon our own resources, to give to them an example of American justice and magnanimity which will be beneficial to both nations.

4. The conclusion of the committee is that Congress should in the first place provide for the final adjudication of any claims that may yet be unsatisfied against this fund. As doubts may still attach to the admissibility of the claims of the naval officers and crews above referred to, it is recommended that they be referred to the President for final settlement, and that a sum of money sufficient to cover these claims be reserved from this fund, and that the remainder of the fund, including its accumulations of interest, be paid over to the Government of Japan. To effect this object the committee report the accompanying bill entitled "A bill in relation to the Japanese indemnity fund," and recommend its passage.

Mr. HAMLIN. I wish to add a word only in relation to the motion which the Senator from New Jersey has submitted, to strike out so much of the bill as provides as an alternative in the return of this money that it shall be appropriated for educational purposes. I think I have a longer acquaintance, in committee at least, with the subject than my friend from New Jersey, and my recollection is very clear and very distinct that that alternative was originally incorporated from suggestions made that it would be more acceptable to the Japanese government. We now learn that it would be more acceptable to exclude it, and therefore for the very reason on which it originally went in it should now go out.

Mr. DAWES. I should like to ask the Senator from New Jersey why it is that it is more acceptable to the Japanese government that the money should be paid into their treasury?

Mr. KERNAN. They can apply it to educational purposes if they choose.

Mr. DAWES. I do not see any difficulty in their applying it, if it is in their treasury; but what assurance do we have that they will not devote it to the general current expenses of their government?

Mr. KERNAN. I beg to ask my friend if he thinks that having money in our hands that belongs to them we ought to impose any condition upon them in handing it back? I think our true duty is to say, "We have paid all our claims, and here is the residue of the money."

Mr. DAWES. That is a question that I do not desire to discuss now, because I have expressed my opinion on it elsewhere.

Mr. HAMLIN. If my friend from Massachusetts will allow me to answer him, I think I may do it with propriety. It was suggested as a point of honor, at one period of time, that the Japanese government would be disinclined to receive the money back in terms, but if our government would appropriate it to educational purposes it would avoid what might be regarded a point of honor. I believe they have gotten over that now, and say they will appropriate it as they please, if we will return it to them. That is the real truth about it.

Mr. THURMAN. If the Senator will allow me to make a remark, it does seem to me that it would be almost an insult to a foreign government for us to give them money which we admit to be theirs (for otherwise we have no right to give it to them) and then undertake to prescribe what they shall do with it.

Mr. HAMLIN. It was done at their own suggestion in the first place.

Mr. THURMAN. If any power should undertake to return us money which it found to belong to us, and at the same time assume to prescribe what we should do with it, I do not think that we would accept one cent of it. I am not disposed to treat any power, even the most feeble on the earth, (and Japan is not the most feeble,) in any such manner. I therefore have heard with great pleasure the motion of the Senator from New Jersey to strike this clause out of the bill. In regard to the bill, I think it proceeds upon the right idea. The second section commends itself to my approval. I have expressed my opinion upon this subject at previous sessions of the Senate. Here was a case in which a set of rebels against the Japanese government undertook to make war upon the commerce not only of the United States but of certain European powers in defiance of their own government, in defiance of treaty stipulations between those powers and Japan, and in defiance of the law of nations. They inflicted severe injuries upon an American vessel. Thereupon Commodore McDougal, in command of the American naval force in those seas, did precisely for the protection of American commerce what he was bound to do. I speak of him from forty years' knowledge of him, for he and I were school-boys together. Like a brave man as he was, he took the responsibility of acting without instructions, but his course has since been fully approved by his Government, and admitted to be correct by the Japanese government. He punished the pirates, if they can be so called, as they are called in the report, certainly rebels against the Japanese government, who, in defiance of the laws and treaties of their own government, and of the rights of foreign governments that had treated with them, undertook to destroy American, Dutch, and other commerce in those seas. Afterward the same punishment was visited upon them by the French and the Dutch.

Mr. HAMLIN. It was all done jointly.

Mr. THURMAN. It was a most gallant thing. It was wisely done; it was done in strict pursuance of the laws of the United States; but it so happened that, we not being at war with Japan at the time, the prize-money acts of Congress do not apply to this case in letter. In spirit they do; and so it has been recognized ever since. Six committees have reported in favor of allowing the officers and crews of the Wyoming and the Takiang such compensation as would have been allowed to those officers and crews had there been open war with Japan. The reason of the thing applies as much in this case as any other. That indemnity being furnished to our officers and crews, the residue of the fund belongs to Japan, because all our claims upon her government above that have been satisfied. It is simply consistent with justice, and with the dignity of this country, and its respect for the dignity of Japan, that the remainder of the fund should be returned to her without any condition whatsoever.

I therefore entirely approve of the motion made by the Senator from New Jersey, and hope that it will be adopted. Then with some verbal amendments which are necessary in the second section, and which I think will be made without objection, I hope that the bill may pass.

Mr. DAWES. Having made the inquiry I did, perhaps I ought to say that it was from no desire to throw any obstacle in the way of the bill, but because heretofore, in another place, I struggled very hard to get a bill passed that would pay this sum back to Japan upon the condition that it should be devoted to educational purposes. I happened to know then that it was in accordance with the desire of the Japanese government, and, indeed, I was impelled to do what I did do at the instance strictly of the agents of that government and those largely interested in education in that country. Seeing the motion made to strike out that clause and to give the money generally over to the Japanese government, I was led to make the inquiry I did. I understood then, as the Senator from Maine has already stated, that at that time it was necessary to have it appear that it was in some way to be appropriated by the authority of the Government of the United States, else the Japanese government taking it back would thereby confess that there had been something wrong in taking it, and would suffer harikari or something of that kind. It was to get around such a calamity as that that the method was first suggested. I am heartily in favor of paying the money back to Japan; and if Japan prefers to take it unconditionally, or if it is thought best to pay it in that way, of course so much the better.

There is another fund like this that I hope the Senator from New Jersey will, the moment he gets this bill through, exert himself to have acted on by the Senate, before it is all frittered away by claims that are generally, when there is no other fund upon which to quarter them, quartered either upon the Japanese or the Chinese fund. I hope he will not suffer any delay, and I will vote with him to take up any bill of that character in regard to the Chinese fund, after this is passed.

Mr. EATON. I agree entirely with the Senator from New Jersey, and I suggest to him that it would be well to strike out these words also:

If not incompatible with the relations of the United States to other powers.

It seems to me that we ought to know, before we legislate with regard to a matter of this sort, whether it would be compatible with the relations of the United States to other powers or not.

Mr. FRELINGHUYSEN. As is well known, this fund which Japan paid was paid for the benefit of the French and the Dutch as well as of the United States. It is a matter of abundant caution that a clause is introduced into the bill that this money shall be paid over to Japan if it is not incompatible with the proprieties existing between us and those other nations which are interested in the general fund. My friend from Connecticut suggests that that ought to be ascertained before we legislate. I think not, with all deference to him. Our intercourse with those nations is through the executive department. We as a legislature can hardly hold intercourse with them to find out what their views are. We give this power to the Executive, and intrust to him, as we do in all our relations with foreign countries, the adjustment of this matter of delicacy between our nation and the French and the Dutch.

Mr. STEVENSON. I should like to ask the Senator from New Jersey a question. I see that the bill provides for the return of this fund with the accumulations of interest. Has this fund been drawing interest since we got it?

Mr. FRELINGHUYSEN. I understand that it has been a separate fund by itself, accumulating interest.

Mr. HAMLIN. That is so.

Mr. STEVENSON. I understand the amendment of the Senator from New Jersey is to strike out the clause relating to a fund for educational purposes?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. INGALLS. This money is ours, or it is not. It either belongs to the American Government rightfully, or it belongs to the Japanese government. If it is ours, we certainly ought to keep it. If it is not ours, we ought to return it without condition. It appears to me that the second section is defective and necessarily so in that it appears from the terms of that section that there is an unadjusted demand still existing upon this fund in the nature of prize-money due to the officers of certain vessels, which sum has not been ascertained. It seems to me that the better course would be to authorize the President to ascertain specifically the amount that is due out of this fund, and then direct that the balance, whatever it may be, shall be paid over to the Japanese government.

Mr. HAMLIN. That is substantially done already.

Mr. INGALLS. Why not put it in the bill?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey to strike out lines 10, 11, 12, 13, and 14 of the first section.

The amendment was agreed to.

Mr. EATON. I did not wish to encumber the amendment of the honorable Senator from New Jersey with an amendment, and now that it is agreed to I move to strike out in lines 6, 7, and 8 of section 1 the words:

If not incompatible with the relations of the United States to other powers.

I apprehend that there can be no question with regard to this matter. Certain moneys were paid to other powers and certain moneys to the United States. It strikes me that we have nothing to do with regard to the payment by the government of Japan to other powers. This is a matter between ourselves and the government of Japan, and I would not encumber a statute with language of this character. It does not seem to me to be proper.

Mr. THURMAN. I hope the amendment offered by the Senator from Connecticut will prevail. I hardly think it is consistent with the dignity of the United States or the right determination of a question which should depend simply upon principles of justice, that we should make it depend upon what our relations are with other powers. This is a very noble example that we shall set if we pass this bill. It is an example that will be commemorated in the history of this country as a proof of its justice, that when we received from Japan more than the indemnity was, we returned her the surplus. It ought to be returned upon strict principles of justice, and not with any regard whatsoever to our relations with other powers. It is a question simply of justice and right, and in no sense dependent upon our relations with other powers.

Mr. FRELINGHUYSEN. I think the bill would be equally effective perhaps if the amendment of the Senator from Connecticut should prevail, but I certainly think it is better that these words should remain. The money will be paid in the same way. As was said by the Senator from Ohio, we owe the money and we have the right to pay it, whatever other powers say about it. The fact is that here was a joint engagement in which the French, the Dutch, and the United States were concerned. The money was divided equally between the three. The sum was divided into three parts. It is very probable that the French and the Dutch really did not receive more than was indemnity for their injuries, for I understand that they did suffer much more than the United States. While this provision will not prevent our paying back the money, it seems to me that it is a more gracious manner of doing it to do it after conference with them. Still, I submit the question to the Senate.

Mr. STEVENSON. I hope the amendment will be adopted. I do not think we have anything to do with the other nations. This is a matter which peculiarly belongs to us. It is a matter of great delicacy and great propriety. The fund had to be divided *ex æquo et bono*. Suppose it should turn out that they did not agree with us; what then, I should like to know from the committee? Suppose, upon consultation, these two nations were to say, "We do not agree with you, and we intend to hold on to it;" what would we do? I do not think we ought to allow them to dictate to us, and still less to have any power of dictating an action which the highest principles of integrity and a high enlightened polity demand. I think we ought to act independently of other nations, and I would not even let them know what we were doing. If this money does not belong to us, let us return it. I think there is a good deal in what was said by the Senator from Kansas, [Mr. INGALLS.] I do not know whether this $125,000 has been ascertained or not. I do not think we ought to retain anything unless we know that that much is due to these officers in the way of prize-money.

Mr. FRELINGHUYSEN. I would state to the Senator that that is the sum which has been estimated after examination. I suppose that it is as near an approximation as is possible.

Mr. STEVENSON. If that is so, I am willing that the bill shall be passed; but I hope the amendment of my friend from Connecticut will be adopted. I should like to see it adopted unanimously.

Mr. MERRIMON. I beg to ask the Senator in charge of this bill if there is anything in our treaty relations with England or France that renders it necessary that these words should remain in this bill?

Mr. FRELINGHUYSEN. I presume there is not. The words of the bill are, "incompatible with our relations." I do not suppose that even if these countries should say "we prefer you should not pay back this money," that would prevent our doing it. But I do not think the retention of the phrase is important; and if the Senate see proper to adopt the amendment of the Senator from Connecticut I do not object.

Mr. HOWE. Mr. President, it strikes me that if we are about to give an evidence of the sense of justice which animates the people of the United States we ought to be able to adduce some more striking proof of it than this bill will furnish if it passes. It may be that the first section of the bill will stand in the judgment of the world as a

signal evidence of that justice, but it seems to me very clear that the second section weakens that evidence very much.

I thought there was force in the suggestion made by the Senator from Kansas just now, that either this money in justice belongs to Japan or it does not, and if it belongs to Japan we ought to pay it to Japan without any conditions and without any abatement. I have never myself seen any very conclusive evidence that the money belonged to Japan. The theory has been that the money was paid by Japan to these allied or co-operating powers to enable them to indemnify their subjects severally for such losses as they had sustained by this affair in the Straits of Simonoseki. I do not understand myself that that was the theory upon which the sum was paid. There was what might be called a civil war; if I understand it, one of the provinces was in revolt against the imperial government and the revolting province inflicted some injuries upon our public rights, interfered with our rights of navigation in those straits, or were supposed to do so, and the naval forces of these several powers united to go up there and help Japan punish that province and at the same time avenge the insults that had been heaped upon us. In consideration of both those services—helping the imperial government and making reparation for the injuries that had been done these several powers—this gross sum of money was paid. The powers interested having agreed upon the division of the money out of the portion which came to us, this Government, acting upon its own sense of justice, has liquidated and paid every private claim which could be preferred against the fund. There is a certain sum left. The first section of the bill proposes to restore the balance of the money to Japan, but the second section of the bill proposes to make one more grab before it goes beyond our reach to pay something, either bounty, or ransom, or prize-money on account of the destruction of piratical vessels destroyed by the fleets of all these powers; and it is said you have got so that you can guess pretty near what sum that is. I have felt myself all along as though that was not precisely the kind of warfare in which prize-money was to be earned; and if prize-money was earned I do not see why it has not already been adjusted, and settled and paid out of this fund years ago, or out of some other fund.

Mr. EDMUNDS. Because the prize laws did not allow a claim in any such case.

Mr. HOWE. That would be a good reason, and if it was a good reason five years ago I do not see why it should not be a tolerably good reason to-day.

Mr. EDMUNDS. I do not.

Mr. HOWE. I think if we want to prove our justice, we had better strike out the second section of the bill and stand on the first section. Then you will have a pretty clear case as far as that goes, but at the same time it will be a little embarrassing to prove that it is just for this Government to take from a fund which belongs to Japan the money necessary to pay these prize claims and bounty claims.

Mr. FRELINGHUYSEN. I do not understand my friend from Wisconsin entirely, whether he does not favor the bill because it does not pay back enough to Japan, or because it pays back too much.

Mr. HOWE. It is on that precise question that I am divided. [Laughter.]

Mr. FRELINGHUYSEN. So I thought.

Mr. HOWE. It is a little difficult to determine what is the gravest objection to it. I am a little doubtful whether the first section ought to pass, but I will acquiesce in that if you will take off the second section. I say again it seems to me that either this money belongs to Japan or to us, and if it belongs to Japan you ought to pay it as provided in the first section and without the deduction which the second section calls for.

Mr. EDMUNDS. I move to strike out the second section of the bill. The section provides for allowing compensation in the nature of bounty, ransom, or prize money to the officers and crews of the vessels of the United States that participated in this engagement in certain straits of an unpronounceable name. The laws of prize, whether under the laws of nations or under the prize statutes of the United States, do not provide and were never intended to provide for cases of that character. The right to prize-money arises from a capture made in warfare, and the statutes of the United States are based upon that theory. There were two crafts, piratical or rebellious, one or the other, in Japan that were sunk in a little river by the combined operations of the navies of the Netherlands and of Great Britain and of France and of the United States. Now it is proposed by this second section that the President of the United States is to constitute himself a judicial tribunal to determine what are the just claims in respect of bounty, ransom, or prize money arising out of the destruction of those piratical vessels, as the statute calls them. Whether they were piratical vessels or not under the laws of war, would depend on the proportions that the rebellion in Japan had assumed at that time—questions that came at one time a good deal nearer home to us than they do at this present moment, or as I hope they ever will again.

This bill proposes to go entirely beyond either the public laws of war in relation to prizes or the statutes of the United States. It does not appear to me that there is any case whatever for making any allowance to the officers and crews of these public vessels of the United States. The mission for which they are commissioned and for which they enlist is to execute the power of the United States by force wherever it may be lawfully applied, and this was a public instance of such application. In one event, and in one event only, in the application of such force they are entitled to a certain share in what they conquer; outside of that they are not. There is no obligation that I can see, either in the way of law, or of justice, or of equity, considered in its natural or any other sense, for making this provision. You might just as well make an additional provision for Senators, if we sit two hours later than we do every day, on the ground that we have especially distinguished ourselves. It was one of the precise missions that these people were engaged to perform, and they did it, and they did it well, undoubtedly; but the idea that any money is to be taken from the Treasury or from anybody else to pay them for simply doing their natural and ordinary and legal duty, when the law under which they undertook to do that duty did not hold out any such expectation to them, is to me totally inadmissible.

Then, in addition to that, it proceeds to provide for the officers and crew of the United States ship Jamestown who manned the Takiang—which I take to have been a Japanese vessel of war—in the bombardment of the hostile forts at the Straits of Simonoseki. There is a case where it is proposed that you shall pay these officers and sailors of the United States for helping the Emperor of Japan to carry on this warfare against his rebellious subjects in bombarding a fort, and take that out of this indemnity fund which, as has been stated, either belongs to our Treasury or to Japan.

My friend from Wisconsin [Mr. HOWE] asks me, what is the measure of compensation? There is no measure except the discretion of the President of the United States, because there is no rule of law, there is no rule of public law or of statute law, or of custom or usage whatever, which is to guide the discretion of the President of the United States as to how much he shall allow to the people of the Jamestown for going on board a Japanese vessel of war and assisting in bombarding a rebellious fort on shore. There is nothing to guide his discretion whatever. He is to ascertain their claims, and, having ascertained them—that is, having settled, in his judgment, what they ought to be—he is to take the amount out of what he is to pay the Japanese.

Mr. CONKLING. I wish to inquire of the Senator from Vermont, having been out a moment, whether his observations are directed to the whole of the second section or whether they will be answered by striking out the words in line 11 "or equity" so as to make the rights or claims of these men hinge upon what is the law? And in that connection I inquire of the Senator from Vermont whether he has before him the fact so definitely that he is prepared to say that as matter of law none of these persons, regardless of such equitable claims as they might have, are entitled?

Mr. EDMUNDS. The question of the Senator from New York is very pertinent, as his questions almost always are. My observations were addressed in general to the whole section; and then I had made a note that, if the Senate should not choose to strike out the whole section, the words "in law or equity" ought to be modified in some way. But when you look at the convention between the Emperor of Japan and these four powers you will perceive—I think I am safe in saying that in the presence of this Senate as learned as it is—that there is no ground in point of law upon which any one of the officers or crews of these vessels of the United States could stand in a prize-court for a single moment. This convention recites what had taken place; and I must take it to be the best evidence attainable of what the fact really was; and if I do not weary the Senate I will read it.

Mr. FRELINGHUYSEN. What do you read from?

Mr. EDMUNDS. From the convention concluded between the United States and the Empire of Japan.

Mr. FRELINGHUYSEN. What volume?

Mr. EDMUNDS. The fourteenth volume of the Statutes at Large, page 665.

Whereas a convention between the Empire of Japan and the Government of the United States, Great Britain, France, and Holland—

Although afterward it is spoken of as "the Netherlands"—

providing for the payment to said governments of the sum of $3,000,000 for indemnities and expenses, was concluded and signed by their respective plenipotentiaries on the 22d day of October, 1864, which convention, being in the English, Dutch, and Japanese languages, is word for word as follows:

CONVENTION.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition—

And here I will remark that we should have held it to be a somewhat singular law of nations in the years from 1861 to 1865, if it had happened that any foreign power had claimed that we were responsible for any acts of aggression upon foreign powers committed by rebels within our own borders. I will proceed:

The undersigned, representatives of treaty powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition of Simonoseki, have agreed and determined upon the four articles following:

I. The amount payable to the four powers is fixed at $3,000,000. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

You will perceive that it includes not only reclamations for injuries to the citizens as subjects of the particular powers, insults, and all that, but also for the trouble and expense to which the allied powers were put in assisting the Tycoon to put down this rebellion at that place

II. The whole sum to be payable quarterly.

That merely provides for the payments. Then it proceeds to say in the third article:

Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

IV. This convention to be formally ratified by the Tycoon's government within fifteen days from the date thereof.

I have read all the operative parts. Therefore you will perceive, Mr. President, that this money was paid, not merely, or only, or chiefly indeed, for the distinct injuries that had happened to the citizens or subjects of the four countries, but also for a general and sweeping indemnity to those four powers for the assistance they had rendered to the empire of Japan in putting down this rebellion at that place; and inasmuch as they say money was not the object, it was left to be determined afterward whether the opening of this particular port should not be taken in the place of money, in order to square the account, to use a commercial phrase. It was finally determined that that was not desirable. They chose to take the money, and the money was paid. The Japanese government chose to pay it. Now, I fail to see, I confess, upon what ground it is, either upon high justice or high equity or high morality, that there is any obligation upon the part of the United States or of either of the other three powers to repay to the government of Japan any part of this money. Inasmuch as it was not, as in the case of many instances of conventions that have occurred in regard to private injuries to private citizens, a case of compensation for particular and individual injury, illegal injury happening in the country of the government paying it, but was a general indemnity, not only for that, whatever it might be, but also for the general expenses of assisting in putting down this rebellion, I do not see, I say, upon what ground it is that any morality requires us to repay any of it, or authorizes the Japanese government to demand it.

But that is apart from the motion I have now made to strike out the second section, because I think it will be obvious to my learned friend from New York in reading this convention and the report of the committee which states what took place, that there was on this occasion the destruction of two vessels called piratical, but really, as I suppose, in the service of this rebellious prince, and there was also the bombardment and capture of a fort on the land. Now, by the prize law, I submit to my friend from New York and to everybody else, there is no ground of claim on the part of the officers and crews of the vessels of the United States.

Mr. CONKLING. If the Senator will allow me, before he completes his remarks I will state to him the purpose of my question. Having been out of the Senate for a moment, I did not know whether he was directing his observations to the fact that under the bill these people might be remunerated, whether entitled by law or only in equity. I put to him the question to ascertain that. I now perceive that he maintains that this section ought to be stricken out because there is no law known to us under which in a prize-court or elsewhere these men can receive recompense, remuneration, reward, whatever it may be called, for the services they rendered.

Now I bring to the attention of the Senator from Vermont the fact first that if there were such a law, this part of the bill would be quite unnecessary; so much of this money as they could claim, probably would not have been begging for an owner for some years; and I suppose, I think the committee suppose, I think all those who have dealt with this subject suppose, that, like numerous cases in our history, this was an instance which invoked special action, action which no court could be summoned to take, action which was to be measured by the meritorious character and the exceptional nature of the acts which these men did.

A friend near me has reminded me of the case of the Algerine pirates, and of the measures taken against them. I might remind the Senate of other instances in which claimants could not go into a prize-court, and obtain anything for what they did, and because they could not, treating the fact not as an objection but as a reason, provision was made similar to this to the end that, although they were in the line of their duty, having rendered exceptional service, peculiar in its character, I might say perhaps, descriptive of this case, picturesque in the incidents which attended it——

Mr. EDMUNDS. "Picturesque" is the very word.

Mr. CONKLING. I am very glad to have the Senator from Vermont indorse even one word which falls from me.

Mr. EDMUNDS. That is the only one.

Mr. CONKLING. The only one I have heard him indorse. I say I have understood the theory in this case and in other cases to be that where services were rendered heroic, unusual, volunteer, exceptional, and now the Senator from Vermont authorizes me to add picturesque, in their character, because the actors in those services could not go into a prize-court, and upon the principles of law recover anything, therefore the case addressed itself to the discretion, the sense of equity of the Government which they served. That is this case; and if Japan were near us, and if the mode were a convenient one, it might be said that this money being returned in bulk Japan would render back to these persons anything which in equity and upon high and enlightened principles of polity (as I think I heard some Senator observe) might be thought their due—not their technical due; but a proper rendition to them. That would be very inconvenient in this instance, and perhaps in the instance of a nearer government; and therefore it was supposed by the committee; therefore it has been supposed by the predecessors of the present committee and by many persons, executive officers and others who have dealt with this subject, that it was appropriate to take some action, to make some provision under which discretion might be exercised touching the merits of these men, the services they rendered, the risks they incurred, the hardships, if any, which they underwent, and whatever there might be entitling them, not of technical right but of substantial merit, to some recompense. It seems to me so now, and therefore I do not see that this section should be stricken out. I do not see that it should fall for the reasons assigned by the honorable Senator from Vermont.

Mr. President, this bill seems likely not to be concluded to-day. I am inclined to think it ought not to be. The Senate is somewhat thin, and it is worth considering. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair will remind the Senator from New York of the fact that the Senator from Ohio, [Mr. SHERMAN,] by a general understanding, called up the silver bill so called, that it should be left as the unfinished business to-day, and this other bill was interjected by common consent.

Mr. FRELINGHUYSEN. The Senator from Ohio is not here.

Mr. CONKLING. It is almost five o'clock.

Mr. FRELINGHUYSEN. I do not believe the Senator from Ohio will object to this bill proceeding to-morrow.

Mr. CONKLING. Surely this is a bill upon which no raid of opposition is to be made in point of time. There will be no difficulty in considering it at any convenient moment, I think. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were re-opened, and (at four o'clock and fifty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 19, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

HALLET KILBOURN.

The SPEAKER. It is the duty of the Chair to lay before the House this morning a communication from the Sergeant-at Arms, which it seems proper should go on the records of the House.

The Clerk read as follows:

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 17, 1876.

MY DEAR SIR: I desire respectfully to report to you, and through you to the House of Representatives, that in accordance with the resolution passed by your honorable body on the 17th instant I have this day, at ten o'clock a. m., made a careful return to the writ of *habeas corpus* heretofore issued by the chief justice of the District of Columbia, commanding me to produce the body of Hallet Kilbourn, committed to my custody by order of the House.

The return set out in detail the facts relating to his detention, and that he was in my custody by virtue of an adjudication of this House finding him guilty of contempt of its authority. I likewise produced the body of the said Kilbourn and presented it to the judge who had issued the writ. Thereupon he ordered the said Kilbourn into the custody of the marshal of the District of Columbia, who immediately took possession of his body.

Very respectfully, your obedient servant,

JOHN G. THOMPSON,
Sergeant-at-Arms.

Hon. M. C. KERR, *Speaker.*

Mr. CONGER. I ask the Chair whether the Sergeant-at-Arms ought not to have appended to his report a copy of his return to the writ? I think he should have added to his report a verbatim copy of that return, so that the House may have it in their possession. And I would suggest that the officer amend his report so as to embrace a copy of the return.

The SPEAKER. The Chair will venture to express the opinion that it would be very well that this communication should be accompanied with a copy of the return, so that the record of the House shall be more complete. If there be no objection, the Chair will see that that is done, and that the return to the writ accompanies the communication.

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. LORD. I am directed by the managers conducting the impeachment against William W. Belknap to report the following replication of the House of Representatives to the plea of William W. Belknap to the articles of impeachment exhibited by them to the Senate. I desire that it may be read by the Clerk.

The Clerk read as follows:

In the Senate of the United States sitting as a court of impeachment.

THE UNITED STATES OF AMERICA }
vs.
WILLIAM W. BELKNAP. }

The replication of the House of Representatives of the United States in their own behalf, and also in the name of the people of the United States, to the plea of William W. Belknap to the articles of impeachment exhibited by them to the Senate against the said William W. Belknap.

The House of Representatives of the United States, prosecuting on behalf of themselves and the people of the United States, the articles of impeachment exhibited by them to the Senate of the United States against said William W. Belknap, reply to the plea of said William W. Belknap and say, that the matters alleged in the said plea are not sufficient to exempt the said William W. Belknap from answering the said articles of impeachment, because they say that at the time the acts charged in said articles of impeachment were done and committed, and thence continuously down to the 2d day of March, A. D. 1876, the said William W. Belknap was Secretary of War of the United States, as in said articles of impeachment averred, and therefore that, by the Constitution of the United States, the House of Representatives had power to prefer the said articles of impeachment, and the Senate have full and the sole power to try the same. Wherefore they demand that the plea aforesaid of the said William W. Belknap be not allowed, but that the said William W. Belknap be required to answer the said articles of impeachment.

II.

The House of Representatives of the United States so prosecuting, on behalf of themselves and the people of the United States, the said articles of impeachment exhibited by them to the Senate of the United States against the said William W. Belknap, for a second and further replication to the plea of the said William W. Belknap, say that the matters alleged in the said plea are not sufficient to exempt the said William W. Belknap from answering the said articles of impeachment, because they say that at the time of the commission by the said William W. Belknap of the acts and matters set forth in the said articles of impeachment he, the said William W. Belknap, was an officer of the United States, as alleged in the said articles of impeachment. And they say that the said William W. Belknap, after the commission of each one of the acts alleged in the said articles of impeachment, was, and continued to be, such officer, as alleged in the said articles of impeachment, until and including the 2d day of March, A. D. 1876, and until the House of Representatives, by its proper committee, had completed its investigation of his official conduct as such officer in regard to the matters and things set forth as official misconduct in the said articles of impeachment, and the said committee was considering the report it should make to the House of Representatives upon the same, the said William W. Belknap being at the time aware of such investigation, and of the evidence taken, and of such proposed report.

And the House of Representatives further say that while its said committee was considering and preparing its said report to the House of Representatives, recommending the impeachment of the said William W. Belknap for the matters and things set forth in the said articles of impeachment, the said William W. Belknap, with full knowledge thereof, resigned his position as such officer on the said 2d day of March, 1876, with intent to evade the proceedings of impeachment against him. And the House of Representatives resolved to impeach the said William W. Belknap for said matters as in said articles of impeachment set forth on said 2d day of March, A. D. 1876.

And the House of Representatives say that by the Constitution of the United States the House of Representatives had power to prefer the said articles of impeachment against the said William W. Belknap, and that the Senate sitting as a court of impeachment has full power to try the same.

Wherefore the House of Representatives demand that the plea aforesaid be not allowed, but that the said William W. Belknap be compelled to answer the said articles of impeachment.

Mr. LORD. I move that the replication which has been read be adopted as the replication of this House to the plea of jurisdiction by William W. Belknap.

The motion was agreed to.

The replication was thereupon signed by the Speaker.

Mr. HOAR. I ask unanimous consent in behalf of the gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Judiciary Committee, to make a statement to the House which he requested me to make; it will take about a minute.

No objection was made.

Mr. HOAR. Mr. Speaker, I am requested by the chairman of the Judiciary Committee to say to the House that he is sick and compelled to be absent from the House this morning. If he were here, he would say that he thinks it would be sufficient to make up the issue upon the first replication alone, and does not favor the addition of the second. I wish to say also for myself that I agree with the gentleman from Kentucky in that opinion, deeming that the whole strength of the case is presented by the first replication. But as some of the managers, for whose opinion I have great respect, think that additional arguments of great weight will be open to them under the second replication, and as I think that replication will do no harm, I assent to its introduction, solely out of deference to them.

Mr. LORD. I offer for adoption the following resolution:

Resolved, That a message be sent to the Senate, by the Clerk of the House, informing the Senate that the House of Representatives has adopted a replication to the plea of William W. Belknap, late Secretary of War, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House.

The resolution was agreed to.

JOSEPH W. PARISH.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 3153) for the relief of Joseph W. Parish; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP LESTER.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 3154) for the relief of Philip Lester, second lieutenant Company B, Sixteenth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES RICHARDSON.

Mr. HOLMAN also, by unanimous consent, introduced a bill (H. R. No. 3155) for the relief of James Richardson, late private in Company E, Thirteenth Indiana Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REVISION OF THE LAWS.

Mr. DURHAM. The Committee on the Revision of the Laws have had under consideration all the amendments to the Revised Statutes that have been referred to them, embracing perhaps two thousand in number, and they have agreed upon a bill embracing all the amendments proposed, to which the committee agree. I ask unanimous consent to present that bill and have it printed and recommitted to the committee, so that the House may see it in print.

No objection being made, the bill (H. R. No. 3156) to correct errors and to supply omissions in the Revised Statutes of the United States was read a first and second time, recommitted to the committee, and ordered to be printed.

LEWIS MERRIAM.

Mr. PLAISTED, by unanimous consent, introduced a bill (H. R. No. 3157) for the relief of Second Lieutenant Lewis Merriam, Fourth Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC LANDS IN OHIO.

Mr. VANCE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 3158) to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State and to provide for the safe-keeping of the records relating to lands heretofore disposed of within said State; which was read a first and second time, and, with the accompanying memorial, referred to the Committee on Public Lands, and ordered to be printed.

COINAGE OF CENTENNIAL COINS.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 3159) to authorize the coinage of centennial coins, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

REAL-ESTATE POOL IN THE DISTRICT OF COLUMBIA.

Mr. BAKER, of Indiana. I ask unanimous consent to submit for consideration at this time the preamble and resolution I send to the Clerk's desk:

The Clerk read as follows:

Whereas it is alleged that certain persons who were formerly members of the House of Representatives of the United States were, while serving as such members, connected with or interested in the so-called "real estate pool of the District of Columbia," the operations of which said pool are now undergoing investigation before a special committee of this House: Therefore,

Be it resolved, That said special committee, in addition to the investigation into said real-estate pool with which they are now charged, be, and they are hereby, further authorized and empowered to inquire into and fully investigate whether any former members of this House, and if so, who he or they may be, how and to what extent connected with or interested in said so-called real-estate pool while such member of this House, and to report to this House all the testimony taken in connection with such investigation; and said committee are authorized to send for persons and papers.

The SPEAKER. Is there objection to the adoption of the preamble and resolution just read?

Mr. MACKEY, of Pennsylvania. I object. We have investigations enough already started to occupy the entire constitutional term of the present Congress.

Mr. BAKER, of Indiana. I hope no objection will be made to this resolution. I think the committee should investigate this subject.

The SPEAKER. The Chair will again ask if there is objection?

There being no objection, the resolution was adopted.

CATHARINE SULLIVAN.

Mr. BURCHARD, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 3160) for the relief of Catharine Sullivan, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ALEXANDER & CO.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 3161) for the relief of Alexander & Co., for the loss of whisky by the negligence of the Government; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

UNITED STATES CONSOLS.

Mr. WHITEHOUSE, by unanimous consent, introduced a bill (H. R. No. 3162) for refunding the interest-bearing debt of the United States into United States consols having forty years to run and bearing a uniform rate of interest; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

OCEAN CITY BRIDGE COMPANY.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 3163) to authorize the Ocean City Bridge Company to maintain and operate a bridge heretofore erected over Sinepuxent Bay, in Worcester County, Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIEUTENANT C. A. CUTLER.

Mr. FORT, by unanimous consent, introduced a bill (H. R. No. 3164) for the relief of Lieutenant C. A. Cutler; which was read a first and second time, with the accompanying papers referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE T. OLMSTEAD, JR.

Mr. DOBBINS, by unanimous consent, introduced a bill (H. R. No. 3165) for the relief of George T. Olmstead, jr.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADJUSTMENT OF CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HENKLE, by unanimous consent, introduced a bill (H. R. No. 3166) providing for the adjustment of claims against the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN M. SHELTON.

Mr. HOUSE, by unanimous consent, introduced a bill (H. R. No. 3167) for the relief of John M. Shelton, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. BANNING. The bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, reported by me from the Committee on Military Affairs on the 29th of March last, was made a special order in Committee of the Whole for to-day after the morning hour. I ask unanimous consent that it be made the special order in Committee of the Whole one week from to-day at two o'clock.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 680) authorizing the repavement of Pennsylvania avenue.

ELECTION CONTEST—FINLEY VS. WALLS.

Mr. HARRIS, of Virginia. I now call for the regular order.

The SPEAKER. The regular order being called for, the House will now resume the consideration of the resolutions reported from the Committee of Elections in the contested-election case of Jesse J. Finley *vs.* Josiah T. Walls, from the second congressional district of the State of Florida. Theg entleman from New York [Mr. TOWNSEND] is entitled to the floor.

Mr. TOWNSEND, of New York. The question under consideration is nominally the election contest of Finley against Walls; but the real question is, Who shall be the Representative of the people of the second congressional district of Florida? That is, a portion of the people of the United States coming before this tribunal and asking us to settle the question by whom they shall be represented in the grand legislative council of the nation.

I come to the discussion of this question with a consciousness that it is one, under the circumstances in which it is presented, to which the legislator always has trouble in giving his attention. It is a dry discussion of facts and the law, pertaining to only a portion of the country, and therefore necessarily but little understood by the great body of the legislative council until the discussion comes on. I will endeavor, however, to present the question, and as clearly as my ability will enable me to do, both as to the law and the facts, because I do not feel at liberty to shrink from the discussion of either the law or the facts bearing upon this question.

Complaint was made on yesterday by one of my colleagues on the Committee of Elections that a certain gentleman discussed this question as if it were a political question, and that his discussion as against the views of the majority of the committee seemed to show a lack of confidence and to charge the committee with some wrong. Now, at the outset of this discussion I feel myself bound to say that I have great confidence in the fairness and integrity of the majority of the Committee of Elections. My acquaintance with them has been a short one, but altogether an agreeable one. I feel equally bound to say that I do not consider the majority of that committee to be angels; if they were it would ruin them with their democratic constituents. [Laughter.] They are men; they are democrats; honest men, but imbued with all the passions and the prejudices of other men; perhaps a little better than other men, certainly the body of them not worse. I shall argue that this committee are liable to all the prejudices of any like number of worthy gentlemen.

I am compelled to say this at the outset with a view to the position taken by one of the majority, the gentleman from Missouri, [Mr. DE BOLT,] a gentleman toward whom my heart warms more than to most other men. But he has a peculiar idiosyncracy, and I shall not be doing him any injustice to so far reveal the secrets of our committee as to say that the tendency of that gentleman's mind seems always to be for casting out. If I were at liberty to allow myself a query, I should ask if he had not spent his early life in casting out the nines? That gentleman would cast out a large portion of the precincts and of the votes in this congressional district, not because he is corrupt, not because he is more prejudiced than other men, but because that is the bent of his mind.

I am led to this belief from the fact that the gentleman takes the position that no man whose name was not found upon the poll-list which was sent down by the county clerk to the voting-precinct was authorized to vote unless he took both the oaths prescribed by the laws of Florida. I think I can demonstrate to any gentleman who does me the honor to listen to what I have to say on this subject, beyond peradventure, that my friend from Missouri [Mr. DE BOLT] not only is wrong, but glaringly wrong. I mention in particular my friend from Missouri, because most of the majority of the committee do not agree with him. In article 14 of section 6 of the constitution of Florida, adopted in 1868, is the following provision:

> The Legislature at the first session after the ratification of this constitution shall by law provide for registration, by the clerk of the circuit court in each county, of all the legally-qualified voters in such county, and for the returns of the elections, and shall also provide that, after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

So that the constitution provided for registration. And it will be noticed that the constitution only authorized the Legislature to disfranchise a man who was not "*registered.*" They had no authority to disfranchise a man whose name did not happen to be upon the poll-list sent down to the polls.

Now, in pursuance of that provision of the constitution, the Legislature at its first meeting enacted a law in regard to elections, containing this provision:

> It shall be the duty of the clerk of the circuit court in each county to prepare suitable books or lists, as hereafter designated, for the registration of the names of all electors residing within such county, in which book or poll-list shall be written or printed the oaths required by the constitution and laws to be taken by electors. Such oaths shall be entered, &c.

So that the registration was to be in a *book* in the county clerk's office, and made there by the county clerk. That was to be the registration, the first registration. But there is in the ninth section a further provision; and this provision is in regard to correcting the registration from time to time, as necessity shall require. By section 9 it is provided that—

> The county commissioners, or a majority of them, shall meet at the office of the clerk of the circuit court within thirty days preceding the day on which any election shall be held, and examine the list of registered electors, and erase therefrom the names of such persons as are known or may be shown to their satisfaction to have died or ceased to reside permanently in the county, or otherwise become disqualified to vote.

That makes a complete registration. First, a registration is made up by the clerk to begin with, and then every year thirty days before the election the county commissioners may correct the registration in the book. That is registration; and a man not so registered may, by the constitution, be disfranchised. But by law in this ninth section it is further provided—

> That if any person whose name may be erased shall, on offering to vote at any election, declare on oath that his name has been improperly struck off from the list of registered voters, and shall take the oath required to be taken by persons whose right to vote shall be challenged, such person shall have the right to vote, and, on making oath before the clerk of the court that his name has been improperly erased from the list of registered voters, may have his name again entered upon said list; and the county commissioners shall enter the name, &c.

So that a man whose name has been improperly stricken off may, upon complying with the provisions of law, vote, notwithstanding his name may have been stricken from the list; but he can never vote until he shall have been once registered.

Now, by the tenth section it is provided that "a complete copy of the list of names of all persons duly registered as electors"—not the "*registration*," but "*a copy*" of the list of the names of all persons duly registered as electors—"shall be furnished to the inspectors of election at each poll or place of voting in the county before the hour appointed for the opening of the election."

Now, my friend from Missouri is of opinion that that poll-list at the polls is the registration, and that a man whose name is not on that poll-list is disfranchised if he does not take the oath provided by law.

I concede at the outset that the failure to find the name of the voter upon the list at the place of voting would furnish a sufficient excuse to the inspector of elections for refusing to receive the vote without requiring the taking of both oaths. But if the elector votes without taking more than one, if he votes without taking any oath at all, and is not challenged except on account of not appearing upon

the poll-list, he is as justly and properly an elector as any man in the State; and it would be a violation of both the constitution and the laws of Florida to refuse to receive the vote. He is an elector; he is a "*registered*" elector; and it was not in the power of the Legislature, had they undertaken to do it, to strike him down and deprive him of the right of voting. But the Legislature never attempted to do it; and nobody ever attempted to do it until my friend from Missouri undertook to do it; not wickedly, not maliciously, but by his interpretation of the law; an interpretation that cannot be maintained one moment in the face of the statute and the constitution of Florida. And, as I said, in this nearly every member of the committee concurred except my friend from Missouri.

Now I have gone over that question and will leave it. It becomes necessary then to see what shall be done to set the machinery of elections in motion.

These county commissioners, by the act of the Legislature to which I have referred, are authorized to appoint three responsible persons as inspectors of election for each precinct at least three days before the election. And when the election morning comes, these inspectors of election have the right and power to appoint a poll clerk; and those four persons, the three inspectors and the poll clerk, are authorized to conduct the election and do all the acts imposed upon inspectors of election by authority of the law of Florida.

But there is a further provision that if on the election day any of the inspectors appointed by the county commissioners shall fail to appear, or fail to qualify, the electors present at the poll may elect others to fill their places, and that these others shall have all the power and authority given to the inspectors appointed by the county commissioners. It is required that these officers shall take the oath, and after taking the oath then they are authorized to discharge every duty.

Now, on this occasion it is alleged by the majority of the committee that the inspectors who did act on that day thrust themselves into office; that they were intruders; that they were not appointed; that they were not elected; that they were in no wise authorized to act, and that their action was a usurpation.

I need not say to this that the working of the whole machinery of our Government is underlaid with legal presumptions. We cannot move a step without resting our foot upon a presumption, else we fall into chaos. It is presumed that the ministerial officers connected with our elections are authorized to act; when they have acted, it is presumed that our judicial officers are authorized to act. In this case, in regard to every precinct, in regard to every county in this congressional district, we go upon the presumption that the county was properly organized, that the county commissioners were properly in office, that they appointed inspectors, and that the inspectors either served or others were elected in their place, and that these men thus in office did their duty.

"Ah! this is dangerous, Mr. TOWNSEND; yes, dangerous. It is a republican heresy." Is it a heresy? Is it a heresy in this case? This county cast 1,350 votes. The contestant claims the benefit of all the votes except those cast at the colored academy precinct—all of them. At the colored academy precinct there were 599 votes cast. He claims the benefit of every other vote in that county. They were cast in other precincts. We have no proof as to the county commissioners. We have no proof as to the appointment of inspectors. We have no proof as to the appointment of the clerk. We have no proof when the polls were opened. We have no proof when the polls were closed. We have no proof as to challenges or anything else. Yet he asks to be counted in upon the presumption that the remainder of the votes in that county, 1,350, after deducting 599, should be taken on presumption. That is right. He has law for it. He has usage for it. He has necessity for it. What is the result then? The result is that the party who attacks an election, that the party who says an inspector of election is a usurper, must prove it on his part. And I say to the other side, you have not proved these persons were not authorized; you have not gone into detail and proved it here; and therefore I can say it does not appear that these men were not in office; it does not appear they were not, some of them, appointed by the county commissioners; it does not appear they were not, some of them, chosen by the electors at the polls.

My friends of the majority on the committee must pardon me, but the utter nonsense of such a position as that the sitting member must give the proof would make a boy fifteen years old laugh. Let it be remembered that it is alleged in the notice of contest these men were unauthorized to act. What should have been shown? It should have been shown that they were not authorized. It should at least have been shown they were not elected at the polls. And yet there is not a word of proof on that subject; and gentlemen of the majority of the committee here harangue this House, intelligent gentlemen, claiming to be intelligent and actually intelligent, because the contestee has not proved these men were lawfully elected. It is a mighty nice way of attempting to change the burden of proof without changing the law. It cannot be done. I call upon the majority to show where is the evidence that these men were not elected at the polls. That is distinct from the question of their being bad men. They are bad men necessarily in the eyes of many gentlemen because they are republicans, as it is alleged. I will look at that by and by.

I want to call upon gentlemen to bring their minds down to this question. Where is the evidence that these men were not properly elected and where does the burden of proving that these men were not properly elected rest? This idea of charging crime and then calling upon the person charged to prove himself innocent is not American; it is not northern; it is not southern; it is not Anglo-Saxon; it is not common sense. No, gentlemen of the majority, I want to hold you to your position. Most of you are lawyers, most of you are good lawyers; and, aside from those excitements which get up in men's discussions where politics are concerned, I say to you gentlemen I should expect you to know what the law of this matter is. Then it is presumed that these inspectors were properly elected at the polls or appointed by the county commissioners, and until that is settled we start, sir, in this case with the presumption that these men were properly in office. That is what I am going to start with, and I tell you, gentlemen, on your consciences, before your country and your God, you have got to start from the same point. Now, as to whether they are villains or not, I will consider by and by, and I promise to serve this thing up to your heart's content.

But my friend from Tennessee, [Mr. HOUSE,] who is a good lawyer, a broad, intelligent, excellent gentleman, told us in substance yesterday that Carroll, clerk, and Tompkins, one of the inspectors, spent the night at the house of one Dr. Johnson, who was a candidate for the senate in the county of Columbia when this election occurred. He told us further—and he is sustained by the evidence—that in the afternoon preceding the election there was a conversation between Johnson and Tompkins, in which Johnson asked Tompkins to serve as inspector next day; and in the same afternoon there was a conversation between Johnson and Carroll, requesting Carroll to serve as clerk the next day. My friend from Tennessee tells us that is conclusive evidence that Tompkins was a scoundrel, that Carroll was a scoundrel. Well, let us apply the rule. My friend from Tennessee had to be elected, and I presume, from the esteem I have for him, more than one of his neighbors asked him to be a candidate for and elected to the office of member of Congress in his district. I presume, knowing the hospitality of the South, he may have allowed some such man to spend the night in his house. I presume he may have in his political campaign for office spent a night at the house of some gentleman who had asked him to consent to be a member of Congress. What a figure I would cut in this House to charge that the gentleman from Tennessee was therefore a scoundrel and villain and the neighbor who asked him was a scoundrel and villain! And yet my friend, with all his broad good sense, exactly enacted that farce before this House.

Now to my northern friends, northern democrats, northern republicans, I have one thing to say in order to prepare for further remarks in this case. You know in our part of the country we confine the voter to one precinct. The neighborhood is generally small. The point of voting is accessible probably in two or three miles and a man may reach it in half an hour in the morning. In the Southern States, or a large portion of them, and in the State of Florida among others, a man may vote at any precinct in the county in which he lives. There is this difference to be considered in characterizing the probabilities that arise from the facts that are developed in this case.

There is another fact that you must take into consideration. If you will read this book you will find that at one of the precincts at least it is made a grave charge against the honesty and integrity of the returns that the colored men were standing in rows next the polls, forming long lines of sixty, seventy, or a hundred, and crowding up to the polls, and voting; and that they refused to move out of their regular order and let white men vote first.

Mr. DOUGLAS. Will the gentleman allow me to ask him a question?

Mr. TOWNSEND, of New York. Certainly.

Mr. DOUGLAS. I understood the gentleman to say that in the Southern States a voter was allowed to vote at any precinct in the county in which he resided. Did I understand him correctly?

Mr. TOWNSEND, of New York. It is so in Florida.

Mr. DOUGLAS. It is not so in the State of Virginia.

Mr. TOWNSEND, of New York. Virginia is not in the extreme South. I might have confined my statement to Florida, but I find the same thing to be true in South Carolina and also in Alabama. I am not saying whether that system is any worse or any better than the other, but it is different from that of the Middle and Northern States, and I have stated it in order to explain to the minds of gentlemen who have not seen this system of voting why certain things occurred which did occur.

Now I draw the inference from this, and there was some testimony showing it, that at this poll there was feeling between the colored men and the white men; that is, white men rather than vote there preferred to go off and went and voted in a distant part of the county. I do not blame them; I do not praise them; such is the fact.

If nothing was said about it, there is a fact which might seem to call for explanation, that here there were 599 votes cast, and 588 of them were republican. It might be said there must be something wrong at this precinct; society does not divide so. And yet the case discloses this further fact that in that county there were 1,350 votes cast. Walls got but 38 majority; and all the remainder of the 1,350, except 588 at this place, where there were 599 votes in all, being 11 for Finley and the remainder for Walls, with the exception of 102 votes, the entire remainder of the county, including something over seven hundred persons, all voted one way, *i. e.* for Finley. So that the friends of Finley were as clannish and gathered together by themselves as

thoroughly as the friends of Walls gathered themselves together at the colored academy precinct. And this state of things was known the day before the election as well as it was known the day after it. It was known that at this precinct the republican vote of that county would be cast.

That county, if I gather the fact correctly from the map, is about sixty miles long. Lake City, where the colored academy precinct is located, is about in the center of the county; and accordingly the republican voters from every part of that county had to travel from one to thirty miles to vote. Therefore it is not to be wondered at that men who came to act as inspectors of election and who came to act as clerk of the election had to be indebted to the hospitality of some man at Lake City. I appeal to my old gray-headed friends about me—I am a boy myself, [laughter,]—I appeal to my old gray-headed friends who have had some experience in campaigning, if you do not have to sleep anywhere and everywhere in your campaigns, and if you do not prefer to sleep in the house of a friend rather than to sleep in the house of an enemy?

Mr. BLAND. May I ask the gentleman a question?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. BLAND. Does the gentleman state that in Florida an elector can vote anywhere in the county in which he resides?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. BLAND. Then what was the law providing for registration?

Mr. TOWNSEND, of New York. The whole county was registered and the whole county-list was sent down to each precinct.

Mr. BLAND. Then a man living in any part of the county can vote at any precinct in it?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. BLAND. Then what provision is there to prevent a man voting two or three or a dozen times?

Mr. TOWNSEND, of New York. It is for the Legislature of Florida to correct that. But the suggestion of the gentleman holds good with reference to one precinct as well as to another. The power of double voting prevailed all over. And, my friends, the majority of the committee have got to sanction more votes cast elsewhere than were cast in the precinct, or else there is an end to this election.

Mr. POPPLETON. I desire to ask my colleague on the committee a question.

Mr. TOWNSEND, of New York. Very well.

Mr. POPPLETON. Is there not a remedy for this in the oath prescribed in the sixteenth section of the law?

Mr. TOWNSEND, of New York. There is if the voter is challenged.

Well, we come to this dreadful crime, that Johnson asked Tompkins to spend the night at his house. No, not so; that Tompkins asked Johnson if he might spend the night at his house, and that Johnson asked Carroll, the clerk, if he would spend the night at his house. Now, if they had been familiar at all with the history of the country, they never would have done it. Johnson never would have done it. He would have remembered the time when John Minor Botts slept with Captain Tyler and determined to "head him or die." [Laughter.] Such unions are always dangerous. Now, I trust that, with this view of the case, Tompkins must stay there. It was looking likely to rain, he says, and further says that he asked to stay, with Johnson. There must be some clerk to act who could read and write with readiness in the morning. So I think it will not be considered a very grave crime that Tompkins and Carroll spent the night at Johnson's.

But I am dwelling too long upon this point and I must hurry forward. Now, they staid there over night, and it is alleged here that a grave fraud was concocted that night between Dr. Johnson and Carroll. If there was a crime concocted there that night between Johnson and Carroll we ought to know it. What was it? Carroll says that Dr. Johnson had a copy of the list of voters in his hands and that he asked Carroll to make a copy of such names as he should read to him, and he read a little more than fifty names to him from the registration-list and Carroll wrote them down, and the inference was drawn by this witness, Carroll, that because Johnson read that, although Johnson never said a word beyond, never squinted his eye, never gave a hint, never asked for the paper and Carroll never used the paper but the next day tore it to pieces, that Johnson intended to commit some crime. Was it a suspicious circumstance that Dr. Johnson running for senator had got a copy of the registration-list, that Johnson running for senator had asked Carroll to write down the names of fifty voters upon that list? Now, I appeal to the old gentlemen, older than I am and more experienced, if they know anything about elections do they not know that it is probable that Dr. Johnson had copied off those fifty names from the registration-list that they might be sent for in case they did not come to the polls and to the end that they might be looked for in case they did not come? If that be so, there is nothing significant at all in it to gentlemen who do not wish to dabble with nonsense. It is what occurs in every election and must occur in every case where the candidate is worthy of the office for which he is running.

No evidence was given except upon one side in this case; and I wish to say here that although the Committee of Elections refused, under the circumstances presented to them, to allow Mr. Walls to take further testimony, I was not on the committee at that time. I wish to wash my hands of that vote. It appears that the gentleman from Indiana [Mr. BAKER] alone voted in favor of giving Mr. Walls an opportunity to call witnesses on the other side, and he alone. I should not have mentioned the fact except that it might be inferred that I was there and joined in that conclusion. I was not there. I was not on the committee then. I was subsequently appointed to fill the place of another gentleman, who was excused from further service.

Mr. POPPLETON. Will the gentleman allow me to interrupt him for a moment?

Mr. TOWNSEND, of New York. Well, I am afraid my time is running away very rapidly.

Mr. POPPLETON. Is it not the fact that Judge HOAR, of Massachusetts, was on the committee at that time and voted with the majority of the committee, with every member of the committee except the gentleman from Indiana, [Mr. BAKER?]

Mr. TOWNSEND, of New York. I understand that he did. I understand also that he voted the other day upon a question then pending before the House very differently from what I should have done. I cannot be responsible for Mr. HOAR'S votes. He will satisfy himself in all cases as to the correctness of his votes, and that is enough for any man to do.

Now we come down to the morning of the election. In the morning it was very cloudy, and some time in the morning after light Johnson, Carroll, and Tompkins, and others are found at the polls, or rather at the place appointed for the polls. They found it necessary to spend some thirty minutes after they arrived in preparing the place for the vote, and the preliminaries being finished the vote commenced. It is said that these inspectors are unworthy of consideration because they intentionally opened the polls an hour earlier than the true time, because by the law of Florida the voting should commence at eight o'clock in the morning and close at sunset.

Now we are compelled on the part of the minority to concede at once that Dr. Johnson was anxious to have the voting commence as early as by law he could. We called no witnesses to prove that; but the witness Carroll, who was brought here for the purpose of putting an unfavorable, illegal, and fraudulent construction upon the acts of Johnson, who has been called by the majority and whom they have thereby declared to be worthy of credit—this man Carroll says that Johnson was anxious to have the polls opened as early as they lawfully could be for the purpose of having the whole vote cast, and I hold that there was a reason for it. The actual vote cast at that poll was 599. The number of minutes between the opening of the polls and the closing of the polls was five hundred and thirty-four. The number of votes cast was 599—more than 60 votes more than one vote in a minute for the day.

Now let me explain to the House the difficulties in voting in Florida. You will see that the registration is not required to be made alphabetically. The registration is to be made as men come in; for instance, John Doe comes in and is registered, and then Richard Roe, and then John Tyner comes and is registered, and then William Walls comes in and is registered; and when a copy of the registration-list is made out and sent down it is all hodge-podge, and you have got to look over the whole list to find out whether the name is there or not. There are upon the list in this county, for instance, 1,350 names all thrown together promiscuously, and when a man comes to the polls and offers to vote, the inspectors have to run over those 1,350 names and see whether the man's name is on the list or not. It was a task of importance to be accomplished in order to be certain that every voter had an opportunity to vote, and therefore it was of the last importance that the voting should commence at the earliest hour allowed by law; and it was of equal importance at the other polls where the democrats voted. And this was proved by Carroll, who was called to show Johnson's intent.

It appears that there were four watches at the place of voting, and the inspectors announced that they would be governed by the majority of the watches. By two of the watches it appeared to be about seven o'clock; by the other two watches it appeared to be from two to three minutes past eight o'clock. The morning being cloudy and dark, the inspectors, upon consultation, came to the conclusion that it was eight o'clock, the hour fixed by law for the voting to commence, and they were qualified and entered upon the discharge of the duties of their office.

Now it is very possible that the polls were opened at too early an hour. I will not repeat the discussion of yesterday upon the subject of opening the polls too early. I will simply recall to the attention of the House the fact that Weeks says that twenty persons had voted prior to his arrival at the polls; that he read their names the first thing after he came; that he brought with him Barrett, another democrat and challenger; and neither he nor Barrett, both of them witnesses here, has put into this case any pretense that any one of those twenty was not a proper and legal voter.

Now, if you found that occasion had been taken, between seven and eight o'clock, to run in the votes of a body of men of doubtful right and qualifications as voters, of men not entitled to vote, then you might draw the inference possibly that the polls had been opened at that early hour for the purpose of perpetrating a fraud. But I put it to my friends, the majority of the Committee of Elections, where is the evidence that it was the design of Johnson to bring in fraudulent votes before eight o'clock by opening the polls at that early hour?

But it is said that there was but one watch there that should have been considered. The inspectors did not know that. Is there any

evidence here that the inspectors knew that the watch of this Devil Selph, or Duval Selph, had been put forward the day before? And if the inspectors did not know that, did they commit a fraud in taking the time from his watch? You cannot declare that the inspectors committed a fraud on the electors unless they knew or had reason to believe they were committing a fraud. I put it to lawyers on the other side, for I know there are good lawyers there, that there is no proof that King, or Tompkins, or Hamilton, the other inspector, knew that Selph's watch had been tampered with. I myself do not believe that Selph's watch had been tampered with. I believe from the evidence before us that Duval Selph came before the committee prepared in the presence of his God to lie, a wicked and malicious perjurer.

Now, what did he say? He says that on the day preceding the election Dr. Johnson asked him to put forward his watch an hour and twenty minutes, and that he did put his watch forward an hour and twenty minutes; that he went to the polls the next morning, and when the inspectors were inquiring carefully, before their God and their country, as to what was the hour, he took out his watch and showed it to them, and gave the time from his watch as eight o'clock and two minutes, without stating the fact that it had been wickedly and maliciously put forward.

Now this Duval Selph is a witness called upon the other side; he is the man who attacked Dr. Johnson. From the information I have I undertake to say that Dr. Johnson was one of the most worthy men, not only in the State of Florida, but in the United States. Hence his death, hence his murder. And when a man is indicted for his murder—I wish here to ask the majority of the Committee of Elections if I am authorized to make this statement—I am told that when the man was indicted for Johnson's murder the contestant in this case was employed as his counsel. I will not assert that that is so. I am told that it is so; and I would like to know what the fact is.

Mr. FINLEY, (contestant.) I am one of the counsel employed to defend a man by the name of Harvey Richard, who was indicted by a grand jury of the State of Florida upon the charge of having murdered Dr. Johnson. I have been thus employed in the due course of my professional practice. I am not the leading counsel. Hon. James M. Baker, of Florida, once an associate justice of the supreme court of that State, a man of reputation and probity and of high social standing, is the leading counsel in the case. My firm, Finley & Finley, and others have been employed as associate and assistant counsel.

Mr. TOWNSEND, of New York. That is sufficient; I do not wish to give up more of my time. This Dr. Johnson was guilty of being a republican. I have all this winter heard talk of "the bloody shirt." I have heard all winter that the results of the late bloody war and of the amendments to the Constitution have been made secure, and I am bound to believe it. But I am bound to say that in one case when a republican was elected to office he was shot, and a prominent candidate for office on the opposite side is retained as the counsel of the murderer.

And I am also bound to say that the proposition of the majority of the Committee of Elections of this House proposes to turn out a legally-elected member of this House and to put the counsel of the indicted man into the place occupied by the man who has the certificate of election. I believe this is a mere incident of course, but it is an incident very likely to happen to republicans in very many localities in the South.

As was well stated yesterday by the gentleman from Indiana, [Mr. BAKER,] this testimony was not taken until August, 1875; and then, instead of taking any record evidence, instead of going into details, the guesses and recollections of witnesses are put in the face and place of solemn facts.

The gentleman from Tennessee tells me and tells this House that Tompkins, the inspector, was a wicked man, because he says that but a small portion of the persons challenged on that day took the double oath; that is, took the oath that they had been registered and their names had been improperly stricken off, in addition to the general oath required of electors who were challenged as to their right of voting. My friend from Tennessee says that this statement is evidence from the mouth of Tompkins himself that Tompkins was a scoundrel. The honorable gentleman from Tennessee utterly fails—unintentionally of course—to deal fairly with this subject. There were two challenges that could be made. One was the challenge that a man was not a qualified voter, which challenge might be made to a man who had been registered and his name erased. The other was a challenge to a man who was registered; and no man was required by law to take the oath in regard to registration unless he was challenged for the special cause that his name was not found on the list. This is the Philippi at which I promised to meet my friend. He intimated to this House that it was an evidence of depravity on the part of Tompkins that he did not require both oaths to be taken on all occasions, even when a man was not challenged for the cause that required the taking of the second oath.

But gentlemen have not got through with their difficulty about these inspectors. Tompkins may be a villain, but is there any evidence that King was a villain? He did not stay at Johnson's; he came to the polls that morning. Hamilton was a man originally appointed by the county commissioners; he did not stay at Johnson's. Two of the inspectors, then, did not stay at Johnson's. These are men against whom not a word is charged in the evidence. I defy the most scrutinizing eye of the majority of the committee or the majority of the House to find a blot or blemish or spot upon the escutcheon of Hamilton or King.

It is said that King was appointed in place of another inspector; but the other inspector did not come, and therefore he was properly appointed. Hamilton was originally appointed. They staid and acted honorably. They took charge of that election all day; and then made the returns. Those returns were counted and sent up to the State officers.

One or two things more will conclude what I have to say. This Duval Selph, one of the men who were there during the day, swears that Johnson wrote about eighty names, and that he selected from the poll-lists numbers, and that he gave a name and a number to about eighty men; so that, when a man came up and his name was called and the number announced, he then voted and retired. Where is the wickedness of this matter?

Why, sir, here is a poll-list running down in every form of names without division to the number of 1,350. There is a scarcity of time, and as night is approaching those earnest to get all the votes in go and write out a man's name from the poll-list with the number standing by his name on that list; and when the man comes up, the name is announced and the number, so as to be found in an instant. The man votes and retires. Is that fraud in the conduct of an election? Why, sir, there were some honest men examined. Weeks, Johnson's antagonist, staid at the polls all day. He is examined as a witness; but he never thought to find fault with that. Mr. Carroll was there and saw it; yet he never thought to find fault with it. Mr. Barrett was there and saw it; yet he never thought to find fault with it. But this self-convicted villain Duval Selph, or Devil Selph, who swears himself into the penitentiary by his statement of what he did, is the only man who notices this fact and produces it in his testimony.

But there is another wicked act alleged on the part of Johnson. Johnson sent abroad at an expense of $380, as Selph says he was informed by Johnson. It is testified to by nobody but this man, whose word would not be taken for an instant in any court without corroboration, that Johnson paid out this money to send into other counties and bring back the registered voters who were spending the summer and fall at work abroad.

[Here the hammer fell.]

Mr. KELLEY. I ask that the gentleman's time be extended.

Mr. TOWNSEND, of New York. I shall not want more than ten minutes.

The SPEAKER *pro tempore*. It can be done by unanimous consent.

Several members objected.

Mr. KELLEY. Why, gentlemen, you can elect your man even though you do grant this additional ten minutes.

Mr. HARRIS, of Virginia. How is it with your man? How have you acted here when you had the majority?

Mr. RANDALL. The other side has within my knowledge elected twenty-five men to this House by action here.

The SPEAKER *pro tempore*. The gentleman from Florida [Mr. WALLS] is entitled to the floor.

DEFICIENCY BILL.

Mr. WELLS, of Missouri. I ask the gentleman from Florida [Mr. WALLS] to yield for a moment, that the deficiency bill with Senate amendments may be referred to the Committee on Appropriations.

There being no objection, the amendments of the Senate to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, were taken from the Speaker's table, ordered to be printed, and referred to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., one of his secretaries.

ELECTION CONTEST—FINLEY VS. WALLS.

Mr. WALLS. I yield twenty minutes of my time to the gentleman from New York.

Mr. TOWNSEND, of New York. I was saying that certainly there could be no wrong in sending to other counties to bring back registered voters who were lawful voters in the county of Columbia, to vote at that poll, and no wrong in expending the money necessary to bring those voters to the polls. In most of the States that prohibit the use of money at elections, and perhaps in all of them, it is expressly provided that it shall be lawful to expend money to bring aged, indigent, and infirm voters to the polls.

And the very evidence that is given in this case for the purpose of showing that Johnson brought home these men to vote, even the evidence of Duval Selph, shows that they were lawfully-registered voters who had a right to vote in the county. So there can be no hurt in that. But I am disposed to go further in regard to that. Mr. Johnson's declarations made to Selph, if he made them, on the day preceding the election cannot be given in evidence here and cannot be lawfully considered. Thus I dispose of that matter.

Now, as it seems to me, I have passed over every question that can reasonably or properly arise in this case. I say if the majority of this committee had dealt with this poll as they dealt with other polls in this very congressional district, if they had rejected the votes

which seemed to be illegal, they would still have elected Walls by a handsome majority. Walls, by the report of the majority of the committee, comes into Columbia County with a majority of 234. Now throw out the 75 alleged to have voted without taking the registration oath, throw out the 16 it is said were voted at another precinct so as to vote double, throw out the fifty-odd votes alleged to have come from other counties, make it 60, and Walls is elected by nearly one hundred.

But it will not do to treat this poll as other polls are treated. It will not do the work. This poll has got to be cast out. In this matter of casting out there are other precincts—and what I am now saying is for the private ear of the committee, and not for others to hear it—there are other precincts under consideration in the committee, and I hope and have confident belief that my friends who are for throwing out this poll will find themselves as ready to throw out other polls when it does not work politically in the same direction.

Mr. WALLS. Mr. Speaker, it is not my purpose to make a speech, and I should not have taken the floor this morning at all but from a desire to call the attention of the House to a remark made yesterday by the gentleman from Missouri [Mr. DE BOLT] in regard to an affidavit of mine filed before the Committee of Elections. He said he had that affidavit before him, but that *he would not further consider it.* I send the RECORD to the Clerk's desk and ask the Clerk to read the paragraph I have marked. After it has been read I shall then present my affidavit to show to the House and to the country whether it was insufficient or not. I shall also show before I am through that the people of my district, since this report has been made from the Committee of Elections, have sent affidavits to me, and have asked me to present them to this House in connection with the refusal on the part of the committee to grant me leave to take testimony. I ask the Clerk to read the paragraph in the RECORD from the speech of the gentleman from Missouri, [Mr. DE BOLT.]

The Clerk read as follows:

When was Mr. Walls present? On the 13th day of August, with his attorney.

True, Mr. Walls says that he filed his affidavit before that committee asking time to take further testimony. And, as has been stated by my friend from Tennessee, [Mr. HOUSE,] the committee, after due consideration of that affidavit, ruled it out as wholly insufficient; and I can tell the House that the gentleman from Massachusetts, [Mr. HOAR,] who was then a member of that committee, made the only remarks that were made in reference to it; and he is a strong republican I believe. The affidavit is before me, but I will not undertake to read it.

Mr. WALLS. I now ask the Clerk to read the affidavit which I filed before the Committee of Elections on the 11th day of January, at its first meeting after the committee was organized.

The Clerk read as follows:

To the House of Representatives of the United States:

Upon the affidavit hereto annexed I respectfully ask for leave to take depositions relating to the election at the colored academy precinct, so called, in the county of Columbia and State of Florida, within such reasonable time as may be prescribed by the House; such depositions to be used on the trial of the contested-election case of Finley *vs.* Walls, from the second congressional district of the State of Florida.

J. T. WALLS.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1876.

The District of Columbia, ss:

Josiah T. Walls, having been duly sworn, on his said oath deposes and says that he is a member of the House of Representatives of the United States, and is one of the parties to the contested-election case from the second congressional district, State of Florida; that during the forty days in which the contestant took his testimony in said case, he (the contestant) took the depositions of certain witnesses at Lake City, in the county of Columbia, in the State of Florida, relating to the election held at the colored academy precinct, so called, in said Lake City; that this affiant, during the time for taking his own testimony in this case, caused to be served upon the contestant a notice to take depositions at said Lake City; that this affiant intended and expected by such depositions to disprove all the material statements of the depositions of the contestant relating to the election at said colored academy precinct; that he employed H. A. Pattison, esq., an attorney residing at Jacksonville, in the county of Duval and State of Florida, to attend, on his behalf, the taking of such depositions at said Lake City, which is distant about forty-five miles from Gainesville, the residence of this affiant, and about sixty-three miles from Jacksonville, the residence of said attorney; that said Pattison promised to attend upon the taking of said depositions on behalf of this affiant, who believed that said depositions had been duly taken until within two days of the expiration of his time for taking testimony, when he learned, for the first time, that his said attorney had failed to keep his engagement, having been prevented therefrom by sickness, as he alleged, and that said depositions had not been taken; that when this affiant first learned of such failure on the part of his attorney it was too late to serve a new notice to take depositions, under the statute, or even to reach said Lake City and take the depositions within the forty days if a notice had been unnecessary; and that this affiant expects by a large number of truthful and unimpeachable witnesses to disprove every material assertion of the contestant's witnesses relating to said colored academy precinct; that a large number of affiant's witnesses had been summoned and were present at said Lake City at the time fixed for taking said depositions and remained about three days to be examined; that as soon as affiant learned that said Pattison had failed to attend as aforesaid, he telegraphed to Charles King, esq., an attorney at law residing at said Lake City, requesting him to represent, or to employ some one else to represent, affiant at the taking of said depositions, but said King declined so to do.

J. T. WALLS,

Sworn and subcribed before me this 11th day of January, 1876.
[SEAL.] I. L. JOHNSON,
United States Commissioner for the District of Columbia.

Mr. WALLS. Mr. Speaker, with all due respect to the gentleman from Missouri and to the gentleman from Tennessee [Mr. HOUSE] as to the sufficiency of my affidavit, I will ask the Clerk to read what I send up to the desk. I wish the country to judge as to the sufficiency of the affidavit I made before the committee—not that I expect it will do me any good in this House, but I wish it to go before the people.

The Clerk read as follows:

STATE OF FLORIDA,
County of Columbia:

Personally appeared before me A. A. Hoyte, who, being duly sworn, deposes and says that he summoned all the following-named persons to appear before James Stevenson, justice of the peace, on the 19th day of October, A. D. 1874, to testify in the matter pending between J. J. Finley and J. T. Walls, Forty-fourth Congress, to wit: Alex. Johns, J. H. Armstrong, G. J. Jones, Charles Thompson, Hales Green, Benj. Simpson, C. R. King, Robt. Peters, Hugh Watson, Adolphus Colsor, Elijah Thomas, Nelson Kirby, Antony Kirby, Quash Robinson, Lewis Hogans, Lewis Johnson, Thomas Randal, Sampson Johnson, Isaac Stevens, Demer McCoy, and Thomas McCoy.

He further says that the above-named witnesses were summoned at the request and on the application of J. T. Walls, contestee; that said witnesses were summoned in good faith; and that said witnesses appeared for three consecutive days waiting for the attorney of Mr. Walls, one Pattison, of Jacksonville, Florida, to appear and examine them; but said Pattison did not appear, and no testimony was consequently taken for the contestee. I saw the said Pattison in Jacksonville, and he told me he would certainly be in Lake City on the 19th of October to take the testimony of said witnesses, but the said Pattison, as above set forth, did not appear, neither did he send any one in his place or in any way communicate with me upon the subject.

A. A. HOYTE.

Sworn to and subscribed before me this the 6th day of April, A. D. 1876.
[SEAL.] CHARLES R. KING,
Notary Public State at large.

STATE OF FLORIDA,
County of Columbia:

I, A. A. Hoyte, clerk of the circuit court in and for Columbia County, do hereby certify that Charles R. King is a notary public for the State of Florida at large, whose acts as such are worthy of credence, and should be respected as such.

In testimony whereof I have hereto set my hand and the seal of our circuit court at Lake City this the 6th day of April, A. D. 1876.
[SEAL.] A. A. HOYTE, *Clerk.*

Mr. WALLS. It will have been seen that in my affidavit before the committee I stated "by a large number of witnesses." Of course it was stated by the gentleman from Missouri the affidavit was so indefinite it could not be considered. I brought these names here to show there was a large number of names, and that those persons were there at the same time the contestant himself was at Lake City, Columbia County. I now ask the Clerk to read the paper I send up in order to show that Pattison himself did not go, and that his not going was not owing to any negligence on my part.

The Clerk read as follows:

STATE OF FLORIDA,
Duval County, ss:

Personally appeared before me, clerk of the United States district court for the northern district of Florida, H. A. Pattison, who, being duly sworn, deposes and says that he was the attorney of Hon. Josiah T. Walls to take testimony for him, the said Walls, at Lake City, Columbia County, in said State, on the 19th day of October, A. D. 1875, the day appointed to take said testimony; that on the 18th day of October aforesaid this affiant was taken sick, so that he could not, and did not, attend at Lake City aforesaid to take testimony as aforesaid in the case of J. J. Finley, contestant, and Josiah T. Walls, contestee.

H. A. PATTISON.

Subscribed and sworn to before me this 31st day of March, A. D. 1876.
[SEAL.] PHILIP WALTER, *Clerk.*

Mr. WALLS. It was mentioned that he was my attorney, and the affidavit just read proves fully and conclusively the allegation made in my affidavit was perfectly true.

I now ask the Clerk to read from the report of the committee to show the responsibility of the contestant's friends.

The Clerk read as follows:

At this precinct your committee find that there was a conspiracy to commit a fraud upon the election. That the conspirators were Dr. E. G. Johnson, who was a candidate for State senator in Columbia County, and was voted for at this precinct, together with Charles R. King and John W. Tompkins, who acted as inspectors, Charles A. Carroll, who acted as clerk, and one Duval Selph, a supporter of Dr. Johnson. Carroll and Selph were at Dr. Johnson's during the night previous to the election, and King took breakfast with him in the morning. They all, except Selph, left the house of Dr. Johnson in the morning, a little after daylight, and proceeded to the place where the election was to be held, and, in pursuance of the object of the conspiracy, opened the polls at about seven o'clock in the morning, an hour before the time at which the meeting was notified, and an hour before the duly appointed inspectors were called upon to be present, and an hour before the election could be held according to law. No one of the duly appointed inspectors, unless it was Aleck Hamilton, was present or acted at this precinct. Tompkins and King had been requested to be present by Dr. Johnson and act as inspectors, and Charles A. Carroll had been requested by him to act as clerk, and these several persons were either nominated by or acted at the request of Dr. Johnson. They were not legally elected, as there was no regular meeting of the electors having power to choose inspectors before Tompkins and King undertook to act as such, and without legally appointed or chosen inspectors no legal clerk could be chosen or appointed; so that the election at this precinct was conducted by persons not legally authorized, with the exception of Hamilton, and by persons who were ready and willing to violate the election laws of the State and who did violate them.

The fact that the poll was open at seven o'clock is established by deposition of Duval Selph, (page 86.)

Mr. WALLS. Mr. Speaker, when that report reached Columbia County I received affidavits from two of the inspectors, with the request that they should be presented to this House. With no other remarks I send them to the desk to be read.

The Clerk read as follows:

STATE OF FLORIDA,
County of Columbia:

Personally appeared before me, A. A. Hoyte, clerk of the circuit court of Columbia County, Florida, John W. Tompkins, who, being duly sworn, deposes and says that he resides in Columbia County, Florida; that he was present at the election in Lake City, Columbia County, Florida, on the 3d day of November, A. D. 1874; that he was one of the inspectors of election on that day at the colored academy precinct in said Lake City; that he was legally chosen as inspector by the electors

at said precinct or poll as provided in section 11 of the laws of Florida, (see Burke's Digest, 299, 300,) which section provides for the choosing of an inspector by the electors when the regularly-appointed inspectors fail to appear; that two regularly-appointed inspectors for said poll, to wit, Robert Morehead and E. E. Cleaveland, who were regularly-appointed inspectors for the colored academy precinct, failed to appear, and consequently when the hour for opening the polls arrived, the above-named inspectors not having arrived, your affiant was duly and legally elected an inspector as provided for in said section 11. Your affiant further deposes and says that as an inspector at said colored academy precinct he believes the poll was opened at the proper hour, and not at the hour of seven o'clock as testified to by some of contestant's witnesses. He further deposes and says that he has seen the report of the committee of the House of Representatives for the Forty-fourth Congress, first session, in the case of Jesse J. Finley *vs.* J. T. Walls, and that it is not true, as stated upon page 16 of said report, "that there was a conspiracy to commit a fraud upon the election;" that it is not true as therein stated "that the conspirators were Dr. E. G. Johnson," together with Charles R. King, &c.; and affiant stands ready to prove said allegation, as far as he is concerned, false in all respects if an opportunity is given him. Your affiant further says that the election at said precinct was fairly, honorably, and legally conducted, all of which he believes can be fully established and would have been established had Josiah T. Walls, contestee, taken testimony at the proper time at Lake City. He further deposes and says that the inspectors at said poll did not allow a large number of persons not registered to vote without taking the proper oath as required by section 9 of the laws of Florida, already referred to and quoted upon page 1 of said committee's report. Your affiant further says that at the election above referred to he voted for Jesse J. Finley for Congress; and your affiant further deposes and says that there were at least seventy-five qualified voters present when he was elected inspector, and that he was elected without opposition.

JOHN W. TOMPKINS.

Sworn to and subscribed before me this the 6th day of April, A. D. 1876.
[SEAL.] A. A. HOYTE,
Clerk Circuit Court Columbia County, Florida.

Mr. WALLS. John W. Tompkins was one of the inspecors. It will take occasion here to make a correction in connection with a remark I made yesterday, and which appears to-day in the RECORD. It was in reply to the gentleman from Tennessee, [Mr. HOUSE,] whom I understood to say that the inspectors voted for me. I made the reply that they did not. But I find this morning by looking at the RECORD that he said a certain party swore they were republicans. I wish to say to this House, and especially to gentlemen on the other side, that I do not come here on the suffrages alone of republicans; and neither does the contestant come here contesting on the suffrages of democrats entirely. If I had time to go back and expose the conspiracies and frauds that have been committed, and bring them to the knowledge of the country, it would be the happiest moment of my life so far as it has yet extended. I would be able to show who were at the bottom of those conspiracies and frauds.

I will now send to the desk another document to show what one of the inspectors, who voted for the contestant, says. It is one of the affidavits which, as I have stated, have been sent to me.

The Clerk read as follows:

STATE OF FLORIDA,
County of Columbia:

Personally appeared before me, A. A. Hoyte, clerk of the circuit court of Columbia County, Florida, Charles R. King, who, being duly sworn, deposes and says that he resides in Columbia County, Florida; that he was present at the election in Lake City, Columbia County, Florida, on the 3d day of November, A. D. 1874; that he was one of the inspectors of election on that day at the colored academy precinct in said Lake City; that he was legally chosen as inspector by the electors at said precinct or poll, as provided in section 11 of the laws of Florida, (see Burke's Digest, pages 299, 300,) which section provides for the choosing of an inspector by the electors when the regularly appointed inspectors fail to appear; that two of the regularly appointed inspectors for said poll, to wit, Robert Morehead and E. E. Cleavland, who were regularly appointed inspectors for the colored academy precinct, failed to appear, and consequently when the hour for opening this poll arrived and the above-named inspectors not having arrived, your affiant was duly and legally elected an inspector, as provided for in said section 11. Your affiant further deposes and says that as an inspector at said colored academy precinct he believes the poll was opened at the proper hour, and not at the hour of seven o'clock as testified to by some of contestant's witnesses. He further deposes and says that he has seen the report of the committee of the House of Representatives of the Forty-fourth Congress, first session, in the case of Jesse J. Finley *vs.* J. T. Walls, and that it is not true, as stated upon page 16 of said report, "that there was a conspiracy to commit a fraud upon the election;" that it is not true, as therein stated, "that the conspirators were Dr. E. G. Johnson," together with Charles R. King, &c., and affiant stands ready to prove said allegations, as far as he is concerned, false in all respects if an opportunity is given him. Your affiant further says that the election at said precinct was fairly, honorably, and legally conducted, all of which he believes can be fully established and would have been established had Josiah T Walls, contestee, taken testimony at the proper time at Lake City. He further deposes and says that the inspectors at said poll did not allow a large number of persons not registered to vote without taking the proper oath as required by section 9 of the laws of Florida, already referred to and quoted upon page 1 of said committee's report. Your affiant administered the proper oath himself and knows whereof he speaks. Your affiant further deposes and says that at the election above referred to he voted for Jesse J. Finley for Congress.

CHARLES R. KING.

Sworn to and subscribed before me this the 6th day of April, A. D. 1876.
[SEAL.] A. A. HOYTE,
Clerk of Circuit Court Columbia County, Florida.

Mr. WALLS. Mr. Speaker, it will have been noticed from the debate and from the testimony that Mr. King was one of the inspectors at the colored academy precinct. He swears that he voted for the contestant. Mr. Tompkins also swears that he voted for the contestant. It was my intention yesterday not to participate in this debate, but I simply introduce those matters because the gentleman from Missouri [Mr. DE BOLT] and the gentleman from Tennessee [Mr. HOUSE] seemed to lay great stress upon the alleged inaccuracy of the minority report.

I desire, Mr. Speaker, to call the attention of the House to another fact. By looking over the report of the majority you will find that they have so mystified the evidence as to make a Charles A. Carroll and a John Carroll appear as clerk at the colored academy precinct. You will also see they have left out in several instances the testimony of Tompkins. I simply refer to this to show that there was a little inaccuracy with the majority as well as the minority, and to give the contestant the benefit of his own witnesses, whom he takes advantage of, not to throw out—I will not say that, but to rob five hundred and eighty-eight legal voters of Columbia County of their suffrage, while there is not a man in Columbia County, who is not a partisan friend of the contestant, who will swear on the stand that those men were not legal voters. I give the benefit of that to the contestant to show what his own men did for him. They voted for him. They concocted this gigantic blunder, or conspiracy, as the majority call it, and they swear now not only that they voted for him, but *that the election was fair.* That is all I want to say.

Mr. POPPLETON. I have no disposition to prolong this discussion, and in what I have to say I will occupy but a very few moments of time.

It has been agreed in this case that the issue must turn upon the retention or rejection of what is known as the colored academy precinct. Upon the determination of that question the one or the other of these gentlemen must be decided to be entitled to a seat in the Forty-fourth Congress.

It is alleged at the very outset in this case that in the precinct known as the colored academy precinct, at Lake City, a conspiracy was formed upon the part of one Dr. Johnson and others to capture this poll; and it is alleged upon the part of the contestant that the practical working of that conspiracy was such that success attended their efforts, and that the result was that the conservative voters at that precinct were excluded as it were from recognition.

Now, Mr. Speaker, in order that we may get at the foundation of this matter, it is necessary for us to go back and inquire as to who this man Dr. Johnson was, who is the chief of the conspirators, and the person who dictates to all that surround him the manner and the mode of management in connection with this precinct at this election. Dr. Johnson was a candidate upon the republican ticket for State senator. He upon the day preceding the election is found busily engaged in calling around him men from remote parts of the county for the pupose of constituting at his will, and as he may see fit, a board of election for that precinct upon the ensuing day. And who are these men? The testimony is silent upon that question. We are not advised, your committee is not advised as to who these men are. The testimony is silent as to who this man King is. The testimony is silent as to who this man Tompkins is, or where either or both of them resided.

But the first knowledge that your committee have of these men is their assembling upon the requisition and by the direction of this Dr. Johnson upon the eve of this election at the house of Dr. Johnson for the purpose of organizing a board of election to receive the ballots at this election precinct.

Why is it that no other citizen throughout this entire election precinct is summoned and called upon to give his voice or to state his preference as to who shall constitute this board? But there alone, with these men that are to act upon the following day as the election board, with the one who is to record the names of the voters, with the one who is to act as the judge of election, this Dr. Johnson is found in the night-time holding high carnival over the rights of the voters on the following day.

And what does he do? Immediately upon receiving a promise from this Mr. Carroll that he will act as clerk, his first act is to take down a pretended registry-list and ask Carroll—to do what? Why to transfer from that list fifty names of persons. For what purpose, I pray you? Why, Mr. Speaker, as the impression was left upon the mind of this man Carroll by what was said and done by Dr. Johnson, and the same impression was by the testimony left on the minds of your committee, it was for the purpose of fraudulently working them into the polls on the following day, for the purpose of perpetrating a fraud upon the electors of that election precinct, a fraud upon the electors of the second congressional district of Florida, a fraud upon the State of Florida, a fraud upon this House. This is one of the ear-marks of the conspiracy.

Again, Dr. Johnson is found about four o'clock on the day of the election, when news came from the market-house precinct as to the number of votes cast there showing that he was probably defeated, that he was probably to be left at home; in his anxiety, in his desire for his own success right or wrong, by fair means or by foul means; being willing to resort to any means and to perpetrate frauds to any extent, he makes the proposition, "Cannot something be done by virtue of which we can capture the Ellisville returns?" That was a conservative precinct, a democratic precinct, which was giving to Mr. Finley, the contestant in this case, a large majority. This was another ear-mark of the conspiracy.

But, Mr. Speaker, that is not all. Upon the day of the election these men, in furtherance of their plan of conspiracy, assembled at the polling-place about the hour of seven o'clock in the morning, or a few minutes before, and commenced to receive votes. Many of them had staid at the house of Dr. Johnson the preceding night; they had slept together, they had come from the same nest at the dawn of morning and marched together to the polls at early dawn, and opened the polls at an illegal and unlawful hour. In the progress of the poll that day it is admitted, it is uncontradicted by the testimony, and, as I

understand the arguments of the gentlemen who have agreed to the minority report, it is admitted by them, that there were men who voted that day whose names were not upon the registry-list and could not be found, and who did not take the oath required by the laws of Florida. The witnesses put the number of such votes differently. Some say that there were seventy-five and some say that there were a hundred votes of this character cast. This testimony can not only be used for the purpose of purging the polls, but it is one of the strong circumstances and facts in the case going to show that, in pursuance of a previously arranged conspiracy upon the part of these men, these votes were to be received without reference to the administration of any oath or without reference to the fact as to whether the names of the parties were on the registry-list or not.

To show with what blindness the persons who acted as inspectors bowed submissively to the will of Dr. Johnson, let me give you an instance which is found in the testimony.

I read from the testimony of John V. Brown:

Answer. There were 600 votes cast for Congressman. Finley got 11 and Walls 588, I think. I derived my information from being present and keeping a tally-sheet. I know one who voted under twenty-one years of age; he voted a green ticket. Timmons Jenkins voted there in the latter part of the evening; he voted a green ticket also. One presented his ticket and called the name of Jake Williams; his name not being found on the registration-list, he then gave the name of Dick Cooper and voted under that name; he also voted a green ticket; he was a colored man.

Question. Was the precinct on that day under the control of republican or conservative influence?

A. I do not think the conservatives had any influence on that day. It was entirely under republican influence.

In pursuance of his rights before these inspectors that my friend from New York [Mr. TOWNSEND] speaks of, this man first tried to vote as Jake Williams, and, as is presumable from the testimony, immediately upon being refused the right to vote on that name, gave the name of Dick Cooper, and was allowed to cast his vote under that name. That is another *little fact* showing the pretended integrity and honesty of this virtuous board of inspectors.

There are many instances, Mr. Speaker, of the same character that cropped out in this testimony. There is one other case to which I will call the attention of the House. On the morning of the election a platoon of men presented themselves at that poll, claiming to be voters. Objection was made to the deposit of their ballots, and they went away, and in the evening just before the close of the polls they again, under the leadership, under the marshalship, under the captainship of this same Dr. Johnson, marched boldly to the polls, and these inspectors, without requiring them to take the necessary and requisite oaths to admit their votes, allowed them to cast their votes. There is another thing to which I desire to call the attention of the House. During the entire day this man Dr. Johnson, who was the chief conspirator and one of the chief parties to be benefited by the conspiracy, held the registry-list, as the proof shows, while sitting side by side along with and in the same room with the board of inspectors, and called off the number, whatever number he might call off, whatever number it might please his majesty to announce, the voter stepped up to the little hole in the ballot-box and stuck in a ballot, and the ballot was received and recorded. Dr. Johnson was not willing to trust the manipulation of this election in the hands of his co-conspirators, but he willed that the reins of control should remain in his own hands.

The minority say to us that we cannot depend upon the testimony that is before us for the reason that it is the testimony of conspirators; that, because of the fact that we have alleged them to be conspirators, that it has been proven by circumstantial evidence that they were and are conspirators, we cannot credit their testimony. I have to say to the minority, in reply to that proposition, that if you cannot credit their testimony how can you credit their acts? Upon their acts alone depend the sustaining of this poll; unless their acts are to be recognized there is to be no sustaining of the election at that precinct. If you cannot rely upon their sworn statement, their sworn testimony, neither can you rely upon their acts as pretended, assumed, usurping officers of that election.

The minority say that we cannot depend upon the testimony of one Duval Selph. I believe my friend from New York [Mr. TOWNSEND] has had the kindness, out of the graciousness of his heart, to call him Devil Selph; unauthorized by anything that appears from the testimony, for there is not a word of testimony, not a scintilla of testimony indicative of the proposition that this man Duval Selph is not to be relied upon as a witness. No man raises his voice, no man utters a word against the reputation, against the truthfulness and veracity of this man Duval Selph. It is not intimated in the testimony, but the intimation has had its growth, its life, its sustenance in the vivid imaginings of my friends whose names are appended to the minority report.

It is true that he was caught in bad company. When the recollections of his having thus been inveigled came over him, remorse seized him, and in a truthful hour, in an hour of repentance, he makes confession of the fact that he with this man Johnson and the man King and the man Tompkins had entered into a conspiracy to capture the poll at the colored academy precinct. It is said that because he turned his watch ahead an hour and twenty minutes at the suggestion, at the instance, and at the request of the chief, main, devil conspirator, Dr. Johnson—that because he did this and did not divulge the fact on the morning of election, and thus at that time knock out the bottom of the conspiracy, but saved himself for another time to do it, therefore he is not to be believed.

I have said that the purpose and intention of this conspiracy was to capture this poll. What was the result? Before the gaze of this committee and before this House, by authority of this testimony, what is the appearance of the facts? This man Walls, the sitting member, receives 588 votes, and Mr. J. J. Finley, the contestant, receives 11 votes. I am not surprised that my colleague from New York [Mr. TOWNSEND] should say in the presence and hearing of the House that such a division as this might be looked upon with suspicion. They had accomplished their object; their ends had been reached. Out of the nearly six hundred voters at that poll, you have the fact realized, unaccounted for by the testimony or even by the affidavits that are *ex parte* and presented here by the sitting member, that this disparity exists.

One of the remarkable facts about this case is the fact that this man Armstrong, who was running upon the republican ticket for the Legislature, was conveniently there upon the morning of election when the pools were opened. Another remarkable coincidence is that his watch agrees almost to the minute with the watch of Duval Selph, which had been turned forward an hour and twenty minutes. I say this is a remarkable coincidence; one that does not often occur; one that, at least in my mind, casts a little suspicion upon the testimony of those men who afterward undertook to get rid of the harrowing truth that their conspiracy had been exposed by this man Selph.

Something has been said by the gentlemen who have signed the minority report upon the proposition that the result of the action of the majority is to substantially disfranchise some six hundred colored voters. I beg it to be remembered by this House that the Committee of Elections, a majority of whom are democrats, but yesterday presented to this House their unanimous report in favor of a colored man to a seat on this floor; and that, too, in the face and eyes of the proof of fraud that not only emanated, had its existence and its being in the State of Alabama, but extended its ramifications clear up to the throne at the other end of the Avenue; I speak of the "bacon" case. The gentleman from Alabama, [Mr. HARALSON,] who received his seat at the hands of this House by virtue of the report of this committee yesterday, can well realize the proposition that I have just made. I desire to repel the charge that there is any politics in the report that is before us. I desire my friend from New York [Mr. TOWNSEND] to remember that to the report filed in this case is the signature of one of the republican members of this committee.

Why this is said I know not, unless it be for the purpose of making political capital; as my brethren upon the floor have said during the four months of this session, "so that the country might know it." I desire to assure the gentleman making this charge, together with the members of this House, that in my heart there is no unkindness toward the colored man. On the contrary, I pity his condition, regret his ignorance, commiserate his misfortunes. I most earnestly desire his mental elevation and his moral improvement. I would most willingly favor any measure looking to the elevation of his race, which for two hundred years has walked in sorrow and drunk to the dregs the bitterest cup that can be pressed to the lips of man. But I am unwilling, either by word, act, or deed, to consent to their being used as the tools, the mere unsuspecting instruments in the hands of a dastardly conspirator, an unmitigated scoundrel, for the accomplishment of his own selfish political ends and the elevation to power of the party to which he belongs. And I believe this to be the sentiment of all the gentlemen whose names appear to the majority report.

Mr. THOMPSON. I now move the previous question.

Mr. BAKER, of Indiana. I hope my friend from Massachusetts [Mr. THOMPSON] will yield to allow the offering of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Hon. Josiah T. Walls have leave to take depositions relating to the election at the "colored academy precinct," so called, in Lake City, in the county of Columbia, and State of Florida, within twenty days after the adoption of this resolution, such depositions to be taken subject to the statutory provisions regulating depositions, so far as the same shall be applicable thereto, and to be used on the trial of the contested-election case of Jesse J. Finley *vs.* Josiah T. Walls, from the second congressional district of the State of Florida, and that this case be recommitted to the Committee of Elections.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts yield to allow this resolution to be offered?

Mr. THOMPSON. I cannot yield.

Mr. BAKER, of Indiana. I hope the gentleman will permit the resolution to be offered.

Mr. HARRIS, of Virginia. I trust the gentleman from Massachusetts will permit this to be offered as a substitute for the resolution of the majority of the committee. We can vote it down.

The previous question was seconded and the main question ordered.

Mr. THOMPSON. I now yield five minutes to the gentleman from Missouri, [Mr. DE BOLT.]

Mr. DE BOLT. I merely desire to correct one statement made by the gentleman from New York, in which he unintentionally misrepresents my position. He says that "the gentleman from Missouri [Mr. DE BOLT] is the only member of the committee who holds to the idea that other precincts ought to have been thrown out." If the gentleman had referred to the twenty-fifth page of the majority report, which was lying on his desk, he would have seen that four other mem-

bers of the committee entertain the same views. What would become of the gentleman's argument if we were to apply to him the same rule that he in the minority report applies to the witness Duval Selph, *Falsus in uno, falsus in omnibus?*

Mr. THOMPSON. Mr. Speaker, I do not propose to go into any extended remarks upon this case, but simply to state the position of it—the real question involved—and then to leave it to the vote of the House. In the presentation of this question by the minority there certainly seems to be some misapprehension as to the real question presented. That question is not whether we shall throw out the votes of 500 men, more or less; it is whether the well-established principles of law shall be applied in this case—principles which have been long established for the benefit of the people. The question is whether we shall now apply those principles or depart from them altogether.

The simple question involved here is this: Has it been shown that the action of the inspectors and the clerk who presided at the election at colored academy precinct was such as to render their return unreliable? That is the whole question presented here. Now, if their return is unreliable, it does not preclude the showing of the vote in some other way. The only question is as to the testimony which shall be taken as to the vote. We say in this case that the action of the persons who presided at this election was such as to make their return unreliable. As to the rule governing such a case I will read a very brief extract from McCrary's American Law of Elections, section 184:

Where the managers of an election are clearly shown to have committed a fraud in the conduct of the election or the count or the return of the votes, and where the effect of the fraud discovered does not effect any change in the result, the question is a grave one whether the vote shall be rejected *in toto*.

This he says is a grave question; now for the rule:

And a safe rule probably is that where an election board is found to have willfully and deliberately committed a fraud, even though it affect a number of votes too small to change the result, it is sufficient to destroy all confidence in their official acts, and to put the party claiming anything under the election conducted by them to the proof of his votes by evidence other than the returns.

This is the principle clearly laid down and regarded as perfectly well settled. This principle is referred to again in the same work in section 441, where it is said:

We repeat, therefore, the opinion expressed in a former chapter, that willful and deliberate fraud on the part of an officer being clearly proven should destroy all confidence in his official acts, irrespective of the question whether the fraud discovered is of itself sufficient to change the result. The party taking anything by an election conducted by such an officer must prove therefore by evidence other than such returns.

And that is simply the question involved in this case. Now we say this, that to determine this question nothing more need be shown than the action of the board which conducted this election was of such a character as to make their return unreliable.

Mr. Speaker, it is said that the majority of this committee are not angels. I suppose the converse of the proposition is true, that the minority are. If they make that claim I will not quarrel with them about it. So let it be taken for granted they are angels. Well, admitting they are angels, let me say they seem perfectly well adapted to mingle in the affairs of this world. But if they are not angels, neither are the inspectors of election in the State of Florida. I think they have like passions with other men, and I do not think we can presume so much in their favor that they cannot possibly have been guilty of any fraud; and I do not think it requires a great degree of testimony to establish the fact of the possibility at least of a human being having erred.

I will speak of Carroll, the clerk, for one moment. That clerk himself admitted that he was ready to commit fraud and was selected by Dr. Johnson to act in that election because Dr. Johnson knew he was ready and willing to do it. That is the testimony on the part of the party who acted as clerk of the election. Who is to say to the contrary?

We are told by the gentleman from New York [Mr. TOWNSEND] on this committee there is a presumption this officer has done his duty; but when you find he himself admits he is willing to commit fraud, and when you find an irregularity has been committed by him intentionally, will you not presume then that it was done with the fraudulent purpose he has manifested? Will you conclude that it is a mere innocent mistake? Will you not conclude it was the carrying out of his fraudulent purpose?

Let us look a moment at the clerk of this precinct, concerning whom they say the presumption is so strong that he acted honestly and fairly. The Clerk himself admits that he was ready to commit a fraud. He says this:

Answer. I took down fifty names, more or less, at Dr. Johnson's request, from the book Dr. Johnson took from the shelf. Dr. Johnson called off the names and I took them down. I had consented to act as clerk before Dr. Johnson gave me these names.

Question. What was the impression on your mind that Dr. Johnson desired you to do with those names?

(Objected to by counsel for contestee.)

A. The impression created at the time was that he wanted the names worked in to secure his election.

That was the impression. He was there the night before conspiring with Dr. Johnson to commit fraud. And will you say a return made by such a party is entitled to credit? He says himself it is not entitled to credit.

Mr. BAKER, of Indiana. Will the gentleman permit me to ask him a question?

Mr. THOMPSON. Certainly.

Mr. BAKER, of Indiana. Does my colleague on the committee claim it to be the impression of Mr. Carroll that certain acts which were done were done for the purpose of committing a fraud? Is there any tribunal under heaven which would decide upon such testimony any fraud was committed or intended?

Mr. THOMPSON. I will answer the gentleman. The question involved is the moral act of this party. He admits himself, and that is what I am putting here, that he was willing to commit fraud; that he understood that to be his duty, whether Dr. Johnson understood it or not; that he was ready then and there to commit a fraud. If a man ready to commit a fraud would permit himself to be chosen as clerk under an agreement that he would commit a fraud, I say no reliance at all can be placed on his official acts.

Mr. TOWNSEND, of New York. Will the gentleman allow me to ask him a question?

Mr. THOMPSON. Certainly; two of them.

Mr. TOWNSEND, of New York. Will the gentleman from Massachusetts show this House in what language Carroll, the witness whom the contestant called, and recognized to be honorable and worthy of credit by calling him—in what words he admits he was ready to commit fraud? He says he destroyed the list. Does he say anywhere he was willing to use that list fraudulently?

Mr. THOMPSON. The member of the Committee of Elections from the State of New York misapprehends the force of what I am saying. I was not at the time discussing the character of Dr. Johnson at all. He is not the man; but I am discussing the character of the clerk. I say he himself admits in the strongest possible terms that he was ready to commit a fraud. He asks me what language Dr. Johnson used. It is not in this book, but it is unmistakable. He was in the room with him that night, and perhaps he need not have said a word. His movement, the motion, the mode in which this was done spoke louder than words. The language was unmistakable, so far as Mr. Carroll's understanding of it was concerned. I think we can understand it. We will take Mr. Carroll's understanding of it.

Mr. TOWNSEND, of New York. Will the gentleman from Massachusetts let me interrupt him again?

Mr. THOMPSON. Certainly.

Mr. TOWNSEND, of New York. The gentleman from Massachusetts mistakes my question. I ask in what words Carroll admitted he was willing to work any fraud?

Mr. THOMPSON. I say that the taking of that paper in his hand, the taking of it knowing what the purpose of Dr. Johnson was when handing it to him, understanding his purpose perfectly well—I say that in that he speaks by his act much more powerfully than he could by any word. He took the list of names, knowing the purpose for which Dr. Johnson gave them to him. I submit it is language which cannot be contradicted.

But we look a little further into the honesty of this party whose return it seems we are bound to take here without question. This is the position; and I beg the House to understand that in getting this testimony the contestant was compelled to go, to use a common phrase, into the enemy's camp, and to take the evidence of friends of the sitting member. Here is the cross-examination of Mr. Carroll. He was cross-examined by the contestee or his counsel, and to this cross-examination what did Mr. Carroll say? He was the clerk selected there by Dr. Johnson, and he says:

I do not recollect—

And this will be the answer to the gentleman from New York—

I do not recollect that Johnson asked me to work the names in; I don't remember. I suppose he thought I had sense enough to know what to do, or he would not have wanted me to act as clerk.

He supposed that Johnson thought he had sense enough to know what to do, or he would not have appointed him as clerk. Why, sir, there never were men with a more fraudulent purpose than those men entertained.

Mr. BAKER, of Indiana. Will the gentleman permit me——

Mr. THOMPSON. I will permit the gentleman anything.

Mr. BAKER, of Indiana. The gentleman from Massachusetts has said that the contestant had to go into the enemy's camp to get evidence. Why did he not examine among other witnesses Charles R. King, whose affidavit has been read, who therein swears he was the friend of and voted for the contestant, and who was subpœnaed as a witness by contestant, and was not examined? Why did he not take his own friend as a witness, instead of going into the enemy's camp?

Mr. THOMPSON. I will answer that question before I get through.

I have spoken with reference to the clerk, and I say upon the testimony here no one can doubt that clerk had a fraudulent purpose and that he was ready and willing to act fraudulently; and when you find acts there that indicate fraud committed by him, will you not at once believe they were fraudulent acts?

Now let us look along a little further. The gentleman from Indiana calls my attention to this: "Why," he says, "did you not call on King, who was your friend and voted on your side?" I will answer the gentleman. I have great doubt about those affidavits put in here. I do not believe the affidavits which have been read from the desk at all. We have something here by which to test the truth of those

affidavits. An affidavit was read from Mr. John W. Tompkins, and he also testified. And which are we to take, his testimony or his affidavit? He was one of the inspectors at this election. He is the man that we are to presume could do no wrong. And what do we find in his testimony? We find in the testimony he gave in this case his admission that he did not conduct that election according to law. He says here by his affidavit he did. Which will you take? You may say that his testimony is not entitled to any credit at all. Take it in that way. But it is his return that you are to rely upon; and then if you prove that he is wholly unreliable, will not that of itself greatly shake your confidence in his return? But he says in his testimony, which is the only thing which is entitled to be considered in this case, that he had both oaths, admitting that he knew perfectly well that the oath in section 9 ought to be administered where the name of the party was not found on the registration-list. He admits here that he allowed parties to vote without taking that oath. He admits it in his evidence, and now he comes by an affidavit here and says that it is not true. I submit this: That it is a sound principle of law that when a party admits a fact against him it is entitled to weight and may be of very great weight indeed; while when he is stating a fact in his favor it is not entitled to as much if any weight. We have here his confession under oath that he did allow parties to vote when he knew that they had not the legal right to vote, and I submit that that is such a fraud on his part as to make his return wholly unreliable.

Now I will say no more with regard to the organization of this board, because it is shown here conclusively, beyond all question, that if elected they were elected not at a time when they could be legally elected. The gentleman from Indiana [Mr. BAKER] said yesterday that the majority of the committee had announced a monstrous doctrine here; that they had said that the action of officers *de facto* was the same as the action of mere intruders. We lay down no such proposition at all. But we did say this: that when a man obtains a position through fraud—not being legally elected or appointed, but has through fraud and for a fraudulent purpose obtained a position as an election officer—no reliance can be placed upon his act and return. I think that is sound in law and sound in fact, and that is all we have said in the report of the majority upon that point.

Therefore, Mr. Speaker, without going over this testimony further, I say that we have the admission, clear and strong on the part of the officers of election, that they themselves were guilty of fraud. And what more proof can the House ask that they were guilty of fraud than their own confession of the fact? And if they were guilty of fraud in conducting the election, then their return is unreliable. That is all we say about it. We say to those men, "It is clearly shown, you having yourselves confessed it, that you are guilty of fraud and we cannot therefore place any reliance on your returns." So says the law and so the committee were compelled to say in this case.

I yield the remainder of my time to the chairman of the committee, the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. Mr. Speaker, I do not intend to make a speech, nor do I intend to speak upon the merits of the question. I desire simply to speak only to two points that have been raised by gentlemen on the opposite side. The first is in regard to the death of Dr. Johnson, and the second upon the overruling by the Committee of Elections of the motion of the sitting member for leave to take further testimony.

Sir, I do not think it is the part of an American statesman, though it may be of a member of Congress, to try to misinform the public. I think it is wrong. I think that my venerable friend from New York, [Mr. TOWNSEND,] with his experience of threescore if not fourscore years ought to know that it is wrong to misinform the public upon these important questions. He ought to know, and my junior friend from Indiana [Mr. BAKER] ought to know, that it is wrong, especially at this particular epoch, to try to inflame the public mind in regard to the action of our brethren on either side of the line.

Now, notwithstanding the fact that these gentlemen might disclaim the intention of creating that impression, yet there is not a member of the House who heard them who did not believe upon their statements that they sought to make the House and the country believe that Dr. Johnson, who was elected to the senate of the State of Florida, and who figures in this case, was murdered for political purposes, and that the contestant in this case was then in Florida, defending his murderer. They sought to make that impression. I say the statement is without authority, without evidence outside of anything connected with the record. I will read to the House the only allusion from the beginning to the end of the testimony in the whole record to the death of Dr. Johnson, It is in the testimony of Duval Selph:

Question. Was not Dr. E. G. Johnson murdered since the election?
Answer. I don't know.
Q. What is your impression?
A. I heard so.
Q. Have you any doubt about it?
A. I believe he was killed.

That is all the evidence. When he was killed, where he was killed, how he was killed, for what purpose he was killed, no human being has said in any form that would authorize a member of Congress to speak upon the subject on this floor. And yet upon that evidence the gentleman from Indiana, with his softness of manner and the hissing of the serpent almost, says that Dr. Johnson was conveniently killed, as if he had been killed to keep him from being a witness in this case. My venerable friend from New York upon the committee says it was a strange incident that Dr. Johnson was elected to the senate of Florida; that he was a republican. He says: "Ah, I do not say that he was because he was a republican, but we know that they have a way of killing republicans down South. Sir, [addressing Mr. TOWNSEND, of New York,] you know you meant to create the impression that Dr. Johnson was killed because he was a republican, and you knew when you said it that the record in the case did not justify you in making that statement.

Mr. TOWNSEND, of New York. O, no; I believe all I stated.

Mr. HARRIS, of Virginia. You said that you wanted to come with clean hands to the consideration of this question and yet you go outside of the record to make assertions which are not sustained by that record. If I were to travel outside of the record I should say that Dr. Johnson was killed one hundred miles out of the district in Florida, and killed because of matters not touching politics in any phase or in any form; but that is not in the record. Neither of my friends ought to have referred to matters not contained in the record.

Mr. BAKER, of Indiana. Will my friend from Virginia allow me to correct an error. I would inquire of my friend if Mr. Duval Selph did not testify, when it was literally dragged out of his mouth, that Dr. Johnson was murdered?

Mr. HARRIS, of Virginia. He said what I have just read to you, and I will tell you what he said further; I will read it again. Here is his testimony:

Question. Was not Dr. E. G. Johnson murdered since the election?
Answer. I don't know.
Q. What is your impression?
A. I heard so.
Q. Have you any doubt about it?
A. I believe he was killed My relations with Dr. Johnson at the time of these conversations were confidential and very friendly. I was in frequent conference with him with regard to the election; I advised with him very frequently. I very frequently made suggestions to him with regard to the election.

He was the personal and political friend of Dr. Johnson, aiding him in this election. You seek to blacken the character of Dr. Johnson's friend by the position you take upon this floor.

Mr. BAKER, of Indiana. Will the gentleman permit me to ask him another question?

Mr. HARRIS, of Virginia. Certainly.

Mr. BAKER, of Indiana. I ask him whether as a lawyer, having studied this case, he undertakes to say that Mr. Duval Selph, by his own testimony, does not blacken his character far beyond redemption?

Mr. HARRIS, of Virginia. It is not for me to say whether the witness is self-condemned. I am discussing the conduct of my two friends on the committee.

I desire to say a word now upon the other point raised in regard to the overruling of the motion made by the sitting member, that he be allowed further time to take testimony. What are the facts? I know them and you know nothing about them, and I dislike to hear gentlemen speak upon this floor about matters of which they know nothing, but concerning which it is their duty to inform themselves. I know when I state to my friend from Indiana [Mr. BAKER] the facts in the case, if he were sitting as an Indiana justice, as he said yesterday—and I think he must have thought so when he made his speech——

Mr. BAKER, of Indiana. I beg to correct the gentleman. I did not allude yesterday to an Indiana justice, but I spoke about certain pleadings presented here, stating as conclusions of law what, in my judgment, would not be held good as a demurrer in any justice's court in the land.

Mr. HARRIS, of Virginia. I say that when you made your argument outside of the record it was an argument fit to be delivered before a justice of the peace, but not before a judicial or political body as it ought to have been.

Now, sir, what were the facts in regard to the application of the sitting member for leave to take further evidence? The committee in this case gave the fairest and the fullest and the most complete opportunity. But strange to say—I know my venerable friend does not know it; I know he has never read the record in this case—yet he says he thanks God that he was not there, and he washes his hands clean of it. I tell him that when he reads the record in this case he will think that, if his hands have never been soiled more than by refusing this extension of time, then there must have been much less dirt in his neighborhood for the last eighty years than in most others.

Now, by reference to page 15 of the record of this case, will be found agreement No. 3, between the parties in this case, by which there was allowed to the contestee forty days from the 25th of August, 1875, in which to take his testimony. In other words, he had until the 5th day of October for that purpose. By agreement No. 4, on page 16 of the record, the time was extended to sixty days, or forty days from the 15th of September. He had first forty days from the 25th of August, the expiration of the time allowed to the contestant; and then the contestant agreed that he should have sixty days more from the expiration of that time.

Mr. WALLS. Will the gentleman allow me a moment?

Mr. HARRIS, of Virginia. With great pleasure.

Mr. WALLS. I would like the gentleman from Virginia [Mr. HAR-

RIS] to have the record read to which he refers. And I wish to say here, as he has given me the privilege, that the contestant himself at four different times waived the taking of testimony for his own benefit. I suppose he made the arrangement with my lawyer in Jacksonville, but at no time at my solicitation or that of my attorney. But the last agreement will show that the time was extended for forty days from the 15th of September, which would end on the 25th of October. There was no sixty days about it. I wish the gentleman would have the record read.

Mr. HARRIS, of Virginia. Well, there was no misunderstanding between the contestant and the contestee. They conducted this campaign as friends.

Mr. WALLS. We are friends now.

Mr. HARRIS, of Virginia. I am glad to hear it. They extended the time beyond that required by law. But the point I make is that the contestee showed no diligence. He did not commence taking testimony until fifty-five days of his time had expired, as shown by the record. He allowed fifty-five days to expire before he gave notice of the taking of depositions, and then, as his affidavit shows, he was not present, and it gives no reason why he did not go to the place. His affidavit says that he wrote to his lawyer to be there; but the law requires the personal attendance of the party. If he had been there himself, and his lawyer had been sick, he could have employed another lawyer; but he neither went himself, nor does he in his affidavit give any reason why he did not go. He allowed fifty-five days to pass before he gave notice of the taking of depositions. Was that due diligence on his part? Suppose he had given notice in due time, and his lawyer had been sick, he would have had fifty of the sixty days left. But he did not do that; he let fifty-five days expire, and then gave notice of taking depositions, and then did not go himself to the place.

Mr. BAKER, of Indiana. Will the gentleman allow me to ask him a question?

Mr. HARRIS, of Virginia. Certainly.

Mr. BAKER, of Indiana. Is it not the fact that during those days which were stricken off the contestee was engaged in taking evidence?

Mr. HARRIS, of Virginia. No; it was forty days after the contestant closed his evidence before the contestee gave any notice of taking depositions.

Mr. BAKER, of Indiana. In no other county?

Mr. HARRIS, of Virginia. In no other county; he took depositions on only two occasions. My friend from Indiana [Mr. BAKER] certainly has not read the record. I thought from his speech that he had read it; but he now shows as much ignorance of the record as my friend from New York, [Mr. TOWNSEND.] He impressed me yesterday when he made so great a flourish over the murder of one man and the injustice to another of not extending the time for him to take testimony. If the gentleman from New York wants to wash his hands clean, he shows he has no knowledge of the facts of the case.

Mr. BAKER, of Indiana. We are willing graciously to concede all the intelligence and virtue to the other side.

Mr. HARRIS, of Virginia. We have shown every consideration to the contestee. I may be justified in referring to a case in the Forty-second Congress, when the contestee in this case, then a contestee, came forward on the 11th day of December and asked for an extension of time, and it was given to him.

Mr. WALLS. I venture to say that the record of the action of the committee at that time will show that the extension of time was given on the request of Mr. Niblack himself, the contestant. I first made application; but after we had joined issue it was shown before the committee that they would not count the returns from at least nine counties of the State of Florida, there being no signatures to those returns. Mr. Niblack made application himself, as the report of the committee shows, and time was given to both parties to take testimony during the recess of Congress.

Mr. HARRIS, of Virginia. But the gentleman from Florida [Mr. WALLS] made the first application on the 11th day of December, 1872, and it was granted. The case was not decided until—how many days was it before the expiration of that Congress that Mr. Niblack got in and turned you out of your seat?

Mr. WALLS. About thirty days.

Mr. HARRIS, of Virginia. About thirty days. The term of Congress was for two years, and twenty-three months had expired, by reason of these applications for extension of time, before the case was acted on by the House.

I confess I do not propose while I preside over that committee, if I can avoid it consistently with justice to all parties, to have any such proceeding here. I want these cases disposed of according to the rights of the parties, and not to have both sides drawing pay when only one is entitled to it. That is all I have to say.

Mr. WALLS. I do not want to draw pay to which I am not entitled.

Mr. BAKER, of Indiana. I desire to appeal again to my friend from Massachusetts [Mr. THOMPSON] for permission to present the resolution which I sent to the Clerk's desk a little while ago.

The SPEAKER *pro tempore*. The resolution is not in order.

Mr. BEEBE. Does it not require unanimous consent to receive the resolution?

Mr. HARRIS, of Virginia. I trust a vote will be allowed upon it. I do not want to see anything done that may have even the appearance of injustice.

Several members called for the regular order.

Mr. BAKER, of Indiana. I hope that so just a demand as this will not be voted down or go unheard.

The SPEAKER *pro tempore*. The question is on the substitute offered by the gentleman from New York [Mr. TOWNSEND] for the resolution reported by the majority of the committee.

The substitute was read, as follows:

Resolved, That J. J. Finley was not elected, and is not entitled, to a seat in this House.

Resolved, That Josiah T. Walls was elected, and is entitled, to a seat in this House.

Mr. BAKER, of Indiana, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 135, not voting 71; as follows:

YEAS—Messrs. Adams, John H. Baker, William H. Baker, Banks, Blair, William R. Brown, Horatio C. Burchard, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Hamilton, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hunter, Hurlbut, Hyman, Kasson, Kelley, Kimball, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, MacDougall, McCrary, McDill, Monroe, Morgan, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Potter, Pratt, Purman, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, A. Herr Smith, Stevenson, Stowell, Martin I. Townsend, Tufts, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, White, Whiting, Willard, Charles G. Williams, William B. Williams, James Wilson, and Woodburn—84.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Bagby, Banning, Barnum, Beebe, Bell, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Egbert, Ellis, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Gunter, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Lamar, Lane, Levy, Lewis, Lord, Luttrell, L. A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, New, O'Brien, Payne, Phelps, John F. Philips, Poppleton, Randall, Rea, Reagan, Rice, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Walling, Ward, Warren, Erastus Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Yeates—135.

NOT VOTING—Messrs. Anderson, George A. Bagley, John H. Bagley, jr., Ballou, Bass, Blackburn, Blaine, Bliss, Bradley, Burleigh, Campbell, Durand, Durham, Eden, Ely, Farwell, Faulkner, Gause, Goodin, Andrew H. Hamilton, Benjamin W. Harris, Hartridge, Hays, Henkle, Hubbell, Frank Jones, Joyce, Ketchum, King, Knott, Franklin Landers, George M. Landers, Lynde, Magoon, Miller, Morey, Nash, Neal, Odell, Parsons, William A. Phillips, Piper, Platt, Powell, John Reilly, James B. Reilly, Riddle, Sobieski Ross, Savage, Schumaker, Smalls, Strait, Swann, Teese, Thornburgh, Washington Townsend, Waldron, Charles C. B. Walker, Gilbert C. Walker, Walls, Walsh, G. Wiley Wells, Wheeler, Whitthorne, Andrew Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—71.

So the substitute of Mr. TOWNSEND, of New York, was not agreed to.

During the roll-call the following announcements were made:

Mr. J. B. REILLY. On this question I am paired with my colleague, Mr. ALAN WOOD, who is absent by leave of the House. If he were here he would vote "ay" and I should vote "no."

Mr. WALKER, of New York. I am paired with my colleague, Mr. G. A. BAGLEY, who, if present, would vote in the affirmative, while I should vote in the negative.

Mr. NEW. My colleague from Indiana, Mr. HAMILTON, is absent on account of sickness.

Mr. CABELL. My colleague from Virginia, Governor WALKER, is confined to his room by indisposition.

Mr. SHEAKLEY. My colleague, Mr. JOHN REILLY, is absent on account of sickness. If he were here he would vote "no."

Mr. COOK. My colleague, Mr. HARTRIDGE, is confined to his room by sickness. If present, he would vote "no."

Mr. BROWN, of Kansas. My colleague, Mr. GOODIN, is absent on account of important business.

Mr. WALDRON. On this question I am paired with my colleague, Mr. DURAND. If present he would vote in the negative and I should vote in the affirmative.

Mr. RAINEY. My colleague, Mr. SMALLS, is absent on leave. If he were present, he would vote "ay."

Mr. RIDDLE. On this question I am paired with my colleague, Mr. THORNBURGH. If present he would vote "ay" and I should vote "no."

Mr. DURHAM. I am paired with the gentleman from Michigan, Mr. HUBBELL, who, if present, would vote in the affirmative, while I should vote in the negative.

Mr. BOONE. My colleague, Mr. BLACKBURN, is confined to his room by severe illness.

Mr. McFARLAND. I desire to state that my colleague, Mr. YOUNG, is detained from the House by indisposition.

Mr. MILLIKEN. My colleague, Mr. KNOTT, is confined to his room by sickness.

The result of the vote was announced as above stated.

The question next recurred on the resolutions reported from the committtee.

The resolutions were adopted.

Mr. THOMPSON moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. JESSE J. FINLEY then presented himself at the Clerk's desk, and was duly qualified by taking the modified oath.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries; and

A bill (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 1439) authorizing the transfer of certain cases from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State; and

A bill (H. R. No. 700) to incorporate the Mutual Protection Life-Insurance Company of the District of Columbia.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 522) to define the tax on fermented or malt liquors;

A bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes; and

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

PUBLIC LANDS IN THE SOUTHERN STATES.

The SPEAKER. The morning hour now begins at five minutes to four o'clock, and the regular order is the call of committees for reports of a public nature, the call resting with the Committee on Public Lands. At the expiration of the last morning hour the gentleman from Louisiana, [Mr. MOREY,] from the Committee on Public Lands, had reported back, with a favorable recommendation, the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes. The gentleman from Indiana [Mr. HOLMAN] had then been granted the floor by the gentleman from Louisiana for the purpose of moving an amendment.

Mr. HOLMAN. I am informed the gentleman from Louisiana, from the Committee on Public Lands, proposes to submit an amendment to the bill. If such is his purpose I hope he will report his amendment at this time.

Mr. MOREY. I desire, from the Committee on Public Lands, to submit an amendment to the bill as reported from the committee and as it passed the Senate.

Mr. KASSON. Let the bill be read.

The bill was read, as follows:

That section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead-settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act shall be offered at public sale, as soon as practicable, from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

Mr. HOLMAN. I now ask that the amendment reported by the committee be read.

Mr. MOREY. I am directed by the Committee on Public Lands to report the following amendments to the bill.

The Clerk read as follows:

In line 13, after the word "act," insert "which are unsuited for agricultural purposes;" and at the end of the section add the following: "That all lands in said State fitted for the purpose of agriculture shall be subject to disposal under the provisions of the act of May 20, 1862, for homesteads to actual settlers on the public domain, and not otherwise: *And provided further*, That nothing herein shall be construed to affect the disposal of any mineral lands as now provided by law."

Mr. KASSON. I ask for the reading of the bill as thus amended, so we may understand exactly what it is.

The bill as proposed to be amended was then read.

Mr. KASSON. Without taking the gentleman from Louisiana or the gentleman from Indiana off the floor, I desire to suggest that the reference to the act of May 20, 1862, is not now a proper reference, and it should be to some portion of the Revised Statutes.

Mr. HOLMAN. As I understand, the reference is to the Revised Statutes.

Mr. KASSON. Not in the bill as it has just been read. It refers to the act of May 20, 1862, and not to any section of the Revised Statutes. There are one or two other words in reference to which I wish to make suggestions, but for the present will withhold them.

Mr. HOLMAN. I did not notice that there was any reference to the act of May 20, 1862, and that certainly ought to be changed.

Mr. KASSON. It is in the amendment reported from the Committee on Public Lands this morning.

Mr. HOLMAN. That ought to be amended by inserting chapter 5, title "Homesteads," of the Revised Statutes.

Mr. KASSON. It will be better to say "under the provisions of the laws regulating entries for homesteads;" so as to cover any subsequent amendments which may be made.

Mr. HOLMAN. I suggest that it be amended so as to read as follows: "As provided by chapter 5, title 32, of the Revised Statutes of the United States, and any laws amendatory thereof in regard to homesteads," for this chapter seems to be entirely devoted to that one subject.

Mr. LANE. Do I understand the gentleman from Indiana to consent that this shall apply to agricultural lands?

Mr. HOLMAN. That is what the bill proposes.

Mr. LANE. That is what the amendment proposes.

Mr. HOLMAN. That is what the amendment proposes, if it be adopted.

Mr. LANE. Does it apply to timber lands also?

Mr. SAYLER. Will the gentleman from Indiana yield to me?

Mr. HOLMAN. I will yield to a suggestion from the chairman of the Committee on Public Lands.

Mr. SAYLER. I move to so modify the amendment that it will read, "that all lands in said State fitted for agricultural purposes shall be subject to disposal under the provisions of the homestead law of the United States, and not otherwise."

The SPEAKER. The gentleman will reduce his amendment to writing.

Mr. KASSON. Of course that amendment comes in with the last proviso about mineral lands.

Mr. HOLMAN. That is retained.

Mr. SAYLER. I now ask the Clerk to read the amendment which I propose.

The Clerk read as follows:

Strike out the words "under the provisions of the act of May 20, 1862, providing for homesteads to actual settlers on the public domain," and insert in lieu thereof the words, "the homestead laws of the United States;"

So that if amended the amendment will then read as follows:

Add at the end of section of Senate bill: "And that all lands in said States fitted for the purpose of agriculture shall be subject to disposal under the provisions of the homestead laws of the United States, and not otherwise: *And provided further*, That nothing herein shall be construed to affect the disposal of any mineral lands as now provided by law."

Mr. HOLMAN. Mr. Speaker, the bill as reported by the Committee on Public Lands proposed to repeal section 2303 of the Revised Statutes of the United States, which provides in effect that the public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida "shall be disposed of in no other manner than according to the terms and stipulations" contained in the homestead laws. By this provision, which became a law on the 21st day of June, 1866, the public lands in those States ceased to be subject to sale or private entry, and could only be acquired in tracts not exceeding in extent one hundred and sixty acres, and only by actual settlers under the homestead law. The pending bill would simply repeal this provision, and leave the public lands in those States subject to sale and private entry in unlimited quantities at the minimum price of $1.25 per acre.

The committee now report an amendment to the bill, which in effect provides that the lands in those States "fit for agricultural purposes" shall only be subject to be acquired under the homestead law, and all other public lands in those States shall be subject to sale and private entry without limit, subject to the minimum price of $1.25 per acre. This, of course, is intended to apply to timber lands not "fit for agricultural purposes."

The public lands that are now exclusively subject to the provisions of the homestead law in the several States named are as follows:

	Acres.
Florida	16,500,395
Mississippi	4,000,363
Louisiana	5,447,643
Arkansas	5,000,000
Alabama	9,027,426
In all	39,975,827

I will assume that the amendment, which is a great and most valuable improvement on the pending bill, will be adopted by the House, for it is in the main in harmony with the views the House has heretofore expressed, although never incorporated into a law. The purpose of this amendment is to exempt from sale lands adapted to agriculture and to secure them exclusively to the landless settlers. I hold this to be one of the most valuable propositions ever brought into this House. It should be applied to every acre of the public domain adapted to agriculture. It is a principle for which I have earnestly contended for many years. I have again and again arrayed this great principle against the pernicious and fatal policy by which over two hundred million acres of the public domain have been granted to corporations and placed forever beyond the reach of the great mass of the laboring-men of this country. In my judgment the rescuing of the agricultural lands from the grasp of monopoly and the cupidity of speculation and securing them to the landless men of labor would be the highest glory that this or any other Congress could achieve.

I trust this measure is sufficiently guarded to prevent the possibility of combinations being formed strong enough to reach our valuable reservations. The chairman of the committee [Mr. SAYLER] has undoubtedly carefully considered that question. But as to the general effect of this bill, I wish to call attention to a question which is certainly not unworthy of very careful consideration. It is this: Whether the public lands of the United States that are not adapted to agriculture and that are not mineral lands, but valuable for timber, grazing, and perhaps other purposes, especially valuable for their timber, should be allowed to be sold as they have been heretofore, as they are now in many portions of the public domain, in unlimited quantities at the mere nominal prices at which public lands are in the main sold—$1.25 per acre. It is manifest that the minimum price fixed for the public lands, $1.25 per acre, was the result of a desire on the part of Congress, as far back I think as the year 1820, to facilitate the acquisition of homesteads by actual settlers, and to distribute the ownership of lands as widely as might be among the people of the United States. The price was made almost nominal, so as to little more than re-imburse the Government for the amount of money expended in extinguishing the Indian titles, surveys, and the sale of the lands. And the Government, for the purpose of securing general ownership of lands by the people, could well afford to furnish these lands at this comparatively nominal price. Indeed, for the purpose of securing the lands to actual settlers, it is very clear that it was the highest interest and duty of the Government to secure the lands to the settler at the lowest price consistent with the exigencies of the national Treasury; for nothing could add so much to the permanent wealth of the Republic, its solid and enduring prosperity, and the independent and manly spirit of its citizens, as to secure to every household a just proportion of the lands of the country.

But this bill as it stands, with the one provision which subjects all lands not adapted to agriculture to sale at this nominal price, necessarily enables capitalists to monopolize large portions of the public domain at a price greatly disproportionate to its value, and that in my judgment is a serious objection to this measure, though a greatly less evil than the saving of the agricultural lands for actual settlers is a public good. I may be told that this wealth, which may be monopolized, consisting in boundless regions of timbered lands, will not be made available unless these lands are sold in large tracts. I do not think, however, that that argument can be sustained. It is very possible for these lands to be held in smaller quantities and still to be made available by the energy of the single citizen. This policy would make no great fortunes. It would give capital no opportunity to rapidly multiply itself; but it would do what is infinitely better, it would give multitudes of men an opportunity by their own labor to improve their fortunes. If the wealth of these lands, even though not adapted to agriculture, were to be distributed, as contemplated in regard to the agricultural lands under the homestead law, among our landless people, a very beneficial result would follow in at least some diffusion of wealth. It would tend to check, to that extent at least, the growth and centralization of the wealth of the country, which in a republic is a positive evil, if not the greatest evil to which it is exposed; and would withhold the facilities incident to this class of legislation for skillful and enterprising adventurers accumulating vast estates founded upon comparatively slight expenditure.

For the greatest evil in my judgment that Congress can inflict upon our republican institutions is opening up, by legislation and on the basis of the commonwealth of the whole people, facilities for the excessive opulence of the few; for it ends in the impoverishment and wretchedness of multitudes. Indeed, in the States mentioned lands are and always have been held in vast tracts, while the great multitudes of people so recently freed and enfranchised are not only landless, but poor, and with meager facilities for the betterment of their condition.

The Commissioner of the General Land Office in his last report, referring to the public lands in the States I have named, and mentioned in the section I have referred to, says: "In the States to which this act refers a large, and perhaps the largest, portion of the public lands remaining to the Government is covered with valuable timber." Why not grant these lands to the landless people, even if they are only valuable for timber, if they can get no better? Why give a few capitalists an opportunity at a nominal price to monopolize these valuable timber lands? They will monopolize them and coin them into imperial estates if you open up the opportunity. I therefore think, sir, that even as to these timber lands not adapted to agriculture we should either limit the quantity one citizen shall be permitted to take, as under the homestead law, which plan I prefer, or, if the lands must be sold, limit the extent of the purchase and increase the minimum price beyond $1.25 an acre. If these lands are not to go to the landless and laboring-men, then let them sell at least at some approach to their actual value. The minimum price should certainly be made higher for this class of lands, which are not designed to encourage settlement, but which are actually bought for speculation, or else that the lands themselves should be allowed to go under the provisions of a law similar to the homestead law, although not contemplating permanent actual settlement, to the end that this public wealth shall not be monopolized, but diffused.

I fear there is another objection to this amendment. I apprehend that it will be very difficult *to discriminate between lands adapted to agriculture and those that are not;* and that perhaps will be the great embarrassment that will be encountered, and I fear a source of very great frauds upon the country. There is not a State in the Union to which the swamp-land law applied perhaps which did not acquire dry and arable lands under the provisions of that law, and that to the extent of many hundreds of thousands of acres. I may safely say the aggregate ran up to millions of acres; and these lands, without inuring to the benefit of actual settlers, as experience has shown, have generally gone to the benefit of speculators. It is to be apprehended that the same experience will be encountered here. In the State of California, and in almost every State from California eastward to Ohio, it has been found that frauds were perpetrated upon the Government and the people under the swamp-land laws, and that to the extent in the aggregate of millions of acres, and venal and corrupt men and public officials reaped the profits. And if it should happen, as it may happen under this measure unless most cautiously guarded, in the greed of gain and insatiable venality that unhappily afflicts this country, that dishonest combinations shall be formed to grasp at this public wealth, millions of acres of virgin and fruitful lands adapted to actual settlement and cultivation may be seized upon under the pretense that they are not adapted to agriculture. In a dissolute period like this unhappy epoch in our history who will stand surety that, with such a large discretion as this measure will give, the public officer will resist temptation when the skillful and dishonest combination shall have been formed to seize upon these fertile lands? The robbery of the public lands is far more fatal than the robbery of the Treasury. It deprives the laboring masses of homes and firesides and hope, and the Republic of independent and virtuous citizens.

A discussion of this question twenty-five years ago, or twenty years ago, or even fifteen years ago, in this House would not have arrested attention; for until these imperial grants were made to favored corporations the public domain was still deemed inexhaustible. Congress blindly acted as if assured that our children and children's children would still find public lands upon which to erect prosperous homes, and that our landless people, full of energy and enterprise, would everlastingly find the highways westward leading to fertile lands, prosperous homes, and happy and virtuous firesides, still fostering that independent spirit which the possession of an assured freehold can alone inspire. But we see now that that golden age hastens to a close. The great outlet for the men of labor is rapidly closing. The fertile fields which enabled perseverance and courage to defy the power of capital are already mostly in the grasp of the monopolist.

It is true the Commissioner of the General Land Office informs us in his last report that we have 1,154,471,762 acres of land unsurveyed and undisposed of. This is a magnificent showing. I have heard it quoted as evidence that Congress might safely still be lavish of the public lands in ingenious schemes for giving fortunes to its favorites; but this is a most deceptive statement. It embraces the vast range of the Rocky Mountains, and the Sierra Nevada, and the Black Hills, and the Great American Desert, and the hundreds of millions of acres of the icebergs of Alaska, and boundless other regions which will yield no fruit under the patient labor of the husbandman. No, sir; when the imperial grants to corporations which are rapidly crystallizing into a few imperial private fortunes for unscrupulous and skillful schemers in your great cities shall be deducted, there will be even now but little left of agricultural land for the landless.

Yes, sir, this magnificent inheritance of the American people, this magnificent resource for the laboring people of this country, this field where patient industry was certain of a home and fireside, and which kept within reasonable limits the price of lands everywhere, is rapidly escaping from the grasp of our people, and will be unknown to their children. Monopoly, grasping, heartless, sordid monopoly, seizes upon the whole, and puts the price beyond the reach of labor. There should be no further purchase allowed of public lands that may be devoted to agriculture. This field of speculation should cease. It should never have been allowed. To permit it now is a crime against free government, and should be promptly resisted by the American people, and Congress should not be unmindful of their interests.

These are the questions I present and the suggestions I have sought to make in regard to this measure: First, that as to timber lands which are not adapted to cultivation, it enables capitalists to appropriate them in vast bodies with a view to their future and rapidly increasing value. Large bodies of these lands are in the State of Florida.. General attention has not been directed toward that State until within the last few years. Florida, on account of its salubrious climate and its inexhaustible soil, is destined to be one of the great States of the Union, but not now. The lands are not now generally of much marketable value. How readily speculators may seize upon those lands in vast tracts which seem now to be valuable only for the timber and hold them for their rapid growth in value. The speculator can see very clearly that he need not wait long for his profit. Men who went into speculations in public lands forty years ago, or even twenty-five years ago, waited long for the advance in price, for the whole West was open to private entry; but the now rapid growth of our population and the almost total exhaustion of the public domain, and especially of timber lands, furnish an absolute assurance that these lands in the course of comparatively a short period of time will be called for and the price enormously advanced.

This opens up the most promising field for land monopoly and speculation that the capitalist can hope for. With the Treasury of the nation exhausted, that great lobby that hangs around your Capitol will see in this about the surest chance for speculating off of the public wealth that is left.

I object, therefore, to the principle of the bill that allows unlimited purchase by the wealthy citizen of lands even which are only valuable for their timber, for a merely nominal price. I think that Congress in this legislation should rather encourage facilities and opportunities for men of limited means to acquire an opportunity for the advancement and promotion of their fortunes than facilitate the increase of already overgrown estates.

Thus, in my judgment, Congress may well encourage by legislation general ownership of lands by our people, the general diffusion of wealth, and a general equality of our people in their material condition; at least our legislation should not favor results the reverse of these. Any legislation of Congress that encourages a different result tends to weaken the structure of our Government.

Finally, I object to this bill that the terms used, descriptive of lands that shall not be sold but reserved for actual settlers, is too indefinite. This is my most serious objection to it, the apprehension that under its provisions, unless more carefully guarded, large bodies of the public domain adapted to agriculture will be acquired for purposes of monopoly and speculation in the States to which this bill now relates. The principle of this bill, whatever its form may ultimately be, will probably be extended to the Territories, and other States having public lands within their limits, and I fear that large portions of the public domain adapted to agricultural purposes will be seized upon by unscrupulous combinations on the pretense of not being adapted to agriculture, unless the bill is most carefully worded. The results of the land monopoly of the last few years will be more fearfully exemplified in the rapid exhaustion of what remains if the opportunity for unlimited purchase shall be allowed, for now the monopolist sees that the homestead law will not long stand in his way of rapidly advancing the price.

Mr. HEWITT, of Alabama. I would like to ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. HEWITT, of Alabama. Are there any public lands undisposed of in the State of Indiana to-day?

Mr. HOLMAN. I believe not, or if there is any it is in such small fragments as not to be taken into the account.

Mr. HEWITT, of Alabama. Have they all been disposed of under the homestead act?

Mr. HOLMAN. None of them, I think, or at least very little. The lands of Indiana were disposed of in the main before the homestead law was enacted.

Mr. LANE. Were they not disposed of under the pre-emption laws of the United States?

Mr. HOLMAN. I think they were in part disposed of under the provisions of the pre-emption laws, but mostly by public sale and private entry. The law in regard to the sale of land was wise enough under the old order of things. It resulted, in the olden time, in the acquisition of lands in small tracts, a quarter-section or under, seldom more. The great body of the lands in Indiana was purchased by actual settlers, and in the main before the era of land speculation.

Mr. LANE. Did they pay more than $1.25 an acre for them?

Mr. HOLMAN. O, yes; more than that was paid for a portion of the lands in the southern and eastern parts of the State. The law fixing the $1.25 minimum was enacted in 1820.

Mr. HEWITT, of Alabama. If the gentleman will allow me to interrupt him again.

Mr. HOLMAN. Certainly.

Mr. HEWITT, of Alabama. I was this morning reading a speech of Mr. Benton on this subject, made many years ago. He said that the public lands sold up to the time he made his speech did not average over $1.25 an acre.

Mr. HOLMAN. That may be true. It is well known that States like Ohio and Indiana were considerably settled before the reduction of the price of lands to the minimum of $1.25 an acre. But the circumstances under which those States were settled were entirely different from the circumstances surrounding us at the present time. There was no tendency at that period to invest large sums of money in public lands for purposes of speculation. There were but few capitalists, the population grew slowly, public lands were abundant, and the price grew slowly. Under the influences of the olden time in States like Ohio and Indiana land was purchased in comparatively small bodies. Whole counties may be found in Indiana where almost every quarter section of land or subdivisions of a quarter was purchased by itself by the citizen who settled upon it. Very frequently tracts were so purchased as small as forty acres.

It has only been during the last fifteen or twenty years—mainly during the last fifteen years—since our population has been so rapidly increasing, capitalists increasing, and the exhaustion of the public lands began to appear, that the advantages of investing large capitals in land at the nominal price of $1.25 have been seen to be a source of immense speculation and profit. When the homestead law was enacted the sale of public lands should have ceased. As a question of political economy and of free government, the money realized by the sale of lands was of no possible moment in comparison with the benefits to the nation of securing the same lands to landless citizens. These independent homesteads are the true sources of the real wealth of the State. They are the only safe fortresses of a free government. In traveling through States like Kansas and Iowa, and even Illinois, I have passed over vast domains, imperial estates, owned by a single citizen, perhaps of New York or of Boston.

Mr. LANE. How did they acquire those vast estates under the pre-emption law? Under that law no man could take more than one hundred and sixty acres.

Mr. HOLMAN. Those lands were not taken up under the homestead law or the pre-emption law; they were purchased, as it is contemplated by this bill lands may be purchased, at public sale or taken up in private entries at the minimum price. Imperial estates were so taken up and are now held for the purpose of speculation, or to hold as an estate; speculating under the law enacted at a time when the wealth of the country was but small, and when even $1.25 would seldom tempt a purchase except for actual settlement. Speculation in public lands grew with the wealth of the country. It never should have been tolerated. The public lands were held by the nation in trust to secure homes for its people. They should no more have been subject to the cupidity and avarice of the capitalist than the free air of heaven or God's blessed sunlight. This speculation in public lands and the great grants to corporations will in the early future render landless, homeless, hopeless, and miserable great multitudes of our people.

Mr. HEWITT, of Alabama. If the gentleman will allow me I will ask him a question here.

Mr. HOLMAN. With great pleasure.

Mr. HEWITT, of Alabama. I will ask the gentleman if these large estates of which he speaks were not purchased from grants made for school purposes or for railroad purposes? We have been in the habit of making large grants to States for agricultural colleges, &c. Were not these large estates obtained by the parties of whom he speaks from these grants made by Congress?

Mr. HOLMAN. They could have been, and undoubtedly in some instances they were. But my friend must know that in most of the States and Territories of the West the very policy prevailed contemplated by this bill, of putting up the lands at public sale at a minimum price of $1.25 an acre, and after the public sale selling the unsold lands without limit at $1.25 per acre, and capitalists have flocked from Boston and Philadelphia and New York, and from wherever else capital accumluates, to the land offices with large capitals and invested them in these fertile lands, and thus became seized of vast possessions which, under the beneficent provisions of the homestead law, should have gone in small estates to landless and laboring men, increasing the aggregate of the virtue, happiness, and manhood of our country, and adding greatly to its solid wealth. There was no impediment to the entry of these vast estates by capitalists; there is but little now. The idea that this public domain was inexhaustible has always prevented proper action by Congress for its protection. The idea that we should ever have a large landless population, desiring but unable to obtain homes to shelter their families and lands to cultivate—a pursuit the most of all grateful to freemen—and to raise their children in virtuous industry, has never arrested the attention of the public men of this country, at least until very recently when the tide of emigration so long and steadily and with ever-increasing tide moving westward met a teeming multitude recoiling from the Pacific and seeking for homes eastward of the inhospitable soil that skirts the eastern base of the Rocky Mountains. Then it was seen how soon the public lands—this source of succor and hope for labor and glory and strength of the nation—would be exhausted.

No impediment has been thrown in the way of speculation in the public lands, and even now the subject is an abstraction; and this bill perpetuates as to lands which are said not to be adapted to agriculture the evil of the old system, and gives cupidity an easy access to the public wealth. No scheme could be devised more injurious and unjust to labor than the unlimited right to purchase the public lands at a nominal price. It furnishes to the capitalists of to-day opportunities to acquire countless millions a few years hence at the expense of thousands and hundreds of thousands of citizens permanently deprived of opportunities to obtain homes. For when this public domain shall be exhausted, the young man leaving the old home full of energy, and youth, and hope, bravely turns his steps westward, and however weary his journeys, he finds no lands within his reach; monopoly dictates the price; he becomes a tenant where he should have been the owner, and the landlord takes the bread he has earned, and holding the plow that is not his own leaves him a cheerless fireside and crushes out the hopes of his youth.

We have never felt the fearful consequences of land monopoly in this country; we will not for years to come, in any marked degree; but, sooner or later, the great landed estates, the more than baronial possessions we have permitted to be seized at a nominal price or through the imperial grants to corporations in the most fertile sections of the Union by men who without labor have amassed wealth through the disorder and corruptions of our time, will be a fearful misfortune to this Republic. Land monopoly in our country, as in Europe, means stately palaces, luxury, idleness, and licentiousness on the one hand, and on the other squalid and hopeless poverty; the few excessively rich, arrogant, and licentious, with multitudes of people poor, miserable, and without hope. Against any legislation tending to that result, even in the slightest degree, I must enter my solemn

protest. I fear and abhor legislation that even by possibility may bear such fruit.

I feel as anxious about these public lands as I do about the national honor; for I feel that the solidity and permanence of this Republic depend in the times that are coming upon the number of men who are the independent owners of a freehold in the lands of their country. I do not believe that any government can be permanently republican in spirit unless the great body of its people are independent in the ownership of their homes, and the plow held by the hand of its owner. That grand old republic that flourished upon the Tiber—grand at least until wealth and luxury had extinguished virtue and the love of liberty, and labor had ceased to be honorable, so familiar to us all in our boyhood, esteemed ownership in the soil the inherent right of the citizen. The simple homestead and the labor that made it fruitful were the pride and glory of the Roman republican. When Tiberius Gracchus, the champion of the homestead law of the republic, fell under the blows of the patricians, the land monopolists of the olden time, the republic perished. The homage of all the centuries has crowned with honor the simple grandeur of the republic, (and the highest type of its greatness was the Roman citizen in the patient labor of his field,) but pays no such tribute to the power and wealth and luxury, nor even learning, of the imperial city. The agrarian law of the Hebrews fostered the most masculine race that ever drove back an invading army. But I am venturing beyond the scope of my subject.

I earnestly trust we shall have no hasty legislation on a question so vital as this. I have for years resisted the fatal policy which has now almost exhausted the public lands. I trust that we will be able to so perfect this bill that at least the lands in these five States of the South adapted to agriculture shall be secured to our landless people against all the schemes and stratagems that grasping venality can devise, and that the same principle shall be applied to every acre of the public domain wherever situated that will furnish a home and yield its fruits at the bidding of labor. I trust in God that the hand of monopoly will not be permitted to grasp another acre of the public lands, and rob the laboring-man of his rightful heritage. This Republic should not forever forget that these lands are held in trust for the noblest purpose of Government, the happiness of its people.

For these reasons I think a bill like this, instead of being presented without safeguards, should be the subject of very careful consideration, so that it shall open no door for fraud upon the landless people of this country; that no Commissioner of the General Land Office or surveyor-general shall have it in his power to say that vast regions of country are not adapted to agriculture, and shall be subject to sale at $1.25 per acre, when they are in fact adapted to agriculture, thus depriving thousands of landless people of the present and early future of the opportunity of securing homes.

Mr. LANE. Does not the surveyor-general determine what is mineral land?

Mr. HOLMAN. He may determine that with reasonable safety.

Mr. LANE. And with the same safety, with more safety, can he determine what is timber land.

Mr. HOLMAN. My friend from Oregon will permit me to say that the surveyor-general has exercised the power of determining what are swamp lands; and yet what millions of acres of the most arable and beautiful lands in this country were taken under the provisions of that law!

Mr. LANE. Then, according to the gentleman's argument, it would be impossible to classify lands at all; they should all be regarded as agricultural lands. I see the bent of the gentleman's argument.

Mr. RANDALL. Will the gentleman from Indiana [Mr. HOLMAN] yield for a recess?

Mr. HOLMAN. I will finish in a moment.

Having discussed this subject in a general way, throwing out some crude ideas in regard to the general effects of this bill, I do not desire to debate it further; but I hope the few remarks I have made will elicit further inquiry. In conclusion, I will say that there are very few quarter sections of land in this country that will not with labor yield to some family a comfortable support. Far better that these lands, not simply in the States of the South but everywhere, should remain for a while undisposed of with opportunity for examination. I would apply the same rule everywhere to all lands adapted to the occupation of the citizen. The highest purpose that can be sought by a Government like ours is to secure by the wise encouragement of its laws homes for its people.

I trust that this bill will not be passed without a most thorough scrutiny and that we shall take no step backward in the effort to secure to the landless people of this country of the present and early future the benefit of the public domain. Let us devote whatever remains of the public domain to the purposes of the actual settlers under the beneficent provisions of the homestead law.

Mr. BRIGHT. I have an amendment which the gentleman from Louisiana agrees to accept, he having charge of the bill.

The SPEAKER. The gentleman from Louisiana cannot accept it.

Mr. BRIGHT. Then I desire to offer it.

The Clerk read as follows:

Provided further, That the lands known as the Hot Spring lands, in Arkansas, shall not be subject to entry or sale under the provisions of this act.

Mr. SAYLER. That is entirely unnecessary.

The SPEAKER. To what part of the bill does the gentleman from Tennessee move his amendment?

Mr. BRIGHT. It is an amendment to the bill, and not to the amendments now pending.

Mr. SAYLER. This bill does not in the least affect the Hot Springs reservation, and I therefore do not see the necessity of any such amendment as that moved by the gentleman from Tennessee.

The SPEAKER. The Chair begs leave to state the condition of the bill. There is an amendment pending by the gentleman from Louisiana on behalf of the committee. The gentleman from Ohio has moved an amendment to that amendment. There is, therefore, an amendment to an amendment now pending. The gentleman from Tennessee cannot now move his amendment as an amendment.

Mr. SAYLER. The Hot Springs is a special reservation, and not subject to sale at all, and cannot be affected by this bill.

Mr. BRIGHT. I beg leave to state there is a difference of opinion as to the Hot Spring reservation.

Mr. SAYLER. Yes, as to who is the owner.

Mr. BRIGHT. I should like to make a statement, if in order.

The SPEAKER. The gentleman is in order, and will proceed.

Mr. LANE. I ask the gentleman from Tennessee to yield to me for a moment. I desire to read——

Mr. BRIGHT. Certainly.

Mr. LANE. I desire to read the law relative to the Hot Spring reservation. The third section provides that the Hot Springs in said Territory, together with four sections of said land, including the said springs, as near to the center thereof as may be, shall be reserved for future disposal by the United States, and shall not be entered, located, or appropriated for any other purpose whatever. I therefore apprehend this bill does not apply to the Hot Springs reservation at all.

Mr. BRIGHT. I am apprised of that; but there have been several acts passed since that time, and in order to obviate any difficulty on the subject I offer an amendment for the purpose of preventing the Hot Spring lands being comprehended under the construction of any of those acts. It surely can do no harm, and my reason especially for offering it now is that there is a difference of opinion in relation to the construction of the several acts which have been passed. I will state furthermore, in addition to the pendency of that tract of land in the Supreme Court, information has come to me that there is something like a conspiracy against these lands.

Mr. LAWRENCE. For the purpose of getting them?

Mr. BRIGHT. Yes, sir; for the purpose of getting possession of these lands away from the United States, and I wish to put it beyond dispute, or beyond cavil, so that by no possible construction of law shall they be taken possession of, but shall remain an inheritance worth millions of dollars to the United States.

The SPEAKER. The Chair is bound to say to the gentleman from Tennessee that his amendment, being in the third degree, is not in order.

Mr. BRIGHT. I understand the ruling of the Chair, and, if it be in order, I will offer it as an independent section to the bill.

Mr. RANDALL. You can give notice you will move it when one of the pending amendments is disposed of.

Mr. BRIGHT. I now give notice I shall move my proposition as an amendment when one of the amendments now pending is disposed of.

Mr. MOREY. As the morning hour is about to expire, and as the chairman of the Committee on Appropriations wishes to take the floor for the purpose of making a motion to have a night session, I wish to say that in the morning hour to-morrow I shall ask this bill be debated for and against in ten-minute speeches during the morning hour, at the expiration of which I shall demand the previous question.

ENROLLED BILLS.

Mr. HARRIS, of Virginia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes;

An act (S. No. 417) for continuing the work of improving the Capitol grounds; and

An act (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation, in Wisconsin, under the direction of the Interior Department.

COMMERCE AND NAVIGATION.

The SPEAKER. The House is aware that it requested the return by the Senate of the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, for the purpose of correction. The Chair now desires, with the leave of the House, to ask that the Clerk be directed to make the correction which is required in order that the bill as sent to the Senate shall be the bill as passed by the House.

There was no objection.

The SPEAKER. The error appears distinctly from the RECORD, which states the matter accurately. It was the result of an accidental transposition.

Mr. KASSON. What was the error?

The SPEAKER. It consists in having inserted in the bill as sent to the Senate these words:

And in case of the loss of life of any passenger by reason of the negligence, misconduct, defects, or imperfections aforesaid, the legal representative of the person so killed shall have the same right of action as hereinbefore provided.

That was rejected by the House. What was adopted the Clerk will have read.

The Clerk read as follows:

In lieu of section 4493 as given in the printed bill insert the following:

Whenever damage is sustained by any passenger or his baggage from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured, to the full amount of damage, if it happens through any neglect or failure to comply with the provisions of this title or through known defects or imperfections of the steaming apparatus or of the hull; and the total liability of such owner or owners shall in no case exceed the amount or value of his or their interest in such vessel and freight then pending; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot; and such officer may also be imprisoned not exceeding three years.

The correction was accordingly ordered to be made.

REPORT OF BOARD OF AUDIT.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit herewith to Congress the final report of the board of audit constituted by section 6 of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, and abolished by the joint resolution approved March 14, 1876, and to call your attention to the statements therein presented.

U. S. GRANT.

EXECUTIVE MANSION, *April* 19, 1876.

The message, with accompanying report, was referred to the Committee for the District of Columbia, and ordered to be printed.

LIEUTENANT D. J. EZEKIEL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on the bill (H. R. No. 1882) relating to the promotion of Lieutenant D. J. Ezekiel; which was referred to the Committee on Military Affairs.

PROMOTION OF ENLISTED MEN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on the provisions of the act of August 4, 1854, relating to promotion of enlisted men to be commanding officers; which was referred to the Committee on Military Affairs.

F. A. PAGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of letter of F. A. Page, late second lieutenant United States Army, with indorsements thereon regarding his re-appointment; which was referred to the Committee on Military Affairs.

OFFICERS COMMISSIONED FROM THE RANKS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the bill (H. R. No. 358) in relation to officers who have been commissioned from the ranks; which was referred to the Committee on Military Affairs.

UTAH WESTERN RAILROAD, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the bill (H. R. No. 2652) granting the right of way, &c., to the Utah Western Railroad, &c.; which was referred to the Committee on Military Affairs.

SEAL LOCKS, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House of Representatives of the 4th instant, asking information in regard to seal locks, &c., used in connection with the customs and internal-revenue service; which was referred to the Committee on Expenditures in the Treasury Department.

COLONEL MARSHALL AND OTHERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Colonel Marshall and others on the retired list, United States Army, for appointment to active duties; which was referred to the Committee on Military Affairs.

SHAREHOLDERS IN NATIONAL BANKS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a House resolution of the 8th of January, a copy of the lists required to be filed in the Office of the First Comptroller of the Currency, showing names and residences of shareholders in national banks, &c.; which was referred to the Committee on Banking and Currency.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. SEELYE until Tuesday next, and to Mr. MILLER for one week.

JUDGMENTS OF COMMISSIONERS OF ALABAMA CLAIMS.

Mr. HEWITT, of New York, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee of Ways and Means:

Whereas the Secretary of the Treasury, on the 17th day of April, 1876, issued a circular containing the following notice: "Under the provisions of an act of Congress approved April 11, 1876, to enable the Secretary of the Treasury to pay the judgments of the commissioners of the Alabama claims, notice is hereby given that sealed proposals will be received at the Treasury Department until twelve o'clock noon on the 24th instant, and opened immediately thereafter, for the sale of 5 per cent. coupon or registered bonds of the funded loan of 1881, authorized by the acts of July 14, 1870, and January 20, 1871, bearing interest, payable quarterly, from May 1, 1876, in lots of not less than one-half million dollars, to the total amount of $5,883,000. These bonds will be sold for gold, and payment therefor must be made within three days after the acceptance by the Department of the bid." And whereas by the terms of this notice parties who desire to purchase a less amount of said bonds than $500,000 are precluded from making bids and are required to pay gold therefor instead of legal-tender notes, in which the judgments are payable: Therefore,

Resolved, That in the opinion of this House the Secretary of the Treasury should withdraw his said circular and offer the said bonds for sale in sums of $1,000 or multiples thereof, and receive proposals and payment therefor in legal-tender notes, unless there is some provision of law forbidding such payment.

ORDER OF BUSINESS.

Mr. SPARKS. I move that the House do now take a recess until half past seven o'clock, for the consideration of the bill (H. R No. 2677) to transfer the Office of the Commissioner of Indian Affairs from the Interior to the War Department.

Mr. RANDALL. I would like the gentleman from Illinois to give the House some assurance when he proposes to call the previous question on that bill.

Mr. SPARKS. I propose to do so to-morrow after the morning hour.

Mr. RANDALL. Then I will make this suggestion to the gentleman from Illinois: that by general consent the previous question be called to-night, so that the bill may come up to-morrow as unfinished business, and be voted upon immediately after the reading of the Journal.

Mr. MILLS. I object to that. We will vote on it some time to-morrow.

Mr. RANDALL. Then it is the understanding that the general debate on the Indian bill will be closed to-night?

Mr. SPRINGER. There is no understanding about it.

The SPEAKER. Does the gentleman from Illinois [Mr. SPARKS] agree to the suggestion of the gentleman from Pennsylvania?

Mr. SPARKS. I do.

The SPEAKER. That the general debate shall be closed to-night?

Mr. SPARKS. Yes, sir. When the previous question is moved there will be an hour after that.

Mr. MILLS. Do I understand that the proposition is that the debate is to close to-night?

The SPEAKER. General debate.

Mr. MILLS. Then I object.

Mr. COX. There will be no objection to a session to-night for debate only.

Mr. MILLS. A number of gentlemen want to discuss this bill; it is a matter of great importance to the country, and I do not see any necessity for rushing it through.

Mr. SPARKS. No other business will be done to-night.

The SPEAKER. An objection cannot prevent the motion being entertained. The question is on the motion of the gentleman from Illinois [Mr. SPARKS] that the House now take a recess until half past seven o'clock, to meet for the further consideration of the Indian transfer bill, and that the discussion to-night shall terminate the general discussion, and that no other business shall be done.

Mr. CONGER. That clause of the motion about closing debate can only be done by unanimous consent and not by a vote.

The SPEAKER. In the judgment of the Chair it can.

Mr. SPARKS. Of course that will allow me an hour to-morrow.

The SPEAKER. After the call for the previous question.

Mr. CONGER. Does the Chair decide that the time at which debate shall close can be stated in a motion for a recess?

The SPEAKER. The Chair sees no objection to doing it. It makes the motion somewhat complicated, but the Chair sees no parliamentary objection to it.

Mr. CONGER. Then I move that the House adjourn.

The question was taken; and the House refused to adjourn.

The question was put on Mr. SPARKS's motion; and on a *viva voce* vote the Speaker announced that the motion was agreed to.

Mr. CONGER. I demand a division; I stand here for the rights of some gentlemen who are not now present.

The SPEAKER. The Chair begs members of the House to tarry a moment, as the gentleman from Michigan demands a division on the last vote.

The question was again put; and on a division there were—ayes 111, noes 9; no quorum voting.

The SPEAKER. Is a further count insisted on?

Mr. CONGER. Further count is insisted on.

Mr. RANDALL. Then I call for tellers.

Tellers were ordered; and Mr. SPARKS and Mr. CONGER were appointed.

The House again divided; and the tellers reported—ayes 111, noes 15.

Mr. CONGER. Is that a quorum?

The SPEAKER. Does the gentleman raise that question?

Mr. CONGER. I desire this opportunity to say——

Mr. RANDALL. I object to debate.

The SPEAKER. The gentleman from Michigan has no right to debate anything now.

Mr. RANDALL. No, we do not allow that.

Mr. CONGER. Do gentlemen think that they will further their interests by pursuing a course like this? I supposed that we had tellers in order to ascertain whether we had a quorum or not. [Cries of "Regular order!"]

The SPEAKER. Is objection made to the fact that no quorum was present on the last vote?

Mr. CONGER. Will the Chair announce whether there was a quorum voting? That is what we had tellers for.

Mr. RANDALL. Is that point made?

The SPEAKER. Is objection made?

Mr. CONGER. I will withdraw my call for a further count, the number of members present showing that this matter was postponed to a time when almost more than one-half of the House had left, and some of these being gentlemen who wish to partake in the general debate.

Mr. RANDALL. I object to debate.

No further count being demanded, the motion of Mr. SPARKS was agreed to; and thereupon the House (at five o'clock and twenty minutes p. m.) took a recess until half past seven o'clock.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., and was called to order by Mr. SAYLER, as Speaker *pro tempore*.

TRANSFER OF THE INDIAN BUREAU.

Mr. SPRINGER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

Mr. PAGE. Pending that motion I move that the House adjourn. There does not appear to be anybody here, and if members have not interest enough in the discussion to attend the session I do not see why a few of us should remain here.

The SPEAKER *pro tempore*. The Chair would suggest that the recess was taken at rather a late hour to-day, and that the House had probably better take a recess for a few minutes to enable members to arrive.

Mr. PAGE. I move, then, that the House take a recess for ten minutes.

The motion was agreed to; and accordingly (at seven o'clock and thirty-three minutes p. m.) the House took a recess for ten minutes.

AFTER THE RECESS.

The recess having expired, the House resumed its session, Mr. SAYLER in the chair as Speaker *pro tempore*.

TRANSFER OF THE INDIAN BUREAU.

Mr. SPARKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2377) to transfer the Office of Indian Affairs from the Interior to the War Department, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The gentleman from California [Mr. PAGE] is entitled to the floor.

Mr. PAGE. I yield for twenty minutes to the gentleman from New Mexico, [Mr. ELKINS.]

Mr. ELKINS. Mr. Chairman, it seems to me that the bill under consideration is defective in this, that it does not provide, in the event of its passage, that the debts of the Indian Bureau, created while a part and portion of the Department of the Interior, should be paid before the transfer is fully complete; and at the proper time, when amendments are in order, I propose to offer one providing for the payment of all vouchers of persons who have heretofore furnished supplies to the Indian Department in New Mexico. These vouchers, with the dates and amounts thereof, respectively, will be found at length in a letter of the Secretary of the Treasury, bearing date the 24th of March, 1876, to the Speaker of the House, transmitting estimates of appropriation required by the various Departments to complete the service of the fiscal year ending June 30, 1876, and prior years. (Executive Document No. 151.)

I was unable on last Wednesday, owing to the objection of the gentleman in charge of the deficiency appropriation bill, to offer an amendment providing for the payment of the various amounts, which are as follows:

List of persons who have furnished supplies to the Indian Department in New Mexico, and for which the Department is still indebted.

Claimant and nature of claim.	Date of voucher.	Amount.
Amount due A. M. Jackson for board and lodging furnished Silas F. Kendrick, late Indian agent, while on business for the Pueblo Indians in 1861, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	$160 00
Amount due Joseph Ayers for board and lodging furnished Silas F. Kendrick, late Indian agent, while on business for the Indian Department, in 1861, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	5 00
Amount due the B. B. B. and C. Railroad Company for transportation furnished agent Silas F. Kendrick while on Government business in 1861, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	4 50
Amount due steamer J. H. Bell for transportation furnished late agent Silas F. Kendrick while engaged on Government business in 1861, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	15 00
Amount due J. Rinehart for services rendered as acting agent at the Cimarron agency, New Mexico, in May, 1872, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	56 66
Amount due Ignacio Archetola for salt furnished in June, 1873, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	14 00
Amount due the Maxwell Land-Grant and Railway Company for rent of office for use of the agent at Cimarron agency, New Mexico, from September 30, 1872, to March 30, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1862	85 00
Amount due José Maria Archutella for services rendered in March, 1873, at the same agency, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	17 00
Amount due John W. Miller for services rendered as blacksmith at the Navajo agency, New Mexico, during the second quarter 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	210 00
Amount due T. D. Burns for supplies furnished in June, 1873, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	2,670 45
Amount due Louis Clark for 3,772½ pounds corn, furnished in December, 1872, for the Indian service in New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	75 45
Amount due W. B. Truax for expenses incurred in traveling on business in connection with the service at the Pueblo agency, New Mexico, in December, 1872, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	58 33
Amount due James M. Roberts for expenses incurred in traveling on business, in connection with the service at the same agency, in October and November, 1872, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	200 00
Amount due Rogue Sanches for fresh beef and mutton furnished in April, 1873, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	78 50
Amount due J. Rinehart for services rendered as acting agent, in 1873, at the Cimarron agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	400 00
Amount due Charles H. Coleman for shoeing public animals during the second quarter 1873, for the Mescalero Apache agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	27 00
Amount due Daniel P. Mowner for services rendered as butcher, in second quarter 1873, at same agency, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	133 50
This amount, to pay indebtedness incurred on account of the service of the same agency, in second quarter 1873, viz: Pay of one laborer, $90, and one blacksmith, $82.50, as per statement of S. B. Bushnell, agent in charge, on file in the Indian Office, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	172 50
Amount due W. W. Owen for services rendered as chief herder at the Navajo agency, New Mexico, during the second quarter, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	180 00
Amount due Charles Harrison for services rendered as issuing clerk, at the same agency, same quarter, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	180 00
Amount due P. H. Williams for services rendered as issuing clerk, at the same agency, same quarter, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	180 00
Amount due A. C. Damon for services rendered as butcher, at the same agency, same quarter, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	180 00
Amount due Peter Whitney for services rendered as teamster, at the same agency, same quarter, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	180 00
Amount due Navajo Charley for services rendered as herder, at the same agency, same quarter, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	90 00
This amount, to pay liabilities incurred on account of the service at the Southern Apache agency, New Mexico, during the second quarter 1873, viz: Richard Stackpole, foreman, $175, and Joseph Durand, issue clerk, $150, as per statement of Benjamin M. Thomas, agent, on file in the Indian Office, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	325 00
Amount due Fellipie Madrille for beef, wheat, and flour, furnished in second quarter 1873, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	164 25
Amount due Jacob Krummeck for subsistence furnished in March and April, 1873, for the service at the same agency, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	103 25

List of persons, &c.—Continued.

Claimant and nature of claim.	Date of voucher.	Amount.
Amount due Speigelberg Brothers for provisions furnished in April, 1873, for the same agency, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	$43 25
Amount due Speigelberg Brothers for blankets, &c., furnished in January and February, 1873, for Indians visiting the New Mexico superintendency, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	29 00
Amount due Tom Navajo for services rendered as herder at the Navajo agency in June, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	10 00
Amount due W. W. Owens for amount advanced to Indian employés of the Navajo agency for herding during the first and second quarters, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	388 00
Amount due Lionel Ayers for amount advanced in goods and money to Indian employés at the Navajo agency, New Mexico, during the first and second quarters, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	536 00
Amount due Lionel Ayers for goods furnished the principal chiefs and head-men of the Navajo Indians, during first and second quarters, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	228 00
Amount due Serfine Chacon for repairing an ambulance belonging to the Abiquiu agency, New Mexico, in February, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	12 00
Amount due John B. McCullough for postage-stamps furnished the Cimarron agency, New Mexico, in May and June, 1873, being a deficiency for the fiscal year 1873 and prior years.	May 29, 1872	5 00
Amount due J. B. Lamay for the hire of an ambulance to Agent W. D. Crothers, in April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	21 00
Amount due Charles Robbins for services rendered as farmer, at the Abiquiu agency, New Mexico, in March and April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	136 67
Amount due W. W. Owen for services rendered as chief herder at the Navajo agency, New Mexico, during the third quarter, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	120 00
Amount due W. W. Owen for services rendered as chief herder at the same agency, in second quarter, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	180 00
Amount due Charles Harrison for services rendered as issue clerk at same agency, during third quarter, 1873, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	120 00
Amount due P. H. Williams for services rendered as issue clerk at the same agency, same quarter, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	120 00
Amount due A. C. Damon for services rendered as butcher, at same agency, same quarter, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	120 00
Amount due Peter Whitney for services rendered as teamster at the same agency, same quarter, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	120 00
Amount due Navajo Charley for services rendered as herder at the same agency, same quarter, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	30 00
This amount, to be applied in the payment of indebtedness incurred on account of the service at the Pueblo agency, New Mexico, during the first and second quarters, 1874, as per statement and vouchers, certified by E. C. Lewis, late agent, on file in the Indian Office, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	644 72
Amount due Agiela, Ute chief, for services rendered as guide, from August 3 to October 25, 1873, at Cimarron agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	50 00
Amount due Z. Staab & Co. for supplies furnished the superintendent of Indian affairs for New Mexico, in November and December, 1873, and January and April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	149 14
Amount due Seligman Brothers & Co. for timber, &c., furnished in second quarter, 1874, for the New Mexico superintendency, being a deficiency for the fiscal year 1874.	Feb. 14. 1873	20 75
Amount due O. C. Crothers for services rendered in March, 1874, at the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	77 41
Amount due A. Cayetano Garcia for subsistence supplies furnished during the second quarter, 1874, for the New Mexico superintendency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	69 05
Amount due Manuelo Griego for board furnished two Indian witnesses in March, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	36 00
Amount due Joseph J. Herrera for services rendered in June, 1874, at the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	102 33
Amount due Probst & Kirchner for 207¼ pounds of beef furnished in June, 1874, for Indians at the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	16 60
Amount due M. A. Breeden for rent of post-office box to the superintendent of Indian affairs for New Mexico, in June, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	3 90
Amount due Maxwell Land Grant and Railway Company for rent of building for the use of the agent at Cimarron agency, New Mexico, in January, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	12 00
Amount due Francisco Griego for keeping Indian horses in February and March, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	25 50
Amount due Thomas McDonald for board furnished employés of the Cimarron agency, New Mexico, in June, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	12 00

List of persons, &c.—Continued.

Claimant and nature of claim.	Date of voucher.	Amount.
Amount due John Orme Cole, late Indian agent, for expenses incurred in October and November, 1873, in traveling on Government business, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	$177 55
Amount due Charles Probst for beef furnished in January, March, April, and May, 1874, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	920 65
Amount due Charles Probst for beef furnished in June, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	877 70
Amount due Willi Speigelberg for supplies furnished the Cimarron agency, New Mexico, in February, March, and second quarter 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	4,045 20
Amount due William White for expenses incurred in traveling in April, 1874, on account of the Indian service in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	32 00
Amount due William White for services rendered as acting agent at the Cimarron agency, New Mexico, in April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	147-30
Amount due M. Traner for supplies furnished in April, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	73 63
Amount due T. D. Burns for rent of buildings for the service at the Abiquiu agency, New Mexico, in September, 1873, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	45 10
Amount due Bernardo Sanchez for beef and mutton furnished in August, 1873, for the service at the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	104 00
Amount due A. G. Irvine for hardware furnished in June, 1874, for the service in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	6 90
Amount due Ilfeld & Co. for supplies furnished the superintendent of Indian affairs for New Mexico in April and May, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	19 35
Amount due Z. Staab and Alexander Gusdorf for 2,900 pounds of flour furnished under contract in February, 1874, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	123 25
Amount due Z. Staab and Alexander Gusdorf for 12,000 pounds of flour furnished under contract in April and May, 1874, for same agency, being a deficiency for the fiscal year, 1874.	Feb. 14, 1873	510 00
Amount due W. A. Crocker for services rendered in June, 1874, as clerk at the Cimarron agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	40 00
Amount due Julien Lopes for 25 cords of wood furnished in November, 1873, for the Mescalero Apache agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	75 00
Amount due Charles H. Coleman for shoeing public animals in December, 1873, and January and February, 1874, at the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	56 00
Amount due Z. Staab & Co. for supplies furnished in April, 1874, for the Abiquiu agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	155 00
Amount due Pedro Y. Jaramillo for beef and wheat furnished in May, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	194 00
Amount due Culver & Hersey for ammunition furnished in May, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	94 00
Amount due Charles Roselle for services rendered as teamster in March, 1874, at the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	8 88
Amount due William A. Crocker for rent of buildings from January 20 to April 20, 1874, for the service in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	54 00
Amount due William A. Crocker for services rendered at the Cimarron agency, New Mexico, from February 1 to April 20, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	166 66
Amount due Frederick C. Bishop for services rendered as clerk at the office of the superintendent of Indian affairs for New Mexico in June, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	75 00
Amount due S. C. Dudley for services rendered as clerk for the same officer in May and June, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	250 00
Amount due Speigelberg Brothers for one sack of flour furnished in February, 1874, to Indians in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	5 00
Amount due George Chase for shoeing animals belonging to the Navajo agency, New Mexico, in October, 1873, and May and June, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	70 25
Amount due William Bolander for repairing harness, &c., in April and June, 1874, for the superintendent of Indian affairs for New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	14 45
Amount due J. B. McCullough for rent of post-office box to the agent at the Cimarron agency, New Mexico, in April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	2 00
Amount due E. Andrews for articles of stationery furnished in April and May, 1874, for the office of the superintendent of Indian affairs for New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	20 25
Amount due J. L. Gould for services rendered as special agent in November, 1874, at the Navajo agency, New Mexico, and for traveling expenses in returning to his home, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	322 00
Amount due Thomas D. Burns for supplies furnished for the service at the Abiquiu agency, New Mexico, during the fiscal year ending June 30, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	677 11

List of persons, &c.—Continued.

Claimant and nature of claim.	Date of voucher.	Amount.
Amount due Charles Roselle for services rendered as teamster and laborer at the Abiquiu agency, New Mexico, in second quarter 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	$105 00
Amount due Francisco Griego for hire of team for the service at the Cimarron agency, New Mexico, in April, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	10 00
Amount due Francisco Griego for services rendered as interpreter at the Cimarron agency, New Mexico, in May, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	55 55
Amount due W. A. Crocker for services rendered as issue clerk at the same agency, in May, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	53 33
Amount due Maurice Traner for supplies furnished the same agency in February, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	29 63
Amount due George Schafer for 414 loaves of bread furnished the Indians at the Pueblo agency, New Mexico, in the second quarter, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	34 50
Amount due Francisco Griego for transportation furnished two Indians, witnesses to United States court, from Cimarron to Santa Fé, New Mexico, in February, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	39 00
Amount due John E. Murphy for medicines furnished for the service in New Mexico during the second quarter 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	20 75
Amount due J. P. Chase for supplies furnished the Southern Apache agency, New Mexico, during the fiscal year ending June 30, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	563 30
Amount due George B. Duncan for services rendered as issue-clerk at Southern Apache agency, New Mexico, in January, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	60 00
Amount due Henry Duane for services rendered as physician at the same agency in fourth quarter 1873, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	200 00
Amount due Andrew Berger for services rendered as blacksmith at the same agency in second quarter 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	33 25
Amount due Louis Clark for beef and flour furnished in March, 1874, for Jicarilla Apaches in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	583 20
Amount due J. P. Chase for 7,470½ pounds fresh beef furnished in December, 1873, and January, 1874, for Southern Apache agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	933 81
Amount due Luciano Chaner for 12,968 pounds of fresh beef furnished in March, 1874, for same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	972 60
Amount due Frank Frenger for 19,733½ pounds of fresh beef furnished in January and March, 1874, for same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	1,608 54
Amount due Green & Lohenstein for supplies furnished in May, 1874, for Mescalero Apache agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	18 00
Amount due F. W. Haskell for sugar, coffee, and flour furnished in February, 1874, for Apaches of New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	3,931 75
Amount due Estanislao Montayo for 100,111 pounds of flour furnished in February, 1874, for Southern Apache agency, in New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	5,005 55
Amount due Pedro Montayo for erecting school-house in December, 1873, and furnishing sixteen tons of hay in August, 1873, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	224 00
Amount due Numa Reymond for 48,518½ pounds of corn furnished in January, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	1,280 89
Amount due John H. Riley for fresh beef furnished in the first and second quarters, 1874, for the Mescalero Apache agency, New Mexico, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	7,165 66
Amount due William Rosenthal for corn and hay furnished in September, 1873, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	168 00
Amount due Van C. Smith for beef furnished under contract in fourth quarter, 1873, and January, 1874, for the same agency, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	9,867 03
Amount due Z. Staab for blankets, flour, and other supplies furnished in September, October, and November, 1873, and May, 1874, for the Southern and Mescalero Apache agencies, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	3,789 52
Amount due Henry G. Toussant for 15,163 pounds of fresh beef furnished in May, 1874, for the Southern Apaches of New Mexico, being a deficiency for the service of the fiscal year 1874.	Feb. 14, 1873	1,213 04
Amount due Manuel Vigil for 20,800 pounds of mutton furnished in June, 1874, for the same Indians, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	1,560 00
Amount due Paul Dowlire for supplies furnished the Mescalero Apache agency, New Mexico, in May, 1874, being a deficiency for the fiscal year 1874.	Feb. 14, 1873	96 00
Amount due D. Provencher for 18,840 pounds of beef furnished the Navajo agency, New Mexico, in April, 1875, being a deficiency for the fiscal year 1875.	June 22, 1874	942 00
Amounts due Walter G. Marmion for beef furnished the Navajo agency, New Mexico, in March, 1875, and F. K. Nichols & Son for yarn, &c., for same agency, in February, 1875, being a deficiency for the fiscal year 1875.	June 22, 1874	1,436 69
Amount due D. Provencher for 12,450 pounds of beef furnished the Navajo agency, New Mexico, in March, 1875, being a deficiency for the fiscal year 1875.	June 22, 1874	620 01
Amount due Marmion Brothers for corn delivered at the same agency in March, April, and May, 1875, being a deficiency for the fiscal year 1875.	June 22, 1874	$2,080 92
Amount due M. Barth for freight on 49,800 pounds flour to Camp Apache, Arizona, in 1874.	May 30, 1874	2,490 00

On reflection, I am convinced that the proper place to provide for the payment of this indebtedness is in the present bill.

In order to a correct understanding of the exact nature of these vouchers against the Government, I will briefly state their history. As will be seen from the list, there are a very large number of them, all small in amounts, some of them as low as $3.90, some for $5, some for $8, some for $20, some for $50, and some for $100, a very few exceeding $1,000 in amount. They are partly for supplies furnished the Indians under contracts made by the owners of these vouchers with officers of the Government, and partly for services rendered the Indian Department. These vouchers are dated in 1872, 1873, and 1874.

This indebtedness on the part of the Government was created by its authorized agents in the discharge of their official duties. They invited the people of New Mexico to sell to the Government these supplies, and in many instances they were furnished at very low rates. The people, in obedience to the proposals of these officers to furnish supplies, in good faith and generally in accordance with a written contract delivered them to the officers, receiving therefor these vouchers on which it was understood, as is always the case, they were to receive the money immediately, as such transactions with the Government are always on a cash basis. These vouchers were issued by the Indian agents in charge at the various reservations, who received the property and had full knowledge of all the details of each transaction. They were, until the office of superintendent of Indian affairs was abolished, approved by that officer. They have been examined, audited, and approved by the Commissioner of Indian Affairs. They have received the sanction of the Interior Department, passed the board of Indian commissioners, and now are reported to this House by the Secretary of the Treasury as amounts due by the Government of the United States, as the following letters will show:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 17, 1876.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 15th instant, of a letter of Hon. S. B. ELKINS, relative to certain deficiency items embraced in Executive Document 151, House of Representatives, for New Mexico, and in reply have to state that the vouchers covering the amounts estimated for have been examined and approved and are on file in this office, suspended, awaiting appropriation to meet the same.

The letter of Mr. ELKINS is returned herewith.

Very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

The Hon. the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1876.

SIR: In reply to your letter of the 15th instant inquiring whether amounts due for incidental expenses of the Indian service in New Mexico, as set forth in letter of the honorable the Secretary of the Treasury of March 24, 1876, transmitting deficiency estimate to the House of Representatives, have been examined and found correct by this Department, I have the honor to transmit herewith copy of report dated 17th instant, from the Commissioner of Indian Affairs, to whom your letter was referred.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

Hon. S. B. ELKINS,
House of Representatives.

It would seem that the mere mention of the history of these vouchers would induce their immediate payment, but such is not the case.

There is not a breath of suspicion or fraud that attaches to any or either of them. They stand as adjudicated accounts against the Government for property used for its benefit and bought at its instance. That the supplies were furnished to the Government and that the Government received the benefit of them, is not denied or questioned by any one. That the people in good faith turned over their property to the Government upon the promise that they were to be paid, no one can deny. That these vouchers were issued regularly and with all the formalities required, and precisely as all vouchers are issued by the Government, is not disputed. It is also acknowledged in respect of these vouchers that the Government of the United States has had and enjoyed for its own uses and purposes in the administration of the public service the property of its citizens, and up to this date has refused to pay for the same.

It is claimed by some that as to a part of these vouchers the officers exceeded their authority in purchasing supplies after the appropriation had been exhausted. This only applies in part; but I submit if it is not a feeble answer to the poor man who has sold his property in pursuance of a proposal and under contract to duly authorized agents of the Government, and the Government has enjoyed the benefit thereof, in order to advance its own policy and keep its promise to the Indians, that it will not pay the same because possibly the appropriation had been exhausted?

Officers are the agents of the United States, and the United States are bound by their acts performed within the scope of their legitimate authority, and should they in the interest of the Government

exceed their authority, and the Government afterward does some act confirming the conduct of their agent, then it is liable. The people who furnished these supplies had no means of knowing, except from the officer, what amounts had been appropriated for the purchase of supplies, and it was impossible for them to find out whether funds were on hand to pay them. They were compelled to rely on the statements of the officers, and it is a miserable subterfuge on the part of a great Government, after having used the property of its citizens, to refuse payment therefor on any ground whatever, much less on the ground that possibly its duly-authorized agents had before exhausted the appropriations for that purpose. It is a well-established principle of law that if an agent should exceed the authority of his principal to the extent of purchasing property even contrary to express instructions, and the principal receives and uses that property, he is liable, and can be compelled to pay for it; and so it is with the Government. In such a case, if the Government desired to act fairly, it should have advised the people there were no funds on hand to pay for these supplies and they must take the risk of payment; but this was not done.

The officer should be held to an account, and not the poor citizen. To refuse the payment of these vouchers, made regularly in due form and in the ordinary way as they have been and, like all ordinary accounts against the Government, being in no wise different and being audited, is repudiation of the just obligations of the Government and an arbitrary confiscation of the property of the people. There is no other and proper way of characterizing the conduct of the Government. The Government has in effect induced the people to give it their property; it has used it for its purposes and refused payment.

But I find in the deficiency bill that passed the House on last Wednesday the amount of $10,780 appropriated to pay the Adams Express Company, $22,374 to pay the Continental Note Company, and $31,776 to pay the American Bank-Note Company, all being deficiencies. Now, why it is or how it is that the Adams Express Company and these bank-note companies are entitled to more consideration or that their claims are better than those of the poor people who have furnished supplies to the Government two thousand miles distant from its seat, I am unable to understand. If the deficiencies reported from New Mexico are to be treated as claims, as the Committee on Appropriations has asserted on this floor, why was not the claim of the Adams Express Company and these bank-note companies sent to the Committee of Claims also?

The Adams Express Company is a rich and powerful corporation, with thousands of employés scattered all over the land, almost in every village, with an office in this city. If the Government, in its discretion, should single out one of its creditors to prefer and make payments to, it seems that of all others the Adams Express Company should be the last. It is powerful, and could enforce its claim even before the Committee of Claims. It is rich, and could better wait than the poor farmer on the distant frontiers, who has given a load of hay, his year's crop of corn, the last cow he has on his place, or the last animal to the Government, hoping thereby to realize something for his family in want, to pay his debts, and educate his children. The Adams Express Company can afford to employ counsel to look after its claim before the Committee of Claims, but the sending to that committee the vouchers of these poor people in such small amounts is equivalent to burying them forever. By such an act the Government in effect becomes the oppressor of the poor, and takes from them their hard earnings without compensation. Can it be that such is the object and purpose of a great Government?

I imagine it will be difficult for the Committee on Appropriations to show how or why the Adams Express Company and these bank-note companies are singled out and entitled to such careful and tender consideration at their hands, while the claims of citizens, just as good but not so large in amount, are denied the same consideration, but are sent to some other committee with a cloud over them to die. The Government in all its transactions with its citizens should be just. It will not in its wisdom permit itself to be sued, and therefore its agents and those intrusted with its administration should be all the more careful that no citizen is for any reason denied payment for his property or oppressed. The Government can never hope for the people in their dealings with it to be honest until the Government itself is just and fair. So long as the Government refuses to pay the rightful claims of its citizens, or avoids payment for any reason, just so long they may expect the citizens to attempt to take advantage of it, and by such policy and conduct the Government encourages and fosters corruption. To have the people honest in their dealings with the Government, the Government should be honest with them. If the fountain is muddy, the stream will be dark. The Government should set an example of honesty, promptness, and fairness to the people in its business transactions.

It is a fact that of late years in many instances people with just claims have gone to their graves in want urging their payment and the Government denying them, while others for large amounts with suspicion hanging over them have been paid. Such conduct cannot and will not establish loyalty and affection in the hearts of the people, and will ultimately drive, as it has already, many honest citizens from having any dealings with it. It is known that it is almost impossible, without great influence or great labor and expense even, in an ordinary life-time to secure the payment of a just claim on which payment has been deferred for a time.

The sending of these vouchers to the Committee of Claims is a new departure on the part of the Committee on Appropriations. It never was done before. Claims against the Government, in the general acceptation of the term, do not arise out of the ordinary daily transactions of the Government wherein the Government becomes the purchaser of any commodity for sale by its citizens, but arise when the obligation of the Government to adjust and pay them is not clear. In such cases they are properly referred to Congress or the Court of Claims and made the subject of investigation; but these vouchers for supplies furnished the Government stand on a different footing, and should not be degraded to claims. They are a debt against the Government about which there is no question, and for Congress to refuse to pay them is the same in effect as if the Treasury officials should refuse to pay their own drafts given to citizens until Congress had investigated them. In all instances when property has been furnished the Government under a contract and the property used for the benefit of the Government, and the appropriation has been exhausted, it has been usual to provide for their payment by a subsequent appropriation. This has been the uniform practice of Congress, and if a different rule is to prevail the people should have notice. To make claims of these vouchers is to put a cloud upon them, is to compel the owners to the expense of attorneys to go before the Committee of Claims.

Indeed, as I said before, it is a slow but sure death to them and to the hopes of their owners. This Congress has appropriated a million and a half to celebrate the hundredth anniversary of American Independence. It was wise, needful, and proper that means for such a glorious purpose should have been provided by the Government, and I fully concur in the zeal and ardor of the supporters of the bill. The leader of the Committee on Appropriations, as I am informed, voted for it, and I hope I do him no injustice when I say he *worked* for it. This celebration is to be had in his city and was proper that it should be held there. He had a just pride no doubt in its success; but while he votes to take a million and a half from the Government Treasury for the worthy purpose of a great national celebration, on the other hand the statesmanship that prevents him from providing for the payment of all just debts against the Government is certainly of a very questionable character as to its wisdom and open to fair criticism. It is well for the nation to celebrate the first hundred years of its existence, but it is nobler and better that it should pay its honest obligations for property used in its interest.

One searches in vain for the consistency that should characterize a great government in these two acts. The first commends our admiration, the second compels our contempt. The Government should be just before being generous. While the people are celebrating the one hundredth birthday of American Independence at Philadelphia, it will not be forgotten it is being done in part with money justly due and wrongfully withheld from some of its poor and needy citizens; and, sir, in another part of this country far distant from these scenes, the grandest ever enacted in human history save the event they commemorate, there will be another entertainment in which the sheriff and some of the owners of these vouchers, with their children and wives homeless and houseless, will be the principal actors and this for no fault of theirs, and all because their own Government would not pay its just dues. Their hearts may have been kindled with the same patriotic fire, with the same enthusiasm, and with the same ardor that burns in the breasts of their fellow-citizens, and particularly those who voted for the centennial bill. But henceforth the flag of their country will not be to them an emblem of glory, but of oppression, and Government promises and obligations meaningless words.

The gentleman from Pennsylvania, speaking I suppose for the Committee on Appropriations, in his reply the other day to the Delegate from Wyoming, who was also urging the payment of some vouchers similar to these, declared it was mentally and physically impossible for the Committee on Appropriations to investigate these claims. For my part I think the committee could have stood the fatigue, mental and physical, of passing at least a few of those owned by the people of New Mexico. For instance, it would have hardly killed them dead or driven them mad from mental labor to have considered the one for $3.90, the one for five, and some of those for ten dollars, and so on, and allowed them, particularly as they seem to have worried through with $10,780 belonging to the Adams Express Company, and $22,374 belonging to the Continental Note Company, and $31,776 belonging to the American Bank-Note Company, all being deficiencies, to still live, move, and have their being and promise long to adorn their States by their distinguished services to the whole country. In the same breath the distinguished chairman of the Committee on Appropriations says that we referred them to another committee to be investigated.

Well, Mr. Chairman, investigation seems to be the order of the day, the noblest calling on earth, and considering the congressional pulse, the fevered state of the public mind, and the readiness to investigate and be investigated, it is not astonishing that the Committee on Appropriations thought, "Well, we will put these vouchers where they can do no harm, into the investigation mills; they are running day and night; and they will never be heard of again, and if they should, they will be so smirched and damaged in their appearance and standing they can never hope for attention hereafter. Happy thought! We will treat these vouchers as we do presidential candidates and aspiring statesmen, throw mud on them and kill them off by investigation."

Well, Mr. Chairman, investigation is the one thing needful under the sun. In life we are in the midst of it; it rides on the hurricane and is foremost in the storm. The gentle zephyrs that visit the congressional brow are freighted down with it; we walk, talk, lie down, and get up with it. It invades every office, every prison, and every household in the land; and therefore it is not surprising that these poor fatherless vouchers, just at this eventful period of our history, given for the people's property, should share the common fate of all sublunary things.

The communications which I have read state that the identical vouchers of which I have been speaking have been examined and approved by the Indian Bureau and Interior Department. I hold that they are just as sacred as any other debt against the Government, and yet they talk about investigating these matters. It would be just as if the Sergeant-at-Arms should go down in the city and purchase a bundle of paper or two chairs, and when he presented his account to the proper officer to have it paid payment should be refused, and then it should go before the Committee on Appropriations for a deficiency, and the committee should say, "We cannot pay this now; we want to investigate it; we want to understand the whole matter; we want the identical chairs here; we want the clerk that sold these articles brought here before our committee or some other to investigate and see if the account is correct." That is exactly the kind of investigation which is proposed for these claims. These are no doubtful claims, they are not claims for depredations, but they are claims for property given up to the Government in pursuance of a contract with the Government, and should not be postponed in this manner. They were deferred last session by the Committee on Appropriations, and efforts are being made to put them over this session. I claim that this is rank injustice, that it is dishonoring the credit of the Government, repudiating its obligations, and in fact confiscating the property of the people.

I thank the gentleman from California [Mr. PAGE] for his courtesy.

Mr. PAGE. Mr. Chairman, I shall not detain the House for any length of time to-night in the discussion of this question. I have listened very patiently to the remarks that have been made by gentlemen upon both sides of this question. It would be folly for me to attempt, after the very able argument of the gentleman from New York [Mr. Cox] and the able argument made by my colleague upon the committee from Massachusetts, [Mr. SEELYE,] to elaborate upon this subject.

There are but two questions that enter into the consideration of the bill. The first is the question of economy, the second the greater question of the humane treatment of the Indians. In all the discussions upon this subject I have failed to hear any argument adduced by the majority of the committee that should lead this House to believe that if the proposed change be made it would be the means of saving the Government of the United States a single dollar; on the contrary, in my opinion, all the arguments so far have gone very conclusively to show that the Indian supplies are furnished much cheaper under the present board of Indian commissioners than the goods for the Army are furnished under the control of the War Department. That was shown very conclusively the other day by the gentleman from Massachusetts, [Mr. SEELYE,] and I believe it has not been contradicted by any gentleman who has spoken in favor of the other side of the question.

In 1869 there was formed what was known as the Indian peace commission, and I am told that the members of that commission served without compensation. The board is composed of some of the best men in the country, men whose only desire is to protect the Indians, to see that they are properly cared for, and that they are wisely and humanely treated.

General Clinton B. Fisk, the chairman of the Indian peace commission, or the peace board, on the 1st day of August, 1875, addressed the following letter to the various Indian agents and superintendents throughout the country:

BOARD OF INDIAN COMMISSIONERS,
Washington, August 1, 1875.

SIR: The board of Indian commissioners desire more specific information than is now in their possession touching the extent the military forces of the country are brought into requisition in the administration of the Indian service, and whether in this particular any change would have a tendency to promote the efficiency and purity of the service. For this purpose may we request that you will, at your earliest convenience, forward to us such facts as are within your own knowledge or which can be obtained by you touching the following points:

First. State whether any military force is stationed upon or in the vicinity of your reservation, and within what distance of your agency.

Second. For what purpose are the troops so stationed employed or needed in connection with the Indians?

Third. How is their presence regarded by the Indians, and what, in your judgment, is their influence in respect to morality, good order, and progress in civilization?

Fourth. Would the organization of an armed Indian police, under proper restrictions and discipline, for the enforcement of order, arrest of criminals, and the prevention of incursions of evil-disposed persons upon your reservation, prove safe or advisable; and to what extent would such an organization supersede the necessity of a military force?

Please freely state, in addition to replies to the foregoing inquiries, any and all facts within your knowledge bearing upon the wisdom of increasing or diminishing the use of the Army in the management of Indian affairs. Statements from persons not in Government employ, whose position and experience in Indian matters entitle their opinions to consideration, are also earnestly desired.

Please address Hon. F. H. Smith, secretary board of Indian commissioners, Washington, D. C.

Very respectfully,

CLINTON B. FISK, *Chairman.*

I will detain the House only long enough to read brief extracts from the replies of different agents. A letter from Barclay White, superintendent of Indian affairs of the northern superintendency, under date of "Omaha, Nebraska, Ninthmonth 23, 1875," contains this statement:

Indians of this superintendency dislike the presence of troops at or near their agencies and ask for their assistance only in extremity. As far as my observation extends, I believe the influence of troops stationed at or near Indian agencies is not good in respect to morality, good order, and progress in civilization.

In the reply of E. A. Howard, United States Indian agent, dated "Spotted Tail agency, Nebraska, September 9, 1875," is this statement:

The Indians regard the troops as trespassers, and consider their presence a breach of faith on the part of the Government, as it was part of the agreement at the time the treaty was made that no troops should cross the Platte River. The Indians are permitted by the post commander to go about the camp wherever they choose, thus throwing them in contact with a demoralizing class of men, where liquor is frequently smuggled in; it being but a short time ago that a man in charge of Government wagons was arrested and a quantity of liquor confiscated, but not until after it had got well circulated and several cases of intoxication among the soldiers were reported.

W. J. Cleveland writes under date of "Spotted Tail agency, Nebraska, September 10, 1875," as follows, speaking of the presence of the military:

Their presence is very unfavorably regarded by the Indians. Their influence as to morality is most damaging, and unless the soldiers are distinctly forbid associating with the Indians, and the Indians kept out of the military camp, these troops will do more toward corrupting the morals of the Indians at this agency than any other means which could be designed or brought to bear upon them for that purpose. Their presence here, under the discipline at present maintained, probably has some weight in favor of "good order," but aside from that I do not think they help to promote civilization in the least.

In a letter written by Joseph Webster, "Santee agency, Nebraska, Eighthmonth 26, 1875," is this statement:

I have had no experience in relation to the moral influence, &c., exerted by the presence of soldiers upon Indians. But, from the best information I have been able to obtain, I believe it is always unfortunate to have to resort to white soldiers to maintain order on an Indian agency. With few exceptions these troops are composed of the lowest and worst class of white men, and their influence cannot be other than injurious to the moral growth of Indians.

In a letter written by Jonathan Richards, United States Indian agent, "office Wichita agency, Indian Territory, Ninthmonth 7, 1875," is this statement:

The influence of troops stationed permanently or for any length of time near to Indians is demoralizing and subversive of good order, and disease and ruin is almost, if not altogether, a sure effect of a close proximity of soldiers to the camps of Indians. Consequently they can make no progress, under such circumstances, in civilization, though they may be loyal, peaceable, and friendly.

M. U. Newlin, United States Indian agent, "agency Indians in Kansas, Eighthmonth 23, 1875," writes thus about the military:

Any introduction of the military power, which is certainly peremptory and arbitrary, in the government of the Indians would not only be detrimental to their interests, but seriously retard their advancement.

Another letter, dated Blackfoot agency, Montana, September 12, 1875, says, speaking of the Army:

Their presence is regarded with an unfriendly suspicion, which almost borders on dislike. The distance of the post and its avoidance by these Indians prevent the troops from exercising any influence upon the moral or social condition of these people, or interfering with their progress in any way.

* * * * * * *

My experience leads me to think that the less the military have to do with peaceable Indians the better; because the Indians feel that the presence of soldiers is a menace. This causes irritation among the young men, which should be avoided. Only in cases of threatened or actual hostility should the military be brought among them, for the reason stated.

This is signed by John S. Wood, United States Indian agent.

Mr. Chairman, I might go on at great length in reading extracts from various Indian agents and superintendents, but I do not care to detain the House further. I have read from the seventh annual report of the board of Indian commissioners for 1875. It seems to me there is no disagreement upon this question, and that the peace policy which has been very wisely established will, if carried out as it should be, result in benefit to the Indians, while to transfer the Indian Bureau from the Interior Department to the War Department would in my opinion be a step backward in regard to the civilization of the Indians.

I desire to call attention briefly to a memorial and protest which I hold in my hand, signed by a delegation of Cherokees, Creeks, Seminoles, and Choctaws. It is very well understood that the gentlemen whose names are attached to this document are a very highly educated class of Indians, very capable of determining this question for themselves; and they have in a very fair and respectful manner addressed their protest to this House. I desire to read a few brief extracts:

It is a fact that is even now being verified at the Black Hills, that the presence of troops begets trouble with Indians. Traders, contractors, liquor-dealers, supply men, and that other class of hangers-on, middle-men, and loafers, who follow an army and are found about posts, and all of whom do their parts in producing conflict between Indians and citizens, or with the Army. And a few days of Indian war costs the country more human life and treasure than years of civil control.

We believe that your records will show that your wars, and the consequences growing out of them, with the Indians since the rebellion, provoked by the military and its surroundings, have cost your Government and people many human lives, hundreds of millions of dollars, and retarded the advance of the Indian in civilized life.

We are informed that the Modoc war was notoriously the result of military mismanagement, and cost the lives of over one hundred and twenty white men and millions of dollars. And this is but a single instance.

Mr. MAGINNIS. Does the gentleman from California, [Mr. PAGE,] living near the scene of the Modoc war, indorse that view of its cause?

Mr. LANE. I desire to say to the gentleman from California [Mr. PAGE] that that was not Captain Jack's opinion. He said it was the fault of the civilians.

Mr. PAGE. I will say to the gentleman from Oregon [Mr. LANE] that I have never had Captain Jack's version of this affair.

Mr. LANE. Well he attributed it to the civilians, not to the military.

Mr. PAGE. The fact remains nevertheless. Again they say:

No people learn well of those they do not trust, and it is a fact worthy the notice of Congress that the Indians of the frontier are not well disposed toward the Army, and we fully believe that their transfer to military control will not be conducive to peace with or prosperity of the Indians. * * *

The people, acting in honest support of the spirit of free government of the United States, and upon which it has been and now is carried on with all other peoples of whatever race or clime, must abhor this invidious distinction against the Indians, when it is not even claimed that it is for their fault, but for the dishonor of civilized men. And certainly the genius of the United States Government is again invaded in the excuses offered for this transfer; for while the Government is based by its founders on the intelligence and the integrity of the people, this movement is on the basis that there is no honor in civil life worthy to be trusted, and hence a transfer to the military as the only safety in the line of economy and integrity. The sequence of such position must sooner or later transfer other bureaus, and eventually the Government itself, to military control.

I shall not detain the committee further by reading from this report; but it seems to me that if any class of people are prepared to speak intelligently upon this question it is those from whose protest I have read these brief extracts. They are an intelligent people, competent to decide this question for themselves; and I submit that their protest is entitled to the consideration of this House.

Some gentlemen who have spoken in favor of the majority report of this committee have read very copiously from the letters or testimony of General Sherman and other military officers. I hold in my hand a report made in 1868, and signed by N. G. Taylor, president; J. B. Henderson; W. T. Sherman, Lieutenant-General; William S. Harney, brevet major-general; John B. Sanborn; Alfred H. Terry, brevet major-general; S. F. Tappan; C. C. Augur, brevet major-general United States Army, as commissioners. This report expressed the unanimous opinion of the signers against the transfer of the Indian Bureau from the Interior Department to the War Department. I will read very briefly:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them the Bureau should go to the Secretary of War. If we intend to have peace it should be in the civil department.

Mr. MAGINNIS. Did they not afterward change the opinion expressed in that report?

Mr. PAGE. I do not care whether they changed their opinion or not. I am reading from a report made by men selected by the President of the United States to examine this question; and after many weeks of labor they presented this report unanimously signed, and I have a right to state to the House that this was the deliberate judgment of those commissioners.

Whatever may have occured since I leave to gentlemen on the other side who are in favor of this bill or who are in favor of the transfer of Indian affairs from the Interior to the War Department. If they can find any evidence which will convict these men of changing their opinions, all right.

Mr. STEELE. Will the gentleman yield to me?

Mr. PAGE. I do not wish to be interrupted; I have only a few minutes.

Mr. STEELE. Do you not know they did change their opinions?

Mr. PAGE. I do not know whether they did or not. I know the extract I have read is contained in their report, and no minority report was made. I state on the authority of these gentlemen, if you want war turn the Indian Bureau over to the War Department, and if you want peace let it be where it is. I see my friend from Ohio, [Mr. BANNING,] who quoted last night from the report, or rather quoted a remark made by General Sheridan. It has been but recently my friend would quote anything from General Sheridan. But recently General Sheridan's reports down South were not considered to be entitled to much credit by our friends over there.

Mr. BANNING. Will my friend from California allow me?

Mr. PAGE. I cannot.

Mr. BANNING. The gentleman is clever to refer to me and not permit me to reply.

Mr. PAGE. You made your speech last night.

Mr. BANNING. We take Sheridan when he is right and you take Sherman when he is wrong. Sherman's letter is in favor of this transfer, and that is his last evidence.

Mr. PAGE. Mr. Chairman, I have read from the report made by General Sherman and other officers of the United States acting in obedience to a summons of the President of the United States to investigate these affairs and report to the Congress of the United States.

Mr. COX. My friend from California will allow me right here to say a word. General Sherman has been quoted on both sides of this matter. General Sherman signed the peace commissioners' report, in which the language quoted by Mr. SEELYE, of Massachusetts, and that quoted by my friend in this discussion was used. Since that time he has said he had no practical knowledge of Indian affairs. I do not rely, therefore, greatly on General Sherman; but I hold in my hand a document, which I will refer to briefly. It shows that General Sherman had some knowledge of this matter as early as 1867 or 1868. It is a Senate report, Executive Document No. 11, Fortieth Congress, third session, not referred to heretofore, where General Harney reports to General Sherman the placing of 28,000 Sioux on the reservation at that time. I will read from that report.

Our past experience has dearly taught us that when persecuted and oppressed they are capable of becoming a foe not to be despised. Where one dollar has been spent for their support and civilization thousands have been expended in warring against them, and where have we gained any great victories? As relentless as death in their hatred and thirst for revenge, kindness secures their confidence. This once acquired, they can be controlled as easily as children.

General Sherman says:

I have no doubt that General Harney has laid the foundation for a system which if persevered in will in time domesticate the larger part of this powerful nation of Indians and withdraw them from the railroads that have been built across the continent.

Yet in this very document, Mr. Chairman, which these gentlemen have not apparently inquired into, this Army officer, General Harney, reports he used up in that fall the $200,000 appropriated and incurred a debt of $485,784.21 in addition to the $200,000, because the Army is not economic. And if economy commences anywhere, let it commence where the gentleman last night undertook to say it should not, right at the rank and file of the Army. When the gentleman talked about Tammany, &c., he knew where the shoe pinched and where the dereliction came in. I thank the gentleman from California for yielding to me.

Mr. PAGE. I thank the gentleman from New York for the suggestions he has just made. I accept them, and willingly incorporate them as part of my remarks.

Mr. BANNING. I ask the gentleman from California to yield to me, as my friend from New York has referred to me.

Mr. PAGE. I decline to be interrupted.

Mr. BANNING. I wish to present the last opinion of General Sherman.

Mr. PAGE. I hold in my hand, Mr. Chairman, a letter from General Sherman, dated Saint Louis, January 19, 1876, in which he says: "I do not profess to know anything of the practical working of the Indian Bureau as now organized." That is what he said. He does not pretend to know anything about it. If you wish to turn them over to the Army, I have no doubt General Sherman in case of an Indian war would advise this House or this committee of the best treatment under that system to dispose of the Indians.

But, Mr. Chairman, I stated in the outset that the majority of this committee have failed to show by this transfer from the Interior to the War Department there will be a saving of one dollar by the Government of the United States. And I ask those who are to follow me to state specifically wherein they expect to save this great amount of money. I know it has been asserted we will save the money paid to some of these Indian agents. But, as I have stated, it has been shown Indian supplies are now furnished at a much lower price than goods are furnished to the Army of the United States. And therefore it is fair to suppose that under this peace policy this board of Indian commissioners, composed of some of the best business men of the country, who serve the Government without pay, have an interest in this matter sufficient for them to examine carefully every contract made, and that they will see that the Indians will be provided for honestly and economically.

It is no argument, Mr. Chairman, to say that some men in the Indian Bureau have proved themselves to be rascals. There are rascals among all classes, I suppose, and there are men who cannot be safely intrusted with the disbursement of Government moneys. But there are honest men who, if they are selected as they should be selected, for their moral worth, for their honesty and integrity, will honestly disburse the funds of the Government and will save many dollars, in my judgment, if we leave this Indian Bureau where it is now.

To transfer this Bureau to the War Department, in my judgment, would be the means of bringing about numerous Indian wars; and history tells us that Indian wars have been very expensive to the Government of the United States. One Indian war cost the Government of the United States $30,000,000, and only thirty Indians killed. It is more economical for this Government to feed the Indians than it is to fight them. The recent war in the Territory of Arizona cost the Government many millions of dollars; but since this peace commission has been established those Indians, I understand, now are peaceable. They are being fed and taken care of on the reservations, and show no disposition to commit outrages on the settlers.

The Legislature of my own State, Mr. Chairman, passed resolutions at its last session instructing its Senators and requesting its Representatives in Congress to vote for this transfer. But, sir, while I am willing at all times to be advised by the Legislature of my own State, and while I am willing and consider it to be my duty at all times and under all circumstances to give respectful consideration to the Legislature, I certainly claim upon this question the right to disagree with them.

It will be remembered, Mr. Chairman, that the Union and Central Pacific Railroad traverses nearly two thousand miles of Indian territory or territory almost exclusively populated by Indians. There are hostile tribes on either side of this great overland railroad. For two

thousand miles this railroad is exposed to the attack and to the depredations of hostile Indians. There is no knowing at what time, at what hour of the day or night, these Indians may throw a train off the track or burn bridges. But it is a matter of history that since the completion of the overland railroad in 1869, there has not been one hour's interruption on account of any bad conduct on the part of these Indians. But if they are turned over to the War Department and war should ensue, which, in my judgment, would be inevitable, there would be a very different state of things in that respect. These hostile tribes of Indians are not particularly friendly to the soldiers and the soldiers are not particularly friendly to them. It was only a few days ago that General Crook, I believe it was, made a raid and captured seven hundred Indian ponies, and the next day the Indians turned around and recaptured the ponies from General Crook. These evils would follow, in my judgment, from the transfer of the Indian Bureau and withdrawing from the management of Indian affairs the class of men who now have the control of them and who are teaching the Indians the arts of civilized life. It would be the means of giving rise in all probability to Indian outrages; and should that be the case the result would be that travel to my own State and to the Territory of Wyoming, to the Territory of Utah, to the State of Nevada, and to the State of Oregon would soon be very materially interrupted by depredations committed by these Indian tribes; and I say this is an argument, and a strong argument, in my judgment, in favor of maintaining the friendly relations we now have with these Indian tribes, that such a disaster might be prevented.

The Military Committee are in favor of this transfer, so says their chairman; and yet they are in favor of reducing the Army, as I understand. They are in favor of reducing the Army and in favor of imposing additional burdens upon the Army. It seems to me that they are working at cross-purposes in this, because I do not believe that you can reduce the Army and at the same time, after the reduction, impose additional burdens upon it.

I am surprised, Mr. Chairman, to find so many gentlemen who have made very able addresses upon this floor in favor of this transfer; some of them associated with me upon the committee, and Representatives from the Southern States—I say, I was surprised to find that any gentleman from the South, that any Representative from a single Southern State, could be found upon this floor advocating the transfer from the Interior Department and turning over to the control of the Army of the United States the peaceable and quiet Indians, many of whom are engaged in honest industrial pursuits with a desire to support their families and educate their children. The Representatives from the Southern States have on more than one occasion told this House of the tyranny that was exercised by the Army of the United States in their localities. They have also informed the House that the people of the South were able to take care of themselves, and that they were competent to enforce the laws of the States as well as the Government of the United States.

I must say that their appeals have had the effect upon my mind in many cases to lead me to believe that the Army could be properly withdrawn from many of these States. But, sir, I am surprised to find that these same gentlemen now believe that the only salvation for the Indian is to turn him over to the control of the Army of the United States.

Mr. Chairman, I believe that the peace policy should be continued. Many religious denominations have contributed money year after year for the purpose of civilizing these Indian tribes, educating the children of these Indians, teaching them morality and religion, and I believe that every religious denomination in the country has contributed more or less for that purpose. I hold in my hand a protest addressed to the President and Senate and House of Representatives from a religious society known as the Friends. I read that protest:

> The memorial of a convention of delegates, representing the seven yearly meetings of the religious society of Friends, composed of citizens of the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and Iowa, respectfully showeth that they have been actively engaged for several years in endeavoring to civilize the Indian tribes of the northern superintendency with marked success.
>
> Believing that the proposed transfer of the care of the Indians to the War Department will be a serious injury to them and of no ultimate gain to the Government, we earnestly remonstrate against such change, and wish you seriously to consider whether true wisdom will not cause you to continue the present humane policy.
>
> Signed by direction and on behalf of the delegates of the seven yearly meetings.
>
> DILLWYN PARRISH, *Secretary*.
>
> WASHINGTON, *Thirdmonth* 30, 1876.

Mr Chairman, there has not been, I believe, a single petition sent here by any religious denomination in this country asking for this transfer. If these religious denominations, representing as they do all classes of the people throughout the country, are willing to devote their time and their money to the civilization of the Indian tribes and respectfully ask that the control of the Indians shall be left where it is now, with the Interior Department, that this wise and humane policy shall be continued, I see no good reason why it should not have that effect upon the members of this House.

Sir, I am opposed to this bill most decidedly. I have no desire to argue it. The views and arguments of my colleague [Mr. SEELYE] are conclusive. It seems useless to say more. But I desire to enter my most solemn protest against its passage. Its effect will be to hurry to destruction the meager remnant of a once proud and happy but now decayed and perishing race.

I have no melting sentimentality to waste on the subject. I invoke none from others. The country has had enough of that. These people are God's creatures, and that is enough to know. What commends itself to generous manhood, to charity, and Christian principle, this body cannot ignore with impunity. We make laws, it is true, but we are not above the law. Pass this bill, and you challenge both the natural and divine laws, which are supreme over us all.

It is in vain to urge the benefits it will give the Indians. Nor is it the first time in the history of our dealings with them that great promises and sounding demonstrations have been used to conceal the sword and the bayonet.

When the white man met them here, who were they? Proprietors, were they not? They owned as much land as you do now, and from ocean to ocean. They had an indisputable title to the soil. The white man recognized it. Here was their home. These were their cornfields and their hunting-grounds, and here under the broad canopy of heaven the Great Spirit gave audience to their prayers. Nay, more. They were sovereigns. They marked out the limits of empires. They declared war and made peace. They wore as proud a coronet as any nation under the sun. It was set, too, with the jewel of power, resistless power, until you came. But with gentle approaches, with insidious arts and devices, with rankest trickery and chicane, you uprooted their sovereignty from the soil, and drove the red man from the home of his fathers. Until now the innermost recesses of the land are the only places left for his refuge. And there, even, there is no safety. You shoot down and destroy his food in wanton pastime. You well knew that in your manner of dealing with him he must soon come to dependence and want. He has reached it—starvation. You have got his land. You paid him for it; but you took the money back again as the price of burning up his body and soul with rum. Not content with all this, you want the little nook he has left. But as yesterday, you went to get it. You found him, like shorn Lear, upon the heath, without bread or shelter. You carried him no corn, but mocked him with the semblance of his departed power. You offered him a treaty. He rejected your terms. Failing in this, you dashed from his brow even his crown of worthless weeds, and to-day you mark him out to swift and certain destruction. That is the effect of this bill. No man's sober reflections can lead him to any other conclusion. Is there no limit to man's rapacity? Or mercy in the human heart? Plunge, then, the bayonet into the last of his race, and let the car of your boasted civilization move on.

You seek economy. It has been shown that the present is the most economical plan. Economy, indeed! A great, rich, and powerful nation, have we no bread to feed the hungry or wherewithal to clothe the naked? Cloak it as you may, this bill means the death of the Indian.

But the friends of the measure say it is for the protection of the Indian. Protection from what, I should like to know? From armed enemies? They are ready to fight their own battles. But if it be meant that the Army will protect them from the rapacity of the white man, show me a man intelligent upon the subject who will believe it. Protection! such as vultures give to lambs, covering but to devour them. I mean no disrespect to the Army. I have confidence in the Army. I glory in the brave hearts that rally round the old flag. No man more than I; and no man is readier than I to do it even, exact, and ample justice. But I will not allow either my zeal or affection for the Army to hoodwink me into the infliction of a downright and positive wrong to those whom we are bound by the laws of God and man to care for and maintain.

But I presume the bill will pass. Pass it, then. You will at least have added a new fact to history, that the red race is extinguished and forever. But I caution you that the historian will put that fact with an aptitude and directness that will be discreditable to you and bow your children down in remorse and shame.

Mr. BOONE. Mr. Chairman, I approach the discussion of any question before this body with great embarrassment, and especially the discussion of one of so much importance to the country as the one now under consideration. It has been truly said, Mr. Chairman, that there has been no question before this Congress—and in my judgment there will be none—of more importance to the country than the one we are now considering. It is a question that is above and higher than mere party politics; and I trust that gentlemen will not dwarf it into one of mere party consideration. It is a question that affects materially a large class of our Indian population and also affects materially the interests of the whole country. This bill contemplates a radical change in the management of Indian affairs in this country, which is a subject that has caused as much anxious thought perhaps as any question that has entered into American politics for years past.

Now, sir, I do not suppose that my views are of much value to this Congress or to the country; but, such as they are, I entertain them honestly and shall briefly state them. I am in favor of a transfer of the management of the Indian Bureau from the Interior to the War Department. And in the beginning, Mr. Chairman, I desire to ask that gentlemen shall not be permitted to take advantage of a statement that has been made, and upon which they build an argument, not only by the distinguished gentleman from New York, [Mr. COX,] but also by the gentleman from Massachusetts, [Mr. SEELYE,] and followed by the gentleman from California, [Mr. PAGE,] which is that this bill means that the Indians are to be turned over to the management of the Army. I deny that this bill means any such thing

or that it has any such purpose. Looking at this question from the stand-point occupied by these gentlemen, of course I, in common with every other member of this body, would oppose this bill, because, if I believed that the object of this transfer was to put the Indians exclusively under the control of the Army, to be governed by soldiers, I would be the last man to record my vote to sanction any such course. But, sir, I again repeat that the bill means no such thing. The opponents of this bill insist, however, that it does transfer the management of the Indians to the Army; and then, of course, they parade before the House and the country a long list of wrongs and outrages which they say have been inflicted upon the Indians by our soldiers.

Why, sir, to have been present and heard the eloquent and distinguished gentleman from New York, [Mr. COX,] one would have supposed that he had but recently emerged from among the arches that support the Rotunda of this Capitol, where he had been looking upon the prostrate form of the dying Tecumseh, and melted to tears while gazing upon the melancholy scene and at the remembrance of the outrages which have been inflicted upon the hapless Indians; that then he had returned to this Hall with his heart burdened with the wrongs done the poor Indian and in strains the most eloquent and touching he pours into our ears the story of the injuries inflicted on the poor Indians and draws a fearful picture of what he conceives will be the condition of the Indians if turned over to the tender mercies of the Army. But I am sorry to say, Mr. Chairman, that the gentleman utterly neglected to notice the real object and purpose of the bill under consideration.

Then came the scholarly gentleman from Massachusetts, [Mr. SEELYE,] with his severe logic and keen analysis, and, arguing from the same stand-point as the gentleman from New York, of course he made a conclusive argument against the passage of this bill. But these gentlemen are not to escape the issue in this way. If they desire to argue the question fairly before the House and the country which is presented by this bill, they must look at its purposes and objects, and determine the question from the text of the bill.

Now, sir, what is the object, intent, and meaning of this measure? It is simply, Mr. Chairman, that the management of Indian affairs shall be taken from the Secretary of the Interior and placed under the control of the Secretary of War. It further provides that the Secretary of War, in the appointment of all agents who are to assist in the execution of this trust, shall select them from among the officers of the Army; but the bill does not propose that he shall go into the field and begin a campaign against the Indians; nor will this be the effect of it. It means no such thing. Sir, if this bill shall pass, there will be no more necessity for soldiers in the Indian Territory than there is now.

And will gentlemen say that simply because a man may have graduated at West Point and served as an officer in the Army he is therefore not capable of managing these Indians as well at least as a man taken from civil life? I see no reason for such a conclusion. While I am no apologist, Mr. Chairman, for the officers of the Army particularly, still I undertake to say, and I say it with the utmost confidence, that in a comparison between them and those who have had the management of Indian affairs in this country the Army officers would not suffer by the comparison, but, upon the contrary, I believe the Army officers, as a class, are greatly superior to our Indian agents in capability and integrity.

The object of this bill is twofold. First, if possible, to secure a more humane policy toward the Indian himself; and, in the next place, if possible, to secure a more honest and economical management of Indian affairs, and thus save money to the people. Upon the first proposition I remark that civilization and Christianity should go hand in hand. But you cannot Christianize until you first civilize the Indian; and the only method by which we shall ever be able to secure the desired object is, first, to give the Indian "a local habitation and a place," because so long as he is permitted to roam at large and at will over the prairies, under the delusive hope that he may secure a subsistence by hunting, unrestrained by law or some sort of government, the effort to civilize or Christianize him is an idle experiment. You must fix the boundaries beyond which he must not go, and thus place him in a position where your civilizing influences can be brought to bear upon him. Then you may begin to teach him the arts of civilized life. And occupying the position of wards, as gentlemen say these Indians do, it becomes our duty as guardians, while we treat them humanely and kindly, to let them feel and recognize the fact that we have also the power over them necessary to enforce obedience to law. And, sir, if the strong arm of the military is necessary to put and keep them on their reservations, it ought to be exerted, and it is no cruelty to the Indian to so exert it. After they are put on their reservations they must be brought under the restraints of law, or some other kind of government, before they can be properly controlled. All admit that. The question then is whether the Interior Department or the War Department is best calculated to accomplish these objects. Of course the object of all is to secure the best management of these Indians upon the most humane principles and upon the most economical terms. I do not suppose that anybody desires to wantonly punish or unnecessarily annoy the Indians. The object of all should be, and doubtless is, to elevate them, and ultimately to make them self-sustaining, and possibly, in the course of time, to make them citizens, entitled to all the rights, privileges, and immunities of other citizens of the country.

But we are told that the best plan to accomplish these high objects is to farm or parcel out these several Indian reservations to certain religious denominations or sects, and to appoint an agent over them because he is a member of this or that particular church, and he is to be charged with the duty not only of civilizing but of Christianizing the Indian. How do they propose to do it? They go among the Indians armed with a recent appointment from partisan authority in the one hand, and a Bible in the other, with the eighth commandment stricken out, which commandment is, "Thou shalt not steal;" and thus armed they are fully prepared not only to civilize but to *Christianize* the red man of the forest. And right well have these agents carried out their designs; for if the history of their transactions is to be believed, the scenes that have been enacted upon our western borders among the Indians by these agents professing Christianity are absolutely disgusting to every sentiment of honesty and morality. I undertake to say that a more corrupt and unprincipled ring does not exist, and has not existed in this Government, than what is known as the Indian ring. It has swindled the Government out of millions, and the Indians out of millions more.

I am glad, however, Mr. Chairman, to be able to state that I believe the present Commissioner of Indian Affairs is an honorable exception to this rule. I am glad to make this statement, because the exceptions are so rare. So far as I know, or have reason to believe, the present Commissioner is an honest man. There may be other exceptions; doubtless there are; I would do no man injustice; but take the average Indian agent, clothed with authority as he is to disburse the annuities to the Indians, and of issuing the rations to them, and the further privilege of counting the number to whom he is to issue those rations, and I say that, according to the evidence before our committee, and doubtless in the possession of other gentlemen here, there has been a system of fraud and corruption that has never been surpassed if it has been equaled in this country. And this we are told is the arm of the Government which is to civilize, and Christianize, and finally bring these Indians into the Government as fellow-citizens upon an equality with the balance of the people of the States!

I remark further, Mr. Chairman, that in order to civilize the Indian you must go to him with his subsistence in one hand and the power to govern him in the other. It is idle to talk about sending an agent to feed, clothe, and educate these people and expect to accomplish any good results, unless you also invest him with the power to control and manage them. But if the Indian sees in the same person the power to feed and the power to punish, he at once has respect for both, and will the more readily be governed by that person. I am told that the Indian agent now is but a laughing-stock to the Indian. The proud man of the forest thinks he is, and no doubt he is, infinitely superior in many respects to a large number of the men who go there as the agents of the Government to Christianize and civilize him. He has a sovereign contempt for these pretended Christian gentlemen whom he knows go there for the purpose of making money for themselves; while, upon the other hand, not being brought in contact with the military arm of the Government except in a state of war, of course he has not much admiration for the Army.

But the policy proposed by this bill is this: Let the War Department feed him, take care of him, defend him, and protect him, and at the same time govern him; and when the Indian sees that it is able to do all these, my judgment is—let it be worth what it may—that it is the policy by which we shall solve this Indian question with justice to them and to ourselves also.

Under our present system of governing the Indians we have two jurisdictions, the civil and the military. With these two jurisdictions as they necessarily exist—because all admit that the presence of the Army is needed in some portions of the Indian country—with these two jurisdictions we necessarily have conflict and more or less confusion; and the result is that neither performs the functions that it is intended to perform, and the influence of both is thereby neutralized.

Again, Mr. Chairman, I take the ground that the present peace policy, as it is called, for the management of the Indians is anti-republican. In this country, sir, if there is one right that we hold more sacred than another it is the right of every man to worship God according to his own convictions and to unite with that religious organization which he believes best calculated to assist him in promoting his religious interests. Under the present system we farm out these Indian reservations—some to the Methodists, some to the Presbyterians, some to the Baptists, some to the Catholics, some to the Friends, and so on—and give each exclusive control of the religious interests of the Indians in their jurisdiction, excluding all others. We are gravely told that this is right, because they say that any religion is good enough for an Indian and that any religion is better than no religion. While I deny both propositions, it is not my purpose to discuss them now, nor is it material to the point which I make; for whether the Presbyterian, the Baptist, the Methodist, the Catholic, or the Friends be right, I say that we violate a fundamental principle when we undertake to say that any body of Christians shall take possession of any territory or any Indian reservation and exclude all other denominations therefrom; because thereby you virtually establish in that territory or reservation that form of religion peculiar to the denomination in charge thereof. There is but one correct rule on this subject; that is, throw the doors wide upon. Let the gospel be carried by its authorized and accredited agents into every nation

and among every people. Let it be carried by men of all persuasions. Let the Indian be instructed in the doctrines of the Bible; but, for God's sake, do not trammel him with the peculiar tenets of any religious denomination. Let him, in common with all other men, be free to choose for himself how he will worship his Creator. The policy now pursued is, it seems to me, clearly in violation of the spirit and meaning of our laws and institutions, as was most clearly shown by the honorable gentleman from North Carolina, [Mr. SCALES.]

Now, sir, according to the speeches of the distinguished gentleman from New York [Mr. COX] and others who have spoken upon that side of the question, the officers of the Army are nothing more nor less than a set of barbarians; for we are told that the moment you turn the Indians over to the management of the War Department that moment you commence a war of extermination. I deny that any such results follow; I deny that they are necessary at all. Unless I could believe the officers of the Army to be an unprincipled set of men, whose only desire is war and bloodshed, I shall and do also deny that simply because a man is an officer of the Army he is therefore necessarily cruel and inhuman. The personal history of our military men does not justify that conclusion. Upon this subject we have the testimony of a number of officers who are presumed to know the feelings of the officers of the Army, and first I quote that of the General of the Army, (General Sherman.) In his testimony before the Committee on Indian Affairs he speaks to this question, as to whether or not it is the policy of the Army to bring about war with the Indians. He says:

> The idea which prevails with some that the Army wants war with the Indians is not true. Such wars bring exposure, toil, risk, and privation, with no honor. Therefore it naturally wants peace, and very often has prevented wars by its mere presence; and if intrusted with the exclusive management, a control of their annuities and supplies as well as force, I think Indian wars will cease, and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry, the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

And upon the subject of the propriety of this transfer, I desire also to quote from General Sherman. In a report to the Secretary of War, which he made November 2, 1875, he says:

> During the past winter the troops in the Departments of the Missouri and Texas were employed in an arduous and severe winter campaign against the Kiowa, Cheyenne, and Comanche Indians, on the border of the Staked Plains, that have for years been engaged in depredations on the Texas and Kansas frontiers, resulting in their disarmament and subjection to authority. If the military commanders can have control over the supplies needed by these Indians as they now have over their persons, I am convinced by a recent visit that a condition of peace can be maintained.
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> The border of Texas on the lower Rio Grande has also been the scene of incursions by Indians and by Mexicans, mostly engaged in stealing cattle and horses. I invite your attention to the report of General Ord on this subject.
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> In like manner the Sioux located on their reservation have recently, since the date of General Crook's annual report, made inc ursions into Northern Nebraska, mostly to steal cattle and horses from farms along the Pacific Railroad and north of it. General Crook is of the opinion that the whole Army, acting defensively, cannot prevent these incursions, and suggests that the troops be stationed in the midst of the Indians, so as to watch and prevent their leaving on the pretense of hunting. This is impracticable, unless the Army can have supervision of the necessary supplies of these tribes within the reservation, which is now not the case. The reports of the several commissions which have, under military escort, recently been engaged in exploring the country and in negotiating with these Indians, will throw much light on this subject.

Sir, the soldier is the one who suffers by war. It is he who bears the heat and burden of the contest; and while I can see a reason why an unprincipled Indian agent might desire war in order to increase his opportunities of speculation, I cannot conceive how a soldier, whose business it is to fight, should desire war.

In addition to the testimony of General Sherman, we have the testimony of General Sheridan upon the same point. He says:

> It would have been better if the Indians had been considered as a part of the population of the United States, and dealt with generously, and when forced on reservations—which is always the case—let them be reasonable in size, subject to especial rule and government, until they are fitted to obey the ordinary laws of the country for the control of all our people. But at present we see the ridiculous anomaly of having the most stringent laws, municipal, State, and Federal, with penalties, such as imprisonment in penitentiaries, and even the gallows, for the government of intelligent white people, while we are attempting to govern these poor wild savages without any power over them or any laws at all.
>
> The observation of many years in my own command, and throughout most of the Indian country for the last twenty years, has left the impression that this system of civilizing the wild portion of our Indian inhabitants has not met with a success which gives a fair equivalent for the expense, trouble, and bloodshed which have attended it.
>
> I believe there is true humanity in making the reservations reasonably small, dividing them into tracts for the heads of families, making labor gradually compulsory, and even compelling the children to go to school.
>
> To accomplish this purpose, to civilize, make self-supporting, and save many more of these poor people than otherwise will be saved, I believe it best to transfer the Indian Bureau to the military, and let it be taken under the general administration of the Army, governed and controlled in responsibility of accounts in accordance with our present system. The Indians will thus be humanely and honestly dealt with, and I believe, if this had always been the case, there would have been but few of the troubles and bloody records which have characterized the civilization of the Indians in the many years gone by.

These officers give their opinion that this transfer will be beneficial to the country and also to the Indian. In addition to this we have the testimony of General Pope, General Schofield, and others, which I will not stop to read. My time is going rapidly; and it is unnecessary for me to dwell further upon this view of the subject; and there are some other questions to which I wish to call the attention of the committee.

I admit, Mr. Chairman, that the primary question to be decided is whether this measure will be just to the Indians; for, sir, whatever it might cost the Government, upon no principle of economy would I consent to transfer the management of the Indians to the War Department if I believed that their condition was to be injured thereby. But I do not thus believe. I cannot see how their condition can be made worse; I can see how it may be improved.

But, sir, in connection with this there is another important consideration. If we but admit that the officers of the Army are upon a footing of equality with the Indian agents, as now appointed—that they are no better, no worse, but, as a class, equal to the Indian agents—then we have an argument which ought to weigh in the mind of every gentleman who is called upon to vote on this question, an argument which seems to me potent and conclusive, which should turn the scale in favor of this bill and should induce this House, without a moment's hesitation, to adopt it. I refer to the money which will be saved by this transfer.

The question of economy, Mr. Chairman, is one of vast importance at this time. I know the word "economy" has become very common; we hear it everywhere and from everybody.

Nevertheless it is no less important because it is common. In these times, when the people of this country are suffering beneath a public debt that will eventually end in almost, if not quite, universal bankruptcy and ruin; in these times, when they are groaning beneath a system of taxation unequal and unjust; in these times, when the people of the Western and Southern States—I am not familiar with the condition of the people of the Eastern States—are actually staring bankruptcy in the face, in consequence of what I believe to be an unjust system of taxation, it becomes us to economize at every point; and I shall vote for every measure looking to this end consistent with my oath of office. And while it may be but a little here and a little there which we may be able to save, still when you add them all together the aggregate becomes a matter of supreme moment to the tax-paying people of this country. If there is one thing above another that demands the serious consideration of the Representatives of the people to-day it is to determine upon and adopt some plan by which the people may be relieved from this tremendous load of debt. How this is to be done is a troublesome question. There is but one way to do it, it seems to me. Reduce your taxes, reduce your expenses, cut off every surplus officer in the employment of the Government everywhere—every one of them. Let us have an honest, economical, and just administration of affairs, and we may hope for relief. By this bill we propose to accomplish something in the line of economy. I believe myself it will save millions to the people of this country. I will not undertake now to go into the discussion of what this Indian Bureau costs; but I have a table prepared here, a short one, which exhibits, to a limited extent, the enormous expense which this Indian Bureau is to the country, all of which will be saved to the country if this bill passes. And this relates to agents alone, all of whom we propose to abolish by this bill and require their duties to be performed by officers of the Army, who are already on pay, without any additional salary.

Commissioner of Indian Affairs	$3,000
Seventy agents, $1,500 each	105,000
Two special agents, $2,000 each	4,000
Seven special agents, $1,500 each	10,500
One chief clerk at central superintendency	1,600
One assistant clerk at central superintendency	1,200
One copyist at central superintendency	600
One clerk at northern superintendency	1,200
Three inspectors of Indian goods, $3,000 each	9,000
Traveling expenses of inspectors	6,000
For contingencies, including traveling and incidental expenses, (and what they are no man knows)	30,000
For citizen commissioners who serve without pay—to cover expenses	15,000
Incidental expenses at central superintendency	4,000
Incidental expenses at northern superintendency	2,000
For collecting statistics by Secretary of Interior	3,500

We propose by this transfer to do away with this long list of bloodsuckers and fill their places with men already paid by the Government.

Now, Mr. Chairman, the gentleman from Massachusetts [Mr. SEELYE] in his remarks considered no doubt he had made a conclusive point against this bill when he discovered, as he thought, that the beef and flour that are furnished to the Army cost more than that furnished to the Indians; but I propose to show that that can be and is explained upon a most reasonable hypothesis, and is not in fact true. In the first place, sir, at the points to which the gentleman alluded, to wit, at Fort Randall and Fort Sill, there are but few soldiers stationed. At Fort Sill there are four hundred and ninety soldiers; at Fort Randall, two hundred and seventy; at Fort Wingate, one hundred and twenty-four; at Camp Robinson, two hundred and sixteen; and at Camp Sheridan, one hundred and twenty-four. These soldiers are furnished with fresh beef from the block. The neck and that portion not considered good beef are thrown away, and only good beef is furnished to the soldiers. Those who furnish that beef must slaughter it; they must prepare it, they must cut it, and they can furnish only small quantities at a time, which necessarily increases the price; while, upon the other hand, the Indian is supplied with beef upon the hoof. It is given to them by the thousand head. Contracts for thousands of beeves are entered into, and they are driven into their camp, some good, mostly inferior, and sold to them in gross. Consequently, those who furnish it are able to obtain it cheaper and to furnish it cheaper than the man who slaughters it, prepares it, and sells it at the block by the pound. If you add to

the cost of the Indian beef the cost of slaughtering it and take into account the difference in the quality of it, you will find that the beef furnished the Indians costs quite as much and I dare say more than that furnished to the soldiers.

Mr. DOBBINS. I would respectfully ask my friend from Kentucky whether there is not a fifth quarter, embracing the hide and tallow, which goes to the butcher, and out of the profits of which they get rich?

Mr. BOONE. I know there is a fifth quarter. It consists of a great deal more than the hide and tallow. We all understand what the fifth quarter is. We know that while the Indian will eat it the soldier will not touch it.

Mr. STEELE. If I do not interrupt the gentleman, I would like to say in this connection that the Indians slaughter these beeves themselves. They are turned out to them, they slaughter them themselves, and the fifth quarter goes to the Indian.

Mr. BOONE. Certainly; and goes in as beef.

Mr. BENNETT. There is another thing which ought to be stated, and that is the Indians do not always get the beef which is charged to them. I had occasion, upon a visit to the Indians in Idaho, to take the testimony in writing of an Indian chief. Although I saw from the accounts of the Indian agent that he had been furnished with beef to the amount stated out of the annual appropriation of $20,000 to that tribe for five or six years, yet the chief told me that he had never seen any of the beef of all that had been charged to these Indians. [Laughter.] He positively testified that he had never seen any beef, notwithstanding the large account which had been charged to him by the agent. The truth is, in many cases the Indians are fed on shadowy beef; while the soldier sees he gets tangible beef, and beef of the best quality, and from the block.

Mr. BOONE. Thus the witnesses multiply; and I have no doubt I have another witness in the person of my distinguished friend from California, [Mr. LUTTRELL,] who rises to interrupt me.

Mr. LUTTRELL. I wish to say to the gentleman from Kentucky that during twenty-five years' residence upon the frontier I have seen beef slaughtered and delivered to the soldiers, and it is trimmed as neatly as beef can be trimmed; while shanks, hide, tallow, entrails, and everything else are thrown to the Indian and charged to him, saving at least one-third in favor of the soldier. The Indian Bureau pays as much again as the Army for beef. This I know from personal observation.

Mr. BOONE. If it were necessary, I might take as witnesses every man who lives on the frontier.

Mr. LANE. I can speak of one Indian reservation in Oregon.

Mr. BOONE. Still they come! I have abundant testimony, and here I rest my case on that point.

I desire to devote a few minutes to another article, spoken of by the gentleman from Massachusetts [Mr. SEELYE]—that of flour—because all these questions are easily explained when the facts are known. We are told that the flour costs more to the Army than to the Indians. That is true. But gentlemen must remember that the Army is furnished with the very best grade of flour, while the Indian is furnished with the very worst grade. I fortunately have one case where the test can be exactly applied. It was at Fort Randall and at the Yankton agency; the very same places and the same flour referred to by the gentleman from Massachusetts, [Mr. SEELYE.] Now, sir, the figures show that at Fort Randall the flour cost the Army $3.22½, and at the Yankton agency $3.13. There is a difference, Mr. Chairman, of only nine and a half cents in the hundred pounds. Mark that.

Now, then, what is the evidence upon the subject as to what character of flour was furnished to the Indian and that furnished to the soldier? I read, sir, a letter from one of these agencies signed by Charles McClure, captain and commissary of subsistence. It is as follows:

OFFICE PURCHASING AND DEPOT COMMISSARY SUBSISTENCE, U. S. A.,
Sioux City, Iowa, March 13, 1876.

GENERAL: * * * I purchased for the troops the best grade made from spring wheat in this section except that produced by the "patent process." The flour furnished the Indian Department was of a grade known here as XX, while that for the troops was XXXX, or "pearl-white."

* * * * * * *

Very respectfully, your obedient servant,

CHARLES McCLURE,
Captain and Commissary of Subsistence.

To the COMMISSARY-GENERAL OF SUBSISTENCE,
United States Army, Washington, D. C.

Now, I understand the XXXX to be a grade of flour very superior to the XX. It is what is called "pearl-white." They were bought at the same place, inspected by the same officer; and while the Army got the best grade of flour that could be obtained they only paid nine and a half cents per hundred pounds more than was paid for that given to the Indians, which was of very inferior grade.

Mr. MAGINNIS. Will the gentleman allow me to make a remark?

Mr. BOONE. Yes, sir; certainly.

Mr. MAGINNIS. The Indian Department never calls in any of its proposals for anything but the XX flour, which is the lowest grade of flour. The Army, on the contrary, always calls for the highest.

Mr. LUTTRELL. If the gentleman will give way for a moment, I would like also to give a little testimony on that point.

Mr. BOONE. If it will not be taken out of my time.

Mr. LUTTRELL. I will give you some of my time. In two or three reservations in my district they advertised for and purchased shorts or middlings for the Indians.

Mr. BOONE. To show this is a fair test, I read another letter from J. H. Gilman, from this agency:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
Fort Leavenworth, Kansas, March 11, 1876.

GENERAL: In reply to yours of 8th instant, I have the honor to state that the flour inspected by me for the Indian Department in the year of 1875 was not of the same grade as that purchased by me for issue to troops. A sample of the flour required was furnished me by the Indian Department, and the flour accepted was required to be equal to that sample, the grade of which was not the same as or equal to the grade of flour purchased by me for issue to troops.

* * * * * * *

Very respectfully, your obedient servant,

J. H. GILMAN,
Captain and Commissary Subsistence, Brevet Lieutenant-Colonel United States Army, Chief Commissary Subsistence, Department Missouri.

Brigadier-General R. MACFEELY,
Commissary-General of Subsistence, Washington, D. C.

I quote another witness, Captain R. J. Eskridge:

OMAHA BARRACKS, NEBRASKA,
March 21, 1876.

GENERAL: In reply to your letter of the 9th instant I have the honor to state that the flour inspected by me for the Indian Department during the present fiscal year is inferior in quality to that generally issued to troops.

* * * * * * *

R. J. ESKRIDGE,
Captain Twenty-third Infantry, Inspector of Supplies.

Brigadier-General R. MACFEELY,
Commissary-General of Subsistence, Washington, D. C.,
(through Major John P. Hawkins, Commissary of Subsistence, Omaha, Nebraska.)

OFFICE COMMISSARY OF SUBSISTENCE,
Omaha, March 22, 1876.

Respectfully forwarded to the Commissary-General United States Army.

JOHN P. HAWKINS,
Major, Commissary of Subsistence.

Now, if credence is to be given to this testimony, if these men are to be believed, all this parade about the Army paying more for its supplies than is paid by the Interior Department for Indian supplies, when you take into account the comparative qualities of the articles furnished, ends in moonshine, and there is nothing of it. Why, sir, what interest would the Army have in paying more for the same article than an Indian agent would have to pay? Why should it cost the one more than it costs the other? Can any gentleman tell me? Is it not reasonable to suppose that an Army officer would buy, for the use of the Indians, just as good and just as cheap an article as an Indian agent who goes out there for speculation? Why, sir, common sense teaches every man, it seems to me, that there can be but one answer to this question.

I desire to present one or two more views of this question, and then I shall have finished. I will occupy only a few minutes in doing so. The Indian agents, as will be observed, go, many of them, to the Indian country on a salary of $1,500 a year. They go as appointees of the President of the United States, and are appointed of course because they are of the same political faith, and for a limited time, say four years. I am told that almost invariably before the four years expire they become rich. Let some gentleman take his slate and pencil and solve the problem how a man can become rich in four years on $1,500 a year and act honestly; and I would like to see the method by which it is done.

Ah, sir, the truth is that this $1,500 is but a small part of the pay which these agents get. How they get rich I leave every man to decide for himself. And permit me to say that another reason why this bill ought to pass is this: that now the appointing power of the President is immense. The patronage that attaches to the office of President of the United States is such as to cause serious apprehension, if not alarm, in the minds of a large number of the people of this country. He wields an influence that penetrates into every nook and corner of this land. From the frozen regions of the North to the sunny climes of the South, from the Atlantic to the Pacific Oceans, there is not a neighborhood where his agents are not found. Being partisan appointees, of course they are ready to do his behest; and they become a potent influence in deciding the political questions of the day. I believe it is the duty of the American people, through their Representatives, as far as they can, to strip the President of as much of this patronage as possible. Do not let it grow until he shall become the autocrat, whose word shall be law. Do not let it grow until through that influence he can make and unmake Congresses and elect whom he pleases to office.

Power is a dangerous thing for man to possess. Too much power in the hands of one man is dangerous to the liberties of the people.

As the law now is, the power to appoint the most of these Indian agents is vested in the President. This bill proposes to take that power out of his hands, and place it elsewhere.

In conclusion, Mr. Chairman, I beg to say that I have no disposition to oppress or injure the Indians. No such motive actuates me in advocating this bill; for I confidently believe that we shall benefit the Indian and save money to the country if this bill passes.

I agree with gentlemen who oppose this measure when they say that we have not kept faith with the Indian in all respects. It is true that we have not been as scrupulous in observing our treaty stipulations with them as we ought to have been, and it is also true that

in many instances the Indians have proven treacherous and unreliable, not keeping faith with us; and they have, moreover, murdered our citizens, stolen their property, and burned their houses. But, sir, I trust we cherish no feelings of retaliation or revenge for the cruelties thus inflicted upon our people. We can afford to be not only just but even generous and forgiving to a race which was once great and powerful, but which is now weak and defenseless.

The hand of destiny is upon the Indian race. From three millions, they number now less than three hundred thousand souls. And they are still melting away rapidly before the advancing wave of civilization, despite all our efforts to save and elevate them. Ere another centennial year shall dawn the entire race will have become extinct or absorbed by the white race, and what was once known as the noble race of red men, warlike and brave, will live only in history, in poetry, and song:

Ye say they all have passed away,
The noble race and brave;
That their light canoes have vanished
From off the crested wave,
That 'mid the forest where they roamed
There rings no hunter's shout;
But their name is on your waters,
Ye may not wash it out.
'Tis where Ontario's billow,
Like ocean surge is curled,
Where strong Niagara's thunder wakes
The echo of the world;
Where red Missouri bringeth,
Rich tribute from the West,
And Rappahannock sweetly sleeps
On green Virginia's breast.

I yield the balance of my time to the gentleman from Virginia, General TERRY, and beg his pardon for not giving him more of it.

Mr. TERRY. It would be selfish in myself if I had regretted that the gentleman from Kentucky [Mr. BOONE] has occupied more of the time than he had agreed to do, for I am perfectly sure that I could not have done so much justice to the bill which we are both advocating as he himself has done. I would have been content if he had continued longer, for I have no other object in view than to secure the passage of this bill, to the support of which I give my most cordial indorsement.

Sir, in the consideration of this question the rights of the white man and the red man are no longer to be considered. The time has passed to consider what rights white men have in this country or what rights the red men have. The rights of the white man are already settled beyond any controversy, and it remains to be seen what rights the red man will have hereafter. One fact is evident, namely, that the red man has to become a civilized man or fade from the face of the earth. And it is evident to any man who has been watching the progress of events in this country that at the farthest it can only be a few years or a few generations when the wild tribes must disappear from the western wilds. Whether what is called the civilized man has a right to exterminate the Indian or not is not the question, because, sir, he stands subjected to the same laws that govern the civilized world. It is a fact which statistics show that the wild tribes of the West have been disappearing, have been diminishing; and the ratio by which they have been diminishing, no matter what protection we may throw around them, will in a few brief years cause them to disappear entirely. We have, therefore, without discussing any of these questions at all, to come down and treat of it and deal with it as a practical question between man and man.

I want before I go further into the discussion of this question to refer to a remark made by the distinguished gentleman from New York [Mr. COX] the other day when he addressed the House.

I am sorry, because of the great admiration and kindness of feeling that I have for that gentleman, to differ from him and to reject on my part the kind consideration and regard which he may have intended. In speaking in reply to the gentleman from North Carolina [Mr. SCALES] he used this language:

> I ask the distinguished gentleman from North Carolina, who has served in war, not merely to recall his own honorable service and that of his compatriots, but to remember what the Army has been in connection with his section in time of peace during the last ten years? Has it not been used throughout the South *to overturn established institutions* from the ballot up through various gradations to the Legislatures of sovereign States? Must I rehearse to him the jealousy of arms in free countries, handed down in traditions, bills of right, and constitutions for our guidance in the pursuit of well-ordered civil freedom?

Now, sir, I do not admit the parallel between the people of the Southern States and the wild tribes of the forest. I do not admit the parallel that he drew, or intended to draw, between the intelligent white citizens of Louisiana and the followers of Spotted Tail and Red Cloud. No, sir; our white citizens of the South are as intelligent as the constituents of the distinguished gentleman from New York. They are men who in times past have established and upheld civil liberty, who have established governments; who understand and appreciate civil government and civil liberty. Admitting, sir, that these governments have been overthrown in the Southern States by the bayonet; admitting that we have had Sheridans and Merrills there, still, to the credit of the Army, we have had Hancocks, and Schofields, and Stonemans, and there are plenty yet left in the Army to vindicate civil liberty whensoever it is necessary.

Mr. COX. Will the gentleman allow me to say that I think I can show to him that that is an entire misapprehension of the remark of mine which he has read? I made no such parallelism; my remark bears no such interpretation.

Mr. TERRY. I read your language.

Mr. COX. I know you did, and I make my own interpretation upon it.

Mr. TERRY. The gentleman will pardon me.

Mr. COX. Certainly I will; I did not expect that the gentleman would make such an irascible speech on such a small foundation.

Mr. TERRY. The gentleman is a right smart foundation to build upon on any occasion. [Laughter.] Well, sir, what is the difference between the governments of these Southern States and the tribal relations of the Indians in the Territory? And allow me here to say that there is a total misapprehension of the objects, the purposes, and the scope of the bill that we are advocating. We are not seeking to overturn the civilized tribes in the Indian Territory. They have established governments there; they have judicial systems; they have legislative and executive departments of government as we have in the States, though not perhaps quite so perfectly organized. This bill does not touch these tribes or nations, for I will not call them tribes; it does not touch even the wild tribes of the Territories. Whatever organizations they may have, upon whatever principles these tribes are governed, it is not proposed to interfere in the slightest degree with the relations of the tribes to each other and the relations of the members of the tribes. They will be tribes still, governed either by their hereditary chiefs or by their elective chiefs. I believe that some of the tribes yet have hereditary chiefs, and in some of them they have elective chiefs, men who have won their way to position and influence by their service and their gallantry; of this class are Spotted Tail and Red Cloud, two distinguished chiefs among the Sioux.

But, no matter how this may be, it is not intended by this bill to infringe in the slightest degree upon any of the tribal rights. Whatever rights they may have now will be preserved for them. The only object of this bill is to transfer the relation between these tribes and the Government from the Interior Department to the War Department. What are these relations? Under our treaties with the Indians we have agreed to pay these tribes of Indians a certain amount of money annually, or where money is not stipulated, then a certain amount of clothing, blankets, and rations. In the past these supplies have been dealt out through the Indian agencies. We propose to transfer the distribution of these supplies of whatever character they may be to the War Department. We propose that if money is to be paid, it shall be paid out by a bonded paymaster of the Army; if clothing and blankets are to be distributed, they shall be distributed by a bonded quartermaster of the Army; and if rations are to be issued, they shall be issued by the regular Commissary Department of the Army.

How is the matter now managed? At these Indian agencies in the Territories you have side by side the Indian agent distributing the supplies to the Indians, and the quartermaster and the commissary distributing his supplies to the Army. Now, what say the officers of the Army, such men as Generals Sherman, Sheridan, Stanley, Schofield, and others? They all say that all these duties can be performed by the officers of the Army and thus dispense entirely with the machinery of the Indian Bureau.

Can you not see that there is no necessity for this Indian Bureau? Take the Red Cloud agency that has been talked about so much here. You have there your quartermaster. Why can he not issue the clothing that is to be distributed to the Indians, precisely as he does to the soldiers, and make his returns for that as he makes his returns for the disbursements to the soldiers of the Army? Why cannot the commissary issue rations to the Indians as he does to the soldiers? It does seem to me that all you have to do is to dispense with the services of the Indian Bureau and transfer the duties now performed by Indian agents to the officers of the Army. In the Army you have the necessary machinery in full operation. You have in the Army officers of distinguished ability and known integrity to perform these duties. Then why shall you take men from any of the walks of life and send them out there to perform these duties? It is only multiplying the means of corruption and the expenditure of money unnecessarily.

We have been told that demoralization will flow from the contact of the Army with the Indian if this transfer be made. Can it be possible that anybody on this floor is not aware of the fact that wherever you establish an Indian agency in these western Territories you at the same time establish a military post there to protect it? Then right at that very post, if the Army will demoralize the Indian by contact, you have the Army superadded to the Indian agency with its civil employés.

Is not this our experience, that the Army, both officers and privates, is fully as moral as any other class of citizens of the community of equal numbers? I will except the ministers of the gospel from that statement, whether they deserve it or not; I will give them that credit. Then what is the result? If the transfer of the Indian service to the War Department is to have any effect whatever, it will be to remove one element of demoralization from their presence.

It is a fact that none can dispute that the Army is under certain restraints of discipline which the civilians in the Indian Bureau are not subject to. By military discipline you may keep the soldiers within certain limits; but what discipline is there to keep the civil

employés of the Indian Bureau within any limits whatever? I maintain, therefore, that it is idle to talk about the demoralization that will be produced by bringing the Army in contact with the Indians.

Something has been said about these Indians. I want to inform the House how these Indian agents are appointed. I will read very briefly from the testimony of one of the high priests in this department of the Government.

A certain Dr. Reid says:

We fix our eyes on a man we know to be fitted for the work and ask him to take it; or such a one applies to us; or some one applies whom we do not know. But he obtains the name of the bishop stating that he is a member of our church. We then correspond with the pastor of the church in the town where he lives, or with other persons whom we know, for we know persons in every part of the country. When our papers are ready, application and recommendations, we submit them to our committee on domestic missions. This committee consists of six or eight persons. They consider the case, recommend it to the board, and the board makes the nomination, which is sent to the Secretary of the Interior.

That is the whole programme. The Secretary of the Interior then makes the appointments. Is the country aware of the fact that the Chief Executive has turned over to men thus appointed the expenditure of millions of dollars? Will Representatives on this floor go to their constituents and tell them that they have voted to continue such a system? Whatever respect I may have for Christianity and its followers, I think that one of the most corrupt men in any community is a man who makes a cloak of religion in order to get position. What are we to say of a member of any church who seeks position in that way, and then conducts affairs in such a manner that of the supplies and money passing through his hands three-fourths are absorbed, so that upon a salary of $1,500 per annum he grows ricd? What respect, I say, can we have for such agents appointed through such agencies?

Now a great deal has been said about the humanity of this measure; and a very distinguished gentleman who has testified before the Indian commission has expressed a view somewhat at variance with that expressed by the gentleman from New York.

I read from the proceedings of the Indian commissioners:

Dr. Nicholson repeated his morning remarks as to the treatment of wild Indians by separating them from the well-disposed and peaceable.

Dr. Nicholson proposes that instead of bringing the wild Indian within the pale of civilization and under good influences he shall be separated from all influence of this kind. What else does he say?

He thought all arms and horses should be taken from them.

What effect do you think that would have on the Indians? The moral-suasion men have given the Indians arms and ammunition. Now Dr. Nicholson, one of these moral-suasion men, one of these Indian agents, proposes to take away from these wild Indians their arms and ammunition and their horses. That is how he proposes to civilize them. What else does he say?

Indians on horseback cannot be civilized.

This is the opinion of Dr. Nicholson; that you must dismount the Indian and bring him under an influence that he is bound to obey. What else does he say?

While they rove after the buffalo they are apt to raid, and it is almost impossible to prevent them except by military power.

So that, according to the opinion of Dr. Nicholson, the only way to keep the Indians from the war-path is by the military power; and that is what the Army officers say. That is what Sheridan says. That is what every distinguished officer upon the frontier who has ever met them says, that there are but two arguments that ever reach the Indian; one is hunger, which drives him to the military post, and then power, that will compel him to obey. Those are the only arguments that will reach him.

I am reminded that Dr. Nicholson belongs to the Society of the Friends and is an agent for that society. He is one of the high priests of the moral-suasion school.

Mr. LUTTRELL. He is now superintendent of Indian affairs for several districts.

Mr. SCALES. And one of the most intelligent among them.

Mr. TERRY. What further does Dr. Nicholson say?

Take them off their horses and plant them.

I am not sure that I know the meaning of this term "plant." I have heard of "planting" when you put a man under the ground. Dr. Nicholson evidently means to tie the Indian down and compel him by military power to remain upon the reservation.

I ask attention to one fact. Who are the gentlemen here in this debate so far who are the representatives and advocates of this moral-suasion idea which has had control of the Indians since the year 1849? Are they the men upon the borders, the men who have seen war, the men who have heard the war-whoop of the Indians and seen the reeking scalp, who have seen the desolation of savage warfare and the smouldering ruins of desolated homes—are they the men who are advocating the continuance in power of this Indian Bureau? No, sir; on the contrary, you find these men almost without exception advocating the transfer of the Indian Bureau to the War Department. Whom do you find to-day the representatives of this moral-suasion idea? Sir, I give their hearts credit for their kindness, but I must say I cannot trust their judgment. They are gentlemen who perhaps never heard a war-whoop or saw a reeking scalp. They are gentlemen who if they were ever in the Indian territory passed through it on the cars under the protection of civilized life. They are men who have spent their lives in their offices or in their libraries or lecturing to the civilized people of the North. This same class of men, headed by the distinguished gentleman from New York [Mr. COX] and the distinguished gentleman from Massachusetts, [Mr. SEELYE,] who have addressed us, are the men who are here advocating this moral-suasion rule which, as I have stated, has prevailed since the year 1849.

I cannot go into the figures, and will briefly say that to my mind these propositions are clearly demonstrated by the testimony which has been taken: first, that it is in the interest of peace that this transfer should be made; secondly, that it is in the interest of economy, and the officers of the Army are the fitest, the most responsible, the most experienced men to whom this authority can be confided. I would be glad to go over it to show the amount of expenditure under this Indian Bureau and the amount of economy which can be practiced. General Sheridan and other officers of distinguished rank tell us they will commence with an economy of three and a half million of dollars in the estimates of the War Department as a mere beginning.

We have been talking about this thing of purchasing supplies for the use of the Army. Do you not know as business men, where the Quartermaster-General of the Army has to purchase blankets and clothing, not only for the Army but for the Indians, he can make more judicious contracts than with two officers competing in the same market for the same supplies? Do you not know when the Commissary-General is in the market to buy rations for the Army and for the Indians, and having no competitor in the Indian Bureau, he can buy more economically than when you have the two separate Departments competing for the same article? Sir, I rely upon the testimony of the distinguished gentlemen who have testified before the committee to establish the fact that the Quartermaster-General and the Commissary-General do make the most judicious purchases for the Government that can be made by any officers whatever.

Upon these general principles I am most decidedly in favor of the transfer of Indian affairs from the Interior to the War Department. But I wish now to go somewhat into details upon the several questions involved in this discussion. I will first call attention to the estimates and appropriations annually made for the Indian service and which is disbursed through the Indian Bureau. These data are taken from official documents:

Amount appropriated for fiscal year ending June 30, 1875	$5,359,898 18
Amount estimated for fiscal year ending June 30, 1876	6,851,681 96
Amount appropriated for fiscal year ending June 30, 1876	5,003,922 61
Difference	1,847,759 35
Amount estimated for fiscal year 1876–'77	5,787,795 64

What the appropriations for the fiscal year 1876–'77 will be remains to be seen.

By reference to the foregoing figures we find the estimates for the year 1875–'76 to exceed the estimates for 1876–'77 by $1,063,883.22, and the estimates for 1875–'76 exceed the appropriations for that year by $1,847,759.35. But to the appropriation of this year should be added $150,000, the amount of a deficiency bill for the Red Cloud agency which recently passed this House, making the true difference in fact between estimates and appropriations of $1,697,759.35. How it is that the estimates and appropriations are growing less in the last few years I am not able to explain, but the circumstance suggests the theory that this result has been induced by the anticipation of this movement to transfer. And even if this bill shall not pass, yet if we keep the appropriations upon this downward plane of reduction the time and labor of this discussion will not have been lost to the country, but be productive of the saving of millions.

The gentleman from Massachusetts [Mr. SEELYE] puts the expenses of the Indian Bureau here in Washington at $69,880 per year. To this he should have added $8,000 appropriated for contingent expenses, making the expenses in fact for 1875–'76 the sum of $77,880, and the estimates for 1876–'77 to be $35,520. But this is only a small part of the savings we propose to effect by the transfer. The following figures will show the estimates of the expenses of the Indian Bureau and its agencies, the most of which can be saved:

Office of the Commissioner of Indian Affairs:	
Salaries, Office of Commissioner of Indian Affairs	$75,520 00
Contingent expenses Office of Commissioner of Indian Affairs	10,000 00
Indian service, current and contingent expenses:	
Pay of superintendents and agents	108,000 00
Pay of special agents	12,000 00
Pay of clerks to superintendents	4,600 00
Pay of interpreters	35,700 00
Pay of Indian inspectors	9,000 00
Traveling expenses of Indian inspectors	6,000 00
Buildings at agencies, and repairs	20,000 00
Vaccination of Indians	1,000 00
Presents and provisions for Indians	5,000 00
Contingencies, Indian Department	50,000 00
Total	236,820 00
Expenses of Indian commissions	15,000 00
Grand total	251,820 00

THE EXPEDIENCY OF THE TRANSFER.

The inquiry has been propounded to a number of the most distinguished and experienced officers of the United States Army as to

the propriety of transferring the Indian Bureau from the Interior to the War Department, and among some sixty-five responses there has been the most remarkable concurrence of opinion in favor of the transfer, not only upon the score of economy, but also upon that of expediency and humanity.

General Sherman has given the following very satisfactory reasons in favor of the transfer, and his rank in the Army and experience in the public service must be my excuse for making so lengthy a quotation from his letter:

The great mass of the Indians of our country are now located on reservations, and are entitled to receive annuities, goods, and food, according to treaties made long ago, and for the faithful execution of which treaties the faith of the Government is pledged. These Indians vary widely in their habits, and should be dealt with accordingly. The present Army is now stationed in small detachments at military posts, chiefly at or near these reservations, to keep the peace between these Indians and their white neighbors, between whom there have always existed a conflict of interest and natural hostility. Now, as the military authorities are already charged with the duty of keeping the peace, I am sure they will be the better able to accomplish this end if intrusted with the issue of the annuities, whether of money, food, or clothing. Each military post has its quartermaster and commissary, who can, without additional cost, make the issues directly to the Indians and account for them; and the commanding officer can exercise all the supervision now required of the civil agent in a better manner, because he has soldiers to support his authority, and can easily anticipate and prevent the minor causes which have so often resulted in Indian wars. In like manner our country is divided into military departments and divisions, commanded by experienced general officers named by the President, who can fulfill all the functions now committed to Indian superintendents; and these, too, have near them inspectors who can promptly investigate and prevent the incipient steps that are so apt to result in conflict and war.

Therefore I firmly believe that the Army now occupies the positions and relations to the great mass of the Indian tribes that will better enable the Government to execute any line of policy it may deem wise and proper than by any possible system that can be devised with civil agents. The Indians, more especially those who occupy the vast region west of the Mississippi from the Rio Grande to the British line, are natural warriors, and have always looked to the military rather than to the civil agents of Government for protection or punishment; and, were the troops to be withdrawn, instant war would result. If it be the policy of the Government, as I believe it is, to save the remnant of these tribes, it can only be accomplished by and through military authority. These will obey orders, and enforce any line of policy that may be prescribed for them by law or regulation. Sooner or later these Indians, say the Sioux, Cheyennes, Arapahoes, Kiowas, and Comanches must be made self-supporting. Farming and the mechanic arts are so obnoxious to their nature and traditions, that any hope of their becoming an agricultural people can hardly be expected in our day, though there are many individual exceptions; but the Indians themselves see that the buffalo, elk, antelope, deer, and large game are rapidly disappearing, and that they must raise cattle and sheep, or starve. This, in my judgment, is the proper direction in which to turn their attention, and an excellent beginning has been made with the tribes in New Mexico, and more recently with the Kiowas and Comanches, near Fort Sill. This has been done by the influence of the Army stationed in their midst, who are, in my opinion, now and always have been, the best friends the Indians have had. The idea which prevails with some, that the Army wants war with the Indians, is not true. Such wars bring exposure, toil, risk, and privations, with no honor. Therefore it (the Army) naturally wants peace, and very often has prevented wars by its mere presence; and if intrusted with the exclusive management and control of the annuities and supplies as well as force, I think Indian wars will cease, and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry: the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

On this subject General Sheridan, the second in rank in the Army, says:

I have always been in favor of the transfer of the Indian Bureau to the War Department. It would relieve the military establishment of great expense and much annoyance. We could diminish the number of posts and be enabled to establish new agencies, when required, at posts already established, instead of being required as we now are to establish a new post for every new agency. This transfer would put an end to the conflict of authority occurring constantly between Indian agents and Army officers, and would also relieve the Government of very much of the expenses of the Indian Bureau, such as pay of agents, &c.

General Hancock says that the transfer would be a decided advantage to the country and to the Indian.

General Schofield is even more emphatic in his indorsement of the transfer. He says:

The transfer of the Indian Bureau to the War Department would undoubtedly result in economy and honest administration, and would be wholly beneficial to the public service, provided too much of the labor of the Bureau be not imposed upon the Army proper.

I especially commend the views of General McDowell on this subject. He does not approve of the transfer of the Indian Bureau as such from one Department of the Government to another, but is in favor of an abolition of the Indian Bureau entirely and of transferring the control and management of the Indians to the War Department. He says:

If the Indian Bureau is merely to be transferred, and not re-organized, I cannot see that it will make any difference whether it is under the Secretary of War or the Secretary of the Interior. It was formerly under the War Department, and to put it back again, allowing it to continue as it is, would produce no good results. Things would remain as they now are, being only affected by the personal character of the Cabinet officer who might be in charge. It was formerly under the Secretary of War, and there were as many charges and as grave ones against it then as now.

If, however, with the transfer of the Indian affairs, you will re-organize the Bureau by substituting commanding officers of posts for Indian agents and military district and department commanders for superintendents of Indian affairs; by having the officers of the Quartermaster's, Commissary, and Medical Departments of the Army make all contracts for Indian supplies, transport, care for, issue, and account for them; by having all payments to, or on account of, Indians made by the Pay Department of the Army, and by having an officer detailed by the War Department to act as Commissioner of Indian Affairs, I am of opinion it would be a good thing for the Indians, the Treasury, and the country, and a very disagreeable and thankless one for the Army.

However, the machinery which would accomplish this is already in existence for the needs of the Army, and would require but slight modification to put it in working order to perform this additional duty.

One of the great advantages of such a system would be to take this Indian question—the administrative part of it—out of politics, and correct the frauds on the Indians, either in the original contracts for supplies or in the distribution of them, which has been for generations a reproach to every administration of our national affairs.

General Terry is decidedly of opinion that the Bureau of Indian Affairs should be transferred to the War Department.

General Ord, whose long service on the frontier and experience in Indian affairs entitle his opinion to great weight, is very decidedly in favor of the transfer. Upon examination he said:

Question. What is your opinion about the transfer of the Indian Bureau to the War Department as a measure of policy or economy?

Answer. I think it would be an advantage to the Indians and tend to maintain peaceable relations with the Indians.

Q. Do you think the transfer should be such as to put the entire control of the whole Indian matter into the possession of the War Department?

A. I think to have it mixed would have been worse than at present. Each Department would be able to accuse the other of short-comings. It ought to be entirely transferred, and, as far as practicable, under the control of permanent officers of the Army. It was formerly under control of the War Department, and officers were sometimes assigned to temporary duty in the Indian Bureau as *ex officio* agents. My father was Indian agent for fifteen or sixteen years, under the War Department nearly all the time.

Q. Tell us briefly what some of the advantages would be over the present system by the transfer of the control of the Indians entirely to the War Department.

A. Promptness in the delivery of rations and supplies. We have to deliver them now to troops in the immediate vicinity of the agents, and the same machinery, in a measure, could do both.

The reduction of the number of employés. A very large reduction would occur. The clerical duties here in Washington and at department headquarters performed by general-service men would be very materially reduced.

Another advantage would be maintaining peaceable relations, because, if we had to fight the Indians, we should want to do it as rapidly as possible. If we want to maintain peaceable relations, we ought to know the Indians thoroughly in time of peace and put the best men in as agents, men who would do their whole duty. The Indians as a rule respect force. They respect men who can successfully enforce the orders they have given. I have found wherever I have been that the military were successful with the Indians in California and Arizona, and the Indians were very well satisfied. When General Crook took charge in Arizona he had no trouble. I myself have gone right amid the wild Indians at war. I directed the establishment of the two posts spoken of in the testimony, and know what they cost. I had some fourteen companies together up there to move the Indians, just as winter was coming on; it begins there in October. I could not get the Department to tell me when they were going to move the agencies until the last minute. It cost the Government between $50,000 and $60,000 to move the troops and establish the posts.

General Augur says:

The Indian Bureau could be transferred, in my opinion, with great benefit to the Indians and to the public service.

General Crook thinks it would be "economical to the Government and promote efficiency."

General Grover approves the transfer, "both as a matter of economy and efficiency."

Colonel Mackenzie thinks the transfer would be a great thing for the Indian, but not for the Army. He says:

Should the Government propose to conduct its Indian affairs without reference to political party, its transfer to the War Department would be very advantageous to the Indians, and no particular disadvantage to the Army.

Colonel Gibbons says:

The question in regard to the transfer of the Indian Bureau to the War Department is one of long standing; and from my experience under both systems, the present one and the one when the War Department had charge of the Indian matters, I do not hesitate to express the opinion that if it is desirable that the Indians should receive the supplies set apart for them by the Government, and the bounty of the Government be made use of to keep the various tribes in order, the matter should be placed in the hands of that Department which is able to hold rewards for good conduct in one hand and the means of punishing crimes in the other. The War Department possesses the requisite organization, which extends in all its branches to the extreme frontiers, and directly in contact with the Indian tribes. By means of this organization the supplies voted by Congress can be distributed through responsible officers, in the same way that Army supplies are, and the receipt of them be made to depend upon the good conduct of the tribes, and in this way nearly the whole of the additional expenses of the Indian Department can be saved, to leave out of question entirely the increased security both to the Indians and the Government. It is popular error to suppose that the Army officers, as a class, desire this increased responsibility; and if they get it, that the Indians will be treated worse than they are now. If there is any question susceptible of demonstration, *it is that the Army desires peace with the Indians.* In war with them there is but little *glory*, and no *reward* except the receipt of *empty brevets*, which carry with them neither pay nor increased consideration, since the recipient is not even permitted to make use of his honorary title.

Colonel De Trobriand, a name associated with recent southern troubles, and therefore somewhat familiar to southern ears, expresses his opinion freely and fully on the subject, as follows:

I have no doubt that such a measure would be both eminently proper and beneficial. The present Bureau of Indian Affairs is a Pandora's box, whence endless evils issued and are still issuing. The greater part by far of our difficulties with Indians arise from the shameless way in which they are cheated out of the most of the annuities of all kinds which they are supposed to receive from the Government, and for which the people pay in full. It would be a great error to believe that, because they do not know how to read and write, those Indians are unable to keep good accounts and to figure exactly to what extent they are cheated. I have heard Indian chiefs who could tell me how many sacks of flour, how many flannel shirts, how many blankets, how many knives, &c., had been taken away from the agency where they had been stored for them; on what nights these goods had been loaded on wagons, the number of which they stated; to what distant posts the stolen articles had been sent, there to be sold in retail by traders to some other tribes. Many times they asked me why I could not take control of the distribution of their goods among them, unable to understand how their Great Father in Washington, who kept so many warriors, could not secure them their rights, and save them from being plundered year after year by those very people who were sent especially for their aid and protection.

The general corruption which prevails in Indian affairs is a matter of public notoriety, and has been, in some cases, demonstrated by irrefutable evidence. The above is therefore stated, not to criminate anybody in particular, but only to show that I speak of my personal knowledge, not from hearsay. As all efforts have been unavailing to remedy those evils with the present organization of the Bureau of Indian Affairs, it has become necessary to try some different system to realize the re-

forms so much needed, and it does not appear that there is any other which could attain that end but the transfer of the Indian Bureau to the War Department. The administration of Indian affairs could not be trusted to better hands. The officers of the Army do not desire it. They understand well that such a transfer will bring to those who will be concerned in it much more trouble and labor than credit or compensation. But their devotion and their patriotism would make them accept their new responsibilities and perform these new duties in the same spirit and with the same efficiency which have maintained so high the integrity and the honor of the United States Army.

To this I will add the opinion of General Jeff. C. Davis:

The management of the Indians is better done by the War Department. It was formerly a part of the duties of this Department to keep peace with the Indian tribes on our frontier; it is a difficult job, and requires the presence of soldiers at all times, often the vigorous use of them; the Indians respect and will obey no authority of the Government not *enforced by the military*; this is seen every day on our frontier. The management of the Indians by the Interior Department has been a *failure*.

The Indian Bureau has of recent years become *a synonym for rascality and corruption*. I do not think, however, the officers of the Army, as a general thing, covet the responsibility this change would place upon them, but they can and will, with proper encouragement, perform the task with more efficiency, honesty, and with less *hypocritical cant* about Christianizing and civilizing the Indians than is now done. The military can teach the Indian how to lay down the rifle and take up agricultural implements and use them; this done, and our honest and sincere Christian workers will see to it that civilization and Christianization follow right along as the savage is prepared for these blessings.

Some sixty-odd officers of the Army were either examined in person before the Committee on Military Affairs or answered interrogatories propounded to them, and all except two or three approve of the transfer. But there are some who dissent, and notably General O. O. Howard and Surgeon-General Barnes.

General Howard, who is somewhat known to the country as president of Howard University, located in this city, has given his opinion on this subject, and I will do him the justice of giving his reasons for "the faith that is in him." He says:

I would not advise the transfer of the Indian Bureau to the War Department for two reasons: First, it turns the attention of the Army from its legitimate work; second, it will subject the Army to *the usual public denunciation* directed toward Indian Bureau agents, and be constantly detrimental to the *reputation*, and finally injurious to the *morale* of the Army. I do think that officers can be selected from the Army who would do the duty with zeal, efficiency, and probably with more general satisfaction to the public than the Indian agents, who are less well paid and further removed from co-equal associates.

He seems to have two reasons; and it strikes me that the very feebleness of the arguments advanced in support of his opinion re-acts and becomes an argument in support of the scheme. He says:

It turns the attention of the Army from its legitimate work.

What is more legitimate for our Army than to stand guard over the Indians and to protect the lives and property of our people upon the frontiers from the attacks and depredations of the savages? His second reason is that—

It would subject the Army to the *usual public denunciation* directed toward Indian Bureau agents.

Here is an explicit admission that the agents of this Indian Bureau are subject to "*usual public denunciation*," and in the absence of any proof to the contrary will be accepted by the people as a confession of the truth of the bad estimation in which the agents of that Bureau are held, and to some extent of the corruption prevailing among them. This distinguished witness further adds that the transfer would "be constantly detrimental to the *reputation* and finally injurious to the *morale* of the Army." This can scarcely be accepted as an argument; it is mere opinion, unsupported by a single reason. And it seems to me that he concedes fully as much as he contends for when he admits that Army officers can be selected who would do their duty "with zeal, efficiency, and probably with more general satisfaction to the public than the Indian agents."

Surgeon-General Barnes says that he is "decidedly against the propriety or advisability of such transfer," but he does not deign to give a reason for this very decided opinion. Now, upon the weight of mere opinion, persons who have not had the opportunity to become informed by observation and experience cannot fail to be influenced in their action by the opinions of such overwhelming numbers. On the one hand we have the opinions of a large number of the most distinguished and experienced officers in the public service. On the other hand we have the feeble reasoning of one and the mere *ipse dixit* of another officer, who do not seem ever to have enjoyed opportunities for acquiring personal knowledge on this subject.

I take it, therefore, that upon the question of the expediency of the transfer the weight of authority is with the friends of the bill now under consideration, and that some sound reasons either of humanity or of economy must be found to turn the scale against the passage of the bill. An examination of the testimony taken upon this bill I think will satisfy those who are seeking information to guide them that this transfer is in the interest of humanity and of civilization.

The transfer will tend to stop Indian hostilities.

The reasoning of the officers on this subject is perfectly satisfactory and must impress all impartial readers as true. It is contrary to our experience of human action to believe that the officers and men who have to do the fighting will with reckless disregard of their own safety and comfort stir up strife with the Indian. Indian wars mean untold hardships, exposures, and dangers, with but little honor to be won. These officers therefore are to be believed when they say they want peace with the Indian. When war comes the soldier goes to the front, but the Indian agent, who perhaps has fomented the trouble, goes to the rear.

General Sheridan says:

It is my belief that if the Indians had been in the hands of the military, there never would have been any Indian wars of any consequence. There would be a power over them which would make them respect persons and property, and they would respect that power. The attempt is now being made to govern these Indians without exercising any power over them at all, by simple suasion, while at the same time we acknowledge the necessity of having the severest laws for the government of intelligent white people.

Question. Have you, within the last few years, had frequent meetings and conversations with the Indians?

Answer. Yes, sir.

Q. Then state whether you think they would be better satisfied with such a change.

A. I am convinced the Indians would be better satisfied. Where the military is stationed with them, we see a constant respect for it. The treatment of the Indians by the officers and men, in their intercourse, is always gentle. Sometimes, of course, when we are obliged to make war, we have to be rough; and in order to make war successfully, we are obliged to resort, to some extent, to the rules of warfare which they adopt.

That this transfer would tend to peace with the Indians General Ord heartily indorses. In his examination before the Committee on Military Affairs he said:

Question. Do you not think there would be less liability of war if the War Department had entire control?

Answer. Yes, sir; there would be scarcely any liability. I have some little knowledge of the Modoc war, Florida wars, Rogue River war, and other wars. I have been in some half dozen of them. They nearly all originated from mismanagement of the Indians. I believe the Modoc war originated because certain parties wanted to get possession of the Indian lands, and wanted to move the Indians down to where the Klamaths were. The Klamaths were a large tribe on the lower river, and outnumbered the Modocs, probably twenty to one. The Modocs refused to go; they were a little band, and they had a place where they had some game, and it just suited them. They did not want to go to such a remote distance. The agent asked for a military guard to take the Indians down. The guard furnished was entirely insufficient, being but a handful of men. They had already had two or three engagements with the troops, which the Indian agent did not probably know. If the agent had been a military man he would have known that it would not do to undertake to move them with a handful of men. The Modocs did not want to go to the Klamaths, because the Klamaths, being a very large and overbearing tribe, would not let them have any show in the distribution of supplies. The Indians made some representations in regard to it, but they all seemed to be ignored by the Indian Department. The Department seemed to take it for granted that all that was needed to force them to go was a military guard. The handful of men were attacked and driven back. The agent asked for a little larger force, which was still insufficient, and found difficulty—the Modocs taking the war-path, as they say. Whereas the difficulty could have been avoided if there had been a military man in control, and he would probably have had a sufficient military force immediately at hand.

Q. As a general thing, do the Indians generally not have less confidence in the civil than the military?

A. They have more confidence in the military than the civil authorities. They say, "Here these men tell us this, that, and the other; that we don't get our rations because the roads are bad. But the soldiers get their rations." They come in to get supplies and tell their story. Red Cloud came in to the commanding officer's quarters and stated this through him to me, "because," he said, "you will tell the President what I will say. We haven't got what we were promised, and haven't been treated properly." Spotted Tail came down to see General Sheridan when on his hunt, and told him in my hearing what his troubles were, and asked him to tell the Great Father. General Sheridan told him he would do so, and he did tell him directly. And so it is, time and again; they come to us and appeal to us for assistance, but we have to tell them we are powerless and cannot do anything for them.

Colonel Clitz, of the Tenth Infantry, says:

To transfer back the Indian Bureau to the War Department, I believe, has become a necessity in order to prevent in the near future *a big Indian war*. I believe that if commanding officers of military posts in the Indian country are made Indian agents *ex officio*, with their subordinate officers as subagents, the Bureau will be more economically administered, the Indians would be better fed and cared for, would become better acquainted with the officers of the Army and the officers with them. I believe officers in authority over them would use their power mildly but firmly, and not make them any promises that they did not know they could carry out. I believe the Indians would be contented, and therefore peaceable, and at any rate would have a wholesome dread of the officer who had it in his power to punish as well as reward.

On this subject I will only quote from one other officer, for it seems to me that the addition of the opinions of other officers could not add much to the weight of the opinions I have quoted. General Sykes says:

The War Department should have exclusive control of both. It seems superfluous to repeat that the Indian respects only *the power of hunger* and *the power of the sword*; and it is notorious, outside of the "Indian ring," that the word of an officer of the Army will be trusted by an Indian beyond that of any other white man. It arises from two causes: the one, that an officer rarely makes a promise to them that he cannot perform; the other, that he represents the *force*, which, to an Indian, appeals more than any other to the instincts of his own *existence*. I have had considerable experience with a large tribe of Indians on a military reservation in New Mexico, (Navajoes,) and had very little trouble with them. I carried out the promises of the Government in their behalf, and rarely called upon them to do an act of justice which they were not prompt to recognize and enforce. Most of our trouble with the Indians would cease were their annuities honestly distributed, and treaties with them faithfully carried out. Everybody knows this who know anything on the subject.

General Sanborn, who is a gentleman of intelligence, and served many years on the frontiers, but now in civil life, says that by the transfer—

Active campaigns in the field, which now occur every two or three years, would be entirely avoided. I have no doubt but that the entire expenses of these campaigns would be avoided. If the Army had full control the Indians never would be encouraged to resist the power and authority of the Government to such an extent as to take up arms against our people at all, and in that view comes the saving. On an average it would amount to from six to ten millions a year. I am confident that from 1860 to 1870 the expenses of the military establishment were increased annually on account of our Indian difficulties to the amount of ten millions on an average, or one hundred millions during the decade. This estimate includes the campaign in Minnesota, the campaign in New Mexico against the Navajoes, and the campaign on the Arkansas, closed out by myself in 1865, in doing which I had under my command seven thousand mounted men and one or two regiments of infantry, and they were supported at an expense that was really alarming; corn at many of those posts being purchased at the time I arrived there and took com-

mand at $8 a bushel, an expense so great that I concluded it was better to procure a remount every ninety days than to try to keep horses alive by purchasing forage at those rates. I can but consider it, after the study I have given it, as one of the most perfectly one-sided questions connected with the public service as to where that Bureau should be.

It seems to me that the only remaining question involved in this cause is that of economy. Let us again appeal to the opinions of gentlemen competent to speak.

ECONOMY OF THE TRANSFER.

The opinion of the Army officers is not only emphatic as to the expediency and humanity of the transfer, but also as to its economy; that the transfer will save millions of dollars to the already tax-ridden people. General Sheridan says:

Question. You think that the expense to the Government in looking after its Indian affairs would be much less by reason of the transfer?

Answer. To come squarely at the subject, should the Indian Bureau be transferred to the military, I have not the least doubt that the Secretary of War would modify his estimates for the coming fiscal year to the amount of $3,500,000, and this will only be a commencement. I have the assurance of the Secretary for this reduction.

By Mr. COOK:

Q. In addition to getting rid of the expense of Indian commissioners, &c.?

A. Yes, sir; I am speaking of reduction in our own expenses, not what may be saved in Indian affairs. The reduction above referred to, I wish it to be understood, does not embrace the reduction which can be made in the Ordnance, Engineer, Subsistence Departments, &c.; it means the saving we can make in the disbursements through the Quartermaster's Department; and I repeat the sum, $3,500,000.

General Sanborn says:

My belief is that it will save to the Government, in all branches of the service, about ten millions a year on an average, taking a decade together. One year you might not save more than three or four or five millions, and another year you will probably save twenty-five or thirty millions.

Upon this question I might quote many others, but I shall content myself by an extract from the deposition of Dr. Burleigh, who has spent a great many years among the Indians, and was four or five years in charge of the Yankton Sioux in Dakota. He was asked:

Question. Do the agents ever turn over beeves on the foot to the Indians so that they can drive them off?

Answer. Frequently; at least I think so. I have looked at this question very closely and have given it a great deal of study, and my impression is that the transfer of the Indian Bureau to the War Department, by dispensing with civilians whose duties can be performed just as well by officers of the Army—my impression is that the saving in that alone will be $1,500,000. My impression is, (and I think I have seen enough of these matters in the last fifteen years to enable me to come to a correct conclusion,) that it will save in supplies furnished that never reach the Indians at all, fully $500,000; that makes two millions. It will save in the administration of the Army directly, by enabling them to bring the Indians down to navigable highways where supplies can be distributed without the monstrously expensive transportation that is now necessary, fully $3,000,000, making $5,000,000. Take, for instance, the Red Cloud and Spotted Tail agencies, the two largest agencies on the continent, I believe; it cost as much to haul the flour from the point where it is landed on the Missouri to those agencies as it costs to purchase the flour. The distance of those agencies from the river is about three hundred miles and they are in a poor country, whereas the country on the river is pretty good.

In addition to that, our Indian wars for the last twenty years have cost $120,000,000, over $6,000,000 a year, and we are just as sure to be afflicted again with that enormous expenditure as we have been in the past if we continue the present system. Therefore you may add $6,000,000 to the $5,000,000, which will make a saving annually of $11,000,000 by turning the Indians over to the War Department. I think that our Indian wars have been the direct results of the miserable policy that has prevailed under the civil administration of Indian affairs. Now we have the officers already paid for doing all the duties that are discharged at present by the agents. The surgeon at the post can prescribe for the Indians, and the labor that is to be paid for now can just as well be performed by the soldiers who will be called in at the military posts to aid the quartermaster and the commissary in making their issues. Of course you have to have a head farmer, a head blacksmith, a head carpenter, and where there is a mill, a miller, but all the balance of the labor can be done just as well by the Indians, provided you have force enough at the posts to enable the agent to compel obedience to his orders.

ECONOMY OF TRANSPORTATION.

It is maintained by some of the witnesses whose testimony has been taken that there will be great economy in the transportation of supplies if a transfer shall be made. I will make an extract from a report from the Quartermaster's Department, made in March last, showing the rate of transportation now paid by the Indian Bureau and approximate estimates for the same transportation by the Quartermaster's Department:

Comparative statement of the contract rates for transportatian of Indian goods during the fiscal year ending June 30, 1876, *and the rates paid by the Quartermaster's Department for similar transportation, (approximate.)*

From—	To—	Rate per 100 pounds.	Rate per 100 pounds paid by Quartermaster's Department.
New York	Los Pinos agency, Colorado	$9 00	$4 50
Philadelphia	..... do	9 00	4 50
Baltimore	..... do	9 00	4 50
Saint Louis	..... do	9 00	3 75
New York	Fort Defiance, New Mexico	10 50	5 50
Philadelphia	..... do	10 50	5 50
Baltimore	..... do	10 50	5 50
Saint Louis	..... do	10 50	4 75

Comparative statement of the contract rates for transportation of Indian goods during the fiscal year ending June 30, 1876, *&c.*—Continued.

From—	To—	Rate per 100 pounds.	Rate per 100 pounds paid by Quartermaster's Department.
New York	Camp Apache, Arizona	$11 00	$6 80
Do	Chihuahua agency, Arizona	11 00	6 80
Baltimore	Camp Apache, Arizona	11 00	6 80
Do	Chihuahua agency	11 00	6 80
Philadelphia	..... do	11 00	6 80
Do	Camp Apache, Arizona	11 00	6 80
New York	San Carlos agency, Arizona	12 00	7 50
Philadelphia	..... do	12 00	7 50
Baltimore	..... do	12 00	7 50
New York	Sioux City, Iowa	75	1 02
Philadelphia	..... do	75	1 02
Baltimore	..... do	75	1 02
Do	Omaha, Nebraska	60	1 05
New York	..... do	60	1 05
Philadelphia	..... do	60	1 05
Do	Green River, Wyoming	3 30	3 15
New York	..... do	3 30	3 15
Baltimore	..... do	3 30	3 16
Do	Kansas City, Missouri	50	99
New York	..... do	50	99
Philadelphia	..... do	50	99
Chicago, Illinois	Cheyenne, Wyoming	1 05	1 70
Do	Sidney, Nebraska	1 05	1 65
Sioux City, Iowa	..... do	1 31	1 47
Do	Cheyenne, Wyoming	1 31	1 47
Saint Paul, Minnesota	..... do	1 76	1 47
Do	Sidney, Nebraska	1 76	1 47
New York	Shoshone and Bannack agency	5 80	4 40
Philadelphia	..... do	5 80	4 40
Baltimore	..... do	5 80	4 40
Chicago, Illinois	..... do	5 45	4 59
Saint Paul, Minnesota	..... do	5 40	4 59
Sioux City, Iowa	..... do	5 10	4 29
Bryan, Wyoming	..... do	2 20	1 79
Green River, Wyoming	..... do	2 20	1 79
New York	Red Cloud agency	2 70	3 25
Philadelphia	..... do	2 70	3 25
Baltimore	..... do	2 70	3 25
Do	Spotted Tail agency	2 75	3 43
New York	..... do	2 75	3 43
Philadelphia	..... do	2 75	3 43
Cheyenne, Wyoming	Red Cloud agency	1 65	1 56
Sidney, Nebraska	..... do	1 66	1 08
Do	Spotted Tail agency	1 75	1 26

An examination of the foregoing extract is sufficient to show the relevant costs of transportation, and it will be seen the percentage of saving is greatly in favor of the Quartermaster's Department, and would result in the saving of millions of dollars.

I have thus shown by the testimony of witnesses whose statements are entitled to full faith and credit, and who have enjoyed ample opportunities to form correct opinions on this important subject, that by the transfer of Indian affairs from the Interior to the War Department there will be a great saving of money, and that it will tend to the preservation of peace between the whites and the Indians.

That there has been gross mismanagement, to use no stronger expression, in Indian affairs by the agents is clearly shown, and that notwithstanding this Bureau has had charge of the Indians since 1849, yet among the wild tribes but little progress in the arts of civilization has been made, and in very many of the tribes no progress whatever has been made. The moral-suasion theory of the peace men has had a fair trial and has signally failed. They have failed to civilize and Christianize the Indian, and they have failed to prevent the frequent and bloody wars which have scourged the frontiers. Even admit that there has been some improvement in some of the border tribes, that improvement is not commensurate with the cost. "The game don't pay for the candle." Believing that better results can be attained by the transfer in civilization, in economy, and in the interests of peace, I am heartily for the transfer; and it is for the representatives of the people to say whether they will try to save some $5,000,000 annually, preserve the peace, and do at least as much in the cause of humanity and civilization by passing the pending bill.

Mr. WILSHIRE. Mr. Chairman, I arise to oppose the bill reported by the majority of the Committee on Indian Affairs, and to advocate the establishment of a separate Department of Indian Affairs.

The question presented is one of the greatest moment, one that should not be disposed of without the fullest discussion and consideration. It has been the subject of serious consideration by our ablest statesmen, and received the sympathies of our most earnest Christian philanthropists since the organization of the Government. Various plans have been adopted and put into operation, among them recently that of civilizing and educating the Indians; which seems to be the correct one.

It is admitted by all that until the uncivilized Indians are brought

up from their wild and savage condition to a higher state of civilization and moral improvement they will continue to be in the future, as they have been in the past, a source of expense and annoyance, and as the march of civilized settlement progresses, which is inevitable, the expense of the management of Indian affairs will necessarily increase until they are educated and civilized.

If we desire to reduce the cost of conducting the management of our Indian affairs, we must adopt and carry out in good faith a policy that will result in their civilization. To do this will doubtless cost a large sum of money annually, until the work of civilization has entered upon the road to certain success; but I submit that it is infinitely better that we begin at once and bring it to a speedy and successful termination.

It is a mistaken idea that it will cost less to manage the Indians under the War Department than under the management of a properly organized civil department, as I shall endeavor to show.

Every one acquainted with the former managements, first by the War and last by the Interior Department, and the condition and location of the Indians now and before 1849, knows perfectly well that when the management of Indian affairs was under the control of the War Department very little of that vast country lying west of the Missouri and Upper Mississippi Rivers was occupied by white settlers. The various tribes of Indians had undisputed possession of all that country, which supplied them with abundant game for their support. There was no occasion for them to ask for or receive food and clothing from the Government until the advance of white settlements westward, which are now located all over that whole country, extending from the Missouri River to the Pacific States, driving away or killing off the game, the Indians' means of support.

Being thus deprived of the means of support nature had provided for them; being thus disturbed in the possession of the country they and their ancestors had enjoyed for centuries, and being brought in contact with those seeking to acquire, and who have in some instances acquired the most valuable portions of their heritage, it very naturally aroused in them a feeling of animosity and distrust against white men which not unfrequently ripened into hostilities.

This condition of things made it necessary for the Government, in addition to its former Indian charge, to extend its management of Indian affairs over this vast territory, embracing many large tribes of wild Indians. This was necessary to protect the pioneer settlements in those Territories and establish and maintain peaceable relations with those Indians, which was absolutely essential to the settlement and development of the rich and varied resources of those Territories that have since contributed so largely to the general wealth of the whole country.

This, sir, accounts for the difference in the cost of the management of Indian affairs at the present time and for the past few years, being greater than when managed by the War Department.

I do not agree with the gentlemen who advocate the transfer, that it will save a large sum to the Treasury. On the contrary, I think I will show before I am through that it will be vastly more expensive. Neither can I agree that all the honor, integrity, intelligence, and capability of this country is confined to officers of the Army.

I believe that men equally educated in civil life, trained to civil thought, and accustomed to civil pursuits are quite as honest, capable, and trustworthy, and much better suited to manage civil affairs, than those whose whole education was to teach them how to order and obey, and whose only idea of government is but the exercise of arbitrary power.

Sir, I believe in a reasonable army, but I want it to be but an army; and to be used only to defend the nation in time of war, and to aid the civil authorities in the exercise of civil power in times of peace, and then only when the civil authorities are unable to execute civil process for the protection of the life, the liberty, the property of the citizen.

The gentleman from Illinois [Mr. SPARKS] informs us that about sixty Army officers have declared in favor of the transfer, besides a number of citizens. He does not show that the Indians favor it. The gentleman from Mississippi [Mr. HOOKER] refers to an argument of Colonel Boudinot, a Cherokee, favoring the transfer. Sir, Colonel Boudinot is one of my most intimate personal friends, a gentleman in every sense of the word, a man of experience and information and entitled to great consideration; but, sir, his opinions are but his individual opinions; while to show that the Indians do not desire the transfer I will read from the protest of the delegates of the five civilized tribes the following:

> War, no matter who with, is not civilization any more than a counter-irritation on the human system is the human system; though sometimes temporarily necessary, it is not long to be continued. It is not used in health, nor should the military be used in time of peace.
>
> Your Army authority is always withdrawn from any troubled section of the country so soon as peace and quiet are restored, and the people left to civil control and pursuits. Why not continue to apply the same principle to the Indians when, as you are informed by the Indian Bureau, they are at peace?
>
> The idleness that is unavoidable about a frontier post, and the drinking and consequent immoralities that are too common there, are not conducive to the industry and sobriety of the Indians near them.
>
> The difference in degrees of civilization of the Indian nations and tribes demands your closest consideration. It is little encouragement to those who have made progress in civilization, education, and industry if we are to be turned back into the hands of the military as violators of law are to the police We earnestly hope that Congress will not treat us with so little consideration.

Sir, that is the voice of thousands of Indians, spoken not by a member of one of the tribes, but by the duly-accredited representatives, sent here not only to look after the interest of their tribes but to represent the wishes of the Indians in matters of this kind. These delegates are intelligent men, many of them the peers of any man on this floor. They are here in person to bear testimony to the fact that Indians can be civilized and educated and rendered capable of becoming good and useful citizens.

The voice of these Indians, brought as they have been up to a high degree of culture and usefulness through the process of civilization, pleading the cause of their race, should burn its way into the minds and conscience of every member of this House.

They are men that know whereof they speak, and truly represent the interests and desires of the Indians. I ask gentlemen on this floor to ponder well the question before utterly disregarding an appeal so intelligently and earnestly made as this.

Mr. Chairman, the most astonishing thing to me is that my democratic friends in this House are the advocates of conferring civil power upon the Military Department of the Government, and especially those representing southern States.

And in this connection I desire to say a word in response to the gentleman from Georgia, [Mr. COOK.] He seems to be particularly sensitive when the southern people are mentioned in connection with any subject. The pride of one's locality and its people is a just and commendable one, and I can assure the gentleman that no man on or off this floor will more readily or willingly defend the people of the South against any unjust aspersions than myself. But, sir, I do not regard it as necessary to the consideration of the pending question to allude to the part that the people of either the Northern or Southern States have taken in the wars of the country, or whether the southern people have, from the time of the Revolution, fought under the flag of this nation and watered every battle-field with their blood or not. That is a question not under consideration. The conduct of the people of both the North and South from the Revolution down to the present time is indelibly written on the pages of this nation's history and cannot be changed on this floor, and time alone can efface it.

The language in the minority report so obnoxious to the gentleman from Georgia is as follows:

> The people of our Southern States, since the late civil war, have made grievous complaints of military interference.
>
> Whatever reasons and arguments against military government in the South are valid apply with equal force to the military government of Indians.

How the gentleman could place such a construction upon that language passes my comprehension. There is nothing in it that, with my understanding of our language, can be tortured into a comparison of the southern people with the savage or in any way reflecting upon them; it was simply illustrating a principle, and one, too, not to be lost sight of either by Congress or the people.

From the close of the late war until the reconstruction of the insurrectionary States, and almost ever since then, there has been one universal howl of complaint coming up from that country against the Army officers exercising civil power or interfering with civil officers in the performance of civil duties.

The comparison made by the minority related only to the use of military officials in the administration of civil affairs, and not as the gentleman from Georgia supposed.

Mr. Chairman, independent of the consideration of the welfare of the Indians, there is a principle involved in this question of transfer that rises higher, entering more sacred precincts, and of greater importance to the people of the whole country than the question of dollars and cents or the cost of managing any Department of the Government. It is the safety of the Republic.

For the safety of the liberties of the people, the lines between the exercise of military and civil power should be distinctly drawn, and the military authorities in the exercise of power confined strictly within their prescribed limits.

If we permit the military to step one particle beyond that line, what guarantee have the people that, sooner or later, the Army will not attempt to usurp all civil power and authority and transform the republic into a military despotism? This is no idle thought. It is one that should receive the constant attention of those having the safety and welfare of the country intrusted to them.

Why, sir, immediately after the close of the war, I am informed that there was an earnest effort made by military officials to have all the important positions in the several Departments filled by Army officers; and in the Treasury, for a time, many were employed. Sir, it is manifest to my mind that there is a growing disposition among Army officers to reach out and enlarge their powers. This, I think, accounts for their general testimony in favor of the proposed transfer.

As an evidence of this growing disposition, I find a bill introduced in this House proposing to transfer the Pension Bureau to the War Department. By the bill under consideration it is proposed to turn the management of the Indians over to the tender mercies of the Army.

If this feeling continues, I would not be surprised at any time to hear of a proposition to transfer the management of all Departments of the Government to the War Department.

We are told that General Sherman and many other Army officers state that Indian affairs would be better managed if in the hands of the Army than in any civil Department.

If it be the policy of this House to reduce the Indians "to a mass of helpless paupers," as General Sherman thinks should be done, then the opinion of General Sherman and his officers should be heeded. I have no doubt the officers of the Army would very readily admit

that all the departments of the Government, legislative, executive, and judicial, would be much better conducted by Army officers than by any class of civilians. But, sir, the American people, who are always right, will not very complacently assent to so modest a proposition.

Mr. Chairman, I have had some experience in the exercise of civil power by the military authorities. And having been a Federal soldier during the late unpleasantness and having located and resided in my adopted State ever since the close of the war, I know that I can speak from experience, and I believe I can do so without being subjected to the charge that what I say is the spirit of rebellion rekindled.

In my State, from the close of the war until June, 1868, there was no other government, in fact, except that prescribed by the military authorities of that department. The only constitution and laws that governed that people were such as were prescribed by the military commander or tolerated by him. His will was the supreme law to that people.

I hope never again to witness such scenes as transpired there during that time in the administration of civil government by Army officials. To illustrate the beauties of military government and the qualification of Army officers to administer civil affairs, I will state briefly the proceedings in a criminal case in my State during that time which came within my own personal observation. A gentleman was arrested and brought before one of those military courts charged with committing an assault with intent to kill. The proof on the trial, that the defendant committed the assault with a pistol, accompanied with a threat to kill, presented cocked in the face of the assaulted party, but was prevented from firing only by the by-standers interposing, was undisputed. Upon that proof that learned military court discharged the prisoner on the ground that there was no proof that the pistol was loaded.

I will not offend the intelligence of members of the legal profession on this floor by commenting on such a ruling. It speaks for itself.

That court was composed of regular-Army officers, ranking from a brevet major-general to captains—that class of gentlemen who, we are told on this floor, are better qualified to administer civil affairs among the Indians than any other class of men. Mr. Chairman, I have had occasion during the rebellion to become acquainted with regular-Army officers, and I have failed to discover their superiority over other intelligent, educated men of good moral and social standing with regard to integrity and business capacity.

They are men of like passions and subject to the same influences and temptations as other men. Sir, I am sick and tired, and so is the country, of this eternal boast of the proverbial integrity and honesty of Army officers.

Already it appears that the head of the Military Department has been a little crooked; and I doubt not, if the same scrutiny was extended to the Quartermaster's Department, to contracts for supplies and transportation, &c., many astounding things would be developed.

I cheerfully admit that regular-Army officers are educated and honorable gentlemen and skilled in the profession of arms; but I have yet to learn that they are profound in agricultural or the mechanic arts, or that they are noted as common-school educators; and if their knowledge of divine law is no better than that exhibited in the case referred to, it seems to me that they are not well calculated to carry out a policy of civilization that imperatively demands the service of men of an education and experience in those branches of industry and an education required for the civilization of the Indian.

And here I will again call attention to the protest of the Indians, from which I read the following:

The uncivilized Indians should learn daily labor in farming and stock-raising as the only vocation now open to them, neither of which the Army officers have been taught or would be willing to practice, their education and training being that of war.

These Army officers could not follow those employments and remain efficient Army officers if they would.

No worthy competent civilian would occupy a post of instruction as a farmer or stock-raiser under military dictation, in business they did not understand, any more than a worthy and competent military officer would drill under a farmer or herder who was ignorant of military duties.

Drilling men for battle and drilling wheat for growing are quite different employments. If you wish to have the Indians unlearn the former and to learn the latter, the transfer of these people from civil to military control will defeat your good intentions. You will not allow white people—men, women, or children, whether native or foreign—to be governed and controlled by the military in time of peace.

We will now see what the opinions of some of our own statesmen are. I have here a report of a joint and select committee of both Houses of Congress made in 1867 on this subject, recommending the establishment of a separate department for the management of the Indians, which I have not the time to read, but will print in my remarks.

Mr. Chairman, that was the unanimous report of that committee, emphatically opposing this transfer. That report was based upon a large volume of testimony taken by that committee, a few extracts from which I will ask the Clerk to read.

The Clerk read as follows:

Colonel Bent, being sworn, testifies that:

The last great difficulty previous to the one I have mentioned grew out of the Sioux war. This war originated as follows: Some Mormons on their way to Salt Lake were driving some stock; either a cow or an ox gave out; the Indians killed the animal, and the Mormons reported the fact to the commanding officer at Fort Laramie; the officer sent down for the Indian who killed the animal, but the Indians refused to send him, as he was not present and could not be found, offering at the same time to pay for the animal killed; the officer then sent Lieutenant Grattan, with eighteen men, to the Indian camp, where there were some three hundred warriors, to fetch the Indian away; he demanded that the Indian should be delivered in fifteen minutes, or he would fire on them; the Indian not being forthcoming at the time, Lieutenant Grattan fired on the Indians, and in a few minutes he and his command were all massacred. This occurred in 1854, and was the commencement of the Sioux war, which lasted some time, the Cheyenne band of the North Platte becoming involved in it. Two campaigns were carried on against them, one under General Harney and the other under Colonel Sumner.

ROBERT BENT sworn:

I am twenty-four years old; was born on the Arkansas River. I am pretty well acquainted with the Indians of the plains, having spent most of my life among them. I was employed as guide and interpreter at Fort Lyon by Major Anthony. Colonel Chivington ordered me to accompany him on his way to Sand Creek. The command consisted of from nine hundred to one thousand men, principally Colorado volunteers. We left Fort Lyon at eight o'clock in the evening and came on to the Indian camp at daylight the next morning. Colonel Chivington surrounded the village with his troops. When he came within sight of the camp I saw the American flag waving and heard Black Kettle tell the Indians to stand around the flag, and they were huddled, men, women, and children. This was when we were within fifty yards of the Indians. I also saw a white flag raised. These flags were in so conspicuous a position that they must have been seen. When the troops fired the Indians ran, some of the men into their lodges, probably to get their arms. They had time to get away if they wanted to. I remained on the field five hours, and when I left there were shots being fired up the creek. I think there were six hundred Indians in all. I think there were thirty-five braves and some old men, about sixty in all. All fought well. At the time, the rest of the men were away from camp hunting. I visited the battle ground six months afterward; saw the remains of a good many; counted sixty-nine, but a number had been eaten by the wolves and dogs. After the firing, the warriors put the squaws and children together and surrounded them to protect them. I saw five squaws under a bank for shelter. When the troops came up to them they ran out and showed their persons to let the soldiers know they were squaws, and begged for mercy, but the soldiers shot them all. I saw one squaw lying on the bank whose leg had been broken by a shell; a soldier came up to her with a drawn saber; she raised her arm to protect herself, when he struck, breaking her arm; she rolled over and raised her other arm, when he struck, breaking it, and left her without killing her. There seemed to be an indiscriminate slaughter of men, women, and children. There were some thirty or forty squaws collected in a hole for protection; they sent out a little girl about six years old with a white flag on a stick; she had not proceeded but a few steps when she was shot and killed. All the squaws in that hole were afterward killed, and four or five bucks outside. The squaws offered no resistance. Every one I saw dead was scalped. I saw one squaw cut open with an unborn child, as I thought, lying by her side. Captain Soulé afterward told me that such was the fact.

* * * * * * *

I heard Colonel Chivington say to the soldiers as they charged past him, "Remember our wives and children murdered on the Platte and Arkansas." He occupied a position where he could not have failed to have seen the American flag, which I think was a garrison flag, six by twelve. He was within fifty yards when he planted his battery. I saw a little girl about five years of age who had been hidden in the sand; two soldiers discovered her, drew their pistols and shot her, and then pulled her out of the sand by the arm. I saw quite a number of infants in arms killed with their mothers. There were trading in the village at the time John Smith, a soldier named Louderback, and a teamster of young Colley's named Clark. They were trading goods said to belong to Dexter Colley and John Smith. The goods traded were similar to those they had been in the habit of trading before. I have heard the Indians charge Major Colley with trading their own goods to them.

Colonel KIT CARSON sworn:

I have heard the statement of Colonel Bent, and his suggestions and opinions in relation to Indian affairs coincide perfectly with my own. I came to this country in 1826 and since that time have become pretty well acquainted with the Indian tribes, both in peace and at war. I think, as a general thing, the difficulties arise from aggressions on the part of the whites, from what I have heard; the whites are always cursing the Indians and are not willing to do them justice. For instance, at times large trains come out to this country and some man without any responsibility is hired to guard the horses, mules, and stock of the trains; these cattle, by his negligence, frequently stray off. Always, if anything is lost, the cry is raised that Indians stole it. It is customary among the Indians, even among themselves, if they lose animals, as Indians go everywhere, if they bring them in they expect to get something for their trouble. Among themselves they always pay, but when brought in to this man who lost them through his negligence he refuses to pay and abuses the Indians, striking or sometimes shooting them because they do not wish to give up the stock without pay; and thus a war is brought on. This is the way in which difficulties frequently arise. I have heard read the statement of how the Sioux war arose, which agrees word for word with what I have heard and what I believe to be the facts. And in relation to the war with the Cheyennes, I have heard it publicly stated that the authorities of Colorado, expecting that their troops would be sent to the Potomac, determined to get up an Indian war so that the troops would be compelled to remain. I know of no acts of hostility on the part of the Cheyennes and Arapahoes committed previous to the attacks made upon them, as stated by Colonel Bent.

Mr. WILSHIRE. Mr. Chairman, this is the testimony of white men, living in that country for many years, and one of them, Kit Carson, for nearly half a century, famous throughout the land as the great pioneer and explorer of the far West, whose knowledge of Indian character, the best mode of managing them, and the causes of all our Indian wars is, perhaps, better than that of any man of his period.

Sir, I have presented the testimony of white men. I will now call attention of gentlemen to the testimony of Pa-la-ne-apo-pe, the chief of the Sioux, with whom we were recently at war, as to the causes of that war, which, for want of time to read, I shall print in my remarks. He testifies before the committee as follows:

My friend, we are now done with the agents, and we will now commence with the soldiers. The first year they came up into this country I think my grandfather must have told them to commence on me, and that is the reason I commence thus with them. I would like to know if my grandfather told them to commence against me first; I should think so the way they treated us. The first time they came up our young men had nothing, and had gone over the Missouri River to hunt, and the soldiers killed seven of them. The Two-Kettle band and the Lower Yanktonnais were friendly, and were then on my reservation at the time, and some of them were out with my young men to hunt, and were among the seven that were killed. They were all friendly to the whites. When General Sully returned from his expedition and was crossing my reserve, there were some of the Indian women married to half-breeds, and they had houses, and the soldiers went in and drove all the persons in them out, and robbed the houses of all there was in them. I would like to know if my grandfather told them to do so. I do not know he did. (All the chiefs present assent to this.) One of my chiefs, Little Swan, now here, had a house, and soldiers broke in and destroyed all his goods, furniture, utensils, and tools, and all

the property of his band, the same being stored there. I would like to know if my grandfather told the soldiers, when they returned from the expedition with their horses worn out, lost, or stolen, to take horses from the Yanktons in place of those they had lost or had worn out and broken down. I don't believe he did; but that is the way the soldiers did. I think the way the white man treated us is worse than the wolves do. We have a way in the winter of putting our dead up on scaffolds, up from the ground, but the soldiers cut down the scaffolds and cut off the hair of the dead, and if they had good teeth they pulled them out, and some of them cut off the heads of the dead and carried them away.

There are facts disclosed in that testimony, doubtless true, of a character so horrible, brutal, indecent, and inhuman as to shock the moral sense and call forth the severest execrations of any civilized and Christian gentleman.

These cruelties, outrages, and indecencies were committed by the Army——

Mr. A. S. WILLIAMS. Were those officers of the regular Army?

Mr. WILSHIRE. They were recognized as soldiers in the service of the United States. I cannot be interrupted.

Mr. BANNING. Let me ask the gentleman another question.

Mr. WILSHIRE. I say that lieutenant with his eighteen men was a regular-Army officer.

Mr. A. S. WILLIAMS. Was Colonel Chivington a regular officer?

Mr. WILSHIRE. The last officer referred to was a regular-Army officer.

Mr. A. S. WILLIAMS. No; but I speak of the officer, Colonel Chivington, on this occasion. Was he a regular officer?

Mr. WILSHIRE. He was in the United States military service. I will say there is another case referred to, but my time will not permit me to have it read.

Mr. MAGINNIS. As he and all his men we killed, who told the story? [Laughter.]

Mr. WILSHIRE. A committee of Congress told the story. The evidence referred to is the evidence they took. This Congress, in 1868, appointed a joint select committee to go into that country and investigate the condition of affairs, and that is the testimony they took. The report there favors exactly what I am favoring here—the establishing of an independent bureau for the control of Indian affairs.

Mr. PATTERSON. One word. I represent that Territory——

Mr. WILSHIRE. I cannot be interrupted, as I have but little time left.

Mr. PATTERSON. I ask what Colonel Chivington said when he asked the soldiers to remember their wives and children who had been murdered?

Mr. WILSHIRE. Does that become a soldier?

Mr. MAGINNIS. He was a preacher of the gospel.

Mr. WILSHIRE. It makes no difference whether he was a soldier or preacher; it would not become a member of Congress, sir. No, sir; it becomes no man but a brute and a coward.

Mr. MAGINNIS. If he were a soldier he would not have done it.

Mr. WILSHIRE. But he bore the emblems of a soldier. He bore the commission of an officer.

Mr. MAGINNIS. It was soon taken away from him.

Mr. WILSHIRE. And he murdered and slaughtered all the men, women, and children, who were vainly seeking protection under the American flag. That is the kind of men you propose to use to civilize the Indians with. I do not propose that that shall be done. It shall not be done certainly with my voice. I do not propose so far as my voice or my vote is concerned that the Indian shall ever be put under the control of any Army officer; I do not care whether it be General Sherman, or General Sheridan, whose only motto in regard to the Indian is that he did once see a good Indian, but he was a dead one. That is what General Sheridan says about the Indian. He never saw a good Indian but what was dead.

A good deal has been said about the cost of this thing, and Judge BOONE has read from some figures. For his information I will also read a few from figures taken from official sources before I conclude.

Sir, is it any wonder, then, that Indians thus treated went to war and committed murder and plunder? Is it strange that they should hate and distrust the Government which professes to be their friend and protector, that will place them in the hands of such ruthless and cruel barbarians? Can it be expected that they would have much confidence in the protection of our flag, when it but served the purpose of a signal for the commencement of the slaughter of their old men, their women, and their children?

In the face of such facts, besides many others that I have not the time to advert to now, but which are abundantly shown in the history of our Indian affairs and in the light of Christian humanity, can we turn them over to the Army? Sir, I regard it as absolutely inhuman, unchristian, and totally destructive of all hope of civilizing the uncivilized Indians, and would tend to remit back to barbarism many who have been partially civilized should their management be transferred to the War Department.

Experience has shown that with few, if any, known exceptions the immediate presence of military posts in the Indian country is speedily subversive of every idea of Indian domestic morals. Female chastity yields to bribery or fear. Marital rights are generally disregarded, and shameful concubinage, with all its disgusting concomitants, spreads its pestiferous stench through camp and lodge. The most loathsome diseases are spread broadcast, entailing immortality and physical death.

Let me say to gentlemen advocating this transfer, that if it is the desire to exterminate the Indian race, pursue them with ball, bayonet, and blade; massacre them at once wholesale, as we have done on some former occasions, or adopt some quick and easy means to do so; but, in the name of humanity, save them from the control of the Army and the lingering and loathsome diseases contracted at military posts.

Nearly all our Indian wars of late years have been the result of the misconduct and the indiscreet exercise of authority by Army officers and soldiers and mischievous and unscrupulous white men as traders or camp-followers.

As examples I will call attention to a few of the most notable of these wars. The Sioux war of 1852 originated thus: A train of Mormon emigrants passing through their country abandoned a cow; a mischievous complaint was made that the Indians had captured her. A lieutenant of the Army with a squad of soldiers went to the camp of the Indians who had found, killed, and eaten the cow. This officer demanded the Indian who had killed her. The Indians refused to surrender him, but offered to pay for the cow. The lieutenant ordered his men to fire on them, which they did, killing and wounding a number of the Indians, when the soldiers were surrounded by the Indians and massacred, which resulted in war with them. The cost of that indiscreet conduct—if it should receive so mild a name—to the Government was from thirty to forty millions of dollars, many lives, and much valuable property.

Again, at Camp Sanborn, on Platte River, in 1864, a ranchman, who doubtless wanted a little Indian war to produce a market for his stock, went to that post and charged the Cheyennes with stealing some of his stock. A lieutenant was sent out in search of the stock, but could not find it. On his march, falling in with a party of Cheyennes, he attempted to disarm them, (for what purpose is not known,) which the Indians resisted. The result was one soldier killed and many others wounded. Then followed the Cheyenne war, which cost millions of treasure and hundreds of lives, including one hundred friendly Indians, mostly women and children, vainly seeking safety under our flag.

In 1867 a military command burned the peaceful village of the Cheyennes, on Pawnee Fork, Western Kansas, who had been at peace with us since the treaty of 1865, and were then living on lands assigned them by that treaty. These Indians flew to arms at once, and a fearful conflict ensued, in which several hundred soldiers and citizens were killed, a large amount of private property destroyed, and the Government put to heavy expense. The war with the Navajoes, in New Mexico, had its origin in a similar way, and terminated with like results. In fact, when we go into the causes of all our Indian wars, we find the same to be true; which to me seems to show unmistakably that military interference and its encouragement of bad and evil-disposed white men in the Indian countries has been prolific of war even since the management of the Indians has been under civil control.

What peace and tranquillity can we expect if the Indians are placed entirely in the hands of the military?

It is urged that the transfer to the War Department will be a great saving to the public Treasury. God knows that no one desires more than I do to reduce our public expenditures, but it must not be forgotten that while there is a true economy, there is also such a thing as a false or deceptive one.

On this branch of the subject let me call the attention of the House to a little experience prior to those wars. Under the management of the War Department the Government fought about five hundred warriors in Florida on a little pent-up peninsula for seven years with the regular Army and many thousand volunteers, as well as the Navy, at a cost of about fifteen hundred lives on our part and $50,000,000.

How long, then, will it require, and at what expense of treasure and blood, to exterminate the thousands of Indians now occupying more than two hundred thousand square miles of territory?

Mr. Chairman, our Indian wars have hitherto been on an average at a cost of more than $1,000,000 and about twenty-five white lives for each Indian killed in our wars with them.

So it seems that it will cost a great deal less to pursue a peace and civilizing policy and feed and clothe them than to fight them, which we will certainly have to do if we transfer their management to the War Department.

With regard to the cost of the two managements, let us examine and see whether, allowing that peace be preserved with them, there would be any reduction in the cost of their management should the transfer be made.

It will be seen by reference to the last statement of expenditures of the Government from 1789 to the close of the last fiscal year that the cost of the management of Indians has annually increased under any management or any administration.

The cause of that increase is the result mainly of the annual increase of the number of Indians brought under the management and control of the Government in our western Territories, which has been the inevitable consequence of the onward march of the civilization of this progressive age and the restless ambition of the energetic and enterprising young men of the country who first peopled all our western States.

As shown by the statement of expenditures referred to, there seems to be no certain rule by which the cost of the management of Indian affairs and its variations for the several years can be definitely ascertained.

From that statement it appears that the first four years after the War Department took charge of the Indians in 1832, when there were comparatively few to manage, the aggregate cost for those four years was $5,865,798.36, averaging an annual cost of $1,466,449.59. The

next three years thereafter the aggregate cost was $14,889,250.41, averaging an annual cost of $4,963,083.47, the latter three years costing on an average more than three times as much annually as the four preceding years. During the remaining ten years that the War Department had the management of Indian affairs, the aggregate cost was $15,659,305.43, averaging a cost of $1,565,930.54 annually.

The difference in the annual cost for those years was doubtless due to emergencies arising that demanded the expenditure, just as they always have and always will until, by a kind, humane, and just treatment the Indians have been brought up to a higher degree of civilization, education, and industry, that will induce them to pursue the paths of peace and become self-sustaining. From the statement of expenditures of the Government from 1789 to the present time, it appears that during the seventeen years the War Department had control of the Indians the aggregate cost of the Indians was $36,414,354.20, or an average annual cost of $2,142,020.82. On this subject, I fear the gentleman from Mississippi, General HOOKER, has not carefully studied the official figures, if I understood him right in saying that the cost of managing Indians by the War Department was about $1,000,000 annually.

At this point I will call attention to the important fact that during these seventeen years the number of Indians under the immediate management and control of the Government was small compared to that of a few years after the Interior Department took control of them.

Up to March 3, 1849, the date of the transfer from the War to the Interior Department, none, or scarcely any, of the Indians in Arizona, California, Colorado, Dakota, Idaho, Montana, Nebraska, Nevada, Utah, Washington Territory, and Wyoming were under the management of any Department of the Government.

In the States and Territories mentioned there are, as shown by the last report of the Commissioner of Indian Affairs, 156,729 Indians, the whole number of Indians, as shown by that report, being 279,337. So, deducting the number occupying those States and Territories, which embrace all the Upper Missouri River, the Rocky Mountains, the great American basin from New Mexico to the British possessions, and all the Pacific slope, it leaves only 122,608 Indians under the War Department during those seventeen years, and those mostly located at points easy of access and to which their supplies and annuities could be transported at comparatively small cost.

Thus it will be seen that when the management of Indian affairs was under the control of the War Department much less than one-half of the Indians now cared for were the subjects of management and support of the Government.

And when we take into consideration, as we should in examining this question, the fact that we now have more than double the number of Indians than when the War Department controlled them, situated at points remote from river or railway transportation, and the increased cost of supplying them consequent thereon, besides the efforts made in the past few years to educate and civilize them, it is not difficult to understand the increased cost of conducting Indian affairs.

Sir, wherever the management may be assigned, as the Indians are now located that cost cannot be reduced. The transfer to the Army will not shorten distances or render the different tribes more accessible; it will not reduce the number of Indians or make their wants any less, unless the ultimate end sought to be attained is extermination, which I fear would be the result of such a transfer.

If no reduction in the amount of supplies necessary, their cost, or the cost of their transportation is made, I fail to see how the transfer will reduce the expense of the Indian management.

It will be seen from the following comparative statement of the cost of furnishing supplies to the War Department, and that of the Indian Office, the same articles furnished at the same points for the years of 1874 and 1875, that the cost to the Indian Office is much the less:

Schedule showing the cost of beef supplies purchased by the War Department and Indian Office during the years 1874 *and* 1875 *for military posts and Indian agencies at or near the same places.*

Fiscal years.	Military posts and Indian agencies.	Army cost, gross.	Indian cost, gross.	Army cost over Indian cost.	Indian cost over Army cost.
1874	Fort Hall, Idaho	$5 00	$2 85	$2 15	
1875	Fort Hall, Idaho	5 00	2 40	2 60	
1874	Fort Sully, Dakota, or Cheyenne agency.	3 74	2 76½	97½	
1875	Fort Sully, Dakota, or Cheyenne agency.	3 80	2 30½	1 49½	
1874	Tulerosa, New Mexico, or South Apache agency.	4 87	4 48	39½	
1874	Camp Verdi, Arizona, or Verdi agency.	6 19½	5 00	1 19½	
1875	Camp Verdi, Arizona, or Verdi agency.	4 86½	2 69	2 17½	
1874	Camp Bowie, Arizona, or Chiricahua agency.	6 19½	5 00	1 19½	
1875	Camp Bowie, Arizona, or Chiricahua agency.	4 86½	2 69	2 17½	
1874	Camp Apache, or Apache agency	6 19½	5 00	1 19½	
1875	Camp Apache, or Apache agency	4 86½	2 69	2 17½	
1874	Fort Sill, or Kiowa and Cheyenne agencies.	*2 70½	*1 76	94½	
1875	Fort Sill, or Kiowa and Cheyenne agencies.	*2 06	*1 83	23	
1874	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*3 65⅚	*2 65—	1 00	
1875	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*3 50	2 46½	1 03½	
1874	Fort Randall, or Yankton agency	4 12½	2 30½	1 81½	
1875	Fort Randall, or Yankton agency	4 00	2 46½	1 53½	
1874	Camp Supply, Indian Territory	3 54	1 64	1 90	

Schedule showing the cost of beef supplies purchased by the War Department and Indian Office, &c.—Continued.

FLOUR.

Fiscal years.	Military posts and Indian agencies.	Army cost, gross.	Indian cost, gross.	Army cost over Indian cost.	Indian cost over Army cost.
1874	Fort Sill, or Kiowa agency	6 17	4 29	1 88	
1875	Fort Sill, or Kiowa agency	5 38	4 57	81	
1874	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*6 35	5 40	95	
1875	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*5 07½	4 49	58½	
1874	Fort Randall, or Yankton agency	3 22½	3 73		50½
1875	Fort Randall, or Yankton agency	3 22	(†)		
1874	Fort Wingate, or Navajo agency	5 55	(‡)		
1875	Fort Wingate, or Navajo agency	5 38	7 35		1 97

CORN.

1874	Omaha	69 71 72⅜ 68⅞	59		

*Average. †None supplied. ‡No contract.

The same is true as to contracts for flour. It is said by gentlemen on the other side that the difference between the cost of Army and Indian beef is because the Army purchase from the block, and the Indians take it neck, limbs, and all. Sir, judging from the difference in price of from 50 to 75 per cent. in the cost, the cattle furnished the Indians must have remarkably large necks and limbs, as well as unusually long horns. The explanation the friends of the bill make will not do. Whatever may be said about the difference of the quality of beef and flour furnished to the two branches of the service, one fact is known to every man familiar with the grain markets anywhere, that there is never more than from two to four cents per bushel difference in corn that is regarded as merchantable. Yet, by the statement referred to, we see that the War Department paid for the same article, delivered at the same place and during the same year, about 25 per cent. more than was paid by the Indian Bureau. Besides, it is notorious that the beef furnished to the Army in the Indian country is taken from the same herds, and frequently furnished by the same parties; and it seems impossible that beef for the Army should be so much superior to Indian beef as to cost or be worth nearly double as much, as shown by this statement.

I have no doubt but large sums could be saved to the Government by a more faithful discharge of duty by the officers and agents of the Indian Department. That there have been frauds perpetrated upon the Government by its Indian officials there is no doubt; and to the removal of that evil and perfecting a correct Indian policy we should address ourselves. To do so it seems to me that the only certain plan will be to establish a separate department, clothed with the power to secure faithful service.

If because there have been some faithless officers in the Indian Bureau it should be transferred to another Department, then for the same reason, from recent developments, it could with as much propriety be said that the War Department should be consolidated with some other Department.

A fact worthy of some consideration is the one that nearly all those engaged in contracting to furnish supplies or transportation for the Indians are not only in favor of the proposed transfer, but some have interested themselves very industriously to bring it about.

These contractors are known to be shrewd business men, and noted for looking after their own interests. Then the question very naturally arises, if supplies can be furnished and transported under Army contracts, as claimed, so much less than by the Indian Office, thereby reducing the profits of the contractors, why should they be so anxious for the transfer? I submit that these contractors favoring it is, to say the least of it, a suspicious circumstance and one that should not be overlooked.

Mr. Chairman, I think I have shown that the costs instead of being diminished would be increased by the transfer.

But I do not wish to be understood as favoring its longer retention in the Interior Department; I am as much opposed to the management of Indian affairs being under the control of the Interior Department as I am opposed to its going to the War Department.

I agree with my colleagues of the minority of the committee in the recommendation of the establishment of a separate department to take charge of Indian affairs with a competent person appointed to have the control of that branch of the public service, clothed by law with ample power to carry out the policy of the Government, and hold him responsible for the faithful, honest, and economical administration of his department.

The organization of a separate department will, in my judgment, secure the much-needed reform, put a stop to existing abuses, and place the management of Indian affairs in such a condition as to solve the Indian question at an early day.

The present plan of management, while it has accomplished some good results in civilizing and instructing the Indian, is not complete

for that purpose, because it is encumbered by being only a Bureau in a Department already overloaded with duties and responsibilities, when it should be committed to, and made the sole charge of, an independent department.

Upon an examination of the official reports of the Commissioners of Indian Affairs it appears that since the adoption of the peace policy the Army is rarely, if ever, called upon by the agents, and then only to furnish troops to serve as a *posse* to aid the civil agent to enforce order.

Hitherto, under the present system, the control of the Indians, as well as the administration of agency affairs, was left to the agent under the direction of the Indian Office, military force being resorted to only when all other means to preserve order have failed, which, for the past few years, has rarely occurred. To the Indians of an agency the agent is virtually the Government, exercising legislative, judicial, and executive authority. This authority, however, is not delegated and has no special sanction; it has been exercised *ex necessitate*.

The agents, under the present legislation, can have little if any assistance in governing. Generally, United States laws, United States courts and marshals have no jurisdiction on Indian reservations. To restrain disorder and turbulence, to enforce obedience to such regulations as may be prescribed, to prevent the manufacture and use of intoxicating liquors, to keep Indians upon their reservations, to break up revolutionary councils, to protect Government property, and to punish crime, the agent must now depend mainly on his personal influence, the voluntary co-operation of a few white employés, and the support of such of his ignorant subjects whose good-will and co-operation he has managed in one way or another to gain. To enable the agents and other officers having the immediate management of the Indians to carry out successfully a peace policy, their powers should be sufficient and well defined. The proposed substitute does that.

But with the limited power they possessed, and laboring under the disadvantage that the agents have, the report of the Commissioner of Indian Affairs shows that at nearly all of the agencies soldiers are neither seen nor required. I ask the Clerk to read from the last report the following.

The Clerk read as follows:

This opinion respecting the transfer to the War Department was rendered before any well-defined plan for civilization had been adopted, and at a time when the Indian service, under civilian management, was in its most unsatisfactory condition, and when open hostilities or a very precarious condition of peace existed among more than half the Indians of the country. That the conclusions thus reached by military officers of the rank and experience of Generals Sherman, Harney, Terry, and Augur were safe and wise, the experience of the last seven years has fully demonstrated. And if the civil arm of the Government was best adapted to the work required then, it is difficult to see how it can be otherwise now, when, with the exception of a portion of the Sioux Indians in Montana and Dakota and three or four thousand vagrant Utes and Apaches in New Mexico, the whole Indian population is quiet, and, except under the most blundering and grossly unjust treatment, will cause no apprehensions of war or serious difficulty hereafter. At five-sixths of the Indian agencies no soldier is ever seen or needed. At one-half of the remainder soldiers are only required to act as a *posse* to assist the agent in making arrests of turbulent men; and even this *posse* could be much more cheaply and efficiently provided by dispensing with soldiers and increasing the force of United States marshals wherever needed for the control and discipline of Indians. So far, then, as eleven-twelfths of the Indian agencies are concerned, the question of putting them under the control of the War Department has no more pertinency than that of putting the alms-house and city schools under the metropolitan police.

Mr. WILSHIRE. Facts are abundant to show that, when the Indians are fairly dealt with by the Government and its agents and not allowed to be robbed and cheated by bad white men living and trading among them and designing and unscrupulous land sharks, seeking by any means to defraud them of their lands, four-fifths of all our Indians are as easily managed and made to respect law as the same number of white men equally as ignorant.

Then, to solve the Indian question and ultimately relieve the Government of their care, all will agree that the Indians must be civilized.

To civilize them they must be educated and instructed and encouraged to labor. This can only be done successfully by maintaining a peace policy under the control of a civil Department of the Government.

Mr. Chairman, the present peace policy, though in many instances in the hands of corrupt and faithless men and though inaugurated shortly after the close of the rebellion, at a time when not only the Indians but the whole country was to some extent demoralized, has accomplished a great deal in civilizing the Indians; they have made fair progress in education, in the science of agriculture and the mechanic arts, as well as some Christian progress.

Here, sir, is a recapitulation of the statistical table relating to population, education, &c., by tribes and their respective agencies, found in the report of the commissioner for the year 1875, which shows the most gratifying results of a peace policy:

RECAPITULATION.

Number of Indians in the United States, exclusive of those in Alaska	279,337
Number of Indians who are mixed-bloods (a)	8,732
Number of Indians who come directly under civilizing influence of agencies (a)	112,595
Number of white persons on Indian reservations:	
Employés	805
Additional members of their families	873
Other white persons not included (a)	2,928
Number of school-buildings upon Indian reservations	276
Number of schools upon Indian reservations	329
Number of teachers: males, 160; females, 258	418
Number of scholars: males, 5,482; females, 5,019	10,501
Number of Indians who can read: adults, 5,405; youths, 5,771 (a)	11,176
Number of Indians who have learned to read during the year (a)	1,383
Number of Indians who can read in English (a)	8,615
Number of Indians who can read in Indian (a)	6,656
Number of Indians who can read in English and Indian (a)	6,314
Number of missionaries among the Indians (a)	83
Amount contributed by religious societies during the year (a)	$67,410
Number of church-buildings	184
Number of church-members (a)	24,638
Number of Indians who have received medical treatment during the year (a)	46,594
Number of births (a)	1,985
Number of deaths (a)	1,601
Number of Indians who have learned trades during the year (a)	106
Number of Indians who wear citizens' dress (a)	105,961
Number of Indians killed during the year: (a)	
By members of the same tribe	30
By hostile Indians	27
By United States soldiers	30
By citizens	23
Number of white persons killed by Indians: males, 54; females, 27 (a)	81
Number of Indians punished by civil and military authorities (a)	209
Number of Indians punished by Indians (a)	22
Number of white persons who have committed crimes against Indians (a)	200
Number of white persons punished for crimes against Indians (a)	31
Number of mills (a)	84
Number of shops (a)	138
Number of agency-buildings erected during the year	105
Number of houses occupied by Indians	19,902
Number of Indian houses built during year	733

(a) Five civilized tribes in the Indian Territory not represented in this number.

I will now show from the same report the progress made in educating the Indians to labor under the management of the same peace policy. The following is taken from the table showing agricultural improvements, stock, productions, and sources of subsistence, of the different tribes:

RECAPITULATION.

Size of reserves, in acres*	164,230,339
Number of acres tillable	4,807,762
Number of acres wooded	10,789,351
Number of acres grazing	27,062,516
Number of acres valueless	13,770,670
Number of acres cultivated by the Government during the year	6,287
Number of acres cultivated by the Indians during the year	329,327
Number of acres broken by the Government during the year	6,056
Number of acres broken by the Indians during the year	40,245
Number of acres under fence	127,555
Rods of fencing made during the year	608,834
Number of Indian families engaged in agriculture (b)	16,732
Number of Indian families engaged in other civilized occupations (b)	668
Number of mixed-blood families engaged in agriculture (b)	991
Number of mixed-blood families engaged in other civilized occupations (b)	214
Number of male Indians who labor in civilized occupations (b)	48,638
Produce raised during the year:	
Bushels wheat, by Government, 18,273; by Indians, 329,313; total	347,586
Bushels corn, by Government, 29,285; by Indians, 2,008,074; total	2,037,359
Bushels oats, by Government, 13,817; by Indians, 176,678; total	190,495
Bushels vegetables, by Government, 35,340; by Indians, 445,164; total	480,504
Bushels beans, by Government, 120; by Indians, 26,366; total	26,486
Tons of hay cut by Indians	163,935
Stock owned:	
Horses, by Government, 507; by Indians, 331,043; (increase by purchase, 469; natural increase, 5,550;) total	331,550
Mules, by Government, 343; by Indians, 3,842; (increase by purchase, 54; natural increase, 8;) total	4,185
Cattle, by Government, 5,191; by Indians, 374,388; (increase by purchase, 1,496; natural increase, 4,420;) total	379,579
Swine, by Government, 989; by Indians, 439,634; (increase by purchase, 53; natural increase, 4,434;) total	440,623
Sheep, by Government, 13,237; by Indians, 231,816; (increase by purchase, 837; natural increase, 25,548;) total	245,053
Other results of Indian labor:	
Feet of lumber sawed	8,785,835
Cords of wood cut	42,733
Value of furs sold	$415,300

Mr. Chairman, these statements show conclusively that great improvement has been made on the condition of the Indian under the peace policy of the Government, though surrounded by many unfavorable circumstances.

Shall we now, chiefly to gratify the Army officers, and enlarge their powers, and furnish employment for surplus officers who ought long ago to have been mustered out of the service, abandon a policy that has produced these results, and throw away the large amount of money thus far expended in establishing it? or shall we carry into practical effect that benevolent and humane policy, pruning it of its defects, by proper legislation? or shall we admit that there is not wisdom enough in this Congress to do so, and transfer the subject to the War Department?

We have stipulated, by solemn treaty with nearly all those Indians, to settle them on reserves of good land adapted to pastoral and agricultural pursuits, to furnish them with necessary subsistence, stock, and farming as long as requisite, and teachers to instruct them in

(a) Five civilized tribes in the Indian Territory not represented in this number.

*Indian lands without agency, viz:

Cœur d'Alene reserve in Idaho	736,000
Reservations in Kansas	126,361
Mille Lac reserve in Minnesota	61,014
Jicarilla reserve in New Mexico	576,000
Total acres	1,499,375

(b) Four largest civilized tribes in the Indian Territory not included in this number.

letters and the arts of civilization. But the furnishing of those things, and imparting the instructions promised, belong to civil affairs, and not the military.

What gentleman, I ask, who wished to make a farmer, a mechanic, a banker, a merchant, or a minister of his son would send him to West Point to be instructed? An Army officer may be able to drill his command in the manual of arms or in movements on the field; but is he well qualified, or would he be inclined, to teach the Indians in the agricultural and mechanical arts, or the young Indian ideas how to shoot? Who would not prefer practical civilians in the erection of corn-cribs, or hay-racks; in the maneuvering of ox-teams, and the successful management of reapers and mowers, to an Army officer? But it is proposed by the majority of the committee to send out among the Indians professional soldiers, with sword in one hand, musket in the other, and tactics and an exalted opinion of themselves on the brain, to teach our Indian wards in the agricultural and mechanic arts.

Mr. Chairman, the great consideration seems to be the cost of managing the Indians under a civilizing policy. Have the Indians any less claim upon the charity or bounties of the Government than any other class of people? Sir, within the memory of every member of this House, to secure the freedom of a class of people in this country then in servile bondage, $4,000,000,000 were expended and near a million of lives destroyed; and to-day the people are paying heavy taxes to meet the gold interest upon a large debt created in the late war for that purpose. Why do not we turn the Financial Department over to the War Department?

Sir, it should be borne in mind by gentlemen that, from the time of the landing of the pilgrims at Plymouth Rock, the Indians, the original owners of all the territory composing the North American continent, have been from time to time, by crafty and cunning white men, dispossessed of their lands for paltry sums, often paid in worthless trinkets, and then by force, if necessary, driven westward and northward, until now they are forced to occupy a country wholly inadequate to their support in their uncivilized state. Hence we ought to make provision that will civilize, educate, and bring them to a standard among men that will make them self-sustaining, and finally become citizens and incorporated into our body-politic. We should do this, not only as a matter of policy, but because we owe it to them for the several surrenders of their most valuable lands to us, now embraced in the great and wealthy States of the Union. It is not only a duty, but a debt we owe them. To do so effectually we should establish a separate Executive Department; enact suitable laws to secure a just and economical administration of its affairs; place at its head a thoroughly competent, honest, and responsible man, and provide for the appointment of all his subordinates from men of known integrity and capability, without regard to what religious sect or creed they may belong to, or whether to any at all. Let the only questions be: Is he honest? Is he capable? And increase their compensation by reducing their numbers, so that honesty and capability can be secured.

On this subject I read from the report of the Commissioner of Indian Affairs, who expresses my views better than I can. He says:

> If the management of Indian affairs by the Bureau under the Department of War was a failure, and if, as is admitted, it has been not fully satisfactory under the Interior, it is clear that the mere transfer of the Bureau from the one to the other will leave the management still a failure.
>
> Why talk of the "transfer" as if the simple turning over of a Bureau from one Department to another would magically cure all the defects of this branch of the public service? To me the proposition seems absurd. What is the "transfer?" Why, only a change, and in my opinion from bad enough to worse; that's all. The War Office operated the Bureau seventeen years, and it did not give satisfaction. In 1849 it was transferred to the Interior Department, where it has remained ever since, and still its conduct of affairs is assailed. Each Department in turn, with ample time for trial, has failed to manage Indian affairs with popular approbation. If either Department is to blame, both are; for both in the public mind have failed. What is the remedy? To know this we must first ascertain the cause. In my judgment, the cause lies on the surface and is simply this: There is too much cargo for the capacity of the vessel and too much vessel and freight for the power of the machinery. We have crammed into a Bureau, which under the supervisory and appellate power is a mere clerkship, all the large, complex, difficult, and delicate affairs that ought to employ every function of a first-class department. Notwithstanding the cause of failure before our eyes, what is the remedy? Surely not merely to put the old Bureau under another crew and commander. Why, such a "transfer" can give neither more capacity to the vessel nor more strength to the machinery. There is but one reasonable answer, and that is, if you would be all prosperous and safe in any sea and any weather, adapt your vessel to her cargo and your machinery to your vessel and tonnage; in other words, launch a new department of Indian affairs, freight it with the vast and complicated reciprocal interests of both races, and the experiment must prove a grand success.
>
> Can it be that the civil departments of this great Government have become so degenerate and weak or the military so exalted and so potent that the functions of the one are to be laid at the feet of the other, and the congenial sway of the republican statesman be replaced by the mailed hand of the military tribune?
>
> Is there not ingenuity and wisdom enough in the American Congress to devise civil remedies for supposed Bureau mismanagement; to strengthen where it is weak; to purge and purify if there is rottenness; to punish if there is crime; to concentrate power for promptness and efficiency, and to make responsibility answerable in proportion to power without transferring the functions of civil government to the military organization? If such a transfer of one Bureau be necessary for successful administration, why not, upon the same principle, of others; and, if of the Bureau, why not of co-ordinate departments? The argument is cumulative with the increase of power; and the appetite which now demands a Bureau may require, at least, to satiate its hunger the transfer of whole Departments.
>
> The grasp for power strengthens and enlarges with every concession of power, and after awhile every vestige of civil authority may yield to its demands, and the liberties of the nation and the glories of the Republic wither together under the blighting scepter of military despotism.

Mr. Chairman, the Indians placed under such a management, I confidently assert that in less than twenty years they will become so far civilized and Christianized as to be absorbed by and incorporated into the Government, and that vast West now occupied by them, and so often heretofore the scene of glittering bayonets, bristling sabers, and the roar of artillery in war, will become the habitation of civilized communities, the hardy industry of which will compel the mountains of that vast country to yield up their hidden treasures of mineral wealth and its valleys to blossom as the rose.

One more word and I am done. And that is once more to call the attention of the House to the fact that the present condition of the wilder Indians is the result of their bad treatment by white men and the cruel treatment of them by the Army. After we have driven them from their rich country of the East, the valleys of the Ohio and Mississippi, into one barren and waste, forced them to where, in their uneducated condition, they cannot support themselves, in the name of justice, in the name of broad humanity, and in the name of Christian charity, and for the sake of future history and the good opinion of succeeding generations, I appeal to this House not to turn the control of the Indians over to the tender mercies of the War Department.

I yield the remainder of my time to Mr. COX.

Mr. COX. I will yield the time thus given me to my friend from Oregon, [Mr. LANE.]

Mr. LANE. I am much obliged to the gentleman from New York. He is always gracious.

Mr. LANE. Mr. Chairman, I will occupy but a few minutes of the committee. Not the least important question before this Congress is that now under consideration. It is indeed a very grave subject, entitled to the careful, candid, and serious consideration of this body. As a member of the Committee on Indian Affairs I signed the report of the majority, and am therefore recorded in its favor; nor have I yet had reason to review or occasion to regret my action. I believe the proposed legislation will result well in this, that it will tend to maintain peace, secure additional protection to the lives and property of our citizens on the frontier, will materially reduce the expenses of our Government, and will in no wise injuriously affect if it does not improve the condition of the Indian.

So far as it has extended, my association with the republican members of this House has been, to me I am sure, of the most agreeable character; and I am not only surprised but somewhat grieved that the most formidable opposition to this measure should emanate from that source. Yes, I am quite surprised that it is the opinion of some of these gentlemen that the officers of the Army are unfitted to assume charge of this peculiar branch of the public service. How long they deemed a military government in the Southern States to be necessary, how long they invoked the presence of the Army to control the white people of this country, this is not the occasion nor is it for me to say. Let history answer and I will be content.

But it is urged that officers of the Army by "training, education, taste, and life-long habits are unfitted to enter heartily into the work of civilization by a personal interest in and supervision of the labors of teachers, missionaries, farmers, and mechanics." Now what is their training? It is obedience to the orders of a superior, which in this instance, if this bill prevails, would result in compliance with instructions from the Department relative to their conduct toward the Indian. And their education? It is usually of a high order; they not only excel in mathematics, but are proficient in other branches of study, in history, the polite languages, and are by no means unfamiliar with the prominent principles of the civil and moral law. Are they not Christian gentlemen? That is a delicate question, which I will not presume to discuss. However it may be with others, I cannot feel myself sufficiently righteous to dwell upon it. Those whose religious status is better assured may experience greater serenity and enjoy greater liberty. They doubtless know better the character of the structure in which they live.

How have the mighty fallen when the officers of the Army should be regarded so unworthy? "One whose training, education, taste, and life-long habits unfitted him for civilizing labors" has led the republican party to important political victories, and to-day presides as the Chief Magistrate of the Republic. And yet his old companions in arms, of equal learning, of equal merit, and of equal integrity are not deemed worthy to preside over an Indian agency. Perhaps some zealous partisan, some noisy, blatant politician, who has neither "training nor education, taste, nor life-long habits," except of getting all he can and keeping all he gets, is just fitted for so responsible a position. Pardon me if I prefer the Army officer, and regard the arguments against his employment in this capacity unworthy serious consideration. I am confident there are those, and many in the republican party, upon this floor who have served with distinguished gallantry in the Federal Army that will join with me in repelling these covert imputations upon a class of men who in war were heroes and in peace are gentlemen.

But I acquit my republican friends who differ with me upon this question. I am certain they are as sincere in their views as I am in mine. How can I fail to do so when I find the champion of the opposition to this measure in the person of my much-loved friend from New York, [Mr. COX?] I was never so much pained as when, with deep and melancholy interest, I listened to his speech upon this bill.

It was able, it was ingenious, it displayed his great literary research and discovered his profound erudition, but to my mind it was not applicable. Whence comes his extensive acquaintance with the Indian character? Has he seen the war-dance, heard the battle-cry, seen the uplifted tomahawk, the scalping-knife glistening in the air, the blazing faggots, and the victim at the stake; houses, the poor and humble homes of our frontier settlers burned to the ground, and men, women, and children indiscriminately butchered? Surely, O, surely not. Indeed, then, where did he acquire his knowledge of Indians? From Cooper's novels? From Longfellow's Hiawatha, in fanciful conception of the graceful and sylph-like form of the mythical Minnehaha? From the legends of Tammany, with which he confesses a familiarity, or from and upon that gigantic mountain from which he contemplated many cities and 600,000 happy Kabyles at its base? A narrow contracted country, fine imagination, or a powerful vision, to say the least.

Ah, those happy Kabyles! No portion of the speech of my accomplished friend, Mr. Chairman, made so great and lasting impression on my mind as that delightful description of the vision spread out to his gaze from that dizzy mountain height. In fancy I was by his side. I, too, saw that regenerate 600,000. I saw their bright, happy faces lit up with the spirit of human kindness. I saw them at their looms, at their plows, at their daily toil. But all their joy, all their happiness, all their gladness, were but comparative in their degree until the revivifying, rejuvenating gaze of my genial friend fell upon them. Ah, Mr. Chairman, it was a blissful moment for those peaceful Kabyles when, upward turning their eyes to the mountain crags, they beheld the benignant countenance of the gentleman bent toward them. What feelings of emotion must have thrilled them! What a glimpse of Paradise opened to their vision! What gleams of centennial radiance must have illumined their peaceful valley! I can see now that Arcadia putting on new glories under such a beneficent and amnestical gaze.

But the picture is too enchanting. I will turn it to the wall, nor even inquire if they had been under the charge of political agents or knew anything of the reservation system. The Indians left Ohio, and so did my distinguished friend. He went to New York, and outside the political war-whoop of Tammany the voice of the red man was unheard. Having heretofore upon most questions been right, he speaks with much confidence and assurance upon this. With all my admiration for that gentleman, I do solemnly protest that he has no right to calmly and deliberately cast an unkind imputation upon the Representatives of the States exposed to Indian disturbances. But for the attack so wantonly made upon a number of Representatives in this body, of whom I am one, I should not utter one single word. He says:

> Every border man, I suppose, is in favor of the extermination of the Indians, or nearly all.

And again he said:

> I do not mean all the border men; I mean all the border Congressmen except the gentleman from Arkansas, [Mr. WILSHIRE,] who so nobly stands up in vindication of the red men of his neighborhood.

There is no disposition, Mr. Chairman, I assure you, anywhere in the West to exterminate the Indian race; but if there was and that feeling was universal, the Indian need not fear any so much as the border men. "The wicked flee when no man pursueth." People very much mistake the border men. They are not ruffians nor murderers. They are a noble, brave, gallant, enterprising people, equaling in intelligence even the polite constituency of my genial friend from New York. They are as magnanimous as brave, as merciful as gallant. They respect the rights of the Indians, and by the Indians are far more respected than those who at a remote and secure distance extol their virtues, and from the extremest height of some Mount Parnassus in Algeria or elsewhere sing of those who, driven by philanthropists and fate, have sought refuge upon the summit of the Rocky Mountains and the green slopes of the Pacific.

Gentlemen talk about injustice done the Indians. They magnify and manufacture massacres of the noble red family. They do not allow their memory to go back only a few years to many painful incidents in the history of our frontier settlement. They forget Mountain Meadow; they forget Dr. Whitman's fate; they forget the massacre at the Cascade, and in my State in 1855, where men, women, and poor little children were horribly murdered. Some were cut to pieces, some thrown into wells before life was extinct; others were burned to death, their bodies roasted and left for hogs to devour, a dainty morsel for the contemplation of philanthropic peace-policy philosophers. They forget Lost River and its sad and grievous story of but three short years ago. They forget, indeed, all the wrongs and sufferings endured by the people upon the border, and yet they assume to dictate to us how the Indians shall treat us, and not how we shall treat them. The Indians have rights; we, forsooth, have none. Let me illustrate by saying that agreeably to the prevailing policy of the Government, if a white man trespass upon the rights or property of an Indian he is mulct in double the value of the property injured, and the Government of the United States stands as security for its payment; but if an Indian, going beyond the limits of his reservation, destroys the property of the white man, he is held harmless and is protected by the Government, and Congress, I regret to say, is disposed to deny indemnification to the sufferer. If, in his despair and desperation, the victim resorts to the doctrine of reprisal, he is denounced even upon the floor of this House as a robber and a murderer. Protect your citizens from the Indian, and the Indian will need no protection from your citizens; and this, I am happy to say, Mr. Chairman, is one of the chief objects of this bill.

It is gravely suggested, even by my distinguished friend from Arkansas, [Mr. WILSHIRE,] that the Commissioner of Indian Affairs should be elevated to the dignity of a Cabinet officer. That is statesmanship with a vengeance. Two hundred and fifty thousand souls entitled to a Cabinet representation! We have, sir, 40,000,000 of people. Just think of it! Divide that number by 250,000 and we have 160 Cabinet officers! How many Belknaps and Delanos we should have among that number I cannot conjecture and I will not undertake to say. As things look now we would occupy the whole time of Congress in the interesting labor of impeachment, and accomplish by no means, or slow means, the necessary legislation of the country.

But of this enough. "I speak with charity for all and with malice toward none." I even love those who despitefully treat me. Thus far I have only meant to vindicate the character of my people from the assaults that have been made upon them, or rather upon their Representative.

Now, a word as to the merits of the bill itself. I am convinced, Mr. Chairman, after candid and mature deliberation, that in point of fitness for the performance of the duties required of them by this bill the Army officers are at least the equal of the civil appointees under the present system. Indeed, I almost blush to pay so qualified a compliment to the honesty and intelligence of the Army.

Of the evils of the present system of Indian management, of the wrongs daily perpetrated upon both the Government and the helpless people whom it tries to benefit, of the disgrace heaped upon the nation by it, I need not speak on this occasion. Its history has been written in every journal in the land, sounded from every stump, and is being hourly recorded before an honorable committee of this House. It is a system which has thus far reflected no credit upon our Government. The people are not merely dissatisfied but thoroughly disgusted with its operations, nor will they be content with a measure looking to its elevation or purification only. They have given it a fair test and no good has come of it. They demand that it be wholly wiped out of our internal policy. In deference to this demand this bill has been framed and its passage is hopefully looked for by all who are on the frontier and speak from practical experience.

Mr. Chairman, there is no design in this bill to use force beyond what now exists. It is not contemplated by it or by any friend of it that there shall be stationed among the Indians any more soldiers than are now with them. In my humble judgment, among the civilized tribes no agent is necessary, and if one be required I can see no reason why an honest officer of the Army cannot conserve the interests of the Indians as well as a politician of questionable antecedents and doubtful or even fair reputation.

Among the wild tribes the presence of the Army is conceded by all to be absolutely necessary. Upon this point I beg to refer to my letter addressed to the gentleman in charge of this bill, [Mr. SPARKS,] embodied in the report accompanying it. I then said:

> Among the wild tribes the presence of the Army is required, and in the performance of their respective duties there is not unfrequently a confusion and even a conflict of jurisdiction between the civil and military authorities. Had the Army alone, and untrammeled by civil instructions, been charged with the duty of returning the rebellious Modocs to their reservation, had the matter been left wholly within the discretion of the commanding officer at Fort Klamath, Oregon, I believe the work could have been accomplished without war, without its expense, and without its sufferings. At all events, I doubt not, such steps would have been taken, such notice of the contemplated movement would have been given to the settlers, as would have averted the horrors of the Lost River massacre.

This view is sustained by General Ord and by other gentlemen of high and unquestionable standing. Whatever may have been the opinion of General Sherman in 1868, referred to by my good friend from Massachusetts, [Mr. SEELYE,] certain it is such is no longer his opinion. His present judgment is no doubt formed in the light of subsequent experience. He surely knows no less of the Indian than he did then, and doubtless better understands the present management of Indian affairs, and therefore favors this change. I repeat that it is not intended to increase the military force among the Indians; it is only designed to abolish an unnecessary, if not mischievous, Bureau of our Government. The Indians will not, cannot realize any change so far as coercion is concerned, and in other respects they will recognize, I hope and sincerely believe, a very great improvement.

It is idle to say that the Army favors war. It is contrary to nature, contrary to reason. One great purpose of an army is to preserve peace and prevent war. War means fight, and fight means danger, pain, death. A strong man may rejoice in his prowess, but I do not believe he would regard pummeling and bruising as absolutely pleasant. A soldier, when necessary, will no doubt endure all the danger, pain, suffering, and privation incident to actual war, but I cannot believe that he would encourage or develop the necessity thereof. Such conduct would be in the highest degree paradoxical. No, gentlemen, this bill is in the interest of peace and economy. I again refer to my letter to the gentleman from Illinois, [Mr. SPARKS:]

> It is the policy of the Government to preserve peace with the Indians. The presence of the military contributes to this end. An Indian recognizes and respects power. Understand me, I would not have "the wards of the nation" treated with

inhumanity; they should not be treated harshly nor yet petted; they should not be cheated nor yet taught to live in idleness; their rights should be clearly defined and carefully respected; they should be taught to know what they are entitled to receive from the Government and what the Government will require of them; in short, they should be honestly, fairly, and firmly dealt with.

The Army officer has not or should not have any political purpose to subserve nor any political enemy to fear nor friend to reward. He feels his tenure of office secure so long and only so long as he honestly, honorably, fairly, and faithfully discharges his duty. The fact that his conduct, if criminal, is subject to the jurisdiction and examination of two tribunals, the civil and military, is an additional argument in favor of his employment in the capacity required by this bill. It is well worthy consideration that the Army punishes its officers for offenses not known to the criminal code, offenses against personal honor and gentlemanly propriety. The civilian may evade or escape the action of a grand jury or thwart its action by a doubtful petit jury. If an Army officer luckily thus far escapes he is still subject to the scrutinizing and careful examination of his brother-officers.

Much of the trouble arising under the present system is from mischievous white men who are allowed ready access to the Indian reservations, a privilege they would not be so likely to enjoy were the Army in charge. Military discipline and the rigorous law of the military camp are not congenial to the class who have done so much to engender evil among the Indian tribes. The average vagabond and adventurer who now so readily finds his way to the reservation would, in my opinion, give the military authorities a wide berth. There would be less whisky smuggled into the hands of the Indians, fewer of their people mistreated, and far less of low white men's vices introduced into their midst. In short, if we can keep the Indians on and worthless white men off the reservations, we shall have taken a great step toward the civilization of the Indian and the securing of peace on the border, and I know of no better means of accomplishing this than by the adoption of this measure.

But, Mr. Chairman, of still greater importance than any of these considerations, and one that in the present financial distress of our people appeals more strongly to our sense of duty, is the great question of economy. A more economical administration of governmental affairs is imperatively demanded by the people, and the success of this measure will go a long way toward the fulfillment of that desire. Even the opponents of this bill admit that a saving will thereby be effected of several millions per annum, and in the present condition of our country, with business prostration on all sides, with trade languishing and the tax-gatherer becoming a more and more unwelcome guest at our doors, it seems to me that the prospect of such a practical and direct economy is the very best argument in favor of this bill, and one that we cannot ignore. This amount of money if saved to the Treasury might be diverted into other channels looking to our national prosperity. With the present system much of the money expended in the Indian service is at best a mere means to the carrying out of an idea of no practical benefit to the country. A certain portion of the expenditure is, of course, unavoidable, and would have to be made under whatever system the Indians are managed, but let us cut off all that we can in that direction and apply it to some more useful and enlightened purpose. There are national improvements of incalculable importance to which this money might be applied with a certainty of rich returns in the future.

Speaking for my own State, I can say that the expenditure of a small proportion of the annual saving contemplated by this bill, upon the removal of the great obstacle to navigation in the Columbia River, which is now fastened like a tourniquet upon that great artery of trade and commerce in the far Northwest, would in a few years result in a benefit to the whole country which, if it could be computed in dollars and cents, would go no little distance toward maintaining our entire Indian service. We have upon the Pacific an extended seaboard with but few really safe and secure harbors. Some of the money saved by this measure and others thus far projected in the interest of economy could wisely and well be expended in the improvement of our harbors upon that coast. Commerce would thereby be encouraged, trade developed, the wealth of our country increased, and, best of all, ports of refuge would be secured to those brave men "who go down into the sea in ships" and encounter the perils thereof. Such legislation would respond not merely to the voice of wisdom but to the voice of humanity itself, and I profoundly hope will not long be denied us.

In my State, besides fields of gold and silver yet undeveloped, we have inexhaustible deposits of coal, great forests of magnificent timber, a soil so generous and rich that its productive capacity is wonderful to consider, and a climate so genial and friendly that roses bloom in winter even. Give us harbors, secure us communication with the world, and our prosperity would not merely gratify, but would surely astonish you. But this is a digression, and besides, I did not mean to occupy the time of this body beyond a few minutes. The arguments upon this subject have been able and exhaustive. They have left me nothing to suggest nor one word to add. I have listened to them attentively and have reached the conclusion that the Army officer is as well fitted to discharge the duties of an Indian agent as our modern civil appointee; that among those tribes with whom war can be apprehended the tendency of this measure will be to prevent it; that the work of civilization will not be retarded; that increased facilities will be secured to the missionary to prosecute his noble work; and that the true principles of economy, which should influence our action at this time, will be subserved.

Therefore, without hesitation or misgivings, I accord to this measure my earnest and cordial support.

Mr. STEELE. Mr. Chairman, the natural diffidence that I should feel in addressing the committee is heightened by the remark of the distinguished gentleman from New York [Mr. COX] "that the border is not a good place to study this Indian problem." The truth of the remark of the gentleman depends upon the basis upon which the problem is looked at. If the study of the problem is to be a practical one, and if the results of the study are to be from an actual knowledge of the facts, the border would seem to be a good place to make the study. But if the study is to be from the poets and romances, I doubt not that the city of New York and the Congressional Library would be the better field of study. And I cannot but think that if the distinguished gentleman [Mr. COX] when he emigrated from Ohio had traveled west instead of east he would have known more of the Indian, though he might have known less of him from the standpoint of romance. But, sir, with the disadvantage in the eyes of that gentleman of having some actual knowledge of the subject, I shall venture to say something on the question before the committee.

The bill now before the committee presents one of the most important questions that this House will have to deal with. And in its effect upon the Indian, upon the peace and prosperity of the border communities, and its economic features, as providing for the better administration of a service whose annual disbursements have reached the enormous sum of nearly $7,000,000, merits, and I doubt not will receive, the earnest consideration of the committee.

Favoring the transfer of the Indian Bureau to the War Department, I will endeavor to state the reasons for the change as they present themselves to my mind.

In the first place, I do not know that the failure of the present system is so much because it is based upon a false theory as that the officers administering its details have been in many instances unfit for their positions. But my own impression is that both causes have combined to make the present system, both as regards the protection of the Government and the civilization and Christianization of the Indians, a failure with but few if any exceptions.

The present system may be said to be based upon the theory of "moral suasion," and herein lies one of the main causes of its failure. The savage, or man in a state of nature, respects that man who is physically his superior; aggregated together as bands or tribes, they respect the band or tribe which is stronger and more warlike than their own. The history of the world in all ages shows that the first government of all savage and semi-civilized peoples has been a government of force and power. The American Indian is not different from other savage and semi-civilized people—he respects power; and when you appeal to his moral nature you appeal in vain. He has not sufficient development to understand that your attempts at conciliation and friendship come from kindness and good-will; but himself seeking to conciliate only those he fears, he believes that the attempts of the Government to conciliate the Indian are dictated by fear, and, as he pays tribute only to superior power, concludes that the agents pay tribute of beef, flour, and blankets only because the Indian is more powerful than the Government, and is consequently feared by it. Feeling this, he has no respect for his agent, who is in his eyes only a "squaw," and treats him in such manner as to show his own superiority; and the agent maintains his place, where not supported by military force, by bribing the Indians to do what they should be compelled to do as a matter of right.

Another prolific source of trouble is the lack of any enforcement of law upon the reservations to punish an Indian for offenses against the person or property of other Indians. And yet, sir, the Interior Department has had control of this matter since 1849. There will never be any substantial progress made in civilizing the Indian until he is made amenable to law. We all know that in every community there are always certain people who respect the rights of person and property of other persons, not from a sense of right, but from respect for the law and a fear of its penalties and punishments, and in the degree of honesty and vigor with which the law is administered to a very considerable extent depends the peace and good order of society. So with the Indian. A knowledge of the law and a fear of its penalties must be a prerequisite of peace and good order in the tribes. And I cannot but think it a disgrace to the Government and the Christian element which has cut so large a figure in the management of the Indian for the past few years that an Indian can to-day commit murder or any other crime against another Indian without fear of punishment, except it be by the Indians, and that he can escape punishment by them if he is only able to pay a sufficient number of ponies or other tribute to satisfy the relatives of the victim. And it is certainly not less disgraceful that they can murder white men and women without question or fear of punishment, can steal their property with impunity, and, carrying it upon their reservations, be protected in its possession even when the plundered owner personally identifies his property and demands its restoration to him; and the Government, protecting the Indian in his possession of the plunder, refuses to pay the citizen for the property in the larceny of which it is by its agents an accessory after the fact.

Such a system is a wrong to the Indian and a gross outrage upon

the citizen, a wrong to the Indian, because it encourages lawlessness and puts a premium upon marauding, thus placing the Indian who desires to behave himself in a worse position than he who makes a business of theft and rascality; and an outrage upon the citizen, because one of the first duties of government is to protect in life and property the citizen. And I believe our own is the only government on the face of the earth pretending to be civilized which within its own borders allows an independent sovereignty to exist, and protects its members in the possession of property plundered from its own citizens, to whom it allows no right of recovery either by force or by law.

Mr. Chairman, another serious defect in the present system is that it fosters and encourages the tribal relation, which tends to keep alive the warlike feelings of the Indians. It may be taken for a settled fact that before any great progress can be made in the civilization and Christianization of the Indian his tribal relations must be broken up; he must be made to feel not that he is part of an aggregation, but that he is a man dependent upon himself and his own exertions, and that his prosperity and comfort will very largely depend upon his own industry and intelligence. Not only does the present system tend to strengthen and foster the tribal relation and the importance of a few Indians to the detriment of the many, but in the wild and semi-civilized tribes the individual who attempts to throw off the tribal relation and assert his individuality and rights of person and property must be protected in those rights by the strong arm of the Government, which is not vouchsafed him under the present system.

Again, the manner of selecting agents under the present system is radically wrong. A man is selected by the church not because he is known by the Indians nor because he is acquainted with the nature, capacity, characteristics, and prejudices of the Indian, but very largely because he is a member of some religious creed, and too often, I fear, because they make their religion or pretended religion a stock in trade to obtain positions where they not only wrong the Indians but deceive and bring reproach upon honest, God-fearing men, who in recommending them were actuated by an honest, earnest desire to benefit the Indian and serve the Government. Sir, the churches having the selection of these agents do not know what is needed to constitute a good agent. It is not sufficient that he should pray louder than his fellow-man or sanctimoniously roll his eyes and "thank God that he is not as other men," but he should be a man of executive capacity, of nerve and decision, who, knowing the nature and wants of the Indian, would protect him in all his rights and be equally firm in compelling the Indian to obey the requirements of the Government.

I give credit to the many earnest, honest men who have endeavored to serve the Government and the Indian under the present system by aiding the Government to select agents and employés for the Indian service. I do not believe that any great number of people occupying that advisory position have knowingly done wrong; but they have often been imposed upon by designing men who have sought the places for their own profit and advancement, the class of men who "steal the livery of the court of heaven to serve the devil in," and bring discredit and disgrace upon religion and its professors, and in wronging the poor Indian have not only weakened his faith in the white man, but also in his religion and his God. There has been too much hypocrisy and cant, and too little of earnest, honest faith in this humbug management of Indian affairs by the church; and necessarily so, Mr. Chairman, for it is an old adage "that what is everybody's business is nobody's business." The church management recommending these agents is too far away from the agencies to exercise a direct supervision over them; and Department and church each shelter themselves under the authority and control of the other, as freeing it from responsibility for the mismanagement and fraud of the agents.

Another great difficulty in the present system is the lack of any power in the Department or its agents to enforce the orders given the Indians. With the wild and semi-civilized tribes the agent cannot maintain himself without military force, and without it is utterly powerless to preserve any degree of order. By the report of the Commissioner of Indian Affairs for 1874 it is stated that there are 98,108 wild Indians; or, to use the language of the report:

> Those that are wild and scarcely tractable to any extent beyond that of coming near enough to the Government agent to receive rations and blankets.

The total number of Indians reported as under charge of the Bureau by the report of 1875 is 278,963. Many of these Indians are only nominally under the charge of the Indian Bureau; so that it may be said, I think, fairly that of those supported and maintained by the Government fully one-half are wild and semi-civilized, who cannot be managed by the agents without the presence of the military to support and protect them. The wild Indian respects only power; his agent is to him not a soldier or a brave; he is only a civilian, a "squaw," who is not entitled to and does not receive his respect. If the agent wishes the Indian to obey any order he has no power to enforce it, and he resorts to presents and bribery to induce the Indian to do what, as a matter of right and for his own ultimate good, he should be compelled to do. If obliged to use force to enforce obedience the agent is compelled to call upon the military, and consequently the Indian respects that power which controls him, and not the civil department. At these agencies where troops are needed the agency cannot be carried on without their presence; and it is not an exaggeration to say that nearly one-half of the Indians cannot be managed without the support of the military arm, and that to the Indians who are thus controlled at least one-half of the annual appropriations are devoted.

And one fatal vice in the present system is the divided authority thus brought to view. The agent looks upon the military as opposed to the system he represents and the officers look upon the agent with unfriendliness and often suspicion. The agent does not treat the military authorities with the degree of consideration that they are entitled to, and often looks upon them as spies upon himself and the system he represents; while on the other hand the officers look upon the agent as the representative of a system they believe to be a fraud upon the Indian and the Government. The consequence is that neither receives from the other that confidence and support to which they may be entitled, thus impairing the efficiency of the service. There is a crying necessity for one responsible, undivided authority, and that authority must be, for the wild and semi-civilized tribes at least, the military; for as it is at present the Indian, seeing the division, respects neither branch of the service as he should do.

Mr. Chairman, for the reasons stated among others I am earnestly in favor of the transfer of the Indian Bureau to the War Department. But, exclaims some friend of the present system, the Indians should only be turned over to the War Department in case you intend to have war with them, and the Sherman peace commission so reported in 1868. The gentlemen who make this argument must know better —I cannot bring myself to the belief that they do not—and that by this cry they try to arouse prejudice against the transfer. What would be the result of a transfer at those agencies where troops are required to protect the agent? Would there be any more danger of war to make the military officer also agent for the Indian? Certainly not; and every one who knows anything practically of the question understands that it would diminish the danger of conflict, for the power which hands out rewards should also deal out the punishments, and the Army then would only be responsible for its own mistakes and for the wrongs which its officers should commit against the Indian, not for the mistakes and wrongs of officials and people over whom it has no control.

How would it be at these agencies where no troops are required? I do not understand that at such agencies it would be proposed to station troops, but only to make a change in the class of people from whom the agents are to be selected, instead of appointing incompetent, inefficient men who have failed in all the walks of private life, who have no experience in the command or control of men, or of some sharp, shrewd, unscrupulous man who will have one thought for the Indian and two for himself, and, in either event, men who know nothing of the Indian, his nature and characteristics, and consequently have no knowledge how to deal with him. You will appoint the agent from a class of educated gentlemen whose business it is to control and command men; and if the wise suggestion of the bill of the Committee on Military Affairs be adopted, "That no officer below the grade of first lieutenant shall be appointed agent," you will in all cases obtain a man of experience, who knows something practically of the problem with which he is to deal.

Now, Mr. Chairman, I am not one of those who think that the only honest men in the country or the public service are those educated at West Point; but I do think this: that the present compensation of $1,500 per annum paid to Indian agents will not command the ability and integrity necessary to make the present system a success and that the experience of every man is that you take two men of equal capacity and integrity, place one in a position where he is liable to be removed at any time by political influence, and he is not as likely to be honest and to have the moral stamina to stand up against power and corruption as the other man, whose tenure of office is for life if he shall be honest and reputable, and that the last-mentioned will be the best public servant, even if the compensations of the two men are the same. But all must concede that the record of our Army officers is exceptionally bright, so far as honesty and integrity are concerned, which is an additional reason in my mind for desiring to see the change made.

Many friends of the present system oppose this transfer because they think that to place the Indians in the control of the Army would be to hand them over to licentiousness and debauchery, and to quickly remove them from the face of the earth, from horrible and loathsome disease, which it is thought follows in the wake of the Army. I do not believe this, but, on the contrary, do believe that the change would be a protection to the Indian in this respect. My belief is that the Indians are as much debauched by disreputable white men living among them as by the soldiers; that the transfer would give the military control of this element which the agent cannot or will not control, and that the military having control of both Indian and soldier, will be enabled to exercise a supervision over the morals and conduct of both which is now impossible. And at those agencies where a support of troops is not required, there certainly would be no more danger to the morals of the Indians, from the presence of an Army officer as agent, than from the presence of the present class of agents.

Mr. Chairman, the difference of opinion existing on this question by disinterested persons is very largely the difference between those with actual personal knowledge of the subject and those who theorize upon it. Let us see whether this be true. I look through the testimony taken by the committees in regard to this transfer, and with scarcely

an exception those who have practical knowledge of the subject favor the transfer. Of course, the agents and inspectors and others employed under the present system do not favor a change which will legislate them into the ranks of private life.

In this connection I desire to call the attention of the committee to the testimony before the Committee on Indian Affairs of General John B. Sanborn, a member of the Sherman commission of 1867 and 1868, to be found on pages 27, 28, and 29 of the report, which is as follows:

WASHINGTON, D. C., *March* 7, 1876.

SIR: In response to your request I make the following brief statement:

My personal acquaintance with the Indians and with Indian character commenced in 1855 and has been continuous since. My official acquaintance or connection with them commenced in the winter of 1861-'62. I was then in the military service commanding the frontiers of Minnesota, and continued so to command until April, 1862. The next service rendered in this connection was in July, 1865, when I commenced and conducted a campaign against the Comanches, Kiowas, Cheyennes, Arapahoes, and Apaches of the Upper Arkansas. This campaign terminated in the treaty with these tribes, made in November of that year, at the mouth of the Little Arkansas. From the date of the consummation of this treaty I was on duty in the Indian Territory, under instructions from President Johnson and Secretary Harlan, to settle the difference between the slave-holding tribes of the Indian Territo y and their former slaves, and to establish peaceful relations between them. This service continued until June, 1866.

In February, 1867, I went to the plains again to visit the Sioux Indians, as commissioner, to ascertain the cause of the Phil. Kearney massacre of that winter, and from this date was continuously in the service and among the Indians until October 12, 1868, when the Sherman-Harney commission dissolved. During this time we made treaties with the Apaches of the Arkansas, Cheyennes, Arapahoes, Kiowas and Comanches, Navajoes, Snakes or Shoshones, Mountain Crows, Northern Cheyennes, and Northern Arapahoes, and with the Ogallalla, Minneconjou, Oncpapa, Sans Arc, Blackfeet, Brûlé, Santee, and Yanktonnais bands of the Sioux tribe or nation, and held conferences with many tribes and bands with whom we did not conclude treaties, and all this time I made the Indian question a constant study, learning all possible from the officers who had spent their lives among them, and from the Indians themselves, and from history and official reports, and from personal observations, as to the workin; of our system of dealing with them and managing their affairs.

The question was found by me, as it will be by all who study it, a most complex and difficult one; and at different times I came to different conclusions. But, after the most careful consideration of the subject in all its bearings, my conclusions, in common with those of all the members of that commission, were expressed in the resolutions adopted by the board in Chicago, October 11, 1868, and found on page [reference given heretofore] of the report of the Commissioner of Indian Affairs, of 1868-'69, Taylor, then Commissioner, dissenting from the resolution recommending the transfer of the Bureau to the War Department.

It is, perhaps, sufficient for me to state that I still adhere to all the propositions contained in those resolutions; and, in my opinion, upon no one of them does so much depend, both as concerns the Indians and the Government, as upon that one recommending the transfer of the Indian Bureau to the War Department. This is essential to the successful administration of Indian affairs, for the following reasons:

The Interior Department has no power to protect the Indians on their reservations from the depredations of each other or from the incursions of our people; and that feeling of security and protection in the products of labor and of certainty that the party producing shall enjoy them, so essential to the cultivation of habits of industry and civilization, must always be wanting, as it always has been, under this administration of the Interior Department; while full security, protection, and encouragement could and would be afforded under the War Department.

The short space of time allowed a savage people, in the present state of insecurity, to change their mode of life from that of a savage to that of a civilized people renders it absolutely necessary that the children of savage people should be educated at once in the arts and languages of the civilized people. Without compulsion, all history shows that this is the work of several generations, and that compulsion in this respect is absolutely necessary in the case of our Indians.

The Interior Department can do nothing by compulsion, while the War Department can effect everything possible by this means.

Under the Interior Department the manner of dealing with and conducting Indian affairs varies more or less with the changes of administrations and officers, which is most detrimental to this kind of service, the Indians being at a loss to know oftentimes what the purposes and aims of the Government are concerning them; while, under the War Department, the officers holding their commissions during good behavior, the policy would be uniform and rigorous, and the power of the Government always felt and respected, and its purposes would be always plainly understood and promptly acceded to.

4. The system of procuring, transporting, and issuing supplies to the Indians would be much more systematically and economically done under the War Department. Issuing supplies to the large wild tribes, as now done, is and must remain under the present system an egregious farce. It amounts to little more or less in all cases than a depredation by Indians. They determine the amount they will have and make the demand oftentimes, and, if not acceded to, take what they have demanded and go away; so there is always the greatest disparity between the number of rations issued and the number of Indians to be fed, the rations oftentimes being more than double the number of Indians in camp.

5. Their irregular and wild habits are cultivated under this system, while under a regular system, enforced by the power and discipline of the War Department, regular and civilized habits in this respect would result.

6. Under a regular, well-established system of the War Department, all future wars with Indians would be avoided, their civilization and education rapidly promoted, protection in the products of their labor would be secured, the Treasury saved in the expenses of the War and Interior Departments to the extent, in my judgment, of fully ten millions per annum as an average amount, the safety of the frontiers be assured, and the welfare of both Indians and whites promoted in every respect, and no one of existing evils increased, while many would cease altogether.

To give the events in the history of our management of Indian affairs, the observations and results of study that have led me to the foregoing conclusions, would prolong this communication to an unreasonable length. That the transfer of the Bureau to the War Department would be most advantageous to the service in all respects, I have no doubt. And I cannot believe that any disinterested person can give the subject a full and careful consideration and come to any different conclusion.

The success of the War Department in this branch of service from 1789 to 1849, the massacres, the enormous expense in the management of their affairs since 1860, our unsatisfactory relations with all the large tribes, the continued savage character and barbarity of many of the Indian tribes, all point to one conclusion, and that our Indian affairs are not managed as properly and wisely now as they were under the War Department or as they would be now under the same Department.

I have the honor to be, very respectfully, your obedient servant,

JOHN B. SANBORN.

Hon. W. A. J. SPARKS,
Chairman Subcommittee on Indian Affairs.

Let us take a special instance of the success of the present system, and examine the progress of the Sioux, who are located upon what may be termed the Dakota reservation. Since the making of the treaty of 1868 there has been furnished for the support of that people in round figures $13,000,000. Surely such a lavish expenditure of money must have carried the Sioux Nation a long distance upon the hard road to civilization, industry, and self-support. Now, sir, what is the fact? I should hardly dare to state the truth for fear of being charged with prejudice and misstatement, but there is testimony upon this subject to which I beg to call the attention of the committee. The commission of which Senator ALLISON, of Iowa, was chairman, sent during the past summer to effect negotiations with the Sioux tribes, use the following language upon page 11 of their report:

From all the evidence derived from agents, employés, and the Indians themselves, the commission is of opinion that the annual value of all the products secured by cultivation of the soil by the Indians at the several agencies would not exceed $5,000 per annum for the last six years. In this estimate we do not include the products of the Santees or the Yanktons, neither of which tribes resides on the Sioux reservation. And the commission is of opinion that if the present policy is continued the results of the next six years will not differ materially from those of the last. Indeed, the commission very much doubts whether enough has been raised in the aggregate to re-imburse the annual appropriations made for the salaries and expenses of the farmers employed by the Government at the various agencies.

Again, on page 14, the commission say, in speaking of the problem in reference to these Indians:

Nearly seven years have passed away and these Indians are no nearer a condition of self-support than they were when the treaty was signed; and in the mean time the Government has expended nearly $13,000,000 for their support. So that the future treatment of the Sioux becomes a matter of serious moment, if viewed from no higher stand-point than that of an economic question.

The commission state no more than the truth upon this subject. The Sioux have not made progress in civilization and industry; they are idle, lazy, and vicious, spending their time in horse-racing, gambling, dancing, and the practice of the barbarous rites of their tribes and societies. Labor is beneath the dignity of a male Indian; after he is fourteen or fifteen years of age he will not even saddle his own pony, which must be done by the women of the family when in camp. When the supplies furnished by the Government are issued, he will not even condescend to to carry them home, but the squaws must do all such menial labor. He is a mendicant, and never will labor until compelled to do so by compulsion or dire necessity.

Again let me call attention to the same report, on page 12, speaking of the Indians at the Red Cloud and Spotted Tail agencies:

For the reasons just stated, and for others equally obvious to any who will visit their country, but not within our province to discuss, no progress whatever has been made toward civilization or self-support at either of these agencies, or among the tribes receiving their rations and annuities at these agencies, during the last six years, unless we should call progress that dependence which makes the Indian rely upon the Government rather than the chase, or labor for the necessaries of life. During these six years, whatever of food, clothing, or shelter they have had has been provided by appropriations from the National Treasury, and the Indians have done absolutely nothing but eat, drink, smoke, and sleep, except indulging each day in the healthful exercise of horseback riding, (each Indian having at least one pony,) and at intervals, for diversion, engage in a hunt to the north or south. They regard labor as disreputable and disgraceful, unless performed by the women of the tribes, who do the necessary drudgery. It occurs to the commission that so large an annual expenditure of public money, with so feeble results, is expensive and unremunerative to the United States and to the Indians. As long as the present methods continue, very large annual expenditures will be required, but not so large as heretofore, if better methods for issuing supplies should be adopted.

These Indians cannot, in my opinion, be civilized under the present system, but force will have to be used at least in the commencement, and if the plea "that it is cheaper to feed these Indians than to fight them" is to be the pretext for supporting the Indian in idleness and vice, that man is not yet born who will see the Indian self-supporting; for if this tribute from our Government to the Indian is to continue until he voluntarily becomes self-supporting, it will continue for all time.

Sir, this matter of the support of the Indian in idleness is becoming a matter of grave moment. How long the people of the country will consent to submit to taxation in order that the Indian may remain a non-producer and a burden upon the industry of the country may soon be an important practical question. Does the country realize the cost of the present system? By the report of the Commissioner of Indian Affairs for the year 1875, page 28, it will be found that there have been appropriated for the fiscal years from 1870 to 1876, both inclusive, the sum of $43,608,332.72; and that if the appropriation for the present fiscal year shall be expended (and the Commissioner estimates that there will be a deficiency of $200,000) there will have been expended for the fiscal years from 1870 to 1876 the amount of $42,870,744.24; that there is a deficiency of $495,001.23, making a total expenditure of $43,365,745.47, or an average annual expenditure of $6,195,106.50. But in addition to this there has been expended from interest on trust funds, sale of lands, &c., the further sum of $3,613,237.37, or a grand total of $46,978,982.84, or an average annual expenditure from all sources of $6,712,711.83.

And what are the results of this lavish and generous expenditure of money? Is the result commensurate with the cost? Sir, I think not. A few of the Indians may in some degree have improved, but the great bulk of them are idlers and vagrants. The Indians have not become rich under the present system, whoever else may have done so.

Mr. Chairman, the present Bureau is confessedly unable to manage

the purchase and disbursements of the Indian supplies. The late Commissioner of Indian Affairs, in his report for 1875, on pages 20 and 21, says:

There is, however, a sphere of service now undertaken by this Bureau which might, to its great relief, be transferred to the War Department. The supplies of clothing and subsistence required to be purchased for the Indian service amounts to about $2,000,000. Much the larger portion of this sum is expended in purchasing for the Sioux and several other tribes a few articles in large amounts. The Indian Bureau has never had an adequate appointment for making such large purchases and for transportation of the articles to the distant parts of the country. The Quartermaster and Commissary Departments of the Army have such appointments in complete organization, through which the War Department would be able to purchase, inspect, and transport the goods and supplies required to subsist Indians and fulfill the treaty obligations with much more regularity and system than is possible for this Bureau as at present organized; and while a comparison of purchases made by the Army with those made by the Indian Bureau of the same article at the same place does not indicate that the transfer will on the whole tend to economy of funds, but rather otherwise, it will yet tend to allay suspicion, and will furnish checks and tests for ready application whenever charges of fraud in the service are made, either on good grounds or for partisan or selfish purposes, or by persons of repute and acting in good faith, who are themselves victims of such purposes on the part of others. If it shall be deemed advisable to transfer this portion of the service to the War Department, rather than to furnish the additional clerical equipments necesssary for its proper administration in the Indian Bureau, I would respectfully recommend for the consideration of the honorable Secretary the procurement of such legislation as will allow the President in his discretion to direct that any portion of this service of buying and transporting Indian goods and supplies be performed by the War Department. But, if the transfer suggested is made without lodging this discretionary power in the President, it should be limited in its operations to the purchasing and forwarding of supplies of which the value of any one class of articles at any one agency shall exceed the sum of $1,000. This limitation is quite important in order to allow the disbursement through the agent of such limited amount of funds as may be required in purchase of articles for immediate use in cases where delay would be damaging to all interests concerned.

Why has not this Bureau a sufficient force of clerks and an efficient system of checks by which it can manage these matters? It has had charge and control of this matter for twenty-six years, and during that time, including the present fiscal year, if the appropriation for this year be all used, it will have disbursed the immense sum of $115,149,385.76, which amount is stated from the best attainable data. Since 1869 it has certainly had the most liberal apprporiations, and should certainly have had a sufficient clerical force to be able to keep as good a system of checks and balances as the Army.

If the agents of this Bureau cannot be trusted to purchase and issue the supplies of food and clothing to the Indian, then in my opinion they ought not to be trusted with the control of those people for any purpose; and if the War Department has to be charged with the purchase and issue of the supplies, then it should be charged with the entire duty of caring for and controlling the Indian.

But the Commissioner is not alone in this recommendation that some other authority should control the purchase and issue of supplies. The commission of which Senator ALLISON was chairman, in the recommendations contained in their report upon this subject, and the incidental one which cannot be separated from it of the honest administration of the present system, on page 18, use the following language in stating their conclusions:

Fourth. That all supplies be issued under the direct supervision of officers of the Army, and that detailed reports of quality and quantity and cost be published annually.

Fifth. Abolish all the present agencies, and re-organize the whole system of officers and agencies for the Sioux Nation, and provide such compensation to officers and agents as will command, if not secure, fidelity and competency.

The commission to investigate the affairs at the Red Cloud agency in their report recommend that Army officers be detailed to inspect supplies, &c.

But, say those opposed to this transfer, to turn the Indians over to the War Department is to put a stop to their education and to close their schools; for the Army officers will not become teachers, and such is not their business. It is well known that the present agents are not the teachers at the different agencies, and that their only duty with reference to the schools is a supervisory one, the teachers being different persons from the agents. And the Army officer is certainly as well qualified as the average agent to exercise a supervisory control over the schools, or even to act as an educator; for I believe those same officers are from time to time detailed as superintendent and instructors at West Point, where as high a degree of intelligence and education is supposed to be required as at an Indian school. If the Army officer is fitted to instruct and superintend the instruction of the youth the country educates for its service at its Military Academy, we are in no danger of turning the Indian over to ignorance by making change of an Army officer to replace the present Indian agent.

Mr. Chairman, whenever the idea is suggested of transferring control of the Indian to the War Department, we are told that if such transfer is made we must needs fight the Indian, and that it will cost a million dollars for each Indian killed, &c., *ad nauseam*. And then we are cited to the report of the Sherman peace commission of 1867-'68, as follows:

This brings us to consider the much-mooted question whether the Indian Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them the Bureau should go to the Secretary of War. If we intend to have peace it should be in the civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us we cannot now advise the change. It is possible that, in despite our efforts to maintain peace, war may be forced on us by some tribe or tribes of Indians. In the event of such occurrence it may be well to provide, in the revision of the intercourse laws or elsewhere, at what time the civil jurisdiction shall cease and the military jurisdiction begin. If thought advisable, also, Congress may authorize the President to turn over to the military the exclusive control of such tribes as may be continually hostile or unmanageable. Under the plans which we have suggested, the chief duties of the Bureau will be to educate and instruct in the peaceful arts; in other words, to civilize the Indians. The military arm of the Government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the Army and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write or Indian men to sow and reap. These are emphatically civil and not military occupations.

But it is insisted that the present Indian service is corrupt, and this change should be made to get rid of the dishonest. That there are many bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty or qualification as for devotion to party interests and their willingness to apply the money of the Indians to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the Bureau now; and this leads us to suggest that Congress pass an act fixing a day (not later than the 1st of February, 1869) when the offices of all superintendents, agents, and special agents shall be vacated. Such persons as have proved themselves competent and faithful may be re-appointed. Those who have proved unfit will find themselves removed without an opportunity to divert attention from their own unworthiness by professions of party zeal.

That report was made on the 7th day of January, 1868, and is the unanswerable argument of the friends of the present system. It is familiar. Since I have been in this House it has become as familiar as household words, and the old friend turns up again in the report presented to this Congress by the Commissioner of Indian Affairs for 1875, and is to be found on pages 18 and 19 of the Commissioner's report. And in this case, as in all others where I have heard and seen it used, the impression is sought to be created that that extract contains the final matured judgment of the Sherman commission upon the subject. Let us examine whether such be the fact.

The commission was created by an act of Congress approved July 20, 1867, and organized on the 6th day of August, 1867, and during the remainder of the year was engaged in visits to the Indians.

The commission, however, continued in existence during the year 1868, or a large portion of that year, and was in the Indian country in performance of its duties, negotiating during that year the treaty with the Sioux Indians at Fort Laramie.

The commission held a meeting at Chicago, Illinois, on the 9th day of October, 1868, and adopted a series of resolutions which were to constitute their report, and which are to be found on page 371 of the report of the Commissioner of Indian Affairs for the year 1868.

WASHINGTON CITY, *December* 11, 1868.

SIR: I have the honor to transmit herewith a copy of the resolutions adopted by the Indian peace commission at a meeting held in Chicago, Illinois, on the 9th day of October last. These resolutions constitute the report of said commission, which I was directed, on their behalf, to submit to you.

With great respect, your obedient servant,

N. G. TAYLOR.
President of the Indian Peace Commission.

The PRESIDENT *of the United States.*

CHICAGO, ILLINOIS, *October* 9, 1868.

The PRESIDENT *of the United States:*

At a meeting of the Indian peace commission held this day the following resolutions, embodying the views of the commission, were adopted, to wit:

Resolved, That this commission recommend to the President of the United States and Congress that full provisions be at once made to feed, clothe, and protect all Indians of the Crow, Blackfeet, Piegan, Gros Ventres, Sioux, Ponca, Cheyenne, Arapaho, Apache, Kiowa, and Comanche Nations of Indians, who now have located, or may hereafter locate, permanently on their respective agricultural reservations.

Resolved, That the treaties of said tribes with United States, whether ratified or not, should be considered to be and remain in full force as to all Indians of such tribes as now have or may hereafter have their homes upon the agricultural reservations described in their respective treaties, and no others.

Resolved, That in the opinion of this commission the time has come when the Government should cease to recognize the Indian tribes as "domestic dependent nations," except so far as it may be required to recognize them as such by existing treaties and by treaties made but not yet ratified; that hereafter all Indians should be considered and held to be individually subject to the laws of the United States, except where and while it is otherwise provided in said treaties, and that they should be entitled to the same protection from said laws as other persons owing allegiance to the Government enjoy.

Resolved, That the recent outrages and depredations committed by the Indians of the plains justify the Government in abrogating those clauses of the treaties made in October, 1867, at Medicine Lodge Creek, which secure to them the right to roam and hunt outside their reservations; that all said Indians should be requested to remove at once to said reservations and remain within them, except that after peace shall have been restored, hunting parties may be permitted to cross their boundaries with written authority from their agent or superintendent; and

Resolved further, That military force should be used to compel the removal into said reservations of all such Indians as may refuse to go after due notice has been given to them that provision has made to feed and protect them within the same.

Resolved, That in the opinion of this commission the Bureau of Indian Affairs should be transferred from the Department of the Interior to the Department of War.

I have the honor to be, with great respect, your obedient servant,

N. G. TAYLOR,
President of the Indian Peace Commission.

Attest:

A. S. H. WHITE, *Secretary.*

And by reference to the statement of General John B. Sanborn before the Committee on Indian Affairs it will be seen that every member of the commission with the exception of Hon. N. G. Taylor, then Commissioner of Indian Affairs, agreed to the adoption of the resolutions just read, which, as the maturer judgment of the commission, virtually repudiated the report of January 7, 1868. So much for the

truth of history and to put to rest this old "dress-parade" report of the advocates of the present system.

Mr. Chairman, I trust the committee will incorporate in any bill which shall pass the provision of the bill of the Committee on Military Affairs that no officer under the grade of first lieutenant shall be appointed an Indian agent, or a provision in lieu thereof that no officer of less than five years' service shall be such agent. This will secure experience. That the recommendation of the Military Committee in reference to a sufficient clerical force under the Secretary of War be adopted, and that no Bureau of Indian Affairs be created in the War Department for the present at least, but the largest control given to the Secretary of War and the department commanders; that traderships be open to all persons giving bonds and complying with the intercourse laws. We find competition beneficial to our own people and monopoly injurious to them; therefore let us give the Indian the benefit of free trade and competition.

Prevent the sale of arms and ammunition to the wild and semi-civilized Indians, and absolutely prohibit the sale to them of intoxicating liquor.

Abolish the peace commission, which is of no earthly benefit, and hold the officers charged with the management of affairs to a strict and rigid accountability. The present system divides the responsibility without any corresponding benefit.

Open all agencies and reservations to the missionary and Christianizing efforts of all religious denominations; let the Indian worship God according to the dictates of his own conscience; and let the control of the Indian by the churches depend not upon the matter of chance of appointment to and division of the agencies among the different denominations, but let it depend upon the honesty, integrity, ability, and earnest faith of those commissioned to preach the Gospel to the Indian, and let us give equal support and opportunity to all denominations and creeds to carry the word of life to these poor people, and we may rest assured that the result will be in favor of that denomination which displays in the character of its propagandists the most singleness of heart and the most earnest devotion to duty, who look not for their reward here, but leave it to the great hereafter.

Mr. Chairman, let us make this good beginning, turn over the control of the Indian to the War Department; let us treat him with honesty and fairness, and in return compel good order and obedience. Break up the tribal relation, and protect the Indian in his individual right of property. Make him amenable to law, and punish him for crime. Discontinue the system of immense reservations, and especially of the right to hunt outside the reservations, and divide the lands in severalty among the Indians. Encourage industry, and stop making a vagabond of the Indian. Where he will labor voluntarily, well and good; but where he is averse to it, compel industry by the necessary force. Cease to treat the Indian as a superior being, and place him upon the same plane and under the same restraints that you would any other human being of no greater capacity and intelligence.

The change to the War Department will be, in addition to its other recommendations, a measure of economy. We shall be able to dispense with the present force of inspectors, superintendents, agents, &c., and use in their place Army officers, who can be detailed for such duties without any increase of force or cost. Supplies can be purchased under the supervision of the officers of the Quartermaster's and Subsistence Departments, who are experienced in their business. And the proposed system of awarding such contracts at the same times and places as those for the Army will do away with the present annual letting at New York of all contracts in connection with the Indian service, which makes possible combinations to control the entire purchases of the Bureau. The transportation of supplies can be made in connection with those of the Army and the cost thereby reduced. But above all merely monetary considerations will be the belief in the country that this important service is being honestly administered.

I do not propose to follow the gentleman [Mr. SEELYE] through his history of the Indian wars, but desire simply to call attention to his remarks in reference to the Sioux war of 1866, which is attributed to the fault of Major General Pope in establishing the posts of Reno, Phil. Kearney, and C. F. Smith in the Sioux country in violation of solemn treaty obligations. This is a serious charge to lay at the door of the officer named. But the facts are not as stated by the gentleman, [Mr. SEELYE,] who has been misinformed in reference to this matter. The posts of Reno, Phil. Kearney, and C. F. Smith were not established in the Sioux country or in country ever prior to that time recognized by treaty as theirs. The posts were established in the Crow country for the protection of the Crows from the Sioux and the protection of the overland emigration to Montana, and while the posts remained the Crows continued in the country.

But the gentleman seems to think that justice was eventually done when the treaty was made abandoning those posts and the country. I must be allowed to differ from the gentleman and to express the opinion that there is not in our history a more imbecile and contemptible page than that which records the closing of that road to Montana, and the abandonment of the posts of Reno, Phil. Kearney, and C. F. Smith. Do I state the case too strongly? Let the facts adjudge. The posts were established by undoubted right. In maintaining the posts and keeping the road open more than two hundred soldiers and citizens were killed, notable among the actions being the massacre of Brevet Lieutenant-Colonel Fetterman and ninety-one officers and men at Fort Phil. Kearney; and yet after that the commission of 1868, before any chastisement had been inflicted upon the Sioux, allowed themselves to be dragooned into the closing of the road and the abandonment of the posts. Surely it was not called a "peace commission" without cause.

The mistake then made has left its baneful effect upon the Indian to this day. The Indian abandons a country only in the face of overwhelming force. And when our Army abandoned the posts, the Indians supposed that they were abandoned because the Indian was stronger than the Army and was consequently feared by it. And the difficulties with the Sioux to-day are largely due to the ideas of their superiority to the Army and the Government, inculcated by the cowardly conduct of the Government in abandoning its military posts. It is a disgraceful page of our history, and should cause us to hang our heads in shame. Let me draw the picture of the abandonment of Fort Phil. Kearney. The post having been established, in defending it Fetterman and his comrades had lain down their lives. And yet the day came when the flag was lowered and trailed in the dust and dishonored; the brave men who had maintained it in that wilderness, turning their backs upon the four or five thousand naked and painted savages howling around them, left that post and abandoned the country, the Indians following and taunting them as cowards. Sir, it was a disgrace which should cause the blush of shame to mantle the cheek of every man who loves his country and respects its honor, and especially of every man who has ever followed his country's flag.

Mr. Chairman, I give full credit to the honesty of purpose of the distinguished gentlemen who so ably oppose this transfer; but, sir, I cannot but feel that they are mistaken as to the ultimate result upon the Indian. There is no use in disguising the fact that the "noble savage" of Cooper and of romance is a myth. The wild and semi-civilized Indian of to-day whom we have to deal with is a lazy, indolent savage, whose highest ambition is to take a scalp, and his next to steal a horse; quick to learn all the bad habits of the white man, but emulating none of his virtues.

We are told that they were the original owners of this vast continent, of which they have been robbed. The Indian has been pushed back, because civilization could not stand still on his account; the fiat had gone forth that this great continent must be redeemed from savage dominion, and the misfortune of the Indian has been that he could not accommodate himself to the changed condition of affairs. And now there is no hope for his future unless he can accommodate himself to the demands of civilization, and become an industrious, self-supporting member of society; the inexorable wave of emigration is surrounding him on all sides; he cannot escape it; he must adapt himself to it or succumb. No portion of this country can long remain peopled one-half by our own people and one-half by savages; one of them must give place to the other.

The Indian is becoming demoralized and pauperized under the present system; let us make one more effort to lift him from his indolence and degradation, by the strong arm if need be.

Mr. Chairman, the condition of the frontier country is such that no system of government for the Indian should be adopted which, while it provides for the protection of the Indian, does not also provide for the protection of the settler upon the frontier. Settlement has so surrounded the Indians that the question of their government cannot be settled without looking to the interest and well-being of the entire section of country in which they may be located. The tax-paying, producing settler is as much entitled to the protection of the Government as the tax-eating, non-producing Indian. While the reservations are homes for the Indians, they should not be "houses of refuge" for them, in which they will be protected after murdering and robbing the settler. The experience of the people of Wyoming Territory has been that the Indians have committed gross outrages upon them, murdering their citizens and stealing their property with impunity and without punishment. And they think it the duty of the Government to protect them as well as the Indian. And their experience is the experience of all frontier peoples. If it is the object to protect both Indian and settler, that object can best be accomplished by the transfer of the Indian Bureau to the War Department.

Mr. Chairman, something has been said by the gentleman from New York [Mr. COX] and other gentlemen, during this debate, as to the feeling of the border people upon this Indian question; and it has been broadly intimated that they are a vindictive, desperate people, who desire the extermination of the Indian. This is not true. The border people want no war; their wives, mothers, sisters, and little ones are their hostages for peace and good order. The gentleman from New York [Mr. COX] grew eloquent over the wrongs of the Indians and told us of the massacres of them by soldiers and border men; but, sir, he failed to tell us of the horrible and inhuman atrocities which, long continued by his Indian friends, at last driving the white man to frenzy and almost despair, brought down upon the Indian the condign punishments he has mentioned.

There are two sides to this question. The border settlers with their malignity and hate have not always been in fault, and the gentle Christian Indian has not always had clean hands in reference to these matters. Sir, I do not know that the western people need any vindication at my hands; their courage, enterprise, and industry are their best vindication. They are pioneers; the class of men who have made this country what it is; who, crossing the Alleghanies, have carried

their country's flag across a continent, subduing the wilderness in their course, with the graves of their friends and comrades murdered by the Indian marking their path on the prairie like mile-stones, until the folds of that flag have been kissed by the breezes of the grand Pacific. It is such as they who have builded up this country, and developed its almost boundless resources. They are to-day the best representatives of American enterprise and industry, who going into the wilderness have carried with them the church, the school-house, and civilization. I know those people to be true-hearted, generous, and brave; and I know that they are entitled to more consideration in this House than by implication and innuendo to be branded as desperadoes and murderers who have no regard for the rights of others.

[Mr. LUTTRELL addressed the committee. His speech will appear in the Appendix.]

Mr. PATTERSON. Mr. Chairman, I would not under any circumstances have taken part in this debate but for the fact that several gentlemen, taking for their theme the atrocities perpetrated upon the Indians, have seen fit to draw into this controversy a transaction which to a certain extent, I may say to a very large extent, is regarded as reflecting upon a portion of the people whom I represent upon this floor. I refer to what gentlemen have been pleased to term, and what is known in the Indian reports, as the "Chivington massacre."

Certainly if members who are opposed to transferring the management of the Indians to the War Department had read the history of that affair, under no circumstances could they charge whatever wrong it may have involved to the Department of War. As a matter of course it was a warlike act; men and women were killed; but it was not the result of any action of the War Department, nor can it be legitimately used as an argument to show that the proposed transfer of Indian affairs should not be made.

It is a matter of history that the men who were engaged in that contest were volunteers who, banding themselves together under the call of the governor of the Territory, placed themselves under command of a man named Chivington; and, under a general order of the governor to pursue, capture, and kill all hostile Indians then in the Territory, this affair occurred. Indeed, sir, before this regiment started from the city of Denver to the scene of hostilities it had in no manner been recognized by the War Department; for it is also a matter of history that time and time again, before the governor of the Territory issued his proclamation for the organization of this regiment, he had called upon the War Department for authority to enlist men for the purpose of protecting the women and children of the Territory from Indian barbarities; and his appeals to the War Department had fallen cold, had received no response.

On account of that failure of the War Department to respond, the governor of the Territory, having under his charge the protection of the property and lives of its citizens, felt constrained to call upon the brave men of the Territory to band together for the purpose of protecting property and life. Under such circumstances that Third Regiment of Colorado Volunteers bound themselves together under a solemn obligation to keep off the bands of Indian warriors who had been filling the plains for months before, not only with robbery, but with murder and outrages of the most barbarous and diabolical description.

Having, Mr. Chairman, so far as I have been able, taken the responsibility of this affair off the shoulders of the Department of War, I desire now to say one word with reference to the condition of affairs in the Territory which led to what is termed the Chivington massacre. Gentlemen who have spoken of it have seen fit to designate Black Kettle's band of Cheyenne Indians as friendly, as a band of Indians at that time at peace with the whites. On the contrary, sir, it is and was in testimony before the congressional committee sent to the Territory for the purpose of making investigation that that and other bands and tribes of Indians were upon the Colorado plains and in the Colorado mountains carrying murder, rapine, and robbery to the home of every unprotected frontiersman within their reach; ay, even to the very gates of Denver. I have listened until my blood fairly curdled at the horrible stories which have been related here by gentlemen who have set themselves up as the especial champions against the wrongs which have been committed upon the Indians, while but very few words, if any at all, have been spoken of the atrocities and barbarities, the crimes and the murders, committed upon the white settlers, the frontiermen and their wives and children, by these same Indians now so earnestly championed upon this floor.

I have sat in the city of Denver and heard the men who went there prior to the year 1864 speak of the horrible sights which were brought to their notice but a few months before what is termed the Chivington massacre. I have heard an old settler describe a scene he witnessed upon the streets of Denver when a cart was driven into the principal street of the city, with the naked bodies of the victims of these Indians, where men were stripped naked, their privates severed from their bodies and placed in their mouths, a horrid spectacle to present to the men, women, and children of the border. Ay, and women seized, first ravished and then murdered, and children having their brains dashed out in the presence of their parents. Yet, forsooth, these things are no palliation in the eyes of these men for the scenes that afterward transpired, and which none more regretted than the men who at the time took part in this affair.

Why, Mr. Chairman, it would be well if these champions of the red men of the forest, as they poetically term them, could place themselves for a few months in the place of the frontiermen of the Territory of Colorado of that day. Let them have their little cabin out on the frontier, let them have perhaps their herd of cattle, or their patch of ground surrounded with a fence, and by means of the hunt and farm endeavor to make a living for themselves and their families, and of a sudden, without any premonition, have a band of these marauding savages come upon them in the night-time, applying the torch to the cabin, taking out the wife, ravishing her in their sight, then destroying her and her children, leaving the husband and father with all the fond recollections and all the fond hopes of life blasted forever to wander abroad in the land. Then have a number of those men meet together and recount their wrongs, have their victims brought into the streets of the capital city of the Territory, have these men refused the protection due them from the Government when they called for troops to keep these red devils off from their homes, have these men band themselves together under a proclamation of the governor, for the purpose of meeting hostile Indians, and do you suppose they would stop to think of the niceties of war? Why, when they meet the Indian they meet the enemy. When they meet the Indian, whether male or female, they meet the men or women whom they recognize as their hereditary foes, because it is a well-known fact connected with Indian warfare that the squaw as well as the warrior is a fiend when the hot and bad blood is aroused.

But I simply ask these men who have been filling this House for days past with stories of atrocities of whites to the Indians to recollect that which produced the state of mind and prompted the brave men of the West for a single moment to forget what was due to the weak and the helpless of any class of people, Indians, blacks, or whites, and become almost fiends themselves. There is palliation for it, there is excuse for it; but to the cause, the direct cause of it, if the cause ever be placed where it belongs, was the inefficiency of the Bureau and the men who had control and charge of the Indians of that day, and who failed to do their duty by the white men and white women and white children of the frontier.

I could read from the volume which has been so often quoted in evidence of the truth of evertyhing I say, but it is too late, and it is hardly necessary to verify the truth of what I say by extracts from this very voluminous report. I simply desired when I rose to remove from the shoulders of the War Department any responsibility whatever for what has been termed the Chivington massacre, and at the same time to call to the notice of the House the cause which raised the fiend in the breast of the white men of the frontier at the time they committed this with which they are charged. But there is one thing that may be said. There is one thing that is the truth. There is one thing that the people of the Territory have realized. It is that from that day to this they have had peace in their borders. It is only when these savages have meted out to them that which they mete out to their enemies that they realize what war is, and they commence to learn that two can play at their game. They have realized it. They have realized it in blood. The people of the Territory through the misrepresentation of committees have realized it in their shame before the world. But those who live in the Territory, those who knew the circumstances of the day and the perils of the hour, those who knew the provocations under which those men acted, while they may not in terms approve of that transaction, yet they do not condemn it as a cold-blooded, as an unwarranted, as an unexampled act of barbarism and slaughter.

Mr. SPARKS. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

And then, on motion of Mr. SPARKS, (at eleven o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: The petition of A. J. Ambler, with his affidavit, for the investigation of charges against Andrew Wylie, associate justice of the supreme court of the District of Columbia, for corruption and malfeasance on the bench of said court, to the Committee on the Judiciary.

By Mr. BANNING: The petition of A. M. Willard and 32 others, for the passage of a law fixing the line of promotion in the Army, to the Committee on Military Affairs.

Also, a paper relating to the claim of Louis Frey, for arrears of pay as captain of Company D, Twenty-eighth Ohio Volunteers, to the same committee.

By Mr. BRIGHT: The petition of James M. Shields, for compensation for property taken by the United States Army, to the Committee on War Claims.

By Mr. COX: The petition of Ivison, Blakeman, Taylor & Co., and 18 other publishers, against the excessive rate of the Senate postal

bill on books and other printed matter, and for the restoration of the old rate, to the Committee on Post-Offices and Post-Roads.

By Mr. HENDEE: The petition of Patrick O'Donoghue, B. Millburne, William Lord, James M. Carlisle, William Gunton, and others, for the early removal of the jail from Judiciary Square, Washington, District of Columbia, to the Committee for the District of Columbia.

By Mr. HEWITT, of New York: The petition of Edward N. Dickerson and 41 law firms of the city of New York, that notaries public be restored to their authority in the Federal courts, to the Committee on the Judiciary.

Also, the petition of Dorethy Buthner, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the Iron and Steel Association, for an appropriation of $50,000 to the United States board appointed to test iron and steel, to the Committee on Appropriations.

By Mr. JONES, of New Hampshire: The petition of George O. White and others, of Ossipee, New Hampshire, for the repeal of the amendment to the postal laws which increased postal rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Pillsbury Brothers and other citizens of Northwood, New Hampshire, of similar import, to the same committee.

Also, the petition of Andrew J. Roberts, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Carolina P. Gerrish, to have her pension commence at the date of the death of her husband, to the same committee.

By Mr. LAPHAM: Resolutions of the Grand Army of the Republic, department of Pennsylvania, that soldiers who have lost an arm below the elbow or a leg below the knee should receive the same pensions, when they are unable to wear artificial limbs, as soldiers who have lost an arm above the elbow or a leg above the knee, to the same committee.

By Mr. LEVY: The petition of citizens of Alexandria, Louisiana, for an appropriation for the removal of obstructions at the falls of Red River, Louisiana, to the Committee on Commerce.

By Mr. ODELL: The petition of 117 citizens of New York, that such steps be taken as will secure the release of E. O'M. Condon, confined in a British prison, to the Committee on Foreign Affairs.

By Mr. PHILIPS, of Missouri: Memorial of the county court of Dallas County, Missouri, for the quieting of the title to certain overflowed and swamp lands in Missouri, to the Committee on Public Lands.

By Mr. ROSS, of New Jersey: The petition of booksellers, stationers, and publishers of New Brunswick, New Jersey, for such legislation as will relieve them from injurious competition in their business by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of Charles Myers, for bounty and back-pay due him as a United States soldier, to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of citizens of Williamson County, Tennessee, for the establishment of a post-route from Leiper's Fork to Burns's Station, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. WIKE: The petition of P. Kennedy and others, for the release of Edward O'M. Condon, a citizen of the United States, from unjust imprisonment in England, to the Committee on Foreign Affairs.

By Mr. WOODWORTH: The petition of Captain Isaac Ulman and 124 other ex-Union soldiers of the late war, citizens of Stark County, Ohio, for the passage of an act equalizing bounties upon the basis of the actual term of service, to the Committee on Military Affairs.

IN SENATE.

THURSDAY, *April* 20, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of citizens of Jackson County, Ohio, remonstrating against any change of the tariff laws; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Hazelton, Luzerne County, Pennsylvania, booksellers, publishers, &c., praying that the Government discontinue the printing and sale of stamped envelopes, newspaper-wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Mercer County, Pennsylvania, praying that no change may be made in the present tariff laws; which was referred to the Committee on Finance.

He also presented a petition of citizens of Northumberland County, Pennsylvania, praying that no change may be made in the present tariff laws; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Pittsburgh, Pennsylvania, praying the passage of a law to regulate commerce and to prohibit unjust discriminations by common carriers; which were referred to the Committee on Commerce.

He also presented a petition of the Vessel Owners and Captains' Association of Philadelphia, praying the passage of a law abolishing compulsory pilotage on coasting-vessels; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Pennsylvania, praying that the present method of paying pensions at specified localities throughout the country may not be materially changed; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. WITHERS. I desire, by request, to submit some additional evidence in support of the claim of Mrs. Annie Wallingford, on which an adverse report has been made, which is lying on the table. I move the recommitment of the report with this new evidence.

The motion was agreed to.

Mr. CLAYTON presented the petition of Catharine S. Edmondson, praying to be allowed a pension on account of the services of her son, William C. Edmondson, private in Company I, Eighty-second Regiment Pennsylvania Volunteers, in the late war; which was referred to the Committee on Pensions.

Mr. CHRISTIANCY presented a memorial of Henry Ford and 40 other workingmen, of Van Buren County, Michigan, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

Mr. ANTHONY. I present a petition signed by the governor of Rhode Island and by very many of the leading merchants and navigators of Providence, asking for the abolition of the compulsory pilotage law. I receive letters continually upon this subject from men who have suffered very largely by the oppressive pilotage law upon coasting vessels, from men who are compelled to pay for services that they do not require and do not receive, and which they can perform themselves better than those who are paid for not performing them.

I understand that the theory of compulsory pilotage is that the safety of commerce and of life requires that those who do not need the service should pay a part for the safety of those who do need it; but in the case of pilotage through Hell Gate there is a discrimination in favor of citizens of New York, who are not compelled to pay the half pilotage in case they decline to take a pilot. The packet-masters of Rhode Island, Massachusetts, and Connecticut are just as well acquainted with Hell Gate as the pilots, and they no more require a pilot to go through there than you require a pilot, Mr. President, to show you down Pennsylvania avenue to the Capitol. But if the theory of the law requires half pilotage from those who are compelled to pay it, then the same theory requires it of those who are exempted from its payment, and certainly the law should be uniform if it is not repealed. I hope Congress will repeal it. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. Which Hell Gate does the Senator mean?

Mr. ANTHONY. The New York gate. [Laughter.]

REPORT OF SMITHSONIAN INSTITUTION.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a resolution to print a number of copies of the report of the Smithsonian Institution, to report it back without amendment, and ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That 10 500 copies of the report of the Smithsonian Institution for the year 1875 be printed; 1,000 copies of which shall be for the use of the Senate, 2,000 copies of which shall be for the use of the House of Representatives, and 7,500 copies for the use of the Smithsonian Institution; *Provided*, That the aggregate number of pages shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

Mr. ANTHONY. This follows the precedent of last year, reducing the number for Congress and increasing the number for the institution, inasmuch as the franking privilege has been abolished.

The resolution was agreed to.

HAYDEN'S REPORT FOR 1873.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print 4,500 copies of the annual report of Hayden's geological and geographical survey of the Territories for 1873, have directed me to report it without amendment and recommend its passage. This resolution passed both Houses last session, but failed to receive the signatures of the presiding officers on account of the shortness of time.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. ANTHONY on the 13th of January:

Resolved by the Senate, (the House of Representatives concurring,) That there be prepared 4,500 copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873, 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 500 copies for the use of the Smithsonian Institution.

Mr. SAULSBURY. I should like to inquire of the chairman of the Committee on Printing whether there is any provision made for sending these documents out without cost to the members of Congress.

I do not think it is proper to be accumulating and multiplying the documents to be distributed by members of Congress when a large proportion of the members will not incur the expense of sending those books out. I have no doubt that this is a valuable work; I have no doubt the people of the country will appreciate it; but the members of Congress cannot afford to distribute tens of thousands of volumes at their own expense. I am myself in favor of sending out under the franks of members of Congress every book and document published by Congress for the public information; and I would be glad to see the Senator now add an amendment that this work shall be distributed under the franks of members of Congress without cost to them. I do not believe the people of the country would object to any public documents printed by the authority of Congress being circulated free through the mails under the franks of members. I would make a motion myself to amend the resolution so that this report could be sent free, but I understand there will be an effort made to put such a provision upon the general post-office bill.

Mr. ANTHONY. If there is to be any general law upon the subject it will cover this case. I would hardly like to raise the question of the revival of the franking privilege for the purpose of circulating documents upon a resolution which distributes only a thousand copies among Senators. All the copies of this book which Senators will receive can be sent through the mails at the cost of a dollar and a half to each Senator. It is certainly desirable that this report should be printed. If we are to go to the expense of making geological and geographical surveys and collect information with regard to the resources and capabilities of the country it is desirable it should be printed. There is no use in having such information filed away in the archives of the Government. I would rather that the question about franking documents should be taken up by itself. It must lead to considerable discussion and it would carry us over the morning hour if that question is raised. I know there are Senators here who would address the Senate upon the subject if it were raised. I think this report had better be printed, and then let it take its chance with the other documents in regard to distribution.

Mr. SAULSBURY. I concur in that view entirely. I have no doubt that those surveys were proper to be made. I have no doubt that the printing of the reports and putting them in circulation is all proper. I do not object to that; but I do object to the constant multiplication of public documents which are to lie in the folding-room and never to be distributed unless they are distributed at the expense of members of Congress. I think we had better settle this question before we order any more printing, because my vote will depend upon that in reference to all of these objects. I would not vote for the proposition of the Senator now if I knew that in the future legislation of the Senate there would not be some provision made for free distribution. The fact is that I want to see this question settled; because while I am not opposed to the publication of these reports, I am opposed to the multiplication of volumes that are published for the purpose of distribution, unless there is some provision made to send them out. For one I say unhesitatingly that I do not expect to send out one-half of the volumes that are assigned to me. Take, for instance, the President's message with the accompanying documents. There is not one man in ten who will appreciate a copy when he gets it; yet thousands are published, and it is expected that members of Congress will distribute them. Let us settle this question at a very early day; because I say that we ought not to be multiplying publications and cumbering up the folding-room, unless there is to be some provision made to send them out. For one I do not hesitate to say that I shall be opposed to voting to print public documents unless there is to be some provision for their distribution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. ANTHONY. There is a verbal error in the resolution. The word "prepared" should be "printed."

The PRESIDENT *pro tempore*. That correction will be made.

The resolution was agreed to.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I report from the Judiciary Committee upon the petition of James E. Slaughter, of Alabama, for the removal of his disabilities a bill providing for that object. I will state that this gentleman has filed the proper petition and made the proper proof that he resigned from the Army; and, as shown, the reason why his resignation was not accepted was that it could not reach the Department owing to difficulties over which he had no control, and before going into the confederate service he turned over all the property and other things belonging to the United States in an honorable manner to our authorities at the sea-coast of Texas, where he was. We therefore recommend the passage of the bill which we report.

The bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama, was read, and passed to the second reading.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2289) granting a pension to Jane Bertholf, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 307) concerning security on writs of error and appeals, and for other purposes, reported it with an amendment.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona, reported it with amendments.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the papers relating to the claim of Haskins & Bridgeford, for compensation for the use of their wharf at Rockett's Landing, Virginia, by the United States Quartermasters Department during the late war, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. BURNSIDE, from the Committee on Commerce, to whom was referred the bill (S. No. 492) making an appropriation for the erection of a monument and spindle on Whale Rock, at the entrance of Narraganset Bay, reported it with amendments.

Mr. INGALLS. The Committee on Pensions, to whom was referred the bill (H. R. No. 2454) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows, have instructed me to report the same with amendments. The bill is accompanied by a report which I ask to have printed; and I give notice that on as early a day next week as I can obtain the floor I shall ask the Senate to proceed with the consideration of the bill.

The report was ordered to be printed.

Mr. ROBERTSON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No 1398) to regulate the practice of pharmacy in the District of Columbia, reported it with amendments.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 234) to amend section 4698 of the Revised Statutes of the United States so as to allow a pension of $37 per month to soldiers who have lost both an arm and a leg in lieu of $24 per month now allowed, reported it with an amendment.

ARMS TO THE CENTENNIAL LEGION.

Mr. GORDON. The Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia, have instructed me to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to issue to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia, three hundred and twenty improved breech-loading rifles, or such number thereof as shall be necessary to fully arm and equip these organizations in order that they may participate in and form a part of the Centennial Legion of the original thirteen States of the Union, which legion has been designated to appear and participate in the international centennial exposition to be held at Philadelphia in 1876, if the same can be done, in the judgment of the Secretary of War, without prejudice to the public service. The commissioned officers of each organization, or a majority of them, are to make, execute, and deliver to the Secretary of War such indemnity for the safe return of the arms after the close of such exposition as the Secretary shall require.

Mr. HAMLIN. There is now before the Senate or upon our Calendar a bill reported from the Committee on the Judiciary which prescribes that our legislation shall be by act, and not by joint resolution. Joint resolutions were unknown until within a very recent period, and the Committee on the Judiciary have reported a bill to change the statutes into which joint resolutions in some way crept. I have nothing to say of the merits of this measure, but I move to change it from a joint resolution to a bill.

Mr. GORDON. That would carry it back to the House and cause delay.

The PRESIDENT *pro tempore*. It would derange the records of the House.

Mr. HAMLIN. Then I will not make the motion to change it to a bill. I supposed the Senator from Georgia reported a Senate resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. SHERMAN. There was a bill in regard to a company in Boston or Portland, or some New England city, upon the same subject, giving the same authority. I will ask if that bill has passed?

Mr. GORDON. I will state that there have been a number of applications for arms similar to this; but this is an exceptional case. The committee so regarded it. These two companies have been in existence a very great while. It is known that what is called the Centennial Legion is to make its appearance at the celebration in Philadelphia. These two companies have been designated for that legion, and they are the only two companies in the legion without arms.

Mr. SHERMAN. I have no objection to it.

Mr. GORDON. It is only a loan. They are to give bond for the return of the arms as soon as the exhibition is over. The joint resolution is only to enable them to accompany the legion, there being one company from each of the old thirteen States, and these are the two which are without arms.

Mr. LOGAN. I do not rise to make any objection to the bill. It comes from the committee of which I am chairman, although I was not present when it was considered. I will say that no other bill has passed the Senate this session giving arms to any company.

Mr. SHERMAN. This is to be a loan.

Mr. LOGAN. I have not examined the question. I should like to ask, however, (and I am not doing it for the purpose of opposing the joint resolution,) whether the Government has the character of arms in its possession that are required for these companies? If it has, I have no objection to the loan.

Mr. GORDON. I am not aware whether the Government has or not. It is only a loan, however, as the Senator from Ohio suggests. I will say for the information of the chairman of the committee, who was not present when this matter was considered in committee, that it was discussed in the light of an exceptional case, because of the fact that these companies had been designated to make their appearance at Philadelphia as component parts of that legion. Therefore it ought not to be considered on the ground of the general applications that are made here for arms.

Mr. LOGAN. What character of arms does it call for?

Mr. SHERMAN. There is a provision in the joint resolution that this shall be done if, in the judgment of the Secretary of War, it can be done without detriment to the service. I ask that the proviso at the end be read.

The Chief Clerk read as follows:

Provided, That the same can be done, in the judgment of the Secretary of War, without prejudice to the public service: *And provided further*, That the commissioned officers of each of said organizations, or a majority of them, shall make, execute, and deliver to the Secretary of War such indemnity for the safe return of said arms after the close of such exposition as said Secretary shall require.

The joint resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its amendment to the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. B. G. CAULFIELD of Illinois, Mr. C. J. FAULKNER of West Virginia, and Mr. W. P. FRYE of Maine managers at the same on its part.

The message also returned to the Senate the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, recalled from the Senate for the correction of an error in engrossment.

The message further announced that the House had passed the following bill and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3151) to remove the disabilities of John Johnson, of the county of Granville and State of North Carolina; and

A joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes;

A bill (S. No. 417) for continuing the work of improving the Capitol grounds;

A bill (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin; and

A bill (H. R. No. 1439) authorizing the transfer of certain cases from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 762) to abolish the board of health of the District of Columbia, and to transfer its duties to the Surgeon-General of the Army; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS. And printed.

Mr. LOGAN. Is that the proper committee for a bill to go to that imposes additional services on persons belonging to the Army? I move that it be referred to the Committee on Military Affairs.

Mr. EDMUNDS. I have not the slightest objection in the world. The Chair suggested the Committee on the District of Columbia, because the chief object of the bill is as to affairs in the District, but it is certainly quite as agreeable to me that it should go to the Committee on Military Affairs. It is really a double bill, relating both to the civil administration of affairs in the District of Columbia and to the means of doing it, taking it from one body and putting it with another. Either committee undoubtedly is competent to consider it.

Mr. LOGAN. I know nothing about abolishing the board of health; but when it comes to imposing duties on any branch of the Army, I claim that that part of it at least belongs to the Committee on Military Affairs. There is a disposition either on the part of some in the Army, or on the part of persons outside of the Army, to have the Army take control of everything in the country. I am not in favor of it. For that reason I ask that wherever anything pertains to the duties imposed upon the Army it may go to the appropriate committee, the Committee on Military Affairs. I ask that this bill be referred to that committee for the reason given.

Mr. EDMUNDS. In the first place I wish to apologize to the chairman of the Committee on Military Affairs for not having interposed and prevented the Chair from making what was most certainly the most natural reference of this bill and quite as proper as that to the Committee on Military Affairs. This bill undoubtedly has a double aspect. It provides for two things. One relates exclusively to the administration of civil affairs in the District of Columbia. Another part of it relates to the transferring of those affairs to a civil officer of the Army, if I may use such an expression. And therefore the action of the Chair, I submit to my friend from Illinois, was perfectly natural, and I do not think the Senator is quite justified in intimating that either the Chair or the person who introduced the bill or anybody else on this occasion had any design to prevent the bill from being referred to the Committee on Military Affairs; for I said the moment the Senator suggested it and as soon as I could rise that I had not the slightest objection, that I had acquiesced in the suggestion of the Chair because it seemed to me to be the perfectly natural and proper thing. I have not the least objection now, only I wish to suggest to the Senator that I hope he will not suppose that I was endeavoring to make a raid against the jurisdiction of the Committee on Military Affairs.

Mr. LOGAN. The Senator certainly mistook my meaning. I did not intend to say, nor did I make any insinuation, that any person was trying to prevent the bill going to the proper committee. I said no such thing, and did not intimate any such thing. What I said was that there seemed to be a disposition for portions of the Army to take control of everything within their reach. That part of my statement I reiterate. I have nothing to say, as far as the Senator is concerned, about any committee. I said nothing and intimate nothing in reference to it. I only asked that the bill go to the Military Committee, because it pertained to a part of the Army taking control of matters that did not belong to them. For that reason I asked that it go there and for that reason I ask now that it go there.

The PRESIDENT *pro tempore*. Is there objection to referring the bill to the Committee on Military Affairs?

Mr. DORSEY. I should like to ask the Senator from Illinois if this matter affects the Army any more than the paving bill which details three of the engineers of the Army? The only possible effect this bill has on the Army, I understand, is the chance of conferring the duties of the board of health upon the Surgeon-General, who, as the Senator from Vermont states, is pretty near a civil officer of the Army.

Mr. LOGAN. I did not make my suggestion in order to get up a controversy about this question; but inasmuch as the Senator from Arkansas belongs to the committee who reported the bill in reference to the pavement of Pennsylvania avenue, I will state to him now that that provision in his bill imposing duties upon selected officers of the Army would have no more force than a piece of blank paper if the President to-morrow should order those officers to California. It is in reference to that character of legislation which is going on that I make objection. Under the Constitution the President has a right to order the officers of the Army and assign them to duty. When you select officers of the Army and give them civil duties to perform, they perform them merely with the consent of the President; and if he desires to order them anywhere else he can do it and you cannot help yourself, and neither can Congress.

Mr. SPENCER. I desire to say, in behalf of the Committee on the District of Columbia, that that committee is perfectly willing and very glad to have this bill go to the Committee on Military Affairs. We would rather that committee should decide upon it.

The PRESIDENT *pro tempore*. It is moved that the bill be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CHRISTIANCY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 763) to change the date of commission of Henry Romeyn, first lieutenant Fifth United States Infantry, which was read twice by its title, and, together with the accompanying paper, referred to the Committee on Military Affairs.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 765) for the relief of Berthold Loewenthal, of Chicago, Illinois; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 766) for making a survey for ascertaining the feasibility of cutting a deep channel from the lower anchorage of the bay of Mobile to the city of Mobile; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 767) granting a pension to Theodore Gardner; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. BOGY. I move that when the Senate adjourns to-day, it be to meet on Monday next.

The question being put, a division was called for, and the ayes were 28.

Mr. SARGENT and others called for the yeas and nays, and they were ordered.

Mr. SHERMAN. There are several matters which can just as well be proceeded with to-morrow as not. The bill which comes up at one o'clock will no doubt lead to considerable discussion, and I see no reason why that discussion should not go on. There is plenty of business to do, and if the Senate adjourn over simply on the idea that there is nothing to do on the Calendar, that is a mistake. There is now a great deal of business to be done which can be considered better now than at a later period of the session.

Mr. MORRILL, of Vermont. It seems to me there is a considerable amount of business before us, which, taking into consideration the amount of time that will probably be consumed in the impeachment trial, we shall not be able to get through with before we shall reach other important business which must be attended to. I desire to say, in behalf of others as well as myself, that I shall ask the Senate on Monday to take up the educational bill, so called, reported by the Committee on Education and Labor, as I wish to make some remarks upon it, and other Senators desire to do the same. I hope therefore that we shall sit to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll; and the call was concluded

Mr. CONKLING. I was called from the Chamber for a moment, and although it is out of order I beg to make an inquiry. Has any statement been made that the business before the Senate to-morrow is as important as the business before the committees?

The PRESIDENT *pro tempore*. The Senator from Vermont to the left of the Chair [Mr. MORRILL] stated that he intended to call up business.

Mr. CONKLING. What bill?

The PRESIDENT *pro tempore*. The educational bill on Monday.

Mr. CONKLING. Does the Senator think the business as important as a good deal of business before the committees?

Mr. MORRILL, of Vermont. My impression is that we have no more important business at this session.

Mr. CONKLING. I do not mean to deny the importance of the business.

The PRESIDENT *pro tempore*. Debate is out of order at this time.

Mr. CONKLING. It is all out of order, but I merely asked permission to make an inquiry, as I was out at the time the yeas and nays were ordered.

The PRESIDENT *pro tempore*. Is there objection to permitting explanations to be made?

Mr. MORRILL, of Vermont. I merely desire to say to the Senator from New York that there are other Senators as well as myself who desire to speak on Monday.

Mr. SARGENT. This is very much out of order.

The PRESIDENT *pro tempore*. The Chair has so announced.

Mr. CONKLING. I am sorry my friend from California will not allow me to get a little light to vote by.

The PRESIDENT *pro tempore*. The call is completed, and the result will be announced.

Mr. CONKLING. On the information I am not allowed to get, I vote "nay."

The result was announced—yeas 29, nays 25; as follows:

YEAS—Messrs. Anthony, Bayard, Bogy, Booth, Burnside, Cameron of Pennsylvania, Caperton, Cockrell, Conover, Cooper, Davis, Dennis, Dorsey, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Hitchcock, Ingalls, Kelly, McCreery, Mitchell, Norwood, Patterson, Ransom, Saulsbury, Spencer, West, and Withers—29.

NAYS—Messrs. Allison, Boutwell, Cameron of Wisconsin, Conkling, Cragin, Dawes, Eaton, Edmunds, English, Ferry, Hamlin, Harvey, Howe, Key, McMillan, Maxey, Merrimon, Morrill of Vermont, Morton, Paddock, Sargent, Sherman, Wadleigh, Wallace, and Windom—25.

ABSENT—Messrs. Alcorn, Bruce, Christiancy, Clayton, Johnston, Jones of Florida, Jones of Nevada, Kernan, Logan, McDonald, Morrill of Maine, Oglesby, Randolph, Robertson, Sharon, Stevenson, Thurman, Whyte, and Wright—19.

So the motion was agreed to.

BRIDGE OVER THE EASTERN BRANCH.

Mr. MORRILL, of Vermont, submitted the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report whether it be suitable for the bridge over the Eastern Branch of the Potomac to be occupied by two railway tracks to the inconvenience of general travel; and further that said committee be instructed to give notice to the proprietors of such tracks to remove one of them, unless the committee find some adequate reason, to be reported to the Senate, for allowing the present condition to continue.

Mr. DAVIS. That is a resolution of inquiry, I understand.

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. And an order.

The PRESIDENT *pro tempore*. And accompanied with directions.

The resolution was considered by unanimous consent, and agreed to.

NAVAL STATION IN GEORGIA.

Mr. NORWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish to the Senate an estimate of the cost of establishing a depot of naval supplies, and a naval station, on the Government land on Big Tybee Island or Cockspur Island, in the State of Georgia.

IMMIGRATION OF CHINESE.

Mr. SARGENT. I offer the following resolution:

Resolved, That the Senate recommends to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country.

I shall ask the indulgence of the Senate at such time as will least interfere with its business, and at as early a day as I may, to offer some observations on the resolution before asking its adoption. I move that it be printed and lie on the table.

The motion was agreed to.

CONCRETE AND ASPHALT PAVEMENTS.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and is hereby, directed to inquire into the necessity of adopting proper measures for the repair and maintenance of the concrete and asphalt pavements, laid on the streets, parks, and side-walks in the District of Columbia; to ascertain the cost of such repair and maintenance, and the proportion payable by the United States and the District of Columbia, respectively, and to report by bill or otherwise.

ALBERT TOWLE.

Mr. PADDOCK. I ask for the consideration of the Senate bill No. 727. There is a report in connection with this bill. I would not now ask for the consideration of the bill but that it is a complex claim, and it is required of the Committee on Finance to consider one part of the claim, and a bill has been referred to that committee covering that part of the claim, being for the loss of postage-stamps.

There being no objection, the bill (S. No. 727) for the relief of Albert Towle, postmaster at Beatrice, Nebraska, was read the second time, and considered as in Committee of the Whole. It appropriates $175 to re-imburse Albert Towle, postmaster at Beatrice, Nebraska, for stamps stolen from the post-office at that place on the night of October 25, 1869.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report submitted by Mr. PADDOCK, from the Committee on Post-Offices and Post-Roads, on the 12th instant:

The Committee on Post-Offices and Post-Roads, to whom was referred the memorial of Albert Towle, postmaster at Beatrice, Nebraska, praying for relief for the loss by burglary of postage-stamps, report:

That on the night of the 25th of October, A. D. 1869, the post-office building at Beatrice, Nebraska, was entered by burglars, and United States postage-stamps to the amount of $175 and other property were stolen therefrom. These facts are stated in the memorial of Albert Towle the postmaster. The affidavits of five prominent business men of Beatrice verify the sworn statement of Postmaster Towle. It appears from the papers that the utmost diligence, faithfulness, and care had been exercised in the administration of the affairs of the office; that the said post-office was kept in a new and substantially constructed building, used exclusively for such purpose; that the doors were securely locked and the windows carefully fastened; that the postage-stamps were deposited in the drawer of a table, which was locked. It being a small office there was no safe. It further appears that one of the windows of the office was entirely broken out in the night-time, the drawer of the table forced open, postage-stamps taken therefrom, and other property of much greater value stolen from other parts of the office by the burglars. It also appears that prompt and most thorough efforts were made by the petitioner for the recovery of the property and the apprehension and punishment of the thieves. A communication from the Post-Office Department, showing that Postmaster Towle had at the time of the robbery a somewhat larger amount of stamps in his possession than that named in his memorial, accompanies this report. A petition, signed by all the prominent citizens within the post-office delivery, indorsing the high character of the petitioner as a man and a public officer, is also one of the papers accompanying this report. He is still the postmaster, and has had the longest continuous service of any officer in the State of Nebraska.

In view of all the facts in the case, the committee unanimously recommend that Albert Towle, postmaster at Beatrice, Nebraska, be re-imbursed for the loss of postage-stamps to the amount of $175, and to secure that result present the accompanying bill with the recommendation that it do pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WEDDING PRESENT TO MRS. M. S. FITCH.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive free from duties a wedding present from the Khedive of Egypt.

Mr. MORRILL, of Vermont. I will say, Mr. President, that I have the assent of all members of the Committee on Finance except the chairman, [Mr. SHERMAN,] whom I have not consulted, to present this bill. There was a joint resolution passed in relation to this subject February 18, 1875, authorizing Thomas W. Fitch, engineer in the Navy, and husband of Mrs. Minnie Sherman Fitch, to receive this present from the Khedive of Egypt; but the words "free from duty" were not included in that joint resolution, and the Secretary of the Treasury therefore retains this present in the custom-house.

I will say merely that it was an act of high appreciation undoubtedly on the part of the Khedive of Egypt of the General of our Army which led him to make a present of this kind to his daughter; and I suppose the Senate cannot be ignorant of the fact that the duties upon it, if they were properly levied, would be much more than all the property of this passed assistant engineer of the Navy.

I think there can be no objection on the part of any Senator to allowing this wedding present, which it would be very ungraceful to have sent back to the Khedive of Egypt, to be admitted free. I hope the bill will pass unanimously. It seems to me to be a mere act of grace and courtesy that is due to the parties concerned

Mr. GORDON. Mr. President, I concur in all that the Senator from Vermont has said; and it was my purpose to introduce a bill of the same character myself, and I sincerely trust with him that the bill will be passed by unanimous consent.

It is very well known to us all that to require the duties upon this present would be onerous, to say the least, and perhaps it would be an absolute preventive to the reception of the gift by the party for whom it was intended, and of course to send it back would be an insult to the Khedive. There is, therefore, left to us nothing to do but this very gracious and proper thing, in my judgment, to admit it without duty. I hope the bill will pass.

Mr. MORRILL, of Vermont. I will say a single word more. The resolution passed February 18, 1875, was drawn by me and inadvertently omitted these words. That resolution passed unanimously, I believe, in the Senate; and the omission was not pointed out to me by any one, and it did not occur, I suppose, to any member of the Senate.

I will add one other word. I am not aware in any case of a similar presentation to an officer of the Government, either of the Army or Navy, where duties have been expected heretofore on the article presented.

Mr. EDMUNDS. At the risk of being somewhat unfashionable, I must insist that this bill go to the Committee on Finance in the regular way. It will be made a precedent if it does not, and I hope we shall have a written report upon it which will state all the circumstances, so that whatever we may properly do may be done, and whatever we do properly will not be made a precedent for hereafter doing something that is not proper. For that reason I insist that the bill be referred to the Committee on Finance, and I hope we shall have a written report.

Mr. HAMLIN. I think the Senator from Vermont farthest from me [Mr. MORRILL] is accurate in his statement when he says that no present by any foreign power made to any citizen of this Government has ever been burdened with the taxation of a duty. Certainly I have known none, and I think there have been none.

Aside from the bestowal of this present by the Khedive for his high appreciation of the services of one of our distinguished officers, I think we may well adopt the rule laid down in this bill for another reason. These diamonds were not sent here for commercial purposes; they were not imported as merchandise; but they were sent here as a mark of high testimonial. I think for that reason, aside from the precedent we have had in all other cases, we ought to adopt, and I hope we may adopt unanimously, the bill before us.

Mr. CONKLING. The suggestion made by the Senator from Vermont nearest me [Mr. EDMUNDS] proceeds upon the idea that this is not the report of a committee. In a very accurate, not to say technical, sense that is true. It is true in no other, if I heard aright the statement made by the Senator from Vermont the mover of the bill, [Mr. MORRILL.] He says that not only the committee in its constituents, but every member of the committee has acted upon this bill, has given it his assent, save only the chairman of the committee, who being the kinsman of those concerned was for reasons of delicacy omitted from the consultation. Therefore I submit that the whole spirit and purpose of the rule, the reason for the action of a committee, has been substantially and essentially observed; and I cannot see therefore that as a precedent this is likely to be dangerous.

I might add also that the circumstances are so exceptional, so unusual as to be very unlikely to become themselves a precedent dangerous in character. As to the merit of the bill itself I can have no doubt. It must have been the purpose of Congress in the joint resolution now on the statute-book, to do this very thing. The draughtsman of that resolution has avowed that by inadvertence he omitted the very words necessary certainly to secure the purpose. Had he not declared that it was an inadvertence, we should all know as matter of public history that it was inadvertent in Congress, for surely Congress would not adopt a resolution authorizing and enabling one of the citizens of the Republic to receive a gift or even a commodity, meaning thereby that he might receive it on just such terms as a dealer or importer might receive it, so far as regards our customs duties, the toll laid at one of the gates of the kingdom when it comes in. It must be clear that it was the design, as I think it should have been the design of Congress, in that resolution to do this thing.

My immediate neighbor, the Senator from Maine [Mr. HAMLIN] has said that these gems were not imported for commercial purposes. He might, I think, have strengthened that statement. It has been the habit of Congress to refuse free admission to commodities, even to church bells. Such things, in addition to being imported in one sense for commercial purposes, or whether so or not, were imported for use, from option, from choice, either by the managers of a cathedral if it was a chime of bells, or by somebody who acting in view of the laws chose to import those articles. It has been thought dangerous to give or extend permissions of that sort. Here is not only a gift, but a gift not for use in any of the senses which I have adverted to, not an importation moving from the parties who receive it, but a testimonial, an act of respect, an act significant of admiration for a very illustrious citizen of the Republic, a man whose distinguished service has made his name known in both hemispheres and has led the giver of this gift to signify his respect and admiration for him in this way.

I cannot believe that any correct principle will be violated, or that any good thing will be conserved, by what I think I shall give no offense when I term a niggardly proceeding on the part of the Government in regard to it. There has been a great deal said about this matter; and I think the best time is the very earliest time to do what some Senator called a gracious act. I think it is a gracious and a graceful act; and I think to refuse to do it would be neither graceful nor gracious. Therefore I venture to suggest to the honorable Senator from Vermont who made this objection [Mr. EDMUNDS] that, although it may be tenable technically, the rule has essentially been sufficiently observed in this case, I hope, to induce him to withdraw the objection, and let us vote upon the merits of the proposition which I concur with others in trusting will receive the unanimous assent of this body and of the other House of Congress.

Mr. DAWES. Although it seems to be a correction of some of the statements of the Senator from New York, I wish to say that, until there was a slip in the Revised Statutes, church ornaments were always imported free, and there are several instances of special acts of Congress admitting church bells free of duty.

Mr. CONKLING. Not several; only one, I think.

Mr. DAWES. There is, at least, one that went through both branches; and I know of several that went through the lower branch, and after they went through there I lost sight of their progress in this branch. Church ornaments, memorial windows, and the like, were admitted free of duty until, by an accident in the Revised Statutes, some word or two were left out, and they are now taxed. I think every word the Senator from New York has said is correct, with that exception.

Mr. CONKLING. I am obliged to the Senator from Massachusetts for reminding me of the fact; I have no doubt he is quite right in his allusion to the history of legislation on this subject. Scientific apparatus and a great variety of other things came in free whether by general provision or by habit. My recollection is like that of the honorable Senator from Massachusetts. I had in mind, however, what I now state. Long ago, while the Senator was a member of the other House, the then Speaker of the House was interested for the admission of a chime of bells for Notre Dame, Indiana, and such an act passed both Houses. After that act was known several persons in my own State, in one instance a lady residing in the county of Rensselaer, in the State of New York, presented at her own cost to a cathedral a chime of bells. An effort, and a fruitless effort, was made and persisted in to gain free admission for that chime of bells. More recently the communicants in a church, the builders, I think, of a cathedral in the city of Buffalo, in the State of New York, made application for the admission of a chime of bells which they imported and paid for by voluntary contribution. I made, myself, an earnest effort to gain this admission. They were a chime of bells destined for the Catholic cathedral in that city.

Mr. DAWES. Allow me to state another case, if it will not interrupt the Senator—a very interesting case. It was in regard to a chime of bells in Columbia, South Carolina, that had been sent over from England in the olden times and were broken up during the late war. The identical bells were sent back to England and recast at precisely the same foundery and by the same formula, in order as near as possible to reproduce the same bells. A bill to admit them free of duty went through the other House; I do not know the fate it met with here.

Mr. CONKLING. The Senate will see from this recital that this very thing has been done in the case of church bells, for example. It has been refused of late; and upon the general theory that those who were able to import such things were able to pay the duties upon them. The point I seek to make, the distinction I would ask the Senate to observe, is that the farthest of these cases of refusal is not applicable to such a case as this. When we authorize an officer to receive a decoration, an order of honor from a foreign prince, that to be sure is not the subject of import duties, and therefore we say nothing about them. But should we authorize him to accept some gift, be it, as in a recent case, an inkstand, if he happens to be in this country when it comes, it would, I submit, be very extraordinary to haggle about the duties, or insist upon them. Therefore I feel, within the farthest precedents which have been cited, entirely safe in voting in this instance that the articles be released from what would be the impost upon them had a dealer brought them in as a commodity.

Mr. EDMUNDS. Mr. President, the somewhat elaborate oration of my friend from New York has almost made me suppose that I had risen before to oppose this bill or to express some opinion about it. I did not know that I had done so. I had only endeavored to have the Senate treat this bill as it does other bills of a similar character: give reasonable time for consideration to see the solid grounds, if there were any, on which its passage could rest, and certainly the Senator has stated some very strong ones. That is all I rose to do.

Mr. CONKLING. I did not say that the Senator objected to the bill.

Mr. EDMUNDS. The Senator used the word "objection."

Mr. CONKLING. I did not intimate that the Senator had made objection to the merits of the bill.

Mr. EDMUNDS. The difference between this present proposition to pass this bill unanimously on the day of its introduction without consideration, and any other case, is that there is no other case where a bill to admit free of duty a gift, or any other thing, decoration or whatever, that I know of—and I should be glad to hear of such a

precedent if it exists—has been sought to be passed until it had been sufficiently long before the body in order that members of the body might understand its application and its effect. I feel pretty safe in making that statement.

Then, in respect of the act that we did pass, and which is now pressed upon us as the foundation for the correction of a mistake, the ground on which, as I supposed that act stood, was that Mr. Fitch, the husband of this most estimable young lady, was in the naval service of the United States when this present was made and when it reached this country. It was therefore, by the Constitution, somewhat necessary that before this present could be received by his wife there should be the authority of Congress for it. Congress did give that authority. Now, I am not by any means prepared to say that I shall not vote for this bill to-morrow, on a report of the committee, with the greatest cheerfulness; certainly I should do it with the greatest good-will if I could consistently with my notions of public duty; and, after what has been stated, I am quite prepared to think I shall; but what I like is, in the transaction of the business of the Senate, that we should treat rich and poor, great and small, high and low alike, and let this bill take the ordinary course, be reported in the ordinary way, considered in the ordinary way, and passed in the ordinary way. That is all the proposition that I make.

Mr. HOWE. Mr. President, if there were any misunderstanding or different understandings about the facts connected with the history of this importation, it seems to me it would be quite well to have a reference of the bill that we might have the true state of facts ascertained. I do not know that there is any misunderstanding about it. I suppose the people of the United States know quite well everything there is about the matter. In one sense I like the sentiment of the Senator from Vermont that we should treat all alike, high and low, rich and poor, great and small; but in another sense that is not very likely to be done, and I do not think it would be quite judicious to have it done. The donor of this gift, I take it, does not observe that rule. I have not heard of his donating diamonds to all the people of this country. He has unquestionably discriminated; I do not know whether in favor of the great or the small; whether in favor of the rich or the poor; I know he has not sent any diamonds to me, so far as I have heard. Therefore I know that he has not sent diamonds to every citizen of the United States. He has found one citizen, and so far as I know now he has found but one, to whom he has made a tender of diamonds. I have heard that they were valuable; I have heard that to pay the duties on them would impoverish a good many citizens of the United States; I do not know that it would not impoverish and bankrupt the donee herself.

Mr. MORRILL, of Maine. If we let in these free, does not my honorable friend think there will be danger of everybody getting diamonds? [Laughter.]

Mr. HOWE. I do not turn pale in view of that peril. [Laughter.] I think I could confront a peril of that sort with as much equanimity as any that ever hung over me.

But, Mr. President, for some purpose, good or bad, I know for some purpose good and not bad, one having the power to do it has offered a gift to a citizen of the United States; and if the United States is under any necessity which compels it to tax that generosity, to put money into its Treasury because of it, to levy duties and take toll from the generosity of others outside of this country, I shall be sorry to know it. I do not know of any such necessity; I do not believe in any such necessity; and if anything could make me blush for the legislation of this country, it would be just such an exaction as that.

I myself make a distinction between the donee in this case and some others. I do not know that the donee herself has ever done anything to entitle her particularly to the gratitude of the country. She has a father who has done a great deal which should entitle him to the gratitude of this county, and which I think has secured the gratitude of this country more than most of our citizens have ever had an opportunity of doing, more than most of our citizens will ever have an opportunity to do. And upon all these accounts I should be decidedly in favor, with what little information I have on the subject, of the passage of this bill; and if we are to be divided upon the question whether this bill shall be referred to a committee or not, I shall most assuredly vote with a great deal of pleasure and entire confidence against the motion to refer.

Mr. MORRILL, of Vermont. Mr. President, I will add one word to what I have already said and to what has been said by the Senator from Wisconsin. I will say that I should have introduced this bill long ago but that I could not obtain the consent of the chairman of the Committee on Finance to do any such thing. I have the consent of every other member of the committee I believe. I will say that there is an urgency for the passage of this bill because the present has already been in the custom-house nearly two years, and I believe the law requires when articles of this kind shall have remained for the length of two years that they shall be sold at public auction.

I hope therefore that there will be no objection to the passage of the bill.

Mr. EDMUNDS. I merely wish to say one word. It is quite obvious that the sense of the fathers of the Senate is that we should dispense with all formalities on this occasion, and I should be very sorry to stand alone in the way of meeting their wishes, if it could do any good if I did. Therefore I make no objection to the bill taking any course the Senate choose to take with it.

Mr. BAYARD. I think there should be no hesitation whatever in adopting this measure; it is simply the completion on the part of the Senate of what they resolved formerly to do, and that is to make it practicable that a citizen of the United States should receive a gracious courtesy from a foreign power. It was a mistake and an oversight, I apprehend, originally that the joint resolution authorizing the reception of this handsome gift was not accompanied by words of proper authority to permit it to come in free of duty. The object of this bill is simply to remedy that defect. When the Constitution of the United States forbade any person holding an office of honor or profit to receive presents from foreign powers, it coupled that inhibition with the express grant of power to Congress in special cases within their discretion to authorize the reception. When the authority was given, it was meant that it should be exercised according to the discretion of Congress. Congress in this case, and in my opinion very properly, authorized the reception of this gift. They omitted, however, to do it in such phrase as prevented a collision with the revenue laws. It was not intended that this gift should in any way be a source of profit to the people of this country, and this bill is designed to make it in fact as it was intended to be in name, an act of gracious courtesy, bestowed in a spirit of compliment and received in a spirit of the same character. I hope, therefore, that there will be no objection whatever to this act which permits the completion of what should have been done a long time ago.

By unanimous consent, the bill was read three times, and passed.

COLLECTORS OF INTERNAL REVENUE.

Mr. BOUTWELL. Mr. President——

The PRESIDENT *pro tempore*. The morning hour has expired. Is there objection to hearing the Senator from Massachusetts?

Mr. BOUTWELL. I desire to ask the Senate to act upon a bill which will not consume more than a moment; it is a bill to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices, House bill No. 1585.

Mr. SHERMAN. As a matter of course it is entirely discretionary with the Senator from Missouri, [Mr. BOGY,] who I understand has the floor on the silver bill. Although I have charge of the bill, it is for him to say.

Mr. BOGY. I will inquire whether this bill will take much time?

Mr. BOUTWELL. I presume it can be disposed of in five minutes. If it gives rise to debate I will withdraw it.

Mr. FRELINGHUYSEN. What is the unfinished business?

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 263) to amend the law relating to the legal tender of silver coin.

Mr. BOUTWELL. The Committee on Finance have directed me to change the proposed amendments to the bill, and I offer an amended copy, different from the printed bill.

The Secretary read the bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices, which authorizes the Commissioner of Internal Revenue to designate and fix the points at which the collectors and supervisors of the revenue shall establish and maintain their several offices within their respective districts.

The Chief Clerk read the amendments reported by the Committee on Finance, which were to strike out, in line 5, the words "and supervisors of the" and insert "the internal revenue;" so as to read: "the points at which the collectors of internal revenue shall establish and maintain their several offices;" and to insert the following additional section:

That the office of supervisor of internal revenue is hereby abolished from and after the 1st day of July, 1876, and the powers and duties conferred upon supervisors by existing law, excepting the power to suspend collectors and other officers, are hereby conferred upon the agents authorized by section 3152 of the Revised Statutes of the United States; but this section shall not be held to increase the pay or allowances of such agents.

Mr. SARGENT. I suppose this bill is open to objection. On the reading of the first clause of the bill I had no objection to its consideration. This is an original amendment, making a change in the system, and I fear not a wise one. I think there is not time to consider it at present, and therefore I object.

The PRESIDENT *pro tempore*. The Senator from California objects, and the bill goes over.

PRINTING OF A BILL.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred copies of the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department be printed for the use of the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a letter of the Paymaster-General, dated the 12th instant, recommending the enactment of the provisions contained in section 1, act July 17, 1862, allowing mounted pay to all officers assigned to duty which requires them to be mounted, said provision having been omitted in the Revised Statutes, and the War Department having decided that, in view of said omission, payment of

such mounted pay is unlawful, and urging that the act be made to take effect from December 1, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit herewith to Congress the final report of the board of audit constituted by section 6 of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, and abolished by the joint resolution approved March 14, 1876, and to call your attention to the statements therein presented.

U. S. GRANT.

EXECUTIVE MANSION, *April* 19, 1876.

The message was ordered to lie on the table and be printed.

EDUCATIONAL FUND.

Mr. MAXEY. I submit a substitute for the bill (S. No. 334) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education. The Senator from Vermont [Mr. MORRILL] has given notice that he intends to call this bill up on Monday. I move that the proposed substitute be printed.

The motion was agreed to.

AUSTIN-TOPOLOVAMPO PACIFIC ROUTE.

Mr. WEST. By permission of the Senator from Missouri, before he proceeds with his remarks on the regular order, I am enabled to ask the Senate to take up the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route, which has been reported by the Committee on Railroads.

Mr. SHERMAN. I must insist upon the regular order of business.

Mr. WEST. This bill was reported some days ago by the Committee on Railroads, and I will state to the Senator that unless it is passed now its object will be defeated by such lapse of the season as will render it inconvenient to continue the survey during the intense heats of the summer. It is desired by the Department to have the bill put into effect. I do not think it will take a moment to pass it. It will pass in less time than the Senator has taken to object.

Mr. SHERMAN. It cannot pass without considerable explanation. I think there is no harm in letting it go over till Monday. I have no knowledge about it and no opinion about it.

Mr. WEST. I shall not insist, if the Senator wishes to inform himself.

The PRESIDENT *pro tempore*. Senate bill No. 263 is the unfinished business.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3151) to remove the disabilities of John Johnson, of the county of Granville, and State of North Carolina, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 34) to print 4,500 copies of the annual report of the United States geological and geographical survey of the Territories was read twice by its title, and referred to the Committee on Printing.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, received from the House of Representatives, with the correction of the error formerly made in engrossment; which was referred to the Committee on Commerce.

DISTRICT COURT OF WEST VIRGINIA.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives asking for a conference on the disagreeing votes of the two Houses upon the amendment of the House of Representatives to the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia.

On motion of Mr. EDMUNDS, it was

Resolved, That the Senate insist upon its disagreement to the amendments of the House to the said bill and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. EDMUNDS, Mr. CONKLING, and Mr. CAPERTON.

LEGAL TENDER OF SILVER COIN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

The Committee on Finance reported an amendment to strike out all after the enacting clause of the bill, and in lieu thereof insert the following:

That there shall be coined at the mints of the United States a silver dollar of the weight of four hundred and twelve and eight-tenth grains troy, of standard silver, the emblems, devices, and inscriptions of which shall conform to those prescribed by law for the gold and siver coins of the United States, with such modifications thereof as may be necessay to render the said dollar readily distinguishable from the trade-dollar; and in the coinage and delivery thereof, the same deviation from standard weight and fineness shall be allowed as are prescribed by law for the trade-dollar; and the said dollar herein authorized shall be a legal tender at its nominal value for any amount not exceeding $20 in any one payment, except for customs duties and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports; and the trade-dollar shall not hereafter be a legal tender.

SEC. 2. That the Secretary of the Treasury is hereby authorized to exchange the silver dollars herein authorized for an equal amount of United States notes, which shall be retired and canceled, and not be again replaced by other notes. And all United States notes redeemed under this act shall be held to be a part of the sinking fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the acts relating to the sinking fund.

SEC. 3. That any owner of silver bullion may deposit the same at the mints, to be taken at its market value, as ascertained and publicly announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury, and to be paid for either in silver dollars or with gold coin or United States notes; or bullion for the coinage of said silver dollars may be procured in the mode provided for as to other silver coins by section 3536 of the Revised Statutes of the United States, the gain and wastage to be accounted for as provided in said section.

Mr. BOGY. Mr. President I move to amend the amendment of the committee by striking out in the fourteenth line of the first section after the word "amount" the words "not exceeding $20 in any one payment;" and then in the fifteenth line strike out the words "except for," and in lieu of them insert "including," and then after the word "tender" in line 18 at the end of the section, and inserting "and the relative value between gold and silver of lawful standard is fixed at 15½ to 1.

The PRESIDING OFFICER, (Mr. DAVIS in the chair.) The question is on the amendment of the Senator from Missouri to the amendment reported by the Committee on Finance.

Mr. BOGY. Mr. President, the bill as reported by the Committee on Finance proposes the coinage of the old standard silver dollar of four hundred and twelve and eight-tenths grains, and also further proposes that this dollar shall be a legal tender to the amount of $20, but not receivable in payment of duties. I propose, by way of amendment to the bill of the committee, that silver shall be a legal tender for all amounts, and in payment of all contracts whatsoever, both public and private, and that it shall be receivable in payment of duties at the custom-house. I am fully aware of the state of public opinion on this subject at this time, and particulary in one section of the country, and I am not unaware that I shall subject myself to a great deal of unkind animadversion for proposing this amendment to the committee's bill.

I am fully aware also of the fact that there is a very large, numerous, and influential class who believe not only that gold should be the only legal standard, but that it is our duty to pay our public debt in nothing else, and that any proposition which looks to a payment of this public debt in silver is a violation of the plighted faith. Believing that silver is a legal tender under the Constitution, and that its introduction into the money system of this country will lead to the most beneficial results, I feel it my duty to say so, and to the extent of my poor abilities to impress these views on the Senate and on the country.

What should be a legal tender in the payment of debts both public and private is one of the most interesting and also one of the most important questions in the whole range of political science. It is interesting, because it is identified with the history of the human race from the very earliest ages. It is important, because it lies at the foundation of all national prosperity. And interesting as it is, and important as it is, yet it is still more so in this country than in any other and at this time more than at any other period. When we consider the want of prosperity over the whole land, the shrinkage of values both real and personal everywhere, manufactures stopped, all enterprises suspended, labor unemployed, a scarcity of money felt by every class except one, any proposition which can infuse life and activity in this sad condition of affairs may well be recognized as of the very greatest importance.

While I am willing to admit that the sad condition of the country is not the result alone of our vicious monetary system, but brought about by many well-known causes, nevertheless it is the most important and controlling of all the causes. I believe that the rapid coinage of silver of the proper standard and the making of it a legal tender for all sums in payment and in fulfillment of all contracts, private and public, and quickly and rapidly putting it into circulation, would soon have the effect of infusing new life and activity into the business of the entire country. I furthermore believe that, unless this be done and the resumption law of January 14, 1875, remains unrepealed, the business condition of the country will go on from bad to worse. But, on the other hand, if silver be coined as rapidly as it can be accomplished at the different mints of the United States, and be made a legal tender equal to gold, resumption will be effected easily and permanently, and a feeling of security and confidence will at once be created, which of itself would soon lead to a revival of business in every department.

Gold and silver have heretofore been regarded by all nations, from the beginning of organized society, as the precious or royal metals. Thus the so-called double standard of gold and silver has been settled by the universal practice of mankind in all ages and in all countries, and it may be said that the further you go back, the more important silver appears to have been. It was a measure of value when gold was not. Historically, however, gold and silver have in all ages been considered as the precious and royal metals. At the very dawn of civilization these two metals were used as a medium of exchange and a measure of value. The cities of the plains thousands of years ago used them for the purposes of trade at home, and also in their inter-

national commercial relations. In the history of the invasion of the East by Alexander we read of kings and kingdoms which he conquered whose wealth was composed of these two metals. Later in time we know, from the Bible and contemporaneous history, that these two metals were used among the Jews; and the most noted event in the history of the human race was paid for in silver. Judas Iscariot, for thirty pieces of silver, covenanted to betray his Master, the Saviour of the world. When he repented and cast it away, it was not allowed to be received into the treasury, because it was the price of blood; but it was used to buy a piece of land to be appropriated for a burial-place for strangers. This shows that silver at that day was used for all purposes, both public and private. It would have been received into the treasury had it not been stained with blood. It was used to buy a piece of land for a burial-place. It was said to have been thirty pieces, thus indicating that it was coin; no doubt rude, but nevertheless it was coin. Hence on that occasion silver was the measure of values and used as a medium to accomplish the object.

As commerce and civilization traveled westward and spread over the eastern portion of the continent of Europe, in Greece and the islands of the ocean, gold and silver were the metals in use.

Traveling downward historically through all the different periods, including the many centuries of the existence of the Roman power, and throughout all the Middle Ages, and so on down to a very modern time, these were the two metals in use. In England silver, in many respects, was better than gold, although both were recognized by the common law.

I will undertake to show that under our Constitution, in spite of the effort which has been made to change it, silver is yet a precious metal and as fully recognized as gold. Under its sanction it must remain a legal tender, and no power exists in the Federal Government nor in the States to prevent this from being so. I will furthermore attempt to show that the history of the legislation of the Federal Government has until a very recent period always recognized silver and gold as the metals constituting the coin of the nation. There are but two provisions in the Constitution of the United States relating to money. Section 8, article 1, says:

> Congress shall have power * * * to coin money, regulate the value thereof and of foreign coin.

Section 10 of the same article says:

> No State shall * * * coin money; emit bills of credit; make anything bu gold and silver coin a tender in payment of debts.

While this latter section is a restriction of the power of the States, it is equally a recognition of power in them to make gold and silver a tender, in payment of debts. All powers were originally in the States and are there yet, excepting those which have been expressly granted, or by necessary implication grow out of granted powers. The power to coin was expressly granted to Congress. The power to coin was granted, but the power to say what should be a legal tender was reserved to the States. Nor could it be otherwise, in accordance with the theory of the Constitution, for the power to regulate and to enforce private contracts belongs to the States alone, and this being in the States and not in Congress, upon them necessarily was imposed the duty to prescribe what should be a legal tender. The Constitution restricted this to silver and gold; but the power was in the States nevertheless. In that way, and in no other way, gold and silver are made the metals of the Constitution, because nothing else can be made a legal tender by the States.

If the Constitution had said "gold or silver," it would have been competent for the States to have made one or the other or both.

At the time that our Constitution was formed, in 1787, the usage of all the nations of Europe conformed to what I have stated. Gold and silver had become more important at that time than for centuries before—the New World had been discovered—the mines of South America and Mexico yielding millions of both. No nation had an exclusive gold standard but many had the exclusive silver.

The first nation to make gold the exclusive standard was England in 1816. The others have done so since, and have blindly followed her lead. The practice of the Government has conformed to the letter of the Constitution without any departure whatsoever till the act of 7th of February, 1873. Up to that time both metals stood exactly on the same footing. Both were legal tenders, and the relation between the two was fixed by law. This act was passed, without discussion in or out of Congress, by way of amendment to a long act in relation to the Mint, which provided for the coinage of the trade-dollar and smaller coins, and which were not to be legal tenders in sums exceeding $5. It may be true that the old coins were scarce, but nevertheless they remained a legal-tender coin.

This continued to be the law till the revision of the statutes by act of 22d of June, 1874, when all silver coins were demonetized except as to sums of $5. The revised code was to contain nothing but the laws then existing and in force. Yet a law was put in this book not existing before in relation to silver and demonetizing the old coins. Up to 1853 all the silver coin was a legal tender for any amount, as unrestricted as gold. The legal ratio of silver to gold was 16 to 1. I propose in the amendment which I have offered to make it 15½ to 1 for reasons which I shall hereafter give. This ratio caused the exportation of silver from this country to France, where the relative value was 15½ to 1. To remedy this the act of 1853 was passed, which reduced the half dollar and smaller pieces to the condition of token coins by a depreciation of a little less than 8 per cent. The old standard dollar of 1792 (the same intended to be re-instated by this bill) remained the same, but was practically suppressed, because no longer coined at the Mint; yet there was no law preventing the coinage.

Silver of all denominations coined previously remained a legal tender. That is, the old standard dollar, the old half dollars, and the old quarters, coined prior to 1853, remained legal-tenders, and so continued till the acts of February 17, 1873, which constituted the gold dollar-piece the unit of value and restricted the legal tender of silver to $5. It was then, and not before, that the double standard of gold and silver, which had existed from the very beginning of the Government, was abolished.

I desire this point to be well understood, as I shall argue, before I conclude, that the public debt, including the law regulating the payment of duties and the law regulating the sinking fund, having all been passed before 1873, are payable in gold and in silver. To continue to pay our bonds in gold exclusively is a most oppressive and unjust system, calculated to increase the burdens of the public, and is ruinous to the people, whose means of payment are restricted to one metal, while at the time the contract was made there were two, and while it is oppressive upon one portion it is greatly beneficial and advantageous to another.

It cannot be doubted, under the power reserved to the States under the tenth section of the first article of the Constitution, that each one can provide by law that gold and silver shall be a legal tender in payment of debts within its territorial limits. If each State has this power, all can do the same thing. This being so, what becomes of the Federal law which says that silver shall no longer be a legal tender? Can they be controlled in the exercise of this power? And, if they cannot, the act of 1873, passed without discussion in either House and by way of amendment to another bill, and the act in the Revised Statutes are unconstitutional. The power to coin being in the Federal Government gives to it great control over the action of the States. If no silver was coined there would be none for the States to use in the way of a tender. In that way it has great power and control over this question. By the eighth section of the first article power is given to Congress to regulate the value of foreign coin; but if it fails to exercise this power, cannot the States exercise it for themselves?

From the history of congressional legislation it appears that the power to regulate the value of foreign coin was only intended to be exercised for a limited period and until our own coins should be supplied. The first act creating a mint was passed on the 2d day of April, 1792. This act declared a number of foreign coins to be legal-tenders, but that very act limited the time for the duration of this law to three years after the mint should be in operation.

Laws regulating foreign coins continued till the 21st of February, 1857, when they were repealed, and the power was conferred upon the Director of the Mint to make the required assays, and publish the same at different periods of time. Prior to the act of 1792, when Congress first decreed our American coinage, and also fixed the value of foreign coins, the States must necessarily have exercised the power.

I have thus, in a brief manner, given my views of what I consider the constitutional question. It is not my purpose to dwell at greater length on this head.

Having stated these points, each one, here and elsewhere, can examine for himself. Reflection and study have satisfied me that the positions here taken are correct, and that our legislation on this subject is and has been unconstitutional. Congress cannot say that gold alone shall be a legal tender as between private individuals.

My friend from North Carolina [Mr. MERRIMON] asks me what I do with the decision of the Supreme Court. I answer, this decision was simply to the effect that it was a power conceded to exist in the Federal Government as a means of carrying on war.

In 1791, Hamilton, being then Secretary of the Treasury, made a very elaborate report to Congress on the subject of a mint, and, like everything else from this remarkable man, it is very able. The question of the double standard was examined. He says:

> To annul the use of either of the metals as money is to abridge the quantity of the circulating medium of the world, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

Jefferson was one of his colleagues in the Cabinet of Washington. This report was sent to him. He returned it, and wrote as follows:

> I return you the report of the mint. I concur with you that the unit must stand upon both metals.

This was recognizing what really was the settled policy of mankind in all ages, in all countries, and particularly at that period, and which continued to be our policy until 1873.

It is believed by statisticans that the quantity of gold and silver in the world is about equally divided, and the total quantity, according to Dr. Linderman, is from ten to twelve thousand millions. My friend, the Senator from Ohio, [Mr. SHERMAN,] stated the other day, and quoted Mr. Seyd, that the quantity was $6,750,000,000. Seyd undoubtedly states that fact, and although an intelligent writer, nevertheless I would not classify him as very high authority. I read his book with some care, and it seems to me I have read abler works. I accept the statement of Dr. Linderman as likely to be more correct.

The power of money is in the inverse proportion to its quantity. Where it is abundant interest is low, and where scarce it is higher; and

those nations to-day (excepting our own) who are in favor of the single standard of gold are so because it is to their interest, being the creditor nations.

It is supposed that the public debt of all the different nationalities amounts to about $20,000,000,000, and one-half or perhaps more of this is held by England and Germany, and of this amount we unfortunately owe a large portion. If these two creditor nations can in any way appreciate the value of gold by demonetizing silver is it not their interest to do so? Would not their wealth thereby be greatly increased? England saw this as early as 1816. Although yet in the condition of bank suspension, it was already buying the bonds of all the states of Europe that were being resuscitated from the prostrate condition in which they had been during the Napoleonic wars. The Rothschilds established themselves in London; the Baring Brothers, and other great banking houses, became the buyers of the bonds thrown then on the market, thick as the leaves of Vallombrosa. Germany at that time had an immense amount of silver coin and retained it until a very recent day. But recently, intoxicated by its victories over the French people, and no doubt greatly influenced by English diplomacy, it also established the single standard. But however wise it may have been for her as a creditor nation to do this, the attempt has been expensive indeed. From being in a flourishing and prosperous condition the act of demonetization has brought her to a condition of widespread bankruptcy, and now it is reported that this subject will be reconsidered and that she will go back to the double standard. The great mass of her people are not bondholders, and it is ruinous to them to demonetize three hundred and fifty millions of silver coin.

It was believed the nations having the double standard would buy this silver. But the statesmen of France saw this and at once a union was formed with Belgium and Italy to refuse to buy this old coin. The result has been that silver has depreciated greatly and German coin has found no market. Silver to-day is quoted low. While there are several reasons for this, the most important is the fact of the large quantity withdrawn from the channels of trade as money and thrown on the market as bullion.

It affords me very great pleasure to avail myself of a publication made by Mr. George M. Weston, a friend of mine in Boston, which I will read. He has collected the views of some of the leading financiers of France on this very subject and published them. They are pertinent and able:

In his Recherches sur l'or et sur l'argent, 1843, Léon Fauchet said: "If all the nations of Europe adopted the system of Great Britain, the price of gold would be raised beyond measure, and we should see produced in Europe a result lamentable enough. The government cannot decree that legal tender shall be only gold in place of silver, for that would be to decree a revolution, and the most dangerous of all, because it would be a revolution leading to unknown results, (*qui marcherait vers l'inconnu.*")

In a memoir read before the French Institute in 1868, M. Wolowski said:

"The suppression of silver would bring on a veritable revolution. Gold would augment in value with a rapid and constant progress which would break the faith of contracts and aggravate the situation of all debtors, including the nation. It would add at one stroke of the pen at least three milliards to the twelve milliards of the public debt."

A monetary commission appointed by the French government in 1869 took the testimony of practical financiers, who were unanimous against the proposed demonetization of silver.

Before this commission M. le Baron Alphonso de Rothschild said:

"The actual state of things, that is to say, the simultaneous employment of the two precious metals is satisfactory and gives rise to no complaint. What is most needed in commerce is facility in its operations, and to-day it employs, according to its needs, sometimes gold and sometimes silver, and the partial replacement of silver by gold which has taken place in these later times has been effected without inconvenience.

"They now demand that silver should be demonetized, as fifteen years ago they demanded that gold should be. The French government wisely refused to demonetize gold then, and it will be equally wise to refuse to demonetize silver now. In fact, whether gold or silver dominates for the time being, it is always true that the two metals concur together in forming the monetary circulation of the world, and it is the general mass of the two metals combined which serves as the measure of the value of things. In countries with the double standard the principal circulation will always be established of that metal which is the most abundant. It is scarcely twenty years ago that silver was the principal element in our transactions. Since the discoveries of the California and Australian mines, it is gold which has taken its place. No person can foresee what the future has in store for us, or can predict that the proportion in which the two metals are now produced may not be changed in favor of silver.

"It appears to me that there are real advantages in maintaining silver in circulation, and none in its suppression, since it is now actually a part of the circulation. I should regret the demonetization of silver in its relations to our internal circulation, our commercial intercourse with other countries, and the always uncertain eventualities of the future. But I should regret it even more if our example should be followed by other nations, for that suppression of silver would amount to a veritable destruction of values without any compensation.

"Without doubt the two metals are not always in the same measure at our control; there is always one more abundant than the other; but neither of them has ever completely disappeared, and we have always been able to find the one of which we had need."

M. d'Eichtal, a director of the Bank of France, said:

"In cotton, every fall in price brings an increase in consumption. But in silver, if you take away its title of legal money, which makes an unlimited outlet for it, it must fall exceedingly low before it would find an employment equal to the one you take away."

M. Rouland, the governor of the Bank of France, said:

"We have not to do with ideal theories. The two moneys have actually co-existed since the origin of human society, without any disadvantage, and even with actual advantage in all countries which have availed themselves of them. They co-exist, because the two together are necessary, by their quantity, to meet the needs of circulation. This necessity of the two metals, has it ceased to exist? Is it established that the quantity of actual and prospective gold is such that we can now renounce the use of silver without disaster? In place of the two moneys, is it entirely sure that the whole world can be usefully served with only one?"

Mr. Wolowski said:

"To adopt one metal, gold, to the exclusion of the other, it is not merely as if they closed all existing mines of silver, but as if they suppressed in this regard the labor of all past ages. The sum total of the precious metals is reckoned at fifty milliards, one-half gold and one-half silver. If, by a stroke of the pen, they suppress one of these metals in the monetary service, they double the demand for the other metal, to the ruin of all debtors."

At the sitting of the French senate on the 28th of January, 1870, which has properly been characterized as "memorable," from the magnitude of the subject of the debate and from the dignity and gravity with which the discussion was maintained, Dumas, a senator, to whose words learning, experience, virtue, and age combined to give weight, invoked the body to pause before concluding to make a change, which he said "would affect the whole human race."

"Those," said Dumas, "who approach these questions for the first time, decide them at once. Those who study them with care, hesitate. Those who are obliged practically to decide, doubt and stop, overwhelmed with the weight of the enormous responsibility.

"The quantities of the precious metals which are now sufficient may become insufficient, and we should proceed with great prudence before we diminish that which constitutes a part of the riches of the human race. Sometimes gold takes the place of silver. Sometimes silver takes the place of gold. This keeps up the general equilibrium. Nobody can guarantee that the present vast production of gold will continue. The placers are found on the surface of the earth, and may be exhausted by the very facility of working them. Silver presents itself in the form of subterranean veins. Science may contribute to accelerate its extraction. In presence of the unknown, which dominates the future, we should practice a prudent reserve."

Mr. Hunter, a former distinguished and able Senator from Virginia, in 1852 made a very elaborate report on the subject of finance, in which this question was well considered. He says:

In thus excluding one of these metals from one country we diminish the volume of specie currency of the world below the natural supply. How this would affect mankind will be hereafter examined. But the mischief would be great indeed if all the world were to adopt but one of the precious metals as the standard of value. To adopt gold alone would diminish the specie currency more than one-half, and would prove highly disastrous to the human race. Indeed a reference to the history of the precious metals and the general course of human production can scarcely fail to convince us that there has been a constant tendency to appreciate their value as compared with the residue of the property of the world, and that every extraordinary increase of the supply of the precious metals of which we have any account has exercised a highly beneficial effect upon human affairs. When contracts are made by a standard which is gradually contracting, the advantages are on the side of capital as against labor, and productive energy is cramped by receiving less than a fair share of the profits of its enterprises. Before the invention of substitutes for payments in coin and before the increased supply of specie from the discovery of America, human history is full of the strifes between debtor and creditor, and human legislation is rife with experiments to limit the encroaching and engrossing power of capital.

The most ancient legislation of which we have authentic accounts extinguished all debts in every seventh year. Interest was often prohibited, and generally regarded with abhorrence; for although the reason was not perceived, yet the fact was felt that capital received profit enough for its use in the appreciation of the standard of value. Up to a recent period the debasement of coin has been practiced in all countries. The English pound, which in the days of William the Conqueror contained a pound weight of silver, contains now three ounces, twelve pennyweights, and sixteen grains. The French livre, whose original weight would now be worth $18.16, is so reduced as to be worth only 18.478 cents. Such are the effects which would have naturally flowed from a constant tendency toward contraction in the standard of value upon which contracts were based. The attempts which were made to relieve these evils were unskillful and often mischievous; but these expedients were sometimes called for by the necessities of the times, and were the evidences, if not the remedies, for mischiefs actually endured. To have prevented the contraction of the specie standard of value, it was necessary that the precious metals should have increased as fast as the residue of the property of the world; but we know that before the discovery of America the annual supply of the precious metals was very small, while it is notorious that capital and property accumulate rapidly in times of profound peace. That this must be so becomes still more evident when we trace the history of the precious metals since the discovery of America, and during a period when we have better means for ascertaining facts in relation to the relative progress of specie and property. That capital has increased with great rapidity even in the last two centuries, although there were long periods of wasteful warfare in both, there is abundant evidence. Since the time of William of Orange, capital in Great Britain, and perhaps in Europe generally, must have doubled; for the rate of interest, notwithstanding the increasing demand for capital from increasing population, has diminished nearly one-half.

Says Mr. Hunter further on:

How much of the depression of commerce, during the Middle Ages, arose from the decline of prices consequent upon a diminution of the stock of precious metals, has probably never been sufficiently estimated. And yet a comparison between the deep decline of all the great interests connected with commerce and human industry during that period, and the wonderful impulse given to all sorts of productive enterprise after the discovery of the American mines, must suggest the effects which the existing state of the standard of value produced during the two periods. But it may be asked why it is that this contraction of the standard of value has not been more seriously felt in modern times, if, in truth, the relative additions made to the stock of specie and property of the world were much larger in the latter than in the former case. If all the pecuniary transactions of society had been settled in currency, and there had been no currency but specie, there is reason to believe that the present state of things would give unmistakable evidences of the effects of a contraction of the currency upon our enterprise and industry.

We require, then, for this reason the double standard of gold and silver; but above all do we require both to counteract the tendency of the specie standard to contract under the vast increase of the value of the property of the world. And what harm can arise from any probable increase of the precious metals if both are allowed to swell the volume of currency? On the contrary, a more beneficial event for the trade, the industry, the moral and political condition of the world, could scarcely be imagined. Of all the great effects produced upon human society by the discovery of America there were probably none so marked as those brought about by the great influx of the precious metals from the New World to the Old. European industry had been declining under the decreasing stock of precious metals and an appreciating standard of value, human ingenuity grew dull under the paralyzing influences of declining profits, and capital absorbed nearly all that should have been divided between it and labor. But an increase of the precious metals in such quantities as to check this tendency operated as a new motive power to the machinery of commerce. Production was stimulated by finding the advantages of a change in the standard upon its side. Instead of being repressed by having to pay more than it had stipulated for the use of capital, it was stimulated by paying less. Capital, too, was benefited, for new demands were created for it by the new uses which a general movement in industrial pursuits had developed; so that, if it lost a little by a change in the standard, it gained much more in the greater demand for its use, which added to its capacities for reproduction and to its real value.

I have read from this report these few extracts to show that in 1852 this subject was brought to the mind of Congress; and yet in all this report, able as it is, showing evidences of great industry, the question as to what should be made a legal tender was not at all discussed. It was only whether we should make a double or a single standard; that is, a question of coinage growing out of the exclusive power given to the United States to coin money; and in that view, and confined to that view, the subject was examined by him, as it had been many years before by Mr. Hamilton.

I will read from the report made by Dr. Linderman in 1873–'74:

The gradual adoption of the gold standard, and consequent demonetization of silver, will of course be followed by an increase in the value of gold, or, what is the same thing, a decrease in the price of articles measured by it.

Here is a most important point, which I will read again:

The gradual adoption of the gold standard, and consequent demonetization of silver, will of course be followed by an increase in the value of gold, or, what is the same thing, a decrease in the price of articles measured by it.

Apply this idea to the two classes contending in this world, the rich and the poor, the capitalist and the laboring-man, and judge what will be the result if you have only one standard.

Indeed it is quite certain that this effect is already perceptible in some portions of Europe. Be that as it may, however, it is safe to assume that Germany will soon have substituted three hundred millions of gold for silver heretofore used as standard money, and that Denmark, Sweden, and Norway will require nearly as much more in consequence of changing their standard from silver to gold. Now, add to the foregoing the requirements of France and the United States in the near future, and it will be readily understood that gold must appreciate in value.

It is true that the mines of the world produce annually about one hundred millions of gold; but in considering this as a stock to be drawn upon for coinage, it must be remembered that the consumption of gold in the arts has largely increased during the last twenty-three years, and now approximates to about twenty-five millions per annum.

It is not within the province of this report to consider or discuss the bearing of the above-stated facts upon financial questions, and I will therefore dismiss the subject with the remark that countries, however wealthy and prosperous, cannot, even with the aid of bills of exchange, maintain an exclusively metallic currency, and that the use of paper money as an auxiliary to and convertible into coin is more likely to increase than diminish in the future. A more extensive use of subsidiary coin than heretofore is also probable. In support of this latter view reference is made to the fact that during the year 1872 the subsidiary silver coinage of Great Britain amounted to about $6,000,000, all for home circulation, and in a country which was previously well stocked with coin. The French subsidiary coin for the same year amounted to about $7,000,000.

Report of 1874–'75:

The world's stock of precious metals is generally estimated at from ten to twelve thousand millions of dollars, nearly equally divided as to the two metals. The estimate appears to be based on the assumption that the stock at the commencement of the fifteenth century amounted to two thousand millions, and that from eight to ten thousand millions have since been added, principally from the mines of North and South America and Australia.

The present production of gold being estimated at one hundred millions and silver eighty millions would give an annual addition to the accumulated stock of 1½ per cent. The estimates of the earlier writers must be taken with a good many grains of allowance; and, generally in connection with this subject and its practical bearing upon the affairs of the present period, it may be proper to observe that there have been so many important changes in monetary systems and in the financial and industrial condition of different countries, as well as redistributions of specie, during the last half century, as to render the statements and conclusions on various points connected therewith contained in the old standard works comparatively useless.

The period referred to has been one of unparalleled activity and progress, and the utilization of steam and electricity in the intercourse of nations and the great extension of international credits have effected a complete revolution in the commerce of the world. These important changes have not, however, enabled the world to dispense with the precious metals as the common measure of value and medium of exchange. On the contrary, those metals remain in that respect, the same as they were at the commencement of authentic history, the only money of universal recognition and unlimited acceptance.

Report for year ending June 30, 1875:

The principal money markets of the world have been occasionally disturbed during the last three years, and the margin of the exchanges has been such as to afford a wide field for speculation. In seeking for the causes of these disturbances, it would appear, at first glance, that the supply of gold is unequal to the legitimate demands of the rapidly increasing commerce of the world. A careful examination of the subject, however, will show that the monetary troubles have not been caused by insufficient supplies of gold, but by its having been withheld in large sums from circulation, "*and the diminished use of silver as money.*" It will be of some interest to note the events and circumstances which have caused this abnormal state of affairs.

In 1871, provision was made by law for a new money-system in the German Empire, the principal features of which were the establishment of the exclusive gold standard, the demonetization of silver, and the issue of national coins, involving, as a necessary consequence, the withdrawal of all gold and silver coins then in circulation or held as treasury and bank reserves.

The amount of silver coin in the empire, at the time of the enactment of the new monetary law, was estimated by the best authorities at about $350,000,000. It was expected that two-thirds of this amount would be exported to neighboring countries, and the balance converted into subsidiary coin.

* * * * * * *

The closing of the Netherlands mint was followed by the enactment of a law which authorized the coinage of a legal-tender gold piece, and prohibited the coinage of silver, except for government account. These measures were skillfully taken, and closed the door against silver, and correspondingly opened it for gold.

The delay in completing the great monetary reform in Germany must be attributed mainly to the action of the neighboring countries in practically closing what was expected would be the best and largest markets for silver. Under the former money system Germany was a purchaser of silver; but when the change from the silver to the gold standard took place, ceased to be so and became a large seller.

The condition of the state bank of Russia would appear to indicate that the prospective fall in silver had caused some uneasiness at St. Petersburg, and that protective measures had been taken from the fact that the bank held on the 1st of January, 1856, 67,897,561 roubles, gold, and 45,234,372 roubles, silver; and on July 22, 1874, 194,049,231 roubles, gold, and 23,315,329 roubles, silver.

Notwithstanding the large amount of specie received in payment of the French indemnity, Germany has, from time to time, since 1872, been a purchaser of large sums of gold, and the manufacture of the new standard national coins has already amounted to about $285,000,000. The coins, however, have not gone into general circulation to the extent originally expected, for the reason that the old standard silver coins which are inferior in value continue, under the provisions of the new monetary law, to be effective money in payments. Gold has, therefore, to a large extent been held in the vaults of the imperial treasury, mints, and the banks.

* * * * * * * *

The question of returning to a specie basis is receiving general and earnest consideration, and, while its discussion does not come within the limits of this report, certain well-settled principles and facts in connection with the subject of money and the monetary system of this country may with propriety be briefly referred to.

A money standard subject to as little variation as possible, and by which values may be computed, exchanges effected, and contracts fulfilled with uniformity and equity, has long been regarded as a necessity by every well-regulated government.

The experience of nations has proved the *precious metals*, and particularly *gold*, to be the least variable as a monetary standard and the best adapted for a circulating medium of all known substances; their peculiar properties, and particularly those of easy manipulation and resistance to the elements and agencies which either destroy or injuriously affect other metals and substances, rendering them eminently adapted for this service.

No material or substance not of intrinsic value, and comparatively imperishable, is suitable for a circulating medium and permanent standard of value. The value of the precious metals depends, as in the case of all other commodities, on certain inherent qualities and the cost of production. By value is meant the rate in the legal money-terms of a nation or government at which labor and property of all kinds are exchanged one for another. A given weight of gold or silver, unlike all other things, has a fixed value by law in the legal money terms of all countries, and this peculiarity contributes greatly to maintain uniformity in their value.

The units of the money of account of all countries associated in modern civilization were originally based on or declared by law to be represented by a certain weight of pure metal in the form of coins, and the latter made a legal tender without limit.

The quantity of pure metal representing the ideal unit of the money of account, once being fixed by law, becomes the basis of exchange and measure of contracts, and its steady maintenance has always been regarded by the most enlightened statesmen and eminent writers on finance as an imperative duty of governments.

The precious metals being the real basis of all well-regulated money systems, no one commercial country can even temporarily depart from such without subjecting itself to serious evils.

Without dwelling at any greater length on the reports of Dr. Linderman, it would appear that although he does not recommend the double standard, his arguments tend to prove its absolute necessity.

All the obligations of the Government issued prior and up to 1873, payable in coin, can be paid in silver as well as in gold. The act of February 25, 1862, authorizing the issue of 5.20 bonds, specially provides that the interest shall be paid in coin; not gold, but simply coin. This act also provides that duties on imports shall be paid in coin; not gold, but coin. The same act created the sinking fund, payable in coin. The act of 17th of February, 1862, made its obligations payable in coin; that of 11th of July, 1862, is also in coin; act of March 3, 1863, to issue $900,000,000, is payable in coin; act of March 3, 1864, for a loan of $200,000,000, coin; the act of 30th of June, 1864, to borrow $400,000,000, coin; the act of 3d of March, 1865, "coin or other lawful money," meaning coin or greenbacks, and that was for $600,000,000. The act of March 18, 1869, which I will read, recognizes in words silver as well as gold. I have no doubt the act was drawn by my distinguished friend from Ohio, for he was at that time, as he is now, the able head of the Committee on Finance, and I would suppose naturally that he drew this act himself:

An act to strengthen the public credit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than *gold and silver*.

This act shows that at the time the minds of those Senators who voted for it understood the obligation to be payable in silver as well as with gold; and, if my friend from Ohio drew it, he himself thereby admitted that we could discharge our obligations with silver as well as with gold. There is no room to escape; the conclusion is inevitable.

If we look at all those acts from the first to the last, we will find they all provide for payment in coin. Since 1873, however, we have made our bonds payable in gold.

It is proper to notice an argument which is advanced to refute the position that our bonds, being payable in coin, can be paid with silver. It is said by the act of 1853 silver was demonetized and was no longer a legal tender; and therefore in 1862 and the years following, when we obligated ourselves to pay coin, we could not have meant silver, it being demonetized and no longer a coin recognized by law. But the fact is not so. The act of 1853 did not in the least demonetize silver. It only provided for the issue of a subsidiary coin of a lower value, so as to prevent its exportation abroad. That subsidiary coin was only made a legal-tender to the amount of $5. The old silver dollar and halves and quarters remained good legal-tenders, and, with gold, constituted the legal coin of the nation.

Up to 1873 it does not appear that any one in this country ever advanced the idea that it was competent for Congress to demonetize silver. The history of our legislation from the very beginning of our Government to that time recognized it as the equal of gold. The law of 1873 was surreptitiously interjected into a bill pending at that time before the Senate in relation to the mint. The effect of this amendment, apparently so small, has been most disastrous to the prosperity of this country. Gold has been at a high premium from that day to this.

Now, after all this, can we retrace our steps and make silver coin a legal tender, as the letter of the Constitution undoubtedly provides? Would it be wise to introduce the double standard coin as a part of our monetary system? If it is to be understood by a double standard that there would be two measures of value, I would deplore its introduction; but this is not so. There would be but one measure. It would not be gold nor silver, but it would be the two; these two composing the coin of the nation.

The relative value of the two becomes of very great importance. We had it once at 16 for 1. It had been 15 to 1 before, which was an error. To remedy this, it was fixed at 16 to 1, which, from what we can now see, we think was also an error. It should have been 15½ to 1.

This is an international commercial question. England, Germany, and France, the great commercial nations of Europe, have fixed the relation at 15½ to 1. That being so, we cannot err at fixing it ourselves at the same ratio. As to the Asiatic trade and that of the Indies, different conditions exist, and which do not apply to the European nations. And as it has been fixed at 15½ to 1 in Europe, I would fix it at that for this country. It is true that there is at times a slight variation in their commercial value. Sometimes gold is slightly up and sometimes it is silver, but the difference has been so little for two hundred years as to amount to nothing of importance.

It is said that, the production of silver being on the increase, if we make it a legal tender, the danger is that in a short time there will be a great glut of it in this country. To this I answer that the amount we produce of both is about equal, being about $40,000,000 of each. While the total production of gold is greater than that of silver, it is diminishing, while the other is increasing. In the future perhaps gold will diminish yet more rapidly, and silver is likely to increase. We have 40,000,000 of people. If the silver coinage could be increased to the amount of $400,000,000, it would only give a circulation of $10 per head. The Senator from Ohio stated the other day that to pay our debt with it would be a violation of public faith and would impair our credit. While I would not wantonly injure our credit, yet I am not willing to allow our creditors to be the exclusive judges. There are always two parties to all contracts, and if we did not promise gold, our creditors have no right to construe the contract so as to make it so.

It is again said that if we make silver the standard gold will go from this country, and in a very short time we will have nothing but silver. That may be true. And it may be true, also, that it might be well to demonetize gold, as has been done in Holland, and make this the great silver nation of the world. We have no new fields where gold can be obtained, but many new ones of silver are being discovered every day. We have reason to believe that the deposits of silver in our country are vast and inexhaustible. With the limited gold supply and the large demand that exists now and must continue to exist hereafter, and for years to come, I do not see how we can continue to pay our obligations in gold. We lost by exportation $25,000,000 last year, and what evidence is there that it will not be as much this year? From all I can learn the amount will be larger. And at this rate how long will the amount we have be able to supply this demand? In six years it will be exhausted.

There is no one so blind as not to see that the present tendency is to centralization of capital and concentration in large cities. This is effected at the expense of the great mass of mankind. Are you going to foster a system of legislation which yet accelerates that bad tendency? It seems to me the part of wisdom and true statesmanship is to prevent the unnatural concentration of wealth in the few at the expense of the many.

I have heard many superficial arguments advanced by persons who have thought but very little on this subject, against the use of silver as coin. I am yet to hear the first good solid reason in opposition to it. We have blindly followed the lead of England, and have sacrificed the interests of the debtor class to the other and wealthier class. We have, in my opinion, at this time the finest opportunity ever presented to a nation to establish a system of our own, based not alone upon silver, but upon both metals. The day is not far distant when every nation, including England, will have to go back to the silver and gold standard. It must be so. The gold production is not increasing in proportion with the expansion and augmentation of commerce. Hence the necessity in all commercial nations to issue a large quantity of paper money as a substitute. It would be better and wiser to introduce a larger portion of silver and less of paper money.

As I view this question, it is not one between silver and gold, but between gold and paper, and this paper not convertible; for with a scarcity of coin you will not be able to redeem the vast amount of paper which the necessities of mankind and of commerce require. The only way to make paper answer the purposes for which it is designed is to increase the means of its redemption by increasing the coin, and which can be done only by making silver a legal tender. To return to a metallic currency, or to a currency convertible into metal as we are trying to do, while we reduce the precious metals by one-half, strikes me indeed as being most absurd. Let the nation rather stand by its silver coinage as the ally and the friend and the coworker of its gold, and in that way make of the two an impregnable money structure on which we may again build a new prosperity unequaled in the history of the past.

Mr. JONES, of Nevada, Mr. President——

Mr. SHERMAN. At this late hour it is scarcely worth while to continue the discussion to-day; and if the Senator from Nevada is willing, I will move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were re-opened, and (at four o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State.

HALLET KILBOURN—RETURN TO WRIT OF HABEAS CORPUS.

The SPEAKER. The Chair lays before the House a full transcript of the return made by the Sergeant-at-Arms of the House to the writ issued in the Kilbourn case. The Chair assumes that no gentleman desires to have the return read. It is quite lengthy, and the reading of it will occupy a considerable time. It is accompanied by a brief communication from the Sergeant-at-Arms. The return to the writ and the communication of the Sergeant-at-Arms will be printed in the RECORD.

They are as follows:

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 20, 1876.

DEAR SIR: In accordance with the request and order of the House, I herewith transmit to you, and through you to the House of Representatives, a true copy of the return made by me to the writ of *habeas corpus* heretofore issued by the chief justice of the supreme court of the District of Columbia, commanding me to produce the body of said Hallet Kilbourn in said court and show cause for his detention.

Very respectfully, your obedient servant,

JOHN G. THOMPSON,
Sergeant-at-Arms.

Hon. M. C. KERR, *Speaker.*

Hon. DAVID K. CARTTER,
Chief Justice of the Supreme Court of the District of Columbia:

The undersigned, John G. Thompson, Sergeant-at-Arms of the House of Representatives of the United States of America, respectfully represents that, in obedience to the command of the within writ of *habeas corpus ad subjiciendum*, the said undersigned makes the following return, to wit:

That ever since the first Monday in the month of December, in the year of our Lord 1875, the undersigned has held and still continues to hold the office of Sergeant-at-Arms of the House of Representatives aforesaid; that the said House of Representatives was in session at the time of the arrest of Hallet Kilbourn, the relator named in said writ, and was for a long time before that and also thereafter and at all times hereinafter mentioned lawfully in session.

That on the 24th day of January, in the year of our Lord 1876, and when the said House of Representatives was so lawfully in session, the House of Representatives duly and lawfully adopted the certain resolution, a true copy of which is hereto attached duly certified, marked Exhibit J. G. T., No. 1, and prayed to be read and considered as a part of this return.

That thereupon and thereafter, to wit, on the 28th day of the said month of January, the Speaker of said House of Representatives duly appointed certain members of said House of Representatives as the special committee authorized by said resolution, to wit: JOHN M. GLOVER, JEPTHA D. NEW, BURWELL B. LEWIS, HENRY O. PRATT, A. HERR SMITH, all of which will more fully and at large appear, reference being had to the copy of the certain journal entry, duly certified, set forth in said "Exhibit J. G. T., No. 1."

That said House of Representatives by said resolution, being then duly in session in the city of Washington, in the District of Columbia, duly and lawfully referred to said select committee the investigation of certain matters coming within the constitutional and legal cognizance of said House of Representatives and within its power to make inquiry, to wit: into the nature and history of said "real-estate pool" in said resolution mentioned and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested and the amount paid or to be paid in said settlement; all of which are likewise mentioned in said resolution.

That said House of Representatives, in order to facilitate and make effectual said investigation and inquiry, likewise duly and lawfully by said resolution authorized and empowered the special committee to be appointed by virtue of said resolution to send for persons and papers and report to said House of Representatives; all of which will more fully and at large appear, reference being had to said Exhibit J. G. T., No. 1.

That afterward, and in virtue and pursuance of the authority of said resolution, and of the power of said select committee acting as the duly-constituted organ of said House of Representatives, the said committee duly summoned and caused to appear before it the said relator, Hallet Kilbourn, to give testimony before said committee touching certain matters pertinent to the aforesaid subject-matter of inquiry there pending before said committee, and likewise caused a certain *subpœna duces tecum* to be served on said relator, Hallet Kilbourn, requiring him to diligently and carefully search for, examine, and inquire after, and bring with him and produce at the time and place in said *subpœna duces tecum* mentioned certain papers relating and pertinent to the subject-matter of inquiry then pending before said committee.

That the undersigned submits the following true copy of said subpœna and *subpœna duces tecum*, and of Exhibit A thereto attached, to wit:

HALLET KILBOURN: We command and strictly enjoin you that, laying aside all manner of business and excuses whatsoever, you appear in your proper person before the select committee of the House of Representatives, appointed on the 28th day of January, A. D. 1876, of which Hon. JOHN M. GLOVER is chairman, at their room in the Capitol, the room of the Committee on Mines and Mining, in the city of Washington, District of Columbia, on Saturday, the 4th day of March, A. D. 1876, at the hour of ten o'clock a. m. of said day, to testify what you know in regard to the matters to be inquired of by said committee; and that you also diligently and carefully search for, examine, and inquire after, and bring with you and produce, at the time and place aforesaid, the certain deeds and deeds of trust, declarations of trust, and printed papers referred to therein, relating to the following squares, parts of squares, lots, and parcels of ground, or real property situate in the city of Washington, in the District of Columbia, to wit: All the property described in the paper writing hereto attached marked Exhibit A and made a part of this subpœna; also relating to any other property purchased or sold by you as trustee for either the real-estate pool, in which the firm of Jay Cooke & Co., or Messrs. Stewart, Hillyer & Sunderland, or either of them, had an interest, together with all copies, draughts, and vouchers relating to said documents, and all other documents, letters, and paper writings whatsoever, including bank-books, bills of exchange, bank-checks, stubs of checks, ledgers, blotters, day-books, and other books of accounts, maps, that can or may afford any information or evidence relating to the said matters to be inquired of by said committee, belonging to you or subject to your control, either individually, or as trustee, or as a member of the firm of Kilbourn & Latta.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 28th day of February, A. D. 1876.

[SEAL.] MICHAEL C. KERR, *Speaker*.

Attest:

GEORGE M. ADAMS, *Clerk*.

By GREEN ADAMS, *Chief Clerk*.

EXHIBIT A.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		*Value.*	
66	of 1	22,628	25	$5,627	J. M. Latta.
	2	8,529	18	1,535	Do.
	3, 5	39,501	15	5,925	Do.
	6, 8	37,413	20	7,483	Do.
67	3, 5	33,920	12	4,070	Do.
	of 6	3,440	15	516	Do.
	9, 11	25,750	12	3,090	Do.
	12	10,000	15	1,500	Do.
	13, 16	34,294	20	6,617	Do.
	17	11,322	25	2,831	Do.
	19	8,174	18	1,471	Do.
68	2, 3	14,700	10	1,470	Do.
	15, 16	14,872	15	2,231	Do.
	12, 26	30,000	12	3,600	Do.
	27	2,000	15	300	Do.
	28, 34	14,000	12	1,680	Do.
69	35, 43, alley.	13,500	8	1,080	J. F. Olmstead.
	16, 17	20,350	10	2,036	J. M. Latta.
70	of 1	10,207	30	3,062	J. F. Olmstead.
	of 2	5,285	12	634	Do.
72	8	11,472	10	1,147	Do.
	10	8,461	12	1,015	Do.
	of 12	3,906	15	586	Do.
	20	1,907	15	286	Do.
	1, 7, 12, 17, all.	64,937	25	16,234	Do.
93	2, 6, 13, 16	97,468	30	29,240	J. M. Latta.
	1, 6	15,172	30	4,552	Do.
	2, 7, all.	22,400	25	5,600	Do.
92	3 G. N.	39,441	22	8,677	Do.
97	18, 25	20,195	15	3,020	Do.
	of 9	3,139	15	471	Do.
	of 10	4,515	35	1,580	Do.
	1, 5, 9, 10, 12	47,304	50	23,652	Do.
	2, 4, 13, 14	40,166	45	18,075	Do.
115 (all)	6, 8	35,313	35	12,360	Do.
	1	14,856	65	9,656	Do.
	36	2,200	25	550	Do.
134	27, 35, 37, 42	39,887	20	7,977	Do.
	43, 49	12,989	15	1,948	Do.
138	3	41,388	70	28,972	Do.
151	17, 19	5,989	20	1,198	Do.
	23, 24	4,000	20	800	Do.
	27, 37	23,300	20	4,660	Do.
	38	2,200	25	550	Do.
	39, 114, 149	9,900	18	1,782	Do.
	148, 117, 78, 113	67,974	15	10,696	Do.
	4, 75	119,308	12	14,317	Do.
	76	1,760	18	31,680	Do.
	115, 77	3,960	18	713	Do.
155(all)	14, 16	41,580	15	6,237	Do.
	17	7,520	20	1,504	Do.
	18	10,000	25	2,500	Do.
	19, 22	33,360	20	6,672	Do.
156(all)	1	10,000	35	3,500	Do.
	2	7,080	30	2,124	Do.
	3, 8	74,340	20	14,868	Do.
	9, 10	24,780	25	6,196	Do.
	11	7,080	30	2,124	Do.
	12	10,000	35	3,500	Do.
	13, 15	23,606	25	5,903	Do.
	16, 26	123,680	20	24,735	Do.
	27, 32	48,168	30	14,452	Do.
157	1	19,493	45	8,772	Hallet Kilbourn.
	2	11,593	40	4,637	Do.
	3	14,000	35	4,900	Do.
	of 5	2,820	35	987	John F. Olmstead.
	23, 38	38,932	....	----------	
158	of 2	6,213	40	2,485	J. M. Latta.
	3	14,464	40	5,786	J. M. Latta, trustee.
	8	8,820	45	3,969	Do.
	½ of 9 and 10	15,759	40	6,303	Do.
	17	16,632	40	6,653	Do.

EXHIBIT A—Continued.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		*Value.*	
	18	13,794	35	$4,828	J. M. Latta, trustee.
	19	12,163	35	4,257	Do.
	of 21	4,133	40	1,653	Do.
176	16	1,626	22	358	Do.
	2, 4	6,139	18	1,100	Do.
177	E.	4,110	20	822	Do.
	F.	2,683	18	483	Do.
181	1	1,883	75	1,412	Hallet Kilbourn, trustee.
	32, 43	33,322	40	13,327	Do.
	31	2,390	45	1,719	Do.
	3, 2	5,459	45	2,457	Do.
182	36	4,148	60	2,489	John F. Olmstead.
	37, 38	5,767	40	2,307	Do.
	40, 46	23,938	40	9,595	Do.
	47	1,981	70	1,387	Do.
195	11 and 12	14,620	40	5,848	James M. Latta.
	13	6,075	50	3,038	Do.
	14, 17	25,790	45	11,606	Do.
	18	6,075	50	3,038	Do.
	19, 21	20,695	40	8,278	Do.
	22, 25	25,790	30	7,738	Do.
204	5, 8	38,036	25	9,509	Hallet Kilbourn, trustee.
	9, 10	15,100	20	3,020	Do.
	11	10,000	25	2,500	Do.
	12, 14	27,988	20	5,598	Do.
234	30	3,172	15	476	James M. Latta.
241	39	3,019	65	1,962	John F. Olmstead.
	40, 42	10,887	60	6,533	Hallet Kilbourn.
	43, 44	3,634	35	1,272	Do.
	63, 66	15,076	65	9,799	Do.
242	4, 6	27,216	80	21,774	Do.
	of 8, 9, and A.	19,617	70	13,732	Do.
	63	18,015	75	13,511	J. F. Olmstead.
280	of 3	104	90	94	Do.
	F.	2,386	90	2,147	Do.

as a part of this return to said writ.

That the said relator, Hallet Kilbourn, thereupon and thereafter appeared before said committee, to wit, on the 4th day of March, A. D. 1876, at their room in the Capitol, the room of the Committee on Mines and Mining, in the city of Washington, District of Columbia, as required by said subpœna.

That the said relator, Hallet Kilbourn, was then and there, to wit, on the day last mentioned, duly sworn according to law to give testimony before said committee pertinent to said subject-matters then and there under investigation as aforesaid before said committee, and after being so sworn as aforesaid was interrogated as follows, to wit, by Mr. NEW:

By Mr. NEW:

Question. State your name.

Answer. Hallet Kilbourn.

Q. How long have you resided here?

A. About fifteen years.

Q. Are you the Hallet Kilbourn referred to in this *subpœna duces tecum*?

A. Yes, sir.

Q. What has been your occupation?

A. For ten years I have been in the real-estate business here.

Q. State whether or not Mr. Latta was a partner of yours.

A. He is.

Q. You are the same Hallet Kilbourn spoken of and who testified before a joint committee at the last session of Congress?

A. Yes, sir.

Q. State whether you have in your possession now and have brought to the committee-room the papers, documents, memoranda, &c., referred to in the *subpœna duces tecum* served upon you.

A. I have not.

Q. State whether you are prepared to produce them at this sitting of the committee.

A. I am not prepared to produce them to-day.

Q. State whether you are willing to produce them now or at any future sitting of this committee.

A. As at present advised, I am not prepared.

Q. You refuse to produce them before the committee in response to this subpœna?

A. Yes, sir. I would like to state the reasons therefor, my personal reasons. My partner and myself are in a private business. We have no connection with the Government of the United States, and never have had; are conscious of having violated no law; are not charged with any fraud. Our business that we do is done with private citizens throughout the country, and I stand upon the right which I think belongs to every private citizen not accused of violating any law of being protected in his papers. Whatever the law decides, however, I am willing to abide by. I sustain but one relation to the Government, and that is to pay taxes and obey the law. That is the only transaction I have with the Government at all.

Q. Are you still Mr. Latta's partner?

A. Yes, sir.

Q. And the business relations with reference to these matters heretofore subsisting between you still exist?

A. Yes, sir; except what may have been changed by the transactions of the partnership business, the purchases and sales that have since been made.

By Mr. LEWIS:

Q. When did Mr. Olmstead become a member of this firm?

A. He has had a special interest within the last year or two. He is interested in the profits; that is the relation he sustains to it.

By Mr. SMITH:

Q. Do you refuse to answer because you think such answer would criminate you?

A. O, not at all, sir; not at all. If anybody will make an oath, an affirmation, or affidavit that in anything in connection with this we have violated any law, or committed any fraud, we will give you our books, give the whole history of our firm from the day of our baptism until the present time.

MARCH 11, 1876—10 o'clock a. m.

HALLET KILBOURN recalled.

By Mr. NEW:

Question. Mr. Kilbourn, before an announcement is made by the committee of

the conclusion to which they have arrived in reference to the questions raised as to the *subpœna duces tecum*, they desire to ask you some additional questions. I believe you have already stated before this committee that you are a resident of this District, and that your business is that of real-estate agent or real-estate broker?

Answer. Yes, sir.

Q. How long have you been in that business in this city?

A. A little over ten years, I think.

Q. When did Mr. Latta become your partner?

A. When I commenced business; we commenced in 1865, I think.

Q. When did Mr. Olmstead become a partner?

A. Within a couple of years, according to my recollection.

Q. Are they both still your partners?

A. Yes, sir.

Q. Are you acquainted with Henry D. Cooke?

A. Yes, sir.

Q. How long have you known him?

A. Well, I think for ten or twelve years.

Q. During what part of that time did Henry D. Cooke reside in this city?

A. I think he has resided here ever since I have known him.

Q. Is he the same Henry D. Cooke who was governor of this District and *ex officio* president of the board of public works?

A. Yes, sir; I think so.

Q. Was he a member of the banking house of Jay Cooke & Co., lately doing business in this city?

A. I understand he was.

Q. Can you tell about when that banking house began business in this city and when it ceased to do business here?

A. I cannot tell when it commenced. I think it ceased in September, 1873.

Q. For about what length of time was it in business in this city as a banking house?

A. For ten or twelve years, I should judge; possibly over. I do not know exactly.

Q. State whether you have any knowledge of the existence of what was and is known as the "real-estate pool" in this city, the same referred to by you in testimony given by you before a congressional investigating committee during the first session of the Forty-third Congress.

A. I know all there is about it, I think.

Q. You mean to answer that you have knowledge upon that subject?

A. Yes, sir; I think I know all about it.

Q. Upon page 255 of Senate report of the investigation in which you testified during the last Congress, a letter is referred to in which you are represented as using this language: "Henry D. Cooke has authorized me to draw on him for $25,000 cash for real-estate pool." I wish you to state to whom that letter was addressed.

A. I think it appears in the testimony there. I think that is a letter I wrote to Mr. Huntington.

Q. I fail to discover that fact, and therefore I ask this question.

A. I think that is a letter I wrote to Mr. Huntington.

Q. Did you or your firm, as real-estate brokers, do business for said pool in the matter of buying and selling for the persons constituting that pool?

A. Yes, sir.

Q. Were Jay Cooke & Co. members of that pool?

A. Jay Cooke & Co. put in $25,000.

Q. Did they furnish to you any money to be used for them in making purchases of real estate for said pool?

A. They never furnished but the $25,000.

Q. Did you expend it on behalf of Jay Cooke & Co. in purchasing real estate for the pool?

A. We did; or I did, in connection with the other moneys put in for a common purpose.

Q. In purchasing real estate for the pool?

A. Yes, sir.

Q. When did Jay Cooke & Co. furnish this money? To refresh your recollection, I will say that Mr. Latta testified that it was about August 25, 1871.

A. I think it was in 1871. That is my recollection, that it was along in that year.

By Mr. LEWIS:

Q. About the time you wrote that letter to Mr. Huntington?

A. I do not know. I do not know that we had invested any at that time, but probably arrangements were made at that time.

By Mr. NEW:

Q. You think it was in the summer of 1871?

A. Yes, sir. I do not know that it was all expended during 1872, but I presume the arrangement was made, as I stated, to use the $25,000.

Q. Was there a fund raised by those who constituted the pool?

A. Certain parties put in a certain amount of money each.

By Mr. LEWIS:

Q. That constituted a general fund?

A. Yes, sir.

By Mr. NEW:

Q. Was this money put in your hands?

A. Yes, sir.

Q. Thus constituting what is commonly called a real-estate pool?

A. Yes, sir.

Q. How much was thus put into your hands, or the firm of which you were a member?

A. Of course I have held the right to decline to answer that, and I will not now hesitate to do so. I will detail all the history of this pool to that extent. Five gentlemen each put in $5,000, and Jay Cooke & Co. put in $25,000. Now you have the whole extent of the pool.

By the CHAIRMAN:

Q. That was the entire sum at any time put in?

A. There was an assessment made after Jay Cooke & Co. failed of $2,000 each to meet payments. Jay Cooke & Co. did not pay this, and these other parties paid $2,000 apiece. I may say now that is the whole of it. Out of this great, big, world-wide-noised-abroad pool, that is the whole sum of money that was ever put in it in the world.

By Mr. LEWIS:

Q. Was that assessment of $2,000 in addition to the $5,000?

A. Yes, sir; to meet payments, five gentlemen paid. Jay Cooke & Co. never paid that.

By the CHAIRMAN:

Q. No member of your firm put in any after that?

A. Never.

By Mr. NEW:

Q. There was $5,000 each originally put in by each of five different persons?

A. Yes, sir.

Q. And $25,000 in addition by Jay Cooke & Co.?

A. Yes, sir; that is the whole sum and substance of it.

By the CHAIRMAN:

Q. What was the aggregate amount of the assessment?

A. Ten thousand dollars, so that $60,000 was all that was ever put in.

By Mr. NEW:

Q. You may state whether this money was used by you in purchasing real estate for the pool.

A. Yes, sir.

Q. Were purchases made by you as trustee for the members of the pool?

A. Yes, sir.

Q. In purchases that were made for the pool, how were conveyances taken; to members of the pool or to some other person or persons in trust?

A. They were generally taken to me as trustee.

Q. You say generally. Was there any exception?

A. There may have been when I was away.

Q. I mean was there any exception?

A. None, except to some person as trustee or some other member of the firm.

Q. Were the conveyances in such cases executed to you as trustee?

A. Yes, sir.

Q. Did such instrument of purchase or conveyance name the beneficiaries?

A. No, sir.

Q. Was there at the time of the execution of such instrument of trust any other or separate instrument showing for whom the purchases were in fact made?

The WITNESS. At the time the several purchases were made?

Mr. NEW. Yes.

A. No, sir.

Q. Was there at the time of the execution of those instruments of trust any other or separate instrument showing for whom the purchases were made in fact?

A. I think when we received the money we gave to the parties or beneficiaries a statement showing what proportion each had put in.

Q. There were, then, when money was paid separate instruments of the kind named executed?

A. There was a statement given by us, signed by me, I think, given to the parties furnishing the money. That is my recollection of it.

Q. You say at the time the money was furnished?

A. I think that was at the time the money was paid in.

Q. But when a purchase was made and a conveyance taken to yourself as trustee, did you at that time, as trustee, or at any time, execute to the members of the pool, or any of them, any declaration of trust?

A. I understand it now. I stated when they advanced this money. I think it was after we made the purchase and invested the money; I think then we gave a statement showing what property we had purchased. That is my recollection of it now.

By the CHAIRMAN:

Q. There was nothing indicating title for the benefit of these gentlemen?

A. O, no; we have all the abstracts and everything to show in our office.

By Mr. NEW:

Q. Were there any other written declarations of trust executed by yourself or your firm or any member of the firm, as trustee, and delivered to the parties other than what you have named?

A. No, sir; that is all.

Q. Had you or your firm or any member of your firm any interest except as agents or real-estate brokers and trustees in said pool?

A. Not at first.

Q. Had you at any time?

A. We purchased one interest; we have purchased all the interest.

Q. You first purchased one interest?

A. Yes, sir.

Q. Was that a purchase by yourself or by the firm?

A. A purchase by the firm.

Q. By the firm consisting of Kilbourn & Latta, or Kilbourn, Latta & Olmstead?

A. I do not remember whether Olmstead was then in the firm or not.

Q. About when was that interest purchased?

A. That was in 1873, I think. It was before the last investigation.

Q. To refresh your recollection, you then stated that you thought it was about six months prior to that time.

A. Yes, sir.

Q. That investigation commenced March 5, 1874.

A. The purchase was made in 1873 some time.

Q. From whom did you purchase the interest you referred to—the first interest that your firm purchased?

A. From the owner. I respectfully decline to answer who the parties were.

Q. Did you purchase his entire interest?

A. Yes, sir.

Q. Was it a purchase from one member of the pool, or more than one?

A. At that time I purchased the interest of one man who had put in $5,000.

By the CHAIRMAN:

Q. What amount was paid for that interest?

A. Precisely what he gave, $5,000. And we paid the assessment of $2,000 ourselves; gave him exactly what he gave without interest.

By Mr. NEW:

Q. How many members of the pool were there before you became a member? I believe you have in fact answered.

A. Five gentlemen besides Jay Cooke & Co. put in $5,000 apiece.

Q. Will you state where each of these five members reside?

A. I do not know that I could do that. Mr. Chairman, if you will indulge me, I respectfully decline to give any testimony as it relates to these individuals.

Q. Do you decline to state where they reside?

A. I do not know that I could. I could upon reflection, probably.

By the CHAIRMAN:

Q. Would you refuse to state, if you knew? We want to know whether that is one of the questions you decline to answer.

A. I decline to answer except upon consultation with my counsel.

By Mr. NEW:

Q. For the present you decline to state, even if you were certain as to the locality, where they do reside?

A. Yes, sir; I respectfully decline to state anything in relation to individuals who did business with us except upon consultation with my counsel.

Q. Will you please state their names?

A. That I beg to include in the same answer.

Q. State by what members of the pool you were supplied with money to be invested therein, other than Jay Cooke & Co.?

A. The money was supplied by five gentlemen who comprised the other members of the pool aside from Jay Cooke & Co.

Q. And, as already stated, you decline to give their names?

A. Yes, sir. I will state this: If it can be shown in any way that the Government is interested or that it will promote the interests of the Government in any way to the extent of one dollar, I will tell everything about it. I will tell everything about it if the Government has been wronged in any shape or manner.

The CHAIRMAN. That is what we expect to show, and we hope you will co-operate with us in doing it.

WITNESS. I am willing to do anything that will do that.

The CHAIRMAN. But we would not allow you to be the entire judge about that.

WITNESS. Anything that you can show; but it seems to me it must be brought around in some other way than by going through our books.

Mr. NEW. We are calling you to aid us.

WITNESS. If the Government has been defrauded in any way through us we are ready to give you all information; but this being a purely private business matter of course we must decline to give publicity to that until it is shown that it has some connection with the Government.

Mr. NEW. Is the instrument executed to you or the firm as trustees recorded in your books or is there any official record of it in this District?

WITNESS. The papers we gave to the parties that furnished the money?

Mr. NEW. No, sir; the instrument executed to you, or your firm, or any member thereof, as trustees.

WITNESS. Yes, sir; all were recorded in the recorder's office of the District of Columbia. They are all on record here in the District.

Q. Did such recorded instruments set forth all or any of the trusts upon which you or any of your partners, as such trustee or trustees, held the property described in such instrument?

A. The records will speak for themselves. We can furnish you with the deeds and deeds of trust.

Q. Do you recollect how that is?

A. My recollection is that all that was put on the record is the conveyance of title to us as trustees and the trust deed we gave back for deferred payments. The negotiations we had with the owners of the property.

Q. When did you first begin to keep a record in your office of such instruments, if you kept one?

A. That I cannot tell.

Q. Did you keep a record in your office of such instruments?

A. The presumption is that we have a record of all our business transactions.

Q. So far as you do know, that is the fact, is it not?

A. Yes, sir. I do not think we have transacted any business except we have a record of it.

By the CHAIRMAN:

Q. Has that been known to the members of the pool?

WITNESS. What is that?

The CHAIRMAN. The fact that you have kept a record.

A. I do not know that we have kept any record of that part of it. I presume we kept copies of the papers we gave them.

Q. The beneficiaries have knowledge that you are keeping an exact account of your transactions, have they not?

A. I suppose so. I think, Mr. Chairman, you will find in that previous examination there the record of all the property purchased for this pool. If you desire it, we can give it to you. It is a matter of record. I think it is all stated there, but I am not positive.

Mr. NEW. We know that to be a fact.

By Mr. LEWIS:

Q. Do you mean this exhibit attached to your *subpœna duces tecum*?

A. Probably four-fifths of that belongs to Sunderland & Hillyer; four-fifths of that property.

By the CHAIRMAN:

Q. Was the other property embraced in that bought by you as trustee?

A. I say that my impression now is that four-fifths of the property you call for is property we bought for Sunderland & Hillyer, and I presume the other property is purchases we made for the pool.

Q. In addition to what you say is embraced in this list as having been purchased for the pool by you, are there any other lots or blocks of ground here that you have purchased, not in that?

A. I do not know. I have not looked over it carefully. After looking it through, I presume that all the property you have got in there is purchased by us as trustees; and four-fifths of that property is for Sunderland & Hillyer, and the other one-fifth is for this pool. I find upon examination of the list of property attached to the subpœna that while it includes all the real estate purchased for the pool—Stewart, Sunderland & Hillyer—it also includes property purchased for Kilbourn & Latta and the individual members of the firm, and also thirty-five pieces of real estate which we know nothing about, never having had anything to do with it.

By the CHAIRMAN:

Now, Mr. Kilbourn, it is due to you to say that the committee have considered very maturely the question submitted by your attorney and the response made by Mr. Christy, and not only that, but the general subject in all its lights, and have come to the conclusion that they require you to respond to the requirements of that *subpœna duces tecum*—that you shall produce the books and papers as therein set forth; and we hope that you will at once see the necessity of it. We are engaged in a legitimate investigation, one in which every good citizen ought to give his assistance. We do not mean to do any harm or detriment to any interest, and hope you will at once respond in good faith to the requirements of that subpœna. We are very anxious to facilitate this investigation and get rid of it. It has now been upon the hands of Congress for nearly three years, and we think the whole thing can be explained satisfactorily to Congress and the country in thirty days, perhaps even in less time, in ten days. I do not see why it cannot be in a single meeting, and we hope you will aid us to do so.

WITNESS. As I stated, I should have counsel to speak for me, but he is not here. I stated on oath the extent of this pool, and that it was such a trivial matter, and I thought that that would be satisfactory. At the same time I can make this further statement, that, if it can be satisfactorily shown in the remotest degree that the Government or the public interest is in any way concerned in this matter, we are willing to give the whole thing to the country. And I would like to have this put on record too, that I think fully four-fifths of that property belongs to Sunderland & Hillyer. Mr. Hillyer, the representative of said firm, was here the other day, and is now willing to come and tell all about that. If we should bring up the books and papers in reference to Sunderland & Hillyer's business, would it not necessarily expose our books and papers in regard to all our transactions with everybody?

The CHAIRMAN. We do not want to expose any matter connected with your private transactions, but only those bearing upon this question, which affects the public interest. We had supposed that there was not a gentleman in this city, of any intelligence, who could not see at a glance that the Government of the United States is interested in this particular property. Jay Cooke & Co. are indebted to Jay Cooke, McCulloch & Co. Jay Cooke, McCulloch & Co. are indebted to the United States in an amount exceeding $1,500,000, and by an assignment of their claim to the Secretary of the Navy the rights of Jay Cooke & Co. are subrogated to the Government. Now, this original investment of Jay Cooke & Co. of $25,000 and the subsequent profits inure to the Government. We could not suppose you would fail to see that at a glance.

WITNESS. I understand from the attorneys of Mr. Lewis that the Government is entirely secured for every dollar.

The CHAIRMAN. Mr. Lewis is not the party to determine that question. Congress has appointed a committee to determine that question, and it seems to me that it is improper for you to resist this investigation as far as you have. It has cost the Government a vast deal of money.

WITNESS. I want you to understand that I do not resist it because I want to shield anything from the Government interests. I am only resisting it and protecting my own interests as a citizen who has but one relation to the Government, and that is to obey the law and pay taxes. The Government has no interest, one way or the other, in this matter. If it had, through Jay Cooke, or Lewis, trustee of Jay Cooke & Co., it was all settled. We have settled through the courts. If the settlement was not fair, the court is open for it, I understand. Instead of resisting anything that affects the Government, as I said, I would help to promote the Government's interests, if it can be shown wherein I can do it.

The CHAIRMAN. You will not let us show that, because you resist us.

WITNESS. I understand that it is not stated that we are shielding anything, but it is a general inquiry for looking through our books and papers, with the idea that possibly something might be found in which the Government is interested.

The CHAIRMAN. No, you are laboring under a misapprehension. I will make this brief statement to you, and then leave it to you either to comply with the subpœna or take the consequences.

Mr. NEW. And also as to answering the questions that he has refused to answer.

The CHAIRMAN. We know, (whether you do or not,) as a matter of record, that Jay Cooke, McCulloch & Co., directly, and Jay Cooke & Co., indirectly, are indebted to the Government. We know, if you do not, that Jay Cooke & Co. have an interest in this real-estate pool. Can you not see that to this extent the Government is interested in it, as all those interests have been transferred to the Government? And now we are trying to ascertain what that interest is.

WITNESS. Excuse me right there. We have settled with Jay Cooke & Co.

The CHAIRMAN. We say that that settlement has not covered the interest.

WITNESS. That is the point I want to get at.

The CHAIRMAN. Your own, like a great many other settlements in the past, has been made to the detriment—whether intentionally so or not—of the parties concerned.

WITNESS. I understand. As I said, of course I have had counsel in the matter all the time, but he is not here now——

The CHAIRMAN. We have heard everything that counsel could say.

WITNESS. Of course it is proper for me to consult with him. As I stated, anything that I can do to promote the interests of the Government in any way, shape, or manner I will do cheerfully.

By Mr. LEWIS:

Q. If your counsel advises you, after the announcement of the decision of the committee, to respond to this *subpœna duces tecum* and also to answer the questions that have been propounded to you this morning, are you prepared to do it?

A. I think he would be a very poor client that would not stand by the advice of his counsel. That is what I employ one for. It is only the question of my legal rights that I wish protected.

Mr. NEW. Do you desire to consult with your counsel further as to whether you shall, or shall not, or will, or will not, reconsider your declination to produce the books and papers, &c., named in the *subpœna duces tecum*, and your refusal to answer the questions that have been asked you during this investigation?

WITNESS. I think it is but proper that I should; I would certainly like that privilege.

Mr. NEW. And at what hour during the day can you inform us whether you will maintain your present attitude in that regard before the committee, or whether you will respond?

WITNESS. I have been trying all morning to find Judge Black.

Mr. NEW. You can see him during the day.

WITNESS. I think so.

Mr. NEW. Suppose you indicate some hour now.

WITNESS. I can communicate with the chairman or any one of the committee at any time the committee indicate. I do not know where Judge Black is, and I can let you know at ten o'clock Monday morning.

Mr. NEW. We would like to know to-day.

The CHAIRMAN. We must press this matter forward, it has been delayed so much, and you owe it to the committee at least, if not to yourself, that your attorney should be here.

Mr. NEW. Do you think you could appear here at the adjournment of the House this afternoon with your counsel?

WITNESS. If I can find him. I certainly will appear anyhow and let you know whether I can find him or not.

Mr. LEWIS. Perhaps we had better say three o'clock.

WITNESS. If you will indicate any hour I will be here.

Mr. NEW. We will expect you here at three o'clock, and then a determination of this matter by you, whether counsel shall be with you or not.

The committee then took a recess till three o'clock.

The committee resumed its session at three p. m.

Mr. NEW stated that at the meeting of the committee this morning the witness, Hallet Kilbourn, had expressed a desire to confer further during the day with his counsel, and that in order to give him the opportunity to do so the committee had adjourned to this hour. The committee had now met, not for the purpose of hearing further argument in the premises, but of knowing what the witness had finally determined upon, as to whether he would or would not respond to the *subpœna duces tecum*, and whether he would or would not answer those questions which he has heretofore failed to answer.

Mr. BLACK, counsel for the witness, said that he wanted a record made up, which would justify one party or the other in doing what they respectively intended to do. He wished, therefore, to put some questions to the witness.

By Mr. BLACK:

Q. Please state to the committee, on your oath, whether there is anything in the nature or history of this real-estate pool connected with any public affair, or whether it is purely a private matter.

A. It is purely a private matter, and has no relation in the remotest degree to any public interest whatsoever.

Q. Was it, or not, a private partnership?

A. It was entirely so.

Q. Relating to private business?

A. Yes.

Q. Was there any public money invested in it by anybody?

A. Not a dollar.

Q. Is it connected in any way with the public act of any officer of the District of Columbia or the United States Government?

A. Not in the remotest degree. Jay Cooke & Co. put in $25,000.

Q. Are they in it now?

A. No, sir; nobody is interested in it now but Kilbourn & Latta.

Q. Have you ever objected to a revelation of that business on any other ground than that it is a mere private transaction?

A. That is the only reason why I have ever objected to answering questions about it, that it is a purely private business.

Mr. BLACK. That is all that I want to ask the witness. But I want to go a little further and have this record put into shape so that it will bear the test of the scrutiny of any other tribunal before which it may hereafter be brought. To that end I call the attention of the committee to a fact which occurred before the committee at a former meeting, namely, a call upon the party who was promoting this investigation for any contradiction of the statement which the witness has just made that this is purely a private affair; and I now repeat (representing the wit-

ness, and as his counsel) his entire willingness to answer any interrogatories that the committee may put to him concerning the nature and history of the real-estate pool, so called, provided that any gentleman here, or any member of the committee, will express his conviction, grounded on any fact known to him, that there is any connection whatever with any public man that Congress has a right to investigate or to found any legislation upon. If that be so, then there is an end of all controversy; the witness "comes down" immediately and gives the committee any information that may be wanted on the subject. Otherwise it must be taken for granted that the nature and character of that transaction is what he described it to be on his oath, a purely private matter.

Mr. NEW. I desire to say, in answer to counsel and with reference to the questions which he has propounded to the witness, that in the opinion of the committee those questions, in their very nature, contemplate the statement of a conclusion and not the statement of facts on which a conclusion may be based; not the facts from which the committee could or would form a conclusion. Therefore the committee will not ask Mr. Kilbourn any questions by way of cross-examination.

In the next place I desire to say in respect to what has been said about there being no party or about the necessity of some party making certain statements or declarations, to the effect that this is a public matter, and not a private matter, that on a former occasion the same proposition was suggested by yourself, and the committee then answered, as the committee now answers, that we are acting on a resolution adopted by the House of Representatives. In other words, so far as we may know from the record, the party complaining or suggesting that there may be some discovery that will be of benefit to the Government as a creditor of Jay Cooke & Co. is the House of Representatives. We feel that we have no alternative, and no duty to perform, except to proceed with the investigation for the purpose of discovering what may be (if anything) discovered as to the history of the real-estate pool, and as to the indebtedness of Jay Cooke & Co. to the Government. I desire, in conclusion, to have the witness state whether or not he desires still to abide by his action heretofore in refusing to respond to a *subpœna duces tecum* and in refusing to respond to questions which have been propounded to him.

Mr. BLACK rose to make some remarks.

Mr. NEW. The committee cannot hear any further argument in the matter. There has been oral argument on both sides, and if the committee is to make any progress in this investigation these arguments must of course have a termination.

After conference with the other members of the committee, Mr. NEW said: For the purpose of giving Mr. Kilbourn and yourself a little further time to consider, we have concluded to meet again on Monday morning at ten o'clock for the purpose, and sole purpose, at that meeting, without any further argument, of having the witness state definitely and positively what he will do in the premises.

The committee then adjourned.

MARCH 13, 1876—10 o'clock a. m.

Hallet Kilbourn, the witness, being present before the committee, the chairman said: By the agreement at the last meeting on Saturday evening, this morning was set apart to hear your final decision as to whether you would respond to the *subpœna duces tecum* and would answer those questions which you were asked and to which you refused to respond last week.

The WITNESS. I have nothing further to say, except that I respectfully decline to answer, for the reasons heretofore stated.

That thereupon and thereafter, to wit, on the 14th day of March, A. D. 1876, Hon. JOHN M. GLOVER, chairman of said committee, and by and with the authority and consent of the other members of said committee, made the report following to said House of Representatives, to wit:

Mr. GLOVER. It does, and is therefore a privileged question.

The Clerk read as follows:

On the 24th day of January, A. D. 1876, the House adopted the following resolution:

Whereas the Government of the United States is a creditor of the firm of Jay Cooke & Co., now in bankruptcy, by order and decree of the district court of the United States in and for the eastern district of Pennsylvania, resulting from the improvident deposits made by the Secretary of the Navy of the United States with the London branch of said house of Jay Cooke & Co. of the public moneys; and whereas a matter known as the real-estate pool was only partially inquired into by the late joint special committee to inquire into the affairs of the District of Columbia, in which Jay Cooke & Co. had a large and valuable interest; and whereas Edwin M. Lewis, trustee of the estate and effects of said firm of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co. with the associates of said firm of Jay Cooke & Co. to the disadvantage and loss, as it is alleged, of the numerous creditors of said estate, including the Government of the United States; and whereas the courts are now powerless by reason of said settlement to afford adequate redress to said creditors:

Resolved, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to this House.

Under said resolution the undersigned committee was appointed, and in conformity with the power therein conferred have sent for persons and papers. The committee caused a *subpœna duces tecum* to be issued and duly served on one Hallet Kilbourn, a resident of this District. Said subpœna is in the words and figures following, to wit:

Hallet Kilbourn, we command and strictly enjoin you that, laying aside all manner of business and excuses whatsoever, you appear in your proper person before the select committee of the House of Representatives, appointed on the 28th day of January, A. D. 1876, of which Hon. JOHN M. GLOVER is chairman, at their room in the Capitol, the room of the Committee on Mines and Mining, in the city of Washington, District of Columbia, on Saturday, the 4th day of March, A. D. 1876, at the hour of ten o'clock a. m. of said day, to testify what you know in regard to the matters to be inquired of by said committee; and that you also diligently and carefully search for, examine, and inquire after, and bring with you and produce, at the time and place aforesaid, the certain deeds and deeds of trust, declarations of trust, and printed papers referred to therein, relating to the following squares, parts of squares, lots, and parcels of ground, or real property, situate in the city of Washington, in the District of Columbia, to wit: All the property described in the paper writing hereto attached, marked Exhibit A, and made a part of this subpœna; also relating to any other property purchased or sold by you as trustee for either the real-estate pool, in which the firm of Jay Cooke & Co., or Messrs. Stewart, Hillyer & Sunderland, or either of them, had an interest, together with all copies, draughts, and vouchers relating to said documents, and all other documents, letters, and paper writings whatsoever, including bank-books, bills of exchange, bank-checks, stubs of checks, ledgers, blotters, day-books, and other books of accounts, maps, that can or may afford any information or evidence relating to the said matters to be inquired of by said committee, belonging to you or subject to your control, either individually, or as trustee, or as member of the firm of Kilbourn & Latta.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 28th day of February, A. D. 1876.

[SEAL.] MICHAEL C. KERR, *Speaker*.

Attest:

GEORGE M. ADAMS, *Clerk*,
By GREEN ADAMS, *Chief Clerk*.

EXHIBIT A.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		*Value.*	
66	of 1	22,628	25	$5,627	J. M. Latta.
	2	8,529	18	1,535	Do.
	3, 5	39,591	15	5,925	Do.
	6, 8	37,413	20	7,483	Do.
67	3, 5	33,920	12	4,070	Do.
	of 6	3,440	15	516	Do.
	9, 11	25,750	12	3,090	Do.
	12	10,000	15	1,500	Do.
	13, 16	34,294	20	6,617	Do.
	17	11,322	25	2,831	Do.
	19	8,174	18	1,471	Do.
68	2, 3	14,700	10	1,470	Do.
	15, 16	14,872	15	2,231	Do.
	12, 26	30,000	12	3,600	Do.
	27	2,000	15	300	Do.
	28, 34	14,000	12	1,680	Do.
69	35, 43, alley.	13,500	8	1,080	J. F. Olmstead.
	16, 17	20,350	10	2,036	J. M. Latta.
70	of 1	10,207	30	3,062	J. F. Olmstead.
	of 2	5,285	12	634	Do.
72	8	11,472	10	1,147	Do.
	10	8,461	12	1,015	Do.
	of 12	3,906	15	586	Do.
	20	1,907	15	286	Do.
	1, 7, 12, 17, all.	64,937	25	16,234	Do.
93	2, 6, 13, 16	97,468	30	29,240	J. M. Latta.
	1, 6	15,172	30	4,552	Do.
	2, 7, all	22,400	25	5,600	Do.
92	3 G. N.	39,441	22	8,677	Do.
97	18, 25	20,195	15	3,020	Do.
	of 9	3,139	15	471	Do.
	of 10	4,515	35	1,580	Do.
	1, 5, 9, 10, 12	47,304	50	23,652	Do.
	2, 4, 13, 14	40,166	45	18,075	Do.
115 (all)	6, 8	35,313	35	12,360	Do.
	1	14,856	65	9,656	Do.
	36	2,200	25	550	Do.
134	27, 35, 37, 42	39,887	20	7,977	Do.
	43, 49	12,989	15	1,948	Do.
138	3	41,388	70	28,972	Do.
151	17, 19	5,989	20	1,198	Do.
	23, 24	4,000	20	800	Do.
	27, 37	23,300	20	4,660	Do.
	38	2,200	25	550	Do.
	39, 114, 149	9,900	18	1,782	Do.
	148, 117, 78, 113	67,974	15	10,696	Do.
	4, 75	119,308	12	14,317	Do.
	76	1,760	18	31,680	Do.
	115, 77	3,960	18	713	Do.
155 (all)	14, 16	41,580	15	6,237	Do.
	17	7,520	20	1,504	Do.
	18	10,000	25	2,500	Do.
	19, 22	33,360	20	6,672	Do.
156 (all)	1	10,000	35	3,500	Do.
	2	7,080	30	2,124	Do.
	3, 8	74,340	20	14,868	Do.
	9, 10	24,780	25	6,196	Do.
	11	7,080	30	2,124	Do.
	12	10,000	35	3,500	Do.
	13, 15	23,606	25	5,903	Do.
	16, 26	123,680	20	24,735	Do.
	27, 32	48,168	30	14,452	Do.
157	1	19,493	45	8,772	Hallet Kilbourn.
	2	11,593	40	4,637	Do.
	3	14,000	35	4,900	Do.
	of 5	2,820	35	987	John F. Olmstead.
	23, 38	38,932	....	.....	
158	of 2	6,213	40	2,485	J. M. Latta.
	3	14,464	40	5,786	J. M. Latta, trustee.
	8	8,820	45	3,969	Do.
	½ of 9 and 10	15,759	40	6,303	Do.
	17	16,632	40	6,653	Do.
	18	13,794	35	4,828	Do.
	19	12,163	35	4,257	Do.
	of 21	4,133	40	1,653	Do.
176	16	1,626	22	358	Do.
	2, 4	6,139	18	1,100	Do.
177	E.	4,110	20	822	Do.
	F.	2,683	18	483	Do.
181	1	1,883	75	1,412	Hallet Kilbourn, trustee.
	32, 43	33,322	40	13,327	Do.
	31	2,390	45	1,719	Do.
	3, 2	5,459	45	2,457	Do.
182	36	4,148	60	2,489	John F. Olmstead.
	37, 38	5,767	40	2,307	Do.
	40, 46	23,938	40	9,595	Do.
	47	1,981	70	1,387	Do.
195	11 and 12	14,620	40	5,848	James M. Latta.
	13	6,075	50	3,038	Do.
	14, 17	25,790	45	11,606	Do.
	18	6,075	50	3,038	Do.
	19, 21	20,695	40	8,278	Do.
	22, 25	25,790	30	7,738	Do.
204	5, 8	38,036	25	9,509	Hallet Kilbourn, trustee.
	9, 10	15,100	20	3,020	Do.
	11	10,000	25	2,500	Do.
	12, 14	27,988	20	5,598	Do.
234	30	3,172	15	476	James M. Latta.
241	39	3,019	65	1,962	John F. Olmstead.
	40, 42	10,887	60	6,533	Hallet Kilbourn.
	43, 44	3,634	35	1,272	Do.
	63, 66	15,076	65	9,799	Do.
242	4, 6	27,216	80	21,774	Do.
	of 8, 9, and A.	19,617	70	13,732	Do.
	63	18,015	75	13,511	J. F. Olmstead.
280	of 3	104	90	94	Do.
	F.	2,386	90	2,147	Do.

Said Kilbourn appeared as a witness before the committee on the 4th day of March, 1876, at ten o'clock a. m., and, after being duly sworn according to law, was interrogated as follows:

By Mr. NEW:

Question. State your name.
Answer. Hallet Kilbourn.
Q. How long have you resided here?
A. About fifteen years.
Q. Are you the Hallet Kilbourn referred to in this *subpœna duces tecum*?
A. Yes, sir.
Q. What has been your occupation?
A. For ten years I have been in the real-estate business here.
Q. State whether or not Mr. Latta was a partner of yours.
A. He is.
Q. You are the same Hallet Kilbourn spoken of and who testified before a joint committee at the last session of Congress?
A. Yes, sir.
Q. State whether you have in your possession now and have brought to the committee-room the papers, documents, memoranda, &c., referred to in the *subpœna duces tecum* served upon you.
A. I have not.
Q. State whether you are prepared to produce them at this sitting of the committee.
A. I am not prepared to produce them to-day.
Q. State whether you are willing to produce them now or at any future sitting of this committee.
A. As at present advised, I am not prepared.
Q. You refuse to produce them before the committee in response to this subpœna?
A. Yes, sir. I would like to state the reasons therefor, my personal reasons. My partner and myself are in a private business. We have no connection with the Government of the United States and never have had; are conscious of having violated no law; are not charged with any fraud. Our business that we do is done with private citizens throughout the country, and I stand upon the right which I think belongs to every private citizen not accused of violating any law of being protected in his papers. Whatever the law decides, however, I am willing to abide by. I sustain but one relation to the Government, and that is to pay taxes and obey the law. That is the only transaction I have with the Government at all.
Q. Are you still Mr. Latta's partner?
A. Yes, sir.
Q. And the business relations with reference to these matters heretofore subsisting between you still exist?
A. Yes, sir; except what may have been changed by the transactions of the partnership business, the purchases and sales that have since been made?

By Mr. LEWIS:

Q. When did Mr. Olmstead become a member of this firm?
A. He has had a special interest within the last year or two. He is interested in the profits; that is the relation he sustains to it.

By Mr. SMITH:

Q. Do you refuse to answer because you think such answer would criminate you?
A. O, not at all, sir; not at all. If anybody will make an oath, an affirmation, or affidavit that in anything in connection with this we have violated any law, or committed any fraud, we will give you our books, give the whole history of our firm from the day of our baptism until the present time.

MARCH 11, 1876—10 o'clock a. m.

HALLET KILBOURN recalled.

By Mr. NEW:

Question. Mr. Kilbourn, before an announcement is made by the committee of the conclusion to which they have arrived in reference to the questions raised as to the *subpœna duces tecum*, they desire to ask you some additional questions. I believe you have already stated before this committee that you are a resident of this District, and that your business is that of real-estate agent or real-estate broker?
Answer. Yes, sir.
Q. How long have you been in that business in this city?
A. A little over ten years, I think.
Q When did Mr. Latta become your partner?
A. When I commenced business; we commenced in 1865, I think.
Q. When did Mr. Olmstead become a partner?
A. Within a couple of years, according to my recollection.
Q. Are they both still your partners?
A. Yes, sir.
Q. Are you acquainted with Henry D. Cooke?
A. Yes, sir.
Q. How long have you known him?
A. Well, I think for ten or twelve years.
Q. During what part of that time did Henry D. Cooke reside in this city?
A. I think he has resided here ever since I have known him.
Q. Is he the same Henry D. Cooke who was governor of this District and *ex officio* president of the board of public works?
A. Yes, sir. I think so.
Q. Was he a member of the banking house of Jay Cooke & Co., lately doing business in this city?
A. I understand he was.
Q. Can you tell about when that banking house began business in this city, and when it ceased to do business here?
A. I cannot tell when it commenced. I think it ceased in September, 1873.
Q. For about what length of time was it in business in this city as a banking house?
A. For ten or twelve years, I should judge; possibly over. I do not know exactly.
Q. State whether you have any knowledge of the existence of what was and is known as the "real-estate pool" in this city, the same referred to by you in testimony given by you before a congressional investigating committee during the first session of the Forty-third Congress.
A. I know all there is about it, I think.
Q. You mean to answer that you have knowledge upon that subject?
A. Yes, sir; I think I know all about it.
Q. Upon page 255 of Senate report of the investigation in which you testified during the last Congress, a letter is referred to in which you are represented as using this language: "Henry D. Cooke has authorized me to draw on him for $25,000 cash for real-estate pool." I wish you to state to whom that letter was addressed.
A. I think it appears in the testimony there. I think that is a letter I wrote to Mr. Huntington.
Q. I fail to discover that fact, and therefore I ask this question.
A. I think that is a letter I wrote to Mr. Huntington.
Q. Did you or your firm, as real-estate brokers, do business for said pool in the matter of buying and selling for the persons constituting that pool?
A. Yes, sir.
Q. Were Jay Cooke & Co. members of that pool?
A. Jay Cooke & Co. put in $25,000.
Q. Did they furnish to you any money to be used for them in making purchases of real estate for said pool?
A. They never furnished but the $25,000.
Q. Did you expend it on behalf of Jay Cooke & Co. in purchasing real estate for the pool?
A. We did; or I did, in connection with the other moneys put in for a common purpose.
Q. In purchasing real estate for the pool?
A. Yes, sir.
Q. When did Jay Cooke & Co. furnish this money? To refresh your recollection, I will say that Mr. Latta testified that it was about August 25, 1871.
A. I think it was in 1871. That is my recollection, that it was along in that year.

By Mr. LEWIS:

Q. About the time you wrote that letter to Mr. Huntington?
A. I do not know. I do not know that we had invested any at that time, but probably arrangements were made at that time.

By Mr. NEW:

Q. You think it was in the summer of 1871.
A. Yes, sir. I do not know that it was all expended during 1872, but I presume the arrangement was made, as I stated, to use the $25,000.
Q. Was there a fund raised by those who constituted the pool?
A. Certain parties put in a certain amount of money each.

By Mr. LEWIS:

Q. That constituted a general fund?
A. Yes, sir.

By Mr. NEW:

Q. Was this money put in your hands?
A. Yes, sir.
Q. Thus constituting what is commonly called a real-estate pool?
A. Yes, sir.
Q. How much was thus put into your hands or the firm of which you were a member?
A. Of course I have held the right to decline to answer that, and I will not now hesitate to do so. I will detail all the history of this pool to that extent. Five gentlemen each put in $5,000 and Jay Cooke & Co. put in $25,000. Now you have the whole extent of the pool.

By the CHAIRMAN:

Q. That was the entire sum at any time put in?
A. There was an assessment made after Jay Cooke & Co. failed of $2,000 each to meet payments. Jay Cooke & Co. did not pay this, and these other parties paid $2,000 apiece. I may say now that is the whole of it. Out of this great, big, world-wide-noised-abroad pool, that is the whole sum of money that was ever put in it in the world.

By Mr. LEWIS:

Q. Was that assessment of $2,000 in addition to the $5,000?
A. Yes, sir; to meet payments, five gentlemen paid. Jay Cooke & Co. never paid that.

By the CHAIRMAN:

Q. No member of your firm put in any after that?
A. Never.

By Mr. NEW:

Q. There was $5,000 each originally put in by each of five different persons?
A. Yes, sir.
Q. And $25,000 in addition by Jay Cooke & Co.?
A. Yes, sir; that is the whole sum and substance of it.

By the CHAIRMAN:

Q. What was the aggregate amount of the assessment?
A. Ten thousand dollars, so that $60,000 was all that was ever put in.

By Mr. NEW:

Q. You may state whether this money was used by you in purchasing real estate for the pool.
A. Yes, sir.
Q. Were purchases made by you as trustee for the members of the pool?
A. Yes, sir.
Q. In purchases that were made for the pool, how were conveyances taken; to members of the pool or to some other person or persons in trust?
A. They were generally taken to me as trustee.
Q. You say generally. Was there any exception?
A. There may have been when I was away.
Q. I mean was there any exception?
A. None except to some person as trustee or some other member of the firm.
Q. Were the conveyances in such cases executed to you as trustee?
A. Yes, sir.
Q. Did such instrument of purchase or conveyance name the beneficiaries?
A. No, sir.
Q. Was there at the time of the execution of such instrument of trust any other or separate instrument showing for whom the purchases were in fact made?
The WITNESS. At the time the several purchases were made?
Mr. NEW. Yes.
A. No, sir.
Q. Was there at the time of the execution of those instruments of trust any other or separate instrument showing for whom the purchases were made in fact?
A. I think when we received the money we gave to the parties or beneficiaries a statement showing what proportion each had put in.
Q. There were, then, when money was paid separate instruments of the kind named executed?
A. There was a statement given by us, signed by me I think, given to the parties furnishing the money. That is my recollection of it.
Q. You say at the time the money was furnished?
A. I think that was at the time the money was paid in.
Q. But when a purchase was made and a conveyance taken to yourself as trustee, did you at that time, as trustee, or at any time, execute to the members of the pool, or any of them, any declaration of trust?
A. I understand it now. I stated when they advanced this money. I think it was after we made the purchase and invested the money; I think then we gave a statement showing what property we had purchased. That is my recollection of it now.

By the CHAIRMAN:

Q. There was nothing indicating title for the benefit of these gentleman?
A. O, no; we have all the abstracts and everything to show in our office.

By Mr. NEW:

Q. Were there any other written declarations of trust executed by yourself or your firm or any member of the firm, as trustee, and delivered to the parties other than what you have named?

A. No, sir; that is all.
Q. Had you or your firm or any member of your firm any interest except as agents or real-estate brokers and trustees in said pool?
A. Not at first.
Q. Had you at any time?
A. We purchased one interest; we have purchased all the interest.
Q. You first purchased one interest?
A. Yes, sir.
Q. Was that a purchase by yourself or by the firm?
A. A purchase by the firm.
Q. By the firm consisting of Kilbourn & Latta, or Kilbourn, Latta & Olmstead?
A. I do not remember whether Olmstead was then in the firm or not.
Q. About when was that interest purchased?
A. That was in 1873, I think. It was before the last investigation.
Q. To refresh your recollection, you then stated that you thought it was about six months prior to that time.
A. Yes, sir.
Q. That investigation commenced March 5, 1874?
A. The purchase was made in 1873 some time.
Q. From whom did you purchase the interest you referred to—the first interest that your firm purchased?
A. From the owner. I respectfully decline to answer who the parties were.
Q. Did you purchase his entire interest?
A. Yes, sir.
Q. Was it a purchase from one member of the pool or more than one?
A. At that time I purchased the interest of one man who had put in $5,000.

By the CHAIRMAN:

Q. What amount was paid for that interest?
A. Precisely what he gave, $5,000. And we paid the assessment of $2,000 ourselves; gave him exactly what he gave without interest.

By Mr. NEW:

Q. How many members of the pool were there before you became a member? I believe you have in fact answered.
A. Five gentlemen, besides Jay Cooke & Co., put in $5,000 apiece.
Q. Will you state where each of these five members resided?
A. I do not know that I could do that. Mr. Chairman, if you will indulge me, I respectfully decline to give any testimony as it relates to these individuals.
Q. Do you decline to state where they reside?
A. I do not know that I could. I could upon reflection, probably.

By the CHAIRMAN:

Q. Would you refuse to state, if you knew? We want to know whether that is one of the questions you decline to answer.
A. I decline to answer except upon consultation with my counsel.

By Mr. NEW:

Q. For the present you decline to state, even if you were certain as to the locality where they do reside?
A. Yes, sir; I respectfully decline to state anything in relation to individuals who did business with us except upon consultation with my counsel.
Q. Will you please state their names?
A. That I beg to include in the same answer.
Q. State by what members of the pool you were supplied with money to be invested therein, other than Jay Cooke & Co.?
A. The money was supplied by five gentlemen who comprised the other members of the pool aside from Jay Cooke & Co.
Q. And, as already stated, you decline to give their names?
A. Yes, sir. I will state this: If it can be shown in any way that the Government is interested or that it will promote the interests of the Government in any way to the extent of one dollar, I will tell everything about it. I will tell everything about it if the Government has been wronged in any shape or manner.
The CHAIRMAN. That is what we expect to show, and we hope you will co-operate with us in doing it.
WITNESS. I am willing to do anything that will do that.
The CHAIRMAN. But we would not allow you to be the entire judge about that.
WITNESS. Anything that you can show; but it seems to me it must be brought around in some other way than by going through our books.
Mr. NEW. We are calling you to aid us.
WITNESS. If the Government has been defrauded in any way through us we are ready to give you all information; but this being a purely private business matter, of course we must decline to give publicity to that until it is shown that it has some connection with the Government.
Mr. NEW. Is the instrument executed to you or the firm as trustees recorded in your books or is there any official record of it in this District?
WITNESS. The papers we gave to the parties that furnished the money?
Mr. NEW. No, sir; the instrument executed to you, or your firm, or any member thereof, as trustees.
WITNESS. Yes, sir; all were recorded in the recorder's office of the District of Columbia. They are all on record here in the District.
Q. Did such recorded instruments set forth all or any of the trusts upon which you or any of your partners, as such trustee or trustees, held the property described in such instrument?
A. The records will speak for themselves. We can furnish you with the deeds and deeds of trust.
Q. Do you recollect how that is?
A. My recollection is that all that was put on the record is the conveyance of title to us as trustees and the trust deed we gave back for deferred payments. The negotiations we had with the owners of the property.
Q. When did you first begin to keep a record in your office of such instruments, if you kept one?
A. That I cannot tell.
Q. Did you keep a record in your office of such instruments?
A. The presumption is that we have a record of all our business transactions.
Q. So far as you do know, that is the fact, is it not?
A. Yes, sir. I do not think we have transacted any business except we have a record of it.

By the CHAIRMAN:

Q. Has that been known to the members of the pool?
WITNESS. What is that?
The CHAIRMAN. The fact that you have kept a record.
A. I do not know that we have kept any record of that part of it. I presume we kept copies of the papers we gave them.
Q. The beneficiaries have knowledge that you are keeping an exact account of your transactions, have they not?
A. I suppose so. I think, Mr. Chairman, you will find in that previous examination there the record of all the property purchased for this pool. If you desire it, we can give it to you. It is a matter of record. I think it is all stated there, but I am not positive.
Mr. NEW. We know that to be a fact.

By Mr. LEWIS:

Q. Do you mean this exhibit attached to your *subpœna duces tecum*?
A. Probably four-fifths of that belongs to Sunderland & Hillyer; four-fifths of that property.

By the CHAIRMAN:

Q. Was the other property embraced in that bought by you as trustee?
A. I say that my impression now is that four-fifths of the property you call for is property we bought for Sunderland & Hillyer, and I presume the other property is purchases we made for the pool.
Q. In addition to what you say is embraced in this list as having been purchased for the pool by you, are there any other lots or blocks of ground here that you have purchased not in that?
A. I do not know. I have not looked over it carefully. After looking it through, I presume that all the property you have got in there is purchased by us as trustees; and four-fifths of that property is for Sunderland & Hillyer, and the other one-fifth is for this pool. I find upon examination of the list of property attached to the subpœna that while it includes all the real estate purchased for the pool—Stewart, Sunderland & Hillyer—it also includes property purchased for Kilbourn & Latta and the individual members of the firm, and also thirty-five pieces of real estate which we know nothing about, never having had anything to do with it.

By the CHAIRMAN:

Now, Mr. Kilbourn, it is due to you to say that the committee have considered very maturely the question submitted by your attorney and the response made by Mr. Christy, and not only that, but the general subject in all its lights, and have come to the conclusion that they require you to respond to the requirements of that *subpœna duces tecum*—that you shall produce the books and papers as therein set forth; and we hope that you will at once see the necessity of it. We are engaged in a legitimate investigation, one in which every good citizen ought to give his assistance. We do not mean to do any harm or detriment to any interest, and hope you will at once respond in good faith to the requirements of that subpœna. We are very anxious to facilitate this investigation and get rid of it. It has now been upon the hands of Congress for nearly three years, and we think the whole thing can be explained satisfactorily to Congress and the country in thirty days, perhaps even in less time, in ten days. I do not see why it cannot be in a single meeting, and we hope you will aid us to do so.
WITNESS. As I stated, I should have counsel to speak for me, but he is not here. I stated on oath the extent of this pool, and that it was such a trivial matter, and I thought that that would be satisfactory. At the same time I can make this further statement, that, if it can be satisfactorily shown in the remotest degree that the Government or the public interest is in any way concerned in this matter, we are willing to give the whole thing to the country. And I would like to have this put on record too, that I think fully four-fifths of that property belongs to Sunderland & Hillyer. Mr. Hillyer, the representative of said firm, was here the other day, and is now willing to come and tell all about that. If we should bring up the books and papers in reference to Sunderland & Hillyer's business, would it not necessarily expose our books and papers in regard to all our transactions with everybody?
The CHAIRMAN. We do not want to expose any matter connected with your private transactions, but only those bearing upon this question, which affects the public interest. We had supposed that there was not a gentleman in this city, of any intelligence, who could not see at a glance that the Government of the United States is interested in this particular property. Jay Cooke & Co. are indebted to Jay Cooke, McCulloch & Co. Jay Cooke, McCulloch & Co. are indebted to the United States in an amount exceeding $1,500,000, and by an assignment of their claim to the Secretary of the Navy the rights of Jay Cooke & Co. are subrogated to the Government. Now, this original investment of Jay Cooke & Co. of $25,000 and the subsequent profits inure to the Government. We could not suppose you would fail to see that at a glance.
WITNESS. I understand from the attorneys of Mr. Lewis that the Government is entirely secured for every dollar.
The CHAIRMAN. Mr. Lewis is not the party to determine that question. Congress has appointed a committee to determine that question, and it seems to me that it is improper for you to resist this investigation as far as you have. It has cost the Government a vast deal of money.
WITNESS. I want you to understand that I do not resist it because I want to shield anything from the Government interests. I am only resisting it and protecting my own interests as a citizen who has but one relation to the Government, and that is to obey the law and pay taxes. The Government has no interest, one way or the other, in this matter. If it had, through Jay Cooke, or Lewis, trustee of Jay Cooke & Co., it was all settled. We have settled through the courts. If the settlement was not fair, the court is open for it, I understand. Instead of resisting anything that affects the Government, as I said, I would help to promote the Government's interests, if it can be shown wherein I can do it.
The CHAIRMAN. You will not let us show that, because you resist us.
WITNESS. I understand that it is not stated that we are shielding anything, but it is a general inquiry for looking through our books and papers, with the idea that possibly something might be found in which the Government is interested.
The CHAIRMAN. No, you are laboring under a misapprehension. I will make this brief statement to you, and then leave it to you either to comply with the subpœna or take the consequences.
Mr. NEW. And also as to answering the questions that he has refused to answer.
The CHAIRMAN. We know, (whether you do or not,) as a matter of record, that Jay Cooke, McCulloch & Co., directly, and Jay Cooke & Co., indirectly, are indebted to the Government. We know, if you do not, that Jay Cooke & Co. have an interest in this real-estate pool. Can you not see that to this extent the Government is interested in it, as all those interests have been transferred to the Government? And now we are trying to ascertain what that interest is.
WITNESS. Excuse me right there. We have settled with Jay Cooke & Co.
The CHAIRMAN. We say that that settlement has not covered the interest.
WITNESS. That is the point I want to get at.
The CHAIRMAN. Your own, like a great many other settlements in the past, has been made to the detriment—whether intentionally so or not—of the parties concerned.
WITNESS. I understand. As I said, of course I have had counsel in the matter all the time, but he is not here now——
The CHAIRMAN. We have heard everything that counsel could say.
WITNESS Of course it is proper for me to consult with him. As I stated, anything that I can do to promote the interests of the Government in any way, shape, or manner, I will do cheerfully.

By Mr. LEWIS:

Q. If your counsel advises you, after the announcement of the decision of the committee, to respond to this *subpœna duces tecum* and also to answer the questions that have been propounded to you this morning, are you prepared to do it?
A. I think he would be a very poor client that would not stand by the advice of his counsel. That is what I employ one for. It is only the question of my legal rights that I wish protected.
Mr. NEW. Do you desire to consult with your counsel further as to whether you shall or shall not, or will or will not, reconsider your declination to produce the books and papers, &c., named in the *subpœna duces tecum*, and your refusal to answer the questions that have been asked you during this investigation?
WITNESS. I think it is but proper that I should; I would certainly like that privilege.
Mr. NEW. And at what hour during the day can you inform us whether you will maintain your present attitude in that regard before the committee or whether you will respond?

WITNESS. I have been trying all morning to find Judge Black.

Mr. NEW. You can see him during the day?

WITNESS. I think so.

Mr. NEW. Suppose you indicate some hour now.

WITNESS. I can communicate with the chairman or any one of the committee at any time the committee indicate. I do not know where Judge Black is, and I can let you know at ten o'clock Monday morning.

Mr. NEW. We would like to know to-day.

The CHAIRMAN. We must press this matter forward, it has been delayed so much, and you owe it to the committee at least, if not to yourself, that your attorney should be here.

Mr. NEW. Do you think you could appear here at the adjournment of the House this afternoon with your counsel?

WITNESS. If I can find him. I certainly will appear anyhow and let you know whether I can find him or not.

Mr. LEWIS. Perhaps we had better say three o'clock.

WITNESS. If you will indicate any hour I will be here.

Mr. NEW. We will expect you here at three o'clock, and then a determination of this matter by you, whether counsel shall be with you or not.

The committee then took a recess until three o'clock.

The committee resumed its session at three p. m.

Mr. NEW stated that at the meeting of the committee this morning the witness, Hallet Kilbourn, had expressed a desire to confer further during the day with his counsel, and that in order to give him the opportunity to do so the committee had adjourned to this hour. The committee had now met, not for the purpose of hearing further argument in the premises, but of knowing what the witness had finally determined upon, as to whether he would or would not respond to the *subpœna duces tecum* and whether he would or would not answer those questions which he has heretofore failed to answer.

Mr. BLACK, counsel for the witness, said that he wanted a record made up, which would justify one party or the other in doing what they respectively intended to do. He wished, therefore, to put some questions to the witness.

By Mr. BLACK:

Q. Please state to the committee, on your oath, whether there is anything in the nature or history of this real-estate pool connected with any public affair, or whether it is purely a private matter.

A. It is purely a private matter, and has no relation in the remotest degree to any public interest whatsoever.

Q. Was it, or not, a private partnership?

A. It was entirely so.

Q. Relating to private business?

A. Yes.

Q. Was there any public money invested in it by anybody?

A. Not a dollar.

Q. Is it connected in any way with the public act of any officer of the District of Columbia or the United States Government?

A. Not in the remotest degree. Jay Cooke & Co. put in $25,000.

Q. Are they in it now?

A. No, sir; nobody is interested in it now but Kilbourn & Latta.

Q. Have you ever objected to a revelation of that business on any other ground than that it is a mere private transaction?

A. That is the only reason why I have ever objected to answering questions about it, that it is a purely private business.

Mr. BLACK. That is all that I want to ask the witness. But I want to go a little further and have this record put into shape so that it will bear the test of the scrutiny of any other tribunal before which it may hereafter be brought. To that end I call the attention of the committee to a fact which occurred before the committee at a former meeting, namely, a call upon the party who was promoting this investigation for any contradiction of the statement which the witness has just made, that this is purely a private affair; and I now repeat (representing the witness, and as his counsel) his entire willingness to answer any interrogatories that the committee may put to him concerning the nature and history of the real-estate pool, so called, provided that any gentleman here, or any member of the committee, will express his conviction, grounded on any fact known to him, that there is any connection whatever with any public man that Congress has a right to investigate or to found any legislation upon. If that be so, then there is an end of all controversy; the witness "comes down" immediately and gives the committee any information that may be wanted on the subject. Otherwise it must be taken for granted that the nature and character of that transaction is what he described it to be on his oath, a purely private matter.

Mr. NEW. I desire to say, in answer to counsel and with reference to the questions which he has propounded to the witness, that in the opinion of the committee those questions, in their very nature, contemplate the statement of a conclusion and not the statement of facts on which a conclusion may be based; not the facts from which the committee could or would form a conclusion. Therefore the committee will not ask Mr. Kilbourn any questions by way of cross-examination.

In the next place I desire to say in respect to what has been said about there being no party or about the necessity of some party making certain statements or declarations, to the effect that this is a public matter, and not a private matter, that on a former occasion the same proposition was suggested by yourself and the committee then answered, as the committee now answers, that we are acting on a resolution adopted by the House of Representatives. In other words, so far as we may know from the record, the party complaining or suggesting that there may be some discovery that will be of benefit to the Government as a creditor of Jay Cooke & Co., is the House of Representatives. We feel that we have no alternative, and no duty to perform, except to proceed with the investigation for the purpose of discovering what may be (if anything) discovered as to the history of the real-estate pool, and as to the indebtedness of Jay Cooke & Co. to the Government. I desire, in conclusion, to have the witness state whether or not he desires still to abide by his action heretofore in refusing to respond to a *subpœna duces tecum* and in refusing to respond to questions which have been propounded to him.

Mr. BLACK rose to make some remarks.

Mr. NEW. The committee cannot hear any further argument in the matter. There has been oral argument on both sides, and if the committee is to make any progress in this investigation these arguments must of course have a termination.

After conference with the other members of the committee, Mr. NEW said: For the purpose of giving Mr. Kilbourn and yourself a little further time to consider, we have concluded to meet again on Monday morning at ten o'clock for the purpose, and sole purpose, at that meeting, without any further argument, of having the witness state definitely and positively what he will do in the premises.

The committee then adjourned.

MARCH 13, 1876—10 o'clock a. m.

Hallet Kilbourn, the witness, being present before the committee, the chairman said: By the agreement at the last meeting on Saturday evening, this morning was set apart to hear your final decision as to whether you would respond to the *subpœna duces tecum* and would answer those questions which you were asked and to which you refused to respond last week.

The WITNESS. I have nothing further to say, except that I respectfully decline to answer, for the reasons heretofore stated.

The committee are of opinion and report that it is necessary, for the efficient prosecution of the inquiry ordered by the House, that said Hallet Kilbourn should be required to respond to the *subpœna duces tecum* and answer the questions which he has refused to answer; and that there is no sufficient reason why the witness should not obey said *subœpna duces tecum* and answer the questions he has declined to answer; and that his refusal as aforesaid is in contempt of this House.

J. M. GLOVER, *Chairman.*
J. D. NEW.
B. B. LEWIS.
A. HERR SMITH.

Mr. PRATT is absent.

Mr. GLOVER. Mr. Speaker, I presume the House is now fully in possession of facts enough to enable it to understand the attitude of this witness toward this House. I am instructed by the committee to ask the adoption of the following order, upon which I ask the previous question:

Ordered, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Hallet Kilbourn, and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said Kilbourn in his custody to wait the further order of the House.

Your respondent is advised, and so avers, that the action of the said House of Representatives in adopting said resolution duly acted in the exercise of its constitutional and legal jurisdiction and power and touching the subject-matter so reported by said committee.

And thereupon and thereafter the Speaker of said House of Representatives, by virtue and in pursuance of said resolution last mentioned, issued his warrant, duly attested by the Clerk of said House of Representatives, and having the seal of said House of Representatives thereto attached, to your respondent, a true copy of which here follows, to wit:

Forty-fourth Congress, first session, Congress of the United States.

IN THE HOUSE OF REPRESENTATIVES,
March 14, 1876.

To JOHN G. THOMPSON, Esq.,
Sergeant-at-Arms of the House of Representatives:

SIR: The House of Representatives this day adopted the following:

"*Ordered*, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Hallet Kilbourn, and him bring before the bar of the House, to show cause why he should not be punished for contempt, and in the mean time to keep the said Kilbourn in his custody to wait the further order of this House."

Now therefore, I, MICHAEL C. KERR, Speaker of the House of Representatives, do hereby command you to execute the foregoing order of the House.

In witness whereof I have hereto set my hand and caused the seal of the House of Representatives of the United States of America to be attached the day and year first above written.

[SEAL.] M. C. KERR, *Speaker.*

Attest:
GEO. M. ADAMS, *Clerk.*

I hereby certify the foregoing to be a true copy of the original order of the House.

JOHN G. THOMPSON,
Sergeant-at-Arms, House of Representatives.

That by virtue of and in obedience to said warrant the undersigned, as such Sergeant-at-Arms, brought the said Hallet Kilbourn before the bar of said House, on the day last aforesaid, the said House being then and there lawfully in session, and duly reported to the said House that he had, in obedience to its order, the said Hallet Kilbourn in custody at its said bar.

Thereupon the Speaker of said House duly interrogated said witness, Hallet Kilbourn, touching his alleged breach of the privileges of said House in refusing to answer the questions aforesaid, and in failing to produce and submit to said select committee the papers called for in the *subpœna duces tecum* aforesaid.

That said Speaker likewise propounded all said questions to said witness, which he had refused to answer as aforesaid, and inquired of him whether he was willing to produce before said committee the papers in said *subpœna duces tecum* mentioned, which he had theretofore neglected and refused to produce.

That thereupon said relator, Hallet Kilbourn, refused to answer said questions and to produce said papers, although required so to do upon the demand of the proper committee of said House.

That thereupon the chairman of said committee then and there offered the following resolution, which was adopted by the said House, then and there lawfully in session, to wit:

"*Resolved*, That Hallet Kilbourn, having been heard by the House pursuant to the order heretofore made requiring him to show cause why he should not answer questions propounded to him by a committee, and respond to the *subpœna duces tecum* by obeying the same, and having failed to show sufficient cause why he should not answer said questions and obey said *subpœna duces tecum*, be, and is therefore, considered in contempt of the House because of said failure."

That thereupon, on the day last mentioned, the said House, being still lawfully in session, adopted the following resolution, to wit:

"*Resolved*, That in purging himself of the contempt for which Hallet Kilbourn is now in custody the said Kilbourn shall be required to state to the House whether he is now willing to appear before the committee of the House to whom he has hitherto declined to obey a certain *subpœna duces tecum* and answer to certain questions and obey said *subpœna duces tecum*, and make answer to said questions; and if he answers that he is ready to appear before said committee and obey said *subpœna duces tecum* and answer said questions then said witness shall have the privilege to so appear and obey and answer forthwith or so soon as said committee can be convened; and that in the mean time the witness remain in custody; and in the event that said witness shall answer that he is not ready to so appear before said committee and obey said *subpœna duces tecum* and make answer to said questions as aforesaid, then that said witness be recommitted to the said custody for the continuance of such contempt; and that such custody shall continue until the said witness shall communicate to this House, through said committee, that he is ready to appear before said committee and make such answer and obey said *subpœna duces tecum;* and that in executing this order the Sergeant-at-Arms shall cause the said Kilbourn to be kept in his custody in the common jail of the District of Columbia,"

That thereupon the said JOHN M. GLOVER moved to reconsider the vote by which said resolution was adopted, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to by the said House while it was still lawfully in session as aforesaid.

That afterward, to wit, upon the said 14th day of March, A. D. 1876, in pursuance and execution of the order contained in the resolution last aforesaid and in virtue of the authority and power thereby conferred and of all the premises aforesaid, MICHAEL C. KERR, he, the said MICHAEL C. KERR, then and there being the Speaker of the said House of Representatives, executed, and George M. Adams, being then and there the Clerk of said House, duly attested, the warrant of said Speaker, under the seal of said House, and, prior to the arrest and detention of the said Hallet Kilbourn, delivered the said warrant to this respondent, as Sergeant-

at-Arms of the said House of Representatives, and that in obedience to the warrant aforesaid and the order and command of the House of Representatives of the United States of America, duly and lawfully made in open session of said House, this respondent, as Sergeant-at-Arms as aforesaid, as in duty bound to do, did on the said 14th day of March, A. D. 1876, arrest the said Hallet Kilbourn, and now holds the body of him, the said Hallet Kilbourn in custody, and now here produces and exhibits the said warrant, precept, and order as the cause of the capture and detention by him as aforesaid of the body of the said Hallet Kilbourn, as part of this respondent's return.

That said special committee has not completed but is still prosecuting its inquiry into the matters embraced in said resolution in said exhibit J. G. T., No. 1, set forth.

That the said relator, Hallet Kilbourn, has not hitherto expressed his willingness to appear before said committee and obey said *subpœna duces tecum* and make answer to said questions as aforesaid, but, on the contrary, still remains in contempt as aforesaid, and still refuses to answer said questions and produce said papers.

That your respondent has executed said order or warrant of said Speaker of said House by causing the said relator, Hallet Kilbourn, to be kept in his, respondent's, custody, in the common jail of the District of Columbia; and that said relator, Hallet Kilbourn, was so confined at the time of the issuing of said writ of *habeas corpus ad subjiciendum*.

That said House or Representatives still continues lawfully in session.

Whereupon this respondent protests that, upon the facts disclosed by the return now made, showing that the relator is lawfully held by this respondent as Sergeant-at-Arms of the House of Representatives, in pursuance and execution of the order of said House, duly adjudging the relator to be in contempt of the authority of said House, the issuance of said writ was in derogation of the privileges of said House, and that the capture and detention of said relator, under and by the authority of said House as aforesaid, being evidently and conclusively established by the certified records of said House, and appearing on the face of the petition of said relator, no further proceeding or interference in the respondent's custody of the relator can be lawfully had under the said writ of *habeas corpus ad subjiciendum*, and asks that the relator be remanded to the custody of this respondent as Sergeant-at-Arms of said House of Representatives as aforesaid, and that said writ of *habeas corpus ad subjiciendum* be dismissed as improvidently issued.

Respondent denies all the averments in said petition inconsistent with this return.

I hereby further certify that the foregoing is the cause of the taking and detention of the said Hallet Kilbourn under my custody.

Yet the body of him, the said Hallet Kilbourn, I have before you, as the said writ of *habeas corpus ad subjiciendum* requires.

JOHN G. THOMPSON,
Sergeant-at-Arms of the House of Representatives, U. S. A.

Sworn to before me and signed in my presence this 18th day of April, A. D. 1876.
R. J. MEIGS, *Clerk.*

[Final warrant.]

Forty-fourth Congress, first session, Congress of the United States.

IN THE HOUSE OF REPRESENTATIVES,
March 14, 1876.

To JOHN G. THOMPSON, Esq.,
Sergeant-at-Arms of the House of Representatives:

SIR: The following resolution has this day been adopted by the House of Representatives:

"*Resolved*, That, in purging himself of the contempt for which Hallet Kilbourn is now in custody, the said Kilbourn shall be required to state to the House whether he is now willing to appear before the committee of this House to whom he has hitherto declined to obey a certain *subpœna duces tecum* and answer certain questions, and obey said *subpœna duces tecum* and make answer to said questions, and if he answers that he is ready to appear before said committee and obey said *subpœna duces tecum* and answer said questions, then said witness shall have the privilege to so appear and obey and answer forthwith, or so soon as said committee can be convened, and that in the mean time the witness remain in custody; and in the event that said witness shall answer that he is not ready to so appear before said committee and obey said *subpœna duces tecum* and make answer to said questions as aforesaid, then that said witness be recommitted to the said custody for the continuance of such contempt, and that such custody shall continue until the said witness shall communicate to this House through said committee that he is ready to appear before said committee and make such answer and obey said *subpœna duces tecum*, and that in executing this order the Sergeant-at-Arms shall cause the said Kilbourn to be kept in his custody in the common jail of the District of Columbia."

Now, therefore, you are hereby commanded to execute the same accordingly.

In witness whereof I have hereunto set my hand and caused the seal of the House of Representatives to be affixed the day and year above written.

[SEAL.] M. C. KERR, *Speaker.*

Attest:
GEO. M. ADAMS, *Clerk.*

Exhibit J. G. T., No. 1.

IN THE HOUSE OF REPRESENTATIVES UNITED STATES,
January 24, 1876.

Mr. GLOVER submitted the following; which was adopted:

"Whereas the Government of the United States is a creditor of the firm of Jay Cooke & Co., now in bankruptcy by order and decree of the district court of the United States in and for the eastern district of Pennsylvania, resulting from the improvident deposits made by the Secretary of the Navy of the United States with the London branch of said house of Jay Cooke & Co. of the public moneys; and whereas the matter known as the real-estate pool was only partially inquired into by the late joint select committee to inquire into the affairs of the District of Columbia, in which Jay Cooke & Co. had a large and valuable interest; and whereas Edwin M. Lewis, trustee of the estate and effects of the said firm of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co. with the associates of said firm of Jay Cooke & Co. to the disadvantage and loss, as it is alleged, of the numerous creditors of said estate, including the Government of the United States; and whereas the courts are now powerless, by reason of said settlement, to afford adequate redress to said creditors:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to this House."

JANUARY 28, 1876.

The SPEAKER announced the Select Committee on the Real-Estate Pool and Jay Cooke & Co.'s indebtedness: Mr. JOHN M. GLOVER of Missouri, Mr. JEPTHA D. NEW of Indiana, Mr. BURWELL B. LEWIS of Alabama, Mr. HENRY O. PRATT of Iowa, and Mr. A. HERR SMITH of Pennsylvania.

Attest:
GEORGE M. ADAMS, *Clerk,*

OFFICE HOUSE OF REPRESENTATIVES UNITED STATES,
April 12, 1876.

I, George M. Adams, Clerk of the House of Representatives, hereby certify that the foregoing are true copies of extracts from the Journal of the House of the dates therein stated.

In witness whereof I have hereunto set my hand and affixed the seal of the House of Representatives of the United States of America the day and year last above written.

[SEAL.] GEORGE M. ADAMS, *Clerk.*

PARTITIONS OF REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 3168) relating to partitions of real estate in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POWER OF COURTS TO PUNISH FOR CONTEMPT.

Mr. LAWRENCE also, by unanimous consent, introduced a bill (H. R. No. 3169) to limit the power of courts to punish for contempt, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WRIT OF HABEAS CORPUS.

Mr. LAWRENCE also, by unanimous consent, introduced a bill (H. R. No. 3170) to enlarge the privileges of the writ of *habeas corpus;* which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, with the amendments of the Senate thereto, with a recommendation that the amendments of the Senate be non-concurred in.

It will be remembered that this bill, with Senate amendments, was reported on Saturday, and at the suggestion of the gentleman from Ohio [Mr. GARFIELD] was recommitted to the Committee on Appropriations, and ordered to be printed. I am instructed by the committee to report it back again, and to ask non-concurrence in the Senate amendments.

The amendments of the Senate were non-concurred in.

The SPEAKER. Does the gentleman ask for a committee of conference?

Mr. SINGLETON. Not at this time. I move to reconsider the vote by which the Senate amendments were non-concurred in; and also move to lay the motion to reconsider on the table.

The latter motion was agreed to.

JURISDICTION OF COURT OF CLAIMS.

Mr. DOBBINS, by unanimous consent, introduced a bill (H. R. No. 3171) extending the jurisdiction of the Court of Claims, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TROUBLES ON THE RIO GRANDE.

Mr. YOUNG. I ask unanimous consent to present for reference to the Committee on Military Affairs a preamble and resolution in reference to existing troubles on the Rio Grande between Mexican and American citizens.

The Clerk read as follows:

Whereas, in consequence of the unsettled state of affairs in the Republic of Mexico and the many outrages perpetrated upon the property and persons of American citizens residing not only in that country but in the neighborhood of the Rio Grande River, in the State of Texas, such a feeling of hostility has been engendered between the people living near the border of Mexico and the United States as may involve the two countries in an unnecessary war; and whereas it is the interest of the people of the United States and the wish of their representatives in Congress to maintain peaceful relations with all other governments, so long as the same can be done without sacrificing the honor of the nation or in any way impairing its obligations to protect the rights of its citizens, and that in order to avoid war and at the same time protect our citizens in person and property, it is important that we should be in a condition to restrain the people of our own country from acts of violence and hostility against the government and people of Mexico, and enforce due respect for the dignity and power of our own Government: Therefore, be it

Resolved, That the President of the United States be requested to order such military force to rendezvous at some suitable point on the Rio Grande River, in the State of Texas, as may in his judgment be sufficient to enforce existing neutrality laws, prevent hostilities between Mexican and American citizens along the border, and preserve peaceful relations between the two countries; and to direct the General of the Army to proceed in person to the scene of the threatened outbreak and take such measures as may be necessary to maintain peace with the republic of Mexico and protect the honor and dignity of our own Government and the rights and safety of our citizens.

Mr. CONGER. Where does that resolution come from?

Mr. HURLBUT. Is it presented for adoption at this time?

The SPEAKER. The resolution is presented only for reference. It is a resolution offered by the gentleman from Tennessee, [Mr. YOUNG.]

Mr. CONGER. To what committee does the gentleman propose to refer it?

Mr. YOUNG. To the Committee on Military Affairs.

Mr. HOLMAN. I would suggest that it be referred to the Committee on Foreign Affairs.

Mr. YOUNG. I accept that suggestion.

There being no objection, the preamble and resolution were referred to the Committee on Foreign Affairs.

CHARLES H. SMITH.

Mr. COX. I present, on behalf of the Committee on Rules, a report in the case of Charles H. Smith, journal clerk of the House, which I ask to have read at the Clerk's desk.

The Clerk read as follows:

The Committee on Rules, having considered the following resolution of the House, adopted on the 15th of April, 1876, namely—

"*Resolved*, That the communication of Charles H. Smith be referred to the Committee on Rules with instructions to ascertain whether said Charles H. Smith in relation to the subject-matter of said communication has violated any law or done any act inconsistent with his position as an employé of this House, and that they report by resolution or otherwise."

report as follows:

The committee called before them Mr. Charles H. Smith, who on oath verified the statements contained in his letter of the 4th of April, 1876, hereto attached. The committee has no reason to doubt the statements in said letter as true.

Does this statement show that Mr. Smith has violated any law or done any act inconsistent with his position? While the committee esteem it their duty to take high grounds touching the relations of the officers of the House to the House itself, it is but just to say that they find nothing in this case against Mr. Smith that evinces an intention to violate the laws or to exceed or neglect any of his duties, and that his conduct simply involves a grave error of judgment which tends to create a conflict in his mind between duty and interest.

The committee therefore cannot exculpate this officer from a breach of his duty under the law. What is that duty? Next to that of Speaker, no position is more important than that of journal clerk.

Upon the careful record of our proceedings hang interests of immense magnitude. The Journal should import unquestioned verity, and its recorder should be a person of irreproachable character. He makes a record indispensable in the transient and daily conduct of legislation; and as a record for judicial and other purposes it should be above suspicion in determining the validity of our laws. It is impossible for the Speaker, under whose control, by our rules, our minutes are subject, or the House itself, which approves or disapproves its Journal, on its hurried reading, to exert that vigilant scrutiny which its importance requires. This is especially so in the closing days and hours of the session. At this critical time, when the most important bills are considered or passed, there is the greatest necessity for a journal clerk who intelligently comprehends his duty and discharges it with unselfish, conscientious fidelity. The committee are aware that delinquency or culpability on the part of the clerks of this House with reference to journalizing our actions and to the enrolling, engrossing, and custody of bills is of the greatest moment. It cannot be overstated or too strenuously insisted upon. If our clerks are derelict, it involves the reputation of the House and the interests of every citizen. In this view our inquiry is magnified beyond personal considerations.

Whatever may have been the intent of Mr. Smith in soliciting claims under a bill which had not become a law, the committee cannot too strongly reprehend his conduct in seeking to acquire a pecuniary interest in the bill by soliciting the agency of claims under it. It is not a mere matter of percentage, either great or small It is not a question whether or not before the passage of the bill he had actually secured claims conditional on its passage.

The question is, whether the intent and attempt to procure an interest in such claims would not create an interest in the passage of the bill utterly inconsistent with his duty as an officer. There should be no temptation to self-aggrandizement.

The journal clerk may have absolute integrity; he may record the action of the House with scrupulous trustworthiness, but it is neither wise nor expedient to allow that officer for one moment to seek or hold any inchoate or other interest in matters pending before the House. No legislative body, as a matter of self-protection and public duty, could for a moment tolerate an officer who might be tempted or who had a motive to miswrite its Journal, impair its privileges, influence its members, or exercise any functions involving even the semblance of a conflict between duty and interest.

APPENDIX TO REPORT.

WASHINGTON, D. C., *March* 15, 1876.

SIR: A bill is now pending before Congress which proposes to pay every non-commissioned officer, musician, artificer, wagoner, private soldier, sailor, and marine (except substitutes) who faithfully served as such in the military service of the United States, and was honorably discharged from such service, the sum of eight and one-third dollars a month for all the time actually so served between April 12, 1861, and May 9, 1865. In case of death of the person before described, the bounty is to be paid to the widow, if alive and not remarried, but, if there is no widow or she has remarried, then to the children. In computing the bounty due any person there shall be deducted the amount of bounty heretofore received by said person from the United States. The bill declares that no agent or attorney shall receive a sum greater than $10 for the prosecution of any claim under the provisions of this act and that no soldier shall sell or transfer his claim.

As the records under your control readily give you the names of soldiers in your town or ward, I invite you to accept the provisions of the inclosed agreement. Please sign both the inclosed blanks and return one to me, at the address in the agreement.

If you do not wish to undertake this yourself, please pass the agreements and circular to some active man who will give the subject his earliest attention, and write me an answer.

You will see the importance of attending to this matter the present week, for if the bill passes hundreds of agents will send circulars to parties granting the percentage which you may now obtain for yourself.

CHARLES H. SMITH.

Know all men by these presents, that we ——, of ——, in the county of —— and State of ——, of the first part, and Charles H. Smith, of Washington, in the District of Columbia, of the second part, agree as follows:

Said party of the first part agrees to collect the discharges of all persons (except substitutes and commissioned officers) in the town or ward in which he resides, who served in the United States Army for any time during the war of the rebellion, to forward said discharges to said party of the second part, at the Imperial Hotel, Washington, District of Columbia, and to do all other acts within said town or ward, which may be made necessary by an act now pending before Congress for the equalization of bounties.

Said party of the second part agrees that said party of the first part shall receive upon every successful application for bounty, furnished as aforesaid, 25 per cent.

Witness our hands this —— day of ——, 1876.

CHARLES H. SMITH.

At that time I had full knowledge of section 5498 of the Revised Statutes prohibiting an employé of the House from acting as an agent or attorney for prosecuting any claim against the United States, but I could not then see nor do I now understand how the above circulars made me an agent or attorney for the collection of these claims until after the passage and approval of the bill, without which there would be no such claims to collect and after which I should cease to act as an employé of the House.

I have not undertaken, nor do I propose to undertake, the collection of any claim against the Government of the United States while acting as one of its employés; but I simply sought in the circular to place myself in condition to become an agent for that purpose at such time as I might see fit to tender my resignation as journal clerk of the House, not supposing that there was the slightest impropriety in my taking steps in this direction so long as I did not use my official position to promote my private interests. I have never obtained any information concerning the situation of said bill in the committee or in the House by means of my position as employé. I have never, directly or indirectly, held any communication with any member of Congress or officer thereof in relation to the subject embraced in said bill.

I have never, directly or indirectly, heard or sought to obtain the opinion of any member of Congress or officer thereof as to the probable fate of said bill, nor have I attempted in any manner to influence legislation on this or any other subject.

While I never consulted any person concerning the propriety of my course, the circulars were issued without any attempt at concealment.

Upon every statement contained in this communication and upon every fact bearing upon this subject I court the closest scrutiny and investigation.

Very respectfully,

CHAS. H. SMITH,
Journal Clerk.

Mr. COX. Mr. Speaker, I would ask for the reading of the letter and circular of Mr. Smith.

The SPEAKER. The Chair would suggest that the circular and the letter have already been read to the House and are on record, and unless it is required by some gentleman the reading might be omitted. Does any gentleman require the reading again of the circular upon which this report is based? The Chair hears no such demand.

Mr. COX. I move that the report be adopted.

Mr. LEWIS. Would it not be in order to offer a resolution in connection with that report?

The SPEAKER. That can be done after the question of concurrence in the report has been settled.

Mr. KASSON. What is the conclusion of the report in which we are to agree?

The SPEAKER. The conclusions are stated throughout the report; the report is not accompanied by any specific resolution declaring the conclusion of the committee.

Mr. KASSON. Then I submit that there is hardly any occasion for a vote of the House on concurring in the report. The committee has reported an opinion without anything calling for the action of the House. I supposed that the report would conclude with a resolution.

Mr. COX. I would say to the gentleman from Iowa that the committee could draw no resolution, but the conclusion is that we condemn as strongly as possible the relation which the journal clerk had to this House by the revelations which he himself made. We cannot take any action in the matter, as the committee were advised that the relations between Mr. Smith and the House had ended.

Mr. KASSON. Is that stated in the report?

Mr. COX. It is not stated in the report.

Mr. KASSON. I submit that it ought to be stated as the reason for non-action by the House; it should be on record in some way.

Mr. COX. It was considered by a majority of the members of the Committee on Rules that the whole report was equivalent to a resolution of condemnation in one sense, and upon that ground the journal clerk resigned his office.

Mr. KASSON. There will probably be no objection in any part of the House to the report of the committee. I submit to the gentleman from New York whether he ought not to make the statement in the report as a reason for non-action by the House that the journal clerk has resigned.

Mr. COX. If the gentleman from Iowa has any resolution to offer he can do so, but if the committee had undertaken to draw a resolution it would only have been a repetition of the opinion expressed in the report.

Mr. KASSON. I would inquire of the Chair if the resignation of the journal clerk appears on record?

The SPEAKER. The Chair is informed of the fact.

Mr. RANDALL. Is the Chair officially informed of the fact?

The SPEAKER. The Chair is informed of the fact that the journal clerk has resigned.

Mr. KASSON. I ask, then, that his letter of resignation be read if the committee are not prepared to report a resolution on the subject.

Mr. COX. It is a matter of record, made so by the resignation.

Mr. KASSON. When the letter of resignation is read it will be, I suppose.

Mr. COX. I propose to call the previous question on concurring in the report, but if any one desires that the letter of resignation be read, I have no objection.

The SPEAKER. The Clerk will read the letter of resignation.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 20, 1876.

As the course fully set forth in my communication of the 16th instant to the House of Representatives may be considered indiscreet and liable to subject both you and me to unfavorable criticism, and as I would carefully avoid any course which might embarrass you or leave my conduct open to suspicion, I hereby tender you my resignation of the position of journal clerk. In order that I may not seem to avoid the investigation which I have myself invited, I desire that this resignation shall not take effect or be made public until after the report of the honorable committee to whose consideration my communication was referred.

Very respectfully,

CHARLES H. SMITH.

HON. GEORGE M. ADAMS,
Clerk United States House of Representatives.

The question was taken on concurring in the report of the committee; and it was concurred in.

DEFICIENCY BILL.

Mr. WELLS, of Missouri, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 16, 18, 19, and 21.

They recommend non-concurrence in the amendments numbered 3, 9, 14, 15, 17, and 20.

Mr. WELLS, of Missouri. Unless some gentleman desires a separate vote upon the amendments of the Senate, I move that the report of the committee be concurred in.

The motion was agreed to.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL LANDS FOR ALABAMA.

Mr. WILLIAMS, of Alabama, by unanimous consent, introduced a bill (H. R. No. 3172) to donate to the State of Alabama one additional section of land for each township in the State for the benefit of public schools; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

INDIAN TREATIES.

Mr. GAUSE, by unanimous consent, introduced a bill (H. R. No. 3173) to carry out the stipulations of certain Indian treaties; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CREDITS TO SETTLERS ON PUBLIC LANDS.

Mr. PAGE. I ask unanimous consent to have taken from the Speaker's table House bill No. 1052, to correct an error in the Revised Statutes of the United States and for other purposes, for the purpose of concurring in an amendment of the Senate thereto.

Mr. WALLING. I ask that the bill be read.

The bill was read. It provides that, for the purpose of correcting an error in the act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873," so as to make the same truly express such laws, section 2403 shall be amended by striking out, in the second line, the word "seven" and inserting the word "one;" so that it will read:

When settlers make deposits in accordance with the provisions of section 2401, the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits.

The amendment of the Senate was to strike out the latter portion of the section, commencing with the words "credits to settlers for moneys deposited," &c., and inserting in lieu thereof the words, "proceedings under said section 2403 shall have the same force and effect as though enacted as herein amended."

Mr. PAGE. The effect of the amendment is to change the number of the section referred to in section 2403 so that will read "2401" instead of "2407."

No objection was made, and the amendment of the Senate was concurred in.

Mr. PAGE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OATHS AND CONTEMPTS.

Mr. CATE, by unanimous consent, introduced a bill (H. R. No. 3174) to amend section 725 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARGES AGAINST SECRETARY OF THE TREASURY.

Mr. CATE. I ask unanimous consent to submit at this time and have referred to the Committee of Ways and Means the preamble and resolution which I send to the Clerk's desk to be read.

The Clerk commenced the reading of the preamble, but before concluding,

Mr. CONGER said: I cannot see why all the records of the courts should be brought in here in a resolution. I object to this preamble and resolution.

Mr. CATE. If the gentleman will allow the Clerk to conclude the reading, he will see what it amounts to. I call for the reading of the preamble and resolution.

Mr. CONGER. If it can be referred to the Committee of Ways and Means without being printed in the RECORD, I will not object.

The SPEAKER. The gentleman has a right to have it read.

The Clerk resumed and concluded the reading of the preamble and resolution; which are as follows:

Whereas on the 10th of June, A. D. 1869, G. W. Hazelton, United States district attorney for the (then) district of Wisconsin, presented to the United States district court for the (then) district of Wisconsin, Hon. Andrew G. Miller, judge, an information against the bark Mary Merritt. The information charged that Samuel T. Hooker, collector of customs for the district of Milwaukee, did, on the 9th day of June, A. D. 1869, at the port of Milwaukee, seize as forfeited to the United States the bark Mary Merritt; that the vessel was owned by citizens of the United States; that the vessel was built in Canada; that during the greater part of the time from the 1st of January, A. D. 1868, to the time of the seizure the bark Mary Merritt was employed in transporting foreign goods and merchandise, all the products of the British dominions, to ports in the United States; that on the 8th day of June, A. D. 1869, the Mary Merritt arrived in Milwaukee from Kingston, Canada, where she had received her cargo, with a cargo of one hundred and fifty tons of pig-iron, the product of the dominion of Her Britannic Majesty Queen Victoria; that on the 9th day of June, A. D. 1869, the bark Mary Merritt was seized by the collector of customs by reason of violation of acts of Congress in respect to the premises mentioned in full in the information. The information prayed the usual process and monition of the court.

And whereas the court ordered a hearing on the 28th of June, 1869. On the 11th day of June, A. D. 1869, James Murray, the claimant, presented his stipulation for costs in the sum of $250, and his stipulation in the sum of $30,000 for the release of the vessel, William Young and Greenleaf D. Norris as sureties. Emmons & Van Dyke appeared as proctors for the claimant and excepted to the libel.

And whereas Judge Miller's decision was as follows: The United States of America *vs.* The Bark Mary Merritt, her boats, tackle, apparel, and furniture, James Murray claimant, in admiralty. This day came the district attorney, and also the claimant by his counsel, and the exceptions to the libel of information being argued, in consideration whereof it is ordered by the court that the said exceptions be sustained; and it is further ordered and decreed by the court that the said libel of information be, and is hereby, dismissed. It is certified by the court that there was probable cause of seizure. A. G. Miller. Decree signed, recorded, and enrolled December 6, 1869. J. M. Miller, clerk. And the district attorney here in open court prayed an appeal to the circuit court of the United States for the district of Wisconsin; whereupon, it is ordered by the court that an appeal be, and hereby is, granted.

And whereas a petition of James Murray and others for remission of forfeiture, filed November 16, 1871, discloses that James Murray was a resident of St. Catherine's, Canada. It further discloses that William L. Trice and Stephen E. Trice, of Hopkinsville, Kentucky, were part owners of the vessel. It also discloses that Murray sold his interest in the Mary Merritt to the Trice brothers, and that he (Murray) was employed as commander of the bark. The United States circuit court, Judge Thomas Drummond presiding, decreed forfeiture of the vessel on the 22d of April, 1871. The Supreme Court of the United States sustained Judge Drummond's decree, April 3, 1874.

And whereas on the 20th of March, 1874, William A. Richardson, then Secretary of the Treasury, before whom the case had been brought for a hearing, decided not to remit to the petitioners any right, claim, or demand of the forfeiture. On application the case was then referred to a committee of experts, who decided not to remit the forfeiture, and the report was approved by the Secretary of the Treasury, William A. Richardson.

And whereas on the hearing before the committee of experts Mr. B. H. Bristow, the present Secretary of the Treasury, appeared as counsel for the owners of the vessel Mary Merritt, and after the said B. H. Bristow became Secretary of the Treasury, the said judgment of forfeiture still remaining unpaid, the officer who made the seizure was paid the sum of $7,000, the sum claimed by him as his moiety of the amount of said forfeiture, on condition that he would cease further opposition to a remission of said forfeiture, and thereupon one of the attorneys for the owners of said vessel applied to said B. H. Bristow, Secretary of the Treasury, for a remission of said forfeiture, to which said Bristow replied that he would do nothing himself, but his private secretary could fix it up, and the said attorney met his private secretary and had the forfeiture remitted: Therefore,

Resolved, That the Committee of Ways and Means be directed to inquire into the said charges and the circumstances of the remission of said forfeiture, after the same had been decreed by the United States circuit and Supreme Courts, and its remission denied by the former Secretary of the Treasury, and after said committee of experts had decided that it should not be remitted, and upon what grounds and for what reasons said judgment or forfeiture was remitted, and for that purpose the said committee are authorized to send for persons and papers.

The SPEAKER. Is there objection to the reference of this resolution?

Mr. HALE. I did not hear all of the first part of the resolution. I wish to ask the gentleman presenting it whether the allegations in this matter are based upon the statement of any responsible individual?

Mr. CATE. All the statements contained in the resolution are based upon the records of the court as they appear, except that part of the resolution which refers to the interview between the attorney and Mr. Bristow and what transpired at that time. Those allegations are based upon the statement of a person in whom I have the utmost confidence.

Mr. HALE. Are the statements based upon any affidavits; and does the gentleman say that these statements, which must be intended as some form of accusation upon a gentleman of high character, are upon oath?

Mr. CATE. They are not, so far as I know; but I have no doubt of their truth; none whatever.

Mr. HALE. Has the gentleman stated in this paper the name of the accuser?

Mr. CATE. I have stated the facts as I understood them. I do not know that there is any accuser in particular. The matter has been submitted to me as being a proper subject of inquiry. I do not present the name of any accuser here.

Mr. HALE. But does the gentleman in this paper state the name of the person who makes these insinuations against the Secretary of the Treasury? Unless he does that, I object; because it is, as I believe, time for us to require that something definitive should appear whenever charges of this kind are brought before the House.

Mr. CATE. Well, sir, I am responsible for this resolution.

Mr. HALE. That is not the question. The gentleman does not vouch for any alleged fact; and unless the name of the person is stated in this paper so that notice may be given to the world, I object.

Mr. KASSON. Perhaps the gentleman [Mr. CATE] will state whether the witness he refers to is one who was present at the alleged conversation with the Secretary of the Treasury.

Mr. CATE. It is expected to prove that conversation by the gentleman whose name is mentioned in the resolution.

Mr. KASSON. Is he the authority of the gentleman?

Mr. CATE. That is the authority I have, although not immediately from him.

Mr. KASSON. Then it is hearsay merely. No person who was present at that alleged conversation makes this statement.

Mr. CATE. I have not consulted the gentleman myself.

The SPEAKER. Is there objection to the reference of this resolution?

Mr. CATE. All I desire is its reference to the Committee of Ways and Means. That is the object of its introduction. I do not think I am called upon to state the name of any person in regard to this matter.

Several members called for the regular order.

The SPEAKER. There is objection to the resolution, and it is not received.

Mr. HEREFORD. Who objects?

The SPEAKER. Several gentlemen have called for the regular order.

AMENDMENT OF REVISED STATUTES.

Mr. CHAPIN. I desire to report back from the Committee of Ways and Means, with a favorable recommendation, the bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes.

The SPEAKER. This bill, as the Chair understands, is presented for consideration at this time. Is there objection?

Several MEMBERS. "Regular order!"

Mr. KELLEY. I would like to know what this section relates to.

The SPEAKER. Is their objection to the consideration of the bill?

Mr. KELLEY. I object.

The SPEAKER. In reference to a bill like this, the Committee of Ways and Means has a right to report it to the House now for commitment, but not for immediate consideration, without leave of the House; and objection is made.

ORDER OF BUSINESS.

Mr. RANDALL. I understood that last evening the agreement was reached that, as the first thing this morning, the previous question should be called on the Indian transfer bill.

The SPEAKER. The Chair understood that to relate to the time when the Committee on Indian Affairs should resume the control of the floor, which, under the order of the House, will be after the morning hour. Does the gentleman from Pennsylvania desire to move to dispense with the morning hour?

Mr. RANDALL. I do not see that any committee is pressing for business in the morning hour. I would like to have the House dispose of the Indian transfer bill, and then I would like to make a motion to proceed with the consideration of the legislative appropriation bill. I make that motion now. I am willing to yield that the previous question may be called on the Indian transfer bill, because we are committed to that. If the gentleman having charge of it do not desire to have a vote on that bill, I shall insist on my motion that the House proceed now to the consideration of the legislative appropriation bill.

Mr. BANNING. The gentleman from Illinois [Mr. SPARKS] who has charge of the Indian transfer bill is not now on the floor. I think his understanding was that the bill should come up after the morning hour.

Mr. SPARKS, (having just entered the House.) That was the order as I understood, that the bill should come up after the morning hour.

Mr. RANDALL. Well, I will state to the gentleman that I have made a motion to proceed to the consideration of the legislative bill now.

Mr. BANNING. But the gentleman from Pennsylvania [Mr. RANDALL] is willing to give way for the Indian transfer bill.

Mr. SPARKS. If we can proceed to the consideration of our bill prior to the termination of the morning hour, I move that we now do so.

The SPEAKER. It is competent for the gentleman to take the sense of the House upon that proposition, whether to proceed at once to the consideration of the Indian bill.

Mr. SCHLEICHER. I rise to a point of order. The report of the Special Committee on Mexican Border Troubles has been set by the House as the special order for this day immediately after the morning hour. I do not ask that it shall be taken up now, but am willing to yield to the Committee on Indian Affairs, and also, as the order provides, to the legislative appropriation bill; but I wish to reserve the right for the bill to come in its proper place. The order of the House is that it be made the special order for this morning after the morning hour, and from day to day until disposed of.

Mr. RANDALL. Subject to the appropriation bill. The gentleman's bill is in the best shape it can be, as it will come up immediately after the disposal of the legislative appropriation bill.

The SPEAKER. The bill to which the gentleman refers has precedence after the Indian transfer bill and other special orders of prior date. There are several special orders which come in before the one to which the gentleman refers. What is the motion of the gentleman from Illinois?

Mr. SPARKS. I move that the House resolve itself into Committee of the Whole for the purpose of considering House bill No. 2677, to transfer the Office of Indian Affairs from the Interior to the War Department; and pending that motion that all debate be limited to one hour, when I propose to move that the committee rise and in the House will demand the previous question upon the bill, so as to dispose of it to-day.

Mr. RANDALL. As I understand it, the gentleman proposes to allow the bill to remain in committee under the five-minute debate upon amendments for one hour.

The SPEAKER. The gentleman proposes to allow the debate under the five-minute rule to continue not exceeding one hour.

Mr. RANDALL. That is my understanding.

Mr. WILSON, of Iowa. That motion cannot be entertained, in my judgment. The House may limit debate to five minutes, but so long as there is an amendment to be offered by any gentleman, a motion to rise and report the bill will not be in order. To be sure, by unanimous consent we may discharge the committee from the further consideration of the bill and consider it in the House. All that can now be done is to limit debate to five minutes on amendments.

The SPEAKER. The suggestion of the gentleman from Iowa is well taken. The motion of the gentleman from Illinois is that the House now resolve itself into Committee of the Whole for the purpose of considering the special order under the five-minute rule.

CHARGES AGAINST THE SECRETARY OF THE TREASURY.

Mr. HALE. I rise, Mr. Speaker, to withdraw the objection I made a moment ago to the resolution submitted by the gentleman from Wisconsin, [Mr. CATE.] I made objection, of course the House will understand, without consultation, and only upon the general principle that charges of that kind against honorable men and faithful public servants should be made more definitely and more specifically. In this case I know the honorable gentleman alluded to in the resolution has desired and courted investigation upon the very subject-matter in reference to which his name has been mentioned. I believe the most searching investigation in his case will have only one result, and that is to bring him out with a brighter record than ever before. I withdraw my objection to the resolution.

Mr. KASSON. I ask that the gentleman from Wisconsin add to his resolution the provision that the investigation shall be conducted with open doors and report made at the earliest possible moment.

Mr. CATE. I move that the resolution be referred to the Committee on Expenditures in the Treasury Department.

The SPEAKER. The suggestion of the gentleman from Iowa is an objection unless accepted by the mover of the resolution.

Mr. CATE. I do not accept the amendment.

Mr. WHITE. I must object to the resolution unless I can hear it read again.

Mr. CATE. The resolution has already been read more than once.

The SPEAKER. This entire proceeding is irregular, and the Chair will hold the resolution cannot be again read, objection being made.

Several MEMBERS on the republican side. Withdraw your objection.

Mr. WHITE. I withdraw my objection, but I desire to say just here——

The SPEAKER. Debate is not in order.

Mr. WHITE. I do not desire to debate the resolution.

The SPEAKER. If the gentleman objects to the resolution, it cannot be received.

TRANSFER OF THE INDIAN BUREAU TO THE WAR DEPARTMENT.

Mr. SPARKS. I now ask for a vote on my motion that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union, to proceed with the consideration of the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and, pending that motion, I move that all debate be limited to the five-minute debate.

The SPEAKER. The question will first recur on the motion to limit debate to five minutes on pending amendments.

The motion was agreed to.

The question next recurred on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The committee, under the order of the House, will now proceed to consider the bill by paragraphs under the five-minute rule, and the Clerk will read the first section.

The Clerk read as follows:

That from and after the 1st day of July, 1876, the Secretary of War shall exercise the supervisory and appellate powers and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them.

Mr. WHITE. I move to strike that section out.

I desire, Mr. Chairman, to say that I am in favor of this bill in the main, but I am not in favor of the bill as it now stands. I think it can be so amended that it will meet the object intended by the committee and at the same time not effect so radical a change as now proposed.

I believe, sir, that the present system of appointing agents and traders is accompanied with a great deal of fraud and corruption. I believe the Army officers can be detailed to perform the duties now performed by citizens with a great saving to the Government and at the same time with much more honor to the country. For that rea-

son I would be glad to see Army officers detailed for this purpose. But is that a sufficient reason to transfer the Indian Bureau from the Interior to the War Department?

I believe, furthermore, that these corrupt practices that have been reported to us here are true. I have seen enough, of my own knowledge, from my own observation, to convince me that these traders as a rule go into the business for the purpose of making money out of it; and I believe, as the Army officer receives a salary annually, without regard to the service he performs, it will be more to his interest and more to the honor of the country if he performs these duties than to appoint civilians.

But I cannot see that even that is a sufficient reason for making this thorough transfer from the Interior to the War Department. If the amendment that I suggest shall be adopted, it will be a modification of the bill as it now stands, and it will also be an improvement on the system as it is at present. In other words, it will detail the Army officers to discharge these duties, and at the same time it will leave the control of the Department under the Secretary of the Interior.

I hope, therefore, my motion will be adopted. When we come to other sections I may give other reasons in support of the views I take.

Mr. COX. I do not propose, Mr. Chairman, exactly to oppose the amendment of the gentleman from Kentucky. I oppose the whole bill. This bill presents to me one of the saddest of the experiences of my legislative life. On the 6th of January, 1861, I voted, as I hoped, to remove causes of discontent and stop the progress of revolution. At that time I reminded the House that a Persian once said to a Theban, in predicting the destruction of an invading army: "When one would give faithful counsel, no one heeds. We go on, bound to our destiny; and this is the bitterest of a man's grief, to see clearly and have not power to do anything." I can see too clearly the trouble impending in a measure of this kind, and yet I am utterly powerless to stop it. It is a foregone conclusion that this bill will pass, or some such measure. But it is well, Mr. Chairman, to consider whether or not we would be entirely wise in not challenging it on the ground of principle and humanity before we let it go to the Senate to be killed, as assuredly it will be killed there.

Gentlemen have argued this question as if the War Department were entirely innocent and the Indian Department were entirely guilty. I do not stand here to defend any set of contractors or rings belonging to our Indian system. Of them, I know nothing except as the papers and our committees report. Nor do I stand here to apologize for any delinquency in the War Department. But if we were consistent in voting for this measure, this House should reverse its action on the Belknap impeachment. Every day the Military Committee have revelations about the corruption of the War Department. What does it mean, this "greasing" of quartermasters? What does General McCook mean by presents of carriages and horses given to Army officers, as presents, by citizens furnishing supplies? What is the meaning of the thorough badness of men more or less connected with the Army, who are guilty of this or that crooked thing? I do not refer merely to Babcockism and all that. And yet we look on the spectacle of this House marching to the Senate for the impeachment of the head of that Department, a Department all bad and worse with every revelation, and at the same time giving it new privileges and powers and fresh responsibilities.

Perhaps I have already argued this question overmuch, I have pressed overmuch the dangers of military power. I may have offended the *amour propre* of some of the gentlemen of the South by my remarks. I will come to that directly. But I will ask this House, if it were the last thing I had to say to them in connection with Federal legislation, to consider carefully civil and military dominancy.

Why is it that the Canadian system without the military has been economy and success? Why has our system been such utter extravagance and failure? Did gentlemen ever think of inquiring into that Canadian system? Have the Military and Indian Committees ever inquired into it?

I have here before me the report of the secretary of the interior in Canada, ending June 30, 1875. From its careful perusal, I declare that there they have no war nor rumor of war in connection with the Indians. They have their aboriginal disquietudes; but at small cost they are reconciled.

I am kindly permitted by the committee to print pertinent extracts from this report:

The first steps taken by the Dominion government with a view to the introduction of law and order in the territories were the passing of the acts prohibiting the introduction of intoxicating liquor into the territories and for the establishment of the "mounted police force," the latter in 1873 and the former in 1874. The one struck at the root of the crying evil of the territories—the infamous liquor traffic—while the other supplied, in the officers and men of the mounted police force, efficient machinery for the prompt enforcement of the liquor law.

During the three or four years immediately preceding the advent of the police force into the territory, bands of outlaws and desperadoes from Montana and the neighboring Territories had established trading posts or "forts" on British soil, whence they supplied poisoned "fire-water," arms, and ammunition to the Blackfeet and other Indians, in exchange for buffalo-robes and other peltries which they carried out of the country in great numbers down the waters of the Mississippi. They had in fact organized a traffic which effectually impoverished the country and demoralized the Indian while supplying him with the means of making himself dangerous.

By the united operation of these acts, the liquor traffic in those portions of the territories where the mounted police force have their stations has been effectually stamped out. The American trading posts have been broken up and the whisky traders have recrossed the line. Lawlessness and crime are now in fact almost unknown in the territories, and life and property are as safe there as in other portions of the dominion.

All the official reports received from the northwest show that the Indians generally appreciate the great boon conferred upon them by the Dominion government and ascribe the peace and security they now enjoy mainly to the operation of these acts and to the presence in the country of the mounted police force.

This explains the general tenor of Canadian policy, for which the accomplished governor-general of the Dominion deserves great honor.

However, I desire to be more specific. This debate would be without interest but for the Sioux. Gentlemen say that we have the Sioux on our border, wild and warlike. So we have. They are our only present trouble. By this Canadian report of 1875, for which I have to thank the distinguished head of the Dominion government, Earl Dufferin, who must have noticed this debate, I find that the American Sioux Indians, to the number of fourteen hundred and fifty, took refuge in Canada after the massacre in Minnesota in 1862. How were they cared for?

I am graciously allowed to present further extracts:

These Indians occupy a somewhat anomalous position in our country. They are in fact a portion of the Sioux tribe of American Indians who took refuge in British territory after the Indian massacre in Minnesota in 1862. They could not therefore reasonably claim to be placed on the same footing or treated with the same liberality as the Indian bands who had always been British subjects resident in British territory. After a full consideration of the circumstances connected with their peculiar position in Canada, the government consented last year to grant them a reserve, and selected what was believed to be a suitable locality for the purpose at the forks of the Little Saskatchewan and Assiniboine Rivers. This reserve, which was intended for the whole band, was found by the Sioux chiefs who went to take possession of it to be without wood, and consequently unsuited for their purpose, and the chiefs requested to be allowed to change their reserve, at the same time intimating their wish to have two or, if possible, three small reserves instead of one large one. Governor Morris recommended the application of the Sioux to the favorable consideration of the government, and in November, 1874, instructions were accordingly sent to the Indian commissioner to take measures to select for the band, in concert with their chiefs, two or, possibly, three reserves farther west, on the same basis as to acreage as the reserve originally proposed, namely, eighty acres for every family of five persons, it being of course understood that the original reserve should be formally surrendered by the band. Early in the year the Indian commissioner obtained, accordingly, a formal surrender of the original reserve, and in company with the Sioux chiefs selected a reserve farther west on the Assiniboine at Berry Creek or Oak River, and another still farther west on Bird Tail Creek, near Fort Ellice.

These reserves were surveyed during the summer; the former contains, approximately, eight thousand and the latter seven thousand acres. Both present all the conditions necessary for an Indian settlement, and already a number of Sioux families have removed to them, erected houses, and begun farming operations. The Sioux settled in British territory are estimated at about fourteen hundred and fifty in all. They are reported as being sober and industrious, and many of them have already acquired some knowledge of agriculture, having worked on the farms of the settlers near Portage La Prairie, Rat Creek, and other portions of Manitoba, where they have hitherto resided. Indeed some of the settlers in these localities regretted the proposed exodus of the Sioux, finding their assistance useful in their farming work; but the generality of the settlers will no doubt be pleased at their removal, having had frequent occasion of late to complain of their depredations.

The capital thing revealed in this report is that the Dominion government have a mounted police. It carefully guards the border. Against whom? Against American marauding and fraud; against the incursions of American whisky traders and others, who for bad purposes follow these Indians for their corruption across the border. This police is kept up in the Dominion. It is kept up in a settlement where the Mennonites and the Icelanders, the English and the Celts, are all more or less settling; and without military surveillance, without the force and terror of arms. The report is that even the Sioux in Canada are quiet and laborious. At times they are absolutely indispensable to the labor of that new country.

If the argument of the gentlemen who supports this bill holds good, why does not the military argument apply to Canada? Why have you not inquired into the Canadian system? Not one reference has been made to it; and yet is it not successful without the army? They would transfer our Indian service from the bad conduct of our Indian agents—to what? To the War Department, now undergoing investigation. Investigation into what? Why, sir, before I would erect a structure I would first clean out the rotten *débris*. Then I would build on something substantial, even if Christian and unwarlike.

According to all rules of logic, when a change of policy is proposed the *onus* is upon the changeling to show the necessity for the change. The gentlemen who favor this transfer have had the most of the time of the House in this discussion. Have they shown any reason that cannot be answered in the light of economy and humanity?

Some gentleman, commenting upon my previous speech, said that I was unfit to deal with this question because I happened to emigrate from Ohio and had some connection with the Tammany organization at the East.

[Here the hammer fell.]

Mr. COX. I am stopped just when I have got to the very point on which I wish to speak.

The CHAIRMAN. Discussion on the pending amendment has been exhausted.

Mr. MILLS. I move to strike out the last word.

The CHAIRMAN. The pending motion is to strike out the whole section.

Mr. MILLS. Then I move to strike out the enacting clause of the bill.

Mr. Chairman, I desire a few moments——

Mr. HOLMAN. I rise to a question of order. In Committee of the Whole the motion to strike out the enacting clause has the same effect

as the motion in the House to lay on the table, and like the motion to lay on the table is not debatable.

The CHAIRMAN. The Chair understands the motion of the gentleman to be to strike out all of the first section after the enacting clause.

Mr. HOLMAN. The motion is to strike out the enacting clause of the first section, which of course is the enacting clause of the bill; which motion, like the motion to lay on the table in the House, is not debatable. I mention it as a very important point of practice in Committee of the Whole and as the only way to stop debate in committee. I will not make a point of order, but simply call attention to the rule.

The CHAIRMAN. The Chair will hold that the motion is debatable.

Mr. MILLS. I do not wish to take the floor from my friend from New York, [Mr. COX,] if I can obtain it again.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from New York?

Mr. MILLS. I will yield my five minutes to him.

Mr. COX. I thank the gentleman from Texas [Mr. MILLS] for his courtesy in yielding his time to me.

When the hammer fell I was about showing to this committee the way in which they manage these things in Canada. I wish we had an honest and successful Indian service like theirs.

The CHAIRMAN. The Chair must remind the gentleman from New York [Mr. COX] that debate must be confined, under the rule, to the pending amendment.

Mr. COX. The present occupant of the floor has been chairman of the Committee of the Whole for six weeks, and knows how strictly that rule has been enforced heretofore. I would like to show this committee the way they manage things in Canada in reference to their Indians, if that is in order.

I have the report referred to, showing the names of the bands or tribes, reservations, dwellings, agricultural implements, shops, stock, children, schools, religious establishments, &c. I wish we had such tabular methods. Here are the Methodists, Episcopalians, Roman Catholics, the latter predominating. This report shows how they keep their Indians and the children of Indians in order and without great expense. I wish I had time to quote further.

It was said by some one on this side of the House that under our present system the Catholics were discriminated against in some way by our present Bureau. My friend from North Carolina [Mr. SCALES] referred to it in a quotation that he made. I am not about to discuss that question. It rises, in one sense, to the dignity of a constitutional question. But as I understand it, there is no infraction of the religious test in the present arrangement.

If the Catholics have been badly treated on any reservation, I ask whether they are going under this bill to turn over this Bureau, with all its religious and educational relations, to the present head of the War Department? He began his political life only last year in Ohio by a bigoted foray against one denomination. Let gentlemen who understand what I mean ponder that. I will not quote from Judge Taft's speeches against Catholics. While I believe him to be an honest man, I will not make any quotation to show what is the intensity of his intolerant religious inclinations. But one thing I do say, that, if the gentleman from North Carolina [Mr. SCALES] be properly understood, the War Department, under its present head, is not the place just now to take charge of this Indian service on religious grounds.

The gentleman from Virginia [Mr. TERRY] said last night that I was unfit to discuss this question because I had not been on the border. I had never heard the war-whoop, except in this House, I suppose. [Laughter.] I had never seen an Indian scalp-dance, except in the House of Representatives. He held that to be properly fitted to discuss or vote on this bill, a man ought to have had some border experience of that kind. In other words, that, in order to vote right as a Congressman, a man ought to lose a part of his head. [Laughter.] Or at least that he was unfitted to be a Congressman if he had any hair on his head. [Renewed laughter.] In that case we might be left without a quorum in this House as it is constituted to-day.

Now, I admit that I have not been so much in war as some of the gentlemen here who are advocating this transfer. I will not say that I have not been in war; gentlemen seem to think that all my travel has been from Ohio to New York. O, no! I venture to say, without boasting, that I am the only member here who has been upon every continent of our star, and in a great many curious relations with barbarians in and out of Congress. [Laughter.] I will not rehearse to this House the battles I have been in; they shall remain unknown, as a modest soldier would have such things remain. How I have been wounded, what red blood I have shed, what particular class of barbarians I have fought, I will not boast of. I do not think that us soldiers should celebrate our own prowess in battle!

Mr. MORRISON, (in his seat.) You have no war record.

Mr. COX. My friend here says I have no war record; and his has been expunged from the Congressional Directory. [Great laughter.]

Mr. MORRISON, (in his seat.) And you have none to expunge.

[Here the hammer fell.]

Mr. CONGER. I rise to oppose the amendment to the amendment.

The CHAIRMAN. The amendment to the amendment is to strike out the enacting clause.

Mr. HOAR. Is that amendment debatable?

The CHAIRMAN. It is debatable, five minutes for and five minutes against.

Mr. CONGER. The few remarks which I wish to make to this Committee of the Whole on this bill may as well be made upon this amendment as upon any other. I desire to present to the committee the general proposition of this bill, to which I ask the candid and serious attention of members.

I desire to call the attention of the House to the particular position of the Indian question at this time. I think it will be admitted by every member of this House that in the organization of the Interior Department, in the organization of the Indian commission and the board making contracts and purchases for the Indians, in the whole management of our Indian affairs there has not for many years been so much regularity, such an approach to honest, efficient administration, to care and consideration, both of the Government and of the Indians, as exists to-day. I venture to say that no gentleman in this House will deny that for the last few years the tendency has been—and that it is especially at the present time—to stop the abuses in the Indian Department in all its branches, to correct errors, to make its management better and more economical for the Government and better for the whole Indian service.

I ask gentlemen of this House, (and there are some here I am proud to say to whom considerations of a religious character, considerations of Christian civilization may be addressed without being received with a sneer,) I ask gentlemen to consider that the Congress of the United States, the Government of the United States, has invited the whole religious people of the country in their various denominations to engage with emulation, if not with rivalry, in the work of presenting, for the government and management of the Indians, for their civilization, for their religious education, their best and choicest men, both to preserve the peace with this Government and to promote the civilization and Christianization of the Indians. I ask gentlemen to remember that this Government, and this House as a part of it, has invited all religious denominations of the United States, embracing more than half the people of the country, to join in ameliorating the condition of the Indian tribes, to bring honesty and faithfulness and their accompaniments, peace, concord, civilization, and Christianization, to the wards of the Government.

Just as they have entered into this work, just as they have brought their energies to bear upon it, just as they have tendered to the Government all the efficient influences that they can bring to aid the Government in its humanizing and civilizing process, look at the spectacle! The Congress of the United States turns aside the whole Christian community of this country, with all their efforts, all their churches, all their religious organizations; it tells them, just as they have entered the threshold of their great work, that they are unfit even to designate agents; that they are unfit to take the responsibility of aiding the Government as they have been invited to do. Sir, I say to gentlemen in this House that it is not one religious denomination alone that will look with amazement upon this effort to withdraw from them the power and the influence and the energy and the emulation with which they have entered upon this work.

It is useless for men to say here that when they remove the control of Indian affairs from the Interior to the War Department, when they set the soldier with his sword in place of the missionary with his Bible they do not destroy all that has been commenced; that they do not effectually and practically cast out at once all the influences that have gathered around these denizens of the forest and the plains. Who of us all does not know this?

[Here the hammer fell.]

Mr. HOOKER. Mr. Chairman, I rise to oppose the amendment, and yield my time to the gentleman from Texas, [Mr. MILLS.]

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. MILLS. I withdraw the *pro forma* amendment.

Mr. POPPLETON. I move to substitute the third section for the second, and yield my time to the gentleman from Texas, [Mr. MILLS.]

The CHAIRMAN. The Chair does not regard that motion as in order, as there is now pending a motion to strike out the first section.

Mr. MAGINNIS. I renew the *pro forma* amendment of the gentleman from Texas, [Mr. MILLS,] and yield my time to him.

The CHAIRMAN. The Chair will suggest that the vote be taken on the motion to strike out the first section, unless the gentleman from Kentucky [Mr. WHITE] withdraws that motion. Other amendments can then be offered.

Mr. WHITE. I do not withdraw my motion. I think the section ought to be struck out.

The question being taken on the motion of Mr. WHITE to strike out the first section, it was not agreed to.

Mr. HOOKER. I move to amend by striking out the last word, and yield my time to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. Mr. Chairman, I am very grateful to my friends around me for the generous sympathy they have manifested in my behalf. I desire to occupy only a few moments of the precious time of this House in discussing a question of very great importance to a portion of my constituency. In the discussion of this question by gentlemen who have preceded me, it has been taken for granted that there are but two points which demand consideration. I propose to present a third. However startling it may seem to the intelligence of these assembled legislators, I propose to present the interests of

the border white men. It seems that the question of economy and the question of humanity to the Indians are the only questions that the Congress of the United States think they have a right to consider.

The gentleman from New York [Mr. COX] has treated this question very learnedly. He told us of his extensive travels. He gave to this House the results of his learning acquired in those travels, as well as his study in books, concerning the government of conquered people by the conquerors. He has been unfortunate in his citations of history so far as it has been in my power to investigate them. I have not had the benefit of his Canadian citation, which he has repeated the second time to the House, but I have before me the Statesman's Year-Book, giving an account of the government of India by the British and of Algeria by the French. Algeria, this book says, was governed by France exclusively through her military arm until 1871. And why did she abandon exclusive military control over the Arabs in 1871? Because she had demonstrated by force that her laws must be respected by her conquered subjects. She does not put them under the civil department, even those she has conquered. But strange, harsh, and grating as it may appear to the ears of the gentleman from New York, [Mr. COX,] the Algerians are under the domination of a French general who has spent thirty-seven years of his life in the French army, an officer clothed with legislative powers as absolute as the powers of the Czar of Russia, and beyond the settled districts in Algeria the nomads, like the Kiowas, Comanches, Sioux, Apaches, and Cheyennes, are still under the control of the sword of France.

Now to the books:

Algeria, the largest and most important of the colonial possessions of France, was entirely under military rule till the year 1871, when, after the extinction of a widespread rebellion among the natives, various reforms, tending to organized civil administration, were introduced by the French government. In place of the former military governor, a civil governor-general at present administers the government of the colony, directing the action of both the civil and military authorities. But the new civil government extends only over the settled districts, and the territory of the Sahara and adjoining districts, inhabited chiefly by nomadic tribes, remain under exclusively military rule. The country under civil government is divided into three provinces, Algiers, Constantine, and Oran, which are subdivided into twelve departments, at the head of which is a prefect.

GOVERNOR-GENERAL OF ALGERIA.—General Auguste Chancy, born 1822, entered the army 1839, and served in Africa till 1870; commander of the army of the Loire in the war against Germany, 1870–'71; appointed governor-general of Algeria, March, 1873.

The governor-general is invested with legislative powers in civil affairs. In all important cases he has to take advice from a colonial council appointed by the French government.

The governor-general is invested with the high prerogative of legislative power in civil affairs even over the settled districts of Algeria, and over the wild, roaming, and nomadic tribes he is invested with the power of a military autocrat.

Mr. TOWNSEND, of New York, took the floor and yielded to

Mr. DOBBINS. Mr. Chairman, I cannot by words express the gratitude I feel to my friend from New York for the courtesy he has kindly extended to me by giving me his time. I am the humble representative, sir, of that very honorable set of people called Friends and Quakers, or a very large number of them. In one of the counties I have the honor to represent I think they have over twenty meetings. These people profess, and I think to a very great extent practice, the principle of doing unto others as they wished others should do unto them. They are readers of their Bibles. They believe in the truth of the prophecy that there is a good time coming, when the sword will be beaten into the plowshare and the spear into the pruning-hook, and the lion and the lamb shall lie down together.

There is in all men, sir, an inherent principle, be it the white man, the red man, or the black man, that he is worthy to be trusted. I remember to have heard an anecdote some years ago of two persons traveling together when night came suddenly upon them in the neighborhood of an Indian encampment. They had valuables with them, and while one took pains before going among the Indians to hide his valuables in the hollow of a tree, the other took his and gave them to one of the tribe for safe-keeping. In the morning after they had taken their breakfast and started off the one who had concealed his valuables in the tree came to look for them but found they were not there. They had been taken away and returning to the tribe he made his complaint that they had come as friends but had been treated as enemies. The chief asked, "What did you do with your valuables?" To which he replied: "I hid them with all imaginable care and supposed no human eye would see me. I supposed they were perfectly safe." "Did you," said he; "then go find them. If you had delivered them to the meanest of my tribe he would have brought them safely to you in the morning."

I mention this to prove that the red man is born with a fine feeling of soul and likes to be trusted. We are imitative creatures, and I should like to ask any friend of this bill how long he supposes it would take an Indian tribe to learn from the War Department any of the duties of good citizens or those duties generally? We know the soldier has certainly the privilege, which is denied to the Indian, of drinking good or bad whisky, [laughter;] and last night we heard the soldier gets the best of beef, while the Indian gets the worst. Is this course to be kept up still, or do they propose to treat Indians to whisky because the soldier drinks it? Are the Indians to be dressed up in bell-buttons, with epaulets upon their shoulders, and are we to teach them to be proud of being good for nothing? Is that the lesson they are to be taught? If so, I think it would be well to send the Army to them for a pattern. That is my idea.

I have no doubt in my own mind that the teachings of the different Christian denominations are salutary and produce good results.

There seems to be a strong prejudice existing in the minds of gentlemen who have spoken on the opposite side against Indian agents. I am happy to know, sir, there are some honorable exceptions. I know of men who have gone from my section of the country at great sacrifice of time and money—who have sacrificed their money largely for the good of the Indians. I could mention the names of these men. One of them returned to his home after having been away some six years engaged in this way. He told me himself that he was in dolt lars poorer, while his health had well-nigh gone. He is a neighbo- of mine, and his name is Mr. Barclay White, and I think he need nor be ashamed of it. He was conscientious in this matter. He went there carrying principles with him. I have received many interesting letters from him on the subject, and they are all to this effect—"The experiment is working well. While I am not making money, while I am not having the comforts of life I used to have in old Burlington County, New Jersey, yet at the same time I have the satisfaction of knowing I am doing my duty by the red men of the forest. I am learning him to farm, and the result of it is salutary indeed."

I met this morning a red man at the hotel where I am stopping. I was curious to know his mind upon the subject, and I asked him, "What are the sentiments of your people?" He answered me very positively, "Sir, we are opposed to it altogether." He went on to tell me something of his experiences. He inquired about certain ladies who went from my own county into his tribe, and who spent their youth in teaching those Indians to read. One of them, whom I knew well, a worthy young lady, taught this very Indian to read; and as he talked about it his soul seemed to swell with emotion, as though he felt a sense of gratitude in his heart to which he was unable to give proper expression.

[Here the hammer fell.]

Mr. DOBBINS. I ask to be allowed the privilege of presenting a memorial from the Society of Friends on behalf of the Indians, and ask that it may be read.

The CHAIRMAN. It can be printed as part of the gentleman's remarks.

Mr. DOBBINS. Very well.

The memorial is as follows:

To the Senate and House of Representatives in Congress assembled:

The memorial of the "associated executive committee of Friends on Indian affairs," appointed by and representing ten yearly meetings of the Society of Friends, residing in twenty-one States, respectfully represents, that they have learned with great regret that a bill is pending before your honorable bodies to transfer the management of Indian affairs to the War Department for the following reasons:

1. Because our experience for the past seven years has convinced us that the present policy has resulted in a large aggregate of benefit to the Indians.
2. Because of the diminished number and unimportant character of the Indian insurrections during this period.
3. Because of the demoralizing influence of soldiers stationed among Indians.
4. Because a very small part of the Indians are hostile, and it is a special injustice to peaceable men to place them under military control.
5. Such transfer would indicate a want of confidence on the part of our nation in the civil administration of government.

Instead of the course proposed in this bill, we advocate—

1. The perfecting of the present system of civil management.
2. To extend civil law, by wise legislation, over all reservations in such simple forms as may be adapted to the varying needs of the Indian communities.
3. To provide courts for the prompt administration of justice upon reservations and also an adequate police force for the arrest and control of offenders.

Signed by direction and on behalf of the "associated executive committee of Friends on Indian affairs," held in Baltimore the 12th and 13th of Fourthmonth, 1876.

JOHN BUTLER.
EDWARD EARLE.
EDWARD W. HOWLAND.
BARNABAS C. HOBBS.
EVAN L. JOHNSON.
FRANCIS T. KING.
JAMES E. RHOADS.
BENJ'N TATHAM.

Mr. HOOKER. I withdraw the *pro forma* amendment.

Mr. BANNING. I move to strike out the last two words; and I yield my time to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. I will resume my remarks interrupted a short time ago by the fall of the hammer. I was discussing the French rule in Algeria. The French have there to-day to maintain their authority the seventh army corps, consisting of 60,000 men. This, sir, shows the benignity of the peace policy which we heard so highly extolled by the gentleman from New York [Mr. COX] a few days ago. How has that peace been brought about which the gentleman extolled in such eloquent language in his splendid speech? Has the gentleman forgotten the history of the campaign of Marshal Pelissier; how he shut Arabs up in caves and piled faggots against the entrances and smoked them to death before he got them to acknowledge their subjection to French power? The domination of the French in Algeria proves the truth of the doctrine that has been laid down as fundamental in all governments, that without force there is no government.

It is the same thing in India. Who does not remember that in 1857, in the Sepoy rebellion, the British bound insurrectionary Sepoys in the mouths of their cannon and blew them to pieces to maintain British authority. How much force has great Britain there to day to maintain the dignity of its peace establishment? Sixty thousand English troops and 300,000 native troops, with 5,300 pieces of artillery. This is your splendid peace establishment that maintains the power of Great Britain in India. It takes that force to keep peace there to-day;

and, sir, if the French and the British troops were withdrawn from Algeria and India it would not be twenty-four hours until the Gallic and the British standards would be stricken down and the natives again resume authority over those lands.

The great fault of the peace policy in the government of the Indian is the total ignoring of the question of force. It is proposed to govern the Indians by sentiment. Sentiment, sir, however powerful it may be among civilized people, will not do to awe savages into obedience to law. I have before me a book written by a Quaker who was for fourteen months among the Kiowas rambling with them. He is an advocate of the peace policy; and what does he say about it? Why he tells you that when he organized his school and was teaching his scholars to read and write the English language, from the A, B, C onward, ruffians entered his school, dispersed his scholars, and drove them away; and there was no force there he could appeal to to protect him.

Not only that, but he tells you in this book that the female schoolteachers who had gone down to teach these Indians had to quit their places and leave the Kiowas to keep themselves from being captured and carried away on the plains. He says that in one instance while he was in the tent with a Kiowa chief, Stumbling-Bear—

He (Stumbling-Bear) informed me of a war while General Hazen was there in which he himself killed and scalped five men and Kicking-Bird seven. I suppose it would be a difficult thing to find in the whole tribe a man over whose head twenty years have passed whose hands have not been imbrued with blood.

What a declaration for an advocate of the peace policy! This minister of peace says that among these wild savages there is not one who has arrived at the years of maturity whose hands do not drip with the blood of innocent victims on our frontier. Men who have a right to call upon you for protection, because they are your fellow-citizens who sustain by their labors, by their lives, and by their blood the sovereignty of your Government, appeal to you in vain. While you sit in council and gravely deliberate as to what is humanity to the savage, he burns down the house of the settler over his head, scalps his children, and carries into captivity his wife to satisfy the lusts of demons. And you talk about your massacres and raids!

[Here the hammer fell.]

Mr. CHITTENDEN. I think I do the gentleman from Texas [Mr. MILLS] no injustice in saying that he seems to be in favor of "giving the Indians hell." From his tone and the examples he cites I can draw no other inference. He may be right, sir, but I think that this country is not quite prepared to adopt his policy. Fifteen years ago I knew something about the Indian business. I had occasion to know something of the frauds which were perpetrated upon them and of the gross injustice which was practiced by Indian traders and by officials of the United States in supplying them with their goods. But, sir, I know now that there has been a vast improvement within the last fifteen years in administering the Indian Department, and while it is perfectly true that every other Department of the Government has been increasing in extravagance and wrong, I believe it to be equally true that there has been an improvement in the administration of this Department which it is now proposed to hand over to the War Department.

Now, sir, I am not clear but that this may be the ultimate wise disposition of this question, but there are various reasons which have been alluded to in this debate why it should not be done hurriedly, and why it should not be done in the spirit which is indicated on the part of those who propose to make the transfer. We have gained something by the policy of peace which has been pursued for the last eight years, and we have every reason to hope that we shall gain more. And neither prayers nor force are to be excluded by pursuing the policy which we are now carrying on. Missionaries are not to be driven by soldiers from Indian camps, neither are the United States forces to be withdrawn and prevented from punishing the Indians when they deserve it.

I am convinced from the course of this debate that it is premature to hand over this Bureau to the War Department. I hope it will be deferred. I am not prepared to say that it may not be wise in the future to do it, but I am sure that it would be very unwise to do it at this juncture.

[Here the hammer fell.]

Mr. BANNING. I withdraw my formal amendment.

Mr. BLOUNT. I renew the amendment, and yield my time to the gentleman from New York, [Mr. COX.]

Mr. COX. I make an apology to the House for speaking so frequently on this subject. I do so for the reason that last night for three hours I had not the opportunity to respond to attacks made upon me. I am not responsible for the profanity which has crept in this debate and which has been reiterated by the gentleman from New York, [Mr. CHITTENDEN.] It started from North Carolina, or rather from John Milton in the very apt quotation which my friend from North Carolina [Mr. SCALES] made.

I have already made a statement as to how Canada cares for our Sioux, fourteen hundred and fifty in number, who have crossed within her borders. How do we look after our Sioux? Twenty-eight thousand of Sioux "souls" (Senate Executive Document No. 11, Fortieth Congress, third session) were placed on reservations by General Harney in the fall of 1868. General Harney reports that he paid out nearly half a million dollars more money than the $200,000 appropriated for the purpose. He created an extra debt of $485,744.21 for the purposes of peace. He thought it was a wise expenditure, because by peace the Indians "could be controlled as easily as children." General Sherman, whose opinion is sought for, then confirmed this peace policy. It was war and costly; but it was confirmed January 4, 1869, by Lieutenant-General Commanding W. T. Sherman.

Now, we are having expeditions, and that is the only present impending border trouble with the Indians, into the Indian country of the Yellowstone, &c., after these Sioux. What reports have we of these expeditions? Why our soldiers under General Crook, and by order of General Sheridan I suppose, marched nine hundred miles. They are after Crazy Horse and his tribe. It is indeed a crazy expedition. They march through the frost and snow for nine hundred miles. They reach the Indian village. What do they do? Shoot one old squaw in the thigh, and then retreat beaten. That expedition will cost a million; the next the same sum.

Mr. LAWRENCE. Were not General Harney's expenditures in violation of law?

Mr. COX. I would have stated that, if I had had more time. I have not devoted much time to discussion of this subject, but a good deal of quiet thought.

Now, if you examine into the question you will see the difference in the articles furnished at the border posts by the War Department and the Interior Department. According to my friend from Tennessee, [Mr. YOUNG,] who has critically examined it, there is a difference of $567,000 against the Indian Bureau. Yet we talk of economy in this connection. Gentlemen say that the expenses of the Indian Department have increased in several years past from several hundred thousand dollars up to six or eight millions. How have they been increased? By contingent expenses or by the purchase of land and the sale of land and in interest paid to the Indians and their annuities under treaties. That has never been explained here. Why do not the economists of the House tell us the whole truth in this matter? If they did, this bill would be killed as dead as Julius Cæsar, who must be the model of the gentlemen who proposed this military bill.

As to the Sioux, I have done with them. They are nearly done fighting, though General Crook, it is said, will make another expedition at the cost of another million in a few weeks, and doubtless with the same result. It is chasing the wind and trying to hold water in a sieve.

Mr. MAGINNIS. Is not that expedition to be made at the request of the peace commission?

Mr. COX. I know how it is with you border gentlemen. If the Indians were voters you would not talk so much against them.

Now, one word about Algeria, in response to what gentlemen have said. I did get on the misty mountain-top. My friend from Mississippi [Mr. HOOKER] went up himself like an eagle on a granite peak. My friend from California [Mr. LUTTRELL] stood on Mount Shasta before he got through. Sentiment and rhetoric, sir, do not belong altogether to our side. My honorable friend from Mississippi, [Mr. HOOKER,] whom I do not see now in his seat, but who speaks so gracefully that I would be willing to give one of my arms if I could only gesture as gracefully with the other as he does——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. FORT. It is really surprising to witness the efforts of sentimental gentlemen to misrepresent this bill and its objects. The evangelist of New York [Mr. COX] and the gentleman from Michigan, [Mr. CONGER,] who certainly ought to be a missionary, and my friend from New York who knows so much about the Indians, [Mr. CHITTENDEN,] have dwelt with great emphasis upon what they deem to be the horrors couched in and the purposes of this bill. One would think, after listening to them, that the object of this bill was to hand over these lambs of the forest and of the plains to be butchered by the Army, to be devoured by the wild beasts who are commissioned Army officers by the Government to maintain peace and order on the frontier.

Now I ask if such discussion is fair? Is it calculated to induce a reasonable man to come to the conclusion that any such purpose is contemplated? Is it likely that officers of the Army are going to destroy these poor red people? What object would they have in doing so? What is there in the history of the Army which can be pointed to that would justify any such conclusion?

Moreover, is not the Army under the orders of the President, who is elected by the people? Is not the Army also bound to obey the laws which Congress enact, the same as other officers and other citizens? And furthermore, is it not true that not a single one of these gentlemen, not even the evangelist from New York, can go and preach the gospel or read the Bible to these Indians unless he is guarded by the Army? All ask the protection of the Army, which has and will always be rendered.

Mr. STEVENSON. In order that there may be no misunderstanding, I desire to know of my colleague to whom he refers as "the evangelist from New York."

Mr. FORT. The gentleman from a city district. I do not know what number it is. The peaceable district.

Mr. COX. It does not make any difference.

Mr. FORT. As I said, no one of these sentimental gentlemen on this floor can go—ministers of the Gospel cannot go to propagate religion among any of these hostile people—without calling upon the

Army to go with them. Nay, more; they cannot send the civil officers designated by the Interior Department to issue the supplies which we give these Indians without a guard must be detailed from the Army to go with them and protect them. Why not let the officers of the Army do both duties, and thus save complication and save money?

These gentlemen are very much interested now in having all the influences and protection and control of the Army withdrawn. In my judgment the gentleman from New York [Mr. COX] might just as well propose to abolish and dispense with the police force of his city, and to rely upon religion alone, to rely upon the peace policy to protect the good people of that city from violence, as to remove from these Indians the care and control of the Army.

For my part, I have not the slightest prejudice against Indians. I sympathize with them and wish their welfare and ultimate civilization and Christianization. I wish them all peaceful prosperity, and therefore I propose that they shall be treated in a humane manner and their hands stayed from shedding the blood of their white brothers, and that they shall be taught first of all things to obey law and cease war and devastation. You cannot civilize any people, you cannot Christianize any savage people until you first teach them to obey and respect civil authority. It has often been necessary to precede the cross with the sword.

[Here the hammer fell.]

Mr. BLOUNT. I withdraw my amendment to the amendment.

Mr. MAGINNIS. I renew it. In answer to the gentleman from New York, [Mr. COX] who has spoken so eulogistically about the Canadian system of treating the Sioux who fled to their borders after the Minnesota massacre, I would request him to turn to that very report which he holds in his hand, and there he will find that even now the Canadian government has taken steps to turn these Sioux over to their military authorities and to put them on a reservation, and that, while some of their people have worked these Indians, yet the great majority of their settlers are glad, on account of their depredations, to have them removed from their vicinity and placed upon a reservation by the military.

The gentleman made a great mistake when he said that on their arrival in Manitoba a mounted police had been placed over these Sioux. That mounted police force is stationed nearly a thousand miles from the vicinity mentioned, and this statement shows that the gentleman is as much mistaken in his geography as in his argument. Why was it necessary for the Canadian government to place a mounted police on the northern borders of Montana to control Indians who receive annuities from the United States? To the shame of the United States be it said that this is because our Indian system was so feeble, so inefficient, so weak, and wicked that we could not keep down the vile traffic in villainous compounds of alcoholic poisons carried on across the border, and no power to end the internecine wars continually waged among the different bands of Indians by which they decimated and destroyed each other. And so the Canadian government was obliged to organize military force and place it on the border, and to put these Indians of ours, which we equally failed to restrain or to protect, under the control of their military authorities when on their side of the line. That is the position of the Canadian government on this question as shown by the very document which he has so triumphantly flourished at us. And the supports for his argument, driven from our own borders, dislodged from the misty peak of Africa, and chased around the world, can find no resting place in Canada.

The gentleman, by way of comparison, asks us how we treat our Sioux? Well, I will answer. Some five or six years ago we purchased a peace from these barbarians after the manner of Rome in her decadence, at the cost of a million and a half a year. To do it we hauled down the American flag from our forts, and we abandoned the graves of our soldiers massacred at Fort Fetterman, and we turned an immense tract of country over to the Sioux, not one foot of which belonged to them, but which belonged to the Crows from time immemorial. We not only abandoned the white settlers, but we turned over to their fury our defenseless Indian allies. We robbed our friends of their country, and we gave it to their foes and ours. By it we sought to meanly purchase a peace, and we have had our reward, for we have had no peace. And this is one of the vilest parts of this miserable Indian system, that we do purchase peace with the warlike Indians, and we turn over to destruction our faithful allies and friends.

In the Territory of Montana all our own Indians are peaceable; but three or four times a year these same Sioux drive the Crows and the Shoshones from their agencies and reservation into our settlements for protection. This Government, having so long ignored the fact that our white men are butchered along the frontier, is apathetic when they appeal for help, and often turns an unwilling ear to their cries; but when they ravaged whites and Indians alike, then the miseries of these Crows and Shoshones touched the tender hearts of the peace commissioners, and they petitioned General Sheridan to send out that late expedition which the gentleman ridicules, not only to protect the white settlers of Montana, but to protect our allies and our friends the Crows and Shoshones, who are to-day joined with our forces and marching under our flag.

And the gentleman from New York ridicules General Reynolds, whose command, after riding nine hundred miles through winter snows, failed to kill the enemy as well as to capture their camp. Why? Because, with more humanity than judgment, instead of charging the camp he endeavored to surround it, and so the Indians fled, and the officer receives the sneers of the gentleman. How can he be satisfied? But the other day he denounced Baker, because after a similar desperate march, with the thermometer 30° below zero, he charged the Indian camp at the moment of the surprise, and in the *mêlée* some squaws were killed. If that charge had not been made, then the failure of the expedition would have been sneered at, and the cost of killing Indians contemptuously flung in the faces of the Army.

Why should an Army officer desire war? What glory can he win? What satisfaction for the toils and dangers can he expect? If after a long and dangerous midwinter march, from which the most hardy and brave might flinch, the Indians take alarm and fly, ridicule and sneers are his portion, and the cost of his failure is calculated to his disgrace. But if by almost superhuman energy and diligence he catches and surprises the enemy, (and, sir, there are but two kinds of battle with Indians; one where they surprise and slaughter the troops, and the other where the troops surprise and slaughter them,) do we glory in the victory of our own side? Does he receive credit for his diligence, his bravery, his success? No, sir. He is vilified and libeled by the humanitarian press, and denounced and slandered on this floor as a barbarian and a murderer. Why should the soldier want a war in which he can gain no glory, and where discredit follows failure and success alike? Why should the settler want war, in which he may see his wife outraged and scalped, or his children butchered and mutilated by the light of his blazing cabin? None of these want war or provoke war. Those who do so are the corrupt officials and contractors, who applaud and fatten on your present Bureau, and rob at once the Indians, the Government, and the frontier people. This House has now an excellent chance to improve our policy, and I hope for such action as will do away with this weak and vicious system by which the Treasury has been plundered and under which so much violence has been done; a system which, having become ensanguined with blood and foul with corruption, is an offense in the sight of God and a stench in the nostrils of humanity.

Mr. COOK. I rise to oppose the amendment. I want to read what the purchasing committee of these Christian commissioners say of their agents and the way in which they conduct this Indian Bureau. I read from the report of the purchasing committee of Indian commissioners, which has been furnished to me by one of those gentlemen. In reference to transportation they say:

> The rates paid for railroad transportation this year were exceedingly low, and there has been no complaint that the work has not been well done. But the rates paid contractors beyond the reach of railroad facilities have not been satisfactory, and the enormous amounts paid annually for transportation of this kind suggest the propriety of bringing the larger agencies nearer our railroads and navigable rivers.
>
> The class of inspectors who have acted hitherto at Sioux City, Kansas City, and Cheyenne have not performed their duties satisfactorily, and, as the committee were unable to find civilians in their stead in whom confidence could be placed, a request was made to the President of the United States to order a detail of Army officers to act as inspectors of flour, pork, bacon, corn, and oats at each of the above localities.

These very men whose friends are complaining of the Army called upon the President of the United States to appoint Army officers to inspect these supplies. Here is the result:

> In compliance with this request, Lieutenant-General Sheridan was directed to make the detail, and Captain R. J. Eskridge was detailed to inspect at Cheyenne, Captain J. W. Gilman at Kansas City, and Captain Charles McClure at Sioux City.
>
> We have had reports from the work done by Captain Eskridge, and I believe he has done his duty faithfully, rejecting considerable quantities of supplies at Cheyenne which, however, by the connivance of warehousemen and store-keepers, have been forwarded to the Red Cloud and Spotted Tail agencies. After the arrival of such supplies at these agencies without the approval of the inspector, parties in the interest of the contractors telegraphed to the late Commissioner of Indian Affairs—

Some gentlemen here know who he was—

> to have a local inspection, and he replied directing a board of appraisement to be called in; and, as this body is usually made up from the hangers-on at the agency, the previously-rejected articles have almost invariably been accepted, thus neutralizing the object of the inspection provided by the board; and this has been practiced largely in corn, oats, and flour.

The truth is that the clothing and provisions furnished to the Indians are just such as could be picked up anywhere.

I want to read one other thing from this report. This is the purchasing committee, not the military, not the Government, but these men selected by these Christian people. Here is what they say of one of their contractors:

> The committee deem it proper to say, at this point, that the appropriation by Congress for the purchase of the beef in question was $120,000. At $3 per hundredweight, this would buy 4,000,000 pounds, and to the purchase of that amount the committee gave its approval. The contract, however, was executed on the 17th of March by the Commissioner of Indian Affairs, without further consultation with the committee, for 5,000,000 pounds, amounting to $150,000, being $30,000 in excess of the appropriation. The committee are unable to see why this was done in the face of an appropriation specifically limiting the expenditure for this object to $120,000.

We are now called upon in the deficiency bill to appropriate $30,000 to carry out that contract, $30,000 for the expenditure of which this agent had no more authority to contract than for a million dollars. He makes the contract without consulting the purchasing board, who had undertaken to represent the Government and to see that the laws were faithfully administered with reference to the Government as well as the Indians in the purchase of supplies.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. MAGINNIS. I withdraw my *pro forma* amendment.

The CHAIRMAN. If no further amendment be offered to the first section, the second section will be read.

Mr. RANDALL. I hope the gentleman having charge of this bill will move that the committee rise.

Mr. HOLMAN. I have a further amendment to the first section. I send it to the desk.

The Clerk read as follows:

That the President of the United States is authorized to detail from time to time such officers of the Army as may not be required in the military service, to perform the duties of inspectors, special commissioners, superintendents, agents, and special agents in the administration of Indian affairs, and that while performing such duties the officers so detailed shall be governed by all the provisions of law in regard to the duties of inspectors, special commissioners, superintendents, agents, and special agents in the Indian service: *Provided, however*, That this act shall not authorize the increase of the number, rank, pay, or allowances of officers of the Army in excess of that now authorized by law, nor shall it apply to the officers on the retired list.

Mr. BANNING. I make the point of order that that comes too late, as the section had been passed.

The CHAIRMAN. The section had not been passed; on the contrary, the Chair stated that it was still open for amendment.

Mr. HOLMAN. Mr. Chairman, I have not taken any part in this debate heretofore and did not intend to do so, and while my first impression was very favorable to this measure, I admit I have not found the subject free from very grave difficulty in the examination I have been able to give it. My first impulse in favor of the transfer of the Bureau of Indian Affairs from the Interior to the War Department was in order, if possible, to break up the widespread fraud in the administration of Indian affairs, and there seemed to be a reasonable guarantee furnished that if this transfer were made the present enormous expenditures in the management of Indian affairs would be greatly reduced. The examination which has been made since the introduction and first consideration of this measure has led to an apprehension that perhaps the same frailty of expenditure is to be found in the War Department that exists in the management of Indian affairs by the Interior Department. Indeed, sir, when the charge is made of corruption in the Interior Department, gentlemen are compelled to bear in mind it is a charge which can be made with the same truth unhappily in reference to all of the other Departments of the Government, as events have disclosed from time to time during the last few years. Corruption in this particular Department has been disclosed more strikingly from the facility given to the perpetration of fraud and from the fact that the appropriation for this specific object being comparatively less than to the other great Departments of the Government, but it is very questionable whether in the administration of the War Department for the last few years the same wanton and extravagant expenditures of the public funds will not be found substantially to have prevailed.

Now, so far as transportation of supplies is concerned and the purchase of food for the Indians in comparison with the corresponding service in the Army, the tendency of the proof is to show extravagance on the part of the Army even as against the monstrous extravagance, if not fraud, on the part of the Indian Bureau.

But, Mr. Chairman, there is a fact to which I am anxious to call the attention of the committee, that there is a large body of unemployed officers of the Army whose services can be made available in connection with Indian affairs. They are authorized now to be employed by law, but it seems to me their services can be made specially valuable not only on account of their large experience, but valuable on account of the vast reduction of expenditures now made necessary by the employment of a great army of superintendents, agents, commissioners, and subagents under the Indian Bureau.

There are considerations, sir, which to my mind argue very powerfully against the transfer of the Indian Bureau to the War Department. It confers upon the War Department the administration of a quasi civil department of the Government—all that pertains to the Indian tribes in connection with their progress, civilization, education, improvement, and christianization in all their multiplied forms. I doubt therefore the policy of so far identifying the Army with the administration of civil affairs of the Government as to give it absolute control in reference to the important interests connected with the Indian tribes now under the care and guardianship of the Government. I doubt whether it will be found to promote the purity of the Army, or whether it will tend to promote that subordination of the military to the civil power which is among the crowning glories of our country.

[Here the hammer fell.]

Mr. HURLBUT. Mr. Chairman, I did not intend to say anything in this debate, but to content myself with voting. At the same time, it seemed to me, on a question of such vast importance, that if any gentleman believed he had anything to suggest which would lead the House to a right conclusion, he should not withhold it.

Now, two committees of this House, one by a majority and the other unanimously, have proposed this transfer of the Indian Bureau from the Interior to the War Department. That of itself deserved consideration, because these committees have acted upon the evidence before them, evidence which it is difficult to bring to the attention of members of the House generally, evidence which even when printed many members of the House probably would not read.

The question after all, Mr. Chairman, resolves itself into this, In what manner can we best and most justly control and govern these Indian tribes? The fault about the old system is this, that there is a divided, scattered, broken responsibility. Follow any of these things in the Indian Bureau, and you cannot name any man or put your finger upon any man who seems to be the responsible party. That is the fault now prevailing in all of our Departments, growing out of the division into irresponsible Bureaus, thus destroying the responsibility of public servants intrusted with the discharge of important public duties. And this is especially so in this Indian Bureau. It is proposed by this bill to transfer all jurisdiction over the Indians from that Indian Bureau in the Interior Department to the War Department. Is there any reason for so doing? I have heard a great deal from the gentleman from New York, [Mr. COX.] I think he has been heard by the House three times on this one subject, in which he followed his usual fashion, for no man under heaven ever heard him argue any proposition relating to anything in these United States that he did not give in illustration how much better they did it in Algeria or Canada. That is his habit; but I was utterly surprised when he held up the treatment of France in Algeria as something worthy of imitation, for, as we all know, there is no history blacker, stained with more horrible crimes, filled with more base, cowardly, brutal murders than that of the conquest of Algeria by France.

But the point we have to consider is how can we put these people into hands which will at the same time respect the rights which they have and maintain the peace and good order of the society which is crowding in upon them? Now, sir, I am not upon the border. My neighborhood has grown out of that some forty years ago. But I know that these Indian tribes are crushed in and driven to the wall by a wave of white population composed of the most enterprising and energetic men in this country, which you cannot stop any more than you can stop the tides of the Atlantic. I know that all this sickly sentimentality about our owing anything to the Indians is of the most remote and visionary character. They are simply in the same condition with all other inferior races when they come face to face with the civilization which they can neither resist nor adopt; and they perish under laws which we do not make, and which we cannot control.

How will you save them? Save them by inducing them to accept civilization. Save them by breaking up their tribal organization. Save them by teaching them to recognize the individual duty of each man to obey the law as he knows it. Save them by impressing them with all the good influences you can. But while they are in this transition state you must govern them as you govern all other uneducated classes, as you govern the uneducated classes in all our great cities, by the administration of force. That is one thing which the uneducated class recognizes and respects. And under that show of force let all these advantages which may lead to the educating of them up to a higher point come in.

If I believed that this bill would in any way interfere with sound, genuine, christianizing, civilizing agencies among these people, I would not vote for it. But it does not exclude any of these things. It cannot be that the Christian sentiment of this country is dependent solely upon the question whether an Indian agent gets $1,500 or not. But the trouble we have to-day is this: there has been one hand that fed and pampered and clothed and protected, or pretended to protect; that hand annually gave gifts, but had no power to control; and whenever the necessity came for the exhibition of force, then the military arm of the Government is invoked by these very men.

[Here the hammer fell.]

Mr. COX. I move to amend the amendment by striking out the last word. I propose now to speak in my own time.

The gentleman from Illinois [Mr. HURLBUT] is one more of the military men who have come to the rescue of this doctrine of force. When he applies that doctrine to the cities, he must know that the police are subordinate to the civil authority. As to Algeria and India, referred to by my distinguished friend from Texas, [Mr. MILLS,] I desire to say that the illustration about Algeria was exclusively with reference to the Kabyles—the 600,000 who had fought the French armies and had only been subdued by peaceful policies. No one palliates the atrocities which characterize the military command and conduct in that province. The Kabyle illustration was an attempt to show how that, after the army had done its bloody work, after the French generals Pelissier, McMahon, Lamoricière, and the rest of he African generals had stricken down the Algerian *indigènes* and had failed to make them contented with French rule, then came in conciliation, peace, and wisdom, and the Kabyles became prosperous and progressive.

And so it is and will be as to the Indian. My friend from Texas [Mr. MILLS] would not undertake to defend the shooting of Sepoys out of cannon in India as a policy of wisdom. This the British did in India. It aroused the whole Indian population. But Britain to-day, and her Queen as the Empress of India, rules in that land because Britain gives India her laws, her customs, and even her religion, and she adds to them those elements of western civilization which have given India so much prosperous glory and power as a part of the British empire. So much for these illustrations which I had a right to use when arguing against the policy proposed in this bill.

I have argued the question of economy. I have argued this question in every light. What I have said has not been answered.

This measure is not one which properly comes from this side of the House. It started with the republicans three or four years ago, the gentleman from Ohio [Mr. GARFIELD] leading off. But it never could get the consent of the intelligent and best men in the Senate or the country; nor did it get the assent of the Christian men of this country, who look at this matter from a higher stand-point. When gentlemen undertake to say that this is a bill to be forced through here because it comes from democratic committees, I beg to say that gentlemen on this side of the House are not or should not be partial to placing the military above the civil. Sir, this measure is nothing but a plaster-cast whose features came from the other side and for purposes which do not now exist.

The other day the honorable gentleman from Mississippi, [Mr. HOOKER,] to whom I was referring when I was cut off so suddenly a few moments ago, in closing his remarkably eloquent speech in reference to the Indians, went out of his way to be both classical and sentimental. Sentiment and rhetoric have not been limited to our side of the question. He referred to Jove as sometimes nodding and to Apollo as not always true in his archery. He was kind enough in that connection to refer either to the gentleman from Massachusetts, Professor SEELYE, or to myself; whether he called me Jove and the honorable professor Apollo I do not know, but one thing is sure——

Mr. HOOKER. The gentleman will allow me to interrupt him to say that I meant both expressions for himself. [Laughter.]

Mr. COX. Well, Mr. Chairman, I can take it in only this one sense. I am a very humble instrument in this House and I do not belong to any pagan or classical terminology. I have come here to speak to this question because it is a matter of higher importance than our ordinary discussions. I believe in the doctrine of peace not only among all those within our borders, but even among the denizens of the woods and forests of our land.

[Here the hammer fell.]

Mr. COX. One word and I shall have no more to say in this debate. I would repeat simply that the words of the gentleman from Mississippi——

Mr. SPARKS. I claim the floor to oppose the amendment.

Mr. COX. If the gentleman will grant me a moment more I shall then have done.

The CHAIRMAN. The gentleman's time can only be extended by unanimous consent.

Mr. SPARKS. I object.

Mr. COX. Then I will only say that I hope we will vote this bill down.

Mr. SPARKS. I rise simply for the purpose of yielding my time to another. I yield the five minutes to which I am entitled, in opposition to the pending amendment, to my colleague from Illinois, [Mr. HURLBUT.]

Mr. PAGE. I do not understand that the gentleman from Illinois [Mr. SPARKS] can yield any time until the previous question has been ordered.

Mr. SPARKS. I think I am entitled to five minutes to oppose the amendment.

The CHAIRMAN. The gentleman rises to oppose the amendment and yields his time to his colleague.

Mr. HURLBUT. Mr. Chairman, if the mythological question between the gentleman from Mississippi [Mr. HOOKER] and the gentleman from New York [Mr. COX] has been settled now by the graceful acceptance of the latter of the double honor of being both Jove and Apollo—and I think he himself perhaps might have gone a little lower and found himself Hercules—I will proceed to the discussion of this question, for I am not now disposed to follow out the mythological question.

When the five minutes to which I was entitled expired I was endeavoring to demonstrate to the House the evils that come from divided jurisdiction. I can illustrate it in this way: I suppose that all of us in our time have raised a pet dog, and I presume that none of us would have wished to have one hand feed and the other flog him. That is the trouble with us in all this matter. There has been division; there has been pampering on one side and punishment on the other.

Now, sir, it has been alleged in this debate, and I was very sorry to hear it, that the officers of the Army desired this transfer. I beg to say in their behalf that they do not desire it. There is not an officer of the Army who does not know that this change will impose upon him duties that are inglorious and subject him to abuse at the hands of the public press. There is no man in the Army who asks for this change. If the House chooses to cast the burden of this duty upon the officers of the Army they will accept it as they accept any other duty. But they are not now here asking it, nor is there any reason why they should do so. There is no honor to be gained in an Indian war, and vast danger, vast fatigue, and in case a man falls in such a war he gets but some casual notice in a general order. There is no fame in the thing.

Now, why is it that Army officers as accounting officers for money are safer than the rest of our people? It is this: I do not say for our officers of the Army that they are better than any other class of our citizens, but they are under different laws, different impulses, and different feelings. They occupy a position for life, which they value, and which position depends upon their good behavior and their honor. There is one little clause in the Articles of War that is more potent to keep an Army officer within his jurisdiction and to the honorable performance of his duties; it is more potent than any investigation by Congress or any proceeding in civil courts, and it is that phrase which renders any officer of the Army liable to be cashiered and dismissed from the service for conduct unbecoming an officer and a gentleman. That is the penalty that awaits him if he wanders from the right. As I have said, no investigation is necessary by Congress, no process of civil court, but he is watched all the time by the mass of his comrades whose honor is involved like his, and then he is subject to the prompt and sharp action of a military court, or the more sudden action of the President of the United States dismissing him from the service for dishonorable conduct. That is the real reason why these officers are reliable as accounting officers. The education they receive, of course, may stimulate them in the positions they occupy and hold them to a sentiment of honor, but they are governed and controlled by these Articles of War, which hold them liable to a sharp and sudden decision, and therefore it is better that the accounting and use of these vast sums of money that we have to pay out should be put in the hands of men who are held by honor, by personal hopes, by hopes in their future, and by the penalty of this sharp and decisive judgment of a court-martial.

Now, sir, I have felt called upon to say only this at this time. I stated, I think in my opening, that no single one of all the civilizing agencies is ruled out by this bill, not one. No officer of the Army, no Secretary of War, no general would stand in the way of anything of that kind. But the single individual responsibility of control in peace and war is given to officers, having the advantages which I have said belong to them. The particular amendment which is offered by the gentleman from Indiana [Mr. HOLMAN] is objectionable to my mind, because it makes patch-work of a bill which is already in better shape.

[Here the hammer fell.]

Mr. COX. I withdraw the amendment to the amendment.

Mr. CONGER. I renew it. I am not surprised to hear old Army officers like my friend from Illinois, [Mr. HURLBUT,] and perhaps my other friend from Illinois, whose name [Mr. FORT] is suggestive at least of military occupation, advocate the transfer of the Indian Bureau to the War Department. But I am surprised to hear those gentleman cast a sneer on the opponents of this bill—cast a sneer upon the combined religious denominations of this country as they have done. I did not expect it from that source. I did not expect my friends from Illinois to ridicule this great, energetic, effectual work of all the religious denominations of the United States in their effort to procure the appointment of honest men, and to watch them carefully in their administration. I did not expect to hear them ridiculed as missionaries and evangelists; that I did not expect from that source, and I regret it. I tell the gentleman from Illinois [Mr. FORT] that he had better take the Sankey songs and sing "Hold the fort," than to throw out these reflections upon gentlemen engaged in this service of the United States.

I do not wonder at my friend, now from Illinois, but formerly one of the chivalry of South Carolina, [Mr. HURLBUT,] speaking sneeringly of the missionary and the evangelist. But the great fact stares us in the face, and no such remarks can remove from the minds of the people the influence of that fact, that the Government of the United States has invited all the Christian denominations of America to combine all their influences, and all their energies, and all their watchfulness, and all their zeal, to aid the Government in the work of caring for, managing, civilizing, and Christianizing these wards of the nation.

If you pass this bill, I tell you that you will be casting back into the teeth of those you have invited to labor—and they will feel it, and make you feel it, too—you will be casting back into their teeth the reproach that with the short time given, with the feeble means placed in their hands, you have decided that they are unfit to be trusted.

Ah, says the gentleman from Illinois, [Mr. HURLBUT,] the honor of the soldier will make him honest, the watchful care of his comrades will make him honest in the administration and expenditure of money. Sir, will not the watchful eyes of millions of men in this country make the agents of the religious denominations honest, men nominated in the face of the world for responsible positions? I have little faith in anybody making any man honest; but if all this watchfulness and care can make men honest and keep them honest, I tell you the watchful eyes of all the religious denominations, the emulation and rivalry between them as to their respective agents will be a stronger guarantee for their integrity and faithfulness and honesty than any *esprit du corps* of the Army can ever make its men.

Mr. FORT. I want to state to the gentleman that I did not sneer at missionaries or at religion; on the contrary, I hold them both in the very highest reverence.

Mr. CONGER. But the gentleman did say that in order to carry Christianity anywhere in this world experience had shown that you must accompany the missionary with the bayonet.

Mr. FORT. You often do have to do that.

Mr. CONGER. Is that in the teachings of the gospel? Must the Army precede or accompany the missionary? Is the gentleman right in his statement or in his conclusions? Sir, it is the acknowledged history of the world that the missionary who goes forth alone among any people, savage and barbarian as they may be, unaccompanied by the army and unaccompanied by the canteen, is the most successful.

Mr. FORT. The gentleman has not read his Bible very recently.

Mr. CONGER. That may be. We will talk about that to-morrow.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONGER. I wish that the interruptions should not be taken out of my time.

The CHAIRMAN. They have not been taken out of the gentleman's time.

Mr. PATTERSON. I have heard a great deal this morning from members who opposed this proposed transfer of the Indian Bureau to the War Department of the increased efficiency manifested during the past few years in the management of the Indian Department. As to whether that is true or not may best be determined by the facts, whatever they are. For the purpose of determining that question I desire to call the attention of the House to a little fact in the history of the management of the Indians in the Territory of Colorado that has transpired within the last few years.

In 1874 a treaty was entered into between the Government of the United States and the confederated bands of Ute Indians. By the terms of that treaty a large tract of land was ceded to the Government of the United States and opened up for settlement; a tract of land comprising perhaps as rich mineral resources as are to be found within the limits of the United States. By the further terms of the treaty it became the duty of the Secretary of the Treasury—and Congress by special act ratified the treaty—to set apart United States Government bonds, bearing 5 per cent. interest, in a sufficient amount to make the annual sum of $25,000, which was to be expended for the benefit of the Ute Indians. Although that treaty was made nearly three years ago, although it was ratified by an act of Congress two years ago last August, yet the cry comes up from the Ute Indians in my Territory that not one dollar of that money (although over $50,000 is now due) has ever been expended for their benefit.

Sir, Congress is not remiss in this. The Secretary of the Treasury is not remiss, because he has under the law set apart the $50,000 that it was his duty to set apart up to the 1st of January last. But after Congress has acted, after the Secretary of the Treasury has acted, we find that there is a clog in the Indian Department, because, from the testimony of the Indians of the Territory and of the settlers, not one dollar of that money has yet been expended for the objects for which it was appropriated.

In connection with this matter, I ask the Clerk to read a letter which I received but a few days ago from a member of the late constitutional convention in Colorado, relative to this subject. It goes to show that, on account of absolute failure of the Indian Department here in Washington to do its duty or on account of the misapplication of funds by agents, an Indian war is imminent in my Territory; and those who live in the valley of the Animas who will first be subject to the fury of these red men are calling upon the Government either to pay the money or to send the Army to protect them.

The Clerk read as follows:

DENVER, COLORADO, *April* 13, 1876.

DEAR SIR: A petition will be forwarded you by this mail from the citizens of La Plata County, (which I represented, as you know, in the constitutional convention,) asking that troops be at once ordered there to prevent the Indians carrying their threats into execution of driving the settlers out of the Lower Animas Valley. I had a long talk with Ignacio, the chief of these Utes, last November, on the eve of my departure for the convention. He said that he had been promised and promised pay for his land but the money had not come. Three winters had gone since the treaty was made and the white men at Washington had not kept faith with him and his people. He could not live on promises any longer. He would wait till this winter was over, and then when the leaves came and the warm days (spring) if the Washington people did not pay the money for the lands he would drive every settler out of the Animas Valley.

He complained very bitterly about the manner in which he had been treated. He said if they had been bad Indians, like the Sioux, the Washington people would have sent out blankets and presents to them and asked them to be good; that the only way to get anything from Washington was to be a bad Indian.

I am not an alarmist, by any means. I have lived over twenty years on the frontier and served through the Oregon Indian war of 1855 and 1856. I was with Governor Isaac I. Stevens in all of his Indian treaty expeditions on the northwest coast and in what is now Idaho and Montana. This long experience has given me necessarily a knowledge of Indian character. I am satisfied in my own mind that Ignacio is terribly in earnest. He means every word he says. Something must be done and done at once, or that whole Animas Valley with its productive farms will be laid waste and the settlers driven out. It is the garden-spot, as Professor Hayden will tell you, of all Colorado. If this should occur through the neglect of the Government to comply with its own solemn pledges, it will be a burning shame. I have written to Captain John Moss, at Parrote City, to see Ignacio at once and endeavor to keep him quiet till you could be heard from. He has great influence with him, and may be able to hold him in check for a few weeks. My sympathies and that of the settlers are strongly with the Indians in this matter.

Ignacio does not want to be a bad Indian if he can get his rights by being a good one. He is a very intelligent man, bold and determined, and of great influence with his people, and will stand no more promises without their fulfillment.

Indian hostilities will retard the settlement of La Plata County for years. It is rich both in its agricultural lands and in its mineral resources. The apprehension of trouble has already materially interfered with its development. If it were not for this there would be this spring a large emigration to that region of farmers and prospectors. Two things ought to be done at once: A military post ought to be established in that region. The best place would be on the Mancos River, twelve miles west of Parrote City. You could introduce a bill making the necessary appropriation to build a permanent post wherever it might be deemed best in extreme Southwestern Colorado. Lieutenant Wheeler and Professor Hayden both know that whole region, and it might be well to consult them on the subject. In the mean time two companies of cavalry could be ordered immediately from the New Mexican department, via Tierra Amarilla, to make a summer encampment in the Animas or La Plata Valley. They ought to start immediately, so as to avoid the high waters of the San Juan, Pinos, and Piedra Rivers, which are not fordable after the freshets in June and July until the fall. They are not more than knee-deep until then.

A commission ought to be appointed to buy out the narrow strip of fifteen miles in the south of La Plata County, extending to the New Mexican line. Ignacio is willing to sell that, and this would make the reservation west and entirely away from the settlements. This commission should be intrusted at the same time with the money or supplies as payment for the lands ceded under the treaty of 1872. It should be composed, not of strangers or outsiders, but of well-known citizens of Colorado. That ought to be insisted on. Governor Routt and Bishop Spalding of the Episcopal Church, with some resident of southwest Colorado, would be the sort of commission that would give most satisfaction to that section. They would be just to the Indians and to the settlers and make a permanent peace.

The expense of the new military post need not be great, as the garrison from Fort Garland, which is utterly useless, could be transferred to it, and also much of its material. That post ought at once to be abandoned. The only use it is at present is to furnish a market for the few farms in its vicinity.

I am sure you will act in this matter promptly, as it is of the most imperative necessity.

With great respect,

HENRY R. CROSBY.

Hon. THOS. M. PATTERSON,
House of Representatives, Washington, D. C.

[Here the hammer fell.]

Mr. PATTERSON. I ask to have printed in connection with my remarks a petition signed by nearly fifty of the settlers in Animas Valley, whose property and lives are threatened by the Ute Indians on account of the failure of the Indian Department to comply with its solemn treaties with them.

Mr. COX. I object to the leave to print, unless consent be given me to print what I asked leave to publish. Objection was made awhile ago.

The CHAIRMAN. The Chair hears no objection to these requests.

The petition presented by Mr. PATTERSON is as follows:

To his excellency John L. Routt, governor of Colorado:

We, the undersigned, residents of the valleys of the Animas, Florita, and Pinos rivers, having been and being continually threatened by the Ute Indians, believe that serious depredations will be committed at an early date unless some immediate measures are taken for their prevention. We are led to believe this from the fact that their chiefs, Ignacio and others, have lately assumed a very hostile and threatening attitude and ordered us to leave the country, a thing they have never done before, the depredations heretofore perpetrated having been committed by the younger men of the tribe against the wishes of the chiefs.

We therefore respectfully petition that you will use your influence to have at least one company of troops stationed in this section of country during the spring and summer.

Dated March 27, 1876.

[Here follow the names of the signers.]

I add my name to the list and earnestly ask that some steps be taken immediately to comply with the requirements of the treaty and the just demands of the Indians. There will be trouble—very serious trouble—this spring if the Indians are not paid.

HENRY R. CROSBY,
Representative from La Plata County to the Constitutional Convention.

Mr. BANNING. Mr. Chairman——

Mr. RANDALL. The understanding was that this debate was to last but an hour. It has now extended two hours.

Mr. BANNING. I believe I have the floor.

Mr. RANDALL. I rise to a point of order. As the House understood, this debate was to take but one hour, at the expiration of which the committee was to rise and the sense of the House was to be tried upon the previous question; if that was sustained, the chairman of the committee was, of course, to have one hour under the rule. Now we have been in Committee of the Whole—with what profit each gentleman can judge for himself—for two hours. I now ask that the gentleman having charge of the bill make a motion that the committee rise; otherwise we had better take a test vote in committee of the Whole on a motion to strike out the enacting clause.

Mr. SPARKS. It was my understanding that the House should resolve itself into the Committee of the Whole, to remain therein but one hour. But a point of order was taken upon that motion, and it seems the rule is against it. Hence debate appears to be limitless. I now propose, whenever I can get the floor otherwise than through a point of order, to move that the committee rise. I have been seeking an opportunity to make that motion for some time.

The CHAIRMAN. The motion was made that debate in Committee of the Whole on this bill be limited to one hour. The Speaker ruled that that proposition required unanimous consent, and objection was made. The rule of the House provides—

That the House may, by the vote of a majority of the members present, at any time after the five-minutes debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at their election, upon the pending amendments only.

The right of the House to close or to limit debate applies to a pending section or paragraph, or pending amendments thereto, and not to the whole bill. The point of order raised by the gentleman from Pennsylvania [Mr. RANDALL] is not well taken.

Mr. RANDALL. I rose to make that point because it was the understanding, whatever the record may show; and I had no other way to direct the attention of the House to the understanding except by raising a point of order.

The CHAIRMAN. The Chair will state that he is governed in this position by the record as he finds it made up by the Clerk.

Mr. BANNING. I propose to detain the committee for but a moment——

The CHAIRMAN. Debate is exhausted.

The question being taken on the *pro forma* amendment of Mr. CONGER, it was not agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] upon which debate has been exhausted.

Mr. BANNING. I move to strike out the last two words of the amendment of the gentleman from Indiana, and I do so, Mr. Chairman, for one purpose only and will not occupy more than one minute. I am surprised at the amendment moved by my friend from Indiana, [Mr. HOLMAN,] and I have reason to be. This bill has been reported favorably to this House by his committee, the Committee on Appropriations; it has been reported favorably by the Military Committee and by a majority of the Committee on Indian Affairs. It proposes to transfer the Indian Bureau from the Interior to the War Department, while the amendment which he makes does not propose any such transfer, but, on the contrary, leaves it, as I believe, in a worse condition than ever before. Therefore it is I am surprised at the amendment and hope it will be voted down. The committees I have indicated have all agreed to this bill, almost unanimously agreed to it, because they believe it will be better for the Indians and better for the Government. They have fully shown, my friend from New York [Mr. COX] to the contrary notwithstanding, that, while in 1848 it only cost in the War Department $874,000 to take care of these Indians, during the last year it cost $6,888,000 under the Interior Department. The proof is furnished by William Welsh of Philadelphia that 75 per cent. of all these Indian Bureau appropriations is stolen or used for political purposes. The committee have considered it good and think therefore it is time to make a change. But they believe furthermore it is impossible to make any change worse than it now is. I yield now to the gentleman from Illinois.

Mr. SPARKS. I move the committee rise and report the bill and pending amendment to the House.

Mr. BANNING. I withdraw my amendment to the amendment.

Mr. SPARKS. I move the committee rise and report the bill and pending amendment to the House. Pending that motion, however, I am ready and willing to allow any amendment which may be suggested by any gentleman to go with the bill into the House for the purpose of being considered and voted on.

Mr. COX. I rise to a point of order on that motion.

Mr. LAWRENCE. I hope the committee will not rise.

Mr. COX. I rise to a point of order on the motion of the gentleman from Illinois.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COX. My point is that the motion to rise is not in order while an amendment is pending.

The CHAIRMAN. The Chair decides the point is well taken, and that it is not in order to move the committee rise while an amendment is pending. The question now recurs on the amendment moved by the gentleman from Indiana. The gentleman from Illinois may move that the committee rise for the purpose of closing debate on the pending paragraph, if that be his object.

Mr. SPARKS. Does any member wish to offer an amendment?

The CHAIRMAN. The pending question is on the amendment moved by the gentleman from Indiana, [Mr. HOLMAN,] on which debate has been exhausted. An amendment to the amendment is in order.

Mr. SPARKS. I hope we will have a vote on the amendment, and then come to the second section of the bill.

Mr. WHITE. I wish to speak to the amendment of the gentleman from Indiana.

The CHAIRMAN. Debate is exhausted.

Mr. SPARKS. I move that the committee rise for the purpose of closing debate on the pending section.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

Mr. SPARKS. I now move the rules be suspended, and the House resolve itself into Committee of the Whole for the purpose of considering the bill for the transfer of the Indian Bureau; and, pending that motion, I move that all debate on the pending paragraph in committee be closed in one minute after its consideration shall be resumed.

Mr. HOLMAN. Say ten minutes.

Mr. SPARKS. Well, I will say five minutes.

Mr. HURLBUT. I wish to ask a parliamentary question, whether it is in order to move the previous question on the bill?

The SPEAKER *pro tempore*. The bill is in committee and has not yet been reported to the House.

Mr. HURLBUT. Is in order to move to discharge the committee from the further consideration of the bill?

The SPEAKER *pro tempore*. Only by unanimous consent.

Mr. SPARKS's motion to close debate in committee in five minutes on the pending paragraph was agreed to.

The question next recurred on the motion of Mr. SPARKS to go into Committee of the Whole, which was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union on the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, (Mr. SPRINGER in the chair.)

The CHAIRMAN. By order of the House debate on the pending paragraph has been limited to five minutes.

Mr. HOLMAN. Mr. Chairman, I have submitted the amendment now pending to the first paragraph in fact as a substitute for the entire bill, and I might as well put it in that form at once, as a substitute for the bill instead of for the first section only, as the House will see if my amendment be adopted it will cover the whole scope of the pending bill.

I indulge in the belief, Mr. Chairman, that the main gain on the score of economy in the transfer of the Indians from the Interior to the War Department will be found simply in the employment of the unemployed officers of the Army as commissioners, inspectors, agents, and subagents in connection with the various Indian tribes. To that extent I indulge the hope economy will manifestly be accomplished. I indulge the hope still further that there will be a more honest administration of Indian affairs with Army officers than under the present system. Beyond that, however, I doubt whether anything on the score of economy will be accomplished by the transfer of the Indian Bureau from one Department to another.

My friend from Ohio, [Mr. BANNING,] the chairman of the Committee on Military Affairs, to whom I propose to yield in a moment, when comparing the expenditures of the Indian Bureau at this time with 1848, overlooks this important fact, that then the entire western country, as it were, the country west of the Mississippi River, was almost within the range of these various Indian tribes. The buffalo covered the plains everywhere, being a source of subsistence to the Indian tribes. But the policy of the Government is now to restrain those Indians on the reservations, devoting to civilization large portions of the vast domain heretofore occupied by them, and providing for their support on these reservations. In this way the expenditure has necessarily been enlarged, although undoubtedly it would be vastly less under an honest administration of Indian affairs than it is now.

The amendment I have offered I propose as a substitute for the entire bill. It preserves all the good there is in the bill, the employment of unemployed officers in the Army in the honest administration of Indian affairs. I trust this amendment will receive at least some consideration. For I hope the House will pause long before it will take a step which will defeat all the results which have been accomplished in late years in the attempt to civilize these Indians by placing them, as in recent years, under the more humane and benevolent influences of the spirit of peace.

Mr. BANNING. I believe I have two minutes and a half. I desire to say one word in reply to the remarks of the gentleman from Indiana. Two weeks ago, before he was sick, he was in favor of the bill as it now is.

Mr. HOLMAN. I cannot allow my friend to misrepresent me.

Mr. BANNING. The gentleman must not take my time.

Mr. HOLMAN. The gentleman must not misrepresent me or indulge in discourteous remarks.

Mr. BANNING. I do not yield. Two weeks ago the gentleman supported the identical bill we have now. His amendment would just save the amount of the expenses of the agencies, which is $180,000; while the bill will save over $5,000,000. That is proven in this way: When the Indians were controlled at the War Department there were 497,000 of them, and then they cost $800,000. Now there are 279,000, and they cost over $7,000,000. Now, as a question of economy this is a matter for us to consider, and consider well; and I am sorry that my friend has been away and forgotten the knowledge he had upon this subject two weeks ago.

Mr. MAGINNIS. I would like to ask the gentleman from Ohio whether the identical experiment proposed by the amendment of the gentleman from Indiana was not tried in 1869, and proved in one year the most disastrous failure of any experiment ever tried in the management of Indian affairs?

Mr. BANNING. Yes, sir. The proof that we should turn the management of Indian affairs over to the War Department is found in this fact, that every one who knows anything of the subject knows that it cannot be made worse than it is now. And the best men in the country, Bishop Whipple, Mr. Welsh, and all that class of men who have been opposed to the transfer heretofore, favor it now, and are in favor of it because where it is it is all wickedness, corruption, and theft, as shown in Mr. Welsh's testimony.

It has been said by my friend from New York [Mr. COX] that this is a republican measure. I do not care whether it is republican or democratic. It is a measure of economy. It is a measure that is right. It is a measure that is demanded by the Indians and by the white people of the frontier. It has been spoken in favor of by all the gentlemen here from the Territories but one. These gentlemen know more about it than we do; and it is only opposed by the gentlemen from the East, who have not suffered as the men have suffered who stand here fighting for the rights of frontiermen and the rights of the Indians.

Mr. DUNNELL. I would like to ask the gentleman from Ohio——

The CHAIRMAN. Debate on the pending amendment is exhausted The question is on the amendment of the gentleman from Indiana, which he offers as a substitute. For what does the gentleman desire it to be a substitute?

Mr. HOLMAN. For the entire bill.

Mr. BANNING. When the gentleman from Indiana offered his amendment he said it was a substitute for the section.

Mr. HOLMAN. The gentleman states correctly that when I offered the amendment I offered it as a substitute for the first section. I

afterward stated that inasmuch as it covered the whole bill I offered it as a substitute for the bill.

The CHAIRMAN. Objection being made to the amendment being treated as a substitute for the bill, the question is on the amendment as a substitute for the first section. If it prevails, the committee may then strike out the subsequent sections of the bill.

Mr. HOLMAN. The gentleman from Ohio must see that it makes no kind of difference in what way the question is put.

The question being taken on the substitute, there were—ayes 44, noes 103.

Mr. HOLMAN called for tellers.

Tellers were not ordered, the ayes being 25; not one-fifth of a quorum.

The Clerk resumed the reading of the bill, and read the third section, as follows:

SEC. 3. That commanding officers of the military departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of the officers of the Army serving in their commands as may be necessary from time to time to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector-General of the Army shall discharge the duties of inspector of Indian affairs, and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes; and such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war; and the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof is concerned.

Mr. LAWRENCE. I move to strike out the last word of the first section, merely to enable me to submit some remarks on this bill. In the few minutes allotted to me, I know very well that I shall not be able to fully discuss the bill, or to state to any considerable extent the objections I have to it. Prior to the year 1849, the Indian service of the Government was under the control of a Bureau of the War Department. Since that time it has been under the control of a Bureau of the Interior Department. It is proposed now to transfer the control of the Indian service back to the War Department. This proposition requires that we should compare the service under the War Department with that under the Interior Department and consider the results under each. We must do more than that. We must not confound results under the Interior Department prior to the "peace policy" adopted by President Grant with results since this wise and humane policy was inaugurated. It is an undeniable fact that the Indian service under the War Department was a total failure. If any gentleman will look at the report of the Commissioner of Indian Affairs for 1868, he will find that the Indian service instead of being economically conducted and, as my friend and colleague [Mr. BANNING] says, at an annual expense of $800,000, in fact it cost the Government, in consequence of Indian wars, millions upon millions of money. Allow me to read an extract from that report:

More than half the period in which this Bureau was under the control of the War Office was occupied in the prosecution of costly and unprofitable as well as unjust wars against the Seminoles, the Sacs and Foxes, and in vexatious and expensive troubles with the Creeks and Cherokees. It should not be forgotten, in this connection, that almost all the Indian wars which have depleted the Treasury and desolated our frontiers, even since the Bureau was given to the Interior Department, had *their origin in the precipitate and ill-considered action of the military stationed in the Indian country*.

If the mass of our people desire peaceful relations with our Indian tribes—mean to continue to recognize their natural rights, as our fathers have done, and do not desire their violent extermination—then, I submit, the peaceful, and therefore the civil, and not the military agencies of the Government are better adapted to secure the desired ends.

Blight follows the sword as surely as desolation sits in the track of the hurricane or the conflagration.

Has not military management essentially failed in civilizing the Indians? When and where did it turn their minds from war and the chase and fix them upon agriculture or pastoral life? When and where did it reduce the cost of Indian affairs? It has only succeeded in illuminating our historic pages with bloody pictures; in surcharging the hearts of our tribes with hatred and revenge, and spending the money of the people by the fifty million dollars oft repeated.

This War Office management, now proposed, may look to the peace that follows extermination as the great desideratum of the service and the panacea for Indian troubles; but such peace is far in the distance, if it is to depend upon extermination by arms. If we fought five hundred warriors on the little pent-up peninsula of *Florida seven years* with the regular Army, with many thousand volunteer soldiers, and the Navy thrown in, at a cost of fifteen hundred lives on our part and $50,000,000 in treasure, leaving at least several hundred Seminoles in the everglades who still claim to be free, how long will it require, and at what expense of treasure and blood, to exterminate (not merely subjugate) our 300,000 Indians now occupying and roaming over the plains and mountains of the interior, an area of more than 200,000 square miles?

The report then calls attention to the Sioux war, unnecessarily provoked by men connected with the Army; to the Cheyenne war, provoked in the same manner; to the Chivington massacre; the Cheyenne war costing probably not less than $40,000,000, and so the report goes on. The management of our Indian affairs in the War Department was an utter failure, disgraceful to our civilization, productive of outrages, wrongs, extravagance, cruelty, corruption, fraud, and other crimes and evils so vast and so revolting that I dare not and cannot enumerate or name them. And this report to which I have referred shows the reasons of all this. It says:

Soldiers are educated and trained in the science of war and in the arts of arms. Civilians are taught in the science and arts of peaceful civilization. In lifting up races from the degradation of savage barbarism and leading them into the sunlight of a higher life; in unveiling to their benighted vision the benefits of civilization and the blessings of a peaceful Christianity, I cannot for the life of me perceive the propriety or efficacy of employing the military instead of the civil departments, unless it is intended to adopt the Mohammedan motto and proclaim to these people "Death or the Koran."

It must be remembered the Army is not organized as were our brave, patriotic, and honest soldiers during the late war. Nor do I mean to cast reproach on the regular Army or its officers. These are all necessary and useful, and generally correct, patriotic, and deserving; but a few incautious, indiscreet, or reckless men can provoke an Indian war in spite of the prudence of judicious officers and good soldiers. And so our Indian wars have nearly all commenced.

Let me briefly glance at our Indian history. It has been estimated that when this continent was discovered there were on it 3,000,000 Indians, a large portion of them in what is now the United States. Now there are in the United States, exclusive of Alaska, according to the estimate of the Indian Bureau, 278,953 Indians. These are nearly all located on one hundred and twenty-four Indian reservations, scattered over eleven States, nine Territories, and the Indian country south of Kansas. With the exception of a few "wild" Indians these are all under the care of the Bureau of Indian Affairs in the Interior Department. This Bureau has at its head a Commissioner of Indian Affairs charged with a general superintendence of the whole Indian service. We all know the present Commissioner as an able, honest, philanthropic Christian gentleman, with a business capacity which eminently fits him for the place.

Then, as the Revised Statutes say:

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons appointed by the President, solely from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Their duties are: First, to supervise all expenditures; Second, to inspect all goods purchased for Indians in connection with the Commissioner of Indian Affairs; Third, any member may investigate all contracts, expenditures, and accounts.

Then the existing law provides in substance, as I have condensed it, that—

SEC. 2043. There shall be appointed by the President not exceeding five Indian inspectors.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors, who shall investigate all matters.

And then the existing law provides in substance that—

SEC. 2046. The President is authorized to appoint four superintendents of Indian affairs.

SEC. 205. The *duties* of superintendents are to—

1. Exercise supervision and control over the official conduct and accounts of all officers and persons employed in Indian affairs.

2. To suspend such officers and persons for sufficient reason.

Then a condensed statement of the law shows that—

(Section 2052.) The President is authorized to appoint forty-two Indian agents.

(Sections 2058 and 2060.) Their duties are, first, each agent within his agency to manage and superintend intercourse with the Indians; second, to reside in the agency.

(Section 2065.) The President may appoint sub-Indian agents.

(Section 2071.) The President may employ agents, first, to instruct Indians in agriculture; second, to teach their children.

This is the law in brief as it now stands. When President Grant came into power, to his everlasting credit be it said, he resolved to change the policy which had previously prevailed of appointing agents as a reward for political services, and, without special regard to the qualifications essential to instruct and civilize and christianize Indians, he determined to appoint agents on the recommendation of religious bodies, agents distinguished for philanthropy, agents competent to instruct or superintend the instruction of Indians in agriculture, agents competent to teach or rather to superintend the teaching of Indian children, agents competent to carry to these children and to the untutored Indians of all classes the glad tidings of the gospel of the Redeemer. In this work all religious denominations are recognized, and the Government maintains a purpose far beyond the mere temporal and physical wants of nature, looking to the moral and religious culture of the Indian tribes. This is the source and foundation of all civilization. Without it the Government care of the Indians must be a failure, a mockery, and a sham. With it we may hope for success, for the approval of God and all good men.

This is the so-called "Quaker policy"—the "peace policy," the policy which teaches the practical duties of civilization, based on the moral and religious instincts of human nature and the precepts of religion.

It must be remembered that about one-half of all the Indians are nearly self-supporting. They have been made so by this peace policy. This is shown in the report of the Secretary of the Interior, including the report of the Commissioner of Indian Affairs, pages 505 and 506.

A large portion of the Indians in the Indian country south of Kansas are far advanced in agriculture, have civil governments, civil officers, the administration of justice, schools, churches, and other evidences of advanced civilization. They are to a large extent eminently religious. And this is true in good part of many tribes in many localities.

The bill now before us proposes to abandon all this policy. It pro-

poses to abolish the Indian Bureau and transfer its duties to the War Department. It proposes that the Secretary of War shall detail officers of the Army to administer Indian affairs. The commanding officers of military departments are to be *ex officio* in charge of Indian affairs in their respective districts.

The duties now performed by Indian agents are to be performed by officers of the regular Army of a rank not lower than a first lieutenant.

This is the change proposed.

Now, sir, so utter a failure was the management of our Indian affairs by the War Department that in 1849 it was transferred to the Interior Department. Since that time we have had a period of comparative peace; there have been no great Indian wars. Since President Grant came into power we have adopted, as I have said, what is known as the "Quaker policy;" a policy of civilization, a policy of Christianity, a policy of peace. I am for the "Quaker policy" because it has been a success. I am for the "Quaker policy" for the reasons set forth in the memorial from the Society of Friends which has been presented by the gentleman from New Jersey, [Mr. DOBBINS.]

Mr. FRANKLIN. Will the gentleman state when Chivington's massacre occurred?

Mr. LAWRENCE. Well, the Indian affairs were formerly managed by the War Department, and the trouble commenced there.

The massacre referred to did not grow out of any act connected with the Indian service. It grew out of no fault of the present system. It was prior to the "Quaker policy," and that is enough for my purpose.

Now, I may inquire, What are our duties toward the Indians? What should be the purpose of the Government?

I think I may safely affirm the purpose should be:

First. To preserve peace and avoid Indian wars.

Secondly. To prevent Indian incursions on white settlements and incursions by white citizens on Indian reservations.

Thirdly. To civilize the Indians and, I may add, to christianize them. This requires instruction in agriculture, the education of Indian children, and moral and religious instruction for all who can be induced by peaceful means to accept it. It requires, to some extent and for some tribes of Indians, supplies of food and clothing.

And, finally, all this should be managed with prudence, honesty, and economy.

And now in what one respect can the control of the Indians by Army officers bring better results or as good as through civil officers of the character now contemplated by law and secured in the mode stated? Will the Army secure greater economy? Military officers receive larger salaries than the agents now employed. There is no economy, then, in the change in this respect.

If it be said employment can be given to Army officers in this mode, I reply, if their services are not now required as military officers, it is better by far to dispense with their services. We might as well turn the members out of this Hall and officers and employés out of the civil departments merely to give employment to Army officers.

Will Army officers be more honest than the agents now employed? I know the inducements they have to be honest, and that the agencies for punishing dishonesty by military tribunals are summary and generally effective if they shall be applied. But reasonable care in the selection of civil officers will certainly secure the highest type of honesty, and the law does or can prescribe effective means of ascertaining and punishing delinquencies. I do not undervalue the integrity of Army officers; but they have not escaped entirely the common infirmities of men, and I am unwilling to believe our civil service is less honest than the military service.

Are the Army officers more competent for the discharge of the requisite duties than civil officers—than civil agents selected as I have indicated? Can a lieutenant instruct in agriculture or superintend it? Can he teach or superintend the teaching of Indian children? Will his religious teaching, example, and influence be superior to that of agents selected as the "peace policy" requires?

No man can be master of all trades. The qualities required of a soldier, and without which he would not be a true soldier, are not those that fit him for civilizing the Indians and pointing them to that higher life to which it should be our purpose to lead them. The presence of soldiers will always bring camp followers and other agencies to corrupt, degrade, and debase the Indian. So it always has been, so it always will be. The "Indian rings" are unable to mangage the agents under the "Quaker policy," and this has made opposition to it. This "Quaker policy" does not make opportunities for men to speculate in war contracts—its abolition will. The policy of force has not one redeeming element to commend it to our favor. It is revolting to human nature and against the enlightened sentiments of humanity. It is totally unnecessary. The experience of the last seven years proves it. The "Quaker policy" has been productive of peace. It is the policy which has always brought peace. It is a duty of men and of nations to cultivate and maintain friendly relations and peace.

From the time when William Penn set the example, born of Heaven, of treating with the Indians without arms to this hour history proves that it is practicable to avoid Indian wars. Even the Mormons in Salt Lake Valley have been able to settle among and live for years surrounded by Indians and yet to avoid all wars.

The presence of soldiers among the Indians must necessarily irritate the Indians and provoke wars. Their presence is a constant menace, and this is by no means calculated to inspire confidence or cultivate a friendly disposition. The peace policy has provoked no war; the war policy has scarcely done anything else but bring crime, war, and extermination.

Gentlemen talk of economy. There is no economy in war; there is economy in peace.

It is true we are expending about $6,000,000 annually in the Indian service. It is too much. There should be greater economy. But the expenditures depend on treaty obligations to pay money, and on appropriations by Congress without such obligation. A transfer of the Indian service to the War Department will not reduce treaty obligations, which require by far the largest part of the expenditures for the Indian service, nor will it furnish any means of reducing appropriations which do not equally exist under the present system.

We are told the civil service for Indians prior to the transfer to the Interior Department did not cost a million a year.

But this is a most imperfect means of comparing the two systems. The circumstances have all changed since 1849. Then our settlements had scarcely crossed over the Missouri River in their advance to the Pacific Ocean. Then the Indian hunting-grounds furnished ample means of subsistence. These are now nearly all gone. The Indian has been driven from his home and his hunting-grounds. These are occupied by our own enterprising and intrepid citizens. The Indians have become the "wards of the nation." New treaties with them have imposed obligations on the Government to expend annually nearly four millions of dollars.

In the name of humanity, in the name of justice, in the name of Heaven, I entreat you not to invite the extermination of the fragmentary bands that remain, but let us lift them up to the blessings of our own civilization and to a knowledge of light and life. Let us carry to them and to their children the Bible and the means of education as a duty enjoined by the instincts of our people and by the precepts of that religion which we profess. Nations have duties as well as individuals, and woe to that nation which disregards them. Their fate will be that of "the nations that forget God."

Mr. CANNON, of Illinois. Mr. Chairman, it is impossible for me in five minutes to more than enter my protest against this bill which provides for the transfer of the Office of Indian Affairs from the Interior Department to the War Department.

It occurs to me that gentlemen who have spoken in favor of this bill do not look at the question as statesmen should look at it in discussing a policy that for a series of years will best subserve the interests of the Indians and also the whites. This question cannot be determined by inquiry whether this Indian agent or the other was honest or dishonest, or whether some massacre of the Indians by whites or of whites by the Indians was caused by a bad white man or a bad Indian. There are only two ways by which men can be controlled or governed: one is by bringing to bear upon them the influences of Christianity and civilization, under which they will in the end do right, because a majority of them are for the right at heart, and the other is to govern them by force. In the first, the principal agents are peace, love, Christianity, and civilization, and force is secondary, to be set in motion only as a means of self-preservation, and temporarily, in moments of great excitement and peril, and when the peril passes away the force ceases. In the second the agents are fear, hatred, despotism, force, under the permanent reign of which there can be no true manhood, no genuine civilization or Christianity.

Now I have no abuse for the military arm of the Government. It is sometimes necessary to invoke its aid to suppress the lawlessness and insurrection of bad men against society. It is, however, by its very nature despotic, and I would not place any people permanently under its control. Sir, it sometimes happens in every State in the Union, under great excitement, that law is set at defiance and bad men ride upon the storm, committing outrages that cause humanity to blush, and sometimes it is necessary to declare martial law and invoke the aid of the military arm; but would gentlemen contend for a moment that in such communities military rule should be permanent? Such a proposition would justly hurl any man from position who made it. Then why pursue a policy toward the helpless red men, the wards of our whole people, that all will acknowledge to be destructive only?

But gentlemen say you cannot civilize the Indian and that his fate is to be exterminated. In reply I call attention to the Indian nations in the Indian Territory. As is well known, they have made great progress in civilization and are prosperous as an agricultural people. But gentlemen say that the proposed transfer is in the road of economy. I doubt that. My observation is that the military arm of the Government is not an economical arm; but suppose it would be a little more economical, there are some matters of greater importance than economy. You cannot do wrong or pursue a wrong policy and sacrifice the right and justify it in the eyes of the people by saying that is the more economical way; and I warn gentlemen that the eyes of an enlightened Christian people are upon them and that in the end they will not be justified in enacting the proposed legislation.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Chairman, I regret that my time has expired. I should have been glad to have spoken further as to the details of this bill.

Mr. LAWRENCE. I will withdraw my amendment.

Mr. HUNTON. I move to amend the pending section by inserting after the words "make such details of officers of the Army serving in their commands" the words "or on the retired list."

Mr. SPARKS. On behalf of the majority of the committee reporting this bill, I will accept the amendment.

The CHAIRMAN. It is for the Committee of the Whole to dispose of the amendment; it will be adopted, if no objection be made.

The amendment was adopted.

Mr. SPARKS. I now move that the committee rise for the purpose of obtaining an order from the House to close debate upon the pending section.

Mr. PAGE. I would suggest to the gentleman to ask unanimous consent that debate be considered as now closed.

Mr. SPARKS. Very well; I ask unanimous consent for that purpose.

There was no objection.

No further amendment being offered to section 3, the next section was read, as follows:

SEC. 4. That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, nor shall its provisions be applicable to officers on the retired list of the Army.

Mr. HUNTON. The adoption of the amendment to the third section moved by me makes necessary the adoption of an amendment to this section. I therefore move to strike out the words "nor shall its provisions" and insert the words "and its provisions shall;" also add to the section the following:

And when on such duty shall receive full pay and allowances of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the retired list.

Mr. SPARKS. As this amendment carries out the previous amendment offered on behalf of the majority of the committee, I accept it.

Mr. COX. Mr. Chairman, I wish to say one word more. I do not know that I oppose this amendment. The gentleman, I suppose, desires to employ such of the officers as are retired. My idea of economy, as expressed at the beginning of this debate, was to get rid of the supernumerary officers in advance. If they are of no use to us, why not strike them off our rolls? If gentlemen wish this Army to continue as a "skeleton" of some future standing army, why not reduce the skeleton as to the officers in proportion to the body of the Army?

I was informed yesterday (I do not know that I should speak of it here) by the chairman of the Committee on Military Affairs [Mr. BANNING] that probably he would bring in a bill cutting down the rank and file ten thousand. I hope he will do it.

Mr. BANNING. The committee have never thought of anything of that kind, I believe.

Mr. COX. I understood the gentleman to say that something of that kind might be done.

Mr. BANNING. That was altogether a misunderstanding.

Mr. COX. Then we have no hope of a reform in that direction.

Mr. BANNING. The only hope of reform in this House is through the Committee on Banking and Currency. [Laughter.]

Mr. COX. I notice that the gentleman from Ohio, [Mr. BANNING,] who is fresh from the war and recent in the democratic party, with all the ardor of a new man, thinks himself possessed of a new idea, though it really belongs to the gentleman from Ohio, [Mr. GARFIELD.] He is so pertinacious about this bill that he and his colleague on the committee seem determined to crowd it through without fair and full debate. They have found out that, though they may eventually pass their bill, they cannot pass it without debate and protest. Next year, if the bill shall pass, gentlemen will see the result: additional appropriations for the soldiers who may be needed for future Indian wars.

The gentleman has told us again and again of Indian appropriations; but he takes care never to tell us the exact amount of the expenditures proper and the expenditures which grow out of our treaties, which a gentleman from Iowa will, I think, hereafter show from the official and authentic records.

No matter for that, sir; I pass that by. After the voting down of the amendment of my friend from Indiana, [Mr. HOLMAN,] who is I think about as just a man and as good an economist as the gentleman who now seeks to wear these new honors, I have no hope from this side of the House or from this House at the present session for economy in the War Department.

[Here the hammer fell.]

Mr. COX. For the last time I enter my protest against the bill.

Mr. RAINEY. Mr. Chairman, I rise to oppose the amendment. I am the very last member on this floor to attempt to obstruct what may be considered wholesome legislation. If I could only conceive that this bill was of that character, I would not raise my voice in opposition to its passage. But it occurs to me that this bill was not conceived in the spirit of justness and equity toward the Indians. In all the treaties we have made with the Indians subsequent to 1849, we have implied, if we have not fully expressed, the idea that it was the determination of the Government to bring them under civil influence. When this Bureau was removed from the War Department to the Interior Department, it was clearly the understanding of the Indians that the purpose of the Government was that they should not be controlled by the sword and the bayonet, but that we should use toward them those civilizing influences which have tended to make us so great a people.

Why, sir, it is a reflection upon our civilization to say to the Indian that the same appliances which have been employed for the civilization of mankind throughout the world are not applicable to them; that the example which we may attempt to set before them from day to day can have no possible effect, and that the only way to deal with this wild and obstreperous people is to bring them fully under the control of the Military Department of the Government.

Sir, General Sherman, after looking over the field in connection with this question, wrote a letter to General Grant in 1868, in which he made these remarks:

I was of opinion, and still am of opinion, that the peace commission should do little or nothing more till our report to Congress of last December, with the bill reported by Mr. Henderson, have been fully and freely discussed in Congress and action taken in form of law The Indians, finding our general promises not sustained by facts, are naturally tending to the conclusion that the treaties we make and the promises held out are of the same nature as others of like kind in former times.

I also find that on the 7th of January, 1868, a commission of which General Sherman was a member made a report on this subject to the President; and in that report the following statement appears:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the Bureau should go to the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us, we cannot now advise the change. It is possible, however, that, despite our efforts to maintain peace, war may be forced upon us by some tribe or tribes of Indians. In the event of such occurrence it may be well to provide in the revision of the intercourse laws or elsewhere at what time the civil jurisdiction shall cease and the military jurisdiction begin. If thought advisable, also, Congress may authorize the President to turn over to the military the exclusive control of such tribes as may be continually hostile or unmanageable. Under the plan that we have suggested the chief duties of the Bureau will be to educate and instruct in the peaceful arts; in other words, to civilize the Indians. The military arm of the Government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the Army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil and not military occupations.

But it is insisted that the present Indian service is corrupt, and this change should be made to get rid of the dishonest. That there are many bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way.

In the remarks of General Sherman we see the cause of the discontent of the Indians to-day. Our Government has not dealt in good faith with them. We put certain stipulations in our treaties, and yet despite those stipulations we presume to dictate to them, as though they were children and not entitled to say one word in behalf of their own rights. Sir, if we do not intend to deal fairly with the Indians, if we do not intend to observe our treaty stipulations with them, let us say so directly and at once. Before passing any bill to transfer the Indian Bureau from the civil to the military power, you ought to abrogate all your treaties with these Indian tribes and give them fair notice you mean to subject them to government by the sword alone. Proclaim to them, if you will, that whether they will or not you will *nolens volens* put them under the iron heel of the military power despite all the treaties you have made with them, notwithstanding all the promises you have given them, and in utter violation of all your Indian treaty stipulations and obligations.

Mr. Chairman, I take this ground, that the manifest cause of the prevailing discontent on the part of the Indians is to be found in the fact that we have not carried out the promises we made to them, that we have not complied with our treaty stipulations; in other words, that we have not acted in good faith toward the Indians. I know gentlemen talk of the appropriations annually made to these Indians, but those appropriations, sir, are not a gift on the part of this Government but money due the Indians. This Government never has given the Indians anything for which they did not receive more than a full equivalent. What have the Indians given you? They have given you countless acres of rich and fertile land now embraced within the limits of our prosperous Western States. For all the lands they have given us we have paid them at the rate of twelve and a half or twenty-five cents an acre, although the lands ceded by the Indians to the Government embrace the richest and most fertile tracts in the whole country. The rich Western States, with their intelligent representation upon this floor, grew up from the cession of lands on the part of these Indians to the Government. Now, after the Indians have complied with their obligations under the treaties in good faith and yielded us up large bodies of lands, shall we presume to go back upon the treaty stipulations and act in bad faith toward them? Shall we withdraw them from the care and guardianship of the Interior Department, from the control of a civil department of this Government, and place them under the control of the military? Shall we take them from under the Indian Bureau where their interests are cared for, under which schools have been established in their midst for the education of their children, by which they have been taught in religion and letters, and transfer them to the control of Army officers? What will that signify? When the Army officers go among them they go surrounded with all the paraphernalia of war, and they strike the Indians with terror and alarm. They go rather as enemies than as friends. I say, Mr. Chairman, let us send among

them preachers of the Gospel, school-teachers, and all the appliances for bringing them under the benign influences of Christianity and civilization. Let them believe that we mean to act in the fullest sincerity in carrying out our treaty stipulations with them.

[Here the hammer fell.]

Mr. RANDALL. I think this amendment ought to be adopted if the bill passes.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. RANDALL. I move to strike out the last word. Mr. Chairman, this amendment ought to be adopted if we pass the bill. If the retired officers of the Army are brought into active duty they should have the full pay. The officer on the retired list only receives 75 per cent. or three-fourths of the pay of the rank upon which he has been retired. The amendment, therefore, is nothing more than just. It is in addition an economical step, because it will employ officers to whom we now pay three-fourths by the payment of an additional quarter, and thus save the Government the enormous expense of Indian agents and superintendents and other officers connected with the present Indian Bureau.

Now, Mr. Chairman, in reference to this bill for the transfer of the Indian Bureau from the Interior to the War Department, as something has been said *pro* and *con* in reference to the action of the Committee on Appropriations, I think it due to say that I, as a member of that committee, have investigated this subject and reached the conclusion, first, that it is a great deal better for the Indian the transfer should be made, and in the second place, it is a great deal better for the Government. This will at once appear by a comparison of appropriations for Indian supplies &c., made prior to 1849, when the Indians were under the control of the War Department, and the appropriation during the last year for the care of the Indians under the Indian Bureau. Before 1849 where we appropriated hundreds of thousands of dollars under the War Department we now appropriate by the million under the Indian Bureau.

I have not the least doubt but the entire discontent and the complaints of the Indians arise from the fact that they are unjustly and dishonestly dealt with under the present management of the Indian Bureau and its officers. I do not like to hear the gentleman from New York [Mr. COX] by inference or directly reflect, if such was his intention, upon the officers of the Army. Since I have been in Congress I have been constantly in contact with Army officers, and in my judgment a more intelligent, upright set of men it has not been my pleasure to meet anywhere. I say deliberately, that the officer of the Army who is dishonest is an exception; and it will not do therefore to attempt to smirch this bill on the idea that Army officers will not administer Indian affairs with honesty and integrity simply because we have recently discovered some officers who have been proved to be dishonest. The great body of Army officers will administer the affairs of this Bureau with perfect integrity; and, as I have said before in another debate, I firmly believe if this transfer is made there will be millions of dollars saved to the Government in the Indian appropriation bill proper, as well as in the Army appropriation bill. One of the great difficulties is, these Indian agents establish their quarters at remote points from where the Army is established, and by the transfer of this Bureau we will save enormously in the transportation of supplies; for under the War Department the supplies for the Indians can be transported and distributed by the same agents, by the same officers who procure and distribute the rations to the Army.

[Here the hammer fell.]

Mr. SPARKS. I wish simply to state that the amendment now proposed has been agreed to by the majority of the committee reporting the pending bill. It relates to Army officers on the retired list, that they may be engaged as Indian agents.

Mr. RANDALL. I withdraw my formal amendment.

Mr. SPARKS. I ask by unanimous consent that all debate on the pending section be terminated.

There was no objection, and it was ordered accordingly.

Mr. HUNTON'S amendment was agreed to.

The Clerk read as follows:

SEC. 5. That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner, and as far as practicable at the same time, provided for supplies and transportation for the use of the Army.

Mr. MILLS. I move to strike out the last word.

In answer to the remarks of the gentleman from Ohio, [Mr. LAWRENCE,] in which he characterized the administration of the Indian Bureau during the time it was subjected to the jurisdiction of the Army as an outrage and a disgrace to the country, I wish to ask him and the other advocates of that Bureau remaining in the Interior Department how they characterize the conduct of the Indian Bureau when they find out that within the last four or five years the Indians have been permitted to wage a constant warfare upon the borders of Texas. I have before me the report to the adjutant-general of my State by the officer commanding the frontier battalion of Texas State troops. He states in his report as follows:

There are five or six localities on the frontier that the Indians visited almost certainly every moon for several years previous to the organization of this battalion.

We have had in all nineteen engagements with Indians, in one of which we killed all but three, and in another killed all but two; have pursued about forty bands that we could not overtake.

In a majority of instances we met them coming in or found their trail, followed them in, and prevented them from doing mischief.

We have killed twenty-seven Indians and wounded fourteen that we know of, besides ten or twelve more that we have reason to believe were killed or wounded.

Now, sir, it appears from the report of the adjutant-general of my State that from 1870 until last year, 1875, there have been seventy-three Indians killed in Texas, (four or five hundred miles in some instances from their reservation,) twenty-six wounded, and one captured. What has the gentleman to say for the administration of the Interior Department, when in that reservation they arm these savages with Winchester rifles and Colt's six-shooters, and give them Army rations, and send them down to Texas to scalp our people and steal our property and burn down our houses?

What has the gentleman to say to the testimony of the General commanding the Army of the United States, when he tells you that they have driven back that frontier a distance of two hundred miles; that he has inspected it himself, and does not make the statement from hearsay or from the reports of citizens of Texas? I ask him what he has to say as to the testimony of a Kiowa chief, who, in a conference with this Quaker gentleman, Mr. Battey, said?

If Washington—

And he understands by that the people of the United States or the Government here—

If Washington would put his soldiers all along on the frontier and kill every young man who goes across the line, we would cry for them; but it would be right.

That is what Kicking Bird says, a good Indian. And he says it is impossible to protect the people of Texas against the bad Indians except by military force.

Now, sir, these are the facts which I present to these gentlemen who contend that the Interior Department ought still to have the management of these Indians, furnishing them with subsistence, putting guns into their hands, and starting them down into Texas to commit forays on our people. In July, 1873, the State troops of my State sent out to protect our people encountered one hundred and eighty Kiowa and Comanche warriors, armed with the best guns with which the soldiers of the United States ever confronted their enemies in battle. What has the gentleman to say for an administration which leads to such results as that?

Why, sir, here is the report of the adjutant-general of my State showing that within the last few years Texas has spent $943,808 in the defense of her frontier against the Indians. This is a debt which the Government of the United States owes, for it was the duty of the Government of the United States to have defended its citizens against the Indians.

Mr. CALDWELL, of Tennessee. There is one objection to the transfer of the Indian Bureau, in addition to many others ably urged, which it occurs to me no gentleman has yet presented. Any gentleman who takes the trouble to examine any of the treaties into which we have entered with the Indian tribes of late years will find in them that the Interior Department of the Government is vested with large discretion as to the distribution of annuities and as to other duties in reference to those tribes.

Now, Mr. Chairman, let me read to you one article from the treaty with a portion of the Sioux. It is article 10 of the treaty. (Indian Treaties, page 913.)

The chiefs and head-men located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations, and shall have authority, under the direction of the agent and without expense to the Government, to organize a force sufficient to carry out all such rules, regulations, or laws, and all rules and regulations for the government of said Indians as may be prescribed by the Interior Department.

Now, I submit that gentlemen who will take the trouble to examine the numerous treaties that we have entered into with these Indian tribes will find that in them in the main we have recognized the Interior Department as the proper agency with which to manage Indian affairs. I do not undertake to say, Mr. Chairman, that we might not to-day disregard treaties with the Indians as we have disregarded other treaties heretofore made with them equally solemn and equally binding. But I do say that if we had entered into a treaty of that sort with the Queen of Great Britain or any other power on earth save the poor, feeble, and defenseless Indians, we would have felt ourselves bound to respect its provisions. What right have we to make this change in the face of a positive contract with these tribes, who have been declared, as gentlemen will find who will take the trouble to examine the decisions of the Supreme Court of this country—declared to be nations or states, having power to enter into treaties with us? What right, I repeat, have we to set aside the stipulations of these treaties by which it was understood between us and the Indians that a civil and not a military department of the Government should manage his affairs? What right have we, without consulting him, to substitute the Department of War for the Department of the Interior?

Now, sir, I submit that any gentleman who entertains doubt upon this point may satisfy himself by taking the trouble to examine this book, which he will find to contain several hundred treaties with the various Indian tribes; and he will see that in very many of the more recent ones the Interior Department is recognized as the proper Department for the management of our Indian relations.

This then, Mr. Chairman, is one objection I have to the passage of this bill. I am for keeping faith with the Indians.

Again it is insisted that the bill ought to be passed on the score of economy, and I have been astonished at the discrepancy in calculations made by gentlemen upon this floor as to the amount which is to be saved by this proposed transfer of Indian affairs to what I regard as the most wasteful and extravagant Department of Government. By one gentleman it is estimated at one-half million dollars; another gentleman estimated it at a million and a half; and then another insisted the amount would be three millions. The honorable chairman of the Committee on Appropriations I think estimates the amount at $3,000,000; and then comes the honorable chairman of the Committee on Military Affairs, who estimates it at $4,000,000. Now, sir, let me submit to you that we are to-day under various treaties with the Indian tribes under obligations to furnish them three and a half millions of dollars in annuities and supplies, as is shown by the Book of Estimates, in satisfaction of our treaty obligations with them; and I call upon gentlemen to take this fact into account, that before the management of Indian affairs was transferred to the Interior Department we had but few treaties with the Indian tribes requiring any considerable appropriations. Our heaviest obligations have been assumed since that time, and necessarily, too, because the country has been settled up and the Indian tribes have been compelled in great part to abandon the chase and we have been forced to contribute largely, whether bound to do so by treaty or not, for their civilization, subsistence, and preservation.

I cannot believe, sir, that this service will be performed either more cheaply or honestly by the War Department than it is now performed by the Indian Bureau, if I am to judge from prices paid by each for the same articles. A comparison of those prices is eminently unfavorable, as shown by the gentleman from Massachusetts [Mr. SEELYE] and the gentleman from Arkansas, [Mr. WILSHIRE,] to the assumption of the advocates of this bill.

But it is said we will secure more efficient service at the agencies. Now, I find by reference to the Official Register that at these various agencies are mills, schools, carpenter and blacksmith shops, shingle-machines, agricultural implements, and all the necessary operations of the farm. I cannot conceive how it can be assumed that captains and lieutenants educated at West Point can be qualified either by taste or education to supervise such work. I must believe, sir, that the agents selected by the various religious denominations of the country, who are selected, as we are assured, by the board of Indian commissioners with reference to their integrity and business capacity, are much better qualified for it. The results thus far of the present policy are good, and it does not seem to me to be wise to put them to hazard by this change.

[Here the hammer fell.]

Mr. MILLS. I withdraw my amendment.

Mr. SPARKS. I ask unanimous consent to close debate upon section 5.

There was no objection, and it was so ordered.

The Clerk resumed the reading of the bill, and read section 6, as follows:

SEC. 6. That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

Mr. WHITE. I move to amend that section by striking out in the first line the word "War" and inserting in lieu thereof the word "Interior." I think that the Committee on Indian Affairs in reporting this bill have gone to the opposite extreme in attempting to correct an evil which must be admitted to exist. It does seem to me that there are but two objects that the committee have attempted to accomplish: one is to save the salaries that are paid to the civilians who fill the offices of Indian agents, &c., and the other is to let the War Department do all of the contracting for supplies and transportation. Now if the committee will change the bill so that the Interior Department shall have control of everything else except this much, I believe the bill will pass and that the object of the committee will be accomplished. I will go that far with the committee; but if the bill shall continue to remain as it is now, I shall be compelled to vote against it, and I suppose some other members will do the same thing.

Now, there can be no question but what those two points are good. In the first place, these Army officers are already on half pay, and many more Army officers might be put on half pay than there are now. I admit that they could perform these duties and that they would not have the same temptation to commit fraud that civilians have, from the fact that they have more reputation to sustain. They hold their offices for life, if they act honorably in the discharge of their duties.

Now, the second point is that the War Department can make contracts for these supplies and their transportation on a much more economical basis than the Interior Department can. It is the duty of the War Department to make contracts for the transportation of supplies for the War Department at present, and they could also make contracts for transportation of supplies for the Indians at the same time, and it could be done at a very limited additional expense to that already expended for the Army.

Those two points are all that I can see in this bill, but the bill to accomplish these two objects proposes to transfer the whole of Indian affairs to the War Department. Now I contend that that is going to an unwarranted extent, and I hope that my amendment will be adopted.

[Here the hammer fell.]

Mr. FRANKLIN. Mr. Chairman, the bill now under discussion meets with my hearty approbation. I shall vote for it most cordially. The gentleman from Ohio [Mr. LAWRENCE] stated to this House that the management of Indian affairs by the War Department was nothing but a history of fraud and corruption. He did not state a single fact in proof of his assertion, but I am informed that the gentleman himself, less than five years ago, made a report to this House in which he said that the management of Indian affairs by the Interior Department showed conclusively that not one-fourth of the annuities due to the Indians ever reached them.

Mr. LAWRENCE. I did not say that it would be better under the War Department.

Mr. FRANKLIN. In face of his own assertion that the Indians were thus pillaged while under the care and control of the Interior Department, he now tells us that their management should be retained by that very Department. Now the gentleman from Ohio—I mean he who has traveled so much, he who has sailed over so many seas, and scaled so many mountains——

A MEMBER. You mean the gentleman from New York.

Mr. FRANKLIN. I mean the gentleman from New York, but of course when I refer to the gentleman who has traveled the House understands whom I mean. That gentleman who has floated on the Dead Sea and drank of the waters of the River Jordan says that this bill ought not to be passed by a democratic House because the Hon. Mr. Taft is now at the head of the War Department. I thought the gentleman had more faith in the ultimate success of democracy. I thought that he had more faith in the people and in the justice of the people, and believed that they desired reform in every branch of the public service, and would soon restore the democratic party to the control of the administration of the Government, and then Mr. Taft will have nothing to do with the administration of Indian affairs.

Now if the gentleman had traveled less and studied the Indian question more he would have been better able to have instructed the House how to act upon this bill. As an author he is quite a success, as a legislator there are many things in his history to admire, but as a teacher on the management of Indian affairs he is a lamentable failure.

Now the management of Indian affairs by the Interior Department may be sufficient for the security of gentlemen in New York, or Ohio, or Pennsylvania. But ask the settler upon the border, and your answer can be read in the blaze of his burning cabin and in the shrieks of the murdered wives and children of the pioneers who have gone forward with the advancing tide of civilization to found new communities and states, that in the future will add so much luster to the glory of our country.

The flings that have been made against the Army of the United States require no answer from me. Their defense has been written upon a hundred battle-fields in this country. But when gentlemen speak, as the gentleman from Ohio [Mr. LAWRENCE] does, of the Chivington massacre, we tell him that not one of those men belonged to the regular Army of the United States, and he is making an argument against his own side of the question; for the Chivington massacre occurred in 1864, and not while the management of the Indian Bureau was under the control of the War Department.

The silvery tongue of the gentleman from Michigan, [Mr. CONGER,] who so frequently entertains this House, has been heard here to-day, saying, "Send the Bible to the Indian in the hands of the missionary." I tell the gentleman that should he undertake to carry the Bible to the Indian, unless he was protected by the bayonet, his voice would no longer resound in this Hall. They would have his scalp in less than twenty-four hours. The uncivilized Indian knows no law but that of force. I care not under what management he is, if he understands that there is no force behind that management he will rebel. You can control him in no other way.

There are three questions to be considered in the discussion of this bill: Does economy demand its passage? Does justice to the Indian demand it? Does justice to the settler upon the border demand it? I answer that the interest of economy demands it, for it has been abundantly proven in this discussion that we will save by this transfer over $3,000,000 a year. Is not that something worth considering by this House when we bear in mind the burdens of taxation that are now resting upon the people of this country? I say, is it not our duty to lessen those burdens in every manner and by every means in our power?

[Here the hammer fell.]

Mr. SPARKS. If the gentleman from Kentucky [Mr. WHITE] will withdraw his formal amendment——

The CHAIRMAN. It is not a formal amendment.

Mr. CROUNSE. I wish to move a formal amendment.

Mr. SPARKS. I move that the committee now rise, for the purpose of obtaining an order from the House to close debate upon the pending section.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, pursuant to

the order of the House, had under consideration the special order, a bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive free from duties a wedding present from the Khedive of Egypt; and

An act (S. No. 727) for the relief of Albert Towle, postmaster at Beatrice, Nebraska.

The message further announced that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia.

The message further announced that the Senate had passed a concurrent resolution for the printing of Professor Hayden's report of the geological and geographical survey of the Territories of the United States for the year 1873, and a concurrent resolution for the printing of the report of the Smithsonian Institute for the year 1875; in which he was directed to ask the concurrence of the House.

TRANSFER OF INDIAN BUREAU.

Mr. SPARKS. I move that the rules be suspended and the House now resolve itself into Committee of the Whole for the purpose of resuming the consideration of the bill transferring the Indian Bureau to the War Department. And pending that motion I move that all debate on the pending section be limited to one minute.

Mr. GARFIELD. I very much desire to speak five or ten minutes on this bill.

Mr. SPARKS. There are other sections upon which the gentleman can speak.

Mr. THORNBURGH. If in order, I move to amend the motion of the gentleman from Illinois [Mr. SPARKS] so as to order that all debate on this bill in Committee of the Whole shall terminate in thirty minutes after its consideration shall again be resumed.

Mr. SPARKS. I would suggest to the gentleman that that motion, as I understand, is not allowable under the rules of the House.

Mr. THORNBURGH. Why not?

The SPEAKER *pro tempore*. In the opinion of the Chair it is competent for the House to make such order in regard to time for debate in Committee of the Whole as it may determine.

Mr. THORNBURGH. Then I move to amend the motion as I have indicated.

Mr. SPARKS. I will accept the amendment if I can.

Mr. PAGE. I would inquire of the Chair under what rule such a motion can be made?

The SPEAKER *pro tempore*. The House has power to make such order as it may see fit in regard to debate or the transaction of business in Committee of the Whole.

Mr. PAGE. This bill is now under consideration by sections; the whole bill has not yet been read.

The SPEAKER *pro tempore*. The entire bill has been read and several sections passed, and debate on all the sections may be closed at any time the House may see fit to order.

Mr. GARFIELD. The motion to close all debate on the bill is certainly not in order.

The SPEAKER *pro tempore*. The motion is not to cut off amendment, but to close debate.

Mr. HOSKINS. I raise the point of order that when a bill is being considered in Committee of the Whole under the five-minute rule, no other limit can be placed on the debate except that all general debate shall cease at a given time.

Mr. ATKINS. I rise to a privileged motion. If in order, I move that the House now take a recess until half past seven o'clock.

The SPEAKER *pro tempore*. Such a motion would be in order.

Mr. ATKINS. Then I make that motion.

Mr. SPARKS. I would inquire if I have not the floor?

The SPEAKER *pro tempore*. It would be very difficult for the Chair to tell who has the floor.

Mr. SPARKS. I had the floor and made a motion.

The SPEAKER *pro tempore*. The gentleman made one motion and the gentleman from Tennessee [Mr. THORNBURGH] made another motion.

Mr. SPARKS. I accepted it.

Mr. PAGE. I call the attention of the Chair to the rule which I send to the desk and ask the Clerk to read for the information of the House.

The Clerk read as follows:

Provided further, That the House may, by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or at their election upon the pending amendments only.—*Rule* 60.

Mr. GARFIELD. Until the last section of the bill is reached the House certainly cannot close debate upon it.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Tennessee [Mr. ATKINS] to make a motion for a recess?

Mr. ATKINS. At the request of the gentleman from Illinois [Mr. SPARKS] I withdraw it.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that the House can limit the length of debate but cannot cut off amendments under the five-minute rule.

Mr. PAGE. The Chair will observe by the rule——

Mr. HOSKINS. It is entirely clear that debate upon a pending paragraph or amendment may be closed by the House, but not upon sections which have not been read or considered.

The SPEAKER *pro tempore*. The Chair will so hold. The question is on the motion of the gentleman from Illinois, that the House now resolve itself into the Committee of the Whole for the consideration of House bill No. 2677, and that debate on the pending section be limited to one minute.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department.

The question being taken on the motion of Mr. WHITE to amend section 6 by striking out the word "War" and inserting "the Interior," it was not agreed to.

The Clerk read the next section, as follows:

SEC. 7. That the offices of Commissioner of Indian Affairs, inspectors of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent, and subagent in the office of Indian affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior, and connected with the administration of Indian affairs, shall be abolished and cease on the 1st day of July, 1876, on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus suspended.

Mr. GARFIELD. I move *pro forma* to amend by striking out the last word.

In the year 1867 the Committee on Military Affairs, of which I was a member, reported a bill which passed through this House making the transfer which is now proposed. In 1868, in the following Congress I believe, I was myself charged with the duty of reporting a bill which made the transfer of Indian affairs to the War Department. The grounds of our action at that time were very clear, and there is one of those grounds that has troubled me a good deal. As an original proposition I am disposed to believe that on the score of economy and of protecting the expenditures of the Government by the strong grip of a court-martial we could, if this transfer were made, punish frauds upon the Indians and in the use of money for Indian affairs more thoroughly and successfully than we can through any civil establishment. That point I am bound to believe on general principles is sound and correct.

But the main ground in favor of the transfer in 1868 was this: We were then pursuing what might be called a war policy toward the Indians; we were having more Indian war than Indian peace; we were obliged to have recourse to the Army in order to manage the Indians successfully; that mixture of military and civil management was about as bad a system as there could be. The soldiers destroyed the Indians; and the civil department took care of them and paid them money. I then became satisfied, and so said in a speech which I have here in the Globe, that the whole civil part of our Indian service was as rotten and corrupt as corruption could well be, and that we must do something to cut out the cancer if we could not otherwise remove it. I went so far as to vote against the appropriation bill, declaring that while such a policy continued I would never vote another dollar of public money to be expended through that old machinery.

There was another consideration. We were then making treaties with those people all through the West. We were calling those savages a nation and making treaties with them as though two nations were sitting in council. All that seemed to be bad. We passed a bill through the House by a large vote making the proposed transfer. It went to the Senate; and while it was pending there, while we were expecting it would soon become a law, the Piegan massacre occurred, which shocked the sensibilities of the whole nation. The Senate immediately dropped the bill; and it of course failed to become a law.

Very shortly afterward General Grant was inaugurated, and with his inauguration, or very soon afterward, began what is known as the peace policy. Congress followed his lead, and agreed that there should be no further general treaties made with the Indians as tribes, but that, co-operating with the churches of the country, a policy of conciliation, of civilization, and if possible of Christianization should be adopted, instead of the old wretched policy of mixed war and peace which we had pursued for years.

But I was somewhat in doubt about the wisdom of the peace policy. I studied the question with a good deal of care. We had under this new policy, and very early in its administration, one Commissioner who certainly did credit to the country and the service. I refer of course to General Walker. Under his able, wise, and honest management we saw the Indian Department very largely rescued from the slough into which it had fallen. And we have now a Commissioner who is pursuing the same general line of policy, ably and honestly I believe, that was pursued by General Walker.

We have now had five full years of the peace policy, and a large share of all those who were wild, roaming Indians in 1868 are now

peacefully employed in taking the first steps toward civilization. If the reports of this Department are to be credited, and of the peace commissioners as well, a great step has been taken in that direction.

[Here the hammer fell.]

Mr. SPARKS. I do not propose to make any argument in answer to the gentleman from Ohio, as I am anxious to proceed with the consideration of the bill and get it out of committee as soon as possible. I ask, therefore, by unanimous consent that all further debate on the pending section be closed.

Mr. COX. I object to that.

Mr. O'BRIEN. I rise to a point of order. Under the rule laid down in our Manual when general debate has been closed and the five-minute debate ordered it means that five minutes shall be given on each side. Now, the gentleman from Ohio has occupied five minutes for, and I claim the floor as being entitled to five minutes in opposition. If the Chair sustains my point of order and accords me the floor, I yield whatever time I may have to the gentleman from Ohio [Mr. GARFIELD] to continue his speech.

Mr. SPARKS. I have the floor and have not yielded it.

The CHAIRMAN. The Chair will decide the point of order.

Mr. O'BRIEN. As nobody rose to claim the floor in opposition to the five minutes' speech of the gentleman from Ohio, I claim it; and if I am entitled to the floor for five minutes I yield that time to the gentleman from Ohio.

Mr. SPARKS. I have the floor. The gentleman from Maryland makes the point of order that he is entitled to five minutes in opposition to the pending amendment for the purpose of giving that time to somebody else. The Chair recognized me. I took the floor, and said I did not propose to make an argument in opposition to the bill and still hold the floor. If necessary, I will move to rise in order to close debate.

The CHAIRMAN. The motion the gentleman makes that the committee rise is not debatable. The point of order raised by the gentleman from Maryland is overruled. The Chair recognized the gentleman from Illinois and not the gentleman from Maryland. The rule limiting debate to five minutes in the committee contemplates five minutes for and five minutes against an amendment. The five minutes for the amendment have been exhausted on the amendment submitted by the gentleman from Ohio, and the Chair has recognized the gentleman from Illinois as entitled to the five minutes in opposition.

Mr. HAMILTON, of New Jersey. Cannot the gentleman from Illinois waive his five minutes and move the committee rise?

The CHAIRMAN. Certainly he can.

Mr. O'BRIEN. The gentleman from Illinois rose for a specific purpose, and that was to make a motion which the Chair decided not to be in order, objection being made by the gentleman from New York, [Mr. COX.] The point I make is that I am now entitled to the floor for five minutes in opposition to the amendment of the gentleman from Ohio. As I understand it, the gentleman from Illinois has not claimed and I do claim it to take the floor in opposition.

Mr. SPARKS. If the gentleman from Maryland will allow me——

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. SPARKS. I do not propose to discuss the pending amendment at all, but having the floor I will yield my five minutes to the gentleman from Ohio.

Mr. COX. That is all we wanted.

Mr. SPARKS. I have more generosity than the gentleman has shown; I have done what he would not do.

Mr. GARFIELD. I thank the gentleman from Illinois for his courtesy.

Now, Mr. Chairman, I have stated the condition of the Indian problem as it now exists. There are two facts which show the management of our Indian affairs is a great deal less expensive now than before. While in the first place we appropriate more money through the Indian Department than before, we appropriate less through the War Department for fighting the Indians, far less than we did before, and therefore on the score of economy we are certainly giving less money out of the Treasury than under the old policy. That is the first fact. The second is that it is claimed by those who have looked carefully into the subject that a great and worthy progress has been made in the direction of teaching, Christianizing, and civilizing these Indians. I am not here to say I believe very strongly in the ultimate success of making good citizens of the Indians. I wish it could be done. It is our duty to see the peace plan and policy fairly tried. Now, in the midst of the trial, I do not think we should abandon it by turning the whole business over to a new set of people, with new motives, and new opinions on the subject. After we shall have fairly tried it, if it shall prove to be a failure, I will then go for transferring the Bureau to the War Department; but I believe a fair, honest trial of the peace policy of the Government ought to be had before this bill should pass.

The circumstances under which I maintained the transfer were entirely different from those now existing. The argument on which I sustained it then was an argument based on entirely different circumstances from those which now exist. I hold we ought not now to change it when the circumstances are so different from what they were in 1868. I admit there is a great deal to be said on both sides of this question. I admit that since this debate began I have wavered in my own mind how we should act, but it is not in the remotest degree connected with party feeling that I take the position I do to-day. I would as cheerfully vote, and when this debate began I was inclined to vote with my friends over the way, but the debate has disclosed a greater progress toward civilization and a better state of results as the fruit of our peace policy than I supposed the facts warranted us in believing, and on that ground, and on that ground alone, I insist we should not now, until this peace policy has had full time for development and to show whether it is good or bad, wise or unwise—we should not go back on the plan inaugurated by the Government.

Mr. BANNING. I wish to ask the gentleman if it was not after the Piegan massacre and after the Senate had defeated the bill in 1868 that the President of the United States recommended Army control of the Indians?

Mr. GARFIELD. I think President Grant, whether he was President then or not, recommended the transfer later than the Piegan massacre; but I remember the House and the Senate and the country were shocked at that massacre and we regarded it at that time as the breaking down of the bill. I do not say that was a reason why the bill should not have passed, for I was in favor of passing the bill for some time after the Piegan massacre; and I would still be in favor of it if we had now the old, miserable, semi-civil, semi-military policy that brought war to the country and destruction to the Indian.

Mr. STEELE. Will the gentleman say that the same mixed system of civil and military authority does not exist to-day at every one of these agencies as existed in 1868?

Mr. GARFIELD. I am told not. I hold in my hand the report of the Commissioner of Indian Affairs on that very subject, in which he says they now have so far subordinated the wild tribes to the management of the agencies that only in two principal districts—one in the Sioux and the other I do not precisely remember—is there any serious necessity for the presence of the Army to keep them in peace. In the whole Indian Territory, the whole of California, the whole of Utah, almost all of New Mexico, the largest proportion of our territory where the Indians now are, we do not need the Army, and there is no prospect of it being necessary to exercise force. But up in the wild Sioux country and, perhaps, in one other district, we still need the presence of troops to prevent threatened outbreaks. So I think my answer to my friend is complete, that the difference is very great between now and then.

[Here the hammer fell.]

Mr. STEELE. Will the gentleman from Ohio [Mr. GARFIELD] allow me to make a remark?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LUTTRELL. I wish to say that in my district these agencies claim troops now.

Mr. GARFIELD. I withdraw the *pro forma* amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. SPARKS] has been recognized to move that the committee rise to close debate on the pending section. If there be no further amendment, that will not be necessary, and the Clerk will proceed to read the next section.

Mr. KASSON. Before this section is passed, I wish to call the attention of the gentleman in charge of the bill to one omission, as I think, in the section. I do not wish to speak on the bill, but simply desire to call his attention to the fact that section 7, in its fifth, sixth, seventh, and eighth lines, abolishes—

All officials now employed under the Commissioner of Indian Affairs or the Secretary of the Interior and connected with the administration of Indian affairs.

This seems to abolish all the clerical force which it is necessary to transfer with the Bureau to the War Department. If I am correct in that understanding, I would suggest the insertion after the word "affairs," in the seventh line, of the words "not including the clerks in said Bureau."

Mr. SPARKS. The gentleman will perceive that provision is elsewhere made for supplying these places. If the gentleman will look further in the bill he will find that.

Mr. KASSON. I have looked further in the bill, which I hold in my hand, and have not found it. Perhaps this is a different print. For the purpose of bringing the matter to the attention of the committee, I offer the amendment which I have indicated.

The CHAIRMAN. The gentleman from Iowa will observe that in this section "officials" only are referred to.

Mr. KASSON. Yes, sir; but the language is very broad.

Now employed under the Commissioner of Indian Affairs or the Secretary of the Interior and connected with the administration of Indian affairs.

Of course, the War Department could not get along without these practiced clerks for a while.

Mr. SPARKS. I understand that the Secretary of War would, of course, supply these offices; and provision is made for that, as the gentleman from Iowa will see, in section 3 of the bill. This act will take effect on the 1st of July, when it will be the duty of the Secretary of War to supply these officers in the Department as well as the agents.

Mr. KASSON. The difficulty is that there seems to be no provision in the bill for these clerical officers. Their places are not to be supplied by Army officers and the clerical force in the War Department is limited by existing law.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Iowa.

The Clerk read as follows:

In line 7, after the word "affairs," insert "not including the clerks of the Indian Bureau."

Mr. SPARKS. I will accept that amendment, if it is in my power to do so.

The amendment was agreed to.

Mr. CROUNSE. I move to further amend by striking out the last two words.

Mr. SPARKS. I believe I had the floor.

The CHAIRMAN. The Chair will state to the gentleman from Nebraska that the gentleman from Illinois [Mr. SPARKS] was about to move that the committee rise for the purpose of closing debate on this section.

Mr. CROUNSE. I cannot concede the right of the Chair to say what the gentleman from Illinois was going to do. I claimed the floor and was recognized, and claim the right to make the remarks I was about to offer.

The CHAIRMAN. The Chair would suggest to the gentleman from Nebraska that he move his amendment to the next section.

Mr. CROUNSE. I will agree to that, if I can make the contract with the Chairman that he will recognize me.

The CHAIRMAN. The Chair will recognize the gentleman as soon as the next section is read.

The Clerk read the next section, as follows:

SEC. 8. That it shall be the duty of the Secretary of War, at as early a day as practicable after the 1st day of July, 1876, to cause a careful enumeration of all Indians in the United States to be made; and such census shall thereafter be retaken at his discretion, whenever there may be reasonable doubt as to the number of any Indians in any tribe or tribes; and all issues of rations shall be upon the basis of the number of Indians reported by said enumerations.

Mr. CROUNSE. I move to strike out the last word of the section just read. Mr. Chairman, it is not my purpose to discuss this bill or any portion of it. I simply wish to avail myself of the opportunity offered me by the formal motion I have made to explain the vote that I shall give or rather state the reasons which influence that vote. It is my purpose, sir, to vote for the bill; but in doing so I do not follow my own judgment, but obey what I think are instructions of my constituents, or perhaps I should say of the party with which I am connected in my State. That party, as I recollect, at one of its State conventions adopted as one of the planks or resolutions of its platform one favoring the transfer of the Indian Bureau from the Interior Department to the War Department, as is proposed by this bill. In my judgment, if this bill shall be passed, a very great mistake will be committed. If the purpose were to exterminate this race of people, to subjugate them, to crush out all spirit or disposition toward improvement, to surround them with influences at once demoralizing to them and to the Army itself, why then the passage of this bill would attain the object most effectually. But in this enlightened age, with the advance already made in the civilization, education, and Christianization of these Indians, I say that the passage of this bill, throwing not only the wild Indians, but those in all stages of civilization, advancement, and culture, into the hands of the military, wholly unfitted from education and vocation to continue the work of educating them, is a move in the wrong direction. I can but regard the proposed measure as a most pernicious one, and if successful in going through now it will be but a few short years before it will be abandoned and the supporters of the measure to-day will repent their action.

But, Mr. Chairman, it is not my purpose to discuss the bill, and perhaps it would not become me to vote one way and argue the other. I simply wish to put on record this explanation of the vote I shall give and to protest that my own convictions are not in harmony with it. I now withdraw the amendment.

The Clerk read the ninth section, as follows:

SEC. 9. That it is hereby provided that all Christian churches shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their christianizing, civilizing, and educational efforts.

Mr. SPARKS. I offer the following as an additional section, to come in as section 10:

That whenever any Indian belonging to any organized Indian tribe or nation having treaty relations with the United States shall desire to become a citizen of the United States, he may become such citizen by appearing in open court in the United States district court nearest to the reservation of his tribe or nation, and making proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests; that he has adopted the habits of civilized life, and has for at least five years been able to support himself and family; and by taking an oath to support the Constitution of the United States: *Provided*, That no Indian who avails himself of the provision of this act shall on that account forfeit any interest which he may have in any improvement or other property in the reservation of the tribe or nation to which he may have belonged; nor shall such act in any manner impair his rights and interests in the lands, claims, or other property belonging, or which may hereafter belong, to his tribe or nation.

The amendment was agreed to.

The Clerk read the tenth section, as follows:

SEC. 10. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. COX. I desire to offer an amendment to the ninth section to which I think there can be no objection. It is to strike out in lines 1 and 2 the words "Christian churches" and insert in lieu thereof "religious denominations;" and also in line 7 to strike out the word "Christianizing" and insert in lieu thereof "civilizing and educational efforts."

The CHAIRMAN. The section having been passed, the amendment can only be offered by unanimous consent.

Mr. COX. I think there can be no objection to it.

There being no objection, the amendment was agreed to.

Mr. SPARKS. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. SAYLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, and had directed him to report the same to the House with sundry amendments.

Mr. SPARKS. I move the previous question on the bill and amendments.

Mr. PAGE. Pending that motion I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The previous question was seconded and the main question ordered.

Mr. SPARKS. I now yield twenty minutes of the time allotted to me to close the debate to the gentleman from New York, [Mr. TOWNSEND.] [Loud cries of "No, no!" "No debate!" "Vote!" "Vote!"]

Mr. HEREFORD. I move that the House adjourn.

Mr. SPARKS. I will say, Mr. Speaker——

[Loud cries of "Regular order!" and "Vote!" "Vote!"]

Mr. COX. I call for the regular order, which is on the motion to adjourn.

Mr. SPARKS. Mr. Speaker——

Mr. HEREFORD. I insist on the regular order.

Mr. SPARKS. What do you want?

Mr. HEREFORD. I want to adjourn.

The question was taken on Mr. HEREFORD'S motion; and on a division there were—ayes 124, noes 38.

So the motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BROWN, of Kentucky: The petition of John Bradley, for $200 bounty money paid to another who fraudulently personated the claimant, to the Committee on War Claims.

By Mr. BUCKNER: The petition of John A. Rowland and Henry Turner, property-owners on Sixth street northwest, Washington, District of Columbia, to have refunded certain amounts which were erroneously collected of them for special improvements, to the Committee for the District of Columbia.

By Mr. HOPKINS: Remonstrance of 260 workingmen of Pittsburgh, Pennsylvania, against the passage of the Morrison tariff bill, to the Committee of Ways and Means.

By Mr. JENKS: The petition of Joseph Dunkle, for a pension, to the Committee on Invalid Pensions.

By Mr. KIMBALL: Resolutions of the Chamber of Commerce of Milwaukee, Wisconsin, favoring the passage of House bill No. 2750, relating to an increase of the efficiency of the Signal Service, to the Committee on Commerce.

Also, the petition of Allen & Hicks and other printers and stationers, against the printing and selling of stamped envelopes and postal cards at below their cost, and against the transmission of the same free through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. McFARLAND: The petition of James Helton, for a rehearing of his claim rejected by the southern claims commission, to the Committee on War Claims.

Also, the petition of Susan Hutson, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the petition of Mrs. Nancy Brooks, for a pension, to the same committee.

By Mr. PIPER: Concurrent resolutions of the Legislature of California, favoring the early resumption of specie payments, to the Committee on Banking and Currency.

By Mr. RAINEY: The petition of Frank Deicher, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. RIDDLE: The petition of James Mooreland, for a pension, to the same committee.

By Mr. SCALES: A paper relating to a post-route from Lexington, North Carolina, via Yadkins's College, Reedy Creek, and Arcadia, to Midway, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SHEAKLEY: The petition of citizens of Pennsylvania, for the regulation of commerce and for the prohibition of discriminations by common carriers, to the Committee on Commerce.

By Mr. THORNBURGH: The petition of citizens of the District of Columbia, for compensation for damages to their property by the late

board of public works and the board of commissioners now in charge, by changing the grade of streets, to the Committee for the District of Columbia.

By Mr. WELLS, of Mississippi: The petition of S. P. Pool, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. WHEELER: The petition of citizens of New York, for such legislation as will relieve them from injurious competition by the Government, to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 21, 1876.

The House met at twelve o'clock m. Prayer by Rev. JAMES R. HUBARD, D. D., of Winchester, Virginia.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

The SPEAKER. Is there objection to the Journal as read?

Mr. KASSON. The Journal recites that the preamble and resolution offered yesterday by the gentleman from Wisconsin, [Mr. CATE,] in respect to the remission of some forfeiture by the Secretary of the Treasury, were referred to the Committee on Expenditures in the Treasury Department. When I withdrew my objection to the reference, I understood the motion pending to be to refer it to the Committee of Ways and Means. I was not aware that the reference had been changed after I withdrew my objection until the House was about going into Committee of the Whole. The Chair will recollect that at that time I endeavored to get his attention, and asked if the House was in Committee of the Whole, and the Chair replied that it was. I wanted then to bring up the matter of the reference having been changed.

Mr. HALE. I will state further in relation to that matter that I believe the RECORD does not show that any change was made from the original motion to refer the preamble and resolution to the Committee of Ways and Means.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] is right in his recollection about the first suggestion for reference having been to the Committee of Ways and Means. But afterward, and before the matter was finally disposed of, the gentleman from Wisconsin [Mr. CATE] changed his motion to refer, and the Chair inquired of the House if there was any objection. There being none, the Chair declared that the preamble and resolution were referred to the Committee on Expenditures in the Treasury Department.

Mr. KASSON. The Chair will undoubtedly recollect the fact that there was great confusion here. I did not hear the call for objections nor did any of the gentlemen about me. Of course the Chair is quite right in his statement.

The SPEAKER. The gentleman is right about the original reference being to the Committee of Ways and Means; but it was afterward changed. These changes are often made in this way, and the Chair is free to admit that they are sometimes made quite inaudibly, so that the House is really not always able to fully understand all these changes of reference. That was possibly the case on yesterday in regard to this matter. All things considered, however, the Chair regards that the change of reference was regularly and fairly made.

Mr. KASSON. That being so, then I will content myself with entering a motion to reconsider the vote by which the resolution was referred, and I will ask the House to consider that motion at some early time.

Mr. ELY. I desire to state that the Committee on Expenditures in the Treasury Department are now in such a condition that they can act promptly on this matter, and will do so.

Mr. WILSON, of Iowa. That being the case, I do not think it would be wise for my colleague [Mr. KASSON] to press his motion to reconsider.

Mr. KASSON. I may not desire to change the reference, but I desire to have a slight amendment made in the resolution; and for that purpose I will some time to-day, if I get the opportunity, call up the motion to reconsider.

Mr. BURCHARD, of Illinois. I recollect that at the time the subject was before the House yesterday I asked the Chair if the proposition was for reference only, and the Speaker replied that it was. At that time I supposed that the resolution was referred to the Committee of Ways and Means.

The Journal, as read, was then approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia;

An act (H. R. No. 726) to change the name of the steamboat Charles W. Mead;

An act (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes; and

A joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch rifles of Augusta, Georgia.

REFORM SCHOOL IN THE DISTRICT OF COLUMBIA.

Mr. STEVENSON. The bill of the House No. 1345 relating to the Reform School in this District has been returned from the Senate with an amendment. I am instructed by the Committee for the District of Columbia to ask that the amendment of the Senate be concurred in by the House.

The amendment of the Senate was in line 12, page 2 of the bill, to strike out "$5,000" and insert "$20,000."

Mr. HOLMAN. What is the effect of that amendment?

Mr. STEVENSON. It has reference merely to the amount of the bond to be given by the Treasurer and some of the other officers. The amount fixed by the House was $5,000; the Senate proposes to make the amount $20,000, and the Committee for the District of Columbia recommend concurrence in the amendment of the Senate.

There was no objection, and the amendment was concurred in.

PAY OF OFFICERS ON MOUNTED DUTY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the Paymaster-General on allowing pay of mounted men to officers doing mounted duty; which was referred to the Committee on the Revision of the Laws of the United States.

LIGHT-HOUSE REPORT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of March 23, the report of the Light-House Board; which was referred to the Committee on Commerce.

DEFALCATION OF W. T. COLLINS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a supplementary report upon House resolution of March 14, 1876, relative to the defalcation of W. T. Collins, late pension agent in Washington City; which was referred to the Committee on Invalid Pensions.

INDIAN SERVICE IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, with an estimate of an appropriation for Indian service in Arizona; which was referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

The SPEAKER. Is there objection to taking up for appropriate reference the bills on the Speaker's table?

There was no objection.

PROTECTION OF THE CAPITOL GROUNDS.

Mr. HOLMAN. Before taking up for reference the bills from the Senate on the Speaker's table, I ask that the bill (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury be taken up for consideration now. I think every gentleman, as soon as it is read, will see the propriety of passing it without delay.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time.

The bill provides that it shall be the duty of the Capitol police hereafter to prevent any portion of the Capitol grounds and terraces from being used as play-grounds or otherwise, so far as may be necessary to protect the public property, turf, and grass from destruction and injury.

Mr. HOLMAN. The object of this bill will be at once perceived. The tender sod which has been formed within the last year or two upon the Capitol grounds is readily subject to severe injury from great multitudes of persons gathering upon these grounds. It is understood that heretofore the Capitol police have regarded their duties as confined to this building. The object of this bill is to make it their duty to protect these public grounds from injury. The bill has been informally considered by the members of the Committee on Public Buildings and Grounds, and they think it should pass.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had insisted on their disagreement to the amendments of the House to the bill (S. No. 472) changing the time for holding terms of the district court for the district of West Virginia, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. CONKLING, and Mr. CAPERTON.

TAX ON FERMENTED OR MALT LIQUORS.

The first business on the Speaker's table was Senate amendments to the bill (H. R. No. 522) to define the tax on fermented or malt liquors; which were referred to the Committee of Ways and Means.

SALE OF CONGRESSIONAL RECORD, ETC.

The next business on the Speaker's table was the bill (S. No. 749) relating to the sale of the CONGRESSIONAL RECORD and other public documents; which was read a first and second time, and referred to the Committee on Printing.

DISPOSAL OF PUBLIC LANDS IN ILLINOIS.

The next business on the Speaker's table was the bill (S. No. 732) to dispose of the lands formerly covered by the waters of Pistakee Lake, in the State of Illinois; which was read a first and second time, and referred to the Committee on Public Lands.

MENOMONEE INDIAN RESERVATION.

The next business on the Speaker's table was the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches and tributaries; which was read a first and second time, and referred to the Committee on Commerce.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The next business on the Speaker's table was the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue; which was read a first and second time, referred to the Committee for the District of Columbia, and, on motion of Mr. BUCKNER, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BALLOU for two weeks; to Mr. COLLINS for five days on account of important business; to Mr. FOSTER for ten days; to Mr. TUCKER for five days; and to Mr. ASHE for two weeks on account of important business.

THOMAS SEELY.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 3175) for the relief of Thomas Seely; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WRIT OF HABEAS CORPUS.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 3176) to regulate the privileges of the writ of *habeas corpus* in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CORPORATIONS ENGAGED IN DISTILLING.

Mr. BURCHARD, of Illinois. I am instructed by the Committee of Ways and Means to report back a bill (H. R. No. 2954) concerning corporations engaged in the business of distilling, with amendments, and to ask for its immediate consideration. I desire to make a statement in regard to the necessity for considering it at the present time.

The SPEAKER. It can only be considered by unanimous consent. Is there objection to its present consideration?

Mr. HOLMAN. I should like to hear the bill read first.

The bill was read as follows:

That section 3247 of the Revised Statutes is hereby amended by adding thereto as follows:

"Incorporated companies may carry on the business of distillers; but in such case, in addition to the liability of the corporation to the penalties and forfeitures imposed on distillers, and for the taxes upon spirits produced and taxes otherwise accruing from the carrying on of the business of distilling, each and every stockholder of such corporation shall be held individually liable for all such taxes, and shall also be subject to all the penalties, forfeitures, fines, and imprisonment prescribed by law for offenses committed in the carrying on of said business: *Provided, however*, That where it shall be shown that such stockholder of a corporation is innocent of any participation in, or guilty knowledge of, an offense charged, he shall not be held individually subject to the penalties, forfeitures, fines, or imprisonment provided by law for such offense."

SEC. 2. That the words "every person in any manner interested in the use of any still, distillery, or distilling apparatus," in section 3251 of the Revised Statutes, shall be construed to mean and include every person so interested as copartner, stockholder, or otherwise.

SEC. 3. That section 3259 of the Revised Statutes be so amended that the notice of being engaged in, or of intention to engage in, the business of a distiller, required by that section, shall contain, in the case of a corporation, in addition to the other matters required to be stated therein, the name and residence of each stockholder of the corporation; and that, in case of any change in the persons interested as stockholders in such corporation, notice thereof in writing, embracing the name and residence of each outgoing and incoming stockholder and the date of the change, shall be given to the collector or proper deputy collector of the district within twenty-four hours after such change. And the punishment provided by said section for failing or refusing to give notice, or giving a false or fraudulent notice, shall apply to the notices hereinabove required.

SEC. 4. That every provision of law relating to a distiller shall be held to apply to a corporation engaged in the business of distilling, excepting such provisions as prescribe the punishment of fine or imprisonment, or both, which provisions shall apply to, and on conviction the punishment thereby provided shall be imposed upon, every person who, at the time of the commission of the offense for which the punishment is prescribed, was either an officer or a stockholder of such corporation, or an agent, superintendent, or manager of the distillery operated by such corporation: *Provided*, That it shall be a sufficient defense to any proceeding or indictment against such person, for an offense punishable under the provisions last above named, that he was innocent of any participation in or guilty knowledge of the offense committed.

Mr. BURCHARD, of Illinois. The Committee of Ways and Means report this bill back with amendments which apply to two sections only. The necessity for an immediate consideration of the bill arises from the fact that licenses are issued and bonds given for the ensuing year on the 1st of May, and whatever action is taken by Congress should be taken prior to that time, in order that the Department may be advised in time.

There has been a doubt expressed whether the law permits corporations to carry on the business of distilling. Section 3247 of the Revised Statutes provides that "every person who produces distilled spirits, &c., shall be regarded as a distiller." Under that a firm consisting of partners and corporations are engaged in carrying on the business of distilling spirits under the laws of some of the States. The question has been raised whether the property of the stockholder is liable as the property of firms in case of frauds or violation of law. Four or five persons might organize as a corporation under State law and engage in carrying on distillation, and thus relieve themselves of the penalties and forfeitures which would apply to them as individuals engaged in the same business. Now, to guard against this it is desired by the Commissioner of Internal Revenue that express permission should be given by law to corporations to carry on the business of distilling and that the provisions of law in regard to frauds, forfeitures, and penalties should apply to all stockholders of such corporation. The committee have recommended an amendment to the first section of the bill, which changes the presumption of guilt in the case of a stockholder where there is an attempt to hold him criminally responsible for a fraud by indictment and the infliction of punishment by fine or imprisonment. It is provided in the bill that "where it shall be shown that such stockholder of a corporation is innocent of any participation in or guilty knowledge of an offense charged, he shall not be held individually subject to the penalties, forfeitures, fine, or imprisonment provided by law for such offenses." The majority of the committee thought in case of a stockholder the law should not hold him criminally guilty unless it should appear he had participation or guilty knowledge of the fraud.

Mr. HARRISON. The gentleman will allow me to ask him one question. Does not the amendment also render innocence sufficient to preclude the stockholder from forfeiture of his property?

Mr. BURCHARD, of Illinois. In the first section of the bill, in lines 10, 11, and 12, it is provided that each and every stockholder of such corporation shall be held individually liable for all such taxes and shall also be subject to all the penalties, forfeitures, fines, and imprisonment prescribed by law for offenses committed in the carrying on of said business; and then comes in the proviso, as it is proposed to be amended by the committee, that, unless it shall be shown such stockholder of a corporation had any participation in or guilty knowledge of the offense, he shall not be held individually subject to the penalties, forfeitures, fines, or imprisonment provided by law for such offense.

Mr. HARRISON. But does not the amendment change that, so that he shall not be subject to the forfeiture?

Mr. BURCHARD, of Illinois. I think not. That is specially excepted.

Mr. HARRISON. I gathered that impression from hearing the amendment read.

Mr. BURCHARD, of Illinois. The amendments have not yet been read by the Clerk.

Mr. SAYLER. Will the gentleman from Illinois allow me to ask whether it is the purport of the amendment to hold every stockholder in such corporation liable, whether guilty or innocent, to all penalties and forfeitures?

Mr. BURCHARD, of Illinois. That is the intention; to leave the law in regard to stockholders the same as it is in regard to partners.

Mr. SAYLER. It is very important that should be the case; otherwise these parties would put forward irresponsible men. If that amendment is clearly and distinctly made, I see no objection to the bill. Otherwise there are very grave objections to it.

Mr. BURCHARD, of Illinois. I will ask the Clerk to read the amendments proposed by the committee.

Mr. WALLING. I rise to a question of order. Has the House agreed to the consideration of this bill at this time?

The SPEAKER. The Chair understands it has. The bill is properly before the House.

Mr. WALLING. I think no consent was granted on the part of the House.

The SPEAKER. The gentleman from Ohio should have objected in proper time. It is too late now. The bill is properly before the House.

The Clerk read the amendments reported by the committee to the first section, as follows:

On page 2, section 1, line 14, strike out the word "where" and insert "unless," and strike out the word "shall."

On page 2, section 1, line 15, strike out the words "is innocent of."

On page 2, line 16, strike out the word "any" and insert the word "had."

On page 2, lines 17 and 18, strike out the words "penalties, forfeitures."

Mr. BURCHARD, of Illinois. Now read the proviso to that section as it will be as amended.

The Clerk read as follows:

Provided, however, That unless it be shown that such stockholder of a corporation had any participation in, or guilty knowledge of, an offense charged, he shall not be held individually subject to the fines or imprisonment provided by law for such offense.

Mr. BURCHARD, of Illinois. Read the amendments to the third section.

The Clerk read as follows:

On page 2, section 3, line 11, after the word "given" insert the following: "by the proper officer of such corporation."

On page 2, section 3, line 13, after the word "change" insert the following: "and the liability of such outgoing stockholder shall continue until such notice shall be given."

So that it will read:

And that, in case of any change in the persons interested as stockholders in such corporation, notice thereof in writing, embracing the name and residence of each outgoing and incoming stockholder and the date of the change, shall be given by the proper officer of such corporation to the collector or proper deputy collector of the district within twenty-four hours after such change, and the liability of such outgoing stockholder shall continue until such notice shall be given.

Mr. BURCHARD, of Illinois. The object of that amendment to section 3 is to designate with greater certainty who shall give the notice, and to continue the liability upon the outgoing stockholder until notice should be given.

Mr. SAYLER. Under your amendment you only relieve him in any case from the penal portion of the punishment provided; from the fine and imprisonment.

Mr. BURCHARD, of Illinois. Yes, sir. It only changes the presumption in case of criminal prosecution.

Mr. SAYLER. I see no objection to it.

Mr. HARRISON. It leaves the stockholder still liable to all the forfeitures?

Mr. BURCHARD, of Illinois. Yes, sir; to all the penalties and forfeitures.

Mr. HOAR. Is there any amendment recommended to the fourth section?

Mr. BURCHARD, of Illinois. There is not.

Mr. HOAR. Does not the fourth section then make an American citizen liable to fine and imprisonment for an offense in certain cases unless he proves his innocence?

Mr. BURCHARD, of Illinois. In the case of persons engaged as partners in the business of distilling, where there are we will say four partners, and it is found impossible to tell under whose direction the offense was committed, but the fraud is clearly proved, it has been, I believe, the rule of the court that the responsibility shall rest upon all the partners unless a member of the partnership shall prove that he had no connection with it or was absent from the country or the district. And this intends merely to leave the law in regard to the stockholders the same as it is in regard to partners engaged in distilling.

Mr. HOAR. Without discussing at this moment the justice or constitutionality of the rule of law which the gentleman from Illinois states is now applied to partners, I cannot conceive of the justice, and I do not believe in the constitutionality, of enacting that, whenever a widow or minor child or administrator or executor or innocent purchaser or any other person becomes a stockholder in a corporation, such a person may be sent to the penitentiary for years for crime unless he proves his innocence.

Mr. HARRISON. That is the present law, is it not?

Mr. BURCHARD, of Illinois. This does not enlarge the law. It merely limits it.

Mr. HOAR. I do not propose at present to discuss the proposition in regard to partners. In my judgment the law, however salutary it may be to impose strict obligations on persons who voluntarily undertake as partners the occupation of manufacturing intoxicating liquors—the law in my judgment, as it is stated, is a gross violation of constitutional principle. And this section proposes to extend this very harsh and extreme exercise of legislative power which is applied to partners, usually persons few in number, having the opportunity and the right at least of making a practical interposition, to the case of stockholders in a corporation, where the case is different. No partnership can do any act or bind a firm by any contract or proceeding when any one partner puts upon record his dissent in the matter. That is a well-settled principle of law. In the case of a partnership it may be proper to hold a partner liable for the guilty acts of the firm unless he has in effect dissented at the time. That is one thing. Whether just or unjust, I do not discuss; but to extend that proposition to the stockholders of a corporation, which acts by a majority, which acts ordinarily not by its corporators but by its officers or the board of directors, and where the act of the corporators is as valid as respects every stockholder, whether the stockholder be in the minority and assents or dissents, seems to me to be a gross injustice, and not only a gross injustice, but a gross violation of constitutional principles. The stockholder may be a widow or child, or an administrator of an estate, or a guardian or trustee, and their dissent makes no difference whatever in their legal relations to the acts of the corporation if they be in the minority. I insist that it is a violation of the principles of constitutional liberty to insist that in such a case a person shall be held criminally responsible for the acts of the corporation unless he in fact shall prove his innocence. I beg the gentleman therefore to admit my amendment.

Mr. BURCHARD, of Illinois. I have no instruction from the Committee of Ways and Means to permit such an amendment to be offered. The whole object of the bill, it seems to me, will be defeated unless we insist that the stockholders shall be responsible to the extent so far as their assets are concerned as individuals. The adoption of the amendment would open the door to the widest frauds. Persons will organize corporations in every part of the country, and if you relieve the stockholders of such corporations from these pecuniary responsibilities, it seems to me that you relieve them from the guards now thrown by the law about such corporations.

It might perhaps be better that there should be a prohibition upon corporations from engaging in this business, but if corporations desire to engage in the business, if four, six, or a dozen individuals are associated in carrying on this business and desire to carry it on as partners, and desire to carry on the business as a corporation, then we cannot under the present law enforce faithfully the collection of the revenue.

Mr. HOAR here made a remark which was inaudible to the reporters.

Mr. BURCHARD, of Illinois. I do not think that widows would long engage in the business of distilling.

Mr. HOAR. I desire to ask the gentleman if he has examined the case of The United States rs. Chaffee, and if in that case the Supreme Court did not hold that the provision was unconstitutional and that the burden of proof of guilt must necessarily, under the Constitution, rest with the Government in all cases?

Mr. BURCHARD, of Illinois. My interpretation of the law is that the presumption of innocence would be held to exist under this bill in case of stockholders, and that it would not throw the burden of proof upon a stockholder criminally prosecuted to show that he was innocent of any participation in, and had no guilty knowledge of, a fraud; but that if a stockholder had, from the facts disclosed, appeared to have had any guilty knowledge or had any participation in the fraud he would be held liable as a partner would be.

But, sir, let me answer one remark as to the propriety or necessity of permitting corporations to engage in this business. Corporations are now engaged in this business in several States of the Union, particularly in the State of Kentucky, and I believe there is one in the city of Chicago; and there is a doubt as to whether the provisions of the law extend to them, and whether there may not be a technical defect in the bond given by such corporation, allowing a plea in court that the bond does not bind their sureties, there being no law authorizing corporations to carry on this business. It seemed to the Department and to the Committee of Ways and Means that these amendments of the law should be passed as proposed by this bill.

Mr. SAYLER. I would ask the gentleman whether this bill does not in effect impose exactly the same liabilities on the stockholders in corporations engaged in the business of distilling as are now imposed by law on each member of a partnership engaged in the same business? If it does not, it ought to.

Mr. BURCHARD, of Illinois. The original bill was intended to do that. The amendments of the committee except as to fine and imprisonment those who have not willfully violated the law. I now move the previous question.

Mr. HOAR. Will the gentleman from Illinois allow me to offer an amendment to strike out the fourth section of the bill?

Mr. BURCHARD, of Illinois. I have no instructions from the Committee of Ways and Means to allow any amendment to be offered to this bill. I move the previous question on the bill and the amendments.

The SPEAKER. The Chair is compelled to inquire of the gentleman from Illinois, because he could not hear in the confusion which prevailed, whether he has submitted from the committee any amendments to this bill?

Mr. BURCHARD, of Illinois. I have offered amendments, but I have no authority to admit any but those reported by the committee.

Mr. HOAR. I rise to a parliamentary question; and it is whether if the previous question be voted down it will then be in order to move to strike out the fourth section of this bill, and then to move the previous question on the bill with that section stricken out?

The SPEAKER. The Chair would have no difficulty in answering that question, but it can be decided when the occasion arises.

The question was put upon seconding the previous question, and on a division there were—ayes 56, noes 26; no quorum voting.

Mr. BURCHARD, of Illinois. I will withdraw my call for the previous question if the gentleman insists upon a vote upon his motion to strike out the fourth section of this bill; I have no objection to the House voting on his proposition. I will first yield to the gentleman from Rhode Island, [Mr. EAMES,] who desires to offer an amendment to the fourth section before the motion is made to strike it out.

Mr. EAMES. I move to strike out the proviso of the fourth section, which is as follows:

Provided, That it shall be a sufficient defense to any proceeding or indictment against such person for an offense punishable under the provisions last above named that he was innocent of any participation in, or guilty knowledge of, the offense committed.

And in lieu of the proviso I move to insert the words "participating in, and having a guilty knowledge of, the offense committed." I ask the Clerk to read the section as it will stand if my amendment shall be adopted.

The Clerk read as follows:

SEC. 4. That every provision of law relating to a distiller shall be held to apply to a corporation engaged in the business of distilling, excepting such provisions as prescribe the punishment of fine or imprisonment, or both, which provisions shall apply to, and on conviction the punishment thereby provided shall be imposed upon, every person who, at the time of the commission of the offense for which the punishment is prescribed, was either an officer or a stockholder of such corporation, or an agent, superintendent, or manager of the distillery operated by such corporation, participating in, and having a guilty knowledge of, the offense committed.

Mr. REAGAN. I would suggest to the gentleman that the word "and" should be "or;" "participating in, or having a guilty knowledge of," &c.

Mr. EAMES. I accept the suggestion of the gentleman, and will modify my amendment accordingly. As modified, I think my amendment obviates the objection made by the gentleman from Massachusetts [Mr. HOAR] to this fourth section.

Mr. HOAR. I think it will obviate my objection, but in case the amendment of the gentleman from Rhode Island should not be adopted, I would like to have the fourth section stricken out, and for that purpose I will move to strike out the fourth section.

Mr. BURCHARD, of Illinois. I have no objection to the amendment of the gentleman from Rhode Island, but I think it would be wrong to strike out the fourth section, because the provision in the first part of that section is of importance. I now call the previous question upon the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee of Ways and Means to the second section and the amendment moved by Mr. EAMES to the fourth section were adopted.

Mr. HOAR. The amendment of the gentleman from Rhode Island [Mr. EAMES] having been adopted, I ask consent to withdraw my motion to strike out the fourth section.

No objection was made, and the motion to strike out was withdrawn.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour will now begin at ten minutes past one o'clock. To-day being Friday, the first business in the morning hour is the call of committees for reports of a private nature; and the call rests with the Committee on Invalid Pensions.

ADVERSE REPORTS.

Mr. BAGBY, from the Committee on Invalid Pensions, reported adversely upon the following, and the same were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1833) for the relief of John T. Neale;

A bill (H. R. No. 2083) to increase the pension of Jane Conroy;

A bill (H. R. No. 2164) granting a pension to Bridget Rooney, of Bloomington, Illinois;

A bill (H. R. No. 2648) granting a pension to Americus D. Patterson; and

The petition, for a pension, of Annie D. Rundlett, of Boston, widow of Howard M. Rundlett, late past assistant surgeon of the United States Navy.

FAVORABLE REPORTS.

Mr. BAGBY, from the same committee, reported back the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1936) granting a pension to John Haley;

A bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private Company D, Twenty-fourth Regiment Indiana Volunteers;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 2302) granting a pension to Eleanor Douglas; and

A bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry.

Mr. SINNICKSON, from the same committee, reported back the following; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1814) granting a pension to Samuel Shæffer; and

A bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Michigan.

ELIZABETH T. DUBOIS.

Mr. BAGBY, from the same committee, reported a bill (H. R. No. 3177) granting a pension to Elizabeth T. Dubois, widow of Theodore B. Dubois, late acting volunteer lieutenant-commander in the naval service.

SUBSTITUTES FOR PENSION BILLS.

Mr. BAGBY, from the same committee, reported, as a substitute for House bill No. 2321, a bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain Company C, First Maryland Cavalry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. RUSK, from the same committee, reported, as a substitute for House bill No. 2200, a bill (H. R. No. 3179) granting a pension to General Thomas F. Wildes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. RICE, from the same committee, reported back the petition and papers in the case of George Smith, of Culpeper, Virginia, for an invalid pension on account of injuries received in the war of 1812; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

OSCAR S. COLLINS.

Hr. HEWITT, of Alabama, from the same committee, reported, as a substitute for House bill No. 3027, a bill (H. R. No. 3180) granting a pension to Oscar S. Collins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN HICKEY.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompaing report ordered to be printed.

PATENT OF HARVEY LULL.

Mr. J. H. BAGLEY, from the Committee on Patents, reported back, with a favorable recommendation, the bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge.

The bill provides that the petition of Harvey Lull, of Hoboken, New Jersey, for the extension of letters-patent for a self-locking shutter-hinge, granted January 2, 1854, No. 10477, and extended by the Commissioner of Patents for seven years from the 2d day of January, 1868, which term expired the 2d day of January, 1875, be referred to the Commissioner of Patents, with full power and authority to hear and determine the same upon the principles prescribed by the acts of Congress of July 4, 1836, and the amendments thereof governing and granting extensions; and if, after hearing the petition, upon due notice to the public, according to the practice of the Patent Office in cases of extension, the Commissioner should decide that the petition ought to be granted, he is authorized and empowered to extend letters-patent to Harvey Lull for seven years from and after the passage of this act. But no damages are to be collected of any person for an infringement of the patent between the time of the expiration of the patent and the time of the renewal of the same.

Mr. KELLEY. We would like to know something about this case.

Mr. J. H. BAGLEY. Let the report be read.

The Clerk read as follows:

The Committee on Patents, to whom was referred the petition of Harvey Lull for the extension of letters-patent granted him January 2, 1854, for a shutter-hinge, report as follows:

Letters-patent were granted Harvey Lull January 2, 1854, for a shutter-hinge, which hinge combines a hinge and lock and utilizes an inclined plane. The patent was extended seven years by the Commissioner of Patents on 31st of December, 1867.

The petitioner, Harvey Lull, was the original inventor of the self-locking shutter-hinge, upon which he spent years of toil, and for lack of means was induced to assign half of the patent to Richard Porter, of Wheeling, West Virginia. Afterward he sold the whole of the patent to the said Porter for the sum of $4,000. Upon the extension of the patent by the Commissioner of Patents, Harvey Lull assigned the same to his wife, Hannah B. Lull. Here, then, the claim of Richard Porter and other complications interposed, which stopped the collection of royalties and produced litigation for years. At length, Hannah B. Lull, by mortgaging her individual home, valued at $7,000, to pay expenses of litigation and make compromises with litigants, so as to control the whole patent, was successful. These expenses of litigation, traveling to collect royalties, and the compromises of contestants, have cost the assignee $9,600; besides, the panic has caused failures among the manufacturers, and over five tons of these Lull hinges have been sold as castings and not one cent of royalty paid therefor. The bankruptcy of the manufacturers of these hinges caused the mortgages on Hannah B. Lull's individual property to be foreclosed, and last June the sheriff of Hudson County, New Jersey, sold this property, not leaving even a shelter for the aged inventor and his family.

The hinge has gone into very general use and is an exceedingly valuable invention to the public. From evidence before us this hinge, as compared with other hinges, in its convenient appliances, safety, and durability has saved the public $2,700,000.

No opposition to the extension comes from any quarter, and besides eighty prominent hardware dealers and manufacturers in the cities of New York, Hoboken, Philadelphia, Reading, Pittsburgh, Cincinnati, Baltimore, Washington, and elsewhere, have petitioned Congress for the extension now applied for, first, because "the invention is of great value to the public, and for which said Lull has received inadequate compensation;" second, because "the public are protected in having good and substantial castings made under this patent;" third, because "in the Harvey Lull patent the entire weight of the shutter is sustained upon an inclined plane down which it often passes with great velocity, and is brought to a sudden stop by its peculiar mechanism. It is therefore indispensable that none but the best materials and workmanship should be employed in their manufacture."

The royalty for forty-eight hinges, ninety-six castings, and fixtures has been only ten cents.

Your committee are of the opinion, that in addition to the equities in this case, the aged inventor, now seventy-four years, his feeble wife and four daughters, now all homeless, are entitled to the relief asked for, and would therefore recommend the passage of the accompanying bill.

Mr. J. H. BAGLEY. Mr. Speaker, it is hardly necessary for me to say anything about this case, as its history and merits are quite fully set forth in the report. Perhaps, however, it may be proper for me to repeat the facts, so that they may be clearly brought to the attention of the House.

Mr. KELLEY. I desire to say that in calling for the reading of the report, I did so simply because I wanted to know something about the case. I see no reason to object to the bill, and I do not propose to make any opposition. The case seems very meritorious.

Mr. J. H. BAGLEY. I shall detain the House but a moment.

Mr. TOWNSEND, of New York. I wish to ask the gentleman in charge of this bill whether the committee have any information that the inventor is still the owner of the patent?

Mr. J. H. BAGLEY. The inventor is still the owner of the patent; and it is proposed to extend it for his benefit and the benefit of his family. This patent is for a self-locking hinge. The original patent was granted to the inventor, Harvey Lull, in 1854, and extended for seven years in 1868, which extension expired in January, 1875.

It appears from the evidence that Mr. Lull spent many years in the effort to perfect his invention. When it was perfected, he was forced by lack of money to sell one-half his interest in the patent, and subsequently the other half, for the purpose of paying expenses which had been contracted in the prosecution of the invention. Upon obtaining the extension, the patentee assigned his right to his wife, Hannah B. Lull, as stated in the report. The party to whom the right under the original patent was sold claimed the right to the extension; hence arose complications and lawsuits which continued for several years and which swept away all the little property the Lulls possessed.

The invention, although simple, is a valuable one to the public. This hinge is very generally in use and is probably the best in the market. No person is opposing this extension. I appeal to gentlemen who generally oppose the extension of patents (and undoubtedly they do so on principle) to recognize the fact that this is a very meritorious case. It is a case of real genuine charity, appealing strongly to our feelings of humanity. This aged inventor, seventy-four years old, has a family of four children who are partially dependent on their relatives for support. The committee are unanimous in the opinion that the bill should pass; and I trust it will meet with no opposition.

Mr. HARDENBERGH. I wish merely to say that I concur in all that has been said by the gentleman from New York, [Mr. J. H. BAGLEY.] This petitioner is a constituent of mine, and I have received a great many letters from some of the foremost and best citizens of Hoboken, praying that Congress will grant the relief asked for in this case.

Mr. COCHRANE. I wish to say that ordinarily I am opposed to the extension of patents; but in view of the fact that this bill is reported unanimously from the committee, and the further fact that I have received from a number of gentlemen in whom I have the highest confidence a statement of the circumstances of this case, (and that it is an extreme case there can be no doubt,) I trust there may be no objection to the passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HARDENBERGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NICHOLAS WHITEHALL.

Mr. J. H. BAGLEY also, from the Committee on Patents, reported as a substitute for House bill No. 190 a bill (H. R. No. 3181) for the relief of Nicholas Whitehall, of Fountain County, Indiana; which was read a first and second time, and ordered to be printed and recommitted.

WILLIAM WHEELER HUBBELL.

Mr. J. H. BAGLEY. I am further directed by the Committee on Patents, to whom was referred the petition of William Wheeler Hubbell, to make a favorable report upon the same, together with a bill (H. R. No. 3192) for the relief of William Wheeler Hubbell, which I ask may be put on its passage.

Mr. McCRARY. I do not see what reason can be assigned for passing one private bill at this time to the exclusion of all others. I make the point of order this bill must go to the Private Calendar for its first consideration.

Mr. SAMPSON. I think the gentleman is mistaken, as the bill does not make an appropriation.

Mr. J. H. BAGLEY. This bill comes from the Committee on Patents with a favorable recommendation, and, as it does not make any appropriation, I do not see why it should not be considered at this time.

Mr. McCRARY. Does not the bill involve expenditure of money?

Mr. SAMPSON. I will state that it is simply an enabling act, and authorizes the party named to appear before the Commissioner of Patents to prosecute his application. No patent has been issued to him, as he was prevented by sickness and misfortune from prosecuting his application. He claims that his invention has never been made public.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

That William Wheeler Hubbell be, and is hereby, authorized to renew and complete his applications to the Commissioner of Patents for letters-patent on his original specifications of a "self-loading and self-firing gun" and "gun to load and fire with great rapidity and effect," and ammunition for the same, filed respectively May, 1853, and April, 1865, in the Patent Office; and that the Commissioner of Patents is hereby authorized and empowered to hear and examine said applications and to grant letters-patent thereon for seventeen years, if in his judgment the said inventions of the said William Wheeler Hubbell are, or either of them is, "a new and useful art, machine, or manufacture, not used by others in this country, and not known, or patented, or described in any printed publication in this or any foreign country before his invention or discovery thereof," the disability of presumptive abandonment being hereby removed: *Provided, however*, That the granting of said letters-patent shall not be held in any way to interfere with the rights of any person or corporation now using said invention, or parts thereof, to use and enjoy the same.

Mr. McCRARY. I withdraw my objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. J. H. BAGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE CLERK.

Mr. ROBERTS, from the Committee of Accounts, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, authorized to employ a clerk for the further term of one month from the 12th day of April, 1876, at $4 per day.

KENDRICK & AVIS AND OTHERS.

Mr. BURCHARD, of Illinois, from the Committee of Ways and Means, reported back a bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT GRANT.

Mr. BRIGHT, from the Committee of Claims, reported a bill (H. R. No. 3182) for the relief of Albert Grant; which was read a first and second time, referred to the Committee of the Whole, and, with the accompanying report, ordered to be printed.

JAMES G. HARRISON.

Mr. BRIGHT also, from the same committee, reported back a bill (H. R. No. 1034) for the relief of James G. Harrison, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

J. T. M'GINNIS, UNITED STATES ARMY.

Mr. BRIGHT also, from the same committee, moved it be discharged from the further consideration of a bill (H. R. No. 2257) for the relief of J. T. McGinnis, captain Thirteenth Infantry, United States Army, and the same be referred to the Committee on Military Affairs; which motion was agreed to.

BENJAMIN J. EVERETT.

Mr. BRIGHT also, from the same committee, moved it be discharged from the further consideration of a communication from the Secretary of the Interior relative to the claim of Benjamin J. Everett, and the same be referred to the Committee on Indian Affairs; which motion was agreed to.

CHANGE OF REFERENCE.

Mr. BRIGHT also, from the same committee, moved it be discharged from the further consideration of the following cases, and the same be referred to the Committee on War Claims; which motion was agreed to:

A bill (H. R. No. 3045) for the relief of Francis J. Wheeler;
The petition of Otis N. Cutler, of New York, for relief;
The petition of Harlan P. Eggleston;
The petition of Robert Danby, engineer in the Navy;
The petition of George Gwynn, of Portland, Maine;
The memorial of Cane Hill College, of Arkansas, asking for compensation for college building destroyed by United States troops in 1864;
A bill (H. R. No. 2975) for the relief of Andrew B. Battelle and George D. Evans;
The petition of James T. White, of Kentucky, for relief;
A bill (H. R. No. 2793) for the relief of Alvin Rose, of New York City; and
A bill (H. R. No. 2746) for the relief of Mrs. Maria H. Walker, widow of Colonel Thomas F. Hunt, late of the United States Army.

CITY OF MACON, GEORGIA.

Mr. ROBBINS, of North Carolina, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 781) for the relief of the city of Macon, Georgia; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JACKSON T. SORRELS.

Mr. PHILIPS, of Missouri, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 755) for the relief of Jackson T. Sorrels; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BALTIMORE BRIDGE COMPANY.

Mr. PHILIPS, of Missouri, also, from the same committee, reported back, with an adverse recommendation, the memorial of the Baltimore Bridge Company; and the same was laid on the table, and the accompanying report ordered to be printed.

APPLETON OAKSMITH.

Mr. PHILIPS, of Missouri, also, from the same committee, reported back, as a substitute for House bill No. 2211, a bill (H. R. No. 3183) allowing Appleton Oaksmith to prosecute certain claims before the Court of Claims; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. NEAL, from the same committee, reported adversely on the following bill and petitions; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 166) for the relief of Mrs. O. F. Short, of Kansas;
The petition of L. A. Thrasher and C. C. Short, administratrix; and
The petition of Celia C. Short.

WILLIAM G. FORD.

Mr. CASON, from the same committee, reported back, with amendments, the bill (H. R. No. 492) for the relief of William G. Ford, of Tennessee; and the bill and amendments were referred to the Committee of the Whole on the Private Calender, and the accompanying report ordered to be printed.

FLOYD C. BABCOCK.

Mr. TARBOX, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 516) for the relief of Floyd C. Babcock; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EMERICK W. HANSELL.

Mr. TARBOX also, from the same committee, reported a bill (H. R. No. 3184) granting a pension to Emerick W. Hansell; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

HENRY GEE.

Mr. MOREY, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

Mr. CLARK, of Missouri, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 2723) for the relief of John Henderson, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

Mr. AINSWORTH, from the same committee, reported back the following petitions, and the committee were discharged from the further consideration of the same, and they were referred to the Committee of Claims:

The petition of John D. Clark; and
The memorial of G. H. Giddings.

NEWTON S. MURPHEY.

Mr. McCRARY, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 2938) for the relief of Newton S. Murphey; and the bill and amendments were referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH R. SHANNON.

Mr. WARREN, from the Committee on War Claims, reported, as a substitute for House bill No. 798, a bill (H. R. No. 3185) for the relief of Joseph R. Shannon; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

PHILIP PENDLETON.

Mr. MILLIKEN, from the same committee, reported back, with an amendment, House bill No. 735, for the relief of Philip Pendleton; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARK DAVIS.

Mr. ELLIS, from the same committee, reported back, with an amendment, House bill No. 402, for the relief of Mark Davis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. M. BRAGG.

Mr. ELLIS also, from the same committee, reported back, with amendments, the bill (H. R. No. 877) for the relief of J. M. Bragg and others, of Tennessee; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET JANET BURLESON.

Mr. WILSON, of Iowa, from the same committee, reported a bill (H. R. No. 3186) for the relief of Margaret Janet Burleson; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RANDALL BROWN.

Mr. WILSON, of Iowa, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER NODINE.

Mr. WILSON, of Iowa, also, from the same committee, made an adverse report in the case of Peter Nodine, of Charleston, West Virginia; which was laid on the table, and ordered to be printed.

MICHAEL W. BROCK.

Mr. SMITH, of Pennsylvania, from the same committee, reported back the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALVIS SMITH.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported back the bill (S. No. 3) for the relief of Alvis Smith; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES C. CAMPBELL.

Mr. HOSKINS, from the same committee, reported back, with an amendment, the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAND TITLES IN MISSOURI.

Mr. BUCKNER, from the Committee on Private Land Claims, reported back, with an amendment, the bill (H. R. No. 100) granting legal titles to all New Madrid locations in the State of Missouri for which patents have not heretofore been issued.

The bill was read. It provides that all of the right, title, and interest of the United States in and to all lands in the State of Missouri which have at any time heretofore been located by virtue of certificates issued under the act of Congress approved February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," shall be, and the same are thereby, released, granted, relinquished, and conveyed by the United States, in fee-simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued therefor according to law; but nothing contained in the act shall comprehend, include, extend to, release, grant, relinquish, or convey any land or lands within township 45 north of the base-line, in range 7 east of the fifth principal meridian, in said State of Missouri; nor shall anything in the act contained abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the act.

Mr. KASSON. That bill, I suppose, goes to the Committee of the Whole on the Private Calendar.

Mr. BUCKNER. Not a bit of it.

Mr. KASSON. I desire to reserve the point of order.

The SPEAKER *pro tempore*, (Mr. HOSKINS in the chair.) The gentleman from Iowa raises the point of order that this bill must go to the Committee of the Whole on the Private Calendar, and the Chair will allow the gentleman from Missouri to make a brief statement.

Mr. BUCKNER. Allow me to say that this bill does not affect a foot of land belonging to the United States. The object of the bill is precisely in harmony with the bill introduced by the gentleman from Ohio, [Mr. LAWRENCE,] to secure titles already declared legal to certain citizens of Missouri. The bill does not convey a foot of land belonging to the United States to any one. The gentleman from Ohio has, as I have already stated, introduced a bill from the Committee on the Judiciary that covers all of these cases.

Mr. KASSON. I made the point of order because in listening to the reading of the bill I found "that all of the right, title, and interest of the United States in and to" all these lands is to be relinquished, &c. While the bill may be perfectly right, it is of that class of bills which require examination.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Iowa to raise the point of order that this bill must have its first consideration in Committee of the Whole on the Private Calendar.

Mr. KASSON. Under the rules.

Mr. BUCKNER. There is no rule which requires that the bill shall be so referred. It does not convey one foot of land under the decision of the State courts and of the Supreme Court of the United States.

The SPEAKER *pro tempore*. The Chair will read the first few lines of the bill:

That of all the right, title, and interest of the United States in and to all lands in the State of Missouri which have at any time heretofore been located by virtue of certificates issued under the act of Congress approved February 17, 1815, entitled.

This, to the mind of the Chair, shows that the United States clearly by the bill have an interest in these lands, and therefore the Chair rules that the point of order is well taken and the bill must be referred to the Committee of the Whole on the Private Calendar.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPARKS. Has the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. SPARKS. Then I call for the regular order, being the unfinished business of yesterday.

Mr. KASSON. I rise to a privileged question, which I think will not take more than five minutes.

Mr. SPARKS. I will yield for that purpose.

CHARGES AGAINST THE SECRETARY OF THE TREASURY.

Mr. KASSON. This morning I entered a motion to reconsider the vote by which the House on yesterday referred to the Committee on Expenditures in the Treasury Department the preamble and resolution submitted by the gentleman from Wisconsin [Mr. CATE] in respect to the action of the Secretary of the Treasury concerning the remission of a certain forfeiture set forth in the preamble. The committee to whom the resolution has been referred is without power to act, for the resolution as drawn directs the Committee of Ways and Means to inquire into the said charges, and the reference to the Committee on Expenditures in the Treasury Department can only be to determine whether the House should adopt the resolution or not, and the committee has no power except to report the resolution back to the House for adoption or rejection.

For that reason I have moved to reconsider the vote by which the preamble and resolution were referred, merely that the House may give the committee power to inquire and report upon the subject-matter. I do not wish to take the jurisdiction from that committee, but to give it the necessary power to investigate and report. As originally drawn, and as it now stands, the resolution gives power to the Committee of Ways and Means to inquire into and report upon the subject-matter embraced in it. I withdrew my objection to it on yesterday, on the supposition that it was to be referred to the committee named in the resolution. It appears by the Journal as read this morning that it was referred to the Committee on Expenditures in the Treasury Department. That committee having no power to do anything except to report the resolution back to the House for its action, I have moved a reconsideration of the reference, and if that is agreed to I shall move to substitute the Committee on Expenditures in the Treasury Department for the Committee of Ways and Means. If that amendment, with two or three other slight amendments, is adopted, I shall then have no objection to the adoption of the resolution.

The motion to reconsider was agreed to.

Mr. KASSON. I now move to amend the resolution by striking out "Committee of Ways and Means" and inserting in lieu "Committee on Expenditures in the Treasury Department."

Mr. CATE. I do not know that I have any objection to that amendment.

The amendment was agreed to.

Mr. KASSON. The preamble, containing several "whereases," recites certain statements as facts. I move to insert after each "whereas" the words "it is alleged," so as not to commit the House to the statements contained in the preamble.

Mr. CATE. I have no objection.

The amendment was agreed to.

Mr. KASSON. I move to furth er amend the resolution by adding to it these words:

And the proceedings of said committee the reon shall be open to the public, and they shall report thereon as soon as possible.

I presume it will be agreeable to the gentleman moving the resolution to have it adopted by the House, instead of having it simply referred. If adopted it will give the committee power to examine persons and papers.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin [Mr. CATE] accept the amendment just moved by the gentleman from Iowa, [Mr. KASSON?]

Mr. CATE. I do not. I have no objection to the committee carrying on the investigation with open doors, if it shall see fit; but I do not see why this resolution should have a different provision in it from other similar resolutions.

Mr. BRIGHT and Mr. HOOKER called for the reading of the resolution as proposed to be amended.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Treasury Department be directed to inquire into the said charges and the circumstances of the remission of said forfeiture, after the same had been decreed by the United States circuit and Supreme Courts, and its remission denied by the former Secretary of the Treasury, and after said committee of experts had decided that it should not be remitted, and upon what grounds and for what reasons said judgment or forfeiture was remitted, and for that purpose the said committee are authorized to send for persons and papers; and the proceedings of said committee thereon shall be open to the public, and they shall report thereon as soon as possible.

Mr. CATE. What object does the gentleman expect to attain by having this investigation carried on with open doors?

Mr. KASSON. The gentleman has asked me a very proper question, why I desire this amendment to be put on this resolution. It is that proceedings in secret, involving the conduct and character of a public officer, without notice to him, without notice to the House, without notice to the public, is a species of injustice that has been regarded as obnoxious ever since the days of the old "star chamber" of England.

Mr. HOLMAN. There certainly should be no objection to that amendment.

Mr. KASSON. For that reason I desire that the House shall say whether it desires to continue that system or not.

Mr. CATE. I have no objection to the committee taking testimony with open doors; but I do not want to conclude the action of the committee in the regulation of their own proceedings.

The SPEAKER *pro tempore*. Is there objection to the amendment?

Mr. HUNTON and others objected.

Mr. KASSON. Then I ask a vote of the House upon it.

Mr. HOLMAN. I trust there will be no objection to the amendment. It is highly proper that these investigations shall be open to the public.

Mr. MORRISON. I shall not object; but it seems to me that is a matter which should be left to the discretion of each committee for itself.

Mr. WOOD, of New York. "Open to the public" is a very indefinite phrase. A hundred thousand persons might present themselves at the door of the committee-room and demand admission.

Mr. KASSON. Will the gentleman suggest some more appropriate language?

Mr. WOOD, of New York. I would suggest that in this case as in all others the committee should be allowed to determine whether their investigations shall be public or not.

Mr. KASSON. That is what I object to.

Mr. WOOD, of New York. That is what has been done in other cases.

Mr. KASSON. My language is that which is customary. If gentlemen do not wish to accomplish the end at all, but desire this investigation to be secret, they will of course vote down the proposition.

I promised to take as little time as possible; and if no gentleman desires to speak further, I will call for the previous question.

The previous question was seconded and the main question ordered.

The question being taken on agreeing to the amendment, there were—ayes 98, noes 37.

Mr. BAKER, of Indiana. No quorum has voted.

Mr. HOAR. I call for the yeas and nays.

Mr. KASSON. If any question is made upon the lack of a quorum, I hope the yeas and nays will be taken.

Mr. HOLMAN. No point is made upon the want of a quorum.

Mr. BAKER, of Indiana. I made the point that there was no quorum voting; and I insist upon it.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts [Mr. HOAR] insist on the call for the yeas and nays?

Mr. HOAR. I do. This is a very important public precedent; and I think the yeas and nays should be recorded upon it.

The SPEAKER *pro tempore*. The question then is on ordering the yeas and nays.

Mr. MORRISON. Was not the amendment carried?

The SPEAKER *pro tempore*. The affirmative vote was in the majority, but no quorum voted.

Mr. MORRISON. Nobody objects, I believe.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. HOAR] has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. ATKINS. Would it be in order to move an amendment?

The SPEAKER *pro tempore*. It would not, for the reason that the previous question is now operating.

The question was taken; and there were—yeas 170, nays 38, not voting 82; as follows:

YEAS—Messrs. Adams, Anderson, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Banning, Bell, Blair, Bland, Blount, Boone, Bradford, Bright, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, William P. Caldwell, Campbell, Cason, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cook, Crapo, Cutler, Danford, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Dunnell, Eames, Egbert, Ely, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Freeman, Frost, Frye, Garfield, Gibson, Glover, Goode, Goodin, Hale, Andrew H. Hamilton, Hancock, Haralson, Hardenbergh, John T. Harris, Hartridge, Hartzell, Hatcher, Hathorn, Hendee, Henderson, Goldsmith W. Hewitt, Hoar, Holman, Hopkins, Hoskins, Hunter, Hunton, Hurlbut, Hyman, Thomas L. Jones, Kasson, Kehr, Kelley, Ketchum, Kimball, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Levy, Lord, Lynch, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, Metcalfe, Milliken, Mills, Monroe, Morey, Morgan, Morrison, New, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Page, Payne, Phelps, Pierce, Plaisted, Platt, Poppleton, Potter, Pratt, Randall, John Reilly, Rice, Roberts, Robinson, Rusk, Sampson, Savage, Sayler, Schleicher, Sinnickson, A. Herr Smith, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Stowell, Teese, Thornburgh, Throckmorton, Martin I. Townsend, Tufts, Turney, Van Vorhes, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Warren,

Erastus Wells, Wheeler, White, Whiting, Wigginton, Wike, Willard, Charles G. Williams, William B. Williams, Willis, Wilshire, James Wilson, Woodburn, Woodworth, Yeates, and Young—170.

NAYS—Messrs. Ainsworth, Beebe, John Young Brown, John H. Caldwell, Cate, John B. Clarke of Kentucky, Cowan, Culberson, Dibrell, Gunter, Robert Hamilton, Henry R. Harris, Henkle, Abram S. Hewitt, Hurd, Lane, Lewis, L. A. Mackey, Mutchler, Neal, Parsons, John F. Philips, Piper, Rea, Reagan, Riddle, John Robbins, William M. Robbins, Scales, Siemons, Southard, Tarbox, Thompson, Thomas, John L. Vance, Walling, Jeremiah N. Williams, and Fernando Wood—38.

NOT VOTING—Messrs. Ashe, John H. Bagley, jr., Ballou, Banks, Barnum, Bass, Blackburn, Blaine, Bliss, Bradley, Burleigh, Candler, Cannon, Caswell, Caulfield, Clymer, Cochrane, Collins, Conger, Cox, Crounse, Darrall, Durand, Durham, Eden, Ellis, Farwell, Foster, Fuller, Gause, Benjamin W. Harris, Harrison, Haymond, Hays, Hereford, Hill, Hoge, Hooker, House, Hubbell, Jenks, Frank Jones, Joyce, King, Knott, Franklin Landers, Luttrell, Lynde, McMahon, Meade, Miller, Money, Nash, William A. Phillips, Powell, Purman, Rainey, James B. Reilly, Miles Ross, Sobieski Ross, Schumaker, Seelye, Sheakley, Singleton, Smalls, Stenger, Swann, Terry, Washington Townsend, Tucker, Wait, Gilbert C. Walker, Ward, G. Wiley Wells, Whitehouse, Whitthorne, Andrew Williams, Alpheus S. Williams, James Williams, James D. Williams, Benjamin Wilson, and Alan Wood, jr.—82.

So the amendment was adopted.

During the roll-call the following announcements were made:

Mr. J. B. REILLY. I am paired with my colleague, Mr. ALAN WOOD, who is absent by leave of the House. I do not know how he would vote on this question. If I were at liberty to vote, I should vote in the affirmative.

Mr. HARDENBERGH. I desire to announce that my colleague from New Jersey, Mr. ROSS, is absent on account of sickness.

Mr. MAGOON. My colleague, Mr. CASWELL, is absent by leave of the House. If present he would vote "ay."

Mr. RIDDLE. The gentleman from Indiana, Mr. HAYMOND, is absent on account of sickness.

Mr. WALLACE, of South Carolina. My colleague, Mr. SMALLS, is absent on leave. If here he would vote "ay."

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. CATE] withdraws the motion for the reference of the resolution; and the question is now on its adoption as amended.

The resolution, as amended, was adopted.

Mr. KASSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRANSFER OF INDIAN BUREAU TO THE WAR DEPARTMENT.

Mr. SPARKS. I call for the regular order—the unfinished business of yesterday.

The SPEAKER *pro tempore*. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department. The previous question has been seconded and the main question ordered. The gentleman from Illinois [Mr. SPARKS] is entitled to the floor.

Mr. SPARKS. I yield twenty minutes to the gentleman from New York, [Mr. TOWNSEND.]

Mr. TOWNSEND, of New York. I believe in the Christian religion. I am a humble member of the Presbyterian Church. I believe in Christian missions. American missions had their birth in the town in which I was raised, amid the prayers of Samuel John Mills. I believe Christianity and Christian civilization are to pervade and conquer the world. I believe the race of man is a unit and that the Indian, the African, the Caucasian, the Mongolian, are all one people and in the end all will be subordinated to one civilization. I have been all my life in favor of aiding the action of our American missionaries, of every form of creed and faith, but I am not and never have been in favor of clerical control in the Government of this or any other country. It is a thing of the past. There is no such thing in Christendom at the present moment as civil government in the hands of religious denominations, however excellent. That time has gone by. Even the states of the Church are in the hands of the people of Italy, under the control of the citizens and the administration of Victor Emmanuel. The only remnant of clerical rule in Christendom is to be found in the British Parliament, where, in holiday guise, the bishops appear in their lawn gowns in the House of Lords to remind the world that there was a day when Wolsey ruled England; that there was a day when Richelieu ruled France; that there was a day when Hildebrand dominated the world. It is the only use the pageant of English bishops subserves in the economy of the British government.

Ah, but good men must rule. I know in Washington an excellent Presbyterian gentleman by the name of Mitchell. I attend his ministrations on the Sabbath. I know an excellent Methodist clergyman by the name of Newman. I know an excellent clergyman by the name of Sunderland. Do any of my friends on this side of the House propose to abdicate and put Mitchell or Sunderland or Newman into power at Washington to control the affairs of the country? Our Christian missionaries have never asked to control the countries to which they have gone. They do not ask the control even of the Indian country and it is crowding upon them what they do not desire. It is outside their calling, outside their office, outside the wishes of the devoted self-denying Christian missionary.

There is another thing I do not believe. I do not believe one word of the charges of maladministration against the Indian Bureau—not one word of it. I do not believe one word against the Interior Department, one word against the President, one word against the Indian Commissioner. It is not for this or any of these reasons that I am in favor of this bill.

And allow me to say another thing. I do not believe one word of the fitness of the comparison drawn by the gentleman from Ohio [Mr. BANNING] or the gentleman from Mississippi [Mr. HOOKER] between the expense of the administration of the Indian Department in 1848 and that of the present day. You might as well go back and make a comparison between the expenses of this year and the year 1621, when Captain Standish, with six soldiers and the firelocks of that day, warred against the Indians and held at bay the entire Indian world. The gentleman from Ohio says we had 400,000 Indians in 1848, but there were probably a million on our present territory in 1621.

Let us go back to 1848. The treaty of Guadalupe Hidalgo was signed on the 5th of February, 1848. At that day we had not a post save Fort Leavenworth on the other side of the Missouri. There was an unoccupied country equal almost, if not quite, to the entire continent of Europe, which we have since entered upon, put our railroads through, run our roads over, erected telegraphs upon, and created States and Territories upon, and now, after having made treaties with our Indians, we find ourselves under the necessity, by the Army, by the Military Department of the Government, of protecting and guarding this entire territory. And hence it is that the expenses are so enormous as they are. Not enormous as compared with the country we have gained, because it is not a thousandth part of the interest upon the annual value of these territories.

The reason why I support this bill is because it is for the interest of the administration of the duties devolving upon us in that vast territory that the power there exerted should be a unit, to the end that the administration shall be economical; that safety shall be secured as well to the Indian as to the settler, and that unity of counsels shall obtain. What is the great purpose of our Indian administration? It is an attempt to deal with a race of savages. I do not now refer to the partially civilized tribes, because they do not properly come within the purview of this bill. But when you go beyond the Indian Territory, it is properly dealing with a race of savages, and not only with savages, but savages who by two hundred generations of war have become the fiercest, the bloodiest, the most stealthy, the most cruel which now exist in the world, or ever did exist on the face of the globe. I wish Dr. SEELYE were here, for I would like to say to him what I say to the gentlemen who are here. The Indian on the plains is not a pet lamb, about whose neck you may tie a blue ribbon, and with whom you may lie down in peace. [Laughter.] He would be a bad company under such circumstances. Why the Society of Friends, the men of peace, the men who would resist nothing, have in their plan of government of the Indians this conclusion, be the same more or less, "*an adequate police force for the arrest and control of offenders.*" [Laughter.]

What kind of police would you send there? Would you send to the Indian country a man with a broad-brimmed hat and a locust club? He would find himself in trouble in a very short time. No, sir; you require to have the strong arm of the military power. And I say now that if you were to withdraw the military and leave the missionaries on this ground in less than a year there would not be a man of them with his hair on his head; not a man of them all.

I know that when we get upon such subjects it is a great deal pleasanter to be sentimental and to sing songs and to tell nursery stories and repeat nursery rhymes than to meet the subject as it is. I appeal to the men of the frontier as to how you are to get along with the Indian. My friend from Nebraska [Mr. CROUNSE] told us yesterday that he thought the change to the Military Bureau was extermination. I tell him that within two years the murderous Sioux have crossed his State, the whole breadth of it, to maraud upon the Pawnees and to murder the wives and children of those Indians upon the Kansas border and did murder every living creature they found in the tents, right at his own door and by his own fireside. Such are these pet lambs.

Mr. CROUNSE. I hope the gentleman——

Mr. TOWNSEND, of New York. I am telling this as a fact, and I cannot give way, because I have only twenty minutes. I am ready to have a talk with the gentleman after this is over to his heart's content.

I take the Indian as he is, not as I hope to have him; not as he should be. And I say that the Indian has got to be ruled; ruled with a strong hand. We have got to have the "police" that even our Quaker friends want there. I cannot be asked to go further than the Quakers, and I know of no other police than the military power that can answer the purpose.

But this is not all. This sentimentality in regard to the Indian question is leading to the worst results. What is it leading to? The utter, hopeless extermination of the Indian. Is there a man here who does not know who kills the Indian? It is the Indian who kills the Indian. There are thirty deaths of Indians by the hands of Indians; yes, a hundred by the hands of Indians to one by the hands of white men. Who does not know it? A man is to blame for not knowing it with the means of gaining intelligence which we possess. There are some partially civilized tribes on the Missouri; the Mandans, the Gros Ventres, the Arickarees; and they live every day of their lives in terror of the Sioux, who would murder them in three days. If you were to withdraw your soldiers, every soul of these civilized Indians would be exterminated at once.

Will you tell me how the Indian is to become a civilized man? You leave your laws in a shape to disgrace you before the world. I say to those of the Indian Committee, if there be such who do not propose to vote for this bill and who do not wish to have it adopted, if a white man kills an Indian, the law will hold him amenable; if an Indian kills a white man, the law will hold him amenable. But if an Indian kills an Indian, you cannot punish him in the courts. If an Indian marauding crew from the Sioux go into an Indian reservation and commit wholesale murder and robbery, the military may send them back again to their own homes, but that is all that is done. When they murdered our kindred in Minnesota we hanged some, we imprisoned some, and we broke that portion of the tribe forever. But when the same atrocities are perpetrated upon the Indians by the Indians there is no imprisonment, there is no hanging, there is no reparation. The poor Indian must submit. And what is the result? The Indian must defend his family, as dear to him as my family is to me, with his bow and his spear. You compel him to live a savage, prepared to defend with his own hands or see all that he holds dear destroyed. How is he to settle down as a farmer? How is he to improve his condition?

And let me say to gentlemen on this side of the House, never since God made me was I more surprised than I was yesterday to see the body of you vote against the proposition of the gentleman from Illinois [Mr. SPARKS] to allow an Indian when he chooses to come and be naturalized, to have the right to hold land, to have the protection of the law and the protection of the Government. I know I shall be blamed by many of you for the vote I cast. But how are you to wash your hands of this? What the Indian wants is protection. He wants to be put upon the same footing as other citizens.

I have another thing to say. There is much love for the Indian here. I want to ask that this love be shown in action. Why do you not create a territory, either by the name of Oklahoma or some other name, and allow that body of Indians there, who have advanced far toward civilization, the right of governing themselves? If you do not want to make citizens of the United States of them, in heaven's name make them citizens of the territory. Do something for them. Do not prate about it. Do not talk religion, and leave them to utter helplessness and utter destruction.

I know there is a bill before the House that proposes to turn that body of red men and partially red men over to the tender mercies of the squatters in the territory, to create the territory, but to let the squatters rule it, and take away their lands, and by law rob them of their existence. Why not put these men on the footing of other citizens, and give them the rights of other men? And then you will see whether the Indian can be civilized or not.

Here has been the mistake in all our legislation upon the subject of the Indians. I grant you that our relations with them in consequence of treaties have been peculiar, but we occupy the position of guardian and ward, as well as that of a contracting power. As between us and the great world, all this territory is ours. It is our duty to police it at least. It is just like any case in which the Territory belongs to the United States, and the eminent domain is in the people of the United States. While the title is in individuals, the law protects our citizens from an Indian; we punish an Indian if he marauds upon us, but we do not stir a step to protect the Indian and his family when assailed by red men.

Why not make the Indian a citizen in the Territory where he lives? Make him a citizen of the United States or not, as you please, but protect him by law in the region in which he lives, protect him by the laws of the United States, and then this Indian question will be solved.

I have but a minute more, but I want to say another thing. I do not believe that the Indians for the last five years have been peaceful because they were under the control of religious missionaries. There never was a greater fallacy. The missionaries have not made the Indians peaceful. Phil. Sheridan, and men like him, were the persons who made them peaceful. Where now is the great Comanche tribe which twenty years ago dominated the plains north of Texas? Sir, they are a depressed and scattered people. The game is being destroyed on the plains and the Indian has either to resort to agriculture or to be fed by the Government and to be protected or die. How can he raise flocks or cultivate farms? Suppose an Indian, an Arickaree or Mandan, should gather together a flock of one hundred head of cattle or one hundred ponies and he should attempt to go four or five miles from his home to herd them, he would lose his head in less time than a week, and probably lose his family. This is the way I understand the matter. But in the mean time let us try if we cannot do something in the interest of peace, something for the protection of the settlers, something to keep order, something for the preservation of the Indian and to enable him to attain civilization. Sir, I shall vote for this bill.

[Here the hammer fell.]

Mr. SPARKS. I now yield to my colleague on the Committee on Indian Affairs, [Mr. TUFTS.]

Mr. TUFTS. Mr. Speaker, I indorse the views of my friend from New York [Mr. TOWNSEND] in regard to civilizing and Christianizing Indians; I indorse his position as to territorializing them, &c.; but it has nothing to do with this bill. Before proceeding to discuss the measure, I desire to notice some of the points which he presented. He is opposed to ministers of the Gospel holding civil positions and has made the acquaintance of several eminent ministers in the city of Wasington, and he has heard no proposition yet to turn the affairs of this city over to them. Is he not acquainted with several very eminent military gentlemen, and has he ever heard a proposition to let them take entire charge of the city?

My friend talks about the police force which the Quakers ask for in their report; there is a police force recommended by that report, but it is to be made up entirely of the best trusted members of the tribe, and to be under the control of the Indian agents. These men, knowing the habits of their comrades, can much more easily arrest and bring for trial the bad men of the tribe than the cumbersome machine of the military, that a few Indians can, by hiding in inaccessible places, carry on war with for years. A mistaken idea has taken possession of some gentlemen that it is the intention of those who oppose this measure to withdraw the military forces from service among the Indians. This is a mistake which has been uppermost in the minds of some throughout the whole of this discussion. It is not the purpose to withdraw the military forces away from the Indian country, but to continue the present policy, that the agents themselves shall have the control of the Indians and the military to do what they were designed to do, what they were educated for—to carry out civil authority. Whenever it is proposed to turn over to the Military Department of the Government what can be carried on by the civil authorities, it is a usurpation that will result in good to nobody. The gentleman says that Phil. Sheridan was the missionary who did the work of civilizing the Indians! Very well; it is the intention of this side of the House to let Phil. Sheridan remain where he now is and work in his legitimate sphere and where he can do the most good.

Mr. Speaker, I should not have detained the House any further in the discussion of this question, but for the fact that statements have been made in regard to this matter which ought to be corrected.

The gentleman from Ohio [Mr. BANNING] in his speech the other day said that the appropriation for the Indian service in 1848 was $874,478 and that the appropriation this year is $7,063,000. I am astonished, Mr. Speaker, that a man of the intelligence of the gentleman from Ohio should make such a statement as this, because I do not believe that he intended to mislead the House. I have the facts and figures before me from the Department, and I will ask the Clerk to read the letter from the Commissioner of Indian Affairs:

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 20, 1876.

DEAR SIR: In compliance with your request of this date, I have had carefully prepared itemized statements showing the expense of the Indian service for the present fiscal year. This statement does not include any deficiency which has been or may be provided by Congress, nor does it include any funds appropriated for the fiscal year which may remain unexpended. It will be seen that the total is $5,513,507, of which $3,439,827 is paid under treaty stipulations, leaving the total amount of expenses of Indian service outside of treaty obligations $2,073,680. You will further observe that far the greater part of the expense under this last sum is made up of items of expense in caring for Indians who were not in any way provided for by the Government prior to the transfer of the Bureau to the Interior from the War Department in 1849.

The present cost of the Indians who were not under the control of the War Department is $1,626,000; and the cost of subsisting and caring for others, together with the contingent and incidental expenses of the Department, including salaries of the superintendents and agents and of the Commissioner and clerks in his Office, is $447,680; making the total cost of the Indian service, outside of treaty obligations, as before stated, $2,073,680.

These figures are taken from the Treasury appropriation warrants, and are absolutely correct.

It is therefore difficult to see how, without annulling all treaty obligations or leaving to their own resources the Indians now cared for by the Government who were not under the control of the War Department, a saving of over $2,000,000 could be made.

The unexpended balance of funds appropriated for the current fiscal year will probably more than equal the deficiency appropriations which have been or may be asked for.

Very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

Hon. J. Q. TUFTS.

Mr. TUFTS. The facts of the case are these: Out of $5,513,507 that was appropriated—not $7,000,000, as stated by the gentleman—$3,439,827 is to carry out treaty stipulations; not for the support of the Indians, but to pay them for lands that the Government has bought of them. For pay of agents there is appropriated $158,300, and for Office of Commissioner $77,880. The fact is, that the expenses of the Indian Bureau to-day, outside of treaty stipulations, is in all but $2,073,000, instead of $7,000,000, as stated by the gentleman from Ohio, [Mr. BANNING.] I call attention to the following itemized statement of the expenses of the Indian Bureau for 1876:

Itemized statement of incidental and contingent expenses of Indian Bureau, for 1876, *showing, first, expenditures for Indians who were not under care of the Bureau in* 1849, *and second, expenditures for Indians who were under care of the Bureau in* 1849, *together with the other incidental and contingent expenses of the Bureau.*

Amount appropriated for fiscal year 1876		$1,837,500
1. Expenditures for Indians not under care of Bureau, 1849:		
Captive Indians, Kansas	$300,000	
Indians at Fort Berthold	85,000	
Indians at Fort Peck	100,000	
Indians in Indian Territory	300,000	
Indians in Oregon	100,000	
Indians in California	65,000	
Indians in Nevada	35,000	
Indians in Utah	20,000	
Indians in Wyoming	5,000	
Chief of Utes	1,000	
Modoc and Wichita Indians	60,000	
Apaches in Arizona and New Mexico	555,000	
		1,626,000

2. Expenditures for Indians who were under care of Bureau in 1849, and also contingent and incidental expenses:		
Payment to Flatheads	$5,000	
Payment to Pawnees for lands	6,000	
Subsistence of Kansas Indians	20,000	
Expenses of board of Indian commissioners	15,000	
Expenses of council with Indians	3,000	
Incidental expenses	81,000	
Civilization in central superintendency	10,090	
Support of schools	7,000	
Statistics and historical data	3,500	
Expenses of Indian inspectors	15,000	
Contingencies, repairs, &c	46,000	
		$211,500
		1,837,500

RECAPITULATION.

Incidental and contingent expenses as above	$1,837,500
Pay of agents, &c., statement 1	158,300
Office of Commissioner, statement 1	77,880
Total outside treaty stipulations	2,073,680

Appropriations for Indian service in 1876.

Treaty stipulations	$3,439,827
Incidental and contingent	1,837,500
Pay of agents, &c	158,300
Office of Commissioner	77,880
Total	5,513,507

The gentleman from North Carolina, [Mr. SCALES,] who opened this discussion, had a great deal to say about frauds that had been perpetrated by Indian agents. He gave the items in the different accounts of Indian agents and made some very funny showings. He said that he had found in looking up this matter an item of forty dozen pairs of elastic garters. I would not call attention to this matter now had not reference been made to it by many democratic gentlemen during this discussion. One would think they have had elastic garters as a special diet, judging from the elasticity of their statements. The gentleman from North Carolina, in place of giving it to the House as the reports give it, forty dozen pairs, says there were forty thousand garters.

Now I submit, Mr. Speaker, that the garters must have been a number one superb article, if they were as elastic as the statements of my friend from North Carolina. As the gentleman seems fond of that kind of literature, he will find in looking through the itemized accounts of Indian expenses in 1848 that there were some very interesting items, that he can carry home and show his constituents what angelic creatures the Indian Bureau was composed of before it was transferred to the Interior Department. He will find contingencies, &c., sundries, etc., tavern bill, &c., whisky, &c., furnished to the Indians under the War Department before 1849, when everything connected with the Indian service was so pure.

Again, in looking over the discussion upon this subject in the Senate during this period, I found that one Senator arose in his place and charged that one Indian account of $40,000 had been paid by the Government three times over. I will say for the credit of the pure system under which they were operating that another Senator arose in his place and, with all the virtuous indignation he could command, declared that the account had been paid but twice. [Laughter.] General MacDowell, on his oath before the Indian Committee, says that Indian affairs before the transfer from the War Department were just as corrupt as they are now.

It has been charged that there are Indian rings; the chairman of the Committee on Indian Affairs [Mr. SCALES] says that there are Indian rings in existence. Now that gentleman is a member of a committee of investigation, and if he believed the charge he made he ought to have gone before that committee and presented it to them, where the investigation could be carried out and the guilty parties brought to justice.

Allow me to say that politics has nothing to do to-day with the appointments in the Indian service; not a single politician has been appointed an Indian agent during the last two years. The evidence before the Committee on Military Affairs has been of military men, because, as the gentleman says, they know all about the matter. I submit that it is natural for every committee and for every Department to desire to control all that they can. We see on the floor of this House every day almost committees eternally quarreling as to who shall have control of this matter or of that, and it is but natural for the military to desire control of this Bureau.

It is said that General Sherman and other military men are in favor of this transfer. The fact is that at one time the testimony of General Sherman is one way and at another time it is another. It is a fact, however, that there is one statement he has never changed: He says that, *if you want war, then turn the Indians over to the War Department; if you want peace, then leave them where they are.* And Mr. Welsh says that General Sherman, whom he knows well, has no faith whatever in the policy of civilizing and christianizing the Indians.

Allow me to call attention to another fact. In the Indian Territory there are five civilized tribes; there is not a blanket Indian among them. They are an intelligent people, a civilized people. They have no particular interest in this bill, because neither the War Department nor the Interior Department has but little to do with them. Every delegate or member from those civilized tribes who has been here protests against this proposed change.

Many of these military men say that it would be a good thing for the Indian, but a bad thing for the Army, to make this transfer to the War Department. That very argument itself is enough to condemn this proposition, for if there is anything under heaven that is a curse to a nation it is a demoralized army.

Mr. EAMES. I thank the gentleman from Iowa [Mr. TUFTS] for his courtesy. It is not my purpose to make any remarks of my own in relation to this bill; but I desire before the discussion closes to have incorporated in the RECORD as a part of the debate upon this question the views which are expressed by the board of Indian commissioners in the last report which they have made. Those views are my own on this question, and coming from the source they do I think they are entitled to very great respect. I send to the Clerk's desk and ask ot have read that portion of their report relating to this subject which I have marked.

The Clerk read as follows:

At the present time the proposition to turn the government of the Indians over from the Department of the Interior to the War Department is gravely discussed, and finds many adherents among those who have heretofore given but little thought to the solution of what is called the "Indian problem." The opinion of the board on this important subject having been sought, officially and otherwise, we present the following as representing our views:

It should be remembered that the Indians once owned this broad continent from the Atlantic to the Pacific Ocean, and that our ancestors and ourselves have acknowledged their original ownership, and have purchased and acquired by treaty and by force all the lands we now possess. On the discovery of this continent it is estimated that it was occupied by about three millions of Indians. Now there are less than two hundred and eighty thousand remaining within the limits of the United States. We have removed them, by treaties and otherwise, before the tide of white population until they are confined within a comparatively narrow space. Now, the conscience of the very large majority of our fellow-citizens insists that we should be both just and generous with them, as they are rapidly dwindling away under the adverse influences to which they are greatly exposed by vicious and greedy white men with whom they are surrounded. The only hope of saving this remnant of a noble race lies in their education, civilization, and Christianization. During the last seven years, under many difficulties of administration, there has been a set purpose to improve their condition, which has borne good fruit and has succeeded beyond any reasonable expectation, as can be established by indubitable evidence. During this time, however, there have been those who have cruelly asserted that these Indians should be exterminated to make room for white men. Such advocates are found plentifully on the borders of Indian reservations and on the march to the Black Hills. Indeed, wherever the Indian has desirable lands men of this class can be found looking eagerly for an opportunity to enter in and possess them. These men to-day are all of the opinion that the Indians should be handed over to the care of the military. There is another and more respectable class who think it the "manifest destiny" of the white race to wipe out the aborigines, and that their extinction is only a question of time. Therefore they, too, are quite in favor of putting them under military control. But the vast majority of the American people, when their attention is directed to the subject, will, under a conscientious impulse, oppose any such measure.

While we have the highest respect for the ability, courage, and humanity of our military officers, we cannot close our eyes to the fact that the men who enlist in the Army in time of peace are among the most vicious of our population; and there is unquestionable and abundant evidence, as may be seen by the correspondence published herewith, that wherever the latter are brought into close contact with the Indians, the debauchery of the women and the demoralization of the men inevitably follow. If the Army are given the charge of the Indians, the camp and the agency will be in close proximity, and bad results are certain to follow.

In addition to this, it is worthy of consideration that military rule is everywhere, and in the nature of the case must be, arbitrary. Under its supremacy, force will be brought to bear upon the Indian; this will beget resistance and end in war; and war will, of course, though white men are slain, destroy the Indian.

It can hardly be a question with thoughtful men, whether it is not better to educate the Indians, to build houses and schools and churches for them, to teach them to cultivate the soil and acquire useful trades, to civilize and Christianize them, than to hand them over to a government that we do not choose for ourselves and our children; a government that would feel no interest in and would make no effort for the advancement of those whom it governed; a government which is opposed to the genius of liberty and the progress of the race. We cannot see any benefit whatever that is likely, or even possible, to result from relegating the care of the Indian to the Army. The Army is admirable in its place, but its function is not that of civil government in a republic like ours.

Mr. SPARKS. I now yield twenty minutes to the gentleman from Texas, [Mr. HANCOCK.]

Mr. HANCOCK. Mr. Speaker, it will be impossible in the short time allowed me to do more than take a very cursory view of the subject under consideration. The question is one of considerable moment, in fact of very great importance to the Indians, the parties to be more immediately affected by the proposed action; and that we may act understandingly, it is proper that we should contemplate the present condition of the Indians as well as the future disposition that we propose to make of them.

All must understand that situated as the Indians are, territorially and with reference to the means of subsistence, (with which nature at one time provided them in great abundance, but of which from that source they are now almost entirely deprived,) they have become to a very great degree, and as respects many of them absolutely, dependent upon the people of the United States. The Government has assumed toward them a policy that is usually termed the "peace policy," with which we have no disposition to find fault. By that peace policy it is proposed not only to feed but to civilize the Indians so far, if possible, as to make them self-supporting. It is a fact attested by every page of our history that as regards ameliorating their condition or civilizing them the people of the United States and their Government have entirely failed. The only advancement in civilization to be now found among the Indians is rather incidental than the result of any measure or line of policy adopted toward them. There is but little evidence of civilization to be found anywhere among the pure-blooded, unmixed Indians, even among the five tribes that have

been alluded to; and the little civilization that they have is traceable directly to two causes—their proximity to, and frequent communication with, the whites, and the necessities that have surrounded them forcing them to a locality. Without these conditions the Creeks, Cherokees, Choctaws, Chickasaws, and Seminoles, who comprise the five tribes spoken of as further advanced in civilization than others, would probably be but little further advanced than the mass of that people. From this we might draw some conclusion to direct us in our legislation—a business that we should undertake with calmness and deliberation, and with a full understanding, if possible, of the effect that is to follow our action.

But if we wish further light, we might not refuse to draw some from a source which we are accustomed to look upon with a certain degree of contempt, especially in the exercise of the powers of Government. The only people who have succeded at all in civilizing the Indians upon this continent are those who claim to be the descendants of the Latin race. They have succeeded, and succeeded in a very eminent degree. They have pursued a course different in some respects from that which the Anglo-Saxon would adopt, and a course which the Anglo-American has repudiated wherever he has gone. We do not amalgamate with any of the inferior races; nor will we do it. Whether we are better in consequence is not a question to be considered; I state the historical fact.

But that is not the only reason, probably, why this other branch of the human family have succeded so well in civilizing the Indians. There is another feature connected with their treatment of that race which is somewhat similar to that which by circumstance was applicable to the five tribes already named. The first step that they have taken everywhere has been to localize the Indians; and, Mr. Speaker, this is a necessary step to civilize any of the savage tribes. There has never been an advance of one step toward the civilization of any savage people until they have been localized by some means that became obligatory upon them.

With these hasty allusions to analogies from which we might draw some light, let us see the present condition of the Indians over whom we have jurisdiction. Under the peace policy we are attempting to localize them, and to some extent have succeeded in doing so; but we are enabled to do so simply by the interposition of the military power. There is not, so far as I know, an Indian reservation to-day that is not under the control of a military force in near proximity or within supporting distance, unless it may be in the Territory of Dakota, where at one place the military have been taken away; but I understand a petition has gone up for their return.

I was a little astonished at the remarks of the gentleman from Ohio [Mr. GARFIELD] the other day, when he stated, if I understood him, that there were but two or three places where a military force was now used in connection with the Indian service.

Mr. GARFIELD. Districts, I said.

Mr. HANCOCK. They are used, my friend, in every district and every reservation within the whole Indian jurisdiction. The instance in Dakota where the military have been taken too far away may be said to be almost the only exception; and now from that place there is a clamor for the military to be returned. The reason, then, of my friend's change of position is dependent upon an error in his information; and if he would recognize the facts as they exist, he might entertain the same opinion upon this subject that he did in 1870 and 1871. At Fort Sill there are eight companies of United States troops and one or two Indian agents. The same is substantially true of Camp Supply and the reservation at Fort Stanton. The case is the same in Arizona, New Mexico, Dakota, Idaho, Montana, and Wyoming. The case is the same all along the Pacific coast where there are Indians in charge of the Interior Department under the jurisdiction of the Indian commissioners.

Here, then, is a practical illustration of the present working of the system. Some one has properly characterized it as duplex—partly military and partly civil. If you go to Camp Supply or Fort Sill, you find eight companies, commanded at the present time by a brigadier-general, with a colonel, a lieutenant-colonel, a major, and some forty-eight other commissioned officers, as well as an Indian agent and his assistant. The military stand off to give protection to the Indian agent while he goes on to administer the laws we pass for the purpose of controlling and managing the Indians. For doing that we not only pay him a compensation, probably not more than it should be, but we also submit to a different mode for the purchase and transportation of supplies, as well as to a different mode of distribution from that which prevails in reference to the purchase, transportation, and distribution of supplies for the Army. We say, this being the case all over the country, it is not necessary, and one mode applicable to both, and of course less expensive, should be adopted; that we have a surplus of Army officers now unemployed peculiarly fitted to discharge this business, not for the purpose of making war against the Indian, but for the purpose of enforcing a policy toward him by which he shall recognize the fact not only that he is amenable to military authority, but also that the military authority will see to it he shall receive that protection which he is entitled to under the laws, and especially that he shall receive every dollar appropriated by Congress for the amelioration of his condition. Without seeking to reflect, for I have no disposition to do so, upon the Indian Bureau or the efficiency of any officer connected with that branch of the service, I feel warranted in saying that we can confidently rely upon the Military Department of the Government, the Quartermaster, Commissary, and the Paymaster, performing these duties as well, not to say better, than the men picked up here and there, whether politicians or otherwise.

I will not controvert the statement of the gentleman that for two years there have been no political appointments, for I do not know how that is. Nor will I run off, either, to consider the true object of keeping this thing in politics. This bill proposes to take it out, and to put it under the control of a set of men removed from all political influence. I have not time, however, to pursue that branch any further.

Another objection raised to this proposition is that religious denominations object to it. That is very likely to be the result of the misrepresentations which have been indulged in. Why, to hear gentlemen speak who oppose this measure one would suppose that its purpose was to declare war and pursue the Indian to extermination. Now, on the contrary, the object, the purpose, the aim of this bill is to protect the Indian in his rights, to locate and to civilize him, to make him, as far as possible, self-sustaining, and thereby materially improve his condition.

I grant you, Mr. Speaker and gentlemen of the House, that if your object is to give to the present generation of Indians the greatest enjoyment their nature is capable of receiving, then this bill should not pass, for the greatest pleasure the Indian can enjoy—the greatest his nature is capable of enjoying—is to engage in the chase, to go out into the forest and upon the plains to pursue, if not war, all the pleasures which belong to him in a state of nature. But, sir, he is not civilized in that way. He would rather pursue that course if he can be freed from all liability and responsibility, and have some one else to supply the wants of himself and family. At the expiration of this generation, however, if you pursue that course, with the consequent diminution of numbers, the chances are that the next generation of Indians will be far less expensive than the present one. It is inevitable there must be rapid diminution of the numbers of Indians so long as the present policy is pursued. Looking, then, to his future real benefit, to his welfare, exercising toward him really and in fact that high philanthropy which seems to agonize the very soul of my friend from New York, [Mr. COX,] until, Achilles-like, he charges upon all the military of the land, it seems to me we had better pursue another course. In doing that we do not in the slightest degree propose to interfere with these religious denominations. This bill would not do so in any way. It seems, wisely enough, the committee reporting this bill anticipated a hue and cry would be got up in this regard by parties opposed to the measure, and, therefore, incorporated a special provision whereby every Christian denomination of every kind is not only permitted but invited to erect schools and churches at any and all Indian reservations it sees proper. And they are guaranteed protection in doing whatever they may deem proper in educating and Christianizing the Indians; or, if they wish to do still better, they are to be protected in whatever may tend to assist the Indians in learning the arts of peace. Civilization must commence at the foundation-stone, in compliance with that injunction placed by the Creator upon man, that he shall earn his bread by the sweat of his brow. Until he has laid that foundation, none of the savage races ever have advanced in civilization. When they have so far advanced, they are then prepared for another step—to receive the truths of Christianity. When they have learned to provide for their own support, when they have advanced in education, Christianity, and civilization, they will then be able to occupy the position of citizens, and to discharge the duties belonging to it.

Now as to the question of economy. There is one thing which is certain, that if the present system is kept up, while we do not appropriate directly as much as $8,000,000, yet in point of fact the Indian service of the Government does cost the people of the United States nearly $20,000,000.

I observe a gentleman shaking his head at my statement about the cost of the Indian service under the present system. Let me show how it is. Every regiment of United States troops now costs over $1,200,000 a year. There are over ten of them—even more; I think there are twelve—exclusively used for this service; and but for this we should have no use for them; but for this necessity we could reduce the Army as low down or lower than my friend from New York [Mr. COX] insisted upon. But so long as this system is kept up there is an absolute necessity for this military power which costs the Government of the United States the large amount of money which I have stated in addition to the direct appropriation that is made to the Indians; that is, to their agents and the special agents and the board of Indian commissioners and all the paraphernalia that are gotten up simply for the benefit of these people that seem to be taking such a deep interest in the action of Congress.

I have been here going on six years, and I have observed more lobbying about this little measure than any I have witnessed since I have been in Congress, although some measures of great importance have come up during that time. I do not mean exactly that there have not been measures about which there has been more lobbying than about this, but those measures did not directly touch the officials and they do not come upon the floor, as we have seen them day after day with reference to this bill. They did not happen to reach the agents who are occupying positions exceedingly pleasant and agreeable to them, of course not by reason of any pecuniary consideration, but because they bring them into daily association with the

Indians in whose welfare they have a most lively interest. Perhaps it is on account of that we have seen this demonstration.

Now, Mr. Speaker, there is one other view I desire to present. The Indian is entitled I grant you in this connection to our first consideration. For the reasons to which I have hastily alluded, it is necessary that we should give him our protection. Without it the Indians of the present generation, like their progenitors, are destined to fade away, and very speedily, too. Turn the Indian loose, and day by day he is brought in contact with those influences which hasten his extermination, and very soon will consummate it. But while we are spending this money and striving to ameliorate his condition and advance him on the plane of civilization so that he may become self-sustaining, we should not forget the interests of the border people. The gentleman from New York [Mr. COX] said that all the border people, except his friend from Arkansas, [Mr. WILSHIRE,] want to exterminate the Indians. The gentleman's assumption in that respect is as groundless and as little reliable as are his historical allusions, all of which were in contrariety to the facts, and especially the last one. Even after he had been set right in regard to his allusion to the condition of the people in Algeria, he made a reference to our own neighborhood, to the management of Indian affairs in Canada, desiring to leave on the minds of the House the impression which seemed to be on his own mind that the civil authorities had the charge of the Indian department of Canada, while the fact is that it has been under the charge of the military all the time, exercising absolutely monarchical power and control over the Indian. I hope his statement as to the border members will not be regarded as any more founded on fact than his historical allusions, when he says they are all in favor of the extermination of the Indians. They have given evidence of no such disposition here. They have simply advocated the policy which they believed best for the interests of those they represent as well as of the Indians, and there need be no conflict between the two.

But, placing the Indian within limits, you must each and every one of you admit that if he can be kept there and properly treated, in the course of a generation at least he will be in a very different and greatly improved condition as compared with what he is at the present time. When you do that you will be giving protection to the settler against the marauding propensity of the Indian, and you will not be having those scenes of bloodshed and rapine from which sometimes the white people upon the border are the sufferers, but which seem not to have reached the understanding, or at least not to have touched the sympathy, of the gentleman from New York.

As to the course pursued by the military toward the Indian I have nothing to say. I think it has nothing to do with that question, and that is the reason why I have nothing to say about it. It does not determine the wisdom or propriety of the course pursued here. Those were the acts of men in war, and I presume the military discharged their duty as soldiers commendably and in such a way as to deserve, as they have received, the gratitude of their country and their Government.

[Here the hammer fell.]

Mr. HANCOCK. I desire to have published as part of my remarks a letter of Professor Marsh, which I hand to the reporters.

There was no objection. The letter is as follows:

YALE COLLEGE, NEW HAVEN, *April* 20, 1876.

SIR: In reply to your request for my opinion as to the propriety of transferring the Indian Bureau to the War Department, I have respectfully to say that I believe the proposed change a most desirable one.

During the past eight years my explorations in the West have given me an opportunity to become acquainted with the present system of Indian management, and also to judge what this service would be if intrusted to the Army. In my judgment, the transfer should be made without delay, for the following reasons:

First. Economy. The Government has now very perfect machinery for furnishing the Army on the frontier with food, clothing, and pay, and by the same means could easily supply the Indians also. The present system for supplying the Indians is loose and irresponsible, and tends to invite fraud. I believe the Government could save one-half of the annual appropriation for the Indians if the latter were under the War Department.

Second. Peace on the frontier would be greatly promoted by the change. Indians have a great respect for visible power, and this alone would often prevent disorder. A proper census of the Indians, now impossible, could be made, and all would be kept on their reservations, thus avoiding one of the most frequent sources of hostilities. There would then be no conflict of authority, as now, between agents and Army officers and no promises made that could not be kept.

Third. The best interests of the Indians themselves demand the change. What the Indians now need especially is justice and a firm, uniform policy. I am convinced that these can best be secured under Army management. Officers of the Army, as a class, are not unfriendly to the Indians, and those on the frontier are good judges of Indian character. Many of them take a deep interest in all that pertains to the welfare of the Indians. All efforts to improve and civilize the Indians could be made even better under Army officers than now, and I feel confident that the true interests of both the Indians and the Government would be advanced by the proposed change

I remain, with high respect, very truly yours,

O. C. MARSH.

General H. B. BANNING,
Chairman of Committee on Military Affairs,
House of Representatives.

Mr. GARFIELD. In answer to the criticism of my friend from Texas, [Mr. HANCOCK,] I quote the following paragraph from the recent letter of the Commissioner of Indian Affairs:

It is safe to assert that the days of Indian wars are almost over; throughout the wide West there is now peace. There are but two points along our borders where it would seem possible to provoke an open conflict, except by extreme hard usage. One of these is among the northern Sioux and the other with the most southerly tribe of Apaches. Of course there are marauding Indians as there are marauding white men, and generally from the same cause, namely, outlawry and vagabondism. This general peace is partly due to the fact that the Indian, pushed on all sides, deprived by fair means and foul of lands and game, has at last been brought to acknowledge both his helplessness and his dependence. During the past year the Sioux, the most powerful tribe on the continent, have borne unresistingly provocations which five years ago would have lighted the fires of an Indian war.

Mr. WALLING. Not having had an opportunity to deliver the remarks I had prepared in opposition to this bill, I ask leave to have them printed in the CONGRESSIONAL RECORD as part of the debates.

There was no objection.

The SPEAKER. The question is first on the pending amendments, which the Clerk will read.

Mr. RANDALL. I would suggest that where a separate vote is not called for the amendments shall be considered as adopted.

The SPEAKER *pro tempore*. The Chair will inquire if any gentleman desires a separate vote on any of the amendments?

Mr. PAGE. I would like to hear the amendments read.

The amendments reported from the Committee of the Whole on the state of the Union upon which no separate vote was asked for were read and agreed to.

The Clerk read the following amendment:

Insert as section 10 the following:

That whenever any Indian belonging to any organized Indian tribe or nation having treaty relations with the United States shall desire to become a citizen of the United States, he may become such citizen by appearing in open court in the United States district court nearest to the reservation of his tribe or nation and making proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests, that he has adopted the habits of civilized life and has for at least five years been able to support himself and family, and by taking an oath to support the Constitution of the United States: *Provided*, That no Indian who avails himself of the provision of this act shall on that account forfeit any interest which he may have in any improvement or other property in the reservation of the tribe or nation to which he may have belonged; nor shall such act in any manner impair his rights and interests in the lands, claims, or other property belonging, or which may hereafter belong, to his tribe or nation.

Mr. PAGE. I would ask the gentleman who reported this bill if that amendment does not change the existing law?

Mr. SPARKS. I do not know whether it does or not.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. WILSHIRE and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 94, not voting 66; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, Banning, Beebe, Bell, Bland, Blount, Boone, Bradford, Bright, John Young Brown, William R. Brown, Samuel D. Burchard, Cabell, John H. Caldwell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, Clymer, Cook, Cowan, Crounse, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Egbert, Faulkner, Finley, Forney, Fort, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartzell, Hatcher, Henkle, Hereford, Goldsmith W. Hewitt, Hoge, Hooker, Hopkins, Hunton, Hurd, Hurlbut, Jenks, Thomas L. Jones, Kasson, Lamar, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, L. A. Mackey, Maish, McMahon, Meade, Metcalfe, Mills, Money, Morrison, Mutchler, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Plaisted, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Sayler, Scales, Schleicher, Sheakley, William E. Smith, Southard, Springer, Strait, Stenger, Stone, Teese, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Turney, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walsh, Ward, Erastus Wells, Whiting, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, Fernando Wood, and Woodburn—130.

NAYS—Messrs. Adams, John H. Bagley, jr., John H. Baker, William H. Baker, Blair, Buckner, Horatio C. Burchard, William P. Caldwell, Cason, Chittenden, Cochrane, Conger, Cutler, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Ely, Evans, Felton, Freeman, Frost, Frye, Garfield, Hale, Haralson, Henry R. Harris, Hathorn, Hendee, Henderson, Abram S. Hewitt, Hoar, Holman, Hoskins, Hunter, Hyman, Kehr, Kelley, Ketchum, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, McFarland, Milliken, Monroe, Neal, New, Norton, Oliver, O'Neill, Page, Pierce, Platt, Potter, Pratt, Rainey, Robinson, Rusk, Sampson, Savage, Sinnickson, Siemons, A. Herr Smith, Stevenson, Stowell, Tarbox, Thompson, Tufts, Van Vorhes, John L. Vance, Wait, Waldron, John W. Wallace, Walling, G. Wiley Wells, White, Willard, Charles G. Williams, William B. Williams, Willis, Wilshire, James Wilson, Woodworth, Yeates, and Young—94.

NOT VOTING—Messrs. Ashe, Ballou, Banks, Barnum, Bass, Blackburn, Blaine, Bliss, Bradley, Burleigh, Campbell, Cannon, Caswell, Chapin, John B. Clark, jr., of Missouri, Collins, Cox, Crapo, Durand, Eden, Ellis, Farwell, Foster, Benjamin W. Harris, Hartridge, Haymond, Hays, Hill, House, Hubbell, Frank Jones, Joyce, Kimball, King, Knott, Franklin Landers, Lynde, Miller, Morey, Morgan, Nash, Packer, William A. Phillips, Poppleton, Powell, Purman, Miles Ross, Sobieski Ross, Schumaker, Seelye, Singleton, Smalls, Sparks, Swann, Terry, Washington Townsend, Tucker, Warren, Wheeler, Whitehouse, Whitthorne, Andrew Williams, James Williams, James D. Williams, Benjamin Wilson, and Alan Wood, jr.—66.

So the bill was passed.

During the roll-call,

Mr. ELLIS said: I desire to state that upon this question I am paired with Mr. ROSS, of New Jersey; if he were here he would vote "ay" and I would vote "no."

Mr. A. S. WILLIAMS. I desire to state that my colleague, Mr. DURAND, is absent by leave of the House; if present he would vote "ay."

Mr. SPARKS. I desire to say that I am paired upon this question with the gentleman from Massachusetts, Mr. SEELYE; if he were present he would vote "no" and I would vote "ay."

Mr. CLARK, of Missouri. I am paired upon this question with the gentleman from Illinois, Mr. CANNON; if he were present he would vote "no" and I would vote "ay."

I desire also to say that Mr. WHITEHOUSE is paired with Mr. FOSTER on this question; if Mr. WHITEHOUSE were here he would vote "ay" and Mr. FOSTER would vote "no."

Mr. JAMES B. REILLY. I desire to state that my colleague, Mr. ALAN WOOD, is absent by leave of the House.

Mr. HOLMAN. I am requested to state that the gentleman from New York, Mr. COX, is paired upon this question with the gentleman from Virginia, Mr. TERRY.

Mr. CAMPBELL. I desire to state that I am paired upon this question with my colleague, Mr. EDEN.

Mr. EAMES. I wish to announce to the House that my colleague, Mr. BALLOU, is absent by leave of the House; if here he would vote "no."

Mr. MORGAN. I am paired upon this question with Mr. CASWELL, of Wisconsin; if Mr. CASWELL were present he would "no" and I would vote "ay."

Mr. CONGER. My colleague, Mr. BRADLEY, is absent on account of important business; if he were here he would vote "no."

Mr. CLARKE, of Kentucky. My colleague, Mr. BLACKBURN, is absent from the House on account of sickness.

Mr. RAINEY. My colleague, Mr. SMALLS, is absent by leave of the House; if present he would vote "no."

Mr. FULLER. I wish to state that Mr. HAYMOND is absent from the House on account of sickness.

Mr. ATKINS. I desire to state that my colleague, Mr. WHITTHORNE, is absent on business by leave of the House.

Mr. HARDENBERGH. My colleague, Mr. ROSS, is absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. SPARKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN R. WATKINS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting all the papers on file in the claim of John R. Watkins for property alleged to have been taken during the war; which was referred to the Committee on War Claims.

A. H. HICKS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, in response to an inquiry from the Committee on Invalid Pensions, relative to the claim of A. H. Hicks, pilot of the Queen of the West; which was referred to the Committee on Invalid Pensions.

NAPOLEON B. GIDDINGS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, in response to a request from the Committee on Military Affairs, relative to the claim of Napoleon B. Giddings for powder taken from him in 1847 at Santa Fé, New Mexico; which was referred to the Committee on Military Affairs.

WOOD AT CHEYENNE AGENCY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting copies of papers in the case of Captain Davis, relative to a contract for wood at the Cheyenne agency; which was referred to the Committee on Expenditures in the War Department.

W. T. BUCK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting the report of the Adjutant-General on the case of W. T. Buck, Company B, Seventieth Regiment Ohio Volunteer Infantry; which was referred to the Committee on Military Affairs.

JESSE H. WEIRICK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting papers relating to the claim of Jesse H. Weirick for services as a clerk in the Quartermaster's Department; which was referred to the Committee of Claims.

GEORGE S. GUSTIN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on House bill No. 2533, for the relief of George S. Gustin, Company D, Seventy-fourth Illinois Volunteers; which was referred to the Committee on Military Affairs.

SYLVESTER D. AND SUSAN WILLARD.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting papers relating to the claim of Sylvester D. Willard and Susan Willard, for rent and damage of property at Murfreesborough, Tennessee, during the war; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

Mr. WILLIAMS, of Delaware, was granted leave of absence until Wednesday next.

Mr. CASWELL was granted leave of absence for ten days on account of important business.

Mr. CANNON, of Illinois, was granted leave of absence for ten days on account of important business.

Mr. SMITH, of Pennsylvania, was granted leave of absence for one week on account of the death of a friend.

Mr. RANDALL. I move that the House now adjourn.

MERCHANT SEAMEN.

Pending the motion to adjourn,

Mr. WARD, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 3187) to amend title 53 of the Revised Statutes, relating to merchant seamen; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted to the Committee on Commerce.

SEA-STORES IN BOND.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 3188) to authorize the purchase and consumption of sea-stores in bond; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CANAL FROM KENTUCKY TO THE SEA.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 3189) authorizing the survey of a canal-route to extend the slack-water navigation of the Kentucky River to the sea via the South Fork of the Kentucky River, Richland Creek, Cumberland River, Yellow Creek, Cumberland Gap, and the Yellow, Tennessee, Hiawassee, and Savannah Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TARIFF.

Mr. WHITE also, by unanimous consent, introduced a bill (H. R. No. 3190) to amend section 2505 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARY J. LEBOW.

Mr. MORGAN, by unanimous consent, introduced a bill (H. R. No. 3191) for the relief of Mary J. Lebow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL IRON-MOLDERS' UNION.

Mr. STENGER, from the Committee on Education and Labor, by unanimous consent, reported back the bill (H. R. No. 243) to incorporate the National Iron-Molders' Union; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HALE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of citizens of Illinois, in relation to the manufacture and sale of stamped envelopes by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. ATKINS: Papers relating to the petition of H. Johnson and others, citizens of Henderson, Madison, and McNairy Counties, Tennessee, for the refunding of taxes illegally collected from them, to the Committee on War Claims.

By Mr. BLAIR: The petition of Charles W. Lolley and 100 others, for a change in the pension laws so as to increase pensions for those who have lost an arm below the elbow or a leg below the knee, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of 35 business men and firms of Baltimore, against tariff changes, to the Committee of Ways and Means.

By Mr. O'NEILL: Memorial of the Board of Trade of Philadelphia, urging the permanent organization of the Signal Service and adequate appropriations for its maintenance, to the Committee on Appropriations.

By Mr. PIPER: Resolutions of the Chamber of Commerce of San Francisco, California, urging the passage of the bill providing for carrying into effect the treaty with the Hawaiian Islands, to the Committee of Ways and Means.

By Mr. RIDDLE: The petition of J. Bloomstein, for compensation for goods taken and for damages sustained on account of imprisonment by the United States military authorities, to the Committee on War Claims.

By Mr. RUSK: The petition of Leopold Schmidt, by his guardian, Jacob Weidemann, for a pension, to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Memorial of A. F. Cassell and 140 other citizens of Zanesville, Ohio, against any change in the tariff laws at the present time, to the Committee of Ways and Means.

By Mr. WALKER, of New York: The petition of Sally A. Smith, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Zenas Bradley, of similar import, to the same committee.

Also, the petition of citizens of the twenty-ninth district of New York, for the transfer of land adjoining the Brooklyn navy-yard to that city, for a public market, to the Committee on Naval Affairs.

By Mr. WALSH: The petition of William Walter, for compensation for property taken by United States troops, to the Committee on War Claims.

By Mr. WIKE: The petition of Barney and Hugh McKenna, that steps be taken to secure the release of Edward O'M. Condon, confined in a British prison as a political prisoner, to the Committee on Foreign Affairs.

Also, the petition of E. O. Cochran and others, relative to the rights of settlers on the Des Moines River lands, Iowa, to the Committee on Public Lands.

By Mr. WILLIAMS, of Indiana: The petition of 115 citizens of Dubois County, for a post-route from Huntingburgh, via Brentsville and Saint Anthony, to Schnellville, Dubois County, Indiana, to the Committee on the Post-Office and Post-Rroads.

Also, joint resolutions of the General Assembly of Indiana, favoring the passage of a law granting, without favor or discrimination, to those who served in the Mexican war for a period of sixty days or more, and were honorably discharged, the sum of $8 per month during their natural lives, to the Committee on Invalid Pensions.

By Mr. WOODWORTH: The petition of Henry S. King and 78 other citizens of Columbiana County, Ohio, that existing tariff laws be not disturbed, to the Committee of Ways and Means.

The following petitions and papers have been presented at the Clerk's desk, under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

The petition of William Wheeler Hubbell, for the establishment of a commercial money currency equal to gold and silver coin, to the Committee on Banking and Currency.

The petition of citizens of Iowa, for a post-route from Prairie View to Westerville, Iowa, to the Committee on the Post-Office and Post-Roads.

The petition of Thomas K. Davis, for a rehearing of his claim rejected by the southern claims commission, to the Committee on War Claims.

The petition of the clergy of South Washington for the removal of the Baltimore and Potomac and the Orange, Alexandria and Manassas Railways from Maryland and Virginia avenues and Sixth street southwest, to the Committee for the District of Columbia.

Three petitions of vessel-owners and others, protesting against the passage of House bill No. 523, to the Committee on Commerce.

The petition of William Zantzinger, secretary of the rear-admiral commanding United States naval forces Asiatic station, for relief, to the Committee on Naval Affairs.

The petition of soldiers of the late war, for the equalization of bounties, to the Committee on Military Affairs.

The petition of Amasa T. C. Dodge, for compensation for damages to his property by the District of Columbia board of public works, to the Committee for the District of Columbia.

Memorial of John J. Johnson and 106 other members of the bar of Washington, District of Columbia, relative to the license tax on members of the legal profession, to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 22, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MERCHANT SEAMEN.

Mr. WARD. I desire to enter a motion to reconsider the vote by which the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen was yesterday recommitted to the Committee on Commerce.

CERTIFICATES OF DISTRICT BOARD OF AUDIT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Second Comptroller of the Treasury, transmitting, in conformity with the joint resolution of March 14, 1876, the register of certificates issued by the board of audit of the District of Columbia; which, with the accompanying documents, was referred to the Committee for the District of Columbia.

ELECTION CONTEST—LEE VS. RAINEY.

The SPEAKER also laid before the House testimony in behalf of the sitting member in the contested-election case of Lee *vs.* Rainey, from the first congressional district of South Carolina; which was referred to the Committee of Elections.

RIGHTS OF CITIZENS ABROAD.

Mr. FAULKNER. I ask unanimous consent that the bill which was made a special order for to-day after the morning hour may be now taken up for consideration. In this request I have the concurrence of gentlemen interested in the business of the morning hour. If the bill be taken up, I wish to offer some amendments from the Committee on Foreign Affairs and then to explain the provisions of the bill, after which I shall be content that the bill lie over for further consideration.

The SPEAKER. By order of the House the bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, was made a special order for to-day after the morning hour and from day to day until disposed of. The gentleman from West Virginia [Mr. FAULKNER] now asks unanimous consent that, dispensing with the morning hour, the House proceed at once to the consideration of the special order.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That for the purposes of this act, the words "domicile" and "reside" are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely.

SEC. 2. That in order to assure to all persons born or naturalized in the United States, and subject to the jurisdiction thereof, the full enjoyment of the right to be citizens of the United States and of the State wherein they reside, it is hereby declared:

First. That all persons shall be regarded as entitled to the privileges and immunities of citizens of the United States and as subject to the duties imposed upon such citizens who may have been born and are residing within the United States and subject to the jurisdiction thereof; and also all married women whose husbands may be such citizens as against all powers except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born and shall continue to reside. But a child born within the United States of parents who are not citizens and who do not reside within the United States, and who are not subject to the jurisdiction of the United States, shall not be regarded as a citizen thereof, unless such child shall reside in the United States, or unless his or her father, or, in case of the death of the father, his or her mother, shall be naturalized during the minority of such child, or such child shall, within six months after becoming of age, file in the Department of State, in such form and with such proof as shall be prescribed by the Secretary of State, a written declaration of election to become such citizen, or shall become naturalized under general laws.

Secondly. A child born abroad, whose father may be a citizen of the United States and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority.

Third. The following persons shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States, within such intent, namely: First, citizens of the United States who become naturalized as citizens or subjects of another state, or who, in any foreign country, enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States, while such service continues; secondly, citizens of the United States who may be domiciled abroad, unless registered as hereinafter provided; commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return; citizens of the United States engaged in them may, by registering themselves as hereinafter provided, preserve presumptive proof of intent to return; thirdly, naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality; fourthly, a citizen of the United States becoming the wife of an alien who shall not reside within the United States; but such citizen may, on the death of her husband, become again a citizen of the United States by residing within one of the States or Territories, and becoming subject to the jurisdiction of the United States, and filing in the Department of State, in such form as may be prescribed by the Secretary of State, a written declaration of her election to become such citizen.

SEC. 3. That citizens of the United States who are, or may hereafter be, domiciled in a foreign country may, if adults, within six months of the time of first acquiring such domicile, and if minors, within six months after becoming of age, register themselves as such citizens at the legation of the United States in the country in which they may be domiciled, or if there be no such legation, then at a consulate to be designated by the Secretary of State. The registry shall be made by a written declaration signed by the person making it, stating in full his name, and the place and date of his birth; if naturalized, the time and place of his naturalization; his place of previous domicile in the United States; how long since he actually resided in the United States; whether he intends to return; if married, the name and nationality of his wife and the names and ages of his minor children, if any, and the dates and places of their birth. The diplomatic or consular representatives of the United States, as the case may be, shall, at the close of each calendar year, make return to the Department of State of such registries in such form as the Secretary of State may direct, and the Secretary of State shall annually transmit copies of such returns to Congress; and citizens of the United States of adult age, who shall remain out of the jurisdiction of the United States, and within the jurisdiction of some other power, continuously for two years, shall be held as domiciled in a foreign country, except as herein before provided.

SEC. 4. That the foregoing provisions of this act shall not be construed as affecting the right of inheritance or succession to real or personal property in any State. Within the Territories and within the domain subject to the exclusive jurisdiction of the United States real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a citizen of the United States; and a title to real and personal property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a citizen of the United States.

SEC. 5. That a marriage in a foreign country between citizens of the United States, or between a citizen of the United States and an alien, unless forbidden by the law of the country in which it takes place, may be contracted and solemnized in such manner and form as may be prescribed by the Secretary of State, in the presence of the principal diplomatic agent of the United States in such country, or of a consul-general or consul for the district in which it takes place, and shall in such case have full force and effect, and shall be valid to all intents and purposes throughout the United States. It is made the duty of such diplomatic agent or consul-general or consul, on being satisfied of the identity of the parties, and that at least one of them is a citizen of the United States, and that the marriage is not prohibited by the laws of the country, and on being requested to be present at any such marriage, to indicate a time and place when and where it may be solemnized in his presence, and to be present at such time and place, and when the marriage shall have been solemnized, to give to each party a certificate thereof, in such form as may be prescribed by the Secretary of State. At the close of each calendar year, he shall make a return to the Secretary of State of all marriages so contracted or solemnized in his presence within the year, showing, with respect to each party, the name, the age, the place and date of nativity, the place of residence, and such other

facts as he may think necessary. Section 31 of the act of June 22, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial power to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," is hereby repealed.

Mr. FAULKNER. I now submit, in accordance with the recommendation of the Committee on Foreign Affairs, the amendments which I send to the Clerk.

The Clerk read as follows:

First, amend second section, ninth line, by inserting after the word "born" the words "or naturalized."

Second, strike from the second section thereof, commencing with the words "and also all," in the tenth line, page 2, all down to and including the word "reside," in the fourteenth line thereof.

Third, strike from the same section, commencing with the word "fourthly," in the fiftieth line, page 3, all down to the end of the section.

Fourth. Insert in the same section, after the thirty-second line, page 3, the following new subdivision:

"Thirdly. A married woman shall be deemed to be a citizen or subject of the State of which her husband is for the time being a citizen or subject; but an alien woman, married to a citizen of the United States, shall not, while within the jurisdiction of the country of her nativity, be entitled to claim the protection of the United States as against the country of her nativity, unless by the laws of such country her marriage to an alien divests her of her natural allegiance. A citizen of the United States who has become the wife of an alien may, on the death of her husband, become again a citizen of the United States, by residing within the United States and becoming subject to the jurisdiction thereof, and by filing in the Deparment of State, in such form as may be prescribed by the Secretary of State, a declaration of her election to become such citizen."

Fifth. Strike from the fifth section, commencing with the twenty-seventh line all down to and including the thirty-second line, and insert "4082 of the Revised Statutes is."

Sixth. Strike out from the ninth line of section 5 the word "full" and insert the words "the same;" in line 10, after the word "be," insert the word "as;" from the same line strike out the word "throughout" and insert the words "as if solemnized within."

Mr. COX. Will the gentleman from West Virginia allow me to offer a substitute for this bill or to give notice of it?

Mr. FAULKNER. Certainly.

Mr. COX. The bill, I understand, is not to be voted on to-day; and as it will go over, I would like to have my substitute printed.

The SPEAKER. If the substitute is to be offered, it had better be submitted now.

The substitute was read, as follows:

Strike out all after the enacting clause of the bill and insert the following:

That any citizen of the United States who has at any time before, or may at any time after, the passing of this act voluntarily become naturalized as a citizen or subject of a foreign state, or who in any foreign country shall enter into the civil, naval, or military service of any foreign prince or state, shall cease to be a citizen of the United States, and be regarded as an alien. Such person may be re-admitted to citizenship in the manner prescribed by law for the naturalization of aliens: *Provided*, That a citizen of the United States, having become the wife of an alien, may on the death of her husband become again a citizen of the United States, by appearing in person before any court of record of any State or Territory having common-law jurisdiction, and a seal and clerk or prothonotary, or before any circuit or district court of the United States, and producing satisfactory proof of her citizenship before marriage and of the death of her alien husband, and filing a written declaration under oath of her intention to again become a citizen of the United States, which proceedings, together with the order of the court thereon, shall be recorded by the clerk of the court.

SEC. 2. That nothing contained in the preceding section shall be construed as affecting the right of inheritance or succession to real or personal property in any State or Territory in the United States.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) The question first recurs on the amendments to the bill submitted by the Committee on Foreign Affairs; and if there be no objection the question will be taken upon them in gross.

There was no objection, and the amendments were agreed to.

The SPEAKER *pro tempore*. The question now recurs on the substitute submitted by the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, I did not know it was intended by the gentleman from West Virginia, who has charge of this bill, to ask for a vote upon the amendments or for any action at this time.

The SPEAKER *pro tempore*. The amendments reported from the committee have been agreed to.

Mr. O'BRIEN. The amendments were not read from the Clerk's desk.

The SPEAKER *pro tempore*. They were stated by the gentleman from West Virginia.

Mr. O'BRIEN. I did not understand the amendments reported from the committee were to be voted on before they were printed. I hope the gentleman will not take advantage of what has taken place as it were without objection, but, on the contrary, that he will allow the question to be reconsidered.

Mr. FAULKNER. What question?

Mr. O'BRIEN. Why, the question on the amendments.

Mr. FAULKNER. They are amendments which the Committee on Foreign Affairs have asked to be put to their own bill, and surely no gentleman will object to the committee amending their own bill.

Mr. O'BRIEN. That will depend very much on what the amendments are.

The SPEAKER *pro tempore*. The amendments have been agreed to, and the gentleman from West Virginia is entitled to the floor.

Mr. FAULKNER. Mr. Speaker, the questions presented by this bill do not possess that domestic interest which usually attaches to the legislation of this House, and they are especially devoid of those sectional and political fascinations which seem to exercise so powerful a sway over the attention of this body. They are nevertheless worthy of its careful consideration.

The President of the United States, in his two annual messages to the last Congress, and again in his annual message to the present Congress, has invited our attention to the necessity of some appropriate legislation upon the subjects embraced in this bill. So in like manner the attention of the Committee on Foreign Affairs has, during the present session, been directed by the Department of State to the propriety of legislation on this subject. The extensive correspondence which the Secretary of State necessarily has with our ministers and consuls abroad has made him familiar with the embarrassments and perplexities which have resulted from the want of some precise and well-defined rules regulating many constantly-recurring questions of nationality; and an effort has been made in this bill so to define and prescribe these rules as to produce more uniformity of doctrine between ourselves and those nations with whom we have intercourse, and to relieve this subject from some of the difficulties which now surround it.

I desire here *in limine* to remark that this bill in no respect conflicts with the right of expatriation. That we recognize as a fundamental doctrine of our free Government. We claim, indeed, to have been the first nation—certainly in modern times—to have recognized this principle in practice; and while many of our most eminent and distinguished jurists, trammeled by the feudal principles derived from the common law of England, have maintained the doctrine of perpetual allegiance, yet from the earliest history of this Government the executive department in its intercourse with foreign nations has maintained the doctrine of expatriation, and the question is now forever set at rest by an act of Congress passed in July, 1868, declaring it a fundamental doctrine of this Government. It will therefore be found that this bill, so far from conflicting with that recognized doctrine, if liable to any objection on that score at all, is subject to the charge of too great facility in enabling American citizens to throw off their national character.

Again, sir, this bill makes no distinction of any kind between native-born and naturalized citizens. It places them all upon the same footing of perfect equality which the Constitution, laws, and policy of this country designed that they should occupy; and we adopt in its fullest extent the principle embraced in the act of July 27, 1868, that all naturalized citizens of the United States, while in foreign states, shall be entitled to and shall receive from this Government the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

Again, sir, this bill in defining citizenship does not propose to affect in any manner the rights of inheritance or succession to real or personal property in any State, but leaves those questions to be determined by the law regulating such subjects in the several States. The main and leading purpose of this bill is to prescribe the law by which the personal rights of American citizens may be ascertained and determined in foreign countries, and to furnish our ministers and consuls abroad the rules by which they shall be governed in determining the status and personal rights of those citizens when called upon in the discharge of the delicate duty which so often devolves upon them of vindicating and protecting those rights by the power of this Government.

I now propose to present some general remarks explanatory of the objects and provisions of this bill. I will then have it read by sections, when it will be open to amendment and for such detailed explanation of its provisions as may be required by any member of this House.

It must strike every gentleman who has given the least attention to this subject that nothing can more contribute to the peace of nations and to the comfort of the people than uniformity of doctrine and decision among the Christian and civilized nations of the world upon all questions of private international law touching personal rights and, I might add, property. But this bill relates alone to personal rights. Unfortunately, in this connection, England and the United States have drawn their systems of jurisprudence from sources differing from those of the continental nations of Europe. While the latter have largely based their jurisprudence within the last half century upon the broad and comprehensive principles of the Roman civil law, and the Code Napoléon, which is itself largely based upon the Pandects of Justinian, England has been governed by the narrow, technical, and feudal principles of the common law, all of which we have inherited rather than adopted from the mother-country. Perpetual allegiance, nationality by locality of birth, the exclusion of the wife from the nationality of the husband, are all doctrines of feudal origin which England has abandoned only within the last few years and upon which we have but partially legislated within a recent period. The tendency of modern progress is to attain to something like uniformity upon all these doctrines, and throwing aside all effete, obsolete, and merely prescriptive views of these questions, to base our doctrines upon the broad and comprehensive principles of right, justice, and common sense. Hereditary error, though founded in the sanction of centuries, is rapidly disappearing before the lights which knowledge and international intercourse are casting over the practical affairs of life. At no former period of the world has this social and commercial intercourse between nations been so intimate and extensive. Commerce has become universal; the means of travel have become so extended, cheapened, and facilitated; the tide of immigration is so largely mingling the elements of different nationalities; Europe and America have become, by means of steam, so much like one vast family, that all must see not merely the theoretical but the prac-

tical value of uniformity and harmony upon these heretofore controverted questions of nationality among the civilized nations of the earth.

It is gratifying to observe the rapid diffusion of liberal ideas among the nations of Europe within the last half century. There is scarcely now one nation on that continent that does not open its arms to receive foreigners into the bosom of its society, with privileges almost equal to native-born citizens. There is not one, England included, that does not permit aliens to hold real and personal estate and transmit it by inheritance or devise. There is not one that does not recognize, to some extent, the rights of expatriation and emigration, where half a century ago these doctrines were received with distaste and abhorrence. Such, then, is the progress of modern civilization upon these points; and we may well anticipate that, by means of treaties, legislation, and the efforts of those learned international societies which are specially directing their attention to this subject, we shall in a few years see a perfect uniformity of doctrine upon all essential points of nationality, and thus one of the most ordinary causes of international discord will be forever removed.

The first section of this bill defines the sense in which the words "domicile" and "reside" are to be received throughout all its provisions. It is important to bear this definition in mind, otherwise the true intent and character of the bill will be misconceived. Many definitions of domicile may be found in the writings of our public jurists, but that has been selected which has the merit of being called the "American definition," and which is preferred even by Sir Robert Phillimore and other distinguished European writers. It is "a residence at a particular place, accompanied with positive or presumptive proof of an intention to remain there for an unlimited time." In this bill the essential part of that definition is the purpose not to return and intention to remain for an unlimited or indefinite period of time.

The second section, after prescribing who shall be regarded as entitled to the privileges and immunities of citizens of the United States as prescribed by the fourteenth amendment to the Constitution, then proceeds to touch upon some of those points of private international law which at one time were the subjects of great diversity in the doctrine and practice of nations.

First, then, in regard to married women: In every country *except* where the common law of England prevails, the nationality of a woman on marriage merges in that of the husband; she loses her own nationality and acquires his; whereas, by the common law, an English woman, marrying an alien, still remains a British subject. The law in this country was the same; an American woman, married to a foreigner, retained her American nationality. This common-law doctrine was changed in England by an act of Parliament passed in 1870, as it has been to a certain extent modified in the United States by the act of Congress of 1855. With the passage of the present bill, the doctrine may be considered as settled and alike accepted and adopted by all Christian and civilized nations, that the nationality of a married woman is merged in that of her husband. I know of no exception to this doctrine in any nation of Europe.

The same section touches upon the controverted question of *nationality by birth.*

Nationality by birth is in some countries determined by the mere *locality* where the child happens to be born; in others it is determined by *descent*, or by the national character of the parents without regard to the place of birth. By the common law of England nationality by birth is determined by the locality in which the child is born; so that every person born within the dominions of the Crown, no matter whether of English or foreign parents, and no matter whether the parents were only temporarily sojourning or visiting in the country, and no matter whether the father had ever set his foot upon English soil, was an English subject. No effect whatever was given to *descent* as a source of nationality. Such, also, has been the fixed American doctrine, derived from the common law of England, except so far as it has been partially modified by the act of Congress of 1855.

This rule of determining nationality by locality of birth was of purely feudal origin. It belonged to the *adscripti glebæ*, and was originally established in England as suitable to the isolated position of that island and to the absence of intercourse of foreign nations in Norman times. This was also the prevailing doctrine of Europe until the French revolution, when, under the influence of the Code Napoléon, it was discarded as a sound principle by the continental nations. A vigorous effort was made in 1868 by the minority of the learned commission appointed by the Queen of Great Britain to inquire into the law of naturalization and allegiance to abrogate the English principle altogether and to conform English legislation to the doctrines on the continent. That minority only succeeded partially in ingrafting their views upon the legislation of Great Britain. We have to some extent conformed to continental theory and practice in our act of 1855. The provisions of the present bill upon that subject are based upon the principles recognized by our statute of 1855, and now, as I before remarked, universally adopted upon the continent of Europe. This bill provides that a child born within the United States of parents who are not citizens and who do not reside within one of the States or Territories, and who are not subject to the jurisdiction of the United States, shall not be regarded as a citizen thereof, unless such child shall reside in the United States and unless his or her father shall be naturalized during the minority of such child, or unless such child shall, within six months after becoming of age, file in the Department of State, in such form and with such proofs as shall be prescribed by the Secretary of State, a written declaration of election to become such citizen or shall become naturalized under general laws.

It further provides that a child born abroad, whose father may be a citizen of the United States residing in one of the States or Territories, shall be regarded as a citizen of the United States; thus discarding in the two cases referred to the doctrine of nationality by locality of birth, and adopting that of nationality by descent.

The same section proceeds to declare who shall not be regarded as citizens of the United States. They are—

First. Such as have become naturalized as citizens or subjects of another state. This proposition is too plain to require any explanation.

Secondly. Such as while in a *foreign country* shall enter into the civil, naval, or military service of any foreign prince or state. This does not affect that class of men who, living in this country, accept consulates or other similar appointments from foreign governments. It applies only to those who leave the country, and while abroad enter into such foreign service. But so soon as they retire from such foreign service, and return to this country, they are remitted to their rights of American citizenship.

Thirdly. Such as may be domiciled abroad without intent to return to the United States, unless they shall repel the presumption arising from this foreign domicile by registering themselves as American citizens in the mode prescribed by this bill.

Fourthly. Naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality.

Now I approach that provision of this bill which will incur most opposition, at least I so infer from the remarks of the gentleman from New York, [Mr. COX,] who, when I reported this bill from the Committee on Foreign Affairs, took occasion to express himself in strong reprobation of that feature of it.

This section—the third—provides that born or naturalized citizens of the United States who are or may be *domiciled* in a foreign country may register themselves as such citizens at the legation of the United States in the country in which they may be domiciled, or if there be no such legation, then at a consulate to be designated by the Secretary of State.

The bill further provides the mode and details of such registry, and requires the diplomatic or consular representative of the United States, as the case may be, at the close of each calendar year to make return to the Department of State of such registries, and directs the Secretary of State annually to transmit copies of such returns to Congress.

Now, sir, we have been told by the gentleman from New York, [Mr. COX,] and probably shall be told so again, that there is something degrading in requiring an American citizen to register himself at a legation or consulate. Degrading! How can such an act be degrading? Besides, sir, to what class of American citizens does this requisition apply? Is it required of the thousands who every year crowd our steamships and visit Europe, Asia, and the isles of the sea for the purposes of health, pleasure, education, or business? Certainly not, sir; and while the vast majority of these persons would do better to spend their superfluous cash in visiting the unequaled scenery and attractions of our own country, they are the masters of their own money, they may waste it where they please, and we take no control over their movements nor impose any obligations of registry upon them. To whom, then, does this law apply? To those who have *domiciled* themselves in foreign countries; who have left the United States with no intent to return, but with a fixed purpose to make their home in a foreign land, leaving all care of their country behind them. It applies to those who have substantially abandoned their country, have taken their wealth or their talents into foreign countries, there to stimulate the industries and add to the strength of alien governments; to those who contribute nothing in the form of taxes to the support of our Government, and who, in their fondness and admiration for foreign manners and society, have estranged themselves in interest, feeling, occupation, and pursuit from their own country. Now, is it this class of American citizens who have so earnestly excited the sympathies of the gentleman from New York? These persons who have thus practically abandoned their country are yet prompt, when they get into any difficulty, to appeal to this Government for protection, and would ask that we should even embroil ourselves in a war to vindicate their rights as American citizens. Now, as we know that by the principles of international law a national character may be acquired by domicile, and, as we know by our numerous naturalization treaties, expatriation may be presumed by a prescribed residence abroad, is it asking too much of this class of American citizens that they shall, for their own sakes and for our peace, preserve at the legation or consulate the evidence of their claim to American nationality? In my opinion, sir, this bill shows a most extraordinary tenderness for the rights of American citizenship when it permits this class of persons, who have really but little claim upon our protection, by this simple registration of their names to invoke all the physical powers of this Government to vindicate their rights if they should be assailed. Sir, I am unable to comprehend how any American citizen can feel himself degraded by recording the proud title of his citizenship in the face of a foreign population. If there be any man who feels himself humiliated

it must be one who is ashamed of his birthright, and who has exchanged the pride of an American citizen for the flunkeyism of European subserviency.

There are reasons which render this registry proper as an act of justice to this Government. It is our duty to extend the arm of protection to every American citizen, wherever he may be found upon this habitable globe. Now give us the means, in at least certain ordinarily occurring cases, to know who are and who are not entitled to demand our protection. It is not every person who claims to be an American citizen, in this day, that is entitled to that character. The manufacture and sale of naturalization papers have become a regular business. The traffic has been on so large a scale as to attract the notice both of the courts and of the Executive. Cases are frequently brought to the attention of our ministers of persons in possession of naturalization papers, regularly authenticated, who have never been within the limits of the United States, and whose claims to American citizenship, by virtue of such fraudulent papers, would never have been disclosed but for some difficulty in which they had become involved, and from which they sought to extricate themselves by an appeal to the protecting power of this Government.

These frauds upon the right of naturalization, when the cases occur within our own jurisdiction, are probably beyond remedy. Their certificates are judicial acts. As judgments of a court of competent jurisdiction they are held conclusive, and no mode has been yet provided by law by which they can be canceled and set aside even for fraud. Where, however, they are brought to the notice of our diplomatic agents in foreign countries, a larger and more liberal discretion is allowed in dealing with them.

But it is not so much for this class of persons that a registry is needed. Such certificates would rarely be brought to the legation for the purpose of registration. There is another class to which I will now refer. It is a well-known fact that there are hundreds of persons who emigrate to this country with no *bona fide* purpose or intent to become permanently a part of our population, and especially young men prior to the period when military service has been exacted of them. They reside here the time prescribed by law, and having thus acquired American citizenship, they return to their native countries there to remain the residue of their lives, using American citizenship for the sole and selfish purpose of escaping those burdens and obligations which fall in common upon all the inhabitants of that country. Of the existence and numbers of this class, our diplomatic correspondence furnishes the most abundant proof. It is they whose equivocal relations to the country consume three-fourths of the time of our ministers, and fill the pages of our diplomatic correspondence. No honest American citizen abroad should for one moment desire that his nationality should be ambiguous and involved in doubt. Here is a simple and inexpensive formula that enables him at once to remove all doubt as to his national character, and serve as a safe guide to our ministers and consuls.

This registration will operate in the general not only as a safeguard to the citizen himself and a guide to our diplomatic agents, but it has become a necessity under the numerous naturalization treaties which have been ratified between this and other governments. It is useless here to discuss whether all the provisions of those treaties have been made in sound policy. I know that objections have been made to some of them. I have upon a former occasion discussed one of those treaties, and have expressed my opinion that it was a brilliant diplomatic triumph upon the part of this country; but it is idle to discuss that question here. Those treaties are contracts with sovereign states, and are of the supreme law of the land. We are bound by their terms until they shall upon due notice be abrogated. By those treaties we have agreed that citizens of the United States may cease to be such, and may at their pleasure become citizens or subjects of other powers. We have agreed that residence abroad without intent to return shall of itself work expatriation. We have further agreed that a continuous residence of two years in the country of his origin shall afford presumptive evidence of such expatriation, to be repelled, however, by proper evidence that he still retains his American nationality. Now, sir, what simpler, what less expensive, what more convenient and satisfactory mode for the authentication of his intention could be devised than the registry of his name as such in the archives of our legation.

The practical value of some such means of preserving American citizenship abroad by those who come under the operation of our treaties, or under the law of domicile, was well illustrated in a case in diplomatic history which occurred nearly thirty years ago. Austria had a law that all foreigners who resided ten continuous years in the empire without adopting some means of freeing themselves from the Austrian citizenship acquired by such residence, by giving notice that they had no intention by such residence of becoming Austrian subjects, should be held to be subjects, and as such liable to all the burdens of that condition. During the Venetian insurrection in 1848, and while Venice was a part of the Austrian Empire, some British subjects who had resided ten years in that city became under that law Venetian citizens, as they had adopted no means to repel the presumption arising from residence. Forced loans were demanded of them, and they appealed for relief to the British government. But Lord Palmerston, who was then secretary of foreign affairs, refused to interpose on their behalf, upon the express ground that, having resided there ten years without adopting any steps to preserve their British character, they were liable in common with all other Austrian subjects to the forced loans demanded of them. Now, sir, if a registry so plain and simple as that provided for by this bill had existed there at that time and they had availed themselves of its terms of protection, they would have escaped the oppressive exactions to which they were compelled to submit.

I now approach the subject of marriage in foreign countries between citizens of the United States and between a citizen of the United States and an alien. This bill provides that, unless forbidden by the laws of the country in which they take place, such marriages may be contracted and solemnized, in such manner and form as may be prescribed by the Secretary of State in the presence of the principal diplomatic agent of the United States in such country, or of a consul-general or consul for the district in which they take place, and shall in such case have the same force and effect and shall be as valid to all intents and purposes as if solemnized within the United States. I omit here the further details of the bill upon this point.

It will be here observed that this section gives no authority to the minister or consul to solemnize marriages by pronouncing a form of espousal, but only to give them a valid sanction by their official presence.

The first question that naturally presents itself in this connection is, what necessity is there for any legislation upon this subject by Congress? It is the received doctrine throughout the civilized world that between persons *sui juris* marriage is to be decided by the law of the place where it is celebrated. If valid there, it is valid everywhere. In the language of Judge Story, "It has a legal ubiquity of obligation." If invalid there it is invalid everywhere. Now it may be said, if such be the universal law of the Christian world, why not leave our citizens who may be in foreign countries to conform to the law of such countries? Why should Congress concern itself about their marriages at all? This would, indeed, be a cold and selfish policy and not in accordance with the practice of other enlightened governments. Citizens abroad and citizens at home are alike entitled to the paternal consideration of their governments. Laws are enacted not simply to punish crime, but to promote the convenience and relieve the doubts and perplexities of the people. The difficulties which an American citizen most usually encounters in having marriage solemnized according to the law of foreign countries result from their municipal regulations prescribing a fixed period for the matrimonial domicile. In some countries, like France, it requires a residence of six months, in others, I believe, a year, and perhaps longer. There are many other requirements, such as the formal evidences of birth, &c., which it is difficult and sometimes altogether impracticable to comply with when absent from their country. Again, a marriage solemnized in many of the Catholic countries of Europe, if performed in accordance with their local law, would be deemed incapable of dissolution; and, while in England and the United States the law of the domicile would be held to prevail over the law of the place of the contract, there are other countries in which it would not be so held; and, no matter what the future conduct of the parties might be, there could be no divorce *a vinculo matrimonii*. In many of the Oriental and unchristian nations of Europe and Asia, conformity to their local laws would be out of the question. It may not here also be a matter unworthy of consideration that all patriotic American citizens in a foreign land have a very natural wish to have a contract of so much interest to them solemnized under the flag of their own country and upon that spot where, according to the courtesy and principles of international law, the power of this nation has a residence in the person and habitation of its minister.

It is because of considerations of this kind that all the enlightened nations of Europe have made provision for the celebration of these marriages at their legations and in the presence of their diplomatic and consular agents. The practice has prevailed for many years at the several legations of the United States, although no positive statute like the present was ever passed by Congress. The validity of those marriages has rested upon the principle of extraterritoriality accorded to the residence and office of the minister. When I was minister at Paris I was repeatedly called upon to have marriages celebrated at the legation. I then gave to the subject a careful consideration and reached the conclusion that such marriages were valid. I never assumed, as I understand some ministers have done, to perform the marriage ceremony myself, but it was done at my legation by some clergyman or rabbi in accordance with the religious forms, Jewish or Christian, that the parties interested selected. Mr. Hoffman, in a letter to the Secretary of State, of August, 1874, states that during the seven years that he was secretary of legation at Paris one hundred and fifty marriages were celebrated at the legation in that city.

I am well aware that some of our public jurists, William Beach Lawrence among the number, deny this principle of extraterritoriality as embracing the validity of marriages celebrated at the legations. He informs us that General Cass, when minister at Paris, had so much doubt of the doctrine that he would not permit his daughter to be married to his own secretary at the legation, but required the marriage to be celebrated at the *mairie* according to the strictest formalities of the French local law. This may have been a very prudent and discreet exercise of parental solicitude upon the part of General Cass, and while there may be some ground for diversity of opinion I am well satisfied that the weight of legal authority supports the

validity of those marriages. But in a case of this kind there should be no ground for doubt, if it is in the power of legislation to remove that doubt. Marriage is too sacred an institution, its consequences to the parties, to their offspring, to the questions of inheritance and succession, to the peace and interests of society, are too important to permit a shade of doubt to rest for a moment on its validity. We should either absolutely forbid all marriages at the legation or remove all doubt as to their validity by the passage of such a bill as that which is now before us.

The question then is, will this law remove all doubt upon that subject? In other words, has Congress the power to give validity to a contract of marriage made in a foreign country when solemnized there between its own citizens in the presence of one of its own officers, and in conformity to its requirements? When I speak of validity I of course mean validity within the United States, not beyond its territorial limits. It is said that marriage is one of those domestic institutions which is under the exclusive control of the States. This is undoubtedly true in regard to all marriages within the limits of the Union; they can derive their validity alone from the laws of the States where solemnized. But while the States have properly reserved this right to be exclusively exercised by them within their own limits, they assert no right to exercise it in foreign countries. There cannot, therefore, be any conflict in such a case between the State and Federal authority. The States are unknown in our intercourse with foreign nations. They have no political existence, so far as foreign powers are concerned. An American in Paris is not a citizen of Pennsylvania or a citizen of West Virginia, but a citizen of the United States. The Constitution has created this a nation, and has endowed it with all the attributes and powers that belong to any other nation in its relations to the world at large. However limited or restricted may be its powers when acting in co-operation with the States in the joint administration of the varied internal concerns of this Republic, there is no such partnership of power when this Government acts in its relation with the other nations of the world. Then its powers are supreme and exclusive. It is clothed with every attribute of national sovereignty which public law accords to any nation. Perfect equality of right and privilege among nations is a fundamental doctrine of modern international jurisprudence.

The practice of one nation by its legislation and within its own limits to give validity to acts done within a foreign country is of constant occurrence and has been universally recognized. Great Britain, Germany, France, Italy, and other powers have freely exercised the authority of giving validity to contracts of marriage solemnized according to their own laws at their legations in foreign countries. Can a power thus exercised by all other nations be justly denied to the United States? It is no answer to this to say that ours is a government of limited and defined powers, while those in Europe just referred to are without any such limitations. Ours is indeed a government of restricted authority so far as its relations to the States and the people are concerned. But as the representative of our sovereignty in its intercourse with foreign governments it has no limitation upon its sovereignty beyond that which international law imposes alike upon Great Britain, Germany, and France. It would indeed be a curious anomaly in the system of nations if the United States did not possess the power of giving validity to the acts of its own citizens done in foreign countries in pursuance of its own laws, when that right is conceded to all other nations, and when if it does not exist in Congress it cannot exist anywhere. It is difficult to see what right of any State is infringed by recognizing a contract of marriage made in France. If the marriage was performed at the *mairie*, according to French law, that contract, thus deriving validity from the local law of France, would be accepted as conclusive by every State court in the Union. Would they be less disposed to accept as conclusive a contract made by American citizens in France under an American law passed for the special benefit of our own people, and which can work prejudice to no one?

I have remarked that an American citizen in Paris is not a citizen of Pennsylvania or West Virginia, but a citizen of the United States. If involved in any difficulty with a foreign government, he can look for no relief from the interposition of his State. His appeal for protection can alone be to the United States. The duty of protection upon the part of the Government involves the reciprocal duty of allegiance on the part of the citizen. As the States have divested themselves of all power to protect their own citizens in foreign countries, and have devolved that duty exclusively upon the National Government, it must follow by necessary implication that this Government possesses all the powers necessary to that protection. This leaves its discretion unrestricted as to the mode and manner in which this protection shall be given; and if this Government believes, as do those of Great Britian, Germany, France, and others, that a proper and necessary part of that protection is to provide for and legalize marriages contracted by its citizens abroad, it falls fully within the scope of the powers conferred upon it.

This is not the first time in the history of this Government that Congress has exercised by legislation that power which the Constitution and nature of our Government devolves upon it, of protecting the rights of our citizens in foreign countries in cases of this kind; but I believe it is the first time that this power has been seriously questioned. Some years ago it was quite usual for our consuls to perform the marriage ceremony between citizens of the United States and citizens and aliens without observance of the laws of the particular country in which the ceremony was performed. The opinion of Attorney-General Cushing was asked by Mr. Marcy, when Secretary of State, as to the validity of such marriages. His opinion, marked by his usual ability and profusion of learning, was clear and decided that a consul possessed no such authority, and consequently that the marriages were invalid. He drew a distinction between ministers and consuls, and showed very conclusively that while the doctrine of extraterritoriality applied to the one, it did not to the other. Congress acted upon this opinion of the Attorney-General, and passed the law of the 22d of June, 1860; and while it omitted by statute to confer any authority upon our diplomatic agents, regarding them under that opinion as already possessed of it, it provided that marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized in the United States. This law has now been in operation for sixteen years. Many marriages have been solemnized under it, and I have never yet heard that the validity of these marriages, or the power of Congress to pass such a law, has been questioned.

Laws have existed upon our statute-book for many years authorizing the secretaries of legation and all consular officers to administer oaths, to take depositions, and to perform notarial acts in foreign countries, and provisions are contained in the same laws for punishing in any district court of the United States the crimes of perjury and forgery, when committed in foreign countries in violation of those acts. These last provisions for punishing extraterritorial crimes will no doubt strike the technical common-law jurist as a departure from all sound principle; but it is only one of the indications of the revolution now in progress in the doctrines of private international law, and results from a growing conviction on the part of England and the United States of the duty of punishing offenses committed against their own laws beyond the limits of their territory and to concur with the balance of the Christian world that the country of arrest should in some cases have jurisdiction as well as the country of the commission of the crime.

I have now concluded all that I propose to say in general explanation of the character and provisions of this bill, and unless some gentleman desires to reply to the views which I have presented I will, at the request of several gentlemen around me, move to postpone its further consideration until some day next week, when a full opportunity will be afforded for such amendments as may be offered to the bill.

Mr. Speaker, I have now said all I desire to say on the subject. I do not desire to press the consideration of the question further at this time but will yield the floor to any other gentleman who desires to address the House.

Mr. COX. I have proposed a substitute for this bill. I have endeavored to extract what virtue there was in the bill and place it in my substitute.

The SPEAKER *pro tempore*. The question first recurs on the gentleman's substitute.

Mr. COX. Mr. Speaker, at the beginning of this session I offered a resolution for the rescinding of the German treaty. The committee have reported against it. They give good reasons for their opinion. I agree to their report, because I desire no hasty action upon a treaty which is so soon to expire. What I desire is that the recommendations of the committee and the best wisdom of our diplomacy shall be exerted in improving our relations with Germany.

No one can overstate the importance of a good understanding with Germany. Her people are the salt of the earth. They go and come and bring and make thrift. In despite of their domestic police and other regulations against emigration, they are going to every part of the world. They carry the virtues and economies, the energy and the glory, that belong to the great race which held Rome at bay in her proudest days and which to-day dictates policy to Europe.

My reason, sir, for not urging the rescission of the treaty with Germany is well stated by the honorable gentleman from West Virginia [Mr. FAULKNER] in the report of the Foreign Affairs Committee (No. 96) which was laid upon our table on the 10th of February:

> But if the object of this proposed notice is simply to stimulate our Government to ask a revision of that treaty; to have it extended to the entire German Empire, including Alsace and Lorraine; to define with more precision some of the points of controversy growing out of subjects of expatriation, naturalization, and nationality; to incorporate into it some provisions that subsequent experience has introduced into our later treaties on that subject, the resolution of inquiry addressed to us is unobjectionable and indeed worthy of commendation.
>
> If our opinion of the future action of the German government is too favorable there will yet be ample time to apply the appropriate corrective. By the fifth article of that treaty it went into effect immediately on the exchange of ratifications, to continue in force for ten years from that day. Ratifications were exchanged on the 9th of May, 1868. A previous notice of six months is required to be given if we desire to terminate it at the end of ten years. A notice, therefore, given by the 19th of November, 1877, will terminate the treaty. We can therefore well leave twelve months more for diplomatic negotiation, and if by that time any evils resulting from alleged ambiguities and omissions in that treaty are not remedied, it will be in the power of Congress at its next session to direct a notice to terminate it, if in its judgment it would be wise and expedient to do so.

During the next twelvemonth the diplomacy of our country may well be employed in perfecting our relations with Germany.

The Germans have a proverb that a sparrow in the hand is better than a pigeon on the roof of the house. Let us therefore keep the

treaty until we get something better. While we would do everything to stop the abuse of American citizenship by German-Americans abroad, it should always be with the reservation that they are treated on the same footing with native citizens, and that no abnormal views like the present proposed measure shall enter into legislation as to citizenship.

I think that I express the German-American sentiment and the American sentiment when I say that the main defect of the German treaty is that we are left entirely to the good-will of the German governments. In a revision of the treaty, or rather in concluding a treaty comprising all the states of Germany, the Department of State should exact from the German government provisions tending to place upon a perfectly equal footing naturalized American citizens and their children, so far as their sojourn in Germany is concerned. If, under the existing treaties, a naturalized German returns to Germany and resides there for two years, the German government is not bound to recognize his own or his children's citizenship, while a native American may reside, with his children, in Germany as long as he pleases without justifying the German government in the assumption that he has no intention of returning to the United States, and that he has renounced his American citizenship. It is this unequal treatment against which the opposition of the German-Americans is chiefly directed. I admit that the assumption of an intended abuse of the American citizenship for the purpose of residing, with children, in Germany without being compelled to perform the duties of subjects, is more applicable to naturalized than to native citizens, and we cannot, therefore, censure the German government for being somewhat rigid in demanding proofs that such American citizens sojourn in Germany for transient purposes only. But a revised treaty should, on the other hand, afford naturalized citizens and their children better protection against annoyances by the German governments than they enjoy under the existing treaties.

My friend from West Virginia [Mr. FAULKNER] exaggerates somewhat in asserting that in ratifying the Bancroft treaties the German governments have unreservedly admitted the right of expatriation. If such were the case, our naturalized citizens would not have been placed on an exceptional footing by these treaties. In the case of Steinkauler, the German government has claimed as a German subject a native-born American, on the ground that his father, by his return to Germany, has renounced his expatriation, and the American Government has refused to grant the young man the protection due to an American citizen. There is evidently ample room for further concessions on the part of the German government, and the Secretary of State would render the German-Americans an important service if he could secure such concessions.

Admitting, Mr. Speaker, all the abuses which belong to our German-American people resident abroad, the question I propose to discuss is of larger moment. I discuss it in no "Federal" light. I have no prejudices, no democratic traditions to gratify at the expense of justice to our foreign relations.

Allow me then, while keeping my mind on the treaty with Germany, which was so incautiously made and which deserves so much amendment, to discuss in detail the bill presented by the gentleman from West Virginia. Then I may be permitted to add some general observations on the treaty and our right by treaty stipulation to limit or destroy citizenship.

First, as to the present bill:

The honorable gentleman from West Virginia, [Mr. FAULKNER,] on reporting the bill from the committee to the House, March 30, (Congressional Record, March 31, page 5,) was not explicit or exact in replying to my question that the bill is not the same which was in the House two years ago. It is true that it is not wholly the same bill of two years ago, which was forced back into committee; but it returned to the House last year, January 7, 1875, as a report of Judge E. R. Hoar from the same committee, was recommitted, and that was the last ever heard of it again outside of the committee-room, until the gentleman from West Virginia took it up, and his bill, unless greatly changed by the amendments just offered, is word for word, *punctuatim et literatim*, the identical bill which last year perished in the hands of Judge Hoar, and which was substantially—all but two clauses omitted and some changes of phraseology—the same bill killed in the House the year before. (Congressional Record, April 24, 1874.)

1. The bill starts out—as did the bill in 1874 and again in 1875—with declaring its purpose to be "to carry into execution the provisions of the fourteenth amendment to the Constitution, concerning citizenship." In this it can only refer to the first clause of the first section of that amendment, which reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

It is only the first section of the bill (and possibly the second clause of the second section, of which hereafter) that has any remote relevancy to this subject of the amendment, in that it seeks to provide that the words "reside" and "domicile" "are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely."

Let us see. The Constitution declares that citizens of the United States are "citizens of the State wherein they reside," and this bill declares virtually that they shall be citizens of the State in which they may be, "with direct or presumptive proof" to remain indefinitely. In all our statutory jurisprudence, State as well as Federal, the words "reside" and "residence" have acquired a technically well-defined significance. In the State of New York a period of one year constitutes the "residence" required for the acquisition of citizenship of the State, which includes the right to vote. It is so, probably, in every other State in the Union; and nowhere a mere "tramp," as it were, who comes into the State at hap-hazard, presumably intending to remain indefinitely, can acquire the legal "residence" entitling him to the privileges of citizenship of the State until he "resides" within such State one full year. The fourteenth amendment, in adopting the term "reside," has necessarily adopted it with its settled construction, as meaning a residence legally acquired according to the laws of the place of such residence. This first section of the bill goes apparently further. It would eventually override all the constitutional and statutory provisions in the various States concerning the acquisition of the privileges of local citizenship by residence alone. The words in this section requiring "a fixed residence at a particular place" do not avail against this objection, since, by making the mere presumption of an intent to remain sufficient, the "fixed residence," like a "fixed idea" in metaphysics, becomes an unrealizable fancy; and again, because, if the acquisition of a really permanent habitation in a State can make a man a citizen of the State, it does so from the very moment he acquires such habitation, regardless of all the contrary provisions contained in the State constitutions. No such violence to the rights of States was intended by the fourteenth amendment, and therefore this section, being liable to this objection, ought to be stricken out.

2. The second section has three distinct clauses or subdivisions, two of which are again subdivided into clauses or paragraphs. Every one of these more or less independent provisions should be considered separately.

After the first five lines of introduction, which are really but a pleonasm and should be expunged for that reason alone, this section proceeds in line 6:

> First, that all persons shall be regarded as entitled to the privileges and immunities of citizens of the United States and as subject to the duties imposed upon such citizens who may have been born and are residing within the United States and subject to the jurisdiction thereof.

Were Congress to declare by a solemn enactment that the sun shall shine by day and that by night there shall be darkness subject to occasional incursions of the moon, it would be just as sensible a proceeding as to pass this declaration in the bill. As in the matter of the sun and of the changes of the day and night, so in this respect has there a higher power intervened. The Constitution, to whose jurisdiction even Congress is subject, has declared that "all persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States;" and there is as little need for Congress to enact the Constitution into a law as there is for an attempt to paint snow white. That citizens of the United States are entitled to the privileges and immunities of such citizenship and subject to all the duties imposed upon such citizens follows so logically as a matter of course as effect follows cause. This is not legislation; it is a stump speech. In one sense, however, it may prove mischievous and give rise to endless difficulties. "Persons" includes the male and the female gender. Without arguing whether this paragraph, by recognizing "all persons" born and residing within the United States as endowed with the "privileges" of citizens, might or might not be claimed to confer upon women the privilege of voting or of practicing as attorneys "in the State where they reside," it is proper to refer to the sentence which declares that they are also to be "subject to the duties imposed upon such citizens." One of these duties is to serve the country in war, carry the musket to the front and defend her against all enemies. Can "all persons," without discrimination of age or sex, be made subject to that duty? Of course not; and, if not, then this lofty style of legislation explodes itself.

But this paragraph does even violence to the fourteenth amendment. Does it leave out all reference to persons "naturalized in the United States" and add an additional qualification of citizenship, not known to the Constitution, by confining its operation to persons who "are residing within the United States?" The amendment makes "all persons born or naturalized in the United States" citizens of the United States, no matter where they may be residing at any given time, and confers upon them citizenship of the State only "wherein they reside;" that is, where they have acquired a legal residence according to the laws thereof. The latter is local citizenship, the former national, and this, by force of the Constitution, depends solely upon birth or naturalization and not upon residence at any particular place, as does the citizenship of a State. This paragraph, therefore, is useless, improper, mischievous, and contrary to the fourteenth amendment at the same time; and for these reasons it ought to be dropped.

3. The next paragraph of this first subdivision of section 2, beginning with line 10, refers to alien women who become the wives of citizens of the United States.

I can say nothing better on this part than what has been said in my previous remarks in 1875 concerning this same identical provision of Judge Hoar's second bill, except I may add that the question is already covered by the second section of the act of February 10, 1855, section 1994 Revised Statutes United States, and by the principles of law governing matrimonial relations, now universally recognized.

4. The next subject, beginning at the end of line 14 and ending

with line 26, is indeed rare phraseological architecture, of the composite order. To one not accustomed to the anomalies of law terms and their meaning, it must appear as a paradox to read of "a child born within the United States of parents who" "do not reside within the United States," since to the common understanding this would indicate a physical impossibility. The lawyer knows that by the word "reside" in this section is only meant that undefinable "fixed residence in a particular place with direct or presumptive proof of an intent to remain indefinitely," which is mentioned in the first section, and meaning simply the place of "residence." It does not necessarily imply the bodily presence of the parents at their "residence." Why not say so, then, and make the language intelligible to all? Such child born within the United States of parents who do not reside in the United States "shall not be regarded as a citizen thereof, unless such child shall reside in the United States." Should this paragraph be adopted in its present form, there is no end to the puzzles to which it may give rise. The law presumes the "residence" of an infant—and all minor children are considered in law as infants—to follow the "residence" of his parents; if the parents have no "residence" in the United States, how can their child have a "residence" here? Moreover, minors are not free agents, but remain under the control of their parents, without whose consent they acquire no domiciliary rights. How, then, can an infant secure for himself even the legal fiction of a "domicile" or "residence" in this country away from the "domicile" or "residence" of its parents elsewhere? Should the parents, after the child is born here, leave it either to the care of friends or strangers, and the child grows up in the United States to man's estate, then the fourteenth amendment steps in, and by that constitutional provision he is a citizen as a "person born in the United States." It needs no act of Congress to make him such, nor could an act of Congress deprive him of that constitutional right. That portion of this conglomerate paragraph which provides that "a child born within the United States of parents" "who are not subject to the jurisdiction of the United States shall not be regarded as a citizen" is completely superfluous, inasmuch as all persons born under such circumstances are specially excepted from the operation of the fourteenth amendment, and no additional negative is required from Congress to make the exception any more valid. How an infant born under circumstances not entitling him to citizenship by right of birth may acquire it through the naturalization of his parents during his minority is already amply provided for by long existing laws, and all such new requirements as the filing of a declaration with the State Department, which this paragraph seeks to establish, are obnoxious innovations. They break into the accepted principle that naturalization is a judicial proceeding terminating with a solemn adjudgment of a court of competent jurisdiction, and not dependent on the favor or discretion of an executive officer of a department. The attempt to introduce the system here is a weak copy of the English practice, where naturalization is a favor granted or withheld by the Crown as it chooses. Even the British naturalization act of 1870, in its seventh section, fully recognizes this royal prerogative. In this Republic naturalization has ever been a right founded in law to be adjudged by a court, and the executive branch of the Government should have neither control over nor part in it.

5. The second subdivision of this section, from line 27 to 32, is thoroughly objectionable. In the first place it is useless, since the status of children born of American citizens in foreign countries is clearly defined by the first section of the act of February 10, 1855. That act declares these children to be citizens of the United States during their natural lives, but such citizenship does not descend to children whose parents have never resided in the United States.

The present bill would limit the duration of citizenship only during the minority of such children of American citizens, and in that it is utterly wrong. A person is either a citizen or he is not. In the latter case we have nothing to do with him. But if he is a citizen, that quality clings to him through life, or until he shall have voluntarily changed his nationality by assuming another. To declare a person to be a citizen for a term of years only, as a land-owner parcels out an estate among tenants, is an absurdity. Again, this clause declares that a child born abroad, whose father may be a citizen of the United States, shall follow the domicile of his father. It is this provision that has some connection with the purposes of the bill as announced in the first half of its title. The "domicile" mentioned can only be the domicile of the father somewhere in the United States, and not any transitory domicile the father may have acquired abroad, because in regard to that Congress has no jurisdiction to legislate at all. But a citizen of the United States and of the State of Massachusetts, resident and domiciled in Boston, goes to Europe and remains there ten or twenty years with his family. Children are born to him while abroad. Under the act of 1855 they are citizens of the United States, and they are also citizens of Massachusetts, because by a universally accepted rule the child follows the domicile of the father, and the father's domicile in the supposed case is in the city of Boston until the father shall have gained a domicile elsewhere in the United States. This rule is the common law not of this country and of England alone, but of the whole civilized world, and what is already so universally recognized needs no statutory affirmation.

But there is in this second subdivision a little phrase of only nine words which has a very suspicious bearing. The clause reads: "A child born abroad, whose father may be a citizen of the United States and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States," &c. What is the meaning of this requirement that the father must be "subject to the jurisdiction of the United States?" We can quickly arrive at it by the logical process of putting the sentence in its converse form, thus: "A child born abroad, whose father may be a citizen of the United States but not subject to the jurisdiction of the United States, shall not be regarded as a citizen of the United States." Consequently this provision contains a novel limitation upon the descent of citizenship from father to son, in that citizenship descends to a child born abroad from the father only in case the father remains subject to the jurisdiction of the United States. How? Nobody will pretend that the United States can exercise any direct or corporeal jurisdiction over an American citizen residing in London or Paris or Dresden or anywhere else outside of the limits and local jurisdiction of the United States, except in countries where by treaty stipulations the United States, like other Christian countries, exercise consular jurisdiction over resident citizens. But these exceptions do not come in question here. How, then, can any American citizen traveling or sojourning in Europe remain personally "subject to the jurisdiction of the United States?" Was George Peabody, for over thirty years a resident of London, while there ever personally subject to the jurisdiction of the United States? Not at all. And the same applies to every American in Europe, whether he remain away a month, a year, or fifty years. Is the citizenship of these fathers not to descend to their children born abroad because they are not subject to the jurisdiction of the United States? The act of 1855 says yes; this bill would imply no. Why change the rule as it has now existed for twenty-one years, since there is no necessity for a change? But the third clause of this second section, together with the third section of this bill, explain why this objectionable phrase has been interpolated here. Yet inasmuch as the act of February 10, 1855, being now section 1993 of the Revised Statutes of the United States, has for so many years been found sufficient and giving no cause for just complaint, it seems best to let well enough alone.

6. In the opening clause of the third subdivision of this section there is the first glimpse of desirable legislation of a nature that has been wanting and should be supplied; but it is so crude and incorrect in terms that it should be amended. It reads:

> Thirdly. The following persons shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States, within such intent, namely: First, citizens of the United States who become naturalized as citizens or subjects of another state, or who in any foreign country enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States, while such service continues.

There is a fundamental error and misdirection of meaning in the use of the words "subject to the jurisdiction of the United States," as here quoted in the bill from the fourteenth amendment. In the Slaughter-house cases the Supreme Court say:

> The phrase was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

From this authoritative interpretation it follows that the words in the fourteenth amendment, "subject to the jurisdiction of the United States," have no reference whatever to those persons who by birth or naturalization are constitutionally and legally citizens of the United States. The reference to this proviso has logically no place in this bill, which deals with the rights of citizens only, and not with the rights of those who are specially excepted by this proviso from becoming such citizens.

That persons on becoming naturalized elsewhere or entering the public service of any foreign power should cease to be citizens of the United States is perfectly right and proper, and a declaratory act to that effect should have been passed long ago. But this clause of the pending bill does not say so, and in that it falls short of being satisfactory. It only declares them "not subject to the jurisdiction of the United States," which of course would deprive them of all right to protection while they are abroad, but leaves their citizenship in abeyance, and to revive in case of their return to the United States. And here is the wrong in the bill. A citizen of the United States becoming naturalized in another country has left us; he has abjured his allegiance to the Republic, and has assumed the relation of a citizen or subject to another power. He thereby has become an alien to the United States, the same as if he had been an alien throughout life. We have no claims upon him, and he has none upon us. Should he return to this country, desirous to resume his lost citizenship, the way stands open to him, as to every other alien, in the process prescribed by our naturalization laws. Those who take public office in foreign states place themselves in the same category. They must necessarily take an oath of allegiance to the sovereign or state that employs them, and as no man can be assumed to owe allegiance to two nationalities at the same time, they deprive themselves by their own act of their American citizenship, thus accepting voluntarily the status of aliens to the United States. They also may again be naturalized here, by going through the same proceedings in court as other aliens.

This is the American doctrine of the effect of naturalization. The rule so lucidly laid down by General Cass, that a native of Germany, naturalized in the United States, when returning to the country of his birth, returns there as an American citizen and in no other capacity, is the only true guide in this question, and should be applied to

our own people also. When a native of the United States is naturalized in France, when returning to the country of his birth, he returns here as a French citizen and in no other capacity. Let us exact observance of this rule on both sides and we shall be right and will need no such questionable legislation as is proposed in this bill.

7. The "thirdly" of this third subdivision of section 2 brings up the deeper and wider question, whether the "naturalization treaties," especially those with the German states, are to be sustained as wise and politic. This clause deprives of the protection of the United States "naturalized citizens of the United States who may by the terms of any treaty be regarded as having resumed their original nationality." The adoption of this clause would be tantamount to a legislative approval of the treaties themselves by the House. Of that hereafter in full. It would also tend to establish it as a principle that a naturalized citizen is such only in a qualified sense; a principle opposed not only to the plain terms of the fourteenth amendment to the Constitution, but also to all previous legislation, notably that of 1868, found in the Revised Statutes as sections 2000 and 2001.

On this subject I have heretofore spoken so much on Judge Hoar's bill that nothing new is to be added.

8. To the fourth clause of this subdivision, beginning in line 50, the only objection is that it again introduces the "Department of State." The declaration mentioned should be required to be made before either one of the courts named in the first subdivision of section 2165 of the Revised Statutes, which is the act of April 14, 1802. The Secretary of State should have no power whatever over any step in naturalization, for the reason that it offends the republican principle. Admission of aliens to allegiance in European countries is, as a rule, a prerogative of the crown, because the obligation of allegiance runs to the sovereign, and the secretary or minister acts for his master, the sovereign. Here allegiance runs to the country, the people, the Constitution, and the laws; admission to allegiance is regulated by law, and every application for admission or re-admission is a matter for judicial determination, or at least judicial supervision.

9. The third section seeks to establish a most objectionable system of registration for American citizens journeying abroad. The details of the registry comprise the inauguration of a system of espionage over the private affairs of citizens against which every manly spirit must revolt. The whole scheme is largely borrowed from monarchical Europe, not of the present day, but of earlier times, when every traveler was compelled to have a passport about him, duly countersigned by the consular agent of the sovereign of his native country in the place he last visited. With these consular agents the traveler had to register all the particulars of himself and family if traveling with him. If this bill had added to the other requirements a demand that the citizen journeying abroad should also exhibit proof to the consul that he had enough ready money to pay the expenses of his journey and that he should be sent back to the United States if he had not, the draughtsman of the bill would only have imitated the ancient European system of consular surveillance still more clearly. Such legislation implies going back more than a hundred years, to the days when the relation of the subject to the state was yet that of a slave to his master. The passport was the collar of servitude placed upon the individual on his venturing beyond the domain of his sovereign, and it was his duty to have that passport registered and countersigned in every place where there was an official representative of his king. Only with that mark upon him was he permitted to go abroad. He was to be branded as the Texas stock-breeder brands his cattle before letting them roam over the prairie. Shall we return to that feudal system, subject our own citizens traveling abroad to a kind of surveillance which every monarchy in Europe, except, perhaps, Russia, has wholly abandoned? Shall we declare by law that, unless our citizens submit to it freely, they shall forfeit their right to be protected by the United States if they remain away continuously for two years? Is not this virtually a forfeiture of their citizenship while they remain abroad? Is Republican America, the champion of the freedom of the individual, to become the laughing-stock of the civilized world? Is she now, in this centennial year, to attempt putting her own citizens, while tarrying in foreign lands, in the chains of bureaucracy, and make her consuls and other officials their overseers or head-keepers? Are American citizens, like babes, to be held in leading-strings for fear that they might peradventure go astray?

But why should we adopt this innovation and introduce a system hitherto unknown to our laws? It is accepted as a rule that a law is enacted either to cure some evil or to advance some good, and if made for neither of these purposes such law is itself an unmixed evil. What, then, are the evils to be remedied? What good is to be achieved? Is it so great an evil that many thousands of our countrymen travel in all parts of the globe without sending a record home through the consuls to the State Department, showing where they have been, where they did go, whether they are single or married, and with how many children they are blest, and what is the name of their dear spouses and little ones? There is no evil in existence which this information would remedy, nor is there any useful purpose it could subserve.

The number of American travelers, taken altogether, is not large enough to affect the census returns as to population, nor is it pretended that this proposed registration of Americans abroad is to aid any census at home. But the effect of such a law, whatever its purpose or object, will undoubtedly be to restrict, as never before, the freedom of movement of citizens of the United States in foreign countries. It imposes as a penalty the forfeiture of their citizenship and of all rights under it, for the time, unless they submit to these restrictions. Such an effect of legislation is a wrong in itself of which Congress should never be guilty. Looked at from a strictly logical stand-point, it is a penalty imposed on going beyond the limits of the United States, as it would permit traveling and sojourning abroad with full rights of citizenship only on the conditions prescribed in this section.

If Congress can prescribe one string of conditions, it may prescribe others more or less severe. It may direct that a citizen, on being registered at a legation or consulate, shall pay a fee of a hundred or two hundred or any number of hundreds of dollars. It may even demand that any citizen on leaving the United States for a journey to foreign lands shall deposit with the Secretary of State a stipulated sum as security that he will return within a stated time; that he will not get into trouble while abroad; and that while gone he will pay all taxes at home that may be imposed during his absence. All this would be deemed absurd; yet it is the same in principle as the registration proposed in this section. *Obsta principiis* is a good rule, and should be followed in this instance.

10. The fourth section, except the first three lines, has nothing whatever to do with the general scope of this bill; and, though its object is good and salutary, it should be incorporated in some other act, or in the substitute which I offer to this bill.

11. The fifth and last section seems to have been specially framed for the purpose of reducing emigration to the United States. Its repealing clause is aimed at section 31 of the act of June 22, 1860, found at section 4082 of the Revised Statutes, page 792, in the following words:

> Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall in all cases give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificate shall specify the names of the parties, their ages, places of birth, and residence.

Now, mark how the pending section would change this. It would require that at least one of the parties so married be a citizen of the United States. The act now in force makes no such limitation, and it is well that it does not. Let me explain. Dating back to very ancient times, there are still in existence in Germany many obstacles to marriage, particularly among the working classes. Some of them may have been removed, others liberalized of late, but quite a number are still in force, and prevent thousands from marrying when and whom they like. This country has received a very large accession to its German population from this very cause. Thousands of young people have looked longingly across the ocean as the land where no arbitrary distinction would prevent their union, and they saved their scant earnings for years to enable them to pay their passage. These people on reaching the seaboard at Bremen, or Hamburg, or Havre, and preparing to go aboard the ship that was to carry them to their new home, generally applied to the American consul at these ports to be married by him and thus start upon their ocean journey as legally man and wife. Among these emigrants as I have heard, are many older people, men and women, who but for the laws of their own country would have been married years before, but they waited to accumulate the money for their emigration, and in the mean time children were the result of their intercourse. These also legitimatized their offspring by their marriage in presence of the consul before leaving for America. Such had grown to be the practice for many years prior to the passage of the act of 1860, and even without that act courts have held such marriages valid, except as a foundation for prosecution for bigamy as being a binding civil contract evidenced by the consular certificate. The opportunity of getting married by the consul before going on shipboard induced many thousands of women to consent to emigration, and without the women the men would not have come. In this way the practice of consular marriages greatly increased emigration and benefited this country.

Under the pending section, consuls would be prohibited from solemnizing any such marriages, as they would be authorized to act only in cases where both parties are already citizens, or at least one of them is. Moreover, nearly all such marriages are directly forbidden in Germany for one reason or another, reasons which do not operate as obstacles to marriage in this country; yet being forbidden, our consuls in that country would have no power under this section to solemnize such marriages between persons on their journey of emigration to America neither of whom is yet a citizen. The passage of the pending provision would consequently cut off one of the many influential inducements of emigration to the United States, and that at a time when we should stimulate every means in our power to increase it if possible. Why is this liberal act of 1860 to be repealed? Why is this section of the pending bill, with its prohibitory and restrictive clauses, to be substituted for it? Who asks for the change? Surely no one who knows anything of the beneficial effect which the law as it stands and the practice prevailing before its passage in 1860 have had upon immigration. But as we alone should suffer by complying with this request and by aiding in keeping emigrants away from the United States, it would be unwise to make the change involved in the passage of this bill.

On the 22d of April, 1874, arguing against a bill similar to this, re-

ported to the House by Judge Hoar, from the Committee on Foreign Affairs, and which sought to recognize in congressional legislation the leading principles of the naturalization treaty between this country and the North German Confederation, I had the honor to remark:

A variety of thoughts strike me here. * * * Among others, whether Congress has the constitutional power to pass any such act as this. Would it not be to some extent in the nature of a bill of attainder to legislate a citizen out of his rights? If Congress has the power to denationalize a citizen for being away from the country two years, could it not impose the same penalty for going abroad for any time, or at all?

That obnoxious bill fell with the adjournment of the last Congress, but the principles on which it rested face us to-day in the treaties concluded in 1868 by Mr. Bancroft with the North German Confederation and with several minor German states, all now parts of the German Empire, as well as in the bill before us.

Two years ago I hinted at the possible unconstitutionality of the proposed legislation. If the power be wanting in Congress to pass any such act, as some firmly believe, the inquiry naturally presents itself, Can two-thirds of the law-making power—the President and the Senate—do what all three parts—the President, Senate, and the House—conjointly cannot do? This is not expressing a flippant doubt, but stating a very serious question that goes to the root of the entire subject, as a brief argument will make clear.

GERMAN TREATY.

I make no apology for the general discussion of the relations of citizenship abroad under all our treaties, and especially the treaty with Germany. I had no opportunity for that discussion when my resolution was reported back adversely, as "it was laid on the table." But for future guidance this treaty should be analyzed in order to be ameliorated.

The treaty under consideration is generally known as the naturalization treaty of May 27, 1868, between North Germany and the United States. Its whole object is to regulate the relations of naturalized citizens between the two countries, and it culminates in the fourth article, which is its most objectionable part:

If a German, naturalized in America, renews his residence in North Germany without the intent to return to America he *shall* be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in North Germany, renews his residence in the United States without the intent to return to North Germany, he *shall* be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

As this provision is reciprocal, an American who has been naturalized in Germany is an alien here to all intents and purposes and as fully as if he had lived in Germany from his birth. But returning to this country as such alien and residing here more than two years he may claim and exercise, under this treaty, all the rights of American citizenship without being naturalized in the manner provided, which the Constitution and the law require of other aliens.

This treaty therefore establishes primarily two things: first, it is a rule of naturalization; and, secondly, it makes a different rule in our intercourse with the people of Germany than prevails in our intercourse with people of other countries.

It is a well-settled rule of constitutional and statutory construction—and it were wasting time to quote from elementary text-books in its support—that where a power is granted and the person or body to exercise that power is designated in the grant, such power is vested in the authority thus designated, and nowhere else. That power may remain in abeyance by neglect or refusal to use it, yet no other authority can intervene. If that be so—and I believe none will deny it—then it seems clear, as a principle of American constitutional law, that naturalization cannot be regulated by treaty. The eighth section of article 1 of the Constitution of the United States says:

The Congress shall have power: * * *
4. To establish a uniform rule of naturalization.

The first section of the same article declares that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

And the second and third subdivisions of section 7 of this article make the President a part of the law-making power, by conferring upon him the right to approve or veto any bill or concurrent resolution or order before either becomes a law.

It would be supererogation to attempt arguing any further that to establish a rule of naturalization is by these provisions of the Constitution declared to be one of the legislative powers granted to the Congress composed of both the Senate and the House, and subject to the President's approval or veto; and it seems not to be within the jurisdiction of the President and Senate alone under the treaty power vested in them by the second subdivision of section 2 of article 2. Hence any regulation concerning naturalization must proceed from the concurrent action of both Houses, with the approval of the President; and since this treaty does establish a rule concerning naturalization, yet as the treaty does not proceed from the concurrent action of both Houses with the approval of the President, but only from the President with the advice and consent of the Senate, there is no constitutional authority to sustain its validity.

It may be said that this treaty concerns itself principally with the relations of American citizens abroad, and its conclusion was therefore a proper exercise of that power which the law of nations attaches to every sovereignty in its intercourse with other sovereignties, and which is preserved in the Constitution by clothing the President, with the advice and consent of the Senate, with the power "to make treaties;" this grant being general and unlimited, excepting nothing from its operation. Tested by the most ancient rules of logic—and modern philosophers have not improved upon those left to the world by Aristotle—this claim of almost omnipotence for the treaty power cannot be sustained. If the legislative power of Congress can be invaded by the making of a treaty in one case, it can be invaded in all. "To borrow money on the credit of the United States" is given to Congress in the same section which confers upon it the power to establish a uniform rule of naturalization. If the latter can be constitutionally done by treaty, why could not the President alone, the Senate advising and consenting to it, "borrow money on the credit of the United States" from the government of England, for example, by simply entering into a treaty with that government? "To declare war" is another power of Congress. If the extent of the treaty power be as is claimed, then the President might to-day, with the Senate consenting, enter into a treaty obligation with England, France, Germany, or with other powers, to send the American Army and Navy to Cuba, ostensibly for the pacification of the island, and thus virtually declare war against Spain. As the President under the treaty power can do neither of these things, which all will admit, so also can he not interfere with the jurisdiction of Congress over the question of naturalization.

The ninth section of the second article enumerates various restrictions upon the legislative powers of Congress. Can the President and Senate override any of these by making a treaty with some foreign country? No. The fifth clause of the section provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." The man who should pretend that the President and Senate could nevertheless make a valid treaty, say with Great Britain, that all ships carrying cotton from the port of Mobile, and only those, should be exempt from paying tonnage dues and wharfage at Liverpool, would be laughed at as an idiot. Yet the claim put forward in favor of the validity of this naturalization treaty, on the ground of the treaty power, runs on all fours with that absurd pretense.

The Government of the United States is a limited sovereignty, limited not only by the restrictive clauses but also by the grants of power in the Constitution. Each department must move within the bounds fixed for it by the fundamental law and cannot exceed them. Not only can that not be done which is prohibited, but the powers granted must be exercised by that authority or department only to which they are intrusted, and by no other. Hence, as the establishing of a rule of naturalization is among the express powers of Congress, no other department of Government has any power over the subject.

Perhaps some will contend that this treaty, in its main provisions, does not refer to naturalization at all, but only to the rights or rather limitation of rights of the citizen after he has become naturalized. Such a narrow construction can be founded neither in logic nor in law; in both the major always includes the minor, and the use of a generic term covers all co-related branches implied in it.

In that view naturalization means not only the act of being naturalized and all the precursory steps to that end, by which an alien is invested with the attributes of a citizen and taken into the full fellowship of the nation, but used in the Constitution in its generic signification the term also includes the subsequent relation which the new citizen and the government of his choice shall bear to each other. It follows from this, *ex necessitate rei*, that all rules of naturalization must, either expressly or impliedly, cover not only the method in which an alien may assume citizenship, but also all the rights, privileges, and immunities which that citizenship confers. This the Congress of the United States has done by the passage of the act of July 27, 1868, precisely two months after the proclamation of this treaty with the North German Union; and the second section of that act says:

All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

This provision is again found in section 2000 of the Revised Statutes of the United States, adopted by Congress on June 22, 1874, six years and one month after this treaty went into effect. But the two are antagonistic. The treaty does not give the same protection to all naturalized citizens, but makes a distinction as to the country of their nativity, inasmuch as a naturalized American of English birth receives more protection in England than a naturalized American of German birth in Germany, nor does the treaty give to all naturalized citizens the same protection accorded to native-born citizens, since it makes a marked distinction between the two classes. The law of Congress, passed subsequently to the treaty, being diametrically opposed to the treaty, that one only of the two which has a constitutional warrant for its existence can stand, and the other must give way.

One reason why this treaty finds no support in the Constitution has already been given—that making rules concerning naturalization is not within the province of the President and the Senate, constituting the treaty power. It must be said further that this treaty, like those with other nations, is in its very nature a compact of reciprocity and seeks to secure to the citizens or subjects of the other contracting power the same rights here which American citizens are to

enjoy there. Heretofore all such treaties were confined to their legitimate limits. In our first treaty with France in 1778 reciprocal civic rights in regard to entering into business, to acquiring property, to removing from place to place, and the like, were guaranteed to Americans and Frenchmen in the two countries, but the question of citizenship, of assuming or renouncing allegiance, was not touched.

Again, in a similar treaty concluded with Switzerland in 1850, reciprocity of rights was conceded by each country, but the theory of presumptive naturalization, as it may be called, found no place in that document. During that interval of seventy-two years many other treaties of more or less like character were entered into, but never until 1868 has this theory been broached, and no statesman of the country had advanced the doctrine that the rules of naturalization and the rights of naturalized citizens, as established by Congress, could be regulated, changed, or abrogated by treaty.

The act of Congress of 1868 is not only in full harmony with the original Constitution but also with the fourteenth amendment, which was adopted July 28, 1868, two months after proclamation was made of the treaty, and says:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

There is no distinction in this provision between persons born and those naturalized. As to their subsequent rights, they are both citizens of equal degree, entitled to the same fundamental rights, privileges, and immunities. The words "and subject to the jurisdiction" of the United States do not affect this argument at all and do not exclude from citizenship and its privileges those citizens who sojourn in other countries and are in body for a longer or shorter period beyond the immediate "jurisdiction" of the United States. The meaning of this phrase in the amendment has, however, already received an authoritative interpretation by the Supreme Court of the United States in the well-known "Slaughter-house cases," where the court in their majority opinion say through Mr. Justice Miller:

The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born in this country.

The native and naturalized citizens being thus placed upon complete equality as to their rights, we turn again to the same majority opinion of the Supreme Court, where Mr. Justice Miller says:

"Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States.

Mr. Justice Field, in a dissenting opinion, quotes approvingly from Mr. Justice Washington in Corfield *vs.* Coryell, 4 Washington, C. C., page 380, that the fundamental privileges of a citizen of the United States might well be "all comprehended under the following general heads: Protection by the Government; the enjoyment of life and liberty," &c. It is therefore clear that the act of Congress of 1868 and 1874, declaring that all naturalized citizens shall receive the same protection abroad as native-born citizens, is in full harmony with this amendment to the Constitution as interpreted by our highest tribunal, and that the treaty is not.

The Constitution requires the rule of naturalization, which Congress was given the sole power to establish, to be uniform, and all the acts passed on the subject from 1791 to 1874—excepting some of the provisions of the "alien and sedition acts" of 1796—complied with this constitutional demand for uniformity. But how is it with these naturalization treaties? Secretary Fish himself complains of their utter want of uniformity. In a dispatch to Mr. Bancroft, dated April 14, 1873, he writes:

It is much to be desired that there should be a revision of the treaties respecting the status of naturalized Germans (other than Austrians) in the United States. They were all negotiated by you and you are doubtless familiar with their practical defects.

And as one vital defect in these treaties, Mr. Fish refers to the fact that "they make different and, in some respects, conflicting provisions respecting the naturalized citizens." It is evident, on the authority of Secretary Fish himself, that "different" and "conflicting" provisions respecting naturalized citizens do not constitute "a uniform rule of naturalization," as imperatively required by the Constitution. A very serious distinction is made in these treaties between naturalized citizens, natives of different countries. An Austrian, naturalized in the United States, may, under the treaty with that country, return to the land of his birth and remain there to the end of his days, yet he will be considered an American citizen and an alien to his native land, unless he voluntarily resume his former allegiance and renounce his American citizenship. But if a native of either Bavaria, Denmark, Hesse, Mexico, North Germany, Sweden, Norway, or Würtemberg, who has become naturalized in the United States, return to the country of his nativity and reside there for more than two years, he is held by virtue of the treaty to have forfeited his citizenship and his right to American protection. An American by birth may roam the world over, or settle permanently in any country, for business or pleasure, and he remains an American still, unless he has of his own free will renounced his citizenship, became a naturalized subject of the foreign state, and an alien to his native country. There is certainly no "uniform rule" in this as regards naturalization and the rights of citizens. But here is an extract from the analytical index to the "Treaties and Conventions of the United States with other Powers," which gives a still better view of the confusion which these treaties have caused:

NATURALIZATION.—Citizens of one nationality are to be deemed and taken to have become citizens of the other, who during a continuous residence of five years in the territories of the other have become naturalized—Austria, Sweden, Norway; who have resided uninterruptedly there five years, and before, during, or after that time have become or shall become naturalized—Baden; who have become or shall become naturalized, and shall have resided there uninterruptedly five years—Bavaria, Hesse, Mexico, North Germany; as explained in the protocol—Würtemberg; who may or shall have been naturalized there—Belgium, Denmark; who have become or shall become naturalized—Great Britain. The declaration of intention to become a citizen has not the effect of citizenship—Austria, Baden, Bavaria, Hesse, Mexico, North Germany, Sweden, Norway, Würtemberg. A naturalized citizen may renounce his acquired citizenship—Austria, Baden, Bavaria, Hesse, Mexico, North Germany, Sweden, Norway, Würtemberg; but this renunciation does not entitle him to recover his former citizenship—Bavaria. A return of the naturalized citizen to his original country is not of itself a renunciation of his acquired citizenship, and no fixed period of residence in his original country works of itself a renunciation—Austria, Baden. A residence in the old country without the intent to return works a renunciation, and the intent not to return may be held to exist when the residence is for more than two years—Bavaria, Denmark, Hesse, Mexico, North Germany, Sweden, Norway, Würtemberg; but in Mexico that presumption may be rebutted by proof.

From this enumeration is seen the diversity and conflicting character of these treaties. Against some of them, like those with Austria and Great Britain, nothing can be said, as they are simply a recognition by international agreement of the municipal laws of this country on the subject—the only basis on which naturalization treaties should be concluded. But the treaty with the North German Union, now embracing the whole German Empire, upsets our municipal laws in this respect, since it deals with our naturalized citizens as citizens only in a qualified sense, (an expression invented by Judge Hoar when Attorney-General,) who retain their original nationality in a dormant state, to revive, even against their will, by the mere residence in their native country for more than two years. This arrangement is contrary to the Constitution of the United States, contrary to the interpretation put upon the fourteenth amendment by the Supreme Court, and contrary to the act of Congress of 1868, re-enacted in 1874.

If this treaty be a law at all, it is as much a law concerning Americans naturalized in Germany and returning here as it is concerning naturalized citizens of German birth returning to their first country. In that respect it conflicts with all the acts of Congress passed on the subject, and never yet has that body seen fit to change its laws in order to conform them to this peculiar treaty. Nor could it do so. For then the rule of naturalization would not be uniform, and any such act would be held unconstitutional.

There are repeated decisions of the Supreme Court that "under the general law of nations a treaty does not operate of itself to effect the purposes of its provisions, but requires, as respects infraterritorial operation, to be carried into effect by the sovereign power," which for this purpose rests in Congress. (Foster *vs.* Neilson, 2 Peters, page 253; United States *vs.* Arredondo, *ibid.*, page 692; United States *vs.* Perchemann, 7 Peters, page 51.) And "a treaty which requires the action of Congress to give it effect is not the supreme law of the land until such action is taken." (Turner *vs.* American Baptist Missionary Union, 5 McLean, page 344.) And still more explicit is the decision that "though a treaty is a law of the land under the Constitution, Congress may repeal it so far as it is a municipal law, provided its subject-matter is within the legislative powers of Congress." (Taylor *vs.* Morton, 2 Curtis, C. C., page 454.) The act of 1868, re-enacted as section 2000 of the Revised Statutes of 1874, being supplemental to the general naturalization act of 1802 and its various amendments, and as all must necessarily be construed together, being *in pari materia*, is therefore now the law of the land, and should control the executive branch of the Government in its dealings with citizens of the United States, whether native or naturalized, and not this treaty, the provisions of which have never been given effect to in this country by appropriate legislation proceeding from the only body that has constitutional power over the subject, and that is—Congress.

But suppose I were mistaken in this argument, there is another very grave objection to the validity of this treaty. It proposes to take from a naturalized German, and against his will and even protest, his rights of an American citizen upon a mere residence for two years or more in his native country. "Naturalization," as was said by the Supreme Court at a very early day, "is a judgment of a court of competent jurisdiction," (Stark *vs.* Chesapeake Insurance Company, 7 Cranch, page 420,) and "the decree of the court is conclusive evidence of the legal naturalization of the party." (Spratt *vs.* Spratt, 4 Peters, page 393.) This doctrine has been steadily adhered to, and it was afterward held that "an order naturalizing an alien is conclusive, if by a court of competent jurisdiction, upon the question of citizenship, it cannot be impeached collaterally." (The Acorn, 2 Abbott's C. and D. C. Reports, page 434.) Here, then, we have an alien clothed with full citizenship by a solemn decree or judgment of a court of competent jurisdiction; by that decree he has acquired, as it were, a sacred right of property in such citizenship, just as he would have in lands, houses, or ships, had the decree been concerning them. Can it be assumed that without any voluntary act on the part of that citizen himself, without his consent, and even against his protest, the Federal Government may step in and of its own mere motion and pleasure, either through the treaty power or by an act of Congress, could strip him of his rights of citizenship, and thus practically reverse and annul the judgment of a court? It cannot be done. "Congress has no judicial

power, and therefore cannot award a new trial or reverse a judgment." (Nock *vs.* The United States, 2 Nott & Huntington.) It is true that the citizen may expatriate himself, assume a new allegiance, or resume his old one; but that is a voluntary act, and cannot be made compulsory, as it would amount to a deprivation by treaty or act of Congress of those rights which a court of competent jurisdiction adjudged him to possess and enjoy. "Expatriation is a fundamental right," (Stoughton *vs.* Tailor, 2 Paine, page 652,) and whatever some of our courts may have decided in this respect, that fundamental right was fully and fitly recognized by Congress in the act of 1868, (15 Statutes at Large, page 223, and section 1999 Revised Statutes of the United States.) The only thing that may be said in favor of these treaties is that they recognize this fundamental right of expatriation; but even in this tardy acceptance of the American doctrine the treaty with the North German Union is defective, as it concedes only a qualified recognition of the principle, and still maintains the original allegiance to resume its sway and its hold upon the man, whether he will or no.

But "expatriation means not only emigration *to* a foreign country, but also naturalization *in* that country," said Judge Black as Attorney-General of the United States, and he was within the law as expounded by the Supreme Court. In the case of Murray *vs.* The Charming Betsy, 2 Cranch, 64—by the way, not a breach of promise suit, as might be presumed from the names of the parties, but an admiralty case—that court held that "an American citizen, domiciled in a foreign country, who has taken an oath of allegiance to the foreign sovereign is not under the protection of the United States." According to this rule the converse is also true, that the gaining of a domicile abroad, without the voluntary assumption of allegiance to the foreign state, does not deprive the American citizen of his right to the protection of his Government; but being such citizen, either by birth or by virtue of a judicial decree of naturalization, he is entitled to demand it as a matter of right.

Having shown that this treaty in its very inception had no warrant in the Constitution, that its provisions are opposed to the will of Congress expressed as late as 1874, and that its fundamental idea has been ruled against by our courts, it is now proper to inquire whether it could be defended on any grounds of necessity, policy, or expediency.

There was really no necessity for it. The chief and only trouble arose from the steel-clad militaryism of Prussia, which compels every able-bodied male subject of the age of twenty to serve for three years in the army. From this liability to military duty sprang the demand of the Prussian government, that an American citizen of Prussian birth, even in case he had been brought to this country by his parents in tender childhood, but who in after life, and at mature age, revisited the home of his youth, was liable to punishment as a "deserter from the army" in which he never served. There have been numerous instances of this kind, and they gave occasion for a protracted correspondence between the American minister at Berlin and the Prussian authorities, and the latter, with pardonable unctuousness, pointed to a *dictum* of Henry Wheaton, the American writer on international law, to the effect that whenever a Prussian naturalized in the United States returns to his original country, his "native domicile and natural character revert." Even such an eminent jurist and statesman seems to have overlooked for the moment that on the 1st of May, 1828, a treaty was concluded between the King of Prussia and the American Republic, which in article 1 declares that "American citizens" are at liberty to sojourn and reside in all parts whatsoever of Prussia, and shall enjoy security and protection." Mr. Bancroft, however, was not unaware of the existence of this treaty, for he himself, in an official note of October 1, 1873, to Mr. von Balan, the German under-secretary of state, calls the latter's attention to it. The terms of that treaty are broad enough to insure the safety of every American citizen, whether native or naturalized, while residing within the dominions of Prussia. Since 1828 that kingdom has become greatly enlarged, having, by the force of events in 1866, absorbed a number of minor states. By this enlargement the kingdom of Prussia, at the time Mr. Bancroft made the treaty of 1868, contained within its limits all those parts of Germany whence perhaps two-thirds of our German emigration had come, and by the rules of international law the treaty of 1828 with the Prussia of that year applied in 1866, and since, to all the other provinces that had been incorporated with the kingdom. And with the other states now in the German Empire we have long had similar treaties like that with Prussia of 1828.

It was undoubtedly upon this treaty that General Cass predicated his memorable declaration contained in the dispatch he sent as Secretary of State to Mr. Joseph Wright, American minister at Berlin, on July 8, 1859, and also in his letter to Mr. A. V. Hope, of June 14, 1859, that "a naturalized citizen, should he return to his native country, he returns as an American citizen, and in no other character," and, as such "American citizen," was entitled to the protection of the treaty of 1828. Hence, so far as the kingdom of Prussia and, in fact, all the other German states with whom we had similar treaties were concerned, there seems to have been no necessity for any such new arrangement if, as should have been done, the position taken by General Cass, and known and spoken of all over Europe as the American doctrine, had been strongly maintained. On September 28, 1858, Mr. Wright wrote home to the State Department that "if a decided and firm stand be taken by our Government it will lead to good results." That "decided and firm stand" was taken by General Cass, who informed the Prussian foreign minister, Baron Mannteuffel, that "the demands of the government of Prussia were inconsistent with the rights of United States citizens under the treaty," meaning the treaty of 1828. This "decided and firm stand" did "lead to good results," as no further conscription of American naturalized citizens of Prussian birth into the military service of that kingdom is mentioned in the records until some time between 1862 and 1864, when we ourselves had recourse to conscription, and the military ardor then prevailing in our Government and among the people led many to look with scorn upon those who evaded military service. Secretary Seward was probably guided by the same sentiments when, in September, 1863, he wrote to Minister Judd, at Berlin, that as some Europeans, naturalized in America, return to their native country to avoid military service here and impertinently invoke the protection of the United States to avoid military service there also, Mr. Judd should make no further applications in these military cases without specific instructions. But when our war had closed the correspondence was resumed, and culminated finally in the treaty of 1868 upon the suggestion of Chancellor Bismarck himself.

A more resolute maintenance of the rights of American citizens secured by the treaty of 1828 would have been the proper course to adopt, and then there could have arisen no cause for the making of a new treaty. It was therefore unnecessary and, as an abandonment of the true American doctrine proclaimed by General Cass and recognized as such in Europe—an abandonment, too, made at the solicitation of the German chancellor—the proceeding was undignified.

But it was also impolitic. It created a distinction between the rights of American citizens not known to the Constitution and the laws, nor ever before raised in any previous treaty. If permitted to stand it will only cumulate the difficulties it was avowedly framed to blot out. To what extent the confusion wrought by this treaty has already grown is evident from the fact that even so able and clear-headed a lawyer as Attorney-General Pierrepont could, by interpreting this treaty, in his opinion of June 26, 1875, in the Steinkauler case, come to the remarkable and rather startling conclusion that a man may have two nationalities, one natural and the other acquired. Had he said unnatural in juxtaposition to natural, Judge Pierrepont would have been nearer right—at one and the same time—which is about as true as saying that a horse of one color is also a horse of another color.

> Young Steinkauler (says the Attorney-General) is a native-born American citizen; there is no law of the United States under which his father or any other person can deprive him of his birthright; he can return to America * * * and become President of the United States.

Yet this native-born American citizen, with a prospective claim to the Presidency of the Republic, is held to be also a subject of the German Empire by virtue of this treaty, and bound as such to serve three years in the German army, five or seven years after that in the reserve, and for any number of years, and until the white locks of age cover his temples, in the *Landwehr* and *Landsturm*. Should Judge Pierrepont's prophecy turn true and young Steinkauler be one day chosen President of the United States, it could happen under this peculiar interpretation of this treaty that upon the outbreak of war in Europe we might see a German officer walk coolly into the White House and serve an order upon the President to report immediately for active duty at the military barracks of Berlin or some other garrison of the empire. Of course, this is the *reductio ad absurdum*, but a most apt process of reasoning to expose the complications resulting from the treaty, and which are so great that even the clear and logical mind of the Attorney-General has been befogged.

It is this very case of Steinkauler that brings into prominence all the incongruities and inconsistencies of this treaty perhaps more glaringly than any other of which the public have yet heard. His father was, as the Attorney-General says, a Prussian by birth, who emigrated to this country in 1848, was naturalized in 1854, and his son was born in Saint Louis in 1855; hence they were both at the time citizens of the United States. In 1859 the father went to Europe with his family, as he had a perfect right to do, and took up his residence at the celebrated and fashionable summer resort and watering-place, Wiesbaden, in the Duchy of Nassau, visited annually by many American tourists. There he has remained ever since. Now, the Duchy of Nassau was, until 1866, an independent and sovereign principality, in its government as foreign to Prussia as any other country. Hence Steinkauler, being a Prussian by birth, did not return to his native country, and to him not even the antiquated *dictum* of Wheaton applied, that "his native domicile and natural character had reverted." He lived there unmolested as an American citizen, and had as little obligation to the King of Prussia as to the Emperor of China. But in 1866 war came and the Duke of Nassau sided with the Bundestag at Frankfort and with Austria against Prussia. The result was that Nassau, along with Hanover and Hesse-Cassel, was conquered and merged as a province in the Prussian kingdom. These events had really nothing whatever to do with the nationality of Steinkauler and of his family, who, as American citizens, were foreigners in Nassau. The conquest of the territory and its native inhabitants did not, as it could not, transfer the allegiance of resident foreigners, and if Steinkauler, the father, had himself been an American citizen by birth, such would doubtless have been the ruling of the Attorney-General. But here comes in the impolitic and mischievous distinction made by this treaty. Steinkauler, the elder, was only a naturalized citizen, and therefore the conquest of Nassau by the Prus-

sians in 1866, when he was legally a foreigner, changed him and all his family into Prussian subjects, though his son is admitted to be an American citizen by birth, and but for this treaty both father and son would have been protected by the treaty of 1828. This is precisely a case foreshadowed in my speech in this House two years ago in these words:

A native of any part of that country, (the German Empire,) naturalized here, is by the terms of that treaty re-incorporated among the subjects of the emperor after a residence anywhere in Germany, though hundreds of miles away from the place of his birth, for even a day over two years.

What was then supposed as merely a remote possibility has now actually happened in the case of Steinkauler, *père et fils*, and has been ruled by the Attorney-General to be according to the treaty of 1868, though it would seem that an inspection of the treaty of 1828, securing to American citizens the unmolested enjoyment of residence anywhere in the Prussian dominions—and Nassau has been a Prussian province since 1866—might have brought the State Department as well as the Department of Justice to a different conclusion.

A treaty that is so unnecessary and impolitic, like the "naturalization treaty" of 1868, and involves also an undignified submission to a foreign demand, cannot be expedient. Aside from the want of constitutional authority to make it and which destroyed its validity *ab initio*, it proved itself in its results the reverse from beneficial. In a letter from Berlin to the State Department, written June 30, 1874, Mr. Bancroft congratulates himself "upon the degree of comfort secured to our German fellow-citizens by the peaceful security which they obtain for their visits in Germany by the treaty of naturalization." But this "peaceful security" was solemnly pledged to them, in common with all other American citizens, in the treaty of 1828, and a firm resolution by the Government of this Republic to exact faithful and rigid compliance with the stipulations of that treaty would be far better and more in accordance with the true American spirit than is done by the provisions of the treaty of 1868.

Whatever may be done with the German treaty, our duty is plain. Let us unfurl the proud flag of the Republic, with the declaration inscribed on its folds that an American citizen, no matter where born, remains such wherever he may be, and his country will defend and protect him in his rights until he himself renounces his allegiance by voluntarily assuming another. Let us proclaim to the world that all may come and find a home under the banner of our Union; and, once assimilated with ourselves as citizens of the United States, no power on earth except their free volition shall despoil them of the high privileges inherent in American citizenship, nor interfere with their right to life, liberty, and the pursuit of happiness.

When next year this treaty shall expire and our diplomatic agents shall consider what may take its place, let us not have the humiliation of the old treaty; and, above all, let us avoid the incorporation of the un-American doctrines of this bill in the sacred relations with the great German power.

Mr. REAGAN. Mr. Speaker, I desire now, as I may not have an opportunity again, to move two amendments to the bill to be considered as pending.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. REAGAN. I move to amend section 4 of the bill by striking out all of the section after the word "State" in line 3, and also to amend by striking out section 5 of the bill.

I have only read the bill since the gentleman from West Virginia has been discussing it, and am not therefore prepared to discuss the questions raised by these amendments in any satisfactory manner. I propose to limit what I have to say to stating what occurs to my mind as the exceptionable features of the two portions of the bill I propose to strike out.

The part of the section I propose to strike out has for its object to confer upon the alien the same rights citizens have of inheriting ownership of real estate anywhere within the jurisdiction of the United States—I mean where the jurisdiction of the United States extends within the United States. I only have this to say, and I say it now more for the purpose of calling the attention of the gentleman from West Virginia and those who take an interest in the bill than for the purpose of discussing it. It makes an innovation upon the laws of our own country. It goes further than the laws of any civilized country under the sun within my knowledge. The policy of all governments, so far as I am advised, and I have somewhat carefully looked into this subject in connection with other questions in a judicial point of view within the last year or so—the policy of all countries is to exclude foreigners from ownership of the soil within their several limits. This proposes that all aliens or foreigners may inherit and hold realty in this country the same as natives or naturalized citizens. Foreigners cannot inherit or hold land in Great Britain. They cannot inherit or hold land in France. They cannot inherit or hold land in Spain They cannot inherit or hold land in Prussia or in Austria. They cannot inherit or hold land in Mexico or in any of the Central or South American governments I know of. That rule which is of so universal application, that rule which has been maintained traditionally by all nations, must rest on a great political philosophy which no nation should attempt to overthrow without the strongest inducements and upon the clearest reasons.

I will not attempt now to go into the discussion generally of the reasons which prevent governments from alowing aliens to hold lands within their limits. There are in history some striking instances of the effect of allowing aliens to hold land. It is known that under the reign of Catharine she induced her emissaries to go into Poland and acquire territory there, in order to give her power within that territory to help her in her scheme to destroy that country and turn it to her own use. The general theory is that the land should belong to the citizen. The common law is that there is no inheritable blood in the alien. I believe in this the civil law agrees with it. But whether it does precisely in this or not, it is true that the principle that aliens cannot inherit and hold land is recognized by all countries.

I know that in a treaty entered into some time ago with Prussia we have a stipulation that citizens of Prussia shall have the rights in our country which American citizens are given by the government of Prussia in that country. But this, if I remember correctly, relates to personalty and not to realty. And there is no treaty or law which goes to the extent, in regulating the property rights of aliens, of recognizing their right to inherit and hold lands in this country. There are good reasons why the law should not be changed. I do not enter into the discussion of them now, but merely call attention to them to induce examination and discussion of the subject by others who have the bill in charge and feel an interest in it.

The other amendment I propose is to strike out section 5 of the bill. Without having given the subject full consideration, it is not to be expected that I can enter into an argument at this time very satisfactory to myself or convincing to others. But I simply desire to state a few reasons why it seems to me this section should not be allowed to stand in the bill.

In the first place it undertakes to determine who is married, and to some extent to regulate marital rights. My understanding is that there is no power in this Government to regulate the subjects of marriage and divorce, the settlement of successions, or the determination of the line of descent, unless it may be so far as relates to the legislation of the Federal Government for the District of Columbia and for the Territories. But this goes beyond that. In lines 10 and 11, it provides that the marriages spoken of in this section 5—

Shall be valid to all intents and purposes throughout the United States.

This, then, undertakes to determine what shall be a lawful marriage in the State of Virginia or in the State of Maryland, or in any other State in this Union. I do not apprehend that the State courts administering the State laws would be likely to respect this as a law which the Constitution and their duty would require them to enforce to that extent.

But there are other objections to this section it seems to me, to which I desire to call attention. The section provides:

That a marriage in a foreign country between citizens of the United States, or between a citizen of the United States and an alien, unless forbidden by the law of the country in which it takes place, may be contracted and solemnized in such manner and form as may be prescribed by the Secretary of State, &c.

Now rights as a general rule in this country are made to depend not only upon the power possessed by the authority legislating but upon legislative authority. This seems to me to this extent to make the Secretary of State a legislator to prescribe the rules under which marriages may be solemnized. If that be so, it seems to me to be an innovation upon our ideas of separating the different departments of the Government one from the other and limiting each to the discharge of its own constitutional duty. It seems to me it should be the law-making power of the Government that prescribes how marriages shall be celebrated, and that it is not competent for this Congress, if it has jurisdiction of the subject, to delegate to an executive or any other officer or person the authority to make laws. The power of legislation cannot be delegated by Congress. Legislation must be performed by Congress where it has jurisdiction to enact laws. But this authorizes the marriages to be solemnized in such manner and form as may be prescribed by the Secretary of State.

As I have said, the several States prescribe the mode of solemnizing marriage, and the effect of it, and who shall do it. Their laws are only to a limited extent of extraterritorial authority. The rights acquired and possessed by the marriage relation depend upon the law of the forum in which the parties appear and where they live, with a few limitations; but that is the rule. This undertakes, it seems to me, to do what this House ought not to attempt to do. It undertakes to regulate a domestic relation which belongs, it seems to me, to the legislatures of the different States. This section attempts to extend the authority of Congress in this matter not only to the District of Columbia and to the Territories, but to extend its authority in the regulation of domestic relations, the manner of marriage, and the effect of marriage into the several States. I cannot think that such a law can be constitutional.

But in addition to the objection that in the first place this seems intended to confer legislative authority upon the Secretary of State, and to give an effect to marriages under this law which, it seems to me, can hardly be sustained under the Constitution, it goes further and clothes the diplomatic agents, consuls-general, and consuls with certain judicial functions, if I understand the meaning of the bill. And if I am correct in assuming that from line 11 down on page 6 it does attempt to invest these consular officers and diplomatic agents with judicial functions, it seems to me that it is in that respect unconstitutional, and that we ought not to attempt to do such a thing. The section says:

It is made the duty of such diplomatic agent or consul-general or consul, on being satisfied of the identity of the parties—

He has to pass judgment upon this matter, and judicially determine as to the status of these persons and their relations to the Government by determining the identity of the parties—

and that at least one of them is a citizen of the United States, and that the marriage is not prohibited by the laws of the country, and on being requested to be present at any such marriage, to indicate, &c.

These constitute briefly some of the objections which have occurred to me to section 4, which I have proposed to amend, and to section 5, which I propose to strike out. I do not ask for a vote on the amendments now. My object was to bring them before the House and to the attention of those in charge of this bill, in whose ability to grapple with these questions I have great confidence—more indeed than I would have had in my own if I had been charged with the investigation of the subject. I place these amendments before the House with these crude suggestions merely for the purpose of directing attention to these provisions of the bill, which seem to me to introduce new features, dangerous features, unconstitutional features in some respects, and features that cannot fail to give trouble to the judicial tribunals and involve difficulty in their consideration and future determination.

Mr. COX. Before the gentleman takes his seat, I would like to inquire if he has considered the proposition whether there is any authority in the treaty-making power to regulate naturalization or citizenship. Is not that matter to be determined judicially?

Mr. REAGAN. It is to be fixed by the legislative authority, and its interpretation is to be made by the judiciary.

Mr. COX. That is the principal question which I desire to have considered.

Mr. FAULKNER. The Committee on Foreign Affairs are very much pleased to hear any objections that can be made to this bill, and also to receive and consider at as early a day as possible any amendments to the bill which may be proposed by gentlemen. I do not design to ask for a vote upon this bill to-day; I have made arrangements to occupy only time enough now to explain the character of the bill and to move such amendments as have been directed by the Committee on Foreign Affairs. I now propose that the further consideration of the bill be postponed until Thursday next, at one o'clock, and that the bill, with the amendments reported from the Committee on Foreign Affairs, the amendments moved by the gentleman from Texas, [Mr. REAGAN,] and the substitute proposed by the gentleman from New York, [Mr. COX,] be printed for the use of the House.

Mr. KELLEY. I would suggest to the gentleman that the tariff bill comes up on next Wednesday as a special order for that day and from day to day until disposed of. That, I think, was the order made upon motion of the chairman of the Committee of Ways and Means, [Mr. MORRISON.]

Mr. FAULKNER. I then would have only to yield my position, if that is the case.

Mr. KELLEY. I thought it proper to make the suggestion to the gentleman.

The SPEAKER *pro tempore*. Does the gentleman from West Virginia [Mr. FAULKNER] modify his motion?

Mr. FAULKNER. There is no need to modify it. This bill will take its place, to be superseded by any prior order that may have been made.

The motion of Mr. FAULKNER was then agreed to.

REDEMPTION OF LANDS SOLD FOR DIRECT TAXES.

Mr. YOUNG. On Tuesday last I introduced a bill (H. R. No. 3144) to provide for and regulate the manner of redeeming lands sold for direct taxes. It was by mistake referred to the Committee on Public Lands. I ask that the Committee on Public Lands be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

J. C. BEALES AND ANITA ESETER.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 3193) for the relief of John Charles Beales and Anita Eseter, citizens of the United States and residents of the city of New York; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS. I now call up the special order for to-day, being the bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874.

The bill was read, as follows:

Be it enacted, &c., That in case of the resignation, death, or disability of any of the commissioners of the Freedman's Savings and Trust Company, selected and qualified under the provisions of section 7 of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, their survivors or survivor and successors shall be invested with the possession and legal title to all the property of said company for the purposes of this act and the act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874: *Provided*, That, if all of said commissioners shall resign, die, or become disabled before the final execution of their trust, then the Secretary of the Treasury shall appoint a commissioner to perform the duties imposed by this act and the act to which it is amendatory, who, upon giving a bond for the amount of $100,000, in the manner and form provided for in the next succeeding section, and taking an oath honestly and faithfully to perform his duties, shall be clothed and invested with the same rights, powers, privileges, and prerogatives, and shall perform the same duties that were conferred and enjoined upon the three commissioners mentioned in the act of June 20, 1874, and upon their survivors or survivor and successors by this act: *And provided further*, That no change hereafter made of said commissioners, or any of them, shall in any way impede or delay any case or cases instituted by or against said commissioners or commissioner, but every such case shall, upon suggestion of such change, and due entry thereof on the dockets of the respective courts in which they may be pending, be proceeded with in the same manner as if such change had not been made.

SEC. 2. That, in case of vacancy by the resignation, death, or disability of any of the present commissioners, the same shall be filled by the Secretary of the Treasury, and the survivors or survivor and new commissioners or commissioner shall give new and separate bonds to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of their duties as such commissioners, and shall take an oath faithfully to perform their duties, which bonds shall be executed to the satisfaction of the Secretary of the Treasury, be approved by him and filed in the office of the First Comptroller of the Treasury, and shall operate as a discharge or cancellation of the joint bond of said present commissioners as to any and all subsequent acts of said survivors, survivor, and successors.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed, if in his judgment not detrimental to the trust imposed upon them, to accept the resignation of any of the commissioners of the Freedman's Savings and Trust Company which may be tendered to him; and if all said commissioners shall resign he shall appoint one to succeed them and to complete the work of closing up the business and affairs of the Freedman's Savings and Trust Company: *Provided*, That such sole commissioner so appointed shall not be one of the former commissioners nor a trustee of said savings and trust company, and shall not be vested with any powers, rights, or privileges as such until he has executed bond with good security in the penal sum of $100,000, as provided for in section 2 of this act.

SEC. 4. That said commissioners or commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to compound and compromise debts due to and liabilities of the company.

SEC. 5. That whenever said commissioners or commissioner shall be prepared to make a dividend to the depositors, the United States Treasurer shall, at their or his request, place in one of the depositories of the United States, located in each of the cities where the several branches of the Freedman's Savings and Trust Company were located, an amount sufficient to pay the depositors of said branch, and for the purpose of securing the safe-keeping and proper disbursement of said funds so placed, they are hereby declared to be public moneys of the United States; and the officers of said depositories shall pay the depositors, or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioners or commissioner, and approved by the Secretary of the Treasury: *Provided*, That where there are no depositories of the United States, then said commissioners or commissioner may, with the advice and consent of the Secretary of the Treasury, pay the depositors in said localities in such way as they or he may deem best.

SEC. 6. That said commissioners or commissioner, with the approval of the Secretary of the Treasury, may prescribe such forms as they or he may deem right and proper for the depositors to transfer their claims; but no assignment of such claims shall be valid unless it is signed by the depositor, or, if dead, by his legal representative, and is accompanied by the pass-book or other evidence of the company's indebtedness, and sworn proof to the satisfaction of the commissioners or commissioner that the assignment was executed by the proper person in good faith and for valuable consideration: *Provided*, That in case the person making the assignment is unable to write, a sworn statement of two witnesses, setting forth that they witnessed the execution of the assignment, and know the person who executed it to be the depositor, the execution of the assignment of whose account they witnessed: *And provided further*, That no commissioner shall be directly or indirectly interested in any assignment or purchase of any depositor's claim or interest on pain of immediate dismissal by the Secretary of the Treasury, forfeiture of salary or arrears of salary due him, and also shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment as other cases of misdemeanor are punished by law.

SEC. 7. That said commissioners or commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of such loss or destruction, and the amount due them, they or he may pay as though they had pass-books; but all claims not presented to the commissioners or commissioner for examination and audit within two years from and after the passage of this act, as well as all dividends declared upon audited accounts not called for within two years from the date of their declaration, shall be barred, and their amounts shall inure to the benefit of the other depositors of the company.

SEC. 8. That said commissioners or commissioner are hereby authorized and directed, by consent and approval of the Secretary of the Treasury, to employ some suitable and proper attorney-at-law to look into and investigate the manner in which said company has been managed by its trustees and others having control of the same; and if, in the judgment of said attorney, the affairs of said company have been mismanaged, or managed fraudulently and corruptly, then, upon the advice of the said attorney, and with the approval of the Secretary of the Treasury, they or he shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismanagement, or fraudulent and corrupt management, as they or he shall deem right and proper to attain the ends of justice. They or he shall pay fees and costs of suits and all other proper expenses out of the funds in their or his hands as commissioners or commissioner aforesaid.

SEC. 9. That said commissioners or commissioner shall, by the fifteenth day of each annual session of Congress, make a written report to Congress of the progress made by them up to the first day of said session; and, upon the final execution of their trust, they or he shall render an account of their receipts and expenditures to the Secretary of the Treasury, who shall cause the same to be examined by the accounting officers of the Treasury, and, if found correct, the bonds or bond of said commissioners or commissioner shall be surrendered to them.

SEC. 10. That the Secretary of the Treasury is hereby authorized and directed to pay to said commissioners or commissioner, out of any public money not otherwise appropriated, interest, at the rate of 5 per cent. per annum, on their average monthly balances in the Treasury of the United States, accounting from the time they commenced to make deposits; which interest shall, by said commissioners or commissioner, be accounted for in the same manner as the other assets of the Freedman's Savings and Trust Company.

SEC. 11. That the compensation of said commissioners shall not exceed the sum of $6,000 per annum, and shall be apportioned among them by the Secretary of the Treasury according to the services rendered and time given by each; but no one commissioner shall at any time receive more than $4,000.

Mr. DOUGLAS. It is not my desire to enter into any extended discussion of this bill at this time; but the committee reporting it not having been unanimous, and a desire having been expressed by my colleague on the committee from Alabama [Mr. BRADFORD] to move some amendments to this bill, I will yield the floor to him.

Mr. BRADFORD. I move to amend the bill by striking out the first three sections and inserting in lieu thereof that which I send to the Clerk's desk to be read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and required to select and appoint, without unnecessary delay, a good and competent man to take charge of and wind up the affairs of the Freedman's Savings and Trust Company; and the person so appointed shall be styled commissioner of the Freedman's Bank, and before entering upon the duties of his office he shall be required to execute a bond, in the penalty of $100,000, with good and sufficient sureties, payable to the United States, and conditioned that he will well and faithfully perform all the duties required of him by law, which said bond shall be approved by the Secretary of the Treasury, and filed in the Office of the Comptroller of the Treasury.

SEC. 2. That the said Secretary shall have and retain supervision over the conduct of said commissioner, and for malfeasance, incompetency, or other cause, to the said Secretary seeming sufficient, he shall remove the said commissioner and appoint another in his stead, who shall qualify in like manner as is hereinbefore prescribed, and shall succeed to all the rights, powers, duties, and liabilities attaching to the office of commissioner under this act. And the appointment and qualification of the said commissioner shall operate the removal from place of the present commissioners of the said company, who shall, upon the demand of the commissioner herein provided for, make immediate settlement with him and give him a full and circumstantial account of their management of the affairs of said company and of the condition of its assets and liabilities, and shall deliver to him all the property, books, papers, conveyances, evidences of debt, and other things belonging to said company, and shall thereupon be discharged from all liability upon their bond, except for breaches thereof theretofore committed.

SEC. 3. That for the purposes of this act the title to all property, real and personal, all rights, credits, equities, and powers heretofore belonging or attaching to said company or to said commissioners shall vest in the said commissioner instantly upon his qualification as aforesaid; and in his name as such commissioner he shall institute and defend any and every suit or legal proceeding which may be necessary to enforce or protect the rights of said company or of the commissioners thereof; and any and every pending suit or legal proceeding to which said commissioners are a party shall be reviewed in favor of or against said commissioner, as the case may be, upon motion of the party seeking the revivor; and no such proceeding shall be abated or delayed by the removal of the said commissioners herein declared.

Mr. HURLBUT. I rise to a parliamentary inquiry. The last I knew of this bill it was in Committee of the Whole, and I would like to know by what process it has got out of Committee of the Whole into the House.

The SPEAKER *pro tempore*. The Chair was informed by the gentleman from Virginia [Mr. DOUGLAS] that this bill was not in Committee of the Whole.

Mr. DOUGLAS. That was a mistake in the journalizing of the proceedings of that day, which I had not observed until my attention was called to it. There was no necessity for its going to the Committee of the Whole.

Mr. HURLBUT. It is so stated on the Calendar.

Mr. DOUGLAS. That is a mistake in the Calendar, which I hope will be corrected.

Mr. HURLBUT. The gentleman states that the Clerk informs him that there was a mistake in the Journal or the Calendar, one or the other. We ought to have that corrected before we go on with the bill.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that this bill is in Committee of the Whole on the state of the Union.

Mr. HURLBUT. In that case any further discussion of it in the House is out of order.

The SPEAKER *pro tempore*. Then the motion of the gentleman from Virginia [Mr. DOUGLAS] should be that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

Mr. DOUGLAS. Very well. So that we get at the bill, I do not care whether it be considered in Committee of the Whole or in the House.

Mr. DUNNELL. I would inquire whether there is any intention to bring this bill to a vote to-day——

Mr. DOUGLAS. Not at all.

Mr. DUNNELL. Or whether we are to gain anything by the continuance of the session?

The SPEAKER *pro tempore*. Does the gentleman from Virginia move that the House resolve itself into Committee of the Whole on the state of the Union?

Mr. DOUGLAS. Yes, sir.

Mr. DURHAM. Before that motion is put, I desire to give notice to the gentleman in charge of this bill that at the proper time I shall move to strike out one of the sections of the bill.

The SPEAKER *pro tempore*. No discussion on the bill is in order in the House. The bill is in Committee of the Whole.

Mr. DURHAM. I supposed we had the right to give notice in the House of intended amendments.

Mr. HOLMAN. I wish to inquire whether it is proposed to take any final action on this bill to-day?

The SPEAKER *pro tempore*. The Chair is not informed on that point.

Mr. HOLMAN. If it is not proposed to act finally on the bill to-day, I would suggest to the gentleman from Virginia the propriety of permitting the Committee on Appropriations to proceed with the legislative appropriation bill for an hour or an hour and a half, and then have an early adjournment. [After consultation with several members.] I will make no further suggestion on the subject.

Mr. HURLBUT. Before the House goes into Committee of the Whole on this bill, I wish to be informed distinctly by the gentleman in charge of it whether any action is to be taken upon it to-day?

Mr. DOUGLAS. None whatever.

The motion of Mr. DOUGLAS was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and proceeded to the consideration of the bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874.

The CHAIRMAN. The Chair is informed that this bill has already been read in the House. If there be no objection, the first reading of the bill in Committee of the Whole will be dispensed with.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The Chair is informed that the gentleman from Alabama [Mr. BRADFORD] desires to submit certain amendments. These amendments will not be in order until the general debate on the bill is terminated. When the bill comes up for amendment and discussion under the five-minute rule the amendments can be offered.

Mr. DOUGLAS. I suppose the gentleman's amendments can be read as part of his argument.

The CHAIRMAN. The Chair is informed that the amendments have already been read before the House went into Committee of the Whole. The gentleman from Alabama [Mr. BRADFORD] is entitled to the floor for one hour.

Mr. BRADFORD. Mr. Chairman, there is a duty devolving upon Congress to provide by appropriate legislation for the honest and competent marshaling and administration of the assets of the Freedman's Savings and Trust Company. This duty we owe to more than 70,000 poor and ignorant colored people, principally of the South, who are creditors of this institution. It is a duty that this Congress ought not to shirk. It is a duty that arises not only out of the general supervision of matters of this sort which inheres in this body, but it is a duty that springs also out of the fact that Congress is to some extent responsible for the losses that have been occasioned to the numerous depositors of this bank.

True, there is legislation now in the statute-books of the country affecting this question. Provision is already made by law to collect and distribute the assets of this concern. But, Mr. Chairman, it seems to me that further remedial legislation is needed in order that these poor colored people may realize all that they are entitled to receive from these assets.

There has been a disagreement in the minds of members of the committee as to what legislation is needed. That disagreement has sprung from a doubt of the constitutional competency of Congress to remove from place the three commissioners who now have charge of the bank and to substitute in their place a single commissioner. The majority of the committee concur with me in the propriety of doing such a thing, if they could believe that Congress has the power to do it. The doubt is simply as to the law—not a doubt as to the propriety of the measure. So far as I know all concur in the propriety of reducing the number of commissioners to one, and giving him the sole management of the entire concern.

Now, Mr. Chairman, what are the objections to this change? It is said by the chairman of the committee, [Mr. DOUGLAS,] who does not concur with me in opinion upon this matter, that the amendment which I propose at the proper time to offer is retroactive in its effect, and therefore would be unconstitutional and void should it ever ripen into a law. Sir, I cannot assent to this proposition for various reasons. The position which I assume in regard to this matter is founded in law as well as in reason, and judging from the testimony which has been adduced before the Committee on the Freedman's Bank, it would be wrong, grievously wrong on the part of Congress to leave the affairs of this bank longer in the hands of these commissioners. To this matter I shall call attention directly and to all the facts in the history of the concern that reflect any light upon the character of the legislation proposed.

Now, what sort of an organization is this? It was instituted by an act of Congress approved March 3, 1865. Divers persons, men eminent for various services, for high character, and all that sort of thing, were selected from different parts of this broad land as trustees of this institution. One would think that these were the persons who were to have controlled the institution, the persons into whose management it was to be committed. In the charter of the company there is a section which indicates the purposes for which this great, this colossal banking institution was organized.

SEC. 5. *And be it further enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor by or on behalf of persons heretofore held in slavery in the United States or their descendants, and invest the same in the stock, bonds, Treasury notes, or other securities of the United States.

Now, Mr. Chairman, some time in the year 1874, after millions of money had been gathered into the coffers of this institution, Congress amended that charter. It is an amendment to that amendment which I propose, and which I think the circumstances of this institution imperatively demand.

Ah! as soon as it was ascertained that it was possible for the officers of this bank to gain the control of many millions of money, that very moment they applied to Congress for more liberal measures in regard to the investment of its funds. Too narrow, far too narrow for those who were thus interested in this matter was the field of investment prescribed to them by law. It will be observed that, by the section I have just read defining the scope and purpose of this institution, investments were limited to United States securities. If that section had continued to be the charter of the rights, privileges, and duties of this bank, it would, under competent management, have been the grandest and most beneficent fiscal institution ever es-

tablished upon this continent. But, sir, its plethoric coffers were too tempting to those who were its managers. They wanted an opportunity to loan out its money upon some sort of insufficient security, and to disburse it without restraint from any safeguards of the rights of those who were interested in it. Therefore, I say, they applied to Congress to have enacted into a law the amendment which is found in the act approved the 20th of June, 1874.

Mr. DOUGLAS. It was in 1870.

Mr. BRADFORD. No; I allude to the amendment of 1874.

Mr. DOUGLAS. The first amendment was in 1870.

Mr. BRADFORD. I am informed that the first amendment was made in 1870, and it was the second amendment that was approved on the 20th of June, 1874, as shown in the Statutes at Large of that year.

Now, Mr. Chairman, what was the effect of that law, and in what condition did it leave that institution? Just here there occurred a most anomalous thing, an unprecedented thing in legislation of this sort; that, at a time when this institution had control of millions of money, application was made, as I have already stated, to enlarge the field of its investment, and, sir, the very law made in pursuance of such application, foreshadowing the doom that has overtaken this company, provided that it should go into liquidation, and in a short while thereafter it did go into liquidation. This remarkable law is the bone of contention between the members of the committee in reference to the needed legislation in this case.

But before I read the section, which is section 7 of the amended charter——

Mr. DOUGLAS. My colleague on the committee has inadvertently fallen into a mistake, and unless it be corrected his remarks will necessarily be somewhat confused and his argument not as intelligible as it should be. The fifth section of the act of 1865, under which this savings and trust company was incorporated, has been correctly stated. The first amendment to that act was approved May 6, 1870; and it was under that provision of the amendment of the charter that the trustees proceeded to invest in real-estate securities, instead of confining themselves, as previously, to United States securities. Then the next amendment was in 1874, which provided for the institution going into liquidation.

Mr. BRADFORD. My recollection was that they were all incorporated into one act. But it does not matter, so far as the argument is concerned. I hold that it is competent for this Congress now to remove by direct enactment the three commissioners who have charge of this institution, and to replace them by a single commissioner.

The third section of the act approved June 20, 1874, contains this language:

> And whenever it may be deemed advisable, or when so ordered by Congress, the general business and affairs of the corporation shall in like manner be closed up by the trustees of the corporation, as provided in section 7 herein.

Now, the previous part of the third section provides for winding up the affairs of certain branch banks that were established all over the country. Then this part of the same section declares that whenever Congress may so order, or whenever the trustees themselves shall deem it advisable, the whole institution shall be put into liquidation and placed in charge of commissioners, as provided for in the seventh section of the same act. The seventh section provides that three persons, to be selected by the trustees and nominated to the Secretary of the Treasury, I believe, and approved by him, shall take charge of all the assets of the institution, upon the execution of a bond by them in the sum of $100,000, duly secured, and on the taking of an oath faithfully to discharge the duties of their office.

Now, sir, if that act was constitutional itself, if it was binding, why then the control over the affairs of this institution at that time determined so far as the trustees themselves were concerned. I doubt myself, if the trustees had never assented to the act, whether it would have been binding upon the corporation, because there is a provision of that seventh section which says that all title to the property, rights, credits, and assets of that institution shall vest absolutely in the commissioners. Now, direct legislative enactment taking out of one person title to property and vesting it in another of course would be unconstitutional. But, sir, the trustees assented to the act. They nominated the persons who were to be commissioners, and therefore accepted this amendment to the charter, and it became binding upon them just as if incorporated in the original charter. Therefore, the very moment they nominated to the Secretary of the Treasury three persons as commissioners of that institution, that moment they became *felo de se*. They decreed their own death, and turned over the affairs of this institution to these three commissioners, who were mere agents and employés of the Government to wind up its affairs. Here are men acting by and with the consent of the trustees or original corporators, acting I say by and with their consent, the mere agents of the Government, acting under a bond payable to the United States, and upon which no power can sue except the United States. And I am sure, sir, it would not be competent, in any event, for any court of equity to give relief to the numerous creditors of this institution upon any proceeding instituted in reference to this bond. It has a good and important purpose, but does not compass such a thing as general indemnity in the premises.

But why may not Congress remove these commissioners? Gentlemen who hold opinions adverse to mine say the law would affect the vested right to hold office on the part of each one of the commissioners, and that inasmuch as it would do this it would be objectionable constitutionally. Now what right do the commissioners hold to be affected by law; what interest in property that is theirs, or interest in office that is theirs? What vested right of property of theirs is to be divested by the amendment I have proposed to this bill? The property is said to pass to them by the very terms of the act, "for the purposes of this act;" that is, they are mere commissioners in liquidation. They stand as assignees in bankruptcy. They took charge of these assets, and entered into bond with the United States to discharge their debts faithfully.

Now, I say that office is not property. In this country I cannot conceive that any office can be property. No doubt there are adjudications, some of them plain, distinct, and emphatic, declaring that office is property. But I see a tendency on the part of recent adjudications to abandon this theory altogether, and to declare that public office is a trust held for the benefit of the people. Chancellor Kent says that no such thing as a private office, such as was known at the common law as an incorporeal hereditament, does or can exist in this country. This relation created in this statute is not an office in any sense of the word. These commissioners are mere employés holding no office, and I say they have no beneficial interest whatever in the land, rights, credits, privileges, or franchises of the original corporation, and therefore they have nothing of which they are divested by this act. True they have a duty to perform; true they have a power to execute; but the commission of this duty can be revoked at any time, and this power to do certain things can be withdrawn at any time. That is the very thing I propose in this amendment to do. I propose to withdraw this power and relieve them of their duty, and their obligation upon their bond. I propose to divest them of nothing more than a power, and to vest it in others, and to have another bond upon which these freedmen can rely with greater security. Now what is a retroactive law? Mr. Sedgwick, in his treatise on constitutional law, says:

> A statute which takes away or impairs any vested right acquired under existing law, or creates a new obligation, or imposes a new duty, or attaches a new disability in respect to transactions or considerations, already past, is to be deemed retrospective or retroactive. * * * And we have already noticed that the obligation of contracts does not include the remedy. With these modifications, however, the power of the Federal tribunals has been steadily exercised, and State laws of a criminal nature having a retroactive effect, or laws in any way impairing the obligation of contracts, are held to be void, and their operation arrested by the Government of the United States. It is, however, equally well settled, that a law is not unconstitutional under the Constitution merely because it is retrospective in its terms. A conflict arose in the State of Pennsylvania as to lands held under what were called Connecticut titles; and in 1825, on a case growing out of this question, the supreme court of Pennsylvania held that the relations between landlord and tenant could not exist between persons holding under such a title. Immediately after this decision the Legislature of Pennsylvania passed an act by which it was enacted that the relation of landlord and tenant should exist, and be held as fully between Connecticut settlers and Pennsylvania claimants as between other citizens of the Commonwealth; and this act the supreme court, in a subsequent case, held to be retrospective in its effect. A writ of error was taken to the Supreme Court of the United States; but the judgment was affirmed, the court saying that the act did not impair the obligation of the contract. "It is said to be retrospective. Be it so; but retrospective laws which do not impair the obligation of contracts or partake of the character of *ex post facto* laws, are not condemned or forbidden by any part of the Constitution."

Now, to the same effect, I will read a clause from the first volume of Kent's Commentaries:

> A retrospective statute, affecting and changing vested rights, is very generally considered in this country as founded on unconstitutional principles, and consequently inoperative and void. But this doctrine is not understood to apply to remedial statutes which may be of a retrospective nature, provided they do not impair contracts or disturb absolute vested rights, and only go to confirm rights already existing, and in furtherance of the remedy by curing defects and adding to the means of enforcing existing obligations.

Now, Mr. Chairman, I contend that the law which I propose is simply remedial in its nature; that its object is to enforce more fully a duty already imposed. Its object is to afford a remedy for a numerous class of creditors that have not now under the law an adequate remedy. It does not come within the purview of such a decision, for instance, as that which was rendered by the Supreme Court of the United States in the case of Dartmouth College *vs.* Woodward, in 4 Wheaton. There the State of New Hampshire undertook to change altogether the name and character of a corporation. It transferred all the rights, powers, and privileges of the old corporation to a totally new one, and made provision for the substitution of new trustees for the old. In other words, it was a decision as if on *quo warranto*, forfeiting all the rights of the old corporation and vesting them in an entirely new and distinct one. All the law bearing upon this branch of the subject is exhaustively stated in that opinion; but that opinion does not controvert my view of this case; on the contrary, it tends to strengthen the position I have taken.

As I stated a while ago, the corporation is now defunct. It has no longer an existence; but this Congress has declared these commissioners shall hold together and keep *in esse* the rights of the creditors, because these commissioners are empowered to sue and be sued.

Now, have we not the right to remove these commissioners and substitute one commissioner instead of three? It may be said, why not have the three that are there now instead of the one I propose; would it not be just as beneficial to the interests of these colored creditors of this institution? I answer no, and I say that the report of the commissioners themselves, when it is read in the light of the circumstances and the history of this banking institution, declares that they cannot enforce the proper remedies on behalf of those for whom they

act. Why, these commissioners have been in existence a year and a half, and have already expended about $150,000 in winding up the affairs of this concern, while they have declared a dividend of only 20 per cent. There are three commissioners to take charge of the affairs of this Freedman's Bank on behalf of these poor people, and yet, Mr. Chairman, two of these commissioners discharge no duty whatever. I am informed that two of them pay out of their share of the salary $500 apiece to Mr. Leipold, the acting commissioner. He is the man who discharges all the duties of the three commissioners, and to his conduct in the premises I shall presently invite the attention of the committee. If Congress should not interpose on behalf of these poor colored people in the way I propose, they are not likely to realize more than half of that to which they are entitled.

Now, what is the history of this institution? At the time this bank was organized—so it was stated by one of the witnesses, one of its principal projectors, before the committee—it was known that the colored soldiers of the Union were receiving pay which they were not competent to take care of, and out of which they were swindled by speculators and other evil-disposed persons. It was said this institution was organized for the purpose of gathering together and hoarding the payments made to these Union soldiers; and also that it was incidentally intended and designed that such others of the colored population as desired might put their little savings into the coffers of this bank and have them preserved. Now I say that since 1865, when the colored people were emancipated, there never has been an institution which might have been made so beneficial as this might have been. It was the very contrivance that was needed by these people above all others. And if, sir, an intelligent philanthropy had given birth to this thing and presided over it from that time down, it would have been a tribute to the memory of every single man who had any connection with its original establishment; it could have been made so useful, so beneficent to these people, who had so recently been liberated from slavery, who knew not how to take care of their little earnings and were encouraged to deposit them in the coffers of this bank. And although one would be led to suppose from the language of the charter upon its face that it was instituted for such a purpose as this, the history of the bank from its organization down to the present time forbids that we take any such view of the matter. I make this assertion upon the facts and history of the case, that since this Government was organized no such stupendous fraud has ever existed under its protection. And, sir, it seems to me wonderful that such a fraud should or could have existed in the District of Columbia and city of Washington and pass unchallenged by the authorities, and especially by those who had taken the colored man under their especial supervision and care.

The first witness brought before the committee was Aaron M. Sperry, the inspector of the Freedman's Bank and its branches. When called upon to testify he made such disclosures as I will proceed to read to this committee. He says:

It is proper for me to state that I was an employé of the company as an agent for the colored Twenty-fifth Army Corps until 1867, and after that as a cashier of the company until I was made inspector.

* * * * * * *

Question. Did you, upon your inspections, cause the accounts to be checked with the ledgers, and were the records sent to the principal office, showing the errors and omissions?

Answer. So far as possible I sent them.

Q. Were these duties omitted anywhere where inspections were made?

A. Yes, so far as it was possible. It was not possible literally to comply with these instructions, because I had come into the business three or four years behind time, and to carry out literally the instructions was almost an impossibility. I caused the ledger balances to be taken off, and it was to this point that I referred just now. In many cases, finding the ledger widely different from the original entries as returned to the principal office, I made improvements. To illustrate, take the case of the Washington branch, where in 1870 I found a difference between the ledgers and the general account of some $80,000, and by our best endeavors and the employment of additional expert force, we were never able to reduce this difference below, say, $40,000. I speak from memory.

It was to this point I referred just now. Then the witness, proceeding to tell something about the general management of the institution, further deposes:

Now, as to the want of conformity to law, or to the violation of prudent commercial usage, I confess that I hardly know what to say—

Remember, this is a statement in regard to the character of the management of that institution by one of its original foster-fathers, by its inspector, by one who remained close by the institution from the time it was founded down to the present time. By attention to his testimony you can form some idea of the peculiar character of this remarkable banking institution—

Now, as to the want of conformity to law, or to the violation of prudent commercial usage, I confess that I hardly know what to say. There is no branch where loans were made, that I am aware of, where those principles were not violated more or less. At Jacksonville, Florida, where I cannot charge fraud, I am sure that I never knew a grosser or more ingenious violation of prudent commercial usage. But I mean by fraud a case of a man stealing or sharing in the profits. There is a thousand-dollar item at Jacksonville which I cannot prove to be fraudulent, but which looks wonderfully like a steal, and is carefully covered into the books. This case illustrates the difficulty of bank inspection. It is the work of months to check off the accounts. In that case (where I suspect fraud, but am not able to prove it) the day's work had been extended, $1,000 short. The thing was very simple, but very ingenious. For instance: from Tom, Dick, and Harry, say that $3,300 had been received during the day and extended on to the margin, which went into the cash-book and then into the ledger; but, instead of extending it as $3 300, it was extended $2,300. That enabled $1,000 cash to be disposed of and no questions asked; and it was impossible to discover it except by going over the original footing, which involved a work of months. We struck it accidentally. In that case I always supposed fraud. The cashier was responsible under his bonds, but they were good for nothing. Then, again, loans in defiance of the authority of the principal office were made to wholly irresponsible parties. The cashier, W. L. Coan, was particularly reckless. The latest report from the commissioner's agent, Mr. Lockwood, is that at Jacksonville the company will probably lose $100,000 out of the $150,000 or $160,000 that was put out there. Coan was removed and that was all that could be done; his bond was good for nothing. At Beaufort, in addition to the frauds above mentioned, for which Mr. Seavel was prosecuted, he had made loans to a large extent, most of them without the knowledge of the principal office, and he had made false statements with reference thereto. The amount of loans, I think, was between $135,000 and $145,000, of which $100,000 may safely be set down as lost. At Memphis, the cashier, acting on his own responsibility, made loans involving some $60,000. His doing so did not involve any fraud, for it does not appear that he was to profit personally by them; but it certainly cannot be called much in accordance with prudent commercial usage, nor do I think it was in conformity with law.

I will now read further extracts from the testimony of this same witness before the committee. Here is a statement in regard to the management of the affairs of the bank in this city:

Q. Do you know anything of this deficit or fraud of $40,000 in the Washington branch?

A. That there is fraud in it I do not know. The thing simply cannot be explained. There have been so many blunders in the accounts; so many duplications of balances; so many wrong postings in the ledgers that the books are utterly and wholly unreliable. If that be fraud then it is fraud. When you find the book-keeping so bad that the debits and the credits are not always distinguished, and that, when the account is carried forward, the reference marks are left off, and so a number of duplications have crept in, what are you going to do about it? It may be fraud, and if the man was smarter I should say it was fraud, but I think that he was too dull for fraud. Still, when you come to a plain statement, I am unable to explain it, and I do not know anybody who is able. I never have had any reason to believe that there was stealing in the Washington branch office. I am the only man, too, who has ever preferred charges against the officers of the branch, but it was in confidence.

I now call the attention of the Committee of the Whole to another signal fact. These statements made by this witness have reference simply to the general management of the affairs of the bank and the condition of its books. He was asked with regard to a particular transaction:

Q. Do you know of any case occurring at the principal office here in Washington where there was an attempt to cover up the real nature of a previous transaction for the purpose of concealing it?

A. The Seneca Stone Company was undoubtedly such a case.

Q. Give us a history of the transaction.

A. I never knew anything about it until after the bank was closed. It was a concealed transaction.

Q. I see your name signed as witness to the transaction.

A. No, sir; my name is simply attesting the original papers; simply for the commissioners.

Q. I took it for granted that you knew something about the transaction.

A. Never, in the least. Those papers were merely copies of papers sent to my house, and were attested by me as true copies only.

Q. What state of facts do those papers disclose?

A. They disclose this: that a loan of $50,000 was made to Hallet Kilbourn and John O. Evans at a certain time, with certain collaterals attached—which are described in the agreement—and that a secret agreement was drawn up between the actuary, the finance committee, and these gentlemen, that, in case the note was not paid at maturity, the note and all the securities, except the bonds of the Maryland Mining and Manufacturing Company, should be surrendered to the makers of the note, and that the bonds in question—that is, the Seneca Stone Company bonds—should be taken in full payment of the note.

Q. Was not that agreement, between Kilbourn and Evans on the one hand, and the officers of the bank on the other, (with a secret article stipulating that on certain contingencies Kilbourn and Evans were to have their note returned and all the other securities except the Seneca Stone bonds,) an expedient to cover up a transaction between the actuary and the Seneca Stone Company of a date prior to that agreement?

A. No; I think it was something better than that. It was an effort to pay an old loan by a new loan which was larger. In other words, there had been on the books of the company a previous loan for some $35,000 to the parties representing the Seneca Stone Company. This loan was ordered paid, and so far as the books of the company show, it was paid.

Q. Ordered by whom?

A. By the board of trustees. Mr. Edgar Ketchum, of New York, who is an honest and faithful trustee, told me that he stuck to that until he got that loan paid.

Q. What loan?

A. The first loan to the Seneca Stone Company, $35,000. You will find it in the minute-book ordered paid, and that it was paid, so far as the books showed. About that time a loan of $50,000 was made to Kilbourn and Evans, the gentlemen referred to before. Among the collaterals was $75,000 of the Seneca Stone bonds, but there were other collaterals to make it pecuniarily a good loan.

Q. What was the worth of the other collaterals, with the stipulation that all the collaterals, except the Seneca Stone bonds, should be surrendered?

A. There were enough other collaterals with the loan to make it a good one, besides the names of the parties. The note did not mature, say for a year. When it did mature and was not paid, the then actuary demanded payment; and the parties stuck at him this secret agreement. He refused to give up the papers and was threatened with suits, and there was some wrangling about it; and finally the note and the other papers were given up and the Seneca Stone bonds retained.

By Mr. FARWELL:

Q. Who was the actuary who made this agreement?

A. Colonel Eaton. This thing did not come to light of course, because the agreement was in the nature of a secret agreement, till the maturity of the loan, when the actuary then in charge, Mr. Stickney, informed them that they had to pay the note or sacrifice their collaterals, and then they came forward with that secret agreement.

To a question by the chairman he says:

By the CHAIRMAN:

Q. Do I understand you to say that the return of the note of Kilbourn and Evans, and of the securities (other than the Seneca Stone bonds deposited by them) was not made till twelve months after the transaction?

A. It was not made until after the note matured, and until payment was demanded.

Q. Did you not say that that was twelve months afterward?

A. I think so. It was after the maturity of the note.

Q. That is what you mean to say?

A. It was not till the maturity of the note, whatever time that may have been, and until payment had been repeatedly demanded.

Q. And you think that that was twelve months after the date of the secret agreement?

A. Yes; I think so, or whatever may have been the term of the note. I say twelve months, because a year is the usual time.

Q. Do you now say that the transaction with Kilbourn and Evans had no relation whatever to the old transaction with the Seneca Stone Company, but that it was a new and good loan, as of the date when it was made?

A. So far as appearances went, it was; in other words, so far as the books of the company showed; and until the secret agreement was brought to light, there was no reason to suppose otherwise. In my opinion it was an attempt to foist the Seneca Stone bonds on the company.

Q. I read from the report of the commissioners of December 11, 1874, the following:

"Received, Washington, D. C., November 15, 1873, of the actuary of the Freedman's Savings and Trust Company, the within-mentioned securities, with the exception of the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company, with the understanding that our note for $50,000 is to be returned to us on or before the 18th instant.

"HALLET KILBOURN.
"JOHN O. EVANS."

Then—

"Received note as agreed upon.

"JNO. O. EVANS."

What is this transaction? The same thing is in the report of the commissioners and is also a part of the public records. The Seneca Sandstone Company, a Maryland mining and manufacturing company, was a bogus institution so far as the testimony discloses. The property was put in as part of the stock, say $500,000, and what money was invested by the stockholders was secured by a first mortgage on the property, which prevented the second-mortgage bonds from having any value whatever. They issued $100,000 of the second-mortgage bonds. And these are the bonds referred to in the testimony of Sperry as being the bonds in reference to which the trade was made with Kilbourn & Latta. I would like to know if this transaction is not one of the most fraudulent that ever occurred in connection with an institution of this character? And yet it occurred in a high place and between gentlemen who had the management of millions of money, the property of others. Kilbourn gives his own statement in regard to it. I would be willing to take his own evidence, without reference to anything else said in this whole testimony, to show what was the character of this transaction. This bogus company, of which distinguished gentlemen of the United States were the stockholders, beginning with the President of the United States and ending with Caleb Cushing, I believe—I say these distinguished gentlemen constituted this Maryland mining and manufacturing company, and it was contrived that this company should have so much money belonging to the Freedman's Savings and Trust Company. It was loaned upon the securities that have been referred to by Sperry. About that time the fact transpired publicly, and it was made known in a newspaper published in Savannah that this loan had been made and that it was an imposition upon the creditors and depositors of the bank. Now Mr. Kilbourn says that the actuary of the bank told him (and I give but the substance of this testimony fairly interpreted, as I think) that the company were in a close place and that the public must be deceived in regard to this transaction; that it must appear upon the face of the books, lest the company should be further involved in trouble, that that loan had actually been paid and that the note of Kilbourn and Evans was held and owned by the company, so that they might challenge the inspection of the public and that upon such inspection it might appear that the story which had been told upon them by the Savannah newspaper was wrong; that they had never done any such thing as was charged and that this money was properly secured by the promissory note of Kilbourn and Evans and by collaterals deposited at the same time the note was given. But here is a secret agreement—secret, as two of the witnesses declare, between the parties which in legal effect says on its face that Kilbourn and Evans were indebted to the company in the sum of $50,000—in which they state that they pledge and deposit with that company a certain number of collaterals, enumerating them, and these collaterals are deposited here for the protection of the company in order that they may recover this $50,000. But that secret agreement goes on to say further that at the time of the maturity of the note Kilbourn and Evans shall have—what privilege? The privilege of taking up the note by which the loan was secured and also the solvent collaterals, and leaving with the company only the $75,000 of the second-mortgage bonds of the Seneca Sandstone Company, which, according to the testimony, were not worth four cents a bushel at that time. That was the transaction between these parties.

Now, I think this is about of a piece with all the other transactions of this company from the beginning down to the close of its career. This is but a sample. Those high in authority here, those owning a vast amount of real estate in Washington—respectable gentlemen, putatively, and standing high in the republican party, the professed guardians and protectors of the colored people—those are the men who were the beneficiaries of this unfortunate concern, the Freedmau's Bank.

Now, I desire to call attention to further testimony of this same witness. When he comes to speak of the various branches of this bank (and it should be remembered that there were thirty-four of these scattered all over the land) he says:

At Atlanta, where the defalcation occurred of which I spoke in my last testimony——

The CHAIRMAN. Was that one of the banks authorized to grant loans?

The WITNESS. No, sir; this is a clean steal, not an error of judgment. It is the case where the cashier was convicted of embezzlement.

Then he comes to testify about the Lexington branch:

The CHAIRMAN. Is Lexington the point where this pious young man, this missionary from Oberlin, acted as cashier?

The WITNESS. Yes; that is a good description, I think. His name is Hamilton; he graduated, and became an Indian agent. It is a singular coincidence that the man who robbed us at Atlanta begged off that he might accept an Indian agency, whereby he could pay us the sooner, and that Mr. Hamilton went off from the bank and took an Indian agency. He is an Indian agent now.

He had been stealing from the Freedman's Bank, and he wanted to be put in the employ of the Government that he might steal enough from the Government to pay back these unfortunate colored people whom he had robbed at the branch bank at Lexington.

As to the deficit referred to at Lexington, the entries on the books were so successfully managed as to have defied detection by any ordinary inspection. It would only have been by good fortune, in striking the particular pass-books, that any differences would have been discovered. To illustrate: the ledger showed that we owed a man $200, but when we got hold of his pass-book we found that we owed him $1,600. Hamilton picked his men, the men who would not come near the bank for a year perhaps. The man at Atlanta did better than that, for he ran duplicate pass-books.

These were the pass-books given to depositors. At one of the branches, one of the cashiers selected his depositors from away off, thinking they would never get home again; but the Atlanta man beat him; he had duplicate pass-books. He manipulated one pass-book while the colored man had the other.

Says the witness further:

I should be very loath to reflect upon the clergy, and certainly not upon religion, but I must say that Mr. Corey, at Atlanta, was also a Congregational minister.

Now those who are curious in regard to the history of this Freedman's Bank may wish to know what the opinion of this witness is as to the causes, proximate and remote, that led to the failure of the Bank. He gives in a nutshell the causes which gentlemen have perhaps been able to gather from the statements I have been compelled to make hurriedly in these extemporaneous remarks in regard to the transactions of the bank.

Hear what the witness says on this subject:

Q. State in a general way all the causes, proximate or remote, which appear to have been the most prominent in bringing about the failure of the bank, as far as you have been able to form an opinion from such examination as you have given to its affairs.

A. Had there been scrupulous conformity to law in every particular, and carefulness in selecting investments, such as men fully conscious of the sacred nataré of their trusts ought to have exercised, I do not think the company would have failed, for the reason that its franchises were most valuable. It had, as it were, *carte blanche* in reaching four millions of persons who were prudent, industrious, and ever-increasing economical depositors, so that whatever the expenses might have been in originating the company, its increase in depositors would have been in greater ratio than its expenses, and ought, before the time the company failed, to have brought it into a condition of solvency, even supposing that the current rate of expenses actually incurred had been kept up. I regard the first fatal departure from sound policy to have been the erection of the banking-house in Washington. For whatever may be said of the amendment of the charter, judicious investments in real estate are as good securities as such a savings-bank need to have in part. There got to be around the principal office of the company an unwholesome savor of connection with what is popularly known as the Washington "ring," of the existence of which ring I have no knowledge. At any rate, the management was first opened to criticism by the politicians. In addition to that, there were violent and unjustifiable partisan attacks on the bank. The immediate causes of the failure of the institution were undoubtedly the panic of 1873, and the ostensible, though not the real, connection of the bank with the house of Jay Cooke & Co. This led to such a reduction of the balances held by depositors that, even if nothing further had transpired, the institution would have been closed by its expense account.

Q. Was the unwholesome savor which hung around the skirts of the bank a cause of the partisan attacks upon it of which you have spoken, or were the attacks the result of the knowledge that such savor existed?

A. It was the immediate cause. I believe that had the bank been as immaculate as it ought to have been it would have suffered these same attacks.

The CHAIRMAN. That is a mere assumption.

The WITNESS. Then I will say that had the bank been as immaculate as it ought to have been and had suffered these same attacks, it could have resisted them without loss. I could have gone to our depositors, and simply said, "These things are not so," and I would have been believed.

Mr. RIDDLE. But you could not say that.

The WITNESS. No, sir; I had to make so much of a clean breast of it that I spoiled all that I said. I have been waiting two years, Mr. Chairman, to say this. I can prove to you that for two years I have been working to get a congressional investigation.

Here is this witness who for two years knew that this colossal banking institution was robbing nearly a hundred thousand of the colored population of the country; for two years he had pronounced against it in the councils of this corporation; for two years he had sought congressional investigation. Yet nothing was ever done so far as the protection of these people was concerned except amending the charter, the result of which was not to benefit them but to injure them.

Now, Mr. Chairman, I desire to call the attention of the committee to the characterization of the conduct of this concern and of the individuals connected with it by a colored man, C. B. Purvis, one of the most intelligent and cultivated colored men I have ever met in my life. He is a physician, practicing his profession in this city. He was one of the original trustees. He is devoted to his race. He did what he could, I have no doubt, to protect his people from the spoliation and robbery committed in this bank; but he was unable to accomplish his good wishes in the premises.

Question. State your residence and profession.

Answer. I reside at 1118 Thirteenth street, Washington City. I am a physician, and am a professor at the medical school of the Howard University.

Q. State what connection you had, if any, with the Freedman's Savings and Trust Company.

A. I have been trustee of that bank since March, 1868. Just before it closed I was its first vice-president and a member of the finance committee. I was for one week, I believe, a member of the finance committee. I was put in on the day of the resignation of Cooke, Huntington, and Brodhead, and I resigned at the next meeting of the committee, I believe.

* * * * * * *

Q. And at that time—

Witness had just spoken of a particular time in reference to which he had been questioned—

Q. And at that time there had been an investment in the bonds of the Northern Pacific Railroad Company to the extent of $50,000.

A. Yes. Jay Cooke & Co. wanted the Freedman's Bank to take an agency to sell some of these bonds, and they also had borrowed $50,000 from the bank and had given some of these bonds as collateral security, giving us their guarantee to take them back on five days' notice. Both these cases came up at the same meeting of the trustees, and that was my first knowledge of irregularities in the bank. Henry D. Cooke was a member of the firm of Jay Cooke & Co., and was chairman of the finance committee of the Freedman's Bank, and was permitted at that time to exercise unlimited control of its finances.

This man occupied the double position, I believe, as was stated by this witness, of chief manager of the Freedman's Bank and chief manager of a bank in this city that was the property of Jay Cooke & Co. Besides that, this remarkable fact is disclosed in the testimony that this Henry D. Cooke was a stockholder in that Seneca Sandstone Company which obtained so much of the money of this banking institution upon the flimsy security of $75,000 of its second-mortgage bonds.

The question is further asked of Purvis:

Q. The second-mortgage bonds of the Maryland Freestone Mining and Manufacturing Company were given to the bank as collateral security for certain loans?

A. Yes. The first loan to the Seneca Stone Company was given on first-mortgage bonds as collateral. That was a comparatively small loan, and it was afterward increased from $20,000 to $50,000; and how the securities were converted from first-mortgage into second-mortgage bonds I never found the mortal being who knew anything about. The trustees always supposed that that loan was called in until after the bank closed, and we did not know what had become of the first-mortgage bonds until Kilbourn and Evans sent their attorney, Mr. E. L. Stanton, to us to prosecute us for certain securities which they had given us. Then Mr. Stickney, the actuary, or Mr. Alvord, the president, laid before the trustees the nature of this demand, which was that we return to Kilbourn and Evans their note and securities. None of the trustees had ever heard of the circumstances before, unless it may have been the members of the finance committee, and they never let on that they knew it; they all denied emphatically that they knew it, at least those of them who were present. Messrs. Cooke, Huntington, and Brodhead were out of the finance committee at that time. Kilbourn and Evans demanded the return of their securities and that our guarantee to them be carried out, which was that, if the Seneca Stone Company did not pay the loan within a certain time, (I think ninety days,) we would remit as security for it $95,000 of second-mortgage bonds, (which bonds were already in the possession of the bank.) That was the first I ever heard of the Seneca Stone Company's loan not having been paid; and it came up in that form. We were a good many months considering that matter.

Now I want to call attention to the manner in which this concern was induced to do what Mr. Cooke wanted to have done in the premises, to make that exchange of good for insufficient securities. This witness explains, so far as it was possible for him to do so, the circumstances under which the secret agreement was entered into:

Q. Did the board authorize this to be done?

A. We allowed them to take back the note and securities. The securities were worthless things. They were the stock of the Metropolis Paving Company, I think. There was a good deal of dispute in the board about the matter, but it was carried by a majority vote.

Q. Was there any paper or any order signed by any person authorizing the exchange of first-mortgage bonds to second-mortgage bonds?

A. Never. Mr. Tuttle says that Mr. Cooke had a hand in getting them exchanged; that he came to him one day when he was busy signing bonds and said, "I wish you would sign this paper in reference to the Seneca Stone Company." Cooke said that it was carrying out the wish of the board of trustees. Tuttle didn't know what it was, and he said, "Mr. Cooke, I have not time to read it. I am busy now signing bonds." Cooke asked him whether he would not believe what he said. "Well," said Tuttle, "you have been the financial agent of the Government and have had a great many millions pass through your hands. I have no doubt of what you say, and I will take your word. So he just signed his name to the paper, and Cooke went away with it. And that is the way Tuttle says that the first-mortgage bonds were exchanged for second-mortgage bonds. I met Mr. Tuttle on the street yesterday and he told me this story and says that Cooke will not deny it.

Q. Then it was done by the order of Tuttle, on the representations of Cooke?

A. Yes. When the actuary laid before us the demand of Mr. Stanton, we learned tha this agreement had been signed and hidden away by Mr. Eaton, the actuary, and by the finance committee, Cooke, Huntington, Clephane, Tuttle, and Brodhead. It seems they had all signed it, but had never reported it to the board of trustees. The only reason why we returned the note to Kilbourn and Evans was that there was a considerable run on the bank at that time, and we did not want it to go out to the public that the bank had been sued. Mr. Langston was appointed to investigate the matter, and he unearthed the facts after a long investigation of some weeks; and yet the members of the finance committee who were present when the thing was first reported denied emphatically having ever signed that agreement or having had anything to do with it.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BRADFORD] has expired.

Mr. HOOKER. I hope that by unanimous consent of the committee the gentleman will be permitted to conclude his remarks.

The CHAIRMAN. The present occupant of the chair has often ruled that the Committee of the Whole, under the rules, has no power to extend the time of any gentleman. Still the Chair does not feel himself bound arbitrarily to cut the gentleman off if he wishes to proceed and no one makes objection. The Chair will inquire of the gentleman about how much time he desires?

Mr. BRADFORD. Half an hour, I think, will be enough.

Now I wish to call attention to another statement of this witness, showing the loose and careless manner in which the affairs of this bank were administered. Loans were made at the request of individuals whom the managers met upon the street; but these, we are bound to infer from the testimony, were that class of individuals who generally controlled the financial affairs of the bank. Throughout the testimony you will find that a few individuals, some of whose names I have already mentioned, were the real personages who controlled this institution and who, so far as we are able to discover, were large beneficiaries by their manipulation of the bank.

Q. Was there not another loan made on the representations of Mr. Alexander R. Shepherd?

A. It appears in the report of the commissioners that Mr. Vandenburgh owes a large amount. These loans never came directly before the board of trustees, or, at least, a very few of them did. The actuary, in reading his report to the board, would say, "City securities, (naming the class,) so much invested." Some members of the finance committee, including Moses Kelly, the sinking-fund commissioner, were very earnest in the defense of these securities, and Mr. Kelly invested largely in that kind of security for his own bank, (the National Bank of the Metropolis.) I was very much opposed to it, as I was opposed to everything connected with the board of public works.

Well, he was sensible.

Stickney staid at my house, and, talking with me one day, he said that he had never done a wrong thing in the bank except letting Vandenburgh have a large sum of money one night. I asked him how much. I think he said $30,000. That perfectly astonished me, so I "went into" him and questioned him very closely, thinking that I would have occasion to recollect it and use it. He said that Vandenburgh came to him wanting some money to pay off his hands that night, and that Shepherd said, "Vandenburgh's accounts are approved, but look what a crowd. (This was on Saturday night.) I will pay you on Monday, if you let him have the money."

There were the employés on the outside, hungering and clamoring for their money. It was after bank hours; and this hungry crowd were desiring to have their pay.

Stickney said that he would let him have the money, and he did let him have it. Afterward he went day after day to see Mr. Shepherd, and could not see him. When he did see him, Shepherd was more forcible than polite, and told him that he was in a damned hurry to get that money. Subsequently Shepherd said to him, "If you do business in that kind of a loose way, you are a damned fool;" and that time he told the truth. This is what Mr. Stickney says about the matter, and I presume he is to be believed on that point.

Now, inasmuch as I propose by the amendment which I design to offer to remove these commissioners, I shall read what this witness says about the conduct of Mr. Leipold as a reason why he should be removed. Remember he is the acting commissioner, the man who manages the affairs of the bank. The other two commissioners have turned the matter over to him, and allow him, I am informed, a part of their salaries, respectively.

This man, Leipold, is the custodian of all the property these 70,000 creditors of this institution have as security for their deposits. Now, this man I want to remove and put another in his stead, a man selected by the Secretary of the Treasury, a man over whose conduct the Secretary of the Treasury shall keep and maintain supervision, with the power of removing him and putting another in his stead whenever he detects any failure to comply with the law or prudent commercial usage. But let me read again from the testimony:

Q. Had you a conversation with Mr. Leipold, in presence of the other two commissioners, in reference to the employment of a Mr. Cook?

A. Yes. Mr. Leipold was recommended to us as a trustee by Mr. Ela, the Fifth Auditor, and by some others, as being a very fine accountant, and we elected him on that recommendation. He was then a clerk in the Treasury, getting just as much salary as he gets as commissioner of the bank; that is, $3,000. The other two commissioners were Mr. Creswell, who was elected because he had been a Cabinet officer, &c., and my father. Just before the bank went into liquidation, Mr. Cook, a young colored lawyer, a young man of marked ability, was employed by us as our solicitor, and when we went into liquidation he still wanted to retain the position. I told him that if he would write a letter I would take it to the commissioners and would tell them all about him. He wrote the application, and I went in with it and with an application from another young man who wanted to be an auctioneer for the bank. The commissioners read Mr. Cook's application, and I instantly saw Leipold get angry. I went on and gave my reasons why I thought that he should get the appointment. I said that this was a bank for the colored people, and that, as they would have had a large number of deeds of release executed and as this young man was a notary public, it would be well to let him have the appointment. Leipold got up and said, "We will not do it." His manner was very offensive. He said, "I came here, not for this paltry $3,000 a year, but for my reputation. I intended to do all this legal work myself; to go into the court and to make a reputation as a lawyer. I want to get out of this Government employment, and I want to receive the fees in these cases myself. I do not see any reason why I should not take these deeds of trust and release and make them out myself at home, and receive the extra fee for the business." To which I replied, in a very straightforward way, "If I had known for one minute that you came here to make this a stepping-stone out of which you could make money, I would not have voted for you." Some compliments passed between us, and I retired.

Now then I come to another statement of this same witness in regard to other officers of this banking institution:

The commissioners had been in existence some two months or more, and we had turned over to them everything belonging to the bank, but Mr. Stickney had not turned over this note until it was discovered in this way.

That is a particular note which had been hid away by this man Stickney for a long time and only became known to the officers of the bank in the way described in this testimony, but which I will not now take time to read. I read again from the testimony:

The affairs of the Freedman's Bank ought to have been wound up long before, because it was a very unwieldy and unmanageable institution, and I had been trying for a year or two to have it wound up. The cashiers at most of the branches were a set of scoundrels and thieves; I mean particularly those at Beaufort, Jacksonville, Florida, Mobile, and Vicksburgh. These fellows were all thieves and scoundrels, and made no bones about it. The cashier at Jacksonville took $6 000 from the bank and loaned it to his son-in-law, without security, in order to make up a deficit which the son-in-law had in his account as tax-collector in one of the counties.

This man's son-in-law had been a tax-collector in the State of Florida and had stolen a sum of money from the people of that State. And when he was appointed an officer of the branch bank at Jacksonville he got into the institution and stole money enough from the poor negroes to refund what his son-in-law had stolen from the people of Florida; and to this he was driven because he was afraid his son-in-law would otherwise be punished. I will read further:

They were all thieves and scoundrels, but they were all pious men and some of them were ministers. The cashier at Jacksonville is a minister, and to-day he has a large Sunday-school; almost all of them are ministers. I think that Mr. Beecher, the cashier at Montgomery, acted dishonestly. He may pay every dollar of it back, but he took the money of the bank without authority.

Now, Mr. Chairman, it is shown by this testimony that there was as cashier of the bank in the city of Washington a man by the name of Boston, who was not only guilty of the general practices of his fellows upon which the testimony I have read throws so much light, but he was also guilty of the mean transaction of fraudulently appropriating the money deposited in the bank by a colored man who lived in the city of Alexandria. When this colored man went to the bank and asked him about the transaction, he began to shed tears and owned he had forged the colored man's name and drawn out his money. This man was the cashier, as I have stated; one of the trusted officers of the bank. Now, why was it that in this large banking institution in the city of Washington—the parent institution, located here, controlling all these branch banks—why was it, I say, that in all the ramifications of this bank, with thirty-odd branches scattered throughout the whole southern country, there were employed, without a single exception, none but dishonest and incompetent men? It was never contemplated, perhaps, at the outset that this parent bank in the city of Washington should extend itself throughout the country through the agency of branch banks. But this contrivance was adopted in order that all the money which could be hoarded by the colored people of the South might be gradually drained into the city of Washington and into the parent bank, so that it might be manipulated and controlled by this particular ring alluded to by Mr. Sperry. Why, they went out as missionaries all over the land, and declared to the colored people of the southern country that this bank would take care of their funds for them; that this bank was solvent, well and ably managed, and that it not only had the support and countenance of the General Government but the General Government guaranteed the full and faithful repayment of every single dollar deposited by them. These things were printed on the pass-books which were handed to these poor and deluded colored people of this country.

By this sort of contrivance all this money was collected from the various banks, and not one single set of books, not a single set of books at any branch bank, not one set of books at Washington, not any books anywhere could give you any more than an imperfect idea in regard to the transactions either of the parent bank or any of its branches. Somewhere about $60,000,000 of the hard earnings of this poor people passed at one time or another into the hands of such men as I have alluded to and such men as have been alluded to in the testimony of Mr. Sperry and Mr. Purvis. They would not select competent men; they would not select honest men, because, I suppose, they believed that such men would protect these innocent depositors. They got men into office as tools in order that they might manipulate them.

And the rest of the testimony, Mr. Chairman, is in keeping with that which I have already detailed. I will not undertake to analyze it at all. I do not pretend to have done more than to call the attention of the House to the salient facts in the history of this most nefarious business.

Now, Mr. Chairman, I know that it is an unpleasant task for one occupying the position I do to bring such a matter as this to the attention of the country. It will not be believed that I, coming from the particular region from which I do come, am really a friend to the colored people; that I have any desire to protect them in the premises. But I would put the conduct of myself and of the committee who have been charged with this investigation into comparison with the conduct of those who have been deputed as guardians of the colored people and who have managed the finances of this great banking institution. Sir, the administration of this bank has been like the administration of everything connected with the Government since 1868 in the southern country. All the affairs of this Government have been administered in the South, or at least in the State in which I reside, in the same way in which the affairs of this bank have been managed. A desire has existed simply to get hold of and control the political power of the country. It was expected that the South would be tied and fastened to the republican chariot. Since 1868, since the so-called rehabilitation of the State of Alabama, there never has been a time when the laws of this country were enforced there according to the Constitution and the law of the land; there never has been a time when justice was judicially administered in that country; there never has been a time when the liberty of the citizen of that country was safe from molestation on the part of those who assumed to be officers of the Government. It is to bring this matter, in connection with what has been revealed in the testimony in regard to the affairs of the Freedman's Bank, to the attention of the country, that I say what I do on this occasion.

Now, Mr. Chairman, I for one hope that this state of things will not longer continue. I can see no reason why justice should not be done in this particular case to the immense number of colored people whose all may be involved in the settlement of the affairs of this bank. I do not see any good reason why a wholesome administration should not prevail in the country from which I happen to come. Since 1868, as I have already stated, we of the South have been brought in contact with just such persons as those who have managed the Freedman's Bank, and whose characters have been unfolded to you, not by democratic witnesses, not by men who have come from the South, but by republicans, by men who have been intimately associated with the republican party and with the control of the colored people of the country. Now, just as these people are are all the employés and agents of the Government with whom the people in my country come in contact daily. And this fact I think cannot be recognized fully in the country, else I believe an effort would be made on the part of the people of the North to rescue their southern brethren from the tyranny under which they are groaning.

Affairs have improved a little in our country, but I say they must improve wonderfully before we can get into a condition in which it can be said that civil liberty prevails in that land. The circuit and the district courts of the United States in and for the State of Alabama have absolute control almost of all the conduct of the people of Alabama, or at least have exercised that control until a comparatively recent period, when the opinion of the Supreme Court of the United States was delivered in reference to certain acts under which they claimed the right to control these people. Now, sir, in these courts there was not that regard for the liberty of the citizen, there was not that regard for the property and rights of the citizen, that you see exemplified or rather illustrated in other tribunals of the land. I myself have been a witness, Mr. Chairman, of the manner in which the people of that country have been controlled and tyrannized over by these judges, until their conduct calls aloud for the condemnation of Congress and for the reprobation of all the people of this country.

I do not, sir, come here to complain of the Government of the United States, because I believe that the Government of the United States is beneficent and means protection for these people. I do not here to-day say aught of complaint about any of the measures which have been inaugurated in this country for the purpose of re-organizing the Union and restoring to the South its political privileges in the Union. These measures are now historical measures. They are approved by the people from whom I come, and I stand here myself to-day to approve them. We have been reviled in Congress and out of it and charged with rebellious sentiments and a desire to injure the Government. I say we entertain no such desire to-day and have never entertained any such desire. It is the wish of our people to be as faithful to the Union and as true to every obligation to this Government—and it is our purpose so to be—as the citizens of any other part of the country. Alarms are spread all over the country that it is the purpose of the South to do something wrong with reference to the great obligations imposed upon them growing out of the late unfortunate struggle between the two sections of the country.

There lurks not in the breast of any single man south of Mason and Dixon's line any such purpose as has been charged upon our people. We have pledged ourselves solemnly, we have pledged in every way that it is possible for us to do so, that we will abide by the adjustment of 1868, or at least so far as the people of Alabama are concerned. I know we have promised and pledged ourselves to abide by the adjustment of 1868, whereby a constitution was framed and put upon the people of the State of Alabama and a new civilization instituted there. We expect to discharge all our duties to this Government, no matter what they may be; and, no matter whether some persons may consider that they are onerous or not, we will discharge them all faithfully.

There is a great debt hanging over this country, and we know it. How far we have been responsible for it is a matter which pertains to history alone, and is not now and here to be discussed. But I say here, in the presence of the House, that the southern people desire and intend to pay and to contribute to the utmost of their ability to pay every single dollar of the national debt according to the tenor of the bond, not in such money as might be made by Congress, but in such money as is the legal money of the commercial world. No party harbors any intent or purpose to do anything but that. That debt to-day is a national debt; it is the debt of the North, the debt of the South, the debt of the whole nation. It is slanderous to say that southern people contemplate in any conceivable way the impairing of the obligation of that debt or contemplate paying it in any other way than that contemplated by the people of the North.

In addition to that, there is an obligation resting upon the whole country to take care of and make provision for the soldiers of the late war. The southern people, as the conduct of their Representatives on this floor has demonstrated, will be as forward as the people of any section of this Union in providing for the maimed soldier. They regard it as the highest obligation of the Government, an obligation higher and greater than that of the public debt, to pay to the soldier any bounty or any compensation that was promised him when he enlisted and became a soldier of the United States.

No dislike exists anywhere in the mind of any single man who belongs to my party I believe in the South—certainly in the State in which I reside—of any other man simply because he was a Union soldier and fought to maintain the Union. We regard him as a sol-

dier of the Union of which we are now members. We are no longer confederate citizens, the confederacy is dead, long ago dead, and nobody ever thinks about it except as something that is connected with an unfortunate portion of the history of the United States. And I renew what I have already stated to be the pledge of the people of the South, to do justice to the soldier as fully I will say—yes, we will go further, for fear of a suspicion attaching to us in this case, than the people of the North—in providing the soldiers with such support as may be found in the pension laws of the United States.

It is said, too, that we want the rebel debt paid, or some other debt or obligation of some sort, I hardly know what, to which it is said we lay some sort of claim, There is nothing more ungenerous than the charge that there lurks in the mind of any of the southern people any desire that any obligation assumed by the Confederate States, or by any of the Southern States during the war, shall be discharged in whole or in part by the United States, by any means whatever.

Ah! it is said, however, that while we cannot do these things, for they would be flagrant violations of our duty and would meet the universal condemnation of the people of the North, yet we seek to accomplish by indirection that which we do not desire to do directly. What is that? It is that we mean to get even for the losses incurred during the war and immediately after the war, and for the imposition of the tax of three cents a pound upon cotton by reprisals upon the Government of the United States in the form of claims for spoliation. I say that the people of the South have never been and cannot to-day be considered hypocritical in any respect whatever. They do not expect to be paid any of these losses, and no more think of them now than if they had occurred a hundred years ago. The fact that a few southern people have presented claims to this House for its consideration is no evidence of a concentrated attempt on the part of the people or their representatives to press the allowance of these claims or of any others that might be set up by these same people. These claims have never yet been considered by this House as a body. What action may have been taken in regard to them by the committees of the House I do not know and the character of them I do not know. But this I say, that these claims, growing out of spoliations that occurred during the war or immediately afterward by acts of soldiers of the Union, never will be supported by democratic members upon this floor from the South.

If cases of severe hardship shall receive the favorable consideration of this Congress, no matter what may be the views of particular members, those individual instances will be rare and extraordinary, and there will be no system of claims, no concentrated action, no desire to get even for losses by any form of reprisals whatever.

This it seems to me ought to set matters right everywhere in this country, so far as we are concerned. There is an effort being made now on the part of the republican party to gain power, by saying that such are the unhallowed purposes of southern members in this Hall, and of the southern people generally. But I do not believe that the American people as a mass, or even a majority of the republican party, will ever give credence to any such unfounded insinuations against us.

The republican party themselves cannot afford to trust to such people as I have alluded to already the management of this Government even in the South. They cannot afford to trust the management of this Government to such people as have been the cashiers, the actuaries, the managers of the Freedman's Bank in the South. It would require a despotism in this country to keep up such a Government as this. It would require such a strain upon the country, such an onerous taxation to maintain the internal-revenue system conducted by such people, that this people could not stand it. But the effort is being made to frighten them by these bugaboos and scarecrows in reference to the purposes and conduct of the southern people.

I am satisfied that the true republicans of the North will no longer regard these things. I am satisfied that the republican party of the North, at least the most of them, will no longer believe that such is the purpose of any democrat upon this floor, whether he come from the North or the South, simply because of charges of fraud such as have been made in the newspapers of the day, and at the other end of the Capitol, by men prominently connected with the Government. I cannot persuade myself that the people will believe this.

[Here the hammer fell.]

The CHAIRMAN. The additional half hour given the gentleman has expired.

Mr. RAINEY. I ask unanimous consent that the time of the gentleman be extended for fifteen minutes.

Mr. DUNNELL. When the time of the gentleman was before extended for a half an hour, there was no objection, for he was still engaged in the legitimate discussion of the bill before the committee. But he has evidently run out of that matter, and is now making a general political speech.

Mr. RANDALL. And a very good one, too.

The CHAIRMAN. Is there objection to extending the time of the gentleman for fifteen minutes?

There was no objection, and the additional time was granted accordingly.

Mr. BRADFORD. The gentleman says I have got off the legitimate line of my argument. In reply to that I say that the administration of the affairs of this Freedman's Bank is so intimately connected, as I have been able to show by the testimony which I have read, with the administration of public affairs in the city of Washington and all over the South, that I cannot avoid alluding to the particular subjects to which I was calling the attention of the Committee of the Whole when my time expired. It is all one vast concern.

The character of the administration of the affairs of this Freedman's Bank is the character of Federal administration in many parts of the United States; I will not say "Federal administration;" I mean republican administration. It is not worse here in the Freedman's Bank than in the internal-revenue service in Saint Louis. It is not worse in this bank than it is in the internal-revenue service or the administration of justice in the South. Therefore I say that they are all of the same character, and so intimately connected that a discussion of one involves the discussion of all.

And I believe it is not the deliberate purpose of all the members of any party in the North longer to keep the southern people in bondage; I believe that the almost universal desire of the people is to have a perfectly restored Union and an honest and economical administration of public affairs. I think they are now satisfied that it is impossible to keep the Government incorrupt and pure in one part while it is absolutely corrupt and impure in another part; that the impure part will finally infect the other, and general and universal corruption will ensue.

I appeal to those who may hear me now, and to everybody who may hear anything in regard to the matters which have been discussed here to-day, to do justice to the South, and no longer to believe that we are the outlaws and the hypocrites our enemies may please to term us, may charge us with being.

Give us good government at home, give us a wholesome administration of justice, and we shall be, as we declared and pledged ourselves we would be, as true friends to the colored people as any that are to be found on this continent, and as fast and never-failing friends of the Union.

Sir, I have felt myself called upon to make these statements in regard to these matters by charges and accusations that were made not long ago by a Senator from Massachusetts, I believe, in the other end of the Capitol. I believe it was said by him that it was not right to trust those who had been bred in slavery times with the care of the colored people or with any part of the political power of this country; and I might say he went so far as to declare that it would be perilous to trust them with seats in Congress, and branded them with the very things to which I have alluded. Hence I have felt called upon to review these charges and answer them as well as I could.

But I repeat, Mr. Chairman, there can be no higher, no more solemn assurances of our devotion to the Union and our purpose to keep in good faith all the obligations that now rest upon us than have been given in a thousand ways by the people of the South. We have had what some people have regarded as sufficient provocation to arouse what would have been declared a rebellious spirit on our part; and I have no doubt that these acts were intended to provoke us to a display of such rebellious spirit. But in the years that have intervened since 1868 there has never been, except in single sporadic cases here and there, any display by the people of the South of any such sentiment. And making this avowal as I do, making this appeal as I do to the sense of justice of the people of the North, I declare that I have confidence in those people; I have confidence even in the mass of the republican party. I do not believe that it is the deliberate purpose of any considerable portion of that party to perpetuate either upon the whole country or upon the South their rule as it has existed since 1868. It would be a catastrophe for the whole country; it would be, I confess, an especial calamity to the unfortunate and in some sense unhappy South for another administration of the same sort to control this Government for four years to come. A distinguished gentleman of Massachusetts, in alluding to this Administration more than a year ago, in a published letter addressed by him to the Harvard club of the city of San Francisco, declared in substance that the leading spirits of the dominant faction of this country had lost their moral polarity, and no longer steered their course with reference to the great cardinal principles of public virtue. He then conjured the alumni of Harvard to come forth from their classic retreats and rescue the imperiled honor of their country. Sir, when these sentiments are uttered by distinguished members of the republican party, (and this was the language of no other than Charles Francis Adams, of Massachusetts,) I cannot but believe that there is a leaven of patriotism at work in the ranks of that party which will to some extent purify it, and prevent such a visitation as a third advent to power of the Administration which has controlled this Government for eight years.

This is the centennial year; and I believe the great American people mean to make it the lustral year. I believe they are resolved that all the departments of their great Government shall be swept clean of fraud and peculation and the purity of their earlier administration restored; and when the material contributions of their genius and enterprise shall have passed under review of the nations at the commemorative exhibition soon to open at Philadelphia, I believe that next November they will close the grand ceremonial by a display of conservative electoral power that will repress all the agencies of evil that now menace the life of the Republic, and vindicate the divine wisdom that intrusted them with the sovereignty of this country.

Mr. DOUGLAS. There are other gentlemen, I am informed, how desire to participate in the general debate on this bill; and as it is now late I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the bill (H. R. No. 2828) to amend the act entited "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, and had come to no resolution thereon.

ELECTION CONTEST—LEE VS. RAINEY.

The SPEAKER *pro tempore* laid before the House testimony in the contested-election case of Lee *vs.* Rainey, from the first congressional district of South Carolina; which was referred to the Committee of Elections.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BEEBE for one week; to Mr. TURNEY for four days, on account of important business; to Mr. EGBERT for one week from Tuesday next; to Mr. MILLS for two weeks; and to Mr. CABELL for one week from Monday next.

DISTRICT BOARD OF HEALTH.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 3194) to abolish the present and to establish a new board of health for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

Mr. COCHRANE. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CALDWELL, of Tennessee: The petition of the officers of the lodge of the Independent Order of Odd Fellows of Trenton, Tennessee, for compensation for the building belonging to said lodge destroyed by fire while occupied by the United States Army, to the Committee on War Claims.

By Mr. CANDLER: The petition of M. H. Dooly and others, against changing the tariff laws, to the Committee of Ways and Means.

By Mr. EGBERT: Remonstrance of workingmen of Erie County, Pennsylvania, of similar import, to the same committee.

By Mr. HOAR: The petition of G. Henry Whitcomb and others, envelope manufacturers, for relief against injurious competition by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: The petition of Albert Grant, preferring additional charges against Andrew Wylie, an associate justice of the supreme court of the District of Columbia, to the Committee on the Judicary.

By Mr. KETCHUM: The petition of citizens of Danville, Pennsylvania, that aid be granted to a southern Pacific railroad, to the Committee on the Pacific Railroad.

Also, the petition of citizens of Luzerne County, Pennsylvania, for the retirement of national-bank circulation and the substitution therefor of greenbacks, receivable for all dues and convertible into Government bonds, to the Committee on Banking and Currency.

Also, the petition of citizens of White Haven, for the release of Edward O'M. Condon, to the Committee on Foreign Affairs.

By Mr. MAGINNIS: A paper relating to the establishment of post-routes from Boulder to Butte City, from Fort Shaw to Camp Baker, and from Old Agency to New Agency, Montana Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. MAISH: Papers relating to the petition of Mary Wade for a pension, to the Committee on Invalid Pensions.

By Mr. OLIVER: The petition of citizens of Northwestern Iowa, for the law to be so changed as to permit the McGregor and Missouri River Railroad to make its junction with the Sioux City and Saint Paul Railroad on the forty-third parallel north latitude, to the Committee on Railways and Canals.

By Mr. POTTER: The petition of citizens of Washington City and Maryland, for a change in the license laws of the District of Columbia, to the Committee for the District of Columbia.

By Mr. SAMPSON: The petition of E. S. Sampson, for the extension of a post-route from Webster to Williamsburgh, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER, of Virginia: Memorial of the Chamber of Commerce of Richmond, Virginia, relative to the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. WALDRON: The petition of Samuel Andrews, for a pension, to the Committee on Revolutionary Pensions.

By Mr. WELLS, of Missouri: The petition of merchants and wholesale dealers in distilled spirits of Saint Louis, for the definition of the powers and duties of officers of the internal revenue, and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. WHITE: Papers relating to the petition of Sarah Maynard, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Indiana: The petition of citizens of Indianopolis, Indiana, for the release from an English prison of E. O'M. Condon, an American citizen, to the Committee on Foreign Affairs.

IN SENATE.

MONDAY, *April* 24, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 18th instant, a copy of a report from the Commissioner of Indian Affairs, together with chapters 5, 6, and 7 of the final report of the exploration of the Black Hills country made by Professor Jenney; which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department;

A bill (H. R. No. 2954) concerning corporations engaged in the business of distilling; and

A bill (H. R. No. 3192) for the relief of William Wheeler Hubbell.

The message also announced that the House had passed the bill (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes; and

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 700) to incorporate the Mutual Protection Life-Insurance Company of the District of Columbia;

A bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes;

A bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead; and

A joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles, of Augusta, Georgia.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of physicians and dealers in drugs in the city of Atchison, Kansas, praying that quinine may be placed upon the free list; which was referred to the Committee on Finance.

Mr. CHRISTIANCY presented resolutions of the Michigan State board of health, in favor of the permanent organization of the United States Signal Service Bureau, and increasing its efficiency; which were referred to the Committee on Commerce.

Mr. MAXEY. I present the petition of C. M. Wilcox, of Maryland, praying for the removal of his political disabilities. I will state that Mr. Wilcox was my class-mate at West Point, and I have known him for thirty-odd years. He is an honorable gentleman and a worthy citizen. I move the reference of his petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented a memorial of citizens of Schenectady, New York, remonstrating against the passage of any law granting an American register to foreign-built vessels; which was referred to the Committee on Commerce.

He also presented the petition of Daniel Houlihan, late sergeant Company I, Eighty-second Regiment, New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented a memorial of the encampment of the Grand Army of the Republic, department of Pennsylvania, in favor of the enactment of a law giving the same pension to soldiers of the Army and Marine Corps who have lost an arm below the elbow or a leg below the knee as is now given to soldiers who lost an arm above the elbow or a leg above the knee; which was referred to the Committee on Pensions.

He also presented the petition of John Willett, H. Patterson, and

250 others, of Casco, Michigan, praying Congress to legislate in favor of Treasury notes as the sole currency, receivable for all purposes, interchangeable for interest-bearing Government bonds, and the withdrawal of 25 per cent. of bank currency annually until all is replaced by greenbacks; which was referred to the Committee on Finance.

Mr. WEST presented the petition of the Union Bank of Louisiana, praying to be relieved from losses entailed upon it by a certain general order of General BANKS, dated August 17, 1863; which was referred to the Committee on Claims.

Mr. SHERMAN presented three memorials of citizens of Toledo, Ohio, remonstrating against the passage of any law Americanizing vessels on the northern lakes built out of the United States; which were referred to the Committee on Commerce.

He also presented a memorial of workingmen, citizens of Columbiana, Ohio, remonstrating against any change in the tariff laws; which was referred to the Committee on Finance.

Mr. HOWE presented a petition of a portion of the Oneida tribe of Indians of Wisconsin, praying for a partition of their lands, and that they be allowed to become citizens of the United States; which was referred to the Committee on Indian Affairs.

Mr. THURMAN presented a petition of citizens of Ohio, printers, book-sellers, &c., praying the discontinuance of the printing and sale by the Government of stamped envelopes, newspaper-wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

RESERVED GALLERIES OF THE SENATE.

Mr. HAMLIN, from the Committee on Rules, who were directed by a resolution of the Senate of the 18th instant to inquire and report what further provision, if any, is necessary in order to secure the use of the reserved portions of the galleries to those for whom they are designed, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the gallery set apart for the use of the families of Senators and Representatives during the impeachment trial shall be occupied only and exclusively by the families of Senators and Representatives.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Duane M. Greene, late captain Company E, Sixth Regiment California Volunteers, praying compensation for services rendered between the date of his commission and the date of his being mustered into the United States service, submitted an adverse report thereon, which was agreed to, and ordered to be printed.

Mr. HOWE, from the Committee on the Library, to whom was referred the joint resolution (H. R. No. 63) concerning the Centennial Autographic Registers of F. B. Taylor and E. W. Bixby, reported adversely thereon, and the joint resolution was postponed indefinitely.

BILLS INTRODUCED.

Mr. KELLY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 768) to provide for the occupancy of missionary stations upon Indian reservations; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MERRIMON. The law regulating the times for holding the circuit courts in the fourth circuit provides in such a way as that the times conflict in two or three instances, so that it is practically impossible for the circuit judge to attend the courts at the beginning of the terms. By request I ask unanimous consent to introduce a bill to regulate that matter, and I also ask to have referred with the bill to the Committee on the Judiciary a letter which I have received on the subject.

By unanimous consent leave was granted to introduce a bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 770) for the relief of Judson S. Post, late disbursing officer of the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 771) regulating the accountability for clothing and other property in the Quartermaster's Department of the United States Marine Corps; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 772) to facilitate the sale of public documents; which was read twice by its title, referred to the Committee on Printing, and ordered to be printed.

CAPITAL AND DEPOSITS OF SAVINGS INSTITUTIONS.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate of the amount in each case of the average and of taxable capital and of the average and of taxable deposits on May 31, 1875, in the savings institutions having a capital stock or bond of the respective States and Territories, together with amount of tax collected upon said capital and upon said deposits in each of said States and Territories during the fiscal year ended June 30, 1875. Also the amount of average and of taxable deposits in savings institutions having no capital stock on May 31, 1875, together with the amount of tax collected upon said deposits in each of said States and Territories during the fiscal year ended June 30, 1875.

AMENDMENTS TO APPROPRIATION BILL.

Mr. FERRY, and Mr. JONES of Florida, submitted amendments intended to be proposed by them to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

OFFICERS OF INTERNAL REVENUE.

Mr. WEST. As there does not seem to be any further resolutions, I will ask the Senate to take up Senate bill No. 92.

Mr. SARGENT. I will take it as a special favor if the Senator from Louisiana will yield to me for the purpose of taking up and making remarks upon another bill. I propose to make the remarks this morning, and will probably not occupy over fifteen minutes. I do this at the request of the Senator from Massachusetts, [Mr. BOUTWELL,] who reported the bill.

Mr. WEST. I will yield as the Senator desires.

Mr. DAWES. If the Senator from California is going to occupy any length of time, I will ask——

Mr. SARGENT. I think not more than fifteen minutes.

Mr. DAWES. I wanted to ask the favor of the Senate to pass a bill to which I thought there would be no objection.

Mr. SARGENT. I think there will be plenty of time after I get through. I move that the Senate take up House bill No. 1585.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices.

Mr. SARGENT. Mr. President, the bill before the Senate proposes to abolish the office of supervisor of internal revenue, and devolve the principal duties of the office upon special agents. With some exceptions, the experience of the country has not been favorable to either kind of officers, but a better class of men can probably be secured by the permanent functions and more adequate pay of supervisors than the average special agent. By a vicious system the latter often gets his place for a short time to enable him to travel at public expense, and has not the motive which local and permanent connection with the service may give. He has not time to be thorough. He is apt to be sensational to justify his employment; is often intentionally unjust, and necessarily superficial. Another kind of special agent is drawn from the ranks of detectives and has all the vices of his class, whose highest skill is often exercised to put up jobs with the dangerous classes of society, to ruin the reputation of better men or plunder them.

If the purpose or effect of this bill is to promote the employment of either of these classes of men it ought not to be passed.

My attention has been drawn to this subject of late by reading in the newspapers statements as coming from special agents sent to San Francisco during the present fiscal year, alleging gross dereliction in duty of revenue officers in that city. If I had been a stranger to the regular officers of the revenue in the first California district and had not had a general idea that collections of internal revenue there are fully up to the average elsewhere, I might have been led to suppose that these reiterated, though general and loose, statements had solid foundation. When, added to my impression of the fidelity of the public officers there, I find by actual examination of public records that the amount of collections in California is extraordinarily large, and has received the recent and warm approbation of the present Commissioner of Internal Revenue, I can find no motive consistent with the good of the service for these constant attacks on the officers and business men of California. That officers of the Government should lend themselves to misrepresentation is a matter of regret. Yet the facts which I shall lay before the Senate, and which could not fail to be within the knowledge of these special agents, seem to prove that this has been done, and done systematically.

The total collections of internal-revenue tax in the United States for the fiscal year ending June 30, 1875, (see Commissioner's report, page 95,) was $103,599,488.68. The collections in California for the same period, by the same authority, were $2,983,595.19. The collections in California were thus one-thirty-fifth of the total collections in the United States, while the population of the State is but one-sixty-fifth of that of the United States, estimating the population of the State at 700,000 and of the United States at 45,000,000.

The same fact, an excessive collection of internal revenue in California, is shown by the comparative collections of gallonage tax. Thus the total gallonage tax collected in the United States for the last fiscal year (see Commissioner's report, page 82) was $46,877,938.10. The gallonage tax collected in California for the same period, by the report, was $1,346,259.15. That is, the amount collected in California on spirits equals one-thirty-fourth of the total collected in the United States, while its population is one-sixty-fifth only; and this is true of the

very last fiscal year. Such figures will not lie, and furnish a natural corrective to sensational reporting.

But I prefer to press this examination further. I have looked into the figures of the fiscal year 1875 for the amount of tax-paid spirits, tobacco, &c., taken into California from the Eastern States and the amount sent out from California, finding them in the Commercial Herald and Market Review of San Francisco, of January 13, 1876. The following were brought to California:

	Gallons.	
Twenty-three hundred and nine barrels pure spirits, average proof 160, making 72 proof gallons to the barrel, total proof gallons	166,248	
New England rum, 22 puncheons, 100 proof gallons each	2,200	
New England rum, 403 barrels, 100 proof, 45 gallons each	18,135	
Whisky, 8 puncheons, 100 proof, 100 gallons each	800	
Whisky, 104 casks, 100 proof, 50 gallons each	5,200	
Whisky, 15,089 barrels, 100 proof, 45 gallons each	679,005	
Whisky, 835 cases, 100 proof, 3 gallons each	2,505	
Alcohol, 169 barrels, 188 proof, 84 gallons each	14,196	
Alcohol, 1,441 cases, 188 proof, 19 gallons each	27,379	
New England gin, about	10,000	
		925,668
Per contra.		
Brandy sent East:		
7 hogsheads, 150 gallons each	1,050	
8 pipes, 100 proof, 100 gallons each	800	
62 quarter-pipes, 100 proof, 35 gallons each	2,170	
131 octaves	2,620	
438 barrels, 100 proof, 45 gallons each	19,710	
173 kegs	3,460	
5,689 cases, 3 gallons each	17,069	
In other shapes	46,816	
		93,693
Excess of spirits paying tax brought from East over amount sent out		831,975
Tax on two-thirds of this up to March, 1875, 70 cents per gallon; tax on one-third of this up to March, 1875, 90 cents per gallon, making the tax in excess of spirits brought from the East and sold in California over amount sent East		$637,847 50
To this add tax on spirits collected in California for same period		1,346,259 15
Total amount of tax on spirits sold for use in California markets		1,984,106 65

The figures show that California paid between one twenty-third and one twenty-fourth of the total tax on spirits ($46,877,938.10) consumed during the same period in the United States. California has no market, except its own, Nevada, Oregon, Washington Territory, Idaho, and Arizona; the total population of which States and Territories is less than a million out of 45,000,000 in the United States, or one-forty-fifth of the population of the country; showing nearly double the average amount *per capita* of tax-paid spirits legitimately accounted for.

But these facts do not stand alone. The rule applies to all articles paying internal-revenue duties. By the same authority I find that there were 33,534 packages of plug-tobacco taken from the East to California, while but 2,068 packages were sent from California to the East during the past fiscal year, being an excesss of 31,466 packages, paying tax in the East, consumed in the California market. These packages will average fifty pounds each, making 1,573,000 pounds of eastern tax-paid tobacco consumed in California.

Two-thirds of which tax (up to March, 1875) at 20 cents per pound	$209,773 20
One-third of which tax (up to March, 1875) at 24 cents per pound	124,853 92
Excess sold in California, paying tax in the East, amounts to	334,627 12
While the tax paid in California on cigars manufactured there and sent to eastern markets (see Commercial Review) is (estimated) less than one-half of this amount, say *at the utmost* $167,313.56, leaving an excess of taxes paid East on tobacco and cigars consumed in California	167,313 56
To this add amount of taxes paid on spirits in the East but sold in California over amount manufactured in California and sent East.	637,874 50
Excess goods consumed in California paying taxes East over amount paying taxes in California and sent East, for fiscal year 1875	805,188 06
Add to this collections in California, fiscal year 1875, as per Commissioner's report, page 95	2,983,595 19
Total	3,788,783 25

The figures I have given show that California alone, with a population of one sixty-fifth of the population of the United States, has paid internal-revenue taxes of one thirty-fifth of the total collection; and, including the excess of goods brought in from the East, paying taxes there, over the amount paying taxes in California and sent East, with a total population not exceeding 700,000 and a market of not exceeding 1,000,000 people, that State has paid the last fiscal year and consumed of goods tax-paid there and elsewhere $3,788,783.25, out of a total in the United States of $103,599,488.68. In other words, with but one sixty-fifth population in the State, and one forty-fifth population for a market, California has paid, consumed, and sold on the coast of tax-paid goods one twenty-seventh of the total in the United States; and on distilled spirits between one twenty-fourth and one twenty-third the total taxes on such spirits in the United States, or nearly double *per capita* to the average in the United States.

I might rest on these figures as a sufficient vindication of those concerned in the collection of internal revenue in California. But I prefer to go a step further and show that the particular collector aspersed, Mr. Sedgwick, collector of the first California district, has produced results highly beneficial to the revenue, only consistent with an able and faithful discharge of duty. I know no other rule by which to judge public officers. The efficiency of tax-collectors is determined by the amount of their collections, other circumstances being equal.

Mr. Sedgwick was appointed collector of the first California district in 1874. His predecessor had collected from all sources, in 1873, $2,088,608.82. In 1874 Sedgwick increased the collections to $2,259,375.51, and the next and last fiscal year carried the amount up to $2,726,149.20, or nearly three-fourths of a million, though internal-revenue taxes fell off elsewhere in the United States, as I am informed, during both years. I have here a table that shows the work he has performed in detail, which is worth careful study, and which will explain my reasons for thinking him honest and able, even against the random assertions of fugitive special agents:

Statement showing the total collections of revenue in the two districts as now comprising the first district of California, for fiscal years ending June 30, 1872–1875.

	1872.	1873.	1874.	1875.
Spirits from fruit	$30,506 05	$32,948 14	$46,774 44	$69,330 30
Spirits from grain	463,875 94	777,458 74	1,006,454 27	1,205,868 40
Cigars	372,253 75	420,215 75	468,192 50	575,720 75
Cigarettes	2,602 50	3,294 00	7,304 25	15,340 00
Snuff	.....	678 32	1,239 04	1,054 40
Tobacco	582,194 96	221,363 65	28,297 45	46,083 05
Beer	161,237 55	176,638 48	212,737 70	264,251 87
Bank deposits	257,304 68	134,985 58	188,776 78	244,023 86
Bank capital	42,944 13	21,738 08	45,705 64	53,438 87
Special taxes	401,597 05	223,776 80	242,963 34	215,320 04
Other sources	309,243 68	90,950 70	14,178 40	35,917 66
Total	2,686,760 09	2,104,048 24	2,262,713 81	2,726,419 20
Amount refunded	6,219 41	15,439 42	3,338 30	(*)
Net total	2,680,540 68	2,088,608 82	2,259,375 51	2,726,419 20

* Small amount not ascertained.

The gallonage of spirits, produced from grain, paying tax for fiscal year ending—

	Gallons.
June 30, 1872, was	927,751
June 30, 1873, was	1,132,347
Total	2,060,098
June 30, 1874, was	1,437,791
June 30, 1875, was	1,597,861
Total	3,035,652

Showing an increase in gallonage of grain spirits paying tax during the fiscal years 1874 and 1875, under this abused officer, over that paying tax during the two preceding years by his predecessor, for whose appointment to or continuance in office I was in no degree responsible, of 975,554 gallons, equaling 47⅞ percentage increase on gallonage and about 35 per cent. increase in dollars of taxes collected during the same length of time, while there has been no perceptible difference in the amount of spirits and whisky brought into that market from the East. Deducting the amount collected on tobacco from bonded warehouses, from income, gas, dividends, and undistributed profits and special taxes lapping over from 1871 to 1872—which sources of revenue did not exist in 1874 and 1875, and which explains the figures of 1872—from the total collections of 1872 and 1873, shows a percentage of increase on collections from all sources during the fiscal years of 1874 and 1875 (Sedgwick's term) over collections during 1872 and 1873 of upward of 40 per cent.

The raid upon Collector Sedgwick commenced in August, 1875, and has been kept up ever since. During that month extra special agents arrived in San Francisco, and announced immediately through the press that great frauds were to be discovered at once, Sedgwick, removed, &c.; and these announcements were telegraphed East, and have been periodically repeated ever since. As no showing has been made except gossiping reports and loose generalities, the figures I have given may stand as conclusive answer. They do to my mind. So far as I have responsibility in the matter, which only amounts to an obligation to give conscientious advice to the Executive if he consults me, I feel easy in standing by an officer who by his ability and zeal has brought up the collections in his district the past two years so much, that if all the collectors in the United States had done as well the receipts of internal revenue instead of being $103,000,000 would be $145,000,000.

I have given the figures of collections in the first California district up to the close of the last fiscal year. The raid against its principal officer commenced in August. To show that there had been no change for the worse, but rather a still greater percentage of increase for July and August of this fiscal year, I have obtained the official figures for those months as compared with the corresponding months of the preceding year, and the result is an increase of $125,109.14 of collections; that is, the collections of these two months, July and August, show an increase of 27 per cent. over the collections of the same months during the previous fiscal year, as follows:

Collections in the first district of California during the months of July and August.

	1874.		1875.	
	July.	August.	July.	August.
Spirits from fruit	$2,963 74	$18 73	$314 10	$571 78
Spirits from grain	90,669 60	79,259 89	122,423 50	85,324 50
Cigars	42,438 50	38,527 25	56,055 40	58,304 70
Cigarettes	832 50	1,215 00	1,589 25	1,512 00
Snuff	120 00	80 00	80 00	.....
Tobacco	4,243 85	2,872 90	9,120 42	3,270 60
Beer	22,796 32	22,064 06	26,915 22	26,733 64
Bank deposits	112,117 47	57 02	127,513 17	8,930 00
Bank capital	24,308 75	123 50	37,437 46	3,848 01
Special taxes	5,563 11	4,295 81	3,952 50	5,542 92
Other sources	684 81	829 40	770 95	985 32
Total	306,738 65	149,343 65	386,170 97	195,023 47

It would seem that an officer less open to attack could scarcely be found and a time less opportune could scarcely be chosen. I am confirmed in this and in my deductions from the figures I have given by the correspondence of the Internal Revenue Bureau, which I will ask the Secretary to read. The first is a letter from Supervisor L. M. Foulke, than whom a more upright man does not exist.

The Secretary read as follows:

SAN FRANCISCO, *July* 21, 1875.

SIR: I inclose herewith tabular statement, showing the collections from each source of revenue in the collection districts embraced within my supervisory district for the fiscal years ending June 30, 1874 and 1875, and the total collections from each respective district, and the percentage of increase in 1875 over 1874, or decrease as the case may be, together with the total increase in collections in my supervisory district ($500,943.63) in fiscal year ending June 30, 1875, over fiscal year ending June 30, 1874, the percentage of such increase in the entire district being 18.73 per cent.

The decrease in Utah is owing to the failure in many mining localities of success in their operations and the general stagnation of business in the Territory; in Arizona, to Indian troubles, which happily are now settled, and not, so far as I have been able to ascertain, to any lack of vigilance on the part of the collectors.

The increase on spirits, cigars, and fermented liquors in first district California has been large, especially so when it is remembered that there was even a greater percentage of increase the previous fiscal year (the first fiscal year of Collector Sedgwick's administration) over the last fiscal year of his predecessor, Collector Cary.

Very respectfully,

L. M. FOUKLE, *Supervisor.*

Hon. D. D. PRATT,
Commissioner, Washington, D. C.

Mr. SARGENT. The Secretary will now please read the reply of Commissioner Pratt.

The Secretary read as follows:

OFFICE OF INTERNAL REVENUE, TREASURY DEPARTMENT
Washington, July 31, 1875.

SIR: Referring to your letter of the 21st instant, in which you inclosed a statement showing an increase of $500,000 in collections of the districts in your supervisory district during the fiscal year 1875, as compared with total of collections in the same districts in the fiscal year 1874, you are advised that the showing made as above stated is exceedingly gratifying to this Office.

It is hoped that the current fiscal year will show an equally satisfactory increase over the receipts of the last one.

Respectfully,

D. D. PRATT, *Commissioner.*

L. M. FOULKE, Esq.,
Supervisor of Internal Revenue.

Mr. SARGENT. I have illustrated the principle of this bill by reference to my own constituents and the manner in which the internal-revenue service is performed among them. There must be something wrong where faithful officers are selected for assault, and a community is abused which is shown by public records to pay nearly double its share of taxes. That wrong can be corrected by a more careful selection of special agents, refusing to employ as such men who seek such employment for their own temporary personal ends, and discouraging instead of encouraging a system of coarse abuse in advance of the discovery of matter even for criticism.

Mr. SHERMAN. If it be the pleasure of the Senate I should like to have this bill disposed of. It might as well be disposed of now as at any other time, because it is in charge of the Senator from Massachusetts, [Mr. BOUTWELL,] who I suppose will be going away in a few days. Therefore, if it is the pleasure of the Senate, I should like to have the bill disposed of now.

Mr. BOUTWELL. Has the letter of the Commissioner been read?

Mr. SHERMAN. No, sir. I was about to have it read.

The PRESIDENT *pro tempore.* The pending amendment will be read.

The CHIEF CLERK. The first amendment reported by the Committee on Finance is to strike out, in line 5 of section 1, the words "and supervisors of the," and insert "the internal;" so as to read: "and fix the points at which the collectors of internal revenue shall establish and maintain their several offices."

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert as an additional section:

That the office of supervisor of internal revenue is hereby abolished from and after the 1st day of July, 1876, and the powers and duties conferred upon supervisors by existing law, excepting the power to suspend collectors and other officers, are hereby conferred upon the agents authorized by section 3152 of the Revised Statutes of the United States; but this section shall not be held to increase the pay or allowances of such agents.

Mr. SHERMAN. Mr. President, the office of supervisor of internal revenue was first created, I think, about the year 1867. The supervisors were created for the purpose of furnishing to the Commissioner of Internal Revenue agents of a superior character to aid him in the collection of the revenue. At that time the internal revenue was from two hundred to two hundred and fifty or three hundred millions of dollars, embracing a great multitude of articles which are now relieved from taxation. In process of time our taxes were reduced simply to whisky and tobacco and a few stamp taxes, greatly reducing the duties of the officers of internal revenue. Of late years the office of supervisor of internal revenue has been made a quasi-political office, the incumbent being appointed by the President, by and with the advice and consent of the Senate; and latterly various propositions have been made to abolish the office of supervisor of internal revenue. The substance of the argument in favor of this amendment is contained in a letter of Mr. Commissioner Pratt, who is the head of this Bureau; and that letter probably will give the Senate more information than I could. I do not wish to go into details.

I may say here that the remarks made by the Senator from California do not relate to the office of supervisor of internal revenue; they go to the abolition of the office of special agent. I desire now, before the letter of Mr. Pratt is read, to state that if I were Commissioner of Internal Revenue, and a special agent was traveling around through the country giving his first information to the newspapers, thus disabling him from performing the duties of his office, I would remove him the moment I received the intelligence. I see very often articles in the newspapers saying that special agent such a body has appeared at such a place and has unearthed monstrous frauds, and giving some outline, vague and confused, just enough to put guilty men on their guard and to injure or affect the character of innocent men. These special agents are nothing but detectives; and it is clear that a detective who discloses his operations until he has secured his prey is totally unfit for his office, and ought to be removed the very moment these accounts appear in the newspapers. Therefore the remarks made by the Senator from California are rather against the character of the agents themselves than against the merits of the proposition now pending before us.

It was the intention of the law in creating these agents and supervisors of internal revenue to organize detectives; it was a detective force, the purpose being to enable the Commissioner of Internal Revenue to have trusted agents selected by him, entirely removed from all political connections, even independent of the Secretary of the Treasury—trusted agents to watch over the officers of the Government engaged in the collection of internal revenue. So far as these offices have been perverted for other purposes, it is a contradiction and violation of their duties. It seems to me that the case made by the Senator from California of special agents going out to San Francisco and publishing beforehand what they were going to do, and then after they had probably made a few inquiries publishing what they had done, only shows that those particular persons ought to be removed and some sensible men sent out to see if there has been any wrong done in San Francisco. As a matter of course, the proposition before us has nothing to do with the conduct of Mr. Sedgwick, whose conduct I never heard called in question; I never indeed heard anything about him; but from the statement now made he seems to be a very meritorious officer. But because a special agent goes out there and plays the fool, that is no reason for repealing the office of special agent, but is a reason for repealing him and selecting a more competent agent.

The office of supervisor of internal revenue has of late years been of no practical use. I think that the experience of every one connected with the legislation of Congress or with the practical enforcement of the law would lead him to the conviction that the office of supervisor of internal revenue might now properly be dispensed with. These officers cost us $137,000 a year, or on an average $13,700, and according to the testimony contained in the Commissioner's letter, which concurs with the reports of all the officers on the subject, they may be dispensed with. Whether or not the powers of the supervisors ought to be conferred on another class of officers called revenue agents may be a question of some doubt; but the Commissioner of Internal Revenue is of opinion that certain powers now conferred on the supervisors ought to be retained and conferred on these other agents of the Department without increasing their number. This would increase their efficiency without increasing their cost, their compensation, or their number.

I will now close what I have to say on this bill by requesting that the letter may be read and asking Senators to listen to the argument contained in the letter as they would to any other statement made to convince their judgment.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 15, 1876.

SIR: I have the honor to acknowledge the receipt of your favor of the 11th instant, asking for my opinion as to the propriety and expediency of abolishing the office of supervisor of internal revenue, and would reply as follows:

The office was created by act of July 20, 1868, which authorized the Secretary of the Treasury to appoint twenty-five supervisors, whose salaries were to be fixed

by the Commissioner of Internal Revenue at not to exceed $3,000 and to be allowed their necessary expenses. Their duties as prescribed by law were to see that all laws and regulations in regard to the collection of internal taxes were faithfully executed and complied with, to aid in the prevention, detection, and punishment of any frauds in relation thereto, and to examine into the efficiency of all officers of internal revenue. The very nature of such duties requires that a supervisor should frequently visit every portion of his district, thus precluding a local habitation and the delegating of his powers to subordinates. It appears, however, that the words "expenses necessarily incurred" were construed to include office-rent, furniture, clerk hire, and the like, thus localizing the office, making a costly establishment, and, in my judgment, perverting the intention of Congress. The system thus inaugurated not only rendered the services of supervisors during the time spent at their office (except in the large cities) of little value, but subjected the Government to an expense far beyond what the good accomplished would justify. During the year ending June 30, 1875, the amount allowed for salaries and expenses of ten supervisors was $137,752.52, or an average of $13,775.52 each.

By act of June 6, 1872, the number of supervisors was reduced to ten, and the appointment of such officers given to the President, by and with the advice and consent of the Senate. This reduction greatly increased the territory over which each officer was required to keep a supervision, and rendered the necessity for constant travel all the greater. There were then assigned to each supervisor two revenue agents, who were to perform their duties under his direction, entirely independent of the Commissioner, and thus leaving only five agents over whose movements this Office exercised any control. The effects of such a system are strongly illustrated by the disclosures in the late trials at Chicago, Milwaukee, and Saint Louis, where it was shown that supervisors and their agents entered into conspiracies with the distillers to defraud the Government, and acted as police officers to protect them from detection by the few agents under control of this Office. It would seem to have been clearly the intention of Congress that supervisors should be frequently transferred, in order that such corrupt combinations could not exist; but this wise provision of law has been practically a dead letter until within the few past months. A supervisor regarded the district from which he was appointed as the one in which he was entitled to serve, and resisted every attempt to make transfers with protests and sometimes with threats of resignation.

If I am reminded that the expenses referred to may be corrected by regulations established by the Commissioner, I reply that supervisors, shorn of all the privileges enumerated, and required to perform their duties, as I construe those duties to be under the law, became what revenue agents practically are, and I can see no propriety in having two classes of officers performing the same duties.

After all, a supervisor is but a revenue agent on a larger scale, given a larger salary, and invested with some special powers. He performs, or should perform, just what the revenue agent is required to do, and it is not too much to say that in the main their duties are identical. He does not collect a dollar of revenue, but supervises those who make the collections, the collectors and their deputies, and, like the revenue agent, supervises officers of less degree, the gauger, store-keeper, and inspector, and sees to it that they are efficient and faithful. His principal business is with the tax-payers, the classes from whom the internal revenues are collected, and in their cases it is his duty to prevent, detect, and punish frauds. But the field of his operations is too large for a single vision, his district frequently including several States and vast Territories. The real work must here be performed by revenue agents, whose principal duty, as in his case, is to look after the fidelity of tax-payers, by visiting every part of the district from which the revenues should come.

What is really valuable in the office of supervisor is the power conferred upon him to examine persons, books, and papers, to administer oaths, and to summon persons to produce books and papers or to appear and testify under oath before him, and to compel compliance with the summons, a power which the supervisor shares with the collector. Confer the same powers upon revenue agents, to be exercised under the direction of the Commissioner, and the office of supervisor may be abolished without loss to the service and with considerable saving to the Treasury.

Very respectfully,

D. D. PRATT, *Commissioner.*

Hon. JOHN SHERMAN,
Chairman Finance Committee.

Mr. SARGENT. I should like to have the pending amendment reported.

The PRESIDENT *pro tempore.* The amendment will be read.

The CHIEF CLERK. The amendment is to insert, as section 2, the following:

That the office of supervisor of internal revenue is hereby abolished from and after the 1st day of July, 1876, and the powers and duties conferred upon supervisors by existing law, excepting the power to suspend collectors and other officers, are hereby conferred upon the agents authorized by section 3152 of the Revised Statutes of the United States; but this section shall not be held to increase the pay or allowances of such agents.

Mr. SARGENT. I move to amend the amendment by adding:

And the number of such agents is hereby limited to twenty.

Mr. BOUTWELL. There are now twenty-five.

Mr. SARGENT. I think twenty is an ample number.

Mr. BOUTWELL. In assenting to this bill I have followed the opinion given by the Commissioner of Internal Revenue, supported by the Secretary of the Treasury in a conversation which I had with him before I reported the bill. There is, however, nothing on file from the Secretary of the Treasury in regard to it. But in view of the recommendation to abolish this office, which carries with it an expense of nearly $140,000, I thought the committee could not refuse its assent to a proposition in the line of economy by the Department itself. For a kindred reason I should object to the reduction of special agents from twenty-five to twenty. I think the Department would have made that recommendation if it had been consistent with their view of the true interests of the public service; and, if we follow the Department in the reduction proposed, I thought we ought also to accept what manifestly is the conclusion of the Department, that the services of twenty-five special agents will be needed, and from my knowledge of the business I should say that that number was not too great. I therefore hope the amendment to the amendment will not be agreed to, unless it is first referred to the Department for an opinion.

Mr. SARGENT. If the bill itself were referred to the Department, that would be a reasonable proposition; but it is not proposed to refer the bill again. My experience of all the Departments of the Government and of every Bureau of the Government is that they never can dispense with a single employé. That is the rule universally. The cry is rather "Give, give." Your appropriation bills would be swelled enormously if we listened to those cries. During the last four or five years we should not have been able to reduce a single person employed by the Government if we had listened to the positive assurances of those whose offices are magnified by the number of people under them. A man likes to be a centurion, to have command over a hundred men. It calls attention to his grandeur. A man likes to go into a room under his control and, instead of finding a dozen men, find there a hundred, or one hundred women, and say, "These are those that I direct; I am responsible for these persons; they do my bidding, and my recommendation can turn out any of them and substitute somebody else." Their power and importance vanish when the number is reduced, and consequently they continually resist it.

I can appeal to any member of the Committee on Appropriations now present if in all the reforms in this direction we have worked we have not had to do it in spite of tears, prayers, and prophecies on the part of Government officers and those having charge of these men? It is the most difficult thing in the world to do. If we were to judge of the necessity for these officers by the quality of their work, as I have exhibited it here this morning, we could do better with fifteen than with twenty, and with ten better than fifteen. I must insist that these men are not, a large number of them, usefully employed, and we had better eliminate them; give more pay to the office and try to get a better class of men for it.

Why is it that these men are found so universally in the immediate employ of the press? Why is it that they give their suspicions for facts, and these are circulated all over the country to poison the reputation of the administration and everybody who stands by it and of public officers? I ask Senators why it is? Either because they have no legitimate employment for their functions and therefore do mischief on the principle that—

Satan finds some mischief still
For idle hands to do,

or else you by this bill take a wrong step by abolishing the higher-paid offices, where you can presumably get men of greater respectability, and you devolve all these delicate duties on men who are underpaid; and, as they are not paid enough, they, to make their own way, have to accept money from the press and furnish the food which is asked for by sensational newspapers. In either hypothesis—and one of them must be true—it seems to me we have too many of these men.

I believe in a faithful collection of the revenue. In my own State or elsewhere, if I knew that any official was derelict in his duty or was even careless in his duty, I would be the first to recommend his discharge; but I do say that when special agents go to my coast and bespatter all over with mud the men who are there striving to do their duty, and by the records of the Government do it honestly and well, something is wrong, and I feel disposed myself to limit the number of men who can perform this nefarious work. Without any special agents there they went on increasing the revenue year by year, increasing it the first year 20 per cent. and the second year 40 per cent. after we got a change of officers who would give the Government a chance. There were no special agents sent to look after the old officers who were careless in their duty or worse; but now, at the present time, special agents are sent out for the very purpose, or at any rate with the effect, of going after the men and smutting them, who are doing their duty so well that the figures I present here are a monument to their excellence in that particular; and these facts are taken from the official records and cannot be disputed. Who shall stand up here and say that a system of special agents that produces these misrepresentations and mischiefs is a beneficial one and ought not to be curtailed?

The Senator from Massachusetts, who reports the bill, unquestionably can answer a question which is put to me *sotto voce* by the Senator from Indiana, "What is the salary of these special agents?"

Mr. SHERMAN. I will read the law, which covers the agents and supervisors, for the benefit of Senators who have not looked at it. It is the law which regulates the appointment of agents:

The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time twenty-five in number, to be paid such compensation as he may deem proper, not exceeding, in aggregate, any appropriation made for that purpose, and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary; and no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department in connection with internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this title, shall be appointed, commissioned, employed, or continued in office.

That is all the law in regard to the agents. Now this is the law in regard to supervisors of internal revenue which will be repealed if this bill pass:

SEC. 3159. The President, by and with the advice and consent of the Senate, may appoint not exceeding ten officers, to be called supervisors of internal revenue, each of whom shall be assigned by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, to duty in any part of the United States, and may be transferred from place to place, according to the exigency of the public service.

SEC. 3160. Every supervisor shall be entitled to receive, in addition to expenses necessarily incurred by him and allowed and certified by the Commissioner, such salary, not exceeding $3,000 a year, as the Commissioner may deem reasonable.

I am told, although I am not certain about this, that they allow an agent $6 a day and $5 for expenses.

Mr. BOUTWELL. From $8 to $12 a day.

Mr. ALLISON. I had occasion only a day or two ago to examine into that matter. The agents are paid from $5 to $8 a day, and their actual expenses; and one of the agents received $12 a day, the chief of the bureau of agents.

Mr. HOWE. And some receive $10.

Mr. SARGENT. I think the number could be reduced from twenty-five to twenty for another reason. The Senator from Massachusetts certainly must know—if not he can be assured that it is true—that the resources of the Department for special agents are not confined to these twenty or twenty-five. Persons are sent temporarily on this duty, traveling anywhere they please, or rather where they are sent and desire to go on their private business. The Senator from Massachusetts [Mr. BOUTWELL] shakes his head. A man by the name of Phillips recently went to the Pacific coast, temporarily employed for two or three months, and he has just returned and made a report, which I have seen in the papers, especially aimed at Mr. Sedgwick.

Mr. BOUTWELL. Was he not within the twenty-five—one of the twenty-five?

Mr. SARGENT. No, sir; not one of the twenty-five.

Mr. SHERMAN. This law expressly prohibits that.

Mr. SARGENT. I am not responsible for the fact, but the fact exists nevertheless. It was under some law or no law (and perhaps it might be well for Congress to understand which) which allows special agents to be sent, they arrogating more importance than the ordinary special agents, all over the country. If a person wants to travel to San Francisco, he gets his expenses paid by the Treasury and writes an abusive editorial subsequently in the way of a report. So I think we can reduce the number, and decency and integrity will be the gainer.

The PRESIDENT *pro tempore*. The morning hour has expired and the Chair will call up the unfinished business.

LEGAL TENDER OF SILVER COIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 263) to amend the laws relating to legal tender of silver coin, the pending question being on the amendment of Mr. BOGY to the amendment reported by the Committee on Finance.

Mr. JONES, of Nevada, addressed the Senate. Having spoken two hours and a half he yielded to Mr. WINDOM, on whose motion (at three o'clock and thirty-one minutes) the Senate adjourned.

The speech of Mr. JONES, of Nevada, will be found in full in the Appendix.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. Before the regular order is proceeded with the Chair will state that on Monday last, by unanimous consent, it was ordered that this day after two o'clock should be under the control of the Committee for the District of Columbia, with the same rights and privileges which would have belonged to that committee on last Monday, on which day the committee yielded their rights in order that the then pending question of privilege might be concluded. The Chair mentions this so that gentlemen may know what business will come up after the morning hour.

Mr. FAULKNER. I ask unanimous consent to present a joint resolution from the Committee on Foreign Affairs.

Mr. ATKINS. Mr. Speaker, is not the first thing in order the call of States and Territories for the introduction of bills and resolutions?

The SPEAKER. It is.

Mr. ATKINS. Then I object. I dislike very much to do so, but I must. I demand the regular order.

The SPEAKER. The regular order is demanded by several members; and the morning hour now begins at thirteen minutes after twelve o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

Mr. DUNNELL. I hope there will be no objection to completing the call of States and Territories without reference to the expiration of the hour.

The SPEAKER. Is there objection that this call shall continue until gentlemen from all the States and Territories shall have had an opportunity to introduce bills and resolutions?

Mr. HENDEE. Provided that such business does not extend beyond two o'clock.

The SPEAKER. That will be understood, of course.

Mr. RANDALL. I have a suggestion to make. I understand that the business of the District committee will not take up the entire day. I would suggest therefore that the House permit that business to commence immediately after the call of States and Territories for bills and joint resolutions has been concluded; so that I may have the opportunity, when the District business is finished, to make a motion to proceed with the consideration of the legislative appropriation bill. I feel it my duty to again press upon the House the importance of proceeding with that bill. The arrangement I suggest will not obstruct, but facilitate the business of the District committee.

The SPEAKER. The Chair desires that the House shall first determine whether there be objection that the call of States and Territories shall continue this morning until it is completed, without reference to the termination of the hour.

There being no objection, it was ordered accordingly.

Mr. RANDALL. I now suggest that the Committee for the District of Columbia be allowed to proceed with their business immediately after the call of States and Territories is concluded, without waiting for the hour of two o'clock. I think there will be no objection to that.

Mr. BUCKNER. There is no objection, so far as we are concerned.

Mr. RANDALL. I want to get up the legislative appropriation bill if possible to-day.

Mr. HARRIS, of Virginia. I have no objection to the Committee for the District of Columbia proceeding after the business of the morning hour; but when that business is finished I may perhaps ask some other action than that suggested by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I suggest to the gentleman that when the time arrives he can raise the question of consideration between the legislative appropriation bill and reports from the Committee of Elections.

The SPEAKER. That question will have to be raised when the time arrives. The present question is, Will the House order that the Committee for the District of Columbia shall have possession of the floor immediately after the conclusion of the call of States and Territories?

There was no objection, and it was ordered accordingly.

MARY ANN AND BRIDGET HACKETT.

Mr. FRYE (for Mr. ROSS, of Pennsylvania, necessarily absent from the House) introduced a bill (H. R. No. 3195) granting a pension to Mary Ann and Bridget Hackett, minor children of James Hackett, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. G. EMERY.

Mr. BLAIR introduced a bill (H. R No. 3196) for the relief of M. G. Emery, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WILLIAM GUNTON.

Mr. HENDEE introduced a bill (H. R. No. 3197) for the relief of William Gunton; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DOMINION STEAMSHIP COMPANY.

Mr. CRAPO introduced a bill (H. R. No. 3198) for the relief of the Dominion Steamship Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZABETH REESE.

Mr. LAPHAM introduced a bill (H. R. No. 3199) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAM-BARGE DOLPHIN.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PREVENTION OF SMUGGLING.

Mr. COX introduced a bill (H. R. No. 3201) to increase the revenue and prevent smuggling; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COMMISSION OF SKILLED MECHANICS.

Mr. HOPKINS introduced a bill (H. R. No. 3202) providing for a commission of skilled mechanics to attend the centennial exhibition; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

ISABELLA R. M'GUNNIGLE.

Mr. HENKLE introduced a bill (H. R. No. 3203) for the relief of Isabella R. McGunnigle, widow of Lieutenant-Commander Wilson McGunnigle, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. T. BLAKISTONE.

Mr. HENKLE also introduced a bill (H. R. No. 3204) for the relief

of J. T. Blakistone; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIJAH BRITTINGHAM.

Mr. DOUGLAS introduced a bill (H. R. No. 3205) for the relief of Elijah Brittingham; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Claims.

MAJOR RICHARDSON.

Mr. HUNTON introduced a bill (H. R. No. 3206) granting a pension to Major Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN F. TOWNES.

Mr. STOWELL introduced a bill (H. R. No. 3207) for the relief of Ellen F. Townes, widow, and of the heirs of Edward Townes, deceased, of Mecklenburgh County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. E. WOODY.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3208) for the relief of M. E. Woody, widow of Andrew Woody; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to the eastern band of Cherokee Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES O. ROBERTSON.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 3210) for the relief of James O. Robertson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF MARY BULLOCK.

Mr. HARTRIDGE (for his colleague, Mr. BLOUNT) introduced a bill (H. R. No. 3211) for the relief of the heirs of Mary Bullock; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CAPTURED AND ABANDONED PROPERTY.

Mr. COOK introduced a bill (H. R. No. 3212) authorizing the United States Court of Claims to take jurisdiction of all claims arising under the several acts of Congress, proclamations of the President, and orders of the Secretary of the Treasury relating to captured and abandoned property in the States lately in rebellion, when such seizures were made on and after June 13, 1865; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDUCATION.

Mr. HARALSON introduced a bill (H. R. No. 3213) granting the proceeds of the sales of public lands of the United States for educational purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MEDICAL COLLEGE OF ALABAMA.

Mr. HARALSON also introduced a bill (H. R. No. 3214) for the relief of the Medical College of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISIANA AND TEXAS RAILROAD.

Mr. GIBSON introduced a bill (H. R. No. 3215) to authorize the Louisiana and Texas Railroad to relinquish its title to certain lands in the State of Louisiana; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MRS. ELIZA A. SEMPLE.

Mr. SAYLER introduced a bill (H. R. No. 3216) granting a pension to Mrs. Eliza A. Semple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST MELLON.

Mr. SAYLER also introduced a bill (H. R. No. 3217) granting a pension to August Mellon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL E. OGDEN.

Mr. SAYLER also introduced a bill (H. R. No. 3218) to compensate Samuel E. Ogden, of the steamers Des Arc and Emma No. 2, for receiving, carrying, and delivering United States mails from Memphis, Tennessee, to Duvall's Bluff, Arkansas, and intermediate places, twice a week from November 27, 1863, to December 31, 1864, under peremptory orders of the officers of the United States Army then in command at the post of Memphis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB I. HUNKER.

Mr. HURD introduced a bill (H. R. No. 3219) for the relief of Jacob I. Hunker; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

UNITED STATES CIRCUIT COURT AT TOLEDO, OHIO.

Mr. HURD also introduced a bill (H. R. No. 3220) authorizing a session of the circuit court of the United States at Toledo, Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SARAH MAYNARD.

Mr. WHITE introduced a bill (H. R. No. 3221) granting a pension to Sarah Maynard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LINDSLEY SANDERS.

Mr. ATKINS introduced a bill (H. R. No. 3222) granting a pension to Lindsley Sanders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN K. JONES AND OTHERS.

Mr. ATKINS also introduced a bill (H. R. No. 3223) for the relief of Allen K. Jones and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. GUTHRIE.

Mr. ATKINS also introduced a bill (H. R. No. 3224) for the relief of James B. Guthrie; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EDWARD T. FREEMAN.

Mr. YOUNG introduced a bill (H. R. No. 3225) for the relief of Edward T. Freeman, of Memphis, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LEE ANNA KERR.

Mr. DIBRELL introduced a bill (H. R. No. 3226) granting a pension to Lee Anna Kerr, of White County, Tennessee; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ORDERS OF MINING AND MANUFACTURING COMPANIES.

Mr. HOUSE introduced a bill (H. R. No. 3227) to exempt from taxation as circulating notes orders payable in merchandise issued by one officer of a mining or manufacturing company upon another officer of the same company; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SECTION 5111 OF REVISED STATUTES.

Mr. HAYMOND introduced a bill (H. R. No. 3228) to amend section 5111 of the Revised Statutes of the United States so as to permit national-banking associations to issue circulating notes equal in amount to 100 per cent. of the current market value of the bonds delivered by them to the Secretary of the Treasury; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GOVERNMENT FOR THE INDIAN COUNTRY.

Mr. FORT introduced a bill (H. R. No. 3229) to organize a better government for the Indian country and to establish United States courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JACOB PRINCE.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 3230) granting a pension to Jacob Prince; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA A. SLAUGHTER.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 3231) granting a pension to Rebecca A. Slaughter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIRCULATION OF NATIONAL BANKS, ETC.

Mr. CAMPBELL introduced a bill (H. R. No. 3232) to increase the circulation of the national banks and to relieve them from payment of the tax or duty on their circulation, to liquidate the national debt, and strengthen the public credit; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. HARTZELL introduced a bill (H. R. No. 3233) to amend title 60, chapter 4, section 4919, of the Revised Statutes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM MONTGOMERY.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 3234) to restore William Montgomery, late first assistant engineer United States Navy, to the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BENJAMIN HAND.

Mr. HATCHER introduced a bill (H. R. No. 3235) granting a pension to Benjamin Hand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT L. LINDSAY.

Mr. HATCHER also introduced a bill (H. R. No. 3236) for the relief of Robert L. Lindsay, late captain of Fiftieth Regiment Missouri Volunteers; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MRS. AMERICA C. LIGON.

Mr. HATCHER also introduced a bill (H. R. No. 3237) granting a pension to America C. Ligon, widow of William H. Ligon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAHALA DAY.

Mr. DE BOLT introduced a bill (H. R. No. 3238) granting a pension to Mahala Day, widow of Jackson T. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET HARRINGTON.

Mr. DE BOLT also introduced a bill (H. R. No. 3239) granting a pension to Margaret Harrington, widow of Latin Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF POTOMAC WATER.

Mr. BUCKNER introduced a bill (H. R. No. 3240) to regulate the distribution of Potomac water in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. GAUSE introduced a bill (H. R. No. 3241) to amend section 658 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY REYMEYN.

Mr. WALDRON introduced a bill (H. R. No. 3242) for the relief of Henry Reymeyn, Fifth California United States Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS IN IOWA.

Mr. McDILL introduced a bill (H. R. No. 3243) relating to the terms of the circuit court of the United States in and for the district of Iowa; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARTIN LAFFIN.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3244) granting a pension to Martin Laffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOCKBRIDGE AND MUNSEE INDIANS, OF WISCONSIN.

Mr. CATE introduced a bill (H. R. No. 3245) for the relief of the Stockbridge and Munsee Indians, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE H. WELLS.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 3246) for the relief of George H. Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ETZELL.

Mr. STRAIT introduced a bill (H. R. No. 3247) granting a pension to John Etzell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOGGING-BOOM ON SNOHOMISH RIVER, WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill. (H. R. 3248) to authorize William Romines to put a logging-boom in the Snohomish River, Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed.

Mr. WILLIS. I have some bills which I wish to introduce and have referred. I was not in my seat when the State of New York was called.

The SPEAKER. Under the order made this morning it is the duty of the Chair to receive for reference bills from gentlemen who were not in their seats when their States were called.

DUTIES ON GLASS.

Mr. WILLIS introduced a bill (H. R. No. 3249) to simplify the sixteenth subdivision of Schedule B, section 2504 of the Revised Statutes, relating to glass; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EFFICIENCY OF THE NAVY.

Mr. WILLIS also introduced a bill (H. R. No. 3250) to promote efficiency and harmony in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

A. M. ATWOOD.

Mr. WILLIS also introduced a bill (H. R. No. 3251) granting a pension to A. M. Atwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOTARIES PUBLIC.

Mr. WILLIS also introduced a bill (H. R. No. 3252) to authorize notaries public to take and certify oaths, affirmations, depositions, and acknowledgments in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WALTER F. HALLECK.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 3253) to change the position in the official Army Register of the name of Walter F. Halleck, first lieutenant United States Army, retired list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RE-ORGANIZATION OF THE NAVY.

Mr. O'BRIEN introduced a bill (H. R. No. 3254) to re-organize the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WYANDOTT INDIANS.

Mr. GOODIN introduced a bill (H. R. No. 3255) for the relief of the Wyandott tribe of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there are no other bills for reference, the gentleman from Missouri, [Mr. BUCKNER,] the chairman of the Committee for the District of Columbia, is entitled to the floor.

Mr. BUCKNER. I will yield for a few minutes to the gentleman from West Virginia [Mr. FAULKNER] if the proposition he desires to submit gives rise to no discussion.

EDWARD O'M. CONDON.

Mr. FAULKNER. I am instructed by the Committee on Foreign Affairs to ask the unanimous consent of the House to report at this time for consideration and action the preamble and joint resolution which I send to the Clerk's desk.

The preamble recites that Edward O'M. Condon, a citizen of the United States, is now and has been for some time closely confined in prison under the sentence of a British court, and that an earnest and profound desire, evidenced by resolutions of State Legislatures and petitions numerously signed and addressed to Congress, is entertained by a large and respectable portion of the people of the United States that he should be speedily released.

The joint resolution requests the President of the United States to take such steps as in his judgment may tend to obtain the early release of the said Edward O'M. Condon from imprisonment.

There being no objection, the joint resolution (H. R. No. 104) was received, read three times, and passed.

Mr. FAULKNER moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. BUCKNER. I yield now to the gentleman from Louisiana, [Mr. GIBSON.]

INVESTIGATION OF AFFAIRS IN LOUISIANA.

Mr. GIBSON. I ask unanimous consent to submit for consideration and adoption at this time the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is alleged that certain Federal officers in New Orleans, Louisiana, have been guilty of malfeasance, abuse of power, and corruption: Therefore,

Resolved, That a committee of nine members be appointed by the Speaker with instructions to make a thorough examination into the conduct and management of the custom-house at the port of New Orleans and of the offices of the marshal, district attorney, postmaster, assessor and collector of internal revenue, and of such other Federal officers as they may discover to be implicated in wrong-doing and violations of the laws, and to suggest such changes and reforms as they may deem necessary, with power to employ a stenographer, send for persons and papers, to sit in New Orleans and during the recess, and to report by bill or otherwise at any time.

Mr. HURLBUT. I object to that resolution. I have no objection to the inquiry going to a regular committee of the House; but I object to raising a special committee with the powers contemplated in that resolution.

Mr. GIBSON. I move to suspend the rules and adopt the resolution.

Mr. HALE. I rise to a question of order. I submit that the order made this morning by which the business of the Committee for the District of Columbia was transferred from two o'clock to-day to one o'clock must be now operating, and that no other business is in order except by unanimous consent.

The SPEAKER. In the judgment of the Chair, orders of this kind should be strictly enforced; but in cases similar to this a very liberal practice prevails. The gentleman from Missouri [Mr. BUCKNER] yielded to the gentleman from West Virginia, [Mr. FAULKNER;] the House assented to his action and enacted a joint resolution. The gentleman from Missouri afterward yielded to the gentleman from Louisiana, [Mr. GIBSON.] In the judgment of the Chair, objection now, under the circumstances, comes too late.

Mr. HALE. I understood that the gentleman from West Virginia asked unanimous consent of the House, which was granted, no one objecting, and he then submitted his resolution. I suppose that a single objection, if anybody had raised it, would have prevented the introduction of that resolution.

The SPEAKER. The Chair did not understand the request to be of that kind. The Chair will take the sense of the House on the motion to suspend the rules.

Mr. HURLBUT. I ask that the resolution be again read. It contains special matter which I think the House may not understand.

The resolution was again read.

Mr. KASSON. I wish to ask whether the proceedings of this committee are to be conducted publicly?

Mr. GIBSON. I am perfectly willing to accept an amendment of that kind.

Mr. HALE. Let me ask the gentleman whether he will not let this investigation go to one of the regular committees of the House, and also strike out that remarkable provision for sitting during the recess? With these modifications the resolution would pass without objection.

Mr. GIBSON. No, sir; I cannot consent to those modifications.

Mr. HALE. Then I must call for the yeas and nays on the adoption of the resolution.

Mr. GIBSON. I will second the call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. I rise to a parliamentary inquiry. Can the resolution be divided, so that the part which relates to the committee sitting after the adjournment of Congress can be voted upon by itself? That is the only objectionable part, I believe.

The SPEAKER. No question of division can arise upon a motion to suspend the rules.

Mr. HALE. Then the resolution must be taken all in all?

The SPEAKER. It must be taken as a unit.

The question was taken; and there were—yeas 147, nays 77, not voting 66; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Egbert, Ellis, Ely, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Fuller, Gause, Gibson, Glover, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Maish, MacDougall, McFarland, McMahon, Meade, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, John F. Philips, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Throckmorton, John L. Vance, Robert B. Vance, Waddell, Walling, Walsh, Warren, Erastus Wells, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Fernando Wood, Yeates, and Young—147.

NAYS—Messrs. George A. Bagley, John H. Baker, William H. Baker, Bell, Blaine, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cason, Chittenden, Crounse, Danford, Darrall, Denison, Dobbins, Dunnell, Eames, Freeman, Frost, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Hoskins, Hunter, Hurlbut, Kasson, Kelley, Kimball, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, McCrary, McDill, Monroe, Morey, O'Neill, Packer, Page, Plaisted, Platt, Pratt, Purman, Rainey, Robinson, Rusk, Sampson, Sinnickson, Smalls, Strait, Stowell, Thornburgh, Washington Townsend, Tufts, Wait, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Andrew Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—77.

NOT VOTING—Messrs. Adams, Ashe, Ballou, Banks, Barnum, Bass, Beebe, Bliss, Bradley, Cabell, Cannon, Caswell, Collins, Conger, Crapo, Davy, Douglas, Durand, Eden, Evans, Farwell, Goode, Hancock, Haymond, Henkle, Abram S. Hewitt, Hubbell, Hyman, Joyce, Ketchum, King, Knott, Lamar, Franklin Landers, Lapham, Lynde, L. A. Mackey, Miller, Mills, Nash, Norton, Oliver, Phelps, William A. Phillips, Pierce, Piper, Powell, Roberts, Miles Ross, Sobieski Ross, Schumaker, Seelye, A. Herr Smith, Swann, Thomas, Martin I. Townsend, Tucker, Turney, Van Vorhes, Waldron, Gilbert C. Walker, Ward, Whitehouse, James Williams, Benjamin Wilson, and Alan Wood, jr.—66.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. HALE. I move that the resolution be referred to the Committee on the Judiciary.

Mr. GIBSON. Why not say the Committee of Ways and Means?

The SPEAKER *pro tempore*, (Mr. COX.) The gentleman from Missouri, [Mr. BUCKNER,] as chairman of the Committee for the District of Columbia, is entitled to the floor absolutely. The Chair will state to the gentleman from Maine [Mr. HALE] that the resolution of the gentleman from Louisiana [Mr. GIBSON] is not before the House, the rules not having been suspended.

JOHN F. SUTHERLIN AND BROTHER.

Mr. GARFIELD. Mr. Speaker, the gentleman from Texas, [Mr. HANCOCK,] a member of the Committee of Ways and Means, was instructed to report a bill (H. R. No. 3256) for the relief of John F. Sutherlin & Brother, of Polk County, Indiana, but he has left the city and has requested me to do it for him. I ask unanimous consent, therefore, to submit the report on behalf of the gentleman from Texas and to move that the bill and report be printed and recommitted.

There was no objection; and the bill was received, read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

DISTRICT TAX BILL.

Mr. BUCKNER, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

The amendments were read, as follows:

On page 9, at the end of the forty-eighth line, insert "the taxes hereby assessed and the penalties imposed by this act shall be a lien on the real estate on which the same are assessed from the 1st day of June of the year in which the assessment is made."

In line 263, on page 20, strike out "tax" and insert "license."

In line 275, on page 24, after "on" insert "each $100 of."

In line 296, on page 22, strike out the words "capital or."

In line 297, on page 22, strike out the words "under existing laws."

In line 296, on page 21, after the word "Columbia" insert "illuminating-gas companies shall pay $1.50 on each $100 of the assessed value of their pipes under ground."

The SPEAKER *pro tempore*, (Mr. COX in the chair.) There being no objection, the question will be taken on the amendments in gross.

There was no objection, and the amendments were agreed to.

Mr. BUCKNER. This bill to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, is a very long bill, covering some thirty-three pages of print, and as it will occupy some time in its reading, if the House has no objection I ask that its reading be dispensed with, as I propose to make a full explanation of the provisions of the bill so the House will comprehend what they are.

Mr. WALLING. This is a very important bill, and in order to properly understand the explanation I think the bill ought to be read.

The SPEAKER *pro tempore*. Does the gentleman object to dispensing with the reading of the bill?

Mr. WALLING. I do.

The Clerk proceeded with the reading of the bill.

Mr. WALLING. As the bill has been printed and copies are now being circulated through the House, I withdraw my objection so the gentleman from Missouri may go on with his explanation.

The SPEAKER *pro tempore*. There being no further objection, the reading of the bill will be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. BUCKNER. Mr. Speaker, this bill provides for an assessment of the real property and for the taxation of all visible property of the District of Columbia, either directly or indirectly. It does not—and I desire to state so the House may understand what the question presented to them will be after a while—propose to tax what may be called trades or money loaned on mortgage or deeds of trust. But gentlemen near me ask whether it taxes personal property. It taxes all visible personal property in one form or another.

But, sir, before I go into that question I desire to state to the House that the commissioners of this District have been called on by the Committee for the District of Columbia to state to us what amount of money will be necessary to carry on the government of this District, and according to their showing they want the sum of $1,513,180 to pay the necessary expenses in carrying on the District affairs. In addition to that there is the interest upon the old funded debt, including the premium on gold interest of $564,569, to be met in some form. They ask for an appropriation amounting to $2,077,000, not including the semi-annual interest or the interest on the 3.65 bonds, amounting to $250,278. The committee are of the opinion so far as the expenditures of the District are concerned they may be reduced two or three hundred thousand dollars. It is fair and just, however, to say that the commissioners have reduced expenditures under the late government very largely, but other reductions may be made I think without any inconvenience to the management of the affairs of this District.

We propose to raise by this bill by taxation of personal property, directly as well as indirectly, the sum of $400,000. Of course that is only an estimate, merely conjectural; but I have the opinion of a large number of tax-payers of the city—the opinion of real-estate tax-payers, as well as the opinion of the commissioners of the District themselves, that this bill will raise the sum at least of $400,000 by the taxation of personal property, either directly or indirectly, including licenses. Then, sir, the assessment last year in the District of Columbia, or rather in the city of Washington, was $78,818,000. In addition to that there is shown by a report before us there have been upward of $3,000,000 invested in buildings during the last year; so that we have in the city of Washington, on the basis of $1.50 on every hundred, $81,818,000 of real estate, upon which a tax of $1,218,170 can be collected. In Georgetown we have $58,470, and in the county $71,600, making, with the $400,000 on personal property, the sum of $1,748,260.

This bill does not attempt to innovate on the established legislation of this District. Heretofore $175,000 had been raised by licenses and taxes on all kinds of trades. We have extended this system, increased the amount of license, so as to bring it to the sum of $275,000.

In addition to that, all furniture over $300 in value is taxed in this District, which it is estimated will realize $175,000. That will produce the sum I have mentioned, and it is as little as the District, in my judgment or in the judgment of the committee, can get along with, and yet as much taxation as can be afforded.

There was an assessment last year of the real estate in this District. There have been some complaints about it, and I have no doubt there were some reasons to complain; but upon the whole, from the information I have, it is about as good an assessment as can be made. This bill proposes, in order to provide any additional expense, that the additional expense shall be made to it to the extent of three or four millions of dollars. So that we save the large expense necessary to re-assess this District, and we do not take any risk as to whether the assessment might be reduced or not in these hard, stringent times.

Now, Mr. Speaker, we have taxed what is termed money on loan, and I do not hesitate to say, aside from any principle involved in it, whatever my views are in the abstract upon that question, that I have been governed in this by what I have believed to be the wish of nine-tenths of the real-estate tax-payers in this District. We have the right, it is true, to tax these people as we wish. There is no limit upon our powers. We have exclusive jurisdiction in that matter; but that is no reason why we should disregard the wishes of these people in this respect. If we ask that they shall contribute so much money and they are willing to do it upon terms equal and just to all the interests of the District, it occurs to me their views on this subject ought to be consulted.

There are two questions on which, so far as I have been able to ascertain the views of the people of the District, of the tax-payers and real-estate owners, I believe without reference to their political complexion, there is one almost universal and according sentiment. One is that they shall have no more popular government in this District; the other is that bonds and mortgages, secured upon real estate here, shall not be taxed. What reason do they give for desiring that taxation shall not extend to bonds and mortgages on real estate? They tell me—whether it be true or false I do not pretend to say—that this District has been robbed and plundered for the past six or seven years to an extent that no other people has been; and that almost every man here has been compelled to borrow money from New York, or Baltimore, and elsewhere to meet the high rate of taxation; and that if you compel them to pay taxes on these mortgages you only affect the people here; you do not reach anybody but the residents; you do not reach the loan companies and capitalists in the North, but only the residents who have loaned money in this way; and the effect of that is to put an additional tax upon their real estate.

These were the views that influenced the majority of the committee in this matter, and they agreed to report a bill which taxes all the visible property in this District according to the system heretofore in vogue, and also requires licenses to be paid, making no other change than to increase, enlarge, and expand the system so as to produce the amount of money that we think ought to be raised.

But the committee are perfectly aware that on this subject gentlemen of this House will probably want to give effect to their own ideas and their own views of taxation; that Ohio gentlemen and Maryland gentlemen, and others here, will want to introduce their peculiar views as to systems of taxation into this District. Therefore, in order to accommodate their theories upon that subject, the committee have permitted a substitute to be introduced, and I will give place in a few moments to my friend from Ohio [Mr. NEAL] to introduce a substitute for this bill, that only makes the one material change of taxing everything in the shape of credits, requiring every man to give a statement of the value of his personal property, to give an account of his credits deducting what he owes, and then to make oath to the correctness of that statement; and upon that he pays a tax. So far as the license system is concerned, with all its objectionable features, if there are any, they belong to both bills. They are in force here now, except in this particular, that the license system in this District has always been based upon the amount of capital stock alone, and has not required the payment of any particular sum for the purpose of carrying on any particular trade.

Now, Mr. Speaker, as I have said, while we have power here, while we can exercise exclusive jurisdiction and do exercise exclusive jurisdiction over this District, I can see no reason why the House should not respect the opinions and sentiments of these people—why we should make this District a theater for trying experiments either in government or taxation, or putting in force any particular theory that we may have in this bill. The people are willing to pay whatever amount of money Congress shall say they ought to provide, but they insist that they shall have some right to say how they shall pay it. And I speak, I will not say the universal sentiment, but the sentiment of nine out of ten tax-payers—real-estate tax-payers—so far as I have had an opportunity of meeting with them, when I say that they object to paying this proposed tax on merchandise and securities for the reason I have given.

I do not propose to go into any discussion of the question which has been mooted lately in the country by the decision of a very learned court in California, that the tax on a mortgage is really unconstitutional in a State where the provision of the constitution was that taxation should be uniform. I do not propose to go into that question at all, or to examine the questions relating to this subject, which have been lately illustrated and explained by Hon. David A. Wells, lately a candidate for Congress from Connecticut. I do not propose to discuss that matter at all. The ground the committee put this bill upon is that it is a bill in accordance with the sentiment of the people of this District, though it may not be in accordance with our own theories or opinions. It will raise all the money that they can afford to pay, and it is very obvious that there is good ground for this view. The objection to imposing a tax upon mortgages and loan bills is that it will affect the residents here alone, while a large amount of these securities owned elsewhere will not be reached by the bill. It will be a tax simply on the persons who have borrowed money to pay for these improvements.

I say this, Mr. Speaker and gentlemen, that when you shall be called to vote between this bill and the bill proposed by the minority of the committee, which will be reported by the gentleman from Ohio, [Mr. NEAL,] you will have in both the license system, to which he may object, and others may object, but that his bill will not raise as much money as the bill we propose will do. His bill will collect only $117,500, and we propose to collect $275,000. We propose also instead of having your horse and carriage taxed at its value, every man who owns a carriage that is used here, whether it be a hack or a private carriage, shall be taxed at a certain rate, and we will raise a much larger amount than the tax now in force.

Mr. WOOD, of New York. Will the gentleman from Missouri allow me to ask him a question?

Mr. BUCKNER. I will yield to the gentleman from New York.

Mr. WOOD, of New York. I desire to ask the chairman one or two questions before he sits down. I observe a provision in this bill, which is a very long one, that the commissioners of the District of Columbia are authorized to appoint commissioners whose duty it will be to levy and collect these special taxes.

Mr. BUCKNER. No, sir; they are assessors only.

Mr. WOOD, of New York. There is no distinction. They are to assess or levy the several taxes; the tax upon real property, the tax upon personalty, and the tax upon trades and professions.

Mr. BUCKNER. Which are fixed by the bill.

Mr. WOOD, of New York. But there is no provision in the bill, so far as I can ascertain, by which any error in any tax may be corrected by the party taxed.

Mr. BUCKNER. The gentleman is mistaken about that.

Mr. WOOD, of New York. Will the gentleman then refer me to that part of the bill?

Mr. BUCKNER. I refer the gentleman to the provision on page 8 of the bill, section 8, which provides—

That it shall be the duty of the board of assessors to inform themselves, by all proper and lawful means, at all times, of all taxable property in the District of Columbia which may have escaped valuation at previous assessments, and for this purpose, all buildings in process of erection, enlargement, or improvement, the work whereon, either by contract or by good management, should be completed on or before the 1st day of July then next ensuing, shall be assessed or re-assessed as though such work was already completed. It shall be their duty to assess and value, and make returns, on or before the 1st day of June of each and every year, of all and every species of property by this act made taxable and not before assessed and valued; to reduce the assessment and valuation of any property before assessed and valued which may have been lessened in value by means of fire or other casualty; to increase the assessment and valuation of any property which may have been enhanced in value by reason of any addition thereto or improvement thereof; and to make such corrections and alterations in previous assessments and valuations as may, according to their judgment and best information, be just and proper, having in view the actual cash value of the property. Said assessors shall, between the 1st and 20th day of June, 1876, of which notice shall be given by said assessors, hold daily sessions for the purpose of equalizing the assessments heretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuation theretofore made by them.

I now yield fifteen minutes to the gentleman from Ohio, [Mr. NEAL.]

Mr. NEAL. I shall want more time than that. I offer as a substitute for the bill what I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will read the substitute offered for the bill.

Mr. NEAL. With the consent of the House I will simply have read at this time the first section of the bill. That will, I think, clearly show the difference between the two branches of the committee.

The Clerk read the first section of the substitute, as follows:

That for the support of the government of the District of Columbia there shall be levied, for the fiscal year ending June 30, 1877, and for each and every year thereafter, upon all property of whatsoever kind, whether real or personal, in said District; upon all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise of persons residing therein; and upon the property of all corporations, banks, or banking companies now existing or hereafter created therein, excepting only such property as is hereinafter expressly exempted, a tax of $1.50 on each $100 of the assessed value of the same within the city of Washington; of $1 on each $100 of the assessed value of the same within the city of Georgetown; and of seventy-five cents on each $100 of the assessed value of the same in that part of said District outside of said cities of Washington and Georgetown.

Mr. NEAL. Mr. Speaker, in offering this bill as a substitute for the one presented by the majority of the committee, I am actuated by no spirit of hostility to them, but by a simple desire to distribute more equally than they propose the burden of taxation in this District. There is no essential difference between the bill of the committee and my own in so far as they relate to or provide for the taxation of real estate. The rate of taxation is the same in both, and whatever difference there is between them consists in the fact that the former provides for the assessment of real estate upon the valuation of last year, subject to revision only in certain enumerated cases, while the latter provides for a new valuation and assessment of such property. The

real question therefore to be decided in choosing between the two bills is whether or not personal property shall be made to bear its fair proportion of the taxes to be levied and collected for the support of the District government.

Equality in the imposition of taxes is one of the cardinal principles of every just system of taxation. Perfect equality is of course not attainable in any case. Every system, let it be ever so correct in theory or wise in its character, must be necessarily more or less imperfect when we come to execute it. There will always be insurmountable obstacles in the way of equal and exact justice in the assessment and collection of taxes. But while this is true, we, as practical men, can adhere to that system which approaches most nearly the standard of equality and can at the same time be executed, and which does not purposely make wrongful, unjust, and odious distinctions or discriminations between one class of citizens and another, or between one species of property and another. And we ought to do it. It is our duty, our *imperative* duty as legislators, to do it. If the bill of the committee had been drawn in the especial interest of the capitalists of this District it could not have been made to answer their purposes more completely than it *now* does. It seems to be based upon and is clearly an attempt to enforce and carry out by law the idea so prevalent here, that this capital must be made the grandest and most beautiful city upon the continent, and that in furtherance of this project men of wealth from all parts of the country must be induced to come and take up their residence here by exempting their moneys, credits, and personal property of almost every kind from taxation. And I desire to enter my emphatic protest against any such legislation. Even though I shall stand here solitary and alone in opposition to it, I will resist to the utmost of my feeble powers all efforts to ingraft upon our statute-books any law which under any pretext whatever strikes from the tax-lists property in the hands of those who receive the greatest benefit from the protection of the Government. The objections urged against the taxation of personal property, moneys, credits, and investments, under cover of which immunity is proposed to the wealth and capital of this District, are not at all new. They have gone hand in hand with the taxation of such property at all times and under all governments where the system of taxing it has been adopted. But in spite of all such objections, notwithstanding the fact that theorists are ever ready to oppose it and on all occasions pronounce against it, the practical good sense and judgment of the people have always approved of the justice of taxing personal property, and the practice has steadily grown in popular favor until there is scarcely a State in the Union in which it does not prevail.

Besides, whatever objection can be urged against the taxation of personal property, as proposed by my substitute, can be urged with just as much force against the bill of the majority of the committee. What is termed the inquisitorial process is, I believe, always brought forward as one of the most important objections to the taxation of personal property. On all occasions the plea is urged that in order to tax personal property, and to collect the taxes assessed upon it, you must pry into the private business and the family circles of the citizens. Yet if members of this House will take the pains to examine the bill of the majority of this committee, they will find that whatever strength there is in that objection applies with greater force to that bill than it does to my substitute. Under the guise or form of a license tax the bill of the majority requires that the merchants, manufacturers, bankers, and business men of this city and of this District shall make just the same kind of an exhibit that will be required by the substitute I have proposed.

In fact there is nothing in the substitute that is inquisitorial in its nature, because in order to effectually and completely carry out the provisions of the bill the individual citizen is required simply to make and return to the assessor who is chosen for that purpose a statement under oath of his personal property and credits of all kinds liable to taxation. What his liabilities are, whether they be great or small, will not appear from that exhibit thus returned, because he will be required to list the value of his credits only after deducting his indebtedness. But the bill of the majority goes much further in that direction than will be required by the substitute. Besides, by reference to the fourteenth section of the bill of the committee it will be found that every person liable to tax who fails to pay the same before engaging in business will be subject to a penalty, and that in the cases of commercial agents, dealers or traders and their agents, or of the managers of theatrical performances, or exhibitions, or concerts for gain, circuses, &c., the aid of the informer and spy is invoked, and one-half of the penalty made to inure to his use and benefit. The bill of the committee, therefore, instead of obviating, as they suggest, this odious feature of the taxation of personal property, extends it much further than it need be extended under any fair or just system of taxation.

Mr. BUCKNER. Is not the same rule applied in your bill?

Mr. NEAL. I will attend to that in due time. Another objection put forward by the gentleman from Missouri is that the people of this District are opposed to the taxation of personal property. I ask the gentleman who are the people of this District?

Mr. BUCKNER. The tax-payers.

Mr. NEAL. The tax-payers?

Mr. BUCKNER. On real estate.

Mr. NEAL. If a few wealthy gentlemen who claim to carry in their breeches-pockets the entire city of Washington and District of Columbia are the only tax-payers, then I will assent to the proposition of the gentleman that the people are opposed to this system of taxation, but otherwise I will not. But suppose that the people of the District of Columbia are opposed to the taxation of personal property, other people than those residing here are interested in the question of the taxes to be levied in this District. If it was proposed by a tax on real estate alone to levy and collect all the money that might be required for the support and expenses of the District government, then perhaps there might be more force in the suggestion that the real-estate owners, or the tax-payers, are opposed to the taxation of personal property.

But in the present state of the case whatever deficiency there may be in the amount required for the support of the District government must be made up by the Government of the United States. Therefore your constituents and mine are required, out of their hard earnings, to contribute to the support of this District government, be it little or be it much. When you exempt personal property in this District from taxation, the amount that the owners of personal property would otherwise be required to pay upon it for the support of the government will be left in their hands, and the Government of the United States will pay it for them. The fact that personal property is exempted will not increase the amount that the real estate will have to pay.

There will be no change in the rate of taxation by reason of the fact that personal property will be exempt, none whatever. The case is entirely different from what it would be if a given sum was required to be raised; for then the rate of taxation would increase or diminish just in proportion to the increase or diminution of the value of the property to be taxed. That is not all; not only will the tax-payers in other parts of the United States be required to contribute of their property to make good any deficiency here, but if you carry out the scheme in effect proposed by the bill of the committee, while you are putting this additional burden upon the citizens of the States you are at the same time taking away from them a portion of the property out of which they will have to collect this sum of money. By exempting the moneys, credits, and investments of the capitalists of this District from taxation, you invite immigration into the District from the States; and every time that a man worth one million or two millions of dollars leaves my county or yours and comes into this District he lessens the amount of taxable property in that county just so much, and thereby increases to that extent the tax upon the remaining property in that county. Therefore this thing affects us in more ways than one.

But let us look for a few moments at some of the provisions of the bill of the committee, and see what kind of justice the majority of this committee propose to deal out to the people of this District.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. NEAL] has expired.

Mr. NEAL. Mr. Speaker, I am occupying my own time, as I understand it.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Missouri [Mr. BUCKNER] to yield fifteen minutes to the gentleman from Ohio, [Mr. NEAL.] The Chair would gladly have recognized the gentleman from Ohio for an hour had it been so understood.

Mr. NEAL. I expressly told the gentleman from Missouri——

Mr. BUCKNER. I supposed the understanding was as stated by the Chair; but let the gentleman occupy his hour if he desires.

The SPEAKER *pro tempore*. The gentleman from Ohio will be regarded as entitled to the floor for an hour.

Mr. NEAL. There is, Mr. Speaker, a gross inequality in the taxes imposed by the bill of the committee if we recognize the principle upon which it is framed by them as a correct one. The only kind or description of personal property upon which a direct tax is levied in the usual way is furniture and some wharf improvements upon the Potomac River. All the other taxes that will be levied and collected under it will be in the shape of a license tax. And how near do they approach equality even under that system? Why, sir, insurance companies of all kinds are required to pay the small sum of $2 on each $1,000 of their capital invested, or twenty cents on the one hundred dollars, or to bring it down to a still finer point, the pitiful sum of two mills upon the dollar. Banks are required to pay $200 license and $\frac{1}{10}$ of 1 per cent. upon their average deposits for the six months immediately preceding the time when the assessment shall be made.

Mr. LAWRENCE. That is by the committee's bill.

Mr. NEAL. Yes, sir. Now mark the difference between the tax imposed upon corporations and the tax which merchants and manufacturers of this city are required to pay. The merchant or manufacturer will be required to pay $5 on each thousand dollars of capital invested, or fifty cents on the hundred dollars; two and one-half times as much as the banker, with the exception of the license of $200.

Turn now to the fourteenth clause of the tenth section, on page 15, and you will find that the wagon which the poor man uses in his daily labor is required to pay $5 a year, a sum equal to not less than 2½ or 3 per cent. upon its cash value; a cart or dray, $2.50 a year; and that these poor creatures whom we see day after day trundling their push-carts through the streets in their hard efforts to earn a scanty subsistence for themselves are required to pay $2 a year for the priv-

ilege of doing it. Then, in striking contrast with this, turn to the forty-fifth clause of this same section, where you will find that the lordly owner of a handsome carriage, worth, it may be, $5,000, with his blooded steeds, worth twice that sum, is called upon to pay the paltry sum of $12, or only $6 in case he shall drive but one horse. And when you have done this, ask yourselves whether anything could be more unjust, any discrimination more odious and outrageous in its character.

Then again the majority of the committee propose to tax gold watches $1 each indiscriminately, $1 each without regard to their valuation. A watch may be set with jewels and be worth $3,000 or $4,000; another gold watch may be worth not more than $50; yet the owner of the latter pays into the public treasury for the support of the District government the same amount as the man who owns the $3,000 or $4,000 watch.

Again, silver watches of all kinds are utterly and entirely exempted by the provisions of the bill, so that while the owner of a gold watch worth $50 will be required to pay one dollar upon that watch the owner of a silver watch which may be worth $150 or $200 will not be required to pay a single farthing.

This substitute of mine proposes that all moneys and credits, personal property of every kind, tangible and intangible, belonging to those who are residents of this District shall be taxed; that all, rich and poor, shall be required to contribute according to the value of their property for the support of the District government; while the bill of the committee declares that property of this kind, with the exceptions I have named, shall be entirely exempt.

The gentleman from Missouri tells us that under the system proposed by the bill which the majority of the committee present to the House for its approval, all the money that the people of this District are able to pay will be levied and collected; that the money necessary for us to raise from the property of this District can be realized under their bill, and that the substitute supported by myself and two of my colleagues upon the committee is a mere experiment, although it proposes to inaugurate a system which has been put into practical effect and operation in nearly every State of this Union.

Now let us compare for a moment the probable amounts that will be realized under the bill of the majority of the committee and the substitute respectively. Under their bill tax will be levied in the first place upon the real estate of this District. According to the assessment of last year the entire value of the real property in the cities of Washington and Georgetown and in the county of Washington, outside of those cities, was $93,452,684, as follows: Washington City, $78,818,934; Georgetown, $5,849,317; Washington County, $8,784,433.

Under the bill of the committee, therefore, the District government will be enabled to realize from real property in the city of Washington $1,182,284; on real property in Georgetown, $58,493; on real estate in Washington County, $65,883. Then the gentleman estimates that he will be enabled to derive from the license provisions of this bill $275,000, and from the tax upon furniture $125,000, making the gross aggregate $1,706,660; or, if we allow a discount or reduction of 10 per cent. for delinquencies, except from the $275,000 for licences, the amount realized will be $1,563,494—$513,254 less than the estimated expenditures of the District for the coming year for all purposes, exclusive of interest on the 3.65 bonds, which, as stated by the commissioners, will be $2,077,749.

Now let us turn to the substitute proposed by the minority of the committee. Under this substitute the receipts from real estate will be the same as under the bill of the majority. Then, sir—and to this I wish to direct the attention of my colleagues upon the committee—under the license law passed by the legislative assembly of this District in 1871, most of which is left in full force by the substitute, $117,956 will be realized from licenses.

The amount realized from personal property, if we estimate the personalty to be equal to 40 per cent. of the realty in value, will be $522,664, making the gross aggregate then that will be collectable under my substitute $1,947,281. Or, allowing the discount of 10 per cent. for delinquencies, as in the case of the majority bill, it will leave as the net amount $1,764,348, thus showing that we will collect, in excess of the amount collected by the committee under their bill, $200,754. Or, if we estimate the personal property in this District to be equal in value to 50 per cent. of the realty, which I think I can show by statistics to be more accurate than the 40 per cent. estimate, the amount realized will be $2,077,947, or $1,881,948, allowing a discount of 10 per cent. for delinquencies as before, being $318,453 more than can be collected by the committee under their bill.

For the purpose, Mr. Speaker, of satisfying this House that the estimates which I have made in regard to the value of personal property are not exaggerated, I will call attention for a few moments to one or two facts upon which they can base their estimates. In 1870, the last year in which I was able to get at the fact, the assessed value of the personal property in the city of Cincinnati, Ohio, was 51¼ per cent. of that of the real estate. The real estate in that city at that time, as assessed for taxation, was valued at $111,588,029, while the personal property was valued at $57,370,754, being a difference of $54,217,275, so that the ratio of personal to real property in that city at that time was as 1 to 1.8. In the city of Boston, on the 1st of May, 1874, the personal property was 44.1 per cent. of that of real property. The realty was valued at $554,200,150, while the personalty was valued at $244,544,900, showing a difference in value between the two kinds of property of $309,645,250, and the ratio of personalty to real property to be as 1 to 2.26.

Why, sir, in the State of Ohio at large, taking country and town alike, the value of real estate and personal property as compared in 1874 showed the personalty to be 33.4 per cent. in value of that of the realty.

Now, Mr. Speaker, if we take the estimate of the commissioners of this District themselves in regard to one kind of personal property, as they have returned it to the committee, as a basis for computation, it will show that in making my calculation upon the basis of 50 per cent. I am short of what the truth will actually prove to be, because, according to one calculation contained in their written statement to the chairman of our committee, the estimated value of furniture alone in this city is $12,000,000. And I submit it to any fair-minded man that, if the furniture in the private houses in this District is worth $12,000,000, the entire personal property of the District, including money, merchandise, and manufactured goods of all kinds, must be equal in value to $60,000,000 or $70,000,000 and therefore it is much more than 50 per cent. in value of the real estate.

Let me direct the attention of the distinguished chairman of my committee to another fact. He says we are entering upon an untried field in the taxation of personal property in this District, that we are trying an experiment. Can I get his attention? If he will listen to me for one moment I will show him that at any rate we cannot lose much by our experiment. I had a table but I have now mislaid it, and I must go on without it. Taking his own bill as the standard by which we are to be governed in ascertaining the amount collectable, I shall be able to show that under the personal and license features of my bill I will be able to realize within $43,926 of the entire amount collectable under his bill and then have all of the personal property of every kind in this District to go upon, outside of furniture and this wharf property of which I have spoken, because, as stated by me awhile ago, after we shall have repealed the clauses in the old license law of the Legislative Assembly of 1871, which will be repealed by the substitute, we will still be able to realize from licenses $117,976, or nearly $118,000. Taking the gentleman's own estimate we will be able to realize $125,000 upon furniture, because that tax is to be collected in the same way under his bill and under the substitute. According to the statement given to me by the collector of this District, the amount collected from merchants under the old license law of the Legislative Assembly during the last year was $30,165 upon the rate of $4 on each $1,000 of capital invested, or of four mills to the dollar; and when the tax upon property of that kind is increased, as it will be by the substitute, from four to fifteen mills on the dollar, or $1.50 on the hundred, we will be able to raise the sum of $113,118 from the tax upon merchandise.

The amount realized from these three sources which confessedly can be collected—the gentleman himself admits they collected it last year under their license law from merchants, and we can collect it this year in the same manner, because the same statement will be required in the one case as was required in the other, the increase from four mills to 1½ per cent. or fifteen mills being the only difference between the two years—I say from these three sources alone we can safely and confidently count upon $356,074, which brings us within $43,926 of the entire amount which the gentleman claims can be collected under his bill exclusive of the sum that will be collected upon real estate.

We shall then have left all of the banks and bankers, all moneys, investments, securities, and credits of all kinds—indeed, all the personal property of the District, tangible and intangible, except furniture and merchandise—out of which to get the $43,926 necessary to make our collection upon personal property equal in amount to that of his bill. And who will contend that this cannot be done? I think the honorable chairman of the committee himself will not venture to stand up here in the presence of this House and of the country to claim that the little sum of $43,926 cannot be collected off of the aggregate wealth of this District, when he admits, or rather insists, that $125,000 will be collected from the furniture *alone*. Hence, I maintain that it is clearly and conclusively established that more revenue can and will be raised under the substitute than under the bill of the committee.

Mr. Speaker, I have been unable for want of time to discuss in detail the provisions of either of the bills now before the House. I hope, however, that I have said enough to give to its members some knowledge of the questions at issue between the majority of my colleagues upon the committee and myself.

I will only say in conclusion that if there is any discrimination to be made in this matter of taxation it ought to be made in favor of the poorer class of citizens, not in favor of those who are rolling in wealth and luxury and are best able and are most bound by every rule of common honesty and justice to contribute of their wealth to the support of the government which protects them.

I yield now to my colleague upon the committee, the gentleman from Michigan, [Mr. WILLARD.]

Mr. WILLARD. I rise for the purpose of expressing my full and hearty accord with the bill presented by the minority of the committee, and which has just now been supported by the very able and elaborate speech of the gentleman from Ohio, [Mr. NEAL.] I do so, Mr. Speaker, because I believe that in almost any part of this country excepting here in the District of Columbia the bill of the majority would be regarded as a most startling proposition.

The proposal is to tax the real property and the visible personal property of the District of Columbia and to make an exemption of another class of property now held by the most wealthy inhabitants of this community. It is, as I regard it, nothing more than a subsidy to a portion of the people of this District; for, Mr. Speaker, you cannot make any exemption whatever of property from taxation unless that exemption shall practically have the effect of subsidizing the property so exempted; and if we should grant subsidies to any class of people in this District, I think it should not be to those who withhold their property from real-estate investments and industrial enterprises; for it must be granted that the description of property exempted from taxation by the bill of the majority is not that property which is calculated to build up the industrial, manufacturing, and commercial interests of the national capital.

In support of this view I desire to call attention to an opinion upon this question which is expressed in so much better language than I can use that I venture to present it to the House.

I read from Palgrave on Local Taxation of Great Britain:

A particular and unlooked-for pressure of local taxation on one form of investment alone, such as an investment in agricultural improvements, would be a peculiarly objectionable impost. If the burden of taxation of any improvement of what is technically termed real property, whether that consists of lands or tenements, becomes, or is, so onerous as to amount to a real bar to the improvement of that description of property, it is the duty of the government to inquire into the matter, and to adjust the local taxation in such a manner as to prevent this from occurring. Otherwise the general prosperity of the country, so far as it depends on such improvements, will receive a check which may be prejudicial to it in the highest degree. It would be an evil day for the country should the small capitalist—the owner of, say, from £3,000 to £5,000—find that it answered his purpose better to keep his money in some foreign stock and content himself with drawing the dividends as they became due, and living on the proceeds, instead of investing the capital in some occupation which would offer the ordinary profits of trade, being deterred by the pressure of local taxation on the industrial occupations of the country.

I believe, Mr. Speaker, in that doctrine. I believe that it would be an evil day if in this country we should impose the chief burden of taxation upon that class of persons who are engaged in building up the great enterprises which tend to develop the resources of this country and of our people. For that reason, sir, I do not accept this new-fangled notion which is put forth by some men eminent in this day, that the burden of taxation should be laid upon the real property of the country. I notice that in some portions of our land this notion is advocated with the express purpose of inviting capital; in other words, it is proposed that communities should purchase wealthy men to come among them by being permitted to hold their capital aloof from the industrial interests of the country, free from tax, thus encouraging capitalists rather to invest their property in foreign stocks, in bonds, and investments of that sort, instead of improving the country, building up manufactures, and carrying forward those great enterprises which promote the real interests of the country in every part and portion. I hope, therefore, that we shall not continue in this District an experiment which I believe to be destructive to its interests. We should rather encourage men to lay out their means, to place their capital in those investments which are identified with the real prosperity of the District, which tend to develop its manufactures, to build up its commerce, to revive its industries, and to prepare the people of the District of Columbia for that day which is soon to come, when the United States Government will cease to give them that aid which it has done in the past; when the people of this country will say to the people of the District of Columbia, you must take care of yourselves, you must tax your own property, you must build up your own schools, you must provide for the improvement of your own streets, you must in great part take care of your own interests, as the people of other parts of the country take care of their interests.

Mr. Speaker, the debt which now rests upon the people of this District by reason of the management and policy which have prevailed in the past has now nearly reached a volume equal to that of one-third of the indebtedness of this entire Republic when Alexander Hamilton funded the public debt. We must devise some system of taxation which will place the burden equally upon all the citizens of the District, so that every man who has property will feel that he is a police officer, whose particular duty it is to see that the affairs of the District are administered so economically that his property shall not be entirely taken from him by the imposition of taxes. I say, sir, that I shall vote for this bill of the minority especially upon this account, because it is a step in the right direction; it is a step in the direction of imposing the burden of taxation of this District equally upon the property of the District. Mr. Gladstone has well said that indirect taxes are always a burden upon the poor and the laboring-man, while, on the other hand, direct taxation imposes the principal burden, as it ought, upon the middle and wealthy classes. For this additional reason I am in favor of the bill proposed by the minority of the committee, which imposes direct taxation instead of indirect taxation, which liberates industry by diminishing rather than increasing the onerous and multiplied licenses that already burden nearly every enterprise in which the industrious poor may desire to engage. Let us adopt a plan of taxation which emancipates labor, encourages business energy, promotes economy and thrift, and not a plan which shall forever crush out all hope of the commercial and industrial prosperity of this city and District.

Mr. BUCKNER. I now yield to my colleague on the committee from Vermont, [Mr. HENDEE.]

Mr. HENDEE. Mr. Speaker, I do not propose to entertain or undertake to interest the House a very great length of time. I have, with the majority of the committee, thought that the bill presented by the chairman was the best bill. I believe, Mr. Speaker, that the bill of the majority will reach the personal property of this city and bring it within taxation to a much greater extent than will the bill of the minority. I believe that the bill of the gentleman from Ohio [Mr. NEAL] is so loosely and so carelessly drawn up in many of its particulars that it would be an utter impossibility for any board of assessors to reach, for the purposes of taxation, one-tenth part of the personal property of the District, perhaps I ought to say, to be safe, one-fifth part, while I believe that the bill of the majority will reach at least seven or eight tenths of all the personal property within this District that should be taxed. Now I will venture this assertion, that my good friend from Michigan [Mr. WILLARD] and colleague on the committee who has just preceded me, never has read what is known as the Neal bill in detail since it came before the committee or before this House. If he had he would not have failed to see those defects in it which would render it, in his judgment, a very imperfect bill. I will speak of those defects more in detail hereafter.

And I wish to say here that I am not wedded to either bill, provided that the bill of the minority can be so perfected as to be just in its provisions and at the same time accomplish the object we all desire: equal taxation and the raising of the necessary revenues for District purposes.

Now, there is this simple difference between the bill of the majority and the bill of the minority: The majority propose to tax personal property in the District, with one or two exceptions, by direct taxation—that is, by a license in the first instance and then by so much percentage on the sales of property or goods or whatever is dealt in by persons in the District liable to taxation. In this way no man who does any business in the District, no man who owns any personal property, can possibly escape taxation on that property, because he is not allowed to enter into any business whatever until he first pays a license tax, and then he must monthly or semi-annually make a return of the gross sales of goods or property made by him, upon which he pays a certain percentage as taxes. In that way the taxes can be levied and more justly and certainly collected than otherwise or than can be done under the provisions of the bill of the minority.

Now the bill of the minority proposes to reach this personal property by nine assessors who shall go into every house, store, grog-shop, nook, and corner of this entire District and make an inventory of all the property of all its citizens. Now what an idea! They provide that certain schedules or blank schedules shall be issued to the tax-payers and that they shall fill up those schedules in the first place and return them to the assessors without any valuation whatever. This puts the matter in this position, that the assessors, in order to know the value of that personal property, must go to the property itself and make full investigation and appraisement. The gentleman proposes by the terms of his bill that this shall be done within so many days, probably not more than twenty or thirty days after the passage of the bill. I maintain that it would be utterly impossible to bring the personal property of the District under taxation within that time, and that was the reason why personal property was not taxed here a year ago, for want of time.

It was found impossible under the law of last year to make the assessment required within the time limited in the law, and hence no assessment was made upon personal property.

Now I say that the system by which the personal property of the District shall be taxed constitutes the only variance or difference in fact between the minority and the majority bills now before the House. The revenues of the District have been raised here for a great many years in the exact way and form proposed by the majority of the committee, while the minority propose an entire new system of taxation. Now I think, while this District is burdened with that debt of which we hear and read so much and while everything is so uncertain as to what the District debt is and how much the District ought to pay and how much the Government of the United States ought to pay of it, we should allow the people here to have some voice as to the manner in which they shall be taxed and what of their property shall be taxed.

I wish now to state one or two facts. The large majority of the real-estate owners in this District, I might say nine-tenths of all the citizens in the District of Columbia who own real estate here, and a large majority of those gentlemen do not own personal property to any extent, are willing to submit to the simple rule of taxation which has been adopted in the District for the last seven or eight years, and that is a tax of so much on real property and so much from licenses and on sales of property in the District as will raise the revenue necessary to carry on the government. Sir, we have taken, and have a right to take, by the Constitution of the United States, all right to rule matters in this District from the citizens of the District. Congress is supreme over the people of the District; they have no voice and they can have no voice in the legislation had here which affects their interests. They have had a territorial government heretofore and a legislature, which had the power to devise ways and means and determine the mode and extent of taxation, but now that that territorial government is abolished it is but just that we should let the people themselves say how they desire to be taxed and to what extent, if not directly, certainly by petition.

But by legislation we have taken away all such power from the people of this District; they are simply our wards. As was said at an early day, this District is simply the child of the United States. I believe that, instead of a tax bill, inquisitorial and oppressive as it may be, according to the terms of the minority bill, we ought, to some extent at least, to listen to the wishes and desires of the citizens who are to pay the taxes required in this District. This is a good principle. It strikes me, if a man must pay money for any purpose, public or personal, we should give him the right, if not by direct vote at least by petition, to say how and when he will pay that money if his plan meets the object in view.

If that is good doctrine, let us apply it to this case. As I have said, the people of this District have almost unanimously agreed that the bill which has been reported by the majority of this committee is entirely satisfactory to them. If that be so, and the bill will raise the amount of revenue required to carry on this government, why should Congress interfere and say that that revenue shall not be raised in accordance with the wishes of the people who will be required to pay it?

From the report of the commissioners of this District it seems that no more will be required in order to carry on the government of the District for the next fiscal year than the sum of $1,902,749. This estimate does not include the interest on what are known as the 3.65 bonds and does not include that part of the expense the Government of the United States should pay in reference to the police force of the District, and perhaps one or two other items of expenditure. But the estimates of the commissioners will show that the sum of $2,500,000 will carry on this District government as defined by the commissioners and also pay the interest on the 3.65 bonds, which will be about $500,000.

The Government of the United States, as a matter of course, has a great property interest in this District, and it should not shirk nor shrink from bearing its proper share of the burdens of the District government. The area of real estate owned by the United States is 54 per cent. of the entire area of the District, and it ought to pay its just share of the taxes. The bill of the majority of the committee will raise from $1,700,000 to $1,800,000. If the United States Government will pay by direct appropriation 33⅓ or, say, 30 per cent. of the amount necessary to carry on this government for the next fiscal year, that will be sufficient, with what will be realized under this bill, for the purpose.

I think this is just to the Government, and perhaps more than just, as I believe the United States should pay a greater proportion than one-third. I do not think we should oppress the people of this District. I know there is a sentiment abroad among the people that a great deal of fraud has been committed in this District. I believe that sentiment to be well founded. But that fraud has been committed by perhaps a very few men. The result of that fraud has been visited upon the poor of this District and not upon the rich. I believe many have been charged with great wrongs here who are innocent, and that many may have escaped who are guilty.

Now, whom do we propose to tax by the bill of the majority of the committee? Not the poor people but the rich people of this District. When you talk about reaching the bonds held in this District, I can say to you that there are substantially no bonds owned by private individuals in this District that are subject to taxation. It is almost an impossibility to find many bonds and mortgages owned in this District. To be sure a great deal of the real estate of this District is encumbered, but the mortgages upon it are held by people in Maryland, New York, New England, and elsewhere. And those mortgages, if they are taken care of in their own States, are taxed there, and of course cannot be reached here.

My friend from Ohio [Mr. NEAL] says he wants to reach the rich men of the District. I want to say that there are no men in this District, or but very few, subject to taxation under this bill who are wealthy in money, but they are wealthy in real estate, and those men we reach directly by this bill. Some of the most wealthy men who do business in this District, men who have the most money, are not liable to taxation here. Why? Because they live in Virginia, in Maryland, or elsewhere. They take particular pains to get outside of this District where taxation is less, where they cannot be reached by the taxation here, for they prefer to be taxed at home and at a less rate. I say that by our bill we will reach directly the property of the rich men of this District, as their wealth is made up of the real estate here. I might give you the names of twenty or thirty of the wealthiest men of this District. What is their property? Not bonds and mortgages; it may be United States bonds, but those you cannot touch. It is real estate, to which they hold the title, and upon which they must pay the taxes if the majority bill passes, and thus assume mainly the burdens of the District.

Having made these general remarks, I will now show the looseness with which the so-called Neal bill has been drawn. The gentleman from Ohio [Mr. NEAL] says he is in favor of equal taxation. So am I. Let us look at his bill. He starts out with providing that the tax on real estate in this District shall be at the following rates: In the city of Washington, $1.50 on each $100 of valuation; in the city of Georgetown, $1 per $100; and on real estate outside of the cities of Washington and Georgetown seventy-five cents per $100 of valuation. So far that may be right; that is the provision of the bill of the majority. It is right for this reason: The greater part of the money expended in this District for improvements has been expended within the limits of the city of Washington. Very little has been expended in Georgetown, and still less in that portion of the District outside of the limits of Georgetown and Washington.

Hence it may be said that the real estate which directly receives the benefit to be derived from those expenditures in improvements should be taxed differently, or more than that which is less benefited; that is, the real estate which has received the greatest benefit should bear the greatest part of the burden. But when you undertake to apply that idea or rule to personal property I think it will be found to be unjust, and one cannot fail, if he will study the question, to observe the remarkable result. A horse in the city of Washington is taxed $1.50 if he is worth $100; but over the boundary, within ten rods perhaps of the city limits, a horse of the same value is taxed only seventy-five cents; or, suppose I happen to live in Georgetown, you tax me $1 on my horse, when in fact I do every single dollar's worth of my business within the city of Washington. Now, one-fourth or perhaps nearly one-half of all the horses, carts, drays, and other vehicles that are to be taxed in this bill are owned beyond the limits of the city, but their owners do all their business in the city. You propose to tax these at the rate of only seventy-five cents if owned in the county, or $1 if owned in Georgetown, while if owned in Washington you tax them at the rate of $1.50. This is wrong. Why? Because a difference of ten rods in the location of a man's residence gives him the benefit of 50 or 100 per cent. on his tax. I say that this is wholly unwise and wholly unjust, because the tax is on the same kind of property and the revenue to be derived is to be used for the same general purposes.

That is the very first provision of the bill of the minority; a provision for three rates of taxes upon the same property occupied and owned in the same District and to be taxed for the same purposes. This is not equal taxation. The inequality applies not only to horses and wagons, but to everything else. Many men doing business in this District live just across what is known as Boundary street. Some of them are among the rich men of this District. A man of that description owning $10,000 of personal property, money, stocks, notes, or anything of that kind, if he owns them aboveboard, pays on each $100 valuation of that property seventy-five cents; while the poor man or rich man either, living within five rods of him perhaps, but on this side of an imaginary line, pays at the rate of $1.50 upon property of the same description.

Is there any man in this House who would dare to stand up in his own Legislature or in a town meeting before his constituents and advocate this kind of discrimination? Certainly not. It is unjust, it is unfair; and in any State having a constitution it would be unconstitutional. This objection I say applies to the taxation of every kind of property proposed to be taxed under the minority bill and ought of itself to be sufficient to defeat it.

But this is not all. The very first section of that bill provides that all the real estate in the District shall be taxed at a certain rate; and it also provides that all the personal property in the District shall be taxed at a certain rate—property found within the District between the 1st day of April and the 1st day of June, in each year—a term of sixty days. It makes no exemption whatever. Whoever may be the citizen, wherever he may come from, if he happens to drop into this District between the 1st day of April and the 1st day of June, is liable to taxation under this bill for every species of property he may bring into the District with him. If he drives his carriage here, if he brings his clothing here, if he has his watch in his pocket, everything of that kind is subjected to tax. In this respect the provision of the bill is indiscriminate. Instead of providing that personal property owned by *residents* of this District shall be taxed, it provides for taxing *all* property of all kinds, real and personal, found *in* the District between particular days. Now, at the first session of every Congress, this city between the dates named is full of members of Congress and other citizens not residents, with their families; and under this substitute every one of them is liable to taxation even for the very clothes that he and his family wear or bring with them. The laws of every State, so far as I have examined them, make in respect to taxation some reasonable exemptions. This bill does not. This bill allows no exemption of personal property beyond $250. In my State the personal wearing-apparel and ornaments of a man and his family are exempted. The bill of the gentleman from Ohio proposes to tax every article of wearing-apparel, personal ornaments, all beds, bedding, bedsteads, and everything of that kind, or that can be called property; it does not allow the benefit of any deduction except the small sum of $250; and there is hardly any citizen of any standing in this District who has not clothing alone exceeding in value $250. It strikes me that that is very unjust, to say the least, and that other and reasonable exemptions should be allowed.

The bill which passed this House last year contained a clause for a personal tax; but it was provided in so many words that "the goods, chattels, and other personal property owned by persons domiciled in said District, but whose legal residence is out of said District, shall be exempt from taxation." Now there are a great many people domiciled in this District who have a legal residence elsewhere, and who are taxed elsewhere. To say you will not exempt the property of those people is a great injustice to them, because it is double taxation—taxation at home and taxation abroad. If you would insert a provision that property taxed at the place of a man's

residence should be exempt here, that might answer; but if you make no provision of that kind, this District will have more lawsuits, more contention and trouble for the next two years under this tax bill as proposed by the gentleman from Ohio than it has had for the last twenty years under all its tax laws.

Again, Mr. Speaker, I do not think that any gentleman in this House agrees to the doctrine that property should bear double and treble taxation. Now let us see how the bill of the gentleman from Ohio operates. A person owning stock in a horse-railroad company in this District is taxed at the rate of $1.50 on every $100 worth of stock. In the next place, the company itself is taxed upon all its property—horses, cars, tracks, stables, harness, and everything else it owns—at the rate of $1.50 on each $100. Then, in the third place, this company must pay a license of $10 for every car it runs. Now here is triple taxation according to the bill of the minority. It cannot be otherwise, because every single share of stock is to be taxed; also every article of property; and besides there is to be a license of $10 on every car that is run for the purpose of carrying passengers.

Is that just; is it fair? If he would say in his bill the property under this law in this District shall not pay double taxation, or shall not be taxed but once, then, of course, he would remove that difficulty. But his bill has no such provision in it whatever, and hence we have treble, certainly double taxation.

I have examined this bill very thoroughly for the purpose of discussing it in detail somewhat, because I saw the looseness and carelessness with which it was drawn.

Again, sir, you may take for instance a merchant, and go into his store on any day you see fit between the 1st day of April and the 1st day of June and you may find $10,000 in his safe. In the Neal bill this $10,000 in money must go into the tax-list and be taxed $1,500. So far that is well. Then, if he puts that money *at any time during the year* into property, he is compelled to return that property and pay $1.50 on each $100 in value of that property. So you tax his capital, you tax the money in his vault, and you tax the goods he buys with that money, if he buys at any time within the year.

Mr. NEAL. Will the gentleman allow me to interrupt him?

Mr. HENDEE. I will for a moment.

Mr. NEAL. I will call his attention to the fact that he is in error in regard to double taxation in case of persons who own property in incorporated companies. In that case my substitute, in section 11, provides that no person shall be required to include in the statement required by this section any share or portion of the capital stock or property of any company or corporation which is required to return its capital and property for taxation in this District.

Mr. HENDEE. How is it in regard to taxing the cars by license and at the same time taxing the property of a horse-car company on valuation?

Mr. NEAL. That is a tax under the license law for police purposes. That is a clear distinction and well defined. For the same reason a tax is imposed on cabs and omnibuses, for the purpose of bringing them within the control of the authorities of the District.

Mr. HENDEE. It is not at all necessary to have a license tax in order to bring property within police regulation. The law puts the control of that kind of property into the hands of the District authorities without requiring a license tax for the purpose. If that property is taxed in one way, it should not be taxed in another.

There is another objection to his bill. My State I think has a model system of taxation, and if you are going into the matter of taxing property to the extent Mr. NEAL'S substitute provides I think you should make the system as perfect as possible. The minority bill allows an *individual* to offset his debts against his credits. So far, so good; but I maintain if you go into this system of taxation you should allow a man to offset his honest, *bona fide* debts not only against his credits but against his personal property. That is, in short, take an exact inventory of every man's estate upon a certain day of each year, and upon whatever balance you find against him make up your taxation. But he does not propose to do this; and, while he will let an individual offset or apply his debts upon his credits, he does not allow that privilege to a corporation. I say the corporation should have the same right and should be treated in the same way in this regard as the individual. If a corporation is taxed on its credits, its notes, its money on hand, to the full extent, and owes debts, that corporation should have the right to offset to the same extent that an individual can. But he in express terms says nobody but an individual shall offset his debts against his credits. He does not apply the rule to a corporation at all. And while a corporation may be taxed on personal property, while a bank or any other corporation may have hundreds of thousands of dollars due it, and have as much owing, or a smaller amount, he taxes them on the entire credit and does not allow them any offset of the debts they may owe. I think he should amend his bill in that regard. He provides in section 3 that the amount of any valid and *bona fide* debt or debts which any person shall individually and absolutely owe shall be deducted from the assessed value of the credits of any such persons, but not otherwise, upon the same being established by the affidavit of such person claiming deductions as hereinafter provided. I think he should extend this right to all corporations as well as individuals, else it is not equal taxation.

Another objection I have to his bill—which is perhaps not so important, but it may become of some importance—is that it provides that before taxation is gone into in this District, or "listing," as he calls it, certain schedules or blanks shall be sent around, and that all property shall be returned in the schedule for taxation. He also provides, if anybody shall *fail* to make that return, a penalty of 50 per cent., in addition to the tax he would have paid, shall be added; and not only that, but imprisonment. It does not say, if the man shall *knowingly* or *willfully* fail to do it. I think these words should be inserted.

Again, there is not a single word in his bill, from one end of it to the other, which protects in the slightest degree the rights of non-resident tax-payers; not a single word. The word "non-resident" is not, I think, in his bill. Certainly it is not in any part of the bill where it ought to be. Now, there is a great deal of real estate and personal estate owned in this District by people who live without it, who live in New York, Baltimore, Philadelphia, and other portions of the country. If they *fail* to make this return, they are liable not only to 50 per cent. additional tax as a penalty, but they are liable to be imprisoned. If the gentleman would insert the words "knowingly and intentionally" fail to make that return, why then the penalty might be reasonable. But it strikes me that 50 per cent. additional to the tax is a sufficiently large penalty for failure to make the return, unless you show that the failure was intentional.

Now let me call attention to another feature of the minority bill. I wish the House to notice the language in the twelfth section. It is:

> That every person of full age and sound mind not a married woman shall list the real property of which he is the owner situate in this District, the personal property of which he is the owner, and all moneys in his possession; and he shall also list all moneys invested, loaned, or otherwise controlled by him.

Now, it strikes me that this is too broad. It is right that you should list the money and the stocks and the property that belong to *residents* of this District. But suppose a resident of this District, during the month named or between the days named in this bill, happens to have property put into his *possession* or under his *control* that belongs to some citizen of Maryland or New York which has been taxed there already and is only temporarily placed here. This bill taxes it simply because it is *found* here and when in fact it is owned elsewhere. I say the gentleman should strike out the words "possession" and "controlled by him" unless he qualifies them so as to include only the property brought here for permanent use and used here for profit or otherwise, so as to be properly subject to taxation. But to say that the mere fact that there is deposited in the hands of a resident here on the 10th day of April $10,000 to hold for somebody in New York or elsewhere, temporarily perhaps, or for any purpose not connected with any business of the holder, or the business of this District, shall give you the right to control and tax that property, seems to me to be wrong; it goes too far, and the words "possession" and "controlled by him" should be either stricken out of the bill, as I have said, or so modified that injustice shall not be done to the owner or holder of such property.

Again, all through this bill in regard to the taxing of checks, drafts, credits due or owing by any person, the gentleman from Ohio makes the same distinction of $1.50 in the city and only seventy-five cents in the county on the same kind of personal property. Now I think he should make the tax on this species of property uniform for the entire District.

I have another objection to this bill, and that is in regard to the matter of expense. The gentleman provides by his bill that there shall absolutely be an appraisal of real estate every twelve months. I do not think there are two States in the United States that require appraisals more than once in three, five, or seven years. Of real estate once in five years is often enough, as it seems to me. The gentleman proposes to have nine assessors, at a good salary, and every year they must make a re-appraisal of all the real estate in this District; while the majority bill only proposes a re-appraisal once in five years. That is the law in my State. I think it is the law in a majority of States; and it is often enough. It will take weeks and months for the appraisers to go through this District and make the assessments; and it is of no manner of use to require it annually. If a house is burned down or a new one built the appraisers every year could take that into account and make the necessary change on the list; but to go through an entirely new appraisal every year is unnecessary and must be very expensive. As to personal property it might be necessary, and undoubtedly would be; but it appears to me folly to have a new appraisal annually in regard to real estate.

Last year under the new law certain men were appointed appraisers. The entire real-estate appraisal of this District under that law has just been perfected. I think nine-tenths of the people of this District who own real estate here are entirely satisfied with that appraisal. Once in a while a man grumbles. I never knew an assessment or appraisal to be made but what somebody would grumble about it. But I never in all my experience saw a community more universally satisfied with an appraisal of their real estate than are the people who live in this District to-day. They are satisfied with its uniformity and its fairness; that is, when you compare the appraisals of the properties of different individuals. Now, that appraisal has been made and is now in existence, and I ask why this Congress should order nine new men to go out through this District and re-appraise this property when you have got an appraisal that is just and satisfactory to the people. There is a saving of expense of six or eight or ten thousand dollars annually in the majority bill over that in the minority bill, because

in the majority bill we do not propose to re-appraise oftener than once in five years. It seems to me we should avoid this expense, as it will so much lessen the burdens of the people in the District and the government.

Now here is a curiosity. The bill of the gentleman from Ohio proposed to have every individual in this District make up a list—of what? His clothing, his furniture, his personal ornaments, his stock in trade, his notes, his credits, his checks, his drafts, everything, and return it to the assessors. But there is nothing in the bill which authorizes him to put any particular value upon it, and the bill does not provide whether the party making the schedule shall affix the price or whether the assessor shall do so. One or the other or both should have the privilege, and the man should have the right to appeal if he has been unreasonably assessed. This should certainly be made more definite. There is no right of appeal given in terms in the minority bill.

The bill says that the assessors shall sit and revise and regulate the list, but it does not give to any person taxed the right or power who feels himself to be aggrieved to come before the board and be heard or have a revision of this list. It also authorizes, in case no valuation of personal property of a party is made out, that the assessors shall take his notes, book-accounts, drafts, stocks, and evidences of debt of all kinds and place upon them themselves a value for the purpose of taxation. It involves inquiry into a man's entire business. If there be one note or a dozen found by the assessor he may inquire as to the value of the notes, whether the men are responsible who have signed the notes, and generally may go through his entire private affairs. Now, it seems to me that this proceeding might be dispensed with, and that it would be better to let the person taxed estimate the value of this class of property subject to revision by the assessor. If the substitute passes as it now reads I do not believe there is time between the passage of the bill and the time when it is to go into effect in which all this bnsiness could be transacted.

There is another thing, Mr. Speaker, to which I desire to call attention. I think it would be a great deal better to confine taxation to the property in existence in the District on a day certain. I think there would be a chance without such a provision in the bill for the practice of great frauds upon the tax-gatherers or assessors. The substitute proposes to give sixty days in which to appraise and assess the tax upon a man's property. The assessor simply sends him a schedule—and take my word for it that six men out of every ten in this District, or in any section of the country, would make that schedule out on the one day in those sixty days when he could show the least amount liable to taxation. But if you provide that the schedule shall be made out on a certain day and allow the assessor to examine the party under oath, it would be in the power of the assessors I believe to find out the amount for which he should be taxed; but where you give him sixty days to manipulate the list, I want to tell you the simple license system would furnish you double the amount of revenue you would get by taxing personal property in the manner proposed in this bill.

I may say here, Mr. Speaker, that this is really a District not of residents, but of non-residents. A large number of the merchants who do business in this city are non-residents. They come here from Baltimore, New York, Philadelphia, and from all parts of the country. When you fix the time when they are to be taxed on their personal property to be between the 1st of April and the 1st of June, do you suppose you will find any of those men here in those two months? It is not necessary for them to be here then, certainly not to have their goods here, in order to make their profits. The trading season of Washington is between the 1st of December and perhaps the 1st of February. The city is then filled with non-resident merchants who come here regularly, and they will easily escape taxation under such a law as this. The resident merchants will have to pay the entire tax on their property, while the men who really sell the goods here will escape your taxation. It would not reach them, for they have no business to do here in the months of April and May. The majority bill provides that no man shall open a store or do any kind of business until he shall first have obtained a license, and that license is in part his personal tax, and that thereafter he shall pay a certain percentage on all he sells; but the bill of the minority simply reaches a man's property who is here during a certain sixty days, from the 1st of April to the 1st of June. You may be sure that many parties will avoid taxation under this bill by either leaving the District with their goods just before the 1st of April, or by coming here just after the 1st of June. Under the bill of the majority there is no escape.

I find that the gentleman in his substitute uses the word "control" in several places. I will not stop to consider that point, because it is not necessary. I think every gentleman here will agree with me that because a citizen of the District of Columbia happens to control in a certain month a piece of property, that he should not for that reason alone be liable to taxation upon it.

There is another provision to which I wish to call attention, and it is this: that if anybody shall make a false affidavit touching the matters provided for in said section 11, he shall be considered as guilty of perjury. Now, a man might make a false affidavit in regard to his property or the schedule to be returned, and yet he might not have had any intention of making it so, and might not even have known that it was so. I think the gentleman should put in some qualifying expression, providing, for instance, that if a man "knowingly" or "intentionally" makes a false return he shall be punished as for perjury, &c.; but to say that a non-resident or a resident who has simply carried in a return shall be imprisoned because the affidavit attached proves to be false, whether he knew it or intended it should be so or not, and without showing there was an intent on his part to make a false affidavit, it seems to me is inflicting a punishment which the country has no right to inflict.

There are some other minor objections to the bill, but I will not notice them at length except to say, that it provides that the assessor shall take a certain oath. Now, I think that the oath ought to be appended to the list of the real and personal property, so that it should have something appended to it to show that it is the list upon which the taxes are to be assessed, something to identify it, something the people might know was absolutely a true list; but this bill simply requires that they shall take an oath, and that it shall be filed in the office, and does not require that it shall be attached to the list or any part of it.

I wish now, Mr. Speaker, to speak for a moment upon the majority bill. It taxes the real estate in the District in the same way that the minority bill does, but we have almost doubled and sometimes trebled the rates for licenses, and I feel confident in saying that under the majority bill we shall realize fully a sufficient amount to pay two-thirds of all the expenses of the District, together with the interest on the entire debt of the District, and it seems to me that that is all that ought to be required of the District. Let me say further that there is a nominal license, as I call it, upon certain practices of this District, certain kinds of business which it seems to me are entirely inadequate.

In the majority bill we have reached these cases. We propose to make circuses pay twice as much as they do now, or a certain proportion more. We propose to make these low rum-holes pay two or three times as much as they pay under the old law. We make billiard-tables pay more. We make bankers pay more on their deposits; and we have undertaken in every possible shape to reach that class of property known as luxuries, and make it pay a higher rate of taxation.

I think the old license-system of this District was very much too low in the rates it levied upon billiard-tables, liquor-saloons, circuses, &c. The bill of the minority leaves these matters just where they always have been; makes no change whatever. I think it is a good thing to impose such a rate of license-tax upon groggeries and similar places as will at least have a tendency to shut them up as far as possible. In the cities of Washington and Georgetown I understand there are between twelve and fifteen hundred such places in which liquor is openly sold, not for medicinal purposes, but for drink. They are conducted by men for purposes of profit, men who are inflicting upon this community a great deal of immorality. The majority bill puts a tax on these men which the committee think will tend to shut up more or less of their places of business.

As I said in the opening of my remarks, I believe the people of this District should have a voice in this matter. When I first came to Congress, three years ago, I felt almost a hatred toward the District of Columbia. Why I did not know. I had received information regarding this District by way of newspapers and otherwise that led me to believe that there was a great deal of rottenness here, a great deal of fraud and misappropriation of public money. I had made up my mind that that was true, and I have not the slightest doubt now that my conclusions were correct to some extent. While, however, that may be true, I do not desire that my hatred shall extend to the entire body of the citizens of the District. Let our enmity rest upon those who have committed the frauds. While there may be a hundred or more men in the District of Columbia who have done public wrong, who have appropriated to their own use money that belonged to the people, there are perhaps forty thousand men and tax-payers here who are entirely innocent.

The representatives of those 40,000 innocent men, not of the one hundred men who have committed these frauds, came to our committee and said: "How much money do you want the District to raise?" We replied that we thought from $1,700,000 to $2,000,000 would be required of the District. They said to us: "You shall have it; only give us the poor privilege of saying how the citizens of this District shall raise the amount of money you ask." We gave them that privilege. They took weeks, I was going to say months, to prepare a bill. They did prepare one, and submitted it to the entire District through the papers and in other ways, and nine-tenths of the entire population of this District, I believe, have expressed themselves entirely satisfied with the provisions of that bill, which is the one the majority of the committee now present to this House; and unless the substitute can be perfected in many of its provisions I hope it may not be adopted, but that the bill presented by the chairman may be passed.

Now, why should Congress interfere and say that the people who are to pay this money shall not pay it in their own way? I say we should give the people of this District the right of designating the manner in which they shall raise these taxes and upon what kind of property they shall be assessed.

If the House shall prefer the bill of the minority on account of the manner in which it reaches personal property, I certainly shall concur, only hoping it may be perfected before it shall become a law.

Mr. BUCKNER. I will now yield for a few minutes to the gentleman from Maine [Mr. BLAINE] for a personal explanation. After which I will call the previous question upon the pending bill and the substitute.

PERSONAL EXPLANATION.

Mr. BLAINE. Mr. Speaker, with the leave of the House so kindly granted, I shall proceed to submit certain facts and correct certain errors personal to myself. The dates of the correspondence embraced in my statement will show that it was impossible for me to make it earlier. I shall be as brief as the circumstances will permit. For some months past a charge against me has been circulating in private and was recently made public—designing to show that I had in some indirect manner received the large sum of $64,000 from the Union Pacific Railroad Company in 1871—for what services or for what purpose has never been stated. The alleged proof of this serious accusation was based, according to the original story, upon the authority of E. H. Rollins, treasurer of the Union Pacific Company, who it was averred had full knowledge that I got the money, and also upon the authority of Morton, Bliss & Co., bankers of New York, through whom the draft for $64,000 was said to have been negotiated for my benefit as they confidentially knew. Hearing of this charge some weeks in advance of its publication, I procured the following statements from the two principal witnesses who were quoted as having such definite knowledge against me:

UNION PACIFIC RAILROAD COMPANY,
Boston, March 31, 1876.

DEAR SIR: In response to your inquiry, I beg leave to state that I have been treasurer of the Union Pacific Railroad Company since April 8, 1871, and have necessarily known of all disbursements made since that date. During that entire period, up to the present time, I am sure that no money has been paid in any way or to any person by the company in which you were interested in any manner whatever.

I make this statement in justice to the company, to you, and to myself.

Very respectfully yours,

E. H. ROLLINS.

Hon. JAMES G. BLAINE.

NEW YORK, *April 6, 1876.*

DEAR SIR: In answer to your inquiry we beg to say that no draft, note, or check, or other evidence of value has ever passed through our books in which you were known or supposed to have any interest of any kind, direct or indirect.

We remain, very respectfully, your obedient servants,

MORTON, BLISS & CO.

Hon. JAMES G. BLAINE,
Washington, D. C.

Some persons on reading the letter of Morton, Bliss & Co. said that its denial seemed to be confined to any payment that had passed through their "books," whereas they might have paid a draft in which I was interested and yet no entry of it made on their "books." On this criticism being made known to the firm, they at once addressed me the following letter:

NEW YORK, *April 13, 1876.*

DEAR SIR: It has been suggested to us that our letter of the 6th instant was not sufficiently inclusive or exclusive. In that letter we stated "that no draft, note, or check, or other evidence of value has ever passed through our books in which you were known or supposed to have any interest, direct or indirect." It may be proper for us to add that nothing has been paid by us, in any form or at any time, to any person or any corporation, in which you were known, believed, or supposed to have any interest whatever.

We remain, very respectfully, your obedient servants,

MORTON, BLISS & CO.

Hon. J. G. BLAINE,
Washington, D. C.

The two witnesses quoted for the original charge having thus effectually disposed of it, the charge itself re-appeared in another form to this effect, namely: That a certain draft was negotiated at the house of Morton, Bliss & Co., in 1871, through Thomas A. Scott, then president of the Union Pacific Railroad Company, for the sum of $64,000, and that $75,000 of the bonds of the Little Rock and Fort Smith Railroad Company were pledged as collateral; that the Union Pacific Company paid the draft and took up the collateral; that the cash proceeds of it went to me, and that I had furnished, or sold, or in some way conveyed or transferred to Thomas A. Scott these Little Rock and Fort Smith bonds which had been used as collateral; that the bonds in reality had belonged to me or some friend or constituent of mine for whom I was acting. I endeavor to state the charge in its boldest form and in all its phases.

I desire here and now to declare that all and every part of this story that connects my name with it is absolutely untrue, without one particle of foundation in fact and without a tittle of evidence to substantiate it. I never had any transaction of any kind with Thomas A. Scott concerning bonds of the Little Rock and Fort Smith Road or the bonds of any other railroad, or any business in any way connected with railroads, directly or indirectly, immediately or remotely. I never had any business transaction whatever with the Union Pacific Railroad Company or any of its officers or agents or representatives and never in any manner received from that company, directly or indirectly, a single dollar in money, or stocks, or bonds, or any other form of value. And as to the particular transaction referred to, I never so much as heard of it until nearly two years after its alleged occurrence, when it was talked of at the time of the Credit Mobilier investigation in 1873. But, while my denial ought to be conclusive, I should greatly regret to be compelled to leave the matter there. I am fortunately able to sustain my own declaration by the most conclusive evidence that the case admits of or that human testimony can supply. If any person or persons know the truth or falsity of these charges it must be the officers of the Union Pacific Railroad Company. I accordingly addressed a note to the president of that company, a gentleman who has been a director of the company from its organization I believe, and who has a more thorough acquaintance with its business transactions probably than any other man. The correspondence which I here submit will explain itself and leaves nothing to be said. I will read the letters in their proper order. They need no comment:

WASHINGTON, D. C., *April 13, 1876.*

DEAR SIR: You have doubtless observed the scandal now in circulation in regard to my having been interested in certain bonds of the Little Rock and Fort Smith road, alleged to have been purchased by your company in 1871.

It is due to me, I think, that some statement in regard to the subject should be made by yourself as the official head of the Union Pacific Railroad Company.

Very respectfully,

J. G. BLAINE.

SIDNEY DILLON, Esq.,
President Union Pacific Railroad Company.

OFFICE UNION PACIFIC RAILROAD COMPANY,
New York, April 15, 1876.

DEAR SIR: I have your favor of the 13th instant, and in reply desire to say that I have this day written Colonel Thomas A. Scott, who was president of the Union Pacific Railroad Company at the time of the transaction referred to, a letter of which I send a copy herewith. On receipt of his reply I will inclose it to you.

Very respectfully,

SIDNEY DILLON, *President.*

Hon. JAMES G. BLAINE,
Washington, D. C.

OFFICE OF THE UNION PACIFIC RAILROAD COMPANY,
New York, April 15, 1876.

DEAR SIR: The press of the country are making allegations that certain bonds of the Little Rock and Fort Smith Railroad, purchased by the Union Pacific Railroad Company in 1871, were obtained from Hon. JAMES G. BLAINE, of Maine, or that the avails in some form went to his benefit, and that the knowledge of these facts rests with the officers of the company and with yourself.

These statements are injurious both to Mr. BLAINE and to the Union Pacific Railroad Company. There were never any facts to warrant them, and I think that a statement to the public is due both from you and myself. I desire, as president of the company, to repel any such inference in the most emphatic manner, and would be glad to hear from you on the subject.

Very respectfully,

SIDNEY DILLON, *President.*

Colonel THOMAS A. SCOTT,
Philadelphia, Pennsylvania.

OFFICE UNION PACIFIC RAILROAD COMPANY,
New York, April 22, 1876.

DEAR SIR: As I advised you some days ago, I wrote Colonel Thomas A. Scott, and beg leave to inclose you his reply.

I desire further to say that I was a director of the company and a member of the executive committee in 1871, and to add my testimony to that of Colonel Scott's in verification of all that he has stated in the enclosed letter.

Truly yours,

SIDNEY DILLON, *President.*

Hon. JAMES G. BLAINE,
Washington, D. C.

PHILADELPHIA, *April 21, 1876.*

MY DEAR SIR: I have your letter, under date New York, April 15, 1876, stating that the press of the country are making allegations that certain bonds of the Little Rock and Fort Smith Railroad purchased by the Union Pacific Railroad Company in 1871 were obtained from Hon. J. G. BLAINE, of Maine, or that the avails in some form went to his benefit; that there never were any facts to warrant them; that it is your desire as president of the company to repel any such inference in the most emphatic manner; and asking me to make a statement in regard to the matter.

In reply, I beg leave to say that, much as I dislike the idea of entering into any of the controversies that are before the public in these days of scandal, from which but few men in public life seem to be exempt, I feel it my duty to state:

That the Little Rock and Fort Smith bonds purchased by the Union Pacific Railroad Company in 1871 were not purchased or received from Mr. BLAINE, directly or indirectly, and that of the money paid by the Union Pacific Railroad Company, or of the avails of said bonds, not one dollar went to Mr. BLAINE, or to any person for him, or for his benefit in any form.

All statements to the effect that Mr. BLAINE ever had any transaction with me directly or indirectly involving money or valuables of any kind, are absolutely without foundation in fact.

I take pleasure in making this statement to you, and you may use it in any manner you deem best for the interest of the Union Pacific Railroad Company.

Very truly yours,

THOMAS A. SCOTT.

SIDNEY DILLON, Esq.,
President Union Pacific Railroad Company, New York.

And this closes the testimony I have wished to offer.

Several newspapers—some of them, doubtless, from friendly motives—have urged that I should ask for a committee to investigate these charges. I might have done that and awaited the delay and slow progress that inevitably attend all congressional investigations. Three and a half years ago I moved a committee to investigate the Credit Mobilier charges, and though every particle of proof, in complete exculpation of myself, was before the committee in thirty-six hours after its first meeting, I was compelled to wait for more than two months, indeed seventy full days, before I got a public report exonerating and vindicating me from the charges. If I had asked for a committee to investigate the pending matter, I should have been compelled to wait its necessarily slow action with the charge all the while hanging over me, undenied and unanswered; and, pending the proceedings of an investigation which I had myself asked, propriety would have forbidden my collecting and publishing the decisive proofs which I have now submitted. For these reasons I have deemed that the shortest and most expeditious mode of vindication was the one which I was bound to choose by every consideration of myself personally and of my official relations. I have not omitted the testimony of a single material witness to the transaction on which the

accusation against me is based, and unless I misapprehend the scope and force of the testimony it leaves no charge against me. In any and all events, I am ready to submit the whole matter to the candid judgment of the House and the country, and, if the House thinks the matter should be further inquired into, I beg to express my entire readiness to give all the assistance in my power to make the investigation as thorough, as rigid, and as impartial as possible.

To give a seeming corroboration or foundation to the story which I have disproved, the absurd rumor has lately appeared in certain newspapers that I was the owner of from $150,000 to $250,000 of the Little Rock and Fort Smith Railroad bonds, which I received without consideration, and that it was from these bonds that Thomas A. Scott received his $75,000. The statement is gratuitously and utterly false. No responsible author appears anywhere for this unfounded story, but in dismissing it I desire to make the following explicit statement: More than twenty-three years ago, in the closing days of Mr. Fillmore's administration, the Government granted to the State of Arkansas some public lands within its own limits to be applied to the construction of railroads in that State. The Legislature of Arkansas incorporated the Little Rock and Fort Smith Railroad Company the same year, and gave to the company a portion of the lands it had received from the General Government to aid in the construction of the road—about five thousand acres to the mile, I think. But the company were unable to raise any money for the enterprise, though they made the most strenuous efforts, and when the war broke out in 1861—eight years after the State had given the lands to the company—not a mile of the road was built. Of course nothing was done during the war. After the war all the grants of land previously made to the Southern States were renewed in gross in the session of 1865–'66. The Little Rock and Fort Smith company again received a grant from the State and again tried to raise money to build their road; but 1865, 1866, and 1867 passed without their getting a dollar. Finally toward the close of 1868 a company of Boston gentlemen, representing considerable capital, undertook its construction. In raising the requisite means they placed the bonds of the road on the New England market in the summer of 1869, offering them on terms which seemed very favorable to the purchaser, and offering them at a time when investments of this kind were fatally popular. In common with hundreds of other people in New England and other parts of the country, I bought some of these bonds—not a very large amount—paying for them at precisely the same rate that others paid. I never heard and do not believe that the Little Rock company—which I know is controlled by highly honorable men—ever parted with a bond to any person except at the regular price fixed for their sale. The enterprise, though apparently very promising, proved unsuccessful, as so many similar projects did about the same time. I lost a considerable sum of money (over $20,000) by my investment, and I presume New England made a net loss of $2,000,000 in completing that road for Arkansas, as she has lost over one hundred millions by similar ventures West and South within the last twelve years. In addition to my investment in the bonds, I united with others in raising some money for the company when it met its first financial troubles. Proceedings are now pending in the United States circuit court in Arkansas, to which I am a party of record, for the re-imbursement of the money so advanced. All the bonds which I ever purchased I continued to hold; and when the company was re-organized, in 1874, I exchanged them for stock and bonds in the new concern, which I still own. My whole connection with the road has been open as the day. If there had been anything to conceal about it I should never have touched it. Wherever concealment is desirable avoidance is advisable, and I do not know any better test to apply to the honor and fairness of a business transaction.

As to the question of propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas, and not to the railroad company, and that the company derived its life, franchise, and value wholly from the State. And to the State the company is amenable and answerable, and not in any sense to Congress. Since I purchased the bonds but one act of Congress has passed in any way touching the subject, and that was merely to rectify a previous mistake in legislation. I take it when any security from Government bonds to town scrip is offered at public sale to any one who can pay for it, every American citizen is free to buy. If you exclude a Representative from the investment on the ground that in some secondary or remote way the legislation of Congress has affected or may affect the value of the article, then you exclude every man on this floor, not only from holding a Government bond or a share in a national bank, but also from owning a flock of sheep, or a field of hemp, or a tobacco plantation, or a cotton-mill, or an iron-furnace; for all these interests are vitally affected by the tariff legislation on which we vote at every session and of which an important measure is even now pending in the Committee of the Whole. In the seven intervening years since the Little Rock and Fort Smith bonds were placed on the market, I know few investments that have not been more affected by the legislation of Congress. But this case does not require to be shielded by any such comparisons or citations, for I repeat that the Little Rock road derived all it had from the State of Arkansas, and not from Congress. It was in the discretion of Congress to give or withhold from the State, but it was solely in the discretion of the State to give or withhold from the Little Rock Railroad Company.

When the Little Rock road fell into the financial troubles of which I have spoken, there were certain interests connected with it that were under peculiarly pressing embarrassment and that needed relief. There had been at different times very considerable talk about inducing the Atlantic and Pacific road—which on its southern branch was to be a connecting line east and west with the Little Rock and Fort Smith, and the Missouri, Kansas and Texas road, which would be a connecting line both North and South at the point of junction—to aid the Little Rock and Fort Smith enterprise by taking some of its securities, a practice very common among connecting roads. To both these roads the completion of the Little Rock road was of very great importance. Accordingly, in the spring of 1871, when only one coupon had been passed by the Little Rock company on one series of its bonds and none passed on the other, and when there was sanguine hope of getting the enterprise on its feet again, the Atlantic and Pacific Company took one hundred thousand of its bonds and one hundred thousand of its stock for the gross sum of $79,000; and the Missouri, Kansas and Texas, if I remember correctly, took half the amount at the same rate. This was done not for the corporation itself, but for an interest largely engaged in the construction of the road. With the circumstances attending the negotiation with the Atlantic and Pacific road I was entirely familiar and with several of its officers I have long been well acquainted. I also knew all about the negotiation with the Missouri, Kansas and Texas road, though I never to my knowledge saw any of its officers and never had an interview with any of them on any subject. But in the case of both roads, I desire to say that the bonds sold to them did not belong to me, nor did I have one dollar's pecuniary interest in the whole transaction with either company.

The infamous insinuation made in certain quarters that I engaged to use my influence in Congress for the Atlantic and Pacific road and also for the Missouri, Kansas and Texas in consideration of their purchasing these securities hardly merits notice. The officers and directors of both companies, so far as I have known the one and heard of the other, are high-minded, honorable gentlemen, and they would have justly spurned me from their presence had I been willing to submit an offer so dishonorable and mutually degrading. I had no pecuniary stake in the negotiation and I should have loved infamy for infamy's sake, had I bartered my personal and official honor in the transaction. And I am sure that every man connected with either company would repel the dishonoring suggestion as warmly as I do myself. The whole affair had no more connection with congressional legislation than any one of the ten thousand similar transactions that are constantly occurring in the business world.

Of a like character with the insinuation just answered is that which, in an irresponsible and anonymous way, attempts to connect the ownership of Little Rock and Fort Smith bonds with the legislation of last winter respecting the State government of Arkansas. There are some accusations which it is difficult to repel with sufficient force because of their mixture of absurdity, depravity, and falsehood. I never heard this stupid slander until within a few days, and I venture to say there is not a responsible man in the country of the slightest sense who can discern the remotest connection between the two things that are alleged to have an intimate and infamous relation.

Let me now, Mr. Speaker, briefly summarize what I have presented:

First, that the story of my receiving $64,000 or any other sum of money or other thing of value from the Union Pacific Railroad Company, directly or indirectly, or in any form, for myself or for another, is absolutely disproved by the most conclusive testimony.

Second, that no bond of mine was ever sold to the Atlantic and Pacific or the Missouri, Kansas and Texas Railroad Company, and that not a single dollar of money from either of those companies ever went to my profit or benefit.

Third, that instead of receiving bonds of the Little Rock and Fort Smith road as a gratuity I never had one except at the regular market price, and that instead of making a large fortune out of that company I have incurred a severe pecuniary loss from my investment in its securities which I still retain. And out of such affairs as this grows the popular gossip of large fortunes amassed in Congress!

I can hardly expect, Mr. Speaker, that any statement from me will stop the work of those who have so industriously circulated these calumnies. For months past the effort has been energetic and continous to spread these stories in private circles. Emissaries of slander have visited the editorial rooms of leading Republican papers from Boston to Omaha, and whispered of revelations to come that were too terrible even to be spoken in loud tones. And at last the revelations have been made!

I am now, Mr. Speaker, in the fourteenth year of a not inactive service in this Hall. I have taken and have given blows. I have, no doubt, said many things in the heat of debate which I would now gladly recall. I have, no doubt, given votes which in fuller light I would gladly change. But I have never done anything in my public career for which I could be put to the faintest blush in any presence, or for which I cannot answer to my constituents, my conscience, and the great Searcher of hearts.

TAXATION IN THE DISTRICT.

The House resumed the consideration of the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

Mr. BUCKNER. I now call the previous question upon the bill and pending substitute.

Mr. WALLING. Is it the intention of the gentleman from Missouri [Mr. BUCKNER] to allow further debate upon this bill?

Mr. BUCKNER. I do not propose to allow any further debate upon this bill by anybody.

The previous question was seconded and the main question ordered.

The first question was upon the substitute proposed by Mr. NEAL.

The substitute, which had not been read, was as follows:

Be it enacted, &c., That for the support of the government of the District of Columbia there shall be levied, for the fiscal year ending June 30, 1877, and for each and every year thereafter, upon all property of whatsoever kind, whether real or personal, in said District; upon all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of persons residing therein; and upon the property of all corporations, banks, or banking companies, now existing or hereafter created therein, excepting only such property as is hereinafter expressly exempted, a tax of $1.50 on each $100 of the assessed value of the same within the city of Washington; of $1 on each $100 of the assessed value of the same within the city of Georgetown; and of seventy-five cents on each $100 of the assessed value of the same in that part of said District outside of said cities of Washington and Georgetown.

SEC. 2. That the property exempt from taxation under this act shall be the following, and no other:

First. Property, real or personal, belonging to the United States or the District of Columbia.

Second. Bonds or other securities of the United States Government, and such other property as is now exempt from taxation by the laws of the United States.

Third. The personal property of any description of any individual residing in said District, and of which such individual is the actual owner, not exceeding $250 in value.

Fourth. Churches, houses for reformation of offenders, alms-houses, buildings devoted to purely public charity or the arts, houses to improve the condition of seamen or soldiers, free public-library buildings, cemeteries, and colleges and institutions of learning duly incorporated under acts of Congress.

Fifth. Land or grounds appurtenant to any such church, house, or building, so far as reasonably needed and actually used for the convenient enjoyment of any such church, house, or building for its legitimate purpose; but when all or any portion of any such building, house, or grounds, or cemetery, or church so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same shall be proportionately assessed and taxed, and the portion so taxable shall be indicated in the returns and assessments made by the assessors as herein provided.

SEC. 3. That the amount of any valid and *bona fide* debt or debts which any person shall individually and absolutely owe shall be deducted from the assessed value of the credits of any such persons, but not otherwise, upon the same being established by the affidavit of such person claiming deductions as hereinafter provided.

SEC. 4. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment, to be made by the commissioners of the District of Columbia or their successors in office: *Provided*, That before any of said funds shall be expended such apportionment shall be established by said commissioners and published at least six times in a weekly newspaper, published and having a general circulation in the District of Columbia; and the said apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided, further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 5. That one-half of the tax levied by this act for the fiscal year ending June 30, 1877, shall become due and payable on the 1st day of November, 1876, and the other one-half of said tax shall become due and payable on the 1st day of May, 1877; and the taxes for each succeeding year thereafter shall become due and payable, one-half on the 1st day of November and the other one-half on the 1st day of May, respectively; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of such payments shall be deemed to have been made on account of the several funds and for the different purposes indicated in the fourth section of this act; and the *pro rata* proportion of payment so made shall be carried to the credit of the respective funds according to such apportionment. The lien of the District government, for the taxes levied under this act, shall attach to all real property subject to such taxes on the 1st day of June annually, and shall continue until such taxes, with any penalty that shall accrue thereon, shall be paid.

SEC. 6. That if one-half of the tax herein levied shall not be paid on or before the 1st day of November of each year, said installment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of 2 per cent. upon the amount thereof on the 1st day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid on or before the 1st day of May next thereafter, together with one-half of said original tax due on or before said 1st day of May, a like penalty shall be added on said last one-half of said tax, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner prescribed by law.

SEC. 7. That it shall be the duty of the collector for said District as soon as practicable after the 1st day of July, 1877, and at the same time in each succeeding year thereafter, to prepare a complete list for publication of all the real property in said District which shall be then in arrears for taxes; and, as soon as possible after completing the said list, he shall publish the same, with the notice that, if the taxes due, together with the penalty and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold at the south front of the court-house in the city of Washington, on the second Monday of October, 1877, and on the same day in each succeeding year thereafter. Such publication to be made in the form of a pamphlet for the use of the tax-payers, to be issued not less than three weeks next prior to said day of sale; and the printing of the same shall be done at the Government Printing Office at the net cost thereof; the number of copies shall not exceed 10,000; and said pamphlets shall be kept at the office of the collector of said District for distribution among the said tax-payers: *Provided*, That all real property in said District which may have to be advertised for sale because of non-payment of taxes for the fiscal year ending June 30, A. D. 1876, shall also be advertised in pamphlet form, as in this section is directed for the fiscal year ending June 30, A. D. 1877.

SEC. 8. That on the second Monday of October, 1877, and in each year thereafter, the collector shall proceed to sell all real property upon which taxes remain unpaid, and shall continue to sell the same every secular day until all such property shall have been brought to auction. Immediately at the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within two years from the date of sale, by payment to the collector of said District, for the use of the legal holder of the certificate, the amount for which it was sold at such sale, and 12 per cent. per annum thereon, a deed therefor shall be given by the commissioners of the District or their successors in office to the legal holder of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized: *Provided*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amount of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, or in case there shall be no bid upon such property, said property shall be bid off for the amount thereof by the said commissioners or their successors in office, in the name of and for the District of Columbia as purchaser: *And provided also*, That minors or other persons under legal disability shall be allowed one year after the removal of such disability to redeem any of their property so sold from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, by payment of the amount of purchase-money paid therefor, together with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser or his assigns, or which may have accrued to the District of Columbia, between the day of sale and the period of such redemption, with 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of the improvements which may have been made or erected on such property by the purchaser while the same was in his, her, their, or its possession.

SEC. 9. That the collector of taxes immediately after sale of any property as aforesaid shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands as aforesaid sold to the District. Any surplus remaining after collection of taxes, penalties, and costs on any real estate shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 10. That when the installment of one-half of the taxes on personal property so as aforesaid due and payable on or before the 1st day of November, 1876, and of each year thereafter, shall not be paid on or before said date, or when the remaining installment shall not be paid on or before the 1st day of May, 1877, then, and in either such event, the collector of taxes shall distrain sufficient goods and chattels found within said District, and belonging to the person or persons, firm, association, or corporation charged with such tax, to pay the taxes remaining due under the provisions of this law from such person or persons, firm, association, or corporation, together with the penalty thereon and the costs that may accrue; and thereupon said collector shall immediately proceed to advertise the same by public notices posted in front of the court-house and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, as hereinafter provided, stating the time when and place where such property shall be sold, the last publication to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained and the costs and expense which shall have accrued thereon shall not be paid before the day fixed for such sale, which shall be not less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, in front of the court-house, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale. The collector of taxes shall be allowed for making such distress and sale the same fees as are now allowed by law to the marshal of said District for making levy and sale of property under execution. And said collector shall report in detail every such distress and sale, in writing, to the commissioners of said District or their successors in office; and his accounts in respect of every such distress or sale shall forthwith be submitted by him to the accounting officers of the District and audited by them. Any surplus resulting from such sale shall be paid into the Treasury of the United States for the use of said District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him or them.

SEC. 11. That the commissioners of said District or their successors in office shall cause to be prepared a printed blank schedule or form, for statement of personal property, including moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, subject to taxation under this act, together with deductions authorized to be allowed, to which shall be appended an affidavit setting forth that the foregoing presents a full and true statement of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, subject to taxation, together with the amount of indebtedness on account of which deductions are claimed; and the assessors provided for by this act shall deliver to each person required to list such property for taxation, or leave at the residence, office, or usual place of business of such person, one of said blanks; and the person to whom said blank schedule or form is delivered, or for whom it shall be left, shall fill up the same, and make and sign the affidavit to the truth thereof as aforesaid before the assessor, who is hereby authorized to administer such oath without charge; and thereupon said assessor shall assess such property and enter it in a column upon said blank to be provided for that purpose, and the amount thus ascertained, after making the deductions provided for in this act, shall be entered upon the books for taxation. If said person shall require further time to fill up said schedule or blank, it shall be the duty of the assessor to grant it, and, in such case, the assessor shall call for the same, administer the oath, and discharge the other duties in regard thereto herein enjoined upon him at a day to be named by him, not later than ten days from such time; but no person shall be required to include in the statement required by this section any share or portion of the capital stock or property of any company or corporation which is required to return its capital and property for taxation in this District.

SEC. 12. That every person of full age and sound mind not a married woman shall list the real property of which he is the owner, situate in this District, the personal property of which he is the owner, and all moneys in his possession; and he shall also list all moneys invested, loaned, or otherwise controlled by him, as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited subject to his order, check, or draft, and credits due from or owing by any person or persons, company or corporation, whether in or out of this District. The property of every ward shall be listed by his guardian; of every minor child, idiot, or lunatic having no guardian, by his father if living, if not, by his mother if living; if neither father nor mother be living, by the person having such property in charge; of every wife, by her husband, if of sound mind, if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of every estate of a deceased person by the executor or administrator; of every firm, company, or corporation, by the president or principal accounting officer, partner, or agent thereof; and of corporations whose assets are in the hands of receivers, by such receivers. Every person required to list property on behalf of others by this act shall list it separately from his own, specifying in each case the name of the person, estate, company, or corporation to whom it belongs.

SEC. 13. That the commissioners of this District or their successors in office shall divide the District into nine subdistricts as nearly equal as may be practicable in extent and population, and composed of contiguous territory, and shall appoint a competent person to be assessor in each of said subdistricts. Said assessor must be a resident of the subdistrict for which he is appointed and a citizen and tax-payer of the District. He shall hold office for the term of one year, and shall receive $5 for each and every day he may be actually engaged in the discharge of the duties of his office. Before entering upon the duties of his office each assessor shall execute and file with the commissioners of the District or their successors in office a bond, acceptable to them, in the penal sum of $5,000, conditioned that he will diligently, faithfully, and impartially perform all and singular the duties enjoined on him by this act; and he shall also take and subscribe on said bond an oath that he will to the best of his judgment, skill, and ability, diligently, faithfully, and impartially discharge the duties of his said office.

SEC. 14. That each assessor shall, before the 1st day of July, A. D. 1876, and between the 1st day of April and the 1st day of June of each and every year thereafter, assess the value of all and every species of property in his subdistrict liable to taxation under this act, and shall state the real and personal property separately in books to be kept in a systematic manner. In assessing the value of such property he shall be governed by the following rules: Real property shall be valued at its true cash value in money; personal property of every description, at the usual selling price of similar property at the time of assessing, at the place where it may be, and if there be no usual selling price, then at such price as it is believed could be obtained therefor in money, at such time and place; investments in bonds, stocks, joint-stock companies, or otherwise, at their true value in money; money, whether in possession or on deposit, at the full amount thereof; and credits of all kinds, at whatever sum they may be considered by the person listing them to be worth in money. In estimating the value of the personal property appertaining to the business of any person as a merchant or manufacturer, the average value of all such articles of personal property as he shall have had from time to time in his possession or under his control during the year immediately preceding the time of such assessment, or so much of said year as he may have been engaged in business, shall be taken as the criterion, and the average shall be made up by taking the amount in value on hand in each month of said year, or such part thereof as such person may have been engaged in business, adding together such amounts and dividing the aggregate amount thereof by twelve, or the number of months such person may have been engaged in business during said year. And the value of all moneys, notes, bills of exchange, bonds, stocks, or other property appertaining to the business of any bank, banker, broker, or stock-jobber, shall be ascertained in the same manner. Said assessors shall, between the 1st and 20th day of June, 1876, of which notice shall be given by said assessors, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuation theretofore made by them. Each assessor shall, at their meetings as aforesaid, make full and detailed reports of his acts as such assessor. And during this period they shall have power to revise assessments theretofore made by them, or any of them, by either justly increasing or diminishing any particular assessment. Upon the assessment so made and finally revised, the tax herein provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of November, 1876.

SEC. 15. That if any person shall fail or refuse to make out the statement of his property as required by section 12 of this act, the assessor shall, from the best information he can obtain, make an assessment against such person, to which he shall add 50 per cent. thereof, and the person so failing or refusing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $500, to which may be added imprisonment not exceeding thirty days. If any person shall make a false affidavit touching the matters provided for in said twelfth section, he shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided for by law. And if any person shall conceal or in any manner dispose of, or by any contrivance remove out of this District, any of the personal property, moneys, credits, or other things herein declared to be subject to taxation, for the purpose of evading, hindering, or postponing the operation or effect of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $500, or be imprisoned in the jail of this District for a term not exceeding two years, or both, at the discretion of the court, and pay the costs of prosecution.

SEC. 16. That if any commissioner of this District, or any assessor, collector, or other officer, charged with the performance or execution of any of the duties enjoined upon them by this act, or any other act or acts necessary to its efficient enforcement in the assessment and collection of the taxes hereby levied, shall fail, neglect, or refuse, from any cause whatever, to properly discharge such duties so enjoined upon them, such failure, neglect, or refusal shall be deemed and adjudged to be a misdemeanor, and such commissioner, assessor, collector, or other officer shall, upon conviction thereof, be imprisoned in the jail of this District for a term not exceeding two years, or be fined in any sum not exceeding $1,000, or both, at the discretion of the court, and shall, in addition thereto, be responsible to said District for the amount of all taxes that shall be lost to it by reason of such failure, neglect, or refusal, and shall be sued therefor on his official bond.

SEC. 17. That, for the purposes of this act, the word person shall incude firms, corporations, and companies. Words of one number shall signify and include words of both numbers, respectively. The word agent shall signify and include every person acting for another. Every word importing masculine gender may extend and be applied to females as well as males. The term "oath" shall be held to mean oath or affirmation.

SEC. 18. That this act shall continue in force from year to year, unless repealed by act of Congress; and the successors in office to the commissioners of the District of Columbia shall have the same powers as are given to said commissioners by this act.

SEC. 19. That the twenty-third section of the act of the Legislative Assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, and clauses 20, 28, and 35 of the twenty-first section of said act, and clauses 16 and 22 of said twenty-first section of said act as amended by the act amendatory thereof, approved June 20, 1872, and all other laws or acts or parts thereof inconsistent herewith, be, and the same are hereby, repealed.

The question was taken upon agreeing to the substitute; and upon a division there were—ayes 85, noes 59.

Before the result of this vote was announced,

Mr. O'BRIEN called for the yeas and nays upon agreeing to the substitute.

The yeas and nays were not ordered, there being—ayes 21, noes 160.

Mr. BUCKNER. I call for tellers on the adoption of the substitute.

Tellers were ordered; and Mr. BUCKNER and Mr. NEAL were appointed.

The House divided; and the tellers reported—ayes 101, noes 48.

So the substitute was adopted.

Mr. NEAL moved to reconsider the vote by which the substitute was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HENDEE. Now that the House has adopted the substitute, I desire to say that I had no particular preference as between the two measures, provided they were equally perfect in their provisions. Now that the substitute is adopted, I propose to the gentleman from Ohio [Mr. NEAL] that the bill, as amended, be read and submitted to such amendments as members of the committee may desire to offer in order to perfect the measure.

The SPEAKER *pro tempore*, (Mr. COX.) The Chair would say that the House is now acting under the previous question. The main question has been ordered.

Mr. FORT. This bill ought to be considered by sections.

The SPEAKER *pro tempore*. If the gentleman asks unanimous consent for consideration in that mode and there is no objection, it will be done.

Mr. SOUTHARD. I object.

Mr. HENDEE. I desire to say that the bill has not yet been read at all.

The SPEAKER *pro tempore*. By order of the House the bill was considered without being read in full.

Mr. STEVENSON. I think it highly proper that this bill should now be considered by the Committee for the District of Columbia. It is a matter of importance to the people of this District and should receive more consideration than it can in the House under the present circumstances. For that reason I move that the bill be recommitted to the Committee for the District of Columbia for further consideration.

Mr. NEAL. It strikes me that the gentleman's motion is hardly in order at this time, inasmuch as the previous question is operating.

The SPEAKER *pro tempore*. The previous question is operating. The main question has been ordered.

Mr. STEVENSON. I rise to a question of order, whether the motion to recommit the bill is not in order?

The SPEAKER *pro tempore*. It is not after the main question has been ordered.

Mr. FORT. I would suggest that by unanimous consent the bill be referred to the Committee of the Whole.

Mr. BUCKNER. I hope that will not be done.

The SPEAKER *pro tempore*. Objection is made.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. HENDEE. Inasmuch as this bill has never been read in the House at all, it strikes me that it should now be read in full.

The SPEAKER *pro tempore*. The Chair can only enforce the order of the House. The main question has been ordered.

Mr. HENDEE. Then I make the point that the bill has not been engrossed.

Mr. NEAL. By unanimous consent, the bill might on its third reading be read in full. I would much prefer that course, so that members may understand it.

Mr. STEVENSON. I ask unanimous consent—and I do so because of the importance of this matter—that this bill be recommitted to the Committee for the District of Columbia in order that some of its provisions may be perfected. I desire to say that there has been no legislation before the House at this session of more importance to the people of this District; there has been none of one-tenth the importance to them that this bill is. Inasmuch as the substitute has not been considered by the committee, inasmuch as it has not been even read to the House, I desire that the bill as amended be recommitted, so that some of its provisions may be perfected. I make this proposition, believing it to be for the interest of the people that the measure should receive such consideration, as some of the sections have only been brought to the attention of the House this afternoon and have never been considered by the committee.

Mr. BUCKNER. I desire to say——

Mr. NEAL. I demand the regular order.

The SPEAKER *pro tempore*. The regular order, unless the gentleman from Ohio listens to these requests for unanimous consent, is the third reading of the engrossed bill.

Mr. BUCKNER. I only wish to say that I hope the bill will not be recommitted. Let it be passed in its present form. Though there are many objections to it, it is better to have this bill than no bill at all.

Mr. HOAR. I rise to a question of order. I desire the Chair to state what is the pending question.

The SPEAKER *pro tempore*. The Chair was about to direct the third reading of the engrossed bill. The substitute of the gentleman from Ohio was adopted in lieu of the bill reported by the committee.

Mr. HOAR. I desire to inquire of the Chair whether there is any rule of the House, any special order made, in reference to this bill which prevents its reading?

The SPEAKER *pro tempore*. There was an order made that the original bill should not be read. The gentleman from Missouri suggested the bill should not be read, but objection was made. After the bill had been read for a short time, objection was withdrawn and the bill was not read.

Mr. HENDEE. That was the first reading of the bill for information. Now, I suppose it is competent when the bill comes up for action at an entirely different stage it is in order to have it read. This substitute never has been read, nor has there been any motion in regard to it.

Mr. BLOUNT. I ask the gentleman from Ohio to withdraw his demand for the previous question.

Mr. NEAL. I am willing to do so.

Mr. SPRINGER. I ask for the reading of the engrossed bill.

Mr. CLARK, of Missouri. I ask the gentleman to yield to me for a moment to introduce a resolution to move that the rules be suspended and the resolution be put on its passage at this time.

Mr. RUSK. I demand the regular order of business.

Mr. RANDALL. Then I withdraw my motion to adjourn.

Mr. RUSK. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the reading of the engrossed bill.

Mr. ROBBINS, of North Carolina. I move that the House adjourn.

The house divided; and there were—ayes 102, noes 69.

Mr. NEAL demanded tellers.

Tellers were ordered; and Mr. ROBBINS, of North Carolina, and Mr. NEAL were appointed.

The House again divided; and the tellers reported—ayes 77, noes 75.

So the motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of Martha Ann Gardner, for a reconsideration of her claim disallowed by the southern claims commission, to the Committee on War Claims.

Also, the petition of James N. Hunter, of similar import, to the same committee.

By Mr. BANNING: Protest of the Cincinnati Chamber of Commerce, against any change of the law requiring a draw to be provided for every bridge hereafter built over the Ohio River, to the Committee on Commerce.

Also, memorial of the Board of Trade of Cincinnati, in reference to the proposed reduction of salaries in the Patent Office, to the Committee on Appropriations

Also, resolutions of the Philadelphia Chamber of Commerce, that liberal appropriations be made for the support of the Signal Service, to the Committee on Military Affairs.

Also, the petition of Cincinnati physicians, for the passage of Senator LOGAN'S bill for the re-organization of the medical staff of the Army, to the same committee.

Also, the petition of Joseph Brockman & Co. and 189 other workingmen of Cincinnati, Ohio, relative to the reduction of the tariff, to the Committee of Ways and Means.

By Mr. COX: The petition of Jane Dorgan, for relief, to the Committee on Invalid Pensions.

By Mr. DURAND: The petition of William A. Mitchell, for compensation for property furnished the militia of Montana Territory while suppressing Indian hostilities, to the Committee on Military Affairs.

By Mr. DURHAM: Papers relating to the petition of Samuel A. Wilborne, for a pension, to the Committee on Invalid Pensions.

By Mr. EAMES: The petition of F. H. Richmond and other citizens of Rhode Island, in relation to the manufacture and sale of stamped envelopes by the Government, to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER: The petition of John Minor Botts, Robert Strachen, George A. Hawkins, and John Henry Johnson, for relief for damages suffered in the filling up of New Hampshire avenue, between T and U streets northwest, in the city of Washington, District of Columbia, to the Committee of Claims.

By Mr. HALE: The petition of Bridget Cochrane, for a pension, to the Committee on Invalid Pensions.

By Mr. HAMILTON, of Indiana: A paper relating to a post-route from Pleasant Plain to Huntington, via New Lancaster, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. HARRIS, of Virginia: Remonstrance of F. H. Wissler and others, of Virginia, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. HATCHER: The petition of Benjamin Hahn, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to a bill for the relief of Mrs. America C. Ligon, to the same committee.

By Mr. HOPKINS: Resolution of the house of representatives of the Pennsylvania Legislature, requesting Senators and Members from that State to support Mr. HOPKINS'S bill to prohibit discriminations by railroads, to the Committee on Commerce.

By Mr. HUNTON: The petition of John Scott, for a reconsideration of his claim disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. MAGOON: Memorial of the Legislature of Wisconsin, relative to the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

Also, remonstrance of Francis Craig, Samuel Vickers, and 32 other citizens of La Fayette County, Wisconsin, against any reduction of the tariff on lead and zinc, to the Committee of Ways and Means.

By Mr. MCFARLAND: The petition of Joel D. Millard, to be restored to the pension-rolls, to the Committee on Invalid Pensions.

By Mr. MCMAHON: The petition of Mary D. Ewing, for arrears of pension, to the same committee.

Also, the petition of Patrick O'Connell, for difference in money between pay and allowance of captain of infantry and brigadier-general from March 17, 1863, to August 17, 1864, to the Committee on Military Affairs.

By Mr. O'NEILL: Resolutions of the Franklin Institute of Pennsylvania, for the permanent organization of the Signal Corps and for adequate appropriations, to the Committee on Appropriations.

By Mr. PAGE: Memorial of the Mechanical Association of Alameda County, California, in reference to coinage, weights, and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. PLAISTED: The petition of Pierre M. C. Corville and 120 other merchants of Bangor, Maine, interested in commerce and navigation, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. SAMPSON: A paper relating to the establishment of a post-route from Manch Chunk to Bucyrus, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER: The petition of the tobacco manufacturers of Cincinnati, Ohio, and Covington, Kentucky, for the reduction of the tax on tobacco to sixteen cents, to the Committee of Ways and Means.

Also, the petition of workingmen of Hamilton County, Ohio, against any reduction of the tariff, to the same committee.

Also, the petition of the earthen-ware importers of Cincinnati, for a reduction of the duty on earthen ware and glass ware, to the same committee.

By Mr. TARBOX: The petition of manufacturers and dealers in distilled spirits of Boston, Massachusetts, for the definition of the powers and duties of internal-revenue officers, and to provide for collection of the tax on distilled spirits, to the same committee.

By Mr. THOMPSON: The petition of the mayor of Salem, Massachusetts, and 2,400 others, for interposition for the release from imprisonment of Captain E. O'M. Condon, to the Committee on Foreign Affairs.

Also, memorial of a mass meeting at Salem, Massachusetts, March 24, 1876, of similar import, to the same committee.

By Mr. VANCE, of North Carolina: The petition of Mrs. Andrew Woody, for relief, to the Committee of Ways and Means.

Also, a paper relating to a bill for the relief of J. O. Robinson, to the Committee on Indian Affairs.

By Mr. WADDELL: The petition of manufacturers and dealers in distilled spirits in Wilmington, North Carolina, for the definition of the powers and duties of officers of internal revenue and to provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. WARREN: The petition of Clara L. Attleton, for an extension of pension, to the Committee on Invalid Pensions.

By Mr. W. B. WILLIAMS: Two petitions of citizens of Michigan and soldiers in the late war, for the equalization of bounties, to the Committee on Military Affairs.

Also, resolutions of the State board of health of Michigan, in favor of a permanent organization of the United States Signal Service and enlargement of its powers, to the Committee on Appropriations.

By Mr. WILLIS: The petition of Samuel Boardman, Arnold, Constable & Co., and several hundred others, lawyers and merchants, for the passage of the bill authorizing notaries public in certain cases to administer and certify oaths, affirmations, and acknowledgments, to the Committee on the Judiciary.

Also, the petition of citizens of New York, for a uniform coinage system, to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: The petition of Elizabeth Toof, for a reconsideration of her claim, disallowed by the southern claims commission, to the Committee on War Claims.

The following petitions and other papers were presented at the Clerk's desk under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

Memorial of Thomas H. Atkinson, of North Carolina, for relief, to the Committee on Revolutionary Pensions.

Papers relating to the petition of Bridget Collins, for a pension, to the Committee on Invalid Pensions.

The petition of citizens of Bloomingdale, Pennsylvania, that every soldier and sailor who served thirty days in the United States Navy or United States Army be granted one hundred and sixty acres of land and $200 in money, to the Committee on Public Lands.

IN SENATE.

TUESDAY, *April* 25, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 2954) concerning corporations engaged in the business of distilling—to the Committee on Finance.

A bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department—to the Committee on Indian Affairs.

A bill (H. R. No. 3192) for the relief of William Wheeler Hubbell—to the Committee on Patents.

PRINTING OF PROFESSOR JENNEY'S REPORT.

Mr. ANTHONY. The Chair laid before the Senate yesterday a communication from the Secretary of the Treasury, transmitting a report upon the Black Hills, and it was referred to the Committee on Printing. I think the order to print was not entered. I move that it be printed, and that the question of additional copies remain for the consideration of the Committee on Printing.

The PRESIDENT *pro tempore*. Is there objection to the order to print? The Chair hears none, and the Senate so orders.

PETITIONS AND MEMORIALS.

Mr. THURMAN presented a memorial of workingmen of Hamilton County, Ohio, remonstrating against any changes in the present tariff laws; which was referred to the Committee on Finance.

He also presented a memorial of the Cincinnati Board of Trade, remonstrating against any reduction of the salaries of officers in the Patent Office and the diversion of any of the revenues thereof to other purposes, and in favor of those revenues being expended in the proper business of the Patent Office; which was referred to the Committee on Patents.

He also presented resolutions of the Vessel Owners and Captains' Association of Philadelphia, Pennsylvania, in favor of a liberal appropriation for the promotion of the efficiency of the Signal Service and the continuance of the hydrographic branch of the Navy Department; which were referred to the Committee on Appropriations.

Mr. BOUTWELL presented a memorial of the officers of the Massachusetts Association of Classical and High-School Teachers, in favor of the passage of a law fixing a date at which the metric system of weights and measures shall become the recognized standard of weights and measures throughout the United States; which was referred to the Committee on Finance.

Mr. ANTHONY presented the petition of Edmund F. Prentiss, late first lieutenant Second Rhode Island Infantry and brevet captain United States Volunteer Infantry, praying that he may be allowed a bounty; which was referred to the Committee on Military Affairs.

RESERVED GALLERIES OF THE SENATE.

Mr. HAMLIN, from the Committee on Rules, who were directed by a resolution of the Senate of the 18th instant to inquire and report what further provision, if any, is necessary in order to secure the use of the reserved portions of the galleries to those for whom they are designed, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That during the impeachment trial the gallery set apart for the Diplomatic Corps shall be only and exclusively used by the persons of the several legations and their families, who are entitled to the same.

COMMON UNIT WITH GREAT BRITAIN.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the concurrent resolution of the Senate of the 17th of January last, proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland, reported it with amendments, so as to make it read as follows:

Whereas the magnitude of the transactions in commerce and the intimate social relations between the people of the United States and of Great Britain and Ireland combine to recommend the importance of uniformity in the gold coins and moneys of account of the respective countries; and whereas, in existing circumstances, a change in the standard of the gold coins of the United States could be introduced without serious inconvenience, and the United States are willing to make such change, to the end of securing such uniformity: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to propose a convention between the United States and Her Majesty the Queen of Great Britain and Ireland, having for its object to secure uniformity in the coins and moneys of account of the respective countries on the general basis herein stated, but subject to such modifications as may be agreed upon between the contracting parties.

1. The money of account in each country shall be the dollar, which shall be represented by a coin formed of standard gold, whereof the pure metal shall be nine-tenths parts, and the alloy one-tenth part, which alloy shall be of copper, or of copper and silver, the silver not to exceed one-tenth of the alloy. The weight of the dollar of such standard gold shall be twenty-five grains and one-ninth of a grain troy, and shall contain twenty-two grains and six-tenths of a grain troy in pure gold. Gold coins of two and one-half, five, ten, and twenty dollars, proportioned in weight, may also be issued, of like standard; and the convention shall provide what variations may be allowed from the exact standard of weight and fineness for such gold coins.

2. Subsidiary coins of silver, copper, or alloys of base metal may be issued within each country, of such standard and weight as may be provided by their respective laws, and representing cents or hundredth parts of a dollar and other convenient decimal subdivisions thereof.

3. All accounts, representing transactions to be settled in coin, shall be kept in dollars and cents or fractional parts of a cent. Sterling money shall be converted into dollar money by computing the pound sterling as equivalent to $5, the shilling to twenty-five cents, the sixpence to twelve and one-half cents, the penny to two cents, and the farthing to one-half cent.

4. All such gold coins conformed to standard, within the allowed limits of variation, shall be a legal tender within each country for debts and obligations payable in gold coin, excepting such as may have been incurred within the United States payable in gold coins of a former standard. The coins subsidiary to the dollar shall not be a legal tender beyond the limits of the country within which they are issued.

5. The action of the convention shall take effect when approved by the respective parties thereto and when laws shall have been passed by the respective countries to carry it into effect.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 26) to remove the political disabilities of Francis T. Nichols, of Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Walter H. Jenifer, late first lieutenant Second Cavalry, United States Army, praying for the removal of his political disabilities, reported a bill (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry United States Army; which was read and passed to the second reading.

He also, from the same committee, to whom was referred the petition of Samuel Jones, of Virginia, praying for the removal of his political disabilities, reported a bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia; which was read and passed to the second reading.

Mr. EDMUNDS. I will say as to all these cases that we have ascertained on diligent examination that these people left the Army and the Navy, respectively, under circumstances that were not specially unusual; that they have petitioned in the regular way, and that their resignations at the Department were accepted.

Mr. THURMAN. I wish to inquire of the chairman of the committee if he would have any objection to the present consideration of the bills which he has favorably reported?

Mr. EDMUNDS. There is not the slightest objection to their present consideration, except the circumstance that it is a bad plan, and, if there is no special reason, I would rather they should wait until to-morrow.

Mr. THURMAN. Very well.

Mr. ROBERTSON, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. No. 15) authorizing the qualified voters of the District of Columbia to vote upon the question whether they desire Congress to establish a government for the District for the regulation of domestic affairs the officers of which shall be chosen by the qualified voters of the District, and for laying the result of the election before Congress for information, reported adversely thereon.

The PRESIDENT *pro tempore*. If there is no objection, the joint resolution will be postponed indefinitely.

Mr. SPENCER. I wish to state that I dissent from the views of the committee; and I ask that the joint resolution be placed upon the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar, with the adverse report of the committee.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2427) to amend the act entitled "An act entitled 'An act to encourage the growth of timber on western prairies,' approved March 13, 1874," reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 574) to amend the act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,' approved March 13, 1874," reported in favor of its indefinite postponement, it being in the same words as the House bill just reported; and the report was agreed to.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 714) to aid in the construction of a military bridge across the North Platte River, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

BILLS INTRODUCED.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introdue a bill (S. No. 775) relating to practice in the circuit and district courts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 776) to restore William J. Montgomery, late first assistant engineer United States Navy, to the active list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 777) to incorporate the National Sanitary Abattoir Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PADDOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 778) to promote education in the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES E. SLAUGHTER.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama. The bill has been reported favorably by the Committee on the Judiciary.

The motion was agreed to; and the bill was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds voting in favor thereof.

Mr. EDMUNDS subsequently said: I ask unanimous consent to correct a clerical error in the bill removing the political disabilities of

Mr. Slaughter which passed two or three moments ago. By a clerical error the words "article of" before "amendment" were omitted. I wish to have it read "by the fourteenth article of amendment to the Constitution."

The PRESIDENT *pro tempore*. Is there objection to this correction? The Chair hears none, and it is made.

JULIA E. SEELEY.

Mr. INGALLS. If there is no further morning business, I move that the Senate proceed to the consideration of the Calendar for unobjected cases.

Mr. FRELINGHUYSEN. The bill in reference to the Japanese indemnity fund has been partially considered. The 26th of this month has been set down in the House as the day for the consideration of the bill there. If it is agreeable to the Senate, I should like to have that bill taken up and disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Kansas press his motion?

Mr. INGALLS. No, sir.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. DAWES. I ask the indulgence of the Senate for a moment. I have been for some days trying to get up a bill for the relief of a postmistress in Massachusetts.

Mr. FRELINGHUYSEN. Let this bill be taken up and then the Senator can proceed with his bill.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill named? The Chair hears none.

Mr. DAWES. The Senator from New Jersey now yields to me to take up a private bill. Three or four bills have passed precisely like it, and it is to relieve a postmistress from embarrassment in settling her accounts. I move that the Senate proceed to the consideration of Senate bill No. 485. There is a report printed which gives all the facts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 485) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, in line 3, to strike out "736" and insert "565;" in line 4, to strike out "18" and insert "20" before "cents;" and in lines 6 and 7, after "stamps," to strike out the words "and money;" so as to make the bill read:

That the sum of $565.20 be, and the same is hereby, appropriated to re-imburse Julia E. Seeley, postmaster at Great Barrington, Massachusetts, for stamps stolen from the post-office at that place on the night of June 6, 1873.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAPANESE INDEMNITY FUND.

The PRESIDENT *pro tempore*. The bill called up by the Senator from New Jersey [Mr. FRELINGHUYSEN] is now before the Senate. The pending question is on the amendment proposed by the Senator from Connecticut, [Mr. EATON.]

Mr. EDMUNDS. I supposed the Senator from New Jersey would not have taken the bill up this morning. As I wish to say something upon it, and am not altogether in a condition to-day to go into it with much zeal, I hope the Senator will consent to postpone it until to-morrow.

Mr. FRELINGHUYSEN. If the Senator from Vermont is not well, and it can be understood that the bill shall be taken up to-morrow, I certainly will consent to let it go over.

Mr. EDMUNDS. I certainly am willing to have it understood that it shall be taken up to-morrow. My reason for wishing to say something upon the subject—not by any means at length, but to have it thoroughly considered—is, that it involves principles and a practice a good deal wider than their application to the identical question of this $200,000, obtained from the Japanese; and, therefore, we ought to consider well the principle that is involved in the bill.

Mr. MORRILL, of Vermont. I desire to say that it was my purpose and the purpose also of some other Senators to have addressed the Senate yesterday upon the educational bill, and we gave way to the Senator from Nevada, [Mr. JONES.] We would like therefore to bring up that bill to-morrow.

Mr. FRELINGHUYSEN. The Japanese fund bill is already before the Senate. I understand that the House propose taking it up (although we have nothing to do with them) on the 26th. I would like, however, that it should be disposed of before then. I hope the Senate will set this matter down for to-morrow, if it is to go over to-day.

Mr. INGALLS. If the Senator from New Jersey withdraws his motion to proceed to the consideration of the Japanese bill, I renew the motion I made that the Senate proceed to the consideration of the Calendar.

Mr. WEST. I ask the Senator from Kansas to yield a moment to allow me to call up a bill.

Mr. EDMUNDS. Let us dispose of the bill that is up.

Mr. FRELINGHUYSEN. I hope that the bill now pending will be made the special order for to-morrow.

The PRESIDENT *pro tempore*. At what hour?

Mr. FRELINGHUYSEN. At one o'clock.

Mr. MORRILL, of Vermont. That cannot be done without unanimous consent.

The PRESIDENT *pro tempore*. It can be done by a two-thirds vote.

Mr. MORRILL, of Vermont. I hope the Senator from New Jersey will not press his motion. I believe it has been usual always here to allow Senators to address the Senate whenever they were prepared, after a suitable notice. Notice was given in relation to the subject to which I have referred on last Thursday, and it would be very inconvenient to have it postponed longer than to-morrow.

Mr. FRELINGHUYSEN. I hope that my motion will prevail. I assure the Senator from Vermont that there will be no want of courtesy, and that he will be permitted to make his remarks to the Senate before we take up this bill to-morrow.

Mr. MORRILL, of Vermont. With that understanding, I have no sort of objection.

Mr. THURMAN. I hope the motion of the Senator from New Jersey will prevail. The bill to which he refers has been reported upon six times, if my recollection is right, by six different committees in the Senate and in the House, and always favorably. I do not think it will take long to consider it and determine upon it if it should be taken up; and of course there can be no objection to laying it aside informally to allow the Senator from Vermont to make his remarks.

Mr. MORRILL, of Vermont. With the understanding I have with the Senator from New Jersey, I have no sort of objection, as he has given assurances that the usual courtesy will be extended.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the bill now pending be made the special order for to-morrow at one o'clock. Is there objection? The Chair hears none; and it is so ordered.

AUSTIN-TOPOLOVAMPO PACIFIC ROUTE.

Mr. INGALLS. I renew my motion to proceed to the consideration of unobjected cases on the Calendar.

Mr. WEST. I ask the Senator to yield to me to call up a bill, as it probably cannot be reached in the time we have to give to the Calendar between this and the conclusion of the morning hour. I move to take up the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route.

Mr. INGALLS. I regret exceedingly to interpose any objection to the desires of the Senator from Louisiana, but I am convinced that the bill which he proposes to take up at the present time cannot pass without some explanation and debate that probably will consume the remainder of the morning hour. There is a very large amount of business on the Calendar reported by the various committees, to which there is no objection, I presume, on the part of any member of the body, and which it is very desirable should be acted upon if the bills are to be passed at this session of Congress. At the rate at which the Calendar is being considered, it will be impossible for us to get through with the formal business of this session with a due regard to the interests of those persons whose bills are now before the Senate reported upon favorably by committees and upon the Calendar. I hope the Senate will see fit to devote the morning hour hereafter to the consideration of unobjected cases upon the Calendar, and allow the bills in which different Senators have an interest to come up as they have their place on the Calendar of business.

Mr. WEST. It is not often that I appeal to the courtesy of the Senate. I have waived my opportunity on several occasions recently in behalf of other Senators who had particular measures that they desired to pass. I have no interest in this measure in any way. It does not concern my section more than it does any other Senators. It is reported by the Committee on Railroads, and as chairman of that committee I now appeal to the Senate to take it up, and I am satisfied that it will not take any explanation of any moment, at least that it will not absorb the attention of the Senate ten minutes. I insist on my motion that the Senate now proceed to the consideration of that bill, and I can give an explanation if it is desired.

Mr. MERRIMON. What bill is it?

Mr. WEST. It is Senate bill No. 92, providing simply for a survey to the coast of Mexico of what is called the Austin-Topolovampo Pacific route. The reason that I am so anxious to get it passed is that the engineers who are to be sent there desire that they shall go at the earliest possible moment before the lapse of the season shall render their operations distressful in the field.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves the Senate proceed to the consideration of Senate bill No. 92.

Mr. EDMUNDS. As far as I am at present advised, I do not see any ground for the passage of this bill; but it may be that a majority of the Senate does, and if so, there is great force in what the Senator from Louisiana has said. I hope the Senate will take it up and let it be disposed of.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Railroads proposed to amend the bill by striking out after the word "survey," in line 6, the words "after application to, and the granting permission by," and inserting "permission having been obtained from;" and in line 14, by striking out "25,000" and inserting "15,000;" so as to make the bill read:

That the Secretary of War be directed to cause a survey to be made of the most practicable route for a national rail highway from Austin, Texas, to Fort Leaton, on the Rio Grande, and to extend said survey, permission having been obtained from

the government of Mexico, to the harbor of Topolovampo, on the Gulf of California, and to report to Congress the most feasible route of railway communication between Austin, Texas, and said harbor of Topolovampo; and that, for the purposes of such survey, there is hereby appropriated, out of any money not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on the amendments reported by the committee.

Mr. EDMUNDS. I ask if there is any report from the committee accompanying the bill? and if not, I should like the Senator in charge to tell us the grounds on which it ought to pass.

Mr. WEST. There is no report. The bill was not introduced by myself, but by the Senator from Nebraska, [Mr. HITCHCOCK.] The grounds on which this appropriation is based and the reason why it has been recommended by the committee lie in a report made by the engineers, General Wright, General Warren, and General Abbot, under date of February 22, 1875, to General Humphreys, and also in General Humphreys's report to the Secretary of War indorsing and commending the report made by these engineers. It is more with a view to a reconnaissance for a short line from the southern portion of the Territory of the United States to the Gulf of California. There is also accompanying this report a survey by the Naval Department going to show that there exists in a certain locality in the Gulf of California a harbor of extensive capacity both with respect to area and draught of water; and this appropriation is more for a reconnaissance, because it does not involve an amount sufficient for more. The amount for which the bill originally was offered was $25,000, and it is now reduced to $15,000; so that it does not involve an amount sufficient to make more than a general reconnaissance over that country. It is desired by a large section of the people of this country, and such appropriations have hitherto been made; and it has the recommendation of the highest official authority. I merely report it here in my capacity as chairman of the committee, and ask its passage.

Mr. EDMUNDS. The argument of my friend is not at all satisfactory to me. I see he has a book here, which does not appear to be an official book, but it is evidently a good one, in which I perceive the first entry is this, which conveys new information to me:

> The Secretary of War has the honor to transmit to the chairman of the Committee on Railroads of the United States Senate, in response to a request of the 9th instant, a copy of report of board of engineers convened by special orders No. 21, Headquarters Corps of Engineers, February 18, 1875, to consider the feasibility of a railroad route from Austin, Texas, to Topolovampo, Mexico, in connection with Senate bill No. 1199.
>
> WILLIAM W. BELKNAP,
> *Secretary of War.*

Now I should be glad to ask my friend from Louisiana if there was any authority by any act or resolution of Congress requiring the Board of Engineers of the War Department, or anybody else, to establish themselves as a board to determine the feasibility of a railroad from Texas through Mexico?

Mr. WEST. No, Mr. President, they have not done so. They have not determined the feasibility of the route. That is just what they propose to do by this appropriation and by this authorization. That was an examination by these officers with reference to the practicability of such a route, more with reference perhaps to its being the shortest route to the Pacific Ocean, and they give their opinion and think it desirable to have the route surveyed.

Mr. EDMUNDS. Yes, Mr. President; but my inquiry is where the Secretary of War or this board of officers got any authority to enter upon that particular mission.

Mr. WEST. Well, sir, I presume the Secretary of War is allowed, and officers of the Army are allowed, to indulge their own ideas as to the progress of this country. Now the question is whether we will indorse the report they have made that it is desirable to do so. If we are to confine officers of the Army only to the simple routine of their duty, without allowing them to indulge in some fancy in regard to the progress of the country, I think we should rather limit their sphere of usefulness.

Mr. EDMUNDS. I, for one, do not propose to indulge the Army officers or any other officers in any fancies whatever. So far as they are citizens of the United States they have a right to their opinions, and when off duty they have a right to apply themselves to any work they like; but I deny the right of the Secretary of War or of the Corps of Engineers to enter upon official inquiries into the feasibleness of a railway in the State of Vermont or in the State of Ohio or in the Republic of Mexico, or anywhere else. It is no part of their duty, and they have no right to do it in any other sense than the private sense of a body of gentlemen. But here they undertake to send this manifesto to Congress through a committee of the Senate, pointing out what we are expected to appropriate money for, which they have examined and consider feasible, which has nothing to do with the operations of the Army; and I, for one, want to enter the earliest protest possible against that species of official conduct.

Mr. President, I am not in a physical condition this morning to be of much use to anybody; but I wish simply to say, with the highest respect to my friend from Louisiana, and to everybody else who wants this railroad, that I do not think we ought to be authorized in the present condition of the country to spend $20,000 of money raised by taxation to go into a reconnaissance for the route of a railway from somewhere in the State of Texas to somewhere on the Pacific in the republic of Mexico. I think we had a great deal better save the money. It may be that the time will come when it will be advisable to spend money for that purpose; but when it does we ought to have a very careful investigation by a committee and a very careful report of precisely the political as well as the practical and engineering and commercial grounds upon which such an enterprise is to be undertaken.

This is all I have to say, Mr. President, except that very much to my personal regret I must vote against the proposition of my friend from Louisiana.

Mr. THURMAN. Mr. President, I wish to suggest to the Senator from Louisiana that he strike out the word "national" in line 4 of this bill. I do not know of any classification of railroads into national and not national, and I do not know what the word "national" imports there, unless it means that the road is to be built by the nation. I do not know what a national road means unless it means that it is to be a road built by the Government of the United States. I suggest to the Senator from Louisiana that it might induce some opposition to this bill if it was to be understood that the Government was to build this or any other railroad; and it is not at all necessary to his bill that that word should be in. I think it had better be stricken out.

Mr. WEST. I am much obliged to the Senator. I consent to the amendment suggested by him to strike out the word "national" in line 4. I did not look at the bill particularly.

Mr. EDMUNDS. In order to test the sense of the Senate upon this bill, so as to save the time necessary to amend it if it is not to pass, I move to postpone it indefinitely.

Mr. WEST. Before that vote is taken, I should like the Senate to understand the nature of this proposition. It is scarcely open to the criticisms recently made upon it by the Senator from Vermont, who said that the officers of the Army were exceeding their jurisdiction and their powers, or at least our expectations of them, when they made suggestions to us how we should spend the public money. That is done continuously, year after year, over and over again, in the estimates that are made by the different Departments in the prosecution of the duties that devolve upon them. I do not know that the survey of the great West was ever authorized by Congress except by an appropriation. If I am wrong the Senator will correct me. These surveys are made under the jurisdiction and authority of the War Department year after year, and their recommendations are made to us and their estimates are submitted to us and we act upon them. Here they think they see—it having been brought to their attention—that a field of usefulness is open. They make the suggestion; they make their report; they make their estimates; and if submitted to us it might just as well be in a general appropriation bill as anywhere else.

There is a pertinency in what the Senator says in one respect. The question for the Senate to decide is whether they feel disposed to appropriate money at the present time for this survey. The Committee on Railroads thought that it was opportune, that the measure was a good one, and they have recommended it; and merely as representing them on this floor to some extent, I have asked the consideration of the Senate to the bill. It does not concern me one bit whether the measure is passed or not.

Mr. LOGAN. I should like to inquire what is the ultimate object of this bill after the survey shall have been made? Perhaps the Senator from Vermont or the Senator from Louisiana can give the information. Is it that the Government shall undertake the building of this railroad, or is it to be turned over to some private corporation? I merely ask to know what the object is.

Mr. WEST. I believe that this survey is to be made in the interest of parties who propose, however chimerical their views may be, at some future time to embark their capital in the construction of the road. Whether they will ever have an idea of calling on the Government or not I cannot vouch for. We only see at the present time that the engineer authorities of the United States have stated in a somewhat elaborate report that this is the shortest line between the settled portions of the United States on the Atlantic coast and a deep and proper harbor on the Pacific coast; and this bill is with a view of making an examination and verifying their ideas.

Mr. LOGAN. I have but a word to say. It has got to be a habit of Congress to allow the Government to expend money for the purpose of ascertaining some route for the benefit of some private corporation. The Government will make the survey, go to all the expense, and then some parties will come in and ask for a charter for a railroad over that line, and exempt themselves from expending their own money to ascertain its practicability, and the Engineer Corps is often used for that purpose; and, although I dislike to say it, it is very free to be used for any purpose of surveys that are not authorized by law. I am opposed to any survey being made by the United States for the benefit of any private individual or corporation, and that is the object of this bill certainly. If any class or set of individuals desire to get a charter for building a railroad over this route, let them apply for it, get the charter, expend their own money, and receive the profits thereof; but for the Government to do it, as it has been in the habit of doing, I think is entirely wrong, and it ought not to be permitted any longer.

So far as the Engineer Corps is concerned, it is a part of the Army; and this pertains in no particular whatever to a route for the benefit of the Army, or for the transportation of troops, or anything of that kind. The Government does not ask it for any such purpose. Not

asking it for that purpose, I think it is outside the scope and authority of the Corps of Engineers, who belong to the Army, to have any connection with it whatever. It is not a part of their duty, and it ought not to be. Their duty is, so far as their engineering is concerned, to examine questions that are important for the Government of the United States—rivers, harbors, and things of that kind, and the building of bridges if desired.

Mr. WEST. Will the Senator pardon me for asking him a question?

Mr. LOGAN. Certainly.

Mr. WEST. I ask him how came John C. Frémont in 1846 to make a reconnaissance across this continent, and at whose expense did he do it, and what was he at the time he did it?

Mr. LOGAN. The Senator certainly has that information himself without asking me. I understand that he belonged to the Army of the United States at the time he did it, and he was making an examination for the benefit of the Government of the United States at that time; not with a view to building a railroad. That was not the object at the time he discovered the pass through the mountains, or at the time he claims that he did. It was a mere exploring expedition, the same as we have now provided for by law.

This is a very different proposition. This is to survey a route for a railroad which, the Senator says, in all probability a private corporation will take hold of and build at some time if they think it is going to be an advantage to them. I am opposed to any bill of that character employing the Government officers for any purpose whatever pertaining to individual interests or those of private corporations.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the bill indefinitely.

Mr. MORTON. Mr. President, a part of this proposed route, in fact the most of it, is in the territory of Mexico. I have heard it said that a route can be found for a railroad from Austin, Texas, to this port on the Gulf of California which will not be more than eight hundred and seventy miles in length and will be the shortest railroad route to the Pacific Ocean. But it occurs to me that, in the present condition of the government in Mexico, this might be regarded as somewhat indelicate. I think myself the bill ought to be postponed at this time. It is a proposition to survey a route through the territory of Mexico; and what inference might be drawn from that we can hardly tell. I shall vote for the indefinite postponement.

Mr. WEST. I will say, not to be tedious with the Senate in respect to the matter, that negotiations have been had with the government of Mexico, and they rather invite a survey than otherwise.

Mr. LOGAN. Who had the negotiations?

Mr. WEST. They were had through the Army officers.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill indefinitely.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 606) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge.

The message also announced that the House had passed the following bill and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes; and

A joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury; and

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendments to the said bill, Nos. 3, 9, 14, 15, 17, and 20, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL of Maine, Mr. ALLISON, and Mr. DAVIS.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

Mr. SARGENT. I move that the Senate insist on its amendments and ask for a committee of conference.

Mr. COCKRELL. I should like to have the yeas and nays on that question.

Mr. SARGENT. I suppose it is more a matter of ceremony or form than of substance which House shall ask for a committee of conference. Of course I have observed that in the House of Representatives the person reporting the bill back from the Committee on Appropriations declined to ask for a committee of conference. With such opportunity as I have had for an examination of the rules and precedents in the matter, I find that the House which makes the amendments, by long practice, is the one which asks for a committee of conference; and therefore, and especially not to raise a mere question of form between the two Houses, I have moved that a committee of conference be asked for by the Senate. If the proposition seriously is, by objection to a committee of conference, that the Senate shall recede from the amendments which it made to the diplomatic bill, by which we restored the service that had been mutilated and would be disgraced by the operation of the bill as it came to us, that is another question. I only hope, however, that on a mere question of form or ceremony those who think the Senate did right in amending the bill so as to restore the integrity of the public service and uphold the dignity of the American name abroad will not vote against asking for a conference. Those who desire that the Senate shall recede will of course vote against the motion; that I cannot help.

Mr. COCKRELL. My object in suggesting that the yeas and nays be taken was simply to determine that very question. If the gentleman will withdraw his motion, I will move that the Senate now recede from its amendments, and I only want the yeas and nays to test that identical question. I do not think the reasons, the arguments, or the facts stated by the gentleman sustain the proposition he makes. I am willing to place myself on the record.

Mr. SARGENT. I have no doubt the Senator is willing to take the responsibility for all his acts. We all feel the same in regard to our acts. This bill was debated at length for several days. Each step was debated, and debated intelligently, and intelligently acted on by the Senate. If the Senate, however, desires to recede from the position it took to reduce our consulates abroad, whether paying or non-paying, to deprive the Treasury of the opportunity of having some test of foreign bills of lading and of the value of articles abroad, so that the Treasury may lose some millions of dollars, that of course is its right. Possibly reflection on the matter may have brought it to that conclusion. If it has come to that conclusion, it will simply vote down the motion which I make, that the Senate insist and ask for a committee of conference. It can be just as much a test vote as the one the Senator himself proposes. I am willing that the yeas and nays shall be taken on this proposition. The Senator called for the yeas and nays, I believe.

Mr. DAWES. Does not the motion to recede take precedence of the motion to insist?

The PRESIDENT *pro tempore*. It does.

Mr. COCKRELL. I make the motion, then, that the Senate recede.

The PRESIDENT *pro tempore*. That motion has precedence. The Senator from Missouri moves that the Senate recede from its amendments to this bill.

Mr. COCKRELL. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. The occurrence of a difference of opinion between the two Houses in regard to various measures is not a very marked or unusual fact; and I cannot comprehend why, in advance of the appointment of the usual committee of conference, there has been such an exhibition of determination to raise the question of retirement from the amendments of the Senate or the acceptance of the action of the House. The bill appropriating moneys for the consular and diplomatic service was the subject of discussion of the ordinary character in this body. In some of the amendments made by the House there was a disposition on the part of many, myself included, to non-concur. I was not prepared as a whole to accept unquestioned the action of the House, nor am I disposed to say but that there was much wholesome and necessary reform in the action of the House. Gentlemen here, members of the body and of those committees more intimately acquainted with the propriety of some of these appropriations, warmly seconded the general current of the action of the House on the subject. There is no question about it that a reformation by means of a wise economy is strenously demanded at this time in this country. It is neither wise nor just to stand in the way of such a demand. At the same time when the propositions are made that are supposed to embrace it, it then is right and just that we should properly criticise and independently express our opinions; but this must be done without assuming to the Senate the especial and peculiar guardianship of the good name and honor of the American people. Expressions such as we have just heard, that a bill appropriating money in the form suggested by a concurrent branch of the Legislature is necessarily disgraceful to the country, certainly can be productive of no good effects.

I can well imagine that other things are more essential to the honor of the American name than the amount of money which may be appropriated for the salaries of its agents. If men of improper character and a low tone of public or private morals shall be sent to represent the American people abroad, money, no matter how liberally bestowed in the shape of salaries, will simply serve to make their vices more conspicuous. The simple question is not of honor or dishonor from the amount of salaries, but the question is of efficiency or the contrary. If the public service is to be materially crippled by consolidating offices, by dropping certain offices entirely from your list, then it becomes a matter simply of good sense, what may be termed business good sense, whether or not you will restore the offices, or whether you will increase the pay. All these are matters of detail, all these are matters of simple political economy; but I think it is not well that in any way, inferentially or otherwise, there should be a suggestion that a rebuke of any kind is necessary for the co-ordinate branch of Congress in respect of their action. They act upon their own responsibility before our countrymen, whom they represent as well as we. If their measures shall be wanting in good sense, if they are not dictated by a proper consideration of wise economy and propriety, they will suffer for it; but it is certainly our business not to criticise their action, but simply to criticise the result that comes before us without reference to them. But it is the part of each House of Congress so to act and so to conduct discussion upon this bill as shall further the end in view, which is an accommodation of differences between us in respect of matters of public interest.

Therefore, sir, while I shall vote in favor of the Senate amendments, it is only for the purpose of having a conference committee raised; and then, I trust, when these conferees come together or when their reports are made to the relative bodies, that there will be no spirit or no feeling exhibited except one of independent judgment for the best interests of the country.

Mr. SARGENT. Mr. President, the proposition of the Senator from Missouri must proceed on the theory, it seems to me, that the Senate has no right to amend appropriation bills. I know that every amendment proposed in the Senate was resisted by him; and now by this proposition the whole thing would seem to indicate clearly that the Senate is not contemplated by the Constitution when it says that no money shall be drawn from the Treasury except in pursuance of appropriations made by law. The Senate is a concurrent legislative body with the House of Representatives, has all the rights and privileges of the House so far as appropriation bills are concerned. There is not even a provision in the Constitution that appropriations shall originate in the House of Representatives, although there is a popular error that there is. I claim my right as a Senator as much as I ever claimed it as a Representative to do as I think best, consistent with the rules of order, for or against any proposition pending before the House of which I may be a member. That right must be conceded to the Senator and must be conceded to the body of which the Senator is an honored member.

I stated that it was necessary, I thought, to restore the service as it was established twenty years ago under political auspices very different from those prevailing at the present time, to restore the service as it was then created or revised when certainly a salary compared with the present time was greatly higher although the amount is the same. It was much more valuable then than it is now, though of the same amount. I thought it was contrary to the dignity of the American people that their embassadors sent to have correspondence and communication with the principal courts abroad should be put upon such footing of salary that it was impossible for any man, unless he had resources of his own, to appear there with any degree of respectability. I thought that was contrary to the dignity of the American nation. If you are to take the alternative proposition and say the Government requires this service even at the expense of a man's private fortune, you do injustice to the individual, and you necessarily select only individuals who have private fortunes, and therefore exclude the poor and those in moderate circumstances from honorable office. That I think is contrary to the genius of American institutions. I trust I offend no Senator's sensibilities in saying that as I did in saying that to reduce salaries of foreign ministers to the point of meanness is against the dignity of the country.

Now, the usual and natural course where there is a difference between the two Houses on a bill, where each House insists on its amendments, is a committee of conference. I do not think that on a mere random suggestion, (I do not use the word in an offensive sense; I mean a casual suggestion,) when a bill which we passed, after considerable reflection, has gone to the other House, and they simply have non-concurred in our amendments, we should throw away the labor of several days without going to a committee of conference. Therefore I have asked that we insist on our amendments and request a committee of conference.

Mr. EATON. Mr. President, I think the Senator from California is entirely wrong in the matter of legislative propriety and courtesy. Where amendments are made in one body, and those amendments go to the other House, and that House non-concurs, the proper motion, and the motion that has preference in every legislative body that I know anything about, is to recede and concur with the House originating the motion. Therefore the motion of the Senator from Missouri was entirely in consonance with parliamentary usage and entirely proper, so far as this body is concerned.

Mr. SARGENT. Does the Senator say that a motion to recede from the Senate amendments is in consonance with the practice; that because the other House non-concurs we must therefore recede?

Mr. EATON. I do not speak of this body; but I suppose so, because the motion has precedence. The very fact that under the rules of this body that motion has precedence of any other shows to my mind as a legislator that it is the first proper motion, that we recede. If this body will not recede so as to concur with the House, then the other motion may be made.

Mr. SARGENT. Because a motion to recede is the first properly in the parliamentary sense does not show that it is the most proper as a matter of business. A motion to adjourn is first in order; but a motion to adjourn should not be at once adopted because it is the first in order.

Mr. EATON. The suggestion of the Senator from California is not parallel. Here are two Houses. One House originates a bill. The bill comes to this, the other body. Certain amendments are made. Those amendments go back to the House in which the bill originated. That House refuses to concur in the amendments made in this body. Now, I insist that the proper motion, the true motion to make is for this body to recede, that we may come together with the other which will not concur in our amendments. If we will not recede, if the opinion of this body is that they are right, that they will not recede, very well. Then will follow a committee of conference.

Mr. SARGENT. If we recede, that passes the bill as it originally passed the House, and no conference then is possible.

Mr. EATON. That is just what I desire.

Mr. SARGENT. Then the Senate gives up all its labor on the bill simply because the other House does not agree, and without a committee of conference.

Mr. EATON. One body or the other will give up its labor on this bill or else the bill will not pass.

Mr. SARGENT. On the other hand, a committee of conference comes in and by conference may agree upon a common basis.

Mr. EATON. I understand that; I need not be taught that fact; but if the Senate is ready now at this moment to say that its action has been wrong, then the motion is a proper one that the Senate recede.

Mr. DAWES. The Senator from California stated that he had looked into the precedents and had found that in a large majority of the cases the body making the amendments asked for a committee of conference. I would inquire if he refers to appropriation bills?

Mr. SARGENT. Yes; except that toward the close of the sessions, when we are very much hurried, and time is of great consequence, we have got into the habit, when non-concurring with amendments, of asking for a conference; but if the Senator will look back over the precedents he will find that the original practice was, as it was maintained for a good many years, that the House making the amendments asked for the conference when the other did not concur.

Mr. DAWES. I have no doubt the Senator is correct, if he has looked into it; but my recollection did not serve me so. I thought that in reference to appropriation bills the practice was almost universal for the other House to ask for a conference on appropriation bills. Of course an amendment to an appropriation bill must originate in this body, and I had an idea that the practice was to ask for a committee of conference on the part of the House of Representatives when it non-concurred in the amendments of the Senate. But I agree with the Senator from California that it is our duty, if the House does not ask for a committee of conference, to ask for it. It is our duty to avail ourselves of all the forms and methods of bringing the two Houses together upon this bill; and if any of those forms and methods are omitted on the part of the other body, that is no excuse or justification for us and no reason why we should omit them on our part.

For that reason I am in favor of insisting and asking for a committee of conference. I am in favor of doing everything in our power to bring the two Houses together and of yielding so far as it seems to me possible for the public service; but beyond that I do not see now that we are called upon to yield to the sacrifice of the public service even for the purpose of bringing the two Houses together upon any bill. But I would say, so far as the action of this body is concerned, to the other branch that we will do everything in our power and we will assure them that we will yield everything that is possible consistent with the good of the public service; and beyond that it is impossible for us to go.

The PRESIDENT *pro tempore*. The morning hour has expired. This question has trespassed a little on the unfinished business.

Mr. SARGENT. I hope we shall have a vote on this matter.

Mr. BOUTWELL and others. Let us have the vote.

Mr. SARGENT. It is in the nature of a privileged question.

The PRESIDENT *pro tempore*. The question is, Will the Senate recede from its amendments to the consular and diplomatic appropriation bill?

Mr. COCKRELL. One word, Mr. President. I am much gratified at the kindly instruction which the distinguished Senator from California has given me in regard to what my views are in prompting me to call for this action on the part of the Senate. I have never doubted, from the earliest days of my infancy, the power of the United States Senate to make amendments to appropriation bills emanating in the House of Representatives and coming to the Senate. It is not upon

that ground suggested by the distinguished Senator that I make this motion; but it is purely on the ground that I believe the best interests of the public service and the best interests of the tax-payers of this country will be promoted by the Senate receding from these amendments which have been proposed by it, and it is in the interest of the public service and the interest of the tax-payers of this country that I make this motion. The distinguished Senator has very justly said that the whole bill was thoroughly discussed. If it was thoroughly discussed, then I presume we are able to vote intelligently upon it this morning.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the motion to recede.

The question being taken by yeas and nays resulted—yeas 4, nays 41; as follows:

YEAS—Messrs. Cockrell, Eaton, McCreery, and McDonald—4.

NAYS—Messrs. Allison, Anthony, Bayard, Bogy, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Cragin, Davis, Dawes, Dennis, Edmunds, English, Ferry, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Nevada, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Sargent, Sharon, Sherman, Spencer, West, Windom, and Withers—41.

ABSENT—Messrs. Alcorn, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Dorsey, Frelinghuysen, Goldthwaite, Gordon, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Norwood, Patterson, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Thurman, Wadleigh, Wallace, Whyte, and Wright—28.

So the Senate refused to recede from its amendments.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from California, that the Senate insist on its amendments and ask for a committee of conference. Does the Senator from Missouri insist on the call for the yeas and nays on this motion?

Mr. COCKRELL. I did not call for the yeas and nays on that motion. My vote is recorded. That is all I want.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. SARGENT, FRELINGHUYSEN, and WITHERS were appointed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had, on the 21st instant, approved and signed the following acts:

An act (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; and

An act (S. No. 417) for continuing the work of improving the Capitol grounds.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. No. 697) authorizing the sale of logs cut by the Indians of the Menomonee reservation in Wisconsin under the direction of the Interior Department; and

An act (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes.

The message further announced that the President having received the following acts on the 8th of April and they not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become laws without his signature:

An act (S. No. 575) for the relief of Charles E. Hovey; and

An act (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864.

THE MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore* announced the appointment of Mr. MCMILLAN to fill the vacancy occasioned by the Senate excusing Mr. OGLESBY from service on the special committee appointed to inquire into the recent election in the State of Mississippi by the resolution adopted on the 31st of March.

LEGAL TENDER OF SILVER COIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 263) to amend the laws relating to legal tender of silver coin, the pending question being on the amendment of Mr. BOGY to the amendment reported by the Committee on Finance.

Mr. JONES, of Nevada. Mr. President——

Mr. BOGY. With the permission of the Senator from Nevada, I should like to make an explanation, and I desire that he will avail himself of my statement.

It has been very often stated, and I believe very generally believed, that silver was demonetized in this country by the act of 1873, and, if I understood the Senator from Nevada yesterday aright, he is also of that impression. I know that the impression is very general indeed. In my opinion it is a great mistake. The act of 1873 did not demonetize silver, and, in point of fact, no law has ever passed the Congress of the United States demonetizing silver except a law which is found in the revised code. The fourteenth section of the act of 1873 provides for a gold coinage and a gold tender. The fifteenth section of that act provides for the coinage of a trade-dollar and subsidiary coins. This trade-dollar and these subsidiary coins were made legal tender to an amount not exceeding $5, and it was also further provided that there should be no more silver coined excepting of the character prescribed by that act. But the old coins that had been coined prior to 1853, and which were yet in circulation, remained a legal tender.

As I have said already, no law has ever passed demonetizing silver. The Revised Statutes contain a law which, I contend, is a fraud, which has no business there, because the act authorizing the revision of our laws provided that none should be revised but those in force on the 1st of December, 1873; yet here is a law in the Revised Statutes for which there is no foundation whatever. There was no law existing at that time saying that silver should not be a legal tender. There was a law saying that trade-dollars and subsidiary coin of a less value should be a legal tender not to exceed $5; but the old coinage was not at all affected by the law then existing. Yet the revised code says, in section 3586:

> The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

That is a fraud. There was no law of that character existing at that day in this country; and to that extent the revision is wrong. There was no right to put it there. I think furthermore that section 3524 is equally a fraud, wherein it is stated that no foreign coin shall be a legal tender in payment of debts. There may be such a law; I will not be positive as far as the foreign-coin question is concerned; but I have not been able to find any law existing before which said that foreign coins should not be a legal tender when assayed at the Mint and the value proclaimed according to law; and yet that is also found in the revised code. As far as foreign coin is concerned, I may be wrong, though I think I am not; but as to the silver question, the provision in the revised code is there without authority of law; and, in point of fact, Congress has never at any time passed any law demonetizing silver in this country.

Mr. LOGAN. Except in the Revised Statutes.

Mr. BOGY. Except this provision in the revised code, which was passed under peculiar circumstances. I wish my friend from Nevada, who is making a remarkably able and learned speech on this subject, should have the benefit of this, because I think he labors under a misapprehension in regard to the subject, as I did myself at one time, a misapprehension which is very general. The act of 1873 did not demonetize the silver coined before 1853. This old coin remained a legal-tender for any amount, and did so until the act in the revised code of the 22d of June, 1874.

[Mr. JONES, of Nevada, resumed the floor, and concluded the speech begun by him yesterday. His speech in full will be found in the Appendix.]

Mr. SHERMAN. Mr. President, I do not intend to say anything in commendation, or disapprobation, or dispute of the speech that has been made by the honorable Senator from Nevada. It was very able, very exhaustive, and very instructive to every one. I wish to correct simply a misapprehension into which the Senator fell in regard to the terms of the act of 1873. Perhaps there is no law on the statute-book that received more thorough consideration than the act of 1873, which is entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States." It is a long law, covering, I think, twelve pages of the Statutes of the United States, and was approved February 12, 1873. That act was first introduced from the Treasury Department in January, I think, 1870, more than three years before it passed. It was discussed at some length in the Senate; was then printed and sent all over the country to every person who was familiar with the subject, especially to California, to Nevada, the Mint at Philadelphia, and largely to Europe; and it was thoroughly examined. It came back, and in the following session, that is, the session of 1870 and 1871, it passed the Senate of the United States. Subsequently the bill failed in the House for want of time in that Congress. At the next session, however, it was introduced in the House of Representatives. It was there discussed, and finally passed the House of Representatives and came to the Senate, the same bill in effect that had previously passed the Senate of the United States. In the Senate it was again examined, rediscussed, considered, and passed. So that this bill really was pending in Congress nearly four years, and it was discussed in every stage of its progress. It was examined by experts not only in this country but in Europe. It was prepared at the Treasury Department, and largely prepared by Mr. Patterson, of Philadelphia, who is now, probably, the most eminent authority in this country on the subject, and by Dr. Linderman, and others. It was submitted to all classes, and especially to persons living in California and other parts of the country interested in the production of gold and silver.

There is another thing to which I wish to call attention. The act of 1873 did not make any essential change in the then existing law. The only change of importance in the previous law made by the act of 1873 was made at the request of the interests in California. That is, the trade-dollar was introduced as a mercantile dollar to enable them to send in a convenient form the production of silver in this country to China. This was the only change made in the then existing law of any material character. The bill itself was but a codification and revision of the laws relating to the mints of the United States and the coinage of the United States, changing but slightly

any material features of the existing laws. The proposition about the trade-dollar was introduced at the request of merchants and dealers in bullion in San Francisco, and was intended simply as a means of enabling them to put in the best and most valuable form the silver bullion of the country with a view to its exportation to China and Japan.

My honorable friend from Nevada in his long and carefully prepared speech has gone upon the idea that the act of 1873 in some way demonetized silver. What I have stated shows that it did not in the slightest degree demonetize silver. My friend from Missouri [Mr. BOGY] was perfectly correct in saying that so far as the silver coins were concerned the act of 1873 did not have the slightest effect upon them. But, on the other hand, the act of 1853, to which the Senator from Nevada did not seem to allude except in quoting the report of Mr. Hunter, did adopt the system of what is called a subsidiary coinage of silver; that is, it made the coinage of silver subsidiary to gold. It provided for a gold coinage, and made the silver coinage of fifty-cent pieces, twenty-five-cent pieces, ten-cent pieces, &c., called subsidiary coins, and demonetized those by reducing them to about 6 per cent. below the legal relative value of sixteen to one; and if there is any law to complain of on the statute-books of the United States, it is the law of 1853, in that respect.

Mr. BOGY. That did not demonetize silver, nor did the act of 1873.

Mr. SHERMAN. The act of 1873 did not affect it in the slightest degree, and therefore the comments made by the Senator from Nevada rest on an error in that particular. The essential qualities of the act of 1873 are precisely like the act of 1853. It provided for subsidiary coins. The substance of the act of 1853 was to provide for a subsidiary coinage of silver. But there is another thing to be remembered. The right to coin the silver dollar, which is now proposed to be authorized again, has always existed in this country, has never been taken away. It is the legal dollar to-day, and the silver dollars that are now outstanding, if there are any, and I suppose there are not many, are a legal tender for all amounts unless the quality of legal tender has been taken away by these Revised Statutes.

The act of 1873 is before me. As I said, it is one of the most carefully prepared statutes that ever were passed in any country in the world. It underwent the scrutiny of persons here and abroad; and for four sessions of Congress was it here and discussed. That act simply leaves the old dollar where the law of 1853 left it. It says nothing about it. It says that no coins but these named shall be issued under the act; but the old silver dollar stood precisely as it stood before under the act of 1853. It was true it had not been issued since 1853; and I suppose not for some years before that, though I do not know.

Mr. BOGY. It was issued up to 1853.

Mr. SHERMAN. The principle of the act of 1853 was that subsidiary coin composed of silver should take the place of the small change of the country, and that silver and gold, one as the unit of value and the other as the subsidiary coin of the country, should travel hand in hand; one for great operations, as the Senator expressed it, and the other for small operations. That was the policy of the act of 1853, not changed in the slightest degree by the act of 1873.

Mr. HOWE. To what extent did the act of 1853 make a change?

Mr. SHERMAN. The act of 1853 changed the tender of the silver, so far as the subsidiary coin was concerned, but the old dollar, the old silver dollar, was still a legal tender for all purposes.

Mr. HOWE. And remains so?

Mr. SHERMAN. No, because of the effect of the revised code. The act of 1873 did not repeal the legal tender of the old silver dollar, but left it stand. The last and repealing clause of this act simply repeals such provisions of existing laws as were inconsistent with it. The act of 1873 does not repeal the legal-tender quality of the old silver dollar and does not affect it in the slightest. It provides, however, that no silver coin except subsidiary coin shall be isssued after its passage.

Mr. LOGAN. I desire to ask a question.

Mr. SHERMAN. Very well.

Mr. LOGAN. Perhaps I may misunderstand the statute of 1873; but my recollection of it is that, instead of continuing the act of 1853 and the act of 1792, which made the silver dollar a legal tender for all sums the same as gold, in the coinage act of 1873 the old dollar was left out and therefore it could not be coined any more, and so it was striken out and there are no old silver dollars in circulation. They could not be a legal tender because their coinage was prohibited.

Mr. SHERMAN. No; it did not affect those outstanding.

Mr. LOGAN. I understand the Senator. Of course it did not affect those outstanding, but there were none outstanding. They had all gone into the melting-pot.

Mr. SHERMAN. I think I understand it as the Senator does, that the act of 1873 did declare that all silver coins issued after that date should be the trade-dollar or the subsidiary coinage therein prescribed.

Mr. LOGAN. Yes, sir; and therefore it was a prohibition on the old dollar, and hence the old dollars, except those that were out, were not and could not be a legal tender afterward, and as fast as the old dollars went into the melting-pot you reduced them down, so that there were none of them to be a legal tender. I ask the Senator if that is not the explanation. The act of 1873 left out the old dollar and prohibited its coinage; and then when you come to the Revised Statutes, the Revised Statutes enact that silver shall not be a legal tender except for $5. The revisers took the act of 1873, understanding it to mean that the legal tender of silver was prohibited by leaving out the old dollar and inserted in the Revised Statutes a prohibition of its being a legal tender except for the limited amount of $5. What I want to get at is, how that came into the statutes, by what construction, and whether it was not a misconstruction of the law of 1873.

Mr. SHERMAN. My friend's question is so long that I do not know that I shall get the hang of it.

Mr. LOGAN. I beg pardon; perhaps I put the question in such a form that the Senator cannot answer it, and perhaps I cannot answer it myself. What I wanted was to know these facts. I have the impression I have stated.

Mr. SHERMAN. How it comes that the Revised Statutes repeal the legal-tender quality of the old dollar I cannot say, except that the revisers may have considered that as this old dollar was practically out of circulation, and as it could not then be issued under the act of 1873, in which nothing was said about it, they need not mention the silver dollar in classifying the legal-tender coins.

Mr. HOWE. About the act of 1873, I wish to know whether it does prohibit the coinage of the silver dollar other than the trade-dollar?

Mr. SHERMAN. It prohibits in express terms any coining of it after the passage of that act. The seventeenth section of that act provides that the coins hereafter to be issued shall be of the kind named in this act.

Mr. HOWE. So that up to the act of 1873 silver dollars were a recognized coin of the United States and could be used in the payment of debts to any amount?

Mr. SHERMAN. Yes; but none were issued since the act of 1853, not a dollar.

Mr. HOWE. But they could be?

Mr. SHERMAN. Yes, they could be.

Mr. HOWE. But by the act of 1873 it was provided that the dollar should not be coined except the trade-dollar.

Mr. SHERMAN. Yes, sir; and the purpose of the bill before us now is simply to restore the dollar of account precisely as it was before the act of 1873; in other words, to authorize its issue just as it was authorized to be issued up to the act of 1873.

Mr. HOWE. And to authorize the use of it in payment of debts as before the act of 1873?

Mr. SHERMAN. We have limited its legal-tender quality to $20. Let me go a step further and I will stop my explanation; and I should prefer that Senators would not interrupt me until I get through.

I have been often asked not only in this Chamber but outside, how comes it that the silver dollar was dropped from among the coins of the country. The answer is that in 1873, when these statutes were so carefully revised, the silver dollar as provided in the then existing law was worth more than a dollar in gold, more in the money markets of the world. There was no use then in issuing the dollar, because it would go into the melting-pot, being worth more than the gold dollar. That was the reason why the silver dollar was not provided for. That was before the movements which have been commented upon in Europe, and especially in Germany, commenced to affect the price of silver. The United States had since the act of 1837 undervalued silver; that is, they required sixteen ounces of silver to be equal to one ounce of gold. The result was that a dollar in silver was worth more than a dollar in gold. France and other countries had said that fifteen and a half ounces of silver should be equal to an ounce of gold, and that made a difference of 3 or 4 per cent. as between their relation and ours, which difference was sufficient to induce the exportation of silver in the form of dollars or bullion to France or the countries of Europe where the double standard prevailed. The result was that there was no object in 1873 in providing for the silver dollar. If it had been issued from the Mint it would not have gone into circulation, but would have been exported. The idea of reducing it down to the French standard of fifteen and a half to one was not entertained, as our subsidiary coin which then filled the channels of circulation was actually only fourteen and a half to one. There was no object, therefore, in issuing the silver dollar for the purpose of maintaining the double standard.

These were the circumstances, and I simply rose now at the heel of the argument of the honorable Senator from Nevada to correct the misapprehension into which he has fallen about the act of 1873. The act of 1873 itself was but a codification of the then existing laws of the United States, and, with the exception of prohibiting the issue of the silver dollar, it did not change in the slightest degree the law of 1853, so far as it affected the silver coin. The silver coins now in circulation were practically provided for by the act of 1853. The only change made by the act of 1873 was in measuring the weight of these coins in grams instead of in grains, slightly changing to the extent of about $\frac{1}{2}$ of 1 per cent. the value of the silver in the silver coins; and this was done to make them assimilate, dollar for dollar, grain for grain, weight for weight, size for size, with the French silver coins now in circulation, so that a five-franc piece is $1, and the same proportion prevails throughout.

Mr. MORTON. I should like to ask the Senator from Ohio this question: What was the change made in the value of the subsidiary

coin by the act of 1853, and why was it, although there was no prohibition in that act for the continued coinage of the silver dollar, that there were no such dollars coined after that time?

Mr. SHERMAN. I have answered that question already. I have said that it was because from 1853 to 1873 the silver dollar was worth more than the gold dollar, and there was no object in issuing it, because it would at once be exported, because by the old law of 1837 the relation was wrong; we had undervalued silver by making one ounce of gold equal to sixteen ounces of silver, and therefore whenever silver was coined in the shape of dollars it went off; and so it was from 1853 to 1873. It was always undervalued, and in 1873, if the silver dollar had been issued, it would never have gone into circulation, simply because it was worth intrinsically more than a gold dollar, and would have been exported to France, where it was more profitable.

Mr. LOGAN. I do not desire to enter into the discussion in reference to this question; but, inasmuch as I suggested an inquiry to the Senator from Ohio, I desire to occupy a moment in explanation of what I said. This is a question that the country will desire probably to inquire into. When I say that, I refer to the changes which have been made in reference to the coinage in this country. As was stated by the Senator from Ohio, from 1792 to 1873 the silver dollar was a legal tender for all amounts in this country, the same as gold. Up to 1873, long after our indebtedness was created, the silver dollar was the same as the gold dollar in the payment of debts of any class or character or for any amount. In 1873, in the coinage act, an act revising and amending the laws relative to the mints, assay offices, and coinage of the United States, which was passed by the House and came to the Senate, and was passed in the Senate, whether with or without discussion is immaterial, provision was made for coining gold dollars and subsidiary silver coin. The words "silver dollar" are not used in the whole act. Hence when a person reads the act he will see the force of section 17:

That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights herein set forth.

"The denominations, standards, and weights herein set forth" in this act were the gold dollar and the subsidiary silver coinage and the trade-dollar, leaving the old silver dollar out entirely, and declaring by this act that the Mint should not coin it, the silver dollar being, as stated by the Senator from Ohio, worth about $1.03 at that time, or a little more anyhow than the gold dollar.

What was the effect of this act? The very moment you deprived the Government of the United States of the right of coining the silver dollar, which was a legal tender for all amounts, it being in value more than the gold dollar, the effect was that every silver dollar was bought up at once and smelted or put into the pot. The silver dollar known as the silver legal tender in this country went out of use in that way. It was more profitable to use it in the melting-pot than it was to use it as a circulating medium. Hence it went there. As soon as those dollars went out of use, the effect of that statute was just the same as if it had declared that the silver dollar should not be a legal tender for any amount whatever. That was exactly the effect upon the silver dollar of that statute.

Mr. BOGY. If the silver was more valuable than the gold, the silver did not go to the melting-pot.

Mr. LOGAN. I have a different impression about that. I take the suggestion of the Senator; but I understand it differently. If the silver at the time was more valuable than gold, it would go out of use; when the gold is more valuable than the silver, that goes out of use; and that is perfectly natural. We all understand that. Hence the silver dollar did go out of use, and is out of use to-day.

Then we come to the revision of the statutes. I do not know that it is material how it came to be provided in the Revised Statutes that the silver coins should not be a legal tender for more than $5. The Senator from Missouri said this morning that it was a fraud. I do not know anything about that. In revising the statutes, without mentioning names, I should be inclined to come to the conclusion that the gentlemen who have been warring on silver, who have been connected with the matter in this country and others, naturally supposed that, inasmuch as the act of 1873 deprived the United States Mint of the power of coining the silver dollar, the silver dollar was not a legal tender and was not intended to be; and hence the revision came around as it did.

Mr. SHERMAN. May I interrupt the Senator?

Mr. LOGAN. Yes, sir.

Mr. SHERMAN. It has been suggested by the Senator from Nevada and perhaps by others that the purpose of this law was to take away from the debtor some advantage of paying in silver rather than in gold. That would be clearly a foolish idea, because at the time the law was passed silver was worth more than gold, and therefore it could not have been passed with any idea of depriving the debtor of a right which he would not have exercised in the then condition of affairs.

Mr. LOGAN. The point I was intending to get at was this: Inasmuch as the country and the people have been deprived of the right to pay in silver coin by an act denying the right to coin the silver dollar, it being a legal tender at that time for all amounts, the country will expect that when you restore that silver dollar you let it be a legal tender for all amounts just as it was up to 1873; and it is just and proper that it should. When you restore the silver dollar in this country and give it a place and say its place shall only be for $20 or $10 or $5, you deprive the people of this country of a right which they enjoyed from 1792 to 1873 and a right of which they have been deprived in a manner that they know not how. If the silver dollar was a good legal tender in 1873, it ought to be a good legal tender to-day for all amounts, in my judgment. This bill as reported limits the legal-tender quality to $20. So far as I am concerned—and I speak for myself alone—I will vote to strike out the twenty-dollar limit and let the dollar stand as a legal tender, as it did up to 1873, for all amounts.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business, but I give way to my friend from Missouri, who wishes to make a suggestion about the pending bill, I understand.

Mr. BOGY. I desire to move that the pending bill, with the amendments, be printed. Many inquiries have been made of me for information on the subject, and the bill ought to be printed.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That order will be made, if there be no objection.

Mr. EDMUNDS. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session, the doors were re-opened, and (at four o'clock and fifty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 25, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

SPECIAL-TAX STAMP.

Mr. MORRISON. I am directed by the Committee of Ways and Means to report back a joint resolution (H. R. No. 99) concerning special-tax stamps, with the recommendation it do pass.

Mr. HOLMAN. Let the joint resolution be first read, and I reserve objection until it is read.

The joint resolution, which was read, provides that nothing contained in chapter 3 of title 35 of the Revised Statutes shall prevent the issue, under such regulations as the Commissioner of Internal Revenue may prescribe, of special-tax stamps to persons carrying on the business of retail dealers in liquors, retail dealers in malt liquors, or dealers in tobacco upon passenger railroad trains or upon steamboats or other vessels engaged in the business of carrying passengers.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

Mr. MORRISON. As the special-tax year begins on the first of May, there is necessity for immediate action on this bill; and as it is recommended by the Commissioner of Internal Revenue and reported favorably from the Committee of Ways and Means, I presume there will be no objection to it.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding with the consideration of the legislative appropriation bill.

Mr. HARRIS, of Virginia. I rise to a question of privilege, and call up the resolutions reported from the Committee of Elections in the case of J. V. Le Moyne *vs.* Charles B. Farwell, of the third congressional district of Illinois, for action at this time.

Mr. RANDALL. I hope that will not be done. I raise the question of consideration. I want to state the fact that I lost all of last week by reason of the bill transferring the Indian Bureau from the Interior to the War Department being pressed for consideration.

Mr. HARRIS, of Virginia. At the rate of progress of the legislative appropriation bill in the Committee of the Whole on the state of the Union, it will take at least two or three weeks to finish it. This contested-election case will require but a day, and it is only just that the parties should know what are their rights. If the contestant is entitled to his seat, he should have it upon this floor to represent his people according to their will, and not have the question postponed for two or three weeks.

Mr. RANDALL. Instead of two or three weeks, I hope to finish the legislative appropriation bill in two or three sessions of the House.

Mr. HOAR. I object to debate.

The SPEAKER. The question is whether the House will now proceed to the consideration of the contested-election case of Le Moyne

against Farwell. The gentleman from Pennsylvania has raised the question of consideration, proposing to go into committee on the legislative appropriation bill. The question first recurs on taking up the contested-election case.

The House divided; and there were ayes 24, noes not counted.

Mr. HARRIS, of Virginia, demanded the yeas and nays.

The House divided; and there were—ayes 17, noes 84.

Mr. HARRIS, of Virginia, demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. HARRIS, of Virginia, and Mr. RANDALL were appointed.

The House again divided; and the tellers reported ayes 30.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 119, not voting 100; as follows:

YEAS—Messrs. Ainsworth, Bagby, John H. Baker, Blackburn, Bland, John Young Brown, William R. Brown, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clark, jr., of Missouri, Cochrane, Cowan, Davis, De Bolt, Douglas, Ellis, Felton, Franklin, Gause, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hereford, Hill, House, Frank Jones, Thomas L. Jones, Knott, Lane, Levy, Maish, McFarland, Meade, Milliken, Money, Morrison, New, Parsons, John F. Philips, Poppleton, Reagan, James B. Reilly, Rice, Riddle, Roberts, Miles Ross, Scales, Sheakley, Slemons, Sparks, Springer, Tarbox, Thomas, Thompson, Throckmorton, Tucker, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Warren, Wigginton, Wike, Jeremiah N. Williams, and Yeates—71.

NAYS—Messrs. Anderson, Atkins, George A. Bagley, John H. Bagley, jr., William H. Baker, Bell, Blair, Blount, Bradford, Buckner, Horatio C. Burchard, Burleigh, Cason, Chittenden, John B. Clarke of Kentucky, Conger, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Darrall, Denison, Dibrell, Dunnell, Durham, Eames, Ely, Evans, Foster, Frye, Fuller, Garfield, Gibson, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Benjamin W. Harris, Hatcher, Hathorn, Hays, Hendee, Henderson, Goldsmith W. Hewitt, Hoar, Holman, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Kehr, Kelley, Kimball, George M. Landers, Lawrence, Leavenworth, Lewis, Lord, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, McDill, Metcalfe, Monroe, Morey, Morgan, Neal, Norton, O'Neill, Packer, Page, Payne, Piper, Plaisted, Platt, Potter, Pratt, Randall, Rea, John Robbins, William M. Robbins, Robinson, Rusk, Sampson, Savage, Sinnickson, William E. Smith, Southard, Stevenson, Stone, Stowell, Teese, Washington Townsend, Tufts, John L. Vance, Wait, Waldron, Alexander S. Wallace, Erastus Wells, Wheeler, Whiting, Whitthorne, Willard, Andrew Williams, James D. Williams, William B. Williams, Willis, Wilshire, Fernando Wood, and Woodburn—119.

NOT VOTING—Messrs. Adams, Ashe, Ballou, Banks, Banning, Barnum, Bass, Beebe, Blaine, Bliss, Boone, Bradley, Bright, Cabell, Campbell, Cannon, Caswell, Clymer, Collins, Cook, Davy, Dobbins, Durand, Eden, Egbert, Farwell, Faulkner, Forney, Fort, Freeman, Frost, Glover, Goode, Hancock, Haralson, Hardenbergh, Harrison, Haymond, Henkle, Abram S. Hewitt, Hoge, Hooker, Hunton, Hyman, Jenks, Joyce, Kasson, Ketchum, King, Lamar, Franklin Landers, Lapham, Luttrell, McMahon, Miller, Mills, Mutchler, Nash, O'Brien, Odell, Oliver, Phelps, William A. Phillips, Pierce, Powell, Purman, Rainey, John Reilly, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, Singleton, Smalls, A. Herr Smith, Strait, Stenger, Swann, Terry, Thornburgh, Martin I. Townsend, Turney, Van Vorhes, Gilbert C. Walker, John W. Wallace, Wells, Walsh, Ward, G. Wiley Wells, White, Whitehouse, Alpheus S. Williams, Charles G. Williams, James Williams, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodworth, and Young—100.

So the House refused to consider the report of the Committee of Elections.

During the roll-call,

Mr. HARRIS, of Georgia, said: I desire to state that Mr. HAYMOND, of Indiana, is detained from his seat by sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the legislative, &c., appropriation bill.

Mr. HENDEE. I desire to make a parliamentary inquiry. When the House adjourned yesterday, it had ordered the bill for the taxation of the District of Columbia to be engrossed and read a third time. I desire to inquire whether by the intervention of other business that business must go over, or whether it is proper to take it up at this time. The previous question is operating on the bill.

The SPEAKER. In the judgment of the Chair, the unfinished business of yesterday, being the unfinished business of the Committee for the District of Columbia, must stand within the privileges and order of that committee. It is unfinished business therefore on that committee's next day. In other words, it is the judgment of the Chair that the other committees are as much entitled to protection against the Committee for the District of Columbia as that committee is entitled to protection against them. There should be reciprocity in the application of this rule. The Chair is willing, however, to take the sense of the House whether the unfinished business of the District Committee shall now be disposed of.

Mr. HENDEE. Very likely the Chair may be correct in his ruling. I desire, however, to say that the bill is a very important one, and, although objectionable to some of the committee, they believe it will be properly amended in the Senate, and desire to have it passed. I believe it may be passed without any discussion.

Mr. RANDALL. That requires unanimous consent.

Mr. BUCKNER. I ask unanimous consent.

The SPEAKER. It is entirely competent for the House, by consent, now to proceed to the completion of that business; and if that be the pleasure of the House it may be done at once. Is there objection?

There was no objection.

DISTRICT TAX-BILL.

The House accordingly resumed the consideration of the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes; which, as amended by the adoption of the substitute of Mr. NEAL, had been ordered to be engrossed and read a third time.

The bill, being engrossed, was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I now renew my motion.

Mr. SCALES. I ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. RANDALL. I have no objection to yielding to the gentleman from North Carolina and to other gentlemen for matters which will require no debate and will only occupy a very few minutes.

Mr. HURLBUT. I demand the regular order.

Mr. RANDALL. The regular order being demanded, I insist on my motion that the House now resolve itself into Committee of the Whole to resume the consideration of the legislative, &c., appropriation bill.

The motion was agreed to.

The SPEAKER. The Chair, before this order proceeds, begs the House to permit some business on the Speaker's table to be disposed of.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury; and

An act (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia.

IMPEACHMENT OF WILLIAM W. BELKNAP.

The SPEAKER. In the matter of the pending impeachment in the Senate of the United States the pleadings have proceeded a step further, and the Clerk of the House makes the following report, which will be read.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 25, 1876.

SIR: I have the honor to transmit herewith copy of demurrer and rejoinders to the replications of the House of Representatives to the plea in abatement in the case of the United States of America *vs.* William W. Belknap, late Secretary of War, upon impeachment, delivered to me by the Secretary of the Senate last evening at seven o'clock and ten minutes.

Very respectfully,

GEORGE M. ADAMS,
Clerk House of Representatives.

Hon. M. C. KERR,
Speaker House of Representatives.

The SPEAKER. The Chair, unless there be objection, will direct the reference of these additional pleadings to the board of managers.

There was no objection.

DISTRIBUTION OF THE GENEVA AWARD.

Mr. LORD. I ask that by unanimous consent the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award, which has heretofore been made the special order twice, but not taken up, be now made the special order for the 28th instant, after the morning hour, and from day to day thereafter until disposed of, not to obstruct the consideration of the general appropriation bills.

There was no objection, and it was so ordered.

PACIFIC RAILROADS.

Mr. LAWRENCE, by unanimous consent, from the Committee on the Judiciary, submitted a report in relation to the Pacific railroads; which was ordered to be printed, and recommitted to the Committee on the Judiciary.

NAVAL APPROPRIATIONS.

Mr. WHITTHORNE. The Committee on Naval Affairs, who were directed by the House resolution, introduced by Hon. Mr. GOODE, and adopted by the House January 15, 1876, and by the House resolution, introduced by Hon. Mr. MORRISON, and adopted by the House January 14, 1876, to make inquiry in regard to certain matters embraced and set forth in said resolutions, beg leave to report that they have taken the testimony of sundry persons, together with certain documentary proof in response to said directions, which they herewith submit as a part of their report, and ask the order of the House that the same may be printed and re-referred to said committee. The committee further ask, inasmuch as they have not completed the inquiry directed to be made by the House in the adoption of the resolutions aforesaid, that the further order of the House be that such other testimony as may be by them taken in pursuance of the direction of said resolutions be likwise printed and recommitted to them.

Mr. HURLBUT. I object to the printing of any matter that is not before the House.

Mr. HALE. I demand the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House, pursuant to order, resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph on page 38 of the bill.

Mr. PAGE. The pending question when the committee was last in session was upon the paragraph beginning on page 37 and ending on page 38, which was not then disposed of.

Mr. RANDALL. There were several amendments pending to that paragraph, and I thought that the power of amendment was exhausted.

Mr. PAGE. There was only one amendment that had not been disposed of.

Mr. RANDALL. There was one amendment to make the appropriation for wages of workmen and adjusters at the mint at San Francisco $280,000, one to make it $275,000, and one to make it $250,000.

The CHAIRMAN. The Clerk informs the Chair that the paragraph is still subject to amendment, and the paragraph will be read.

The Clerk read as follows:

For wages of workmen and adjusters, $225,000; and hereafter no laborer or subordinate workman, or employé of any grade below the first assistant to the chief, (which first assistant shall in no case receive exceeding $7 per diem,) of any of the operative departments of this mint, who now receives a per diem compensation of more than $6, shall be paid exceeding the sum of $6 for each working-day; and no operative, fireman or helper, laborer or watchman, who now receives a per diem compensation of more than $3, and less than $5, shall be paid exceeding $3 per day, and only for actual service.

Mr. PIPER. I move to amend that paragraph in line 894 by striking out "twenty-five" and inserting in lieu thereof "seventy-four," so as to make the amount of the appropriation $274,000.

I do not desire to detain the committee upon this subject, and if it were not one of vital importance to the Pacific coast I would have let it drop where it ended on the last evening of the sessions of the committee. But this is an appropriation to defray the expenses of the mint at San Francisco, and this paragraph provides especially for paying of wages of the workmen.

It is unnecessary to say anything about the necessity of the case, because I presume every one understands that; but I desire to have read a letter written by myself and an answer from Dr. Linderman, the Director of the Mint.

The Clerk read as follows:

Private.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 12, 1876.

MY DEAR SIR: Will you let me know what is the least additional appropriation for the efficient operation of the San Francisco mint, as the subject will come up to-night?

Yours, &c.,

W. A. PIPER.

Dr. LINDERMAN.

Send to my rooms on Thirteenth, No. 608.

[Answer.]

For wages of workmen	$275,000
Incidental and contingent expenses	140,000

The coinage has nearly doubled as to gold and more than trebled as to silver. Next year's coinage will no doubt be much larger than ever before.

H. R. LINDERMAN.

Mr. RANDALL. I desire to move an amendment to the amendment, which has in view the perfecting of the clause. I move to strike out on page 37, line 894, all after the word "dollars" down to the end of the paragraph, as follows:

And hereafter no laborer, or subordinate workman, or employé of any grade below the first assistant to the chief, (which first assistant shall in no case receive exceeding $7 per diem,) of any of the operative departments of this mint, who now receives a per diem compensation of more than $6, shall be paid exceeding the sum of $6 for each working day; and no operative, fireman or helper, laborer or watchman, who now receives a per diem compensation of more than $3 and less than $5, shall be paid exceeding $3 per day, and only for actual service.

And to insert in lieu thereof the following:

And hereafter the daily wages paid for services to each employé in this mint shall not exceed in amount 25 per cent. additional to the daily rate of wages paid for similar services to the employés in the Mint at Philadelphia.

Now, I desire to have read a paper showing the relative prices paid at these two mints.

Mr. PIPER. I object to that amendment as not pertinent to the amendment which I offered.

Mr. RANDALL. This is very material.

Mr. PIPER. It is not material to the subject of the amendment I offered.

Mr. PAGE. The gentleman from Pennsylvania proposes to amend a different part of the paragraph from that to which the amendment of my colleague attaches.

Mr. PIPER. I object to that as an amendment to my amendment, which is merely to appropriate a specific amount.

Mr. PAGE. The gentleman can offer it afterward. I desire to offer an amendment to the balance of the paragraph myself.

Mr. RANDALL. This amendment comes from the Committee on Appropriations, but let me say to gentlemen that no advantage will be taken of them.

Mr. PIPER. I desire first to settle the question as to the amount of the appropriation, and I hope the gentleman from Pennsylvania will withdraw the amendment.

Mr. RANDALL. I cannot withdraw the amendment, and I now ask for the reading of the comparative statement showing the wages paid at the United States mints at Philadelphia and San Francisco.

The Clerk read as follows:

Comparative statement showing the wages paid at the United States mints at Philadelphia and San Francisco.

Workmen.	Philadelphia.	San Francisco.
	Per diem.	*Per diem.*
Assayer's assistants	$3 00 to $6 00	$5 00 to $7 75
Melters	3 25 to 3 75	6 00 to 6 90
Helpers	2 90 to 3 00	5 00 to 5 25
Operatives in refinery	3 00 to 3 50	5 25 to 6 00
Rollers	2 90 to 3 50	5 25 to 6 25
Cutters	2 90 to 3 50	5 25 to 6 25
Cleaners	2 90 to 3 50	5 25 to 6 25
Annealers	2 90 to 3 50	5 25 to 6 25
Machinists	3 75 to 4 50	5 50 to 6 70
Engineers	2 90 to 4 75	5 00 to 9 00
Carpenters	3 00 to 5 00	5 25 to 5 75
Laborers	2 75 to 2 90	3 25 to 4 75
Adjusters	1 75	(*)

*$80 per month, (about $3 per day.)

Mr. RANDALL. It will be seen that these salaries at the San Francisco mint, as has been estimated by a member of the Committee on Appropriations, are about fifty-odd per cent. higher than those at the Philadelphia Mint. That is one reason why this excessive appropriation is necessary.

I now submit a statement from the Secretary of the Treasury which, among other things, will show that the Secretary has recently reduced the expenditures of the custom-house at San Francisco more than $60,000, and that not only has he reduced the force in numbers, but he has reduced the pay of the clerks 10 per cent.:

Statement showing the reduction of the expenses of collecting the revenue from customs in the several districts and ports of the United States, December 1, 1875.

Port.	Amount.	Percentage.
Bangor, Maine	$4,045	35
Bath, Maine	3,205	40
Belfast, Maine	1,460	28
Ellsworth, Maine	1,095	20
Houlton, Maine	2,007	21
Kennebunk, Maine	312	28
Machias, Maine	912	22
Eastport, Maine	6,375	23
Castine, Maine	2,125	25
Portland, Maine	19,247	19
Saco, Maine	280	12
Waldoborough, Maine	2,920	31
Wiscasset, Maine	1,095	21
Portsmouth, New Hampshire	1,460	17
Burlington Vermont	10,771	13
Bristol, Rhode Island	1,224	78
Newport, Rhode Island	765	18
Providence, Rhode Island	7,792	34
Bridgeport, Connecticut	300	13
Middletown, Connecticut	629	24
New Haven, Connecticut	2,890	23
New London, Connecticut	200	9
Stonington, Connecticut	200	13
Barnstable, Massachusetts	1,460	15
Boston, Massachusetts	91,000	15
Edgartown, Massachusetts	790	14
Fall River, Massachusetts	1,030	20
Gloucester, Massachusetts	2,827	18
Marblehead, Massachusetts	312	21
Nantucket, Massachusetts	349	20
New Bedford, Massachusetts	1,330	17
Newburyport, Massachusetts	1,095	25
Plymouth, Massachusetts	895	34
Salem, Massachusetts	4,415	33
Buffalo, New York	11,955	20
Cape Vincent, New York	3,330	18
Plattsburgh, New York	3,836	21
Dunkirk, New York	1,636	49
Rochester, New York	3,165	13
New York, New York	329,000	15
Albany, New York	2,075	41
Suspension Bridge, New York	8,900	23
Ogdensburgh, New York	4,619	21
Oswego, New York	4,354	12
Sag Harbor, New York	1,215	61
Trenton, New Jersey	230	32
Somers's Point, New Jersey	524	19
Tuckerton, New Jersey	3,102	57
Newark, New Jersey	781	23
Perth Amboy, New Jersey	1,395	21
Philadelphia, Pennsylvania	54,000	15
Pittsburgh, Pennsylvania	1,765	22

Statement showing the reduction of the expenses, &c.—Continued.

Port.	Amount.	Percentage.
Erie, Pennsylvania	$5,327	76
Wilmington, Delaware	2,075	20
Georgetown, District of Columbia	1,395	23
Annapolis, Maryland	365	17
Baltimore, Maryland	60,000	15
Crisfield, Maryland	730	18
Alexandria, Virginia	2,490	64
Eastville, Virginia	1,094	24
Richmond, Virginia	2,772	31
Norfolk, Virginia	4,955	21
Petersburgh, Virginia	1,860	34
Tappahannock, Virginia	860	42
Yorktown, Virginia	495	24
Beaufort, North Carolina	555	23
New Berne, North Carolina	2,084	28
Edenton, North Carolina	1,825	33
Wilmington, North Carolina	4,022	26
Beaufort, South Carolina	1,215	34
Charleston, South Carolina	15,562	34
Georgetown, South Carolina	735	35
Brunswick, Georgia	660	10
Savannah, Georgia	11,487	25
Saint Mary's, Georgia	740	27
Mobile, Alabama	10,480	33
Shieldsborough, Mississippi	2,795	48
New Orleans, Louisiana	53,000	15
Brashear, Louisiana	7,602	65
Apalachicola, Florida	1,395	71
Fernandina, Florida	240	4
Key West, Florida	3,925	12
Pensacola, Florida	5,365	21
Saint Augustine, Florida	480	9
Jacksonville, Florida	1,570	31
Cedar Keys, Florida	600	8
Brownsville, Texas	12,150	20
Indianola, Texas	3,095	23
Galveston, Texas	11,680	21
El Paso, Texas	2,830	17
Corpus Christi, Texas	5,910	25
Louisville, Kentucky	783	5
Memphis, Tennessee	600	9
Saint Louis, Missouri	11,102	25
Cleveland, Ohio	6,641	32
Toledo, Ohio	1,795	17
Sandusky, Ohio	1,995	12
Cincinnati, Ohio	3,445	13
Evansville, Indiana	1,000	45
Detroit, Michigan	16,137	30
Port Huron, Michigan	11,260	24
Marquette, Michigan	3,590	25
Grand Haven, Michigan	720	8
Chicago, Illinois	13,234	25
Cairo, Illinois	495	26
Milwaukee, Wisconsin	1,200	12
Pembina, Dakota Territory	3,102	22
Du Luth, Minnesota	1,595	27
San Francisco, California	60,000	15
San Diego, California	470	5
Astoria, Oregon	2,965	29
Portland, Oregon	8,335	31
Empire City, Oregon	4,200	81
Port Townsend, Washington Territory	6,535	25
Sitka, Alaska	2,725	24
Total amount	1,023,038	....

Now we are willing to give the employés at the San Francisco mint 25 per cent. more than the employés at the other mints, which allows them the difference between currency and gold and 10 per cent. additional for what is alleged to be the cost of living there over what it is in Philadelphia. But that is not the case. I do not believe from the information that I have that there is really any additional expense or increase of expense in living at San Francisco over what it is in the eastern cities.

Take for instance the necessaries of life. I find that nothing rates higher there, except perhaps clothing, and to allow 10 per cent. for that is quite adequate. It almost seems to my mind as though the salaries at the mint at San Francisco had been made out for the especial purpose of absorbing and consuming the entire amount of the liberal appropriations heretofore made. Now I wish to show also a statement of the earnings from refining of the San Francisco mint from August 24 to December 31, 1876; which shows that it was upon an average $14,000 a month for refining, making an aggregate of $168,000 for that purpose and a total aggregate of $393,000. The statement is as follows:

Statement of earnings of refining of San Francisco mint from August 24 to December 31, 1876.

From gold deposits	$23,915 89
From silver deposits	26,050 73
From silver purchases	7,856 54
Total	57,823 16

Or an average of about $14,000 per month.

If I am wrong I hope the gentleman from California will correct me; but I think that amount will be as much as was ever used heretofore.

Mr. PIPER. What does the gentleman say was the aggregate appropriation?

Mr. RANDALL. About $393,000, estimating the refining at only $14,000 a month, while I am advised by the Director of the Mint that it may reach $30,000 a month; and of course that will increase it.

Mr. PIPER. My friend from Pennsylvania [Mr. RANDALL] and also my friend from Indiana [Mr. HOLMAN] seem to misapprehend this whole subject of refining. The refining and parting of bullion at the San Francisco mint has nothing whatever to do with the subject of coinage. According to the paragraph in this bill, which was prepared by myself upon coercion, all the profits of refining and parting go to pay the expenses of refining and parting; not one cent of the money arising from that source can be made applicable to coinage. The gentleman must well know that if he has examined the paragraph which I was coerced to accept and have put in the bill.

Mr. O'NEILL. I desire to state——

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. O'NEILL. If that amendment is withdrawn——

Mr. RANDALL. I will withdraw the amendment if my colleague [Mr. O'NEILL] will renew it.

Mr. O'NEILL. I will do so.

Mr. RANDALL. Before my colleague proceeds I desire to state that the Post-Office Department makes no difference whatever in the rates of compensation paid to its employés in San Francisco and in other parts of the country.

Mr. PIPER. My five minutes had not expired.

The CHAIRMAN. The Chair supposed the gentleman had concluded his remarks.

Mr. PIPER. Not at all. The gentleman from Pennsylvania [Mr. RANDALL] has presented a schedule of the wages of workmen at Philadelphia and at San Francisco. I ask him if he supposes for a moment that the people of San Francisco live in the same manner and for the same amount of money that they do in the older States, in the overpopulated manufacturing village of Philadelphia, situated on Delaware Creek, a hundred and sixty miles from the ocean? Why, sir, the thing is supremely ridiculous. San Francisco is only thirty years old, a new city on the verge of the great Pacific Ocean, where men live and let live; not like the people in Philadelphia, who try to get everything and give nothing. [Laughter.] The gentleman ought not to make any such comparison, ought not to compare the empire city of the Pacific coast with an old overpopulated manufacturing country village on a mud creek. [Great laughter.]

[Here the hammer fell.]

Mr. O'NEILL. I am sorry that my friend from California [Mr. PIPER] has said what he has, because his remarks have drawn me from the line of argument which I wished to make. He speaks of this village on the Delaware River. Now, I want to tell him and the members of this House what that village is. [Laughter.]

Mr. RANDALL. They all know it.

Mr. O'NEILL. In the first place, it is a village that contains about 143,000 or 144,000 dwelling-houses.

Mr. PIPER. Only a village, nevertheless.

Mr. O'NEILL. It contains more dwelling-houses than the cities of New York, Brooklyn, and San Francisco combined. I want to tell the gentleman, moreover, that the village of Philadelphia, as he calls it, contains a population of 817,000 and over, about 200,000 of whom in prosperous times are engaged in manufacturing. It is a city containing nine or ten thousand manufacturing establishments, large and small. I do not wonder that the gentleman is asking for higher wages for operatives in his mint in San Francisco than he wants those in Philadelphia to get. I suppose it requires a large expenditure of money to get skilled mechanics and laborers to go to San Francisco. They must obtain them from eastern cities; they must offer inducements to get them to leave Philadelphia, Boston, New York, or other cities where skilled mechanics grow up and are educated.

I am sorry that the pay of the operatives in the Philadelphia Mint is reduced. I do not believe the laborer or the skilled mechanic there is sufficiently paid for the work he does. I for one am not in favor of cutting down the pay of skilled mechanics or laborers anywhere. Now, in reference to the cost of living, I do not believe that it costs any more for a good, steady, hard-working man to live in San Francisco any one day of the week than it would cost the same man to live in Philadelphia or New York. I do not believe that marketing is any higher there or that house rent is any higher than it is in Philadelphia for the same extent of accommodation. The comparison has often been made between Philadelphia and New York. Why, sir, the expenses of living in Philadelphia are not to be compared with the expenses of living in New York; for in Philadelphia people live, and do not merely exist; I mean the manner of the living of the skilled mechanic or laborer. There can really be no comparison made. In Philadelphia every man lives in a house, is a housekeeper, and gives his family a chance for health and life. In the city of New York families live in a room or in crowded apartments, and they do not pay the same rent for a room that a Philadelphia man does for a house.

I have always felt that an invidious and unjust distinction has been made by the Departments of the Government here in reference

to salaries and wages paid in Philadelphia when compared with the prices of living in Philadelphia, the rule being that in New York the Government employé is entitled to somewhat higher pay than in Philadelphia. I think the superintendent of the Mint in Philadelphia has from time to time reduced the pay of the skilled mechanics and laborers in that institution, they being reliable, steady, and tried men, who earn and have earned the highest compensation, and that it is now far too low for the manner in which duty is done and the long hours of employment exacted, the work continuing from eight o'clock in the morning until five in the afternoon. He has been doing this for a year or two past, as circumstances, in his judgment, would permit, and the pay now is at the very lowest point; and I hope neither Congress nor the superintendent will make no more reductions, if they want men to live at all. I cannot see why they should pay two-fifths more wages in San Francisco for the same class of labor when it gets there than they pay in Philadelphia, and for labor, too, which is obtained from eastern cities, especially from Philadelphia. In the Mint in Philadelphia, as well as in the branches of the mint elsewhere throughout the country, you want skilled labor, and that skilled labor must be obtained from the eastern cities.

Now I am opposed to any reduction by legislation in the pay of the men employed in the Mint at Philadelphia; but I think that the pay of those employed in the San Francisco mint is far higher than it should be by comparison with the pay of those employed at Philadelphia.

Mr. RANDALL. I desire to say to my colleague [Mr. O'NEILL] that we have not reduced at all the wages at Philadelphia.

Mr. O'NEILL. Well, is it not doing practically the same thing to reduce the aggregate of the appropriation? The effect of such reduction must be either to reduce the wages or to cause the discharge of employés. There is ample work for at least the number now employed. There is no sound reason for cutting down the pay either now or during the next fiscal year.

Mr. PAGE. I understood the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, to state just now that they have not reduced the wages of labor at the Philadelphia Mint. I am very glad to hear that; but they do propose to reduce the wages in the city of San Francisco.

Mr. HOLMAN. O, no.

Mr. PAGE. I say yes, Mr. Chairman; the gentleman from Indiana, [Mr. HOLMAN,] when the bill was under consideration the other night, made a statement drawing a comparison between the number of pieces coined at San Francisco and the number coined at Philadelphia. He showed by a table that there were 14,000,000 more pieces coined in the Philadelphia Mint than in the mint at San Francisco; but he did not tell this House that most of those pieces coined at Philadelphia were cent pieces or nickels, and that the value of the 14,000,000 pieces was only $230,000. He did not inform the House that for such pieces no adjusting is required; they are run as you run bullets, no adjusting at all being necessary. But I find in the appropriation for the Philadelphia Mint a provision for an assistant adjuster and an assistant coiner, and three or four officers unknown to the San Francisco mint. I find that the aggregate appropriation for salaries of officers at the Philadelphia Mint is $31,000, against $19,000 for salaries of officers at the San Francisco mint. The mint at San Francisco coined over $31,000,000 last year, against $9,000,000 coined in the city of Philadelphia.

Now it is proposed by this bill to reduce this appropriation for San Francisco mint vastly below what it was last year. At the same time it is expected that the coinage at the San Francisco mint will be increased to over $50,000,000. It appears to me folly for the committee to attempt to cut down the appropriations for any of these mints, when it is a fact that under the law recently passed by Congress it will be necessary that $30,000,000 in subsidiary silver coin shall be put upon the market within the next year. How do the committee propose to make provision for this coinage of $30,000,000 which is to be put in circulation under the law recently passed?

Mr. RANDALL. We propose to arrange that matter in the sundry civil bill.

Mr. PAGE. I do not wish to be interrupted; wait till I get through, if you please.

Mr. RANDALL. You asked a question.

Mr. PAGE. You can answer it when your time comes.

Now in reference to the reduction of the wages of the laborers in San Francisco, this bill provides that those laborers shall not be paid more than $3 a day in greenbacks.

Mr. RANDALL. O, no.

Mr. PAGE. Yes, sir; $3 a day. Here it is in the bill.

Mr. HOLMAN. Look at the amendment.

Mr. PAGE. I am speaking of the bill. The amendment has not been adopted. The bill limits the wages of laborers at San Francisco, where they have been in the habit of receiving over $3 and not exceeding $5 a day, to $3 in greenbacks, when it is well known to every gentleman on this floor that this sum is equivalent to only about $2.50 in coin. It is to be considered also that laborers in California are compelled to pay in gold coin for their board, their clothing, and whatever else they may need to sustain life. In the State of California you cannot get a man to do any responsible work for $2.50 a day. There is no man on this floor who does not know this statement to be true

I desire to call attention to a letter from the superintendent of the San Francisco mint in reference to this question:

> The requirements in lines 901, 902, and 903, limiting the compensation of all employés of a certain grade to $3 per day in currency, would, if enforced, have the effect of substituting in place of intelligent, competent, and trustworthy men the very lowest order of manual labor. The compensation is about the same that is paid to those laborers who drive paving-blocks, shovel sand, and dig ditches, and would command a similar order of talent and a corresponding degree of responsibility.

Besides, sir, those laborers in the San Francisco mint are sometimes what are known as assistant engineers; and in case of the absence or disability of the engineers, those laborers whom you propose to hire for $2.50 a day would be compelled to run the engines.

One word in reference to the provision in this bill that moneys received for parting or assaying bullion may be used in meeting the expenses of the mint. Let me read what the superintendent of the San Francisco mint says in reference to this question. This officer has been there over six years; and I defy any contradiction to the statement that during his administration the affairs of that mint have been managed as economically as those of any other mint in the United States.

He says:

> The appropriation of $75,000 for "material and repairs, fuel, lights, chemicals, and other necessaries" is totally inadequate to the necessities of this mint, and which is in no degree benefited by the provision of the bill which permits the employment of the refining and parting charges to defray the cost of conducting the refinery. The charges thus collected would barely pay the cost of conducting the refinery alone. Under the terms of the bill, therefore, the only appropriation for the ordinary and contingent expenses for the ensuing year would be the sum of $75,000, the inadequacy of which amount has been shown in previous years in the performance of far less work than is now required to be executed. The appropriation of the last fiscal year was $75,000, with a deficiency which was provided for by Congress of $19,000, making a total of $94,000. The estimates were based on the proposed coinage of gold and trade-dollars alone, and the entire amount sufficed for a gold coinage of $26,000,000 and a silver coinage of $1,330,000, the great bulk of the latter being in trade-dollars.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAGE. One word more. You see by this statement of the superintendent of the mint that the provision of the bill which allows him to use this money collected for parting and refining bullion does not help the San Francisco mint at all.

[Here the hammer fell.]

Mr. KELLEY obtained the floor.

Mr. RANDALL. I wish to answer one point made by the gentleman from California, and then I will yield to my colleague.

Mr. KELLEY. I was recognized, and you can get the floor afterward. I renew your amendment.

Mr. Chairman, I shall not waste time in vindicating that beautiful little village one hundred and sixty miles from the sea on Delaware Creek. [Laughter.] It is a nice little town, and my colleagues may take care of it.

I rise for the purpose, sir, of calling the attention of the committee to the fact that all the money to be appropriated for coining gold is simply wasted—a mere gratuity to the politicians of the cities in which there are mints. I do not think my friend from the magnificent city of San Francisco will like that.

Mr. PIPER. I like it very well; I am not a politician.

Mr. KELLEY. We have coined, between 1849 and 1870, $540,000,000 of gold. Where is it? It has all gone abroad as merchandise, and would have paid every dollar it has paid and some thousands more if it had gone abroad in mint-bars with the weight and fineness stamped on each bar. To reduce the bars to dollars, or two and one-half, or five, or ten, or twenty-dollar pieces, is to waste part of the gold, the silver, and copper of which the coin is made, is to use up dies, to salary a die-cutter, to involve the cost of machinery, acids, and fuel, to pay labor to the end that the net result shall be a smaller shipment of gold than otherwise would be made.

This is equally true of silver, of which we have coined since 1821 $133,900,463. Where are they? Where are all these coins? They are to be found only in the British sovereign, in the French louis, and in the German mark. Not one hundred million of them exist in American coin. You ship them as coin. When they arrive at the foreign country they are sent to the bank as bullion, and thence to the mint. They are weighed. One of them is assayed. They are then put into the melting-pot.

Why should we not have saved the $11,000,000 we have paid for this tomfoolery since 1860? Why should we go on wasting gold, silver, fuel, labor, in order to reduce the sum total of our exports of gold and silver? I do not raise the question of coining the fractional currency which we have made a substitute for the paper currency.

I have been unfortunate enough to take a ten-cent piece. They call it silver. It was made at San Francisco, and I am very sorry when I contemplate it, and only in that respect, that San Francisco is an American city, for I would rather this thing had been coined in Japan or China. The woman has no face. [Laughter.] The liberty-cap looks like a slouch night-cap. The pole upon which it rests, disappears before it gets up to it. [Laughter.] The cross-bars show that the die in which it had been stamped had never been smoothed. The little *s* which marks it as coming from San Francisco would be mistaken for an 8, or would be likely to be mistaken by a German for a bretzel. [Laughter.] Altogether the old coins, antedating the Christian era, gathered in the museum of the Philadelphia Mint, are elegant specimens of die-sinking and coining in comparison with this work

from San Francisco which so overtops that little village on Delaware Creek, one hundred and sixty miles from the ocean!

My colleague said we sent the mechanics to do their work. God forefend he should prove that this work had been done by any Philadelphia mechanic, either in the cutting of the die or stamping the coin!

But I come back seriously, and ask this committee to consider why it shall go on coining money at the expense of nearly a million a year, when to reduce the metal to bars, to stamp it by the Mint as to weight and fineness would answer our purpose, and will continue to answer until the balance of trade shall have turned in our favor and we may hope to retain gold enough to become part of our circulating medium.

[Here the hammer fell.]

Mr. RANDALL. There is a point in the remarks of the gentleman from California [Mr. PAGE] to which I wish to reply, and that is where he makes allusion to the fact that an excessive amount of silver subsidiary coin is necessary to be minted during the coming fiscal year. The committee of course in reporting this bill took no notice of that fact, because the law had not then passed providing for the issue of subsidiary silver coin. Therefore whatever may be found necessary in excess of these appropriations for that purpose will be embraced in the sundry civil bill. I now ask for a vote on the amendment.

Mr. PIPER. I move to strike out in line 104, after the word "day"——

Mr. RANDALL. Wait until my amendment is disposed of.

The CHAIRMAN. The amendment to the amendment is now pending.

Mr. RANDALL. I insist on a vote on my amendment.

Mr. PAGE. I would like to ask the chairman of the committee to permit a vote to be taken on my colleague's amendment to strike out $225,000 and insert $274,000; and the vote can then be taken on the amendment of the chairman of the committee.

Mr. RANDALL. I wish to have a vote on the amendment to the amendment which I have offered by the direction of the committee.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] to the amendment of the gentleman from California, [Mr. PIPER.]

Mr. RANDALL'S amendment was read.

Mr. PAGE. I rise to a point of order. The amendment of my colleague is before the amendment of the gentleman from Pennsylvania and does not embrace any portion of the paragraph which the gentleman from Pennsylvania proposes to amend.

Mr. RANDALL. We must perfect the section first. My amendment bears directly on the total amount necessary.

The CHAIRMAN. The Chair has already ruled that the amendment to the amendment is first in order, its object being to perfect the section.

The question being taken on Mr. RANDALL'S amendment, it was agreed to.

The CHAIRMAN. The question is next on the amendment of the gentleman from California [Mr. PIPER] to strike out "$225,000" and insert "$274,000."

The question being taken, there were—ayes 28, noes 96.

So (further count not being demanded) the amendment was not agreed to.

The Clerk read the following paragraph:

For material and repairs, fuel, lights, chemicals, and other necessaries, $75,000.

Mr. PIPER. I offer the following amendment:

In line 906, strike out "$75,000" and insert "$140,000."

Now, I purpose the labor question will not be held to enter into this matter. This is for what is called incidental expenses of the mint. These incidental expenses include all that which is necessary to conduct the refining and coining of money; such as acid, fuel, chemicals, wood and coal, crucibles, copper, gloves, mittens, canisters, zinc, borax, niter, and a number of other necessary articles to carry on this business.

Now I presume that Dr. Linderman, who is the Director of the Mints of the United States, ought to know something about the subject of coining. But it would appear that the Committee on Appropriations pay very little attention to what he says or what he advises. If this be so it is somewhat extraordinary, I must say. I would like to ask the gentlemen of that committee, and especially the chairman and the gentleman from Indiana, [Mr. HOLMAN,] if they assume that they understand this subject better than the Director of the Mint? If Dr. Linderman does not understand this subject he ought to be discharged and some man placed there who does understand it.

Now, I will observe, Mr. Chairman, that in reply to my communication to Dr. Linderman, in which I asked him to designate the lowest possible amount for efficiently conducting this mint, he says that for incidental expenses $140,000 is absolutely necessary.

A number of the members of this House are in love with rag money, and among the most devoted of them is the gentleman from Philadelphia, [Mr. KELLEY.] He just now held up to view here a ten-cent piece and commented upon it, and looked at it with a microscope, I believe; at least he was holding over it a glass of some kind or other. Now, [holding up a ten-cent fractional-note,] here is another ten-cent piece. Look at this, gentlemen. Is not this a pretty thing, a nice thing for a gentleman to carry in his pocket? [Laughter.] It is so dirty that it even soils my hands, although I do not profess to be very fastidious. Then again the gentleman referred to the vast amount of money that has been expended in coinage. He did not say one word about the vast amount of money that has been expended in printing his rag idols that he so religiously worships morning, noon, and night. How much, will the gentleman tell us, has that cost since 1861, when you commenced making that rag money? Why, its cost has been almost a thousand millions, one way or another.

Only a few days ago, on the floor of this House, it was stated that it was necessary to appropriate at least $1,250,000 to continue the printing of this fractional rag currency, this fractional currency alone. And in this very bill, or in a bill passed a few days ago, which the chairman of the Committee on Appropriations in a very peculiar way brought in, there was appropriated I think $160,000 for some purpose or other connected with the printing of this beautiful rag money that my friend from Philadelphia so religiously worships.

Mr. RANDALL. The gentleman is mistaken; I have introduced no such bill.

Mr. PIPER. It was reported by the committee of which you are chairman.

Mr. RANDALL. No, sir.

Mr. PIPER. I beg leave to differ with you.

Mr. RANDALL. I brought in a bill appropriating $160,000 to print United States notes, not fractional currency.

Mr. PIPER. I understood the bill to be for a deficiency for some branch of your money-printing establishment.

Mr. RANDALL. I cannot help the gentleman's understanding.

Mr. PIPER. What was it for then?

Mr. RANDALL. The $163,000 was for the printing of the United States notes known as greenbacks, and not for printing fractional currency, as the gentleman stated.

Mr. PIPER. It was I believe to liquidate a deficiency, because these gentlemen up there in that rag-money establishment had exhausted their appropriations, for which they ought to have been punished probably if the law had been enforced.

Now, sir, I repeat in regard to my amendment that this is not for labor. The chairman of the Committee on Appropriations has seen fit to cut down the wages of the workingmen, of the mechanics and the artists that are employed in the mints. The next idea is to reduce the appropriations for acids and anthracite coal, which are imported from Pennsylvania. I think there will be a row raised over that.

Mr. RANDALL. I believe there is no tariff on anthracite coal.

Mr. PIPER. I believe it is imported from Pennsylvania. That is striking home. Of course if there be no money there will be no pay for the Pennsylvania anthracite coal.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RANDALL. I will give the gentleman half of my time.

The CHAIRMAN. The gentleman from California [Mr. PIPER] is entitled to two and a half minutes longer by the courtesy of the gentleman from Pennsylvania.

Mr. PIPER. Now, sir, all this is a tempest in a tea-pot. The gentleman from Pennsylvania, the chairman of the Committee on Appropriations, sets up to be the most economical man I have ever known in the course of my life, and I must say here on this floor, and I say it seriously, that it illy becomes him to claim to be so. It is not more than a year or a year and a half since the gentleman from Pennsylvania was not so economical with the public money. He even was so generous, Mr. Chairman, as to vote out of the Treasury, not prospectively but retrospectively, money into his own pocket. I hope, Mr. Chairman, that the members of this House will take into consideration that it is an absolute necessity that is asked here for this amount, and the object of it is to buy material to coin good money, and not rag money.

[Here the hammer fell.]

Mr. RANDALL. In reply to the gentleman from California and to one or two other gentlemen who have spoken, I would like to say this, that whenever gentlemen want to be rude to me I think they ought not to select this floor for that purpose, because I do not believe that the public or the House takes any interest in that matter.

Now, in reference to the cutting down of this amount, I want to read a letter from a gentleman, whose name is at the disposal of any one here, whose education in his profession was in the Mint, who has devoted a life-time to mint subjects, and he writes to me in this language:

378 VANDERBILT STREET, BROOKLYN,
March 13, 1876.

Hon. SAMUEL J. RANDALL,
House of Representatives, Washington, D. C.

MY DEAR SIR: I notice that the House Committee on Appropriations have recommended for the support of the mints and assay offices, for 1876–'77, $728,820, thus bringing the estimates to the average annual expenditures during several years immediately preceding the establishment of the mint bureau.

Under the present management the Director has asked for more than half a million of dollars beyond the appropriations for 1872–'73.

Dr. Linderman may plead that the business of 1871, when the sum of $723,707 was appropriated for the support of the mints and assay offices, amounted to only $23,258,380 in gold and silver coinage, and that only 4,795,386 pieces or coins were manufactured.

Anticipating a large coinage of silver the coming year, involving the manufacture of sixty or seventy million pieces, he may urge this as a reason why the expenditures for 1876–'77 may be expected to be twice as great as in 1871.

However specious may be that aspect of the case, (if he entertains it,) its force as an argument fails before the fact which I take the liberty of bringing to your notice.

In 1853 the coinage of gold and silver at the Mint in Philadelphia consisted of 69,708,661 pieces, of the value of $48,455,480, while the total expenditures were only $420,626.08; from which it appears that, as compared with 1871, the coinage was two and one-twelfth times greater in value and fourteen and one-half times greater than the number of pieces coined.

In your last letter you stated you would, as occasion requires, call on me for information. I have anticipated your call, owing to my sympathy in your expressed purpose to lop off every unnecessary dollar from the estimates submitted to your committee.

I assume that the Director will hardly accept the recommendation of the committee if he can gainsay it by any plausible exhibit. He may name for his argument what I have supposed he naturally would or he may present other reasons which do not occur to me.

And he concludes his letter with this marked language:

I fully concur with the committee as to the sum they have recommended for the support of the mints and assay offices being amply sufficient.

We have not relied upon our own knowledge, but we have sought information in every direction with reference to the amount of money necessary to carry on the mints. I ask for a vote.

Mr. PAGE. I would like to ask the chairman of the Committee on Appropriations to give the name of the writer of that letter, if he has no objection.

Mr. RANDALL. I will show it to the gentleman here if he will come over from the other side of the House. I do not choose to drag private citizens into the debate, but the letter is here, and every gentleman can see it, and will recognize the writer as one of the worthiest men in the country as soon as they read the name.

Mr. PAGE. I will say that if private citizens come here with letters and documents they should be read at the Clerk's desk.

Mr. RANDALL. Well, the gentleman had better not get into a fever-heat.

Mr. PAGE. I rose more especially for the purpose of asking the gentleman from Pennsylvania if he does not know that, since the passage of the act by this House and by the Senate for the coining of subsidiary silver coin for the redemption of fractional currency, it will be necessary to have at least $30,000,000 of silver coined within the next twelve or fifteen months, and if he believes, from the knowledge in his possession, that this appropriation is sufficient to carry on the San Francisco mint?

Mr. RANDALL. I stated before when I was on the floor that the committee had no estimate as to what amount would be necessary to mint the additional silver coin for the purpose of substituting it for the fractional currency, but when we get that information, whatever may be required in excess over the appropriation in this bill can be embraced in the sundry civil bill.

Mr. PAGE. The Superintendent of Mints, Dr. Linderman, who has been in consultation with the committee all the time, has addressed a letter in response to one from my colleague, [Mr. PIPER,] wherein he states that $140,000 is the least amount that should be appropriated by this House for material, repairs, fuel, lights, chemicals, and other necessaries for the mint at San Francisco.

Now, I do not suppose that there is any member of the Committee on Appropriations who desires to cripple the mint either at San Francisco or Nevada or at Philadelphia. I ask them, then, to be fair, and to give in this bill such additional appropriation as may be needed, since the fact has come to their knowledge that an additional appropriation will be necessary. If the amount asked for by my colleague [Mr. PIPER]—$140,000—is too much, then amend it and give something that will justify Congress before the people of this country; and do not make a little, insignificant appropriation of $75,000, when the gentleman from Pennsylvania [Mr. RANDALL] himself knows and the gentleman from Indiana [Mr. HOLMAN] knows very well that this amount will render almost void all work at the San Francisco mint during the next year; it is wholly inadequate, and there is not a member of the committee who does not know the fact.

Mr. RANDALL. The appropriation last year for this purpose was only $86,000, and we have made it $75,000, and believe that amount sufficient.

The question was taken on Mr. PIPER'S amendment, and it was not agreed to.

The Clerk read as follows:

Mint at Carson, Nevada:

For salary of assayer in charge, $2,500; melter, $2,250; and two principal clerks, at $1,800 each; in all, $8,350.

Mr. RANDALL. I am instructed by the Committee on Appropriations to offer the following amendment:

Strike out all of that paragraph after the word "Nevada" down to the close of the paragraph, and insert in lieu thereof the following:

For salary of superintendent, $2,700; for assayer, melter, refiner, and coiner, at $2,250 each; chief clerk, $2,250; cashier and book-keeper, at $2,000 each; weigh clerk, voucher clerk, and computing clerk, at $1,800 each; in all $21,100.

The amendment was agreed to.

The Clerk read the following:

For wages of workmen and adjusters, $20,000.

Mr. RANDALL. By direction of the Committee on Appropriations, I move to amend by striking out "$20,000" and inserting "$40,000." The next clause is as follows:

For materials and repairs, fuel, light, charcoal, chemicals, and other necessaries, $20,000.

I am instructed by the Committee on Appropriations to move to amend that paragraph by striking out "$20,000" and inserting "$25,000."

Mr. WOODBURN. I move to amend the amendment so as to make the amounts respectively $85,000 and $100,000.

The CHAIRMAN. The amendments must be to the paragraph now under consideration.

Mr. WOODBURN. The chairman of the Committee on Appropriations moved two amendments.

Mr. RANDALL. I will move the first amendment now, and the other when that paragraph has been read. My amendment is to make the sum for workmen and adjusters $40,000.

Mr. WOODBURN. I move to amend so as to make it $85,000. In moving that amendment I feel that I am in perfect accord with that spirit of retrenchment that is manifested in every line of this bill. But I regret that I cannot follow the example of a gentleman on the other side of the House, who a few days ago gave as a reason for supporting this bill that it had been reported from a committee composed of honorable and intelligent gentlemen. I am at a loss to understand what train of reasoning led the committee to recommend the appropriation of $20,000 or even of $40,000 for the wages of workmen and adjusters at Carson City, if they intend to maintain a mint in reality there, when the fact is that at the last session of Congress an appropriation of $85,000 was made for that purpose, and that sum was found to be insufficient, and an additional appropriation of $16,000 had to be made at the same session, making in all $101,000 for the wages of workmen and adjusters in the mint at Carson City.

Now, I would like to know upon whose suggestion the Committee on Appropriations acted when they came to the conclusion that this sweeping reduction was necessary. If there is any want of economy in the conduct of the Carson City mint then I would have no objection to the cutting down of the appropriation. But the Director of the Mint, Dr. Linderman, after a thorough and careful examination into the operations of the mint at Carson City, commended the skill and fidelity with which those operations had been conducted. Since that time has any charge of extravagance been wafted to the ears of Dr. Linderman or any information been laid before the Committee on Appropriations to justify the reduction of appropriation from $101,000 to $40,000?

It is claimed that, because a provision is inserted in the appropriation bill which passed the House the other day allowing the charges for melting and parting bullion to be applied to defraying the expenses of that operation, there ought to be a reduction of the appropriation. The superintendent of the San Francisco mint, an officer that the gentleman from California [Mr. LUTTRELL] characterizes as the best mint superintendent in the United States——

Mr. LUTTRELL. One of the best.

Mr. WOODBURN. That superintendent says that by reason of the enactment of that clause in the appropriation bill there ought to be no reduction of the appropriation for this purpose; that the charges made to depositors will not suffice to pay the expenses of carrying on the refinery alone. Now, I would like to know from the chairman of the Committee on Appropriations if Dr. Linderman suggested this reduction. In an interview which I had with Dr. Linderman he handed me a copy of an amendment which he said he had given to the chairman of the committee, which proposed to appropriate $50,000 for the wages of workmen and adjusters. I conferred with my Senators in reference to this matter, and one of them assured me that Dr. Linderman never pretended that that was a sufficient amount to carry on the mint at Carson City, but he said it was all that could be obtained from this Congress.

[Here the hammer fell.]

Mr. RANDALL. In reference to the Nevada mint, I take it that the original purpose of the Committee on Appropriations was to do away with the mint at that place and to establish an assay office there. Upon the urgent solicitation of the Director of the Mint we changed that purpose, and he submitted an estimate, which I will incorporate in my remarks, upon which we subsequently acted, conforming in part to his views. In this subsequent estimate he asked that $50,000 be appropriated for wages of workmen and adjusters; the committee recommend that $40,000 be given for that purpose. He asked that $30,000 be given for materials, acid, repairs, and other incidental expenses; the committee recommend that $25,000 be given, as we deem that amount entirely adequate. I suppose this mint will receive in addition some benefit from the refining of gold, as provided for in this bill. That is as far as we deem it at all essential to go; in fact we deem that quite adequate.

Mr. WOODBURN. Is that the estimate of Dr. Linderman?

Mr. RANDALL. It comes from his Bureau.

Mr. PAGE. I move to strike out the last word, and will yield my time to the gentleman from Nevada, [Mr. WOODBURN.]

Mr. WOODBURN. Does not Dr. Linderman ask to have $65,000 for incidental expenses?

Mr. RANDALL. No; he asks us to leave the mint at Carson City,

and give $50,000 for wages of workmen and adjusters, and we propose to give $40,000.

Mr. PAGE. I ask that that estimate of Dr. Linderman be read at the Clerk's desk.

Mr. RANDALL. I have no objection.

The Clerk read as follows:

Estimate of appropriations required for the mint at Carson for the fiscal year ending June 30, 1877.

[To be introduced as an amendment to the appropriation bill.]

Salaries:	Amount required.
Superintendent	$3,000
Assayer, melter and refiner, and coiner, at $2,500 each	7,500
Chief clerk	2,500
Cashier and book-keeper, at $2,000 each	4,000
Weigh clerk, voucher clerk, and computing clerk, at $2,000 each	6,000
Assayer's clerk	1,600
Wages of workmen and adjusters	50,000
Contingent expenses:	
Materials, acids, repairs, and other incidental expenses	30,000
Total	104,600

The estimates for wages and contingent expenses are reduced from the original estimates $136,000. The amounts estimated for these items will be sufficient, if the proviso contained in the appropriation bill, allowing the charges for parting and refining to be used in defraying the expenses of those operations, should become a law. The salaries estimated for are the same as now paid.

Mr. WOODBURN. I find in a letter signed by Dr. Linderman, appended to the report of the chairman of the Committee on Appropriations, that the only reason he assigns why there should be a reduction of the appropriation of former years for the Carson mint is the passage of the appropriation bill with the provision relating to the charges of melting and refining. As I said before, the superintendent of the San Francisco mint states emphatically that there should be no reduction of the appropriation on that ground. But admitting that to be the fact, the Carson City mint last year earned $50,000 for melting, refining, and parting bullion. The whole appropriation for wages and adjusters and for incidental expenses was $210,000. Now if you deduct $50,000, the total amount of the earnings of the Carson mint, from $210,000 we have $160,000 remaining, instead of $80,000 as proposed in the amendment suggested by Dr. Linderman.

Mr. PAGE withdrew his *pro forma* amendment.

The question being taken on the amendment to the amendment it was not agreed to; there being ayes 22, noes not counted.

The question recurring on the amendment of Mr. RANDALL, it was agreed to.

The Clerk read as follows:

For materials and repairs, fuel, light, charcoal, chemicals, and other necessaries, $20,000.

Mr. RANDALL. By direction of the committee, I move to amend the paragraph just read by striking out "$20,000" and inserting "$25,000."

Mr. WOODBURN. I move to amend the amendment by striking out "25" and inserting "100," so as to make the amount of the appropriation $100,000.

Last year with an appropriation of $210,000 there was coined at the Carson City mint $4,288,953. I have in my hand a statement signed by the superintendent of that mint showing that this very year it is coining at the rate of $500,000 a month or $6,000,000 a year; and with a slight appropriation of $150,000 in order to build an addition to the Carson mint, the coining machinery being duplicated, it is enabled, instead of coining $6,000,000 a year, to coin $20,000,000 annually. I submit to the Committee on Appropriations and to this Committee of the Whole whether it does not require a greater appropriation to coin $6,000,000 than to coin $4,250,000? Last year we had an appropriation of $100,000 for chemicals, fuel, and incidental expenses; yet with a large increase of coinage it is proposed to reduce this appropriation to a mere fraction of what it has been. We do not want the mint at Carson City for the purpose of supporting the officers. I am satisfied that this appropriation for workmen and adjusters and for incidental expenses, being scarcely more than is appropriated to run the assay office in New York City, will reduce our mint at Carson to a mere assay office.

By the report of the Director of the Mint I find that $12,000,000 in gold and silver is paid out annually as the current expenses of the mines at Virginia City alone. The mint at Carson City now coins only $6,000,000 a year. In order to meet the wants of our people we are obliged to send a part of our bullion across the Central Pacific Railroad and back again, through the express company of Wells, Fargo & Co., paying from four to five dollars on every thousand. I submit, sir, that if by the appropriation proposed in this bill the mint at Carson is curtailed or crippled in any way the only institution in America that will be benefited by it is the express company of Wells, Fargo & Co.

[Here the hammer fell.]

Mr. PAGE. Mr. Chairman, I do not desire to make any factious opposition to this bill; and I do not suppose that anything that I or my colleagues or other members from the Pacific coast can say will have any influence in changing what this committee has already determined upon. But, sir, in justice to our people and as a Representative from the Pacific coast, I cannot refrain from entering my protest against this attempt to almost destroy the mint at Carson City, Nevada. It is well known to this committee that within twelve miles of that mint there is taken out from two mines alone over $5,000,000 a month. By railroad this bullion can be taken within ten feet of the mint at Carson City. But by this appropriation you reduce this mint almost to an assay office, although, as the gentleman from Nevada [Mr. WOODBURN] has just said, that mint is now coining $6,000,000 a year. It requires $15,000,000 annually in coin to pay the laboring-men upon the Comstock lode. But the result of this appropriation will be to compel the owners of those mines to ship their bullion to San Francisco or to Philadelphia, paying to the express company of Wells, Fargo & Co. a large amount for freight or expressage, besides a heavy insurance. The railroads have recently refused to take this bullion over their roads at all; and hence parties shipping it are compelled to do so through Wells, Fargo & Co., paying this enormous expense in the way of transportation and insurance. Now I ask this committee whether it is fair that the mint at Carson City, within twelve miles of the richest mines in the world, where so large an amount of money is required to be minted in order to pay the laboring-men in those mines, should be reduced almost to an assay office?

As a matter of business, would this committee undertake to locate a saw-mill upon an open prairie, where there was no timber in the vicinity? It seems to me equally bad policy to maintain the Mint at Philadelphia when there is no mine of any value within three thousand miles, while you destroy the mint at Carson City, within twelve miles of the richest mine in the world, compelling the mine-owners to send their bullion hundreds and thousands of miles, at great expense, to be minted, and then to incur a similar expense in having it returned as coin.

I do not suppose that anything which can be said by any member of this House will have influence upon the committee to induce them to change any provision of this bill which has been determined upon. But, sir, I thank the people of this country that this House is not the only body that will have the determination of this question; that it will have to be submitted to another body, which, in my judgment, will see that justice is done to the great producing interests of the Pacific coast.

Mr. RANDALL. A mint ought never to have been located there.

The amendment of Mr. WOODBURN to the amendment of Mr. RANDALL was not agreed to.

The amendment of Mr. RANDALL was agreed to.

The Clerk read as follows:

Mint at Denver, Colorado:

For salaries of assayer in charge, $2,500; melter, $2,250; two clerks, at $1,600 each; in all, $7,950.

For wages of workmen, $10,000.

For fuel, lights, acids, chemicals, crucibles, repairs, and other necessaries, $3,000.

Mr. PATTERSON. I move to amend by inserting after the paragraph just read the following:

And for the purpose of enabling the said mint at Denver and the assay office at Helena to make returns to depositors with as little delay as possible, the provisions of section 3545 of the Revised Statutes of the United States shall hereafter apply to said mint and assay office as well as to the other mints and assay offices of the United States; and the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of bullion at said mint and assay office, coin certificates representing coin in the Treasury and issued under the provisions of section 254 of the Revised Statutes of the United States; all of said acts and duties to be performed under such rules and regulations as shall be prescribed by the Secretary of the Treasury. And it shall be lawful to apply the moneys arising from charges collected from depositors at said mint and assay office pursuant to law to the defraying of the expenses thereof, including labor, materials, wastage, and use of machinery; and only so much of the appropriations herein made shall be used for said mint and assay office as shall be necessary for the operation of the same after the moneys arising from the charges aforesaid shall have been exhausted as herein provided. But in no event shall the expenditures of said mint and assay office exceed the amount of the specific appropriation herein made for same.

MESSAGE FROM THE SENATE.

The committee informally rose, (Mr. SPRINGER in the chair as Speaker *pro tempore*,) and a message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of the following bills; in which concurrence was requested:

A bill (S. No. 61) to remove the political disabilities of James E. Slaughter, of Alabama; and

A bill (S. No. 485) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts.

It further announced the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 1594) making appropriation for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. SARGENT, Mr. FRELINGHUYSEN, and Mr. WITHERS.

It further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3128) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. MORRILL of Maine, Mr. ALLISON, and Mr. DAVIS.

LEGISLATIVE APPROPRIATION BILL.

The committee resumed its session, (Mr. COX in the chair.)

The CHAIRMAN. The pending question is the amendment moved by the gentleman from Colorado, [Mr. PATTERSON.]

Mr. RANDALL. I rise to a point of order on that amendment, that it is new legislation, not in the line of retrenchment.

Mr. MAGINNIS. What is your objection to it?

The CHAIRMAN. The gentleman from Pennsylvania raises the point of order that the amendment moved by the gentleman from Colorado is new legislation. The Chair will hear the gentleman from Colorado on the point of order.

Mr. PATTERSON. I had supposed the gentleman from Pennsylvania would support his point of order by argument. Certain it is if legislation that has already taken place in the consideration of this bill is not objectionable to this point of order my amendment is not. Under the rule, (I presume it is Rule 120,) it cannot be said new legislation may not be ingrafted on appropriation bills. On the contrary, the latter clause of Rule 120 expressly provides that new legislation may be ingrafted upon appropriation bills provided two things concur, first, that it is germane to the subject-matter, and next that it retrenches expenditure. The gentleman from Pennsylvania and the gentleman from Indiana both argued very strenuously in opposition to the gentleman from Ohio [Mr. GARFIELD] a few days ago in support of just such legislation, because, as the gentleman from Indiana said, when we had under consideration the subject of the San Francisco mint they proposed by the amendment to change what the gentleman from Indiana termed public work into private work, or a public enterprise into a private enterprise. And notwithstanding that open declaration of the gentleman from Indiana and supported by the gentleman from Pennsylvania, the Chair held it was germane because it related to mints, and also as the Chair stated he could not see it did not retrench expenditures.

Now, upon this point of order I would simply suggest this amendment is germane. It relates directly to the carrying on of the mint at Denver and the assay office at Helena. It also proposes in substance, as the amendment of the committee proposed while they were discussing the San Francisco mint, to apply the proceeds arising in the conduct of the mint to defraying the expenses of the mint. And we expressly provide in this amendment, in any event, under no contingency shall the amount for carrying on the mint and assay office exceed the amount of the specific appropriation provided in this bill. The chairman of the Committee of the Whole epitomized the arguments of the gentleman from Indiana and the gentleman from Pennsylvania in a few brief, pertinent words, as follows:

The Chair would certainly hold that this is germane to this section of the bill. The Chair cannot see but what this clause tends toward economy, toward retrenchment. It does not add to the appropriation certainly. It takes no money from the Treasury. It prevents money from going from the Treasury. The Chair will therefore overrule the point of order made by the gentleman from Ohio, [Mr. GARFIELD.]

I desire to say, Mr. Chairman, although there is little more legislation in this than in the legislation proposed by the gentleman from Pennsylvania and the gentleman from Indiana, it does not alter the principle of the rule as announced by the Chair, and if there is any elasticity at all to the rule it should be like Paddy's suspenders, long enough for a man and short enough for a boy, and it should not apply to members of the Appropriation Committee and exclude the humblest member on this floor.

Mr. RANDALL. This provides for the issuing of coin certificates not now authorized by law, and that is not in the line of retrenchment as provided for in the rule.

The CHAIRMAN. If the gentleman from Pennsylvania has the Revised Statutes before him, the Chair will ask him to read section 3545.

Mr. PATTERSON. I will read it to the Chair. The bill is simply to place the mint in Denver and the assay office in Helena on an equality with the mint at San Francisco, at Carson City, Nevada, and the assay office in New York and Mint at Philadelphia. It is positive in nothing in reality, since it leaves it at the option of the Secretary of the Treasury whether he will or not put the provision in force at these places. It simply provides, if the Secretary of the Treasury thinks it will be conducive to the public interest, that the same favors and privileges extended to these other points may be extended to the two points mentioned in my amendment.

Mr. HOLMAN. What section does the gentleman refer to?

Mr. PATTERSON. Section 3545, which I will now read:

SEC. 3545. For the purpose of enabling the mints and the assay office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay office, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay office may be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund or any portion thereof.

Mr. HOLMAN. On the point of order I wish to submit that the fact that this provision requires a deposit of funds to meet drafts in certain contingencies, or authorizes the deposit of funds for that purpose, is in conflict with the proposition that it is a measure of positive retrenchment. At the best the measure can only be said to be negative in its effects; and that can hardly be said when the Secretary of the Treasury is authorized to place funds at given points to meet certain drafts upon the mints.

Mr. MAGINNIS. In answer to the point of the gentleman from Indiana, [Mr. HOLMAN,] I will say that the very object of this amendment is to avoid the United States having any funds deposited at the mints and assay offices referred to. On the contrary, the object of the whole thing is this: That we may put our gold bars there and take paper of the United States payable at New York. And it certainly is in the interest of economy and retrenchment, because we are willing to give the Government our gold and silver simply for its paper certificates of deposit; and the very fact that there are thirty millions of such securities now outstanding shows the propriety of this amendment.

Mr. RANDALL. Does the Government have to ship that, and will not that involve some cost?

Mr. MAGINNIS. The cost of assay and transportation is deducted. So that this will give the Government the use of perhaps five or ten millions of dollars of gold in exchange for its paper. This bill has passed the House twice already.

Mr. PATTERSON. It certainly seems to me that the position taken by the gentleman from Indiana [Mr. HOLMAN] in his last remarks to the House was not well weighed. It only shows an attempt on his part to escape from the full force and effect of his own reasoning and his own argument upon a similar proposition a few days ago. He says now that the increased expenditure arises from the fact that gold may be locked up at one of these places. Why, sir, it is the property of the Government; it is no expenditure of money.

Under a section of the Revised Statutes the Secretary of the Treasury has the right to withdraw it at any moment. That is in the very section which we seek to incorporate, and it is simply giving to the Secretary of the Treasury the right to use bullion that may be deposited at these two points, if in his judgment the public interests and the public necessities demand it. If they do not, he need not do it. He is not compelled to use it at Carson, or San Francisco, or New York, or Philadelphia. He has a right to withdraw the fund entirely. He need not issue a single dollar of the coin certificates.

We simply say, whenever in his judgment the public interests require or will permit, that bullion may be received in this way; that he may consider these two points, as well as those already authorized by law. And this, Mr. Chairman, certainly does not increase—on the contrary, as the Chair well said, it may curtail—expenditures; because the amount that may be received at these mints may be amply sufficient to pay the necessary expenses of carrying on the mints; and in that event not one dollar of the specific appropriation is used.

The CHAIRMAN. The Chair is prepared to rule on the question. The first portion of this amendment seems to be new legislation, but it is legislation which is germane to the subject-matter of the bill, and the Chair would be reluctant to rule it out of order. It qualifies the appropriation proposed to be made. As to the latter portion of the amendment, the Chair reiterates what was said on a previous occasion. It seems to be in the line of retrenchment. That is a matter which it is very difficult for the Chair to determine positively. The Chair, however, out of abundant caution, would overrule the point of order, and put the question on the amendment to the committee.

The question being taken on Mr. PATTERSON'S amendment, there were—ayes 44, noes 43; no quorum voting.

Tellers were ordered; and the Chairman appointed Mr. HOLMAN and Mr. PATTERSON.

The committee again divided; and the tellers reported—ayes 102, noes 48.

So the amendment was adopted.

Mr. PATTERSON. I offer the following amendment:

Add at the end of the paragraph the following:

It shall be the duty of those in charge of the mints and assay offices of the United States to make assays of ores brought to them for such purpose, and to give certificates under their official signatures of the results of such assays, and there shall be charged for such assays only the actual cost of the same to the United States. And there shall be an accurate account kept at each mint and assay office of all assays made as above provided, and return made of same in each report made by the person in charge, as by law or regulation required, and the charges for such assays shall be covered into the Treasury of the United States or expended in defraying the expenses of such mints or assay offices as may be by law provided.

Mr. HOLMAN. It cannot be pretended that that is in the interest of economy, and it is certainly new legislation. It is entirely in conflict with the provisions of the bill.

The CHAIRMAN. The Chair overrules the point of order. This is substantially the same proposition as has been already ruled in order.

Mr. PATTERSON. I will say to the House that I am not particular after the explanation that I make upon this question whether the amendment is adopted at all or not. But I can show to the House that it is for the purpose of correcting a great and a glaring abuse in all of the mints and assay offices in this country wherever the assay of ores is carried on.

Take the mints and assay offices at Denver, at Carson City, and at San Francisco. One of the principal businesses that is conducted there is the assaying of ore. The prospecter discovers a lode, and he brings a specimen of the ore to the assay office under the Government control for the purpose of having that ore assayed. And in every instance, Mr. Chairman, the assayer in charge makes the assays in the Government assay office, signs his name officially as United States assayer, charging the minimum price, $3, for each assay—and may make a charge largely in excess of that—puts the proceeds into his own pocket, and returns not one dollar of it into the Treasury.

Mr. HOLMAN. If that is the effect of this measure, and if that is the practice of the mints, it is certainly contrary to the information

which the Committee on Appropriations have received on that subject, and the amendment ought to be adopted.

I would ask that the amendment be reported again.

Mr. PATTERSON. That is exactly the practice; I have the official report here.

The amendment was again read.

Mr. HOLMAN. Mr. Chairman, I withdraw the point of order, but I suggest to the gentleman from Colorado that he strike out the last clause of the amendment after the words "Treasury of the United States."

Mr. PATTERSON. I have no objection to that; none at all.

Mr. HOLMAN. I will make another inquiry of the gentleman from Colorado. As to the provision that assaying shall be done at the actual cost to the Government, I take it for granted that inasmuch as assaying is rather a private business than a matter of public concern, the charge proposed here is less than that paid to the private assay offices in various sections of the country where assaying is generally done. I desire to inquire of the gentleman from Colorado what is the usual charge for assaying? I find that there was a revenue derived by the Government last year from the assaying of bullion, although not large.

Mr. PATTERSON. The assaying of ores.

Mr. HOLMAN. I find that the assaying of ores has been a source of revenue to the Government, though not large; but some revenue has been derived at each one of the offices. Now, if the Government charges no more than actual cost, why, then, of course the Government must be charging more according to the terms of this provision than is charged by private parties having assay offices. What are the charges now at private assay offices?

Mr. PATTERSON. I will state briefly that owing to the official positions occupied by the assayers in charge of the mints and assay offices, they are enabled to and do procure from those who require assays of ores a larger price than private assayers. I had it from gentlemen from Colorado who were here not a week ago that they paid a minimum price of $3 in Denver at the assay office, while private parties were willing to make the assay for a dollar, a dollar and a half, or two dollars, but on account of the significance and importance that attaches to the signatures of the assay officers acting in a public capacity, miners are willing to pay a much larger price. I imagine that in a matter so important as the assay of ores, where the assays are used for the purpose of disposing of mines in the eastern market and in Europe, for the purpose of giving value to them when people are far remote from the mines, the Government should, so far as it is in its power, have it conducted under the control of public officers and let the assay have the stamp and effect of going from officers of the Government. But certainly in doing that the Government should charge no more than it costs the Government.

Now, so far as the question of revenue is concerned there were returns made last year from two assay offices of the assay of ores; one from Philadelphia amounting to $156.95, and the other from New York amounting to $305. With those exceptions not a single assay office or mint in the country made a return to the Government of the many thousands of dollars taken from the miners and mine-owners for doing that kind of work. That is a great wrong; it is a wrong to the miner; it is a wrong to the private assayer. It is using the public authority and the public means, the edifices, the offices of the Government, for the purpose of doing their private work and putting the proceeds of their private work into their pockets, and, in my opinion, using the public materials for the purpose of carrying on these assays. A miner goes to a mint in my town. I know that tons of ore are taken in at the public mint and they are returned with the assay from the public mint and the miners pay the minimum price of $3, and in many cases a much larger sum, in return for the assay being made by the Government officers.

Mr. HOLMAN. I do not think that the assaying of bullion or ore is a business that the Government has anything to do with; but that practice seems to have prevailed. It is impossible for the House without further information to tell what would be a reasonable charge. It is quite certain though that the Government should not charge simply the cost of assaying, for you have to take into consideration all the expenses incurred by the Government in carrying on an assay. I therefore move to strike out the words "actual cost" where they occur and to insert in lieu thereof, "at such price not less than actual cost to the United States which the Director of the Mint, with the approval of the Secretary of the Treasury, may prescribe."

Mr. PATTERSON. I have no objection whatever to that amendment.

The amendment to the amendment was agreed to.

The amendment of Mr. PATTERSON, as amended, was then adopted.

The Clerk read as follows:

Assay office at New York:
For salary of superintendent, $4,000; for assayer and for melter and refiner, $2,700 each; chief clerk and weighing clerk, $2,500 each; paying, bar, and warrant clerk, $2,000; calculating clerk, $1,800; and for assayer's first assistant, $2,250; and for the assayer's second assistant, $2,150; in all, $22,600.

Mr. RANDALL. I offer from the Committee on Appropriations the following amendment: Strike out that paragraph and insert in lieu thereof the following:

Assay office at New York:
For salary of superintendent, $4,000; for assayer, $2,700; for melter and refiner, $2,700; chief clerk, $2,500; weighing clerk, $2,500; paying clerk, $2,000; bar clerk, $1,800; warrant clerk, $2,000; two calculating clerks, $1,800 each; for assayer's first assistant, $2,250; for assayer's second assistant, $2,050; for assayer's third assistant, $2,000; in all, $30,200.

The amendment was agreed to.

The Clerk read the following:

Mint at New Orleans, Louisiana:
For superintendent in charge, for care and protection of the building and machinery and other Government property therein, $4,000.

Mr. O'BRIEN. I move as a substitute for the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Assay office to be conducted in the mint at New Orleans, Louisiana:
For salaries, assayer in charge, $2,500; melter, $2,000, and clerk, $1,500; wages of workmen, $3,000; fuel, fluxes, acids, and other incidental expenses, $5,000; in all, $14,000.

Mr. HOLMAN. I must make a point of order on that amendment, that there is no assay office established by law at New Orleans.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'BRIEN. There is no change in the law proposed by my amendment, no new legislation; it provides for the mere working of the mint at New Orleans, which is already established there, the buildings and machinery in perfect order. The amendment provides for conducting the establishment as an assay office instead of for the purpose of coinage, and is not any new legislation whatever—no change of law that should subject it to the point of order raised.

Mr. HOLMAN. It may propose an assay office in the same building, but it is entirely separate and distinct from the mint.

The CHAIRMAN. The Chair sustains the point of order, upon the statement of the fact that there is no law establishing an assay office at New Orleans.

Mr. O'BRIEN. I desire to inquire of the gentleman from Indiana [Mr. HOLMAN] whether it is not the fact that the assay office has heretofore been conducted in the mint at New Orleans, and there has been only an absence of an appropriation for that purpose for several years? No change whatever has been made in the law.

Mr. HOLMAN. As an incident to a mint there is of course assaying. But as a separate and distinct establishment, there is no such thing as a separate and distinct assay office at New Orleans, such as this amendment proposes to establish. The law does not know the establishment at New Orleans as an assay office. It knew it simply as a mint in which assaying was done incidentally. The proposition now is to make an assay office.

Mr. GIBSON. I would say to the gentleman from Indiana [Mr. HOLMAN] that assaying has been done in the city of New Orleans; and in the appropriation bill of last year there was an appropriation of $14,000 made for assaying in the mint at New Orleans. That, I understand, is the purpose of the amendment offered by the chairman of the Committee on Coinage, Weights, and Measures, [Mr. O'BRIEN,] to continue the business which has hitherto been conducted in the mint at New Orleans, that is, the business of assaying.

Mr. HOLMAN. Does not my friend bear in mind that the assaying in the New Orleans mint, as is the case in all mints, was a mere incident of the mint? This proposition is to establish by law in an appropriation bill an assay office separate and distinct from the mint.

Mr. GIBSON. No, sir; that is not the purpose of this proposition. This proposition is intended to do just what has hitherto been done in the mint at New Orleans, to conduct an assay office in the mint at New Orleans. For years before the war appropriations were made for this purpose, and an appropriation of $14,000 was made last year for this precise purpose.

The CHAIRMAN. Will the gentleman from Louisiana [Mr. GIBSON] read the law to which he refers?

Mr. HOLMAN. If the Chair will allow me I will read it. I have here the appropriation bill for last session, which provides:

For the mint at New Orleans: For salaries of superintendent, $3,500; for assayer, $2,500; for wages of workmen and adjusters, $3,000; for fuel, acids, chemicals, copper, freights, stationery, gas, water, and other necessary materials, $3,000.

Now, all of these are incidental to a mint. The gentleman does not propose to perpetuate the mint at New Orleans, for that has been entirely abandoned; it is not even recommended. But it is proposed to establish an assay office in the building there, not as incident to a mint, but a separate and distinct assay office. The point I make is that there is no law establishing an assay office separate and distinct at New Orleans, but only as incidental to the mint at that place.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'BRIEN. I modify my amendment, and ask the Clerk to read it as modified.

The Clerk read as follows:

Insert after the words "mint at New Orleans, Louisiana," the following:
For salaries of assayer in charge, $2,500; melter, $2,000; one clerk, $1,500; wages of workmen, $3,000; fuel, fluxes, acids, and other incidental expenses, $5,000; in all, $14,000.

Mr. HOLMAN. Is that an appropriation for the mint?

Mr. MOREY. It is an appropriation for the mint at New Orleans.

Mr. HOLMAN. Let the amendment be again read.

The amendment was again read.

Mr. HOLMAN. That is simply an assay office.

Mr. O'BRIEN. The proposition contained in the amendment I have offered was fully considered by the Committee on Coinage, Weights,

and Measures, and met the unanimous approval of that committee, enlightened by the views of the Director of the Mint. He stated to the committee that this assay office should be established at New Orleans; not only that, but he produced before us testimony which was at least conclusive to my mind that it would be economy for the Government as well as a matter of great interest and importance to the great city of New Orleans to have this assay office established there.

The amount of bullion which is brought annually to the port of New Orleans equals the amount which is purchased in and which is brought to the great city of New York, where an assay office is continued under the terms of this bill at an expense of $60,000. The proposition contained in this amendment is simply to re-establish the work at the city of New Orleans by the economical expenditure of $14,000. Why, Mr. Chairman, a single line of steamers brings to that port the enormous amount of nearly $6,000,000 of bullion every year, and with the amount received from other sources the aggregate reaches over $8,000,000 a year. If you will turn to the report of the Director of the Mint it will be found that the amount assayed at New York last year of bullion brought to that port and purchased there amounted to a little over $9,000,000. Yet it is proposed to continue the appropriation for that assay office, and within the last few minutes the aggregate has been increased upon the motion of the chairman of the Committee on Appropriations to the enormous sum of $60,000. Why, sir, the Philadelphia Mint, which is under the care and patronage of the chairman of this committee——

Mr. RANDALL. I beg the gentleman's pardon; I have nothing to do with it.

Mr. O'BRIEN. If the gentleman declines to be responsible for the mint in his own city, then I suppose there is nobody here who represents it. I will say, however, that the expense of conducting the Mint at Philadelphia aggregates $250,000 annually, while the amount of bullion coined there does not exceed $9,000,000. Yet when New Orleans, the great city of the South, the commercial emporium of that great empire watered by the Mississippi, asks for the restoration of an establishment which will cost but the insignificant sum of $14,000 annually, we find the proposition met at every point by questions of order coming from the distinguished gentlemen who so well represent the Committee on Appropriations.

The amount of expenditures at the assay office at Helena, Montana, where the amount of bullion assayed does not reach $1,000,000 a year, is $12,500.

Mr. MAGINNIS. That is a mistake.

Mr. O'BRIEN. I take as my authority for this statement the Director of the Mint.

Mr. RANDALL. Read the letter of the Director of the Mint.

The CHAIRMAN. The Chair suggests to the gentleman from Maryland [Mr. O'BRIEN] that he should discuss the point of order, which the Chair understands to be still pending.

Mr. O'BRIEN. Why, Mr. Chairman, I understood that the point of order was overruled.

Mr. RANDALL. It was reserved that the gentleman from Maryland might make his speech.

The CHAIRMAN. The Chair has not overruled the point of order.

Mr. O'BRIEN. Of course, if the point of order is still pending, I will address my remarks to that.

The CHAIRMAN. The Chair has not overruled the point of order.

Mr. HOLMAN. And the point is insisted upon.

The CHAIRMAN. If the point is insisted upon, the Chair will make his decision. The Chair cannot regard it as his province to take this matter from the decision of the House by deciding that an assay office may not be incidental to a mint. The former appropriations, as the Chair observes, read in this way:

> Mint at New Orleans:
> Salary of superintendent, assayer, &c.——

Showing that assaying belongs as an incident to the mint. The present appropriation has for its heading "Mint at New Orleans." The Chair cannot feel it his duty to sustain the point of order, but must overrule it.

Mr. O'BRIEN. The decision of the Chair is not only wise, but it is in the interest of justice, and for the gratification of my friends of the Committee on Appropriations I will say that it is also in the interest of economy.

Mr. RANDALL. Read that letter.

Mr. O'BRIEN. I am invited to read to the House a letter received from Dr. Linderman, the Director of the Mint. I will say that it is supplementary to the opinion and advice which he gave to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. My point is that the letter does not recommend this.

Mr. O'BRIEN. It does recommend it. The Director of the Mint, who is quoted here approvingly by the chairman of the Committee on Appropriations whenever his opinion happens to coincide with that of the distinguished chairman and disapprovingly whenever the eminent gentleman from Pennsylvania chooses to disagree with the Director of the Mint, was before the Committee on Coinage, Weights and Measures. He spent with us an entire morning; and the result of a long interview, in the presence not only of myself but of distinguished members of the committee who more thoroughly understand this question than I could possibly do, was the expression of his opinion that, while it was not advisable to establish new mints in different sections of the country or in fact at any place where they had been proposed, it was not only advisable but a matter of justice to the people of New Orleans, where this work has been carried on for years, that this assay office should be restored there; and more than that, that it was in the interest of the entire country. And he mentioned to us the fact that while by reason of the improved machinery the work could be conducted as thoroughly there, perhaps, as at any other assay office in the country, the wages were such that the work could be done more cheaply. He mentioned the further fact that, in view of the amount of bullion coming into that port, and now distributed among other assay offices east and west, and which should be properly assayed there, it would be economical to re-establish this assay office.

The letter to which I referred is as follows:

> TREASURY DEPARTMENT, *April* 9, 1876.
>
> I can add nothing to what I stated when before your committee. My opinion is that assaying facilities at New Orleans will prove useful to the people of that city.
>
> H. R. LINDERMAN, *Director*.
>
> Hon. WILLIAM J. O'BRIEN.

Mr. HOLMAN. I do not care anything about that letter. I know what Dr. Linderman says.

Sir, we have acted with full information on this subject. There has never been a bill before this House upon which there have been such persistent efforts to load it down with unnecessary appropriations. Heretofore, at least on this side of the House, the struggle has been to reduce expenditures, but now the steady and remorseless effort is made on every item to increase them. Why, take the New Orleans assay office, which the gentleman from Baltimore is so anxious to press upon us at a cost of twelve or fourteen thousand dollars. We appropriated ten or twelve thousand dollars last year, and I believe against the judgment of the Director. Every person who knows anything at all knows there is no necessity for the mint at New Orleans. The only possible pretense or excuse for it is that there is a building there. Last year we appropriated that much money. What is the result? Not a thing done, except to spend $9,722.34. That is the result of one year's experience. Not a thing done; a perfect dead blank, except the expenditure of $9,722.34. Yet the gentleman from Maryland desires to perpetuate this source of expenditure. It is reasonably to be expected the Committee on Appropriations would know the necessity for a mint at New Orleans before they made an appropriation simply to superintend the building to prevent it falling into decay, and under the advice of the Director of the Mint they would have abolished it entirely and sold out the property, but unhappily the property is held by an uncertain title, and it is possible, if directed to be sold at once, the property would revert to whoever was the original owner. That is the only excuse which exists at all for perpetuating this institution in any form as a source of expenditure for a single hour.

Mr. REAGAN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. REAGAN. Does the gentleman from Indiana controvert the fact there are eight or nine millions of bullion brought into New Orleans in annual trade?

Mr. HOLMAN. I should not be surprised at it. I suppose the bullion is brought to Baltimore and Boston, and New Orleans and Charleston, and almost all the cities of the country.

Mr. GIBSON. Does not the gentleman from Indiana know that the appropriation last year was not sufficient to pay the expense of coining, and for that reason no coinage was done?

Mr. HOLMAN. The appropriations were quite liberal last year for this New Orleans mint, for we have for superintendent $3,500; assayer, $2,500; for wages of workmen and adjuster, $3,000; and for fuel, &c., $3,000.

The only result of these appropriations, as I have mentioned already, was the expenditure of $9,722.34 without anything being done, because there was nothing to do. It does not follow because bullion comes into Baltimore, Boston, Charleston, and New Orleans there is any necessity for a mint. It does not follow at all. We cannot keep up mints all over the country for the purpose of giving salaries to gentlemen. My friend from Maryland must look at the public Treasury as a simple convenience to furnish handsome salaries to idle men who have nothing else to do.

Mr. O'BRIEN. Will the gentleman from Indiana allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. O'BRIEN. Is it fair, is it right in any point of view, if $8,000,000 of bullion comes into a port annually, that $8,000,000 of bullion, instead of being assayed at an office that is already established, with buildings magnificent in character, with machinery of the latest improved pattern——

Mr. GIBSON. Permit me to say the property in New Orleans was donated to the Government of the United States by the city of New Orleans.

Mr. HOLMAN. The ground, not the buildings, for they were paid for by the United States.

Mr. O'BRIEN. And it is to go back to the donors when they fail to be used there as assay office or mint.

Now to my question. Is it fair, is it right, if $8,000,000 of bullion

come into the port of New Orleans annually, that $8,000,000 should be transported at the expense of the Government of the United States to New York, there to be assayed when it could be assayed more economically in the very port of delivery?

Mr. HOLMAN. What has the Government at all to do with assaying. It is a business which does not belong to the Government any more than weighing wheat or cotton or testing either. It is a thing unknown to any government but ours. This thing that the Government must do everything, attend to private business, become purely paternal, confine itself to our country. The assay business is a private enterprise, and does not belong to the Government of the United States, and if it were to do over again, with the present information possessed by Congress and by the officers of the Treasury and those connected with the mints, there would not be a dollar expended for that purpose I am well assured.

[Here the hammer fell.]

Mr. MOREY. I move to strike out the last word.

Now, Mr. Chairman, I do not suppose the gentleman from Indiana intends to misstate the facts, but the Director of the Mint not only did not recommend this property should be sold, but he especially recommended this mint should be retained. It is true, as stated, that amount of bullion comes to the city of New Orleans, and the Director of the Mint especially directed, in view of the fact that the amount of coinage of trade-dollars would increase, this mint should be retained for that purpose.

As to the work done last year, it was distinctly understood the amount appropriated last year was merely for putting the mint in order to again resume the work which was carried on prior to the war. The superintendent is the gentleman who was in charge for many years prior to the closing of the mint. The mint is very fine and costly. In addition to that, the buildings are admirably suited for the purpose. A large amount of money was expended in their erection, but the title to the land upon which they stand will revert to the city of New Orleans as soon as that property shall cease to be used for the purpose intended when the mint was created. Is there any good reason why this same bullion which comes from Mexico to New Orleans should be taken to Philadelphia, New York, Baltimore, or elsewhere, instead of being coined there and sent back in the shape of trade-dollars, which shape it is desired, to Mexico?

The reason the work has not been done is that there is not a sufficient appropriation to do anything more than to put the property and the machinery in proper shape for resuming the legitimate operations of the mint. I trust the amendment offered by the gentleman from Maryland will be adopted.

Mr. RANDALL. The Committee on Appropriations were never made aware that the Director of the Mint desired that an assay office—for this is practically what it is—shall be established. I heard of it, however, incidentally, and asked for a copy of the letter which he addressed to the Committee on Coinage, Weights, and Measures. That letter had been mislaid. I then sent to the Director of the Mint for a duplicate, because it was so at variance with the impression which the Director of the Mint made upon my mind in the committee-room that I could not comprehend it, and I do not yet. The Director of the Mint, I have every reason to believe, did state before the Committee on Coinage, Weights, and Measures just what he is alleged to have stated. But it is at entire variance with what he stated so far as I know before our committee; that is, in substance. And I do not find that the Director of the Mint even in this letter, which seems to be relied upon as having been sent to the Committee on Coinage, Weights, and Measures, a duplicate of which I have got, does take the position of recommending this. I ask to have the letter read.

The Cler. read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
February 28, 1876.

SIR: I inclose herewith draught of a bill for opening and conducting the mint at New Orleans as an assay office, which, if enacted into a law, will necessitate the following appropriations for the fiscal year ending June 30, 1877, namely:

For salaries:

Assayer in charge	$2,500 00
Melter	2,000 00
One clerk	1,500 00
Wages of workmen	3,000 00
Fuel, fluxes, acids, and other incidental expenses	5,000 00
Making a total of	14,000 00

The salary of the superintendent is at present $3,500. The title of the chief officer should be that of "assayer in charge," and not superintendent, and who, under existing laws, is to perform the duties of superintendent and assayer.

The office of superintendent is at present filled by Dr. M. F. Bonzano, a very capable assayer, and possessing excellent executive abilities. His salary as assayer, under the bill, should be $3,500; but as this is the day of reducing salaries, it may be advisable to pass the bill as I have drawn it.

The revised sections therein referred to, and which will govern the matter, limits salary of assayer and the melter to $2,500 each. I think $2,000 sufficient for the melter.

I am, sir, very respectfully,

H. R. LINDERMAN, *Director*.

Hon. WILLIAM J. O'BRIEN,
House of Representatives.

Be it enacted by the Senate and House of Representatives, That the mint at New Orleans, Louisiana, shall hereafter be conducted as an assay office, subject to the conditions and restrictions of sections 3558, 3559, 3560, 3561, and 3562 Revised Statutes of the United States.

Mr. RANDALL. I submit to the committee that that letter nowhere contains a direct recommendation of this measure.

Mr. O'BRIEN. Will the gentleman allow me a single moment?

Mr. RANDALL. I yield to the gentleman part of my time.

Mr. O'BRIEN. The meaning of that letter must be apparent to the committee, it must be apparent to every reasonable person, I presume, and I presume we are all such. It was written to me as acting chairman of the committee after the interview which the Director of the Mint held with the Committee on Coinage, Weights, and Measures. At that interview he was requested by me to prepare such a bill as would suit the emergency, and in compliance with my request he sent this letter, showing what was necessary with that view.

Mr. RANDALL. That is just what I have suggested, that the Director of the Mint does not recommend the proposition at all, but sends that letter in obedience to the suggestion made to him by the gentleman from Maryland.

Mr. O'BRIEN. Why should he recommend it in the letter, when he had fully recommended it to the committee?

The *pro forma* amendment was withdrawn.

Mr. REAGAN. I renew the amendment for the purpose of saying a word.

In providing assay offices and mints as they are provided for in this bill they are intended to meet the necessities of the country and its convenience. New Orleans is a place of very large trade. It is the great commercial center of a very large portion of this country. It is a place at which a large trade in bullion and ores exists; a trade carried on between New Orleans and Mexico. If, as has been stated by the chairman of the Committee on Coinage, Weights, and Measures, there are some $8,000,000 of bullion received there every year, and a large portion of it, as has been stated by another gentleman, is purchased by persons in that city, what can be the reason why other places where there is less business of the same kind done should have a similar office and larger expenses and such an office should be denied to that city? Can it be, sir, that the purpose of driving that bullion trade from New Orleans to some other place underlies the effort to give to that great commercial center with its large trade the go-by? If that be not the object, why make the exclusion of that place and include other places of not so much importance in the respects I have indicated?

Mr. HOLMAN. Will the gentleman from Texas explain how it happened that this establishment, in full operation as authorized by law, with ample appropriation, from the 1st of July last to the 1st of December did nothing at all, not a thing?

Mr. REAGAN. I understand it has been stated in this debate that it did not do so because the appropriations did not permit it to do so.

Mr. HOLMAN. The appropriations were ample.

Mr. REAGAN. There is another point made by the gentleman from Indiana to which I desire to reply. If the object of securing an assay office and mint is in order to extend the patronage of the Government to a city and make salaries for officers, and if that place is to be excluded from the privileges of a mint and assay office because it is merely a matter of patronage, why not make the same exclusion of other places of less importance and less trade in this respect? Why is this distinction to be made against a place where the necessities are greater than at other places where we are making larger appropriations for the same object? I do not understand it. If it is true, as the gentleman from Indiana says, that this is a mere matter of patronage, strike off all patronage from other places and we are content; but do not bestow it elsewhere, and in bestowing it elsewhere destroy a large branch of the trade of this large city, and drive the bullion and ores hundreds of miles away to find a market.

Mr. HOLMAN. Does the gentleman know how many assay offices there are in New Orleans?

Mr. REAGAN. I do not profess to be familiar with the subject of assaying or of coinage, and am proceeding on data here before the committee. And the question which the gentleman asks me is no answer to the argument which I have tried to put against his proposition.

Mr. HOLMAN. You will find there are plenty of assay offices in New Orleans. The Government does but little of the business.

Mr. REAGAN. If it is true that private enterprise can do it in New Orleans, why should not private enterprise do it in other places? Strike out the other places, and I am content; but do not make fish of the one and flesh of another. Do not exclude that place which needs it more than the others simply because you have the power to do it, or consent to destroy the commerce there for the benefit of other portions of the country.

I like to see equity; I like to see such principles as we adopt made to extend to all similar cases. I do not like to see the appropriations made by this Government, its patronage, its laws intended for the benefit of our commerce and our trade, its laws intended to promote economy, thrift, and utility, perverted from their proper direction and appropriated to some places and refused to others.

Mr. RANDALL. I desire to state in reference to this subject that three mints are entirely adequate, I think, to all the business of the country necessary to be done, and that the assay offices which we have are entirely adequate when we take into consideration the private assay offices in various sections of the country, and that therefore there is no occasion whatever at this time for either a mint or an assay office at New Orleans.

Mr. O'BRIEN. We are not asking for a mint, but only for the establishment of that branch of the mint which assays bullion.

Mr. RANDALL. You are asking for the establishment of an assay office where we deem none is necessary.

Mr. O'BRIEN. Well, you disagree with every man who knows anything on the subject.

Mr. GIBSON. I have but a word to say. I do not know that I can add anything to what has already fallen from gentlemen who have preceded me in favor of this amendment. The Chamber of Commerce of New Orleans, the municipal government of New Orleans, and the General Assembly of the State of Louisiana have memorialized this body in favor of there being an assay office in the city of New Orleans. This, therefore, Mr. Chairman, is no scheme, no movement on the part of the delegation from the State of Louisiana to procure for themselves or their constituents any unnecessary or undue patronage of the Government. The gentlemen who represent the republican party in Louisiana as well as those who represent the democratic party in Louisiana, without concert previous to the offer of this amendment, have arisen upon this floor to support the amendment, which originated not with them but with the Committee on Coinage, Weights, and Measures.

Mr. Chairman, it has already been stated that the reason why there was no assaying or coinage done at the mint in New Orleans last year was because the amount appropriated for this purpose last year was not sufficient. Now, sir, we do not propose any coinage under this amendment. We propose simply that the business of assaying may be conducted in the city of New Orleans. It has been shown here that nine millions of bullion are received annually from Mexico at the city of New Orleans.

I would like to ask the gentleman upon what principle of justice or equity he would compel the merchants of New Orleans who receive bullion to transship it to Saint Louis or New York or any other city in the northern section of the country in order that it may be assayed? Such a proposition would be a gross injustice to the commercial community of New Orleans. I cannot believe that the gentleman from Indiana, [Mr. HOLMAN,] who takes such good care of his own constituents and who so ably represents the policy of economy on this floor, could compare this extravagance, this *onus* on the commercial community of New Orleans. I trust therefore he will withdraw his amendment.

I will state that this is but the beginning of a trade in bullion, and Mexico produces about twenty-five or thirty millions of bullion annually. The trade and commerce between New Orleans and Mexico is just beginning to be revived after the disasters of the war. Relations are springing up already between the Mississippi Valley and the republic of Mexico, and if we adopt measures, however slight, however inadequate they may appear to foster these relations, the gentleman will find that a very advantageous trade would soon grow up between that republic and this Republic. The very beginning of it is in this bullion.

I do not think, therefore, it would be wise policy in gentlemen, looking to our commerce and trade, to strike at this amendment, which is proposed, not by the delegation from Louisiana, not by any member of that delegation, but by a committee before which the Director of the Mint himself appeared, and which amendment is in his own handwriting, drawn by himself, recommended by himself both verbally before the committee and in a communication addressed to the chairman of the committee.

Mr. HOLMAN. Will the gentleman from New Orleans state the data on which he states that eight or nine millions of silver bullion was sent to New Orleans during the past year for the purpose of being assayed. I have not seen or heard of any such data.

Mr. GIBSON. Not particularly for assaying, but for purposes of commerce.

Mr. HOLMAN. That can scarcely be understood as having any connection with the importation of bullion. Will the gentleman inform the committee how many private assay offices there are in the city of New Orleans?

Mr. GIBSON. I cannot inform the gentleman how many private assay offices there may be in New Orleans, but however many there may be their acts do not impress upon the bullion assayed an official stamp and are not binding upon the parties.

Mr. HOLMAN. It is just as valuable.

Mr. GIBSON. Moreover if there be offices of private assayers in New Orleans, why not upon the same ground abolish the assay office in New York? If the office of a public official assayer is needed in New York, for the same reason a similar officer is needed by the commerce and trade of New Orleans.

Mr. HOLMAN. That a gentleman professing to be of the democratic faith should be in favor of this private business being carried on by the Government is marvelous to me. I would very cheerfully abolish the assay office in New York.

Mr. BAKER, of Indiana. I desire to ask my colleague a single question. I heard it suggested a few moments ago that the mint at New Orleans and the ground upon which it was erected were donated by the city of New Orleans to the Government.

Mr. HOLMAN. The ground, certainly.

Mr. BAKER, of Indiana. It was donated to the Government on the condition that when it ceased to be occupied for the purposes of a mint or an assay office it should revert to the city. Is that the fact?

Mr. HOLMAN. It is the fact.

Mr. BAKER, of Indiana. If that is so, then we should maintain at least an assay office there.

Mr. HOLMAN. That my friend should favor all manner of extravagance in this direction is not at all out of order for him. I am not at all surprised at it. There seem to be gentlemen on this floor who are simply seeking for some new kinds of extravagance, and they seem to have discovered a source of office or emolument in this assaying business, a private business with which the Government naturally has no more to do than it has with the inspection of cotton.

It is very true that an assay office has been established in New York, and perhaps it would be very difficult now to get rid of it. And assay offices in mining districts are found to be of great convenience to miners. These excrescences upon the body-politic have grown up on innumerable pretenses arising upon the spur of the occasion, and when once fastened upon us it is very difficult to get rid of them. But will my friend, who has heretofore been regarded as a friend of economy, tell me what benefit it is to the Government for it to engage in this business of assaying?

Mr. BAKER, of Indiana. Will my friend yield for an answer to his question?

Mr. HOLMAN. In a moment. As I have shown, we spent in New Orleans last year $9,000, and not a thing was done there. The gentleman from New Orleans [Mr. GIBSON] says that there was not enough appropriated to enable the mint there to do anything. The amount appropriated was spent in salaries and nothing more.

Mr. BAKER, of Indiana. Will my friend permit me now to answer his question?

Mr. HOLMAN. Certainly.

Mr. BAKER, of Indiana. I have this to say: that the Committee on Appropriations, of which my friend from Indiana [Mr. HOLMAN] is a distinguished exponent——

Mr. HOLMAN. My friend is not answering my question.

Mr. BAKER, of Indiana. The Committee on Appropriations have appropriated several hundred thousand dollars more in this direction than I would have been disposed to do, with all my extravagant notions.

Mr. HOLMAN. I am glad to hear my friend say that.

Mr. BAKER, of Indiana. I beg to say that if it be true that we run the risk of losing the title to this ground on which the mint building at New Orleans is situated, by the failure to make an appropriation of a few thousand dollars——

Mr. HOLMAN. My friend certainly has not read the bill.

Mr. RANDALL. We have avoided that risk.

Mr. HOLMAN. We have for years and years made a little appropriation of a few thousand dollars for this purpose.

Mr. BAKER, of Indiana. That is all I want to know.

Mr. HOLMAN. The pending paragraph makes a little appropriation

Mr. MOREY. That will not prevent the lapse of the title.

Mr. HOLMAN. It will do that very thing.

Mr. GIBSON. It is not enough to take proper care of the building.

The question was taken upon the amendment of Mr. O'BRIEN; and upon a division, there were—ayes 82, noes 38.

Mr. HOLMAN. That is not a quorum.

Mr. RANDALL. Let it go; we can have a vote on it in the House.

Mr. HOLMAN. I insist upon tellers.

Mr. RANDALL. We can have a vote on it in the House.

Mr. HOLMAN. If this bill is to be loaded down with such amendments as this, we should know it.

Mr. RANDALL. We can have a yea and nay vote in the House.

Mr. HOLMAN. I insist upon tellers.

Tellers were ordered; and Mr. GIBSON and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 94, noes 22.

Mr. HOLMAN. I will not insist upon a further count, but will have a vote taken in the House.

The amendment was accordingly agreed to.

The Clerk read the following:

Assay office, Helena, Montana:
For salaries of assayer and of melter, at $2,500 each, $5,000.
For machinery and fitting up the same, $7,500.

Mr. MAGINNIS. I move to add to the last paragraph the words "to become available on the passage of this bill."

Mr. RANDALL. I have no objection to that amendment.

The amendment was agreed to.

Mr. BENNETT. I move to insert, as an additional paragraph after the one last read, that which I send to the Clerk's desk.

The Clerk read as follows:

Assay office at Boise City, Idaho Territory:
For salary of assayer, who shall also perform the duties of melter, $2,500; for wages of workmen, $1,500; for fuel, crucibles, chemicals, repairs, and other incidental expenses, $1,000; in all, $5,000.

Mr. BENNETT. I desire to state my reasons for moving this amendment, and I hope I may have the attention of members of the Committee of the Whole, for, although to some members this matter may not seem to be very important, it is exceedingly important to the people of Idaho Territory.

A few years ago an assay office was established at Boise City and it is now in working order. To put up the building and supply the machinery and all the fixures cost the Government about $75,000. The building was erected under the supervision and control of the Supervising Architect of the Treasury. It is an institution that has done great good in that Territory. It is the only institution which this Government has furnished to that people. It is an institution against the discontinuance of which the people of that Territory have unanimously remonstrated. To carry on the work there last year cost the Government $7,500. My amendment proposes to reduce the expense to $5,000, a reduction greater than that proposed in the rule adopted by the Committee on Appropriations. They have been, I believe, cutting down expenses about 20 per cent. My amendment proposes a reduction of 33 per cent. upon what has been the cost of keeping up this assay office.

In the five minutes allowed me I cannot of course enumerate all the advantages which that assay office affords to the people of that Territory. In the first place it protects the miners. Let me tell gentlemen who are those miners whom this assay office protects. They are the laboring-men of that country, your sons and your brothers, who have gone out there to dig from those mountains the precious metals. I want to say to my southern friends here who have voted just now for the amendment in behalf of New Orleans that the class of men whom this assay office in the Territory of Idaho protects have come partly from the South. Many of them are your own sons and brothers, those who with you southern men upheld the "stars and bars," who followed Jackson and Lee, who after the war went broken down and disheartened to that country to develop it. To gentlemen on this side of the House I wish to say that in those mines there are thousands of young men who during the war carried the banner of the Union and went forth shouting, "We are coming, Father Abraham, three hundred thousand more."

In attempting to strike at New Orleans and some other places, gentlemen of the committee have found that they were dealing with those who had votes and that the thing could not be done. But, sir, the people of Idaho have no votes; and I appeal to gentlemen when they strike to strike their equals and thus at least show manliness, even if your statesmanship be doubted.

This assay office protects the miners from being imposed upon by sharpers who have private assay offices. In this connection I desire to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] to what they said on this subject the other day. In that discussion the gentleman from Indiana said:

> Not that the members of the Committee on Appropriations, or a majority of them, believe that the Government should be engaged in the strictly private business of refining bullion any more than in any other private business, but for the purpose of preventing combinations being formed in consequence of the small number of private refineries in the country, both on the Atlantic and on the Pacific, which would run up the price so high as to operate to the prejudice of the persons engaged in that branch of industry.

The gentleman from Pennsylvania [Mr. RANDALL] said substantially the same thing—that the only reason for these assay offices was to protect the miner from the extortions practiced by private parties.

Now, if this assay office is abolished, what will be the result? At present when a man has a quantity of ore and does not know how much it will assay to the ton, he takes it to the Government assay office, where it is assayed, and then he knows exactly what it is worth; he can tell whether it will pay to work that ore or not; and a capitalist who may desire to invest money to assist him knows exactly what he is doing; he knows that he is not being swindled. But if the ore is taken to a private assayer, the parties can tell nothing about it with certainty; the private assayer makes whatever return it may be his interest to make.

Let me say further that the miners of that Territory are four hundred miles away from railroads; and if this assay office should be abolished, all their ore, all their bullion, must be shipped by an express company at exorbitant prices to San Francisco, or to Portland, or some other place.

[Here the hammer fell.]

Mr. CASON obtained the floor, and yielded his time to Mr. BENNETT.

Mr. BENNETT. I hope the Chair will not be strict in enforcing the limitation of time upon Delegates from the Territories, as they have no other right than to talk.

The CHAIRMAN. The Chair must adhere to the rule.

Mr. BENNETT. As I have said, I shall not undertake to recite all the benefits of this institution to the people of Idaho; but there is one consideration affecting the interests of the Government which I wish to mention. We have there a building which cost the Government only three or four years ago $75,000. The title to the land upon which that building stands—and I have been reminded of this by the remarks of the gentleman from Indiana [Mr. BAKER] in reference to the title of the New Orleans property—is vested in the Government upon the condition that it shall, with all the improvements, revert to the original owner whenever it ceases to be used as an assay office. This bill, as reported by the Committee on Appropriations, makes no provision on this point whatever; and I assure gentlemen, from a personal investigation of the title to the property, that there is that condition in the deed. That, however, is but a small matter compared with the interests of the people there.

I have no doubt it will be said by the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] that this establishment does not pay expenses. Sir, I desire to inform members who may not have already examined the matter, that not a single assay office or mint maintained by this Government pays expenses. The object of this establishment in our Territory is not that it shall be a money-making institution for the Government. Its design is to develop the resources of the country, to assist those people who have gone into that Territory from the States, those men of whom I spoke who have laid down their arms and taken up the shovel and the pick, who are no longer engaged in throwing up breastworks, as of old, but in digging mountains for gold and silver and seeking to lay the foundation for new States of the Union, which shall add new stars to our flag.

Sir, if we look at questions of this kind from the mere stand-point of the expense, we may as well abolish the post-offices in the Territories. The amount of postage paid by the people in the Territories and the sparsely settled States fails in a very large degree to pay the expense of transporting the mails in those portions of the country. But it is not in this way that we must look at questions of this kind. It is the development of the country that is to be regarded. Gentlemen who have visited the Territory of Idaho know that it promises to be one of the finest mineral regions of the globe. It is a new country, just beginning to be developed. Take away this assay office and you strike a blow at the very life of that great industry and you cripple and destroy the Territory almost altogether.

I am only asking for an appropriation of $5,000. That is all it takes. You have just given $14,000 to New Orleans where this committee say you do not need one, but where I think you do. In the case of New Orleans it is simply a business necessity. There are no mining interests there to develop, no new country to go to and build up. I beg you in the name of justice not to strike down this institution.

The CHAIRMAN. The gentleman's time has expired.

Mr. BENNETT. Mr. Chairman, I wish the House to understand that we are not asking for anything new, but only asking to continue that which we now have; and I am willing to cut down the expenses one-third, which I do by my amendment.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, this amendment has not the advantage of the New Orleans amendment, as it is not recommended by any committee. It is in my mind about equally necessary at one place as at the other. I did not think it was necessary at New Orleans, and I do not think it is necessary at Boise City, Idaho; nor do the committee, so far as I am able to know. We struck it out with the concurrence of the Director of the Mint, so far as I can learn; but he changes his mind so often that I cannot keep track of him, and therefore I do not know but he may have recommended it.

Mr. BENNETT. What does the gentleman say?

Mr. RANDALL. I say that I do not know whether the Director of the Mint has recommended this or not, as he changes his mind so often that I cannot keep track of him. [Laughter.]

Mr. BENNETT. I wish to say I called on that gentleman and he sent a note by me to the chairman of the Committee on Appropriations stating he did not want to make a statement to the House as he was accused of making so many different statements. He sent a note by me, and I believe the gentleman from Pennsylvania has it now.

Mr. RANDALL. Yes, he sent me a private letter.

Mr. BENNETT. He stated that if the appropriation could be reduced to $5,000 he thought it better than injuring the building there by making no appropriation at all; that it was better to do that than leave the building to go to destruction. He told me privately that it would cost half as much as I now ask to keep up the building.

Mr. HOLMAN. The gentleman from Pennsylvania yields to me a moment to ask a question. Will the gentleman from Idaho inform the House what officer it was under whom it was erected?

Mr. BENNETT. It was built under the direction of the Supervising Architect of the Treasury Department. He appointed an agent by the name of J. R. McBride, once a member of Congress from Oregon and afterward chief justice of Idaho. Under his superintendency the building was erected.

Mr. HOLMAN. It was built, then, under the auspices of the Treasury Department?

Mr. BENNETT. Yes, sir.

Mr. HOLMAN. How long since?

Mr. BENNETT. About four years ago.

Mr. HOLMAN. The only object of my inquiry is to ascertain who has been guilty of the fraud upon the Government by the erection of a building on a site to which the Government had no title. This is a thing which this House should inquire into. It is the first case of the sort which has occurred for many years.

Mr. BENNETT. The title is in the Government so long as it uses it as an assay office. It is just the same as at New Orleans.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Idaho.

Mr. BENNETT. I hope the committee will adopt the amendment. The chairman says I am right about it, and hopes it will be adopted.

Mr. RANDALL. I think the same members who voted for the New Orleans mint should vote for it; but I am in favor of neither, for neither is necessary.

Mr. BENNETT. It is all I have asked for Idaho Territory this year, and I hope gentlemen will vote for it.

The committee divided; and there were ayes 78, noes not counted.

Mr. HOLMAN. I do not demand a further count, but give notice we shall ask for a vote in the House.

So the amendment was agreed to.

Mr. DAVIS. I move to amend by adding, after line 945, on page 39, the following:

Assay office at Charlotte, North Carolina:
For assayer, $1,800; for melter, $1,200; for labor, fuel, lights, acids, chemicals, repairs, and other necessaries, $1,000; in all, $4,000.

Mr. DAVIS. Mr. Chairman, my friend and colleague, [Mr. ASHE,] who represents the Charlotte district, in which this assay office is established, is necessarily absent, but he has furnished me with some facts to which I desire to call the attention of the House and which I hope will secure the adoption of this amendment.

This assay office is the successor to the old mint established at Charlotte in 1835. The mint went into operation in 1838. It was destroyed with all its machinery in 1844; was soon rebuilt, and continued in successful operation till 1861, with very great advantage to the country round about it. It was extensively patronized and of great benefit to the public until the war put an end to its operation. During this period, sir, there were coined at this mint between $5,000,000 and $6,000,000 in gold, the production of North Carolina. There was also during the same period coined at the Mint in Philadelphia about the same amount of gold from the same region.

The gold-bearing region of North Carolina is not appreciated by this country. There are very few persons who understand its extent or its value. There is on the southern border of the State an area of about five hundred square miles which abounds in gold. Charlotte is the center of this section. There are also in my own district rich gold mines. There are the Portis mines, the Ransom's Bridge mines, and the Arrington mines in the counties of Franklin and Nash, which have yielded over a million dollars of gold, and have not been half worked or half developed.

There have been recently discovered in the county of Chatham (a county rich in mineral wealth, in iron, in copper, and in coal) gold mines that promise to rival any in the State. They are now being worked.

It is a fact perhaps not generally known that between the year 1804 and the year 1827 all the gold derived from mining throughout the whole United States was furnished by the State of North Carolina; and during the period from 1804 to 1868 she furnished at least one-half of the gold supplied from the mines on the Atlantic slope. The Atlantic States, as contradistinguished from the Pacific States, deposited at the mints from 1804 to 1868, in exact figures, $19,457,297.55. Of this amount the State of North Carolina deposited $9,278,627.57, being about half of the whole amount. During the same period there passed into manufactures and commerce about the same amount; making the yield of the Atlantic States up to the year I have named about $40,000,000, of which North Carolina furnished about one-half, or say $20,000,000.

Now for various reasons which I have not time in a five-minute speech to enumerate, the mines of North Carolina have not been half developed. They have not been thoroughly worked. But is not this an interest of sufficient importance to attract the attention of Congress? Even with this exhibit, is there not enough in it to demand the fostering care of the United States Government, especially at a time when we desire to resume specie payments with an amount of gold in the Treasury entirely inadequate for that purpose?

A gentleman near me asks if this is the centennial town of Charlotte. Yes, sir; it is the old town of Charlotte, in North Carolina, where the standard of independence was first raised on this continent, and the first declaration of independence made, as we in North Carolina assert and are prepared to maintain, even against my friend the chairman of the committee, who comes from within a stone's throw of the noble old Independence Hall of Philadelphia. Charlotte is the county-seat of Mecklenburgh.

[Here the hammer fell.]

Mr. HOLMAN rose.

Mr. DAVIS. I ask if the gentleman from Indiana will allow me a little more time?

Mr. HOLMAN. I yield two minutes of my time to the gentleman.

Mr. DAVIS. I am informed that the mere fact of the establishment of the mint at Charlotte stimulated the mining interests of North Carolina, increased greatly the production of the mines there, and gave an impulse to them which was felt and continued to be felt down to the late unfortunate war. When the war broke out there were tributary to the mint at Charlotte at least one hundred mines. Many of these were remunerating their owners with handsome returns. The mine at Gold Hill yielded $2,500,000; Rudisill and two others had yielded each $1,000,000; and many others ranged from ten thousand dollars to three-quarters of a million. The production of these mines may be greatly increased and the value produced from them more than quadrupled by the introduction of improved machinery.

Since the war, for the want of capital and labor, (everybody knows how depressed our section of the country has been,) these mines have not been restored to their former degree of productiveness. And, besides the want of labor generally, there have been in the last two years two railroads completed, one from Wilmington to Charlotte, and one from Charlotte to Atlanta in the State of Georgia, which drew off a large amount of labor that would otherwise have found employment in those mining sections. These railroads are now completed and this labor will soon return to its old channel, and then capital will seek investment in mining lands.

The continuance of this assay office at Charlotte will be of immense value. It will give confidence. It will direct and fix the attention of capitalists and encourage investments. It will stimulate the production of gold; and not only that, but it will furnish the miners the great advantage of having at their own doors, of having at hand ready and convenient means of ascertaining the value of their bullion; and it will not be open to the objection of my friend from Pennsylvania, [Mr. KELLEY,] who does not believe in mints, because the coin is sent abroad and becomes an article of commerce. All we want is that there shall be, convenient of access to this people, an assay office by which they can ascertain the value of their bullion, and put it in the market, and let it go as an article of commerce. We wish to have this assay office if we cannot now get the old mint, which will be re-established some of these days when the bright and golden future of North Carolina shall render it of sufficient importance to demand it. At every session of Congress since the war except the last an appropriation was made for this office. At the first session of the last Congress there was an appropriation made of $4,500. The necessary buildings are all there, and we only ask for this small sum of $4,000. And I desire to say just here, because I believe it to be true, that there is not perhaps a State in all this Union which has been, relatively speaking, the recipient of so few favors and so few appropriations from the Government as the old State of North Carolina. The Director of the Mint, Dr. Linderman, recommends this appropriation of $4,000. I have his letter, which I desire to be read at the Clerk's desk. And now let me ask for North Carolina, a State which has asked very few favors at the hands of the Government, that this appropriation be made. I trust the Committee of the Whole will adopt the amendment.

The Clerk read as follows:

TREASURY DEPARTMENT,
Office of the Director of the Mint, February 22, 1876.

DEAR SIR: Acknowledging your letter of the 21st instant, in reference to the necessity of continuing the assay office at Charlotte, I have the honor to state that while the condition of the gold-mining interest of that locality is not such as would justify the establishment of an assay office if it were an original question, I am of the opinion that it would be proper to continue assaying there on a limited scale, and for which an appropriation of $4,000 would be sufficient.

Very respectfully,

H. R. LINDERMAN, *Director*.

Hon. THOMAS S. ASHE.

Mr. RANDALL. Is there no other assay office recommended there? Let us get them all in at once.

Mr. HOLMAN. This plastic gentleman who presides over the mint department is a source of great embarrassment to the Committee on Appropriations. We had taken it for granted that the assay office at Charlotte was finally disposed of. I wish to call the attention of the gentleman from North Carolina [Mr. DAVIS] to a few facts.

The assay office at Charlotte, North Carolina, was kept up until last year, and the last report we had from Charlotte under the full appropriations was a deposit of bullion to the amount, all told, of $6,562.12. That was the entire deposit at that mint during the last fiscal year. No appropriation was made for the fiscal year, for Congress saw that we could not afford to keep up an assay office where the amount of bullion deposited was so small.

Now, what were the expenses of that establishment for that same year? The expenses of salaries were $4,340.54, or, in other words, the expenses of the office were within $2,000 of the whole amount of bullion taken there to be assayed.

Mr. DAVIS. I desire to say, in answer to what the gentleman from Indiana has said, one thing; and it is this, that we are just beginning to work there. I have already called his attention to the fact that the laborers formerly at work there had gone to build these two railroads; but they will return to their work in the mine this year if you will give us this appropriation; and if we do not furnish triple and quadruple next year what we did last year, then in behalf of North Carolina I will say that you may strike out the appropriation.

Mr. HOLMAN. The argument from year to year in favor of keeping up this assay office has been the same, except as to railroads. We have appropriated at least $40,000 for this mint within the last eight years; and there never has been much more bullion deposited there in any one year than the amount I have stated. We abandoned it last year, because an assay office certainly ought not to be kept up for the purpose of assaying $6,000 in bullion. Now my friend asks for $5,000.

Mr. DAVIS. No; only $4,000.

Mr. HOLMAN. Well, that is within $2,000 of all the bullion in gold and silver that would go there, according to the report made by the Director of the Mint. I am willing that you shall have all the gold and silver bullion that you can get out of the mines there, but to ask Congress to appropriate four or five thousand dollars to keep up the mint at a point where so little bullion is deposited is asking too much. It seems to me that my friend must observe that there is really no excuse for keeping this mint or assay office.

Mr. RANDALL. If I recollect rightly, last year we proposed to

give this assay office to the State for educational purposes; that is my recollection of it; but there is really no necessity for an assay office there. I would now like to have a vote.

The question was taken on the amendment of Mr. DAVIS; and on a division, there were—ayes 60, noes 49; no quorum voting.

Mr. HOLMAN. I ask for tellers.

The CHAIRMAN. As no quorum voted, the Chair will order tellers.

Mr. RANDALL. I suggest to my colleague on the committee that it will save time to take a vote on the amendment in the House.

Mr. HOLMAN. I think we ought to take a vote in the Committee of the Whole.

The CHAIRMAN. The Chair was about to appoint tellers.

Mr. HOLMAN. We cannot get the yeas and nays in the House on it.

Mr. RANDALL. Yes, we can.

Mr. HOLMAN. As the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, thinks that the better plan is to take the yeas and nays on the amendment in the House, I will not insist on the call for tellers.

Mr. RANDALL. With the understanding that we are to have the yeas and nays in the House.

Mr. GARFIELD. You can have a vote in the House on each amendment.

Mr. RANDALL. But we want to have the yeas and nays, and I would like to have it agreed that the yeas and nays should be taken as in the case of the other two amendments.

The CHAIRMAN. If there be no objection, it will be understood that the vote is to be taken in the House on this amendment by yeas and nays. The Chair hears no objection.

Mr. BENNETT. I desire to offer a verbal amendment.

Mr. RANDALL. I am a little afraid of you. Your amendments go in.

Mr. BENNETT. An amendment was adopted a little while ago on motion of the gentleman from Colorado, [Mr. PATTERSON,] which authorizes assay offices to issue gold certificates; at that time the amendment in relation to Boise City had not been adopted, or it would have been provided for. I ask that the amendment of the gentleman from Colorado be amended by inserting after the word "Helena" the words "and the assay office at Boise Bity."

Mr. RANDALL. That is going back, and it is not in order.

Mr. HOLMAN. I think it is a proper amendment if the other amendment is to prevail.

Mr. RANDALL. Well, let it go in.

The amendment was agreed to.

Mr. RANDALL. I now desire to submit to the House the question whether we shall sit as a committee until six o'clock or rise now and have an evening session? I have no wish on the subject myself one way or the other.

Mr. TOWNSEND, of Pennsylvania. Say half past five o'clock.

Mr. RANDALL. O, no; six o'clock. Unless some one moves now that the committee rise I shall conclude that the committee are desirous of making the first arrangement I suggested, that they will sit until six o'clock.

Mr. O'NEILL. I hope the committee will sit on until half past five or six o'clock, as we would do more business during that time than we should in a whole evening session.

The CHAIRMAN. The Chair understands that no motion is made for the committee to rise.

Mr. RANDALL. But by general consent it is understood that the committee will not rise until nearly six o'clock.

The Clerk resumed the reading of the bill, and read as follows:

GOVERNMENT IN THE TERRITORIES.

Territory of Arizona:

For salary of governor, $3,000; chief justice and two associate judges, $2,500 each; secretary, $2,000; interpreter and translator in the executive office, $500; in all, $13,000. And hereafter the salaries of governors of Territories shall be $3,000 per annum each, and the salaries of chief justices and associate justices shall be $2,500 per annum each, and the salaries of secretaries of Territories shall be $2,000 per annum each; and sections 1845 and 1879 of the Revised Statutes and all laws and parts of laws in conflict with the provisions herewith stated are hereby repealed.

Mr. HURLBUT. I move to amend that paragraph by striking out in line 949 "$2,500" and inserting, in lieu thereof, "$3,000," and in lines 954 and 955 I offer the same amendment.

My opinion is that the Committee on Appropriations have made a mistake in reducing the compensation of the judges of the Territories. My recollection of the law is that it allows $3,000. I know no reason in the world why these salaries should be reduced. I know that of all classes of officers that are known to the Government there are no men so badly paid as the judicial officers of the United States in the Territories, in the district courts, in the circuit courts, and in the Supreme Court.

It is my opinion that no man of the proper legal attainments and standing can be found to go into the Territories of the United States to fill this high office for the salaries proposed by this bill without some personal political ambition prompting him, which should never influence a judge. I do not know any lawyer fit to occupy this position who would consent to give up the comforts of home and his professional emoluments to accept a temporary office, limited to four years, at the salary of $2,500.

I wish to state to the committee what undoubtedly nearly all the members of it know, that the jurisdiction of these territorial judges is very large in all those matters upon which the territorial court has a right to pass; it is large as regards the rights of persons and the rights of property. There are some of these Territories in which, with the present earnest conflict going on everywhere for the amassing of money in a sudden and speculative way, it is not fair to put a judge to pass upon that class of questions, with an insufficient salary, a salary that might have a tendency to lead him to listen to considerations other than those which should influence a judge I hope the Committee of the Whole without any hesitation will restore the salaries of the territorial judges to what they are now under the law.

Mr. HOLMAN. I wish to inquire of the gentleman from Illinois [Mr. HURLBUT] if he has considered the fact that the salary of $2,500 a year, as fixed by this bill, was until a very recent period the salary that was fixed by law; that none of these officers received more than $2,500 until 1870, 1871, and 1872? They were not all raised at once. Prior to the year 1870 and during all that expensive period of our recent history the salaries of these officers were $2,500 a year, and we had the same class of men holding office then that we have had since the salaries were raised.

Mr. HURLBUT. I will ask the gentleman whether he knows any lawyer in good standing and with a fair practice anywhere in the State of Indiana, or in any other western State, who would surrender his personal liberty, his chance of promotion, and his emoluments to accept the salary of $2,500?

Mr. HOLMAN. In the State of Indiana the judges receive a salary of $2,500 a year, the same as is fixed by this bill. And that is an increase of a comparatively recent period. That salary commands the very best talent furnished by the legal profession in the State. In the State of Michigan, in the State of Vermont, and in many other States of the Union the salaries of the judges are still less. I have observed that in the States where the salaries are comparatively small the integrity of the judiciary is beyond all possible question, and the weight of their authority is far above that of the States where more expensive salaries are paid.

Mr. HURLBUT. If reducing salaries makes a better judge, would it not be better to cut the salary down to $1,000?

Mr. STEELE. I move to amend by striking out the last word, in order that I may say that I hope most earnestly that this amendment of the gentleman from Illinois [Mr. HURLBUT] will be adopted, as it certainly ought to be, whatever may be said about the reduction of the salaries of other territorial officers. For my own part I must say that I shall see any reduction of these salaries made with regret, for I believe the tendency of such reduction will be to give us an inferior class of men as officers in the Territories. The tendency will be to drive every good man out of office, and only those who ought never to have been in will remain, no matter what reduction you make. Poor compensation gives poor labor all the world over. Especially is that the fact when the laborer is intrusted with such important duties as those performed by the officers now under consideration.

The judicial officers of the Territories have jurisdiction of all matters, both original and appellate. They hold terms of district courts which are *nisi prius*, and they sit as justices of the supreme court and hear appeals from their own judgments. It will be seen how intimately the prosperity and well-being of the Territories are bound up in the honesty, integrity, and ability of their judicial officers. Not only have they this jurisdiction under the laws of the Territories, but they also have jurisdiction under the laws of the United States as judges of the district and circuit courts of the United States. In this connection I ask the Clerk to read a resolution which was adopted unanimously by the Delegates from the Territories in this House.

The Clerk read as follows:

Resolved by the Delegates from the Territories, That they enter an earnest protest against any reduction of the salaries of the judicial officers of the Territories, believing it to be against public policy, and that it will prove most injurious to the best interests of the people they represent.

Mr. STEELE. I desire to say that that resolution met the unanimous judgment and approval of the Delegates in this House, without reference to politics. The Delegates are about equally divided politically, but in reference to this matter they have no politics; they believe it is a subject which ought to be beyond the reach of politics, that this class of officers should be above any mere consideration of party politics and should be above any consideration of cheap salaries. The lives, liberty, and property of every citizen in the Territories depend upon the fact whether these judges are intelligent, honest, and capable.

The gentleman from Indiana [Mr. HOLMAN] says that they pay their judges in Indiana only $2,500 a year. Now, he himself is a striking example of the fact that a man in a judicial position in Indiana who honestly performs his duties can look forward to something better, can expect to come to the Congress of the United States. Our judges are not citizens of the Territories; they are not elected as Delegates to Congress. We want them to have at least a compensation that will secure for us ability and integrity. I hope the amendment of the gentleman from Illinois [Mr. HURLBUT] may be accepted by the Committee on Appropriations, for we do not desire to antagonize that committee in reference to the salary of any other officer in the Territories than the territorial judges.

[Here the hammer fell.]

Mr. HOLMAN. Before the gentleman from Wyoming [Mr. STEELE] takes his seat I beg leave to ask him a question. He has been in that Territory, I believe, a number of years——

Mr. STEELE. Quite a number.

Mr. HOLMAN. Now, it is only recently that these salaries were increased from $2,500; and I wish to ask my friend whether he has discovered any increase in the learning and ability of the gentlemen holding these judicial offices in the Territories since the salaries were put up to $3,000?

Mr. STEELE. I will say in reference to this matter that in 1870 and in 1873 the Congress of the United States undertook to re-adjust the entire system of salaries for the Territories and to prohibit the Territories themselves from paying compensation to their own officers. Previous to that time the Territories had been in the habit of increasing the salaries of their own officers by payments from their own treasury—from money raised by taxation of their own people. That has now been done away with.

Mr. HOLMAN. As to all of them?

Mr. STEELE. All, or nearly all.

Mr. HOLMAN. Not nearly all, I think.

Mr. RANDALL. The change with reference to governors was not made till 1873.

Mr. STEELE. That is the fact; but there is a positive prohibition in many of the Territories in reference to any increase by the Territorial Legislature of the salaries of judges, governors, or secretaries.

Mr. BENNETT. I want to say a word to the gentleman from Indiana, [Mr. HOLMAN.] Formerly in the Territory of Idaho, when the judges received $2,500 from the United States, the territorial Legislature added $2,500, which was paid from the territorial treasury. But this Congress by a direct act prohibited the territorial Legislature from enacting any such law in reference to any of its officers.

Mr. HOLMAN. That was very proper.

Mr. BENNETT. Another thing is to be considered. The judges are paid in greenbacks, which of course are good money; but it so happens in most of the Territories, especially the one I represent, those greenbacks are shaved down to eighty-five cents on the dollar; so that a nominal salary of $2,500, when converted into money which can be used in that Territory, is only equivalent to about $2,250, upon which no judge can live respectably.

Mr. ELKINS. Mr. Chairman, I beg to occupy the attention of the committee on this question for just a few moments. If there is any one thing which is of infinite importance to the people in a Territory, as it is to the people of the States, it is a good judiciary. It is important that the best possible talent should be obtained to fill judicial offices. The salary proposed to be paid these judges by the amendment of the gentleman from Illinois is $3,000 a year, the salary now provided by law.

I wish to give the committee some idea of the expenses to which a judge in one of these Territories, and particularly in New Mexico, is subjected. The chief justice of New Mexico has a district comprising seven counties. He holds the United States courts twice a year at Santa Fé, in that district, and territorial courts in each of the counties, the latter courts corresponding with the State courts in the States, as distinguished from the Federal courts. In order to hold two terms of court in each of these seven counties during the year, he travels seven hundred miles, at an expense of twenty-five cents a mile, saying nothing of the cost of boarding and other expenses incurred by reason of his absence from home.

The terms of many of the territorial courts in the various counties last two weeks. The United States and territorial courts at Santa Fé hold four weeks. It is fair to say that the chief justice is occupied about six months during the year holding the courts in his district besides the session of the supreme court, which lasts about one month, making seven months of his time given to the actual sessions of courts, besides work at chambers.

The jurisdiction of these courts is very extended. They have the same jurisdiction that the circuit and district courts of the United States in the States combined have, and therefore have more duties to perform than the judges of these courts. In addition to their United States jurisdiction, they hold territorial courts, as I have said, corresponding to the State courts. Thus the labor imposed upon these judges is greater than that resting upon any of the judicial officers in the several States. The questions arising in the Territories are frequently complicated and sometimes involve the adjudication of millions of dollars in a single case, and I submit to this House to say whether $2,500 is a sufficient salary to compensate officers having such heavy labor and responsible duties to perform. Even $3,000, proposed by the amendment, I claim is not fair compensation.

Now, Mr. Chairman, in the bill now under consideration the Committee on Appropriations propose to allow the judges of the district court of the District of Columbia, whose labors are not near so great, and the jurisdiction of whose courts is not so enlarged, and who are able to remain at their homes during the entire year, who, therefore, incur no extra expense in traveling, a salary of $4,000 a year. I would like to know from any member of the committee why the district judges of the District of Columbia should have this preference and partiality at their hands over the judges of the district courts of the United States in the Territories. It is manifestly unjust. If these judges of the District of Columbia are entitled to $4,000, the judges in the Territories should receive $5,000; for they incur heavier expenses in the discharge of their duties, they hold more courts, they sit more months in the year, and do more duty.

I wish also to call the attention of the committee to the fact that the reduction here proposed upon the salaries of the judges of the Territories is more than 10 per cent., a greater percentage of reduction than is proposed as to the salaries of Congressmen or of clerks and other officers in the Departments. Why this distinction? Why do you want to visit upon the judges and officers of the Territories a greater reduction than that proposed in regard to other officers? This reduction of $500 is much more than 10 per cent. of their present salary—nearly 20 per cent.

If this House feels an interest in the welfare of the Territories, in the character of the territorial judiciary, in the proper administration of the laws, and the protection of the people, their property, and lives, it will adopt the amendment of the gentleman from Illinois. That proposition is entirely just; and I think on reflection the chairman of the Committee on Appropriations himself will agree to it. We have not objected to the reduction contemplated with reference to the territorial governors, secretaries, or other officers, although I am of the opinion it is very unjust. We protest now only against this reduction as applied to the judges. These judicial officers are appointed in the respective Territories without any choice of the people; and if we are to have them, we want the salary sufficient to justify good men, and at least fair lawyers, in accepting the positions. Beyond this we have no interest in this question. It is rarely the case that one of our own people is ever appointed to these offices. Our only wish is to have good men in these positions; and therefore I trust that the amendment may be adopted.

Mr. CANNON, of Utah. Mr. Chairman, to show the estimate in which this matter is held by the Legislative Assembly of the Territory of Utah, I will state that at the recent session of that Assembly $6,000 was appropriated for the payment of the salaries of judges for two years, making an addition of $1,000 annually to the salary of each judge, and giving to each an aggregate compensation of $4,000. The reason for this action was that the salary as now fixed by the United States was regarded as quite insufficient for the responsibility of the position.

There is a large amount of litigation in our Territory, as in all Territories where there are valuable mines the ownership of which is frequently in dispute, and it was deemed proper that the salaries of judges should be increased. There has been no restriction placed upon us by Congress to prevent the Legislative Assembly making the salary sufficient to induce capable men to accept and retain the position. I myself am opposed to Territories contributing to the salaries of officers in whose election they have no voice, but under the circumstances it is no more than right that men holding such responsible stations as these judges do, having such important interests coming before them to decide upon, should have such salary as will induce men of character to take the positions, and I hope in the interest of the Territories this reduction will not be made.

Mr. HOAR. Mr. Chairman, I should not have spoken on this question but for what seems to me the grave and serious statement made to the House by the gentleman from Utah, which is that the judges of the United States, appointed by the authority of the Government, representing the Government in their judicial capacity, accept salaries or increase of salary from another source. It seems to me that is an abuse which would justly warrant the impeachment of any judge against whom it could be proved. It was one of the most important causes of the revolutionary war and of the conflicts which preceded it that Great Britain claimed the right to pay the colonial and provincial judges, thereby taking away their dependence upon the colony for which they sat in judgment and making them in whole or in part dependent upon another power.

Now, if a judge of the Territory of Utah should undertake to accept a salary when his salary is fixed here by the Government of the United States, when his duty is to declare invalid and unconstitutional the acts of the Territorial Assembly of Utah, if a judge should presume to accept another in addition to the salary fixed by this Government he should be impeached and removed from office.

Mr. STEELE. Does the gentleman from Massachusetts know that by express enactment of Congress judges of the Territory are allowed to sit—not compelled, but allowed to sit and administer the laws of the Territories as district judges of the Territories, and that for that reason the Legislative Assemblies imposing on them by their acquiescence additional burdens think they may very properly pay them additional compensation without the judges laying themselves open to any such grave charge or imputation as that mentioned?

Mr. HOAR. I do not understand that to be the statement of the gentleman from Utah at all.

Mr. CANNON, of Utah. That is the law and that is the precise position of the judges in the Territories; not in the Territory of Utah alone, but in all the Territories. They act in a dual capacity. For six days, or as much longer as needed, they act as United States judges, and for the balance of the time they act as territorial judges. There is no impropriety in their accepting pay under such circumstances. Neither would there be any impropriety in the Territory paying them entirely, except for the service they render as United States judges.

Mr. HOAR. So far as the judge of a Territory is authorized by act of Congress to hold a territorial office and receive compensation for

his services in that office, of course he is all right; but that was not the statement of the gentleman from Utah as originally made.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOAR. I should like to be heard a little further.

Mr. MAGINNIS. I rise to oppose the amendment, and yield to the gentleman from Massachusetts.

Mr. HOAR. The gentleman from Utah originally stated, as an argument for the increase of the official salaries granted by this bill, that these salaries granted by the United States were so insufficient the Legislative Assembly of his Territory was in the habit of eking them out by an additional grant of salary to these judges. That was the abuse of which I complain.

Mr. CANNON, of Utah. I wish to say that I did not amplify this point as I might have done and fully explain it. I supposed every gentleman on this floor familiar with the affairs of the Territories would understand my statement. This action of the territorial Legislative Assembly is in consequence of the meager salaries of the judges; and it is distinctly understood by all who are familiar with the affairs of the Territories that the judges act in a dual capacity, and there is not the slightest impropriety in their accepting this additional pay.

Permit me to say, Mr. Chairman, that I do not believe any exception would have been taken to this action if it had been any other Territory than that of Utah. The territorial Legislative Assembly of Utah have done this in good faith, as other Territories have done it, and not for any improper purpose, recognizing the propriety of giving their judges a sufficient salary.

Mr. MAGINNIS. If there is any of my time left, I rise to say, in answer to the gentleman from Indiana who made the point that the salaries of these territorial judges were raised in 1870, that my Territory, besides the $2,500 allowed by Congress, gave them $3,000 a year; but the chairman of the Appropriation Committee [Mr. GARFIELD] at that time, in re-arranging the salaries of territorial officers, fixed the salary by the Government at $3,000 and cut off all territorial compensation. Now, the Delegates from the Territories do not wish to antagonize the reduction as to governors and other officers, but they trust the House will allow the salaries of the territorial judges to remain as they are. They are all political opponents of mine.

I withdraw my amendment.

Mr. BLOUNT. I renew the amendment.

The discussion on this question of salaries is just such as we have been accustomed to lately. In the Forty-second Congress we had this whole matter gone over; and the higher class of services which it was alleged you would get by an increase of salary was deemed a sufficient reason at that time for raising salaries. The salary bill was adopted, but the country disapproved of it, and the next Congress repealed it. And so far as I am aware there was no appreciable change in the degree of talent that was brought to the national Legislature in consequence of that raising of salaries. We find that this salary is equivalent to that in many of the States. As has been stated by the gentleman from Indiana, [Mr. HOLMAN,] the salary in that State is $2,500. I remember very well it was stated in the last Congress that Judge Poland, then a very distinguished member of Congress from Vermont, had served for years for the sum of $1,800. I think in the State of Michigan it does not exceed $1,800. A gentleman from that State tells me that it is $1,500.

All these facts show that the salary is not the measure of the talent required. If gentlemen will go back to the legislation prior to 1870, they will find that in some of the Territories the salaries which have been allowed by law were not even so great as that proposed by the committee. What was the status of the judges then? Was there any complaint of an inefficient judiciary? Has there been any assurance to this House that by reason of the salary then being smaller than it is at this time there was not a supply of men to take these places capable of discharging the duties attendant upon them? Not at all. There have been no statements made by any gentleman to the committee to that effect. On the contrary, we have been assured that there has been no change in point of talent.

Mr. ELKINS. In my Territory there has been a change. We have had better talent since the salary has been increased.

Mr. BLOUNT. I think the gentleman stated that by his own personal influence he got in a man whom he liked better than the man who was there before. But he stated to the committee that the talent that there was in that position before was entirely satisfactory.

Mr. ELKINS. The gentleman is mistaken.

Mr. BLOUNT. The committee so understood him.

Mr. ELKINS. O, no.

Mr. BLOUNT. Whether that be true or not, I say that the salary is not the measure of the talent. Such is not the experience in any State. Such is not the experience in the judiciary of the Federal Government.

Mr. ELKINS. Why, then, do you not give a salary of $50 a year, if the amount of salary makes no difference to the talent?

Mr. BLOUNT. I do not propose to be absurd in carrying out these measures of economy.

Mr. BENNETT. I desire to say just one word. Why do you give the judges in the District of Columbia, $4,000? Why not cut down their salaries to $2,500? I have had the experience of living in both places, and I can live cheaper here than I can in Idaho, and I know the judges here have not half the work to do that they have in Idaho.

Mr. BLOUNT. I propose to take one thing at a time. When we come to the District of Columbia, if the gentleman proposes then to compare the litigation in these little Territories with a population of twenty or thirty thousand with the litigation in the District of Columbia with a so much larger population, we shall be ready then to enter into that comparison.

Mr. ELKINS. We have twice the litigation in New Mexico that there is in this District and as many people.

Mr. BENNETT. As to the amount of litigation, will the gentleman from Georgia permit me to say that there are more cases in these Territories, and cases involving mines, one of which may involve more money than any case in the District of Columbia for ten years? There are frequently cases which involve immense sums of money.

Mr. BLOUNT. I have not time in a five-minute discussion to go into all these questions. But I think it utterly absurd to talk about the salary of a judge in a Territory, the duties being such as they are, and to place it in comparison with the salary of a judge of the District of Columbia.

Mr. BENNETT. That is simply because you are not acquainted with the business out there.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, has my time expired?

The CHAIRMAN. Yes, sir; a good deal of it was occupied by other gentlemen.

Mr. HOAR. I desire to say one word further in reply to the gentleman from Utah. I am in favor of giving all these territorial judges honorable and ample salaries; but I am informed that the abuse which he has stated exists in his Territory has been corrected by Congress in regard to nearly all the other Territories, in regard to every Territory to which the attention of Congress has been called; so that he commits an act of injustice when he says that with reference to any other Territory than Utah this objection would not have been made.

The objection has been made heretofore, and the evil has been corrected. And I say again that you cannot conceive a greater abuse in principle of the judicial office than to enact that any other power whatever shall have the right to increase or to fix the salary of a judge than the Government to which he is responsible.

And to say that the Territory of Utah in its existing condition, or any other Territory in its existing condition, shall be permitted to come in and grant a sum of money to these judges, whose duty it is, representing the Government, to restrain the local legislation of the Territory, is a flagrant abuse which should never be permitted; and I understand it is expressly prohibited in regard to nearly every other Territory. I further repeat what I said before, that that was one of the constitutional and political principles contended for by our ancestors at the time of the revolutionary war. The power which fixes the salary of a judge makes the judge its dependent; and if the Territory fixes the salary of the judge, he will be at the beck and under the control, unless he is superior to ordinary human passions, of the population who compose that Territory.

Mr. CANNON, of Utah. I am very glad that in my previous remarks I took the precaution to state that I do not approve of the Territories paying United States officers, because it explains my position and saves my consistency; and that is exactly the feeling which I had upon this question when I learned that the Assembly of our Territory had supplemented the salary of the judges of the Territory. I think when the Government selects officers for a Territory, officers in whose choice the people have no voice, they should be paid proper and suitable salaries by the Government; either this, or they should be left entirely dependent for salary upon the people to whom they are sent, and who can judge of their capacity and the value of their services. The Legislature of Utah considered that $4,000 was a proper salary for the judges of the Territories, and therefore they appropriated a sufficient sum to make it that amount.

Mr. LORD. I ask the gentleman from Utah to yield to me for a moment that I may move that the committee rise, to enable the House to serve a surrejoinder in the impeachment case that must be sent over to-night. It is a mere formal matter.

Mr. CANNON, of Utah. I yield for that purpose.

Mr. LORD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union had had under consideration the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LORD. I rise to a privileged question. The managers on the part of the House have prepared a joinder in demurrer and surrejoinder which should be adopted by the House before it is filed with the Secretary of the Senate.

The Clerk read the paper, as follows:

In the Senate of the United States sitting as a court of impeachment.

THE UNITED STATES OF AMERICA vs. WILLIAM W. BELKNAP. } By the House of Representatives of the United States, April 25, 1876.

The House of Representatives of the United States, in the name of themselves and of all the people of the United States, say that the said first replication to the

plea of the said William W. Belknap to the articles of impeachment exhibited against him as aforesaid and the matters therein contained, in manner and form as the same are above set forth and stated, are sufficient in law for the said House of Representatives to have and maintain the said articles of impeachment against the said William W. Belknap, and that the Senate sitting as a court of impeachment has jurisdiction to hear, try, and determine the same; and the House of Representatives are ready to verify and prove the same, as the Senate sitting as a court of impeachment shall direct and award: Wherefore, inasmuch as the said William W. Belknap hath not answered the said articles of impeachment or in any manner denied the same, the said House of Representatives, in the name of themselves and of all the people of the United States, pray judgment thereon according to law, that the said William W. Belknap be adjudged guilty of the high crimes and misdemeanors aforesaid, and that the Senate sitting as a court of impeachment do adjudge accordingly.

And the said House of Representatives as to the first and second subdivisions of the rejoinder to the second replication of the House of Representatives to the plea of the defendant to the articles of impeachment, wherein the said defendant demands trial according to law, the said House of Representatives, in behalf of themselves and all the people of the United States, do the like; and as to the third, fourth, fifth, and sixth subdivisions of the rejoinder of the said defendant to the said second replication they say that the said House of Representatives by reason of anything by the said defendant in said last-named subdivisions of said rejoinder above alleged ought not to be barred from having and maintaining the said articles of impeachment against the said defendant, because they say that, reserving to themselves all advantage of exception to the insufficiency of the said subdivisions of said rejoinder to said second replication, they deny each and every averment in said several rejoinders to said second replication contained, or either of them, which denies or traverses the acts and intents charged against said defendant in said second replication, and they re-affirm the truth of the matter stated therein; and this the said House of Representatives pray may be inquired of by the Senate sitting as a court of impeachment.

Wherefore the said House of Representatives, in the name of themselves and of the people of the United States, pray judgment thereon according to law, that the said William W. Belknap be adjudged guilty of the high crimes and misdemeanors aforesaid, and that the Senate sitting as a court of impeachment do adjudge and determine accordingly.

Mr. LORD. I move that this joinder in demurrer and surrejoinder be adopted by the House.

The motion was agreed to.

Mr. LORD moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LORD. I now move that the Clerk be directed forthwith to file this surrejoinder with the Secretary of the Senate.

The motion was agreed to.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union on the legislative, &c., appropriation bill.

Mr. PAGE. Pending that motion, I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The question was then taken on Mr. HOLMAN's motion; and it was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The pending question was on the amendment offered by Mr. HURLBUT.

The CHAIRMAN. When the committee rose the gentleman from Utah [Mr. CANNON] was entitled to the floor.

Mr. CANNON, of Utah. The people of the Territories, Mr. Chairman, I have no doubt would be quite willing to allow the General Government to pay the Government officers such salaries as Congress see fit without having to take anything out of their own treasury to pay them. I do not suppose they esteem it a privilege to have the opportunity of supplementing the salaries of the judges. My reason for alluding to this matter at all was that, when remarks were made respecting the non-action of the Territories in adding to the salaries of the judges, I felt it was due to the people of Utah to state what the action of their representatives had been upon this point. I am now informed by the gentleman from Massachusetts [Mr. HOAR] that he did not intend his remarks to apply especially to Utah more than any other Territory that might be in the same position; but he understood that the rest of the Territories were prohibited from doing this. The action of the Assembly of Utah has been in all kindness and innocence, and with the intention alone of aiding the judges to live respectably.

Mr. PATTERSON. Before the Delegates from the Territories contemplated this amendment they took under consideration every proposition relating to the salaries of officers of the Territories. They desire heartily to co-operate with the Committee on Appropriations upon every matter where they thought retrenchment could be made, and they determined to make no request of this House on the question of salaries, save in connection with the judges of the Territories.

Those gentlemen who oppose this amendment urge, as the strongest argument against it, that judges in the State of Indiana and in other States receive no higher compensation than $2,500 a year. Grant that such is the case, and that that salary is sufficient in Pennsylvania, Ohio, Indiana, and other States. Is that a proper argument in support of a proposition to place the salaries of judges in the Territories upon precisely the same footing?

In the first place, the judges in the Territories must travel a much greater distance in the performance of their duties than do the judges in the States. In many of the States the judges are limited to one county; rarely does their jurisdiction cover three or four counties, and when it does those counties are grouped together and the extent of territory is limited. In the Territories the number of counties in the circuit of a single judge runs up to seven, eight, or nine; and many of the counties are so large that you could put any one of the New England States in them and it would not touch their edges.

Mr. ATKINS. Will the gentleman permit me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. ATKINS. Is there now any difficulty in finding proper persons for $2,500 a year?

Mr. PATTERSON. I say it is exceedingly difficult to find any lawyer of ability and judicial learning to take a position in the Territories for a salary of $2,500 a year.

But I was proceeding to illustrate my argument. In the State of Indiana you can travel on a railroad for two and a half or three cents a miles, while in the Territories of Colorado, New Mexico, and Utah you have to pay from twenty to twenty-five cents a mile for traveling in stage-coaches. There are but few Territories that are not compelled to import their flour, meat, and everything else that enters into domestic economy. The result is that there is scarcely any article of family consumption or of clothing that does not cost from 25 to 100 per cent. more in the Territories than in any one of the States. Now when these territorial judges have to travel five times the distance and to pay ten times as much for traveling that judges in the States have to do and when everything used in their familes costs from 25 to 100 per cent. more than in the States, is it fair to make the salaries in the Territories the same as in the States?

Mr. BENNETT. And the State judges only hold county courts.

Mr. PATTERSON. I was coming to that. In addition to acting as *nisi prius* judges, these territorial judges act as supreme-court judges. After they have traveled over mountains and across plains, after they have got through their terms of courts in their various circuits, these judges must go to the capital of the Territory and board at a hotel at a charge of from three and a half to six dollars a day, and remain there for from two to five weeks holding terms of the supreme court to decide cases appealed from their circuits.

As has been said, the cases that arise in these Territories as a rule are cases that demand the highest judicial ability and experience. Now, if you insist upon reducing the salaries of our judges, so that we must content ourselves with lawyers who pettifog about the police-courts of the Eastern States and who cannot make a living at home and are sent out to the Territories and quartered upon us, as a matter of course we of the Territories must submit. We are tied to the wheel of the car of progress and cannot resist after the fiat of Congress has gone forth. But before that fiat goes forth on a question that involves the dearest and best interests of the Territories, we have the right to raise our voices in protest against it.

I contend that a salary of $3,000 a year is not sufficient; but if you will not give us more than we have been receiving, do not make it less. There is not a gentleman on this floor at all acquainted with the expenses of living in the Territories who, if he will sit down and figure a little, will not come to the conclusion that our judges, traveling and living as they must do, will find it difficult to eke out even a miserable subsistence on the amount now allowed.

[Here the hammer fell.]

Mr. RANDALL. If the gentlemen from the Territories are through, I hope the debate on this subject will cease.

Mr. JACOBS. While I do not believe that the salaries of any of the territorial officers are too high, yet in common with the other Territorial Delegates here I have agreed not to make any opposition to the reduction of the salaries of the other territorial officers, but to try to save the salaries of these territorial judges.

The district courts of the Territories have more extensive jurisdiction than any other similar judicial tribunals in the United States. They have all the jurisdiction of the circuit and district courts of the United States, and they have jurisdiction over all those things that are taken cognizance of by the courts of the States. Then the whole criminal and civil statutes of the United States, as well as all the equity and admiralty codes, so far as the Territories are concerned, are in the hands of these territorial judges. If you wish to secure a proper and economical administration of the laws of the United States as well as of the Territories, it is necesssary to have competent men on the bench—men whose legal knowledge is not only extensive but accurate. After a long residence in the Territories, I cannot say that we have always had such men on the bench, for that has not been the case.

Mr. BLOUNT. Will the gentleman allow me to ask him a question for information?

Mr. JACOBS. Certainly.

Mr. BLOUNT. Did not the gentleman himself hold the position of judge in the Territory of Washington for the salary we propose in this bill?

Mr. JACOBS. For the short time only that I was judge in Washington Territory I received a salary of $2,500 a year, but afterward the salary was raised. It has been a common practice in the Territories—my Territory, however, did not follow that practice—to pay to the judges an amount in addition to the salaries they were paid by the Government of the United States. And why? The excuse

urged for that action by the Territories was that it was utterly impossible for a judge to live upon the salary allowed. Take Idaho, for instance. For several years flour was not less than twenty-five cents a pound, often fifty cents a pound, and everything else in proportion. How was it possible for a judge under such circumstances to support himself on a salary of $2,500 a year?

Washington Territory has an excellent bench, composed of three thorough lawyers. I have no doubt that the result of the passage of this bill in the form proposed by the committee would be the resignation of every one of those judges. From a residence of twenty-five years in Oregon and Washington Territory, from a full knowledge of all the facts in the case, I aver, feeling the full responsibility of the averment, that $2,500 a year is not an adequate compensation for the services of those men. In all the States and Territories west of the Rocky Mountains the currency is gold coin; greenbacks are not received at their face value, but only as worth eighty-four to eighty-eight cents on the dollar; so that when this salary of $2,500 is reduced to the currency of the Territories you are paying these judges less than $2,200 a year. Yet all the necessaries of life in the Territories are from 25 to 50 per cent. higher in gold than they can be bought for in greenbacks in the States. How, then, can a judge in one of those Territories live upon a salary of that amount?

The United States is deeply interested in this matter. In one of the districts in Washington Territory there is a large amount of admiralty business. From fourteen hundred to fifteen hundred vessels enter Puget Sound every year; and the commerce of that section of the country is over $5,000,000 a year. The judge of that district is constantly employed in attending to these admiralty cases. He has been in the habit of going to different places to hold court whenever persons were accused of crime under the navigation laws of the United States and hearing these cases under the law for summary proceedings. Suppose that judge should refuse to go at his own expense to all these places. While the United States might save $1,500 a year upon his salary, they would lose thousands in other directions.

Mr. RANDALL. If there be no other gentleman from the Territories to speak, I ask that debate on this amendment close. I will merely state that the committee found that the salary of the judges had been increased in 1870, and that of the governors in 1873; and we thought it right to put the salaries back to just where they were at those respective dates.

Mr. BLOUNT. The gentleman will allow me to correct him in one particular. In this bill the salaries are higher than they were in several of the Territories at the dates mentioned.

Mr. MAGINNIS. But at that time extra compensation by the Territories to their judges was not forbidden.

The question being taken on the amendment of Mr. HURLBUT, there were—ayes 54, noes 61; no quorum voting.

Tellers were ordered; and Mr. HURLBUT and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 49, noes 59; no quorum voting.

Mr. HURLBUT. If gentlemen of the Committee on Appropriations will agree to allow a vote in the House on this amendment, that is all I ask.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that a vote be taken in the House on this amendment. Is there objection?

Mr. MILLIKEN. I object.

Mr. HOAR. I rise to a parliamentary inquiry. Is not the question whether there shall be a vote in the House on this amendment entirely dependent upon the discretion of the gentleman in charge of the bill? If the gentleman from Pennsylvania [Mr. RANDALL] agrees to a vote in the House, no one else can prevent it.

The CHAIRMAN. Does the gentleman from Pennsylvania agree to a vote in the House?

Mr. RANDALL. Objection has been made.

Mr. HURLBUT. It may as well be withdrawn.

Mr. MILLIKEN. I insist on my objection.

Mr. HURLBUT. Then I move that the committee rise.

The CHAIRMAN. Rule 106 provides that—

Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the Chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

Under this rule the Chair will be compelled to direct the Clerk to call the roll.

Mr. HOLMAN. I think that if the Chair would call attention to the fact that no quorum has voted and that a call is imminent, a quorum might be found voting. There seems to be a quorum present.

The CHAIRMAN. If there be no objection, the tellers will resume their places to receive the votes of those members who have not already voted.

There was no objection.

The tellers, having resumed their places, reported after some time—ayes 54, noes 67; no quorum voting.

Mr. HURLBUT. I understand that the objection is withdrawn to a vote in the House on this amendment; and, if so, I will not insist on a further count.

Mr. CONGER. Then I suppose the amendment will be regarded as adopted; otherwise a vote in the House cannot be had.

Mr. HOLMAN. O, no! The meaning of the arrangement is that the chairman of the committee will allow this amendment to be offered in the House and voted upon.

Mr. HOAR. It depends on the chairman of the Committee on Appropriations whether or not the amendment shall be moved in the House before the demand for the previous question, and whether or not, of course, there shall be a vote on the amendment by yeas and nays.

Mr. RANDALL. I say that I am willing to allow a vote on this amendment in the House by yea and nay vote, although it failed to receive a majority of the votes through tellers in committee. Not wishing, however, to break up the committee by lack of a quorum, I ask that the amendment shall be considered as rejected, promising to allow the amendment to be offered in the House and a vote to be taken on it.

The CHAIRMAN. There being no objection, the amendment will be considered as agreed to, and it will then go to the House for a vote.

Mr. HOLMAN. No, that is not the understanding. This amendment is not to be reported to the House as agreed to, for it has not received a majority of the votes cast in committee, but no quorum being present and voting the gentleman from Pennsylvania, [Mr. RANDALL,] chairman of the Committee on Appropriations, having charge of this bill, agrees before the previous question is demanded to allow the amendment to be moved and a vote to be taken on it by yeas and nays.

Mr. RANDALL. What was the vote in committee?

The CHAIRMAN. Fifty-four ayes to 67 noes.

Mr. RANDALL. The record will show that the amendment was lost on the vote by tellers, but to save the committee from being broken up by lack of a quorum, I agree to let the gentleman from Illinois move his amendment in the House and to have a vote upon it.

The CHAIRMAN. There being no objection, the amendment will be considered as rejected.

Mr. PATTERSON. Of course, with the understanding stated by the gentleman from Pennsylvania, chairman of the Committee on Appropriations, that he will allow the amendment to be moved and a vote taken on it in the House by yeas and nays.

Mr. RANDALL. That is the understanding; and I will so arrange the matter that no gentleman can have any ground of complaint.

Mr. STEELE. I desire to ask a question of the chairman of the Committee on Appropriations for the purpose of saving trouble hereafter, and that is whether it is a part of the understanding the amendment to be voted on shall cover all of the Territories?

Mr. RANDALL. Of course the understanding will control in reference to all the Territories.

Mr. STEELE. That is all I wish to know.

The Clerk read as follows:

Territory of Idaho:

For salaries of governor, chief justice and two associate judges, and secretary, $12,500.

For legislative expenses, namely: For compensation and mileage of members of the Legislative Assembly, the officers and clerks, and the contingent expenses thereof, $20,000.

For contingent expenses, to be expended by the governor, $500.

Mr. BENNETT. I intend to stand to the agreement in reference to the salaries of the territorial judges, but there is another matter to which I wish to call attention. I move an amendment to the paragraph just read.

The Clerk read as follows:

After line 995 insert the following:

For rent, postage, printing, fuel, stationery, light, and incidental expenses of the secretary's office $2,000.

Mr. RANDALL. They receive that every other year. This bill appropriates $20,000 to Idaho Territory.

Mr. BENNETT. That is for legislative purposes, and does not include rent, postage, printing, fuel, stationery, light, and incidental expenses of the secretary's office.

Mr. RANDALL. We considered the whole thing and the paragraphs in the bill are right.

Mr. BENNETT. The estimate for the legislative expenses of the Territory of Idaho was $25,000 as made by the secretary and recommended by the Secretary of the Treasury. That has been cut down to $20,000.

Mr. RANDALL. It is the same in reference to all the Territories.

Mr. BENNETT. I do not propose to object to that, although in detail I can show by figures it will come to $2,000 more than that. There is no provision in that estimate for the office of secretary, for his rent, fuel, light, and other incidental expenses, as in the case of the other Territories.

I want to say—and I think the committee will concur with me—that the secretary cannot draw any of that appropriation for legislative expenses. Then how do you propose during the year the secretary can provide rent, fuel, and light, for which you make provision in reference to the secretaries of the other Territories? You provide in the Territory of Colorado that the secretary shall have $1,700 for rent, light, fuel, stationery, postage, and printing. You provide the same thing for the secretary of Montana Territory. In reference to the Territory of Idaho you appropriate $20,000 for legislative expenses, but there is no provision for the expenses of the secretary's office.

Mr. HOLMAN. There is nothing appropriated in gross.

Mr. BENNETT. But allow me to say that in reference to Idaho the gross sum of $20,000 appropriated is for legislative expenses.

Mr. HOLMAN. That will cover everything.

Mr. BENNETT. I know that the rules of the Department will not allow the secretary to draw anything for his office out of an appropriation for purely legislative expenses. He cannot draw a cent of it. They will not pass a single voucher of his on that account. If you intend any of the $20,000 for the secretary, you ought to say so.

Mr. RANDALL. It is all right and they will follow the custom.

Mr. BENNETT. This does not follow the custom; it is a mistake.

The motion was disagreed to.

The Clerk read as follows:

Territory of Utah:

For salaries of governor, chief justice and two associate judges, and secretary, $12,500.

For contingent expenses of the Territory, to be expended by the governor, $500.

Mr. RANDALL. I move the following amendment.

The Clerk read as follows:

For the printing of the laws of the Territory, to be added to an amount which has been appropriated by the Legislative Assembly, this amount to be drawn and expended for this purpose under the direction of the governor of Utah Territory, $4,000.

The motion was agreed to.

Mr. RANDALL. I move the following amendment, to come in after line 1014.

The Clerk read as follows:

For rent, light, fuel, stationery, printing, postage, pay of messengers, and other incidental expenses, $1,000.

The amendment was agreed to.

The Clerk read as follows:

Territory of Wyoming:

For salaries of governor, chief justice and two associate judges, and secretary, $12,500.

Legislative expenses, namely: For rent, fuel, light, storage of the Government property, stationery, printing, postage, messenger hire and other incidental expenses, $1,000.

For contingent expenses of the Territory, to be expended by the governor, $500.

Mr. HOAR. I move the following amendment.

The Clerk read as follows:

Provided, No salary shall be paid to or accepted by any judge of the supreme court of any Territory except what is paid from the Treasury of the United States or by express authority of the United States.

Mr. RANDALL. Is not that an existing law?

Mr. HOAR. I understand it has been the habit in most of the Territories to eke out the salaries of judges by additional compensation. That has been prohibited by act of Congress in regard to each one, when attention has been directed to it, except in the case of Utah.

Mr. CANNON, of Utah. No, sir.

Mr. HOAR. I believe there are a few, but in most of them Congress has prohibited it.

Mr. RANDALL. I agree there ought not to be this double payment, and therefore have no objection to the amendment, so far as I am concerned. I cannot accept it because I am not so instructed by the committee.

Mr. STEELE. I hope this amendment will not be adopted, because it will be necessary if the House shall reduce the salaries of these judges to $2,500 a year, which is not settled yet, to do either one of two things: to lose every man who is fit and competent to sit on the bench to administer the laws or allow the Territories, all of them, to add to their salaries.

Mr. RANDALL. I venture the opinion that the reduction will not cause a single resignation.

Mr. STEELE. There will be a resignation of every good man. And all the incompetent men whom you send there that nobody wants will stay on. That is the kind of men we want to get rid of, and if your legislation would get rid of them only there is not a man in the Territories who would say a word against the reduction of their salaries. But your reduction strikes at the good men. And certainly if the Congress of the United States are not willing to pay a judge in the Territories enough to enable him to live as a decent man ought to live, they ought to allow somebody else to do it for him.

The question being taken on Mr. HOAR'S amendment, it was agreed to.

Mr. CONGER. Now let the committee rise.

Mr. RANDALL. When the next paragraph is read, I will agree that the committee rise.

The Clerk read as follows:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,250; one disbursing clerk, at $1,800; two chief clerks of division, at $1,800 each; five clerks of class four; four clerks of class three; four clerks of class two; twelve clerks of class one; eight messengers; and three copyists, to enable the Secretary of War to have the rebel archives examined and copies furnished for the Government, $2,700; seven laborers; five watchmen for the Northwest Executive building; in all, $67,110.

Mr. CONGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in conformity with the act of May 29, 1872, making appropriations for the contingent expenses of the Indian Department, claims of William Copeland and others for property destroyed by certain Indian tribes; which was referred to the Committee on Indian Affairs.

CHEROKEE INDIANS IN NORTH CAROLINA.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in response to House resolution of the 28th ultimo, a communication from the Commissioner of Indian Affairs relating to the appointment of agents to the Cherokee Indians in North Carolina; which was referred to the Committee on Indian Affairs.

ARMY SUPPLIES FOR POSTS IN TEXAS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copies of all contracts for transportation of Army supplies for posts in Texas; which was referred to the Committee on Military Affairs.

LYDIA MILLER.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the claim of Lydia Miller; which was referred to the Committee of Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

Mr. OLIVER, for three weeks on account of important business.

Mr. VAN VORHES, for ten days on account of sickness.

Mr. KASSON, for a few days on account of the sickness of a near relative.

Mr. HANCOCK, for two weeks on account of business.

Mr. HYMAN, for ten days.

Mr. BAKER, of New York, until May 13 on account of important business.

Mr. ODELL, for one week on account of important business.

Mr. WADDELL, indefinitely on account of illness in his family.

Mr. MAGOON, for one week on account of sickness in his family.

Mr. BAGBY, until May 12 on account of important business.

Mr. BOONE, for two weeks from to-morrow.

UMATILLA INDIAN RESERVATION.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 1004) to provide for the removal of the Walla Walla, Cayuse, and Umatilla Indians from the Umatilla Indian reservation in Oregon, and for the sale of their lands; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

SECTION 658 OF REVISED STATUTES.

Mr. ROBBINS, of North Carolina, (for Mr. WADDELL,) by unanimous consent, introduced a bill (H. R. No. 3257) to amend section 658, chapter 8, title 13, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

And then, on motion of Mr. HOLMAN, (at five o'clock and fifty-five minutes,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CALDWELL, of Alabama: The petition of workingmen and citizens of Cherokee County, Alabama, that the tariff remain unchanged, to the Committee of Ways and Means.

By Mr. CALDWELL, of Tennessee: The petition of Patrick Guinan, A. M. Westlake, G. W. Day, A. J. D. Thurston, and 27 other citizens of Gibson County, Tennessee, representing the depressed condition of industries of every description, the great shrinkage in property values, private and public indebtedness, attributing the same to a mistaken financial policy, and asking as a remedy that Treasury notes be made the exclusive currency of the country, and receivable for all dues to the Government, and interchangeable with interest-bearing bonds, to the Committee on Banking and Currency.

Also, the petition of F. L. Sidebottom, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. DANFORD: The petition of J. N. Ogier and others of Cam-

bridge, Ohio, against the manufacture, printing, and sale of envelopes, newspaper-wrappers, and postal cards by the Post-Office Department at or below cost, and distributing the same through the mails free, to the Committee on the Post-Office and Post-Roads.

By Mr. HATCHER: A paper recommending the passage of House bill No. 3095, relative to embezzlement by attorneys at law in the District of Columbia, to the Committee on the Judiciary.

By Mr. HOUSE: The petition of Martha Somerville, for a pension, to the Committee on Revolutionary Pensions.

By Mr. JENKS: A paper relating to the establishment of a post-route from Kerr's Store to Limestone, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. KIDDER: A paper relating to the establishment of post-routes from Sioux Falls to Brûlé City by way of Wall Lake and Rockport, and from Fort Thompson to Marshfield by way of Flandreau, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: Six petitions of citizens of Philadelphia and vicinity, against placing bicarbonate of soda, sal soda, caustic soda, and alum on the free list, to the Committee of Ways and Means.

By Mr. WALSH: The petition of M. F. Holman, for compensation for property destroyed by the United States forces at Williamsport, Maryland, September 17, 1862, to the Committee on War Claims.

Also, the petition of Charles Embry & Son, of similar import, to the same committee.

Also, the petition of Dodd & Holenberg, of similar import, to the same committee.

Also, the petition of John Farron, of similar import, to the same committee.

Also, the petition of Lewis Chaney, of similar import, to the same committee.

Also, the petition of W. Stiffy & Son, of similar import, to the same committee.

Also, the petition of John A. Lemaster, of similar import, to the same committee.

Also, the petition of Jacob B. Masters, of similar import, to the same committee.

Also, the petition of Owen Ardinger, of similar import, to the same committee.

Also, the petition of Adam Shook, of similar import, to the same committee.

Also, the petition of Samuel A. Waltz, of similar import, to the same committee.

Also, the petition of Henry J. Ensinger, of similar import, to the same committee.

Also, the petition of William A. Woolf, of similar import, to the same committee.

Also, the petition of George W. Harris, of similar import, to the same committee.

Also, the petition of Shook & Lefèvre, of similar import, to the same committee.

By Mr. WELLS, of Missouri: The petition of the Merchants' Exchange of Saint Louis, Darby & Day, Charles E. Slayback, Obear White & Co., Charles F. Meyer & Co., J. E. Manks & Co., and others, for the definition of the powers of officers of the internal revenue, and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. W. B. WILLIAMS: The petition of workingmen of Jackson (Michigan) Chemical Works, against the placing of bicarbonate, sal or caustic soda, or alum on the free list, to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of citizens of the District of Columbia, for compensation for goods destroyed by the tearing down of the old Northern Liberty market-house, Washington, District of Columbia, to the Committee for the District of Columbia.

By Mr. WILSHIRE: The petition of Elizabeth J. Hampton, for a reconsideration of her claim disallowed by the southern claims commission, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *April* 26, 1876.

Prayer by the Rev. E. R. CLARKE, of Vernon, Michigan.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

The joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon was read twice by its title and referred to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a copy of a report of the Adjutant-General in the case of Benjamin F. Pope, assistant-surgeon, United States Army, discharged with a year's pay, under section 3 of the act of July 15, 1870, and whose discharge was subsequently revoked, and recommending the passage of a bill to determine the status of this officer; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 19th instant, in relation to the present situation of Indian disturbances in the Sioux reservation, a copy of a report from the Commissioner of Indian Affairs, together with accompanying copies of papers therein referred to; which was referred to the Committee on Indian Affairs, and ordered to be printed.

IMMIGRATION OF CHINESE.

Mr. SARGENT. Some days ago I had laid upon the table a resolution with reference to Chinese immigration, the resolution stating that the Senate advises the President to enter into negotiations with the government of China to effect a change in the existing treaty so that the immigration to the United States of Chinese may be lawfully restrained. I desire to say that at as early a day as possible I shall seek to call up the resolution and have the action of the Senate upon it. I am aware that to-morrow we enter upon the impeachment proceedings, and it may be difficult to have this action immediately; but at the very earliest day possible I shall ask the indulgence of the Senate, in order to have this matter considered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of P. R. Sawyer, of Marine, Illinois, remonstrating against the passage by Congress of enabling acts admitting new States into the Union until they have a sufficient and suitable population to entitle them to not less than six Representatives, and against the admission of any State that permits polygamists, minors, or women to vote; which was referred to the Committee on the Judiciary.

Mr. HAMILTON. I present a memorial of delegates of the civilized Indians in the Indian Territory, remonstrating against the passage of any law by Congress transferring them and their property to military control. I ask that it be referred to the Committee on Indian Affairs, and printed.

Mr. SHERMAN. Unless there is some special reason, I object to the memorial being printed. It is against the rules of the Senate to print petitions and memorials. Probably this paper is long—I see that it is in print—and it ought not to be printed by the Senate unless the Committee on Indian Affairs desire it.

The PRESIDENT *pro tempore*. The Senator from Ohio objects, and the memorial will be referred to the Committee on Indian Affairs without being printed.

Mr. WADLEIGH presented the petition of Lydia F. Davis, praying the passage of an act authorizing the removal of the charge of desertion against her late husband, John P. Hutchins, private in Company D, Sixth New Hampshire Volunteers; which was referred to the Committee on Military Affairs.

Mr. SHERMAN presented the following joint resolution of the Legislature of Ohio; which was read and referred to the Committee on Pensions:

A joint resolution requesting our Representatives and instructing our Senators in Congress to have the pension law amended.

Whereas a large number of wounded soldiers of the late Union Army, from various causes, have failed to make application for pensions within the time specified by law, who are anxious to do so, but who are now barred by limitation of law: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Representatives in Congress be requested, and our Senators instructed, to use their earnest endeavors to have the law so changed or amended that those entitled to pensions may now be permitted to make application for the same.

Resolved, That the Governor be requested to forward to each of our Senators and each member of Congress from Ohio a copy of these resolutions, together with the action of the General Assembly thereon.

C. H. GROSVENOR,
Speaker of the House of Representatives.

THOS. L. YOUNG,
President of the Senate.

Adopted March 27, 1876.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the petition of chiefs, braves, headmen, and members of the Otoe and Missouria tribes of Indians, praying the passage of a law authorizing the sale of their reservations in the States of Nebraska and Kansas and the removal of these tribes to the Indian Territory, reported a bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska; which was read and passed to the second reading.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was re-

ferred the petition of J. B. Jeter and others, trustees of the Richmond Female Institute, praying for compensation for the use and occupancy of the institute building by officers of the United States Army in 1865 and 1866, submitted a report thereon, accompanied by a bill (S. No. 780) for the relief of the Richmond Female Institute, of Richmond, Virginia.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin. I desire to state as a member of the Committee on Claims, that I dissent from the report just made by the Senator from Missouri.

Mr. MCMILLAN. I wish also to note my dissent to the report from the Committee on Claims with regard to the Richmond Female Institute.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. No. 648) for the relief of Andrew J. Barrett, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2161) for the relief of R. H. Buckner, reported it without amendment.

Mr. COOPER. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-room, &c., in the city of Memphis, Tennessee, to report it back with an amendment and with the recommendation that it pass. The bill is to provide for the acceptance of a site from the city of Memphis by the Government for the building of a custom-house already provided for by law. If there is no objection I ask for the present consideration of the bill.

Mr. BOUTWELL. I think it had better lie over.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects, and the bill will be placed upon the Calendar.

Mr. NORWOOD, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at Norfolk navy-yard in the year 1860, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 19) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860, reported in favor of its indefinite postponement; and the report was agreed to.

SALE OF PUBLIC DOCUMENTS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred the bill (S. No. 772) to facilitate the printing of public documents, to report it back without amendment, and recommend its passage. It is hardly necessary to put this bill upon the Calendar. If Senators will allow it to be read subject to objection, I will explain it in a moment, and I think there will be no objection to its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It amends section 3809 of the Revised Statutes by striking out, after the words "the estimated cost thereof," the words "and 10 per cent. thereon;" so as to make the section read:

If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

Mr. ANTHONY. Mr. President, the present law allows any extra documents ordered by Congress to be printed for any individual upon his paying the estimated cost thereof and 10 per cent. in addition to the Congressional Printer, in advance. This bill allows such documents to be so printed on paying the simple cost. We have been in the habit of printing a great many documents for gratuitous distribution. We are desirous of encouraging the sale of these documents, which is the way they are disposed of in England, France, and other countries where they print public documents. The bill merely strikes out the 10 per cent. additional to the cost, so that any citizen or any member of Congress may buy documents by paying the simple cost thereof, instead of the cost and 10 per cent. in addition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 781) for the relief of Margaret Ireland, widow of Amos Ireland, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 782) for the relief of the Macon and Western, Southwern, and other railroads in the State of Georgia; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 783) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

CAPTURES BY THE SHENANDOAH.

Mr. MCDONALD. I offer the following resolution:

Resolved, That the President of the United States, if not incompatible with the public interest, be, and is hereby, requested to furnish the Senate with copies of all correspondence with the State Department, not heretofore furnished or printed, relating to the claims upon which judgments have been rendered or that may now be pending before the court of commissioners of Alabama claims, arising from captures by the rebel cruiser Shenandoah.

I desire to state simply that information has been given to me indicating that the awards which have been made in regard to the Shenandoah captures very greatly exceed the value of the vessels and cargoes as they were estimated at the time of capture, and that there is evidence which was not within reach of the officer representing the Government that might have lessened these awards very much. This resolution of inquiry will bring before the Senate such information. When it comes, if it is of the character that I understand it to be, it is my purpose to move its reference to the Judiciary Committee, that they may examine and determine what ought to be done. Undoubtedly awards have been made, unless the information which I have received is very much in fault, greatly in excess of the actual value of the captures.

The resolution was considered by unanimous consent, and agreed to.

SPECIAL GOVERNMENT AGENTS.

Mr. SARGENT submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate how many persons are now employed as special agents or as revenue or internal-revenue agents; whether appointed under sections 2649 or 3152 of the Revised Statutes, or under any other provision or authority, giving the date of their appointments respectively, the rate of compensation, and the expenses paid to each; whether in any case special rewards have been paid to or received by any of such agents; whether moneys have been disbursed or contracted to be disbursed by any such agents; also whether any such agents, and, if so, which of them, have been or are under the direction of any person other than the Secretary of the Treasury and not a subordinate of the Treasury Department, and, if so, by virtue of what statute or other authority.

AMENDMENT TO APPROPRIATION BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 99) concerning special-tax stamps, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTHO R. SINGLETON, of Mississippi; Mr. SAMUEL J. RANDALL, of Pennsylvania; and Mr. HENRY WALDRON, of Michigan, managers at the conference on the part of the House.

The message further announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. No. 3128) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes; it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ERASTUS WELLS, of Missouri; Mr. JOHN D. C. ATKINS, of Tennessee; Mr. EUGENE HALE, of Maine, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge; and it was thereupon signed by the President *pro tempore*.

AUSTIN-TOPOLOVAMPO PACIFIC ROUTE.

Mr. CONKLING. I move to reconsider the vote by which was indefinitely postponed yesterday a bill authorizing a survey of a railroad from a point mentioned to a point on the west coast of Mexico. I enter the motion to reconsider the vote by which that bill was indefinitely postponed.

The PRESIDENT *pro tempore*. The motion of the Senator from New York to reconsider the vote by which the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route was postponed indefinitely will be entered.

LEGAL TENDER OF SILVER COIN.

Mr. SHERMAN. I desire, as the bill was ordered to be printed last night, to offer an amendment that it may be printed at the same time with the amendment of the Senator from Missouri [Mr. BOGY] to the bill (S. No. 263) to amend the laws relating to legal tender of silver coin. I submit the amendment which will be offered by me, and move that it be printed.

The motion to print was agreed to.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. MORTON. I move that the Senate take up for consideration Senate joint resolution No. 15, in order to enable me to submit some remarks, which will occupy but a few minutes. It is a joint resolution which I introduced some days ago, and it was reported adversely yesterday from the Committee on the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 15) authorizing the qualified voters of the District of Columbia to vote upon the question whether they desire Congress to establish a government for the District for the regulation of domestic affairs, the officers of which shall be chosen by the qualified voters of the District, and for laying the result of the election before Congress for information. It authorizes the qualified voters of the District of Columbia to assemble at the usual places of voting on the 16th of May, 1876, and to vote by ballot on the following question: "Is it the wish of the people of the District of Columbia to have a District government established by Congress to regulate and control their domestic affairs, the officers of which shall be chosen by the qualified voters of the District?" The voters desiring to answer this question in the affirmative are to have written or printed upon their ballots the word "yes." Those desiring to answer the question in the negative are to have written or printed upon their ballots the word "no."

The commissioners of the District of Columbia are to appoint inspectors and judges of election to hold and conduct the election in accordance with the provisions of the law of 1871 for holding elections in the District of Columbia, with the exception of registration, which shall not be required.

The commissioners of the District are to certify to the President of the Senate and the Speaker of the House of Representatives the result of the election, to be by them laid before the two Houses.

Mr. MORTON. Mr. President, I will occupy the attention of the Senate but a few minutes while I present certain considerations in reference to the adoption of this resolution.

It is said that the people of this District do not desire a popular government for the control of their local and domestic affairs. On the other hand it is averred that a very large majority do desire the establishment of such a government. In order to test that question, I propose to submit it to the qualified voters of the District. I understand and believe that there is a very respectable minority of the people here, with whom members of Congress chiefly come in contact socially and whom they meet principally about these Halls, who are opposed to such a government, and desire that this people shall be governed by commissioners, or by an appointed government. If there is any considerable number of this people who desire that their streets and alleys, door-yards and cisterns and fire department and all the small affairs that pertain to their government here shall be controlled by appointed officers, that will be shown by submitting the question to a vote of the people. On the contrary, if it is true, as I am informed it is, that the great body of this people desire to have a government of their own for the regulation of their local and domestic affairs, like other cities and towns in the United States, that fact will be manifested in the way proposed by this resolution.

Mr. President, the present condition of affairs in this District is anomalous, and I believe that the present form of government is not only injurious, but in conflict with the fundamental principles on which our institutions are established. We may sum up the leading principle of the American Government in this, that it is local and domestic government; that the people shall control their local and domestic affairs. Our State governments are predicated upon that idea, and it is a principle that cannot be neglected or disregarded with impunity. Congress cannot trample this principle under foot in the District of Columbia and expect it to be faithfully regarded and preserved intact over an imaginary line in the State of Maryland or in the State of Virginia; and the destruction of popular government here and the control of 150,000 or 160,000 people in this District by three commissioners or by half a dozen commissioners is an entering-wedge against the principle of suffrage. It is already quoted against us, and being done by the National Government, it will be used as an argument and an illustration in the States where there will be, and is now, warfare made upon universal suffrage.

In 1870 the population of this District, as shown by the census, was 131,700. It is fair to assume now that it is 150,000, or perhaps 160,000. The increase in population since that time has been very rapid. Assuming it to be 150,000, that is a larger population than is to be found in four or five States in this Union; and yet these States have not only two Senators each on this floor, but they have a Representative in the other House; and they have their local State officers and their Legislatures to look after their interests; but here are 150,000 people who are totally disfranchised, governed by pro-consuls, having no voice in the administration of their property, their domestic affairs, utterly powerless, as much as are the serfs of Russia. They are only 150,000, it is true, but enough to make a State if they were differently situated; and can it be said that we can deprive 150,000 people of all political and civil rights with impunity?

Why, Mr. President, when this District was formed the first thought of Congress after taking possession of it was to give to this people a local government. Congress assumed jurisdiction of the District in February, 1801, and in 1802 they passed a law giving to Washington City a municipal government.

In the first place, the law provided for incorporating the inhabitants of that portion of the District known as Washington as a body politic and corporate by the name of the mayor and council of the city of Washington. Then the act provides for a council, to consist of twelve members, residents of the city, upward of twenty-five years of age, to be divided into two chambers. It then goes on to provide that they should be elected by the free white male citizens of the District, and in section 7 enumerates the powers conferred on this council, being all the powers in substance that are given to ordinary city governments or to the ordinary State governments, leaving out of view however the operation of certain general laws of the States of Virginia and Maryland extended over the District.

For nearly three-quarters of a century the people of this District had a domestic government of their own choosing. In 1871 this government was abolished and then a mixed government was established; a legislature was provided; the District was described as a Territory, with a territorial government, and a board of public works to be appointed by the President and confirmed by the Senate, a board which substantially absorbed to itself the whole powers of the District; and whatever trouble may have come upon this District, it cannot be said to have come from the elective government.

Every argument against suffrage in this District is good in every State and city in this Union, and I call upon Senators who argue the danger of universal suffrage in this District to take notice that that argument, if it has merit, is just as good in the State that that Senator represents as it is here; and will any Senator who argues against universal suffrage in this District go home and present the same argument in his own State against universal suffrage? Will he contend that the cities and towns of his State shall be put under a pro-consular government, subjected to an authority over which they have no control or power whatever?

We now tax these people 2 per cent. on their real estate. It is taxation without representation, a violation of the fundamental principle of free government. That was one of the leading grounds upon which our fathers inaugurated the Revolution, taxation without representation. The British Parliament said, just as it is said in Congress: "Parliament has power to tax the colonies; we are under no obligation to consult the rabble of the colonies." They spoke of "the rabble of the colonies" just as a portion of the voters of this District have been spoken of in both Houses of Congress. They assumed the power to be clear and complete to tax this people without consulting them, and they did so; and our fathers laid it down as a fundamental principle in the Declaration of Independence, and it has been reiterated in every State constitution from the time of the Revolution up to this period that there shall not be taxation without representation. This people are here heavily taxed without being represented, without being consulted even by a Delegate, without being advised with in any way, and their money is expended by officers over whom they have no control, from whose action they have no appeal, and for purposes that they cannot direct. It is a despotic government in every phase. I do not care how intelligent or how honest these commissioners may be, they are after all but pro-consuls placed there by the Government of the United States; and if it is good to govern 150,000 people in this District in that way it is good to so govern five hundred thousand or a million people anywhere else. You cannot trample on this principle with impunity. All examples are dangerous in government, and if we now, at the end of nearly one hundred years after our Government was formed, can trample on the very principles for which our fathers fought, what have we to expect in the future? It is retrogression, it is going back. Why, sir, when our fathers accepted the cession of this District, they never thought of depriving this people of the power of self-government in their affairs. Their first care was to give them an act carefully and deliberately framed, conferring on them all the powers that belonged to people anywhere over their local and domestic affairs.

Now, Mr. President, let me say to you that this Government by commissioners, by regents, cannot administer the interests and the welfare of this people. It is not possible. There is not a town of five thousand inhabitants in the whole country that has not got its town council or its city government. They divide their towns, however small, into wards, and each ward elects its councilman or its representative. Why? Because he is presumed to understand the interests of that part of the town; he represents them, he brings them to the attention of the council, sets them forth and maintains them. In your State Legislatures every county has its representative. You do not have a few wise men who are to govern the whole State, but every county has its representative to present the peculiar interests and conditions and wants of that county; and in that consists the excellence and the superiority of our Government. Every part of the people, however small, is represented by somebody who comes from them, who belongs to them, who understands their particular wants and their condition. Now you have three commissioners here, excellent good men, to whom I am personally friendly, who will do just as well as they can; but what do they know about the local wants of this people? What do they know about that part of the town or the other part of the town—about the streets over the canal, or on the Island, or in the upper part of the city? What local knowledge have they? Can they represent these interests? Will they? They cannot do it. As I said before, every town is divided into its wards, and it sends to the council its councilmen from those wards

who understand their interests; but here are 150,000 people who are governed by three men, perhaps strangers. They are strangers brought from abroad, and perhaps that will be the case hereafter. They do not sympathize with these people; they do not know their local wants; they cannot understand them. They cannot take care of them as these people can take care of themselves; it is not in their power to do it, whatever may be their desire. Their subordinate officers are not responsible to the people; they are not bound to consult the wishes of the people; they are not even bound to be polite. They may be insolent and indifferent to them. In the summer time these commissioners of course cannot afford to stay here. They must go away to where it is cooler or more comfortable. We have had an example of that kind in which the government of this people has been left in the hands of some subordinate officers; and this you call providing for 150,000 people at the capital of the United States!

Sir, the present Government is a shame in its principles and practical results; and what is the condition of the city and what will it be in a year hence? There are many streets in this town that are almost impassable now, and yet the people living on those streets have no power to stick a spade in them, to pull up a rotten block and put down a sound one, to make a macadamized pavement, or to fill up a hole. There is nobody to take an appeal to. If they appeal to these commissioners their appeal may be heard or it may not. In the multiplicity of their business it may be forgotten or overlooked. If a wrong decision or determination is made, they have no relief. Where shall they go? If there should be a whole section of the town neglected, and the streets become impassable, who is to remedy them? There are many streets in this city that you cannot haul a load of wood over in a year from this time unless something is done, and that you cannot drive a carriage over now, and they are breaking the springs of their fire-engines almost every day by running over these streets. Many of them will become absolutely impassable to the fire engines in a very short time; but the people are helpless.

I think, Mr. President, it is our duty to allow this people a voice in their own affairs. First it is duty in fidelity to the principles of this Government. I know it has been said by my friend from North Carolina [Mr. MERRIMON] that Congress has power to govern this District and it is bound to do so. Well, power is given to Congress to govern it; but from the very beginning it was understood that that power with regard to all local and domestic matters could be deputed to the people and should be, and it was from the very start and for three-quarters of a century they had a local and domestic government of their own choice. That clause of the Constitution received that uniform construction. No, Mr. President, there is no soundness in that objection.

Congress has the right to govern this people through themselves, and it is the best way to do it; and whatever you may say about the abuses of suffrage they are nothing. There are some abuses, especially in the large cities, not the greatest in this city by any means, but they are nothing compared with the abuses of irresponsible government. If these commissioners are guilty of wrong, either of commission or omission, of indifference or ignorance, where is the remedy? Will you come to Congress and impeach them? That is a very slow process. Congress is not apt to take notice of matters of that kind in the form of impeachment unless there are some very grave considerations at stake, some great political advantage, or some very important matter. There is no remedy in the form of impeachment of these commissioners.

I may therefore say in general terms that this government and any appointed government will be an irresponsible government, that this people may be taxed without representation, their money expended without their consent and in ways to which they are not consenting and in which, perhaps, they are not interested.

But, sir, after all, the greatest objection in a broad point of view—I put it as a principle—is that the destruction of suffrage in this District is a blow at suffrage throughout the United States; and when the Congress of the United States, after a local government of nearly seventy-five years, shall strike down popular suffrage here, it will be used as an argument in many of the States, where universal suffrage is not popular, for doing the same thing. In every point of view, in my opinion, it is dangerous, it is unjust, it is anti-republican, and it is an example that will come back to plague us.

I believe the great majority of this people want to take care of themselves, and I believe they will do it; and if one elected government is guilty of abuse, the next will remedy it. The people always have an appeal to the ballot-box, and a dishonest mayor or a dishonest council will not come back the second time. But as the matter stands now, they have no voice; they are bound hand and foot. As I said before, the best appointed board of officers of two or five cannot take care of the interests of this people; they will not understand them, they cannot understand the local wants of the different parts of a great city. Hence it is that in every other city there are representatives from each locality to present the wants and interests of that locality. So it should be here.

Mr. BOUTWELL. Mr. President, while I agree with much that has been said by the Senator from Indiana in regard to the government of this District, I do not at this moment accept his proposition, and I can state my objection to it best by asking the Senator from Indiana what he proposes to do if the qualified voters of this District under his resolution vote that they do not desire to have a government which shall be administered by officers elected by themselves? That question is the sum of my objection to his proposition. I think the principle which he has laid down is a true one and one that ought not to be abandoned in the District of Columbia. Nevertheless the Constitution undoubtedly has given to Congress power to govern this District in its own way, either by popular government or by a government set up without regard to the popular will of the District. I am inclined to the opinion that it is not only consistent with the general principles of this Government that we should have a popular government here, but that such a government in the end will prove better for the people of the District than any which can be established by Congress and maintained independently of their will.

I believe that the chief difficulty in establishing and maintaining a wise and reasonably virtuous system of popular government in this District is due to the fact that the people of the District have from time to time looked to Congress for appropriations and contributions, and have made expenditures in the expectation that those appropriations or contributions would be made; and the first thing, I believe, for Congress to do is to put an end to that expectation. An end to that expectation can be put in one way only, as I think, and that is by the Government of the United States declaring explicitly what part of the expenditures incurred in this District shall be paid from the public Treasury, and what part shall be paid by the people of the District, and allow the people of the District to incur and regulate the expenditures which they themselves are to meet as they are incurred by the people of other municipalities in the country.

And in view of the objection which I suggest to the proposition made by the Senator from Indiana, I move to strike out the whole of the resolution and insert in lieu thereof the following:

That the Committee on the District of Columbia be instructed to prepare and report a bill for the government of the District of Columbia, the officers of which shall be chosen by the qualified voters of the District.

Mr. THURMAN. Is this resolution up for consideration now?

The PRESIDENT *pro tempore*. It is.

Mr. THURMAN. I did not expect that it would come up this morning, and I have very little to say upon it now. When it comes up in any proper way or any bill founded on it, I may have something to say because of the somewhat considerable attention I have given to the affairs of the District.

The first thing that strikes me a little singularly is that if the people of this District feel themselves as much oppressed as one would infer from the remarks of the Senator from Indiana, they have not manifested their sense of that oppression. I have not seen a single petition to Congress at this session praying for the restoration of what the Senator calls popular government in this District. I did see that some move was being made in that direction. I saw it so stated in the newspapers, and it may be that some such petitions have been prepared and presented; but I think they include but a very small number (if any such have indeed been presented) of the people of this District; the names upon them I mean are the names of but a very small portion of the people of this District; at least I think it must be so. The American people are not very likely to live quiet under grievances. Whenever they think or any portion of them think that they are suffering under a grievance, they are very apt to make themselves heard by petitions to the law-making power for redress; and it does seem to me that if the people of this District felt that they were oppressed, they would make their appeal to Congress.

But, passing that, I do not know for myself how, upon the principle the Senator from Indiana advocates, he can answer the question put to him by the Senator from Massachusetts: what will he do if a majority of the people of the District vote against his popular government?

I have one or two words, however, to say in respect to some of the statements made by the Senator from Indiana. He calls our attention to the fact that there are fifty-odd miles of streets in this city going so rapidly into decay that in a year or two you cannot, to use his expression, drive a wagon over them. The attention of the Senate has been called to that matter before. But under what government were those fifty-two miles of wooden pavement laid, for those are the pavements to which the Senator refers? It was under a government that had a Legislative Assembly the popular branch of which was chosen by the electors of this District. It was that very government, as popular in its form, I suppose, as the Senator from Indiana would desire, that inflicted the greatest wrong which in all its enormities it did inflict on this District by the laying at an immense cost of fifty-odd miles of worthless wooden pavements. That was done under that government.

Another thing. The Senator says that the commissioners cannot know the wants of the people. I do not know why they do not know the wants of the people. Three commissioners in my county know the wants of the people of Franklin County, and its territory is six times as large as the territory of the District of Columbia, and there nobody complains that they do not know the wants of the people of that county. But in reference to what the Senator says that these commissioners may be strangers, whose fault is it that they are strangers? Certainly it is not our fault that they are strangers. I took occasion to say when the bill for the abolition of the old government was up, that the appointment of commissioners was a mere temporary expedient, and that all that it was necessary to do was to appoint three able-bodied, God-fearing men in this District as a tem-

porary government of the District for the time being; but instead of that the Executive saw fit to go outside of the District and appoint gentlemen of great name and distinction. I thought it was a mistake then, and I have thought so ever since, and I say that without disparagement to them. If these commissioners, or two of them at least, were men of high character and standing and ability, resident within this District, the business of the District would be taken care of much better than it can be by mere strangers; and that remedy can be applied at any time.

But again——

The PRESIDENT *pro tempore*. The morning hour has expired. The Chair will call up the unfinished business of yesterday, which is the silver bill so called, Senate bill No. 263.

Mr. MORRILL, of Vermont. I ask the Senator from Ohio to allow that bill to be laid aside for the present.

Mr. SHERMAN. I know of no objection to its being laid aside informally; but let it stand as the unfinished business.

Mr. MORRILL, of Vermont. I desire to call up Senate bill No. 334.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the present consideration of Senate bill No. 334. Is there objection? The Chair hears none.

Mr. SHERMAN. Subject to the regular order, which is the unfinished business.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes.

The message further announced that the following acts were received by the President on the 13th of April, and not having been returned by him to the Senate within the ten days (Sunday excepted) prescribed by the Constitution, had become laws without his signature:

An act (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth; and

An act (S. No. 309) for the relief of William L. Nance.

EDUCATIONAL FUND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 334) to establish an educational fund and apply a portion of the proceeds of the public lands to public education and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education.

Mr. MORRILL, of Vermont. Mr. President, the measure I have called up to-day has for its object the aid of common schools and some further assistance to the national colleges. Other propositions are pending, both here and in the other House, in relation to this subject; but with all earnest men, if the leading purposes mentioned can be secured, the details will be of minor importance.

I start with the proposition that all of our public lands, which are hereafter to be sold and are not called for as free homesteads, should be held exclusively for educational purposes—purposes that tower high above and dwarf all others. Should any exception to this rule ever be suggested, let it then be considered on its merits.

SCHOOL LANDS DONATED.

We have already given to States, without regard to their population, 140,000,000 acres of land for the support of common schools, and eighteen of the States thus aided have a school fund of $43,866,785. The western or new States, as to common schools, would appear to have been liberally provided for. In the North and East the system of common schools has long held a foremost place in the hearts of the people, and cheerful contributions to their support by self-imposed taxation are made with all the regularity of the seasons. At the South they are far less advanced, and having no accumulated school funds, their people are at present unequal to the task of establishing and adequately maintaining such schools without some national assistance, not national control, although not unmindful of their utility and fully appreciating their urgent necessity. When even in Spain it is no longer immoral for women to know how to read, and when Sweden and Turkey engage in universal education, no American State will be found to hold back.

All statistics are dry—interesting to few and entertaining to none—and some are by no means pleasant or even tolerable to contemplate; but legislators, like surgeons, must probe the ugliest sores, and courageously examine even such facts as those I am reluctantly about to expose.

SCHOOL POPULATION.

Our school population of five years of age to seventeen inclusive is 12,055,443, or nearly one-third of our entire population. A mighty host, led now and controlled by us, but soon to control us and lead the van of civilization in the land of their fathers. Only about one-half of this number, or 6,545,112, attend schools of any sort, and among all of the four or five million of colored population only 180,372 attend school, or hardly enough to furnish a silver lining to a cloud so dark. Five million and a half of our population cannot write and four million and a half cannot read. Of illiterate male adults, twenty years of age and over, we have 1,611,213, of which number 748,470 are whites. There are thus more illiterate voters, among either white or colored, than the usual majority of any party taking part at any national election. They are, therefore, the potent auxiliaries of all parties, the decisive make-weights, and must more or less control the destinies of the country. Can any happy augury of ages to come be drawn from these dismal facts? "Do men gather grapes of thorns?"

The liberty and equality of an immense number of illiterate people, unmarked by intellectual eminence of any sort, empty of all virtuous gratitude springing from the memories of childhood and the schoolroom toward a parental government, is not such a state or condition as freemen toil for, nor such as they can be expected to maintain, love, and cherish. Along with entire liberty and equality before the law we behold among mankind the foremost and the hindermost as well, and there will be distinctions and differences in both the power and the industry of mankind, and both of hand and brain, with no two alike among them all, good or bad. It should be the mission of American legislators to offer sure means for the greatest possible development of this power and industry, and to diminish inequality by leveling upward and not downward. Thus only shall we be able to prove that republican institutions, quick to perceive and to foster the most exalted personal merits and qualifications, will neither dwarf the state nor the people. Thus only shall we show that our boasted equality is not inferiority to everybody else.

The several States are greatly interested in the removal of the deep-seated illiteracy to which I have referred, but by no means exclusively, as the interest of the General Government covers the same territory and embraces all and the same voters. The election of President of the United States and of members of Congress cannot be reckoned as less grave and important work than that of State governors and Legislatures. The parts are not greater than the whole.

Through the latest action of the people upon the national Constitution we have bestowed universal suffrage upon our fellow-citizens in all of the States. The nation is primarily responsible for this action, and, while accepting of its advantages, must shield itself as well as the States from the resulting possible perils. The increased magnitude of the burden which has been imposed by the sovereign will of the nation manifestly ought to be borne by the nation. Universal suffrage must be made a blessing and an honor to our country, not a curse to the citizen, nor to the States and the nation. Every one of our citizens has been crowned with equal power in the guidance of national and State affairs; but they have thus far had too little of our aid to fit them even to guide themselves. Many of the States resolutely assume their full share of the great responsibility, and raise by taxation and expend nearly $100,000,000 annually for common schools; and, when so much more is obviously required, shall the General Government look on with total indifference, contributing nothing?

CONSTITUTIONAL POWER.

Not only is the General Government profoundly interested in the enlightened and virtuous character of our whole people, but it has the exclusive power touching the disposal of the public lands, the largest and most appropriate educational resource by which that character has been and may be elevated and its deficiencies remedied. The language of the Constitution is:

> The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

No grant of power could be more ample, none more explicit, and it must be exercised. It should not sleep and it cannot be delegated to other parties. Congress itself must dispose of the lands and make such rules and regulations as it chooses. If it appears needful and proper to dispose of this property for educational purposes, the noblest of all purposes, the power of Congress is supreme, and it can and ought so to ordain. Even if the pathway were less obvious, we have an unerring guide-board in the great ordinance of 1787, reflecting so much honor upon our ancestors, which not only provided the flaming sword to keep the great West free from "slavery and involuntary servitude," but also proclaimed this educational purpose in the strongest and most unequivocal terms, as will be found in one of its prominent articles, namely:

> ART. 3. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

These terms, made and declared at the time of the cession of the lands as "a compact between the original States," are mandatory as to our duty—national duty—in the premises. "Schools and the means of education shall forever be encouraged," not by States alone but by this national fund. The logical concomitants of religion, morality and good government, could not otherwise be secured. We must adhere for all time to this compact, or be justly charged with a plain and palpable breach of a sacred trust.

The Government promised what it would do when it took charge of the land fund, and that promise cannot be avoided by the cranky plea that the Government has nothing to do with education. American citizens are not dependent paupers, and it is no humiliation for them, in spite of all cant phrases, to ask for what is their due. They form a great co-partnership, having, among other privileges, an equal interest in the education and perfection of all its members, and the poorest member is entitled to something better than his unaided re-

sources might otherwise have afforded. If this were not true the association would be a failure, and, after all, the best form of government, controlled by illiterate bunglers, might prove to be the worst. The great crises of our so-called political experiment have passed away. Even the greed of territorial acquisitions and the passion to extend our rule over foreigners, the terrible fanaticism of republics, it is to be hoped has been satiated, and, with ample resources for prosperous trade and commercial independence, it now remains to us as our chiefest concern to establish a more solid basis of hope for our future career through a broader and higher education, adapted to the genius and taste of the American people.

If Congress has a binding duty to perform relative to education—next to religion the highest concern of mankind—it has also a duty scarcely inferior in its scope as to the discharge of an important trust, no less than that of the disposal of the residue of our whole public domain, in such manner as will best promote the present and future welfare, moral and material, of a great, enterprising, and exacting people, and in strict accordance with the terms of our compact.

Is it not a providential conjuncture that, while this moral exigency looms up before us, a national resource of ample dimensions is also waiting as a remedy for this very exigency—a resource unexhausted even by unthrifty husbandry, and which the common voice of the country will agree by acclamation should not be disposed of without a full equivalent, nor for any purpose less than the most sacred? The high duty of ownership, the great trust of the original States, long swaying to and fro, can now be fully, fittingly, and nobly discharged.

The present depleted and unsatisfactory financial condition of many of the Southern States, however substantial the latent elements of their future prosperity may be, needs neither proof nor illustration. None of us can remain unmindful of their wants, and Congress will in any constitutional manner move with alacrity to their relief when it can be done without detriment to the Republic, as here it may be, and done patriotically, with national as well as local advantage. These States need all the aid we can properly grant for both common schools and colleges, and they will still have to rely, in the race with their sister States and the world, largely upon their own efforts and enthusiasm to place themselves on the road to equal rank with those where educational institutions are more deeply rooted and where they have already given promise of good and abundant fruit.

EDUCATION THE RIGHT OF AMERICANS.

But while general education must be recognized as the common outfit of all men and the indisputable right of Americans, special and a more comprehensive education has become more than ever necessary to qualify each citizen for his own peculiar duties and position in life. Our latest civilization and the division of labor have opened new destinies and greater fortunes to mankind by wondrously multiplying the more productive and more remunerative occupations in modern society. New educational wants, keeping pace with a century and a half of marked original research, have been rapidly created, and nowhere perhaps more conspicuously than in the United States. The older colleges and universities have served well and, although the relative value of studies is not settled, with the modifications going on, will serve well to continue the eminence accorded to their system of literary education for those who are to obtain subsequent professional or special training; yet, as the sole reliance and last resort of the whole people, they are not only unequally distributed, but they have been hitherto either unable or unwilling to indulge much curiosity for any explorations outside of moss-covered traditions, and have given too little prominence to such scientific studies as might be most useful to the largest numbers, and strangely because of an obsolete theory that such would be accounted as of some use in practical life. A still more serious objection lies in the fact that the usual college course now costs triple the sum required fifty years ago. This objection is a growing one and should be overcome by larger public patronage or be checked by wholesome competition. The ladders by which boys climb from common schools to a college education should not be placed beyond the reach of the common people.

There is, therefore, a boundless field to be occupied by colleges which can and will give to students nowhere else provided for a greater proportion of time to the learning, which is not only disciplinary, but really valuable for its own sake and helpful as some part of the foundation to a chosen sphere in the affairs of a busy world. The tardy process of self-culture, by which men of mark have sometimes made their way, and which to large numbers, postponed until maturity points to other tasks, is the only process available, should be aided at the earliest moment by colleges that will enable a larger portion of those who cannot live without earning their living to bring forth and temper all the advantages of genius and talent with which by nature they have been endowed. Uncomputed numbers, with unknown and uncomputed power, ought not to be suffered so largely to run to waste. We are often sad to think of the greater possibilities which even men not destitute of all fame have barely missed through some slight mischance or short-coming, but we rarely mourn and ponder over the wide possibilities of the unknown multitude fated to live in the shade without culture or sunshine and who fall at last, like crowded trees in the unvisited forest, with all their latent strength and beauty to slumber forever with the moldering past. Among our people there is much of this valuable timber that a Republic promising so grandly as to race, position, and period cannot afford to leave in the background to utter waste. No; each one is—

> A living thing,
> Produced too slowly ever to decay;
> Of form and aspect too magnificent
> To be destroyed.

DISCONTENT OF LABORING-MEN.

Throughout the world, not excepting our own country, there is a deeply-seated feeling of discontent among laboring-men, not that they must labor, for that they are not unwilling, but that so large a share of labor is wholly rude, unlettered, and so rarely loved or respected. Necessity binds them to an unending routine, often transmitted from one unskilled generation to the next, with no training and no guidance up the steep ascent to a higher plane of more congenial toil and to a better intellectual and social life. They feel that much of the existing intellectual superiority with which they have to compete is not entirely natural, but largely artificial, or only the usual and inevitable advantage bestowed by schools and colleges, which, as they believe, ought to embrace a broader field to which they might furnish a much larger proportion of recruits and by which they could make their leisure hours too precious to be spent in idle dissipation. Something of the legitimate distinction conferred by human approbation, now and then a prize among so many blanks, even workingmen, the most industrious and upright, have a laudable ambition to achieve, or to have their children achieve, as they might, if the gate-ways of toil bore not too generally that fearful motto, "All hope abandon, ye who enter here."

Pent-up discontent in worn and weary hearts is not less explosive than pent-up steam. Among the stern wrestlers with the world there are many striving for the mastery of the bottom knowledge and skill—now more than ever necessary—to do more and better work, and thereby to obtain not only somewhat greater pecuniary rewards but such honors as they may fairly earn; not specially political honors, for they know as well as those who have tasted such that they are but ashes in the mouths of even the most voracious. Let them be qualified for any service, but above the need of political employment. A slight difference of earning-power often determines human happiness or human misery. Some opportunity for improvement, for that training which the wisest of men are eager to obtain and find indispensable must be conceded and tendered to this vast human force, which, if not wisely directed, may be mischievously directed, or, if not directed by those to whom it belongs, it will be directed by demagogues to whom it ought not to belong and whose trade ought not to be encouraged. The ever-active toilers, pursuing their vocations with an absenteeism of the heart, are visibly restless under what seems to them the unescapable servitude of their whole class. Each one harbors Shakspeare's mistaken conviction:

> Thence comes it that my name receives a brand,
> And almost thence my nature is subdued
> To what it works in, like the dyer's hand.

An opportunity only is wanted by good men to acquire such qualifications as will afford through diligent effort some hope of creditable eminence even while earning their daily bread or some chance to make laborious employments here and there blaze with a few examples of their own shining lights, and possibly to perpetuate the memory of genius, enterprise, and greatness based upon honest industry and worthy manhood. No one here feels that poverty is a disgrace, but the disgrace arises when there is no effort by industry and education to escape from it. Our Government, the United States, provoking so much attention as it does in the history of the world by its unexampled growth, can afford neither cowardice nor indolence, and should awake to its grave responsibilities by being foremost to respond to educational demands so earnest, so reasonable, and so easily satisfied.

NATIONAL CHARACTER.

Some learned sophists have claimed that the National Government is not responsible for the national character, that it has no personality, and no duties as to moral elevation or as to education of any kind; and they have also even averred that education can give no guarantee to republican institutions. This is an extreme enunciation of the doctrine of nihilism or of the governmental do-nothing policy, and it follows that the Government should have no conscience, no sense of honor, and be as unmindful of itself as the thistle-blow, when wafted hither and thither by whatever windy currents chance to prevail, with no power of will to choose whether to grow or to perish by the way-side, and if by chance to grow, with no power to propagate anything but thistles. The denial of governmental personality is the disease of atheism, which covets all the sorrows but none of the joys or hopes of life, and is compatible only with a ruling despotism.

But this doctrine is alien to the fundamental idea of our form of government and wide away from the mile-stones which mark its pathway from the start. It was intended that our Government should have special regard to its own character, should exhibit the foresight and statesmanship of the people, and, finally, that it should live and not die. It was never intended that its sole functions should be to punish crime, keep the peace, collect taxes, and put down rebellion, and after that to let the world slide. Though we have freedom, wealth, and courage, and have not character, have not virtue and

knowledge, we are nothing—less than sounding brass or a tinkling cymbal.

Long ago that sturdy puritanic republican, John Milton, set forth the doctrine, by no means alien to our own era, that "a commonwealth ought to be but as one huge Christian personage, one mighty growth and stature of an honest man." Again he declared, that "to make the people fitted to govern will be to mend our corrupt and faulty education." The formula of John Locke was that "the end of government was the good of mankind." These were some of the principles that guided the robust founders of our own Republic. In the very heart and core of our institutions all the virtues were to find a home. The people here ordained and established a government for the people; their obedience under it was to be obedience to themselves; and they have always felt and always will feel that to it attaches some responsibility for their own national character and that of their posterity. They strove here in the New World to exalt the race of mankind and to build up model institutions. The good of the governed, in the highest political sense of perennial and perfect health, was the chief object, and that could not be secured by constitutional indifference to their virtue and their moral and intellectual elevation. The national character was not to be exalted by faith without works, but by ideas and sentiments springing from a broader education, which inspire manly efforts, and fill and fructify youthful minds.

The States, it is true, have much to do, but the national Government, superior in its higher nature and wider scope, has more important work to do, having given to each State the guarantee of a republican form of government, a guarantee impossible of fulfillment, as our wisest men have never denied, without general and thorough education. Rich universities abroad, if not at home, possibly with a minimum of outspoken partiality to republican institutions and a Ciceronian contempt for labor,* may be supported by the voluntary aid of wealth or by the generosity of men flickering in their exit from the world, but such aid rarely steps forth to lift up the masses, whose education has never been supported by spontaneous and continued charity, and can only be firmly supported under the auspices and direct inspiration of government. The national Government, however, is not here called upon to do much, but its flag should march at the head of the great uplifting procession, and cannot afford to hide away in cheap non-committalism when the dignity and character if not the future glory of its citizens are dependent upon its leadership.

To support the character of our national Government and its honor every citizen willingly stands ready to sacrifice not only property but life itself; and shall it be said for this the Government is to do nothing in return? Are there no reciprocal duties? Stripped of personality, character, dignity, virtue, and moral elevation as a basis of governmental duties, what would there be left to love, or what that patriotism would rush to defend? What that a Christian would pray might be immortal? The character of a nation clearly does not altogether depend upon its geology, climate, soil, oysters, and terrapins, but very much upon its governmental and educational institutions and upon that growth of manhood which is their ripened product. Great living may be very well, but a great life is far better. No nation is more sensitive to the estimate of others than the American people.

Nor is it enough that "the upper ten thousand" of cities have culture and that each rural village has its luminous ring of the educated minister, lawyer, and doctor. The magic circle should be more broadly expanded and include the whole country instead of scattered microscopic patches. Under a free government the nation acquires rank, not by a few daintily-polished individuals, the bell-wethers of a feeble flock, but by the intelligence and majesty of the entire community; not by one stone superbly cut, but by the proportions and grandeur of the completed edifice.

THE COLORED RACE.

But it may be objected that this policy includes all, without regard to race or color; and why not? Are we to praise freedom and shirk the duty of making it better than slavery? Having emancipated a whole race, shall it be said there our duty ends, leaving the race as cumberers of the ground, to live or to wilt and perish, as the case may be? They are members of the American family—forever in sight—and their advancement concerns us all. While swiftly forgetting all they ever knew as slaves, shall they have no opportunity to learn anything as freemen? They are to be the sources of great strength or of great weakness, of glory or shame. "It is impossible," says a recent English writer, "that the knowledge which is power in one race can be absolutely impotent in another." This appears to me to be a truth, pertinent to us and our times, which we shall do well to consider. Surely the American Congress will not emulate the courtly cruelty of the Duke of Alva, that minion of Philip II, who promised to some prisoners life, but, when they petitioned for food, replied that "he would grant them life but no meat." Shall we grant liberty and then refuse it all nourishment?

ECONOMY.

I well know that the present is a time when, in the interest of sound economy, all worthless schemes, every doubtful expenditure, all windy humbugs, as well as all sinecures, should be—will be—pitilessly slaughtered, and I mean to contribute, as I trust I have never failed to do, my full share of work to that kind of slaughter; but unwise, bat-eyed economy may often be actual prodigality or the saving of seed-corn at the expense of the whole crop; and it would be a portentous omen to the future destinies of our country if aid and encouragement to learning and science, to schools and colleges, should be doomed to crucifixion in such disreputable company. Upon the broadest principles of the purest and most far-reaching economy, the friends of the present bill base its highest claims to public favor, and it cannot be put down by a hue and cry raised to crush measures of a far different character, with which it has neither kinship nor affinity.

It may not improperly be claimed that this measure really plants the seeds of a future harvest of revenue and will in the end not only augment the productions of industry and increase the wealth of the country, but that it will thereby add considerably to the receipts of the Treasury, which always rise or fall with the general prosperity; and beyond all this, so far as a broader education rapidly tends to multiply the number of letter-writers, or promotes the interchange of ideas and courtesies, as well as of commodities, it may be expected to contribute something toward lifting up even the Post-Office Department nearer to a self-supporting condition. The first year of common schools in Great Britain increased their postal revenue over $3,000,000. It is then by no means fanciful dreaming to claim this school and college bill incidentally as a revenue measure, and that its passage will ultimately actually increase the revenues of the country.

In every great enterprise it is true we must consider what we are to lose as well as what we are to gain. By the proposed measure of further aid to national colleges and a very substantial contribution to common schools, we shall gradually part with our title to the ownership of a limited quantity of land—small in comparison with the bulk of our possessions—from which the policy of acquiring ordinary revenue long ago practically ceased. Broad acres we shall still offer free to all who ask for homes. But for revenue purposes the public lands can now furnish no regular basis, and their value ought to be held as far too precious to be bartered for merely moneyed equivalents that must be swallowed up at once in ordinary expenditures.

On the other side, the gain here proposed to be slowly derived from any sales of these lands will be a perpetual educational fund, retained in the custody of the nation and kept, like the heat of the summer sun, forever undiminished, while barely the interest thereon will be annually expended by each State for the culture and enlightenment of all their coming generations.

By this fund we first promote primary education by aiding State systems of common schools, and then we are to have institutions of learning—at least one college—in every State, planted on foundations not very magnificent, it is true, but as broad and firm as the foundations of the Government itself, by which a more complete education in every portion of the Union will be brought within the reach of larger numbers—too poor to seek it in any modern Athens or Rome—and to whom it will give that "crown and scepter" which thorough education always gives, but gives, alas! to too few. Surely, what we are to gain, as indicated even by this tame and stinted recital, is far more precious, far more considerable, than what we are to lose. In fact, it is an error to assume that we are to lose anything when we rescue and preserve for ages that which might otherwise in some earlier or later flood of congressional grants disappear altogether, leaving no enduring trace behind except the record of sundry petty schemes with the "hungry edge" of local appetite for such schemes sharpened rather than satisfied.

But even the relatively insignificant portion of the public domain which can now under any circumstances be appropriated for the purposes here indicated will in many ways contribute to the strength and glory of our country. It will be the disposal of the surplus part of the national farm—of a few back lots—for the permanent improvement of the remainder, and for increasing the skill and all the forces of those charged with its future ownership and productive development.

RAILROADS.

It may be that some friends of further subsidies to railroads would still prefer such projects to any policy of education. It is apparent that the whole world have invested too lavishly in railroads, we more than any others, for the interest of the present generation, however beneficial the investments may or may not prove hereafter. Without any national system in the location, but a "mighty maze" of discordant lines, it is not strange that an immense capital has been sunk. From the present temper of the people, it may be assumed that land subsidies have accomplished all they can accomplish and have spent their force. We have donated to railroads 210,756,807 acres of land, which at double the minimum price, though often fetching much more, will amount to $526,892,017. Will not that suffice? I am sometimes forcibly reminded of the "fable of the lion and other beasts hunting," where it is shown how the lion takes "the lion's share;" having divided the prey into three parts, appropriating the first to himself as king, the second to himself for his share in the chase, and defying anybody to lay hand on the third. Certainly the railroads appear to have taken "the lion's share," having divided the prey and appropriating the first part as king, the second to themselves as their share in the chase, and now will they defy anybody to lay hand on the third? We shall see.

* "The occupations of all artisans," says Cicero, "are base, and the shop can have nothing of the respectable."

MILITARY AND NAVAL SCHOOLS.

Very early the national Government founded the Military Academy, and subsequently the Naval School. This was done in harmony with the statesmanship of past ages, and in accordance with modern examples, to make the most of the human fighting force of nations. Nothing was to be spared necessary to educate and train men in the most skillful methods of destroying their enemies. A previous national declaration of the purpose, it is understood, makes wholesale manslaughter a glorious achievement. Even an education pointing to such an end as this, embracing a considerable share of science, with the modern languages and much of the martial and naval history and philosophy of mankind, as well as the polish of methodical discipline, has given a certain degree of superiority to those entitled to wear the uniform of their class. Like ancient knights, they outranked the common people, who seemed to shrivel up in their presence, and to this day, often without the merit of heroic services, they are accorded precedence over the most distinguished civilians, with only the oratorical exceptions, perhaps, of "bright particular stars" among the legal profession.

Would this be so if the great masses of the people, engaged for life in pursuits for the support of themselves and the institutions of human government and the adornment of Christian society, received that training of the schools which favors the arts of peace and the knowledge and skill which produces not only men of the highest value to themselves and the world, but which will hasten on the millennium of national arbitrations, instead of more and more sad and bloody pages of human history?

It is not any reproach that military and naval officers master their professions in schools supported by the Government, unless it is done with no intent to render any service therefor, or because the education is esteemed better than is to be found elsewhere, giving, as it really does, a high standard of duty, order, and military honor; but it is a reproach that governmental duties there stop. The defenders of the country are vastly important, in war indispensable; so are all whom they defend, or defenders would not be required. And while the latter are educated and then maintained through life, the former, by whose constant toil not only soldiers and sailors are maintained but the Government itself, ought not to be dismissed as below the military standard in height without some provision that they too may have the proper educational armor to become masters in their own battle-fields of industry.

While the world is in a transition state and all lands do not yet rest from war, the art cannot be wholly neglected, inasmuch as it is still true that "one sword keeps another in its scabbard," and therefore something of military science and discipline as an incident of these national colleges is provided for and will be obtained by all of their students, supplying in any emergency to each State a valuable aggregate of available knowledge, and that without any charge to the national Government.

WHAT THE NATIONAL COLLEGES HAVE DONE.

But the pertinent inquiry may be made, what have the colleges, started under the act of 1862, done that gives room to hope for their success or that entitles them to further favor? It may be too early to seek a full answer to this question, but there is no reason why it should be evaded. To call them a failure "would be," as the president of Dartmouth College lately said to me, "as absurd as to call the day a failure when we had seen but half an hour of it." It is unwise to despise small beginnings, for they often forerun great things. It will at once be noted that nearly one-third of these colleges have not yet had time to get into working order, but by the latest reports which I have examined, twenty-eight of them, while yet in the cradle of their existence, had 3,842 students with 356 instructors, being an average of 137 students and 12.7 instructors respectively. Compare this with the 323 older institutions, the growth of a century, which in 1873 had no more than 25,010 students and 3,108 instructors, or only an average of 77 students and 9.6 instructors respectively. Surely these facts, so early developed as budding evidences of honor and usefulness, will put to flight any doubts as to the amount of work being done or as to the share of public consideration they are receiving, and the national colleges may now fearlessly challenge the support of the most cautious legislators. Upheld by the industrial classes as well as by nearly all of the scientific men of the country, as they are and will be, their success cannot be doubtful; and let me ask for what other 15,000,000 million acres of public land has the Government so much to show?

These colleges are often called "*agricultural* colleges," perhaps because here for the first time agriculture obtained equal favor, or even any attention, or because several States have given that name to their institutions as an honorable distinction, or possibly the term may be sometimes derisively applied, as though it were an absurdity to expect any growth of science and learning from an agricultural college; but while it is true that all sciences related to agriculture are to be included and must be and are taught in these national institutions, though not to so great an extent as it is to be hoped they yet will be, there is nothing excluded touching any other industrial, mechanical, or even classical interests. The charter is broad, covering no sham, no inferior work, and if it had been made narrower, these colleges would not only have been less useful but even more exposed to narrow and jealous criticism, and certainly would not have escaped the sneers of those who flout the name of *agricultural* colleges as a damaging epithet or as a brand of reproach. Ignorantly they have possibly bestowed a watch-word of talismanic power which may both plague and shame the inventors. The clubs of jealousy and passion do not always remain in the hands of those who first bring them into the conflict.

By the law of 1862 the several States were to establish at least one college, and, being unrestricted, they could rightfully bestow such names upon their respective colleges as they pleased, so long as they brought the character of the institutions within the terms prescribed by the act of Congress. Is it not puerile to criticise the public taste about mere names? A college is not specially a "union college" because it has been so named, nor is a college merely a town college, though bearing the name of some town.

Not less unreasonable is it to expect that all graduates of the national colleges must become agriculturists and forever follow the plow. They have the right to do that or anything else they choose; to be artists, mechanics, surveyors, merchants, teachers, lawyers, doctors, or ministers; but whatsoever they are, they will be better for being thoroughly and scientifically equipped, and they will also be better able to tender more or less valuable aid to all branches of industry, despising none.

The total number of professional men in the United States educated or who should have been educated at classical colleges is only 146,993,* while agriculturists are numbered by millions and consequently should hold, as they do, prominent privileges in the national colleges; but they neither ask nor hold any exclusive privileges. All the useful arts, all mechanical and industrial employments, are hopefully recognized and offered an impartial support. Classical studies are by no means ignored, but are provided for all those who have time to acquire them and who may have occasion for their future display, and for those who are free from care and solicitude as to present and future maintenance. Scientific knowledge, however, in spite of all doubts, is as sublime and as beautiful as any other—so thought Bacon and Newton and so thought Franklin and Agassiz—and being also both commonly and grandly useful it here has a leading position, and what are usually esteemed as elegant and ornamental courses of study, asked for by the present limited class of the so-called learned professions and by gentlemen of leisure, come in as of secondary importance, as they must come, on the field and in the work-shop, in the counting-room and in the factory.

It is proposed to offer the means for a generous and sound education, not without a body for its feathers and with a steady leaning toward such branches as will assist young men in their work when they reach their ultimate field of duty and prevent them from forsaking that field because of its monotony or because of its exclusion from all the graces and attractions of the schools. Is it in vain to seek to embellish the daily life of physical labor with something of the luster of intellectual discipline? The brain is certainly not to be wholly neglected because it clings to such home-bred allies as bone and muscle, which do more and far better work when wisely guided by a well-trained head.

I find an account of fifteen farms attached to the national colleges, which average three hundred and fifty acres each, and they are rapidly getting to be farms of model excellence, where many of the most valuable experiments are made and where, to some extent, the best breeds of stock are constantly exhibited. What is done is not hid under a bushel. These farms with stock and tools are expensive, and some of the colleges are yet without the requisite funds to secure or to maintain them. Several of the States have already supplied these deficiencies. The aid here proposed would enable all to move more satisfactorily in this direction, while it would furnish resources for more efficient work in many other respects.

If the number of college students proposing to be farmers is less than it should be, so much the more need is there of creating and cultivating a taste in that direction, and it must never be forgotten that lack of means for long terms of study makes all colleges almost inaccessible to the vast majority of mankind. It requires also some intrepidity, even for boys inured to labor, to avow that they are preparing to work with their hands, even with skilled hands, as well as with brains, among associates many of whom are rather too proudly setting out to work and shine only with the latter; but the number attending the national colleges with such earnest purposes is much larger than is supposed or than make any proclamation of their intentions in advance, and the facilities for obtaining all the present available theoretical and technical knowledge of agricultural science has been in most cases, and will be in all, liberally provided.

According to the late census our entire male population, ten years old and over, was 14,258,866, and 5,525,503 of these were engaged in agriculture, besides 400,000 females so engaged. Almost one-half of our whole population, it thus appears, are devoted to agriculture. They have, therefore, in numbers alone paramount claims to consideration, and beyond such claims there underlies the vital problem of a future supply of cheap food, upon the abundance of which hinge the growth and maintenance of a great people with great and constantly expanding wants. No extent of land can be sufficient without a sufficiency of competent and willing labor. The vocation of

*Lawyers, 40,736; clergymen, 43,874; physicians and surgeons, 62,383; total, 146,993.

farming and husbandry must be made both attractive and lucrative, or it will be, as it has been, renounced at every decade by an increasing number of deserters. The pursuit of money-getting alone—all-pervading as the passion may be—is unsatisfactory, and those who furnish food for the whole body of mankind may reasonably demand some share of mental sustenance or at least may demand the crumbs which drop from the tables of the learned.

THE PRODUCTIVE POWER OF FARMS DECREASING.

It is also a fact well ascertained that as a whole our soil is being rapidly reduced in its productive power. I have heretofore called attention to this fact as exhibited in every census return since 1840. Our husbandry appears to be based upon the wants of the nineteenth century alone and refuses to speculate on the wants of the twentieth. Present profits, not the increased and fixed value of farms, absorb attention. By our too general habit of uncompensated cropping it is plain that we are steadily exhausting the fertility of the land in the new as well as the older States. The wheat region retreats westwardly as relentlessly as the march of some fearful epidemic; in the land of the Puritans they are almost as dependent for corn as they were in the days of Miles Standish, when Indians furnished a scant supply; and now the grasshopper plague seems on the wing challenging even the westward empire of the farmer.

The census of 1870, notwithstanding the evidences of a rapid development of wealth and population, discloses some unwelcome facts. With a much larger acreage and millions more of population, as compared with 1860, there was only a small gain in wheat, oats, butter, and potatoes, while there was an absolute diminution, incredible as it may appear, of cattle, swine, corn, rye, rice, tobacco, cotton, cheese, sugar, and molasses.* Improved implements now enable farmers to cultivate double the quantity of land cultivated by their fathers, one man with the reaper doing the work of ten men, and thereby securing with less laborers greater present profits; but by this grasping, broad-gauged husbandry, by too infrequent rotation of crops, by too little reliance upon manual labor and home-made manure, and the dire exhaustion which follows the exportation of cereal crops, they also secure a larger deterioration of the soil, and the general crop per acre year by year grows perceptibly less. Our fast and thoughtless machine-farming makes us forget that the earth can ever grow old and unfruitful.

Surely it will not be improper to give some heed to the lesson brought to our notice by such ominous and irrefutable facts. The only amendment possible is through a better and more scientific treatment of the soil as well as a higher and better treatment of those who are to be its future proprietors. Is there any mode by which that result can be more generally and successfully promoted than through the establishment of these national colleges? Certainly none are offered, none are visible, at home or abroad.

Let it be borne in mind that the products of farms depend not more upon their fertility than upon the intelligence of their occupants. Ireland is a land of great fertility, but has not been overstocked with schools; while Scotland is far less fertile, and has a much rougher climate, but it has long been famed for the universality of its schools. The result is that Ireland has not been free from famine, and her population departs in droves to other lands; while in Scotland,

O'er a' the ills o' life victorious—

you not only cannot starve a Scotchman, but the population thrive by intelligent industry and is constantly on the increase.

Notwithstanding the immense interest in farms and farmers, the General Government, possibly still the largest land-holder of the world, has yet done little, very little, for agriculture, even less than many European governments. Only 15,000,000 acres, all told, have been granted under the land grant to the national colleges of 1862, and this covers all that has been done in behalf of a higher education, not only for the millions engaged in agriculture, but for the 2,707,421 persons engaged in mechanical, manufacturing, and mining pursuits. Commerce, with its light-houses, harbors, breakwaters, buoys, coast-surveys, and naval protection, has sometimes absorbed more in a single year than all that for eighty years has been done and all that it is now for coming ages proposed to do for agriculture.

I begrudge nothing to commerce; but agriculture and the mechanic arts deserve a more liberal recognition, and those employed in these pursuits, as worthy as the worthiest, can have but little respect or tenderness for any fallacies or grim humors brought forth to exclude their claims. The grand extent and dignity of agriculture cannot be safely or wisely ignored by any men or any parties in America, where it is probable that more real farms are owned, and practically worked by the owners, than in all of Europe. Tradesmen may fail, commerce may suffer shipwreck, railroads may bring their owners and creditors to grief, banks may stop payment, but the farmers never stop; they face all vicissitudes of trade and of adverse seasons, face even sneering neglect, and, standing to their noble but unambitious calling, are never less than the backbone of the State. Though the world turns round, though the flood comes and the winds blow, every farmer, planted on the deep foundations of his own homestead, feels that beyond all peradventure this is mine.

* United States census returns.

	1860.	1870.
Neat cattle	28,967,028	28,074,582
Swine	33,512,867	25,134,569
Rye ..... bush..	21,101,380	16,918,795
Corn ..... bush..	838,792,742	760,944,549
Rice ..... lbs..	187,167,032	73,635,021
Tobacco ..... lbs..	434,209,461	202,735,341
Cheese ..... lbs..	103,663,927	53,492,153
Cotton ..... bales..	5,387,052	3,011,996
Sugar ..... hhds..	230,982	87,043
Sugar, maple ..... lbs..	40,120,205	28,443,645
Molasses, maple ..... galls..	1,597,589	921,057
Molasses, cane ..... galls..	14,963,996	6,593,323

IMPORTANCE OF SKILLED LABOR.

Perhaps there are few questions of higher moment than the future of our industrial and mechanical trades. The throng of foreign artisans and mechanics annually coming to our shores are eager for places at the head, and our own men must be made superior, or at least equal in skill, or they may be driven from their employments, and perhaps from their homes. In many departments of industry the longer experience of Europe, and more regular apprenticeship, gives to their best workmen some rather formidable advantages. This, with the imported barbarous despotism reigning over our "trades unions," restricting the number of apprentices among the masters, not unlike the tyranny of wild horses, which kill off male colts, is tending to cripple the progressive growth of native mechanics, and the number of young men now seeking to learn trades is unnaturally circumscribed. The only remedy for this is a higher standard of technical education for our own workmen, who should, with all their inborn aptitudes fully developed, everywhere aim to be the best, and no more be outstripped in the quality of their work than they are in the quantity.

A BENEFIT TO ALL OTHER COLLEGES.

A general advance in the scholarship of farmers and mechanics, of merchants and manufacturers, or of the population at large, cannot prove detrimental to men in the so-called learned professions or to literary colleges. All these would be stimulated beyond a doubt to make a greater advance and take up a higher position than that now held, as there is indefinite room; but this should be hailed as a high recommendation, one of the exalted benefits to accrue from the establishment of the national colleges, and could not be construed as incompatible with the standing and prosperity of existing literary institutions. If any officers among the latter should anywhere exhibit skepticism and exceptional jealousy respecting a higher education for the industrial population, as very few have done and less will do, it would justify the charge, not entirely new, that they are too much actuated by either monastic or aristocratic bigotry, and deserve pity for their palpable lack of sympathy with popular institutions. I feel sure that no true American will ever prize his own education higher because there may be others who cannot get it; and the purpose here is to increase the usefulness of the colleges we have created, not the demolition of the old.

AMERICAN INVENTIONS.

Among the conspicuous evidences of comparative intellectual and industrial activity of the people of different States may be reckoned their inventive power, as exhibited by the number of original patents annually obtained for new and useful inventions. These require elaborate thought, intricate and dexterous combination of ideas, and the practical application of scientific principles. Wherever enlightened and active industry prevails, the people will be found to have a decided aptitude for devising and constructing labor-saving instrumentalities—confirming Franklin's humorous definition of man as "an animal who makes tools"—though not so much for the object of saving labor as for increasing the rapidity of production and improving the quality of the product. It is the triumph of brain-power, which once put in motion by schools and colleges never stops, but keeps on to the end of life. One success is an incitement to fresh ventures and the inspiration which leads others to kindred efforts. Perhaps we have no reason to be dissatisfied with our present record when contrasted with that of other nations, as it will show four times the number of patents annually issued compared with Great Britain, notwitstanding that no applicant there is refused, questions of interference being left to the courts, while here nearly one-third are rejected for reasons of conflict, lack of priority, or inutility. It is even possible that we are as widely known abroad for our Yankee inventions as for anything else.

The State of Michigan, largely agricultural, is young and vigorous, just out of its teens, and yet in 1873 there were 356 inventors, or one annually to every 3,326 of her people; but South Carolina, one of the old "thirteen," unfortunately deficient in schools and colleges, had only 25, or one to every 28,224 of her people. The State of Connecticut, crowded with manufactures and the mechanic arts, leads off in the same year with 622 inventors, or one to every 864 of her people; while in New Mexico, nearly barren of educational institutions, there was only one patent issued among a population of over 91,000. Michigan and Connecticut are blest, not only with the best system of common schools, but with higher institutions of learning among the foremost in the land. These States stand in the front rank as to wealth and education, and there can hardly be a better illustration

of the fact than the number of patents annually won by their people. They are constantly surprising their contemporaries by something new, that will lighten labor and benefit the world.

Patents were first devised to secure titles of nobility, but when they were at length used to secure the titles of the inventors to the cut-nail machine, the American reaper, the sewing-machine, and the electric telegraph, they were used for a far nobler purpose. Here are titles of nobility, not incompatible with republican institutions, but adorning and giving luster to the pedigree of the humblest citizen.

"The nation most quickly promoting the intellectual development of its industrial population," says Justus Liebig, "must advance, as surely as the country neglecting it must inevitably retrograde."

The world is beginning to comprehend this profound truth. The vaunting of our superiority over what we esteem the less favored portions of mankind, while they are steadily advancing, will beget a complacent stand-still policy, and too late we may find that we have much to learn, as we found at the London exhibition, as the British found at the Paris exposition, and as the French found while held by the mailed hand of better-educated Prussia.

THE CENTENNIAL.

Our Centennial will truly exhibit a young nation of wonderful promise, but the disclosure of deficiencies sure to occur—when we shall "see ourselves as others see us"—will be a lesson not least to be prized if it shall cure the small amount of conceit to which in our modest moods we sometimes slyly and reluctantly confess. Of course we can "whip all creation," nevertheless it may not be well to challenge such a strain oftener than centennially. Modern civilization, the arts, trade, and commerce, bring out the relative value of the masses, and nations no longer conquer and are no longer judged by the brilliant career of a single successful leader. The combined power of the people, their aggregate force and their general intelligence, gives the chief luster to and mainly determines the destiny of nations. The power of educated force and skill is pre-eminently the great gift to man, and brings in its train not only intellectual wealth but material and political independence. It does not attempt to "cut blocks with a razor," nor to fit round holes with square plugs. Why do we at so much cost open many mines only to find at last nothing to show but a hole in the ground? More special previous training might preclude this not uncommon grief. Why are so many of our railroads non-paying investments? Largely because they have been unscientifically located, and then built not only prematurely, or in advance of any business support, but with a lavish disregard of expenditure. It has been computed that not less than several hundred millions of dollars have been lost in the United States by inferior and faulty railroad engineering. Certainly the over $4,000,000,000 invested is now barely worth half the cost. Germany, far better educated in this respect, obtains large revenues from railroads, and constructs them more scientifically, and even with a praiseworthy parsimony, as we might have done, if national colleges in every State had furnished engineers with the appropriate training. In the time of Plato, as he says, "you could buy a common builder for five or six minæ at most, but for a master-workman not even for ten thousand drachmæ, for there are few of them even among all the Greeks." That is to say, the master-workman was then worth twenty times the price of a common laborer. There and here men are no longer slaves, but the difference in their personal valuation has not diminished by lapse of time.

EDUCATED MEN.

But beyond the calculation of mere dollars and cents, it may be regarded as an axiom that where the masses are educated, there will be a nation of patriots, strongly devoted to the principles of civil liberty and observant of the laws of a stable government. Such men build up and do not tear down. One thoroughly educated man exerts an influence over an entire neighborhood, sometimes throughout the state and nation; but the influence of a well-directed college is much more extensive and much more permanent. The latter is a perennial fountain, always pouring forth a living stream of moral and intellectual missionaries. Generation after generation may pass away, but the college never dies. Our national colleges, fitted for their work, are not servile copies of previously existing institutions, whether at home or abroad; but, though different, are intended to be in the progress of time not inferior in character and completeness to any in the world—capable of a continuous and healthy growth, and in entire harmony with the wants and sentiments of the American people and of the age. They will tend to produce unity, amity, and equality among States widely separated, but going hand in hand to the end of time. They will make a perpetual contribution to the political strength and the intellectual stamina of our country, which is to be forever governed by the people; and the great question now to be solved is whether it shall be well governed by an educated, vigorous, and virtuous people, or be dragged down by the preponderance of illiterate and blundering imbecility, as the conspicuous wreck of the last vain hope of mankind.

TEACHERS.

It has been conceded by nearly all of the profoundest thinkers upon the subject that the speediest way to promote general education is first to establish institutions where the highest and most thorough culture can be obtained, as a true standard of excellence, and in order to furnish the best tools for future work, or to supply a full corps of competent teachers for the preparatory and common schools. Expenditures to sustain incompetent teachers are not only a positive waste of money but an irreparable waste of time on the part of scholars. We are young but once, and, if untaught or ill-taught then, few will wonder or lament if our dust shall steal in silence to the "tombs of short memories." The old English proverb ran, "It is as good to be unborn as unbred."

In all of the States there is a great want of thoroughly qualified teachers. The poorly qualified so largely outnumber the better sort and so largely underbid in the matter of wages that they have brought discredit upon the profession. Competent teachers, who should be retained for life, shun the ridicule heaped upon the whole class of temporary pedagogues and jump out of the profession at the first opportunity. Elevate the whole class and there will arise an *esprit de corps* that will permanently protect its own reputation.

This want of proper teachers is not only very conspicuous in the Southern States, and so to continue until an indigenous supply can be provided, but the want pervades all of the Northern States, apparently becoming year by year more aggravated, and only populous cities and large towns now secure the best class of teachers. The rural districts for the most part maintain school-mistresses, who quickly manage "to step down and out" by getting married, and but a few of the sex of which Dominie Sampson and Ichabod Crane were such shining ornaments.

In the message of the governor* of Pennsylvania of January, 1874, we have the "startling declaration" that 15,003 persons in that great and prosperous Commonwealth received certificates as teachers in common schools, but only 374 of this multitude "were found to have a thorough knowledge of reading, writing, arithmetic, geography, and grammar." Certainly that State is not alone deficient or in danger of falling into the ditch by employing the blind to lead the blind.

If good teachers are sadly needed in Northern States, are there not abundant reasons to suppose that they may be needed elsewhere?

The national colleges in the Southern States are thus far sending out a very large part of all their graduates as teachers. There is a constantly increasing demand for them, and, being mostly to the "manner born," they escape the jealousy to which teachers from distant States have often been and long will be subjected. These colleges will assuredly make large additions to the stock of thoroughly-trained educators, and those that are incompetent are always unattractive and profitless to the pupils most in need. If there were no other work for national colleges, here is enough and sufficiently important to repay all of their present and prospective cost. It is manifestly an indispensable prerequisite to the foundation and maintenance of common schools that a regular army of proper teachers, more than one lesson in advance of the pupils, should first be created and composed of those who will be most in harmony with our civilization, life, and Government.

NO JEALOUSY AMONG INSTITUTIONS OF LEARNING.

The national colleges, unlike some other more favored institutions, have not been so enriched by endowments as to be made too proud to ask for more, nor are they so envious of the prosperity of others as to view with alarm efforts made to multiply American institutions of learning, or to make them stronger and of greater utility. They are young, scarcely half-fledged, and confess their immaturity; but they start at a time when most needed, and, young as they are, show that they are beginning a work of great magnitude, truly American in character, which has not been done and will not be done without their assistance. They modestly but firmly stand on their own merits, interfering with nobody, except to offer a liberal education, not too greatly encumbered by old traditions, and abreast with the advance of the present times, that will be accepted by many instead of by a few, to whom it will be more available because tendered at less cost, and better because of more flexibility with reference to their taste, habits, and position in life. A leading object has been and will be to reach out and to include more of those, to be gathered nowhere else, who can be made of greater value to their country through a higher development of their natural faculties, by bringing out the gold that is in them as well as the iron.

With an institution of this kind in each State, all the local wants, however various and widely apart, can be wisely studied and provided for, and many young men will obtain near at home a sound mental training who might otherwise never have been prompted to make the necessary effort, or, if prompted, might not have been able to afford the expenditure and loss which would be involved in its pursuit by a deduction of four years from remunerative industry, including also a costly pilgrimage to more distant and expensive establishments. Having an opportunity to acquire an education which will plant the foundations that serve to some extent to support pursuits or professions previously chosen, they will not be driven at the last moment to choose abruptly a profession to fit their education.

Some of the time-honored literary institutions, needing nothing, ask nothing for themselves, and it would be passing strange if they should complain of any Government favor to others. Far above the reach of rivalry, grandly subsidized by private endowments, and encouraged by the loyal support of their ever-swarming alumni, it cannot be supposed they would foreclose and deny everywhere to others all

*Annual message of Governor Hartranft.

support, and, "like an Eastern despot," to use the words of Bacon, "strangle their rivals in order to reign peaceably."

If the Government, however, is to do anything, it cannot attempt indiscriminate aid, and certainly need not help those in no want of help, but must make its selection so as to benefit the largest and most meritorious numbers among the industrial classes who fail to find existing and accessible institutions adapted to their special wants. The proposed grant will place no national college upon an equal footing with many of those which are already rich, and which it is to be hoped will be too proud and too generous to exhibit any jealousy of the prosperity of others; for, with their troops of active friends already organized, even when any calamity overtakes them it only foreshadows a larger measure of prosperity, or proves the signal of fresh bounties from those who seem more ready to give than are the afflicted to ask.

But can a few literary institutions, renowned and opulent as they may be, with all other similar but less favored institutions following with unequal steps in their wake, do the educational work of Texas, of Kansas, of Mississippi and North Carolina, as well as of all the other States? In all or nearly all of the old literary colleges, as has been shown, they have but 25,010 students, of whom less than one-fourth graduate annually; and thus they turn out not many more than five thousand educated young men annually for the whole of our forty-six States and Territories, or not enough to furnish one in ten of the civil service of the United States. Can that be considered adequate to the full requirements of 44,000,000 of people, having an annual increase of males alone of not less than 500,000? On the contrary, it is furnishing a sadly inadequate equipment. One thoroughly educated boy in a thousand is not enough. It will not leaven the whole lump. We require the seeds of a more advanced educational culture to be planted where they will grow and ultimately be diffused over all parts of the land, leaving no Bœotian deserts, and, when diffused, that the benefit shall accrue to all classes of the community and even to the land itself.

No well-established institution fears to be outrun, nor will any one attempt to monopolize the whole work of higher education or seek to stand as a central luminary in whose presence all others must "pale their ineffectual fire." Education as a monopoly would be the direst and most odious of all monopolies. But a broad and popular system should disseminate more universally a higher as well as a common-school education in each and every State. No portion of our country should be left as a possible future wilderness of ignorance. Seats of ample learning on one edge only of the Republic would be like a beautiful garden on one side of an immense estate with all of the remainder left barren and desolate or thick set with weeds and brambles. Men trained and fitted for any and every duty must be grown and ripened in the localities where wanted in order that, whenever a first-class man of science or learning seems to be required in any vocation or position, no State shall be found deficient and be compelled to submit to the weak and uncertain dependenence of transplanting the unemployed surplus, the cheapest floating stock of more distant regions. American States, unlike those of ancient Greece, will ever be reluctant to send to Sparta for commanders.

CONCLUSION.

No Senator ever speaks without some impression, more or less profound, of the importance of his subject. If I have erred in this estimate by trespassing so long upon the patience of the Senate, I crave that charity which others may need when embarrassed by the diversity and abundance of the facts and details to be submitted. I have endeavored to point out—

First. That the fund to arise from all sales of public lands must hereafter be very inconsiderable. Whatever the extent of the public domains may be, it is growing less year by year, and the homestead demands, by foreign immigrants and by the hundreds of thousands of American citizens annually arriving at their majority, are steadily increasing. Surely the small driblets remaining to be actually sold ought to be consecrated, in accordance with the conditions set forth in our title deeds, to "schools and the means of education" for the permanent and universal benefit of the people.

Second. That more aid to common schools of a better type is needed in every quarter of our Union and that it is much wiser to give to youth assurance and faith in a higher life than to provide dungeons for manhood.

Third. That the number of those who are being thoroughly educated is disproportionately small, and that colleges to which many more of all the industrial classes might resort are not only vitally important but are loudly demanded by all those who do not hold an education to be a baneful luxury from which all the indigent and industrious, as so many born dunces, are to be excluded in the lump.

Fourth. That, while it is not proposed to divert any funds from the Treasury that will not yield a fourfold return, the objects aimed at are more precious than gold or silver, and a higher and more universal education will yoke neither the people nor the Treasury with poverty.

Finally, may I not invoke favor to such legislation as not infrequently makes men better than the law, that will tend to kindle a national passion to have Americans as a whole become the best educated of any people in the world, that will attach them more ardently to a free government than to any other known to mankind, that will inspire some ambition to excel in the arts of peace as well as in the arts of war, and bring forth that wisdom which gives security and progress to society, and which may serve to make our native land and its ever-increasing millions of people eminent in the future annals of time for all the virtues required to adorn character or race among the nations of the earth?

Mr. FRELINGHUYSEN. By the order of the Senate the Japanese indemnity bill was directed to be taken up to-day. The chairman of the Committee on Finance will not unnecessarily, I trust, press the silver bill. But as the Senator from Texas wishes to make some remarks on the subject which is now before the Senate, I yield the floor to him for that purpose.

Mr. MAXEY. It is to the courtesy of the Senator from New Jersey farthest from me that I am indebted for the privilege of presenting to the Senate and the country what I have to say on the important measure pending in the Senate to-day. On Thursday last I gave notice to the Senate that when the bill now pending should be called up, I would offer an amendment as a substitute for the bill. I now present that amendment and ask that it be reported.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert:

That the net proceeds of sales of public lands are hereby forever consecrated and set apart for the education of the people: *Provided*, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands.

SEC. 2. That the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land-offices during such year, and the amount of expenditures during said year incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said officers for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands as aforesaid, after deducting such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate, the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion to the several States and Territories and to the District of Columbia, upon the basis of population of the said States and Territories between the ages of five and twenty years, the net proceeds of sales of public lands for the previous year: *Provided*, That the said net proceeds of said sales shall be set apart as an educational fund, and shall be invested in the bonds of the United States bearing a rate of interest not less than 4½ per cent. per annum, both principal and interest payable in coin, the interest on such educational fund only to be appropriated as above provided: *And provided further*, That for the first ten years the distribution of said net proceeds and the interest on said fund to and among the several States, Territories, and District of Columbia shall be made according to the numbers of their respective population, of ten years' old and upward, who cannot read and write, as shown from time to time by the last preceding published census of the United States: *And provided further*, That one-half of the net proceeds so apportioned to each State or Territory for the first five years after the passage of this act, and one-fourth of said net proceeds for the next five years thereafter, with the proportionate interest accruing on said invested fund, shall be appropriated by said State or Territory to the support of colleges established, or which may hereafter be established, under the provisions of the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts:" *And provided further*, That thereafter one-half of the income arising from said educational fund, and which shall be apportioned to each State or Territory, shall be annually appropriated to the more complete endowment and support of colleges established therein in accordance with the aforesaid act of Congress approved July 2, 1862, until the annual income thus accruing to the said colleges in each State shall have reached the sum of $30,000; then the said amount only shall be annually appropriated to said colleges, and the whole remaining annual income of the aforementioned educational fund shall thereafter, in the manner provided in this act, be appropriated by each State and Territory, including the District of Columbia, to the free education of all its children between the ages of six and sixteen years.

SEC. 4. That the first apportionment under this act shall be made on or before the 31st day of July, 1876, and each of said States and Territories shall be entitled to receive its distributive share of each apportionment, to be paid by the Secretary of the Treasury to its treasurer or other officer authorized by law to receive the same, whenever thereafter it shall file with the Secretary of the Treasury a certified copy of the law of such State or Territory accepting the provisions of this act, and undertaking that the funds provided by the same, whenever paid over to it as above provided, shall be faithfully applied to the free education of all its children between the ages of six and sixteen years, and to the endowment and support of such colleges as have been or may be hereafter established in accordance with the aforesaid act of Congress approved July 2, 1862, and as provided for in this act. The distributive share of the District of Columbia shall from time to time be paid over to the commission of said District created by act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," or other officer or officers provided by law, and shall be applied in the same manner as above provided for the States and Territories.

SEC. 5. That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such appointment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned, and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature or otherwise received for the purpose of maintaining a system of free public schools. And if any State or Territory shall misapply, or allow to be misapplied or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and

until such report shall have been made; and all apportionments so forfeited and withheld shall be added to, and become part of, the principal of the educational fund hereby created.

SEC. 6. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States of the percentage of the net proceeds of the sales of the public lands within their respective limits as provided in section 3689 of the Revised Statutes of the United States.

Mr. MAXEY. Mr. President, the public domain was acquired by the United States by cessions from Virginia, North Carolina, and Connecticut, by compromise and purchase from Georgia, by cessions from various Indian tribes, by the acquisition of the Territories of Louisiana and Florida, by the treaty of Guadalupe Hidalgo, by the Gadsden purchase, and the Alaska purchase.

The system of surveys of public domain now in use was established by act of Congress approved May 18, 1796, and perfected by an act approved February 11, 1805.

The wise and sagacious policy of aiding settlers in the newly acquired territory in the establishment of schools by cessions of public domain was early adopted by this Government.

By an act approved February 15, 1811, one township in the Territory of Orleans, south of Red River, and another north of that river, were granted in aid of seminaries of learning, and by the same act section 16 in each township in that Territory was ceded for the support of schools within the township.

By act approved December 12, 1820, 3 per cent. of the net proceeds of the public lands of the United States in the State of Illinois, which since the 1st of January, 1819, have been or thereafter may be sold, are applied to the encouragement of learning in said State. Like aid has since been extended to other States wherein public domain is situated. By act approved March 3, 1823, section 16 in each township in the State of Missouri is appropriated in aid of schools. In addition to this, Missouri received by the act approved February 15, 1811, two townships, or seventy-two sections, for the support of a seminary of learning.

This policy has been continuously kept up and applied to all the new States and Territories in which the United States owned public domain.

By section 1946 Revised United States Statutes, New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming each receive sections 16 and 36 in each township for the support of schools within the townships, and by section 1947 Washington Territory is in like manner favored. It is unquestionable that the success in a large degree of the present thorough common-school systems in operation in the States carved out of the public domain is owing to this far-seeing and liberal policy.

It was in my judgment eminently a proper policy. The pioneers who penetrated the wilderness, carrying civilization with them, undergoing every hardship, and braving every danger, were rich only in their untiring energy and unbending integrity. They created new States. It was right to help them educate their children. The people of the whole Union were beneficiaries of their hardy enterprise. It was by their exertion that the seat of empire has been transferred from the East to the Valley of the Mississippi.

The Northern and Eastern States were prosperous and rich when the great West was a wilderness. The accumulated wealth of centuries has enabled them to build up common schools which justly command the admiration of the civilized world. While I believe all the States are equitably entitled to their distributive share of the public domain or its proceeds to aid in the support of common schools, still the old Northern and Eastern States could well afford to postpone their equitable demand until the new States and communities were rich enough to ask no special favors. This they have done. Many of the new States have passed the old in the race for wealth, population, and influence.

Senators from the Northern, Eastern, and Western States are far more capable of speaking for themselves than I for them in respect to their common schools and school systems and their ability to maintain them. It may be asked, Why has the South lagged behind in this noble enterprise? I imagine the good sense of Senators will teach them that it matters not now, for practical purposes, to ask or answer why.

If the fact exists that the facilities for the education of the masses in the South are not so good as in the more favored sections of the Union; and if it be true, and it undoubtedly is true, that the perpetuity of free institutions rests upon the virtue and intelligence of the people; and if the policy of the Government to which I have referred and which has been in successful operation for near three-quarters of a century to help the needy to educate their children be wise, as it undoubtedly is, then there is no better field for its practical application than in the stricken Southern States; and it is in their behalf I plead to-day before the American Senate.

I might say, and with truth, that before war devastated the beautiful South our people were rich. By such common schools as we had, and by private schools, there were few so poor as not to be able to give their children the rudiments of an English education. I might say, and with truth, that every department of this Government has been adorned by the splendid genius, profound statesmanship, and scholarly attainments of southern men. The fame of Washington, Jefferson, Henry, Madison, Randolph, Marshall, Jackson, Houston, Calhoun, and Clay, and their glorious compeers, is part of the heritage of our common country, and will pass on to future generations with the Adamses, Hamilton, Roger Williams, Livingston, the Clintons, Webster, Woodbury, Silas Wright, and their compeers, of the "immortal few who were not born to die." I might say, and with truth, that when we had the means, the poorest boy in all the South who desired an education always found extended to him a helping hand. But war left us for the time stripped of wealth. By the indomitable energy of our people we are rapidly recovering from the prostrated condition in which the close of the war found us, and, God willing, by our own exertions we will soon be a wealthy and prosperous, as we now are a progressive, people.

The close of the war found our labor system broken up, and those who had been held in a condition of servitude were not only emancipated, but perfect equality before the law with the white man was secured to them by irrepealable law. To-day they have the same civil and political rights as the white man. They can acquire and hold property, vote and hold office, sit upon juries, administer on estates, and be guardians of the persons and estates of minors. This Government has bestowed these great rights upon these people. Emerging from a condition of servitude in which their race had been held for centuries, they were necessarily without education and without the means of educating themselves or their children. Hence the great burden of sending the children of these people to school was in a large measure, almost entirely, cast upon the whites of the South, impoverished as I have stated, and with their own children to educate. This was a grievous load, yet our people, to the best of their ability, have bravely borne it.

It has been said that the democratic party was opposed to common schools. Those who thus say have failed to read history aright. The system of granting public lands in aid of common schools, so prolific of blessings to the people of so many States and Territories, was a democratic measure passed by a democratic Congress, and approved by James Madison, a democratic President. The 3 per cent. of the net proceeds of the public lands in Illinois granted that State in aid of schools was a democratic measure passed by a democratic Congress, and approved by James Monroe, a democratic President; and every democratic administration, so long as that party continued in power, carried out the wise policy inaugurated in 1811. I follow the faith and practice of the fathers, and support the measure now pending.

I have already given some of the reasons why, in my judgment, the passage of this bill is especially important to the Southern States; but, to present my reasons in a clearer light, I have approximated as nearly as may be to the number of white children in the Southern States in 1870 between the ages of five and eighteen, and the number of colored children between the same ages at the same period.

The Census Report of 1870 furnishes a column for males between five and eighteen, and another for females between the same ages; but there are no separate columns showing the number of white children and the number of colored children within these ages. But, taking the total whites of all ages and the total colored of all ages in the Southern States in 1870, we can approximate with sufficient accuracy for practical purposes to the number of white children and the number of colored children in those States between the ages of five and eighteen years. This I have done, and now present to the Senate the following tables which I have compiled with the aid of the Census Report of 1870:

Statement showing number of white and colored children between the ages of five and eighteen.

States.	Total males between the ages of 5 and 18 years.	Total females between the ages of 5 and 18 years.	Total white population of all ages.	Total colored population of all ages.
Alabama	173,273	169,703	521,384	475,510
Arkansas	84,645	80,847	362,115	122,169
Florida	32,873	31,024	96,057	91,689
Georgia	206,026	201,490	638,926	545,142
Kentucky	230,491	224,648	1,098,692	222,210
Louisiana	112,520	113,594	362,065	364,210
Maryland	122,932	121,522	605,497	175,391
Mississippi	141,412	137,587	382,896	444,201
Missouri	294,316	283,487	1,603,146	118,071
North Carolina	182,421	177,509	678,470	391,650
South Carolina	118,509	115,406	289,667	415,814
Tennessee	217,922	211,670	936,119	322,331
Texas	145,184	139,667	574,700	253,475
Virginia	200,103	196,709	712,089	512,841
West Virginia	76,879	73,965	424,033	17,980
Totals	2,339,506	2,278,828	9,275,856	4,472,684

RECAPITULATION.

Total males between 5 and 18	2,339,506
Total females between 5 and 18	2,278,828
Aggregate males and females between 5 and 18	4,618,334
Total white population of all ages	9,275,856
Total colored population of all ages	4,472,684
Aggregate of all ages, white and colored	13,748,540

The ratio of whites to colored in the States enumerated is shown by the foregoing table to be a fraction over two to one. For convenience, and as sufficiently accurate for practical purposes, I make the estimates on that basis, with the following result:

Total white males between 5 and 18	1,559,671
Total white females between 5 and 18	1,519,219
Aggregate white males and females between 5 and 18	3,078,890
Total colored males between 5 and 18	779,835
Total colored females between 5 and 18	759,609
Aggregate colored males and females between 5 and 18	1,539,444

I now separate the Southern States in which cotton is not the leading staple, as follows:

States.	Males between 5 and 18.	Females between 5 and 18.	Total whites of all ages.	Total colored of all ages.
Kentucky	230,491	224,648	1,098,692	222,210
Maryland	122,932	121,522	605,497	175,391
Missouri	294,316	283,487	1,603,146	118,071
Tennessee	217,922	211,670	936,119	322,231
Virginia	200,103	196,709	712,089	512,841
West Virginia	76,879	73,965	424,033	17,980
Totals	1,142,643	1,112,001	5,379,576	1,368,824

RECAPITULATION.

Total males between the ages of 5 years and 18 years	1,142,643
Total females between the ages of 5 years and 18 years	1,112,001
Aggregate between the ages of 5 years and 18 years	2,254,644
Total white population of all ages	5,379,576
Total colored population of all ages	1,368,824
Aggregate of all ages, white and colored	6,748,400

The above table shows nearly four whites to one colored. Upon this basis we have—

Total white males between 5 and 18	914,115
Total white females between 5 and 18	889,601
Aggregate white males and females between 5 and 18	1,803,716
Total colored males between 5 and 18	228,528
Total colored females between 5 and 18	222,400
Aggregate colored males and females between 5 and 18	450,928

In the cotton States proper we have the following results:

State.	Males between 5 and 18.	Females between 5 and 18.	Total whites.	Total colored.
Alabama	173,273	169,703	521,384	475,510
Arkansas	84,645	80,847	362,115	122,169
Florida	32,873	31,024	96,057	91,689
Georgia	206,026	201,490	638,926	545,142
Louisiana	112,520	113,594	362,065	364,210
Mississippi	141,412	137,587	382,896	444,201
North Carolina	182,421	177,509	678,470	391,650
South Carolina	118,509	115,406	289,667	415,814
Texas	145,184	139,667	564,700	253,475
Totals	1,196,863	1,166,827	3,896,280	3,103,860

RECAPITULATION.

Total males between the ages of 5 and 18 years	1,196,863
Total females between the ages of 5 and 18 years	1,166,827
Aggregate males and females between the ages of 5 and 18 years	2,363,690
Total white population of all ages	3,896,280
Total colored population of all ages	3,103,860
Aggregate white and colored population of all ages	7,000,140

The above table shows about eleven-twentieths white to nine-twentieths colored.

Total white males between 5 and 18 years	658,274
Total white females between 5 and 18 years	641,754
Aggregate white males and females between 5 and 18 years	1,300,028
Total colored males between 5 and 18 years	538,589
Total colored females between 5 and 18 years	525,073
Aggregate colored males and females between 5 and 18 years	1,063,662

Thus it will be seen that, taking all the Southern States together, they must provide for the education of 3,078,890 white children between five and eighteen and 1,539,444 colored children between the same ages. Counting the States of Kentucky, Maryland, Missouri, Tennessee, Virginia, and West Virginia together, we find those States, with an aggregate white population of all ages and both sexes of 5,379,576, will have to bear mainly the burden of educating 1,803,716 white children and 450,928 colored children. The States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, with a white population of all ages and both sexes of 3,896,280, have mainly the burden to bear of educating 1,300,028 white children and 1,063,662 colored children between the ages of five and eighteen, or an aggregate of children within these ages of 2,363,690.

Now, it cannot reasonably be expected that the colored race so recently enfranchised could have acquired much taxable wealth, nor is it reasonable that they should so soon be keenly alive to the incalculable blessings of education. Yet these colored male children are soon to become active members of the body-politic. The more enlightened they are the better citizens will they make. Ignorance is not limited in its blighting influence to the locality where it may exist and unfortunately it may be found in every section, nor, in this instance, to the race least informed, but it permeates the entire body-politic, and under our free Government impresses itself to a greater or less extent upon the Federal Union. It is therefore wise, and never more so than now, for the Government to lend a helping hand to a struggling people.

The equitable claim of the Southern States, in my judgment, is irresistible. The appeal addresses itself to the sense of justice of the American people. The colored people were made free, and then citizens, with all the rights of other citizens, by the act of the Federal Government. It found them illiterate, wholly unacquainted with governmental affairs. It made them citizens, equal before the law with the most enlightened. It worked this crude material into the political fabric. Is it not wise to furnish them the means of education? And as they are entitled to no other or higher privileges than the children of the whites of the South, who, by the liberation of this race lost so heavily, it is equally the duty of the Government, in my judgment, to furnish the aid impartially to both white and black. In so doing, the white people of the South, who are mainly the tax-payers, will have a burden materially lessened, not borne by any other people in the Union. I am not sufficiently acquainted with the common-school systems of the Southern States, outside of Texas, to speak with accuracy.

The benefits of common schools in Texas since the war have been extended to white and black alike. The schools are separate, as they should be, and it is acceptable to and to the interest of both races that they should be kept separate, for no other system could be maintained. But the school fund has been impartially distributed for the benefit of the children of scholastic age of both races. The constitution of Texas, recently adopted by a majority of over 80,000, requires separate schools to be provided for the white and colored children, and that impartial provision be made for both. I read from the constitution of Texas, as follows:

ARTICLE VII.

EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll-tax of $1 on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The lands herein set apart to the public free-school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

SEC. 5 The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hunded and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public

schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The governor, comptroller, and secretary of state shall constitute a board of education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.

Mr. O. M. Hollingsworth, superintendent of public instruction of Texas, under date of February 21 last, furnishes me the following statement of the permanent common-school fund of the State, namely:

Permanent school fund	$2,500,000
School lands located	acres.. 30,000,000
School lands unlocated	acres.. 31,000,000

This is the munificent provision made for common schools by the most thoroughly democratic State in the Union—a State which gave in the recent election for governor and other State officers a democratic majority of 100,000. I make the following extract from the message of Governor Coke, delivered to the Legislature last Wednesday, to wit:

With universal suffrage we must have universal intelligence if we would perpetuate free government, and a system of public education will alone accomplish it. The public sentiment of the enlightened and civilized world has crystallized in favor of public education, and the people who fail to recognize the fact and act accordingly will find themselves laggards in the general march of improvement. Every State in the Union is striving to perfect a system of public education, and Texas must not do less.

You are required by the clause of the constitution referred to "to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." The fund known as the available school fund, consisting of one-fourth of the general revenue of the State, all the poll taxes, and the interest on the bonds in which the permanent school fund is invested, constitute the means placed at your disposal annually for carrying out this provision of the constitution.

From these sources the comptroller estimates the following receipts for the year beginning September 1, 1876:

One-fourth State revenue	$350,000
Poll taxes	140,000
Interest on United States bonds	30,000
Interest on railroad bonds	135,000
	655,000

The substitute under consideration makes further provision for the colleges established for the advancement of agriculture and the mechanic arts. These colleges were established under the provisions of an act of Congress approved July 2, 1862, donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

In order to avail herself of the provisions of this act the State of Texas, which I have the honor in part to represent, has erected handsome and commodious college buildings on a large survey owned by the State, admirably adapted to experimental farming. The constitution recently adopted requires the Legislature now in session to appropriate, at the present session, $40,000 for the construction and completion of the buildings and improvements, and providing for the furniture necessary to put said college in immediate and successful operation.

Agriculture in this country underlies and upholds every other industry. Knowledge is as essential to the conduct of agricultural operations in the various branches as to any other pursuit. Second in importance only to agriculture are the mechanic arts. That both should be fostered and encouraged to the full extent of just and reasonable aid, by wise legislation within the limits of the Constitution, I think a clear proposition. The substitute under discussion is simple in its provisions, which are easily understood. It consecrates the net proceeds of the sales of the public lands to common schools and to the more complete endowment and support of colleges for the advancement of agriculture and the mechanic arts. It retains the power of Congress over the public domain. It does not interfere with homestead or bounty-land laws.

It distributes the money thus raised among the several States and Territories and the District of Columbia upon the basis of population between the ages of five and twenty years. It in no wise interferes with the management, conduct, and control of the schools and colleges by the State and territorial authorities, wisely leaving all that to the proper local authorities, to be regulated, conducted, and controlled under the laws of the States and Territories, and only so far as the District of Columbia is concerned has Congress any power of legislation, and Congress ought not, and in my judgment constitutionally could not, exercise control over schools established by State authority. It contains the proper safeguards for the faithful application of the funds to the purposes contemplated by the substitute. It provides for a perpetual educational fund, the interest on which only is to be appropriated for the conduct of said schools and colleges. It in no wise interferes with the percentage granted to the States of Missouri, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, and Nevada out of the net proceeds of public lands within their limits for the purpose of education, or of making public roads and improvements, as provided in section 3689 of the Revised Statutes of the United States.

I believe the substitute just and equitable, and right in itself, granting for the first time aid to many of the States for common-school purposes, and this aid thus asked is shared according to the population between the ages of five and twenty years by all the States from the original thirteen to the last admitted, by all the Territories, and by the District of Columbia.

I trust the substitute will receive the favorable consideration of the Senate.

JAPANESE INDEMNITY FUND.

Mr. FRELINGHUYSEN. I move that the Senate proceed now to the consideration of the Japanese indemnity bill, which motion I make, as I informed the chairman of the Committee on Finance, I should, subject to the call at any time of the silver bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 626) in relation to the Japanese indemnity fund.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

HOUSE BILL REFERRED.

The PRESIDING OFFICER. Before the doors are closed the Chair will lay before the Senate a House bill for reference.

The joint resolution (H. R. No. 99) concerning special-tax stamps was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at three o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION.

Mr. LORD. I desire to have the Journal corrected in regard to one or two technical phrases. So long as we are compelled to use them we should of course use them properly. I notice that the words "rejoinder on demurrer" are used when it should be "in demurrer." I notice also that the same error occurs in another place, and that the word "rejoinder" is used where it should be "surrejoinder." I desire to have these errors corrected.

The SPEAKER. The correction will be made.

The Journal, as corrected, was then approved.

PRINTING OF TESTIMONY.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be authorized to have printed for the use of said committee evidence taken, and also tables of statistics.

IMPORTATION IN SINGLE PACKAGES.

Mr. WOOD, of New York, by unanimous consent, from the Committee of Ways and Means, reported back the bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation, with the amendments of the Senate thereto.

The amendments of the Senate were:

On page 1 line 1, strike out the word "express."

Amend the title so as to read "An act to provide for the separate entry of packages contained in one importation."

The question was taken; and the amendments of the Senate were concurred in.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER laid before the House the request of the Senate for a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

The request of the Senate was agreed to.

The Speaker appointed the following gentlemen as conferees on the part of the House: Mr. WELLS of Missouri, Mr. ATKINS of Tennessee, and Mr. HALE of Maine.

CONSULAR AND DIPLOMATIC BILL.

The SPEAKER also laid before the House the request of the Senate for a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The request of the Senate was agreed to.

The Speaker appointed as conferees on the part of the House Mr. SINGLETON of Mississippi, Mr. RANDALL of Pennsylvania, and Mr. WALDRON of Michigan.

E. C. STEVENS.

Mr. MONROE, by unanimous consent, introduced a joint resolution (H. R. No. 105) for the relief of E. C. Stevens; which was read a first and second time, and referred to the Committee of Accounts.

OFFICERS OF THE HOUSE.

Mr. WHITE. I rise to a question of privilege, and it is in regard to an officer of this House. I offer the resolution which I send to the Clerk's desk.

The Clerk read the preamble; whereupon,

Mr. SPRINGER said: I object to the reading of this resolution. It does not involve a question of personal privilege.

The SPEAKER. The Chair is not yet able to say that it does not involve a question of privilege. The Chair thinks it had better be read.

The Clerk resumed the reading, but before concluding,

Mr. SPRINGER again said: I object to the reading of that paper. It is not a question of privilege; it is an article from a newspaper of this city which does not relate to any privilege of the House, and the reading of which is consuming time without any purpose whatever.

The SPEAKER. Suppose that it related to an officer; would it not then be a question of privilege?

Mr. SPRINGER. It would if it related to an officer, but not to a member.

The SPEAKER. This House has some interest in its officers. The Clerk will continue the reading.

The Clerk resumed and concluded the reading of the preamble, article, and accompanying resolution, as follows:

Whereas the following article has appeared in the Washington Gazette, a democratic paper, in which the Clerk of this House and his subordinates are charged with having conspired together to defeat the reduction of salaries proposed in the executive, legislative, and judicial appropriation bill:

"TRAITORS IN THE CAMP—CONSPIRACY AMONG THE HOUSE EMPLOYÉS TO DEFEAT RETRENCHMENT.

"We think it our duty to expose and denounce the inexcusable action of some of the employés of the present House of Representatives in reference to the legislative, executive, and judicial appropriation bill, and to warn them that this course must not be persisted in. The party which recently lifted them to the positions which they now occupy have sufficient opposition to combat among the henchmen of Grantism in their efforts to reform existing abuses and extravagance, and must not be hampered in their action by those who should exert whatever influence they may possess in furtherance of the noble and patriotic purpose of the Committee on Appropriations, instead of against it. We allude at this time particularly to the Clerk of the House and his subordinates. Every effort has been made by these employés in the way of importuning democratic members to defeat the legislative, executive, and judicial appropriation bill. The success of the democratic party in the approaching presidential campaign is jeopardized by the course thus pursued. The people demand from the present House such retrenchment and cutting down of expenditures in all departments of the Government as will relieve the great financial depression now prevailing throughout the nation; and all blows aimed at retrenchment are just so many blows struck at the life of the democratic party. There is, too, no department under the Government where economy could be practiced with a better grace than in this very Clerk's office. Under the predecessor of the present incumbent salaries in the Clerk's office were systematically worked up till they are out of all proportion to the service rendered by the occupants of the positions. Not only were salaries increased, but places were multiplied beyond the legitimate requirements of the office; and it is the absolute duty of the democratic House to cut down these supernumeraries, and reduce the salaries of those retained.

"The political revolution which placed the democratic party in a majority in the popular branch of the national Legislature was brought about by the universal desire for reform. The party can only perpetuate its power by giving effect to measures intended to reform. And in pursuing this laudable purpose, it must not be stabbed by those who are in duty bound to give it support. No selfish motives should be permitted to sway the mind of any democrat in this war with radical thievery and extravagance. If a traitor be found in the camp, off with his head; and let the good work of retrenchment go on:"

Therefore,

Resolved, That the Committee on Rules be, and are hereby, directed to inquire into and report, by resolution or otherwise, upon the following propositions: First, whether the charges herein contained be true, and, if true, whether the Clerk of this House and his subordinates have violated any law or done any act inconsistent with their positions as employés of this House; second, whether further legislation be necessary to protect the House of Representatives from undue influence brought to bear upon members in the discharge of their duties by the officers and employés of the House, from whose presence and importunities there is no escape.

Mr. FORT. Is this resolution introduced on behalf of the Clerk of the House?

Mr. RANDALL. Does the Speaker rule that this involves a question of privilege, so as to make it in order at any time?

The SPEAKER. The Chair will examine the paper.

After a pause,

Mr. RANDALL said: I will not insist upon my point of order, as there seems to be doubt about it. Let the resolution go to the Committee on Rules.

The SPEAKER. The Chair desires to say, notwithstanding the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL,] that although this charge, from its utter indefiniteness, goes to the very verge to which any decent matter of privilege should go, yet in the judgment of the Chair it does involve enough of substance in its connection with the House and legislation to bring it within the rule and definition of a question of privilege. The Chair would therefore overrule the point of order.

Mr. RANDALL. I withdrew the point of order, because I did not wish to prevent an investigation of any sort as to any matters connected with the control of this House.

The SPEAKER. What is the motion of the gentleman from Kentucky?

Mr. WHITE. That this resolution be referred to the Committee on Rules.

The motion was agreed to.

ENGINEER OF THE HOUSE.

Mr. WHITE. I rise to a further question of privilege, and ask the Clerk to read a letter written by James McGlensey, now an assistant engineer of the House, relative to the character and incompetency of George C. Ellison, the engineer of the House, together with the accompanying resolution.

The Clerk read the letter, as follows:

67 MAIDEN LANE, NEW YORK,
March 21, 1876.

DEAR COLONEL: I herewith send you a slip from yesterday's times. I seen the proceedings in the sun of last week the same as you sent me, and I sent a letter to Judge HOLMAN telling him the falt was in the Engineer, and I see the committee have my exact words; and I sent him another letter yesterday which I think will have some effect, and I send you the original printed by Doctor Thiers,* who states that Ellison knows he printed it, and he don't care who knows it, as he will tell anybody he is. I went and seen some of the witnesses. Mr. Delano says he was discharged for stealing pipes and other Government stores, but his record is in the Navy Department. He lives at 115 St. Marks ave., Brooklyn, and is well known in the Navy-yard. He is on the retired list. Mr. Cosgrove, the Master Plumber of the yard in the Department of Construction, was Ellison's Quarterman, and he says so. He is Master Plumber there now. Mr. Jas. Hunter, who is Plumber in yards and Docks, knows all the circumstances of what is in this statement. It was from him I got my information, and if any of them was put on the witness stand they would tell a great deal more than they tell me; in fact, everybody who was in the yard at the time knows of it; it was no secret. As regards to the other matters in the statement, I don't think amounts to much, as some of the parties are dead; but the Dr. says he can prove the most of it. I see him almost daily. He is the man that was poisoned by Ellison, and has the bottle yet. He is well known in Washington by W. W. Woods, (Chief Engineer Navy Department,) Mr. English, who use to be round your office, and Mr. Geer and others. I want you to take good care of this, so it can be returned to me. The Sunday Mercury was burned out and lost its files, and I hunted all over to try and find one but failed. Mr. Collwell, the owner, has promised to see if he can't find it for me. If he does I will send it to you. I think you could get his record in the Na'y Department, as you have the dates. I think if you will see Major Cburn, the Herald, and tell him it's for me he can get you an order from some of the Committee on Naval Affairs in the Senate, as I don't want to touch the *the* House. I don't want to be known in this matter of Ellison's removal. Now you can act with Mr. Lockwood in this matter, as I think it will take very little to finish Ellison, and let me know how you make out in this; and if you can get my letters before the committee I think they will recommend me. Write and let me know how things are and who is assistant as soon as possible.

Yours, &c.,

JAMES McGLENSEY.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Reform in the Civil Service be directed to inquire into and report, by resolution or otherwise, upon the following: Whether the charges made against George C. Ellison, engineer of this House, by James McGlensey were hushed up in consideration of said McGlensey's appointment to the position of assistant engineer of this House, the position which he now holds; second, whether the charges herein related against the engineer of this House be true, and, if true, whether George C. Ellison is a man of such mental and moral fitness as will warrant his retention in office.

Mr. RANDALL. This should be referred to the Committee on Public Buildings and Grounds.

Mr. WHITE. I object to that reference. I desire to say that the man who wrote this letter which has been read is now assistant engineer of this House under Ellison. If those charges were not believed to be true, why is it that this man McGlensey has been appointed as an assistant of Ellison.

Mr. COX. I hope the resolution will be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to amend the resolution of the gentleman from Kentucky [Mr. WHITE] so as to assign this examination to the Committee on Public Buildings and Grounds, instead of the Committee on Civil Service Reform.

The amendment was agreed to.

The resolution, as amended, was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF SAMUEL QUARLES, DECEASED.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 3258) for the relief of the heirs of Samuel Quarles, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. BANNING. In order not to antagonize the legislative appropriation bill, I ask that the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States and provide for its gradual reduction and consolidation, which was made the special order for to-day, be made the special order for Wednesday of next week at two o'clock, and from day to day until disposed of.

Mr. HOLMAN. Not to interfere with the appropriation bills.

The SPEAKER. That will be understood; and if there be no objection the order will be made.

There was no objection.

BENJAMIN BOBB AND OTHERS.

Mr. YOUNG, by unanimous consent, introduced a joint resolution (H. R. No. 106) for the relief of Benjamin Bobb and others, of Memphis, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

UNITED STATES OFFICERS AT NEW ORLEANS.

Mr. GIBSON. I ask unanimous consent to offer the following resolution, which, as now modified, will not I believe meet with any objection:

Resolved, That a committee of nine members be appointed by the Speaker, with instructions to make a thorough examination into the conduct and management of

*Dr. Thiers mentioned here is the author of the printed sheet and the man whom Ellison tried to poison. His address is Thiers & Co., Laboratory, 98 Third avenue, New York.

the custom-house at the port of New Orleans and of the offices of the marshal, district attorney, and collector of internal revenue, and all such other Federal officers as they may discover to be implicated in wrong-doing and violation of the laws, and to suggest such changes and reforms as they may deem necessary; with power to employ a stenographer, to send for persons and papers, to sit in New Orleans, and to report by bill or otherwise as soon as possible; and that the proceedings of said committee shall be public.

Mr. CONGER. To what committee is this matter to be referred?

The SPEAKER. The proposition is to raise a select committee.

Mr. CONGER. Some of the matters referred to in that resolution have already been committed to the Committee on Expenditures in the Department of Justice. Still I make no objection.

Mr. FOSTER. I object to the words "as soon as possible." I hope the gentleman will so frame his resolution as to require a report to be made to this session of the House.

Mr. GIBSON. I am willing to accept that amendment.

The resolution, as modified, by inserting after the words "as soon as possible" the words "to this session of the House," was again read.

Mr. MOREY. I trust that there will be no objection to the resolution in this shape.

There being no objection, the resolution was adopted.

Mr. GIBSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole for the purpose of resuming the consideration of the legislative appropriation bill.

Mr. VANCE, of North Carolina. I think we ought to have the morning hour for the call of committees. I am willing to give way for the legislative bill after the morning hour.

Mr. RANDALL. I want to devote every possible moment to this bill until it is finished.

The SPEAKER. It is in the power of the House to determine what business it will consider.

Mr. RANDALL. The sense of the House can be tested on this motion. If it be voted down, then the business of the morning hour can proceed.

The question being taken on the motion of Mr. RANDALL, it was agreed to.

SENATE BILLS REFERRED.

The SPEAKER. Before the Committee of the Whole resumes its session, the Chair begs leave, if there be no objection, to take up bills on the Speaker's table that they may receive appropriate reference.

There was no objection; and bills of the following titles were taken from the Speaker's table, read a first and second time, and respectively referred as indicated:

A bill (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive free from duties a wedding present from the Khedive of Egypt—to the Committee of Ways and Means.

A bill (S. No. 727) for the relief of Albert Towle, postmaster at Beatrice, Nebraska—to the Committee of Claims.

A bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama—to the Committee on the Judiciary.

A bill (S. No. 484) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts—to the Committee of Claims.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House, pursuant to order, resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph on page 43 of the bill.

The Clerk read as follows:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,250; one disbursing-clerk, at $1,800; two chief clerks of division, at $1,800 each; five clerks of class four; four clerks of class three; four clerks of class two; twelve clerks of class one; eight messengers; and three copyists to enable the Secretary of War to have the rebel archives examined and copies furnished for the Government, $2,700; seven laborers; five watchmen for the northwest executive building; in all, $67,110.

Mr. FOSTER. I move in line 1041 to strike out "three copyists," and in lines 1043 and 1044 "twenty-seven hundred" and in lieu thereof insert "$6,000."

Mr. Chairman, the effect of this amendment is to appropriate $6,000 for the use of the War Department in searching the rebel archives for the use of the different Departments of the Government, of the Court of Claims, of the claims commission, and by the different committees of this House. The amount appropriated for the last two or three years has been $6,000, all of which has been used. By inquiry at the Department, I am able to state the probability is that the use made of this appropriation has saved to the Government annually hundreds of thousands of dollars. Of course it makes no difference to the Department how much or how little is appropriated, they will furnish all the evidence they can with the amount of money that is given to them. If they have $6,000, they can go on perhaps, and furnish all the evidence, making all the searches into the rebel archives, which it is necessary to make by request of the different Departments, the Court of Claims, claims commission, and the different committees of the two Houses. It will result undoubtedly, in the saving of large sums of money to the Government.

Mr. RANDALL. In that service as now organized there are three first-class clerks, $3,600; one second-class clerk, $1,400; and one third-class clerk, $1,600, making in all, $6,600. Instead, we in this bill appropriate for three copyists, $2,700. And it must be remembered that this subject must be taken in connection with another appropriation made last year in the sundry civil appropriation bill of $50,000. Beside the $50,000 there was appropriated last year the amount named by the gentleman in his amendment.

I wish to say to the gentleman from Ohio that I have made inquiry about this Bureau, and I find some of these clerks are receiving, as I am informed, double salaries—not exactly double salaries, but salaries from two sources. I do not say that it is illegal, although I consider it not exactly right. They are receiving $50 a month from the appropriation in the sundry civil bill of last year. In fact the chief clerk gets $1,200 from this appropriation, and an additional $600 as I am informed. The other officers are receiving in the same way additional salaries. They ought to draw one salary or the other. They should not draw from two funds, although by the license of the provisions in the sundry civil appropriation bill of last year it is perhaps legal.

I believe three copyists are quite adequate for the purpose of the Government in connection with these claims and the searching of the rebel archives. As the gentleman has stated, these claims are tested in a measure by reference to the rebel archives, and the appropriation provided for in this bill is in my judgment entirely sufficient.

Mr. FOSTER. I can assure the gentleman from Pennsylvania and this committee that under the management of the present Secretary of War not one dollar of this money will be wastefully used in any way. The amount I ask for will simply enable the Department to furnish information by searching the rebel archives, which will save to the Government hundreds of thousands of dollars.

The gentleman from Pennsylvania has information I know nothing about. I was at the Department this morning and made inquiry in regard to this matter. Their answer was, that it made no difference whether we appropriated for one or two or six clerks, as they could furnish just what information the number of persons allowed by the appropriation would permit. It made no difference to them, but did make a great difference to the Government.

Mr. RANDALL. I think not. I simply aver what I consider a great abuse in connection with the expenditure of this money, and before I get through with the examination of the sundry civil bill I hope to be able to fathom the matter. There are clerks in this Bureau paid from two funds. It is true they are paid for service after hours, but the fact as presented to me is that these clerks' families are engaged in this service as well as the clerks themselves.

Mr. FOSTER. Does not the gentleman confound the two subjects, the fifty-thousand-dollar appropriation for the preservation of the archives with this appropriation to search the rebel archives for information?

Mr. RANDALL. No, sir; I do not. I refer to these people employed under this appropriation, that those who are paid out of the $6,000 appropriated last year are also receiving money from another appropriation; so that while their salaries on the face of the bill would appear to be $1,200, they are receiving in fact $1,800.

Mr. FOSTER. If the gentleman from Pennsylvania can afford to risk this loss to the Government, I will not press the matter further. I merely desire to call the attention of the House to it.

Mr. RANDALL. There will be no earthly loss to the Government. And just here I want to read an expression in a speech of the Senator from California, made in the Senate the other day. I am sure the gentleman will accept that.

Mr. HOAR. I call the gentleman from Pennsylvania to order. He has no right to read the debates of the Senate in this House.

Mr. RANDALL. I propose to give this as part of my remarks. I think this is said so much better than I can say it that I will make it part of my speech and indorse it.

Mr. HOAR. I rise to a point of order. The gentleman from Pennsylvania has no right, as part of his speech or otherwise, to refer to the debates in the Senate or read any extract therefrom.

Mr. RANDALL. Have I not a right to read in this House a part of the record of the proceedings of Congress? If not, I do not know what rights or powers I have.

The CHAIRMAN. The rule is express, that debates in the other branch of Congress shall not be referred to in this House. The Chair sustains the point of order.

Mr. RANDALL. Then I want to say this on my own responsibility: I believe, in all the reforms—that is, the reductions in the Revenue Department in this direction—in all the reforms we have worked, we have had to do it in spite of tears, prayers, and prophecies on the part of Government officers and those having charge of these men.

I want to say that all these reductions that we have been suggesting have been forced "in spite of the tears, prayers, and prophecies of the Government officers." And if that is not accepted as good democratic doctrine and true, I could, if the rules permitted, give a republican authority. [Laughter.]

Mr. HOAR. I suppose the only parliamentary way of referring to

the Senate is to speak of it as another place which is not mentioned here.

The CHAIRMAN. The Chair does not understand the gentleman from Massachusetts to be discussing the pending amendment. The gentleman is out of order.

The question being taken on Mr. FOSTER's amendment, it was not agreed to.

Mr. FOSTER. I desire to offer simply a formal amendment, for I suppose any amendment I may offer will be voted down.

Mr. RANDALL. Not necessarily.

Mr. FOSTER. I move to strike out the last word.

I desire to say for the War Department that, at the request of the chairman of the Military Committee of this House, they have reduced and are now reducing their estimates, and have proceeded so far as to be able to say to this House that a reduction of 15 per cent. or thereabouts in the working force of the civil department may be made. The bill proposes a reduction of 26 per cent. I suggest to the gentleman having charge of the bill that he postpone further consideration of the clauses relating to the War Department until we can have a report, which I understand will be out in a day or two, from the able head of that Department, which will show a large reduction, such as he himself will be willing to stand and below which he will consider it unsafe to go.

Mr. RANDALL. I wish to say to the House that all these reductions were based on the extravagant appropriations of last year and the estimates for this. There is no occasion therefore to postpone the consideration of these clauses because we are not likely to do any harm by this reduction. If, however, there is any decided reduction suggested by the Secretary of War, I would consent to go back to this paragraph and still further reduce upon his new and revised estimates.

Mr. FOSTER. You are very kind, undoubtedly.

Mr. RANDALL. Now I am apprised, and I am glad of it, that there is to be an enormous reduction in connection with the revised estimates of the War Department from those presented at the beginning of this session of Congress. I am glad of this, because it shows clearly that the path that the Committee on Appropriations are traveling is a safe one when we find the very Department, the benefit of whose knowledge we had, now coming in at the suggestion of this House with revised estimates embracing enormous reductions. There is therefore no necessity for us to skip here on this bill, but let us make this reduction which we have suggested on the former excessive estimates, and then I will consent, as I said before, if the present Secretary of War shall show that he can do with less than we have placed here, of course we will reduce still further.

Mr. FOSTER. Suppose he says he cannot.

Mr. RANDALL. Then I will not have much confidence in the promised reduction of estimates.

Mr. FOSTER. The gentleman from Pennsylvania makes the statement to the House that the reduction will work no harm. I have the statement of the Department that the reduction in the force of the Surgeon-General's Office will cut down the force there to that extent that it will be absolutely impossible for it to keep up with the requests of the Pension Department; that they are behind to-day 11,000 cases, affecting the people of this country who are applying for pensions. And I appeal to the gentleman from Indiana [Mr. HOLMAN] on this score in order to enlist his symyathy for this class of people for whom he has always a warm heart. I wish the gentleman to understand that there are to-day 11,000 cases awaiting the action of the Surgeon-General's Office for the want of sufficient clerical force to attend to them, and the bill proposes to reduce that force 25 per cent.

Mr. RANDALL. When we reach that paragraph I will state what are the facts. The reduction in the Secretary's Office is from sixty-eight clerks to fifty-three; a reduction of fifteen clerks, which is one or two at most above the 20 per cent. reduction in numbers, which we provide for in the increased hours of labor. No harm, therefore, is done. This Office, if it will work the hours provided for by existing law will do the same amount of work which was formerly done with the fifteen additional clerks whom we take off.

Mr. FOSTER. I withdraw the amendment.

The Clerk read the following paragraph:

IN THE OFFICE OF THE SURGEON-GENERAL.

One chief clerk, at $1,800; six clerks of class four; four clerks of class three; six clerks of class two; one hundred clerks of class one; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; eighteen watchmen and laborers; in all, $161,800.

For contingent expenses, blank books, stationery, binding, rent, and fuel, $6,000.

Mr. FOSTER. I offer the following amendment:

In line 1083 strike out "six" and insert "eight;" so that it will read "eight clerks of class four."

I desire to call the attention of the House to the fact that with the present force in the Surgeon-General's Office they are eleven thousand cases behind in their answers to the Pension Department.

We propose now to reduce this force about 25 per cent. That simple statement is all I wish to make. I only want to call the attention of the House and the chairman of the Committee on Appropriations to this fact, and also particularly the attention of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HURLBUT. I hope the amendment will be adopted.

Mr. RANDALL. No, sir; I hope not. We have made a reduction in this Surgeon-General's Bureau. The estimate was for one hundred and sixty-nine clerks. We have left one hundred and thirty-eight employés. The aggregate reduction is thirty-one, which is less than 20 per cent., and if the gentleman will refer to the estimates he will see that twenty-eight clerks employed have heretofore been temporary clerks, so called. We did not strike out all the temporary clerks, but left eight of them. I think the force allowed is quite sufficient, and I believe the committee think so. The aggregate reduction of the expenditure is $41,480.

I should be the last man, I think, to reduce or interfere in any particular with pensions. It has not been the policy of the Committee on Appropriations to interfere in any respect with pensions, either as to the amount of pensions or to the clerical force necessary to the rapid deciding of pension claims and cases. The House will remember that the committee made no reduction whatever in the pension bill, but left it just as the estimate provided, in order to avoid, in fact, a justification for any accusation that we sought to interfere in the least degree with any pension.

Mr. FOSTER. Why not be as liberal now?

Mr. RANDALL. Because with the hours of labor which we provide for the force allowed here is sufficient.

Mr. FOSTER. But they are behind now.

Mr. HOLMAN. Does not the gentleman know that this branch of the service is steadily being reduced?

Mr. HURLBUT. I desire to call the attention of the committee to the real facts of the case. I do not say that the Committee on Appropriations had any intention of reducing beyond what was right. The question is whether in fact they are not doing it without intention.

Now, there is nothing in the world that the people of this country complain of more than of the delay in getting pension claims allowed. I receive letter after letter on the subject, and I suppose every other gentleman does the same. I have taken the pains to track a number of these pension cases to find out where the delay occurred, and in every case I find it was owing to the practice, which may be a right and proper one, that the claim shall first go through the Surgeon-General's Office for evidence that the man claiming the pension has been treated in a hospital, and the character of the disease. They have now, in addition to that, the work of verifying the signatures of the Surgeon-General. And the Surgeon-General has told me in half a dozen cases—and I presume he has told other gentlemen—that it is utterly impossible for him to keep up at all with the demands from the Pension Office for proper information. They are already eleven thousand cases behind with their present force; and that force is not worked, as the gentleman says, on short hours; they are worked on full hours. So much in regard to the present state of the business; and if you make an additional reduction you increase arrearages and put off the day of payment of the widows and orphans and disabled soldiers who are entitled to these pensions; and you do the country no good, because all these matters have to be settled in the end.

The Surgeon-General is not interested in this matter except to see that the public business is carried out; and it is unquestionably true that the interests of these individuals whom we are bound to protect are suffering every day for want of a sufficient force now to pass upon every claim.

Mr. RANDALL. I think the delay occurs in the Pension Bureau.

Mr. HURLBUT. No, sir; I have followed the matter up carefully myself in a good many cases.

The question was taken on the amendment of Mr. FOSTER; and on a division there were—ayes 51, noes 88; no quorum voting.

Mr. FOSTER. I do not care about calling for tellers, if the chairman of the Committee on Appropriations will allow a vote to be taken in the House on this amendment.

Mr. RANDALL. I am not so instructed.

Mr. FOSTER. Can you not do it without instructions?

Mr. RANDALL. I never do.

Mr. FOSTER. Then I call for tellers.

Tellers were ordered; and Mr. FOSTER and Mr. RANDALL were appointed.

The committee divided; and the tellers reported—ayes 59, noes 75.

Mr. FOSTER. I will not call for a further count.

So the amendment was not agreed to.

Mr. HOLMAN. I move to strike out the last word, to enable me simply to say a word. The three Bureaus of the Government most intimately connected with the granting of pensions, next to the Pension Bureau, are the Offices of the Second Auditor, the Adjutant-General, and the Surgeon-General. My friend from Ohio [Mr. FOSTER] misapprehends somewhat, as does also the gentleman from Illinois, [Mr. HURLBUT,] the cause of the delay in the granting of these pensions. The verification of signatures is not made in the Surgeon-General's Office, but is made in the Second Auditor's Office, at the head of which is Hon. E. B. French, once a very excellent member of this House, and a very excellent and competent officer. The main examination, for the purpose of furnishing the military history of the soldier applying for a pension, is made in the Adjutant-General's Office; and there is the main cause of the delay in granting pensions, and not in the Surgeon-General's Office. That is to say, that the delays between the Adjutant-General's Office and the Pension Bureau

are the cause of the extraordinary delay which has occurred in adjusting pensions in recent years. My friend from Ohio [Mr. FOSTER] proposes only to increase the number of the higher-class clerks from six to eight. Six clerks of class four is the number proposed by this bill.

Mr. FOSTER. My dear sir, I am not through yet.

Mr. HOLMAN. My friend proposes to increase the number of clerks of class four from six to eight. Now, the gentleman must know that to increase the number of these higher-class clerks does not in fact increase in any material degree the efficient working force of the Bureau. It is not the higher-class clerks, who are heads of divisions, that perform the main service, but the lower-class clerks, as his experience and the experience of every other member of the House will demonstrate. This bill provides for one hundred clerks of class one. And right here I want the ear of the gentleman from Ohio.

Mr. FOSTER. I am listening.

Mr. HOLMAN. I have a statement from a very intelligent gentleman fully informed in regard to the business of the Surgeon-General's Office; and he assures me that the force heretofore employed, and even the force authorized by this bill, will be found constantly unemployed, for the simple reason that there are only a given number of records to be examined. The records are not multiplied without limit. There is only a given number of clerks that can be employed at any one time in the examination of these records, leaving inevitably a large number of unemployed clerks in this particular Office. This subject of pensions always excited my lively sympathy and interest; but I believe, from information which I have been able to get, that the number of clerks authorized by this bill is even more than can be efficiently employed in the business of that Office; that is, if my information is reliable, and I believe it is.

Mr. FOSTER. I rise to oppose the amendment. Of course my amendment proposed to increase the number of clerks but two, the clerks of class four. Had that amendment been adopted, then I would have moved to further increase the number of clerks in the other classes. But I do not propose to be captious or factious in my opposition to some of the provisions of this bill; it is not worth while to detain the House by moving these amendments.

The gentleman from Indiana [Mr. HOLMAN] says that there are other Departments of the Government in which these pension claims are examined, and refers to the Office of the Second Auditor and the Office of the Adjutant-General. That gentleman professes to be a warm friend of the soldier. He admits that there are now 11,000 cases awaiting the examination of those officers. Yet he takes the Second Auditor's Office, and reduces the force in that from one hundred and seventy-six to one hundred and eight—a reduction of 40 per cent. He then takes the Office of the Adjutant-General, another place where these pension claims are examined, and reduces the force there from two hundred and forty-six to one hundred and seventy-three—a reduction of 30 per cent. In addition to that a reduction is made in the force of the Surgeon-General's Office.

Now, it is a notorious fact, which stands here undisputed, that there are 11,000 pension cases awaiting the action of these Offices. And yet gentlemen professing to be friends of the soldier, proclaiming their friendship by passing a pension bill just as estimated for by the Department, undertake by the reduction of this force to delay action on the part of these Offices for the benefit of these poor soldiers who are waiting for their pensions.

Mr. HOLMAN. I withdraw my amendment for the purpose of renewing it. The gentleman from Ohio [Mr. FOSTER] states the matter too strongly. The number of persons employed in the Adjutant-General's Office is one hundred and ninety-seven.

Mr. FOSTER. It is two hundred and forty-six.

Mr. HOLMAN. No; one hundred and ninety-seven.

Mr. FOSTER. The gentleman is mistaken.

Mr. HOLMAN. It is one hundred and ninety-seven, according to the estimates, and the number provided for by this bill is one hundred and seventy-two.

Mr. FOSTER. The gentleman is mistaken about the number.

Mr. HOLMAN. I am correct.

Mr. FOSTER. Just refer to your book and you will see.

Mr. HOLMAN. The gentleman overlooks this important fact all the time, that in the Second Auditor's Office, where there has been but little delay, I believe none at all, in the verification of the signature of the soldier, and the furnishing of a part of the military history of the soldier, and in the Adjutant-General's Office there is only a given number of records to be examined, as is the case in the Surgeon-General's Office. Now, you cannot employ hundreds of men there. How many rolls does my friend from Ohio think there are in those Offices subject to examination?

Mr. FOSTER. There are 11,000 cases behind; I know that.

Mr. HOLMAN. The number of rolls to be examined is the important question. The gentleman must see that by multiplying the clerks beyond those who can be actually employed you provide a body of supernumeraries who must wait until their turn comes to examine the rolls. That is all there is about it. There is not a question of information in all three of these Offices upon which the pension is to be granted that cannot be furnished by a comparatively small force. And the most unaccountable thing to me is that there should be any delay.

These records are now made up. The progress of making them up has been going on ever since the war from year to year. The gentlemen at the head of these branches of the Government cannot shield themselves for this extraordinary delay by pretending that they have an inadequate force. These Bureaus employ hundreds of clerks, and yet they have allowed so large a number of applications for pensions as 11,000 to be undisposed of, as I understand from my friend from Ohio, [Mr. FOSTER.] Yet the records have been in progress of being made up from year to year with an unlimited clerical force. What has this large force been doing? If the records are made up, why cannot the information be obtained promptly? Does my friend imagine that whenever the Pension Bureau calls on the Surgeon-General's Office for information the whole record must be made up? Certainly not. It has been the duty of that Office to make up those records, so that the information could be promptly furnished whenever called for.

Mr. FOSTER. Does the gentleman charge these officers with dereliction of duty?

Mr. HOLMAN. I say there is inexcusable delay.

Mr. ATKINS. I believe there is no practical question before the committee.

Mr. HOLMAN. I withdraw my *pro forma* amendment.

The Clerk read as follows:

For two watchmen and one laborer in the building at the corner of Seventeenth and F streets, and for fuel for warming the entire building, including the Ordnance Office, and for operating the ventilating-fan in summer, repairs of steam-warming and ventilating apparatus, pay of steam engineer and fireman, and for general repairs, and miscellaneous items, $6,000; in all, $8,160.

Mr. DUNNELL. I move to amend by inserting after the paragraph just read the following:

For superintendent of building on Tenth street occupied as the Surgeon-General's Office, $200.

I have offered this amendment at the request of the gentleman from Kentucky, [Mr. DURHAM,] who is necessarily absent from the city. The amendment was prepared by him. His attention was undoubtedly called to the fact that there was last year an appropriation of $250 for the care and superintendence of this building. I of course am not acquainted with any of the facts, for, as I have said, I offer the amendment at the request of the gentleman from Kentucky; but I would like to hear what reason there is why there should not be for the coming year the same care of this building that there has been during the last year.

Mr. RANDALL. The gentleman says that of course he is not acquainted with the facts. I will say that of course I am acquainted with the facts.

Mr. DUNNELL. I presume so.

Mr. RANDALL. This appropriation which we have struck out is simply for additional salary for an officer who already receives a salary which we deem sufficient. We have struck out such things in every part of this bill. We think it an unwise form of additional pay.

The amendment was not agreed to.

The Clerk read as follows:

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, $8,000; for compensation of the chief clerk of the Navy Department, at $2,250; one disbursing clerk, at $1,800; four clerks of class four; three clerks of class three; one clerk of class two; two clerks of class one; one messenger; and two laborers; in all, $28,780.

Mr. HALE. I move, *pro forma*, to strike out the last word, for the purpose of calling the attention of the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations' to certain reductions in the clerical force of the Navy Department. Its clerical force, as the gentleman well knows, is very much as it was in the years preceding the war; it has not been swollen, as has been the force in other Departments. Any gentleman who will look along at the force in the several Bureaus of the Navy Department, as provided for in the two or three pages of this bill which will next be read, cannot fail to be impressed with the contrast between the clerical force in these Bureaus and the corresponding force in the Bureaus of other Departments, where the expenditure and the business can be no larger than in the Navy Department.

It is a fact (and I state it here in justice to the Navy Department against which considerable outcry and clamor have been raised) that this Department, so far as its departmental force is concerned, is run more cheaply, considering the amount of its expenditure and the business it does, than any other Department of the Government. The chairman of the Committee on Appropriations will, I think, bear me out in this statement. The force of clerks in this Department is small. Spending as the Department does from $15,000,000 and $20,000,000 a year, there is no Bureau in this Department that has a force of clerks exceeding in the aggregate twelve or fifteen, while in the Bureaus of other Departments a similar amount of business and equally large appropriations of money are represented by twenty, thiry, forty, or fifty clerks. This Department is run on a pretty good civil-service system. It is a Department in which there are hardly any changes. The present Secretary, I venture to say, has not removed a man since he has been in office; nearly all the force there to-day is a force that he inherited. The old clerks are retained.

These things being so, and this not being a Department that has been swollen as others have by the war, but one which is run on substantially the same basis as before the war, I want to ask the gentleman from Pennsylvania whether the reductions recommended in this

bill have been agreed upon by the committee on consultation with the head of the Department or respective Bureaus, and whether the committee believe that the work can be done with the still smaller force which is given by this bill? The gentleman from Pennsylvania cannot have failed to be impressed, as I have been for years, with the fact that this Department has been running with a prudently small force.

Mr. RANDALL. The gentleman's statement is correct with reference to this Bureau. We found the aggregate number of clerks fewer in this Bureau than in any other; and consequently we have made, as will be seen, fewer reductions; and the reductions have been made with the cordial acquiescence of the Secretary. It is not certainly in this Bureau of the Navy Department that any censure can be brought upon the head of that Department; it is I believe in another direction.

When we reach the Navy appropriation bill, I think we can make such showing as will indicate to the country the Navy can be run from three to four millions less than now.

Mr. HALE. I understand these small reductions, and I think they are small, are such as the Secretary thinks he can still do the business with.

Mr. RANDALL. The Secretary of the Navy said he believed it was his duty to obey Congress in this respect, or language of similar import, and that he would co-operate with Congress in these reductions. I think it is due to him to so state.

Mr. HALE. I withdraw my amendment.

The Clerk read as follows:

Bureau of Steam-Engineering:

For chief clerk, $1,800; one clerk of class two; one messenger; and one laborer; in all, $4,660.

For stationery and miscellaneous items, $700.

Mr. HALE. I move in line 1196, after the word "dollars," to insert "one draughtsman, $1,600." I do not think the gentleman in charge of the bill will object to that.

Mr. RANDALL. What Bureau?

Mr. HALE. It is the Bureau of Steam-Engineering. I think it may have been left out inadvertently.

Mr. RANDALL. It was not, but designedly, because the Secretary of the Navy admitted my suggestion to be sound, that an engineer of the Navy could be assigned to duty as a draughtsman.

Mr. HALE. How in reference to assistant draughtsman as heretofore?

Mr. RANDALL. The same thing.

Mr. HALE. Then the gentleman proposes to meet this by assignment of engineer officers?

Mr. RANDALL. Yes, sir; the Secretary of the Navy said he could assign an engineer of the Navy who was not otherwise employed for the purpose of acting as draughtsman in that Bureau, just as naval officers are made heads of these Bureaus. There is an engineer of the Navy chief of this very Bureau, and engineers can be assigned to do duty as draughtsmen. In this way we get the service rendered by an already paid officer without additional expense to the Government.

Mr. HALE. That is perfectly satisfactory. Of course there must be a draughtsman in that Bureau.

Mr. RANDALL. Of course.

Mr. HALE. I withdraw my amendment.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

For compensation of the Secretary of the Interior, $8,000; assistant secretary, $3,150; chief clerk, $2,250; eight principal clerks, at $1,800 each; five clerks of class three; five clerks of class two; five clerks of class one, one of whom shall be the telegraph-operator of the Department; three copyists; three messengers; two assistant messengers; and six laborers in his office; in all, $58,530.

Mr. FOSTER. I move in line 1227 to strike out "$1,800" and insert "$2,000;" so it will read:

Eight principal clerks, at $2,000 each.

Mr. Chairman, as will be seen, my amendment applies to the eight principal clerks of the Interior Department. The salary of these eight principal clerks in the Interior Department was fixed, I think, many years ago at $2,000. These are the gentlemen upon whom the Secretary of the Interior relies for his judgment and his action upon many of the questions brought before him. One represents the Indian Department; two others, one a good lawyer, indeed I believe both lawyers, represent the Land Office; one is disbursing officer; another represents the Pension Department; another the Patent Office, and so on. These gentlemen are his eyes, and his ears, and his judgment, for we impose upon him many times the duty any man is physically able to perform. One of these gentlemen is disbursing officer, disburses over $4,000,000 a year, and signs requisitions for over $40,000,000, and gives a bond of $80,000. He has had this salary for years. It was fixed, I think, in 1857, in the good old democratic time, and we propose here to-day to take away from the present able Secretary of the Interior $200 off the salary of each one of these eight able assistants. We give identically the same class of officers in the Treasury in the Secretary's office $2,600. We give those assistants in the amendment prepared by the gentleman from Pennsylvania $2,100, clerks occupying positions of no more importance than this. In all the other Departments similar officers are paid larger salaries. In all the advance of salaries for the past ten years, this class of clerks has not been increased. I submit it is nothing more than fair, nothing more than just; in fact, it is the duty of this House to affix such salaries to this class of officers as will enable the Secretary of the Interior to employ competent, able men to assist him.

Mr. RANDALL. This is a plain matter and easily understood. These gentlemen are now known as clerks of class four, which under existing law entitles them to $1,800 a year. By referring to the estimates it will be seen they receive by the appropriation bill each of them $200 additional.

Mr. FOSTER. And that they have received for very many years.

Mr. RANDALL. Of course; so that in fact they are now receiving $2,000, precisely the amount at which the gentleman proposes to continue the salary. The committee, however, having adopted the principle of 10 per cent. reduction, applied it to them as well as to all other employés. While we have reduced them to $1,800 on the 10 per cent. reduction principle, we have changed the title of the office so as to provide they shall receive $1,800. It was the only equitable way in which the question could be met and decided.

Mr. FOSTER. Then the gentleman seems to conclude that in consideration of their getting a new title they can afford to have their pay reduced $200.

Mr. RANDALL. We have run all through on the 10 per cent. principle of reduction, and of necessity these eight principal clerks we reduced $200; but in order that they may get their $1,800 we have taken them out of class four and made them principal clerks at $1,800. These clerks are treated precisely as we have treated all other clerks and employés.

Mr. FOSTER. That is true; but nevertheless it is a fact that they have been receiving $2,000 a year for many years.

Mr. RANDALL. I know that.

Mr. FOSTER. And the further fact is true that all of this class of officers in other Departments under this bill have higher salaries.

Mr. RANDALL. No, sir; it is not so in the Treasury Department, where large sums of money pass through the hands of this class of officers.

Mr. FOSTER. I would ask the gentleman what clerk in the Treasury Department handles more money than the disbursing officer, one of these clerks in the Interior Department, who disburses $4,000,000 a year and gives a bond of $80,000?

Mr. RANDALL. I have not the facility to answer how much money each clerk in the Department handles. That would be impossible for me to keep in my mind. But I will say that these gentlemen have been treated with great consideration, so as not to reduce them too much. They have been taken altogether out of class four, and given a salary of $200 more than is provided for in this bill for clerks of class four.

Mr. HALE. I move to strike out the last word for the purpose of saying what may perhaps have struck the mind of the chairman of the committee himself, that the class of clerks with reference to whom the gentleman from Ohio [Mr. FOSTER] has moved an amendment furnish an illustration of how unequal as a matter of fairness and justice any horizontal reduction would operate in these Departments. The horizontal reduction adopted by the Committee on Appropriations, the reduction of 10 per cent. on all salaries, goes upon the theory, it must be supposed, that the salaries of these officers in relation the one to the other are right now. It is not an adjusting theory. It is not a reforming theory. It is not a theory that puts men in their proper relations as to salary, compared with other men in other Departments. That is the trouble with my friend's 10 per cent. reduction of salaries.

Now it is a fact that for years the laborious clerks in the Interior Department have not been favorites with Congress. Their wants, their salaries, their needs, have not been attended to as they have been, for instance, in the Treasury Department. And so it has resulted before this committee came into existence, before my friend from Pennsylvania was chairman of it and grappled with the task of reduction, that these men in the race for promotion as to salary were left behind. And when he entered upon this task he found them in that condition.

Well, now, if the gentleman was to reform and set things right and set things even, the horizontal reduction ought not to be applied to these clerks. Take, for instance, in the office of the Secretary of the Interior, the clerk upon whom the Secretary relies for subject-matters coming from the land division. That is a very important and a very responsible division. It is a Bureau in which millions of the population of the country are interested. Or take the Pension Bureau, with its rolls amounting to half a million. The subject-matters coming from that go to a clerk who is at the head of that business in the Secretary's office. And so with the Indian Bureau. Now, the duties of these clerks are just as important, Mr. Chairman, as those of the heads of most of the divisions in the office of the Secretary of the Treasury.

The gentleman from Pennsylvania says that large amounts of money pass through the hands of the clerks in the office of the Secretary of the Treasury. That is not the fact, with the exception of a very few men. There are very few men in the Department of the Secretary of the Treasury through whose hands money passes. The Treasury Department is the money Department of the Government, but the clerks do not handle the money. Here is a disbursing clerk who handles four millions of money, and I venture to say that you cannot find a clerk in any establishment in the country doing half that business that does not receive double the pay provided here. The

trouble with my friend's horizontal reduction is that he does not leave these clerks as well cared for as some others. It would have been better while we were about this matter of re-adjusting salaries to have tried to equalize the different Departments, so that our work when we get through—much of it is good, I admit—will be a work that will endure; a work that has not to be gone at and changed in every changing Congress, but a work so substantial on the basis of equalizing the different Departments that it will be some time before it will require to be revised.

Mr. HOLMAN. The gentleman from Maine [Mr. HALE] and the gentleman from Ohio [Mr. FOSTER] seem to attach importance to the fact that these officers are called principal clerks. The gentlemen of course observe that they are not chief clerks, and I trust the gentlemen on the committee will observe the distinction made in this bill between a chief clerk and a principal clerk. The term principal clerk here applies simply to gentlemen whose salaries are raised above those of the fourth-class clerks. The chief clerk formerly received $2,500 a year. He now receives by this bill $2,250, while the principal clerks receive each $1,800; certainly very considerable salaries. And I trust the gentlemen will bear in mind another fact. We have been told of the good old democratic times, when it is supposed there was some economy in the matter of salaries. Now the truth is that the salary of the chief clerk was then $2,000, while those of all other clerks under him were either $1,800, $1,600, $1,400, $1,200, or $900.

Mr. FOSTER. I think the gentleman is mistaken. The salary of the chief clerk then was $2,200.

Mr. HOLMAN. Two thousand dollars was the salary up to 1860.

Now let me call the attention of gentlemen to another fact: that not only have we increased the salary of the chief clerk, but by this mode of calling these officers principal clerks we have also very materially increased the number of clerks receiving larger salaries, salaries of $1,800 a year. This Department, the Department of the Interior, has not greatly grown in importance. The Bureaus under it have become more important year by year, especially the Pension Bureau and the Patent Office; and the following are the rates of increase: In 1860 the Secretary's office proper cost in salaries $36,900, the highest salary being $2,000, that of the chief clerk, which is now $2,250. In 1867, right after the war, and when salaries ought to have been high if ever, the whole expense of the Secretary's office proper was $41,540, while by this bill we appropriate for the same purpose $58,530. That has been the rate of increase right straight along the line.

Mr. HALE. Does not the gentleman realize about this Department—I am sure he must have thought of it—that it is a Department which, so far from increasing and swelling during the war, as every other Department did, in time of war was neglected and did not increase? Of course the reverse is true that when peace came, while other Departments might be reduced from a war basis, the Interior Department, which deals with peaceable pursuits and with the relations of the people in time of peace, began to get added attention and increased in importance.

Mr. HOLMAN. My friend misapprehends. The Pension Office was of as much importance in 1867, if not more, than it is now; and the Indian Department was as important in 1867 as it is now. The Patent Office was nearly so; the Land Office was not. Now, these are the four great Bureaus of the Interior Department. I call special attention to the year 1860, a period of general prosperity in this country, when all of these Departments, with the exception of the Pension Bureau, were in full operation, and when the entire appropriation was but $36,900 as against $58,530 appropriated by this bill. So that, making a reasonable allowance for the growth of the Pension Bureau and the Land Office, still the increase is beyond what would have been reasonable even upon the face of the bill as it stands.

Mr. HALE. I withdraw my formal amendment.

The question was taken on Mr. FOSTER's amendment; and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

General Land Office:

For the Commissioner of the General Land Office, $3,600; chief clerk, $1,800; recorder, $1,800; eight clerks of class four; twenty-two clerks of class three; forty clerks of class two; eighty clerks of class one; one draughtsman, $1,400; one assistant draughtsman, $1,200; two messengers; two assistant messengers; six laborers; and two packers; in all, $211,380.

Mr. WHEELER. By the direction of the Committee on Appropriations, I offer the following amendment, to come in at the end of the paragraph:

Provided, That the Secretary of the Interior in his discretion shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work or by the day, the month, or the year, at such rate or rates as he may deem just and fair, not exceeding a salary of $900 per annum.

Mr. SAYLER. Before the question is put on that amendment I desire to say a word. I am satisfied, Mr. Chairman, from some knowledge which I have gained of the affairs of the Land Office during the present session as chairman of the Committee on Public Lands, that the committee have too much reduced the force in this Office, depriving them of necessary clerks and copyists, and especially in reducing the pay of draughtsmen to such an insignificant sum that it will be impossible to secure the services of competent men to discharge the duties.

I do not desire to discuss this matter myself, but in this connection I ask to have read at the Clerk's desk a communication from the Commissioner of the Land Office.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 14, 1876.

SIR: Referring to that portion of bill H. R. No. 2571, pages 52 and 53, making appropriations for the service of this Office, I desire to call your attention to the following points:

This bill fails to contain the proviso of similar bills of previous sessions, vesting in the Secretary of the Interior a discretionary power by which this Office was supplied with "copyists," (see United States Statutes at Large, volume 18, page 364,) in the following language: "Provided that the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,200 per annum," and also fails to provide specifically for that class of clerks. Consequently, under the provisions of bill 2571 as it now stands, this Office will, at the end of the current fiscal year, be deprived of its entire corps of copyists. The result must necessarily be an entire suspension of one class of work and the serious obstruction of several other classes.

The public at large has been notified by my official report, (1875, page 21,) and to a still greater extent by the wide-spread announcement of the newspaper press, reported from time to time during the past six months, that this Office was engaged in collating the patents remaining on file here and at the several local offices with a view to the delivery of the same to the present holders of the lands.

The sum of this class of patents will comprise from one to two millions, of which there are some 30,000 cases in the State of Ohio, 60,000 cases in Indiana, and 120,000 to 150,000 cases in Illinois, with still larger numbers in Iowa, Missouri, California, &c.

The land-owners in these States, stimulated by the pre-announcement of the purpose of this Office, are aroused to a natural sense of the importance of securing these foundation-titles to their possessions, and the correspondence of the Office abundantly shows that they are impatiently awaiting the completion and publication of the lists.

At the present rate of progress in the work I shall be ready to deliver the patents for the States of Ohio, Indiana, and Illinois within six or seven months. Deprived of my corps of copyists my ability to complete or even continue the work after June 30 next will cease entirely.

The proposed reduction of this particular class of employés will also still further postpone the performance of a labor imposed upon this Office by a law which has stood upon the statute-books for forty years, namely: The indexing of the records of patents, now comprising three millions and a half. This labor is required by the act of July 4, 1836; but through insufficiency of clerical force it has never yet been even commenced.

In view of these facts I have the honor to recommend that line 1265 of bill H. R. No. 2571 be amended by substituting "ninety-six" for "eighty," and that the proviso hereinbefore recited (pages 1 and 2 of this letter) be added to line 1270.

Upon the matter of the proposed allowance of salary for one draughtsman and one assistant-draughtsman, under the pending bill, I beg to state that the sum of $1,400, fixed as the salary of the draughtsmen for the ensuing fiscal year, is not sufficient to retain in the service of the Government a person competent to discharge the duties of that place. Not only should the principal draughtsman be conversant fully and thoroughly with the details, practical and theoretical of the general surveying system of the United States, and with the large body of laws controlling the same, but he should be competent as well to test the accuracy of the work and supervise the intricate computations which have to do with the surveys astronomically made of the boundary lines which from time to time are established under authority of law, and which for all future time are to separate the jurisdictions of the Territories of the United States and of the States hereafter to be created therefrom. In other words, every motive of public economy, safety, and accuracy requires that the principal draughtsman of this Office should be a man of the highest scientific attainments in his profession. Such a man, I repeat, cannot be obtained at the salary proposed to be paid.

In my opinion a salary of not less than $2,000 per annum ought to be appropriated for the principal draughtsman, and an assistant-draughtsman ought to receive not less than a salary of $1,400.

I deem it my duty to further call your attention to the following special matters:

In the appropriation for the current fiscal year provision is made for one clerk at a salary of $2,000 per annum. In the pending bill this is entirely omitted. I presume it to have been an inadvertence, as this was not a new office created by the appropriation bill for the current year. On the contrary, a clerk at that salary had long been provided for by law, although under a different designation.

By reference to the accompanying table it will be perceived that the percentage of clerks allowed this Office at a salary of $1,800 and more under the pending bill is smaller than appears to be allowed, with possibly one exception, to any other Bureau in any of the Departments of the Government. I do not hesitate to say in this connection that, while this is the fact, the requirements of this Office are such as should entitle it to a clerical force of as high a grade as that of any other Bureau.

I am, sir, very respectfully, your obedient servant,

S. S. BURDETT, *Commissioner.*

Hon. MILTON SAYLER,
Chairman Committee on Public Lands,
House of Representatives.

Mr. RANDALL. So far as I can remember—and I have heard that letter before, or the substance of it in another letter on the same subject—there are three objections which the Commissioner of the Land Office makes. One of these objections is met by the committee in the amendment offered by the gentleman from New York, which is now pending.

The next objection is that he desires to have restored the number of clerks of class one from eighty, as provided in this bill, to what it now is, ninety-six. The committee will notice that we have reduced this class of clerks less than 20 per cent. Twenty per cent. of ninety-six would be nineteen, while we have only taken off sixteen clerks; and with the increased hours of labor that will obviate the objection. The other objection is as to the draughtsmen. Their salaries were $1,600 and $1,400.

Mr. SAYLER. I call the gentleman's attention to the fact that they were $2,000 and $1,600.

Mr. RANDALL. Well, I do not find it so. I find in the estimates for the draughtsman $1,600, and assistant draughtsman $1,400; $3,000 for the two.

Mr. SAYLER. I only know from the statement of the Commissioner of the Land Office.

Mr. RANDALL. Well, I go to the estimates, which ought to be reliable, and which the gentleman can look at.

Now, it will be observed that the reduction in this Land Office is less than 20 per cent. The aggregate appropriated last year was $264,960,

while we now appropriate $211,280, which is about 20 per cent., not taking into account at all the 10 per cent. reduction of salaries.

The question was taken on Mr. WHEELER'S amendment, and it was agreed to.

Mr. TOWNSEND, of Pennsylvania. I move to further amend this paragraph by inserting before "chief clerk, $1,800," the words "one clerk at a salary of $2,000." I propose by this amendment to re-instate a clerk that has been omitted from this bill by the Committee on Appropriations, probably by inadvertence.

Mr. HOLMAN. What is that?

Mr. TOWNSEND, of Pennsylvania. In the appropriation bill of last year was this clause: "chief clerk, at $2,000;" and subsequently provision was made for another clerk at $2,000, both of them being exceedingly necessary to the proper working of this Office. They are men with a large amount of information in regard to all land matters, and without whose assistance it would be exceedingly difficult for the Commissioner of the General Land Office to get along with the more important and the higher duties of the Office. This bill now cuts out one of the most important clerks there are in the Land Office, upon whose large amount of information the Commissioner of the General Land Office has greatly to rely. I trust therefore that my amendment will be adopted.

Mr. RANDALL. We did not deem that officer necessary; we thought he could be dispensed with, and that his duties properly devolved upon the chief clerk, whom we retained.

Mr. TOWNSEND, of Pennsylvania. And therein the Commissioner of the General Land Office differs greatly with the committee. He says that it is very essential for the proper working of the Office and for the public interest that this officer should be retained.

Mr. RANDALL. It is not the first instance in which the committee have disagreed with the heads of Bureaus and Departments.

Mr. TOWNSEND, of Pennsylvania. I know the committee disagree all the way through, and often without consulting them.

Mr. HOLMAN. O, no.

Mr. TOWNSEND, of Pennsylvania. Yes they do.

The amendment of Mr. TOWNSEND, of Pennsylvania, was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I have another amendment to move to this paragraph, to increase the number of clerks of class one from eighty, as proposed by this bill, to ninety-six. The necessity for an increase of force over and above the number of clerks embraced in this bill arises from the fact that there is being collated all the land patents in Indiana, Ohio, Illinois, and other Western States, to be given to the owners of those lands. The members of the Committee of the Whole will bear in mind that from the letter of the Commissioner of the General Land Office, read at the instance of the gentleman from Ohio, [Mr. SAYLER,] the chairman of the Committee on Public Lands, it appears that there are 60,000 cases in Indiana, 120,000 cases in Illinois, and 30,000 cases in Ohio, where the patents to the lands have not yet been delivered. It is a matter of great importance to the gentlemen representing those States, and to their constituents, that this collation of titles should be made, that this information should be given to them by collating the titles and advertising the information in the different States where these land patents ought to be issued.

In addition to that, it is a remarkable fact there has been upon the statute-book for forty years a law requiring that the patents for the public lands should be indexed. There has not yet been a single effort made toward that work, because of the want of the proper clerical force to perform the duty. The Land Department has heretofore endeavored to obtain the necessary clerical force for the purpose of making this index, and of collating these patents, so that the parties entitled to them might know where to apply for them, and the effort of the Department has continually been frustrated by this House.

For years the Land Office has endeavored to get that increase of clerical force. On two or three occasions I have myself introduced a bill for that purpose, and endeavored to get it through the House; but I never was able to get even a day assigned for its consideration, because of the opposition of the chairman of the Committee on Appropriations and of the gentleman from Indiana, [Mr. HOLMAN,] the latter of whom was resisting the very highest interests of his constituents. I think it is a matter of great importance that this force should be increased from eighty to ninety-six, in order that that collation of the land patents should be carried out, and that the indexing of the patents should be proceeded with immediately, which never yet has been done, although the law for the purpose was passed in 1836. I hope that my amendment will be adopted.

Mr. HOLMAN. I do not think any public interest has suffered because of the delay in making out this index of land patents. As to the delivery of the patents, I am very confident that the delay in issuing them is of very little public concern. I have noticed coming up occasionally duplicate land-office certificates issued twenty or thirty years ago, and the holder has been content with his duplicate land-warrant.

I wish to call the attention of the Committee of the Whole to two facts. There has been an actual decline in the business of this Land Office, as judged by the disposal of public lands. The land disposed of last year was 2,459,601.63 acres less than the year before. Independent of lands certified to railroad companies, the whole amount of lands disposed of last year was but little rising of 3,500,000 acres. Of that amount 745,061.30 acres were sold for cash, and 2,357,057.69 acres were taken under the homestead law.

Now with this decline in the business of that Office it is proposed to increase the clerical force. This bill reduces the force of that Office but slightly compared with the reductions made in other Bureaus—only about 20 per cent. I find that this is one of the offices growing steadily in expenditures. In many respects, independent of the railroad system and of the lands taken under the homestead law, the General Land Office was of very great concern in 1860, and previous years, when the great States of the West were being formed and the public lands therein sold. The total appropriations for 1860-'61 were $232,290, excluding contingencies. This bill appropriates for the same purpose the large sum of $242,380, more than was appropriated in 1860-'61, when the land system of the United States was much more extensive, and when the operations of that Office were in full operation in the great Western States east as well as west of the Mississippi. I find that in the year 1867 when, after the war, the vital forces of our internal industries began to revive, and, with all the extravagance attendant upon that period, the whole appropriations were but $236,840; yet even this bill appropriates $242,380, and gentlemen are demanding more.

I think this Bureau is one in which the House can very well attempt retrenchment. Most of us are acquainted with the very excellent gentleman who presides over it; but I have found that when a Bureau grows to the extent to which this has grown, it is almost impossible, with the pressure for employment, for even an economical head to keep it within reasonable limits; and I think the only mode by which this can possibly be done is to severely limit the appropriations.

Mr. FOSTER. Is it not true that there is no index in that Office?

Mr. HOLMAN. That has been true from the foundation of the Land Office.

Mr. FOSTER. Is it not desirable to have one?

Mr. HOLMAN. It is one of those things that ought to be provided for in the progress of time. As the gentleman from Pennsylvania [Mr. TOWNSEND] has remarked, it has been urged for years, and some progress has been made in making it; but I have not found (I do not know what may have been the experience of other gentlemen) any considerable impediment in the way of investigation into whatever pertains to the records of that Office. Calls for information are as promptly attended to by this Bureau as by any other in the Government. I know that the absence of an index is a very great inconvenience to the Office itself; but it is attended with no material public embarrassment.

Mr. RANDALL. One word further in reply to the remarks of my colleague, [Mr. TOWNSEND, of Pennsylvania.] He will see that we have not abridged this Bureau at all with reference to the class of clerks that he speaks of. Eighty clerks, working eight hours a day, as we say they should work, will give the Government six hundred and forty hours of labor daily. If ninety-six clerks are retained, working six hours a day, they will give the Government five hundred and seventy-six hours daily. Thus it will be seen that we absolutely secure to the Government from this class of clerks sixty-four hours more work daily than is obtained under the existing law or under existing management. There is therefore no occasion whatever for the amendment. The bill will give the Department more hours of labor daily than it has had heretofore.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, it was not agreed to.

Mr. DUNNELL. I move to amend by inserting after the word "dollars," in line 1263, these words: "Three principal clerks at $1,800 each."

Mr. Chairman, this amendment, if adopted, will restore the provision contained in the last appropriation bill. I am glad that the chairman of the Committee on Public Lands [Mr. SAYLER] has so well brought before the committee and the country the demand for a larger force than that provided in this bill for so important a Bureau as the General Land Office. It ought to be understood—and I think the gentleman from Indiana ought to agree to this position—that while there are some Bureaus which ought gradually to be reduced in force, and will naturally be reduced, the time has not come when the clerical force of the Land Office can be properly lessened. The very statistics which have been read here show the widespread interest in having these one to two million titles settled, and how necessary it is that those holding land by virtue of homestead or preemption entry should receive perfected titles. There are, then, from one to two millions of patents not yet issued.

The gentleman from Indiana [Mr. HOLMAN] has not so much connection with the General Land Office as members representing States farther West. I receive letters every day asking that a patent be secured which ought to have been issued one, two, or three years ago. By the delay in the issuing of these patents the people upon the frontier are embarrassed. They are not able to sell, exchange, or mortgage their land, and so are unable to perfect their improvements, simply because they cannot get their Government deed.

I wish to make a single remark in reply to the gentleman from Indiana, [Mr. HOLMAN.] He has referred us to the period of 1860; and I desire to say to him that we are to-day in a wholly different attitude as a country, because of the legislation that immediately preceded 1860 and to which he has referred. If there is a single bright page in the history of the two democratic administrations that preceded

1860, it is that they gave to the country an impetus in western settlement such as it never had before.

The gentleman alludes very frequently to what he denominates the railroad land system. Sir, that was inaugurated and carried out by a democratic administration; and I say to the gentleman that that system by which a portion of the public lands was set apart for public improvements is the very policy which has built up the great West and added so immensely to our national wealth and population. The history of this policy is the best page in the record of the democratic administrations of Mr. Pierce and Mr. Buchanan.

In 1860 its beneficence had just begun to show itself. Our growth westward has been perfectly startling; and it has been the result of a policy that a part of the public lands should be set apart for the benefit of the settlers who might penetrate the then Territories of the country and occupy the ungranted portions. The theory of the last few years, that no more public lands should be used for any purpose except for actual settlers, has resulted in that falling off in Land Office business to which the gentleman from Indiana alludes; and thus our vast Territories remain unentered, unapproached, and tardily settled up, because of the narrow and restricted policy which the gentleman from Indiana always so persistently advocates.

Now, Mr. Chairman, while the quantity of lands disposed of within the last year may be less than in previous years, this may not indicate that there is less business to be performed.

To be sure we have no large quantities of land turned over to States and Territories from recent railroad grants, and that is one reason why the lands farther west are not now being taken and settled. Yet there are hundreds of miles in some of the Territories where are to be found as rich soil as a beneficent God ever gave to mortal, but far beyond the reach of railroads and beyond easy approach, and by the course now taken gentlemen in fact say that they shall so remain unoccupied.

The gentleman from Indiana [Mr. HOLMAN] the other day in his remarks on the land question did enunciate, I admit, a great deal of good theory and sound doctrine. Yet now when he comes to argue against the increase of the Land Office force, he forgets that it is in the interest of every settler that his business should be promptly attended to. And, sir, if there is a Department of this Government which comes home to the masses of the people it is this Land Office. There is no other in which the people are substantially so much interested.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIAMS, of Michigan. I rise to oppose the amendment, and will yield my time to the gentleman from Minnesota.

Mr. DUNNELL. Now, Mr. Chairman, thanking the gentleman from Michigan for his courtesy, I have represented my State five years in this House and for four years have been a member of the Committee on Public Lands. I do feel intensely interested in the success of the General Land Office. I have offered an amendment providing for three principal clerks. They have been there heretofore, and ought to be continued to secure prompt and efficient service. One of these principal clerks has been put over the important division of railroad lands. There are springing up in that Bureau some of the most intricate questions conceivable, nice questions of law, which call for good lawyers, well-read and well-informed land officers. Thousands of settlers have their homes in the keeping of these clerks. But it is proposed to get rid of them, when a single decision of one of these principal clerks may involve the title to from 200,000 to 500,000 acres of the public land. It is proposed to turn over this important business to a fourth-class clerk with reduced salary. What has been the result within the last four or five years in the Land Office? We have now in private offices in this city doing a profitable and lucrative land business the very best talent which four years ago was employed in the Government service. One clerk after another has stepped out and abandoned his $1,700 or $1,400 position and gone into practice for himself.

But the gentleman from Indiana seems to think it is not unworthy for the Government to ask a first-class lawyer, a man able, well-informed, and perfectly competent, to sit at one of these desks at a salary of $1,600, as this bill provides. It is not good policy. One of these principal clerks may save his salary forty times over in a single month; for this Land Office, as I have already stated, has the settlement of titles to lands embracing millions of acres occupied by actual settlers.

I can use as earnest language as the gentleman from Indiana in behalf of the actual settler. I represent them upon this floor. I have lived among them for years, and know the annoyances and inconveniences to which they have been subjected, and the suffering thereby entailed upon them. I have received hundreds of letters this winter begging me to obtain patents for lands from the Land Office which they ought to have received long ago, but which they have failed to get, the Land Office alleging they were unable to do it because of the smallness of the clerical force allowed it. Yet those men out upon the frontier, surrounded by the embarrassments of frontier life, are still to be baffled and further put off simply because in this legislative appropriation bill the Committee on Appropriations have arbitrarily established the policy of a 10 per cent. or 20 per cent. reduction. I enter my protest against it, not only in behalf of the constituency I represent, but in behalf of that great West, which has been developed so rapidly under the beneficent policy to which I have alluded. This policy, though not perfect and not sufficiently guarded, perhaps, nevertheless inaugurated a period of great prosperity and unexampled national growth.

The settlement and development of the public domain is wholly and entirely in the interest of the settlers. This hostile policy to the frontier has no advocates on the frontier. Ask the Delegates who represent the Territories? Look at those Territories in their inherent greatness and strength, but yet undeveloped. Shall we apply to them the narrow policy which has been thrust upon Congress within the last few years, so unlike that liberal policy advocated by Douglas and those who inaugurated it, and which has given to us the imperial States of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska. Those great States are represented here with largely increased delegations, and, Mr. Chairman, the time will come when their Representatives will be doubled and trebled upon this floor as the result of a kind of legislation which has been forgotten in later days.

One word more. This Land Office is the home department of the Government, and I insist it is bad policy to cut down this right hand of the people.

[Here the hammer fell.]

Mr. HOLMAN. I certainly sympathize with the gentleman from Minnesota in view of these appeals made to him to obtain patents for land, but it is a new idea. I have never known any person anxious to obtain patents for land except it may be either one of two classes: either a railroad company, anxious to overreach some unfortunate settler, taking advantage of their power in controlling the Land Office, or gentlemen in the interest of speculation, who have entered lands supposed to be mineral lands, anxious to obtain patents for fear the fact should be discovered before they were issued. I have no particular sympathy with either class, and my friend need not disturb his soul or lose his rest on account of either of them. The actual settler who enters his quarter section of land under the homestead law or by honest purchase, is perfectly content with his duplicate land certificate. Ordinarily he is as well satisfied with that, as my friend knows, as if he had the parchment evidence of title in his pocket.

Mr. DUNNELL. The gentleman will admit that it would be of less service to him.

Mr. HOLMAN. It is equally good. It makes no difference whatever whether the settler hold the certificate or patent if the entry is honest.

Mr. DUNNELL. As to the title?

Mr. HOLMAN. His title accrues from the time he makes the entry. His title is perfect. The records of the Land Office show it. The patent itself is of no possible consequence in that respect. And I am quite confident that only those two classes of land grabbers to whom I have referred have ever disturbed my friend from Minnesota in their eager anxiety to obtain a patent from the Land Office.

Indeed, as I remarked a moment ago, I have had gentlemen from my own section of the country and farther west sending me duplicate certificates of entries made twenty-five or thirty years ago, and asking for the patent. It was of no consequence to them whether they had the patent or not until perhaps an opportunity for sale occurred, and the purchaser being cautious and timid might suggest the propriety of getting the patent.

But Mr. Chairman, the gentleman is exceedingly anxious to facilitate the adjustment of the claims of these railroad corporations for their lands, and I apprehend the whole of this effort for a large increase of force is simply to effect the more rapid adjustment of the railroad claims on the public domain.

Mr. DUNNELL. I would like to correct the gentleman if he would pardon me for the correction. There is not an acre of public lands in the State of Minnesota belonging to the State that has not already gone over to the State. I have never been asked for five years to interest myself in the claim of a single railroad in my State. I represent solely and entirely the pre-emptors and homesteaders of my State.

Mr. HOLMAN. I find, Mr. Chairman, that of the 7,071,000 acres of land disposed of last year 3,107,643 acres went to the benefit of these railroad corporations, nearly one-half of the entire domain disposed of accruing to the benefit of a handful of gentlemen under the name of railroad corporations. The growth of this system of land monopoly begins to appear.

But does the gentleman from Minnesota intend to say to the House that these important questions of law, arising under land-grants and claims upon the public lands, are decided by these subordinate clerks, claims which involve millions of acres? Why, my friend certainly is mistaken about that. The clerk makes out the syllabus of the case. It goes to the Commissioner of the Land-Office and is there subject to his careful deliberation and decision; and from him in important cases it goes to the head of the Interior Department for final decision. It would be strange, indeed, and well calculated to excite our apprehensions, if subordinate clerks at a time like this, when railroad corporations have such motives for corrupting the officers of Government, could decide questions involving millions of acres of the public lands, as between the *bona fide* honest settler and the railroad corporation. It would be perilous indeed.

[Here the hammer fell.]

Mr. BLOUNT obtained the floor, and yielded his time to Mr. HOLMAN.

Mr. HOLMAN. I thank my friend for this courtesy. Having said this much, I desire to come to another question which my friend from Minnesota debated, as he always debates it, ably and well; and that is what he calls the narrow policy of reserving the public lands for the benefit of the actual settler, as against the liberal policy which would monopolize the lands of this country in the hands of a few gigantic corporations. Liberal policy! Liberal to whom? I cannot fail to stop and admire at least the courage of my friend from Minnesota and his frankness, that in the American Congress, as between the landless laboring man who seeks a home on the public domain, which by his own labor shall be made to bloom and blossom, where his wife and children may have shelter and his children in the pursuits of industry become valuable to their country, and the grasping cupidity of a corporation seeking to seize these lands for speculation and monopoly, that my friend should deem the latter as most entitled to favor, fills me with astonishment. The policy of land monopoly through the instrumentality of the land-grant system is, in my judgment, most fatal to our republican institutions.

Does my friend think that it is a good thing in this country that, on pretense of developing the public resources, an ambitious speculator, or shrewd, unscrupulous manager shall become the owner of millions of acres of the public lands at a nominal price or without price? Does he think that comports with the equality of material interests and rights which belong to a Government like ours? Is it to the interest of a Government like ours that Mr. Jay Gould should be the owner of thirty or forty millions of acres of public lands, raising their price entirely beyond the reach of the laboring-men of this country? Sir, if the laboring-men could speak, whose interests are so fearfully involved in this acquisition of the public domain, they would say, "Not another acre of land for monopoly, but every acre of it for the benefit of the actual settler," who will add not simply to his own comforts and prosperity, but will add by the cultivation of his little homestead to the solid and enduring wealth of the country.

I trust, sir, that my friend will not fail to perceive that this policy of land monopoly in the hands of a few adventurers cannot but be attended with the fearful evils apprehended. Why do subordinate officers now leave the Land Office and go into other offices in connection with land agencies? Is it because of low salaries? I will tell the gentleman why it is. The reason is that your land policy is corrupting every branch of this Government. I am thankful in being permitted to say that in my judgment the distinguished gentleman now at the head of that Bureau is an honest man. But I do say that the land grants which have passed this House and the other branch of Congress have done more to demoralize this Government and sap the foundations of the strength of the national fabric than any other series of legislative measures in this or any other country.

They left your Land Office because the facts that they had learned there enabled them to profit by their information. I trust, sir, that not another acre of public lands will ever be granted to a corporation for the purpose of monopolies and to deprive the landless citizen of the opportunity of securing a home. I trust that the views of my friend from Minnesota are entertained by few. My friend overlooks the important fact that it is not merely that 200,000,000 of acres of land have been lost to this country, and that in consequence the chance has been taken from actual settlers to obtain homes, and the landless have been left landless forever under that policy, but, far beyond that, it is a hopeless dishonor to this nation which follows in the track of that policy. Did this nation have occasion to blush until you inaugurated this policy? Did the cheek of an American citizen ever tingle with shame until you inaugurated this policy of subsidies? Sir, what measure has passed Congress granting lands to private corporations which has not resulted in shame and humiliation to the American people?

Mr. FOSTER. I desire to ask the gentleman a question. When was this policy inaugurated?

Mr. HOLMAN. O, certainly; I will answer that question with pleasure. There were land grants made away back as far as the years 1850, 1851, and 1852. They were comparatively small grants, the largest not exceeding four and a half millions of acres.

Mr. FOSTER. That was when this system was inaugurated.

Mr. HOLMAN. Yes, it was inaugurated; but my friend will bear in mind that upon this little beginning you have built up these enormous grants of over two hundred millions of acres, embracing the very flower of the public lands of the country, and leaving the mass of the American people to be landless for all time.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania, obtained the floor.

Mr. RANDALL. I think each side has now been heard on this question; and, as it does not pertain to the bill at all, I trust that we shall have a vote.

Mr. TOWNSEND, of Pennsylvania. I desire to reply to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. RANDALL. I insist on a vote on the amendment. This discussion has nothing to do with the bill at all, and I cannot afford to allow all this time to be wasted in general discussion on a subject not connected with the bill.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, I think it comes with a very bad grace from the gentleman from Indiana to charge the republican party with the inauguration of the land-grant policy, when it is a historical fact that that policy was inaugurated by the democratic party—I mean the policy of granting lands to railroads—as far back as 1850; the first large grant being given, if I remember aright, to the Illinois Central Railroad Company; and from that time up to the time when the republican party came into power in 1860 the democratic party had granted to railroads some twenty or thirty million acres of the public lands and had established the policy of railroad land grants.

Mr. HOLMAN. My friend must bear in mind that I only referred to that in connection with the inquiry made by the gentleman from Ohio, [Mr. FOSTER.] I did not say what party was responsible for the policy.

Mr. TOWNSEND, of Pennsylvania. I may remark in addition to that, that from that time forward until within the last two or three years both parties were equally responsible for the land-grant system as applied to railroads. All over the country everywhere whenever a railroad company came before Congress and asked for a grant in aid of the construction of its road, it was freely given. But for the last three or four years both the republican and democratic parties have found that while the system has been in some respects beneficial to the advancement of the great interests of the country by opening out railroads in portions of the nation that otherwise would not have been developed, and thereby enabled those portions to be developed that were within the reach and influence of the railroads, on the other hand it had been prejudicial in allowing a large amount of public lands to be gathered into the hands of corporations, and too frequently withheld from actual settlers.

In 1862, under the domination of the republican party, was instituted what is called the homestead principle, a principle which granted to the head of every family, and to every adult citizen who chooses to take it, a home on the public lands almost free of expense. The whole expense that was liable to be incurred was about $9 at entry, and as many more at the end of the term when the patent might be granted, the only condition being that the homesteader should enter upon, settle, and cultivate the lands selected for the period of five years. The law allowed him, however, under a construction placed upon it, at the end of some eighteen months to sell his land if he thought proper. But it was held that when a man had been upon the land which he had selected for himself for eighteen months or two years he would have sufficiently cultivated it and become attached to it to make his home upon it thereafter forever.

The whole principle and policy of the Government from that time forward has been to discourage the pre-emption principle and to encourage the homestead principle. The pre-emption principle unfortunately was allowed so to be exercised as to gather together into the hands of individuals and speculators large bodies of public lands which were held by them for speculative purposes, waiting until the *bona fide* settlers of the neighborhood should improve their lands and thereby make the lands of these speculators more profitable. But from that time forward we have endeavored through the homestead principle to get away from that, and in the last Congress I had the honor to introduce a bill here which I was glad to see met the approbation of my economical and conservative friend from Indiana, [Mr. HOLMAN,] doing away practically with the pre-emption principle and confining the settlement of the public land under the homestead law.

[Here the hammer fell.]

Mr. RANDALL. Let us have a vote

Mr. DUNNELL. Just one minute.

Mr. RANDALL. You have had ten minutes.

Mr. DUNNELL. I know that; and you have had a great many ten minutes since this bill was taken up. I wish to correct a single statement made by the gentleman from Indiana, [Mr. HOLMAN.] I think he misunderstands the duties of these principal clerks. It is true, although he may not think so, that these principal clerks write out all the decisions of the Land Office. They prepare all the findings, and they are then taken to the Commissioner of the General Land Office. It would not be possible for him to investigate every point submitted to his Office.

Mr. RANDALL. I submit to the gentleman from Minnesota [Mr. DUNNELL] that in the communication read here to-day from the Commissioner of the General Land Office no objection was made on account of these principal clerks, and he does not suggest their re-instatement in this bill.

The amendment of Mr. DUNNELL was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I move to amend the pending paragraph so as to make the salary of the draughtsman $2,000 instead of $1,400, and of the assistant draughtsman $1,400 instead of $1,200. The bill as reported to the House by the Committee on Appropriations cuts down the salaries of the draughtsman and assistant draughtsman to $1,400 and $1,200 respectively.

It is an erroneous idea in the minds of many, and probably in the minds of the members of the Committee on Appropriations, that the draughtsman is a mere plotter of maps. To be an accomplished draughtsman requires a very much larger amount of information than to be an ordinary surveyor. In the first place, the draughtsman must have a knowledge of the land laws of the country. In the second place, he must have a thorough knowledge of the surveying laws

and of the modes and practices of surveying the lands of the General Government. In the third place, inasmuch as these draughts or maps will have reference to the boundary-lines between States and between the United States and the countries north and south, the draughtsman must be an accomplished scientific gentleman, thoroughly acquainted with astronomical calculations, so as to be able to ascertain and define precisely by astronomical observations the locations of the different points along the lines between our territory and the territory of foreign countries north and south of us, and also between the different States and between the States and Territories.

It therefore requires a man of the very highest scientific attainments to be a draughtsman in the General Land Office. He should be a man of as large scientific knowledge as any gentleman connected with the Coast Survey. He should be a man who can thoroughly understand all of the workings of the Land Department from one end to the other so far as these surveys are made. You cannot get such a man or retain him in office unless you pay him a competent salary.

Mr. HOLMAN. When was this office of draughtsman first created?

Mr. TOWNSEND, of Pennsylvania. I do not remember.

Mr. HOLMAN. There was no such office in 1860.

Mr. TOWNSEND, of Pennsylvania. The gentleman says there was no such office in 1860.

Mr. HOLMAN. At least I do not find any appropriation at that time for such an officer.

Mr. TOWNSEND, of Pennsylvania. That may very well be. The gentleman goes back to an early period when the Land Department was comparatively insignificant compared with what it is to-day.

Mr. HOLMAN. O, no.

Mr. TOWNSEND, of Pennsylvania. I want to say this: that the policy followed up by this House in regard to the Land Department in this country has driven out of that Office, as my friend from Minnesota [Mr. DUNNELL] has said, the very best talent, that which was most necessary for the proper conducting of the business of that Office. Nay, more, I know of my own knowledge that the last Commissioner of the General Land Office saved more to the Government in one single item of information that he was enabled to furnish by his ingenuity, learning, and skill, than would have paid his salary for ten years. Yet he was driven out of office because of the smallness of his salary.

So, too, I may remark again, the very best talent you have ever had there, the most necessary for keeping properly and correctly the titles to lands owned by people of the great West, has been driven to seek employment elsewhere, which employment they have been able to obtain from their great talents and ability, and at a far higher compensation than this Government is willing to give them.

I consider that it is a niggardly economy, not a true and just economy, that would continue this practice. True economy in all the departments of life, whether it be in governmental business or in the ordinary business of private life, would require that whenever you want a thing done you should seek to obtain the very best men to do it that you can find and pay them the full value of their services. But this is not the policy that has been pursued in regard to this Department. By cutting down the salaries of the employés of this Department, by preventing the head of the Department from obtaining the proper force to do his work, you have driven out the best talent and been compelled to hand over to men of inferior ability the most delicate matters of title in regard to the great body of lands that lie in the West.

My friend from Indiana [Mr. HOLMAN] awhile ago remarked that the patent to land is of no value at all to the man who holds the land. Sir, it is the highest evidence of his title, and for want of that title, for want of possessing the patents to the land, hundreds and thousands and tens of thousands of litigated cases have arisen in the great West. It is because of that want of the best evidence of title from the Government, the original proprietor of the soil, that this great litigation has been continually going on and is still going on at the present day. It frequently happens that two individuals possess the same muniment of title to land.

[Here the hammer fell.]

Mr. HOLMAN. I wish to correct a mistake into which I have fallen. The appropriation bills in 1860 were so differently prepared from those now before us that I find I omitted several items which ought to be taken into account in ascertaining the expenditures of the General Land Office. I find on more careful examination that in 1860 the compensation of the Commissioner of the Land Office, recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchers, and laborers in his Office amounted to $173,890, and that additional clerical force was allowed to the amount of $58,400, making the amount about the same as in the year 1867, and only about $25,000 less than the sum appropriated by this bill.

Mr. RANDALL. I ask that debate on this paragraph be closed.

Mr. SAYLER. I hope the chairman of the Committee on Appropriations will allow me to correct a statement which I made a few moments ago.

Mr. RANDALL. Certainly.

Mr. SAYLER. From an examination of the facts in regard to the pay of the draughtsman in charge, I evidently misapprehended the statement made to me in conversation by the Commissioner of the Land Office, Mr. Burdett. He certainly would not state to me anything which was not entirely correct, and I therefore infer that what he said to me was that the pay of the draughtsman ought to be $2,000, not that it was $2,000.

In this connection I desire to express my entire sympathy with the amendment offered by the gentleman from Pennsylvania, [Mr. TOWNSEND,] and to say that in my judgment it is utterly absurd and ridiculous for this House to suppose that competent men, who have spent all the years of their early life in acquiring a scientific professional education, can be employed at the rate of $1,400 and $1,200 a year, a sum less than is received by almost the commonest clerk in a dry-goods store. I protest against fixing the pay of this chief draughtsman in the Land Office at such a sum as may compel him either to resign or to be dishonest in the discharge of his duties. I hope the amendment offered by the gentleman from Pennsylvania will be adopted. I am in favor of economy; but it seems to me a false species of economy to give niggardly salaries of this kind to gentlemen who occupy positions so important.

Mr. RANDALL. I do not admit that it is either niggardly or absurd to treat all alike. We have reduced this salary just as we have reduced all; and I had supposed that the democrats came to Congress to reduce the extravagant expenditures of this Government. It was upon that issue, I take it, that a majority of democrats was elected to this House. In accordance with that belief the Committee on Appropriations have reduced these salaries 10 per cent. and have cut down supernumeraries in the Bureau 20 per cent; and we propose to require eight hours labor daily instead of six. For myself I propose to respect the judgment of the people in reference to reductions. There is no reason whatever why these draughtsmen should be made exceptions.

Mr. SAYLER. I wish to correct one statement of the gentleman from Pennsylvania, [Mr. RANDALL.] I am not opposing the general policy of this bill, as he has suggested; but, as he knows, the reductions have not been made uniform. The reduction proposed in this instance is more than 10 per cent.; and there have been exceptional cases in which the reductions have not been 10 per cent., while in other instances they have amounted to as much as 37 per cent. This is one of the offices in which, in my judgment, there should be no reduction made; on the contrary, I think the salary should be increased, and I believe I have a right to entertain that judgment.

Mr. RANDALL. Certainly the gentleman has a right to vote as he pleases. He is responsible to no one except his constituents. But while he votes as he pleases, I want to suggest the grounds upon which, as I believe, the democratic majority entered this Hall.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, it was not agreed to; there being—ayes 49, noes 96.

Mr. RANDALL. I now ask that debate on this paragraph be closed.

There was no objection.

The Clerk read as follows:

Map of the United States: For three thousand six hundred copies (including paper) of the map of the United States prepared in this Office, $6,000.

Mr. HUBBELL. I move to amend by adding to the paragraph just read the following:

And the Secretary of the Interior is hereby authorized to provide for the sale of such maps and photographs produced in his Department as he may deem of general public interest, at such price, to be fixed by him, as shall be equal to the cost of publication; the proceeds arising from such sale to be turned into the Treasury.

The object of this amendment is that this United States map, one of the most valuable maps ever published by the Department, may be issued in such shape that it may come into the hands of the people of the country. It exhibits all the surveys and all the explorations of the Territories. It is so desirable, that already a great many applications have been made to me for this map.

Then, again, Professor Hayden has produced some very fine photographs, beautiful representations of natural scenery, which should be placed within the reach of the entire people. This amendment, if adopted, will simply authorize the Secretary of the Interior to prepare these maps and photographs and offer them for sale at the cost price, the proceeds to go into the Treasury.

Mr. RANDALL. In reply to the gentleman, I will state that there is no estimate for this. Besides, I do not think the United States Government should compete with private enterprise in this respect.

Mr. HUBBELL. There is no competition. This is a map which ought to be accessible to every person; and while we cannot send it out at the expense of the Government, it seems to me we ought to allow the people to purchase it at cost, as we do with the Revised Statutes.

Now we allow the Revised Statutes to be published and sold at cost price. A map of such general interest as this certainly ought to be placed within the reach of the people of the entire country.

Mr. RANDALL. The gentleman from Michigan must see what a loose mode of doing business this would be to give unlimited authority to the Secretary of the Interior to provide for the sale of such maps and photographs produced in his Department as he may deem of general public interest at such price to be fixed by him as shall be equal to the cost of publication, the proceeds arising from such sales to be turned into the Treasury. That puts the Government right into the business of publishing and selling maps, and to that extent interferes with private enterprise. I do not think the Government should do any such thing. It should perhaps supply maps for its own officers and for conducting its own business, but it ought not to

enter into the business of publishing maps to supply the entire people of the country.

Mr. HUBBELL. We allow the post-office map to be published in the same way.

Mr. RANDALL. I think the post-office bill restricts that matter. The Post-Office appropriation, as agreed upon by the committee, contains a restriction in reference to the post-office map, for the very reason the Government of the United States ought not to be allowed to interfere with private enterprise in this respect. This Land Office map was never authorized by law, and gentlemen will find even in the Post-Office Department, where it has been practiced to some extent, it has been without authority of law.

Mr. FOSTER. I do not think there has been any material restriction in the Post-Office appropriation bill in regard to the publication of Post-Office maps. It simply provides the money received shall be paid into the Treasury. I take it this Land-Office map does not compete with any private map manufactory in the United States. It is a map peculiarly fitted to be prepared at the Land Office. It is an excellent map, and a great many people all over the country would like to have the opportunity to buy it. There is not a single map publisher in the country who makes any such map. We publish the Post-Office map in the same way, and we publish the Revised Statutes and furnish them in the same way to the people. I cannot see what objection there can be to allowing the same thing to be done in reference to this Land-Office map.

Mr. RANDALL. It is stepping out of the usual path and not at all beneficial. We do not wish to keep up such a loose manner of doing business by the Government.

Mr. FOSTER. I do not suppose private enterprise will undertake the publication of this Land Office map.

Mr. RANDALL. Then there cannot be any demand for it, for American enterprise will take hold of everything which conduces to public information and the people demand.

Mr. HOLMAN. The gentleman from Michigan will see, if the amendment be adopted, we will have to increase the appropriation beyond $6,000. That is the estimate for the maps to be furnished to the Government.

Mr. RANDALL. Thirty-six hundred maps at $6,000.

Mr. HOLMAN. If you provide for selling these Land-Office maps and turning the money into the Treasury, you will have to make an increased appropriation in this bill. It does seem to me, however, it belongs properly to private enterprise. In reference to the postal maps, perhaps no one can perfect the postal maps but the Post-Office Department. Even there it is objectionable. The gentleman from Maine, I believe, objected to it as well as the gentleman from Ohio.

Mr. RANDALL. I now ask that all debate be closed.

The CHAIRMAN. Debate is closed on the pending paragraph.

Mr. HUBBELL'S amendment was disagreed to.

Mr. RANDALL. It is necessary the Committee of Elections should have possession of a paper in a contested-election case now lying on the Speaker's table, and I move the committee rise in order that paper may be taken up and referred to that committee.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

SOUTH CAROLINA ELECTION CASE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the papers in the contested-election case of Lee against Rainey, from the first congressional district of South Carolina; which were referred to the Committee of Elections.

CORRECTION.

Mr. HAMILTON, of Indiana. I rise to a correction of the Journal. I am reported as not having voted on the yea and nay vote yesterday. I did vote, and voted in the negative, and ask the correction be made.

There was no objection, and the correction was made accordingly.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS. I rise to a privileged question. I ask the Clerk to read an article from the Republican of this city of this morning's date.

The Clerk read as follows:

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The following letter was sent yesterday by Commissioner R. H. T. Liepold, of the Freedman's Savings and Trust Company, to Hon. B. B. DOUGLAS, chairman of the committee of investigation into the affairs of the bank. It shows the policy which has been pursued by this star-chamber inquisition ever since its sessions commenced. It is not seeking facts or truth of any kind, but secret slanders with which to blast the reputation of honest men:

"In my letter to you of the 2d ultimo I respectfully requested that an opportunity be given me to be heard on the subject of certain charges alleged to have been preferred against me before your committee by one George D. Johnson, and that I be permitted to confront him before you. This was denied me, as was also my further request that I might see his testimony. I have a similar request to make with reference to the testimony said to have been given before your committee by one C. B. Purvis and Mr. Le Roy Tuttle, reflecting upon my conduct as one of the commissioners of the Freedman's Savings and Trust Company; and in view of the very injurious character of this testimony, I sincerely hope that the favor asked will be accorded to me. The testimony is simply outrageous and wholly devoid of truth.

"I have never attempted, either directly or indirectly, to persuade or induce any depositor of the Freedman's Savings and Trust Company to dispose of his or her pass-book, neither have I ever paid or offered to pay any money or other consideration for any such pass-book or other claim against the company; neither have I ever had, nor have I now, any interest, either directly or indirectly, in any such pass-books or claims."

Mr. DOUGLAS. Mr. Speaker, so far as the preface with which the editor of the Republican has seen fit to introduce the letter of Mr. Liepold, and which he states was sent to me yesterday, is concerned, I have but little to say, as I have long since learned the impolicy of undertaking to throw dirt with the editor of a newspaper. But, sir, as against the freedmen who have been defrauded and robbed of their hard earnings deposited in this savings-bank he champions those honest men whose reputation he says this star-chamber inquisition, known as the select committee of which I am chairman, is trying to damage, I think the gentleman himself must be indifferently honest.

Sir, it is not surprising that the editor of the leading republican paper in the city of Washington, and which has the reputation of championing all the rings which are so famous, or, it may be said without indecorum, so infamous in the history of this city for the last few years—it is not surprising that the editor of that paper should come before the country championing the "honest" men who had the management of the Freedman's Bank and slandering the fair name and reputation of a committee which had their misdeeds under examination.

But, sir, I desire particularly to refer to the statement that this letter was sent to me on yesterday, by which it is intended, I presume, to convey by implication the idea that I had received from Mr. Liepold a respectful communication to which I had given no attention. If that, sir, was the intention of the editor or of Mr. Leipold in sending that letter for publication, I pronounce it an unqualified falsehood. That letter was found by me on my table last night, and this morning before or about ten o'clock I called at the office of the Freedman's Bank to see Mr. Liepold, and as he was not in I sat down at the desk and drafted a reply, which I left in his hands, he having come in in the mean time, and I being perfectly innocent at the time of any knowledge that this article had appeared in the columns of the Republican this morning. The letter which I addressed to Mr. Liepold is as follows:

OFFICE OF THE COMMISSIONERS
OF THE FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., April 26, 1876.

DEAR SIR: I called this morning to see you in regard to the somewhat extraordinary letter I received from you last evening. Referring to its statements, I have to correct you in saying that you had been denied a hearing before the Select Committee on the Freedman's Bank, of which I have the honor to be chairman On the contrary, you were called before that committee and had an opportunity to tell anything and everything you knew about the affairs of the bank, (whether you were personally implicated or not,) and you were called for that express purpose. We did not choose voluntarily to impeach our own witnesses, but you were at full liberty to do so if you had thought proper, and you knew wherein you had been implicated, as your former letter to me clearly proves. As to your request to be shown the testimony of any particular witness, it was not permitted because opposed to the settled rule of our proceedings, and, if once departed from, would have involved us in difficulties which would have protracted the investigation indefinitely and resulted in nothing but a mass of statements and counter-statements. The committee, I am sure, have no disposition to do you injustice; but, as your unsustained contradiction of the witnesses would not be received for much in a court of justice, I cannot see that an investigating committee, sitting very much as a grand jury, was obliged to call for them, though you were at liberty to make them when in our presence. As to your private arrangements and understanding with Mr. Totten and your reasons for resigning your position in the United States Treasury to take one on the bank commission, they are matters that do not concern us or the public, and therefore we do not propose to inquire into them.

Very respectfully,

B. B. DOUGLAS.

R. H. T. LIEPOLD, Esq.

The purpose of the publication in the Republican must be very obvious. This is an attempt on the part of Liepold to escape the consequences of the disclosures by his mere personal and unsupported denial of the facts. There is, however, in his statement just enough of truth to prevent its being a bald falsehood and fabrication from beginning to end. There was such a letter as that to which he refers addressed to me last month; but in it he made a most unreasonable request, as I think the common sense of this House will agree. He requested that he should be permitted to come into the committee, not with evidence to vindicate himself against any charge made against him, but to inspect the testimony, which under the rule adopted by the committee was taken in secret, and to afford him the opportunity to give his personal denial. That was denied to him; it was denied to the press; it was denied to everybody; I mean the opportunity of seeing this testimony until it suited the purposes of the committee to report it to the House or of the House to direct it to be made public.

Now, I say without the fear of contradiction, and in what I say I will be sustained by my colleagues on the committee, that Mr. Liepold has had an ample opportunity of making his vindication before the committee. Since the testimony to which he refers was taken before the committee he has been called there as a witness and has been requested to tell the truth, the whole truth, and nothing but the truth. And if he did not choose to avail himself of the opportunity, it was his fault and not ours. Moreover, he was on that occasion distinctly told by myself, as the chairman of the committee, that we did not then discharge him, but would call him again at any

time when the progress of the investigation seemed to require it. He is still held under the subpœna, liable to be called before the committee at any time, and he can come when he chooses to do so. Why then this publication to break the force of the investigation and lead the public attention away on a false track? I may end what I have to say on this matter with the quotation:

No man e'er felt the halter draw,
With good opinion of the law.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed the bill (S. No. 772) to facilitate the printing of public documents; in which the concurrence of the House was requested.

TARIFF DUTIES ON SAL-SODA, ETC.

Mr. COCHRANE. I ask unanimous consent to present for reference to the Committee of Ways and Means two petitions against the placing of sal-soda, bicarbonate of soda, caustic soda, and alum on the free list, and I ask that they be printed in the RECORD.

There was no objection; and the petitions were referred to the Committee of Ways and Means, and ordered to be printed in the RECORD. They are as follows:

To the House of Representatives of the Forty-fourth Congress:

The undersigned, dealers in and consumers of the articles mentioned herein, hereby respectfully remonstrate against the placing of sal-soda, bicarbonate of soda, caustic soda, and alum on the free list of the tariff, and submit the following considerations:

1. The persons engaged in the manufacture of these articles have invested a large capital, and for many years received no interest or return whatever. These investments were made under a tariff imposing a moderate duty on these articles. The foreign producers have been forced to sell their surplus of these articles in this country at reduced rates to compete with the products made here. The production here has gradually increased, and this competition has reduced the price of the manufactured article here to the consumer far below what it was formerly under a very low duty or practical free trade, as the following comparison will show:

SAL-SODA.

Year.	Price per pound.	Duty per pound.
1858	2.07	1/16 cent.
1876	1.37	¼ cent.

BICARBONATE OF SODA.

Year.	Price per pound.	Duty per pound.
1858	4.80	¼ cent.
1876	4.20	1½ cents.

CAUSTIC SODA.

Year.	Price per pound.	Duty per pound.
1858	6.31	¼ cent.
1876	4.12	1½ cents.

The foreign manufacturers of these articles can afford to sell their product at their home market at remunerative rates, and turn over their surplus to our market at rates below what our factories can be operated. They have the great advantage of cheap labor and capital. It is safe to say that the difference in price of labor makes up one-half the cost of producing these articles. It necessarily results that the foreign producer can reduce prices in the American market to such a point as will compel the American manufacturers to suspend their works, and thus, it is believed, there will be deprived of the means of livelihood over ten thousand persons dependent directly on this manufacture. On the other hand, the maintenance of the tariff, by fostering this manufacture, will tend still further to diminish the cost of these products. The factories for the manufacture of these articles are located in New York City, Western New York, Connecticut, Michigan, Western Pennsylvania, and Eastern Pennsylvania. No material interest, it is believed, in this country, is pressing for this removal of duty from these articles. The paper and glass manufacturers purchase only soda ash, and do not use any other commercial form of soda, and were united on the propriety of the rates fixed by the existing tariff at the time of its passage. The same remarks may be made in reference to alum, the duty on which it is now sought to remove.

NATRONA, *April*, 1876.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, workmen engaged in the manufacture of one or more of the following products, namely: bicarbonate of soda, sal-soda, caustic soda, and alum, do hereby respectfully represent to your honorable bodies that the placing of the above articles on the free list will compel the closing of the works where we are employed and throw us out of employment, and we respectfully remonstrate against the passing of said bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole to resume the consideration of the legislative, &c., appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The Clerk read the following paragraph:

Pension Office:

For compensation of the Commissioner of Pensions, $2,700; deputy commissioner, $2,250; chief clerk, $1,800; medical referee, $2,250; twenty clerks of class four; forty-two clerks of class three; sixty-four clerks of class two; one hundred clerks of class one; one skilled mechanic, at $1,200; twenty copyists, at $900 each; one messenger; eight assistant messengers; six laborers; two watchmen; one engineer, at $1,260; and one assistant engineer, at $1,000; in all, $338,920.

Mr. RANDALL. I offer the following amendment:

In line 1280 strike out "$2,700" and insert "$3,600."

The amendment was agreed to.

The Clerk read the following paragraph:

For contingent expenses of the Office, namely: For actual expenses of clerks detailed to investigate suspected attempts at fraud, as provided by law; for stationery; for carpets, mats, furniture, awnings, and repairs of the same; for fuel, gas, engraving, and retouching plates; for bounty-land warrants, printing and binding the same, engraving and printing pension certificates; and for other necessary expenses of the Office, including two daily newspapers; in all, $50,000.

Mr. RUSK. I offer the following amendment:

After the word "dollars," in line 1301, add the following: "*Provided*, That $40,000 of said sum shall be expended for the investigation of frauds, as above specified."

The amount is not divided now.

Mr. RANDALL. We thought it best to leave it all to the discretion of the Commissioner.

Mr. RUSK. He may use it all for the purchase of carpets or something else.

Mr. RANDALL. If he does he ought to be put out of office; but I do not think for a moment there is any danger of that.

Mr. RUSK. There has been $60,000 heretofore set aside for the investigation of frauds, and I am very sure that it has been well expended.

Mr. RANDALL. Let me hear the amendment again, if you please.

The Clerk again read the amendment.

Mr. RANDALL. I prefer not to agree to that amendment. I believe that some good results come from the expenditures of the Government in connection with the detection of these pension frauds, but not to this extent. The sum the gentleman proposes to devote to this purpose is a large sum of money, and I would rather leave it discretionary with the Commissioner.

Mr. WILSON, of Iowa. I am in the receipt of a great many letters from men who have been in the United States Army who have claims on the Department for pensions, and I am informed that the reason why these claims are not attended to is because the Department cannot employ a sufficient number of agents to go out there and inquire into and ascertain facts which cannot be ascertained by any other method. I understand that there are about four thousand claimants at present, certainly deserving soldiers; but I understand that with the force allowed the Department, last year they were enabled only to inquire into fifteen hundred of the four thousand cases. Now if the committee does not appropriate a sufficient amount to enable these cases to be investigated, this deserving class of men must go without having their cases adjudicated at the Department, and perhaps go for years without the pensions which we are willing they should have, and which they would have, provided the Department was put in a position to discharge these duties. I think the chairman of the committee will see the point.

Mr. RANDALL. I assure the gentleman from Iowa that with the number of clerks proposed by the committee and with the change in the hours of labor it will be sufficient. We reduce the number sixty-three in the four classes of clerks and copyists, which is nearly 20 per cent. There are three hundred and four clerks now, and we provided for two hundred and forty-one clerks and copyists, so that the reduction is sixty-three, and a reduction of 20 per cent. would be sixty-one, and this is not taking into account the reduction of 10 per cent. In this case, as in the case of the Land Office, we have not pressed them at all, and we absolutely get more hours of labor under the new arrangement of clerks than is now obtained under the lesser hours of labor from a larger number of clerks. In other words, I have said there are three hundred and four clerks now, and we provide for two hundred and forty-one, and there is a two-hours increase of work, which will a great deal more than compensate for the reduction of numbers.

Mr. WILSON, of Iowa. But here is the point: the gentleman's theory is that by adding two hours a day to the time of work the Department will be able to detail more clerks, but those that are detailed require so much per day for expenses while they are out on the service.

Mr. RANDALL. Well, but I want to suggest another fact, that the Secretary of the Interior is or was recently discharging clerks from the Pension Bureau.

Mr. FOSTER. Because he had not money to pay them.

Mr. RANDALL. I will ask the gentleman from Pennsylvania, [Mr. JENKS,] the chairman of the Committee on Invalid Pensions, to state what was the testimony of the chief clerk on this subject.

Mr. JENKS. Mr. Chairman, with reference to this Office, if I supposed the reduction would delay the receipt of a pension by a single honest pensioner for one day, I would not consent that any reduction should be made, but the purpose of an appropriation is that that appropriation shall be in honest, good faith applied to procure labor for the Government for the purposes for which that appropriation was made.

With reference to this Bureau, I will say that in 1867 the whole appropriation was $257,920, and during that year there appears to have been about four times as much work done as there was during the last year. For the year 1868 the appropriation was $249,240, and during that year there was about three times as much work done as there was during the last year. The pending amendment refers to what is called the special-service division of this Bureau. That service consists, as I understand, of a number of persons employed by the Department to go and examine what they call cases of alleged fraud, and it is no doubt just as the gentleman from Iowa says, that if he makes inquiry at the Office in regard to any claim, they will say that it is in the special-service division. If a man comes to the Office with his claim made out as perfectly as it can be, they will assume that no man could make out so good a case unless he had got perjured evidence to sustain him, and the upshot of it is that although a case may be the best case that has come into the Office for three months, it is put into the special-service division and stays there until a detective can be sent out to the vicinity to investigate the facts. Another peculiarity which exists in this branch of the service is that the employés always seem to exaggerate its work, and it seems to be considered that late in the summer and early in the fall it is more important to have these detectives sent out than at any other season, particularly when an election campaign is going on.

This secret service ought not to exist in the form it does to such an extent that the Bureau may detail whom they please and when they please for this purpose. The appropriation for this purpose has been so large that you will find these secret agents all over the United States. I constantly receive letters, as I have no doubt other gentlemen do, complaining that this secret service has succeeded in tying up claims for a year or two that have been fully and amply proved. Hence we can see that this is not a very meritorious service, the endeavor to detect frauds in cases established in good faith. It is not necessary that all the cases in this Bureau should be suspected of fraud, and subjected to inquisitorial examination, where the parties interested do not hear the *ex parte* evidence taken by some man sent from Washington probably clear to Vermont, at an expense of $300 to $400, to inquire into a claim that is entirely free from fraud.

Now in order to show that it is not necessary to have this force, let me say that when a pension certificate is issued notice is sent to the Third Auditor, stating to whom the certificate is issued, the amount per month to be paid thereon, with the date of the issue of the certificate by the Pension Bureau, and all that is entered in a book in the Third Auditor's Office. The same facts are entered in a book in the Pension Office, the name of the party, the number of the certificate, the amount to be paid on the certificate, and the date from which the pension begins to run. This information is also sent to the pension agent where the pension is to be paid. Three different entries are made of all this information concerning the same identical certificate.

Mr. Clark, the chief clerk of the Pension Bureau, testified before our committee that if the Third Auditor was up with his business there would be no necessity for the existence of what is known as the finance division of the Pension Bureau. I understand that seventy clerks were employed in that division of the Pension Bureau last year. That division is utterly and entirely useless. It is doing work that is not recognized at all in the Third Auditor's Bureau. The Third Auditor pays no attention to it, receives no report from that division, and has nothing in the world to do with it. Hence that whole force of seventy clerks might just as well be knocked off.

You will find by inquiring of any honest clerk in the Pension Office that during the administration of that office by Mr. Barrett it was better conducted than it has ever been since, yet the medical Bureau then consisted of but one medical officer, while it now has fourteen clerks. If that is so, then the force can be reduced from fourteen to two, and the business of the Office would be facilitated very largely. Then, instead of running the peculiar rules of the Office in opposition to the law, they would simply decide each case on its merits, as it ought to be tried, and as a case would be tried in any court of justice, and the business would be disposed of twice as rapidly as now.

[Here the hammer fell.]

Mr. RUSK. The chairman of the Committee on Invalid Pensions has traveled away from the pending amendment, which proposes that $40,000 of this appropriation may be used for the investigation of frauds. I would ask that gentleman if he knows how much money has been collected back by this division of the Pension Bureau, in the last year, of pensions fraudulently paid?

Mr. JENKS. In response to that question I will say that I do not know, nor do I believe that any living man knows, or that anybody ever will find out.

Mr. RUSK. I will say that in round numbers it was over $200,000.

Mr. JENKS. Let me finish my answer.

Mr. RUSK. Very well.

Mr. JENKS. I will state that I have received letters from various parties that there has been a very large amount of money collected that has never been accounted for. Whether that is true or not I will not undertake to say. I will not make statements on this floor which I do not believe to be fully substantiated by conclusive and legal evidence.

Mr. RUSK. That is a matter of record. The gentleman does not answer my question. I desire to call the attention of gentlemen to the fact that my amendment proposes to furnish a certain amount of money for the detection of frauds. The Commissioner of Pensions has issued an order that all pension cases in this division in regard to which there is no charge of fraud shall be returned to the files. After that order shall have been executed, there will be left nearly two thousand claims in this division. I want to know if the gentleman wishes to leave these claims there, and permit these pensioners to remain on the rolls, although they are charged with drawing their pensions fraudulently? If not, then let a sufficient amount be set aside for this purpose, so that they can be investigated and all the facts ascertained.

The amendment of Mr. RUSK was not agreed to; upon a division ayes 44, noes not counted.

The Clerk read the following:

United States Patent-Office:

For compensation of the Commissioner of the Patent-Office, $3,600; for assistant commissioner, $2,700; for chief clerk, $2,250; three examiners-in-chief, at $2,700 each; examiner in charge of interferences, $2,250; trade-mark examiner, $2,250; twenty-four principal examiners, (one of whom shall be librarian,) at $2,250 each; twenty-four first assistant examiners, at $1,620 each; twenty-four second assistant examiners, at $1,440 each; twenty-three third assistant examiners, at $1,200 each; one machinist, $1,400; five clerks of class four, (one of whom shall receive $200 additional for services as financial clerk, and shall give bond in such amount as the Secretary of the Interior may determine;) five clerks of class three; twenty clerks of class two; and thirty-five clerks of class one; also, for twenty-six permanent clerks, at $1,000 each; for forty copyist-clerks, at $900 each; for three skilled draughtsmen, at $1,200 each; for one messenger and purchasing-clerk, $1,000; for one skilled laborer, $1,200; for four attendants in model-room, at $1,000 each; for four attendants in model-room, at $900 each; for forty laborers, at $720 each; for six laborers, at $600 each; in all, $370,220.

Mr. RANDALL. I am directed by the Committee on Appropriations to move to strike out "$3,600" and to insert "$4,000" as the salary of the Commissioner of Patents.

The amendment was agreed to.

Mr. HENDEE. I move to further amend the pending paragraph, so that it will read as follows:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,500; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,500; twenty-four principal examiners, (one of whom shall be librarian,) at $2,500 each, &c.

Mr. Chairman, the amendment adopted upon the motion of the chairman of the Committee on Appropriations was the first proposition embraced in my general amendment, so that this branch of my amendment may therefore be waived. As this amendment is somewhat lengthy, I wish to explain in detail its effect.

The present bill as now amended proposes to make the salary of the Commissioner $4,000; it was formerly $4,500. It proposes that the salary of the assistant commissioner shall be $2,700; I propose to make it $3,000. The salary of the chief clerk, fixed by this bill at $2,250, I propose to make $2,500. The examiners-in-chief, whose salaries in this bill are $2,700, will receive under my amendment $3,000 each. The examiner in charge of interferences and the trade-mark examiner will receive under this bill $2,250; I propose that they shall receive $2,500. The salary of each of the twenty-four principal examiners is fixed in the bill at $2,250; I propose to make it $2,500. In short, Mr. Chairman, the effect of my amendment is to allow to these officers the same salary they have been receiving during the last year.

As to the remainder of this paragraph, I think there should be no change. I believe the salaries of the assistant examiners and the clerks have been very properly reduced. But it strikes me under the circumstances that the officers embraced in my amendment should have their salaries restored to the present figure; and I will state my reasons.

I believe this Bureau is perhaps the only one in all the Departments which brings to the Treasury a revenue. I find by the report of the Secretary of the Interior that the number of patents issued during the past year exceeded those of the previous year by six hundred and eighty-five. The total amount received from fees during the year was $732,285.87, and the total expenditure $708,874.35, leaving an unexpended balance of $23,411.52.

Now inasmuch as this is a Bureau which is profitable to the Government, it occurs to me that we should strike no very serious blow at its efficiency. It seems to me further that this is a Bureau in which the Government should employ, one in which indeed it is obliged to employ, the very highest class of employés. They must be skilled in mechanics and have a full knowledge of patent law, besides being in many other respects men of ability. In order to retain suitable men in employment, we should pay them good salaries. It is now very difficult to keep the examiners in the employ of the Department, because as soon as they become familiar with the workings of the Department they leave it to go into the practice of patent law, in which they can make much more money than by remaining in office upon small salaries.

It is to be considered further that every person embraced in the classes to which I propose to restore the existing salary, obtains his appointment through competitive examination, and must be as a matter of course thoroughly posted in all that is connected with the workings of that Bureau in order to succeed, and when once in, I think it very desirable that his services should be retained.

The proposition which I submit adds to the expenditures proposed in the bill the sum of only $8,700. There will then be about $14,000 of surplus arising from the earnings of this Office over and above all its expenditures.

Mr. Chairman, as I have been permitted to submit some further and general remarks upon that part of this bill which relates to salaries I will now proceed to do so.

This question of salaries, especially of Members and Senators, is always very fruitful in debate. It possesses more elements that appeal to the selfishness of members than any other matter of the same importance that comes before Congress. It is a question in which every member has a direct interest, and I have sometimes feared that were it not for the ear of the reporters and the eye of the intelligent and reading voter the salaries of members would not be kept within those limits which the value of their services and the responsibility and expenses of the position demand. But, sir, I am willing to believe that every member of this House when he is called upon to vote upon this bill will do so conscientiously and will be controlled only by the same unselfish judgment and motives which dictate his action on other matters brought before us in which he has no direct personal interest. To believe otherwise would be unjust to my associates here, and a severe criticism upon the wisdom of that clause in the Constitution which gives to Congress the power to regulate and fix the compensation of its members. The duty of settling the question has been placed upon us, and for one I propose to meet it fairly and candidly.

No one man or body of men can judge nearly so well of the value of the services of Senators and Members of Congress, and of the expenses they are obliged to incur on account of themselves and families and in behalf of their constituents, as the members themselves. I do not mean by this that I should be the judge of the value of the services of my friend from Indiana, [Mr. HOLMAN,] or that he should be the judge in my case, but as a whole I maintain that this House must be the best judge as to the compensation its members should receive.

Mr. Chairman, a few days since the gentleman from Indiana laid down a rule in this matter of members' salaries. It was this: "That as a citizen in public employ should receive the same compensation substantially he would receive if he discharged the same service with the same integrity and competency in a private employment." I think this rule is subject to successful criticism. If the gentleman means what his language expresses, it seems to me that the rule is not susceptible of being put into practice. I admit, if we had any fixed standard of salaries in private employments in this country, or if we were to be governed by salaries paid in private employment in this city, it might and would be a good rule; but we come from every State in the Union, and the same is true of the clerks and other employés in the Departments, and my information is that no two States pay similar compensation for the same service. Official salaries even are hardly alike in any two States. A merchant's profits in New York may be annually $50,000, while the same man perhaps in another section of the same State, in the same business, could not realize one-half or even one-fifth of that amount. The same is true of the clerk, lawyer, or physician. The expense of living and the demands of society incident to the location where the services are performed have much to do in determining the amount of compensation. No, sir; it seems to me that if the rule of the gentleman was enforced, no two members of this House, no two clerks doing the same work here, would be entitled to the same salary, because each must be measured by the value of his services in his particular profession or business at his home.

If our pay is to be fixed by the standard of salaries of New York City we should receive many thousand dollars more than we do now, and if fixed by the standard of Vermont we should receive perhaps less than our present compensation.

In fixing the salary of the members of Congress certain matters should be considered.

First. How many months during a Congress we are detained here in service.

Second. The expense of living in this city during the time we are compelled to remain here.

Third. To what extent the official duties of a member interfere with his attending to his regular business during the recess.

Fourth. Whether the honor which attaches to the position should not be taken into account in determining the amount of pay we should receive.

Now upon the first point allow me to state what is a fact well known to us and the country. We are elected for two years, while under the present law of only one session annually we are kept here only an average of four or five months each year, and during the other seven or eight months every member does or can do much in his profession, trade, or other business to which he has devoted his life. I admit that his official duties interfere more or less during the recess with his private business, but it must be conceded that every member does or can earn for himself more or less while Congress is not in session. In short, Mr. Chairman, we really draw a thousand dollars for every month we are in actual service. This would seem to be a large salary, but when we come to contemplate the expenses and cost of living here, the expenses preparatory to congressional life, the expenses we incur in behalf of our constituents, the demands of charitable and religious institutions, and the cost of social respectability, the sum is not so very large. Of course members with families consisting of a wife and two or three children save nothing, while members with no family or only a wife can, if they will, realize something over all expenses incident to congressional life. We must not be governed by extreme cases either way, but determine the matter upon general principles, and decide as best we can what is fair and just to the members and Senators as a whole.

Now, sir, I maintain, and I judge from observation and some experience, that as a rule members and Senators can live comfortably, dress respectably, and answer all the other demands upon them incident to the position, and save something out of the salary named in this bill. If this is so, we should not hesitate to sustain the committee upon this point, because all will agree that salaries should never be so large as to make them an inducement for office-seekers and unprincipled men to obtain, nor should the compensation be so low as to prevent poor men aspiring to the position, as then these Halls would be filled only by men of wealth; an event which would almost prove that our free Government was a failure.

Generally speaking, low salaries are in the interest of the poor, but when applied to Senators and members of Congress they are in a very important sense in the interest of the rich. Congress is a place to which both classes aspire, and to the rich it is a pleasing position, as it affords an opportunity for display, fine dress, gilded equipage, and society life, neither of which, in my judgment, are essential to the proper discharge of our duties as members of this body.

I can very well see how certain gentleman can advocate and vote for $2,700. To them the salary is of no account whatever. They are rich, perhaps, or have no business or cares, and would be glad no doubt to spend their lives here without pay or hope of reward. But it seems to me when they urge such a proposition they think very little of the condition and the rights of that portion of the members of this House who cannot afford to spend their time here at a pecuniary loss. It is conceded that $2,700 will not furnish the member the ordinary and substantial comforts which he must have while residing in this city and provide the means to pay the incidental expenses of congressional life. No, sir; these gentlemen are doing a certain class of members a great injustice when they undertake to force the salary down to the sum of $2,700.

Mr. Chairman, let us keep the salary where men of ability and integrity, as well as rich men, can come to these Halls though they come from the humbler walks of life.

Now, sir, I am enabled under the present salary to live with my family as well as I desire, and as well as do the people whom I represent; and I should not ask anything better here than the plain, substantial, and healthful fare which my constituents enjoy at home. I can do this on the sum named in this bill. And while I am willing to consent to the reduction proposed in this matter, which will save about the sum of $200,000 to the Government, I protest respectfully but earnestly against any unjust or indiscriminate cutting down of the pay of clerks and other employés of the Government. Most of these salaries were established years before the war and during a democratic administration. At that time and until 1862, or thereabouts, the cost of living, dress, education, and other necessaries, were low and easily within reach of every frugal and industrious citizen. During the war prices went up but these salaries did not, but were left undisturbed. And now, although prices have not receded to the standard existing when the present compensation was established, it is proposed to cut them down 10 per cent., and why? For the purpose, as I maintain, of making up one of the issues upon which to elect a President. This generally occurs on the eve of such an election; and I look upon such an effort for such a purpose on the part of this House as beneath the dignity of the American Congress. As has been said, reduce the force to the lowest number possible, and not interfere with the proper and efficient working of the Departments, but do not thrust the knife into the already low salaries of the poor clerks, which have remained unchanged for the last twenty years.

I do not believe there is any demand by the people or the intelligent men of either party for the reduction of the salaries of a few hundred clerks in these Departments. Many of them have families to support, and the pay is hardly more than adequate to sustain them. They lay aside nothing, and many times when discharged are really objects of charity.

Now, sir, I do insist that while I am willing to have my own compensation reduced, I am not willing that a certain class of these men and women, who are doing the work of this great Government of ample resources and magnificent institutions, and made up of a people of generous impulses who desire and demand only that justice shall be done all its citizens, shall be required to receive less compensation than is now paid them.

If Congress would convene, attend to, and finish its legitimate business and adjourn, and not spend its time and that of the country for long months in listening to "buncombe" speeches and contending simply for the ascendency of party, I believe it would be approved by the people and would much more command the respect of the intelligent, thinking classes than it will by spending its time over an act to take from the clerks in Government employ 10 per cent. of their salary.

We have been in session now four months, and as yet nothing has been accomplished except what it is supposed will bear upon the great political contest now pending. But two or three of the appropriation bills have as yet passed this House. Witness the debate

upon this bill. It has been under consideration for six weeks or more, and we just now begin to consider the last half of it. Under the general debate we have had only three or four speeches that had any reference to the bill whatever. We have had several speeches, said to be on this bill, that referred only to the financial questions of the day; one two-hour speech on granting aid to a railway company, and one long, bitter, though pleasantly delivered speech on the rebellion, southern outrages, and carpet-baggers.

During quite a portion of the time this bill has been before us there was pending a bill which, if passed, would put into employment five or six hundred poor people who have been discharged because we have failed to make the proper appropriation, and, as a consequence, many of them have suffered for want of food and shelter. This fact became so notorious as to call forth comments in the press, and contributions had to be taken in the churches and Departments and in other ways for their relief. Is this not humiliating to the American Congress and to this great and free Government? And yet we hesitated, staggered, and blundered along and allowed time to pass until finally the bill passed. No, Mr. Chairman, if we confined our attention to the legitimate and necessary business of the sessions we should spend less time here, and of course would require less pay. I hope members will act independently, break away from the ranks if need be, and refuse to obey the beck of party leaders, that we shall do exact justice by the employés in Government service.

I am quite willing to admit that many of the salaries and the number employed are too large and should be reduced, and whenever the committee has reached these cases I am glad to sustain it. I refer in my objections to the reduction of the salaries of that class of employés whose salaries have long been established at present rates and who are unable to live respectably on less compensation. This is a time for economy, to be sure; but the economy sought to be carried out should be of that character that shall work no injustice, and one that any party can stand by before the people. You may make large reductions now and attempt to make capital out of it in the campaign, but when another winter the deficiency bills are presented, an event certain to occur, which shall show there has been no material saving to the country, then will be demonstrated the sham and the object will be completely unmasked. Let this attempt at economy originate and be carried out from honest and non-partisan motives, and no injury will be done and the country will rejoice in a favorabl result; but, sir, if in the zeal and selfish determination of party leaed ers for power there shall be a wrong perpetrated, unjust discriminations made, and in the end no real saving, then the country will condemn in no uncertain manner the party which inaugurates such false economy, whether in or out of power.

Mr. Chairman, I have great confidence in the committee and shall vote with them for the reduction of the force and expenses in these Departments in many cases, and in all cases where it is recommended and there appears no good reason why it cannot be properly done.

I believe, sir, we shall at an early day reach a firm business basis; that the money of the country will be the money of our fathers; that nothing will be allowed to circulate that is uncertain or fluctuating in its purchasing power; that all circulating mediums will be of equal value, and that our money when offered in other countries will be received at its face value. The country is anxiously waiting for the first light of such a day, and, I believe, will do all in its power to hasten its advent, and a bold move for true economy in salaries, dress, living, and in the mode and expenses of doing the business of the country, both public and private, will be of great power in accomplishing the result.

I have noticed, and I believe it to be a general rule among intelligent, thinking, business men, whether engaged in salaried employments or in private enterprise, that they live within the limits of their salary or the profits of their business. Now, sir, there are exceptions, but they are confined to men who drop suddenly and unexpectedly into large salaries or profits, or to men who become adventurous, or who lack judgment and foresight and never look beyond the tenure of office, or who miscalculate as to the nature and permanency of their business.

Mr. Chairman, in our action here we should not be governed by the exceptional cases, but should determine what are reasonable salaries, such as shall give the laborer, the clerk, and all other employés of the Government a competency for comfortable support, with a proper margin for contingencies and the purchase of the ordinary luxuries of life. Put the employé where he can feel that he is thus provided for, and his motto will be fidelity to his trust and to live within his income; but if he cannot feel this assurance, he will be restive, become negligent, unfaithful, and perhaps dishonest.

It has been said that this is a progressive age. I think, sir, it is a fast age. Progression proper must always be productive of good, must conduce to the healthfulness and permanency of business and the happiness of the people; but an age of high living, fashion, palatial residences with costly appointments, large profits, and inordinate salaries based on a depreciated currency, will always result disastrously to the business and financial interests of any country.

Give us gold or its equivalent, and with it let us go back to the primitive humbleness and honesty of the generation before us in our manner and kind of living and way of doing business, and confidence will be restored, business revive; and then will the truly progressive age take the place of the fast age in which we live.

The men and women in these Departments here who receive too large pay and live with the age save nothing, and if you pay them less their condition would be just as good as now and perhaps better, as it would lead them into a new and valuable study, the study of economy and how to live prudently and within their means; and, as I view the question, this bill, when properly amended, will have the tendency, wherever its influence is felt, to bring about most excellent results. I believe the employés of the Government will generally become more frugal, more solicitous as to their welfare, and hence much more valuable citizens.

Another valuable result of a proper reduction in the compensation of the public servants will be the effect upon the business men and private employés of the country. Their attention will be called to the question, and they will be led to follow the example we shall set. Expenses will be lessened, and economy generally will become, not at once, but gradually, one of the cardinal rules in the conduct of all kinds of business. There will be less clamor and effort for public positions, and the young men of the country will leave the overcrowded cities and make for themselves homes, and build up a permanent, independent, and honorable business of their own in the rural and unsettled districts. In my judgment there is no better place to initiate this reform than Washington, and no better time than now; and I have no doubt it may be done without detriment to the public service, and without injustice to any whom it may affect.

I maintain that this is not and cannot be made a party question. The necessity for a reform in this direction is recognized by the leading men of both great parties, and the republicans are to-day, as they have been in the past, vigilant in bringing the expenses of the Government to the lowest possible sum, and I hope the republicans in this House will co-operate openly and fearlessly with gentlemen on the other side in all just and reasonable reductions of salaries and other expenses of the Departments, and upon this issue you will find the republican party ready and willing to go to the country.

I have said that no doubt many of the salaries paid to employés here are too large; and while I admit this, I wish to say that, in my judgment, the compensation of many of the public servants in the country is perhaps too small, and in many instances I know it is unequal. Officers in the revenue, postal, and other branches of service, who cannot perform their duties without great expense, and who are compelled much of the time to be away from their homes, are none too well paid. Our revenues will always be largest when we have honest, faithful, and efficient officers in service; and the only way to collect the legitimate revenues of the Government and prevent loss and the recurrence of what are known as the whisky and post-tradership frauds, is to employ the best men, and pay them a full, reasonable compensation for their services. I believe the salaries in many if not all the different branches of service should be re-adjusted, and that men doing substantially the same work, with similar outgoes and responsibilities, should receive the same pay. This is not now the case. But I will not at this time pursue this point further, but hope the committee will consider it fully before the close of the session.

Now, Mr. Chairman, the people I represent are intelligent, frugal, and industrious, and noted, I believe, throughout the country for integrity, stability, and sobriety; all most noble traits. They live humbly, plainly, and prudently, and know but little, and care to know but little, of high, fashionable, or society life; and hence, when I vote for that true reform and retrenchment which shall tend to bring the people and the Government to a firm, steady, and economical basis, I know I represent my constituency faithfully, and in this I follow also the bent of my own inclinations.

Mr. Chairman, I have confined my remarks to the question, and wish to say that while I cannot agree with the committee in many of its recommendations, I do not feel it to be a duty to indulge in any severe criticisms or to put myself in the way of its carrying out any just and discriminate plan of economy and reform; but, sir, I believe, and I am led to this by the candid and apparently well-considered statements of members of the committee who have always commanded my respect, that the majority in this House are going so far, and as the consideration of the bill proceeds are following the lead of the majority of the committee so recklessly, that if the bill becomes a law as it will leave this House great injustice will be done, and the Government seriously crippled, and I predict that before November the democratic party will be brought by absolute demonstrations to see and acknowledge its errors upon this most important issue. The people discriminate as closely as do their representatives. They weigh and consider all these questions as candidly, carefully, and impartially as do we. Their stand-point is as safe as ours, and not being moved by the heat of partisan debate and the many other debasing influences which always surround heated contests for power, they will, in my opinion, judge more wisely as to the errors in this bill if it passes in its present form than the gentlemen on the other side now comprehend or will hereafter be willing to concede. The country will attach the blame, if error is committed, where it belongs, and no party, however strong, can shirk the responsibility. There is no sentimentalism in this question, and the people cannot be swayed in their judgments and votes by sensational, unguarded, or colored speeches. With them it is a plain matter of business, and they look to us to settle all such questions upon the most simple, honorable, and practicable business principles. And I wish only to add that when, in

my judgment, the committee has reached and proposes to correct an evil I shall try and rise above mere party considerations and sustain it, but when I am satisfied that it is committing an error, I shall oppose it to the full extent of my power, fearlessly and openly, believing that duty leads me thus far and no farther.

Mr. RANDALL. In reply to the gentleman from Vermont [Mr. HENDEE] I wish to state that this Bureau is the best paid in the Government. The amendment of the gentleman proposes, as I understand, that the 10 per cent. reduction in salaries shall not affect this Bureau, while it shall operate with respect to all the other Bureaus of the Government. Now, in view of the fact that this is absolutely the best paid Bureau in the Government, I think there would be no propriety or equity or sound judgment in adopting the amendment If there is any Bureau in the Government which should be subjected to the 10 per cent. reduction it is this. As to the gentleman's argument that the salaries should be enlarged because this is a paying Bureau, it might as well be argued that extravagant salaries should be paid in the Internal-Revenue Bureau or the Customs Bureau because those Bureaus yield a revenue. It seems to me there is no firm foundation in logic for such an argument. I hope the amendment will not be adopted.

Mr. HENDEE. The gentleman will allow me to state that I based my amendment upon the ground that the class of employés to whom it applies are a different class from any whose salaries are reduced in other parts of this bill. That a higher order of talent is required, and hence that the old salaries were none too large.

Mr. RANDALL. Yes; and they are receiving very high salaries. For instance, examiners-in-chief have been receiving $3,000, while a fourth-class clerk has received but $1,800. The reductions proposed in this Bureau are less relatively than those proposed in any other except the Pension Bureau. Of course we did not want to touch the Pension Bureau unless we felt absolutely certain that no harm could result. In the Patent Office there have been one hundred and fifty-eight clerks and copyists, and we leave one hundred and thirty-one, a reduction of only twenty-seven—much less than 20 per cent.

Mr. SAMPSON. I move to strike out the last word.

Now, it appears to me, Mr. Chairman, there are some facts in relation to this Office which the Committee on Appropriations have certainly overlooked. It is well known this Office is self-sustaining; that fees are collected for all work done and those fees paid into the Treasury; and further, that annual appropriation is made to defray the expenses of the Office. The surplus in the Treasury to the credit of the Patent-Office fund at this time is $952,800; and, if the increase in receipts for the current quarter is as great as for the last quarter, on the 30th of June next the surplus to the credit of this fund will be over $1,000,000.

There is one point, Mr. Chairman, to which I would like to call the attention of the gentleman from Pennsylvania, and to which he has not adverted in his reply to the remarks of the gentleman from Vermont, and that is every dollar of this money is paid by a particular class, by the inventors of the country. The general tax-payer does not pay one cent. This enormous surplus to the credit of this patent fund, which will amount on the 30th day of June next to $1,000,000, has all been paid by inventors and dealers in patents and those procuring trade-marks. It is their money, and it seems but fair the business for which they pay and which is run exclusively upon their funds should be attended to well and promptly. They are entitled at least to that consideration. Of course not a cent should be wasted, but I say the inventors of the country who pay this money are entitled to have their business well and promptly attended to. That is my proposition.

Now, what is the fact? The reduction in the amount of appropriation in this Office below what it was last year is $159,000, and over $113,000 less than the estimate. The reduction in laborers, copyists, pasters, and folders amounts to forty-one. The increase in revenue in 1874 over 1873 was $35,000, and in 1875 over 1874 $5,000. The increase in the last quarter over the corresponding quarter of last year was $35,000. The increase in the number of applications for patents in 1874 over 1873 was 1,188, and in the number of patents granted 735. The increase in the number of patents granted in 1875 over 1874 was 2,689. From this it will appear the increase of the business of the Office is more than 10 per cent. per annum, while the reduction in force of that Office is something like 17 per cent., leaving a difference of about 25 per cent. in the amount of force and labor over the preceding year.

What is the result? According to the estimate of the Commissioner of Patents it will be impossible for that Office to perform the work it will have to do. The work done is paid for by fees, and of course the less the work done the less will be the fees. The appropriation should be sufficient to perform the work to be done, and for which work the Government receive payment by fees. The more work done the more fees will be received. This reduction on the part of the committee, therefore, is absolutely cutting off revenue by reducing the force. There is work to do, and the money will be paid for it when it is done; still they refuse to furnish the force to do it.

[Here the hammer fell.]

Mr. RANDALL. In reply to the gentleman I wish to direct his attention to the fact we have made no reduction whatever in the higher class of officers in this Bureau. If there is a legitimate source of revenue I know of it is from these patentees. There are some here who would like to break up, or at least to abridge the system of giving enormous fortunes to these patentees. Take for instance the sewing-machines. The whole people of the United States are made to contribute enormous sums of money annually on sewing-machine patents, thereby accumulating vast wealth for the few. So, too, with patents for agricultural machines. The wealth realized in this regard from the body of the people is enormous. Yet they now come here and say the expenses of this Patent Office should not be cut down. I never heard of such a proposition before. The trouble is they ought to be made to contribute toward the support of the Government which gives them a monopoly, additional sums of money instead, while taking by indirection out of the pockets of the people enormous wealth.

Mr. SAMPSON. I would like to correct the gentleman. As I understand, he infers that I am in favor of cutting down the fees?

Mr. RANDALL. I do not infer anything. The gentleman stands here and wants these high salaries shall not be reduced, because the fees come out of the pockets of the patentees. He says they ought to be allowed to come in here and have every facility for the granting of patents. I think the policy of this Government should be in a different direction.

Mr. SAMPSON. Then why does not the gentleman abolish the office altogether?

Mr. RANDALL. I am not quite certain whether I would not.

Mr. SAMPSON. If the gentleman is in favor of breaking down the inventors of the country, then let him say so.

Mr. RANDALL. I do not propose it. The gentleman is speaking in my time. I am not quite certain whether the whole system of patents in this county should not be broken up. As I said before, take your sewing machines, take your agricultural machines, and what have they done? They have laid contributions upon the body of the people. I have no idea this Bureau shall have any greater facility than they now have. I re-affirm the fact that the compensation in this Bureau is larger than any other under the Government.

Mr. WILSON, of Iowa, was recognized, and yielded his time to Mr. SAMPSON.

Mr. SAMPSON. I think the gentleman from Pennsylvania [Mr. RANDALL] has entirely misunderstood the object of this amendment and the purpose I had in view in advocating it. The reason why I support the amendment of the gentleman from Vermont is that we may receive as large a revenue from this office as possible; that is, that all the business there is there to do, shall be done, and promptly done.

I supposed that that Office was sustained upon the theory that it was the policy of this Government, and a good policy it is, to favor inventors; that it will result in the rapid increase and the rapid progress of arts and manufactures in this country. I supposed that it was received as a fact, a historical fact, that protection to inventors in this country had resulted in rapid progress in the arts and manufactures.

But I did not desire to go into that subject. My object was simply to say that what work there was in this Office ought to be done, and the force ought to be sufficient. Now I desire to say that if the salaries of these examiners are reduced the probability is that those men who have been there for years, or for a considerable time, and are well acquainted with the business, will leave their places; that we will have incompetent examiners; that the work will not be well done; and for that reason I advocate this amendment. I think it is in the interest of economy and in the interest of the people. Now what is the fact? If we have examiners who are incompetent to pass upon these applications for patents the result is that 10,000 frivolous patents will go abroad through the land. They will not be competent to determine what are new and useful. We want competent men there, and if we put in men there who are not competent, who are not skilled, the result is that these frivolous patents are scattered over the country, and a great many patents are granted that never ought to be granted; old ideas are taken up that have been known hundreds of years, and patents are issued for them from that Office through the ignorance of the examiners. I say we need the very best skill, and the best knowledge, and the best experience here in this Office, and we cannot get it if we reduce the salaries of these officers.

I wish to call the attention of the House to the following statement by the Commissioner of Patents. He says, speaking of these examiners:

> The present salary is not sufficient to induce gentleman of adequate skill to remain in the Office. The usual practice is to appoint them to the grade of third assistant, allowing them to work up to the superior grades as their qualifications and the vacancies may permit. Speaking in general terms, it may be said that it requires six months to attain such knowledge of the class as may render them very serviceable in their rooms. Advancing with the various grades, their knowledge of office practice and of the class to which they have been attached becomes more accurate, and by the time they reach the position of principal examiner the knowledge required is such as to render their services in positions outside of the Office worth more than their salary received therein. This difficulty is already quite an embarrassing one to the Office, even at the present figures. As many as five of our principal examiners are understood to be making preparations to leave, and one has already left.

Now, sir, the fact is it is impossible to keep competent examiners there even at the present figures, and I say the people are deeply interested in having competent men in that Office.

Mr. HENDERSON. I do not desire to discuss the amendment which has been offered. I wish merely to say that Mr. JOYCE, of Vermont, who was called home last week on account of the death of

his mother, had prepared some remarks on this amendment which he desired to have printed in the RECORD, and I make that request on his behalf. I also ask that the letter which accompanies his remarks may be read at the desk.

There was no objection, and the letter was read. It is printed with Mr. JOYCE'S remarks, which are as follows:

Mr. JOYCE. Mr. Chairman, I cast no reflections upon the other Departments of this Government, and do not detract one iota from their just and well-deserved fame when I say that the Bureau of Patents has been, with few exceptions, peculiarly fortunate in its chiefs, and that it is now presided over by a gentleman whose honor, integrity, and capacity is beyond question or reproach.

And, sir, I only echo the unanimous sentiment of all who know him, or have come in contact with him, either in public or private life, when I say that Judge R. H. Duell, the present Commissioner, is in every way eminently qualified for his position, and that he not only performs his duties to the acceptance of the Government, but to the entire satisfaction of all who have occasion to do business at that Department.

The duties and labors of the Patent Bureau not only require judgment, capacity, and talent at the head, but samples of their work disclose the finest and most ingenious specimens of the mechanical skill of the employés to be found in this or any other country.

The importance of this branch of the public service to the people of this country cannot be overestimated, and the framers of the Constitution were so impressed with this fact that they incorporated into that instrument a provision giving Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

In accordance with the purpose disclosed in this provision of the Constitution, Congress and the courts, commencing as early as 1790, have in every way and manner possible encouraged the spirit of invention and discovery among the people, the inestimable benefits of which are now felt in every calling and avocation of mankind.

The people of this country, among all their other eminent and distinguished qualities and characteristics, have always been particularly celebrated for their designing and inventive genius and capacity, and the encouragement this class of citizens has always received at the hands of the General Government has developed these elements to such an extent that there is now no article or machine, from the mammoth steam-engine to the tiny mouse-trap, which has not been remodeled and improved by their creative powers and mechanical skill, until their name has become a synonym for every useful invention and improvement, and the Patent building in this city has become the Yankee's curiosity shop and the wonder of the world.

The inventors and discoverers of this country are among the most intelligent, industrious, and useful of our citizens, and are growing more and more so as they become more skilled and experienced in the silent and unobtrusive work to which they devote their money and their lives.

Their triumphs are among the most noble and illustrious that have ever been achieved in the world's history, and unless their efforts are crippled and their energies paralyzed by a sordid cupidity and mistaken policy on the part of the Government, it will be demonstrated that they are now only in the very inception and infancy of their great and magnificent work of aiding science, relieving labor, and blessing humanity.

In common with the whole country, the people of my State take a deep interest in this matter, and they look upon the policy proposed in this bill, of reduction in that Department, with anxiety and alarm. Many of her best citizens are earnestly engaged in the work of invention and the manufacture of patented articles, and all of them are interested in the proper and efficient working of the Department. Her people furnish the standard scales for the world, and the stone-cutters, saw-mills, water-wheels, forks, and machinery of all kinds for the working of wood, marble, and slate, invented and manufactured by her artisans are famous in every civilized country on earth.

As indicating more clearly than I can do the feeling of business men and manufacturers of Vermont as touching this matter, I desire to have read by the Clerk a letter I have received from one of the best conducted and most enterprising manufacturing companies in my district, which is doing a large amount of business and paying large sums of money annually at the Patent Bureau, and who, therefore, realize more fully the great injustice sought to be accomplished by this bill:

OFFICE OF THE LANE MANUFACTURING COMPANY,
Montpelier, Vermont, March 29, 1876.

DEAR SIR: As manufacturers of patent machinery we are interested in whatever affects the administration of our patent laws, and we would join most heartily in the very general protest of the inventors, solicitors, and machinery-builders of the country against any attempted reduction in the number and pay of officers of the Patent Office, such as we understand is contemplated by House bill 2571.

As long as the Office is self-supporting, we see no reason why sufficient salaries should not be paid to insure the retention of competent help. Even were the case somewhat different, and a deficiency of millions annually arose by reason of the proper administration of the Patent Office, it would be a damage to the country, and especially to important interests that should be fostered, to make efficiency subordinate to cost. It may be questioned whether present salaries are as high as they should be, and perhaps it would be about as well to abolish the Office altogether as to very materially degrade its efficiency. We hear of no complaints in regard to fees nor do we understand that the charges to inventors are to be made any lower in case the bill becomes a law. The circular of the Commissioner of Patents dated March 17, which you probably have before you, presents, as it seems to us, unanswerable arguments in favor of leaving the Patent Office *personnel*, salaries, &c., as they are.

We beg that you will not only vote against the proposed reduction, but do what you can in other ways to convince members of the injustice of taxing inventors more than other classes for the general expenses of the Government. Doubtless cheaper men may be found for every position in the country; but would it be advisable to give out places to the lowest bidders? A single blunder may cost more than the whole administration of the Office for a year, and what we want is a higher rather than a lower grade of employés in every place in the Patent Office.

Very respectfully, yours,

LANE MF'G COMPANY,
By M. TAPLIN, *Secretary.*

Hon. C. H. JOYCE, *M. C.*,
Washington, D. C.

There is another thing which merits attention in connection with this subject, and that is that while every other Department of the Government is calling for large annual appropriations this one is not only self-sustaining, but after paying all expenses actually yields a revenue of many thousands of dollars to the Government yearly, amounting in 1873 to $12,012.79, in 1874 to $58,989.76, and in 1875 to $21,795.65, every penny of which, as I understand it, is paid by the inventors and those who manufacture patented article. That Department, as I am confident, is now run on the closest principles of retrenchment and economy, and has the most perfect and effective organization.

You propose in this bill, by cutting off fifty-seven of the three hundred and fifty-one employés now in the Department and reducing the wages of those retained, in the aggregate $153,860, to well-nigh destroy the organization of the Bureau, and so limit its effective working force that it will be impossible to do the current work of the Office. This policy, if consummated, will cause a loss of revenue to the Government, and fall with crushing weight upon the inventor and manufacturer.

Again, Mr. Chairman, the inventors, authors, and discoverers of this country are a class of men the Government cannot afford to limit and cripple, and the men who propose or advocate such a policy are deficient in true statesmanship, and fail entirely to meet the demands of the people or to comprehend their duty as legislators. They are the men who give life and impetus to every branch of science and every material industry of the country. They are the men who met and defeated the combined powers of the Old World at London, at Paris, and at Vienna, and, unless you ruthlessly bind them hand and foot by the withering provisions of this bill, will give you a glorious victory at Philadelphia.

The fact that other Departments have been cut down is no reason why this should be; let each stand upon its own merits and necessities; because you have unwisely impaired the power and efficiency of the others furnishes no argument in favor of destroying the usefulness of this, and quenching a spirit you ought above all things to foster and encourage.

No man or set of men, no interest or calling, no State or section demands this reduction; but, on the contrary, they all with one accord and one voice protest against it.

I hope therefore that the bill will be amended, and that this Department, at least, will escape the ravages of the destroyer and be allowed to proceed with their work, so that the democratic party may at the end of this session have one thing to be proud of.

Mr. CHITTENDEN. I move to strike out the last word. I believe I have in me a more unpopular speech on this general subject than it is possible for any other man in the House to make; but I am not going to attempt to make it now. It would take me more than five minutes; but I will say that I have not yet got over the impression made upon me about fifteen months ago on one of the first days after my entrance into this city as a member of the House by seeing four thousand employés of the Government marching out of the Treasury building after five or six hours of work, which was called a day's work. I believe, sir, that the man or the men who enacted by law that eight hours are a day's work did more injury to the laboring-people of this country than this Appropriation Committee can do good in twenty years. We see it here; we see it in every Department of the Government service that the people employed work half a day and are paid for the whole day. I do not hesitate to say that there is not an honest business man anywhere who can prosecute business successfully where the laborers and employés are only occupied six hours a day.

I cannot, sir, approve the general principles upon which this appropriation bill is founded. But it is a step—in my judgment a blind and imperfect step—in the right direction But let me say that that letter which has just been read should receive the disapprobation of every member of this House. Under the existing state of things in this country, when the employés of the Government, especially in Washington, are only expected and only required to work six hours a day, the talk of maintaining the present system of salaries is preposterous. I believe in paying worthy men and competent men in any position what they are fully worth; but I say again there is no business, no manufacturing business, no commercial business, no professional business, no business whatever which can be prosperously conducted in this country on the system of half-day's work which the Government has adopted.

Well, now, what is the remedy? We cannot cure this gigantic evil in an hour, but I am thankful that this bill provides that Government employés shall be required to work eight hours a day, and when

they are prepared to work, as all successful men do work in every other employment, ten hours a day, or twelve hours if it is necessary, I will vote to raise their salaries.

Sir, there is not, in my judgment—and I say this deliberately, for it is a thought that has oftentimes come to me—an advocate of the eight-hour law who ever succeeded in life. I undertake to say that there is not a prosperous business man in the United States, not a prosperous clergyman, not a prosperous lawyer, not a prosperous physician, that there is not a prosperous man in the country who has been an advocate, life-long, for limiting the hours of labor. Sir, I am not, of course, in favor of exacting from Government laborers and employés more than eight hours a day at the present time, but I think that this bill ought not to pass without it being distinctly understood that no head of any Department or of any Bureau is at liberty henceforth to employ anybody without the distinct understanding that eight full hours will be required as a legal day's work.

Well, when you have obtained that what have you accomplished? I am confident that under a stern recognition of what is right and what is necessary in that respect, in nearly every Department in Washington two men might be employed where three may be found now. In my brief experience here I have very rarely found a clerk in any of the Departments who is required to do anything like half a day's work, measuring it by the requirements of a first-class commercial establishment.

Mr. Chairman, I had no thought when I rose of going into these matters. I intended to say in a word that I saw no reason whatever why the amendment proposed to this part of the bill should be adopted.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, some of the rules which govern the laws of labor and the emoluments of labor may seem very unjust and very unusual. In the Patent Office the employés are required, all of them, to work eight hours a day, and do it continuously. The examiners work from eight to sixteen hours a day to my certain knowledge.

Mr. RANDALL. We have not reduced them in number.

Mr. CONGER. Not in number, but in salary. I have a word to say about the reasons given by the chairman of the committee, if I have an opportunity to do it; but I want first to answer the gentleman from New York, [Mr. CHITTENDEN.]

Let him tell this House by what rule it is that a man who has spent forty-eight or fifty years of his life, not yet gray, has been enabled to pile up a fortune of millions with his work and his labor and his industry when other men far older than he are as poor as Lazarus was at the gate.

Let my friend's philosophy review the whole field of human labor, and let him think of the toiling millions of this country who live from hand to mouth and work six hours, eight hours, fourteen hours, and twenty hours a day, starving as they go; and let him wonder in his philosophical reflections how it happens that he has been so highly favored above all other men that with the amount of labor he has been able to bestow, whether in eight, twelve, or fourteen hours, a day's work, he has accumulated millions which if distributed among the vast mass of the people would bring joy and happiness, to say nothing of food and comfort, to millions of men in the country.

Mr. Chairman, I like to hear men who have gone through days of toil and nights of trouble give their experience and their advice in this House. I do not like that it should be handed down to us from the thrones of the merchant princes of the land to the poor, weary, down-trodden laborers of the country. [Laughter and applause.] There is a philosophy which will teach that the distribution of vast accumulations of wealth adds vastly to the comforts of the poor and of the suffering. They need not be derided in their days of toil. In God's name let them alone. I, too, had when I first came to this Capitol an exhibition of the condition of the clerks here. I saw several hundred clerks following the dead body of one of their number who had been forty long years in the service of this Government, in high and honorable positions as a clerk, and when he did die and when he was borne to his last resting-place, the contributions of his fellows furnished his coffin and paid for the digging of his grave, and he had not one cent in the world for his hours of sickness, nor one cent left to bury him from the gaze of his fellow-men. I saw that spectacle as hundreds did here; that sad body of men wending their way past this Capitol, following a man who commenced his services as a clerk in these Departments before many of these members here were born. That was his last resting-place; that was his history. He was faithful, honest, and true to this Government through it all. And that is not the only instance of the kind.

Now, I would like to ask the chairman of the Committee on Appropriations, wise above all other men in this House—and I make that assertion because I think the gentleman will not deny it himself, [laughter]—I ask him what possible connection there is between the salary of a clerk or an examiner in the Patent Office and the fortunes of millions that are amassed by the builders of sewing-machines and agricultural machines?

[Here the hammer fell.]

Mr. RANDALL. I will accept the statement of the gentleman from Michigan [Mr. CONGER] as to wisdom, [laughter,] and will ask that the debate on this paragraph may be closed.

Mr. CHITTENDEN. I ask the indulgence of the House for one word.

The CHAIRMAN. Debate is exhausted.

Mr. CHITTENDEN. I will not occupy more than a minute.

Mr. RANDALL. In view of the assault made upon the gentleman from New York, I must give him an opportunity to hit back. [Laughter.]

Mr. CHITTENDEN. To show the gentleman from Michigan [Mr. CONGER] that he does not know to whom he was talking, I will tell him that I served as a clerk six years; that the last year of my clerkship I had my board and $100 in money. I worked sixteen hours every day but Sunday, and never had one half day's holiday during the year. Now, if after that statement of fact the gentleman wishes to repeat his speech on any future occasion I will listen to it in silence. [Laughter.]

Mr. CONGER. One word.

Mr. RANDALL. O, no.

Mr. CONGER. O, yes.

Mr. RANDALL. I object.

The CHAIRMAN. The gentleman from Pennsyivania [Mr. RANDALL] has the floor.

Mr. CONGER. Then I will wait till the gentleman is through.

Mr. RANDALL. I move that the committee rise for the purpose of obtaining an order from the House to close debate upon the pending paragraph.

Mr. VANCE, of North Carolina. I hope not; I want to offer an amendment.

Mr. RANDALL. I do not propose to cut off amendments.

Mr. VANCE, of North Carolina. I want to explain my amendment.

The question was taken on the motion that the committee rise, and it was agreed to upon a division—ayes 88, noes 39.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole, and pending that motion I move that all debate upon the pending paragraph close in one-quarter of a minute.

Mr. LAWRENCE. Say half a minute. [Laughter.]

Mr. CONGER. I move to amend so as to allow five minutes for debate; and if that motion is debatable I desire to debate it.

The SPEAKER *pro tempore*. That motion is not debatable.

Mr. VANCE, of North Carolina. I move to amend the amendment so as to make it ten minutes.

Mr. CONGER. I accept the amendment.

The amendment, as modified, was not agreed to.

The motion of Mr. RANDALL to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was then agreed to.

AMENDMENT OF PENSION LAWS.

Mr. COX. At the request of the gentleman from Ohio, [Mr. GARFIELD,] I ask that a joint resolution of the Legislature of his State in relation to the pension laws may be printed in the RECORD.

There was no objection.

The resolution is as follows:

Joint resolution requesting our Representatives and instructing our Senators in Congress to have the pension law amended.

Whereas a large number of wounded soldiers of the late Union Army from various causes have failed to make application for pensions within the time specified by law who are anxious to do so, but who are now barred by limitation of law: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Representatives in Congress be requested, and our Senators instructed, to use their earnest endeavors to have the law so changed or amended that those entitled to pensions may now be permitted to make application for the same.

Resolved, That the governor be requested to forward to each of our Senators and each member of Congress from Ohio a copy of these resolutions, together with the action of the General Assembly thereon.

C. H. GROSVENOR,
Speaker of the House of Representatives.
THOS. L. YOUNG,
President of the Senate.

Adopted March 27, 1876.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House, pursuant to order, resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The pending amendment was the one offered by Mr. HENDEE.

Mr. CONGER. With the leave of the committee, I will occupy the one minute allowed for debate.

Mr. RANDALL. Only a quarter of a minute.

Mr. CONGER. Will the Chair state what was the order of the House?

The CHAIRMAN. The Chair understands that the order of the House was that debate on the pending paragraph shall be limited to one minute.

Mr. CONGER. I will occupy that time in calling the attention of the chairman of the Committee on Appropriations, as I attempted to

do before, to this question, which he can answer on some other paragraph: What possible connection is there between salaries of employés in the Patent Office and the amount of money which people have received from patents for sewing-machines and agricultural machines?

Mr. RANDALL. I can tell the gentleman.

Mr. CONGER. Not in the minute, which is all the gentleman would allow me. The payment of a fee for a patent is the same in each case, whether it be a patent for an improvement in making a horseshoe nail, or for the largest engine or machine that ever was made; there it no difference in the fee for a patent. A patent for a sewing-machine costs no more than a patent for a machine to make a horseshoe nail. The gentleman from Pennsylvania [Mr. RANDALL] may not be aware of that. I should not wonder, from the character of this bill, that the gentleman may think that the Patent Office charges in proportion to the profits that may be made from the machine. I am sorry to have to say these things, when the gentleman cannot answer them, but that is not my fault. The gentleman seems to think there is a payment of fees into the Patent Office in proportion to the profits which the patent will bring to the inventor or the assignee of the invention. That seems to be the character of this bill.

[Here the hammer fell.]

The amendment of Mr. HENDEE was not agreed to.

Mr. VANCE, of North Carolina. I move to amend the pending paragraph so as to provide for "six clerks of class four, (one of whom shall receive $200 additional for services as financial clerk, and shall give bond in such amount as the Secretary of the Interior may determine;) seven clerks of class three; twenty clerks of class two; and thirty-five clerks of class one; also, for twenty-six permanent clerks, at $1,000 each; for fifty copyist-clerks, at $900 each."

Now, Mr. Chairman——

The CHAIRMAN. By order of the House all debate upon this paragraph is exhausted.

Mr. VANCE, of North Carolina. I understood the order to be to close debate upon the pending amendment.

Mr. RANDALL. My motion was to close debate on the pending paragraph. The gentleman will recollect that I told him my object was not to cut off amendments, but to close debate.

Mr. VANCE, of North Carolina. I ask unanimous consent, in behalf of my committee, to make a few remarks.

Mr. RANDALL. How long?

Mr. VANCE, of North Carolina. You can limit me to four or five minutes.

Mr. RANDALL. Well, go ahead.

There was no objection.

Mr. VANCE, of North Carolina. I offer this amendment to this paragraph by instruction of the Committee on Patents. It is the opinion of that committee that the force of this Bureau ought not to be cut down, or if cut down, it should be done with great caution. As has been stated, the Patent Office occupies a different position toward the Government from any other Department. No taxes are laid upon the people to sustain the Patent Office. It is supported by the inventors of the country; and, as will be seen by the official figures, during the last ten years nearly a million dollars has been covered back into the Treasury from the receipts of this Office. Its business is steadily increasing.

Let me read the receipts for the last quarter:

	Receipts.	Expenses.
January	$72,000	$52,000
February	74,000	52,000
March	80,000	56,000

The excess of receipts over expenses for the last quarter, ending March 31, was $65,891; and the excess of receipts for that quarter over the corresponding quarter of 1875 was $35,000. The decrease in expenses for the last quarter as compared with the corresponding quarter of 1875 was $13,464.

As chairman of the Committee on Patents, I have felt it my duty to look into the condition of affairs there; and I have been assured by those in authority that the force cannot be cut down without retarding the work in the Office. That work is already behind; yet the business is constantly increasing. Some of the inventors of the country have written to me and others have called upon me to remonstrate against cutting down the force of this Office.

Let me suggest that, if you cripple the force in the Patent Office, you absolutely cut off a part of the revenue of the Government; because the work will be retarded, men will not succeed in getting their patents, and consequently the receipts of the Office will be diminished.

In regard to the copyists, I am told that their salaries are paid from fees for copies furnished to lawyers and other parties, and that the force proposed in this bill, forty in number, is not sufficient to carry on the work. I hope that at any rate the amendment which I offer will be adopted.

Mr. RANDALL. There are about two hundred and sixty employés in this Bureau. As to one hundred and two of the highest officers in the Bureau we have not made any reduction of force. The number of clerks, heretofore one hundred and six, we reduce by eighteen, and the copyists are reduced from fifty to forty. This is the least reduction we have made in any branch of the Government.

The question being taken on the amendment of Mr. VANCE, of North Carolina, it was not agreed to, there being—ayes 58, noes 83.

Mr. SAMPSON. I move to amend by striking out, in line 1327, the word "four" and inserting "six," so as to provide for "six attendants in the model-room." I would like to make a remark or two upon this amendment.

The CHAIRMAN. Debate is exhausted under the order of the House.

Mr. SAMPSON. I ask unanimous consent to make a statement in reference to this amendment.

Mr. RANDALL. I object.

The amendment was not agreed to.

Mr. SAMPSON. I move to amend by inserting after the word "each," in line 1332, these words: "for sixteen pasters and folders, at $480 each."

The amendment was not agreed to.

The Clerk read as follows:

For contingent and miscellaneous expenses of the Patent Office, namely: For stationery for use of office, repair of model-cases, stationary portfolios for drawings, furniture and labor connected therewith, repairing, papering, painting, carpets, ice, advertising, books for library, moneys refunded, printing engraved patent-heads, international exchanges, plumbing, gas-fitting, extra labor on indexes and abstracts for annual reports, fitting rooms, temporary clerks, laborers, and other contingencies, $60,000; and no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

Mr. HENDEE. I move *pro forma* to amend by striking out the last word. In the absence of my colleague [Mr. JOYCE] who left the letter which has been referred to to be read, I wish to do justice to the parties who wrote the letter. The gentleman from New York [Mr. CHITTENDEN] has called down upon this letter and its writers the condemnation or disapprobation of this House, which I think was unjust and unkind. Perhaps the gentleman said in the heat of debate what he would not have said in a less excited moment. I am personally acquainted with the gentlemen connected with the firm which has addressed this letter through my colleague to the House. They are known in my section as leading men, men of intelligence and integrity, men of the very highest character, and I believe respected throughout my State. They have couched their letter, which is simply a petition to this House, in the most respectful language. They merely say in this letter that the inventors should not be taxed higher than other classes for the general expenses of the Government; that we should employ a higher grade of men in these positions rather than put them up to the lowest bidder; that the employment of men of character and ability would prevent blunders which might cost more than the entire expenses of the Bureau; and that, as the Bureau is self-sustaining from fees paid by the people, there is no reason why competent men should not be employed to carry on its business.

Now we have always recognized the right of petition on the part of the citizens of the United States; and it seems to me that when persons come here in proper form, couching their request in proper and respectful language, it does not become any member of this House to say aught against the petition or the parties who may sign it.

I make these remarks merely because my friend and colleague [Mr. JOYCE] is not here to defend these gentlemen, who are his constituents, and because I do not mean to see any injustice done to any citizen of the State I have the honor in part to represent.

Mr. CHITTENDEN. I did not mean to say anything against the writers of the letter; I was only criticising its principles.

Mr. HUBBELL. I offer the following amendment, which has been submitted to the gentleman from Indiana, [Mr. HOLMAN,] a member of the Committee on Appropriations:

Add after line 1350 the following: "The work to be done under the supervision of the Commissioner of Patents, in the city of Washington."

Mr. RANDALL. I supposed the whole of this work is done under the supervision of that officer. I see no objection to the amendment so far as I know. I should like to ask the gentleman whether they do any of it outside the office?

Mr. HUBBELL. It is let by contract. This includes back issues.

Mr. RANDALL. Let me ask the gentlemen whether this amendment will break up the system of letting to the lowest bidder?

Mr. HUBBELL. Not at all.

The amendment was agreed to.

The Clerk read as follows:

For contingent, namely: Stationery, cases for library, library, current educational periodicals, cases for official records, other current publications, completing valuable sets of periodicals and publications in the library, telegraphing and expressage, collecting statistics, and writing and compiling matter for annual and special reports and editing and publishing circulars of information, fuel and lights, office furniture, contingencies, $1,210.

Mr. RANDALL. I move in lines 1376 and 1377 to strike out "contingencies, $1,210," and insert "$4,000."

The amendment was agreed to.

The Clerk read as follows:

For surveyor-general of California, $2,700; and for the clerks in his office, $20,000.

Mr. RANDALL. I move to strike out "20" and insert "10."

Mr. HOLMAN. I move to amend by striking out "10" and insert "8," so that it will read "$8,000."

Mr. RANDALL. I accept that amendment to make it "$8,000."

The amendment, as modified, was agreed to.

The Clerk read as follows:

For surveyor-general of Nebraska and Iowa, $2,000; and for the clerks in his office, $6,000.

Mr. HOLMAN. I think there is no necessity for appropriating so large a sum as $6,000 for clerical hire in Nebraska; I move to reduce it to $2,500.

The amendment was agreed to.

The Clerk read as follows:

For surveyor-general of the Territory of Utah, $2,500; and for the clerks in his office, $4,500.

Mr. RANDALL. I move to strike out "$4,500" and insert "$5,000."

The amendment was agreed to.

The Clerk read as follows:

For surveyor-general of the Territory of Arizona, $3,000; and for the clerks in his office, $6,500.

Mr. FORT. I move to strike out "$3,000" and insert "$2,500." Why should the surveyor-general of Arizona have $3,000 when other surveyors-general are only allowed twenty-five or twenty-seven hundred dollars?

Mr. RANDALL. Let the gentleman submit his amendment.

Mr. FORT. I have moved to make it $2,500.

Mr. BAKER, of Indiana. Why in Wyoming do we allow $2,500, $2,700 in Montana, $2,800 in Dakota, and $3,000 in Arizona?

Mr. RANDALL. This was done after full consultation upon the facts we then had before us.

Mr. BAKER, of Indiana. I can hardly understand why there should be this difference in salary.

Mr. RUSK. I suggest they all be put at the same figure.

Mr. MAGINNIS. I suggest the committee is very nearly right in this thing, excepting that Colorado and Wyoming should be grouped together, and Idaho, Arizona, and Montana should have the same salary provided for the surveyor-general. That is the way they should be grouped, arising from increased expense of living.

Mr. BENNETT. In Idaho, Arizona, and Montana living is higher.

Mr. HOLMAN. I hope all these salaries will be put at the sum of $2,000. The surveys made last year of public lands amounted to 25,000,000 of acres all told, exclusive of railroad grants, while a little rising 3,000,000 acres were disposed of. The surveys in every State and Territory having public land are far beyond what is required by emigration and settlement. The clerical force can be largely reduced, as well as the salaries of the surveyors-general. I suggest these salaries be fixed at $2,000.

Mr. MAGINNIS. I object to going back.

Mr. HOLMAN. Very well; we can reach it at another time. I move the salary of the surveyor-general of Arizona be reduced from $3,000 to $2,000.

Mr. FORT. My amendment is $2,500.

Mr. HOLMAN. I suggest the gentleman from Illinois will say $2,000. The chairman of the Committee on Appropriations will yield the floor in the House to move to equalize all these salaries. It is manifest there is no business to be done in any of the States and Territories requiring so large a salary. I am surprised Delegates of Territories seek to keep up these salaries unnecessarily.

Mr. BAKER, of Indiana. Is there any justice in making the salary of the surveyors-general greater than that of a territorial judge?

Mr. HOLMAN. None at all

Mr. RANDALL. I ask unanimous consent this portion of the bill relating to surveyors-general in the States and Territories be passed over, and I will state why. Another committee of this House has in view a proposition whereby the work of the surveyors-general will be reduced in the various Territories, and at the same time less clerical force will be needed.

Mr. MAGINNIS. In what respect?

Mr. RANDALL. The gentleman from Ohio will state the character of the bill. In addition, the Committee on Appropriations have in view a decided reduction in the appropriation for surveys of public lands that will permit a large reduction of expenditures. These facts have just come to the notice of the committee, or they would have been prepared with amendments on these various items.

Mr. WALLING. Mr. Chairman, the Committee on Public Lands have under consideration a proposition to limit the surveys of public lands in the Territories. The information furnished them is of this character, that, extending perhaps from the one hundredth parallel to the Sierras, there is not more than 2 or 3 per cent. arable or pasture land. It is proposed that surveys be made by triangulation of that portion and to stop surveys by base lines and section and quarter sections, as now carried on, whereby a large portion of the present expense will be saved. While applicable to the valley of the Mississippi and the valleys of western rivers, the present system is not necessary in the portion of the Territories to which I have referred.

Mr. MAGINNIS. It is not likely we shall ever agree to any plan of that kind, and therefore it is not well to base legislation on any such hypothesis.

Mr. RANDALL. My colleague on the committee, the gentleman from Missouri, [Mr. WELLS,] is prepared to submit the report of the committee of conference on the deficiency appropriation bill. I ask therefore unanimous consent that the Committee of the Whole be allowed to consider again the various paragraphs as to the salaries of surveyors-general and clerks in the Territories.

Mr. DUNNELL. And the States.

Mr. RANDALL. Yes; and the States. This will give the committee an opportunity to consider this matter. If that unanimous consent is given, I will then move that the committee rise. We are within eight pages of the end of the bill, and I feel as if I now held it in my grasp.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania?

There was no objection.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

DEFICIENCY APPROPRIATION BILL.

Mr. WELLS, of Missouri. I rise to make a privileged report. I present the report of the committee of conference on the deficiency appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (No. 3128) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 14, 15, and 17, and that the House recede from their disagreement to the amendments numbered 3, 9, and 20, and agree to the same.

ERASTUS WELLS,
JOHN D. C. ATKINS,
EUGENE HALE,
Managers on the part of the House.

LOT M. MORRILL,
WM. B. ALLISON.
HENRY G. DAVIS,
Managers on the part of the Senate.

Mr. RANDALL. Let the amendments be read.

The Clerk read the amendments numbered 14, 15, and 17, from which it was recommended that the Senate should recede, as follows:

Fourteen. Page 8, after line 6, insert "to enable the Secretary of the Treasury to pay for stone delivered under contract for the post-office building at Parkersburgh, West Virginia, if he shall find the same to be a lawful claim, $10,000."

Fifteen. Page 8, after line 6, insert, "to enable the Secretary of the Treasury to pay the claim of A. N. McKimmon, $9."

Seventeen. Page 10, line 1, after "education" insert "exclusively."

The amendments numbered 3, 9, and 20, in regard to which it was recommended that the House should recede from their disagreement, and agree to the same, were read as follows:

Three. Page 2, after line 11, insert: "For the payment of mileage for actual travel only to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1875, by proclamation of the President, and who were not members of the previous Congress, $6,366.

Nine. Page 5, strike out all after the word "held," in line 11, down to the end of line 13, to wit: "*Provided*, That all officers appointed by the President for the Territories shall be *bona fide* citizens of the Territories respectively for which they shall be appointed."

Twenty. Page 10, after line 19, insert: "For subsistence of Apache Indians at the southern Apache agency, New Mexico, $25,000: *Provided*, That the Indian agent located at said agency may, under instructions from the Commissioner of Indian Affairs, exchange sugar belonging to said agency for beef or flour.

Mr. FORT. I think the House ought to adhere to their objection to amendment No. 9, striking out the proviso.

The SPEAKER *pro tempore*. Does the gentleman from Illinois call for a division?

Mr. HOLMAN. All that the House can do is to vote down, if that be thought proper, the report of the conference committee and call for another conference.

Mr. FORT. I am aware of that.

Mr. WELLS, of Missouri. I move concurrence in the report of the committee.

The motion was agreed to.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the report of the committee of conference was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER TO PRINT.

On motion of Mr. WHITEHOUSE, by unanimous consent, it was ordered that three hundred additional copies be printed of the bill (H. R. No. 3162) for refunding the interest-bearing debt of the United States into United States consols having forty years to run and bearing a uniform rate of interest.

DETRITUS FROM HYDRAULIC MINES.

Mr. LUTTRELL, by unanimous consent, presented memorial and resolutions of the Legislature of the State of California, relative to the detritus discharged from hydraulic mines into the Sacramento and other streams; which were referred to the Committee on Commerce.

Mr. LUTTRELL. I also ask unanimous consent that the memorial and resolutions be printed in the RECORD.

There was no objection. They are as follows:

Memorial.

To the Senate and House of Representatives of the United States in Congress assembled:

First. Your memorialists of the Legislature of the State of California respectfully represent to your honorable body that the detritus discharged from the hydraulic mines located upon the headwaters of the Sacramento, Feather, Yuba, American, and Bear Rivers, and numerous other smaller streams, all of which flow into the Bay of San Francisco, is having the direct effect of filling up all of those streams with sand and mountain *débris*, until many of them have now reached their highest banks, thereby threatening the villages and towns located on or near them with inundation and destruction of life and property, as well as obstructing to a great extent the navigation of the Feather and Sacramento Rivers, upon which the inhabitants of the Sacramento Valley are principally dependent for cheap transportation.

Second. We would further respectfully represent that the discharge of this detritus is gradually filling up our magnificent bays and menacing the safety of the harbor and Bay of San Francisco. It has been estimated by one of our most accomplished engineers, T. J. Arnold, engineer of the State board of harbor commissioners, that the *débris* being washed into the bay is sufficient in quantity to cover annually one square mile to a depth of forty-one feet; and that it will take but fifteen years to fill Suisun Bay, but thirty-one years to complete the destruction of San Pablo Bay, after which the Bay of San Francisco proper is the only receptacle left for the entire *débris* washed from the mines. The above estimates are founded on the discharge of *débris* that is actually now occurring. When we consider the growing increase of hydraulic mining, we realize that the danger is more imminent and the destruction nearer at hand.

Third. We would further respectfully represent that some of the most beautiful and alluvial lands of the Upper Sacramento Valley have been and are being covered up with an unproductive mining *débris*, thereby destroying thousands of acres of arable lands and valuable property. There has already been destroyed upon the Sacramento, Feather, Yuba, Bear, and American Rivers, and other smaller streams, over seventy-five thousand acres of land, valued at over $6,000,000. The improvements on these were worth fully as much more, which would make a sum of over $12,000,000 worth of property which has thus been destroyed.

Fourth. We would further respectfully represent that the farmers in the locality of these streams have, for a number of years past, been building and constructing a succession of levees and embankments along the low lands adjacent to these streams, at a cost of more than $2,000,000, and that the inhabitants of Sacramento City have filled in and raised the best portion of said city to a height of fifteen feet, and have surrounded the entire city with an embankment of the same height. This work cost more than a million dollars. That the city of Marysville has expended thousands of dollars in the construction of a series of embankments, and that other towns and villages have and are expending vast sums of money to secure themselves from overflow and destruction, and while these efforts have thus far protected them, unless some decided steps are soon taken for their relief, it will be impossible to longer resist the encroachments of the water and *débris*, and destruction will inevitably follow.

Fifth. We would further respectfully represent that it is not the desire of your memorialists to infringe upon the rights of an interest so great and productive as that of mining. It is yet far from reaching its maturity; it is, in fact, but in its infancy. The improved appliances now in use, and the valuable improvements being made for mining purposes, cannot fail to increase its importance and materially add to the wealth of the State. But believing that no one interest should be fostered to the detriment and injury of another, and being of the opinion that some plan or plans can be devised by which relief and protection may be afforded to the one interest without serious damage to the other, we therefore pray that this subject may receive the attention which its importance demands: Therefore,

Be it resolved by the assembly, (the Senate concurring,) That our Senators in Congress are instructed, and our Representatives requested, first, to place this memorial before Congress and urge the immediate consideration of and the early action upon the matters therein embraced; second, to urge upon Congress the adoption of such measures as will result in the protection of our valley-lands, harbors, and bays from the serious injury being done to them by the discharge of detritus from hydraulic mines, and which, at the same time, will not have the effect of impairing or crippling the interests of hydraulic mining; third, to urge upon Congress the necessity of the United States Government sending to this coast one or more competent civil engineers for the purpose of collecting information as to the extent of hydraulic mining in the State; also, to ascertain, as accurately as may be, the amount of detritus annually discharged from hydraulic mines into the Sacramento, Feather, Yuba, Bear, American, and other rivers, and into the bays of this State; also, to inquire into the feasibility and probable cost of diverting and controlling said detritus so as to deposit the same upon swamp and overflowed lands, or upon the foot-hill lands, or retaining the same in the mountains, or to suggest any other plan or plans as will prevent injury to the valley-lands, rivers, or bays of the State, for the purpose of laying the same before Congress at a subsequent session.

Resolved, That his excellency Governor William Irwin be respectfully requested to forward without delay a copy of this memorial and these resolutions to each of our Senators and Representatives in Congress.

G. J. CARPENTER,
Speaker of the Assembly.
JAMES A. JOHNSON,
President of the Senate.

(Indorsed:)
Assembly concurrent resolution No. 17. Passed the Assembly March 29, A.D. 1876.
E. S. CAYLAT,
Assistant Clerk of the Assembly.

Passed the Senate March 29, A. D. 1876.
E. L. CRAWFORD,
Assistant Secretary of the Senate.

This concurrent resolution was received by the governor this 30th day of March, 1876.
E. W. MASLIN,
Private Secretary of the Governor.

A true copy. Attest:
[SEAL.]
THOMAS BECK,
Secretary of State,

ACT OF JULY 28, 1866.

Mr. BANNING. I ask unanimous consent to submit the following resolution:

Resolved, That the Secretary of War be, and he is hereby, required to inform this House what articles, if any, are furnished and sold to officers and enlisted men by the Commissary Department at cost price, as required by section 25 of the act approved July 28, 1866.

Mr. LAWRENCE. I would suggest that the resolution should refer to the proper section of the Revised Statutes, and not to the act of 1866, which is no longer in force.

Mr. BANNING. The object of the resolution is to find out whether this law is still in force. That is the whole object of the resolution, and that is the reason why it is worded in the way it is.

There was no objection, and the resolution was adopted.

WEST POINT MILITARY ACADEMY.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform this House, from information derived from the Superintendent of the Military Academy at West Point, as to the amount of post funds under his (the Superintendent's) control or the control of any other person, together with a detailed account of the various sources which go to make up the said post funds, and the purposes for which the same have been and are used; under what authority of law or regulation the same are collected and expended; whether any, and what, buildings have been erected from money so collected; the information asked to cover the period of five years last past.

JOHN WIGHTMAN.

Mr. JOHN REILLY, by unanimous consent, introduced a bill (H. R. No. 3259) for the relief of John Wightman, a contractor for carrying the mails in Pennsylvania; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. CASON. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Banking and Currency be, and is hereby, instructed to report at as early a day as practicable a bill to repeal so much of the act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provides for such resumption of specie payments on the 1st day of January, 1879.

Mr. MORRISON. I object.

REMOVAL OF DISABILITIES.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3260) to remove the disabilities of Lawrence S. Baker, of Tarborough, North Carolina; which received its several readings and was passed, two-thirds voting in favor thereof.

AMENDMENT TO THE CONSTITUTION.

Mr. LAPHAM, by unanimous consent, introduced a joint resolution (H. R. No. 107) providing for an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendment to the Constitution of the United States shall be proposed to the several States for adoption, and when the same shall have been ratified by the votes of the Legislatures of three-fourths of the States, or by conventions thereof, as provided in article 5 of the Constitution, the same shall become a part of the Constitution of the United States.

ARTICLE —.

Whenever any appropriation bill shall have passed the House of Representatives and the Senate and shall be presented to the President for his approval, he may withhold his approval to any clause or clauses, or provision or provisions, in such bills and approve the remainder, and in such case he shall state his objections to the portions disapproved in the same manner as is provided in article 1, section 7, of the Constitution, and all provisions of said section as to bills not approved shall apply to the item or items so disapproved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was given as follows:

Mr. HEWITT, of New York, until Monday next.

Mr. HUBBELL, indefinitely, on account of a sore throat superinduced by the bad air of the Hall.

WITHDRAWAL OF PAPERS.

Mr. DOBBINS asked and obtained leave to withdraw from the files of the House for reference to the Senate Committee on Patents papers in the claim of A. B. Wilson, on which there had been no adverse report in the House.

MESSENGER TO BOARD OF IMPEACHMENT MANAGERS.

Mr. LORD, on behalf of the board of managers of impeachment, submitted the following resolution; which was read and referred to the Committee of Accounts:

Resolved, That a messenger be appointed for the managers to conduct the impeachment of William W. Belknap.

And then, on motion of Mr. COX, (at five o'clock and thirty-five minutes,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CAMPBELL: The petition of W. S. Brooks and 144 others, of Joliet, Illinois, against any change in existing tariff laws, to the Committee of Ways and Means.

By Mr. CONGER: Remonstrance of 241 workingmen and employés in the Wyandotte Iron-Works, against the passage of the proposed tariff bill, to the same committee.

By Mr. HARALSON: Papers relating to the petition of citizens of Mobile, Alabama, for compensation for the use of building of the medical college and the destruction of apparatus by the officers of the Freedmen's Bureau, to the Committee on War Claims.

By Mr. HARRISON: The petition of wholesale dealers in distilled spirits in the city of Chicago, Illinois, for the definition of the duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. HURD: The petition of George Wise and others, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. McDILL: The petition of W. W. Gardner and 10 other citizens of Avoca, Iowa, for legislation prohibiting the Government from manufacturing, selling, and printing envelopes, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. McMAHON: The petition of Jeremiah Lorrain, for a pension, to the Committee on Invalid Pensions.

By Mr. MEADE: The petition of cigar manufacturers of the city of New York, against the increase in tariff on tobacco, to the Committee of Ways and Means.

Also, the petition of the New York and Virginia Steamship Company, for compensation for the loss of their vessels, the Jamestown and Yorktown, to the Committee on War Claims.

By Mr. PIPER: Concurrent resolutions of the Legislature of California, relative to destruction of arable lands by mining debris, to the Committee on Commerce.

By Mr. SAVAGE: The petition of James A. Conrey, to have the charge of desertion removed, to the Committee on War Claims.

By Mr. SAYLER: The petition of the apothecaries and druggists of Cincinnati, Ohio, that the present duty on quinine be removed, and that it be placed on the free list, to the Committee of Ways and Means.

Also, the petition of the Board of Trade of Cincinnati, against the proposed reduction of salaries in the Patent-Office, to the Committee on Appropriations.

By Mr. SCALES: A paper relating to the establishment of a post-route from Kernersville to Madison, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SLEMONS: The petition of David Robbins for the reconsideration of his claim disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. SPRINGER: The petition of a citizen of Madison County, Illinois, respecting the admission of new States, to the Committee on the Judiciary.

By Mr. TUCKER: The petition of Dr. W. S. Morris, for compensation for certain tobacco destroyed by United States troops in violation of the terms of capitulation, to the Committee on War Claims.

By Mr. WALSH: The petition of Adam Ault, for compensation for property taken and destroyed on Maryland Heights in 1863 and 1864 by the United States Army, to the same committee.

By Mr. YOUNG: A paper relating to the claim of Benjamin E. Sheppard, to the Committee of Claims.

IN SENATE.

THURSDAY, *April* 27, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

COLUMBIA DEAF AND DUMB INSTITUTION.

The PRESIDENT *pro tempore* appointed Mr. EDMUNDS a director of the Columbia Institution for the Instruction of the Deaf and Dumb for and during the term of the Forty-fourth Congress.

COLUMBIA HOSPITAL AND LYING-IN ASYLUM.

The PRESIDENT *pro tempore* appointed Mr. SARGENT a director of the Columbia Hospital for Women and Lying-in Asylum for and during the term of the Forty-fourth Congress.

ANNUAL EXAMINATION AT WEST POINT.

The PRESIDENT *pro tempore* appointed Mr. CLAYTON and Mr. RANDOLPH visitors to attend the ensuing annual examination of cadets at West Point.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore* appointed Mr. PATTERSON to fill the vacancy in the Committee on Revolutionary Claims occasioned by the Senate relieving Mr. MORRILL, of Vermont, from further service on that committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2951) to provide for the separate entry of express packages contained in one importation.

The message further announced that the House had passed a bill (H. R. No. 3260) to remove the disabilities of Lawrence S. Baker, of Tarborough, North Carolina; in which the concurrence of the Senate was requested.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine. The committee of conference on the disagreeing votes of the two Houses on the deficiency bill, which has just been returned from the House to the Senate, make the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (No. 3128) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from their amendments numbered 14, 15, and 17, and that the House recede from their disagreement to the amendments numbered 3, 9, and 20, and agree to the same.

LOT M. MORRILL,
WM. B. ALLISON,
HENRY G. DAVIS,
Managers on the part of the Senate.

ERASTUS WELLS,
JOHN D. C. ATKINS,
EUGENE HALE,
Managers on the part of the House.

The disagreement between the two Houses was on six amendments, which I will specify, so that the Senate may understand the report of the committee. On page 3 of the bill the House disagreed to the amendment for the payment of mileage to Senators, and in the conference the House recede from their disagreement and concur in the amendment. The House also recede from their disagreement and concur with the Senate in striking out this proviso of the House bill:

That all officers appointed by the President for the Territories shall be *bona fide* citizens of the Territories, respectively, for which they shall be appointed.

The House also recede from their disagreement to and concur with the Senate in the amendment appropriating $25,000 for subsistence of Apache Indians at the Southern Apache agency, New Mexico. The Senate recedes from its amendment on page 11 of the bill inserting:

To enable the Secretary of the Treasury to pay for stone delivered under contract for the post-office building at Parkersburgh, West Virginia, if he shall find the same to be a lawful claim, $10,000.

And the Senate also recedes from its amendment:

To enable the Secretary of the Treasury to pay the claim of A. N. McKimmon, $9.

The Senate further recedes from its amendment striking out the word "exclusively" on page 13, line 307.

Mr. EDMUNDS. What is the effect of striking out "exclusively?"

Mr. MORRILL, of Maine. The intention of the Senate in that amendment was to confine the appropriation to the Bureau of Education, but upon further examination, the Senate amendment having limited the appropriation by the words "Bureau of Education," it was found that the word "exclusively" was not necessary.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented a memorial of citizens of Oswego County, New York, remonstrating against the passage of any law granting an American register to foreign-built vessels; which was referred to the Committee on Commerce.

Mr. DAVIS. I present a petition of the town authorities of Piedmont, West Virginia, praying compensation for the use of their town hall and market-house by the Government during the late war. The papers are in the War Department, and the petitioners further pray the committee to call for them and use them in the examination of their case. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. SHERMAN. I present a petition of a large number of citizens of this District, setting out that the firm of H. F. Turner & Co., organized for the removal of garbage, &c., have constructed on a Government reservation, located between G and H streets north and Delaware avenue and First street east, a large building as a depot for the storage of garbage, &c., while awaiting transportation from the city; that the said depot is in the midst of a densely populated section of the city, within one square of the Government Printing Office, in the immediate vicinity of Saint Aloysius' church, and but a few squares from the Capitol. The petition certifies that this is a great nuisance to the whole of that portion of the city, injurious to the public health, and injurious to the neighborhood; and they pray that it may be abated. They state that the parties who erected the building are not responsible, and that as it was erected with the assent of the Government on Government ground there is no proceeding at law by which the nuisance can be abated. They therefore pray the action of Congress to abate what they declare to be a great nuisance. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of 1,769 soldiers and sailors, pensioners of the United States residing in Philadelphia, praying that there may be no change in the present method of paying pensions at specified localities throughout the country; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

He also presented the petition of W. B. Mann, John W. Forney, D.

M. Fox, and other citizens of Philadelphia, praying that an allowance be made to Mrs. Catharine T. Campbell on account of the shooting and killing of her son in 1865; which was referred to the Committee on Military Affairs.

Mr. OGLESBY presented a memorial of pensioners of Canton, Illinois, remonstrating against any change in the present mode of paying pensions at specified localities throughout the country; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. BOOTH presented a memorial of the Legislature of California, in favor of the immediate consideration of and early action upon the subject of an appropriation to protect the towns located upon the headwaters of the Sacramento, Feather, Yuba, American, and Bear Rivers from inundation; which was referred to the Committee on Mines and Mining.

Mr. JONES, of Florida, presented a petition of citizens of Sumter County, Florida, praying the passage of an act granting the public lands within the State to Florida for purposes of internal improvement therein; which was referred to the Committee on Public Lands.

Mr. KELLY presented the petition of R. P. Earhart, John Long, and other citizens of Oregon, praying the passage of Senate bill No. 454, for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon; which was referred to the Committee on Indian Affairs.

Mr. HARVEY presented a joint resolution of the Legislature of Kansas, relating to the losses sustained by citizens of Kansas by the invasion of bands of guerrillas and marauders during the years 1861 to 1865; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SPENCER presented a petition of Enoch Totten, administrator of the estate of William A. Lloyd, deceased, praying compensation for services rendered by Lloyd to the Government during the late war as a secret agent; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of Mary Bennett, of the city of New York, praying for arrears of pension from October 9, 1872, reported adversely thereon; and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of Mrs. Margaret Mills, of Westchester County, New York, praying for an increase of her pension, reported adversely thereon, and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of Susan Ten Eyck Williamson, widow of the late Captain Charles L. Williamson, United States Navy, praying to be allowed arrears of pension, reported adversely thereon; and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the bill (H. R. No. 1176) granting a pension to Francis Curran, Thirteenth Indiana Cavalry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2464) granting a pension to Diana Breysacker, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2585) granting a pension to John Haley, late private in Company C, One hundred and thirtieth Regiment Illinois Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BOUTWELL. I am instructed by the Select Committee to Examine the Several Branches of the Civil Service to report the correspondence of the committee with the heads of the several Executive Departments for the information of the Senate. It has already been printed.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1915) to change the name of the steamboat Robert Ross, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 278) to amend the pension laws respecting the pensions of imbeciles and inebriates, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Frank Evans, praying to be allowed arrears of pension, reported adversely thereon; and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of Henry A. Frink, late major of the Eleventh Regiment Pennsylvania Volunteers, praying to be allowed arrears of pension from August 15, 1865, to September 1, 1873, reported adversely thereon; and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the bill (S. No. 767) granting a pension to Theodore Gardner, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Eden H. Fisher, of Noble County, Indiana, praying to be allowed an increase of pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2310) granting a pension to Emanuel B. Herr, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2467) granting a pension to Sarah J. King, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of Florence J. O'Sullivan, late captain Company D, Sixty-seventh Regiment Ohio Volunteer Infantry, praying to be granted a pension from the 26th of June, 1865, to the 8th of December, 1873, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 318) granting a pension to Annie Farley, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of J. H. Glatts and other citizens of Delaware, praying for the continuance of the present law providing for the payment of pensions, asked to be discharged from its further consideration, and that it be referred to the Select Committee to Examine the Several Branches of the Civil Service; which was agreed to.

Mr. WITHERS. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2463) granting a pension to Adam Smouse, to report it back and move that the bill and accompanying papers be referred to the Commissioner of Pensions, as no application has been made to the Pension Bureau.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SARGENT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 785) to encourage and promote telegraphic communication between Asia and the Pacific coast; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

SIGNAL SERVICE CORPS.

Mr. SHERMAN presented the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War communicate to the Senate the cost of the Signal Service Corps, giving a detailed statement of the cost of the different branches of that service, and from what appropriations such cost is paid, and his views of the expediency of transferring such service to the Treasury Department.

LEGAL TENDER OF SILVER COIN.

Mr. MORRILL, of Vermont, presented an amendment intended to be proposed by him to the bill (S. No. 263) to amend the laws relating to legal tender of silver coin; which was ordered to lie on the table and be printed.

WAGON-ROADS IN OREGON.

Mr. MITCHELL. I move to take up for consideration Senate bill No. 536. It is very brief and will take but a moment.

The motion was agreed to; and the bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon, was considered as in Committee of the Whole.

The preamble recites that the wagon-road known as the Thomas and Ruckle road, running over the Blue Mountains, from the Umatilla River to Summerville, in Grand Ronde Valley, Oregon, and the wagon-road known as the Mecham road, running from Cayuse Station to Ora Dell, in that State, have been constructed and opened by private enterprise, running in part over lands belonging to the United States. The bill therefore grants the right of way, to the extent of thirty feet in width on each side of the center of these roads, through the public lands of the United States to the owner and owners of the roads, their successors and assigns. Congress reserves the right to alter, amend, and repeal the act at any time, having due regard to the rights of the owners.

Mr. DAVIS. I do not know that I have any objection to the bill, but I should like to know who are referred to as the owners of the roads.

Mr. MITCHELL. The preamble states that. It says:

Whereas the wagon-road known as the Thomas and Ruckle road, running over the Blue Mountains.

The bill does not undertake to specify or designate who the present owners are, but simply provides that the right of way shall be granted to the present legal owners, "the owner and owners of the said roads, their successors and assigns."

Mr. DAVIS. I should like to ask the Senator whether it is a private road, or a public road belonging to the State or to the counties?

Mr. MITCHELL. The bill refers to two roads which were built by private enterprise and are owned by private parties now, as I understand. They built the roads without obtaining the right of way

through the public lands of the United States; and this simply is an application to Congress for the right of way in so far as their roads run through the public lands of the United States. The bill is recommended unanimously by the Committee on Public Lands, having been considered by that committee, and there certainly can be no objection to it. I hope the Senator from West Virginia will not interpose an objection.

Mr. DAVIS. I have not objected.

Mr. SHERMAN. I ask that the bill be read again.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. DAVIS. I do not know that I have any objection to the bill; but it appears singular to me that private individuals should own a road and want the Government to donate the land to them when perhaps the next day the road may be closed and be no longer open to the public. I ask the Senator whether there is any objection to an amendment saying "for public use" or "for the purpose of a road?"

Mr. MITCHELL. These roads were built years ago by private enterprise. They are not public roads. They were built by private enterprise as the preamble of the bill recites, and they are used by the public subject to toll. That is the fact. As it stands now, a pre-emption or a homestead claimant, or any person claiming any of the public lands, can settle on a section or quarter section of land lying across these roads, or one of them, and obstruct travel.

Mr. DAVIS. That being so, cannot the road be closed and the sixty feet on either side be used for private purposes? Will it not be a donation, in other words, of what is now a road used for public purposes across the public domain to private persons; and when, if they saw fit, they could close it at once?

Mr. MITCHELL. I do not understand it so at all, Mr. President. It is simply a right of way to go through the public lands of the United States without interference on the part of the United States or without interference by any person claiming the public lands of the United States.

Mr. DAVIS. Then I would ask the Senator to so amend it as to say "for the use of roads."

Mr. MITCHELL. I have no objection to that amendment. That is what it means now.

Mr. BOGY. Although I do not object to the bill of the Senator from Oregon, yet it seems to me to be entirely unncessary. As long as the lands are public lands, as a matter of course this is not necessary; but whenever they cease to be public lands the jurisdiction at once goes to the State authority, and there, through the Legislature or the county organizations, they can declare the roads to be public roads of the State of Oregon. It has not been the practice heretofore for Congress to pass laws of this kind. It seems to me a law of this character is entirely unnecessary. I will not object to the bill of the gentleman, but I see no necessity for it at all.

Mr. MITCHELL. Why, Mr. President, there have been a hundred bills of the same character passed through Congress granting the right of way to railroad companies and to wagon-road companies—any number of them. This is no new bill, no new proposition; it is simply in the line of any number of precedents.

Mr. BOGY. As far as railroads are concerned, of course a bill of this kind is an absolute necessity; but for an ordinary road it is not necessary, and it has not been the practice in my State, nor has it been the practice in the western country in the other land States.

Mr. MITCHELL. I beg the Senator's pardon; it is necessary because pre-emption claimants may go and obstruct this road to-morrow.

Mr. EDMUNDS. I move to strike out the last clause, "having due regard to the rights of said owners."

Mr. MITCHELL. I have no objection to that amendment.

Mr. DAVIS. There is an amendment now pending, offered by myself.

Mr. MITCHELL. "For the use of a road?"

Mr. DAVIS. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be made, if there be no objection.

The CHIEF CLERK. It is proposed to insert at the end of section 1 the words "to be used as a public wagon-road."

The PRESIDENT *pro tempore*. The Chair hears no objection to this amendment, and it is made. The question now is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrrived, the legislative and executive business of the Senate will be suspended and the Senate will now proceed, pursuant to order, to the consideration of the articles of impeachment exhibited by the House of Representatives against W. W. Belknap, late Secretary of War. The Sergeant-at-Arms will make the opening proclamation.

The usual proclamation was made by the Sergeant-at Arms.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War. For convenience of reference the proceedings of the impeachment trial have been separated from the legislative proceedings of the Senate from day to day, and arranged consecutively in a department of the RECORD set apart for that purpose.

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative and executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the resolution of the Senate for the printing of forty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 522) to define the tax on fermented or malt liquors.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The message also announced that the House had passed a bill (H. R. No. 3264) to remove the political disabilities of C. H. Kennedy, of Virginia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2951) to provide for the separate entry of packages contained in one importation; and

A bill (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

PAPERS WITHDRAWN.

On motion of Mr. INGALLS, it was

Ordered, That Captain William Williams have leave to withdraw his papers from the files of the Senate.

EXECUTIVE SESSION.

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were re-opened, and (at five o'clock and four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 2951) to provide for the separate entry of packages contained in one importation; when the Speaker signed the same.

CORRECTION OF THE JOURNAL.

The SPEAKER. The attention of the Chair is called to the fact by the Clerk of the House that, in the journalizing of the proceedings of the House on the first resolution passed in reference to the imprisonment of Mr. Kilbourn after the rejection of the substitute offered by the gentleman from Illinois, [Mr. HURLBUT,] the Journal fails to state that the vote recurred upon the original resolution offered by the gentleman from Missouri, [Mr. GLOVER,] which was agreed to.

The Chair asks that the Clerk be directed now to reform the Journal in that particular. Is there objection? The Chair hears none, and it is so ordered.

TAX ON FERMENTED LIQUORS.

Mr. MORRISON, from the Committee of Ways and Means, reported back the amendment of the Senate to the bill of the House (H. R. No. 522) to define the tax on fermented or malt liquors, with a recommendation that the same be concurred in by the House.

The amendment of the Senate was to add to the bill the following:

And provided further, That nothing in this act shall have the effect to change the present rules of law respecting evidence in any prosecution or suit.

The amendment was concurred in.

NAVY-YARD IN BROOKLYN, NEW YORK.

Mr. WILLIS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That for the purpose of enabling the Committee of this House on Naval Affairs to discharge the duties imposed upon them by the House resolution instruct

ing them to inquire into certian alleged abuses and frauds at the navy-yards of the United States, and the misapplication of appropriations made for the construction of eight vessels of war, authorized by act of Congress approved February 10, 1873, it is hereby directed that said committee, through the subcommittee appointed for that purpose, consisting of Messrs. WILLIS, LEWIS, HARRIS of Massachusetts, HAYS, and WITTHORNE, shall make said investigation as far as it relates to the Brooklyn navy-yard, Long Island, at the said yard and in the cities of New York and Brooklyn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bill:

A bill (H. R. No. 3128) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

MINING LAWS.

Mr. TURNEY submitted the following report; which was read, considered, and adopted:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House (No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with an amendment as follows: Add to said bill the following: "But all lands in said State shall be subject to disposal as agricultural lands."

And the Senate agree to the same.

JACOB TURNER,
RICHARD P. BLAND,
Managers on the part of the House.
A. A. SARGENT,
J. M. HARVEY,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BLAND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

T. P. BLAIR.

Mr. MAISH, by unanimous consent, introduced a bill (H. R. No. 3261) for the relief of T. P. Blair, of Shippensburgh, Cumberland County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SETTLERS ON ROLAND GRANT, CALIFORNIA.

Mr. WIGGINTON, by unanimous consent, introduced a bill (H. R. No. 3262) for the relief of settlers on the railroad lands within the limits of the Roland grant, in Stanislaus County, California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported a bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. HOLMAN. I move that this bill be referred to the Committee of the Whole on the state of the Union and made a special order for Tuesday next immediately after the reading of the Journal, and from day to day until disposed of. I give notice that I shall ask that the bill be left open to general debate for Tuesday, and that on the succeeding morning it be considered by paragraphs under the five-minute rule. I will state further in this connection that the Committee on Appropriations will in the mean time submit a report touching the principal subjects contained in the bill.

Mr. HALE. I hope the gentleman will not attempt now to fix the length of time for general debate. I have never known that to be done on the presentation of an appropriation bill, but it has been made a special order for a given day, and when it is called up the gentleman in charge of it——

Mr. HOLMAN. The gentleman misunderstands my motion; it was simply to refer this bill to the Committee of the Whole and make it a special order for Tuesday next. I stated that I would seek to confine general debate on the bill to that day.

Mr. HALE. Then the gentleman did not embody that in his motion?

Mr. HOLMAN. Certainly not. But I shall ask the House to proceed to the consideration of the bill by paragraphs on Wednesday.

Mr. HALE. My only point was not to have more in the motion than was customary.

Mr. HOLMAN. My colleague on the Committee on Appropriations [Mr. RANDALL] suggests that it now be ordered by unanimous consent—and I presume it will require that—that the general debate on this bill be confined to the subject-matter of the bill. I hope there will be unanimous consent for that; otherwise there may be no opportunity for general debate on the subject-matter of the bill.

Mr. HALE. I must object; not because I want to debate the bill, for I may not say a word upon it. But I ask the gentleman not to attempt now to do what has never before been done, to fix the time to close general debate.

Mr. HOLMAN. My friend can scarcely expect me to repeat that my motion is simply to make this bill a special order in the Committee of the Whole on Tuesday next. I stated that I hope the House will confine general debate to that day; I did not make that motion.

Mr. RANDALL. I would like to ask the gentleman from Indiana [Mr. HOLMAN] to embrace in his motion the order that general debate on this bill shall be confined to the subject-matter of the bill. Unless we do that, those gentlemen who may desire to debate the subject-matter of the bill might be cut off by other gentlemen occupying the time on other subjects.

Mr. HALE. The gentleman from Pennsylvania [Mr. RANDALL] does not expect that any motion of that kind will give added strength to the rule of the House.

Mr. RANDALL. If that order be made, and gentlemen attempt to speak on matters extraneous to the bill, it would justify any member of the Committee on Appropriations raising the point of order that he was not addressing himself to the subject-matter of the bill.

Mr. HALE. Those matters which are fixed by the rules can, I take it, be left to the discretion and judgment of the gentleman whom the Speaker may place in the chair to preside over the Committee of the Whole.

Mr. HOLMAN. I wish to say an additional word. Inasmuch as this bill involves two quite important changes, one in regard to the compensation of postmasters and the other a still more important amendment of the existing law as to the mode of fixing the compensation for transportation of the mails by railroad, I think it exceedingly important that debate on the bill should be confined to its provisions. I trust that every gentleman in the House will see the propriety of limiting the discussion to the subject-matter of the bill; and I must say that as a member of the Committee on Appropriations I will seek, so far as I may properly be able to do so, to have the debate confined to the bill itself on the day which is to be left open for general debate. I now call for a vote on my motion.

Mr. HALE. Pending that, I reserve all points of order on the bill.

The motion of Mr. HOLMAN was agreed to.

Mr. HOLMAN. I ask that a written report from the committee, designed to accompany this bill, be ordered to be printed.

There being no objection, it was so ordered.

PRINTING OF PUBLIC DOCUMENTS.

On motion of Mr. VANCE, of Ohio, by unanimous consent, the bill (S. No. 772) to facilitate the printing of public documents was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

PRINTING OF SMITHSONIAN REPORT.

On motion of Mr. VANCE, of Ohio, by unanimous consent, the concurrent resolution of the Senate for printing the report of the Smithsonian Institution for 1875 was taken from the Speaker's table, read, and referred to the Committee on Printing.

PRINTING OF PROFESSOR HAYDEN'S REPORT.

Mr. VANCE, of Ohio. I move to reconsider the vote by which the House passed the joint resolution for printing a certain number of the report of Professor Hayden. I make this motion because I desire that the House shall concur in a Senate resolution making a similar provision. It appears that upon the same day that the House passed a joint resolution to print Professor Hayden's report the Senate passed a concurrent resolution authorizing the printing of the same number and providing for their disposition in a similar manner.

The SPEAKER. The Chair would inquire of the gentleman from Ohio when that joint resolution was passed by the House?

Mr. VANCE, of Ohio. On the 20th of April.

The SPEAKER. It is now too late to make a motion to reconsider.

Mr. VANCE, of Ohio. Then I ask that the Senate resolution on the same subject be taken from the Speaker's table and concurred in.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 4,500 copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 500 copies for the use of the Smithsonian Institution.

There being no objection, the resolution was considered and adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. VANCE, of Ohio. I ask that the Clerk of the House be instructed to request the Senate to return to the House the joint resolution providing for the printing of Hayden's report.

The SPEAKER. Is there objection to the request?

Mr. WILSON, of Iowa. I object. There is no necessity for such action; and if we adopt this practice it would require the return of a great many bills and joint resolutions. The Senate can lay our resolution on the table.

The SPEAKER. Does the gentleman from Ohio [Mr. VANCE] insist on the request?

Mr. VANCE, of Ohio. Yes, sir; I make that motion.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate, sitting as a court for the trial of the im-

peachment of William W. Belknap, late Secretary of War, was ready to receive the managers on the part of the House of Representatives.

ELECTION CONTEST—SPENCER VS. MOREY.

Mr. HOUSE, from the Committee of Elections, submitted a report upon the contested-election case of Spencer *vs.* Morey, from the fifth congressional district of Louisiana, accompanied with the following resolutions; which were read, and, with the report, laid on the table, and ordered to be printed.

Resolved, That Frank Morey was not elected, and is not entitled, to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Resolved, That William D. Spencer was elected, and is entitled, to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Mr. WELLS, of Mississippi. On behalf of the minority of the Committee of Elections, I desire to present their views, accompanied with a resolution, and ask that the minority report and resolution be printed with the majority report.

There being no objection, it was so ordered.

C. H. KENNEDY, OF VIRGINIA.

Mr. GOODE. I ask unanimous consent to introduce a bill (H. R. No. 3264) for the removal of the political disabilities of C. H. Kennedy, of Virginia, for passage at this time.

Mr. CONGER. Has any request been made for the removal of the disabilities in this case?

Mr. GOODE. A petition accompanies the bill and is filed with it.

There was no objection, and the bill was received, and read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that all disabilities imposed upon C. H. Kennedy, of Virginia, under and by virtue of the fourteenth amendment to the Constitution of the United States be removed.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed, two-thirds concurring therein.

Mr. GOODE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF PUBLIC LANDS.

Mr. WHEELER. I am directed by the Committee on Appropriations to report a resolution for the adoption of the House.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be discharged from the further consideration of so much of the letter of the Secretary of the Treasury transmitting estimates of appropriations required by the various Departments for the fiscal year ending June 30, 1876, and prior years, as relates to the surveying of the public lands and to Indian affairs, and that the same be referred to the Committee of Claims.

The resolution was adopted.

NAVY-YARD INVESTIGATIONS, ETC.

Mr. WHITTHORNE. I ask unanimous consent again to present a resolution from the Committee on Naval Affairs for the printing of certain testimony taken by that committee in its investigations ordered by the House. The objection made heretofore by the gentleman from Illinois [Mr. HURLBUT] has been provided against by the insertion of the words "proof taken during the session;" and in that shape it is acceptable, I am informed, to both sides of the House.

The Clerk read as follows:

The Committee on Naval Affairs, who were directed by House resolution No. ——, introduced by Hon. Mr. GOODE, and adopted by the House January 15, 1876, and by House resolution No. ——, introduced by Hon. Mr. MORRISON, and adopted by the House January 14, 1876, to make inquiry in regard to certain matters embraced and set forth in said resolutions, beg leave to report that they have taken the testimony of sundry persons, together with certain documentary proof in response to said directions, which they herewith submit as a part of their report, and ask the order of the House that the same may be printed and re-referred to said committee. The committee further ask, inasmuch as they have not completed the inquiry directed to be made by the House in the adoption of the resolutions aforesaid, that the further order of the House be that such other testimony as may be by them taken in pursuance of the direction of said resolutions be likewise printed and recommitted to them.

Mr. WHITTHORNE. I modify that resolution so as to provide for proof taken during the session.

Mr. HALE. Let me suggest to the gentleman from Tennessee whether he has any objection to the words in reference to subsequent testimony to be taken "to be printed so far as practicable as fast as taken," so that the committee may not have to wait until the session is closed.

Mr. WHITTHORNE. I have no objection, that really being the purpose of the committee.

Mr. HALE. Let the Clerk insert those words.

Mr. WHITTHORNE. Certainly; I accept them as a modification of the resolution.

Mr. HOLMAN. Does the gentleman from Tennessee think the public interest requires the publication of all this testimony?

Mr. WHITTHORNE. I think so, sir. One part of the proof is so closely interwoven with the other that we must present it all together in order to apprehend whatever action may be reached by the Committee on Naval Affairs.

Mr. HOLMAN. It seems to me, Mr. Speaker, if the gentleman from Tennessee does not object, that a question involving the printing of large bodies of manuscript ought to go to the Committee on Printing. I submit the committee taking the testimony would be the most competent judge of the necessities of printing. It is manifest, however, that large bodies of manuscript will come before the various committees of the House for publication.

The SPEAKER. The Chair suggests, in order that the amendment of the gentleman from Maine which was accepted by the gentleman from Tennessee may be carried out, that there be added at the end of the resolution the words "as soon as practicable after the same is taken," so it will require the printing of all subsequent testimony be made that way.

Mr. HALE. Let those words be added.

Mr. WHITTHORNE. I accept the modification of the resolution.

Mr. HALE. I suggest the gentleman from Indiana will not interpose any objection to the printing of any and all of this testimony. It is the only way members of the House can arrive at any conclusion upon the vast mass of matter before that committee. Much of it has been taken in secret, and the only way we can reach it and know what has been before the committee is to have every word of the testimony printed. I want to say here to the other side of the House, in reference to these numerous investigations, I shall insist upon the printing of the testimony which has been taken, of which we know little or nothing. We shall insist upon the printing of all the testimony taken in these various investigations, so we may get at it. I hope the gentleman from Indiana will withdraw his objection.

Mr. HOLMAN. My suggestion was as to the mere question of expense. There is no necessity of involving the Government in any unnecessary expense for any partisan purpose. For myself, I will not be a party to the publication of any document for a partisan purpose. It is quite apparent the committees making these investigations are the best judges of the propriety of the publication of the testimony. Of course it would be impossible for one not familiar with investigations to raise objection.

Mr. HALE. Will the gentleman from Indiana consent himself to have anybody pick and cull testimony which shall be printed from any of these committees of investigation, when most of the testimony has been taken in secret?

Mr. HOLMAN. O, no! If it is to be printed at all, the whole of it should be.

Mr. HARRIS, of Massachusetts. I desire to say on behalf of the republican members of the committee, that much of the testimony has been taken by subcommittees. Some of it has not been read by all the members of the committee. It cannot be read by the members of the committee themselves until it shall be in print, and it would be impossible for the committee to make an intelligent report on this testimony unless it be all before them. I trust no member of the House will object to printing the whole of the testimony.

Mr. KELLEY. I understand this is to be printed and recommitted to the committee. If so, they can revise it if necessary and strike out the portions not necessary to be printed as part of their report.

Mr. HALE. O, no! We do not want them to revise or strike out anything.

Mr. KELLEY. I understand that this is an order to print the evidence, not for the use of the House, but for the committee.

Mr. HALE. I object to anybody at any stage picking over or culling this testimony.

Mr. KELLEY. That is what I want to be determined now.

The SPEAKER. The Chair desires to say that the printing of testimony and the recommittal of it leaves it fully in possession of the whole House as well as of the committee, and that the committee will have no control of it thereafter.

Mr. KELLEY. My apprehension of it was otherwise.

Mr. BANKS. What the Chair has stated is perfectly right and according to the uniform usage.

Mr. WILSON, of Iowa. As I understand it the question now is whether any objection is made to the printing of this testimony without its being read. When the question was formerly before the House one gentleman insisted on its being read before it was printed.

The SPEAKER. The Chair would remind the gentleman that it has been suggested by a member of the committee that portions of this testimony have been taken by subcommittees; so that it has not yet been practicable for all the members of the committee to read the testimony.

Mr. WILSON, of Iowa. I think no committee should bring before the House matter to be printed and spread broadcast over the country before they as a committee have determined upon it. If once printed it will be no longer under their control, but will have all gone to the country, whether relevant or not, whether right or wrong. I object to this being printed until the committee as a committee report in favor of having it done.

Mr. WHITTHORNE. They have so reported.

Mr. WILSON, of Iowa. The gentleman from Massachusetts [Mr. HARRIS] tells us that a good deal of this testimony has been taken by subcommittees, and that the committee as a committee do not know what it contains.

Mr. WHITTHORNE. Each member of the committee is not familiar with the details of what the various subcommittees have done, but the general results reached by the subcommittees are understood by the committee. Of course it is important that each member of

the committee before he pronounces final judgment should have an opportunity of reading the testimony. The full committee have not had that opportunity. The subcommittees have taken testimony at different points, and the committee have instructed me unanimously that this report be made to the House and that the House be asked to direct the printing of the testimony.

Mr. WILSON, of Iowa. Then when we print this it is the report of the committee whether they know anything about it as a committee or not. A good deal of testimony, I understand, has been taken by subcommittees, which the general committee has not scanned and resolved to have printed. I object therefore to the printing.

The SPEAKER. It is too late to object to the consideration of the resolution.

Mr. BANKS. Let me suggest to the gentleman from Iowa that this is not the report of the committee; it is the report of testimony which every member of the House has a right to see.

Mr. WILSON, of Iowa. I raise the point of order that we have the right to have it read before it is ordered to be printed.

The SPEAKER. The Chair overrules the point of order. This is not the report of the committee. It is a report of a part of its work which the committee desire to have printed, so that they may make a report to the House and that the House itself may consider it.

Mr. DANFORD. I wish to say to my friend from Iowa that the committee never can make a report until this testimony is printed.

Mr. WILSON, of Iowa. But it must be evident to the Chair and to the gentleman from Ohio [Mr. DANFORD] and to the whole House that when this is printed once it will never be printed again and that we will have a mass of printed testimony as the report of that committee in regard to which the committee themselves cannot tell what it is. And that this House should order to be printed what is not the deliberate report of the committee I think is very bad practice. That is the point I make.

Mr. HARRIS, of Massachusetts. I desire to say, for the information of the gentleman from Iowa, that this committee has been at work industriously since the commencement of the session, taking evidence almost daily in different cities of the East and in navy-yards by subcommittees. When we get all the testimony together we shall be able upon it to make a report. For each member of the committee to undertake to read the testimony in manuscript is impossible. No report therefore can be made by this committee until the testimony is in print.

As to the point of the gentleman from Iowa, that this mass of testimony will be in print and spread broadcast over the country, I ask what difference will that make? The testimony must be printed and must be spread before the country, every word of it. No gentleman in this House will consent, I take it, to have the testimony garbled or to have any portion of it suppressed. We have been charged with the duty of making this investigation. We are ready to report progress by submitting the testimony we have taken. And will the gentleman from Iowa, will any man in this House wish to suppress the voice of the committee, as will be the result if they are prevented from making a report on the printed testimony?

Mr. WILSON, of Iowa. No, sir; I do not want to suppress anything; but this is the first time in ten years of legislative experience that I have ever heard of the report of a committee being printed that is not the report of the committee, but what has been gathered up by subcommittees, and is not understood by the entire committee. However, I withdraw my objection at the request of my colleagues.

The resolution was agreed to.

Mr. WHITTHORNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENGINEER CORPS OF THE ARMY.

Mr. COX, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of War be directed to report the present force of the United States Engineer Corps, the number of officers of said corps on active duty and where stationed, the general character of the public works upon which they are employed, and whether any and what officers of said corps have been or now are engaged, with or without the permission of the Department, in the performance of any duties upon any governmental, State, territorial, municipal, corporate, or private works similar to those which the civil engineers of this country perform.

Mr. HOLMAN. I hope the gentleman from New York will also add an inquiry about how many persons are now employed from civil life on business connected with the Engineer Corps of the Army.

Mr. COX. I have no objection to that.

Mr. HOLMAN. Then I suggest the addition of the following words: "and also the number of persons employed from civil life as engineers in the Engineer Corps of the Army."

Mr. RANDALL. Put in after the word "engineers" "and other employés." There are quite a number of persons I understand employed by the Engineer Corps who are not engineers, but clerks.

Mr. HOLMAN. Then I will add the words "and other employés" after the word "engineers."

Mr. COX. I accept those modifications.

The resolution, as modified, was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union on the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

Mr. RANDALL. On yesterday I asked that the paragraphs relating to surveyors-general and their clerks be passed over for the present with the purpose of having the Committee on Appropriations consider that subject in view of information which I had as to the action of another committee of the House—the Committee on Public Lands. This morning we have had the subject under consideration, and the gentleman from Indiana [Mr. HOLMAN] was directed by the committee to offer some amendments which the committee deem proper, and I therefore ask that we commence the consideration of the bill with the surveyors-general.

Mr. WALLING. With the permission of the chairman of the Committee on Appropriations, I desire to make an explanation in regard to that matter.

Mr. RANDALL. I am quite desirous of hearing it.

Mr. WALLING. The Committee on Public Lands this morning had this matter under further consideration, and they have concluded to invite further information on this subject from Colonel Wheeler, of the Army of the United States, Professor Hayden, and Professor Howell, who have referred to this matter extensively in their reports, in order that the committee may obtain the necessary information, if possible, to perfect a bill for the survey of the public lands. I suggest, therefore, that this portion of the appropriation bill be passed over at this time, and if such legislation should not be perfected, as the committee think now it can be, the appropriations for these purposes can be considered in connection with the appropriations for the surveys of the Territories. I make that suggestion to the chairman of the Committee on Appropriations.

Mr. RANDALL. The gentleman's proposition, if I understand it rightly, would result in striking out altogether that portion of the bill which relates to surveyors-general, and to bring it into the sundry civil bill.

Mr. WALLING. Yes, sir.

Mr. RANDALL. Well, I am not authorized either to accept that suggestion or to reject it.

Mr. HOLMAN. If that motion is made, and I presume it is in order, I, acting for myself only as a member of the Committee on Appropriations, should regard it with a good deal of favor.

Mr. WALLING. Then I make the motion to strike out all that part of the bill in relation to surveyors-general and their clerks.

Mr. HOLMAN. The amount that should be appropriated for clerks in the surveyors-general's offices will almost entirely depend upon the amount appropriated for the surveys of public lands in the States and Territories. While the Committee on Appropriations has not considered the subject at all, I think it is a subject well worthy of consideration, and for one I shall vote for the motion of the gentleman from Ohio.

Mr. RANDALL. I have no objection to it as a member of the committee, but of course the committee not having instructed me, I cannot accept it.

Mr. MAGINNIS. I hope the suggestion of the gentleman from Ohio [Mr. WALLING] will prevail.

Mr. WALLING. I think it will be conducive to the interests of the Territories; we do not desire to do them any wrong.

Mr. RANDALL. The Committee on Appropriations this morning made considerable reductions in these appropriations.

Mr. MAGINNIS. There is no doubt that if we quit the present system of surveys and triangulate the Territories from the mountain-tops, according to the suggestion of Professor Hayden, the work could be done much cheaper. I understand that the matter is only to be postponed for consideration in the sundry civil bill.

The question was taken on Mr. WALLING'S motion to strike out all that part of the bill relating to surveyors-general and their clerks, and it was agreed to.

The Clerk read the following:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,150 each; superintendent of money-order system, $2,700; superintendent of foreign mails, $2,700; topographer, $2,250; chief of division for the office of mail depredations, $1,800; chief of division of dead-letters, $2,250; chief of division of postal stamps, $2,250; additional to the clerk who may be disbursing officer, $200; chief clerk to the Postmaster-General, $2,000; one chief clerk to each Assistant Postmaster-General, at $1,800 each; superintendent of blank agency, $1,620; three assistants, at $1,200 each; one assistant at $900; one stenographer, at $1,600; fifteen clerks of class four; sixty-one clerks of class three; forty-eight clerks of class two; sixty clerks of class one; fifty-seven female clerks, at $900 each; one messenger of the Postmaster-General, $900; one messenger to each Assistant Postmaster-General, at $840 each; three assistant messengers, at $720 each; seven watchmen and fifteen laborers; one engineer, $1,440; one assistant engineer, $1,000; one superintendent of the building, who shall be a carpenter, $1,252; one assistant carpenter, $1,000; one fireman and blacksmith, $900; one fireman and steam-fitter, at $900; three female laborers, at $480 each; and for temporary clerks, $8,000; making, in all, $382,122.

Mr. STONE. I move to substitute for the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,150 each; superintendent of money-order system, $3,000; superintendent of foreign mails, $2,700; topographer, $2,000; chief of division for the office of mail depredations, $2,000; chief of division of dead-letters, $2,000; chief of division

of postal stamps, $2,000; chief clerk to the Postmaster-General, who shall be superintendent of the building, $2,200; three chief clerks to the Assistant Postmasters-General, $2,000 each; chief clerk to the superintendent of money-order system, $2,000; principal clerk in charge of division of mail equipment, $1,800; principal clerk of inspection division and contract office, $1,800; principal clerk of finance division, who shall be disbursing officer, $2,000; chief of division of free delivery, $1,800; superintendent of blank agency, $1,620; assistant superintendent of blank agency, $1,450; three assistants, at $1,200 each; two assistants of blank agency, at $900 each; one stenographer, at $1,600; twelve clerks of class four; sixty-one clerks of class three; forty-eight clerks of class two; sixty clerks of class one; fifty-seven female clerks, at $900 each; one messenger of the Postmaster-General, $900; three messengers to Assistant Postmasters-General, at $840 each; three assistant messengers, at $720 each; seven watchmen, $720 each; and twenty laborers, $720 each; one engineer, $1,440; one assistant engineer, $1,000; one carpenter, $1,200; one assistant carpenter, $1,000; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; three female laborers, at $480 each; and for temporary clerks, $8,000; making, in all, $393,070.

Mr. STONE. The bill of last session, making appropriations for the fiscal year ending June 30, 1876, made provision for this Post-Office Department for three hundred and fifty-nine employés of all classes, at a total cost of $473,518.66. The paragraph now under consideration, as reported from the Committee on Appropriations of this Congress, for the fiscal year ending June 30, 1877, provides for two hundred and ninety-nine employés of all classes in the Post-Office Department, at an aggregate cost of $382,122; or a reduction of sixty employés, and of $91,396.66 from the bill of last session. The amendment which I have proposed provides for three hundred and eight employés at an expenditure of $393,070; or a reduction from the bill of last year of fifty-one employés and $81,448.66 of expenditure, and an increase over the bill now under consideration of nine employés and $10,948 of expenditure. I send to the Clerk's desk and ask to have read a communication addressed to me by the Postmaster-General.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 16, 1876.

SIR: I herewith return your proposed amendment to so much of the executive, legislative, and judicial appropriation bill of the House of Representatives as relates to the *personnel* of the Post-Office Department, with the suggestion that the amendment would be an improvement on the original text, but that neither of them would enable the Post-Office Department to properly conduct its business. If the clerical force of the Department shall be cut down, as indicated by either the original bill or the amendment, much important work will necessarily have to be omitted. The growth of this Department from year to year is such as to really require a corresponding increase in the clerical force, but such increase, out of motives of economy, was not asked for to any extent in its last estimates.

Very respectfully, your obedient servant.

MARSHALL JEWELL,
Postmaster-General.

Hon. W. H. STONE,
Committee on Expenditures in the Post-Office Department,
House of Representatives.

Mr. STONE. My amendment provides for an increase of clerks, as follows: A principal clerk of mail equipment, a principal clerk of contract office, a principal clerk of finance division, and a chief of division of free delivery. It proposes a reduction of five clerks of class four, of seven clerks of class three, five clerks of class two, and seventeen clerks of class one, as now authorized by law. There are now employed five assistant messengers for the Assistant Postmasters-General, and my amendment, as well as this bill, proposes to reduce the number to three. There are twenty-seven laborers now employed, and my amendment reduces the number to twenty. I believe the force given by my amendment, as it is arranged, will enable the Postmaster-General to keep up the work of his Department as well as it is now done.

Mr. O'NEILL. Is the Postmaster-General satisfied with the amendment proposed by the gentleman?

Mr. STONE. He is not satisfied. He wants more clerks, as the gentleman will observe by reference to his letter, but prefers the amendment to the paragraph proposed by the committee.

Mr. O'NEILL. One other question. Is the Committee on Appropriations willing to accept the amendment?

Mr. STONE. I have given much thought and attention to this subject for three or four months and have carefully examined each division of the Post-Office Department, and I am satisfied that with the force provided for in the amendment the Department will not in any manner be crippled in its operations.

Mr. RANDALL. And in addition the gentleman from Missouri [Mr. STONE] is the chairman of the Committee on Expenditures in the Post-Office Department.

Mr. O'NEILL. I understand the gentleman from Missouri [Mr. STONE] has taken great interest in this subject, and his position brings him into close connection with the Post-Office Department. But I want to know (and I presume the chairman of the Committee on Appropriations [Mr. RANDALL] will tell us directly) whether, after the Committee on Expenditures in the Post-Office Department have gone through all the divisions of the Department with a view to cutting expenses down below the democratic scale so often announced here, the Committee on Appropriations is now willing to take the amendment offered by the gentleman from Missouri [Mr. STONE] in lieu of this paragraph of their bill. This amendment does not limit the cutting down to 10 per cent. of salaries and 20 per cent. of force, which the committee informed us was the rule they had adopted.

To illustrate: In the bill before us the chief of division of mail depredations is cut down to $1,800, the chief of dead letter division to $2,250, the chief of the division of postal stamps the same. The present salary of the chiefs of the two last-mentioned divisions is $2,500 a year each, and the reduction in these latter cases is 10 per cent. I do not recollect what is the present salary of the chief of division of mail depredations.

Mr. STONE. It is $2,500 a year.

Mr. O'NEILL. His salary is cut down to $1,800, which is much more than 10 per cent. I have had no wish to force myself unnecessarily into the debate on this bill; but I must say that this is a very great departure from what we were told was the rule adopted by the Committee on Appropriations, to reduce salaries 10 per cent. They propose now, if they accept this amendment in this most important Department of the Government, one that is so important to more than forty millions of people, where the labor of the Department is performed most carefully and efficiently, to strike down the salaries, in some instances 20 and more per cent., and leave the employés underpaid and with the work of the Department increasing every day and their individual expenses remaining the same.

I am opposed as a general thing to reducing salaries of efficient officials. I am opposed especially to cutting down the salaries of clerks. What would be the situation of members of this House but for the information that we are getting every day from the Departments—information which comes almost directly from the clerks in them, who labor intelligently to furnish us answers to our calls upon them, so that we may know how to perform our duties. Yet with all the information we are getting from those sources, we are not appreciating their efforts, but are depressing the pay and depressing the employés. In my opinion, this is only in accordance with the whole history of the policy of the democratic party whenever it has been in power: the policy of depressing the poor. No different policy has ever been exercised by that party when in power; and you are carrying it out when you take 10 per cent. and more from the salaries of clerks in the several classes who are getting but $1,400, $1,600, $1,800, &c. By such a reduction you are taking the bread and butter out of their mouths and impoverishing their families.

Mr. RANDALL. We propose to amend the bill so that the bread and butter shall go into their mouths instead of going into the pockets of politicians.

Mr. O'NEILL. Well, Mr. Chairman, when the democratic party was in power the money which ostensibly went to their employés failed in large part to go into their pockets. It was exacted from them by the democratic leaders to aid them in their campaigns. I do not mean to say that it went into the individual pockets of those leaders, but the employés never realized anything like their salary and pay, whatever the rate may have been.

The point I insist upon is that the members of this House are directly dependent upon the clerks in the Departments for the information they are obtaining every day, whereby they are enabled to discharge their duties for the benefit of the people who send us here; and I am opposed to striking at those clerks. The pay is no greater than the services rendered are worth.

I wish to make one further remark, because I may not have an opportunity to speak again on this bill. If this Government is really in financial extremity, I have no doubt that every American citizen, whether in private life or public office, would be willing to contribute somewhat from his earnings to help it. But when you undertake to make a 10-per-cent. reduction upon the salaries of clerks who are receiving but $1,400 a year, and from that to $1,800 and upward, you strike a blow which I believe is too heavy for these men to bear. Especially is it so with those who are in the class receiving the lower amounts of salaries referred to.

I want to know whether the Committee on Appropriations is now ready to accept the amendment offered by the gentleman from Missouri.

Mr. RANDALL. I will answer that the Committee on Appropriations are always glad to have the suggestions of members of the House on subjects of this sort. Here is a gentleman [Mr. STONE] who, in pursuance of his duty as chairman of the Committee on Expenditures in the Post-Office Department, has been through all these Bureaus carefully; and of course we must accord great weight to the statements of such a gentleman, because the Committee on Appropriations, in going over the entire field, have of course found it a physical and mental impossibility to give to the Post-Office Department that special scrutiny and examination which have been given to it by the committee having that subject particularly under consideration. Now as a member of the Committee on Appropriations I am disposed not only to listen with due consideration to suggestions from such a source, but to accept the conclusions of such a committee.

Mr. MILLER. I have great respect for the opinion of the gentleman from Missouri who has examined this subject; but I suppose that the Postmaster-General must have some knowledge of the Department which he is managing, and managing I believe, in the opinion of everybody, with perfect honesty and great efficiency. Now I would like to inquire of the chairman of the Committee on Appropriations whether the committee have inquired of the Postmaster-General as to the force which he thinks necessary to administer properly his Department?

Mr. RANDALL. I take it that the Postmaster-General has expressed his opinion in the letter which has been read; and if that is not an acquiescence in this amendment, it is surely not a remonstrance against it.

Mr. FOSTER. If it is not a remonstrance, I would like to know what it is.

Mr. MILLER. I presume the Postmaster-General was asked whether he preferred the amendment to the original bill, and he answers that he prefers the amendment; but at the same time, as I understand, he states that neither proposition will supply sufficient force to administer properly the Department.

Mr. RANDALL. Now, the truth is that this Department was cut down very little comparatively. In respect to these reductions, it stands about on an equality with the Pension Bureau, the Land Office, and to some extent the Patent Office. I think gentlemen will see that the percentage of reduction proposed in the Post-Office Department is less than that we have made in most of the other Departments, for the reason that the business of the Post-Office Department is increasing from year to year. The committee took that fact into consideration in making their reductions, and made an exception from the general rule of 20 per cent. reduction in numerical force.

Mr. MILLER. The Postmaster-General thinks that as the business is increasing, the Department will really require more force for the next year than for the last.

Mr. RANDALL. Not relatively. We have allowed $10,000 in addition for temporary clerks.

Mr. STONE. Let me respond. If gentlemen of the House observed the reading of the amendment I submitted, they will have noticed it arranges the employés differently from the printed bill and equalizes salaries, putting the heads of divisions all at the same figure. The chief of the division of mail depredation is now getting $2,500, the chief of the division of dead letters $2,500, and the chief of the division of postage-stamps $2,500. A few years age, as I am informed, they were only getting $1,200, while the heads of divisions were then getting $2,000. I have placed them all at the same salary.

The Postmaster-General, so far as I am informed, is pleased with the classification, but wants more clerks to do the work. The Committee on Appropriations fixed the number of clerks. I have increased the number nine over the number proposed by the committee. I have not heard one of the gentlemen holding the positions who is displeased with my arrangement of their salaries. The only complaint being from the Postmaster-General, who complains he is not allowed clerks enough. Of course this House will judge whether he has or not.

As I have said before, he has employed clerks of class one, seventy-seven, and the committee make a reduction of seventeen; of class two, fifty-three, and the committee make a reduction of five; of class three, sixty-eight, the committee make a reduction of seven; of class four, seventeen, the committee make a reduction of five.

Mr. RANDALL. No, they make no change.

Mr. FOSTER. I think the facts will not bear the chairman out fully in his statement that the committee treated the Department with unusual kindness.

Mr. RANDALL. I spoke of the subcommittee.

Mr. FOSTER. I speak of the Committee on Appropriations. The present number is three hundred and seventy-five employés. The committee give them two hundred and ninety-eight.

Mr. STONE. And my amendment increases the number to three hundred and nine.

Mr. FOSTER. Your amendment gives them three hundred and nine.

Mr. STONE. Yes; three hundred and nine.

Mr. FOSTER. I am speaking, however, of what the committee have given the Department.

Mr. STONE. There are three hundred and fifty-nine employés in that Department now.

Mr. FOSTER. I have it three hundred and seventy-five.

Mr. STONE. That is wrong. I got it from the appropriation bill itself.

Mr. FOSTER. Their reduction is after all about 20 per cent. of the force of a Department which is increasing at the rate of 8 per cent. a year. The present Postmaster-General all concede to be a very able business man and a gentleman who is running this Department with unusual success, and, as my friend from New York says, his statement ought to weigh something with the House. I concede the arrangement proposed by the gentleman from Missouri is a vast improvement on the arrangement of the Appropriation Committee, but I submit the force is too small to successfully run that Department. I want to make that statement. It is due to the Department it should be made. I have nothing further to say about it.

Mr. O'NEILL. I ask the gentleman from Missouri to let me ask another question for information. I understand by his amendment he increases the force nine over the force in the bill reported by the Committee on Appropriations. I suppose that is done by cutting down the salaries of those in position below the 10 per cent. reduction.

Mr. STONE. It is not. From the statement I made the gentleman will see I increase the amount of the appropriation $10,948.

Mr. O'NEILL. The amount of the whole expenditure?

Mr. STONE. I give to each chief of division a principal clerk, who, in the absence of the chief, may perform his duties, which is not provided for in the bill.

Mr. O'NEILL. But at the same time cutting down the salaries of the others?

Mr. STONE. I only equalize the salaries of the superintendents with that of the chiefs of division, that they may get the same compensation as chiefs of division.

Mr. O'NEILL. In some cases the duties of superintendents are greater and more responsible than those of chiefs of division.

Mr. STONE. The chief of the dead-letter office gets $2,500, while the head of his division is getting but $2,000. My amendment equalizes these salaries, which I think is but just and right.

Mr. O'NEILL. The chief of the dead-letter division of the Post-Office Department has more to do than the chief of any other division in that Department.

Mr. STONE. Let me say to the gentleman, only a few years ago the head of that division was getting but $1,200, and his pay has gradually crept up to $2,500, and $500 more than the chief of the division.

Mr. O'NEILL. It is because the work has been increased so much.

Mr. FOSTER. I wish to inquire about the blank agency. What force does your bill give it?

Mr. STONE. One superintendent of the blank agency and six assistants.

Mr. FOSTER. The force now is ten.

Mr. STONE. No; eight.

Mr. FOSTER. But two are detailed.

Mr. STONE. Is there anything in the appropriation bill preventing the Postmaster-General detailing any one of his clerks to assist the chiefs of divisions?

Mr. FOSTER. I think we ought to appropriate, instead of allowing a detail to be made, if we know it. I am informed by the head of division these ten men work seven and a half hours a day.

Mr. STONE. There are only eight of them.

Mr. FOSTER. But two are detailed.

Mr. STONE. Then they can be detailed from the force provided for in the proposed amendment.

Mr. RANDALL. I wish to show the House what is the reduction in the number of clerks here as proposed by the committee. There is a reduction of two in the number of clerks of class four: from seventeen to fifteen. There is a reduction of seven in clerks of class three: from sixty-eight to sixty-one. There is a reduction of four in clerks of class two: from fifty-two to forty-eight. There is a reduction of ten in clerks of class one: from seventy to sixty. The total reduction is twenty-three. We have left all the fifty-seven female clerks without any reduction, at $900 each. It will thus be seen that the reduction in the four classes of clerks is only 12 per cent. instead of 20.

The question being taken on Mr. STONE'S amendment, it was agreed to.

The Clerk commenced reading the next paragraph.

Mr. FORT. I have another amendment to offer before we pass from the paragraph which has just been under consideration. I offer the following amendment:

In line 1462, strike out "$8,000" and insert "$20,000."

This will appropriate for temporary clerks $20,000.

Mr. BLOUNT. O, no!

Mr. FORT. The gentleman says "O, no." I know there are some gentlemen on this floor who have spasms of economy.

Mr. RANDALL. It is not a spasm; it is continuous.

Mr. FORT. The gentleman from Pennsylvania had a spasm of extravagance not many years ago, just after the presidential election; now he is suffering dreadfully from a fit of economy.

Mr. RANDALL. I object to going back. I will not allow the gentleman to go back to enable him to address such language to me.

Mr. FORT. I now want to get at this thing seriously. What I said in reference to the gentleman from Pennsylvania was by way of pleasantry.

Mr. RANDALL. I do not know whether it is pleasantry or not; but, as I said before, I wish people who want to be rude would choose some other place for it than this House.

Mr. FORT. I have no desire to be rude to the gentleman.

In reference to the amendment I have offered I have only this to say, that I am in favor of reduction in the Post-Office Department wherever it can be properly applied. But, in my judgment, the Committee on Appropriations, in endeavoring to economize, have overdone it in this matter of the reduction of clerks. They have stricken off the list of clerks in that Department more than the Department can reasonably bear.

In the district which I represent I have been endeavoring to get a post-office established, a post-office at a railroad-station where the cars stop, where there would be no additional expense in the world except that which is incident upon keeping the accounts in the Department. I am advised by the Department that they have several hundred applications there now pending for the establishment of post-offices, and they cannot grant them because the Committee on Appropriations propose to cut off their clerical force to such a degree that they cannot possibly conduct the business of the Department if these additional post-offices are established. It is not proposed to add any new route. It is simply proposed to give a railroad station the privileges of a post-office. And I think it is very reasonable that the demand of the people of that locality for this privilege should be complied with. Now, sir, if $20,000 is allowed for temporary clerks, it will give the Postmaster-General, if he requires the services of these clerks, the means to pay them. If he does not require them, I take it there is no danger in the world that he will be inclined to employ them. It is appropriating this money to be used simply as it is needed. If it is not needed, it will not be used.

So far as the question of economy is concerned, I go as far as he

who goes farthest in this direction. But certainly it seems to me we should have some respect to what is necessary for giving effect to the rights of the people in this Department, which goes home to every man of all political parties, of all conditions, in all parts of the country. It is rapidly increasing, and its demands upon us should be respected. I do not propose to raise the salary of anybody or to add to the number of permanent clerks. I simply desire to provide that the Postmaster-General, if he requires the assistance of temporary clerks, shall have it to the extent of $20,000. This certainly is no very great sum to be placed at the disposal of the Post-Office Department.

Mr. RANDALL. The amendment proposes to give $20,000 for temporary clerks. The estimate of the Department is $10,000; and the committee have recommended $8,000.

Mr. FORT. Will the gentleman allow me to say that the Department may have estimated for $10,000 only; but at the same time they asked that they might have other permanent clerks. Now, if you take away their permanent clerks that they asked for, it is only reasonable to give them an appropriation for temporary clerks.

Mr. RANDALL. I am reminded that the amendment of the gentleman from Missouri [Mr. STONE] gives $10,000, just the amount asked for by the Department.

The question being taken on Mr. FORT'S amendment, it was not agreed to.

The Clerk read the following paragraph:

For contingent expenses of the Post-Office Department: For stationery; fuel for the General Post-Office building, including the Auditor's Office; for gas; plumbing and gas-fixtures; telegraphing; painting; carpets; furniture; keeping of horses and repair of wagons and harness; hardware; and for rent of house No. 915 E street northwest; and for miscellaneous items, $40,000.

Mr. FOSTER. I offer the following amendment:

The Clerk read as follows:

Strike out the paragraph just read, and insert as follows:

For contingent expenses of the Post-Office Department: For stationery, $10,000; fuel for the General Post-Office building, including the Auditor's Office, $7,000; for gas, $4,500; plumbing and gas-fixtures, $1,500; telegraphing, $5,000; painting, $2,500; carpets, $3,000; furniture, $1,000; keeping of horses and repair of wagons and harness, $1,200; hardware, $1,000; and for rent of house No. 915 E street northwest, $1,800; and for miscellaneous items, $9,000; making, in all $47,500.

Mr. FOSTER. This increases the appropriation made by the bill $7,500. I understand the chairman of the Committee on Expenditures in the Post-Office Department has carefully investigated this matter, and that he is of opinion that it is the lowest possible amount that will answer for the running of the Department for this purpose. I ask him to make his statement to the House.

Mr. STONE. On the 28th of February I received a letter from the present superintendent of the Post-Office Department giving me in detail his estimates for the contingent expenses of the Post-Office Department, amounting to $80,900. I carefully reviewed that estimate and found that a large portion of it was to be expended in the basement of the building, which has not yet been completed, and that amount will not necessarily be required unless the basement is completed. The appropriation for the completion of the basement will undoubtedly be included in the sundry civil appropriation bill. The amount appropriated for that purpose heretofore has been exhausted, but the superintendent in his estimates takes it for granted that the Committee on Appropriations will make an appropriation to complete the basement, in which case carpets, furniture, and gas-fixtures will be required to make the rooms in the basement tenantable. I found, omitting the estimates for that purpose, that the sum of $47,500 would be required for the contingent expenses of the Post-Office Department for the next fiscal year; otherwise a deficiency would necessarily occur.

Mr. O'BRIEN. I do not fully apprehend the effect of the statement made by the gentleman from Missouri, [Mr. STONE.] Is he in favor of the amendment?

Mr. STONE. I am in favor of the amendment.

Mr. RANDALL. I hope this amendment will not prevail. Last year we appropriated $53,000 for this purpose, if my memory serves me.

Mr. STONE. That is right.

Mr. RANDALL. The objects to be secured by this appropriation could to my mind be very materially limited; for instance, on the item of carpets, furniture, keeping of horses and repairs of wagons, plumbing, gas-fitting, and stationery. These items could all be reduced very materially. I think that the Committee on Appropriations is correct in its estimates. These appropriations of contingent expenses are generally what may be termed loose appropriations for things that are not absolutely necessary, and now is a good time to restrict these expenditures just as a man would do in his own household.

Mr. STONE. Now, allow me to say to the chairman of the Committee on Appropriations that the amount expended for stationery last year was $9,937.23. There was expended for fuel $6,757.98. If the basement had been heated, this sum would have been largely exceeded. There was expended for gas $5,747, and but $4,500 was appropriated.

Mr. RANDALL. Give us the items of carpets and furniture.

Mr. STONE. I am coming to that as rapidly as I can. Four thousand dollars was appropriated for plumbing, and but $3,433.45 was expended. The painting appropriation was $2,500, and there was expended $3,084.82; and I say after making a thorough examination of the exterior and interior of the building that there should be $5,000 more appropriated to paint it, in order to preserve the wood-work of the building.

Mr. RANDALL. I was there this morning and it looked very well painted.

Mr. STONE. I would like to take the gentleman there and examine the outside wood-work of that building. There was appropriated for carpets last year $10,000, and they expended $13,047.71.

Mr. RANDALL. We can do without that this year.

Mr. CLARK, of Missouri. I would ask the gentleman from Missouri [Mr. STONE] if there was not a much larger amount expended for carpets last year than the year previous?

Mr. STONE. The amount has been about the same for the last three years.

Mr. CLARK, of Missouri. Can the gentleman inform the House what was done with the old carpets?

Mr. STONE. The old carpets were sold; and from a statement of receipts from sales I learned that the sum of $18 was received for old carpets.

Mr. CLARK, of Missouri. Was that all?

Mr. STONE. That was all that I could find had been received for old carpeting in the statement I examined. I must say, however, that from evidence I learned the carpets sold were as completely worn out as it was possible for them to be. For hardware $1,200 was appropriated and $1,817.73 was expended, and for miscellaneous expenses $9,000 was appropriated and $12,125.58 was expended. In conclusion, Mr. Chairman, I think the amendment proposed by the gentleman from Ohio should be adopted in order to meet the necessary expenses of the Department for the year ending June 30, 1877.

Mr. FORT. I hope that the amendment of the gentleman from Ohio [Mr. FOSTER] will be adopted. I take it that none of us desire to cripple the Post-Office Department and that all this money asked, and even more, ought to be appropriated for the contingent expenses of the Department.

Now, Mr. Chairman, this is the only Department of this Government which has and which must continue to be upon a rapid increase; in fact there is no Department of the Government, except those that were connected with the war, that has increased in its business, increased in its facilities, as the Post-Office Department has done And I may say that in my judgment there have been no more improvements made in the management of any other Department than there have been in the Post-Office Department. Mail-messengers have been added to facilitate the transportation of the mail and letter carriers, and in fact there are now a great many things provided and furnished to us by the Post-Office Department which were not formerly furnished. I submit at this point tables showing the number of post-offices and the length of mail-routes in miles:

Number of post-offices.

	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Total increase.	Increase per cent. in 7 years.
United States	26,481	27,106	28,492	30,045	31,863	33,244	34,294	35,547	9,066	34¼
Kansas	329	381	500	657	761	887	981	1,064	735	223¾
Nebraska	158	179	214	271	372	429	501	559	401	253¾
Nevada	43	50	59	58	70	82	86	88	45	104⅔
Oregon	129	144	157	175	220	239	244	268	139	107¾
Texas	494	494	521	596	654	749	818	861	367	74¼
Arizona	15	14	21	26	31	37	34	42	27	180
Colorado	75	89	94	110	132	145	167	188	103	137⅓
Dakota	31	35	41	49	77	99	112	133	102	329
Idaho	31	29	25	33	42	53	66	68	37	119¼
Montana	36	53	68	76	96	101	94	100	64	177⅔
New Mexico	43	40	40	46	47	48	55	66	23	53½
Utah	97	104	120	136	155	168	166	171	74	76⅓
Washington	66	66	77	92	109	126	138	155	89	134⅚
Wyoming	7	14	27	24	30	33	34	40	33	471⅓
Money-order offices	1,468	1,658	2,076	2,452	2,775	3,069	3,404	3,696	2,228	151⅔
Money-orders issued	831,937	1,264,143	1,671,253	2,151,794	2,573,349	3,355,686	4,420,633	5,006,323	4,174,386	501½

Number of post-offices.—Continued.

	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Total increase.	Increase per cent. in 7 years.
Route agents	490	503	587	684	764	862	936	987	497	101½
Postal-railway clerks	232	324	375	513	642	752	850	901	669	288⅝
Mail-messengers	54	74	78	103	146	171	211	225	171	316⅔
Special agents	40	48	51	52	59	47	54	48	.....	.....
Clerks in Post-Office Department	242	236	228	233	254	259	270	277	45	19¼

Length of mail-routes in miles.

States and Territories.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Increase.
Arizona	1,100	1,380	1,495	1,495	1,332	1,532	2,030	1,981	881
Colorado	1,060	1,180	1,496	2,053	2,165	2,406	2,617	2,927	1,867
Dakota	210	499	487	681	1,262	1,154	1,456	2,212	2,002
Idaho	280	589	620	805	1,982	1,175	1,303	1,188	908
Montana	356	1,047	1,623	1,339	1,344	1,321	1,400	1,564	1,208
New Mexico	1,348	1,506	1,566	1,763	1,748	1,812	2,052	2,111	763
Utah	2,307	1,215	1,776	2,759	2,733	2,939	3,085	3,156	849
Washington	1,618	1,618	1,678	2,661	3,117	3,345	3,384	3,020	1,402
Wyoming	.....	.....	.....	108	108	163	183	530	530
California	12,607	7,381	7,528	8,842	9,621	10,878	11,440	10,189	.....
Kansas	5,235	4,019	4,868	5,509	6,333	7,317	8,666	10,411	5,176
Nebraska	1,758	2,540	2,826	3,134	3,458	3,755	4,366	6,612	4,854
Nevada	1,704	17,030	2,115	1,722	1,708	2,136	2,207	2,343	639
Oregon	2,102	1,294	1,413	2,192	2,309	2,415	2,676	4,154	2,052
Texas	10,381	11,141	11,174	11,065	12,423	12,419	13,233	14,202	3,821
United States	216,928	223,731	231,232	238,359	251,398	256,210	249,097	277,873	50,945

These tables show the vast increase within the last ten years of the Post-Office Department. As it has spread its net-work over the West and carried mail facilities to that sparsely-settled country they have been subjected to great expense, and they have met it in a business way. In my judgment, they have carried on their operations as economically as it is convenient or possible for any Department to do.

Sir, we should certainly not cripple the operations of this Department; there is no other that the people are so intimately connected with; there is no Department of the Government with which the people so come in contact every day, and whatever is necessary for its contingent expenses ought to be cheerfully voted. But very little money is asked for by this amendment, and I think we ought to vote it. I hope the amendment will be adopted.

Mr. RANDALL. I think this increase in business is overestimated. If my memory serves me—and if not I hope some gentleman will correct me—about half the expenditure of the Post-Office Department is for transportation.

For the fiscal year ending June 30, 1874, the expenses of the Post-Office Department for inland transportation of the mails was about $15,400,000; for the fiscal year ending June 30, 1875, it was about $15,350,000, in fact less than for the prior year. According to the estimates of the Department for the fiscal year ending June 30, 1876, so far as they can now be ascertained, the expenditures for this purpose will be about $280,000 more than for last year. I am apprised by the gentleman from Georgia [Mr. BLOUNT] that the estimates from the Second Assistant Postmaster-General reduce the first estimates about $1,500,000.

The bill reported this morning from the Committee on Appropriations by the gentleman from Indiana, [Mr. HOLMAN,] who has charge of it, I am glad to say, proposes for deficiencies but $2,600,000 and odd against $5,680,000 for last year. There has been a reduction, by careful examination and scrutiny, of $4,000,000 from the deficiencies of last year, without cutting off a single post-office or a single mail-route, and I believe without impairing the efficiency of the Post-Office Department in any degree.

Mr. FOSTER. Would it not be fair to state that a million dollars of that reduction is because of the increased receipts of the Department?

Mr. RANDALL. Of course; but $3,000,000 is due to the cutting off of expenses, which, if the same scrutiny had been exercised last year, would have led to the same reduction in the appropriations of last year. In regard to the item in the pending paragraph, last year there was expended $53,000; we have reduced it this year to $40,000; and the very figures the gentleman from Missouri [Mr. STONE] gives indicate the wisdom of that reduction. He tells us that each year there has been appropriated about $13,000 for carpeting. That is only one of the excessive expenditures to which I allude. I think that now the Department should pursue the same plan that would be pursued by an individual. For instance, if I found that in my own household expenses I could not afford to buy a new parlor carpet this year—and bear in mind that the Department purchase nothing but parlor carpeting—I would put off buying a new one till another time and use the old one.

Mr. FOSTER. The gentleman refers to the decreased amount appropriated for deficiencies in the bill reported by the gentleman from Indiana, [Mr. HOLMAN.] I want to ask him if a part of that decrease is not due to the fact that it is proposed to decrease the mail facilities of the people? That is, we cut off the fast-mail trains that are now in operation.

Mr. RANDALL. I do not think that has anything to do with it. The gentleman alludes to the change in the payment for mails, which was formerly by weight. I have not the figures exactly, but we have reduced that now to six mills per mile for trains running twenty miles an hour, and seven mills per mile for trains running faster than that. That is my understanding of it.

It is alleged that this reduction may cut off what is known as the fast-mail trains between two or three cities. So far as I know—and I conferred with the Postmaster-General this morning—I did not understand him to make any objection to the change in that respect. He was rather particular to say that he wanted it understood that in all his recommendations he was in the direction of economy in the Department rather than to have it inferred that he was for increasing the emoluments of the railroads. I say that in justice to the gentleman who occupies that high position.

Mr. FOSTER. I have no doubt about that. The gentleman was talking about the large decrease in the amount for deficiencies. I say a portion of it is due to the fact that the bill proposes to decrease the mail facilities of 20,000,000 of people.

Mr. RANDALL. Not at all; we have not cut off a post-office.

Mr. FOSTER. We have lengthened the time.

Mr. RANDALL. We have not cut off a route.

Mr. FOSTER. We have lengthened the time for carrying the mails, and are going back to the old stage-coach system in democratic times.

Mr. RANDALL. I wish you would go back to the old democratic times in the matter of honesty.

Mr. HOLMAN. I hope gentlemen will confine themselves to the subject-matter of the bill.

Mr. FOSTER. The chairman of the Committee on Appropriations [Mr. RANDALL] was the first one to branch out; let the gentleman criticise him.

Mr. O'BRIEN. I move to strike out the last word, for the purpose of saying that the advantage of the proposed amendment over the paragraph in the bill is that it is in the line of the improvement which this bill shows over similar bills of last year and other years. That is to say, it appropriates in detail for all the different expenditures. It is true the amount proposed by the amendment is a few thousand dollars more than the amount contained in the paragraph of the bill.

I desire to call the attention of the Committee on Appropriations to the fact that in the appropriations for contingencies for the Senate, for the House, for the State Department, and for other Departments of the Government, they propose to appropriate in detail; whereas for the contingent expenses of the Post-Office Department there is here an aggregate appropriation of $40,000 for the different items of expenditure. I am rather opposed to that, because it is a departure from the improvement which this bill proposes in regard to the different Departments of the Government, save and except this single Department of the Post-Office.

It is perhaps better that we should appropriate a certain sum for carpets and a certain sum for furniture and other articles than to appropriate a general amount, aggregating nearly $50,000, for all these expenditures. It will be very clear to gentlemen that under

an aggregate appropriation the authority in the Department which supervises these expenditures can give a large amount for purposes that may not be actually necessary, whereas under the proposed amendment the appropriation is confined to a certain amount for a certain purpose. It is more economical to limit the expense by appropriating a certain amount to each item than to appropriate an aggregate amount for several items. There is more safety in the one case than in the other, and I think in that respect the amendment has much advantage over the paragraph reported in the bill.

It appears from this debate that although there were $17,000 or $18,000 expended last year by the Post-Office Department for carpets, when these carpets were taken up and new ones purchased for the rooms, instead of the old carpets bringing a sum that would approximate nearly to the original cost, as would ordinarily be the case, they brought the insignificant sum of $18. That proves further the importance of appropriating a certain fixed sum for each article of expenditure, so far as it can be done. Of course it cannot be carried out to the utmost detail; but to a very great extent it can, and it is so carried out in the amendment proposed by the gentleman from Ohio. That proposition is so careful a generalization of the expenditures required for this Department that it appears to me it would be more economical, more in the interest of the public Treasury, that the amendment should be adopted than that the bill should be left in its present shape.

Mr. RANDALL. The gentleman should understand that in making up this amount we had each item named in the amendment. Here is one item in the estimates:

For furniture, $12,000.

Mr. O'BRIEN. I ask my friend whether, in the expenditure of this $40,000, the authority controlling the expenditure will be governed by the terms of the bill as it may be passed by Congress or by the Estimate Book?

Mr. RANDALL. If there is any fidelity exhibited in the estimates, he will give a relative proportion of the money to each item of his estimate.

Mr. O'BRIEN. But if he does not——

Mr. RANDALL. Then he ought not to have any.

Mr. O'BRIEN. If he does not, there is no redress whatever.

The question being taken on the amendment of Mr. FOSTER, it was not agreed to; there being ayes 26, noes not counted.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

For compensation of the Commissioner of Agriculture, $2,700; chief clerk, $1,800; entomologist, $1,800; chemist, $1,800; superintendent of experimental gardens and grounds, $1,800; statistician, $1,800; disbursing clerk, $1,600; superintendent of seed-room, $1,600; botanist, $1,600; microscopist, $1,600; three clerks of class four; four clerks of class three; five clerks of class two; six clerks of class one; seven clerks of class one as tabulators for statistical division; engineer, $1,200; superintendent of folding-room, $1,200; three copyists, at $900 each; one attendant in museum, $1,000; two assistant messengers, at $720 each; one carpenter, at $960; two watchmen; and nine laborers; making, in all, $67,280.

Mr. RANDALL. By direction of the committee I move to amend the paragraph just read by making it read as follows:

For compensation for the Commissioner of Agriculture, $2,700; chief clerk, $1,800; entomologist, $1,800; chemist, $1,800; assistant chemist, $1,200; superintendent of experimental gardens and grounds, $1,800; statistician, $1,800; disbursing clerk, $1,600; superintendent of seed-room, $1,600; botanist, $1,600; microscopist, $1,600; three clerks of class four; four clerks of class three; five clerks of class two; six clerks of class one; one clerk of class four, two clerks of class three, two clerks of class two, and one clerk of class one as tabulators for statistical division; engineer, $1,200; superintendent of folding-room, $1,200; three copyists, at $900 each; one female superintendent of flower-seed, $900; two attendants in museum—one of whom shall act as librarian—$1,000 each; two assistant messengers, at $720 each; one carpenter, at $960; two watchmen; and eight laborers; making, in all, $69,560.

The amendment was agreed to.

Mr. HOLMAN. At the instance of the gentleman from Iowa [Mr. WILSON] I submit the following amendment, and ask his attention to its provisions:

Add to the paragraph the following:
It shall be the duty of the Commissioner to collect agricultural statistics, compile the same, and publish monthly a statement thereof.

I suppose this will meet the views of the gentleman from Iowa, who feels quite an interest in this matter of agriculture.

Mr. WILSON, of Iowa. I think, Mr. Chairman, that the same provision which was inserted in the bill last year (and which I will send up to be read) ought to be included in this bill. The amendment of my friend from Indiana [Mr. HOLMAN] does not make any provision for paying for the collection and publication of statistics; and if gentlemen will look over the features of the appropriations in this bill for the Department of Agriculture they will find that no provision at all is made for collecting and publishing agricultural statistics in the monthly or annual reports.

Mr. HOLMAN. Let the gentleman's proposition be read.

The Clerk read as follows:

For collecting agricultural statistics and compiling and writing matter for monthly, annual, and special reports, $15,000: *Provided*, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

Mr. WILSON, of Iowa. I have just learned that my friend from Alabama, [Mr. CALDWELL,] the chairman of the Committee on Agriculture, desires to offer an amendment on this subject; and as I have no desire to interfere with the business of the standing committee, not being myself a member of it, I ask leave to withdraw my proposition till I hear what that gentleman desires to submit.

Mr. HOLMAN. Of course my proposition is subject to amendment.

The CHAIRMAN. The only amendment pending is that of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. CALDWELL, of Alabama. I desire, when it is in order, to move to amend by inserting $3,000 instead of $2,700 as the salary of the Commissioner of Agriculture.

Mr. HOLMAN. O, no.

Mr. RUSK. O, yes; that is right.

Mr. CALDWELL, of Alabama. Mr. Chairman, I have been instructed by the Committee on Agriculture to submit this amendment; and I am glad to say that it is in consonance with my convictions of right and justice. I am made the bolder in offering this amendment by the kindness of the Committee on Appropriations in the amendments which on their own motion they have submitted, coupled with the very kind and gracious act of the chairman yesterday in raising the salary of the Commissioner of Pensions. The soldier interest of this country is a very great one; but there is another which must not be disregarded, the agricultural interest, which can be characterized and epitomized in one solitary sentence as forming the basis, the substratum, upon which rests the prosperity of this entire country. The only recognition which the agricultural interests have had at the hands of this Government was in the organization of the Agricultural Department and the continued appropriations for it.

I have not time in a five-minute speech to mention all the advantages which have flowed from the establishment of this Department. I apprehend those advantages address themselves to the understanding of every member upon this floor. The very first blow that is made at this Department by the committee is at the head of the Department, and I undertake to say that whenever you reduce the salary of the Commissioner of Agriculture from $3,000 to $2,700 you strike a blow from which the Department will not soon recover.

I know there is a very common feeling in the minds of many that the farming interests of the country will take care of themselves, and that the chief at the head of that Department need not necessarily be a man whose attainments in science, in literature, in cultivation should be equal to those of the chiefs of other Departments; but whenever you reduce the salary of the Commissioner to $2,700, you then will secure the services of persons of only ordinary ability. There is not a farmer in this country who is still in his vocation, who is cultivating the ground, who has sufficient scientific attainments to furnish the brain-power to run an institution of that kind, who would think of abandoning his farm and home to take a place under the Government at this compensation.

You have at the head of the Department now a man who could earn twice the amount of his salary in the practice of his profession, but while he is a lawyer, while he has adorned the bench of his State, he is at the same time a practical farmer and acquainted with subjects which are interesting and profitable to farmers. I venture the assertion that all the salaries which have been paid to this Commissioner would not amount to a fair compensation for one single, solitary article which he has contributed to the Agricultural Reports of the country. And whether the present Commissioner is to be retained in office or not, it does seem to me $2,700—an amount less than is paid for chief clerks in many of the Departments—is not an amount commensurate with his service and the ability necessary to run his Department. I trust my amendment will meet the favorable consideration of the House, and that it will be ingrafted upon the bill.

Mr. HARRIS, of Georgia. I move to strike out the last word of the amendment.

Mr. Chairman, no one on this floor sympathizes more fully than I do with our Committee on Appropriations in their efforts at retrenchment. The section of the country which I represent needs this retrenchment in every department of the Government; but I must insist that in some instances reduction of expenditures is not good economy or retrenchment.

As has been intimated by my colleague on the committee, when we withhold from the agricultural interests of this country the appropriation necessary to give them efficiency and secure development, we strike at the very underground of our present troubles to-day. I wish to remind gentlemen upon this floor who are inclined to ignore the agricultural interests of the country that this little Bureau, insignificant as it may be in the estimation of some gentlemen, represents one-half of the population of this great Union. Ay, more; it contributes 79 per cent. of the entire volume of exports of the country. Upon the prosperity and success of these agricultural interests every man, woman, and child throughout our broad domain is to-day dependent for food and clothing.

Now, Mr. Chairman, to secure the services of a competent man in this Department, will any gentleman say $2,700 is an adequate compensation? No, sir; it is not adequate to the menial labor performed by the head of this Department, and I admonish gentlemen here, under the pressure of stern necessity which now urges this country to action, the indications are we must look to the material interests of the country, and if we ignore any let it be the meaner and baser thing of party politics. Why, sir, to my mind, the most favorable augury in our political heavens to-day is the long blue streak now rising in the West, which betokens the return of simplicity, of honesty, and of economy in the administration of our country as exhibited in the ven-

erable form of Uncle Jimmy WILLIAMS. There must be an uprising, my countrymen, of the people in this country, if they would redeem it from the thralldom, the extravagance, and the corruption which curse it from the center to the circumference. But I insist that the chairman of this committee will not hesitate, instead of impairing the efficiency of this Department of the Government, to magnify it in every possible way; for the good of the country demands it.

Mr. REAGAN. What is the pending amendment?

The CHAIRMAN. There are two amendments pending, one moved by the gentleman from Alabama and another moved by the gentleman from Iowa. The gentleman from Georgia has made a *pro forma* amendment.

Mr. HARRIS, of Georgia. I withdraw it.

Mr. RANDALL. The amendment of the gentleman from Alabama is to make the salary $3,000 instead of $2,700.

The CHAIRMAN. The motion to perfect the paragraph is first in order.

Mr. REAGAN. I will speak to the amendment of the gentleman from Alabama to increase the salary from $2,700 to $3,000. I desire to make this an occasion for saying a word generally in reference to this Department.

I must infer, sir, this Bureau is doing a good deal to improve the agriculture of the country as well as its horticulture. I am led to infer so from some personal experience—very little, however—with the present head of that Bureau. I believe the appropriation for this Bureau last year was $168,000. That is without reference to the one hundred and odd thousand dollars paid for printing the reports of the Agricultural Bureau. Altogether it sums up about $300,000. The reports go out. Some read them. Perhaps some are benefited by them; but I do not think they are so much benefited by them as they are by the reports of State and other agricultural associations throughout the country.

But it may be said the people are benefited by the seeds that are distributed. If that be so it must be by the quality and not the quantity of the seeds received that they are benefited. If my share for my district of the $168,000 is to be measured by the seeds received, I say they cost too much unless they are of very extra quality. I do not hesitate to say that $15 sent to seed-producers at Philadelphia or other places in the country can get as many seeds as my share of the $168,000 comes to.

Mr. O'BRIEN. I think the gentleman from Texas makes a mistake. These seeds are not only distributed to members of Congress and Senators, but are sent to every county throughout the whole Union.

Mr. REAGAN. Who sends them?

Mr. O'BRIEN. The Commissioner of Agriculture.

Mr. REAGAN. I suppose one who knows how to make applications to the Commissioner may be able to get them. But they are paid for out of the Treasury of the country, and they ought to be distributed for the good of the country, equitably and justly.

Mr. CALDWELL, of Alabama. The gentleman from Texas surely is aware of the fact that the Commissioner of Agriculture is in correspondence with every county in the United States. He has his regular correspondents all through the country, and through those correspondents not only seeds are distributed but the Agricultural Reports.

Mr. REAGAN. Well, sir, that may be so, but the idea was held out by the law, and that is the general understanding, that these seeds are in the main for distribution among the people of the different congressional districts by their members. I have got about the amount I stated. And on forwarding letters from citizens of my district requesting some sorts of special seeds understood to be in the Department for distribution, I got a short and insolent answer, such a one as disregarded official courtesy. And I desire to say if this extravagance is to go on, and if the Department is to be managed by one who does not know the ordinary courtesies between gentlemen, much less between officers of the Government, I do not want any such appropriations to be placed in such hands.

I say, sir, that this appropriation is needlessly extravagant. It is a great deal of cost with a very little profit. I know we are led to believe because the people send here for seeds that they regard it as a great boon. They know, sir, that we are squandering the public money, and they want to get their part of the plunder as well as they can. But I take it there is not a well-instructed agriculturist in this land nor a well-instructed gardener in this land—and I claim to be both—who does not know that there is here an extravagant and wasteful expenditure of the public money, and that this Department does not confer the good upon the country that is conferred by the agricultural societies and the men who are practically engaged in the production and distribution of seeds.

I felt disposed to say this much on general principles, and I felt disposed to say it particularly on account of the man who presides over that Department. And I wish to say that I think the public interests would be better served by reducing than by increasing this salary. I trust it will not be increased.

Mr. RANDALL. I do not wish to enter into a discussion as to what these seeds cost, or whether the service can be done cheaper than it is now done by the Department. That is not material to the pending amendment. But I wish to remark incidentally here that I believe the same amount of seeds could be distributed, if distributed by an individual, for immensely less money; and perhaps better seed. I speak especially of flower-seed. My experience in this matter is somewhat limited, only extending to a flower garden, but the trouble with the seeds that I have got from the Department is that they do not come up. When I mentioned that at the Department I was told that I put the seeds too far into the earth.

Mr. REAGAN. The beans, corn, &c., that are sent out are also found to be inferior.

Mr. RANDALL. That was a sufficient answer to me. I do not know much about it myself. I was brought up to merchandise and not to farming.

Mr. WILSON, of Iowa. If you will apply to the gentleman from Texas, [Mr. REAGAN,] who is a well-instructed agriculturist, he will tell you at what depth you should put the seed.

Mr. RANDALL. Next time I will not put them in so deep, and I suppose I will find out at last how these flower-seeds are to be planted.

The gentleman from Alabama [Mr. CALDWELL] stated that we raised the salary of the Commissioner of Pensions. That is a mistake. If the gentleman will look at section 470 of the Revised Statutes he will see that the salary of the Commissioner of Pensions is placed at $4,000.

Mr. CALDWELL, of Alabama. In the bill as reported by the committee the salary was put at $2,700. That was amended by making it $3,600.

Mr. RANDALL. The gentleman's mistake is a very natural one. We reduce the salary of the Commissioner of Pensions from $4,000 to $3,600. We found the salary of the Commissioner of Agriculture $3,000, and reduce it to $2,700. We have dealt with them exactly alike, and I do not myself see any reason why this gentleman should not be subjected to the same rate of reduction as all others. I hope the amendment will not prevail. We endeavored in the committee to reach, and I supposed we had reached, the conclusion as to the amount of appropriation which would be satisfactory both to the Committee on Agriculture and the Committee on Appropriations.

Mr. REAGAN. I desire to reserve the privilege of a vote by yeas and nays in the House on this amendment.

Mr. RANDALL. I have no objection to that.

The question being taken on the amendment of Mr. CALDWELL, of Alabama, it was agreed to.

Mr. CALDWELL, of Alabama. The chairman of the Committee on Appropriations has provided in the amendments which he has submitted for two attendants upon the museum, one of whom shall be librarian.

I am constrained to offer the following amendment:

In line 1484 insert "one librarian, $1,400."

Now, sir, one word in regard to that amendment. The salary of this officer has heretofore been $1,800. The Committee on Appropriations have stricken out the librarian entirely in their bill. I desire to state to the House, for the information of gentlemen who have not grown familiar with that Department, that Congress has appropriated heretofore an amount perhaps reaching $50,000 for the purchase of a library. There are eight or ten thousand volumes, the most valuable collection of agricultural and scientific works on this continent, if not in the world. These works are consulted by the head of every division in that Department every hour in the day. Is it sound policy to appropriate so much money for books and have no one to take care of them? Here are eight thousand volumes without a guardian, without a keeper. I undertake to say that no female attendant on the museum is competent to take charge of that library and manage it as it is conducted now. There is a reduction in the salary of the librarian of $400 in the amendment which I offer, provided the librarian is retained. It seems to me, sir, to be unwise to leave so many books, so large a library, and one so useful, at the mercy of every incomer and outgoer in the Department.

So far as relates to the two attendants in the museum, one of these attendants I am informed is also a modeler, and her services are just as much needed in that Department as are those of the one who attends the museum. With this librarian restored, these books will be preserved and each division of the Deparment will be accommodated.

Mr. RANDALL. The Committee on Appropriations do not deem this officer necessary.

The question was taken on Mr. CALDWELL'S amendment, and it was not agreed to; there being on a division ayes 23, noes not counted.

The question recurred on Mr. HOLMAN'S amendment.

Mr. HOLMAN. I think the only special value there is in this Department is the gathering up of statistics and publishing them. The cost of publishing, of course, is paid out of the general fund, and the publication is made at the Government Printing Office. The army of employés we have authorized, whose salaries exceed $80,000, of course have ample leisure to gather up statistics. That, indeed, is their principal duty; so that they can very well publish these monthly reports, and I trust there will be no objection to it. It has been deemed good policy in the past, and I hope it will be continued. The main purpose for which the $80,000 is appropriated—to be sure we appropriate $50,000 for seeds, but the main duty of the Agricultural Department is to gather up statistics and send them out to the country. They are not always very reliable, because no statistics of the kind can be made reliable, but I think they are more reliable than any other statistics that we have.

Mr. WILSON, of Iowa. I understand that the gentleman from Ala-

bama [Mr. CALDWELL] has an amendment on this subject of collecting statistics.

Mr. CALDWELL, of Alabama. Yes; but I propose to offer it as an amendment to the next paragraph.

Mr. WILSON, of Iowa. As I have the floor, I will offer the amendment of the gentleman from Alabama, with his permission, as an amendment to the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

The Clerk read the amendment, as follows:

For collecting agricultural statistics and compiling and writing the matter for monthly, annual, and special reports, $3,000.

Mr. WILSON, of Iowa. Does the chairman of the Committee on Agriculture consider that a sufficient amount?

Mr. RANDALL. I consider it too much.

Mr. HOLMAN. Why make any special appropriation for the purpose at all?

Mr. CALDWELL, of Alabama. I desire to answer the question of the gentleman from Iowa. The Department does not consider it enough, but the Committee on Agriculture, sympathizing with the economical desires of the Committee on Appropriations, thought proper to instruct me to offer this amendment, and I ask the House to appropriate this amount for the purpose indicated in the amendment. It is the very smallest amount that could be voted for the purpose.

Mr. WILSON, of Iowa. I desire now to reply to the gentleman from Indiana. The total amount reported by the Committee on Appropriations is $80,000, but so much of it is appropriated for seeds, so much for different Bureaus, so much to pay employés; every dollar of it is specifically appropriated, and there is not a cent of it for collecting statistics.

Mr. RANDALL. Pardon me; I take it that the whole $80,000 in the first paragraph is almost exclusively appropriated and expended for the purpose of collecting statistics; all these clerks are for that purpose.

Mr. WILSON, of Iowa. They act upon the statistics after they come into the Department, but there has always been an amount appropriated for the collecting of statistics. In the last Congress we appropriated $15,000 for this very purpose.

Mr. RANDALL. Does not the gentleman think that it was an abuse to place that $15,000 under the discretion of the Commissioner of Agriculture to pay to whom he pleased for writing such articles as he might desire? What is the Bureau for if it is not to make up statistics for the monthly and annual reports?

Mr. WILSON, of Iowa. It is to make up statistics, but there is considerable expense in getting those statistics from all over this broad land.

Mr. HOLMAN. How?

Mr. RANDALL. The gentleman will understand that heretofore, so far as I have been able to learn, this money has been expended to pay persons for writing articles upon agriculture. Is not that so?

Mr. CALDWELL, of Alabama. Allow me to explain this matter. Heretofore there has been appropriated from $15,000 to $20,000 for the statistical division of the Agricultural Department.

Mr. WILSON, of Iowa. Yes.

Mr. CALDWELL, of Alabama. Upon the suggestion of the Committee on Agriculture the Committee on Appropriations, instead of adhering to the former method of appropriation, have given additional clerks to the statistical division of this Department. Heretofore those clerks have been paid out of the $15,000 or $20,000 appropriation. But thinking it better to act directly rather than indirectly, the Committee on Agriculture recommended to the Committee on Appropriations to give a certain number of clerks in that division, which the committee has done.

Mr. WILSON, of Iowa. And the Committee on Agriculture still think it necessary to have this additional $3,000 for statistical information?

Mr. CALDWELL, of Alabama. They favor the additional appropriation of $3,000 in order to perfect the work in the statistical division. And that amount, in addition to the greater number of clerks given to the statistical division, will be four or five thousand dollars less than the appropriation made last year for this purpose.

Mr. WILSON, of Iowa. The chairman of the Committee on Appropriations [Mr. RANDALL] has now got his answer from the gentleman from Alabama [Mr. CALDWELL] the chairman of the Committee on Agriculture.

Mr. RANDALL. I know that. If an appropriation is asked for the purpose of obtaining statistical information, that is already provided for in this bill. If, on the other hand, it is to pay persons outside of the Department for writing articles to be inserted in the Agricultural Report, then I say that is not a proper expenditure. What is the Department for?

Mr. REAGAN. This paragraph now provides for "seven clerks of class one as tabulators for statistical division." There is also provided a chief clerk, an entomologist, a chemist, a superintendent of experimental grounds, and a statistician, in addition to these seven clerks. Everything that can possibly be conceived of is already provided for. Now, after a specific appropriation is made for the Department of $37,280, it is proposed to supplement it by an additional appropriation of $3,000. To whom is it to go?

Mr. RANDALL. We have, by amendment, increased the amount here appropriated to nearly $80,000.

Mr. REAGAN. To whom is this additional $3,000 to go? Is it to increase the salaries of the officers already provided for by the specific appropriation of nearly $80,000?

Mr. CALDWELL, of Alabama. Not at all.

Mr. REAGAN. Or is it to pay for the employment of others outside of the Department of Agriculture? And if so, what are to be their duties, and who is to regulate them? Is it to be a fund thrown in just to be grabbed up? If not, then let us specify how it is to be expended and to whom the salary or compensation is to be paid. We have already provided for everything that was contemplated in the establishment of this Bureau by specific appropriations for specified officers, and now we are asked to add a lump sum, for no officer in particular, to be expended under no particular direction, but a loose general appropriation, as if, because we could find nothing else to appropriate for, we would throw in a loose amount.

Mr. HARRIS, of Georgia. The gentleman from Texas [Mr. REAGAN] is under a great delusion. There is not a member of the Committee on Agriculture who wants to leave anything loose in this appropriation. The object of that committee is to make specific appropriations and to prescribe specific duties, so as to give greater efficiency to this Department.

It was our duty at a very early day of this session to visit this Department. We were not expected there. We went through every portion of the building, from the cellar to the dome. Although it was on a Saturday, we found every clerk and every employé of the Department engaged in his work, and performing it properly. Not only did we do that, but we examined the books of the Department thoroughly, and we found, and so reported to this House, that there was unexpended $58,000 of the amount appropriated for the postage of the Department, and that amount was paid back into the Treasury and is there to-day.

In regard to the distribution of seeds, I desire to say that from an examination of the books of the Department we found that every member of Congress was charged with his quota of seeds. It is true some had received more and some had received less; but the effort of the Commissioner was to equalize the distribution. And even down to a single package of garden-seed, the member to whom it was issued was charged with it.

In our intercourse with this Department we have been treated with the utmost courtesy, and the utmost promptness has been shown by the employés in the discharge of their duties.

The gentleman from Texas [Mr. REAGAN] does the Committee on Agriculture injustice when he says that we are disposed to leave anything loose. We want to tighten the screws, and to give such a direction to our appropriations, if we can, as will develop the material interests of the country upon which our financial prosperity depends.

Mr. RANDALL. Are the Committee on Agriculture unanimous in asking this appropriation of $3,000?

Mr. HARRIS, of Georgia. I think they are.

The question being taken on the amendment offered by Mr. WILSON, of Iowa, for Mr. CALDWELL, of Alabama, it was not agreed to; there being ayes 37, noes not counted.

The question recurring on the amendment of Mr. HOLMAN, it was agreed to.

ENROLLED BILL SIGNED.

The committee rose informally; and the Speaker having resumed the chair,

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3128) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

The Clerk read as follows:

For purchase and distribution of new and valuable seeds and plants, $60,000; for expense of putting up the same, for labor, bagging, paper, twine, gum, and other necessary materials, $5,000; in all, $65,000.

Mr. DUNNELL. I move to amend by inserting after the words "$60,000" in the paragraph just read the following:

Provided, That $2,000 of the above amount shall be expended by the Commissioner of Agriculture as compensation to some man of approved attainments, who is practically well acquainted with methods of statistical inquiry and who has evinced an intimate acquaintance with questions relating to the national wants in regard to timber, to prosecute investigations and inquiries with the view of ascertaining the annual amount of consumption, importation, and exportation of timber and other forest products, the probable supply for future wants, the means best adapted to their preservation and renewal, the influence of forests upon climate, and the measures that have been successfully applied in foreign countries or that may be deemed applicable in this country for the preservation and restoration or planting of forests, and to report upon the same to the Commissioner of Agriculture, to be by him in a separate report transmitted to Congress.

I do not think it necessary for me to occupy the time of the Committee of the Whole in discussing this amendment, as the Committee on Appropriations at its session this morning assented to it. I have, however, prepared some remarks upon the question of timber preser-

vation and cultivation, which I ask the privilege of having printed in the RECORD.

There being no objection, leave was granted. [See Appendix.]

The amendment of Mr. DUNNELL was agreed to.

Mr. REAGAN. I move to amend the pending paragraph by striking out "60" and inserting "30;" so as to make the appropriation "for purchase and distribution of new and valuable seeds and plants" $30,000; and also to change the aggregation of the paragraph from $35,000 to $35,000.

Mr. Chairman, I offer this amendment because whatever advantage there may be in the attainment of scientific information by this Bureau for the benefit of agriculture, it does not consist in, and is not illustrated in the main by, the seed distribution from that Office. Even if the Department were under a different management, from which courtesy and fairness could be expected, I would still be opposed to an appropriation of such amount for this purpose. For the distribution of such seed as are sent out from that Department, which the Department will not guarantee to grow and which do not in many cases grow, $30,000 is certainly enough. If we reduce this appropriation $30,000 we benefit the people by avoiding to that extent an expenditure which is nearly useless, if not in fact mischievous, by reason of the competition with the seed-growers of the country, who are its real and chief benefactors in this respect.

Mr. CALDWELL, of Alabama. The gentleman from Texas seems to lose sight of the fact that there are sections of this country which are not conveniently situated in regard to seed stores. In the South, the Southwest, the West, and the Northwest, there are benefits growing out of the distribution of seeds from this Department which the gentleman seems to have forgotten. In order to show the efficacy of such distribution, I ask the Clerk to read an extract from one of the late monthly reports of the Agricultural Department.

The Clerk read as follows:

RESULT OF SEED-DISTRIBUTION.

Wisconsin, Outagamie: There will be hundreds of acres of Fultz wheat sown in this county next year. There were over seven hundred bushels raised this season, all from the four quarts sent me by the Department four years ago. The Schonen oats are now sown by nearly all the best farmers in the county. They average at least ten bushels per acre more than any other variety. So it is seen that the introduction of new seeds is doing a great amount of good, especially for field crops. *Clark:* The Fultz wheat furnished by the Department is growing into general favor. It makes about two weeks earlier than the other varieties. The different varieties of oats and barley furnished by the Department seem well adapted to our soil and climate.

Kansas, Woodson: At our district fair (including four counties, and open to the world,) the Westchester corn from the Department bore away the premium; also the silver-hull buckwheat took the first premium; it yielded 45 bushels per acre; also the red (Etampes) pumpkin. It is large, rich, sweet, and the grain solid and fine as that of a squash. *Allen:* From seed sent out from the Department were produced a mammoth squash weighing 115 pounds, and a total on one vine of 1,096 pounds; also potatoes weighing 2 pounds each; beets, 9 pounds; turnips, 14 pounds; cabbage, 36 pounds.

Nebraska, Thayer: The winter-rye sent from the Department, in hardiness and yield, beats anything in these parts.

Virginia, Grayson: From seed sent to me by the Department last spring, I have raised large bright yellow pumpkins, weighing 112 and 117 pounds apiece.

North Carolina, Forsyth: Mr. A. Fagle, from 1 bushel of Clawson wheat raised 41 bushels.

Arkansas, Saint Francis: The Westchester yellow-corn sent from the Department last spring is a grand success; I raised some that measured 13 inches to the ear. It is some three or four weeks earlier than our ordinary corn, and yields as much per acre as the very best. *Benton:* My Willis corn yielded 40 bushels per acre; common white, 55; Pennsylvania yellow, 65.

Tennessee, Macon: The early yellow corn forwarded to me by the Department is the largest field-corn within my knowledge.

Mr. REAGAN. I have not my witnesses here, and I would like to have a continuance of this branch of the case. [Laughter.]

Mr. DUNNELL. Mr. Chairman, I am somewhat surprised at the remarks of the gentleman from Texas. It is a fact that very many of the seeds which have come from the Agricultural Department have had very much to do in increasing the prosperity of many of the farmers, especially in the West. Some of the grains which we are now producing there with very good success were first obtained from the Agricultural Department. A new species of oats obtained four or five years ago from the Department is now the standard, yielding heavily and sought for by all intelligent farmers throughout the West.

It seems unwise to talk about a Department that after all costs so little comparatively. If but one species of wheat or barley or oats is introduced into the country and becomes successful in cultivation, the country is repaid ten times for all it has expended.

The gentleman from Georgia [Mr. HARRIS] a little while ago in his remarks spoke wisely when he called the attention of this committee to the great underlying interests of agriculture. It will not do in a Republic like ours, spreading widely in all directions, resting almost wholly upon agricultural products for its prosperity, to strike even at a humble Bureau like this, which seeks to diffuse information, open up new methods in agriculture, aid in the introduction of improved machinery, and to bring into use new seeds and new plants. These interests are too momentous to be disregarded by any one.

The gentleman from Texas [Mr. REAGAN] is himself a farmer. I have heard him talk well in private about agricultural matters. I think he will now admit, if this Department is successful in doing just what it has done for the country, it is not wise legislation to cripple it. Suppose we vote three or four thousand dollars for the monthly publications of agricultural information to be spread broadcast throughout the country. Why, sir, a single issue may, by the information conveyed, pay the whole amount.

What we want in agriculture, as in the mechanic arts, is quickened thought. We want investigation, research, the adoption of new methods, new means, new processes. The Agricultural Bureau keeps the agricultural mind of the country as it were on the lookout for improvement, on the lookout for advancement, and I think we do well to increase the amount of the appropriation. I trust members of the committee, all of those representing agricultural interests, will give to the motion to increase the amount named a full and hearty support.

Mr. REAGAN. I desire to ask the gentleman from Alabama or any member of the Committee on Agriculture a question in reference to this appropriation. What steps have the committee ever taken to verify the accuracy of the accounts of the expenditure of money for this purpose? Have they ever had any itemized account concerning the purchase of seed? Have they ever had any means within their control of determining the accuracy of the expenditures of this money for the purpose for which it is appropriated?

Mr. CALDWELL, of Alabama. The Committee on Agriculture have not investigated the Department to that extent. We have examined their books in reference to seeds purchased and the amount disbursed.

Mr. REAGAN. Then I presume the chairman of the committee is able to answer the question whether the amount purchased and that disbursed balance each other?

Mr. CALDWELL, of Alabama. They do, so far as our investigations have gone.

Mr. REAGAN. Has there been any effort made to look into the vouchers as to purchases and disbursements?

Mr. CALDWELL, of Alabama. The Committee on Agriculture have heard that there was alleged misconduct on the part of the Agricultural Department; but, although we have endeavored to discover the witnesses who could testify to any such misconduct, it has been so far without avail. As I have stated, we have examined the accounts of the Bureau, but we have not made any scrutinizing investigation, such as would enable us to answer fully on all points in reference to the disbursements of the Department.

Mr. HARRIS, of Georgia. The Committee on Agriculture did investigate the accounts for three running months, examining the vouchers, the amounts expended, and how accounted for.

Mr. REAGAN. What was the result of that investigation; were all the vouchers examined?

Mr. HARRIS, of Georgia. They were examined and found to be correct.

Mr. HARRIS, of Virginia. I move to strike out the last word for the purpose of stating that, so far as my district is concerned, almost every person to whom seed has heretofore been sent has again applied for another supply, alleging the seed sent were so good more was desired for the present year.

I will take this occasion to state also—and it is gratifying to me to be able to do so—that in all the official intercourse I have had with that Department I have experienced a courteous and kind bearing from all the officers connected with it, especially the chief clerk, with whom it mostly has been. I now withdraw my *pro forma* amendment.

Mr. RANDALL. I ask that debate be closed on the pending paragraph.

There was no objection, and it was ordered accordingly.

Mr. REAGAN'S amendment was disagreed to.

The Clerk read as follows:

For postage on seeds, reports, circulars, and letters, $2,500.

Mr. CALDWELL, of Alabama. I move, in line 1523, to insert "$4,000" instead of "$2,500." This provides for the postage of the Agricultural Department. The committee have appropriated $2,500. It is insufficient to meet the demands on the Department. They have six thousand correspondents or more in the country, and they pay the postage on a letter to and from each correspondent, which is only right. Six thousand multiplied by six would give $3,600, showing that $2,500 is not sufficient. Four thousand dollars is as little as the Department can get along with. I hope the amendment will be adopted.

Mr. THROCKMORTON. I rise to support the amendment, and while up I will take occasion to say, as far as my information extends, the people of the country, are more willing to contribute whatever burden this Department may impose than to almost any other, except perhaps the Post-Office Department. So far as my intercourse with the Department is concerned, I can only say that I have always been treated most courteously, and to my knowledge the Commissioner has correspondents in most of the counties in the district which I represent.

The farming community write me, expressing their high appreciation of this Department, and I am satisfied, from what I have heard among my constituents and from their letters to me, that they are willing to contribute to this Department of the Government more liberally perhaps than to any other. I hope the amendment of the gentleman from Alabama will be adopted.

Mr. REAGAN. I desire to congratulate my colleague on his having been so much better treated by the Department than some others have been.

Mr. THROCKMORTON. I treated them properly, and have received proper treatment in return.

Mr. RIDDLE. I wish to express my concurrence in what has been stated as to the excellence of this Bureau. I think our legislation, instead of impairing the efficiency of this Department, should be directed toward its aggrandizement. I understand there has been a proposition before the Committee on Agriculture looking to the elevation of this Department to the position of a regular Department of the Government. I am frank to say that I would support any legislative proposition looking in that direction. I am of opinion that the head of this Department should be a Cabinet officer, and if the Committee on Agriculture should submit a bill looking in that direction it would receive my cordial support. I think we ought to dignify the agricultural interests of the country.

Mr. Chairman, I read with pleasure a few years ago in one of the volumes of the History of the United States written by Mr. Bancroft this statement: That the avocation of agriculture was nearer heaven than any other. I think our legislation ought to be such as to induce the young men of the country to engage in agricultural pursuits and divert their attention from the various professions which are now overcrowded. I hope the amendment will be adopted. I am in favor of retrenchment in every Department of the Government except this; but in this Department I will vote for an increase in the appropriations whenever I have an opportunity to do so.

Mr. RANDALL. Go on. I have no objection. I want to get on with the bill.

The question being taken on the amendment of Mr. CALDWELL, of Alabama, it was agreed to.

The Clerk read the following paragraph:

For salaries of the fifty-two district judges of the United States, including the salaries of the retired judges of the eastern district of Texas, eastern district of Wisconsin, and of the district of Delaware, $193,000.

Mr. RANDALL. I offer the following amendment:

Strike out all after the word "States," in line 1543, down to and including the word "Delaware," in line 1545, to wit, these words: "including the salaries of the retired judges of the eastern district of Texas, eastern district of Wisconsin, and of the district of Delaware;" and change the total amount to $182,500.

This crept into the appropriation bill because it was in the estimates. I am informed that all these three retired judges have paid their final account.

The amendment was agreed to.

The Clerk read the following pragraph:

COURT OF CLAIMS.

For salaries of five judges of the Court of Claims, at $4,500 each; the chief clerk, $2,500; one assistant clerk, $1,600; bailiff, $1,200; and messenger thereof; in all, $28,640.

Mr. FOSTER. I move to strike out the last word, for the purpose of calling the attention of the House to the fact that this bill makes no appropriation whatever for the payment of the judgments of the Court of Claims. I know what is proposed to be done by the chairman. I merely state the fact that no appropriation is made here for the payment of judgments against the United States, supposed to amount to $2,000,000.

Mr. RANDALL. The amount appropriated for these judgments last year was $400,000, or thereabouts, if I remember rightly. This year the estimate is $2,000,000. The committee did not put in that item because they were not fully advised on the subject. It was left to be provided for when the sundry civil appropriation bill comes up. That is the explanation.

Mr. GARFIELD. I suggest to the gentleman that the appropriations for judgments of the Court of Claims have always been in this bill; and with a view to the comparative statement of the bill it might be better if it should come in here. And I would suggest also that as to the amount, there is really nothing to go upon except the estimates of the court and the judgment of the committee on those estimates. I remember that two years ago we had to put in a million of dollars for this purpose. We left it out of the legislative bill, as the gentleman from Pennsylvania has done, until the bill was being finally acted on in the House, that we might have time for consideration.

Mr. RANDALL. The estimate of $2,000,000, I take it, includes the claim of Marshall O. Roberts, not yet decided. The committee have not entered particularly into an investigation of the amount which is necessary for this purpose. We deemed it advisable to leave that to the sundry civil bill. As regards the comparison of which the gentleman from Ohio [Mr. GARFIELD] has spoken, we shall be able to make a comparison as to the various appropriation bills in the aggregate at the end of the session. Whatever we appropriate is to come up either here or elsewhere.

Mr. FOSTER. The gentleman from Pennsylvania has stated that the appropriations in this bill were $6,000,000 less than the estimates. I think he said seven millions.

Mr. RANDALL. I said eight millions.

Mr. FOSTER. In that connection I think it would be well for the gentleman to explain that two millions are left out of the comparison.

Mr. RANDALL. It is not any such thing. The reduction which we stated at eight millions was on the estimates. But the reduction of six millions was on the appropriations of the last year, in which there was an appropriation for this purpose of $400,000. But the gentleman will find at the end of this bill another provision, by which we make a reduction in the custom-houses of the country which is estimated at $250,000. That did not come into my statement of the $6,000,000 at all.

Mr. FOSTER. I understood the gentleman to say that the reductions were $8,000,000 below the estimates.

Mr. RANDALL. I say so yet.

Mr. FOSTER. The gentleman should further have stated to the House that there were estimates for $2,000,000 for judgments of the Court of Claims, for which he appropriates nothing.

Mr. RANDALL. There is $1,600,000 to stand against that. Last year there was $400,000 appropriated to pay judgments. The estimate this year is $2,000,000. Therefore there is an increase in the estimates of $1,600,000 over the amount appropriated last year.

Mr. FOSTER. The gentleman stated that the reduction is $6,000,000 below the estimates.

Mr. RANDALL. The reduction is $6,000,000 below the appropriations; that is, as the bill came from the Committee on Appropriations. And this reduction of $400,000, which the gentleman from Ohio [Mr. GARFIELD] thinks we ought to put in for the sake of comparison, is almost offset by the reductions provided for in this bill for custom-house officers, which I had the figures to show amounted to one hundred and twenty and odd thousand dollars, besides a saving of $250,000 from the general reduction of the special agents of the customs.

Mr. FOSTER. The point I was making was that the statement was made when the bill was introduced that the reduction from the estimates was $8,000,000, when in fact it is $6,000,000, because you make no appropriation for $2,000,000 of judgments.

Mr. RANDALL. The reduction of the appropriation bill on the estimates is $8,000,000. The reduction on the appropriations of last year by this bill as it came from the Committee on Appropriations is $6,000,000. But we have made no appropriation in this bill to the extent of $400,000 which was in last year's appropriations for judgments of the Court of Claims; so that upon the face of it the reduction of this appropriation bill over that of last year is $5,600,000. But we have gone a little further, and by general provisions of law we have made reductions which I hope will amount to $400,000, in clauses which propose the 10 per cent. reduction, and further by the abolition of what are known as special customs agents. The reduction therefore made by this bill is left about the same as I stated, $6,000,000. It is true that the reduction of $400,000, of which I have just spoken, is in the permanent appropriations, but it is none the less a saving to the people. There is therefore by this bill an aggregate saving of about $6,000,000.

Mr. FOSTER. I want to get the gentleman to make the statement that the reduction from the estimates is not eight millions as he stated to the House.

Mr. RANDALL. The reduction in the appropriations——

Mr. FOSTER. I am now talking about the estimates.

Mr. RANDALL. The appropriations in this bill are now somewhat larger than they were when it was reported, because the House has been a little more liberal than the committee, but as the bill came from the committee it appropriated about $13,000,000, and the estimates were $20,836,000.

Mr. FOSTER. But the estimates included the $2,000,000 for the payment of judgments of the Court of Claims, so that the gentleman should have said six millions instead of eight millions.

Mr. RANDALL. But the real test of reduction is in this year's appropriations under those of last year.

Mr. FOSTER. I am not disputing that.

Mr. RANDALL. The reduction in appropriations will be about $6,000,000 by the effect of reduction in the appropriations and the provisions of law, most of which the gentleman from Ohio has resisted.

Mr. FOSTER. Most of which the gentleman from Ohio has sustained.

Mr. ATKINS. Most of which the gentleman from Ohio has certainly opposed.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General:

For compensation of the Attorney-General, $8,000; solicitor-general, $6,000; two Assistant Attorneys-General, at $4,500 each; one Assistant Attorney-General of the Post-Office Department, $3,600; solicitor of internal revenue, $4,500; naval solicitor, $3,150; examiner of claims, $3,150; chief clerk, $2,000; stenographic clerk, $1,800; two law clerks, at $1,800 each; five clerks of class four; one clerk of class two; one telegraph-operator, at $1,000; five copyists, at $900 each; one messenger; two assistant messengers; two laborers; and two watchmen; in all, $64,760.

Mr. RANDALL. I am instructed by the Committee on Appropriations to offer the following amendment to that paragraph:

On page 65, at the end of line 1579, insert "law clerk and examiner of titles, $2,700."

In line 1580, after the word "thousand" insert "two hundred."

In line 1581, strike out all after the word "dollars" down to and including the word "each," on line 1582, as follows: "two law clerks, at $1,800 each."

And in lines 1586 and 1587 strike out "$700," so as to make the total $64,060.

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Department, namely: For furniture and repairs, $1,000; for law and miscellaneous books for the library of the Department, $1,000; for the same for the Office of the Solicitor of the Treasury, $500; for stationery, $2,500; for miscellaneous expenditure, such as telegraphing, fuel, lights, labor, and other necessaries, $6,000; in all, $11,000.

Mr. FOSTER. At the request of the gentleman from Maine, [Mr. HALE,] my colleague on the committee, I offer the following amendment:

After line 1596 add the following words:
For care and subsistence of one horse and repairs of one wagon and harness, $1,000.

That amendment was handed to me by the gentleman from Maine, who is now absent, and I believe it has the consent of the committee.

Mr. RANDALL. I understood the sum to be allowed was $500. That is my recollection, and I am corroborated in it by the gentleman from Indiana, [Mr. HOLMAN.]

Mr. FOSTER. This is the exact amount allowed to the State Department, and in the exact words of that provision.

Mr. RANDALL. The State Department has to have an additional wagon.

Mr. FOSTER. The gentleman from Maine said that he thought the service required as large an appropriation as that of the State Department.

Mr. RANDALL. You had better put it at $500.

Mr. FOSTER. I have no discretion about it.

Mr. DURHAM. This matter came before the Committee on the Expenditures of the Department of Justice, and after full inquiry we came to the conclusion that $500 was ample for the subsistence of one horse.

Mr. FOSTER. Suppose, then, that we make the amount $500, and substitute a mule for a horse. [Laughter.]

Mr. ATKINS. I think the Committee on Appropriations agreed to give to the Attorney-General the same amount for a wagon and a horse as was given to the State Department.

Mr. REAGAN. As the gentlemen of these two committees cannot agree as to the allowance to be made for the cavalry of the Attorney-General's Department, we had better vote down the amendment.

Mr. RANDALL. In view of the statement of the gentleman from Kentucky, [Mr. DURHAM,] I move to amend the amendment by striking out "$1,000" and inserting "$500."

Mr. FOSTER. And I move further to amend the amendment by substituting a mule for a horse.

The CHAIRMAN. That is not in order now.

Mr. DURHAM. I do not know anything about any arrangement that may have been made by the Committee on Appropriations. All I desire to state is simply this: that the Committee on Expenditures in the Department of Justice directed their attention to what was necessary for the care of one horse, &c., and we found that $500 was ample for the care of one horse. I know nothing about any agreement of the Committee on Appropriations to allow $1,000, but I undertake to say that that amount is superfluous.

Mr. ATKINS. I beg to correct my friend from Kentucky. The Committee on Expenditures in the Department of Justice have recommended nothing; I have here their written report.

Mr. DURHAM. I understand that; but they investigated as to what was necessary.

Mr. ATKINS. Very well.

Mr. BLOUNT. I simply want to state that as the Committee on Appropriations do not seem to understand that they agreed to anything, I hope the statement of the gentleman from Kentucky will be accepted as to what is right and proper. I am very sure I did not have any such understanding as has been stated.

Mr. REAGAN. I propose to vote for all appropriations that are necessary, but I have not yet heard any one state what reason there is either for a horse or a mule in this Department.

Mr. RANDALL. I can state it. The Attorney-General is compelled to ride from his Department to the Supreme Court constantly, and carry with him valuable and important papers which are too cumbersome and too large in bulk for him to carry under his arm, and this carriage is for that purpose.

Mr. FOSTER. Certainly; but if you desire to reduce the amount to $500 he could with a mule and a dray have the papers sent up and ride himself in the cars.

Mr. ATKINS. O! Let us give him a thousand dollars.

The question was taken on Mr. RANDALL'S amendment to the amendment, and it was agreed to.

Mr. FOSTER. I withdraw the mule.

Mr. ATKINS. I do not see any reason why the Attorney-General should not have as much as the head of any other Department for this purpose. I think there has been a misunderstanding all around.

Mr. FOSTER. I do not think the Chair has put the question upon the amendment as amended.

The CHAIRMAN. The Chair will put the question.

Mr. MILLIKEN. I would like to inquire of the chairman of the Committee on Appropriations if the appropriation for the State Department for a horse was $1,000?

Mr. RANDALL. Yes.

Mr. RUSK. Why not make them all alike?

Mr. RANDALL. I think that was too high for the State Department.

Mr. MILLIKEN. While I regard $500 as amply sufficient for either one of the Departments for this purpose, I do not see any reason for making a discrimination.

Mr. RANDALL. I suppose there would be objection to going back and making the appropriation for the State Department for this purpose $500 instead of $1,000.

Mr. HOLMAN. I trust there will be no objection to that.

Mr. FOSTER. If we go back at all, there are some other things that we ought to go back to.

The CHAIRMAN. Is there objection to going back, as suggested by the gentleman from Pennsylvania, [Mr. RANDALL?]

Mr. FOSTER. I must insist that if we go back for the purpose of making the reduction in this case——

The CHAIRMAN. Does the gentleman object?

Mr. FOSTER. I object for the purpose of saying——

The CHAIRMAN. There is objection.

Mr. ATKINS. I hope the gentleman will withdraw his objection, and let the Departments be placed upon an equality.

Mr. WALLACE, of South Carolina. Then let us equalize up, instead of down.

The CHAIRMAN. Objection is made to going back, and the question is upon the amendment of the gentleman from Ohio, [Mr. FOSTER,] as amended upon motion of the gentleman from Pennsylvania, [Mr. RANDALL,] to reduce the appropriation to $500.

The amendment, as amended, was agreed to.

The Clerk read as follows:

Office of the Solicitor of the Treasury:
For compensation of the Solicitor of the Treasury, $4,000; assistant solicitor, $2,700; chief clerk, $1,800; two clerks of class four; two clerks of class three; two clerks of class two; two clerks of class one; one messenger; and one laborer; in all, $21,160.

Mr. FOSTER. I desire to call the attention of the chairman of the Committee on Appropriations, as we have now finished the bill proper, that there is an amendment not yet acted upon which he offered to a former part of the bill, in regard to the divisions of currency and loans.

Mr. RANDALL. That is correct. I ask that the amendment be now acted upon.

The amendment was to the paragraph relating to the Secretary's Office of the Treasury Department; to strike out the following:

Two clerks at $2,500 each; one assistant, at $1,800; ten clerks of class four; six clerks of class three; four clerks of class two; four clerks of class one; fifty clerks, at $900 each; four messengers; five laborers, at $720 each; and six laborers, at $2.25 per diem; in all, $97,686.50.

And to insert in lieu thereof the following:

And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division, and all work now done in the one division shall be done in the other division, with the following employés, namely: One chief of division, at $2,500; two assistant chiefs of division, at $2,100 each; seven clerks of class four; five clerks of class three; three clerks of class two; four clerks of class one; forty clerks, at $900 each; four messengers, at $840; five laborers, at $720 each; and six laborers, at $2.25 per day each; in all, $81,035.50.

The amendment was agreed to.

Mr. RANDALL. An amendment was adopted some time ago giving permission to the Commissioner of Internal Revenue to consolidate the offices of store-keeper and gauger. That amendment was adopted at the suggestion of the Commissioner of Internal Revenue. Since that time I have received an amendment which the Department asks may be adopted in place of the one which was adopted by the Committee of the Whole the other day. It reaches the same result, but gives the officers some additional power.

The amendment already adopted by the Committee of the Whole was as follows:

The said Commissioner may consolidate the offices of gaugers and store-keepers whenever it can be done without detriment to the service at such distilleries whose producing capacity does not exceed forty gallons per day.

The substitute proposed by Mr. RANDALL on behalf of the Department was as follows:

That the store-keeper may, upon the recommendation of the Commissioner of Internal Revenue, impose the duties of store-keeper and gauger upon one officer, where the amount of spirits produced at the distillery to which such officer may be assigned is not sufficient, in the judgment of the Commissioner, to warrant the employment of two officers to perform the separate duties of store-keeper and gauger. The Secretary of the Treasury may issue a commission to such officer as store-keeper and gauger; but the compensation for his services as store-keeper and gauger shall be that of a store-keeper only. And the said officer shall, before entering upon the discharge of such duties, give a bond in the penal sum of not less than $5,000 for the faithful performance of the combined duties of store-keeper and gauger.

The substitute was agreed to.

Mr. FOSTER. I desire to offer an amendment which I think will meet the approval of the Committee on Appropriations. It is to insert after line 593 the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the accounting officers of the Treasury be, and they are hereby, authorized to credit in the accounts of internal-revenue officers the value of any stamps which are satisfactorily shown to have been deposited in any post-office for transmission by mail to another officer of internal revenue, but which have failed within a reasonable time to reach their destination.

Mr. RANDALL. What is the effect of that amendment?

Mr. FOSTER. To protect the Department against the loss of stamps by transmission in the mails, as provided in the paragraph to which I move this proviso.

Mr. RANDALL. I would like the gentleman to give some instance where such loss has taken place. I had a conference with the Postmaster-General this morning, and he informed me that as much as $20,000,000 of stamps were sent through the mails by that Department, and there was no loss except such as were burned or destroyed in some way.

Mr. FOSTER. There has recently occurred an instance in which a collector, I believe, in the gentleman's own city of Philadelphia lost about three thousand dollars' worth of stamps in the course of transmission——

The CHAIRMAN. The Chair would inform the gentleman from Ohio [Mr. FOSTER] that an amendment has already been added at the end of the paragraph.

Mr. FOSTER. My amendment can come in at the appropriate place.

Mr. REAGAN. I wish to call the attention of the committee to the fact that by adopting this amendment we would adopt a principle which has been steadily resisted in respect to all other public officers during the whole history of the Government. In cases of loss in the Post-Office Department relief has never been permitted through the action of the officers of the Department, but the person suffering the loss has been compelled to come to Congress for relief. Postmasters often lose small amounts by the burning of their offices or by robbery; but it has never been thought safe to allow officers to be exonerated from such losses by settlements in the way indicated in this amendment. I merely want to call attention to the fact that the amendment proposes to overturn with reference to this Department a principle which has been steadily adhered to from the beginning of the Government.

Mr. FOSTER. In answer to the gentleman from Texas [Mr. REAGAN] allow me to say that I resisted and tried to defeat in this House the proposition requiring the Internal-Revenue Department to do what no business man in this country does—transport these stamps through the mails. We make an appropriation for this Department; but if perchance $50,000 or $100,000 worth of these stamps be lost, the Department is short that much in its appropriations. Such a thing must necessarily affect the business of the Department. In view of the fact that in this bill we require the Department to transmit the stamps by mail, all that is desired is that the Department shall have some protection, so that when an appropriation of $450,000 is made for the Department it may know that it is to have the use of that sum.

I was about to state a while ago that recently a loss of $3,000 was incurred in this way by a collector in Philadelphia; and an appeal was made to this House for relief, which has been denied him. I think the mistake is in requiring these stamps to be sent by mail; but the House has thought differently. All I seek, and all the Department seeks, is protection.

Mr. RANDALL. I have reflected somewhat upon this amendment, and in view of the suggestions of the gentleman from Texas [Mr. REAGAN] I feel loth to consent to its adoption. As that gentleman has stated, it would inaugurate a principle which might be dangerous. All other officers of the Government in such matters as this are compelled to come to Congress for relief.

Mr. FOSTER. It is in view of the fact that Congress has refused relief in a given case of this kind that I urge this amendment.

Mr. RANDALL. I take it that Congress, wherever it refuses relief of this kind, has sound and valid reasons for the refusal. Hence the fact stated by the gentleman would rather militate against the amendment.

Mr. FOSTER. Any gentleman must see, I think, that without some provision of this kind we do not know in fact how much we are appropriating for this service. The mails may be robbed and a portion of these stamps lost in that way. Hence serious difficulty may arise in the administration of the Department, so far as this item is concerned.

Mr. RANDALL. I do not anticipate any loss in the mails either by robbery from outside parties or by dishonesty of the mail officers. The statement of the Postmaster-General this morning went to show that there is no loss except by absolute destruction (as, for instance, by fire) in the transmission of stamps through the post-offices of the country; that as much as twenty million dollars' worth has been distributed without loss. In addition to this, in the Pacific States gold is constantly transmitted through the mails under the registry system, paying, I believe, six cents an ounce. That is my recollection.

Mr. FOSTER. Of course I am very glad to know that the Post-Office Department is in such admirable shape.

Mr. RANDALL. I am always in favor of doing justice to every public officer.

Mr. FOSTER. But no banking or business house in the country intrusts matters of this kind to the mails.

The CHAIRMAN. This debate is proceeding by unanimous consent.

Mr. FOSTER. If the gentleman objects to the amendment, I withdraw it.

Mr. LAWRENCE. I desire to offer an amendment to strike out in line 1579, page 65, the words "150" and insert "500," so as to make the salary of the examiner of claims in the Department of Justice $3,500, instead of $3,150.

Mr. RANDALL. I object to going back.

Mr. LAWRENCE. If the gentleman will hear me, I am sure——

Mr. RANDALL. I want to get this bill disposed of to-day, and I object to going back. Anything the gentleman might say would have no effect, because he could not have a vote on his proposition.

The Clerk read as follows:

SEC. 2 That from and after the 1st day of July, 1876, the annual compensation of clerks of class four shall not exceed $1,600; and the annual compensation of clerks of class three shall not exceed $1,450; and the annual compensation of clerks of class two shall not exceed $1,300. And paragraphs 1, 2, and 3 of section 167 of the Revised Statutes, or so much thereof as provides a different compensation for said clerks, and all laws and parts of laws in conflict with the provisions of this section, are hereby repealed.

Mr. WHITEHOUSE. I move to amend the section just read by adding the following:

And no officer or employé of the Government shall require or request, give to or receive from, any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this act shall at once be dismissed from the service of the United States, and also be deemed guilty of a high misdemeanor, and on conviction thereof fined not less than $500 nor more than $3,000, and imprisoned not more than one year, at the discretion of the judge trying the case.

Mr. RANDALL. I desire to state that the Committee on Appropriations have instructed me to say they do not resist the amendment submitted by the gentleman from New York.

Mr. HOLMAN. I ask the gentleman to indulge me a moment. Before those words, to come in as an addition to that section for the purpose of perfecting it, I desire to submit the following.

The Clerk read as follows:

And the several sums appropriated by this act for each of the several offices and employment therein mentioned shall be the salaries and compensation for such officers and employment respectively from and after the 30th day of June, 1876.

Mr. HOLMAN. The only object of this amendment is to perfect this section and make these the permanent salaries.

Mr. WHITEHOUSE. I have some remarks which I wish to make on my amendment.

The CHAIRMAN. The question will first be taken on the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. RANDALL. I ask the gentleman from New York to wait until two amendments the committee have to offer are disposed of and then his will be in order.

Mr. HOLMAN'S amendment was agreed to.

Mr. FOSTER. I make the point of order on the proposition of the gentleman from New York that it changes existing law and is not in order to this bill.

The CHAIRMAN. Similar amendments are to be found in previous appropriation bills. Last session the Chair remembers several, and he would not like to depart from precedents established at the last session of Congress. [Laughter.]

Mr. RANDALL. We want to protect your clerks from being levied on.

Mr. HALE. Does the Chair say any amendment of this kind, radically changing existing law, has been ruled in order in any preceding Congress for the last eight years?

The CHAIRMAN. The Chair did not say they were ruled in order, but that they were appended to appropriation bills, not stating whether the question of order was raised or not.

Mr. HALE. Has any such amendment ever been admitted where the question of order was raised and insisted on?

The CHAIRMAN. The Chair is not prepared to answer the gentleman's question. He will, however, overrule the point of order. It is clearly a mode of protecting the appropriation, and is also germane to this section of the bill.

Mr. HALE. It is a matter clearly in violation of the rule, as it changes existing law. It does not in any way come under the sweeping rule, sweeping as it was, adopted at the beginning of this session.

The CHAIRMAN. The Chair has decided.

Mr. HALE. I venture to say if this is put on no point of order is good against any proposition.

The CHAIRMAN. The gentleman is not in order in his last remark.

Mr. RANDALL. I demand the regular order. I understood the gentleman from Maine to consent to the offering of this amendment.

The CHAIRMAN. The Chair has decided the amendment to be in order.

Mr. WHITEHOUSE. Mr. Chairman, I shall not detain the House but a moment in reference to my amendment. The reduction made by the Committee on Appropriations of these salaries is called for by the necessities of the people of the country who are overburdened and now weighed down by excessive taxation, both local and national. The whole people, without regard to party lines or politics, pay these taxes to sustain the national Government. Fully recognizing that fact the majority of the Committee on Reform in the Civil Service have instructed me to report the amendment I have sent up to the Clerk's desk in the way of addition to the pending section of this bill.

It is estimated that this reduction in salaries will not make any material difference to the employés of the Government, as my amendment will relieve them from the assessments made for party purposes, and enable each party to enter upon its political campaign or canvass on equal terms. For this reason I have been instructed to submit the amendment, which I hope the House will adopt.

The amendment was adopted.

Mr. HALE. I move to strike out section 2 as it has been amended.

Now, Mr. Chairman, there are many things in this bill which I have sustained and supported, believing them to be right; but this portion of the bill relating to the reduction of the salaries of clerks I have never favored, as my friend the chairman of the committee knows. I move to strike out this second section because I do not believe in the interest of economy—no matter what the condition of the Treasury may be, and we all understand that very well—there is any de-

mand for the reduction of the regular clerks in the Departments here in Washington. These salaries are not extravagant. They begin at $1,200, ranging in classes up to $1,400, $1,600, and $1,800. The rule is that a man in a Department has to go through a long trial, a long experience, a long race for promotion before he obtains a fourth-class clerkship at $1,800. That position represents years of faithful service, years of toil, the giving up of the best years of life. It represents a separation from what has been his home. It represents the breaking up of home connections. It represents the settling in Washington as a home, with all the incidents and expenses and calls and claims that rest upon any other resident of this city. The highest that the clerk can reach is this class at $1,800.

I do not believe there is any call on the part of the country that 10 per cent. should be taken from the salaries of these clerks. My friend says one feature of the bill is that added labor is to be put upon these clerks, and therefore the numbers can be reduced, and I went with him in that proposition. But it also follows from that proposition, or rather is part of it, that when you have reduced the force, which we have agreed to pass, you have piled upon the remaining clerks additional duties. Then you proceed beyond that with another blow at them, taking off from their pay while you add to their labor.

Now, Mr. Chairman, these two things cannot proceed together without hardship. The Committee of the Whole has sustained the bill in the reduction of force I believe wisely in many cases, in some cases perhaps too rashly; but it was a reform in many Bureaus which it was high time was inaugurated. But when with that my friend the chairman of the committee seeks, in regard to the clerks whom he retains, to add labor and to cut down pay, he is running a race of economy in which I believe fairness and good sense will not sustain him now or hereafter.

This is in no degree a party question. I do not know that any remonstrance from any gentleman here will break the well-trained band of men that have followed my friend from Pennsylvania. But I warn gentlemen that there is a point where in the cutting down of the salaries of clerks and employés of the Departments the public sentiment will revolt against what is called economy. There is no meanness in the American people, Mr. Chairman. There is no desire to oppress the clerk in Washington. There is no desire to wring out of any man who is an employé of the Government more than what is fair in the way of labor; and there is no desire to pinch him and curtail and pare him and grind him so that in the support of himself and family he every day knows the difference between being comparatively comfortable and being always pinched. And the 10 per cent. reduction, though it may seem small to many gentlemen here, is of such an amount that as applied to the salaries of these clerks makes the difference in every month of the twelve between comparative comfort and the condition of being pinched. And I hope, before this is adopted, even with the incitement to vote for it of economy, as it may be urged by my friend from Pennsylvania or his lieutenant on the committee, that gentlemen will reflect on the fairness and necessity of this measure.

Mr. RANDALL. One of the principles involved in this bill was a 10 per cent. reduction in salaries. We have made an exception in favor of everybody who received not exceeding $1,200, and we do not reduce those salaries at all. However, when we came to the $1,400, $1,600, and $1,800 salaries, we saw no reason why the 10 per cent. reduction should not apply as against them, when we were reducing the salaries above $1,800. For instance, those clerks who received $2,000 have all through this bill been put down at $1,800, a reduction of 10 per cent.

There is no reason in the world why these clerks should not be treated in the same manner as we have treated other officers throughout the Departments receiving over $1,200; nay, more, as we have treated the operatives in the mints, and as the Secretary of the Treasury, as I showed the other day—and I have now the table before me—as the Secretary of the Treasury has recently inaugurated a system of reduction in the custom-houses of the country.

Shall it be said that a republican Secretary of the Treasury is permitted to make all these reductions of 10 per cent. in the custom-houses of the country, and that a democratic House, pledged to reform, should hesitate to perform like service, when a large sum of money can thereby be saved?

Mr. HALE. Does not my friend from Pennsylvania think candidly that there is a great difference between the condition of those who are here in Washington and the condition of those inspectors and deputy collectors who are in their own towns and villages in the custom-house service, half of whom are engaged in other avocations?

Mr. RANDALL. No man regrets more than I do the necessity of cutting anybody down. But I do say if you cut down one set of men you should cut all down. I do further say that we have given great consideration to the matter of reducing salaries; and that we have reached a conclusion which avoids hardships to the men and to the ladies who hold places under $1,200, by providing that neither they nor their families shall be made to suffer by any reduction of salaries of that amount and under. But when we got above that figure we thought this 10 per cent. principle should prevail.

I have studied and reflected over this subject, and I am at a loss to see what consistency there would be in not applying this reduction to the larger salaries in the Departments here in the same manner as the Secretary of the Treasury has applied it to the custom-houses throughout the country, and in the same manner as we have applied it in a measure to the mints of the United States. That is the reason why I adhere to the principle involved in this section. I believe it to be just, and I ask that the committee adopt it.

Mr. MILLER. Before the vote is taken on striking out the section I wish to perfect it by offering the following amendment:

Add at the end of the section the following:

Provided, That hereafter all appointments of clerks in either the fourth, third, or second class shall be made from clerks of the class next below the one to which the appointment shall be made.

Mr. RANDALL. I have no objection to that amendment so far as I am concerned.

Mr. HOLMAN. That is right.

Mr. RANDALL. There should be promotion. It will lead to emulation and give us good officers.

The amendment was agreed to.

Mr. EAMES. I move to perfect the section by striking out the last clause, commencing with the word "and" in line 7.

Mr. Chairman, this section affects the salaries of a large portion of the clerks in the Department known as clerks of class two, three, and four. The salaries of these clerks were fixed in 1853, and have not been changed since that period. Now, sir, I am opposed to the change that is proposed by this section, reducing the salaries now fixed by law for the compensation of those clerks. The time that is required in their service, the labor and skill that are required, the cost of living, and all expenses, have not diminished, most certainly, since 1853 down to the present time, and I have failed to hear from the Committee on Appropriations any reason for the proposed reduction excepting that the gentleman from Pennsylvania has asserted and reasserted, as have other gentlemen on the floor, that in order to be consistent with other portions of the bill it is necessary to make a reduction of 10 per cent. from the pay of this class of clerks.

Now, sir, for one I do not assent to the application of any such plan as that in reducing the pay of any officer who is now employed by the Government. I do not think that any arbitrary rule of that kind is just. I believe that when we undertake to change the salaries of those employed in the Government we should make the change in every instance upon the facts that surround it, and either increase the salary or diminish it as justice may require.

I am in favor of the amendment proposed by the gentleman from Maine, [Mr. HALE,] to strike out this section from the bill, and I propose to improve the opportunity afforded me by the amendment which I have offered by briefly putting myself on record upon the provisions of this bill before the debate closes.

Mr. Chairman, I am, with every republican in the House, in favor of economy, retrenchment, and reform in the administration of the Government in every branch of its service. But I am not in favor of that kind of economy, retrenchment, and reform which proposes to make a great reduction in the expenditures of the Government by an indiscriminate reduction of pay or force by the application of any arbitrary rule of a fixed percentage of pay and a fixed percentage of force, regardless of a fair compensation for services rendered or of the force which is necessary to maintain the efficiency of the public service.

The economy of which I am in favor is that which will reduce the pay of all in the employ of the Government and all who are paid for their services from the Treasury to a reasonable compensation for the services which they render. The retrenchment to which I assent is that which dispenses with the services of every person not required for the efficient performance of the publice service. And the reform which I approve is that which will secure to the Government the services of persons who are honest and competent to discharge the duties of the positions in which they are employed.

True economy demands that all persons in the service of the Government shall be fairly paid for the services which they render and true retrenchment requires that a sufficient force shall be employed for the efficient discharge of the public service. It is a false economy and retrenchment to apply to the public service any different rule, and any economy or retrenchment based upon the idea that apparently a large expense may be saved by an indiscriminate reduction of a fixed percentage of the present pay and a fixed percentage of the present force, without regard either to just pay for services performed or force required for the proper and efficient discharge of the public service, is false and delusive. Such a rule must of necessity operate unjustly and must result in impairing the efficiency of the public service. It is and can be based on no sound reason or principle and never ought to be adopted by this House.

The value of services depends upon the nature and character of the services rendered, the time employed, and the skill and ability necessary for the proper performance of the service. The force required depends upon the work to be done. And it is only by the facts of each case that it can be ascertained what reduction either of pay or force can be made in any Department of the Government without impairing its efficiency.

In every case in which any person is employed in the service of the Government whose services are not required, I am in favor of his discharge; and in every case where an employé of the Government is paid more than a reasonable compensation for his services, I am in favor of reducing his pay. The same rule ought to be applied to all who are paid for services from the Treasury. I do not except a member of Congress.

Now, Mr. Chairman, I do not think that $5,000 per annum is an unreasonable compensation for the services of a member of Congress. This office is one of great labor, honor, and responsibility. Its compensation ought to be reasonable and sufficient in amount to enable any American citizen who is elected to act independently and according to his convictions in the high trusts which it imposes. Its amount ought to be determined by the time employed, the nature of the services required, and the ability requisite for the proper discharge of the duties of the place. But if an arbitrary rule is to be applied in the reduction of pay for Government services, and this rule is applied to reduce the burden of taxation and to relieve the depressed industries of the country, then I insist upon the application of the same rule to the pay of a member of Congress as is applied to the pay of others who are compensated for their services from the Treasury of the United States. Certainly no delicacy ought to prevent the application of this rule to members of Congress. The Constitution imposes upon Congress the duty of determining the compensation of its members. And if the rule of reduction is to be applied to others a true delicacy would seem to require its application to ourselves at the same time that we apply it to others.

Nor is there any reason, in my judgment, in the assertion that a contract exists between the people and a member of Congress that he should receive for the Congress the compensation fixed by law when he enters upon the discharge of the duties of the office. Every member of Congress accepts his place and holds it subject to any law which may be passed changing the existing law in this respect. And any law changing the compensation expresses the contract from the time the law takes effect. The Constitution provides that members of Congress shall receive a compensation to be paid out of the Treasury. It does not require that this compensation shall be by the day and during actual attendance or an annual salary; nor does it provide the time when it shall be fixed or the period during which it shall continue. It may be changed from month to month or from year to year by act of Congress. And surely the Constitution does not recognize any distinction upon a question of compensation between the services of a member of Congress and other persons in the service of the Government.

The rule is, or ought to be, that whoever is in the service of the Government should be paid a reasonable compensation for the services which he performs. It ought to be the same rule, whether applied to a member of Congress or to the humblest employé of the Government. Both are paid from the Treasury. And in making this application I insist that the reduction should be made with reference to the time when the salaries were fixed. If the pay of a clerk in 1853 was $1,800 and that of a member of Congress at the same time was $3,000, if, as applied to the clerk, 10 per cent. is deducted from $1,800, the compensation of a member of Congress should be reduced to $3,000, his pay at that time, and the 10 per cent. taken from this amount, and not, as in this bill, from his present salary of $5,000.

Such a reduction would be an equitable application of an unjust and arbitrary rule, and it would save to the Treasury annually about $700,000, and, upon an arbitrary reduction of 10 per cent., ought to be made.

The clerks and other employés of the Government work eight hours a day, and most of them through the year. A member of Congress is engaged as such only about ten months in a Congress of two years. To reduce these small salaries, which are barely sufficient to meet the expenses of a frugal living, and to refuse to make a like reduction in our own pay would, it seems to me, be a great injustice as well to ourselves as to the employés in the public service whose compensation will be determined by our action.

Mr. Chairman, I do not assent to this arbitrary rule of reducing the pay and force of the public service. It cannot be justified either upon reason or principle. It is false in theory and will be detrimental to the public service in practice.

I withdraw my amendment.

Mr. FOSTER. I renew the amendment.

Mr. Chairman, the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, has had a great deal to say about consistency; he has had a great deal to say about his 10 per cent. reduction of salaries and his 20 per cent. reduction of force.

There never was anything more delusive than this kind of talk. There has been no such thing as a 10 per cent. reduction. A reduction in salaries has been made of 25 per cent. where it suited him, of 30 per cent. where it suited him, and of 10 per cent. where it suited him. As to the reduction in force, the reduction has been 20 per cent. in some places, 7 per cent. in others, and 40 per cent. in others; so that this principle which has been asserted ought not now at this time to have any weight with this House. The simple question that we are to consider now is this proposed reduction of the salaries of clerks of classes two, three, and four.

Now, Mr. Chairman, this classification of clerks was made in 1853 in democratic days, made too by the assistance of my venerable friend from Mississippi, [Mr. SINGLETON,] my colleague on the Committee on Appropriations, and received his sanction and indorsement at that time. It was concurred in by my able friend and colleague from Indiana [Mr. HOLMAN] through all the years of democratic administration without any objection from him. My other friend on the committee, from Tennessee, [Mr. ATKINS,] was also here and served in democratic Houses, and favored the salaries as now fixed by law, on a gold basis too, when the cost of living in this city was not more than 60 per cent. what it is to-day.

Sir, I believe, as gentlemen have said, in economy, retrenchment, and reform, but this kind of economy and retrenchment is the economy and retrenchment of meanness, and nothing else. Gentlemen talk about consistency, and for that purpose they propose to reduce the salaries of members of Congress 10 per cent., and claim that that is consistent. Why, sir, as has been said before, the salary of a member of Congress was $3,000 a year when the salaries of these clerks were fixed, and if members on the other side of the House desire to be consistent at all, they must reduce their own salary to a 10 per cent. reduction from what it was at that time.

The chairman of the Committee on Appropriations has alluded to the fact that the present able Secretary of the Treasury has reduced salaries. He has reduced salaries, but what are they? When were those salaries fixed? They were fixed during the war, and they were high in comparison to the salaries of these poor clerks and the Secretary has reduced them, and wherever he could reduce them he has done it. He has done it with good judgment and good sense, and wherever a reduction could be made it has been made.

Now, I do not know that I have anything further to say. I have opposed many of the provisions of this bill because I thought they were too sweeping, too radical. I believe, as I said when the debate upon this bill was opened, that a reduction of 20 per cent. in the force might be made. We have now substantially finished the consideration of this bill in Committee of the Whole and a reduction of force has been made of from 25 to 30 per cent. I believe, as I have said several times along during the debate, that that reduction is too great and that you will seriously cripple the operations of many of the Departments of the Government if the bill as it now stands shall become a law. I have made my protest; I have done what I thought to be my duty, and I now submit the matter to the House.

Mr. HOLMAN. I hope I shall have the honor of a hearing from the gentleman from Ohio [Mr. FOSTER] for at least a moment, while I state a little more clearly a fact which I before attempted to present. My friend assumes that we have made a reduction in the employés of the Government in the several Departments as classified in 1853 in what is known as the Hunter bill, which was an amendment to an appropriation bill like this. He refers to that classification as having been fixed during what he is pleased to call democratic times. Now, let me show how vastly he is mistaken. The salaries then ranged from $900, $1,200, $1,400, $1,600, and $1,800.

Mr. FOSTER. Right there I want to get at the facts.

Mr. HOLMAN. Do not break in upon me now.

Mr. FOSTER. Right there. No subterfuge. I want to get at the facts. Was not the compensation of the first, second, third, and fourth class clerks then fixed as they stand to-day?

Mr. HOLMAN. If my friend had heard me through——

Mr. FOSTER. Answer; yes or no.

Mr. HOLMAN. If the gentleman had heard——

Mr. FOSTER. I say they were.

Mr. HOLMAN. There is no occasion to interrupt me, for I have not stated my proposition.

Mr. FOSTER. Answer my question.

Mr. HOLMAN. In 1853 the salaries of the clerks in the Departments of the Government as then classified were $900, $1,200, $1,400, $1,600, and $1,800, and for the chief clerks $2,000. That was the classification of the Hunter bill of 1852 and 1853. What is the range of salaries in the bill now before us? It is $900, $1,000, $1,200, $1,400, $1,450, $1,600, $1,800, $2,000, $2,200, $2,250, $2,500, $2,700, and $3,150. That is the difference between the classification of the Hunter bill and the classification of this bill. The salaries under the Hunter bill ranged from $900 to $2,000, and under this bill they range from $900 to $3,150. Therefore the scale of clerical salaries under this bill is vastly disproportioned to those of the Hunter bill, considering even the difference in value of money and the growth in the population of the country.

Now to talk about this bill fixing salaries upon which citizens in public employment cannot live is, in my judgment, an absolute absurdity. A young gentleman assured me this very day, a gentleman competent to fill any clerkship in any Department of the Government, that for several years he had been employed in a subordinate clerkship in one of the pension agencies of the country at a salary of $40 per month, and he deemed it at least a reasonable compensation. I know that would be considered too low according to the view that was entertained when we fixed the salaries of the Departments of the Government, but when you come to examine the salaries paid by the Post-Office Department, to which you give a sum in gross to be paid in small sums to clerks employed by postmasters, with a limit only as to the highest amount to be paid, you will find salaries running down as low as $280 and $340 a year, and very few above $900. That is where the postmaster fixes the salaries and pays them out of the amount awarded to him by the Post-Office Department. If you make your calculations based upon any other employments, I will say that the salaries provided by this bill are vastly above the ordinary range of salaries. I must say further that they are greatly beyond the range of salaries paid in private life for corresponding employment.

Mr. FOSTER. Now, let us get right down to the question. This section relates to first, second, third, and fourth class clerks.

Mr. HOLMAN. Yes; for the fourth-class clerks were the highest.

Mr. FOSTER. Are not the salaries now paid to the clerks of those classes the exact salaries fixed by the democrats in 1853?

Mr. HAMILTON, of New Jersey. I rise to a point of order, which is that debate on this amendment is exhausted.

Mr. FOSTER. Then I move to strike out the last word.

Mr. HAMILTON, of New Jersey. Is that in order? The gentleman has spoken three or four times.

Mr. FOSTER. All I want is to convict the democratic party to-day of going back on the salaries which they fixed in 1853, and which were fixed then by the vote of at least one gentleman now on the Committee of Appropriations, [Mr. SINGLETON,] and by other democrats who were in this House for years after that classification was made.

Mr. RANDALL. I am willing, so far as I am concerned, to have the democracy convicted and myself convicted of striving in every direction to economize the expenditures of this Government.

Now, as to one remark made by the gentleman from Ohio, I think that if he would adopt a rule such as I would suggest he would be a somewhat better legislator. He says that this is not real economy, but it is the economy of meanness. Now, I believe that I am warranted in being mean when I am called upon to expend other people's money. If the gentleman and I were expending our own money, we might perhaps exercise that degree of liberality which he wants us as legislators to exhibit.

Mr. FOSTER. The gentleman then confesses that it is mean?

Mr. RANDALL. No, sir; I do not consider that it is mean to be chary of spending other people's money; but that is the way the gentleman characterized it, and I take it as he stated it.

Now, sir, the Secretary of the Treasury, in making the reductions which he has recommended, has not exercised that discrimination which has been exhibited by our committee; nor has he stopped to think of the hardships which may be suffered by persons receiving small salaries. Why, sir, upon an examination of his reductions of one million and a half of dollars in the custom-houses of the country, in the expenditures from the permanent appropriation for the collection of customs dues, it will be found that he has arbitrarily reduced salaries of $1,200 about 40 per cent., down in some instances to $800. This we did not desire to do. We wanted to make these reductions as little burdensome as possible. We wanted to make our reductions as moderate as would be admissible in view of the present financial condition of the country and the general prostration of business. I hope, therefore, that the Committee of the Whole will not hesitate to adopt this reasonable proposition, embracing a reduction which is very moderate as compared with that which has been proposed by a Secretary of the Treasury adverse to our side of the House. Why we should hesitate under such circumstances to follow his example I am at a loss to conceive.

Mr. O'NEILL. Allow me to say to the gentleman that the Secretary of the Treasury reduced, as I understand, the pay of the officers in the custom-houses temporarily, owing to a falling off in the revenues of the Government, and with no intention of making those reductions permanent.

Mr. RANDALL. Why, sir, the gentleman is undertaking to detract from the merit of his own Secretary. I do not understand any such thing as the gentleman states. I understand the Secretary of the Treasury to have made these as permanent reductions, and I understand him further to justify them as such.

Mr. O'NEILL. I do not undertake to detract from the Secretary or to defend him; but I undertake to say that the reductions have been made as temporary reductions.

Mr. RANDALL. The gentleman is mistaken. The Secretary——

The CHAIRMAN. Debate on this amendment is exhausted, and more than exhausted.

Mr. RANDALL. Still I hope I may be permitted to say that the Secretary of the Treasury has asked us to incorporate in this bill a reduction of salaries of custom-house officers that he had not the power to reach because their pay is fixed by law.

Mr. O'NEILL. Then he has reached them without authority of law; for he has made the reductions.

The CHAIRMAN. Debate is exhausted.

Mr. LAWRENCE. I believe I have now the consent of the chairman of the Committee on Appropriations to offer an amendment which I indicated some time ago.

Mr. RANDALL. I will consent to the offering of that amendment after the debate is closed on this section. I want to dispose of it.

Mr. FRYE. I desire to offer an amendment to this section.

Mr. RANDALL. I cannot prevent that, of course.

The CHAIRMAN. If there be no objection, debate on this section will be regarded as terminated.

There was no objection, and it was so ordered.

Mr. FRYE. I move to amend the section by inserting after the first clause, these words:

And no member of Congress shall recommend the appointment or continuance in office, or removal therefrom, of any clerk or employé in any of these Departments unless the head thereof shall first apply for his advice in writing.

Mr. RANDALL. I have no objection to the House voting on this amendment, so far as I am concerned.

The question being taken on agreeing to the amendment, there were—ayes 108, noes 57.

Mr. VANCE, of North Carolina. I call for tellers.

Tellers were ordered; and Mr. VANCE, of North Carolina, and Mr. FRYE were appointed.

Mr. SPRINGER. I rise to a question of order. I submit that this amendment is not germane to the bill.

The CHAIRMAN. It is too late to raise that question.

The committee divided; and the tellers reported—ayes 56, noes 97.

So the amendment was not agreed to.

Mr. LAWRENCE. I move to amend by striking out in line 1579, page 65, the words "150" and inserting "500;" so as to make the salary of the examiner of claims in the Department of Justice, $3,500, instead of $3,150.

If I can get the attention of the committee, I wish to say a word.

Mr. RANDALL. Now the gentleman does not want to debate the amendment.

Mr. LAWRENCE. I only want to say a few words.

Mr. ATKINS. I object to going back.

The CHAIRMAN. Objection being made, the amendment cannot be entertained.

Mr. LAWRENCE. I submit the point of order comes too late after I commenced to make my remarks on the amendment.

The CHAIRMAN. The Chair was endeavoring to obtain order in the committee. The question of objection was not put to the committee. Objection is now made to going back and insisted on, and the amendment cannot be received.

Mr. WHITE. With the consent of the chairman of the committee, I desire on page 27 to strike out that part which provides for paying informers and spies.

Mr. WELLS, of Missouri. I object.

The question recurred on the amendment of Mr. HALE to strike out the section as amended.

The committee divided; and there were—ayes 47, noes 113.

So the motion to strike out was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of the Treasury is hereby directed to institute a careful scrutiny of the present condition and competence of the force employed in the collection of revenue from customs, with a view of reducing the number of the same; and he is hereby required to issue regulations directing a reduction of 10 per cent. on the annual salaries of all the collectors of customs and officers employed in such service and their subordinates of every grade whose compensation exceeds $1,200 per annum, to take effect on and after July 1, 1876.

Mr. RANDALL. I move to amend by adding the following:

The Clerk read as follows:

Provided, That the reduction of 10 per cent. herein provided for shall not apply to those salaries or compensations already reduced by the Secretary of the Treasury since June 30, 1875.

Mr. RANDALL. I do not want the reduction to operate upon those already reduced below that sum by the Secretary of the Treasury.

Mr. HOLMAN. I move to add the words to the gentleman's amendment, "below that sum."

Mr. HARRISON. It should be "below that percentage."

Mr. RANDALL. Let those words be added to my amendment.

The amendment, as modified, was agreed to.

The Clerk read as follows:

SEC. 4. That the management of all Indian affairs, and of all matters arising out of Indian relations be, and the same is hereby, transferred from the Department of the Interior to the War Department, and the same is hereby placed under the Secretary of War agreeably to such regulations as the President may prescribe: *And provided further*, That the Office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and of matters arising out of Indian relations is hereby lodged with the Secretary of War: *And provided further*, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

Mr. SEELYE. I rise to a point of order, namely, that this section should be excluded from the bill, as it does not on the face of it run in the line of retrenchment and is not germane to an appropriation bill.

Mr. GARFIELD. I wish to make a suggestion which may avoid the discussion of the point of order at this time. The present occupant of the Chair is known to have taken an active part in the discussion of this bill, and it will be somewhat embarrassing for him to decide the question. I suggest therefore, by unanimous consent, that an agreement be entered into, the point of order shall be allowed to be raised to this section in the House, and that it be passed over at this time in the committee, to be raised hereafter in the House. It will relieve the present occupant of the Chair of embarrassment and at the same time cause no delay to the bill.

Mr. RANDALL. What is the gentleman's proposition?

Mr. GARFIELD. That the gentleman from Massachusetts be allowed to reserve his point of order until the bill is taken into the House, and that the question shall be there decided whether or not it conflicts with the rule of the House.

Mr. HOOKER. The same debate to be allowed in the House as in the Committee.

Mr. GARFIELD. Certainly.

Mr. RANDALL. I wish to say in regard to the point of order that by examination of the estimates it will be seen there is an estimate for the Indian Bureau in the Interior Department, which, if this section is adopted, will render unnecessary any appropriation in this regard, and, therefore, it goes directly in concurrence with the rule we adopted, that legislation may be incorporated where it is proposed

to retrench. I say that no appropriation is necessary if this section be adopted, such as would be if it were not embraced in the bill.

Mr. SEELYE. I do not wish to discuss the point of order, provided the suggestion made by the gentleman from Ohio is adopted by the committee. With that understanding, I am willing to waive it here. I wish simply to state in reply to the gentleman from Pennsylvania that this fact, if it be a fact, does not appear until after the discussion. It is not *prima facie* evident upon the section, and therefore it is not in order in an appropriation bill.

Mr. RANDALL. Quite as much so as the section fixing the salaries of the three classes of clerks. It does not appear there.

Mr. SEELYE. I suppose it does appear if a reduction of salary is proposed it is apparently in the line of retrenchment. Here there is no reduction of salary.

Mr. RANDALL. It is more than a reduction of salary—it is striking out a large number of officers altogether.

Mr. SEELYE. But, Mr. Chairman, that is disputed. That is exactly the point in dispute which involves an argument to determine.

Mr. RANDALL. This provides for no Indian bureau anywhere, and the effect of the section is to make unnecessary any appropriation for an Indian bureau in the Department of the Interior.

The CHAIRMAN. The Chair desires to say this, and he says it with the concurrence of the Speaker of the House whose judgment he has taken, as well as that of some other parliamentarians, that the present occupant of the chair does not like to be compelled to decide this matter and to take it from the decision of the committee. The House has already passed upon the matter in a bill transferring the management of Indian affairs from the Interior to the War Department. The Chair hopes the committee will do him the favor not to ask him to decide the question, but that they will allow it to go into the House, where the point can be made, and will be no doubt satisfactorily decided by the Speaker himself. Is there objection to that proposition? The Chair hears none, and it is agreed to.

Mr. RANDALL. In other words, we will have to vote on that section in the House.

The CHAIRMAN. The point of order may be raised in the House.

Mr. RANDALL. I do not see any point in that. I think the matter is very clear.

The CHAIRMAN. The Chair will say to the gentleman from Pennsylvania that the point of order is simply reserved for decision in the House by the Speaker of the House. Nothing else has been done or agreed to.

Mr. RANDALL. The Chair will understand this, that if the committee adopt this section no vote in the House can be reached on it.

The CHAIRMAN. This section will go into the House as adopted.

Mr. RANDALL. I have no objection to that.

Mr. GARFIELD. It goes into the House as adopted, subject to the point of order.

Mr. HOLMAN. I offer the following amendment, to come in after section 5:

That the fourteen messengers on the soldiers' roll shall be employed during the current year, and the sum of money necessary to pay the messengers on that roll is hereby appropriated.

I wish to say just a word. For a great many years the appropriations have been made from time to time for the messengers on this particular roll, but never in a very regular way. It is necessary that some messengers should be retained here during the summer. All the other messengers are employed during the session of Congress only. I therefore propose to incorporate this provision, so as to avoid the deficiency appropriations which we have been compelled to make from time to time. For instance, during the present session of Congress the messengers on that roll are being paid by a deficiency appropriation. There seems to be no reason for that. These messengers will be employed very probably during the vacation of Congress, and they are the only ones who it is provided may be retained during the vacation. I trust there will be no objection to the adoption of the amendment.

The amendment was agreed to.

Mr. JENKS. I offer the following, as a new section, after section 4:

SEC. —. That from and after the 1st day of July, 1877, the Pension Bureau of the United States, with all its duties, funds, accounts, claims, records, books, papers, property, and appurtenances, shall be transferred from the Department of the Interior to the Department of War.

That the Secretary of War shall exercise all the powers and discharge all the duties heretofore exercised and performed by the Secretary of the Interior in relation to pensioners and the Pension Bureau; and all accounts shall be subject to adjustment by the officers of the Treasury now having charge of the department of accounts of said Bureau and the pension agents and agencies.

That on and after the date aforesaid there is hereby established in the War Department an office to be known as the Pension Office; and the Secretary of War shall detail from the commissioned officers of the Army an officer to take charge of said office, and administer its affairs under regulations to be made and promulgated by the Secretary of War; the officer so detailed shall, for the time he may be detailed to the charge of the Pension Office, have the pay and allowances of a colonel, and shall perform all the duties now performed by the Commissioner of Pensions.

That on and after the date aforesaid the office of pension agent and pension agencies for the disbursement of the pension fund shall be abolished and discontinued; and on and after the payment of the quarterly payment due pensioners on the 4th day of June, 1877, all funds remaining in their hands shall be paid into the Treasury of the United States.

Mr. SINNICKSON. I raise the point of order that this amendment changes existing law, is not germane, and does not reduce expenditure.

Mr. RUSK. I wish to add another point. This transfer, it is proposed, shall not take effect until July, 1877, a year from next July. Why should it be offered on this bill, which makes appropriations for the year ending June 30, 1877? I am also prepared to show, if permitted, that it is not economy, that it is not retrenchment.

The CHAIRMAN. This amendment comes within almost precisely the same category as the amendment transferring the management of Indian affairs from the Interior to the War Department.

Mr. RANDALL. No, sir. We have made an appropriation in this bill for the Pension Bureau, which we have not done for the Indian Bureau.

Mr. HURLBUT. We have already appropriated the money to carry on the Bureau for the next fiscal year. This amendment goes beyond the time covered by this bill.

Mr. JENKS. I had the leave of the Committee on Appropriations to introduce what I have offered as an amendment to the bill. They now request that I should withdraw it. In conformity with that request I withdraw the amendment.

The CHAIRMAN. The Chair was about to say that in his opinion the question as to economy is very different as regards the removal of the Pension Bureau and as regards the removal of the Indian Bureau.

The Clerk read the fifth and last section of the bill, as follows:

SEC. 5. That all laws and parts of laws in conflict with the provisions of this act, either in the reduction of salaries or of the number of officers or of employés, as made by the provisions of this act, or conflicting with any other of its provisions, are hereby repealed; and the words "during the session," as used in this act, are intended to, and shall be construed to, mean four months.

Mr. WHITE. I offer the following amendment:

Insert after the semi-colon, in line 5 of the section, the words, "*Provided*, That nothing in this act shall be so construed as authorizing any payment of spies or detectives for information against persons guilty of violating the internal-revenue laws."

Mr. BURCHARD, of Illinois. I make the point of order that that is not germane to the pending proposition.

Mr. WHITE. I think it is germane to the bill. This section, as I understand it, applies to the entire bill. So does my amendment. I will await the ruling of the Chair on that point.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WHITE. Mr. Chairman, my reason for offering this amendment is that a great deal of unnecessary annoyance is given to a large class of persons throughout the entire South. I admit that these persons are violators of the law, but I say here upon this floor that that violation of law is frequently brought about by those very men that you are proposing to appropriate here for. These spies in some cases have been the cause of these persons being guilty of breaking the law. They are taken from their homes, sometimes one hundred or two hundred miles, and the whole purpose and the entire result of this procedure are to give fees to a class of officers who are hungry for pay. Now if you cut off the pay you cut off this class of informers. I desire to say that this very day I had a conversation with the Attorney-General on this subject, and it was in regard to a person who is in prison for a violation of the law. I will give you the case, so that you may understand the variety of cases that may arise under the law. A man had sold a pint of whisky that he had not manufactured himself at all, but he had sold it in violation of the law.

Mr. CALDWELL, of Alabama. I rise to a question of order. The noise and confusion prevailing in the Hall is such that we cannot hear the gentleman from Kentucky.

The CHAIRMAN. The committee will be in order.

Mr. WHITE. This may seem to the committee to be a very small matter, but it is a matter of considerable importance to a large number of poor persons. I am satisfied that if some large manufacturing corporation or moneyed corporation was interested in this amendment better attention would be given to it. I know that there are men on this floor who are as much interested in this matter as I am, but from some unknown cause they are indifferent to the amendment.

I have the word of the Attorney-General but a few hours ago that every day, sometimes, he says, that if one does not come one day, the next day two or three come, so that on an average one member of Congress comes to him once a day to ask that pardon be granted to some man who has violated the law, and they bring up these little cases that I am speaking about. I asked him to-day to pardon a man and he said that the law was inflexible, that it required these men to be punished, and that the whole system was wrong of giving money to pay for spies and informers. He said that if that system was abolished he would not be applied to as often for pardon of persons in prison. Now, members on the floor know whether I am stating facts or not, and whether they have been on the same mission to the Attorney-General that I was on to-day. I ask that no money be given for spies or informers, and if you will do that I will warrant that none of these poor men will be put in prison. When men violate the law on a large scale, it will be for the interest of large whisky distillers to bring them to justice. The case which I was stating when I was interrupted was this: A man bought a jug of whisky and on his way home he met a friend who asked him to sell him a pint, and he sold him a pint, not thinking that he was violating the law. That man now lies in prison, and it all comes from our paying for spies and informers. I hope that my amendment will be adopted.

The question was taken; and on a division there were—ayes 55, noes 76.

So the amendment was not agreed to.

Mr. WHITE. I think that if the committee had understood the amendment they would not have voted it down.

Mr. DENISON. I offer an amendment with regard to which I presume the gentleman from Pennsylvania [Mr. RANDALL] will be entirely in accord with me.

The Clerk read as follows:

SEC. 6. All sums of money which shall be paid or expended by virtue of this act from the Treasury of the United States shall be so paid and expended in the lawful coin of the United States.

Mr. RANDALL. I move to amend the amendment by adding the words "after the 1st of January, 1879."

Mr. DENISON. I did not consult the chairman of the Committee on Appropriations who reported this bill before I offered my amendment; but from what I have heard him say upon this floor I had no doubt that it would meet with his entire approval, and for that reason I did not cross the floor to consult him. I accept his amendment to my amendment with great pleasure.

Mr. HOLMAN. I move to strike out the word "coin," and to insert in lieu thereof the word "money."

The amendment was agreed to.

Mr. PRATT. I ask for the reading of the amendment as it now stands.

The Clerk read as follows:

SEC. 6. All sums of money which shall be paid or expended by virtue of this act from the Treasury of the United States shall be so paid and expended in lawful money of the United States after the 1st of January, 1879.

Mr. RANDALL. There is no necessity for any such amendment as that, and I hope it will be voted down.

Mr. PRATT. I rise to a point of order, and it is that all the payments under this bill will be made before that amendment would take effect.

The CHAIRMAN. The point of order comes too late.

The question was taken on the amendment as amended, and it was not agreed to.

Mr. HOAR. I offer the following as an additional section to the bill:

Whenever, in the judgment of the head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of clerks of the lower grade to the same extent.

Mr. HOLMAN. That is right.

Mr. RANDALL. We have no objection to that.

Mr. HOAR. If there is no objection to the amendment, I will not debate it.

The amendment was agreed to.

Mr. JENKS. I offer the amendment which I send to the Clerk's desk as additional sections to the bill.

The Clerk read as follows:

SEC. —. That from and after the 1st day of July, 1877, the office of pension agent and the pension agencies for the disbursement of the pension fund shall be abolished and discontinued, and thereafter the duties heretofore performed by them shall be performed by the financial division of the Pension Bureau, and on and after the payment of the quarterly payment due pensioners on the 4th day of June, 1877, all funds remaining in their hands shall be paid into the Treasury of the United States

SEC. —. That section 4782 of the Revised Statutes, which is as follows: "In addition to the compensation allowed in this title, each pension agent shall be allowed, as full compensation for all service, including postage required by the provisions of sections 4764 and 4765, the sum of thirty cents, and no more, for each voucher prepared and paid by him, which amount shall be paid by the United States," and the amendment thereto by proviso in the act approved the 20th day of June, 1874, which is as follows: "That the fees for preparing vouchers and administering oaths, which are now by law thirty cents in each case, shall hereafterbe twenty-five cents for the same, and no more," are hereby repealed.

Mr. RUSK. I raise the same point of order on that amendment as I did upon the other amendment offered by the gentleman; that it does not take effect until the 1st of July, 1877; and if that point is not sufficient I have another to urge.

The CHAIRMAN. It is almost impossible for the Chair to decide as to whether this amendment is in the line of retrenchment or not from a cursory reading unless he had examined all the statutes on the subject, but he is loath to take this matter from the judgment of the committee. The Chair will be inclined to allow the committee to vote upon it. All the rulings of the Chair since we have been in Committee of the Whole on this bill have been with that liberal view, not to decide for himself, but to allow, if possible, these questions to be decided by the House. The Chair overrules the point of order, and will submit the question to the committee.

Mr. RUSK. The Chair has omitted to notice the point of order I raised, which was that the proposed amendment will have no effect until July 1, 1877, and this bill is to go into operation for the fiscal year ending June 30, 1877.

The CHAIRMAN. Nearly all our laws are prospective in their operation.

Mr. RUSK. If the Chair had not ruled the amendment in order, I was prepared to show that it was not in the interest of economy.

The CHAIRMAN. The Chair has ruled the amendment in order, and will submit it to a vote of the committee.

The amendment was not agreed to upon a division—ayes 59, noes 90.

Mr. VANCE, of North Carolina. I move to amend the fifth section of the bill by inserting after the word "repealed" that which I send to the Clerk's desk.

The Clerk read the following:

Provided, That nothing in this act shall be so construed as to authorize any payment to spies or informers.

The question was taken; and upon a division there were—ayes 80, noes 79.

Before the result of the vote was announced,

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. VANCE, of North Carolina, and Mr. RANDALL were appointed.

Mr. RANDALL. There is nothing in this bill that authorizes the employment of spies or informers.

Mr. WHITE. I differ with the gentleman, and I object to debate.

The committee again divided; and the tellers reported that there were—ayes 75, nays 79.

So the amendment was not agreed to.

Mr. RANDALL. By instruction of the Committee on Appropriations I ask permission to go back to line 824 of this bill.

There was no objection.

The portion of the bill referred to was as follows:

And the Secretary of the Treasury is directed to discontinue the depositories at Buffalo, New York; Pittsburgh, Pennsylvania; Santa Fé, New Mexico, and Tucson, Arizona.

Mr. HOPKINS. I move to amend by striking out the words "Pittsburgh, Pennsylvania." The effect of that amendment will be to continue the depository at Pittsburgh.

Mr. HOLMAN. I ask the gentleman to include in his amendment "that the office of appraiser at Pittsburgh, Pennsylvania, is hereby abolished."

Mr. RANDALL. That can be provided for in another bill.

The amendment moved by Mr. RANDALL was adopted.

Mr. GLOVER. I move as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employé in any of the Executive Departments in the city of Washington or elsewhere, except those for whom specific appropriations are made in this bill.

Mr. RANDALL. I have no objection to that amendment.

The amendment was agreed to.

Mr. RANDALL. I now move that the committee rise and report this bill, with the amendments, to the House, with a recommendation that the amendments be concurred in, and the bill, as amended, passed.

Mr. HURLBUT. I would like to offer an amendment to the title of this bill.

Mr. RANDALL. The title of the bill is not involved now.

Mr. FOSTER. I ask the chairman of the Committee on Appropriations [Mr. RANDALL] to consent to a separate vote in the House on the amendment I offered fixing the salaries of members of Congress.

Mr. HOLMAN. The gentleman can have a separate vote on any amendment that has been adopted to this bill.

Mr. FOSTER. My amendment was not adopted.

Mr. RANDALL. Then it is not in order under the rules to have a vote on it in the House.

The motion of Mr. RANDALL was then agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had directed him to report the same back to the House, with sundry amendments, with the recommendation that the amendments be concurred in and the bill, as amended, passed.

Mr. RANDALL. I move the previous question on the bill and pending amendments.

Mr. SEELYE. I desire to raise a point of order on section 4 of this bill, providing for the transfer of the Indian Bureau to the War Department. The point of order was raised in Committee of the Whole, and postponed for the decision of the Speaker of the House.

Mr. COX. I suggest to the gentleman to wait until that portion of the bill is reached in the House.

Mr. RANDALL. There is no disposition to prevent the point of order from being raised; that can be done after the previous question has been ordered.

Mr. SEELYE With that understanding I will not press it now.

The previous question was then seconded and the main question ordered.

Mr. COX. I move that the House now adjourn.

Mr. HOLMAN. O, no.

Mr. HURLBUT. There are several amendments upon which separate votes must be taken.

Mr. RANDALL. I do not hear any one ask for a separate vote on any amendment.

Mr. HURLBUT. It is now nearly six o'clock.

Mr. COX. I insist upon my motion to adjourn.

Mr. RANDALL. Unless we dispose of this bill to-night we will destroy the private-bill day of to-morrow.

Mr. COX. Private bills will not interfere with the passage of this bill.

Mr. RANDALL. I hope the gentleman will not obstruct the passage of this bill.

Mr. McCRARY. I ask the gentleman from New York [Mr. COX] to withdraw his motion to adjourn, and allow me to make a report.

Mr. RANDALL. I object to any other business.

Mr. COX. I insist upon my motion to adjourn.

The question was taken; and upon a division there were—ayes 74, noes 75.

Before the result of the vote was announced,

Mr. COX called for tellers.

Tellers were ordered; and Mr. COX and Mr. RANDALL were appointed.

The House again divided; and the tellers reported that there were 94 in the affirmative.

Before the negative vote was counted,

Mr. RANDALL said: I recognize the power of hunger [laughter] and will not call for a further count.

LEAVE OF ABSENCE.

Mr. MACKEY, of South Carolina, was granted leave of absence for one week on account of important business.

Mr. CAMPBELL was granted leave of absence for twelve days.

The motion of Mr. COX was agreed to; and accordingly (at five o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of S. G. Going, veterinary surgeon First United States Cavalry, that veterinary surgeons in the United States Army be placed on the same footing as Army surgeons, to the Committee on Military Affairs.

By Mr. BRADLEY: Resolutions of the Michigan State board of health, that the Signal Service Bureau be in no way abridged, but rather increased; that it be permanently organized, and that its sphere of labor be enlarged, especially in the direction of obtaining and recording meteorological data bearing still more closely upon important questions relating to the public health, to the Committee on Appropriations.

By Mr. CALDWELL, of Alabama: Papers relating to the claim of Martha H. Bone, of Winchester, Tennessee, for property taken by the United States Army, to the Committee on War Claims.

By Mr. COCHRANE: Two petitions of dealers in and consumers of sal-soda, bicarbonate of soda, caustic soda, and alum, citizens of Pennsylvania, that said articles be not placed on the free list, to the Committee of Ways and Means.

By Mr. DOBBINS: Papers relating to the petition of Laura W. De Camp, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: Papers relating to the claim of Milton B. Duffield, late United States marshal for the Territory of Arizona, for compensation for extra services rendered and for court, traveling, and other expenses incurred by him while in the discharge of the duties of said office, to the Committee of Claims.

By Mr. KIMBALL: The petition of Enoch Totten, administrator of estate of William A. Lloyd, deceased, for compensation for services rendered during the late war as a secret agent of the United States, to the Committee on War Claims.

By Mr. LEWIS: A paper relating to the establishment of a post-route from Tuscaloosa to Pikeville, Alabama, by way of Fayette Court House, in said State, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: Resolutions of the Patrons of Husbandry of Yuba City grange, California, for such legislation as will prevent the destruction of arable lands in said State by *débris* from hydraulic mines, to the Committee on Commerce.

By Mr. McFARLAND: The petition of Elizabeth Bray, for a pension, to the Committee on Invalid Pensions.

By Mr. MORGAN: Memorial of J. Shortess, of Joplin, Jasper County, Missouri, regarding the improvement of the navigation of the Mississippi River from Saint Louis to the Gulf of Mexico, suggesting a more perfect system of levees to prevent the overflow of said river and to reclaim the adjacent lands and render them more valuable for agricultural purposes, to the Committee on Commerce.

By Mr. PIPER: Resolutions of the Chamber of Commerce of San Francisco, urging the entire delegation to Congress from the Pacific coast to use their influence in procuring the prompt passage of the bill now before the House of Representatives to carry into effect the Hawaiian treaty, to the Committee of Ways and Means.

By Mr. PLATT: Two petitions of citizens of Owego, New York, against tariff changes, to the same committee.

By Mr. STONE: The petition of workingmen of the county of Saint Louis, Missouri, that the tariff laws be left undisturbed for the present, and, when alterations are made therein, at a more favorable time, that counsel be taken of constituents rather than from the industial and commercial enemies of this country, to the same committee.

Also, the petitions of brewers, druggists, wholesale liquor-dealers, and grocers, bottlers, and others, citizens of Galveston, Texas; San Francisco, California; Montgomery, Alabama; Atlanta, Georgia; Cleveland, Ohio; Milwaukee, Wisconsin; New Orleans, Louisiana; Saint Louis, Missouri; Sacramento, California, and Memphis, Tennessee, that corks and manufactures of cork be placed on the free list, to the same committee.

By Mr. TURNEY: Two petitions signed by 107 business men and firms of Uniontown, Fayette County, Pennsylvania, against any reduction of present tariff rates, to the same committee.

Also, the petition of 43 workingmen and business men of Fayette County, Pennsylvania, of similar import, to the same committee.

By Mr. WIGGINTON: The petition of D. W. Dickey and all other settlers on the Roland grant, Stanislaus County, California, that the Western Pacific Railroad Company be granted scrip or other lands in lieu of said lands within the limits of said grant, or such other relief as will prevent their being ejected from the lands they have settled in good faith, to the Committee on Public Lands.

By Mr. WILLARD: Resolutions of the Michigan State board of health, that the Signal Service Bureau be in no way abridged, but rather increased; that it be permanently organized, and that its sphere of labor be enlarged, especially in the direction of obtaining and recording meteorological data bearing still more closely upon important questions relating to the public health, to the Committee on Appropriations.

IN SENATE.

FRIDAY, *April* 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3260) to remove the disabilities of Lawrence S. Baker, of Tarborough, North Carolina; and

A bill (H. R. No. 3264) to remove the political disabilities of C. H. Kennedy, of Virginia.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of James B. Guthrie, postmaster at Paris, Tennessee, praying that he may be refunded $301.30 paid by him to make good that amount stolen from his office by burglars; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of workingmen of Muskingum County, Ohio, remonstrating against any change in the present tariff law; which was referred to the Committee on Finance.

Mr. DAWES presented a petition of pensioners of Monson, Hampden County, Massachusetts, praying that the method now employed for paying pensioners may not be changed; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. BURNSIDE presented the petition of Henry Howard, Henry Chase, and other citizens of Providence, Rhode Island, praying for an amendment to the steamboat law; which was referred to the Committee on Commerce.

Mr. SARGENT presented the petition of Daniel Richards, respecting the murder of his wife by Sioux and Arapaho Indians, and praying that an amount of money sufficient to compensate him for property taken and destroyed by them at the time be withheld from the annuities of the tribes; which was referred, with the accompanying papers, to the Committee on Indian Affairs.

Mr. CONKLING. I present a joint resolution of the Legislature of the State of New York, which I ask may be read and printed.

The Chief Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, April 21, 1876.

Whereas the decision of the Supreme Court of the United States renders inoperative and void the laws of this State heretofore enacted for the protection of emigrants and the prevention of their becoming a charge upon any city, town, or county of this State within five years from their landing at the port of New York, on the ground that such laws are in violation of the Constitution, and that the power to legislate on this subject is exclusively in the Federal Congress; and whereas the importance of the subject demands immediate attention: Therefore,

Resolved, (if the senate concur,) That our Senators and Representatives in Congress be requested to use their influence to secure without delay the legislation necessary and requisite, as well for the protection of the emigrants, as for the security of the cities, towns, and counties of this State.

By order:

EDW. M. JOHNSON, *Clerk.*

IN SENATE, *April* 21, 1876.

Concurred in without amendment.
By order:

HENRY A. GLIDDEN, *Clerk.*

The resolution was ordered to lie on the table, and be printed.

Mr. BAYARD. I present the petition of Mrs. Amelia Ferguson, widow of Professor James Ferguson, deceased, praying for relief. I will take occasion to say that this application is one of especial merit. The husband of this lady was for thirty-four years in the service of

the United States in the Coast Survey and in the scientific department attached to the Observatory, and certificates of his unusual merit and skill accompany these papers. I trust the committee may make a favorable report in her favor. I move the reference of the petition to the Committee on Naval Affairs.

The motion was agreed to.

AGRICULTURAL REPORT FOR 1875.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print copies for distribution of the report of the Commissioner of Agriculture, to report on it in part. I report a resolution to print 25,000 copies of this document for the use of the Commissioner of Agriculture. These copies are required by him to carry on his business. They are a part of the machinery of his Department. He has a great number of correspondents all over the country who furnish him with information, very small from each one it is true but amounting to an immense aggregate value, with regard to the conditional prospects of the crops; and he also, I believe, receives in this way some meteorological reports. These correspondents are amateurs, and they render this information without any compensation whatever. The Commissioner has been in the habit of giving them a copy of his report, which costs a little over forty cents, and which certainly is a very small remuneration for the service which they render to him. His operations are now very much retarded by the lack of these reports. Leaving for future consideration the question upon which there is great difference of opinion in the Senate as to printing the Agricultural Report for general distribution, I hope the Senate will relieve the Commissioner of Agriculture by passing the following resolution at once:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound 25,000 copies of the Report of the Commissioner of Agriculture for 1875, for distribution by the Commissioner of Agriculture.

Mr. SAULSBURY. As a member of the Committee on Printing I deem it proper to say that I dissent from the resolution. We have been in the habit of printing some three or four hundred thousand copies of the Agricultural Report for the purpose of distribution. This resolution proposes to print 25,000 copies exclusively for the use of the Commissioner of Agriculture. I see no necessity for dividing up by piecemeal the printing of this document. If it is to be printed at all for distribution there is no more proper medium of distribution than through the members of Congress. It is true that the Commissioner of Agriculture may send out comparatively a few of these reports, but we have heretofore assigned to him a larger proportion of the Agricultural Reports than he has been able to distribute and the books have been sent to the folding-rooms to be distributed by members of Congress. This is a document which the agricultural community of the country appreciate, and while we have an Agricultural Department and an annual report of that Department I am in favor of printing and distributing the report among the agriculturists of the country. I see no necessity now for introducing a resolution for the purpose of furnishing the Commissioner of Agriculture with a proportion of that report for distribution without at the same time providing for the requisite and usual number to be distributed by members of Congress.

I am in favor, therefore, of letting this resolution alone until the general question of the publication of the report for distribution shall come up.

Mr. DAVIS. Twenty-five thousand copies would seem to be an unusually large number for the use of the Commissioner of Agriculture. While he should have, say, 10,000 copies, I know of no use for such a large number going to the Commissioner of Agriculture. Congress has already provided that the Agricultural Report, or a portion thereof, may go free through the mails when sent by Senators and Representatives. If we are to have 25,000 copies printed for the Commissioner a proper number should be given to members of Congress for distribution. We receive requests almost daily from persons living in the agricultural districts, and they should be supplied through the medium of Senators and Representatives as well as by the Commissioner of Agriculture. The Commissioner of Agriculture probably could not distribute 25,000 copies. According to my recollection about 40,000 has been the highest number printed for both Houses and the Commissioner.

I hope therefore that the Senator having charge of the resolution will not press its passage, but bring in a resolution which will cover the distribution by the Commissioner of Agriculture as well as by each House of Congress. The agricultural interests of this country are very great. Probably more than half of the people of the whole country are engaged in agriculture. The demand for the report in some sections of the country is very great. I hope the Senator will not press the resolution in its present form.

Mr. ANTHONY. The two questions are entirely separate. One is to furnish the Commissioner of Agriculture with a part of the machinery for carrying on his Department, a very essential part. In fact, I do not believe that the information which we receive from the Commissioner with regard to the condition and prospects of the crops can be obtained in any other way, unless at very great expense. This report costs hardly anything. The publication of these copies will cost but $10,000, and I suppose the report will be distributed to 20,000 correspondents. It will not cost fifty cents apiece to give a copy to each correspondent in return for information furnished which aggregated gives us an idea of the coming crops.

Mr. DAVIS. If the Senator will allow me I will state that in my remarks I did not intend to object to the printing of the Agricultural Report and its distribution; but I desire a more general distribution than will be had through the Commissioner of Agriculture. I think 25,000 copies a very large number for him. The Senator was engaged during a part of my remarks or else misapprehended what I said.

Mr. ANTHONY. I was coming to that point. Twenty-five thousand copies is not a larger number than the Commissioner requires. I am satisfied he ought to have that number. The other question as to distributing them through members of Congress comes under the general question of printing documents for popular distribution. That is a great question, and it never can be raised here without causing a long debate. Therefore I wish this resolution passed in order to enable the Commissioner to go on with his business.

Mr. SARGENT. I do not wish to object to the resolution or its intention; but I would like to suggest to Senators that we have only half an hour in the morning for our legislative business, and there is a good deal of morning business to be done. There are only fifteen minutes left of that half hour, and, if we take up the time with debate on a single proposition, there is no time for anything else. Under these circumstances we ought not to take up time with anything which is to be debated during the morning hour. I hold in my hand a privileged report which I would like to make. However, if the vote can be taken at once on the resolution, I will not object.

Mr. ANTHONY. I see the point of the Senator's objection. We had better pass the resolution at once, and have no more talk about it.

Mr. PADDOCK. Mr. President——

Mr. SARGENT. I shall have to object.

Mr. PADDOCK. I agree with the sentiment expressed by the Senator from Delaware, that when we consider this question we should consider it as well in its application to a general distribution of this report as to its distribution by the Commissioner of Agriculture.

Mr. ANTHONY. I will consent to let the resolution lie over.

Mr. PADDOCK. Before the resolution lies over, I offer an amendment to it. I move to insert at the end of the resolution:

And 250,000 copies of the same for general distribution by members of Congress.

The PRESIDENT *pro tempore*. Objection being made, the resolution will go over.

MINERAL LANDS IN MISSOURI AND KANSAS.

Mr. SARGENT. I rise to a privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House (No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with an amendment as follows: Add at the end of said bill the following words: "And all lands in said State shall be subject to disposal as agricultural lands."

And the Senate agree to the same.

A. A. SARGENT,
J. M. HARVEY,
F. M. COCKRELL,
Managers on the part of the Senate.

JACOB TURNEY,
RICHARD P. BLAND,
Managers on the part of the House.

The report was concurred in.

ADAM SMOUSE.

Mr. WITHERS. By inadvertence yesterday I requested the reference of the bill (H. R. No. 2463) granting a pension to Adam Smouse, with the accompanying papers, to the Commissioner of Pensions. I ask to recall that order, and that the bill and papers be laid on the table.

The PRESIDENT *pro tempore*. The bill will be recalled and laid on the table if there is no objection.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2586) granting a pension to John L. Bartley, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. EDMUNDS. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 786) to establish a certain post-route; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 787) to remove the political disabilities of Manning M. Kimmel; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That the petition of William Loudon for pension be withdrawn from the files of the Senate and referred to the Committee on Pensions.

AMENDMENT OF IMPEACHMENT RULES.

Mr. HAMLIN. I submit a notice, I suppose it is, or a resolution, which will lie over one day, to amend the rules of procedure and practice in the Senate when sitting for the trial of impeachments. The amendment proposes to make our deliberations open in this body, that the world may know not only what our decisions are, but the reasons which we give for those decisions. I am aware that the present rule is an old one; but I am not willing to admit that what I regard as the error of yesterday shall be imposed upon me as the right of to-day.

The PRESIDENT *pro tempore*. The Secretary will report the proposed rule.

The CHIEF CLERK. The proposition is to amend the nineteenth rule by striking out the words "unless the Senate shall direct the doors to be closed, while deliberating upon its decisions."

So that, if amended, Rule 19 will read:

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open.

Also to amend Rule 23 by striking out the words "and without debate" in line 2.

And also in lines 3 and 4 the words—

Except when the doors shall be closed for deliberation.

So as to make that rule read:

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule 7, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

JOHN T. BURCHELL.

Mr. KEY. I move to take up House bill No. 1595.

The motion was agreed to; and the bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital, was considered as in Committee of the Whole. It directs the Paymaster-General of the Army to pay to John T. Burchell $135, the balance due him for services rendered at the small-pox hospital at Knoxville, Tennessee, from December 10, 1863, to January 12, 1864.

Mr. EDMUNDS. Is there a report, Mr. President?

The PRESIDENT *pro tempore*. There is.

Mr. EDMUNDS. Let it be read.

The Secretary read the following report submitted by Mr. LOGAN from the Committee on Military Affairs on the 29th of March:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital, submit the following report:

This bill has been reported upon favorably before by both House of Representatives and Senate in former Congresses, but has failed of passage. We recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE IMPEACHMENT PROCEEDINGS.

Mr. ANTHONY. I move that the proceedings of the Senate sitting as a court of impeachment be printed from the beginning separate from the debates of the Senate in legislative session; and that each day's proceedings hereafter be also printed and laid upon our tables separately, and that copies thereof be furnished to the members of the House of Representatives and to the counsel in the case. Of course it will be the same print that is used in the RECORD, so that there will be no additional setting of type. The purpose is to have the impeachment proceedings separate from the beginning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

MIAMI LANDS IN KANSAS.

Mr. INGALLS. I move to proceed to the consideration of Senate bill No. 729.

The motion was agreed to; and the bill (S. No. 729) authorizing the issue of patents to the purchasers of certain Miami lands in Kansas was read the second time, and considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear that explained.

Mr. INGALLS. Under the act of March 3, 1873, which was "an act to abolish the tribal relations of the Miami Indians, and for other purposes," the appraisement and sale of certain of the Miami lands was provided for to certain *bona fide* settlers and purchasers, and the Secretary of the Interior under the provisions of that act proceeded to sell the lands, but owing to a defect in the original bill there was no provision by which patents should be issued to those who purchased, and under the rulings of the Department they have decided that in no case can patents issue except in pursuance of some specific authority of law. To remedy the defect in that bill, this action has been recommended by the Secretary of the Interior and the bill reported by the Committee on Indian Affairs.

Mr. EDMUNDS. I should like to hear the report of the Secretary of the Interior on the subject, read.

Mr. INGALLS. Here is the letter, which the Clerk will read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR.
Washington, March 31, 1876.

SIR: The act of March 3, 1873, entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," (Statutes volume 17, page 631,) provides for the appraisement and sale of the Miami lands in Kansas, and section 2 of said act allows the purchase by certain *bona fide* settlers of the tracts occupied and improved by them—not exceeding one hundred and sixty acres each in extent—under restrictions and limitations therein set forth.

Sales have been made from the lands in question to settlers entitled under the provisions of the law to become purchasers; but after having complied with all the requirements and purchased these lands in good faith, upon proceeding to complete the title to said purchasers, it is found that no provision is made in the act in question to authorize the issue of patents for the lands to these parties; and under the rule of the Department, the justice of which long custom has proven, a patent cannot issue except in pursuance of some explicit provision of law.

A draught for proposed legislation to remedy the defect in the law—prepared by the Commissioner of Indian Affairs under the direction of this Department—together with a copy of a report, dated the 30th instant, from that officer in relation to the subject, is herewith respectfully presented for the favorable consideration of Congress.

I have the honor to be, very respectfully, your obedient servant,
Z. CHANDLER, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. EDMUNDS. May I ask that the bill be read again?

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived——

PRINTING OF PROFESSOR JENNEY'S REPORT.

Mr. SARGENT. I should like to give notice of a motion to reconsider the order for printing the report of Professor Walter Jenney on the geological survey of the Black Hills, and I will call it up to-morrow morning.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

C. G. FREUDENBERG.

Mr. BURNSIDE entered a motion to reconsider the vote by which the bill (S. No. 189) placing the name of C. G. Freudenberg upon the retired list United States Army was postponed indefinitely.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment against William W. Belknap exhibited by the House of Representatives.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. SARGENT. I hope not. I trust we shall proceed with legislative business to-morrow. On account of the interruption of our regular business by the proceedings of the court, that business has fallen very much behind, and it is getting worse and worse day by day. I know that there are measures pressing upon the attention of the Senate which are of great importance. How the Senators may feel who have these measures in charge, I cannot say. The Senator from New Jersey [Mr. FRELINGHUYSEN] desires that we shall act upon the Japanese indemnity bill. That, I understand, is the unfinished business. My friend from Ohio [Mr. SHERMAN] has in charge the silver bill, and has insisted that it is very important to have the early action of the Senate upon it. I know of no reason why these matters should not be taken up and disposed of to-morrow, and next day, if necessary, but certainly to-morrow.

If the Senators who have this business in charge do not value it so highly, and other Senators think these matters are not of so great importance, then I desire to say that there is pending before the Senate a resolution relating to a subject that is of great importance to the people of my coast, and as I believe will become important to the people of the whole United States, not far in the future. I refer to a resolution which I introduced some time since, which I gave notice that I would bring to the attention of the Senate, requesting the Executive to negotiate with the government of China in order to effect such a modification in the Chinese treaty that there may be a lawful restriction upon the immigration of Chinese to this country. I desire to be heard upon that question. I desire most especially to be heard if *prima facie* the Senate are in opposition to the views which I propose to advance. I think I can show to the Senate full and conclusive reasons why that course should be adopted; that our country is being filled up by slaves and worse characters; that American civilization is being destroyed; that San Francisco is being

changed day by day to an Asiatic city; that there are six blocks there, large blocks, in the business part of our city, which are a mere desert, occupied by the Chinese; that our white labor is being expelled; and that our young men and women are kept out of employment on account of this degrading population. I desire to call these things to the attention of the Senate. If the Senate will meet to-morrow and give me the opportunity, I will then request that this matter be taken up and be considered as its importance and dignity demand. I trust the Senate will not adjourn over till Monday.

Mr. THURMAN. Mr. President, is this a debatable question?

The PRESIDENT *pro tempore*. It is.

Mr. THURMAN. I hope the Senate will adjourn over until Monday, although I am certainly as willing as anybody can be to give to the measures to which the Senator from California refers a thorough consideration. I do know, at least I think I know, because it is a piece of presumption, as a very great philosopher once said, for any one to say dogmatically that he knew anything—I think I know that there is no better mode of hastening the business of the Senate than to adjourn over from Friday until Monday. When I first knew the Senate the universal practice was to adjourn over from Thursday until Monday. I do not think it ought to be done now.

Mr. SARGENT. Was that ever the practice at so late a period in the session as this?

Mr. THURMAN. Yes; as late in the session as this and long after this. Every Senator does know that he needs at least one working day in the week to attend to committee duty and for uninterrupted study (if he intends to perform his duty as a Senator) on the questions that come before us, to say nothing about private affairs. I hope that we shall not abandon the practice of adjourning from Friday until Monday, unless under peculiar circumstances, until the last two or three weeks of the session.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. SARGENT. Of course I cheerfully acquiesce, and especially as this week has been so busy that I had really forgotten that to-day was Friday and supposed it was Thursday. [Laughter.] I make that apology in justice to the Senate and myself, and I will say now that early next week I shall ask the indulgence of the Senate to take up the important measure to which I have referred.

IMPEACHMENT PROCEEDINGS.

Mr. ANTHONY. I move to rescind the order which was passed this morning to print the proceedings of the impeachment trial with a view to offer an order in different language.

The PRESIDENT *pro tempore*. The question is on the motion to rescind.

Mr. DAVIS. Let the other order be read first.

The Chief Clerk read as follows:

Resolved, That the proceedings in the trial of the impeachment of William W. Belknap be printed from day to day, and that 300 copies be printed for the use of the Senate, and that 25 copies be printed for the use of the managers, and 25 copies for the use of the counsel for the respondent.

Mr. DAVIS. Does that include what has already taken place?

The PRESIDENT *pro tempore*. It includes that, as the Chair understands. The former resolution certainly did.

Mr. ANTHONY. It includes the previous proceedings.

The PRESIDENT *pro tempore*. Will the Senate rescind the former order and substitute this in its place? That is the motion.

The motion was agreed to.

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

EXTENSION OF HOMESTEAD LAW.

Mr. BANKS. Mr. Speaker, I present a bill at the request of a very large number of citizens of different States—laborers, mechanics, and persons connected with the minor manufactures of the country, but now out of employment—who ask the aid and protection of the Government in emigrating with their families and forming communities and settlements in the agricultural and mining sections of the public domain. It has been carefully considered, I am informed, and represents the interest of a large unemployed population in the more populous parts of the country. It embodies substantially the principles of emigration prepared by Franklin in the settlement of Pennsylvania, and more recently tried with success by Mexico and the states of South America. I move that it be referred to the Committee on Public Lands and printed.

There being no objection,

Mr. BANKS introduced a bill (H. R. No. 3265) to extend the scope and efficiency of an act entitled "An act to secure homesteads to actual settlers on the public domain;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

DISABILITIES OF JAMES E. SLAUGHTER.

Mr. McCRARY. The Committee on the Judiciary have directed me to ask unanimous consent to report a bill for consideration at the present time.

Mr. RANDALL. I must object to that.

Mr. McCRARY. I think that when the gentleman hears the title of the bill he will not object. Its consideration will take but a moment.

The SPEAKER. The regular order this morning is the unfinished business of yesterday; and these matters cannot proceed without unanimous consent.

The Clerk read the title of the bill, as follows:

A bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama.

Mr. McCRARY. The gentleman from Pennsylvania does not object to that, I know. [Laughter.]

There being no objection, the bill was ordered to a third reading, read the third time, and passed, two-thirds voting in favor thereof.

PROTECTION OF IMMIGRANTS.

Mr. COX, by unanimous consent, presented a joint resolution of the Legislature of the State of New York, with reference to the protection of immigrants; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Whereas the decision of the Supreme Court of the United States renders inoperative and void the laws of this State heretofore enacted for the protection of immigrants and the prevention of their becoming a charge upon any city, town, or county of this State within five years from their landing at the port of New York, on the ground that such laws are in violation of the Constitution and that the power to legislate on this subject is exclusively in the Federal Congress; and whereas the importance of the subject demands immediate attention: Therefore,

Resolved, (if the senate concur.) That our Senators and Representatives in Congress be requested to use their influence to secure without delay the legislation necessary and requisite, as well for the protection of the immigrants as for the security of the cities, towns, and counties of this State.

POSTAGE.

Mr. COX. I desire also to introduce a bill prepared by the Board of Trade of New York on the subject of postage.

There being no objection,

Mr. COX introduced a bill (H. R. No. 3266) fixing the rate of postage on certain mail matter, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. COX also, by unanimous consent, presented a memorial of soldiers of the war of 1812, asking increase of pay and the pensioning of the widows of such soldiers as were married prior to 1850; which was referred to the Committee on Revolutionary Pensions.

ELECTION OF TERRITORIAL OFFICERS.

Mr. SOUTHARD, by unanimous consent reported from the Committee on the Territories a bill (H. R. No. 3267) to provide for the election of a territorial governor, secretary, treasurer, auditor, and superintendent of schools in the several Territories of the United States; which was read a first and second time, ordered to be printed, and recommitted.

LANDS SOLD FOR DIRECT TAXES.

Mr. MAISH, by unanimous consent, submitted the following resolution; which was referred to the Committee on Private Land Claims:

Resolved, That the Commissioner of Internal Revenue be requested to furnish, for the information of this House, a list with location and description of all lands sold for non-payment of direct taxes thereon under and by virtue of the act of Congress approved August 5, 1861, and the various acts subsequent to and amendatory thereof, except such as were bought for and in the name of the United States; and also the names of the owners of such lands, the amount of direct taxes due upon the same at the time of such sale, the names of the persons by whom they were purchased, and the amount of money received therefor in each case.

JOSEPH W. PARISH.

Mr. STRAIT, by unanimous consent, reported back from the Committee on Military Affairs the bill (H. R. No. 3153) for the relief of Joseph W. Parish, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee of Claims.

The motion was agreed to.

OBSERVATORY OF CALIFORNIA UNIVERSITY.

Mr. PIPER, by unanimous consent, introduced a bill (H. R. No. 3268) granting a site for an observatory to the trustees of the Lick observatory of the astronomical department of the University of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BONDS OF THE UNION PACIFIC RAILROAD.

Mr. TARBOX. I ask unanimous consent to introduce for adoption now a resolution in regard to the purchase of certain bonds by the Union Pacific Railroad Company.

Mr. HURLBUT. I object, and call for the regular order.

DECISION ON HABEAS CORPUS—HALLET KILBOURN.

The SPEAKER. The Chair lays before the House a short communication from the Sergeant-at-Arms, accompanied by a certified copy of the decision of the chief justice of the supreme court of this District in the matter of Hallet Kilbourn, whom that court has discharged from the custody of this House.

The Clerk read as follows:

OFFICE OF SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 28, 1876.

DEAR SIR: I herewith hand you the decision of Hon. D. K. Cartter, chief justice of the supreme court of the District of Columbia, in the matter of Hallet Kilbourn's petition for the writ of *habeas corpus*, and request you to lay the same before the House.

Very respectfully,

JOHN G. THOMPSON, *Sergeant-at-Arms.*

Hon. M. C. KERR, *Speaker.*

Mr. RANDALL. I move that the paper be referred to the Committee on the Judiciary.

Mr. HURLBUT. And ordered to be printed.

Mr. RANDALL. And ordered to be printed.

The motion was agreed to.

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. LORD. I rise to a privileged question. Under a rule of parliamentary law we are required to ask this leave in regard to members. I ask the resolution be read.

The Clerk read as follows:

Resolved, That the managers have leave to examine any member of the Committee on Expenditures in the War Department and any member of the House whom they deem necessary as a witness on the trial of the articles of impeachment against William W. Belknap, and that leave is hereby given to members to attend the trial for that purpose if they see fit to do so.

The resolution was adopted.

CENTENNIAL COINS.

Mr. O'BRIEN. I rise to a privileged matter. Two days ago I introduced a bill (H. R. No. 3159) to authorize the coinage of "centennial coins," and for other purposes, and asked that it be referred to the Committee on Coinage, Weights, and Measures. I find it has not only not been referred to that committee, but by a mistake of the Clerk referred to the Committee of Ways and Means. The Committee on Coinage, Weights, and Measures have jurisdiction over the subject-matter, and I think it is a privilege of that committee that I should be heard to move that the Clerk shall have the correction made.

The back of the bill will show it was intended, as I said at the time, to be referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER. The Chair desires to say this is no matter of privilege. Is the House willing the Committee of Ways and Means shall be discharged from the further consideration of this bill and the same referred to the Commitee on Coinage, Weights, and Measures?

There was no objection, and it was ordered accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The first business in order this morning is the unfinished business of yesterday, which is the consideration of the amendments reported from the Committee of the Whole on the state of the Union to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, on which the main question has been ordered. The question first recurs on concurring in the first amendment upon which a separate vote has been demanded.

Mr. RANDALL. I suggest the House concur in the amendments upon which separate votes have not been asked.

Mr. HURLBUT. I ask for a separate vote, as agreed to in Committee of the Whole, on the amendment increasing the salary of the territorial judges.

Mr. RANDALL. That is right; that we agreed to allow. There was not a quorum voting. It is not in the nature of an amendment reported from the Committee of the Whole on the state of the Union.

The SPEAKER. What is the suggestion of the gentleman from Pennsylvania?

Mr. RANDALL. I suggest that this amendment in reference to the salaries of territorial judges was not reported from the Committee of the Whole on the state of the Union, but the agreement was that a vote should be taken on it in the House.

Mr. HURLBUT. The majority of the committee was against my amendment. It was agreed I should have a separate vote on the question in the House.

Mr. RANDALL. I do not care how it comes up so the vote is got. I suggest the gentleman should make some motion by which the subject can be reached.

Mr. HURLBUT. I was waiting for its turn, but I am willing to have it considered now.

Mr. RANDALL. The gentleman had better move to strike out.

Mr. HURLBUT. I have simply considered the amendment pending in the House as in committee for a direct vote, whether the salary of the territorial judges should be $3,000 as I moved it, or remain as in the bill, $2,500 a year.

Mr. HOLMAN. Let the gentleman move to strike out $2,500 and insert $3,000.

Mr. HURLBUT. I make that motion in line 949, and in other places in the bill where it is necessary.

Mr. RANDALL. You want it all through these sections referring to the Territories?

Mr. HURLBUT. Certainly.

Mr. RANDALL. Then let us take a single vote in reference to all of them.

Mr. HOLMAN. That will do it.

The SPEAKER. The Chair will take the sense of the House on these amendments in the order in which they arise in the bill. Is there objection?

Mr. RANDALL. I move the House concur in all the amendments of the Committee of the Whole, except those upon which a separate vote is asked, or such against which the point of order is pending.

Mr. HOLMAN. The proposition of the gentleman from Pennsylvania is certainly a proper one and will facilitate business very much; but I ask unanimous consent to call the attention of the House for one moment to the necessity of amending the text, which can be done by unanimous consent. The Committee of the Whole on the state of the Union adopted this language:

That the fourteen messengers on the soldiers' roll shall be employed during the current year, and the sum of money necessary to pay the messengers on that roll is hereby appropriated.

That is in conformity with former practice. I ask unanimous consent, on line 191 of the bill, to strike out "thirty-two" and insert "eighteen," and to strike out the words "fourteen of whom shall be on the soldiers' roll," because otherwise there will be reduplication. I hope there will be no objection to that.

There was no objection, and it was ordered accordingly.

The SPEAKER. In the judgment of the Chair, the motion of the gentleman from Pennsylvania had better be put to the House after the amendments on which separate votes are asked have been disposed of.

Mr. RANDALL. I think the suggestion of the Chair is very proper.

The Clerk proceeded to read the amendments.

The following amendment, adopted in Committee of the Whole on motion of Mr. O'BRIEN, was read:

In line 937, after the words "mint at New Orleans, Louisiana," strike out these words: "For superintendent in charge, for care and protection of the building and machinery and other Government property therein, $1,000," and insert as follows: "For salaries of assayer in charge, $2,500; melter, $2,000; one clerk, $1,500; wages of workmen, $3,000; fuel, fluxes, acids, and other incidental expenses, $5,000; in all, $14,0 0.

Mr. RANDALL. The majority on the vote in Committee of the Whole in favor of that amendment was so large that I do not wish to occupy half an hour in taking the yeas and nays on it.

Mr. O'BRIEN. It is a very proper amendment.

Mr. RANDALL. I think not.

The SPEAKER. Is a separate vote demanded?

No separate vote was demanded, and the amendment was adopted.

The following amendment, adopted on motion of Mr. BENNETT, was read:

Add after line 945 the following paragraph:

Assay office at Boise City, Idaho Territory:

For salary of assayer, who shall also perform the duties of melter, $2,500; for wages of workmen, $1,500; for fuel, crucibles, chemicals, repairs, and other incidental expenses, $1,000; in all, $5,000.

Mr. RANDALL. The Director of the Mint appeared before the committee yesterday and expressed the opinion that $3,000 was a sufficient appropriation for that assay office: $1,800 for the assayer and the balance for the purposes indicated. If the gentleman from Idaho will consent to that, I will agree to his amendment as so modified.

Mr. BENNETT. I do not think that is sufficient.

Mr. RANDALL. Then I must ask for a vote. The Director of the Mint says that $3,000 is sufficient.

Mr. BENNETT. Very well. If that is the best the committee will let us have, we will have to accept it or take nothing. I agree that the amendment shall be modified in the way suggested.

The amendment, as modified, was adopted.

The next amendment was that adopted on motion of Mr. DAVIS, as follows:

Add after line 945 the following:

Assay office at Charlotte, North Carolina:

For assayer, $1,800; for melter, $1,200; for labor, fuel, lights, acids, chemicals, repairs, and other necessaries, $1,000; in all, $4,000.

Mr. RANDALL. The gentleman from North Carolina [Mr. DAVIS] who offered that amendment has consented to a modification, which meets the views of the Director of the Mint, and which I hope the House will unanimously accept. It is a reduction from $4,000 to $2,700.

Mr. DAVIS. I send to the desk the substitute for that amendment, which the gentleman from Pennsylvania has referred to.

The Clerk read as follows:

After line 945 add the following:

Assay office at Charlotte, North Carolina:

For assayer and melter, $2,200; for labor and other expenses, $500; in all, $2,700.

The amendment, as modified, was adopted.

Mr. RANDALL. Before we leave this subject, I ask to have printed in the RECORD a statement from the Director of the Mint, being a

comparison of expenditures at the coinage mints and assay office, New York, during various years.

There was no objection. The statement is as follows:

Comparison of expenditures at the coinage mints, and at the assay office in New York, for three years preceding and succeeding the coinage act of 1873.

Mint.	First period.	Second period.	Increase.
			Percentage.
Philadelphia	$1,060,113 10	$1,132,025 08	Nearly 7
San Francisco	890,176 82	1,043,726 72	Over 17
Carson	261,495 66	578,941 46	About 120
Assay office, New York	400,571 30	468,911 31	About 17
Total	2,599,343 00	3,423,041 31	About 32

Comparison of operations at the coinage mints, and at the assay office in New York, for three years preceding and succeeding the coinage act of 1873.

VALUE OF GOLD COINAGE EXECUTED.

Mint.	First period.	Second period.	Increase.
			Percentage.
Philadelphia	$8,090,657 50	$49,295,137 50	Over 500
San Francisco	54,971,050 00	65,469,500 00	Over 19
Carson	874,575 00	4,481,355 00	Over 412
Assay office, New York*	19,495,887 55	33,422,378 29	Over 71
Total gold	83,432,170 88	142,668,370 79	Nearly 71

VALUE OF SILVER COINAGE EXECUTED.

Philadelphia	$4,289,543 25	$9,235,885 50	Over 115
San Francisco	2,296,775 00	6,972,000 00	Over 203
Carson	167,674 50	2,791,879 30	Over 1566
Assay office, New York*	4,244,842 55	11,550,647 92	Over 172
Total silver	10,998,835 30	30,550,413 72	Over 177

VALUE OF GOLD BULLION RECEIVED AND OPERATED UPON.

Philadelphia	$8,263,576 31	$49,197,014 24	Nearly 500
San Francisco	55,759,055 72	66,060,754 76	Over 18
Carson	5,499,537 59	9,757,636 24	Over 77
Assay office, New York	20,305,575 71	43,900,452 40	Over 115
Total gold	89,827,745 53	168,915,857 64	Over 88

VALUE OF SILVER BULLION RECEIVED AND OPERATED UPON.

Philadelphia	$4,911,104 45	$9,986,121 12	Over 103
San Francisco	2,471,818 43	8,193,311 07	Over 231
Carson	5,511,810 15	10,149,318 21	Over 84
New York	6,653,471 73	17,296,369 39	Over 159
Total silver	19,548,204 76	45,615,140 79	Over 133

* Fine bars prepared.

Comparison of the number of pieces coined at the coinage mints for three years preceding and succeeding the coinage act of 1873.

GOLD.

Mint.	First Period.	Second Period.	Increase.
			Percentage.
Philadelphia	442,180	3,082,748	Over 597
San Francisco	2,453,380	3,392,600	Over 38
Carson	76,994	274,243	Over 255
Total gold	2,972,554	6,749,591	Over 127

SILVER.

Philadelphia	11,557,182	30,823,500	Over 166
San Francisco	5,981,900	12,944,700	Over 116
Carson	361,115	4,102,646	Over 1,036
Total silver	17,800,197	47,870,846	168

MINOR COINS.

Philadelphia	33,462,250	52,222,000	Over 56

The value of the gold and silver coinage executed during the fiscal year ending June 30, 1875, *was—*

Gold	$33,553,965
Silver	10,070,368
Total	43,624,333

The value of the gold and silver coinage executed during the nine months ending March 31, 1876, *was—*

Gold	$30,104,715 00
Silver	13,339,162 50
Total	43,443,877 50

On the basis of nine months' operations the coinage for the present fiscal year will aproximate as follows:

Gold	$40,139,620, over 19 per cent. increase over 1875.
Silver	17,785,550, over 66 per cent. increase over 1875.
	57,925,170, over 33 per cent. increase over 1875.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The next amendment was that on which a separate vote was asked by Mr. HURLBUT, as follows:

In line 949, strike out "$2,5'0" and insert "$3,000;" so that it will read: "chief justice and two associate justices, $3,000 each;" also, in line 954 strike out "$2,500" and insert "$3,000;" so that it will read: "and the salaries of chief justices and associate justices shall be $3,000 per annum each."

Mr. HURLBUT. If the gentleman from Pennsylvania will permit me, I desire to say one word only. Since this amendment was debated the Committee of the Whole has still further amended this bill by striking out any possibility of a United States judge receiving any pay from a Territory. That, I think, lends additional strength to the amendment I have offered.

Mr. STEELE. I hope the gentleman from Pennsylvania will consent to have that amendment adopted.

Mr. PATTERSON. I would like to state in this connection——

Mr. HOLMAN. Let us have a vote. We have discussed this matter very fully.

Mr. RANDALL. The previous question is prevailing. I object to debate.

The question being taken on Mr. HURLBUT's amendment, there were—ayes 65, noes 65; no quorum voting.

Tellers were ordered; and Mr. HURLBUT and Mr. RANDALL were appointed.

The House again divided; and the tellers reported—ayes 79, noes 65.

Mr. RANDALL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 119, not voting 81; as follows:

YEAS—Messrs. Ainsworth, George A. Bagley, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cate, Conger, Cook, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Ellis, Ely, Fort, Frye, Garfield, Gibson, Goodin, Haralson, Hardenbergh, Hartridge, Hatcher, Hays, Henderson, Henkle, Hoskins, Hurd, Hurlbut, Kehr, Kelley, Ketchum, Kimball, Lane, Levy, Lynch, Lynde, MacDougall, McCrary, McDill, Miller, Monroe, Morey, Morgan, Mutchler, New, Norton, O'Brien, O'Neill, Packer, Parsons, William A. Phillips, Pierce, Piper, Platt, Potter, Powell, Pratt, Purman, Rainey, John Reilly, Robinson, Rusk, Sampson, Sheakley, Sinnickson, A. Herr Smith, Strait, Stowell, Tarbox, Teese, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Wait, Charles C. B. Walker, Alexander S. Wallace, G. Wiley Wells, White, Whiting, Andrew Williams, Charles G. Williams, Alan Wood, jr., and Woodworth—90.

NAYS—Messrs. Anderson, Atkins, John H. Bagley, jr., John H. Baker, Banks, Banning, Barnum, Bell, Blackburn, Bland, Bliss, Blount, Bradford, John Young Brown, Buckner, John H. Caldwell, William P. Caldwell, Candler, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cox, Crounse, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Eden, Evans, Felton, Finley, Forney, Franklin, Glover, Goode, Hale, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartzell, Haymond, Hendee, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunter, Frank Jones, Thomas L. Jones, Joyce, Franklin Landers, Lawrence, Lewis, L. A. Mackey, Maish, McFarland, Metcalfe, Milliken, Money, Morrison, Odell, John F. Philips, Plaisted, Poppleton, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Seelye, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Terry, Thompson, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Walsh, Erastus Wells, Wheeler, Whitehouse, Wigginton, Wike, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, James Wilson, Fernando Wood, Yeates, and Young—119.

NOT VOTING—Messrs. Adams, Ashe, Bagby, William H. Baker, Ballou, Bass, Beebe, Blaine, Boone, Bright, Samuel D. Burchard, Burleigh, Cabell, Campbell, Cannon, Cason, Caswell, Caulfield, Cowan, Crapo, Danford, Douglas, Durand, Egbert, Farwell, Faulkner, Foster, Freeman, Frost, Fuller, Gause, Gunter, Hancock, Benjamin W. Harris, Hathorn, Abram S. Hewitt, Hoar, Hoge, Hooker, Hubbell, Hunton, Hyman, Jenks, Kasson, King, Knott, Lamar, George M. Landers, Lapham, Leavenworth, Lord, Luttrell, Edmund W. M. Mackey, Magoon, McMahon, Meade, Mills, Nash, Neal, Oliver, Page, Payne, Phelps, Sobieski Ross, Schleicher, Schumaker, Smalls, Swann, Martin I. Townsend, Van Vorhes, Waddell, Waldron, John W. Wallace, Ward, Warren, Whitthorne, William B. Williams, Willis, Wilshire, Benjamin Wilson, and Woodburn—81.

So the amendment was not agreed to.

During the roll-call,

Mr. VANCE, of Ohio, said: My colleague, Mr. VAN VORHES, is sick, and absent by leave of the House.

Mr. YEATES. My colleague, Mr. WADDELL, is absent by leave of the House, and so is my colleague Mr. ASHE.

Mr. McDILL. My colleague, Mr. KASSON, is absent by leave of the House.

Mr. BROWN, of Kentucky. My colleague, Mr. BOONE, is absent by leave of the House.

Mr. ANDERSON. My colleagues, Mr. CANNON and Mr. BAGBY, are absent by leave of the House.

The result of the vote was announced as above recorded.

The next amendment was one offered by Mr. CALDWELL, of Alabama, to strike out in line 1476 "$2,700" and insert in lieu thereof "$3,000," so as to make it read:

For compensation of the Commissioner of Agriculture, $3,000.

Mr. RANDALL. The vote on that amendment in the committee was very decided, and I do not ask for a separate vote.

Mr. REAGAN. Yes; let us have a vote on it.

The question was taken; and on a division there were ayes 39, noes not counted.

So the amendment was not agreed to.

CONSTRUCTION OF RULE 120.

The following section upon which a point of order was raised in the committee and postponed for the decision of the House was then read:

SEC. 4. That the management of all Indian affairs, and of all matters arising out of Indian relations, be, and the same is hereby, transferred from the Department of the Interior to the War Department, and the same is hereby placed under the Secretary of War agreeably to such regulations as the President may prescribe: *And provided further*, That the office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and of matters arising out of Indian relations is hereby lodged with the Secretary of War: *And provided further*, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

Mr. SEELYE. Mr. Speaker, I make the point of order that that section which has just been read is in contravention of the rule adopted January 17, 1876, in these words:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenses.

This is a change in existing law; and while I do not raise the point of order that this would be a manifest extravagance and increase the expenditures, although I believe it to be true and hold that it can be proven, yet as that might be disputed, and could only be established after an argument, I do not raise it here; but I simply raise the point of order that this is not manifestly for the retrenchment of expenses, and is not germane to the appropriation bill.

It is said, to be sure, it was remarked in the committee by the distinguished chairman of the Committee on Appropriations yesterday, that there is in this bill a leaving out of all other appropriations for the Indian Bureau and therefore it does retrench expenditures; but the gentleman surely will not upon reflection hold to such a ground, because with equal propriety he might introduce a section providing that the whole business of the Secretary of the Navy shall be turned over into the hands of the Secretary of War, and because he shall fail to introduce an appropriation for the Department of the Navy therefore the bill would be in the line of retrenchment of expenditures. I hold that under the rule which requires that the provision shall retrench expenditures that provision should bear *prima facie* evidence that it would thus retrench. This provision does not bear such evidence, and therefore I claim that it is not in order.

Mr. McCRARY. I rise to inquire whether the Chair will hear further argument on the point of order?

The SPEAKER. If it is the pleasure of the House, the Chair will certainly interpose no objection. This is an original point arising under a new rule, and the Chair considers it one of importance.

Mr. McCRARY. I desire to submit very briefly some views I have upon the subject, if it is the pleasure of the Chair to hear me.

The SPEAKER. The gentleman will proceed, unless there is some objection in the House.

No objection was made.

Mr. McCRARY. Mr. Speaker, regarding this a very important question, I have given it some consideration, and, although my conclusions may perhaps be of little value, I wish to submit them for the consideration of the Chair.

The question how the new rule shall be construed is one of importance. If it can be so construed as to admit the amendment now before the House upon an appropriation bill, it is difficult to see how it is possible to draw a line which shall fix and determine what is and what is not in the line of retrenchment. The amendment is held to be germane because it relates to Indian affairs, and because the bill makes an appropriation for the Indian service. I do not stop to question whether it *is* germane; but, conceding that it is so, I call the Speaker's attention to the wide range of legislation that would be germane by the same rule. Anything that relates to any branch of the public service, whether in the legislative, executive, or judicial department, would be germane. Therefore a very wide field would be opened for crowding provisions upon all sorts of subjects into an appropriation bill unless a construction is given to the latter clause of the rule which will in some degree at least limit its scope. The amendment must "tend to retrench expenditure." How must this appear? Is the Speaker limited to what appears upon the face of the amendment or may he look beyond the amendment, and if so how far beyond it?

In my judgment the rule must have a reasonable construction, and I will state precisely what I think to be a reasonable construction. There are two views of the true construction of the rule; they are both extreme and both erroneous in my humble opinion. The first is that the Speaker cannot look beyond the amendment itself, and that it must appear from the words of the amendment without reference to anything else that it will, if adopted, retrench expenditure.

The other is, that the Speaker may examine estimates, take the opinions of experts, consider arguments *pro* and *con* upon disputed questions of fact, and from these make up his mind whether the proposed legislation will or will not retrench expenditures. I contend that both of these theories are erroneous and untenable, and that there is a "golden mean" between the two which will furnish the correct rule and the safe guide.

I say then, first, that the Speaker may look beyond the amendment itself, but, with this limitation, he is to look only at existing law. He is to take no *uncertainties* into his calculation. It must appear to a certainty that the proposed amendment will retrench expenditure. To illustrate: If an amendment is offered to fix the salary of a public officer at a given sum, the Speaker must look beyond the amendment itself and into existing law to determine whether the sum fixed by the amendment is less than that provided in previous legislation.

But when it is said that the Speaker is bound to go not only beyond the amendment itself, but beyond and outside of all existing law and into the uncertain region of argument and speculation, in which it will be affirmed on one side that the amendment will retrench expenditure and denied on the other, this is the other extreme and is wholly inadmissible. My reasons for rejecting such a construction of the rule may be briefly summed up as follows:

First. No certain result can be reached in this way. The rule requires that it shall appear as a matter of *fact*—not of opinion—that the amendment will retrench expenditure. The Chair may be of opinion that this amendment would retrench expenditure. Other gentlemen may hold the opposite opinion, but it is not to be left to opinion. To show that it is only a matter of opinion, of dispute, of uncertainty, of debate, is to show that it is not in order.

Second. The Chair cannot have before him the *facts* upon which to decide. The Chair cannot go into proofs upon the subject. The Chair cannot stop legislation and go into a trial upon the doubtful and difficult questions of fact which are presented by such an amendment as this. How is the Chair to decide what it will cost to carry on our Indian affairs under the War Department and how much under the Interior Department? How is the Chair to decide the disputed question whether frauds will be increased, decreased, or prevented by the proposed transfer? The House has listened to a long and able debate upon this very question, in which facts and statistics have been literally piled up on both sides. Is the Chair to be expected to go into these in deciding a point of order? If the Chair must consider them, it follows that gentlemen interested must be allowed to present them, and if this be permitted it is evident that a large part of the time of the House would be devoted to considering points of order.

Third. In the nature of the case a point of order must be decided summarily and without much discussion. It follows that all rules must have such a construction as will enable the Speaker to decide promptly and without the necessity for much inquiry as to matters of fact. It must appear from the record that the proposed amendment is in the line of retrenchment, and by the record I mean the bill and amendments before the House and existing statutes. If it appear from a reference to these that it will reduce expenses to adopt the amendment, it can be made to appear promptly and clearly.

Fourth. The practice of crowding legislation upon various subjects into appropriation bills was a great and growing evil under the old rule, and under the new one will become intolerable if that rule be construed so as to admit amendments such as the one now under consideration. If this amendment is in order the House can be called upon at any time to consider, without the report of a committee, without the introduction of any bill, without any notice that the subject is coming up, the gravest and most important subjects, and may be compelled to consider and pass upon them in Committee of the Whole with the five-minute rule governing the debate. The new rule should have a construction that will prevent such evils and abuses as these.

From what I have said it will be seen that I would construe this rule as admitting only an amendment which is germane and which, either from what appears upon its face or from what is found in the statutes, or from both, and without reference to extrinsic facts, without resort to evidence *aliunde*, or to speculation or debate, is clearly seen to be in the line of retrenchment.

Mr. RANDALL. Mr. Speaker, I have but a few brief remarks to make upon this point of order. I maintain that this section is not only within the spirit but within the letter of the rule, that it does retrench and upon its face it retrenches. These words will be found in the section, "that the office of Commissioner of Indian Affairs is hereby abolished." But in further support of my position I want to

quote from a document which I think the gentleman from Massachusetts, [Mr. SEELYE,] who makes this point here, will pay some deference to. I read from the minority report made to this House on the subject of the transfer of the Indian Bureau from the Interior Department to the War Department, and which is signed by Mr. NELSON H. VAN VORHES, Mr. JULIUS H. SEELYE, Mr. HORACE F. PAGE, Mr. JOHN Q. TUFTS, and Mr. WILLIAM W. WILSHIRE. In that report this paragraph occurs:

The transfer under consideration is sometimes urged on the score of economy. It would at least save the salaries of the Indian agents, amounting possibly to $150,000, but it is difficult to see how any other expense would be diminished.

I think the saving of $150,000 brings this section within the spirit and letter of the rule. Out of your own mouth I condemn you.

This appropriation bill provides usually for certain expenses of the Indian Bureau to the extent of $75,000. We have made no such appropriation in this bill, and we have therefore to state upon the face of the bill the reason why we have not done it, and it is because we propose to transfer the Indian Bureau from the Interior Department to the War Department, and to reduce expenditures by the total abolition of the Indian Bureau. I say here to-day that no other bureau anywhere will be required to be established. If this section is not within the letter and spirit of the rule I am at a loss to conceive what was the intention of the House in adopting the rule.

Nay, more, in another portion of this bill, to which no objection of this kind was made, we have abolished the special agents of customs, forty-three in number, and they are nowhere provided for in this bill or treated of in the bill, nor are they provided for or treated of in any of the annual appropriation bills. The money which by that portion of the bill we save to the people has usually come out of the permanent appropriations of the Government. If such a point of order as this is to lie against this section, then we never in any possible way can abridge the expenditures of the Government in this way. This section is not only within the spirit but within the letter of the rule.

The Speaker is not overestimating the importance of this subject when he refers to the gravity of this point of order. To my mind it involves hundreds of thousands of dollars in the direction of economy. We have excellent military authority for saying that this section involves the saving of millions of dollars. If this rule is not intended to reach just such cases as this, then it is nugatory and stripped of what was supposed to be its great beneficial power.

Mr. GARFIELD. The Speaker should treat this point of order as the courts treat a question of jurisdiction. For example, a case is brought to the Supreme Court of the United States by a writ of error. The writ must be accompanied by a bill of exceptions, in which the errors are assigned. If the parties have no bill of exceptions, the court will not look into the case at all, except for one purpose; if there is error apparent on the face of the record, such as that the writ has not been properly signed, has not been properly attested by the officer empowered by law to attest it, if such error is patent on the face of the record the court will take jurisdiction of the case, but for no other reason. The court will not look into the record unless there be such patent error on the face of it that they are bound to take notice of it and correct it.

Now, it occurs to me that in this summary proceeding of deciding a point of order the Speaker of the House is in exactly the predicament of the court. If on the face of the paragraph or amendment two things appear, he will take jurisdiction. First, is the paragraph germane to the subject-matter of the bill; and second, if it propose a change in the law, is it an amendment which by its terms is a retrenchment of expenditures? The Speaker under the rules cannot go beyond those two elements in considering the point of order.

Now, on the score of its being germane, I invite the attention of the Speaker to a fact which he may not have considered. Suppose I had offered this transfer section as an amendment to the Post-Office Appropriation bill, nobody would doubt that the Speaker would rule my amendment out of order on the ground that the Post-Office Appropriation bill is not at all related to Indian affairs. But I call the attention of the Speaker to the fact that there is not one line, not one word in this whole bill, outside of the fourth section, that even names Indian affairs or that refers directly or indirectly to the Bureau of Indian Affairs. That subject is as clearly absent from this bill as though this were the Post-Office appropriation bill. There is no hook in this bill on which there can be hung a jurisdiction over this subject.

My friend from Pennsylvania [Mr. RANDALL] says that it is germane to this bill, because in the corresponding bill of last year there was an appropriation for the Indian Bureau. That has nothing to do with this case. The Indian Bureau is not in this bill; it is this bill on which the point of order is being raised. I have gone carefully through the whole bill, and if any gentleman will point out any provision, except this fourth section, relating at all to the Indian Department, he can find what I have utterly failed to discover.

In the next place, the gentleman from Pennsylvania, [Mr. RANDALL,] in order to sustain this fourth section as coming within the rule, goes outside of this bill and the statutes and brings in a report of a minority of a committee of this House and presents it to the Speaker as evidence that a reduction of expenditures will result by the adoption of this section. We are thus thrown into the precise predicament which the gentleman from Iowa [Mr. MCCRARY] points out, that the Speaker must sit here as a judge, hear witnesses, and have evidence *aliunde* laid before him before he can determine whether the proposed section will retrench expenditures or not. I submit that if that construction be given to the rule, the Speaker becomes a court to hear evidence and arguments on a mere matter of form.

The Speaker will remember that when this rule was adopted I tried to point out the evils which I thought would result from its adoption. It is clear to my mind that the construction now asked for will lead to all the evils and more than all that I suggested. If the construction be given as suggested by the gentleman from Iowa, [Mr. MCCRARY,] much of the evil of this rule will be prevented, and all its good retained. But until such a construction be made, I believe we shall see only evil resulting from it.

Mr. SEELYE. I shall not defend the report of the minority of the Committee on Indian Affairs, which has been referred to by the gentleman from Pennsylvania [Mr. RANDALL,] until I find that it needs defense, which is not yet. I shall be sufficiently justified by taking from the mouth of the gentleman himself a condemnation of his own course, because there could not be a more conspicuous affirmation of the ground I take than the very process of argument which the gentleman has pursued.

I say that the retrenchment of expenditures does not appear from the face of the bill. The gentleman fully acknowledges this in leaving the bill and going into other processes of inquiry in order to determine the point. Now, in this line the argument is wide; and if it were open, I should have somewhat to say. In such a case I should bring evidence to show that this retrenchment of the salaries of Indian agents would be more than five times overbalanced by the increased expenditures in other directions, and that, instead of being in the line of economy, it runs to the utmost extravagance. I do not, however, urge that question here. I simply raise the point of order that the evidence of retrenchment does not appear upon the face of the proposition, and it is not germane.

Mr. SPARKS. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. SEELYE. No, sir.

Now, in the same manner, a provision might be introduced into this bill transferring the whole work of the Interior Department into the War Department. Would the gentleman claim that that would be in the line of retrenchment, because forsooth we excluded any provision for the salary of the Secretary of the Interior? The matter is too absurd to need argument.

Mr. RANDALL. I want to direct the attention of the Speaker, and the House, and the gentleman from Massachusetts to one clause in this section; and if that does not retrench on its face, I do not know the meaning of language:

That the office of Commissioner of Indian Affairs is hereby abolished.

Mr. SEELYE. Suppose we should say "the office of Secretary of the Interior is hereby abolished," which is fully as germane; would that be in the line of retrenchment, or would it necessitate the inquiry whether the work of the Secretary of the Interior is going to be done without additional expense—a question which involves argument?

Mr. RANDALL. We save on the face of this bill the salary of the Commissioner of Indian Affairs.

Mr. SEELYE. And so we would save on the face of the bill the salary of the Secretary of the Interior; and so in the same way we might save on the face of the bill the salaries of all the other Departments of the Government.

Mr. RANDALL. Then it comes within the rule.

Mr. HALE. I have been listening attentively to this discussion and trying to attune my mind to a fair consideration of this subject. The only answer I have heard to the objection raised has been that of the gentleman from Pennsylvania, [Mr. RANDALL.] He sees that under the rule he must maintain and establish that there is something in this proposition that contains in itself reduction, retrenchment, the lessening of expenditures. He is thus driven by necessity to this proposition; that because this section, which in its wide scope of legislation transfers the Indian Bureau from one Department to another, has in it a provision to reduce salaries or to strike out certain salaries, therefore it is in the interest of economy and retrenchment, and so properly belongs to the House. Now, let us see what would be the result of carrying out that theory. The gentleman says that this provision strikes out the salary of the Commissioner of Indian Affairs, that it omits all the salaries of this Bureau, and that therefore the Speaker need go no further in deciding this point; that that is enough because it is retrenchment. Now, suppose that this provision be adopted and the bill goes through; but suppose that a month hence upon another appropriation bill—the Indian appropriation bill, on which the question of the proposition being germane would not arise—another committee of this House offers an amendment transferring this Bureau to the State Department, and as a part of the amendment abolishes the offices of certain captains, certain lieutenants, certain majors in the War Department upon the ground that if the transfer be made certain officers in the War Department, where we have just placed this business, can be dispensed with. Then upon the ground that the amendment abolishes offices you may transfer this Indian Bureau, which we now have landed in the War Department, from the War Department to the State Department. And if that may be done a month hence, then at the next session the Bureau may be put back into the Interior Department

by some other committee coming in with an amendment to that effect abolishing certain offices in the State Department.

The trouble is that if this mode of reasoning be admitted there is no telling where it may lead. To-morrow this Bureau may go to the State Department; the next day it may be put back into the Interior Department; the next day it may be transferred to the War Department; and in each case upon the asseveration of a committee that the change is economical.

These seem to me practical considerations. They show where we would be led by widening this rule. An incidental question to this is the increase of transportation, which I will not go into; but it is just as germane as the other. Now, Mr. Speaker, all these considerations show that we should not embark in any such extension of the rule as is here proposed. And there is the less need of straining this rule, Mr. Speaker, because the House of Representatives has already considered this subject duly reported from two regular committees, has voted on it under the rules of the House, and has adopted it. So there is not the claim here that it is a subject-matter which cannot get before the House. It has been done in the regular way through the regular channel.

Mr. SPARKS. Mr. Speaker, I do not propose to detain the House long in the discussion of this subject. I would simply say, with respect to the position taken by the gentleman from Massachusetts, [Mr. SEELYE,] that the argument that there is no reduction in expenditures in this transfer does not come well from him in the face of his admission, in the minority report upon the transfer bill lately passed by the House, that there was a reduction to the extent of $150,000. I hold in my hand that minority report, signed by that gentleman, in which it is admitted that there would be a reduction of expenses by this transfer to the extent of $150,000 in the payment of agents' salaries, &c.

But, sir, those who favor the point of order against this section go further and say you must judge from the section itself to see whether or not there is a reduction of expenditure. As I read it, there is upon the face of the section a clear indication of, if not an express reduction. I will read:

And provided further, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

Mr. SEELYE. Without any additional expense to the Army?

Mr. SPARKS. Here then, as I understand, we have these Army officials for whom appropriations are or ought to be made, and there is in this section the distinct allegation that they shall perform these duties.

The gentleman inquires whether without additional pay? Why, it is the imposition simply of additional duties upon them, and of course without additional pay, and is a reduction to the extent of the pay for duties being performed by employés of another Department of the Government, all of which is clearly expressed in the section itself, and, as I understand, it is conclusive upon this point.

Mr. BANKS obtained the floor.

Mr. SEELYE. My colleague yields to me for a moment. I would like to know if there is a member of this House who supposes that this transfer could be made to the War Department without increased expenditure in the War Department. If that is the case—and I take it no man will deny that it must increase expenditures, the expense of transportation, expense of agencies, the expense of supervision, the clerical expense here—if that is the case, then it opens the whole inquiry, and we cannot tell whether this provision shall result in a retrenchment until the inquiry is completed.

Mr. RANDALL. In answer to that I will say we have at this session given an example of how that can be done without additional expenditure. This House made a request to the President to send an agent to the Indian Territory and to an Indian tribe to make examination as to the necessity of a deficiency; and as requested he sent an Army officer, and that officer went there without any additional pay or salary whatever.

Mr. SEELYE. If the gentleman will allow me, he does not meet the issue I present, whether the transportation of supplies, for instance, to the Indians, which it is now proposed to carry over to the War Department, could be maintained by the War Department without any additional expense; whether the supervision of the Indians, which it is now proposed to turn over to the War Department, could be done without any additional expense to the War Department; whether the work of the Indian Bureau, which is now done here and which requires a large clerical force, could be transferred over to the War Department without additional expense. Now, until gentlemen are willing to claim it could be thus done, I say the point of order is well taken.

Mr. RANDALL. The gentleman is running away from the record.

Mr. SEELYE. I am meeting the exact issue.

Mr. RANDALL. I hold you to the abolition of the office of Commissioner of Indian Affairs and to the abolition, as stated by the gentleman from Illinois, of various other officers, the duties of these officers being transferred to officers who are already paid and only have the imposition of additional duties without additional pay.

Mr. SEELYE. I say again the gentleman evades the point, and there is no one here in the House, I venture to say, who will venture to claim there is any such reduction.

Mr. BANKS. Both gentlemen are evading each other, and I must take the floor.

It seems to me this presents a simple, and yet an important question. A proposition for retrenchment gives the Committee on Appropriations of the House the right to move an amendment to a general appropriation bill. This is a great advantage. It elevates an ordinary and inadmissible subject of legislation to a privileged question. It is retrenchment alone upon which in this case it can claim this privilege. It is the only point at issue, and it must be clear, explicit, and absolute to give it precedence over all other subjects of legislation. It must be capable of being expressed in sums, in figures. Retrenchment is reduction in expenditures, and it must appear either in the amendment itself when compared with other propositions of the bill, or with previously existing laws, that there is actual retrenchment which is or can be so expressed. It is useless to talk of what any member of the House admits, or what is stated in any report outside of the amendment or report, or what may be conceded or inferred from argument. The Speaker cannot base a decision upon an inference or an assumption. He cannot evade or destroy the protection which long-established parliamentary law secures to the House upon an inference one man or another may draw from the facts in this case.

Mr. RANDALL. Let me ask the gentleman a question.

Mr. BANKS. Let me express my views. The question as to retrenchment must appear in sums in figures in the proposition itself, as compared with other propositions in the bill or with existing law. There is no inference which will justify a change in the established system of legislation whatever, come from what source it may. It must have a more substantial basis, a foundation of fact.

Mr. RANDALL. Will the gentleman now allow me to ask him a question?

Mr. BANKS. In a moment. No such proposition of retrenchment appears in this amendment; none at all. It is not pretended that it does. Now I will hear the gentleman from Pennsylvania.

Mr. RANDALL. The gentleman from Massachusetts recollects very well when we abolished all the assessors of internal revenue; and in this very bill we abolish many of the officers by the abolition of internal-revenue collection districts. Nothing was there said as to the salaries. The retrenchment is there shown in the reduction of the aggregate appropriations just as it is here in the reduction of the aggregate in this bill. And there will be the same retrenchment by the transfer of the management of Indian affairs.

Mr. BANKS. I think I can reply to the gentleman's proposition very satisfactorily. He stated a better case in his first remarks on this question to the House when he said that certain appropriations for custom-house officers had been reduced; and the proposition for amendment was debated on that ground. In that case he stated exactly what was right and what would bring the amendment within this rule; when for so many officers so much money was appropriated as against the appropriation of a larger sum for a larger number of officers. The retrenchment was there expressed in facts and figures.

Mr. RANDALL. It was not so expressed there at all. The gentleman is mistaken; because these officers are paid out of an appropriation that does not come under the view of Congress at all.

Mr. BANKS. I know that; but the proposition for retrenchment is embraced in the amendment itself.

Mr. RANDALL. So it is here.

Mr. BANKS. The argument of the gentleman from Pennsylvania in regard to this section does not meet the case. Let me ask the attention of the Chair to what this amendment proposes. It proposes in the first place—

That the management of all Indian affairs, and of all matters arising out of Indian relations, be, and the same are hereby, transferred from the Department of the Interior to the War Department.

That is the proposition. It is a fundamental change in existing law, a change in the organization of the Government; and there is nothing upon which we can assume in any way whatever that it will cost more or that it will cost less. That is not in the bill. It is impossible that the Speaker can assume it will cost more or less. And you cannot admit a proposition for a reform in existing law or a fundamental change in the organization of the Government on the inference or guess of somebody, my colleague [Mr. SEELYE] on the one hand or the gentleman from Pennsylvania on the other, that this change may cost more or less.

Now the gentleman from Pennsylvania suggests to us his idea of retrenchment. He says the office of the Commissioner of Indian Affairs is abolished. Why is it abolished? Because the duties of that officer have been transferred by the preceding paragraph from the officers of the Interior Department to the officers of the War Department. Is that retrenchment? Mr. Speaker, can you assume that to be retrenchment; that the cost of the performance of these duties is to be more or less expensive when they are transferred to the War Department than it is now, from anything that appears in this amendment? Certainly not. It may be more or it may be less, but there is not one word in the bill before us to show whether the cost will be the same or more or less than now.

Just so it is with regard to those other officers to whom the gentle-

man from Illinois [Mr. SPARKS] referred. The section has this proviso:

Provided further, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

Does the gentleman believe that this is to cost less? Is there one soldier or officer now more than is necessary to do the duties of the War Department? And if you transfer the duties of the Indian Department to the War Department and require them to be performed by officers and soldiers, must you not add to the number of officers and soldiers? How can the Speaker, or this House, or anybody else assume that it is to cost more or less?

Where do we find that provision for an absolute retrenchment or reduction in expenditures which is indispensable to give the amendment precedence over other equally important subjects of legislation which are excluded under the rules of the House?

Mr. Speaker, the corruptions of this Government which gentlemen are so busily engaged in investigating come in a very great degree, if not altogether, from the vicious system of legislation which has been created in the last ten or twenty years. But all the vices of legislation brought together in a compact and solid body would not be equal to the vices of legislation if this proposition of the Committee on Appropriations, or whoever it may be that proposes this section, is admitted. Suppose I should myself propose, as I might very well do, that a committee should be appointed to revise and amend all the laws of the Government of the United States upon the theory that a better system and a cheaper system could be established; upon any claim of that kind made by any committee in any report, or by any member, or even by a vote of the House, could any positive conclusion be drawn that the new system of government would as a matter of absolute fact be cheaper, and that the proposition should therefore be admitted in an appropriation bill to the exclusion of others upon this mere inference of retrenchment or of reduction in expenditures?

There is but one rule for the Speaker in deciding a question of this kind, and it is where an amendment to an existing law is proposed, because it effects a retrenchment in expenses. That retrenchment must appear to the satisfaction of the Speaker somewhere, in sum and figures, as an absolute fact; it cannot rest upon any inference or any argument; and no such sum, no such figure, no such fact is expressed in this amendment. The rule is explicit. No amendment to an appropriation bill which changes existing law shall be admitted "except such as shall retrench expenditures." In this case, whatever may be intended or proposed, the amendment does not as a matter of fact "retrench expenditures," and therefore it ought not to be admitted.

Mr. RANDALL. I ask for the ruling of the Chair.

Mr. COX. I desire to say a word on this question.

Mr. RANDALL. I yield to the gentleman.

Mr. COX. I had the honor to report this rule to the House. I believe it was unanimously adopted, or nearly so, by the Committee on Rules. I never dreamed that this rule would have so loose an interpretation as has been given to it. I never dreamed that it would be carried so far as that you might tack on legislation that would extend to every Department of the Government, as would be the case if this point of order be not well taken.

The gentleman from Pennsylvania and others have argued the question of economy here and they argue it *aliunde;* they seek minority reports. They go into other considerations, and they show only on the face of the bill that one office or something of that kind is stricken out. I do not care if $180,000 is stricken out, the question is this: Does this paragraph retrench expenditures generally in its results? How can you ascertain that? Why, you will have to get a master in chancery to sum it up.

I do not propose to argue over again the question of economy about this transfer, for that was very properly and exhaustively argued on the proper bill for that transfer which has already passed this House. The gentleman from Pennsylvania [Mr. RANDALL] says to me that it was intelligently voted on. That is another question to be considered. That is not the point of order. The trouble with the gentleman is that he is not logical; he does not stand to the rule; he will break down his own rule. What was the object of this rule? Not to retrench expenditures here and there in one particular paragraph, but as to the general results of that paragraph, and that cannot be ascertained by the paragraph itself.

Now, here is the trouble: We shall have difficulty with the Senate, and therefore I would adhere to our rule. We shall have conferences and non-concurrences by the Senate. This is a money bill. This is not a transfer bill, but transfer is in it, and therefore it is subject to the point of order. I would not carry this bill to the Senate and say to them: "Sirs, if you do not make this transfer, you will not get the money appropriated by this bill." If you do, there will come a deadlock. We have sent them a bill for this transfer to be voted on in the legitimate way.

To sum up all this whole question in a nutshell, this paragraph in the bill is not germane to an appropriation bill in so far as it makes this transfer, and in the next place no one, unless he was gifted with prescience like that of Omniscience, could tell whether or not this is a general retrenchment.

It has been argued here again and again that although we might save in some particulars by this transfer, in other particulars we would not save and that in the final summing up of results there would be a large balance against the people of the country and therefore this would not be a retrenchment of expenditures. I will not go into the question that has been raised here as to the Commissary Department or the Quartermaster's Department or other Departments, or as to the purchase of commodities by the Indian Bureau to strike a balance to show whether it be retrenchment or not, because that is all involved in the paragraph and no man can tell what the retrenchment is by a mere perusal of the paragraph. In my humble judgment, therefore, it is not within the letter or the spirit of the rule as I understood it when it was adopted.

Mr. WOOD, of New York, obtained the floor.

Mr. RANDALL. I believe this debate is all by consent.

The SPEAKER. That is true.

Mr. WOOD, of New York. I do not propose on this proposition to re-open the debate which we had here lasting for many days as to the relative merits of the question involved whether the Department of the Interior and the Indian Bureau or the War Department shall have control of the Indian question. I voted in favor of the bill as it passed the House, because in my judgment it was in the interest of humanity to do so as well as in the interest of economy. But as to the proposition now under consideration, I must express my surprise that my two intelligent friends from Massachusetts, and my intelligent colleague from New York cannot see in this a proposition of economy, a saving of the public money. I do not understand how they can view a simple proposition to abolish public officers and impose the duties under existing laws devolving upon those public officers upon existing officers without any increase of their pay—I cannot for my life understand how gentlemen can say that that is not a saving of the public money. If I had been consulted, or if I had been a member of the committee which reported this proposition, I should probably have objected to its phraseology; but understanding this to be in the line of economy, in the line of saving all the salaries of the Indian Bureau and imposing the duties of that Bureau upon an existing Department of the Government without any increase of compensation, and therefore to that extent at least it must be in the interest of economy, it is in my judgment an appropriate proposition to put in an appropriation bill.

I do not desire to discuss the suggestions of my friend from Massachusetts [Mr. BANKS] who last spoke, but there are many instances where appropriation bills in the last Congress and in the Congress preceding the last have created and unmade public officers; we absolutely made laws under the pretext of making an appropriation, and those laws thus made have been executed by the Government and recognized by such ever since. Very much of the legislation of the last ten years has been made in the last moments of the sessions of Congress, by conferees of the two Houses, by incorporating new legislation in appropriation bills; and it is, in my judgment, rather late in the day to raise that objection to this proposition.

Mr. RANDALL. I now yield two minutes to the gentleman from New York, [Mr. HOSKINS,] and then I will yield two minutes to the gentleman from Iowa, [Mr. WILSON,] and then I will ask the Speaker to enforce Rule 133.

Mr. HOSKINS. I do not rise to discuss this point of order to any extent, but simply to call the attention of the Speaker of the House to two or three considerations; and first I desire to read the rule. It is as follows:

Nor shall any provision in any such bill, or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Just two propositions are to be considered: First, is this section germane to the bill; second, does it reduce expenditures? I submit that if this section is germane to the bill, then a section transferring the General Land Office to the War Department would also be germane to the bill. If this is germane, then the transfer of the Pension Office would be equally germane to the subject-matter of this bill. A transfer of every Bureau of every other Department might also be made to the War Department under the same rule.

Second, as to the question of retrenchment, there is nothing upon the face of the section itself which indicates, directly or indirectly, that it is in the line of retrenchment. It is asserted on the one hand that it is in the line of retrenchment. It is also as forcibly asserted on the other hand that it is not in the line of retrenchment. But upon the face of the section itself there is no evidence that can guide the Speaker in the determination of the question whether it is in the line of retrenchment or not.

One thing more and I have done. The point of order is taken upon this section, first, that it is not germane to the subject-matter of the bill; second, that it is not in the line of retrenchment. I submit that before the rule can be so construed as to allow this section to come into this bill, it devolves upon those who desire to so open this matter to show affirmatively both that it is germane to the bill and that it is in the line of retrenchment. Now neither of these propositions has been established by any gentleman on the floor of this House. It cannot be determined at this time whether it is in the line of retrenchment or not. Those on the other side of the question have not shown and cannot show affirmatively, first, that this section is germane and, second, that it is in the line of retrenchment. I therefore hold that by all safe and proper rules, both parliamentary and logical, the Speaker must rule this point of order to be well taken.

Mr. WILSON, of Iowa. As to whether this section is germane to the bill or not, I have no doubt whatever. This bill is to make appropriations for the legislative, executive, and judicial departments of the Government, and anything that treats upon those departments I consider to be germane to the bill in the sense contemplated in the new rule, the same as the numerous provisos adopted at the end of appropriation bills generally are; and a safe principle in parliamentary law is, where a doubt exists as to relevancy the House should not be deprived of deciding whether they will adopt or reject a proposition that may be of great interest to the country by the presiding officer, from whose decision the body would not appeal owing in great measure to personal considerations, although their judgment might not concur in the ruling.

As regards the other question, whether this section comes within the rule as to retrenchment, I must say that I believe it does. I was opposed to the adoption of the rule, foreseeing the perplexities that would arise of this nature; and gentlemen who have made arguments here to-day in favor of a ruling against the paragraph would have better made them against the adoption of the rule itself, in which case their conclusions would have been excellent. When we adopted that rule we made provision for passing upon all the legislation relative to the Government in appropriation bills. Then was the time to make these objections and show the dangerous scope of the rule. We now have the rule and see the extent to which it applies, and I see no way other than to enforce it. I see no other decision that the Chair can make except that, as this section does dispose of some of the existing officers of the Government, and confers power and responsibility on others who receive no additional pay, and consequently abolishes salaries, to that extent it does retrench expenditures, if the abolition of offices and the salaries attached can.

The scope and purport of this new rule is more comprehensive in its nature than many of its friends at first anticipated. But the best thing the House can do with the rule now is to enforce it rigidly and according to its letter. When gentlemen become satisfied that we have a rule which takes away from the standing committees of this House all the business heretofore transacted by them, and puts it in the Committee on Appropriations or the Committee of the Whole, under the five-minute rule, they will perhaps be willing to modify the rule, instead of pleading for a forced interpretation that will break its literal force and make its existence in the code tolerable. The habit of adopting new rules for an emergency and changing their literal meaning when they become a plague to their inventors makes it impossible for members to ever comprehend the practice of the House, as forced construction has changed and perverted its rules.

The SPEAKER. The Chair desires to say that he has been more than willing to hear this somewhat lengthy discussion upon the point of order raised by the gentleman from Massachusetts [Mr. SEELYE] upon the fourth section of the pending bill, because that point is novel and intrinsically of very great importance to the House and to the country. The Chair confesses to a feeling of embarrassment in making his ruling, for the point of order is not free from doubt; on the contrary, it is very much involved and complicated. But as it seems to be the duty of the Chair to make a ruling, he will beg permission of the House to state briefly his reasons therefor.

In the first place, to what considerations, in the making of a ruling, has the Chair a right to look? Can he go outside of this bill and inquire generally, as it is the right and duty of a member upon the floor of this House to do, what will be the effect of this fourth section; or is it his duty to limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land so far applicable, and the parliamentary rules and practices of this House? In the judgment of the Chair the range of his investigation is the latter, and he cannot properly go beyond these three considerations. The language of the amended rule is—

> No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Much has been said on the question whether this fourth section is germane to the subject-matter of this bill. The subject-matter of the bill is indicated in its title, "A bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes." The purpose of the bill further is to regulate the salaries of officers, and in some cases to retrench expenditures by the abolition of officers, and necessarily of their salaries. In other words, in the judgment of the Chair the subject-matter of this bill is so comprehensive that it cannot be said that a provision proposing in specific terms the abolition of numerous officers is not germane to a bill which regulates many offices and fixes the salaries thereto attached and abolishes other offices and their salaries. The Chair has to say, therefore, in conclusion on this point, that he is not embarrassed by the question whether or not this section is germane to the subject-matter of this bill.

The embarrassment of the Chair arises out of the latter portion of the amended rule, "shall retrench expenditures." Does this section retrench expenditures? To answer that inquiry the Chair can only look at the section itself, to the existing law, and to the rules of parliamentary practice and proceedings in this House. The Chair sees that in this bill there is no provision for the practical management of this Bureau of Indian Affairs, if it shall be transferred as proposed by this section; there is no appropriation for that purpose, no regulation of and no indication how the duties of that Bureau after it is transferred shall be performed or by whom those duties shall be performed, other than in the somewhat general language of the section itself. It is true the section provides—

> That the office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and of matters arising out of Indian relations is hereby lodged with the Secretary of War; and that the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

It is entirely apparent upon the face of this section that the section itself contemplates, distinctly and unequivocally, further and additional and important legislation on this same subject, in order to effectuate the intention of the House as evidenced in this provision. In other words, the section in itself, if enacted, will, of necessity, be incomplete; it will not accomplish the purposes intended by its movers and friends without the aid of additional legislation. It cannot be said, therefore, that, if enacted, it will be such an amendment as "shall retrench expenditures" as the mere result of its own enactment in this bill, unaided by future essential and appropriate legislation.

The inquiry then recurs, is this amendment such a one as by its own force and the other provisions of this bill retrenches expenditures? Does that appear? The Chair might answer, that to abolish an office is the retrenchment of expenditure; and if such abolition were begun and perfected by this bill, the Chair would have no hesitation in holding that such an abolition did accomplish a retrenchment of expenditure; there would then be no doubt on the point. The Chair might also hold that, because it requires the duties now intrusted to Indian agents to be hereafter performed by soldiers, it is the intention of the framers of the provision to require those duties to be performed by those persons without additional compensation. But that does not appear; that is not a perfected result that can follow the enactment of this section into law. Nothing of that kind can result except by the aid of further and additional legislation.

Mr. RANDALL. If the Chair will hear me on that point——

The SPEAKER. The Chair will hear the gentleman.

Mr. RANDALL. I desire to state that this amendment transferring the Indian Bureau needs no further legislation whatever; it stands upon its own feet. It provides that the management of Indian affairs be "transferred from the Department of the Interior to the War Department, and the same are hereby placed under the Secretary of War, agreeably to such regulations as the President may prescribe." It is intentionally so drawn as not to require any additional legislation to make it perfect.

Mr. HAMILTON, of New Jersey. If the Chair will allow me one word——

Mr. BANKS. I ask that the Speaker's decision may be given without interruption.

Mr. RANDALL. The Speaker invited my suggestion.

Mr. BANKS. I did not so understand.

Mr. HAMILTON, of New Jersey. I beg to call the attention of the Chair to the fact that the language used in this section in making the transfer is the precise language that was used in the act transferring this Bureau from the War Department to the Interior Department.

The SPEAKER. The Chair has heard with great pleasure the suggestions of the gentleman from Pennsylvania; he appreciates their force and is most willing to say that they contribute in great part to the embarrassment the Chair feels in reaching a conclusion on this subject. But the Chair must take official notice of the fact that in this bill no appropriation is made for the Army or for the performance of any of its duties in any of its several bureaus or departments; and the Chair must further officially know that in the ordinary course of legislative proceedings such an appropriation bill must be introduced and enacted before the session expires as of necessity will embrace the further and more complete regulation of this entire subject. Now, the Chair cannot look forward into that legislation and say, upon anything that appears on the face of this section, that such legislation will in all respects coincide with, sustain, or affirm the provisions of this section and carry out the proposed retrenchments indicated in it. In other words, the Chair desires it to be distinctly understood that the point upon which his decision in this case turns is that from the face of the section it does not appear that the provision comes within the requirement of this rule, which is that it shall be germane to the subject-matter of the bill and "shall retrench expenditures." It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

In the judgment of the Chair, this rule should have a liberal construction in the interests of retrenchment. The purpose of the rule is most beneficent and proper, and the Chair under any circumstances not attended with extreme doubt would hold it to be his duty to enforce the rule.

The Chair would be further disposed, acting upon a principle of law, to assume *prima facie* that the judgment of the House in its con-

struction of this rule should be adopted by the Chair where that judgment had been reached after discussion and consideration. But here there is such a novel presentation of the proposition to retrench, having relation to matters to be done in the future, being in itself essentially incomplete, that the Chair does not feel at liberty to decide that the section is in order; and he therefore sustains the point of order.

Mr. RANDALL. I acquiesce of course in the decision of the Chair without a murmur; but I hope we shall find, and I believe we can find, some other and perhaps more acceptable mode of reaching this same result in some other bill, so that this transfer may be secured. I now ask that the bill may be put on its passage.

Mr. GLOVER. If the gentleman from Pennsylvania [Mr. RANDALL] will permit, I ask unanimous consent to make an amendment to the last section.

The SPEAKER. The previous question is operating, and nothing of that kind can be done except by unanimous consent.

Mr. GLOVER. That is what I ask.

Mr. RANDALL. The decision just made by the Speaker takes the section in question entirely out of the bill, as I understand.

The SPEAKER. It does.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GLOVER. I ask unanimous consent to amend the last section of the bill by striking out the last three words, in order to make the legislation here contemplated in harmony with bills that will hereafter be introduced. I presume the House will understand from the reading of the section the propriety of the amendment.

Mr. RANDALL. What are the words which the gentleman proposes to strike out?

Mr. GLOVER. The words are those at the end of the section: "in this bill."

Mr. HOLMAN. That is right; those words ought to be struck out.

Mr. HURLBUT. Let the section be read.

The Clerk read as follows:

That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employé in any of the Executive Departments in the city of Washington or elsewhere, except those for whom specific appropriations are made in this bill.

There being no objection, the amendment proposed by Mr. GLOVER was agreed to.

Mr. DUNNELL. I move to reconsider the vote whereby the House non-concurred in the action of the Committee of the Whole upon the amendment to line 1475, increasing the salary of the Commissioner of Agriculture from $2,700 to $3,000. Let me state that the matter was not understood on this side of the House when it was voted on.

Mr. RANDALL. I object to debate.

Mr. RUSK. I hope the gentleman from Pennsylvania will hear the explanation at least.

Mr. RANDALL. I will hear nothing out of order.

Mr. RUSK. This side of the House did not understand the question when the vote was taken.

Mr. RANDALL. If so, that was your fault.

Mr. PATTERSON. I wish to ask for a separate vote on an amendment of the committee.

Mr. WILSON, of Iowa. The motion to reconsider is in order to be voted on at this time.

The SPEAKER. Certainly.

Mr. PATTERSON. I desire to have a vote taken on one of the amendments of the Committee of the Whole. There was an amendment adopted on motion of the gentleman from Massachusetts [Mr. HOAR] in committee prohibiting the Legislatures of the Territories from giving to their judges additional compensation. If by accident a respectable judge gets there——

Mr. RANDALL. I object to debate.

The SPEAKER. The gentleman from Minnesota will state his motion again.

Mr. DUNNELL. I move to reconsider the vote by which the House non-concurred in the amendment of the Committee of the Whole on the state of the Union to line 1475, whereby the salary of the Commissioner of Agriculture was made $3,000, instead of $2,700, as it was in the bill reported from the Committee on Appropriations.

Mr. HOLMAN. Is that motion in order after the previous question has been seconded and the main question ordered and partly executed?

The SPEAKER. The motion to reconsider is in order.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

Mr. GARFIELD. I rise to inquire whether the motion is not one made in the House?

The SPEAKER. The House non-concurred in the amendment of the Committee of the Whole increasing the salary of the Commissioner of Agriculture from $2,700 to $3,000; and the gentleman from Minnesota now moves to reconsider the vote by which that amendment was non-concurred in.

Mr. RANDALL. And I move to lay the motion to reconsider upon the table.

The SPEAKER. Which is the pending question.

The House divided; and there were—ayes 85, noes 63.

So the motion to reconsider was laid upon the table.

Mr. RANDALL. I now yield to the gentleman from Colorado, who desires to ask for a separate vote on some proposition made in the Committee of the Whole on the state of the Union by the gentleman from Massachusetts, [Mr. HOAR.]

Mr. PATTERSON. I ask for a separate vote on the amendment of the Committee of the Whole at the close of the bill in reference to the judges of the Territories.

Mr. RANDALL. The amendment does not allow the Legislatures of Territories to vote additional salaries to the territorial judges.

Mr. PATTERSON. The amendment prohibits the territorial Legislatures from allowing additional salaries to territorial judges.

Mr. STEELE. It comes in at the end of line 1033.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Provided, That no salary shall be paid to or accepted by any judge of the supreme court of any Territory except what is paid from the Treasury of the United States or by express enactment of Congress.

Mr. PATTERSON. This amendment of the Committee of the Whole prohibits the territorial Legislature from allowing compensation——

Mr. RANDALL. I object to debate.

The SPEAKER. The amendment comes from the Committee of the Whole on the state of the Union, and the question is on concurrence in that amendment.

The House divided; and there were—ayes 104, noes 23.

So the amendment was concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I now demand the previous question on the title of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the title of the bill was adopted.

Mr. RANDALL. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. RANDALL demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 210, nays 18, not voting 62; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Atkins, John H. Bagley, jr., John H. Baker, Banks, Banning, Barnum, Blackburn, Blair, Bland, Bliss, Blount, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, John H. Caldwell, William P. Caldwell, Candler, Cason, Cate, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durham, Eden, Ellis, Ely, Evans, Felton, Finley, Forney, Fort, Franklin, Frye, Fuller, Garfield, Ganse, Gibson, Glover, Goode, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Henderson, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hurd, Jenks, Thomas L. Jones, Joyce, Kehr, Ketchum, Kimball, Knott, Lamar, Franklin Landers, Lane, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, MacDougall, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Money, Monroe, Morey, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Odell, Packer, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Sayler, Scales, Schleicher, Seelye, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Strait, Stenger, Stevenson, Tarbox, Teese, Terry, Thomas, Thompson, Thornburgh, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Warren, Erastus Wells, Wheeler, White, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Andrew Williams, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Fernando Wood, Woodworth, and Yeates—210.

NAYS—Messrs. Bradley, Farwell, Freeman, Haralson, Benjamin W. Harris, Hoar, Hurlbut, Kelley, Lapham, Lynch, O'Neill, Plaisted, Platt, Smalls, Stowell, G. Wiley Wells, Whiting, and Alan Wood, jr.—18.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, William H. Baker, Ballou, Bass, Beebe, Bell, Blaine, Boone, Cabell, Campbell, Cannon, Caswell, Caulfield, Crapo, Dobbins, Durand, Eames, Egbert, Faulkner, Foster, Frost, Gunter, Hancock, Hathorn, Hays, Henkle, Abram S. Hewitt, Hoge, Hubbell, Hunton, Hyman, Frank Jones, Kasson, King, George M. Landers, Edmund W. M. Mackey, Magoon, McCrary, Meade, Mills, Nash, Oliver, Page, Pratt, Purman, Sobieski Ross, Schumaker, Stone, Swann, Throckmorton, Martin I. Townsend, Washington Townsend, Van Vorhes, Waddell, Ward, Charles G. Williams, Wilshire, Benjamin Wilson, Woodburn, and Young—62.

So the bill was passed.

During the vote,

Mr. CALDWELL, of Tennessee, stated that his colleague, Mr. YOUNG, who was absent by leave of the House, would if present vote in the affirmative.

Mr. A. S. WILLIAMS stated that his colleague, Mr. DURAND, who was absent by leave of the House, would if present vote in the affirmative.

Mr. FORT stated that his colleagues, Mr. CAMPBELL and Mr. CANNON, were absent by leave of the House.

Mr. SAMPSON stated that his colleague, Mr. KASSON, was absent by leave of the House.

Mr. LUTTRELL. My colleague, Mr. PAGE, is detained at home on account of the serious illness of a member of his family.

Mr. MILLIKEN. My colleague, Mr. BOONE, is absent, by leave of the House.

Mr. MILLER. My colleague, Mr. GEORGE A. BAGLEY, has been called from the House to attend the funeral of a relative.

Mr. MACDOUGALL. My colleague, Mr. ADAMS, is absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently,

Mr. PHILIPS, of Missouri, said: I was unavoidably called out during the vote taken on the appropriation bill a few minutes ago, and I ask unanimous consent to record my vote.

There was no objection.

Mr. PHILIPS, of Missouri. I vote "ay."

DUTIES OF THE CHAIR.

Mr. RANDALL. At the personal request of the Chair I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the following proviso be added to Rule 5, as part thereof:

Provided, however, That in case of the personal illness of the Speaker he may make such appointment for a period not exceeding ten days with the approval of the House at the time the same is made.

Mr. RANDALL. That changes the existing rule in this particular. The existing rule allows the Speaker—

To name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

This amendment allows him to make such appointment with the approval of the House for a period not exceeding ten days.

Mr. WILSON, of Iowa. I ask that the resolution may be again read.

The resolution was again read.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently,

Mr. CONGER said: I wish to make a point of order on the resolution just adopted amending Rule 5. It is this: That as a two-thirds vote is required to change a rule it should have been announced by the Chair that the resolution was adopted by a two-thirds vote. I think the record should show that the amendment was made by a two-thirds vote, as was actually the case.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The Chair heard no objection to the adoption of the resolution and no negative vote was taken.

Mr. DURHAM. I beg to correct the Chair. There was a negative vote. I voted against the resolution myself.

The SPEAKER *pro tempore*. The Chair failed to hear the negative vote of the gentleman from Kentucky. The Chair heard no negative vote.

Mr. DURHAM. There were other votes in the negative besides mine.

The SPEAKER *pro tempore*. In the judgment of the Chair, the point of order is fairly suggested and well taken; but it is too late.

Mr. WILSON, of Iowa. Before the Chair decides that it requires a two-thirds vote to change a rule, I desire to have the rule on that subject read.

The SPEAKER *pro tempore*. It is useless to discuss the point of order as it was taken too late. It was not made until after the Chair had entertained the motion to reconsider, and had announced that the motion to reconsider was laid on the table.

Mr. CONGER. I make no point of order; I merely suggested that the Chair should have announced that the amendment to the rule was adopted by a two-thirds vote.

Mr. WILSON, of Iowa. The Chair should not have announced any such thing. It is not required by the rule.

The SPEAKER *pro tempore*. In the judgment of the present occupant of the chair a two-thirds vote is not required to change a rule. It requires a two-thirds vote to suspend a rule. It requires one day's notice to change a rule; but the point was not made that there was no notice, and the resolution was treated by the House as being introduced by unanimous consent.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. SCALES. I ask the gentleman to yield to me to introduce a bill on which it is necessary that there should be immediate action.

Mr. RUSK. I call for the regular order, so that we may have a morning hour.

Mr. SCALES. This is a bill which I am instructed by the Committee on Indian Affairs to report. It makes an appropriation of $50,000 for subsistence supplies for Apache Indians in Arizona Territory. I hope the gentleman from Wisconsin will withdraw his objection.

Mr. RUSK. After we have had a morning hour I will not object to anything.

Mr. SCALES. I have been waiting for one week to report this bill.

Mr. RUSK. I yield to the gentleman.

APACHE INDIANS.

Mr. SCALES, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3269) to appropriate $50,000 for subsistence supplies for Apache Indians in Arizona Territory, and for the removal of the Indians of the Chiricahua agency to San Carlo agency; which was read a first and second time.

The bill appropriates the sum of $50,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to provide for subsistence supplies for the Apache Indians in Arizona Territory, from the 1st of May to the 30th of June, 1876; said subsistence supplies to be purchased in open market, if in the judgment of the Secretary of the Interior it shall be deemed best. And if any surplus remain after the purchase of said supplies, the same, or so much thereof as may be necessary, shall be used to defray the expenses incident to the removal of the Indians of the Chiricahua agency to the San Carlo agency in said Territory, whenever in the judgment of the Secretary of the Interior such removal may be deemed necessary.

Mr. SCALES. I desire to state to the House that this is a unanimous report from the Committee on Indian Affairs. The necessity and urgency of the appropriation is shown by the letter of the Secretary of War, which I send to the desk and ask to have read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, April 15, 1876.

SIR: I have the honor to transmit for your information copy of telegram dated the 14th instant, from General Sheridan, communicating reports of General Pope and Colonel Hatch of the breaking away from their reservation of Apache Indians, having killed several persons and stolen cattle; and that Indians of this tribe are leaving Canada Alamosa and stealing cattle because they have no food, from which serious results may be expected unless food is furnished promptly.

Copy of telegram of the 13th instant from Major-General Schofield is also transmitted herewith, reporting the killing of two men by Chiricahua Indians and their pursuit by troops, and that Governor Safford believes the whole tribe has broken out; and the measures taken under the circumstances by Colonel Kautz.

Very respectfully, your obedient servant,

H. F. CROSBY,
Chief Clerk, for and in the absence of the Secretary.

Honorable SECRETARY OF THE INTERIOR.

Mr. SCALES. I have here the telegrams referred to in the letter of the Secretary of War, but I will not ask that they be read. I ask that the bill be put upon its passage and that the accompanying papers be printed.

Mr. RANDALL. I would like to ask the gentleman from North Carolina whether this appropriation is under the stipulations of any treaty, or whether it is a mere appropriation within the discretion of the Department?

Mr. SCALES. My understanding is that it is not under any treaty. It is a deficiency in the appropriation of last year, a deficiency less this year than there has been at any time within the last four years. Before presenting this bill to the House I submitted it to the Committee on Appropriations, in order to see if it was possible that they might raise any objection to it, and I understood that they had no objection to it.

Mr. RANDALL. I do not raise any objection to the passage of this bill, but it is not inappropriate to call the attention of the House to the management of Indian affairs that requires constant deficiencies. This I think is the third this session, if not the fourth. Neither is this appropriation asked for in obedience to the requirements of any treaty between this Government and the Indians. It is a part of that system which has made the Indian appropriation bill amount to millions of dollars more to-day as compared with the former management of Indian affairs when the appropriations amounted to but a few hundred thousand dollars.

Mr. HOLMAN. I hope the House in acting on this bill will understand that if this appropriation be made there will have been appropriated for the Indians, not under any treaty, a quarter of a million of dollars during the present session up to this time: $150,000, $25,000, and now $50,000, making in all $225,000. These appropriations are made not under treaties, but as deficiencies for the present fiscal year over and above the heavy appropriations made at the last session of the last Congress.

Mr. HALE. Is not the amount much smaller, large though it may be, than the deficiencies passed in years before?

Mr. HOLMAN. O, there have been larger deficiencies, certainly.

Mr. HALE. They were never so small within the last ten years.

Mr. SCALES. No, sir; never within the last ten years.

Mr. RANDALL. Not as to this tribe, perhaps.

Mr. HOLMAN. Until recently we appropriated no money for the Indians in Arizona and New Mexico; and while we left these Indians to themselves they seem to have got along tolerably well so far as the country was informed; it is only since we have taken them under our guardianship that these drains on the Treasury have been found necessary to provide food for them.

Mr. HALE. They got along well so far as the country in Indiana and Maine was concerned, but so far as the country on the border and the settlers there were concerned before we adopted this policy they did not get along very well; there were murders and raids every month.

Mr. HOLMAN. On the contrary, so far as the Indians in Arizona and New Mexico were concerned, with the exception of those down

on the Mexican border in New Mexico, there were comparatively few disturbances for quite a number of years.

I do not overlook the claim that a humane policy toward the Indians imposes upon us. That cannot be overlooked; but it must be borne in mind that by these means we are making enormous appropriations for the support of Indian tribes, and not under any treaty stipulations.

Mr. SEELYE. The question is a very simple one.

Mr. HOOKER. Will the gentleman allow the telegram of General Sheridan to be read?

Mr. SEELYE. The gentleman asks for the reading of the telegram from General Sheridan, and I have no objection to it.

Mr. SCALES. It is already stated in the letter of the Secretary of War, which has been read; and therefore I did not have the telegrams read, because I did not want to detain the House. I think the House is ready for the passage of the bill, but if the gentleman desires it I will ask that the telegram of General Sheridan be read.

Mr. RANDALL. Read General Sheridan's opinion about the transfer of the Indian Bureau to the War Department and the saving which it will involve.

Mr. SCALES. That question is disposed of.

Mr. COX. Have his dispatch from New Orleans read. [Laughter.]

Mr. SCALES. I move the previous question.

Mr. SEELYE. While the telegram is being found——

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Massachusetts that the gentleman from North Carolina who has charge of the bill has moved the previous question.

Mr. SCALES. I will yield for a moment to my colleague on the committee.

Mr. SEEYLE. It has been objected that there is no treaty stipulation providing for the payment of this $50,000. We have just had the return of an expedition from the Northwest which was fitted out under the War Department at an expense of $230,000, which made an expedition four hundred miles to the Northwest, which shot one Indian woman in the thigh, which broke up an Indian village of eighty lodges, and which scattered the old men and children among the snow, and then returned. There was no treaty stipulation for that; and there is no treaty stipulation for this. The question is whether we shall feed these Indians or fight them.

Mr. RANDALL. I desire for a moment to call the attention of the House to this character of appropriations in the management of Indian affairs without any treaty stipulations. In examining the Indian appropriation bill I discover that hundreds of thousands of dollars are being appropriated year after year, when in fact the treaties under which these payments were made have all expired; and I find furthermore that the terms of the treaties as to the goods to be furnished have been violated and changed, and that a double amount of money is used by the Indian Bureau in connection with the purchase of goods that the law or the treaties authorize.

I will be able to show these facts more intelligibly and more conclusively when the Indian appropriation bill shall come before the House. My purpose, however, is accomplished; not so much to obstruct the passage of this bill as to show to this House and to call their attention to the loss caused by the improvident management of Indian affairs by the Interior Department.

Mr. SCALES. I now insist upon the previous question.

Mr. LUTTRELL. I desire to say that this call comes from the Military Department, those who are charged with being the most unkind toward the Indians, but who are really the kindest toward them.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

The question was taken upon the passage of the bill; and upon a division there were—ayes 74, noes 43.

Mr. RANDALL. Is that a quorum?

The SPEAKER *pro tempore*. It is not.

Tellers were ordered; and Mr. FORT and Mr. SCALES were appointed.

The House again divided; and the tellers reported that there were—ayes 102, noes 46.

Before the result of this vote was announced,

Mr. COCHRANE called for the yeas and nays on the passage of the bill.

The question was taken upon ordering the yeas and nays; and there were 25 in the affirmative; not one-fifth of the last vote.

Mr. COCHRANE called for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers, and there were 38 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered; and Mr. COCHRANE and Mr. SCALES were appointed.

The House again divided; and the tellers reported that there were 36 in the affirmative; more than one-fifth of the last vote.

So the yeas and nays were ordered.

Mr. MAISH. I ask that the bill be again read.

The SPEAKER *pro tempore*. The bill has already been read three times; if there be no objection it will be again read.

Objection was made.

Mr. SCALES. If the House will allow me to make a statement——

Objection was made.

Mr. SCALES. Well, I have done my duty.

Mr. TUCKER. The bill seems to have given rise to a great deal of difference of opinion, and I ask that it may be again read.

The SPEAKER *pro tempore*. The bill has been three times reported already, and objection is made to its being again reported.

Mr. O'BRIEN. Is it in order now, so that we may vote intelligently, to have some telegrams read?

The SPEAKER *pro tempore*. No debate is in order.

Mr. O'BRIEN. I ask unanimous consent for the purpose.

Objection was made.

The question was then taken; and there were—yeas 125, nays 79, not voting 86; as follows:

YEAS—Messrs. John H. Bagley, jr., John H. Baker, Banks, Banning, Blackburn, Blair, Bland, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, William P. Caldwell, Cate, Chittenden, Conger, Cowan, Cox, Crounse, Cutler, Danford, Davis, Davy, Denison, Dibrell, Dobbins, Douglas, Dunnell, Eames, Ely, Evans, Finley, Freeman, Frye, Fuller, Garfield, Goode, Hale, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Hatcher, Haymond, Hendee, Henderson, Hooker Hoskins, House, Hunter, Hurlbut, Joyce, Kehr, Kelley, Kimball, Lane, Leavenworth, Lewis, Lynch, MacDougall McCrary, McDill, McFarland, Miller, Money, Monroe, Morey, Morgan, Norton, O'Brien, Odell, O'Neill, William A. Phillips, Pierce, Plaisted, Platt, Potter, Powell, Rainey, John Reilly, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Sampson, Scales, Schleicher, Seelye, Sinnickson, Smalls, A Herr Smith, Sparks, Strait, Stevenson, Stowell, Tarbox, Teese, Thomas, Thompson, Thornburgh, Washington Townsend, Tufts, Robert B. Vance, Wait, John W. Wallace, Walsh, Warren, Erastus Wells, G. Wiley Wells, White, Whitehouse, Whiting, Wike, Willard, Andrew Williams, Charles G. Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., and Woodworth—125.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Barnum, Bell, Blount, Bradford, Bright, John Young Brown, John H. Caldwell, Candler, Cason, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Culberson, De Bolt, Durham, Eden, Ellis, Felton, Forney, Fort, Franklin, Glover, Goodin, Andrew H. Hamilton, John T. Harris, Harrison, Hartridge, Hartzell, Hereford, Goldsmith W. Hewitt, Holman, Hopkins, Hurd, Franklin Landers, Lawrence, Levy, Luttrell, Maish, Metcalfe, Milliken, Mutchler, Neal, New, Packer, John F. Philips, Piper, Poppleton, Pratt, Randall, Rea, James B Reilly, Rice, Savage, Singleton, Slemons, William E. Smith, Southard, Springer, Stenger, Stone, Terry, Throckmorton, Tucker, Turney, John L. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, James D. Williams, and Yeates—79.

NOT VOTING—Messrs. Adams, Ashe, Bagby, George A. Bagley, William H. Baker, Ballou, Bass, Beebe, Blaine, Bliss, Boone, Burleigh, Cabell, Campbell, Cannon, Caswell, Caulfield, Chapin, Clymer, Cook, Crapo, Darrall, Durand, Egbert, Farwell, Faulkner, Foster, Frost, Gause, Gibson, Gunter, Hancock, Hathorn, Hays, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Hubbell, Hunton, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, Ketchum, King, Knott, Lamar, George M. Landers, Lapham, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, McMahon, Meade, Mills, Morrison, Nash, Oliver, Page, Parsons, Payne, Phelps, Purman, Reagan, Roberts, Sobieski Ross, Sayler, Schumaker, Sheakley, Swann, Martin I. Townsend, Van Vorhes, Waddell, Waldron, Alexander S. Wallace, Wheeler, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Young—86.

So the bill was passed.

During the call of the roll,

Mr. THROCKMORTON said: My colleague, Mr. REAGAN, has been called from the House by reason of sickness in his family.

Mr. CALDWELL, of Tennessee. My colleague, Mr. YOUNG, is absent by leave of the House.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon.

ORDER OF BUSINESS.

Mr. RUSK. I now call for the regular order of business.

Mr. BRIGHT. In view of the call for the regular order, I ask unanimous consent of the House that to-morrow be assigned for private bills, with the same privileges as to-day.

Mr. HARRIS, of Virginia. I must object. I am willing that the remainder of to-day may be devoted to the consideration of private bills, but I want to call up an election case to-morrow.

Mr. HALE. To-day and to-morrow were assigned for the consideration of the Geneva award bill. In the absence of the gentleman having that bill in charge, I must object to the proposition of the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. RUSK. I insist upon my call for the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the first business now in order, this being Friday, is the morning hour for the call of committees for reports of a private nature.

Mr. BRIGHT. Is it in order to move to dispense with the morning hour for the purpose of considering the Private Calendar in Committee of the Whole?

The SPEAKER *pro tempore*. That motion is in order.

Mr. BRIGHT. Then I move that the rules be suspended and the House now resolve itself into Committee of the Whole for the purpose of considering the business on the Private Calendar.

The motion was agreed to, upon a division, ayes 92, noes not counted.

The House accordingly resolved itself into Committee of the Whole, (Mr. HOLMAN in the chair,) and proceeded to the consideration of business on the Private Calendar.

The CHAIRMAN. This being objection day, the Clerk will resume the reading of the bills at the point where he stopped on the last objection day.

ALMONT BARNES.

The first business on the Private Calendar was the bill (H. R. No. 1200) for the relief of Almont Barnes.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Almont Barnes, late captain of Battery C, First New York Light Artillery, the sum of $150, the amount of his claim for money advanced for the benefit of members of his battery while in the service of the United States upon the security of vouchers for company savings now unpaid and on file in the Office of the Commissary-General of the Army, such vouchers having been presented at too late a date for their payment from any fund authorized for such purposes.

There being no objection, the bill was laid aside, to be reported favorably to the House.

S. T. MARSHALL.

The next business on the Private Calendar was the bill (H. R. No. 2695) for the relief of S. T. Marshall, of Lee County, Iowa.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to S. T. Marshall, of Lee County, Iowa, whatever sum may be found to be due him on account of beef-cattle furnished the United States for the use of the Indian Department in California in 1851 upon a fair and equitable settlement of his accounts (as assignee of G. M. Marshall) with the Secretary of the Interior.

Mr. McCRARY. I do not rise to object to this bill, but to offer a verbal amendment, which the gentleman having charge of the bill is willing to have adopted. I move to amend so that the last part of the bill will read as follows:

Upon a fair and equitable settlement of his claim therefor as assignee of G. M. Marshall, such settlement to be made with the Secretary of the Interior.

The amendment was adopted.

Mr. COCHRANE. I call for the reading of the report.

The report was read.

Objection to the bill was made by Mr. EDEN.

JOHN GOWERS.

The next business on the Private Calendar was the bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers.

The bill was read. It authorizes the Secretary of War to so correct the record of John Gowers, late of Company C, One hundred and eleventh Regiment of New York Volunteer Infantry, as to remove the charge of desertion now standing against his name.

There being no objection, the bill was laid aside, to be reported favorably to the House.

L. M. BLACKMAN.

The next business on the Private Calendar was the bill (H. R. No. 2695) for the relief of L. M. Blackman, late regimental quartermaster of the Fourth Tennessee Cavalry.

The bill was read. It directs the Secretary of the Treasury to pay to L. M. Blackman, of Tennessee, the pay and allowances of a first lieutenant and regimental quartermaster from the 20th day of August, 1862, to the 13th day of December, 1862, out of any moneys in the Treasury not otherwise appropriated, deducting therefrom any pay or allowances he may have received as an officer or enlisted man for the time stated in this act.

Mr. LAWRENCE. I call for the reading of the report.

The report was read, as follows:

The First East Tennessee Cavalry, afterward the Fourth Tennessee Cavalry, was enlisted by our Army while in the field at Cumberland Gap, and elsewhere, from refugees from the loyal people of East Tennessee. A portion of this regiment was organized while at Cumberland Gap, in August, 1862, and the recruits, as fast as enlisted, were organized into companies and placed on active duty. It became necessary to have a regimental quartermaster to receive, issue, and be responsible for quartermaster supplies for this command, and Colonel R. M. Edwards, then in command, appointed and placed on duty as first lieutenant and quartermaster L. M. Blackman, who performed the duties of regimental quartermaster, and received, issued, and accounted for quartermaster supplies for this command until the 13th day of December, 1862, when he received his commission, and from which date he was paid. The failure to receive a commission and muster, it appears, was owing to the fact that the command of George W. Morgan was cut off from communication while occupying Cumberland Gap and while marching back through Kentucky to Western Ohio, and also owing to the fact that Tennessee was then under Andrew Johnson, military governor, who had not yet organized a State government sufficiently to furnish commissions and organize regiments which were on duty in the field when remote from the State capital. The committee find that no other regimental quartermaster served at this time or was paid for the time claimed; that L. M. Blackman did perform all the duties, and has not been compensated therefor, for the reason above stated. They therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CLAIMS ON CHINESE INDEMNITY FUND.

The next business on the Private Calendar was the bill (H. R. No. 2697) supplementary to the act entitled "An act to carry into effect the convention between the United States and China, concluded on the 8th day of November, 1858, at Shanghai," approved March 2, 1859, and to give the Court of Claims jurisdiction in certain cases.

(Objected to by Mr. SEELYE.)

MARY DESBROW.

The next business on the Private Calendar was the bill (H. R. No. 2698) granting a pension to Mary Desbrow.

The bill was read. It directs the Secretary of the Interior to place on the pension-rolls the name of Mary Desbrow, widow of Erastus Desbrow, deceased, a private soldier in the war of 1812, subject to the provisions and limitations of the pension laws, and that her pension shall be paid from and after the 1st day of January, 1870.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS CRAWFORD.

The next business on the Private Calendar was the bill (H. R. No. 2699) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-rolls.

The bill was read. It requires the Secretary of the Interior to restore to and place upon the pension-roll of the United States the name of Thomas Crawford, a private in Company K, Second Regiment United States Infantry, of the State of Indiana, a soldier of the Mexican war, whose name was stricken from the roll upon his enlistment in the United States Army during the late war against the rebellion; and provides that Crawford be paid the same sum and under the same limitations that he was paid before his name was stricken from the pension-roll.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARIA W. SANDERS.

The next business on the Private Calendar was the bill (S. No. 375) for the relief of Maria W. Sanders.

The bill was read. It directs the Secretary of the Interior to place the name of Maria W. Sanders, of Pittsburgh, in the State of Pennsylvania, upon the list of pensioners, as the widow of Brevet Major John Sanders, at the rate of $30 per month, to continue during her widowhood.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EDWARD DEMPSEY.

The next business on the Private Calendar was the bill (H. R. No. 2700) granting a pension to Edward Dempsey, late private Company C, Fourth Kentucky Cavalry.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Dempsey, late private Company C, Fourth Kentucky Cavalry, granting an increased pension, to be $36 per month, from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CHARLES BUGBEE.

The next business on the Private Calendar was the bill (H. R. No. 1995) granting a pension to Charles Bugbee.

The bill was read. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Bugbee, late a private in Company A, Third Regiment Vermont Volunteers, and pay him a pension from and after the passage of this act.

Mr. BLAND. I call for the reading of the report.

The report was read, as follows:

That the said Charles H. Bugbee was mustered into the service on August 6, 1862, as a private in Company A, Third Regiment Vermont Volunteers, and was mustered out of service on the 19th of June, 1865; that said Charles H. Bugbee, while in the line of his duty near White Oaks Church, Virginia, contracted a severe cold, which settled on his lungs, which cold and cough continued till his discharge, and at the same time contracted rheumatism, which continued and gave him much trouble, and from the effects of which he is still suffering. There is no hospital record of his case, but the fact is shown by the affidavits of comrades and the captain of his company. He is unable to furnish the evidence of his regimental surgeons, as one is dead and the other cannot be found. He has been treated since by several physicians, who concur in stating that he is disabled. The affidavits of his employers state that they only pay him partial wages when he does work, and that frequently he is not able to do anything. The evidence shows that he is a man of good habits and that he was a faithful soldier.

Further, that a bill granting said Charles H. Bugbee a pension passed the House of Representatives of the Forty-third Congress, February 18, 1875, and failed to pass the Senate for want of time.

Your committee would therefore report favorably and recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NANCY H. BLACKNALL.

The next business on the Private Calendar was the bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas I. Blacknall, late private Company L, Seventh Tennessee Cavalry.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy H. Blacknall, wife of Thomas Y. Blacknall, late private of Company L, Seventh Tennessee Cavalry, and to pension her from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NANCY TRUE.

The next business on the Private Calendar was the bill (S. No. 504) granting a pension to Nancy True.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy True, dependent mother of Samuel F. True, late lieutenant and quartermaster in the Fourteenth Regiment of Illinois Volunteers, to date from September 1, 1875.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELMIRA E. CRAVATH.

The next business on the Private Calendar was the bill (S. No. 40) granting a pension to Elmira E. Cravath.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elmira E. Cravath, widow of Isaac M. Cravath, late captain in the Twelfth Michigan Volunteer Infantry, and pay her a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

GEORGE M. D. THORNTON.

The next business on the Private Calendar was the bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois Volunteers.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George M. D. Thornton, some time a private in Company C, One hundred and nineteenth Regiment of Illinois Infantry Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

BRIDGET T. HOPPER.

The next business on the Private Calendar was the bill (H. R. No. 2702) granting a pension to Bridget T. Hopper.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget T. Hopper, widow of Edward A. Hopper, late captain of Company G, Fifth Regiment New Jersey Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

WARREN F. WOOD.

The next business on the Private Calendar was the bill (H. R. No. 2703) granting a pension to Warren F. Wood.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Warren F. Wood, late a private in Company E, Eleventh Regiment of Vermont Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOSHUA W. BLACK.

The next business on the Private Calendar was the bill (H. R. No. 2704) granting a pension to Joshua W. Black.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joshua W. Black, late a private in Company K, Twenty-sixth Regiment of Maine Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

SARAH BUERY.

The next business on the Private Calendar was the bill (H. R. No. 2705) granting a pension to Sarah Buery.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Buery, widow of Charles Buery, late sergeant in Company D, Ninety-fifth Regiment New York Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

GEORGE W. LEAMY.

The next business on the Private Calendar was the bill (H. R. No. 2706) granting a pension to George W. Leamy.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Leamy, formerly a second lieutenant of Company B, Ninth Regiment Pennsylvania Cavalry.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MARY F. HALL.

The next business on the Private Calendar was the bill (H. R. No. 2707) granting a pension to Mary F. Hall.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hall, widow of Theodore Hall, formerly a private in Captain W. H. Diggs's Company, District of Columbia Militia.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JAMES ELI BUTTS AND MALINDA FRANCES BUTTS.

The next business on the Private Calendar was the bill (S No. 425) granting a pension to James Eli Butts and Malinda Frances Butts.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of James Eli Butts and Malinda Frances Butts, minor heirs of Joseph Butts, late a private in Company G, Seventh Regiment Maryland Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MARY A. ALLEN.

The next business on the Private Calendar was the bill (H. R. No. 1496) granting a pension to Mary A. Allen.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Allen, widow of George B. Allen, private in the Fourth Regiment of Michigan Volunteer Cavalry.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

PRESIDIO OR FORT POINT RESERVATION.

The next business on the Private Calendar was the bill (S. No. 130) to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California.

The bill, which was read, provides that all the right and title of the United States to the following-described portion of the military reservation known as the Presidio or Fort Point reservation, situated in the city and county of San Francisco, State of California, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, assigns, and vendees, for the benefit of persons who, if the said land had not been reserved for public use, would have been entitled thereto under the ordinance No. 800, of the city of San Francisco, ratified by act of the Legislature of said State, approved on the 27th day of March, 1868, entitled "An act to confirm a certain order passed by the board of supervisors of the city of San Francisco," relating to these premises, and being more particularly described as follows: Commencing at the southeasterly corner of the said Presidio or Fort Point reservation, and thence running in a direct line due north to the shore-line of the Bay of San Francisco; thence westerly along the said shore-line to a point eighty feet west of the easterly line of the said Presidio or Fort Point reservation, as established by the United States authorities, said eighty feet being granted for a public highway or street, named Lyon street; thence southerly to a point on the southerly line of said reservation, where the west line of Lyon street intersects said line; thence easterly to the point of commencement, to conform as near as possible to the plan of the city map of streets of San Francisco outside of reservation, said plan being now on file in the office of the War Department of the city of Washington; provided that Lyon street shall be extended to the Bay of San Francisco eighty feet wide, and is hereby dedicated for a public highway and street forever; provided further that Broadway, Vallejo, Green, Union, Filbert, Greenwich, Lombard, Chestnut, Francisco, Bay, North Point, Jefferson, Tonquin, and Lewis streets, as laid down on the official map of the city and county of San Francisco, be extended westerly to intersect the easterly line of Lyon street as herein provided, be, and are hereby, dedicated as public highways and streets forever.

The report of the committee was read, as follows:

This is a bill to relinquish the interest of the United States in certain lands to the city and county of San Francisco, California. It appears from the records presented that the Presidio military reservation was originally surveyed and set apart under proper authority, but some years subsequently was resurveyed, when it was found that the new survey included a portion of the city plat of San Francisco, already laid out, settled upon, and improved to the value of a large amount. Hence the title originally acquired and held *bona fide* by the city of San Francisco to that portion of land found to be, by resurvey, included within the Presidio reservation is clouded by the title of the Government. The land is not needed for military purposes, and inasmuch as the title of the city and county of San Francisco thereto appears so have been acquired equitably, and in good faith, and in due respect to the original survey and determination of the boundary-line of the said Presidio military reservation and the rights of persons in and to the said lands and the improvements thereupon, having vested in good faith, and in proper succession under an equitable title, believed originally to have been legal, the Government should not continue to cloud the title through the errors or omissions of its officers who first made said survey.

The tract in controversy being only the narrow triangular or wedge-shaped area between the old meridian and new meridian, and containing but a few acres of land, the committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

PETER WRIGHT & SONS.

The next business on the Private Calendar was the bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons.

The bill, which was read, authorizes and directs the Secretary of the Treasury to refund to Peter Wright & Sons, of Philadelphia, the amount of duties paid by them upon the entry of three thousand and fifty bags of potato-farina, imported per ships Vaderland and Nederland, in the months of April and June, 1874, and to remit any claim on the part of the United States for duties upon three hundred bags of the same, entered by said parties in December, 1873, and February, 1874, which had been admitted to entry free of duty; provided that from the amount of duties paid there shall be deducted an amount equal to all the profits which had been realized by said Peter Wright & Sons upon the sale of the article so imported, to be ascertained as the said Secretary shall direct.

The report was read as follows:

Farina, prior to June 6, 1872, was subject, as an unenumerated article not otherwise specified, to the *ad valorem* duty of 20 per cent. That act placed it upon the free list.

On the 16th of June, 1873, the petitioners, Peter Wright & Sons, received a consignment of fifty bags of potato-farina, which was admitted to entry and passed as such free of duty.

Subsequent importations were made, and in like manner entered and passed free of duty, as follows: December, 1873, one hundred bags; February, 1874, two hundred bags.

The attention of the Secretary of the Treasury was called to these importations by complaints made to him that unsuccessful attempts had been made to enter "potato-starch" as "potato-farina" free of duty at the ports of Boston and New York, but that such importations were admitted free of duty at the port of Philadelphia, in evasion of the law.

The Secretary of the Treasury, on the 24th of March, 1874, called the attention of the collector at Philadelphia to these reports and directed an investigation.

The subject having been referred to Mr. E. B. Moore, the appraiser at Philadelphia, by whom the importations had been classified as farina, Mr. Lorin Blodget, the general appraiser, made a report disagreeing with the conclusions of the appraiser, and holding as follows:

"The term 'farina,' as made free by the act of June 6, 1872, cannot be properly held to embrace any commercial form of 'starch.' The two products are distinct, and it cannot be that the act of 1872 was intended to repeal the duty on starch in all forms, as it must be held to do if the duty on potato-starch is repealed. Starch is always made by crushing and soaking any grain or starch-producing root in water; then it is repeatedly washed and settled until all the gluten, coloring-matter, and matter containing albumen or nitrogen is *wholly removed;* while 'farina' is simply a finely-ground flour of such grains or roots, and it still contains gluten, nitrogen, and albumen.

"Farina of wheat, corn, or grain is an edible product, while pure starch is not, or only partially so. Farina and starch would never be regarded as identical in commercial usage, although in chemical nomenclature they are not so far separated."

The collector thereupon assessed duty on the importations as starch, upon which, under the act of June 30, 1864, a duty was imposed of one cent a pound and 20 per cent. *ad valorem*, which rate was also assessed upon the prior importations.

The Treasury Department subsequently obtained the opinion of the appraiser at the port of New York, who approved and forwarded an able and elaborate report from the assistant appraiser. Defining starch, he says:

"The word 'starch' has been used in the laws from time immemorial. It is a word of exceedingly definite, scientific, commercial, and popular signification and in universal employment. It is the only word by which the commodity bought and sold under that name is ever designated in commerce. It is synonymous with no other, it is convertible with no other word.

"So far as the term 'farina' is used in commerce, it is employed altogether as an empirical designation for certain special or patented products, such as 'Hecker's farina' or 'Jewell's farina,' and neither of these, nor any other 'farina' of which any of the experts in this Department has knowledge, is manufactured from 'starch;'" and holding that the article in question was clearly starch, and liable to duty as such at the rate of one cent per pound and 20 per cent. *ad valorem*.

The committee concur with the opinion and final decision of the Treasury Department in regard to the duty imposed by law upon the several importations of potato-farina made by the petitioners.

The transactions, however, as claimed by the petitioners and sustained by affidavits, have resulted in a heavy loss to Messrs. Wright & Sons. Upon the decision of the appraiser and the admission of the first importations thereunder free of duty, the petitioners ordered further shipments, and made contracts at prices below the cost at which the goods could be laid down if dutiable.

That the entries were made in good faith and believed by the petitioners to be free of duty is not questioned, and seems to be attested by the attending circumstances and the conflicting opinions of the appraisers and seeming discrepancies in the definitions of farina as presented by the highest standard scientific and commercial authorities. The New American Cyclopedia (1860) defines the word "farina" as follows:

"Farina, (Lat. *farina*, flour,) the fine flour obtained by grinding and sifting any kind of grain. The name is also applied to the starch obtained from roots and grains."

Chambers's Encyclopedia says:

"Cassava-meal, which contains, along with starch, much vegetable fiber and protein or albuminous substances, is commonly called *farina* (Farinha) in many parts of South America, where it is a principal article of food."

Brande's Dictionary of Science and Art, however, defines it as follows:

"Farina, (Lat n,) meal or flour obtained by grinding and sifting wheat and other seeds; hence the term farinaceous food."

Farina is a Latin word transferred to our language, and in its original signification is defined by White's Latin-English Dictionary to be ground corn, meal, flour. The importers nevertheless might readily and honestly have entertained the erroneous opinion that the article in question was entitled to be imported free of duty.

Mr. Charles F. Conant, of the Treasury Department, in a letter to the collector of the port of Philadelphia, dated July 3, 1874, says:

"To the practice at your port of admitting potato-starch to free entry under the provision for 'farina' contained in the act of June 6, 1872. It appears that such action was based upon the opinion of the appraiser that starch and farina are the same article.

"Upon investigation of the matter, the Department has arrived at the conclusion that the opinion of the appraiser in this respect is not well-founded, but that there is a clear and well-recognized distinction between starch and farina, both in the nature of the articles and in their commercial designation. It would seem that farina is the flour of corn and starchy roots; while starch is not the flour, but is defined as the fecula or proximate principle of the corn or the root, and also that the processes of manufacture of the two articles are entirely different, nor is it understood that the articles are commercially recognized as one and the same thing.

"It is therefore the opinion of the Department that the importations of potato-starch referred to were dutiable at one cent per pound and 20 per cent. *ad valorem*, under the thirteenth section of the act of June 30, 1864, and you will therefore be governed accordingly.

"I have further to say that all doubt upon the question as to future importations has been removed by the codification act approved June 22, 1874, in which provision is made for starch made of potatoes or corn at one cent per pound and 20 per cent. *ad valorem*, while farina is therein placed upon the free list."

Upon this review of the facts connected with the importations referred to and the loss entailed thereby upon the petitioners, the committee concur in the conclusions of the Ways and Means Committee of the Forty-third Congress, "That it would be unjust to subject these importers to the loss inevitably resulting from a change in the ruling of the customs officers after the sale of the goods imported without fault on the part of the importers. They therefore recommend that the duties paid by Peter Wright & Sons, under protest, be refunded, and that they be further relieved by the remission of any claim on the part of the United States for the duties alleged to be due upon the like articles which had been passed duty free, so far as to indemnify them against loss in the transaction," and recommend the passage of the bill accompanying this report.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. BAKER, of Indiana. I move that the committee rise.

The committee divided; and there were—ayes 38, noes 25.

So the motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. HOLMAN reported that the Committee of the Whole had, according to order, had the Private Calendar under consideration, and had directed him to report sundry bills, some with and some without amendment.

Mr. WELLS, of Mississippi. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was disagreed to.

Mr. TUCKER. I ask unanimous consent to introduce a bill.

Mr. RUSK. I object to anything but the regular order.

PRIVATE BILLS PASSED.

The SPEAKER *pro tempore*. The regular order is the consideration of the private bills reported by the Committee of the Whole on the Private Calendar with favorable recommendations.

Mr. HOLMAN. I suggest that the bills be reported by their titles, and that unless there be objection the bills be considered as passed.

There was no objection.

The following bills reported from the Committee of the Whole on the Private Calendar were severally read the third time, and passed:

A bill (H. R. No. 1200) for the relief of Almont Barnes;

A bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers;

A bill (H. R. No. 2696) for the relief of L. M. Blackman, late regimental quartermaster of the Fourth Tennessee Cavalry;

A bill (H. R. No. 2698) granting a pension to Mary Desbrow;

A bill (H. R. No. 2699) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-rolls;

A bill (H. R. No. 2700) granting a pension to Edward Dempsey, late private Company C, Fourth Kentucky Cavalry;

A bill (H. R. No. 1995) granting a pension to Charles H. Bugbee;

A bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas T. Blacknall, late private Company L, Seventh Tennessee Cavalry;

A bill (S. No. 504) granting a pension to Nancy True;

A bill (S. No. 40) granting a pension to Elmira E. Cravath;

A bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois Volunteers;

A bill (H. R. No. 2702) granting a pension to Bridget T. Hopper;

A bill (H. R. No. 2703) granting a pension to Warren F. Wood;

A bill (H. R. No. 2704) granting a pension to Joshua W. Black;

A bill (H. R. No. 2705) granting a pension to Sarah Buery;

A bill (H. R. No. 2706) granting a pension to George W. Leamy;

A bill (H. R. No. 2707) granting a pension to Mary F. Hall;

A bill (S. No. 425) granting a pension to James Eli Butts and Melinda Frances Butts;

A bill (H. R. No. 1496) granting a pension to Mary A. Allen;

An act (S. No. 130) to relinquish the interests of the United States in certain lands in the city and county of San Francisco in the State of California; and

A bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons.

MARIA W. SANDERS.

The bill (S. No. 375) for the relief of Maria W. Saunders, reported from the Committee of the Whole on the Private Calendar, was read by its title.

Mr. RUSK. I call for the reading of that bill.

Mr. HOLMAN. I trust there will be no objection to recommitting this bill, as it is out of the usual order, to the Committee of the Whole on the Private Calendar, and that it may be allowed to take its place on the Calendar without prejudice.

Mr. RUSK. I have no objection to that.

The bill was recommitted to the Committee of the Whole on the Private Calendar.

LEAVE TO PRINT.

Mr. MACKEY, of Pennsylvania, by unanimous consent, obtained leave to have printed in the RECORD some remarks on the bill introduced by him with reference to the Washington Monument. [See Appendix.]

MACHINERY FOR PREPARATION OF RAW SILK.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 3270) for the admission of machinery for the preparation of raw silk

free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARY B. KIRBY.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 3271) for the relief of Mary B. Kirby; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JONATHAN SCHROCK.

Mr. JOHN REILLY, by unanimous consent, introduced a bill (H. R. No. 3272) granting a pension to Jonathan Schrock, of Somerset County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN J. BROSMAN.

Mr. CONGER, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3273) for the relief of Ellen J. Brosman; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SESSION OF SATURDAY.

Mr. DUNNELL. I suggest that the session of to-morrow, by unanimous consent, be a session for debate only, no other business to be transacted.

Mr. BANNING. Will the gentleman add: and the call of committees for reports on private bills?

Mr. FRY. I hope that order will not be made. The Geneva award bill was assigned for to-day, and from day to day thereafter; and I have no doubt that the gentleman from New York, [Mr. LORD,] who is otherwise engaged to-day, is very desirous of bringing up that bill to-morrow. There will be no vote upon it to-morrow, and the day may as well be spent in the discussion of that question.

The SPEAKER *pro tempore*. Does the gentleman from Maine object to the proposition of the gentleman from Minnesota?

Mr. FRYE. I do.

Mr. THOMPSON. I desire to state that there is a report on a contested-election case which the Committee of Elections desire to call up to-morrow.

The SPEAKER *pro tempore*. Objection has been made, and the proposition of the gentleman from Minnesota is not before the House.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 522) to define the tax on fermented or malt liquors.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was given, as follows: Mr. CLARKE, of Kentucky, till Tuesday next; Mr. DOBBINS for three days, on account of important business; Mr. JONES, of Kentucky, for ten days, on account of important business; Mr. HURD for five days, on account of business; Mr. WALKER, of New York, for ten days, to attend to important business; Mr. JONES, of New Hampshire, until Tuesday next.

JOHN R. HARRINGTON.

On motion of Mr. JOYCE, by unanimous consent, leave was given to withdraw from the files of the House the papers in connection with the bill (H. R. No. 204) for the relief of John R. Harrington, introduced December 15, 1875, and referred to the Committee on Patents, there having been no adverse report thereon.

And then, on motion of Mr. BAKER, of Indiana, (at five o'clock and twenty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER: The petition of Erasmus A. Cockett, late a private in the United States Army, to be placed on the pension-rolls on account of disability contracted in the military service, to the Committee on Invalid Pensions.

By Mr. BANNING: The petition of S. G. Going, veterinary surgeon First United States Cavalry, that veterinary surgeons in the United States Army be placed on the same footing as Army surgeons, to the Committee on Military Affairs.

By Mr. BARNUM: The petition of John S. G. Burt, Galen A. Carter, and 150 other citizens of Connecticut and New York, for the appointment of a committee to investigate the alleged unjust and unjustifiable, if not unlawful, proceedings and decree of Justice W. B. Wood, issued on the 14th day of February, 1876, relative to the holders of United States court receivers' certificates, issued by order of Justice Bradley, August 26, 1872, in the case of The Alabama and Chattanooga Railroad Company, referred to Special Master J. W. Burke and Commissioner of Review Hon. P. Phillips, and since adjudicated by Justice W. B. Wood, to the Committee on the Judiciary.

Also, the petition of Davis Hatch, for an investigation of the Santo Domingo violation of international law by the imprisonment of an American citizen without cause, to the Committee on Foreign Affairs.

By Mr. BLACKBURN: The petition of the heirs of A. C. Leekie, for compensation for the illegal seizure and sale of certain property in Iroquois County, Illinois, by United States revenue officers, to the Committee of Claims.

By Mr. COX: Memorial of soldiers of the war of 1812, for an increase of pension; for the passage of the bill, now pending, granting pensions to all those who served thirty days or more and were honorably discharged, and to the widows who were married to the soldiers of said war prior to 1850, to the Committee on Revolutionary Pensions.

Also, the petition of Fabbri & Chauncey, of New York City, that they be paid $100, the amount of postage-stamps belonging to them, lost in the steamship Bienville in 1872, to the Committee of Claims.

By Mr. DE BOLT: The petition of Joseph Williams and others, for a post-route from Unionville, Putnam County, Missouri, via Terre Haute, Newtown, and Ravanna, to Princeton, in Mercer County, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. DURHAM: The petition of citizens of Wayne County, Kentucky, for a post-route from Parmleysville to Mount Pisgah, Kentucky, to the same committee.

By Mr. FORT: The petition of O. D. Sackett and 90 other citizens of Ford County, Illinois, for the repeal of the resumption act of 1875, to the Committee on Banking and Currency.

By Mr. HARRIS, of Massachusetts: Remonstrance of Edgar L. Clark and 21 other workingmen of Plymouth County, Massachusetts, against the proposed reduction of the duties on imports, to the Committee of Ways and Means.

Also, the petition of Ellridge G. Horton, by his attorney, Gordon Hall Nott, for an extension of letters-patent on the patent No. 95601, to the Committee on Patents.

By Mr. HOPKINS: The petition of Mrs. Mary Lavalette, widow of Admiral Lavalette, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the repeal of the amendment to the postal law which increased the postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Pennsylvania, protesting against any change in the tariff, to the Committee of Ways and Means.

By Mr. McMAHON: The petition of citizens of Montgomery County, Ohio, for the reduction of the tax on tobacco and cigars, to the same committee.

Also, the petition of Johanna Kuhlmann, for a pension, accompanied by a petition from numerous citizens of Ohio that relief be granted her, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of the executors of the estate of Admiral E. A. Lavalette, deceased, for compensation for the occupation of and damage to certain buildings belonging to said estate in Memphis, Tennessee, by the United States Army, to the Committee of Claims.

By Mr. RICE: Papers relating to the petition of Captain Robert Clark for a pension, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: The petition of James J. Gibbs, for a pension, to the same committee.

By Mr. VANCE, of North Carolina: The petition of James M. Bell, for a reconsideration of his claim, rejected by the southern claims commission, to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 29, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I ask unanimous consent of the House to make a transposition of some words in the legislative, &c., appropriation bill, so as to make the sense clear. The House adopted as the fourth section of the bill the following words:

That the fourteen messengers on the soldiers' roll shall be employed during the current year, and the sum of money necessary to pay the messengers on that roll is hereby appropriated.

It will be seen that these words ought to come in immediately after line 204 of the bill, in connection with the appropriations for the House of Representatives. I therefore ask that in enrolling the bill the words be transposed so that they shall come in immediately after line 204, so as to show that the appropriation is for the expenditures of the House. It is a mere transposition of the words. The paragraph stands now as the fourth section of the bill.

Mr. HOAR. What is the parliamentary condition of the bill?

The SPEAKER. The bill has passed the House, and a motion to reconsider the vote by which it was passed has been laid upon the table.

Mr. HOLMAN. I ask unanimous consent; of course it can only be done in that way.

Mr. DUNNELL. The gentleman ought to submit his proposition in writing.

Mr. HOLMAN. It is too clear a question to discuss for a moment. I merely ask a transposition of certain words from one part of the bill to another.

Mr. HOAR. Has the bill been sent to the Senate?

Mr. HOLMAN. It has not. The enrollment is not complete. These words constitute, as I have said, the fourth section of the bill, but it is clear that they ought to come in immediately after the appropriation for the expenditures of the House.

The SPEAKER. Before the motion is put to the House the Chair will request the gentleman from Indiana, so that there may be no mistake about the matter, to reduce the motion to writing.

Some time subsequently,

Mr. HOLMAN submitted the following resolution:

Resolved, That in engrossing the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, the enrolling clerk of the House be directed to transfer from its present position in said bill to line 204 of the printed bill the following:

"That the fourteen messengers on the soldiers' roll shall be employed during the current year, and the sum of money necessary to pay the messengers on that roll is hereby appropriated."

The SPEAKER. This resolution can be considered and adopted only by unanimous consent.

There being no objection, the resolution was adopted.

HORACE BOUGHTON.

Mr. HURLBUT. I am directed by the Committee on Military Affairs to submit a report on a matter of privilege which was referred to them.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred a resolution directing certain inquiries to be made in relation to Horace Boughton, clerk of said committee, beg leave to report the following preamble and resolution:

Whereas the examination already had before the Committee on Military Affairs in the case of Horace Boughton, acting as temporary clerk of said committee, shows that the foundation of the charges against him while assessor of internal revenue was in the affidavits of Joe P. Douglass and William P. Loftin, and in certain indictments found upon their testimony in the United States courts for the State of Texas in the year 1869, and that such indictments were afterward dismissed and *nolle prosequi* entered by the proper law officers of the United States; and whereas it is evident that, if this investigation is proceeded in, a large number of witnesses from the State of Texas must be summoned and this committee be required to pass upon the credibility of witnesses, which this committee has no means of determining in any satisfactory manner; and whereas the alleged wrong-doings, if any such occurred, belong to a remote time and a distant locality, and are now barred from criminal prosecution by the statute of limitations, and the present proceedings are nothing more than the revival of charges, and cannot in any way further the essential ends of public justice: Therefore,

Resolved, That the Committee on Military Affairs be discharged from the further consideration of the matter.

Mr. HURLBUT. I ask for the adoption of the preamble and resolution.

The preamble and resolution were agreed to.

HARBOR OF REFUGE IN CALIFORNIA.

Mr. LUTTRELL. I ask unanimous consent to offer a resolution, with the view of obtaining some information from the War Department, as desired in a letter from General Humphreys.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to cause an examination to be made of the harbors of Mendocino, Humboldt Bay, Trinidad, and Crescent City, in the State of California, with a view to establishing a breakwater and harbor of refuge, and report to this House the most suitable point for the construction of such harbor of refuge and the probable cost of the same.

Mr. DUNNELL. That ought to go to the Committee on Commerce.

Mr. LUTTRELL. O, no. I have here a letter from General Humphreys which explains the matter itself:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 10, 1876.

MY DEAR SIR: I send you a form of a resolution which I think will accomplish the object desired. We do not require any appropriation for the purpose of making the survey or examination and report.

Very truly yours,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. J. K. LUTTRELL,
House of Representatives.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I desire now to call up the contested-election case of Le Moyne *vs.* Farwell, from the third congressional district of Illinois.

Mr. FAULKNER. I ask the gentlemen to yield to me to introduce a bill for reference only.

Mr. HARRIS, of Virginia. I will yield for the introduction of bills for reference, but not for anything that may lead to discussion.

JAMES H. LAREW.

Mr. FAULKNER, by unanimous consent, introduced a bill (H. R. No. 3274) for the relief of James H. Larew, of Preston County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. WHITTHORNE, by unanimous consent, from the Committee on Naval Affairs, reported back the bill (S. No. 35) equalizing pensions of certain soldiers, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

BUILDINGS RENTED FOR NAVY DEPARTMENT.

Mr. WHITTHORNE, by unanimous consent, from the Committee on Naval Affairs, reported back the communication from the Secretary of the Navy, transmitting a statement of buildings rented for the use of the Navy Department, as called for by the resolution of the House of February 14, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

CLERK OF COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. WILLIAMS, of Indiana, by unanimous consent, reported from the Committee of Accounts the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Expenditures in the War Department be, and they are hereby, allowed to retain the services of a clerk for a period of thirty days from the expiration of the term of the present clerk.

MESSENGER FOR COMMITTEE FOR THE DISTRICT OF COLUMBIA.

Mr. WILLIAMS, of Indiana, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee for the District of Columbia be, and they are hereby, allowed to employ a messenger, whose compensation shall be fixed at $3.60 per day, said compensation to begin from the date of his oath.

LIGHT-HOUSE IN YORK COUNTY, MAINE.

Mr. PIERCE, by unanimous consent, reported back from the Committee on Commerce, with a favorable recommendation, the bill (H. R. No. 1819) to erect a light-house on the Nubble, Cape Neddick, in York, York County, Maine, and moved that the same be referred to the Committee on Appropriations.

The motion was agreed to.

SICK AND DISABLED SEAMEN.

Mr. PIERCE also, from the same committee, reported back, with a favorable recommendation, the joint resolution (H. R. No. 83) to enable the Secretary of the Treasury to provide for the accommodation of sick and disabled seamen in the district of Cape Cod, Massachusetts; and moved that the same be referred to the Committee on Appropriations.

The motion was agreed to.

JACOB AND ELIZABETH SENER.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 3275) for the relief of Jacob Sener and Elizabeth Sener; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

NATIONAL RAILWAY COMPANY.

Mr. STONE, by unanimous consent, from the Committee on Commerce, reported back, with amendments, the bill (H. R. No. 1724) organizing the National Railway Company of the United States of America for the purpose of constructing, operating, and maintaining a double-track cheap-freight railway from the Atlantic seaboard to the cities of Chicago, Illinois, Saint Louis, Missouri, and Council Bluffs, Iowa, together with branches to other centers of population, production, and commerce, and to regulate the same in the interest of commerce among the States; and moved that the bill, with the amendments, be printed and recommitted.

The motion was agreed to.

NELSON TIFFANY.

Mr. BANNING. I ask unanimous consent to report from the Committee on Military Affairs, for consideration at this time, the bill of the House No. 1337, for the relief of Nelson Tiffany. He was a soldier and was badly wounded while in the service, and is now dying of the effects of the wound. This bill is to relieve him from the charge of desertion made against him, and the Committee on Military Affairs are unanimously in favor of the passage of the bill. A bill for the same purpose was once before passed by this House, but failed to be reached in the Senate.

There was no objection.

The bill directs the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant him an honorable discharge.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWIN MORGAN.

Mr. JOHN REILLY, by unanimous consent, reported back from the Committee on Military Affairs a bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

STORAGE OF FERMENTED LIQUORS.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 3276) regulating the storage of fermented liquors; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BROTHERTOWN RESERVATION, WISCONSIN.

Mr. MORGAN, by unanimous consent, from the Committee on Indian Affairs, reported back, with amendments, a bill (H. R. No. 2096) to authorize the issue of a patent of certain lands in the Brothertown reservation, in the State of Wisconsin, to the persons selected by the Brothertown Indians; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

REPORTS FROM COMMITTEE ON INVALID PENSIONS.

Mr. RUSK, by unanimous consent, reported back, with favorable recommendation, bills of the following titles; which were respectively referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2242) granting a pension to George McColly; and

A bill (H. R. No. 3277) as a substitute for House bill No. 2810, for the relief of Mrs. Kate L. Roy, widow of Lieutenant-Colonel James P. Roy, late of the United States Army.

Mr. RUSK also, by unanimous consent, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3278) as a substitute for House bill No. 2405, granting a pension to Ellen Fechtel;

A bill (H. R. No. 3279) granting a pension to Benjamin C. Webster;

A bill (H. R. No. 3280) as a substitute for House bill No. 2168, granting a pension to James Johnston;

A bill (H. R. No. 3281) as a substitute for House bill No. 2577, granting a pension to Hannah A. Wood; and

A bill (H. R. No. 3282) granting a pension to Sarah McCovey.

Mr. RUSK also, by unanimous consent, from the same committee, reported back, with favorable recommendation, bills of the following titles; which were respectively referred to the Committee of the Whole on the Private Calendar:

A bill (S. No. 641) granting a pension to Julia Scroggin;

A bill (S. No. 121) granting a pension to John Pierson;

A bill (S. No. 43) granting a pension to Urial Bundy; and

A bill (S. No. 545) granting a pension to Abraham Ellis.

Mr. RUSK also, by unanimous consent, from the same committee, reported back adversely the bill (H. R. No. 1295) granting a pension to Thomas Smith; which was laid on the table, and the accompanying report ordered to be printed.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. CAULFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be permitted to sit during the sessions of the House.

GENEVA AWARD BILL.

Mr. LORD. On account of the priority which is given to reports from the Committee of Elections, I am prevented from calling up the bill relating to unappropriated moneys of the Geneva award. I want to ask unanimous consent of the House to entertain a motion which I am about to make. This bill has been delayed several times for reasons which I need not now explain. On Thursday next I expect to be called again from the House, perhaps for an indefinite period, and therefore I desire to have the bill certainly considered between now and next Thursday. I therefore ask unanimous consent that the bill relating to the unappropriated moneys of the Geneva award be taken up on Monday next and continued from day to day until disposed of.

Mr. LAWRENCE. Allow me to suggest that the election case has no priority over the order which set the Geneva award bill for consideration to-day. I would be very glad if that bill could be brought up now. I for one am ready to discuss it, and I understand that the gentleman from New York [Mr. LORD] and others are also ready.

Mr. HURLBUT. I shall have to object if it requires unanimous consent.

The SPEAKER. Questions relating to the right to seats upon this floor, involving the right of representation, are questions of the highest privilege. The gentleman from Virginia [Mr. HARRIS] therefore has the right, notwithstanding the special order, to ask the House to proceed to the consideration of the Illinois contested-election case.

Mr. BURCHARD, of Illinois. If the House should refuse to consider the contested-election case, then would not the motion of the gentleman from New York be in order?

The SPEAKER. Undoubtedly it would.

Mr. LAWRENCE. As a matter of course.

Mr. LORD. Mr. Speaker, I supposed the report of the Committee of Elections was a privileged one, and with that understanding I made arrangement with the gentleman from Virginia to yield to me, or rather I supposed he had the right to take by compulsion the question into his own hand. I asked him to yield to me to move the bill in relation to the Geneva award should be taken up on Monday. There are other reasons why it is better to be taken up on Monday. Members who desire to speak on the opposite side from that I represent cannot be here until then. Therefore I think it would be more just to take up the Geneva award bill on Monday under the motion I have made and for which I have asked unanimous consent.

The SPEAKER. What is the motion of the gentleman from Virginia?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of a bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in small-pox hospital, without amendment.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I wish to call up for consideration at this time the contested-election case of Le Moyne *vs.* Farwell, and while perhaps I did not submit the formal motion to the House, notwithstanding the Speaker recognized me for that purpose, I was proceeding to submit some remarks on the subject when I was asked to yield to various members upon the floor for the purpose of introducing bills and making reports. I understood the House gave its consent without a formal motion that I should proceed with that case. If the Chair did not so understand I submit the motion now, that the House proceed to the consideration of the report from the Committee of Elections in the Illinois contested-election case of Le Moyne *vs.* Farwell.

The SPEAKER. In the judgment of the Chair, the inference of the gentleman from Virginia is justified by the fact, and he is entitled to the floor.

Mr. BURCHARD, of Illinois. Allow me to suggest that the gentleman from Virginia did not announce what his object was when he was recognized.

The SPEAKER. In the judgment of the Chair, he had announced what his purpose was.

Mr. LORD. I now ask unanimous consent to submit the motion which I have already stated.

The SPEAKER. Does the gentleman from Virginia yield for that purpose?

Mr. HARRIS, of Virginia. I yield for that specific purpose, and for none other.

Mr. LORD. I ask unanimous consent the motion be entertained that the bill to distribute the unappropriated moneys of the Geneva award be taken up on Monday and be continued from day to day until disposed of.

Mr. MILLIKEN. That comes in conflict with the special order made to take up the Post-Office appropriation bill on Tuesday.

Mr. FRYE. It is understood that it is not to interfere with appropriation bills.

The SPEAKER. Is there objection to that motion with the understanding that it is not to interfere with appropriation bills?

Mr. WOOD, of New York. I wish to inquire of the Chair whether unanimous consent will cut off the privileged motion to suspend the rules on Monday, being the only day of the week we can make that motion? I desire to say further that the bill I had the honor to report from the Committee of Ways and Means, in favor of the Hawaiian treaty, is in a worse position than my friend's Geneva award bill. We have had it up half a dozen times, and it has been discussed in small doses, and we are now willing to submit the question to the House. I am struggling every hour of the day to get an opportunity to have it taken up and disposed of.

Mr. LORD. I think perhaps the gentleman from New York did not understand the reason I gave for this motion. I expect to have to leave to attend the impeachment trial on Thursday, and will be absent for an indefinite period. I thought, therefore, under the circumstances, that, as the Geneva award bill has been postponed from time to time to accommodate other committees and other bills, it was not asking too much to be permitted to have it taken up on Monday next and continued from day to day until disposed of.

Mr. WOOD, of New York. I have no wish to antagonize my colleague, but I wish now to give notice that at the earliest practicable period I intend to call up the bill in reference to the Hawaiian treaty.

The SPEAKER. The gentleman from New York made an inquiry of the Chair, in response to which the Chair says, if this order be made, it will cut off the right to move to suspend the rules on Monday next after the morning hour. Is there objection to the motion?

Mr. FORT. I object.

Mr. HOLMAN. The understanding is that appropriation bills are excepted.

The SPEAKER. Is there objection to the motion, appropriation bills excepted?

Mr. BURCHARD, of Illinois. Will not this require unanimous consent? I do not make any objection to the order.

The SPEAKER. It does require unanimous consent.

Mr. CLARK, of Missouri. I desire to make a parliamentary in-

quiry before the gentleman from Virginia [Mr. HARRIS] proceeds. By the order of the House on the 9th day of March, the bill (H. R. No. 293) was made a special order for the 16th day of March and from day to day thereafter until disposed of, not to interfere with the legislative appropriation bill. The legislative appropriation bill has been considered from day to day and has now been passed. I wish to inquire what is the status of the bill I have mentioned in the order of the business of the House?

The SPEAKER. In order to answer the gentleman's inquiry it would be necessary for the Chair to suspend business, and inquire what are the special orders hitherto made and undisposed of. The Chair will say generally that these orders are entitled to execution in the House in the order in which they are made by the House; and that where they are made for a special day, and to run from day to day thereafter until disposed of, they do not lose their precedence by not being taken up on the day indicated. But the Chair has no time now to look into the condition of these orders so as to be able to answer the gentleman's inquiry in regard to the particular bill he has mentioned.

Mr. LORD. I understand that the objection to my motion is withdrawn, so that I have now unanimous consent to the proposition I have submitted.

The SPEAKER. Is there objection?

Mr. SPRINGER. I object; for the reason——

Mr. HARRIS, of Virginia. I object to debate.

The SPEAKER. The gentleman from Virginia will proceed.

CONTESTED ELECTION—LE MOYNE VS. FARWELL.

Mr. HARRIS, of Virginia. I now call up the report of the Committee of Elections in the case of J. V. Le Moyne *vs.* C. B. Farwell, of the third congressional district of Illinois. I ask the Clerk to read the resolutions of the majority and of the minority of the committee.

The resolutions of the majority of the committee were read, as follows:

Resolved, That Charles B. Farwell was not elected, and is not entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Resolved, That John V. Le Moyne was elected, and is entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

The resolutions of the minority of the committee were read, as follows:

Resolved, That John V. Le Moyne was not elected, and is not entitled, to a seat in this House from the third congressional district of Illinois.

Resolved, That Charles B. Farwell was elected, and is entitled, to a seat in this House from the third congressional district of Illinois.

Mr. HARRIS, of Virginia. It will be observed by the House that the majority and minority reports are directly opposite. The majority report, it may not be improper to say, is signed unanimously by the members of the committee representing the majority in this House. The minority report is signed by the members of the committee representing the minority in this House.

Sir, it has occurred to me at other times, but not upon this committee, when I saw Committees of Elections dividing as it is termed on party lines that such a result must have been owing to the influence of party and not of principle. But, sir, after a laborious investigation in this case, and I believe an honest investigation on the part of every member of the committee, we find that we unfortunately came to a division on the line of party. This is not surprising. This may be done by men all of whom are in search of truth and acting as honestly as it is possible for men to act. For there are cases where the facts are so nearly balanced and where the law is so uncertain and unsettled that honest men having the same political views often differ upon the question. But when the facts are so nearly balanced and the law not decided, perhaps it may reasonably be expected that men may divide upon one side or the other, and each be equally honest and conscientious in his investigation of the facts and in his determination of the law. It is the weakness, perhaps, of poor human nature that our prejudices without our knowledge may turn the scale when it is almost at an equipoise.

The contest in this case was a very laborious one. Many charges were made by the contestant and all were denied by the contestee. But fortunately for the committee and for the House, after investigating a pamphlet of about five or six hundred pages, the case has been reduced to two points alone and two precincts virtually. One is in regard to the first precinct of the twentieth ward of the city of Chicago, and the other is in regard to the right of some persons alleged to be paupers in a poor-house to cast their votes.

First, as to the first precinct in the twentieth ward. There the contestant charged fraud on the part of every officer conducting the election. He charged and he has proved that nearly 300 votes, representing men who had no places of residence, who had no homes in that county, and who did not live in the township at all, were cast at that election. Under the law of Illinois the clerk is required to number the voter on the poll-book as he deposits his ballot; also to number his ballot corresponding with the number opposite his name on the poll-book; and thus it can be ascertained how every man voted. The law of Illinois requires every voter living in a city to state his residence, giving the street and number. These fictitious voters gave residences that were proved to be in the occupation of other people, and they had never been known to have residences at those places. As many as forty or fifty of them gave as their residence one house which was a comparatively small house, proven to have but six or seven male adults in it, called the Hatch house.

We all agree, both branches of the committee agree, that this poll was fraudulent, that the clerk was corrupt, that the judges of election were corrupt. They refused to allow, under the law, democratic challengers to be heard. They drove them away by their mobs. They allowed no man of the democratic party to be present to ask questions or to superintend the election. And that, too, Mr. Speaker, was in a township which was so intensely democratic that no republican candidate ran for a local office. But it was managed in this way: An independent democrat was started, and that independent democrat linked his fortunes with the contestee in this case, Mr. Farwell, who was the candidate for Congress.

It is not necessary to detain the House by entering into the details as to the frauds committed at that poll. The committee on both sides agreed that it was so tainted with fraud that it cannot be relied upon; and the committee, having agreed upon that, split on this line, the minority contending that under the law the whole vote must be thrown out, and only such votes counted as each party afterward proved were cast for him by bringing up the voters *seriatim* and counting them. The majority of the committee agreed with the minority as to the law, but differed in the application of it. The law says that wherever the true vote can be ascertained, though the *returns* may be set aside, it is the highest duty of the committee and the House to count it.

Well, sir, in this case it so happens, as I said, that the law of Illinois, unlike the laws of most of the States of the Union, requires that all voters shall be numbered on the poll-list, and that whenever a voter comes up to vote, if his number for instance is one hundred, the clerk shall take his ballot out of his hand and mark it one hundred and put it in the ballot-box; so that in the case of every man who votes it can be ascertained by an examination of the ballot-box as accurately how he voted as if the vote had been *viva voce* and the clerk had recorded the name of the voter and the party for whom he voted at the time. There is then no difficulty in ascertaining, if the polls are properly kept, who voted for Le Moyne and who for Farwell.

But the minority say that there was so much fraud on the whole poll-book that it gives no verity to anything connected with it, but they will admit the fact, as the record will show, that the poll-book was brought before the committee and that it is admitted by the contestant and the contestee to be the poll-book which was kept on that occasion on that day between Farwell and Le Moyne. Well, now, admit the proposition to be correct as laid down by the minority of the committee that the whole poll must be thrown out, and where does it lead us? A gentleman who is a candidate for office has this chance to take: he may corrupt the poll-book by sending in three or five hundred illegal voters, and he says, "If I can get the benefit of this fraud by a large excess of votes to which I am not entitled, then I have a clear gain to the extent of the illegal vote; but if I cannot, then the whole vote must be thrown out by reason of my fraud, and my adversary loses the large majority which he would otherwise get; so I am bound to succeed if I can pollute that poll and commit frauds upon it."

The position of the minority of the committee is an advertisement to men who are in the minority to hurl upon that particular poll 500 illegal votes and take the chance of their being counted, and if they are not counted to so corrupt the poll-book that his adversary will not get the majority to which he is entitled.

Fortunately, sir, for the people of Illinois the law of that State requires that the names shall be recorded on the poll-books, with the number attached, and upon the ballots.

Mr. FORT. The gentleman will pardon me; I know he does not wish to misrepresent; the law does not require that the name of the voter shall be put upon the ballot.

Mr. HARRIS, of Virginia. I do not mean the name, but the number. The name is on the list with the number against it, and that number is transferred by the clerk to the ballot, so that you can always tell how a man votes as well as if you had heard him vote. Well, now, in case of a contested election the ballot-boxes can be opened and their contents examined, and you can see how each man votes.

What is the duty of the committee in a case of this sort? The gentlemen of the minority say that these poll-books are so fraudulent that we cannot rely upon anything. Now the law lays it down that fraud must be always construed against the party who perpetrates it. The doctrine is laid down that no man can take advantage of his own wrong. I send up to the Clerk authorities on this question and ask that they be read.

The Clerk read as follows:

An irregularity in an election may be overlooked "if it cast no uncertainty on the result and has not been occasioned by the party seeking to derive a benefit from it." (Piatt *vs.* People, 29 Illinois, page 72.)

"It is undoubtedly the rule that if the canvassing court can separate the legal from the illegal votes and reject the illegal ones, *they are bound to do so*; and * * * fraud on the part of the officers will not vitiate, unless it be of so gross a character as to *destroy all means* of ascertaining the true result." (Cass County, Illinois, Brightly's Election Cases, pages 495, 496.)

Mr. HARRIS, of Virginia. I now read McCrary's American Law of Elections, page 135:

What we mean here to assert is only this, that where a return is clearly shown to be willfully and corruptly false in any material part the whole of it becomes worthless as proof. * * *

If satisfactory proof of the actual vote can be made, and the result thus ascertained, the election may stand, although the result falls to the ground.

Now, sir, in this case all parties agree that the returns themselves were entitled to no weight, and the law which I have just read states that although the returns may fail, you may look at the poll-books to ascertain how the vote was. Well, we had the poll-book in this case before us. But gentlemen tell us in the minority report that the poll-book itself is so fraudulent that we cannot rely upon it. I admit that you cannot rely upon that poll-book to show the vote received for the contestee, for the parties who committed the frauds were in his interest. But these corrupt officers have admitted by the poll-book that Le Moyne received two hundred and odd votes, and those votes we allowed to be counted for him, and we gave him other votes which the testimony showed he had received. If a man confess against himself, he must be held responsible for it. And we count that vote on the principle that the poll-book and the ballots show at least how the vote for Le Moyne stood and it showed the fraud of the vote for the contestee. We therefore followed the injunction of the law, and eliminated the vote. We did not rely upon the uncertain mode recommended of calling on each voter to tell how he voted.

The law says that no man who has voted a secret ballot can be compelled, if he gave a legal vote, to tell how he voted. A man voting illegally can be compelled to show how he voted; but the law says that any man who has voted an honest vote by secret ballot cannot be compelled to tell how he voted, for that would defeat the very object of the system of secret ballot.

Now, in regard to the doctrine laid down by the minority of the Committee of Elections that an election is void when either party has injected into it enough of fraud to cast a suspicion upon it, it would surprise gentlemen of this House if they had time to read the record in this case and see how elections were carried on in the first precinct of the twentieth ward of the city of Chicago. The testimony shows that after the election was over, when the poll-books and registration-lists were in the presence of Mr. Le Moyne, the counsel of Mr. Farwell, and the commissioner taking testimony, the poll-books being there on a table right before their faces, they disappeared in the twinkling of an eye, and have not since been heard of. A sleight-of-hand performance unparalleled in this country was enacted right before all parties sitting there, and no one can tell who stole them or where they went. They were not stolen in the interest of Le Moyne, for he wanted them to sustain his case.

Mr. WELLS, of Mississippi. Does not the evidence show that Lieb, the county clerk, who was the custodian of the returns and the ballots and a partisan of the contestant, refused to allow the contestee to examine them unless the contestant should agree to have them produced in evidence and examined by the contestee?

Mr. HARRIS, of Virginia. The evidence shows that the poll-book was right there before their faces and it disappeared in the twinkling of an eye, and no one can tell who took it or where it went. From this it would seem the clerk had good cause to keep the books in close custody, and even then could not preserve them.

I now pass to another point of divergence, to the Norwood Park precinct. It is alleged that the contestant received nearly a hundred pauper votes. Under the constitution of Virginia no pauper can vote; and that is the case in other States. But Illinois has a very broad constitution in regard to the elective franchise. It inhibits no male citizen from voting, except it directs the Legislature to pass a law prohibiting from voting any man convicted of felony and not pardoned. That is the only exception in the constitution of Illinois, and I believe in the first part of the constitution "any person" is permitted to vote, not confining it even to "male citizens," though that of course is understood.

In the Norwood Park precinct, in the city of Chicago, there was a poor-house, in which it was proved there were between one thousand and twelve hundred inmates. It was further proved that a few days before the election the superintendent of the poor-house went down to the registrar's office—and bear in mind that all the officers of election were in the interest of the contestee—and the registering officer told him to bring down the names of the persons at the poor-house who were entitled to vote and he would register them without requiring the persons themselves to come down. The superintendent went down there, but could not find the registering officer, but he found the clerk. On the last day when he went there to register the names he found that both the clerk and the registering officer had disappeared, and thus he was deprived of the opportunity of having the names of the men registered. Election-day came and these alleged paupers went down there and voted. The contestee alleges that there were over a hundred; the proof shows that there were only sixty-one who went from the poor-house, and of that number some twelve or fifteen were the regular employés, men who had been there for months. Two of them voted for the sitting member, thus leaving only forty-five in dispute. The question recurs whether they were paupers, and, if so, whether they had the right to vote. As to whether they were paupers the testimony is very conflicting, but the weight of the testimony is to the effect that they were a class of poor people discharged from the sick-hospital, and the superintendent of the poor-house under the authority of the board had employed them for their food and clothing.

Mr. HURLBUT. How did they get into the poor-house?

Mr. HARRIS, of Virginia. They went there under the certificate of the physician and were employed by the superintendent of the poor-house to do light work for their board and clothing.

Mr. BAKER, of Indiana. Paupers are required to do work, so far as they are able, for their support.

Mr. HARRIS, of Virginia. I know that there are certain regulations of law requiring them to do certain work. But the testimony in this case is conclusive that these persons were not paupers; that the superintendent applied to the board *for leave to contract* with them for their labor, and he did contract with them to remain there and work. Had they been paupers it would not have been necessary for him to contract with them, but he could make them work by reason of their position as paupers. By the testimony it appears that everybody who was at the poor-house was called a pauper; but the weight of evidence is to the effect that they were this class of laborers of whom I speak; poor people who were working for their support.

Now, Mr. Speaker, we know it to be a fact that in every country where civilization and education prevail there is a great horror in the human heart at being called a pauper. We all know how readily many a poor, decrepit old man will work for his food and clothing rather than be called a pauper and be supported by the people of the county. In my opinion, these voters belong to this class. But, sir, if they had not belonged to that class, if they had been paupers in the broad and unqualified meaning of the term, the question is whether they had the right to vote. Under the law of Illinois paupers as well as other persons have the right to vote.

The law of Illinois in respect to supporting the poor in that State is very singular. There may be other States where the laws are similar, but certainly I cannot now call to mind any such. The law is rather singular in this. It requires the relatives of a poor person, if they are able, first to support them in the following order: First, children shall support their parents; next, parents support their children; next, brothers and sisters; next, grandchildren; next, grandparents. And it is made the duty of the State's attorney for the county to apply to the court for judgment and award of execution against such relative for the support of his pauper kinsman; for the statute recognizes all persons as paupers who are not able to support themselves.

Now, sir, if such persons be regarded as paupers, and, therefore, not allowed to vote, how would such a rule operate? We all know hundreds and thousands of cases everywhere where the generous heart of a son prompts him to take into his own household (he would be almost a fiend if he refused) his poor decrepit old father. The gentleman from Illinois would say in such a case the father, being dependent upon the son, cannot vote in that township, because he is a pauper and has no residence there.

Mr. HURLBUT. There is no such law in Illinois, and never was.

Mr. HARRIS, of Virginia. Well, sir, if some one will bring me the statutes of Illinois, I will show that I am right. My friend's ignorance on this subject pains me and overwhelms me with astonishment. I would be glad to read the statute of Illinois right here, not with a view of exposing his ignorance of the laws of his own State, but to show that when he does not understand the subject he is talking about he ought not to interrupt a gentleman.

Mr. BURCHARD, of Illinois. The gentleman from Virginia will allow me to suggest that the law of Illinois does not require the relative who is supported to be taken to any particular place. It only imposes a legal liability, which can be enforced by action; a liability to provide for the support of the relative unable to provide for himself.

Mr. HARRIS, of Virginia. The gentleman agrees with me more closely than does his colleague, [Mr. HURLBUT.] The law, as I said, requires the next of kin to the second degree——

Mr. HURLBUT. Let us understand each other. The gentleman states that if a son supports his father, the father, living in the son's house, becomes under the law of Illinois a pauper.

Mr. HARRIS, of Virginia. Yes, sir.

Mr. HURLBUT. There is no such law in Illinois.

Mr. HARRIS, of Virginia. My friend is shifting his ground. After his colleague [Mr. BURCHARD] has shown him what the law is, he changes his position a little. But, Mr. Speaker, the law of Illinois does require a father to support the son, and *vice versa*, when able. If he does not do so, then the Commonwealth's attorney is required to go before the court and serve notice upon the party (they do not even honor him with a suit) that judgment will be asked for at the next court; and when judgment is obtained against him, execution from time to time is sued out against him. The only exception to that law is where it appears to the court that a man's poverty is produced by drink.

Now, if a son, being required to support his father, takes that father from one neighborhood and carries him to another to be a resident of his own house, that house becomes, as respects the old gentleman, the poor-house; as much so as the county poor-house would be to one who had no relatives to support him.

Mr. BURCHARD, of Illinois. The law does not require the relatives to support the person at any particular residence. There may be a dozen or more grandchildren who are liable to contribute to the support of the grandfather; these relatives may be residing in various parts of the county or State, and each of them is required to contribute according to his means, *pro rata*, to the support of the grandfather.

Mr. BLAND. I wish to ask the gentleman from Illinois this question: If a person is maintained by his relatives, does the law of Illinois permit him to vote?

Mr. BURCHARD, of Illinois. The right to vote depends on residence, and that is defined by statute.

Mr. HARRIS, of Virginia. I am coming to that presently. There is no difference between my friend from Illinois [Mr. BURCHARD] and myself as to what the law is. We both agree that the next of kin is required to support the pauper.

Mr. BURCHARD, of Illinois. To contribute to his support.

Mr. HARRIS, of Virginia. If he is able, if he has enough to support him, he must divide with him. He may be made to pay it in money; but if, instead of paying money monthly, he chooses to take his father from one district and carry him to his house, he has the right to support him there. He has the right to support him in his own house without paying money to any one.

Mr. BURCHARD, of Illinois. That is, if he can induce his relative to go; but it is a matter of free will with the relative to go or not.

Mr. HARRIS, of Virginia. When the relative goes to his house, although he may be constrained by poverty, still by the laws of Illinois it is as much his home as it is the home of his son with whom he is living. In that district he acquires residence and has the right to vote. Decide otherwise and you will throw out of the ballot-box the votes of some of the purest and most intellectual men we have ever had. I know there is not to-day upon this floor from Illinois or from other States a member who does not know of some who are supporting their fathers—who have been in their day among the first in the country, men who helped to make the laws of the land. They were honest public men, made no money by their office, but who are now reduced to poverty and are supported by their sons. Those fathers, under the theory of the gentleman from Illinois, [Mr. HURLBUT,] cannot acquire a residence where they live, and are deprived of the right of suffrage. I hold differently and the majority of the committee hold differently on that question. I will review the question, Mr. Speaker, for a moment.

This question of the right of paupers to vote has been before the House of Representatives very seldom. There have been only four cases in which this question was ever discussed before this House. The first was the case of Monroe *vs.* Jackson, from the State of New York. The majority of the committee reported that these paupers could not acquire residence at the poor-house because the statute of New York said that no citizen of New York should acquire residence by reason of his being in any asylum, poor-house, or any university or college. The statute expressly provided that he should not acquire residence at a poor-house. Notwithstanding that, the minority of the committee reported that was unconstitutional because the constitution said that every resident should vote, and the Legislature had no right to say what a residence should be, and therefore had no right to say a poor person could not acquire residence at a poor-house. The result was two reports. The majority was in favor of the contestant, who was a whig, although the House was whig by a good majority. They sustained neither report, but referred the case back to the people for another election, thus furnishing no precedent either way; but it is rather in favor of the paupers voting, than against it.

Another case was that of Covode *vs.* Foster, from the State of Pennsylvania. Foster was elected by some forty-odd pauper votes. In that case the committee decided, and the House sustained the committee, that under the laws of Pennsylvania paupers could not acquire residence at a poor-house, and Foster was unseated and Covode seated.

The next case that came before Congress was that of Taylor *vs.* Reading, in the Forty-first Congress. Reading, the democratic candidate, had received 3 pauper votes. The counsel for Reading, under the influence of Covode *vs.* Foster, admitted those 3 pauper votes were bad and therefore ought not to be counted, and gave it up. Consequently there was no decision in that case, except so far as the admission of the attorneys goes.

We next come to the case of Cessna against Myers, also from the State of Pennsylvania. I want to read something that was said on that occasion, because I see the distinguished author of the report before me, the gentleman from Massachusetts, [Mr. HOAR.] I am sure, Mr. Speaker, when the time comes for voting in this case he will vote the sentiments he so well expressed on that occasion. In the case of Cessna against Myers the Committee of Elections, in the Forty-second Congress I believe it was, acted on the question, but did not decide it formally. I will read from the report:

> The case of the paupers presents greater difficulty. Under the laws of Pennsylvania it is conceded they may be entitled to vote. In several contested-election cases cited by the contestant it is stated by the committee that, in the absence of statute regulations on the subject, a pauper abiding in a public almshouse locally situated in a different district from that where he dwells when he becomes a pauper, and by which he is supported, away from his original home, does not thereby change his residence, but is held constructively to remain at his old home.
>
> And there are some strong reasons for this opinion. The pauper is under a species of confinement. He must submit to regulations imposed by others, and the place of his abode may be changed without his consent. Having few of the other elements which ordinarily make up a domicile, the element of choice also in his case almost wholly disappears. There are also serious reasons of expediency against permitting a class of persons who are necessarily so dependent upon the will of one public officer to vote in a town or district in whose concerns they have no interest. On the other hand, the pauper's right to vote is recognized by law. It can practically very seldom be exercised except in the near neighborhood of the almshouse. In the case of a person so poor and helpless as to expect to be a life-long inmate of a poor-house, it is, in every sense in which the word can be used, really and truly his residence, his home. And it is important that these constitutional provisions as to suffrage should be carried out in their simplest and most natural sense, without the introduction of artificial or technical constructions. It will, however, be necessary to determine this question, as will hereafter appear.

Now, Mr. Speaker, it will be observed that the committee of the Forty-second Congress, making a report through Judge HOAR, of Massachusetts, unanimously decided the question that a pauper at the poor-house did acquire a residence there.

Mr. HOAR. Will the gentleman yield to me for a moment?

Mr. HARRIS, of Virginia. With great pleasure.

Mr. HOAR. I do not understand that the committee of the Forty-second Congress decided any question on that subject at all. The case was referred to me to write a report. And I wrote a report in which I stated as well as I could the arguments on both sides of that question, and at the same time stated that it was entirely unnecessary to decide it in that particular case. So that the authority of that report—or rather the weight; there is no authority in it on that subject—the weight of that report depends upon the weight which the House will give to the reasoning on that subject which it contains. There is no opinion expressed either by the committee or the author of the report. There is a mere statement of the reasoning on each side. I do not know what bearing it has on this case, as I have not followed the argument of the gentleman from Virginia.

Mr. HARRIS, of Virginia. I will refresh the gentleman's recollection. I am satisfied that my distinguished friend is wrong in saying that this was not the opinion of the committee, for it is reported in the Congressional Globe as the unanimous report of the committee. And from that unanimous report, written by my distinguished friend himself, I make this quotation. This is what the gentleman says on behalf of the committee:

> In the case of a person so poor and helpless as to expect to be a life-long inmate of the poor-house, it is, in every sense in which the word can be used, really and truly his residence—his home. And it is important that these constitutional provisions as to suffrage should be carried out in their simplest and most natural sense, without the introduction of artificial or technical constructions.

This is not an argument; it is a positive assertion of a principle or of an opinion.

The committee therefore say that it is his home, his residence.

Mr. BAKER, of Indiana. Will the gentleman permit me to read the very next sentence?

Mr. HARRIS, of Virginia. I will read the next sentence. I am not going to give quotations by piecemeal.

> It will, however, be unnecessary to determine this question, as will hereafter appear.

But the committee did sanction the vote by leaving it to stand as counted and made a part of the record; and it stands to-day as having been legally cast and counted, and the House so passed upon it.

Mr. HOAR. Perhaps the gentleman will allow me a little further explanation, because it was a matter in which I took a great interest.

Mr. HARRIS, of Virginia. So I understood.

Mr. HOAR. That was a case in which the Committee of Elections unanimously gave the seat to a gentleman opposed to the majority of them in political opinion; so that if any election case can have weight, that should have weight.

Mr. HARRIS, of Virginia. Certainly, sir. That is the reason I attach so much importance to it.

Mr. HOAR. Now there were several very interesting questions of domicile, and very doubtful ones, which arose in that case. Deciding those questions made it unnecessary to decide this particular question whether a pauper could vote. It was claimed on the part of Mr. Cessna, the republican contestant, that all the paupers in the county almshouse who had voted for his antagonist should be deducted from his antagonist's poll; but if they were deducted it did not give Mr. Cessna the seat. It was unnecessary therefore to decide it; but the question having been argued the committee summed up the arguments on the one side and on the other. In summing up the arguments on one side, it is true the report says that in the case of a pauper so poor and helpless that he will evidently and beyond question be at the poor-house for life, having no ties elsewhere, in that case it would seem to be his home in every sense in which the word can be used. And as he is a person having the right to vote by the Constitution and as that right would be destroyed if he were obliged to travel to a distant precinct, it is very proper that he should vote there.

Now, if the gentleman from Virginia will pardon me I wish to say, if it be not improper to make the statement, that that expresses the exact limitation. You find the number of twenty or one hundred paupers in a county poor-house being supported at this county poor-house by the various parishes, or precincts, or townships which make up the county. Now, one of those paupers may be there with a broken leg, expecting to return to his work in six weeks, when he gets well. Another may be there with a temporary disability of any kind, expecting to return within a year. Another may be one of that permanent class of paupers who are manifestly confined for life where they are. Now, one of those paupers may have the intention to return to his old precinct; he may not have the intention to remain in the poor-house permanently, and his location there is temporary. Now it seems to me—and I have not the slightest idea how this affects the case my friend from Virginia is arguing, for I do not know anything about the facts—it seems to me you should apply to those paupers having the right to vote just the doctrine you would apply to any other persons found in any particular place, that what determines practically the permanent or the temporary place of residence for them is the intent to remain, the intent to treat the place of residence as a home existing in the particular case or not. If that be so, here are two paupers, one

of whom is at the almshouse as a home and the other there as a place of temporary sojourn and support. That is the view I took of the question at the time it was before the committee.

Mr. HARRIS, of Virginia. I agree with the distinguished gentleman that a pauper at the poor-house is *prima facie* at his home; but if he is there temporarily sojourning for a broken limb, as a matter of course he acquires no residence. No man goes to the poor-house who has a home elsewhere; he never goes there until from necessity he is compelled to go. When a poor, unfortunate man has not a place that he can call a home, except the poor-house, where under the sun of heaven is *his residence, his home*, if it is not at the place where he lives and expects to make his home until he dies?

Mr. HILL, of Georgia. How can he be a pauper if he has a home?

Mr. HARRIS, of Virginia. As my friend suggests, if he had a home of his own he could not be a pauper, and that is true because the law requires a man to support himself as long as he is able. To tell me that a poor man, after having struggled against adversity until at last he goes to the overseer of the poor and says, "I have supported myself as long as I can and must now come to you for support," goes there with the *animus revertendi* is absurd. He goes with a sad and heavy heart, but he goes to make it his home until the Father of us all calls him home to his last resting-place. It may not be a pleasant home, but it is the only home he has and is *his residence*.

Well, the laws of Illinois on this subject are very singular. I know that my friend who says he helped to make these laws will not claim credit for helping to make this law.

The constitution of the State of Illinois says, on page 14:

> Every person *having resided* in this State one year, in the county ninety days, and the election district thirty days, shall be entitled to vote.

The learned Legislature of the State of Illinois at its next session or some subsequent session after the adoption of the constitution undertook to tell what the constitution meant, and they say in section 66, chapter 46:

> A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

Now here was the Legislature of Illinois undertaking to amend the constitution of the State in regard to what would constitute residence.

It is the province of the courts to construe the constitution, and this act of the Legislature can neither enlarge nor abridge the right of suffrage by undertaking to define what shall constitute a residence. Their act is simply null and void.

Sir, the minority report relies with great confidence upon the decision in the forty-first Illinois report upon the subject of the residence of a pauper for police purposes.

I admit that the Legislature of Illinois has passed laws defining what shall be the residence of paupers, and for all police purposes the Legislature has the undoubted right to define what shall be a residence where the poor shall be supported. In one county, Stephenson County, I believe they built a county poor-house, and the townships from which the paupers had gone to that poor-house refused to contribute to the support of their poor at that poor-house, saying that they had lost their residences in those townships.

The suit was brought, and it went to the supreme court of the State of Illinois, and there they decided that a pauper at the poor-house under the pauper laws could not acquire a residence.

[Here the hammer fell.]

Mr. BROWN, of Kansas. Mr. Speaker, I shall endeavor in my argument of this case to confine myself closely to the real questions in issue, and shall be as brief as possible; but if I should occupy my full time it will be because, having examined the case as one of the subcommittee of the Committee of Elections, I have reached in my own mind most positive conclusions both in reference to the facts and the law, and am exceedingly anxious that the House shall fully weigh and consider the matter before it commit what would, in my judgment, be a great wrong in depriving Mr. Farwell of his seat.

The committee are divided chiefly upon three points; the disposition to be made of the first precinct of the twentieth ward of the city of Chicago, the third precinct of the eighteenth ward, and Norwood Park precinct, in which the Cook County poor-farm is situated.

In the third precinct of the eighteenth ward the majority of the committee recommend the exclusion of the whole returns, because the night after the election and before the official canvass was made the ballot-box was left unprotected in a grocery with the ballots in it, liable to be tampered with. The evidence shows this to have been the fact, and did nothing appear to rebut the presumption that the ballot-box was interfered with, we should without hesitation hold that such exposure destroyed any reliance that might be placed on returns based on the count of ballots coming from such a source. The presumption would be against them, unless there was proof that they had not been tampered with, as in this case we believe there is. John J. Clifford, clerk of the election, testified in reference to this matter, and while his evidence proves the bane it also presents the antidote. He testifies, and we read from his testimony, as follows:

Question. Were you present at the opening of the polls on that day?
Answer. Yes, sir.
Q. How long did you remain at the polls that day, and act as such clerk?
A. I remained from the opening to the closing of the polls, and then remained to count the ballots.
Q. State whether the votes were all canvassed and counted in your presence, while there.
A. Yes, sir.
Q. Were all the votes duly canvassed and counted that night?
A. Yes, sir.
Q. Was it done in the presence of the board of election?
A. Yes, sir.
Q. State whether the result of the canvass was then publicly announced by the said board, and before the board separated.
A. Yes, sir.
Q. Did any one take the result to the police headquarters; if so, whom?
A. Mr. Fisher, I think.
Q. Did the vote as announced at that canvass that night correspond with official returns?
A. No, sir.
Q. In what respect did it differ?
A. It differed in the aldermanic count; any further I don't know.
Q. Did it differ in any respect with the vote for Mr. Farwell and Mr. Le Moyne?
A. I think not.
Q. Then I understand you to say that the votes for Mr. Farwell and Mr. Le Moyne, as announced by the board, as you here stated, corresponded with the official returns?
A. I think so.

Cross-examination by Mr. LE MOYNE:

Q. What was done with the ballot-box the night of the election? Where was it left?
A. It was left in a grocery store.
Q. After you ascertained how many votes were cast, did you or did you not then proceed to ascertain who those votes were cast for?
A. We did.
Q. How soon after you had ascertained the number of votes cast did you proceed to ascertain who those votes were cast for?
A. Immediately.
Q. When did you get through with ascertaining who the votes were cast for?
A. About two o'clock in the morning.
Q. Was it after you had thus ascertained who the votes were cast for and the public announcement of the result made that the ballot-box was left at the grocery, as you have said?
A. Yes, sir; after.

Mr. Fisher, the policeman, corroborates Mr. Clifford. The following is his testimony:

Question. State what you know of the counting of the votes, and the canvassing, and the announcement of the result, and all you know about it.

Answer. I remained at the polls until the closing of the polls; they then immediately retired to a room up stairs, in the rear; we then had something to eat; consumed not over half an hour. After our supper, the ballot-box was opened on the table and its contents emptied out. The three judges then counted the number of votes polled at that precinct. There was some dispute in regard to the number of votes polled; they were counted some two or three times, and they then tallied with the poll-book; that is, they corresponded with the number of votes cast as on the poll-book. In straightening out the ballots they discovered a double vote, also a twentieth-ward ticket; those were laid on one side and not counted. After straightening these tickets out they commenced to tally, and continued until near one o'clock. I then got one of the judges—I think it was Mr. Rankin—to read off the number of votes cast for each candidate, which I entered on my tally-list. After getting the full number of votes cast for each candidate, I asked them if this was the final count. They answered me affirmatively. I then immediately started for headquarters with the report. I mean the police headquarters—the general office.

Q. You have spoken of the judge announcing to you the result. State whether that was done in the presence of the other judges of the election.
A. Yes, sir; and the clerk, and publicly announced—read out in a loud voice.

The same witness being recalled, testified:

Direct examination by Mr. VAN BUREN:

(Handing witness a paper.)

Q. State what this memorandum is; in whose handwriting it is, and when and for what purpose it was made, and what was done with it.

A. This paper was given to me on the morning of the election in blank to be filled out after the closing of the polls and counting of the votes, showing the number of votes cast for each candidate. It is in my handwriting—the figures are mine. I received the report from one of the judges and copied onto this. He read them off and I copied them that night of the election. After the count was announced and I received this report I carried it immediately to police headquarters and left it in the hands of Mr. Rehm, the superintendent of police.

Mr. Van Buren now introduces said memorandum in evidence, marked "Exhibit I."

Exhibit I shows, on Congress, as follows:

CONGRESSIONAL—THIRD DISTRICT.

Farwell	239
Le Moyne	225
Hoffman	1

There is no evidence on the part of the contestant to contradict this, and that of his witnesses incidentally corroborates it, as they say the judges of election, at the time they were making the official canvass, told them they had counted the ballots the night of the election. In the case of Cox against Strait, the Committee of Elections unanimously decided that though the ballot-box at one precinct was left exposed an hour and a half unprotected, yet as there was no evidence that it had been tampered with, and negative evidence that it had not, they would not exclude it; while in this case, although there is positive evidence from Fisher that the two counts agreed, corroborated by Clifford, and no claim by anybody that there was any irregularity prior to the first count, the same committee decide by a majority vote that the returns shall be excluded. The minority, thoroughly agreeing with the decision in Cox against Strait, here apply the same principle to a stronger case. The evidence here rebutting the presumption of tampering with the ballots is positive, while in that it was merely negative. In that case the evidence showed the ballot-box was left in a room of a hotel an hour and a half unsealed, to which room the landlord and his family, and perhaps others, had access; but as the landlord is proved to have been a partisan of Cox, the committee do not believe the box could have been tampered with in behalf of Strait. This is a reasonable conclusion, but is it as positive testimony as the evidence of Fisher and of Clifford? We think not.

One point more. What was the object of Mr. Fisher in taking the returns to police headquarters? Evidently that it might be known what the real result was, and to furnish information for the public and the newspapers. I am credibly informed and I think none of the members from Chicago will deny it to be the fact that it is the custom of the police of that city after every important election to collect the returns as soon as announced and take them to the police headquarters for that purpose. If this be so, why are not the files of the Chicago papers here; why is not some evidence produced in rebuttal to Fisher and Clifford by the contestant? There can be but one reason and that is their evidence is true.

The majority of the committee in their report state that while the result is not changed they would reject these returns; their whole report on this point is a complete *non sequitur* and really sustains our view. We read from their report:

> In the third precinct of the Eighteenth ward it clearly appears from the testimony that, after the election had closed, the ballot-box, together with the ballots and all the papers pertaining to the election, was left open over night in a drinking-saloon, in charge of no one, unless it was the keeper of said saloon, who is shown by the poll-book to have been a supporter of contestee, and who was not an officer of election in said precinct nor authorized to take charge of said ballot-box under the law. Further, it is shown by the testimony that on the day after the election some of the officers thereof, together with several other unauthorized persons, went to the said saloon, took charge of the ballot-box and ballots and made a count thereof, whereupon what was claimed to be an official return of the election in said precinct was made, either by some of the officers present or by their unauthorized assistants, showing a majority in said precinct of 14 votes for contestee. It is shown by the testimony of one witness that the said majority of 14 votes for contestee was stated to him on the night of the day of election by some of the officers, after a count of the ballots had been had by them, and that he reported the same to police headquarters that night; but it clearly appears that said officers did not regard the count had or report given thereon, upon the night of election, either as final or official, as no record or memoranda thereof were made; and upon the following day they proceeded to the canvass of the said poll, as stated above, and from such count made out that which purports to be the official returns of the election in said precinct. Under these circumstances, although it does not change the result, we feel constrained to regard the returns from this the third precinct in the Eighteenth ward as wanting in regularity and certainty, and think they should be rejected.

In the first precinct of the twentieth ward the committee are agreed that the evidence proves fraud most gross and glaring on the part of the judges of the election, which renders the returns absolutely valueless; but we disagree as to what must be done in such a case, six of the committee holding that when the returns are destroyed the whole credit to be given to the ballots, poll-books, and returns is taken away and the votes of the legal voters must be proved *aliunde*. The other five hold that the polls can be purged; and they attempt to do it by recourse to the poll-books and ballots which come from the hands of the corrupt judges whose returns are pronounced by them to be thoroughly impeached. Had not the matter been urged strongly by members of the committee and been relied on in the report of the majority, we should feel that a mere statement of the point was sufficient to satisfy any reasonable man of the absurdity of the proposition to purge the poll by a reference to ballots, which the evidence proves to be unreliable and which came from the hands of men we all admit to be corrupt and dishonest. We prove the witness corrupt and perjured, and yet would settle the case on his testimony.

Now, see if we are not right. Mr. Le Moyne, in the abstract of testimony in the case in reference to this precinct, which evidence was brought forward to impeach the returns, shows that in numbering the ballots, which is required under the Illinois law, it was so incorrectly done that out of 677 numbers 183 are entirely missing and 198 appear more than once. The evidence also shows that the ballots found in the clerk's office do not agree with the returns, but that the ballots show 213 majority for Mr. Farwell while the returns show but 171. Yet the committee would take these ballots so numbered and from them attempt to purge the poll. We ask this House how this can be done? For instance, Hy Mitchell, an illegal voter, is numbered 25 on the poll-book. Four ballots bear this number; which did Mitchell vote? Tom O'Neal, an illegal voter, is numbered 532. Three ballots bear this number; which did O'Neal vote? Peter Hogan is numbered 344. Three ballots bear that number; which did he vote? Now this thing Mr. Le Moyne, in his brief, page 5, abstract of testimony, says happened one hundred and ninety-eight times. The committee propose to settle this matter in this way: Mr. Mitchell is an illegal voter; his number is 25; therefore all ballots numbered 25 must be excluded. Is it reasonable to suppose Mitchell cast four votes, one for Farwell and three for Le Moyne; that O'Neal and Hogan each cast three; that 198 men cast from two to four votes apiece, and the 183 whose names appear upon the poll-list, but for whom there are no corresponding ballots, never voted at all? Yet if this method of purging is to be followed, that is what is meant, for that is what we do. We disfranchise the 183 and presume the 198 repeated; that the judges coolly took two, three, or four votes from one man, not caring whom they were for, numbered them the same, and the election went on. The idea is absurd. The only explanation we can make of this numbering is that the judges while committing their frauds endeavored to cover their tracks and prevent us from determining who the voters cast their ballots for, and therefore purposely and systematically misnumbered. And that fact in itself is strong argument why we should not follow the majority of the committee.

Again, what presumption arises from the discrepancy between the ballots and the returns? We have shown a recount of the ballots as found in the clerk's office increases Mr. Farwell's majority 42. To our mind it throws additional discredit on the ballots; it takes away the last vestige of faith we could have in them; it raises such a presumption of ballot-box stuffing that we can scarcely doubt the fact, especially taken in connection with the evidence of a score of men who swear they voted for one person but whose votes are for another. The evidence impeaches the ballots as badly as it does the returns.

That we are sustained by the authorities we would refer to Washburn *vs.* Voorhees, 2 Bartlett, page 58; American Law of Elections, §§ 302, 303, 363, 391, 441, 442,; People ex rel. Judson *vs.* Thatcher, 7 Lansing, New York. Against these authorities the majority report relies on 4 Brewster, 531, commented upon in American Law of Elections, § 300. We have examined the reported contested cases and find none which sustains this case of Duffy. In the case of Finley *vs.* Walls, decided at the present session of Congress, the committee decided in reference to a large number of non-registered persons who voted, that as no fraud appeared requiring the rejection of the returns the illegal votes should be divided between the two candidates in proportion to their respective votes.

We know of no theory upon which the burden of proof is shifted. Our statute in reference to contested elections provides for the contestant making his case. He charges that illegal votes are cast and proves it; and does that shift the burden? If it does, the legal principle that the position of the possessor is the better is reversed, and to be a contestee makes a party bear the burden of proof. It is making presumption take the place of evidence and saying that in case an illegal vote is proved, and it becomes impossible to show for whom it was cast, then the person benefited by the general count must suffer. It is absurd.

The only ground upon which the case of Duffy can be sustained is this, that it is the general rule that when illegal votes are proved and it is impossible to know whom they were cast for, it makes the poll liable to rejection for uncertainty; and when the majority for a party is in excess of the illegal vote, that then it is better for him that all the illegal votes be counted for him, and he allowed his undoubted majority, than to reject the returns entirely. But this committee goes beyond this; and instead of leaving him a majority, absolutely presumes one against him.

In the case of Finley against Walls the majority of the committee held, in reference to the colored academy precinct of Columbia County, that, fraud being proved on the part of the judges of the election, the entire returns should be rejected. And this, although it was evident from the character of voters at the precinct that Mr. Walls had a large legal majority. Had they done what they propose to do in this case, charged all the illegal votes proved to him, there is no question that Mr. Walls would now be a member of this House. The rule in that case is, we believe, the legal one, and to attempt to change it is not to the credit of the committee. It is too much like the choice the white man gave to the Indian with whom he had been hunting and killed a turkey and a buzzard. "You take the buzzard and I'll take the turkey, or I'll take the turkey and you take the buzzard." They do not say turkey to the minority once, although if they would take either rule we must, in my judgment, retain one member.

We are convinced, where the officers acted corruptly, as in this case, that the only safe rule is to reject every scrap of testimony that comes from the corrupt source, the returns, poll-list, and ballots, and call the voters to find how they voted, and let the party who desires to have the question opened call the voters and prove the legal votes. This rule is safe and fair. We must act not on presumptions, but on evidence; the parties are not responsible for the acts of the officers of the election. The judge and clerks of this precinct were in no respect the agents of Mr. Farwell; they were the agents of the law, and can bind him by no acts or admissions; they may be his partisans; they are not his agents; and he, like every other litigant, has the right to demand that his case be tried according to the rules of law, and that only legal evidence be allowed.

We also call attention to another matter. The frauds in this precinct were committed in the interests not of Mr. Farwell, but of an aldermanic candidate who received 200 more votes than Mr. Farwell did. The contest was between democrats. The judges of the election were democrats, and all Mr. Farwell and his friends did in the matter was to widen the breach and help one democrat against another in order to make votes for him. And with this evidence it would be absurd to presume that all frauds were in Mr. Farwell's interests. The other rule is indeed the safer one, and I believe this House will agree with the majority of the committee, for on this point six members of the committee take the position I do against five who follow the majority report in its full length.

Having rejected the returns, the ballots, and the poll-list as unworthy of credit, we look to find what evidence exists as to the legal vote of the precinct, and we find that during the first forty days of the taking of testimony the contestant proved 16 legal votes for himself; and the contestee during the succeeding forty proved 3 for himself. These we allow. During the ten days which the statute gives to contestant to take evidence in rebuttal only, he proved 11 legal votes. These the minority do not allow, as not being properly in rebuttal. The contestant successfully impeached the returns during the opening forty days and effectually destroyed their force and effect. Having done this and wiped out the majority of 171 for Mr.

Farwell, it was his duty, to make his case complete, to call in the legal voters, prove that they had voted, and how. This he did to the number of sixteen; he then rested his case.

The sitting member never really went into this question, but incidentally three votes were proved for him. Does this then allow contestant in rebuttal when the contestee's evidence is forever closed to re-open the matter and prove his legal votes? The law is intended to work justice, not injustice; and we hold that this is not within the scope of the intent and meaning of the language in rebuttal only. Eleven votes are proved in this way which we do not count, and this brings us to the real, vital question in the case, Norwood Park precinct; but before entering upon this let us see where we stand. Under any aspect of the case except the following of the five members in reference to the first precinct of the twentieth ward it leaves this precinct to settle the case. If the minority report is followed to this point Mr. Le Moyne is 16 votes ahead; if the 11 votes proved in rebuttal are counted he is 27 votes ahead; while if the third precinct of the eighteenth ward is rejected he is 41 votes ahead.

As it is claimed by the minority that Mr. Le Moyne received 45 illegal votes here and Mr. Farwell but 2, it becomes a matter of vital interest in every aspect of the case what we do with Norwood Park. In reference to this precinct it is admitted that in it is situated the Cook County poor-farm in which there are some one thousand inmates under the charge of one Kimberly, the warden; that at the election in 1874 fifty-eight men voted at this precinct who were unregistered and who gave in their affidavits, upon which they voted their residence as the Cook County poor-farm. Of these it is on all hands agreed that eleven were legal voters, being regular employés, but in reference to the remaining forty-seven there is a disagreement in the committee on each of the three points—first, as to whether these men were paupers; second, as to whether, if paupers, it is shown they had no prior residence in Norwood Park before they became inmates of the poor-house; and third, if paupers, and without prior residence in Norwood Park, does that prevent their being legal voters at that place; or, in other words, can paupers in Illinois gain a residence sufficient to constitute them legal voters by being inmates of a poor-house? The first two questions are purely of fact, the last of law, and we shall consider the three *seriatim*.

First. Were these men paupers? The presumption arises that they were from their residence; they were from the poor-farm; they were not on the regular pay-rolls. These facts, which are positively proved, certainly would raise strong presumptions as to their status. They were a motley crew, halt and blind. D. C. Dunlap testified:

> There was the lame, the blind, and the halt, and most everything else. They were brought there in the county ambulance and one or two teams that were provided by the county-house.

On cross-examination this witness explained what he meant by "most everything else" as follows:

> It refers to the general looks and character of the people who voted. It was the general appearance of these paupers. They were ragged, and represented most any class of people in appearance.

And one witness being asked facetiously if this represented the class to which he belonged, answered:

> No, sir; I have reference to the lower grade; the people you can pick up in the streets, such as are dependent on other people for support, the county or State.

Dunlap had lived six years in the precinct, and had been to the poor-house many times; had seen the inmates and of course knew their general appearance.

James Winship testified:

> I think somewhere in the neighborhood of sixty voted on that day. It was exceedingly difficult to get any information as to their status, as to whether they were paupers or otherwise, from the fact that they refused to answer questions. They presented affidavits, and, acting under the advice of Kimberly, the warden of the poor-house, refused to answer questions whether they were paupers or not. * * * They were most of them brought to the polls in the county ambulance. * * * They were a hard-looking crowd. A good many of them appeared to be too old and too infirm to be workingmen; some were lame and one was blind.

The same witness testified that he made a memorandum of what these men said and he reads:

> Daniel McFarland, supported by the county in hospital.
> Daniel Boyle, supported by the county, not on pay-roll.
> William Fleming, blind pauper.
> W. A. Kinsella, pauper, supported by the county at the poor-house.
> John Mathews, pauper, does not receive wages; came from Chicago.
> Patrick McCormick, supported by the county at the poor-house; not paid wages; does not know whether he voted or not.

He states that he never saw the men before; that whatever knowledge he had of their residence and condition he got from themselves at the time they voted; any further than that is hearsay. He swears in cross-examination that Kinsella, McFarland, Daniel Boyle, McCormick, and Mathews all stated at the time they voted that they were supported by the county and not paid wages. This man Winship was a lawyer, justice of the peace; and his evidence is very convincing.

Corse, town clerk, testified that some fifty or sixty paupers voted; that when they voted—

> Kimberly came to the window with them, gave the names, presented the affidavit, and in most cases presented the ticket folded; and when objections were made to their voting he dared the judges to refuse their ballots. * * * There were three loads brought in the county ambulance and two or three loads in a large farm-wagon.

This witness, on being asked, "What do these check-marks on the left of the voter's name in ink indicate, opposite Nos. 52, 54, 55, 58, 59, 73, 78, 91, 92, and who made those check-marks and when?" answered:

> They indicate that the parties who voted the ballots of those numbers said that they were paupers and most of them hadn't been in the county-house over thirty days. There were three or four of those that were checked; I think three of them that were employés at the county-house, plumbers and carpenters that resided in the city of Chicago and were only out at the county-farm during the week. Mr. Winship, one of the clerks, made the check-marks at the time the vote was presented. I will state here that their residing at the county-farm was their answers in response to questions put to them by the judges.
> Certain parties challenged their votes on the ground that they were not residents of the town, being paupers. The first few that attempted to vote were rejected. Afterward Mr. Kimberly dared the judges to refuse his votes and threatened to come inside and smash the ballot-box, and after his threats the judges decided to take them all.

He swears that four or five of these men refused to answer questions:

> Mr. Kimberly stood at the window and told them not to answer, and there were four or five that refused to answer after he told them not to. * * * I think the rest answered.

Stephen Pennoyer testified, and his testimony is to the same effect. I will not take time in quoting from it. Jesse Ball and John R. Stockwell also fully sustain them, and if their evidence is not satisfactory and conclusive I cannot tell what is. It amounts to this: Fifty or sixty men came to the polls in the poor-farm ambulance and in wagons; men who, there is no doubt, staid at the poor-house. They were ragged, a hard crowd, like what would be collected in such an institution; one was totally blind, one had his legs off at his hips, several were lame. A dozen of them at the time they voted admitted they were paupers, that they were supported by the county, and that they were not paid wages. Could a stronger case be made out? Is it not absolutely conclusive? It seems so to me.

But George Kimberly comes to the rescue, and his evidence the majority say proves that these men were employés, laborers at the institution. His testimony is well worth reading, and I am free to confess that I am such a dullard in reading evidence that when I finished this evidence of Kimberly I said, "Well, that settles the question;" and I was utterly confounded when I found other members of the committee agreed with me that it settled it, but disagreed as to how. I quote his testimony at length. He says:

> There is a class of employés to whom, in lieu of money, I allow payment in the way of *extra* clothing, board, and accommodations and liberties.

He then shows who were on the pay-roll:

> Assistant physician, deputy warden, two housekeepers, two watches, two supervisors, eighteen attendants, two nurses, five cooks, four in the laundry, one carman, two waiters, one helper, school-teacher, baker, one farmer, and three assistants. Think that about all.

This makes a regular corps of forty-six persons besides the warden; also a carpenter, Kehoe. Of these he testifies that twenty-five were women, leaving but twenty-three men; and of these the evidence shows that thirteen voted and three did not vote, leaving but seven to be in any way accounted for; and those who voted embrace every name Kimberly in his testimony can remember as having been on the pay-roll as regular employés. And when we recollect that Mr. Kimberly was called in rebuttal after the poll-list and the affidavits had been put in evidence and for the very purpose of proving these men to have been employés, the inference becomes perfectly irresistible that none of the men whom he does not testify to could have been the men on the pay-roll. They certainly do not explain these seven, and certainly this warden, who swears he is a democrat, who was so zealous on election day for Mr. Le Moyne, would when called as a witness in rebuttal make the strongest case possible for Mr. Le Moyne; and hence it is safe to say none of the forty-seven men who voted were regular employés.

A regular force of forty-eight persons would seem sufficient for such an institution as this; but there were other employés, so Kimberly states, whose duties are these: assistants in the bakery, cooks in the kitchen, men in the wash-house and soup-house, men in care of the wards of the almshouse, nurses, teamsters, men in care of stock, and men on the farm, gardeners. These are employed by the authority of the board of public charities, and are paid in *extra* board, accommodations, clothing, and are allowed small perquisites—liberty. Mr. Kimberly then testifies that he presumes most of these men were convalescent patients from the hospital and that they gained admission to the hospital on physicians' certificates from the city. He also testifies that as a general thing they came as paupers, and he can state no exceptions. In answer to the question, "Was not all of this employment that you have referred to given to the paupers in the institution?" answered—

> That question I could not answer positively. Generally, as far as my knowledge goes, they were from the inmates.

In answer to the question, "What was the extra board these men got for their services; how was it different from the other paupers?" answered:

> Extra allowances of food, tobacco, privileges at first table, extra diet, or what we call special diet, and with some the privilege of eating at the hostpial-table, and in the winter time we have an extra meal, extra allowance of clothing, accommodations in the receiving-house, hospital, and the privilege of selecting their own ward.

We are astonished these men came there as paupers; they did the menial work usually done by the paupers at such an institution; they received small privileges in order to encourage them to labor

and be industrious; they receive no money; they work at the poor-house to which they were sent as paupers for their board and clothes, and yet they are employés and not paupers.

But there is still stronger evidence that they were paupers. I would call the attention of the House to the minority report, and you will see that seven men whom Kimberly calls employés call themselves paupers, say they are supported by the county, and receive only their board and clothes.

We are satisfied this House on such evidence will not call these men employés, but will hold with me that they are paupers. And this brings us to the second point of difference: If paupers, did they have a residence in Norwood Park prior to becoming inmates of the poor-house? On this point the evidence is all of a negative character, but we submit that it is conclusive. Six witnesses, all old residents of the town, its officers and principal men—the men who are its clerk, its justice of the peace, its tax assessor and collector, the men who were the board of election—all testify with more or less certainty that they never knew these men except as inmates of the poor-house. We quote. Winship testifies:

I had not seen them before to my knowledge.

Corse says:

I could not recognize any of these people as inhabitants of the town. * * * That they had no other evidence except at the poor-farm. * * * When they voted didn't swear they resided in that precinct. Mr. Walsh made affidavit that they resided at the county-house, and when the judges asked them they said they resided in this city.

This in reference to some whom he calls mechanics.

Pennoyer, an old resident of ten years' standing at Norwood Park, swears "that he could not recognize any of them as having ever been residents at Norwood Park, and there was not one; they were questioned on that point."

Jesse Ball, who had lived in the town since 1866 and had been through it three times within two years in assessing and collecting taxes, says that one of them, whose name he forgets, had worked for a neighbor two years, and could not recognize any of them as voters except that one.

Now we would call attention to the rule from McCrary's American Law of Elections, quoted in the minority report, and insist that when six men from the old residents in a town casting but 84 votes outside the poor-house, men who were the judges and clerks of election, the town clerk, the tax collector and assessor, the justice of the peace, who have lived there from three to ten years, and they swear that they never knew these parties as residents, except as living at the poor-farm, that a strong case is made which uncontradicted is sufficient to base a finding upon. Kimberly, the contestant's only witness, does not attempt to contradict it; but, on the other hand, he swears "these men came mostly on physicians' certificates from the city," and that they came as paupers; and finally, after admitting, as we have seen, that they came as paupers, testifies "that to his recollection none of these employés came as paupers from Norwood Park; that there may have been one but he cannot be positive; and that is as near as he can come to it." Some of the committee argue that this is not definite; but it certainly is strongly corroborative of the evidence of the citizens of Norwood Park.

There are two more circumstances which lead us to believe they could not have come from Norwood Park. The first of these is the absurdity of the idea that in a county like Cook, embracing nearly three congressional districts and having within its limits the great city of Chicago, any considerable number of the inmates of the poor-farm would come from a county precinct casting but eighty-four votes; and the second is that these persons when they voted were all vouched for by a deputy warden of the poor-farm, and by no one else, showing they had few acquaintances there.

The evidence is very strong in every respect, and the contestant virtually admits it by making no attempt to rebut it and by relying on the pitiable subterfuge concocted by Kimberly, that these men were employés! I hardly think I need animadvert to any length on Kimberly. His animus is too plain, his cloak too thin to require his ventilation. The man who marshaled the motley host had them swear they resided at a poor-house and then himself presents the affidavits and the ballots, who told the men not to answer legitimate questions and threatened the officers of the election to exclude their votes, who calls paupers employés and endeavors by every means to bolster up a falling cause, his evidence cannot be of much weight nor his theories worthy of much thought. That the majority of the committee should follow him in his vagaries seems passing strange, for we think the evidence so conclusive that we believe any respectable court, if this evidence was submitted to a jury and they should find that these men were not paupers, would set aside the verdict as clearly against the weight of testimony. And if they should find that they had a prior residence at Norwood Park it would set it aside as being totally unsustained by any evidence whatsoever, for even the circumstances and presumptions would refute it.

Now, if these men were paupers and came to the poor-house from outside Norwood Park precinct, could they be legal voters in Illinois? Paupers in Illinois have the legal right to vote in the precinct of their residence, and if the poor-house is the legal residence of these men for voting purposes there can be no question of their right to vote either under the law or the evidence. After a most careful survey of the whole ground of the whole evidence, we are satisfied the whole case must turn on this legal question, and as this shall be decided by the House so will the final judgment of the case be. If paupers, as inmates of institutions to which they are sent by the authorities of other localities, and not by their own choice—for no pauper or poor person goes to the poor-house through choice, but impelled by dire necessity and by the authorities that are charged with their support—can there gain a residence for purposes of voting, the case, in our opinion, must be decided in favor of the contestant, if not of the contestee, and it is purely a question of law, and should be so considered. The constitution of Illinois provides that every person who has resided in the State one year, in the county ninety days, and in the precinct thirty days immediately prior to any election shall be a legal voter in that precinct. I merely quote from memory, but believe I am substantially correct. The statute follows the terms of the constitution, except that it defines the word residence, and declares that a permanent abode shall be necessary to constitute a residence under the requirements of the election law.

We shall not discuss the power of the Legislature to change the qualifiations prescribed in the Constitution, for nothing of the kind is attempted. The utmost that is done is to define a term used, and as this is done in a reasonable manner and fully in accordance with the intent and spirit of the Constitution—for a residence certainly requires that the party have a fixed abode for the length of time required by the Constitution, and that persons without any permanent home, who are merely transients, here to-day and gone to-morrow, should not control the politics of a community—we believe residence itself means a permanent abode, and so we shall not have any conflict on the constitutional point. Now, do paupers have such a residence when sent to the poor-farm, sinking lower and lower, vagrants from a city, persons too unfortunate, dissolute, imbecile or indolent to support themselves? The authorities take them in hand and without any will or consent on their part send them to the poor-house to be supported at the public expense. There is no wish or intent on the part of these paupers to make the poor-house their home any more than there is on the part of criminals to make the jail or penitentiary their home; they are there because they are sent there. Under these circumstances, does not the last place of abode they voluntarily had continue their only home? Their voting precinct continues to remain where they resided when sent to the poor-house. Any other construction would be unjust.

We have in this very case seen how such people are controlled. Kimberly and Walsh take them to the polls, make the affidavits, have them swear to them, and then vote them, even as is here in evidence, handing in the tickets, so that they may vote as their keepers desire. Two men then control the precinct, for outside of the poor-farm there is a republican majority; with this vote it is strongly democratic. The politics of the township are controlled by men who have no interest whatever; taxes may be levied, bonds voted, improvements made by the inmates of an institution dependent on the public for their daily bread, and who are under such confinement and control that they are not free moral agents. We must say that the spectacle is quite refreshing to see our democratic friends so strenuous and urgent in behalf of the right of these poor paupers to vote on the ground that the spirit and genius of our institutions demand universal suffrage, when in time past they have contested every step toward universal suffrage and have yielded only inch by inch.

But this question must be settled by the authorities. In Illinois the rule has always been that paupers cannot gain a residence by being inmates of a poor-house. On which point see 41 Illinois Reports, page 491, and 29 Illinois. These cases, it seems to us, should settle the question as to what construction is put upon the term residence in Illinois. But the majority claim they are in point only as showing what the term residence means under the poor law and not under the election law. The word used is the same, but the majority say it has two meanings. When used in reference to paupers it has one meaning; in reference to electors the opposite.

But let us analyze this case in 41 Illinois. It seems that formerly counties were responsible for the support of paupers; latterly townships. That while the former rule prevailed paupers were sent to a county poor-house centrally located and remained there two years, more than long enough to become legal voters in the town where the poor-farm was situated. The county was responsible for their support, not the town from which they were sent. When the law was changed the question of course became important whether their residence had been changed, and the court said it had not.

The question turns right on the point could they have gained a residence by being in the poor-house, and the court says no. It will be noticed that the case uses language almost identical to that used in the contested-election case of Covode *vs.* Foster, 2 Bartlett, 609, which we quote in full. The construction placed on the term residence by the Illinois authorities should control in this House. (American Law of Elections, § 313.)

As to general rule in reference to paupers gaining residence, see American Law of Elections, § 42. Against all this the majority of the committee rely on Cessna *vs.* Myers, which discusses the question on both sides and expressly declines to decide it, and does not even express an opinion except in reference to those so poor and helpless that they expect to be life-long inmates of the poor-house. We quote the whole of that part of the opinion at length, and submit whether the argument against the right of the pauper to vote even from that

opinion is not greater than it is in his favor, and whether the case is not in favor of the minority report rather than the majority. (American Law of Elections, page 431.)

We now refer to a few minor details in the case in reference to other points. We see that the majority report 6 votes for Farwell in the fourth precinct of the eighteenth ward, who being unregistered made affidavits, the jurats to which were not signed. The evidence shows ten such affidavits on file. There is no ballot numbered 316, so we exclude the name of Burrit Burns, numbered 316 on the poll-list. We also exclude the names of J. H. Hansen and Nick Jensen, the former because the affidavit is signed Rasmus H. Hansen, and the name J. H. Hansen on the poll-book does not appear as that of an unregistered voter, the words "not reg." being omitted against the name. We have proved Jensen an illegal voter, and already subtracted him from Le Moyne as an illegal vote, leaving seven; of these, five voted for Mr. Farwell and two for Mr. Le Moyne, making the result reached by the minority and not the majority. There is also another error in the same precinct. Hersh proved, we admit, 13 illegal votes, but the ballots show that one of these, John Cowley, numbered 390, voted for Mr. Le Moyne; which leaves the precincts, other than the three I have especially discussed, as stated in the minority report.

I trust the House will judicially decide the question that it will take the evidence and the law, and on them reach the truth. To me it seems there may be ground at least for argument as to the law of the case, but with all due deference to the members of the committee who signed the majority report, I do not believe its facts are sustained by the evidence, and I am convinced in my own mind that Mr. Farwell is elected and that the minority report ought to be sustained by the House.

Mr. THOMPSON. Mr. Speaker, there are two questions in this case, either of which is decisive of it. If the action of the majority of the committee in regard to the poll in the first precinct of the twentieth ward of Chicago is accepted, then Mr. Le Moyne was elected, whatever may be done with the Norwood Park poll. On the other hand, if the House does not believe that it can safely make an attempt to purge the polls at the first precinct of the twentieth ward, then, if it allows the vote to stand in Norwood Park as found by the committee, Mr. Le Moyne was elected.

In the view I take of this case it is important to consider the question whether a pauper in the State of Illinois can acquire a residence at the poor-house in the voting-precinct where he may be supported, provided that is not the precinct in which he resided at the time of his going to the poor-house. Although it may be difficult to define with perfect accuracy what is meant by a residence, still I think for this case it will not be found necessary to give more than the usual, the general definition: "One who is residing in a place with the purpose of remaining there for an indefinite period of time, and without retaining and keeping up any intention to return to his former home, which he has abandoned, will have his domicile in the place of his actual residence."

Chief Justice Bigelow, late of the supreme court of Massachusetts, in Whitney *vs.* The Inhabitants of Sherborn, 12 Allen, page 111, says:

> The proper instruction would have been, that if the plaintiff was residing in Sherborn on May 1, 1862, with an intention to remain there for an indefinite period of time, and without a fixed purpose to return to Ashland as soon as his work in Sherborn was completed, or if the latter purpose was uncertain or doubtful, then his legal domicile would be in Sherborn. The plaintiff must have a domicile somewhere. It could not be in Ashland if he had gone to reside elsewhere, having no intention to return to his old home, or if his purpose was unformed or indeterminate, either as to the length of his residence in Sherborn or as to his eventual return to Ashland. If such was the state of the case there could be no concurrence of fact and intent which would be necessary in order to create a legal domicile in the latter place.

In fact no question is made but that the voters, whom the contestee claims were paupers, had previous to the election of November 3, 1874, actually resided at the Cook County farm for a length of time sufficient to meet the requirements of the constitution and laws of the State of Illinois in relation to the qualification of voters. And the only question is, could they, however long they may have resided there and whatever may have been their intent, have acquired such a residence at this precinct while supported by a town as paupers as to entitle them to vote at this precinct? There are decisions of the supreme court of Illinois that a person under the pauper laws of that State does not lose his residence by going to a poor-house to reside and residing there, nor does he gain a residence by living at the poor-house. That is, when a pauper is at a poor-house he retains while he remains there his old residence, and does not acquire a new one so as to relieve the old town from the charge of his support and put the burden upon the town in which the poor-house is situated. These decisions rest upon the assumption that the Legislature could not have intended that a residence at the poor-house should relieve the old town from the duty of supporting the pauper and impose that burden upon the town in which the poor-house is situated; that if it had intended such a change it would have been expressly provided to that effect by the laws of the State. In other words, it will not be presumed that the Legislature intended so manifest a wrong. This is good law. An opposite construction would have shocked everybody's sense of justice. But those cases have no bearing upon the one under consideration. This is not a process to determine the legal status of the pauper with reference to the party bound for his support.

The reasoning of the court in those cases has no pertinency in reference to the present case, or if it has any, it is in favor of the position that a pauper, although he may not during the time he is supported by a town be permitted to change his residence so as to affect the party chargeable with his support, still he may while he is thus supported acquire a residence so as to entitle him to vote at the precinct where he actually resides. It would be such a hardship not to permit the pauper to do this, that it will not be presumed to have been so intended by the constitution or the Legislature in the absence of any express provision to that effect; for had such a thing been intended, it would have been done by a clear and positive provision. Certainly the natural and reasonable construction of the provisions concerning the qualification of voters would give the person who might otherwise be qualified to vote the right to vote, provided he had resided in the State one year, in the county ninety days, and in the voting precinct thirty days prior to the day of voting. The law relative to the obligations of parties to support a pauper is to have a reasonable construction with reference to the subject-matter of the law and the party bound to his support. The law with reference to the qualification of voters is to have a reasonable construction with reference to the matter of suffrage and the party, namely, the pauper, who is to exercise the right of suffrage.

There are no substantial reasons why a pauper should not gain a residence so as to entitle him to vote at the precinct where he may actually reside with the intent of remaining, but many reasons why he should acquire such a residence. The only reason he may not be able to acquire such a residence at the poor-house precinct while he is supported by a town outside of the precinct is that the town supporting him may be entitled to his vote, may be entitled to have the benefit of his wisdom and judgment, through his vote, in reference to those local affairs which are the objects of town government; but had this been the intention of the Legislature it would certainly have been provided that, where a party goes to a poor-house for support under the laws of the State, he shall not vote unless he shall return to the town charged with his support and contribute his vote in such town toward the proper administration of the affairs of such town. If that was not the clear intention of the framers of the constitution of the State and the Legislature, then certainly it is not the law. It can only be determined by the courts of law or by this House that such is the case, upon the ground that the framers of the constitution and the Legislature of the State must have clearly intended this, for the reason that an opposite construction would lead to gross and manifest injustice. I submit that nothing of the kind can be fairly presumed from the facts.

The proper construction of the law will be such a construction as will further the manifest object of the law, namely, to give every man in the State liberal facilities for voting. As I have before said, there is no analogy between the gaining of a settlement by a pauper at the poor-house for the purpose of charging his support upon a particular town, and the gaining of a residence for the purpose of acquiring the right to vote. To enable the pauper to do one would be manifestly unjust; not to permit him to do the other would be equally unjust. The pauper in the State of Illinois has the same right to vote as the millionaire. He has the same right, so far as anything appears in the constitution or statutes of that State, to choose his residence as the most favored citizen. There is the most perfect equality in this particular of all men under the constitution and laws. To say that the pauper shall not acquire a residence so as to entitle him to vote in the precinct where he actually resides, is to discriminate against him on account of his poverty, to abridge his power to exercise the elective franchise as a punishment for becoming a public charge. Whatever may be the action of other States in that respect, it is clear that the State of Illinois is determined no such wrong shall be done to the unfortunate poor of her State.

It may be said that the stay of the pauper at the poor-house is an "enforced stay;" that it is not a residence by his free will, and therefore cannot be fairly said to be his residence; that the residence of a party, in order to be his residence within the meaning of the constitution, must be a voluntary residence. In other words, that the pauper's will is so much under restraint that he cannot exercise it with reference to the place where he may reside for voting purposes. Under restraint from whom? From no one certainly but the law, and the law leaves him free to vote and permits no unnecessary restraint to be put upon him in the exercise of this right. The poor-house is a public charity for the relief of the poor, not a penitentiary in which to punish them. The unfortunate man often goes to the poor-house from choice; the old man often without any intention of ever leaving the institution. He exercises as much of a choice as any man does when he changes his residence for the purpose of benefiting his condition. It cannot be said that the pauper is compelled to go to the poor-house any more than it can be said that a man who is dependent upon his labor for support is compelled to leave the place that has ceased to furnish him with employment. They are both made willing to change their actual residences by force of circumstances; but it cannot be justly said that either has been compelled to change his residence so as to forbid his gaining a residence in the place where he may go for the convenient exercise of his political rights.

I submit there is really nothing in this matter of an "enforced stay" which ought to affect the right of the voter. The most that can fairly be said is that the pauper shall not, by going to the poor-

house be compelled to take up his permanent abode at the poor-house precinct, but may retain if he chooses his old residence if he has an intention of returning there and of remaining only temporarily at the poor-house. This undoubtedly is the law; and those paupers at the Cook County farm who had retained their old residence by having an intention of returning there would have had the right to vote at their old precincts, while those who had abandoned all idea of returning to their old residences and had formed an intention of remaining in the new an indefinite time would have the right to vote in the new. This view of the case appears perfectly just, and the only one that can be fairly adopted or defended.

But there is still another view of this case which it appears to me leads to the same conclusion. The right to vote carries with it the correlative duty of voting. The pauper is bound to vote. If he does not, he fails to discharge a duty which he owes to the town, the county, and the State. The town, county, and State demand of him the performance of that duty. Self-government under our system is no more the privilege than the duty of the citizen. The pauper owes to the State his best judgment; he is bound to give that judgment through his vote. The State having demanded it of him, can it be assumed that the State, in the absence of any express provision, has intended to throw any obstacles in the way of his free and convenient discharge of that duty? Can it be said that he has no interest in government because he is supported by public charity? Are not "life, liberty, and the pursuit of happiness" still his inalienable rights and of incalculable value to him?

But it may be suggested that it is unjust to the precinct where the poor-farm is located to allow paupers to vote there; that they may vote in local matters in such a way as to injure the town, and that they may be under the control of the officers of the poor-house and compelled to vote as such officers shall direct. There is certainly no presumption of law that a party will vote wrong; the presumption is that he will vote right, vote for the best interests of the town as well as of the county and State. The State considers that his vote will be a benefit to the State, and can there be any such presumption that the voter whose vote will be of benefit to the State will be of injury to the town? Any suggestion that such will be the case is anti-republican, is anti-democratic, and not in harmony with the genius of our institutions. Sir, the theory of our Government is that an increase of voters is a benefit to the town, the county, and the State. Any other theory is founded upon a distrust of the people. Our political institutions are based upon the fact, "in multitude of counselors there is safety."

There is certainly no presumption that the public officers will attempt to control the ballot of the pauper. The presumption is that they will perform their duty and not trespass upon the rights of those in their charge. And we may safely assume that had the State contemplated that any evil would arise from paupers gaining a residence and voting at the precinct where they actually reside and intend to remain, the State would have provided against it. In whatever view we may look at this question, it seems clear that the State did not intend to place any restrictions upon the right of the pauper to vote, or in any way to limit his opportunity for a free and convenient exercise of that right. To restrict his power to gain a residence for the purpose of voting is to restrict his right to exercise his privilege of voting. It increases the burden of the duty put upon him of exercising the right of suffrage, which is unjust and wholly without any warrant of law. And in large counties, if the pauper is not allowed to gain a residence in the town where he may live, he will be virtually denied the right to vote; the expense of going to a distant part of the county to vote will be more than he can meet.

But it may be said that this question has already been settled against the position I have taken; that the authorities are the other way. I submit that this is now an open question, one yet to be settled. The election case of Foster *vs.* Covode, 2 Bartlett, page 600, is the strongest authority against the right of the pauper to gain a residence while living at the poor-house. This point does not appear to have been very fully discussed or considered, and the decision of the point was not conclusive as to the rights of the parties. The only authority cited by the majority report in support of their position is Burrill's Law Dictionary. The point that a party may have a residence for one purpose and not for another does not appear to have been considered, and this authority is but little more, so far as it relates to a pauper, than a repetition of the familiar principle that a party while at the poor-house, subject to public charge, should not be permitted while there to so change his residence as to affect the obligation of the party to his support who was chargeable with it at the time he became an inmate of the poor-house. That case being from the State of Pennsylvania, its authority is greatly shaken, if not completely destroyed, by the action of the State senate of Pennsylvania in the case of Scull *vs.* Finley about the time of the report of the Committee of Elections in that case, in declaring in the most explicit manner that a pauper may gain a settlement so as to entitle him to vote while at the poor-house precinct, and this, too, under the advice of the attorney-general of that State, whose able opinion upon the subject is given in the report of the committee. It appears to me that the great consideration given the case of Scull *vs.* Finley by the senate of Pennsylvania, and their action upon the same as a construction of the law of that State, is entitled to great weight. The fact that the paupers were not legally assessed and their taxes illegally paid appears to have had great weight in determining the decision of the committee and the action of the House in the case of Foster *vs.* Covode.

The reasoning of Mr. HOAR, in his able report in the case of Cessna *vs.* Myers, in the Forty-second Congress, which is referred to in report of the committee, leads directly to the conclusion that a pauper may acquire a residence for the purpose of exercising the rights of suffrage; but that point was not decided in that case. And I believe that I am fully borne out by the facts when I say that the question as to whether a pauper can gain a residence for the purpose of voting is still an open question and that it ought to be settled with a liberal construction in favor of the right of suffrage. The whole course of legislation in this country is in that direction, and we ought not unnecessarily to give a decision in opposition to that principle. I have briefly stated my position without illustrating it, but trust that I have made my position clearly understood, which is all that I have aimed at or desired in the remarks I have submitted on this point.

Mr. BAKER, of Indiana. One who spoke with the tongue of inspiration, when addressing himself to an individual from whose eyes the scales had not yet fallen, and who I presume was a good sound democrat at the time, said, "It is hard to kick against the pricks." I apprehend that it is just as true now as it was then, and that that word of inspiration was probably intended for these times and for just such occasions as this, when a republican in pleading on behalf of the minority is speaking to the deaf ears, I will not say the dumb consciences, of an overwhelming majority, who, not content with the overwhelming proportions of that majority, are still possessed of a transcendent yearning to add other recruits by depleting the small minority that the republican party has on this side of the House.

I was not at all surprised to see my distinguished friend from Virginia [Mr. HARRIS] roll up the whites of his eyes and with extended hands invoke the gods, infernal and supernal, to bear testimony whether or not such infamous villainies were ever practiced in all the recorded annals of time as had been practiced by the republican managers of elections in the first precinct of the twentieth ward of the city of Chicago. Now I beg that my distinguished friend and his coadjutors on that side of the House will not be seized with this sudden spasm of virtue. I beg to say to them that in my opinion the day that sees the conversion of the democratic party to purity will see its final demise; and for one I hope that party will live until after the next election shall be held.

I want to say here and now that I agree with the distinguished chairman of the Committee of Elections [Mr. HARRIS, of Virginia] that there were grave frauds practiced at the election in the first precinct of the twentieth ward of Chicago. But when he undertakes to say that no such frauds ever before occurred in the history of the world he certainly must have forgotten the record of the last presidential election that was held by the democrats in the South and in the great cities of this country, where frauds were perpetrated of such grave character that almost open rebellion against the constituted authorities of certain cities in this Union has been witnessed, and where the people rising in their righteous indignation have appointed committees of safety for the purpose of seeing, not that republicans should not trample on the sacredness and sanctity of the ballot-box, but that the democrats, that party which is lauded so highly by my friend from Virginia, should not prevent a free and fair election at the polls.

I admit, and I regret to do so, that the republican party have in some measures, with somewhat shorter steps, but still steps all too long, been marching in some instances in the direction of corrupting the ballot-box, the only refuge that is left to liberty in America, for which direction they have such repeated and such illustrious examples in the history of the democracy of this country. When the democratic party evinces as great regard for the purity of the ballot-box as does the republican party, the patriotic citizen will know and feel that a better day has dawned upon the country than has been seen since the democrats first became a party.

There are but two questions that I propose to discuss to-day in connection with this case, and I hope to get through with their discussion in much less than the time that is allotted to me. One of the questions relates to the election that was held in the first precinct of the twentieth ward of the city of Chicago, and the other is whether or not the pauper votes cast in the Norwood Park precinct in the county of Cook are to be counted for the contestant in this case.

Now, I desire to say at the outset that, if it shall be held by this House, as the majority of the Committee of Elections hold, that the return of the first precinct of the twentieth ward ought to be thrown out because of fraud, then the result of this contest depends upon the decision of the question whether or not the legal and qualified voters of the residue of the third congressional district of Illinois are to be disfranchised by the counting of the pauper votes imported into the Norwood Park precinct from the third and the two other congressional districts that are in part formed from the city of Chicago.

I desire to say that I believe that, for some reason which I am not able to fathom, the election board that took charge of the election in the first precinct of the twentieth ward of the city of Chicago is covered all over with fraud from the inception of the election until its final conclusion. Without dwelling on the evidence, I shall refer simply to five or six points that are so clearly and overwhelmingly established by the testimony as, in my judgment, to leave no possible doubt on the question of fact.

The question of law before the House on these facts, then, is what is the legal consequence deducible from the admitted fact of fraud on the part of the judges of election? In the notice of contest the contestant alleges, as ground of contest, that there was fraud in connection with the election held in the first precinct of the twentieth ward. The charge made in the notice is in words of most comprehensive import. The contestant, in his notice of contest, does not claim—there is no such claim made, no such intimation given—that it is possible to purge this poll of the fraud that commenced with the registering of the voters, and did not end until the ballot-box had reached the office of the county clerk.

First with reference to the proof. The proof clearly discloses the fact, and on this point there is substantially no dispute, that the registry-lists were fraudulent; that from two hundred to three hundred names of persons who were dead, of persons who had never resided in that precinct, and of fictitious persons, persons who, so far as the evidence goes, do not appear ever to have had any existence at all, were placed on the registry-lists.

It appears that there was a mob surrounding the voting-place, and that the officers of the election were apparently in collusion with this mob. It appears by the evidence that under the law the democratic challenger, who was entitled to be within the room where the election was held, was by violence prevented from having access there by the officers holding the election. It appears further that ballots which under the law are required to be numbered were falsely numbered. When the ballot-box was opened at the time of taking the evidence in this contest there were found to be six hundred and seventy-three ballots in the box; and under the law there ought to have been six hundred and seventy-three numbers on those ballots, running consecutively from 1 to 673. Instead of that, there were found on the ballots numbers as high as 677; and instead of being numbered consecutively as required by law, to correspond with the poll-list, there were one hundred and eighty-three numbers on the ballots for which there were no names of voters on the poll-list. There were one hundred and ninety-eight ballots of duplicate and triplicate numbers; and in some instances as many as four and five ballots were numbered with a number corresponding with a single name on the poll-list.

The judges returned that Mr. Farwell had received 422 votes at this poll and that Mr. Le Moyne had received 231, giving Mr. Farwell a majority of 171. When the ballot-box was opened and the canvass of the votes was had while the evidence was being taken in this contest, the ballots disclosed 443 for Farwell and only 230 for Le Moyne, making, instead of the certified majority of 171 for Mr. Farwell, as given by the return of the election officers, a majority of 213, showing a change or a falsification of the ballots in the ballot-box to the number of at least 21. The judges of the election were proved by evidence which, in my judgment, is incontestible to have been in fraudulent collusion with repeaters and ballot-box stuffers; and they were engaged actually in falsifying the ballots.

In addition to all these circumstances of fraud, the returns were not made until the second day after the election. The ballots, poll-books, affidavits—in short all the record evidence of the election—were left over night and the greater part of a day unsealed and unguarded in a low, disreputable tavern, where any person who had the disposition might tamper with any and all of these evidences and muniments of title under this election.

The evidence with reference to this precinct, from first to last, as connected with the registry, with the poll-list, with the ballot-box, with the returns, with every single instrument of written evidence connected with the election, shows open, notorious, flagrant, and high-handed fraud. In fact, Mr. Speaker, a minority of those who sign the majority report admit in the most unmistakable language that fraud existed on the part of the officers conducting this election. "It is clear," they say, on page 6 of their report, "that the ballot-box had been tampered with; but it must be remembered that the box was in the custody of the friends and supporters of the contestee." I take it then as established that the officers are proved to have been guilty of fraud; that every single item of written evidence connected with this election is affirmatively proved to have been tampered with and falsified. The question of law arising on this state of facts is, what is to be done with it? On that question of law there was a division in the committee. The five democratic members of the committee believed that it was their duty and that they were able out of this mountain of fraud and corruption, without a single paper that had not been affirmatively proved false, to build up a structure of truth in favor of the contestant; while, on the other hand, the republican members of the committee believed, and in that belief two of the democratic members join, that where it is proved that the officers were guilty of fraud and that every single instrument of evidence connected with the election—the registry list, the poll-list, the ballot-box—has been falsified, it would be unsafe and unwise to establish the doctrine that out of these fraudulent elements you can deduce truth and by means of that purge or attempt to purge the poll.

On this point I wish to call attention to a few authorities before I proceed to consider the suggestion of the chairman of the committee, a suggestion plausible, but, in my judgment, utterly unsound, by which he seeks to avoid the consequences which flow from this fraudulent conduct. Why, sir, I had supposed that there was no question about the correctness of the proposition that fraud vitiates every act, however high or solemn it may be; that fraud nullifies everything it comes in contact with, and that you can deduce no safe conclusion from instruments of evidence which may be manufactured by men engaged in a fraud, instruments every one of which are proved to be fraudulent in their character. But we are told that this principle is not correct. Let us see what is said with reference to this subject by Mr. McCrary in his approved work on elections. I desire to call attention to a paragraph or two. I first read from the conclusion of a paragraph on page 134:

And the safe rule probably is that where an election board are found to have willfully and deliberately committed fraud, even though it affect a number of votes too small to change the result, it is sufficient to destroy all confidence in their official acts, and to put the party claiming anything under the election conducted by them to the proof of his votes by evidence other than the returns.

I read from the next page:

The presumption is that an election is honestly conducted; and the burden of proof to show it otherwise is on the party assailing the return. What we mean here to assert is only this, that where a return is clearly shown to be willfully and corruptly false in any material part—

In this case we go further and prove every single item of evidence in this case, the registry, poll-list, ballots, returns, all to have been falsified—

When a return is clearly shown to be willfully and corruptly false in any material part, the whole of it becomes worthless as proof, for if false and corrupt in one part, it may be in others; and all faith in its reliability is destroyed. In such a case, however, it must not be assumed that the election is necessarily void. If satisfactory proof of the actual vote can be made, and the result thus ascertained, the election may stand, although the return fall to the ground.

I read further from the same work, page 334:

There is a difference between a fraud committed by officers or with their knowledge and connivance and a fraud committed by other persons, in this: the former is ordinarily fatal to the return, while the latter is not fatal, unless it appears that it has changed or rendered doubtful the result. If an officer of the election is detected in a willful and deliberate fraud upon the ballot-box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered, is not of itself sufficient to affect the result. (Ante, § 184, Judkins *vs.* Hill, 50 New Hampshire, page 104.) The reason of this rule is that an officer who betrays his trust in one instance is shown to be capable of the infamy of defrauding the electors, and his certificate is therefore good for nothing. If, for example, an election officer having charge of a ballot-box prior to or during the canvass is caught in the act of abstracting certain ballots and substituting others, although the number shown to have been abstracted be not sufficient to affect the result, yet no confidence can be placed in the contents of a ballot-box which has been in his custody. We repeat, therefore, the opinion expressed in a former chapter, that a willful and deliberate fraud on the part of such an officer, being clearly proven, should destroy all confidence in his official acts, irrespective of the question whether the fraud discovered is of itself sufficient to change the result. The party taking anything by an election conducted by such an officer must prove his vote by evidence other than the return.

These authorities establish two propositions: first, that fraud practiced by an officer vitiates the return and, secondly, that whoever would take anything by such an election must go to the voters and prove the actual votes cast.

But it is suggested that it must be assumed that these frauds were committed in the interest of the successful candidate, on the ground that at least two of the inspectors of election were the party friends of the sitting member. And we were told that it is an old and familiar principle of law that no man shall take advantage of his own wrong; that no man shall reap any profit from the fraud of his agent. It was argued that the officers of the election were all agents of the candidate who was running and asking the ballots of the people, and that thus, being the agents of the party, the successful party was to be assumed to be the one in favor of whom all these frauds were practiced, and consequently he was to be charged by having the fraudulent votes proved, without any evidence for whom they were cast, struck from his majority. I say there is another principle of law, of justice, and of common honesty, equally as old and exactly correlative to the other proposition, and that is, neither the law, nor any third party, without my consent, can constitute an agent for me to practice a fraud which shall work to the injury of my rights.

I say the law is this, that these men are officers of the law, that they are not the agents of either party, and that there is no presumption one way or the other. I undertake to say, with the single exception of a *nisi prius* case decided by a common-pleas judge in 4 Brewster's Pennsylvania Reports, that is commented upon and its authority denied by McCrary in section 300 of his Election Laws, there is nowhere to be found an authority supporting the doctrine that when I happen to run for an office every man who sits as a judge of election, whether I know him or not, is my agent, and I am to be charged with all the fraud he may see fit to perpetrate if I happen to be the successful candidate. And that is the conclusion reached by five of the eleven members composing this committee.

But, Mr. Speaker, without going any further for authority, I beg to say that against this *nisi prius* opinion, delivered by a Pennsylvania common-pleas judge, the authorities are legion, and it is simply reversing the whole current of authority to say that the man who as plaintiff comes into court and alleges he has been wronged shall, upon presumption, without proof, take advantage of the alleged wrong and compel his adversary to prove no wrong has been done. It is reversing the maxims of the law in thus assuming these officers are guilty of fraud and wrong in that particular direction without proof. I will not discuss it, and will not refer to any but a single authority, and that authority, Mr. Speaker, is a decision in Illinois, the State in which this contest arises, giving an exposition to this very question of presumption, and which, unless this House desires to re-

verse that old democratic doctrine that in local matters and in reference to elections we should have "home rule," and the laws of the States shall determine who have the right to vote, and when they have voted what shall be the rule by which the validity of these elections shall be determined.

In the case 29 Illinois Reports, the very same case referred to by the learned chairman, on the petition of a railroad company, an election was ordered in a particular county, and, of course in pursuance of that, officers of election were designated by the constituted authorities of the law. The law of Illinois provided that the election should close at five o'clock. It was imperative on that point, and one of the grounds upon which the enemies of the proposed aid that was declared to have been voted to this railroad company sought to contest the election was because the officers of the election, in the interest of the railroad company, had kept the polls open for a long time after five o'clock, and had actually received a sufficient number of votes after that hour to change the result of the election. And it was argued on the part of those who were contesting this aid that was thus voted that the presumption of the law, inasmuch as the polls were kept open after five o'clock, when they were to be closed by law, was, that in this election, held at the instance of the railroad company, the officers of election acted as agents and in the interest of the railroad company, and consequently it did not require any proof to show that they had knowingly and wantonly transcended their authority in that direction.

The judge of the circuit court in delivering his charge to the jury uses this language; and it is language, Mr. Speaker, that demonstrates beyond all question of doubt the fact that this election was held at the instance of the railroad company, that the railroad company was the only one to be benefited by it, and that the officers of election could act only in their interest. If they acted wrongfully, it demonstrates the fact that no presumption arose, and that whoever chose to claim advantage in consequence of the wrongful act of those officers had affirmatively to prove injury. The fifth charge is this:

If the jury should believe from the evidence that the judges of said election kept the polls of said election open until after five o'clock p. m. on the day of said election, this alone will not defeat or affect the validity of said election, or establish the defendant's defense, unless—

Unless what?

unless the jury shall also find, from complete and satisfactory evidence, that this was done at the instigation and request of the said railroad company, or its agents duly authorized to act in the premises; and the fact that the said railroad company was interested in the result of said election, alone, is no legal evidence whatever to establish any improper act or interference on the part of said railroad company or their agents.

The only party interested in this fraudulent holding of the polls open was the railroad company; and yet the court say that the fact that they alone were interested in the result of that election was no proof that they had kept it open in violation of law, and that it had to be affirmatively proved by satisfactory evidence in order to justify the jury in finding that fact established.

Now then there is a decision on the very question that is involved here, the question of presumption, decided by the supreme court of Illinois, that completely covers the ground, and is in accordance, as I submit, with every authority in the books, with the exception of a mere rambling discussion by a *nisi prius* judge in one of the Pennsylvania common-pleas courts, that is relied upon by the majority, or rather that is relied upon by the five democratic members, to support this proposition; I say all the authorities concur with the judgment of the supreme court of Illinois upon that question. It is but right that I should say that the supreme court, in speaking of this charge of the judge in the court below that I have just read, says that it gives "a fair exposition of the law of the case on the facts proved."

I submit then that it is established beyond any question, and that it must be the law, that a man who has the good or bad fortune to be a candidate for Congress cannot be charged with all the frauds of all the election officers of his congressional district simply because the majority of them happen to belong to the same party to which he belongs. The principle is monstrous in its character, and it seems to me that the statement of it would have been sufficiently cogent and persuasive on the judgment of the five gentlemen who concurred in holding the contrary that they would without hesitation have joined with the majority in holding that the first precinct of the twentieth ward ought to be utterly rejected, and that out of these fraudulent elements no truth could be deduced for the purpose of setting it up and counting the returns; that it required the application of the rule that I have read in the three citations from McCrary, that whoever in this state of the proof would take any advantage of such an election must go to the voters and prove by them how they voted.

With reference to the other proposition, Mr. Speaker, that has been commented on so ably by my friend from Massachusetts, [Mr. THOMPSON,] I shall say but very little, for the reason that there are gentlemen, lawyers with a life-time of experience, from the State of Illinois who will speak to that question of law, and do it more forcibly and more pertinently than I possibly can. I desire to say, in the first place, that I sympathize as deeply as any man can with the unfortunate condition of a man or of a woman either that compels him or her to seek refuge in a poor-house for shelter and to depend upon the charity of the public for the means of subsistence with which they may eke out their life. It is not, however, a question of sentiment. It is not a question as to whether or not we may feel that these paupers ought to vote. But the question is, What is the law of the State of Illinois upon this particular subject; and what is the decision of this House upon that particular question? In my judgment, Mr. Speaker—and I shall not refer to authorities—in my judgment, the weight of authority, so far as this House is concerned, is in the direction of holding that a pauper, who gains no other residence except such as he acquires by living in a poor-house, is not a qualified voter. In the case of Monroe *vs.* Jackson, that has been referred to by the gentleman from Virginia, the distinguished chairman of the Committee of Elections, I understood him to say that no decision had been reached on this question. If such was the observation of the gentleman—and I so understood it—I have to say that the compiler of the decisions of the House of Representatives in contested-election cases, as reported in 1 Bartlett, page 98, entirely differs from the distinguished gentleman. The syllabus of that case announces this as the proposition decided:

That where paupers voted for the sitting member, they having been admitted to an almshouse from another congressional district, the committee held that the previous residence of such paupers was their legal residence.

"The previous residence of the paupers was their legal residence;" the very doctrine I contend for. But the gentleman says that, that being a whig House and the sitting member being a democrat, they did not decide it, because they held the election for some reason or other that is not disclosed in the report of the committee to be void. Well, now, to my mind it simply settles this question: That the conscience of the old whig party was a little keener than the present conscience of the democratic party; because the whigs resolved the doubt in favor of a political opponent and declared the election void and relegated the question back to the people. Every doubt is resolved by our democratic friends in favor of their party every time without missing a single count. But here it appears that the whigs held that these paupers who were imported into that poor-house from another congressional district still retained their residence in the place from which they had been transported; yet they held that the election was void on some ground, and instead of seating the whig member sent both parties back to the people.

There was another case in which the question was squarely decided by the House. I refer now to the case of Koontz *vs.* Coffroth, decided in 2 Bartlett, 145, in the year 1866.

The majority of the House voted in that particular case to allow the pauper vote to stand. In the case of Covode *vs.* Foster, in 2 Bartlett, 609, the decision in the case of Koontz *vs.* Coffroth was overruled; and from the decision in that case I will read an extract:

But did these persons acquire a residence in the election district where the county house was situated, within the meaning of the law of Pennsylvania, which requires that the voter shall have resided at least ten days immediately preceding the election in the district where he offers to vote? We think not. Their residence at this place was not their own voluntary act, but the act of the public authorities who, for the reasons of economy and convenience, sent them here that they might be supported at the public expense.

The court in Murray *vs.* McCarty, 2 Munford, 397, says that to divest a person of the character of citizen of a particular place "there must be a removal with *an intention to lay aside that character*, and he must *actually* join *himself* to some *other community*." The italics are those of the original report.

So Burrill (Law Dictionary, title Residence) defines residence as "the *place* which one *has made* his seat, abode, or dwelling." The derivation, as well as the ordinary acceptation of the term, denotes the place where the party *has seated himself*, and his own choice or free will in the matter is asssumed. We think this the legal as well as the ordinary meaning of the term, and that accordingly the soldier who occupies a place at the command of his military superiors, the criminal who does the same thing while in custody in the hands of the criminal authorities, and the pauper who is placed and supported in the county poor-house at the public expense, gains no residence in the town of his enforced stay.

That was the last case in this House in which the question has been squarely decided, and that case was later than the case of Koontz *vs.* Coffroth, in 2 Bartlett, this last case having been decided in 1870 and the Koontz *vs.* Coffroth case in 1866, so that so far as the authorities of this House are concerned they established the proposition that a pauper is not entitled to vote. I am aware, Mr. Speaker, that in the case of Cessna *vs.* Meyers, reported somewhat later than the case of Covode *vs.* Foster, the authorities and all the arguments upon one side and the other upon the question as to the propriety of allowing paupers to vote were very fully and very vigorously stated by the distinguished gentleman from Massachusetts who was a member of the Committee of Elections at that time; but it was distinctly declared, however, in that report that it was not necessary to decide the question, and it was distinctly declared that it was not the intention to express any opinion upon it. So that, instead of its being an authority affecting the weight of the authority in the case of Covode *vs.* Foster, it does not overrule the decision in the case of Covode *vs.* Foster, in 2 Bartlett, 609, which overrules the decision in the case of Koontz *vs.* Coffroth, in 2 Bartlett, and holds to the rule as laid down in the case of Monroe *vs.* Jackson, making a perfect line of authorities in this House holding that paupers do not acquire a residence by being transported to the poor-house from the place of their residence.

The same doctrine is maintained in the case that was referred to by the gentleman from Kansas [Mr. BROWN] in 41 Illinois decisons, the State from which this contested-election case comes, and in that decision it is squarely held that a pauper does not become a charge upon the township or municipality where the poor-house is located by gaining a residence there while he is thus supported at the public expense.

I want to say to the gentlemen who maintain the contrary proposi-

tion that that doctrine is as old as the common law itself. We imported it from England; we inherited it from our ancestors, and it has always been maintained, where it is not abrogated by statute, as the law of all the States of this Republic down to to-day, that a pauper does not by remaining in a poor-house obtain a residence so as to become a charge on the township where the poor-house happens to be located. Unfortunate indeed would be the condition of a township where a poor-house like the poor-house in the Norwood Park precinct was located if the thousand paupers who are sent from the three congressional districts in Illinois that are within the limits of Cook County, by remaining in the poor-house, became entitled by their residence there to the rights of citizenship there. There are only eighty-four citizens in the Norwood Park precinct, and yet the thousand paupers collected together at the poor-house from three congressional districts may be carried in ambulance-wagons to the polls to control every single election that takes place there and to vote down the actual residents of that precinct and deprive them of the dearest rights of American citizenship.

But gentlemen undertake to say that there is a different rule, that a man can become a citizen for the purpose of voting taxes out of another man's pockets, and yet he cannot become a citizen for the purpose of becoming chargeable as a pauper in the precinct where he has acquired the right to vote. He can vote taxes out of my pocket, but he cannot be charged upon the township where he has a right as an American citizen to vote. The distinguished gentleman from Massachusetts [Mr. THOMPSON] says that it is a high privilege and a solemn duty resting on a pauper to vote, and that the presumption of law is that he votes right. Now, I did not expect any other conclusion than that from my democratic friend. No paupers ever went in ambulance-wagons to the polls and voted down the honest citizens of the ward or precinct that a democrat who was benefited by it did not, like the Pharisee, fold his hands upon his breast and thank God that he was purer than other men, and declare that the election was all right.

I say that when it is admitted that every authority from the earliest history of the common law down to this day says that a man cannot go into a poor-house and gain a settlement so as to become chargeable on that township, it rests with those who claim that he can thereby become a voter in that township or precinct to show how he can become a voter, how he can obtain the right of citizenship, be enfranchised, and, as the gentleman from Massachusetts [Mr. THOMPSON] says, clothed with all the rights and prerogatives that I am or any other American citizen is invested with under the Constitution of my country; and yet he cannot call on his peers in the township where he votes to support him, but he must derive the means of his support from the township from which he came when he became a public charge and where he has ceased to be a voter. I say that is not law, it is not common sense, it is not common justice.

What would be the feeling of any one of you on that side of the House, if you were one of the eighty-four legal and qualified voters in the Norwood Park precinct, if you were gravely told by a democratic House of Representatives that the thousand paupers who came from the dens and cess-pools of the great city of Chicago had the right to be carted in an ambulance-wagon to the polling-place of your precinct, and these paupers have the right to vote you down, vote your rights away, and to put you in the abject condition of being at their mercy?

The law pleads for it, say they; justice, they say, pleads for it; humanity, they say, pleads for it. But in the name of outraged humanity may I not plead for the men who by years of diligent toil and well-doing have built up their homes and amassed property there in that precinct? Have they no rights that a democratic House of Representatives is bound to respect?

Nay, more than that; my friend from Massachusetts [Mr. THOMPSON] says that the presumption is that these paupers voted right. That presumption is, I suppose, because they regularly voted the democratic ticket as often as they were carted up to the polls. And how does it happen that they voted the democratic ticket? Because the unscrupulous man in charge of the poor-house, a democrat in politics and I suppose a democrat in practices, as his own witnesses testify carried these paupers in his ambulance-wagons to the polls. Why were they so carried? Evidently for the purpose of striking down the inestimable rights of American citizenship and of defeating the will of the lawful voters of this precinct. The affidavits and ballots of these paupers in a large number of cases were passed into the ballot-box by the hand of the very man, George S. Kimberly, keeper of the poor-house, who carted them to the polls.

And yet we are told that the presumption is that that was a fair and honest election; that these poor paupers—imbecile, helpless, maimed, crippled victims of misfortune, who could not walk a mile to the polling-place of the precinct, but had to be carted there like cattle to the market—voted from that exalted and patriotic impulse that animates the heart and swells the breast of every man who is engaged in exercising the sacred right of the elective franchise. Who believes it? Who believes they were aught else but the mere tools of Kimberly? Who believes they knew or cared for whom they voted so they voted as their master bid them vote?

I say with all deference and respect, and I want it recorded here, that I sympathize with these poor people. I recognize their right to vote in the several congressional districts and precincts from which they were taken to the poor-house. I hold that they had the right to go back to and vote in the precinct from which they came; that was their undoubted right. But I say if you are going to carry such people to the polls, then in the name of common fairness let them be carried back to the precincts from which they came and where they resided. While I concede their right to vote where they came from, and would be the last man in the world to object to it, I do say, in the name of American justice, in the name of the outraged ballot-box, in the name of the rights of American citizenship, stricken down in Norwood Park precinct, in the name of that Constitution which we ought to venerate and respect, such a great wrong ought not to be perpetrated as the seating in this House as a member of it one whose sole muniment of title is the vote of forty-five non-resident paupers, wheeled by the master-overseer from the poor-house to vote and carry the election by this vote alone.

Mr. POPPLETON obtained the floor.

Mr. THOMPSON. If the gentleman will yield to me I will move that the House now adjourn.

Mr. POPPLETON. I will yield for that purpose.

Mr. THOMPSON. I move that the House now adjourn.

DAVID W. STOCKSTILL.

Pending the motion to adjourn,

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio, and moved that it be referred to the Committee of the Whole on the Private Calendar, and that the accompanying report be printed.

The motion was agreed to.

FORTIFICATIONS ON GALVESTON ISLAND, TEXAS.

Mr. BANNING, from the same committee, reported back, with a unanimous recommendation in favor of its passage the bill (H. R. No. 2089) to provide for the erection of military fortifications on Galveston Island, in the State of Texas, and moved that the bill be referred to the Committee of the Whole on the state of the Union, and that the accompanying report be printed.

The motion was agreed to.

GENEVA AWARD.

Mr. LORD. I again ask unanimous consent, for the reasons which I stated this morning, that the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award be postponed until Monday next after the morning hour and made the special order for that time and from day to day thereafter until disposed of.

Mr. FORT. I object.

Subsequently,

Mr. LORD said: Mr. Speaker, the objection to the request I made in regard to making the Geneva award a special order is now withdrawn.

The SPEAKER *pro tempore*. The objection should be withdrawn by the gentleman who made it.

Mr. FRYE. The gentleman from Illinois, [Mr. FORT,] who made the objection, stated to me that he did withdraw it.

Mr. LORD. I ask the Chair to submit the request again.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. LORD] asks unanimous consent that the bill for the distribution of the moneys obtained under the Geneva award be made a special order for Monday next after the morning hour and from day to-day until disposed of.

Mr. DURHAM. I must object. I have given way several times for special orders——

The SPEAKER *pro tempore*. The subject is not open to discussion. Objection is made.

D. P. ROWE—BROWN & CROWELL.

Mr. TUCKER, by unanimous consent, from the Committee of Ways and Means, reported back, with a favorable recommendation, a bill (H. R. No. 1219) for the relief of D. P. Rowe, and Brown & Crowell, of Morristown, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES METCALFE.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 3283) for the relief of Charles Metcalfe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECIPROCAL TRADE WITH CANADA.

Mr. PIERCE. I ask unanimous consent to present a memorial thirty feet long and signed by 1300 merchants and citizens of Boston and vicinity, in favor of an equitable treaty for reciprocal trade by the United States with the Dominion of Canada and Newfoundland. I ask that the memorial be referred to the Committee on Commerce, and be printed in the RECORD without the names.

There being no objection, it was ordered accordingly.

The memorial is as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the experience of the last several years has served to deepen the conviction in the minds of the business men of this country that important concessions

might be made by both the United States and the Dominion of Canada, which would serve to materially increase the trade between them and relieve it from many vexations restrictions to which it is now subjected; and whereas the treaty of 1854 between Great Britain and the United States was abrogated by a notice from the United States in 1865, it would be courteous and desirable that the first steps toward negotiating a new treaty should be taken by the United States: Therefore,

We, the undersigned, merchants and citizens of Boston and its vicinity, reiterating our earnest desire expressed heretofore in resolutions of our board of trade for the consummation of an equitable treaty for reciprocal trade by the United States with the Dominion of Canada and Newfoundland, and our belief that it would be mutually advantageous and greatly facilitate the business of the respective countries, hereby respectfully memoralize your honorable body and pray that action may be soon taken for the negotiation and ratification of such treaty.

WITHDRAWAL OF PAPERS.

Mr. BLACKBURN, by unanimous consent, obtained leave for the withdrawal from the files of the House of the petition of sundry citizens of Clark County, Kentucky, praying for the establishment of a post-route.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LAWRENCE for ten days during the month of May; and to Mr. KIDDER for two weeks, on account of sickness in his family.

JOSEPH DIEHL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the claim of Joseph Diehl; which were referred to the Committee on War Claims.

The question being taken on the motion of Mr. THOMPSON, that the House adjourn, it was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CHITTENDEN: The petition of Petronila D. G. Clarke, to be placed on the pension-roll, to the Committee on Invalid Pensions.

By Mr. JENKS: The petition of John Mervine, to be relieved from the charge of desertion, to the Committee on Military Affairs.

By Mr. LAPHAM: Resolutions of the General Assembly of New York that the Senators and Representatives in Congress from that State be requested to use their influence to secure without delay the legislation necessary and requisite as well for the protection of the immigrants to that State as for the security of the cities, towns, and counties thereof, to the Committee on Commerce.

By Mr. MAGINNIS: A paper relating to the establishment of post-routes from Boulder to Butte City; from Fort Shaw, via Smith's River, to Camp Baker; from Old Agency to New Agency, to the Committee on the Post-Office and Post-Roads.

By Mr. McFARLAND: The petition of Mrs. Malissa Burton, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Martha E. Jones, for a pension and for bounty and back pay due her late husband, James S. Jones, to the same committee.

Also, the petition of Malinda Lea, for a pension, to the same committee.

By Mr. MEADE: The petition of liquor dealers of New York, for the definition of the powers and duties of officers of the internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. PARSONS: The petition of J. L. Spaulding, that certain amendments be made to sections 2249, 3270, 3287, 3320, and 3321 of the Revised Statutes, relative to distilled spirits, to the same committee.

By Mr. THROCKMORTON: Memorial of the county judge and other county officials of Shackleford County, Texas, and many citizens, for legislation that will relieve the Tonkaway tribe of Indians at Fort Griffin, Texas, who have always been friendly to the whites and who are now suffering for want of food, to the Committee on Indian Affairs.

By Mr. WILLIAMS, of Alabama: A paper relating to the establishment of a post-route from Eufaula to Hawkinsville, Barbour County, Alabama, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to a change of the post-route from Eufaula to White Pond, in Barbour County, Alabama, so as to include Du Bose's Store, to the same committee.

By Mr. YOUNG: Additional papers relating to the claim of William G. Ford, for compensation for cotton seized and sold by the United States authorities, to the Committee of Claims.

IN SENATE.

MONDAY, *May* 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. McCREERY presented the petition of Phebe Wilson, widow of William Wilson, a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WITHERS presented a memorial of the Richmond Chamber of Commerce, in favor of the metric system of weights and measures, and of fixing some date several years in advance when it shall be the sole authorized public standard of weights and measures; which was referred to the Committee on Finance.

Mr. HITCHCOCK presented a petition of citizens of Norfolk, Nebraska, praying that Congress may take some action for the relief of Edward O'M. Condon, a citizen of the United States, formerly a Union soldier, who is held in custody by the government of Great Britain on a charge in connection with Fenian disturbances; which was referred to the Committee on Foreign Relations.

Mr. KEY presented the petition of Colonel R. K. Byrd, of Roane County, Tennessee, praying to be remunerated for losses incurred in recruiting the Federal Army in East Tennessee during the war of the rebellion; which was referred to the Committee on Military Affairs.

Mr. MERRIMON presented the petition of A. M. Powell, of North Carolina, praying that certain taxes paid by him for cotton may be refunded; which was referred to the Committee on Claims.

Mr. WALLACE presented the petition and papers of Michael Frederick, of Blair County, Pennsylvania, praying for arrears of pension; which were referred to the Committee on Pensions.

He also presented a petition of envelope-makers and printers of Pennsylvania, praying to be relieved from injurious competition of governmental action, and for the discontinuance of the manufacture and sale by the Government of stamped envelopes, newspaper-wrappers, and postal cards; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two memorials of citizens of Pittsburgh, Pennsylvania, engaged in the manufacture of sal-soda and kindred articles, remonstrating against putting the same on the free list; which were referred to the Committee on Finance.

He also presented six memorials of citizens of Philadelphia, Pennsylvania, engaged in the manufacture and sale of sal-soda, remonstrating against placing the same on the free list; which were referred to the Committee on Finance.

Mr. KELLY presented additional papers in support of the bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington; which were referred to the Committee on Indian Affairs.

Mr. STEVENSON. I present a number of memorials from several hundred citizens of Kentucky, in favor of the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the general welfare of the country, and in favor of such action by Congress as will prohibit the manufacture and sale thereof in all places where Congress has exclusive legislation. I move their reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. STEVENSON presented a petition of citizens of Kentucky, praying for the repeal of the act of 1875 known as the resumption act; which was referred to the Committee on Finance.

The PRESIDENT *pro tempore* presented the petition of T. A. Ward & Co. and 9 others, manufacturers of envelopes, praying such action by Congress as will cause the sale of stamped envelopes to be discontinued by the Government and such legislation in respect to envelopes, wrappers, and cards as will relieve them from injurious competition with their business; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. STEVENSON, from the Committee on Revolutionary Claims, to whom was referred the petition of R. B. Markle, a citizen of Oregon, praying payment of five years' full pay for services rendered by his grandfather, Charles Markle, as a captain in Armand's Legion, during the revolutionary war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the Committee on the Judiciary, to whom was referred the memorial of Margaret Hetzel, praying the passage of a law authorizing the transfer of a certain cause now pending in the supreme court of the District of Columbia, brought by her against the Baltimore and Ohio Railroad Company, to the circuit court of the northern district of New York for adjudication and determination, asked to be discharged from its further consideration; which was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal, reported it without amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation, reported it with an amendment.

Mr. MITCHELL, from the Committee on Railroads, to whom was referred the bill (S. No. 783) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad, reported it with an amendment.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the petition of R. N. Eddy, praying to be allowed the full pay of second lieutenant from December 31, 1862, to August 28, 1863, deducting pay received by him as first sergeant for that period, submitted a report thereon, accompanied by a bill (S. No. 788) for the relief of Robert N. Eddy.

The bill was read and passed to the second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. McCREERY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 789) for the relief of R. P. Sorrels; which was read twice by its title, referred to the Commmittee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 790) granting a pension to Michael Frederick; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 791) for the relief of Ethan Ray Clarke and Samuel Ward Clarke; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. FERRY, (Mr. MORRILL, of Vermont, in the chair,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 792) granting a pension to Peter Harder, late Company I, Seventh Regiment Michigan Volunteers; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 793) providing for the restoration to the Army and to the retired list of Major John M. Goodhue; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 794) to authorize the issue of fractional currency to an amount not exceeding $50,000,000; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KEY, it was

Ordered, That the petition and papers in the case of Lieutenant W. H. Nelson and others be taken from the files of the Senate, and, with the accompanying papers, referred to the Committee on Military Affairs.

MIAMI LANDS IN KANSAS.

Mr. INGALLS. I move that the Senate resume the consideration of the bill (S. No. 729) authorizing the issue of patents to the purchasers of certain Miami lands in Kansas. It was read and explained on Friday last.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. DAVIS. I should like to have the bill read.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read the bill, as follows:

That the Secretary of the Interior be, and he hereby is, authorized to cause patents in fee-simple to be issued to the purchasers of such Miami Indian lands in Kansas as have been, or may hereafter be, sold under the provisions of the second section of an act of Congress approved March 3, 1873, upon payment in full of the purchase price therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

Mr. DAVIS. I move that the Senate proceed with the Calendar of unobjected cases under the rule, subject to morning business.

Mr. McMILLAN. Before that motion is acted upon I ask the Senator from West Virginia to yield to allow me to move to proceed to the consideration of Senate bill No. 709, for the relief of Hans C. Peterson.

Mr. DAVIS. There is a motion pending.

The PRESIDENT *pro tempore*. The Senator from West Virginia has moved the consideration of the Calendar of unobjected cases. Is there objection? The Chair hears none, and the Calendar is before the Senate.

AMENDMENT OF IMPEACHMENT RULES.

Mr. HAMLIN. I believe resolutions on the table are first in order.

The PRESIDENT *pro tempore*. They are in order.

Mr. HAMLIN. Then I move that the Senate proceed to the consideration of the resolution which I offered on Friday in relation to amending the rules.

Mr. DAVIS. That is in the nature of morning business, I believe.

Mr. HAMLIN. That is morning business.

Mr. DAVIS. I made my motion subject to morning business.

The PRESIDENT *pro tempore*. The Senator from Maine moves the consideration of the resolution introduced by him at a prior session.

The motion was agreed to; and the Senate proceeded to consider the resolution submitted by Mr. HAMLIN on April 29, to amend the nineteenth rule by striking out the words "unless the Senate shall direct the doors to be closed while deliberating upon its decisions;" so that, if amended, Rule 19 will read:

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open.

Also to amend Rule 23 by striking out the words "and without debate" in line 2; and also in lines 3 and 4 the words—

Except when the doors shall be closed for deliberation.

So as to make that rule read:

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule 7, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

Mr. HAMLIN. Mr. President, my purpose in offering these amendments to these rules was that we should give to the public the reasons for our conclusions as well as the conclusions to which we do arrive in our private consultations. I think it wise for a variety of reasons. First, I believe there is no rule imposing secrecy upon any Senator in relation to what takes place in our private deliberations. I may wish to say to the public what I say there. I know of no rule that would prohibit my doing so. I may be inquired of as to what other Senators say. I know of no rule that would prohibit my saying what I understood to be the argument of other Senators upon questions there decided. It would be very unpleasant to do so, knowing as I do how very likely we are to mistake the propositions of other Senators. When we state them with all the clearness that we may be able to employ, we may misapprehend them. We may misapprehend the precise application of their argument. I have therefore thought it better that the reasons for our determination should be stated in open Senate.

Besides, I think the whole transaction has a very intimate connection with star-chamber deliberations, out of which many a similar proceeding in other countries has grown. I can see no necessity for deliberating in another room and subjecting ourselves to the inconvenience of leaving our seats. We must either do that or we must request the very large audience in attendance to withdraw. Either is inconvenient and neither can be useful.

It has been said to me by one Senator that this is the first effort he ever knew to make the deliberations of a jury open. Well, sir, I do not think we exercise the functions of a jury. We are a court, and I do not think courts ordinarily retire upon preliminary motions.

Mr. EDMUNDS. Do courts deliberate publicly, whether they retire or not?

Mr. HAMLIN. They talk among themselves, and that is what we would do here. If there were others to hear us, they might have the opportunity to hear us. I am quite sure there is no word said in the retiring-room that would not be said in this body. If there is, it is the very best reason why we should not go into that retiring-room; but I am sure there is none; and, there being none, it is simply a question of convenience; and that convenience adapts the proceedings, in my judgment, more in accordance with the spirit of the time in which we live. I hope, therefore, the rules will be amended.

Mr. MORRILL, of Vermont. I suppose the object of the Senator from Maine is one in which I should most cordially concur, and that is to shorten the time consumed upon minor questions; but I do not believe the proposed change of the rules will effect that object. For instance, when a question comes up it may be stated on the part of one Senator that he votes so and so because he believes that it will have that effect; another Senator may vote for the same thing for a different reason, and he will be compelled to get up and state the reason for his vote. I therefore am of the opinion that a change of the rules will lead to a much larger consumption of time than for the Senate to withdraw for consultation. Although I should be in favor many times, perhaps, of taking the vote without withdrawing, believing that the same result would be reached that would be had after a long consultation, yet I can see no very valid reason for changing the rules.

Mr. EDMUNDS. Is the resolution of the Senator from Maine before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I should regret very much Mr. President, to see that resolution adopted. I have never known or heard of any instance in civilized jurisprudence where the judges—to say nothing of the jurors—deliberate upon the judgment they are to pronounce publicly upon questions that have been argued before them by counsel. They sometimes do it without leaving the bench, just as we might here, if the body was not so large that it is impossible to consult privately as we sit here. I think the administration of justice would run wild very soon indeed if the judges were required, as the Senator proposes to require the judges in this instance, to deliberate in public with a view to come to a correct conclusion respecting every question that should be submitted to them.

One reason and a strong reason for private deliberation, perhaps a leading one, is that human nature is such that whenever a person expresses an opinion publicly it is much more difficult for him to be convinced of his error, if it be an error, than it is when he expresses it privately; and it would be very likely to happen that it would be substantially known, or the newspapers would suppose that it was substantially known, before we got half through this trial, which way it was to go from what should drop from Senators in illustrating a point that was up for consideration and which the Senator speaking himself did not intend as being binding upon him at all, but merely what was running through his mind, which in private consultations, we all know, never do have any such effect as committing a man to anything. I say in such a case the public would suppose and the newspapers would suppose that this Senator and that Senator and all the Senators who had spoken at all had made up their minds upon half or all the topics that may arise in the course of this trial.

It is exactly so in respect to judicial trials. It would be most unseemly for the judges of the Supreme Court, who sit near us, to deliberate in public respecting the points that are submitted to them by counsel. It would break down the court. I was going to say, if I could say it respectfully, that it would become the laughing-stock of this whole country, and so would the courts in our respective States, and I believe the good sense of everybody in all the States and in all civilized countries relies upon it as a matter of settled jurisprudence that the deliberations of a tribunal, after it has heard the points proposed and the arguments upon them, from the very nature of the cause, ought to be private and their judgment public. When their judgment comes to be made, if any one of the tribunal wishes to submit his views or the judgment of the court be written as the views of all, that we all understand. But, as it seems to me, it would be a grievous error in a great many respects for us to adopt the change of the rules proposed by the Senator from Maine.

I should almost feel myself—although very likely I might be alone in it—as if I ought not to be required to take part in a trial where I could not consult with my brother judges (because that is what we are under the Constitution, and nothing else) unless I did it by a public debate here, putting forward my views and reasons and having harangues upon the subject for the edification of the galleries and the amusement of the counsel.

That is the way it strikes me, and with that opinion I must vote against the proposition of my friend from Maine.

Mr. CONKLING. Mr. President, as these rules now stand they are broadly contradictory if they be read in the light of the practice of the Senate. On the last occasion when the Senate sat to try the pending impeachment, an order being offered by a Senator, the managers on the one side and the counsel on the other proceeded to debate it; and yet here stand rules under which the Senate goes away into another chamber and there proposes and debates the most important and substantial orders. Is it consistent that if an order chances to be offered by a Senator in the Senate the counsel on either side have and exercise the right to debate and discuss that order; but that if an order, no matter how important, chances to be offered in the consultation-room the managers and the counsel are necessarily debarred from participation in the discussion or from knowing anything about it? Is that consistent? Can it be properly that a rule so operating should stand?

It may be answered that on Friday it was a mere matter of courtesy which moved the Senate to listen to Mr. Carpenter on the one side and one or two of the managers on the other debating an order offered by a member of the Senate in the Senate. I submit that does not answer my objection or relieve the predicament at all, because we could scarcely say that we would commit to mere chance, to mere accident and occasion the circumstance whether the two sides or either side should be heard upon orders or not, that we would allow it to become a mere matter of casualty whether the most important order is offered in the forum in which the managers and counsel can appear or in seclusion somewhere else where they cannot appear. I submit, therefore, as pertinent to the motion made by the Senator from Maine, either that the rule should be changed or that we should settle that the counsel and the managers have no more province to participate in the discussion of an order moved by a Senator and considered by the Senate if that motion be made here than if it be made on the other side of the wall near which the presiding officer sits. The motion of the Senator from Maine will obviate this, as it seems to me, contradiction and paradox in our rules and in our practice, if the practice should be or is to be as it has been thus far during this proceeding. For that reason among others I should favor the resolution.

Mr. SHERMAN. I rise to ask the honorable Senator, as we are near the time fixed for the trial, to allow me to call up for passage a joint resolution of the House, which I am informed by an officer it is important to pass this morning. It is evident that this matter cannot be disposed of in the time left to us.

Mr. CONKLING. My honorable friend from Ohio asks me to give way just about the time I was approaching something to say, but I cannot refuse to give way to him. I did wish to make another observation about this rule, and if I do not detain him too long I will do as much as that. I see very little reason for making a mystery of the questions submitted to us, and especially these interlocutory questions so called. It seems to me that the Senate might be trusted, and that every member of the Senate might trust himself to vote on the question whether there shall be a postponement for two weeks or five days, without retiring for two or three hours into privacy; and I think I may venture to say that if the question rises to the largeness of one as to the order of business, namely, whether in discussing a particular plea the affirmative in the argument shall be held by the propounders of that plea or by the respondents to it, even upon such a question as that the Senate might vote without any proceedings save those which would naturally take place here, and that consultations of a confidential and confiding character between Senators, such as have been referred to by my honorable friend from Vermont, might take place informally in conversation as they do take place touching bills upon which we vote, everybody knowing that we learn much from each other beyond the formal debates which go down on the record. I very often turn to my friend from Maine [Mr. HAMLIN]—he is the source of a large part of the information on which I act—and ask him questions in which I do not disturb any other Senator, getting the benefit of his experience and his judgment. And it seems to me that might be done when the Senate, in place of sitting as it ordinarily does to vote upon mere legislative questions, sits in the quasi-judicial character which it assumes when an impeachment comes before it.

SPECIAL-TAX STAMPS.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty-five minutes——

Mr. SHERMAN. Before the Chair makes his announcement, as the court probably will not be ready to convene for a few minutes, I ask that a telegram received from the Commissioner of Internal Revenue be read in regard to a joint resolution that I should like the Senate to pass at this moment.

The PRESIDENT *pro tempore*. The telegram will be read, if there be no objection.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., May 1, 1876.

Hon. JOHN SHERMAN,
Chairman Committee on Finance, United States Senate:

Special-tax year commences to-day, and special-tax stamps cannot be issued for sale on railroads and steamboats without the passage by the Senate of the joint resolution of the House of Representatives No. 99, which passed the House April 25. It is of great importance that the resolution be acted upon definitively to-day.

D. D. PRATT, *Commissioner.*

Mr. SHERMAN. I ask that the joint resolution be read. It has been referred to the Committee on Finance, and I am authorized to ask for action upon it.

The joint resolution (H. R. No. 99) concerning special-tax stamps was read.

Mr. SHERMAN. The whole case can be stated in a word. Heretofore the Department have been in the habit of issuing licenses for the sale of spirits and tobacco on steamboats and railroad trains in certain cases; but it has been held by some of the courts, and perhaps is the better construction of the statute as it stands, that a definite locality should be named where the business is to be conducted, and that a steamboat moving from place to place would not come within the language of the law. The only object of this joint resolution is to relieve the persons who hold these licenses and those who may receive them hereafter from the penalties that they might fall under if this resolution be not passed. There can certainly be no objection to it. I have shown it to the members of the Committee on Finance, who are present, and they all concur in it. I hope therefore it will pass, as from to-day the licenses take effect.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that nothing contained in chapter 3 of title 35 of the Revised Statutes shall prevent the issue, under such regulations as the Commissioner of Internal Revenue may prescribe, of special-tax stamps to persons carrying on the business of retail dealers in liquors, retail dealers in malt liquors, or dealers in tobacco upon passenger railroad trains or upon steamboats or other vessels engaged in the business of carrying passengers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1200) for the relief of Almont Barnes;

A bill (H. R. No. 1337) for the relief of Nelson Tiffany;

A bill (H. R. No. 1496) granting a pension to Mary A. Allen;

A bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers;

A bill (H. R. No. 1995) granting a pension to Charles H. Bugbee, late private in Company A, Third Vermont Volunteers;

A bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois Volunteers;

A bill (H. R. No. 2098) granting a pension to Mary Desbrow;

A bill (H. R. No. 2699) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-rolls;

A bill (H. R. No. 2700) granting increase of pension to Edward Dempsey, late private Company C, Fourth Kentucky Cavalry;

A bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry;

A bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 2696) for the relief of L. M. Blackman, late regimental quartermaster Fourth Tennessee Cavalry;

A bill (H. R. No. 2702) granting a pension to Bridget T. Hopper;

A bill (H. R. No. 2703) granting a pension to Warren F. Wood;

A bill (H. R. No. 2704) granting a pension to Joshua W. Black;

A bill (H. R. No. 2705) granting a pension to Sarah Buery;

A bill (H. R. No. 2706) granting a pension to George W. Leamy;

A bill (H. R. No. 2707) granting a pension to Mary F. Hall;

A bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons: and

A bill (H. R. No. 3268) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory, and for the removal of the Indians of the Cheriahua agency to San Carlos agency.

The message also announced that the House had passed the following bills:

A bill (S. No. 40) granting a pension to Elmira E. Cravath;

A bill (S. No. 130) to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California;

A bill (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts;

A bill (S. No. 504) granting a pension to Nancy True; and

A bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama.

The message further announced that the House requested the return of the joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 522) to define the tax on fermented or malt liquors; and it was thereupon signed by the President *pro tempore*.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty-five minutes having arrived, legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment against William W. Belknap exhibited by the House of Representatives. The Sergeant-at-Arms will make proclamation.

The usual proclamation was made by the Sergeant-at-Arms.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

MISSISSIPPI ELECTION COMMITTEE.

Mr. BOUTWELL submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the select committee appointed to inquire into alleged frauds in the recent election in the State of Mississippi be authorized to report in print.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I move that the Senate now take up the Japanese indemnity bill.

Mr. SARGENT. I move to set that aside and all prior orders in order to consider the resolution which I send to the Chair, which I offered on the 20th of April.

Mr. THURMAN. I wish to say to my friend from New Jersey that, anxious as I am that the bill to which he refers shall be taken up, I am requested by the chairman of the Naval Committee, the Senator from New Hampshire, [Mr. CRAGIN,] to ask that it be laid over until his return.

Mr. FRELINGHUYSEN. When will that be?

Mr. THURMAN. In a day or two. I hope it will be passed over informally, so as not to lose its place.

Mr. FRELINGHUYSEN. If it is passed over a day or two it will lose its place, and we shall then be pressed by appropriation bills. This bill has been passed over two or three times to accommodate Senators, and I think it is now entitled to the consideration of the Senate.

Mr. THURMAN. I have only discharged my duty.

Mr. FRELINGHUYSEN. I do not feel that under the circumstances I violate any rules of courtesy toward the Senator from New Hampshire by pressing the consideration of the bill.

Mr. SARGENT. There will be no appropriation bills on the table of the Senate for a week, at any rate, and probably not for two weeks. The last appropriation bill reaches us in such a condition that it will take a long while to consider in committee.

I stated besides, before the Senate adjourned the last time, that the subject to which I now call the attention of the Senate is one of very great importance indeed to my coast, as I know that it will be by and by to the Senator's own State. I desire to be heard on the question, and also that the Senate take action upon it. I therefore trust the Senator will comply with the suggestion made, and allow this matter to come up.

The PRESIDENT *pro tempore*. The Chair will state the question. The unfinished business is the bill (S. No. 626) in relation to the Japanese indemnity fund; pending which the Senator from California moves to set it and all prior orders aside and to take up the resolution indicated by him.

Mr. FRELINGHUYSEN. I wish to make a correction, as the chairman of the Committee on Finance is not here. It was understood that the silver bill should remain the unfinished business, and the Japanese bill was taken up pending that, he desiring to reserve his right at any time to call up the silver bill. I feel it due to the Senator from Ohio to make that statement.

Mr. SARGENT. Very well. I informed the Senator from Ohio that I should move as soon as the court adjourned to-day to take up this business. The Senator is not here, and I do not know that he objects.

Mr. FRELINGHUYSEN. Of course I do not make the statement in reference to the position taken by the Senator from California. The Japanese bill stands subject to the call of the silver bill, and I do hope that the Senate will now proceed to the consideration of the bill I have named.

Mr. SARGENT. I insist on my motion.

The PRESIDENT *pro tempore*. The Japanese bill is before the Senate as the unfinished business, pending which the Senator from California moves the postponement of this and all prior orders, for the purpose of taking up the resolution indicated by him.

Mr. FRELINGHUYSEN. How does the Senator from California get the floor for that purpose?

Mr. SARGENT. I took the floor after the Senator had called up the unfinished business to move to set it aside.

Mr. FRELINGHUYSEN. I do not understand that the Senator from California has the floor for any such purpose.

Mr. SARGENT. Does the Senator rise to a point of order that I had not the floor to make this motion?

Mr. FRELINGHUYSEN. I do. If the Senator from California wishes to address the Senate, as a matter of courtesy I will waive and let him make that address. If he wishes to interpose another measure before the Japanese indemnity bill, I do not waive the floor for that purpose.

Mr. SARGENT. I rise for the purpose of calling the attention of Senators to this important resolution. I desire to speak upon it. I desire it very much in justice to my people and the people of the United States. I also desire that this question shall be considered. I have submitted the motion properly under the rules of order, asking that the question be heard.

The PRESIDENT *pro tempore*. The Chair understood the unfinished business to be before the Senate, and then the Chair recognized the Senator from California. If the Senator from New Jersey states that he held the floor to speak upon the unfinished business, then of course the Chair would overrule the Senator from California; but the Chair understood that the Senator from New Jersey did not retain the floor, and hence recognized the Senator from California.

Mr. FRELINGHUYSEN. I certainly retained the floor. I am perfectly willing to waive it for the Senator from California if he wishes to address the Senate, and I will address the Senate after he is through; but if he seeks to introduce another measure, I will not yield.

The PRESIDENT *pro tempore*. The Senator from New Jersey states that he still holds the floor on the unfinished business. If so, the Senator from California cannot submit a motion.

Mr. SARGENT. I state, with all deference to my friend from New Jersey, that he takes an ungenerous position in keeping the floor from me. I now say to my friend that I do not speak on this matter merely for buncombe. I want to talk to convince the Senate to do that which the House of Representatives has already done—counsel the President to take action in this matter. It is a great, an important question. If I am excluded from the floor on the ground the Senator takes, I will await my opportunity hereafter; but I cannot say to my people that on a question of this importance I wish to talk simply to be heard. I wish to speak to the question. I was observing the Senator, however, and understood him to yield the floor, and, as is usual in all such cases, I then rose to move to set aside the unfinished business and take up this measure.

Mr. FRELINGHUYSEN. I certainly did not propose to yield the floor that the Senator should make a speech for buncombe, for he never does that, but I was perfectly willing to yield that he should submit a speech on this subject; but when he seeks to interpose another measure between that and the one I have in charge, even subject to the charge of being ungenerous, I must discharge my duty.

Mr. SARGENT. I do not say that the Senator is ungenerous in insisting on his business; but I say that to insist that he had the floor and to cut me off after I had been recognized and the Chair himself called up the unfinished business, seems to me somewhat sharp.

Mr. PADDOCK. I understood at the closing moments of the last day's session that the unanimous understanding was that the Senator from California, who then had the floor, would bring up his question as the unfinished business. That was certainly the understanding had by myself.

Mr. FRELINGHUYSEN. I will yield the floor to the Senator from California and let the Senate decide it, as the Senator thinks that I am sharp.

Mr. SARGENT. Very well.

The PRESIDENT *pro tempore*. It was the duty of the Chair to call up the unfinished business and the Chair did it. The unfinished business was before the Senate and the Chair supposed the Senator from New Jersey had yielded the floor, and he then recognized the Senator from California. The Senator from New Jersey states that he did not yield the floor, therefore the Senator from New Jersey has the floor, and he now yields to the Senator from California for the purpose of testing the sense of the Senate. The Senator from California

moves the postponement of the present and all prior orders for the purpose of considering the resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. SARGENT on the 20th of April, as follows:

Resolved, That the Senate recommends to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country—

Mr. WRIGHT. I wish to make one inquiry before I vote. I ask the Senator from California whether it is his purpose to press the determination of this resolution to the exclusion of the pending matter, or whether it is only his wish to be heard upon it, and that then time shall be allowed for a determination of the question, but not to the exclusion of the other bill which it is desired to bring up?

Mr. SARGENT. Of course I must leave that to the Senate. I cannot control the action of the Senate in that matter. I think, however, I can present such facts to the Senate as will arrest its attention, and will induce a disposition on the part of the Senate to dispose of this question at a very early time. I do not say that it is absolutely necessary that it shall be continuously considered until it is disposed of; although I should like to have it done. I can only say that I desire to have it taken up, and would like to submit the observations I have to make to the Senate, and invite its serious attention to a very great evil, and then rely on the generosity of the Senate at a very early time to conclude the subject.

Mr. FRELINGHUYSEN. Why, Mr. President, I have offered to the Senator that he may take the floor for that purpose.

Mr. SARGENT. The Senator has offered me the floor, I understand, simply that I may say what I may have to say, and then the matter be dropped. I do not wish to put myself in the attitude of consenting to dropping the matter. If after I am through the Senate is willing to go on and finish the business, I shall certainly desire it; but I cannot control the action of the Senate in that matter.

Mr. HOWE. I make this suggestion: that for the present, by unanimous consent, the regular order be laid aside and that we hear the Senator from California; that we then take the question upon postponement, if that will suit the Senator from California.

Mr. SARGENT. I am satisfied with that.

Mr. FRELINGHUYSEN. That will do.

IMMIGRATION OF CHINESE.

The PRESIDENT *pro tempore*. The Chair understands that by unanimous consent the Senator from California is permitted to submit his remarks on the resolution offered by him. The resolution is before the Senate.

Mr. SARGENT. Mr. President, the existence of serious discontent in a community imposes upon government the duty of inquiring into the causes which produce it. This duty is not conditional upon the soundness of the reasons for the discontent, because the disorders which may follow in any case must be injurious and may be disastrous to the welfare of the community. The prejudice of race cannot be considered when persons already among us appeal for protection. But when the question is as to the introduction of large numbers of people into the country whose admission is not a matter of right, but of policy, then we ought to consider whether they are a disturbing element, and whether exclusion is not the best and surest prevention against disorders which are difficult to cure when once fastened upon us.

Is the desire of the Chinese to select our country as a place of residence so clear a natural right that, rather than gainsay it, we are willing to submit to the disorders which must grow out of the prejudice known to exist against them? As to this prejudice, is it not based upon some reason? I intend to state some of the objections to their coming which account for the bitter opposition shown in California and elsewhere where they have already appeared in numbers. Are the people of the East quite certain that, if the Chinese were to land in their midst in the proportion of one in every eight of the population of the several States, they would be as easy as to the future as now? They should try and put themselves in our place, and deal with this question as if they, too, had among them this strange and dangerously unassimilative people, increasing in numbers from year to year.

GENERAL EXCLUSION ONLY REMEDY FOR EVILS.

The importation of coolies is now forbidden by statute. But it is found impossible to reach the cases of violation of its provisions, because neither side will disclose the existence of cooly contracts.

The importation of females for immoral purposes is also forbidden by statute. But the law is a dead-letter, because of the impossibility of obtaining proof of its violation.

And yet it is the almost universal conviction of Californians that nine-tenths of the Chinese male immigration is in violation of the former and ninety-nine hundredths of the female immigration is in violation of the latter statute. There can be no remedy but general exclusion; and the policy, justice, and necessity of that supreme measure I propose to discuss.

The resolution before the Senate looks to a modification of certain provisions of the existing treaty between the United States and China. Those provisions are as follows:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United Sates visiting or residing in China shall enjoy the same privileges, immunities, and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

The question of the restriction of Chinese immigration to the United States concerns at present the people of the Pacific coast more than it does eastern communities. Our people are not always wise or deliberate in their treatment of the subject, and their irritability often leads them to extravagance of speech and exhibitions of heated prejudices which produce an effect at the East the very opposite of what they intend. The unreasonableness, or even violence, of discontented people does not, however, make the cause of their discontent any the less important. The remedy for the evils, if evils they are, of Chinese immigration lies entirely in the hands of the Federal Government. The treaty-making power must first be appealed to to seek such modifications of our treaty with China as will pave the way for legislation under the power of Congress to regulate commerce. It is very desirable, therefore, that all appeals to the Federal Government should be clearly based on reason, humanity, and national interest. The Chinese are to a very limited extent the objects of hatred or prejudice east of the Rocky Mountains, and all arguments against their influx must be free from the familiar cries with which place-hunting demagogues assail the ears of mobs in California. That the presence of Chinese in this country in any considerable numbers is most undesirable is my firm conviction, as I think it is of the great body of those in California who aid in the protection of them in their treaty rights. The question of national duty in the premises comes to us at the threshold of any discussion, and we are obliged to consider it.

RIGHT OF EXPATRIATION.

The right of expatriation is asserted in the clauses of the treaty which I have read; and at the time that treaty was made the best elements of our people were profoundly moved by a strong inclination to humanitarian views. These two considerations are likely to be pressed against any restraints upon Chinese immigration. To these I first address myself; and first as to the right of expatriation. The rule of most European nations was, until within a few years, "Once a subject always a subject." It remained for the present Administration to obtain a surrender of this policy, and now, by treaties made with most of those nations since our civil war, their subjects may abjure allegiance to their native countries, become citizens of the United States, and be forever free from all obligations to their former rulers. This change has been wrought in the interest of political freedom. But let us beware how we give it too broad a meaning. Ours is a republican system governed by the people, native and adopted. But at no time has any invitation been extended to any man of foreign birth to become a citizen unless he espoused the cause of republicanism. There is not and never has been any law in this country which, if properly administered, would admit to citizenship an imperialist or a monarchist. Our laws have always provided for the naturalization of those only who are "attached to the principles of the Constitution of the United States," and who are "well-disposed toward the peace and good order" of the country. Our fathers established this Republic for those already here and for those who might come among us preferring the republican over all other systems. It is a violation of law for any court to naturalize any person who is not intelligently attached to our form of government. It was to enable proper candidates for citizenship to release themselves entirely from obligations of duty toward other governments that we have insisted on the right of expatriation. The insertion of a declaration of this right was in my opinion out of place in our treaty with China for the reason that the people of that empire are not entitled to the political privileges its insertion there seemed to imply.

THE CHINESE ARE NOT INCLINED TO REPUBLICANISM.

They are the most ancient and constant of all imperialists. They are not divided on the subject. There is no liberal faction in China aspiring to a government of the people, by the people, for the people. They are not pupils at our feet. They call us "outside barbarians," and commiserate our political condition. They are saturated with the governmental training and habits of fifty centuries. We have no laws under which they can properly be made citizens. The same is true as to natives of other countries who entertain similar views as to government. True we admit to citizenship Europeans without any very rigid cross-examination of the witnesses who testify to their republicanism. But we all know that two witnesses do, in each case of naturalization, testify that the applicant is attached to our political system. It is safe to say that no Senator here could, if sitting on the bench, conscientiously decree that any subject of the Chinese

Empire had, upon a fair trial, established his claim to be regarded as a convert to republicanism. So we may, I think, with the utmost fidelity to our established doctrine of the political right of expatriation, if there are adequate causes moving thereto, ask the Chinese government to allow us to recall the declaration of it as to its subjects.

THE HUMANITARIAN VIEW.

Second, as to the humanitarian view. The "enthusiasm of humanity" was a great moving power in this nation in 1868 when the Burlingame treaty was ratified. The national exaltation, growing out of the emancipation of a race and the sorrowful events of the civil war, had its climax in the opening of our gates to all mankind. We took counsel of our generosities. This was grand and noble if it conflicted with no still higher duty. But I have come to believe that we were too emotional in our action. We looked too much to the sentimental side and too little to the possible effect of our action on the future generations whose trustees we were.

When a proclamation of neutrality was issued by President Washington, hostile criticisms were made upon it as being contrary to an existing treaty with France. Alexander Hamilton, in meeting these attacks, took occasion to give some views which I will quote as to the duty of nations in treaties with other powers. In the fourth of the letters signed Pacificus he said:

Instances of conferring benefits from kind and benevolent dispositions of feelings toward the person benefited, without any other interest on the part of the person who renders the service than the pleasure of doing a good action, occur every day among individuals. But among nations they perhaps never occur. It may be affirmed as a general principle that the predominant motive of good offices from one nation to another is the interest or advantage of the nation which performs them.

Indeed, the rule of morality in this respect is not precisely the same between nations as between individuals. The duty of making its own welfare the guide of its actions is much stronger upon the former than upon the latter; in proportion to the greater magnitude and importance of national, compared with individual happiness, and to the greater permanency of the effects of national than of individual conduct. Existing millions, and for the most part future generations, are concerned in the present measures of a Government; while the consequences of the private actions of an individual ordinarily terminate with himself, or are circumscribed within a narrow compass.

Whence it follows that an individual may, on numerous occasions, meritoriously indulge the emotions of generosity and benevolence, not only without an eye to but even at the expense of his own interest. But a government can rarely, if at all, be justifiable in pursuing a similar course; and, if it does so, ought to confine itself within much stricter bounds. Good offices which are indifferent to the interest of a nation performing them, or which are compensated by the existence or expectation of some reasonable equivalent, or which produce an essential good to the nation to which they are rendered, without real detriment to the affairs of the benefactors, prescribe perhaps the limits of national generosity or benevolence.

It is not here meant to recommend a policy absolutely selfish or interested in nations; but to show that a policy regulated by their own interest, as far as justice and good faith permit, is and ought to be their prevailing one.

In a note he adds:

This conclusion derives confirmation from the reflection that under every form of government rulers are only trustees for the happiness and interest of their nation, and cannot consistently with their trust follow the suggestions of kindness or humanity toward others to the prejudice of their constituents.

If the Chinese are not fit subjects for naturalization, and do not come within our political dogma as to the right of expatriation, and if a wise self-interest may be made the basis of our dealings with all nations, it remains to be shown why the immigration of these people at present and probable rates will work harm to this country. The objections to the Chinese are plain, practical, and homely. They can be easily understood and appreciated by those who wish no harm to us, the present principal sufferers, if they will listen; and the evils, whose weight we bear, can be proved beyond dispute if there is any faith in human testimony.

CHINESE POPULATION EXPELS ALL OTHER.

The difficulties surrounding this problem of Chinese population are continually present to the people of the Pacific States and Territories. These are manifold, and some of them I propose to present for the thoughtful consideration of the Senate.

First. Experience has shown that Chinese population expels all other, as inferior currency expels all better kinds. The process has been going on for years notably in San Francisco, as well as in other Pacific communities. A landlord will rent a single house on a street to Chinamen, who at once crowd it to repletion with their compatriots. They take ordinary rooms, say of ten feet in height, put in a false floor half way to the ceiling, and crowd both floors thus made with bunks, and as many human beings as can be pressed into the space sleep therein. The atmosphere becomes fetid, and a sickly smell pervades the neighborhood, which causes the tenants of the houses to the right and left to vacate. These houses cannot be again rented to white persons, the rents fall, and finally the Chinese get possession. This process goes on in each direction until the whole street is abandoned to Chinese. The property has fallen in value, becomes dilapidated and offensive, and the street is as much dedicated to Chinese uses and lost to any other class of residents as if it were a street in Hong-Kong or Canton. Hotels and churches share the same fate as ordinary dwellings and stores. Withal there is unutterable filth and plague-breeding nuisances. In my excursions through the Chinese quarters in San Francisco, under protection and guidance of the police, I have penetrated two stories under ground, into opium and gambling dens, where the stench was almost unendurable, reached by passages where a man cannot walk erect, between walls dripping with the exhalations of neighboring sewers, and where the filthy water at the bottom was only avoided by careful stepping on narrow, broken planks laid down. Here I found swarms of Chinamen, thick as maggots in cheese, smoking opium, cooking or eating rice, or lying in their bunks or squatting, indifferent to the invasion of their horrible domain. No class of population known to the United States can endure contact with these squalid denizens. The white and the negro, the American, Frenchman, and Spaniard all seek residence and places of business elsewhere. Even the lowest classes of society flee away. Brothels and gambling dens, except Chinese, cannot endure the neighborhood. House by house the whole street is absorbed and doomed, and when the street is filled up through its entire length, and will contain no more, the process commences and goes on in another street, and then another, until it seems to be only a question of time whether the Chinese will occupy the entire city of San Francisco. The processes of the past few years clearly point to that result, unless they are arrested. The moving forces that have subjugated six large blocks can subjugate twelve and a hundred. The 30,000 Chinese in San Francisco are but the advance of a growing host, which conquers its way not by strength, or skill, or subtilty, but by unsavory, repellant characteristics, that elbow out of the way all competitors. Under this condition of things a "Chinese quarter" becomes with time a misnomer. It will be a "Chinese half" or "whole" of the city. I desire to speak without exaggeration. I describe the things I have seen—the vast numbers annually arriving in California, their modes of acquiring and occupying room in San Francisco and elsewhere, the constant dashing of a dark wave of immigration making daily more and more inroad on the white portion of the city, covering daily more and more space, and never retiring an inch under any circumstances; and I think my anticipation is warranted that the future will see San Francisco a purely Asiatic city unless some means are devised to avert this calamity.

THE MARCH OF INVASION.

A writer in the San Francisco Call of March 27, 1876, graphically describes the process to which I have alluded. He says:

In the heart of the city, not a stone's throw from the city hall, and dovetailing into the filthy and dilapidated tenements of the Barbary coast, the smoke of burning sandal-wood, punk, and opium, and the greasy smell of roast pig, declare with odoriferous emphasis that we have a Chinese quarter. From Jackson street, whose gutters are used as open-air sewers to carry off slops and swills, to Sacramento street, where the better class of merchants do business; from Kearny street on the east to Stockton on the west, covering an area of six large blocks, the Chinaman is literally master of all he surveys. Month after month, and year after year, he pushes step after step in the march of possession, and where he once puts down his slipper he holds his ground as determinedly as though he had taken root in the soil. Give him a two-years' lease of a building in good condition in the quarter, and, no matter how high a price you fix, he will pay it willingly. He will do more. He will not ask you to make any repairs; the walls will never require whitening or replastering, and the paint on the outside may crack and fall off, yet he will never trouble his landlord. With a national pride, which would be highly commendable were it not that it is so largely adulterated with bitter contempt of the outside barbarian, he will go to the expense of painting the front of the building with white, green, and vermilion, so that outside as well as inside the house will display a Chinese character. He will remodel the interior by making one hundred rooms out of twenty; and so economical of space is he that a room not larger than a small state-room will furnish ample accommodations for half a dozen men. Each squad does its own cooking, rarely with a small stove, generally with a fire in an open dish or brazier. An overdose of smoke now and then does not produce the slightest annoyance, so far as the inmates are concerned. They are smoke-proof and heat-proof. A house which has been so tenanted for six months becomes unfit for any other purpose, and as the months roll by the greasy carbon accumulates on the walls and the floors in thick layers. When the lease has expired the Chinese tenant makes his own terms, and either obtains a release at a small figure, or buys the property. Not many years ago Washington street, from Dupont to Stockton, was one of the main promenades for ladies residing in the northern part of the city who desired to go to Kearny and Montgomery streets to do their shopping. Then it was considered a good business block, and the millinery and hair stores did a flourishing trade. On Sundays the religiously inclined might be seen going to and coming from the First Baptist church, between Dupont and Stockton streets.

BUT THE UNCLEAN TIDE

ebbed and flowed nearer and nearer until it washed its very foundations, and refined ladies could no longer submit to be jostled at the church-door by the Mongolian chiffonier or highbinder, or allow the pure minds of their little children to be contaminated by the surrounding atmosphere of degradation and moral filth. The necessity for changing the site of the church became so apparent that a few months ago the property was sold to the Chinese, who made extensive alterations upon it, and it is now used as a manufactory for slippers, cigars, shirts, and clothing, besides several other purposes best known to the Chinese, among which may be mentioned tan games and worse uses. This change had not taken place very long before the walls of the edifice, which had so often echoed back the sweet sounds of prayer and the deep tones of the organ, rang with the affrighted shrieks of a Chinaman who was slashed with knives by his countrymen until his life flowed from his wounds with his blood. The

RED AND GOLD SIGN-BOARDS

of the Mongolians are multiplying fast in this direction, and already they begin to stare in the face of the city hall, which, if the signs of the times be fulfilled, must ere long resound to the horrid screech of the Chinese fiddle. The mayor of the city from where he stands in front of his office can see not one hundred yards away the green and gold balconies of the joss-house on Clay street opposite the plaza, where two decades ago the eloquent Colonel Baker expressed in glowing language the grief of the State over the mortal remains of Senator Broderick. And it was not many weeks back that a very interesting debate in the supervisor's chamber was rendered almost inaudible by the deafening reports of fire-crackers and the beating of gongs a block away, in honor of the Chinese new year. The march of invasion, from all indications, will not stop at Kearny street on the east or at Sacramento street on the south. Should the tide of immigration continue to pour in upon us as it is doing at present, it may be predicted within a year or two how soon Merchant street, Montgomery block, Commercial street, and portions of Pine and California streets will come into the possession of our Asiatic population; for property-owners will lease or sell when they are offered good prices, and the shrewd and indefatigable Chinese speculator will not hesitate for a mere question of present value when so much profit looms up in the near future. Indeed, such a prediction would not be regarded as presumptuous when the changes that have taken place within the last six years in what were once prosperous business localities are taken into consideration. The question so often asked as to the cause of the

DECREASE IN VALUE OF PROPERTY

in a certain portion of the city might be truthfully answered by referring to the Chinese quarter, which is fast extending as a black desert, cutting off in a great measure desirable communication between North Beach and the eastern and southern business centers.

The streets mentioned by this writer are among the most important in the city. California street is our Wall street. Montgomery Block may be properly likened to the Astor House.

DANGER OF FIRE.

The danger of fire in these crowded quarters is very great, and the carelessness of the Chinese has occasioned many and destructive conflagrations in our cities. The loss of property in the State from this cause has been incalculable. I desire to fortify all the positions I take on this subject of the Chinese by evidence, for I know the Senate and country will not be satisfied with generalities. Unfortunately the material is but too abundant. I have here a report of the board of fire wardens of San Francisco, filed with the board of supervisors, April 20, 1876, and the details are shocking of the modes in which the fire-fiend is tempted in a city where conflagrations are most disastrous owing to the prevalent high winds and long periods when no rain falls and wood becomes like tinder.

SAN FRANCISCO, *April* 20, 1876.

GENTLEMEN: In accordance with resolution No. 8614 passed by your honorable board April 10, 1876, the undersigned, fire wardens, have made an examination of that portion of the city occupied chiefly by Chinese. We visited the old Mansion House, old California Hotel, old Saint Francis Hotel, Portsmouth House, Callaghan's, Kane's, and other buildings, and find them all alike as to carelessness in the use of fire. In each of the buildings visited we found on each floor a rude open range, built on pieces of boards a few inches from the floors, where cooking is done; also, scattered throughout the building and placed on the bare floors, and sometimes on the window sills, a number of old five-gallon oil cans, with pieces of old iron hoops laid across the top, in which fires are made and cooking is done. In many places the floors had been burned from this cause. In one building we counted eleven of these cans on the floor in the space of thirteen feet. We also found upon the roofs of many buildings frame structures used for kitchens and poultry coops, also fences and bulkheads built across the openings in the chimneys. Another very dangerous practice is the building of large platforms over the roofs of houses, some being used as wood-yards and others for the purpose of hanging out clothes.

The Chinese are in the habit of building awnings and balconies with a roof in the front and rear of their buildings, and in a short time they are inclosed and turned into kitchens or sleeping-apartments. On one narrow alley (Saint Louis) we found from the upper stories of buildings on each side those inclosed balconies which come within two feet of meeting. It is next to impossible to detect the violators of these ordinances, for these people will not inform on each other, and the work is generally done at night and on Sundays.

In Chinese wash-houses it is the universal habit to build a brick furnace on the floors, leaving the fronts open; they put in long sticks of wood, burning them off by degrees, one end being in the fire and the other lying on the floor.

We would respectfully recommend that some ordinance be passed prohibiting the erection of those platforms on the roofs of buildings all over the city, and also an ordinance compelling the owner or persons having control of any building in which fire is used to provide some safe way of building fires, both for heating and cooking, either by placing in such buildings fire-places, stoves, or secure ranges, of sufficient capacity to accommodate all the inmates.

Respectfully,

JOHN L. DURKEE,
GEORGE W. CORBELL,
JAMES RILEY,
Fire Wardens.

Hon BOARD OF SUPERVISORS.

DANGER OF PESTILENCE.

Dickens's genius described very graphically a scene of squalor in Tom All-alone's alley in London. Even his pen would fail to do justice to the Chinese alleys in San Francisco, where these people are packed into rooms and improvised hovels reeking with the slime of nastiness, breathing a tainted atmosphere, their clothing infected with unwholesome odors and the germs of disease and death. It is almost a miracle that a pestilence has not ere this raged in the city. Eastern accounts say that the "black death" has started on its travels from Asia to Europe. If it ever strikes San Francisco it will find all the conditions among the Chinese that can add to its horrors and stimulate its voracity.

A legislative commission is now sitting in San Francisco taking testimony on this general subject, and the facts it is collecting are truly terrible. I shall cite some of them before I conclude. On the question of the numbers of Chinese, Rev. Otis Gibson, for ten years a missionary in China and the past ten a preacher to the Chinese in San Francisco, stated that he had attempted enumeration, and by the best information he could get the number on the coast is 150,000, in California 60,000, in San Francisco 30,000; and among all this great number he says there are not a hundred families. His testimony seems to have been given in a friendly spirit to the Chinese; but he said, "Should the influx increase in the same ratio for the next ten years as the last ten, they would seriously injure the State." I add that in fifty years they will, in the same ratio, possess the State. There is not a town in California or Nevada that has not its street or streets of Chinese, its peculiar population, continually increasing.

THE EAST TO BE INVADED.

But the flood is not confined to the Pacific States or the Territories. The Chinese follow lines of travel everywhere, and have reached the Atlantic cities in less numbers, but yet numerous enough to excite local comment and alarm. The New York Herald recently said:

Even here in New York there is a joss-house, and Donovan's alley has long been the wonder of the curious and the grief of the Christian missionary on account of its immoralities and degrading exhibitions. Some way must be found to subject this Chinese question to control, or the leprosy which comes into the country with every ship from China will taint and corrupt not alone the body-politic, but the sanctities of society and the sacredness of religion.

Only a few trickling streams have leaked out from the Pacific, giving, however, to the East a taste of the quality of the flood. But as the reservoir there fills higher and higher these streams will swell, and Donovan's alley in New York will not be singular in its immoralities and degrading exhibitions. It is well that the people and press of the East should awake to the real merits of this Chinese question, and begin to understand the threatening evils of Chinese immigration. The Herald, in the article from which I have quoted, says:

The Chinese question in this country, and especially on the Pacific slope, is one which must soon become of absorbing interest. It is not merely the problem of cheap labor, though that in itself is one of the utmost importance, but a question affecting the highest interests of society and civilization. We might not view with great alarm the undermining of American industries by Chinese monopoly if this were all there was any occasion to fear, but the very process by which they gain their ends is destructive of our social life. Their wants are few, and they live in bunks instead of houses. They work cheap until they drive off all competition, and then they raise the prices. The first business upon which they precipitated themselves in California was the manufacture of cigars, and now they monopolize it. They are seizing upon the manufacture of shoes in the same way, and as their numbers increase they are extending their enterprises and industries in every direction. But what is worse, they are disseminating also their debasing practices and immoralities. In China there is much of the lowest as well as the highest civilization to be found in any country. It is not the intelligence and culture of the Celestial Kingdom which come to America, for these seldom emigrate, and China is no exception to the rule. The lower classes only come here, and they bring with them their base arts and debasing practices, and set them up side by side with our civilization.

INJURY TO WHITE LABOR.

Second. Another evil of Chinese emigration is its injury to white labor. The merit is claimed for the Chinese that they are industrious, and this is true of a considerable class of them, although as many are lazy, opium-stupefied drones. But their very industries are a source of injury to the community, in that they undersell other labor and work for prices on which no white man can support a family. Our growing young men and women find scant employment and in few avocations, because cheap Chinese labor is taken in preference by employers. If the community is built up by such industry, it is not as a New England or western village is built up. It is Foo Chow, and not Cedar Rapids; it is Donovan alley, and not Broadway; it is the hovel, and not the home; the joss-house, and not the church; it is not republican; it is not civilization. As I had once occasion to say elsewhere, a slower growth of a community, with the elements in it only of Christian civilization, seems to me far preferable to rapid development by an alien heathen population. Five stalwart German or Scandinavian emigrants with their families would be better for the real interests of New York than the whole Chinese population of Donovan alley. If the object of society is merely to accumulate wealth in the hands of an upper class and have the laborer a mud-sill—if American civilization and republican institutions could coexist with such a theory and practice—then it might be well to crowd every avenue of labor with Asiatics and rejoice in the cultivation of the last inch of soil, the working of the deepest mine, the guidance of every wheel of industry by the adroit Chinese to the exclusion of white labor. But while white laborers need employment, as they always will; while their families must live and their children be educated; while Europe offers to us every year hundreds of thousands of emigrants of cognate languages, religion, literature, civilization, and hopes, it may be well to husband our undeveloped resources for the profitable employment of the future rather than exhaust them beyond the needs of the present. The crowded Atlantic States have sent out their enterprising young men and women to the West in great numbers, while Europe has furnished its best populations to create new homes there. The national development during the past ten years has been enormous. A population easily resolving itself into the mass of American society, readily acquiring our language, honoring our institutions, worshiping our God, unexcelled in industry and skill, spreads like a flood over the western prairies, fertilizing like the swellings of the sacred river. Cities have sprung up all over the land, tied together in every direction by lines of busy railways. There has been haste of development, it is true. The stumps of the original forest trees are seen in the streets; the prairie mud is innocent of MacAdam. But there is life and labor and sure advancement and contentment; there is the life and beauty of our political and Christian civilization; the school-house and the church nestle among the cottages or rise in grander proportions among the cities. Is not this development, which is natural in its order and without limit of duration or capacity so long as this land is freer than Europe and has that which Europe measurably lacks, undeveloped resources open to the enterprise of the laborer and lands untilled which he is asked to accept as a home—is not such sure and essentially American development better than that which could possibly be obtained by transporting the Chinese on any terms to occupy those fields and exclude their prospective possessors? Take Iowa, built up by the means which I have indicated. Would it not be undesirable to have its population retrograde to the level of Chinese, however industrious the latter may be? For the purpose of the comparison I need not fill up the picture. Much besides industry is needed to make a desirable community in this land, and Iowa has the industry and development without the Chinese. But there is no practical difference in the result between the recession of an American community—its falling back to the level of Chinese—and the displacing or anticipation of such a community by Chinese. In a few words, the growth of American and the influx of European population is developing our resources health-

ily and rapidly; and it is better for us and our posterity that these causes which have made us a great nation should have unimpeded sway.

EXPERIMENT IN MASSACHUSETTS.

But these results are necessarily impeded by any cause that expels white labor or reduces it to servile competition or conditions. Capital is selfish and as a rule will employ the cheapest labor. Were it not selfish, competition compels it to do so. He who produces the most cheaply commands the market. In San Francisco the laborer cannot support his family for less than two dollars or two and a half per day. The Chinaman will work for one, and monopolizes the market. The white laborer must emigrate or starve. The Chinaman is a constant threat to the unskilled laborer, and is gradually becoming a threat even to the skilled laborer. He is very imitative, and soon acquires sufficient art to compete with the best workmen and to supplant them. The operation of these principles has been seen on a limited scale in Massachusetts. The only protest thus far devised by labor against supposed wrongs by capital—perhaps not a wise one—is the "strike," where the employés combine and refuse to work except on conditions proposed by themselves. Such a strike occurred at North Adams, upon which a large manufacturer imported enough Chinamen to carry on his establishment, refused thereafter and still refuses to employ white men, and the latter were compelled to go elsewhere for work. The effect of this movement was to overawe the labor leagues. What had been done in one case could be done in many, until there would be no employment for white men in Massachusetts. The workmen who were expelled undoubtedly had families and separate establishments; their children grew up around them, and these were of some use to society besides contributing by their labor to enrich an employer. But by the best information I can get their successors live in crowded quarters *à la chinoise*, without families, and without assimilation with the people of the place. They are a success so far that they have made a single employer very rich, while two hundred men have been exiled from home and means of support.

That which has been seen at North Adams on a small scale, and under the least repulsive conditions, goes on in California upon a large and increasing scale, and with surroundings of squalor and misery. But the presence of the Chinese in numbers is a menace to white labor everywhere—a continual threat of ruinous competition, of impending disaster. That it has not been tried on a larger scale by the employers of Massachusetts thus far is owing to the facts that it takes capital to bring Chinamen there, and the example has partially overawed white labor and made it more tractable. But what can be done is shown; and when Chinamen become abundant in Massachusetts, as they will in time, Massachusetts employers will use them as they do in California to the exclusion of whites, and the latter will be generally expelled.

An address adopted by a meeting of 25,000 people at San Francisco on the 5th of April of this year contains a condensed statement of the effects of Chinese labor competing with the necessarily more costly labor of white men:

The committee see in this Chinese immigration an evil of great present magnitude. It has driven thousands of our laborers from their employment, and has driven many to want and idleness and some to poverty and crime. It has taken labor from women—such work as gave them honest and virtuous independence, and has driven too many of them to resort to practices of shame and guilt.

It deprives our boys of the opportunity of employment, and contributes to close against them the avenues of trades and to manufacturing and mechanical employment.

The Chinese are an injury to our property-owners. If the 75,000 Chinese were not in our city their places would be filled by 75,000 laboring white men and women owning homesteads, renting houses, raising families, and supporting dependents.

CHINESE AND PACIFIC RAILROADS.

It has been objected that the Chinese were useful in building the Pacific Railroad. They did build the Central Pacific; but the Union Pacific, much longer, was built as quickly and well by white men, and the same labor was within reach of the builders of the Central Pacific. It was a mean policy that gave the bounty of the Government to cooly owners, when free white men would have gladly earned a share of it.

EFFECTS ON CAPITAL.

But the disastrous effects are not alone with labor. Cadmus sowed the dragon's teeth and they sprang up armed men and destroyed him. Manufacturers in California have resorted to Chinese labor to make cheaper production, and find their business ruined by the competing Chinamen whom they have taught. This is very clearly shown in an interview published in one of the San Francisco papers with a firm of shoe dealers recently held, and it tells the story so concisely, and, as every one in San Francisco knows, so truthfully, that I will read it:

S. S. Wolf & Co., on Sansome street, were then interviewed. The factory is on the ground floor, and about forty Chinamen are hammering away at the lasts.

REPORTER. Mr. Wolf, you seem to have no hesitancy in letting your Chinese shoemakers be seen.

Mr. WOLF. No, sir. Some of them in the city send their Chinamen home by the back way, while the few white men are paraded out the front door. We have to employ Chinamen, much as we dislike them. If we were to discharge them and employ white men we would have to mark up our goods, and if a man should display a pair of shoes made by white men and mark them $3.50 a pair and his next neighbor should display a pair of shoes made over on Dupont street and mark them $3, there is not one person out of a hundred but would take the Chinese shoes.

REPORTER. Do most of the shoe-factories employ Chinamen?

Mr. WOLF. Every one of them, sir; every one of them. Don't care what they advertise, all of them who make shoes employ Chinamen. Those who pretend to manufacture, and do not, buy their stock direct from the hundreds of Chinese co-operative factories, and lots of them actually have the cheek to advertise these goods as made by their own white shoemakers.

REPORTER. Have the Chinamen engaged in boot and shoe making on their own hook to any extent?

Mr. WOLF. There are over a hundred places where they manufacture; all along Clay, Commercial, Dupont, and Sansome, their little stalls can be seen. They are like monkeys, they can imitate anything. They can make shoes cheaper than I can. They have their drummers out over the country like white men, and if a man offers the cash they will sell

BELOW THE ACTUAL COST

of labor and material rather than miss a sale. If I were to discharge these forty men to-morrow they would put in ten or twelve dollars apiece and rent a cellar somewhere, and by Monday they would have established a ruinous competition. The small shoe-stores buy of them because they can make a shoe so exactly resembling mine that customers cannot tell the difference, and at 10 to 20 per cent. lower than I can possibly make them with my high rents.

REPORTER. Do you mean to say that all shoe-stores buy their goods?

Mr. WOLF. Yes, every one of them, big and little. In a certain line of goods they have to or else they cannot sell them. My business is gradually running down. Two years ago I employed one hundred and fifty Chinamen; now I only have forty.

REPORTER. Then you men who initiated Chinamen into the mysteries of shoemaking have succeeded in cutting your own throats?

Mr. WOLF. Yes, that's just what we've done, and its getting worse and worse. If one of our men gets mad and leaves we know that he can get all the leather he wants, and in a few days will commence to put his own shoes on the market, and if the stores don't buy them they are put into the auction-room. Country merchants come here and say they would like to trade with our house, but they can get the same goods direct from the Chinese factories 10 or 20 per cent. cheaper, and away go our best customers to the Chinamen. The Chinamen peddle their goods around the city in baskets and retail them lower sometimes than our wholesale rates.

THE CHINESE PROSPERING.

REPORTER. Is their business on the increase?

Mr. WOLF. I should say so. Every China shop has one or two apprentices, and as fast as one of our men gets a chance and saves up a little money, he quits and goes off for himself, and we have to take in another apprentice.

The reporter continues:

A large number of other shops and stores were visited and the same story was told. Many of them denied employing Chinamen, but at the same time all the shelves showed that if they did not employ Chinamen directly they do worse by buying their goods direct from the Chinese co-operative companies, of which there are now over a hundred in the city. It is a pitiable state of affairs, and none of the manufacturers have any clear view as to the way out of the difficulty. They seem to think that if the manufacturers would band together and negotiate with the leather-dealers, so as to prevent them from selling stock to Chinaman, and then discharge all of them from the shops, something could be done. Verily, in this case the "biter is bitten." And what is true in regard to the manufacture of boots and shoes is likewise true with reference to clothing, and especially coarse clothing, in the manufacture of which Chinamen are engaging very extensively.

This is a simple detail of part of the rooting out of American industries by Chinese immigration. Is it not obvious that if this thing goes on unchecked Americans will by and by be compelled to seek some other land to gain a subsistence. In San Francisco white workmen walk about the streets unable to get work because Chinamen have taken their places for a third of the pay which will support a white family. The retribution soon comes when the imitative Chinamen use the knowledge so gained to drive the employer out of the trade and leave him bankrupt. The whole advantage gained by any one accrues to the Chinese slave-master who utilizes his cooly labor.

NOT VOLUNTARY EMIGRATION.

Third. The emigration of Chinese is not like that of Europeans who seek our shores voluntarily to become citizens. All the evidence tends to prove that the mass of the Chinese who come here are coolies, bound for service for terms of years at exorbitant rates. They are *quasi* slaves. Although their contracts for service are void by our laws they are valid by the superstitions of the coolies, and the horrible Chinese hell impends with darkening fate over the forlorn wretch who dares be unfaithful. Again, the cooly has left in pledge his most loved ones in China, and they will be sold to perpetual bondage if he breaks his engagement. If Senators will turn to the correspondence of Mr. Bailey, consul at Hong-Kong, with the State Department, under date of April 25, 1871, they will find a conscientious, careful statement concerning this Chinese emigration, by an intelligent observer, from which I have extracted what I will read to the Senate:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts, and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of immigration, have no application to Chinese immigration to the United States. Immigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled, at its market value. The poor laborer of Europe applies his own scanty means to get to the land of promise, or is assisted by his friends, charitable societies, or benevolent institutions to reach a place where he hopes to have his toil properly requited, where his labor will inure to his own benefit. The cooly of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country, under contract for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the cooly will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household *lares* in the land to which he always hopes and expects to return in pledge for the faithful performance of his

bonds. The central idea of a Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuay dominate him wherever he may be in the world. The subtile mysticisms of China, so strangely governing all its people in their social, political, and quasi religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi slave, no matter how many miles apart, is welded by the mystical links of religious superstitions, family ties, and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and cooly in the home-land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates, and illusory promises into the haunts of the traders. Once in the clutches of these men-dealers, by a system of treachery and terrorism connived at by the local Chinese authorities, whose chief business in life is to "squeeze" the people, the stupefied cooly is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

HORRORS OF COOLY TRAFFIC.

A correspondent of the New York Tribune, writing from Canton, China, (published June 7, 1870,) thus describes the modes by which this emigration to the United States is promoted:

The cooly (all laborers are called coolies) goes to the rulers or elders of his town or village and, with the consent of those interested, gives security on the persons of his family for such a sum as will secure his passage to the United States. The elders go to the mandarin and give him their united bond for the amount. The mandarin in turn gives his note to the ticket-brokers, who furnish the cooly with his ticket. The bond, by which all the persons are bound, given to secure the cooly's note held by the brokers, stipulates that in case the cooly fails to pay the sum charged for his ticket, including the fees of brokers, mandarin, and elders, within the specified time, then the indorsers will pay the same without question. The sum charged to the cooly for the ticket, which costs the brokers but $40, is often as high as three or four hundred dollars. In five instances out of ten he will fail to meet his obligation. If he fails to pay, the brokers here demand payment of the mandarin at once. The mandarin pays the note, charging a heavy fee for so doing. The elders pay the mandarin, charge another fee, and demand the amount from the cooly's family. They being unable to pay, are sold off one after another, beginning with the youngest girl, until enough is realized to cancel the debt. In this way whole families are often reduced to slavery to pay for a forty-dollar ticket.

Two families were sold here in Canton last week to satisfy such a debt. One of the notes was for $350. Two unmarried girls, each thirteen years old, were purchased by an Italian profligate at $75 apiece. One boy was sold for $50. Six persons in all were sold before the requisite amount was raised. Girls, however, often bring higher prices, and sometimes the sale of a handsome daughter will be sufficient. It is not unfrequent for different members of a family to urge that they may be sold instead of some loved one that is offered. The heads of families sell themselves into servitude to save their families. Chinese, besides the sacred family ties common to all mankind, have a strong religious desire that their children should be free to pay devotion to their memories after they are dead. When they sell a child they believe that it is sold body and soul, and that it can never again be a relative of theirs, either in this world or the next; and unless they leave children to pay them certain kinds of devotion after death their souls will "wander forever, naked, cold, and hungry, through an eternal waste of darkness and terror." It has sometimes happened that after sale of a family the cooly returning finds a portion of the claim still unsatisfied, and he himself is sold for it.

In Mr. Bailey's dispatch, No. 63, to the State Department, under date of September 12, 1871, he says:

SIR: Referring to my dispatches Nos. 33 and 35, I have the honor to inclose an official communication from the colonial secretary of this colony, with accompanying documents, concerning the shipment of coolies hence to the United States by Mr. George E. Payne. A large proportion of the coolies referred to in the registrar-general's letter had undoubtedly been inveigled and some kidnaped by the cooly-broker Lai-on, who is, as I learn, a notorious Macao dealer in human flesh. Fortunately the coolies all escaped from the vessel, (the Pacific Mail steamer China,) and are now at liberty.

As I have frequently stated before, I repeat now that the entire traffic is top-full of fraud, corruption, and the most brutal inhumanity.

Need I cite more proof that this Chinese immigration is peopling America with slaves, not freemen; that our tolerance of it is encouraging the darkest crimes against humanity, rather than opening our portals to the distressed of the earth? It is no more a voluntary and healthful immigration than that of the African slave trade; and the barbarities of the latter are exceeded by those of the Chinese emigrant-ship. Chief Justice Smale, of Hong-Kong, in May, 1871, in a decision in the case of Kwok-a-Sing, whose rendition was claimed by the Chinese government on the ground that he was guilty of murder for assisting in the massacre of the captain and crew of the Pénélope Nouvelle, a cooly-ship, refused the rendition on the ground that the defendant was a slave, and had a natural right to regain his liberty even by taking the lives of those who held him in custody. The decision gives a vivid and harrowing picture of the cooly traffic. The learned judge states that he had endeavored to make a list of cooly-ships burned or sunk with all on board, and he finds that in a very short time some seven ships, with about three thousand coolies, had been thus destroyed. Mr. Bailey says in his dispatch relating to the burning of the cooly-ship Dolores Ugarte on the 6th of May, 1871:

Truly Providence seems to have set this ship apart to shock the nations with a new horror that shall startle them to their duty in suppressing this infamous slave-trade. On Saturday the 6th the ship was discovered to be on fire in the hold where the coolies were kept. The captain states that, "with a view to save his own and his crews' lives, he battened down the hatches on the passengers and took to the boats." The ship was burned to the water's edge, and with it over six hundred victims of this atrocious traffic in men.

I will remark here, in passing, that the evidence in the case further shows that this frequent burning of ships is the act of the coolies themselves, a supreme act of despair, to destroy themselves and their custodians rather than to be kept in their bondage. Instances are frequent of Chinamen jumping overboard and drowning themselves at sea to escape this slavery; of their endeavoring to free themselves by mutiny and massacre; of setting fire to the ships, that all may perish, to avoid the fate of slavery. The testimony of the officer that they fired volleys over the heads of the Chinese on board the ship Crocus, that has just arrived at San Francisco, to "show them we were armed," speaks volumes and shows this immigration is just what it was in 1871, when Mr. Bailey described it. Why fire volleys over the heads of willing immigrants? It would not be done. They were despairing slaves, watching to free themselves from an intolerable yoke. All the horrors of the middle passage attend the traffic. The results of this traffic are what the people of the Pacific deprecate and deplore. We ask for relief from a condition of things degrading to our free labor while peopling the nation with slaves. Statesmen must see these things, must heed them, or the people will remove them and send men here who will.

TRAFFIC IN FEMALES FOR PROSTITUTION.

I ask your attention to the peculiarities of the traffic in Chinese females. The women are bought, young girls, of their parents or owners in China and sent thence to San Francisco under contracts for continuous prostitution, made nominally with themselves. Really they are the passive victims. These girls are not prostitutes when purchased for these purposes, and in most instances are virgins when they are shipped or landed at the end of their voyage. The merchandise is intended to be delivered to the purchasers in good condition; but once delivered over to their task-masters they are subjected to all the hopeless miseries of the meanest prostitution.

I have here a translation of a contract for prostitution, given in evidence before the legislative commission now sitting in San Francisco. It reads as follows:

An agreement to assist the woman Ah Ho, because coming from China to San Francisco she became indebted to her mistress for passage. Ah Ho herself asks Mr. Yee Kwan to advance for her $630, for which Ah Ho distinctly agrees to give her body to Mr. Yee for service as a prostitute for a term of four years. There shall be no interest on the money. Ah Ho shall receive no wages. At the expiration of four years Ah Ho shall be her own master. Mr. Yee Kwan shall not hinder or trouble her. If Ah Ho runs away before her time is out, her mistress shall find her and return her, and whatever expense is incurred in finding and returning her Ah Ho shall pay. On this day of agreement Ah Ho, with her own hands, has received from Mr. Yee Kwan $630. If Ah Ho shall be sick at any time for more than ten days, she shall make up by an extra month of service for every ten days' sickness. Now this agreement has proof—this paper received by Ah Ho is witness.

TUNG CHEE.

Twelfthyear, Ninthmonth, and fourteenth day, (about middle October, 1873.)

The Chinese women when landed by the hundred from the ships are put in barracoons, as in the old slave times, and there kept until distributed to their masters. After distribution they are kept at their degrading work by fear, ignorance, and superstition. They believe the contracts good and binding, and fear the consequences of an attempt at escape. An ordinance was passed by the city of San Francisco making it unlawful to reduce persons to servitude, and the form of contract was at once changed to this:

An agreement to assist a young girl named Loi Yau. Because she became indebted to her mistress for passage, food, &c., and has nothing to pay, she makes her body over to the woman, Sep Sam, to serve as a prostitute to make out the sum of $503. The money shall draw no interest, and Loi Yau shall serve four and one-half years. On this day of agreement Loi Yau receives the sum of $503 in her own hands. When the time is out Loi Yau may be her own master, and no man shall trouble her. If she runs away before the time is out, and any expense is incurred in catching her, then Loi Yau must pay the expense. If she is sick fifteen days or more she shall make up one month for every fifteen days. If Sep Sam shall go back to China, then Loi Yau shall serve another party till her time is out. If in such service she should be sick one hundred days or more, and cannot be cured, she may return to Sep Sam's place. For a proof of this agreement, this paper.

LOI YAU.

Dated 2d, sixth month of the present year.

The police testified before the commission referred to that it is notorious to them that women are bought and sold. They obtained several convictions under the ordinance named; but effective prosecution is prevented in most cases by the ignorance or fear of the victim and the mendacity of the witnesses. When a Chinese woman escapes from her servitude she is brought back by persuasion or force. Sometimes process of the courts is used to effect a return of the woman. These are arrested on charges of petty larceny, &c., and worried into returning to their masters. Kidnaping is frequently resorted to by the owners in case of escape or marriage. Rev. Mr. Gibson testified before the commission:

The women are slaves. They are bought or stolen and brought here as slaves. They contract ostensibly to repay alleged borrowed money to prostitute their bodies for four or five years, the proceeds to go to the master. At the end of that time no change occurs, but women are retained for another period for more debt, but in reality being owned by certain men. Where a woman is sold and found to be pregnant within a month, or has leprosy, or epilepsy, she is returned and the purchase-money is refunded.

It is with difficulty that I read this testimony. I cannot read it all, and I have endeavored to select that which was most fit for the ear of the Senate and yet give some idea of the horrors of this Chinese traffic. Rev. Mr. Gibson goes on to testify further:

This business is under the general management of certain companies, and their contracts are deemed good. Among that class of Chinese there are no morals at all. The women are in a slavery harder and more miserable than existed among the white races. As long as they are fit to earn any money they are kept; but as soon as they give out they are turned out to die. The company collects a tax of $40 for every prostitute imported, and afterward collect two bits a week.

Charles Wolcott Brooks, well known to many Senators for his connection with the Japanese mission, testified that the Chinese in this

country are governed by six companies, each with its code of laws antagonistic to and superior in the estimation of Chinese to State laws; that the influx of Chinese is only limited by the amount of our marine transportation: that the lowest classes of Chinese come, "the scum of China," and that "the women are more dangerous than the men, being afflicted with syphilitic diseases, which they communicate to the boys of the land."

CORRUPTORS OF YOUTH.

Dr. N. H. Toland, an eminent physician of San Francisco, was called and testified before the commission as follows:

I have known boys eight or ten years old to contract a loathsome disease in the Chinese quarter. These cases are not uncommon. In consequence of neglect, these cases are the worst that we have to deal with. I am satisfied that the disease is hereditary and is transmitted. The effect of Chinese remaining in this country will fill our hospitals with invalids. The presence of Chinamen here does not tend to the advancement of Christian civilization. In fact it has a contrary effect. The maintenance of the population in our midst is a crime against civilization. I treat a half dozen boys every day.

David C. Woods was sworn and testified:

I have resided in California twenty-five years; am at the present time superintendent of the industrial school, and have been for two years and three months. I think the presence of a large number of Chinese in our midst has a very bad effect upon our boys. A great portion of the boys who come to the industrial school come there suffering with venereal diseases, fifty at least having come there so suffering since my term began. They range from thirteen years upward, and we have from two to four sick all the time. About two hundred and fifty or three hundred boys have been sent to the institution during the last two years, and a large portion of those old enough to cohabit with women are diseased. In answer to my inquiries they have informed me that they caught the infection in Chinatown. Many come with the disease fastened upon them, others with it fresh, and with the former a cure is difficult, sometimes impossible. Our physicians treat them and I treat them with varying success.

The boys referred to are white boys, and it shows what horrors exist when solicitation and temptation and ruin reach youths of such tender age. Is it any wonder that parents are angry and indulge in threats of violence and in disorder? These are the ebullitions of despair at an incurable evil unless the Government will hear and protect us.

Wang Ben, the Chinese interpreter of courts, testified:

The gambling houses and prostitutes are controlled by four rulers—Wong Fook Loi, Bi Chee, Ah Go or Jo, and Wang Woon; these men composed a company; they bought women in China for $90 and sold them here for $800; they were mostly "big feet" women from Tartary and were shamefully treated, even worse than the dogs are by Americans.

This is the testimony of a respectable Chinese interpreter of our courts. He says further:

Any person who dares to interfere with the owners of the women or with the gamblers is threatened with assassination. A sign was posted on the corner of Dupont and Jackson streets yesterday which set forth that $1,500 would be paid for the assassination of the witness Wang Ben—

The person who was testifying.

He saw this sign, and immediately started for the police headquarters to inform the authorities; on his way he was beset by about forty Chinamen; he jumped into the middle of the street, pulled out a shooter, and bade them "come on;" they did not come at that particular time, but they may hereafter; when Ben returned with an officer the notice was gone; proclamations were frequent in Chinatown, offering rewards for the killing of certain Chinamen, but since the present excitement commenced they are scarce, as the six companies have combined and decided to expose any persons offering the rewards.

If these pictures are painful, horrible, what must the reality be? Can it be said that these people stand on the footing of immigrants and it is our duty to afford to them asylum? They make lazar-houses of our cities; they bring pollution and spread corruption. Their highest motive is the gain to be acquired by temporary residence.

EASTERN IGNORANCE ON THE SUBJECT.

A striking illustration of the ignorance of some who undertake to teach the eastern people on this subject is found in a superficial article in the New York Times of the 25th ultimo, which declares:

The Chinese are neither criminals nor paupers. There is not an almshouse or a prison in the whole length and breadth of the Republic that shows a marked infusion of the Chinese element.

It is not surprising that there should be no Chinese in such institutions in States where the Chinese are yet unknown; but the assertion is ridiculously false of the Pacific States. By the State-prison returns of California for 1873, the last accessible to me, I find that out of nine hundred and thirty-one convicts one hundred and fifty, or nearly 17 per cent., are Chinese. Supervisor Gibbs recently testified before the legislative commission that there are thirty-eight Chinese in the county pest-house, eight of whom have leprosy and all loathsome diseases. The amount of pauperism may be judged from the fact that the assessed property of San Francisco is $300,000,000. The Chinese have at least one-sixth of the population of the city, and are assessed for only $600,000, and most of that to a comparatively few wealthy men among them. Pauperism is the normal condition of the cooly and prostitute who sell their services and bodies to hard masters to get to this country.

The Times, in the article referred to, underrates the number of arrivals of Chinese, and intimates that during the years when the Central Pacific Railroad was being built the number was much greater, and argues that there was no excitement then. There was less at that time because the Chinese were hurried through California and distributed along the railroad in Nevada. But the number now coming forward exceeds all former experience; and they settle in the towns and cities and excite more apprehension from that fact. An article in a San Francisco paper of the 19th of April, 1876, says:

The Pacific Mail steamship Great Republic arrived in this port from China yesterday morning after a smooth passage of twenty-four days. She had on board one thousand and seventy-five Chinese, having lost one through suicide. The Great Republic reports the Belgic to follow with about six hundred Chinese. She also reports leaving the Quang Se ready for a shipment of coolies. The officers of the Great Republic say that all steamers from China for the next four months will be crowded with coolies.

The trade is very profitable to the ships, and the supply of coolies is ample where 400,000,000 population can be drawn upon. The danger cannot be averted by belittling it.

The tone of some of the Eastern papers is that of the pious old man who prayed—

O Lord, bless me and my wife,
My son John and his wife;
We four and no more.

[Laughter.]

Their withers are unwrung.

BETTER JUDGMENT IN THE EAST.

But this is far from universal. The New York Herald, the Chicago Inter-Ocean, the Nation, and other influential journals evince a clearer perception of the difficulty and a fraternal feeling for the western coast. The Nation, in a leading article on the "California disturbance," treats the subject with breadth and candor. It says:

In our indignation at what seems to us the absurd prejudice of the Californians against the Chinese, we are apt to overlook one important thing: the great depth of our own ignorance on the subject. California is the only American community and, in fact, the only western community from the beginning of history which has had any experience of the actual effect of a Chinese immigration. The immigration from which we in the Eastern States are obliged to draw all our inferences as to the probable effect of such an experiment has been from countries which are allied to our own by race, language, religion, or customs; and the few Chinese whose acquaintance we have made have been chiefly objects of curiosity to us. To California they have come in numbers, and, speaking a different language, worshiping unknown gods, keeping alive imported customs and traditions, they form almost a separate caste. Now such a state of affairs is, under our system of government, very difficult to deal with. In mediæval times it would have been simple enough, because laws and customs would have arisen based on the inferiority of one race and the superiority of the other.

We are grateful for kindly appreciation of our troubles, and a knowledge of them is rapidly growing in the East.

CHINESE, WHERE NUMEROUS, DANGEROUS TO PEACE.

Fourth. The Chinese, where numerous, so as to give each other countenance, are dangerous infractors of the peace and violators of law. They are divided into clans and fight savagely among themselves on some unknown cause of hatred. I have seen a hundred or two Chinese lining each side of a narrow street violently gesticulating at each other, and apparently casting insults, as if each party sought to provoke the other to the first blow, when like a flash came the clashing of swords and knives, and half a dozen men were in the dust with mortal stabs. These feuds among the Chinese are frequent and notorious. My California and Nevada newspapers speak of deadly affairs of the kind that have just happened at San José and Virginia City. But this is only one manifestation of their national characteristic, cruelty. The killing of female infants in China has been carried so far that women are scarce. It is a custom, a fashion. I wish Senators would turn to the authorities in these matters, or read Barrows's account of nine thousand infants in a single year being exposed alive in Canton and in Pekin mutilated by hogs, and the Catholic missionaries would go around in the morning and pick up as many of them as they could who had not perished from cold, or starvation, or by these animals, and rescue them; and gave as a reason, in their French phrase, "*pour sauver les âmes*"—to save their souls; and he says there were thirty thousand destroyed annually in the empire; that female infanticide is common and a fashion throughout the empire. I think Senators ought to go back to these original sources and authorities and find out what kind of people they are whom we invite to our land. In California they turn out the sick and helpless to die. So far as I have been able to learn by inquiry there is no hospital or benevolent society maintained by Chinese in San Francisco. What other people, numbering thirty thousand in one city, would have no organized means for relief of their own race? Only they could be so hard, indifferent, and cruel. They are capable of great atrocities against foreigners in their own land, as witness the massacre of the foreign residents at Tien-Tsin, June 21, 1870. The French consul and the foreign merchants, their wives, daughters, and children; the Catholic priests, and the Sisters of Mercy, and about one hundred little orphan children were cruelly murdered under circumstances of revolting barbarity.

These children were collected by the means which I incidentally described a moment ago. Having set fire to the building occupied by the sisters, they entered the gates and dragged them into the streets. There they stripped them naked, exposed them to the public gaze, plucked out their eyes, cut off their breasts, ripped them open, tore out their hearts, and deliberately cut them in pieces and divided portions of their flesh among the infuriated mob. An account of this horrible affair says:

Chinese spectators of the bloody scene relate other horrors perpetrated on those innocent ladies that cannot be mentioned. The lady superioress, it is said, was cut in twain while yet alive. God alone and the sisters know all they endured of mortal agony and bodily sufferings. Their modesty outraged, their purity defiled,

their poor, frail frames torn asunder, their blood scattered, and their lives destroyed by savages whose murderous rage inflicted all these and other outrages amid a scene of horror that alone would be too terrible to encounter.

A most eligible race this for American citizenship!

CRUEL SPIRIT OF CHINESE LAWS.

But if something must be conceded in this instance to the passions of a mob, I ask you to refer to the spirit of the laws in China, where justice itself shows an utter indifference to human life and unnecessary infliction of suffering. So all writers on the matter agree; and the punishments they name are ingeniously cruel and unusual. I may be excused for referring to the source of Chinese emigration to study its character. The subject is too important to neglect any tests; and the degree of enlightenment of a people, its amount of uncorrupted humanity, may best be found by an insight into its courts and prisons. Wermuth says:

It is not enough in China to suffer a cruel death for a crime. No; the sufferings going before death are so much worse than decapitation, that the final delivery into the hands of even an unmerciful god could not cause more despair. Days and days before the execution prisoners are reduced by most infamous tortures and by hunger to such a wretched state that the knife severing the head is waited for with anxiety.

L'Abbé Huc details the tortures of a prisoner that passed under his eyes, before a miscellaneous and amused audience, the details of which almost surpass belief.

Berncastle tells of women being cut into forty pieces, and of men executed by being flogged to death in public with bamboos. He says in a note that persons condemned to death can procure a substitute, who can be found on payment of a sum of money.

Barrow, after detailing his observations of modes of Chinese punishment, says:

In a government where every man is liable to be made a slave, where every man is subject to be flogged with the bamboo at the nod of one of the lowest rank of those in office, and where he is compelled to kiss the rod that beats him, or, which amounts to the same thing, to thank the tyrant on his knees for the trouble he has taken to correct his morals, high notions of honor or dignified sentiments are not to be expected. Where the maxims of the government commanding, and the sentiments of the people agreeing, that corporal punishment may be inflicted on the ground of a favor conferred upon the person punished, a principle of humiliation is admitted that is well calculated to exclude and obliterate every notion of the dignity of human nature.

I have not time to more than glance at these facts and considerations. What wonder that the Chinese when they reach our shores are such as I have described them? Beyond any other class they fill our prisons and jails; and yet conviction is difficult from the abundance and readiness of Chinese witnesses for the defendant. No form of Christian oath binds the Chinese conscience. If any oath has that effect, it is accompanied by cutting off the head of a chicken in court—a dirty expedient that American courts do not like to resort to. The clerk of the chief of police of San Francisco recently testified before the commission to which I have referred that 10 per cent. of the Chinese in that city live by gambling, prostitution, and thieving, and that nearly every one is a breaker of the ordinances of the city or laws of the State. Of course many of the offenses are *malum prohibitum*, as too dense crowding of lodging-houses. Mr. Gibson testified that four or five Chinamen sleep in a space of six by ten feet. The danger of pestilence has caused ordinances to be enacted regulating the minimum of space to an individual; but they cannot be enforced. The four or five Chinamen referred to are arrested and convicted, and imprisoned in a jail where they find, to them, luxurious quarters and fare exceeding any former experience. The punishment becomes a bounty for petty crime, and the law is baffled.

CHINESE CRIMINALITY—THEIR PERJURY.

David Supple, a San Francisco policeman, testified as follows:

I have resided in California twenty-seven years; all the time in this city. For seven years I have been on the police force and have had some little experience with Chinese. That part of the city is in a beastly, filthy condition, the people living like hogs. More than half of the Chinese population here are of the criminal class—that is, break the laws and ordinances of the city and State. There was a case in the police court a few days ago where a Chinaman was arrested for committing rape upon a child eighteen months old. The Chinese women are slaves held in bondage. When they become sick and unable to work they are put out on the street to die. I have had charge of the dead myself. Where Chinese women escape from houses of prostitution they are returned in various ways, principally by force. I know a case where a Chinaman married one of the women some time since. He lately called on me to tell me that she had been taken away by her former owners. I would not believe Chinese under oath, and that is the way they are regarded by most of the citizens of the State. The effect of the presence of that nation here is most terrible upon the morals and the health of the youth of the country. Boys of twelve and fourteen years of age go about our streets filled with disease, fairly crippled from their intercourse with Chinese prostitutes. They are stunted in mind and body, and are becoming worse day by day. * * * The Chinamen are displacing the white boys and girls employed in lighter trades, and the result is an abundance of hoodlums and the fitting of subjects for the State prison and the bawdy-house.

The term "hoodlum" has a terrible meaning with us in San Francisco. It means the wildest kind of boys, made such by absence of employment, as testified to by this policeman. We do not know what to do with them. We do not know what to do with our own boys, and cannot control them. They get vicious from the mere fact that they have no employment.

All the testimony taken before this commission goes to reveal the same painful facts. D. J. Murphy, district attorney, testified to his experience. He has been district attorney for four years. A large proportion of his docket was Chinese cases. The charges were principally grand larceny, burglary, and murder.

In many cases—

He says—

I have found rank perjury on all sides; sometimes witnesses will swear to one thing before the grand jury and directly opposite on the trial; felonies are compromised and compounded in many instances; where Chinese desire they can swear any one into the State prison or acquit him. I have had occasion to appeal to executive clemency on behalf of Chinamen unjustly sent to State prison. The Chinese are not to be believed under oath unless corroborated by extrinsic circumstances or white testimony. Seven-tenths or eight-tenths of the Chinese are law-breakers, a vast majority living upon the fruits of crime.

He testified that the evils of Chinese immigration are "frightful in magnitude and constantly increasing."

Some of the most significant testimony was given by Captain R. H. Joy, commander of the English steamship Crocus, which had just landed an immense cargo of Chinese, which he admitted were the worst class of Chinamen. He is an Englishman, and answered questions as follows:

Question. What would you think, as an Englishman, if the Chinese of the class that you bring here were to overflow your country?

Answer. It would behoove Englishmen to drive them out.

Q. Why?

A. Because they work for low wages and they are not the class of people we would like to have in our own country. They work for less because they live on less, a handful of rice daily and little else being sufficient to keep them. Their morals are far below those of the working-classes of other nations, and the introduction of 30,000 or 40,000 into an English city would have the result of lowering the average of labor and morals, too, but I do not think such a thing would be allowed, and I hope never to see it.

The first officer of the Crocus, also an Englishman, had the same opinions. He said:

I have been in China many times, the last time remaining there ten months. During the voyage of the Crocus to this port we had a little trouble with the Chinese at the first, but they soon became all right. We fired volleys over their heads a few times to show them we were armed, as a means of preventing mutiny. We never put into any port for more men, having enough at the beginning of the voyage. I am a native of Liverpool. If the Chinese should want to go to England they "would not find room to stay." There are enough whites there now, without having any Chinamen to run them out. The Chinese living around sea-ports are a bad lot, will steal anything they can get hold of, and are very immoral.

OUR ONLY HOPE IS IN THE GOVERNMENT.

I could multiply proofs upon this point, but is it necessary? Senators must see the dangerous and disgusting nature of this encroaching element. The country must awake to the danger before it is too late. I have not waited to this hour to warn Congress and the country of these evils. On the 25th June, 1862, nearly fourteen years ago, I called to the attention of the House of Representatives the fact that "A people of strange tongue, vile habits, impossible of assimilation, and with customs difficult to penetrate, swarm by thousands to our shores, like the frogs of Egypt." I described the system of slavery and other abominations, and asked for the relief which the giant growth of the evil has now made unendurable to us and a near calamity to the whole nation. At the last Congress I laid before the Senate a monster petition from the people of California asking for protection from the General Government, and I urged the demand upon the attention of the Senate. Since that time the Supreme Court of the United States has swept away the feeble barriers which the State sought to erect by its own legislation against the advancing tide, and has cast the entire responsibility and duty of providing curative measures on the National Government. We have obeyed the injunction of Hercules to help ourselves, and have failed. Our measures may not have been wise, but they were the best we could devise; and now we learn that the United States Constitution deprives us of all power. We cannot and will not resort to violence. The moral sense of our communities revolts against that, though the ignorant classes are stirred to it and the vile would gladly commit it. But the governing sense of San Francisco has counseled and compelled patience and punished infractions of the law designed to protect alike the alien and citizen. We are at the end of our resources. Tell me, Senators, what can we do? What will you do for us? Our Government has protested against the emptying of prisons and pauper-houses of Europe upon our shores. But here is worse. Here is not a pauper merely, but a slave. He is not merely a slave to exacting masters, but to superstitions and vices and traditional corruptions. Out of such materials American citizens cannot be made, should not be made, unless the form of American civilization is to be changed more radically than it could be by changes of laws and constitutions. To allow this inordinate immigration of corrupt humanity is to import leprosy into the body-politic. Is it said we should civilize this population? They despise our civilization, and are confidently assured that theirs is the better way. They despise even the comforts and necessities of our lives. But the attempt would be vain because they do not come here for homes, and seldom remain longer than a few years, giving way to fresh and larger hordes. To civilize them is to roll the stone of Sisyphus. Mr. Gibson has preached to them for ten years past in San Francisco; mission schools have been established among them; yet, out of the 30,000 in the city, he testifies that not over one hundred profess Christianity, and the testimony before the commission was to the effect that many of these converts used the profession as a cloak to cover woman-kidnaping and other crimes. As the committee of the monster meeting at San Francisco said, they are an indigestible element in our midst.

FREE LABOR THE BASIS OF CIVILIZATION.

For twenty-five years the Chinaman has been among us. During that time he has taken no single step toward assimilation with us. He is the same in dress, mode of life, and general exclusiveness as

when he came. He looks forward to no share in our civilization. His sole purpose is to make a few hundred dollars and return to his native land. He has made arrangements whereby if he dies in our country his remains are to be removed to China. He is not of us living or dead, and does not wish to be. He seeks his own temporary end at our expense, and imperils our civilization in gaining it.

The basis of our civilization is labor fairly rewarded. By this I mean that the great body of our people are compelled to toil with their hands, and rates of wages prevail under which they can rear families. The day laborer as well as the skilled artisan can generally send his children to the common school a few years, and the elements of education there received cultivate self-respect in parents and children. These schools are the nurseries in which citizens are grown. The immigrants from European countries generally avail themselves of their privileges. The native-born children of our adopted citizens are genuine Americans. Shall we encourage the immigration, nay, the importation, of Chinese who rear no families, have not half the wants of others, and can therefore work for half the prevailing wages? Every Chinaman who comes displaces one of our own laborers. Is it a good exchange? If the sole object of civilization were to enable the wealthy to accumulate more wealth, regardless of the comfort and cultivation of the common people, I should still doubt that wealth itself could afford to destroy the character of the nation in its greed for increase. If capital could avail itself of Chinese labor exclusively at half price, the impoverishment and final extinction of the great middle class of our country would leave a nation of lords and serfs, in which property itself would be a sort of adversity.

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

The nation can only prosper through the general comfort and welfare and gradual improvement and elevation of all. Worth and not wealth is a nation's safety. The stimulation of production by means which eliminate a great body of consumers cannot be a wise political economy. Four or five Chinamen living in a room six by ten feet, eating rice and smoking opium, may be able to make shoes or clothes at half price, but they will not wear them, and the laborers they displace cannot afford them. The Chinese Empire can spare from its teeming population more millions than now inhabit this country, and hardly notice their absence. It will not be a sufficient reply to say that this will not occur for a century. It is our duty to determine whether this is desirable at the end of a century. If not, then we must act for those who are to come after us in a way to avert the calamity. From this we must not be deterred by any feeling of just anger against the baser sort of people who persecute and outrage the Chinese. Let the strong arm of the Government be stretched out to compel respect for the rights of all persons within its jurisdiction, but let us meanwhile aim at a true solution of two questions: Are the Chinese an undesirable and unhealthy addition to our population? If so, how shall their future coming be checked consistently with the dignity and good faith of the nation? These questions should be considered and settled now. Every year of postponement creates new difficulties.

CHINA WILL RESPECT OUR DEMAND.

One word more and I have done. A modification of our treaty with China in the respects I have indicated will not be distasteful to China. The established policy of its government is to prevent the immigration of its people. I have no doubt it will accede to our request and reform the treaty to effect the object desired. But if it does not, our duty is not less clear. The treaty reprobates any other than a voluntary emigration. I have shown that this emigration is in no sense voluntary. We have a right to demand of China a treaty that can be enforced. The sixth article of the treaty gives to Americans nominally the same rights in China as Chinese have in this country. To be sure, there are words of limitation in the favored-nation clause, and no foreigners in China are allowed the privileges that Chinese take here. An American cannot travel in the interior of China without a strong guard, and could not open a shop in any village outside certain boundaries without certainty of pillage and murder. The disabilities of the treaty are all on our side; and it is only by fear of punishment that the Chinese are made to pay any respect to the rights of foreigners in China.

I ask you, Senators, to listen to our appeal; to treat this matter as statesmen, as becomes your station and characters, and to at least add your voice to that of the House of Representatives in asking the attention of the Executive to this sorrowful scourge.

Mr. FRELINGHUYSEN. Mr. President, in reference to this resolution of the Senator from California, I shall say but a word. I understand that a recent decision of the Supreme Court has annulled the laws which California had enacted in reference to immigrants. I would suggest to the Senator having this subject so much at heart whether it would not be advisable that he should submit to the Senate or its Committee on the Judiciary some law which the United States might adopt, which might be acceptable to all parts of the nation. I suppose that the decision of the Supreme Court, which I have not seen, was on the ground that that was a subject which belonged to the Federal rather than the State government; and, if I am correct in that supposition, it seems to me that that is one step which might well be taken toward bringing this subject to the attention of the councils of the nation.

I have read the resolution which has been submitted, and which is to authorize the President to take measures for the reformation of the treaty with China. I have been told—I do not know how correctly—that most of the immigrants that come in from China come from Hong-Kong, the immigration from which I suppose would be regulated rather by a treaty with England than with China. All Chinese who can reach that colony, when there, have no difficulty in being shipped to this country. It seems to me that if that is so it requires the further consideration of the Senator, or, at all events, that the resolution had better be referred to some committee to be considered in that regard.

Mr. SARGENT. Will the Senator allow me a moment?

Mr. EDMUNDS. I should like to hear the resolution read, that we may see exactly what it is.

The Chief Clerk read as follows:

Resolved, That the Senate recommends to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country.

Mr. SARGENT. The difficulty in this matter is not in devising a form of words or framing language which, when inserted into a treaty, would obviate the objections which we make. That can be devised by the Secretary of State or by the President or by a Senate committee. The trouble is that these persons who come from Hong-Kong or wherever else they may start from in China, from any port that is open to our vessels, will come in great numbers unless we pass laws by the General Government which will reach this immigration. Several propositions have been made by which it could be reached. I noticed that Horatio Seymour not long ago suggested that if the United States would pass a law that not more than ten Chinese should be allowed to land from one vessel anywhere in the United States it would reach the difficulty. I do not know that that is best. I do not know but that it may be absolutely essential that there be an entire cessation of the immigration. This matter I had referred to the Committee on Foreign Relations in the last Congress. At the same time I had referred a petition which was signed by 25,000 of our people, wherein they set out in most moving language, certainly as eloquent as any I have been able to use to-day although without so much detail, these difficulties, and in the form of heads they succinctly stated all those troubles. I then asked the attention of the Senate and especially of the Committee on Foreign Relations to it. I fear that if this resolution be referred to the Committee on Foreign Relations the result would be, on account of the avocations of that committee, its great business, or on account of there being no member from the Pacific coast upon it who understands this subject to bore you with it and continually to call your attention to it, and where objections arise to answer those objections, that the subject will be overlooked again, and this session will go by and another year's horrors be added to those which already exist. Our people consider that, if the attention of the Executive can be called to this matter and negotiations be opened, our commissioners with China appointed by the Executive will have the wisdom to devise such measures as will be required. That is the only practical proposition there is.

Mr. FRELINGHUYSEN. I do not know that it is necessary that this resolution should be referred to a committee; but I do not understand that the Senator has answered the question which I put, whether the difficulty that arises from the immigration from Hong-Kong could be regulated under that resolution?

Mr. SARGENT. I think so, because suppose the treaty, instead of the fifth and sixth articles, should contain a provision that the United States reserved to itself the right to pass measures to restrict the immigration of Chinese to our shores, then it could pass a law which would control the number that should come in any one ship; limit it to one, two, or one hundred as we pleased. By the treaty we are now shut out from the right to legislate on this matter in a restrictive form, as I conceive. I do not think that such a law would stand the test of the Supreme Court, even if passed by Congress under the clause of the Constitution authorizing the regulation of commerce, because it would interfere with a treaty which is the supreme law of the land.

Mr. EDMUNDS. That has been settled the other way.

Mr. SARGENT. It certainly raises a question. I myself would be very glad to vote for a law which Senators so eminent as the Senator from Vermont and the Senator from New Jersey would say would stand the test of the Supreme Court, which would remedy these evils; but my own impression is that this treaty stands in the way. It certainly can do no harm to have negotiations opened with the government of China upon it; it will direct the attention of the government of China to the trouble under which we are laboring, and they may themselves voluntarily offer to assist in remedying it; but at any rate the trouble is so great, so terrible, as Senators who have not listened to the whole of my remarks will find if they will only read the testimony I have brought forward, that the impatience which is felt on the Pacific coast and which I fear seems to influence myself for speedy action has a sound basis.

Mr. EDMUNDS. I think the question involved in this resolution is somewhat broader than the resolution itself. The evils of the immigration of vicious persons, paupers, and so on, are not confined to the Pacific coast; and the Supreme Court of the United States has now finally decided, after many previous decisions which had been steps in that direction, that there is no law that a State can pass

which shall affect the introduction of persons as passengers into the United States. That is about the short of it; so that every State law on both the immense coasts of our country which has been intended to provide against pauperism and against the introduction of criminals and for the safety and security of society in the States, and in which all the States, interior as well as coast States, are just as interested in the long run—all such legislation is invalid. Therefore it seems to me that the steps we ought to take are those which go to a regulation of the whole subject. The Supreme Court is of opinion, and I am bound to say that I think correctly, that that is a matter which the Constitution of the United States has left to Congress to regulate; and now, it having been finally determined that none of the State laws are of any avail, it is the duty of Congress to be diligent in making some regulation upon the subject, either a universal regulation that shall be the same in every State, or if it be constitutionally possible and the best way practically, a regulation which shall adapt itself to the wants of each State, considering the class of persons that are most likely to approach the shores of that State. In some way we ought to act; and that we have the power to act, and the exclusive power, seems now to be finally determined.

On this precise question I should have some difficulty, not in endeavoring to do something to alleviate the evil that the Senator has portrayed, but in respect of the effect of the adoption of a resolution of this kind by the Senate of the United States alone. The Constitution says that the President of the United States, by and with the advice and consent of the Senate, may make treaties. Whether it is fit that the Senate of the United States should in advance undertake to point out to the President what sort of a treaty he ought to make with a particular power, may be open to some question. I do not know but that it has been sometimes done. I do not remember distinctly that it has been, although I have the impression that it has been; but on the Constitution itself it might be open to some question. It is possible that the President might be misled. We pass a resolution of this character by a small majority. The President makes a treaty accordingly. When it comes to us it requires two-thirds to ratify it. Two-thirds do not ratify it. The foreign power, not being perfectly cognizant with our institutions, might say, "You have entrapped us into a humiliating condition by inviting us under authority of your Government to enter into a treaty which you then yourselves under your laws reject and throw out." That would be a difficulty which ought to be considered, and therefore it seems to me that the wise thing to do would be to refer this resolution to the Committee on Foreign Relations, who undoubtedly after what has been said, (even if they would not otherwise, which I cannot doubt that they would do otherwise,) will give it speedy consideration and will recommend some measure to the Senate.

At the same time I think we ought to direct the Committee on Commerce, which is the appropriate committee for that purpose, it being a matter of commercial regulation, to inquire and report what legislation ought to be adopted to cure the difficulty that now exists on every shore of this great Republic in respect of the introduction of persons that no nation would be willing, if it could help it, to have introduced at all.

Mr. OGLESBY. I should like to ask the honorable Senator from Vermont, as I do not know, myself, whether any conflict exists or not on the point concerning which I am about to inquire. Suppose under the treaty-making power a treaty should be made with China which should contain certain specific regulations upon this very question, and it should be duly ratified by the Senate, and a law of Congress under the power to regulate commerce with foreign nations should be passed upon the same subject, general but internal in its application and yet in conflict with the terms of the treaty, I should be obliged to the Senator from Vermont to state if he knows whether there has been any determination by the Supreme Court as to how that conflict would be regarded under the Constitution of the United States? Would the law passed by Congress regulating commerce in conflict with a treaty upon that subject prevail or would the treaty prevail?

Mr. EDMUNDS. As I understand it, the Supreme Court of the United States has two or three times (but once is enough, it being a unanimous opinion,) determined that under the Constitution, just as it reads, the laws passed by Congress and treaties are both of them equally the supreme law of the land, any law or regulation of a State to the contrary notwithstanding. I do not quote the words, but that is the substance. Now, that being the state of the Constitution, the Supreme Court has decided unanimously more than once, and I think upon perfectly impregnable grounds, that, if a law is in conflict with a treaty that existed when the law was made, the treaty, to the extent that the law does conflict with it, is abrogated by the general sovereign power of the nation. Whether that abrogation would be an act of injustice or of war, or whatever it might be called, toward the foreign nation with whom we had the treaty, is a question with which, of course, the courts have nothing to do. On the other hand, if a law as a commercial regulation, to say nothing about the rights of the House of Representatives to originate revenue bills and tariff bills—waiving all that—if a law about the introduction of persons should be passed, and afterward the President and the Senate should conclude a treaty with a foreign power which conflicted with the law, then in the same way the treaty would override the law and abrogate the law to that extent. In other words, the last act of the sovereign power exercised in either way under the Constitution, being a complete exercise of sovereign power, would prevail.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. DAVIS. I suggest that before the doors are closed there are some bills from the House which ought to be referred.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) If there be no objection, the House bills on the table will be referred.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1200) for the relief of Almont Barnes;

A bill (H. R. No. 1337) for the relief of Nelson Tiffany;

A bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and seventh Regiment New York Volunteers; and

A bill (H. R. No. 2696) for the relief of L. M. Blackman, late regimental quartermaster Fourth Tennessee Cavalry.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. No. 1496) granting a pension to Mary A. Allen;

A bill (H. R. No. 1995) granting a pension to Charles H. Bugbee, late private in Company A, Third Vermont Volunteers;

A bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois Infantry Volunteers;

A bill (H. R. No. 2698) granting a pension to Mary Desbrow;

A bill (H. R. No. 2699) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-roll;

A bill (H. R. No. 2700) granting increase of pension to Edward Dempsey, late private Company C, Fourth Kentucky Cavalry;

A bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry;

A bill (H. R. No. 2702) granting a pension to Bridget T. Hopper;

A bill (H. R. No. 2703) granting a pension to Warren F. Wood;

A bill (H. R. No. 2704) granting a pension to Joshua W. Black;

A bill (H. R. No. 2705) granting a pension to Sarah Buery;

A bill (H. R. No. 2706) granting a pension to George W. Leamy; and

A bill (H. R. No. 2707) granting a pension to Mary F. Hall.

The bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory and for the removal of the Indians of the Cheriahua agency to San Carlos agency, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and after two minutes spent in executive session, the doors were reopened, and (at four o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1251) to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; and

An act (H. R. No. 1592) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty minutes past twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

If there be no objection, the call will be continued without reference to the morning hour until all the States and Territories have been called. The Chair hears no objection.

JOHN H. GLIDDEN.

Mr. BURLEIGH introduced a bill (H. R. No. 3284) granting a pension to John H. Glidden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OKLAHOMA.

Mr. PIERCE introduced a bill (H. R. No. 3285) to provide for the organization of the Territory of Oklahoma and for the better protection of the Indian tribes therein; which was read a first and second time, and ordered to be printed.

Mr. PIERCE. I move the bill be referred to the Committee on Indian Affairs.

Mr. FORT. I suggest it ought to be referred to the Committee on the Territories, and I will make that motion unless the gentleman can assign some good reason why it should not take that reference.

Mr. PIERCE. The bill specially concerns the Indians proposed to be organized into a territorial government, and as the subject heretofore has been considered by the Committee on Indian Affairs, I insist on my motion to refer it to that committee.

The SPEAKER. The Chair will suggest to the gentleman from Illinois that the same bill was referred at the last Congress to the Committee on Indian Affairs.

Mr. FORT. That may be; but it is a bill to organize a territorial government, and it seems to me it clearly ought to go to the Committee on the Territories.

The SPEAKER. Does the gentleman move its reference to the Committee on the Territories?

Mr. FORT. I do.

The motion was disagreed to.

The bill was then referred to the Committee on Indian Affairs.

SOLDIERS' MONUMENT, LAWRENCE, MASSACHUSETTS.

Mr. TARBOX introduced a bill (H. R. No. 3286) donating condemned cannon and cannon-balls for monumental purposes to the Grand Army of the Republic post organization at Lawrence, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT TRAVIS.

Mr. SEELYE introduced a bill (H. R. No. 3287) to change the name of Robert Travis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TO PREVENT DEFAULT IN PAYMENT OF BONDS.

Mr. BARNUM introduced a bill (H. R. No. 3288) to prevent default or delay in the payment of the interest on the bonds authorized by an act of Congress approved June 20, 1874; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF NAME OF STEAMBOAT.

Mr. J. H. BAGLEY introduced a bill (H. R. No. 3289) to change the name of a steamboat; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN BOYLE.

Mr. WHITEHOUSE (at the request of his colleague, Mr. BLISS) introduced a bill (H. R. No. 3290) granting a pension to John Boyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. PIPER.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 3291) for the relief of William J. Piper, of Frankfort, New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ANDREW JACKSON.

Mr. HOPKINS introduced a bill (H. R. No. 3292) providing for a pension to be paid to Andrew Jackson, (colored,) of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUNISHMENT OF CONTUMACIOUS WITNESSES.

Mr. HOPKINS also introduced a bill (H. R No. 3293) relating to the punishment of witnesses adjudged to be in contempt of either House of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM K. PIPER.

Mr. JOHN REILLY introduced a bill (H. R. No. 3294) for the relief of William K. Piper, of Hollidaysburgh, Pennsylvania, for compensation for feed and care of Government horses during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP A. WELLFORD.

Mr. TERRY (for his colleague, Mr. WALKER) introduced a bill (H. R. No. 3295) for the relief of Philip A. Wellford; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on War Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

TESTIMONY BEFORE CONGRESSIONAL COMMITTEES.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 3296) to amend section 104 of the Revised Statutes, so that the Speaker shall not be required to certify the failure of a witness to testify before a committee until ordered by the House, and that no criminal proceeding shall be had against such witness until he is discharged by the Senate or House, as the case may be; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMELIA ANN WHITAKER.

Mr. DAVIS introduced a bill (H. R. No. 3297) for the relief of Amelia Ann Whitaker, of the State of North Carolina; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN P. ROGERS.

Mr. CANDLER introduced a bill (H. R. No. 3298) authorizing the southern claims commission to grant a rehearing in the case of Benjamin P. Rogers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAIL-CONTRACTORS AND POSTMASTERS.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 3299) for the relief of certain mail-contractors and postmasters of the United States; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM HEDGPETH.

Mr. FELTON introduced a bill (H. R. No. 3300) for the relief of William Hedgpeth, of Paulding County, Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EXTENSION OF TIME FOR A RAILROAD.

Mr. MOREY introduced a bill (H. R. No. 3301) to extend the time for the completion of a railroad in Louisiana; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HIRAM D. ROGERS.

Mr. SAYLER introduced a bill (H. R. No. 3302) for the relief of Hiram D. Rogers, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSION LAWS.

Mr. SAYLER also presented a joint resolution of the General Assembly of the State of Ohio, requesting their Representatives and instructing their Senators in Congress to have the pension law amended.

Mr. SAYLER. As that resolution is very short, I ask that it may be read.

The joint resolution was read, and was referred to the Committee on Invalid Pensions.

DIETRICK GLANDERS.

Mr. McMAHON introduced a bill (H. R. No. 3303) to refund to Dietrick Glanders, of Preble County, Ohio, taxes illegally collected; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COLONEL JAMES T. ABERNETHY.

Mr. McMAHON also introduced a bill (H. R. No. 3304) for the relief of Colonel James T. Abernethy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SARAH D. FRANKLIN.

Mr. NEAL introduced a bill (H. R. No. 3305) for the relief of Mrs. Sarah D. Franklin; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SARAH W. BACON.

Mr. BLACKBURN introduced a bill (H. R. No. 3306) granting a pension to Sarah W. Bacon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTRICTION OF USE OF DISTILLED SPIRITS.

Mr. WHITE introduced a bill (H. R. No. 3307) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

A. J. REED.

Mr. WHITTHORNE introduced a bill (H. R. No. 3308) for the relief of A. J. Reed, of Giles County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAREY GILBERT.

Mr. WHITTHORNE also introduced a bill (H. R. No. 3309) for the relief of Carey Gilbert, of Giles County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALTER AKIN.

Mr. WHITTHORNE also introduced a bill (H. R. No. 3310) for the relief of Walter Akin, administrator of James Akin, of Murray County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOYALTY OF CLAIMANTS.

Mr. RIDDLE introduced a joint resolution (H. R. No. 108) in relation to evidence of the loyalty of claimants in cases before the southern claims commission, Quartermaster-General, Commissary-General, and accounting officers of the Treasury; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

BENJAMIN E. SHEPPARD.

Mr. YOUNG introduced a bill (H. R. No. 3311) for the payment of $134.07 to Benjamin E. Sheppard, late route agent, &c.; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN MOERESON.

Mr. YOUNG also introduced a bill (H. R. No. 3312) for the relief of John Moereson, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILIS V. VANSICKLE.

Mr. YOUNG also introduced a bill (H. R. No. 3313) for the relief of Milis V. Vansickle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROSETTA FREEL.

Mr. YOUNG also introduced a bill (H. R. No. 3314) for the relief of Rosetta Freel, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. FINCH.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 3315) granting a pension to —— Finch, widow of Adam Finch, late private Company L, Tennessee Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. C. SIDEBOTTOM.

Mr. CALDWELL, of Tennessee, also introduced a bill (H. R. No. 3317) for the relief of F. C. Sidebottom, of Obion County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER M. VINNEDGE.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 3316) for the relief of Alexander M. Vinnedge, late a private in Company B, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HORSES AND EQUIPMENTS LOST IN MILITARY SERVICE.

Mr. HOLMAN introduced a bill (H. R. No. 3318) relating to horses and equipments lost in the military service of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEMUEL L. LAWRENCE.

Mr. HARTZELL introduced a bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B in the Sixth Regiment Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL L. PHARIS.

Mr. MORGAN introduced a bill (H. R. No. 3320) for the relief of Samuel L. Pharis; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PENSION ACTS.

Mr. REA introduced a bill (H. R. No. 3321) to amend the act entitled "An act granting pensions to the widows, children, dependent mothers and fathers or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK BATES.

Mr. BUCKNER introduced a bill (H. R. No. 3322) for the relief of Frederick Bates and Kate E. Lauretzen; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JULIA GALLANT.

Mr. BUCKNER also introduced a bill (H. R. No. 3323) for the relief of Julia Gallant, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ELIZABETH MILLER.

Mr. BUCKNER also introduced a bill (H. R. No. 3324) for the relief of Elizabeth Miller; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ANN WOLLARD.

Mr. BUCKNER also introduced a bill (H. R. No. 3325) for the relief of Ann Wollard, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AUGUST GRAGES.

Mr. BUCKNER also introduced a bill (H. R. No. 3326) for the relief of August Grages, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MARY E. HARKNESS.

Mr. BUCKNER also introduced a bill (H. R. No. 3327) for the relief of Mary E. Harkness, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

INDIGENT BLIND.

Mr. BUCKNER also introduced a bill (H. R. No. 3328) to authorize the parents and guardians of the indigent blind, and indigent blind persons of the District of Columbia, or of those connected with the Army or Navy, to select the institution which said children or persons shall attend; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BUILDING REGULATIONS OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 3329) to authorize the executive authority of the District of Columbia to make building or other local regulations for said District; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

POST-ROADS.

Mr. SLEMONS introduced a bill (H. R. No. 3330) to amend an act entitled "An act to establish post-roads," approved April 3, 1876; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHURCH BUILDING ON FORT GRATIOT RESERVATION.

Mr. CONGER introduced a bill (H. R. No. 3331) authorizing the Secretary of War to permit the Protestant Episcopal Church, of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, in Michigan; which was read a first and second time, with the accompanying papers referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN POWERS.

Mr. SCHLEICHER introduced a bill (H. R. No. 3332) for the relief of Stephen Powers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY C. FISHER AND OTHERS.

Mr. SCHLEICHER also introduced a bill (H. R. No. 3333) for the relief of Mary C. Fisher and others, of Texas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

STEPHEN D. REDFIELD.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 3334) granting a pension to Stephen D. Redfield, of Vinton, Benton County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. MAURER.

Mr. PRATT introduced a bill (H. R. No. 3335) for the relief of George H. Maurer, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. AINSWORTH introduced a bill (H. R. No. 3336) to provide for the resumption of specie payments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

O. B. CRANE.

Mr. TUFTS introduced a bill (H. R. No. 3337) granting a pension to O. B. Crane, late private Twenty-fourth Regiment Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. D. REYWER.

Mr. RUSK introduced a bill (H. R. No. 3338) for the relief of the bondsmen of J. D. Reywert, late receiver of public moneys at Hudson, Wisconsin; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MARY H. BARTLETT.

Mr. RUSK also introduced a bill (H. R. No. 3339) amending an act granting a pension to Mary H. Bartlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOCH TOTTEN.

Mr. KIMBALL introduced a bill (H. R. No. 3340) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVAL COMMISSIONERS.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 3341) to provide for the appointment of a board of naval commissioners, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RAVAGES OF GRASSHOPPERS.

Mr. DUNNELL introduced a bill (H. R. No. 3342) for the relief of certain settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WIDOW AND CHILDREN OF BRIGADIER-GENERAL WILLIAM GAMBLE.

Mr. STRAIT (by request) introduced a bill (H. R. No. 3343) for the relief of the widow and children of Brigadier-General William Gamble, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNDARY BETWEEN MISSOURI AND KANSAS.

Mr. GOODIN introduced a bill (H. R. No. 3344) to provide for the resurvey and definite establishment of the boundary line between the States of Missouri and Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SHAWNEE ABSENTEE LANDS.

Mr. GOODIN also introduced a bill (H. R. No. 3345) for the relief of certain settlers on the Shawnee absentee lands in Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN P. CRAMER.

Mr. FAULKNER introduced a bill (H. R. No. 3346) for the relief of John P. Cramer, of Preston County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY POST NEAR UTE INDIAN RESERVATION, COLORADO.

Mr. PATTERSON introduced a bill (H. R. No. 3347) making an appropriation for the construction of a military post near the Ute Indian reservation, Colorado Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

L. LEVY.

Mr. LYNCH introduced a bill (H. R. No. 3348) making appropriation to re-imburse L. Levy, of Lincoln County, Mississippi, for the destruction of certain property by the Federal troops in 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. REBECCA MAXWELL.

Mr. BANNING introduced a bill (H. R. No. 3349) granting a pension to Mrs. Rebecca Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN THOMAS.

Mr. STRAIT introduced a bill (H. R. No. 3350) granting a pension to John Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISSUE OF SILVER COIN.

Mr. FROST introduced a joint resolution (H. R. No. 109) for the issue of silver coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN JACKSON.

Mr. WILSHIRE introduced a bill (H. R. No. 3351) for the relief of John Jackson, late of Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF TOMBIGBEE RIVER.

Mr. SINGLETON presented a joint resolution of the Mississippi Legislature, memorializing the Congress of the United States for an appropriation for the improvement of the navigation of the Tombigbee River; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BANKS rose.

Mr. HALE. I rise to a question of order.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) The gentleman will state it.

Mr. HALE. My point of order is this: that the call of the States for bills and joint resolutions for reference in the morning hour having been completed and the morning hour not having expired, the House must proceed to the second call of States for bills to be put upon their passage.

Mr. BANKS. Let me introduce a bill first.

The SPEAKER *pro tempore*. We have not yet completed the call for bills and joint resolutions for reference.

Mr. HALE. I understand the call of States has been gone through with.

The SPEAKER *pro tempore*. It will be in order when that time is reached.

Mr. HALE. As I understand it the States have been called through in order, and I now ask the second call be proceeded with, as the morning hour has not expired, for bills to be put upon their passage.

The SPEAKER *pro tempore*. We are acting under the agreement by unanimous consent that at the expiration of the call those who were not in when their States were called should have the privilege of introducing bills for reference.

Mr. HALE. That is in order by unanimous consent.

The SPEAKER *pro tempore*. When the call for bills for reference has been completed the Chair will then entertain the request of the gentleman from Maine.

Mr. HALE. I demand it now.

Mr. BANKS. I do not think the point of order is well taken. I have not referred to the rule, but I should like to hear it read if the gentleman from Maine has it.

Mr. HALE. The chair will find the rule on page 150 of the Digest. In reply to the gentleman from Massachusetts [Mr. BANKS] I would say that I think the gentleman's own experience should satisfy him that when the States and Territories have been called through, and the regular order is insisted on, the second call must then proceed.

The SPEAKER, (having resumed the chair.) The Chair distinctly understands that the House has consented expressly that all these references may be made before the termination of this order. The gentleman from Massachusetts [Mr. BANKS] is therefore in order in presenting a bill for reference. The Chair overrules the point of order made by the gentleman from Maine.

Mr. HALE. Does the Chair rule that without an express consent given on each Monday morning the first call may be prolonged beyond the termination of the regular call of the States and Territories in sequence? On certain Monday mornings, before the call is begun, the Chair has asked, as is very proper, that the call may be continued to occupy the whole hour. But where no arrangement of that kind has been made does the Chair rule that the regular order cannot be called when the last Territory is reached?

The SPEAKER. The Chair does not need now to answer further than to say that this morning the House gave express consent for the completion of this call without reference to the termination of the morning hour.

Mr. HALE. That was a matter of which I had no knowledge. I was not in the House when that consent was given.

The SPEAKER. The record will show that that has been done.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed, without amendment, the joint resolution (H. R. No. 99) concerning special-tax stamps.

The message further announced that the Senate had passed a bill (S. No. 729) authorizing the issue of patents to the purchasers of certain Miami lands in Kansas; in which the concurrence of the House was requested.

PRODUCT OF GOLD AND SILVER MINING.

Mr. BANKS introduced a bill (H. R. No. 3352) to utilize the product of gold and silver mining in the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. BANKS also introduced a bill (H. R. No. 3353) donating condemned cannon to the town of Winchester, Massachusetts, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARBOR OF WASHINGTON.

Mr. BANKS also (by request) introduced a bill (H. R. No. 3354) to improve the harbor of Washington City and the navigation of the Potomac River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CHITTENDEN. I ask unanimous consent for the printing in the RECORD of a petition of four lines against the passage of the tariff bill now before the House.

The SPEAKER. That is not in order under this call.

RELIEF OF MAIL CONTRACTORS.

Mr. SINGLETON introduced a bill (H. R. No. 3355) to relieve mail contractors whose pay was suspended during the war; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired.

Mr. HARRIS, of Virginia. I desire to call up the contested-election case of Le Moyne *vs.* Farwell as the unfinished business of last Saturday.

Mr. HALE. Pending that I move to suspend the rules.

The SPEAKER. For what purpose?

INVESTIGATIONS BY COMMITTEES.

Mr. HALE. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That the several committees of this House charged with investigations be, and are hereby, directed to conduct such investigations with open doors while any testimony is being taken.

Mr. HOLMAN. I trust there will be no opposition to that resolution.

The question being taken on suspending the rules and agreeing to the resolution, the Speaker stated that in the judgment of the Chair on the division by sound two-thirds had not voted in the affirmative.

Mr. HALE. I call for the yeas and nays, there being so much objection on the other side.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 108, not voting 59; as follows:

YEAS—Messrs. Adams, Anderson, George A. Bagley, John H. Baker, Banks, Banning, Barnum, Bell, Blaine, Blair, Bland, Bliss, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Cate, Chittenden, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Crapo, Crounse, Cutler, Danford, Darrall, Davy, De Bolt, Denison, Dunnell, Durham, Eames, Ely, Evans, Farwell, Faulkner, Fort, Foster, Frost, Frye, Garfield, Gibson, Hale, Haralson, Hardenbergh, Hatcher, Hathorn, Hendee, Henderson, Hoge, Holman, Hopkins, Hoskins, Hunter, Hurlbut, Joyce, Ketchum, Kimball, Lamar, Lawrence, Leavenworth, Lynch, MacDougall, McCrary, McDill, McFarland, Miller, Milliken, Monroe, Morgan, New, Norton, O'Brien, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Purman, Rainey, Randall, John Reilly, Robinson, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Stone, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—123.

NAYS—Messrs. Ainsworth, Atkins, John H. Bagley, jr., Blackburn, Blount, Bradford, John Young Brown, Cabell, John H. Caldwell, Candler, Caulfield, Chapin, Clymer, Cowan, Cox, Culberson, Davis, Dibrell, Douglas, Eden, Ellis, Felton, Finley, Forney, Franklin, Fuller, Glover, Goode, Goodin, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Kehr, Franklin Landers, George M. Landers, Lane, Levy, Luttrell, Maish, McMahon, Metcalfe, Mills, Money, Morrison, Neal, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Tarbox, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Walsh, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Fernando Wood, Yeates, and Young—108.

NOT VOTING—Messrs. Ashe, Bagby, William H. Baker, Ballou, Bass, Beebe, Boone, Bright, William P. Caldwell, Campbell, Caswell, John B. Clarke of Kentucky, Collins, Dobbins, Durand, Egbert, Freeman, Ganse, Gunter, Hancock, Benjamin W. Harris, Hays, Abram S. Hewitt, Hoar, Hubbell, Hurd, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, Kelley, King, Knott, Lapham, Lewis, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, Meade, Morey, Mutchler, Nash, Odell, Oliver, Sobieski Ross, Swann, Teese, Thomas, Van Vorhes, Waddell, Charles C. B. Walker, Ward, Wike, Alpheus S. Williams, Willis, and Benjamin Wilson—59.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call,

Mr. MILLIKEN said: My colleague, Mr. BOONE, is absent by permission of the House; and I desire to state further that Mr. WILLIS is absent on a subcommittee of the Committee on Naval Affairs.

Mr. YOUNG. My colleague, Mr. CALDWELL, is absent from the House on account of committee duty.

The result of the vote was then announced as above recorded.

Mr. MORRISON. I move that the rules be suspended and that the resolution which I send to the Clerk's desk be adopted.

The Clerk read the resolution, as follows:

Resolved, That the several committees of this House charged with investigations be, and are hereby, directed to conduct such investigations with open doors, unless, in the opinion of such committees, the public interests will be prejudiced thereby; but any person accused before any committee shall have a right to be heard in his own defense in person or by counsel, or both.

Mr. HALE. That does not change the existing rule.

Mr. RANDALL. The other side of the House was not so particular in the Alabama case or in the Mississippi case.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) Debate is out of order.

Mr. MORRISON. I ask for a vote on my motion.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., one of his secretaries.

POSTAGE.

Mr. CLARK, of Missouri. I move that the rules be suspended and that the resolution which I send to the Clerk's desk be adopted.

The Clerk read the resolution, as follows:

Resolved, That when the bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, is pending in the Committee of the Whole House it shall be in order to offer an amendment to repeal so much of the act of March 3, 1875, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, as amends section 8 of the act approved June 23, 1874, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes.

Mr. BURCHARD, of Illinois. I hope there will be no objection to the gentleman from Missouri explaining what that refers to.

Mr. HALE. None of us understand it.

Mr. CLARK, of Missouri. It is in relation to third-class matter.

Mr. HALE. Will the gentleman explain its scope?

Mr. RANDALL. In the appropriation bill of last year there was a clause inserted changing third-class matter and also the law in relation to the passage of newspapers through the mails. This proposition, as I understand it, makes it in order to test the sense of the House on the repeal of that provision.

Mr. LAWRENCE. Does that restore the law as it was?

Mr. RANDALL. It takes out of that appropriation bill legislation that ought not to have been put there.

Mr. LAWRENCE. That was inserted without the knowledge of the House.

Mr. RANDALL. Yes, sir.

Mr. LAWRENCE. The whole thing was wrong and ought to be repealed.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution was agreed to.

SPECIE PAYMENT—CURRENCY.

Mr. HOLMAN. I move that the rules be suspended, and that the bill which I send to the Clerk's desk be passed.

The bill was read.

It repeals so much of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as authorizes the Secretary of the Treasury to redeem and cancel United States notes and to issue and sell United States bonds for the accomplishment of that purpose.

Mr. LANDERS, of Indiana. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ATKINS. I would ask the gentleman if this bill does not refer to the first and second sections of the resumption law?

The SPEAKER *pro tempore*. Nothing is in order now but the call of the roll.

The question was taken; and there were—yeas 115, nays 111, not voting 64; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, John H. Baker, Banning, Blackburn, Bland, Blount, Bradford, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cason, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Fuller, Glover, Goode, Goodin, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Hill, Holman, Hopkins, House, Hunter, Hunton, Kelley, Franklin Landers, Lawrence, McFarland, McMahon, Milliken, Morgan, Neal, New, Packer, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Savage, Sayler, Scales, Sheakley, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Terry, Tucker, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Erastus Wells, Whitthorne, James D. Williams, Jeremiah N. Williams, Wilshire, Woodworth, Yeates, and Young—115.

NAYS—Messrs. Adams, George A. Bagley, John H. Bagley, jr., Banks, Barnum, Beebe, Bell, Blaine, Blair, Bradley, Horatio C. Burchard, Burleigh, Candler, Chapin, Chittenden, Conger, Crapo, Crounse, Cutler, Danford, Davy, Denison, Dunnell, Eames, Ely, Farwell, Foster, Frost, Frye, Garfield, Gibson, Hale, Robert Hamilton, Haralson, Hardenbergh, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hoge, Hoskins, Hubbell, Joyce, Kehr, Ketchum, Kimball, Lamar, George M. Landers, Lane, Leavenworth, Levy, Luttrell, Lynch, Maish, MacDougall, McCrary, McDill, Metcalfe, Miller, Monroe, Morrison, Mutchler, Norton, O'Brien, O'Neill, Page, Pierce, Piper, Plaisted, Platt, Potter, Powell, Pratt, Rainey, Rusk, Sampson, Schleicher, Schumaker, Seelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Stowell, Tarbox, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wigginton, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—111.

NOT VOTING—Messrs. Ashe, Bagby, William H. Baker, Ballou, Bass, Bliss, Boone, Bright, William R. Brown, Campbell, Caswell, John B. Clarke of Kentucky, Cox, Darrall, Dobbins, Durand, Egbert, Freeman, Ganse, Gunter, Hancock, Benjamin W. Harris, Hathorn, Hays, Abram S. Hewitt, Hoar, Hooker, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, King, Knott, Lapham, Lewis, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, Meade, Mills, Money, Morey, Nash, Odell, Oliver, Purman, Miles Ross, Sobieski Ross, Strait, Swann, Teese, Thomas, Van Vorhes, Waddell, Charles C. B. Walker, Ward, Wike, Willis, and Benjamin Wilson—64.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the call of the roll,

Mr. ROBBINS, of North Carolina, said: I desire to state that my colleagues, Mr. ASHE and Mr. WADDELL, are absent by leave of the House; if present they would vote in the affirmative.

Mr. VANCE, of Ohio. My colleague, Mr. VAN VORHES, is sick, and absent by leave of the House.

Mr. ATKINS. My colleague, Mr. BRIGHT, is detained from the House by illness.

Mr. MILLIKEN. My colleague, Mr. BOONE, is absent by leave of the House. Mr. WILLIS, of New York, is absent on a subcommittee of the Committee on Naval Affairs.

Mr. McDILL. My colleagues, Mr. KASSON and Mr. OLIVER, are absent by leave of the House.

Mr. STEVENSON. My colleague, Mr. CAMPBELL, is absent by leave of the House. If present, I think he would vote "ay."

Mr. SLEMONS. My colleague, Mr. GUNTER, is absent on account of sickness.

INVESTIGATING COMMITTEES.

Mr. HOSKINS. I move that the rules be suspended and that the House now adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the committees of this House charged with investigations of alleged fraud and misconduct be, and they are, instructed severally to complete the same as early as possible, and to make report thereon to this House on or before the 10th day of June next, except when expressly provided otherwise by this House.

Mr. HOSKINS. On the motion to suspend the rules and adopt the resolution just read, I call for the yeas and nays.

Mr. STEVENSON. I think the resolution will pass without calling the yeas and nays.

Mr. HOSKINS. I will withdraw my call for the yeas and nays until the vote has been taken by division or *viva voce*.

The question was then taken by a *viva voce* vote, and

The SPEAKER *pro tempore* announced that the noes seemed to have it.

Mr. HOSKINS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 127, not voting 79; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Chittenden, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dunnell, Eames, Evans, Farwell, Foster, Frost, Frye, Garfield, Hale, Haralson, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hunter, Hurlbut, Joyce, Kelley, Ketchum, Kimball, Leavenworth, Lynch, MacDougall, McCrary, McDill, Monroe, Morey, Norton, O'Neill, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Stowell, Martin I. Townsend, Washington Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—84.

NAYS—Messrs. Ainsworth, Anderson, Atkins, John H. Bagley, jr., Banning, Barnum, Beebe, Blackburn, Bland, Blount, Bradford, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cason, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Ely, Felton, Finley, Forney, Franklin, Fuller, Glover, Goode, Goodin, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Hill, Holman, Hopkins, House, Hunton, Kehr, Lamar, Franklin Landers, George M. Landers, Luttrell, Maish, McFarland, Metcalfe, Milliken, Money, Morgan, Morrison, Neal, New, O'Brien, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Terry, Thompson, Throckmorton, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Walsh, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Fernando Wood, Yeates, and Young—127.

NOT VOTING—Messrs. Ashe, Bagby, William H. Baker, Ballou, Banks, Bass, Bell, Bliss, Boone, Bright, Buckner, Campbell, Caswell, Chapin, John B. Clarke of Kentucky, Cox, Dobbins, Durand, Egbert, Ellis, Faulkner, Fort, Freeman, Gause, Gibson, Gunter, Hancock, Benjamin W. Harris, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hooker, Hubbell, Hurd, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, King, Knott, Lane, Lapham, Lawrence, Levy, Lewis, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, McMahon, Meade, Miller, Mills, Mutchler, Nash, Odell, Oliver, Packer, Parsons, Purman, Sobieski Ross, Schumaker, Swann, Teese, Thomas, Thornburgh, Tucker, Van Vorhes, Waddell, Charles C. B. Walker, Ward, Wheeler, Wike, William B. Williams, Willis, and Benjamin Wilson—79.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ORDER OF BUSINESS.

Mr. GLOVER. I desire to move a suspension of the rules and the adoption of the resolution which I send to the Clerk's desk.

Mr. BLAINE. I ask the gentleman to allow me a moment at this time upon a matter entirely personal to myself.

Mr. GLOVER. Certainly, I will do so.

PERSONAL EXPLANATION.

Mr. BLAINE. I send to the Clerk's desk and ask to have read, from the New York Herald of yesterday, an article which I have marked.

The Clerk read as follows:

ANOTHER SCANDAL ABOUT MR. BLAINE—HIS CONNECTION WITH THE KANSAS PACIFIC RAILROAD AND POSSESSION OF BONDS.

WASHINGTON, *April* 29, 1876.

It is generally and indeed universally conceded here by impartial people that Mr. BLAINE'S statement of Monday last in the House of Representatives was a complete and satisfactory answer to all the charges which he discussed; but one criticism which has been made is that this statement omitted all reference to a story that has been for some time circulated here, and doubtless in other parts of the country, and of which it is hardly conceivable that Mr. BLAINE is ignorant. His omission to refer to it has, therefore, attracted attention and has been thought by some people to mean that Mr. BLAINE found it too embarrassing to answer, and therefore took refuge in silence. This story, which has been hinted at in some western journals, takes as a whole this form: It is said that Mr. BLAINE has long held an interest in the Kansas Pacific Railroad, acquired many years ago when that road was known as the eastern division of the Union Pacific. The precise amount or extent of this interest is not definitely stated, but it is said to be known to several persons, chief of whom is named Joseph B. Stewart, a well-known attorney, for many years living here in Washington. Mr. Stewart is said to have had confidential charge of BLAINE'S interest in that road and to know all the "bottom facts" about the case. It is further said that a suit in the courts of Kansas, conducted by Stewart as attorney, shows that Blaine was a party in interest and specifies the amount of bonds he got. General Thomas Ewing, of Ohio, who was for some years a resident of Kansas, is also said to be in full possession of all the facts of the case. Ewing is a relative of BLAINE, but he is a democrat, and it is said here that he is not unwilling in this matter to see BLAINE pushed to the wall, though he does not care to take an active part in the matter and prefers to remain silent.

It is further said that BLAINE received several years ago certain bonds of the Kansas Pacific Railroad from Stewart, which were delivered to him in the law office of Stewart & Riddle, on Pennsylvania avenue, in this city. A. G. Riddle, of this firm, still lives here, and is said to know a good deal about this transaction; more than he cares to tell. Another principal witness of this affair is said to be James W. Knowlton, now dead. He was a student in the law office of Stewart & Riddle, and was afterward a newspaper correspondent here. He is said to have witnessed in some form the delivery of the bonds to BLAINE, and to have spoken of it to several persons. Finally, in some not very definite way, the name of Mr. BLAINE'S brother appears at different points in the narrative, though in what precise relation or connection does not clearly appear. The name of this brother is John E. Blaine, and he is now a paymaster in the regular Army.

Different parts and versions of this story have been in circulation in Washington not only this winter, but last. Occasionally fragments have appeared in the papers, and it was reasonably expected by those who had heard of this scandal that Mr. BLAINE would have made some allusion to it last Monday. As he did not, it has been thought proper and not unjust to Mr. BLAINE, who ought to explain these things, to put these fragments together. It will be observed that the names of supposed witnesses are mentioned, and means are thus at hand to substantiate the story or to meet and refute it. Of course it is to be hoped that Mr. BLAINE may be able to refute it, but in any case he must meet it. It cannot be overlooked.

Mr. BLAINE. Mr. Speaker, I desire the indulgence of the House for a few minutes, though it is not my intention to ask a favor of this kind every week.

This story is an old one, and though I was perfectly aware of its industrious circulation in many quarters, I did not refer to it when I spoke last week of the $64,000 slander, because I did not wish to confuse the two in the mind of the public. Being in possession of all the facts needful for the complete refutation of this second slander, I desired to wait until I could see it fully and connectedly stated in print. The story consists of two parts, one as to my having a certain interest in the Kansas Pacific road, the other as to my receiving certain bonds of that road from J. B. Stewart, in the law office of Stewart & Riddle in this city, several years since. When the circulation of this story was attempted some three years ago, Hon. A. G. Riddle, who was then as now relied upon as a witness by those who concocted the slander, made the following statement in writing, which has never before been published:

WASHINGTON, D. C., *February* 1, 1873.

I have not the slightest knowledge of the transaction referred to in any shape, way, or form, and I never saw Mr. BLAINE in the office of Stewart & Riddle. From July or August, 1864, Colonel Stewart and myself were law partners, and had our office in the Colonization building, at the corner of Four-and-a-half street and Pennsylvania avenue. The company was never formally dissolved and was an active concern for several years. I have no knowledge whatever of any bonds having been delivered by Colonel Stewart to Mr. BLAINE, or anything else of value being paid to him by Mr. Stewart.

A. G. RIDDLE.

Joseph B. Stewart also wrote me a square denial of it at the same time, and within a few weeks has written me the following more complete and detailed contradiction of the falsehood in all its phases:

NEW YORK CITY, *April* 2, 1876.

DEAR SIR: I have once before corrected the absurd and false report in regard to your being interested in the Kansas Pacific Railway Company and of your having received from me certain bonds of that company said to have been delivered to you by myself in the law office of Stewart & Riddle, in the city of Washington.

Let me repeat, then, that, so far as I have any knowledge, you never had at any time any interest whatever in the company referred to, and my means of information as to those who were so interested were very extensive and complete.

As to the story of my having delivered to you in my law office certain bonds of the company, let me say again that it is without the slightest foundation in fact; false in whole and in detail. I never saw you in my law office in my life, and have no knowledge or belief that you ever were there. I never delivered to you there or elsewhere any bonds of the Kansas Pacific Railway Company or any other railroad company. I never had a business transaction of any name or nature with you in my whole life. The young man, Mr. Knowlton, a former law student in my office, who seems to have innocently or carelessly been the author of a story in regard to the delivery of bonds to you which found its way into the press, was swift to retract it, and expressed great sorrow to me for the publication of that which he had only uttered as a jest, and was used without his knowledge or approbation, and should be instantly revoked, which was done.

Your brother, John Ewing Blaine, of Leavenworth, Kansas, held an original interest in the corporation known as the Leavenworth, Pawnee and Western Railroad Company, chartered by the territorial Legislature of Kansas about the year 1856, and which the evidence that came into my hands showed he acquired very early in the history of the enterprise. This road by successive mergers became the Kansas Pacific, and his interest was preserved through all these changes of organization. As early as 1863, and before I had ever seen you, I became his attorney, as I was also for several others who held like interest, and through tedious proceedings and negotiations finally secured a settlement by compromise, and if I remember correctly, writing without the papers before me, your brother became entitled to fifteen construction bonds, afterward changed and reduced to a smaller number of bonds of another issue. This whole transaction was open, honorable, above-board, and free from all grounds of imputation as to any party connected with it.

If without my knowledge you ever had an interest in the Kansas Pacific Railroad it must have prejudiced you very strongly against that corporation, for in 1866, when the bill was passed by Congress giving the company additional lands with enlarged powers to swing its line southward and build to Denver, I remember you were one of its most stubborn opponents. You voted against the bill in all its stages, and you did so against the earnest request of myself and others who were representing the interest of the company in Washington at that time.

Yours, very truly,

JOSEPH B. STEWART,
Late of Stewart & Riddle, of Washington, D. C.

Hon. J. G. BLAINE,
Washington, D. C.

General Thomas Ewing, of Ohio, who is always quoted in this matter as a witness having a knowledge of some fearful facts, wrote me quite recently the following letter:

LANCASTER, OHIO, *March* 20, 1876.

DEAR SIR: I am surprised to learn that some persons are reviving the long-since exploded story of your having acquired an interest in the Leavenworth, Pawnee and Western Railroad Company, afterward the Union Pacific, Eastern Division, and now the Kansas Pacific. Four years ago this charge was set afloat, and I published a card denying it. I was a director of the company at the time when you are accused of having acquired an interest and until some time in 1863, and I know that you had no interest whatsoever in the company. The report referred to seems to have originated in the fact that your brother, John E. Blaine, one of the early settlers of Kansas, and clerk of our courts at Leavenworth, held stock in the company, legitimately and properly acquired, long before you were even a candidate for Congress, and with which you had nothing whatever to do. Beyond this there was no interest in the company held, directly or indirectly, by any one of your name.

The similarity between the names of J. E. Blaine and J. G. Blaine must have led to the confusion on which the allegation is based. In that possible mistake I can see some excuse for the origin of this misstatement, but I see none for the persistency which urges it after frank and full denial.

Very truly, yours,

THOMAS EWING.

Hon. JAMES G. BLAINE,
Washington, D. C.

Three years ago the Knowlton story was told in the New York Sun. Mr. A. M. Gibson, then as now the well known Washington correspondent of that paper, wrote me a few weeks since the following letter:

WASHINGTON, D. C., *March* 17, 1876.

DEAR SIR: In February, 1873, a telegraphic dispatch from Washington was published in the New York Sun charging that you had received in some secret manner some bonds of the Union Pacific Railroad, Eastern Division, from Joseph B. Stewart at his law office in the Colonization building, Pennsylvania avenue. The man who was understood to be responsible for the charge was James W. Knowlton, then correspondent of the Chicago Tribune and who had been a law student in the office of Stewart & Riddle. On the evening of the same day that the dispatch appeared in the Sun, Mr. Knowlton called upon me to disclaim all responsibility for it, and said there was no ground for making the charge against you, and that he was satisfied that he had been entirely mistaken in saying that he had even so much as seen you in Stewart & Riddle's office, and if called upon would have to testify to that effect. I was so well satisfied that there was no foundation for the statement made that I at once sent a contradiction of the same. I also advised Mr. Knowlton to go and see you, which he afterward told me he had done.

Very truly, &c.,

A. M. GIBSON.

Hon. J. G. BLAINE.

Mr. Joseph Macfarland, a correspondent well known in newspaper circles, and of whose serious illness at this time I greatly regret to hear, furnishes the following statement:

WASHINGTON, D. C., *March* 16, 1876.

In the winter of 1873, when the statement was made in the New York Sun about Joseph B. Stewart delivering some bonds to Hon. JAMES G. BLAINE, I was the Washington correspondent of the Philadelphia Press. Mr. James W. Knowlton, then correspondent of the Chicago Tribune, since deceased, occupied the same office with me. The day after the article appeared in the Sun with Mr. Knowlton as its presumed authority, he came to me and asked me if I would accompany him to Speaker BLAINE'S residence and introduce him, as he had an important communication to make to the Speaker. I accordingly went with him, and in my presence he assured Mr. BLAINE of his great regret that such a report should have got into circulation on his apparent responsibility, and he had come to repudiate it and to assure Mr. BLAINE of how much he regretted that any annoyance should come to him in this way. He unequivocally withdrew the charge in my presence, declaring there was no foundation for it, and assuring Mr. BLAINE that he had taken the promptest measures to prevent, as far as he could, any other papers publishing it or even referring to it.

Mr. Knowlton spoke to me about the matter very frequently afterward, as we were in daily and intimate association. He always expressed the keenest regret that he should have in any way been quoted for a damaging rumor that had no foundation. The attempt to revive this old, and as I am convinced baseless, scandal, is my reason for making this statement, which I do in justice to the living and the dead.

J. MACFARLAND.

I do not think any further contradiction is needed of a story that never had the slightest foundation in truth, but which has been most eagerly and industriously circulated as a twin scandal to the sixty-four-thousand-dollar falsehood. My excuse for trespassing even thus briefly on the kindness of the House is the fact that I desire to give the widest possible publicity to my disproof of a story that has been circulated far and near, and yet mostly in secret, and never with a responsible author. I now dismiss it with the possibly groundless hope that those who have sought to injure me by repeating it will make the proper and the honorable *amende*.

One word more, Mr. Speaker. I believe the country will understand and appreciate the motives that suggest these untruthful accusations. Having now noticed the two that have been so extensively circulated, I shall refrain from calling the attention of the House to any others that may be invented. To quote the language of another, I do not propose to make my public life a perpetual and uncomfortable flea-hunt, in the vain effort to run down stories which have no basis in truth, which are usually anonymous, and whose total refutation brings no punishment to those who have been guilty of originating them.

HALLET KILBOURN.

The SPEAKER. Before further business is proceeded with, the Chair desires to lay before the House a communication received by him this morning from Mr. Hallet Kilbourn, which communication the Clerk will now read.

The Clerk read as follows:

WASHINGTON, D. C., *May* 1, 1876.

SIR: I have the honor to respectfully inform you, and through you the honorable House of Representatives, that I am now willing to appear before the House or the committee and answer fully all interrogatories in regard to the so-called "real estate pool," in which Kilbourn & Latta, or myself, are, or have been, in any way connected, with the view that, after a full investigation, the fact will appear, as I made oath to, that the Government was in no way interested therein.

I beg to assure you that I had no other motive in refusing to comply with the demand of the House of Representatives heretofore than the vindication of the private and personal rights of the citizen.

As there seems to be a real or affected suspicion that there is something of wrong that I have refused to reveal, and which our books and papers will show, therefore, waiving all questions of the assumed right of the House and its committee to inquire and examine into our private and personal affairs in which I know there is no wrong and no public interest involved, I am willing the honorable committee shall, and hereby invite them to, visit our office, when all the books and papers relating to our business shall be as open as the day to their inspection, and every facility afforded them for a thorough investigation of their contents.

I make but one request in connection with such an examination of our private books, &c., and that is, if the committee shall find, as I have testified to be the fact, that there is nothing wrong or affecting public interests, they will so report to the House of Representatives, and not publish or allow to be published our business transactions, in which no one but ourselves and our patrons are interested.

Again assuring you of my highest regard for yourself, and respect for the honorable House of Representatives, I remain, very respectfully,

HALLET KILBOURN.

Hon. MICHAEL C. KERR,
Speaker of the House of Representatives.

Mr. GLOVER. I move to lay that letter upon the table.

Mr. LAWRENCE. Let it be referred to the Judiciary Committee.

Mr. PAGE. I demand a division on the motion to lay upon the table.

The House divided; and there were—ayes 101, noes 61.

So the letter was laid upon the table.

INVESTIGATION OF FEDERAL OFFICES IN LOUISIANA.

The SPEAKER. The Chair desires to announce the following committee to investigate the Federal offices in Louisiana:

The Clerk read as follows:

Mr. GIBSON, Mr. BLACKBURN, Mr. NEW, Mr. VANCE of Ohio, Mr. STEVENSON, Mr. JAMES B. REILLY, Mr. FOSTER, Mr. CRAPO, Mr. DARRALL.

LEAVE OF ABSENCE TO THE SPEAKER.

The SPEAKER. The Chair, in his own behalf, desires now to make a request of the House, which is that he have leave of absence on account of personal illness for a period not exceeding ten days, commencing to-morrow morning.

There was no objection, and it was ordered accordingly.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair, under the authority of the amendment to Rule 5, adopted the other day, now appoints, subject to the approval of the House, the gentleman from New York [Mr. COX] to preside as Speaker *pro tempore* during the leave of absence just granted to the Chair. Is there objection?

There was no objection, and it was approved accordingly.

The SPEAKER. The Chair desires before taking his seat to express his sincerely grateful thanks to the House for its long-continued kindnesses and indulgences toward him. They are most gratefully appreciated.

The Speaker then resigned the chair to Mr. COX as Speaker *pro tempore* for this day, the appointment above to commence to-morrow.

SOUTHERN CLAIMS COMMISSION.

Mr. GLOVER. I move to suspend the rules and adopt the resolution I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the board of commissioners of claims, known as the southern claims commissioners, be, and they are hereby, directed to furnish to this House all complaints and affidavits made to said commission against the clerk thereof, or any special agent or commissioner appointed by said board to take testimony in or report on claims filed before said board, and all correspondence, by letter or telegraph, addressed to said board complaining of the conduct of the clerk of said board of commissioners, or any agent, commissioner, or special agent or commissioner appointed by said board to take testimony in or report on any claim filed before said board of commissioners.

The rules were suspended and the resolution adopted, two-thirds voting in favor thereof.

AMENDMENT TO THE POST-OFFICE APPROPRIATION BILL.

Mr. VANCE, of North Carolina. I move to suspend the rules and adopt the following resolution:

The Clerk read as follows:

Resolved, That when the bill making appropriations for the service of the Post-Office Department, &c., (H. R. No. 3263) for the year ending June 30, 1877, is under consideration in Committee of the Whole, it shall be in order to offer an amendment so as to modify section 3480 of the Revised Statutes as to authorize and direct the Secretary of the Treasury to pay the amounts found to be due to mail contractors and to postmasters on or before the 31st of May, 1861.

Mr. HOLMAN. I trust that resolution will be reported again. I did not perceive its full effect.

The resolution was again read.

The House divided; and there were—ayes 68, noes 87.

Mr. VANCE, of North Carolina. I demand tellers. I understand many gentlemen did not understand the motion.

Mr. HURLBUT. I demand the yeas and nays.

Mr. VANCE, of North Carolina. I do not propose to take up the time of the House by demanding the yeas and nays, but I do ask for tellers, as some gentlemen tell me they did not understand the motion.

Mr. HURLBUT. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. I rise to a parliamentary inquiry. If this resolution shall be adopted, will it be in order to move an amendment in Committee of the Whole to provide that no person who was actively engaged in the rebellion shall be paid for any such mail service?

The SPEAKER *pro tempore*. That question will be answered by the Chair in Committee of the Whole on the state of the Union when the time arrives.

Mr. VANCE, of North Carolina. I withdraw the resolution.

Mr. WHITE. I object.

The SPEAKER. The question recurs on the motion to suspend the rules and adopt the resolution.

Mr. CLYMER. I move the House adjourn.

The motion was agreed to; and accordingly (at three o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: The petition of Alexander M. Vinnedge, late a private in Company B, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, to be relieved from the charge of desertion and to be restored to all rights as though regularly mustered out of military service, to the Committee on Military Affairs.

By Mr. COX: The petition of Edwin F. Hatfield, stated clerk of the General Assembly of the Presbyterian Church of the United States, that the postal law be so changed as to allow the annual publications issued by the direction of said assembly and other annual publications issued by direction of various religious and charitable societies, none of which are issued for gain, to be sent through the mails at a lower rate of postage than is now charged for the same, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Charles J. Bartram and 72 others, envelope dealers, stationers, and manufacturers, that such legislation may be adopted as may relieve them from injurious competition by the Government in the manufacture, transportation, and sale of envelopes, postal cards, &c., to the same committee.

By Mr. FAULKNER: The petition of the faculty of the West Virginia University, for the passage of the bill introduced in the Senate April 12, 1876, entitled "A bill to limit and fix the Signal Service," to the Committee on Commerce.

By Mr. HARRIS, of Georgia: Papers relating to the claim of Henry S. Castellon, for compensation for stock and provisions taken for use of the United States Army, to the Committee on War Claims.

By Mr. HENDEE: The petition of John G. Stafford, that the commissioners of the District of Columbia be directed to ascertain and pay him the amount due him for work done and material furnished under a contract with the board of public works in the city of Washington, to the Committee for the District of Columbia.

By Mr. JOYCE: The petition of Dudley Taft, that the charge of desertion may be removed from the record of his deceased son, George D. Taft, killed at the battle of the Wilderness, and that he be paid the bounty and back pay that would otherwise have been due him, to the Committee on Invalid Pensions.

Also, the petition of Tuttle & Co. and others, for such legislation as will relieve them from injurious competition by the Government in the manufacture and sale of envelopes, postal cards, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: The petition of Virgil M. Jones, late an assistant quartermaster United States Army, to be released from his indebtedness to the United States, to the Committee on Military Affairs.

By Mr. LUTTRELL: A paper relating to the claim of James M. Watson, to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of Robert Quinn, for a pension, to the same committee.

By Mr. MONROE: The petition of Lieutenant M. C. Roach, for additional compensation as a United States officer, to the Committee on Military Affairs.

By Mr. TOWNSEND, of New York: The petition of citizens of Washington County, New York, that negotiations may be had with the Dominion of Canada relative to the Caughnawaga Ship-Canal, to the Committee on Foreign Affairs.

By Mr. YOUNG: The petition of Abner D. Lewis, for the reconsideration of his claim disallowed by the southern claims commission, to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 2, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

RETURN OF A BILL TO THE HOUSE.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return of the joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories; and, on motion of Mr. EDMUNDS, the request was granted.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of J. P. McMillin, trustee of the Methodist Episcopal church South, of Chattanooga, Tennessee, praying compensation for the use of their church building for military purposes by the Army of the United States during the late war; which was referred to the Committee on Claims.

Mr. BOUTWELL presented a memorial of the Society of Friends on behalf of the Indians, remonstrating against the transfer of the management of Indian affairs to the War Department; which was referred to the Committee on Indian Affairs.

Mr. MERRIMON presented the petition of Malissa E. Banks, of Yancey County, North Carolina, praying to have her name restored to the pension-rolls as the widow of Ezekiel Banks, a Federal officer in the war of 1861; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of Thompson & Carmichael, and others, citizens of Davenport, Iowa, envelope-manufacturers, printers, stationers, lithographers, representing over 50,000 other dealers throughout the United States, praying for such action by Congress as will discontinue the manufacture and sale by the Government of stamped envelopes, &c.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DENNIS presented the petition of Samuel J. Lamden, of Worcester County, Maryland, late a private in Company B, First Mounted Missouri Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented the petition of Carl Jussen, late adjutant Twenty-third Wisconsin Volunteers, praying for the difference of pay between that of sergeant-major and adjutant from August 2 to December 13, 1863; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented a memorial of citizens of the State of New York, remonstrating against the passage of any law granting an American register to foreign-built vessels; which was referred to the Committee on Commerce.

THE STEAMBOAT BILL.

Mr. CONKLING. Mr. President, having the floor I wish to make a statement for myself and for the Committee on Commerce. There is before the Committee on Commerce of the Senate a bill, passed some little while ago by the House of Representatives, popularly known as the steamboat bill. Various inquiries from time to time are addressed to me and various comments are made touching the period when the bill is likely to be reported and the fact that, although it has been here for some time, it has not been reported. To answer these inquiries, for the reason that it is easier to answer generally than particularly, and for some other reasons, I make this statement.

After the bill came from the House of Representatives it turned out that there was some error about it, and the bill was returned to the House, at its request, for the correction of the error. Afterward a second and corrected bill came, which bill has been received by the Senate only quite recently. In the meantime applications have been made, and I refer especially to one known to a Senator who hears me, made by a citizen representing a large part of the steamboat interest in one direction, having one set of views about legislation. An application was made by him to me, and made in writing, to defer and postpone action upon the bill in the committee until he and others should have opportunity to prepare and present to the committee some matters bearing upon it. Although it is quite doubtful whether any diligence would have enabled the committee to report the bill by this time, this request has been made, and it has not existed so long that anybody can charge the parties with being wanting in diligence and good faith. Had the committee been ready to report the bill, no doubt it would have waited at least as long as it has waited, and probably longer, to enable those interested in it to give information to the committee. But I sufficiently answer the purpose when I say that, upon the request of those interested, and affirmatively interested, in the bill, the committee has been waiting, and as yet only a short time, to enable them to present such facts as they may choose to submit.

I hope this will be a sufficient answer to all those curious to know why the bill has not been reported, and that it will avoid the necessity of answering in detail and separately so many persons as are making inquiries.

POLITICAL ASSESSMENTS ON OFFICERS.

Mr. MERRIMON submitted an amendment intended to be proposed by him to the bill (H. R. No. 876) to prevent the solicitation, contribution, or acceptance, by any officer or employé of the Government, of money, property, or other thing of value, for political purposes, and for other purposes; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks and for other purposes, reported it with amendments.

Mr. BAYARD, from the Committee on Finance, to whom were referred the petition and accompanying papers of Lena Bensinger, praying to have restored to her certain money alleged to have been wrongfully taken from her late husband, Nathan Bensinger, as surety on the bond of Dohn & Marks, brewers, of Louisville, Ken-

tucky, charged with violating the internal-revenue laws, asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (S. No. 530) to re-imburse purchasers at direct-tax sales in Arkansas declared illegal by United States courts in consequence of a defective board of commissioners, reported it with amendments.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the petition of Martinette Hardin McKee, widow of Alexander R. McKee, deceased, praying an appropriation by Congress sufficient to convey the remains of her late husband from Panama to Frankfort, Kentucky, to be interred in the cemetery at that place, asked to be discharged from its further consideration; which was agreed to.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the petition of Moses Marshall, praying for an extension of his patent for an improvement in knitting-machines, submitted a report accompanied by a bill (S. No. 795) to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for improvement in knitting-machines.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of the heirs of S. L. Hartshorn, praying for an extension of his letters-patent for improvements in buckles, submitted a report accompanied by a bill (S. No. 796) for the relief of the heirs of Sheldon S. Hartshorn.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. DENNIS, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river, reported it without amendment.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (S. No. 15) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, has had the same under consideration, and I may say, going beyond the technical formality of expression, has given very considerable attention to the subject. The committee finds itself confronted with what it understands to be a purely legal question, one that may be regarded as a legal question aside from almost any connection with the policy of the disposition of the public lands. The question involved in the bill is one of paying out of the National Treasury some three or four million dollars to various States, in which States public lands were taken up by warrants or certificates issued to soldiers for the location of lands for their services as soldiers. That very fact becomes a material question in considering this bill, as to what is a bounty-land warrant; whether it is in the nature of compensation, representing a part of the service of the soldier paid for by the Government, or whether it is purely and exclusively a bounty. That is one of the legal questions.

Another one of the legal questions is the construction of the ordinances for the admission of the various States into the Union affected by this bill, as to what were the terms of those ordinances or compacts. The Committee on Public Lands, although willing enough to take the labor and time to investigate this subject, felt that it was peculiarly a question involving the construction of an ordinance or contract, and also involving what is the legal status of bounty-land warrants; and hence, though the matter in the bill pertains largely to the Western States, and though the members of that committee are very largely from the West, they felt it due to that committee, and due to the gravity of the subject, that it should go to the Judiciary Committee, where we doubt not it will receive a fair and just interpretation. I am therefore instructed to ask that the Committee on Public Lands be discharged from the further consideration of the bill, and that it be referred to the Committee on the Judiciary.

The report was agreed to.

SUPPLIES FOR APACHE INDIANS.

Mr. ALLISON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory, and for the removal of the Indians on the Chericahua agency to San Carlos agency, to report it without amendment; and as it is a matter of pressing importance I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $50,000, or so much thereof as may be necessary, to provide for subsistence supplies for the Apache Indians in Arizona Territory, from the 1st of May to the 30th of June, 1876. If any surplus remain after the purchase of supplies, the same shall be used to defray the expenses incident to the removal of the Indians of the Chericahua agency to the San Carlos reservation, in said Territory, whenever in the judgment of the Secretary of the Interior such removal may be deemed necessary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF A BRIG.

Mr. BURNSIDE, from the Committee on Commerce, to whom was referred the bill (S. No. 745) to authorize the Secretary of the Treasury to issue a register and change the name of the brig A. S. Pennell to the City of Moule, reported it without amendment.

Mr. HAMLIN. The bill just reported by the Senator from Rhode Island is simply to change the name of a vessel, and I ask that the Senate proceed to its consideration at this time.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CONKLING. I ask leave to introduce a bill, because I have been requested to do so, and not because I know the merits of the bill myself.

By unanimous consent, leave was granted to introduce a bill (S. No. 797) to incorporate the Washington and Bladensburgh Pike Railroad Company, and to prohibit the use of steam or other dangerous power on the same or adjacent to it; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 798) for the relief of Carl Jussen, late adjutant Twenty-third Wisconsin Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HITCHCOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 799) for the relief of J. B. Cornell and others; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 800) for the relief of Sarah P. Chisholm and Samuel P. Chisholm, of Beaufort, South Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 801) to improve the harbor of Washington City and the navigation of the Potomac River; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 802) for the relief of Thomas H. Mallison, executor of the estate of Noah Gaskill, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 804) to establish a post-route in the State of Oregon and Idaho Territory; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 805) relating to indemnity school selections in the State of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 806) for an act granting a pension to John B. Dearing; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 807) for the relief of John E. Catlett, of Hannibal, Missouri; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

IMMIGRATION TO THE UNITED STATES.

Mr. EDMUNDS. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Commerce be, and it hereby is, instructed to inquire what legislation, if any, is necessary and expedient to provide regulations concerning the immigration or other arrival of persons in the United States from other countries with a view to securing the people against the evils of pauperism, crime, and other injuries to the morals and good order of society, and with a view to lending all lawful aid to the States in the exercise of their sanitary and police jurisdiction, and that said committee report by bill or otherwise.

Mr. CONKLING. Let the resolution lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

DISTRICT PUBLIC SCHOOLS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to inform the Senate whether the standard of qualification of teachers, text-books, mode of punishment of pupils, rules, regulations, and general supervision of white and colored schools are the same in this District; and, if any discrimination exist in the management of said schools or in the respects aforesaid, that they inform the Senate in what such differences consist and the reasons therefor.

AMENDMENT OF IMPEACHMENT RULES.

Mr. INGALLS. If there is no further morning business, I will move that the remainder of the morning hour be devoted to the consideration of the Calendar.

Mr. HAMLIN. I think we had better take up the resolution in relation to the rules. It is legitimate morning business.

Mr. INGALLS. Very well.

The PRESIDENT *pro tempore*. The Senator from Maine moves the present consideration of the resolution introduced by him which was partly considered on a prior day.

Mr. McMILLAN. I ask the Senator if he will permit me to move that the Senate proceed to the consideration of a bill upon the Calendar which has been there for some time?

Mr. HAMLIN. This resolution is in the nature of morning business and it is in regular order. I should like to have the Senate vote upon this matter, and then I will assist the Senator from Minnesota in getting up his bill with great pleasure.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate resumed the consideration of the following resolution submitted by Mr. HAMLIN, April 29:

Resolved, That Rules 19 and 23 of procedure and practice in the Senate, when sitting on the trial of impeachments, be amended to read as follows:

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open.

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule 7, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

Mr. THURMAN. Mr. President, most of our constitutions provide that courts of justice shall be open; that is, they shall conduct their proceedings openly; but I never heard of a court in any country in the world that conducted its deliberations in the formation of its judgment, in public. I never heard of a court in which a jury was required to discuss the case in public. If the universal experience of mankind has been that judges and jurors should consult in private as to the verdict or judgment they shall render, I cannot very well see that there is anything peculiar in the constitution of the Senate sitting for the trial of impeachments that should exempt it from this general rule of convenience and propriety. On the other hand, it seems to me, with great respect for my friend who offers this amendment and for any one who supports it, that nothing in practice could prove more detrimental, nothing would be more likely to be injurious to the character of the Senate or to the cool deliberation that is necessary to prevail in arriving at our judgment; and I think, too, that instead of being a saving of time it would have directly the opposite effect.

As was well said yesterday by the Senator from Vermont, [Mr. EDMUNDS,] men are so constituted that if one expresses an opinion, although it be hastily expressed, he does not willingly forego that opinion, he does not willingly admit that he was in error, and that is especially the case if that opinion be expressed in public; and if he sees that to give up his opinion or to modify it may subject him to a charge of inconsistency, it becomes far more difficult for him to yield to reason and surrender an erroneous conception, and if he do it still the changing of opinions from time to time upon further reflection is calculated to injure the standing and dignity and reputation of the court. Hence, both for the preservation of that respect which is due to the court, as well as for arriving at a sound conclusion, the universal practice has been that the consultations of the court shall be in private.

There is still another reason, I may say, for I have had some experience about that. Courts after all are constituted of men and men only, with the infirmities that belong to other individuals; and the debates, even in a court of limited numbers and composed of men of age and of experience, are sometimes conducted with very considerable heat; their deliberations in private consultation, I mean. It is not advisable that any such scenes should be enacted. It is not advisable certainly that this court, consisting of seventy-three members, should exhibit anything like heat in debate upon this case. But if we are to discuss in this large Chamber all the questions that arise in this trial, it will be impossible to avoid that heated debate which ought not to prevail in a court.

I hope, for all these reasons, as well as those that have been given by others, that this amendment will not be adopted.

Mr. EDMUNDS. Mr. President, in order to test the sense of the Senate, I move to postpone the resolution indefinitely.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the resolution be indefinitely postponed.

Mr. EDMUNDS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Florida. Mr. President, it may be well to look into the history of this practice before we take the vote upon the question now before the Senate. I have felt enough interest in the question to go back beyond our own times to ascertain how this practice of secrecy originated. I find in the records of the Senate as early as 1798 that the order which the Senator from Maine now desires to revoke was adopted; this order under which we retire every day when a question is presented here for our decision to deliberate upon it. I say I have had the curiosity to go back and find how it came to be adopted and where it originated; and I discover that its origin is to be found in that great trial in England which was in progress at the time the Blount trial began—the first impeachment trial in this country.

The practice of retiring from Parliament and taking the sense of the judges is nothing new in parliamentary history, and out of that practice this order originated. It is not new; it originated in the trial of Warren Hastings, and let me say to the Senate that it originated against the protest of the best constitutional lawyers in England at that day and against the precedents of a century and a half previous. All of our rules of proceedings in cases like this are derived, as we know, from parliamentary law, not from the civil law, not from the common law, but from the parliamentary law; and when we come to inquire what that law provides in cases of impeachment, we find that it never did authorize this secrecy which is now sought to be abolished by the honorable Senator from Maine.

The power of impeachment is given by the Constitution to the House of Representatives, and the power to try all impeachments is given to the Senate; but we have no rules to guide us except what we derive from the English practice or such as we may originate ourselves. In the English House of Lords there is an element that does not exist here. They have their law lords, to whom all cases of law are referred; and it was the practice in the Hastings trial, whenever a legal question was presented, either of evidence or pleading, to retire from the halls of Parliament to take privately the opinion of the judges behind the back of the prisoner in regard to the particular question in dispute.

I have said that that practice called forth one of the ablest protests that is to be found in the English language to-day as being utterly inconsistent with the principles of the British constitution and rights of the prisoner in that case. But, sir, strange to say, notwithstanding the rights of the prisoner were seriously involved, his learned counsel did not think it proper or necessary to interpose any objections to the adoption of that despotic rule. What reason was assigned for it? He was at the time a favorite of the Crown; that was a trial which emanated from the Commons, representing the voice of the British people, and it was sought to shelter him by the mantle of the Crown. It was not a proceeding that emanated from the aristocracy, from the lords, but it emanated from the people, headed by Mr. Burke and his able associates. The distinguished counsel of the accused, who made no opposition to the adoption of that rule in that case, failed to do it because they thought it would benefit their client, which it did. That trial lasted for seven years, and it was sufficient to break down any ordinary man, however innocent he might have been; but it was the wish and purpose of the prisoner's counsel to continue it, and when the House of Commons, after it was over, or about the time it was on the eve of its termination, appointed a committee, headed by Mr. Burke, to inquire into the causes of that great delay, they made a report, which is here before me, which goes to show that one of the reasons which contributed to that delay was this practice of retiring and deliberating in secret upon the great questions that from time to time came before the court.

Mr. EDMUNDS. Would it be convenient for the Senator to read us the extract from the journal to which he refers of 1798, when this proposition was brought forward?

Mr. JONES, of Florida. I have not that before me now; but I have the dissent of the Lords here at hand, with Mr. Burke's report explaining the causes of the great delay, which will answer the same purpose. The Lords who dissented from the adoption of that rule used this language:

First. Because, by consulting the judges out of court in the absence of the parties, and with shut doors, we have deviated from the most approved, and almost uninterrupted, practice of above a century and a half, and established a precedent not only destructive of the justice due to the parties at our bar, but materially injurious to the rights of the community at large, who in cases of impeachments are more peculiarly interested that all proceedings of this high court of Parliament should be open and exposed, like all other courts of justice, to public observation and comment, in order that no covert and private practices should defeat the great ends of public justice.

Secondly. Because, from private opinions of the judges, upon private statements which the parties have neither heard nor seen, grounds of a decision will be obtained which must inevitably affect the cause at issue at our bar; this mode of proceeding seems to be a violation of the first principle of justice, inasmuch as we thereby force and confine the opinions of the judges to our private statement, and through the medium of our subsequent decision we transfer the effect of those opinions to the parties who have been deprived of the right and advantage of being heard by such private though unintended transmutations of the point at issue.

Mr. Burke, in his report to the House of Commons on this subject, says:

Your committee is of opinion that nothing better could be devised by human wisdom than argued judgments publicly delivered for preserving unbroken the great traditionary body of the law, and for marking, while that great body remained unaltered, every variation in the application and the construction of particular parts; for pointing out the ground of each variation, and for enabling the learned of the bar and all intelligent laymen to distinguish those changes made for the advancement of a more solid, equitable, and substantial justice, according to the variable nature of human affairs, a progressive experience, and the improvement of moral philosophy from those hazardous changes in any of the ancient opinions and decisions, which may arise from ignorance, from levity, from false refinement, from a spirit of innovation, or from other motives of a nature not more justifiable.

Your committee, finding this course of proceeding to be concordant with the character and spirit of our judicial proceeding, continued from time immemorial, supported by arguments of sound theory, and confirmed by effects highly beneficial, could not see without uneasiness, in this great trial for Indian offenses, a marked innovation. Against their reiterated requests, remonstrances, and protestations the opinions of the judges were always taken secretly. Not only the constitutional publicity for which we contend was refused to the request and entreaty of your committee, but when a noble peer, on the 24th of June, 1789, did in open court declare that he would then propose some questions to the judges in that place, and hoped to receive their answer openly according to the approved good customs of that and of other courts, the lords instantly put a stop to the further proceeding by an immediate adjournment to the chamber of Parliament. Upon this adjournment we find by the Lords' journals that the house, on being resumed, ordered that "it should resolve itself into a committee of the whole house on Monday next, to take into consideration what is the proper manner of putting questions by the Lords to the judges and of their answering the same in judicial proceedings." The house did thereon resolve itself into a committee, from which the Earl of Galloway, on the 29th of the same month, reported as follows: "That the house has, in the trial of Warren Hastings, esquire, proceeded in a regular course in the manner of propounding their questions to the judges in the chamber of Parliament and in receiving their answers to them in the same place." The resolution was agreed to by the Lords.

But the protest which I have just read was interposed against it. The committee of the Commons further say in this report:

It appears to your committee that from the thirtieth year of King Charles II until the trial of Warren Hastings, esq., in all trials in Parliament, as well upon impeachments of the Commons as on indictments brought up by *certiorari*, when any matter of law hath been agitated at the bar or in the course of trial hath been stated by any lord in the court, it hath been the prevalent custom to state the same in open court. Your committee has been able to find since that period no more than one precedent (and that a precedent rather in form than in substance) of the opinions of the judges being taken privately, except when the case on both sides has been closed and the lords have retired to consider of their verdict or of their judgment thereon. Upon the soundest and best precedents the lords have improved on the principles of publicity and equality, and have called upon the parties severally to argue the matter of law previously to a reference to the judges; who, on their parts, have afterward in *open court* delivered their opinions, often by the mouth of one of the judges speaking for himself and the rest, and in their presence; and sometimes all the judges have delivered their opinion *seriatim* (even when they have been unanimous in it) together with their reasons upon which their opinion had been founded. This from the most early times has been the course in all judgments in the House of Peers, formerly even the record containing the reasons of the decision. "The reason wherefore (said Lord Coke) the records of Parliaments have been so highly extolled is that therein is set down in cases of difficulty not only the judgment and resolution but *the reasons and causes of the same* by so great advice."

In the thirtieth of Charles II, during the trial of Lord Cornwallis, on the suggestion of a question in law to the judges, Lord Danby demanded of the lord high steward, the Earl of Nottingham, "whether it would be proper here [in open court] to ask the question of your grace, or to propose it to the judges?" The lord high steward answered, "If your lordships doubt of anything whereon a question in law ariseth, the latter opinion, and the *better* for the prisoner is—*that it must be stated in the presence of the prisoner, that he may know whether the question be truly put.* It hath *sometimes* been practiced otherwise; and the peers have sent for the judges, and have asked their opinion in private, and have come back and have given their verdict according to that opinion, and there is scarcely a precedent of its being otherwise done. There is a later authority in print that doth settle the point so as I tell you—and I do conceive *it ought to be followed;* and if being safe for the prisoner, my humble opinion to your lordship is, that he ought to be present at *the stating of the question.*"

And he said—

Call the prisoner.

* * * * * * *

Very soon after the trial of Lord Cornwallis the impeachment against Lord Stafford was brought to a hearing, that is, in the thirty-second of Charles II. In that case, the lord at the bar having stated a point of law, "touching the necessity of two witnesses to an overt act in case of treason," the Lord high steward told Lord Stafford that "all the judges that assist them, *and are here in your lordship's presence and hearing*, should deliver their opinions, whether it be doubtful and disputable or not." Accordingly the judges delivered their opinion, and each argued it (though they were all agreed) *seriatim* and *in open court.*

Each judge argued his opinion upon that important point of law in open court.

Another abstract point of law was also proposed from the bar on the same trial, concerning the legal sentence in high treason; and in the same manner the judges on reference delivered their opinion in *open court;* and no objection was taken to it, as anything new or irregular.

In the first of James II came on a remarkable trial of a peer, the trial of Lord Delemere. On that occasion a question of law was stated. There also, in conformity to the precedents and principles given on the trial of Lord Cornwallis, and the precedent in the impeachment of Lord Stafford, the then lord high steward took care that the opinion of the judges should be given in open court.

Mr. THURMAN. May I ask the Senator from Florida if that was not after the judges had formed their opinion; simply the delivery of their opinion?

Mr. JONES, of Florida. No, it was not so in the case that preceded it, because the report says they argued their opinions in open court, so that the very point was made which is suggested by the Senator.

Precedents grounded on principles so favorable to the fairness and equity of judicial proceedings given in the reigns of Charles II and James II, were not likely to be abandoned after the revolution. The first trial of a peer which we find after the revolution was that of the Earl of Warwick.

In the case of the Earl of Warwick, 2 William III, a question in law upon evidence was put to the judges; the statement of the question was made in open court by the lord high steward, Lord Somers—

Than whom a greater lawyer never lived—

if there be six in company and one of them is killed, the other five are afterward indicted and three are tried and found guilty of manslaughter, and upon their prayers have their clergy allowed and the burning in the hand is respited, but not pardoned, whether any of the three can be a witness on the trial of the other two?

Lord HALIFAX. I suppose your lordships will have the opinion of the judges upon this point, and *that must be in the presence of the prisoner.*

Lord High Steward, (Lord SOMERS.) *It must certainly be in the presence of the prisoner,* if you ask the judges' opinions.

In the same year, Lord Mohun was brought to trial upon an indictment for murder. In this single trial a greater number of questions was put the judges in matter of law than probably was ever referred to the judges in all the collective body of trials, before or since that period. That trial, therefore, furnishes the largest body of authentic precedents in this point to be found in the records of Parliament. The number of questions put to the judges in this trial was twenty-three. They all originated from the peers themselves; yet the court called upon the party's counsel as often as questions were proposed to be referred to the judges, as well as on the counsel for the Crown, to argue every one of them *before* they went to those learned persons. Many of the questions accordingly were argued at the bar at great length. The opinions were given and argued in *open court.* Peers frequently insisted that the judges should give their opinions *seriatim*, which they did always publicly in the court, with great gravity and dignity, and greatly to the illustration of the law, as they held and acted upon it in their own court.

Mr. THURMAN. Will the Senator tell us whether or not that language, that the opinions were argued in open court, means anything more than that the answers to the questions were given and the reasons for them stated openly after the judges had arrived at their conclusion? Is there anything to show that the judges did not confer before they stated their opinions and argued them, as it is said there, or gave the reasons for them?

Mr. JONES, of Florida. Well, sir, the word "argued" here will pass for what it is worth. I have a right to put my interpretation upon it. I am free to say that I am of opinion, from reading this report carefully, that it means that the whole proceeding was in the presence of the prisoner, in accordance with the spirit of the British law.

Mr. SHERMAN. Will the Senator allow me to ask him whether the habit was not for the peers to refer certain questions to what are called the law lords, to resolve that the law lords be inquired whether such propositions are the law, stating the propositions *seriatim?* Were not those propositions considered by the law lords in their chamber quietly in consultation among themselves, after being argued by counsel on both sides and being discussed? After argument they are taken up to their chamber and considered, and then they announce their opinions to the Peers on a subsequent day. Is not that the course of proceeding?

Mr. JONES, of Florida. The authority goes further than that. It not only requires that they should deliver their opinions in the presence of the prisoner—I will come to that after a little—but it requires that the questions should be stated in his presence in order that he may determine whether they were stated properly or not. That would seem to imply, if it was necessary that he should be present at the stating of the questions, that he should also be present when the questions were decided and when they were argued as well.

Now what has been our practice in this case? I say that no authority can be found for the secret practice, as I shall call it, except the precedent in the Hastings case; and it is opposed to the whole body of precedents, commencing with the trial of Lord Cornwallis in the reign of Charles II and coming down to the reign of George III. It is true that in the case of the Duchess of Kingston there was an exception, and there was some considerable controversy in that case in consequence of the practice adopted by the court; but in order to satisfy the public opinion of Great Britain it was found necessary that the reasons for the judgment in that case should be spread upon the records of Parliament.

Now what have we been doing under this rule here? Have we not endeavored to avoid giving reasons for our conclusions, and have we done anything more than come into court and give our conclusions, leaving the reasons for them behind us, at least away from the respondent and his counsel? Mr. Burke further says, in speaking of the court of star chamber, that they did not dare to conceal their judgments or the reasons for them:

Your committee is very sensible, that antecedent to the great period to which they refer, there are instances of questions having been put to the judges privately. But we find the *principle* of publicity (whatever variations from it there might be in practice) to have been so clearly established at a more early period, that all the judges of England resolved, in Lord Morley's trial, in the year 1666, (about twelve years before the observation of Lord Nottingham,) *on a supposition that the trial should be actually concluded, and the lords retired to the chamber of Parliament to consult* on their *verdict*, that even in that case (much stronger than the observation of your committee requires for its support) if their opinions should then be demanded by the peers, for the information of their private conscience, yet they determined that they should be given in public. This resolution is in itself so solemn, and is so bottomed on constitutional principle and legal policy, that your committee have thought fit to insert it *verbatim* in their report, as they relied upon it at the bar of the court when they contended for the same publicity.

And so it was in the great contest about ship-money—a controversy that involved more serious consequences than any cause that ever was tried in England. That cause was argued in open court, and the opinions of the judges were argued in open court; and we are told by Mr. Burke that the great historian, Lord Clarendon, said in his day that it was a fortunate thing for the people of England that the judges in that case gave the reasons for their judgment, because they showed to the whole world and to the people of Great Britain that that which they stated as law from the bench was not law; and it led afterward to a change, and a change in favor of the people who finally vindicated their rights by revolution.

The PRESIDENT *pro tempore.* The morning hour has expired.

Mr. HAMLIN. I hope the Senate will conclude to dispose of this matter at this time. I do not think it will take long. I ask that its consideration may be continued at present.

The PRESIDENT *pro tempore.* Is there objection to continuing the consideration of this resolution?

Mr. EDMUNDS. I ask that the Senator from Florida have leave to conclude his remarks. That is the usual courtesy, certainly.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Florida concluding his remarks? The Chair hears none, and the Senator from Florida will continue to occupy the floor on the resolution before the Senate.

Mr. JONES, of Florida. Now, sir, I do not deny that I had in view the practice in cases of impeachment that had passed before my own eye; and speaking by the record in the case which is now before us as a high court I will draw the attention of the Senate to what has passed in the secret chamber, to show that the principle involved here is one of grave importance.

On one occasion we retired from this body for the purpose of considering an order introduced by the Senator from New York [Mr. CONKLING] and an amendment by the Senator from Vermont, [Mr. EDMUNDS.] That was the question stated here in the presence of the accused and of his counsel; and I suppose that the accused and his counsel thought that when we retired to our conference chamber behind us we should be confined to that resolution and that amendment; but, sir, the record shows that after we were in there, after we had retired to that conference chamber, the distinguished Senator from Ohio [Mr. THURMAN] introduced an amendment to the amendment of the Senator from Vermont, that never was moved in this body at all.

Mr. THURMAN moved further to amend the resolution by striking out all after the word "resolved"—

After first moving—

And whether the matters in support of the jurisdiction alleged by the House of Representatives in the pleadings subsequent to the articles of impeachment can be thus alleged if the same are not averred in said articles.

That amendment came up as a distinct proposition after we had left this Chamber, after we had left the presence of the accused and his counsel and the managers of the House. I ask in all seriousness if it is competent to do that why may you not introduce any new proposition after you retire from here in the absence of the parties, and is that, I ask, in accordance with the practice of the criminal law in this the highest criminal court in the land? Is it competent in a case affecting the rights of the accused that you may go behind his back and propose new propositions and new amendments, and debate them and discuss them there, without giving either him or his counsel an opportunity to be heard? I say that it is not in keeping either with the spirit or the practice of our laws; and if this rule is warranted in impeachment cases I say it is time that the hand of reform was set at work to remodel our system of jurisprudence.

I can see no harm which can come from this body debating in the face of the accused and in the face of the people. I believe that the contrary practice originated in the rule to which I referred in the Hastings trial, and that it was in opposition to the voice of the best lawyers in that kingdom and to the principles established by the precedents of one hundred and fifty years. I shall therefore support the honorable Senator from Maine in his efforts to change this rule and re-establish what I believe to be the true principles of the Constitution.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is before the Senate, being the bill (S. No. 626) in relation to the Japanese indemnity fund, which the Senator from California [Mr. SARGENT] moved to postpone.

Mr. SARGENT. I understood that when the Senate adjourned last night the unfinished business was, unless otherwise ordered by the Senate, the resolution which I offered on the 20th of April.

The PRESIDENT *pro tempore*. The Chair understood that by general consent this bill should be considered the unfinished business, and that the motion of the Senator from California to postpone should be entertained in order to allow the Senator to submit his remarks.

Mr. SARGENT. Not merely for that purpose. The bill was taken up, and the Senate, it was stated, would afterward decide whether the discussion should continue to final action or whether it should be laid aside. I think I am correct in my recollection of it from referring to the RECORD of this morning.

The PRESIDENT *pro tempore*. The Senator from California moved to postpone this bill and all prior orders.

Mr. SARGENT. I did. I am willing that that motion should be considered now.

The PRESIDENT *pro tempore*. That is the way the Chair states it.

Mr. SARGENT. That motion has not been decided.

The PRESIDENT *pro tempore*. It has not been decided. The Chair is correct that the unfinished business is called up, which is Senate bill No. 626, and the Senator from California moved a postponement of the unfinished business and all prior orders for the purpose of considering the resolution which he introduced, upon which he submitted remarks. The question now is upon the motion to postpone the unfinished business and all prior orders.

Mr. SHERMAN. It is manifest that if we adopt the proposition of the Senator from California, we shall get ourselves into confusion. There are now two matters pending before the Senate which have been partly discussed. The silver bill I suppose is really the unfinished business, but by arrangement the Japanese indemnity bill was taken up simply because it had been previously partially considered and discussed before the silver bill came up. I felt therefore that there was a kind of equity in allowing that business to be disposed of after having been partially considered before the silver bill was pressed. It seems to me when that is done we should dispose of that question, the silver bill, and then take up the proposition of the Senator from California. But if we take up questions of this kind in an irregular way, discuss them a while, and then put them away for another proposition, and another, and still another, the time will soon come when the appropriation bills will be reported, and then all these matters will be all alike unconsidered or put aside. I hope, therefore, that the Senator from New Jersey will be allowed to finish his Japanese bill and get it out of the way; I think it will not take long; and then let us proceed with the consideration of the silver bill. I am in hopes that the Senate will be able before we proceed with the impeachment trial to dispose of that bill. Although I shall probably aid the Senator from California at any time that it is convenient to go on with the consideration of the subject he discussed yesterday, I do not feel at liberty to do so now.

Mr. SARGENT. I appreciate the indulgence of the Senate yesterday and I do not know that I ought to interfere with the business, but I do feel, I must confess, very much like fighting hard on this proposition. I trust Senators will not think me unduly impatient or that I was unduly impatient yesterday, but I tried to portray, I must confess in feeble colors, the evils with which we are afflicted upon the Pacific coast. I propose, however, this morning, on reflection and on hearing the remarks of the Senator from Ohio, to withdraw my motion to have this resolution take precedence of the business which was pending at the time it was injected, and I shall ask the indulgence of the Senate, and shall insist upon it strenuously as soon as the two matters referred to are disposed of, that this resolution be taken up and pressed to a conclusion.

The PRESIDENT *pro tempore*. The motion of the Senator from California is withdrawn and the unfinished business is before the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had on the 29th of April approved and signed the following acts:

An act (S. No. 608) to enable Harvey Lull, of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-hinge; and

An act (S. No. 760) to protect the public property, turf, and grass of the Capitol grounds from injury.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3356) authorizing the transfer of a certain appropriation; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1251) to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872;

A bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital; and

A joint resolution (H. R. No. 99) concerning special-tax stamps.

THE CENTENNIAL EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate:

I transmit herewith, for the information of Congress, a report of the president of the Centennial Commission upon the ceremonies to be observed at the opening of the exhibition, on the 10th instant. It will be observed that an invitation is therein extended to Senators and Representatives to be present on that occasion.

U. S. GRANT.

WASHINGTON, *May* 1, 1876.

Mr. MORRILL, of Maine. I move that the message lie on the table and be printed.

The motion was agreed to.

JAPANESE INDEMNITY FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 626) in relation to the Japanese indemnity fund, the pending question being on the amendment proposed by the Senator from Connecticut, [Mr. EATON,] which was to strike out in section 1, lines 6, 7, and 8, the words:

If not incompatible with the relations of the United States to other powers.

Mr. FRELINGHUYSEN. Mr. President, I had not intended to trouble the Senate with any remarks on this subject. Having made a report in favor of the bill, I proposed there to leave the measure; but finding that there are some Senators, distinguished alike for their regard to the national honor and for their care of the public Treasury, who have doubts in reference to it, and as this is the voluntary payment of a large sum of money, I think it right that I should briefly and plainly state the reasons why the United States should not retain the Japanese indemnity fund.

We all know, sir, that for centuries the Japanese looked upon intercourse with other nations as destructive of their prosperity. They feared that if the Anglo-Saxons gained a foot-hold in their country they would subjugate them, or that they would at all events make their wealth tributary to them; and it seems to me that for that fear there is some apology in the history of Great Britain in the oriental world. Intercourse with foreigners is repulsive to their traditions, their tastes, and their pride. Such, without multiplying words, was the state of public sentiment. Now let us look for a minute at the governmental and political condition of that country.

The universally acknowledged sovereign of Japan was the Mikado. He claimed by hereditary succession, commencing prior to the Christian era and continuing for twenty-five centuries. The commander-in-chief of Japan was the Tycoon, who had held his position by succession for about two centuries. He was the executive of the government. Thus there seemed to be a dual government, the Mikado having his court at Kioto, in the northwestern part of Japan, and the Tycoon having his court at Yedo. The Tycoon, partly because he came more in contact with foreigners and partly because he saw personal commercial advantage, entered into treaties with the members of the allied powers—England, France, the Netherlands, and the United States. It seems as if the Tycoon had no right to make these treaties, and as if the treaty which was made with us, and this is worthy of observation, was defective.

Commodore Perry went to Japan in 1853. He used no coercion to effect these treaties. All he did was to take his big ship up in waters where a foreign man-of-war had never before floated, within a mile of Yedo, and there may have exercised a persuasive constraint upon the opinions of that people. In 1854 he made a treaty. It was only a treaty of amity. In 1858 a treaty of commerce was effected. These defective treaties were ratified by the Mikado in 1866, after the contest to which our attention will be called had occurred. This you will see by referring to the diplomatic correspondence of 1866-'67, pages 191, 192, and 193. There Mr. Portman, who was our consul and the successor of Mr. Pruyn, in 1865 made this report to Mr. Seward:

The treaties, as well as all the acts of the Tycoon's government in pursuance thereof, have now become legalized, and the Tycoon is said to be again the supreme executive authority in this empire. It is deemed quite probable that the Choshu rebellion will now be satisfactorily disposed of without resort to coercive measures.

Again he says:

I believe I am not too sanguine when venturing to submit it as my opinion that the formal sanction of the treaties by the Mikado, recognized by all Japanese as the real sovereign of their country, will prove an important result of the recent negotiations, due in a great measure, no doubt, to the perfect unanimity of views and action of the foreign representatives.

And Mr. Portman, in a letter to the Tycoon, November 21, 1865, says:

By approving the obligations entered into by your majesty with foreign powers, the Mikado and the daimios will make an end to existing difficulties and avert future dangers.

And on the 6th of December, 1865, Mr. Portman writes to Mr. Seward.

I have the honor to transmit herewith (No. 1) translation of a letter from the minister for foreign affairs, announcing that the Mikado's ratification of the treaties was promulgated in all parts of this empire on the 1st instant.

Thus we see, Mr. President, that at the time this controversy took place between Japan and this country there was at best a defective treaty, one which we were very happy subsequently to have ratified by the Mikado, the true sovereign of Japan.

In 1862 and 1863 the daimios, who were influential princes, one of them at least, Choshu, the daimio of Sagato, perhaps as powerful as the Mikado himself, determined to oppose this intercourse with foreigners. They did this because of their traditional antipathy to foreigners; their motto being that "that country is wisely governed which never changes its organic law." They were also opposed to the treaties, because they thought, and probably correctly, that the Tycoon had usurped authority in inaugurating these great fundamental changes in their country by means of treaties which he had no lawful authority to make.

The opposition of the daimios compelled the Tycoon to temporize. He was obliged to appear at times to them, and probably to the Mikado, to be in favor of the expulsion of foreigners, and he was obliged to act as their executive, while at the same time it is true that he faithfully fulfilled all the provisions of the treaties, as subsequent events have proven. That this was the position of the Tycoon appears by the Diplomatic Correspondence of 1864-'65, pages 468, 529, and 530, which is as follows:

Mr. Pruyn to Gorogio, minister of the Tycoon, December, 1863.

It is impossible to avoid the conclusion that the government of His Majesty the Tycoon urged my withdrawal from Yedo because it was aware of the existence of a party hostile to my residing there, and because it was apprehensive for my safety. It is also evident that the government, instead of insisting that the subjects of His Majesty the Tycoon should submit to the treaties, desired to conciliate the hostile daimios by rendering the treaties practically void so far as they guarantee a safe residence in that city. It was for this reason the suggestion was made that Yedo would be less safe during the absence of His Majesty the Tycoon, while, to my mind, directly the reverse was the fact. The assemblage of many daimios at Kioto and the withdrawal of so many of their retainers from Yedo appeared to me to constitute a great element of safety.

Memorandum of conversation between the representatives of allies in 1864.

The Tycoon, by treating with foreigners on a footing of equality, has hurt the national pride of the daimios, while he damaged their interests by reserving to himself the monopoly of our new commercial relations.

To these causes of the discontent of the daimios have soon been added the increase of taxes and other exactions imposed on them under the pretext of providing for the defense of the country.

This hostile attitude has been the more clearly defined from the Tycoonship having just passed into weak hands, and the best guarantee of its power was given up when the daimios, whom it was the custom to keep in Yedo as hostages, were allowed to retire to their territories. These elements of opposition have naturally been concentrated round the Mikado, who can at his pleasure resume the exercise of power which his ancestors and himself had simply delegated.

The members of the high aristocracy could not allow this occasion to pass without taking revenge for the long domination of a dynasty, the founder of which had not even been their equal in rank; and they have put aside their respective rivalries in order to combine and more effectually to attack the reigning Tycoon on the foreign question as his weak point.

And the dispatch of Sir Rutherford Alcock to Earl Russell, of August 25, 1864, (page 86 of the British State Papers of 1865.) That dispatch is as follows:

A fixed resolve to effect the expulsion of foreigners from Yokohama, and a stoppage of their trade, by the old system pursued with the Dutch, prevails at the court of the Mikado. A powerful confederation of daimios exists for the declared purpose of supporting and carrying out this policy with all the means at their command, and the Tycoon with his tributary daimios and adherents are menaced in their existence if they do not adopt it. The Tycoon's life and his power as virtual sovereign are both plotted against. And latterly pressed between two irreconcilable parties, each wielding superior forces to his own, the faction of daimios, acting in the name of the Mikado, the titular and only acknowledged sovereign of the empire, and foreign powers claiming the execution of treaties, the Tycoon and his councilors alike seem to have been distracted by contending fears, and bewildered with divergencies of opinion as to the course to be followed. The expulsion of foreigners or the maintenance of treaties, presented as the sole alternatives, each bringing their own danger, has been a cause of violent dissensions in the palace at Yedo, and ended with the sudden dissolution of the cabinet. The concentration of ships and troops here having latterly left no doubt that there were foreign powers determined to maintain their treaty rights, and one, at least, both able and willing to resist by force of arms if necessary any overt attempt to drive them and their trade from this port, has no doubt had much to do with this political crisis.

The Tycoon and his council, pressed by reiterated commands from Kioto to expel the foreigners, and convinced as they are now that the resolute attitude taken by myself and colleagues, and the material means collected for resistance, meant war if any act of hostility were committed either by the Japanese government or daimios, have no doubt been sore perplexed as to what course might best be steered under such perilous conditions with a Scylla and Charybdis visible on either hand.

The letter of the daimio of Nagato, Choshu, to the allied representatives is thus accounted for. He speaks of the Tycoon as being opposed to the treaty powers, as follows, (Diplomatic Correspondence, 1864 and 1865, page 578:)

Having fired upon foreign ships in the Straits of Simonoseki last year, in obedience to the order of the Mikado and Tycoon, I cannot understand why I was censured by the Tycoon's government as having done wrong in firing. This made it appear as if I had disobeyed the orders of the Mikado; and my two retainers having returned a short time ago with communications, (from the foreign ministers,) I became desirous to refer again to the Mikado in order to obtain his decision. Nagato-no-kami, (son and heir to the Prince of Choshu,) set out for Kioto, but before he had arrived disturbances arose in the capital which, I regret very much to say, obliged him to return without having accomplished the end in view. I have sent Matsu Shimakoso and Ito Shunske to explain to you, and I hope you will understand that henceforth I will offer no opposition to the free passage of the Straits of Simonoseki.

SOVEREIGN PRINCE OF SUWO AND NAGATO IN JAPAN.
Eighthmonth, third day, of the first year of Genji, (3d September, 1864.)

It is clear that that was only the apology of a defeated rebel, for he knew that the Tycoon acted by compulsion as the executive, as appears also from Adams's History of Japan, pages 305, 306, and 353; as follows:

In words the Tycoon's envoys have assured my colleagues of France and myself that the Mikado's edict of expulsion, conveyed to the representatives of the treaty powers as a matter of obligation by the Tycoon, was a dead letter with respect to all action in regard to it.

It was no doubt at that period, especially owing to the isolation in which foreigners lived, most difficult to ascertain the true state of affairs, and to reconcile seeming contradictions, but I think it is quite clear now that the Shogun's ministers were sincere when they said that the Mikado's edict of expulsion, though conveyed to the representatives as a matter of obligation, would in fact be nothing but a dead letter.

* * * * * * *

The memorial failed in its object, and the advisers of the Emperor were successful in causing His Majesty to turn a deaf ear to all supplications in favor of what must now be called the rebellious clan of Choshin.

Thus ended 1863, and it seemed that wiser counsels were prevailing at Kioto in regard to the policy toward foreigners, and that from this time, as the native writer complains, "the scheme of expelling the barbarians fell to pieces like ice during a thaw."

Thus we have this condition of things: a defective treaty; the daimios opposed to the government, opposed to the alleged usurpation of the Tycoon, and the Tycoon obliged to temporize.

Such being the political situation, let us look at the question more directly before us.

The hostility to the foreigners led to outrages which were committed by the daimios as appears by the Diplomatic Correspondence of 1864-'65, volume 3, page 559.

The governments with which your majesty has made treaties regard those treaties as clothed with every sanction necessary to their validity and force. Nor can your majesty, without a sacrifice of honor and sovereignty, allow any of your subjects to deny your perfect right to make such treaties. Your majesty will therefore understand what I say as neither intimating nor admitting that any public act is necessary to confer rights on the treaty powers not already acquired.

Their representatives cannot, however, shut their eyes to the fact that several turbulent and hostile daimios, in order to promote their own selfish purposes, have endeavored to bring into collision the authority of your majesty and the Mikado to interrupt your cordial relations, and to render antagonistic powers which, for more than two centuries, have been exercised in entire harmony.

They have, unfortunately, been successful in making the Mikado believe that the treaties were injurious to Japan and that they could be annulled. This he has called on your majesty to do, leaving no option between opposition to his wishes and a violation of the treaties, which would eventuate in war.

Not, therefore, for the purpose of acquiring any rights or privileges for themselves, but for the preservation of the ancient polity and laws of Japan and the continuance of the exercise of powers by your majesty and the Mikado which have been so long in harmonious action, the treaty powers, through their representatives, would urge the immediate necessity of inducing the Mikado to give those treaties his high sanction, and thus remove every cause of opposition and existing inducements for hostile combinations.

Your majesty has endeavored to reconcile the obligations thus imposed by the Mikado with those assumed with the treaty powers. Their representatives, appreciating the difficulties of your position, have been disposed to exercise great moderation and forbearance. But your majesty must now be satisfied that the time has arrived when it is necessary for you to declare that the treaties must and shall be faithfully observed and to abandon all half-way measures.

Among these outrages, they burned down the British legation; they burned the American legation at Yedo. On the 16th of June, 1863, the American steamer Pembroke, a merchantman, passing through the Straits of Simonoseki, was fired upon from the rebel batteries. This was done by the rebels in defiance of the government of Japan. The topmast of that ship was carried away, and she was otherwise injured. This insult to our flag the Wyoming properly punished. It is worthy of remark that the Wyoming contended against a vastly superior force. The daimios had erected their batteries seventy feet above the level of the sea; they had purchased war vessels and had them there, to wit: the brig Alert, clipper-built, twelve guns, a fast sailer, costing some $45,000; the iron British steamer Lancefield, which cost $160,000; the American bark Webster, which cost $22,000; and the American bark Lanrick. It is important to observe the character of the force with which the Wyoming contended, because the amount of prize-money, if any, that she would under certain circumstances have been entitled to under our law depends in a degree on that fact.

The Wyoming on the 26th of June, 1863, ran close along the batteries and shelled them. Men were seen to jump from the heights into the sea. She made her course between the two vessels which were there, the Lanrick and the Lancefield. She sent a ball through the stern of the Lanrick and sank her. She sent another ball through the boiler of the Lancefield, and produced an explosion by which, according to the report, some forty men were killed. Mr. George S. Fisher, our consul at Yokohama, says the vessels and property destroyed, besides the loss of life, were worth $350,000. All this appears by the following dispatch of Mr. Pruyn to Mr. Seward, in the second volume of the correspondence of 1863 and 1864, pages 1132 and 1133:

My anxiety was relieved by the return of the Wyoming early in the morning of the 20th instant.

From a copy of the report to the Secretary of the Navy, with which I have been furnished by Commander McDougal, it appears he entered the straits on the 16th instant, from the eastward, passing up the Bungo channel. When the Wyoming was seen approaching, a signal gun was fired from the first battery. As she rounded the point the steamer Lancefield, of four guns, the brig Lanrick of ten guns, and a bark of four guns, were seen anchored opposite the village of Simonoseki. All six of the batteries fired on the Wyoming as she steamed past them, carrying the national flag after the first battery had fired—the Wyoming reserving fire till she reached the ships.

By skillfully avoiding the main channel on which the guns of the batteries were trained, and keeping close to the batteries, the shot and shell mostly passed over the vessels, only damaging the rigging. Approaching the vessels, against the remonstrances of the Japanese pilot, who declared he would run aground, Captain McDougal carried the Wyoming between the bark and brig on the one side and the steamer on the other, receiving from and delivering broadsides into each of the ships. It was at this point the Wyoming was most under fire. Putting the ship about, he sent three eleven-inch shells into the Lancefield, the last of which exploded her boilers, and she was then run aground. The brig Lanrick was sinking as the Wyoming left, and the bark badly injured. The Wyoming then returned through the straits, pouring shot and shell into the batteries. The steamer Lancefield had the Japanese flag at the peak, but quickly lowered it. The other vessels carried both the flag of Japan and that of the prince.

I regret to have to say that this success was attended with the loss of four seamen killed and seven wounded, one of whom has since died.

The loss would have been much more severe had it not been for the skill and judgment shown by Captain McDougal in avoiding the usual route by the main channel. The guns on the batteries were depressed so as to strike the hull of passing ships at that point, and stakes were set up near the guns giving the range, so that each gun could be fired as the foremast of the ship came in range with the stake at the gun.

The Lancefield was a fine iron steamer of nearly six hundred tons, purchased of the English firm of Jardine, Mattheson & Co. for the sum of $115,000; and the brig Lanrick, formerly in the opium trade, pierced for eighteen guns, though carrying only sixteen, was purchased of the same firm for $20,000. The bark was built by the Prince of Thizen and sold by him to the Prince of Nagato.

The officers of the custom-house were overheard (as I am informed by the consul-general of the Netherlands) by one of his employés to say that when the boiler of the Lancefield exploded forty men were killed, being scalded or suffocated.

This was a gallant achievement of the Wyoming. The resident minister writes to Mr. Seward that the naval officers looked on and feared the result, and pronounced it a bold and daring deed. It is here worthy of remark as to the passage of the Straits of Simonoseki that by usage merchantmen had the right to the passage of those waters, but no man-of-war had the right, as I shall show, to pass those straits. The Pembroke being a merchantman and being fired upon, the Wyoming was justified in punishing the wrong.

Was not that act of firing on the Pembroke sufficiently punished? Two vessels were destroyed, with the property on board, worth, as Consul Fisher tells us, $350,000, and forty men were killed. Was not our flag vindicated? Was not the account squared? There is a point when the infliction of punishment becomes tyranny and the exaction of compensation robbery. Not only did we thus vindicate that wrong, but, independent of and prior to the treaty of 1864, Japan paid us full pecuniary compensation for all the damage that was done the Pembroke, for the destruction of the American legation at Yedo, and for all demands whatever. They paid all that the United States demanded. We had no possible claim against Japan at that time. To prove this I will read from the diplomatic correspondence of 1864-'65, page 536. It is a communication from our minister resident, Robert H. Pruyn, to Mr. Seward.

The indemnity demanded for the legation—

That is, the burning of the legation at Yedo—

has been paid; and, notwithstanding former declarations that it would be a disgrace to admit it, it was declared to be a just claim, and conceded at once without hesitation or delay.

The government placed in my hand a letter drawn by myself, in which they said that they had directed the governor of Kanagawa, on the 5th of September, to pay me the sum of $1,200—

It ought to be $12,000—

principal and interest of the Pembroke claim, and in which they stated that if not paid on that day on the production of my letter it would be receivable for all public dues to said amount.

And on page 541, in a letter of Mr. Pruyn to Captain Cicero Price of the Jamestown, he says:

The Japanese government having arranged to my satisfaction the claims which I had been instructed by the President of the United States to make upon it, it is my pleasant duty to acknowledge the great assistance which you so promptly rendered me in bringing the negotiations to a successful termination.

That letter is dated in August, 1863. This attack by the foreign ships of the allied powers on Japan was in September, 1864, and at that time we had destroyed vessels and property to the amount of $350,000, killed forty men, had been paid every farthing we demanded for the damage to the Pembroke, for the burning of the legation, and every other possible claim the United States made. Was not the flag vindicated? Was not the account squared? Did they owe us one farthing? In September, 1864, the United States, having no demand, joined with the allied powers in the attack on the batteries in a sea where a ship of war had no right to float. The rebel batteries were still on the heights of the Straits of Simonoseki. On the 15th of August, 1864, the representatives of the allied powers instructed the naval officers to attack those batteries, and, if the batteries did not fire upon them, notwithstanding to make the attack and to destroy them. This is seen in the British dispatch, page 80, signed by our minister:

The undersigned, representatives of treaty powers, having met and taken into consideration the copy of a minute showing the result of the deliberations of the commanding officers of the respective naval forces assembled at Yokohama, and signed on the 12th instant, have agreed as follows:

1. To inform the commanding officers aforesaid that they are entirely relieved from all responsibility with regard to the defense and security of the settlement.

2. To request them, in conformity with the programme of the policy set forth in the memorandum of the undersigned, dated the 22d of July last, to proceed with all convenient speed to open the Straits of Simonoseki, destroying and disarming the batteries of the Prince of Choshu, and otherwise crippling him in all his means of attack; to inform them that the political situation renders it desirable that there should be no considerable delay in the commencement of operations.

3. In the possibility of the Prince of Choshu being intimidated by the imposing nature of the force brought against him, and not firing, to request the naval officers notwithstanding to destroy the batteries and take such means as may be deemed practicable to secure a material guarantee against any future hostilities from the same quarter.

4. To request them to avoid entering into any negotiations with the prince, reserving the solution of all ulterior questions to the action of the Tycoon's government in connection with the foreign representatives.

5. To suggest that any demonstration of force in the vicinity of Osaka be avoided, as possibly giving rise to some new complications and in order not to change the character of this expedition, which ought to be regarded no otherwise than as a chastisement to be inflicted on an outlaw or a pirate.

6. To request the commanding officers to secure the return to Yokohama of such part of the squadron as may not be required for the maintenance of a free passage as soon as the operations here contemplated shall have been completed.

Signed this 15th day of August, 1864, at Yokohama.

RUTHERFORD ALCOCK,
Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.
LÉON ROCHER,
Ministre Plénipotentiaire de sa Majesté Impériale au Japon.
ROBERT H. PRUYN,
Minister Resident of the United States in Japan.
D. DE GRAEFF VAN POLSBROCK,
Consul-General and Political Agent of His Netherlands Majesty in Japan.

The Japanese government, struggling with a rebellion almost too powerful for them, struggling because they had made a treaty with us, begged for a little time. They gave as a reason why they wanted a few days' delay before that attack was made in their waters by these ships of war, that a rebellion had broken out north of Yedo. This is found in the British Diplomatic Correspondence, page 81, and is as follows:

Taebibana Idzumi no Kami replied that the Gorogio, while acknowledging the necessity of proceedings being taken against the Prince of Choshu and the just cause the treaty powers had for action, were yet most anxious that no steps should be taken at present by any foreign powers. Various causes had tended to interfere with and delay the adoption of measures to that end by the Tycoon; among others, the breaking out of disturbances in the provinces north of Yedo, rendering necessary the dispatch of large bodies of troops in that direction; but it was still the intention of the Tycoon's government to take measures for the removal of the existing obstructions to the navigation of the straits.—*British State Papers*, page 81.

It should have been granted then. Earl Russell was of the same opinion, for his dispatch dated July 26, 1864, was on its way when this attack was made. I will read that dispatch. It is found in the British Diplomatic Correspondence, page 45. It is to the minister of Great Britain, Sir Rutherford Alcock:

FOREIGN OFFICE, *July* 26, 1864.

SIR: I have to state to you, with reference to the dispatches which I have lately received from you, that Her Majesty's government positively enjoin you not to undertake any military operations whatever in the interior of Japan; and they would

indeed regret the adoption of any measures of hostility against the Japanese government or princes, even though limited to naval operations, unless absolutely required by self-defense. The action of the naval and military forces of Her Majesty in Japan should be limited to the defense and protection of Her Majesty's subjects resident in Japan and of their property and to the maintenance of our treaty rights.

It may be hoped that the power vested in you by Her Majesty's order in council of the 7th of January last, to prohibit, or regulate, or restrict the entrance or passage of British ships into straits or waters of Japan, when such entrance or passage may lead to acts of disturbance or acts of violence or may otherwise endanger the maintenance of peaceful relations or intercourse between Her Majesty's subjects and the subjects of the Tycoon of Japan, will enable you to prevent the occurrence of the necessity for any such measures of hostility to obtain redress for injuries done to British vessels.

And on page 56, on the 18th of August, he, deprecating any such act, says—

That the Tycoon still professes an intention to chastise the Prince of Nagato for his hostile acts, and that he is promoting, by the most expeditious means in his power, the construction of barracks for the regiment of British troops which you have summoned to Yokohama.

Mr. EDMUNDS. What is the date of that dispatch?

Mr. FRELINGHUYSEN. That is on the 18th of August, 1864. The other was on the 26th of July, 1864.

The United States had no possible grievance and they only joined the expedition to show their approval of it, as will be seen by our Diplomatic Correspondence of 1864-'65, page 545, where Mr. Pruyn, September 3, 1864, the day before the attack was made, thus writes:

I have also been informed by a vice-minister, attended by Takemeto Kai-no-kami and other governors, that the Tycoon had taken possession of the Yasikis or palaces of Choshu in Yedo, and would proceed with great vigor to execute the orders of the Mikado. At the same time he said he had come down to ask that the fleet should not be sent against him.

The fleet had, as he was aware, already left. The expedition is composed of nine British, four Dutch, three French, and one United States steamer, (chartered,) the Takiang. The British admiral said he would be willing to order the Jamestown to be towed to Simonoseki, if desired; but, as she would be entirely useless when there, it would only mortify the officers and might embarrass his movements. At the same time both he, Admiral James, and the captain commanding the Netherlands squandron, as well as my colleagues, gave it as their opinion that it was exceedingly desirable that our flag should be represented, and that, though the government of Japan fully understood the position of the United States, the daimios not in the confidence of the government might misapprehend it, and that, although the Jamestown would be necessarily retained at this place, it was possible the impression might be created thereby that the United States was not in harmony with the other treaty powers. Under these circumstances Captain Price and myself felt it to be our duty to charter the Takiang, an American steamer, nearly new, of over six hundred tons, and which it is supposed will prove quite serviceable.

So we did not enter into this alliance and join in the attack because we had any reclamations to make or any injury to avenge.

If vessels of war had the right to pass through the Straits of Simonoseki and if rebels in defiance of the government of Japan planted batteries there, I do not know on what principle it is that the government of Japan could be called upon for pecuniary satisfaction. In our recent war we had batteries on the Mississippi, on the Gulf, at Charleston, and elsewhere. Did that fact create any liability on the part of the United States to give remuneration to any one? It certainly did not. But these batteries were on the territory of Japan and commanded waters that were exclusively her territory. No treaty had ever been made opening the straits or inland seas of Japan to any nation. No port had been opened which could naturally be reached through that strait or by those seas.

Mr. EDMUNDS. The Pembroke was going to Nagasaki from Yokohama through Simonoseki, and Nagasaki was an open port.

Mr. FRELINGHUYSEN. The treaty of 1854 opened a port in the northern part of Japan called Hakodadi, which can be seen in the upper part of Japan, and one other, Simoda, which was ingulfed by an earthquake before this transaction and does not appear upon the map.

Mr. EDMUNDS. It was dropped out of the map.

Mr. FRELINGHUYSEN. The treaty of 1858 opened the port of Kanagawa, which is in the eastern part of Japan, and which you cannot by any possibility reach through the inland seas or through the Straits of Simonoseki. They also opened the port of Nagasaki, which is in the southwestern part of Japan, away below the straits, and in no way connected, or by possibility to be reached through those straits. They also opened the port of Nee-egata, which is in the western part of Japan, three hundred miles away from these seas; so that no one of those ports could by possibility be reached through those straits or through those seas. They opened one other port, which could be reached through those seas, which is the port of Hiogo, at the northerly end of those seas, at the extreme limit of them. But although that port was to be opened by these treaties, by an arrangement it was not actually to be opened until 1868, after this whole transaction. This arrangement appears by the following stipulation by our minister, found in Diplomatic Correspondence of 1864-'65, page 484:

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 28, 1864.

By virtue of the power vested in me by the President of the United States of America, I, Robert H. Pruyn, minister resident of the United States in Japan, do hereby consent that the time for the opening of the cities and ports of Yedo, Osacca, Hiogo, and Nee-egata shall be and is hereby extended for the period of five years, dating from the 1st of January, 1863.

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

So that there was no port opened by treaty which could be reached through the Straits of Simonoseki or the inland seas.

Mr. EDMUNDS. Will the Senator give me a reference to the volume that contains the treaty he refers to?

Mr. FRELINGHUYSEN. It is in the second volume of the Revised Statutes, page 449. The treaties are all there.

Mr. HOWE. If the Senator will allow me, I should like to ask him whether he does or does not understand that there is a public right secured to all nations of passing through those straits?

Mr. FRELINGHUYSEN. I insist that there is no public right for ships of war to enter or to pass through those straits. There is a right of passage for merchantmen, which is a right established by usage. The Pembroke was lawfully going through those straits when she was fired upon. She was a merchantman, and usage gave her that right. Therefore the Wyoming is commendable in vindicating the rights of the United States; but after those rights were fully vindicated by the destruction of $350,000 worth of property and forty men's lives, after they paid just that bill our Government presented, I say that the claim of this country upon Japan was terminated. In support of the answer I have given to the question put to me by my friend from Wisconsin, I refer to 1 Phillimore on International Law, page 210:

Though the open sea be thus incapable of being subject to the rights of property or jurisdiction, yet reason, practice, and authority have firmly settled that a different rule is applicable to certain portions of the sea.

And first with respect to that portion of the sea which washes the coast of an independent state. Various claims have been made and various opinions pronounced, at different epochs of history, as to the extent to which territorial property and jurisdiction may be extended. But the rule of law may be now considered as fairly established, namely, that this absolute property and jurisdiction do not extend, unless by the specific provisions of a treaty or an unquestioned usage, beyond a marine league (being three miles) or the distance of a cannon-shot from the shore at low tide.

And again, on page 212:

Besides the rights of property and jurisdiction within the limit of cannon-shot from the shore, there are certain portions of the sea which, though they exceed this verge, may, under special circumstances, be prescribed for. Maritime territorial rights extend, as a general rule, over arms of the sea, bays, gulfs, estuaries which are inclosed but not entirely surrounded by lands belonging to one and the same state.

Kent, in the first volume of his Commentaries, pages 29 and 30, says:

Considering the great extent of the line of the American coasts, we have a right to claim, for fiscal and defensive regulations, a liberal extension of maritime jurisdiction; and it would not be unreasonable, as I apprehend, to assume, for domestic purposes connected with our safety and welfare, the control of the waters on our coasts, though included within lines stretching from quite distant headlands, as, for instance, from Cape Ann to Cape Cod, and from Nantucket to Montauk Point, and from that point to the capes of the Delaware, and from the south cape of Florida to the Mississippi.

I also read——

Mr. EDMUNDS. May I ask the Senator before he goes on—for I think by this treaty he has fallen into a mistake—about the time when the port of Hakodadi was to be opened?

Mr. FRELINGHUYSEN. The port of Hiogo.

Mr. EDMUNDS. But the treaty of 1854 does not mention Hiogo, as far as I can see.

Mr. FRELINGHUYSEN. I will come to that in a moment. I call attention to another authority. I read from Travers Twiss on Peace, page 250:

If a sea is entirely inclosed by the territory of a nation, and has no other communication with the ocean than by a channel of which that nation may take possession, it appears that such a sea is no less capable of being occupied and becoming property than the land, and it ought to follow the fate of the country that surrounds it. The Black Sea, while its shores were in the exclusive possession of the Ottoman Porte, was an instance of a territorial sea of this character. So likewise straits, which serve as a communication between two seas, and of which the shores on both sides are the territory of one and the same nation, are capable of being reduced into the possession of that nation. In the same manner a bay of the sea, the shores of which are the territory of one and the same nation, and of which the entrance may be effectively defended against all other nations, is capable of being reduced into the possession of a nation. "By this instance," writes Grotius, "it seems to appear that the property and dominion of the sea might belong to him who is in possession of the lands on both sides, though it be open above as a gulf, or above and below as a strait, provided it be not so great a part of the sea as, when compared with the lands on both sides, it cannot be supposed to be a portion of them."

I suppose there is no question that that is the law. The fact is that the Straits of Simonoseki are at one point only half a mile wide, and there is not one of the straits running into those seas anywhere that is six miles wide.

Mr. EDMUNDS. Is not the eastern entrance of Simonoseki more than six miles wide?

Mr. FRELINGHUYSEN. No; no one of the entrances to the inland seas is six miles wide, as can be verified by referring to the British admiralty chart, which I presume is in the Library; but that question as to any other strait than the Strait of Simonoseki is not material to the case before us.

Mr. HOWE. But, if I remember the geography, the Straits of Simonoseki do not end with what is called the inland sea of Japan. It is a continuous strait reaching from the ocean outside of Japan to the great sea, the Yellow Sea I think, which separates the island of Japan from the continent. I understand the straits extend clear through.

Mr. FRELINGHUYSEN. The strait connects these inland seas with the Sea of Japan.

Mr. HOWE, [pointing to a map.] That is the Sea of Japan. It extends clear through.

Mr. FRELINGHUYSEN. The straits are not six miles wide, and on both sides of the straits and the inland sea is the territory of Japan. That being the case Japan has always had the right to control the seas and the straits and had the right to exclude ships of war.

When you come to the case of the Pembroke it is entirely different. There usage had established the right of the merchantman to pass through those waters, and consequently the Wyoming is to be commended in vindicating that right.

The expedition on the 5th, 6th, 7th, and 8th of September, 1864, made their attack upon the batteries. The United States had no insult to avenge, no indemnity to claim. Against the entreaty of a friendly power this attack was made. When this expedition was over, immediately before the treaty of October, 1864, under which we received in gold $785,000, Japan was under obligation to pay us for nothing unless she was under obligation to pay us for the expense of the unlawful attack of September, 1864. The expense of that attack to the United States was about $12,000, not $785,000 in gold, as appears by the Diplomatic Correspondence of 1864 and 1865, pages 540 and 579. Mr. Pruyn in writing to Mr. Seward, page 580, states the charter-party for the Takiang. The sixth provision reads thus:

The said parties of the second part do engage to pay to the said party of the first part, for the charter or freight of said Takiang during the voyage aforesaid, which shall not exceed the term of one month from the date hereof, the sum of $9,500, lawful gold coin of the United States, in their draft at thirty days' sight on the Secretary of the Navy of the United States, or on the Secretary of State of the United States.

And on page 581 our consul makes the bill of items of the additional expense, English coal, for fuel, $630; Japan coal, &c., making the whole sum $1,848. So the whole amount would be $11,348, for which we received $785,000.

Now we come to the treaty which was thus exacted. The treaty is found in volume 14 of the Statutes at Large, page 665, and provides thus:

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition, agree, &c.

I should like to know on what principle of natural justice or of international law it is that a government contending with a rebellion is bound to pay damages because it did not put down the rebellion. What principle of law is it that places a nation under greater obligations to another nation for damages than it is to its own citizens for not preserving the peace? There is no principle to base such a claim upon. The very basis of the treaty is such that we would not for one instant recognize. Then the treaty further provides that they are to pay $3,000,000.

This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

All these claims had been paid, with the exception of the $11,348 for the charter-party of the Takiang, for the fuel and the ammunition. Just what our Government asked Japan paid. We had destroyed $350,000 of their property and killed forty of their men. We had no earthly claim against that government. We ought not to exact of a friendly nation a pretended indemnity which we would refuse to any nation under the sun.

Mr. MERRIMON. I desire to ask the Senator a question. If we are not entitled to anything from Japan, as the Senator now declares, I ask is there any reason in point of justice and common honesty why we should not return every dollar of the money if we have obtained it through inadvertence? I cannot suppose that we got it dishonestly.

Mr. FRELINGHUYSEN. I will answer the question, which is a pertinent one. I suppose my friend means whether we should deduct from this sum the prize-money which is provided for in the second section of this act.

Mr. MERRIMON. Yes, sir. I understood the Senator to say a while ago that we were not damaged at all.

Mr. EDMUNDS. And were not entitled to anything.

Mr. MERRIMON. And that we were not entitled to anything. If we are not entitled to anything, then we must have obtained the money through inadvertence. If so, are we not bound in honor and common honesty to return every dollar of the money?

Mr. FRELINGHUYSEN. That is the conclusion to which I hope to bring my friends.

Mr. MERRIMON. I think the Senator has a bill in charge which proposes that we should return about $125,000 of the money.

Mr. FRELINGHUYSEN. I will repeat very briefly the true position. By usage merchant-vessels had a right to pass through the Straits of Simonoseki. The Pembroke was a merchant-vessel passing through those straits. Batteries that had been erected by the rebels and in defiance of the government of Japan fired upon the Pembroke, carried away her mainmast and otherwise injured her, whereupon the Wyoming undertook to punish the wrong.

Mr. MERRIMON. They paid for that.

Mr. FRELINGHUYSEN. That was a wrong, and the Wyoming did right in trying to avenge it. She did so most gallantly. She destroyed their vessels; she silenced their batteries; she destroyed three hundred and fifty thousand dollars' worth of their property and killed forty men. It is right that those men who performed that deed should be rewarded; whether they should be paid out of this indemnity fund is a question for the consideration of the Senate.

So I say that when this expedition took place in September, 1864, Japan did not owe us a farthing; she had paid everything. And she owed us nothing after the expedition of 1864 was over, unless the expense of chartering the Takiang and her expenses are a proper subject-matter for charge, and I think they are not.

Mr. President, our resident minister at Japan, Mr. Pruyn, writes to Mr. Seward on the 29th of October, 1864, that he is not satisfied with this convention. He says in his letter that he would have preferred two million to three million; strange preference if our claim is just. He says that that $3,000,000 was claimed by this treaty, which by its very terms is for indemnity in order that the sum might be an inducement to the Japanese to open to our country other ports, there being a provision in the treaty that if Japan would open other ports they need not pay the $3,000,000. Here is a treaty of indemnity made exorbitant, made more than our minister says it ought to have been made for $785,000 when they did not owe us in any view but $11,348, so that in order to get rid of the exaction Japan would open the ports which they had a perfect right to keep closed. Then he says that the United States is to be paid rather for the moral support than for the material aid that the Takiang afforded.

Mr. President, what is the pecuniary price that the United States ask for the moral support which is put forth against the remonstrances of a friendly power for the promotion of our own interests? We should not charge too highly for moral support, when the expedition which is to render it gives it in the very face of the entreaties for a few days' delay from a friendly power.

The following is from Mr. Pruyn's letter to Mr. Seward, Diplomatic Correspondence 1864-'65, pages 581, 582:

The British minister and myself, prior to meeting the Japanese commissioners, had agreed on $2,000 000 as the sum to be paid, and would have had no difficulty in its division among the powers interested. But some difference was suggested as likely to arise from the considerations whether the moral support afforded was not entitled to weight in such adjustment, and I did not feel that it was incumbent on me to interpose any objection to this view, as the moral support afforded by the United States was considerably in excess of the material support I was enabled to give. I therefore readily agreed to the reference of this delicate question to the home governments, with the understanding that a memorandum which I prepared should be signed and accompany the convention, so as to provide an equitable basis if any should become desirable or necessary by reason of payment of the indemnity being demanded by them. I assented the more readily to the proposition of the envoy of His Imperial Majesty the Emperor of the French to fix the amount at $3,000,000 because I thought it more likely to lead to the substitution of a port as a material compensation for the expenses of the expedition.

Should the Tycoon be averse to the opening of another port and fail to make such offer in lieu of the payment of indemnities and expenses, the amount agreed on will not be regarded as unreasonable. But should he make the offer, it will be at the option of the four powers to accept it in full or in part payment, and in that event a moderate pecuniary fine may be imposed.

In either case provision will be made for a reasonable indemnity for injuries sustained by the Wyoming and Monitor and for the insult to our flag offered by the attack on those vessels, as well as on the Pembroke, the owners of which have received from the Japanese government a sum which covers their loss as estimated by themselves.

There is no possible justification for our retaining this money.

It has been suggested that to return this money would be establishing a bad precedent. Sir, if considering that the insult to our flag had been fully punished, if considering the fact that neither our nation nor our citizens had sustained any damage; if considering the fact that we were dealing with a feeble friendly people, it is right that we should pay back this money; it is establishing a precedent to do right, and the sooner we establish such a precedent and the better and more faithfully we follow it, the more it will be for the glory of our country.

But it has been urged that if we pay back this indemnity money and it shall turn out that the claims brought against the Alabama award do not consume it, then we shall be obliged to pay back to Great Britain the residue of that award. If that result should follow, it ought not to deter us from doing right. But, sir, the claims against that award will consume it, and I fear that for many years after it is gone we shall be pressed to pay claims to be made under that award. The treaty of Washington was this: it fixed certain rules and principles, and then left it to the Geneva tribunal either to refer to arbitration specific claims or to pay the United States an amount in gross. They saw proper to pay us an amount in gross, which was indemnity for the loss of national wealth, that loss being measured by the losses of a certain class of our citizens included within the principles of the treaty. If they added two or three ciphers to the fifteen million that they paid us, they would not have indemnified this country.

But why talk about that? What considerations are there that apply to this case would apply to Great Britain? Here is a feeble, friendly power just emerging from the darkness of ages. The British lion would roar with laughter at the idea of this country being conscience-stricken for fear we had got the advantage of Great Britain. She is out of her tutelage; her teeth are cut. Has she not gathered to herself the manufacturing interests of the world? Has she not swept our commerce from the seas? Is she not the great moneyed center, the vortex that swallows up the wealth of the world and makes every nation pay her tribute?

I hope that the United States will always have a national conscience; but I hope it will be a robust and healthy, and not a morbid, sickly, conscience. When we come to that state of mind, we shall indeed be substituting imbecility for integrity.

Mr. President, by the favor of this people we had opened to us their ports. The inland seas and the approaches to them were their territory. No foreign ship of war had a right to enter those waters. Four

powerful nations with seventeen ships of war enter their waters and destroy the batteries. In doing that they did, perhaps, no great injury. It was only an infraction of right. They were rebel batteries. The government of Japan did not want them there. But they did not stop with the destruction of rebel batteries. That being done these four powerful nations with their seventeen ships exact a treaty by which Japan has been obliged to pay $3,000,000 in gold for nothing. It is an exaction that can only be justified on the plea that might makes right. Would we have dealt so with England, with France, or with Germany? Would we have submitted to such an exaction from any nation on the earth? Would we have made such a claim of a nation even inferior to us in power, which was cultured and Christianized? We certainly would not.

It may be true, sir, that the leading nations may modify or reject the just and equitable principles of international law when they are dealing with nations of inferior culture and advancement. It may be true, possibly, though I deny it, that in dealing with Japan as she was in 1863 we need not have been so strict as we would be in dealing with a more enlightened nation; but that consideration fails when we come to consider in 1876 whether we shall cover this money into the Treasury or pay it back. Sir, Japan in these last fourteen years has taken position among the nations of the earth. There never has been a nation which in the same period has made such progress. The office of Tycoon has been swept away. The Mikado has asserted his ancient sway, and now rules over his entire empire with an effective central government. Feudalism and the rule of the daimios have been abolished. The Mikado has ratified the treaties, and the prejudice against foreigners disappears. Japan has ceased to be isolated and secluded and has become a part of the community of the world. A nation of fragments is consolidated. A nation of 33,000,000, inhabiting a country little more than twice the size of New England, extends her hand to us across the Pacific and asks us to be her friend. She has introduced our machinery and our manufactures, our literature, our science, and our arts. She sends her young men to our colleges, where they are the equal in native ability of our own sons. Her representatives are here with us, and nothing deficient in diplomatic propriety or in social culture or courtesy; and the last tidings that come from Japan are that, instead of every sixth successive day being their day of rest, they have adopted the Christian Sabbath, not as a religious day but as a day of rest, and thus by that act adding another proof that that day was made, and was made for man.

Sir, if it were true that enlightened nations were not bound strictly to carry out the principles of international law toward the cannibals of the South Sea Islands, and might even modify them when in 1863 dealing with Japan, still it is not true that in 1876 we can cover that money into the Treasury, for since 1863 Japan has taken her place in the family of nations and can plead her equality as her title to equity.

I do not suppose that there has ever been a subject before Congress which has had so intelligent a support as the measure of paying back this indemnity. We have had petition after petition. In 1873 we had a petition sent to Congress that we should return this money, from many colleges. I will mention a few of them: Williams, Harvard, Vermont College, Yale, California, Bowdoin, Union, Wesleyan University, Burlington (New Jersey) College, University of Michigan, Oberlin (Ohio) College; Northwestern, Illinois; Hartsville University, Beloit College, Wisconsin; Hamilton College, New York; Ripon, Wisconsin; Carroll, Wisconsin; Lafayette; Howard, Alabama; Roanoke, Virginia; Saint Joseph, Missouri, and many others.

Mr. EDMUNDS. Will the Senator tell us on what ground the petitioners prayed what the petitioners asked?

Mr. FRELINGHUYSEN. I will read it:

> The undersigned would respectfully represent that there is a large sum of money subject to your disposition, and not yet appropriated, derived from Japan under such circumstances that it would be unbecoming the character of the United States, as a just and generous people, to make use of it for the ordinary purposes of the Government.
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> For these and other obvious reasons the undersigned would urge upon the attention of Congress the justice as well as the manifest propriety of making provision by which this money should be wisely and efficiently applied for the purposes of education among the people of Japan, under such rules and limitations as Congress may think proper to prescribe, or by which it should be returned, without conditions, to the Japanese government.

Mr. EDMUNDS. Was there not some talk of establishing an American college with it in connection with this petition?

Mr. FRELINGHUYSEN. I think not. There is nothing of that kind in the petition that I have observed.

Mr. EDMUNDS. I will not interrupt the Senator, but will take the paper if the Senator please.

Mr. FRELINGHUYSEN. There are two petitions. There is another petition which may have some reference to establishing a college there. I do not know how that is.

Mr. President, the cities and counties and States of the Union are all proposing properly to commemorate the centennial of our freedom. Let the Legislature of the nation now, with the approval of the people, perform this act of magnanimity. It will be the commencement of a new era in the intercourse of nations; and better than arch or pyramid, exposition or pageantry, will such a deed at such a time signalize that day and be memorable in history.

Now I come to the question how much shall we pay back? We received $750,000 in gold which, when it reached the Secretary of State, amounted to considerably more by reason of exchange. That sum now amounts, under the care of the Secretary of State, who generally makes everything thrive that he has to do with, to $1,200,000 in gold. A part of the increase is by reason of the appreciation of securities in which the fund has been placed as from time to time transferred. I call the attention of my friend from North Carolina [Mr. MERRIMON] to the fact that the difference between the sum we received from Japan with interest at 6 per cent. and the sum actually now in the fund is $351,681. If we paid them back what we received with 6 per cent. simple interest we should still have $351,681. If we paid them 7 per cent. we should have $300,000. If we paid 10 per cent. we should have $160,000. I understand, and I presume correctly, that the money which was paid us was borrowed from England, a part of it at 7 per cent and the loan sold at 93, and a part of it at 10 per cent.

My own opinion is that, after making just deductions, if there are any just, we should pay them back the whole sum. I can see that there may be a difference of opinion in reference to this. A very considerable part of this money is, as I have stated, from the appreciation of the securities from time to time in which the fund was invested. Much of it is made up by compounding interest, which Mr. Fish has been very careful to do. But I do not think we want any of this money. It did not come to us in the right way.

A word now as to retaining the $125,000 for the officers and crews of the Wyoming and Takiang. The claim of the Wyoming is for punishing the unlawful attack which was made upon the Pembroke, and has no connection with the unlawful expedition of September, 1864. The treaty of 1864 speaks of that transaction as an item of the indemnification. The officers of the Takiang are not responsible for the character of the attack made in September, 1864, because they obeyed the orders of the representative of the country. These vessels, the Lancefield and Lanrick, were piratical vessels. They were making war and cruising against our Government in defiance of and contrary to the will of their government with whom we had a treaty, and that is just what makes a pirate as we have defined in our statutes. On page 1047 of the Revised Statutes, section 5374, it is enacted that any subject of a nation making war at sea or cruising against a vessel of the United States, contrary to a treaty of the United States with such nation, is a pirate and is to be punished as such. It appears by the Revised Statutes, page 834, section 4296, that if these vessels which were sunk had been brought into port and condemned the crew would have been entitled to prize-money. It appears that the value of the property destroyed was $350,000.

Then again, by the Revised Statutes, page 909, section 4635, it is provided that for each person on board a ship of war belonging to an enemy on the destruction of the vessel $100 shall be paid if the enemy is of inferior force, and $200 if it is of equal or superior force to the officers and crew of the ship effecting the destruction. The only technical objection to their receiving this bounty is that they do not come within the provision of the statute because these were not ships belonging to an enemy; they belonged to the pirates, to the daimios; the war was made in direct defiance of the government of Japan.

There are abundant precedents for an allowance of this kind. Captain Oliver Perry and the officers and crew of his squadron for capturing the British vessels on Lake Erie received $255,000, as appears by the Statutes at Large, volume 3, page 130. In a recent case the officers and crew of the United States ship Kearsarge, for the destruction of the Alabama, received $190,000. (17 Statutes at Large, page 53.) Captain Bainbridge, his officers and crew, for the destruction of the British frigate Java, received as prize-money $50,000. (2 Statutes at Large, page 818.)

Mr. President, I think that the officers and crews of these vessels should be paid; but I am much more interested that this money should be returned to Japan for the honor of this country and as a matter of justice than that the officers and crews should be paid. Our nation is financially not absolutely poor, but it is and must be characteristically honest. Our people seek economy, but at the same time they seek fair dealing in all our foreign as well as our private relations, and most of all do they demand that this enlightened Republic shall not take advantage of a feeble friendly power just emerging, in many respects, from the darkness of ages.

I do not believe that we shall lose anything by availing ourselves of this opportunity to perform an act of distinguished justice and magnanimity. I do not think that we can make a better moral, and I doubt whether we can make a better material, investment. It seems to me that the political economy of the whole subject is summed up in the proverb of the wisest of men when he said, "There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty." We shall never be poorer by performing this act of American justice.

Mr. THURMAN. Mr. President, I believe the pending motion is to strike out the second section.

The PRESIDING OFFICER, (Mr. WEST in the chair.) The pending question is on the amendment of the Senator from Connecticut, [Mr. EATON,] which will be read.

The CHIEF CLERK. The amendment is to strike out of the first section the words "if not incompatible with the relations of the United States to other powers."

Mr. THURMAN. I thought that had been adopted.

Mr. EDMUNDS. I believe not. I should like to make a motion that will bring up the whole bill for consideration.

Mr. THURMAN. Before that is done, I wish to move an amendment.

Mr. EDMUNDS. I was going to move an indefinite postponement.

Mr. THURMAN. I have no objection to the Senator making that motion.

Mr. EDMUNDS. I move to postpone the bill indefinitely, and we can test the opinion of the Senate on the general merits of it in that way.

Mr. THURMAN. That leaves the merits of the bill open to debate as much as before.

Mr. EDMUNDS. And if the bill should not be postponed, then it can be amended if amendment be deemed necessary.

Mr. THURMAN. Yes.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Vermont [Mr. EDMUNDS] that the bill be postponed indefinitely.

Mr. THURMAN. I do not know, Mr. President, how many reports of committees who carefully examine a subject and report in favor of a measure are necessary in order to secure the approbation of the Senate. In this case I hold in my hand five reports, the expression of the unanimous judgment of five committees, three of the Senate and two of the House of Representatives—opinions formed, as the reports show, after careful investigation of this subject, and opinions which are all in favor of a measure like that which is now before the Senate—all in favor of allowing to the officers and crews of the Wyoming and the Takiang an allowance in analogy to an allowance for prize-money where the piratical vessel is captured, brought into port, and condemned. There has never been an adverse report upon this subject. There has never been a committee that has examined it that was not struck with the justice of the proposition, and consequently it has always been reported favorably from the committees that examined it, and I believe without exception unanimously.

Why is it that it has thus been reported? Because, first, the thing is plainly just on its face, and, in the second place, it is in accordance with the usage of this Government for more than half a century. What is it that makes this bill necessary at all for the benefit of the officers and crews of the Wyoming and Takiang? Simply this, that under our statute as it stands, absurdly as it seems to me, the officers and crew of a vessel of war which sinks a piratical vessel are not entitled to any prize-money at all. It must capture the piratical vessel and bring it into port and have it condemned in a prize-court before they are entitled to prize-money; and hence, if they sink the piratical vessel and cannot bring it into port and have it condemned, they get no prize-money at all. That was precisely this case. We are compelled to treat the Japanese vessels that were sunk by the Wyoming and Takiang as piratical vessels because the Japanese government disavowed the acts of their daimios who ordered those vessels to fire on the Pembroke and to stop all intercourse of the European and American nations with Japan. We are obliged to treat them as piratical vessels because by a sort of convention between Japan and the United States they were treated as pirates. That really was an artificial thing, for, although we were not at war with Japan, flagrant, open war, yet the daimio who undertook to oppose the navigation of the Straits of Simonoseki was acting in accordance with the orders of the Mikado. That is the truth about it, and though the Mikado afterward saw fit to disavow any responsibility for his acts and to insist that they should be treated as piratical or, at least, as unauthorized acts, yet in truth they were acts for which the Japanese government itself was responsible. But we treat them as piratical acts and the vessels as piratical vessels because they were so treated in the convention between the three powers and Japan.

Then comes the application of the rule that where the piratical vessel is not captured and brought into port and condemned there is no prize-money. Very well, let us see how that will work. Where the piratical vessel is sunk, manifestly she cannot be brought into port. What then is done? All that Congress requires is that Congress shall be satisfied that, if she had not been sunk but had been captured and brought into port, she would have been condemned. The fact that our vessels have sunk her and made it impossible to bring her into port and have her condemned in a prize-court shall not defeat the right to prize-money of the officers and crew who have behaved so gallantly in sinking her in the engagement with her, just as gallantly as if she had surrendered, and perhaps more so—that shall not deprive them if you are satisfied that she was a vessel of the description which, if condemned in a prize-court, would have entitled them to prize-money. That is the principle of it. Then how stands this case? We by our treaty with Japan have settled the very question which would have been settled in a prize-court. We have received from Japan six hundred and odd thousand dollars upon the very ground on which a prize-court, if the vessel had surrendered and had been brought into port, would have condemned her as a lawful prize to the Wyoming; and it does not lie in our mouths now to say that she was not a piratical vessel.

What is the object, pray, of having a condemnation in a prize-court? Simply that it may be ascertained that she was a piratical vessel. We have, by our convention with Japan and by receiving from her, in conjunction with two other powers, $3,000,000, of which our share was over $600,000, settled that question; and I say it does not lie in our mouths now to assert that she was not a vessel which would have been condemned if she had been captured—instead of having been sunk—and brought before a prize court. What did we do in the case of the Alabama? Some people called her a pirate; a good many called her a pirate; some people called her a belligerent; but, whether pirate or belligerent, we voted to the officers and crew of the Kearsarge the full value of the ship; whereas in the case of a pirate our prize-laws provide only for giving one-half of the value to the officers and crew of the vessel that captures her, and the other half of the value the United States keeps. And this bill goes on that principle. It does not do even that justice, for the vessels destroyed by the Wyoming were valued, according to the estimates, as is shown by these reports, at $350,000; and instead of giving $175,000, or one-half, to the officers and crews of the Wyoming and Takiang, you propose only to give them $125,000; but in the case of the Kearsarge we gave the whole value of the Alabama and her armament to the officers and crew of the Kearsarge.

Mr. HOWE. Will the Senator allow me a moment?

Mr. THURMAN. Certainly.

Mr. HOWE. Does he understand that these vessels, which were sunk in 1863, constituted any part of the consideration for which this money was paid?

Mr. THURMAN. I do say that, but for the gallant act of McDougal and Pearson in the Wyoming and the Takiang, you would not have had your $600,000, a part of the $3,000,000.

Mr. HOWE. I do not understand that the Wyoming took part in the attack in the Straits of Simonoseki at all.

Mr. THURMAN. Then my friend has not read any one of these reports.

Mr. HOWE. I am not sure that I have; but I have read several other things, and I think the Senator will find that the Wyoming was not there at all.

Mr. FRELINGHUYSEN. The Wyoming made her attack on the 26th of June; she shelled the batteries; she destroyed the Lancefield; she destroyed the Lanrick, which our consul, Mr. Fisher, with the property on board of them, says were worth $350,000. In the attack which was made in September, from the 5th to the 7th, the Wyoming was not present, but there the Takiang, having the crew of the Jamestown on board, represented this country.

Mr. THURMAN. So I understood the fact; and I undertake to say that if it had not been for that attack of the Wyoming in July the allied powers would not have had the $3,000,000. It was that action, than which there is no more gallant action in the naval history of this country, which led the way, and showed the power of the United States in those seas, and brought the rulers of Japan to a sense of justice and reason.

Now, sir, I say once more that the fact that the Japanese vessels were destroyed by the Wyoming is no reason why her officers and crew should not have prize-money, any more than it was a reason why the officers and crew of the Kearsarge should not have had prize-money. We voted prize-money to the officers and crew of the Kearsarge, and I believe without a single vote in opposition to it. I may be mistaken about that, but I think I am not mistaken about it; and the very principle upon which we did that authorizes me to say that in this case, too, there should be voted this money to the officers and crews of the Wyoming and the Takiang.

Mr. MORRILL, of Maine. Will the Senator allow me to ask him a question?

Mr. THURMAN. Yes, sir.

Mr. MORRILL, of Maine. My understanding is that the attack of the Wyoming was in 1863, and the allied assault was in the following year, so that the immediate cause of the treaty was the attack by the allied powers; and if that be so, I should like to understand what relation the honorable Senator thinks the Wyoming affair had to the treaty securing the indemnity?

Mr. THURMAN. I say it had nearly everything to do with it. The Wyoming alone steamed into that bay; and let me give the Senator some idea of what she did:

In obedience to the orders of the properly constituted authorities of the United States Government, the Wyoming weighed anchor at Kanagawa on the 13th of July, 1863, and set out on her voyage to the Straits of Simonoseki. She entered the bay of Simonoseki on the morning of the 16th of July. When she approached the entrance of the bay the fort next to her fired a signal gun, which was answered by all the forts and by the ships in harbor. At this time the Wyoming had no flag up, but upon the signals being fired she hoisted her flag and proceeded into the bay, keeping as close as she could to the northern shore, contrary to the expectations of the Japanese. The first fort immediately opened a heavy fire upon her, and so did all the others, as she moved slowly on shelling the forts with such an effect as to silence such of them as received her fire. The men in the forts which received shells from the Wyoming were observed to rush off and to jump from the heights in such a precipitate manner as to lead to the belief that the shells must have told with greater effect and done more damage than the Japanese anticipated.

The bark and the brig Lanrick—the two vessels which fired on the Pembroke—were still there, and another vessel also, the steamer Lancefield. Those vessels lay close under the town, the bark being inside, the Lanrick next to her, and the Lancefield outside with steam up, and a great number of men on board apparently making preparations to approach and board the Wyoming. Captain McDougal ordered the Wyoming to be taken in between the Lancefield and the Lanrick, and prepared to give each of them a broadside in passing. The Lanrick fired first, but immediately after the Wyoming delivered her broadside on the two Japanese and sent a ball through the stern of the Lanrick in such a way as to leave her apparently sinking. The Wyoming moved on slowly, firing into the forts and the town as she went, and making a curve to enable her to return to fire on the ships again; but as she was turning the Lancefield moved on across the track of the Wyoming farther into the bay to escape at the western outlet, but the Wyoming while curv-

ing brought her great pivot-gun to bear on the Lancefield in her new position and sent a ball right through her boiler, causing her to blow up, and scattering destruction through every part of the vessel; steam, cinders, &c., were blown out in all directions, and such of the crew as were not immediately overwhelmed jumped overboard. The Wyoming returned under a slack fire from the forts, and having done all that she deemed necessary for that time, she returned to Kanagawa to report what had taken place. She arrived here about two a. m. on the 20th of July. The engagement lasted an hour and ten minutes. The Wyoming received eleven shots, and had four men killed in action and seven wounded, one of whom died on the passage back.

That is from the report of one of your committees. I see from another statement that Captain McDougal had six guns and one hundred and sixty men and the Japanese had one hundred and thirty-four guns and about thirteen hundred men. If Senators will look at these reports they will see that no more striking and gallant action perhaps ever was performed by an American ship than was performed by the Wyoming on that occasion. Its effect cannot be doubted.

But what in the world does it matter (although I mentioned it) whether or not we got money out of the Japanese on that account? If the Senator will look back to the treaty he will find that we did, and that the treaty covers the cost of sending the Wyoming there and the injury to the Wyoming. Who can doubt it then? Does anybody doubt it?

Let us see what has been said in answer to the question whether the Wyoming had anything to do with it. Let us see what your committees have thought on that subject, who have examined it, as to whether the action of the Wyoming had anything to do with it. I read from the report of the Committee on Naval Affairs, made by the Senator from Rhode Island, [Mr. ANTHONY,] February 27, 1872:

The Japanese vessels having been destroyed were not prizes. Moreover, it may be doubted if they came under the head of "enemy's ships," being piratical and their hostile character not recognized by the Japanese government. Yet it seems to the committee that in equity the officers and crew of the Wyoming are entitled to no less credit for their gallant and meritorious service because they sunk the Japanese ships than they would have been entitled to had they captured them and brought them into port.

Now I ask the attention of my friend from Maine [Mr. MORRILL]—

The indemnity paid by the Japanese government was the result of their good conduct—

That is what your committee said in speaking of the Wyoming—

The indemnity paid by the Japanese government was the result of their good conduct, and their own valor has supplied the Government with the means of rewarding it.

The committee believe that justice and public policy demand that they should be compensated.

That is what your committee said on the 27th of February, 1872. What said your committee on July 9, 1870? I read from the report, made by Senator Scott, of Pennsylvania, a very careful report indeed:

It is also manifest that the officers and crew of the Wyoming did their duty gallantly, and that the fund now invested in bonds is really the product of their service.

I read this in answer to the question of the Senator from Wisconsin and the question of the Senator from Maine. Let us see further what is said about this matter. I will not take up the time of the Senate by reading at length from these reports, but I will read an extract from the report submitted by Mr. Archer, from the House Committee on Naval Affairs, February 2, 1870:

The firing into the Pembroke and the attack upon the Wyoming were piratical acts, and have been so treated, both by the United States and Japan. Prize is allowed in piratical cases only when the craft is captured and condemned, in which case the proceeds of the capture are equally divided between the Government and the captors. In this case there was no capture, although the benefits which accrued to our Government—

That is, from the acts of the Wyoming—

were infinitely greater than if an actual capture had been made, and it does not come within the letter of the law. Can the claim then rest upon the equity that the "officers and crew, constrained by a discreet and patriotic sense of duty," fought "three piratical or hostile Japanese vessels," and sunk and destroyed two, and that the United States subsequently justified their conduct, by concluding a convention with Japan, whereby she received a full indemnity? The conduct was gallant; it aided to suppress formidable hostilities to our commerce, and contributed to securing the convention of October, 1864, whereby an indemnity was received far beyond the injuries done to the Pembroke and Wyoming.

I have read from the reports of three committees, two of the Senate and one of the House, and all of them attribute in a large part to the effect produced by the gallant conduct of McDougal and his officers and crew in the Wyoming the convention which resulted in the payment of this indemnity.

I do not rest this claim, however, upon that ground alone. I am not going into a question of dollars and cents and a balancing of accounts between the United States and Commodore McDougal and his officers and crew in order to find whether he has poured more money into our Treasury than it is now proposed to pay to him, his officers and crew, for their gallant services. I will not undertake to compute such an account as that, or strike any such balance. I say that the uniform policy of this country has been to recognize the gallant acts of its naval officers, its sailors and seamen, and to reward them whether the United States ever received one dollar of benefit in a pecuniary point of view from that gallantry or not. I will refer to a few cases, and they are only a part. Others could be cited. What has Congress considered to be good public policy? What has Congress considered to be a proper thing to reward the valor of her naval officers and seamen? What has she considered to be a good thing to do to build up and sustain her Navy, which, small as it has ever been, has yet been great in glory and renown? In order to show what Congress has done let me refer you to a few of the acts of Congress on this subject.

1. To the officers and crew of the United States frigate Constitution, Congress awarded the sum of $50,000 to be distributed as prize-money because of her destruction of the British frigate Guerriere. (2 Statutes at Large, page 818.) That was not prize-money under the general law. That was $50,000 voted as prize-money by a special act of Congress on account of the merits of those officers and seamen and the glory they had shed upon the country.

2. To Captain William Bainbridge, his officers and crew, for the destruction of the British frigate Java, $50,000 was voted to be distributed as prize-money. There is another instance.

3. To the officers and crew of the sloop of war Wasp, for the capture of the British sloop of war Frolic, Congress voted $25,000.

4. To Captain Oliver H. Perry and the officers and crew of his squadron, for the capture of British vessels on Lake Erie, September 10, 1813, $255,000 was voted, and $5,000 to Captain Perry in addition to his share of the aforesaid sum.

These are not instances of money received under the general law in relation to prizes or anything of the kind, but they were acknowledgments by Congress of the obligation due to these gallant men for services so beneficial to the country which contributed so much to its glory and renown. I will pass over the special acts giving medals, swords, &c., for meritorious service in the Navy; but to the officers and crew of the sloop-of-war Wasp, for the capture and destruction of the British vessels Reindeer and Avon, $50,000 were given and one year's pay in addition; to Commodore Decatur, his officers and crew, for the capture of Algerine vessels, which were afterward released and restored to the Dey of Algiers, $100,000; to the officers and crew of the United States steamer Kearsarge, for the destruction of the Alabama, $190,000, the full estimated value of the Alabama.

All these are instances of what Congress with the full approbation of the country has always thought that justice to our sailors and seamen, the interests of the Republic, and the maintenance of a Navy require at the hands of Congress. The bill before the Senate presents another one of this class of cases. Here is a case which more strongly than any I have mentioned appeals to the sense of justice of Congress. In the cases which I have mentioned our officers put no money into the Treasury of the United States, but here the gallant conduct of the officers and crew of the Wyoming did put money into your Treasury, far more money, five times as much money nearly, as it is now proposed to vote them.

I do say, Mr. President, in view of the history of legislation on this subject, in view of the facts of this case, that this is a case of justice delayed. This is a case in which long ago, in my humble judgment, such a bill ought to have been passed, and I for one cannot but hope that a sense of justice will induce the Senate to pass this bill without further delay.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS] to indefinitely postpone the bill now under consideration.

Mr. FRELINGHUYSEN. My impression is that the Senator from Vermont wishes to be heard on the bill. I have sent a page for him, and while he is out of the Chamber, if no one else wishes to say anything on the subject, I will call the attention of the Senate to the treaty. The point was made by the Senator from Maine [Mr. MORRILL] that inasmuch as the Wyoming performed her exploit in July, 1863, and the attack by the allied forces was not made until September, 1864, therefore the Wyoming did not contribute toward obtaining this fund. The parties to the treaty seem to have treated the two encounters as one transaction. In the treaty it is expressly provided that the $3,000,000 is paid as full indemnity for all acts of aggression commencing with the first one in June, 1863. Therefore, in its indemnification the treaty by express terms covers the attack which was made upon the Pembroke, which the Wyoming so gallantly punished.

Mr. CHRISTIANCY. Mr. President, I only wish to say a very few words on this subject. I examined this question last December somewhat thoroughly, and came to the conclusion that this fund ought to be repaid; that as this money was unjustly extorted from a weak nation it ought to be returned. I shall therefore vote against the postponement of this bill. I shall support the bill with or without the second section. I see no special objection, however, to putting the case, so far as that question is concerned, on the principle of prize-money, and allowing whatever may be found justly due on that ground.

I think this example of national justice and impartiality would redound to the honor of this nation and that it would be an example to other nations. It would show that we are willing to place ourselves upon the ground of strict and impartial justice in dealing with all nations and that when we have received more than was our due we are willing to return it.

Mr. EDMUNDS. Mr. President, I have been forced to look into this matter a little, and my only doubt about the correctness of my conclusion arises from the circumstance that the honorable Senator from New Jersey seems to have been led to an exactly opposite one; but I still think that, if the Senate will take the trouble to look at exactly what this case is in all its aspects, it cannot fail to come to the conclusion that we obtained this money justly, upon just prin-

ciples of public indemnity, and that we did not exact any exorbitant sum.

The effort to open Japan, to say nothing now of China, to the influences of civilization and of trade has been a long one. A great many years have been occupied by what are called the treaty powers, the Dutch, the French, the English, and ourselves, and others, in endeavoring to persuade that people to enter into relations with us and to allow our citizens and subjects the same rights of personal freedom and liberty in that country that their subjects would enjoy in ours respectively. More than twenty years ago, in 1854, we entered into a treaty with Japan which was designed to accomplish that object. That treaty provided for freedom of trade and intercourse and the security of private rights, subject to limitations; but in the treaty it was provided that two ports, Simoda and Hakodadi, should be opened, one immediately and the other one year afterward, which would be in 1855 or 1856. There was great delay and difficulty in respect of doing even that. Under a kind of two-faced policy, which seems to have characterized the government of that country, as it does indeed the governments of all Oriental peoples, without exception almost, the Japanese were disinclined, although very ready to make a treaty, to take any steps to make any one of its provisions really effectual to the purposes for which they were designed. So the thing ran along until 1857, when we made a revised treaty with that country by which it was provided that another port, Nagasaki, should be opened. Other provisions were made in respect of the rights of consuls and in respect of the rights of American ships resorting to these ports, now free, that should be opened to American commerce. The next year afterward, in 1858, we made still another treaty, the former one seeming to amount to nothing at all, under which by the third article there were to be opened the following ports:

In addition to the ports of Simoda and Hakodadi, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa on the 4th of July, 1859; Nagasaki on the 4th of July, 1859—

Although by a previous treaty they had engaged to open that port already, but had not done it—

Nee-e-gota on the 1st of January, 1860; Hiogo on the 1st of January, 1863.

The port of Hiogo was opened in 1866 or 1868, as my honorable friend from New Jersey stated, if I correctly understood him.

Mr. FRELINGHUYSEN. The Senator did correctly understand me. I so stated and I still maintain that that is the position. The treaty was made in 1863, but by a reference which I gave in my speech, and which I have not now before me, the port was not to be opened until 1868. That was afterward modified and it was opened in 1866.

Mr. EDMUNDS. My friend will bear in mind that I am reading from the treaty of 1858.

Mr. FRELINGHUYSEN. I know. It was agreed by the treaty of 1858 that that port should be opened. It was then extended to 1868, and was not to be opened until then.

Mr. EDMUNDS. O, Mr. President, I will come to that. This is a part of the story that my honorable friend forgot to call the attention of the Senate to. I repeat that by the treaty of 1858, the ratifications of which were exchanged at Washington on the 22d of May, 1860, before these dates, every one of these ports, including Hiogo, the last, was to be opened on or before the 1st of January, 1863; and when, in the year 1863, these difficulties took place that treaty was in force. My honorable friend says that by a subsequent arrangement it was postponed. So it was, which merely illustrates what I was endeavoring to call the attention of the Senate to, that these people did not understand and did not in fact observe any treaty. They made treaties for the purpose of obscuring and delaying rights, instead of with any intention of carrying their substantial provisions into effect. That was the situation; and they would have continued to make treaties with us year after year as often as we liked, so long as they could avoid anything under them by making a fresh one with an extension of time and other provisions to take the place of the old. That was the situation in 1863, when the first of these events took place.

The treaty of 1858 was a long one. It provided for the freedom of commerce and of trade, for international rights, the security of private and personal liberty, and the right to trade and to travel, with certain limitations which it is not necessary to refer to. We made no treaty after that until 1864, after these difficulties had commenced, and as a consequence of the fact that the United States had undertaken by force to assert the rights that by public law and by the treaty with this country it was entitled to enforce. I venture to say, and nobody who reads the history of these Oriental nations can doubt it, I believe, that, if we had not resorted to the only right there is among nations for establishing the provisions of treaties, and that is the exercise of power, not one of these ports would have been opened to this day.

Then let us see what took place in 1863 and 1864. The strait of Capellen, as it is called on the charts, anybody who will look at the maps will see is really a species of inland sea that cuts off the lower and southwestern section of the island of Japan and makes the empire of Japan really a series of two or three islands. This strait, the northwestern entrance to which is called the Straits of Simonoseki, connects the great sea of Japan, so called, and the Pacific, two oceans, and that strait according to this chart and according to the atlases, excepting at one northwestern point, averages more than twenty-five miles in width, like the English Channel and the Straits of Dover connecting the Atlantic with the North and the Arctic Seas, excepting that the Straits of Dover happen to be fifteen to eighteen miles wide at the narrowest place, while this at the narrowest place is, as my friend says, only a mile or half a mile, whatever the distance may be, much less than six, which is all that is necessary for my purpose. Therefore, as I understand the principles of public law settled by the writers on public law, it is the right of every ship that sails the seas to pass through those straits unstopped by batteries or any other order of the country that happens to lie upon the side of them. It is not like a great bay or a sea that is inclosed, entirely without exit, within the dominions of a particular government; but it is a passage-way, a highway, that connects two great public seas over which no nation individually has any exclusive jurisdiction whatever. That was the nature of this passage, and through it, to say nothing of public right, in order to enjoy the rights that the treaties gave to the citizens of the United States of trading at these various ports, it was necessary and useful as a matter of safe and convenient navigation to pass through this strait of Capellen and the Straits of Simonoseki to reach these various ports. My honorable friend says that the port of Hiogo is at the southern or southeastern outlet of this strait. At the southeastern part the strait is more than thirty miles wide. Nagasaki, another open port, is on the opposite side of the southwestern island that composes the empire of Japan, and any prudent sailor or ship-master, in reference to the particular climate and the typhoons of those seas, would naturally and always almost, certainly for half the year, in going from Hiogo to Nagasaki, over on the southwestern side, would go through those seas, the distance being but very little greater than to go around the southern end of the island, going around which he is exposed all the time to the dangers of the great ocean. That was the condition of things.

Before I leave that topic, I wish to call the attention of the Senate and of my honorable friend from New Jersey to what is said by writers on public law upon the subject of the public rights of all nations to straits of this character. Vattel, on page 130, says:

All we have said of the parts of the sea near the coast, may be said more particularly, and with much greater reason, of roads, bays, and straits, as still more capable of being possessed, and of greater importance to the safety of the country. But I speak of bays and straits of small extent, and not of those great tracts of sea to which these names are sometimes given, as Hudson's Bay and the Straits of Magellan, over which the empire cannot extend, and still less a right of property.

The Straits of Magellan, as every school-boy knows, are much shorter and much narrower, on the average, than this strait of Capellen which crosses the southern end of the empire of Japan between the Japanese sea and the Pacific Ocean.

A bay, whose entrance can be defended, may be possessed and rendered subject to the laws of the sovereign; and it is important that it should be so, since the country might be much more easily insulted in such a place than on the coast that lies exposed to the winds and the impetuosity of the waves.

I read this in order that Senators may see that I do not make an extract that may be thought to present a one-sided view of the case. I am reading the qualifications and the limitations on both sides of the rule. He proceeds:

It must be remarked with regard to straits that, when they serve for a communication between two seas the navigation of which is common to all or several nations, the nation which possesses the strait cannot refuse the others a passage through it, provided that passage be innocent and attended with no danger to herself.

That was the sort of passage that the commercial marine of the United States were entitled to make through these straits. It was the passage that they were not permitted to make.

Now, Mr. President, I call your attention and that of the Senate to the observations of Mr. Wheaton, and I read from Mr. Lawrence's Wheaton, in order that it may be authority with all sides of the Senate:

Straits are passages communicating from one sea to another. If the navigation of the two seas thus connected is free, the navigation of the channel by which they are connected ought also to be free. Even if such strait be bounded on both sides by the territory of the same sovereign, and is at the same time so narrow as to be commanded by cannon shot from both shores, the exclusive territorial jurisdiction of that sovereign over such strait is controlled by the right of other nations to communicate with the seas thus connected. Such right may, however, be modified by special compact.—*Lawrence's Wheaton*, page 328.

We had not made any such special compact, neither had any of the treaty powers, (the Christian nations, as they are called in Japan, I believe,) to exclude our commerce from passage through these straits. Quite the reverse; we had undertaken year after year by treaty with this empire to provide for commercial intercourse. We had not undertaken to provide for the passage through these straits, for the reason that by the settled principles of public law and the public practice of all nations we had that right without any treaty. My learned friend from Wisconsin [Mr. HOWE] recalls to my attention, as an illustrative instance of what I am saying, the Straits of the Dardanelles and the Straits of the Bosporus, connecting the Mediterranean with the Black Sea, which are, it is true, in respect of vessels of war, closed under certain conditions to foreign powers, but they are closed by special compact made with the Ottoman Porte, other nations having regard to the protection of the health of what the European writers have called that "sick man" in public law.

Mr. FRELINGHUYSEN. If my friend will permit me, I think the case to which he has alluded, the Dardanelles, the Sea of Marmora, the Bosporus, which connect the Black Sea with the Mediterranean,

is a case in point. Russia owns the territory bordering on the Black Sea. It has, as a necessity of commercial intercourse, to have connection between the Black Sea and the Mediterranean; but it has never been claimed that ships of war had a right to pass through those straits and that sea. From immemorial usage it has been recognized and it has been confirmed by the treaties down as late as 1856, that the Ottoman Porte had the right to exclude ships of war from those straits. I presume it has never been claimed as against Japan that ships of war had a right to pass through these inland seas.

Mr. EDMUNDS. Now, Mr. President let my friend behold "how plain a tale shall put him down." It shall not be any tale of my own, but that of Wheaton:

So long as the shores of the Black Sea were exclusively possessed by Turkey, that sea might with propriety be considered a *mare clausum*.

Therefore, says my friend, so long as the shores of the Japanese sea bounded upon one side by the Corea and by China, and, I believe, a part of the Russian possessions of Kamtchatka, and by Japan upon the other, exclusively belonged to Japan, the Japanese sea might be a *mare clausum*, but it so happens that that condition never existed. Japan was never the sovereign of the shores of the Japanese sea on all sides as the Ottoman Empire at one time was of the shores of the Black Sea.

Mr. CHRISTIANCY. Will the Senator allow me to ask a question?

Mr. EDMUNDS. With much pleasure.

Mr. CHRISTIANCY. Were not both sides of the strait possessed by Japan?

Mr. EDMUNDS. Undoubtedly; but if my honorable friend will look at the course of history and at the law he will find that that is not the question. The question is whether the sea at the two entrances or one entrance of the strait is in the exclusive dominion of the power controlling the strait. In that case it may be considered, they say, a *mare clausum;* in the other case it may not; and, as Vattel says and as Wheaton says, if the seas at the two ends of the strait are of public right, the strait also is of public right.

Mr. FRELINGHUYSEN. Mr. President, the tale which my friend read to me——

Mr. EDMUNDS. I have not finished the tale.

Mr. FRELINGHUYSEN. Was no new tale to me. I had read it, and it seems to me that he does not state it with his usual clearness. I understand that Russia, not the Ottoman Porte, owns the land on a part of the Black Sea, so that the Black Sea is not exclusively within the territory of the Ottoman Porte; and notwithstanding that while Russia owns a part of the land on the Black Sea ships of war are entirely excluded from the Dardanelles and the Bosporus.

Mr. EDMUNDS. Now, Mr. President, the Senator will excuse me. He says it is not a new tale to him; it is an old one; he has read it. I am sorry he has not profited by it more largely than he appears to have done. I have not made any statement myself about the Black Sea. All that I said I read out of Wheaton, and I will read it again, because it is Wheaton that my honorable friend is contending with, and not with me. I should not venture to enter the lists with my friend on a question of this kind unless I was fortified——

Mr. FRELINGHUYSEN. There is no necessity for such remarks, I think. It is a plain question of law. It is not entering into any personal contest with my friend.

Mr. EDMUNDS. My friend must understand that I am not entering into a personal contest with him, and I must repeat that if it were a question of personal consideration and capacity I certainly should not enter into it; but being fortified by Wheaton, and by Lawrence's Wheaton too, as I have said, I feel rather safe in reading it to him:

So long as the shores of the Black Sea were exclusively possessed by Turkey, that sea might with propriety be considered a *mare clausum;* and there seems no reason to question the right of the Ottoman Porte to exclude other nations from navigating the passage which connects it with the Mediterranean, both shores of this passage being at the same time—

That is, at the same time that the Black Sea was exclusively a *mare clausum* in her dominions—

both shores of this passage being at the same time portions of the Turkish territory.

My friend is only in error, as we sometimes are, because he and I are talking about two different periods of time.

But since the territorial acquisitions made by Russia and the commercial establishments formed by her on the shores of the Euxine both that empire and the other maritime powers have become entitled—

I beg my honorable friend to mark the word—

have become entitled to participate in the commerce of the Black Sea, and consequently to the free navigation of the Dardanelles and the Bosporus.

Mr. CHRISTIANCY. Does not that refer entirely to the mercantile marine?

Mr. EDMUNDS. It may be that it does. I do not at this present time go into the right of vessels of war of other nations to go through the Straits of Simonoseki. No such right has been brought into contest.

Mr. FRELINGHUYSEN. Then there is no controversy between the honorable Senator and myself.

Mr. EDMUNDS. I beg the honorable Senator's pardon. These straits were closed by the authorities of Japan, either national or local, one or the other, either exercising national jurisdiction or exercising local jurisdiction consonant to the national jurisdiction or in opposition to it; some one of these three grounds. While they were closed, no ship of war of ours that I know anything about undertook to go through. What our treaties with her entitled us to do was to trade, and, as an incident of trade, to pass through those public passages which connected two seas; and when at last the Pembroke, having more zeal than discretion, undertook peaceably to go through the straits, that her compeers seeking commerce did not dare to do, she came to grief; and the first visit that I know of from these documents that any vessel of war of the United States made to these straits was that of the Wyoming afterward to endeavor to obtain redress. So I need not discuss the question whether the vessels of war of the United States are entitled of public right to go through or not. We did not ask an indemnity because they had been refused. I do not know that they had been refused. Certainly, so far as the documents show, they never had undertaken to do it. When they went there on two occasions, one in 1863 and the other in 1864, it was not for the purpose of peaceable passage of a vessel of war, as that of one of the nations going through the Dardanelles or the Bosporus, but it was to assert the majesty of the United States at the cannon's mouth, and that right did not depend upon the law of nations in respect of peaceable passage, but upon that law of nations which compels every nation to defend its own interests and the rights of its citizens by force. So we may dismiss the question, so far as this case is concerned, as it appears to me, whether under the particular condition of those straits vessels of war in time of peace might or might not go through.

Mr. FRELINGHUYSEN. That was my position.

Mr. EDMUNDS. Then my friend and I, as we usually do by discussion, are coming to a common understanding.

Mr. FRELINGHUYSEN. I not only did not deny the right, but expressly said that merchantmen had a right by long usage to go through there.

Mr. EDMUNDS. I do not agree with my friend when he speaks of long usage. I assert again that, according to Vattel and Wheaton and public law, the right of vessels to go through straits of this character does not depend upon usage; it is an inherent right that belongs to the public law of nations. That is my proposition. Usage is a thing that arises upon the presumption of a compact at some distant period of time upon which the parties have agreed, but the evidence of which is now lost. That is usage or prescription. Now, my point is that the right of the vessels of the United States, its merchant vessels, to pass these straits did not depend upon usage, but it was a fundamental and inherent right belonging to the ships of the United States sailing the public seas peaceably and for purposes of trade to pass through this strait connecting one great sea with another. My friend says that by long usage the right had been acquired, if I correctly understand him, and he and I in that respect differ about the law.

Mr. FRELINGHUYSEN. I would submit to my friend that it is an immaterial difference inasmuch as we both agree (unless for the sake of disagreeing we shall depart from our position) that the merchantmen had a right to go through, and neither asserts that the ships of war had that right.

Mr. EDMUNDS. Well, I do not feel called upon to assert anything about the ships of war. I should maintain, if I were called upon, (but it is quite out of the necessary discussion of this case,) that in the situation of these straits, ships of war going through in the ordinary course of navigation, as convenient in respect of the dangers of the sea and not with any intent to disturb the peace of the inhabitants upon either shore, or to menance their safety, had just as good a right to go through as the merchant ships. That I should maintain, but I need not go into that discussion at all. We all agree now that through these straits at all times the merchant marine of the United States and of the other powers had an absolute right to pass free and unmolested; and we have seen by the treaties which I have read, three or four of them, one after another—the first one never performed by the Japanese; the second one not performed, and the third, and so on—there had been a constant frustration by this nation of the rights that it had professed to bestow upon the citizens of the United States in respect to trade, aided and supported in a most material and effective way by closing these straits to the passage of our merchant ships. That was the situation, and that situation continued, as these public documents show, which Senators can find in the diplomatic correspondence of 1863 and 1864 in all their committee-rooms and in the libraries—the closing of these straits had continued when the affair of the Pembroke took place, in 1863, for more than a year. It had continued for the purpose, I think the documents show, a part of the policy of the Japanese Empire, to avoid coming to blows with foreign powers by making fair-looking treaties that it never intended to observe and did not observe, and in aid of that disposition of frustration it had planted batteries on both sides of these straits and allowed no merchant vessels of any of the nations to go through except at its beck and pleasure.

Was not that an injury to the rights of the United States, as well as an insult to it? It was not the question of whether one vessel or two vessels should be turned away. When it came to be publicly known, as it was immediately, that these seas were closed to commerce and to passage, no wise ship-master would undertake it. No wise merchant would send a venture from any port of the United States or would dispatch a ship when he knew that when it was to reach its point of destination and to endeavor to pass through these

public highways of all nations it would be turned away, and when it should endeavor to trade with the ports that the treaties had declared should be opened at a certain time, it was to find them closed. You cannot measure general damage of that kind, as we found at Geneva, on a slate with a pencil by figures. You are obliged to make a general estimate of it and take it in a lump.

Mr. MERRIMON. If it will not be disagreeable to the honorable Senator at this point, I should like to ask him a question; for I am anxious to give a just and wise vote upon this bill. There was rebellion in a locality under the dominion of the Japanese government, and the rebellious authorities fired upon an American ship, offered an insult, and damage was done. I understand from the reports, and from the speech of the honorable Senator from New Jersey, that the Japanese government, as fully and as thoroughly as they could do it, disavowed the insult and disavowed the insulting acts. Afterward, by express stipulation, they agreed that the actual damage done should be measured by $3,000,000; that is, the damage done to the four powers—the British and the French governments and our own and the Netherlands, I believe. Our share of that fund was $785,000. That was supposed to be the amount that would cover our actual damage. Afterward, however, when the account was actually taken, it turns out that our actual damage is much less than that sum, to wit, say $125,000. Now, inasmuch as the Japanese government disavowed the insult and therefore wiped that out, disavowed the hostile act, after we have received the actual indemnity, not speculative indemnity, but the actual indemnity, I submit to the honorable Senator whether we are not bound in common honesty and honor, as well as in sound policy, to return the surplus of that fund.

Mr. EDMUNDS. As the honorable Senator states the question, I as of first impression should be largely inclined to agree with him; but I think if the honorable Senator will look at these two volumes of Diplomatic Correspondence, which he can do in one evening, and then at the treaty of 1864 which provided for this indemnity and at the course of historic events that I have been speaking of, he will be satisfied that the case he has stated as an inquiry does not exist here at all.

The firing upon the Pembroke and the amount claimed for it was known before; it had been figured up and submitted to the Japanese government, and I do not know but that they had paid it before. Certainly it was a very small part, if any, of this matter, and I was about coming to the point of knowing exactly how these straits came to be closed, because if they were closed by the power itself, and not by persons in rebellion whom that power by the utmost diligence could not overcome, then I should agree with the Senator from New Jersey that upon the principles of public law the power would not be responsible for it. But was that the case? These straits were opened, not by the Wyoming in 1863 when she went up after the Pembroke had been fired into. She could not do it; she was getting into trouble herself; she sunk two of their ships there easily, and she shelled their batteries, but found it quite convenient and wise to go back again to Yokohama, or wherever she started from, in a hurry. She was not strong enough to accomplish that object. She did not open the straits. The next year, the thing still hanging on, the straits still being closed, the combined powers sent an expedition, our part of it being a hired vessel because the Jamestown then in the Japanese waters was of too deep a draught to get to the proper place. Our authorities hired a vessel which did good service, and went up and all together the powers actually opened the straits. Now let us see what the fact was about how those straits came to be closed.

As in all other well-regulated dominions, there were several parties in Japan. The grand emperor was the Mikado, and his deputy, or whatever he might be called, was the Tycoon. Then he had his cabinets and departments and ministers and the Lord knows what, who carried on the government. When these treaties in respect to foreign powers and in respect to the rights of trade came to be agitated and made by the supreme authority, there was a natural jealousy against them among all the people. It was an innovation; it overturned traditional policy, and was thought to represent quite the reverse of progress. The people were restive; and then there were questions respecting the succession to the crown and the rights of their internal rulers that led to what might be called a state of rebellion, more or less sincere nobody can tell.

But when these straits were thus shut up during 1863, the Tycoon, not the Mikado, told the foreign powers, as these documents show—of course it would be tedious to read them through, but I wish every Senator would do so—and it was told them when the treaty was made, and was put in as a convenient method of easing off the Japanese, (a diplomatic lie, so to speak,) that the prince of the province of Nagato, that lay at the northern narrowest part of the strait, called the Strait of Simonoseki, or whatever it is, was a rebel, and that he was out of his relations, as President Lincoln used to say about the Southern States. He was out of his orbit in respect of the general government, and therefore he had not strength enough to open these straits as he admitted he ought to do. Our representative, Mr. Pruyn, and the English representative, and everybody believed it, and thought that they were doing the Tycoon and Mikado a grand service by going up and opening that thing and clear out this rebel. How did the truth turn out? Now listen. When they went up and opened the straits, and conquered this prince, whose name, signed to a document here, which he submitted to them publicly, and in his own hand, is too long and terrible for me to undertake to read, he said this to them, to which I beg the Senate's attention:

The instructions of the Emperor of Japan—

That is, the Mikado—

and those of the Tycoon are different. Because, in obedience to the Emperor's commands, I, at Simonoseki, fired upon foreign vessels, I have received the name of rebel.

When I appeared to be acting in opposition to the imperial orders a messenger came from the foreign nations to make it known to me and demand its discontinuance. This being the case, Nagato-no-kami (son and heir)—

His son, I suppose—

went on horseback to Kioto to learn the Emperor's will. Before arriving there, an insurrection having arisen in Kioto, there was no alternative but to return without having accomplished the mission. Three days ago I heard your illustrious country's ships had come to Ituma Sima. I sent a messenger, Mr. Ama, to you by boat to say that I did not care whether you passed through the straits or not. While on his way you left the island, and the boat returned, thinking to reach you from Simonoseki. Much time having elapsed, in the interval war broke out.

That is, in the interval before he could get into communication with these hostile ships and with his Emperor, and see whether he was to carry out his orders to close the straits or not, the event took place, as often happens in war as we all know.

For this inability to prevent its breaking out I am exceedingly sorry. I have not, from the first, hated foreigners. I consider this war a great affliction to thousands of people. I desire nothing but amity. Please consider the subject well.

That is what this rebel, so called—this prince of Nagato—stated on the spur of the moment, after the straits had been opened and his batteries silenced, was his ground for having resisted, that he was acting under the express orders of the Emperor, and, as he supposed, against the wishes of the Tycoon, because by the messages that had been sent by the ships there seemed to be a misunderstanding about it. Now turn to page 561 of this volume of Diplomatic Correspondence, to the memorandum of the conference held at Yokohama on the 18th of September, 1864:

Present: Sir Rutherford Alcock, K. C. B., Her Majesty's envoy extraordinary and minister plenipotentiary; Monsieur Léon Rocher, minister plenipotentiary of his Imperial Majesty the Emperor of the French; Robert H. Pruyn, esq., minister resident of the United States; Monsieur De Graeff van Polsbrock, his Netherland Majesty's consul-general and political agent; Takemoto Kai-no-kami, principal governor of foreign affairs and confidential agent of the Tycoon; Shibata Hinga-no-kami, governor of foreign affairs; Kolimoto Kai-no-kami, Ometske of the first class.

Then they go on to state their motive. You will observe that both parties are present, the representatives of the Tycoon and all. Now what is said?

Such being the substance of the news brought by the Perseus—

After these batteries had been silenced—

and the result of the operations against the Prince of Choshu, who had held the straits closed by batteries for fifteen months, it was now necessary to advert more especially to the prince's alleged justification of this long violation of treaties. The prince not only declared that, as a daimio of Japan, he had acted under the orders both of the Mikado and of the Tycoon in all that he had done, but he further produced certified copies in Japanese of these orders. The foreign representatives, under these circumstances, desired to know what answer the Tycoon's government had to make to this direct charge of complicity.

There being the official documents.

Takemoto Kai-no-kami replied that he would shortly have something to say on this subject—

Which was a diplomatic way of putting it off—

but would be glad first to hear anything which the representative might further have to communicate.

Then it goes on to state what the French minister said. I cannot take up your time to read these long things. Finally:

Takemoto Kai-no-kami had to remark:

First. That the order, such as it was, had been transmitted, not by the Tycoon, but by an act of treachery on the part of persons about the Mikado, and without competent authority.

That is to say, although this order was official, and under the great seal of the Empire of Japan, if they have such a thing, somebody had been guilty of an act of indiscretion in carrying the order to that prince, which in diplomatic language (because I have the greatest respect for the Japanese and that empire) is rather a circuitous way of getting around the truth.

Second. That it did not order the prince to fire upon foreign ships, and the proof that such was not its proper meaning might be found in the fact that although a similar order was communicated to all the other daimios, he alone had put that interpetation upon it because it suited his own designs.

To this the American minister replied that although it was true the order was not in express terms to fire, yet as it declared the intention of the Tycoon to cease all intercourse with foreigners on the 20th June, 1863—

Notwithstanding the three solemn treaties that it had made with us, to say nothing of the other powers—

the prince might naturally draw the inference that he was expected to treat them as enemies.

Takemoto replied, that such acts were contrary to the Tycoon's wish was further established by his sending down an aid-de-camp at once to cause the prince to stop firing, and this emissary was murdered in the territories of Choshu.

As to the appearance of double-dealing on the part of the Tycoon's government on the one side, concerting measures for the closing of the port of Yokohama, and, on the other, for maintaining the treaties in their integrity, the Tycoon had hitherto been, as the representatives well know, in a position to make something of this kind unavoidable.

There he leaves the strait question, and goes to one of the other numerous—I might say innumerable—acts of aggression and injury to our citizens and to our trade, right in the face of these repeated treaties;

and upon this strait question, I cannot do better in getting at the real truth, as I have no doubt this prince stated it, than just call attention to the very next sentence of this double-dealing people. When they come down to Yokohama and refer to the intention to close that port and the efforts made to do it in spite of the treaty, after it had been opened, and asked him what was meant by the apparent double-dealing about that, he says that the position of affairs made "something of this kind unavoidable." That is to say, it was necessary, in order to meet the views of the people of Japan, that the treaties should be skillfully dodged and put off, and that one face should be held out to the foreigner, and that face should be, "We are unable to carry these treaties into effect, because our people are so rebellious and wrong-doing;" and, turning inland, say to the princes and to the people, "Just push on and make all the disturbance you can, and we can persuade these foreigners that the government has no power to let them in, and we shall get the advantage, while they will get the loss, and nobody will be the wiser."

That was the eastern policy; it always has been the eastern policy; and I repeat that no man, as it appears to me, can read all this correspondence consecutively, from beginning to end, and the events that took place in and as a part of it, without being thoroughly satisfied that it was the steadfast policy of this people, government and all, to escape pressure from foreign nations by making these treaties, and then to have them sink like ashes into the sea without a single result coming from them; and to do that, it was a part of their policy to have an apparent rebellion in one province that commanded this great key of the passage between these seas and interfere with the commerce of the ports they had opened, not to open the ports that they had engaged to do, and in other words to absolutely discourage the enterprising merchants and ship-masters of the western nations from undertaking any intercourse or commerce with them at all.

That was the policy, and as a most important part of this policy, as everybody can see, the shutting up for fifteen months of this strait was almost an essential and indispensable step; and they did it. Then came the treaty—because I cannot weary the patience of the Senate by going more into detail in respect to these things. Now what does the treaty under which this money was paid say on its face was the ground for paying it?

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo—

Which is this same Choshu, for he has another name of Choshu—

which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties.

That is, you will see, literally true. There is diplomatic language. Even if this Prince of Nagato was going, as is shown by the official correspondence, to stop all intercourse with foreigners on the 20th of July, 1863, under the express orders of these people, still that action would make it difficult for the Tycoon to carry out the treaties. To be sure it was the Tycoon's own act, or the act of the Mikado; but that act of closing the strait did make it difficult, not only difficult but impossible, to carry out in their real sense and their literal spirit the treaties that had been made, which by necessary implication, if this had been a *mare clausum*, entitled our commerce to pass in reaching Hiogo from Nagasaki, and the reverse, for by the treaty of 1858, as it stood in force when these events took place in 1863 and 1864, Hiogo long before should have been opened. So they say in this carefully-prepared language, which shall injure nobody's feelings and expose nobody to public reproach, that these hostile acts of this Prince—

Make it difficult for the Tycoon faithfully to observe the treaties—

And these powers:

having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade—

Bear in mind "and the stoppage of trade"—

and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince—

Acting under their own orders, exposing the document to the firelight, as the saying is, so as to bring out the words between the lines—

being held responsible for any damage resulting to the interests of the treaty powers, as well as the expenses occasioned by the expedition—

What is he held responsible for? He is held responsible for the establishment of those batteries, the stoppage of trade by this rebellious prince. It does not say that he as a rebellious prince was doing it, and against the will of his government, but that he was a rebellious prince because he did not go in fully and cheerfully to support these treaties, as the Tycoon and Mikado pretended they wanted to do. That was all he was in rebellion about that anybody knows of; and at the same time that he was doing that, as I have shown, he was acting under the express orders of the Tycoon himself, that he should stop all intercourse on the 20th of July, 1863. Now then, the government of Japan says the treaty is held responsible—

for any damage resulting to the interests of the treaty powers as well as the expenses occasioned by the expedition.

My honorable friend from New Jersey seems to have discussed this case on the theory that the damage resulting from the expedition was the thing for which we received $750,000, or rather, to state it more broadly, because the proportion was a matter with which the Japanese had nothing to do, that the four powers received $3,000,000 for the damage resulting from that particular expedition to their public vessels of war. He shuts one eye tight and only opens the other who reads the treaty in that way, because the first and leading proposition of it is that the Japanese government is held responsible for the damages resulting to the interests of the treaty powers; and, second, for the expenses occasioned by the expedition.

What were the damages resulting to the interests of the treaty powers? Here was the closing or the keeping closed of three or four or five ports that by treaty obligation they had been bound to open years before. Here was the damage resulting to the general interests of American and European commerce by the constant harassing, wherever any of these commercial enterprises touched the shores of Japan, of the people engaged in them. They could not turn the corner of a street but they were in danger of the stiletto; they could not build a house that it was not in danger of being burned down the next night, and it often was. All these things growing and accumulating and culminating, and accompanied by this shutting up of this great passway of commerce, these people say are the damages resulting to the interests of the treaty powers as well as the expenses of the expedition for which the money was paid.

The undersigned representatives of treaty powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts in June, 1863—

And this was the 22d of October, 1864, almost a year and a half—

against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war.

And I take it we all understand that indemnity of war in case of collision covers all the items and respects to which I have referred, the exclusion of commerce from where it was entitled to go; the constant annoyance and harassing of the citizens and subjects of foreign powers, in spite of their treaties to treat them well; all these as well as the closing of these straits.

To regulate definitively the question of indemnities of war of whatever kind—

Everything, in the broadest possible language, every injury that had been committed to American rights, to English, French, and Dutch rights, was to be covered by one lump sum—

in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

1. The amount payable to the four powers is fixed at $3,000,000. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

2. The whole sum to be payable quarterly, in installments of one-sixth, or half a million dollars, to begin from the date when the representatives of said powers shall make known to the Tycoon's government the ratification of this convention and the instructions of their respective governments.

3. Inasmuch as the receipt of money has never been the object of the said powers—

And obviously enough, because you cannot estimate in money alone the damage that had been done to their respective rights by this constant system of duplicity and evasion and annoyance and force combined—

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

What happened then? The government of Japan said, "We do not want to open this port. We would a great deal rather square accounts with you down to the 22d of October, 1864, by giving you $3,000,000, than to carry out the spirit of the system that these treaties had inaugurated of opening trade by giving you any spot in the inland sea where you can set your foot on land. You are entitled to go through it; we have prevented you going through it for a year and a half; but when it comes to making a choice between giving you $3,000,000 and opening a port on this inland sea we give you the money." That shows, if the letter of the treaty did not show, that this $3,000,000 was not got as the estimated sum for any special and specific damage to any citizen of the United States or to any vessel or property of the United States. It was the only means left, except that of extermination, so to speak, that these foreign powers had after they had shown this government and its people that they could enforce their rights, of making them feel that it was for their interest to observe treaty stipulations and carry out in good faith the engagements they had entered into with foreign powers.

Mr. THURMAN. Will it interrupt the Senator's line of argument if I ask him a question?

Mr. EDMUNDS. Not in the least. I have no line of argument except to state my views and call the attention of the Senate to these facts.

Mr. THURMAN. The Senator has been making an argument of very great force, and now I want to ask him this question. Supposing that he is right, that the money paid to us was properly paid to us and that no good reason exists whatsoever for our returning any of the money to Japan, is that any reason for postponing this bill indefinitely? Is that any reason why the second section of this bill ought not to pass? Is that any reason for opposing anything but the first section of the bill?

Mr. EDMUNDS. Certainly not, Mr. President. Nothing I have said is any reason for opposing anything but the first section of the bill, except perhaps an incidental reason; but the first section of course is the main question. On that I have said all that I care to say, because I have only come into this debate incidentally after having heard the question discussed. Then what is the second section?

If this money was rightly obtained, then the question arises whether any part of it ought to be paid to the officers and crews of the Wyoming and the Takiang, which was the hired vessel that went up on the second occasion in 1864. If the money was not rightfully paid and was wrongfully exacted, then, of course, whatever duties we may owe to these gallant sailors should not be satisfied at the expense of the empire of Japan. We should pay them out of our own Treasury if we owe them anything. We must not "rob Peter to pay Paul." But if, as I most sincerely believe, there is no ground either of public law or of public morals, when you read the whole history of this affair, upon which Japan could justly claim, or, to state it in a fairer way, upon which we could justly feel that we were under any obligation to return this money, the question arises then, as the Senator says, whether it is worth while to postpone the bill indefinitely because the second section provides (the money being ours) to pay a part of it to these officers and crews. That raises the question how far the officers and crews of the public vessels of the United States are entitled to special rewards beyond those that the statutes give them.

I think that states the question fairly. In warfare upon land, as we all know, except in cases of loot, which are extreme cases nowadays and those that ought not to be encouraged, the officers and soldiers of the Army, who, in a certain sense, are exposed to equal peril with the sailors, and on the whole to greater peril when you sum up the number of days in a given year when the soldier is exposed to death from the enemy and the sailor is not, get nothing; they claim nothing. We may capture a city, as General Sherman did Savannah, with millions of public property—not private property, the loot of the soldier, as in the case of sacking a town—but property of the Confederated States, so called. I have never heard it claimed by officers and soldiers of the Army that they were entitled to any share of this public confederate property that was captured; and I am bound to say it for the honor and credit of the Navy that I have never or very rarely indeed—I do not remember an instance—heard it claimed by the officers and sailors of the Navy that they ought to have a single penny beyond that which the fixed laws at the time they performed their services gave them for the service performed.

Mr. THURMAN. I ask the Senator whether he heard the cases which I read to-day?

Mr. EDMUNDS. I did not.

Mr. THURMAN. That accounts for the remark.

Mr. EDMUNDS. Then I will ask my honorable friend, as he is asking questions, what were the cases to which he referred? I was unhappily obliged to be absent from the Chamber while he was speaking and hoped to get back in season.

Mr. THURMAN. I read quite a number; but take one single case, and I think the Senator will remember it; we gave to the officers and crew of the Kearsarge the full value of the Alabama.

Mr. EDMUNDS. Ah, Mr. President, now I understand the Senator, I think. He did not pay very exact attention to precisely what I was saying.

Mr. THURMAN. We gave Commodore Decatur and others the values of the Algerine vessels.

Mr. EDMUNDS. I certainly hope the Senator did not suppose I was so ignorant of our history in legislation as not to know that we had often given money. My statement was that I did not remember an instance in which the officers and crew of any one of the public vessels of the United States had claimed anything more than the statutes in force at the time gave them; but as a matter of gratitude for deeds of extraordinary gallantry and heroism, having it may be historic as well as personal effects connected with them, as in the case of the Kearsarge, and in the instance it may be of Decatur, Congress has, not upon demand but out of the gratitude of its heart and the gratitude of the hearts of the people, voluntarily bestowed upon these persons certain proportions or equivalents for the service they had performed.

Mr. THURMAN. Does the Senator understand that in this case Commodore McDougal and the officers have claimed anything?

Mr. EDMUNDS. No, Mr. President; I have not intimated any such thing. I do not. They have not. I should be surprised if they had. That brings me, having cleared up the question of right, to a question of exactly what is our duty, if duty can be said of gratitude, and I think it can. Often gratitude is a duty. What is our duty considering the general interest of the country, speaking of its interest in the best sense—not its interest in losing or saving $125,000, but in its best sense, considered in reference to the stimulus which every country ought to give to its enterprising and gallant citizens to distinguish themselves in time of public peril—how far we ought to go?

If we are to adopt the rule and hold it out to all our people that they are to expect whenever they go into an enterprise of public peril in the service of their country that they are to have some undefined and unknown sum of material compensation and reward beyond what the laws have fixed for them, if that is the policy, then this undoubtedly is a good instance to exercise it.

Mr. THURMAN. May I interrupt the Senator?

Mr. EDMUNDS. Certainly.

Mr. THURMAN. By our treaties with Japan we have treated as piratical vessels those which were destroyed by the Wyoming. If instead of sinking the Lancefield Commodore McDougal had captured her and brought her into port and had her condemned in a prize-court, he and his crew would, under the law, have been entitled to prize-money. Now, inasmuch as we by our treaties have ascertained the fact that she is to be considered as a piratical vessel, does the Senator think that there is no equity in allowing the officers and crew of the Wyoming prize-money just as if she had been brought into port and condemned?

Mr. EDMUNDS. First let me answer the Senator's first question, which I had not fully yet. I had not disposed of the subject of public interest as connected with gratitude with the *stimuli* that are to be held out in an undefinable way in advance to all citizens of a country to uphold it in time of peril. I am one of those who think—it may be old-fashioned or new-fashioned, I do not know which—that every citizen of a country owes to it military and naval service just as much as he owes to it the payment of taxes.

Mr. THURMAN. Did the Senator, as I and most of us have done, ever contribute money to get his ward in his city out of the draft?

Mr. EDMUNDS. No, Mr. President, I never did; neither did the city of which I happen to be an inhabitant. The city of which I happen to be an inhabitant contributed men.

Mr. THURMAN. Not money?

Mr. EDMUNDS. Money by taxation and men by volunteering, which I believe is a pretty good way to carry on a war myself, and I never heard, even obtained in that way, that they disgraced the State of Vermont or the city of Burlington.

Mr. THURMAN. I wish to say, if the Senator will allow me, that I honor them for it, for I am opposed to the whole principle of substitutes.

Mr. EDMUNDS. Now, Mr. President, we have got a good way from the seas we were discussing.

I repeat that I think the true principles, the broad principles of encouraging and stimulating activity and gallantry in the support of the rights of a country must not be made to rest in advance upon any expectation of pecuniary gain of the citizen who enters and performs that service except that which the law provides for it. All beyond that, in my judgment, is a matter of generosity, or rather a matter of gratitude, and if the occasion rises to that condition that makes it a signal instance, that calls for special and peculiar marks of the approbation, of the gratitude of the country, there is the case, as with Decatur, and as with Winslow of the Kearsarge, for this generosity and this gratitude. But I am bound to say, Mr. President—and I incline to believe that the gallant commodore who went up with the Wyoming and that gallant lieutenant who went up with the Takiang would agree with me—that there was nothing in the visit of those public ships of the United States, or of the allied powers, to the Straits of Simonoseki that exceeded the ordinary—the ordinary in its simplest sense—service due from a man-of-war. There was nothing so grand, so heroic, so historic, so peculiar in the warfare that these trained and civilized Anglo-Saxon men made upon these orientals in that little strait as to bring the case within the rule, if you put it upon the ground of gratitude and not upon a general principle that in all cases where there is a collision you are to pay something over. That is the way it appears to me. If I am wrong about that I shall be most cheerfully corrected by the Senate. If I am not wrong about it, then, unless we establish the principle that in all cases of collision property destroyed shall be equivalent to property captured, and therefore the parties are entitled to a share as if it had been captured and the real result of the property had been turned into the Treasury, which is a different thing, I do not see the propriety of the second section. I am content if you wish to establish such a rule, but I doubt its wisdom.

Now, my friend says on the ground of equity, leaving the question of generosity, if the ships that were sunk by the Wyoming in 1863 had been captured and brought into port and submitted to a prize-court and condemned, the officers and crew of the Wyoming would have been entitled to a certain share as prize-money. Granted. If not, why is it not just as equitable in this case, he asks. We might put a thousand cases. If Commodore McDougal had been a rear-admiral he would have received higher pay; but he was not a rear-admiral. The ships were not brought in, and therefore nothing was brought to the Treasury out of which a share could be given to these people. We make an exception and do give it to them, treating the destruction as more valuable than capture, as in the case of the Kearsarge. The grandeur of the instance of the Kearsarge would have been vastly diminished if, instead of fighting it out with great gallantry until the Alabama went to the bottom, aided and comforted by her English crew and her English compeers, she had quietly hauled down her colors and been brought to Boston. The affair would not have been half as grand and half as heroic as it was. I would much rather, we would all much rather in such a case, that the Alabama should have gone to the bottom where she fired her guns and in sight of that coast where she had been fitted out. That was where she belonged; and I should pay with delight double the money that we did give to those officers and crew, as in the place of the petty sum that could have been got for her on a sale when she was brought in and condemned by a prize-court. She finished the figure

of history. Built and manned on English ground and sailing from English seas, she lies for aught I know within a marine league of the English shores—I hope she has washed over there by this time—at home where she belongs. I am glad she did not return to any prize-court. That is a case where generosity, where policy, where pride makes the gift to the officers and sailors take the place of a measure awarded by a prize-court. If this was such a case also, then let us give it to them by all means. If it was not, let us change the general law, and make a rule that everybody who comes into collision and destroys any property of an enemy on the sea shall have a share as if he had turned it into the Treasury.

Mr. President, as the Senator from Ohio has suggested that these two questions may be different, as they are, I will withdraw the motion to postpone indefinitely. I do not wish to embarrass any action about the bill.

The PRESIDENT *pro tempore*. The motion to postpone is withdrawn.

Mr. THURMAN. I have only a single remark to make, which I am very sure I would not have to make if the Senator from Vermont had looked carefully into the precedents. The Senator from Vermont draws a distinction between the engagement of the Kearsarge and the Alabama and the engagement between the Wyoming and the Japanese batteries and ships. He speaks of the engagement in which Commodore McDougal was so conspicuous as an ordinary service of our naval force. What is meant by that I do not know, except that the ordinary service of the American Navy has always been to uphold its flag and the honor of its country. But if he were really to draw a true comparison between the personal heroism and bravery of the commander of the Kearsarge and the commander of the Wyoming, I have no fears that my old schoolmate and friend, McDougal, would suffer by the comparison.

Mr. EDMUNDS. Certainly he would not.

Mr. THURMAN. The Kearsarge was a ship as large and as fully equipped as the Alabama, and if my memory is correct they never were nearer than one-half mile to each other. I say this not to detract from the merit of the commander of the Kearsarge. He deserves all the honor that has been awarded him and more, and he and his officers and crew have received the grateful acknowledgments of the nation in the award to him and them of the full value of the Alabama. But McDougal, with his Wyoming, with his six guns only, fought at pistol-shot distance the shore batteries and the ships of Japan with one hundred and thirty-two guns. He, with six guns and one hundred and sixty men, at pistol-shot distance, fought those shore batteries and ships of war with over one hundred and thirty guns and thirteen hundred men, so that the officers of the Navy to this day speak of it as "Dave McDougal running a muck." That is the fact about it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut, which will be read.

The CHIEF CLERK. The amendment is to strike out in section 1, commencing in line 6, the words "if not incompatible with the relations of the United States to other powers."

Mr. FRELINGHUYSEN. I do not think there is any objection to the adoption of that amendment.

Mr. EDMUNDS. I was in hopes that my friend from New Jersey would oppose the adoption of that amendment if the bill is to pass. It seems to me that as this money has been divided, if we have a right to do anything about it at all, as I admit we have, it does not depend upon anybody's will but our own. Of course all there can be about it in respect to foreign powers would be the moral effect. If we pass this bill it might be said that the foreign powers would feel hurt——

Mr. FRELINGHUYSEN. I said that I was in favor of the amendment.

Mr. EDMUNDS. But I am saying that I am opposed to it, because I think it unwise to pass an act of Congress to pay back money, which, if we pass it, we shall have decided belongs of right to the Empire of Japan, depending upon the will of any foreign government. Even if it does disturb our relations with a foreign power, if this money belongs to Japan, let us pay it to her.

Mr. FRELINGHUYSEN. As I understood the amendment, it was to strike out that part of the bill which proposes that we should take into consideration the views of foreign governments.

Mr. EDMUNDS. Ah, if it is to strike that out, I am for it. I thought it was an amendment proposed by the Senator from Connecticut to insert such a clause.

Mr. FRELINGHUYSEN. No, it is to strike it out.

Mr. EDMUNDS. The Senator is quite right; I withdraw my speech. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. SARGENT. I move to strike out the first section of the bill.

Mr. MERRIMON. Mr. President, the evening is far spent, and I confess that I do not feel prepared to vote on this bill. I had about made up my mind to vote for it until I heard the exposition of the treaties and the circumstances under which they are made by the Senator from Vermont; and what he has said has impressed me very much. His speech certainly contains a great deal of information as to the history of this transaction that does not appear in the report of the committee.

The Senator from New Jersey made a very full and, I thought at the time, thorough exposition of the matter, taken in connection with the report of the committee, and I felt very clear in my conviction as to my course of duty; but I confess that now I begin to see the matter in a little different light. I for one would like to have further time to consider the matter. If this money is justly ours—and according to his exposition it would seem to be so—I do not want to return a dollar of it; but, on the other hand, if, as claimed by other Senators and by the committee, it is due to Japan, I would scorn myself and despise my country if we kept a dollar of it.

I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I should like to have this matter disposed of tonight or let it be postponed to a later period, so that we can go on with other business. We shall be crowded off in a day or two. The Senate is aware that this has crowded off a bill upon which there ought to be action by the Senate. The Senate is pretty full now. We might as well vote upon this question. It has been very ably discussed.

Mr. THURMAN. Will the Senator from North Carolina allow me to suggest that there is a serious difference of opinion as to whether any of this money ought to be returned to Japan, and the opposition to returning any part of it has been greatly strengthened by the very able argument of the Senator from Vermont. Now those who are opposed to returning any part of this money, or think it doubtful whether we ought to do so, can achieve their purpose by moving to strike out the first section of the bill.

I have said already that in my judgment we had received all the indemnity we were entitled to and more, and that after having repaid ourselves all which we were fairly entitled to, it would be the sublimest act in history, one for which I confess I know no example, for us to return the money to Japan. I may be entirely mistaken about that. Perhaps it was rather sentimental in me than otherwise to say so, and therefore I do not press it; but let the vote be taken on the motion of the Senator from California to strike out the first section. If that carries, then let us perfect the second section, for it needs one or two amendments, and then vote on the bill, and I think we can vote on it and determine it this afternoon.

Mr. MERRIMON. That does not meet my difficulty. I confess I should like to hear more on this subject, and to have an opportunity to examine it myself. I have been going by the report of the committee. I concur most heartily in the sentiments expressed by the Senator from Ohio, [Mr. THURMAN,] taking his premises to be true; but, according to the speech of the Senator from Vermont, [Mr. EDMUNDS,] his premises are not true. Now, which am I to believe? I wish to exercise my judgment. One or the other is mistaken. I want to be informed.

The Senator from Ohio who sits nearest me [Mr. SHERMAN] suggests that we dispose of this bill by postponing it until an indefinite period in the future if we do not dispose of it now. Why, sir, there is a very large sum of money involved in this bill, and possibly—I do not know how that fact is—my vote may determine how it shall go. Perhaps the votes of two or three Senators will determine how it shall go. It seems to me there ought to be a fair opportunity, where a request is made in such sincerity, to have all the information we can get upon it. The sum is too large to be disposed of in a very hurried way, and the question is too serious a one, affecting international rights, international duties, international honor.

I now renew my motion that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I hope that motion may prevail. I think we ought to have further time to examine this very grave question.

TRANSFER OF AN APPROPRIATION.

Mr. MORRILL, of Maine. Before the Senate goes into executive session I want to ask the indulgence of the Senate to have the House bill that lies on the table laid before the Senate with a view to its reference.

The bill (H. R. No. 3356) authorizing a transfer of a certain appropriation was read twice by its title.

Mr. MORRILL, of Maine. I think on reflection I will ask that that lie on the table for the present.

The PRESIDENT *pro tempore*. The bill will lie on the table.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina.

Mr. SHERMAN. If the Senator from North Carolina will consent, I will move that the Senate now take up what is called the silver bill.

Mr. EDMUNDS. Let us stick to one thing; otherwise we shall get everything huddled up.

Mr. MERRIMON. I only want an opportunity to examine this matter further.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. MERRIMON. I insist upon my motion.

The PRESIDENT *pro tempore*. The Senator from North Carolina

declines to yield. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 31, noes 12.

The Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened; and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 2, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair begs leave to lay before the House certain executive communications which were not submitted yesterday owing to the suddenness of the adjournment.

CAMP AND GARRISON EQUIPAGE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting letters of the Quartermaster-General relative to House resolution No. 102, regarding expenditures for camp and garrison equipage; which was referred to the Committee on Military Affairs.

A. B. STEINBERGER.

The SPEAKER *pro tempore*, also, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of 15th March last, a report from the Secretary of State and accompanying papers.

U. S. GRANT.

WASHINGTON, *May* 1, 1876.

The message and accompanying papers were referred to the Committee on Foreign Affairs.

OPENING OF CENTENNIAL EXHIBITION.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith, for the information of Congress, the report of the president of the Centennial Commission upon the ceremonies to be observed at the opening of the exposition, on the 10th instant. It will be observed that an invitation is therein extended to Senators and Representatives to be present on that occasion.

U. S. GRANT.

WASHINGTON, *May* 1, 1876.

Mr. KELLEY. I desire that the invitation may be read.

Mr. HOPKINS. I was about to make that motion, if I had been able to catch the Speaker's eye.

Mr. RANDALL. It is quite long. It is in all the papers.

Mr. O'BRIEN. I would like to hear it read.

Mr. RANDALL. You can read it in the RECORD. I ask that it may be printed in the CONGRESSIONAL RECORD.

There was no objection.

The message and accompanying report were ordered to be entered on the Journal, and referred to the Select Committee on the Centennial Exposition. The report is as follows:

THE UNITED STATES CENTENNIAL COMMISSION,
INTERNATIONAL EXHIBITION OF 1876,
Philadelphia, April 20, 1876.

SIR: In obedience to the law constituting this organization, I have the honor to submit, in behalf of the commission, a schedule of the ceremonies to be observed at the opening of the International Exhibition of 1876, on the 10th proximo.

Formal invitations to attend have been sent to the President of the United States, the Cabinet, the Supreme Court, the diplomatic corps, the Congress, the Government centennial board, the foreign commissioners to the exhibition, the governors of the States and Territories and their staffs, the Legislature of Pennsylvania, the city authorities of Philadelphia, the chief officers of the Army and Navy, the women's national centennial committee, the centennial board of finance, and others in official positions or officially connected with the work of the exhibition.

On the morning of May 10 the grounds and buildings in general will be open to the public at 9 a. m. The memorial hall, or art gallery, the main building, and the machinery hall will be reserved to the invited guests and the exhibitors until the close of the ceremonies, about noon, when all restrictions will be removed. The exercises will take place in the open air, upon the south terrace of memorial hall, fronting the main building, in full view of the general public.

Invited guests, unless notified to the contrary, will enter the main building by way of the carriage concourse at the east end of that building, or by the south, middle, or western doors thereof. These entrances will be open to them at 9 a. m.

The music will be under the direction of Theodore Thomas, assisted by Dudley Buck, with an orchestra of one hundred and fifty and a chorus of eight hundred.

It is expected that guests will be seated in the amphitheater prepared on the south front of memorial hall by 10.15 a. m. The orchestra will play the national airs of all countries represented at the exhibition.

The President of the United States will be escorted to the grounds by Governor Hartranft, of Pennsylvania, and a division or more of troops from Pennsylvania and New Jersey arriving about 10.30 a. m.

PROGRAMME.

1. Centennial Inauguration March, by Richard Wagner, of Germany.
2. Prayer by Right Rev. Bishop Simpson.
3. Hymn by John G. Whittier; music by John K. Paine, of Massachusetts; orchestral and organ accompaniment.
4. Cantata, the words by Sidney Lanier, of Georgia; music by Dudley Buck, of Connecticut; orchestral and organ accompaniment.
5. Presentation of the exhibition by the president of the Centennial Commission.
6. Address by the President of the United States.

The declaration that the exhibition is open will be followed by the raising of flags, salutes of artillery, the ringing of the chimes, and Handel's Hallelujah Chorus, with organ and orchestral accompaniment.

The foreign commissioners will pass into the main building and take places opposite their respective sections. The President of the United States and the guests of the day will pass through the main building. The foreign commissioners, upon the President's passing them, will join the procession, and the whole body will cross to machinery hall. There, at the proper moment, the President will set in motion the great engine and all the machinery connected therewith. A brief reception by the President of the United States in the judges' pavillion will close the formal observances of the day.

The Centennial Commission is happy to report that the buildings and grounds, so far as the commission and board of finance are directly responsible, will be quite completely ready on the appointed day. The exhibits from foreign countries are extensive and brilliant beyond our anticipations. It would be too much to expect that every exhibitor should have his space in perfect order at the opening, though the most strenuous efforts to that end will be continually made; but the commission ventures to think that no previous exhibition was so far advanced at the same relative day.

The commission begs leave to ask the President to communicate this report to Congress soon, and most respectfully invites both Houses to attend the opening ceremonies of the international exhibition held in commemoration of the one hundredth anniversary of the Declaration of our national Independence.

I have the honor to be, very respectfully, your obedient servant,

JOS. R. HAWLEY,
President Centennial Commission.

To the PRESIDENT OF THE UNITED STATES.

EXHIBITION OF LIFE-SAVING STATION-HOUSE.

Mr. FOSTER, by unanimous consent, introduced a joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station-house at the centennial exposition; which was read a first and second time.

Mr. FOSTER. I ask that the joint resolution may be put upon its passage.

The joint resolution was read. It authorizes the Secretary of the Treasury to place on exhibition at the centennial exposition, upon such ground as may be alotted for the purpose, one of the life-saving station-houses authorized to be constructed on the coast of the United States by existing law, and for which appropriation has already been made, and to cause the same to be completely equipped with all the apparatus, furniture, and appliances now in use at the respective life-saving stations of the United States, said building and apparatus to be removed after the close of the exposition and re-erected and used for a life-saving station at the place now authorized by law; provided, however, that such exhibition of said station-house and equipment thereof and the return thereof shall not be attended with any expense to the United States beyond appropriations heretofore made in aid of said exhibition from the several Departments of the Government.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WORKS UNDER GRANT TO JAMES B. EADS.

Mr. LEAVENWORTH, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to send to this House a copy of any report made to him of the official inspection of works going on under the grant of Congress to James B. Eads made since November, 1875.

ELEVATOR IN SOUTH WING OF CAPITOL.

Mr. LEAVENWORTH also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be, and they are, requested to inquire into the feasibility, expediency, and expense of putting a suitable elevator into the south wing of this Capitol.

APPROPRIATIONS FOR LIGHT-HOUSE SERVICE.

Mr. WELLS, of Missouri, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 3356) authorizing the transfer of a certain appropriation; which was read a first and second time.

The bill was read. Of the sum of $585,000 appropriated in the first section of the act of March 3, 1875, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, for salaries of nine hundred and twenty-five light-house keepers and light-beacon keepers and their assistants, the bill authorizes the sum of $16,000 to be transferred to and used in aid of the appropriation made in the same act for the maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, including salaries of keepers.

Mr. WELLS, of Missouri. The appropriation for the maintenance of lights on the Ohio, Missouri, and Mississippi Rivers is exhausted. The appropriation for lights on the coast is in excess of the amount

necessary to 1st of July. This bill simply transfers $16,000 from one appropriation to the other, in order to keep up the lights on those rivers. It is very important that the bill should pass at once. Unless this appropriation is made the lights will go out this week.

Mr. CONGER. Would it not be better to make a direct appropriation for this purpose instead of transferring an appropriation from one purpose to another?

Mr. HOLMAN. O, no!

Mr. WELLS, of Missouri. I have a letter in my hand from the secretary of the Light-House Board showing that there is a surplus of $35,000 or $40,000 in one fund, while another fund is short. By making a transfer from one fund to another it will not be necessary to call for a new appropriation. I call the previous question.

Mr. CONGER. Is that out of the appropriation for this year or for next year?

Mr. WELLS, of Missouri. It is out of the appropriation for this year.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to what I believe is a privileged motion. But if gentlemen desire to offer any matters that are pressing, I will yield for a few moments.

EXECUTORS OF REAR-ADMIRAL LAVALETTE.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 3357) for the relief of Mary and Albert T. Lavalette, executors of the estate of Rear-Admiral Elie A. F. Lavalette; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HALLET KILBOURN.

Mr. WELLS, of Mississippi. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on the real-estate pool be directed to accept the offer of Hallet Kilbourn to appear before that committee to answer any inquiries relating to such real-estate pool and to furnish such information to said committee as the books in his possession may contain, and the said committee are directed to examine said Hallet Kilbourn and his books.

Mr. RANDALL. I move that that resolution be laid on the table; that is the right way to treat it.

Mr. WELLS, of Mississippi. I call for the yeas and nays on that motion.

Mr. HOLMAN. I rise to a question of order. I did not yield the floor for the purpose of the introduction of anything for action. The gentleman from Mississippi [Mr. WELLS] did not certainly understand that I yielded the floor when about to make a motion to go into Committee of the Whole on the state of the Union on the appropriation bill, to allow him to have the yeas and nays on a proposition like this.

Mr. WELLS, of Mississippi. The point of order certainly comes too late.

The SPEAKER *pro tempore*. The gentleman from Indiana did not make his objection in time.

Mr. HOLMAN. The gentleman from Mississippi certainly understood that I yielded the floor simply for the introduction of measures for reference, and not for action.

Mr. WELLS, of Mississippi. I understood that I had the floor to offer the resolution. I did offer it; and a motion has been made to lay it on the table, and on that question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. RANDALL. The right way to treat it is to treat it with contempt.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the call of the roll.

Mr. LANDERS, of Indiana. I want to make an inquiry of the Chair. Can this resolution come before this body without unanimous consent?

The SPEAKER *pro tempore*. The Chair understood that unanimous consent was given, because no one objected when he put the question, and the Chair put the question distinctly to the House.

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] objected. I heard him.

Mr. HOLMAN. I tried to object.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman, although he was waiting for objections.

[Cries of "Regular order!"]

The question was taken on Mr. RANDALL'S motion; and there were—yeas 138, nays 84, not voting 68; as follows:

YEAS—Messrs. Ashe, Atkins, John H. Bagley, jr., Banning, Barnum, Bell, Blackburn, Bland, Blount, Bradford, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Felton, Finley, Forney, Franklin, Fuller, Gause, Gibson, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Lynde, L. A. Mackey, Maish, Meade, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, Neal, New, Parsons, Payne, John F. Philips, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Seelye, Sheakley, Singleton, Slemons, William E Smith, Southard, Sparks, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, John L. Vance, Robert B. Vance, Walling, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—138.

NAYS—Messrs. Adams, Ainsworth, George A. Bagley, John H. Baker, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Conger, Crapo, Danford, Darrall, Davy, Denison, Dunnell, Eames, Evans, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Hathorn, Hays, Hendee, Henderson, Hoge, Hoskins, Hunter, Hurlbut, Joyce, Kelley, Ketchum, Kimball, Lawrence, Leavenworth, Lynch, MacDougall, McCrary, McDill, Monroe, Morey, Morgan, Norton, O'Neill, Page, Pierce, Plaisted, Platt, Purman, Rainey, Robinson, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Strait, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., and Woodworth—84.

NOT VOTING—Messrs. Anderson, Bagby, William H. Baker, Ballou, Banks, Bass, Beebe, Bliss, Boone, Bright, Campbell, Caswell, Chittenden, Cox, Crounse, Dobbins, Durand, Freeman, Glover, Hancock, Haralson, Benjamin W. Harris, John T. Harris, Abram S. Hewitt, Hoar, Hooker, Hubbell, Hurd, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, King, Lapham, Levy, Lewis, Lord, Luttrell, Edmund W. M. Mackey, Magoon, McFarland, McMahon, Miller, Nash, O'Brien, Odell, Oliver, Packer, Phelps, William A. Phillips, Pratt, Sobieski Ross, Schumaker, Springer, Stenger, Stowell, Swann, Tucker, Turney, Waddell, Charles C. B. Walker, Gilbert C. Walker, Whitthorne, Charles G. Williams, Willis, Benjamin Wilson, and Woodburn—68.

So the resolution was laid on the table.

During the roll-call,

Mr. DIBRELL said: My colleague, Mr. BRIGHT, is confined to his room by sickness.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. I will now yield to my colleague, [Mr. LANDERS,] who desires to offer a resolution, and then I will yield to the gentleman from Massachusetts [Mr. TARBOX] with the understanding that neither proposition will occupy any time, but if it be necessary that there shall be a vote taken upon them I must decline to yield.

UNITED STATES COINS, ETC.

Mr. LANDERS, of Indiana. I ask unanimous consent to offer the following resolution:

Resolved, That a select committee be appointed to consider the state of gold and silver coins, domestic and foreign, and to report such amendment to the existing laws concerning coins as may be deemed expedient; and to investigate the best means of restoring coins to circulation on an equality with each other; and also as to the best means of making coins and United States notes, known as "greenbacks," par with each other; and further, how to substitute coins from time to time for the lower denominations of United States notes, without selling interest-bearing bonds of the Federal Government to purchase coin for that purpose; and that said committee shall have leave to report by bill or otherwise at any time.

Mr. KELLEY. I object.

LITTLE ROCK AND FORT SMITH RAILROAD BONDS.

Mr. TARBOX. I ask unanimous consent to submit for adoption at this time the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore,

Be it resolved, That the Committee on the Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the committee have power to send for persons and papers.

There being no objection, the preamble and resolution were adopted.

Mr. HALE moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the annual Post-Office appropriation bill. Before submitting that motion——

Mr. POPPLETON. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. POPPLETON. My point of order is that the House should now proceed to the consideration of the contested-election case of Le Moyne *vs.* Farwell, from the third congressional district of the State of Illinois; that that subject takes precedence of the subject embraced in the motion of the gentleman from Indiana, [Mr. HOLMAN,] both on the ground that it is a question of highest privilege, and also that it is the unfinished business coming over from Saturday last.

Mr. HOLMAN. I suppose that the question of consideration may fairly be raised upon the motion which I make to go into Committee of the Whole on the Post-Office appropriation bill. If that motion

shall be voted down, then the motion of the gentleman from Ohio [Mr. POPPLETON] will be in order. The Post-Office appropriation bill was made the special order in Committee of the Whole for to-day immediately after the reading of the Journal, and from day to day until disposed of.

Before my motion is submitted to the House, I desire to ask unanimous consent for a night session. Inasmuch as a number of gentlemen wish to be heard in general debate upon this appropriation bill, and inasmuch as it is quite obvious that no very considerable amount of time can be consumed in such general debate, I ask unanimous consent that the House now order a recess from half past four until half past seven to-day, for general debate in Committee of the Whole on the Post-Office appropriation bill.

The SPEAKER *pro tempore*. The Chair will be bound first to decide the point of order raised by the gentleman from Ohio, [Mr. POPPLETON.] Under the rule the Chair decides that contested-election cases are of the highest privilege. This particular case in question is also unfinished business under Rule 56, coming from Saturday last; and the gentleman from Ohio [Mr. POPPLETON] is entitled to the floor to make his motion to proceed with the consideration of the contested-election case.

Mr. HOLMAN. Then I raise the question of consideration upon that motion, for I think it is of the highest importance that the appropriation bill should be disposed of as early as possible.

Mr. BLACKBURN. If this question is debatable, I desire to say that I trust the gentleman from Indiana [Mr. HOLMAN] will not insist upon raising the question of consideration upon this case. This is the second time that it is proposed to defer this contested-election case for an appropriation bill. It is a question of the highest privilege, involving the right of a member to a seat and vote in this House. This case has already gone over once for an appropriation bill which has since been completed. We then had the solemn promise of the Committee on Appropriations that this case should be brought before the House and disposed of as soon as the legislative appropriation bill was passed.

Mr. HOLMAN. I have heard of no such promise.

Mr. BLACKBURN. The chairman of the Committee on Appropriations [Mr. RANDALL] made that statement upon the floor and the RECORD will bear me out. We accepted his statement, and now claim the fulfillment of the promise.

Mr. HOLMAN. The contested-election case could have been considered on yesterday very well, I suppose, if the House had been disposed to consider it then. I insist upon raising the question of consideration upon the grounds I have indicated, as I am instructed by the Committee on Appropriations so to do.

The SPEAKER *pro tempore*. The first question to be submitted to the House is, will the House now proceed with the consideration of the contested-election case of Le Moyne *vs.* Farwell, from the third congressional district of the State of Illinois?

The question was taken; and the motion of Mr. POPPLETON was agreed to.

ELECTION CONTEST—LE MOYNE VS. FARWELL.

The House accordingly resumed the consideration of the contested-election case of Le Moyne *vs.* Farwell, from the third congressional district of Illinois.

The resolutions of the majority of the Committee of Elections were as follows:

Resolved, That Charles B. Farwell was not elected, and is not entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Resolved, That John V. Le Moyne was elected, and is entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

The resolutions of the minority of the commitee were as follows:

Resolved, That John V. Le Moyne was not elected, and is not entitled, to a seat in this House from the third congressional district of Illinois.

Resolved, That Charles B Farwell was elected, and is entitled, to a seat in this House from the third congressional district of Illinois.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The gentleman from Ohio [Mr. POPPLETON] is entitled to the floor.

Mr. POPPLETON. Mr. Speaker, in what I shall have to say in the further consideration of the case from the third congressional district of the State of Illinois I shall confine myself mainly to the discussion of the question of the disposition to be made of the vote of the first precinct of the twentieth ward in the city of Chicago. Thus far in this discussion much has been said as to the manner in which this House should dispose of that precinct in determining which of the two persons contending for this seat should have it. The returned majority for the sitting member being 186 in the entire district, the fraudulent votes proved, if rejected, would change the result in favor of contestee. It seems to me that this question has been measurably decided by the contestant and contestee in the presentation of the issue surrounding that ward. The gentlemen most deeply interested personally in this contest understood best, it is fair to presume, the issue that they were to present for the consideration of this House. In order that the House might intelligently pass upon the questions involved they presented their issue; and that issue, so far as this precinct is concerned, was embodied in the second assignment of the notice and answered in the second assignment of reasons given by the answer. To these I desire to call the attention of the House. I first read from the notice:

Second. That a large number of persons, to wit, more than five hundred, were permitted to vote for you at the following election precincts in said districts, namely, the first, second, third, and fourth precincts of the sixteenth ward of the city of Chicago; the third precinct of the eighteenth ward of the city of Chicago; the first precinct of the nineteenth ward of the city of Chicago; and the first, second, third, and fifth precincts of the twentieth ward of the city of Chicago, who had no legal right to vote thereat.

That is the allegation of the contestant. It is answered upon the part of the contestee in this wise:

I deny that any person or persons were permitted to vote for me at the following election precincts or at either of them in said district.

Giving all the precincts charged in the second specification of the notice, and emphatically the first precinct of the twentieth ward of the city of Chicago.

This is the issue joined between these parties. When the issue thus joined is presented they proceed to take the testimony necessary to determine the question as to the number of illegal votes that were polled; and what is the result? Upon this issue Mr. Le Moyne, the contestant, produces his witnesses, and the result is that he shows 252 illegal, fraudulent, and unauthorized votes as having been polled for the contestee at that precinct. The proof makes that out clearly and conclusively; there is no question about it. There has been no attempt in the committee-room, by counsel or otherwise, to deny the stubborn fact that there is overwhelming proof in this case that 252 votes were cast for Mr. Farwell at the first precinct, twentieth ward, city of Chicago. The whole question was tried upon that proposition. During the whole examination of the case no person attempted to present any other issue save and except the question as to the number of illegal votes that were polled and for whom they were polled. When the fact was demonstrated that a greater number of votes had been polled for Mr. Farwell than his majority, illegally polled, fraudulently polled, then for the first time in the history of this case have we presented for our consideration the proposition to exclude the entire poll. Why? I desire the House to understand why. For the reason that Mr. Farwell's returned majority in the first precinct of the twentieth ward of Chicago is 171. Mr. Le Moyne, the contestant, has proved by sworn testimony that Mr. Farwell received 252 illegal votes. Why is this proposition now made to exclude that precinct so that these parties will be sent out of that precinct even? For the simple reason that by these means and through the practical workings of that exclusion Mr. Farwell will receive the benefit of 81 illegal votes. That is the reason this proposition is made to the committee and to this House. After the case has been submitted to the committee, after it has undergone consideration at the hands of the subcommittee, after the proof has been closed, after the argument has been made, after everything that could be said has been said for and against the sitting member and the contestant, after all this a supplemental brief is presented by the counsel for the sitting member, and placed upon the desk of members of the committee. Then for the first time do they learn the fact that this issue is raised, that the proposition is to exclude this entire poll.

I desire the House to understand exactly how this case is presented; and in order that it may be understood I wish to call attention to the claim of the contestee before the committee in the examination of this case.

On the fifth page of his brief you will find the following:

Now, while we are of opinion that, under the law, the contestant has utterly failed to establish his case, we are willing that this election should be decided upon the showing made by himself and by his testimony as corrected by the records before the committee; and we are willing that the canvass of the votes should be made here and now in this room and before this committee. *The papers in the case furnish the means for making such canvass;* and if we are not supported in our claims by that canvass, we are perfectly willing, if the committee so decide, to have the case sent back to the people for a new election. But, while we do not admit the correctness of the contestant's statements, we propose to show that by the figures of his brief, as corrected by the record, a sufficient majority will be shown for the contestee. *We are willing to abide by the figures and the facts.*

That is the issue upon which this case was heard and tried before the committee. As I have said, never until after the evidence had been closed, the arguments made, and the case submitted to the committee was a supplemental brief placed upon the desks of members raising for the first time an issue that had never been raised in the whole trial of the cause before the committee. After the submission of the case, all parties acquiescing in the proposition that there should be a canvass of the votes made, the case proceeding upon the issue that I have read, the issue presented by the second paragraph of the notice and denied by the second paragraph of the answer of the contestee, the proposition to exclude the entire poll is made. As I said, the reason of this change of front is perfectly apparent; the reason for changing the issue thus joined between the parties is entirely plain. When it became perfectly apparent that this poll had been conducted by the riffraff, by the inhabitants of the sinks of iniquity in the low sands of the city of Chicago in the interest of the sitting member—when it became perfectly apparent that there could be no integrity attached to the returns of these parties—when it became perfectly apparent that each and every member of the committee, democrat or republican, must at once renounce the acts of this board thus constituted in the interest of the sitting member, then for the first time the proposition is made to exclude this poll.

And there is only one reason for making that proposition. By the exclusion of the poll the sitting member would be benefited to the extent of 81 votes. In other words, he would receive 81 fraudulent votes. That was the attempted act on the part of this board of rascals and scoundrels, as the committee each and all admit them to have been proved; that they had carried the fraud to the fullest extent that they were capable of executing it. Then the sitting member turns to the House and says, "I ask you to consummate the fraud, not only by excluding the vote Le Moyne received at this poll, but to count the 81 fraudulent votes I received."

In order that the House may know something of the character of the men upon whom the sitting member and his friends rely, who are the friends of the party and the sitting member, I desire the House shall know a little something of the character of these persons from the testimony, who these men were and what kind of men they were. Mr. Hesing, a reputable gentleman of the city of Chicago, hearing that this misconduct was being had on the part of those who were for Farwell in the first precinct of the twentieth ward, went there to have the abuse corrected. I now read from his testimony:

As I arrived at the precinct, I met a person who had been designated as challenger. We immediately were surrounded by a mob, shoulder-bruisers, penitentiary-birds, and gamblers. I attempted to make the ascent of this inclined plane for the purpose of talking to the judges about admitting this challenger and was pushed by several persons, and when I got half way up the inclined plane a man by the name of Burns, who but a short time previous had been released from the penitentiary, pushed me from this plane. The crowd then set upon me and said, "Hesing, you can't run this precinct as you run the convention, you God-damn son of a bitch! Go to your own precinct." I called upon the police to interfere, asking them if they wouldn't defend me. They took no steps, but simply said, "We don't meddle in politics." I made the ascent again after being pulled and hauled by this crowd, and succeeded in getting on to the platform. There was nobody either on the inclined plane or the platform when I began the ascent the second time. Before I got to the platform this same man Burns gave or made one jump on to the platform, gave me a push against the wall, and got to this opening in the window before I did, put his head through the opening, and kept up a conversation with the judges. I tried to speak to the judges, motioned to them, rapped on the window, but no attention was paid by the judges. I stood there fully ten minutes. All this while Burns kept pushing me and the crowd below was hooting and using all sorts of threats. They then began to pull my breeches to pull me off the platform. I again appealed to the police (there were three officers and a sergeant below) to protect me. The answer again was, "We don't meddle in politics." The crowd kept on jeering and hooting and pulling, while Burns was pushing me. Burns did not vote while standing there. The crowd called upon the police to remove me from that platform, stating I had no right there. I never spoke back a word to anybody in the crowd. Threats were then hallooed out by the crowd against the police that they must do their duty to remove me from the platform. Policeman No. 512 pulled out his club and said, "Hesing, get down from there." Burns gave me a push, the policeman swung his club, grabbed me by the leg of my pants, and pulled me down from the platform. I again appealed to the police a third time, as my life was in danger, to defend me. The crowd surrounded me, hustled me off, and the police replied, "We don't meddle in politics." I remained perfectly cool, didn't say a word to anybody, and Mr. Michael Corcoran, brother of the candidate for alderman, and who has twice been in the penitentiary, stepped up to me, shook his fist for at least two minutes within a half an inch of my nose, and said, "Hesing, you God-damn son of a bitch, you had better go home; you can't do anything here!"

Another man, who by the way was a school-mate of mine, Tim Casey, used similar words. I then appealed to Sergeant Gerding to protect me, who saw this whole transaction. He simply replied, "It's all right; you had better go home." I tried again to get to the judges, but in vain, as threats were used, and I heard voices exclaiming, "Push him off! Kill him! Don't let him up!" &c. I appealed once more to the police, with the law about admitting a challenger in my hand, and showed them that a challenger must be admitted. The crowd again gathered around us, and I heard voices exclaiming, "We won't admit a challenger here; you can't get one in;" and when I told them the law said there must be a challenger, the reply was, "We don't care a damn for the law, because we are not going to allow a challenger; we are going to run this precinct." I waited around there a few minutes, and seeing that all attempts to get to the judges or have a hearing from anybody, or even have my life protected, as several missiles had already been thrown, were in vain, I departed.

Q. Was there any challenger on behalf of the party of which contestant was the nominee at said precinct on said day at any time subsequent to the time referred to in the last answer; if not, why not?

A. No, sir; there was no challenger. The judges would not admit one, and the crowd interposed its objection. The challenger was there at eight o'clock; the polls were opened at ten minutes before eight. The crowd and the judges said that as the challenger was not on time they had no right to admit him afterward.

Q. Who was the chief of police for the city of Chicago at the time of said election?

A. Jacob Rehm.

Q. Did he take any part in the campaign preceding and at said election; if so, on whose behalf, and was he active or otherwise?

A. He did take an active part preceding and at the election. He in fact ran the campaign for Mr. C. B. Farwell.

This, Mr. Speaker, is the class of persons, these are the kind of men who were called upon there, and whom you are now asked to consider. These men were got together in the interest of the sitting member, and now he asks you by a proposition for the exclusion of this poll to count for him 81 votes which are proved to have been fraudulently cast and illegal. Any gentleman need only to run over the proof in this volume of testimony which we have in the case and he will find recorded the proof classified of these votes, which in the aggregate amount to 252. You will find they were votes of persons residing out of the precinct, voters from vacant lots where numbers were given for houses on lots where there were no houses. You will find a large number of repeaters giving fictitious residences, taking the names of men who were dead, taking imaginary names. And this testimony is uncontradicted, undeniable, and undenied, so far as the finding of the committee is concerned. You will also find changed ballots, non-resident voters of other classes than those enumerated in these tables. All this you will find in the proof, and all are classified in this way.

Now, in order that you may understand how the committee were able to determine this, I desire to call your attention to one of the features of the law of the State of Illinois. It is this: It requires the name of the voter shall be given on the roll, his residence, and the number of his place of residence. His name is set opposite a certain number upon the poll-book, and a corresponding number is placed upon his ballot. All that it is necessary to do is to refer to the poll-book and refer to the ballot, and you can ascertain for whom he voted, whether for Mr. Le Moyne or Mr. Farwell. You ascertain he was a non-resident by having given a fictitious residence. You ascertain he gave a fictitious residence from the fact there was no house on the lot where he said he had his residence. You will find each one of these ballots accredited to Mr. Farwell—252 of them. Besides, by the duplicity and double-dealing of this board you will find there is an entire absence of some 84 ballots of persons who did vote—I believe the number is exactly 84.

I desire the House to mark one fact, that throughout the entire canvass, from beginning to end, from first to last, there is not a scintilla of proof going to show that Mr. Le Moyne received a single fraudulent vote—not one fraudulent vote. There was nobody there stealing for him. They were there stealing from him, but there was nobody there stealing in his interest. No witness called in the case has attempted either by insinuation or directly to say that Mr. Le Moyne received a single fraudulent vote at this poll.

What necessarily follows? If the issue is joined the question then becomes important, Who received these fraudulent votes, and how many did they receive? The proof is that Mr. Le Moyne received no fraudulent ballots and that Mr. Farwell received 252. Who shall receive the benefit, the party whose friends perpetrated the fraud, or the innocent party—the man whose hands are not sullied with fraud in any shape or form in the conduct of the poll? It seems to me the argument is conclusive that these ballots must be charged up and against Mr. Farwell.

The process of purging these polls is easy, perfectly easy, and perfectly to be understood. When you find the ballot of a non-resident you know exactly for whom he voted. Charge up that ballot to the man for whom he thus fraudulently voted, and you readily ascertain the number of fraudulent ballots cast for each party.

In this case, Mr. Speaker, the contestee comes before the House with a virtual admission of fraud. One of the principal charges of the contestant was that a large number of fraudulent votes were polled for contestee in the first precinct of the twentieth ward in the city of Chicago; this was denied by contestee. But these frauds are so plainly proved that the committee have agreed unanimously that the returns cannot stand, that they are invalidated by reason of fraud. The contestee denying all fraud, the proof was made, showing a fraudulent registry, denial of challengers, &c., and all these frauds committed *on behalf of contestee*. When the contestant had proved a larger number of fraudulent votes for contestee than his whole majority in the precinct, then for the first time it is proposed, on behalf of the contestee—in whose behalf these frauds were committed—that by reason of these frauds the whole poll shall be rejected. It is true that if these frauds were not shown to be wholly by contestee, this suggestion might be proper, but it would be grossly inequitable and unfair to thus allow contestee to take advantage of his own wrong, and the legal maxim should be applied, "*Nullus commodum capere potest de injuria sua propria.*" In Broom's Maxims this principle is stated most broadly, "A wrongful or fraudulent act shall not be allowed *to conduce to the advantage of the party who committed it.*" It may be true that by reason of the fraudulent management of the ballot-box it may be more difficult to purge the poll, but if either party is to suffer by reason of such manipulation, by reason of such uncertainty, it should be the guilty, not the innocent, party. Suppose these ballots were personal property owned by two persons, one mixes them, and it thereby becomes impossible to distinguish the property of each, the innocent party takes the whole.

If articles of unequal value are mixed together producing an article of a different value from that of either separately, and through the fault of the person mixing them the other party cannot tell what was the original value of his property, he must have the whole. "At law," remarks Lord Redesdale, in Bard *vs.* Hopkins, "*fraud destroys all rights;* if I mix my corn with another's, he takes all." (Luptin *vs.* White, 15 Vesey, page 442; Blackstone's Commentaries, page 405; Colwell *vs.* Reeves, 2 Campbell's Nisi Prius, page 575; Story on Bailments, §§ 44-47.)

This is a principle so well settled and so ancient as to forbid discussion. In this case the sole difficulty which can be suggested arises from the fraudulent tampering with the ballots. The method of conducting the election—giving on the poll-book the residence and name of each voter and the number of his ballot with a corresponding number on the ballot itself—made it as easy and certain as possible to purge the poll, and when the non-residence or non-existence of any voter was established the ballot of such person could at once be identified and charged to the proper party, and if any element of uncertainty has been introduced by contestee, or his agents, your committee, or the House, or any court would only be following the fundamental legal principle in charging to contestee every illegal or doubtful vote. All doubts which arise from the wrongful numbering of the ballots are to be solved in favor of contestant, not on account of any party bias, but in conformity to a rule of law which any court would be obliged to follow. It is a fair presumption that the judges, clerks, and other persons at this precinct who were cheating for contestee did not hesitate to put wrong numbers on some of the ballots for contestant; they were certainly not putting in fraudulent votes for him.

This accounts for the fact that duplicate numbers appear for some of the ballots.

Second. Contestee makes a gain of 81 votes by having the polls rejected. Contestant has proved 252 illegal votes cast for contestee at this poll; his majority as returned was 171; now if he could succeed in having the entire poll thrown out he would be advantaged to the extent of the difference between his majority of 171 and 252, the number of fraudulent votes proved. Is it therefore at all surprising that this desperate effort is being made on the part of the sitting member to induce this House to accept his theory of the case and consummate the work conceived and begun by the villains whose habitations are in the sinks of iniquity, who spend their lives in the pit-falls of crime, whose only home is the disreputable "Hatch house," and who at all times hold themselves ready to embark in any undertaking that has for its object and aim the striking down of honesty, integrity, and fair dealing? This is the feast to which we are invited; this is the *job* the House is asked to finish, acting in its constitutional capacity in judging of the election and qualification of its own members.

No claim is made that contestant received a single fraudulent vote at this poll. Then it must be admitted that every vote credited to him was actually and in good faith on the part of the voter cast for him. The judges of the election stole *from* him, but did not steal *for* him. The number left at the close of the day and counted for Le Moyne was but a remnant of his honest vote. These rascally election officers had robbed him of a large percentage of the votes polled for him during the day, and it may well be said that the wonder is that they did not strip him entirely; but he had 251 votes left. These votes were so sacred, so just, that even these desperate, unscrupulous villains, clothed with official position on that election board, dare not lay their iniquitous hands upon them, but it is reserved for this House, according to the arguments of gentlemen advocating the cause of contestee, in the exercise of its high prerogative, to strike down the last vestige of honesty connected with this poll, and finish the work of disfranchisement by this villainous election board so auspiciously begun. Reject the entire poll, and we have gotten rid of each and all of the honest votes cast for contestant, that a disreputable election board had not the hardihood to rob him of in the hours of their dark and detestable crime.

I now call the attention of the House to the testimony of Chaplin, page 293; of O'Brien, page 248; of Blakely, page 253; and of Gerbing, page 269; persons who heard the vote announced at the close of the poll on the night of election. By their testimony it is proved that Le Moyne had 251 votes in that box still remaining there. After all the stealing during the day there was still this number of votes. Now it may be said, and it was argued, that this testimony also proves 422 votes for Farwell. So it does. But 252 of them have been shown by overwhelming proof to have been illegal. These must be deducted from the 422, leaving Farwell but 170 votes in all, against Le Moyne's 251; making a majority for Le Moyne of 81 in that election precinct. But Mr. Farwell says, "That kind of figuring won't do; I want to throw out the whole poll." Why does he want to do this? For the sole reason that 252 illegal and fraudulent votes have been proven for him. If there were no illegal votes established by proof, he would be the last man to ask for the rejection of the entire poll; but the demand would come, "Count my 422 votes; they are the evidence of the expressed will of a beloved and appreciating constituency; I demand it as a right to have my 422 votes thus polled for me counted at your hands."

Mr. Speaker, gentlemen on the other side say that we must exclude this poll because we cannot rely upon the returns of these villainous officers. So say we. We do not claim that we can rely upon these returns. We give these returns no credit whatever. But we do say that it is the law that we may prove, that the sitting member may prove or that the contestant may prove *aliunde* his vote. And we do say that the term *aliunde* is used by the author of the work on American Law of Elections in the broader sense as meaning "from another place." The proof may be made from another place other than the record.

Now, this proof is made in another way and in another place. The four men whose testimony is taken by the contestee, whose names I have already given, each and all of them swear that on election night there were in that box 251 votes. This is outside of the returns. We give no credence to them whatever. We say these returns shall be set aside. But by this *aliunde* proof that is recognized by and known to the law these parties swear that the contestant has received and that there are in that box 251 votes, and we insist that that proof is just as good to establish the number of votes received by him as it is to establish it by calling upon the persons that cast the ballot. Why? Because in the second proposition of the contestee, in his answer to Le Moyne, he sets out this as one of the issues made:

Second, that a large number of illegal votes—

He specifies a limit—

That a large number of illegal votes, to wit, 100, were cast and counted for you in each and all of the precincts of said district by persons who were not legally entitled to vote in said precincts respectively.

There is the issue again. Mr. Farwell charges upon Mr. Le Moyne that 100 illegal votes were cast for him, Le Moyne, in the first precinct, twentieth ward. Does the proof sustain him? Is there a particle of proof that indicates that a single fraudulent vote was cast? There is not a word, not a single word. Every vote that was cast in that ward for Le Moyne stands unimpeached and unimpeachable upon this issue, because the proof made by the sitting member direct to the issue showed that Le Moyne received no fraudulent votes at the first precinct of the twentieth ward. There is not a single iota of testimony, not a word in any shape or form. We have the proof of the four witnesses to whom I have referred, stating the fact that he did receive 251 lawful votes. These your committee found ought to be counted for Mr. Le Moyne. Mr. Le Moyne, by his testimony, has stripped Mr. Farwell of 252 votes of his 422. Your committee said that that number of votes should be deducted from the 422, and the committee found that the difference between the 252 and the 422 were legal votes cast for Farwell, and then we deducted the difference between the legal votes cast for Farwell thus ascertained and the legal votes of Le Moyne thus ascertained, and then we struck the difference, and gave the benefit to the party to which it belonged, to the man whose hands were not tainted with fraud, to the party who had no part or lot in the perpetration of frauds in that election, to the man who protested that no fraud should be perpetrated, who stood upon a narrow plank placed there for the purpose of voters walking to the window where the ballots were to be deposited and protested that the men of each party should be admitted there, that each was equally interested and was entitled to a challenger, and that the rights of all parties should be respected.

Now, Mr. Speaker, I will not discuss the other questions in this case. The other precincts in controversy are the second and fifth precincts of the twentieth ward and the third and fourth precincts of the eighteenth ward and Norwood Park; but I will only say that I most fully agree with the conclusion reached by the majority of the committee in each and every one of these precincts, and have no doubt but that the House will be doing but an act of justice in adopting the report of the majority.

Mr. WELLS, of Mississippi, obtained the floor.

CENSURE OF HON. JOHN YOUNG BROWN.

Mr. LAMAR. With the consent of my colleague, I ask unanimous consent to offer for adoption the resolution which I send to the Clerk's desk relating to a member upon this floor. I will state that I believe the resolution is one which will not be unacceptable to a single member on the floor after you hear the motives which prompt me to present it.

The Clerk read the resolution, as follows:

Resolved, That so much of the resolution adopted by the House of Representatives of the Forty-third Congress, on the 3d of February, 1875, as charges prevarication upon Hon. JOHN YOUNG BROWN be, and the same is hereby, rescinded and ordered to be expunged.

Mr. TOWNSEND, of New York. I object to the resolution; I know nothing about it. I have no other objection than that.

Mr. LAMAR. I trust the gentleman will hear an explanation of the motives which prompt me to present the resolution, and if there is then any objection I will withdraw the resolution.

Mr. TOWNSEND, of New York. I will hear the gentleman.

Mr. LAMAR. Mr. Speaker, I believe that this resolution will not be unacceptable to a single member of this body when he comes to understand the motive which prompts me to present it.

I have always believed that the action of the last House, referred to in this resolution, was induced by an entire misapprehension of the attitude and purpose of the honorable and distinguished gentleman against whom it was directed. From a long personal acquaintance with him, I believed then, as I have never ceased for a moment to believe since, that he was superior to the arts of equivocation and wholly incapable of disingenuousness and indirectness. On that occasion and upon that particular matter I used the language which I ask the Clerk now to read.

The Clerk read as follows:

Mr. LAMAR. * * * Now, sir, one word if I may be permitted as to this charge of prevarication in the resolution. I think, Mr. Speaker, you were premature in your censure of the gentleman. I believe you did not intend to be unjust, but I think whatever may be said of the course which the gentleman pursued—and I do not say that it was in accord with the rules of the House—it was not pervaricating.

The SPEAKER. The Chair did not use that word.

Mr. LAMAR. I stand corrected.

Mr. COX. It is in the resolution that that word is used.

The SPEAKER. The Chair characterized the gentleman's conduct as "evasive."

Mr. LAMAR. I am glad the Chair has corrected me, and make the *amende* with pleasure. Still the Chair stated that the answer was not in good faith; that it was evasive. Now, I do not think it will bear even that construction. The gentleman had just finished a sentence with the word "Burking," when the Chair interposed and asked if the gentleman meant to refer to a member upon this floor. The gentleman from Kentucky replied, "No, sir; I call *no names*." Now, sir, it is very natural for the gentleman from Kentucky to have supposed that the Chair had from a misunderstanding of the name called made the inquiry as to whether he was alluding to a member of the House, and he replied, "No, sir; *I called no name*." He had evidently intended to refrain from making a personal allusion and to confine himself to a mental characterization so as to avoid being called to order and stopped by the Chair. Such a mode of dealing in severities is not unusual. The Chair repeated the question, and then Mr. BROWN answered, "No, sir; I am having a member in my mind's eye."

The SPEAKER. Not "a member."

Mr. LAMAR. No; I did not mean to say "a member;" but he said, "I am describing an individual whom I have in my mind's eye." Well, sir, he had not, at that time, in point of fact referred to any member. No matter what his objective point was, it is exactly the fact that he had not at that instant violated any rule. Had he stopped at that sentence no member could have been said to have been alluded to. Whatever his intention to do *thereafter*, he certainly had not *as yet* made any personal reference. The Speaker's inquiry was a proper one, but the answer

it elicited could not I think be construed into a pledge that precluded any personal reference in a subsequent portion of his remarks

I do not believe that the gentleman from Kentucky is capable of disingenuousness.

Mr. LAMAR. Those remarks were made after conference with the gentleman from Kentucky; and when I concluded them he came to my chair and thanked me for my defense and assured me that I had stated exactly the impression upon his mind under which he answered the Speaker's inquiry. Unfortunately, as I then thought and as I still think, my friend, under the reserve which he thought his peculiar position imposed upon him, did not reiterate in his remarks to the House the assurance that he had made privately to me; so that the gentlemen who voted for the resolution did so supposing that my explanation was only *arguendo*, when in reality it was an authorized version of his intent and feeling.

Anxious that this misunderstanding should be cleared up and the consequences of it repaired, I, at the suggestion of other gentlemen, addressed to my friend from Kentucky a communication requesting him to state in a note to me if I correctly reported him in that debate, and to allow me to use his reply for the purpose of this resolution. I ask the Clerk to read his letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 26, 1876.

DEAR SIR: I have just received your note in which you ask me to state if you correctly represented me in the remarks made by you in the debate on the resolution of censure upon myself in the House of Representatives of the Forty-third Congress. In reply, I will state that you certainly did. You will remember that on that occasion, before you took the floor, I explained to you how I had misunderstood the Speaker, and, after you had concluded your remarks, I went to your seat and thanked you for what you had said.

The facts of the case are that, when I was interrupted in my remarks by an inquiry from the Speaker, I had just used the word "Burking." Supposing the Speaker had mistaken that word for the name of a member; conscious also of the fact that, up to that point, I had made no personal application of my remarks to any one, and understanding his inquiry to be whether I had referred to the *name* of a member, my reply to him was in the negative—that I was describing an individual who was in my "mind's eye"—and added, in my second reply, that I had "called no names."

The personal application of my remarks was made after this colloquy.

The question of the Speaker was unexpected—put in the midst of my remarks—and misapprehended, answered by me under excitement, instantly, without reflection for a second, with the impression on my mind as stated, and most certainly without any purpose of disingenuousness.

Precisely what I have now stated was said to you at the time referred to.

On that occasion I made no explanation to the House, and felt that I ought not, as I was under the menace of the resolution of censure then pending.

Hon. Robert S. Hale, of New York, the author of the resolution of censure, when he afterward learned the facts, not able by reason of his illness to come to the House of Representatives, voluntarily wrote, as you know, an earnest and magnanimous letter, which was read during the closing hours of the Forty-third Congress, in which he stated that great injustice had been done me.

Very truly, your friend,

JOHN YOUNG BROWN.

Hon. L. Q. C. LAMAR.

Mr. LAMAR. I send to the Clerk's desk and ask to have read the marked portion of the letter of Mr. Hale, the author of the resolution referred to in the letter just read.

The Clerk read as follows:

But a careful examination of the record since, qualifying it by my own distinct recollection, satisfies me that I did a great wrong to Mr. BROWN in imputing this intent to him, and that there was nothing in his response to the Speaker inconsistent with entire good faith or with the integrity of an upright and honorable man.

I regret that I could not have stated this conviction of mine upon the floor of the House, and have thus aided in wiping out the undeserved imputation upon Mr. BROWN in this regard inflicted by my resolution; but my continued illness has kept me from my seat now for nearly four weeks, and will prevent my taking it again during the session.

I am glad to have the opportunity of expressing myself thus freely and unreservedly to you, especially in view of the opinion I have always entertained of Mr. BROWN as a gentleman of the most perfect integrity and honor, though doubtless sometimes excitable and impulsive, as I think he was on the occasion in question.

I shall never hesitate to express freely the conviction I have above expressed to you, and if anything contained in this letter will, in your judgment, be of service to Mr. BROWN, I beg you to consider the letter entirely at your service for any use whatever which you or other friends of Mr. BROWN may think proper to make of it.

With sentiments of the highest regard for yourself, I am, very truly, your obedient servant,

ROBT. S. HALE.

Hon. T. T. CRITTENDEN.

Mr. BLAINE. Mr. Speaker, the subject brought to the attention of the House by the gentleman from Mississippi [Mr. LAMAR] recalls to my mind that one of the most painful acts I was ever called to take part in was administering the censure of the House upon the gentleman from Kentucky, [Mr. BROWN.] And I am compelled here to say that, if the gentleman from Kentucky had that evening, under the excitement, found himself cool enough to have said to the House what he has now written so frankly and fully, I am very sure the vote of censure never would have been passed. There was a great deal of excitement, there was a great deal of confusion, and it is perhaps true that there was a great deal of temper. And yet a word from the gentleman from Kentucky at that time, who shared as fully in the temper as any member on the floor, would have averted the very unpleasant conclusion of that day's excitement.

I have taken a good deal of pains myself since then, by conference with various parties in greater or less degree connected with that event, including the gentleman from Kentucky himself, to possess myself of all the facts of the case. And my most deliberate and candid and complete conclusion is that the gentleman from Kentucky did not in any way intend to prevaricate or deceive the House; that is my conclusion and my belief. I think it all arose from confusion and undue excitement, and, to speak with entire frankness, from a great deal too much temper on the part of the gentleman from Kentucky at that moment which forbade him saying what he has now said in his letter.

My own judgment is that justice, not to speak of generosity, requires that this House should do what the gentleman from Mississippi has asked them to do in the resolution he has offered. My own personal acquaintance with the gentleman from Kentucky dates back some years, and I knew of him and about him many years before I met him. I have had reason to know something of the people of his State, and I am sure I do not go beyond what is the strict limit of the severest truth when I say that there is no single chapter or feature in the previous or the subsequent history of the gentleman from Kentucky that would lead the House to suppose that under any circumstances he would knowingly be guilty of prevarication; and I hope, speaking from a position of somewhat peculiar knowledge of this subject, that so far as this side of the House are concerned this resolution may be unanimously adopted.

Mr. TOWNSEND, of New York. I have not the honor of a personal acquaintance with the gentleman alluded to in the resolution now before this House. He holds a seat on this floor, and for that reason, if for no other, I should presume him to be a high-minded and honorable man.

I have no wish, in anything I may say on this occasion, to hint or intimate any opinion in regard to what has been discussed by the gentlemen who have spoken upon this resolution, unfavorable to the gentleman from Kentucky; not one word. But I am opposed to this resolution and shall not vote for it. My reason is that I do not believe that the matter properly comes before us for consideration. It was a matter for the last House, and if the last House committed a wrong, certainly we cannot determine what that wrong was. I speak now of those who are members of this House and were not members of the last House. For one I do not propose to censure the last House.

Mr. HOAR. I was not present in the House, although I was a member of the last House at the time the transaction referred to took place. I was then absent in the State of Louisiana by order of the House on public business; and my engagements on my return were such that I had no opportunity to read or examine with any care the debates upon the subject, and I have never been in a position to form an opinion upon the propriety of the action of the last House.

It seems to me, however, that where proper evidence is obtained, it is proper for one House to rescind a resolution passed by another House. The last House itself furnishes a very notable precedent in that direction. During the war the House of Representatives passed a vote of censure upon a gentleman then at the head of the War Department, and afterward and now a Senator from the State of Pennsylvania. Members of the last House, of the political party opposed to that gentleman—I think one of them, the gentleman from Indiana, [Mr. HOLMAN,] himself had voted for and supported the original resolution of censure—proposed to the last House to rescind that resolution, which was done; so that the precedent was then established.

It seems to me, however, that the resolution of the gentleman from Mississippi [Mr. LAMAR] goes a little further than this House has any constitutional right to go, in the last clause, which directs that resolution of censure to be expunged.

Mr. LAMAR. I think the point well taken; and will modify the resolution so as to stop at the word "rescinded." I concur with the gentleman from Massachusetts [Mr. HOAR] that the resolution had better not go to the extent of declaring the former resolution expunged.

Mr. HOAR. I was about to say that there are but two or three cases in history where a body bound by a constitution or by its own usages to keep a journal has undertaken to deal with that journal by resolutions of expunging. Those were cases where the expunging was based upon the ground that the original resolution had been a usurpation, that the power to do the act the record of which was expunged was a usurpation. The one case was that of John Wilkes, and the other the case of the famous resolutions of the Senate concerning President Jackson.

Now, it seems to me that the statement made by the Speaker of the last House, whose official duty it was to administer this censure, that he has carefully and thoroughly re-examined the case and has come to the conclusion that the action of the last House ought to be rescinded, is enough to justify this House in removing from one of its members the very heavy burden its censure for such a cause has laid upon him.

Mr. TOWNSEND, of New York. The resolution having been modified in such form as not necessarily to imply in any respect a censure of the last House, I will withdraw my objection to it.

Mr. LAMAR. The expression referred to by the gentleman from Massachusetts [Mr. HOAR] in the latter part of my resolution was an inadvertence, and I think the criticism he has made is just.

Mr. HURLBUT. Let the resolution as modified be now read.

The Clerk read as follows:

Resolved, That so much of the resolution adopted by the House of Representatives of the Forty-third Congress, on the 3d day of February, 1875, as charges prevarication upon Hon. JOHN YOUNG BROWN be, and the same is hereby, rescinded.

Mr. BLAINE. Gentlemen will observe, and it is only fair that the House should observe this, that this resolution proposes to rescind so much of the resolution adopted by the last House of Representatives

as charges prevarication. That the gentleman from Kentucky on that day did behave in an unparliamentary manner in transgressing what is called the proprieties of debate is not here brought into question. That is a matter which too many of us are guilty of, to draw any very fine points upon. The question is one that affects the gentleman's personal honor.

The question being taken on agreeing to the resolution of Mr. LAMAR, it was adopted unanimously.

ELECTION CONTEST—LE MOYNE VS. FARWELL.

The House resumed the consideration of the resolutions reported by the Committee of Elections upon the case of Le Moyne *vs.* Farwell, from the third congressional district of Illinois.

Mr. WELLS, of Mississippi. Mr. Speaker, I am not willing to allow this debate to close without expressing my dissent from the views expressed by some of my colleagues upon the committee in this debate, and in doing so I desire to approach this subject divesting myself of all partisan feeling, and to consider it as presented in the evidence and apply the rules of law as established both by this House and by the courts of the country. I hope that the House in considering the case will give it an impartial consideration, divesting itself of all partisan feeling and weighing the evidence judicially. Contested-election cases should certainly be considered by the House, as far as possible, as a court would consider them. In my opinion this House, when it has under consideration these questions, is resolved into a judicial body. We have no interest as to the individuals or their partisan character. Our aim should be to follow rules that shall be in conformity with established precedents and not in violation of them.

The committee have disagreed upon certain propositions and have agreed fully upon others. Before considering the particular precincts upon which we disagreed, I wish the House to understand distinctly the question that comes before it for consideration. The committee agree in regard to every precinct and every poll in the third congressional district except the first precinct of the twentieth ward, the third precinct of the eighteenth ward, and what is known as the Norwood Park precinct. A majority of the committee, two democrats and four republicans, agreed that the first precinct of the twentieth ward should be excluded. In other words, while the majority of the committee agree as to the result, they disagree as to the first precinct of the twentieth ward.

Let me read the statement of two members of the majority of the committee in regard to the first precinct of the twentieth ward:

> We concur in the result reached by the report of a majority of the committee, to wit: That Le Moyne was elected and that Farwell was not. But we cannot concur in that portion of the report which seeks to purge the poll at precinct No. 1 in twentieth ward of Chicago. The conduct of the officers of election having been shown to be grossly fraudulent, and the integrity of their returns at this poll having been thereby destroyed, and the proof having shown, also, that the ballots in the box had been tampered with, we can come to no other conclusion than to reject the entire vote at this precinct, except in so far as contestant and contestee have established by proof *aliunde* the number of votes they received at this poll respectively.
>
> JNO. F. HOUSE.
> CHARLES P. THOMPSON.

Thus it will be seen that the majority of the committee agree that the first precinct of the twentieth ward should be excluded; but in regard to the third precinct of the eighteenth ward the majority contend that it should be excluded, and the minority that it should be counted; and as to the Norwood Park precinct, the majority hold that the paupers in that precinct were entitled to vote, while the minority hold that they had no such right under the laws of the State of Illinois. I shall therefore confine my remarks to these three precincts, namely, first precinct, twentieth ward; third precinct, eighteenth ward; and Norwood Park precinct. There is no member of the committee who has addressed the House upon this subject but what has admitted that the first precinct of the twentieth ward was covered all over with fraud and corruption from the very inception of the election down to the time when the votes were counted; my colleague on the committee, the gentleman from Ohio, [Mr. POPPLETON,] admits this fact. But he contends that Mr. Farwell was responsible, and upon this point I wish to reply to him by saying that at the time this election was held Chicago was under the control of a democratic administration; the board of commissioners that appointed the commissioners of election were democratic, and every one of the commissioners who held that election in the first precinct of the twentieth ward was democratic. There was not a republican on that board. Besides, when the gentleman characterizes the individuals who voted at that poll as having been drawn from the slums of society in Chicago, I want to tell him that that ward was always democratic and was so at that time. But a division occurred on account of Mr. Le Moyne having been previously an abolitionist; he had been nominated by the liberal party; there was no regular democratic candidate in the field; for some reason the democratic vote was divided, a part of it being cast for Le Moyne and a part for Farwell. And whatever irregularities occurred at that poll, it certainly comes with poor grace from the other side of this House to charge it upon republicans, who had nothing to do with the management of that election.

The evidence shows that from the time the election at that poll was opened until it was closed in the evening men voted from vacant lots; they voted from other precincts; they repeated. But, says my friend from Ohio, there is not a particle of evidence tending to show that Le Moyne received a single illegal vote, but that Farwell received them all. Certainly my colleague on the committee must have forgotten the evidence, for if he will examine the record he will find that out of fifty-six names of persons who voted at the precinct, but resided out of it, Le Moyne received 6 and Farwell 41, while 23 were not found in the box. It is also shown that of the persons who voted from vacant lots, 16 votes were cast for Farwell and 1 for Le Moyne, while 8 were not found in the box. The gentleman, if he had examined the evidence, would also have found that of the repeaters and those who voted from fictitious residences, 126 of the whole number voted for Farwell, 26 for Le Moyne, and 53 were not found in the box. It is proved that the commissioners excluded challengers at that poll; that riot ran rampant; that violence to some extent existed there that day; but the contest was not over the member of Congress, but over members of the board of aldermen. Right here let me remark that if you will examine the evidence you will find that so far as Mr. Farwell's partisan friends were concerned, they were not responsible for the irregularities that occurred; that it was conducted by men appointed by a democratic board of commissioners under the law of the State of Illinois.

Nor was Farwell, the contestee, more responsible for the frauds practiced at that poll than was Le Moyne, the contestant.

Very well, the commiteee agree that frauds were practiced, that all day long it was a scene of fraud, and that when the votes were counted and returned the return gave Mr. Farwell 171 majority.

We come now to the evidence as presented before the committee as to what the result of that election was by the actual count of the votes. Let us go one step further as to the custody of these ballots. The law of Illinois provides that when the election is over the ballots and the poll-books shall be sealed in an envelope and transmitted to the county clerk of the county. The testimony shows that the commissioners discharged their duty in this particular and transmitted properly sealed the ballots and poll-lists to one Hermann Leib. From that time until the evidence in this contested case was taken the ballot-boxes were in the custody of this man Leib, county clerk of Cook County.

The committee having agreed that the election itself was fraudulent, that the acts of the commissioners were fraudulent, that the acts of the commissioners nullified the return, we are left to the ballots. It is a well-established principle of law, sustained by numerous precedents in this House, that when the ballots themselves are not tainted with fraud they will be evidence to show what the actual vote polled would be.

In order to show precisely the weight to be given to these votes as evidence it will be necessary to understand who it was who had the custody and control of these ballots after they left the hands of the commissioners of election. The law provides that the county clerk shall have the custody of them. Who, therefore, is the county clerk, and what his character? He was a man named Hermann Leib. He was brought before the notaries in this examination as a witness for the contestant. I wish to read from the record to show you the disposition of the man, and his character as it is portrayed in this evidence. I do not believe when this House understands this question they will be willing to commit so monstrous a disgrace as to seat a man whose only title to a seat is the evidence of ballots which have been in the custody of a man like Hermann Lieb, whom the evidence shows to be covered all over with infamy, and who cannot under any circumstance be regarded as worthy of confidence.

I read the very first question on page 28 that is put to him; and I will follow this through, and I wish the House to follow the evidence with me in reference to this man's conduct while upon the stand:

> Question. Are you, as county clerk, by the laws of Illinois, *ex officio* a member of the board of canvassers of the election returns of Cook County?

That is a question propounded to him by the contestant's counsel. What is his answer? He answers affirmatively:

> Answer. I am the presiding officer of said board.

He is next turned over to the contestee's counsel when the same identical question is propounded to him that had been propounded by the contestant's counsel, and I want the House to mark what is his answer.

> Q. Were you not and are you not still clerk of the board of county commissioners?
> A. I am not certain about that either.
> Q. Are you not *ex officio* such clerk?
> A. Such appears to be the law.

That is his answer, when just turned over from the contestant's counsel. That is the way in which he answers a question propounded to him by the contestee's counsel.

Again, he comes forward with certain documents to be presented to this committee. The witness Leib has been introducing certain affidavits in reference to certain voters, and the counsel for the contestee asks that these affidavits shall be attached to and accompany their depositions.

> Q. Do you refuse to permit these affidavits about which you have just testified to be attached to or accompany your testimony as exhibits and part of your testimony?
> A. I do, until requested to do so by proper authority.
> Q. What do you consider proper authority?
> A. Persons or authorities or parties whose premises it is to judge of the law in such cases.
> Q. Do you consider the notaries before whom this testimony is taken as such authority?

A. I do not.

* * * * * * *

(Mr. Van Buren, contestee's counsel, notes the following: That he has introduced these affidavits in evidence, that they are now on the table before the notaries, and that if the witness takes them away he does it against the objection and protest of the contestee. Witness says that if anybody else except the proper authority takes them and puts them in his pocket, he will have to do with him.)

Q. Do I understand you to mean that if the notaries attempt to take possession of these affidavits for the purpose heretofore mentioned that you will resist such attempt by force?

A. Of course I will; and, furthermore, if I am strong enough I will boot them out of this house.

A MEMBER. What page is that to be found on?

Mr. WELLS, of Mississippi. Page 33 of the record.

Now on page 34 of the same record, in the testimony of this same man Leib, you will find the following:

Q. In ballot 291 of same precinct is not the name of Charles B. Farwell plainly apparent, and is there any other name for Representative on the ticket?

A. The name of Charles B. Farwell is plainly printed on the ticket and as plainly scratched. There appears no other name on the ticket for Representative to Congress.

(Mr. Van Buren now offers these tickets in evidence, and insists that they shall be attached to this testimony as exhibits. Witness refuses to deliver them into the possession of the notaries.)

This same witness again answers:

Q. Look at ballot number 106, from the fifth precinct, twentieth ward. Is not the name of John V. Le Moyne erased and a name written in pencil, which denotes the intention of the voter to vote for Charles B. Farwell, in your opinion?

A. The name of John V. Le Moyne is erased. My opinion is the voter intended to throw it for Charles B. Farwell.

(Mr. Van Buren now offers the ballot in evidence, and insists that it be attached to this testimony as an exhibit. Witness refuses to deliver it to the possession of the notaries.)

The same is the case in reference to ballot 142. He refuses again to allow them to be used as an exhibit on the part of the contestee.

Here is the same witness on page 135, when under cross-examination by the contestee's counsel:

Q. Have you in your possession the ballots, affidavits, and poll-book of the town of Norwood Park, in this county, and will you produce them for inspection and evidence?

Mr. Le Moyne objects, as this is not cross-examination; objects to his time being consumed in taking evidence on the part of contestee. Then this witness Leib, answers:

A. I think the objection holds good. I have the ballots, affidavits, and poll-books in my possession, and shall produce them at the request of the contestee.

Q. Well, sir, produce them.

A. I meant to have said contestant when I said contestee in the above answer.

Q. Do you refuse to produce them?

A. I do not, if they are required in proper order.

Q. Do you refuse to produce them now, at my request?

A. I do.

Q. Will you produce them at our request when we take testimony upon the part of the contestee?

A. When that time comes I will be ready with the answer.

This, then, is the manner of this individual in giving his testimony, showing his partisan zeal, showing that he was willing to furnish evidence to the contestant but that he was not willing to furnish evidence to the contestee. He in every way evaded giving testimony and producing documents for the contestee.

Let me go one step further. These votes that are proposed to be taken and counted for the purpose of creating a majority for Le Moyne were under the control, direction, and supervision of this man Leib. Where were they deposited? He answers that they were deposited in the vault of the county clerk's office.

Question. Where is this vault where these ballots and affidavits were kept?

Answer. In the clerk's office on the main floor.

Q. Who opens this vault in the morning and who closes it at night?

A. The chief deputy Drury or Deputy Cornienti or Mr. Henry Metz, the clerk in charge of books and papers, the only ones who have the combination of the vault.

Q. What time is it opened usually in the morning and at what time at night is it usually closed?

A. About eight in the morning and about five in the evening, except when it is night-work and the books are out.

Q. Is the office where the vault is your principal office?

A. It is.

Q. How many clerks and deputies have you?

A. I have nine deputies and clerks according to necessity; sometimes ten.

Q. Who appoints your deputies and clerks?

A. I do.

Q. Which of your clerks and deputies have access to this vault?

A. All the deputies, and Max Schuller, Henry Metz, and Adam Kimpling, clerks.

Q. What is kept or deposited at different times in this vault?

A. The tax-books in hand of the clerks and all the papers of the county court, estates, wills, &c.

Q. Give the location of your offices, the number of rooms, where your private office is, and state in which office you pass most of your time during business hours.

A. The main office is on the main floor, occupying the north wing of the building. My private office is across the hall; and I pass my time most in my private office. I have five rooms altogether.

One step further. How were these ballots sealed? The evidence shows that they were in envelopes sealed with wax or with mucilage, and when sealed with wax the seal that was used was a United States copper cent. These envelopes were brought before the notary for examination. The contestee's counsel objected to their being broken until the commissioner who sealed them should be brought into the presence of the court to examine and testify that they were in the same condition as when they were delivered to this man Leib. But instead of that Le Moyne's counsel insisted that the seals should be then and there broken immediately; giving no opportunity for calling witnesses for the purpose of ascertaining whether the envelopes were in the same condition as when received by the county clerk; and they were then and there broken, and the evidence, if evidence existed of the fact, was destroyed as to whether they had ever been tampered with or not.

Certainly it is remarkable and extraordinary that, in a case under examination by a court which involved the necessity that the envelopes containing these papers should be exactly in the same condition as when they were received by the county clerk, such haste should be made to destroy the evidence of the fact and no evidence allowed to be introduced to determine for the satisfaction of this House whether they were in the same condition as when the commissioners turned them over to this man Leib.

Again these envelopes, in which the ballots and poll-lists were sealed, are described by law. Now this man Leib testifies—I will not read the evidence; it is on page 31—that he had the envelopes printed himself. And he testifies further that he got a larger number printed than was necessary for the use of the various precincts in the third congressional district. He swears, furthermore, that he has in his possession, at the time of this examination, blank envelopes; and he produces the blank envelopes, exactly similar to the ones which contained the ballots that were opened. He also admits, as we might conclude of necessity from the state of facts arising out of the case, that he had copper coins of the denomination of one cent in his office. I would like to know what there was to have prevented an unscrupulous man, such as the evidence shows Leib to be, from opening these envelopes containing the ballots, manipulating them, changing the numbers, and altering their contents, especially when he swears he has a pecuniary interest in the election of Le Moyne?

When we open the envelopes containing the ballots we find—what? One hundred and eighty-three votes gone; 183 votes less than there are names on the poll-list that are marked as having voted. What more? We find 198 duplicate and triplicate votes. For instance we find John Jones of such a number voted three times; twice for Le Moyne, once for Farwell; and we find that John Smith voted three times; once for Le Moyne, twice for Farwell. And we find the numbers upon the tickets disagree throughout with the numbers on the poll-list.

Now, will you tell me that those ballots can be relied upon for the purpose of determining the will of the electors in that district? The commissioners who received the votes, all agree, acted fraudulently. The ballots were in the custody of this Leib, and when the ballots were opened they were found to be so disarranged that it was impossible to determine whether they were the same votes as had been cast or whether they had been placed there by some unauthorized individual. I therefore conclude, and I believe the House will conclude, that fraud not only commenced on the morning of the election but continued clear through to the county clerk's office, and that the whole vote at this poll was covered with corruption and fraud, and should be rejected. What further? William A. Hettick testifies, on page 378, as follows:

Question. Are you acquainted with General Leib, the county clerk of this county?

Answer. Yes sir.

Q. Did you, on or before the last congressional election in this State, make a bet with General Leib? If so, what was that bet?

A. He bet me a hundred dollars that Mr. Farwell was not going to be elected and I bet he would be.

Q. Was the money put up? If so, in whose hands, and has the bet been paid, and, if not, why?

A. The money has been put up in Otto Schoeninger's hands. The bet is not paid. The general says it has not been decided to his satisfaction.

Mr. HURLBUT. I suppose this proceeding is to give this man his $100?

Mr. WELLS, of Mississippi. Yes, sir, that would appear to be the object of it. But on page 30, this man Leib, this specimen of honesty, this man who comes forward with ballots that you are asked to count for Le Moyne, after they have been in his hands, and after they have been in the hands of the commissioners who have been proved to be guilty of gross negligence and fraud, this man Leib says again, on page 30, in answer to the following interrogatory:

Q. What are your politics and by what party were you elected?

A. My politics are according to circumstances. I was elected by a party called at the time "people's party."

Q. Were you not active in the campaign to secure the success of the regular ticket upon which the contestant was placed?

A. I never blow my own horn. I leave my political friends to determine that question.

Q. Did you not labor for the success of that ticket?

A. I tried to convince the voters of Cook County that I was the best man for county clerk.

Q. Were you not active in the campaign to secure the success of the regular ticket upon which the contestant was placed?

A. I was.

Q. Did you not have a pecuniary interest in the election of John V. Le Moyne?

A. I refuse to answer that question.

Q. Did you not make any bets on his election?

A. That is nobody's business whether I did or not.

Q. Do you refuse to answer the question?

A. I do.

Q. Do you refuse to answer these questions for the reason the answer might criminate you?

A. The reasons for the refusal are within my breast.

This is the individual who had the custody and the sole custody of the ballots that are brought forward and are now before this House

to be counted in order to build up a majority to seat Mr. Le Moyne, when it is known that at the time these ballots were opened 183 ballots were gone and 198 other ballots were either triplicate or duplicate of the numbers on the back of them. I think this House will hesitate some time before they will be willing to accept as evidence ballots coming from so doubtful, not to say corrupt source, as a means of determining the majority at this poll, especially when the ballots themselves show that they have been manipulated, and do not in hardly any particular agree with the poll-lists.

My colleague on the committee from Virginia [Mr. HARRIS] says that the grandest sleight-of-hand performance took place where the evidence was being taken in this case that the world has ever witnessed; that the poll-list of this precinct was stolen right under the eyes of the notary public and the two counselors of the parties.

Now what particle of evidence is there to sustain this statement? There is not a word of evidence that such was the case; but that man Leib, this pure individual, certified to what? Here is where my friend from Virginia falls into an error. He certified that this is the true poll-list of the votes cast at the first precinct of the twentieth ward. How? Hear him. I read from his certificate:

I, Hermann Leib, clerk of the county court of Cook County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the poll-book of the first precinct of the twentieth ward of the city of Chicago, returned by the judges of election of November 3, 1874, *for said precinct, the original of which, after being copied, having been stolen from the county commissioner's room while the testimony was being taken in the contest between John V. Le Moyne and Charles B. Farwell, said poll-book having been taken there at the request of said parties.*

So we have not even the original poll-book. This man Leib, whom I have described to the House and whose evidence I have been reading, is the man who certifies that this is a correct transcript of the original poll-book; but no poll-book has been furnished, and we have nothing but Leib's testimony to the fact that it is a correct copy of the book.

What are you going to do in such a case? Are you going to take the evidence of a man who shows himself as actuated by partisan feeling and prejudice, whose evidence shows that his conduct was infamous; a man who, when called upon to testify the facts within his knowledge, refuses to do so because it was benefiting the contestee; a man who acknowledged, by his refusal to answer, that he has a pecuniary interest in the election; a man who confessed that he has no politics, but that he sells himself to the highest bidder, and that he will not only do that, but will do all the swearing necessary for the purpose of seating the contestant, in order that he may reap pecuniary benefit. This is the evidence and the only evidence on which the majority of the committee in this case rely for the purpose of establishing the true vote of that precinct. Sir, I believe that this House will not be willing to take such proof as to the vote of the first precinct of the twentieth ward for the purpose of seating or unseating any man.

Now what was proved outside? Mr. Farwell and Mr. Le Moyne proved a certain number of votes *aliunde;* and the minority of the committee agree with two of the majority that those votes which were proved outside shall be counted. We understand that to be the correct rule.

A word more before I dismiss this matter. I want the House to bear with me, because I desire that the evidence in this case shall go before the country and this man Leib shall be known wherever the CONGRESSIONAL RECORD is read, that his true character shall be understood, and that the manner in which this election was carried on in Chicago shall be understood. On page 309 of the record in this case you will find this testimony. Frederick Becker testifies as follows:

Question. Do you know Hermann Leib, the county clerk of Cook County?
Answer. I do.
Q. Did you have any correspondence with him, or communication from him, also conversation with him, relative to the return of that precinct?

This was the second precinct of the twentieth ward. There is no contest over that. We all agree about that; I simply refer to the evidence in the further consideration of the character of Leib who had the custody of these ballots:

Question. If so, state when, and where, and all about it.
Answer. About three or four days I think, after the election, General Leib sent a deputy sheriff over to my store, and also to Brauhn and Asmus, that we should appear the next morning at 9 o'clock in his office. I told him I didn't know what for, that our report was correct. We appeared there the next morning, the three of us, Fred. Becker, John Brauhn, and Theo. Asmus, judges of second precinct of the twentieth ward. General Leib wanted us to give Le Moyne 10 votes more on the tally-list, and we would not do it and we did not do it, because I told him our reports was correct.

This man Leib sent for the judges of the second precinct of the twentieth ward after their return had been made through a deputy sheriff and demanded that the commissioners should falsify their return and give Mr. Le Moyne 10 more votes. I read further on:

Theodore Asmus put all the two reports, one of which belongs to the judges, into the ballot-box, which one report was exactly correct, as the votes corresponded with the one that belonged to the county. I asked General Leib that he would show us the two reports. He said he had only one, and that we must correct that or he would punish us, and I told him we didn't care. I told him I would not correct it; then he got excited and said, "You will not?" and I said, "No." So we left the county-court room.
Q. When were the ballots and packages returned to the county clerk?
A. I think it was the next day after election, as everything was done that night.
Q. Did you appear before the board of canvassers?
A. I was there at that time.
Q. Was Hermann Leib one of that board?
A. He was.
Q. State whether you made it appear to the satisfaction of all parties that your returns were correct at that time.
A. Yes, sir; I did.
* * * * * * *
Q. Who kept the tally-sheets during the election?
A. The two clerks of the election.
Q. Who had charge of the tally-sheets while the votes were canvassed?
A. The clerks, I think.
Q. Were your returns as made out on the night of election correct?
A. Yes, sir, as far as we know, because the canvassers found it so in the county court.

But, again, I notice upon page 480 three of the judges of election make their solemn affidavit that this man Leib sent for them and attempted to force them to change the return they had made in favor of Le Moyne and to give him 10 more votes, in order that with the vote in the Norwood Park precinct and others he might give Mr. Le Moyne a small majority and give him a *prima facie* case to a seat in this House. I read from page 480:

STATE OF ILLINOIS,
Cook County, ss:

Fred. Becker, Theodore Asmus, and John Brauhn, being each duly sworn, upon their several oaths depose and say, each for himself, that they were, and each of them, duly appointed, sworn in, and acted as the judges of election in the second precinct of the twentieth ward, on the 3d day of November instant. That they duly canvassed and counted the votes polled at said precinct, and made, completed, and executed their proper official return, and duly forwarded the same to the county clerk of Cook County. Deponents further say that they and each of them were ordered by one of the clerks or employés of the county clerk to be and appear before said county clerk at nine o'clock this morning; that in response to said order or request these deponents, and each of them, did appear before said county clerk, when said county clerk demanded of these deponents, and of each of them, that they alter their official return (by them made as aforesaid) in this behalf, that the votes counted for Charles B. Farwell for Congressman of the third district, which by the fact and by said official return count 286, be changed to 276.

These deponents further say that they, and each of them, indignantly refused to alter their said official returns; and further say not.

THEODORE ASMUS.
FRED. BECKER.
JOHN BRAUHN.

Severally subscribed and sworn to before me this 12th day of November, A. D. 1874.

[SEAL.] WILLIAM BEYE,
Notary Public.

Now is a man who was guilty of all that the evidence shows this man Leib to have been guilty of a fit repository of ballots; and will this House take ballots from his hands and count them for the purpose of seating a person who was not elected? If the returns from the other precincts outside of this are to be relied upon, in other words, reject the returns from the first precinct of the twentieth ward, where there is no contest, except some slight irregularities I have mentioned, and Mr. Farwell was elected. Throw out the box, count the paupers' votes, and count the returns from the third precinct of the eighteenth ward, and Mr. Farwell is elected even then by three majority.

Now, will this House because of partisan feeling arbitrarily seat a man who was not elected; take the votes that have been in the custody of such a man as Leib, a man whom the majority of the committee agree cannot be relied upon? Will the House do that? That is to be seen. If it is done, then let me say to you that you throw open wide the doors of fraud, and in the not far future it may be that contests will be multiplied and frivolous pretexts will be seized upon to defeat the will of the people, and this House will elect its own members, ignoring the wish of the electors. I think it is the duty of this House to examine and scrutinize the evidence in order to ascertain as far as in their power the will of the electors, and to recognize that will when so ascertained, regardless of partisan prejudice.

It is laid down by McCrary in his excellent work, The American Law of Election, and established by precedents of this House over and over again, that it is one thing to reject a return and quite a different thing to reject a poll; that when a poll is so tainted with fraud that it is unreliable this House will reject the whole poll, and will then rely upon evidence *aliunde* to establish what the vote was If that rule is correct, then it should be applied to this case.

I now pass to the third precinct of the eighteenth ward. In regard to this precinct the majority of the committee decide that the returns should be rejected, while the minority of the committee decide that the returns should be retained and counted. There have been but four witnesses introduced in regard to this particular precinct. You may search the record through and through, and you will not find another word than that which I intend to read to this House. If you can find any rule of law or precedent, from the foundation of this Government to the present day, that will justify this House in rejecting the return I have nothing to say. I now propose to read the testimony of Daniel Kilroy, on page 154 of the record. I regret exceedingly that no more attention is given to these contested-election cases. It is a matter of vital importance to this House that a correct decision should be reached, that injustice should not be done to the electors at home. It makes not so much difference in regard to the individual contestant and contestee; it is the will of the people that we are to ascertain, and we should give to that will the authority that is due to it. I therefore will tax the House by presenting all the evidence bearing upon this poll, that those who have not yet read the record may judge for themselves.

DANIEL KILROY, a witness produced and sworn on behalf of contestant, testifies as follows:

Direct examination by Mr. LE MOYNE:

Question. What is your name, age, and place of residence, and how long have you resided there?

Answer. My name is Daniel Kilroy; my age is forty-one; my place of residence is 94 Ontario; have resided in the neighborhood since the fire.

Q. Did you, on the day following the election of November 3, 1874, see the ballot-box of the third precinct of the eighteenth ward; if so, where did you see it and who had charge of it?

A. I've seen it in Stock's saloon, Sedgwick street, where the polls had been. It seems no one had charge of it; it was standing behind the bar, on end. There was nobody in that room, but in the adjoining room Stock was attending to a grocery business.

Mark you, the majority of the committee decide that these returns shall be rejected, because the box was in the custody of an unauthorized person; and this is the only witness who testifies to that effect.

Q. Were there any of the officers of the election of that precinct in the adjoining room or in the house?

A. There might have been up-stairs, but there was none in that concern or on that floor.

Q. Were the ballots then in the box and was the box sealed or opened?

A. The box was not sealed. I couldn't tell whether the ballots were in there or not. Stock said he thought they were, and shook it by the handle.

Q. Did the judges afterward count the ballots and make their returns; if so, when?

A. They took the box out of that room to a building in the rear of that lot, and remained there three or four hours, and came back with the returns.

Q. What time of the day was it that they took this ballot-box from the saloon?

A. About ten o'clock in the morning.

Q. What time was it when you first saw the box in the saloon?

A. About eight o'clock in the morning.

Q. Do you know if the box had been in the saloon all night?

A. Stock and the judges told me it was.

Q. After the judges came out of the back building, as you have stated, did they then announce the result of the count?

A. Yes, sir.

Cross-examination by Mr. VAN BUREN:

Q. Where were you on the day of the election?

A. I was judge of election of the fourth precinct of the eighteenth ward.

Q. Were you at the third precinct of the eighteenth ward on the day of election?

A. No, sir.

Q. Do you know whether or not the judges of that precinct on the night of the election counted the ballots?

A. They told me they did.

Q. Do you know whether there was any difference between the count for Congressman on the night of the election and the count for Congressman on the next day when the ballots were counted and returns made?

A. I do not.

Q. When you saw the ballot-box on the counter as you have described, did you open the box or see what its contents were?

A. I have not said that I saw it on the counter. I saw it standing behind the counter. I didn't lay my hands at all on it.

Q. Did you handle the box at all?

A. No, sir.

Q. Do you know whether the box was locked or not?

A. This man, Stock, said it was locked.

Q. When you counted the ballots of the fourth precinct of the eighteenth ward did you seal that ballot-box?

A. Yes.

Q. Is there any law that requires ballot-boxes to be sealed?

A. I believe not; but the law requires to put them into official envelopes and seal them.

Q. Can you state that the ballots in the third precinct, eighteenth ward, were not strung and in an envelope which was sealed up and in that box at the time you saw it?

A. The judges told me they were strung, but not sealed.

Q. Do you know of your own knowledge whether they were sealed or not?

A. No, sir.

Q. Do you know of your own knowledge that there were any ballots in that box at all when you saw it?

A. No, sir.

Q. What judge was it that you had a conversation with relative to these ballots and box, and when and where was it?

A. With Rankin and Leonard. I met Rankin on the street after I had seen the ballot-box, and the conversation occurred there with him. I saw Leonard in his own saloon. The conversation with him occurred there. I saw Clifford, the clerk, at his own house.

Q. Are you acquainted with Elias Shipman, and how long have you been acquainted with him?

A. Yes; about three or four years to know him to be Mr. Shipman, but not acquainted with him personally until now.

Q. Did you see him on the day of election at the window of the polls of the fourth precinct of the eighteenth ward?

A. Not to my knowledge.

Q. If he had been there, interfering for or against a voter, would you not have seen him and be likely to remember that fact?

A. I believe I would.

DANIEL KILROY.

This is every word of evidence tending to show fraud in regard to this box that can be found in this record. Yet the majority would reject the return because, forsooth, there was an opportunity to commit fraud. In other words, if a man is murdered and I am found where I have an opportunity to commit the deed, that is presumptive evidence that I killed the man. Such a doctrine as that, I say, is monstrous and is not sustained by law; it is a doctrine that the mere opportunity to commit fraud necessarily raises the presumption that a fraud was committed. I now read the testimony of the next witness, on page 157:

JAMES HANDLEY, a witness produced and sworn on behalf of the contestant, testifies as follows:

Direct examination by Mr. LE MOYNE:

Question. What is your name, age, and place of residence, and how long have you resided there?

Answer. My name is James Handley; my age is about forty years. I reside at 85 Chicago avenue, second precinct, eighteenth ward; have resided there somewhat over twenty years, excepting the fire, when I was away a few days.

Q. Did you see the ballots of the third precinct of the eighteenth ward on the 4th of November, 1874? If so, at what time of said day? Were they sealed in an envelope or not? State also where you saw them and whether the same were then counted.

A. I saw them the day after election. I am not sure whether it was the 4th or not. I think it was about between ten and eleven in the morning. They were on a string—a string run through them.

The law of Illinois permits that when the votes are counted at night the officers may adjourn until the next morning and then complete their returns, and the ballots shall be strung on a string and inclosed in an envelope and sealed.

They were not in envelopes, but in a cigar-box. They were in a house, upstairs, in the rear, where the election was held. I don't know the number of the house. The judges said they had counted them, two judges; the third wasn't there.

Q. Did they then recount them?

A. Yes, sir.

Q. Did they make out their official returns?

A. I couldn't say whether they did or not. I counted the ballots and then left.

Q. If you know, state where this ballot-box had been kept from the time the polls closed until it was taken in that back building.

A. I don't know.

Q. Where did you first see it?

A. Up in the back building.

Q. Was it then opened or closed?

A. It was closed.

Q. Did you see it opened?

A. Yes, sir; I saw them open it.

Q. Was the tally-list and poll-book in the box when it was opened?

A. I didn't see any.

Cross-examination by Mr. VAN BUREN:

Q. Where was the election held, and how was that house connected therewith?

A. It was held on Sedgwick street, in a saloon. I don't know the number. The house in the rear was separate from the saloon.

Q. Who were present at the time you saw those ballots there?

A. There was two of the judges—Seaward; the other I don't recollect. One of the clerks, Clifford, Edward Kehoe, Michael and John Sweeney.

Q. Were you present when the ballots were counted on the night of the election?

A. No, sir.

Q. Did you know whether the cigar-box where these ballots were put was in the ballot-box?

A. Yes, sir; it was in the ballot-box.

Q. Did you see whether the cigar-box was sealed or not when the ballot-box was opened?

A. No, sir; the lid was lying loose on top.

Q. Were any of these persons that were present at this time candidates for office on the opposition ticket, and for what office?

A. Michael Sweeney was candidate for alderman, eighteenth ward. No one else.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. LAMAR. Inasmuch as the gentleman was so courteous as to yield to others——

The SPEAKER *pro tempore*. The gentleman has had his full hour.

Mr. WELLS, of Mississippi. I ask permission to complete my remarks.

Mr. HOOKER. I move that the time of the gentleman be extended.

Mr. BLACKBURN. How much time does the gentleman want?

Mr. WELLS, of Mississippi. Probably fifteen minutes.

Mr. BLACKBURN. I will not object, but I will say that if the time of the gentleman is extended for fifteen minutes, debate cannot be closed until half past five o'clock, for it was understood that the previous question would be called in two hours after the expiration of his remarks, and that would bring it to fifteen minutes past five.

Mr. WELLS, of Mississippi. I ask my colleague on the committee [Mr. BLACKBURN] whether he will not consent to allow me sufficient time—not more than fifteen minutes—to finish my remarks in regard to this precinct?

Mr. BLACKBURN. I am not objecting, but simply stating that if the gentleman's time be extended for fifteen minutes, the debate cannot be closed to-day; for even without any extensions of time to any one, it cannot be concluded earlier than quarter past five o'clock

The SPEAKER *pro tempore*. The Chair hears no objection to the extension of the gentleman's time for fifteen minutes; and he will proceed.

Mr. WELLS, of Mississippi. On page 350 John J. Clifford, one of the clerks, gives his testimony as follows:

Question. Were you first duly appointed and sworn in as such clerk?

Answer. I was asked to act, and was sworn in and did act.

Q. Were you present at the opening of the polls on that day?

A. Yes, sir.

Q. How long did you remain at the polls that day, and act as such clerk?

A. I remained from the opening to the closing of the polls, and then remained to count the ballots.

Q. State whether the votes were all canvassed and counted in your presence, while there?

A. Yes, sir.

Q. Was that done before the board of election adjourned or separated?

A. I don't know whether they call it adjourned or separated. We left where we had been taking in the votes and went up-stairs and counted them.

Q. Did you do anything more than merely to remove from one room to the other as a matter of convenience to count the votes?

A. That was all, to my knowledge.

Q. State what was done after you got up in the other room up-stairs.

A. We ate supper and counted the votes afterward.

Q. Were all the votes duly canvassed and counted that night?

A. Yes, sir.

Q. Was it done in the presence of the board of election?

A. Yes, sir.

Q. State who else was present.

A. John Sweeney, Michael Sweeney, Harry Faith, James Nolan, Mr. Fisher (policeman.)
Q. State whether the result of the canvass was then publicly announced by the said board and before the board separated.
A. Yes, sir.
Q. Did any one take the result to the police headquarters; if so, who?
A. Mr. Fisher, I think.
Q. Did the vote as announced at that canvass that night correspond with official returns?
A. No, sir.
Q. In what respect did it differ?
A. It differed in the aldermanic count; any further I don't know.
Q. Did it differ in any respect with the vote for Mr. Farwell and Mr. Le Moyne?
A. I think not.
Q. Then I understand you to say that the votes for Mr. Farwell and Mr. Le Moyne, as announced by the board, as you here stated, corresponded with the official returns?
A. I think so.
Q. Do you remember whether or not there was a man by the name of Coffey present at the canvass?
A. I do not.

Redirect:

Q. You have spoken of the first count and the second count; is not the first count a counting of the number of ballots and the number of names on the poll-book?
A. I don't understand the question.
Q. State what you mean by the first count.
A. I mean counting of the ballots and the names on the poll-book.
Q. Did they agree?
A. All except one double vote.
Q. Who was that double vote for; do you remember?
A. I do not.
Q. How soon was that counting had after you went up-stairs, as you have stated, on the night of election?
A. It was commenced within an hour afterward.
Q. Did you continue till you got through?
A. We didn't make up our official returns.
Q. Did you continue the count till you got through?
A. Yes, sir.
Q. What did you do next?
A. I believe we went home.
Q. Did you go home before you canvassed the vote?
A. I don't know what you mean by canvassed.
Q. After you ascertained how many votes were cast, did you or did you not then proceed to ascertain who those votes were cast for?
A. We did.
Q. How soon after you had ascertained the number of votes cast did you proceed to ascertain who those votes were cast for?
A. Immediately.
Q. When did you get through with ascertaining who the votes were cast for?
A. About two o'clock in the morning.
Q. Was it after you had thus ascertained who the votes were cast for and the public announcement of the result made, that the ballot-box was left at the grocery, as you have said?
A. Yes, sir; after.
Q. At whose solicitation were the ballots overhauled and recanvassed the next day?
A. Michael Sweeney's, Dan Kilroy, James Handley.
Q. Was this Sweeney running for any office at the same election; and, if so, for what office, and on what ticket?
A. Yes, sir; alderman, on the people's ticket.
Q. Was that the same ticket on which Mr. Le Moyne was running for member of Congress?
A. Yes, sir.
Q. Who is Handley that you have spoken of, and in what precinct did he live at that time?
A. He lives on Chicago avenue, between Sedgwick and Townsend, in the eighteenth ward.
Q. Was that in the third precinct?
A. I am not positive.
Q. Was he the friend of Mr. Le Moyne or Mr. Farwell in that election?
A. I couldn't swear to it; he was a friend of Sweeney's.
Q. In what precinct did Kilroy live?
A. I know when he was judge, corner of Market and Ontario.
Q. Judge of what?
A. Of election.
Q. Was it in the third precinct that he was judge of election?
A. No, sir.
Q. At the recount, at the request of Sweeney, as you have stated, was there any Farwell men or political friends of his present?
A. I believe not.

Then the vote was canvassed the night of election before the board adjourned, before the box had been placed in the saloon, and was not only announced, as I have shown from this evidence, but a memorandum made by one of the judges was taken by a police officer named Fisher; and that identical memorandum taken that night is here in this record, and it agrees with the returns made by those officers, showing conclusively that there could have been no tampering with the ballot-box on account of it having been left in the saloon. In other words, the presumption that fraud was practiced upon that box because of its having been left in the hands of unauthorized persons is effectually rebutted. The return announced that night as taken down by the judges and carried to headquarters by a police officer is here in this evidence, and it corresponds with the return made the next day by the officers.

That is the evidence of Clifford. I now pass to the testimony of James S. Fisher, on page 353.

Question. Were you there from the opening of the poll to the closing?
Answer. Yes, sir.
Q. State what you know of the counting of the votes, and the canvassing, and the announcement of the result, and all you know about it.
A. I remained at the polls until the closing of the polls; they then immediately retired to a room up-stairs, in the rear; we then had something to eat; consumed not over half an hour. After our supper, the ballot-box was opened on the table and its contents emptied out. The three judges then counted the number of votes polled at that precinct. There was some dispute in regard to the number of votes polled; they were counted some two or three times, and they then tallied with the poll-book; that is, they corresponded with the number of votes cast as on the poll-book. In straightening out the ballots they discovered a double vote, also a twentieth ward ticket; those were laid on one side and not counted. After straightening these tickets out they commenced to tally, and continued until near one o'clock I then got one of the judges—I think it was Mr. Rankin—to read off the number of votes cast for each candidate, which I entered on my tally-list. After getting the full number of votes cast for each candidate, I asked them if this was the final count. They answered me affirmatively. I then immediately started for headquarters with the report. I mean the police headquarters, the general office.

Cross-examination by Mr. LE MOYNE:

Q. Have you any recollection whether the vote then given to you was the same as the official return as made by the said judges or did you ever see the official return?
A. It was given me that night as the official return; that was my idea when I received it.

On page 364 we have the return given to Fisher that night and taken to police headquarters. The majority for Farwell is 14, corresponding exactly with the return as made by the officers the next day. Therefore I claim that neither the Committee of Elections nor the House have any authority to reject this return upon the mere evidence that a man went into a saloon and saw the ballot-box behind the counter, and because there was thus opportunity to commit a fraud upon that ballot-box. Yet the majority hold that the return should be rejected and the poll excluded because the ballot-box was left exposed. How does this decision accord with the precedents established by this House in previous cases? In the case of Van Rensselaer *vs.* Van Allen, decided as long ago as 1793—one of the earliest contested-election cases in this House—the irregularities complained of in the conducting of the election were, first, that more ballots were actually given than were computed by the inspectors; second, that the ballot-box was not locked; and, third, that the ballot-box was in the custody of a person not authorized by law to take charge of it. In that case the House agreed to the following resolution:

Resolved, That the allegations of the petitioner do not state corruption nor irregularities of sufficient magnitude under the law of New York to invalidate the election and return of John E. Van Allen to serve as a member of this House; and that therefore the said John E. Van Allen is duly elected.

Then in the case of David Bard, of Pennsylvania, the return which the law required to be made in November was not made till the next June. The House held that in the absence of evidence showing fraud the election was not vitiated.

Again, in the case of Arnold *vs.* Lea, from the State of Tennessee, the law required that there should be a ballot-box, but the evidence showed that the ballots were deposited in a gourd; that afterward they were tied up in a handkerchief and passed out of the hands of the inspectors. Yet this House, in which there was a democratic majority, decided that the election was not vitiated. In that same case it appeared that after the ballot-box had been closed it was removed by the sheriff, an unauthorized person, and taken to a dry-goods store and given into the hands of a man named Graham, who it was proved was a personal and political enemy of the contestant, and who had sworn that the contestant should not be elected. The sheriff placed the box in that man's store over night, and protest was made against it; the commissioners were appealed to to remove it. Yet the House said that in the absence of proof of fraud it would not unseat that member. I say that from 1794 to the present time there cannot be found a single authority to sustain the action of the committee in rejecting this return because there was merely an opportunity to commit fraud, while there is an entire absence of proof to show that fraud was committed.

In conclusion I wish to recite the rule laid down by Mr. McCrary in his book, the American Law of Elections, pages 331 and 332:

When the result in any precinct has been shown to be so tainted with fraud that the truth cannot be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents as well as the evident requirements of truth not only sanction, but call for, the rejection of the entire poll, when stamped with the characteristics here shown.

* * * * * * *

The return must stand until such facts are proven as to clearly show that it is not true. When shown to be fraudulent or false, it must fall to the ground. This ruling is well stated by numerous authorities including the following: Blair *vs.* Barrett, 1 Bartlett, 308; Knox *vs.* Blair, 1 Bartlett, 52; Howard *vs.* Cooper, *supra;* Washburn *vs.* Voorhees, 2 Bartlett, 54.

The author then quotes with "emphatic approval" the following from the report of the committee in the case of Washburn *vs.* Voorhees:

If the fraud be clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to a contest, and no investigation of the committee enable them to deduce the truth therefrom, then no alternative is left but to reject such a return. To use it under such a state of facts is to use as true what is shown to be false.

Yet this House is asked, in the first place, to take a poll that is so polluted by fraud and corruption that you cannot determine what the actual vote was; and you are asked to count that; and yet you are asked to reject the poll in the next precinct, where there is no evidence showing fraud or corruption on the part of the commissioners or any one else. "Consistency, thou art a jewel!" I feel warranted in saying that, taking this evidence and carefully scanning it, the House cannot, without violence to every rule of law on this subject, reject this precinct.

As to the Norwood Park precinct and the pauper vote, my time will not allow me to go into it to any extent. The position I take in regard to paupers is this: It is clearly established, as the evidence will show, these men were sent to the poor-house by the board of charity. It will clearly appear from the testimony that these men were pau-

pers coming from other districts. The law of Illinois declares that no one shall be a voter in any precinct unless he has a permanent abode—not domicile, not residence, but a permanent abode. The supreme court (41 Illinois) decided that a pauper can neither gain nor lose a residence while in a poor-house, and that the town from which he is sent must support him as a resident of that town or precinct. Yet they allowed sixty of these paupers to vote in Norwood Park, and the majority of the committee insist, notwithstanding the ruling of this House in the case of Covode *vs.* Foster, that this pauper vote shall be counted.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. Mr. Speaker, I do not propose to discuss any of the questions which arise in the eighteenth or twentieth wards of Chicago. I tried my hand upon a similar question the other day, in the case of Finley *vs.* Walls, and I said in my argument on that occasion that I hoped my friends of the majority, who were for "casting out the nines" on that occasion, would be equally ready to cast out the nines on a future occasion. Whether I had that hope really in my heart or not is between me and my conscience, but I expressed in a parliamentary way the hope that, on some future occasion when the casting out of a precinct would work precisely the opposite result from what it was likely to operate in the case of casting out the colored academy precinct, my friends on the other side would be as ready to cast out as they were on that occasion. And perhaps it is not inadvisable to mention the fact that, if you did in Walls's case what is sought to be done by the contestant here, to purge the poll, reject every vote there could be a word of quarrel about, then Walls would be elected and FINLEY left out in the cold and therefore it would not do to purge. No purging then! No purgative roots could be administered then! [Laughter.] But on this occasion when purging will produce a different result on the health of the patient, purging is the remedy, and bleeding, too, perhaps. [Laughter.] But purging is all that is recommended.

I will not discuss that question further than to say I have an opportunity here to see how much my friends on the other side of the House are really attached to this system of casting out a precinct where frauds have been perpetrated.

I rise principally to talk about the Norwood Park matter. Norwood Park is a little town in Cook County, outside of the city of Chicago. Norwood Park has of its residents eighty-four voters, on all sides of politics. But Norwood Park was honored by Chicago with the location of the poor-house of Cook County, so that the paupers (if I understand it correctly) from my friend CAULFIELD'S district, and from my friend HARRISON'S district, as well as from Farwell's district, are all sent to hibernate at Norwood Park. And accordingly if the poor-house votes, Norwood Park is a pretty large town, but if the poor-house does not vote Norwood Park has 84 votes.

But the poor-house is located there. They have a superintendent of the poor-house, and that superintendent of the poor-house is none of your mean-spirited fellows. He is a high-toned constitutional democrat, clear up, and you will see he is. [Laughter.] He is as high-toned as any of these fellows whose rascalities are sought to be charged over to Farwell in the eighteenth and twentieth wards of Chicago. Every individual of them a democrat of the first water—no, not water, for they were democrats, but every individual of them a democrat of the purest spirits, [laughter,] the whole of them, every man of them! Well, this man comes to the polls and brings down his poor-house van, and every man whose vote is questioned here comes down to the polls, riding in the poor-house van. He comes there with power and consideration which must commend him to the men who want fair play in elections, and he tells them how it shall be, and how it shall not be. One of the witnesses, Mr. Pennoyer, an humble countryman living out of the city, said in answer to a question asked whether this man Kimberly made any threats if this poor-house vote was not received:

> Well, he did make threats; said he would put the judges through if they were not received, and told me that I would not occupy that position another year, and that he would follow me to hell.

[Laughter.]

Can any man doubt his democracy? [Renewed laughter.] Because I want to satisfy my friends on the other side. [Laughter.] Whether he followed Pennoyer there or not, the inference is that he probably traveled that road.

Mr. Bell is sworn as a witness, and he says that Kimberly remarked that "the judges were damned scoundrels, and if the votes were not received he would be damned if he did not prosecute them; that was his language."

You see these men not only came in the poor-house van, but they came with power. They came with a man who acted as one having authority, and not as a scribe.

Now, it is said these men were not paupers. Not paupers! Why were they in the poor-house van?

That is not all. Four men testified that in this township of 84 votes they had lived there year after year and had never seen the faces of one of these men; that they knew nothing of them until they appeared there to vote. How could that happen?

But a case was made on the part of Farweil that induced Le Moyne to put this man Kimberly on the stand. What did Kimberly swear? and he knew if anybody. He said that he presumed that these men came to the poor-house on the certificate of Chicago physicians.

In the cross-examination it was attempted to be made out that these men were working for pay. These fellows were in better health than many. Here was the poor-house with nearly two thousand people. These voters were the *dii selecti* from that great heathen temple. These were the few men that could come and vote, and they were on the "pay-list." I do not mean to disparage the men because they were in the poor-house. A good man may go into the poor-house. Two of these men even voted for Farwell, indicating that there was some conscience and some feeling even in the poor-house. [Laughter.] I do not mean to disparage them at all. But these were men that came there under the certificate of physicians of Chicago from the Caulfield district, from the Harrison district, as well as from the Farwell district. But "they were paid." Ah, paid! Yes; these men were under pay. But what was their pay? The board of charities that had control of the poor-house had authorized Kimberly if men were able to work they might have extra food. That was the word, "extra." What is extra? They were to have extra food, extra clothing, extra accommodation. What is extra? Extra is over and above something. Over and above what? Over and above what the other paupers had. Men that worked as carpenters—as three or four did—men that worked as masons did not have extra pay. They had pay. But these men had extra pay and extra clothing; some of them were allowed even to dine in the hospital because they could work. They were allowed—ah! a strong element of democracy, one of the props of the Constitution and of "the principles of '98"—they were allowed tobacco. And every man knows that if you sustain the principles of 1798 you have got to do it with corn-whisky and plug-tobacco. [Laughter.] They had one of these bribes furnished them. They had tobacco. These were the extras and this was the pay these men had.

No, sir; it is the veriest nonsense that was ever put forward in the world to talk about these men, paid or not, being other than paupers in the almshouse, to which, in the language of Kimberly himself, they had been sent upon the certificate of physicians from Chicago. These were the men that came to overvote and control the town of Norwood Park. Now, if they were lawful voters that was all right. But I put it to the House whether the town of Norwood Park can be believed to have bargained, when they allowed the poor-house to be constructed there, to have the paupers in the poor-house, led by the superintendent, a democrat this year and a republican next year, vote down and control the residents of the town? I put it to the House to know if that is the opinion of any man that God has made? They never bargained for it. They never so understood; and no other place ever bargained for such a thing.

I do not see here my colleague on the committee from Massachusetts, [Mr. THOMPSON.] I came originally from Massachusetts, and I have a great regard for Massachusetts. Massachusetts has, I think, in the town of Palmer, a poor-house—an almshouse for her State paupers for the whole State. Did that township bargain when the poor-house was located there to have these men outvote and control the town or even the county in which they were located?

But, again, if these men become residents by being in the poor-house, what will be the result? I do not know how the laws are in Illinois. I know how the laws are in my State; I know how the laws are in nearly all the Northeastern States, or perhaps in every one of them. We have local or town poor, county poor, or State poor, as the case may be, in the several States. And if men acquire residence by being located in the poor-house the entire riffraff of Chicago would, after a year's time, be chargeable and the expense of supporting them would be chargeable to Norwood Park. That is the result. It is inevitable; and I do not care how men bluster. I do not care how men reason, it cannot be avoided; the result is necessary. If men acquire residence by being supported as paupers in the poor-house, then the locality in which the poor-house is situated becomes under obligation in every State where there is the difference between State and local poor to support the entire poor population of the locality from which these men come.

Now I have one thing more to say, and that is in regard to the law of the State of Illinois. The law of the State of Illinois has provided that a man shall be for a specified time a resident of the locality where he proposes to vote. And the men that made the law were aware of the difficulties that arise in the interpretation of the laws of residence. They understood perfectly well that at times this House in former days has been convulsed to its center over allegations that students attending college for four years or less claimed thereby to have acquired a residence and the right to vote and by their votes to control the legal voters of the place where they got their education. The State of Illinois, knowing this and meaning to provide for such a contingency, has made an addition to the law, requiring that voters shall be residents. And they define what they mean by residence. They say that residence, as the term is used in the section, must be a permanent residence. That is the language of the law—a permanent residence.

Mr. BAKER, of Indiana. "A permanent abode."

Mr. TOWNSEND, of New York. Now were these paupers permanent residents of Norwood Park? How were they residents? Had they a house that they rented? Had they a house that they owned? Had they a room that they rented? Had they a room that they could control? Had they a spot or thing in Norwood Park that they could control for an instant of time? They were no more residents of Nor-

wood Park than the impotent man lying at the Pool of Bethesda was a resident there; lying there impotent and waiting for the angel to descend and trouble the waters to the end that some other man might take him and put him into the pool. There is no case in the books showing that he ever claimed a title to either of the five porches. There is no account in the books that he even set up any claim that he had a right to vote in that ward of Jerusalem where the Pool of Bethesda was, or even at Gehenna, although that precinct was much nearer to Bethesda than Norwood Park to Chicago. [Laughter.]

Now, Mr. Speaker, they tell us about the soothsayers of ancient Rome being unable to look each other in the face without laughing, and my friends of the majority of the committee must be in the same situation. No two of them out of sight of this House and the grave responsibilities that we are under here could fail to chuckle and laugh when they looked each other in the face to think that they have to argue that because these old paupers are allowed extra clothing and tobacco, and some of them are allowed to dine in the hospital for doing a little work, they are *permanent residents* in the town of Norwood Park.

Mr. Speaker, I did not intend when I rose to talk so much about this matter. I tell you, sir, that the man who, in view of the facts in this case, will not adopt the results of common sense is in the situation of those for whom a celebrated individual prayed that one might be sent from the other world to give them information. It was said of them that if they would not believe Moses and the prophets they would not believe though one rose from the dead. I need not talk longer about Norwood Park. I yield the residue of my time to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. I have been advised by those who are older and more experienced than I am, that it is useless to argue an election case against the expressed will of the majority of the committee. I do not propose, sir, to accept that prohibition, because I consider that if there be any question upon which the members of this House should act fairly and dispassionately, it is upon one that relates to the right of a member elected by the people to his place here. It is one of the few questions upon which this House is called to pass judicially and upon honor.

In arguing this case I shall endeavor to present to the House the considerations which govern my vote and the reasoning on which I sustain them, and I hope that they may receive equally fair and unbiased consideration from others.

Now, sir, as I understand it, this House is called upon to override local government, home rule, the established laws of the State of Illinois. They are called upon, as I understand the evidence, to reverse the verdict of the people, rendered in the discharge of their highest capacity, upon reasons which it is my duty to show to this House are insufficient. And first I desire to strike out from this case altogether whatever may have been admitted into it of prejudice or political partisanship.

I regret that the gentleman from Virginia, [Mr. HARRIS,] who opened this debate, is not here, because I shall be called upon on this occasion to show that the allegations which he made, as I understood him, are unfounded in fact and were intended only to arouse prejudice.

In the first place, sir, this does not happen to be a political contest at all. It is in the proof that Mr. Le Moyne is not a democrat, and never was, and never was heard of as such. There are a great many things in this proof, and among other things somebody proceeded to give the political history of the contestant. It is shown by the testimony of several very eminent persons that he was a leader in olden times and until a very late period of what was known as the far-advanced wing of the whig party, which favored abolitionism, which preceded even the formation of the republican party; and in the next place it is not true that these officers of election there were democrats, or that the democrats had any charge at that time of the city of Chicago or the county of Cook. It is also in evidence that a very bad and corrupt organization known as the "peoples party," which as every man knows, like all the miscellaneous parties which grow up between the two great parties, gather together all the camp followers and political traders who cannot get offices fast enough in the regular parties, and under some sham pretense of reform sweep respectable persons into their party. That organization in 1873 took possession of the city of Chicago and the county of Cook, and had the appointment of all these officers whose conduct has been shown here to be so derelict to duty; and neither of the great parties of the country has any responsibility for the rascalities committed by these officers. Mr. Leib, whose conduct has been detailed to you here, was one of the free lances, the privateers, who wander around wherever they think there is most food to be obtained. Even those judges of election who disgraced the office of judge in the first precinct of the twentieth ward are of this class of canting reformers whose sole unity of action depends upon what they may steal from a confiding public. I state these things in answer to what the gentleman from Virginia [Mr. HARRIS] said in his opening. He sent up to be read at the Clerk's desk some very cheap and common law; that no man could take advantage of his own fraud. Well, everybody knows that; it is as old as the world. But there is another principle of law about fraud that is just as old; that fraud cannot be presumed of a principal for the act of an agent, that the principal is not responsible until you show that the fraud of the agent was an act of the principal.

Now, there are two things, and only two things, in this proof that I care to speak of. The one is the manner in which the election laws of my State were utterly overruled and made of no effect in the first precinct of the twentieth ward of Chicago; and the second is the conclusion which, in my judgment, this Committee of Elections and this House should have drawn from that consideration. My friend who opened this debate stated with substantial accuracy the laws of Illinois with regard to elections. Our registry and election law in the State of Illinois is such that, when the question arises, it is not difficult to ascertain precisely how the vote was cast. If the law is violated, the fact of the violation must of necessity appear among the records of the election itself.

For example, according to the law of Illinois, a number is placed opposite the name of each voter on the poll-list; and when he hands in his ballot that number so opposite his name on the poll-list is indorsed upon the ballot, which of course is not opened, but is put into the ballot-box. If the number on the poll-list should be 100, then the number 100 is indorsed upon the ballot before it is deposited in the box. Of course when a judicial investigation takes place, if that business has been fairly done you can open the ballots, ascertain each man's name, and find out exactly how every legal voter in the precinct did vote. At the same time, if it should so happen that the judges of election should do what they appear undeniably to have done here—that is, stuff the ballot-boxes—then there would appear, as there did appear in this case, necessarily the most convincing evidence of fraud in the fact that half a dozen or more ballots would bear the same number and that there would be ballots marked above the entire number of voters as recorded on the poll-list.

Now, the gentlemen who have preceded me have demonstrated to this House that nowhere in the history of any election, in any State, has there been anything so bad, so gross, so absolutely fraudulent in every respect as the conduct of the judges of election in the first precinct of the twentieth ward; so utterly bad that there is no paper which they could introduce but what is tainted throughout with fraud. And the very papers they are compelled to produce, and do produce, before the Committee of Elections show how that fraud was carried out.

Now, in that condition of affairs, what is the clear rule of law? And law is nothing but high reason. The rule is that whenever it appears conclusively that no further confidence can be reposed in the papers themselves you must throw them all away. And that seems to be what this committee at first did. I call the attention of the House to the fact that this contestant, in his original notice and for the whole of the first forty days that are given him by law for the purpose of taking testimony so far as regards this first precinct of this twentieth ward, devoted his whole time and attention to showing the absolutely fraudulent nature of the election there, and insisted that the returns from that precinct should be thrown out, and undoubtedly that was the correct thing to do.

Now after that is established, after the vote is thrown out, what else is there left to do? Only one thing. That thing is to call up the men who are known to be voters there and ascertain how they did vote. And just so far as Mr. Le Moyne went in doing that thing, after having established the fraud of the managers of election, so far those votes proven count either for him or for Mr. Farwell; and after having spent the forty days which are given him by the law for the purpose of destroying the validity of the entire return, he cannot afterward, in the ten days which the law gives him merely for rebuttal and when the opposite party is not permitted to be heard, go into evidence as to the character of the voters in the precinct.

Now, in either of these two events, if you throw out the whole of that precinct, or if you admit the votes that were proved in the original forty days, which is all any man under the law has a right to claim, still Mr. Le Moyne does not make out a case without bringing in the question of the pauper votes of Norwood Park precinct. I come now to the Norwood Park vote.

I wish in the first place to call the attention of the House to the common-law definition of residence. By the mere force of the term, residence implies two things; one is that the man has the right to make and does make a choice; choice is one thing implied in residence. The other thing is that he has an intention to remain where he has made that choice. These two things enter into the common-law definition of residence; and without these two things there can be no residence.

A person who has no right to make a choice of residence never can acquire a residence. A person who is sent to a place involuntarily cannot claim that he has ever exercised will, intelligence, or choice in going there. A person who has no right to determine for himself how long he shall stay in any place cannot possess the other requisite of residence, the intention of remaining. I take it these two things are clear.

There has been a great deal said here with regard to the laws of the State of Illinois that probably it is not worth while for me to answer. The gentleman from Virginia, [Mr. HARRIS,] who opened this debate, for some unknown reason introduced here the law of the State of Illinois which requires able-bodied children to support their parents. I do not know what reference that law has to this case. In so doing, the law of Illinois simply enacted the law of God and of humanity.

But the State of Illinois has declared for herself what residence is, and that declaration made by that State is binding upon this House

and upon every one else. You must remember that the right to elect members of this House depends upon the qualifications which the State thinks proper to impose upon voters, upon electors for the most numerous branch of her Legislature. The State establishes those qualifications, under the Constitution of the United States of course, and that establishment is binding upon the question, and this tribunal has no right to set it aside.

Now the constitution of Illinois provides that "every person having resided in this State one year, in the county ninety days, and in the election districts thirty days next preceding any election therein shall be a voter;" provided, of course, that he is not disqualified for crime. In other words, in the State of Illinois poverty alone does not disqualify a man from voting. He may be as poor as the veriest mendicant that ever begged, still he loses no right of his humanity. There are States in this Union which, perhaps from high considerations of public morals, have forbidden to a person who does not pay taxes, or who is in fact a pauper, the right to vote. I can understand the reasons why such a provision might be adopted; and I can show you why in our State the provision of law which we have adopted is a wise one. When a man becomes a pauper and is supported at the public expense he loses a large part of his individuality; he is subject to the orders of others; he can be trooped down to vote just as this man Kimberly dragged down these sixty-seven voters in an ambulance belonging to the county poor-house, and as the proof shows put their votes in for them. They were subject in all respects to his tender mercies; and it would be a little difficult to say that they were competent voters, such voters as ought to cast a ballot. But they were voters under the law of the State of Illinois, if they possessed the other qualification; that is, if they were residents in the township of Norwood Park. In other words, the limitations imposed by the constitution and laws of Illinois is that a man must have a permanent known residence of at least thirty days in the township where he votes.

Now look at this case. Here is a little township out in Cook County with only eighty-four voters—probably not four hundred inhabitants. Yonder is a great city twelve miles off, a perfect maelstrom of human life, where great ships have gone down, where there are wrecks innumerable, so that many of these poorer craft, crippled and wrecked, unable to swim in that tide, drift off into this last resort of extreme necessity. Now in no sense of the word are those men voluntary agents in coming there. As the proof in this case shows, they are sent there by the board of charities of the city of Chicago. They are there at the public expense; they are not there voluntarily; they have no control over the question how long they are to remain there or when they may be turned out. There is nothing of permanence or of choice about their staying in that neighborhood. In this state of affairs, is it to be pretended that they acquire under the constitution and laws of the State a power which authorizes them to control every election in that little township? That portion of the State of Illinois, and in fact nearly the whole of it, is under township organization. The roads, the bridges, the town taxes, the local expenses of each township, are governed by their voters. If these men were voters at that election, they must be voters at any township election; and under the law as contended for here—which never can be the law in Illinois; it may be the law here, but it will never be anywhere else—those men could control the entire expenses, the election of the officers, and everything connected with the government of that township. That is a proposition which seems to me on its face atrocious. If these men were not in good faith and by their own choice permanent residents of that township of Norwood Park, then Mr. Le Moyne cannot maintain his claim to a seat in this House. That is the question upon which the House is to pass; and I want it to be decided upon the facts as they appear. It is an atrocity to assume that any House will override the clear known law of the State, that it will make those men voters who the State has said shall not be voters. The House is called upon in this case to strike a direct blow at that foundation doctrine of "home rule" which I have heard talked of so much by members of the democratic party.

Now, on that point allow me to call attention to the evidence. I will read simply the testimony of this man Kimberly, the captain of the host that led these people down there to vote for Mr. Le Moyne. He is asked this question:

Question. Do the names of these men appear on any pay-roll?
Answer. No, sir.
Q. What compensation do they get, then, if any?
A. Extra board, accommodations, clothing, and are allowed small perquisites, liberty—

The idea of allowing "liberty" to a voter—

liberty, and the men in charge of the wash-house I allow the privilege of selling tobacco and cigars.

The truth of the matter is simply this, as the clear, unbroken mass of testimony in the case shows: these men were simply paupers, sent there by the board of charities of the city of Chicago; they had never previously been residents of Norwood Park; nobody knows where they came from, whether from the city proper or from the surrounding towns, or whether they were mere vagrants who had wandered into that great city. The sole ground of the pretense that they had any rights at all as voters is the fact that if they behaved themselves they received little perquisites, extra "liberty," extra clothing, the right to sell tobacco, &c. They were a sort of non-commissioned officers in this brigade of dismantled and broken-down men.

Now, if in the face of these facts, which appear to me undeniable, this House should conclude to so construe the laws of Illinois as to say that these men, who never had any choice as to their going to that township, who were sent there whether they wanted to go or not, who had no choice about remaining there, who either remained or were sent away at the will of another—if the House believes that these men acquired any permanent domicile or residence there, it has the right to unseat Mr. Farwell.

Negative testimony in this case is nearly all that can be given. In that little township six miles square with eighty-four voters they bring to you eight men who have lived there from six to twenty years who state that they know every resident in that town, and that these men, until they came down there at the election, were never known in any capacity in that town. How are you going to get over that class of testimony?

Now, if I desired a mere political advantage in a case of this kind, I would prefer, knowing the sentiments of our people, that this House should overthrow the clear law of Illinois and send this matter back to the people, because among those residing there who know the law of our State it would be considered a great outrage upon the right of self-government, and would redound against the party or the men who should make any such rule.

But I hope this House is going to pass upon it from a different consideration; that it is going to measure the rights of these parties to hold a seat here according to the evidence and law; that it is going to determine, if it can arrive at the sense of the people, the real people who did vote and give it validity and effect. If this House shall do so, then I have no question as to what the result will be.

It is not my intention to prolong this debate at this time, nor do I desire to occupy any more time than simply, clearly, and plainly to state to the House the general principles which are involved in this question, and they are the two which I have stated. The clearly-established rule of law is that wherever the ballots and other evidence of election are utterly tainted and bad they shall be thrown out. That was the course this House took in the case of Finley *vs.* Walls. It is the course taken everywhere when you undertake to purge a poll. But fair opportunity should be given to the doctrine contended for here, that without any evidence under the sun of the liability of the contestee here for these frauds they shall not be charged against him. Because a man by the name of Corcoran was running as alderman, and who probably stuffed this ballot-box in his own interest, because that was done they shall charge without authority, without law, and without evidence the whole of these illegal votes upon the contestee is a proposition so outrageous that I have no idea this House will entertain it for a single moment.

These things, gentlemen, I thought it advisable to say in relation merely to this contest, as viewed from our own laws and the clearly-expressed decisions of our own courts. If it were necessary I could reread decisions of our own supreme court of Illinois in which, although not speaking on contested-election cases at all, it lays down and supports the broad proposition that no person, not a resident of the town prior to the time of his going into the poor-house, can obtain a legal residence there. That is the law. If any one of these men was a resident of Norwood Park at the time he became a public charge he would still retain, under our law, the right to vote in that town. If, however, these men were transferred, as the proof shows they were, from somewhere else, from other townships to this poor-house, they do not acquire under the law of Illinois residence in the town of Norwood Park, where this poor-house is situated.

There are two ways in which our poor are maintained in the State of Illinois, varying of course in different counties. In some counties the poor are maintained by the town out of the town fund. Those who were residents of the town before they became a charge upon the township fund still retain their voting capacity, but in case they are supported by the county at a single house, if you gather men from eight, ten, or twenty towns of which a county may be composed, the men from the nineteen towns in which the poor-house is not situated do not acquire any right to vote in the one township where the poor-house is situated. They can go back to their own place, of course, and vote, but not elsewhere.

Mr. BURCHARD, of Illinois. Mr. Speaker, there are two questions presented in the evidence and in the discussion of members who have addressed the House. The one relates to the vote in the first precinct of the twentieth ward. If that shall be excluded, the sitting member is elected, unless the vote of the paupers in the Norwood Park poor-house is counted.

I do not intend to discuss, in the few moments I shall ask the attention of the House this evening, the vote in regard to the first precinct of the twentieth ward in the city of Chicago. We have a report here, concurred in by a majority of the committee, that the proper method of treating the vote of the first precinct of the twentieth ward is to exclude it. The republican members of that committee and two democratic members of the committee concurred in that opinion. Only five members of the committee favor a different rule from that followed at this session in the case of Finley *vs.* Walls. Two members of the committee properly dissent from this conclusion of their political associates and say:

We cannot concur in that portion of the report which seeks to purge the poll at precinct No. 1 in twentieth ward of Chicago. The conduct of the officers of election having been shown to be grossly fraudulent, and the integrity of their returns at this poll having been thereby destroyed, and the proof having shown also that the

ballots in the box had been tampered with, we can come to no other conclusion than to reject the entire vote at this precinct, except in so far as contestant and contestee have established by proof *aliunde* the number of votes they received at this poll respectively.

JNO. F. HOUSE.
CHARLES P. THOMPSON.

A majority of the committee, therefore, concur in the exclusion of that poll. Their view is in accord with the action of the House but a few days since.

Therefore, unless the vote of the paupers of Norwood Park should be counted, the sitting member is entitled to his seat. The disposition of the pauper vote in Norwood Park depends upon the meaning of the word "resided" as used in the laws and constitution of the State of Illinois. It is not claimed that paupers have no right to vote, but it is claimed that the law and constitution of Illinois upon this question are in perfect accord with the decisions of this House in former contested-election cases. They are also in harmony with the rule approved by the standard authorities on elections as the proper rule to be followed in cases of this kind.

In the case of Covode *vs.* Foster the House held that paupers could not and did not gain a residence by virtue of location in a poor-house in a particular town. That decision is commended by McCrary in his valuable treatise on elections as a proper rule to be followed in the decision of contested-election cases.

Is the law different in the State of Illinois? A case has been referred to, the scope and meaning of which I perhaps can, with some confidence, discuss, because I was one of the counsel engaged in trying it in the court below and afterward argued it with others in the supreme court. I refer to the case of Freeport *vs.* Stephenson County, in 41 Illinois Reports. Before I discuss that decision, I wish to call the attention of the House to the similarity of language in the law relating to paupers and that used in the constitution and statutes of Illinois in regard to residence for the purpose of voting.

The language of the constitution, which is correctly quoted in the majority report, is that every person *having resided* in the State for a certain length of time shall be entitled to vote; and the law requires the challenged voter to swear that he has so *resided*. In 1861, I think it was, the Legislature changed the liability as far as the county of Stephenson was concerned, for the support of the paupers in that county. The language used was that—

Each town in the county of Stephenson, from and after the annual meeting of the board of supervisors of said county, shall respectively pay the expenses of the support of the paupers *residing* in each town.

There were four paupers residing in the town of Freeport for whose support the town of Freeport contended it was not liable. An action was brought against the town, and when the case was carried to the supreme court a stipulation was made; and this was the stipulation:

That at the time said persons and each of them became paupers and were sent to said poor-house, they and each of them were *legal residents* of said town of Freeport.

The Supreme Court in passing upon this say—

It is conceded they were residents of the county, and it is expressly agreed that at the time they severally became paupers they were legal residents of the town of Freeport. Then did they—

That is the question which the Supreme Court announces to be passed upon—

did they, by being sent to the poor-house, lose their residence in that town and become residents of the town of Silver Creek, in which the county poor-house was situated?

Did they lose their residence? A term used everywhere in our laws and Constitution, and having a fixed meaning as interpreted by the courts. Now in discussing that the Supreme Court say—

As a general rule—

Not applying to paupers alone, but applying to all cases—

persons under legal disability or restraint, persons of non-sane memory, or persons in want of freedom, are incapable of losing or gaining a residence by acts performed by them under the control of others. A person imprisoned under operation of law does not thereby change his residence. So of a lunatic legally confined in an asylum. As these acts are involuntary, there can be no presumption of the necessary intent to change the residence. So of *femes-coverts* and minors. And no reason is perceived why the maintenance of a pauper at the poor-house should form an exception to the rule. He is placed there by the officers of the law and in pursuance of its requirements.

The House will perceive that a general rule is here announced, and that the decision is based upon that well-known rule of law to which it is held the pauper is no exception. Now in this discussion has any authority, any decision of any court, been brought to show that that is not the rule of law in regard to residence under our election laws? Not at all. But here we have the decisions of the courts confirming the decision of the House, and sustained by authority.

Mr. MILLS. Does it appear that these paupers were not residents of the district in which they voted?

Mr. BURCHARD, of Illinois. It does appear. I cannot now refer to the testimony, because I have not the references here, but I have examined it, and I refer the gentleman to the remarks of the gentleman from Kansas, [Mr. BROWN,] who points out in detail that these were not residents, the fact being testified to by men who have lived there in the town and knew the residents. It was a small town, and in one of our little towns of eighty or one hundred votes, as Norwood Park was, or even containing two hundred or three hundred voters, every man knows his neighbors, and knows who are voters and who are not. I have found it so. It is not so in the cities.

Possibly this case was confused in the minds of some gentlemen by the citation and discussion of the law of our State requiring relatives to contribute to the support of the poor. That law gives no control to anybody, to any relative. He is free to go or stay, and the law merely imposes a liability when the pauper becomes a county charge, or as in the case of Stephenson County and a few other counties, a town charge; the control of the pauper is placed in the hands of the officers of the town or county, and they have a right to contract with persons who shall support them; and the county authorities can say where the man shall go, can put him in this town or that town or anywhere it chooses. I will refer gentlemen to sections 5, 6, 8, 10, and 21 of our law. In the case where there is a county poor-house the law is only changed in taking away the authority from overseers and retaining it in the board, but giving the board the right, if there be any particular case or cases which the board should deem prudent to put out under the provisions of this chapter, to do so, making a proper entry of the circumstances upon their records. They can put the pauper in the poor-house, or they can contract with individuals to support him in different parts of the county or State. To show that the law treats them as under control I quote section 10, which says:

The county commissioners' court may at any regular term of said court remove any poor person from the custody—

From the custody—

of the person or persons to whose care the overseers may have committed his keeping.

And he is to give a bond to provide for them and take care of them. Then here is an express decision of the Supreme Court that as a general rule, and it is a sensible rule, a common-sense rule, recognized by the courts everywhere in regard to residence, a person under control or custody of another, as these are placed by our law, cannot gain a residence; and that in the case of the pauper there is no exception from this general rule that applies to everybody.

And yet they say that that decision is not a case in point. Why, sir, we relied upon this general rule. In our brief we referred to this general rule as being the law, and insisted (and the court held) that this was no exception. The court sustained us, basing its decision, as we based our argument, upon a general rule which it said applied to paupers as well as to others under legal control in regard to their residence.

It has been argued that the pauper is an exception so far as gaining a residence for voting, though not as to his residence for support. The general rule, it is said, does not apply to gaining a *voting residence*, even when the pauper is sent to the county poor-house by the authorities, as he must be to gain admission. No decision of any court is cited to sustain the argument. None can be found.

Throwing out the vote of the first precinct of the twentieth ward, which a majority of the committee agree, after carefully examining the testimony and fairly applying the law to the case, should be excluded, and rejecting the 60 pauper votes of Norwood Park proved to be non-residents in the county poor-house, the sitting member appears by the testimony and from both reports to have received a majority of the votes in the congressional district, and is entitled to his seat.

Mr. BLACKBURN obtained the floor.

Mr. POPPLETON. I ask the gentleman to yield to me to make a motion.

Mr. BLACKBURN. I yield to the gentleman.

Mr. POPPLETON. I desire to announce that after the gentleman from Kentucky [Mr. BLACKBURN] shall have spoken I shall move the previous question and ask a vote. I now move that the House adjourn.

ISSUE OF SILVER COIN.

Mr. PAYNE. I ask unanimous consent to submit a report from the Committee on Banking and Currency upon a resolution that was referred to it yesterday in regard to the issue of silver coin.

The Clerk read the report, as follows:

The Committee on Banking and Currency, to whom was referred House resolution No. 109, report the same back with the following amendments.

The SPEAKER *pro tempore*. The Clerk will read the resolution with the amendments in it as reported.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury to an amount not exceeding $10,000,000 exchanged for an equal amount of legal-tender notes, and the notes so received in exchange shall be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States, and said fractional currency when so substituted shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

Mr. HOLMAN. I wish to reserve the point of order upon that joint resolution until it has been read as it was offered, so that we may see what the amendments are.

The SPEAKER *pro tempore*. The Clerk will read the resolution as originally offered.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under such limits and

regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury in redemption of an equal amount of legal-tender notes, and the notes so redeemed shall be re-issued only upon the retirement of a like sum of fractional currency, and said fractional currency when so substituted shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

Mr. HOLMAN. Without withdrawing the objection, I trust the gentleman from Ohio [Mr. PAYNE] will, if the joint resolution comes before the House, allow a motion to be made to strike out that portion of it which provides that the legal-tender notes shall not be issued until a corresponding amount of fractional currency shall have been canceled.

Mr. PAYNE. I think a brief explanation will remove any objection to the joint resolution.

The SPEAKER *pro tempore*. Is it understood that there is any objection to the consideration of the resolution?

Mr. HOLMAN. I reserve the right to object until the explanation is made.

Mr. HEWITT, of New York. Will any gentleman be at liberty to object after the explanation?

The SPEAKER *pro tempore*. The objection is reserved until the gentleman from Ohio [Mr. PAYNE] shall have explained the joint resolution. That is understood.

Mr. PAYNE. The difficulty in the way of the Treasurer in putting in circulation the silver coin now on hand, amounting to some $14,000,000, is that a sort of panic has arisen and the fractional currency is commanding a premium of from 3 to 3½ per cent. in different parts of the country. The process is so slow of exchanging the fractional paper for coin that the supply is not sufficiently rapid to meet the demands of business all over the country.

Now, with a view of expediting the distribution of this silver coin more rapidly than it can be accomplished now, it is proposed that an amount not exceeding $10,000,000 of the silver coin in the Treasury may be exchanged for legal-tender notes under such rules as will secure a fair and just distribution throughout the various parts of the country, and that these legal-tender notes thus deposited with the Treasurer for silver coin shall be retained as a specific fund for the redemption of a like amount of fractional notes as they may come into the Treasury in the course of business. That is the whole purport of the resolution. It was drawn in accordance with the suggestions of the Treasurer of the United States to meet this exigency and it is proposed that it shall continue until the whole amount of legal-tender notes thus deposited as security for silver coin shall have been redeemed by bringing into the Treasury an equal amount of fractional notes, and those fractional notes are to be retired and canceled, at which time the legal-tender notes will be paid to whoever is entitled to them.

Mr. HEWITT, of New York. I would like to inquire of the gentleman from Ohio who reports this joint resolution whether he regards the provision in the resolution for keeping the $10,000,000 as a specific fund, as he himself has stated it, to be sufficient to accomplish that object? I see that they are not to be re-issued until the fractional currency is destroyed. Is there anything to prevent this $10,000,000 of legal-tenders from going into the general fund of the Treasury in the same way that the legal-tender notes now deposited for redeeming the national-bank circulation go into and form part of the common fund, not to be paid out again, as I think the law requires, but which in fact are paid out for the purposes of the Government? Can this $10,000,000 of legal-tenders be used to defray the ordinary expenses of the Government, or will it be put in a fund by itself and not a dollar of it be touched except for the purpose of retiring and canceling so much fractional currency? It seems to me that this joint resolution is not specific enough on that point.

Mr. PAYNE. That is a very long question.

Mr. HEWITT, of New York. That may be; but I only wanted to make myself understood.

Mr. MACDOUGALL. I move that the House now adjourn.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. PAYNE] is occupying the floor.

Mr. PAYNE. In answer to the gentleman from New York [Mr. HEWITT] I beg to say that this joint resolution provides that this $10,000,000 of legal-tender notes shall not be re-issued except upon the retirement of an equal amount of fractional currency. It does not provide that the Secretary of the Treasury or the Treasurer of the United States shall not commit a breach of trust, or a penitentiary offense. It merely provides that he shall not re-issue these legal-tender notes until a like amount of fractional currency is retired and destroyed. It did not occur to the committee that it was necessary to make any further provision against a breach of duty on the part of an officer of the Government. The joint resolution does clearly provide that $10,000,000 of silver coin may be exchanged for an equal amount of legal-tender notes, and that those legal-tender notes shall be re-issued whenever a like amount of fractional currency is brought into the Treasury and canceled and destroyed.

It is intended to provide an immediate accommodation to the public; a relief from an imposition now practiced, perhaps necessarily arising from the deficient amount of fractional currency in the country. It proposes to relieve the people of the country to the extent of at once giving them $10,000,000 of silver change. That is all there is of it.

The SPEAKER *pro tempore*. Is there objection to the consideration of this joint resolution at this time? It cannot be entertained except by unanimous consent.

Mr. BLOUNT. I object.

Mr. TOWNSEND, of Pennsylvania. I hope the gentleman from Georgia [Mr. BLOUNT] will withdraw his objection.

Mr. BLOUNT. I insist upon my objection.

The SPEAKER *pro tempore*. Objection is made, and the joint resolution is not before the House.

ORDER OF BUSINESS.

Mr. BLOUNT. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order being called for, the question before the House is the motion of the gentleman from Ohio [Mr. POPPLETON] that the House now adjourn.

Mr. HOLMAN. Before the question is taken on the motion to adjourn, I desire to ask the gentleman from Ohio [Mr. POPPLETON] when it is understood the vote will be taken upon the pending resolutions in the contested-election case?

Mr. POPPLETON. To-morrow, immediately after the conclusion of the remarks of the gentleman from Kentucky, [Mr. BLACKBURN,] I shall move the previous questions and call for a vote.

Mr. HOLMAN. So that there will be one hour of debate on the resolutions to-morrow?

Mr. POPPLETON. One hour only.

WAR CLAIMS.

Mr. EDEN, by unanimous consent, reported from the Committee on War Claims a bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871; which was read a first and second time, recommitted, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FREEMAN for three days.

EXCUSED FROM COMMITTEE SERVICE.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. FOSTER] desires to be excused from service on the special committee to investigate the conduct of Federal officials in New Orleans.

There being no objection, Mr. FOSTER was excused.

The question being taken on the motion of Mr. POPPLETON that the House adjourn, it was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BURCHARD, of Illinois: The petition of citizens of Carroll County, Illinois, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petition of Francis A. Anderson, heir of Dr. Gustavus B. Horner, relative to the petition heretofore filed by the heirs of said Horner for bounty land or other compensation for services rendered by him during the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. CAULFIELD: The petition of Hermon J. Korff, for additional compensation as a lieutenant-colonel United States Army, and for pay for horse and equipments lost at the battle of Richmond, Kentucky, to the Committee on War Claims.

By Mr. GOODIN: Concurrent resolutions of the Legislature of the State of Kansas, memorializing Congress to pay losses sustained by citizens of that State by the invasion of bands of guerrillas and marauders during the years 1861, 1862, 1863, 1864, and 1865, to the Committee of Claims.

By Mr. HARDENBERGH: Remonstrance of Thomas R. Bennett, Edward D. Lawson, W. F. Smith, and Charles A. King, a committee from 300 plate printers, remonstrating against the practices of members of the Plate Printers' Union employed in the Bureau of Printing and Engraving, to the Committee on Printing.

By Mr. HEWITT, of New York: The petition of merchants, traders, and other citizens of New York, that no duties be imposed on raw materials which enter largely into manufactures, that all duties should be specific and not *ad valorem*, and that all classifications should be simple and distinct, to the Committee of Ways and Means.

By Mr. HOPKINS: The petition of soldiers of the late war and other citizens of Allegheny County, Pennsylvania, that a pension be paid to Andrew Jackson, colored, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Mary Chichester, for compensation for her house and contents destroyed by fire immediately after its evacuation by General Geary, United States Army, to the Committee on War Claims.

By Mr. McDILL: The petition of Ellen W. Hardwick, for a pension, to the Committee on Invalid Pensions.

By Mr. MEADE: The petition of liquor dealers of New York, for the definition of the powers and duties of officers of the internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. MUTCHLER: Remonstrance of citizens of Easton, Pennsylvania, against abolishing the free-delivery system by the Post-Office Department, to the Committee on the Post-Office and Post-Roads.

By Mr. LANDERS, of Indiana: Resolutions adopted at a mass meeting held at Indianapolis, Indiana, asking for the release of Edward O'M. Condon, confined in a British prison, to the Committee on Foreign Affairs.

By Mr. LYNCH: Papers relating to the claim of L. Levy, to the Committee on War Claims.

By Mr. ROBBINS, of Pennsylvania: A paper relative to the granting of Mary Lavelette a pension, to the Committee on Invalid Pensions.

By Mr. WIGGINTON: The petition of Mrs. A. Hawkkins and 250 others, for a resurvey of the Rancho Rio de Santa Clara, in California, o the Committee on Public Lands.

IN SENATE.

WEDNESDAY, *May* 3, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a special estimate, submitted by the Quartermaster-General, for an appropriation for the present and ensuing fiscal years for rent of the building at the corner of Fifteenth street and Pennsylvania avenue, now occupied for the use of the Quartermaster-General's Office; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from Charles T. Gorham, acting Secretary of the Interior, transmitting, in response to a resolution of the Senate of March 6, 1876, calling for a statement of the annual expenditures of the Indian Bureau since its organization to the present time, and also the number of Indians provided for at the expense of the Government each year since the organization of the Bureau, a report of the Commissioner of Indian Affairs, together with the accompanying schedule therein referred to; which was referred to the Committee on Indian Affairs, and ordered to be printed.

TRANSFER OF AN APPROPRIATION.

Mr. MORRILL, of Maine. I ask the unanimous consent of the Senate to have House bill No. 3356 considered without reference to a committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3356) authorizing the transfer of a certain appropriation.

Of the sum of $585,000, appropriated in the first section of the act of March 3, 1875, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, for salaries of nine hundred and seventy-five light-house-keepers and light-beacon-keepers, and their assistants, the bill authorizes $16,000 to be transferred to and used in aid of the appropriation made in the same act for the maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, including salaries of keepers.

Mr. MORRILL, of Maine. The bill explains itself, for, as a matter of fact, Senators have had no opportunity to give consideration to it. By an act of the last session, to the expenditures under the light-house board was added the service of the light-house board for light-houses, buoys, &c., on the Mississippi River. The general appropriation mentioned in the bill, $585,000, was for the purpose of paying salaries to the light-house-keepers generally over the country. There is a deficiency in the specific appropriation which was applied to the service on the low waters of the Missouri River. Being quite a small service and not being well established, it could not be accurately told how much would be needed. It turns out, however, that there is a deficiency of about $16,000 needed to carry the service along to the end of the fiscal year. There is an immediate necessity for the action indicated in the bill, and if the money is to be used at all its use should be authorized at once. I hold in my hand documents from the Department specifying these facts, but which, unless Senators desire to hear them, I hardly think it necessary to read. That is all there is of it. The bill has passed the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. MAXEY presented a petition of 133 citizens of Waxahachie, Ellis County, Texas, praying for the establishment of certain post-routes therein named; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a memorial of envelope-manufacturers, printers, stationers, &c., remonstrating against the manufacture and sale by the Government of envelopes, postal-cards, &c., at or below their cost; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARVEY presented a resolution of the board of county commissioners of Saline County, Kansas, in favor of the passage of the bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation; which was referred to the Committee on Public Lands.

Mr. WALLACE presented a memorial of liquor dealers and distillers of Pittsburgh, Pennsylvania, remonstrating against the passage of the bill (H. R. No. 3137) to amend the laws relating to internal revenue; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Easton, Pennsylvania, remonstrating against the abolition of the free-delivery system of post-office matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the town council of Easton, Pennsylvania, remonstrating against any change in the free-delivery system of post-office matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DORSEY. I present a petition of citizens of Hot Springs, Arkansas, very numerously signed, which I ask the Secretary to read.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Secretary will report the petition.

The Secretary read as follows:

To the honorable the Senate and House of Representatives of the United States:

The undersigned, resident settlers of Hot Springs, respectfully submit for the consideration of the national Congress the following statement of facts:

In the year 1832 an act was passed by Congress reserving from entry or sale twenty-five hundred and sixty acres of land in and about the present town of Hot Springs, in the county of Garland and State of Arkansas, consisting of sections 32 and 33, and the south one-half of sections 28 and 29 in township 2 south, and the north one-half of sections 4 and 5, township 3 south, range 19 west. The celebrated hot springs are situated in the southwest one-quarter of section 33, township 2 south, range 19 west.

The population of the town of Hot Springs, consisting of between three and four thousand souls, is not of recent date; but the settlers comprising it have settled here most of them long since, and their number has been gradually increasing for many years. The well-known virtues of the hot waters in relieving many obstinate and painful diseases have for a long period offered a strong inducement for invalids to visit them, and many thousands have come and are still coming to avail themselves of their curative properties. This continual tide of visitors has induced the erection from time to time of residences, business houses, hotels, &c.

A few parties, five or six in number, have for a long time claimed ownership of the hot springs and of the ground adjacent thereto upon said reservation. To these claimants those who have erected the buildings in the town of Hot Springs have been compelled to pay continual tribute in the nature of ground-rent, yielding to said claimants an annual revenue of from $60,000 to $75,000. It thus appears that a few persons who have no title to the property have demanded and collected from those settlers who came later an unjust and oppressive ground-rent under a pretense of ownership of said ground. This anomalous condition still exists, greatly retarding the prosperity of the settlers and the growth of the town.

And therefore we, the undersigned, *bona fide* settlers upon said reservation, having erected substantial improvements thereon, humbly pray that such legislation may be had touching the final disposition of said reservation as will afford us the privilege of acquiring title for a fair consideration to the ground on which our improvements stand, and also such other protection and relief as Congress in its wisdom may see fit to grant.

Mr. DORSEY. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. DORSEY. I also present a petition of resident settlers of Hot Springs, Arkansas, numbering, I think, something over three hundred, and representing improvements amounting to about $350,000, praying such legislation by Congress as will enable them to acquire title, for a fair consideration, to the ground on which they have erected improvements. I move that this petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WHYTE presented the memorial of William McKim, president of the Peabody Institute of Baltimore, Maryland, in favor of Congress fixing some date several years in advance when the metric standard in the office of weights and measures at Washington shall be made the sole authorized public standard of weights and measures; which was referred to the Committee on Finance.

He also presented the petition of Daniel Girard Wright, of Baltimore, Maryland, administrator of the estate of Samuel T. Anderson, late naval store-keeper in the United States Navy, praying for the allowance and payment of claims alleged to be due the estate of Anderson for services rendered during the war of 1812; which was referred to the Committee on Naval Affairs.

He also presented the memorial of J. W. Brandel, Evelina Brandel, and other heirs at law of J. M. Brandel, of Baltimore, Maryland, praying an allowance out of the Geneva award for losses sustained by the capture of the bark Empress Theresa by the rebel privateer Tallahassee; which was referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* presented the petition of the colored people of the United States represented in national convention at Nashville, Tennessee, praying appropriate legislation under the fifteenth amendment for the protection of colored people in the exercise of their political powers; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McCREERY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 510) to give the Little Rock and Fort Smith Railway Company the right of way through the Indian Territory to a point opposite the town of Fort Smith, State of Arkansas,

and for other purposes, asked to be discharged from its further consideration; which was agreed to.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 538) to create an additional land district in the Territory of Idaho, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon, reported it with amendments.

Mr. CLAYTON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 741) for the relief of such members of the Menomonee tribe of Indians as may desire to become citizens of the United States, reported it with an amendment; and, on motion of Mr. CLAYTON, the bill was recommitted to the Committee on Indian Affairs.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 339) for the relief of E. D. Franz, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 341) for the relief of Louis Rosenbaum, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from the Cambridge, Ohio, post-office, reported it without amendment.

He also, from the same committee, who were directed by a resolution of the Senate of February 21 to inquire what, if any, sum may be due to Charles B. Varney, of Portland, Maine, for rent and use of lands in Portland for the years 1867 and 1868 and a part of 1869, submitted a report, accompanied by a bill (S. No. 808) for the relief of Charles B. Varney, of Portland, Maine.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. I am directed by the same committee, to whom was referred the bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury, to report it without amendment. I desire to say in making this report that under the act of 1874 a similar bill was reported at the last session of the Forty-third Congress, but as it was reported during the last days of the session no action was taken and the bill was passed over by reason of want of time and also for the further reason that the committee having received it at a very late day of that session were unable to properly examine the claims. The bill therefore failed, as it was proper it should and as the Senate seemed to think it should. The several members of the committee have examined this bill since, as far as we could, and again concur in recommending its passage. I make this statement to bring to the attention of the Senate these claims, the payment of which has been delayed at least eighteen months for these reasons. At the very earliest day I shall ask the Senate to proceed to the consideration of this bill in justice to these claimants. I shall not ask action at the present time, but if I can get the floor for this purpose at any time during the day I shall do so.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of George E. Payne, of the parish of Saint Charles, Louisiana, praying compensation for damages for the seizure and occupation of his plantation by the Government during the war of the rebellion, submitted a report, accompanied by a bill (S. No. 809) referring the claim of George E. Payne to the Court of Claims.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the petition of Treadwell S. Ayres, praying compensation for the use and occupancy of his property at Memphis, Tennessee, by the United States Army during the late war, submitted a report, accompanied by a bill (S. No. 810) for the relief of Treadwell S. Ayres, of Memphis, Tennessee.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Perez Dickinson, surviving partner of the firm of Cowan & Dickinson, of Knoxville, Tennessee, praying compensation for the loss of two hundred and fifty-six bales of cotton seized by order of General Burnside on the 17th and 18th of November, 1863, and used for strengthening the defenses of Knoxville, submitted a report, accompanied by a bill (S. No. 811) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm-name and style of Cowan & Dickinson, of Knoxville, East Tennessee.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of J. M. Irwin, praying to be re-imbursed for an amount of moneys paid by him for two pieces of land purchased by him near Memphis, Tennessee, and which were sold by the United States authorities for non-payment of direct taxes, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

BILL INTRODUCED.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 812) for the relief of William S. Grow; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. MORTON. I offer the following resolution:

Resolved, That 300 copies of the testimony taken in the investigation of the charges against Hon. GEORGE E. SPENCER be printed for the use of the Senate.

Mr. THURMAN. Does not such a resolution go to the Committee on Printing?

The PRESIDENT *pro tempore*. The Chair understands the expense would come within $500, so that it may be passed without a reference.

The resolution was considered by unanimous consent, and agreed to.

PERSONAL EXPLANATION.

Mr. MORTON. Mr. President, I ask the Secretary to read an article from the New York World of last Saturday, which I send to the desk.

The PRESIDENT *pro tempore*. The Secretary will read the paper referred to, if there be no objection.

The Chief Clerk read as follows:

MORTON NEXT—ANOTHER PRESIDENTIAL CANDIDATE'S HONESTY IMPUGNED—ALLEGED MISAPPLICATION OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS.

[Special dispatch to the World.]

WASHINGTON, *April* 28.

Several days ago a correspondent of the World was informed that there were important documents in the Second Comptroller's Office of the Treasury which would reveal another republican presidential candidate, Senator MORTON, in an unpromising light. The correspondence, whatever it might be, was between MORTON and one of the State agents in Indiana during the war, and is on file in the Department.

The facts of the case, as alleged, are these: In the Thirty-seventh Congress an act making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are or hereafter may be in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against violence, insurrection, invasion, or rebellion, was passed July 31, 1861. Two million dollars were appropriated under this act. It will be observed that the title is very loosely drawn, and is susceptible of various constructions. Among the list of war expenditures in connection with the above is this item: "For supplying transportation and delivery of arms and munitions of war in States in rebellion against the Government of the United States, O. P. MORTON, Governor of Indiana, $250,000." Indiana was never in rebellion against the Government of the United States, and it was a query why MORTON should have had $250,000 when there was no purpose under the statute making the appropriation for which the money could have been legally expended.

It was brought to the attention of the correspondent that in the Indiana Legislature of 1861 some difficulty had occurred between the democrats and republicans. The two parties were a tie in the senate and the democrats had a majority in the house. The republican senators broke the quorum to prevent some party legislation, and the time of the session slipped by until compelled to adjourn without the transaction of any business. No appropriations were made, not even for the expenses of running the State government. Everything seemed to be in danger of coming to a stand-still in Indiana, when MORTON made a trip to Washington, and upon his return to Indianapolis he opened the paymaster's office and began to pay the expenses of the State government. No one except MORTON's bosom friends knew where he got the money; but very few know to this day. The proper way to have obtained money to run the State machinery would have been to convene the Legislature for the purpose of passing appropriation bills. This the radical MORTON would not do, as the Legislature was democratic. That MORTON obtained his money from the two-million-dollar appropriation above referred to is certain; that he misapplied $250,000 the correspondence in the Treasury Department will show. Three unsuccessful attempts have been made by members of Congress to obtain this correspondence. Secretary Bristow, perhaps with a desire to avoid doing anything that would injure a candidate in the presidential race, for which he is an aspirant, seems to be unwilling that it shall be made public. Upon the first request for the correspondence Mr. Bristow signified a wish that Mr. MORTON should know what was coming before any steps were taken in the case. The member prosecuting the search acquiesced, and was soon interviewed by MORTON, who was considerably excited, demanded to know if a public investigation into the affair was to be made, and said he should summon witnesses from Indiana to testify in his behalf. He did telegraph for a man by the name of Sturm, who arrived in this city to-day. Sturm was arsenal agent in the State during the war. Another attempt to obtain, or at least examine, the correspondence pertaining to the case will be made on Monday, and Secretary Bristow will do well to open every avenue that can place light on the transaction. It will be investigated by Mr. GLOVER's committee on the real-estate pool.

Mr. MORTON. Mr. President, the President of the United States in the spring of 1863 advanced to me $250,000 to enable me to carry forward military operations in the State of Indiana. Of this sum I expended $133,302.91 in the service of the State and with which I charged the State in my settlement with it, and the remaining $116,697.09 were not expended. This amount I returned to the Treasury of the United States, as is shown by the following voucher and receipt:

TREASURY DEPARTMENT, *April* 11, 1865.

SIR: Yours of the 6th instant, inclosing a duplicate certificate of deposit issued by the First National Bank of Indianapolis, Indiana, in your favor, No. 360, date of the 6th instant, for $116,697.09, on account of moneys due and refunded to the United States, has been received.

I am, very respectfully,

GEO. HARRINGTON,
Assistant Secretary.

Hon. O. P. MORTON,
Indianapolis, Indiana.

The $133,302.91 which I had expended on behalf of the State were paid back to the Government by giving the Government credit for

that amount upon advances which had been made by the State in the conduct of the war, which advances were duly audited by the Treasury Department and allowed as just and valid claims against the Government in favor of the State. This settlement and final adjustment of the whole sum of $250,000 are shown by the following voucher and quietus from the Office of the Second Auditor of the Treasury:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
November 8, 1865.

SIR: The charge of $250,000 on the books of this Office on account "supplying arms to loyal citizens in revolted States" has this day been closed on the books of this Office, to wit, by a deposit by you of $116,697.09 and a transfer of $133,302.91 of funds from the books of the Third Auditor's Office to your credit on the books of this Office.

Very respectfully, your obedient servant,

JNO. M. SIMS,
for Auditor.

His Excellency O. P. MORTON,
Governor of Indiana, Indianapolis, Indiana.

From these vouchers it will appear that the whole sum of $250,000 was accounted for and repaid to the Government.

It will be proper in this connection to state the circumstances under which the $250,000 were advanced to me by the President and the use made of it, to show that it was not misapplied.

At the October election in 1862 in Indiana the democrats carried the State by a majority of over 10,000, electing a large majority in each branch of the Legislature and their candidates for the State offices. The democrats had the Legislature, all the State offices, and the judges of the supreme court, and possessed the whole power in the State government except the executive. When the Legislature assembled, in the first week in January, 1863, its conduct was characterized by the most intense hostility to the administration and to the prosecution of the war. I sent my message to the two houses on the second day of its session. The senate received, read, and printed it in the usual way. The house refused to receive it and directed the clerk to return it to me, and on the next day adopted a resolution approving the message of Governor Seymour, of New York.

The revolutionary policy thus inaugurated was pursued with increased violence and open disregard of constitutional obligations. The time was chiefly consumed by the introduction of disloyal resolutions, the utterance of factious and treasonable sentiments, intended to excite the people against the Government and destroy its power to suppress the rebellion. On the 17th of February a bill was introduced into the house which was intended to strip me as governor of all military power in the State. It provided that all the arms should be placed in the custody of the auditor, treasurer, secretary, and attorney-general of the State, to be kept, issued, or disposed of only by them. It deprived the governor of all power to call out the militia for any purpose whatever. It provided that all officers of the militia should be appointed and commissioned by these four State officers, and not by the governor, as required by the constitution of the State. It provided for the repeal of the existing militia law, the dissolution of all brigades, regiments, and companies formed under that law, the surrender of their arms into the hands of the agents to be appointed by the four State officers, and rendered null and void all outstanding commissions. In short, this bill transferred to the four State officers the military power which was vested in the governor by the constitution, was revolutionary and unconstitutional in every feature, and intended for disloyal purposes. The bill was ordered to be engrossed and read a third time by a strict party vote.

The legislative history of this bill could not be better given than in language employed by the Union members of the Legislature in their "Address to the people of the State:"

> The military bill had come from the midnight caucus to the House; had been printed and forced to its engrossment without the change of a word or letter; all amendments and substitutes had been voted down; all references to committees had been refused, although every other bill of a general character that had gone to a second reading had been referred to some committee; the previous question had been sustained, the gag applied, and all debate cut off, and the bill engrossed. Nothing was left for us but to sit by and see this infamous measure passed through, the revolution consummated, and civil war begun, or to quietly retire and leave the house without a quorum; there was no other peaceful and constitutional remedy. If it had been left to the courts to annul it before the question could have been determined, the law would have done its work.
>
> The military power once in the hands of the conspirators, it would be a matter of no importance what the courts might decide; and if the question took the course of others before the Supreme Court, it might be months or years before the decision was made. The path of duty was the path of safety, and we had no doubt nor hesitation as to the course we should pursue.
>
> We were willing and anxious and repeatedly proposed to the majority to return and pass the appropriation bills with all other legitimate and lawful legislation; but they replied to us contemptuously that they intended to pass every one of their ultra measures before they took up the appropriation bills.
>
> The military bill violated absolutely no less than seven plain and vital provisions of the State constitution, and subverted entirely the scheme of government invented by the framers of that instrument. Its passage would have been an act of revolution inevitably attended by civil war and a collision with the Government of the United States.

It had become manifest that the democratic members of the Legislature were determined to pass the bill at all hazards, which would unquestionably have resulted in civil war. I could not and would not surrender my powers as governor under the constitution, nor could the Government of the United States afford to have me do so, for the purpose of the proceeding was to neutralize the position of Indiana in the war and to take her out of the line of loyal States northwest of the Ohio River. The very pendency of the bill and the avowed purpose to pass it caused the most intense ferment, and at once threatened the peace and safety of the State. I could veto the bill, but a simple majority could pass it over the veto, so that that would amount to nothing. The republicans had barely enough members in the house of representatives to break the quorum and break up the Legislature. Consultations were had with the republican members of the Legislature and leading republican citizens from different parts of the State, who were summoned for that purpose, and it was the deliberate judgment of all, in which mine fully concurred, that the passage of the bill would involve the State in civil war. The republican members of the house therefore withdrew from the body to prevent the final passage of the bill. All the appropriation bills to carry on the State government, except one to pay the per diem and mileage of members, had been kept behind this military bill, so that when the Legislature adjourned there were no appropriations made for any civil or military purpose. There was plenty of money in the State treasury, but it was locked against me. I made an appeal to the people of the State setting forth the situation and asking them to furnish me with money to carry on the State government, to support the militia, and organize troops for the United States. The county commissioners in the county of Marion, in which the capital is located, came forward and advanced me $20,000 out of the county treasury. This example was followed by many other counties in the State, by several banks, railroad companies, and by individuals, until a large sum of money had been raised. Under the constitution the Legislature met but once in two years unless convened in extra session by the governor, and the next session in course would not begin until January, 1865.

After obtaining all the money I could from the counties and other sources, I made a calculation and found that I would lack about $250,000 to carry me through to January, 1865, and to make my position secure came to Washington to see if I could not obtain that amount from the Government of the United States. After a careful review of the situation by the President, Mr. Lincoln, and the Secretary of War, Mr. Stanton, the President advanced me the sum of $250,000. They both agreed that Indiana was threatened with rebellion and that the condition of the State came directly within the letter and spirit of the act of Congress approved July 31, 1861. Mr. Stanton declared to the President with great emphasis that if Indiana lost her position as a loyal State the final success of the Government in suppressing the rebellion would be endangered and that the governor must be sustained at whatever cost or hazard. The history and character of the transaction is shown by the following extract from my annual message to the Legislature of Indiana in January, 1865:

> Upon the adjournment of the Legislature I found myself unprovided, with the exception of a small balance of the military contingent fund, with money or appropriations for military purposes. New regiments could not be raised under the requisitions of the Government, nor recruiting carried forward, without the use of large sums of money. The legion (militia) had received no pay for their services from the beginning of the war, and the organization could not be successfully continued unless payment was made, and the men re-imbursed for their actual expenditures, for which the appropriation for the legion fund, made in 1861, was inadequate. The southern border was still disturbed by threats and danger of invasion, and such steps were to be taken, if possible, as would guarantee peace and security to our people. In this dilemma, I determined to apply to the President for an advance under an appropriation made by Congress, on the 31st of July, 1861, which act is in these words:
>
> "*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sum of $2,000,000 be, and the same is hereby, appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper, to place in the hands of any of the loyal citizens residing in any of the States, of which the inhabitants are in rebellion against the Government of the United States, or in which the rebellion is, or may be threatened, and likewise for defraying such expenses as may be properly incurred, in organizing and sustaining, while so organized, any of such citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion."
>
> After a full consideration of the condition of affairs in Indiana, the President advanced to me, as a disbursing officer, out of said appropriation, the sum of $250,000. It will be perceived that this money was not paid to me as a loan to the State, or an advance to the State upon debts due to her from the General Government, and creates no debt against the State whatever, but that in theory it is an expenditure made by the President, through me, as his disbursing agent. It has, however, been disbursed exclusively in the name and for the benefit of the State, in the payment of necessary military expenses, for which the State should have made ample appropriations. I have advanced to the paymaster of the State forces, at different times, the sum of $171,661.88, of which the greater portions, however, has been reimbursed to me by the General Government, upon my filing, in the proper Department, the receipted pay-rolls of the Indiana legion for services rendered in the war. For a detailed account of the expenditures of the military fund, the Legislature is referred to the financial report of Hon. W. H. H. Terrell, financial secretary, which is herewith submitted, and to the vouchers on file in this department. All of these expenditures were laid before the auditing committee, appointed by the late Legislature, for examination, and received their approval. As will be shown by the report, I had on hand, on the 1st day of January, 1865, of the military fund, the sum of $115,487.28, and the question is now presented as to the proper method of settlement with the Government for this fund. One of two ways may be adopted. First, by returning to the Government the balance of the fund unexpended, and by settling with it for the amount expended, upon vouchers of expenditures, after the same shall have been approved by the Legislature; and this would be in accordance with the theory upon which the money was originally advanced by the President. Second, by paying into the State treasury the unexpended part of the fund, and treating the whole as an advance to the State, to be accounted for by her in her general settlement with the Government for advances made. This latter plan is, in my judgment, more consonant with justice and the honor of the State, the money having been expended for purposes for which the State was honorably and patriotically bound to make provision.

FINANCIAL STATEMENT.

The total amount of cash received by me is		$1,026,321 31
I have disbursed—		
For civil purposes, on vouchers	$199,644 93	
For military purposes, on vouchers	702,420 15	
Total		902,065 08
Leaving a balance in my hands of		124,256 23

Of this balance, $8,768.95 belong to the funds received on account of civil expenses and $115,487.28 on account of funds received for military expenses.

In conclusion on this subject, I respectfully request that a joint committee of the two houses be speedily appointed to investigate the civil and military expenditures I have made since the adjournment of the last Legislature, and to examine the vouchers for the same on file in my department, and that the Legislature will make prompt provision for the repayment of the money I have borrowed for public purposes. It was advanced from patriotic motives, with a full reliance upon the good faith of the State for its re-imbursement, and without it the machinery of the State government could not have been kept in motion.

A joint committee of the two houses, embracing some of the ablest democratic members, was appointed, as requested in my message, who patiently investigated all my accounts, including the expenditure of $133,302.91, which I had obtained from the President, and unanimously reported them correct, taking no exception even to the amount of one cent. The unexpended portion of the $250,000 which I had received from the President and which I described in my message as the military fund, but which was erroneously stated in the message as $115,000 instead of $116,000, I did not pay into the State treasury, as suggested in the message, but refunded directly to the General Government, as before shown; and the $133,302.91 which I had expended for the State were settled with the Government by giving credit to the Government for that amount on the indebtedness of the Government to the State, as before shown. After the full examination of my accounts the Legislature made appropriations to pay my borrowed money and the debts I had contracted; also the sum of about $600,000—the exact amount, however, I am not able to state from memory—which I had procured Messrs. Winslow, Lanier & Co., of New York, to advance in the payment of the interest upon the bonds of the State during the years 1863 and 1864, the payment of which interest had been withheld by the auditor and treasurer of the State. During these two years all payments for civil and military expenses of the State, including the benevolent institutions and the penitentiaries and excepting only the salaries of public officers, were paid upon my own check through a financial bureau established in my office, the State auditor and State treasurer declining all co-operation.

My course was approved by the people of Indiana by my re-election as governor in October, 1864, by a majority of more than 20,000 and by the election of a republican Legislature and republican State officers. The intermediate history between the events I have described in the spring of 1863 and the meeting of the Legislature in January, 1865, I will refer to but briefly, although it is extraordinary in its character and unlike that of any other State.

The State was honey-combed with secret societies formerly known as Knights of the Golden Circle, but at that time as Sons of Liberty. They claimed in 1864 to have 40,000 members in the State, were lawless, defiant, plotting treason against the United States and the overthrow of the State government. In some counties their operations were so formidable as to require the militia to be kept on a war footing, and, throughout 1863 and until the final explosion and exposure of the organization in August, 1864, kept the whole State in an uproar and alarm. So bold were their demonstrations through the summer of 1863 that General John Morgan, of Kentucky, was induced to invade the State with his forces, in the belief that there would be a general uprising in his support. In 1864, so numerous were these treasonable organizations and so confident were they of their strength that they matured a plan for a general uprising in the city of Indianapolis on the 16th of August, to be under cover of a mass meeting of the democratic party, to be attended by the members of these organizations from all parts of the State. The plan, as shown by subsequent confessions of some of the leading conspirators, was on that day to release about seven thousand rebel prisoners confined in Camp Morton, seize the arsenal and arm these prisoners, overturn the State government, and take possession of the State. This plan could not be kept secret. It was developed some three weeks before the time fixed, and was abandoned by the leading conspirators, and orders issued countermanding the march of their forces upon Indianapolis. Subsequently the discovery and seizure of a large amount of arms and ammunition collected at Indianapolis for treasonable purposes, and the seizure of the records and rituals of the order of the Sons of Liberty, giving the names of the principal conspirators, and the arrest of some eight of the ringleaders had the effect to break up and destroy the power of the organization; and I regret to have to state that in the list of the principal members of this organization were found the names of three of the State officers, into whose hands the Legislature of 1863 had attempted to place the whole military power of the State. Upon the trial of these ringleaders before a military tribunal appointed by the President under an act of Congress, some of them turned State's evidence and disclosed the full character and extent of the conspiracy. Four of them were convicted and sentenced to death, one of whom made his escape; another was pardoned outright by President Johnson, and two others, Bowles and Milligan, had their punishment commuted by President Johnson to imprisonment for life, but were afterward released by the decision of the Supreme Court of the United States to the effect that the military commission had no jurisdiction to try them for the offense. There is a large volume of unpublished history showing in detail the operations of these organizations, who were their aiders and abettors, and the connection they had with the politics of the day.

It may be proper to state here that the democratic Legislature of 1863, before its sudden adjournment, had appointed an auditing committee of its own members to audit and supervise all of my accounts and expenditures for military purposes, which sat almost continuously until January, 1865, and that this committee did audit and approve every one of my expenditures, including that of the $133,302.91 of the fund obtained from the President. The same Legislature also appointed a committee to investigate all my expenditures and accounts from the beginning of the war up to January, 1863. This investigation was prosecuted with great diligence until late in the spring of 1863 and after the breaking up of the Legislature. Failing to find anything wrong in my accounts, to the amount of even one cent, the democratic majority of the committee refused to make any report at all; but the republican minority made a report indorsing and sustaining my official conduct in every particular.

Mr. McDONALD. I desire to state, Mr. President, that at some future time, with the leave of the Senate, I shall have something to say in reference to the review which my colleague has felt it necessary to give of the political history of our State during the period that is embraced in his remarks. I have nothing at all to say in regard to his vindication of himself against any charge of personal corruption, but we differ very widely in regard to our views of the political action of our State during that period and of the parties concerned.

Mr. MORTON. I wish to state, Mr. President, that in giving the history of politics in Indiana and of the military operations there I desire, as an act of justice, to exculpate my colleague from any complicity in that conspiricy. It is due to him to say that.

Mr. ANTHONY. I well remember, Mr. President, the bold and patriotic course that was taken by the Senator from Indiana, then the governor of that State, at the interesting period to which he has referred. I vividly recall the thrill of exultation which passed through every loyal heart when he sent howling to their homes the men who, traitors alike to the General Government and to their own State, false both to the Union and to the pretensions of State rights upon which those who revolted against the Union alone defended themselves, gave aid and comfort to the common enemy in arms alike against the United States and against the State of Indiana.

It is not strange that that act, as every other act of every public man, right or wrong, good or bad, true or imputed, is made the occasion of vilification; for we live in a time of public scandal and no man who holds any public position, scarcely any man who interests himself in public affairs, escapes the general vituperation. Men whose lives have been passed in the reputable and even in the illustrious service of their country are held up to the execration of the people whose good-will they enjoy and whose gratitude some of them have earned. The testimony has been worthy of the accusation. Discharged employés, broken-down contractors, illicit distillers, disappointed office-seekers, men compared to whom Titus Oates was a credible witness, have been permitted to drag the reputations of honorable men before tribunals which in their methods of jurisprudence remind us of the star chamber, and whose interpretation of the laws of evidence and of the rights of the accused were borrowed from the Spanish inquisition.

Nay, Mr. President, the penitentiary and the mad-house have given up their dead in this general resurrection of falsehood and perjury. It is but a few days since the whole country was startled with the foreshadowing of some terrible revelation against the elected chief of the Republic. We were told that he had committed a crime so atrocious that it could not be named; but when it was exhibited to the American people in its unparalleled enormity nothing but the shortest methods of the quickest impeachment would stand between you, Mr. President, and the White House, which I hope, at some day, you will reach by a less circuitous route. And, Mr. President, when this accusation was put to the proof, when the testimony upon which all these charges had been made was adduced, it appeared that a crazy man was ready to testify, with a solemnity that left no doubt of the sincerity of his conviction, that the spirit of General Grant was accustomed to pass through the key-hole of his chamber by night and to stand beside his bed. And upon the promise of that testimony, and nothing else whatever, a thousand newspapers opened their batteries upon the character of the man who had borne the flag of his country in triumph from the fallen ramparts of Fort Donelson to the captured citadel of the rebellion, and who had been twice elected by the people to the highest place in their gift.

The miserable instruments of all this scandal will be likely to escape or will be beaten with "few stripes." Reputation they have none to be injured; generally as poor in purse as they are in honor, they laugh at fines and confiscations; and the universal contempt in which they are held by those who suffer from them and by those who employ them will probably preserve the penitentiary from the contamination of their presence. But, sir, behind these are men who have a name and a stake in the country, men who employ or encourage these miserable instruments in scandals with which they scorn to

soil their own hands, but from which they expect profit to party. Let these men turn to history. Its pages are full of illustrations of

Bloody instructions, which, being taught, return to plague the inventor.

And history will be reversed if the poisoned shafts which they have placed in the hands of others are not turned upon their own defenseless bosoms, if their own reputations do not suffer by the methods by which they have allowed others to be assailed, and if the distress which they have carried to the innocent homes of others is not returned to their own.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDENT *pro tempore*. The Chair announces that the morning hour has expired.

Mr. CAMERON, of Pennsylvania. I desire to say only two or three words.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania will proceed if there be no objection.

Mr. CAMERON, of Pennsylvania. It happens, Mr. President, that at the beginning of the war I was in a position which enabled me to know something of the conduct of the then governor of Indiana. I have listened to his statement this morning with interest, because I have always felt a great regard for him personally. I remember well that he was perhaps the youngest governor in the Union at the time the rebellion broke out. He lived in a border State. A great portion of its people had come from the South. They were not only citizens there, but they were citizens of great influence. He was very much embarrassed by opposition in everything he did; but no matter what the difficulties presented to him he surmounted them all, because he was determined to do everything which an honest, able, and patriotic man should do for his country. At the beginning of the rebellion he sent more troops, and with greater alacrity, than any one of the States, to the seat of war. His State had no arsenals and no arms; and when the Government at Washington was unable to furnish his troops with guns and munitions of war he bought them on his own credit, trusting that the government of Indiana would pay for them if the Government of the United States should not do so. At this day men have forgotten the straits to which those in power at Washington had to resort to obtain supplies for the thousands of men who were willing and eager to tender their services for the defense of their imperiled country.

I believed then that no other man but that young governor of Indiana could have saved that State from being carried out of the Union. He was embarrassed by the legislation of his State, he was embarrassed by many of the leading men of it also; no appropriations were made by its Legislature, and yet he established manufactories for all the necessaries of the Army there. He established storehouses and built hospitals without the means to pay them. It is true that after a while the Government re-imbursed his State for all the expenditures made there; but if he or some other man with the wonderful energy which he possessed had not been where he was, Indiana would have fallen and would have been a part of the southern confederacy which they were attempting to build up, with great hopes of success, in the first year of the struggle.

Again, when men began to falter at the end of 1862 and the beginning of 1863, when our armies generally met with reverses, there was that young governor again calling a meeting in the State of Pennsylvania of all the loyal governors, and he met them there and gave encouragement to the faltering men of other States.

I verily believe that no man in the United States did more to give victory to our armies than did OLIVER PERRY MORTON; and I have honored him ever since I knew him and witnessed his great services; and I am glad that he has been assailed, because an honest man can afford to be assailed and assaulted, in the certainty that in good time justice is sure to be done him.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3360) authorizing the Secretary of the Interior to pay the expenses of delegates from the eastern band of Cherokee Indians; and

A joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station house at the centennial exposition.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 40) granting a pension to Elmira E. Cravath;

A bill (S. No. 130) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California;

A bill (S. No. 504) granting a pension to Nancy True;

A bill (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts; and

A bill (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama.

JAPANESE INDEMNITY FUND.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair will call up the unfinished business of yesterday. The bill (S. No. 626) in relation to the Japanese indemnity fund is before the Senate as in Committee of the Whole; and the pending question is on the motion of the Senator from California [Mr. SARGENT] to strike out the first section of the bill.

Mr. SHERMAN. With the consent of the Senator from California I desire to amend the first section of the bill by striking out all after the word "provided" in line 6 and inserting the words which I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the first section. That motion is in order before the motion to strike out, and the amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the word "provided" in line 6 of the first section and to insert in lieu of the matter to be stricken out:

And the residue of said Japanese indemnity fund, together with all accumulations of interest, shall be transferred to the Treasurer of the United States; so much thereof as consists of bonds of the United States shall be canceled and destroyed, as in the case of the payment of such bonds; and so much as consists of money shall be covered into the Treasury.

Mr. EDMUNDS. Let the section be read as it would stand if so amended.

The CHIEF CLERK. If amended as proposed, the section will read as follows:

That the President be, and hereby is, authorized to reserve from the Japanese indemnity fund the sum of $125,000, to be used in the manner hereinafter provided; and the residue of said Japanese indemnity fund, together with all accumulations of interest, shall be transferred to the Treasurer of the United States; so much thereof as consists of bonds of the United States shall be canceled and destroyed, as in the case of the payment of such bonds; and so much as consists of money shall be covered into the Treasury.

Mr. EDMUNDS. I infer from that that this money is either in the form of cash or of bonds of the United States alone; that there is no other sort of security.

Mr. SHERMAN. I inquired of the Senator from New Jersey [Mr. FRELINGHUYSEN] if that was the case, and he so understands it. At all events, the amendment provides to cover the whole case by transferring to the Treasury the whole fund. So much as consists of money is to be covered into the Treasury, and so much as is in bonds is to be canceled as if the bonds were paid, and the balance will be left for disposition.

Mr. EDMUNDS. If it will bear that construction, very well.

Mr. SHERMAN. I drew it so. I have no doubt it is all in United States bonds.

Mr. EDMUNDS. I think it probably is.

Mr. SHERMAN. For some years we have had the subject of the Japanese indemnity fund discussed before the Senate of the United States. Various appropriations have been made from time to time out of this fund for the purposes of paying losses, expenses, or the like, either to private parties or to officers of the United States; and at different times propositions have been made for the disposition of the fund itself. At one time a proposition was made to establish a school or seminary of learning to teach our own youths the Japanese language. Various other projects have been suggested. I do not wish now to enter into this debate; but I am entirely satisfied that the best use the Government of the United States can make of this money is to put it in the Treasury of the United States, where it belongs. The idea of establishing separate funds, the Japanese fund and the naval-pension fund and various other funds, because the money comes into the Treasury rather in an indirect way, is I think wrong, unless the law expressly provides for it.

It seems to me this money ought to have gone into the Treasury of the United States when it was received from Japan. It should not have been set aside as a special fund for any purpose unless the law expressly required it to be so set aside. Every demand has been made upon the fund that anybody can suggest, so that it can now be said that no private citizen can be interested in this fund; and in this condition of affairs it seems to me the best disposition of it is to cover it into the Treasury of the United States. To pay it to Japan, as is now proposed, would be for us to confess that we have wronged Japan, that we have extorted money from her, and that we now surrender that which we have extorted. It puts her in a position of humiliation, accepting money that was forced from her unduly and unjustly.

I do not believe such was the condition of affairs. I believe the Senator from Vermont properly stated this as a settlement in the nature of liquidated damages, not only for the losses to our commerce, but for expenses incurred by the United States in putting down the lawless force of the daimios of Nagato, one of the provinces of Japan, and that the money was properly levied upon Japan; partly you may say as a means of punishment, partly to deter future lawless outrages, partly to re-imburse expenses caused to the United States, and partly to re-imburse our own citizens for losses in their commerce; partly as a means of enabling us to pay for extraordinary services rendered by our Navy. All these purposes have been accomplished, and now it does seem to me that the best disposition of this money is to turn it into the Treasury of the United States. We are in no condition to merely give this money to Japan so as to appear to be grand, liberal, generous. It seems to me no good object can be accomplished by that course. On the contrary, it will be an act of humiliation to Japan; a *cognovit* of violence and wrong on our part, which I do

not believe we have committed; and therefore the best disposition to end this Japanese fund is to put it where it cannot be got at except by an appropriation made according to law.

Mr. KERNAN. Mr. President, I listened to the debate yesterday in which the history of this fund was given with a good deal of detail, and I am of opinion that we do not own this money in justice. I think the correspondence of our own minister and the history which is given of the transaction show that we are not justly entitled to this money; in a word, that we have got it wrongfully; and I think therefore we should not cover it into our Treasury, but should restore it to the government whence it came.

It was received as a fund to indemnify this Government and its citizens for losses or damage sustained at the hands of the Japanese government. It is a confessed fact here and before the world that every claim which has been made upon the fund, which has been in our hands for years, has been fully paid. Here was a fund set apart to pay all persons who suffered any detriment, and the claims of all who could make any fair legal or equitable demand upon it have been discharged, and it remains now confessedly a fund which is either to go into the Treasury of the Government or to go back to those who put it into the hands of the Government for an indemnity against loss and damage. Therefore if we put it into the Treasury it seems to me it is a confession to the world that we have this much money to which there is no claimant, and that we appropriate it to our own use as a government. I do not think we can afford to do that.

Again, allow me to say (because I listened with great interest to the history of this transaction as given by the two Senators who gave it at length yesterday) that it is pretty clear, from the correspondence of our minister and from the contemporaneous action, that when these four powers, Great Britain, France, the Netherlands, and the United States of America, made this treaty by which a fund was paid over to indemnify our citizens and our Government, with the others, for any losses, really the four governments stood there with their ships of war, with their munitions and navy, arrayed in a very threatening attitude toward the Japanese government. We cannot resist the conclusion, it seems to me, that they were ready to give us more than we asked; and I observe in a letter of Mr. Pruyn, our minister, that they paid more than he had any idea of asking, not so much at his instance though as at the instance of others.

We having got the fund in that way, it having been preserved as a fund, an indemnity fund, treated as such, having been used to indemnify everybody that had a claim, justice requires us to pay it back to the government of Japan. If it is a confession of wrong, it is a very honorable confession for us to make to say to that barbarous people—to that government and people that have such prejudices against "outside strangers," as they call us—that if, under these circumstances, when they were weakened by rebellion and these four powers were strong before them demanding indemnity, they, through fear or any other motive, gave us more than would indemnify us, we will never put it into our Treasury, but will hand it back to them. If we do this, it will be the instance of a government doing what an honest individual would do.

I therefore am against this amendment and in favor of the first section of the bill. I think we ought to restore what remains of this fund after every claim in reference to it has been paid, to hand it back to the government that gave it to us; and, believe me, it will have more effect to cultivate good relations between our Government and our people and that government and that people, it will have more effect to bring about that intercourse, commercial and social, which is desirable, than all the fleets and all the armies that we can ever put upon their border. This will make them feel that in dealing with their government and its people we will not forget justice, although we have in our hands that which might tempt us to do so; that we will deal justly with them; that we will restore to them that which was taken almost at the mouth of the cannon from them; that we will give it back to them, only meaning then, and clearly intending now, to keep no dollar of that fund beyond what would indemnify us for the wrong which was done our people and our Government at that time. That will open to us the trade of Japan much more rapidly than any enforced treaties at the point of the bayonet; and therefore I hope we shall vote down the amendment of the Senator from Ohio and pass the first section of this bill.

Mr. BOOTH. Mr. President, I have listened with more than usual interest to the very able discussion of this subject. So far as it involves a question of international law, in the rightful or wrongful exaction of indemnity from the Japanese government, I can contribute nothing to its elucidation. I cannot even restate the historical facts which were the occasion of the indemnity with that precision and accuracy which intelligent discussion upon this floor demands. If the decision of this question depends upon the exact knowledge of facts in their sequence and effect or the niceties of construction of international law, in the discussion between the learned Senators from New Jersey and Vermont the scales are held in such equal poise that a just appreciation of intellect and learning would desire to give the verdict to both and justice hesitate before declaring for either.

Behind all questions of the preponderance of fact or precise construction of law there seems to be a sentiment, not morbid, but of an instinctive sense of right, that this money is not ours, under which the public conscience is uneasy; a feeling that it is a tribute from the weak to the strong, not a just debt; that it is a penalty which power enforces, not indemnity for an injury suffered.

Sir, it is easy to convict the government of Japan upon the text of Grotius and Puffendorf and Lawrence's Wheaton, which are supposed to contain for us the refinements of the distinctions of international rights and the distillation of the wisdom of the ages of that civilization which we inherit and enjoy. But we must not forget that this whole transaction arose out of and was a necessary part of our unsuccessful attempt to force Japan into an unwilling initiation into that civilization by whose severest rules she was judged in the first stages of her novitiate.

No one will contend that Japan originally sought or desired intercourse with us and the community of nations. She was content in her isolation of trade, of character, and life. The currents of commerce had swept round her and left her as a spared monument of Oriental life, over which hung the undisturbed and impenetrable mystery of uncounted and countless ages.

Curiosity, avarice, enterprise, inexorable necessity, call it what you will, sought her and found her out. That civilization which had its origin in the east swept westward around the world until the circuit was complete, and after its journey of thousands of years, when it again reached the gates of the morning, it did not bring the message of peace but of force, and the tribute it demanded was not of praise but of gold.

The opening of Japan to trade and intercourse is a part of the romance of history. To us only an incident, to the future historian a curious chapter, to the Japanese a revolution, a revelation as strange to them as it would be to us if a continent should arise from the sea peopled with a race of human beings, akin to us in form, sense, and mortality, but with arts which should make ours appear as the toys and playthings of childhood.

Of course the rulers of Japan were not utterly ignorant of the outside world, but they did not believe the happiness of their people would be promoted by becoming a part of it, and the great mass of the people were as ignorant of its conditions as we are of the depths of the sea. What we call the necessities of trade which forced open the barriers of their exclusiveness was really the desire for gain. I have heard or read somewhere—and, as I cannot authenticate it, I may claim for it the sanction of that fitting imagination which is often truer than fact—of a Japanese ruler who, in an interview with the representative of a foreign power, mournfully recognized the inevitable necessity which brought his people with the sharp competitions, the strange artificial wants and inextricable diplomacy of occidental life. His people were flesh and blood, like the peoples of other lands, of like passions and suffering, but the qualities of their lives had been subdued and tempered by immemorial ages to the condition of their island home.

I can imagine the consternation of this people with their traditional fear, dread, and abhorrence of foreign races, when they began to learn that the exclusiveness which had been not a policy but a part of their lives was to be violated, when they began to fear they might be drowned in the rising waters of a moral deluge.

I can forgive much to the vacillations of the Mikado, and Tycoon, and daimios when the wrath of the people was behind them and the inexorable exactions of the foreign powers before; I can extenuate their offense in not having progressed beyond the high axiom of modern diplomacy, "that language was invented to conceal thought," to that still higher culmination of the wisdom of statecraft, "The best way to deceive is to speak the truth."

Picturing to myself the agony of suspense of these Japanese rulers between foreign war and domestic insurrection, with a history dear to them as ours to us dissolving behind them, a sea of untried dangers before, I look around this Chamber and see Senators in their cushioned seats consulting Grotius, Vattel, and Lawrence's Wheaton to decide what the Japanese rulers should have done and what they left undone in the dread issues of that hour which separated the past they loved and revered from the future they dreaded and feared, and calculating just how much these simple islanders, who were ignorant of paper money and scarcely knew the difference of the value of gold and silver, should pay for any mistake of the policy of their government or any failure to attain to the high standard of diplomatic candor.

Sir, if this question is to be decided by dividing a hair between the north and northwest side, I cannot decide it intelligently. But of these facts I am assured: Every treaty, every concession made by Japan was under the moral coercion of fear and implied menace. She yielded only to necessity. The adaptability, the desire to conform to the new order of things and make the best of it on the part of the Japanese is above admiration and beyond praise. It is almost a new phase in human nature. Yet, "I cannot but remember such things were as were most dear to them." I trust the change may redound to their advantage and happiness, that they may become a great factor in civilization. But I am unwilling that the opening chapter of their new history should commemorate the payment to this nation, which professed to stand god-father at their baptism, of that tribute which only the weak will yield and only the powerful exact.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio, [Mr. SHERMAN.]

Mr. SHERMAN. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. If the amendment of the Senator from Ohio should be agreed to, would it then be in order to move to amend the section further by striking out the remainder of it?

The PRESIDENT *pro tempore*. It would be in order. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to strike out all after the word "provided," in the sixth line of the first section, and insert:

And the residue of said Japanese indemnity fund, together with all accumulations of interest, shall be transferred to the Treasurer of the United States; so much thereof as consists of bonds of the United States shall be canceled and destroyed, as in the case of the payment of such bonds; and so much as consists of money shall be covered into the Treasury.

The question being taken by yeas and nays, resulted—yeas 19, nays 32; as follows:

YEAS—Messrs. Bogy, Clayton, Cockrell, Dennis, Dorsey, Edmunds, Goldthwaite, Harvey, Howe, Kelly, Key, McCreery, Maxey, Mitchell, Paddock, Sargent, Sherman, Wadleigh, and Withers—19.

NAYS—Messrs. Allison, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Davis, Dawes, Eaton, Ferry, Frelinghuysen, Gordon, Hamilton, Kernan, McDonald, McMillan, Merrimon, Morrill of Vermont, Morton, Norwood, Oglesby, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Windom, and Wright—32.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bruce, Caperton, Conover, Cragin, English, Hamlin, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Logan, Morrill of Maine, Patterson, Robertson, Sharon, Spencer, West, and Whyte—22.

So the amendment was rejected.

Mr. THURMAN. Is there any motion now pending?

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from California [Mr. SARGENT] to strike out section 1.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. The vote upon this question of striking out the first section will of course, as it appears to me, determine the judgment of the Senate as to the propriety of paying this money to the government of Japan; and it was for that reason that I asked for the yeas and nays upon the motion. Striking that section out, it leaves only the question as to whether money in the nature of prize-money ought to be paid to the gallant sailors who, with the Wyoming and the Takiang, entered into the enterprise of attempting to open this strait. All that I wish to do now is to call the attention of the Senate to the extraordinary similarity between the provisions of this treaty of 1864 with Japan and those of the treaty of Washington of 1871 with Her Majesty the Queen of Great Britain.

This treaty of 1864 provides that this money is received as a final settlement and disposition of all claims and reclamations in all respects as to the past transactions referred to between the four powers and the government of Japan. The treaty of Washington provides that whatever sum shall be awarded by the tribunal at Geneva shall be received as a final settlement and liquidation of all claims of whatever nature of the classes and characters referred to, which are in a large degree very analogous to, and in some respects the same as, those arising before that time against the government of Great Britain.

I do not think the remark of my friend from California [Mr. BOOTH] that we are bound to repay this money to Japan because she is a weak government ought to be considered quite in the sense that perhaps it might be, but which I am sure my friend did not intend, and that is that we ought to pay this money to Japan because she is weak. We ought to pay it to her, if at all, because we have received money that we had no right to receive, either for the reason that we exercised a power that we ought not to have exercised, or that we received it under a misunderstanding and in excess of what we were justly entitled to. Justice, I think, Mr. President, holds exactly the same sway between powerful nations as between weak ones; and if justice requires us to repay this money to Japan because the special and particular and personal injuries of our citizens that have appeared and have been proved are not equal to the sum she has paid, then in the same sense and in the same way, and under treaties having substantially upon this point the same language, justice would require that we should repay to Her Majesty the Queen of Great Britain any sum in excess of what it shall have been proved that the private and personal and particular damage of claimants amounted to. It is no argument, I admit, and I am far from making it, that we ought not to do it if it is right; but it opens this grave and broad question: When between two nations difficulties and controversies and collisions have arisen for a long period of years, and as a final settlement of them all, so expressed in the treaties, a certain sum in gross is paid, if it fails afterward to appear that any particular citizen in a special and particular way has suffered and is entitled to redress, is the money unexpended for that special purpose to be returned? That is the question.

I can only say, Mr. President, because I do not wish to detain the Senate, that the justice and the honor that in this instance are supposed by my friend from New Jersey to require us to restore this balance would in the same sense and in the same way (which I do not myself at all agree to in either case) require us to restore to Her Majesty's government every dollar of the sum she has paid us that cannot be ascertained to be applicable to some special and particular and personal damage to some particular claimant.

I do not wish to be misunderstood. It is no reason why we should not repay this money to Japan because we may be obliged to repay money upon the same principle to the government of Her Majesty; but I do wish to say, and to call the attention of Senators to the proposition, that justice does not depend upon the question whether the nation from whom we have obtained money is weak or strong. Her scales are held aloft equally and fairly, and the strength or the character or the power of the respective parties has nothing to do with that simple and universal rule.

Mr. FRELINGHUYSEN. Mr. President, I wonder that my friend from Vermont when we seem about to vote should present a consideration calculated to exert an unworthy influence. He tells us at the same time that his suggestion ought not to have any influence upon us, because if it is right to pay back this money we should do so and not be deterred by consequences. Why, then, did he introduce the consideration?

Mr. President, there is no analogy between the cases of England and Japan. Great Britain is able to take care of herself. In relation to the Alabama award she had the first men of her nation to represent her, and they carefully considered the whole subject. The treaty laid down certain principles and rules, and then provided that the tribunal at Geneva could either refer it to an arbitration to pay specific claims, or pay the United States a sum in gross and be forever discharged, and the commissioners preferred to pay a sum in gross. It was a payment for the loss of national wealth measured by the losses of certain individuals who fell under these rules the treaty had established.

On the other hand this treaty was made when seventeen ships of war were in the waters of Japan. On the 8th of September they bombarded the rebel works, and on the 4th of October within the sound, if not at the mouth of the cannon, this treaty was demanded and obtained. There is little analogy between this case and that of Great Britain.

But, Mr. President, what does Japan owe us to-day? In July, 1863, they paid us all we asked. Our minister wrote in August, 1863, to Mr. Seward thus:

The indemnity demanded for the legation—

That is, for the burning of the legation at Yedo—

has been paid. * * * The principal and interest of the Pembroke claim—

has been paid. He wrote at the same time to Captain Price, of the Jamestown, as follows:

The Japanese government having arranged to my satisfaction the claims which I had been instructed by the President of the United States to make upon it, it is my pleasant duty to acknowledge the great assistance which you so promptly rendered me in bringing the negotiations to a successful termination.

Mr. EDMUNDS. What were those claims?

Mr. FRELINGHUYSEN. Whatever claims the President made. I do not know specifically what they were.

Mr. EDMUNDS. They were the claims of the Pembroke and the claims for the destruction of the legation at Yedo, and one or two other destructions of particular property of which Mr. Pruyn had made report as special instances of the destruction of public property in the case of the legation, and of injury to private property in the other cases.

Mr. FRELINGHUYSEN. I had just stated that payment had been made for the destruction of the legation at Yedo and for the damage to the Pembroke and for the claims made by the President. If our Government had any other claim, it should have made it. If we had any other claim then, what was it? No one has yet stated. We had also punished the insult to our flag. The rebels had fired into the Pembroke. We had sunk two of their ships; destroyed three hundred and fifty thousand dollars' worth of property; killed forty men. They had paid everything that we asked, and when we joined in a demand for $3,000,000 they did not owe us one farthing.

We hear of general damages, while the treaty shows that all that we had any claim for related to what took place in the Straits of Simonoseki. Indirect damages were never thought of. I believe there were none.

The main point made by the Senator from Vermont yesterday was that the rebellion was a sheer pretense; that in fact there was no rebellion. I will read from the Senator's remarks:

It was necessary, in order to meet the views of the people of Japan, that the treaties should be skillfully dodged and put off, and that one face should be held out to the foreigner, and that face should be, "We are unable to carry these treaties into effect, because our people are so rebellious and wrong-doing;" and, turning inland, say to the princes and to the people, "Just push on and make all the disturbance you can, and we can persuade these foreigners that the government has no power to let them in, and we shall get the advantage, while they will get the loss, and nobody will be the wiser."

I do not see how any one can read the treaty and the correspondence and come to that conclusion. It is a matter of history that in July, 1864, two or three months before this attack was made, the daimio of Nagato, Choshu, with whom, we are told, the government was in connivance, made war upon the Mikado at Kioto for seven or eight days; that all the troops were marshaled there to protect the sovereign; and the idea that at the same time the government was conspiring with the rebel is simply absurd. Two chapters of Adams's History of Japan are devoted to giving the details of the conflict between this Prince of Nagato and the sovereign; and yet my friend tells us that at that very time they were combined to cheat the treaty-making powers.

But to prove that Japan failed to carry out the treaty only because of a rebellion they could not subdue, I will not refer to "this double-dealing people," as my friend calls the Japanese, but to the treaty and to our own representatives. This short treaty of 1864, brief as

it is, three times asserts that the trouble arose from the existence of the rebellion:

The representatives of the United States—

And the other countries—

in view of the hostile acts of Mori Daizen, prince of Nagota and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoeski in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition.

Again it twice refers in express terms to the rebellion. Thus it says:

Animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen, since the first of these acts, in June, 1863, against the flags of divers treaty powers.

And again it provides that the sum paid shall—

Include all claims, of whatever nature, for past aggressions on the part of Nagato.

The letter of Mr. Pruyn, the letter of Earl Russell, and all the correspondence agree to the existence of the rebellion as a deprecated fact.

The Senator from Vermont also finds fault with the Japanese because they did not open their ports. They could not. They had opened the port of Yokohama and it had created great disturbance. They were responsible for the lives and property of foreigners who might come there, and such was the intense prejudice against foreigners and the excitement of the people that the government could not safely open the ports. They gave that reason to the United States for not performing the treaty, and our Government recognized the reason as just and said that they need not open the ports. Our minister, on the 28th of January, 1864, writes thus:

LEGATION OF THE UNITED STATES IN JAPAN,
Kanagawa, January 28, 1864.

By virtue of the power vested in me by the President of the United States of America, I, Robert H. Pruyn, minister resident of the United States in Japan, do hereby consent that the time for the opening of the cities and ports of Yedo, Osacca, Hiogo, and Nee-egata shall be and is hereby extended for the period of five years, dating from the 1st of January, 1863.

ROBERT H. PRUYN.

We recognized the fact that they could not safely open their ports; and, while the treaty required them to do so, the United States had respect to their situation and instructed our minister to waive the opening of the ports.

Mr. President, we are considering whether we shall hold $1,200,000 of the Japanese fund when we know that in 1863 they owed us nothing, and there is no evidence of their ever after that having committed an act of violence against the United States. All the expense that the United States incurred after 1863 was the expense of the charter of the Takiang and the fuel and ammunition incident to its employment, and that has been paid.

I have observed too—I cannot put my hand upon the correspondence—that the Japanese not only paid the United States their claim on account of the Pembroke affair, but also paid the owners of the Pembroke just what they demanded.

Mr. President, it is an easy thing to persuade people not to pay back $1,200,000; but if we retained the money it would be the dearest sum we ever held in our Treasury; and that, sir, is the verdict of the American people.

I remember this incident in history: Frederick the Great wished to make a beautiful garden at his home in Potsdam, and he directed his engineers and gardeners to lay it out. As they were making their surveys they came across an old mill. They told the owner they wanted him to surrender it. He said, "No; I have lived here all my life, and my fathers before me, and I intend here to continue to follow my pursuits." The engineers resorted to the sovereign and asked him for a royal order to remove the mill; but the great Frederick said, "No, let it stand; it will be worth more as a monument of Prussian justice than its removal will be in beautifying my park and gardens." And there it stands, constantly calling back the incident I have stated. So, Mr. President, the voluntary surrender of this ill-gotten money will be worth more to this nation as a memorial of American justice than any other use that can be made of it.

Mr. EDMUNDS. Mr. President, if my friend from New Jersey puts this on the ground of a pecuniary speculation, I do not know that I have anything to say. When he puts it upon that basis it is not a subject that I am disposed to enter into at all. The ground that I have taken is that this money was exacted, as in hundreds and thousands of cases between nations, if you call it an exaction at all, rather was paid in order to settle a long controversy of ten years' standing: the violation of the faith of treaties; the utter refusal, with fair words all the time, to do any one of the things that the treaty of 1854, the treaty of 1857, and the treaty of 1858 had provided should be done by the Japanese. A great public highway had been shut up for a year and a half, necessary not only to the commerce of the four powers with Japan, as far as they could have any commerce under such circumstances, but necessary often to the safe and convenient navigation of those great seas. That is the ground upon which I have put it, and when the Senator refers to the treaty of 1864 he will see that it declares in the first instance, not as a secondary or incidental thing but as the leading and primary object of this payment, that it was to cover and satisfy all reclamations between these powers and Japan for what had transpired in the past.

Now my friend says that he is surprised I should have introduced, apparently by way of indirect and unfair appeal to the sensibilities of the Senate, in the way of fear of consequences——

Mr. FRELINGHUYSEN. I said nothing about "unfair."

Mr. EDMUNDS. I know that. A reference to the treaty of Washington and to the sum awarded by the Geneva tribunal. Mr. President, the first instance with which I am acquainted of that matter having been introduced into this debate was furnished by the Senator himself, who said yesterday, in this discussion and in the course of his very proper and very able remarks upon the subject, this:

But it has been urged—

I do not know who urged it—

that if we pay back this idemnity money and it shall turn out that the claims brought against the Alabama award do not consume it, then we shall be obliged to pay back to Great Britain the residue of that award. If that result should follow, it ought not to deter us from doing right.

To that sentiment I most heartily accede.

But, sir, the claims against that award will consume it, and I fear that for many years after it is gone we shall be pressed to pay claims to be made under that award. The treaty of Washington was this: It fixed certain rules and principles, and then left it to the Geneva tribunal either to refer to arbitration specific claims or to pay the United States an amount in gross. They saw proper to pay us an amount in gross, which was indemnity for the loss of national wealth, that loss being measured by the losses of a certain class of our citizens included within the principles of the treaty. If they added two or three ciphers to the fifteen millions that they paid us, they would not have indemnified this country.

What they paid us and for what they paid us are to be ascertained by a reference to the treaty of Washington and by a reference to the award of the tribunal; and when you take the treaty of Washington, as I said a little while ago, and compare it with this treaty with Japan, the phraseology in respect of the sum paid being a satisfaction of all claims or reclamations growing out of the subjects referred to is almost identical; in substance they are the same. It follows to my mind, therefore, that we cannot escape from repaying to Great Britain, if she be a great power, able as the Senator said yesterday to show her teeth, (whatever that may amount to,) not because she will demand it, but because justice, if this be justice, requires it, whatever sum is left (as in this case, paying the Pembroke and certain particular damages) after paying the particular damages of individual citizens under the Geneva award, which will amount to about $8,000,000.

But I do not wish to be misunderstood, Mr. President. I did not introduce this question, although it is always well to look to consequences; but my friend from New Jersey, so far as I know, did. Certainly to my mind it appears to follow that if under the language of this treaty with Japan, it having turned out that the particular and personal damage which is capable of definite computation leaves a residue, we ought to pay Japan the balance, then in the case of Great Britain, when the particular and personal damage being computed and deducted leaves a residue, the same justice, the same honor, the same policy, if there be policy in such a question, would require us, not because it was demanded, but because we felt it to be a duty, to restore it.

My friend says that we have nothing to complain of about the opening of these ports, because, as he has read, Mr. Pruyn changed the treaty, and extended the time for opening half a dozen of these ports. It might be a curious subject of inquiry, if there was any object in going into it, where the President of the United States, or Mr. Pruyn, or both of them together, got their authority to change a treaty that had been made under the Constitution. I think it would puzzle the Senator from New Jersey exactly to discover the source of that authority. But I do not put it upon that ground only for the purpose of calling the attention of the Senate to the grave impropriety, as it seems to me, of the Executive of this nation undertaking in any manner to change, at his will and pleasure, what the Constitution declares to be the supreme law of the land, in the form of a treaty, without the consent of the Senate of the United States. This may have been a very small instance; but a very small instance sometimes makes a precedent for a very large and important one; and for one, endeavoring, so far as I may in my humble way, to preserve intact the symmetry and the strength of our constitutional government, I wish to enter a firm protest against the exercise of any such authority at all.

But to come to the practical bearing of the question, it may be said, and with considerable justice no doubt, that the Japanese did not know that the President of the United States had not any such authority and therefore as to them, in the mere moral sense, it must be taken as if he had. Grant it, for the sake of argument; what then? The Senator seems to put out of mind entirely the state of circumstances that had been going on for ten years. The President of the United States was only doing what we had all been doing, year after year being beguiled and deceived by what were held out to us as excuses for not carrying these treaties into effect; and when at last the thing could not be endured any longer, and an example was made in asserting the rights of the treaty powers by opening this highway, that belonged to the nations without any treaty, and the Japanese began to see that something serious was intended and was impending, we commenced to get at the facts. It turns out in respect of

this very strait that this rebellious prince, so called, and it may be that he was, but in this respect this rebellious prince, was in correspondence, official correspondence, with the chief of the empire and was acting under the orders of the Emperor when he planted his batteries and closed up this sea highway.

When you come to the next step as to what had taken place at Yokohama, the Japanese representatives confessed that it had been convenient to play with us and with the other powers a double part. So it appears in the very documents and the very interviews where they as diplomats upon one side and our representatives and the others upon the other met for consultation. After that, I do not think it will do for my friend from New Jersey to say that anything we have in respect of evidence convinces us that this violation of treaties, from year to year persisted in and continued, was the inevitable and unfortunate consequence of a state of rebellion. Whatever rebellion there may have been respecting their internal affairs was very much like the story we have so often heard of the quarrel between the Irishman and his wife. When they were engaged in a very exciting combat with cudgels and fists, &c., some kind-hearted neighbor interfered and undertook to separate them and to restore the peace, when he found that they both immediately turned upon him and whipped him almost to death. This was exactly that case. Whatever internal difficulties and dissensions existed in Japan in respect of its internal policy, there was, as the documents show, an official and intimate and confidential intercourse between the princes who were called rebellious and the government in chief, in order to defeat the objects that these treaties had been made to attain. It was not discovered until at least just before the treaty of 1864 was made. It is significant, I think, that so far as we are advised this rebellion in Japan, if you can dignify it by that name, terminated just as soon as this treaty was made. We hear nothing more about the rebellion after that. Its object appears to have been accomplished, and the constitutional—if you can use such a phrase in respect of a government that has no constitution—the constitutional government of the Mikado was established and all was peace. I venture to say that if this application of force had been made five years earlier the rebellion, so called, in Japan would have terminated five years earlier.

That is the state of the case as, to my mind, the documents which we have before us make it appear. It may be that I am mistaken; but if I am not, it appears to me to follow as a matter of course that we have not received this money under any misunderstanding, under any undue exaction, but only as an accord and satisfaction for ten years of duplicity, and wrong, and injury, and violence inflicted upon the rights of the people of this country and of the other powers who united with us in exacting it. That is the state of the case. If, on the other hand, we have exacted it, extorted it, because we were strong and they were weak, having no ground of complaint against their conduct, that would be one thing; but unhappily to me there is not anything in any of the correspondence, either the British, or the Dutch, or the French, or our own, which has the slightest tendency to show any such thing.

Mr. MERRIMON. Mr. President, I accept in all its breadth the rule that we ought to deal with Japan, though a weaker nation than ourselves, just as we would deal with any of the first-class powers of the earth. I would not pay Japan a dollar because that nation is weaker than we are; but if we have taken a dollar from that country by inadvertence that does not belong to us as a matter of justice and right, I would return it, and, because it happened to be weaker than we, on that account I would the more readily hasten to return it. It seems to me that because it is weak is not a reason why we should give them money; it is a reason when we have their money in our Treasury why we should be in a hurry about doing justice to a people who could not help themselves.

I insist that much the greater part of this money ought to be returned to Japan, because in very right and justice we are not entitled to it, and because, in my judgment, it is discreditable to this country to retain it a day longer than we can settle the grounds upon which it ought to be returned. The wonder in my mind is that this country has waited so long to do an act which, in my view, ought to have been done long ago.

From the time this discussion began I listened to it with a great deal of interest, for I was especially anxious to do justly, wisely, in casting my vote on the pending bill. Upon reading the report of the committee and like reports which preceded it from other committees and after hearing the exposition of the whole matter by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] I was about prepared to vote for the bill or one substantially like it. When, however, I heard the able and ingenious argument of the Senator from Vermont [Mr. EDMUNDS] on yesterday evening, taking the construction that he put upon the treaty and the various citations of fact which he read to us, I was very much impressed with what he said. I was then anxious to hear further discussion and to have some opportunity to look into the matter myself. Last night, employing as much of my time as I could in that respect, I looked through the diplomatic correspondence in reference to the Japanese indemnity fund, as he suggested to me and to others to do. I looked into the treaty and the grounds of the treaty, and I must declare that I never had a clearer impression about a proposition in my life than that the United States of America cannot keep this money without soiling its honor and doing a gross act of injustice to a nation that at that time was not able to help itself when it had to cope with such powers as this country, Great Britain, France, and the Netherlands.

When I come to scrutinize the argument of the honorable Senator from Vermont I find that it is built upon a false construction of the treaty and the grounds of the treaty under which the indemnity fund was exacted and paid. If I grant his premises he has reached a just conclusion; but that I do not grant. He has misconstrued, in my judgment, the treaty and misconstrued the grounds upon which it rests. He told the Senate in the course of his argument that this $3,000,000 was awarded for the purpose of indemnity for wrongs that had been practiced by the Japanese government toward the United States in treacherously and persistently perpetrating sundry breaches of more treaties than one, through a course of ten or fifteen years. His argument rests upon that broad ground. I insist that that is not true as a matter of fact. The correspondence to which he refers—and I cannot take time to refer to it now in detail—shows that the single transaction which was embraced by this treaty and upon which it rests was confined to what is referred to as having taken place in the Straits of Simonoseki. When we come to look at the treaty itself, it plainly indicates in terms and apt words of limitation that such was the purpose, and the correspondence which preceded and led to the treaty serves to make this, if possible, more manifest.

I beg to call the attention of the Senate to the language of the treaty, in order to show what it did embrace. Before I read the preamble, however, I want to call attention to one striking fact. This treaty was not made with the United States alone. The United States were not alone treating with Japan on account of special injuries done to the United States through a long course of years. This Government was treating with Japan in connection with the governments of Great Britain, France, and the Netherlands, and for injuries done to these combined powers. It was in reference to a matter wherein they were jointly interested, wherein they had been jointly injured; and that common injury alone was contemplated and intended to be redressed. It could not be possible, in the regular course of transactions of this character, that the United States could have been brought into a treaty covering a long course of injuries to itself, especially along with this one, which alone the other governments were interested in. Why should the United States treat about a long course of injuries to them, especially while making a treaty about a matter common to them and four other powers? That was not contemplated, but it was contemplated that by this treaty Japan should pay these four powers for special damages done to them in common. Any other view, it seems to me, is unreasonable, if not practically absurd.

I now direct attention to the preamble to this treaty, which I quote in support of the view which I have just submitted:

The representatives of the United States of America, Great Britain, France, and the Netherlands—

And mark these words; they are very material—

in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition.

By the express language used in this preamble, which is the key to unlock the meaning of the stipulations which follow, the matter embraced by the treaty was confined to what took place in that strait. What I now read follows up particularly the limitation in the preamble:

I read from the recital of facts in the treaty:

The undersigned representatives of treaty powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end—

Mark the words of limitation—

to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, *of whatever kind*, in *respect to the allied expedition to Simonoscki*, have agreed and determined upon the four articles following.

The words of limitation intentionally confine the operation of the treaty to the transactions in that strait. The first stipulation is strikingly marked by the same words of limitation. It is in these words:

I. The amount payable to the four powers is fixed at $3,000,000. This sum to include—

What?

all claims, of whatever nature, for past aggressions on the part of—

Whom?

Nagato—

The same prince who is mentioned by name in the preamble and in the recital which follows—

whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

In terms, the reference is to injuries done to the allied powers. I put it to any one who can understand the English language to say whether that treaty by its express terms is not confined to aggressions which were alleged to have been perpetrated in the Straits of Simonoseki? There is no reference to any aggression perpetrated anterior

to that time or subsequent to that time. The $3,000,000 were agreed upon as indemnity for what happened on that occasion.

The Senator from Vermont says further that the authorities of Japan, the Mikado and the Tycoon, behaved treacherously toward this Government and had been doing so for many years. He cites what was said on the part of one of the ministers of state of Japan in an interview with the ministers of the combined powers who negotiated this treaty.

When you come to take what was said on that occasion altogether, it leaves this matter in a very different light from that which I gathered from what the Senator said yesterday. I will read more of what that minister of state said than the Senator did, in order to show exactly how the matter stands. After the transactions in the Strait of Simonoseki the ministers of the combined powers complained to the Japanese government, and at the suggestion of the ministers of that government a conference was held, in which it was suggested by the ministers representing the combined powers that the government of Japan, the Mikado and the Tycoon, were acting in conjunction with the prince who fired upon the Pembroke and who produced all the trouble in the strait and sought to close it against foreign commerce. The French minister said at that meeting that—

He was of opinion, in concert with all his colleagues, that the present was a very critical moment in the relations between foreign countries and Japan, and that the time had arrived for a total change in those relations.

Here I beg to call attention as I read these proceedings to the fact, that while the Mikado and the Tycoon were putting their government in relations with the Christian nations of the world, the masses of the people of the Japanese Empire were in a ferment on that account; and some of the subordinate officers and principalities were in open and avowed rebellion and the general popular sympathy was with those in rebellion. In fact, rebellion was rife in many portions of the empire; and it was exceedingly doubtful whether the government would be able to maintain itself. Foreign nations, Christian nations, were aware of this fact. They knew that the Mikado and the Tycoon were obliged to act very cautiously; that they must manifest some sympathy with the people, and give some ear to their complaints while they were negotiating with and opening their ports to foreign nations. Foreign nations and foreign ministers understood all this, and sympathized with them and recognized their condition. The French minister continues his remarks in that interview as follows:

Hitherto the foreign representatives had suspected that the Tycoon, under the pressure of many difficulties, had been led to play a double part, which, however calculated in one point of view to secure his safety, was on the other full of peril to the foreigners in Japan, and as they conceived not without some danger to himself. He had often seemed to be playing into the hands of the daimios most hostile to the maintenance of foreign relations, and to be seriously preparing to put a stop to these, while at the same time he professed to the several treaty powers a very earnest desire to maintain intact all the rights conferred by existing treaties. But now it was no longer a matter of suspicion but of certainty, and the documents placed in the admiral's hands prove that the whole of these outrages and flagrant violation of treaties by the Prince of Nagato were really the acts of the Mikado and Tycoon, since done under orders which might easily be interpreted to sanction, if not to prescribe, the exact order of proceedings adopted by the prince. The time, therefore, had come for dropping all mask and adopting a totally different policy; and unless the Tycoon, strengthened and materially aided as he must be by this complete victory over the Prince of Nagato and by such support as the foreign representatives were in a position to render him, would undertake without further temporizing to put himself in accord with the superior authority of the Mikado in this matter of the treaties, obtain his sanction, and give entire execution to all their stipulations, an opportunity not likely to occur again would be lost in the Tycoon's interest not less than theirs.

Takemoto Kai-no-kami, in reply—

This now is the Japanese minister of state there replying to that charge—

stated that he fully agreed with the opinions just expressed; that this was a very critical moment, and it behooved the Tycoon's government to take advantage of it in the way indicated. In regard to the charge made by the Prince of Choshu and the written orders he produced in justification, he, Takemoto Kai-no-kami, had to remark—

You will remember that when the Prince of Nagato was overcome by the combined powers, he surrendered himself unconditionally, and said to the admiral that he was acting under the orders of the Mikado and the Tycoon. See what the minister says as to that. He says that he had to remark—

First. That the order, such as it was, had been transmitted, not by the Tycoon, but by an act of treachery on the part of persons about the Mikado, and without competent authority.

Second. That it did not order the prince to fire upon foreign ships—

That is, taking it to be true, taking it that that order had any force at all. He says further—

That it did not order the prince to fire upon foreign ships, and the proof that such was not its proper meaning might be found in the fact that although a similar order was communicated to all the other daimios, he alone had put that interpretation upon it, because it suited his own designs.

To this the American minister replied, that although it was true the order was not in express terms to fire, yet as it declared the intention of the Tycoon to cease all intercourse with foreigners on the 20th of June, 1863, the prince might naturally draw the inference that he was expected to treat them as enemies.

Takemoto replied, that such acts were contrary to the Tycoon's wish was further established by his sending down an aid-de-camp at once to cause the prince to stop firing, and this emissary was murdered in the territories of Choshu.

As to the appearance of double-dealing on the part of the Tycoon's government on the one side, concerting measures for the closing of the port of Yokohama, and, on the other, for maintaining the treaties in their integrity, the Tycoon had hitherto been, as the representatives well know, in a position to make something of this kind unavoidable in the interest of foreigners as well as for his own sake, since, had he openly refused to carry out the orders received from the Mikado for the expulsion of foreigners, he was liable to be deposed, and his dynasty might be destroyed. Now, however, that the Prince of Nagato had been defeated by the allied expedition, there was certainly a great opportunity for putting an end to whatever was ambiguous in the position of the Tycoon as regarded the foreign powers; but, in furtherance of such end, it was essential that the allied squadron should be recalled to prevent all chance of collision with other daimios and new complications arising.

So that, although the ministers of the combined powers did suggest in that conference that there had been treachery on the part of the sovereign and his generalissimo, the Tycoon, in reference to the transaction in the strait, this minister of state denied it squarely. He said that the orders were false orders, issued without proper sanction. Any one who will take the trouble to examine this correspondence preceding the treaty will see from reading the reports of the officers of the Navy that this rebellious prince in the contest in the strait did not exhibit the flag of Japan but his own flag, thereby indicating that he was fighting his own battle and avowing himself in open rebellion against his government. So far as the question of treachery goes, here are facts and circumstances and manifest motives going to repel the inference. The inference is far-fetched. It is entitled to very little weight—nay, nothing—when you come to apply to it the touch-stone of truth in the proper construction of the treaty and the correspondence that took place touching the transactions in the strait. If the treaty was based upon the transactions in the strait, and if it was intended that the government of Japan should pay for damages actually done there, what was the measure of damages? To determine that would require an account. The parties would have to ascertain that fact. Neither the Japanese government nor the ministers of the combined and allied powers were in a condition to ascertain the result at that time. Indeed the correspondence shows that the action on the part of the ministers was precipitate. They were importunate in their common demand for indemnity and redress. It is not going too far to say that the treaty was made at the mouth of the cannon. It was agreed upon under duress. Yes, I will go that far, for the circumstances warrant me in saying that. The Mikado was required to give his sanction to it in thirty days, else the implication was that the government of Japan must not only be subject to rebellions and internal dissensions, but must also expect these four of the mightiest powers on earth to make combined war upon it and crush it. The Japanese government could not choose; it was obliged in a time of legal peace to submit to the unqualified demands of *Christian* powers with which it was in peaceful relations, whatever might have been the conduct of some of its rebellious subjects. Rebellion at home, four of the mightiest powers on earth ready and threatening to make immediate war! The government was helpless and obliged to yield to demands for indemnity for acts it had not done. That is the whole of it and those are the circumstances under which this treaty was wrested from the Japanese people and $3,000,000 taken from them. Why, sir, the diplomatic correspondence shows that the ministers and officers themselves were ashamed of it, and their consciences were not easy and our consciences ought not to be easy about it this day.

I take it that our Secretary of State at that time probably knew more about the treaty and the transactions that led to it than any man in this country. He was a man well versed in statecraft; he was acquainted with that country and its history and our diplomatic relations with it. He was in constant correspondence with our minister there. He was fully posted upon the subject. He regarded the subject, no doubt, as was his duty, in every light; and now I wish to read to the Senate, as bringing the whole of this case within a narrow compass, what he said in a letter dated January 8, 1868, addressed to the chairman of the Committee on Foreign Affairs.

Mr. EDMUNDS. What document is the Senator reading from?

Mr. MERRIMON. From the report made by the House committee on this very subject, May 20, 1872.

In a letter dated January 8, 1868, addressed to the chairman of the Committee on Foreign Affairs of the House of Representatives, the Secretary of State (Mr. Seward) made this statement:

That, pursuant to the stipulations of the treaty with Japan of the 22d of October, 1864, to which the United States was a party, this Government has received from the Japanese government, *without substantial equivalent*, as its share of the indemnity stipulated to be paid by that treaty, the sum of $600,000 in gold.

All the installments at that time had not been paid. Since then they have been.

This amount has been invested in United States registered bonds, and awaits such disposition as Congress may direct.

So that we have his opinion, the opinion of our minister of state, who was best qualified to judge of what was done there, who, by his office as well as by his intelligence, was qualified and bound to take notice not only generally of those transactions, but of all their details, to the end that justice might be done and our rights secured, given to the committee of the House of Representatives and through them to us, this country, and the world, that these combined powers exacted $3,000,000 from those people, our share of which was received without any substantial equivalent. It is true that a merchant-vessel was passing through the Straits of Simonoseki, called the Pembroke, and was fired upon by the batteries of the rebel prince. The damage done, however, was slight, and as soon as it was ascertained, Messrs. Russell & Co., the merchants who were interested, made out their bill for the damage they had sustained. This they estimated at $10,000. Our minister, Mr. Pruyn, made demand upon the government of Japan that that bill be paid, and they did pay it. They disavowed any intentional offense to the Government of the United

States; they disavowed the act of the prince whose officers had fired upon the Pembroke; they disavowed everything that he had done to our vessel of war. They not only disavowed the act; they disavowed any intentional insult, and made such apology as they could. If they had even done what was done intentionally, under the circumstances of that nation, peculiar as were their circumstances at that time, their apology ought to have been accepted by a noble and powerful Government like that of the United States. Under the circumstances they were entitled to great indulgence.

That first transaction—the firing on the Pembroke—was settled, and the Government of the United States then had no further claim on that account because of insult or damages, for the damages had been paid and there had been ample apology for the supposed or alleged insult and our war-vessel had chastised the rebellious prince severely. Nevertheless, the prince after that fired upon a French vessel, and again upon a British vessel, and again upon a vessel belonging to the Netherlands; and thereupon our minister—by what authority does not appear—entered into a conference with the foreign ministers of these three other powers, and they entered into an agreement, in pursuance of which they went to the strait of Simonoseki and demolished the batteries of this rebellious prince and compelled his unconditional surrender.

I ask here why did our minister feel called upon to join in that combination? There were no special circumstances moving him to do it. There was no consideration that I can see, except the great one of opening up that great country to the Christian nations of the earth, and I suppose he went upon that ground. But it turned out that our war vessel was so heavy that it could not be gotten into the strait, and thereupon he chartered a smaller vessel carrying fewer guns; and that vessel, thus chartered, bearing our flag and our officers and seamen, proceeded along with the vessels of the other powers to make the assault upon the batteries of the rebellious prince. In that contest our vessels did nothing; they did not join in that fight. It was not necessary that they should do so; but they were there giving moral aid and encouragement by their presence and our flag, and by virtue of this combination, entered into for the purpose of exterminating this rebellious prince, the allied powers claimed common indemnity and virtually compelled Japan to make the treaty mentioned.

After the prince was compelled to surrender, the negotiations began between the combined powers, these treaty powers, as they styled themselves, and the authorities of Japan. That government at that time was in great peril by reason of its own rebellious subjects and the insurrection that existed throughout the borders of its country. At that time, under the circumstances mentioned, when they were unable to help themselves, after they had disavowed the acts of this rebellious prince, when indeed they sympathized with the movement by which he was subverted and compelled to surrender, these combined powers demanded for the damages that they had sustained $3,000,000! First, they said among themselves they would demand but $2,000,000. They well understood that $2,000,000 would more than pay the damages; but after they had partially agreed upon $2,000,000, they said, "We will put the damages at $3,000,000, and if under the circumstances they cannot pay the whole amount, let them agree to open other of their ports to us;" it is expressly stated in the treaty that money was not the object, and that if the Japanese government would open two or three more ports with which these combined powers might trade, they need not pay any part of the $3,000,000. But even Japan would not submit to that humiliation. Weak as they were, distressed as that nation was by internal commotion, they said, "We will not submit to be treated in that way, and we will pay the money, however difficult it is for us to do so," and they did pay it, every dollar of it. Our part of it is under our control now; and with the accumulation of interest amounts, I believe, to about $1,400,000.

What were the damages that were done for which we claimed compensation? We could not claim damages for the firing upon the Pembroke; those damages had been paid. The vessel chartered cost $9,500 a month, and I think we had the vessel about a month. Very little damage was done. Upon that point I will not go into details, but I will read a paragraph from the same report from which I read a while ago. That report was made by Mr. Banks, a man, as we all know, of fine intelligence and who would give a subject of this sort the greatest consideration.

Mr. DAWES. Will the Senator allow me to make a suggestion?

Mr. MERRIMON. Yes sir.

Mr. DAWES. I want to call his attention to the peculiar phraseology of that clause in the treaty which the Senator has just mentioned. As it was stated by him and as it was stated frequently yesterday, the powers bound themselves to take the opening of a port instead of the $3,000,000. They bound themselves to take the opening of the port instead of three millions, if they wanted to do so. They did not bind themselves absolutely to take the opening of the port instead of the three millions, but they bound themselves to take the opening of the port instead of the three millions, if, when it was offered, they wanted it.

Mr. MERRIMON. Well?

Mr. DAWES. That is to say, they kept it all on their side.

Mr. MERRIMON. The treaty powers?

Mr. DAWES. The treaty powers. They kept it all on their side; they held out to Japan what has been stated here and what it would seem to me Japan would perhaps infer, that it was her option to pay the three millions or open the port; but it was not her option. It was her option to offer it, and it was their option after all to take it or not, just as they pleased. If the Senator will allow me to read it, he will see that these powers kept it in their own hands all the time.

Mr. MERRIMON. I shall thank the Senator to read it.

Mr. DAWES. This is the language:

> Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same or insist on the payment of the indemnity in money, under the conditions above stipulated.

It would not seem to me as if there was any need of any treaty stipulation to bind themselves to do it at their option. This is what these treaty powers solemnly bound themselves to; instead of this money which they said they did not want and would not take—for that was not what they were after—they solemnly bound themselves at their option to take the opening of the port in lieu of the money.

Mr. MERRIMON. And that view of the matter indicates something of a mercenary motive on the part of the allied powers; for after that the Japanese Empire became consolidated and rapidly became a growing commercial nation, and their ports were thrown open more or less, and they were ready, and have continued to be so, to put themselves in communication with all the world. Seeing this, these noble allied powers did not exercise their discretion and option and say, "Open your ports and we will forgive the money." No, they chose to take the money and the advantage of the open ports too! It seems to me, with all respect and submission to everybody who thinks otherwise, that is not very creditable to these great powers, not creditable to our country; and I want to see the stain wiped out, and I am ready and anxious to help to do it.

But, Mr. President, I wish to call attention to the actual damages sustained, and which it was said were embraced by this treaty. I am not able to go into details; I am not prepared to do it; and if I were, time will not permit; but I want to read upon that point a paragraph from the report that I referred to a while ago, made with such deliberation:

> It appears from this history that the indemnity fund was intended to satisfy "all claims of whatever nature for past aggressions on the part of Nagato, whether indemnity, ransom of Simonoseki, or expenses entailed by the operations of the allied squadrons."

There you see what the House committee said; and the gentleman who prepared this report took note of the limitations in the charter to which I called attention a while ago. I read further:

> The Government of the United States has already received a sum which, with accrued interest, amounts to more than $700,000. All claims for injuries sustained by this Government in consequence of the operations of Nagato do not amount to $40,000.

And yet we have of the money of the people of Japan $1,400,000 to-day. I read further:

> The expenses incurred by the Government of the United States by the participation of the chartered steamer Takiang, in the operations against Simonoseki in 1864, cost the Government only a few thousand dollars.
>
> The claim is, therefore, as stated by the late Secretary of State, Hon. William H. Seward, *substantially without equivalent*. It is confidently believed by the Committee on Foreign Affairs, after a very careful consideration of the circumstances of the case, that the United States may wisely remit the unpaid installments of this indemnity fund without injury to this Government or the people. It is believed that such a policy will result in the establishment of more intimate relations between this Government and the government of Japan, and ultimately prove of great benefit to the commerce of the two countries and the progress of civilization.

In that, sir, I do most heartily concur. Having looked through the whole correspondence and examined as fully as I could into all the transactions that make up the basis of this treaty, and looked into the treaty, I indorse most heartily what is said in that report and what is said by the report accompanying the bill now under discussion.

What, then, is the duty of our Government? That is the serious question for us to consider now. In my judgment it is to return so much of this money as has been received by the Government inadvertently, and do it as promptly and as unconditionally as possible. I am not prepared to say that the Government ought to stultify itself by paying back every dollar, for there was some damage done which I take it under any circumstances the Japanese authorities would have agreed should be paid; but I put it upon the ground that the treaty was made hurriedly, without great consideration; no account of the damages was taken, and we have inadvertently received too much. We have received our share of the $3,000,000; we have had time and opportunity to ascertain what our damages were, and we find that they are comparatively trifling compared with what was supposed to be the fact at the time the treaty was made; and now it is our duty, having ascertained what they were, to reserve the amount necessary to pay the damages done to ships, the renting of the vessels, &c., and, if you please, to pay our gallant officers some compensation for their noble deeds on the occasion of the conflict in the strait, and to refund the balance as having been received by us inadvertently, to return it upon the ground that we have ascertained a mistake, that we took this money by inadvertence, that we did it hurriedly, and let us say that we are glad to return it, that we are not only bound in conscience, in justice, and in honor to do so, but it gives us great

pleasure in the face of all the world to do this noble act of justice, only regretting that we have delayed to do it so long.

That is my view of what our duty in the premises is.

I think, sir, that the remarks of the honorable Senator from California, [Mr. BOOTH,] awhile ago, were eminently appropriate. He called the attention of the Senate to the condition of the people of Japan in the past. It was lamentable; it was deplorable. Instead of the allied nations boasting of their high civilization standing there and extorting this tribute at the mouth of the cannon, taking more than was due them, as they did, they ought to have been ready to sympathize with that people and to help them on in the high road of civilization and opening up their ports and their country to the voice and the benefits and the blessings of civilization. That ought to have been done; but by inadvertence it was not done, and I maintain that it is the solemn duty of the Senate now to do it and to do it promptly, and to authorize our Chief Magistrate, when he shall communicate with the chief authorities of Japan, to say that we do it, and do it cheerfully, paying them every dollar of interest, after retaining a sufficient amount to pay the damages that were actually sustained and such amount as ought to be paid to the officers and seamen who were engaged in the armed conflict in the Strait of Simonoseki.

I have deemed it due to myself, Mr. President, to say this much after what happened yesterday evening. I was anxious not only to satisfy my conscience, but to do exact justice to Japan and my own country; and looking at the whole subject I do not hesitate about the vote that I ought to give. It is a duty I owe my country, a duty I owe to common justice, a duty I owe to civilization, a duty that I owe to the people of Japan, a duty that I owe to myself and to God, to vote that this money shall be paid back to the people from whom it was taken by such inadvertence.

Mr. MORRILL, of Maine. Mr. President, I have no very definite or distinct views to indicate to the Senate; but I have had an apprehension always, since I knew anything about this proposition, that the Government of the United States was in the wrong on this general question so far as having obtained a larger sum of money than was an indemnity for actual injuries suffered by the Government and citizens of the United States. With this general impression I listened with the greatest interest to the Senator from Vermont, not now in his seat, [Mr. EDMUNDS,] who undertook yesterday to demonstrate that the Government of the United States had no more out of this negotiation than it could in good morals keep; that what it did receive was in the shape of indemnity for damages actually received. The method of the argument to vindicate that view of the subject is this, as I understand it: The Senator says that treaty stipulations for the opening of certain ports in Japan theretofore having been made, they were not fairly and in good faith kept by the authorities of Japan; that they did not open those ports, as we had a right to expect they would; and, our rights under the treaty having become absolute rights, their violation justified the authorities of the Government of the United States and of other powers interested in the general subject in taking the remedy into their own hands. That may not be questionable. That would be so undoubtedly if they did not keep their treaty stipulations to open the ports. If they did not, but obstructed their opening, then undoubtedly the Government of the United States might use the necessary authority to open them.

The proposition which the Senator from Vermont undertakes to maintain is that we got no larger indemnity than enough to cover the absolute damage. Now, aside from the fact that in the assault of the allied powers the expenses or damages to the Government of the United States were simply nominal, there are no actual damages proved in this case at all unless you consider that what might have gone under our prize-laws to the Wyoming for her gallant efforts in the year before may properly be charged over to the Japanese government. There does not seem to be any measure of damages, outside of what took place in the assault of the allied powers, which could be said to be a question of damages at all. In that view of the case it seems to me that the Senator from Vermont fails entirely to show us that the amount we did receive from the Japanese government was simply so much as we had suffered by reason of the ports having been blockaded and the passage-way referred to having been obstructed or blockaded.

It does not appear in this case whether our merchants had suffered particularly. They had been obstructed probably, but to what extent? What was the amount of damages arising from any such obstruction of the commerce of the United States? There is no evidence in this case. There might have been some inconvenience, but there has been no estimation, either public or private, upon that question at all, as I understand. It could not come into a question of damages. Therefore I come to the conclusion that the actual damages were nominal; that the amount fixed in the treaty was not named by those who negotiated it upon the estimation of actual damages at all; it was a gross sum, arrived at at a venture, either power and each power and all the powers undertaking to get enough out of that weak nation to hold her to keep the peace; and that was about all there was of it.

The Senator from Vermont complains that the Japanese had not acted in good faith, and he doubts exceedingly whether the daimio was not really advised by the Tycoon to do the very things that he had been doing; that is to say, obstruct this passage. I have not been able to ascertain how that is; but I doubt whether my honorable friend ought to feel bound to state that in the Senate of the United States. The Tycoon disclaimed the whole thing; he said that the daimio was acting in a rebellious manner. The daimio, to clear his skirts for aught I know and for aught we have any reason to know, denied it and said that it was connived at at headquarters. That may be so; but that is a matter of their own concern. We treated with them as an independent power, and it does not lie in our mouths, as it occurs to me, to question the good faith with which they acted; but if it were so it does not change the fact in this case one particle; it does not justify us in demanding of them an amount of damages beyond the actual amount we suffered; and I submit, so far as anything in this case appears, it was not anything at all like what we received. Therefore it seems to me that we are not only in the condition of having ascertained by our committee, but that it is patent to a cursory examination of this whole case that we have in our hands to-day an amount of money that in common honesty we cannot put into our pockets. It does not belong to us and it ought to be returned. That is the conclusion I have come to.

The argument of the Senator from Vermont is that we only received what we may in good faith keep; that we only got a sum of money which was just about equal to our damages, or which we received as an indemnity for what we supposed to be our damages. I maintain that on the face of the proceedings the evidence is exactly the reverse; that we did receive a larger sum than the parties to this negotiation believed they were entitled to. Let us see. The third section of the convention reads:

III. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed and as a material compensation for loss and injury sustained, the opening of Simonoseki or some other eligible port—

They will be very glad to take that in lieu of the money. In this very convention the idea is thrown out, "it is not the money that is sought; what is wanted is that you shall keep good faith." Now take that view in connection with the idea of compensation, and let us see what the minister who negotiated the convention said on the subject:

The British minister and myself—

Says our minister, Mr. Pruyn—

prior to meeting the Japanese commissioners, had agreed upon $2,000,000.

On what basis? They were there on the spot; and on what basis had they agreed on two millions instead of the three millions afterward demanded? Of course the supposition is that it was upon the nature of the case as it had been exhibited to them. They were on the spot. If it were a question of damage, they knew what it was, and they estimated it at two millions. Two millions they thought would cover the whole thing. Why, then, did they demand three millions afterward? Was it to cover the actual damages, or was it or not for another consideration entirely, and for a consideration which shows conclusively that we have got a large sum of money in our hands which we cannot keep?

The British minister and myself, prior to meeting the Japanese commissioners, had agreed on $2,000,000 as the sum to be paid, and would have had no difficulty in its division among the powers interested. But some difference was suggested as likely to arise from the considerations whether the moral support—

The two millions would cover all the damages; but was it large enough to give all the moral support they wanted to extend to the transaction?—

whether the moral support afforded was not entitled to weight in such adjustment, and I did not feel that it was incumbent on me to interpose any objection to this view, as the moral support afforded by the United States was considerably in excess of the material support I was enabled to give.

That was the state of mind in which these men approached that subject. The material support which the Government of the United States had rendered was a mere trifle. They were not there in their own proper person. They had hired a ship, I believe, to carry the flag; so that they may be said to have been lookers-on. Therefore the material support was a very small affair; but the moral support, to wit, the flag which they held in the offing, was of so much consequence, or of so little consequence, in the estimation of the minister that he thought $2,000,000 would answer for that. The moral support which the British had given to this subject they thought required a larger sum. It is as apparent as anything can be that the $2,000,000 which was in the first place proposed everybody believed was adequate to all the material damages which had been borne in any way whatever. Mr. Pruyn then says:

I therefore readily agreed—

I therefore, not having given any material support and very little moral support except holding the flag in the offing, readily agreed—

to the reference of this delicate question to the home governments.

That is, whether they should take more than two or more than three million or less. The argument of my honorable friend from Vermont was that this was the sum fixed upon to meet the actual damages, and therefore we own it; but the view taken of it then was that the actual damages were a very small matter, that any aid or comfort we had given in a material way was a mere trifle, and the moral support was the thing.

Mr. EDMUNDS. The Senator entirely, I think, misunderstood me, if by "actual" he means "special;" but if by "actual" he means the

general damages to the commerce of the United States and to its citizens resulting from these ten years of the performances that took place there, then he is correct. In the ordinary sense in which I understand "actual damages," I do not think anything I said will bear any such interpretation. I certainly did not intend that it should.

Mr. MORRILL, of Maine. I did not mean to limit the Senator's argument to any special damages, but I had already remarked, when the Senator was not in his seat, that I did not understand that any special damages were shown in the case in relation to our commerce. Whatever damages there might have been, so far as I know, so far as the papers disclose, are of an inferential character. A little further on Mr. Pruyn says:

I assented the more readily to the proposition of the envoy of His Imperial Majesty the Emperor of the French to fix the amount at $3,000,000—

Instead of two million, for what?

because I thought it more likely to lead to the substitution of a port as a material compensation for the expenses of the expedition.

And so to-day on that idea we are in the possession of a sum of money, our proportion of the difference between $2,000,000 and $3,000,000, simply for what? Not because it was a question of real damages, either inferentially upon our commerce or otherwise, but simply and wholly upon the idea that it might aid us in opening another port not stipulated for in the treaty. My honorable friend from Vermont talks about sharp practice and diplomacy and all that sort of thing. I should like to know what he would call this. I should like to know if our minister was influenced by these considerations and raised the sum from two millions to three millions and we took our proportion of it simply as a means, outside of the treaty and independent of the treaty, by which we could get the advantage of another port not provided for in the treaty, whether we can hold money on that consideration? No, I think not. That is exactly where the question stands.

The Senator from Vermont made an argument which certainly was ingenious. How much moral force it has in it I do not know. He said that this action might set a dangerous precedent; that we might be embarrassed by the fact of having a very large amount of money that we did not know what to do with, more than we could account for to Great Britain, growing out of the Geneva award. As I understood it, the cases are not alike in any sense whatever. Here was a settlement agreed upon in the way that I have shown. There was no estimate of damages; there were no specifications. Four great powers combined to intimidate and overawe, and they did do it, and demanded precisely what they chose, one of the elements being the moral effect it might have on future arrangements and negotiations. On the other hand, in the British case, if we have money left, it is the result of an arbitration, the judgment in law of arbitrators indifferently selected by both parties to adjudicate and determine upon a condition of things, which is conclusive and forever settled, the moral effect of which is altogether on our side. There is no parallel between these two cases at all. Does anybody suppose that in the great future of this country and of Great Britain there will be any desire on the part of Great Britain, in a diplomatic or any other view, to re-open that great question? How are the equities lying outside of the Geneva award? How do they lie in the minds of the American people and how in the minds of the English people? When that award was being made before the Geneva arbitrators, was Great Britain willing to open to that arbitration all the equities which might arise growing out of transactions to which she had directly or indirectly been presumed to give her consent and her aid and comfort? Certainly not. I hardly think that we are in any great danger of Great Britain having any desire to re-open the Geneva award.

On the whole I have come to the conclusion—and it is not a new notion with me—that we have got money here that does not belong to us. We received it under circumstances which probably at the time were well enough, but we got it under circumstances which were not a valid consideration to enable us to call it our own. Under these circumstances I shall vote to return it.

Mr. SARGENT obtained the floor.

EXHIBITION OF LIFE-SAVING APPARATUS.

Mr. HAMLIN. Will the Senator from California yield to me a moment?

Mr. SARGENT. Yes, sir.

Mr. HAMLIN. There is a resolution on the table which has just been sent from the House of Representatives authorizing the Secretary of the Treasury to put on exhibition at the fair at Philadelphia a life-saving apparatus. If it is to pass at all it should pass now, so that there may be time to get it there. It is a very desirable thing to exhibit to the world, and I ask the Senate to put the resolution on its passage.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from California yield for that purpose?

Mr. SARGENT. Yes, sir.

The PRESIDING OFFICER. The Chair will lay before the Senate a resolution of the House of Representatives.

The joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station at the centennial exposition was read twice by its title.

Mr. COCKRELL. I object to the present consideration of the resolution.

The PRESIDING OFFICER. The Senator from Missouri objects.

Mr. HAMLIN. Let it be read.

Mr. COCKRELL. Perhaps if I hear it read I may not object to it.

The Chief Clerk read the joint resolution.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his objection?

Mr. COCKRELL. I have no objection to make to the resolution now.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Treasury to place on exhibition at the centennial exposition, upon such ground as may be allotted for the purpose, one of the life-saving station-houses authorized to be constructed on the coast of the United States by existing law, and for which appropriation has already been made, and to cause the same to be completely equipped with all the apparatus, furniture, and appliances now in use at the respective life-saving stations of the United States, the building and apparatus to be removed after the close of the exposition and re-erected and used for a life-saving station at the place authorized by law.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAPANESE INDEMNITY FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 626) in relation to the Japanese indemnity fund, the pending question being on the motion of Mr. SARGENT to strike out the first section of the bill.

Mr. SARGENT. Mr. President, I trust that it will not seem unfashionable, after the speeches which have been made, to express some wish that, if there is a reasonable and decent ground to retain in the Treasury of the United States $1,200,000 worth of gold and apply it to the payment of our national debt and so far relieve tax-payers, it may be done, and that I may be permitted to insist that possibly there are some reasons why this should be done. I am afraid that if we apply the principle which is sought to be established by this bill it will be necessary for us to review our dealings with other nations and make them compensation for wrongs which we have done to them. In the course of our history, within the recollection of every one who hears me upon this floor, on a pretense of our own seeking, upon our own provocation, we went to war with a weaker power; we falsely asserted that that war was commenced against us by the republic of Mexico. We sent our troops, armed and equipped and backed by our superior civilization, to this weaker neighbor, a republic struggling under adverse circumstances to justify itself and its existence. We beat down its armies, destroyed its military power, occupied its capital, prostrated it in the dust, and thus holding it to the earth by our superior power, after an unjust and false pretense of war, and a waging of war in the bitterest manner against that republic, thus humiliating it, we compelled it to make a treaty whereby, in consideration, as the treaty says, of some money, which we paid to them, a mere bagatelle in proportion to that which we took away from them, we required them to cede California, New Mexico, Arizona, Nevada, and a part of Colorado and Utah, and other Territories. We required of them to cede territory which at that time, at its then valuation, to any nation on earth would have been one hundred times the amount of indemnity which we pretended to give them for it. We did this by the strong arm, and if we now are to return to another nation, because it is weaker, and because it is trying to struggle toward the light, an amount which was exacted in this Japan case, we ought either to return the territory or a part of it which we received from Mexico, or make just indemnity for it. If we are robbers in the last instance, and have in our pockets ill-gotten gains, we were robbers in the former instance and upon a scale of much greater magnitude. Are we prepared to give back and return any of our territory which we took from Mexico?

My friend from Maine [Mr. MORRILL] who has just spoken has put this case upon the ground that by our power we took advantage of this struggling people, wrested from them money to which we were not entitled, and therefore we ought to return it; that it is money which ought to burn in our pockets. Representing a portion of the territory acquired from Mexico, I should be very sorry indeed to have California ceded to Mexico and should resist it; but if the principle of this bill were adopted the Senate could not logically refuse to make reparation to Mexico by giving it some millions, proportionate to the value of the property which we wrested from it under circumstances very similar, as is alleged, to those under which we took this indemnity from Japan.

That is not the only pretense that I have heard urged here. There is a strange inconsistency among the supporters of this bill. My friend from Maine says that the flag was shown in the offing; that there was some moral support, but no material support; that the moral support did not amount to much, in fact amounted to nothing at all. On the other hand other supporters of the bill make a different showing. My friend from Ohio [Mr. THURMAN] insisted yesterday that the American sailors there fought gallantly and distinguished themselves in one of the great actions of the world; that with six guns they fought one hundred and thirty, or thereabouts; that with a few men they fought twelve hundred; and that it was a gallant battle, illustrious to the American Navy and illustrious to the men who participated in it. As it is true that both gentlemen support

the bill for the reasons they gave, it seems to me there ought to be some correspondence or conference between the supporters of the bill and let them agree upon some single system of support. If the Senator from Ohio is right, if our sailors were legitimately called upon to fight and fought so gallantly and so gloriously in order to vindicate the rights of the United States, those of course are the only acts which he now would have any right to vindicate; the only quarrel in which we could interfere with any propriety; in that case the Senator from Maine is wrong and the theory of the bill is wrong so far as it would return this money to Japan.

I do not believe that this money was improperly obtained. In matters of this kind it is impossible to lay down a particular rule of damages. In most cases of damages before courts rules are impossible, and the whole case is left to the discretion of the jury. Punitive damages are often given beyond the actual damage. It is left to the discretion of the jury, and sometimes courts advise that it shall be done simply because it is impossible to estimate the injury to honor and sometimes even to estimate injury to property. The value of an heirloom to a person in whose present possession it is, if destroyed, cannot well be estimated, and would seem certainly to be greater than the amount at which it might sell at auction if put up at a forced sale, on account of the value to the person who owned it at the time it was injured or destroyed. The rule of damages is entirely uncertain and rests very largely in discretion. Here is a case where there certainly was damage done to our commerce. How much it is is not distinctly stated. There was some disregard of our national rights; otherwise our fleet had no business there. Our officers did go there, and, as the Senator from Ohio insists, they fought gallantly in order to stop a state of things detrimental to the public interests. As the result of it there was a treaty and a certain amount of money was sent here which has been put into a fund instead of going as it should have gone into the United States Treasury.

The better way would have been to have adopted the amendment offered by the Senator from Ohio, [Mr. SHERMAN.] That amendment was voted down. That would have put this money into the Treasury, and it is better in all such cases that the money should be put into the Treasury in the first instance instead of being hung up as a purse is hung up in a horse race, as a temptation for the cupidity of all persons who desire to participate in its contents. It is tempting for every one who can possibly produce some pretense under which it or some portion of it shall be devoted to him. Such money should be put in the Treasury of the United States, and then, if we owe honest debts to any person or if we are moved by sentiments of generosity toward any one, we can make the appropriation directly out of the Treasury of the United States. That is a much more careful system and by it we avoid extreme waste. There seems to be an idea that as this is a fund not in the Treasury, but represented by bonds and set aside by itself, we are not appropriating the public money lavishly to any one who desires that money by distributing it among those who come forward and ask to share it. It is a bad system in every form, and it would be better if this fund had gone into the Treasury of the United States originally. If it had gone there I doubt if missionaries in Japan would have been writing here to Senators and telling them, "We have a school system which we want to support here among the Japanese; if we can get this money away from the Government of the United States and have it sent back to the Mikado, we may induce him, probably, to give part of it or the whole of it for the purpose of sustaining our schools." There is always an element of selfishness at the bottom of these things, if we can only come at it. There is a desire to extend and enlarge the power of those schools, which is meritorious. I have no doubt these gentlemen are excellent men; but there is at the bottom of it a selfish motive. The proposition really is to take money that belongs to the Treasury of the United States for the support of schools in another country. There have been no representations made to us by Japan which I have been able to discover, by their minister or through any other source coming through the Japanese government, that they want this money returned or would be glad to get it back.

It has been very well insisted on this floor that it places Japan in an ignominious position for us to offer it. We say to them, "You are weak. You were weaker than we were and we squeezed this money out of you. Our conscience, however, troubles us, and we ask you, the weak person, to take it back." I believe myself that it places Japan in a humiliating position. If Great Britain, as the result of a treaty between us after a war, had exacted from us an amount of money which we had paid, I do not believe that we would receive the money back from Great Britain. We would be apt to throw the gift back in the faces of those who offered it. We would consider it, it seems to me, as unworthy of our national dignity, accompanied by the humiliating proposition that we should take back the money which we had given at the point of the bayonet and which had been given by us as a result of a treaty, by reason of our being overruled or by any reason whatever. We would reject any such proposition if it were applied to ourselves, and I have no doubt that the government of Japan so looks upon this matter. If we and the other nations who participated in the convention had injured them and ought not to have received this money from them, and if they had a right to get it back and wanted it back, they would have made their representations known through the State Department. Unquestionably they would have communicated with our Government on the subject. They have made no such proposition. The initiative, I understand, comes from another and a different source. It comes from those who expect to receive the benefit of this fund. It is another method of securing it. I have nothing to say against the purpose for which possibly it might be applied if received by Japan; but that is very doubtful. I still say that back of it there is a motive which has its basis in selfishness, in a selfish desire of seeing certain school institutions prosper in Japan, in whose success certain men are interested. I do not think the motive is adequate. I do not think we ought to apply it for any such purpose.

I have an idea, after the vote which has been taken, that it is useless to protest against this money being offered to Japan. I regret that such is the case. I think it is honestly in our possession and ought to be applied as moneys received from miscellaneous sources usually are applied, to the extinguishment of the public debt and in relieving the people from the burdens of taxation under which they lie. It has been urged on this floor over and over again that business is stagnant in the country; that men are without work; that families are reduced to poverty. We hear the cry come up here from the western prairies. I know that it is true to a certain extent along the Atlantic coast. Nevertheless, in order to maintain the national credit, to pay the interest as it accrues upon our immense public debt, and keep good our sinking-fund, to pay the necessarily large expenses of administering the Government, we are compelled to keep up our taxes and even to look for new sources of taxation. Under these circumstances, after years have elapsed, it is proposed to pay it back with all its accumulations and deprive the Treasury of the substantial benefit which it would have if it were used for the general public interests. I do not think that it is wise to do this. I do not think that justice requires it. I think that justice to our own people requires that we should not so act.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. I hope not; I hope the friends of this bill will stand by it until it is passed.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from California to amend the bill by striking out the first section.

Mr. SAULSBURY. Mr. President, I shall not vote for the motion of the Senator from California. Having listened to the whole of this debate without desiring to participate at all in it myself, I am satisfied from what I have read in reference to this fund, as also from all the arguments that have been made, that we required of Japan a much larger sum of money than in conscience we ought to have demanded. It is now in the Treasury, held as a separate fund, and I am in favor of restoring it to the power from which we extorted it. I am not governed any more in this feeling by consideration for a weak and helpless power than I am by the high regard and respect I have for the Government under which I live. Though Japan may be a power which we can afford to treat with indignity and from whom we could afford to extort moneys which she did not owe us, yet, as an honorable, high nation of the earth, one of the highest powers on the earth, we owe it to our own character, we owe it to the dignity of our own country, if there is a single dollar in the Treasury of this country that belongs to any other power, forthwith to return it, and, I had like to have said, with usury.

Mr. COCKRELL. How about the claims of our sailors for prize-money?

Mr. SAULSBURY. That is a part of the fund we are entitled to hold. We are entitled to hold enough to indemnify our own citizens, in accordance with usage, because of the part which they took in these actions. I believe it is not intended to return the whole fund, but to retain in the Treasury of the United States enough to indemnify the Government for all expenses and all outlays incurred by the Government, and also to distribute to the sailors engaged in opening that channel the proper prize-money to which they are entitled under the customs of the country on such occasions. Every other dollar which we have extorted I would return. I use the term "extorted" designedly. We had the power and used it. We put into our own coffers money which in good faith and conscience we ought never to have demanded and ought never to have received. Having it there, we should imitate the men who are to-day sending to the conscience fund the money of which they have wrongfully deprived the Government. We should take this money at once from the Treasury. We should not have our national character compromised by any idea that we are holding in the Treasury of this country one dollar that in justice and equity belongs to another, and especially to a weaker power.

In regard to the appeal of the Senator from California in behalf of the maintenance of the credit of this country; that we are bound to maintain the credit of this country; that our resources are taxed for that purpose, and that we are seeking new avenues of taxation in order that we may pay the public debt and maintain the credit of this country, its honor and dignity, I say we must maintain the honor of this country, but we must not do it by taking from other people that which properly belongs to them. I am in favor of upholding and maintaining the public faith toward all the nations of the earth and toward the bondholders of the Government; but I am not willing, in order that that may be done, to put my hand into the

pocket of any other people and take from them that which belongs to them.

I therefore shall vote against the motion of the Senator from California to strike out the first section, and when the proper time comes I shall vote to refund to the Japanese government every dollar which properly belongs to them.

Mr. HOWE. Mr. President, I have listened to this debate with a good deal of interest and with considerable profit, I hope. I am rather inclined to think I might be induced to go for either of these sections separately, but taking them both together it is a dose that I cannot swallow anyway. When I listened to the honorable Senator from New Jersey and to the honorable Senator from Delaware, who has just taken his seat, as they inveighed against the propriety and the honesty of our wresting from a weak power their hard-earned moneys and applying them to our own uses, I felt that we might be in rather small business not to return the excess of cash which is said to be in our Treasury, and which was paid to us by Japan; and when I listened to the Senator from Ohio [Mr. THURMAN] who tells us in vivid terms of the gallant exploits of our Navy, especially of his old friend and school-mate, McDougal, I feel as though we were called upon, or might be, as an act of gratitude, to vote a gratuity to the officers and seamen who so gallantly carried our flag in those distant waters and maintained the prowess of the American Navy. They do not exactly come within the law of prize; but we ought to give them some money as a testimony of our gratitude. It is a pretty strong argument; there is considerable to be said on that subject; but the difficulty I have is to justify to myself as the representative of an honest nation the propriety of taking Japanese funds to pay bounties to the American Navy. I cannot reconcile the two propositions. It does seem to me as if the Senator from Kansas now in the chair [Mr. INGALLS] uttered the other day a truth to which we ought not to turn a deaf ear, when he said that either this money belongs to the United States or to Japan. If it belongs to Japan we ought to return it to Japan without any abatement for the purpose of paying gratuities to any portion of our Navy. If it belongs to us, put it into the Treasury, and then if any portion of our Navy have claims upon the Treasury, make an appropriation to meet those claims.

The difficulty of reconciling these two sections led me to consider a little each one of them. I rather think, Mr. President, when you go to the bottom of this matter, that you cannot make a very good case in defense of either of these sections. If Senators will just confine themselves to the first section alone, I think it will bother the best informed of them to state any good reason why one dollar of that money should be repaid to Japan. Senators say that we have paid every claim already which could be preferred against the fund, and we have an excess. If any Senators suppose that that money was paid to us in trust for any individual or any number of individuals in the United States, they make an immense mistake, or at least I am mistaken if they are not. I have seen no evidence of that whatever. It was paid to four nations to be divided between them as they should agree, and neither one of the powers held a dollar of the fund which might be given to it and appropriated to its share, in trust for anybody in the world. It seems that this Government came to the conclusion that there were certain citizens who had been subjected to losses which ought to be made good out of this fund, and it has made them good; but it was not paid to us because those citizens had made losses. It was a gross sum paid to these four powers, not for property destroyed, not for this specific wrong or that, but for what was claimed to be a long system of aggression upon the rights of the powers. The firing upon the Pembroke in 1863 was only one of those aggressions, and by no manner of means the greatest of them or the worst of them; and if we were not entitled to this full sum of money in the court of conscience by anything which Japan had done, any wrong to us prior to 1864, I think any Senator who will very casually and cursorily look over our diplomatic correspondence since 1864 will come to the conclusion that if we could charge a decent price for every wrong done since that time against us by Japan we should not only use up any excess there might be of the fund but there would be a large balance due us. Your diplomatic correspondence is full from that time to this, the whole twelve years, of complaints of the misconduct of Japan.

I do not propose to dwell at all upon this point. It is the second section that exercises me most. The idea of paying prize-money to the crews of the Wyoming and of the Takiang seems to me to be the last proposition that ought to be brought into the Senate. If it was a proposition to pay it out of our Treasury, I should think it was about the last proposition that ought to be brought here; and, if it is a proposition to pay it out of the Japanese treasury, it is more startling still. The truth about it, I suspect, is that, if Senators did not feel that we were bound to return to Japan what Japan had really no business to have, there would not be a Senator on this floor bold enough to propose to pay a bounty to the crews of the Wyoming and the Takiang; but, inasmuch as this money is likely to go back to Japan, perhaps we had better snatch a little of it for the crews of these two vessels. That is the idea, I suppose. I would not let it go back, and therefore I would not snatch any of it.

What were the services for which we are asked to appropriate $125,000 out of this fund? The Wyoming rendered some service, it is true. She was ordered to chastise one of those daimois, or governors, or princes, or whatever they ought to be called. She went to her duty promptly, executed it fully; she was engaged there an hour and ten minutes; she actually lost four men, who were killed during the engagement, and one died afterward; she was struck by the enemy's shot several times. Your Secretary of the Navy said it would cost $9,000 to repair the damages to the Wyoming. There was so much money sacrificed in that engagement and there were five lives sacrificed. That was the work she did. It was police work, to be sure. There is a little difficulty in bringing this vessel within the laws of prize. There are two difficulties; one is that there was not any war and the other is that she did not capture any vessels. Nevertheless there was some work done; and if you want to pay for it I have not any particular objection to your voting a bounty; but when it comes to voting a bounty to the officers and crew of the Wyoming and taking it out of the Japanese fund, that is very bad. The Takiang, I understand, was a merchant-vessel; she was hired, crew and all, to take our flag up the Straits of Simonoseki. You had not a vessel of war to send there, and it was thought that our flag should go up there; whether you did any fighting or not, that you should be represented on that solemn occasion. The force was furnished by the Netherlands, France, and Great Britain. Two expedients were suggested for the purpose of getting our flag up there. You had a vessel that was unfit for sea service, I believe, the Jamestown; she could not go to sea; but the commander of the British fleet proposed, in order to get our flag up there, to take her in tow and tow her up, but it occurred to them that might embarrass the operations——

Mr. EDMUNDS. It would be untoward. [Laughter.]

Mr. HOWE. That would be embarrassing, and finally your minister hired this vessel, the Takiang, crew and all. She was to go up there for thirty days, at a sum, I believe, of $9,000; but, as she was not a vessel of war, as her purpose was only to carry the flag to show that her instructions were to keep out of all harm. They put an American officer on board of her, a lieutenant I think from the Jamestown, to take command. She went up there. The reports say that she disregarded her instructions. Having a gallant officer in command, I suppose he began to think when he saw other vessels belching forth their fire that really he was in command of a vessel of war himself, and they say he did fire eighteen shots himself out of a gun that he took on board from the Jamestown when he started. I believe the Navy Department estimates the value of those shells at $250. There was not anybody killed on the Takiang nor was anybody wounded. The wounded from other vessels were brought on to the Takiang, and I have no doubt were taken good care of. That is what that vessel did. The men on her, with the exception of the few taken on board by the officer of the Jamestown, were the regular crew of the vessel. They worked for so much a month. That is what she did, and it is seriously proposed here to pay something like prize-money for that exploit to the officer in command of that vessel and to the crew who sailed on her, and it is said not only to pay them money but to steal the money from Japan to pay them with.

Mr. President, my conclusion is that each of these propositions on the whole is a very lame one considered by itself. Put them both together and they are helplessly lame. I shall vote therefore for the amendment of the Senator from California, which is to strike out the first section. I shall vote for it for two reasons: first, because I think it is a pretty good amendment in itself; and, secondly, because I think it will make it so much easier to strike out the second section.

Mr. BOGY. I shall detain the Senate but a moment. The subject has been so well discussed already by gentlemen on both sides of the question that I only rise because I am a member of the Committee on Foreign Relations, and it is understood by some persons on the floor that the committee is a unit on this subject. I myself believe that this money should not be paid back to Japan. I have not been able to find a single reason why, but, on the contrary, I see a great many reasons why it should not be.

With the internal political condition of Japan we have nothing to do. We recognize Japan, as the fact is, as one of the nations composing the family of nations of the world, a nation not destitute of civilization by any means. Their civilization is not perhaps like ours; but nevertheless they are a civilized people, and they are advanced in civilization, and are perfectly able and competent to take care of themselves. There can be no question about that. That being so, they entered into a treaty with four other nations of the world by which they agreed to pay a certain amount of money, not an amount of money limited to the damages which had been created by the vessels going into the straits, the name of which I do not now remember, but damages growing out of the wrong-doings of Japan, damages growing out of the fact that Japan, in violation of the well-known law of nations, had closed a strait leading from one sea to another where the commercial nations of the world had a right to pass at all times and without treaty. It goes beyond treaty; it is a recognized law of nations that they have such right; I speak of commercial nations. Japan, in violation of this fundamental right, a right which belongs to all the commercial nations of the world, closed this sea and for the time being disturbed the commerce of the world, to what extent we cannot say. It will be impossible at the present day to estimate the damages sustained by any American merchant or a French merchant or a merchant of the Netherlands. That cannot be done. But the fact is that the commerce of the nations of the world was for the time being arrested by the conduct of Japan. Whether that was by one of its subordinate princes is neither here nor there. We have

nothing to do with that question. We hold the head, the nation responsible, represented by a gentleman called, I believe, a Tycoon; but whether he be a Tycoon or a Mikado is neither here nor there; he is the chief of the nation, and as that chief he speaks for that nation.

The commerce of the world to the extent of this narrow strait having been disturbed by the doings of a prince of the empire of Japan, damages of course are inflicted upon commercial nations of the world; to what extent we have no means now of ascertaining. It is very possible that some enterprising merchant might have carried more than one valuable cargo across that sea who did not undertake it, because he knew that it could not have passed. Therefore you cannot ascertain the damages. But damages are not always specific in amount. There are damages imposed upon a nation, as they are imposed upon an individual, by the way of a fine for wrongdoing. Japan did wrong here. Let that be as it may, as a mere matter of common sense this nation makes a treaty with other nations not alone to pay the damages incurred to the vessel that went up that strait with a view of opening that sea to commerce, but the very words of the treaty show exactly what was the intention. Here are the words:

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade—

Not for damages; but for "the stoppage of trade"—

and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince—

As a matter of course it was his duty to do it. He failed, because perhaps he was not able; but that is not our business. He did not do it. That is sufficient for us—

being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition.

The arguments of the Senators who are in favor of returning this money to Japan are confined alone to the immediate expenses attending the expedition, the losses resulting from the damage sustained by the vessel or vessels that attempted to go through that strait. This is a broad mistake. It is for damages resulting to the interests of the treaty powers. What are those damages? I dare say that the six hundred and odd thousand dollars received by the United States are not a sufficient indemnity for the loss which the trade of American merchants received in that sea, because it was not confined alone to that locality. By destroying the trade in that locality for the time being, you more or less affect and destroy the American trade with all the Empire of Japan, making it all uncertain, making it extremely dangerous, and the consequence is that your enterprising merchants will not sail from the coast of our country to that country, fearing that they may be involved in ruin; and, as far as mere damage is concerned, the six hundred and odd thousand dollars will not indemnify the people of this country.

Again, the first section of the treaty says:

The amount payable to the four powers is fixed at $3,000,000. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato—

For "past aggressions." What are they? Those people have been aggressing on American commerce in one way or another from time immemorial. Many, many Americans have been prevented from trading with that country, and have suffered immense loss from time immemorial. It is to cover these losses also—

whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

So that it was not alone the expenses incurred by the operations of the squadron, but for all past aggressions, for interfering with commerce, for preventing commerce from going through where it had a right to go, not only by treaty, but a right to go by the law of nations, treaty or no treaty.

I attach no importance, Mr. President, to what I have heard said by Senators on this floor, that Japan being a weak nation we ought to be magnanimous. I hold the rule of justice to be the same whether it be Japan, or Mexico, or any other nation weaker than ourselves that we are dealing with. We must do justice. When a treaty has been made with a civilized power of the world, it is a contract that must be binding; and to go back and discuss that subject over again is not wise, and instead of being productive of good is productive of great mischief, and is not calculated to maintain the peace of the world. The peace of the world is maintained by compacts and treaties made with nations, and when they are made they are binding; and we do not look to the past; the past is to be forgotten, and we start *de novo* from that point. Here we made a treaty, by which a very small sum of money was to be given to us. It is possible a less sum might have been paid for mere damages. It is possible also that the commissioners were willing to take two millions, and that it was increased to three millions because their object was to get a sort of leverage upon the people of Japan to obtain another port for commercial purposes. That also is all right. If it was necessary to increase the damages so that the commerce of the world would have one more port, why should it not be done? It is a great commercial advantage, and the nation that will stand aloof and use a portion of God's earth exclusively and not allow others to go there ought to be forced to open all its ports to the commerce of the world. It owns no territory to the exclusion of the rest of the human family. It ought to be forced to open its ports to commerce.

I say then, without dwelling at length on the subject, that I have not heard a single reason to convince me that we should return one cent to Japan. I furthermore have very great doubt whether we can take any of this money and pay it to the officers and sailors in that expedition; yet I am willing to vote for that under the circumstances; but surely I cannot vote to pay a sort of prize-money to our officers and sailors if the money belongs to Japan. If it be true that this money was wrested from that empire unjustly, because we were stronger than they, we ought not to retain a single dollar of the money; and, if we wish to be generous, let us not be generous with the money of Japan. It is not consistent. The whole should be returned, excepting the few dollars necessary to pay the mere expenses of the expedition there, or the whole should be retained; and in retaining it I am willing to vote for a small sum as a sort of a prize-money to the sailors and officers, although I doubt very much whether they are entitled to it. I have no hesitation in saying that I do not think it was such a great feat of valor as calls upon us as a nation, willing at all times to reward its brave soldiers on sea or on land, for special recognition; nevertheless I have no objection to giving it to them; but I am unwilling to give one cent back to Japan. It will do us no good and I think will make us contemptible, and, if I were the Tycoon of Japan, when the money was offered to me I would return it with contempt to the people of the United States.

Mr. MAXEY. Mr. President, I shall be controlled in the vote I shall cast on the measure before the Senate by a very few considerations. The United States claimed to have suffered damages from the government of Japan. That led to negotiations. Those negotiations resulted in a treaty. That treaty was presented by the President of the United States to the Senate for its action. It was ratified and confirmed by the Senate, and thereby became a part and parcel of the supreme law of the land.

The effect of this bill is to-day that the claim of the United States was, if not fraudulent, extortionate; that the great powers of this Government were brought to bear to crush out a weak government and extort from it money to which we were not justly entitled; and that when that treaty was entered into it was procured by force and by duress, and not in justice and good faith; and that the President of the United States was a party to this transaction and that the Senate of the United States were parties to the transaction. We go before the world in this way as having secured from a weak government money to which we were not honestly and justly entitled.

Now, sir, I believe in supporting the honor and character of this Government, and believing that all things done by the proper authorities, by the officers appointed by the Government, are rightfully and solemnly done, believing in the verity of the record, I propose to stand by the record until something is brought forward to show that that record was procured by fraud. Nothing of that kind has been done. I shall not support this bill.

I cannot see how one who has the honor and integrity of this Government at heart can sustain the position which is taken in this bill. Besides, if this treaty can be opened now for the reasons which are assigned in this bill, every treaty which the United States Government has entered into or may hereafter enter into may be opened for the same reason, and it would be a most dangerous precedent to set, in my judgment.

These reasons satisfy me that I ought to vote against the bill.

The PRESIDING OFFICER. The question is on the motion made by the Senator from California [Mr. SARGENT] to strike out the first section of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MCCREERY, (when the name of Mr. STEVENSON was called.) My colleague is unwell, and is detained from the Senate for that reason. He asked me to make this statement on the call of the roll.

The roll-call having been concluded, the result was announced—yeas 24, nays 29; as follows:

YEAS—Messrs. Bogy, Caperton, Clayton, Cockrell, Cooper, Dennis, Dorsey, Edmunds, Goldthwaite, Hitchcock, Howe, Ingalls, Jones of Nevada, Kelly, Key, Logan, McCreery, Maxey, Mitchell, Paddock, Sargent, Sherman, Wadleigh, and Withers—24.

NAYS—Messrs. Allison, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Davis, Dawes, Ferry, Frelinghuysen, Hamlin, Jones of Florida, Kernan, McDonald, McMillan, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Randolph, Ransom, Saulsbury, Thurman, Wallace, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bruce, Conover, Cragin, Eaton, English, Gordon, Hamilton, Harvey, Johnston, Morton, Patterson, Robertson, Sharon, Spencer, Stevenson, West, and Whyte—20.

So the amendment was rejected.

Mr. THURMAN. I move to strike out the whole of line 9 of section 1, which is "said indemnity fund, including all accumulations of interest," and insert in lieu "the sum paid by said government without interest." So that if the amendment prevails the section will authorize the President—

To pay over to the government of Japan the residue of the sum paid by said government without interest.

We do not pay interest on claims against the United States to our own citizens. There are very few governments that pay interest. So far as interest has accumulated in this case, it is simply because in

some way that I do not understand this money, instead of being covered into the Treasury, has been kept under the control of the Department of State and invested in bonds of the United States. We have not received interest on this money. We have simply invested it in our own bonds, and an accumulation of interest upon those bonds is simply a computation of interest against the Government of the United States. I see no reason, therefore, why we should pay interest, and I think it will be doing all that the national honor and that a good example will require if, after making the deductions that I propose we shall make, we pay over the remainder of the principal without interest.

One word upon another point suggested by a remark of my friend from Missouri, [Mr. BOGY,] if I heard his remark correctly, and that is that if we are to pay over this money we have no right to retain the $125,000 provided in the bill to be paid to the officers and crew of the Wyoming and the Takiang. I cannot agree with that idea. That was fairly and properly a part of the amount that ought to be paid to this Government. We were fairly entitled not only to be reimbursed the actual injury sustained by the Pembroke, the actual injury sustained by the Wyoming, but also to retain what according to the usage of this Government has been the allowance to the officers and crews of vessels in the Navy who have done services meriting national recognition. I do not think therefore that there can be the slightest objection to retaining the second section in this bill, and at the same time returning to Japan anything that we think in justice and consistent with the honor of the country we ought to return. But I do not think we ought to compute interest upon a fund on which we never have received interest, and make a distinction in favor of a foreign government when we are doing an act of generosity, so to speak, unparalleled in the history of the world by paying them back not only the principal but also interest upon it.

Mr. EDMUNDS. Mr. President, the last instance in which one government has paid any money to another that I know of, was the matter between Her Majesty the Queen of Great Britain and the United States, and in that instance interest was paid so far as we can gather, certainly it entered, according to all our information, largely, to the extent of nearly 30 per cent. or perhaps quite 30 per cent., into the gross sum that was allowed. Now the Senator says that in this case we have not received any interest from this money. It is true we have not loaned it out to people and gathered interest in that way; but this money, the actual cash, was invested in United States bonds by the State Department, according to a traditionary policy, that whatever is payable to the United States from foreign governments is not to be put into the Treasury, although the statutes say it shall be, as I understand them, but is kept apart. This money was invested in United States bonds that bear interest and the money paid for the bonds went into the Treasury of the United States when it was paid over and was applied to the common uses of the Government. We have had the use of the money. It has not been lying idle in our hands in specie, in the vaults of the Treasury or the vaults of the State Department, a thing unused and nothing got out of it; but the actual advantage of the use of this money we have had just as much as if we had borrowed it of the government of Japan and applied it to the payment of the expenses of the war and the other expenses of the Government. As a mere matter of form it was put in the State Department in the shape of Government bonds; but the money was actually expended for the uses of the United States, and in the place of the money there stand in the State Department those obligations of the United States that we call bonds. We hold our own bonds for it. That is the short of it. So we have had the use of the money. If, as was true in the case at Geneva, after five or six years of delay that element ought to be taken into consideration, if this claim is just at all the element of interest ought to be taken into consideration because we have actually profited by money that we should otherwise have been obliged to borrow from somebody else to exactly the extent of the value of the money used by the Government.

Then, if we are to do this thing, do not let us begin to figure and to pair on this question of honor and duty, but let us give to this people from whom we have wrongfully extorted three-quarters of a million of dollars the benefit we have received from the use of this money according to its price in the market, being its interest.

Mr. CAMERON, of Pennsylvania. Mr. President, I have for a great many years thought it was the duty of the Government of the United States to return this money to Japan. I think that people were forced in their distress to pay the money, forced by two great powers besides our own, France and England, and also by the Netherlands. They were compelled to pay the money or suffer great injury to themselves. The question has been so ably and fully discussed that I do not want to say anything on the subject; but, as a member of the Committee on Foreign Relations, I have always believed that we ought to return the money. I have opposed all the projects, and there have been a good many, to get the money out of the Government and use it to establish schools and colleges and missionary societies and so on. I have opposed all such propositions because I think the honor of the Government requires that we should return the money to the authorities of Japan.

Now, I think the proposition of the Senator from Ohio is a just one. That we should have given the money back long ago, I have no doubt. It would have been returned before but for our own impoverished condition. We have not been able to do it heretofore. If we give them the money which we took from them, saving from that the amount which the naval officers and sailors believe they have earned under the laws of the country, I think we shall act justly. I would give them back the whole of this sum without interest, though that exception never occurred to me until the motion was made by the Senator from Ohio. I think his proposition is a wise one; I think it is just to both countries; and therefore I shall vote for it.

Mr. DAWES. Mr. President, the amendment proposed by the Senator from Ohio is to strike out of the bill the accumulations of interest, and to retain those in our own hands. If I have understood the argument of the Senator from Ohio in support of the bill, it is that we are, in respect to this fund, a trustee in our own wrong. That certainly is the ground upon which I support it; and I think I heard him repeat a great many times in support of the bill that we had no business with the money at all; that it was not our money in equity; that this is a proceeding in a court of equity by which a trustee is made to disgorge the money that he holds in trust; and it is proposed by the Senator from Ohio now to retain what we have made out of it, to retain the interest, and everything that the trustee has made. The trustee holding in his own wrong and without right proposes to retain all he has been able to make out of a fund that he had never any business with! I do not know of any court of equity in the world that ever laid down such a doctrine as that; and if I am to confess by my vote, as I propose to do in support of this bill, that this fund does not belong to us, I am not going to stultify myself by saying at the same time that I propose to retain all we have made out of it.

Mr. THURMAN. Mr. President, I do not know that in all this discussion I have ever used the word "trustee." I do not know that I have ever said that the United States holds this fund as a trustee. I have said that if the Senate were satisfied that we had received from Japan much more than paid all our losses, all that we could fairly have claimed of that government, it would be a sublime spectacle, and of good example, and the first set in the history of the world, so far as I know, to return the surplus to that government. I have admitted that it is questionable, certainly very questionable, in view of the considerations urged by the Senator from Vermont yesterday with so much force, whether we are under any moral obligation to set this good example. But, if the Senate is satisfied that we have received from that power money which we ought not to have demanded from it, then I do say again that I can conceive of nothing more calculated to elevate the character of the country, and—if I saw fit to go into it—to promote its material interests, too, in its intercourse with foreign powers, than to return this money.

So much for that. Now, a word in respect to the particular motion that I have made to amend, and which strikes out the accumulation of interest. In the first place, I fail to see the analogy between this case and the Geneva award, to which the Senator from Vermont has referred. Great Britain was properly chargeable with interest and compelled to pay interest by the award at Geneva. The claims upon her were the claims of private men. The national claims were rejected. The claims allowed were the claims of private men whose property had been destroyed through her culpable negligence, as that arbitration determined; and it was therefore perfectly right that, for the satisfaction of these private claims, she should pay not only the principal loss, but interest also. I fail to see any analogy between that case and the question whether we shall pay interest to Japan if we, without any legal obligation upon us, but simply out of a sense of justice, out of a high principle of honor, see fit to return to her a portion of the sum that she has paid to us. I repeat that I see no reason for doing better by her than we do by our own people. We do not pay interest upon claims against the Government. A private citizen may have the most just claim in the world upon the Government of the United States; he may pursue it for long years, as so many have, before the Congress of the United States; he may be at great expense in prosecuting his claim here; and if, perchance, at the end of ten, or fifteen, or twenty, or fifty years the claim is allowed, we simply pay the principal without interest. That is a general rule.

Mr. EDMUNDS. What is the principle upon which it rests?

Mr. THURMAN. Well, sir, I am hardly able to say what is the principle on which it rests. It would be pretty difficult to find any very commendable principle upon which it does rest except the principle of the danger that any government would incur if it paid interest upon the claims against it. It is very certain that if the Government were to allow interest upon claims against it it would be to the interest of claimants to defer the presentation of their claims, perchance, because no investment could be so good as a Government liability with interest upon it, and, for that or for some other reason it has been the universal practice of this Government, and, I believe, of every government, not to pay interest upon claims. I see no reason why, if in this case we see fit to return this money, we should do more for a country that has no legal claim upon us for the money than we do for our own citizens who have legal claims upon us for the amounts that are due them; and therefore I think that this computation of interest—for that is all it comes to—ought not to be made against the Government of the United States.

It is said by the Senator from Vermont that we have had the use of the money; that the money was paid for Government bonds, and then that money went into the Treasury. That is all very true, no doubt; but whether or not we have made any interest upon that

money, or whether there has been a balance always in the Treasury far exceeding this amount, is a question that every Senator can answer according to the best of his information. I think it will be found that there never has been a day since this money was paid that there was not in the Treasury of the United States more money than we received from Japan.

Mr. EDMUNDS. But may I ask the Senator whether we did not get it into the Treasury by very large loans of hundreds of millions since that money was received by the United States?

Mr. THURMAN. Yes, sir, we have borrowed money undoubtedly, and we have paid a great deal of interest, and we have sold our bonds at a ruinous sacrifice. That is all very true; but still does not touch the general principle that governments do not pay interest upon claims against them.

I think that the friends of this bill had better consent to this amendment. It most materially reduces the sum. We are told that the amount of this so-called Japanese indemnity fund is now $1,200,000. Deduct from that $125,000, and you have $1,075,000. That in the present condition of the Treasury is a very considerable sum; and it does seem to me that in view of this fact the bill is likely to encounter more hostility here and elsewhere, if I may be permitted to use that language, if it is retained in its present shape, than it would if we put this upon precisely the same footing upon which we place all the people of the United States who have claims upon the Government.

Mr. LOGAN. Mr. President, I was inclined at first to vote for this bill; but I have heard reasoning in reference to it on both sides of so striking a character that it has caused me to commence thinking as to the principle involved in this question.

The Senator from Pennsylvania, the chairman of the Committee on Foreign Relations, says that this bill ought to pass, and gives as one reason that part of the money ought to be paid because we owe it to the Japanese government; that we were not entitled to it, and therefore we ought to return it. In the next breath, he says we ought to take a part of it and give it to those men who acted so gallantly. The same remark was made by the Senator from Ohio, or substantially the same. That remark made by these two Senators struck me with great force. First, we should return the money, because we were not entitled to it; and, in the second place, not being entitled to it, we should take part of it and give it to somebody else who was not entitled to it! There is the whole argument.

Mr. THURMAN. I hope my friend will understand me correctly. I am sure I never said, and I have not heard a Senator here say, that we were entitled to no part of this money. I have not heard a Senator here say that we were not entitled to what was necessary to make us whole for the losses that we actually sustained.

Mr. LOGAN. That has all been paid.

Mr. THURMAN. It has all been paid; but the Senator if he will look at this bill will see——

Mr. LOGAN. I have looked at the bill and I think I understand it and I think I understand the Senator. His argument yesterday, and to-day, too, was first that we should return the money because we were not entitled to it. If we are entitled to it, of course we ought not to return it, but we ought to return it because we are not entitled to it. Second, we will take part of it and give it to somebody else who is not entitled to it. That is the bill on its face and that is the argument made by Senators.

Mr. THURMAN. I do not wish the Senator to misunderstand me; but he certainly has misrepresented me very much, unintentionally no doubt. I say that we are under no obligation, and I know of no one who says that we are under any obligation, to return any of this money which we ought to retain for our indemnity; and I do say that the money provided for in the second section of this bill is as much a just claim as the money that we retained for the injury to the Pembroke or the Wyoming.

Mr. LOGAN. Mr. President——

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. LOGAN. Yes, sir.

Mr. CAMERON, of Pennsylvania. I desire to say only a word. I do not think we are entitled to this money, because our agents did that which was unjust. They made war upon this people when they were in a defenseless and unprotected condition, when they were not able to defend themselves. We, like strong men dealing with weak men, made conditions which that people had to accept or to be almost exterminated. We have laws in this country which give to the Navy of the United States prize-money, which system I think is unjust. There is no more reason why a sailor should get prize-money, or a portion of that property which he takes possession of, than there is that a soldier should have it. The soldier gets only his pay. The naval officer gets a portion of the property which is taken from the enemy. That, I think, is wrong in principle; but it is the law, and therefore it is supposed to be right. Hence I say in giving this money back to the Japanese government we should retain that portion of it which is needed to compensate our sailors for what they are entitled to under the law.

The whole of it in the beginning was wrong; was an act of injustice; was an act of powerful combination against a weak and individual government. The subject has been before the Committee on Foreign Relations for years and I have always, as I said before, opposed every attempt to interfere with the integrity of this sum of money. Now, to get clear of it I would give it back. A strong government has no more right to keep the money which it obtains by its force from a weak nation than an individual has a right to take money from a weaker individual. We are governed here by principles of justice.

I am very sorry to interrupt my friend from Illinois——

Mr. LOGAN. Go on.

Mr. CAMERON, of Pennsylvania. It seems to me that we, this great power, should not do as the Senator from Ohio a little while ago said, pretend to be magnanimous and generous. I say we are only acting justly; we are not pretending anything. No government can be injured when it acts justly to a nation or an individual, strong or weak. I think the suggestion of the Senator from Ohio is a very wise one. He says give back this money without interest, because it has really been of no use to us. It was invested in our own bonds and those bonds accumulated to a large amount. If we give them back the whole sum which is not necessary to pay what we are compelled to pay by law to the Navy and to other persons who had claims, I think they ought to be satisfied.

Mr. LOGAN. The Senator from Pennsylvania has, I believe, pretty clearly demonstrated the correctness of my proposition, but when I rose I did not intend to discuss this general question. The argument struck me, as I stated, so strangely that I was almost compelled to ask a question or put the proposition as it had been put by other Senators. The Senator from Pennsylvania is opposed to prize-money, but he would give these men what they are entitled to under the law. The Senator from Ohio said, not under the law, but what they were entitled to. I maintain that they are not entitled to one cent under any law that stands to-day on our statute-books or ever did.

What does prize-money mean? Will any man tell me that there is a law in the United States to-day that gives an officer of a vessel prize-money where he neither takes a prize nor destroys property that could become a prize by capture? Will any Senator say that that is the law? I should like to hear one say so, if he believes it. There is no such law, and there is no law upon our statute-books to-day that would give these men one dollar.

Mr. THURMAN. Certainly the Senator from Illinois must know that, if there were a law on the statute-book that gave this prize-money, this bill would not be here.

Mr. LOGAN. Of course.

Mr. THURMAN. Certainly the Senator must know that there was no law on the statute-book that gave the officers and crew of the Kearsarge prize-money. Certainly he must know that there was no law on the statute-book that gave Commodore Decatur prize-money for the Algerine vessels. And so on of the dozen other cases that I could mention. But the question has always been whether the service was not so meritorious as to deserve recognition and whether the bare fact that the vessel was sunk instead of being captured and brought into port and condemned in a prize-court ought to make any difference with an American Congress. That is the question.

Mr. LOGAN. Mr. President, I was speaking of the assertion of the Senator from Pennsylvania that these men were entitled under the law, and the Senator from Ohio intimated himself that they were entitled. I say they are not entitled under the law nor under precedent. Will any Senator tell me that a man fighting shore batteries with a vessel is fighting against any property that can be captured or the destruction of which entitles a party to prize-money? In neither case could they be entitled to prize-money; and the fact that we owned the vessel ourselves does not give prize-money or entitle any one to it. But if the argument of the Senator from Ohio is correct that we are not entitled to this money and never have been, except merely to retain the amount of damage done to our property, I ask why should our officers be paid for perpetrating a wrong on the part of this Government? There is no principle that authorizes prize-money in a case of that kind. If they perpetrated a wrong, and for that reason we are to return this money, there is no principle that will give them the money demanded in this bill.

Mr. THURMAN. Will the Senator allow me to interrupt him again?

Mr. LOGAN. Certainly.

Mr. THURMAN. Who has said that these officers perpetrated a wrong?

Mr. LOGAN. I did not say that any one said so.

Mr. THURMAN. I think not.

Mr. LOGAN. I am speaking of the principle. If it was wrong for us to receive the money as an indemnity, then the act was a wrong act. That is the reasoning I am meeting.

Mr. THURMAN. That is not the idea at all. The idea is that we received a great deal more than was necessary to indemnify us.

Mr. LOGAN. Very well; I will put it on that ground. We received more than was necessary to indemnify us, and having been indemnified, the surplus or the overplus above that which we were entitled to we propose to gobble part of and give away. That is all. It is dishonest. You may put it on that ground and you cannot maintain your proposition. You cannot upon any ground that you place it—it does not make any difference which—call this an honest bill. If you want to pay these people prize-money, pay it out of the Treasury of the United States; do not state before the gazing world that we have robbed the Japanese government and ought to pay them back $500,000 or $600,000, but that in paying it back we must take a

slice out of it to keep from paying what we ought to pay ourselves as prize-money if it is just. We ought not to do that. Is that correct? I ask the honorable Senator from Ohio if that is honest, if that is correct? I say it is neither honest nor just nor correct in any sense whatever.

Mr. MERRIMON. Will the Senator allow me to make one remark?

Mr. LOGAN. Yes, sir.

Mr. MERRIMON. I think the terms of the treaty are broad enough to include any bounty that might be bestowed on the officers and seamen; and, besides, the Senator will see if he will look back to the correspondence between the ministers of the combined powers and the representatives of the Japanese government that this very subject of prize-money was mentioned in that correspondence.

Mr. EDMUNDS. Can the Senator refer to that?

Mr. LOGAN. The Senator from North Carolina uses the word "bounty." There is a very great difference between bounty and the law of bounty and the law of prize.

Mr. MERRIMON. But I do not go on the ground that they are entitled to it by virtue of the law of prize. I go on the ground that it was expressly provided for by the treaty.

Mr. LOGAN. I beg the Senator's pardon; it is not provided for in the treaty at all or anything in reference to bounty or prize-money.

Mr. MERRIMON. That depends on the construction you put on the language of the treaty, and, as I stated a moment ago, the correspondence shows that the subject of prize-money, and I believe of bounty also, was mentioned, was made a part of the basis of the treaty.

Mr. LOGAN. I should be glad if the Senator would read any single line in that treaty that provides anything in reference to prize-money or bounty-money either.

Mr. MERRIMON. I will read this clause with the Senator's permission.

Mr. LOGAN. Will the Senator give the page and book?

Mr. MERRIMON. Second volume of the Revised Statutes, page 459, the first article, in these words:

The amount payable to the four powers is fixed at $3,000,000. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

Mr. LOGAN. This was to include all claims whatever. What claims? Claims of our Government against the Japanese government. Does the Senator pretend that bounty to a ship or prize-money to one of our own vessels is a claim on a foreign government?

Mr. MERRIMON. "Claim" certainly covered it.

Mr. LOGAN. I beg pardon; it is not either in principle or law a claim upon a foreign government; it is a claim of these men upon our Treasury under the law, if they are entitled to bounty or prize money, but no claim of our Government on another.

Mr. MERRIMON. But without reference to the strict law, I say it was perfectly competent for them to treat on that subject.

Mr. LOGAN. But they did not treat on that subject, for it was not mentioned.

Mr. SARGENT. Will the Senator from Illinois yield?

Mr. LOGAN. Certainly I will give way. I only rose to call attention to this inconsistency. I do not wish to make any argument.

Mr. SARGENT. I do not wish to stop the Senator's speech, in which I am interested, but I want to move an adjournment. I submit that motion.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. MORGAN, from the Committee on Indian Affairs, reported as a substitute for House bill No. 1987 a bill (H. R. No. 3358) to authorize and enable the eastern band of the Cherokee Indians to institute and prosecute a suit or suits in the Court of Claims; which was read a first and second time, ordered to be printed, and recommitted.

EXPENSES OF DELEGATES OF CHEROKEE INDIANS.

Mr. SEELYE, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. No. 3360) authorizing the Secretary of the Interior to pay the expenses of delegates from the eastern band of Cherokee Indians; which was read a first and second time.

Mr. SEELYE. I ask that this bill be put on its passage now.

There was no objection.

The bill was read. It authorizes and directs the Secretary of the Interior to pay out of any moneys in his possession or in his control belonging to the eastern band of Cherokee Indians, (being those of the Cherokee Indians residing east of the Mississippi River,) to Lloyd R. Welch, principal chief of said Indians, and C. H. Tayler, as agents and delegates from said Indians to attend to their interests in Washington, their actual and necessary expenses and such per diem as in his judgment is right and proper for their services. But such expenses and per diem are not to extend beyond the expiration of the present session of Congress.

Mr. SEELYE. This bill is reported by the unanimous direction of the Committee on Indian Affairs. The gentleman from North Carolina [Mr. VANCE] can state in a moment the object and necessity of the measure.

Mr. VANCE, of North Carolina. The eastern band of Cherokee Indians in North Carolina, at their annual grand council, appointed a delegation to come to Washington to attend to important business. Those delegates have not been paid. This Eastern band has a fund which is held in trust by the Secretary of the Interior, and this bill simply proposes that the expenses of the delegation and a per diem, to be fixed by the Secretary of the Interior, shall be paid out of that fund. There can be no objection to the measure.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEELYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EASTERN BAND NORTH CAROLINA CHEROKEES.

Mr. SEELYE, by unanimous consent, introduced a bill (H. R. No. 3361) to authorize the eastern band of North Carolina Cherokees to institute suits, to provide for the purchase of lands, to have a final settlement, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EDUCATION.

Mr. WALKER, of Virginia. I ask unanimous consent that the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people be made a special order for the 18th of this month, to continue from day to day until disposed of.

There being no objection, it was ordered accordingly.

SETTLEMENT WITH RAILWAY COMPANIES.

Mr. HARTRIDGE, by unanimous consent, introduced a bill (H. R. No. 3362) to provide for the settlement with certain railway companies; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. BANNING. The bill (H. R. No. 2935) to promote the efficiency of the Army was made a special order for to-day. As there is other business coming up to-day with which I do not wish to interfere, I ask that this bill be made a special order for Tuesday next at twelve o'clock, in the House as in the Committee of the Whole, and from day to day until disposed of.

There being no objection, it was ordered accordingly.

EXPENDITURES IN THE WAR DEPARTMENT.

Mr. CLYMER. I ask that the evidence heretofore taken and to be taken by the Committee on Expenditures in the War Department be ordered to be printed for the use of the committee.

There being no objection, it was ordered accordingly.

PENSIONS.

Mr. JENKS. I ask that the bill (H. R. No. 2283) granting a pension to certain soldiers and sailors of the Mexican and Florida wars be made a special order for the 19th of May, and from day to day until disposed of.

Mr. HURLBUT. Subject to appropriation bills.

The SPEAKER *pro tempore*. Of course.

There being no objection, it was ordered accordingly.

GOLD AND SILVER.

Mr. BLAND, by unanimous consent, reported from the Committee on Mines and Mining, as a substitute for House bill No. 2715, a bill (H. R. No. 3363) to utilize the product of gold and silver mines, and for other purposes; which was read a first and second time, recommitted, and ordered to be printed.

INDEMNITY SCHOOL SELECTIONS IN CALIFORNIA.

Mr. WIGGINTON, by unanimous consent, introduced a bill (H. R. No. 3364) relating to indemnity school selections in the State of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

UNITED STATES OFFICERS AT NEW ORLEANS.

The SPEAKER *pro tempore* announced the appointment of Mr. HOSKINS in place of Mr. FOSTER, excused from service on the committee to investigate the conduct of United States officers at New Orleans.

BUILDING FIFTEENTH AND PENNSYLVANIA AVENUE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting an estimate from the Quartermaster-General for a special appropriation for rent of building at the corner of Fifteenth street and Pennsylvania ave-

nue; which was referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF EDWARD PAINTER, DECEASED.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting estimate of appropriations for the relief of the heirs of Edward Painter, deceased; which was referred to the Committee on Appropriations, and ordered to be printed.

LE MOYNE VS. FARWELL.

The SPEAKER *pro tempore*. The first business in order this morning is the consideration of the report from the Committee of Elections in the case of J. V. Le Moyne *vs.* C. B. Farwell, from the third congressional district of Illinois, on which the gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. At the request of the gentleman from Massachusetts, [Mr. SEELYE,] I yield him three minutes of my time.

Mr. SEELYE. Mr. Speaker, having no previous knowledge of this question, I have listened attentively to the discussion in order that I might faithfully discharge the responsible duty of voting upon it; and I thank the honorable gentleman from Kentucky [Mr. BLACKBURN] of the Committee of Elections for yielding to me two or three minutes of his closing time in order that I may state the way in which my judgment has been led, which I am glad to have the opportunity of doing before his closing remarks, in order that if I am mistaken he may out of his abundant knowledge correct me.

I take it this whole issue hinges on the question whether the votes of the pauper inmates of the almshouse at the Norwood Park precinct should be received or rejected. If those votes are received, the contestant gains his case; if they are rejected, the present occupant retains his seat.

It is admitted that those votes were duly challenged, and that the right to cast them rests entirely upon the residence of the voters in the precinct. Now, I remember when I was a school-boy that the definition of residence then taught, the definition which had been taught for generations before, and which, so far as I can learn, has not been improved upon since, was the place where a man—*larem rerumque ac fortunarum suarum summam constituit*—has set or established his hearth and the chief of his fortunes and goods. It belongs thus only to a person, and depends thus wholly upon the exercise of a personal choice and will. A tree, a horse, a thing of any sort, cannot then have a residence, and a man incarcerated against his will, or confined within certain precincts without his choice, cannot be said to reside where he is thus obliged to remain. If this be true, and if it be true as I have learned from this discussion and has not been disputed that the supreme court of Illinois has decided that a pauper cannot gain a residence by living in an almshouse, then it follows that these paupers neither have nor could have a residence at Norwood Park, and neither were nor could be voters in the precinct where they were found. I am therefore obliged to vote with the minority of this committee and with what I should expect to be the majority of this House.

Mr. BLACKBURN. Mr. Speaker, appreciating as I do the patience with which this House has listened to the lengthy if not tedious discussion of this case, I would be indisposed to trench upon its time, if I could believe that justice to the issue involved, justice to the Committee of Elections of which I am a member, justice to that subcommittee who were intrusted with this case and who prepared the report that this House is asked to adopt, justice to this House itself and to the country, would warrant me in holding my peace. I would much have preferred the honorable gentleman from Virginia, [Mr. HARRIS,] the chairman of this committee, might himself have been present to have closed this discussion; but he is absent by reason of sickness in his family, and hence the duty devolves on me, his colleague on that subcommittee, as it is evidently the desire of the House no longer to delay final action in the case.

I cannot believe it would be right to allow this question to come to a vote after the House has been sitting here listening to four uninterrupted speeches, following each other consecutively upon the republican side, and I might also feel warranted in venturing the remark that some at least of these gentlemen appeared desirous of so mystifying and confusing the facts involved as intentionally to mislead this House from the true issues upon which it is called to pass.

The decision of a contested-election case, sir, is not only one of the highest privilege known to a deliberative body, but it is in its very nature essentially a judicial act. It is certainly one in which appeals to partisan prejudice are scarcely admissible, and I can but regret that they should have been introduced into this discussion. We have been told, sir, by gentlemen on the other side that it was useless for them to enter a protest, that it was useless for them to plead facts, because they took it for granted that a dominant majority would refuse to listen to the dictates of equity, and in the exercise of an arbitrary power without regard to rights they would unseat one gentleman and seat another.

Not only have we heard this from members of this House who have been engaged in the discussion, but it seems that the honorable gentleman from Illinois, whose seat is now under contest, has himself been involved in these wholesale charges of partisan prejudice, seeking to derogate from the fairness, the magnanimity, and the honesty of the jury before whom he is now on trial. I read, sir, what purport to be extracts from a letter written by the honorable gentleman from the third district of Illinois since the Committee of Elections made their report to this House, and which have been published broadcast in the newspapers of the land, in order that this House may see the estimate that he puts upon the sense of fairness that is to actuate the tribunal before whom he is now on trial:

Hon. Charles B. Farwell, of Chicago, writes as follows to a friend in McLean County, under date of April 10:

"To be unseated by ex-rebels causes me to have no regrets. The democratic platform *now* is, 'The country must be governed by the representatives of the lost cause.' In other words, whoever assisted to preserve the Republic must be put down. The House to-day is under the absolute control of pardoned, unrepentant rebels. The animosities of sectional strife are as bitter to-day as they were in 1860, and the question for us to determine is, Shall the South or the North govern? This is the platform and question. There is no other possible issue, and he who votes the democratic ticket is in favor of elevating to power unreconstructed, unrepentant, and unforgiving rebels.

That extract, sir, I find copied from one of the Illinois papers into the Chicago Tribune; and the sentiment that it expresses has been echoed by more than one gentleman upon one side of this Chamber. I will not venture, Mr. Speaker, to give utterance to the estimation in which men who make these charges are held by the victims of their aspersions and the objects of their calumnies. The utterers themselves may be worthy of notice, but the proprieties of this occasion preclude such an effort on my part. I choose rather to have them judged and to have them condemned out of the mouth of one of their own trusted leaders. I choose rather to read from an authority which that side of the House must not question. It comes from an ex-member of this House, the late minister of this Government to the Court of St. James, if he is not the present one. It comes from General Schenck, universally conceded by the political organization to which he belongs to be an oracle upon politics, if not upon other sciences possessing the same initial letter. I find in a certain contested-election case here in this House that General Schenck held the following language, which is applicable to this point:

I have more respect for an open rebel who seeks by violence to overthrow the Government he has sworn to defend than I have for one of these election cheats. The man who seeks by fraud, by mean, contemptible perjury, to impose himself upon the people of this country as a legal voter, to take part in the selection of their Representatives and officers, is worse than an avowed rebel. The one carries on his war openly and bravely, the other undertakes to sap and undermine the Government. The one would commit murder by force, the other by poison. And more than that, sir—

And to this I call the attention of those gentlemen—

more than that, sir, the man that procures himself or others to be elected to office by such fraudulent or spurious votes is worse and more guilty than the foreigner on whose ignorance perhaps he imposes.

If, before I finish the discussion of this case, I do not make that utterance of General Schenck apply to the gentleman from Illinois, then it will be because the facts that are here printed in the record have escaped my memory.

We were told by the gentleman from Indiana [Mr. BAKER] in the closing portion of his speech that in not one single case had this committee or this House failed to turn the issue to the advantage of their partisans. His words were:

Every doubt is resolved by our democratic friends in favor of their party every time, without missing a single count.

These are grave charges, sir, to bring against men who are selected by the presiding officer of this House and charged under their oaths with the performance of judicial functions. They do absolutely and actually embrace the charge of perjury; and I trust this House will pardon me for a moment while I seek to compare the record and see how it shall stand. I believe that but five cases have yet been acted upon by the Committee of Elections and reported to this House. It is known that in two of those cases republican contestants have been seated. The colored member from the first district of Alabama [Mr. HARALSON] holds his seat to-day in this House by the unanimous action of this committee and the unanimous action of the House. The honorable gentleman from Minnesota [Mr. STRAIT] has already been brought to this House bearing in his hand the unanimous indorsement of the Committee of Elections. The democratic contestants in both cases have been turned from your doors without a single dissenting voice.

If it were not that the rule of this House prohibits it, I might say that in that committee-room, as in this House, unanimous action has never been had upon any question of a contested election unless it was when it inured to the benefit of the republican and the disadvantage of the democrat. But I do not intend to enter upon any vindication of this committee or the House. I am willing to let the facts speak for themselves. I am content to remind this House that from the day of the organization of your Government up to the advent of the republican party to power there never were but sixty-five contested-election cases brought before American Congresses; that from the day of the advent of the republican party into power until now there have been in that short space of fifteen years nearly two hundred contested-election cases brought here for determination. I leave it to any gentleman upon that side of the House who is bold enough to tell the country the dwarfed and shriveled percentage of the cases in which you have dared to decide against your partisans. Contested-election cases, like the public debt, public plundering, public corruption, and many other things reprehensible and deplorable, seem to thrive under the favorable auspices of republican rule.

I am contented to state facts which stand recorded in history, that that party is responsible for having disfranchised whole States and sections, for having robbed millions of the right of suffrage. In the Fortieth Congress we saw the doors of this House closed in the faces of the entire delegation from my State, who came here bearing their certificates of election, and in a great majority of cases their seats were uncontested by anybody, while a peripatetic committee was appointed and traveled over the country to see if they could raise up any semblance of excuse on which to predicate their action. We saw that the republican majority in that Congress, in the face of 1,500 unquestioned majority, seated McKee in his contest against Mr. Young, and that, too, when the trusted leaders of that party protested against it by voice and by vote; when such men as Bingham, of Ohio, and Poland, of Vermont, himself a republican member of the Committee of Elections, and their own great matchless leader, Thaddeus Stevens, of Pennsylvania, denounced it as a fraud and went to record against the perpetration of the iniquity.

We saw that same republican majority decide a contested election in the Forty-first Congress from the State of South Carolina, when in order to seat a republican member against a democratic contestant they had to reject absolutely the whole vote of six out of the nine counties composing the congressional district, and that was done and the member so seated to-day holds a seat upon the floor of this House. We saw that same party majority in the last Congress refusing admittance to the representatives of the State of Louisiana whom they were finally forced to acknowledge as legally entitled to their seats, and we saw them in the expiring hours of that Congress, upon the very day of its adjournment, upon the last day of its last session, admit to his seat upon the floor a member from that State whom they admitted that they had cheated and defrauded of his rights and robbed his constituency of the right of representation.

Time fails to recount the instances in which their partisan zeal has been manifested to this disgust of the whole land. Is it meet, is it proper, that we with a record of two contested cases out of five decided in favor of those opposed to us should be read lectures on party fairness by such authorities? Let the drunkard in his maudlin soliloquy descant upon the beauties of a temperate life, or the prince of darkness prate on the merits of a scheme of universal redemption, but for the sake of consistency, in Heaven's name, shelter us from such homilies falling from the lips of men who never yet have been able to raise themselves above the dead level of the partisan, and before whose tribunal the pleadings of justice have ever been drowned amid the wild clamor of party.

I do not desire to appeal to the party prejudices of any man in this House. I desire to state the facts, and when I get through with them they will have been stated. I undertake now to say that there is not a member on this floor conversant with the proof as disclosed in this record who will venture to dissent from my representation of the facts when I shall have finished, however much he may differ from the conclusions at which I have arrived.

There are but three questions involved in this case. Upon all others the committee are substantially agreed. It is not denied that in the second precinct of the twentieth ward—at least it has not been denied in the argument before the House—that 10 illegal votes are proved against Mr. Farwell which must be deducted. It is not denied that in the fifth precinct 3 illegal votes cast for Mr. Farwell have to be deducted. It is not denied that in the fourth precinct of the eighteenth ward 13 illegal votes cast for Mr. Farwell have to be deducted. It is not denied that; because of defective affidavits, in the third precinct of the eighteenth ward 3 votes cast for Mr. Farwell have to be deducted. That leaves but three questions for consideration: First, the vote in the third precinct of the eighteenth ward; second, whether there shall be counted or rejected the pauper vote, as it is denominated, or the vote of citizens of Cook County at Norwood Park precinct; and the third, and the most important to my mind, the clearest, is as to the right and duty of this House to purge the poll in the first precinct of the twentieth ward.

Now, what are the facts in reference to the third precinct of the eighteenth ward? The record shows that the election law of the State was utterly disregarded; that the ballots were not counted by the officers of the election; that they were not sealed; that they were not kept in the custody of one of those in whose charge they are placed by the direction of the statute; but that the ballot-box, unsealed and unguarded, was left all night in a bar-room in the custody of nobody. That there was a partial count had that night, it does appear. It does appear in evidence by the testimony of one man that he learned from somebody that such and such was the vote given in that precinct for member of Congress. He does not say from whom he got it.

Mr. WELLS, of Mississippi. I hope the gentleman will not misrepresent the facts.

Mr. BLACKBURN. I am not misrepresenting the facts, and if the gentleman will sit still he will see it. It does appear in evidence by the testimony of one man that after the poll closed in the third precinct of the eighteenth ward that night there was a partial count of the ballots cast, but that no official return was made. He managed to ascertain from somebody what was said to be the vote cast.

Mr. WELLS, of Mississippi. The return was made by the judges of election.

Mr. BLACKBURN. I will state the facts, and I am ready to go to the record upon my responsibility. There was no return made by the judges at all.

He says that he did learn that night what was the vote and he did report it to the police headquarters. He says that the next day when the official return was made, according to his recollection there was no difference in the vote for Congressman between the information he got the night before and the official return as made the next day.

Mr. WELLS, of Mississippi. Will the gentleman allow me?

Mr. BLACKBURN. I trust the gentleman will be as brief as he can. I sat here for an hour and a quarter and listened to him without attempting to interrupt him.

Mr. WELLS, of Mississippi. I wish simply to make this statement: The evidence shows that the judges made out the returns the night of the election.

Mr. BLACKBURN. I am not better informed now than before the gentleman interrupted me, and I trust he will not interrupt me again.

Mr. WELLS, of Mississippi. I beg the gentleman's pardon.

Mr. BLACKBURN. I allowed each man to have his time without interrupting him, and now my time is come, and I trust I will be allowed to state without interruption what the record proves. The record does not prove that any official return was made out that night; the record, on the contrary, expressly proves that that statement is not true. If they made out their official returns that night, why did they come back the next day, count the votes over again, and make out a second return? There never was but one return made, and that was not made by the officers of election. The count had upon the succeeding day, and upon which the officers predicated their return, and which they evidently regarded as the official count, is expressly proved by the testimony to have been made, not by the officers of election, but by two of those officers and a horde of humanity that had gathered around the doors of this drinking-saloon in which this box had been left unsealed for fourteen hours.

There is the record; they did make a partial count that night; somebody did tell this witness what the vote was, and this witness says that he reported it to the police headquarters. But the next day two of the officers of election went back, gathered up some outside friends, went into this drinking-saloon, found this unsealed and unguarded ballot-box, took it into a back room, there counted the ballots, and made their official return upon that count. The question is whether this House will, in the consideration of this case, take cognizance of that poll. In that precinct Farwell had a majority of 14 votes. If precedents are to be followed, if law is to be regarded, if evidences of fraud are to be regarded, if the most violent of all presumptions are to be had, this House cannot and dare not count the 14 majority awarded to Mr. Farwell in that third precinct of the eighteenth ward.

Upon this point I have a distinguished authority before me; it is none other than that of the justly distinguished gentleman from Massachusetts, [Mr. HOAR,] who, when a member of the Committee of Elections and making a report, held the following language, in regard to this question as to whether it is absolutely necessary to prove that fraud had been actually committed. This is what he says:

> It makes no difference, for the purpose of my point, whether it was there twelve hours or twelve days. Now, I do not claim that there is any evidence here that when that bar-room was left alone—

Mark the similarity of the two cases in this respect. There was a bar-room figuring as the depository in both cases—

> I do not claim that there is any evidence here that when that bar-room was left alone in the day-time, or when it was left alone in the night, any person entered it, opened that box, and substituted other numbered ballots for the ballots which it contained. All I say is that adroitness less than that practiced for a less important purpose in many and ordinary cases of crime, robbery, burglary, and forgery, could easily accomplish that result. Now, we know how eager, how unscrupulous, how adroit in many instances are the means which are used to affect political contests. It is not a question whether it is proved that the friends of this very respectable and very able gentleman who claims this seat did or were capable of doing such a thing. The question is whether you are willing to turn out a sitting member from this House whenever hereafter in any district of the country any member may be able to do such a thing, and may have been able to do it without detection.

And further on he says:

> It is not merely a question whether the recount was correct; it is a question whether you know and are sure that the same thing was counted, or which should have been counted, at the time the original count was made.

The testimony shows conclusively that while this witness remembered that the vote as announced the night before for congressman was the same as the vote officially returned the next day, still there was a difference in the report of the night before and the official return of the next day in reference to other officers voted for on that occasion; proof conclusive that this ballot-box was tampered with, and only negative proof as to whether this contestant was made to suffer by reason of that fraud.

In the case of Taylor *vs.* Reading, page 661, the proof showed opportunity for tampering with the ballot-box, but it did not show the fact. In that case the Committee of Elections report:

> Your committee can come to no other conclusion than that the claim of contestant to a credit of these 54 votes is already vindicated.

The presumption of fraud was there alleged, and the presumption of the purpose of fraud is here alleged.

I am content to rest that third precinct of the eighteenth ward just where we have it. In order to enable the sitting member to retain

his seat in this House, I want members to bear in mind that it is necessary they should refuse to reject the poll of this third precinct of the eighteenth ward; it is further necessary that they should reject the vote of every man who voted from the Norwood Park farm; and then they will not seat him unless they go further, and say that the first precinct of the twentieth ward shall not be purged of its fraud, but the prayer of the sitting member shall be granted to reject the entire poll. They must do all three of these things before they can refuse to the contestant a seat upon this floor. It matters not, so far as the practical result is concerned, what view you may take of any one of these three points, or any two of them; you must accept the views of the other side of the House upon all three, or else you unseat the sitting member and seat the contestant.

As to the second point involved, which has been more fully discussed than any other issue, I will say but a few words. It is contended that certain citizens of Norwood Park township were not entitled to vote because they were paupers. There is no proof in this record that they were paupers; the allegation is not established by any evidence. He who asserts the illegality of a vote must prove it. The law in its mercy presumes that a man is innocent of a fraud or a crime until the contrary is established. The record shows that each one of these men, as required by the statute law of Illinois, swore in his vote; the record shows that each one of these men went further, and, after making the necessary affidavit that he was a legal voter in that precinct, proved it by a householder of the precinct. In the absence of contradicting testimony, in the utter absence of any proof or attempt to prove that these men were disqualified, are you prepared to say that they have sworn falsely, that the presumption of law should be against the voter instead of in his favor; that these householders by whom their affidavits are confirmed have committed perjury? Are you prepared to do this in view of the uncontradicted testimony which shows that these citizens of Norwood Park went forward through their agent and applied for the opportunity to register, and were swindled out of it by that man who is a witness on the other side, Corse, the town clerk, and his coadjutor in part, Stockwell, a member of the board of registration? They had agreed to register all these people of Norwood Park; but when they went forward to be put on the registration they found that Corse had gone off and secreted himself; and the registration-list was not to be found. It was only when the election day came that they were permitted to go forward under the law when their votes were challenged, and make oath to their right of suffrage and prove it as they were required to do.

Do not gentlemen on the other side know that even if these men were paupers they are legal voters in the State of Illinois? Do not gentlemen know that there is no provision of statute-law which precludes them? Do not gentlemen know that three members of the Illinois delegation sit here by virtue of elections at which the vote of every inmate of the poor-house who presented himself was received and counted? Do not gentlemen know that at the Soldiers' Home in the State of Ohio 600 votes were polled by the inmates of that eleemosynary institution against one of the members [Mr. MCMAHON] from that State? Do not gentlemen know that in the Lake View precinct of this very district the inmates of the Marine Hospital were marshaled to the polls under the leadership of the warden of that institution, each and every one of whose ballots were polled for Farwell on that day?

But the question of residence is raised, and it is urged that these men could not acquire a residence because of their want of volition; that there must be permanent residence. And why? Because the statute-law of Illinois says it must be permanent residence. I was not surprised to find that no gentleman who has preceded me upon the other side of the House has felt himself called to the task of undertaking to demonstrate that that statute of Illinois was constitutional in its character. The constitution of Illinois does not require permanent residence for a voter. The statute of Illinois can prescribe no qualfications for a voter in addition to those laid down in the constitution. Any statute that attempts to make any addition to or any modification of the qualifications prescribed by the constitution is unconstitutional and void. It is not in the power of any legislature to pass a statute which shall be of superior dignity to the organic law, the constitution of the State.

But it is useless to waste time on that precinct. I here assert, and call the House to bear in mind, that even if these men were all paupers they were still entitled to vote, and no proof to the contrary can be produced. There is no proof in this case that they were paupers at all. The utmost that can be claimed is that there were two paupers out of those fifty-nine voters.

Now, if the sitting member honestly believed that these men were paupers, and if he honestly believed that under the law of Illinois he could exclude their votes, why did he not call for the pay-rolls of that institution? Why did he not call upon the board of county commissioners to furnish a list of those who under their authority had been admitted to that poor-house? It was perfectly competent for him to obtain such proof. It is in evidence that that record was to be had. The testimony in this case shows that there was such a record in existence. He who seeks to disfranchise nearly one-half of the voters of a precinct should have demanded the production of the proper proof. Even if these men were paupers, they had a right to vote. But, I repeat, sir, they are not paupers according to the evidence, and there has been no effort upon the part of the sitting member to demonstrate that fact.

But pretermitting those points, I come to the only remaining question—an important one, for it involves a precedent that needs to be decided. In the first precinct of the twentieth ward Mr. Farwell's returned majority is 171. I need not stop to cite the evidences of frauds perpetrated in that precinct; they are admitted.

At one time it may have been my purpose to denounce the perpetrators of that fraud, but, if so, I have long since abandoned it, for nothing that I could say, no anathemas I could hurl would approximate to the invective and abuse that those gentlemen have received at the hands of their political associates upon the other side of this Chamber. They have said that the officials who conducted the elections in that precinct went to work deliberately and systematically to perpetrate fraud; that they went back to a registration-list which was anterior to the election, and from that point down to the culmination of their iniquity their denunciators have told the truth.

The question presented in the first precinct of the twentieth ward is a very simple one. Will you undertake to purge a poll of its fraudulent votes, or will you, because of evidence of fraud in that precinct, reject the whole poll, when by the adoption of the latter course you give the advantage and make that man the beneficiary of your action whose friends and partisans have perpetrated the fraud? This first precinct of the twentieth ward was overwhelmingly a democratic precinct. So decided was its political complexion that no republican dare make the race for alderman in it. But a man by the name of Corcoran—and his name should be forever remembered in order that it may be handed down in enduring infamy for the crimes he planned, for the iniquities he perpetrated, for the wrongs he inflicted upon that constituency in this contest we are discussing—a man by the name of Corcoran, a partisan of the sitting member, went to work deliberately, with the assistance of four men, to manufacture a fraudulent registry-list. Upon that list they put three hundred fictitious names. When the election came off three out of the four men who made up that fraudulent registry-list are found to be officers of the election in that precinct. They refused to admit a challenger into the room for each party, as the law required. The very men who had made up this fraudulent registry-list, the men who had put these three hundred fictitious names upon it, the very men who had been handling these fictitious names by furnishing them to repeaters, and furnishing those repeaters with the tickets of the sitting member to vote in that precinct—these are the very men who appear as judges and clerks of election at that precinct. These are the very men whose votes stand recorded there for the sitting member. These are the very men who took the ballot-box when the election closed and carried it to their room, and kept it there for two days. These are the very men who it is admitted and agreed upon both sides of this Chamber are responsible for every fraud which was perpetrated throughout that whole day's contest.

I ask this House to bear in mind that neither in his answer, nor in his proof, nor in his argument has the contestee in this case ever charged there was a fraudulent vote polled in that precinct for his competitor—not one.

Now, then, I say under the statute of Illinois you cannot help but purge the poll. The law says you shall never reject a poll until it becomes impossible to purge it of fraud. It is not a question of discretion vested with you. The law says you shall not disfranchise a precinct unless it be absolutely impossible to purge that precinct of its fraud.

I may as well here make citation of the authorities which bear upon this case. In the case of Delano *vs.* Morgan, in 1868, under almost similar circumstances, the House and the committee refused to reject the poll.

In the case of Hogan *vs.* Pile, 1869 and 1870, page 281, the majority refused to reject the poll or purge it.

In the case of Van Wyck *vs.* Green, the majority infer from the politics of officers that fraud was in the interest of their friend.

In Pratt *vs.* The People, 29 Illinois, page 72, the court said, "An irregularity in an election may be overlooked if it casts no uncertainty on the result and has not been occasioned by the party seeking to derive a benefit from it."

In the case of The People *vs.* Cook, 4 Selden, 8 New York, page 93, it is held that—

> It is probably impracticable to prescribe a rule which will enable us to determine in all cases what irregularities of inspectors will vitiate an election. It may be safely affirmed that if the irregularity does not deprive a legal voter of his right or admit a disqualified person to vote, if it casts no uncertainty on the result, *and has not been occasioned by the agency of a party seeking to derive a benefit from it, it may be overlooked.*

In the case of Myers *vs.* Maffett, (1869-'70, pages 564 and 586,) the majority of the committee and the House refused to throw out a precinct in face of outrageous frauds.

In the case of Van Wyck *vs.* Green, page 361, the majority of the committee say:

> The committee is of opinion that the irregularities and misconduct of the inspectors of the election at said districts were sufficient to throw out the entire vote of said districts, but does not recommend the same, as contestant *did not specifically demand the same* in his notice to contestee.

Frauds were here alleged on part of contestee. Now, sir, never in the notice of contest here has it been demanded that this poll should be rejected. We do not want it rejected, because the demands

of right, justice, and equity say it shall not be rejected unless you desire to set a precedent under which each and every man may become the beneficiary of his own fraud.

In Littlefield *vs.* Green, Cass County, Illinois, Brightly's Election Cases, pages 495 and 496—

It is undoubtedly the rule that if the canvassing court can separate the legal from the illegal votes, and reject the illegal ones, they are bound to do so, and that mere irregularities in the manner of conducting an election or a fraud on the part of the officers will not vitiate, unless it be of so gross a character *as to destroy all* means of *ascertaining the true result.*

In Biddle and Richard *vs.* Wing, Clark, and Hall, Contested-Election Cases, page 504, it is held—

Nothing short of the impossibility of ascertaining for whom the majority of votes were given ought to vacate an election.

These are the authorities that bear upon the case; and I see fit only to supplement them by that work prepared by a distinguished member of the present Congress, Mr. McCRARY. In the American Law of Elections, section 303, it is held:

The power to reject an entire poll is certainly a dangerous power. * * * It should only be exercised in an extreme case, that is to say, a case where it is impossible to ascertain with *reasonable certainty* the true vote.

Here you have the law declaring that you shall not reject the poll of an entire precinct if it be possible to purge it of its frauds. I trust the House will bear this in mind. In the State of Illinois, unlike other States, the statute requires that whenever a man comes forward to vote his name shall be registered on the poll-book, his number shall be put opposite his name, his residence by street and number shall be taken down as given by himself, and then, before his ballot is put into the box, the same identical number corresponding to the one opposite his name must be put upon his ballot. For all practical intents and purposes it was a *viva voce* vote. Every man's name was numbered, and that same number was written upon every man's ballot. All that you had to do to purge it of its frauds was to prove the illegal votes on the poll-book, take out the corresponding numbers of the ballots, and you had exactly the fraudulent votes that had been introduced into that box. That was done.

The poll-book in this case stands unimpeached. The returns are admitted to be worthless. The poll-books are made the foundation of contestant's case. By them we purge this poll. All parties agree that it has not been altered. We go behind the returns to the poll-books and the ballots. This surely we have a right to do and are required to do. We have the right to go even further. In the case of Fallet *vs.* Delano it is held:

The contestant alleged that the poll-books were defective; but it was held that, the tally-sheets being unimpeached, the stated results could not be set aside. The House agreed to report without a division. Here the House not only went back to the poll-book, but behind that to the tally-sheets.

Now, Mr. Speaker, the House will bear me out in this: there can be no doubt of the propriety and the justice of deducting one vote for every fraudulent or illegal vote that was proven in that precinct. Up to that point we are agreed. The only question is from whom these fraudulent votes should be deducted. We say deduct them from the man for whom the vote of the corresponding number on the poll-book was given. They say the difficulty is that these ballots have been tampered with, and that there are duplicate and triplicate numbers. That there are 183 ballots in this box that are duplicate or triplicate in number. Grant that. If we were to insist upon the application of the rule which the law permits us, we would be entitled to deduct from the vote of the sitting member one for every fraudulent vote proven in that precinct, because the frauds were all perpetrated by his friends; the ballots, if they were confused and misnumbered, were confused and misnumbered by his partisans. He became the beneficiary by their work, and it would be nothing but fair under the construction of the law to deduct one vote from his count for every illegal vote proven on the poll-book.

For in the case of Duffey, 4 Brewster, page 531, the court held:

Upon notice, &c., that fraudulent votes had been received, the burden of proof falls upon the candidate advantaged by the count to show that the person so voting was a legal voter or voted for his opponent, otherwise it will be presumed that they were polled and counted for him, and the poll will be purged by striking the whole number of such votes from his count.

But I beg you to remember that we do not propose to apply that rule. We do not ask to deduct from the sitting member a single illegal vote, except it be where we have proven by the corresponding number on the ballot that the owner of that ballot gave it to the sitting member. Here are eighty-odd of these ballots that we cannot identify, because, from the manipulations of his friends, they have been numbered to correspond with the numbers of men who voted for both candidates. We propose to leave them untouched, to deduct them from no one. We only propose to deduct from the sitting member's count the number of ballots belonging to illegal voters upon that poll-book that have been proven to correspond with numbers in the poll-books that were given to his count. If you undertake in this way to purge the poll you will take away from the sitting member 252 votes. If you refuse to purge the poll and reject it as an entirety, you only take from him 171 votes.

Is there a doubt in the mind of any man around me as to the candidate for which all those fraudulent ballots were polled? The proof shows that over 300 illegal votes were polled. The proof shows that one of the parties to this contest never received but 251 votes in that precinct, all told. And the proof shows that the sitting member received between four and five hundred. The illegal votes could not have been polled for Le Moyne, because there were more illegal votes than his whole number amounts to. You are not left to inference. You are not left to presumption. It is clearly demonstrated, it comes down into the region of established fact, that there was not a fraudulent vote polled at that precinct that day that was not polled for the sitting member. It has never been contrarily charged. It has never been contended for in proof or in argument; and no man here will have the hardihood to claim it.

Mr. WELLS, of Mississippi. I made the charge on yesterday, as the gentleman will find if he will refer to my speech.

The SPEAKER *pro tempore.* The gentleman from Kentucky declines to be interrupted.

Mr. BLACKBURN. Now, Mr. Speaker, it is a singular thing in the very inception of this contest one party charges fraud in this precinct and the other party denies it. The one party undertakes to prove it and the other to resist it. One party does prove it in spite of the efforts of the sitting member to suppress it. And after that is demonstrated and it is clearly shown that he is to lose 252 votes in that precinct, because of the frauds and villainies of his friends, then for the first time by an amended brief he comes before the committee and begs that you shall reject the whole poll. It will hardly be accepted by this House. I do not believe that the proposition will be supported by the unprejudiced members upon that side; and unless that is done it matters not what you do with Norwood Park; it matters not what you do with the returns from the third precinct of the eighteenth ward; Mr. Le Moyne is elected a member of this House by a majority of 100 votes, in round numbers, in spite of all the frauds and iniquities that were perpetrated on him. If you do not intend to do this thing, if you are resolved to put the seal of your approbation upon such frauds openly perpetrated, if you are determined to set a premium upon fraud, if you are resolved to open wide the doors and gates to the corruption and disreputable practices that have been perpetrated in this contest, then in Heaven's name cease prating about the purity of republican institutions, admit to the world that the "rotten-borough" system of England, which has been held up to universal detestation, has found, not a counterpart in America, but a system far in advance of the iniquities of that English practice and which should raise a blush of shame upon the cheek of every American. There is no way to resist the conclusion reached by the majority of the committee; there is no process of reasoning by which you can bring yourself to believe that this precinct should be rejected for fraud and the vote of the other precinct counted, or that the voters from the poor-house farm should be disfranchised when the law of Illinois says that they shall not be, when even if they were paupers they were entitled to their vote, and there is no proof of their pauperism.

I do assert that this is the first and only case to be found of record in which the party receiving a majority of the votes of a precinct ever demanded the rejection of that precinct because of the frauds admitted to have been perpetrated by his own friends and supporters, and makes this demand, as novel in law as it is foreign to equity, in order that he may profit by these frauds of his partisans.

Why, Mr. Speaker, the State of Illinois is tenacious of the rights of suffrage. The city of Chicago has been noted for many things; it is famed for the rapidity of its growth and its unexampled commercial developments; for its splendid boulevards and palatial structures; it is noted for the magnificent whisky frauds it has developed; it is justly celebrated for its unparalleled and unapproachable conflagration; but there is nothing for which Chicago stands more justly prominent than for the tenacity with which her people cling to the inalienable right of suffrage. While gentlemen on the other side would deprive these alleged paupers of the right to vote, this record shows that the right is not denied even to dead men in Chicago. The grave has been forced to give up its sheeted dead, buried for months and years, in order that they might come to the ballot-box on that 3d day of November when this election occurred and cast their suffrages for Farwell; and one man by the name of Freeman, who had been buried for more than a year, actually voted twice for the sitting member, and yet they tell us that men must be disfranchised because they are poor among such a suffrage-loving constituency as that. [Laughter.]

Now, my friend from New York [Mr. TOWNSEND] yesterday, illustrating that modesty for which he is proverbial, compared himself to the heavenly messenger that Abraham was to send to the family of Dives with a message of warning, and he closed his pathetic appeal by stating that the democratic majority here would not listen even though one rose from the dead. I did not think it was more inappropriate or more unseemly that this House should be greeted with the sepulchral tones of a grave-yard advocate, pleading the cause of the sitting member on this floor, than it was that that sitting member should claim his seat on the ballots of men who have been dead and buried until their memory is forgotten. There has been decidedly too much of the grave-yard in this contest. The truth is irrefutable. If Mr. Farwell is to be allowed to reject this poll instead of purging it, when the law says that it shall be purged, and when the law of the State of Illinois makes it plain that you can purge it, he becomes the beneficiary of 82 votes all fraudulent, all illegal, all iniquitous, and, worse than that, you thereby disfranchise two hundred and fifty-one men in that precinct who voted for Le Moyne,

which Farwell admits in his answer, and as is shown in the proof and which Mr Farwell admits in his argument, were all legal voters and had a right to vote. If you do that you set a premium upon fraud, you invite every political bummer to come into these contests for the purpose of corrupting the ballot-box and prostituting the right of suffrage. You must go further and say that having rejected that poll for fraud you will refuse to reject the other poll because of frauds equally glaring, and then you must go further still and say that not one single man who voted from the Norwood Park farm in Cook County was entitled to vote, when the laws of the State give him the right of suffrage and when the testimony goes to show that he was as much entitled to it as you were to deposit the last ballot you gave in your own precinct, and when there is not one scintilla of proof to the contrary appearing.

I have only to say, in conclusion, that I trust the action of every member of this House, whether he sits upon this side or the other, will not be influenced by party prejudice or patisan bigotry, but that each will discharge the duty that devolves upon him, taking counsel only of an honest judgment, a fearless and well-formed purpose, heeding less the mutterings of partisans than the promptings of conscience. The case is made out; let the House decide it.

Mr. POPPLETON. I move the previous question.

The previous question was seconded and the main question ordered.

Mr. WELLS, of Mississippi. Will my colleague on the committee yield to me for a moment?

Mr. POPPLETON. I think there has been debate enough upon this case. I simply desire to say that I feel that the time of the House has been sufficiently occupied in the discussion of this case, and that it should now give way to other business of the House, and I insist upon a vote.

The SPEAKER *pro tempore*, (Mr. SAYLER in the chair.) The question before the House is upon adopting the substitute reported by the minority of the Committee of Elections for the resolutions reported by the majority of the committee.

The Clerk will report the resolutions.

The resolutions of the majority of the Committee of Elections were read, as follows:

Resolved, That Charles B. Farwell was not elected, and is not entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Resolved, That John V. Le Moyne was elected, and is entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

The resolutions of the minority of the committee were read, as follows:

Resolved, That John V. Le Moyne was not elected, and is not entitled, to a seat in this House from the third congressional district of Illinois.

Resolved, That Charles B. Farwell was elected, and is entitled, to a seat in this House from the third congressional district of Illinois.

Mr. WELLS, of Mississippi. I rise to a question of privilege. I understood the gentleman from Kentucky [Mr. BLACKBURN] to state that nowhere in the record could be found a return of the judges of the third precinct of the eighteenth ward.

The SPEAKER, *pro tempore*. That is not a question of privilege.

Mr. BLACKBURN. I simply desire to say that I do not make the point of order that this is not a privileged question; but if the House is to consider it, and to allow the gentleman from Mississippi [Mr. WELLS] to proceed, I shall certainly expect the courtesy of being allowed an opportunity to reply.

The SPEAKER *pro tempore*. The Chair does not consider it a privileged question.

Mr. WELLS, of Mississippi. I made a statement which the gentleman from Kentucky [Mr. BLACKBURN] denies. I desire to read, from page 354 of the evidence in this case, the statement of James S. Fisher, in regard to the making of the returns on the night of the election in the third precinct of the eighteenth ward, in order to show that my former statement was correct.

Question. You have spoken of the judge announcing to you the result. State whether that was done in the presence of the other judges of the election.

Answer. Yes, sir; and the clerk, and publicly announced; read out in a loud voice.

Mr. POPPLETON and others. "Order!" "Order!"

The SPEAKER *pro tempore*. The gentleman from Mississippi [Mr. WELLS] is not in order. He is not discussing a question of privilege, but the merits of the case, and the Chair must decline to entertain any further discussion upon it. The question now is, Will the House adopt the resolutions reported from the minority of the Committee of Elections in place of the resolutions reported by the majority of that committee?

The resolutions of the minority of the committee were as follows:

Resolved, That John V. Le Moyne was not elected, and is not entitled, to a seat in this House from the third congressional district of Illinois.

Resolved, That Charles B. Farwell was elected, and is entitled, to a seat in this House from the third congressional district of Illinois.

Mr. BROWN, of Kansas. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 129, not voting 72; as follows:

YEAS—Messrs. Adams, John H. Baker, Banks, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Fort, Foster, Frost, Frye, Garfield, Hale, Haralson, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hunter, Hurlbut, Joyce, Kelley, Ketchum, Kimball, Lamar, Lapham, Lawrence, Leavenworth, Lynch, MacDougall, McCrary, Miller, Monroe, Morgan, New, Norton, O'Brien, O'Neill, Packer, Page, Pierce, Plaisted, Potter, Pratt, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stone, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., and Woodburn—89.

NAYS—Messrs. Ainsworth, Ashe, Atkins, John H. Bagley, jr., Banning, Blackburn, Bland, Blount, Bradford, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Faulkner, Felton, Finley, Forney, Franklin, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Jenks, Knott, George M. Landers, Lane, Levy, Luttrell, L. A. Mackey, Maish, McFarland, Metcalfe, Milliken, Money, Morrison, Mutchler, Neal, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Savage, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Walsh, Warren, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—129.

NOT VOTING—Messrs. Anderson, Bagby, George A. Bagley, William H. Baker, Ballou, Barnum, Bass, Beebe, Bell, Bliss, Boone, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Campbell, Cason, Cate, Chittenden, Durand, Ellis, Ely, Farwell, Freeman, Gause, Hancock, Benjamin W. Harris, John T. Harris, Haymond, Hays, Henkle, Hubbell, Hurd, Hyman, Frank Jones, Thomas L. Jones, Kasson, Kehr, King, Franklin Landers, Lewis, Lord, Lynde, Edmund W. M. Mackey, Magoon, McDill, McMahon, Meade, Mills, Morey, Nash, Oliver, William A. Phillips, Platt, Purman, John Robbins, Sobieski Ross, Sayler, Schumaker, Strait, Stevenson, Swann, Waddell, Wait, Charles C. B. Walker, Ward, Erastus Wells, White, Whitthorne, Willis, Benjamin Wilson, and Woodworth—72.

So the resolutions reported by the minority of the committee were not adopted.

During the call of the roll the following announcements were made:

Mr. LANDERS, of Indiana. I desire to state that I am paired with my colleague, Mr. CASON, who, if present, would vote "ay" and I would vote "no."

Mr. BLACKBURN. My colleague on the Committee of Elections, Mr. BEEBE, of New York, desired me to have the announcement made that he was paired with Mr. BURLEIGH, of Maine. If present, Mr. BEEBE would vote "no" and Mr. BURLEIGH would vote "ay."

Mr. HEWITT, of Alabama. I desire to state that my colleague, Mr. LEWIS, is absent by order of the House; if present, he would vote "no."

Mr. AINSWORTH. I am paired with my colleague Mr. OLIVER. If present, Mr. OLIVER would vote "ay" and I would vote "no." I desire also to state that Mr. KASSON, of Iowa, is absent on account of the serious illness of his brother.

Mr. G. A. BAGLEY. I desire to state that I am paired with my colleague, Mr. WALKER, who, if present, would vote "no" and I would vote "ay."

Mr. LANE. I desire to state that Mr. MCDILL, of Iowa, and Mr. GAUSE, of Arkansas, are absent on committee service, and are paired. If present, Mr. MCDILL would vote "ay" and Mr. GAUSE vote "no."

Mr. TUFTS. My colleage, Mr. OLIVER, is paired with Mr. BOONE, of Kentucky. If present, Mr. OLIVER would vote "ay" and Mr. BOONE would vote "no."

Mr. AINSWORTH. I announced that I was paired with my colleague, Mr. OLIVER. I find now that he is paired with another gentleman also, and therefore I will vote "no."

Mr. TUFTS. There is evidently a misunderstanding in regard to my colleague, Judge OLIVER. Judge BOONE, of Kentucky, asked me to arrange a pair for him on these questions. Judge OLIVER also spoke to me on the same matter. In his hurry of leaving he made the arrangement with Mr. AINSWORTH, not knowing that I had made any arrangement of the kind with Judge BOONE. Judge OLIVER and Judge BOONE are both absent, and therefore it could make no difference whatever in the result.

The SPEAKER *pro tempore*. The question now recurs upon adopting the resolutions reported by the majority of the Committee of Elections.

The resolutions of the majority were as follows:

Resolved, That Charles B. Farwell was not elected, and is not entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

Resolved, That John V. Le Moyne was elected, and is entitled, to a seat in this House as a member of the Forty-fourth Congress from the third congressional district of Illinois.

The question was taken, and the resolutions were adopted.

Mr. POPPLETON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 3356) authorizing the transfer of a certain appropriation.

The message also announced that the Senate had passed, without amendment, the bill (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory and for the removal of the Indians of Chericahua agency to San Carlos agency.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 745) to authorize the Secretary of the Treasury to issue a register and change the name of the brig A. S. Pennell to the City of Moule.

The message also returned to the House, in accordance with its request, the joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories.

SAMUEL EMMERT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the papers (certified copies) pertaining to the claim of Samuel Emmert; which was referred to the Committee on War Claims.

CAPTAIN GEORGE A. ARMES.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report in the case of Captain George A. Armes, Tenth United States Cavalry; which was referred to the Committee on Military Affairs.

COMMISSARY DEPARTMENT.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of Circular No. 1, from the Office of the Commissary-General of Subsistence; which was referred to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 40) granting a pension to Elmira E. Cravath;

An act (S. No. 130) to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California;

An act (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts;

An act (S. No. 504) granting a pension to Nancy True; and

An act (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to move that the House now resolve itself into Committee of the Whole on the Post-Office appropriation bill. Before making that motion I wish to say that inasmuch as many gentlemen desire to speak upon this bill I have thought it advisable to permit general debate upon the bill during the day and to-night, if the House will consent to take a recess from half past four till half past seven o'clock. I ask therefore, in the first instance, that by unanimous consent a recess be taken at half past four o'clock until half past seven o'clock, and that general debate proceed upon this bill at the evening session.

Mr. PAGE. I wish to inquire of the gentleman whether he proposes that general debate on the bill be closed to-day?

Mr. HOLMAN. No, sir. I will seek to-morrow to have general debate closed at a very early moment; but I make no such motion now.

Mr. PAGE. Then I make no objection.

Mr. HOAR. Does the request of the gentleman from Indiana for unanimous consent imply that no other business is to be done this evening?

Mr. HOLMAN. I suppose that would follow if this afternoon and the evening session be devoted to general debate. It is not proposed to take the bill up for consideration by paragraphs until to-morrow.

Mr. HOAR. I think it should be distinctly understood when consent is given that no business, except what connects itself with this bill, is to be taken up this evening.

Mr. HOLMAN. I did not intend to include that in my request.

Mr. REAGAN. If that were the understanding I should be inclined to object. I thing this bill deserves very full debate.

Mr. HOLMAN. The gentleman misapprehends my motion. I am not proposing at this time to close general debate on the bill. I shall, however, to-morrow ask that general debate be closed at a very early hour. I am now simply asking that this afternoon and the evening session be set apart for general debate on this bill.

Mr. REAGAN. I did not misapprehend the gentleman. His indication was that there should be a recess and that debate should go on at the evening session with an understanding that no business should be transacted, which I take it would lead to a thin House; and therefore I would object.

Mr. HOLMAN. I was giving no intimation of that kind. That came from the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HURLBUT. Let it be the understanding that no other business shall be transacted.

Mr. HOLMAN. I suppose it is entirely safe to assume that no other business will be transacted at the evening session; but I cannot speak as to the session to-day.

The SPEAKER *pro tempore*. The gentleman from Indiana, pending the motion that the House resolve itself into Committee of the Whole, asks unanimous consent that at half past four o'clock the House take a recess until half past seven to continue the general debate on this bill.

Mr. RICE. I object.

Mr. HOLMAN. What portion of the proposition does the gentleman object to?

Mr. RICE. I move to amend the gentleman's proposition——

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent.

Mr. RICE. I object to that for the purpose of getting in my motion.

Mr. HOLMAN. Then I move that the House resolve itself into Committee of the Whole on the post-office appropriation bill.

Mr. RICE. My amendment is that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. No. 2803) to provide for arrears of pension on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same. I wish to say in this connection that this bill was made a special order for the 5th of April; and from time to time ever since I have tried to bring it up for consideration.

Mr. HOAR. I rise to a question of order. I submit that a motion to go into Committee of the Whole for the consideration of one subject is not amendable by a motion to go into committee upon another subject. The motion to go into Committee of the Whole is always in the form of a motion to suspend the rules.

The SPEAKER *pro tempore*. The gentleman from Indiana did not propose it in that form.

Mr. HOAR. I understand that is the form of the motion always.

Mr. HOLMAN. I shall have to make a definite motion which will not be subject to objection. I presume that, if the House desires to go into Committee of the Whole to consider the bill which the gentleman from Illinois [Mr. RICE] desires to bring up, then it will only be necessary to vote down my motion. Therefore, as unanimous consent is not given for a session to-night for general debate, I move that the House resolve itself into Committee of the Whole on the post-office appropriation bill.

Mr. RICE. I do not object at all to a session for general debate to-night, but I desire to bring up this bill for consideration. From time to time since the 5th of April it has given way for the consideration of one bill after another, appropriation bills and others.

Mr. HOLMAN. How much time does the gentleman expect to occupy upon that bill?

Mr. RICE. It may perhaps occupy an hour or two; we cannot tell. It is a bill of great importance.

Mr. RUSK. I do not think it will take more than ten minutes to pass the bill.

Mr. RICE. It will take more than that. There are several members who wish to speak upon it. It is a bill which deserves serious consideration, and it ought not to be passed too hurriedly. I have made my motion as an amendment to that of the gentleman from Indiana.

The SPEAKER *pro tempore*. If the motion of the gentleman from Indiana is to suspend all rules and orders to go into Committee of the Whole on the post-office appropriation bill, the Chair would have to hold that motion not amendable. That is the form of motion prescribed by the rules, though that is not the motion made by the gentleman from Indiana in the first instance.

Mr. ROSS. If the motion be made in that form I shall ask the House to vote it down to allow the consideration of this bill.

Mr. HOLMAN. Before that motion is put, without any reference to the question whether the House goes into Committee of the Whole upon one bill or the other, I ask unanimous consent that a recess be taken to-day from half past four o'clock to half past seven o'clock, in order that the evening session may be devoted to general debate on the post-office appropriation bill.

Mr. RICE. I do not object to that.

Mr. HOOKER. I object.

The question being taken on the motion of Mr. HOLMAN that the rules be suspended and the House resolve itself into Committee of the Whole for the consideration of the post-office appropriation bill, there were—ayes 113, noes 63.

Mr. COCHRANE. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. HEWITT, of Alabama. I demand tellers.

Mr. BANNING. Will not the gentleman from Indiana give way to the gentleman from Illinois for half an hour?

Mr. HOLMAN. I insist on my motion that the House resolve itself into Committee of the Whole for the consideration of the post-office appropriation bill.

Mr. RICE. I ask unanimous consent that the House take a recess at four and a half o'clock, to meet again at half past seven, to consider the bill to which I have referred.

The SPEAKER *pro tempore*. The gentleman's motion is not in order, as the House is dividing.

Mr. HEWITT, of Alabama. I withdraw my demand for tellers.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The committee now proceeds to the consideration of a bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877,

and for other purposes. The bill will be read a first and second time for information.

Mr. HOLMAN. I move by unanimous consent that the first reading of the bill for information be dispensed with.

Mr. DUNNELL. I object.

The Clerk proceeded with the reading of the bill.

Mr. DUNNELL. I withdraw my objection.

The CHAIRMAN. There being no further objection, the first reading of the bill will be dispensed with.

Mr. HOLMAN. Mr. Chairman, quite a number of gentlemen have indicated their wish to address the committee on the subject of this bill, and until those gentlemen have spoken who desire to be heard this afternoon and to-night, if a night session is held, the members of the committee will not desire to present their views in regard to measures of reform which they think have been inaugurated by its provisions.

Mr. HOAR. I am desirous of addressing a question to the gentleman from Indiana who has charge of this post-office appropriation bill.

The CHAIRMAN. Does the gentleman from Indiana yield the floor?

Mr. HOLMAN. I am not asking the floor at this time, nor does any gentleman of the Committee on Appropriations. I understand, however, that quite a number of gentlemen desire to be heard, and at an early moment afterward members of the Committee on Appropriations who desire to present the changes of law proposed in this bill will apply for a hearing.

Mr. HOAR. I rise to ask a question.

Mr. HOLMAN. I will hear the question of the gentleman from Massachusetts.

Mr. HOAR. I desire to make an inquiry of the honorable gentleman from Indiana in relation to a matter which interests very much some skilled manufacturers and laborers in my district and State; and that is, whether the committee have considered the complaint of the envelope manufacturers that the Post-Office Department supplies a large portion of the citizens of the country with envelopes at a loss—the envelopes which contain the printed names, and which these manufacturers claim not only destroy their business by having the business of some of their rivals supported by the Government, but also make a considerable tax upon the Government itself? Now, I desire at some convenient time, and I presume this is as convenient to the gentleman from Indiana as any other, to ask whether the committee have considered and acted on that complaint?

Mr. HOLMAN. I shall have to answer in general that the subject has been considered to some extent by a subcommittee of the Committee on Appropriations; that they have proposed no reform of the existing order of things in this bill.

Mr. HOAR. Will the gentleman allow me to ask him further—I do not wish to inquire into the secrets of the committee—whether that failure to propose reform is because they have not got through dealing with the subject, or whether it is because they think no reform is needed?

Mr. HOLMAN. I could not be able to answer that definitely. The Committee on Appropriations thought the subject more properly belonged to the Committee on the Post-Office and Post-Roads, and they have not been able to give the subject that thorough attention, or that degree of attention, which it required.

Mr. HOAR. Then I am to understand the failure to make provision on that subject in this bill does not arise from the committee's having formed an opinion that nothing ought to be done?

Mr. HOLMAN. No, sir; I will say that the committee have reached no result on the subject whatever.

Mr. WOOD of New York. I hope the Chair will state to the committee the precise question before it.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the special order, which is the Post-Office appropriation bill. The first reading of the bill by unanimous consent has been dispensed with, and it is now open for general debate.

Mr. REAGAN. The gentleman from Indiana who reports the bill desires to hear discussion by the members of the House and not by members of the committee before the Committee on Appropriations give the House the benefit of their information on the subject.

Mr. HOLMAN. O, no; the gentleman misapprehended my words.

Mr. REAGAN. That is what I understood the gentleman to say.

Mr. HOLMAN. It is directly the reverse of what I said. I understood that quite a number of gentlemen were desirous of being heard on this bill, and that at an early moment afterward the members of the Committee on Appropriations would seek to present to the House the changes of law contemplated by this bill.

Mr. REAGAN. Very well; the gentleman misapprehended what he did say. He said that after having heard speeches, the members of the committee would then seek to be heard. I desired to say then that I desired very much to hear the explanations of the fifth and sixth sections of the bill in reference to the compensation of postmasters, and the seventh and succeeding sections of the bill in reference to the compensation for railroad service. The subjects are placed in a form in the bill so complex and complicated that it is due to the House the committee should give us some information as a basis for the action proposed. In my judgment, some explanation is necessary.

Mr. HOLMAN. I do not know anything more unreasonable than the suggestion of the gentleman from Texas. We expect at an early moment to present facts in reference to the bill. The House has resolved itself into Committee of the Whole, and we take it for granted that the speeches made on the bill during the day will be of a general character. Perhaps they will not be made on the bill at all, and you cannot confine them to the bill. It never has been so done upon a general appropriation bill when first brought up for consideration. I do not presume a speech made to-day will have reference to this bill at all.

Mr. STONE. Mr. Chairman, it is not my purpose to discuss the several items appropriated for the service of the Post-Office Department for the year ending June 30, 1877, those items having been carefully considered by the Committee on Appropriations, although I am firm in the conviction that the large reductions made from the estimates for the postal service for the next year can be sustained by an economical and judicious management of the affairs of the Post-Office Department, such a management as the country has a right to expect from the present Postmaster-General, who justly prides himself upon being a successful business man, and who, in his first annual report, dated November 14, 1874, refers to the desirability of making the Post-Office Department self-sustaining, and says:

> I propose to keep it steadily in view and to direct my best efforts toward its attainment.

A fair measure of success in those efforts can hardly fail to be attained, for the Postmaster-General says further on in the report to which I have just referred:

> I deem it suitable to say here that I propose to guard with strict vigilance the expenditures of this Department, sanctioning no outlay which can be avoided without detriment to the service, and so to conduct its affairs generally that the interests of the public shall be paramount to those of any individual, corporation, or party.

I have no doubt that, with this avowed policy of the Postmaster-General in view, the committee in charge of this bill have been encouraged to cut down the appropriations for the next fiscal year, even though the estimated deficiency submitted by the Postmaster-General for that year is $8,181,602.19, while the estimated deficiency submitted by him for the current year, based upon the administration of his predecessor, was only $7,815,878. The total appropriations made by this bill are $32,189,109

The revenues of the Department and the direct appropriations out of the Treasury amount to 29,508,203

Leaving a deficiency of 2,680,906

to be provided for out of any money in the Treasury.

The difference between the deficiency appropriation made and that estimated by the Postmaster-General will be seen to be $5,500,696.19. And to enable the Postmaster-General to curtail the estimated expenses of his Department to that amount several important provisions have been included in this appropriation bill, to some of which I shall ask the attention of the committee.

Before doing so, however, I will refer to section 4 of the bill, which reads as follows:

> That the annual reports of the Auditor of the Treasury for the Post-Office Department to the Postmaster-General shall show the financial condition of the Post-Office Department at the close of each fiscal year and be made a part of the Postmaster-General's annual report to Congress for that fiscal year.

Mr. Chairman, I desire to lay before this House some facts obtained from a critical examination of the annual reports of the Postmaster-General, of the Third Assistant Postmaster-General, and of the Auditor of the Treasury for the Post-Office Department, which last are made a part of the reports of the Postmaster-General, and from the records of the Department.

Those reports for 1870, 1871, 1872, 1873, 1874, and 1875, to which I have given much study, contain no information which shows the real financial condition of the Post-Office Department at the close of any fiscal year, and the manner of presenting the information the reports do contain is varied from time to time, and stated in such a manner as to prevent almost any person from an attempt to arrive at other conclusions than those expressed by the Postmaster-General himself.

If any gentleman on this floor has had curiosity enough to seek to do this, I am certain that he will agree with me that a more simple and uniform manner of making the report is necessary, and that the real financial condition of the Department should be stated.

In this connection I will call attention to the revenue of the Department, as stated by the Postmaster-General on the first page of his report each year. The Postmaster-General obtains the figures used by him from the Auditor of the Treasury, who by law is required to receive all accounts arising in the Post-Office Department or relative thereto, with the vouchers necessary to a correct adjustment thereof, and to audit and settle the same, and certify their balances to the Postmaster-General.

Many of these accounts from postmasters and others are made directly to the Auditor, and his books must be relied upon for most of the financial statements used by the Postmaster-General in his report, the statements made by the Third Assistant Postmaster-General being in the main from those books.

The Auditor's reports up to and including that for 1869 brought forward each year the balance standing to the credit of the "revenue account" of the Post-Office Department at the close of the previous fiscal year, including the amount of "credit balance accounts" closed by "suspense" during the year, making an estimate of the "bad debts" and "doubtful" or "suspended accounts," and

deducting that sum from the gross balance which his books showed to the credit of the "revenue account," so that the amount reported each year was that known or believed to be available for the payment of the indebtedness of the Department for previous years, it being balances in the Treasury and in the hands of postmasters subject to draft or warrant.

The general ledger of the Auditor's Office shows that there was $1,911,715.92 to the credit of this account on the 30th of June, 1869, while the amount shown by the Auditor's report for that year is $1,019,559.88, the difference of $892,156.04 being the estimated amount of the "bad debts," "suspended accounts," &c.

The singular fact has been developed that this available sum of $1,019,559.88 was *dropped out* by the Auditor in his report for 1870, and no balance is taken up in subsequent reports, which are explained to be a statement of the current receipts and expenditures of the year *only*.

Inasmuch as the Department draws large sums from the Treasury each year in the form of amounts to meet deficiencies, and the available revenues at the close of the year consist in part of such moneys in the Treasury subject to warrant, the question why this available revenue is not reported or taken into consideration in making estimates for succeeding years is a pertinent one.

The only explanation I have been able to obtain from the present Auditor is that Ex-Postmaster-General Creswell wished it dropped, and as the law did not require the Auditor to report balances from year to year, the request of the Postmaster-General was complied with.

In the reports for 1869, 1870, 1871, 1872, and 1873, the ordinary receipts of the Department, as stated by the Postmaster-General, correspond with that reported by the Auditor, both including the revenue from "money-order business," while in 1874 those receipts are stated to be $24,596,568.84 by the Postmaster-General, and $26,471,071.82 by the Auditor, a difference of $1,874,502.98. Of this sum $1,864,499.98 is accounted for by the Postmaster-General, *excluding* the revenue from the "money-order business" of $105,198.12, and the amount received for official postage-stamps of $1,759,301.86, both of which amounts the Auditor *includes*, but this leaves unexplained a difference of $10,003.

Then again in 1875 the Postmaster-General states the revenue to be $26,671,218.50, including the amount received for "official stamps," but excluding the revenue from "money-order business," which was $120,142.19, while the Auditor includes both "official stamps" and the revenue from the "money-order business," and states the ordinary revenue to be $26,791,360.59, or $120,142.19 more than the Postmaster-General.

The different manner of stating the revenue by the Postmaster-General during the last two years to that adopted by the Auditor certainly tends to mislead one who desires to examine into the detailed receipts of the Department.

I have prepared with great care the following statements, and I think they can hardly fail to excite interest. The aggregate amount of receipts from revenue of the Post-Office Department, including amounts drawn from the Treasury under special grants, from July 1, 1868, to June 30, 1875, is $194,482,060.97, and the expenditures of all kinds for the same period aggregate $193,588,792.03. Of the receipts, $156,328,377.20 were from the ordinary revenue of the Department and $38,153,683.77 was from grants drawn from the Treasury for specific objects, and from what are known as "deficiency appropriations."

There remains undrawn of the "deficiency appropriations," as shown by the books of the Auditor's Office, the following amounts, namely:

Deficiency appropriation for—	
1869–'70	
1870–'71	$14,146 38
1871–'72	3,393 98
1872–'73	680,830 11
1873–'74	1,006,574 51
1874–'75	1,097,842 00
Total	2,802,786 98

Leaving balance of undrawn and available deficiency appropriations $2,802,786.98, as stated by the Postmaster-General on page 4 of his report for 1875. From the published reports of the Auditor of the Treasury, which accompany and are made a part of the Postmaster-General's reports, it will be found that the amount "to the credit of the revenue account on July 1, 1869, was $1,019,559.88, as before stated, which, with the excess of revenue in subsequent years (arising from the ordinary receipts and grants drawn from the Treasury) over the reported expenditures made during those years, less the excess of expenditures over such receipts in other years, leaves a balance July 1, 1875, of $893,268.94, and may be stated as follows:

AUDITOR'S REPORTS.

Revenue on hand and available July 1, 1869		$1,019,559 88
Excess of receipts over expenditures as stated in report of 1872		250,984 06
Excess of receipts over expenditures as stated in report of 1874		267,090 79
Total excess of revenue from all sources as stated by Auditor's reports		1,537,634 73
Excess of expenditures over receipts as stated in report of 1870	$204,476 13	
Excess of expenditures over receipts as stated in report of 1871	226,858 66	
Excess of expenditures over receipts as stated in report of 1873	$97,729 10	
Excess of expenditures over receipts as stated in report of 1875	115,301 90	
Total excess of expenditures as stated by Auditor's reports		$644,365 79
Balance available from revenues of the Department from all sources		893,268 94
Available and undrawn deficiency appropriations in the Treasury, as stated by the Postmaster-General, page 4, report of 1875		2,802,786 98
Total amount available, as shown by the Postmaster-General and Auditor's accompanying reports, to pay indebtedness to June 30, 1875		3,696,055 92
Which is stated by the Postmaster-General, on page 4, report of 1875, to be—		
Balance due foreign countries	$93,815 47	
Mail service under contract or recognized, not yet reported for payment	672,755 14	
Mail service unrecognized	762,482 79	
		1,529,060 40
Balance		2,166,995 52
To which may be added the amount certified to by the Treasurer as available and subject to draft June 30, 1875	1,467,767 68	
Less revenue balance, as found from Auditor's reports	893,268 94	
		574,498 74
Total available		2,741,494 26

and not $1,273,726.58, as stated by the Postmaster-General on page 4 of his report for the fiscal year ended June 30, 1875.

The aggregate amount of appropriations from the Treasury to meet the annual deficiencies in the revenues of the Post-Office Department from 1869 to 1875, both inclusive, is $34,752,329, and from the statements of the Auditor accompanying the annual reports of the Postmaster-General for those years it will be found that there has been drawn from the Treasury under those deficiency appropriations $27,572,986.01, leaving unaccounted for in the published statements of the Auditor, submitted to Congress by the Postmaster-General in the appendix to his reports, the sum of $7,179,342.99. The following is the detailed statement made up from reports of the Auditor and the annual deficiency appropriations for 1869, 1870, 1871, 1872, 1873, 1874, and 1875, act of March 3, 1869, and subsequent acts:

Page.		Appropriations.	Expenditures.
314	Volume 15, Statutes at Large	$3,762,500 00	
107	Report for 1869		$2,262,500 00
151	Report for 1870		1,500,000 00
323	Volume 15, Statutes at Large	5,740,000 00	
151	Report for 1870		1,000,000 00
110	Report for 1871		1,050,000 00
224	Report for 1872		68,364 00
194	Report for 1873		152,225 00
273	Report for 1874		3,541 00
519	Volume 16, Statutes at Large	4,685,032 00	
111	Report for 1871		1,650,000 00
224	Report for 1872		416,636 00
194	Report for 1873		978,000 00
273	Report for 1874		1,007,444 86
225	Report for 1875		14,853 62
572	Volume 16, Statutes at Large	3,969,383 00	
225	Report for 1872		3,083,750 00
194	Report for 1873		535,000 00
273	Report for 1874		18,397 66
225	Report for 1875		22,106 02
202	Volume 17, Statutes at Large	5,700,970 00	
195	Report for 1873		3,600,250 00
273	Report for 1874		333,947 56
224	Report for 1875		1,000,000 00
225	Report for 1875		300,000 00
225	Report for 1875		85,942 33
559	Volume 17, Statutes at Large	5,396,602 00	
274	Report for 1874		3,896,602 00
225	Report for 1875		193,425 49
232	Volume 18, Statutes at Large	5,497,842 00	
225	Report for 1875		4,400,000 00
	Total	34,752,329 00	27,572,986 01
	Unaccounted for in published reports		7,179,342 99
	Grand total		34,752,329 00

The actual condition of the several deficiency appropriations is shown by the following detailed statement made from the entries as they appear upon the general ledger in the Auditor's Office:

Deficiency appropriation for 1870	$5,740,000	
Warrants drawn chargeable to 1870		$2,274,130 47
Covered into the Treasury by Auditor August 1, 1872		2,621,636 00
Covered into the Treasury by Postmaster-General January 7, 1874		844,233 53
		5,740,000 00

Deficiency appropriation for 1871		$4,685,032 00	
Warrants drawn and chargeable to 1871	$4,066,934 48		
Covered into the Treasury by Postmaster-General January 7, 1874	603,951 14		
		4,670,885 62	
Balance undrawn of deficiency appropriation for 1871			$14,146 38
Deficiency appropriated for 1872		3,969,383 00	
Warrants drawn chargeable to 1872	$3,659,253 68		
Covered into the Treasury by the Postmaster-General January 7, 1874	306,735 34		
		3,965,989 02	
Balance undrawn of deficiency appropriation for 1872			3,393 98
Deficiency appropriated for 1873		5,700,970 00	
Warrants drawn chargeable to 1873		5,020,139 89	
Balance undrawn of deficiency appropriation for 1873			680,830 11
Deficiency appropriated for 1874		5,396,602 00	
Warrants drawn chargeable to 1874		4,390,027 49	
Balance undrawn of deficiency appropriation for 1874			1,006,574 51
Deficiency appropriated for 1875		5,497,842 00	
Warrants drawn chargeable to 1875		4,400,000 00	
Balance undrawn of deficiency appropriation for 1875			1,097,842 00
Available balance of deficiency appropriations			2,802,786 98

This agrees with the amount reported by the Postmaster-General on page 4 of his report for the year ended June 30, 1875, while an examination of the Auditor's statements furnished to the Postmaster-General and by him laid before Congress will show an apparent balance of deficiency appropriations of $7,179,342.99, as before stated, or, in other words, that sum remains unaccounted for in any manner by said statements.

An abstract from the Postmaster-General's reports for the fiscal years ended June 30, 1869, 1870, 1871, 1872, 1873, 1874, and 1875 exhibits the amount of the several deficiency appropriations, including $1,500,000 available June 30, 1869, which amounts to $32,489,829, and from the same reports the amount drawn from the Treasury under said appropriations to meet deficiencies is $28,611,294.86, of which amount $1,754,920.01 was covered back into the Treasury, as stated on page 5 of the report of the Postmaster-General for the year ended June 30, 1874, leaving an available balance June 30, 1875, so far as any information can be obtained from the Postmaster-General's reports, of $3,878,534.14.

On page 4, however, of his report for that year the Postmaster-General states the available balance of undrawn deficiency appropriations in the Treasury to be $2,802,786.98, which is found to be the correct amount.

From the reports of the Postmaster-General for the years 1869, 1870, 1871, 1872, 1873, 1874, and 1875 of the deficiency appropriations made by Congress and the amounts drawn from those appropriations, the following will be the exhibit:

Page.		Appropriations.	Expenditures.
8	Report for 1869, balance of appropriation	$1,500,000 00	
4	Report for 1870, drawn from Treasury		$1,500,000 00
323	Volume 15 Statutes at Large, amount of deficiency appropriation	5,740,000 00	
4	Report for 1870, drawn from Treasury		1,000,000 00
4	Report for 1871, drawn from Treasury		1,050,000 00
4	Report for 1872, drawn from Treasury		68,364 00
4	Report for 1873, drawn from Treasury		152,225 00
4	Report for 1874, drawn from Treasury		3,541 47
5	Report for 1874, covered into Treasury		844,233 53
519	Volume 16 Statutes at Large, amount of deficiency appropriation	4,685,032 00	
4	Report for 1871, drawn from Treasury		1,650,000 00
4	Report for 1872, drawn from Treasury		416,636 00
4	Report for 1873, drawn from Treasury		978,000 00
4	Report for 1874, drawn from Treasury		1,007,444 86
4	Report for 1875, drawn from Treasury		14,853 62
5	Report for 1874, covered into Treasury		603,951 14
572	Volume 16 Statutes at Large, amount of deficiency appropriation	3,969,383 00	
4	Report for 1872, drawn from Treasury		3,083,750 00
4	Report for 1873, drawn from Treasury		535,000 00
4	Report for 1874, drawn from Treasury		18,397 66
4	Report for 1875, drawn from Treasury		22,106 02
5	Report for 1874, covered into Treasury		306,735 34
202	Volume 17 Statutes at Large, amount of deficiency appropriation	5,700,970 00	
4	Report for 1873, drawn from Treasury		3,600,250 00
4	Report for 1874, drawn from Treasury		333,947 56
4	Report for 1875, drawn from Treasury		1,085,942 33
559	Volume 17 Statutes at Large, amount of deficiency appropriation	5,396,602 00	
4	Report for 1874, drawn from Treasury		3,896,602 00
4	Report for 1875, drawn from Treasury		2,039,314 33
232	Volume 18 Statutes at Large, amount of deficiency appropriation	5,497,842 00	
4	Report for 1875, drawn from Treasury		4,400,000 00
	Total amount of deficiency appropriations	32,489,829 00	
	Total drawn from and covered into Treasury		28,611,294 86
	Balance unaccounted for		3,878,534 14
			32,489,829 00

It will be noticed that the total amount of deficiency appropriations, including the balance of $1,500,000, July 1, 1869, amounts to $32,489,829; that the amount drawn from the Treasury, including the amounts stated by the Postmaster-General to have been covered into the Treasury, is $28,611,294.86. On page 4, report of 1875, the Postmaster-General states that there has been drawn on account of payments for previous years from the deficiency appropriations for 1873-'74 $2,039,314.33; $1,545,888.84 of which amount having been drawn in the fiscal year ended June 30, 1874, and included in amount drawn out of this appropriation during the previous year, which amount is stated by the Postmaster-General to be $3,896,602 on page 4 of his report for 1874; consequently $2,039,314.34 must be deducted, leaving $26,571,980 53

To this sum should be added the amounts actually drawn from the appropriations for 1873 and 1874 in 1875, $193,425.49 and $300,000, aggregating 493,425 49

27,065,406 02

It has been ascertained that on August 1, 1872, the Auditor covered into the Treasury 2,621,636 00

Making the total amount of deficiency appropriations drawn from the Treasury, including amounts accounted for by being covered back into the Treasury. 29,687,042 02

Add to this amount the available balance of deficiency appropriations as stated by the Postmaster-General on page 4 of his report for 1875 ..... 2,802,786 98

Making the total amount of deficiency appropriations as before stated 32,489,829 00

From the statement of the receipts and expenditures of the Post-Office Department, by quarters, as made by the Auditor for the years ended June 30, 1869, 1870, 1871, 1872, 1873, 1874, and 1875, on page 232, report for 1875, the following will be found:

Page.		Receipts.	Expenditures.
110, 111	Report for 1869	$18,344,510 72	$23,698,131 50
155	Report for 1870	19,772,220 65	23,998,837 63
113, 114	Report for 1871	20,037,045 42	24,390,104 08
227, 230	Report for 1872	21,915,426 37	26,658,192 31
197	Report for 1873	22,996,741 57	29,084,945 67
276, 277	Report for 1874	26,471,071 82	32,126,414 58
228, 229	Report for 1875	26,791,360 59	33,611,309 45
	Total receipts from revenue	156,328,377 14	
	Total Treasury grants	37,466,761 66	
106	Balance to credit of revenue account, June 30, 1868, report for 1869	646,249 81	
107	Amount of credit balance accounts closed by "suspense" during the year, report for 1869	40,672 36	
	Total receipts to June 30, 1875	194,482,060 97	
232	Total expenditures as stated in report for 1875		193,567,935 22
107	Amount of accounts closed by being charged to "bad debt account," report for 1869		20,123 93
107	Amount of accounts closed by being charged to "compromise debts account," report for 1869		732 88
	Excess of revenue, and grants from the Treasury, over expenditures as stated in the reports of the Auditor, for years ending June 30, 1869, 1870, 1871, 1872, 1873, 1874, and 1875, including "the credit balance of the revenue account on the 30th day June 1869," $1,019,559.88, as stated in report for 1869		893,268 94
	Total		194,482,060 97

These figures are verified by the statements of the Third Assistant Postmaster-General on page 40, report for 1869; page 33, report for 1870; page 3, report for 1871; page 39, report for 1872; page 21, report for 1873; page 53, report for 1874; page 25, report for 1875, except that it will be found upon reference to pages 52 and 53, report for 1874, that the amount stated as having been received for "newspapers and pamphlets" is $1,392,374.06, and that the statement of the Sixth Auditor on page 276, report for 1874, received for "newspapers and pamphlets" is $1,386,374.06, a difference of $6,000 unaccounted for.

The Sixth Auditor's annual statements of the receipts and expenditures of the Post-Office Department for the years ending June 30, 1869, 1870, 1871, 1872, 1873, 1874, and 1875 show that the appropriations made for "advertising" under sections 3826, 3930, 3931, 3933, 3934, and 3941 of the Revised Statutes modified by an act approved March 3, 1875, making appropriations for the Post-Office Department, will be found to have been exceeded $81,243.82.

This bill appropriates $25,000 for advertising instead of $75,000, as estimated for by the Postmaster-General, and provides that the Postmaster-General shall cause an advertisement of mail-lettings of each State and Territory to be posted up in each post-office therein, to be posted conspicuously for at least sixty days before the time of such letting; but no other advertisement of such lettings shall be required.

This provision is of the greatest importance, as the present law, section 3941 of the Revised Statutes, requires the Postmaster-General

to advertise before making contracts for carrying the mails, once a week for six weeks in one or more, not exceeding five, newspapers published in the State or Territory where the service is to be performed, &c. As a regular mail-letting takes place each year in one section (the country being divided into four sections) and special lettings in almost all the States and Territories annually, the cost of the present method of advertising for mail contracts has been enormous and under it there have been many abuses.

I will cite one instance: On the 30th day of October, 1874, the advertisement for mail contracts in the State of Alabama for one year from July 1, 1875, was sent to the National Republican, published at Selma, Alabama, to be printed in that paper once a week for six consecutive weeks, and on the 21st day of December, 1874, the proprietor of that paper, who was also the postmaster at Talladega, Alabama, was paid $3,768 for the printing. Charges having been made of fraud upon the Department in connection with the insertion of this advertisement, an investigation was ordered by the Postmaster-General, which developed the fact that fourteen hundred sheets of what purported to be a supplement of the National Republican, of Selma, Alabama, containing the advertisement had been printed in a job-office at Selma, for which printing $90 was paid, and these supplements having been distributed for six weeks, two bills were prepared against the Post-Office Department for the work, one for about $2,500 and the other for $3,768, with which the postmaster at Talladega came to Washington. Both bills were submitted to the Auditor of the Treasury for the Post-Office Department, who, finding that in his judgment it was possible to construe the larger amount to be correct under the law, paid it.

In this way a postmaster who was the proprietor of a country newspaper received a profit of $3,678 on one advertisement. Upon the report of these facts by two special agents of the Post-Office Department who made the investigation, the paymaster at Talladega was removed from office and criminal proceedings commenced against him in Alabama. It was, however, found that he could not be prosecuted in Alabama for collecting an alleged fraudulent claim in Washington, and he was re-instated in office. And singular as it may seem the agents who made the investigation, the postmaster who was investigated, and the Auditor who directed the payment of the bill for $3,768 instead of $2,500 are all to-day officers of the Post-Office Department under the Postmaster-General who ordered the investigation.

There can be no question that the advertisements of mail-lettings, if printed on sheets by the Post-Office Department and distributed to every post-office as proposed in this bill, will reach the people directly interested more effectively and with much less cost than the method now in vogue. The Postmaster-General's reports to which I have before referred contain some interesting facts as to the cost of advertising from 1869 to 1875.

The appropriations made by Congress for "advertising" for those years are as follows, and they are correctly stated on the books of the Auditor of the Treasury for the Post-Office Department:

Volume 15, page 55, Statutes at Large	$50,000 00
Volume 15, page 323, Statutes at Large	40,000 00
Volume 16, page 228, Statutes at Large	40,000 00
Volume 16, page 518, Statutes at Large	20,000 00
Volume 16, page 571, Statutes at Large	50,000 00
Volume 17, page 200, Statutes at Large	70,000 00
Volume 17, page 537, Statutes at Large	70,000 00
Volume 18, page 144, Statutes at Large	20,000 00
Volume 18, page 231, Statutes at Large	80,000 00
Volume 18, page 413, Statutes at Large	95,000 00
Total	535,000 00

From the statements of the Sixth Auditor, exhibiting the expenditures of the Post-Office Department under their several heads by quarters for the fiscal years ended June 30, 1869, 1870, 1871, 1872, 1873, 1874, and 1875, will be found the following expenditures for advertising:

Page 111, report for 1869	$79,565 41
Page 155, report for 1870	66,571 80
Page 114, report for 1871	57,459 80
Page 230, report for 1872	53,112 33
Page 197, report for 1873	81,412 60
Page 277, report for 1874	109,740 68
Page 229, report for 1875	168,381 20
Total	616,243 82

Section 3679, Revised Statutes, page 728, recites as follows:

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract for the future payment of money in excess of such appropriation. (Act of July 12, 1870.)

The total cost of advertising for the last fiscal year was $168,381.20, and the Auditor of the Treasury for the Post-Office Department officially informs me that $140,000 of the amount was paid on account of mail contracts.

Sections numbered 7, 8, and 9 of the bill establishing the rates of compensation to railroads for transporting the mails are in substance those contained in House bill No. 2137, introduced by me and referred to the Committee on Appropriations, modified to some extent, however, to meet the views of the Postmaster-General and the superintendent of railway mail service, an officer of the Post-Office Department, who, from years of practical experience in connection with that branch of the service, understands the subject fully.

The question of adjusting the pay of railroad companies for carrying the mails upon a basis which shall be just toward the Government and at the same time pay a fair rate to the railroads for the accommodations the Government demands of them, is one of great importance. For a proper understanding of the relations of the Government to this class of mail-contractors it will be necessary to consider the changes which have taken place in the manner of separating or distributing the mails for different sections during the past twelve years. Prior to 1864 this work had been done at certain large post-offices throughout the country, selected by the Postmaster-General to make a detailed distribution of mail for the section immediately about them and to make up packages and bags of mail for other distributing offices. Take, for example, mail from the East for my own State. Under the old system it was collected at the various distributing offices and sent to Chicago or Saint Louis, where separate packages or bags were made up for each post-office in the State. These packages or bags were dispatched over the several railroad lines in charge of baggage-men or officers known as route-agents, who delivered and received the mail in bulk at each station. This manner of distributing the mails caused many vexatious delays, letters often having to pass through several separating or distributing offices and, missing a connection with outgoing trains at each of those offices, arrived at their destination long after a passenger starting at the same time the letters were mailed. This gave rise to constant complaints, especially as clerks at distant distributing offices, finding it impossible to remember the location of the smaller post-offices in a State, would send a letter to Chicago for distribution which should be sent to Saint Louis, or *vice versa*, thereby causing unnecessary delays. To expedite the transmission of mail and relieve the Department from the necessity of increasing the number of distributing offices and building or renting larger post-offices as the business of the country increased became a necessity, and the postal car, or traveling distributing post-office, was introduced and is now in operation on most of the main or trunk lines of railroads. Under this system letters pass from point to point as rapidly as passengers traveling by the same trains, and a letter for a town in Missouri instead of being bagged to Chicago or Saint Louis, to lay there twelve or twenty-four hours, by some clerk in Boston, for example, who, perhaps, never heard before of the town to which the letter is directed, passes now from clerk to clerk until it reaches the hands of one upon a western railroad who handles mail for the place daily and sends it promptly to its destination. This system of distributing the mails while they are in transit requires larger and better mail-cars than were formerly in use.

The volume of mail matter has been from year to year steadily on the increase, as shown by the revenues of the Department derived from the sale of stamps, and stamped envelopes, and postages collected in money.

Those items, as shown by the Postmaster-General's report for 1869, page 112, were, $16,369,886.51; while for 1875, page 230, they were $25,357,276.22; an increase of $8,987,389.71. Of course the trunk lines of railroads, which are the highways of travel and communication between the large cities and the rest of the country, are naturally affected the most by this increased mail, and when gentlemen consider that, instead of increasing the number and size of distributing post-offices at the termini of those trunk lines of railroads, the railroad companies are almost annually called upon by the Government to furnish more car space on their passenger trains to do the distribution of the mail. I think all will be willing to admit that some basis of paying for that space should be fixed which will enable the Department to obtain from the railroad companies necessary accommodations on all trains which the public interests demand should carry mails. In discussing this question I shall assume, first, that it is necessary for the Post-Office Department to have exclusive control of the apartments set aside for the use and transportation of the mails and the agents in charge of the same, and have the right to carry in those apartments all the mail to be transported over the line, be it more or less, within of course the carrying capacity of the car space they occupy; second, that the portion of each passenger train set apart for and run for the exclusive benefit of the Post-Office Department should be paid for at such a rate as will be a fair compensation to the railroad companies for the services rendered by them to the Department.

This subject has been thoroughly investigated and discussed by the Department and by the Senate Select Committee on Transportation Routes to the Seaboard of the Forty-third Congress, who indorse the space basis of adjusting pay, and the Postmaster-General and the officer of the Department known as the superintendent of railway mail service also give it their unqualified indorsement.

So far as I have been able to ascertain, there is no difference of opinion between any of the gentlemen who have studied the subject as to the fairness of the proposition urged by the railroad companies, that the Government should pay for the car space used by them in transporting or distributing the mails.

If these gentlemen are right, and as a business man I do not see how the correctness of their position can be questioned, it only remains to settle what is a fair rate of compensation per foot of car space used exclusively by the Government for the mails. To this point I ask particular attention, for it is one upon which there is a

wide difference of opinion, and I propose to treat it as a simple business proposition. The Government should, I claim, be a preferred customer, and requiring as it does a certain amount of space daily on nearly every passenger-train run, it should pay commutation rates for that space, and at such a figure as would yield the railroads a fair percentage of profit upon the cost of running the portion of the train the Post-Office Department occupied.

We all know that railroads make special commutation rates for persons who travel regularly over their roads, issuing annual or quarterly tickets to them. A passenger occupies a trifle less than one foot of linear full-width car space; and if you are in a position to say to a railroad company that you will arrange to send fifty-five passengers over their road both ways daily, they will furnish a fifty-foot passenger-coach and take the passengers at commutation rates. The Government should be able to engage a car or a part of a car on the same trains at as low a rate per foot of space for each mile the car is run as the commutation rate you would pay per mile for a passenger under the arrangement to which I have just referred. The average weight of men is about one hundred and forty pounds, as shown by Haswell's Engineers and Mechanics' Hand-Book, and fifty-five men at this rate would weigh seventy-seven hundred pounds. As a passenger-coach is much more expensive and is heavier than the average mail-car of the same size, and as few if any mail-cars carry an average weight of over five tons or 10,000 pounds of mail, (which is of course very bulky,) I think the comparison between the rate per foot of car space used for the mails in a passenger-train with the same amount of space in the same train which would be occupied by a passenger a fair one. The best data to be obtained as a guide to what the commutation rate for passengers would be is perhaps to be found in the annual reports of the railroad commissioners appointed by the Legislature of Massachusetts to report annually all facts of public interest in connection with railroads, especially in the New England States. In their seventh annual report, dated January, 1876, these gentlemen, who are not officially connected with railroad companies, and one of whom, Charles F. Adams, jr., has given years of study to the subject, state "the season-ticket rate for long distances to be five and six-tenths mills per mile." Their report made in January, 1874, shows the rate to be six mills, and that is the rate adopted in the bill now before the committee for each foot of car space which may be used by the Government for the mails for each mile the cars are run, attached to trains run regularly at a rate of speed not exceeding twenty-five miles per hour. Trains run for accommodation of passengers at the low rates I have mentioned are slow local trains; and while there can be no question but that they pay on account of the number of passengers carried, (those trains being run only for limited distances in the vicinity of large cities,) they would not pay if run long distances at a high rate of speed and with limited patronage.

It is an admitted fact among railroad men that the cost of running trains at a high rate of speed increases in a much greater ratio than the increase of speed, and it has been claimed by them while this bill has been under consideration that the minimum rate of speed should be lower than twenty-five miles per hour. That minimum has, however, been adopted because it will establish a uniform rate of compensation for the greater part of the service. Comparatively few trains which the Department uses or desires to use being run regularly at a higher rate of speed, the rate of six mills per foot it is believed will pay a profit for service done at the rate of twenty-five miles per hour; and if the roads running those trains get smaller profits than the roads on which the trains run slower they carry more mail, and consequently, furnishing more space and having more custom, can afford to do the work cheaper. That, however, the Department may not be excluded from using the express-trains run at a higher rate of speed than twenty-five miles an hour and at greater cost on account of wear and tear, &c., I introduced for reference to and consideration of the Committee on Appropriations a bill fixing a rate of compensation upon the recommendation of the Postmaster-General, sustained before the committee by strong arguments by Mr. Vail, the superintendent of railway mail service, of seven mills per foot of space furnished on trains run regularly from twenty-five to thirty miles an hour, eight mills for trains run regularly from thirty to thirty-five, and nine mills for trains run regularly above thirty-five miles per hour. These rates have the indorsement of the Postmaster-General and the present superintendent of railway mail service, although the minimum rate recommended by them was six and one-fourth instead of six mills for twenty-five miles and under, seven mills for thirty miles, and an increase of one mill per foot for each five miles per hour of additional speed. That would give ten mills for speed from forty to forty-five miles, eleven mills from forty-five to fifty, twelve mills from fifty to fifty-five, and thirteen mills from fifty-five to sixty miles per hour.

The bill reported by the committee recognizes, however, no higher rate of speed than thirty miles per hour, and will, I believe, result in practically excluding the mails from the express passenger-trains run at a higher rate of speed than thirty miles an hour. It will perhaps be well to state here that the rate demanded by the railroads for all postal-car service has been thirteen mills per linear foot, and that favored by the Senate select committee, before referred to, and Mr. Bangs, the former superintendent of railway mail service, as an average rate was eight mills per linear foot.

I regret that the committee have not deemed it best to adopt a provision to relieve the railroads from doing mail-messenger service for the Post-Office Department; for while it is a comparatively small matter, it has been a just cause of complaint on the part of the railroad companies. The Senate Select Committee on Transportation Routes to the Seaboard say on this subject in their report:

Your committee are of the opinion that the complaint of the railroad companies in respect to their present obligation to transport the mails between stations on the line of their routes and post-offices not more than one-fourth of a mile distant from stations is well founded, and that such service should not be required, inasmuch as it is a service outside of the usual and ordinary business of such companies.

Section 9 provides "that the Postmaster-General is hereby authorized and directed to adjust," &c. This provision will enable him to regulate the amount of space to the necessities of the service, thereby reducing the cost of transporting the mails by railroads to a large amount.

Mr. Chairman, I send to the Clerk's desk letters of the Postmaster-General of date of March 2 and March 22, which I ask to have read and published with my remarks.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 2, 1876.

SIR; I have the honor to acknowledge the receipt of the letter from you as chairman of the subcommittee inquiring as to the effect of the passage of a bill inclosed (H. R. No. 2137) to fix the rates of compensation for transporting the mails.

There can be no doubt but that the bill referred to recognizes the true principle upon which the payment to railroad companies for mail transportation should be based.

Under the present system of mail transportation and distribution space is one of the first elements to be considered, as the bulk of the distribution is now performed upon the cars while the mail is in transit, and of course the relations of space necessary and weight carried vary considerably under the different circumstances of the different roads.

Under the present system the compensation for mail transportation is very unequally divided, and oftentimes bears little proportion to the service performed.

Last winter there was proposed an estimate of the cost of mail transportation based upon linear space estimated at eight mills per foot. This estimate covered all roads upon which the pay had been re-adjusted under the law of 1873, with the following results:

Compensation under law of 1873	$7,918,972
Compensation based upon the rate of eight mills per linear foot of car space in actual service	7,581,444

In the bill the rate is fixed at six and seven mills respectively for route-agent and postal cars. The linear space in use is about equally divided between route-agents and postal cars. This would bring the average compensation per linear foot to six and one-half mills; reducing the compensation, computed at eight mills, from $7,581,444 to $6,163,714.

Compensation based upon the rate of six and seven mills respectively per linear foot	$6,163,714
The compensation to railroad companies for mail transportation for the fiscal year ending June 30, 1875, was	$9,216,518
The compensation based upon linear space at the average rate of six and a half mills would be about	7,200,000
A reduction of	2,016,518

In answer to your inquiry relating to the pouches necessary to be sent outside of the mail-cars, no estimate could be made that would be correct, as the number of bags varies with the road, the service upon the route, and the country through which it passes. I think the method of compensating them provided in this bill would be exceedingly difficult to carry out, and would suggest that it be changed to space; that is, every three months estimate the space necessary for that service by inspection, and pay for it at the same rates provided for route-agent cars In the estimate for linear space made above, no reference was had to the width of the apartments for route-agents, nor to superfluous or deficient space.

If any law was passed compensating according to space, this of course would be re-organized, and it is hardly probable that the total space for both, baggage, route-agent, and postal-car service, would increase the expense from $300,000 to $500,000 above the estimate.

Very respectfully,

MARSHALL JEWELL,
Postmaster-General.

POST-OFFICE DEPARTMENT,
Washington, D. C., March 22, 1876.

SIR: I have the honor to acknowledge the receipt of the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 17, 1876.

SIR: What will be the entire cost of railroad mail transportation under the features of House bill No. 2137?

What will the terminal and side service cost? What will be the cost of railroad travel for agents?

What will be the probable increase from year to year in mail transportation if House bill No. 2137 is adopted?

What is the estimate for railroad transportation for fiscal year ending June 30, 1877?

Very respectfully,

WM. S. HOLMAN,
Chairman Subcommittee Post-Office Appropriation Bill.

Hon. MARSHALL JEWELL,
Postmaster-General.

In reply the following is submitted: The entire cost of railroad mail transportation under the features of House bill No. 2137 will be from seven millions to seven millions five hundred thousand dollars for the car and apartment service.

The cost of the terminal and side service can be estimated very closely The entire cost for mail-messenger service performed by the Department for the year ending June 30, 1875, was $621,311. This includes the service in all the large cities and at all offices over eighty rods from the railroad depots. The cost of the service now performed by the railroad companies cannot in any case amount to three-fourths of this, after deducting the amount now paid for mail-messenger service at offices upon steamboat routes, which is about $40,000.

This would make the probable cost of the service to be assumed by the Department between four hundred and twenty-five thousand and four hundred and fifty thousand dollars.

The cost of railroad travel for agents under section 4 of this bill will amount to

about $15,000 annually. The Department has now sixty-four agents who are entitled to free transportation and who travel quite extensively. Allowing one hundred miles of travel each working day, which is a very large estimate indeed, the traveling done by each agent would amount to about $220 per annum, or little over $14,000 annually for all. The probable increase from year to year under the feature of space payment will be considerably less than that if the payment for weight carried is continued. The weight of mail steadily increases, and the increase in compensation to railroads for weight carried will not be much less than 10 per cent. each year. The space necessary will not increase in proportion with the weight for reasons set forth in detail upon pages 8, 9, and 10 of accompanying pamphlet, entitled, "Discussion of the proper method of compensation to railroads for the transportation of the mails." In the past the increase in car space from year to year has been slight. If a basis of compensation according to space and speed were adopted, there would be some reduction the first year, from the fact that there are a number of railway post-office lines established upon railroads that were willing to grant facilities that could be abandoned as soon as the Department was put in a position to get from any railroad the facilities desired, and keep that established since June 30, 1875, on the great trunk lines.

The estimated cost of railroad mail transportation for the year ending June 30, 1877, is $10,500,000.

In connection with this I would beg leave to submit the following regarding the general features of a bill governing railroad transportation of the mails. It cannot be doubted but that the space basis is the real method of compensation. It needs no argument in its favor. And this should apply to mails transported in baggage-cars as well as those in mail cars or apartments.

The feature of incorporating lines 9, 10, and 11 in section 2, requiring cars and mail to be put on all trains as the Postmaster-General may direct, &c., will be opposed by all railroad companies, unless there is some provision made for increased compensation for increased speed. We only require this feature of speed to apply to the through or trunk lines in all sections. As for the local service, a uniform rate could apply, but for through mails it is essential that the most direct transit be obtained. The difficulty heretofore has been that, the railroads getting no more for speedy service than for slow; the through postal cars were put upon the trains leaving at hours not the best adapted to the dispatch of mails; while if a simple provision were inserted that in all cases where the service required entire cars (which would only apply to the trunk lines connecting the different sections of country) a minimum compensation should be paid, say for service under twenty-five miles per hour with an increase of speed. This minimum amount should be below that paid for parts of cars, say six and a quarter mills for twenty-five and under, seven mills for thirty miles, and an increase of one mill per foot for each increase above thirty up to and including each five miles per hour additional speed. This feature would then apply to all time, whether the rate per foot or rate of increase be changed or not.

When it is understood that there are comparatively few lines of road upon which the average speed is above twenty-five miles per hour and very few where above thirty miles per hour, your committee will see that the increased expense will be comparatively light, but at the same time it would give the public the benefit of the fastest speed that can be obtained between the distant sections of our country. And also when the fact is considered that these express trains are the ones with which the local trains at all intersecting points connect, the importance of the Department having control of those trains will be seen, and the Department could not get in the best trains except by praying more for fast service than slow without continually having unpleasant friction with the railroad companies, which is always disastrous to a first-class service.

As this bill will probably make provision for the service for years to come, it would be well to recognize this broad feature and put the railroad companies and the Department upon relations that would be as pleasant as possible. They might object to the rate per foot as being too small, but if it recognizes the underlying principles of railroad transportation, the chief difficulty would be removed.

Very respectfully,

MARSHALL JEWELL,
Postmaster General.

Hon. WILLIAM S. HOLMAN,
Chairman Subcommittee Post-Office Appropriation Bill.

Mr. STONE. Sections No. 11, 12, and 13 propose modifications and changes in the laws governing the appointment and salaries of special agents of the Post-Office Department. Those laws are sections 4017, 4019, and 4020 of the Revised Statutes, and it would seem that there should be no misunderstanding as to the salary such agents are entitled to under the law, as section 4017 provides that "such agents shall be entitled to a salary at the rate of not more than $1,600 a year each," and section 4020 that the Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year.

The amount which can be paid as salary to agents appointed under the authority conferred by section 4017 is optional with the Postmaster-General, provided he does not pay more than $1,600 a year, while the salaries of the two agents whose employment is authorized by section 4020 are fixed at $2,500, and the duty for which they may be appointed is clearly defined, although whether such agents shall be employed is left to the discretion of the Postmaster-General.

The law provides that special agents shall be allowed for traveling and incidental expenses a sum not exceeding $5 a day, and of late years this has been construed to mean that this per diem allowance can be made for every day in the year without regard to where or how the agent is employed, even though engaged in clerical duty in the Department at Washington or at some place where the agent may reside.

In this way many agents whose compensation as salary is fixed at $1,600 receive in addition during the year $1,825 for per diem allowance for traveling and incidental expenses, when no traveling expenses are incurred and no incidental expenses except such as any clerk or officer of the Government incurs who has a fixed abode, incidental expenses being allowed in many cases in addition to what is really a fixed salary of $3,425, which is certainly a clear violation of law.

While there may possibly be an honest difference of opinion as to the legality of making a daily annual allowance for traveling and incidental expenses where none are incurred, the accountability of officers who have put such a construction upon the law since June, 1874, is clearly shown by the sixth clause of an act making appropriations for the support of the Army, approved June 16, 1874, which will be found on page 72, volume 18, Statutes at Large, part 3, and is as follows:

Provided, That only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, and all allowances for mileage and transportation in excess of the amount actually paid are hereby declared illegal, and no credit shall be allowed to any disbursing officer of the United States for payment or allowances in violation of this provision.

That this law is applicable to special agents of the Post-Office Department is shown by the seventh section of an act regulating fees and costs, and for other purposes, approved February 22, 1875, and found on page 334 of the volume of the statutes before referred to.

This section expressly exempts only attorneys, marshals, or clerks of courts of the United States, and their assistants or deputies, from the operation of this law, in relation to the allowance of actual expenses, for a period of six months from July 1, 1874, and makes the law applicable to them after January 1, 1875.

The amount of money allowed to persons holding appointments as special agents of the Post-Office Department since July 1, 1874, in direct violation of law, amounts to tens of thousands of dollars, and the persons who are responsible are the Postmaster-General and the Auditor of the Treasury for the Post-Office Department.

From the last annual report of the Postmaster-General I have obtained some facts in relation to special-agent service which are of interest.

On page 17, report for 1875, the Postmaster-General states "the number and aggregate compensation of special agents to be forty-eight, at a cost of $160,923.49;" excess of appropriation, $923.49. In a subsequent statement in detail furnished the Committee on Expenditures in the Post-Office Department taken from the Auditor's books, for the year ended June 30, 1875, the Postmaster-General reports an error in twice charging $250, and states the amount of compensation to be $160,673.49; excess of appropriation, $673.49.

The Postmaster-General's report also furnishes a statement of amount paid special agents, according to Auditor's report, for year ended June 30, 1875, by quarters, as follows:

September 30, 1874	$39,282 01
December 31, 1874	35,673 78
March 31, 1875	38,138 91
June 30, 1875	37,599 08
Total	150,693 78

This shows a difference of $10,229.71 between the amount stated by the Postmaster-General and the Auditor in the published reports.

The Auditor furnishes a subsequent report in detail, which states:

Salary of special agents	$87,481 31
Per diem of special agents	61,840 50
Incidental expenses of special agents	9,746 73
Total	159,068 54

A difference of $8,374.76 between the amount stated in published report and that of the subsequent report in detail, giving the name of each special agent employed, per diem, and incidental expenses.

In this connection I desire to call the attention of Congress and the country to the fact that as now constituted the Office of the Auditor of the Treasury is not a proper check upon the operations of the Post-Office Department. While nominally independent, that officer is to a great extent under the control of the Postmaster-General, and, being brought into almost daily contact with him, the Auditor, if a weak or subservient man, gradually drops into the position of a Bureau officer of the Post-Office Department, and shields himself for irregular or illegal transactions behind the verbal or written orders of the Postmaster-General.

Let me claim your attention while I cite one case in point. The law which I have before referred to (section 4020 of the Revised Statutes) says the Postmaster-General may appoint two special agents at an annual salary of $2,500, with an allowance for traveling and incidental expenses while actively employed in the service of not more than $5 a day. May appoint them for what? "To superintend the railway postal service;" not for any duty the Postmaster-General may see fit to assign them, but for specific, defined duty.

The necessity for more than one agent to superintend the railway postal service with the aid of agents known as assistants has never been recognized by the Postmaster-General. But the law gives him the power to appoint two, and Ex-Postmaster-General Creswell took advantage of the law and appointed a confidential agent to the position; but, there being no necessity for this man's services, or his whole services, to do the work for which the place was created, he was given other duty to perform, in fact made chief of special agents of mail depredations, who are appointed under section 4017 of the Revised Statutes, and for whose payment a special appropriation is made by Congress each year. This man was allowed an annual salary of $2,500 and $5 a day for three hundred and sixty-five days, or $1,825, making a virtual salary of $4,325 with allowances to the amount of hundreds of dollars in addition.

Can any gentleman say that this was not in violation of law? Well, notwithstanding the enactment of the law of June 16, 1874, to which I have directed your attention, the present Postmaster-General, in November, 1874, appointed his confidential agent to this position, and I hold in my hand the official list of special agents, dated August 15, 1875, and signed by Marshall Jewell, Postmaster-General, in which

this agent appears as chief special agent; and upon inquiry I find that what has heretofore been a division of mail depredations under the Second Assistant Postmaster-General has in reality been created a bureau of the Post-Office Department, with this man as a bureau officer, with an annual salary of $4,325 and additional allowances, and that the chief of division for the office of mail depredations, an officer for whose payment an annual salary is appropriated by Congress, has become the chief clerk of that bureau.

In the estimates for appropriations for the fiscal year ending June 30, 1877, page 51 of the letter of the Secretary of the Treasury transmitting estimates for that year, you will find that only $2,000 is asked for the chief of division of mail depredations, which is reducing his salary $500 and putting him on a par with other chief clerks of bureaus in the Post-Office Department; no mention, however, is made of the fact that a person paid $4,325 out of the appropriation for mail transportation is put over this officer, and that what appears to be a reduction of $500 is really an increased expenditure of $3,825. Even now we have a full-fledged bureau in the Post-Office Department over which illegally presides an officer not known to the law, drawing a salary over $800 in excess of the Assistant Postmasters-General, and holding his office at the will and pleasure of the Postmaster-General, while they are appointed by the President and confirmed by the Senate. And this man controls scores of agents, secret as well as those regularly appointed, who at his beck and call investigate the affairs of any of our constituents.

His accounts have each month for over a year been passed by the Auditor and improperly paid out of the appropriation for the transportation of the mail in view of the duties assigned him; and yet, though his position has been officially published, and his office is in the same building and but a few doors away, the Auditor denies all knowledge of this irregular business until within a few weeks past.

Section 4020 of the Revised Statutes, as modified in this bill, fixes a limit to the amount which can be paid for special agents to superintend the transportation of the mails and for special duty in connection with the money-order business. At present there is no limit to the number of these agents, as they are paid out of the appropriation for the transportation of the mails. The amount paid as salaries to persons employed in handling the mails, outside of those regularly employed as clerks in post-offices and for superintending the transportation of the mails, has increased enormously since 1869.

On page 108 of the Postmaster-General's report for 1869, mail-transportation account is charged with the salaries of route, special, and local mail-agents, postal railway clerks, baggage-masters, &c., amounting to $916,804.62; on page 152 of the Postmaster-General's report for 1870 the same items amount to $1,079,890.41. On page 111 of the Postmaster-General's report for 1871 the same items amount to $1,321,694.33; on page 225 of the Postmaster-General's report for 1872 the same items are $1,605,274.98, (including the salaries and per diem of the assistant superintendents of the postal-railway service stated separately in this report for the first time, which are $35,305.66;) on page 195 of the Postmaster-General's report for 1873 the same items are $1,877,521.34, (including the salaries of assistant superintendents of the railway service, amounting to $46,626.96;) on page 275 of the Postmaster-General's report for 1874 the same items are $2,171,862.87, (including the salaries, &c., of the assistant superintendents of postal-railway service, amounting to $56,098.04;) on page 226 of the Postmaster-General's report for 1875 the same items are $2,333,739.55, (including the salaries, &c., of assistant superintendents of postal-railway service, amounting to $53,768.82.)

This item does not, however, represent one-half of the cost of superintending the postal-railway service, it being the compensation of the chiefs or Bureau officers, who have scores of railway postal clerks detailed to do office duty under them and who are paid salaries at the rate of $1,400 per annum. The law authorizing the employment of clerks in railway postal offices is section 4025 of the Revised Statutes. That law is as follows, and it contains no provisions, I claim, which warrant making men employed under it clerks to special agents:

> The Postmaster-General may appoint clerks for the purpose of assorting and distributing the mail in railway post-offices, each of whom shall be paid out of the appropriation for transportaion of the mail a salary at the rate of not more than $1,400 a year each to the head clerks, nor more than $1,200 a year each to the other clerks.

In 1869 there were one superintendent and five assistant superintendents of railway mail service. There are now two superintendents and ten assistant superintendents' salaries charged to mail transportation, and it is proposed to reduce the number to one superintendent and six assistant superintendents. During the past five years distribution schemes covering the whole country have been prepared and printed for the use of those who distribute the mails, and the large number of persons now employed, costing over $125,000 per annum, can hardly be necessary to keep those schemes corrected and see that the railway clerks and route-agents do their work properly.

As an evidence of how utterly unreliable statements made of the liabilities of the Post-Office Department are let me call your attention to page 4 of the Postmaster-General's report for 1872. The estimated liabilities on June 30, 1872, were:

Balances to foreign countries	$197,400 00
Mail service under contract and recognized, but not yet reported	411,635 15
Mail service still unrecognized	185,705 00
Total	794,740 15

Now, turn to page 4 of the report for 1873, and you will find that to pay these estimated liabilities there was drawn from the Treasury of the amount appropriated—

1869-'70	$152,225 00
1870-'71	978,000 00
1871-'72	535,000 00
Making a total drawn, to pay liabilities estimated at $794,740.15, of	1,665,225 00

Among the tens of thousands of Federal office-holders (51,177 in the Post-Office Department) authorized by law there are many who render little if any service to the Government; and I protest against the assumption of the right by the head of any Department to create bureaus and illegally appoint men to take charge of them, and in the interest of a plundered and overtaxed people I protest against the careless and irresponsible manner in which the accounts of the Post-Office Department are settled and reported by the Auditor of the Treasury for the Post-Office Department.

THE ADMISSION OF NEW MEXICO.

Mr. STEVENSON. Mr. Chairman, the bill for the admission of New Mexico now pending before this House, and which has already received the sanction of the Senate, is one of far more than ordinary importance. The question of the admission of a new State to this Republic, clothing it with all of the powers and responsibilities and conferring upon it the dignity of a sovereign American State, is one of great moment both to the Territory making application and to the Government of the United States. In deciding the question in the present instance I trust that considerations other than those of a mere partisan character will convince our judgment and influence our action. A political advantage to either party, as that of securing the electoral vote of the new State, or of two Senators in Congress, or the vote of a Representative upon this floor, will be secured at too great a price, unless the people of New Mexico desire this change in their form of government and are well qualified for the exercise of the high prerogatives of sovereignty.

We are confronted then, sir, at the very threshold of this discussion with the inquiry whether within the limits of this Territory the material prosperity is such and the character and numbers of the population such as to entitle it to the honor of a place among the States of this Union.

Mr. Chairman, an examination of this question has satisfied me that to pass this bill would be an act of mistaken kindness to the citizens of New Mexico, and of gross injustice, irreparable in its character, to the Government of the United States. Will any gentleman upon this floor assign any reason for the statement that the people of this Territory will be benefited by a change from the simple and relatively inexpensive form of government they now enjoy to that of the complicated and expensive machinery of a State government? I frankly confess that this argument would have but little force provided this Territory actually possessed the requisite population and material prosperity to entitle it to the high dignity it seeks at our hands, but in the total absence of these the argument is all-powerful.

Then, sir, placing our advocacy of this bill or opposition to it upon higher grounds than those of mere party advantage, let us in the light of history and guided by the most reliable advices that can be obtained as to the population, prosperity, and probable future of this Territory decide whether this bill should become a law and New Mexico invested with the powers and grave responsibilities of a State.

Mr. Chairman, my opposition to this bill is based mainly, but not wholly, upon the absence of the requisite population in the Territory. New Mexico possesses an area of 121,201 square miles, stretching from the Territory of Colorado upon the north to Texas and Mexico upon the south and Arizona upon the west. Numerous mines of silver, gold, copper, iron, and salt are to be found within its limits. Two great chains of the Cordilleras pass through the eastern portion of the Territory from north to south, while it is watered by the Colorado, the Pecos, the Gila, and the Rio del Norte.

And yet, sir, with the advantages I have mentioned, what has been the progress of this Territory in material wealth and prosperity, in the arts and sciences, in population, in all the elements of power and greatness, in everything that will fit a people for the high exercise of sovereignty, during the last two centuries?

It must be borne in mind, sir, that New Mexico has a history long anterior to that of our Federal Government. As far back as 1595 the viceroy of Mexico, by his envoy, took formal possession of this territory in the name of Spain, and gave it the name of New Mexico. With the exception of an interval extending from 1680 to the year 1698, during which time the natives were in successful revolt against their conquerors this territory remained under Spanish authority and dominion until the year 1846, when it was conquered by United States troops under General Kearney. The celebrated treaty of Guadalupe Hidalgo was entered into in 1848, between commissioners upon the part of the United States and of the republic of Mexico, by the terms of which treaty this territory was ceded to the United States forever; and Congress on the 9th day September, 1850, in pursuance of that treaty, provided New Mexico with its present territorial government.

Mr. Chairman, as we are now considering the propriety of erecting New Mexico into a sovereign State, it is well to inquire what has been the progress of this Territory in all of the elements that are

necessary constituents of a State during the two hundred and sixty-one years that have elapsed since Juan de Onate took possession of it in the name of Spain, and gave it the name it now bears. At the time its present territorial organization was conferred upon it, a little more than a quarter of a century ago, its population was 61,547; ten years later, as shown by the Federal census of 1860, its population had increased but little more than 30,000, it then being 93,516. After another decade of years, as appears by the census of 1870, the population was only 91,874. It is but just, however, to state that between the years 1860 and 1870 a portion of its original territory had been attached to Colorado and Arizona, which will in some measure account for the falling off in population during the ten years immediately preceding the year 1870; but the figures above given show the actual population of the present Territory of New Mexico at the time of taking the last Federal census. It must not be forgotten that the present limits of the Territory of New Mexico embrace an area of 121,201 square miles—an area double that of the State of Illinois and almost three times the size of the State of New York.

Thus we have, sir, a Territory with a population of only 91,874 persons—so far as reliable data can be obtained—applying for admission as a State. But here let us pause for a moment and inquire as to the character, nativity, advancement, and intelligence of this handful of people who seek the honors and responsibilities of statehood at our hands.

Mr. Webster, then a Senator in Congress from Massachusetts, in a speech delivered in the Senate of the United States on the 23d of March, 1848, upon the then recent conquest of California and New Mexico, used the following language, which I will send to the Clerk's desk to have read from the Congressional Globe:

Well, then, as to New Mexico there can be no more people there. The man is ignorant, stupid who has looked at the map of New Mexico and read the accounts of it, who supposes there can be any more people there than there is now—some sixty or seventy thousand. It is an old-settled country, the people living along in the bottom of this valley on the two sides of a little stream, a garter of land only on one side and the other, filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation but under any cultivation that our American race should ever submit to, no more people than there are there now. There will then be two Senators for 60,000 inhabitants in New Mexico to the end of our lives and to the end of the lives of our children.

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Now, of New Mexico. Of that, forty-nine-fiftieths at least is a mere barren waste of desert, plain, or mountain. There is no wood, no timber, little faggots to light a fire carried thirty or forty miles on mules. There is no natural fall of rains as in temperate climates. The place and scene are Asiatic: enormously high mountains running up, some to the height of 10,000 feet, with very narrow valleys at their bases, through which streams trickle along; a garter winds along, through the thread of which runs the Rio Grande from afar in the Rocky Mountains, down to the latitude of about 33°, some three or four hundred miles. There these 60,000 persons are. In the mountains on the right and left are streams whose natural tendencies would be as lateral streams to flow into the Rio Grande, and in certain seasons of the year when the rains have been abundant in the mountains some of them do actually reach the Rio Grande, but the greater part of the year never reach an outlet to the sea. They are absorbed in the sandy and desert plains of the country. There is no culture anywhere save that which can be obtained by artificial watering or irrigation. You can have this along the narrow valley of the Rio Grande, in the gorges of the mountains, where the streams are, but you cannot have it down along the course of those streams that lose themselves in the sands.

Now, sir, there is no public domain in New Mexico. There is not a foot of land to be sold by the Government. There is not an acre that will become ours when the country becomes ours, not an acre. But, more than this, the country is full of people, such as they are. There is not the least thing in it to invite the settlement of our planters or farmers. There will go, I dare say, speculators, traders—some of them adventurers tired of the good country in the valley of the Mississippi who desire to wander; but I undertake to say that there will not be two hundred farmers or planters from the United States in New Mexico in the next fifty years. They cannot live there. Do you suppose they are going to cultivate lands which cannot be made productive in the slightest degree without irrigation? The people that are there produce little and live upon little. I believe the characteristic of our farmers throughout this country is to produce a good deal and consume a good deal. Again, New Mexico is not like Texas. I had hoped and still hope that Texas is to be filled up with a population like ourselves; not by the Spanish race, not by peons, not by coarse, ignorant, vulgar landlords with tribes of slaves around them, predial and otherwise.

* * * * * * *

New Mexico is secluded, isolated, a place by itself, in the middle of the mountains, five hundred miles from Texas.

Mr. RUSK. Five hundred miles from the settled portions of Texas.

Mr. WEBSTER. Further from anywhere else! It does not belong anywhere. It has no belongings about it. Sir, at this moment it is absolutely more retired and shut out from communication with the civilized world than the Sandwich Islands or most of the islands in the Pacific Ocean. It presses hard on Typee, and the people are infinitely less elevated in mind and condition than the people of the Sandwich Islands; far less worthy of our association, far less fit to send their Senators here than are the inhabitants of the Sandwich Islands; far less worthy are they than the better class of Indians in our neighborhood. Commend me to the Cherokees, the Choctaws, if you please to speak of the Pawnees, the Blackfeet and the Snake Indians and the Flatheads—anything except the —— Indians, and I am satisfied with them, instead of the people of New Mexico. They have no notions of our institutions or of any free institutions. Have they any notion of popular government? Why, not the slightest; not the slightest on earth. And the question is asked, What will be their constitution? It is farcical to talk of such a people making a constitution. They do not know the meaning of the term. They do not know its import. They know nothing at all about it. And I can tell you, sir, that when we have made it a Territory and wish to make it a State, such a constitution as the executive power of this Government thinks fit to send to them will be sent and adopted. The constitution of our fellow-citizens of New Mexico will be framed in the city of Washington. Now, what says Colonel Hardin in regard to New Mexico, that most lamented and distinguished officer, whom I well knew as a member of the other House, and whose death I did most deeply deplore? He gives a description of New Mexico, and speaks of the people of that country in these terms:

"The people are on a par with their land. One in two hundred or five hundred is rich, and lives like a nabob, the rest are peons, or servants sold for debt, who work for their masters and are as subservient as the slaves of the South, and look like Indians; and, indeed, are not more capable of self-government. One man, Jacobus Sanchez, owns three-fourths of all the land our column has passed over in Mexico. We are told we have seen the best part of Northern Mexico; if so, the whole of it is not worth much."

I need not read the whole extract. He speaks of all Northern Mexico, and New Mexico is not the better of it. Sir, there is a recent traveler, who is not unfriendly to the United States if I may judge from his works, for he commends us everywhere. He is an Englishman, and his name is Ruxton. I believe his work is in the library, and I suppose that gentlemen have seen it. He gives an account of the morals and manners of these people; and, Mr. President and Senators, I will take leave to introduce you to these, your soon to be respected fellow-citizens of New Mexico:

"It is remarkable that, although existing from the earliest times of the colonization of New Mexico, a period of two centuries, in a state of continual hostility with the numerous savage tribes of Indians who surrounded their Territory, and in constant insecurity of life and property from their attacks, being also far removed from the enervating influences of large cities, and in their isolated situation entirely dependent on their own resources, the inhabitants are totally destitute of those qualities which, for the above reasons, we might naturally have expected to distinguish them, and are as deficient in energy of character and physical courage as they are in all the moral and intellectual qualities. In their social state, but one degree removed from the veriest savages, they might take lessons even from these in morality and the conventional decencies of life. Imposing no restraint on their passions, a shameless and universal concubinage exists, and a total disregard of moral law to which it would be impossible to find a parallel in any country calling itself civilized; a want of honorable principle and consummate duplicity and treachery characterize all their dealings. Liars by nature, they are treacherous and faithless to their friends, cowardly and cringing to their enemies; cruel, as all cowards are, they unite savage ferocity with their want of animal courage; as an example of which their recent massacre of Governor Bent and other Americans may be given, one of a hundred instances."

"One out of a hundred instances," and these are soon to be our beloved countrymen!

Mr. President, for a good many years I have struggled to oppose everything that I thought tended to strengthen the arm of Executive power. I think it is growing more and more formidable every day, and I think that yielding to it in this as in other instances will give it strength which it may be hereafter very difficult to resist. I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster, into a curse rather than a blessing; into a great frame of unequal government not founded on popular representation, but founded on the grossest inequalities, and I think if it go on—for there is danger that it will go on—that this Government will be broken up. I resist it to-day and always—whoever falls I resist—although I see that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me on this subject had stronger support! Would that we could stand where we would desire to stand! But with few, or alone, my position is fixed. If there were time I would gladly awaken the country. I believe the country will be awakened, it may be too late; but, supported or unsupported, by the blessing of God, I shall do my duty. I see well enough all the sinister indications, but I am supported by a deep and conscientious sense of duty, and while supported by that feeling of duty and while such great interests are at stake, I shall defy all augury and ask no omen but my country's cause.

Such were the words of Daniel Webster but little more than a quarter of a century ago, and terrible as was his accusation, it passed unchallenged. But, Mr. Chairman, the present status of New Mexico is the question with which we have now to deal. And first as to its population. Of the 91,874 persons inhabiting this Territory in 1870, 86,254 were natives of the Territory—Spaniards or Mexicans—and only 5,620 foreigners, and of this latter number 3,913 were born in Mexico; thus actually leaving in this Territory a population, exclusive of Mexicans, greasers, and Indians, of less than two thousand persons. The number of families in the Territory was only 21,449, and the number of dwellings 21,053.

But this is not all. Of the entire population of the Territory there were 48,836 persons above the age of ten years who were unable to read, and 52,220 who were unable to write. The census of that year showed that only 29,361 persons were engaged in any permanent employment; and of this number only 18,688 were engaged in agricultural pursuits, of whom 10,847 were laborers, and only 7,629 farmers and planters. Without going further into details I will add that, according to the report of the Commissioner of Indian Affairs for 1874, the number of tribal Indians in the Territory was 25,268, which, of course, are not included in the census above given.

But here, Mr. Chairman, let us ascertain what proportion of this vast area of 121,201 square miles is in actual cultivation. In 1870 the number of acres of improved land in farms was 143,007; the number of farms 4,480, of which latter number 1,345 contained each less than ten acres. The productions of the Territory for the year 1870 were 352,822 bushels of wheat, 42 bushels of rye, 640,823 bushels of Indian corn, 67,660 bushels of oats, 3,876 bushels of barley, &c. And of this vast area 10,000 square miles is a large estimate for the land that is or can be made productive. Every acre must be irrigated. The only land fitted for cultivation is located in the valleys by the streams, nearly all of which is occupied by Mexicans. It is possible, sir, that New Mexico may, under the most favorable circumstances, by the year 1900, contain a population of 150,000; and it will then contain all of the population of a permanent character that it can possibly sustain. I would not underrate its mining interests, but we have the history of Nevada as a proof that rich mines do not add largely to the permanent population of a State. In the year 1870 the total valuation of the real estate of the Territory was only $9,917,991; of the personal property, $7,866,023; total valuation of real and personal property only $17,784,014.

Now, sir, as this bill seeks to transform this Territory into a State, and as intelligence is the very corner-stone and life of popular government, let us inquire what are the facilities within the limits of New Mexico for the education of its youth. The statistics for the year 1873 show that the total number of schools in the Territory during that year, including public, private, and Pueblo schools, was only 164; the total number of pupils in attendance upon all of these schools

7,102; and the entire corps of teachers only 196. And, sir, of the entire number of public schools in the Territory only 10 were taught in English, while 111 were taught in the Spanish language.

Mr. Chairman, it may be well to inquire what advancement has been made by other portions of this continent while New Mexico has thus slumbered for two centuries undisturbed by the wheels of progress? The State which I have the honor in part to represent, with an area less than one-half of that of New Mexico, is now the fourth in population. At the time of its territorial organization its total population was but 12,282 persons, and now, after a lapse of but little more than half a century, it contains within its limits a population of near three million souls; and during the decade of years immediately preceding the taking of the last Federal census, the increase in population was a little more than 48 per cent. As shown by the census of 1870, it contained more acres of improved land and produced more oats, Indian corn, and wheat than any of its sister States. It contained 10,329,952 acres of improved land and 202,803 cultivated farms. In 1850, when New Mexico received its present territorial government, Illinois contained but one hundred and eleven miles of railroad, while to-day it contains more than any other State of this Union. In 1840 the total valuation of its property, real and personal, was but $58,752,168, while one-third of a century later it had reached the enormous sum of $1,341,361,842.

Such, Mr. Chairman, are some of the evidences of its material wealth and prosperity. But in the higher realms of intellectual advancement is to be found the true wealth of a State. In addition to its colleges and universities, Illinois in 1870 gave employment to 24,056 teachers, and its 11,835 public and private schools were attended by 767,775 pupils. Sir, I disclaim any intention of making an invidious comparison between the State of Illinois and the Territory of New Mexico. But fidelity to the people who have sent me to this Hall demands that the facts of history should be made known, and a solemn protest entered against any legislation that will give to New Mexico, with its 90,000 inhabitants, an equal representation in the higher branch of our National Legislature with the 3,000,000 of people of my own State.

But if it be unjust to test the progress and attainments of New Mexico by that of the great State of Illinois, let the comparison be made with a single one of the five counties constituting the district which I have the honor to represent upon this floor.

The county of McLean, with an area of 1,132 square miles, contains a population of more than sixty thousand inhabitants. It produced in the year 1870 212,756 bushels of wheat, 39,824 bushels of rye, 911,127 bushels of oats, 36,072 bushels of barley, and 3,723,379 bushels of Indian corn. In the year 1875 the number of free schools in the county was 254, in addition to its colleges and universities, while the pupils in attendance upon all of its institutions of learning aggregated more than fifteen thousand.

This, sir, is the population, the material wealth, and these the products and the facilities for education of one county—a single one of the one hundred counties—constituting the State of Illinois. And yet this bill proposes to constitute New Mexico, with one-half of the number of public schools and less than one-twentieth of the population, exclusive of Indians and Mexicans, of this single county—A STATE.

Mr. Chairman, the facts I have given, compiled from official sources, need no comment; and if it be true that the education of the people is necessary in order to a proper exercise of the high prerogatives of citizenship, then how startling the fact that within the Territory of New Mexico—more than double in area that of New England—there are only one hundred and sixty-four schools, of which number one hundred and eleven are taught in the Spanish language.

Mr. Chairman, I have said that New Mexico has a history of two hundred and sixty-one years, extending further back than the time of the first settlement at Jamestown, Virginia, or the landing of the pilgrims at Plymouth Rock. It had been taken possession of by the Spaniards and christened with its present name more than a century and a half before Daniel Boone entered the forests of Kentucky, or the daring George Rogers Clarke penetrated the wilds of Illinois to the banks of the Mississippi and planted the American flag over the French villages. Can any friend of this bill explain to this House why it is that during the two centuries and a half that have passed since New Mexico first had a history it has thus lagged behind in the great march of civilization while all other portions of the North American continent have made such gigantic strides in material wealth and greatness? Sir, if this bill passes this House, then so long as this Republic may endure, New Mexico, with its handful of population, of less than one inhabitant to each square mile of territory, is to have a representation in one branch of our national Congress equal to that of the most populous State of this Union.

It is true, sir, that the provision granting to the States of the Union equal representation in the Senate is one of the compromises of the Constitution. The justice and propriety of its incorporation were doubted by many of the framers of that instrument. The main purpose of its adoption was to remove the jealousy and distrust felt by the smaller toward the larger States by giving them equal power in the Senate, and thus at a critical moment in our history to induce them to become integral parts of the new Federal Government. Thus Delaware and Rhode Island were given the same representation in the less popular branch of Congress with Massachusetts and Virginia. And yet, accustomed as we are to the fact, it nevertheless seems an anomaly in representative government that, while Delaware, Illinois, and New York have each two Senators upon the floor of the other Hall of this Capitol, yet here in the popular branch of the American Congress Illinois has a representation nineteen and New York thirty-three times as great as that of the State of Delaware. Of this, sir, I make no complaint. It is one of the compromises of the Constitution, entered into in a spirit of conciliation and wisdom by the framers of that instrument, and palsied be the arm that would strike it from our Federal compact. But while this is true, in the name of the great State which I have the honor in part to represent upon this floor, I enter my solemn protest against the passage of a bill which will give to New Mexico, with its 90,000 inhabitants, including Mexicans and greasers, an equal representation in the Senate of the United States with the 3,000,000 people of the State of Illinois.

Mr. Chairman, it will be urged by the advocates of this bill that by the admission of Nevada and other Territories Congress has established a precedent under which New Mexico should be admitted. Taking Nevada for an illustration I concede that the precedent has been established. The question with us is, shall it be followed? Is it the part of statesmanship to follow a vicious precedent in legislation or to discard it? Sir, of all the dangerous uses of legislative power ever exercised by Congress in order to subserve mere partisan purposes I know of none that will stand less chance of justification in history than that of the dominant party in the admission of Nevada as a State of this Union.

The Federal census for 1870 shows the population of the State of Nevada, exclusive of tribal Indians, to be only 42,491 persons, and of this number thirty-one hundred and fifty-two were Chinese. What party exigency or necessity could justify the act by which this handful of people were granted the prerogatives and powers of a State? A population less than one-third of that of the district which I represent, and but little more than one-half of that of the county in which I reside. And yet these 42,491 persons, Chinese included, have a representation in the other wing of this Capitol equal to that of Pennsylvania or New York.

Mr. Chairman, the legislation by which Nevada became a State is as immutable as the laws of the Medes and Persians. Its rights as such cannot now be challenged. We have no disposition, no power to undo what has been done, but we have the power to prevent a repetition. Where, sir, can be the necessity or the justice of transforming into a State any Territory with a population less than that necessary to give a State an additional Representative upon this floor? The ratio of representation in the lower House of Congress by the apportionment made under the Federal census of 1870 is one Representative for every 137,000 inhabitants. But under this bill New Mexico, with a population of forty-seven thousand less than that represented by each member upon this floor, is to have in the Senate of the United States equal representation, equal voice, and equal power with the three millions of people of Illinois or the five millions of the State of New York. Whatever course has been pursued in the past, I am confident that the time has now come when it should be the established policy of this Government to admit to this Union no Territory with a population less than the prescribed ratio of representation for the States.

Mr. Chairman, if this bill becomes a law, and the precedent thus established be followed in the future, what must be the inevitable result? If ninety thousand persons, with only forty-four hundred and eighty farms; with a taxable property, real and personal, aggregating only $17,784,014; with only ten public schools taught in our own language for the education of the youth—if these shall constitute a STATE, who can tell, what imagination can conceive what will be the number and what the character of the States of our Federal Union when another half century shall have been added to our history? The seat of empire will not only have been transferred from our eastern seaboard far beyond the valley of the Mississippi, but in one branch of our national Legislature the numerical power will abide in the innumerable States yet to be carved out of our vast western domain. If this bill becomes a law it gives strength to a dangerous precedent, one that may return often to torment its inventors.

Mr. Chairman, when this bill, or one similar in its provisions, was discussed in the last Congress, it was strenuously insisted that New Mexico had a right under the Guadalupe Hidalgo treaty to demand admission into the Union, and that it would be a violation of plighted faith upon the part of the United States to refuse her such admission. If such were the fact I would prefer that this bill should pass, rather than that the Government should be guilty of violating the letter or spirit of its treaty. I do not underrate the importance of a sacred observance of our national faith. But, sir, to defeat this bill and postpone her admission until she possesses all of the necessary requirements will not be an act of bad faith toward New Mexico. There is not in that treaty a line or syllable which, by any reasonable construction, militates against the right of Congress to decide as to the time when or the conditions upon which New Mexico should be admitted as a State. To have yielded this right by treaty or stipulation would have been an act of folly hardly equaled in our political history.

Necessarily, the power to decide when any Territory shall be admitted and the conditions of its admission must rest in Congress as the representative of the Government. To deny this right would deprive Congress of one of its highest and most essential attributes. And I insist, sir, that there is nothing in the treaty to which I have referred that can prevent Congress from exercising the same discretion, the

same right of judging as to the qualifications of New Mexico for admission that would be exercised upon the application of any other Territory. Certainly it could never have been intended that Congress should by any treaty or stipulation divest itself of the important prerogative of deciding what qualifications, what attainments, were necessary in order to entitle New Mexico to become an independent State.

I insist, then, sir, that the action of Congress upon this question has not been forestalled. New Mexico, as an applicant for admission into this Union, must rest her claim upon a more tenable foundation than that of a vested right under the treaty with our Government. Her claim and only claim for admission must rest upon her advancement, material prosperity, and the number of her people and their capacity for self-government. If these be wanting, there can be no doubt as to what should be the decision of this House. From an examination of these questions I am fully persuaded, Mr. Chairman, that the time has not yet come when New Mexico is entitled to the position of a sovereign independent State of this Union.

Let it be the settled, the undeviating policy of our Government to admit no State to this Republic until it possesses the requisite population and material prosperity to entitle it to such pre-eminence; nay more, until the education, the intelligence of the people fit them for the proper exercise of sovereign power.

In the light of the facts I have mentioned, is it meet and proper, Mr. Chairman, that New Mexico should be accorded the high honor of being known in history as the centennial State of the great American Republic?

Mr. Chairman, during the few moments of time yet allotted me, I desire to refer briefly to another subject. The period through which we are now passing will be known as that of corruption and maladministration in Government; of peculation and venality in all of the avenues of official service, avenues leading too often, alas, to the high places of power. The demand is now more imperative than ever before for *reform;* reform in all Departments of the service; economy in all of the expenditures of the Government. Such is the stringency in our finances to-day, that all, in palace and in hovel alike, are compelled by inexorable necessity to reduce the ordinary expenses of living. The same rule of retrenchment thus demanded in private life must be applied with an unrelenting hand to all who occupy positions of official station or power. Let it be said to the credit of the lower House of the present Congress that it did not swerve from the path of imperative duty, but that while reducing the salaries and compensation of others the sum of near $200,000 per annum was saved to the people by the reduction of the salaries of Senators and Representatives.

But more important still is the fact that the appropriation bills that have thus far passed this House, with the estimates of the Committee on Appropriations of the bills yet to be reported, show a saving in the aggregate to the Treasury for the coming fiscal year of over $30,000,000 as compared with the appropriations for the same purposes made by the last Congress.

Sir, the work of retrenchment has not begun too soon. While private expenses are being curtailed, and economy almost unparalleled is being practiced by the people, why should not the same rule be applied to governmental expenditures? It is only by cutting off expenses wherever it can be done without detriment to the proper administration of the Government, here reducing a salary and there abolishing an unnecessary office, that the sum of $30,000,000 per annum can be saved to our National Treasury. Is there not food for reflection in the fact that during the last eleven years the aggregate Federal taxation exceeds the enormous sum of $4,500,000,000, an amount double that of our national debt? And yet how striking the disproportion between the amount received into our Treasury and that actually applied toward the extinction of our national debt.

I repeat, sir, that national economy is now a paramount necessity. This Government cannot permanently endure unless a check be placed upon the reckless extravagance and consequent demoralization that have been a part of its history during the last decade of years. Mr. Chairman, in view of these facts the importance of the legislation to which I have referred, reducing the governmental expenditures, cannot be overestimated. With it as a starting point, I trust that we may as a people soon emerge from the shadows which have darkened our national horizon by an era of official corruption, extravagance, and venality heretofore unknown in the history of any people.

Mr. Chairman, with the industries of the country paralyzed, with capital idle and labor seeking employment, with the constant recurrence of financial disaster in the marts of business, with an entire people groaning under the burden of debt and taxation, and thousands reduced to beggary, there is in all portions of this land an undefined feeling of dread as to the future. For these evils there must be a cause. I cannot but believe that the act passed in the closing hours of the last Congress providing for a forced return to specie payments on the 1st day of January, 1879, is in a large degree responsible for the financial disaster which has now overtaken us. That measure was enacted, as it was then declared, in order that the republican party might have a "policy" upon the question of finance. It gave them a policy, but at the expense of untold disaster to the country.

Sir, whatever may be the legislation upon this question hereafter, and I know the problem is one difficult of solution, I am confident that, if we would avoid still further prostration of business and still greater evils, the Sherman resumption law *should now be repealed.* Such are my firm convictions, and I have from the beginning of my service in this House given my support to every measure looking to its repeal.

Mr. Chairman, the thousands and tens of thousands of petitions sent to this Congress praying for the repeal of this act attest in unmistakable language the deep convictions of the people as to the evils it has brought upon them. And whatever political party arrays itself in opposition to the repeal of this law and the relief of the people, will be ground to powder in the coming struggle for political supremacy.

OUR INDUSTRIES, AS THEY RELATE TO FINANCE.

Mr. HARRIS, of Georgia. Mr. Chairman, the question which should, above all others, in my humble judgment, engage the earnest attention of this Congress, is that of the universal suffering and distress which pervade the country. Our entire business system, sir, seems to be struggling in the throes of dissolution. Upon the countenances of men everywhere, and in every condition of life, may be seen settled expressions of gloom and despair, indicating too plainly to be misinterpreted not only their present suffering, but the painful apprehension with which they regard the future. Three years ago a stringency (as financiers term it) came creeping over the land, producing sudden suspension of business, and culminating finally in just such a financial panic as was never before known in the history of American institutions. And while it is true, sir, that the great convulsion itself has measurably subsided, it has left the forces that generated it still in existence, actively operating and threatening to overwhelm the people with still greater prostration of their commercial and industrial interests. To-day, sir, every industry and every branch of trade in the land is paralyzed to a greater or less degree. Our furnaces are cold, our factories still, our ships idle, our vast beds of iron and coal resting undisturbed by the hand of labor, our grain in the West wasting upon the hands of the farmer, and our cotton plantations bankrupting their owners for the want of remunerative prices for their great staple.

Thus we find our country, with resources greater in extent and richer in variety and value than those of any other portion of the habitable globe, with millions of its population to-day without employment, and, as a consequence thereof, in want of food and clothing. Let me ask, Mr. Chairman, is there no cure for these widespread ills? Are not the patriotism and wisdom of our statesmanship equal to the task of arresting them for the present and of preventing them for the future? These questions are being asked by the constituents of every Representative on this floor, and those who ask them demand and are justly entitled to an answer. Will we give it? And, if so, it well becomes us to inquire the cause at once, seek out the remedy, and apply it with all possible diligence.

No one, I think, will for a moment deny that the principal cause is the prostration of

OUR PRODUCTIVE INDUSTRIES.

The best standard of estimating the extent and nature of the decline in these various industries is the amount and value of our foreign exports. The Secretary of the Treasury, in his last annual report to Congress, tells us that the exports of our domestic products alone have decreased in value for the last fiscal year to the extent of $70,149,321. Now, let us examine and see in what this deficit consists. The Secretary says there was a decrease in value of the following articles, to wit:

Agricultural implements, $464,381; hogs, $886,622; bacon and hams, $4,771,295; Indian corn, $313,024; wheat, $41,813,596; Indian-corn meal, $238,866; rye, $1,363,792; railroad-cars, $641,037; coal, $1,183,211; raw cotton, $20,584,955; hemp, and manufactures of hemp, $243,898; oils, $10,530,594; spirits of turpentine, $834,389; tallow, $2,443,117; tobacco, $5,157,632; sailing-vessels, $617,528; staves and timbers, $3,281,388; wool and other manufactures, $322,256.

This decrease in the exports of domestic products, when added to the increased export of coin, amounts in the aggregate to the enormous sum of $121,193,298.

And this vast sum was lost to the industries of our country in one year. Now, it behooves us to ascertain, if it be possible, the true cause of this alarming decrease in the value of the exports of our domestic products. It has been attributed by some to overproduction. In other words, that the world is producing more than it consumes, and that, consequently, these products are worthless, and wasting on the hands of the producers. I propose to show, Mr. Chairman, that it is not true that overproduction has, in any way, contributed to our present troubles. To ascribe them to overproduction is, in effect, to say that industry and enterprise have made us poor. How can gentlemen make such an assertion, when statistics show that in the last twenty years we have imported over $1,000,000,000 in excess of what we were able to pay by sale of exports?

In the report of the Secretary of the Treasury for the year 1873, I find the following language:

> The balance of trade in merchandise has been largely against the United States for many years, and the country has exported during the twenty years, ending with the last fiscal year, gold and silver to the extent of more than a thousand millions of dollars over and above the amount imported.

Thus it is most conclusively shown that *overimportation* and *underproduction* are the real causes.

But, again, it is equally evident, as you will perceive from the following exhibit, that consumption is and has been steadily increasing throughout the world.

In the year 1859 the exports of domestic products from France amounted in value to $253,292,400, and in 1873 they were $718,716,800. In 1865 the total exports of Austria were $170,340,670, and in 1872 $191,090,630. In 1864 Belgium exported to Great Britain $20,871,105, and in 1872 her total exports were $210,226,000. In 1864 Denmark exported to Great Britain $11,211,500, in 1873 $17,855,695; and this was principally wheat. In 1864 Germany exported to England $73,981,675, and in 1873 $99,632,255; and the largest item of these exports was wheat. In 1863 Russia exported $111,665,000, and in 1872 $246,645,265. In 1864 England exported $902,245,000, and in 1873 $1,275,823,015.

Thus I find, Mr. Chairman, in all of those countries a steady increase in the value of their exports, amounting to nearly 100 per cent. On turning to the value of the exports of our own country, I find that in 1869 the United States exported $439,134,529, and in 1875 $499,284,100; an increase of less than 7 per cent. This exhibit shows conclusively that the demand, so far from diminishing, is greatly on the increase, and that from some cause we have not supplied this demand in the ratio of other countries. Again, I find that France in fourteen years increased her annual exports from $253,292,400 to $718,716,800, and yet the total value of her annual industrial products is only $1,900,000,000, while that of the United States is $4,232,325,000. Since 1860, a period of fifteen years, we have quadrupled our products, and yet the increased value of our exports has been but a little more than $100,000,000. I also find, Mr. Chairman, that the population of the world steadily increases; and, of course, this increase of population necessarily creates a corresponding increase in the demand for food and clothing. And still, in the face of this fact, the Secretary of the Treasury tells us that the export of wheat alone from this country has fallen off $41,000,000 during the last fiscal year, and that of raw cotton $20,000,000. In the year 1860, and for many years prior thereto, we enjoyed almost an entire monopoly of the

COTTON TRADE

in the markets of the world. Since then, the consumption of cotton has nearly doubled, and yet our exportation of that article has declined almost one-half. Now, what is the cause of this? If we examine the foreign-trade statistics, we find that the export of cotton from India, Brazil, and Egypt has increased nearly 300 per cent., and that this increase is steadily driving American cotton out of the foreign markets. Only a few years ago, we held an equal control of the grain markets.

THE WHEAT, CORN, AND PROVISIONS OF THE WEST

found ready sale in almost every kingdom of Europe. We then enjoyed at home a degree of independence and prosperity which, while it even astonished ourselves, made us the envy of every other nation of the earth. It was our proud boast that America could feed the world and that our "cotton was king." Content with this feeling of self-sufficiency, we did nothing to assure the commercial supremacy which we then held. Accepting the fallacy that railroads had superseded all other means of transportation, without proper investigation we suffered our internal navigation to fall largely into disuse. Our rivers being neglected and suffered to remain or to become obstructed, the whole carrying business passed into the hands of railroad monopolies and foreign ship-owners. Although the tide of immigration still flowed to us, yet just then our prosperity began to decline. While we were thus neglecting our domestic productions, and failing to secure for them the natural and cheaper means of transportation, let us see what was the policy pursued by other countries. Take England, for example. Her India provinces were well adapted to the growth of cotton. Efforts to produce it had proved successful, but the great difficulty in the way of utilizing it in the manufacture of her fabrics was the cost of transportation from the interior to the seaboard. This item of expense was so great as to prevent competition with our cotton. We in America ridiculed the idea that a staple so *inferior in quality* and *so high in price* could ever supersede the *superior* and *cheaper staple* of our more favored land. So well satisfied were we with our great advantages in supplying the markets of the world with this great staple, that, like the hare in the fable, we went to sleep, and left the race uncontested, while the tortoise (England) moved steadily along. Conscious of her great advantage in her *low rate of interest* on *loanable capital*, she saw the importance of improving the quality and reducing the cost of producing India cotton. She at once inaugurated an enlightened and liberal system for the improvement of her *internal navigation*. To carry out her policy of encouraging the production of cotton in India for the supply of her factories at home, she guaranteed the interest on an expenditure of over $400,000,000 for the improvement of internal transportation in those distant colonies.

Now, let us see the result of her policy as exhibited by the receipts of cotton in Great Britain in 1860 compared with 1872:

COTTON.

From—	1860.	1872.
	Pounds.	*Pounds.*
United States	1,115,890,608	625,000,080
All other countries	275,480,144	783,237,392

Our exports of raw cotton have fallen off, as previously stated, nearly 50 per cent., while other countries have gained nearly 300 per cent.

So complete has been England's success in this direction that to-day India sells more cotton in the European markets than we do. She is sparing no pains and no outlay of money to make herself mistress of the cotton market, and she is gradually accomplishing her purpose. In view of what she has already done, I here put upon record the assertion, Mr. Chairman, that, unless we take immediate steps to re-instate our own product, the day is not remote when we will not only see our staple entirely driven out of European markets, but we will find England an active competitor in our home markets. Unless the present tendency to increase in the cost of producing cotton in this country can be checked and that cost lessened to a considerable extent, many who listen to me to-day will live to see raw cotton imported from India, Egypt, and Brazil, and sold in the cities of New York and Boston.

Why, sir, be not surprised when I tell you that this very thing is already begun. In 1874, 3,625,830 pounds of raw cotton were imported into the United States, some of it brought here from far-off China and the East Indies. And even this small beginning has robbed those who labor in the cotton-fields of the South of about $1,000,000, (it being of the long-staple variety of cotton and valued at about thirty cents per pound.)

Now, Mr. Chairman, let us look for a cure for this. Those who contend that overproduction is the cause of our financial prostration tell us that the *remedy is to produce less*. They advise the cotton-planter to reduce the production to one-half of the present amount and he will realize as much for it as he does for a full crop! Do such counselors stop to reflect that India, Egypt, and Brazil already export and sell nearly three times as much cotton as they did in 1860, while we export less than one-half of what we did then? Do they remember the significant fact that raw cotton has already been sold in our markets which was produced in foreign countries, and that Egyptian cotton has not only driven our hitherto famous sea-island cotton entirely out of the foreign markets, but threatens to destroy the production of that valuable staple upon the coast of Georgia and South Carolina?

Twenty years ago the sea islands of Georgia and South Carolina were mines of wealth to their owners. To-day they are to a large extent abandoned and gone to waste. Lands which at that time were held almost above price would now scarcely bring in the market $3 per acre. No, sir; the real cause of all this is that they produce cotton in India, Brazil, and Egypt, and elsewhere *cheaper* than we do, and hence are enabled to undersell us in the markets and take our profits away. Under this state of facts, the truth of which cannot be denied, we are obliged to accept one of two alternatives.

We must either abandon the production of cotton as an article of export or we must produce it at less cost. Let us consider the first proposition. Suppose we abandon the culture of cotton, what can we substitute in its place? Will you say corn and wheat? Why, we are told that corn is sometimes burned for fuel in the West; and we know that the export of wheat has fallen off the past year $41,000,000. If, then, we direct the labor of the country to the production of more corn and wheat, where will we find a market for its sale? And what then will be our means of procuring other needed supplies? And, beside this, we already have a striking example of what the abandonment of the culture of our cotton would result in. The growing of sea-island cotton on the coast of Georgia has been largely abandoned and nothing substituted in its place. As a consequence, ruin and desolation have fallen upon that section. No, sir, let me repeat, if we would regain our former prosperity, if we would re-instate our supremacy in the cotton market, we must produce cheaper than our competitors. And to do this we must avail ourselves of the same means which they have adopted.

Now, let us turn our attention for a moment to the almost boundless prairies of the West—the great granary of the world, as we once boasted it to be. Does any one deny that on these fertile plains, with a *fair rate of interest on money* and *reasonable rates of transportation*, all of the cereal crops can be produced and sold in the markets as cheap or even cheaper than any other portion of the globe? The man who doubts this would be laughed at as the veriest simpleton. Do we not know that the West, with all the disadvantages which at present depress her energies and enterprise, is still producing a vast surplus of supplies over and above what she is able to get to market? Official figures demonstrate that Illinois alone, with full development, is capable of producing *surplus food* sufficient to feed 10,000,000 of people. Then why do we not make and sell more of these products? Almost the whole of Europe, except Sweden, Norway, Denmark, and Russia, import breadstuffs. England alone buys annually two hundred and fifty-eight million six hundred and ninety-nine thousand and fifty-five dollars' worth of wheat and corn; and of this vast amount in 1873 the United States furnished less than one-fourth, or only about $64,000,000; and this fact is singularly striking and unfortunate when we at the same time consider that we buy more of England's products than any other country. Why is this? The answer is simply that other countries produce these breadstuffs and sell them to England cheaper than we do.

We once held the same monopoly of the grain trade that we did of the cotton trade. Then our corn, wheat, and cotton found ready sale, at remunerative prices, in almost every market, at home and abroad.

Every surplus bushel of grain and every pound of cotton was in such demand that the farmers and planters were encouraged to sow and to reap, for in so doing they were assured that "their labor would not be in vain." At this time, Russia and the United States were the great grain-producing countries of the world. Russia, owing to the superior fertility of her soil, cheapness of labor, and the lower rate of interest on capital, could grow wheat at less cost than the United States, but was unable to move it and place it in market as cheaply as we could. Hence her statesmanship and science were at once brought into requisition to remove this the only obstacle to her success. The Danube was at once opened to navigation, and thereby the cost of the internal transportation of her products was so cheapened as to render our competition with her in the grain markets of the world next to impossible.

To show the result of her policy in improving her inland navigation, I ask attention to the following table, which exhibits the imports of wheat from Russia and America into the United Kingdom from 1860 to 1864 compared with the imports from 1868 to 1872:

WHEAT.

From—	1860-'64.	1868-'72.
	Bushels.	*Bushels.*
Russia	47,376,809	117,967,022
United States	127,047,126	116,462,380

An *increase* during the latter period, as compared with the former, of 70,590,213 bushels from Russia, and a *decrease* of 10,584,746 from the United States. From these statistics I deduce the conclusion, and a few years of experience will vindicate its truth, that, unless we take similar steps to reduce the cost of producing and transporting our grain to market, the time is not remote when grain exported from the great central basin of Europe and Asia will enter into successful competition with that of the West in our Atlantic sea-ports.

We have glanced, Mr. Chairman, at two of the great industries of our country, the production of

COTTON AND GRAIN;

and now let us notice as briefly as we can others which are of the highest relative importance. Let us next consider our

COTTON MANUFACTURES.

It is generally conceded that there is no portion of the world so well adapted by nature to the production of cotton as the Southeast Atlantic and Gulf States. The mildness of climate and the inexhaustible supply of first-class water-power, found in close proximity to the cotton-fields of that region, make this same cotton belt equally well adapted to the growth and manufacture of cotton into yarns and fabrics. But the cost of producing cotton, being greatly increased by the inefficiency of the present labor system, by the high rates of transportation, and the *exorbitant interest* paid upon the borrowed capital necessarily employed by the impoverished producers of that section, re-acts injuriously upon the manufacturer, and deprives both of the profits that legitimately belong to their business. Now, I would not be understood as saying that the regulation of the labor question is within the jurisdiction of Congress, for that is clearly a matter of private contract between the employer and the employé; but it is almost universally agreed that it is within the scope of legislative authority to make appropriations for the improvement of our rivers and harbors, and by so doing we will very greatly lessen the cost of transportation. As to the other difficulty—I mean the high rate of interest which the producer is compelled to pay upon money—while it may not be either constitutional or prudent to attempt to control it by congressional enactment, yet I think, and propose to show before I conclude my remarks, that this end may be reached in such way as to bring very great relief to labor, while at the same time the utmost freedom is allowed to capital. And, with these two difficulties removed, the results will contribute no little to the solution and adjustment of the first, the effect being to bring better wages to labor, better profits to the producer, and enable the manufacturer to supply the home demand for cotton goods and to compete successfully with other countries in the sale of his surplus. The cost of raw material, which is to a great extent determined by the cost of transportation, and the rate of interest on the moneyed capital employed in producing and bringing the surplus supplies of grain and meat from the West to the manufacturing districts of the East and the cotton plantations of the South, alike forbid our competing much longer either in the production or manufacture of cotton. We must not, Mr. Chairman, shut our eyes to the fact that it costs the farmers of the West *six bushels of corn to send one bushel to the cotton-spinner of the East, and eight bushels to send one to the cotton producer of the South.* Now can we for a moment imagine that our great productive industries will revive and prosper as long as that state of things exists? Disguise it as we may, here is to be found the chief causes of our present troubles, and we must apply the remedy. And that remedy is the same which other nations have successfully employed under precisely similar circumstances.

We hear a great deal said about the poor man's salt and the poor man's iron. There is sometimes much prating among politicians about the restrictions of commerce with foreign countries, and they occasionally display a little magnanimity in taking a few cents per pound off of these necessaries of life, but at the same time they do nothing to remove the enormous taxes of which I am speaking from the poor man's cotton and the poor man's corn. Many do not even seem to realize the fact that it is these *onerous internal burdens* that are robbing our labor of its just earnings and at the same time impoverishing the country. Here is the great source of our domestic distress and financial disturbance. This is why our mills are still, our ships idle, our fields uninviting, our moneyed capital unemployed, and, as a consequence, millions of our people suffering for the necessaries of life. The foreign demand for low-priced breadstuffs and cotton, both raw and manufactured, is constantly increasing.

Russia to-day has nine thousand or more textile factories, in which are employed between three and four hundred thousand operatives, and yet Russia imports annually from England more than three million dollars' worth of cotton goods. Austria consumes annually about forty-eight million dollars' worth of raw cotton. Of this amount the United States furnishes only $8,000,000, and other countries $40,000,000. And still Austria imports annually from Great Britain $2,275,360 worth of cotton fabrics. Almost every country in Europe imports, to a greater or less extent, the cotton goods of England, and we of the United States, with all our superior natural advantages, both for production and manufacture, import from abroad, and principally from England, about $30,000,000 of manufactured cotton goods annually. During the past year a small quantity of cotton goods, manufactured in the South, were exported to England and sold in that market as an experiment. Although a portion of these goods were sold at a loss, yet the fact was demonstrated that we could sell our goods even in that market at a profit, if we could reduce to a small extent the cost of manufacturing them. But, whether it be possible or not to sell our manufactured goods to any extent in foreign markets, it is certainly within our power to supply the home demand, and, by so doing, save to our own country $30,000,000 of gold annually, and thereby place our currency that much nearer a specie basis.

Some idea, Mr. Chairman, may be had of the value of cotton manufactures to England when we remember that she annually imports two hundred and seventy-two million five hundred and twenty-four thousand two hundred and thirty-five dollars' worth of raw cotton and exports three hundred and eighty-six million eight hundred and eighteen thousand and seventy-five dollars' worth of cotton fabrics; so that, after supplying her own wants, she makes a profit each year of $113,293,840 out of this single item alone. May not our country study her example to profit?

There is still another great industrial interest which claims our attention, the development of which is paralyzed by the same causes which, as we have seen, so seriously affect our grain, cotton, and manufactures. I mean the production of iron.

IRON.

I can forcibly illustrate the condition of this interest by my own section. There is, sir, a portion of Georgia, Alabama, and Tennessee wonderfully rich in coal and iron ore. Vast beds of these minerals are found in close proximity to each other, extending over hundreds of square miles of territory. Actual experiment shows that iron can be produced here for $16 per ton, and, with better appliances than are now used, for $12 per ton. And yet iron that cost $22 per ton is actually driving the cheaper article, although equal if not superior in quality, out of the market. Now, why is this? The answer is simply because it costs $10.75 per ton to place the cheaper iron in market, while it only costs $1.80 per ton to get the higher-priced iron to market. These immense deposits of coal and iron of which I am speaking lie along the Tennessee and Coosa Rivers, whose channels are obstructed by shoals that can be easily removed. Both of these rivers are broad and deep above and below these shoals; and yet, sir, a few rocks are allowed to prevent their navigation, and thereby lock up millions of agricultural and mineral wealth. The development of these vast resources would give employment to thousands of our suffering people, and at the same time relieve the country of the necessity of sending abroad annually millions of gold, to purchase the very articles which nature has bestowed upon us in such rich profusion.

In my judgment, it is practicable, with judicious legislation upon the part of Congress, for Georgia, Alabama, and Tennessee to manufacture and send iron to England and sell it for a profit. Indeed, sir, this very thing was actually done during the last year. Iron manufactured at the Cornwall furnace, in the State of Georgia, was shipped to England and sold at a profit, and that, too, in spite of the fact that it had to pay $10.75 per ton freight to reach the seaboard. Had the Coosa River been open to navigation, that shipment of iron would have been transported to the Atlantic at a cost of only $1.54 per ton freight, and the saving of this item of cost alone would have left a margin of profit sufficient to have converted an experiment into a well-established success. But, grant that we cannot compete with England in her home market, we certainly could supply our own wants and control the market on this continent. In the year 1873, England exported iron valued at $188,656,695, coal valued at $50,099,645, and cotton fabrics worth $386,818,075, making, in the aggregate, $627,574,415, or about $1,000,000 more than the entire exports of the United States for the same year. These immense exports of England found a ready market in every country on the American continent, including our nearest neighbor, Mexico. Between fifty and sixty

millions came into the United States, in iron and its manufactures, and took from us that amount in gold, and that, too, while we are boasting of having iron and coal sufficient to supply the world for three thousand years, and that cotton is king and we control his empire.

I have shown, Mr. Chairman, the vast extent of our resources, the necessity for their development, the means by which it may be accomplished, and the benefits accruing therefrom to the country and the people. I now ask attention to the claims which our leading and most important industry has upon Congress as a matter of right and justice. I mean

OUR AGRICULTURE.

To illustrate its pre-eminence, I ask that you consider its extent, as exhibited by the following statistics, kindly furnished me by our able and efficient Commissioner of Agriculture, Hon. Frederick Watts:

Number of persons in all occupations in the United States	12,505,923
Number of persons engaged in agriculture, 47.35 per cent.	5,922,471
Number of persons engaged in professions, 21.47 per cent.	2,684,793
Number of persons engaged in trades and transportation, 9.52 per cent.	1,191,238
Number of persons engaged in manufactures and mining, 21.65 per cent.	2,707,421
Number of farmers	2,977,711
Number of farm laborers	2,888,966

AREA IN THE STATES.

Number of acres in farms	405,226,769
Number of acres not in farms	869,932,271
Total	1,275,189,040
Woodland in farms	158,867,227
Total area of woodland in States	380,639,763
Number of acres in farms, including Territories with States	407,793,364
Total not in farms in States and Territories	1,903,821,595

FARM VALUES IN 1870.

Value of farms in United States	$9,262,803,861
Value of farm implements	336,878,429
Value of farm animals	1,525,276,457
Total	11,124,958,747

This exhibit, Mr. Chairman, establishes the fact that this industry comprises, at the least calculation, *one-half* of our entire population, largely over one-third of our entire material wealth, and, it may be added, contributes 79 per cent. of the entire export values of the nation. Yet, notwithstanding the vast magnitude of its proportions and its superior claims upon the Government for encouragement, is it not true, sir, that it has been most shamefully overlooked and neglected in the past?

The immortal Washington, in his first annual address to Congress, used the following language:

> The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home.

And he adds:

> Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is, in every country, the surest basis of public happiness.

The answer of the House, draughted by Mr. Madison, and adopted unanimously without alteration, fully indorses these sentiments. It said:

> We concur with you in the sentiment that agriculture, commerce, and manufactures are entitled to legislative protection.

Such, sir, were the wise and liberal sentiments of Washington, Madison, and their patriotic compeers respecting the promotion by Congress of these great sources of national prosperity and happiness. In these days of political degeneracy, and of departure from the well-defined landmarks of constitutional government, it is well to pause in our mad career of apostacy, and recur to the teachings of the founders of our political system. How striking the contrast presented in the earnest recommendation to Congress of these great interests by the father of the Republic, and the indifference and neglect with which they are treated by the legislators of the present day. While I am glad to admit that we have bestowed some care and attention upon our commerce and manufactures, what, I ask, has the Government done to foster and encourage this greatest of all our interests? The language of modern statesmanship is that "agriculture can take care of itself." Acting upon this mistaken and short-sighted policy, we are almost persuaded to withdraw even countenance and support from the only Department and representative it has in our national organization. If appropriations are asked commensurate with its demands and dignity, the application is ridiculed and denounced as the sheerest extravagance. Forgetting that this great interest supplies three-fourths of the revenues of the Government, and the entire food and clothing of the nation, furnishing all with an unselfish hand, there are to be found some among us who are inclined to withhold the appropriation of even a small sum of money for the distribution of improved varieties of seed and to publish the annual reports of the Agricultural Department; even though, by so doing, they deprive the farmers of the country of the information which they both need and desire, the dissemination of which would contribute very largely to the development and improvement of all of our industrial interests.

As a Representative in the American Congress, I should rejoice to see the farmers of this country fully aroused to an appreciation of the superior claims which they have as a matter of right and justice upon this Government. And here I am free to say that, if our present financial condition were such as to authorize it, I should be ready to urge this Congress to so enlarge our Agricultural Bureau as to make it one of the Departments proper. Yes, sir; I would group together the leading industries of the country—agriculture, commerce, manufactures, mines and mining—and organize them into a department, with cabinet representation, and thus establish the grandest, most important, and beneficent branch of the Federal Government. The truth is, we have done so little for the protection and development of our agricultural industries, that we to-day find that two of its leading products, to wit, cotton and grain, which we never thought could find rivals anywhere, are not only being driven out of the foreign market, but are destined in a few years, if our present policy continues, to find active competition even at home—India sending cotton and Russia grain to the United States. But a little while ago we were boasting that cotton was king, and America the corn-house of the world. To-day, for the want of an enlarged and conservative system for protecting and developing our industrial resources, we find the scepter which we once held in proud triumph rapidly departing from our hands.

I think that I have clearly shown, Mr. Chairman, that the loss to the agricultural interest during the past year was about $62,000,000, and this upon two articles alone, cotton and grain. Restore this $62,000,000, manufacture the $30,000,000 of cotton fabrics which we import, and supply the $50,000,000 that we send abroad for the purchase of iron, and it will add at once $142,000,000 of gold to our annual wealth. There is no good reason why this should not be done. It is only necessary for Congress to take proper steps to reduce the cost of transportation by the improvement of our inland navigation, and thus lessen the cost of production even to a small extent, and we will at once recover markets for the sale of all that we can produce or manufacture, and that, too, at remunerative prices.

In 1874 England imported $258,699,055 worth of grain, and only $64,494,240 of this amount, less than one-fourth, was furnished by the United States. A careful investigation of facts shows that could we have reduced the cost of our grain *even fifteen* cents per bushel, we might have sold to England, if not this entire amount, certainly a sufficient amount of grain and cotton to have placed the balance of trade in our favor, and by so doing contributed very largely to the removal of this great obstacle which is in the way of the resumption of specie payment.

In this connection, Mr. Chairman, I desire to remove from the minds of the producers of the country the fallacy which has been impressed upon them by the mere theoretical political economists of this day. They have been taught that they should buy their manufactured goods wherever they can be bought cheapest, and that this policy would build up a foreign market for their products, thereby giving them the advantage of low prices on what they need, and better prices upon what they sell. Now, let us subject this proposition to the crucial test of actual experience. So long as we produced cotton *cheaper* and *better* than any other country, we held a monopoly of the market in Great Britain; and so of grain. While the policy of England kept the Black Sea closed, we found a ready sale for all of our surplus grain at remunerative prices; but just as soon as it was opened to navigation, Russia stepped in as an active competitor, and very soon took from us more than half of this trade. India, Egypt, and Brazil entered the market also as competitors in the supply of raw cotton, and as a result our export of this product has fallen 50 per cent. since 1860. And while our farmers in the West thus lose the grain trade, and our planters of the South the cotton trade, England still sells to us her manufactured products largely in excess of what she buys from us; and, taking that balance in American gold, she goes with it into other markets and purchases her supplies of grain and cotton. And why? The answer is, simply because she buys from other producers cheaper than she can buy from us. We buy her manufactured goods cheaper than we can spin and weave them, and for the reason that we fail to follow the wise examples set us by France, Russia, and England, in removing from the producers every burden which retards their efforts *to reduce the cost of production*, and chief among them is the tax imposed in moving and getting their crops to market.

Let me illustrate this matter by the following striking truths, contained in a recent letter written by Hon. H. C. Carey to the London Times:

> In the year 1856 the domestic exports of France amounted to $340,000,000, having far more than trebled in twenty-five years; doing this, too, under a system that, as we now are told, must have destroyed the power to maintain any foreign commerce whatsoever. Of those exports, $140,000,000 consisted of textile fabrics weighing 20,000 tons, the equivalent of 100,000 bales of cotton, and sufficient, perhaps, to load some five-and-twenty of the ships that, as I think, were then in use. The charge for freight was, as may be readily seen, quite insignificant, and for the reason that the chief articles of value were skill and taste, $100,000,000 of which would not balance a single cotton-bale. Arrived out, the goods were all finished and ready for consumption, and, as a consequence of these great facts, there were no people retaining for themselves so large a proportion of the ultimate prices of their products as did those of France. At that date, two hundred and fifty years had elapsed since the first settlement of Virginia, and the whole country south of the Potomac, the Ohio, and the Missouri had been taken possession of by men of the English race, the total population having grown to almost a dozen millions. The territory so occupied contained, as I believe, more cultivable land, more coal, and more metallic ores than the whole of Europe, and it abounded in rivers calculated for facilitating

the passage of labor and its products from point to point. What now had become, in 1856, the contribution of this wonderful territory, embracing a full half of the Union, to the commerce of the world? Let us see. The cotton exported amounted to 3,000,000 bales. To this may now be added 100,000 hogsheads of tobacco, the total money value of the exports of this vast territory having been almost precisely $140,000,000, barely sufficient to pay for the cargoes of five-and-twenty ships of a joint burden of 20,000 tons laden with the beautiful fabrics of France. For the carriage to market of this cotton and tobacco, how many ships were required? Thousands. How many seamen? Tens of thousands. Who paid them? The planters. Who paid the charges on the cotton until it reached its final consumer? The planter, whose share of the two, three, or five dollars a pound paid for his cotton by his customers in Brazil, Australia, or California amounted to but *a single dime*. It may, as I think, be safely asserted that of all the people claiming to rank as civilized there have been none who have retained for themselves so small a portion of the *ultimate* prices of their products as have those who have been accustomed to supply *raw cotton* to Britain and to France.

This same writer adds:

The first of all taxes is that of transportation, preceding as it does even the demands of the Government. Of this the Frenchman pays almost literally none, the commodities, taste, and skill, which mainly he exports, being classed among the imponderables. The planter, on the contrary, gives *nine-tenths* of the ultimate price of his products as his portion of this terrific tax, doing so for the reason that he is always exporting, in the forms of cotton and tobacco, the weighty food of men's labor, and the most valuable portions of the soil upon which that labor had been expended. Throughout the world, as here among ourselves, the exporters of *raw produce* pay all the taxes incident to a separation of consumers from producers, the manufacturing nation profiting by their collection. Hence it is, that while the former tend from year to year to become more dependent, the latter tend equally to become more independent. The *protected* Frenchman, freed from the most oppressive of all taxes, grows in love of the beautiful, in love of freedom, in that love of his native land by which he is everywhere distinguished. The *unprotected men of the South*, on the contrary, *have been so heavily taxed on the road to their ultimate market* as to have produced a constantly growing need for abandoning their exhausted lands. Since the date above referred to, both France and the South have passed through very destructive wars; but how widely different is their present condition: the one more prosperous than ever before, the other still in a condition of impoverishment—

for the want of that policy and those advantages which have given new life and prosperity to the former.

There is still another and a very important view of the questions under discussion, which demand careful consideration, and that is the intimate relation which these several industries sustain to

THE FINANCIAL SYSTEM OF THE COUNTRY.

Money, whether it be gold, silver, or paper, is but the representative of value. Its use is to facilitate the exchange of commodities, and apart from the function which it thus discharges has but little or no intrinsic value. For reasons which it is not necessary to enumerate, *gold* was selected as the measure of values in effecting exchanges between different countries, and hence it became the *money of nations*. Now, it follows that, when one nation sells to other nations a great deal more of its products and manufactures than it buys from them, gold in that country must be to that extent abundant, and its presence there is the *result* of, and not the *cause* of, its commercial prosperity. On the other hand, when a nation *buys* a great deal more than it sells, this money of nations must be sent abroad to make up the deficit, and every one can see at a glance that, when this thing continues for many years, the *gold* must gradually *decrease* in such country until it finally disappears altogether. This has frequently been the case with different nations.

If we examine, Mr. Chairman, the statistics of trade from the formation of the Federal Government, we will find that two things are evident. The first is, that whenever gold was abundant here the balance of trade was in our favor. And the second is, that there was always a scarcity of gold whenever our imports exceeded our exports. From 1790 to 1820 the exportation of our domestic products amounted to $1,136,000,000, while the importation of foreign merchandise aggregated $1,667,000,000, leaving a balance against us in thirty years of $531,000,000, or an average of $17,700,000 per annum. Now, although this deficit was made up to a considerable extent by the coin brought into the country by immigrants, yet the deficiency became so great in our domestic circulation, that we were *obliged to resort to a paper currency*. And it was under the exigency thus precipitated that our system of State banks originated. And it is well to remind the hasty resumptionist of the present day that the basis on which this system rested proved in the end to be a *ruinous financial fiction*. The theory on which *one dollar in coin* was represented by *three dollars in paper currency* only survived so long as an influx of gold from immigrants and a fluctuating balance of trade enabled the banks to retain the stipulated specie deposit in their vaults.

From 1820 to 1837 we imported $1,309,000,000 of merchandise and $143,000,000 in specie, and we exported during this time $105,000,000 in specie and $1,105,000,000 in products. This balance against us gradually increased until the year 1837, when our imports exceeded our exports by $100,000,000. And it was then that one of our memorable national financial revulsions occurred. From 1837 to 1847 we imported $102,000,000 in specie and $976,000,000 in merchandise, and exported $90,000,000 in specie and $1,026,000,000 in products, leaving a small balance in our favor, and we were thereby enabled to recover to some extent from the previous disaster. From 1847 to 1853 we imported $1,083,000,000 of foreign merchandise and $32 000,000 in specie, and during the same period we exported $920,000,000 in products and $124,000,000 in specie. During this period the gold discoveries in California added largely to our home supply of gold, and hence this large exportation of gold abroad was not sensibly felt.

Since 1853 we have exported $1,214,000,000 of specie in excess of our imports. From that year up to 1857 the balance of trade was steadily against us, reaching in four years the large sum of $200,000,000, and sweeping from the banks their whole supply of specie. At this crisis most of our State banks were authorized by law to suspend. The country being drained of its specie, and the products of our mines exported as fast as coined to settle the balance of trade against us, even the fiction of the specie basis of previous years was necessarily abandoned. The Federal Government, under the exigencies of civil war, and having these repeated examples of failure and disaster growing out of attempts to maintain specie payments with the balance of trade so largely against us, adopted the present financial system, in which it substituted its *faith* and *credit* for *gold as a basis*.

Now, sir, let me inquire upon what does this faith and credit rest? Unquestionably upon the right of taxation. And what is the measure and value of this right? The answer is, the ability of the people to pay the tax imposed. Now let us see what constitutes that ability. Certainly the amount and value of their surplus products. And what determines the value of these surplus products? Common sense replies, first the cost of production, and secondly the ease and certainty with which they find a market. I have already shown, Mr. Chairman, that our cotton, grain, iron, coal, and manufactures, for all of which there is a constantly-increasing demand throughout the world, are sufficient, and more than sufficient, under proper development, after supplying our home demand, to make us commercially the most independent and prosperous nation of the earth, by furnishing and maintaining for all time to come a balance of trade in our favor.

Now, with these facts thus established by the irrefutable logic of figures, let me ask in all earnestness, is it wise, is it just to our suffering people, to waste our time on vain expedients? All effort for relief by tinkering with the currency will in the future, as in the past, prove abortive, so long as our great industrial interests remain prostrate. As well might this Congress attempt to regulate the ebb and flow of the tides by statutory law as to control the currency by any such means. The circulating medium of a country is not inaptly analogized to the blood of the human system, both the quantity and quality of which are regulated by certain fixed laws of nutrition which are peculiar to animal organism. And just so the *amount* of currency and the *value* thereof are indicated and determined by certain great principles that underlie the commerce and productive industries of the nation. Seeing this fact, then, let us take a broader and deeper view of the financial disturbance, and reaching down to the *real cause* of our troubles, apply the remedy there.

OUR FINANCIAL SYSTEM

is established. And whatever objections may be urged against some of its provisions, it certainly possesses the merit of security, based as it is upon the faith and credit of the American Government. Besides, it circulates currently everywhere throughout our broad domain. The only other requisite which it needs is uniformity of value, and to impart this we have only to declare it to be

A LEGAL TENDER IN PAYMENT OF ALL DEBTS,

public and private, custom duties, and taxes. The Government is not only depreciating but actually repudiating its own currency, in refusing to receive it at the hands of the people. And so long as we thus continue to dishonor our own obligations, just so long will other nations discredit them. France has exemplified the fact that the *credit* of a nation, when wisely used, even in disastrous times, is an all-sufficient basis for currency.

Says Mr. Pliny Freeman, an able writer on finance:

If any continue to doubt, after our past experience, that legal-tender paper, when received for duties on imports, will keep on a par with coin, they need only to look across the Atlantic to the French government for confirmation. When the German war commenced, it authorized the Bank of France to *double* its issue, and made said issue a legal tender for all monetary purposes. According to statistics, at the commencement of hostilities in 1870, the bank circulation was about $250,000,000, when an addition of an equal amount was authorized, and all made a *legal tender for all purposes;* and when hostilities ceased, in 1871, it amounted to $420,000,000, at which time gold bore a premium of 2½ per cent., when, an additional amount being authorized, it soon fell to par; and in October, 1873, when it amounted to $612,000,000—the highest amount ever reached—it remained at par, and has continued so ever since. The query arises: Why did it continue at par after the issue of so large an amount? Because it was made a legal tender for duties on imports and for all other monetary purposes whatever. Then why was there a premium on gold at any time? For the reason that, in addition to the amount required for the indemnity, the requirements to recuperate and make good the desolations of war caused an excess of imports above exports, which excess continued until the increased flow of currency, by stimulating the manufactures, mechanical and agricultural industries, created an excess of exports, and turned *the balance of trade in favor of France*. It seems clear that the volume of currency, by being made a full legal tender, revived and stimulated the productive industries of the French people to such an extent that their exportable products soon exceeded their imports, and turned the balance of trade (which when the war commenced was largely against them) in their favor to such an extent as to render them financially independent, and all other nations became their tributaries. And who can say that, in consequence of the paper of the Bank of France being a full legal tender, the French people are not in a more prosperous condition at this time than at any time in their long and eventful history? With such wonderful prosperity of the people of France prominently in view, and the full knowledge of its being the result of so simple a cause as the making of its paper money a full legal tender, will not the American Government follow so glorious an example, and thereby raise our own people from their present state of paralysis, degradation, and humiliation?

Again, by making our greenbacks a full legal tender, we will at once remove all distrust from the minds of the people, and *restore confidence* to capital, without which confidence no currency, whether it be gold, silver, or paper, and in whatever amount it may exist, can be made available either for the demands of commerce or the wants of

producers. It is owing to this want of confidence that money is seemingly so scarce and the rate of interest so high. A sense of insecurity has the effect to lock it up in the vaults of banks and private capitalists, and hence, while there is stagnation in the commercial centers, there is a corresponding paralysis in the rural districts, which is entailing upon producers want and distress. There is in reality no scarcity of money, if the supply we have could be brought into circulation. The following statement exhibits the amount of currency *per capita* in each of the following countries:

Great Britain	$23 66
France	36 85
German Empire	20 64
United States	18 06

While it is true that we have less currency in proportion to population than other leading nations, yet we have enough to answer the demands of commerce and production, if we can only make it available. If making our greenbacks a full legal tender for all purposes will accomplish for us what we have seen it did for France under similar circumstances, it will at once put our capital in active circulation, bring money into competition with money, and thereby reduce the rate of interest to a healthy standard, without resorting to the arbitrary and invidious legislation proposed by some on this floor. And here, in order to determine the necessity of procuring a lower rate of interest on loanable capital, let me call attention to the great disadvantage under which the producers of our country are placed as compared with those of other countries. The average rate of interest in Great Britain and Europe, our rivals in the production of grain, cotton, and all manufactured goods, does not exceed 3 per cent., and in the United States it is not less than 8 per cent. Thus it appears that the reduction of the rate of interest is one of the principal factors in our financial problem; for upon its proper solution the revival of our industries depends; and in my judgment the most speedy, effectual, and just means of accomplishing the end is to inaugurate the policy we have indicated, for by so doing we impart *confidence* and *security* to *capital*, while at the same time we give *assurance* of *remunerative profits to labor*.

No thoughtful mind can question for a moment the security of our legal-tender currency, when it remembers that it has for its basis the entire value of our industrial products, which are estimated by thousands of millions. And these products, after all that has been said and written, constitute the real value of a nation's wealth; while money, whether it be coin or paper, is only the measure by which their values are estimated in their exchange. We have shown that the *abundance of gold* in any country is necessarily the *result* of commercial prosperity, and not the *cause* of its prosperity; and hence, if we would ever reach the desirable point when resumption will be practicable, we must do so by legitimate means. It never has been, nor can it ever be, attained by a simple resumption act. A legislative fiat cannot call gold into existence! No arbitrary enactment of Congress can establish a gold basis so long as the demands of trade require a circulation of $750,000,000 of currency, and when there are only about $140,000,000 of coin in the country, and that small amount only here because it is needed to pay our custom duties and interest on the public debt. Suppose, Mr. Chairman, that the whole amount of gold coined by the United States Government from its foundation was in the vaults of the Treasury to-day, it would only amount to $1,200,000,000, and would not be sufficient to pay our *foreign debt* alone by $100,000,000. Now, under this state of facts, how is it possible for us to retain gold here in sufficient quantity to redeem our currency?

But let us go a step further, and suppose that we owed no foreign debt at all. We have already seen that for the past ten or twelve years the balance of trade against us amounts to an average of $115,000,000 per annum, so that only a few years would suffice to exhaust our supply of coin, and remand us to our present lamentable condition.

But, Mr. Chairman, the advocates of an early attempt at resumption point triumphantly to the history of the Bank of England, and tell us that when that institution was forced to suspend specie payments resumption was brought about by an act of Parliament; that when the wisdom of British statesmen deemed resumption proper, Parliament had only to fix a day, and the end was accomplished. Let us examine briefly the facts of history, and see how little of truth there is in this statement.

The Bank of England grew out of a necessity very similar to that which introduced a paper currency into our own country. The English were at first an agricultural people, and continued such long after many other nations of Western Europe had made advances in manufactures and commerce, and chief among them were the Dutch and French. When the increase of intelligence and population forced upon England a diversified industry, these nations already controlled the markets, and with their finer fabrics proved successful rivals against the coarser goods of England.

England found her best market in the colonial possessions of the eastern and western world, and for years she maintained a hard and an unequal struggle. The rude products of her looms and workshops were not prized upon the European continent, and wherever she found a market she met formidable competitors in Holland, France, and Spain, who were enabled to hold the mastery, supported as they were by extensive and well-appointed navies. England, however, seeing the advantages held by her rivals, went to work with unfaltering energy and enterprise to lessen the cost and improve the quality of her products, and at the same time to build up and strengthen her naval power. Just so soon as she found herself in condition to do so, she went about destroying the navies of her hitherto successful rivals; and then, seizing upon many of their colonial possessions, secured for herself a monopoly of the carrying trade and of markets for the sale of her surplus products. This policy gave her great wealth and power, and it has ever since been her proud boast that "Britannia rules the waves." And so completely has she sustained this supremacy, that she, together with other foreign nations—be it said to our shame—during the last fiscal year, appropriated to themselves 74 per cent. of the entire carrying trade of the United States.

During the twenty-six years that the Bank of England was in a state of suspension, Parliament fixed the day for resumption time and time again. But it never came until the spindles of Manchester and the forges of Birmingham overcame the combined military power of Europe, and turned the balance of trade in her favor. With her ships floating upon every sea, and bearing her vast products to almost every port within the confines of civilization, England at once became the manufacturer and carrier of the world, and then the millions of treasure which she had so lavishly expended in building up her industries and providing her navy began to flow back to her, until she became the great creditor nation of the earth, and then the resumption of specie payments followed as naturally as effect follows cause.

Again, we are told, Mr. Chairman, that the notes of the Bank of England and of the Bank of Switzerland have a par value with gold because upon the face of each is printed a promise to pay in gold, and hence, if a like promise was printed on our greenbacks, they too would at once appreciate to par value. But let us look and see the truth of this also. A note of the Bank of England has been for many years at a premium in this country, and why? The advocates of legislation fixing a day for early resumption say that it is because of its ready convertibility into gold! Hence a merchant will buy a thousand-pound note of the Bank of England, for which he pays $5,000 in gold and ¼ of 1 per cent. premium in addition, simply to enjoy its convertibility into gold at $5,000!

Now, sir, this fallacy is too glaring to deceive any thinking mind for a single moment. A better reason, and the true one, is found in the fact that we owe England a large commercial debt, and such debt must be paid in gold. To send the gold, the merchant must pay, not only a heavy freight, but heavier insurance, and to avoid these expenses and risks, which amount to more than the premium on the note, he purchases exchange on the Bank of England, incloses it in a letter paying only the postage, and his object is accomplished, the payment of his debt. The same thing is true of the Bank of Switzerland. That little country has a large balance of trade in its favor, and hence its notes answer the same purpose. It is a safe, cheap, and convenient medium of settling balances of trade, and hence its value. If we, too, had a balance of trade to our credit to-day, our legal-tender currency would be at a premium abroad with all countries who were our debtors, as was the case with the old United States Bank notes *so long as our exports exceeded our imports*.

Still another and with some a favorite plan of bringing about resumption is to purchase silver to replace the fractional currency and to hoard up gold until a certain contingency happens, and then pay it out. Buy gold and silver with the bonds of the Government and pay it out to banks and individuals to be exported from the country, to settle our foreign balances of trade as fast as it leaves the hands of the Treasury agent! Why, sir, such folly as this is but the re-enactment of the fable of the Danaides, who would fill vessels with water that had no bottoms. If we would fill the vessel, let us first put a bottom in it. And the only bottom which will enable our financial tub to hold water must be made out of a clear balance-sheet of trade in our favor.

The truth is, sir, that so long as we continue a

DEBTOR NATION

our greenback currency rests upon a surer and a more available basis than gold, for that basis is the value of the entire property and industrial products of our people. Gold, however great the store, has been, and may be again, exhausted by the revulsions of trade, but our wealth and products are exhaustless and perennial. They are increased and renewed with each returning season, and expanded by each succeeding generation; and so must they continue to be so long as mankind "multiply and replenish" and "the early and the latter rains" are sent upon the earth. Seeing, then, that our prosperity, national as well as individual, is mainly derived from and dependent upon our domestic industries; that commerce and trade are but the indices of their development; that the profits of money itself, whether it be gold, silver, or paper, are measured by the amount and facility with which the exchange of our commodities is effected, is it not time for us to turn aside from the selfish and vain expedients with which the meaner class of politicians feed the flames of sectional hate, and give our earnest attention to the ennobling work of reviving them? In so doing we shall become the instruments of establishing "peace on earth and good-will among men;" for we will thereby relieve them of their poverty and distress, in so far at least as legislative agency can accomplish it. Let us remember that our present currency is but the written pledge of the Government to place the products of labor

where they can be utilized by the world that needs them, and that so long as we neglect to do this, just so long will the commercial world deride us by refusing to class our credit among the exchangeable credits of the nations.

Unlock the iron of the country, and let us supply our own wants, make available our immense coal-beds, give the food of the West to the cotton manufacturers of the East, help the stricken South to lessen the cost of producing the great staple of the world's commerce, and aid her to utilize her unequaled water-powers, and thus diversify her industries. And, when we shall have supplied the wants of our own people with food and clothing, then send off our millions of surplus products to meet the demand abroad, and by this plain, practical plan discharge our immense foreign debt. Then will specie flow back to our Treasury, and the vexed question of the currency be settled by natural solution, and, instead of disturbing our great industries, will steadily promote them, to the relief and happiness of the toiling millions of our countrymen who are to-day asking for bread and receiving a stone.

With the examples of England, France, and Russia fresh before our eyes, we need grope no longer in doubt and uncertainty as to how we can remedy the evils that now hang so heavily upon us, and reach the much-desired point of resumption. Encourage, as these nations have done, our domestic industries in every possible way. Reduce the expenditures of the Government to the lowest point compatible with the efficiency of its administration. Cut off every supernumerary. Repeal the iniquitous internal-revenue system, which bears so heavily on producers, who are taxed by it to the extent of $100,000,000 annually. Re-adjust the tariff in the interest of the products of all classes of labor in every section of the country. Practice economy in everything, and so commend it to our people. Husband the vast revenues of the Government, and apply them to the full development of our immeasurable resources, opening up our great natural highways of commerce; and thus remove the greatest obstacle to the utilization of our products. This policy will bring the people and the industries of the different sections into a closer alliance with each other, and teach them the invaluable lesson of mutual dependence of the one upon the other, as component parts of one vast political system. If we would restore prosperity and fraternity, Mr. Chairman, we must stop this perpetual warfare *between labor and capital, between the cotton-producer and the cotton-spinner, between the iron-maker and the grain-grower.*

Sir, we are suffering to-day the bitter fruit of this

UNNATURAL ANTAGONISM.

In former years it was fostered and fed by selfish and designing men, until it finally culminated in a fratricidal war which desolated the land from the Potomac to the Rio Grande. If the one-hundredth part of the treasure expended in that cruel conflict had been applied to building up and protecting the various industries of the different portions of the Union, the grievances and jealousies which precipitated it would not only have been avoided, but civil war at any time rendered impossible. And instead of the blood-stains and desolations which to-day mar the beauty of this great national structure, the bright smiles of peace, prosperity, and happiness would greet every eye and gladden every heart.

Mr. REA addressed the committee. Before concluding his remarks, which, as completed, will be found hereafter, he yielded to

Mr. HOLMAN, who said: Mr. Chairman, I move that the committee do now rise, with a view to moving in the House that the House take a recess until half past seven o'clock for general debate.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

PRINTING OF TESTIMONY.

Mr. SINGLETON. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That the Committee on Printing be, and they are hereby, authorized to have printed at once the testimony taken in the case, with the exhibits accompanying the same, in the matter of the investigation of the Government Printing Office.

The resolution was adopted.

CONTINGENT FUND.

Mr. WILLIAMS, of Indiana, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That the payment ordered by this House by resolution of the 20th of June, 1874, be, and the same is hereby, directed to be paid out of the contingent fund.

SPECIAL MESSENGER.

Mr. FORT, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That a special messenger be, and is hereby, appointed to the managers of the impeachment trial of William W. Belknap, and that the compensation of said messenger be fixed at $3.60 per day.

TEXAS AND PACIFIC RAILROAD COMPANY.

Mr. MACKEY, of Pennsylvania, by unanimous consent, from the Committee on Railways and Canals, reported back the petition of citizens of Clearfield County, Pennsylvania, in behalf of the Texas Pacific Railroad, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the Pacific Railroad.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory, and for the removal of the Indians of the Chericahua agency to San Carlos agency.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted Mr. SAVAGE for two weeks on account of sickness in his family.

HENRY HELBURN.

Mr. GAUSE, by unanimous consent, introduced a bill (H. R. No. 3365) granting a pension to Henry Helburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECESS.

Mr. HOLMAN. I now move that the House take a recess until half past seven o'clock this evening for general debate only.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair will designate the gentleman from Georgia [Mr. BLOUNT] to act as Speaker when the House resumes its session.

The House accordingly (at five o'clock and five minutes p. m.) took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House at seven o'clock and thirty minutes p. m. resumed its session, Mr. BLOUNT in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is in session this evening for general debate on the post-office appropriation bill, in Committee of the Whole, no other business to be transacted.

LEAVE TO PRINT.

Mr. FAULKNER. I ask permission of the House to have printed in the CONGRESSIONAL RECORD some remarks which I have prepared upon the river and harbor improvement bill, which was passed without any opportunity being afforded for discussion.

There was no objection, and leave was granted. [See Appendix.]

POST-OFFICE APPROPRIATION BILL.

Mr. FAULKNER. I move that the House resolve itself into Committee of the Whole for the consideration of the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

Mr. REA resumed and concluded his remarks. As completed, they are as follows:

FINANCES OF THE COUNTRY, ETC.

Mr. REA. Mr. Chairman, being a new member, I do not desire to hastily thrust myself into unnecessary and needless debate; but representing a constituency in one of the great central States of the Union who believe that much of the legislation of the Congress for a series of years last past has been antagonistic to their interests and prejudicial to their prosperity as well as the prosperity of the whole country—a constituency that are now suffering severely from the prostrate condition of the business of the country, and anxiously and almost despairingly looking forward to better times, to a revival of business—I feel it to be my duty to say something in my feeble way in their behalf, as well as the thousands of men and women in the United States who are out of employment and begging for bread; seeking remunerative employment, but can find none. These are perilous times; thousands of good business men have become bankrupt, and thousands more must soon follow. The whole people are demanding that something be done to give them at least prospective relief, and it behooves every Representative, who has to some extent in his keeping the weal or woe of the American people, to do and say all he can in behalf of the oppressed people.

It is wonderful to contemplate the growth of this country since the formation of the Government. The hardy sons of toil have felled the forests and plowed up the prairies and made them blossom with the

rich golden grain for the food of man and beast, while the brawny arms of the workmen and mechanics have erected extensive manufactories, proud cities, palatial mansions, and other edifices, all for the accommodation of man. Railroads have been constructed. The iron rail now spans the continent and connects the two oceans together. The means of transit for commerce and travel is now at the door of almost every one. The telegraph has been invented and extended throughout the Union and across the ocean, by which the mad lightnings have been tamed and utilized and made the bearer of dispatches and intelligence. Steam and electricity have well-nigh annihilated time and space. Thousands of new and useful inventions have been made, institutions of learning have sprung up all over the country, the arts and sciences have been developed, and general intelligence diffused among the people.

When we contemplate the transcendent strides the American people have made in times past in agriculture, commerce, manufactures, the arts and sciences, we would naturally be led to believe that they were to-day prosperous and happy, that no one was willingly out of employment, that no one wanted for the luxuries, much less the necessaries of life; that such a person as a beggar or tramp asking for work that he or she might obtain even a poor subsistence was unknown to America. But, O, how different. Instead of prosperity there is adversity, the energies of the people are paralyzed, the value of every species of property except untaxed Government securities has been reduced, merchants and other business men have become bankrupts, labor is unrewarded, and thousands of men and women are now asking for remunerative labor without being able to obtain it. Why is this so? There must be a cause; every effect has its cause. Is it for want of energy and willingness on the part of the people to work and do? Is it for want of natural resources? Certainly not; the people are industrious, the country is rich in natural resources, rich in soil and minerals, with a good climate, and well adapted to a variety of products. The virgin soil has not refused to yield to the tillage of the husbandman; but, on the contrary, under the beneficent influence of a kind Providence large crops and full granaries have been the result.

To what, then, must we look for the cause of the present prostrate condition of the country? It is to be found in bad legislation, bad laws, and misgovernment.

During the war a large amount of paper currency was issued by the Government; and after the war closed, for several years the business of the country was done with a very large volume of currency, prices were thereby inflated, and debts were contracted upon that basis.

The policy of the contraction of the currency and the increasing of the gold interest-bearing debt of the nation have resulted in great disaster to the business of the country, and made thousands of good business men bankrupt without producing a specie basis; but, on the contrary, the currency to-day is at a large discount below gold; and it is proposed to still further contract the currency and increase the interest-bearing debt of the nation by selling interest-bearing bonds for gold or by funding the greenbacks into such bonds.

The people, I believe, are opposed to this policy. They are demanding the repeal of the specie-resumption act, by which it is proposed to resume specie payment in 1879. In order to arrive at an intelligent understanding of this financial question, it is necessary to take into account the coin in the country, the annual yield of our mines, the exports and imports to and from the United States, the public debt, and where and by whom that debt is held, and the amount of taxes the people are called upon to pay annually.

EXPORTS AND IMPORTS OF MERCHANDISE AND SPECIE.

I have carefully brought together, after much labor, a statement and exhibit of the exports and imports of merchandise and specie from the 1st day of July, 1862, to the 30th day of June, 1875, a period of thirteen years. I have made this statement and exhibit from the official reports on commerce and navigation and the prepared tables and exhibits made by Hon. Edward Young, Chief of the Bureau of Statistics, and I presume it is approximately correct. It is as follows:

Table showing the specie values of domestic and foreign exports for the period of thirteen years ending June 30, 1875.

Fiscal year.	Merchandise.	Specie and bullion.	Total exports.
1863	$203,964,447	$64,156,611	$268,121,058
1864	158,837,988	105,396,541	264,234,529
1865	166,029,303	67,643,226	235,672,529
1866	348,859,522	86,044,071	434,903,593
1867	292,361,225	60,868,372	353,229,597
1868	281,952,899	93,784,105	375,737,004
1869	286,117,697	57,138,380	343,256,077
1870	392,771,768	58,155,666	450,927,434
1871	442,820,178	98,441,988	541,262,166
1872	444,177,586	79,877,534	524,055,120
1873	522,479,922	84,608,574	607,088,496
1874	596,483,099	66,630,405	663,113,504
1875	529,039,235	92,132,144	621,171,379
Total	4,665,894,869	1,014,877,617	5,680,772,486

Declared value of imports for thirteen years ending June 30, 1875.

Fiscal year.	Merchandise.	Specie and bullion.	Total imports.
1863	$243,335,815	$9,584,105	$252,919,920
1864	316,447,283	13,115,612	329,562,895
1865	238,745,580	9,810,072	248,355,652
1866	434,612,066	10,700,092	445,512,158
1867	395,763,100	22,070,475	417,833,575
1868	357,436,440	14,188,368	371,624,808
1869	417,506,379	19,807,876	437,314,255
1870	438,958,408	26,419,179	465,377,587
1871	520,223,684	21,270,024	541,493,708
1872	626,595,077	13,743,689	640,338,766
1873	642,136,210	21,480,937	663,617,147
1874	567,406,342	28,454,906	595,861,248
1875	533,005,436	20,900,717	553,906,153
Total	5,732,371,820	231,546,049	5,963,917,872

From this table you will see that the total imports of merchandise into the United States for that time were $5,732,371,820, to which may be added 3 per cent. for smuggling and undervaluation; that being the percentage estimated by the Chief of the Bureau of Statistics necessary to cover the evasions of the revenue. And to these imports may also be added a large sum for freights paid foreign vessels in excess of freights received by American vessels. Hon. Edward Young, in 1873, estimated the balance of freights against the United States from 1863 to 1873 to be $124,882,456. This amount has been largely increased for the last two years, but I will say nothing about that and take his figures, and the import account stands as follows:

Imports of merchandise	$5,732,371,820
Three per cent. for smuggling and undervaluation	171,971,154
Freight	124,882,456
Total	6,029,225,430

The exports of merchandise from the United States during the same time, as shown by the table, were $4,665,894,869, which, taken from the imports, leaves a balance of $1,363,330,561 against the United States in the thirteen years next preceding the 30th of June last, so far as the exportation and importation of merchandise was concerned.

The table shows that during the same time the exports of specie and bullion amounted to $1,014,877,617 and the imports to $231,546,049. The exportation of specie and bullion exceeded the importation by $783,331,568, being an annual drain of exports of specie and bullion in excess of the imports of the same of $60,256,274.46. Take $783,331,568, the excess of exports of specie and bullion over the imports of the same, from the excess of imports of merchandise, and we have $579,998,993 as the excess of imports over the combined exports of merchandise, specie, and bullion during the thirteen years; showing an annual balance of trade against the United States, notwithstanding the large export of specie and bullion, amounting to $44,615,307, being over $1 *per capita* for every man, woman, and child in the United States. It is shown by the report on commerce and navigation for the year 1875 that the number of American vessels that entered into the United States from foreign countries during the fiscal year ending June 30, 1875, was 11,074, with crews aggregating 113,059, and carrying in the aggregate 3,573,950 tons. The number of American vessels, their tonnage and crews, that cleared from the United States for foreign countries was a little more than those that entered into the United States.

The number of foreign vessels that entered into the United States from foreign countries during the same time was 16,887, carrying 8,118,860 tons, with crews amounting to 250,493; and the number of such foreign vessels that cleared from the United States for foreign countries was a little in excess of the number that entered into the United States, and carried a few more tons and crews. From this it will be seen that about two-thirds of the exports from and imports into the United States have been carried in foreign vessels.

PUBLIC DEBT.

The public debt of the United States, as shown by the statement of the Secretary of the Treasury for the month of February, 1876, was on the first day of that month $2,114,960,306.80, besides sixty-odd millions of bonds issued to the Pacific railway companies, to say nothing about State, county, and municipal indebtedness, which would doubtless swell the total indebtedness to ——.

Unfortunately for the American people, a large portion of our indebtedness is owned and held in foreign countries, and various statements and estimates have been made as to the amount thus owned and held abroad.

In order to obtain as near as possible the amount of such indebtedness held abroad, I addressed a letter to Hon. Edward Young, Chief of the Bureau of Statistics, who has given the subject much attention, for information, and received from him the following letter:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
March 10, 1876.

DEAR SIR: In response to your favor of yesterday, I have the honor to state that no data exist showing the amount of United States bonds held in foreign countries. The subject is one of great interest and several have made estimates upon it, most of which have been too large.

I send you herewith a volume of monthly reports for the fiscal year 1874, containing a summary of a more extended article which I wrote upon the subject, and which I regard as being approximately accurate. It is taken, as you will observe, from the "balance of trade" stand-point, and if I have made errors in any of the estimates, they can be corrected by others. As that was made two years ago, I am inclined to think that the United States, railway, and municipal bonds held abroad amount to from $1,300,000,000 to $1,350,000,000, of which perhaps two-thirds consist of bonds of the United States.

The monthly debt statement herewith inclosed shows the different descriptions of bonds, but it does not indicate which kinds are held in Europe.

It is a great source of regret to me that I have been unable, after a pretty thorough investigation in New York and elsewhere, to obtain more accurate data on the subject.

I shall feel obliged by your calling at the Office at your convenience and making yourself personally acquainted with our facilities for furnishing information.

Very respectfully, yours,

EDWARD YOUNG,
Chief of Bureau.

Hon. DAVID REA, M. C.,
House of Representatives.

From this letter it is seen that Hon. Edward Young estimates the amount of our bonds held abroad to be from $1,300,000,000 to $1,350,000,000, two-thirds of which consist of bonds of the United States. Many think this estimate too small. The annual interest on the foreign debt which has to be paid in coin is, say, $75,000,000; some put it much higher. Governor Tilden, of New York, in his last annual message to the Legislature of that State, says: "We have to pay to foreign creditors annually in coin more than $100,000,000." This may be nearer correct, but I will put it at seventy-five millions for the purposes of my argument.

GOLD AND SILVER IN UNITED STATES.

Hon. H. R. Linderman, Director of the Mint, in his annual report to the Secretary of the Treasury for fiscal year ending June 30, 1875, gives the following estimates of gold and silver coin in the United States at different times, in round numbers:

In year 1860	$275,000,000
1870	130,000,000
1872	140,000,000
June 30, 1873	140,000,000
30, 1874	166,000,000
30, 1875	142,000,000

Of the one hundred and forty-two millions in the United States last June, he says twelve to fifteen millions was in silver. He also shows that the total coinage of gold and silver into coin in the United States during the year ending June 30, 1875, was $43,854,708, and that the total product of the mines during the same time was a little less than $72,000,000.

From the figures I have given, which are taken from official documents, there is to-day $133,000,000 less of gold and silver in the United States than there was in 1860, being now but little over one-half as much as there was then.

The trade reports of commerce and navigation show that the exports of gold and silver from the United States since 1862 have exceeded the imports of the same $783,331,568, which was an annual excess of exports over imports of $60,256,274.46; nearly equal to the entire product of all our mines last year. It is also shown that it takes $75,000,000 annually in coin to pay the interest on our foreign debt, which is about $3,000,000 more than the entire product of the whole mines of the United States, and about $11,000,000 more than the coinage of gold and silver in the United States last year.

It is evident from these figures that unless the annual yield of our mines is greatly increased or the annual excess of exports of gold and silver is reduced, the present amount of $142,000,000 of gold and silver now in this country will diminish annually.

Upon the theory that $1 of specie in the vaults will float $3 in currency at par value, we to-day only have enough gold and silver to float $426,000,000 in currency at par, which would be $10.65 *per capita*, which is less than one-half of the circulation *per capita* of Great Britain, and less than one-fourth of that of France. No sane man believes that four hundred and twenty-six millions of currency would be sufficient to do the business of this vast country; and yet, in the face of all the facts, it is proposed that we shall go to specie payment on the 1st day of January, 1879, when we will have less gold than now, unless the balance of trade is made to cause the precious metals to flow to the United States rather than from her. It is believed that there is no prospect of a sufficient increase in the production of our mines to keep the volume of coin at what it now is without there is an avenue opened up for the influx of the same from foreign countries through the balance of trade in favor of the United States. The resumption of specie payment in 1879 by redeeming three hundred and seventy million legal-tenders and about the same amount of national currency with less than $142,000,000 coin is absolutely impossible.

INCREASE OF INTEREST-BEARING DEBT.

But it is proposed that interest-bearing bonds shall be issued and sold to procure coin with which to redeem the legal-tender currency, or else the legal-tender currency be funded into an interest-bearing debt by exchanging the same for interest-bearing bonds. The last proposition is recommended by the Secretary of the Treasury.

I protest against both these propositions for several reasons, two of which I will now mention.

First. If such bonds are sold for coin in such manner as to increase our capital stock of coin they must be sold in foreign countries; and, as an American citizen and Representative, I am opposed to any increase of our foreign indebtedness. The American people are now almost hewers of wood and drawers of water to foreign capitalists.

Second. The interest-bearing debt of the United States is now all the people can bear. The hard-earned earnings of the people are taken now to pay the interest due bondholders. If this Government preserves its good faith and honor, as it ought to do, and pays its just debts and obligations, it will take a long time to do it and be a heavy burden upon the people, without increasing the interest-bearing debt.

I know the people are honest and desire to keep the pledges of their Government and pay its honest debts; and I beseech those who now hold the obligations of the Government and those who desire to still hold more of such obligations not to urge an increase in the interest-bearing bonds of the Government, and thereby, Shylock-like, demand the last pound of flesh and the last drop of blood. The people have all they can bear; the weight of taxation now falls heavily upon them; the families of many noble, brave, and honest men are now in want; and as certain as God lives these brave, noble men of this country will protect their wives and children, and save them from becoming beggars; they will not permit a load to be placed upon them that they cannot bear.

The currency in circulation, after deducting all reserves, is about $15.50 or $16 *per capita*. It is stated in a work written by Britton A. Hill, of Saint Louis, Missouri, that the money circulation in France *is* $47.22 *per capita* and in Great Britain $23.72 *per capita*.

Unless those countries have an excess of circulation, this country certainly has not a sufficiency. There the population is more circumscribed and dense than it is here, and hence checks and bills of credit can be used with more facility in business, and as a matter of fact a less volume of circulation *per capita* would accommodate all the wants of the people.

I do not believe any considerable number of the people in this country believe we have too large a volume of currency.

When we consider the uses for money, the large amounts of products to be moved from the great interior of this country to the seaboard, and the immense quantities of merchandise and valuables to be transported from the seaboards to the interior, a distance of hundreds and thousands of miles, the amount of taxes that are to be gathered in money from the people of all the States of this Union, it is hard for us to believe that we have too much money.

But it is said that we have rag-money, an inconvertible, depreciated currency, and that because our currency is at a discount of 12 to 14 per cent. therefore the depression of the business of the country. The financial distress of the country is by some attributed solely to our paper currency, and it is claimed that, if our currency was at par with coin, business would be prosperous, industry would revive, and the whole people would be on the high road to prosperity. I concede that the depreciation of the currency is detrimental to the business of the country, and no citizen desires more than I to see the currency of this country at par with gold; but it is certainly not true that the great distress among the people is because of the depression of the currency. That may be an auxiliary cause, but is by no means the sole cause.

The great drain upon the people in contributions to the national, State, and municipal governments in the form of taxation is the real cause of the distress now in the land. The net earnings of the people are not left with them for re-investment, by which the aggregate wealth of each individual is annually increased, but such earnings are taken from the owner by taxation and a large portion of the same is at once exported to Europe to pay European holders of our obligations.

Governor Tilden, of New York, in his last message, says:

> The aggregate Federal taxation of the eleven years now closing, computed in currency, from official statements, is more than $4,500,000,000. The local taxation, assuming the census statement for 1870 as an average, is more than $3,000,000,000. The aggregate taxation exceeds $7,500,000,000.

I do not know whether these statements are correct or not, but I suppose they are at least an approximation to the correct amount. Take this as a basis and assume that the entire population of the United States for the eleven years would reach forty millions, which it will not, and the amount of taxes *per capita* paid in the eleven years would be about $188, which would be to every head of family of five persons the large sum of $940. Such taxation as this is enormous; it almost amounts to confiscation; no people can be prosperous under such taxation. It is stated in that same message that the Federal and local taxes in 1860 were $4.90 *per capita*, and in 1870 $18.91 *per capita;* nearly four times as great in 1870 as in 1860. In 1860, as I have shown from the report of the Director of the Mint, there were two hundred and seventy-five millions of coin in the country; now we have one hundred and forty-two millions—but little over one-half the amount. Then the Government owed but little; now the national debt alone is over $2,000,000,000, and nearly a billion and a half dollars of our obligations are held abroad, and our coin is semi-annually leaving us and going into the coffers of foreign capitalists.

CONTRACTION OF CURRENCY.

The republican party has contracted the currency of the country and taken away from the people a large portion of the currency they had, without producing specie payment or appreciating the currency left, thereby depreciating the value of labor and all kinds of property except interest-bearing, non-taxable Government securities; and

that party proposes to still further contract the currency and increase the interest-bearing debt. It passed a bill through this House the last session of Congress to resume specie payment in 1879 by selling the bonds of the Government payable in coin, bearing interest in coin, for the purpose of procuring gold to redeem the legal currency.

The power conferred on the Secretary of the Treasury by that act was to a very great extent unavailing, and now the Secretary asks that power be given him by Congress to fund the legal-tender notes into interest-bearing bonds, and that Congress also provide that the legal-tender notes shall not be a legal tender for liabilities incurred after the 1st day of January, 1877. That done, and, in my opinion, almost universal bankruptcy will follow; every business man who has liabilities, and does not have money on hand to pay the same, must fail. The volume of currency, which is not too large now for the business of the country, will be so contracted that the people will be unable to procure money to meet their demands for supplies and pay their taxes. The people are largely indebted and they would be unable to pay.

But we are told, in effect, that there is no debtor class in this country. The honorable gentleman from New York [Mr. WILLIS] said the other day:

There is no real difference between any two classes in this country. Demagogism can erect no barrier which common sense cannot tear down. The creditor class is more than twice as numerous as the debtor class. People constantly change from one to the other. The creditor to-day is the debtor to-morrow.

I do not know what relation the creditor and debtor class as to numbers bear to each other; but the honorable gentleman must remember that to the tax-gatherers of this country the whole people are indebted, and that about $275,000,000 are paid annually into the Federal Treasury, to say nothing about the amount paid as State and municipal taxes. The Government in turn does not owe one in a thousand of the people; in fact, the large amount thus paid into the Treasury is largely disbursed to foreign countries, and another very large amount is paid to comparatively a very few of our citizens who hold our securities.

But we are told by those who favor the retirement of the legal tenders that when that is done coin will flow into the country and take the place of the currency thus retired; that a demand for coin will be created; and that, in obeying the universal laws of supply and demand, coin will come in to supply the demand created by the retirement of the currency. This doubtless would be true if there were not other causes acting to prevent it. Let us examine this proposition in the light of the statistics and facts. As I have shown from official figures, we have in the United States $142,000,000 of coin. The annual product of our mines of gold and silver is a little less than $72,000,000; the annual coinage of our mints, a little over $43,000,000.

The annual exports of coin since 1862 have exceeded the imports of same by more than $60,256,274.46; the imports of merchandise since 1862 have exceeded the exports of the same by more than $1,000,000,000. How can coin flow in to supply the place of retired currency while these causes are acting? Our mines, it is true, add so much each year to our capital stock of coin, but it is lost in the excess of exports of coin and excess of imports of merchandise. Hence, we can see that, until the products of our mines are largely increased or the loss of our coin through exportation is prevented and the balance of trade made in our favor, thereby producing an influx instead of an efflux of coin, we cannot rely upon coin flowing in to supply the place of retired currency. Foreigners will not bring gold here and give it to the people. They must have something to exchange for it. To-day $1,350,000,000 of our obligations are held abroad. To pay the annual interest thereon in coin exceeds the entire products of our mines. How, then, is gold to accumulate in the United States?

The honorable gentleman from Texas [Mr. SCHLEICHER] told us the other day that "the higher interest alone which is generally paid on this side of the Atlantic will always facilitate the floating of gold and silver to this country." Is that the way the supply of coin is to be had? Retire our greenbacks and let our business men borrow coin from abroad at a high rate of interest to supply the place of the currency retired, thereby increasing the debt of our people to foreign capitalists, virtually giving a mortgage upon this country to them? I do not believe the people and business men of this country desire that.

REPUBLICAN PARTY RESPONSIBLE.

The honorable gentleman from Maine [Mr. BLAINE] a few days ago, in a speech upon this floor, attempted to hold the democratic party responsible for the present financial condition of the country. But no attempt, however able it may be, can make the democratic party responsible for the status of the finances of this country. The whole monetary system of finance is the work and production of the party to which the gentleman belongs. That party has been in power for fifteen years and has had full control of the legislation in both Houses of Congress and could pass any law it desired, and with proper legislation after the close of the war could have so developed the productions and interests of this country that our exports would have been largely augmented and our imports diminished, our foreign trade would have been in a healthy condition, and our currency would to-day be at par with coin. After laboring hard to cast the responsibility upon the democratic party, and doubtless feeling that something must be done to at least palliate the action of the republican party, and doubtless having a lurking belief at least that the country would not hold the democratic party responsible, the honorable gentleman from Maine made an attempt to excuse the republican party from responsibility. He said:

As matter of fact, however, I am quite willing to admit that during these ten years no positive and vigorous steps have been taken toward specie payment. So long as the business of the country was progressing reasonably well, it was not practicable or possible to set to work deliberately, without the pressure of necessity, to force specie resumption.

And further on he said:

But now the case is changed. Overtrading, the wild spirit of speculation, the undue expansion of credits, enormous investments in premature enterprises, have worked out their legitimate and inevitable results, and with a full volume of paper money the crash came; prices have fallen; settling day has arrived; painful liquidation proceeds, and the whole commercial and financial fabric is settling down on a solid foundation. Experience convinces where precept falls only on deaf ears, and to-day we have men by the thousand longing and asking for a return to specie who three years ago would have violently opposed it.

Here is an admission that the party for the ten years took no positive and vigorous steps toward specie payment, and the excuse offered is that the business of the country was "progressing reasonably well and it was not practicable or possible to set to work deliberately, without the pressure of necessity, to force specie resumption."

It will hardly satisfy the country to say that when the business of the country was "progressing reasonably well" it was not practicable or possible for the party in power to have taken steps toward specie resumption; not possible for the Congress to enact such laws as would foster the commerce and all the great business interest of this great nation; not possible for the Congress to enact laws that would nourish and facilitate the business of the country that was "progressing reasonably well" until the pressure of necessity came.

To state the proposition is but to state an absurdity. There could be no better time to adjust the finances upon a healthier foundation than when business was "progressing reasonably well."

There is no better time to prepare for adversity than in prosperity. It is the province of wise statesmanship to anticipate the near future, to know the dangers that beset the ship of state, and to provide the way to avoid the storm, or at least to conduct her through it with safety. But now the case is changed; the crash has come, the business of the country is prostrate, thousands of good business men have been made bankrupt, the production of the great staple articles that enter into exportation has been neglected. American ship-building has been well-nigh destroyed and American shipping and tonnage have been well-nigh driven from the seas, and now we are told that the republican party is the only party who can be intrusted with the reins of Government. Now that party is ready to do what it could not do when the business of the country was "progressing reasonably well," to wit, resume specie payment.

The honorable gentleman puts his party very much in the attitude of the doctor who administered medicine to throw his patient into fits so that he might cure the patient, as he was very efficient in the treatment of fits. The republican party has admirably shown to the country its ability to throw its patient into fits. It has succeeded well in producing a spasmodical condition in the finances and business of the country, and now we are told it is the only party that can be trusted with the control thereof; and I presume the reason therefor is because of its great similarity to the fit-doctor, its superlative ability to treat its patient when in a convulsive state.

The people do not understand that kind of treatment that makes it necessary to well-nigh kill the patient before a cure can be effected or even attempted. They will be slow to further trust the party that has so well conducted the business of the country from prosperity to adversity. They will be slow to believe that the democratic party, which has been powerless for fifteen years, is responsible for the present financial distress. They will not be deceived by such sophistry, and they will hold the party responsible that has had entire control of the Government in all its departments.

The honorable gentleman from Maine also said:

We have done much to maintain our public credit, but I think we began at the wrong end when we made special exertion to raise the price of our bonds and left the legal tender to take care of itself. Had we devoted our energies to bringing the legal tender to par with coin, the bond would have followed; but unfortunately we found that the reverse is not the case. For myself I confess I always feel ashamed to see our bonds quoted at a large premium while our legal-tenders are at a heavy discount.

Here is a confession that the Congress blundered, that it "commenced at the wrong end," and that the honorable gentleman feels ashamed of the result of that blunder. I trust he is not the only member of his party that feels ashamed. The leaders of the party that "began at the wrong end" should hide their faces in shame in the presence of the distress and bankruptcy that are now in the land.

The gentleman said:

We made special exertion to raise the price of our bonds and left the legal tender to take care of itself.

Who is "we?" The republican party in Congress, of course. To what special exertion did the gentleman allude? I presume he alluded to the action of Congress declaring that bonds that had been issued by the Government that were payable in the lawful money of the United States should be paid in coin. That is the special "exertion" that raised the price of the bonds that makes the gentleman "feel ashamed" when he sees them quoted at a large premium. Who could not then see that it was beginning at the wrong end? Who could not then see that, if the lawful paper money of the United

States, the legal tender, had been appreciated to par, bonds would have followed? Is the party that was unable to see that to be intrusted with the further control of this question? Is it the only party that can be intrusted?

The bonds were held and owned by a few capitalists, a large portion thereof in foreign countries, who had purchased them in many instances at a heavy discount, at a time when they were payable in the lawful money of the United States. The greenbacks were lawful money and were in the hands of the great body of the people. A republican Congress "made special exertion" to raise the price of these bonds and left the legal tender to take care of itself, thereby legislating millions into the pockets of the capitalists at the expense of the toiling millions of America's noblest sons. And this was so potential and powerful to bring American citizens to shame that it has even reached the honorable gentleman from Maine, and so affected him that in a studied and prepared speech in the American Congress he has made an open confession of shame to the American people who have been so outraged. I commend that honesty that prompts a Representative to confess the sins and errors of his own party.

I charge that the republican party in Congress has been legislating in the interest of capital and of the few at the expense of the great body of the people, and I submit the speech and open confession of the honorable gentleman from Maine in support of the charge.

WHAT SHOULD BE DONE.

What should now be done to relieve the country? What can Congress do to give relief? This is the great question; it is the one in which the whole people of this country are interested. I do not believe it is in the power of legislation to at once restore the country to prosperity. Time, through the healthful laws of trade, is necessary. But I believe Congress can do much toward relief. It can do much toward producing a healthy condition in our finances and of our commerce.

Congress should at once repeal the resumption act. The people demand it. It is a fraud and a cheat. No considerable number of men pretend to say that we can go to specie payment in 1879 under the provisions of that act. The people of this country do not favor the conversion of our legal-tender currency into an interest-bearing debt. The contraction of the currency should at once be stopped. The volume is now doubtless too small for the business of the country. I do not believe the Government, however, should adopt a policy of unlimited inflation, and I would not favor such a policy.

I believe Congress should pass a law providing for the reception of at least a portion of duties on imports in greenbacks. Many believe that the Government should receive all duties on imports in greenbacks, and take the chances of buying gold to pay the interest on our bonds. That might be best; it might work well. I cannot say it would not, and I would much prefer to see the Government do that rather than do nothing. But the proposition for the Government to go into the market to buy gold is certainly open to some objections. Gold is now an article of merchandise, and the Government being a party in the market to either sell or buy gold, or both, tends to keep it an article of sale and purchase rather than a circulating medium as money or a basis for a circulating currency. Hence I believe it the wiser course at present to provide for the payment of a portion of the duties in coin, enough to enable the Government to raise coin sufficient to pay its gold interest on the public debt; but every cent of duty over that should be payable in greenbacks. I believe this would appreciate the value of the greenback. It would be a safe course, and after testing it, if it was discovered that the Government could safely receive the whole of the import duties in greenbacks without paying a large premium on coin and becoming a purchaser of coin in the market to such an extent as to materially encourage coin as an article of merchandise, then the Government should at once make legal-tenders receivable in payment of all duties. The Government depreciates its own paper by refusing to receive it in payment of all the dues to the Government. If the Government could make it receivable in payment of all public dues, without forcing itself into the market as a purchaser of coin, I believe the greenback would at once appreciate to par, or nearly so. But if, in attempting to appreciate the greenback to par by making it receivable for all dues, the Government should force itself into the market as a purchaser of coin, that fact would tend to hold coin as an article of merchandise and to keep up a premium thereon; so that, taking all things into consideration, I think it safest at present to make greenbacks receivable for a portion of the duties only, and see how that works before going further. Every thing should be done by the Goverument that can be to appreciate the currency to par with coin; that done, and the coin ceases to be an article of merchandise and goes into circulation as money, and thereby the volume of circulation is increased and our currency made better.

I would not demonetize gold and silver. That system of finance that would demonetize gold and silver and rely exclusively upon a paper currency without any relation whatever to gold and silver is certainly, to use mild terms, a very wild system.

Gold is the money of the world, and as long as that is so no nation that is a commercial nation can afford to demonetize the same. Suppose gold was not the money of the world, but that all nations had an exclusively paper currency, each one of course having its own. How would matters then stand? In the commerce between nations in what money would the balances of trade be paid? As a matter of course, if there was no money but paper money it would have to be paid in the paper money of the debtor nation. Suppose in such case that in the course of the commerce between the United States and Great Britain, for instance, the balance in our favor should be, say, $100,000,000, and that sum should be paid to the American citizens who were entitled to it in the paper currency of Great Britain and thereupon war would break out between the two countries. What would that paper money be worth? Of course it would be worthless; the holders would lose it. But if that $100,000,000 were paid in gold it would be as good in the hands of our American citizens after war came between the two countries as before. If it were in foreign coins it could be coined into American coin. We must not lose sight of the fact that gold is the money of the world and is the money in which the balances of trade between nations must be paid.

Again, I would not demonetize coin, because that would destroy millions of dollars of wealth that we have in our mines of gold and silver.

The national-bank currency should be retired and Treasury notes substituted in its place. This should be done gradually and in such manner as to not be in bad faith with the banks and not to oppress the holders of the national currency. The national banks savor too much of monopoly to suit the people of this country. They can increase or diminish the volume of currency in circulation at their will, and that is a dangerous power to intrust to a few banks and corporations.

I believe much might be done toward general relief in the way of adjusting tariff duties. Duties should only be levied for revenue purposes, and should be so adjusted as to fall mostly on the wealthy, who are most able to pay. Much of the revenue is now, in fact, collected from the labor of the country.

The labor of the country is its real wealth. It is that that produces property, brings forth from the earth by the sweat of the brow of hundreds of thousands of honest, toiling agriculturists millions of dollars annually, which is added to the capital stock of the nation.

Too much of the property and wealth of this country is exempt from taxation. It seems to have been a studied policy to relieve the wealth of the country from taxation.

INCOME TAX.

I believe that a properly adjusted income tax would be a wise measure at a time when of necessity the Government is compelled to collect such large sums of money from the people.

When taxes are low, even should they not be very wisely adjusted, the people do not feel the effect of an unwise adjustment; but when the taxes of a nation annually approximate its entire increase in wealth, then the adjustment of such taxes should be very skillfully and wisely done; and all property should, if possible, be made to bear its equal portion of the burdens of taxation. I know there are some very serious objections to an income system of taxation. It is inquisitorial in its character, and should probably not be resorted to except in times of extreme heavy taxation.

Every intelligent gentleman knows that there are thousands of capitalists and wealthy persons in this country who pay comparatively but little or no taxes, holders of large amounts of untaxed Government securities, who are receiving from the hard earnings of the people of this country large incomes in the way of interest.

No class of people can afford to pay taxes better than those who have been fortunate and made large incomes. These incomes are made because of the protection of the laws of the country. I have made an examination into the reports of the Commissioner of Internal Revenue from the creation of an income tax in 1864 to the year 1872, when the income tax ceased, and I find that there was collected during that time from incomes the sum of $341,706,036. During a part of this time I believe there was exempt from the net income of each head of a family $600, and a part of the time $1,000, which was allowed each head of a family in each year for the support of his or her family.

This large sum of revenue, amounting to nearly one-third more than the total revenue of the United States during the last fiscal year, and nearly equal to all the greenbacks in the United States at this time, was collected from incomes over the exemptions above mentioned; collected from those who could well afford to pay them; collected largely from those who without an income tax would pay but little or no taxes; much of it collected from those who hold large amounts of untaxed Government securities—collected from the wealthy classes of the people, and relieved labor and the poorer classes from governmental exaction of that large sum of money. But this income tax was repealed, and the large amount of taxes that would have been collected from incomes and from those who were well able to pay taxes without feeling the burden of taxation has been and is being collected from the poorer classes—those who are least able to pay taxes. Why relieve those so able to pay taxes at a time in the history of this country when taxation is almost unbearable? There can be no good reason for it. No wonder the people believe that the legislation of this country for years has been in the interest of capital and monopoly and against the interest of labor and the great mass of the people.

It is the wisdom of legislation to so adjust the taxes as to relieve labor and the poorer classes and let the burden fall on those most

able to bear the same. Monopolies and capitalists can have lobbyists here to look after their interest, but the poorer classes, the great mass of the people, are unable to hire lobbyists to represent their interests, but must rely upon their representatives to protect their rights; therefore the eyes of the representatives should ever be turned toward the people who have intrusted their interests into their hands.

EXPENSES OF GOVERNMENT.

The expenses of the Government can be cut down, I believe, safely thirty or forty million dollars from what it has been for years past. I am glad to say that the Committee on Appropriations and this House have done so much already in that direction despite the opposition that has been made by the other side. I feel sure those on this side of the House are firmly impressed with the absolute necessity of rigid economy in all the public expenditures, and I hope the pruning-knife will not be spared wherever it can be applied without detriment to the public service.

Economy in public matters will beget economy in private life. Reasonable economy in all Government officials and Government matters will beget economy among the people and will run down through all the ramifications of public and private life, and thereby millions of dollars will be saved.

I have shown that the great drain upon the coin of this country by foreign countries is more than equal to the annual productions of our mines. How then can we as a nation restore our finances to a healthy condition and reach specie payments, so much talked of? That is to be done by increasing the productions of this country that enter into our exports and bring us the gold, and by increasing the productions of articles that we import for consumption, thereby retaining a large amount of coin that we now pay to foreign nations, and by receiving coin from abroad for our increased exports, thereby causing the flow of coin to the United States instead of from it; that once done and our financial question is settled, and I believe it is the only solid basis upon which it can be settled.

And in support of this view I hope the House will pardon me for quoting from a speech delivered a short time ago by Governor Hendricks, of Indiana, at New Orleans, one of the nation's wisest statesmen, and one whom I believe the nation can safely trust. He is reported in the papers as having said:

> And I now come to two questions of the highest importance to every tax-paying community in the United States; how can you add and how much to the wealth of the country by an increased production of articles of exports? That is the first question. The second is this: How and how far can you prevent the loss of national wealth by increasing your production of articles which we now largely import? * * * Every bale of cotton and hogshead of tobacco laid upon the wharves of Liverpool and Havre add to our supply of gold, for they command the gold at once; and every pound of rice and sugar and every gallon of molasses produced here in the State of Louisiana save us importing so much, and thus retain the gold in the country.

And further on he is reported as having said:

> And if you thus annually add $50,000,000 to our supply of gold, and if a rigid economy be introduced and observed so as to reduce our national expenditures forty or fifty million dollars more, our financial questions will be solved. Gold and silver will accumulate; the difference in commercial value between them and our paper currency will rapidly decrease.

Again, he said:

> But the wildest theorist would hardly ask us to base our hopes of a return to specie payment on a complicated and ingenious plan of borrowing gold that would be sure to disappoint us and would very probably lead us into still more serious perplexities.

COUNTRY WANTS PEACE.

The country wants peace. The bitter feelings between the people of the North and South engendered during the war have been kept alive too long by designing politicians. The people of the East and West, the North and South, should regard each other not as enemies, but as friends and brothers of one common country, subject to one common destiny. The citadel of liberty is of that tender and delicate character that to invade it in any of its parts by taking from the people of any of the States their constitutional rights is to endanger the entire fabric and to tear away from the whole people the broad mantle of constitutional liberty. The hard times following the panic have made the people of this whole country feel that they have one common interest, one common country, and one common destiny. The cruel god of war has curbed his gnashing teeth of vengeance. Our troubled waters have been assuaged, and the anxious dove of peace and hope has again returned to our land bearing in her beak the olive leaf.

Every attempt to fan into flames the smothered embers of ill-will now so nearly extinguished between the people of the North and South by holding up to the public gaze the horrors and sufferings of the late war, whether that attempt come from the North or the South, whether it be made in the pulpit, on the rostrum, or in the halls of legislation, should meet the solemn, stern rebuke of every lover of his or her country and its future destiny. The bloody-shirt business will not do. The people want something else, something substantial. And to all these things I would add reformation in all the departments of the civil service. The ulcer of political and social demoralization, which is eating away the life of the Government, should be permanently eradicated at once. Every intelligent citizen must know that the Republic cannot long survive the destructive elements now at work.

The safety of republican institutions exists only in the intelligence and virtue of the people. The Government should teach by example; purity should exist in high places. The Government should foster every means for the education and diffusion of general intelligence among the people. It is the people that constitute the Republic. In the language of another:

> What constitutes a state?
> Not high-raised battlement or labored mound,
> Thick wall or moated gate;
> Not cities proud with spires and turrets crowned;
> Not bays and broad-armed ports,
> Where, laughing at the storm, rich navies ride;
> Not starred and spangled courts,
> Where low-browed baseness wafts perfume to pride;
> No; men, high-minded men,
> With powers as far above dull brutes endued
> In forest, brake, or den,
> As beasts excel cold rocks and brambles rude,—
> Men, who their duties know,
> But know their rights, and, knowing, dare maintain,
> Prevent the long-aimed blow,
> And crush the tyrant while they rend the chain;
> These constitute the state.

CORRUPTIONS IN HIGH PLACES.

Sir, the great tyrant and enemy to the liberties of the people in this country are the corruptions in high places. There seems to have been a general disregard for the rights of the people among officials. Rings and combinations have been formed for corrupt purposes among officials and men in high places, and by such means the laws have been violated, the people's money stolen. These rings have been so strong as to baffle all the authorities, and I predict that if the full extent of these organizations and their doings is hereafter made known, the American people will learn that they as yet know but little of their magnitude and extent. I do not desire in a partisan spirit or for partisan purposes to make the charge that I am now about to make; but in the interest of truth, good government, and the rights of the people I am compelled to say that these rings and corruptions have existed in high places for years past, and that during that time the republican party has been in full power in all the departments of Government. Fraud and corruption have not existed to such an extent in any other period of the country's history.

That frauds and corruptions usually follow civil wars is doubtless true. But the republican party has shown itself incompetent, whether willingly or otherwise makes no difference, to put a stop to these frauds and corruptions. It is true investigating committees have been created in almost every Congress when the press of the country was pressing the frauds and corruptions upon the attention of Congress, but these investigating committees appear to have been skilled in but one thing, and that was the use of the whitewash-brush, and the result has been whitewashing reports. The investigations by this Congress have developed startling frauds and corruptions. The country is indebted to the democrats in this House for the exposures of the frauds and corruptions that have been made. These investigations and exposures have caused one high in official position to resign his position in hot haste; and that resignation was also in hot haste accepted by the President, and is now being used to save that resigned officer from impeachment. For what purpose and with what intention that resignation was made and accepted I will leave the country to judge.

It is believed that, if the witness Kilbourn had answered truthfully the questions propounded to him which he refused to answer and produced the books required by the committee, still other startling and gigantic frauds and corruptions would have been made known and exposed. But the witness refused to answer and to produce the books, and the House, in the constitutional exercise of its privilege and the only power known to the law to compel an unwilling witness to answer, imprisoned the witness after hearing his written defense. A Federal judge of the District of Columbia, an appointee of the President, has released the witness from the imprisonment and held for naught the order of imprisonment of the House, so that to-day the 40,000,000 people of this country are confronted with the monstrous doctrine that when Congress, one of the co-ordinate branches of the Government, attempts to examine a witness relative to a matter in which the whole people are directly interested and which may involve some one or more who is or has been in high places in the gravest and most gigantic frauds and corruptions, all the witness has to do is to refuse to answer the interrogatories propounded to him, and if the people, through their Representatives in Congress, in the only manner known to the law and the rules governing parliamentary bodies, attempt to compel the witness to answer by imprisonment, a Federal judge, an appointee of the President, can release the unwilling witness from the imprisonment by the pretended virtue of the writ of *habeas corpus* and thereby stop investigation, and say to the Congress and through the Congress to the whole people of this country, "You cannot compel this witness to answer," thereby destroying the independence of this co-ordinate branch of the Government and supplanting it at the pretended judicial feet of one man. Verily we have drifted into the doctrine of the one-man power. I am not one of those who believe in the Congress trenching upon the constitutional rights and powers of the other co-ordinate branches of the Government, neither do I believe that Congress, as a co-ordinate branch of the Government under the Constitution, should surrender any of its constitutional rights and powers, nay, its duties, to any other branch of the Government. It is the constitutional duty of Congress to retain and exercise at the proper

time and in the proper manner the powers and duties conferred on it by the Constitution and laws of the land.

Sir, I believe redemption is yet possible. I believe the keen sagacity of the people will detect and prevail.

The whole matter is with the people. They can thrust aside the danger. They can crush the tyrant and rend the chain. They have a staunch weapon, the ballot:

A weapon that comes down as still
As snow-flakes falling on the sod;
But executes a freeman's will,
As lightning does the will of God.

REPEAL OF SPECIE RESUMPTION ACT.

Mr. SOUTHARD. Mr. Chairman, I rise to present some views upon the question of the repeal of the so-called specie-resumption act. I deem them not inappropriate in this connection, the question of currency being so intimately blended with that of economy in the public expenditures as a means of relief in times like the present.

On the 14th of December I introduced the following bill, providing for an unconditional repeal:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, be, and the same is hereby, repealed.

Under the rules the bill was required to be referred to the Committee on Banking and Currency, where it still remains awaiting its action. What is there in the history or provisions of that act to entitle it to the confidence or support of this House or the country? It was conceived in a party caucus, and pressed through Congress, without discussion or amendment, by a strictly partisan vote, not one democrat in either the Senate or House having given it his support.

Speaking of the republican party, Senator SHERMAN, chairman of the Finance Committee of the Senate, who reported the bill to that body, took occasion to state in the late Ohio canvass that—

It went into the canvass last fall divided in its councils, and silent, when it should have spoken. The result was our defeat, and the restoration of the democratic party to power in the House of Representatives, with some eighty confederate officers to represent the lost cause. When Congress met at its last session this severe defeat had one good effect, at least, in convincing republican members of Congress that a party charged with the administration of the Government must be able to agree upon the most pressing question of the time. The result was, after the most careful deliberation—

In caucus, of course—

after the frequent exchange of opinions, after mutual concessions by republicans of differing opinions, Congress did pass a law which does definitely declare a public policy, and provides ample means to restore our currency to the gold standard by the 1st day of January, A. D. 1879.

Party necessity, not the public weal, was the controlling agency. I need not enlarge upon this. It is a matter of notorious history, and it is to be regretted that the prosperity and happiness of the people should be thus subordinated to the mere success of any political party.

But what are the provisions of this remarkable act? They are embraced in three sections. The first relates to the substitution of subsidiary silver coin for the fractional currency; and the second, to the coinage of gold bullion by the Government free of charge to the holders. These two sections, however, are comparatively immaterial to my present inquiry. The third section contains the gist of the act. I will ask the Clerk to read it, that we may the better comprehend it.

The Clerk read as follows:

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever so often as circulating notes shall be issued to any such banking association so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000 to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption, as such circulating notes are issued, until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. SOUTHARD. It will be observed that provision is here made for the extension and perpetuation of the national banking system, for the redemption and extinguishment of the whole volume of United States legal-tender notes, and for the sale of Government bonds to procure gold and silver with which to redeem the legal-tender notes and fractional currency. The redemption of the legal-tender notes is to begin at the rate of 80 per cent. of the increase of national-bank notes, and to continue until the whole volume of legal-tender notes outstanding shall not exceed three hundred millions, and ultimately, and as early as the 1st day of January, 1879, the remaining three hundred millions are to be redeemed, on demand, in coin.

For this purpose of redemption, since there are no surplus revenues to be applied, a sufficient amount of gold must be procured by sale of Government bonds. The present condition of the Treasury is most unhopeful. The Secretary informs us in his last annual report that he is compelled to sell portions of the scanty supply of gold on hand to meet the ordinary expenses of the Government. His language is:

The Secretary regrets that the condition of the Treasury has been such as to render it necessary to make sales of gold coin from time to time to meet the current expenditures payable in currency. Such sales have been made in New York City, upon public notice, in accordance with the plan previously adopted, and have been limited from month to month to the amount necessary to meet probable demands upon the Treasury under existing appropriations.

We are further informed by the Secretary that it will be very difficult if not quite impossible to accumulate coin sufficient in the time allotted to carry the act into effect. He says:

The act confers large powers on the Secretary of the Treasury, touching the issue of United States bonds for the purpose of procuring the supply of gold necessary to execute such of its provisions as go into immediate operation, and to provide for the redemption in gold of United States notes outstanding on and after the 1st of January, 1879. In this respect the power conferred on the Secretary is ample; but if, for any cause, it should be found impracticable to accumulate in the Treasury a sufficient amount of gold to carry out the provisions of the act, the Secretary is left without the choice of other means to accomplish the end. It may, perhaps, be doubted whether the process of accumulating a large amount of gold by a given time could go on without meeting opposition from the financial powers of the world. It is safe to say that so large an amount of gold as would be required to carry out the purpose and direction of the act cannot be suddenly acquired. It can be done only by gradual processes, and by taking advantage of favorable conditions of the money market from time to time.

The act, however, peremptorily requires the Secretary to do precisely what he declares cannot be done. It compels him to accumulate "a large amount of gold," not by "gradual processes" and by taking "advantage of the favorable conditions of the money market from time to time," but to "suddenly acquire," and by a given time—that is, by the 1st of January, 1879—an amount sufficient to redeem some three hundred and seventy millions of legal-tender notes now outstanding. The law is imperative, absolutely and unconditionally requiring him to have ready the coin at whatever cost or hazard. He must do this, notwithstanding he may thereby derange the money market, enhance the premium on gold, unsettle all values, paralyze the business of our own country, and provoke the "opposition of the financial powers of the world."

But suppose the necessary amount of gold could be procured, what then would be the result? Simply this: The three hundred and eighty-two millions of legal-tender notes which were outstanding at the date of the passage of the act would be funded into interest-bearing bonds, the greenback promise to pay would be converted into a bond promise to pay, the debt bearing no interest into a debt bearing interest. This exchange would cost the people a large annual interest. But this would not be the most serious difficulty resulting. The legal-tender notes possess a dual character. They are not only a debt of the Government, but the currency of the people. They are made receivable for many public and all private debts. With the dearth of gold that exists in the country, they serve a useful and quite an indispensable function as money. When the process of redemption shall have been completed, that coin sufficient will remain to satisfy all the purposes of a legal tender in the extended business transactions of the country is a result which no one can predict with any degree of certainty. The strong probability is that such will not be the case.

The act is based upon the assumption that the legal-tender notes are the sole disturbing element in our finances. They are suddenly become "worthless." The time was, however, when the republican party did not make this avowal. The epithets of "rag-baby" and "cabbage-leaves" are of recent origin and application. The President, in his annual message of 1873, bore this testimony to the high character of this currency:

The experience of the present panic has proved that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

And the Secretary of the Treasury, in his annual report of the same year, said:

Entire confidence was manifested in United States notes, and even in national-bank notes, and they were drawn wherever they could be obtained, and were largely hoarded with as much avidity as coin was ever hoarded in times of financial distress when that was the circulating medium of the country.

I pass by the fact that during a period of war the republican party authorized all the issues of legal-tender notes, and come down to the *post bellum* period. It should be remembered that a republican Supreme Court declared these notes lawful money and a legal tender and that in a time of profound peace, in the year 1874, a republican Congress had such entire faith in them that it passed an act increasing the volume to four hundred millions. This was done as a measure of relief in the then prevailing financial crisis. There was a general belief in the efficacy of the means, and especially in that section of

the country now so urgently insisting upon the retirement of the existing volume.

Referring to the crisis, in his annual report of 1873, the Secretary of the Treasury says:

In this condition of things great pressure was brought to bear upon the Treasury Department to afford relief by the issue of United States notes. The first application came from a number of gentlemen in New York, suggesting that no measure of relief would be adequate that did not place at the service of the banks of that city $20,000,000 in United States notes, and asking that the assistant treasurer at New York should be authorized to issue to those banks that amount of notes as a loan upon a pledge of clearing-house certificates secured by ample collaterals and for which certificates all the banks were to be jointly and severally responsible.

This being declined, the Secretary further says:

Subsequently the New York Produce Exchange made a proposition to accomplish the same result in a different form, and also requested, as others had before, that the Secretary should pay at once the twenty-million loan of 1858.

Again he adds:

It should be stated, in the excitement there were many persons in the city of New York who insisted with great earnestness that it was the duty of the Executive to disregard any and all laws which stood in the way of affording the relief suggested by them—a proposition which indicates the state of feeling and the excitement under which applications were made to the Secretary of the Treasury to use the public money, and which, it is scarcely necessary to add, could not be entertained by the officers of the Government to whom it was addressed.

It is worthy of remark here, that the officers of the Government finally yielded in so far as to cause to be issued twenty-six millions of legal-tender notes, contrary to what was then generally claimed, and is now conceded to have been, the law. To-day, however, we find the policy wholly reversed. The same republican Congress which, in 1874, declared by its solemn act an increase of legal-tender notes necessary as a means of relief, in 1875, while the financial crisis was still impending, declared the destruction of the whole existing volume alike necessary for the self-same purpose. The legal-tenders are to be redeemed—that is, paid off and canceled—not appreciated to par and maintained as a part of the circulating medium.

But where is the specie basis or the system whereby, for the future, the paper money is to be made convertible into coin at the will of the holder? The specie basis, to be of any practicable value, must not only be reached but kept. To maintain it, it is not enough that the legal-tenders be funded. Something more is required. There must be a supply of coin. We have the high authority of the President's annual message of 1873 for the doctrine that—

A specie basis cannot be reached and maintained until our exports, exclusive of gold pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

However that may be, it is certain that the state of business, trade, and commerce has much to do with the question of gold supply. These natural conditions are entirely overlooked. Nay more, the act, as if to particularly avoid the permanent establishment of the specie basis, removes the limitation upon the issue of national-bank notes, without making any provision for the convertibility of the notes into coin at the will of the holder. Existing banks may increase their circulation and new banks be organized, says the act, "in accordance with existing law without respect to said aggregate limit." And under existing law no reserve, either in coin or paper, is required to be held on circulation. The act approved June 20, 1874, released the banks from this obligation. An exception only exists in relation to those banking associations organized for the purpose of issuing gold notes, which are still required to retain a reserve of 25 per cent. of gold and silver coin on their circulation. As to all other banks there is complete exemption, and their issues may be increased to any extent to which bonds may be procured as security. It has been supposed that such free banking would not be safe until the specie basis had been reached and provision made for securing redemption. It was upon this condition that the President ventured the suggestion of free banking in his annual message of 1873. He said:

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure bill-holders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, either a whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

The act retains "all the safeguards" then required "to secure bill-holders," but the means of "forcing redemption" is entirely omitted. Neither is there a reserve of "either the whole or a part of the gold interest accruing upon the bonds," as a redemption fund. Specie resumption, or convertibility of the bank-notes into coin on demand, finds no recognition in the act. All means of securing this is remitted to future legislation, if, indeed, we are ever to have the element of convertibility infused into national-bank notes. It is no answer to this to say that after the retirement of the legal-tenders there will be no other "lawful money" in which the banks may redeem their notes than gold and silver, and that, therefore, they will be compelled to redeem in coin. Neither the naked declaration of the law nor the prudence of bankers is sufficient for this purpose. To insure convertibility, the means must be provided. In the power of the holder of a note to obtain present convertibility rests all the advantages of the specie basis. This power is not conferred, for there is no coin reserve to effectuate it. The security through deposit of bonds is ample to insure the ultimate redemption of the notes, but not present convertibility. This security is now operative for this purpose, and as much so as it will be after the legal-tenders are retired. The specie basis provided for in the act, even if it could be enforced, is a sham and delusion; and the day of its full execution should be celebrated as the beginning of the reign of "rag money." It has not the poor apology of a nominal specie basis, where a small percentage of coin reserve is held. And even this affords no adequate protection against fluctuations and suspensions of payment. Mr. Secretary McCulloch, in his annual report of 1865, while urging a return to a specie basis, was compelled to say:

It is admitted that on a coin basis there will be periods of expansion. Times of the greatest expansion and speculation in the United States have been, indeed, when the banks were nominally paying specie. This was the case prior to the revulsions of 1837 and 1857, the expansion of credits having in both instances preceded suspensions; but this does not militate against the theory just stated.

Again:

The financial crisis of 1857 was the result of a similar cause, namely, the unhealthy extension of the various forms of credit. * * * Now, in both these instances the expansions occurred while the business of the country was upon a specie basis, but it was only nominally so. A false system of credits had intervened, under which payments were deferred and specie as a measure of value and a regulator of trade was practically ignored.

The amount of paper circulation on the 1st of January, 1837, as appears by the report of the Secretary of the Treasury of 1838, was $149,185,890, while the amount of specie in the banks was $37,915,340, or nearly 25 per cent. This, however, was not sufficient to either insure convertibility of the bills or promote a healthy state of business. Expansions of bank credits in the form of deposits and loans then reached dimensions comparatively as extravagant as those which we witnessed in the fall of 1873. In the latter year the banks failed to meet their obligations even in currency. In the one case there was a nominal specie basis, in the other a credit basis, and in both cases like suspensions of payment followed with like disasters. Where there is an actual coin dollar back of each paper dollar that floats in its stead, the paper dollar may be quite as stable as the coin, but when the law requires only a small fraction of coin or none at all to be held in reserve, there must oftentimes come fluctuations, disturbances, and suspension of payments. But it is no part of my purpose to go into a general discussion of the merits or demerits of specie payments. Opposition to this act does not imply opposition to the specie basis or friendly aid to a depreciated currency. All are in favor of appreciating our paper to par, and of maintaining it at that standard. What it does imply, and what I mean to distinctly assert, is that in the present abnormal condition of things, with the absence of gold in the country, with our large indebtedness at home and abroad, public and private, and with the existing depression of business, trade, and commerce, the specie basis cannot be reached, if at all, at the time nor in the mode and manner provided in this measure, without entailing general bankruptcy and ruin.

To meet the insuperable objections in the way of the enforcement of this act, its friends and advocates regale us by long dissertations upon the evils of "unlimited inflation." Is it true that unconditional repeal signifies this? Does it effect any increase of either the legal-tender or national-bank notes? By no manner of means. On the contrary, while it stops the contraction of the legal-tenders, it also stops the expansion of the national-bank notes. This is too plain to need elucidation to any intelligent mind. But while the repeal does not imply unlimited inflation, nor, indeed, any inflation at all, the enforcement of the act implies almost unlimited contraction. The issue made is contraction and non-contraction, not inflation and non-inflation.

As to the first eighty-two millions of legal-tenders to be retired so as to reduce the whole amount that remains outstanding to three hundred millions, there is to be issued national-bank notes in their stead, and thus far it results in no contraction, although it substitutes the one kind of currency for the other. But as to the remaining three hundred millions no such provision of law exists. There is no substitution of national-bank notes for that vast amount of legal-tenders: and not a tithe of the gold with which they are to be redeemed will remain to fill up the vacuum thus caused by their retirement. But the contraction does not stop here. The practical effect of the enforcement of the act will be to diminish also the volume of national-bank notes between now and the 1st of January, 1879, whatever may be the ultimate expansion of this class of currency. The national-bank notes are now redeemable in legal-tenders, and the banks will not stand by and see them retired, leaving on their hands the whole volume of their circulation to be taken care of by the hazard of future legislation or redemption in coin. While the legal-tenders may be used for redemption and before the 1st of January, 1879, the banks will surrender the major part of their circulation. This process has already begun in anticipation of enforcement. In one year from the time of the passage of the act the banks have retired and canceled $10,456,114 of their circulating notes, and have deposited in the Treasury $22,011,206 with which to redeem a like amount of their notes, making a practical contraction of their circulation of $32,467,320. In

the same time there was a redemption of legal-tenders to the amount of $10,172,780, and of fractional currency $2,243,525, or a total practical contraction of $44,883,625. And as the time approaches for final redemption the process of contraction will be greatly accelerated. In less than three years' time there will result a direct contraction of three hundred millions of legal-tenders, and, as incidental to this, a further contraction of a large portion of the national-bank circulation, probably some two hundred millions or more. So great and sudden a withdrawal of the circulating medium must inevitably overwhelm the country in bankruptcy and ruin.

Congress in 1868 was compelled to repeal the act allowing a contraction to the amount of four millions per month, and the present Secretary of the Treasury does not deem it safe to suggest a funding of over two millions per month of the legal-tender notes; and yet we are asked to stand by this so-called specie-resumption act which forces a contraction in a little over two years and a half of five hundred millions or more. It is appalling to contemplate the dire results of its enforcement, and the people with one common voice are demanding its repeal. In obedience to that demand, and to the highest and best interests of the whole country, it is the duty of this Congress to expunge the act from the statutes.

TEXAS AND PACIFIC RAILROAD.

Mr. CULBERSON. I propose to submit some remarks on the bill (H. R. No. 472) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866.

Mr. Chairman, believing that this bill to aid in the construction of the Texas and Pacific Railroad is one of the most important measures pending before this House, I desire to submit some observations and remarks upon it. Although this measure can in no sense be classed as a party measure or as one sectional in character, yet its magnitude and scope are such that both of the political parties seem indisposed to enter upon its consideration at the threshold of a great political canvass. Never perhaps since the formation of the Government has there been a presidential canvass in which will be enlisted a deeper feeling and a stronger desire for success on the part of each of the great political parties than that which will take place in November. The circumstances which surround both parties invest the struggle with great and peculiar interest, and it may not be wonderful that in preparing for the contest each party should desire to avoid all opportunity for criticism which usually presents itself upon the passage of any important measure, however well guarded the public interests may be. It is to be regretted that under influences like these a measure of vast importance both to the Government and people may yield to the exigencies of party and be allowed to repose in committee-rooms until the voice of the people shall call it forth.

This is not the only measure which may abide the coming election. Indications, unmistakable in character, clearly indicate that no great measure of remedial and reformatory legislation, nor measure of retrenchment of expenditures, except such as may be coerced through Congress by the aid of appropriation bills, will be allowed to become a law during this session. The hope may be indulged that when the smoke of the contest clears away and the fiat of the people is known we can address ourselves in earnestness to this the grandest measure now before the American people.

What is the proposition? The Texas and Pacific Railroad Company was chartered by an act of Congress in 1871, with authority to construct, own, and operate a railway line from Marshall, near the eastern border of Texas, to San Diego, on the Pacific Ocean, and with like authority to the New Orleans, Baton Rouge and Vicksburgh Railroad Company, chartered by the Legislature of Louisiana, to construct and operate a railway from New Orleans to the eastern terminus of the Texas and Pacific at the city of Marshall. The usual subsidies in lands were granted to these companies. Long before this legislation by Congress the State of Texas had chartered the Southern Pacific Railroad Company and the Memphis, El Paso and Pacific Company. The former was authorized to construct and operate a line of railway from the city of Marshall to El Paso, on the western border of Texas. The latter was authorized to construct and own a railway from Fulton, near the eastern border of Texas, to El Paso. Both of these companies were magnificently subsidized by the State. The land grants to these companies were the most valuable ever conferred by any authority in this country on works of internal improvements. Large belts of the most fertile lands of that fertile State were reserved from sale or location to meet the engagement of the State with these companies.

After the close of the war the Transcontinental Railway Company succeeded to the rights and franchises of the Memphis and El Paso Company. Shortly after the passage of the act of Congress incorporating the Texas and Pacific Railway Company, an act was passed by the Legislature of the State of Texas authorizing said company to acquire, own, and succeed to all the rights of the Texas companies before named. After a series of acts of the Legislature and conditional changes of the donations the Texas and Pacific Railway Company became possessed of all the rights of the companies named, and by a legislative adjustment of a controversy between the State and said company the subsidies settled and agreed upon consisted of twenty-four sections of land to the mile, and the Texas and Pacific Company undertook to comply with all the terms of the original grant. This act of adjustment required the construction of the road from Marshall to Texarkana, thence to Sherman, thence to Fort Worth, connecting at that point with the main line.

Since the acquisition of these chartered rights by the Texas and Pacific Railway Company the road has been completed from Marshall, say, to Forth Worth on the main line, and from Sherman to Paris on the transcontinental division of the road, aggregating about four hundred miles of completed road equipped and in successful operation. The proposition now is to extend the road from the city of Marshall to Vicksburgh; to preserve and secure a connection with New Orleans by a branch over an independent route from the city of Marshall; to provide a connection with Memphis by an independent line to Jefferson, Texas; to connect the coast cities of Texas with the main line by a branch to Waco, and also to abandon the charter of the Atlantic and Pacific road from Vinita to the ocean, and allow said company to unite with the Texas and Pacific at a point east of El Paso; and by the provisions of the bill and proposed amendments the road is to be completed within a time prescribed, including the unfinished sections of road between Paris and Texarkana and Sherman and Fort Worth. A glance over the map will show the magnitude of the enterprise and the vast section of our country to be benefited by the completion of the road and branches as proposed. The connections on the Mississippi River at Memphis and Vicksburgh with the railroad system of the Gulf and Atlantic States present a continuous southern highway across the continent, while western, northern, and eastern States, already checked with railroads, connect with the proposed lines under the most favorable circumstances.

THE AID DESIRED.

Mr. Chairman, several bills have been introduced at this session of Congress to aid in the construction of the Texas and Pacific Railway. The provisions of these bills are, in most respects, similar. The bill introduced by the gentleman from Tennessee [Mr. ATKINS] is the most elaborate and carefully prepared measure on this subject before Congress, and it is understood that its provisions, in the main, are acceptable to the company and the advocates of the enterprise. With some amendments proposed, and not seriously opposed, the measure will present the greatest strength which can be gathered in support of this legislation. The provisions, object, and expediency of the measure have been presented to Congress and the country by the gentleman from Tennessee in an able and exhaustive speech, leaving those of us who follow but a small margin to explore.

As proposed by the bill referred to, the road is to be built in sections of ten miles. As each section is completed the company is authorized to present to the Secretary of the Treasury of the United States its bonds at the rate of $35,000 per mile. The Secretary of the Treasury is required to place upon each of the bonds a guarantee obligating the Government of the United States to pay the interest thereon at the rate of 5 per cent. per annum in case the company should fail to pay it in accordance with the terms of the bonds. These bonds of the company, with the interest thus guaranteed by the Government, are to be redelivered to the company for negotiation and sale upon the certificate of an officer of the Government that the section of ten miles is completed in accordance with the provisions of the law. The amount of interest per mile is not to exceed $1,750, and for each section of ten miles finished road the whole amount of interest liability thus incurred by the Government would amount to $17,500. If the entire road should be completed by sections, and the company should elect to present a bond for each mile, the whole amount of bonds authorized to be issued would not exceed $90,000,000, and consequently the whole amount of interest upon the entire issue for which the Government would be bound as a guarantor would be $4,500,000.

The security provided against loss.

First. The Government takes a mortgage on the road, its equipments, net earnings, and proceeds of the sale of the lands of the company.

Second. The sums which may become due to the company for transporting military supplies and service generally for the Military, Postal, and Indian Departments are to be retained by the Government and appropriated, if necessary, to the payment of the interest on the bonds.

Third. Five thousand dollars per mile or more, if the road costs less than the average specified, of the guaranteed bonds are to remain in the Treasury.

In addition to this apparently ample security to save the Government from possible loss, it is re-invested with the title to thirty millions of acres of land, which heretofore were granted by the Government to the Atlantic and Pacific Company, and which that company by the acceptance of the proposed legislation reconveys to the Government in consideration of the advantages which are to inure to that company from the junction of that road with the Texas and Pacific road, as before stated.

Sir, the value of these securities and their entire sufficiency, when contemplated along with the safeguards provided to insure the Government against all loss, cannot be questioned or doubted. It should be borne in mind that no bonds are to be delivered in advance of the completion of each section or installment of work. Thus it will be

seen that no liability is assumed by the Government until the basis of a valid and undoubted security is presented in the shape of a finished section of ten miles of road. When the Government shall deliver to the company their bonds with the interest guaranteed for each mile of such completed section, it takes a mortgage upon the road, equipments, and net earnings, the proceeds of the sale of donated lands, sums due the company from the Government for service, and $5,000 of each bond in a certain contingency to indemnify it against loss. These securities are continuing, migratory, following along the work as it progresses, and continuing to increase in value as the road is extended.

What value, sir, ought to be attached to the securities which are thus tendered the Government to induce it to grant this aid? The land donation of Texas to this company or to those whose rights it possesses is estimated at nine millions of acres upon the uncompleted part of said road within the State. Patents are issued to the company by the State upon the completion of every section of ten miles—twenty-four sections per mile. The value of the Texas lands may be estimated with absolute safety at $2 per acre. The proceeds of the sale of these lands are required by the bill under consideration to be paid into the Treasury of the United States, and as the road progresses into the Territories beyond Texas a like disposition is to be made of the sale of the lands granted to the company heretofore by the Government, or so much thereof in either case as may be necessary to protect the Government from any loss by reason of its guarantee of interest.

I have said, sir, that the present value of the Texas lands may be placed at $2 per acre; but when the road shall have penetrated the country beyond the rising city of Fort Worth and the gaps between Paris and Texarkana, and Sherman and Fort Worth shall have been completed, the enhanced value of these lands will augment this security more than double. No fears, sir, should be entertained of the inability of the company to dispose of its lands at fair prices. Texas is to-day the most desirable State in the Union for investment in lands. Its area in square miles is 274,365, or 175,594,560 acres.

It is not an extravagant estimate to say that Texas has a larger body of virgin soil, never touched by the implements of husbandry, than all of the other Southern States combined, and beyond all question no State in the Union can boast of soil and climate better suited to the production of the chief agricultural products. Almost in any county in Texas wheat, corn, cotton, sugar-cane, rye, oats, and barley may be raised side by side in the same field, and this cannot be said of any other country. Population is pouring into the State over all the roads which enter it. Lands are increasing in value and will continue to do so. There will be no lack of demand for Texas lands.

Mr. Chairman, I come now to speak of the value of that part of the security which relates to the net earnings of the road. This is a subject of estimation and calculation purely. The road as now operated pays a fine profit, and this will increase as the road is extended. No one who has a knowledge of the country through which the road will pass can for a moment doubt that when completed it will be the best-paying road in the United States and that the net proceeds of its business will furnish a fund sufficient to pay not only the interest but provide an ample sinking-fund to pay the principal of the bonds. The line of the road spans an immense section of country now almost without railroad connections or facilities, and the dividend of its business cannot fail to be great. The genial and temperate climate of that section of the country in which the projected road is located, the freedom of the entire line from snow blockades and the perils of mountain ranges, the fertility of the soil and the variety of the productions along the whole extent of country traversed by this road, the immense demand of the Government for transportation, the vast interoceanic and way trade which must and will find their way over this route, all will unite to render the road when completed a paying investment. The Union Pacific and Central Pacific Railroad Companies operate together twenty-two hundred and fifty miles of railway, and for the year 1875 report $6,500,000 clear net profit, after deducting interest on their bonds as well.

If such results follow the completion of the northern roads which pass through, for the greater way, a poor and sterile country, covered with snow and ice during whole seasons of the year, who can estimate the grand results which must await the completion of this grand enterprise along the thirty-second parallel?

Sir, the provision in this bill which authorizes the Government to retain and hold all sums due from it to the company for transportation of troops, military supplies, postal and other service, cannot fail to attract attention. It is a certain, direct, and most valuable indemnity against loss on the part of the Government by reason of the failure of the company to meet the interest on their bonds. The amount cannot be accurately stated, but may be approximated. From the best estimates at hand and in view of the amounts now paid by the Government for these objects, it will be safe to assume that the annual earnings of the company from this source will not fall short of two millions, a sum nearly sufficient to pay one-half the interest on the whole amount of bonds authorized to be issued by the company, in the event the entire road is completed. I do not deem it necessary to speak further of the value of the securities proposed. No one can, it seems to me, have any doubt upon this branch of the subject.

Mr. Chairman, the experience of government, national, State, and municipal, in extending aid to railroad companies has not been of that character which commends such legislation to the favor of the people. Various causes combined have set in motion throughout the country a strong current of popular disapprobation of such legislation. It is now only sufficient to kill or damn a measure, however meritorious, to ingraft upon it, by fair or foul means, the character of a subsidy.

Perhaps the chief reason which can be assigned for this settled and unreasoning opposition to aid to works of internal improvement which fall within that class permitted by the Constitution arises from the application and appropriation of large sums of public money or property to works of doubtful utility and partaking more of a private than public character. The means usually employed to convert the money or property of the people to private uses under the pretense of public uses have, in the main, been such as honest men denounce. Since the war the Southern States have had the saddest experience on this subject, and the people of that section have been called upon so often to witness the conversion of public property to private uses by corrupt legislation and infamous misappropriation that nothing which partakes of a subsidy can find favor with them. This feeling is not confined alone to the South. The whole country reels and staggers under the burden of debt largely created by gross injustice and infamous legislation, under the cloak of aiding works of internal improvement, without regard to results.

Much of the opposition to this bill has been created by assigning to it the character of a subsidy and instilling that belief into the minds of the people. The real objects of the measure have been studiously misrepresented, and its terms and provisions perverted and distorted until the public mind is about ready to conclude that it is an immense "legislative job" to convert the money of the people to the uses of a private corporation.

Corporations, which have grown rich and powerful upon unmixed Government subsidies, are arrayed in bitter and relentless antagonism to this enterprise. They have full knowledge of the deep and settled hatred of a large number of the people of this country to subsidies, for they have been carrying for years the curses of the people upon their rapacity and ill-gotten wealth from the public Treasury.

All the avenues which lead to correct understanding on the part of the people have been obstructed by the agents, officers, and attorneys of these opposing corporations, until perhaps not within the memory of the oldest member on this floor has there ever been a great public measure so misunderstood and perverted.

Mr. Chairman, in no just or true sense can it be said that the aid sought by this bill is a subsidy, or that it partakes of the nature thereof. How stand the facts? A railroad company, chartered by Congress in 1871, declared to be a public highway, a military and post-road, with a reservation of the right to Congress to control the charges thereof, authorized to own and operate a line of railway across the continent, constituting when completed a competing railway to the Pacific Ocean, a grand southern transcontinental road, has expended fourteen millions of money upon the work.

Private capital and credit have been exhausted in the vain effort to bring together the means necessary to complete the work within the time demanded by the exigencies of the Government and the wants of the people. The Government needs the road. The people require it. It is a national work; a grand national economy. The company simply proposes to the Government that if it will guarantee the interest upon their bonds in the manner stated, so as to enable the company to raise part of the money necessary to build the road, ample securities and collaterals against all loss will be placed by the company in the Treasury. There are no defects in the securities and no lack of safeguards. This is the proposition; nothing more, nothing less. If the security is defective or insufficient, and the Government should be required to pay the interest on the bonds, or any part thereof, without redress, then to that extent it might be said that the aid granted was a subsidy or a gratuity; but it would still fall outside of that character of subsidies and gratuities which have gone so far to shock the sense of justice of the people. Because if there were no security at all for the undertaking of the Government, or if the securities should prove inadequate or valueless and the Government should have to pay the whole amount of interest to accrue on the bonds, it could still be said that the enterprise was national and necessary, and within that class of cases permitted by the Constitution. But, on the other hand, if the security is ample and ultimate loss cannot occur, the transaction is simply an extension of credit upon full indemnity for a great national, constitutional object demanded by the highest interest of the Government and people.

Mr. Chairman, it is said by some that Congress has no power to grant aid to the construction of railways in any manner, shape, or form. If this be true, the measure under consideration ought to fail, as the evil which would flow from a violation of the Constitution could in no wise be justified by any real or supposed benefits which might inure to the people. If the Government of the United States has the right to build a road or canal in any case, it will hardly be disputed that it might constitutionally aid in the construction of such work. The greater includes the less, and a fragment of power may be rightfully exercised without a necessity to exhaust the entire grant. The proposition here is not to build the road, but to aid an association of capital to do so. If the Government is to have no interest in the road when completed, no authority or right to convert it to the uses of the public, then it might be truly said that the aid

extended was an improper conversion of public means to private uses.

What is the character of the enterprise under consideration? The charter declares that the proposed line of railway shall be a military and post road. The right to regulate the charges for transportation, not only for the Government but for the trade, commerce, and travel of the people as well, is reserved to Congress. It will be seen, therefore, that the Government, for all time, would have an interest in this road, secured by such aid as is here asked. That interest would be most valuable, necessary, and proper, and the aid extended to secure it would not be conversion of Government aid to private uses, but for a necessary public use. If the Government can construct a military and post road which is demanded by public necessity, surely it might aid in the construction of such road, reserving the right always to subject it to public uses as might be deemed necessary and just. The purpose of granting this power to Congress was to enable the Government to provide itself with those facilities and necessary faculties to carry on and administer the affairs of the nation safely and economically. If this purpose can be attained by a partial exercise of the power vested in Congress no one should insist that the act was unauthorized.

The precedents and uniform practice of the Government, the declarations and opinions of the leading participants in the formation of the Constitution, and opinions of the ablest expounders of that instrument, together with unbroken and uniform party declarations, all sustain fully the authority of Congress to build military and post roads.

I feel that I will be justified in taxing the House with a reference to the opinions of a few only of those whom the country delighted to honor while living and whose memories a greatful people have embalmed. Mr. Monroe, in a special message to Congress on internal improvements, says:

> My idea is that Congress has an unlimited power to raise money, and that in its application they have the discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of *general*, not *local*, *national*, not State, benefit.

In his message to Congress in 1824 he fully indorsed the legislation of Congress which required the President to cause to be surveyed such roads and canals as "he might deem of national importance in a commercial or military point of view or for the transportation of the mails." In the same message he advocated the construction of a route from Washington City to New Orleans.

Mr. Calhoun, who is regarded throughout the Southern States at least as good authority on the proper construction of limitations on the power of Congress, was Secretary of War under President Monroe, and in his report in 1824 in regard to the surveys referred to held this language:

> In projecting the surveys the whole Union must be considered as one, and the attention, not to these roads and canals, which may facilitate intercourse between parts of the same State, but to those which may bind all the parts together and the whole with the center, thereby facilitating commerce and intercourse among the States and enabling the Government to disseminate promptly through the mails information to every part and to extend protection to the whole. By doing this the General Government will afford (practically to those States situated in the interior) the only means of perfecting improvements of a similar description which properly belongs to them.

In 1817 a special committee of the House of Representatives was appointed to take into consideration the question of the power of Congress over this subject. I quote from a report made by that committee the following:

> Congress has the power—
> First. To lay out, improve, and construct post-roads through the several States, with assent of respective States.
> Second. To open, construct, and improve military roads through the several States, with the assent of the States.
> Third. To cut canals through the States, with their assent, for promoting and giving internal security to internal commerce or for the more safe and economical transportation of military stores in time of war, leaving in all cases the jurisdictional right over the soil to the respective States.

This report meets the questions involved in the measure under consideration fully. It was sustained by Mr. Tucker and Mr. Clay and adopted by Congress.

Neither Mr. Jefferson nor Mr. Madison ever entertained a doubt of the power of Congress in the premises set forth in the foregoing report, and it is well known that Benton, Webster, Cass, and Douglas sustained the doctrine announced by Mr. Calhoun in his report which I have before referred to.

In 1827 President John Quincy Adams approved the law of Congress donating to the State of Indiana 1,439,279 acres of land in aid of the Wabash and Erie Canal. President Taylor in 1850 approved a grant of 2,595,053 acres of land to the State of Illinois in aid of the Illinois Central Railroad.

The law of Congress passed in 1862 granted the Union and Central Pacific Railroad $65,000,000 in bonds and 35,000,000 acres of land.

The Supreme Court of the United States has expressly affirmed the power of Congress to pass that act in a recent decision.

Mr. Chairman, the official records show that under this power Congress has appropriated and expended in money, without reference to lands, between 1788 and 1873, $104,705,163.43 for railroads, wagon-roads, and canals, all of which mainly have been expended outside the Southern States. It would seem, therefore, that it is too well settled now that Congress has the power claimed to question it. This power was granted for great and national purposes, and ought not to be prejudiced or confounded with assumed powers by State Legislatures in many instances and municipal government in others. The decisions of the courts in such cases, usually, strongly denounce the exercise of such power and have justified the people in their indignant denunciation of the attempted exercise of such power.

There can be no doubt but that the "national power" has been unpopularized by unwise exercise of it and by the assumption of powers by State Legislatures. I am free to confess that this power was never intended to check the country with railroads and canals for the benefit of individuals, corporations, or States, and the exercise of it without regard always to the national, general purpose to be attained would be a perversion and abuse of authority.

On the other hand, when the necessities of the Government and the promotion of its welfare unite with the highest interests of the whole country in demanding the exercise of this power, it is the plain duty of Congress to go forward and exercise it, always with proper economy and safeguards to protect the Government from improper advantages, which associations and individuals too often seek and sometimes secure.

Mr. Chairman, I do not understand that this power should be exercised only in hard times, seasons of stringency, when domestic distress covers the land, and thousands are without employment and the means to procure their daily bread; but, sir, it is true that when floods sweep fields, farms, and homes away, leaving whole sections of country destitute of the means of living; when the ravages of war have destroyed the substance of neighborhoods and even States; when famine or pestilence, either at home or abroad, strikes down the strong arms of those who toil for dependent families, Government has not been appealed to in vain to open the garners of its wealth in order to alleviate the sufferings and misfortunes of those whom private charity could not assist.

It might well be asked if there be any difference on principle between such cases and that which now unhappily presents itself to the view of the American people. Throughout large sections of the country want, suffering, and destitution exist. The cry is for work; the demand for labor is too small. The great industries of the country are paralyzed. The fires have burned to ashes in the furnaces of factories, founderies, and mills. The spade and shovel are silent along great lines of work which gave labor to thousands and bread to many more. The bone and sinew of the country, outside of agricultural districts, are without employment, and States, cities, and towns are appealed to for work for the unemployed that starvation may be averted. It may be said that the Government cannot afford to furnish shelter and work for those who may be homeless, and who may be willing to work rather than steal or starve; but it is submitted that the occasion for the commencement of this work under the auspices of the Government is most opportune and fortunate. And if the reasons which present themselves to the Government are sufficient to induce the extension of the aid desired, it would seem that a more auspicious time could not have fallen upon us to secure the completion of this great enterprise.

Sir, the continuance of this great enterprise under the plan proposed by this bill will give life and activity to all of our great industries from the furnace to the plow. Indeed, when we contemplate the results which must flow to the Government and the people from the prosecution and completion of this work, we can but stand amazed and overcome at the prospect of the blessings they will bestow. Why either of the great political parties should pause at the threshold of this legislation until the election is over, finds no answer, except it be in the fact that time is needed to uncover the great measure from the misrepresentations and perversions with which interested monopolies have environed it.

Are the reasons for undertaking it sufficient? The immense cost of the transportation of troops, military supplies, and telegraphic communication, now incurred annually by the Government, will be largely reduced by the completion of this road. The Indian and Mexican troubles are both to the General Government and Texas a serious problem. Texas has been compelled to pay from her treasury nearly two millions of money to provide that defense to her border which the Government was bound by the terms of annexation, by the law of the land, and by every national obligation to furnish, yet failed to do. At an annual expense of a half million of money she is compelled to keep soldiers in the field to repel the inroads of Mexicans and Indians.

It will not be said that the expenditure of this money is unnecessary when the facts are known and properly appreciated. Raids projected from Mexico, not irregular in character and of occasional occurrence, but partaking of the nature of regular organizations, set on foot for the deliberate purpose of plunder and murder, have well-nigh destroyed the property of a large section of the country, and unless they are repressed the most serious results must follow. Speaking for Texas, I declare that she desires no war with Mexicans or Indians, but she does desire repose, tranquillity, and freedom from invasion. The bold and manly conduct of her State authorities and the moderation and respect for national relations which have characterized the administration of her State government in this behalf for the last two years challenge the admiration of the whole country; and to-day, while the murderous Indians, fed and clothed by the Government, build their camp-fires in her settlements, as they have done for years, and organized bands of Mexicans lay waste and plunder her

border, no violation of international law, nor insubordination to the regulations and commands of national authority, can be imputed to her. She has borne this deep and terrible wrong not without murmuring at the injustice of the Government, but with that firmness and endurance which have ever characterized her people. Instead of rising in her strength, as she might have done, and sweeping from the face of the earth that "robber population" which shelters itself under the flag of another nation, instead of passing within the lines of Indian reservations to punish the murderers of her citizens and recapture property stolen from her people, she has respected the orders of national authority, and maintained a defensive position; and she is here to-day demanding protection at once and offering counsel, advice, and influence in aid of the completion of that great work upon which she has lavished millions of dollars, and which, when completed, will render the state of affairs which now exists upon her border forever afterward impossible.

Mr. Chairman, although the military force disposable for service on the Rio Grande is insufficient to render adequate protection, as stated by the President in his message, still in Texas, New Mexico, and California the military branch of the Government costs annually fifteen millions of money. The completion of this work will furnish a solution to the serious problem which confronts us in the West, and save the Government annually in the cost of the military and postal service more than the interest on the entire amount of bonds which this company is authorized to issue. The completion of this road will develop in the far West immense mineral wealth, and will hasten the day and time so devoutly wished for when specie may be substituted for paper money without producing convulsions in business or the destruction of private fortunes. The spirit of trade and commerce, so long repressed in Mexico, will be aroused and vitalized. Her mountains and cañons, rich in ores, will be made to surrender up their wealth to the wants of mankind. Vast sections of country, rich in valleys, mountains, and streams, which now rest in unbroken solitude, unprofitable to the owner and to the Government, will become the happy home of industrious millions, and render a large revenue to the Government. The wants and necessities of the Government, without reference to those of the people, cannot be supplied by the facilities which are now furnished by the completed road to the Pacific, and the existence of that road is no argument against the necessity of another road to the ocean. The country where mostly the operations of the Government demand facilities of transportation of troops and postal accommodations lies along the thirty-second parallel, a region entirely beyond the reach of the present completed road.

Our experience clearly demonstrates that one transcontinental line is wholly insufficient to meet the wants of the Government, the trade and commerce of the country. If that line lay along a temperate latitude, and was controlled in the spirit of a generous and liberal corporation, it would still be insufficient to meet the demands for interocean traffic, commerce, and communication. How much more is a competing road demanded when the company operating the present line conduct it in the spirit of extortion and arbitrary gain? The failure of Congress to compel these companies to conform their charges to rates to be prescribed by law places it in their power to lay such tariffs upon trade and travel as cupidity may suggest and freedom from competition justify. They have not been slow or conscientious in availing themselves of this right. The savings, annually, in the cost of transportation to the Government and people which would result from a competing road would be more than sufficient to pay the interest on the entire amount of bonds to be issued under the provisions of this bill. These companies well understand this matter, and accordingly, when a proposition is presented to construct a competing road, we find them flooding Congress with arguments and protests against it, and invoking to their aid, in opposition, misrepresentation and perversion of the objects and terms of the proposition. They have no gratitude for the Government whose munificence and subsidies helped them to that power which wealth brings, and no mercy for the people who annually bear the burden of a grievous tax to pay the interest upon the bonds donated.

Mr. Chairman, it is said by some that too much consideration has been shown to Texas in the provisions of this bill in regard to branches from the main line, and this is made an objection to it. In regard to this objection I desire to say something. The branch from Marshall to New Orleans rests upon the highest grounds. It cannot be interfered with, except so far as to indicate a different company to own and operate the line if deemed necessary, without violating public faith and private contract based on a valuable consideration. A connection between New Orleans and Marshall, the eastern terminus of the road, was provided for in the charter of the Texas and Pacific Company when Texas gave her assent by a legislative enactment to the acquisition of the franchises and rights of the two companies before referred to. This provision contributed largely to the passage of the act, and may truly be said to have entered into and become a part of the consideration of the act of the Legislature. Besides this, the people of Harrison County have donated to this company $400,000 in bonds and property in part consideration of the maintenance of the proposed connections at the city of Marshall. I repeat, therefore, that to disturb this connection would be a violation of good faith and private contract. The branch from Jefferson, in Texas, to Memphis is demanded by interests which cannot be overlooked. They are not confined to Texas, but are national. It secures to New York the shortest route to the commercial emporium of the Southwest, Galveston. Texas might well demand as much, but the North itself cannot consent that this branch should be omitted. Besides, it furnishes at Memphis a connection with the railway system of the Atlantic States, and by that means presents a connected railway system from Norfolk to the Pacific Ocean.

Time will not allow me to enter upon a review of the benefits which are to flow from these connections. Only one branch purely Texan is provided for by this bill and proposed amendments. I allude to that one which proposes to connect the main line with the Texas Gulf by forming a connection with the Texas Central Railroad at Waco, so earnestly and justly urged before the committee by my colleagues, [Mr. MILLS and Mr. THROCKMORTON.] This is due to Texas, and a just appreciation of her efforts and donations to secure the completion of this great highway will remove all objection to this branch. The completion of this road on a basis such as proposed by the bill introduced by the honorable gentleman from Tennessee, [Mr. ATKINS,] the provisions of which have been so ably and elaborately set forth by him in his speech before the House, would tend to equalize the advantages and benefits which flow from the aid of the Government to works of internal improvement. Under the laws of 1862 and 1864 the Government has issued in aid of the construction of railroads $64,000,000 in bonds drawing 6 per cent. interest and payable in thirty years. Those bonds were donated as follows:

To Union Pacific	$27,236,512
Central Pacific	25,885,120
Kansas Pacific	6,303,000
Central Branch Union Pacific	1,500,000
Western Pacific	1,970,500
Sioux City and Pacific	1,628,000

I omit all reference to land donations.

I do not claim, Mr. Chairman, that because the Government made an absolute donation of this large amount of money to aid in the construction of the roads named that therefore similar aid, or even such aid as is asked for this enterprise, should be granted in order simply to equalize the bounty of the Government. But the point presented is, that if the necessities of the Government and the people demand another highway to the Pacific Ocean, then the aid of the Government should be placed with due regard to donations heretofore made, and should be applied to that section of the country which has escaped the benefits which spring from the application of Government aid. It is fortunate that the necessities of the Government service indicate the proper line of this highway to be along the thirty-second parallel. If the aid of the Government is extended, the benefits of its application, directly, will reach that section of the country extending from Virginia to the Pacific Ocean, which heretofore has been practically excluded from participation in the benefits of Government aid to railroads, while indirectly and to a large extent all sections of the Union, by favorable connection with the main line, will be benefited. The Government, therefore, in extending the aid sought, will meet the requirements of the national service, and will be enabled at the same time to equalize its blessings, to some extent, to the whole country.

In order to show the relative appropriations of the Government heretofore, I call attention to the following table:

Statement showing the amounts expended by the United States for the various public works of the Government in each State and Territory of the Union, from June 30, 1865, to June 30, 1873, together with the expenditures of the United States in aid of construction of canals, railroads, and wagon-roads from 1789 to 1873.

States and Territories.	Public works, 1865 to 1873.	Railroads, canals, and wagon-roads, 1789 to 1873.	Total.
Maine	$3,030,500 71	$137,008 92	$3,167,509 63
New Hampshire	1,285,212 34	.....	1,285,212 34
Vermont	209,256 35	.....	209,256 35
Massachusetts	6,071,197 65	.....	6,071,197 65
Rhode Island	880,211 29	.....	880,211 29
Connecticut	676,724 19	.....	676,724 19
New York	15,688,222 32	3,500 00	15,691,722 32
New Jersey	674,595 82	.....	674,595 82
Pennsylvania	3,574,564 23	.....	3,574,564 23
Delaware	794,731 85	450,000 00	1,244,731 85
Maryland	757,204 02	1,051,990 00	1,809,194 02
District of Columbia	14,823,805 27	697,418 83	15,520,224 10
Virginia	1,898,039 23	57,538 27	1,955,577 50
West Virginia	5,094 25	.....	5,094 25
North Carolina	693,413 52	205,000 00	898,413 52
South Carolina	782,054 06	9,961 92	792,015 98
Georgia	264,178 08	.....	264,178 08
Florida	1,977,442 98	230,013 43	2,207,456 51
Alabama	304,874 32	873,872 88	1,178,747 20
Mississippi	136,505 81	994,936 14	1,131,441 95
Louisiana	466,976 00	296,968 04	2,763,944 04
Texas	240,209 09	.....	240,209 09
Arkansas	49,103 25	573,390 84	622,494 09
Missouri	495,370 73	1,049,800 38	1,545,171 11
Kentucky	24,417 90	1,183,511 00	1,207,928 90
Tennessee	446,826 29	5,000 00	451,826 29
Ohio	1,080,975 12	2,102,888 38	3,183,863 50
Indiana	647,354 98	1,751,271 52	2,398,626 50
Illinois	8,638,177 24	747,979 99	9,386,057 23
Michigan	3,681,997 60	1,330,024 26	5,012,021 86
Wisconsin	1,781,165 22	422,508 36	2,203,673 58

Statement showing the amounts expended by the United States for the various public works of the Government, &c.—Continued.

States and Territories.	Public works, 1865 to 1873.	Railroads, canals, and wagon-roads, 1789 to 1873.	Total.
Iowa	$2,544,560 53	$84,226 66	$2,628,787 19
Minnesota	810,481 49	562,775 51	1,373,257 00
Kansas	60,497 40	2,422,564 52	2,483,161 92
Nebraska	245,000 00	174,826 15	419,826 15
Nevada	419,281 36	3,399 87	422,681 23
California	5,873,461 38	2,506,533 96	8,379,995 34
Oregon	868,879 23	191,292 91	1,060,169 14
Territory of Arizona	.....	246,415 20	246,415 20
Territory of Colorado	39,400 09	13,826 76	53,226 85
Territory of Idaho	49,733 15	36,500 00	86,233 15
Indian Territory	.....	7,920 00	7,920 00
Territory of Montana	41,575 00	.....	41,575 00
Territory of New Mexico	17,996 52	217,072 42	235,068 94
Territory of Utah	.....	7,943 70	7,943 70
Territory of Washington	65,112 45	148,989 68	214,102 13
Territory of Wyoming	37,454 92	40,000 00	77,454 92
Maine and Massachusetts	10,090 00	.....	10,000 00
Connecticut and New Jersey	23,499 79	.....	23,499 79
Maryland and Virginia	180,645 18	.....	180,645 18
Louisiana and Arkansas	95,000 00	.....	95,000 00
Wisconsin and Michigan	50,000 00	.....	50,000 00
Utah, Nevada, and California, (C. P. R. R.)	.....	34,267,704 49	34,267,704 49
Utah, Nebraska, and Wyoming, (U. P. R. R.)	.....	34,350,703 70	34,350,703 70
Kansas and Colorado, (K. P. R. R.)	.....	7,766,212 21	7,766,212 21
Iowa and Nebraska, (S. C. & P. R. R.)	.....	2,182,703 38	2,182,703 38
Miscellaneous repairs of fortifications, &c	18,082,524 14	5,499,069 25	23,381,593 39
Total	103,294,501 34	104,705,163 43	207,999,664 77
RECAPITULATION.			
Sixteen southern and border States	11,612,086 56	6,981,982 90	18,594,069 46
Northern and western States and Territories	76,859,609 51	97,025,761 70	174,885 371 21
District of Columbia	14,822,805 27	697,418 83	15,520,224 10
Grand total	103,294,501 34	104,705,163 43	207,999,664 77

This table tells in unmistakable language where, heretofore, the bounty and patronage of the Government have fallen. An inquiry into the cause of the discrimination in favor of sections would be unprofitable, but may we not trust, Mr. Chairman, that the cause has been removed and that in the future there may be no reason to urge against a fair and equal distribution of such benefits as the Government may dispense in the exercise of its proper powers? Mr. Chairman, it should be remembered that a wide difference exists between the aid proposed by this bill and that which was extended to the railroads before mentioned. This proposition does not involve a bounty, subsidy, gift, or gratuity, nor even a voluntary indorsement from the Government. The proposition here is simply a guarantee of interest upon unquestioned security and to be extended only under such safeguards as will secure the Government against loss. It is a business transaction. The Government needs the road, the people need it, and this company, owning a charter over the route desired, proposes to build it on the conditions named.

A glance over the map will show, sir, that the construction of the roads to which the Government has donated sixty-four millions of money cannot advance the interest of the Gulf and Atlantic States beyond a common interest of all the States in the national objects attained. The great Northwest and East have been the recipients of the vast benefits which have followed the investment of this money in railways. New York, Chicago, and Boston are the great commercial centers to which the trade over these roads is directed, while the Northwest, in the rapid development of those resources which tend to increase the wealth and power of States and Territories, in the enjoyment of the facilities of transportation and communication, in the realization of advantages beyond the reach of private capital and credit, shows the influence, power, and advantage derived from the aid of the Government.

Finally, Mr. Chairman, the completion of this road will redeem the South from the thralldom of poverty. I enter no plea in behalf of her blighted fields, her destroyed industries, desolated homes, and broken fortunes. There they are; behold them for yourselves. She is not what she once was. True, we have the same genial sun, the same fertile fields and lovely valleys, the same lovely women, and some of the same true, generous men; the balance, with your gallant dead, have spread their tents "on fame's eternal camping-ground," and there may they rest in peace. But all else is changed. Our resources are unexhausted and inexhaustible, but they lie dormant and inactive, while her industries languish for the want of means to arouse and vitalize them. The war closed, and peace found us broken in fortune and without much hope for the future. The energy of her people has been severely taxed, but the waste places are being built up and the bruises on her limbs are healing. Her people are striving together to restore it to its former agricultural beauty and power. Politics and partisan spirit have delayed the work of restoration, but feuds and schisms of race, unhappily thrown among us, have passed away. From one end of that section to the other there are no bread riots, and, while all as a general rule are poor, starvation is unknown. Over all these hangs the blight of offended power and a feeling of constraint broods over the land.

No enterprise, no token of national kindness, no emblem of sectional reconciliation, could do more to rehabilitate the South and arouse her paralyzed industries than the adoption of this measure and the completion of this grand work. It would be an earnest from the heart and power of the nation that whatever of the past should be is forgotten, and that in fact, as in theory, we are a brotherhood of States, and that whatever of prosperity, glory, and renown may come to us in the future, the same shall be the common property of all.

GENEVA AWARD.

Mr. LAWRENCE. I desire to address the House briefly upon the subject of the Geneva award. I ask first for the reading of the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the court of commissioners of Alabama claims in the mode and subject to all the conditions, limitations, and provisions of chapter 459 of the laws of the Forty-third Congress, except as changed or modified by this act, to receive and examine the claims mentioned in section 2 of this act, and to enter judgments for the amounts allowed therefor in three classes.

SEC. 2. That the first class shall be for claims directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked on the high seas or pursued therefrom, although destroyed within four miles of the shore, except as provided for in section 11 of said chapter 459. The second class shall be claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser. The third class shall be for claims for sums actually paid for insured property destroyed on the high seas by such confederate cruisers, except claims for which judgments have been entered under section 12 of said chapter.

SEC. 3. That in examining claims in the second class it shall be the duty of the court to deduct any sum in any way received by or repaid to the claimant, diminishing the amount paid for any such premium, so that the actual loss of the claimant only shall be allowed; and no claimant in the second class who has been paid such loss shall be entitled to receive from any insurance company recovering in the third class any further sum on account of such loss.

SEC. 4. That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the sum of money paid to the United States pursuant to article 7 of the treaty of Washington, and accruing therefrom, not appropriated to claims provable under the provisions of said chapter 459 and the act extending the time for the filing of claims thereunder.

SEC. 5. That judgments entered in the first class shall be paid before judgments of the second class are paid and judgments of the second class shall be paid before judgments of the third class are paid. If the sum of money so unappropriated shall be insufficient to pay the judgments of the first class, they shall be paid according to the proportions which they severally bear to the whole amount of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first class and not sufficient to pay the judgments of the second class, the latter judgments shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first and second classes and not sufficient to pay the judgments of the third class, they shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum after the payment of the judgments of the first and second classes.

SEC. 6. That in other respects the said judgments shall be reported and paid in the mode provided for the payment of judgments by said chapter 459 and the act providing for the payment of judgments rendered and to be rendered thereunder.

SEC. 7. That all claims filed or that may hereafter be filed in said court in the name of one or more claimants, relating to a vessel in which other claimants are interested, shall be deemed and held to be legally filed the same as if all the parties in interest had joined in the filing of the petition.

Mr. LAWRENCE. When the bill comes before the House, I shall offer amendments, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Strike out the provisions relating to insurance companies, as follows:

1. Strike out all of section 1 after the word "cruiser" in line 9.

2. Strike out of section 5, lines 2 to 4, the words "and judgments of the second class shall be paid before judgments of the third class are paid."

3. Strike out all of section 5 after the word "sum" in line 12.

Mr. LAWRENCE. Then I shall offer as additional sections to the bill what I send to the Clerk's desk.

The Clerk read as follows:

That it shall be the duty of the court of commissioners of Alabama claims to ascertain what vessels owned or chartered and paid for by the United States and what cargoes or other property owned by the United States were destroyed by the confederate cruisers inculpated by the tribunal of arbitration at Geneva, and the value of all such vessels and cargoes.

And the amount so ascertained, with interest, as in cases of judgments rendered by said court, shall by said court be certified to the Secretary of the Treasury, and there shall be covered into the Treasury from the money awarded to the United States by said tribunal of arbitration at Geneva a sum equal to the amount so certified.

It shall be the duty of said court to ascertain—

1. The value of vessels and cargoes of citizens of the United States destroyed by said inculpated cruisers which were insured in and losses for the same paid by foreign underwriters.

2. The difference between the interest covered by said award and that paid by the United States to claimants in whose favor judgments have been rendered, being 2 per cent. on the value from the time of the damage done by said cruisers until payment.

3. The difference between the interest arising from the investment of said award in bonds of the United States and that paid to claimants under findings and judgments of said court, to the extent of the payments.

4. The difference in value between the money received under said award and of that with which judgments of said court were paid, being the difference between gold coin and United States notes.

And said court shall certify said several amounts to the Secretary of the Treasury, and there shall be covered into the Treasury, from proceeds of said award, a sum equal to said gross amount.

And all sums so certified shall be covered into the Treasury before any other claims or judgments shall be paid under this act, together with all costs and expenses arising under this act, to be ascertained and certified by said court as aforesaid.

That said court in examining claims of the first class mentioned in this act shall include all vessels, cargoes, and property owned or chartered and paid for by the United States.

And it shall be the duty of counsel on behalf of the United States to present and make proof in such cases to said court.

Mr. LAWRENCE. I shall then offer what I send to the Clerk's desk, as a substitute for the entire bill.

The Clerk read as follows:

That all bonds of the United States in which the money awarded to the United States by the tribunal of arbitration at Geneva has been invested, after paying all charges thereon and judgments as determined by the court of commissioners of Alabama claims, under existing law, shall be canceled by the Secretary of State and the Secretary of the Treasury, and all money, if any, arising from said award or from bonds in which it has been invested shall be covered into the Treasury.

Mr. LAWRENCE. Mr. Chairman, during the recent rebellion in the United States three ships of war known as the Alabama, the Florida, and the Shenandoah were built in Great Britain, and permitted to go to sea, when they became confederate cruisers, destroying ships and commerce of the Government and citizens of the United States to the value probably of $15,500,000 in gold coin. During the progress of the construction of the Alabama and the Florida in England the proper authorities of Great Britain were notified by the minister of the United States, and well knew that these ships were being constructed as confederate cruisers to prey upon American commerce; but the British government, in violation of neutral duties, omitted to take any effective measures to prevent them from going to sea, and subsequently, in violation of international law, freely admitted them into the ports of colonies of Great Britain, instead of proceeding against them as duty required. The Alabama had a tender, the Tuscaloosa; and the Florida had tenders, the Clarence, the Tacony, and the Archer, to aid in the work of destruction.

The Shenandoah departed from London as a merchant-vessel prior to December, 1864, but was transformed soon after into a confederate cruiser near the island of Madeira, when she passed into Hobson's Bay; and British officials, with a knowledge of her purpose, permitted her, in violation of neutral duties, to depart from Melbourne on her hostile mission on the 18th of February, 1865.

On the 29th of December, 1864, the Shenandoah, before she had passed into Hobson's Bay, destroyed the ship Delphine, owned by citizens of the United States and sailing under our flag. It may be conceded, as it has been decided by the tribunal of arbitration at Geneva, that the British government was not responsible for the outrages of the Shenandoah prior to her departure from Melbourne. There were other confederate cruisers—the Georgia, the Tallahassee, the Chickamauga—fitted out within British jurisdiction, and some others elsewhere built, like the Sumter and Nashville, which used British waters as a base of hostile operations, all of which destroyed ships and cargoes of citizens of the United States. But as to these it may be conceded, as it has been decided, that the British government is *exculpated* from all responsibility, not having failed by any act or omission to fulfill any neutral duty.

The Florida and Alabama, and the Shenandoah after her departure from Melbourne, are commonly called "*inculpated* cruisers," because as to them the tribunal of arbitration at Geneva, in their award of September 14, 1872, decided that the British government was *in fault* in permitting them to sail from her ports on a hostile mission.

The other confederate cruisers to which I have referred are commonly called "*exculpated*," because as to them the Geneva tribunal decided that the British government was not in fault. As a mere question of criticism, it might be more proper to say that the British government itself was *inculpated* as to the so-called inculpated cruisers and exculpated as to the so-called exculpated cruisers.

During the war, citizens of the United States owning ships and cargoes on the ocean took out policies of insurance in insurance companies incorporated in the United States not only against ordinary marine risks, but also against loss from confederate cruisers, and for this insurance they paid "war premiums"—premiums increased in amount in consequence of the perils of war. Many vessels and cargoes insured were destroyed by the inculpated cruisers, while others of the insured class escaped uninjured. The result was that, although the insurance companies paid to the owners of ships and cargoes so insured and destroyed by confederate cruisers large sums of money, and in those particular cases suffered loss, yet very generally as to each company "the sum of its losses in respect to its war risks exceeded the sum of premiums or other gains upon or in respect to such war risks." Thus in fact, it may be said generally, each company on its whole war-risk insurance during the rebellion made large profits.

These insurance companies were of two classes: those known as "stock companies" and "mutual companies."

Those who were then members of the mutual companies of course are not now such, and if these companies could *now* be re-imbursed for losses during the rebellion the money paid them would go to the benefit of those who are now members and in no way connected with the original loss.

The stockholders in the cash companies have, as a general rule, doubtless changed so that if the companies are now re-imbursed for specific losses the profit will inure mainly to those who suffered nothing from the original loss.

As to them it will be a "wind-fall"—a naked gratuity.

During and immediately after the war claims against Great Britain were "filed in the Department of State by American citizens, native and naturalized, for damages sustained by them as owners, mariners, freighters, or insurers of duly-documented American ships captured and destroyed or appropriated by the officers and crew of the steamer Alabama, (and other confederate cruisers,) and, as owners, insurers, or otherwise, interested in the cargoes of such ships or in charter-parties for the service of said ships."

Many of these as they accrued during the war, and subsequently on the 27th of August, 1866, were presented by our Government to that of Great Britain for payment.

The treaty of Washington of May 8, 1871, between the United States and Great Britain resulted from these claims and other controverted questions between the two governments during and since the war. The first article provided that—

Claims growing out of acts committed by said vessels, and generically known as the "Alabama claims," should be referred to a tribunal of arbitration, to be composed of five arbitrators, to be appointed in the manner therein prescribed, who according to the terms of the next succeeding article were to meet at Geneva, Switzerland, at the earliest convenient day after their appointment, and proceed impartially and carefully to examine and decide all questions laid before them by the two governments respectively.

This article is preceded by a preamble which recites that—

Differences have arisen between the Government of the United States and the government of Her Britannic Majesty, * * * growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims."

And it is further declared that the purpose of the treaty is—

To remove and *adjust* all *complaints* and claims on the part of the United States, and to provide for the speedy settlement of such claims.

The damages resulting from the destruction of American ships by British-built confederate cruisers were generally known as *direct* damages.

But the United States and our citizens sustained *indirect* damages resulting from the operations of the British-built confederate cruisers.

It was represented to the joint high commission which framed the treaty of Washington—

That the people and Government of the United States felt that they had sustained a great wrong * * * by the course and conduct of Great Britain.

And it was proposed that such commission—

should agree upon a sum to be paid by Great Britain to the United States in satisfaction of *all the claims*. (See papers relating to the treaty of Washington, volume 1, pages 9 and 10.)

In the treaty itself nothing was said in express and decisive terms either of—

1. Damages to be paid the United States on account of the hasty recognition by the British government of the so-called confederate government as a "belligerent" power; nor

2. Of damages resulting from the transfer of a large part of the American commercial marine to the British flag, by reason of the British-built confederate cruisers; nor

3. Of the loss by reason of enhanced rates of insurance, popularly known as "war premiums;" nor

4. Of the loss to the United States for pursuing the British-built confederate cruisers, nor of the cost arising from prolonged war.

These were all *indirect* damages except the cost of the pursuit of the confederate cruisers.

When the tribunal of arbitration met at Geneva the claims presented to it were stated in the "American case," or "Argument of the United States," to be:

Losses growing out of the acts of cruisers of the confederates designated by the typical name of the Alabama. (Volume 3 of papers, page 209.)

The *direct* claims were fully presented. The claim for precipitate recognition of confederate belligerency was not presented. The Government undoubtedly—

abandoned its claim for compensation founded upon the Queen's proclamation. (Papers, &c., volume 3, pages 106–203, 204–205; Report Judiciary Committee House of Representatives, Forty-third Congress, page 7.)

The other claims for *indirect* damages were presented to the tribunal. Our Government among other things said to the tribunal:

Should the tribunal find Great Britain responsible for the injuries caused by the acts of the cruisers, it cannot be denied that the war risk was the result of their dispatch from British ports. (Papers, volume 1, page 188.)

This "war-premium" damage was thus one of the five classes of claims presented by our Government.

The result is well known. The demand for indirect damages covering three of the five classes of claims presented threatened to defeat the whole arbitration. An attempt was made to negotiate an additional article to the treaty to determine the question of indirect damages, but this failed.

Finally the tribunal cut the controversy short by announcing:

That after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, *individually* and *collectively*, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation, or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award, *even if there was no disagreement between the two governments as to the competency of the tribunal to decide thereon.*

The agent of the United States, after receiving the instructions of our Government, thereupon made to the tribunal the following statement:

The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal, for, *first*, the losses in the transfer of the American commercial marine to the British flag; *second, the enhanced payments of insurance;* and, *third*, the prolongation of the war, and the addition of a large sum to the cost of the war, and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved. The agent of the United States is authorized to say that, consequently, *the above-mentioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.*

This left for the determination of the tribunal only two questions, one relating to the cost of pursuing the British-built confederate cruisers, and the other as to direct damages for ships and cargoes destroyed by them.

The award was made September 14, 1872, at Geneva. As to the cost of pursuing the cruisers, the award was as follows:

Whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the confederate cruisers are not, in the judgment of the tribunal, properly distinguishable from the general expenses of the war carried on by the United States, the tribunal is therefore of opinion, by a majority of three voices to two, that there is no ground for awarding to the United States any sum by way of indemnity under this head.

The "Alabama claims" preferred against Great Britain for ships and cargoes destroyed included those made by the owners and the underwriters, sometimes both making claim for the same loss. But the claim of the underwriters was rejected by the tribunal, and the damages to ships and cargoes taken as the basis of an award. The award of the tribunal of arbitration as to these says:

And whereas in order to arrive at an equitable compensation for the damages which have been sustained it is necessary to set aside all *double* claims for the same losses; * * * and whereas in accordance with the letter and spirit of the treaty of Washington it is preferable to adopt the form of adjudication of a sum in grossrather than to refer the subject of compensation for further deliberation to a board of assessors as provided by article 10 of said treaty:

The tribunal, making use of the authority conferred upon it by article 7 of the said treaty * * * awards to the United States a sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims *referred to the consideration of the tribunal* conformably to the provisions contained in article 7 of the aforesaid treaty.

This award was paid to the United States September 9, 1873. The act of Congress of June 23, 1874, created the "court of commissioners of Alabama claims," and made it the duty of the court—

To receive and examine all claims directly resulting from damage caused by the so-called insurgent cruisers Alabama, Florida, and their tenders * * * and the Shenandoah after her departure from Melbourne on the 18th of February, 1865.

Then section 12 prescribes and limits the character of claimants, as follows:

That no claim shall be admissible or allowed by said court for any loss or damage for or in respect to which the party injured, his assignees or legal representatives, shall have received compensation or indemnity from any insurance company, insurer, or otherwise; but, if such compensation or indemnity so received shall not have been equal to the loss or damage so actually suffered, allowance may be made for the difference. And in no case shall any claim be admitted or allowed for or in respect to unearned freights, gross freights, prospective profits, freights, gains, or advantages, or for wages of officers or seamen for a longer time than one year next after the breaking up of a voyage by the acts aforesaid. And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss. And no claim shall be admissible or allowed by said court arising in favor of any insurance company not lawfully existing at the time of the loss under the laws of some one of the United States. And no claim shall be admissible or allowed by said court arising in favor of any person not entitled at the time of his loss to the protection of the United States in the premises, nor arising in favor of any person who did not at all times during the late rebellion bear true allegiance to the United States.

The judgments under this act will consume about one-half of the fund, leaving nearly $10,000,000 to be disposed of.

The report of the Judiciary Committee made to the House on the 29th of March very properly states that—

Four classes of claimants for such unappropriated moneys have appeared before the committee:

First. Persons who had vessels destroyed during the late rebellion by the cruisers exculpated by such tribunal.

Second. Persons who paid war premiums by reason of such cruisers being upon the sea.

Third. Insurance companies who insured vessels destroyed by the cruisers inculpated by the tribunal of arbitration.

Fourth. Persons excluded by section 12 of chapter 459 of the laws of the Forty-third Congress, (act of June 23, 1874,) because not bearing, during the late rebellion, true allegiance to the United States.

The first and second classes are not within the provisions of said chapter 459.

The third class is within the provisions of said chapter, but the underwriters complain that by section 12 they are unjustly limited as to the amount of recovery.

The fourth class is excluded by section 12.

The third class demands the repeal of that part of section 12 which enacts, "No claim shall be admissible or allowed by said court by or in behalf of any insurance company * * * unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its * * * losses in respect to its * * * war risks exceeded the sum of its * * * premiums or other gains upon or in respect to such war risks," and the fourth class demands the repeal of that part of said section by which they are excluded.

The report of the Judiciary Committee estimates the claims of the first class, including interest, at $1,500,000; the claims of the second class, at $5,000,000. The claims of the underwriters now asking payment, each $8,000,000.

The State Department gives the following:

DAMAGES BY EXCULPATED CRUISERS.

Statement showing the number of vessels and value of cargoes destroyed by confederate cruisers other than the Alabama and Florida and their tenders, and also the Shenandoah subsequent to her departure from Melbourne on the 18th of February, 1865, and the amount of insurances effected on the vessels and cargoes so far as is shown by papers on file in Department of State.

Cruisers.	Name of vessel.	Value of vessel	Value of cargo.	Amount of insurance in United States companies.	Amount of insurance in foreign companies.
By the Shenandoah	Alina	$68,000 00		$3,500 00	
Do	Charter Oak	25,492 00	$8,081 57	27,900 00	
Do	Delphine	56,000 00		9,000 00	
Do	D. Godfrey	15,000 00	28,404 00	47,085 00	
Do	Edward	30,000 00	8,706 00	19,875 00	
Do	Susan	12,000 00			
By the Sallie	Betsy Ames		5,540 00	5,540 00	
By the Tallahassee	Adriatic	95,000 00	102,543 14	69,377 43	
Do	Atlantic	10,000 00			
Do	Magnolia	1,200 00			
Do	Mercy A. Howe	4,000 00	3,500 00		
Do	North America	4,000 00	1,500 00		
Do	A. J. Bird	20,000 00	4,569 00		
Do	Arcole	25,000 00	60,599 05	111,196 00	
Do	E. F. Lewis	6,400 00	13,933 00		
Do	Empress Theresa	30,000 00			
Do	Etta Caroline	3,500 00			
Do	Floral Wreath	10,000 00			
Do	Glenavon	80,000 00		15,000 00	
Do	Howard	12,000 00	323 91		
Do	James Frinck	24,000 00			
Do	James Littlefield	40,000 00		11,000 00	
Do	Josiah Achorn	8,000 00			
Do	Lamont Du Pont	13,000 00	680 00	680 00	
Do	Pearl	1,500 00			
Do	Roane	4,000 00			
Do	Spokane	8,000 00			
Do	T. D. Wagner	25,000 00			
Do	Vapor	11,300 00		1,005 68	
Do	William Bell	24,000 00			
Do	P. C. Alexander	21,300 00			
Do	Restless	4,478 00	4,419 00		
Do	Carrie Estelle	22,000 00	1,040 00		
Do	A. Richards	23,000 00			
By the Georgia	Bold Hunter	47,000 00	3,015 20	26,000 00	
Do	Constitution	50,000 00	23,628 68	50,000 00	
Do	Dictator	90,290 00	16,180 00	20,000 00	
Do	Good Hope	35,000 00	43,592 60	70,000 00	
By the Nashville	Harvey Birch	65,000 00			
Do	Robert Gilfillan	21,800 00	14,569 37	16,050 00	
By the Retribution	Emily Fisher	2,161 45	18,704 52	9,352 26	

Statement showing the number of vessels and value of cargoes destroyed by confederate cruisers, &c.—Continued.

Cruisers.	Name of vessel.	Value of vessel.	Value of cargo.	Amount of insurance in United States companies.	Amount of insurance in foreign companies.
By the Chickamauga	Emma L. Hall		$26,184 00	$45,301 00	
Do	Mark L. Potter	$43,000 00	7,149 16	8,750 00	
Do	Otter Rock	6,191 78	4,430 00		
Do	Shooting Star		14,483 85	61,500 00	
By the Sumter	Arcade	4,500 00			
Do	D. Trowbridge	8,500 00	9,486 60		
Do	Eben Dodge	25,730 80		2,250 00	
Do	Golden Rocket	40,000 00			
Do	Joseph Maxwell			6,994 44	
Do	Joseph Parks			4,900 00	
Do	Neapolitan			11,486 00	
Do	Vigilant	50,000 00		13,000 00	
By the Jefferson Davis	Wm. E. McGilvery			4,752 00	
Total		1,226,444 03	425,253 65	671,434 81	

RECAPITULATION.

Number of American vessels destroyed by all cruisers	194
Number of vessels destroyed by vessels other than the Alabama, Florida, and the Shenandoah subsequent to February 18, 1865, and their tenders	62
Value of vessels destroyed by cruisers other than the Alabama, &c., so far as reported	$1,226,444 03
Value of cargoes on vessels as above, so far as reported	425,253 65
Amount of insurance on vessels and cargoes on vessels as above, so far as reported	672,494 81

A majority of the Judiciary Committee have reported a bill providing for the payment from the Alabama fund of the first three classes of claimants enumerated in their report:

1. It proposes to pay all "claims directly resulting from damage done on the high seas by confederate cruisers, whether inculpated or exculpated, whether British-built or otherwise."

It proposes to pay—

For claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser.

It proposes to pay—

For claims for sums actually paid for insured property destroyed on the high seas by such confederate cruisers, except sums for which judgments have been entered under section 12 of said chapter.

This gracefully omits to name insurance companies but nevertheless provides for them, although their war-premium risks resulted in profit.

These claims will swallow up all the fund and leave nothing to the Government for its losses or for those of the people.

That it will operate as a gross wrong upon the Government and citizens of the United States seems to me susceptible of the clearest proof.

1. The inculpated and exculpated cruisers alike destroyed ships owned or chartered by the Government and destroyed cargoes and other property of the nation besides.

This sufficiently appears from a memorandum furnished from the Navy Department, as follows:

NAVY DEPARTMENT, *Washington, April*, 1876.

The United States steamer Hatteras, sunk by the Alabama January 11, 1863. Expenses of Navy Department for Hatteras:

Bureau of Navigation	$6,082 00
Bureau of Ordnance	6,436 14
Construction and repair	110,000 00
Provisions and clothing	4,500 00
Total	127,018 14

Bark Greenland,* captured July 9, 1864, by Florida, with nine hundred tons of coal. Expense, $30,115.

Bark Whistling Wind,* captured by Coquette, tender to Florida, with four hundred and fifty tons of coal. Expense, $22,362.

Hatteras			$127,018 14
Greenland	Vessel	$23,500 00	
	Cargo	6,615 00	
			30,015 00
Whistling Wind	Vessel	20,000 00	
	Cargo	2,362 00	
			22,362 00
Total			179,495 14

The bill proposes to pay citizens for losses of this character, but makes no provision for the Government loss precisely similar. No provision is made for a suit by the United States against the United States. The Government is regarded as "having no rights" which "Congress" is bound to respect.

Ships and cargoes of American citizens destroyed by inculpated cruisers were insured by foreign underwriters who paid for their loss. Neither the owners nor underwriters make any claim on the fund, and they are expressly excluded by the act of June, 1874. Yet the Geneva award covers this loss, and that portion of the fund represented by it can have no claim on it, except by the Government itself, which is clearly and beyond all doubt entitled to have this covered into the Treasury.

Yet this bill proposes to absorb this portion of the fund in favor of underwriters who have made large profits.

3. The fund was paid to the United States by Great Britain September 9, 1873, and on the same day, by virtue of the act of March 3, 1873, (17 Statutes, page 601,) was "invested in the 5 per cent. registered bonds of the United States," and has been accumulating with interest compounded semi-annually. (House Executive Document No. 149, first session Forty-fourth Congress.) Interest was paid to claimants under the act of June, 1874, from date of loss only at the rate of 4 per cent. not compounded. The award itself covered interest on claims at 6 per cent.

I know that in Williams *vs.* The United States, before the court of commissioners of Alabama claims, it was said "how the interest was computed is not known." But it *is known*, and it was 6 per cent. Sir Alexander Cockburn, chief justice of England, the British arbitrator, who, in filing his reasons for dissenting from some of the provisions of the final award, after discussing the subject of interest, says:

At all events, I see no reason why, under all these circumstances, anything more than the lowest rate of interest anywhere prevailing in the United States should be allowed, and I cannot concur in the rate of 6 per cent. adopted by the tribunal.

The award was for $15,500,000 in gold. (Protocol xxix.) The synoptical table presented to the tribunal by Mr. Staempfli on the 2d of September shows that a computation of interest thereon at 6 per cent. for eight years and eight and a half months, since the losses occurred, would make in round numbers the amount of the award. (Protocol xxix.)

The fund has thus enlarged and accumulated. The difference between the 5 per cent. accumulation since the fund was invested and the 4 per cent. allowed on claims will reach near a half million dollars, besides the difference between 6 per cent. included in the award and the 4 per cent. on losses adjudicated under the act of June, 1874. Yet the bill with no shadow of justice proposes to take this accumulation and give it to underwriters who profited by the war.

4. The award of the Geneva tribunal was paid in gold, and the claims allowed under the act of June, 1874, were paid in greenbacks at a discount of 12 per cent. or more on gold. The difference would furnish some measure of compensation to the Government for administering the fund, but this difference yet remains in the fund as an accumulation of it of more than a million. The effect of this bill will be to take this accumulation discounted from claims declared to be valid and just by the act of 1864 and to give it to underwriters rejected by the Congress of 1874, and whom the pending bill declares as the least meritorious of all claimants and only worthy of consideration when other classes are fully paid. Whether the act of 1874 makes any adequate provision for re-imbursing the United States for administering the fund and adjudicating claims, it may be well to consider; but the bill now proposed makes no pretense of a provision for it.

In all its purposes the bill seems to display great skill in ignoring every right of the Government and all the equities of the whole people, both heavy losers by the war. The measure of its justice consists in taking from those who have been losers by the war and giving almost exclusively to those who have profited and grown rich by it. And this is done in the name of justice and statesmanship. Not one of the classes of claims proposed to be paid by the bill has any legal, equitable, or just claim on the fund.

This I proceed to show.

The claim now made upon the fund in behalf of the underwriters is by far larger in amount than that made by all other claimants.

I propose, therefore, first of all, to consider the claims of insurance companies upon the fund.

The act of June 23, 1874, creating the court of commissioners of Alabama claims provides for re-imbursing all underwriters who paid for ships or cargoes destroyed by inculpated British-built confederate cruisers, subject to exceptions declared in these words:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or oth-

* Captured while conveying coal under charter with the Navy Department.

erwise, in the right of a person or party insured as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance the same shall not be greater than such excess of loss. And no claim shall be admissible or allowed by said court arising in favor of any insurance company not lawfully existing at the time of the loss under the laws of some one of the United States.

Congress has gone very far in its bounty to underwriters. The court of commissioners of Alabama claims decided on the 12th of April that—

Insurance companies and insurers cannot recover in this court unless they show two things: First, that they suffered damage or prove losses by reason of destruction of property by the confederate cruisers Alabama, Florida, and the Shenandoah after she left Melbourne; and, second, that their business in insuring against war risks during the rebellion caused them a net less; both of which being proved they may recover a sum equal to the amount of such net loss in their business, if their losses by said cruisers amounted to the aggregate of such loss, but in no case greater than the amount of such net loss on such war-risk business.

In determining the net loss, the amounts paid and received for re-insurance are to be taken into consideration.

The effect of this is that if an underwriter sustained *any loss* from an inculpated cruiser, however small, then if upon *all his business* he sustained loss, whether arising from inculpated or exculpated cruisers, he can be re-imbursed for his loss. He may thus recover from this fund for losses inflicted by exculpated cruisers although no part of it was paid by Great Britain in consequence of or to cover such loss. Under this an underwriter can recover for a loss by an exculpated cruiser when the owner could not. This result was not foreseen or intended by Congress. It adopts a principle which gives color to claims by all who suffered losses from exculpated cruisers.

The only question, therefore, remaining to be determined as to the underwriters is whether any part of the fund shall hereafter be paid to those the sum of whose profits in respect of war risks exceeded their losses. In other words, shall underwriters who profited by the war and war premiums be paid additional sums? If the claim of the underwriters is to be sustained, it must be either because they are entitled to a part of the fund by some *principle of law* or upon some *principle of justice.* I will endeavor to show that no claim can be sustained on either ground. And, first, as to a claim on any principle of law.

The chief argument in their behalf is based on the rule of law, that the rights of the assured in the insured property or what may be realized from it. (See Congressional Record of 1873-'74, volume 5, page 3754; Thurman's speech, May 11, 1874; Webster's Works, volume 4, page 156, speech 1835.) No lawyer disputes the existence or soundness of the rule, but how can it be pretended that it has any application here? It is a rule of justice between the insurer and the assured, and extending so far as to be binding on the creditors of the latter, but it is predicated of *actual* loss. The insurer pays for a total loss of the property insured; the owner, or his representatives, are made whole; the amount paid is much more than the premium received. Why should not the underwriter have turned over to him what may be saved from the wreck? There is manifest justice in the rule. The law is all right, but in the class of cases to which it is now sought to apply it neither the law or the facts apply. The parties insured have no claim on the fund to which the insurance companies can be subrogated.

The underwriters cannot claim any part of the fund upon any principle or doctrine of subrogation for several reasons:

First. *The Government holds the fund subject to no legal demand on it, but for distribution in its own discretion.*

This is a mixed proposition of law and fact. And as a proposition of law there *can be no legal right by subrogation against a fund so held.*

That this is the *status* of the fund is proved by abundant evidence. *It was so declared by the Secretary of State, and so understood at Geneva.*

It must be borne in mind in any discussion touching the distribution of this fund that no individual claimant or class of individual claimants have or possess any such right or interest in it as can be held to constitute the basis of a *legal* demand. Prior to the act of Congress of June 23, 1874, there was *no law* which prescribed any mode of distribution or gave any claimant any *legal* right.

The whole history of the arbitration proceedings from the commencement of the negotiations that preceded the conclusion of the treaty of Washington of May, 1871, down to the final award of the tribunal at Geneva, on the 14th of September, 1872, establishes first and beyond question this proposition, namely: That the complaint preferred by the Government of the United States against the government of Great Britain was one for national wrong. It was for this alleged national wrong that the Government of the United States demanded from that of Her Britannic Majesty acknowledgment, and, so far as pecuniary indemnity could be considered as compensation for the wrong, agreed to accept such indemnity. This was the real question submitted to the decision of the tribunal of arbitration at Geneva.

Mr. Secretary Fish, himself one of the commissioners of this Government in the negotiation of the treaty, and who, from his position of the first on the joint high commission, and at the same time the President's minister and chief adviser for foreign affairs, must be supposed to have been in full possession of the views of the Government, in his general instructions to the counsel of the United States at the Geneva tribunal imparted to these distinguished lawyers on the 8th of December, 1871, instructions as follows:

The President desires to have the subject discussed as one *between the two governments*, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the *disposition* of what may be awarded. * * * It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself *free to decide as to the rights and claims of insurers* upon the termination of the case. If the value of the property captured or destroyed be recovered *in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.* It is expected that all such committal be avoided in the argument of counsel. (Papers, &c., volume 2, page 414.)

It will be noticed the Government was not to be committed as to the "*disposition*" of what might be awarded. It was not necessarily to *distribute* the money to claimants, but might *dispose* of it by paying it into the Treasury.

The status of the fund has been determined by a competent court.

The court of commissioners of Alabama claims was created by the act of Congress of June 23, 1874, (18 Statutes, page 245,) for the distribution of a portion of this fund. The attention of the court has been directed to the question of the power of Congress and to its own authority as a court.

In Schreiber and others *vs.* The United States, (page 4 of the volume of reports of decisions,) the court say:

The court of commissioners of Alabama claims was, by the act of 23d June, 1874, constituted *a court*, not in form merely, but in every essential attribute of *a court.* * * * Its jurisdiction is certainly limited to a particular class of subjects, but within the range of its jurisdiction its power to hear, to decide, and to enter judgment is as complete as could be claimed for any court of the most enlarged jurisdiction.

In Williams *vs.* The United States, (pages 2 and 3,) the court say:

Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been he had not the power to obtain compensation from Great Britain by his own act. * * *

The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty. * * *

It is clear the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it *the claimants had no legal right to it except that which this Government, by its own acts, chose to accord.*

Raynor, Justice, in Hubbell *vs.* The United States, (page 3,) says:

Nothing can be found in those proceedings *to limit or control good faith on the part of our Government in making such allowance to claimants before us as in their judgment and discretion Congress might think proper.* In fact the very able committee to whom the British board of trade referred the investigation of the points at issue say in their report:

"The proper compensation for the losses occasioned by the cruisers is the question we have to examine, but with the mode of distributing that among the various claimants, *the American Government alone is concerned.*"

It does not appear from the award or protocols what claims or losses are included in the amount awarded.

The agent of the United States (volume 4 of the papers relating to such treaty, pages 7 and 8) states:

The deliberations of the tribunal on the subject of damages were held with closed doors. * * * It does not appear in the protocols how the arbitrators arrived at the amount. * * * I felt sure that the arbitrators would not consent to send the case to assessors. * * * We therefore devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the sum.

Here, then, is a judicial determination against any right existing by *subrogation.* The fund, in fact, was not given as *compensation for injuries to citizens*, but as *recompense for a failure to perform neutral duties;* for the *wrong of a nation against a nation.* This was well understood by the British government during and after the deliberations of the Geneva tribunal.

Mr. Gladstone, the premier at the time, speaking from his place in the House of Commons, said:

No claims of individuals have been submitted to the arbitration in relation to the Alabama. What was submitted to arbitration was entirely a question between the two governments.

And this he said in specific reference to underwriters and others who had property destroyed by the Alabama.

And in the final argument on behalf of the United States, Mr. Davis said the tribunal "should have regard to all considerations of damage or injury *to the United States* within the scope of the arbitration."

It will throw light on this question to consider what preceded the treaty of Washington. The Johnson-Clarendon treaty, designed to settle our difficulties with England growing out of the war, contemplated compensation to individuals. It was characterized in the Senate as "a bundle of private claims," and for this reason it was rejected.

The demand of our Government for indemnity from Great Britain rested upon wrongs which furnished a just cause for war, and therefore the reparation belongs to the nation. (Halleck's International Law, page 629.)

There was manifest reason and propriety in reserving to the Government a right either to distribute the fund in its discretion to individual claimants or, as Secretary Fish said, make any other "*disposition*" of it deemed proper. If, as the fact is, the loss occasioned by the destruction or some of the American vessels and cargoes fell exclusively on the *whole people* of the country, *their* equity to be re-imbursed by covering

a portion of the fund into the Treasury is higher than that of underwriters who not only lost nothing but absolutely made large profits from "war-risk" premiums.

This is a sufficient answer to the theory that the United States received the fund—

And hold it *in trust* to be applied in satisfaction of a certain class of injuries to citizens of the United States, for which Great Britain was adjudged by the tribunal of arbitration to be responsible, and not otherwise. (Views of Mr. KNOTT, of minority of Judiciary Committee, page 5.)

The Government is not embarrassed by any such trust. A trust leaves no discretion but to execute it in favor of the *cestui que trust.* (Gracie *vs.* New York Insurance Company, decided by Chief Justice Kent.)

Article 10 of the treaty provided that—

In case the tribunal finds that Great Britain had failed to fulfill any duty or duties as aforesaid, and does not award a sum in gross, a board of assessors shall be appointed to ascertain and determine what claims are valid and what amount shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, *according to the extent of such liability as decided by the arbitrators.*

But the award was of a *sum in gross* and was not under the article.

The assessors under this article must have decided specifically on claims, but because this might possibly have given money to insurance companies not entitled to compensation like those now asking it and because it might possibly have left Congress no discretion to so apply a portion of the fund as to indemnify the whole people on whom a large part of the losses ultimately fell, the Geneva tribunal made an award in gross, leaving Congress unembarrassed by any trust and "without committal as to the mode [either] of *distribution* [or] *disposition.*"

The underwriters find no sanction for the demand they now make in any trust, for none such exists.

Second. The doctrine of *subrogation* has no application to this fund, because it exists only as a rule of the *common law* and in *equity jurisprudence,* but not as against nations in asserting rights or performing duties arising out of *international* law.

The common law is one system; international law is a very different system.

The common law rests upon reasons applicable to the condition of persons; international law upon reasons applicable to nations.

The distribution or disposition of the fund is not a subject for the application of municipal or common law, but is for the decision of statesmanship and the application of broad principles of justice as applied to particular claimants and the whole people.

We are not now arguing a case as counsel for underwriters in a common-law or equity court, but we are exercising the powers and duties of statesmanship, bound by no merely technical or arbitrary rules, but guided by enlightened principles of justice and right among men. It would be just as appropriate to cite now the dead and buried laws of Lycurgus, or those of China and Japan, as to cite municipal law, for none of these have any relation to the subject under consideration.

But, if we were now in a common-law court, the underwriters are aided in their claim by no principle of the common law.

Third. *The underwriters have no right of subrogation on common-law principles applicable among citizens which could reach this fund.*

If nations could be measured in their liabilities and duties by the narrow rules of the common law applicable to the affairs of natural or corporate persons, even then the underwriters would have no claim on this fund arising from the doctrine of subrogation.

The inculpated cruisers were the active and operating agents in destroying ships and cargoes to the damage of their owners and underwriters.

The British government did no act and omitted no duty with a view to destroy any particular ship or cargo. The wrong of that government consisted in omitting to prevent the fitting out and sailing from British ports of the confederate cruisers. The wrong was aimed at and intended to be injurious to the American Republic in its national capacity and to the people as a whole. It was an omission of duty through which the cruisers found an opportunity to divert the naval power of the Republic from the suppression of the rebellion and at the same time destroy ships and cargoes of our citizens.

This leads me to state the rule of the common law as to subrogation between private persons.

The right of *subrogation* exists in favor of an underwriter who has been subjected to liability and made payment on a policy of insurance to all actions against the person whose negligence or wrong is the *proximate* cause of loss to the assured. But it does not *in addition* leap over this wrong-doer to reach one never guilty of any act or omission designed to cause the particular loss, but only guilty of an omission of duty through which the actual wrong-doer has found the opportunity to cause the loss. The active agent in the wrong may be reached by the right of subrogation. The *causans* incurs the liability, but not the *causa causans,* and by so much the less a party who, guilty of a general wrong purpose but none in the particular case, has afforded opportunity to the actual wrong-doer to inflict damage.

These I assert as principles of common law applicable to natural and corporate persons.

Let us see if I state them correctly.

That the right of subrogation exists against the immediate agent in causing the loss as I have stated will be admitted on all hands. I am not now saying whether the Alabama or her owners or those in command could be held liable in courts for an act done in war. That is a totally different question; but as between natural persons not exercising belligerency the rule is, beyond controversy, as I have stated. Assuming, then, that the commanders of the confederate cruisers were guilty of wrong in destroying American ships insured by underwriters, and that the owners could maintain an action in court against the commanders, and that the underwriters who paid the loss would be subrogated to this right of action, it does not follow that a similar right of action would exist against the British government for the *other* and *different wrong* of which it was guilty.

Its wrong was not *participation in the destruction of ships,* but an *omission to prevent the cruisers from sailing from British ports.*

In Dixon's Treatise on the Law of Subrogation it is said as to underwriters:

The right of subrogation exists in favor of an insurer who has been subjected to liability and made payment on a policy on the happening of the loss, to all actions against the person by whose negligence or wrong the loss was caused. (Page 151.)

This is a clear and full statement of the entire extent to which the right of subrogation exists. It will be noticed it goes only—

Against the person by whose negligence or wrong the loss was caused.

That is, against the person who is the *proximate* cause of the loss.

But it does not reach those whose omission of duty in other respects may have opened the way through which the actual wrong-doer passed in *his* wrongful purpose to cause a loss.

The rule as here stated would reach the commander of the cruisers "by whose wrong the loss was caused," but would not reach Great Britain who opened the doors of her ports to permit the commanders and cruisers to pass out to sea for the general purpose of preying on American commerce.

It may be noticed that every case cited by Dixon is limited to the action against the wrong-doer whose act was the *proximate* cause of the loss.

I feel safe in asserting that *not one case can be found in all the books which carries the subrogated right of action beyond the person whose wrong was the proximate cause of the loss.*

The case of Comegys *vs.* Vasse, 1 Peters, 193, has been cited as an authority against this position, but it directly proves it, and shows that the right of subrogation now claimed against the Alabama fund finds no sanction upon any principle of subrogation.

By the Spanish treaty of 1819 our Government, in consideration of the cession of Florida, agreed—

To make satisfaction * * * to citizens of the United States for all claims upon the government of Spain arising from the unlawful seizures at sea and in the ports and territories of Spain or the Spanish colonies. (8 Statutes, page 258, articles 9–11.)

The treaty and the act of March 3, 1821, created commissioners to assess the damages, (3 Statutes, page 639.) Vasse, as an underwriter on vessels of American citizens, had paid for vessels captured and carried into Spanish ports and abandoned to him. Vasse became bankrupt and assigned his effects to Comegys. The commissioners in 1824 awarded to Comegys $8,840, which was paid from the Treasury.

Vasse sued Comegys to recover this, upon the ground that it did not pass by the assignment. But the court held it did. Mr. Justice Story, in commenting on the effect of an abandonment for total loss and full payment by the underwriter, cited authorities to show that the *spes recuperandi* belonged to the insurer, and he said of their reasoning that it–

Goes to show that whatever may be recovered or received, whether in the course of judicial proceedings or otherwise, as a compensation for the loss belongs to the underwriters.

That was a case where the Spanish government assumed the act of Spanish subjects in seizing American vessels. The wrongful act thus made the act of Spain was the *proximate* cause of the loss.

In this respect it differs from the wrong of Great Britain. The wrongful act of the confederate government and cruisers was the proximate cause of the loss for which the underwriters now ask compensation, not the wrongful omission of duty by Great Britain.

In the Spanish treaty our Government for a valuable consideration *agreed to pay* our citizens damages for the unlawful Spanish seizures. Under the treaty of Washington our Government made no such agreement, but reserved the right to "*dispose*" of the fund in its discretion.

The underwriter Vasse suffered loss, while the underwriters whose claims I insist shall be denied made their war insurance a source of profit.

Under the Spanish treaty no claim was made except by Vasse and his right was not controverted. Now the claim of the underwriters is controverted, and Congress by the act of June 23, 1874, declared them entitled to nothing.

The losses by Spanish seizures fell exclusively on ship-owners or underwriters; the losses resulting from confederate cruisers fell largely on the whole people.

The opinion of Justice Story was in a case which furnishes no analogy for questions now to be decided, and gives no color to any right by subrogation.

Substantially the same remarks apply to the case of Randall *vs.* Cochrane, 1 Vesey, 98, in which no element mingled but the naked question whether a fund confessedly created to pay a loss belonged to the assured, who had already been fully paid by the insurer, or to

the insurer himself. It was not difficult to decide that the assured had no right to double payment. The case of Rogers *vs.* Hosack's Executors, 18 Wendell, 319, adds no new principle to the cases which I have already mentioned.

As to all the cases cited to support the claim of the insurance companies on the ground of *subrogation*, it is certain they only relate to claims of underwriters—

Against a fund which has by the terms of an award been in so many words given to a specified owner. (Campbell *vs.* Mullett, 2 Swanston, chapter 551, margin.)

This is by no means the condition of the Alabama fund.

The opinion of Attorney-General Hoar (13 Opinions, 182) merely recognizes the "rule of subrogation in a case where, under the statutes of the United States, the Government was legally bound to pay for a vessel which had been lost."

That was a case over which a judicial court could take cognizance founded on legal right; but here there is no judicial cognizance, no legal right, no moral obligation, or equity in favor of the underwriters.

It has been alleged in support of the claim of the underwriters that the British-American mixed commission, under the twelfth article of the treaty of Washington, awarded damages to underwriters for British property destroyed or damaged by American vessels. (17 Statutes, 868; Congressional Record, volume 5, for 1873-'74, page 3754; volume 6; Papers relating to treaty of Washington, being Hale's report, page 196.)

It is sufficient to say that any claims of this class occupy substantially the position of claims under the Spanish treaty of 1819. By the treaty of Washington it was provided in substance—

That all claims of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, * * * shall be referred to three commissioners, who shall carefully examine and decide according to justice and equity all such claims as shall be laid before them.

The commissioners were also to decide in like manner all such claims of citizens of the United States against Great Britain other than claims growing out of the British-built confederate cruisers.

In the distribution of indemnities or funds like that derived from the British government, Congress has denied the claims of underwriters, as now asserted in this bill, either by subrogation or otherwise. It was refused after full discussion when the act of June 23, 1874, was passed. This only followed the usage of Congress.

Governor Washburn, of Massachusetts, the honest and faithful chairman of the Committee of Claims in this House for so many years, gives his testimony as follows:

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, January 24, 1873.

DEAR SIR: While I was on the Committee of Claims for six years several cases of insurance companies were presented where property had been lost or destroyed on which they had paid the insurance. The committee always dismissed the claim on the ground that they were *paid for the risk*, and could not ask the Government to hold them harmless.

Yours, truly,

W. B. WASHBURN.

GEO. A. SHATTUCK, Esq.

And this accords with the practice of the British government.

In support of this I will read a clear and forcible statement of this subject, as follows:

British property was in, and British underwriters had insured the cargoes of, ships which were destroyed by the Alabama. They, claiming that by the Geneva award American citizens had been indemnified for similar loss, asked indemnity of their government.

Under the advice of the law officers the British government rejected their claim.—*London Times*, May 24, 1873, as quoted in *Foreign Relations of the United States*, 1873, part 1, page 363.

During the debate in the British Parliament Mr. Anderson asked:

"If we were obliged to pay for damage sustained by the Americans by reason of the conduct of the Alabama, why were we not equally bound to pay for the damage sustained by our own subjects by reason of the acts of that vessel?"—*London Times*, May 27, 1873; *Foreign Relations United States*, part 1, page 371.

Mr. Gladstone, then prime minister, said:

"It appears to be implied that the government submitted the claims of *certain persons* not subjects of Her Majesty to arbitration.

"*This is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the Alabama.*

"*What was submitted to arbitration was entirely a question between the two governments.*"—*Idem.*, page 377.

If the claims now asserted by the underwriters had accrued in time of peace and if the nations concerned could be subjected to common-law rules, this law would not permit the insurers to leap over the commanders of the confederate cruisers and the confederate government itself to seek indemnity from the British government. This would be a remedy *per saltum*. No rule of the common law, civil or criminal, would give a right of action or prosecution.

Great Britain did not by any act of hers attack any American ship. She could not be criminally responsible, even if subjected to laws applicable to natural persons, because that would require evidence of a specific intent on her part to aid the attack on a particular ship destroyed. (Ogletree *vs.* State, 28 Alabama, page 693; 2 Southern Law Review, new series, page 91, April, 1876.)

In Langredge *vs.* Levy, 2 Meeson & Welsby, page 530, an action was brought to recover damages resulting from a fraudulent misrepresentation of property sold, and it was claimed in argument—

That wherever a duty is imposed on a person by contract or otherwise, and that duty is violated, *any one* who is injured by the violation of it may have a remedy against the wrong-doer.

But Park, baron, denied that this was law in its full extent, and said he could not maintain—

A principle which would lead to that indefinite extent of liability.

To create liability, he said, the act complained of must result—

Not from an act remote and consequential, but one contemplated by the defendant at the time as one of its results.

This was sustained in Winterbottom *vs.* Wright, 10 Meeson and Welsby, 107, by Lord Abinger.

The supreme court of Ohio, in a case involving this principle, said:

The influences of human conduct, good or bad, are far-reaching, and are often seen and felt in consequences exceedingly remote but uncertain and complicated. It is simply impossible that *municipal* law should take cognizance of all these consequences. From necessity a large share of them must be left to the jurisdiction of public opinion, individual conscience, and finally to the retributions of another world. (Wells *vs.* Cook, 16 Ohio State R., 73.)

In 2 Greenleaf on Evidence, section 562, it is said:

The damage to be recovered must always be the natural and *proximate* consequence of the act complained of. This rule is laid down in regard to special damage, but it applies to all damage.

The *remote* consequences of a wrong are not the subject of relief by municipal law.

The claim of the underwriters against Great Britain, or the fund which she paid, is not so strong as would be the right of a life insurance company to an action against a party wrongfully killing a person on whose life a policy had been issued and the loss paid. But such right of action does not exist. (Connecticut Life Insurance Company *vs.* New York and New Haven Railroad, 25; Connecticut, page 235.) No action against an incendiary accrues to a fire insurance company which pays a loss by his crime. (Rockingham Insurance Company *vs.* Borker, 39 Maine, page 253; Clark *vs.* Inhabitants, 2 Barnewell & Cresswell, page 254.)

The British courts are open alike to subjects and aliens on a petition of right; but the underwriters would find no redress there, because the courts cannot say the political power has done wrong. (Law of Claims against Governments, page 192-206, being House Report No. 134, second session Forty-third Congress; Mississippi *vs.* Johnson, 4 Wallace, page 497; Gibbons *vs.* The United States, 8 Wallace, page 269; Campbell *vs.* Mullett, 2 Swanton's Chancery, [552,] page 587.)

But Great Britain was not exempt from liability. Her liability arose by no rule of common law. It existed by international law, and was settled in the modes which that law pointed out.

Diplomacy is the peaceful remedy, and arms the remedy of last resort. The remedy has been sought against England, restitution has been made, and now the fund which has resulted so far as not already distributed is to be "*disposed*" of—not necessarily "*distributed*" to individual claimants—as the principles of justice require.

If it were necessary to pursue this inquiry further it might be urged that although our Government had a right to demand of Great Britain reparation for her wrong, yet the underwriters could make no such demand.

The commanders of the inculpated cruisers were the immediate and direct agents in destroying American ships. They were guilty of the wrong. Great Britain was not even an accessory before the fact. Her wrong was the failure to prevent the cruisers from going to sea.

But the owners of ships destroyed have never been able to pursue any remedy against the cruisers or their commanders, the principals in the wrong, and they could not legally pursue even an accessory where a principal could not be pursued.

Neither the ship-owners nor underwriters have sought any remedy by action in court against the commanders of the inculpated cruisers. If they are protected from such action in court by their belligerent character, then it is difficult to perceive how a claim could arise on ordinary legal principles in favor of ship-owners or underwriters against Great Britain for her indirect agency in the wrong. If the commanders of inculpated cruisers are not protected from civil action by their belligerency, as may be inferred from the rulings of courts in West Virginia and elsewhere, then ship-owners and underwriters should exhaust that remedy before making a demand upon this fund, which is subject to the claims of the Government and citizens of the whole country upon it as indemnity for losses sustained by and in consequence of the war.

The underwriters, then, have no claim upon this fund upon any *principle of law*.

I now proceed to show that the equitable demand on behalf of the whole people to cover this fund into the Treasury is stronger than any claim of the underwriters upon it.

The underwriters provided for in this bill have no claim upon the fund, for reasons which I will state rather than argue, as follows:

1. Because they suffered no loss, but made profit from their aggregate war risks.

To appropriate money now for their benefit will simply verify the declaration of Holy Writ, which proves that the penalties of misfortune shall be increased: "To him that hath shall be given, but from him that hath not shall be taken away even that which he seemeth to have."

2. Money given to cash insurance companies now, will operate as a *bonus* in favor of stockholders now, who as a general rule were not stockholders during the war, and who consequently have no shadow of equitable claim on the fund.

3. As to mutual-insurance companies, the same objection appears with still greater force.

4. The claims of the insurance companies were rejected by the Geneva tribunal, which, as their award says,

Set aside all *double* claims for the same losses,

meaning the claims of underwriters for losses which had already been presented by and in the name of the Government.

5. Because the Geneva tribunal *refused* to make an award under article 10 of the treaty, which would have required a board of assessors to pass on specific claims in favor of persons, thus possibly raising an equity or trust in their favor, and instead of this awarded a sum in gross to the United States to avoid any possible claim of underwriters.

6. Because, as already shown, the underwriters have no legal claim on the fund.

7. Because, as already shown, the award was specifically compensation *to the nation*, on a *national claim*, and for *national damages*.

The *cause of action* was the wrong of Great Britain in failing to observe an international duty to the United States.

8. Because the uniform usage of Congress in the distribution of indemnities has been to reject the doctrine of subrogation, as proposed by this bill, in favor of underwriters.

9. Because this is the universal rule of law in England and other countries.

But it may be said if the underwriters should be excluded from all share in the Alabama fund, because on their aggregate war risks they made profit, the same rule should be applied to citizens who lost cargoes and vessels having no insurance, if upon these aggregate ventures they made profits.

It may be true that the same rule should be applied. Certainly if they made *reasonable profits* they have not suffered any loss which should be re-imbursed. And if they made such profits the *loss* has not fallen *on them*, but has in fact fallen upon those from whom the profits were made—from the whole people—the consumers of imports and the producers of exports. It is certainly good morals and exact justice that the fund created *to meet losses* should be *distributed for the benefit of those who sustained the losses*. If in the act of 1874 a mistake was made in this respect, it is now too late to remedy it.

But it is not correct to say that in all cases the same rule should be applied to private citizens that should be applied to underwriters, whether citizens or corporations. Underwriters, whether citizens or corporations, exercise a *public function* which concerns the whole people. Corporations owe their creation to legislation; they exercise such powers as the law authorizes; they are subject to legislative regulation, and they are *entitled to such rights as the law has already given*. Their claim to powers and to rights are alike to be *strictly construed*. The *law has given them no right to any part of this fund*, as has been abundantly shown, and if we now give it to them we thrust upon them a gratuity to which they have no right in law or equity and no just claim in conscience or good morals.

And now, as compared with the demands of the underwriters, what are the equities of the whole people to have the residue of this fund "covered into the Treasury" for their common benefit?

During the war American ship-owners and merchants chose to carry on commerce with foreign nations. The advantage of sailing under the American flag was, besides others, that our ships escaped *tonnage-duties* which were required of foreign bottoms, (Revised Statutes, § 4219.) This was a vast advantage. It is to be presumed, and the fact undoubtedly is, that the carrying trade and the commerce as a whole were profitable to ship-owners and to merchants. But, whether it was or not, they chose voluntarily to embark in the business and to run the risk. The Government never undertook to guarantee success or profits in this business nor in any other in which our citizens were engaged. Ship-owners and merchants knew the dangers of the war and they took its risks. They generally indemnified themselves from loss by insurance against war risks, for which they paid war premiums.

For all the risks ship-owners charged such freights, and merchants, exporters, and importers added such percentage to the cost of commodities as paid for all and gave a profit besides. Ship-owners lost ships; exporters and importers lost goods by the wrongful acts of confederate cruisers, but they were as a class, and as a general rule, made whole with profits added by the rates and prices charged on other transactions. They were generally saved from particular losses by insurance, or, if not, it was because they chose to save the cost of insurance in the prospect of enlarging their gains. The war risks and war losses fell on the producers of exports and the consumers of imports. They alone were the losers by the war. Because of this a demand was made upon Great Britain in the name of the United States and for the national loss. The demand was sustained in this character, as compensation for the loss, and in terms which exclude all legal demand of individual claimants. Congress has very liberally and justly paid from the fund all individual and corporate claimants who suffered loss on account of any wrong for which indemnity was given by Great Britain.

The unappropriated residue of the fund should be covered into the Treasury for the following reasons:

1. It was "indemnity paid by Great Britain to the United States" as a nation, and for a national loss, and is therefore *in law* the property of the nation.

2. The whole people having suffered the loss growing out of the wrongs of Great Britain for which the indemnity was paid, the whole people may *in justice* as well as law demand that the indemnity be now covered into the Treasury as part compensation for their losses.

3. None of the claimants under the bill have any *legal* right to any part of the fund.

4. None of them have any right arising from loss resulting from the wrong of Great Britain for which the fund was paid as reparation.

I now proceed to notice another class of claims provided for in this bill. It proposes to re-imburse citizens who paid "premiums for war risks * * * after the sailing of any confederate cruiser."

These parties have no claim in law or justice on any part of the fund. I will simply state, rather than argue, the reasons which seem to me conclusive on this subject. They should not be re-imbursed—

1. Because the Geneva tribunal of arbitration decided in accordance with international law that "these claims do not constitute upon principles of international law * * * good foundation for an award of compensation." Here is an adjudication against the claimants by the highest competent tribunal. The question is *res adiudicata*. The claimants are supported by no law.

2. The claimants *sustained no loss*. The war premiums they paid, like other expenses of prosecuting business during the war, attached to commodities produced or consumed by the people on whom the whole burden ultimately fell.

3. If the claimants had sustained loss, they are in no better condition to indemnity out of this fund than any other class of citizens who in consequence of the war suffered loss in business from the public enemy. It is a rule of public law that all residents of a country take the chances of war. The Government is not liable for damages done by or growing out of the acts of the enemy.—*House Report* No. 134, second session, Forty-third Congress, page 266.

The report of the majority of the committee says as to these "war premiums:"

It is alleged that in some instances the premium was also insured, and that some benefit was received by this class of persons by the non-payment of the tonnage duty required from persons sailing under foreign flags. If the Congress conclude that these war premiums should be paid, it can provide for the proper deductions, so that the actual loss only shall be received by the claimant.

But the bill ignores even this, and proposes to make *double payment*, and that, too, without deductions in consequence of exemption from *tonnage duties*.

As to this class of claims it is urged that the Government *abandoned* them in *consideration* of the "*three rules*" of international law agreed upon in the treaty. The report of the majority of the Judiciary Committee submits its proof as follows:

The treaty of Washington also contained, as before suggested, international rules regarded by the United States as far more valuable than any pecuniary remuneration.

This further appears by the fact that in the interval between the Clarendon-Johnson treaty and the treaty of Washington the President recommended to the Congress the taking of proof as to the ownership of the claims against Great Britain, and their settlement by this Government with the view of vesting the ownership of the private claims in the United States.—*President's message*, December 5, 1870.

The Earl of Granville, writing to the American minister under date of March 20, 1872, states in regard to the concessions of the treaty of Washington:

"Nor can it have been expected by the Government of the United States that concessions of this importance would have been made by this country if the United States was still to be at liberty to insist upon all the extreme demands which they had at any time suggested or brought forward." (Volume 2 of Papers relating to Treaty of Washington, page 438.)

The American minister, page 516, says:

"I think the principle declared in this article (the fifth) for future observance between the two nations is one which, if settled and maintained, must be of inestimable advantage to the United States."

The Secretary of State, in writing of these "indirect claims," page 476, says:

"The United States now desire no pecuniary award on their account. * * * In the correspondence I have gone as far as prudence would allow in intimating * * * that we should be content with an award that a state is not liable in pecuniary damages for the indirect results of a failure to observe its neutral obligations. * * * This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent."

In regard to the withdrawal of the claim for indirect losses (page 526 of such papers) the following appears:

"In consideration thereof the President of the United States, by and with the advice and consent of the Senate thereof, consents that he will make no claim on the part of the United States in respect of indirect losses as aforesaid before the tribunal of arbitration at Geneva."

At page 532 the British minister writes—

"That the Senate considered that the adoption of the wider principle with regard to indirect claims would be an equivalent for the consent given by the President that he would make no claim for indirect losses before the tribunal of arbitration at Geneva."

It is stated by the Secretary of State (page 533) that the President, to preserve such a treaty, "has been willing to make large concessions."

The American minister writes (page 560) to the Earl of Granville:

"I am now authorized * * * to say that the Government of the United States regards the new rule * * * *as the consideration for and to be accepted as a final settlement of the three classes of the indirect claims put forth in the case of the United States.*"

The Secretary of State (page 579) says:

"This is an attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of that character."

The counsel of the United States (page 223, volume 3) state—

"That the United States did not insist on extravagant damages; their object was a higher one, and one more important to them."

The learned counsel (page 224) say:

"We * * * have acted accordingly * * * regarding a mere question of the amount of *national* damages to be awarded as secondary to the higher consideration of the welfare and the honor of the United States."

I have read this extended extract from the report to give the whole argument and the proofs. But if the proof were conclusive, as it is not, will it follow that the Government should pay these claims?

These claims for indirect damage were excluded by the law as laid down in the treaty. The wisdom and justice of the law are not controverted. The law is good law as to these claims under the particular circumstances, and good at all times and under all circumstances.

In securing this declaration of law, the United States performed a duty. The performance of a duty cannot be urged as a reason for charging the Government with liability in damages. A right to damages can only arise from a *wrong*.

And besides, the arbitrators decided, and correctly, that independently of the treaty these claimants were entitled to no compensation from Great Britain, and consequently they have no claim on the fund awarded to our Government.

The rejection of the claims for indirect damages resulted from no "*new rule*" of law. The American minister in so characterizing it did not speak with accuracy. It was an old rule.

When he referred to it "as the consideration for * * * the three classes of indirect claims" he evidently meant only that the plain enunciation of this old rule by a new declaration of it put an end to this class of claims either by our Government or by claimants. The idea simply was, not that the Government had bartered away any valid claim of any citizen or surrendered any real right, but that the declaration of the rule, while it cut off these claims, was worth more to our nation and our citizens than the payment of the indirect damages would have been.

If this Government had secured the payment of the indirect damages it would have "gained a great loss"—the loss to result from a bad rule of law.

The declaration of the rule of law, then, was not in fact a "consideration" for the surrender of claims. This Government "*surrendered*" nothing. It submitted the claims to the proper court, which decided them invalid.

The law which the court announced was not a consideration for the claims, but it was a *consolation* that, though our citizens did not recover or the nation for them, yet our citizens obtained a much more valuable consideration.

There is no ground, then, on which these claimants are entitled to any part of the Alabama fund or to any compensation from the Government.

It might as well be said the Government would be liable for damages if Congress made a new law or declared an old one as in force, which defeated unfounded claims set up against it.

It only remains to consider the question whether those who suffered losses from the *exculpated* cruisers have any claim on this fund or occupy a position in which any portion of it can properly be given to them.

The report of the majority of the Judiciary Committee says as to this class of claimants:

The United States, as successors to the confederacy, became entitled to its war cruisers. The Shenandoah was taken and sold by this Government in Great Britain. (Alabama Claims Correspondence, volume 3, pages 319-447;) which seizure prevented, as has been shown to your committee, the owner of one of the ships destroyed by the Shenandoah before it entered Melbourne from bringing his libel in a British court.

In the view of your committee, the most direct loss is that sustained by the persons who had vessels destroyed on the high seas by the cruisers exculpated by the tribunal of arbitration, as not falling within its view of the three rules of international law established by the treaty of Washington, and by other confederate cruisers during the period of the rebellion.

This refers to the ship Delphine, of Bangor, destroyed by the Shenandoah after Melbourne, December 29, 1864.

After the war the Shenandoah returned to England, was surrendered to the British authorities on the 6th of November, 1865, and they about the 12th of November turned her over as confederate property to Mr. Adams, our minister at the court of St. James.

Upon the suppression of the rebellion, by a well-known rule of public law, the United States as conquerors became the owner of the Shenandoah. The committee do not pretend that the British government, in the Geneva award or otherwise, paid any money to the United States for the destruction of the Delphine or any other vessel destroyed by any exculpated cruiser. On the contrary, the Geneva tribunal decided that Great Britain was in no fault, and so not liable for any act of the exculpated cruisers.

The report of the committee puts the liability of this Government on the ground that its sale of the Shenandoah "prevented" the owner of the Delphine "from bringing his libel in a British court."

If this created a claim in favor of the owner against the Government, his right of action would arise in the nature of an *action on the case*, and would exist independently of the fund. No claim to the *fund* can be predicated on this.

Yet a majority of the committee on this ground propose to compensate not only the *one* claimant alleging this reason for relief, but all others who have no such reason. The assumed merit of his claim is to draw after it all others without such merit.

But the merit is assumed only; it does not exist.

Why should the Government be held liable for the loss of the Delphine? It has again and again been proved that this Government is not liable to our citizens for wrongs done them by the public enemy in war, and no man disputes it. The Government is not liable, then, by reason of the wrong of the Shenandoah.

It is a universal rule of law that when the Government does only what is lawful in the pursuit of its legitimate and appropriate business, it cannot be held responsible in damages. The right to damages is predicated of a wrong by the party liable.

The Government in accepting and selling the Shenandoah performed a duty. The law of nations vested the title of the Shenandoah in the United States. In accepting and selling the Government performed a lawful duty in a lawful mode.

If for this the Government is to respond in damages by the solemn decision of the legislative power of the nation, it will be the first time in the world's history that the performance of an admitted duty has been deemed a reason for punishment.

But if the owner of the Delphine had a right to institute a libel, he failed to do so not from any wrong of the Government.

He could maintain no libel after the surrender of the Shenandoah, and prior to that she was not within his reach. He had no remedy, therefore, with which the Government interfered.

But it is urged again in support of this class of claims that the Johnson-Clarendon treaty comprehended as a ground for damages in favor of citizens of the United States the hasty recognition by the Queen's proclamation of confederate belligerency; that this, if insisted on, would have decreed the payment of this class of claims, (Johnson to Seward, Message and Documents Department of State, part 1, page 411, for 1868-'69; Papers Relating to Alabama Question, volume 3, page 205;) that in the treaty of Washington the United States abandoned this claim, (Papers, &c., volume 3, page 106, 203-205; Report House Judiciary Committee, Forty-third Congress, page 7;) and *in consideration of this abandonment*, the Government received in the treaty an *apology* from Great Britain *and three rules of international law*, neither of which were in the rejected Johnson-Clarendon treaty, (Papers, &c., volume 3, page 205; House Judiciary Committee Report, Forty-third Congress, page 7.)

In the treaty Great Britain did "express regret for the escape of the Alabama and other vessels from British ports and for the depredations."

The treaty provided that the arbitrators in deciding the matters submitted to them should be governed by "three rules," which were agreed to be applicable to the case. These rules were:

A neutral government is bound—

First. To use diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other or for the purpose of the renewal or augmentation of military supplies of arms or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters and, as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties.

After the treaty had been agreed upon the Secretary of State, in his letter of April 23, 1872, to General Schenck, in relation to our claim for *indirect* damages, said:

In the correspondence I have gone as far as prudence would allow in intimating that we neither desired nor *expected* any pecuniary award, and that we should be content with an award *that a State is not liable in pecuniary damages for the indirect results of a failure to observe its neutral obligations.* This Government expects to be in the future as it has been in the past, a neutral much more of the time than a belligerent.

The Geneva tribunal decided that this was the rule of international law on the subject.

The three rules were also rules of international law. They were law prior to and independently of the treaty. The treaty in this respect was only *declaratory* of what was always law. Both parties agreed it was the law applicable to the case. The *consideration* for so declaring it was the *mutual advantage* to result to both parties in the arbitration, and to all nations for all time, of having correct law founded on the eternal principles of right and sound policy well defined and understood.

There is no evidence that our Government *bartered* any right of these claimants for this declaration of law or for the apology.

There is no evidence that our Government bartered away any *duty* it owed to these claimants.

The Government did not urge a claim for damages based on the hasty recognition by Great Britain of confederate belligerency, because the Senate had rejected the Johnson-Clarendon treaty which set up such a claim, or, to speak precisely, *did not exclude it.* The Government did not press this claim, because it did not regard it as based on sound law. It is to be presumed the Government did its whole duty.

The arbitrators rejected the claim for pursuing confederate cruisers, and for the same and still other and stronger reasons must have rejected the remotely consequential damages for hasty recognition of belligerency. It is alleged that the claim for damages based on this hasty recognition was withheld by the Government "for its own interest," (House of Representatives Judiciary Committee, Forty-third Congress, page 7,) and that hence these claimants lost indemnity.

This is a *non sequitur*.

If the claim had been pressed it would have been unavailing.

If it had been a proper claim to make no damages could have been awarded because of any loss of these claimants, for their losses were so long after the recognition that they resulted from the *full-grown war* and not from the prior recognition. The *proximate* cause of loss is the only ground of relief in any case, not the *remote*. But what is meant by saying that the Government omitted to press this claim "for its own interest?"

If "for its own interest," which is the *salus populi suprema lex*, it omitted to press a claim which neither law, justice, nor policy sanctioned, and which would have been injurious to us as a law precedent hereafter, then it *performed a duty*.

We may hereafter desire to recognize the belligerency of Ireland, of Canada, or Cuba, and we may not afford to say the nation shall be called to account for so doing. We cannot afford to make precedents which "may return to plague the inventors."

No citizen can complain of the Government for asserting such principles of law, and so managing its international disputes as will be "for its own interest," and certainly not, if in so doing it asserts sound law and manages its controversies right.

Will it be said the Government should not act "for its own interest," but should imperil its interests and the peace of the world in future in order to secure insignificant claims for money by asserting law unworthy of "the dignitaries who preside on the township bench?"

To conclude, these claimants should not be re-imbursed, because—

1. The Geneva tribunal decided that on principles of well-settled law and justice Great Britain was not liable for this class of damages.

2. The Geneva award having given this fund for *other damages*, it would be a perversion of it to give any portion of it to those claimants who have been solemnly adjudged not entitled to any compensation.

3. These claimants are in no better condition to ask indemnity out of this fund than any other class of citizens who in consequence of the war suffered loss in business from the public enemy.

In view of all that I have said, I believe the Alabama fund, so far as not exhausted in paying judgments under the act of June 23, 1874, and the supplemental act, should be covered into the Treasury for the common benefit of all the people.

The Congress of 1874, in the fifteenth section of the act to which I have referred, declared that—

> When all such payments shall have been made, any such bonds remaining—in which the fund was invested—shall also be canceled and extinguished.

Let us now re-affirm that policy, and do justice to the whole people and wrong to none.

FINANCES.

Mr. PIPER. Mr. Chairman, for the last fifteen years the currency problem has been a fruitful subject of speculation among politicians and political economists. Nominating conventions, national, State, or county, have scarcely met when this question would spring up, and the opinions expressed thereon and the plans of inflation or contraction advocated have been as varied as the faces of the members. The legislator, therefore, who sets himself earnestly to work to discover a remedy for our multifarious financial complaints runs a great risk of becoming a mere theorist, or even of ending his days in a lunatic asylum, through the perplexities arising from the study of these conflicting and confusing dogmas. If the legislator really desires to receive correct answers to these complex financial questions, he had better, like the great lawgiver of antiquity, go up into a mountain apart, not for forty days but for forty years, and, should he come down with a direct revelation from on high, he might find the people worshiping not a golden calf, but more likely a paper idol.

Having had the good fortune, since arriving at man's estate, of living in a community where the circulating medium is real money, it may be said with apparent justice that I can have no correct knowledge of the advantages of money turned out from a printing-press—of money which has no value except that given to it by legislative enactment; I hope, therefore, that my fellow-members and those who may take the trouble to read my views will consider my inexperience and treat me with charity.

It is somewhat ungracious I admit to criticise severely the delusions of others, when under like circumstances we ourselves would probably have fallen into the very same mistakes—for no one can deny that the party in power has made great mistakes on the currency question, having established and still keeping up an unwise and blundering, if not practically dishonest, system of finance. But we should not look into the past except to profit by its lessons in the future, as no good can arise from crimination or recrimination. As wise legislators, without making this a party question or a party issue, we should use all our endeavors to find, if possible, a remedy for the money embarrassments from which we are suffering at the present time; for one of the greatest evils that can befall a country is undoubtedly the curse of an irredeemable paper currency—a very Pandora's box, from which in our case even delusive Hope seems to have escaped, since, according to some predictions, we shall never again resume specie payments.

The precious metals have formed the standard of value from the earliest times and I presume always will, and the great problem of the present day is to ascertain the best method of returning to this standard, nine-tenths of the people of this country earnestly desiring this consummation if it can be accomplished without too great a financial convulsion and too violent a disruption of business relations. Gold and silver are endowed with properties which especially fit them for a circulating medium. The supply, while comparatively limited, is also remarkably steady, and the effect of an increase or diminution of production can be calculated with much more certainty than that of any other commodity. From these peculiarities gold and silver are especially valuable as a universal standard of prices, and by the general consent of mankind, from the remotest antiquity, they have been adopted as the common medium of exchange. This proposition, if necessary, might be supported by illustrations taken from the works of a long series of writers on political economy, commerce, and finance, and by the unconscious testimony of the sacred and profane classics, and of poets and historians of every age. We are met here, however, by a class of theorists who deny that the precious metals are the best and the only true universal standards of value. These Utopian philosophers, having revived doctrines on the subject of money long since refuted by argument and exploded by experience, now present them to the American people with all the airs of original discoverers, and attempt to crush their antagonists with sarcasm and with quotations from the Bible and the old dramatists, from doggrel political squibs and sensational advertisements of quack medicines. Amusing hits at hard-money men are carefully studied out and darted upon them with painful and elaborate precision, but with so ill-concealed an effort, that the veriest tyro can detect the smell of the lamp.

Who can refute a sneer or a witticism? The great master of the art of logic has laid down no rule for answering the argument of a laugh, which in a serious discussion almost amounts to a confession of defeat. The intricate problems of finance discussed by the United States Treasury officers in their reports are not solved by ridicule. When the Comptroller of the Currency endeavors to reconcile principles based on long experience and sound judgment with the imperious demands of ignorant party leaders or the after-dinner theories of a vacillating third-term sphinx, he is not answered by allusions to the "Vicar of Bray" and "Demetrius the silversmith." The Director of the Mint, through a competent and conscientious geologist and chemist, has ascertained that the silver lodes of Nevada are not "pocket mines," and his report, which has removed a black stain from the American character, should not be put in the class of glowing advertisements of patent medicines. The policy of the purchase of silver bullion by Government demands a more serious illustration than the utterly senseless one of the acquisition of a useless door-plate. The prominent participation of a United States embassador with a speculative mining company of doubtful origin has excited serious comment on the low sense of propriety and honor exhibited by high officials, and such a subject deserves graver illustration than a rehash of old jokes, or the sarcasm that if silver continues to depreciate, private manufactories of coin will be established all over the country, especially in the neighborhood of the "Big Bonanza"—a singularly inaccurate statement, since the coinage act of 1873, under the penalty of $1,000 fine and three years' imprisonment, prohibits the making by private individuals of any coin in the resemblance or similitude of the minor coinage.

Again, the truth of any principle or law of finance or trade is not affected by proving that the advocate of any particular line of policy has arrived at incorrect conclusions through the hasty generalization of an insufficient number of separate facts. The hard-money men, under the opprobrious epithets of dogmatists, theorists, and college lecturers, are with apparent triumph referred to Chevalier's essay on the "Probable Fall of Gold," and it is asserted that his plan to establish in France an exclusively silver coinage has failed through the depreciation of that metal in comparison with gold. The inflationists, however, very carefully abstain from quoting Chevalier's arguments or the modifications of his plan which might be rendered necessary in case of an increased production of silver. They content themselves with sneering at the elaborate expositions of the distinguished French political economist, and suppose that he is refuted by the brief comment, "Pretty standards are these commodities which dance so gay a dance in change of value." With what boldness is the ignorance of this House presumed upon when a statement so widely at variance with fact is insinuated rather than asserted! The value of a troy ounce of English standard silver was 59¼ pence, or 121 cents, in 1849, and in 1874 it had fallen to 58 5/16 pence, or 118 cents—a decline of less than 2½ per cent in 25 years. And this small variation in value is spoken of as if silver danced up and down the scale like the mercury in a thermometer tube when breathed upon by a playful schoolboy. Wonderful forgetfulness of the change of value of the paper standard when our paper currency during four years danced up and down as violently as a Mohammedan dervish, and on July 11, 1864, fell as low as 38 cents on the dollar in consequence of an ill-advised attempt to prevent its depreciation as compared with gold.

Silver, it is true, has very recently fallen as low as 52½ pence; but this decline is exceptional and has been caused by the disturbance in the money market created by the payment of the French war indemnity of $963,000,000 and the subsequent attempt of Germany to relieve herself from a flood of depreciated silver coins by changing the metallic standard of value to gold. But this fall had been anticipated since the close of 1872, and could easily be predicted, since Germany during the last three years has been steadily selling silver and buying gold besides making extensive modifications in her paper currency.

But even admitting that Chevalier was manifestly wrong in his predictions, I contend that the bullionists of the present day with a more enlarged experience are not responsible for the errors in his calculations or the mistakes in his theory. A theory is merely useful as a mode of collecting and classifying facts, and the generalized principle derived therefrom may be partially or totally incorrect and yet the observed facts may still remain true. The motions of the planets were calculated with wonderful accuracy under the decidedly erroneous hypothesis that the earth was the center of the cosmical system, and even the correct Newtonian theory was not at first entirely satisfactory, because it did not explain all the phenomena of the motions of the heavenly bodies. In the same way Chevalier's theory in regard to a metallic standard has required modifications, and that eminent political economist, while correctly contending that the increased production of gold would alter its relative value as compared with silver, did not take sufficiently into account the probability that the search for other sources of supply of the less precious metal would be stimulated. He did not estimate at its full extent a wonderful power existing everywhere in nature, to wit—the conservation of an equilibrium of forces. A striking illustration of this principle has occurred within our own experience. The leaders of the southern confederacy placed their dependence upon King Cotton as a power sufficiently strong to compel the recognition of their new government and to disturb the commercial relations between the North and Europe. And yet how mistaken were they in their calculations. Fresh supplies of cotton were furnished by Egypt and India, and the balance of trade was maintained by the shipment of a totally-unanticipated product, coal-oil.

I shall now turn my attention to the theory recently advanced in this House, that "money is a national institution, depending upon the decrees of government, and that this is equally true whether it be of gold, of silver, or of paper." And here let me refer to the "Speeches of Sir Robert Peel" for that eminent statesman's elaborate exposition of the currency question in the debates in the House of Commons in 1844, on the Bank of England charter act; and if, after a careful study of this valuable and exhaustive treatise, the friends of paper money as a national institution are not converted from the error of their ways their sins will only be forgiven on the ground of invincible ignorance.

Among the various sophistical definitions of the standard of value condemned by Peel will be found the following: "The standard of value is neither gold nor silver, but it is something set up in the imagination to be regulated by public opinion." And this definition corresponds very nearly with one of the financial heresies recently advocated in this House. On the other hand, I hold that, according to practice, according to law, according to the ancient monetary policy of this country, a promise to pay a dollar means an express engagement to pay a certain definite quantity of gold or silver with a mark upon it to determine its weight and fineness, and can mean nothing else.

The doctrine that a promise to pay a dollar is satisfied by the delivery of a piece of paper bearing a renewed promise to pay another dollar "when convenient," or, as one may say, "next day after never," would be considered by every one as sheer nonsense; and yet it is not a particle more absurd than the proposition that Congress can direct that a slip of paper bearing the legend "This is a dollar" shall be received as a full acquittance of the obligation. Common sense repudiates such a proposition, and it need only be stated or applied to other ordinary transactions of life to be rejected as visionary. The illustrations of its absurdity are numerous, and the ridiculous results of its practical application are obvious to the meanest capacity. And yet the "baggage-check" illustration is gravely propounded as a solution of our present financial difficulties.

I am yet to learn that a common carrier, no matter how high his credit may be, will hold himself responsible for a trunk "containing tens of thousands of dollars" without a special written contract, or that a traveler without other evidence of property than a baggage-check alone can recover the value of his trunk even to the extent of $100, the limitation placed by the common carrier on his liability. But the illustration does not present a parallel case. According to our modern theorists the promise to deliver the trunk, as implied by the check, would be satisfied by the delivery of another circle of brass covered with letters and numbers, and so on indefinitely, while the unfortunate traveler in the search after his clothes would at last be reduced to the condition of Adam and Eve before the fall. Such arguments and such illustrations are very nearly akin to the theory of "Micawber" or the first republican candidate for President, who actually believed he had paid his old debts by signing new promissory notes which he never intended to pay.

The advocates of an inconvertible currency contend that "standards are fixed, do not fluctuate, are not given to vicissitudes, and do not vary," and that the precious metals, as they do not rigidly fulfill these conditions in every respect, should on that account be rejected and an entirely arbitrary measure of value should be adopted. This notion as to the absolute invariability of a standard is a mistaken one. No man at all acquainted with the history of gold and silver and with the effect of new sources of supply could be so foolish as to assert that the precious metals constitute an absolutely invariable standard of value. The only requisites are that the standard shall not be liable to violent and sudden changes, and that something must actually exist in nature with which it can be compared. Hence the advocates of paper money do not by any means prove their position by showing that gold and silver have fallen within the last three hundred years. These facts are not denied, and time is wasted in proving them. But it has never been proved that gold and silver have become absolutely worthless like inconvertible paper money which rests on an ideal basis.

This Government has always recognized for its units something that exists in nature and something that can be replaced in case of the total destruction of the standards. It has enacted that the dollar shall be one seven-millionth part of 23,220 avoirdupois pounds of pure gold; that the avoirdupois pound shall be equal to the weight of 27.72738 cubic inches of water, and that the inch shall be the thirty-ninth part of a pendulum beating seconds at London. All these units can be ascertained by mechanical means, while new measures would only depend upon a different subdivision of these standards or on the arbitrary will of a body of men changing every two years. Congress has no more power to alter these generally accepted standards than it has to alter the ratio of the diameter of a circle to its circumference. Both attempts would be equally futile.

There is, then, no real standard of value but gold and silver, and the pressing question before us is, how shall we return to that standard? The republicans of Ohio and the democrats of Pennsylvania, in State convention, have both recently adopted resolutions declaring that gold and silver are the only true basis for the currency of the Republic, and that Congress should take such steps for the resumption of specie payments as will most surely reach that result without destroying the business interests of the people. What those steps ought to be I shall now endeavor to show by a practical application of the principles acted upon by the governments of other great commerical countries.

The immense issues of irredeemable bank and State notes during the twenty-five years of war succeeding the outbreak of the French revolution had reduced the finances of the nations of Europe to a deplorable condition, and after a long series of commercial disasters, an attempt was made in Great Britain in 1844 under the lead of Sir Robert Peel to remedy the evils of a depreciated currency. Other nations adopted his plan and followed his guidance—some very closely and others remotely. Great Britain alone, by strenuously resisting the war mania, and by keeping her expenses within her receipts, succeeded in regaining her former prosperity. And the other nations, so long as they rigorously pursued the financial policy of Great Britain, gave signs of returning health. But foreign and domestic wars broke out, and in the attempt to pursue hostilities and crush insurrection, a mighty volume of irredeemable paper currency was issued and the result was national bankruptcy, only relieved for the time by national repudiation and dishonor. The remedy proposed by Sir Robert Peel in 1844 was to maintain a certain definite proportion between the issues of paper and the metallic resources of the Bank of England, (the agent of the government,) and of the joint-stock and private banks.

This policy is to allow a certain fixed issue of notes covered by securities and commercial paper, and to require that every note above that fixed issue shall be covered by gold in equal amount. Under this system the circulation of the United Kingdom for the month ending December 25, 1875, was as follows: Fixed issues, £30,564,750 sterling; actual circulation, £46,121,460 sterling. The metallic reserve for the same period was: Bullion in the Bank of England, £23,051,862; specie in the Scotch and Irish banks, £8,108,162; making a total of £31,161,024, or 67.6 per cent. of the circulation. The Bank of England alone, with a fixed circulation of £15,000,000, had a paper circulation of £27,164,751, with a bullion reserve of £23,051,862, or nearly 85 per cent. These figures speak for themselves and need no comment.

We next come to Germany; and it will be sufficient to state that the Imperial Bank, which, January 1, 1876, replaced the Bank of Prussia and fifteen German private banks, had, according to the latest returns, a circulation of 735,700,000 marks, covered by metal amounting to 438,000,000 marks, or 59½ per cent. By the imperial bank act, the margin between the note circulation and the bullion must not exceed 250,000,000 marks; but the figures just quoted show a margin of 297,700,000, and the excess of 47,700,000 marks is taxable at the rate of 5 per cent. per annum; this method having been adopted to regulate the paper currency.

France at present, owing to the disasters of 1870, is a non-specie paying country; but the returns for the Bank of France and its branches, the only banks of issue in France, show that January 28, 1875, the circulation amounted to 2,641,081,935 francs and the metallic reserve to 1,354,000,000 francs, or over 51 per cent., the maximum of circulation permitted by the law of July 15, 1872, being 3,200,000,000 francs. The council-general of the bank is endeavoring to withdraw from circulation the notes for five and for twenty francs, (there are no ten-franc notes issued,) and to replace them with gold and silver coins, so as to compensate exactly for the diminution of "fiduciary money" by the increase of "metallic money."

Austria, after a long career of almost hopeless bankruptcy, has finally recovered herself partially, and from the returns of the Austrian national bank of the business of 1875 it appears that the circulation during that year amounted to 286,242,333 gulden, covered by 134,416,894 gulden in metal, the notes on the average for the whole year being covered by 47 per cent. of metal.

Russia also has passed through a condition of insolvency, and in 1860 an Imperial Bank was established. On December 31, 1870, there were in circulation 716,000,000 rubles of state notes, against which there was a metallic reserve in bank of 150,000,000 rubles, or nearly 20 per cent. The notes, however, were at a discount of 20 per cent. as compared with silver. No man, it is said, has a right to go to the treasury and ask for gold or silver for his notes, and the coin in circulation is copper.

The next illustration is Brazil, a country which enjoys the blessing of an irredeemable paper currency, where the money is a purely national institution depending on the decrees of government. The "mark weight" of standard gold or silver has year after year been divided into a greater number of reis, and the paper milreis which was worth 60 pence in 1821 is through gradual depreciation worth now only 27 pence at par. The gold "half joe," which in 1821 was valued at 6,400 reis, was by law in 1833 raised to 10,000 reis, and with singular inconsistency the figures 6,400 still appear on the coin. Brazil is famous as a gold-producing country, but the yield of the mines is exported uncoined. Small ingots of gold formed from the dust washed from the auriferous sands are assayed at the mint, but are not allowed to be exported. The coinage is very small, only averaging $60,000 per annum forty years ago and the amount now is still less. The government paper currency in circulation May 24, 1875, amounted to 168,744,299 milreis or $92,809,694, and the notes of the Brazilian bank amounted to about $18,000,000 more, all irredeemable in fact; and yet the United States minister at Rio, believing that the standard of value is created by government decree, gravely announces the issue of more paper as the panacea for the financial crisis.

As a last illustration of the value of a fictitious standard I shall cite the Turkish piastre, which, from being worth 60 cents in 1764, has been gradually debased until the value is not over 4½ cents. But I shall not linger upon the subject; for in consequence of the rapid depreciation of the currency the coinage presents an intricate study, and one scarcely worth the pains except to a Turk.

The history of the finances in all these countries presents examples to be imitated as well as those to be avoided, but the mutations of the currency in Austria particularly afford the most useful lessons in regard to the necessity of maintaining a fixed proportion between the paper circulation and the metallic reserve. Time fails me to give the full particulars, but it is sufficient to state that in 1811 the outstanding irredeemable notes amounted to 1,060,793,653 florins, worth only from one-eighth to one-twelfth of their face value. By an imperial decree this paper was redeemed at the rate of five dollars for one in new redemption notes called "Vienna-value paper money." The circulation was thus reduced to 212,158,731 florins; but by 1816 the paper money had again increased immensely, reaching 678,692,838 florins. This was reduced to two-fifths of its nominal value, or 271,477,135 florins. The state had thus made two bankruptcies in five years, and the actual reduction in that time on the old notes was from 100 to 8. The subsequent financial history of Austria is full of remarkable crises caused by the immense floods of paper money poured upon the country at the time of the insurrection of 1848, the Italian war of 1859, and the war with Prussia in 1866.

We ourselves have passed through similar crises during the last fifteen years, and their lessons should not be forgotten.

From these illustrations it has been proved that a paper circulation must be covered by a certain percentage of specie, and that unless this proportion be maintained the currency, although accredited by Government, will rapidly depreciate. As long ago as 1838 Daniel Webster laid it down as an unquestionable truth that no paper could be made equal and kept equal to gold and silver but such as is convertible into gold and silver on demand. And to check the excessive issue of paper, he held that a fixed proportion must be maintained between specie and circulation.

I shall now turn my attention to the financial condition of this country. On November 1, 1875, the outstanding circulation was as follows:

National-bank notes		$345,586,902
Notes of national gold banks		2,630,000
		348,216,902
Legal-tenders	$373,236,244	
Fractional currency	40,681,629	
Old demand notes	69,707	
		413,987,580
		762,204,482

The United States bonds held November 1, 1875, to secure the redemption of circulating notes amounted to—

Bonds.	Principal.	Interest.
5 per cent. bonds	$239,046,200	*$11,952,310
6 per cent. bonds	115,688,700	*6,941,322
Pacific Railroad 6 per cent. bonds	12,814,512	†768,871
Total	367,549,412	19,662,503

*Gold. †Currency.

The national banks therefore received during the year ending November 1, 1875, the sum of $18,893,632 in gold and $768,871 in currency as interest on the bonds deposited to secure their note issues.

On October 1, 1875, the specie and legal representatives of specie in the national banks amounted to $8,050,330, divided as follows: United States coin certificates, $4,485,760; coin, $3,364,570, and coin checks, $200,000. The amount of specie, however, was unusually small, being below the average.

After comparing these statistics with the amount of paper currency afloat in the specie-paying countries of Europe, the irresistible conclusion must be arrived at that it is impossible for so vast an amount as seven hundred and sixty millions of intrinsically worthless money, so called, to circulate among a nation of forty millions of people and preserve its gold value. In fact, it is astonishing that our paper circulation has maintained itself so well. Its rapid depreciation has been prevented by reason of the vast resources of the nation and the firm faith of the people in the honesty and stability of the Government.

The remedy for the existing state of financial depression cannot easily be discovered or applied. It has been shown that the lowest metallic reserve or guarantee of notes in any specie-paying country is 59 per cent., and that France, with a specie guarantee of 51 per cent., has not yet attempted to resume. The council-general, or board of directors, of the Bank of France recommends a contraction of the paper issues by the withdrawal of the five-franc and the twenty-franc notes, and by the substitution of specie in their place. The very able financiers of that republic are therefore carrying out a system of contraction before resumption is attempted.

In considering the financial condition of this country, therefore, the important datum to be ascertained is the ratio which the metallic guarantee bears to the circulation. And we here are met with the astonishing fact that, no matter how large the amount of coin and bullion held by the national banks and by the United States Treasury may be, yet not a single dollar of real, substantial money is pledged for the redemption of the paper circulation.

As security for the payment of the notes of the national banks these corporations deposit with the United States Treasurer United States bonds whose market value must exceed the circulation by one-ninth of the issue, and they must also deposit in lawful money 5 per cent. of the circulation for the redemption of the mutilated notes, and must also keep constantly on hand from 15 to 25 per cent. of their deposits. All reports of the condition of the banks must therefore have reference chiefly to their ability to meet the demands of the depositors; but even these reports are unsatisfactory since it is simply impossible to obtain an accurate comprehensive statement of the condition of the paper currency in its relation to gold on any given day. The Secretary of the Treasury does not attempt to furnish such a statement, nor can the information be compiled from the reports of his subordinates, for the tables giving the bank and treasury returns are made up to different quarter days, and sufficient discrimination in regard to the movements of the coin is not exercised. Thus, for instance, the amount of gold sold by the Secretary is not stated, but only the premium obtained, and there is no estimate as to the actual amount of coin required for the operations of the Treasury, an amount evidently much smaller than the total sums received and paid out during the entire year.

I must therefore base my argument upon data furnished by the Treasury returns of the bank and legal-tender paper in circulation, which, November 1, 1875, amounted to $759,574,482, without a cent of real metallic guarantee. This volume of paper, I believe, is far beyond our business needs, and, with the experience of other countries as to the relative proportions which must be maintained between the fiduciary and the metallic money, I am justified in asserting that the only feasible plan for returning to specie payments is to reduce the amount of notes now in circulation.

I am well aware that this suggestion will encounter great resistance from the debtor class, and that even those who agree with me as to the imperative necessity of contraction will dissent from my views as to the mode in which it can be effected. An easy and rapid way would be to reduce the paper currency to $500,000,000 either by retiring the national-bank notes or by funding the legal-tenders, or by carrying on both operations at once until the required limit is reached.

The partial substitution of "lawful money" for national-bank notes would in my judgment be a desirable mode of contraction; and by this plan the Government would save no inconsiderable sum in the payment of interest. As the true policy seems to be to retire either the bank-notes or the legal-tenders, would not a currency emanating directly from the Government be preferable to one issued through the instrumentality of banking corporations?

Of course it will be said that the Government should not engage in banking. This objection is answered by the fact that the Government has been and still is engaged in that business, and that it is the legitimate province and high prerogative of government to supply the nation with a circulating medium—whatever that medium be composed of, whether gold and silver purely or mixed issues.

Another means of contraction and resumption advocated by many is to retire the legal-tenders by funding, and also to establish a system of free banking on the security of a deposit of Government bonds. This plan has much to recommend it, as it would also relieve the Government from the cost of keeping up an immense Engraving and Printing Bureau with its very expensive and complicated machinery, and would remove a fruitful source of peculation. The most certain way out of the dilemma would probably be to organize the free banks

as specie-paying institutions with an ample reserve in metallic currency. I assume that under a system of free banks a total metallic guarantee of $300,000,000 would allow the circulation of $500,000,000 in paper—the sum probably required to supply the business wants of the commercial community. The ratio of 60 per cent. between metal and paper would be preserved, and the institutions, according to the experience of European countries, would be strong enough to pay their notes and to satisfy all the demands upon them for specie.

Either one or the other of these two plans will finally have to be adopted. The wild theories of the inflationists must be abandoned or the country will go from bad to worse. Our present system of finance must certainly contain some radical error, else our young and vigorous country with its vast resources would not have fallen into a state of decay, and our people would not have been reduced to a more distressed condition than that of the over-populated states of the Old World. The Pacific States and Territories in 1875 mined at least $75,000,000 of the precious metals, and in 1876 will doubtless yield $100,000,000 in about equal proportions of gold and silver, and the entire country is rich in everything requisite to insure prosperity and happiness; and is it not strange to see such a country groaning under want and depression?

The late civil war cost the people of the United States not less than $10,000,000,000 and five hundred thousand lives, and we are now paying $30,000,000 annually in pensions to the men who risked their lives to maintain the integrity of the Republic; and even these vast sacrifices sink into insignificance when compared with the tears, sorrows, and sufferings the war has entailed on the present generation. All this was undergone through love of country; and now, when comparatively a trifling sacrifice is necessary to return to an honest financial system, as much clamor is raised as if something terrible and hitherto unheard of was about to befall us.

Is it not strange indeed that the people who twelve years ago patiently endured so much, should now be unwilling to submit to slight inconveniences in the effort to be honest? Is not this state of affairs merely the result naturally produced by the baleful influence of an irredeemable paper currency?

THIRD-CLASS MAIL MATTER.

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, I do not intend to occupy the time or attention of the committee long, but I propose to call attention for a few moments to that branch of the postal service which has reference to third-class mail matter, and I trust that I shall be concise in what I have to say. By an act of Congress of June 8, 1872, mail matter was divided into three classes, substantially as follows:

First class: Written correspondence; practically, letters and postal cards.
Second class: Printed matter regularly sent out at stated periods from known offices of publication; practically, newspapers, magazines, and reviews mailed to regular subscribers.
Third class: Miscellaneous printed matter and other articles declared mailable by law; practically, pamphlets, occasional publications, transient newspapers and magazines, handbills, posters, unsealed circulars, prospectuses, books, manuscripts for publication, proof-sheets, revises, maps, prints, engravings, blanks, patterns, samples of merchandise, cards, envelopes, photographs, seeds, cuttings, bulbs, roots, scions, &c., all obscene publications being excluded.

There was fixed by the act of 1872 on that class of mail matter a postage rate of one cent for every two ounces, with the exception that books and samples of metals, ores, minerals, and merchandise had a double rate. By the act of 1874 that exception which I have just mentioned was taken away, and all mailable matter of the third class was put at the rate of one cent for every two ounces.

At the last session of the Forty-third Congress the question of raising the postage on third-class mail matter was mooted, but there was nothing done in either House to raise the rate; and on the last night of the last session, or rather on the last day of the session, near its close, I remember asking one of the members of the Committee on the Post-Office and Post-Roads whether or not the rate on third-class mail matter had been changed. I was informed that it had not. Several members made the same inquiry and received the same answer, and you may very well imagine the astonishment that was experienced by all a day or two after, when we discovered that the rate upon third-class mail matter had actually been doubled.

The matter came up again at the beginning of this session, and the subject was referred by the Postmaster-General to Mr. Bangs, superintendent of railway service, for information. Mr. Bangs, in a long letter which he wrote, addressed to the Postmaster-General, explains at length the whole question, and gave tabular statements showing the effect as to the cost and the revenue derived from carrying different classes of mail matter. In making his statement he acknowledged the fact that it was exceedingly impolitic in Congress to change the rate in regard to certain kinds of third-class mail matter, and especially that part of it which had reference to the dissemination of information among the people; but he insisted that the rest of the third-class mail matter should be left at the rate that it then was; that is, at one cent per ounce.

Now, it is very generally acknowledged by every statesman in the land that the dissemination of information among the people is one of the most important duties of the Government; that there should be as wide a dissemination of knowledge as possible; that it should be promulgated as extensively over the country as mails can take it; and that every facility for giving to each citizen all the information possible should be freely extended, even although it may cost the Government some money to do it; for intelligence is the life and soul of free institutions, and without it they must fail. He therefore urged upon the Postmaster-General that that portion of the third-class mail matter which referred to the dissemination of knowledge among the people should be left at the rate at which it had been before the passage of the law of last session. He contended, however, that the remaining portion of the mail matter of the third class, which consisted of merchandise of various kinds, should not be allowed to go through the mails except at the rate at which it stands to-day; that is, at a cent an ounce.

Now, I am unable to draw a distinction between them, and do not see why the mails should not carry that kind of merchandise at the same rates as the kind first mentioned for the benefit of the large portion of the community who are engaged in agriculture, and which amounts to more than 54 per cent. of the whole population. This portion of our people now receives seeds, scions, bulbs, roots, and things of that character through the mails under the law. The beneficent operation of the law of 1874 in this respect has encouraged a new kind of industry in the country, which is now becoming very extensive and which is being enlarged all over the land; I mean the dissemination of seeds, bulbs, scions, roots, and cuttings through the mails by the florists, horticulturists, and agriculturists in the different portions of the Republic. There are hundreds of thousands of dollars, I think I might safely say that there are millions of capital invested in that industry. In the northern districts of New York there are several very extensive establishments that are sending out several thousand dollars' worth every day of seeds, roses, and plants of one kind or another, which are sent to all parts of the United States where the express companies would not carry them.

The same business is rapidly extending through the Middle and Southern States. Eastern Pennsylvania has many such establishments in successful operation, and a large portion of their business is transacted through the mail. The mail carries that kind of merchandise far beyond the reach of the operations of the express companies. It is, therefore, the means of disseminating among all classes of the farming community new seeds, plants, scions, and fruits, and carries those valuable productions, many of them of new species, into places that never knew them before. In addition to that, it is valuable to all other classes of citizens in this, that it enables individuals far away from express companies' offices to receive through the mail small parcels of merchandise from the great cities which they otherwise would not obtain. These classes of agricultural and other merchandise are put up in small bags, boxes, or parcels, not exceeding four pounds each, are easily and quickly handled, and, as Mr. Bangs says in his letter of February 18, 1875, "are less expensive, piece for piece or pound for pound, than either first or second class mail."

The returns of the Post-Office Department show that a very large amount of that kind of matter is carried in the mails, far exceeding the amount of second-class matter, which consists of periodical publications, such as newspapers, magazines, &c. Now, it is a matter of great convenience, almost a matter of necessity, to large numbers of individuals living in remote portions of this great nation to have this opportunity afforded them, and it is afforded them at a much cheaper cost to the Post-Office Department of the Government than is required by the second-class mail matter.

To show the difference between the cost of the carriage of first-class mail matter and that of the second and third classes, I will take the statement of Mr. Bangs himself, in which he gives the weight of the different kinds of mail matter, the revenue derived from them, and the expense of carriage. Of the first class there was carried during the last fiscal year 13,502,000 of pounds, from which the revenue derived was 77.6 per cent., and the expense of carrying was 47.7 per cent. Of the second class there was carried 55,783,832 pounds, the revenue from which was only 3.9 per cent., while the expense of carrying it was 24.7 per cent. Of the third-class mail matter there was carried 42,351,308 pounds, the revenue from which was 18½ per cent., and the expense of carrying was 27.6 per cent.

In his letter of February 18, 1875, to the Postmaster-General, just mentioned, he says: "At eight cents per pound the amount of third-class mail matter forwarded in the mails in 1874, would yield a revenue of over $4,000,000; but the actual revenue from third-class mail averages twelve cents per pound, ranging from 54.33 cents from unsealed circulars to 8.2 cents from books, (the excess arising from fractional parts,) yielding the Department from third-class mail matter a revenue of about $6,000,000." This is rather more favorable to third-class matter than his letter of last December.

Therefore, if it be proper in the light of revenue or of usefulness to the people to carry second-class mail matter, much more is it proper to carry third-class mail matter, because it yields more revenue to the Government and is of equal utility in its way. Comparing the second and third classes, it appears that the second-class mail matter yielded a revenue of only about 4 per cent., in fact only 3.9 per cent., while the third-class mail matter, being more than eleven millions of pounds less than the amount of second-class mail matter, yielded a revenue of 18½ per cent., almost three times as much as the revenue yielded by the second-class matter, while the expense of carrying was only 27 per cent. So, as a matter of revenue alone, there is more reason why this third-class mail matter should be carried at the expense of the Government than that the second-class should.

Then let me say, in addition to what I have already said, the law

as it stands to-day operates unequally and severely upon a large portion of the producers of and dealers in that class of merchandise of which I have spoken, and in which the agricultural community is interested. For instance, along the northern boundary of New York and farther west on the Canada line there are individuals and companies of large capital extensively engaged in the business of sending to all parts of the country floral catalogues, seeds, scions, bulbs, cuttings, roots, &c. They have an advantage over all persons in the same business in the Middle and Southern States of this country by virtue of the international postal treaty between Canada and the United States. On the 27th day of January, 1875, a postal treaty was made between the United States and the Dominion of Canada, the first article of which provides—

That correspondence of every kind, written and printed, embracing letters, postal cards, newspapers, pamphlets, magazines, books, maps, plans, engravings, drawings, photographs, lithographs, and patterns and samples of merchandise, including grains, seeds, &c., mailed in the United States and addressed to Canada, or, *vice versa*, mailed in Canada and addressed to the United States, shall be fully prepaid at the domestic postage rates of the country of origin, and the country of destination will receive, forward, and deliver the same free of charge."

In Canada the rate of postage on third-class mail matter is four cents per pound, while in this country it is sixteen cents per pound. The treaty is taken advantage of in this way: The company or individual engaged in this kind of business of whom I have spoken has nothing to do but to cross the line and deposit his circulars, seeds, and whatever else of that class he may desire to send, in a Canadian post-office, with postage prepaid at the rate of four cents a pound, and it will then go into any part of the United States postage free. But a person or company in the same kind of business who mails his circulars, seeds, cuttings, roots, and bulbs, in the United States must pay postage thereon in advance at the rate of sixteen cents per pound. I will give a practical illustration of how that works. There is a man living near Toronto of the name of Brown, who sends out his circulars of Canadian forest-tree seeds, one of which I hold in my hand, in which circular he gives a price-list of them, and at the bottom of the circular says:

Seeds can be shipped to all points by express or by mail in packages not exceeding five pounds in weight at the rate of only four cents per pound to any part of the United States.

I have also, taken from the Country Gentleman, published at Albany, New York, this advertisement:

SEEDS.—Rennie's catalogue of field, garden, and flower seeds, &c., is now ready for mailing (free) to all applicants.

The new international postal arrangements enable my sending of seed parcels, &c., to any post-office throughout the United States at the rate of one cent for four ounces, (four cents per pound,) prepaid postage.

WILLIAM RENNIE,
Toronto, Canada.

Again, I find the following paragraph headed "Cheapening the postage," in the New York Times:

The Toronto Globe says: "A Detroit seed firm recently moved six and a half sacks of its catalogues to Windsor, Ontario, and there mailed them to persons in the United States, saving $3,170 by the transaction, or cheating the United States revenue, as some call it, out of that amount. The charge for what is known as 'third-class mail matter' in the United States is four times as much as is charged for the same class in Canada. Under the late postal arrangement between the two countries, the United States and Canada each agree to take charge of the other s mails without charge. Hence the Detroit transaction."

Thus it is that by this postal arrangement the firms or individuals dealing in those articles along the Canada line can transmit through the United States their circulars and seeds at one-fourth the postage which must be paid by those engaged in the same business in the Middle, Southern, and Western States, and our Government must carry foreign merchandise for foreigners or American merchandise for favored citizens at one-fourth the price usually paid by our people. I am not in favor of such reciprocity, as it is against our Government and the individual citizen. I say, therefore, that in order to equalize this matter as far as possible we should put the rate of postage down to where it was before the act of 1875; that is, one cent for every two ounces or fraction thereof. In so doing we shall be better able to equalize the rates between different parts of the country and to give equal advantage to persons engaged in the same line of business.

It is right and proper for me to say here, however, that the attention of the postmaster-general of Canada was called to this matter, and he promised to regulate it; but while the postal treaty stands I am unable to see what control he can have over it, because it is a regulation established by law, and he has no right to change the law; and even if he tried to regulate it it could be easily evaded by an individual on the south side of the northern boundary line who wanted to send his seeds and catalogues free, having an agency on the other side of the line, and through that agency transmit these circulars, catalogues, seeds, and other third-class matter through the United States at the cheap rates already mentioned.

I therefore insist that this House ought to legislate properly on this matter; that we ought to return to the rates which existed before the enactment of 1875 was put into the sundry civil bill without the knowledge of any of the members of the House in all probability, except perhaps our committee of conference; for, if it had been known to the House, I am very sure, from the sentiment which prevailed here at the time, that such a bill could never have been passed in this body.

Now, who is there that objects to restoring the law to where it stood in 1874? If we should ask around this House whether any individual constituent had written to his member here to have the postal law retained as it is, I think I may say that scarcely any member, unless he be the representative of an express-company, would say that he had been asked to have the law kept where it is to-day.

I have had no one writing to me to ask that the law be maintained in its present form; on the contrary, I have had many persons writing to me complaining of the burden placed upon their particular industry by the present law. Of all the men who have come here to Congress there is none, so far as I can learn, who desires that the law shall be maintained at its present rates, save the express companies themselves, either by their own officers or directors or by their attorneys. These are the parties who were instrumental, as I have always understood, in having the law of 1874 changed to its present form. That change was wrought in a single paragraph—a short and simple one, which escaped the attention, in all probability, of the conference committee of the House—a paragraph, very innocent-looking in itself, inserted in the sundry civil appropriation bill, a place entirely foreign to its nature, and where no one would be likely to look for it. It reads as follows:

That section 8 of the act approved June 23, 1874, making appropriation for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, be amended, and the same is hereby amended, as follows: Insert the word "ounce" in lieu of the words "two ounces."

The effect of this change in the law was to make the act of 1874 read that that class of matter should be charged postage at the rate of one cent for each ounce instead of one cent for every two ounces, thus doubling the rate on third-class mail matter. This shows the danger of amendments in conference and the necessity of vigilance of conference committees.

I say, therefore, that the whole benefit that has arisen from that change of law has inured to the express-companies, and not to the public. There has been a tax of sixteen cents a pound additional imposed upon the reading public and the agricultural public on all mail matter of this class, with little, if any, additional benefit to the Government. Indeed the pecuniary advantage to the Government is but a poor equivalent for the disadvantage resulting to purchasers of merchandise and the readers of third-class mail matter and to the injury of both producers and receivers of the agricultural, horticultural, and floral matter allowed to be passed through the mail, and on which a double tax is imposed, and to be paid by one or the other parties interested in such mail matter.

I may also say that I see no good reason why the annual reports of universities, colleges, academies, and religious and beneficial associations, the catalogues of seedsmen, of florists, almanacs, and other annual publications of that character should not be rated as second-class matter, and carried at the rates provided therefor.

The Post-Office Department was organized in the interest of all the people; it was not intended as a money-making concern, and all the people should have all the benefit it can afford.

I am therefore satisfied that it would be right and proper for this House, whenever a vote is reached on the matter, to adopt the change in the classification that I have just mentioned, and to re-instate in the law for the rest of the third-class matter the rates provided by the act of 1874, and thus encourage the dissemination of information among the people and the transmission of the kinds of products and merchandise of which I have spoken before to places where they would not otherwise be entitled to go.

Mr. LAWRENCE. I will inquire of the gentleman from Pennsylsylvania [Mr. TOWNSEND] what would be the effect of the restoration of the law as it was upon pamphlet publications issued by benevolent institutions? I will send to the Clerk's desk to be read a letter which I received a short time since, and which will explain itself.

The Clerk read as follows:

CHURCH EXTENSION ROOMS OF THE METHODIST EPISCOPAL CHURCH,
Philadelphia, April 18, 1876.

DEAR SIR: I solicit your attention to the provisions of the postage law reported by Mr. HAMLIN and passed by the Senate. Our Church Extension Annual, (a copy of which I send you,) missionary reports, &c., will, under this bill, if it becomes a law, be subjected to six times as much postage as Harper's Magazine and similar publications. * * * Our Annuals should really be admitted as second class.

Yours, truly,

A. J. KYNETT.

Hon. WILLIAM LAWRENCE,
Washington, D. C.

Mr. LAWRENCE. That letter is from the Church Extension Society of the Methodist Episcopal Church. It seems that the new law is exceedingly onerous with reference to the distribution of the annuals published by that organization and by similar benevolent associations of that and other churches. The general conference of the Methodist Episcopal Church of the United States, now in session at Baltimore, adopted yesterday a resolution which I ask the Clerk to read, as showing the oppressive character of the existing law.

The Clerk read as follows:

Rev. H. Price, of Upper Iowa, submitted the following preamble and resolution; which were unanimously adopted:

"Whereas the benevolent corporations of our own and other churches engaged in various forms of missionary and educational work of recognized public necessity and value are expected and required to publish annuals giving valuable information for the people and send them to our pastors and others, and in so doing need to avail themselves of the Uni ed States mails; and whereas the postage on such annuals has, under the rulings of the Post-Office Department, for more than a year past been unjust and oppressive and almost prohibitory; and whereas the bill re-

cently passed by the United States Senate proposes the continuance of such inequitable and oppressive rates by expressed provisions of law, thereby compelling these benevolent corporations to pay six times as much as other publishers are required to pay on similar printed matter of no more public benefit: Therefore,

"*Resolved*, That we respectfully but earnestly protest against the passage by the House of Representatives of the bill recently passed by the Senate with this unjust provision included, and we do hereby respectfully memorialize Congress to so modify the postal laws that the annuals published by our benevolent corporations may pass through the mails at the same rates of postage that other publishers are required to pay on monthly and quarterly magazines."

The mover was appointed a committee of one to transmit a copy of this protest to the House of Representatives at Washington.

Mr. TOWNSEND, of Pennsylvania. I will answer as far as I can the inquiry of my friend from Ohio. The interpretation of the Post-Office Department with regard to annuals, catalogues, seeds, plants, and things of that kind, matters which go out only once a year—and this appears to be an annual publication—are classified as third-class mail matter, paying one cent an ounce or sixteen cents a pound; whereas second-class mail matter, such as newspapers and magazines regularly published, pay at the rate of two cents a pound. That is my understanding of the law.

Mr. LAWRENCE. That is the existing law?

Mr. TOWNSEND, of Pennsylvania. Yes, sir. I do not know how the bill is as it came from the Senate.

Mr. LAWRENCE. The old law before this change was made at the last session of Congress would pass these annuals at the same rate as second-class mail matter.

Mr. TOWNSEND, of Pennsylvania. I do not so understand it. I do not know what was the interpretation before the act of 1875, but I do know that under the act of 1875 they claimed such periodicals came under third-class mail matter and paid sixteen cents a pound, while newspapers and magazines paid eighteen cents.

Mr. LAWRENCE. I desire to call attention to the subject now, so that when this bill shall again come before the House this manifest injustice may be remedied. It does seem to me these annuals, including, as my friend from Pennsylvania has said, catalogues of seeds and fruit-trees, almanacs, annuals of missionary societies and benevolent institutions, as well as catalogues of colleges and universities, and all similar matter, should go in the mails at the same rate of ordinary magazines of the country. I know no reason why this discrimination should be made against them. A simple statement of the fact is sufficient to demonstrate the injustice of the discrimination made against them by existing law. And while we are upon this subject, or when we shall be upon it for action, I hope such remedy will be applied as will give to this class of mail matter the same advantage which applies to ordinary monthly magazines.

I desire to state further, Mr. Chairman, that there is no subject of legislation upon which I have received during this session of Congress so many letters demanding a change in the existing law as I have upon this subject of a change in the postal law. They come up from every city and every town almost in my district and from almost every interest of the country. The large manufacturing establishments which send out advertising newspapers, published for the sole purpose of advertising their goods, their wares, their commodities, are charged enormous rates, and in this respect there ought to be a remedy. This demand for a change in the law, as my friend from Pennsylvania has said, comes from nursery-men who desire to send out cuttings, and seeds, and bulbs to remote localities where the express companies do not travel. The effect of existing law is almost to exclude such matters from the mails.

It is a most marvelous thing, Mr. Chairman, but nevertheless true, that where a great monopoly, as these express companies are, once gains an advantage by law it is almost impossible to remedy it. I have been amazed during the years I have been in Congress at the power these companies are capable of exercising and how deaf, I was about to say, Congress seems to be when appeals are made on behalf of the whole people. I trust the appeal which is now made, coming up so loudly from all parts of the country, for relief against a measure almost smuggled through during the last session of Congress, in the interest of express companies, will be heard. It is high time the people should assert their interest against these vast monopolies, and it is high time these vast monopolies should cease to make demands which outrage the public judgment and are hostile to the public interest. I am the friend of corporations; they are vast agencies for good; but in order that they may continue to be agencies for good, in order that they may not provoke hostile legislation beyond what would be reasonable and just, they ought not to make demands upon Congress which are so manifestly wrong as that which now seems to be persisted in by these express companies, and which seems to find, I am sorry to say, so many supporters at least in one end of the Capitol. I hope that policy of wrong against the people will find but few friends in this end of the Capitol.

Mr. RANDALL. Let me say a word. I want to commend in the strongest language the action of the gentleman from Ohio, which has always been against undue encroachments on the part of these corporations, and especially his zeal in this regard. At the same time, I want to remind him and the House that one of the first acts of this House when we came together at the beginning of this session was to repeal the offensive legislation which he has just told you was smuggled last session into an appropriation bill. The other end of the Capitol, to which he has also alluded, is the sole responsible legislative party for the continuance of this great outrage on the people.

Mr. LAWRENCE. I believe that is true.

RESPONSIBLE GOVERNMENT.

Mr. SPARKS. Mr. Chairman, I shall claim the attention of the Committee of the Whole House on this occasion to express the sentiments which impress me in the discussion of a subject it is my hope may be regarded as within the legitimate consideration of the committee, and yet a part of which I am conscious is not specifically connected with any measures now pending before Congress.

I propose to express briefly my views in regard to

RESPONSIBLE GOVERNMENT

as applicable to our democratic or republican theory, and from it, if successful, shall hope to deduce something of practical benefit in the legislation before us.

I express, sir, no novel sentiment in the declaration that our democratic theory is in its essential elements a revolutionary movement in governments in conflict with the theories of the great body of the nations of the world.

These nations, supported by the prestige of long usage, recognize hereditary authority, "the divine right of kings;" power acquired by the accident of birth; a single sovereign, and he or she not such by virtue of eminent qualifications or of patriotic devotion to the public good, but as a right hereditary, by virtue of which the right to rule is confided to one person, while the millions composing the nation are the subjects, who, however gifted they may be or possessing whatever of superior ability, are the subjects of that rule.

This, sir, is in brief the theory of monarchical governments. And although, as is well known, in its application in many of the civilized nations it is limited in and divested of many of its severities, it is in the abstract, as before stated, the theory of the governments of the great body of the nations of the world.

Our democratic system revolutionizes this, and founds its claim to favorable recognition in a denial of this "hereditary authority," and asserts as its dogma of political faith that all "rightful and sovereign authority springs from and is vested in the people," thereby transposing the monarchical theory of a "single sovereign and he irresponsible, and millions of subjects and they responsible," into the system of "millions of sovereigns" having a few servants of their own selection, and they "responsible to them."

This grand conception of government framed by the founders of the Republic, it is ours to protect and preserve. I shall not attempt argument as to its correctness, but will assume that all concede it; nor shall I charge that any political organization or body of men in our country are intentionally disposed to thwart its legitimate application, or defeat its purposes; but will content myself with the expression that in my judgment we are gradually, yet certainly, drifting beyond and away from it.

The system demands the constant recognition of the sovereignty of the people, and of accountability to them by their servants, who as their agents (selected and chosen by them) exercise the functions of office in their name by virtue of their authority and for their good, the servant, from the highest to the lowest, realizing ever a constant and abiding responsibility to the people, and they as masters demanding always a strict compliance with the full measure of their rightful sovereign authority.

The fathers of our Republic not only understood our democratic theory, but studiously acted in conformity to it. As an example, I propose in this connection to present the administration of Mr. Jefferson, who is conceded to have been the master spirit in its inauguration.

Pervading every act and movement of his administration, there was the constant reminder of the sovereign authority of the people, and of the humility, accountability, and responsibility of the servant.

This he evinced unmistakably by the simple and unostentatious exercise of his official duties, acknowledging constantly in his every act to his countrymen that he was their servant, selected and commissioned by them to subserve their will, and to devote his best energies to their welfare, and not to subordinate his position to promote selfish ends or personal aggrandizement. Hence he discountenanced and banished from the executive office and the Executive Mansion all of the trappings and idle meaningless flummery of aristocratic pretensions, and substituted therefor the plain and simple, yet intelligent and dignified, demeanor and surroundings appropriate to the republican simplicity of a nation not only of freemen, but of sovereigns owning their own Government.

Appreciating fully his responsibility and accountability to the people, he spent during his presidential terms of office the greater portion of his time at the nation's capital, where with watchful vigilance he, as its head, could direct and control the executive administration, and, being at his post of duty, could prevent corruption and detect inefficiency on the part of the subordinate officials connected with the Government of which he had charge.

Residing at the nation's capital, with the Government archives at hand, he could direct and properly instruct its diplomatic representatives abroad, and also properly receive and confer with the accredited embassadors of the nations with which ours was on terms of political intercourse.

Recognizing his responsibility as a servant, he was extremely cautious in guarding against all approaches to secure patronage by designing men, who by interested kindnesses or valuable gifts might seek to ingratiate themselves into his favorable consideration for the selfish purpose of obtaining office, and which, when obtained, they

would use to acquire fortunes for themselves by plundering the people's Treasury.

Conscious that he, like other men, was possessed of the passions and impulses of human nature, he knew that it was dangerous, when acting as the servant of the people, to allow himself to be patronized by the designing sharper. He would accept no gifts, and hence had no improper inducements to the granting of official favors, and therefore appointed none to office except those who based their claims on merit and who could successfully withstand rigid examination and sustain character thereby both for integrity and capability.

As President of the United States, and recognizing that he held that station as the servant of the people, with its duties to be discharged so as to promote their prosperity and happiness, and deeply sensible of the obligations thereby imposed, the selfish desire to enrich himself or by it to advance the fortunes of those connected with him by the ties of relationship could have no controlling influence over him.

Sir, he did not, and would not, appoint any of his relations or kindred to office. He did not believe that the various offices subject to his bestowment were his individual perquisities, nor subject to distribution by him among his kindred and personal favorites; but, on the contrary, he regarded them as simply committed to him in trust as the chief servant of the people, and that his duty was to dispense them in their interest to those, and to those only, to whom the public mind pointed as best fitted by experience, qualifications, and integrity to discharge the incumbent duties thereof with efficiency and fidelity.

In thus manifesting a knowledge of the character of his responsibility, and acting in conformity to it, we now, in reviewing the eminent success of his administration, readily realize that his was the only sure pathway of safety.

I would not argue, nor do I believe, that the reception of gifts, large or small, would have corrupted him. His was not the material from which corruption readily springs. But there was safety in putting himself in the position to assure the public that, in his selections, no taint of bribes or acknowledgment of personal favors received had any influence in the dispensation of the official patronage under him.

Neither would I assume that the public service would have materially, if at all, suffered by the bestowment of official stations upon his kindred or relations. On the contrary, it is but fair to presume that so pure and so great a man was hardly of a relationship or kindred of impure and corrupt men. Yet such a case was possible; and without the establishment of an unyielding and inflexible rule against it, it was possible for kindred ties to mislead, and the public welfare intrusted to him suffer through a human weakness indulged to gratify the importunities of a needy relationship.

And again, a wholesome public sentiment, ever indispensable in a free government, was to be conserved; and it might be difficult for him, even with his untarnished fame and high character for integrity, to satisfy that public sentiment that the reception of gratuities from friends, or the strong ties of kindred, had not induced or constituted some element of influence in his actions, rather than that they were controlled purely in the interests of the public.

His high station demanded an entire abnegation of self, and of all selfish influences, and an exalted, untrammeled effort in all things to meet the demands of the public will, and he was strong enough and patriotic enough faithfully to discharge its duties.

And as it was principle that prompted him, so it was with all of the early Chief Magistrates. The doctrine of "sovereign power in the people" and responsibility and accountability to them by the servant was a cardinal principle with all of them, to which high standard, faithfully acted up to, the safety and welfare of the Republic was assured.

But, unfortunately for us, in these later years we have been drifting away from these wholesome precepts and these good examples, and, as a result, the public sentiment is debauched, public morals corrupted, and mismanagement, misrule, and widespread demoralization permeate the whole body-politic.

Sir, I do not, and would not on this occasion and in this presence, make personal attacks. On the contrary, I would desire to treat fairly and deal kindly with all men in official or unofficial stations; would prefer, sir, and can with much reason, attribute the corruptions, frauds, and political demoralizations, which admittedly exist all around us to the rapidly growing tendency of a vicious system which has sprung up among us.

This system, sir, is simply a reverse of the good one that I have been describing. Officials now are beginning to feel that they are not responsible to the people as a sovereign power standing behind them, and whose sovereign will they are to obey, but rather that they of themselves are the legitimate sources of authority.

Should a chief magistrate feel thus, we could hardly expect of him an administration such as we have been describing. The master seldom obeys the behests of the subject. Nor is the irresponsible ruler likely to manifest any nice sense of duty or obedience toward those whose prerogative it is his to rule and control.

GOVERNED TOO MUCH.

And, now, sir, comparing the political tendencies of the present with those illustrating the administration of Mr. Jefferson, I venture the suggestion that it will be discovered that there is manifested now a growing, vicious tendency on the part of officials to govern too much, or, to express the same idea in another form, there is too little confidence in the ability of the people to govern, and consequently a disposition exhibited by political leaders to encroach upon their authority.

It appears to me, from the investigation that I have been able to give to this subject, that if the political actors who were contending for supremacy in the days of Jefferson and Hamilton were now on the political stage, the followers of Hamilton would witness in the present political action an exemplification of his principles.

Let us for a moment consider the basis upon which each of these eminent men founded their diverse theories. Jefferson, realizing that necessity was the author of progress, favored the imposition of the heaviest possible responsibilities upon the people, realizing that when responsibility was devolved upon them it created demand for thought and action, thereby developing higher qualifications and elevating the general standard of capacity. Hamilton, on the other hand, conservative and patristical in his views, doubted all radical encroachments on the theories of the past, and therefore advocated the retention of power in the few.

While Jefferson deprecated extensive or excessive legislation, for the fundamental reason that he desired the people for their own advancement and security to act freely, Hamilton, under the influence of opposite theories of Government, doubted their capacity and marshaled his forces across the pathway of progress.

To this divergence from the highways marked out and illustrated for us by Jefferson is, in my judgment, attributable the broad difference in the externals of public administration now and then, and the departure from the high standard of official morals that then justly entitled us to the respect and admiration of the world. To it is to be ascribed the corruptions that pervade all the social as well as political forms that enthrall us, the flippancy with which violations of the ballot-box, the people's emblem of power, are treated by the country, and the general political demoralizations that now justly subject republican institutions to adverse criticism by the advocates of the forms of government of the Old World.

I have, sir, thus far directed attention mainly to administrative or executive action. But the argument applies as forcibly to all other branches of Government; and, in fact, perhaps no department is so liable to abuse the sovereign will as the legislative.

Our early Congresses were composed of men who reverenced the Constitution, and conformed their actions strictly in obedience to the limitations of that instrument, and acted constantly with a full recognition of the principle that they were simply servants, not masters; that the sovereign power was lodged in those who elected and paid them, and that to it they were responsible and accountable.

Acting up to this standard, there was developed a class of membership which for integrity, ability, and moral uprightness challenged the respect and the admiration of the civilized world.

To be known in the early days of the Republic as a member of the American Congress was of itself an accredited passport of respectability among the good and the great wherever good and great men lived.

A Congress composed of men feeling that they were responsible and accountable servants of a sovereign constituency behind them, with the eyes of that constituency constantly upon them, could not and would not wantonly do an act in conflict with the sovereign will of that people as expressed in their Constitution.

Sir, a Congress of men who fully appreciate this idea, and who in the language of a distinguished gentleman of this House, "Salute the august majesty of the people," will not fail to protect, defend, and preserve free government.

A congress thus composed will not carelessly and recklessly vote away or appropriate the people's money or their landed heritage. With such a body unguarded, unconstitutional subsidies and grants of lands and money to overgrown, soulless corporations would be an impossibility.

Good servants as legislators, feeling their responsibility to their sovereign masters the people, could not and would not pass laws of a doubtful constitutionality; and specially would they guard against doing so when those laws involved the appropriation of large sums of money wrung from that people by onerous taxation.

With a Congress thus composed the disgraceful taint of a credit mobilier could have had no existence. Neither would the fury of a nation's anger have shaken the Republic with the indignant and peremptory demand for a repeal of a "salary grab." For the members of a Congress feeling ever their responsibility as the people's servants could not have been corrupted by the *one* nor have voted to make the *other*.

And now, sir, in attempting very briefly yet practically to present the result of these unfortunate tendencies, allow me to call attention to the character of legislation that has received and now engrosses a large portion of the time of Congress.

PROTECTIVE TARIFFS.

Every industry in which capital is invested is demanding that, in raising revenue, it is imperative that its interests shall receive protection against foreign competition; is declaring in effect that the great masses of the people represented in this country by the laborer and agriculturist must pay a toll to the few possessing money to the acknowledged detriment of the millions who do not possess it.

Our revenue legislation is largely predicated on this theory, which

is clearly in hostility not only to the dictates of common justice, but to all of the cardinal principles of free government, for the reason that such legislation must result in dangerously concentrating capital, and therefore dangerously depositing power in the few.

And, further, the hardship against the consumer is in our case now aggravated by the unhappy condition of the public debt; being exempt from taxation the rich laggard and bondholder (not useful to the state) is enabled to draw all of his wealth from public support, while every member of society engaged in useful pursuits is compelled to bear, not only his own, but the rich man's portion of the public burden.

The theory of all revenue recovery under protective legislation being based upon consumption of necessaries, and not on property values, the laboring millions stagger under oppressive taxation, while the idle rich are its beneficiaries. It in effect imposes a penalty on labor and usefulness and offers a reward to idleness and wealth.

AMENDMENTS TO CONSTITUTION.

And again, sir, in the line of this excessive legislation, we have now presented for our consideration in the message of the President of the United States the adoption of constitutional amendments looking to the interference by the General Government with public education. In this we find the assertion of the same error, namely, that success lies in abridging the power of the people and in increasing the power of the servant. It in effect asserts that the few in authority are better qualified to determine a proper system of education than the whole people. This, allow me to say, is another dangerous aggression against their legitimate domain, the tendency of which is not only to multiply legislation and increase official stations, but further to consolidate power and augment the public expenditures.

SUMPTUARY LAWS.

Periodically an infatuation takes possession of the law-makers in our country demanding, as they fancy, the adoption of restraining legislation looking to the control by legal enactment of the habits and customs of the people. But, like the spasm upon the physical system, the influence of such legislation upon those affected by it is evanescent. They generally assert their authority in the end and disregard all coercive measures to dominate matters relating to their own tastes and personal comfort. Their results are only witnessed in statutes that are "dead letters," which are opposed and treated with contempt instead of respect and obedience.

The Maine law and its kindred legislation have had their day, and are remembered now only as disturbing elements of discord resulting ever in failure, for it is demonstrated now that all of this class of legislation can result in no good.

The wise and good men of the country have learned that it is only through the influence of example and moral suasion, the inculcation of correct principles, and individual efforts that the excesses here referred to can be legitimately and properly treated.

Every attempt in this age and in our country by fanatical, restrictive laws to stifle the people's conception of liberty, by whatever cause pretended to be justified, will, instead of promoting the purpose intended, produce only the opposite results.

FINANCIAL LEGISLATION.

Further, sir, proceeding upon the false hypothesis that the people are not wise enough to erect a monetary system to meet the demands of their own internal trade, national banks are established by authority of the General Government, through which all private enterprises in money pursuits are threatened with destruction by creating a monster monopoly that overthrows the health-giving influence of competition and subjects all of our industries of whatever character and all of our classes of whatever pursuit to the baleful influence of its decrees, by its operation consolidating money in a few hands and enabling them by its accumulation to control all the legitimate sources of wealth, and subordinating these money magnates to the central authority to do the bidding of those in power, which, if reposed in bad hands, is an efficient instrument to perpetuate their authority and to jeopardize and endanger public liberty.

At each recurring session of Congress legislation is pressed by the powerful influence of these national banks to secure their own perpetuation. Were it not for their existence our whole circulating medium would now be the non-interest-bearing legal-tender Treasury note, and the people would be relieved in the matter of interest of over twenty million dollars ($20,000,000) taxation annually. Through their instrumentality the Sherman resumption act was passed, which, if its objects be accomplished in withdrawing the legal-tender notes and substituting an interest-paying bond exempt from taxation therefor, will impose an additional annual interest burden of over twenty million dollars ($20,000,000,) and, further, not only substitute an interest-bearing for a non-interest-bearing debt, but make that debt a foreign in lieu of what is now a home or domestic debt, and cause an additional drain of the precious metals from our country to pay the interest thereon.

Were it not for the existence of these national banks the discriminations against the legal-tender notes would have long since been abolished, and they would have been made receivable for all dues, public and private, which, if done, it appears to me that their early appreciation in value to a sound standard would clearly follow.

But these national-bank corporations are interested in the depreciation of the legal-tenders in order to secure their retirement and the substitution of their own issue in place of them.

And now, sir, although it has been and may be charged that it is in conflict with democratic teachings to advocate a paper circulation as an abstract proposition, yet it seems to me that an exigency is upon us when a wise and honest statesmanship must, in the interests of the people, accept the situation as it exists and secure such legislation as looks most to the general welfare.

While it has been my endeavor to show that the national banks were destructive to private interests and dangerous to public liberty, the legal-tender circulation has neither an element of money accumulation nor of political centralization in its character. Issued directly from the Treasury it is diffused through the whole body of the people, the government having no control over its holders, the only danger that can be apprehended by the recognition of authority by the Government to issue as a circulating medium the legal-tender note being that under unwise legislation improper inflation may ensue. But in considering the two horns of this dilemma allow me here to assert that the recognition of such authority is a thousand-fold less dangerous to the public welfare and a thousand-fold more promotive of prosperity than the perpetuation of the national-banking system.

Sir, we hear the cry for hard money, and yet the mass of those apparently most earnest in its advocacy, session after session of Congress, vote in the interest of the perpetuation of national banks and national-bank circulation. Is it unjust then, sir, to charge that this hard-money cry is all a sham and a delusion? For hard money they present us with the national-bank note, entailing as its companion (if the resumption law be carried into effect) an annual interest burden of over forty million dollars ($40,000,000) against the people.

Sir, the authors of these hard-money fictions very well know that for the present, or within a period that can be defined with any certainty, hard money as a circulating medium, if desirable, is an impossibility.

To resume specie payments—meaning thereby, of course, gold payments, for the advocates of this theory demonetize silver—in a country admittedly demanding eight hundred to a thousand millions of dollars as a circulating medium to carry on the legitimate business, and less than one hundred and fifty millions of gold in the country, with the drain against us and no hope of borrowing, except at ruinous rates of interest, is a proposition so absurd, that it does not call for refutation. One of the hard-money advocates in the other branch of this Congress, (I refer to Hon. JOHN P. JONES, of Nevada,) in a speech delivered in the Senate on the 25th ultimo, used this language:

> Resumption in gold is out of the question. It is not practical financially; it is not practical metallurgically; it is not practical internationally; it is not practical politically; in short, it is not practical at all.

This is strange language to come from one of a class who speak of the current legal-tender notes of the Government as "irredeemable rags," and yet it is forced from their sagacious statesmen when they are compelled to meet this question fairly as a logical fact.

And again, sir, is it not a well-known fact that in *any* condition of a commercial people in *any* country coin can only be the absolute basis of values, and, to a limited extent, the circulating medium? Not to exceed one-tenth part of all cash business transactions are accomplished by its transfers. Drafts, checks, bills of exchange, letters of credit, and a paper currency perform nearly all of its offices with greater facility and economy. Hence, in my judgment, as a solution of the financial difficulties surrounding us, the prime objects to be now attained are:

First, the immediate and unconditional

REPEAL OF THE RESUMPTION ACT,

the demand for which by the people was emphatically registered against such legislation by the election of a democratic House of Representatives and the defeat of a large number of those who were instrumental in the enactment of legislation of a like character. Its repeal will stop the ruinous contraction that is now prostrating all the valuable industries, establishing bankruptcy as the almost universal condition of the mercantile, agricultural, and other industrial classes, and will to some extent revive the confidence of the people and restore a hopeful condition of affairs.

In the State which I have the honor in part to represent, a large majority of all classes are in the most unmistakable manner indicating their displeasure with Congress for its failure to obey their behests in regard to it. Through its ruinous influence they daily witness a shrinkage in all values; their stock and their lands, their corn and their wheat, indeed everything that represents useful effort or power of production is melting into insignificance, while the manipulators of the national banks are swelling with arrogance and daily adding to the measure of their merciless extortions.

Let me warn the representatives of these national banks and the exempted bondholders in time, the people may not stand the extortions that their unholy greed engenders; and, while I recognize it as true that one wrong never justifies another, if they would correctly read the history of the past or comprehend the movements of mankind, they would understand that their injustice may drive the people to action that will bury their bonds and their banks and overswollen avarice and arrogance in a common ruin.

Second,

THE REPEAL OF THE NATIONAL-BANKING LAWS,

the withdrawal of their circulation, the substitution of the Treasury note therefor, and the consequent absorption and cancellation of nearly four hundred million dollars ($400,000,000) of the bonds of the Government, the interest coupons on which are semi-annually clipped from them and 6 per cent. in gold paid to these bankers out of the treasure of the people, thus saving nearly twenty million dollars ($20,000,000) annually that will thereafter be diffused among them to encourage enterprise and restore hope and public confidence.

It is objected by the hard-money advocates that this is "*inflation* of an *irredeemable currency*." Now, as inflation signifies *increase* or *expansion* it is difficult for an ordinary mind to conceive how the *substitution* of a certain number of current representative dollars issued by one authority in *lieu* of and to the destruction of an equal number issued by another can *expand* or *increase* the amount. And as to the *irredeemability*, the same objection (though a false one) can be urged to the national-bank issue, as the security for both is the pledged faith of the nation, the only difference being that the national-bank issue entails and perpetuates against the people an interest-bearing debt that every sixteen years equals the principal, while the Treasury note extinguishes the interest and at the same time destroys nearly four hundred millions dollars ($400,000,000) of values that by unwise legislation are now exempted from all public burdens. The bonds are now held at and above *par* in *gold* by all the money-dealers of the world. It is absurd to declare that the same faith and credit that attaches to the bond will not sustain the Treasury note used for internal trade when the odious discriminations against their value are repealed. A common mind can but arrive at the conclusion that the real object desired by the authors and supporters of the national-bank policy is to perpetuate for the benfit of the rich the bonded debt exempted from taxation, the avails and interest of which are wrung from and cripple every element useful to society.

RECEIVABLE FOR IMPORTS.

It will be very difficult to convince the people that the discriminations against the legal-tenders were not enacted to destroy them and perpetuate the exempted bonds and the national banks. Not receivable as interest on the public debt or for duties on imports, their field of usefulness is circumscribed and the unqualified indorsement of the credit of the Government is withdrawn from them. Let them be made receivable for duties on imports and their appreciation in value to a gold standard will readily follow and be permanent.

In conclusion, sir, it has been my attempt to show that all legislation of the kind referred to by me has a common origin that it all proceeds from a want of confidence in the ability of the people to govern, that it not only results to their detriment in private pursuits, but that the standard of official and private morals is degraded by its influence; that all such legislation is in hostility to the genius of our institutions and a correct conception of the object for which our Government was established, its fundamental theory being that the people have the capacity and the right to rule.

Mr. VANCE, of North Carolina, obtained the floor, and yielded to Mr. RANDALL, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending 30th June, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at eight o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Resolutions of the Legislature of Ohio, asking that Congress amend the pension laws so that wounded Union soldiers who failed to make application for pension within the time prescribed by law may now be permitted to make application therefor, to the Committee on Invalid Pensions.

By Mr. BURLEIGH: The petition of the Maine Editors and Publishers' Association, that they be relieved from prepaying the postage on newspapers sent from the office of publication to subscribers, to the Committee on the Post-Office and Post-Roads.

By Mr. CASWELL: The petition of Mrs. Joanna W. Turner, for a pension, to the Committee on Invalid Pensions.

By Mr. FOSTER: The petition of Charles Leimbach, to change the name of his schooner from J. L. Quimby to Perry G. Walker, to the Committee on Commerce.

By Mr. HENDEE: The petition of Sarah E. Porter, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Curtis Elkins, that he be re-imbursed $175, money paid the collector of customs for the district of Vermont in 1872 and retained by said collector without authority of law, to the Committee of Claims.

By Mr. LEAVENWORTH: Resolutions of the Legislature of New York, requesting the Senators and Representatives from that State to use their influence to secure, without delay, the legislation necessary for the protection of the immigrants, as well as for the security of the towns and cities of said State, to the Committee on Commerce.

By Mr. LYNDE: The petition of Durands, Robinson & Co., and other manufacturers and dealers in tobacco, of Milwaukee, Wisconsin, against changing the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

Mr. McMAHON: Memorial of numerous dealers in tobacco and cigars, of Dayton, Ohio, against any change in the mode of packing tobacco, to the same committee.

By Mr. O'NEILL: The petition of Philip McManus, formerly of Company E, One hundred and sixth regiment, Pennsylvania Volunteers, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. PHELPS: Memorial of James Caler, that he paid $18,858.77 additional compensation for dredging done in the bar at Rutherford Park, on the Passaic River, New Jersey, to the Committee on Commerce.

By Mr. PIERCE: The petition of envelope-manufacturers, printers, stationers, and lithographers, of Massachusetts, against the gratuitous distribution by the Government of envelopes, newspaper wrappers, and postal cards, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of Mrs. Jane Moore, for a pension, to the Committee on Revolutionary Pensions.

By Mr. VANCE, of North Carolina: The petition of Rev. C. H. Powell, for reforms in the administration of the Government, and suggesting a plan whereby to prevent frauds and violations of duty by Government officials, to the Committee on the Judiciary.

IN SENATE.

THURSDAY, *May* 4, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

TELEGRAPH OPERATOR.

The PRESIDENT *pro tempore* announced the appointment of William A. Young telegraph operator for the Senate wing of the Capitol, *vice* William L. Ives, resigned.

HOUSE BILL REFERRED.

The bill (H. R. No. 3360) authorizing the Secretary of the Interior to pay the expenses of delegates from the eastern band of Cherokee Indians was read twice by its title, and referred to the Committee on Indian Affairs.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, a report of the board of engineers for the Pacific coast, respecting the encroachments of the sea upon the city of Fort Stevens, at the mouth of the Columbia River, in Oregon; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 11th instant, a report of the Quartermaster-General in relation to the Western and Atlantic Railroad; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. CONKLING. Mr. President, I have been requested to present, and most willingly I do present, a great number of petitions representing the case of an American citizen immured in an English prison. Edward O'Meagher Condon is and has for eight years been undergoing a life-sentence in prison in England. His offense was political, at least in its occasion and in the circumstances out of which it grew. His fate has awakened sympathy throughout America, and has swollen into a current of sentiment of which the evidence in part is here. These petitions come from twenty-two States and at least two Territories. Legislators, lawyers, judges, and chief citizens have united in them, in the States of Massachusetts, Connecticut, New York, Illinois, Ohio, Pennsylvania, Missouri, Wisconsin, New Jersey, Michigan, Minnesota, Kansas, Colorado, Iowa, Indiana, Georgia, Nebraska, Texas, Tennessee, Kentucky, and in Idaho, Montana, and other Territories. Petitions have been signed asking the intervention of Congress in behalf of this captive. The Executive Government has been assiduous in endeavoring to obtain a mitigation of the sentence, and whether, in addition to the efforts it has made, anything be possible I know not. The House of Representatives has passed one, indeed I believe two, resolutions asking the Executive still further to interpose. Those resolutions are here before the Committee on Foreign Relations; and now come all of these petitions, representing such a volume of sentiment and being such an utterance of sympathy as has rarely come from the people of this country to either House of Congress.

I present them and move their reference to the Committee on Foreign Relations in the hope that some good may come from their presentation.

The motion was agreed to.

Mr. CONKLING presented a memorial, signed by commercial and business men of New York City, remonstrating against the total repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. SARGENT presented the memorial of A. Roman & Co. and others, printers, stationers, and lithographers, of California, remonstrating against the Government selling below cost envelopes, newspaper-wrappers, and postal cards, stating at length their objections to the system; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of manufacturers and dealers in tobacco, of Mansfield, Ohio, remonstrating against any change in the mode of packing tobacco; which was referred to the Committee on Finance.

Mr. DAVIS presented the petitions of Edward Welsh, Peter Welsh, and Elizabeth Mannion, of Mineral County, West Virginia, praying compensation for property destroyed by the Federal forces during the the late war; which were referred to the Committee on Claims.

Mr. WADLEIGH presented the memorial of Henry B. Brown, praying the passage of a bill authorizing the settlement of his claim for services while in charge of the affairs of the legation at Rome; which was referred to the Committee on Foreign Relations.

Mr. BURNSIDE presented the petition of R. C. Gratlin, of Arkansas, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented a memorial of W. W. Corcoran and other property-holders in the District of Columbia, setting forth the advantages to accrue from the removal of rocks in the channel of the Potomac River above Georgetown, and praying that Congress take action in the matter; which was referred to the Committee on Commerce.

He also presented the petition of William H. French, brevet captain United States Army, late Indian agent for the Sioux Indians at Crow Creek, Dakota, praying the allowance of his claim on account of cattle purchased for the agency; which was referred to the Committee on Indian Affairs.

Mr. DORSEY presented a petition of settlers on the Hot Springs reservation, in the State of Arkansas, praying that Congress may provide for the sale of the lands of the reservation upon an equitable basis, reserving to *bona fide* settlers the right and privilege of purchasing their substantially improved premises at a nominal or reasonable price on deferred payments; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented a petition of citizens of Oregon, praying for the establishment of a post-route from Silver Lake to Prineville, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Butler County, Pennsylvania, praying for the passage of an act granting a pension to Hamilton Gillespie, late a private in Company H, Eighteenth Regiment Pennsylvania Volunteers; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Oregon, praying for the passage of an act for the relief of Mrs. Minerva Shipley and Miss Nancy Spaulding, daughters of Daniel Spaulding who served in the war of 1812; which was referred to the Committee on Claims.

Mr. SAULSBURY presented a memorial of the city council of Wilmington, Delaware, in favor of a survey of the Brandywine River by the Government with a view to a removal of rocks for the improvement of the navigation of the river; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of New York, in favor of the re-appropriation of the sum of $500 appropriated by a resolution of the Continental Congress of 1777, and not paid over, as is alleged, for the erection of a monument over the grave of General Nicholas Herkimer; which was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that during the leave of absence which has been granted to the Speaker of the House, it had appointed Hon. SAMUEL S. COX, of the State of New York, Speaker *pro tempore* of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory and for the removal of the Indians of the Chiricahua agency to the San Carlos agency; and it was thereupon signed by the President *pro tempore*.

REPORT ON LABOR.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report on labor in Europe and America, have instructed me to report back the same with an amendment and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed and bound of the special report on labor in Europe and America (Executive Document No. 41) 800 copies, 500 for the Senate, and 300 for the Department of State to supply legations and consulates in foreign countries.

REPORTS OF GEOGRAPHICAL SURVEYS.

Mr. ANTHONY. The same committee have instructed me to report back a resolution of the House of Representatives in relation to the distribution of the reports of the United States geographical surveys west of the one hundredth meridian and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the following distribution shall be made of the reports of the United States geographical surveys west of the one hundreth meridan, published in accordance with acts approved June 23, 1874, and February 15, 1875, as the several volumes are issued from the Government Printing Office, to wit, 950 copies of each to the House of Representatives, 250 copies of each to the Senate, and 800 copies of each to the War Department for its use.

REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of Laurence P. N. Laudrum, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 813) granting an increase of pension to Laurence P. N. Laudrum.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2302) granting a pension to Nancy Tipton, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Public Lands, to whom was referred the bill (S. No. 734) for the relief of William Jasper Cordill, reported it without amendment.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 369) to exempt all vessels engaged in the navigation of the Mississippi River and its tributaries above the port of New Orleans from entries and clearances, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1939) granting a pension to Sarah Emmons, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. R. No. 97) to return to the Treasury certain unexpended balances, to report it back and to move that the committee be discharged from the further consideration of the resolution on the ground that the general law will cover balances into the Treasury at the end of the fiscal year.

The motion was agreed to.

Mr. WITHERS, from the Committee on Claims, to whom was referred the bill (H. R. No. 1178) granting a pension to John Gropper, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Nathaniel W. Hays, of Bradley County, Tennessee, praying compensation for supplies alleged to have been furnished to United States troops during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

BILLS INTRODUCED.

Mr. WADLEIGH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 814) for the relief of Henry B. Brown; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HAMLIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 815) to establish a zoological park near the Capitol, in the District of Columbia, and to incorporate a company to maintain the same and construct a street-railroad thereto; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. WHYTE submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

L. MADISON DAY.

Mr. WRIGHT. Some days since there was a report made from the Committee on Claims upon the petition of L. Madison Day, praying the re-imbursement of money paid for property purchased by him from the Government. The report was concurred in, and a motion was entered to reconsider. I now ask that the order concurring in the report of the committee be reconsidered and that the claim be recommitted to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection to a reconsideration of the vote by which the report was concurred in? The petition will be recommitted to the Committee on Claims if there is no objection. The Chair hears none, and it is so ordered.

C. G. FREUDENBERG.

Mr. BURNSIDE. Some days ago I gave notice of a motion to reconsider the vote by which the bill (S. No. 189) placing the name of C. G. Freudenberg upon the retired list of the United States Army was indefinitely postponed. I now ask unanimous consent to take action upon the case for the purpose of having the bill recommitted to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection to reconsidering the vote by which the bill was indefinitely postponed? The Chair hears none. The bill will be recommitted to the Committee on Military Affairs if there is no objection.

LANDS OF SOUTHERN PACIFIC RAILROAD.

Mr. COCKRELL. I move that the resolution submitted by me on the 9th of March last to inquire into the manner in which patents for lands have been issued to the Southern Pacific Railroad under the acts of July 27, 1866, and March 3, 1871, and whether the rights of settlers have not been disregarded, be taken from the Calendar and referred to the Committee on the Judiciary.

The motion was agreed to.

PROPOSED RECESS FOR CENTENNIAL CEREMONIES.

Mr. MORRILL, of Maine. I ask the indulgence of the Senate to submit the following resolution and ask its present consideration:

Resolved by the Senate, (the House of Representatives concurring,) That the two Houses of Congress accept the invitation of the Centennial Commission to attend the ceremonies to be observed at the opening of the International Exhibition of 1876 on the 10th instant at Philadelphia; and to that end, when the respective Houses shall adjourn on Tuesday, the 9th instant, it shall be to meet at twelve o'clock on Friday, the 12th instant.

The Senate proceeded to consider the resolution.

Mr. EDMUNDS. I see the resolution provides for an adjournment from next Tuesday until Friday, a week from to-morrow, which leaves for the business of the Senate Monday and Friday and Saturday of next week.

Mr. INGALLS. And Tuesday also.

Mr. EDMUNDS. According to human experience, not Tuesday also.

Mr. SHERMAN. We had better make it Monday.

Mr. EDMUNDS. I move to amend the resolution by striking out "Tuesday" and inserting "Monday," and by striking out "Friday" and inserting the Monday following, with the proper day of the month. The effect of that would be to make this a complete adjournment of a week, from next Monday until the Monday afterward, because I believe that all our experience shows that when we adjourn three or four days in the middle of the week, and especially for a festive and national occasion like this, when it is supposed that every one of us with his best attire and headed by the presiding officer will take up the line of march for Philadelphia, these driblets at the two ends amount to nothing at all; and in this case I think they will only be an annoyance instead of an advantage either to us or to the public service. If we are to adjourn at all, which I do not object to under the circumstances, I think we might adjourn for the whole week with advantage to the public business rather than with injury to it; because whatever time may be saved (and I think with a good many of us individually who have a great deal of work to do much time may be saved instead of going to Philadelphia on this particular occasion, as much as we sympathize with it) can be devoted to the work of committees, and instead of being obliged to come into the Senate and see it adjourn and then go to something else that we shall have a clear week for the work of the Senate necessary to be done outside of this Chamber and that is now in the hands of the committees.

This is my reason for proposing the amendment.

Mr. HAMLIN. There is one other practical suggestion which I wish to make in addition to what the Senator from Vermont has already said. I take it that Senators at some period of time during the exposition will be desirous of looking at it. If we fix the time of this adjournment according to the suggestion of the Senator from Vermont, it will afford us all that opportunity. If we do not do that, I think we should be very sure to take some other period; and we may therefore unite the utility of the thing together with what the Senator from Vermont has suggested. I hope his amendment will be agreed to.

Mr. MORRILL, of Maine. I want to say one word. This resolution was drawn by me in the interest of economy of time. The Senator from Vermont suggests that practically it will not have that effect. I am by no means sure that it will, but it was drawn up not so much on my own judgment as after some conference with the gentlemen representing the House of Representatives as to their views upon the subject and with a desire to economize time. Now, practically we might, if we were disposed so to do, adjourn here on Tuesday afternoon after a day's legislation and reach Philadelphia that evening at a not very late hour, and we might return on Thursday night, or on Friday morning even, in season to have a legislative day on Friday, and so we should get four days out of the week. I do not know, as the Senator from Vermont suggests, that it is practicable to do any such thing, but I have already stated that the only object I had in introducing the resolution was to economize time by meeting on Friday, and thus saving two days. If the Senate think otherwise, very well. I do not expect to spend more than two days myself in Philadelphia.

Mr. CONKLING. Mr. President, if the argument of the Senator from Vermont [Mr. EDMUNDS] be sound and the suggestion of the Senator from Maine [Mr. HAMLIN] be a good one—and I do not rise to question either—I submit that the resolution as it will be amended will defeat the object in view. The purpose, as I understand the Senators, is to give all the time which is likely to be lost to legislation, and make it useful to those who are to go and those who have something to do here aside from the Senate; and the proposition is to adjourn from Monday next until the following Monday. The result of that I think will be that there will be no quorum here on Monday next; at all events there will be a very great unlikelihood of anything being done. The impeachment trial is to begin this morning, this being Thursday, and there are three remaining days this week. I think it will hardly be supposed that the impeachment trial or any other grave business will proceed on Monday if it is known in advance that when the Senate adjourns that day it is not to meet again until the Monday following. Therefore I suggest to the Senator from Vermont that if he wants, as he says, to have a clear week, he make his amendment to read that when we adjourn on Saturday of this week, or on the last day of this week when we shall sit, nobody is asked to remain over Sunday for the chance of being here during that part of the day on Monday, if there shall be any such part, when legislative or judicial or any other business will be done.

I think everybody must see that, Sunday preceding this day, even if we were to sit on Saturday, there is very little prospect that, a quorum of the Senate being able to go away on Saturday, those members of the Senate who want to go away will remain here over Saturday and Saturday night and Sunday for the opportunity of doing such business as is likely to be done in the one single day sandwiched between Sunday and the adjournment. I venture to predict that it will amount to nothing, and I suggest to the Senator from Vermont (and I have no objection to moving the amendment myself) that, if the resolution is to be changed so as to give a clear week, it had better be so changed that when we adjourn on the last day of this week nobody shall be called upon to be here again until the end of the period for which the adjournment takes place. The isthmus of time between is so narrow and the probability is so slight of its being of any use that I do not think that chance will compensate any one for the inconvenience of feeling compelled to be here or a contingency, and therefore I make the suggestion that it be changed.

The PRESIDENT *pro tempore*. The Senator from New York proposes to amend the amendment. The Secretary will read the amendment to the amendment.

Mr. CONKLING. So that the effect will be that when the two Houses adjourn at the end of this present week, on Saturday next, if we sit on Saturday—and I do not wish to anticipate that question, for I do not know what in the Senate may be the requirement of the trial which is to proceed—the two Houses adjourn until Monday the 15th, or whatever is the day named for re-assembling in the amendment of the Senator from Vermont.

Mr. SARGENT. Mr. President——

The PRESIDENT *pro tempore*. The Chair reminds the Senator from California before he commences that the time has expired. By common consent, the Senator may continue. Is there objection? The Chair hears none.

Mr. SARGENT. I do not propose to debate this matter at length; but I should like to remark that the tendency seems to be to extend this time, and perhaps it will very soon grow into a proposition to adjourn *sine die*. I shall vote for the shortest time. The proceedings at Philadelphia will occupy but one day; and it seems to me that it is hardly appropriate for us to adjourn for more than three days at the very outside. We have business of very considerable importance pressing on the attention of the Senate, and I trust that we shall not be too generous in giving away the time which we ought to occupy here.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment proposed by the Senator from New York, that when the Senate adjourns at the close of this week it adjourn to meet on Monday, the 15th.

The question being put, it was declared that the noes appeared to prevail.

Mr. CONKLING. I ask for the yeas and nays, and venture again to state my proposition. The Chair states my amendment to be that when we adjourn at such a time, it be to meet on the 15th. That is not my amendment. I agree with the Senator from California and shall vote to adjourn for the shortest time adequate to enable us all to pay the respect and manifest the sympathy which we all feel for the great occasion which marks this adjournment. Therefore my amendment I say again is not that, but it is, that if we are to adjourn for what the Senator from Vermont calls a week, in place of being compelled to remain here over Sunday in order to take such part as may be taken in the legislative or other proceedings on Monday, and Monday only, and to adjourn the next day for a week, the adjournment shall begin on the day when we leave off business this week; so that I move to strike out Tuesday, if that be the day assigned by the Senator from Vermont——

Mr. EDMUNDS. Monday.

Mr. CONKLING. I move to strike out "Monday" and insert the preceding Saturday. That will leave all Senators free to say whether they want to adjourn for a week or not, my whole point being that if we are to adjourn for a week, in place of coming here on Monday to adjourn on Monday, we be discharged on Saturday from the necessity of coming back for a part of that one single day when I think every Senator will agree with me in the light of past experience, we shall accomplish absolutely nothing, and when the result will be that such members of the Senate as feel at liberty to absent themselves will have gone on Saturday and such as feel constrained by conscientious or any other reasons to be here will come on Monday to engage in a futile attempt to proceed with the public business and then to adjourn, having thereby lost for their individual purposes, whatever their convenience may be, a day or two in consequence.

Mr. EDMUNDS. Mr. President, on reflection I am rather inclined to think the amendment of the Senator from New York had better not be adopted. I should agree with him as to the practical effect of the thing were it not for the circumstance that we are engaged in hearing argument, or shall be presently, upon a very interesting question. It is possible that the learned gentlemen on both sides will not have an opportunity this week to conclude what they desire to say, and in that case we should have Monday, if we are not to adjourn until Monday, to conclude the argument; and of course everybody can see that it is much better that all that is to be said upon the question should be said consecutively and as a part of one steady consideration. Therefore I am inclined to think that Senators will feel it to be a duty, if we do not adjourn until Monday and should not have finished the consideration of this matter by that time, to attend on Monday, and not to go away until the Senate should have adjourned. Then they will have a practical week.

Mr. CONKLING. I now withdraw the call for the yeas and nays and ask for a division on my motion which is to strike out "Monday" and insert "Saturday."

The PRESIDENT *pro tempore*. The Secretary will report the amendment suggested by the Senator from New York.

The Chief Clerk read as follows:

And to that end, when the respective Houses shall adjourn on Saturday the 6th instant, it shall be to meet at twelve o'clock on Monday the 15th instant.

Mr. CONKLING. My amendment is nothing in reference to Monday the 15th instant, which I shall vote against myself; but it is simply to substitute Saturday of this week for Monday next. I want to take the sense of the Senate on that question alone, disconnected with the length of time for which we are to adjourn.

Mr. MORRILL, of Maine. The Clerk states truly the effect of the Senator's amendment. If his amendment prevails and then the amendment of the Senator from Vermont, and then if the resolution as amended passes, the effect of it will be, as the Clerk states, to adjourn from Saturday to the 15th.

Mr. CONKLING. Certainly; and if we are to adjourn to the 15th, I wish the adjournment to commence on Saturday.

Mr. MORRILL, of Maine. I wish the Senate to understand the difference between the resolution itself as originally proposed and as it will be if amended by the motion of the Senator from New York. The resolution contemplates an adjournment of the two Houses on the evening of Tuesday and the re-assembling on Friday.

Mr. CONKLING. In other words, Mr. President, if I may be allowed, the difference is this: In either case we adjourn until Monday the 15th; in the one case that adjournment begins on Saturday and in the other case it does not begin until Monday.

Mr. MORRILL, of Maine. My friend certainly misapprehends. As the resolution is it will be an adjournment from Tuesday to Friday of next week.

Mr. CONKLING. I am going to vote with my friend from Maine on that; but the Senator from Vermont has moved an amendment which will carry the adjournment over until Monday week. My point is that if that adjournment is to take place, it shall begin on Saturday, not on the Monday following that Saturday; in other words that we shall not be compelled to stay here over Sunday in order to be here on one single day of next week.

Mr. MORRILL, of Maine. I am very apprehensive that my honorable friend is not working much on my side in that way.

Mr. PADDOCK. I suggest that this question can be decided more intelligently to-morrow; so, if it is in order, I move the postponement of its further consideration until to-morrow.

Mr. SHERMAN. Call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Nebraska interposes an objection.

Mr. PADDOCK. Yes, sir.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, legislative and executive business will be suspended and the Senate will now, according to order, proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned, then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

Mr. WRIGHT. I move that the Senate do now adjourn.

Mr. PADDOCK. I hope the Senator will give way for a motion that we go into executive session for a few minutes.

Mr. SARGENT. I should like to withdraw a motion to reconsider an order for printing.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. WRIGHT. No, sir.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and forty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 4, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

HAWAIIAN TREATY.

Mr. WOOD, of New York. I ask the House by unanimous consent to make the future consideration and determination of the bill to carry into effect the treaty with the Hawaiian Islands the special order for Monday next after the reading of the Journal. If that order is made I believe that by two o'clock at the very furthest the whole matter will be disposed of.

Mr. RANDALL. I suggest that the gentleman change his proposition so that the bill shall be made the special order after the call of States and Territories.

Mr. WOOD, of New York. Very well. Let it be after the morning hour; and to the exclusion of all other orders.

Mr. KELLEY. I do not object to the proposition, but I do not think that the matter can be disposed of so soon as my colleague on the committee appears to think. I understand there are to be three speeches.

Mr. WOOD, of New York. Two and a half.

Mr. KELLEY. I am afraid the half one may turn out to be a full speech.

Mr. WOOD, of New York. We will not trespass on the patience of the House longer than is possible.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from New York? The Chair hears none, and the order is made.

MACHINERY FOR PREPARATION OF RAW SILK.

Mr. KELLEY. I ask the House to take up for consideration at this time a bill which is recommended unanimously by the Committee of Ways and Means, the bill (H. R. No. 3270) for the admission of machinery for the preparation of raw silk free of duty.

Mr. MILLS. I object.

Mr. KELLEY. If the gentleman will hear me for a moment I think he will withdraw his objection. I hope the House will consent to my making a statement not to occupy more than two or three minutes.

Mr. MILLS. I withdraw for the present my objection, reserving the right to renew it, in order to hear the statement of the gentleman from Pennsylvania.

Mr. KELLEY. Almost the entire territory of the United States is capable of producing raw silk. So early as the days of Queen Caroline the ladies of Georgia sent her silk of their manufacture from the native trees of Georgia for one of her royal robes.

The culture of silk has, however, never succeeded in this country, and for two reasons; one was, that it was produced and prepared by women and children in countries where the labor of skilled men commanded but nominal wages; the other was, that there was no market for it in this country, as silk goods were not manufactured here, and there was consequently no market for the raw material. The application of ingenious machinery now in use in France for reeling silk from the cocoon it is hoped will enable us to enter largely on the business, as we now manufacture over 40 per cent. of the silk goods consumed in the country.

The bill is not a novelty. We have given the right to import beet-root seed free, in order to introduce the culture of beets for sugar. We have given the right to introduce free of duty the machinery necessary to make beet-root sugar, in order that our mechanics might have models for imitation. We have given the sugar and cotton planters of the South the right to import steam-plows free of duty. This bill is in fact in pursuance of a long line of precedents. It is hoped that by the introduction of a few sets of this machinery our ingenious workmen will imitate it, and that the women and children of the South and West and of California may find light and lucrative employment in supplying the country with raw silk and silk-worm eggs.

The gentleman from Texas [Mr. MILLS] will probably be surprised to learn that there are carried across this continent annually $20.000,-

000 worth of those tiny things, silk-worm eggs. Disease has attacked the silk-worms of France, of Italy, and the Low Countries, and they depend each year for a fresh crop of worms on the eggs of China and Japan; and the records of the Union and Central Pacific Railroads show that $20,000,000 worth of these tiny products of the insect cross our country annually. If we can establish the reeling of raw silk, we may furnish this product from the fields of Arkansas—for that State is one wide silk-field; there is no part of it to which the mulberry is not indigenous—from Georgia, South Carolina, the whole of the South, from Texas, from Alabama, from California, and other States.

Mr. RANDALL. Will my colleague allow me to ask him a question?

Mr. KELLEY. In a moment. Coming now to the point, the object of this bill is to give our workmen the chance of following the models of the ingenious machinery used in the preparation of raw silk.

Mr. RANDALL. That is what I wanted to know; whether we could not now manufacture in this country this machinery?

Mr. KELLEY. We cannot. This bill limits the introduction of the machinery free of duty to a period of two years.

Mr. MILLS. I wish to ask the gentleman if the duties to be realized on this machinery have not got to be put on some other imports by the people of the United States?

Mr. KELLEY. If the duties are maintained the machinery will probably not be imported. The probabilities are that if the bill be passed one or two sets will be imported as models, and then the article can and will be manufactured among us.

I will only add that one French silk manufacturer two years ago came to Kansas and purchased thirty-six hundred acres of land, set out mulberry trees, and started a silk-factory. Last year he produced by the hands of the women and children of a French colony sixteen hundred pounds of cocoons. He has eggs and mulberry trees to produce ten thousand pounds this year. He will, if the duties be remitted, at once introduce one set of this machinery and put it in operation in the centennial building, where the mechanics of the several States may study it and thus domesticate among us that most profitable and beautiful industry, the culture of silk.

Mr. LAWRENCE. The object is to organize and establish a new industry?

Mr. KELLEY. Yes; a new industry.

Mr. LAWRENCE. A very desirable thing.

Mr. KELLEY. I hope the gentleman from Texas will withdraw his objection.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. MILLS. I will withdraw my objection to the consideration of the bill, but will make my objection to the bill when it comes up by voting against it.

Mr. CHAPIN. I object to the consideration of the bill.

POINT LOOKOUT.

Mr. LAWRENCE. I ask unanimous consent to offer the following resolution:

Resolved, That the Judiciary Committee be, and are, instructed to inquire into the matter of the payment of moneys by the War Department on the property known as Point Lookout, in Saint Mary's County, Maryland, in furtherance of an act of Congress approved March 21, 1866, making it one of the sites of the National Military Asylum, and report what steps, if any, are necessary to preserve said property for such purpose.

I submit for the consideration of the House the law in relation to this matter:

SEC. 12. *And be it further enacted*, That all the property of the United States now at Point Lookout, Saint Mary's County, Maryland, shall be and become the property of the asylum so soon as a title to the satisfaction of the board of managers shall be made to the asylum of at least three hundred acres of land, including that on which said property of the United States is now built and maintained or held.

SEC. 13. *And be it further enacted*, That Congress may at any time hereafter alter, amend, or repeal this act.

Approved March 21, 1866.

I also submit the proceedings of the board of managers of the National Home for Disabled Volunteer Soldiers:

Mr. Gunckel, from the select committee appointed to further consider the proposition of Miss Baker as to the Point Lookout property, reported the facts, and asked the board to hear Miss Baker as to certain modifications to her original proposition, which was agreed to and Miss Baker again heard upon the subject.

After further consideration the following action was had:

The b ard having heard the report of the committee on the proposition of Miss D. P. Baker to donate to the National Home the Point Lookout property, it was

Resolved, That the board will accept said property whenever presented to us, with a clear title for the use of the Home. If the donor shall offer it with any restrictions the board will refer the offer to Congress, for power to accept it with those restrictions, if Congress shall so direct.

No objection being made, the resolution was agreed to.

ORDER OF BUSINESS.

Mr. DUNNELL. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the calling of committees for reports, and the morning hour begins at twenty-five minutes after twelve. The call rests with the Committee on Public Lands, the pending bill being the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes.

Mr. HOLMAN. I trust that the Committee on Public Lands will consent to postpone the measure now before the House until to-morrow, so that to-day may be devoted to the consideration of the post-office appropriation bill.

Mr. SAYLER. To-morrow is Friday and private-bill day, and I do not suppose that the Committee on Public Lands could have an opportunity to report to-morrow under the rules.

The SPEAKER *pro tempore*. On to-morrow the committees can only report private bills.

Mr. SAYLER. I would say that the bill pending is under the management of my colleague on the committee from Louisiana, [Mr. MOREY,] and whether he cares to press the bill this morning or not I do not know; he has charge of it.

Mr. HOLMAN. If the gentleman from Louisiana will yield until Saturday I think there will be no objection to taking up his bill.

Mr. MOREY. On Saturday?

Mr. HOLMAN. Yes.

Mr. MOREY. Very well; I have no disposition to press the bill before that time in antagonism to the Committee on Appropriations, on the condition that I shall have the morning hour on Saturday.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union on the post-office appriation bill; but before that motion is put I wish to ask the House to limit general debate on that bill to some reasonable hour. Many gentlemen are thinking of an adjournment for the centennial opening, and I think it is quite obvious that this bill ought to pass before any such adjournment. I think there ought to be some limit to the general debate, and I would suggest that all general debate on the bill close at half past three o'clock to-day.

Mr. FOSTER. I suggest to the gentleman from Indiana that he extend the time half an hour, or there will be hardly time enough.

Mr. HOLMAN. I will agree to the suggestion of the gentleman from Ohio, and move that all general debate close at four o'clock.

The motion was agreed to.

Mr. DAVIS. Will the gentleman from Indiana yield to me for a moment to make a report or two?

Mr. HOLMAN. I will yield for that purpose.

HEIRS OF BRIGADIER-GENERAL THOMPSON.

Mr. DAVIS, by unanimous consent, from the Committee on Revolutionary Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General Thompson, of the Revolutionary Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BARNETT.

Mr. DAVIS also, by unanimous consent, from the same committee, reported back adversely the bill (H. R. No. 462) granting additional pay to the heirs of James Barnett, a captain in the revolutionary war; and moved that the bill be laid on the table, and that the report be printed.

The motion was agreed to.

LEGAL REPRESENTATIVES OF RICHARD HALE.

Mr. DAVIS also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3366) for the relief of the legal representatives of Richard Hale, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM GEMMILL.

Mr. A. S. WILLIAMS, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 3114) for the relief of William Gemmill; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED ROWLAND.

Mr. A. S. WILLIAMS also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rowland; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station at the centennial exposition.

The message further announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

POST-OFFICE APPROPRIATION BILL.

Mr. DUNNELL. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Indiana [Mr. HOLMAN] that the House now re-

solve itself into Committee of the Whole on the post-office appropriation bill.

The motion of Mr. HOLMAN was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House, all general debate upon the pending bill will close at four o'clock this day. The gentleman from North Carolina [Mr. VANCE] is entitled to the floor.

Mr. VANCE, of North Carolina. Mr. Chairman, during the time that I shall occupy the attention of the Committee of the Whole, I desire to address myself to the consideration of what I conceive to be the want of contentment and fraternity in the country. Owing to certain existing laws remaining on our statute-books, it seems to me there is a reason for some discontent in the minds of many of the people of the South; and I am painfully impressed with the fact that many of our northern brethren do not exhibit toward the people of the South that spirit of fraternity and love which is so much desired by that portion of the country. My object upon this occasion is to attempt to do good. I desire to see happiness and joy brought to every household in this broad land of ours. I desire to see satisfaction and contentment brought to the mind of every citizen of whatever race, color, or condition, throughout the length and breadth of our land.

There is remaining on the statute-books of the country the joint resolution of March 2, 1867, which forbids any officer of the Government paying a debt to any person who sympathized with the rebellion. That reaches even persons who were not in the confederate army; men who simply held the office of magistrate or of constable, or any other office which required the taking of an oath to support the confederate government.

On Monday last I attempted to introduce a resolution which looked to the payment of the debts due to mail-contractors and postmasters in the Southern States on the 31st of May, 1861. I desire now to call the attention of the Committee of the Whole to that subject, the mention of which on Monday last caused the House so suddenly to adjourn. The reason why that debt has not yet been paid is because the joint resolution to which I have referred is still in force.

Early in this session I introduced a bill for the repeal of that joint resolution, because I thought the time had come for its repeal; I thought the spirit of harmony and love was so abroad in this land of ours that the time for its repeal had surely come. Some of my friends suggested to me to let it go the Committee on the Judiciary. It did go there, and is there yet; it has not come before the House.

Now let us for a moment examine the reasons why this debt should be paid, for it is nothing but a debt, due to mail-contractors and postmasters, down to May 31, 1861. First, it is a debt which has been audited and is recognized by the Department as due. I have the letter of the Sixth Auditor of the Treasury, the Auditor for the Post-Office Department, in which he states the amount now audited upon his books as about $369,000 due mail-contractors and about $50,000 due postmasters.

I think it is the duty of the Government to meet its debts and to develop the country. Every dollar withheld from the downtrodden people of the South in their poverty is that much money withheld from the development of the country. I might make mention of many things that the country is interested in which are produced in my own State and in my own district, the eighth congressional district of North Carolina. I send to the Clerk's desk, and ask to be read, an article which I have marked in the Cincinnati Enquirer of April 28, 1876.

The Clerk read as follows:

AS TO NORTH CAROLINA'S CLAIMS.

There has been for many years an impression that North Carolina produced nothing in the world except tar, turpentine, pitch, resin, and Bill Allen. Whether it was believed that these five staples of existence were enough to entitle the Old North State to honorable distinction in the sisterhood, or that others she had not, we will not pretend to argue at this time. Enough it is to know that all five of them have been in times past, are now, and promise to be in the future important integrals in the commerce and affairs of our nation. The tar, turpentine pitch, and resin are certainly entitled to the rank of indispensables, in the order named, to our agriculture, our manufactures, our ship-building, and our commerce generally, while Bill Allen has in times past and in times recent shown himself so invaluable to all classes and conditions of American people that we are inclined to dispute North Carolina's proprietorship in him, and claim him for the nation at large. We all claim him now.

But these are not all the titles on which the Old North State bases her claims to distinction. She is a large producer of other valuable staples in the commerce of the world. With an area of over fifty thousand square miles, which is greater than the State of New York, and almost equal to the whole of England, she will compare favorably with any of her sister States in productiveness of soil, salubrity of climate, and variety of products. She has a coast range of more than two hundred miles, with two of the finest harbors on the western continent; she has seven navigable rivers emptying into the Atlantic, and numerous smaller ones which furnish water-power equal to the famed "powers" of the New England States. She has eleven hundred miles of railroad completed and in active operation, with almost an equal amount projected and in course of construction. In the way of agricultural products she can point with pride to her broad acreage of wheat, oats, rye, barley, and tobacco and cotton; in horticulture, to her apples, peaches, pears, and grapes; in sweet-potatoes she heads all the rest of the States. In the way of minerals, she produces gold, silver, copper, lead, zinc, and iron. The first gold mines in the United States were discovered in North Carolina in 1820, and they were worked with great profit until 1847—with so great profit, indeed, that the Government established a branch mint at Raleigh, which was run until a few years ago. Up to that time twenty-nine counties in the State produced gold in sufficient quantities to be profitable to the miner. Until the discovery of the California mines, in 1849, all the gold dug in the United States came from North Carolina and Georgia. But ranking in importance all her other mineral deposits is the iron of North Carolina. In thirty counties of the State iron is found in workable quantities, and in most of these the deposit is of remarkable purity. The red hemitite ore, so famed in Missouri, is abundant here, as are also the limonite and the magnetite, the former two being entirely free from sulphur, and therefore very easily worked. Twelve counties produce copper, and before the war the copper mines of North Carolina were among the most profitable of the kind in the United States. Besides these there are large deposits of graphite. Manganese and mica have been discovered, all of them in paying quantities, and only requiring scientific development to make them exceedingly profitable.

But we have said enough. When a State can produce all these things we have enumerated, and Bill Allen besides, it has no occasion to feel ashamed of its place in the sisterhood of Commonwealths or to be backward in the matter of asserting its claims to a proper recognition. North Carolina will please step forward and take a front seat in the audience. We invite her there.

Mr. VANCE, of North Carolina. In addition to the statement just read by the Clerk in regard to the resources of the South, I desire to mention a very interesting fact connected with the iron-ores to be found in Western North Carolina. I believe that the iron ores of Western North Carolina, East Tennessee, and Northern Georgia are superior to any others to be found in the world. The other day General Wilder, late of the Army, was upon the floor of this House; he had in his hand a knife, manufactured in England, that was only three removes from the crude ore of Mitchell County, North Carolina. With that knife he was paring a tenpenny nail, and with no apparent damage to the blade of the knife.

I hope that no gentleman will withhold by his vote money which will develop the resources of the Southern States. It seems to me that sympathy with one's own State in time of trouble is not a valid reason why a debt should not be paid.

Now, Mr. Chairman, this is the way that matter strikes me: Here are two men, A and B—A owes B a debt; they fall out and fight; A whips B. Is that a good reason why A should not pay B the debt? I think he ought to pay it so much the sooner to show that he is "a man for a' that and for a' that," and has the spirit of a man. That is the way I look at it.

Now, there is another view of this matter. It strikes me that to withhold the payment of these claims is unwise statesmanship. And bear in mind that I have a republican precedent in this book for the payment of a similar claim. In the Forty-second Congress the assistant United States marshals were paid the debt due them for taking the census. Here is the book; here is the law. That was done by a republican Congress. There was no difficulty raised about that; why should there be any trouble in regard to this question?

Bear in mind another thing. There are $50 000 due the postmasters, now audited. Let me tell you what has been done by the Treasury Department. If the amounts due from postmasters South to the Government had been paid to these disloyal contractors, as they are supposed to be, it would have looked something like fairness; but that has not been done. In every instance where the money could be collected the postmasters down there who owed the Government have been made to pay and the amount covered back into the Treasury. Was that fair sailing? These are things that address themselves to the good sense and the justice of every man.

I say it is bad policy and it is unwise statesmanship not to pay these claims. Let me tell you how we fell down in North Carolina. The incoming of the centennial year in North Carolina was saluted with the firing of cannon. That is the spirit with which the people there hailed the centennial year; that is the spirit that animates the South to-day. What stirred the people of North Carolina? It was her thousand sacred revolutionary memories. Within her borders lies the first battle-field of the revolution—Mooro's Creek—and at the old town of Charlotte, North Carolina, was the first declaration of American independence. Upon the border between North Carolina and South Carolina was the next to the last battle-field of the Revolution, King's Mountain. The memory of these things caused the hearts of the people down there to beat with a just pride in the part our ancestors had taken in the glorious struggle a hundred years ago.

I thank God for the centennial year of American Independence. I feel that I have just as much interest in the glory of my country as any man, I do not care where he comes from. I tell you that is the spirit which animates the people of the South to-day. What were they led to believe? They were led to believe that during the centennial year there would be a full restoration of peace and harmony and fraternity throughout our whole country. How has this expectation been realized? Almost the first thing we met when we came to the present Congress was the opposition of the gentleman from Maine [Mr. BLAINE] to universal amnesty, and his disposition to uncover the sad story of the war. Another gentleman from Maine [Mr. HALE] said the object of the cutting down salaries, &c., was to pay the claims of the South; that every man of the South who had lost a mule was coming forward and asking for pay. I find in another speech the following words:

For seventy years the spirit of hypocrisy and misrepresentation dominated over the slave-holding section of this confederacy. They continually presented themselves to the country and to the world as the friends of the Union, and it was a lie from first to last.

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I am forced to confess to myself and with reluctance to say here that I do not in my heart believe that any man educated under and obedient to the influence of slavery can be the friend of a Union that is designed to establish and preserve equality.

* * * * * * *

The people of this country are already awake to the truth that the spirit of the rebellion which they supposed had been subdued by war is still powerful in the South; that it oppresses four millions of human beings; that it instigates all sorts of outrage and wrong; that there is no freedom in these old States for the people who are not identified with the old slaveholding aristocracy of that section of the country.

I commend to these gentlemen for their special reading the thirteenth chapter of First Corinthians.

Now I do not propose to defend slavery; I have nothing to do with that. I merely wish to say—and I know what I say when I speak it—that the people of the South rejoice in the freedom of the colored man. Let no man say that is not so. I have not found a man in the South who would have the colored man back in slavery; not one. On the contrary, the spirit is one of acquiescence; and I say to you to-day, instead of being the oppressors of 4,000,000 of people, the best, the truest friends of the colored people on the face of God's green earth are those with whom they were associated in the days of slavery. And let me say that slavery was not all gloomy, not all melancholy, because sometimes the most pleasant relations existed between the master and the servant. I have myself seen a long line of colored people marching in procession bearing one of their comrades to the grave, and next to the coffin were the master and mistress, going to pay respect to the memory of one who had served them faithfully in life—going to lay him away in his last resting-place.

Sir, it is a mistaken idea that the people of the South oppress the colored people. Why, sir, I will tell you what I have seen there myself. I have seen colored men going up in solid column and voting the republican ticket, and the next day one of them would go to his old master and ask for $5 to buy something to plow with; and he always got it.

We thank God for the freedom of the colored man. Let me tell you what is your duty. It is not alone to give the colored man the right to vote and hold property, but it is also your duty to educate him. You ought to appropriate a portion of the great national domain to educate the colored man, to give him a mind trained by education so he can take an intelligent part in the affairs of the Government.

Why do gentlemen always bring up the horrid things of the war? Why do they always talk about slavery? Doubtless all things, Mr. Chairman, are ordered by a spirit wiser, greater, and nobler than man can conceive of. I am one of those who believe all good things are brought about through the agency of divine Providence. Why do gentlemen object to slavery, when the colored man was doubtless brought to this country by a wise Providence in order that he might be educated, that he might be free, that he might become a man? What is he in his own country? He is in a degraded state. These are wards of the nation, and it is your duty to educate them. I am ready to help you; I am ready to cast my vote any time to educate the colored people and bring them up in the right way.

Mr. WHITE. Will the gentleman from North Carolina let me ask him a question?

Mr. VANCE, of North Carolina. I believe I would rather have you wait until I get through.

Mr. WHITE. I wish to ask the gentleman a question in regard to these colored men who do the voting down there, and who next day go to their employers and are refused the money to buy victuals with. Does not the gentleman know that colored men have been turned out of employment for not voting the way their employers wished them to vote?

Mr. VANCE, of North Carolina. Not in my section.

Mr. WHITE. I know such has been the case in my section.

Mr. VANCE, of North Carolina. You may know it in your country, Mr. WHITE, but my people do not turn them off in that way. I will tell you what I have seen. I have seen colored people follow with guns, and rocks, and sticks a man, one of their own color, threatening him with death because he did not vote as they were taught to vote. I have seen that; and I am sorry for it.

Let me say in regard to the people of the South that we will possess our souls in patience in regard to all these things. Gentlemen say we must wait for the little amount due us down there. How long do you want us to wait? Is not fifteen years a good while? I am willing to wait if I cannot help myself; but do not ask me to wait until the next big centennial—do not ask that, as that is a little too far off.

I tell you, Mr. Chairman, the people down there intend to pay their taxes, and they do pay their taxes. They intend to support the Constitution of the United States and obey the laws. They intend to be good citizens, loyal and faithful, and they are so to-day. I could take you through my own mountain region, and when the shades of night have gathered about many an humble home the old Bible is brought out, a chapter is read, and prayer is made to God for the whole country and for the preservation of liberty upon this continent. That is the way our people feel. If you do not choose to recognize us now as to the justice of the debts due us, we will wait; we will be patient, we will be trustful, we will be obedient to the laws, we will be good citizens.

I confess, however, that I do not expect a great deal from men who bring up all the horrors of the late civil war in order to accomplish party ends. I do not expect much from that class of men, because I know that it is the meat upon which this our Cæsar has fed that he hath grown so great.

A gentleman has just asked me what is the amount of the Post-Office claim. I stated a while ago $369,000 was the amount due to the mail-contractors. That debt has been audited and is on your books. It is a claim similar to the one paid to the marshals for the service in 1860. Fifty thousand dollars is due to postmasters. Having answered that question, I will now go on.

I say that we do not hope for much from ambitious politicians. I hold in my hand a paper printed in Connecticut that is perfectly horrified at the idea of paying mail-contractors to the 31st of May, 1861. It talks about this "ex-confederate Congress." I would not hurt him if he were here. Perhaps the fight has all been taken out of me, but even if it had not, I would not hurt him even if he were here. Who, then, do I look to? I look to the people, and I believe this day if the question were put to the people, magnanimous and noble as they have proved to be upon a thousand occasions—I say if the question were put to the great American people whether this little sum of $400,000 should be paid, (a just debt due by the Government,) they would say to the Government, "Go pay it, and let us be done with it."

Who stands in the way? Somebody, of course. I say there is, as I believe, a spirit coming about which is all right, and I thank God for it. I wish all the people could get together and shake hands. I would like to see gathered together the people of Michigan and California and Connecticut and Massachusetts, &c., with the South. My heart grows warm at the mention of the name of Massachusetts, when I remember the eloquent speeches made by her Representatives upon this floor in reference to the celebration of the battle of Bunker Hill.

There is another class to whom we would ally ourselves; it is the soldiers of the North. Let me read to you from a North Carolina paper just received this morning what is said there. I hope gentlemen will listen to it:

The third national annual reunion of northern and southern soldiers will take place at Caldwell, Ohio, on the 5th of September next, lasting three days.

What an item that is to cheer the heart! The piece is headed "The blue and the gray." And what a notice that is to stir the human bosom! To see those who stood face to face when cannon swept the field with fire; to see them coming together once more—and I thank God for it—in fraternity and concord is a sight never to be forgotten.

The editor goes on to remark:

This is certainly a matter for sincere congratulation, and gives hopeful augury for the future welfare and glory of the country. It matters not where or when the former soldiers of the two sections are thrown together, there will be found the kindest intercourse and growing intimacies existing between them. General BANNING, of Ohio, whose gallantry on the field is only equaled by his wisdom and moderation in the council chamber, General RICE, from the same State, whose services in behalf of his country, the evidence of which he will bear to the grave, are not greater than the modesty with which he wears his honors, and General Williams, of Michigan, whose love of country in the past did not content itself with "windy supinations," and therefore does not now regard it necessary in order to give it "local habitation and a name," to wave the "bloody shirt," find pleasant companionship and welcome assistance from friendly association and legislative consultation with those men in Congress whom they opposed on the battle-field.

Among the most pleasing incidents witnessed during a recent visit to Washington was the friendly intercourse between two members of the House and their families. One of these gentlemen, a Representative from Ohio, had lost a leg in the Federal service, the other, a Representative from Mississippi, had lost an arm in the confederate service.

Yes, sir, we look to the soldiers of the North for fraternity and friendship. And why should there not be fraternity and friendship? The glory of the armies of the North and South is common. Their heritage is common. I cannot separate the fame of the blue and the gray. I cannot separate in my affections the dead soldiers who have fallen and sleep side by side upon the bloody field. In my affections these men have become united. I cannot deprive the one or the other of their glory, because they were my countrymen and they were my brethren, and they both fought for what they judged to be right. The men in gray fought for liberty, as they thought, and they had the idea that they could best enjoy it under the form of government for which they fought. The others fought for liberty, as they thought, and their idea was that they must all stay together. They both fought for liberty, and they both died nobly; and the time is coming when the people will speak of both sides as *our soldiers*.

The silent pillar, lone and gray,
Claims kindred with their sacred clay;
Their memory sparkles o'er the fountain,
Their spirits wrap the dusky mountain;
The meanest rill, the mightiest river,
Rolls, mingling with their fame, forever.

No, sir; I have no idea of separating the fame of the gray and the fame of the blue. They met in the stern and dreadful array of battle. They grappled as strong and brave men, and many of them died with their fingers stiffened around the flag-staff. And God forbid that I should stand up in this House or any part of this broad land and take away one iota from their just and glorious fame. Here they sleep well after life's fitful fever is over.

Now let me tell you, Mr. Chairman, that this is the very same spirit that animates the people of the South, and it is the spirit in which we are training up our children. I will relate to you a little circumstance which I had from a gentleman. He was traveling in the South during the month of May, a stranger, and he stopped near a burial ground, and through the trees he could see glimpses of a number of

children all clothed in white; little girls they were, and each had a basket upon her arm filled with flowers, and there slept the gray on the one side and here slept the blue on the other, and the children were singing:

Under the sod and under the clay,
Here sleep the blue and there sleep the gray.
Light be our steps, as falleth the dew,
Tears for the gray and tears for the blue.
Come, sisters, come, let's scatter anew
Wreaths for the gray and wreaths for the blue.
Soft be our hearts through all the sweet day,
Smiles for the blue and smiles for the gray.

That is the spirit that animates the children down there, and the time is coming when we will know, as I trust, no difference.

Why, sir, the 10th of May will soon be here; the grand centennial gathering of the people (where many other countries will also be represented) will soon be at Philadelphia. Thank God for that spirit which is gathering the people together.

Mr. KELLEY. I ask permission of the gentleman from North Carolina to interrupt him for a moment just here for the purpose of saying that while I have not considered the bill to which he is speaking, I want to remark in advance of its consideration that the feeling between the North and the South to which he refers will not control my vote on it or kindred questions, and in response to the generous sentiments he has just uttered to say here and now substantially what I have said before to my own people and what I had the pleasure of saying to the people of Georgia during the annual State agricultural exhibition last fall. I happened to be, on last Decoration Day, in one of the towns of South Carolina, when I saw a lady decorating as I had never seen a grave decorated, framing it in sprays of arbor vitæ and lettering it beautifully, "as the grave of somebody's loved one." On returning to my hotel I inquired who the soldier was, and learned from a northern gentleman, who has passed many winters there, that it was a straggling Union soldier who had died of his wounds in that town—Aiken, South Carolina. He also told me that the lady whom I had seen decorating that grave with such care was, to use his phraseology, a rebel's wife, who prayed that somebody might decorate her son's unknown grave.

From Augusta, Georgia, my son and his companions, eight in number, returned in the evening; they had gone thither in the morning in roystering spirits, as is the wont of youth, to see the festivities of the day, a procession and the unveiling of a monument to confederate soldiers, and they came back to tell with emotion of the tenderness with which they had seen the ladies of that city decorating the graves of the boys who had worn the blue. I would heal the wounds of the war; and want to say to the gentleman from North Carolina and others from the South that they must not judge the spirit of us of the North by votes we may give on particular bills or special clauses.

And, in conclusion, I now say to him as I have said to my own people and to those of Georgia, and through him to the people of the entire South, treasure every tattered flag under which you fought; treasure every broken flag-staff as sacred relics; but attach to each, if you can, its whole story; let it tell all who may behold it how many hopeful youths, how many stalwart men marched forth under it; let it tell where they died, where they were maimed, what widows and orphans were made by the gallantry with which that tattered flag or broken staff was borne. I say to those who wore the gray and to those who wore the blue preserve every memento of your valor and your sacrifices, for the day will come when all the people will treasure every memento of American courage and sacrifice made in that great war. [Applause.] The day will come when those trophies, blending together as the dyes of yonder flag blend, will be cherished as among the richest heritages of a united and unbroken American people, and will warn our countrymen through all time of the terrible cost that would attend an attempt from any quarter to dismember the American Union. [Apulause.]

Mr. VANCE, of North Carolina. I thank the gentleman for his generous words; I expected only such from him. Sir, I know his generous nature, and I had reason to believe that his heart was in the right place.

I was going on to remark that the grand centennial gathering of the people would be in a few days at Philadelphia, and there I hope that those who have so long been estranged will meet together and shake hands near the old Independence Hall. The South will be there, although we are poor and do not have as much to exhibit as some other parts of the world; yet, sir, we will be there with our specimens of cotton, rice, tobacco, iron, mica, agalmatolite, marble, copper, &c., with fruits from North Carolina, (including apples weighing twenty-four ounces,) and oranges from Florida. We will do what we can by way of exhibiting our products, but we will be there with something still better—our warm hearts and our warmer prayers for the restoration of unity and fraternity. Science has discovered to us a beautiful and wonderful truth. There is a stream that rises in the tropics and wends its way into the waters of the Atlantic Ocean northward. That stream can always be known by the water being warmer than it is in the sea around it, and the inquiry has often been made what is the object of that wonderful Gulf Stream? To my mind, sir, it has two objects; one is to warm up the colder regions of the north, and I have thought that the all-wise Being had another object in it. An iceberg breaks loose sometimes up at the north and comes thundering down into the bosom of the deep, and would soon destroy the shipping; but, sir, the warm fingers of the Gulf Stream get around this iceberg and imperceptibly the tremendous thing is melted away and carried to heaven in spray and mist.

Following out the idea of the Gulf Stream, we will come up from the South with our warm hearts, and if some immense iceberg from the State of Maine, or somewhere else, rushes down upon us to destroy us, we will come about it with our warm fingers and hope to melt it down into a man whose philanthropy shall be as broad as our country, and whose charity shall be as gentle as the dew upon the rose.

Mr. WHITE. Before the gentleman sits down, I wish he would let me have read an article from a newspaper in the State which he in part represents, which shows what good feeling exists on the part of some southern editors, as well as members. Some idea of the fraternal feeling which is fostered on this kind of food can better be imagined from the tone of this article than we have learned from the gentleman's speech.

Mr. VANCE, of North Carolina. I cannot do so, as I have promised to yield the remainder of my time to the gentleman from Illinois, [Mr. ANDERSON.]

The CHAIRMAN. The gentleman from Kentucky can have what he wishes to have read printed in the RECORD, if there is no objection.

No objection was made.

The article referred to by Mr. WHITE is as follows:

AMMUNITION FOR CONNECTICUT—A SOUTHERN DEMOCRATIC VIEW OF THE RESULT IN NEW HAMPSHIRE.

[From the Charlotte (North Carolina) Observer.]

Returns from New Hampshire indicate that the republicans elected their ticket in the State on Tuesday by something more than a thousand votes. We are not at all surprised at the result; in fact, we expected it. We cannot trust any State whose interests are confined to manufactories. The great mass of voters are merely political automatons; are under the surveillance of their employers; have no freedom of opinion; are dependent upon others for their daily bread; and like dumb cattle, are driven to the shambles at their masters' will. Besides, there is nothing in common between us and the New England people. Mean and petty in their spite, vindictive and malignant in their hatred, and base and cowardly by nature, they are incapable of a magnanimous act or of any of the noble impulses that actuate a warm and generous heart. They tried us once, and found us so hard to conquer that they have feared us ever since, and would now, after a decade of peace, favor any measure that would place collars upon our necks or make galley-slaves of our southern manhood. Their only possible objection to the democratic party is that it favors the freedom and enfranchisement of the Southern States, and that alone is sufficient to damn it forever in the eyes of the New England Yankee. Yet, while we expected nothing patriotic from the radical Yankee, whose very name is the synonym of all that is pusillanimous and sordid in nature, nevertheless we cannot but feel somewhat dejected at the course of New Hampshire on last Tuesday. The people who did the voting are at least human creatures; have the blood of the Anglo-Saxon race coursing in their veins, and are sufficiently intelligent to know that it is a violation of all laws, both human and divine, either to steal or harbor the thieves who are plundering all that is sacred and valuable in their own country.

The radical party has swept like a typhoon over the plains of this broad Union; it has scorched the fields and withered the vegetation; it has defaced the landmarks and destroyed our institutions; it has spit upon our cherished traditions and defied our laws; it has trampled upon our liberties and plundered our treasures; it has shamed us at home and disgraced us abroad; and New Hampshire, after all this, gone radical! Well might we exclaim, Blush thou, O humanity, for another foul crime has been committed in thy fair name! The dark flood of radicalism that has swept over the country for the last ten years has left its stagnant pools only to produce sickness and disease everywhere. The stench and miasma that is arising daily from the putrid filth and decaying mold is nauseating in the extreme. Wail after wail of official corruption has come up from every quarter of the Union. The public funds have been stolen by the million, and the tracks of the thieves traced directly to the White House. An age of peculation and venality such as probably no nation has witnessed since the degenerate days of Caligula and Didius, of the Roman empire, has sprung up here in our midst; and instead of an honor it now has become a reproach to be called an American citizen! Reports that bribery and dishonesty were discovered in the Cabinet and among the highest trustees of the Government electrified the wires and astounded the people from one end of this continent to the other; yet, right upon the heels of these most startling disclosures, New Hampshire indorses the course of an administration that protects and shields the perpetrators of the dark crimes. We verily believe that corruption is one of the strongest bands that holds the republican party together, and the more widespread it is developed the more closely it is determined to stick. Surely the sturdy yeomen of the great West and States like New York cannot indorse such shameless acts.

CONTRACTION THE RUIN OF THE COUNTRY.

Mr. ANDERSON. Mr. Chairman, for many reasons I approach the discussion of public questions with apprehension that I will fail to do my duty to my constituency or reflect credit on myself.

In the first place, I am inexperienced in machinery that controls national legislation, know little of its combinations or springs of action.

In the second place, I am one of the representatives of an independent movement emanating from the people.

In the third place, any effort made by me on this floor is in the presence of two powerful organizations: The one in power and, as I think, by their own acts demonstrated incapable, the other out of power, but seeking it with a divided front upon the vital questions most nearly affecting public interest. My education and past alliances all attach me to the democratic party. But, Mr. Chairman, and in this I speak for the people, they must offer a remedy for existing evils before they can secure my support or the support of a movement which, although latent, is powerful. That movement would never have existed had the party in power responded to public necessity. I fear that the political leaders of both the great organizations

to which I have referred labor under the common delusion that they lead and control the people.

The first trouble that confronts me in an honest effort to be useful is that all the machinery of both organizations seems to be directed to but one purpose, the defeat of the popular will. It will be my effort to show in the few remarks I have to make that the political leaders of both parties are wrong and that the people are right.

Educated as a democrat, the position of a large number of democratic members of this House in regard to the national banks is, allow me to say, incomprehensible. In the past on every stump in my section of the country I have heard Jackson referred to with pride by almost every democratic political leader. If my recollection serves me right, Jackson fought with the people against the banks and at one and the same time conquered a victory and undying fame as a statesman. We were then comparatively in our infancy, had but few of the material elements of centralization; railroads were doubtful problems and telegraphs were unknown. Our populations were sparse, and therefore the power of class combinations inefficient. He however had the foresight and patriotism to nip in the bud a principle which practically reposed in the Government, in addition to its rightful political power, the absolute control of the money and credits and, through that influence, the industries of the people. To one so little acquainted as myself with the abstractions of finance it strikes me very forcibly that the existing contest is between the national-banking system and what are popularly known as greenbacks.

Let me for a while discuss the merits and demerits of the two systems, and show in my way which is for and which against the people. The national banks, as I understand the laws of their organization, represent the deposition of power by the Government in a class who control the entire moneyed, commercial, trading, manufacturing, labor, and credit interest of the country, with this exception, that the existing authorities retain such control over their administration that their co-operation for political purposes can always be compelled. The disasterous results of such a policy are twofold, crushing out all competition and all diffusion of money, in the first place, and creating an almost impregnable authority in the party in power.

Again, I believe that a fundamental necessity for both prosperity and liberty is the enactment of such laws as look to the decentralization of money and its diffusion among the people. The more competition there is for the sale of any article, to be more elaborate, the more holders, the cheaper the commodity, whatever it may be. This law I hold to be fundamental; therefore, the more you diffuse money the cheaper it becomes to those who by their industry and enterprise make it useful. Active competition in the sale of any article, money included, makes it cheaper to the purchaser. The national banks drive all competition from the market and subject every valuable industry, every labor and mercantile pursuit, everything that looks to the development of the country and the welfare of the people, to the iron rule of money. Such legislation proceeds with one class from the mistaken philosophy that the people lack the brains to attend to their own business. This allow me to denominate as the bourbon or stupid class, and proceeds from another class, wiser, more unscrupulous, and therefore more dangerous, from a desire to dethrone the people and set up the golden calf as the proper object of worship.

A common taunt is that your legislation is for the benefit of debtors. Allow me to depart from what I understand to be the beaten path on this question by asserting that the valuable classes, in almost every prosperous community in this country, are the debtor classes. Destroy them, every factory will close, every country shop and every palace for the distribution of necessities to the people, every enterprise for the development of the country, and every avenue that gives hope for future prosperity is blockaded by an impassable barrier. The banks—national banks—who are advocates of the creditor-class legislation and talk learnedly about specie payment and contraction, are themselves the chief debtor class of the country.

In the campaign of 1872 you cannot fail to remember that those magnates in finance, Jay Cooke & Co., were privately sending information to all parts of the country and publicly making it known from their bank that a change in administration would ruin the country. There was no change in the administration, but the widow failed to get her mite from Jay Cooke & Co. The same advice we heard from Jay Cooke & Co. in 1872 in regard to finance, I am sorry to say, is heard from both sides in this House to-day. The banks closed their doors and surging masses of humanity besieged them day after day to secure their pittance, the result probably of a life of toil, deposited with them because Government had deluded them into the conviction that it was safe. The people were robbed because they were deluded by class legislation, the object and result of all such legislation being to relieve them of the responsibility of thinking and acting for themselves, and swindled them by accepting such legislation as security.

It is not my purpose, Mr. Chairman, to present the data upon which the foregoing conclusions are based; the inefficiency of the national banks has already been exhibited by their inability to weather a financial storm. The financial policy of the Government in contracting the greenback circulation and by legislation discriminating for its depreciation could have had no other object than to perpetuate the national-banking system and was clearly detrimental to the people and country.

The bonds and the circulation depend alike upon the faith in and credit of the Government. Although, as an original proposition and freed from the distressing burdens under which the people groan, the policy of issuing a non-interest-bearing circulation direct from the Treasury of the United States may be a proper subject for honest difference of opinion, when, as now, its contraction has already increased the annual interest many millions and when, as proposed by the so-called resumption act, its objects, accomplished, will further increase it near twenty millions annually, its impolicy is so clearly defined with those unacquainted with the abstractions and, I think, fictions of finance that it needs no argument to demonstrate it.

Having thus briefly presented the foregoing crude, but I think correct, views in regard to national banks and the results that follow their practical opperation, let us for a while consider the political and financial influences that would follow a change of the system by the abolition of the national banks, the unqualified repeal of all discrimination against greenbacks, the substitution of greenbacks for the national-bank issue, and the consequent absorption and cancellation of near four hundred millions of the 5.20 bonds now payable at the option of the Government. And, first, what would be the result of the repeal of all laws discriminating against, and therefore discrediting our circulation? Can it be doubted that a Government carrying a bonded debt of near two thousand millions of dollars, held by the money-loaners of the world at and above par in gold, could, upon the some faith and credit, make a circulation sufficient for internal trade and relieved of existing odious discriminations against it, equal to gold?

One of the abstractions of finance which, Mr. Chairman, I fail to comprehend is the common assertion that the issue of such circulation would result in dangerous centralizing political tendencies. That the opposite result would ensue appears to me apparent to the most common understanding. The money issued from the Treasury of the United States would be diffused among the people freed from all governmental control. The law of diffusion of money into many hands, and the consequent increased number of holders and increased competition in its barter and sale to the people, would force it into legitimate channels of industry.

The national banking laws being repealed, the dangerous power of money and consequent political centralization that follow their existence and present an insurmountable obstacle to usefulness in its legitimate fields will pass away. It is apprehended by many honest people that so sudden a change in so intricate a system would result in widespread disaster. Let us consider its practical operation. It would not disturb decrease or in any way interfere with the volume of circulation, the only result of such legislation being the substitution to every holder of a national-bank note a greenback therefor and the decrease of the interest-bearing debt of the country; time being accorded to banks either to wind up business with their dealers or continue banking as private institutions. If they were safe to depositors under present management, they would have the confidence of the people without laws for their protection. If not safe, the sooner they were compelled to settle the better for private industry. Let me reiterate that the repeal of the laws establishing the national banks and the substitution of greenbacks could not affect money circulation or in any way interfere with the business of the country. The appreciation in the value of greenbacks to par with gold, consequent upon the overthrow of odious legislation depreciating them, would inflate their buying capacity to an amount equal to their depreciation in value on the whole volume, and would approximate $100,000,000. A specie basis would be reached speedily, and the grinding process now fostered by the national banks and the money-holders (rendered effective by the resumption act) be avoided.

It is claimed by advocates of the national banking system that its operation is unprofitable, and under this pretext bills are introduced at this session proposing the repeal of some of the taxes imposed. If this system is unprofitable with power to issue 90 per cent. of the par value of the securities deposited in a circulation and the right to draw 6 per cent. interest semi-annually on the securities, does it not demonstrate that the management is in the hands of reckless speculators and irresponsible combinations? Private banks, where the depositors hold the owner individually responsible for every dollar deposited, have flourished in the past and are in existence in spite of these legal discriminations in the present. The reason of this is apparent upon superficial investigation. The private banker is known by his depositors and is trusted for the reason that they have confidence in his integrity, his business capacity, and his carefulness in the control of his own and the people's money. He engages in no wild-cat speculations, but loans his surplus to those engaged in the useful industrial pursuits surrounding and near to him, while those in charge of the national banks are mere clerks of the stockholders, and are not responsible individually for the people's money.

No such legislation as the Sherman resumption act would have ever been thought of or advocated, were it not that money was injuriously centralized by the influence of national banking legislation, to which may be superadded the existence of colossal fortunes in the few, and principally in commercial centers, which were speedily built in the unnatural condition that the war entailed and by the instrumentality of the national banks. The money thus accumulated in a few hands

and controlled by national banks, instead, in the time of financial crisis, of being diffused to meet the necessities of the producing districts of the country, is hoarded in the cities at the first appearance of financial danger. The result is, that while the county districts are in distress for money to carry on the useful pursuits, the cities are gorged with it on account of its easy control through national-bank legislation. Sherman's resumption act is, therefore, legislation prompted by the rich of the cities and the national banks, and is legislation diametrically antagonistic to every producing district and industrial interest in the land.

The panic of 1873, which so shook the confidence of the country that these money lords and national shaving-shops withdrew the money from all useful pursuits, was the direct result of the accumulation of money in the cities by this legislation. By operation of the banking laws the reserves of the country banks could only be profitably used by sending them to the redemption cities. Vast sums were thus accumulated beyond the legitimate demands of trade, which in seeking employment created the wild spirit of stock speculation that produced the disaster. Worthless stocks had absorbed near one hundred millions of the money of the country, and when the crash came and their worthlessness was exhibited, the confidence of the national banks and the money-holders was destroyed; and from that time until now they have withheld and locked up a surplus, thus driven to the cities, and while the people of the country districts and the industrial pursuits are destroyed for want of a sufficient circulation. This surplus in the cities, which should be driven to the country to engage in productive enterprise, was the instrument used in this House to pass SHERMAN'S resumption act, perpetuate a policy of contraction, and destroy the hopes and energies of a generation.

Under the cry of hard money, *hard money*, a large number of gentlemen assail the greenback, which cost the people nothing, and advocate the national-bank circulation, which under SHERMAN'S resumption act will cost the people forty millions per annum. For hard money they offer the people the notes of these national shaving-shops, and make an annual charge against them for their perpetuation of the sum of $40,000,000.

A large number of this class are not in favor of hard money, but under cover of a hard-money cry are agents of and stockholders in national banks. We find on all financial questions that both the great parties are divided. Gentlemen professing to be democrats are the advocates of this overshadowing money monopoly, when every inspiration of democracy and every precept and example of its founders arraign such legislation as the enemy of its principles, and dangerous to public liberty.

The corner-stone of the independent party is hostility to all corporate monopolies. In this they are the exponents of true democratic principles and the lineal successors of Jefferson and Jackson. No man can be a democrat and at the same time advocate this national banking system. It may be said by some that a hard-money policy is one of the fundamental tenets of democracy. A democrat, as I understand the term, is one who believes in the people; believes in their power and their ability to govern themselves; believes, when acting in a representative capacity as a legislator, that the highest duty is to protect their material interests and defend their political rights; who believes that when the people are in one of the balances and the Shylocks with their money-bags are in the other demanding the pound of flesh nearest the heart of the people, it is his duty, if need be, in the interest of the people to confiscate the unlawful gains of the greedy sharpers. The advocates of the national banking system and Sherman's resumption act are their representatives, and the advocates of the substitution of the greenback for them are the defenders and supporters of the people.

To further establish the ruinous tendency of national-bank and contraction rule, allow me to call the attention of the House and the country to the annexed table, taken from the commercial-agency report of Dunn, Barlow & Co., showing the failures and the amounts involved from the year 1857 up to the first quarter of the year 1876, inclusive:

Year.	Number.	Amount.	Average.
1857	4,932	$291,750,000	$59,154
1858	4,225	95,749,000	22,662
1859	3,913	64,394,000	16,430
1860	3,673	79,807,000	21,710
1861	6,993	207,210,000	29,631
1862	1,652	23,049,300	13,452
1863	485	6,864,700	14,154
1864	520	8,579,000	16,498
1865	530	17,625,000	33,255
1866	632	47,333,000	74,894
1867	2,386	86,218,000	36,134
1868	2,608	63,774,000	24,452
1869	2,799	75,054,000	26,814
1870	3,551	88,242,000	24,849
1871	2,915	85,252,000	29,245
1872	4,069	121,056,000	29,750
1873	5,183	228,499,000	44,685
1874	5,830	155,239,000	26,627
1875	7,740	201,060,353	25,978
1st quarter 1876	2,806	64,644,156	23,037

This table shows that if the same proportion of failures occurs the remainder of this year they will aggregate 11,224 in number, with $258,500,000 in amount, the failures in number on the proportion of the first quarter of this year being over twenty times greater in number than in the years 1863, 1864, 1865, and 1866, and nearly double as great in number as those of 1861, which were the result of the secession of one-third of the whole territory and the insecurity produced by the inauguration of the most gigantic struggle of modern times—in numbers exceeding double the failures of 1857, the most disastrous year of American history prior to 1861.

The most serious question now confronting the industrial and business classes of this country is this: Shall a contraction of the currency go on, or shall it cease? Already nearly $40,000,000 have been retired from actual circulation since the passage of the resumption act, January 14, 1875; and Treasurer New reports that the volume of the currency will be contracted over $100,000,000 by January 1, 1877. What does this mean? Sir, it means an increase in the burden of public debt; an increase in the weight of taxes; embarrassment to private credit; a reduction in the operation of agriculture and manufactures; a check to the development and improvement of the country; a blow at every productive industry in the land.

It means further, an increase in the value of money and a decrease in proportion in the value of the products of labor. It means dear and scarce money, high interest, and low products. It means paralysis and death to all business and all pursuits save that of the money-loaner, the Wall-street gambler, and the bondholder.

Have we not unmistakable evidences of the ruinous tendencies of this contraction policy every day? Were there ever so many failures since the formation of our Government? Were there ever so many men, so many old and long-established firms, going down under this terrible and crushing contraction policy? and while thousands have gone down, many thousands more are to-day hanging on the *ragged edge* and must soon follow. The end is not yet. We have not touched bottom. This grinding process will continue until the policy is changed. Contraction must cease, or hopeless bankruptcy is the lot of the great mass of our citizens. This contraction was a forced one, and did not take place because the prices of articles fell, but it was the cause of the fall of prices. It was not brought about because there was less demand for money, but it came (or was brought upon us) at a time when our internal developments were greater than ever before in history, our population increasing more rapidly, more railroads building, more mines opening, and more improvements of every kind than we ever witnessed before. It came when the growing wants of the country required a larger circulation.

Who brought contraction? Surely not the toiling millions, that received the rewards of their labor from these enterprises that were then developing our latent resources. Surely not the agricultural classes, then never more prosperous; for they remembered the lesson taught by Adam Smith in his work on political economy, when he said, "High prices and plenty are prosperity; low prices and want are misery." No, sir; the masses did not demand it; they did not want it. It has ruined them; and they now feel and know that it is so. Who did bring contraction? I answer, the national bankers, the bondholders, the money-shavers, and their hired attorneys. They have done it; and now with their hand upon the throat of the nation, they cry: "Let it go on! Stop it not until the last Treasury note (greenback or people's money) shall be retired and burned up!"

To this demand of the Shylocks for this life-blood of the nation, what say the two old political parties now in possession of the two branches of Congress? The democratic all powerful in the House, the republicans equally powerful in the Senate. Do or have they heeded the wants of the people, or do they bow and cringe like slaves at the feet of this heartless money tyrant? Let their action for the last long distressing five months answer. During the last six months, five of which we have been in session, the number of failures has been fifty-two hundred and eleven, and the liabilities $135,000,000. With these things staring Congress in the face, I ask has there been a *solitary bill* or *resolution* passed either branch of Congress putting an end to this contraction? Tell me, ye powers that be, and who demand the suffrages of the people that you may longer exist, why have you not acted? At any time within ten days from the opening of Congress in December last a bill could have passed immediately stopping contraction. Why did you not do it? I answer, because you were both cowardly; because you were under the shadow of the money power; because that power had collars around your parties' necks, and led, guided, and drove you with a very *slender thread*, without the least fear that you would become unruly or break away from them. I answer again, because you wanted their help and the help of their money in the coming campaign.

And now you have chosen your ground, you have made up the record, you have both shown by your action that you are willing for contraction and bankruptcy to go on until they consummate the certain destruction of the business pursuits of the country.

I say to gentlemen of both the old political parties that we, the independents, will hold you to the record you have made on this question, and are ready to join battle and go to the country for a verdict. No honeyed words or phrases, no false or hypocritical promises made to the ear and to be broken to the hope, no two-horse bare-back riding, no political clap-trap or legerdemain, no un-

certain or devious future action, no two-construction double-action resolution, no—

> Wiring in and wiring out,
> Leaving the people still in doubt
> Whether the snake, that made the track,
> Is going north or coming back,

which doubtless will adorn and beautify both your platforms, will satisfy the people.

In conclusion, what, then, is the condition of the country? Its great productive powers at a stand-still; general depression in all legitimate and fair business; bankruptcy knocking at every man's door; the tax-gatherer reaching out his hand for our annual contribution, to be given in payment for the right to enjoy the highest taxation known to any people on earth; the great masses of our industrial and business classes weighed down by heavy debts, with 10 per cent. interest paid semi-annually, eating up the profits and much of the principal; taxation so great that thousands of farmers are compelled to allow their lands to be knocked down to the State for taxes; real estate greatly reduced in value, and with difficulty sales are effected at reduced rates; its yield to the cultivator less than 3 per cent., but little in excess of the taxes, because capital is protected by legislation that exempts it from the burdens of taxation; millions of men and women to-day in this free Republic without work and without bread, the most rigid economy having forced itself upon the great producing and laboring classes, until to-day many are unable to earn the necessities of life.

In this condition of affairs what do the people demand? Sir, they want the burdens on labor lessened. They want better pay for the farmer, mechanic, and laborer. They want employment for thousands of idle men and women. They want to live and to let live. They want lower interest on capital. They want less taxation and robbery and more honesty and economy in public affairs. They want no more legislation to enrich the few, whose coffers are already overflowing, at the expense of the masses, who are poor. They want no conflict between capital and labor; but they demand that capital shall be subordinate to labor, its creator, and that legislation shall look to the encouragement of blood, bone, and muscle, and not to the protection of money. They want no more grasping monopolies created and fostered by State or nation. They want "equal and exact justice to all; special privileges to none." They want no more increase of salaries or offices, but a reduction of both. They want to turn out a host of useless officers that now consume their substance, and remand them to honest and productive pursuits. They want less and better legislation. They want to hold public officials to a strict accountability, and teach them they are the servants, the people the masters. They want to place men in power whose sole aim will not be money-making; who will not enrich the few, the moneyed classes, and themselves out of the hard earnings of labor. They want to be governed less, that they may follow their peaceful, healthful, and useful pursuits in their own way, freed from the extortions of legislative monopolies and the plundering rings that such legislation creates. They want no splendid or magnificent government. They want no towering public edifices, built from the hard earnings of industry and toil. They want no rich trappings surrounding Government officials at the expense of an impoverished people. But they do want a plain, simple Government, that will make them realize that it is a blessing, not a curse. They ask these things in the name of common justice, and they will have them though the heavens fall.

And last, though not least, they demand financial reform by the adoption of a policy that will re-invigorate the prostrate industrial and business pursuits of the country. The people demand a currency stable, uniform, and receivable for all debts, public and private. They want all financial legislation that discriminates in favor of the wealthy and against the many repealed. They want greenbacks in place of national-bank notes. They want no forced resumption of specie payments brought about by a forced contraction of the currency. They want no increase of the bonded indebtedness. While they realize that the public debt must be paid, they at the same time demand that their interests be protected from the grasp of the money-sharks.

And now, Mr. Chairman, as one of the representatives of a new and powerful political organization antagonizing the two old parties on the financial question, I desire to remind this House that already two great States of the West, untrammeled by old political ties, have assembled in convention under the banner of the independent movement, and have spoken in no uncertain tone for the unconditional and speedy repeal of the ruinous Sherman resumption act. Yes, Mr. Chairman, repeal *unconditionally* and *at once*, that contraction may cease, that the greenback or non-interest-bearing debt shall not be changed into an interest-bearing debt, that enforced idleness by unwise legislation shall no longer exist, but that business, through its repeal, now paralyzed by it, shall resume throughout the land.

I believe, Mr. Chairman, that the people of the Northwest demand substantially the changes in financial policy indicated in the remarks I have made, and I now warn both the old political organizations on this floor that, like Banquo's ghost, they will not down; that they cannot ignore this financial question; equivocate or double deal with it as you may, it will come to the front; that any attempt to cheat the people on this issue will create a storm of indignation throughout the country, and swell the ranks of the new party, already powerful, and bear it on to victory. The people, of right, ought to rule. It is their edict that the despotism of money shall cease, and public servants will be compelled to obey, or retire for others that will.

I appeal to gentlemen on both sides of the House to rise above party on this question; cease this wrangling over party and President-making, and pass such financial legislation as will give relief to a people now bowed down by the weight of excessive debts and taxes. The country is tired of listening to useless discussions of questions that tend to inflame the public mind, and that for political purposes only, and questions about which the people do not care to be disturbed.

Then let us rise to the full dignity of the occasion, and meet the demands of the country in this hour of financial distress and bankruptcy.

Mr. FOSTER. I yield twenty minutes of my time to the gentleman from Michigan, [Mr. WALDRON.]

Mr. WALDRON. Mr. Chairman, as a member of the Appropriation Committee, I differ with a majority of my colleagues as to material provisions of this bill. I am satisfied that it will not provide the means which are necessary to carry on with efficiency and success the work of the Post-Office Department for the ensuing fiscal year; and I shall occupy a few moments in the effort to demonstrate that fact.

There is no Department of the Government in whose operations the great body of the American people are more interested than in those of the Post-Office Department. It reaches every hamlet, every business, I might say every home in the land, and the Congress of the United States should be loath to cripple and impair a service which is so intimately connected with every social relation and business interest.

The framers of this bill, realizing what are the temper and feeling of the people with reference to mail facilities, have inserted a section which reads as follows:

> SEC. 14. That no post-office or service on any mail-route necessary for the public service and required for the proper and efficient distribution of the mails shall be discontinued.

This sounds well, but, in the absence of necessary appropriations, means nothing. The Postmaster-General can only maintain post-offices and mail service as we provide the money. He must adjust the service so as to bring its cost within the amount we appropriate, and it is childish to say to him that he must maintain post-offices and mail service at the same time that we have left him without money to pay postmasters or contractors.

For the purpose, Mr. Chairman, of showing how inadequate the proposed appropriation is to the efficient working of the Department, I call the attention of the committee, not only to the estimates of the Postmaster-General, an officer whose integrity and capacity are unquestioned, but I shall cite the actual expenditures of the past year, the year closing on the 30th of June, 1875, as indicating by comparison what is required for the year ending 30th of June, 1877. And I shall further allow all deductions which are the result of the changes and retrenchment which the bill before us contemplates, although I believe that some of them are more radical and sweeping than are consistent with the well-being and efficiency of the service.

The two items which make up the bulk of the appropriations under this bill are the items of salaries of postmasters and of pay for transportation of the mails. These two items constitute over two-thirds of the entire amount covered by this bill. Now, the amount asked by the Postmaster-General for compensation of postmasters for the next fiscal year was $7,500,000. The amount appropriated by the last House for the present fiscal year was $7,500,000 and the amount appropriated by this bill is $6,500,000, being a million less than the estimate of the Postmaster-General and a million less than was appropriated for the present year, and this, too, in the face of the fact that the operations of the Department and its cost, keeping pace with the increase of population and business, are augmented annually from 6 to 8 per cent.

I am aware, Mr. Chairman, that this bill proposes a large reduction in the salaries of postmasters of a certain class. In reference to that I will only say that I have generally sustained the committee of which I am a member in their effort to reduce salaries. I recognize the demand of the times for economy and retrenchment. I may add that the Appropriation Committee is unanimous in recommending a reduction of salaries of the better-paid postmasters. The Postmaster-General, in the same spirit, submitted a plan for the adjustment of salaries of postmasters of the first, second, and third classes, which is an average reduction of 12 per cent. and involves a saving of $400,000; but the bill before us cuts much deeper. Its plan for adjusting salaries makes a reduction of 22 per cent. and involves a saving of $800,000.

Now, it must be kept in mind that the salary of a postmaster is not his net compensation. I can say for the district I represent that there is not a post-office in it where the allowance for clerk-hire is equal to the salary of the clerks actually employed. The postmaster is obliged to take from his salary enough to make up the deficiency.

There is also the responsibility for considerable sums of money, for which the postmaster gives bond, to be taken into account. And without going into other details, I am satisfied that the reduction, proposed by the Department is a fair and feasible reduction which I trust will be adopted in place of that suggested by the committee.

But, even on the basis of the committee's proposition, the sum named in the bill as compensation for postmasters is entirely inadequate; and in support of that statement I give the figures.

The amount actually expended for compensation to postmasters during the fiscal year ending June 30, 1875, was, omitting fractions, $7,049,935. Add 12 per cent., which is a low estimate for the natural increase for two years in the business of the Department, $845,992, and we have a total of $7,895,927 as the amount which would be required under existing law. Deduct $800,000 as the saving resulting from the plan of the committee and it leaves $7,095,927, or about $600,000 more than the bill proposes to appropriate.

But we have other evidence drawn from the actual payments for the present fiscal year. We are now within sixty days of its termination. The Department can now approximate closely to the aggregate of this item, and it is now evident that the sum due postmasters for the year ending next month will be $7,800,000, making a deficiency of $300,000 to be supplied for the present fiscal year.

The sum therefore named in this bill as compensation for postmasters for next year is $1,300,000 short of the amount actually expended this year; and, allowing for increase corresponding with past years, it will be short to the amount of a million and a half at least, against which is to be credited a deduction of $800,000 if the new plan of adjustment proposed by the committee is adopted.

And yet in the face of these results the Postmaster-General is admonished by this bill that he must not discontinue any post-office necessary for the public service.

This increase, year by year, of compensation to postmasters is a gratifying and creditable exhibit in the operations of the Department, because the emoluments of a postmaster depend on the receipts of his office and an increase of compensation indicates a corresponding increase of the revenues.

And now I come to the other item of compensation, that for transportation of the mail. The Department estimates the cost of this item for the next year at $17,500,000. It paid out for this service over $16,000,000 in the year ending June 30, 1873, and it paid out over $18,000,000 in the year ending June 30, 1874. This bill appropriates for that service for next year $14,500,000, being three millions less than the estimate of the Department and four millions less than the amount actually expended two years ago.

I know it is claimed that the proposed scheme of paying the railroads by space instead of weight will result in a saving, but that saving is not estimated to exceed half a million, and it may not be anything. The change in the mode of payment—paying the railroads for the space occupied—is a sensible change, alike just to the Government and the railroads, but it is an experiment as yet untried. Assuming, however, that this change results in a saving of half a million, the question naturally arises, Where is the retrenchment, the reduction, the reform, which is to save two millions and a half more? The answer is a plain one. This amount is to be saved at the cost and sacrifice of our mail facilities. First of all this bill strikes down the "fast mail" between New York and Chicago—a mail which gives to the business men of Chicago their eastern correspondence in the morning before business hours, when under the old schedule time it came in the afternoon and was delivered the next morning, making actually the difference of a day. I cite Chicago only as an illustration of its advantages. The same benefit accrues to the entire Northwest, which has its mail connections at Chicago. It yields similar advantages to the States of Ohio, Michigan, and Indiana, whose mails radiate from Cleveland, Toledo, and other points on its route. It brings to Boston and New York its western mail a day in advance of the former time. The entire North from Maine to Nebraska is interested in this enterprise. It is an achievement of which the Post-Office officials and the contractors may be justly proud. Our people have become accustomed to its facilities, and in this progressive country they are not inclined to forego them.

The amount saved by the discontinuance of the "fast mails" and a return to the former slow mail-trains is estimated by the Department to be $395,000; and, if there is to be a reduction of two millions more from the estimates of the Department, it is evident what the result is.

Mr. Chairman, this House and the country may as well understand that this bill, if adopted as reported, means the curtailment of its mail facilities. I do not believe that the country is prepared for any such result, and I shall at the proper time propose such amendments to this bill as will meet the demands of the times and the wants of the Post-Office Department.

Mr. FOSTER. I now yield the residue of my time to the gentleman from Illinois, [Mr. CANNON.]

POST-OFFICE APPROPRIATION BILL.

Mr. CANNON, of Illinois. Mr. Chairman, I have no desire to speak upon this bill for the mere purpose of talking, and I do not know that I shall be able to make myself fully understood by the House in the time I have; but believing as I do, from a necessarily hasty consideration of this bill since it was reported, that it is vicious in many particulars, I should fail to do my duty to myself or to my constituents if I did not call attention to some of its provisions.

In the first place it contains proposed legislation that is not just and equitable, and which, if passed, will return in my opinion to haunt the men who voted for it. I refer now to the proposed legislation to pay railways by space exclusively instead of by weight, or by both weight and space, which last I think the better way.

Again, it cuts down the estimates of the Postmaster-General in round numbers $5,750,000; and one of two things is true, either that the Department since the foundation of the Government down to the present time has been full of swindling and stealing, or else that this is an improper reduction.

It is well enough to inquire briefly as to that matter, because if in fact we can maintain this mail service for $5,750,000 less than is estimated, and less in proportion than it has been maintained since the organization of the Department, we ought to do it, and find out where this stealing and this leakage, if any, have been. If, on the contrary, that cannot be done, then we ought to appropriate enough money to run this Department properly.

It may be true that the Committee on Appropriations, or, in this case, the gentleman from Indiana, [Mr. HOLMAN,] who reports this bill, has found out some patent-right way and manner in which he can run this Department cheaper that anybody else ever could do. If so, I hope he will call our attention to it when he comes to speak upon this bill; otherwise, I hope gentlemen on both sides of the House will give enough consideration to this subject to do what is right.

I need not inform this House that nearly two-thirds of this body is composed of members belonging to the democratic party; everybody knows that. Now, if that party be the pure and honest organization that its members claim it to be, the honest, pure party that you on the other side claim it to have been through all time up to the present moment, then I suppose that when you administered the Post-Office Department all the time you had possession of the Government you administered it economically. So let me very briefly, as a matter of interest, call attention to the expenditures and revenues in the Post-Office Department during the last years that the democratic party was in power, and also to the deficiencies of the Department during that time.

In 1860 the revenues of the Post-Office Department, according to an official table which I have before me, were in round numbers $8,500,000, and the expenditures of that Department for that year were $19,170,000; so the expenditures were over $10,652,000 more than the revenues, and the Treasury grant over $11,154,000. There was a larger deficit that year by nearly $4,000,000, as shown by the Treasury grant, than there has been in any year since the foundation of the Government.

Ah, but gentlemen may say that there was between three and four millions of dollars of that deficit that came over as a deficiency from 1859. That is true, and it is but fair and proper the same should be stated. But you may take the two years of 1859 and 1860, when the democratic party was in power and had possession of the Government, and there was appropriated by grant out of the Treasury, as shown officially from the table before me, $15,800,000 to make up the deficiency in that Department for those two years. You cannot point to any other two years in the history of the Government that shew the same condition of things. Yet we are told in the papers and throughout the country and in this House about the extravagance of the Post-Office Department as administered since the republican party came in power in 1861.

Now, if you please, take the years 1874 and 1875 and aggregate the deficiencies in the Post-Office Department, and which are the largest since 1860 and which were covered by grants out of the Treasury, and you will find the deficiency was in round numbers over $3,000,000 less than the deficiency of 1859 and 1860, when the reform democratic party, the clean-handed party, had possession of the Government. Then look also at the difference in the amount of service performed in 1860 as compared with 1874 and 1875. In 1860 there was not a single free-delivery office in the United States; there was not a money-order office in the United States. In 1860 it took from four to five days to carry a letter from the city of New York to the city of Saint Louis. In 1860 there was not a railway post-office in the United States; all the mails had to go through the distributing offices and be there delayed. Ay, more than that; in 1860 there were in round numbers only 27,000 miles of railway mail-routes.

How is it now? In 1870 the official tables show that the increase in the revenues of the Post-Office Department over 1860 was $11,000,000, or 132 per cent., while the increase in expenditures was less than $5,000,000, or only 25 per cent. Yet at that time the country had gone through a great war. Besides, in 1860 business was conducted upon a gold basis; in 1870 it was upon a paper basis, with a great advance in the price of labor, of transportation, and of everything else; yet you have this showing.

In 1875 there were 70,000 miles of railway mail-routes against 27,000 miles in 1860. In 1875 you had the fast-mail trains, the railway post-office, the money-order office, and the free-delivery system, all of which we did not have in 1860. Yet we have now not only a far less

percentage of cost according to mail service done, but a far less actual deficiency than in 1860.

Now, you gentlemen, after you have been out of power for fifteen years, with this record staring you in the face, the last record that you made when you were in power and had possession of the Government, are swift to run and fly to reform the postal service. Be careful, gentlemen, or, in the language of the sucker, you "will advance backward." Do not ruin the service; do not cut it down; do not cripple it; do not go to work by your penny-wise and pound-foolish policy to destroy it. In other words, do not make it that enormously expensive inefficient Department that it was in 1860, when its cost for that year was $10,500,000 more than its revenues; for the people have got used to it; they pay for it, and like it; and go back to the old pod-auger expensive system if you dare.

I desire here to call attention to the following official table, showing the revenues and expenditures of the Department since the year 1836, and the excess of expenditures over receipts as shown by Treasury grants:

Table exhibiting the receipts and expenditures of the Post-Office Department from July 1, 1836, to June 30, 1875.

Year.	Receipts.			Expenditures.
	Revenue.	Treasury grants.	Total.	
1837	$4,945,668 21	.....	$4,945,668 21	$3,288,319 03
1838	4,238,733 46	.....	4,238,733 46	4,430,662 21
1839	4,484,656 70	.....	4,484,656 70	4,636,536 31
1840	4,543,521 92	.....	4,543,521 92	4,718,235 64
1841	4,407,726 27	$482,657 00	4,890,383 27	4,499,527 61
1842	4,546,849 65	.....	4,546,849 65	5,674,751 80
1843	4,296,225 43	.....	4,296,225 43	4,374,753 71
1844	4,237,287 83	.....	4,237,287 83	4,296,512 70
1845	4,289,841 80	.....	4,289,841 80	4,320,731 99
1846	3,487,199 35	750,000 00	4,237,199 35	4,076,036 91
1847	3,880,309 23	12,500 00	3,892,809 23	3,979,542 10
1848	4,555,211 10	125,000 00	4,680,211 10	4,326,850 27
1849	4,705,176 28	.....	4,705,176 28	4,479,049 13
1850	5,499,984 86	.....	5,499,984 86	5,212,953 43
1851	6,410,604 33	.....	6,410,604 33	6,278,401 68
1852	5,184,526 84	1,741,444 44	6,925,971 28	7,108,459 04
1853	5,240,724 70	2,255,000 00	7,495,724 70	7,982,756 59
1854	6,255,586 22	2,736,748 96	8,992,335 18	8,577,424 12
1855	6,642,136 13	3,114,542 26	9,756,678 39	9,968,342 29
1856	6,920,821 66	3,748,881 56	10,669,702 22	10,405,286 36
1857	7,353,951 76	4,528,004 67	11,881,956 43	11,598,057 93
1858	7,486,792 86	4,679,270 71	12,166,063 57	12,722,470 01
1859	7,968,484 07	3,915,946 49	11,884,430 56	11,458,083 63
1860	8,518,067 40	11,154,167 54	19,672,234 94	19,170,609 99
1861	8,349,296 40	4,639,806 53	12,989,102 93	13,606,750 11
1862	8,299,820 90	2,598,953 71	10,898,774 61	11,125,364 13
1863	11,163,789 59	1,007,848 72	12,171,638 31	11,314,206 84
1864	12,438,253 78	749,980 00	13,188,233 78	12,644,786 20
1865	14,556,158 70	3,968 46	14,560,127 16	13,694,728 28
1866	14,386,986 21	.....	14,386,986 21	15,352,079 30
1867	15,237,026 87	3,991,666 67	19,228,693 54	19,235,483 46
1868	16,292,600 70	5,696,525 00	21,989,125 80	22,730,592 65
1869	18,344,510 72	5,707,115 30	24,051,626 02	23,698,131 50
1870	19,772,220 65	4,022,140 85	23,794,361 50	23,998,837 63
1871	20,037,045 42	4,126,200 00	24,163,245 42	24,390,104 08
1872	21,915,426 37	4,993,750 00	26,909,176 37	26,658,192 31
1873	22,996,741 57	5,990,475 00	28,987,216 57	29,084,945 67
1874	26,471,071 82	5,922,433 55	32,393,505 37	32,126,414 58
1875	26,791,360 59	6,704,646 96	33,496,007 55	33,611,309 45
Total	387,152,398 45	95,399,674 38	482,552,072 83	480,766,289 67

J. M. McGREW, *Auditor.*

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT, *October* 22, 1875.

Perhaps it would be interesting in this connection, at least instructive, to see what was the cause in 1860, and most of the time subsequently, of the deficiency in the Post-Office Department; because if we can get at the cause and remedy it, then we would act wisely. In the fiscal year of 1860 the deficit was $10,652,000; in 1861 it was $5,257,000; in the fiscal year of 1862, the first year of republican administration, it was $2,825,000; in 1863 it was $150,000; in 1864 it was $206,000; and in 1865, the year the war closed, with gold at a large premium, with the Department reaching its arms all over the North and West, and this, too, with an unprecedented advance in price of labor and material, the revenues exceeded the expenditures by $861,000. In five short years the Department advanced from $10,600,000 on the debit side of the ledger to $861,000 on the credit side.

Mr. ATKINS. What was the difference in the number of mail-routes?

Mr. CANNON, of Illinois. I will speak of that matter in a moment, and will speak of it fairly. As I say, the Department advanced in five years from a deficit of $10,000,000 to a credit of $861,000 out of its revenues alone.

Now, I want to treat this question fairly. The gentleman asks the difference in the routes. I reply that the railway routes had increased but the star service had decreased, because during the war of course the whole service failed in the South outside of the Union lines, and on the 30th of June, 1865, it had not been restored to any considerable extent. But after the war, when it was determined that we were to live together and be one united country, it was the policy of the Government to re-establish those post-routes, to give postal facilities all over the South as well as over the North and the West. In pursuance of that policy, the Department went to work, and year by year as the service was put upon your great rivers and your small rivers, as the star service was re-established, and as the railway mail service was re-established in the South, the deficit began to grow again; and right there you have the true solution of the deficit in the Post-Office Department, not by mere word of mouth, but by figures "strong as proof of holy writ" it is proved that the cause of the deficit in the expenditures of the Post-Office Department over and above its revenues is the unprofitable (I mean in dollars and cents) mail service in the Southern States. I do not speak of this to find objection. God knows I would not take away one mile of mail service that is necessary for the South or the great West, or any portion of the country. I am glad you have this service. I want you to have all you need. I want every part of the country supplied with proper mail facilities, to be paid for, not extravagantly but fairly. Still there is the fact when the mail service was in operation in the South before the war, in 1860 the deficit was $10,600,000; after it was discontinued in the South it grew less year by year until in 1865 there was no deficit, but, on the contrary, $861,000 profit. And as the mail service was restored in the South after 1865 the deficiency in a sufficient amount of revenues therefrom to pay therefor has year by year grown up.

Not as a politician, but in all fairness and candor, coming from the great West as I do, I want to ask the gentlemen on the other side of the House, especially from the South, whether they propose to follow blindly the lead of the Committee on Appropriations to cut down and impair this mail service which it has been the policy of the Government under all parties to build up and sustain? A cutting down is what this bill means. You may talk about extravagance in the Post-Office Department; you may say that if you had charge of it, you could run it for $5,750,000 less annually. That sort of thing will do when you are making speeches upon the stump, if you want to fool your constituents, and they want to be fooled; but it is not worth while to talk such nonsense here. Five million seven hundred and fifty thousand dollars taken from the post-office appropriation bill means less efficient and valuable service to that extent, the burden of which must fall in the main on the South and the West.

Now, I do not feel that I come from the far West. Illinois for a long time was called a part of the great West, but it is now pretty near the center; and with the teeming millions of industrious men and women in that State the postal service there at last is about self-sustaining. But I will tell you what is the fact: it never would have been self-sustaining upon those great prairies but for the liberal policy of the Government in building them up; it never would have been self-sustaining but for a free and industrious people who demanded these facilities, and from this time forward the service will pay a profit. I would extend that policy toward the Territories; I would extend it toward the South. I would let the means of knowledge for the whole people be distributed efficiently and rapidly, especially in the poorer districts, for they need it most. It should float upon the river, run upon the steam-car, and fly upon the lightning.

Thus I might continue to show the increase in the efficiency of this Department and the great ability, skill, and economy with which it has been managed, especially since 1868; and while some gentlemen sigh for the good old times when the revenues of the Department exceeded the expenditures, when the horn of the stage-driver was heard in the distance arousing the ambition of all the boys to some time become stage-drivers, and when postage was twenty-five cents on each letter; yet I do not think it is policy to travel in that direction; and in this connection let me say to gentlemen that the mail matter now conveyed by the Department every year exceeds the aggregate of all the matter that passed through the mails for the first fifty years after the establishment of the Department. But as my time is limited, I must pass on to other matters, hoping that I have said enough to call the attention of gentlemen to the magnitude of this service, and how deeply interested all the people everywhere are in the same, and that it is not right, nor even temporarily politic, to cut off appropriations for the same to the extent of $5,750,000, as proposed by this bill.

COMPARISON OF THE BUSINESS OF THE DEPARTMENT IN 1860 WITH 1870 AND 1875.

Before I pass from this branch of the discussion, I want to call attention to a tabular statement compiled with great care from official sources, a statement showing expenditures and revenues and service of the Department in the years 1860, 1870, and 1875, and the percentage of increase since 1860, especially calling attention that the increase in the revenues of the Department in 1875 over the revenues in 1860 is 213.11 per cent., while the increase in the expenditures is only 75.32 per cent.

The table speaks for itself, showing the progress of the Department and the more economical and efficient management of the Department in 1870 and 1875 than in 1860, and needs no comment from me.

Statement showing the percentage of increase or decrease on the following items of mail service between the years 1860 *and* 1870, 1870 *and* 1875, *and* 1860 *and* 1875.

Items.	Year ending June 30, 1860.	Year ending June 30, 1870.	Increase in 1870.	Decrease in 1870.	Percentage of— Increase.	Percentage of— Decrease.	Year ending June 30, 1875.	Increase in 1875 over 1870.	Decrease in 1875 from 1870.	Percentage of increase or decrease 1870–'75. Increase.	Percentage of increase or decrease 1870–'75. Decrease.	Percentage of increase or decrease 1860–'75. Increase.	Percentage of increase or decrease 1860–'75. Decrease.
Ordinary postal revenues	$8,518,067 40	$19,772,220 65	$11,254,153 25		132.12		$26,671,218 50	$6,898,997 85		34.89		213.11	
Total expenditures	19,170,609 99	23,998,837 63	4,828,227 64		25.18		33,611,309 45	9,612,471 82		40.05		75.32	
Grants paid out of the general Treasury	11,154,167 54	4,022,140 85		$7,132,026 69		63.94	6,704,646 96	2,682,506 11		66.69			39.89
Aggregate length of mail-routes in miles	240,594	231,232		9,762		3.89	277,873	45,941		19.80		15.49	
Aggregate miles of annual transportation	74,724,776	97,024,996	22,300,220		29.84		133,822,216	36,797,220		37.92		79.08	
Aggregate cost of mail transportation*	$9,868,780 37	$13,356,251 85	$3,487,471 48		35.33		$18,777,201 20	$5,420,949 35		40.58		90.26	
Length of railroad routes in miles	27,129	43,727	16,598		61.18		70,083	26,352		60.27		158.33	
Aggregate miles of annual transportation on railroad routes	27,653,749	47,551,970	19,898,221		71.95		75,154,910	27,602,940		58.04		171.77	
Aggregate cost of railroad service	$3,349,662 00	$5,128,901 00	$1,772,239 00		53.14		$9,216,518 00	$4,087,617 00		79.69		175.14	
Cost per mile of railroad service	12.11 cents.	10.78 cents.		1.33 cents.		10.98	12.26 cents.	1.48 cents.		13.73		1.24	
Length of steamboat routes, in miles	14,976	20,695	5,719		38.18		15,788		4,907		23.71	5.42	
Aggregate miles of annual transportation on steamboat routes	3,951,268	4,122,385	171,117		4.33		3,958,852		163,533		3.96	.19	
Aggregate cost of steamboat service	$1,073,852 00	$706,154 00		$367,698 00		34.24	$684,130 00		$22,024		3.12		36.20
Cost per mile of steamboat service	20.7 cents.	17.12 cents.		3.58 cents.		17.29	17.28 cents.	.16 cent.		.93			16.52
Length of other routes, in miles	198,489	166,810		31,679		15.96	192,002	25,192		15.10			3.27
Aggregate miles of annual transportation on other routes	43,119,759	45,350,641	2,230,882		5.17		54,708,454	9,357,813		20.63		26.87	
Aggregate cost of other routes	$4,385,196 00	$5,049,598 00	$664,402 00		15.15		$5,452,721 00	$403,123 00		7.98		24.34	
Cost per mile on other routes	10 1-6 cents.	11.13 cent.	.964 cent.		9.48		9.97 cents.		1.16 cts.		10.40		1.93
Aggregate length of railway post-office lines, in miles		8,252					16,932	8,680		105.26			
Number of railway post-office clerks		375					901	526		140.26			
Compensation of railway post-office clerks		$442,600 00					$1,122,640 00	$680,040 00		153.64			
Number of route-agents	474	587	113		23.84		987	400		68.14		108.22	
Compensation of route-agents	$372,240 00	$574,600 00	$202,360 00		54.36		$943,800 00	$369,200 00		64.25		153.54	
Number of mail-route messengers		78					225	147		188.46			
Compensation of mail-route messengers		$45,710 00					$147,470 00	$101,760 00		222.62			
Number of post-offices in operation	28,498	28,492		6			35,547	7,055		24.76		24.73	
Compensation to postmasters	$2,552,868 10	$4,673,466 79	$2,120,598 69		83.07		$7,049,935 77	$2,376,468 98		50.85		176.16	
Number of clerks in Post-Office Department	87	228	141		162.06		277	49		21.49		218.39	

* Includes compensation of railway post-office clerks, route-agents, local agents, mail-route messengers, mail messengers, and baggage-masters.

INCREASE OF BUSINESS OF DEPARTMENT SINCE 1868.

I also desire to call attention more fully to the enormous increase in the service of the Department since the fiscal year 1868 (the last year of Johnson's administration) under the efficient administration of the Department by Mr. Creswell from 1869 to 1874 inclusive, and the present Postmaster-General, Governor Jewell; and taking into consideration the increase in the amount and efficiency of the service, as well as legislation had and law in force, after full examination and comparison I am justified in saying that at no time in the history of the Department has it been so wisely, vigorously, and economically conducted as since 1868. It will be noticed that the length of railroad routes alone increased from 36,000 miles in the year 1868 to 67,700 miles in 1874, and 70,000 in 1875, and notwithstanding the legislation of 1873 increasing compensation to railroads, and the almost proportionate increase of other mail facilities and business, that the grants paid out of the Treasury for deficit in the Department of expenditures over revenues was over $1,600,000 less in 1870 than in 1868, over $1,500,000 less in 1871 than in 1868, over $700,000 less in 1872 than in 1868, less than $300,000 more in 1873 than in 1868, about $225,000 more in 1874 than in 1868, and $1,000,000 more in 1875 than in 1868; and as a matter of interest, as well as information and accuracy, I furnish a tabular statement showing the percentage of increase in postal service for the years 1868 to 1875 inclusive:

A statement showing percentage of increase in the following items of the postal service for the years 1868 *to* 1875, *inclusive.*

Items.	Year ending June 30— 1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Percentage of increase in seven years.
Ordinary postal revenues	$16,292,600 80	$18,344,510 72	$19,772,220 65	$20,073,045 42	$21,915,426 37	$22,996,741 57	$24,596,568 84	$26,671,218 50	63
Total expenditures	22,730,592 65	23,698,131 50	23,998,837 63	24,390,104 08	26,658,192 31	29,084,945 67	32,126,414 58	33,611,309 45	47
Grants paid out of general Treasury	5,696,525 00	5,707,115 30	4,022,140 85	4,126,200 00	4,993,750 00	5,990,475 00	5,922,433 55	6,704,646 96	17
Aggregate length of mail-routes (inland) in miles	216,928	223,731	231,232	238,359	251,398	256,210	269,097	277,873	28
Aggregate miles of annual transportation	84,224,325	90,723,403	97,024,996	107,572,794	114,984,322	119,909,650	128,627,476	133,822,216	58
Aggregate cost of mail transportation	$12,647,949 61	$13,485,406 15	$13,356,251 85	$13,669,694 08	$15,547,820 53	$16,833,682 58	$18,707,486 00	$18,777,201 20	48
Length of railroad-routes in miles	36,018	39,537	43,727	49,834	57,911	63,457	67,734	70,083	94
Aggregate miles of annual transportation on railroad-routes	34,886,178	41,399,284	47,551,970	55,557,048	62,491,749	65,621,445	72,460,545	75,154,910	115
Aggregate cost of railroad service	$4,177,126 00	$4,723,680 00	$5,128,901 00	$5,724,979 00	$6,502,771 00	$7,257,196 00	$9,113,190 00	$9,216,518 00	120
Aggregate length of railway post-office lines in miles	7,019	7,201	8,252	11,208	14,117	14,866	16,414	16,932	141
Fines and deductions for mail failures and other irregularities	$45,814 00	$50,242 82	$71,622 07	$65,179 77	$69,032 26	$66,660 45	$63,625 21	$99,777 05	117
Expenditures for mail-bags, locks and keys, and stamps	127,054 61	152,957 45	202,128 72	238,692 62	219,346 07	208,604 50	252,858 47	218,959 50	72
Number of post-offices in operation	26,481	27,106	28,492	30,045	31,863	33,244	34,294	35,547	34
Compensation to postmasters	$4,255,310 98	$4,546,958 43	$4,673,466 79	$5,028,381 85	$5,121,665 20	$5,725,468 12	$5,818,472 17	$7,049,935 77	65
Number of clerks in post-offices	2,821	3,294	3,224	3,439	3,754	4,025	4,228	4,467	58
Compensation to clerks in post-offices	$2,270,090 66	$2,295,353 46	$2,457,191 67	$2,582,084 40	$2,785,253 63	$2,978,614 24	$3,297,961 77	$3,414,811 26	50

A statement showing percentage of increase in the following items of the postal service for the years 1868 *to* 1875, *inclusive*—Continued.

Items.	Year ending June 30—								Percentage of increase in seven years.
	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	
Number of special agents	49	48	51	52	59	63	76	66	34
Compensation to special agents	$121,095 00	$134,342 00	$114,790 19	$121,899 00	$168,755 00	$155,033 00	$165,478 63	$160,923 49	32
Number of mail-route agents and messengers	613	644	731	869	1,005	1,143	1,271	1,337	118
Compensation to mail-route agents and messengers	$556,675 00	$579,600 00	$666,540 00	$791,611 00	$896,946 00	$1,117,876 00	$1,127,930 00	$1,187,850 00	113
Number of railway postal clerks	232	324	375	513	642	752	850	901	288
Compensation to railway postal clerks	$274,300 00	$384,300 00	$442,600 00	$649,400 00	$812,600 00	$941,000 00	$1,058,400 00	$1,122,640 00	309
Number of clerks in Post-Office Department	262	236	228	233	254	259	270	277	19.25

Average percentage of increase in seven years, 91.

GROWTH OF MONEY-ORDER SYSTEM SINCE 1868.

I also call attention to the growth of the money-order system since 1868, from 1,223 money-order post-offices, issuing $16,000,000 in the aggregate of money-orders at a net profit of $54,000. There was in 1875 3,401 money-order offices, issuing in the aggregate over $79,000,000 of money-orders at a net profit of over $140,000, and increasing in number from 832,000 in 1868 to 5,700,000 in 1875. I append a statement showing percentage of increase accurately from 1868 to 1875 inclusive:

A statement showing increase in the following items of the postal service for the years 1868 *to* 1875, *inclusive.*

Postal money-order system.	For year ending June 30—								Percentage of increase in seven years.
	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	
Number of money-order offices	1,223	1,468	1,694	2,076	2,452	2,775	3,070	3,401	178
Number of money-orders issued	831,937	1,264,143	1,671,981	2,153,083	2,614,861	3,437,533	4,533,247	5,702,573	585
Aggregate value of money-orders issued	$16,197,858 47	$24,848,058 93	$34,076,374 41	$42,202,607 59	$49,348,578 72	$59,379,729 07	$76,690,097 03	$79,395,826 46	390
Amount of fees and commissions on money-orders	$124,487 00	$176,247 87	$235,967 56	$296,271 68	$374,779 99	$409,147 71	$528,042 74	$552,131 27	343
Number of money-orders paid	836,940	1,248,874	1,675,893	2,122,081	2,575,876	3,337,876	4,453,506	4,995,497	496
Aggregate value of money-orders paid	$16,118,537 03	$24,654,123 46	$33,679,210 69	$42,039,365 79	$48,570,351 68	$57,842,872 42	$74,606,270 92	$78,344,042 74	385
Profit derived from money-order business	$54,158 15	$65,553 87	$90,607 12	$101,873 36	$114,071 76	$91,951 69	$126,585 20	$140,633 69	159

FREE-DELIVERY SYSTEM.

I desire also to more particularly call attention to a table showing the increase in number of free-delivery cities since 1868 to 1875 inclusive. From forty-eight they have been increased to eighty-seven, and from a delivery of 78,000,000 of letters by carriers in 1868, 228,000,000 were delivered in 1875, and almost a like number in round numbers collected, as well as millions of papers and postal cards; and the revenues from local postage have so grown that this system, besides its many advantages otherwise, was self-sustaining in 1875, and I have no doubt will continue so to be in the future.

A statement showing increase in the following items of the postal service in free-delivery cities for the years 1868 *to* 1875, *inclusive.*

Free delivery in cities.	Year ending June 30—								Percentage of increase in seven years.
	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	
Number of cities in which established	48	48	51	52	52	52	87	87	81
Number of letter-carriers employed	1,198	1,246	1,362	1,419	1,443	1,499	2,049	2,195	83
Amount paid letter-carriers, including expenses	$995,934 59	$1,183,915 31	$1,230,079 85	$1,353,923 23	$1,385,965 76	$1,422,495 48	$1,802,696 41	$1,880,041 99	88
Number of mail letters delivered	63,340,486	80,071,052	97,811,831	112,612,693	127,098,828	140,958,887	166,020,370	179,083,468	177
Number of local letters delivered	14,081,906	18,380,627	21,797,649	27,045,760	33,003,880	38,340,049	45,179,295	48,839,237	246
Number of letters collected	63,164,625	89,885,009	97,791,046	113,287,602	115,117,321	137,065,699	177,898,474	187,950,641	197
Amount of postage on local matter	$475,982 36	$666,167 42	$681,864 70	$758,120 78	$907,351 93	$1,112,251 21	$1,611,481 66	$1,947,559 54	309
Newspapers delivered	16,910,715	21,954,898	27,867,023	32,610,353	36,627,368	43,390,665	56,468,582	68,454,476	304
Newspapers collected						15,560,373	21,562,436	27,330,407	In 2 years. 75
Mail postal cards delivered							11,000,809	18,313,565	In 1 year. 66
Local postal cards delivered							8,958,106	16,026,212	78
Postal cards collected							16,298,325	28,203,468	73

FOREIGN MAIL SERVICE.

I desire also to call attention to the great reduction in foreign postage since 1868, which, in 1868, was from 24 cents to 45 cents to different countries for a single letter of one-half ounce, and has been gradually reduced until it is now uniform at 5 cents; also, the great reduction of pay to steamships for carrying the mails, they receiving at the rate of 55 cents an ounce for this service in 1868 and now receiving, with better and more expeditious service, at the rate of 3⅜ cents an ounce, a saving to the Department of 51⅛ cents an ounce in transportation alone; and I want to call attention to the fact that these great economical measures were brought about under legislation that gave the Postmaster-General full and discretionary power to make the best bargain he could in the premises, and to see what a marked difference there is in this service when the Postmaster-General had this power and in the star service in which the Postmaster-General has been fettered by mandatory legislation, cutting off his discretion and power to let the service except by certain inflexible rules, and under which the system of straw-bidding grew up in the star service against the protest of the Postmaster-General, he giving notice in his reports to Congress year after year of this straw-bidding and asking for legislation under which the same could be prevented, and which legislation up to this time Congress has failed to give. This reform in the foreign mail service was commenced by the late Postmaster-General Creswell and largely brought about under his administration, and has been completed by Governor Jewell, our present very efficient and vigilant Postmaster-General.

The power of the Postmaster-General to make postal conventions with foreign governments is as follows:

The Postmaster-General, by and with the advice and consent of the President of the United States, shall be, and he hereby is, authorized to reduce or enlarge from time to time the rates of postage upon all letters and other mailable matter conveyed between the United States and any foreign country, for the purpose of making better postal arrangements with other governments or counteracting any adverse measures affecting our postal intercourse with foreign countries. Act of March 3, 1851, 9 Statutes, section 2, page 589. See also Revised Statutes, section 398, page 66.)

And the power to make foreign mail contracts is as follows:

It shall not be lawful for the Postmaster-General to make any steamship or other new contract for carrying the mails on the sea for a longer period than two years, nor for any other compensation than the sea and inland postages on the mails so transported. (Act of June 14, 1858, 11 Statutes, section 4, page 364.)

The Postmaster-General is hereby authorized to cause the mails to be transported between the United States and any foreign port or ports, or between any port of the United States to any other port of the United States, touching at a foreign port, by steamship, allowing and paying therefor, if by an American vessel, the sea and United States inland postage, and, if by a foreign vessel, the sea postage only on the mails so conveyed: *Provided*, That the preference shall always be given to an American over a foreign steamship when departing from the same port for the same destination within three days of each other. (Act of June 15, 1860, 12 Statutes, section 4, page 39.)

The provisions of the fourth section of the act entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending the 30th of June, 1861," approved June 15, 1860, are hereby modified so as to authorize the Postmaster-General to cause the mails to be transported between the United States and any foreign port or ports, or between ports of the United States, touching at a foreign port, by steamship, allowing and paying therefor, if by an American vessel, any sum not exceeding the sea and United States inland postage, and, if by a foreign vessel, any sum not exceeding the sea postage on the mails so conveyed. (Act of March 3, 1865, 13 Statutes, section 9, page 506. See also Revised Statutes, section 4009, page 779.)

And now I will give a short statement in detail of the action of the Department under this legislation and pass to the consideration of other matters.

Previous to January 1, 1868, the following single rates of postage were charged on letters from the United States to Europe:

	Cents.
To Great Britain and Ireland	24
Austria	28
Belgium	27
Denmark	31
Germany	28
Greece	38
Holland	27
Italy	40
Norway	38
Portugal	45
Russia	35
Spain	45
Sweden	34
Switzerland	42
Turkey	35

and the sea rate paid to steamships for the transportation of the letter mails to Europe was 16 cents per single rate, equal to 55 cents an ounce.

On January 1, 1868, under the provisions of new postal conventions, the international letter rates of postage between the United States and Great Britain were reduced from 24 to 12 cents, and a corresponding reduction effected of about 50 per cent. in letter rates of postage to the other European countries. The Atlantic sea rate paid to steamships for transporting the mails to Europe, was likewise reduced to 20 cents an ounce for letters and 6 cents a pound for other mail matter, and the principle adopted that the country dispatching the mails should make its own arrangements for the mails dispatched by it, and pay the expenses of the Atlantic transportation.

On January 1, 1870, modified postal conventions went into effect, further reducing the rate of letter postage to Great Britain from 12 to 6 cents, and also reducing in like proportion rates of postage to other countries of Europe. By these conventions the sea postage was further reduced from 20 to 6 cents an ounce for letter mails.

The Cunard, Inman, Bremen, and Hamburg steamship lines, previously employed in transporting the mails to Europe, declined to transport the mails after January 1, 1870, at the reduced rate of compensation, and the service was for a short time interrupted. The Postmaster-General and superintendent of foreign mails went to New York and succeeded in breaking up the combination formed by these four lines, by making new arrangements for a semi-weekly service by the Williams and Guion and Bremen lines, which was soon followed by an arrangement for an additional weekly trip by the Hamburg line, thus securing a regular tri-weekly dispatch of mails by steamers of approved speed at the reduced rates of compensation. Subsequently all the lines consented to carry mails at the reduced rates.

The Atlantic mail-steamship service was from January 1, 1874, organized on the improved plan adopted by Postmaster-General Creswell, of accepting the fastest steamers offered for the mail service on each sailing day, taking into account in making selections of steamers the elements of speed, certainty, and security, by which arrangement the fastest steamers only of all the different lines have been employed and the best possible mail service secured for the compensation of the sea postages only. The British government has decided to adopt the same plan after the 1st of January next, the date of the expiration of existing subsidy contracts made by the British post-office.

The general postal union treaty, concluded at Berne, October 9, 1874, between twenty-two countries, comprising the United States, the whole of Europe, Asiatic Turkey, Asiatic Russia, and Egypt, went into operation on July 1, 1875. Under this treaty a uniform postage rate for prepaid letters of 5 cents was established to each of the above-named countries, and the Atlantic sea postage reduced to 6 francs 50 centimes per kilogram for letters and to 50 centimes per kilogram for other mail matter; equal to $3\frac{3}{5}$ cents per ounce for letters, and $4\frac{4}{5}$ cents per pound for other matter.

The different steamship companies employed in transporting mails to Europe have accepted the reduced rate of sea compensation fixed by the Berne treaty.

The cost of the transatlantic mail service for the year 1875 was less by $193,679.19 than the cost thereof for the year 1868, although the bulk of the mails transported in 1875 was double that transported in 1868.

At the rates now paid under the provisions of the treaty of Berne, there is a further reduction effected of 40 per cent. in the sea rates payable to the steamship lines.

Foreign mails.	Year ended June 30—								Six months ended December 31, 1875.†
	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	
Number of letters exchanged with foreign countries	13,600,000	15,500,000	18,359,378	20,295,998	24,362,500	27,459,185	28,579,045	*25,135,581	.....
Aggregate postages on letters exchanged with foreign countries	$2,153,690 66	$2,014,183 15	$1,964,564 48	$1,735,266 32	$1,871,257 25	$2,021,310 86	$2,054,803 81	*$1,713,766 90	.....
Cost of ocean transportation, exclusive of subsidies	519,399 44	418,341 78	394,876 69	250,995 71	302,020 97	322,271 35	332,344 92	336,536 66	$106,500 20
Cost of ocean transportation, including subsidies	1,017,316 11	1,143,341 78	1,107,376 69	975,995 71	1,027,020 97	1,047,271 35	994,844 92	986,536 66	394,000 20
Cost of transatlantic steamship service.	421,777 44	336,207 49	322,291 87	174,138 39	220,301 70	226,745 77	235,373 81	228,098 25	85,269 93

* This decrease was in great part owing to the fact that under the new arrangement with Canada no account was taken of the number of letters exchanged with that country, or of the postages thereon, from January 1, 1875.

†Under the provisions of the treaty of Berne, which went into effect July 1, 1875, no account is taken of the number of letters exchanged with postal union countries or of the postages thereon.

THE DIFFICULTY IN THE SOUTHERN STATES.

Now, it is far from my purpose to bring in any matter purely political; I am not going to do it. But the speech of the gentleman from North Carolina [Mr. VANCE] this morning, which was and still was not upon this bill, leads me to say one thing in this connection in all fairness and candor. I have no hatred toward the people of the South; I have no hatred toward any man; I have no wrongs to be redressed. As the gentleman said, we are of the same country, the same people; and many of us upon this floor, although by residence and adoption of the North, are by birth of the South. But I want to submit one thing: you may sing psalms about the Centennial until the next Centennial comes; the gentleman from North Carolina may grow eloquent, and my friend from Pennsylvania [Mr. KELLEY] may shed tears in return; that is all right. But that kind of thing will never knit the North and the South together. Action is the thing you want, not words; but action North and action South. Nothing will ever heal over the breach and restore complete good feeling but prosperity the country over.

Mr. ATKINS. How will you bring it about?

Mr. CANNON, of Illinois. The gentleman interrupts me in the middle of a sentence. I was about saying that nothing will ever heal the breach and restore complete good feeling but that prosperity the country over, South as well as North, which will come and come only from the establishment of a genuine republican government in substance as well as in form in the hearts as well upon the lips of the people in the South as well as the North; that kind of love for the Republic that makes each citizen respect the rights of every other citizen, however humble he may be. And I will tell the gentleman how that genuine spirit of republicanism is to be brought about.

In my State of Illinois and elsewhere North there has always been two great parties seeking to control the policy of the Government. One watches and is a check upon the other. This was the case even during the late war; and as a general rule there is no interruption of personal, business, or social relations between the persons composing those parties. Many among the best friends I have in personal relations, men whom I esteem, are men who belong to the opposite political party; they would not vote for me nor I for them. And what you want to-day down South to restore prosperity is not

pretty speeches, but you want that kind of public sentiment that tolerates those who disagree with you in politics, that kind of public sentiment that would cause the mass of intelligent people, the white people if you please, to divide into two political parties as we do in the North; and unless the intelligent white race South divide into two parties and quit proscribing those who differ with them in politics, how can you expect the less intelligent negro race to divide into two parties and learn the ways of self-government, or how can you expect the liberty-loving sons of toil, who make a State great and prosperous, to find homes in your territory, and add to its prosperity? Some one says we do tolerate numbers of different politics South. Straws show which way the wind blows.

I was pained to see how you do it by a remark which fell from the gentleman from Virginia when referring to his colleague from Virginia some days ago tauntingly, with a smile upon his face, but a sneer in his allusion; it was not "the gentleman from Virginia my colleague," but it was "the gentleman from Vermont." Now if you, being from Illinois, Mr. Chairman, (Mr. CAULFIELD in the chair,) born in Virginia as you were, had said, in referring to me, instead of "my colleague from Illinois," "the gentleman from North Carolina," forsooth because I happened to be born in North Carolina, it would not have been becoming on your part, and I will tell you to the extent of my ability I would "have gone for you;" and if I had referred to you as "the gentleman from Virginia" instead of as "my colleague from Illinois," you would "have gone for me;" and when we went home with that breach of good-feeling existing between us, our constituents would "have gone for both of us."

I beg pardon for having been led away from discussion of the bill. I did not intend it. Still I put it to you, gentlemen from the Southern States, whether in your great desire to make the South a unit in the next election and upon this floor with the democratic party of the North you can afford in the name of a sham economy to pass this bill as it comes from the Committee on Appropriations and thereby cripple the post-office service, that goes almost to the door of every man in the country.

So I say again, a little less centennial, if you please, and a little more statesmanship. Action is what is needed in the House and country.

Mr. ATKINS. The gentleman ought to direct his remarks to the distinguished gentleman from Indiana who reported this bill from the Committee on Appropriations.

Mr. CANNON, of Illinois. Ah, yes; the distinguished gentleman from Indiana reported the bill, but somehow or other the distinguished gentleman from Indiana, for whom I have great respect, both personally and for his ability, was born in democratic days, is a member of the democratic party, and always has been, (he is above the average, I admit;) but the party the gentleman belongs to since 1860 never learns anything, and will not die. [Laughter.]

And now then there is another matter I wish to speak of in this connection, and I hope gentlemen will give me their attention while I do it; because, if I am right, there is legislation proposed in this bill which is injurious to us in the West, to many in the East, and to all of you in the South. If you will follow the Appropriation Committee, you will not do it until after you have been challenged to investigate to see whether you should follow it or not.

I refer to the legislation there contained which proposes to pay railways by space instead of by weight for carrying the mails. I lay down this proposition, that it largely increases the pay of great trunk lines, and cripples almost 100 per cent. the weak lines, who only get $50 to $100 a year per mile for carrying mail matter. When I show you some figures, which are reliable, I trust you will go to work to look it up and see whether you are going to support that sort of thing or not.

Under the act of 1845 we paid to railroads for carrying the mails at the highest rate $375 a mile per annum. That continued up to 1873. There was then a grade of $100 per mile per annum, and still another of $50 a mile per annum. There were three rates, $375, $100, and $50. Of course the rates ranged all the way between $50 and $375, as the service might warrant. Up to 1873, the man who observed these things knows and understands the contention with the railroads was not about the law authorizing pay enough; O, no, but the strife was how they should be classed; where between $50 and $375 they should stand. It was not determined by weight. Under the operation and practice of the Department it was determined practically by the space in car taken for the service to be performed. Now, what did that bring about? A very strange state of affairs indeed. I hold in my hand the report of the Postmaster-General for 1867. He undertook to weigh the mails upon many of these roads. Mind you, this was under the space system alone. The mails were not weighed before that time. They had never been weighed from the time the service was put on up to 1867. Well, what does it show? It shows eight roads getting $275 a mile that carried from three to nine thousand pounds per mile. What else does it show? It shows fifteen roads that carried from three hundred and sixty-seven pounds to nineteen thousand pounds per mile per annum that were getting therefor $187 per mile, nearly $100 less, with twice the amount of mail. And so you can run over nearly all the railroads that were carrying the mail at that time from that table and find similar results. In tabular form the result of such weighing is as follows:

Rates of pay and weights of mails on railroad routes.

(Postmaster-General's Report, June 30, 1867.)

Number of routes.	Rates of pay.		Range of daily weights.	
	From—	To—	From—	To—
			Pounds.	*Pounds.*
2	.....	$375 00	20,119	20,069
4	.....	300 00	22,581	7,668
8	$275 00	210 87	9,385	3,518
15	.....	200 00	*19,183	367
6	187 50	150 72	4,827	1,756
27	.....	150 00	7,384	287
20	145 64	103 63	3,603	30
71	.....	100 00	7,086	71
6	90 00	77 17	732	108
51	.....	75 00	2,048	40
12	69 09	51 12	†1,324	46
108	.....	50 00	6,488	12
31	47 77	20 00	464	14
361				

* Or 23,825 pounds, dividing the Pennsylvania Railroad at Harrisburgh.
† Or 3,794 pounds, dividing at Attica.

Well, they went to work to remedy this if they could. They weighed the mails. They re-adjusted the pay according to law, and it went on in that way, the railroads all fighting to get as near as possible to $375 a mile, but not a cent beyond, because the law forbade it, and the railroads, I believe, all carried the mails under that law up to 1873, at the time the law now in force was passed.

But in 1873 Congress passed a law, whoever may have brought it about, declaring they should be paid by weight, $50 a mile being probably the lowest, or about the lowest, and running up till some roads get nearly $1,000 a mile for carrying these mails, being paid for them by weight; whereas only two roads in 1867 were getting $375 a mile, and those were short roads, one of them running from Baltimore to New York. But the law was changed. They commenced weighing the mails, and the pay of the great trunk lines has greatly increased.

You know if you feed a horse good common fare he will go on and work pretty well; but when you give him an extra diet of oats he begins to kick up his heels. And so it is with these railroads; I mean the trunk lines. They did not make, comparatively speaking, many complaints under the old law. But the moment you raised the pay up to $300, $500, $700, $900 a mile these great railroad companies, having got a little too much oats, show their heels and begin to contend that they are not paid enough. They begin to give notice and to threaten they will throw off the mails. They were all to be thrown off a year or two ago. But, in my opinion, you could not hire them to throw them off even if you reduced the pay to one-half what it is. But they hope by constant agitation to create the belief that they are not paid sufficiently and thereby get this legislation through.

Many roads east and north as well as South and West under the present law get from $40 to $50, and from that to $100, a mile per annum for carrying the mails. Fifty dollars a mile per annum is little enough for a road carrying two hundred pounds of mail, and generally this class of roads run through sparsely-settled portions of country with much vacant space upon their passenger trains, and the wear and tear upon their machinery is as much as if they carried 5,000 pounds of mail, and space is not so much of an object as the making of the trip.

If, however, this bill should pass, eight feet in length, the width of a car, is enough space to carry, with ordinary mail service, from two to five hundred pounds of mail; at least so they tell me at the Post-Office Department. Now, 6 mills per foot for this space would cut the pay down to this class of roads nearly one-half. A road now getting $50 per mile per annum would get $30.04 per mile, so the already small compensation to this class of roads is cut off nearly one-half, where they are being operated with great difficulty and at enormous freight and passenger tariff to the people living along the line. I should not complain so much, however, if this was a saving to the Government and in the direction of true economy.

Mr. HAMILTON, of New Jersey. Will the gentleman allow me to ask him a question?

Mr. CANNON, of Illinois. I have very little time left.

Mr. HAMILTON, of New Jersey. I wish simply to ask the gentleman is he aware that the Post-Office Department recommended that change?

Mr. CANNON, of Illinois. I do not care who recommended it. I am discussing the wisdom of the proposed legislation. We are responsible for the legislation if it is had; and I know some of the most competent men, of great intelligence and ability in the Department, do not believe that this legislation is wise. I have said that this bill would have the effect to cut down the small poor roads and benefit the great trunk lines. To show this, let me call your attention to the line leading from New York known as the New York Central and Hudson River and Lake Shore and Michigan Southern Raiload. This route has

been long established, runs through a well-settled country, does a large business and a profitable one. The pay of this line for carrying the mails under the present law is $953,224.50 per annum; under this bill, using the same amount of space at 7 mills per foot, its pay would be increased $300,316.46, making its annual pay $1,253,440.96; whereas prior to 1873 $375 a mile was all that it could get, amounting to about $400,000 per annum. So this bill proposes to more than thrible the pay this line got in 1873.

The pay of the Baltimore and Ohio Railroad from Baltimore to Grafton, 294 miles, now is $322 a mile per annum; at 7 mills per linear foot, as this bill provides, it would amount to $473.80 a mile. And its pay now from Grafton to Wheeling, 99 miles, is $282 per mile; at 7 mills per foot it would be increased to $311 per mile. The pay of the line from New York to Philadelphia, 90 miles, is $952 per mile; at 7 mills it would be increased to $1,186 a mile. And so I might go on, but my time forbids. I have said enough to show that the bill is not truly in the interests of economy. I think a better title for it would be "A bill making appropriations for service in the Post-Office Department and cutting down the small amount now paid small railroad companies under the present law, and giving the amount so saved to the great trunk lines that already get more pay for carrying the mails than is equitable."

The railroads contend, however, that they should have pay for the service actually performed in carrying the mails the same as they receive pay for any other service, and the gentleman from Missouri [Mr. STONE] thinks, as stated to the House during this debate, that on slow trains 6 mills per linear foot is about the commutation rate. Mr. Davis, adjuster of railroad pay in the Post-Office Department, and a man of great experience and ability, in a very thorough discussion of this whole question claims that the commutation rates to passengers who each take, say, one foot of the car linear measure for from 60 to 90 miles out of New York City on the Erie and other railroads is less than 4 mills per mile, getting his information from the Counting-House Monitor and personal knowledge and information. Now, if the railroad companies can afford to run passenger trains, drum up custom, and frequently not have their trains filled, and commute to passengers, making daily trips at less than 4 mills a mile, each passenger taking the equivalent of one foot linear measure the width of a car, certainly they can afford to let the Government have the service at the same rates, taking as it does the long hauls and paying for the whole space contracted for both ways. Yet this bill proposes to give 7 mills a mile per foot, nearly double the above commutation rates to individuals, and yet the gentleman say this bill is in the interest of economy. But grant for the sake of the argument that Mr. Davis is mistaken in his basis.

I still want to call attention that in all service except railway service the carrying of the mails is let by contract; and as it is not practicable to let the service to railways by contract and thereby get competition in carrying the same, the compensation of railways is fixed by general law, and it should be fixed as near as may be at what it would cost if it could be let by contract under the spur of fair competition. Now, then, the true rule is, I apprehend, the Post-Office Department should only be charged for mail service with the additional cost incurred on its account, and that the cost of the other services rendered should be estimated as if the postal car was not transported. To illustrate: Suppose an engine will haul a passenger-train of three cars and one baggage-car; it makes the run any way; and assume it has the capacity to haul a postal car in addition; the Government should only be charged the extra cost with a small profit of attaching the postal car to the train.

This principle operates as to the star and ocean service by virtue of competition, and why should it not operate as to railways when we fix the compensation by law? For example, the mail-route from Mesilla to San Diego, California, through New Mexico and Arizona, was let in 1870 for $200,000 per annum, and in 1874 for $100,000 per annum; yet there is more than three times the amount of mail matter passing over the route now than did in 1870, and no doubt the compensation of $100,000 now is a better bargain than $200,000 in 1870, for the reason that in 1870 there were serious Indian troubles, the route was new, and kept up at great expense to the contractor. Then the freight, express, and passenger business was much smaller in 1870 than in 1874, the population of Arizona having doubled within a year or two. I may state here that the contractor both in 1870 and 1874 carried passengers and express.

Again, in speaking of the transatlantic mail service, I have already shown the great decrease in cost of the steamship service since 1868. Prior to 1868 the Post-Office Department paid 55 cents an ounce to the steamers to carry the mails; in 1869 the pay was 20 cents an ounce; in 1872 the pay was 6 cents an ounce. When the price was decreased to 6 cents the Cunard and other lines refused to carry the mails, but by well-worked-up competition in less than three months they begged to be allowed to carry at that rate, and to-day the mail is being carried across the ocean at the rate of 3½ cents an ounce—quite a difference between 55 cents in 1868 and 3½ cents in 1876; and now these steamers race across the Atlantic that they may get the mails to carry at this price, the Department giving the mails to the steamers making the quickest trips. Apply this same principle to railways, and we would be inquiring how we could decrease the pay of these great trunk lines instead of making arguments to increase it. So the pay of railways should be determined not only by the space occupied, but the weight of mail carried, the country through which carried, the amount of other business done in connection with carrying the mail, as well as the extra expense of transporting the postal car on the passenger-trains—all should be taken into consideration. And as my time is nearly up, I want to say this kind of legislation should not be on an appropriation bill with so many other provisions to be kicked back and forth between the House and Senate in conference committee, and finally dragged through in the last hours of the session, the Lord only knows in what shape; on the contrary, it should come from some regular committee, in a bill by itself, provided always some committee can spare enough time from its duties of making investigations to perfect a bill, and should only be passed after full discussion and an intelligent understanding of the interests involved in the legislation.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time is up.

Mr. CANNON, of Illinois. I regret that my time has expired, as I am not yet through discussing this bill, and ask unanimous consent to add to what I have said such further remarks as I desire to make.

There was no objection, and leave was granted accordingly.

Mr. CANNON, of Illinois. Mr. Chairman, Hon. J. N. Davis, adjuster of railroad pay, a gentleman of great experience in that position for the last twenty years, has written an argument touching this question which sheds much light on the same, and he discusses the question with so much more ability than I can hope to do, that I feel I would be doing the House and country a service by so far making his discussion of this question a part of my remarks. What he says is as follows:

The controversy on this subject is not of recent origin. It is as old as the railroad-mail service itself, arising necessarily out of the peculiar character of that service. For conveying mails by every other mode, proposals have always been invited by public advertisement and contracts let to the lowest bidders; but, as there could be no competition for railroad-mail service and contracts therefor must be made, if at all, with the owners of the roads, Congress, from the first, in giving authority to the Postmaster-General to "cause the mail to be transported upon each and every railroad," coupled therewith the condition that he must "have it done upon reasonable terms."

The first act of Congress relating to the subject, approved July 7, 1838, (section 2,) authorized the Postmaster-General to cause the mail to be transported upon each and every railroad within the limits of the United States which then was or thereafter might be made and completed, provided he could have it done "upon reasonable terms, and not paying therefor in any instance more than 25 per cent. over and above what similar transportation would cost in post-coaches;" the second, approved January 25, 1839, (section 1,) forbade the Postmaster-General to allow more than $300 per mile per annum to any railroad company for the conveyance of one or more daily mails; and the third, approved March 3, 1845, (section 19,) directed him to arrange and divide the railroad routes into three classes, according to the size of the mails, the speed with which they were conveyed, and the importance of the service, and to pay not more per mile per annum than $300 for the first, $100 for the second, and $50 for the third class, provided that, if one-half the service on any road were required to be performed in the night season, 25 per cent. might be added to these maximum rates.

The leading consideration prescribed in the act last cited (the act of 1845) as the ground for determining the classification of railroad routes, namely, "the size of the mails," evidently had reference to their productiveness as sources of revenue, or, in other words, of the means necessary to defray the expense involved, thus following a principle observable in the legislation respecting the postal service of the country, and governing the practice of the Department more largely than any other consideration, that the cost of the service should bear some due proportion to its productiveness.

Until a comparatively recent period, the differences between the Post-Office Department and many of the railroad companies had respect entirely to the classification of their roads under the law, the companies claiming for them a higher classification than that to which the Department deemed them entitled. In the discussion of these differences embarrassments arose from the want of accurate knowledge of the facts according to which the law required the classification of the routes to be determined, of which the leading one, as already remarked, was "the size of the mails." To obviate this embarrassment, the Department, in the year 1867, addressed circulars to the proprietors of all the railroad routes in the country, requesting them to weigh the mails they conveyed on their routes respectively for thirty consecutive working days and forward to the Department statements showing the weights of the mails, the dimensions, fixtures, and furniture of the car or apartment provided for mails and agents, and the frequency with which the mails were conveyed. The returns made in answer to this call revealed the fact that great inequalities existed between the amounts of service performed by different companies receiving equal rates of compensation. Thus on those routes which received $300 per mile per annum, the average weight of mails per day conveyed the whole length of the routes respectively ranged from 22,581 pounds to 7,668 pounds; on those which received $200, from 19,183 to 367 pounds; on those which received $150, from 7,384 to 287 pounds; on those which received $100, from 7,086 to 71 pounds; on those which received $75, from 2,048 to 40 pounds; and

on those which received $50, from 6,488 to 12 pounds. The full returns received from the railroad companies were published in tabular form in the Postmaster-General's Annual Report for 1867 (pages 72–88) and were elaborately noticed in the text of the report, (pages 10–13,) the Postmaster-General closing his remarks thereon as follows:

Not the weight of the mails alone, it is true, but also the accommodations provided for the mails and agents of the Department, the dimensions, fixtures, and furniture of the car or apartment allotted to their use, the frequency of the service, and, it may be, other circumstances besides, are entitled to consideration in adjusting the pay for railroad transportation. Still, "the size of the mails" being, in the main, undeniably the principal indication or test of "the importance of the service," the figures above cited display great inequalities in the rates actually allowed. No general systematic revision and re-adjustment of these rates, based upon the returns received, has yet been attempted, but in a number of cases of disagreement between the Department and railroad companies the returns have been used as a guide to a proper settlement of the dispute; and as the terms of existing contracts expire, and it becomes necessary to enter into new engagements, it is expected that such changes will from time to time be made as will eventuate, ultimately, in the nearest practicable approach to a perfect classification of railroad routes and graduation of their pay according to the comparative value and importance of the service they perform.

In pursuance of the purpose thus intimated, changes have been made, based wholly on returns similar to those first obtained in 1867, whereby within the six years ending September 30, 1873, a net increase of the rates of pay for railroad mail service has been allowed amounting to an average of $201,500.33 per annum—the aggregate increase for the six years being $1,209,001.98.

In proof that until recently the controversy between the Department and the railroad companies related to the classification of the roads, and not to a want of power under the law to award proper compensation for the highest class of service, the fact may be cited that as late as the 30th June, 1868, there were in all the country only three routes (composing the line, 190 miles in length, between Baltimore and New York) which received the maximum rate allowable under the law, $375 per mile per annum; only one route, 76 miles long, which received $325 per mile; only six routes, having an aggregate length of 560 miles, which received $300 per mile; and only thirty routes, having an aggregate length of 5,019 miles, which received rates ranging between $300 and $200 per mile, including the latter; while of routes receiving rates lower than $200 there were four hundred and sixty-three, having an aggregate length of 30,173 miles. The aggregate length of all the railroad routes on the 30th June, 1868, was 36,018 miles, and the aggregate cost of transportation thereon $4,177,126 per annum. On the 30th June, 1873, the aggregate length was 63,457 miles, and the aggregate cost $7,257,196 per annum; an increase in five years of 27,439 miles in length, and $3,080,070 in annual cost.

The earliest contracts made with the Department for the transportation of mails on railroad routes contained stipulations, variously expressed, to the effect that the mails should be conveyed in "cars," or in "a post-office car," or in "a separate car or apartment in a car," "fitted up, under the direction of the Post-Office Department, for the exclusive accommodation of the mails and of the agents," or "agent of the Department," who should be "transported" or "conveyed without further charge." These contracts were drawn up sometimes wholly in manuscript and sometimes on printed forms prepared for post-coach service, with interlineations adapting them to the altered circumstances of the case. In the first form printed expressly for railroad service the stipulation reads:

Second. To carry said mail in a safe and secure manner, free from wet or other injury, in a separate car, or apartment in a car, to be fitted up, under order of the Department, if the Postmaster-General shall require one, for the exclusive accommodation of the mail and the mail agent, who is to be conveyed without any further charge.

In practice, as a general rule, at least since 1st July, 1851, one or more route-agents have been appointed to accompany, receive, and distribute the mails on each railroad route, and an apartment has been provided and fitted up by the company for their use, varying in size, say, from one-eighth to one-half the length of a baggage or passenger car. So that the distribution of mails while in transit on railroad routes is not new, though the system has been extended within a few years past to matter passing over successive links in long mail lines instead of being confined as before to mails passing between points less widely separated, with no local distributing post-office intervening.

To extend the system in this manner, the Department in the year 1864 notified the proprietors of railroad routes composing several of the principal mail lines of the country that more car room would be necessary than they had previously provided. It has been repeatedly alleged of late that such companies were induced to provide the required additional room by promises yet unfulfilled of increased compensation. Thus, in the communication addressed to the Postmaster-General by the Pennsylvania Railroad Company and others, under date of the 27th January, 1873, in which the Department is notified that only on condition of their receiving the rate of forty cents per eight-wheel car per mile run (afterward changed to thirteen mills per linear foot per mile run) and two cents per mile for the transportation of post-office agents riding in passenger cars, with immunity from damages for accidents to post-office clerks riding free of charge, would those companies consent to provide and run railway post-office cars on or after the 1st day of April then next ensuing, and that, failing to obtain said terms, they would "be prepared then and thenceforth to transport the mails in the mode which obtained before they were induced by the General Post-Office Department to provide railroad post-office cars," it is alleged that "many years since" the companies introduced such cars upon their several roads "under assurance from the Post-Office Department that they should be paid for their services," and "that they have never been paid for the use of said cars." And in the testimony given by the president of the Philadelphia, Wilmington and Baltimore Railroad Company before the Senate Select Committee on Transportation Routes to the Seaboard, at their session in New York in April, 1873, it is stated that "in 1864 the railroad companies between New York, Philadelphia, and Washington were induced to place postal cars upon their roads by verbal assurances of the Post-Office Department that the postal act of 1845 should be so revised and amended as to allow reasonable compensation for mail service," and that "every year since their introduction we [the companies] have applied in vain for payment for the use of these postal cars."

The facts, however, are as follows: In the first place, the Department, when, in the year 1864, it notified the railroad companies that more car room than they had previously provided was necessary, asked no more, in any case, than "a separate car," which the contract stipulation above quoted already entitled it to demand. And then, when the companies claimed that on the ground of the fulfillment of that stipulation they would be entitled to additional compensation, the Department replied that the desired cars were necessary to expedite the mails; that the Postmaster-General was anxious to reform and improve the whole system of distributing both letters and newspapers to avoid delays, too often occurring under the then existing system; that the benefits resulting from the contemplated changes would soon be widely felt, and it was believed that the railroad lines which afforded the necessary facilities would attract the special attention of the traveling public; that with these views the Postmaster-General could not allow a special consideration for the desired cars; that he would pay a reasonable rate for transporting mails, and claimed to prescribe how the service should be performed; that there were existing agreements with the companies, and, if the existing pay was not satisfactory to them, the reasons should be presented and they would be duly considered; but that it could not be allowed that the furnishing improved mail cars was a just reason for demanding new terms. These views of the Postmaster-General were presented in a letter to the postmaster at Philadelphia, under date of the 26th July, 1864, acknowledging the receipt of correspondence between the postmaster and the president of the Pennsylvania Railroad Company, "concerning cars for traveling post-office," and closing with an expression of the hope that he might "succeed in procuring them unconditionally, leaving the question of increased compensation to be determined without regard to the traveling post-office." Letters of similar tenor were addressed, under the same and subsequent dates, to Thomas Clark, superintendent of mails in the post-office at New York, who was conferring with the proprietors of the Erie Railway on the subject, and to Special Agent G. B. Armstrong, at Chicago, who had reported that he was "getting matters arranged for the new service," and who was informed, in reply, that the Postmaster-General would "not listen to the question of additional compensation in connection with the construction of the cars for railway post-offices," and that "that must be brought up separately."

The records of the Department contain many other letters addressed, as these were, to persons acting under its instructions in making arrangements for the initiation of the extended system of distributing mails while in transit, but they contain no "assurances" beyond the general intimation of the willingness of the Department to consider any reasons which might be presented to show why the existing compensation was not satisfactory, and to "pay a reasonable rate for transporting mails," "without regard to the traveling post-offices," as it could not be allowed that the furnishing improved mail cars was a just reason for demanding new terms. How, in the face of these oft-expressed views and determinations of the Department, in writing, in letters addressed to agents employed in procuring from the railroad companies the desired improved accommodations, any "verbal assurances" at variance with these views could have been offered by the Department or its agents, or accepted by the companies as an "inducement" to provide and run railway post-office cars, it is difficult, if not impossible, to conceive. On the part of the railroad companies, however, the cars were actually provided and run, and on the part of the Department the re-adjustment of the compensation for transporting mails on railroad routes, according to the amount and character of the services they severally performed, including railway post-office cars and all the rest, was faithfully and laboriously made, commencing with the weighing of the mails in 1867, as above noted, and continuing, with the results herein particularly set forth, correcting the "great inequalities" found to exist at the date of the weighing, by awarding additional compensation to roads before inadequately paid, amounting at the end of six years to the net sum of $1,209,001.98, after deducting the amount taken for the same period from the annual compensation of roads previously overpaid. Meantime the Postmaster-General repeatedly, in his annual reports, beginning with that of 1869, asked Congress to consider the propriety of revising and re-adjusting railroad compensation so as to establish rates just and equitable to all concerned. And Congress, by act approved March 3, 1873, authorized a further re-adjustment,

which is now in progress, whereby the railroad companies will probably receive for the fiscal year ending June 30, 1874, a million and a half of dollars in excess of the amount paid them for the preceding year. It cannot be admitted, therefore, that the Department ever offered to the railroad companies any "assurances" to "induce" them to provide and run railway post-office cars, which it has not abundantly fulfilled.

The act of March 3, 1873, provides for the re-adjustment of the compensation for the transportation of mails on railroad routes on a mixed basis, consisting partly of the amount of mail matter conveyed and partly of the amount of space provided, in the form of railway post-office cars for the distribution of the mails. To a large majority of the railroad companies the re-adjustment of their pay on this basis appears to be perfectly satisfactory. A few, however, complain that while it affords ample and even excessive compensation to roads carrying large amounts of mail matter and furnishing comparatively small amounts of space it affords rates disproportionately low to roads on which these circumstances are reversed.

It cannot be denied that there is some force in the complaint thus made. An example will illustrate this: On a route carrying over its whole length an average weight of mails per day of 39,000 pounds, and providing railway post-office cars, each fifty feet long, sufficient to perform two daily trips each way, the rate of pay allowable under the act is $705 per mile per annum—$625 for the amount of mail matter and $80 for the railway post-office cars. This is the state of facts existing on the Erie Railway, and this rate of pay has been allowed from July 1, 1873. On a route carrying 17,240 pounds, and running two daily lines of railway post-office cars fifty feet long, the rate of pay allowable under the act is $433 per mile per annum—$353 for the amount of mail matter and $80 for the railway post-office cars. A provision in the act, applicable to all railroad routes, both those which do and those which do not run railway post-office cars, requires that "sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails." In practice, this provision is deemed to be complied with when the required room is furnished for the accommodation of a line of route-agents running each way once a day, and accommodations for additional lines are deemed to warrant additional compensation. On the Philadelphia, Wilmington and Baltimore Railroad the average weight of mails per day is 17,248 pounds, two daily lines of railway post-office cars fifty feet long are run, and route-agents' accommodations in excess of a daily line each way are furnished. On this state of facts, allowing for the excess of route-agents' accommodations $7, for railway post-office cars $80, and for the amount of mail matter $353, the pay of the company, from July 1, 1873, is rated at $440 per mile per annum. Thus, of these two routes, furnishing each an equal amount of space in the form of railway post-office cars, one receives $705 and the other $440, a difference of $265 per mile per annum, despite the fact that the one receiving the lower rate furnishes a greater amount of space than the other for the accommodation of route-agents, the difference in the rate of compensation in favor of the former being attributable to the greater amount or weight of the mails it conveys.

The proprietors of a comparatively small number of roads which, like the Philadelphia, Wilmington and Baltimore, furnish a large amount of car space compared with the amount of mail matter they convey contend that the appropriate remedy for the apparent discrimination against their own and in favor of the other class of roads would be to fix the compensation solely according to the space provided, leaving the amount of mail matter entirely out of view. The Department, on the other hand, having regard to the principle recognized as before remarked in the legislation on the subject and which has uniformly governed its own practice, namely, that the cost of mail service should bear some due proportion to its productiveness, cannot assent to an abandonment of the idea of a mixed basis for the determination of the rate of pay. And if a rule were adopted to fix the compensation solely according to the amount of space provided, without regard to the amount of mail matter conveyed, or, consequently, to the productiveness of the service, the outcry would only be transferred from the few roads which complain of the injurious operation of the present rule to the much larger number which would be injured by the change, including many of the most important and productive routes.

A solution of the difficulty may perhaps be found in such a modification of the mixed basis as will give to the element of space a greater, and to that of weight a less, influence than they now have, respectively, in determining the rates of compensation. The act allows $200 per mile per annum for an average weight of mails of 5,000 pounds per day, and $25 additional for every additional 2,000 pounds per day, the companies being required in every case to convey the mails with due frequency and speed, and to provide sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed for route agents to accompany and distribute the mails; and the act allows additional pay per mile per annum for every line comprising a daily trip each way of railway post-office cars at the rate of $25 for cars 40 feet in length, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 to 60 foot cars. Let these conditions be modified as follows: when the average weight of mails per day shall exceed 15,000 pounds, let the additional allowance for the first 9,000 pounds of the excess be at the rate of $25 for every 3,000, instead of every 2,000 pounds, and when the average weight per day shall exceed 24,000 pounds, let the additional allowance for the excess be at the rate of $25 for every 4,000 pounds. Let the amount of car space to be provided be fixed according to a given scale, so much for each of the several rates of pay per mile per annum, say 64 square feet once a day each way for $50, 32 square feet for the first addition of $25, and 24 square feet additional for every succeeding addition of $25, until the pay shall have reached $325 per mile per annum, and 32 square feet additional for every $25 in excess of $325. Let this space be used at the discretion of the Department, the company providing the necessary fixtures, furniture, light, and heat, either for railway post-office service, for route-agent service, or simply in the form of room on trains not accompanied by railway post-office clerks or route agents. For any excess of car space over the amount fixed for a given rate of pay let an additional allowance be made at the rate of $1.25 for every 8 square feet, equivalent to 15⅝ cents per square foot.

The following statement will show the effect of such a modification of the law upon the pay of the two roads mentioned in the foregoing example: The amount of car space required on the Philadelphia, Wilmington and Baltimore Railroad, according to the proposed scale, would be 358 square feet once a day each way. The amount provided by the company, as shown in their latest report, for railway post-office and route-agent service is equivalent to 1,239 square feet once a day each way. Allowing, say, 54 square feet for room (of which no report has yet been made) on trains carrying mails not accompanied by clerks or agents, making in all 1,293 square feet once a day each way, the excess over the required amount would be 935 square feet. The pay per mile per annum for the weight of mails, 17,248 pounds per day, being, according to the proposed modification of the scale of weights, $343, and the allowance for the excess of car space, say 935 square feet, at 15⅝ cents per square foot, $146, the whole pay would be $489 per mile per annum—$49 more than the present rate. The amount of car space required on the Erie Railway, according to the proposed scale, would be 552 square feet once a day each way. The amount provided by the company, as shown in the latest report, for railway post-office and route-agent service is equivalent to 994 square feet once a day each way. Allowing, say, 38 square feet for room on trains carrying mails not accompanied by clerks or agents, making in all 1,032 square feet once a day each way, the excess over the required amount would be 480 square feet. The pay per mile per annum for the weight of mails, 39,170 pounds per day, being, according to the proposed modification of the scale of weights, $494, and the allowance for the excess of car space, say 480 square feet, at 15⅝ cents per square foot, $75, the whole pay would be $569 per mile per annum—$136 less than the present rate. This would diminish the difference between the rates of pay per mile per annum allowed the two roads from $265, its present amount, to $80, which would be a very small allowance for the difference in the weights of the mails, considering, as it is absolutely necessary to do, the difference which this fact makes in the amounts of the postal revenues which the two lines produce.

The pay of the Erie Railway, thus modified, would be $6.50 per mile per annum more, and that of the Philadelphia, Wilmington and Baltimore only $73.50 per mile per annum less than the utmost amount allowable under the act of June 8, 1872, which authorized an addition of 50 per cent. to the previous maximum of $375, (increasing that maximum to $562.50,) on such roads only as furnished railway post-office cars; and that act was repealed by the act of March 3, 1873, because it involved too large an expenditure of money (probably not less than a million and a half of dollars) for the exclusive benefit of a comparatively small number of roads, having an aggregate length of only 14,866 miles against a remainder of 48,591 miles left unprovided for.

It remains to be considered whether the rates modified as above proposed would afford due compensation for the transportation of mails on railroad routes.

A statement was made up in the Department in April, 1873, comparing the mail pay under the acts of 1845 and 1873 with the charge for first-class freight between New York and Chicago under the tariffs of the Blue Line, the International Line, and the Empire Line, by which it appeared that for the amount of car space per annum in use for mail service on the line via Philadelphia and Pittsburgh the companies would receive, at the rate paid for first-class freight, allowing 10,000 pounds to a thirty-foot car, the sum of $221,290.48, whereas their pay for mail service on the same line under the act of 1845 was $307,350, an excess of $86,059.52; that for the amount of car space per annum estimated to be necessary in case of making certain proposed improvements the companies would receive, at the first-class-freight rate, $316,788.09, whereas their mail pay under the act of 1873 would be $411,813, an excess of $95,024.91; that at the rate demanded by the companies, thirteen mills per linear foot of car space per mile run, their mail pay for the amount of car space in use at the date of the statement would be $625,388.48, against $221,290.48 of freight charge for the same amount of space, an excess of $404,097.96; and that for the amount required for the proposed improvements their mail pay at the rate demanded would be $895,273.04, an excess of $578,484.95, or more than 182 per cent. over and above the freight charge for the same amount of space. To this statement Mr. Kneass, of the Pennsylvania Railroad, made a reply in which he claimed that the load of a thirty-foot car was underestimated at 10,000 pounds, his company carrying 18,000 pounds on a twenty-six

foot car. And Mr. David A. Wells, in a paper written, as it appears, at the request of the president of the Philadelphia, Wilmington and Baltimore Railroad Company "and other representative railroad managers," referring to the same point and also to the reply of Mr. Kneass, claimed "the minimum load" to be "from 16,000 to 18,000 pounds," and that 16,000 pounds was "the lowest general average weight of freight carried by a freight car" thirty feet in length. Projecting the comparison on this altered basis, both these gentlemen arrive at results very different from those presented in the statement to which they reply. But, on a slight examination, their answer appears very vague and unsatisfactory.

The statement made up in the Department referred not to freight generally, but specifically to "first-class freight," of which, as it consisted mainly, according to the tariffs of the "fast-freight lines" used in the comparison, of articles of light weight compared with their bulk, it was deemed fair to assume that an average load for an eight-wheel car thirty feet long would not exceed ten thousand pounds. The reply, on the other hand, affords not a particle of information as to what constitutes an average load of first-class freight, but gives generally and vaguely "the lowest general average weight of freight carried by a freight car." It adheres, however, to the first-class rate in comparing the freight earnings with the mail pay, and so arrives, not at an actual result, but at what would be the result if the average load of first-class freight were equal to the "general average weight of freight carried by a freight car," which its authors forbear to claim to be the fact in the case. They thus evade instead of answering the argument. The rate per hundred pounds for first-class freight from New York to Chicago, as shown in the tariffs referred to, was $125. The same tariffs showed the other rates to be: for second-class freight, $1.10; third-class, 85 cents; fourth-class, 65 cents; and special, 50 cents. Taking the percentage of the several classes of freight actually transported to be the same as they appear by Poor's Manual to have been, according to the nearest practicable computation in the year 1871, namely, nine of the first, five of the second, eighteen of the third, nine of the fourth, and fifty-nine of special, the "general average" rate per hundred pounds would be 67.4 cents. At this rate the "general average weight of freight carried by a freight car," if it be 18,000 pounds, as Mr. Kneass asserts, would yield the companies $121.32; if 16,000 pounds, as Mr. Wells asserts, $107.84. Of these sums the latter is $17.16, and the former $3.68, less than the $125 which the companies would earn by transporting the 10,000 pounds assumed in the statement to be a fair average load of first-class freight for a thirty-foot car at $1.25 per hundred pounds. And this, let it be particularly observed, is in the absence of any deduction from freight earnings on account of hauling freight cars empty in either direction, whereas it is apparent from the most accurate attainable information that from one-fifth to one-third of the aggregate movement of freight cars consists of hauling them empty. So far, therefore, the statement made up in the Department, as an argument to prove that the mail pay per car per mile run exceeds the charges for through freight on the line in question, whether the calculation be made on the basis of the first-class rate for a load of 10,000 pounds or of the "general average" rate for a load of 16,000 or 18,000 pounds, stands unrefuted.

Mr. Wells says, however, that a comparison of postal-car service with first-class-freight service is "opposed to all reason and justice, inasmuch as it has already been shown that first or second class freight is never carried in connection with passenger or express trains, while postal cars are never connected or move with freight trains." But the railroad men themselves set the example of instituting the comparison complained of. The Pennsylvania and other railroad companies uniting in the notification of January 27, 1873, before referred to, complain of "receiving for their mail service a rate per car per mile smaller than their ordinary third-class-freight rate for common freight cars on slow freight trains," and say that the rate they claim "is less than that paid by the public for the transportation of car-loads of freight in cheap cars at low speed." The president of the Philadelphia, Wilmington and Baltimore Railroad, in his testimony before the Senate Select Committee on Transportation Routes to the Seaboard, at New York, in April, 1873, said the pay of his company for mail service under the act of 1845 was "only 65 per cent." of their "tariff rate for transporting pig-iron;" and when asked by Senator Casserly of the committee what would be the result of the terms demanded for the mail service, he replied that second-class freight gave his company a little over forty cents a car a mile; and, referring to his own and the other companies demanding this rate, he said, "We fixed a very low rate; and when we speak of forty cents as being second-class we meant to keep entirely within bounds." Many similar asseverations from railroad men might be cited; but these may suffice.

Waiving, however, any claim that the mail pay is adequate on the ground that it is equal or more than equal to the average freight earnings per car per mile on railroad routes, a comparison more just and reasonable may perhaps be made with the charges for transporting passengers on fast express and passenger trains.

In instituting such a comparison, it is proper to remark that the postal service is in many respects peculiar, and that its special characteristics, distinguishing it from other classes of service performed on railroad routes, entitle it to distinct and special consideration. Senator MITCHELL, from the subcommittee of the Select Committee on Transportation Routes to the Seaboard, in his report (No. 478) to the Senate on this subject, submitted on the 23d of June, 1874, makes the following just observations:

> The postal service is one in which the people of the country are generally interested. Perhaps no other public service touches so many private interests. The efficient and economical administration of the Post-Office establishment is probably more beneficial to the owners of railroads than to any other class of citizens.

In this view of the subject, the postal service should certainly receive from the owners of railroads at least as fair treatment as they accord to any other branch of their business. No other branch is more certain, continuous, and regular. For no other can the amount and character of the preparation necessary or the amount of compensation be more reliably determined upon in advance. For passenger transportation large accommodations are regularly provided, in the utter absence of any assurance that they will be fully occupied by travelers. Every passenger pays only his single fare, whether he be the sole occupant of a car capable of seating fifty or occupy it in company with nine, nineteen, or forty-nine others. What amount of compensation the owners will receive for the service is therefore altogether uncertain. On this account the rate exacted from every passenger who happens to occupy a seat is such as would yield enormous profits if every seat were constantly filled. This is evident from the vast disparity between the rates demanded for this uncertain passenger transportation and those which the companies ask from passengers whom they engage to carry daily to and fro throughout the year.

On the Erie Railway, for example, as appears from the annual report of the state engineer and surveyor of the State of New York for 1873, page 508, the rate of fare for first-class through passengers was 2½ cents, or 22 mills per mile, and for first-class way passengers 2⅝ cents, a fraction over 27 mills per mile; while, as the Counting-House Monitor shows, the commutation rates for passengers whom the company engaged to carry daily to and fro throughout the year were, for a distance of 10 miles from New York City, a little over 9½ (9.584) mills per mile; for a distance of 48 miles, a little under 4 (3.918) mills per mile; and for a distance of 88 miles, a little over 3⅓ (3.267) mills per mile, the rate decreasing in every instance as the distance increased. Comparing the regular rate of fare for passengers traveling the greatest distance, that is, for through passengers, with the commutation rate for the greatest distance, the former, being 22 mills, is 6.73 times as great as the latter, which is 3.267 mills, (22÷3.267=6.73+.) These two rates are deemed to be the fairest for comparison. But the lowest commutation rate on the Erie is not as low as that of the Philadelphia, Wilmington and Baltimore Railroad, on which annual tickets between Philadelphia and Baltimore, a distance of 98 miles, for a year commencing on the 1st of January, as it is ascertained by inquiry from an officer of the company, are sold for $200, which is at the rate of 3.260 mills per mile; and the average rate for a less average distance on several other roads mentioned in the Monitor is still less, the rate being for 88 miles on the New Jersey Midland 2.904 mills; for 73 miles on the New York, New Haven and Hartford 3.194 mills; for 62 miles on the Delaware, Lackawanna and Western 3.220 mills; for 59 miles on the Long Island 2.978 mills; for 54 miles on the South Side 3.254 mills; and for 40 miles on the New Jersey 3.394 mills—an average rate for the whole of 3.126 mills per mile for an average distance of 66⅔ miles.

Senator MITCHELL, in his report before referred to, page 21, estimates the actual average cost of transporting each linear foot of a passenger-car at 5 mills per mile run. The average seating capacity of a passenger-car being about one passenger to each linear foot, the cost of transporting a linear foot of car would be the cost of transporting a passenger. Putting this at the Senator's estimate, 5 mills per mile, the companies conveying commuters at the Erie rate, 3.267 mills, would lose 1.733 mills per mile on each passenger, or, conveying them at the average rate on the other six roads, 3.126 mills, would lose 1.874 mills per mile on each passenger. With fifty passengers in a fifty-foot car, and a cost of 25 cents (250 mills) per mile for transporting the car, the companies receiving at the Erie rate 16.335 cents, or at the other 15.630 cents, would lose in the one case 8.665 cents, or in the other 9.370 cents per car per mile. Supposing any portion of the car space unoccupied, (as is the case with about two-thirds the average amount provided,) the loss would be greater, as the receipts would be less, without diminishing the cost.

It is inconceivable, of course, that the railroad companies should voluntarily establish rates for passenger transportation which would result in actual and inevitable loss to themselves. Their commutation rates must be a source of profit, not of loss, despite any appearance to the contrary which might arise from averaging the cost and earnings of their whole passenger business. The additional expense incurred for the transportation of commuters must be less than the average expense of the whole passenger business.

The practicability of increasing the length of a train at an increase of cost less than the average cost of the whole train is strikingly illustrated in a recent publication, in a passage respecting the additional cost occasioned by adding sleeping-cars to passenger trains. Albert Fink, chief engineer, vice-president, and general superintendent of the Louisville and Nashville and Great Southern Railroad, in a pamphlet published at Louisville in 1874, entitled "An investigation into the cost of transportation on American railroads," estimates the average cost of carrying one ton of gross weight on passenger trains over the main stem of the Louisville and Nashville Railroad in 1873 at 1.27 cents per mile run. (Page 20.) Then, (page 22,) stating the tons of

gross weight transported one mile in sleeping-cars on passenger trains for the year at 12,281,608, he sets down the cost of transporting sleeping-cars, at the average rate, at $155,946.72. Further on, however, (page 27,) he says:

Passenger trains, unlike freight trains, (and we refer here to "through" freight trains,) are on many roads not loaded to the full power of the locomotive. The cost of hauling one or more additional cars on a train, until the power of the locomotive is fully utilized, will be less than the average cost per car prior to such increase, and the average cost of the gross ton hauled will also be lessened. If therefore the estimate of the cost of the sleeping-car service is based upon the average cost per gross ton, as in the preceding computations, (both for simplicity and to illustrate the effects of an increased load,) it will show a reduction in the cost of the other services rendered as compared with the cost prior to the use of the sleeping-car. The sleeping-car service would therefore be overcharged to the extent of this reduction; and the other parties using the passenger trains, if charged in accordance with cost, would become the beneficiaries to the same extent. Hence it appears that the sleeping-car service should only be charged with the additional cost incurred on its account, and that the cost of the other services rendered should be estimated as before the introduction of their cars.

He then (pages 27–29) estimates the total additional cost of hauling the sleeping-cars, assuming that it was not necessary to increase the power of the locomotive on that account, at $39,604.21 for the year, instead of the $155,946.72, found on the basis of the average cost of $1.27 per gross ton per mile, whereby he shows that the sleeping-car service was overcharged, on the basis of the average cost, to the extent of $116,342.51, the actual cost being to the average cost as 1 to 3.93, (155,946.72÷39,604.21=3.93+.) Thus, by Mr. Fink's showing, the sleeping-car service, on the basis of the average cost of passenger business, would be charged with 3.93 times the expense it actually occasioned to the company. This suggests the method of solving the problem how the Erie and the other companies above named obtain profits from the performance of passenger transportation at commutation rates which are so far below the average cost to them of their passenger business. If the actual cost of this particular service is to the average cost of their passenger business as 1 to 3.93, then that average cost, which, by Senator MITCHELL'S estimate, is five mills per linear foot or per passenger per mile, must be divided by 3.93 to find the actual cost of this particular service, which would therefore be 1.272 mills per linear foot or per passenger per mile, (5÷3.93=1.272+.) On this basis the Erie's profit at the 3.267 mills commutation rate would be 1.995 mills per passenger per mile and that of the other six companies at the 3.126 mills rate would be 1.854 mills per passenger per mile.

The mail service being, in at least an equal degree with the sleeping-car and commutation-passenger services, a mere incident or adjunct to the general business of the railroad companies, the addition of the mail service to their other buiness cannot be supposed to increase their expenses in any greater proportion than does the addition of these other services. The difference between the actual cost occasioned by the additional service and the average cost incurred in its absence which Mr. Fink shows to exist in the case of the sleeping-car service, and which appears by inevitable inference from the facts above set forth to exist with reference to the transportation of commuters, must exist in equal if not greater force in the case of the mail service. If, then, the rates established by the companies, of their own voluntary, unconstrained motion, for the transportation of commuters be paid by the Government for the mail service, the companies certainly cannot justly complain. The payment to them of 3.267 mills or 3.126 mills for a service which costs them only 1.272 mills, yielding a profit in the one case of 1.995 mills, over 156 per cent., or in the other of 1.854 mills, over 145 per cent., must be admitted to afford them adequate remuneration, to say the very least.

This conclusion is widely at variance with that at which Senator MITCHELL arrives. He, assuming that the cost of the mail service to the companies is 5 mills per linear foot of car space per mile run, which he estimates to be the average cost of their passenger transportation, and claiming for them a profit of 3 mills per linear foot per mile, concludes (page 29) as follows:

From all the facts which have thus far come to the knowledge of your committee, it is their opinion that 8 mills per linear foot of car per mile run—equal to 24 cents per thirty-foot car per mile run—will afford ample remuneration for the post-office car service.

But if the actual additional cost to the companies occasioned by adding the mail service to their general business be only 1.272 mills, instead of five mills per linear foot of car per mile, the payment of 8 mills for that amount of service would afford much more than "ample remuneration;" it would yield a profit of more than 528 per cent.

The post-office car service performed on the Erie Railway between New York and Middletown, a distance of 66 miles, including the route-agents' apartments run once a day each way between those points, is equivalent to 80,128 linear feet per mile per annum, and on the remaining 393 miles, on which a double daily line of railway post-office cars alone are run, it is equivalent to 62,600 linear feet per mile per annum. For this amount of car service the company would be entitled at the rate charged commuters, namely, 3.267 mills per mile, to $261.78 per mile per annum between New York and Middletown, and to $204.51 per mile per annum on the residue of the route. The Department pays the company under the act of March 3, 1873, the uniform rate of $705 per mile per annum, making no separate allowance for the route-agents' apartments. This is, therefore, between New York and Middletown $443.22 per mile per annum, and on the residue of the route $500.47 per mile per annum, more than the company could possibly earn by an equal amount of car space devoted to the transportation of passengers at the commutation rate of 3.267 mills per passenger per mile. The actual compensation received by the company for mail service under the act of March 3, 1873, is $323,595 per annum for 459 miles. Their passenger earnings from an equal amount of car space, at their commutation rate of 3.267 mills per passenger per mile, would be $97,650 per annum, $225,945 per annum less than their annual mail pay. Their annual passenger earnings at their commutation rate would average $212.74 per mile, $492.26 less than their average mail pay per mile per annum. To pay then the rate which would result from the proposed modification of the law, namely $569 per mile per annum, would afford them an excess of $307.22 per mile per annum between New York and Middletown, and of $364.49 per mile per annum on the residue of the route, over their utmost possible earnings at the commutation rate. This is on a route where the average weight of mails exceeds 39,000 pounds per day, which is the case on only one other route in the country, namely, the section of the Lake Shore and Michigan Southern Railway between Elyria and Millbury.

The post-office car service on the Philadelphia, Wilmington and Baltimore Railroad, including the route-agents' apartments, is equivalent in feet per mile per annum to 127,896 on 14¼ miles, 97,848 on 13½ miles, and 82,824 on the remaining 72 miles. For this amount of car service the company would receive, at the Erie's commutation rate of 3.267 mills per mile, a compensation per mile per annum of $417.83 on 14¼ miles, $319.67 on 13½ miles, and $270.58 on the remaining 72 miles. At their own commutation rate of 3.260 mills per mile, the company would receive a compensation per mile per annum of $416.94 on 14¼ miles, $318.98 on 13½ miles, and $270 on the remaining 72 miles. The Department pays the company, under the act of March 3, 1873, the rate of $440 per mile per annum, which includes $7 per mile per annum for extra route-agent service. This is on 14¼ miles $22.17, on 13½ miles $120.33, and on the remaining 72 miles $169.42 per mile per annum more than the company would receive for an equal amount of car space devoted to the transportation of passengers at the commutation rate of 3.267 mills per passenger per mile, and $23.06 on 14¼ miles, $121.02 on 13½ miles, and $170 on the remaining 72 miles, more than they would receive at their own commutation rate of 3.260 mills per passenger per mile. The actual compensation received by the company for mail service under the act of March 3, 1873, is $44,000 per annum for 100 miles. Their passenger earnings from an equal amount of car space at the commutation rate of 3.267 mills per passenger per mile would be $29,856 per annum, $14,144 per annum less than their annual mail pay; and their passenger earnings at their own commutation rate of 3.260 mills would be $29,791.86 per annum, $14,208.14 per annum less than their annual mail pay. Their annual passenger earnings at the Erie's commutation rate would average $298.56 per mile, $141.44 less than their average mail pay per mile per annum; and their annual passenger earnings at their own commutation rate would average $297.92 per mile, $142.08 less than their average mail pay per mile per annum. To pay them the rate which would result from the proposed modification of the law, namely, $489 per mile per annum, would afford them an excess of $71.17 per mile per annum on 14¼ miles, of $169.67 per mile per annum on 13½ miles, and of $218.42 per mile per annum on the remaining 72 miles, over their utmost possible earnings at the Erie's commutation rate of 3.267 mills, or of $72.06 per mile per annum on 14¼ miles, of $170.02 per mile per annum on 13½ miles, and of $219 per mile per annum on the remaining 72 miles, over their utmost possible earnings at their own commutation rate of 3.260 mills. The amount of car space provided for the mail service on this route and the weight of mails on the other being exceptionally large, the sufficiency of the mail pay allowable either under the existing law or under the proposed modification thereof to afford to either class of roads profits equal to those which they derive from the use of an equal amount of car space for the conveyance of passengers at commutation rates, and leave a large margin for contingencies besides, may without violence be assumed to be conclusively established.

The rates which the proposed modification of the law would allow for the amounts of car space required as the complement to the given weights of mails (supposing an average of eight feet for the width of the car and allowing three hundred and thirteen working days to the year) would be nearly 10 mills per linear foot per mile run for the first 12 linear feet once a day each way, a fraction over 13 mills for every linear foot in excess of 12 until the space should amount to 42 linear feet, and nearly 10 mills for every linear foot in excess of 42. These rates would be based upon the carriage of the required weight of mails and the provision of the required complement of space. The allowance for space alone, in excess of the amount required as the complement to the weight, would be only about 2 mills per linear foot per mile run. Yet the rates resulting from such a mixed basis appear, even in the extreme case of excess over the required complement of space furnished by the Philadelphia, Wilmington and Baltimore Railroad Company, above set forth, to afford a much larger compensation than the company could possibly earn by using an equal amount of space for the conveyance of passengers at commutation rates.

Senator MITCHELL proceeds (page 29) to say:

While it appears that many railroad companies now receive ample remuneration for the mail service, it is certain that there are other companies which are inadequately paid. The present *method of payment* is faulty. A new method should be devised, based upon space, speed, and frequency of service. To this all agree.

It may be admitted that "the present method of payment is faulty." The examples above given sufficiently illustrate this. Some modification ought, therefore, to be adopted. But it is far from being clear that the substitution of the uniform rate of 8 mills per linear foot of car per mile run would produce results satisfactory to a majority of the railroad companies. To those who provide a very large amount of car space compared with the weight of mails they convey it would doubtless be very pleasing. A few examples will show the effect on the pay of such companies.

The Philadelphia, Wilmington and Baltimore Railroad Company now receive for their service between Baltimore and Philadelphia the rate of $440 per mile per annum, making their annual pay for 100 miles $44,000. At the rate of 8 mills per linear foot of car per mile run, allowing nothing for space on trains carrying mails not accompanied by railway post-office clerks or route agents, their pay per mile per annum on 14½ miles would be $1,023.16, on 13½ miles $782.78, and on the remaining 72 miles $662.59, and their annual pay for the whole 100 miles would be $73,110.14, an excess of $29,110.14 over their present pay, or an increase of 66 per cent. The same company receive for their service between Wilmington and Delmar the rate of $115 per mile per annum, making their annual pay for 96.92 miles $11,145.80. At the rate of 8 mills per linear foot of car per mile, (the company furnishing 24 linear feet of car space twice a day each way for route-agent apartments,) their pay would be $248.38 per mile per annum, making their annual pay for 96.92 miles $24,073.37, an excess of $12,927.57 over their present pay, or an increase of 115 per cent.

The proprietors of the connecting route, the Eastern Shore Railroad Company, receive for their service between Delmar and Crisfield the rate of $65 per mile per annum, making their annual pay for 38 miles $2,470. At the rate of 8 mills per linear foot of car per mile, (28 linear feet of space once a day each way being furnished,) their pay would be $140.22 per mile per annum, making their annual pay for 38 miles $5,328.51, an excess of $2,858.51 over their present pay, or an increase of 115 per cent.

On the Portland and Kennebeck Railroad, between Augusta and Fairfield, with 841 pounds of mail a day, two lines of 42-foot railway post-office cars a day each way, and 16 feet for route-agent apartment once a day each way, the present pay is $140 per mile. At 8 mills per linear foot it would be $500.80 per mile.

On the Maine Central, between Fairfield and Bangor, with 3,625 pounds of mail a day and the same car space as between Augusta and Fairfield, the present pay is $225 per mile. At 8 mills per linear foot it would be $500.80 per mile.

On the Portland, Saco and Portsmouth, between Portland and Portsmouth, with 7,683 pounds of mail a day, one line of 40 feet railway post-office cars a day each way, and a half line of 22 feet route-agent apartments one way a day, the present pay is $283 per mile; at 8 mills per linear foot it would be $455.72 per mile.

On the Eastern, between Boston and Portsmouth, with 8,669 pounds of mail a day, and the same car space as between Portland and Portsmouth, the present pay is $295 per mile; at 8 mills per linear foot it would be $455.72 per mile.

On the Baltimore and Ohio, between Washington and Grafton, 254 miles, with 11,403 pounds of mail a day, and two lines of 52½ feet cars, the present pay is $360 per mile; at 8 mills per linear foot it would be $524.17 per mile.

On the same road, between Grafton and Wheeling, 99 miles, with the same weight of mails, one line of 52½ feet cars, and 17 linear feet of space a day each way for route agents, the present pay is $320 per mile; at 8 mills per linear foot it would be $346.38 per mile.

On the Richmond, Fredericksburgh and Potomac, between Washington and Richmond, with 6,180 pounds of mail a day, two lines of 43 feet cars each week day and one on Sunday, the present pay is $265 per mile; at 8 mills per linear foot it would be $466.46 per mile.

On the Chicago and Northwestern, between Chicago and Milwaukee, with 3,263 pounds of mail and two lines of 42½ feet cars, the present pay is $220 per mile; at 8 mills per linear foot it would be $425.68 per mile.

It would be easy to make such changes as these. The railroad companies benefited thereby would not be likely to make the least objection. Most of these companies appear, however, to be perfectly satisfied with their present compensation.

But by far the larger number of changes which would result from the adoption of the rate of 8 mills per linear foot of car per mile would be in the opposite direction; the pay would be reduced. The following are a few examples: Between Bangor and New Brunswick the pay per mile per annum would be reduced from $175 to $90.14; between Farmington and Brunswick, from $75 to $60.09; between West Concord and Hyde Park, from $125 to $75.12; between Burlington and Rouse's Point, from $185 to $122.69 on 24½ miles, and from $170 to $96.60 on 31 miles; between White River Junction and Derby Line, from $175 to $115.18; between Windsor and Burlington, from $193 to $122.69 on 93 miles, and from $178 to $95.15 on 26 miles; between Saint Albans and Richford, from $75 to $47.57; between Richford and Newport, from $100 to $67.18; between Ticonderoga and Leicester Junction, from $100 to $70.11; between Concord and Nashua, from $225 to $159.50; between Concord and Wells River, from $125 to $85.13; between Concord and White River Junction, from $190 to $111.63; between Boston and Fitchburgh, from $220 to $75.12; between Ayer and Mason Village, from $62.50 to $30.04; between New Bedford and West Wareham, from $50 to $25.87; between Fitchburgh and Bellows Falls, from $160 to $120.19; between Boston and Nashua, from $205 to $110.17; between Worcester and Nashua, from $107 to $61.76; between Fitchburgh and Hoosac Tunnel, from $170 to $150.24 on 69 miles, and from $160 to $75.12 on 18 miles; between Palmer and Miller's Falls, from $100 to $57.16; between Palmer and Winchendon, from $50 to $39.22; between Boston and South Berwick Junction, from $172 to $130.20; between New London and Palmer, from $120 to $57.17.

These examples are cited at random from the New England States. They might be multiplied indefinitely from other sections. Changes in this direction—downward—it would be difficult, perhaps impossible, to accomplish. The many companies whose interests would be injuriously affected thereby would make most earnest and persistent opposition; and, in the end, it is almost certain the dispute would be settled by the companies furnishing sufficient additional space to warrant the continuance of their present rates of pay, and then the net result of the adoption of the eight-mills rule would be a large increase of the aggregate expense of conveying mails on railroad routes, already amounting annually to more than $9,000,000.

Another effect of adopting a uniform rate of 8 mills per linear foot of car per mile would be to reverse the inequality now complained of between the pay of roads which, like the Philadelphia, Wilmington and Baltimore, provide a large amount of space and carry a comparatively small amount of mail, and those which, like the Erie, carry a large amount of mail and provide a comparatively small amount of space. Thus, the pay per mile per annum of the first-named road, which carries 17,248 pounds of mail per day, would be, as above shown, on 14½ miles $1,023.16, on 13½ miles $782.78, and on the remaining 72 miles $662.59; equivalent to $731.10 per mile of its whole length; while that of the Erie, which carries 39,170 pounds of mail a day, 127 per cent. more than the other, would be on 66 miles $641, and on the remaining 393 miles, $500.80; equivalent to $520.96 per mile of its whole length, a difference of $210.14 per mile in favor of the road carrying by far the smaller mail, and consequently earning for the Government by far the smaller revenue. The pay of the Boston and Albany, between Boston and Springfield, carrying 37,742 pounds of mail a day, would be $609.30 per mile, $121.80 less than that of the Philadelphia, Wilmington and Baltimore. The pay of the Baltimore and Ohio Railroad between Washington and Grafton, carrying only 11,403 pounds of mail a day, would be $524.17 per mile, $3.21 more than the average pay of the Erie, carrying nearly three and a half times as much mail. Many other instances might be cited.

In all the practice of the Department, whenever an increase of mail service has been asked for involving increased expense, inquiry has been made whether the postal revenue from the line interested was sufficient to justify the expense. The adoption of space as the basis for fixing the rate of compensation for railroad-mail service, irrespective of the weight of the mails, would be an abandonment of this rule and of the principle in the legislation on the subject, heretofore referred to, from which the rule arose. And should it become the practice to disregard the weight of the mails as a ground for the allowance of pay, rates fixed for large amounts of space would be likely in many cases to be continued when altered circumstances, which would be apt to escape the notice of the Department, might render a less amount of space sufficient.

If any uniform rate per foot of car per mile were adopted, irrespective of the contents of the car, the compensation which would accrue to the companies would be very different from their receipts for passenger-car service. These depend, not upon the number of linear feet, but upon the contents—the number of passengers to a car. If the passengers are many, the earnings are large; if few, the earnings are small. Each one of fifty passengers in a fifty-foot car would be expected to pay his single fare; but no one happening to ride alone in such a car would be required to pay fifty fares. The rates per linear foot of car per mile received by the proprietors of different lines for passenger transportation differ very widely, as the comparative amounts of occupied and unoccupied car space vary; and it would be impossible for the proprietors of any road to enforce the payment of rates which would make a given amount of car space yield a fixed amount of revenue, whether occupied or unoccupied by passengers. This principle cannot be discarded in arranging the rates to be paid for the transportation of the mails. For space amply occupied with mail matter, from which an ample revenue arises, a much larger rate of compensation may be allowed than for space which, like the passenger cars on many roads, is nearly vacant. A mail line yielding large postal returns to the Government will, on this principle, afford large compensation to the parties performing the transportation, and a line yielding smaller returns to the Government will afford smaller compensation to the transporters. These results will be precisely like those which arise from running passenger cars through different sections of the country, some more and others less densely populated. The companies should not expect more from the mail service than from passenger transportation in this respect.

Senator MITCHELL suggests that "a new method should be devised, based upon space, speed, and frequency." The subject of space having been considered, it may be remarked that extraordinary speed might, under some circumstances, be made the basis of an additional allowance of pay. In the case, for instance, of establishing a mail

line between New York and Chicago, as Mr. Bangs, the general superintendent of railway-mail service, has suggested, the trip to be made in twenty-four hours, requiring a speed of forty miles or more an hour, an increase of 35 or 40 per cent. on the ordinary rates might be allowed. Supposing the weight of mails which such a fast line would convey to be 60,000 pounds per day, the pay for weight, with the required complement of space, say 90 linear feet once a day each way, would be $625 per mile. The additional car space necessary, say 110 linear feet at $1.25 per foot, would add $137.50, making $762.50; and 35 per cent. ($266.87) added to this would make the whole pay $1,029.37 per mile per annum. A line like this, run expressly for mail purposes, might with propriety be allowed such an increase, on account of the extraordinary speed required and the consequent increase of expense to the companies, incurred, not for their own ordinary business purposes, yielding a merely incidental advantage to the mail service, but expressly for the benefit of the mail service. This fact would make the case exceptional, the ordinary mail service being, as already remarked, a mere incident or adjunct to the general business of the roads, and occasioning in most instances but little, and in some scarcely any, additional expense.

Differences in speed arising from the local circumstances of different roads, and necessary for their own business purposes, could hardly be deemed a proper ground for any considerable discrimination in the rates of pay for mail service. The three main lines between New York and Chicago for example, the one via the Pennsylvania Railroad and its connections, 913 miles in length; another, via the Erie and Lake Shore Railroads, 961 miles in length; and the third, via the New York Central and Lake Shore Railroads, 984 miles in length, must, to make the run in equal time, use different rates of speed. The longer lines, using necessarily the greater speed, could hardly claim higher pay for mail service on that account. It would be preferable, all other things being equal, to send the principal mails by the line having the fewest miles to be paid for. And in ordinary cases such differences in speed as are found to exist have scarcely any appreciable effect upon the value of the service to the Department.

For the "frequency of service" the proposed modification of the mixed basis would allow compensation to be made by counting as a part of the required complement of space the room occupied by mails not accompanied by route agents, as well as the apartments or cars provided for route agents or railway post-office clerks.

The difficulty of framing any general law to operate equally upon all the parties interested in this matter is freely acknowledged. But, all things considered, the maintenance of a mixed basis, modified as above proposed, appears preferable to the adoption of any method which would wholly exclude the amount of mail matter from consideration as a ground for determining the rates of pay. The mixed basis has hitherto been used, and the complaints made against it have been far fewer than would be likely to arise from the adoption of a space basis. The principal objections to the present method are the excessive inequality it causes between the pay of roads circumstanced as are the Erie and the Philadelphia, Wilmington and Baltimore and the excessive cost of service on roads carrying very heavy mails. These the proposed modification of the mixed basis would obviate, without producing the inequalities in the other direction which would result from the adoption of a space basis, irrespective of the weight of mails.

Appended hereto is a schedule of rates for railroad-mail service under the proposed modification of the act of March 3, 1873, showing the average weight of mails, whole distance per day, the square feet of car space required, the linear feet, (dividing the square feet by 8, the supposed average width of the car,) and the pay per annum per mile of the route's length in each case, with the allowance for space in excess of the required amount. In comparing this allowance with the rates fixed in the present law for railway post-office cars, the fact that it is only for the excess over the required amount must be considered in order to arrive at its practical effect in any given case. A road, for instance, carrying 7,000 pounds of mail per day and providing 640 square feet, say 80 linear feet, of railway post-office car room, the required complement of space being 240 square feet, say 30 linear feet, would be allowed only for the excess over 240 square or 30 linear feet. The present allowance for weight being $225 per mile, and for 80 linear feet of railway post-office car space $50 per mile, the whole pay would be $275 per mile. By the modified scale, the allowance for weight would be the same as at present, $225, and for the 400 square or 50 linear feet excess of car space $62.50, making the whole pay $287.50 per mile per annum. This slight increase in cases of this class would be far overbalanced by the decrease in cases in which the weight would bear a greater and the space a less proportion to each other. A road, for instance, carrying 40,000 pounds of mail a day and providing 960 square or 120 linear feet of car space, the required complement of space being 560 square or 70 linear feet, would receive by the modified scale $500 per mile for weight and $62.50 for the 400 square or 50 linear feet excess of car space, making the whole pay $562.50 per mile per annum, against $717.50 under the present law, of which $637.50 would be for weight and $80 per 100 linear feet of railway post-office car space, supposing 20 linear feet to be used for route-agent apartments, for which the present law allows no extra pay. The effect of the adoption of the proposed modification of the law would therefore be to diminish the aggregate cost of railroad mail service, which is a "consummation devoutly to be wished."

Schedule of rates for railroad-mail service under proposed modification of act of March 3, 1873.

Average weight of mails whole distance per day.	Square feet of car space.	Or linear feet—say,	Pay per annum per mile of route's length.
200 pounds	64	8	$50
200+ 300= 500 pounds	96	12	75
500+ 500= 1,000 pounds	120	15	100
1,000+ 500= 1,500 pounds	144	18	125
1,500+ 500= 2,000 pounds	168	21	150
2,000+1,500= 3,500 pounds	192	24	175
3,500+1,500= 5,000 pounds	216	27	200
5,000+2,000= 7,000 pounds	240	30	225
7,000+2,000= 9,000 pounds	264	33	250
9,000+2,000=11,000 pounds	288	36	275
11,000+2,000=13,000 pounds	312	39	300
13,000+2,000=15,000 pounds	336	42	325
15,000+3,000=18,000 pounds	368	46	350
18,000+3,000=21,000 pounds	400	50	375
21,000+3,000=24,000 pounds	432	54	400
24,000+4,000=28,000 pounds	464	58	425
28,000+4,000=32,000 pounds	496	62	450
32,000+4,000=36,000 pounds	528	66	475
36,000+4,000=40,000 pounds	560	70	500
40,000+4,000=44,000 pounds	592	74	525
44,000+4,000=48,000 pounds	624	78	550
48,000+4,000=52,000 pounds	656	82	575
52,000+4,000=56,000 pounds	688	86	*600

*And $25 additional for every additional 4,000 pounds, with 32 square feet additional.

For car space in excess of required complement:
40 by 8 feet, $50.00 per annum per daily line per mile.
45 by 8 feet, 56.25 per annum per daily line per mile.
50 by 8 feet, 62.50 per annum per daily line per mile.
55 by 8 feet, 68.75 per annum per daily line per mile.
60 by 8 feet, 75.00 per annum per daily line per mile.
Or $1.25 per linear foot or 8 square feet in excess of required amount per mile per annum.

Mr. DUNNELL obtained the floor.

Mr. HOLMAN. I trust that the committee reporting this bill will be allowed a few moments to explain the bill.

The CHAIRMAN. The Chair was not aware that the gentleman from Indiana desired the floor.

Mr. CANNON, of Illinois. Will the gentleman from Indiana allow me to make a single statement, to which I desire to call his attention?

Mr. HOLMAN. The question the gentleman has to settle is with the gentleman from Minnesota, [Mr. DUNNELL,] who is entitled to the floor, with whom he is differing as to the merits of the bill and its effect.

Mr. DUNNELL. Mr. Chairman, the post-office appropriation bill comes nearer home to a larger number of our constituents than any other bill that we are called upon to pass. Were it not for some items contained in the one under consideration, I should not ask, for a single moment, the attention of the committee. The Post-Office Department makes itself felt in every household, and there are counties where the Federal Government is only known through the humble postmaster of the towns. It is a Department for which we should legislate wisely and liberally. I am satisfied that the people expect that kind of legislation in regard to it. The American people are intelligent; they are readers; they are writers of letters; they are in communication through the mails with each other all over the country. The Post-Office Department, therefore, is popular; it is all the time near at hand and making itself felt among the people.

I admit that, at the present time, the public sentiment demands reform and retrenchment; it demands the cutting off of all unnecessary public expenditures. Yet it is not reform to reduce the expenditures of a Department below what is justified by the figures, upon any general plan or theory of retrenchment and reform. I have before me statistics which show very conclusively that for the years that have passed, the Post-Office Department has been as economically administered and probably more so, than any other branch of the public service. There are also statistics which show that the increase in the expenditures of this Department is far below the increase in all the elements that make expenditures necessary. Those statistics, when justly considered and looked at from no partisan stand-point, are indeed a source of a great deal of national pride and congratulation.

We are a growing people—growing in strength, in wealth, and in population, and constantly augmenting our resources. It cannot be expected that a Department, well-equipped for the increased demands of the whole country, can now be run as cheaply as it could have been eight or ten years ago. It is a branch that must necessarily cost more and more every year during all the years that are to come. Beyond a certain limit its expenditures cannot be lessened, but rather they will increase as the number of the post-offices is increased, as mail-routes are extended, and as railroads are multiplied.

There is no party in power or out of power that can ever bring these expenditures below their present limit. There is no party that can

ever come into power that will ever have a less footing than we are able to show at the present time. An increase of the expenditures of that Department is inevitable. We should look at that fact in order to legislate wisely and well in regard to its real wants.

Now look a moment at these statistics, and what do we discover? Between 1868 and 1875 there was an increase of the money-order business of 178 per cent.; in the number of money-orders, 585 per cent.; in the aggregate amount of money-orders issued, 390 per cent.; in the amount of fees and commissions on money-orders, 343 per cent.; and in the number of money-orders paid, 496 per cent. These percentages indicate the increase and growth of the business of the Department during these years.

Take the total expenditure of the Post-Office Department in 1868, and we find it to be, in round numbers, $22,000,000, while in 1875 it was $33,000,000; an increase of expenditures of but 47 per cent. The percentage of increase of expenditures was lower than any other percentage that enters into the table showing the work and the growth of the Department. It cannot be said in reply that that increase results from extravagance; it is an inevitable result.

If we go through the entire list, we shall find that the Department has increased very largely in all its demands upon the Treasury for money. I have no desire to discuss this question except from a purely practical stand-point. I have no partisan word to utter in what I may say upon this occasion. I will come directly to the bill. I will here, however, insert some statistics giving the increase in the business of this Department, sustaining the positions which I have already taken.

A statement showing percentage of increase in the following items of the postal service for the years 1868 *and* 1875.

Items.	Year ended June 30, 1868.	Year ended June 30, 1875.	Percentage of increase in seven years.
Ordinary postal revenues	$16,292,600 80	$26,671,218 50	63
Total expenditures	22,730,592 65	33,611,309 45	47
Aggregate length of mail-routes, (inland,) in miles	216,928	277,873	28
Aggregate miles of annual transportation	84,224,325	133,822 216	58
Aggregate cost of mail transportation	$12,647,949 61	$18,777 201 20	48
Length of railroad routes in miles	36,018	70,083	94
Aggregate miles of annual transportation on railroad routes	34,886,178	75,154,910	115
Aggregate cost of railroad service	$4,177,126 00	$9,216,518 00	120
Aggregate length of railway post-office lines in miles	7,019	16,932	141
Fines and deductions for mail failures and other irregularities	$45,814 00	$99,777 05	117
Expenditures for mail bags, locks and keys, and stamps	127,054 61	218,959 50	72
Number of post-offices in operation	26,481	35,548	34
Compensation to postmasters	$4,255,310 98	$7,049,935 77	65
POSTAL MONEY-ORDER SYSTEM.			
Number of money-order offices	1,223	3,401	178
Number of money-orders issued	831,937	5,702,573	585
Aggregate value of money-orders issued	$16,197,858 47	$79,395,826 46	390
Number of money-orders paid	836,940	4,995,497	496
Aggregate value of money-orders paid	$16,118,537 03	$78,344,042 74	385
Profit derived from money-order business	54,158 15	140,633 69	159
FREE DELIVERY IN CITIES.			
Number of cities in which established	48	87	81
Number of letter-carriers employed	1,198	2,195	83
Amount paid letter-carriers, including expenses	$995,934 59	$1,880,041 99	88
Number of mail letters delivered	64,340,488	179,083,468	177
Number of local letters delivered	14,081,906	48,839,237	246
Number of letters collected	63,164,625	187,950,641	197
Amount of postage on local matter	$475,982 36	$1,947,559 54	309
Newspapers delivered	16,910,715	68,454,476	304

I desire the gentleman from Indiana, [Mr. HOLMAN,] who has charge of this bill, to state, when he comes to speak upon some of the items in it, how he expects to reduce the expenditures of the Post-Office Department below the amount that we appropriated last year. Last year there was appropriated for mail depredations and special agents the sum of $160,000, while this bill appropriates but $110,000. That is a very large reduction in that branch of the force of this Department. Now the Postmaster-General tells us and the country that he cannot possibly run his Department with a less special force than he is now allowed. He has, moreover, stated to many gentlemen in private conversation that if the Government business in his charge was his own private business, he would double this expenditure as a mere matter of economy and of good management on his part. The expenditure of $33,000,000 a year calls for a careful and efficient supervision. While possibly the present law ought to be amended so that these agents may have a fixed and certain compensation, yet the amount placed by this bill at the command of the Postmaster-General is too small to meet the demands of the service.

As I wish to dwell somewhat extendedly upon what is here termed "inland transportation," I shall not dwell much more upon these minor items, for I have agreed to yield a portion of my time to the gentleman from Texas, [Mr. REAGAN.]

The compensation to railway post-office clerks is reduced from $1,257,141 to $1,125,000, notwithstanding the constantly increasing length of railway mail service. That for route agents has been reduced from $1,050,000 to $945,000. In like ratio there has been a reduction in the item for mail-route messengers, for local agents, and for mail-messengers. It cannot be charged that these subordinate mail offices are now overpaid.

I will come to the item on the third page of this bill, "for inland transportation $14,500,000." The gentleman from Michigan, [Mr. WALDRON,] a member of the Committee on Appropriations, has so well met this point, that I hardly feel called upon to repeat the arguments which he used.

Examine that item, observe the amount appropriated, and ascertain the amount that it cost last year, and there will stare you in the face the bold fact that this year the Department will be called upon to carry on what is known as the star service, the service outside of railroads and steamboats, for nearly $3,000,000 less than it has expended for the last year in carrying it on. The gentleman from Illinois [Mr. CANNON] has called attention to this fact. There was expended last year, or will be expended by the end of June next, not much less than $6,000,000 for this star service. Now, if we take out of the $14,500,000 given by this bill for inland transportation the amount that the railroad service will cost, which the Second Assistant Postmaster-General assured me this morning will be $10,108,225.56, and add the amount to be paid for steamboat service at the same rate of this year, there will be left but $3,707,644.44 with which to carry on the star-service department.

I call attention to the following statement in the last report of the Second Assistant Postmaster-General:

During the fiscal year ending June 30, 1875, the cost of inland-mail transportation was as follows, to wit:

On 871 railroad routes, aggregating 70,083 miles in length	$9,216,518 00
On 89 steamboat routes, aggregating 15,788 miles in length	684,130 00
On 7,232 other routes, designated "star-routes," aggregating 192,002 miles in length	5,453,721 00
Total cost during last fiscal year	15,353,369 00

Which was an increase of 8,776 miles in the length of routes over the preceding year, and a decrease of $48,688 in the cost thereof.

The appropriation to cover the expenditure for inland transportation during the present fiscal year is $17,548,000, and the same sum is estimated for the next year.

At the commencement of the present fiscal year, I adopted a plan of book-keeping in this Office by which the cost of the mail-service in operation at the close of each month can be ascertained. The reports for the first three months of the year are now before me, and from them I obtain the data for estimating the probable necessary expenditures of the next year.

The cost of mail-routes in operation July 1, 1875, (the commencement of the present fiscal year,) was	$14,949,660 13
To which has been added an increase for July, August, and September of $189,793.61, which, being considered an average increase for the several quarters of the year, would make the increase during the entire year	759,174 44
Add to this the recognized service of railroads, (which is explained below,) estimated at	762,489 79
Making probable cost of inland transportation for present year	16,471,333 36

The above calculation is as reliable as any that can be made concerning the cost of a service during nine months yet to come. It is sufficiently accurate to enable me to say that no extraordinary expenditures will likely be necessary which can swell the annual cost of this service more than $200,000 above the sum exhibited in the above estimates. Therefore, without resorting to the calculation by per cent. of increase heretofore relied on in this Office as a guide in estimating future expenditures, I think it safe to say that an appropriation for the next year equal to that provided for this year will be sufficient.

I am here as a Representative from a frontier State. I am here to represent those who are thus interested in the mail service. What is the result already foreshadowed by the report of this bill? There are applications in the Post-Office Department to-day for the establishment of three hundred new post-offices. Members of Congress are told that no new post-offices can be established. There are petitions on file calling for more service in this and that portion of the country. The Postmaster-General tells us there can be no increase of mail service with the appropriation reported in this bill, and which we fear may pass; that post-routes must in many instances be abandoned, and the postal service reduced. In one county of my district where four hundred votes are cast, there is but one mail line, and I am unable to secure any increase. The Department replies, "We are unable to give you any additional service, for we foresee our inability to sustain what we have."

We are here, Mr. Chairman, as the Representatives of the people. We are not here representing the destinies of a party nor the Department. We are to legislate for the highest weal of the people of the country. They demand a liberal mail service. Recall the excitement of the public mind last year because of the provision which was put upon one of the appropriation bills increasing the amount to be paid upon third-class mail matter. The people everywhere were indignant at that legislation; they have everywhere demanded its repeal, and they expect this Congress will not adjourn until the law on that subject is restored. The people demand a post-office service that is liberal, that reaches every portion of the Republic.

Mr. Chairman, there are those who talk about the service on the

frontier. They complain that that service costs too largely. I say people who are to be struck down by this bill. It is not Connecticut, it is not Massachusetts, it is not the older and more thickly-settled States. It is the sparsely-settled portions of the country that are to to Representatives from the West and from the South that we are the be injuriously affected by this bill. I trust that there will be little of party when we come to vote on this inland-transportation item. I trust that gentlemen on the other side will say "Away with party, when we come to a bill that so certainly touches every family in the districts that we represent."

It is not true that the Western States draw more heavily than the East upon the Post-Office Department. I have here a few statistics relating to the States of Maine, Connecticut, and Minnesota. I suppose that if the census were taken to-day in those three States it would show a population not varying more that ten thousand. The census of each of those States would be about 610,000. The population of Minnesota in 1870 was 439,000; it is now 610,000. We have three Representatives on this floor; Connecticut has four; Maine five. Now, let us look at the post-office statistics for the last year as relating to these States. The receipts of the Post-Office Department in Maine were $423,000, in Connecticut $583,000, and in Minnesota $325,000. Now, let us look at the expenditures. The total expenditure in Maine was $556,417.49; in Connecticut, $556,061.37; Minnesota, $464,174.41. Thus it will be seen that nearly $100,000 less were given to Minnesota to carry on the postal service in that State than to the State of Maine. What is the respective territory of these States? In Minnesota we have 83,000 square miles; Maine contains 31,766 square miles. It is not, then, to be charged to the Western States that it is more burdensome to the Government than the Eastern States. The State of Connecticut contains but 4,674 square miles; Minnesota, with equal population, and about seventeen times as large; yet in Connecticut the expenditures of the Post-Office Department were $556,000, while in Minnesota they were but $464,000.

The service in the older States has long been fixed. It is on the frontier and in the Territories where the struggle arises to get from time to time the increase which the rapidly increasing population and business call for. We are unable to get the service that we need. Mr. Chairman, I hold that the pioneer, whether he goes toward the west or toward the south, is that citizen of the Republic who should not be neglected in legislation. Now I respectfully submit that this bill will affect the West and the South by a failure to secure the proper amount of mail facilities. I trust that this will be remembered, and that we shall secure an increase in this amount for inland transportation. It is proposed to cut down the amount hitherto expended for the star service from about $7,000,000 to near $4,000,000, or from 38 to 40 per cent. Not a dollar less will be expended for steamboat service or for railroad service; all this reduction must come from the star service, and it is this that so disastrously affects the more sparsely settled portions of the country. It affects the settlers on the frontier, it affects those who are a little removed from railroad communication. A citizen, a few miles from a railroad, loyal to his government, industrious, fulfilling his part as a citizen, should have the same facilities we give to him who is differently located. At any rate, as far as possible, let us make equal the mail facilities furnished the people.

A word more. I have perhaps sufficiently shown by statistics within my reach that it is an error to suppose the remote States are more expensive to the Post-Office Department than other States. There are but six States in the Union where the receipts are equal to the expenditures, and those are Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Taking this list it will there be discovered that these very States in the South and West to be most affected by this reduction are the States which relatively cost less to the Government and where the receipts are relatively larger. The receipts as I have shown in Maine were $423,000; while in Minnesota they were $325,000, but the expenditures in Minnesota were less than in Maine by a large percentage. Consequently we are not to be told that our postal service is made expensive because of the frontier. Many of the older States to-day are more expensive to the Department, considering the number of population, than many of the newer States.

But, as I said a few moments ago, we in the West are compelled to ask for increase of service. The service in the older and thickly settled portions of the country has been fixed for many years. Service in the newer portions is less fixed. Where there is a lack of means in the Department these are sure to suffer reduction. This bill foretells an inevitable reduction in mail facilities.

I have expected, Mr. Chairman, that the dominant party in this House would make retrenchment. It would be unjust to them not to presume they would, but I very respectfully say that this is not the Department in which to make these extraordinarily large reductions. If there are extravagances in the Post-Office Department, cut them off, but deny to no county, deny to no portion of the country the amount of mail service they have hitherto enjoyed. The people do not expect it, and they will not sustain a policy that cripples that branch of the public service which so greatly contributes to their own intelligence, and so directly affects their business interests.

Mr. REAGAN. Mr. Chairman, there is no Department of the Government associated so intimately with the business interests, social relations, and general well-being of the people of the United States as the Post-Office Department. It was termed by a former Postmaster-General one of the agencies for the civilization and education of the people of the United States. The expression was not too strong. While I favor a reduction of the expenditures of the Government wherever it can be properly done without embarrassing the administration of the Government, I shall go for it; but wherever it is proposed to reduce the expenditures so as to embarrass the administration of the Government or injuriously affect the interest and well-being of the people, I will not go for it.

Premising this, I propose now to send to the Clerk's desk to be read two amendments, which I shall ask to be acted on when we come to consider the bill by sections for amendment.

The Clerk read as follows:

Amend section 1 of the bill by striking out after the word "transportation," in line 53, "$14,500,000," and inserting in lieu thereof "$16,000,000;" so it will read: "for inland transportation, $16,000,000."

Amend section 7 by inserting after the word "hour," in line 10, the words "not more than;" after the word "miles," in line 14, the words "not more than;" and at the end of line 21 "nor more than $450 per mile of road per annum;" so it will read:

SEC. 7. That railroad companies furnishing cars or parts of cars for the exclusive accommodation of the United States mails and the agents in charge of said mails, for what is known as postal-car, route-agent, or baggage-car service shall be paid at the following uniform rates, to wit: When by an order of the Postmaster-General the mail-car is attached to trains or space set apart for through or express mails on trains run regularly during any quarter on a schedule time, between terminal points, at a rate of speed not exceeding twenty-five miles per hour, not more than six mills per linear foot of interior full-width car-space per mile run; attached to or set apart on trains run regularly during any quarter on a schedule time, between terminal points, at a rate of speed exceeding twenty-five miles, not more than seven mills per linear foot of interior full-width car-space per mile run: *Provided*, That no railroad company transporting the United States mail shall, when all the requirements of the Postmaster-General under the laws governing the transportation of the mail by railroad are complied with, be paid a less rate than $25 per mile of road per annum nor more than $450 per mile of road per annum.

Mr. REAGAN. Before I take my seat I will occupy a few minutes of the time allotted to me in explaining those amendments.

Under the estimates of the Postmaster-General, it will require $10,500,000 to pay for the postal-railway service; that is, for transportation of mails by railway. The bill of the committee proposes to appropriate for the purpose of transporting the mails $14,500,000. This will leave $4,000,000 for the transportation of the mails in this Union in States and Territories outside of the transportation by railroad. It requires no argument to show that if the $10,500,000 shall be spent in carrying the mails by the railroads, little over $4,000,000 is entirely inadequate to keeping up the mail service of the United States outside of railroad transportation.

What, then, is to be the effect of the adoption of the bill in the form in which it now is? It is, as I shall show, to give the most extraordinary rates of mail pay to the railroads ever given under any law in this Union and to deprive that portion of the people not dependent on the railroads for their mails of the ordinary mail facilities to which they have been accustomed and which are so necessary for their convenience, for their business, and for their well-being.

When I state this proposition I state that which it seems to me will so far command attention as to induce the members upon this floor to consider whether it is the deliberate purpose of this House to so cripple the mail service that the people cannot be supplied with mail facilities by the Post-Office Department. I wish to say further that, as was stated by the gentleman from Illinois, [Mr. CANNON,] and perhaps by one or two other gentlemen, this loss of mail service will fall upon the Western States, upon the Territories, and upon the Southern States, where there is a less dense population than in the Middle and the Eastern States. I know, sir, that it has sometimes been said that the people ought to pay for their own mail facilities, and that in the Territories and in some of the most sparsely-settled States the postal revenues are not equal to the expenditures of the Government in extending to them mail facilities. That is true, sir; but it has never been the policy of this Government from its foundation, from the establishment of the Post-Office Department till this day, to require that each portion of the territory of the Union or that each mail-route in the Union should furnish the revenues necessary to pay the expenses on it. And there are wise and proper reasons for this.

Why, sir, what is it that makes the business of our great cities? It is their business connections with the country. And if the people of the Territories are to be deprived of all mail facilities over what the revenues from their Territories supply or if the people of the sparsely-settled States are to be deprived of all mail facilities over what their revenues supply, you interrupt and impede the correspondence and the business relations between the great business centers of the country and those portions, far distant from them perhaps, of the country with which they have their business and their social relations. It is a system to be operated altogether. It is to benefit all parts of the country. You may say that a small post-office in the interior of the country somewhere only yields $100 of revenue; but while it is yielding that, it is the place to which the correspondence, in letters, in circulars, and the newspapers, the books, the packages from business centers go, they paying at those business centers the postage on those things that go to these country post-offices. I desire that to be remembered in thinking of this; that it is not merely the postage collected at the offices in the interior portions of the country that they are to be credited with, but they ought to be credited with the revenues which arise from the correspondence of other portions of the country

with them; and when you do this you reach a sensible and an equitable way of viewing that subject.

But, sir, my judgment is that under this bill it will be much worse for the people than it is thought to be under the estimates of the Postmaster-General. My own judgment is that if the bill in its present form is adopted, not only ten millions but much over ten millions of the $14,500,000 appropriated for mail facilities will go to pay for the transportation of the mails upon the railroads. I desire to call attention to a few facts just here that I beg this House will think of before they act upon this bill. By the act of March 3, 1845, the Postmaster-General was required to classify the railroad mail service. The maximum rate to be paid the railroads under that law was $300 a mile. If, however, half the service was performed in the night he might add 25 per cent.; so that up to 1873 the highest amount that could be paid to any railroad was $375 a mile. For reasons which perhaps are susceptible of explanation in some measure, that I do not propose to give now but may attempt to give at a future day, in 1873 a new mode of ascertaining the mail pay due to railroads for their services was adopted. By the act of the 3d of March, 1873, it was provided that the railroads should be paid at so much a pound for the mail matter carried, the mails being weighed on each route a given number of days to ascertain the average amount of mail matter and to determine the amount of mail pay. What was the effect of that? It was at one bound to make the cost of the railroad service increase more than $1,600,000; as shown by the report of the Postmaster-General more than $1,600,000 was added to the cost of the railroad mail service by that act, which the Congress was then asked to believe was an act not only of justice but of reform and retrenchment.

I will call attention directly to some particular cases illustrating the effect of the provisions of that law. The injustice of raising mail pay to from $500 to $700 a mile, when no one believes that any such price is demanded by equity, was so gross and the country so revolted at it that it was found necessary to escape the odium of this law; and now we are offered one which it is said, I understand, is to reduce the expenses of the railroad postal service $2,000,000 a year. I wish to call your attention to figures to show you that the present bill is another increase of the cost of the railway postal service under another assumption of reform and retrenchment. I do not ask you to take the bare statement which I make, but I ask you to take the figures, and I will give you some of them so that you will see that I am not mistaken in assuming that the present bill, while purporting to be a bill of reduction of expenses, will add to the enormous amount unnecessarily paid to railroads beyond what they earn, and at the expense of postal facilities to more than one-half of the people of this country. I do not say at the entire expense of mail facilities, but to the great injury of the postal facilities of this country.

Now, sir, I desire to call your attention to particular facts to illustrate what I have been saying. Take the railroad line from the city of New York to Chicago, first by the Erie road to Dunkirk, and from that by the Michigan Southern to Chicago, and take the road by the way of Albany and Buffalo to Dunkirk and along the same route to Chicago, with two short parallel lines.

Now these routes, which carry the mails between New York and Chicago, a distance of one thousand and two miles by the shortest route, (something farther by the Albany route,) costs the Government $1,030,398.40 per annum. That is the result of weighing the mails. Some of the routes on this line received $375 a mile before the weighing of the mails; one of them, the line from Toledo to Elkhart, received $75 a mile; another of them, the line from Elyria to Millbury, received $50 a mile before the weighing of the mails.

The route from Elyria to Millbury, running alongside of the Michigan Southern road, received $50 a mile under the law regulating pay according to the grade of the service before the act of 1873 was passed; now, under what I believe to be a fraudulent weighing, it receives $705 per mile. Running alongside of the Michigan Southern, it is only necessary as a postal route to supply the way officers along it, and is not a necessary part of the great through route. The same is true of the route from Toledo to Elkhart. This route received $75 per mile before the passage of the act of 1873. It now receives $575 per mile.

I have stated the facts. Time will not allow me to go into further particulars, but I have stated the facts from the reports of the Postmaster-General for 1874 and 1875. I have them before me, but I dare not in the short remainder of my time present *seriatim* the figures. What I say is that I have presented you official figures.

Now, then, what is to be the effect of the bill proposed by the Committee on Appropriations to pay six or seven mills per linear foot inside-car measurement for carrying the mails between New York and Chicago? Take the shortest single route, the Erie and Michigan Southern. Under this bill the service on it will cost $1,034,681.40. That route is one thousand and two miles long. The route by way of Buffalo and Dunkirk to Chicago is longer, according to the report of the Postmaster-General, and the information which I have is that it requires upon this line two cars of sixty feet each and two cars of forty-five feet each to carry the mail matter; that is, two hundred and ten linear feet of postal cars furnished for the postal service; and I understand that the rate of trips is about eighteen a week and sometimes more. But I will assume for the purpose of my argument that there is but a single round trip a day. Take two hundred and ten feet and multiply it by fourteen mills, and multiply that by the number of days in the year, and you have the product of one single mile. Multiply this product by the length of the route from New York to Chicago, and you have as the cost of single daily service $1,034,681.40. If you put on a double daily service it will cost more than $2,000,000 annually; if you put it on the route by way of Buffalo, Albany, and Dunkirk, and on the two routes named which are parallel to the Michigan Southern, then you nearly double the rates by employing two parallel through lines, and make the amount nearly $2,000,000.

Remember now, sir, that there are over sixteen thousand miles of postal-car service to be performed under that provision of this bill besides what may be otherwise performed. If you do not make the calculation of the cost now, those of us who live to return here will have to make it next winter. I call the attention of our democratic friends to the fact that, professing retrenchment and reform, professing to reduce the expenditures of this Government, we will do a thing that will mantle our cheeks with shame when we come to see the effect of it, and that will show to this country that in depriving the rural parts of this country of mail facilities we are lavishing unnecessarily millions of dollars upon corporations which they do not earn and are not entitled to.

I thought it right to call attention in this way to this subject, and if what I have said is to be answered, I want it answered upon figures. I want it answered upon facts, and not by general declamation. It is upon figures that I tell you and tell this House that neither ten millions nor twelve millions of dollars would pay for the postal-car service under the provisions of this bill, leaving at most not more than two or three millions for all the other mail service which reaches one-half of the people of the United States.

I have, Mr. Chairman, to meet the objections which I have urged to this bill, offered amendments proposing in the first place to add to the $14,500,000 for the transportation of the mails one and a half millions of dollars so as to make the amount $16,000,000. In the next place I propose to provide that where it is said in the bill that railroads shall have six mills or seven mills per linear foot per mile run they shall not have more than six mills or more than seven mills. I propose, then, for the purpose of testing the sincerity of those who say this is a reform measure, to add at the end of section 7 a proviso that the railroad postal service shall in no case exceed $450 a mile, which is $75 more a mile than was ever paid up to the time of the passage of the act of March 3, 1873.

If this is a measure of retrenchment and reform, if it is not a measure to enrich corporations at the expense of the people, if it is meant for economy and justice, then put upon it by that amendment the limitation I have indicated, and you will do for the railroads what justice demands, you will give the Postmaster-General power to contract with them upon principles of equity and fair dealing, and you will save the people from paying a thousand dollars a mile for the postal-railway service authorized under this bill.

There are many questions, Mr. Chairman, arising under this bill which I have not time to treat satisfactorily, either to the House or to myself, in the few minutes which are left to me, and therefore I do not think it advisable to enter upon their consideration. But I appeal to our friends from all over the Union, North and South, East and West, to remember the great agency of the Post-Office Department in contributing to the intelligence, prosperity, business, and happiness of the people of this country, and to strive to save them from the wrongs which will be inflicted upon them by this bill as it now stands. Leave it in the power of the Post-Office Department to give mail facilities to the people of this country.

I am as far as any one from being willing to incur unnecessary expenditures. And, from the examination I have been able to give, my conviction is clear as sworn testimony can make it that there has been some wasteful prodigality in the Post-Office Department in past years. If the Department has been in the wrong, there is a right way, a right time, to correct it by a proper examination and exposure. If it has not been wrong, then we ought not to cripple the service upon the plea of economy, when for every million dollars that may be saved to the people you will injure them in their business, their commercial correspondence, their means of intelligence, and in their happiness many millions, if we can estimate the injury in dollars.

My idea is to make this Department efficient and to have it administered economically. My idea is that we must send these messengers with their letters of affection and of business, with their newspapers conveying intelligence of events in our own and in other lands, to every neighborhood in the Union. We should elevate our people, generalize their means of information, strengthen their understanding of questions of science and of agriculture, of political and religious questions. Give them in the march of civilization and industry those advantages which it was the design of the postal service to give them, and do not deprive them of any advantages for the benefit of a privileged class of mail-carriers and to save a small amount of appropriation from the Federal Treasury.

Mr. CLARK, of Missouri. Mr. Chairman, having submitted a motion to suspend the rules to amend the postal-appropriation bill so as to repeal the legislation of the last Congress in doubling the rate of postage on third-class matter, I propose to address the committee on that subject. We have now before the Committee on the Post-Office and Post-Roads the bill recently passed by the Senate; and one of its most earnest and industrious advocates, especially of that feature which settles the rate of third-class matter at one cent per ounce, is the Post-master-General. The next day after the Senate bill was passed my attention was called to a letter published in the city pa-

pers, addressed to me as chairman of the Committee on the Post-Office and Post-Roads, calling the attention of the committee to the advantages of the Senate bill regulating postage on third-class matter, which was rather a novel way of bringing the subject before the committee, and was evidently intended more to influence and form public opinion than to influence the committee.

In addition to this publication I find a circular letter, inclosed in an official envelope, postage prepaid, the same as that published in the paper, sent to all the members of this House. To say the least, the Postmaster-General is taking a deep interest in the passage of a bill that the newspapers of the country charged was smuggled into a deficiency appropriation bill by the friends of express companies in the last hours of the last session of the Forty-third Congress. The country has made a note of it, that the circumstances surrounding the birth of this measure were fraught with the suspicion that some advantage was to be taken which would not bear the light of free and full discussion. The express companies were then, as they are now, thronging the lobbies of this Capitol, pressing upon the committees to report a bill doubling the rate of postage on third-class matter.

Every one knows that this House would never have passed so obnoxious an amendment if time had been given for examination. As soon as it was ascertained that such a law had passed, a storm of indignation arose, expressed by all the people who were not interested in express companies; and more than that, every member of Congress was anxious to disavow his instrumentality in passing the bill, with a promise to introduce one at the first day of Congress for repeal. The number of bills introduced for this purpose the first week of this session will attest that they deemed it a matter of great importance to set themselves right by this method. It was in obedience to this outraged public sentiment that this House passed almost unanimously, among its first measures, a bill re-establishing the old law, leaving the responsibility with the Senate, where the original blunder, or whatever name you call it, was first committed. It seems, however, that the Senate has been pleased to ignore the House bill, and a new bill proposed which contains the same obnoxious provisions of the law of last session, with a tub thrown to the whale in the shape of a reduction on the postage of transient newspapers, which it was doubtless hoped would save the bill from sharp criticism in that direction. This bill proposes to keep the postage on third-class matter at its present rate of one cent per ounce; and the Postmaster-General comes to the relief of the bill and urges the House in the name of economy—in order to bring the Post-Office Department to a self-sustaining basis—to agree to the Senate bill.

The large deficit in the Post-Office Department, increasing with each year, is made the text by the friends of Senate bill as well as the Postmaster-General why the rates of postage should be increased, evidently intending to create the impression that this deficit is chargeable, in a great degree, to the third-class matter. This is not true, and a candid investigation of all the facts in relation to the weight and cost of transportation of third-class matter will develop the fact that the charge is not only erroneous but that if this bill becomes a law the loss on third-class matter will be increased instead of diminished. In that connection I invite the attention of the House to the following facts: It is certainly true of all mail matter, whether it be letters, papers, books, or merchandise, that the largest amount in weight and number of pieces starts from the great commercial marts, the business centers of the country, and this weight is decreased as it travels westward or toward the less densely populated districts of our country. Every class of mail matter is continually falling off as you move away from the thickly settled States. The conclusion is therefore inevitable that much the largest amount of mail matter is transported only a few hundred miles from the Atlantic coast, and the revenue that accrues to the Government is made by the transportation of mail matter over this distance. The distance being short, the cost of transportation small, the Government makes money on all classes except the second class and begins to lose only when it gets beyond the point where transportation costs more than the postage you prepay.

Now, if you fix the rate of postage on third-class matter at such a price per ounce or pound that express companies can and will carry it for a certain distance cheaper than that rate, every one will see in a moment that this will amount to a practical exclusion from the mails of all such matter. So long as the express companies can transport at a profit we will assume that they will transport all packages of third-class matter for less than the rate fixed by the Senate bill, which is one cent per ounce or sixty-four cents per pound. We also believe that this point is from six to eight hundred miles from the Atlantic coast.

I am informed that Adams Express Company will transport packages six inches square, weighing over two and not exceeding five pounds and not over $10 in value, from New York, Philadelphia, or Washington to Chicago or Saint Louis for forty cents. From Boston, such packages to the points named would cost fifty cents. When taken into the territory of other express companies in the South, or west of the Mississippi, an additional charge is made; but it can be safely asserted that the rate per pound for four-pound packages is not more than ten cents per pound.

If this is true, when the Senate bill becomes a law the express companies will transport all packages of third-class matter this distance, cutting off this source of revenue to the Post-Office Department, leaving to the Government the elephant of transporting it only beyond that point where the express companies will not carry it. This view cuts off all chance of revenue to the Post-Office Department for any distance, making every package a burden and expense to the Government. Indeed, it looks as if we were legislating to give the express companies all this class of mail when it will pay us a revenue, and only place it in the mail-bags when it has to travel such long distances that we know it will bring us in debt. Yet we are told by the friends of this measure, including the Postmaster-General, that it will go a great way toward making the Post-Office Department a self-sustaining institution. This view is very clearly set forth in the letter of Mr. Jewell, when he says:

This bill—

Alluding to the Senate bill—

keeps the rate of third-class matter at a rate where the mails will not be flooded by those who would have the Department do a freighting business, and yet low enough for all those who use the mails in forwarding small packages, either because more convenient or for the reason that there are no other forwarding facilities within reach.

The reason the mails will not be flooded by those who wish the Department to do a freighting business very clearly being that the express companies would do it for them for a distance of several hundred miles from the Atlantic seaboard. But I have no doubt that it has occurred to the House that if the Senate bill is passed the Department must go on with this freighting business in the remote and isolated sections, where the cost, according to a table of Mr. Jewell's own making, will be three times as much as the postage. According to this table the cost per pound from New York to New Orleans is $23\frac{33}{100}$ cents; from New York to Galveston $30\frac{40}{100}$ cents, and from New York to San Francisco, $33\frac{18}{100}$ cents; for these rates the Government will transport third-class matter at a loss, according to the Senate bill, of 29 cents to New Orleans, 57 cents to Galveston, and 68 cents to San Francisco on each four-pound package. This is all loss and no profit, and will leave the Department with a heavier deficit than heretofore. Is this what the Postmaster-General calls running the Post-Office Department on business principles?

The doubling of postage not only gave the express companies the merchandise, but books, at all points within a radius of five or seven hundred miles of the great trading centers. Remember in this connection that all third-class matter, according to the Postmaster-General's report, as well as the letter of Colonel Bangs, the fast-mail line projector, between all points five hundred miles distant from New York costs less than eight cents per pound. The passage of the act of last session effectually precludes all books and merchandise, all third-class four-pound packages, on that part of the mail service within five hundred miles of New York or other great cities, where it would pay a large revenue to the Postal Department, and transferred it to the express companies, leaving to the mail service only such packages as go beyond the point where it ceases to pay them. In other words, if a package is sent to any point east of Chicago it can be sent cheaper than one cent an ounce by express, and the Post-Office loses the revenue; but beyond that the mails can carry and welcome, because it no longer pays the express companies.

The result of the repeal of the old law has been that the express companies have had an increase of profits, and the Postal Department have lost revenue. This is certainly not just to the interests of the people or the Government, and it is not at all surprising that an indignant remonstrance has come up from every part of the country and from all classes of people that this wrong should be speedily corrected.

Now, in order to show to the House that I am correct in the assumption that the Post-Office would derive a revenue from the transmission of all third-class matter in the mails to any point, say five hundred miles of the great commercial centers, I will read to you the estimated cost of transporting mail matter per pound to a number of given points, taken from the report of the Postmaster-General for 1875, remembering that we propose in the amendment before the House to carry third-class matter at eight cents per pound.

Routes.	Distance.	Cost per pound.	Remarks.
	Miles.	*Cents.*	
Between—			
New York and Washington ..	228	1.47	
New York and Boston	241	1.42	Via Springfield.
Chicago and Saint Louis.....	283	4.72	
Cincinnati and Chicago.....	310	4.15	Via Indianapolis, La Fayette, and Kankakee.
New York and Cincinnati....	757	6.17	Via Philadelphia, Pittsburgh, and Columbus.
New York and Chicago.....	952	6.03	Three routes; mean distance.
New York and Saint Louis....	1,063	11.12	Via Philadelphia, Pittsburgh, Columbus, Indianapolis, and Vandalia.
New York and New Orleans ..	1,445	23.32	Via Washington, Lynchburgh, Va.; Cleveland, Tenn.; and Atlanta, Ga.
New York and Galveston.....	2,086	30.40	Via Saint Louis, Sedalia, Denison, and Houston.
New York and San Francisco ..	3,357	43.13	Three routes; mean distance.

Now, it is assumed by Mr. Jewell, and also in the debate that occurred in the Senate on this question, that third-class matter constituted 38 per cent. of all mail matter, as you can see by referring to tabular statement furnished by the Postmaster-General to the Senate Committee on Post-Offices and Post-Roads and printed in Senator HAMLIN'S speech. This in my judgment is very unjust, and I will call the attention of the House to the manner of arriving at this supposed fact. Mr. Bangs, who was superintendent of railway service, in obedience to an instruction from the Postmaster-General issued a circular to fifty of the largest offices in the United States to send to the Postal Department the amounts of all mail matter sent out from each office in the month of December, 1874. But I will read from Mr. Bangs's letter, which you will find in Miscellaneous Document No. 93, Senate, Forty-third Congress, second session:

By your direction, and in order that reliable information of the relative amounts of different classes of mail matter might be obtained, this office issued a circular letter to fifty of the largest offices in the United States, including those that were known to issue the largest quantity of the class referred to. The month of December, 1874, was selected, as, during the latter part of that month, the mails would be most likely used to a great extent in the forwarding of holiday goods.

By referring to the detailed statement hereunto annexed, the following results will be seen:

For the four weeks commencing December 1, the fifty offices issued 4,543,048 pounds of all classes of mail-matter.

380,574 pounds, or 8.4 per cent., was of the first class.

2,791,769 pounds, or 61.4 per cent., was of the second class.

1,370,705 pounds, or 30.2 per cent., was of the third class.

Of the third class, 110,473 pounds, 2.4 per cent. of the total of all classes, embraced "samples of merchandise."

In order that the increase, if any, during the holidays might be seen, the returns of the first week were formulated, showing the following result:

Total weight of mail matter of all classes, 1,186,991 pounds.

100,059 pounds, or 8.4 per cent., was of the first class.

752,003 pounds, or 63.4 per cent., was of the second class.

334,929 pounds, or 28.2 per cent., was of the third class.

Of the third class, 22,356 pounds, or 1.8 per cent. of the total of all classes, embraced samples of merchandise.

It will be seen that the relative amount of letter-mail of the first class was constant for the four weeks; that of the second class was 2 per cent. less for the four weeks than for the first week; while the matter of the third class increased from 28.2 per cent. for the first week to 30.2 per cent. for the four weeks, an increase of 2 per cent. The principal items of this increase would be found in "samples of merchandise," which increased from 1.8 per cent. for the first week to 2.4 per cent. for the four weeks, and "books," which increased from 3.95 per cent. for the first week to 4.5 per cent. for the four weeks, verifying the supposition that the mails would be largely used during the holidays for the forwarding of this class of matter.

Now the House will please take notice that the month of December was selected because during the latter part of that month the mails would most likely be used to forward holiday goods, and the statement verifies that supposition, showing a large increase. Still this statement is made the basis of ascertaining the percentage of third-class mail matter that passes through for the whole year. Afterward the same kind of statements were procured from two hundred and nine other of the largest offices in the month of January, 1875, making in all two hundred and fifty-nine of the largest offices in the United States. This list included all the large offices on all the great railroad lines and navigable rivers. They were the commercial cities, the great trading centers of the country from Maine to California and from Minnesota to the Gulf. Third-class matter, consisting of books, magazines, circulars, and merchandise, would as a matter of business start from these offices.

No one would write to an obscure town for samples of merchandise. Books and magazines are not printed in such places and circulars in large numbers are only sent out from great business centers. I do not believe there is a magazine or periodical of extensive circulation printed outside of these cities and not a single publishing-house of any consequence. The fact is that third-class matter is confined almost exclusively to the cities named as a starting point, and you will only find it in any considerable quantity where commerce thrives and flourishes. Books, which form a large percentage of this matter, are written for because they cannot be procured in the small towns. And the same reasons will apply to all classifications of third-class matter, except perhaps bulbs and roots. Now the Postmaster-General assumes in the table referred to that, because these two hundred and fifty-nine offices pay 50 per cent. of the revenue to the Postal Department, there is also an equal amount of third-class matter started or mailed from all other offices in the United States and Territories. This may be true in regard to letters, as there is not a post-office, however obscure, that does not send out hundreds of letters, while there are thousands that do not mail in the course of an entire year a book, magazine, or sample of merchandise. It is from this kind of data that the conclusion is reached that third-class matter constitutes 38 per cent. of the mails, and is therefore chargeable with 38 per cent. of the cost of transporting and handling all mail matter.

The House will find on an examination of the tabular statement as printed in Senator HAMLIN'S speech that it is charged a much larger amount for transportation and handling than second-class matter. The latter is estimated for the period of one year to be 55,783,832 pounds, while third-class for the same period is estimated at 42,351,308 pounds, being 13,432,524 pounds less than the second class. The charge for transporting and handling second class is estimated at $7,969,240, while third class is estimated at $8,772,559. Third class is less in weight more than 13,000,000 pounds, but is charged $803,319 more than the second class. This is on the theory, I suppose, that the cost of handling is much greater; but the general superintendent who collected the statistics had a different notion at the time he made his report. He says:

Whether this class of mail matter is remunerative or not has been questioned. It cannot be placed upon the same footing with either letters or regular publications, for these reasons: In all post-offices the number of clerks necessary is determined almost entirely by the first and second classes. There must be force enough to dispose of these classes in the quickest possible time; while matter of the third class, where the quantity is of any moment, is distributed and handled at leisure, and therefore serves to fill in the intervals that would otherwise be wasted. Its handling is therefore less expensive, piece for piece or pound for pound, than either first or second class mail.

In transportation, a certain system of routes is necessarily maintained. On all stage-routes and steamboat lines weight is not considered, unless it be in a very few and exceptional cases, speed and frequency regulating the cost. The weights on this class of routes could be doubled without material increase of compensation.

In railroad transportation, fully one-fourth of the annual compensation is to railroads on which the weight could be largely increased without raising their compensation above the minimum; fully one-half is to railroads upon which an increase in weight would increase their compensation at the minimum rate per ton.

So, that, of the $16,000,000 paid for transportation, $9,000,000 would not be materially affected by doubling the mails; $3,000,000 only would increase directly with the weights, and $4,000,000 would increase indirectly with the weights.

I have introduced these statements to show the fallacy of all arguments that have been produced to show that the deficiency of the Post-Office Department is attributable to the samples of merchandise, which form hardly a perceptible portion of the mails, or to matter of the third class, which forms but 30 per cent., and yields about 24 per cent. of the revenue, against 61.4 per cent. of mail-matter of the second class and 8.4 per cent of the first class.

Very respectfully,

GEORGE S. BANGS,
General Superintendent Railway Mail Service.

Hon. MARSHALL JEWELL,
Postmaster-General.

The only additional cost that is incurred by admitting this class of matter in the mails is the increase of clerks in a small proportion and the transportation per pound over railroads. Suppose, on the other hand, you keep such matter out of the mails, and how much does it decrease the cost of the postal system? You must still have the same official machinery at this city; you must still keep the thirty-five thousand postmasters and most of the clerks now employed; you will still have the 208,000 miles of stage-coach and steamboat lines, on which weight is not considered, and you will be short the revenue of four and a half millions which this matter now contributes to the Postal Department.

We must also consider in this connection that the introduction of this class of matter into the mail pays a large indirect revenue by stimulating correspondence.

Millions of pamphlets, occasional publications, transient newspapers, hand-bills, posters, and unsealed circulars, as will be seen by the examination of a tabular statement which I will publish with my remarks, are sent out monthly by the business enterprise of the country, by all of which correspondence is certainly stimulated to an immense degree.

Tabular statement of the several items composing third-class matter mailed at two hundred and fifty-nine of the principal post-offices in the United States for one month, as shown by tables B and C of the published letter prepared by the Post-Office Department to show the cost, &c., of carrying the different classes of mail matter.

Divisions of third-class mail matter.	Number of pieces.	Weight, pounds.	Percentage of whole.
First division—Pamphlets, occasional publications, transient newspapers, magazines, hand-bills, posters, prospectuses	6,078,417	986,545	60.25
Second division—Unsealed circulars	5,190,610	100,703	6.15
Third division—Books and book manuscript	174,168	227,233	13.87
Fourth division—Samples of merchandise	276,575	139,538	8.52
Fifth division—Seeds, cuttings, bulbs, roots, scions	22,167	33,480	2.04
Sixth division—All other articles of third class	229,619	149,763	9.14
Whole weight for thirty days at 259 cities	.....	1,637,312	.....

This table was prepared from the report to which I have alluded, that of Colonel Bangs to the Postmaster-General; and I have no doubt many of you who have imagined that merchandise constituted any considerable proportion of the so-called third-class matter will be a little astounded to learn that a very large percentage of this class is transient newspapers, circulars, and books, and such articles as would not be likely to travel to the frontiers to find their address.

Notwithstanding all this, every speech that is made and every article that is published, the unanimous voice of the express companies chiming in, starts out on the theory that third-class matter is responsible for a very large part of the deficit that is annually declared to exist in the Post-Office Department. It is a convenient pack-horse, and has been used to the best advantage.

The great leaks that bring this Department in debt lie behind the cost of any class of mail matter, and is chargeable to causes that grow out of the careless and unbusiness-like management of the Department itself, and I believe when these faults are corrected we will no longer hear of a deficit in its accounts.

[Mr. HOLMAN addressed the committee, but on account of indisposition did not conclude. His remarks will appear in the Appendix.]

The CHAIRMAN. The hour for closing debate on this bill under the order of the House has now arrived.

Mr. RANDALL. I suggest by unanimous consent that the time be extended so that the gentleman from Indiana, who is not well, may finish his remarks hereafter.

The CHAIRMAN. That can be done only by an order of the House.

Mr. RANDALL. I now suggest the committee rise; and when we go into the House we can go on with the morning hour. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending 30th June, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. By a former order of the House general debate on the bill was closed at four o'clock. I ask that when the House shall again resolve itself into Committee of the Whole on this bill there be an extension of time for general debate sufficient to enable the gentleman from Indiana [Mr. HOLMAN] to complete his remarks.

There was no objection, and it was so ordered.

LOUISIANA INVESTIGATING COMMITTEE.

Mr. GIBSON. I ask unanimous consent to introduce a bill to appropriate $12,000 to pay the expenses of the select committee to investigate the Federal offices in Louisiana.

The bill was read. It proposes to appropriate $12,000, or so much thereof as may be necessary, from any moneys in the Treasury not otherwise appropriated, to defray the expenses of the select committee charged with the investigation of the Federal offices in Louisiana.

Mr. FOSTER. I do not wish to object to this bill; but it is unusual. This should be paid out of the contingent fund.

Mr. GIBSON. I have introduced the bill in this form at the suggestion of the gentleman from New York, [Mr. HOSKINS,] a member of the Committee of Accounts.

Mr. HURLBUT. If it is to come out of the contingent fund, the amount must be less or nothing.

Mr. FOSTER. I withdraw the objection.

The bill (H. R. No. 3368) was received, and read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

Mr. RANDALL. I would suggest that the amount named in the bill is a large sum. I think we had better commence with $5,000.

Mr. HURLBUT. It is a large committee, and it is a hot place to which they are going, and they have a big job on hand.

Mr. GARFIELD. I wish to suggest to the gentleman from Louisiana that there should be a clause added to the bill providing that this sum shall be added to the contingent fund of the House. This will bring the appropriation under the control of the Clerk. The bill does not place it under the control of anybody.

Mr. HOSKINS. The appropriation of $10,000 for the committee that goes South raised in the other House was put in an appropriation bill, and became a law in the form of a special appropriation for that purpose. There is no money in the contingent fund of the House to pay the expenses of this committee, and unless this bill, or some such bill, passes no money can be had for the purpose.

Mr. GIBSON. I will agree to the amendment suggested by the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER *pro tempore*. The Clerk will read the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

> Add to the bill these words:
> Said appropriation to be added to the contingent fund of the House.

Mr. GARFIELD. That puts it in the control of the House.

The amendment was agreed to.

The question being taken on ordering the bill, as amended, to be engrossed and read a third time, there were—ayes 53, noes 26; no quorum voting.

Mr. RUSK. A quorum has not voted. You cannot appropriate money without a quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Wisconsin, Mr. RUSK, and the gentleman from Louisiana, Mr. GIBSON.

The House again divided; and there were—ayes 72, noes 24.

Before the report of the tellers was announced,

Mr. RANDALL said: Mr. Speaker, is the bill still open to amendment?

The SPEAKER *pro tempore*. It is not too late to amend the bill. The previous question is not operating.

Mr. GIBSON. Then, at the suggestion of several gentlemen, I move to amend by striking out "$12,000," and inserting in lieu thereof "$9,000."

Mr. BLOUNT. That is what the other committee had.

Mr. NEAL. I move to amend the amendment by striking out $9,000 and inserting $5,000.

The amendment to the amendment was agreed to, and the amendment, as amended, was agreed to.

The SPEAKER *pro tempore*. The question recurs on the engrossment and third reading of the bill as amended.

Mr. GIBSON. I move to reconsider the vote on the amendment making the amount $5,000.

Mr. HOSKINS. I believe the motion to reconsider is debatable?

The SPEAKER *pro tempore*. It is.

Mr. HOSKINS. I simply desire to call the attention of the House to the fact that they have ordered a select committee to go to New Orleans to make an investigation of certain matters in relation to the Federal officers in that city, and that this investigation will cost money. An appropriation was made of about $60,000 to the contingent fund of the House by the deficiency bill, and I am told by those who ought to know that the outstanding claims against that fund are more than sufficient to consume the entire appropriation. It is perfectly idle to suppose that a committee of this House can go to New Orleans and make a proper investigation unless a sufficient amount is provided to defray the necessary expenses. The sum of $5,000 is of no account for that purpose. There are nine members of the committee. It will cost each member $100 to go there, $200 to get there and back; and every gentleman must know that $3,000 to pay other expenses of the committee and for the subpœnaing, witnesses, &c., is not sufficient. I would, therefore, suggest to the House that they either refuse any appropriation and let the committee remain here in this city, or give them an amount sufficient to enable them to do the work.

Mr. GIBSON. I would like to state, also, in addition to what the gentleman from New York has said, that a few days ago this House voted an appropriation of $10,000 to defray the expenses of the committee of the Senate appointed to examine into the political affairs of Mississippi, a committee consisting of five members; and now, when a committee selected by this House, both republicans and democrats, come before the House and ask them to appropriate $12,000 to carry on this investigation, and an amendment is offered reducing it to $9,000, I cannot see with what consistency gentlemen can vote down the proposition.

Mr. BANKS. The House, by unanimous consent, a few days ago ordered this investigation, and it would present the House in a very singular attitude before the country if now it refused to allow that committee to go by failing to make the appropriations for its expenses. It seems to me that if the sum is reasonable—and I think that $9,000 would be—the House ought to grant it without any question. It would discredit the House to take this means of defeating that to which it had given its unanimous consent.

Mr. BLAINE. There is this consideration also in regard to this matter, that it does not make a particle of difference whether the appropriation is made now or hereafter. When the committee goes to perform its duties, its proper expenses will be paid, and those expenses must be paid on vouchers, and it makes no difference whether we make the appropriation now or hereafter; we have got to make it. We have ordered this duty to be performed. It is in the hands of a committee who have the confidence of the House; of course what they expend in the discharge of their duties must be paid, and it may as well be appropriated for in advance as hereafter.

Mr. GARFIELD. One of two things must be done: either we must rescind the order creating the committee or pay the proper sum for their expenses. Of course I think we ought to pay it. I hope there will be no objection to passing a reasonable appropriation.

Mr. CONGER. A very considerable portion of this fund must be taken by the committee with them, or by its officers, for the payment of witnesses' fees, and without such fund being on hand for that purpose the committee will very soon find that it will fail in securing the attendance of witnesses. That is one kind of voucher that cannot be paid after the return of the committee. I believe it has been the universal custom of the House to designate appropriations when there was not sufficient in the contingent fund for the use of investigating committees sent to places remote from the capital. It has been so I know in the investigations of former Congresses, and within my recollection a very large sum of money was expended for the express purpose of paying witnesses' fees and securing their attendance. An investigating committee must have witnesses, and I am free to say that if the House orders an investigation I think it proper that the amount of money necessary to make that investigation should be at the disposal of the Clerk of the House or of the committee. The appropriation limits the amount to what is necessary. I suppose there is some rule on the subject. There always has been, and the amount allowed for expenses of committees, and under that rule the amount necessary out of this appropriation, will be paid, and the balance remains as a part of the contingent fund of the House.

Mr. FRYE. I am not opposed to an appropriation such as may be necessary for the purpose of a proper investigation of these offices, but when I was down in New Orleans on an investigating committee I found this to be true: that if we would have consented to have paid all the witnesses whose testimony was offered in Louisiana when we were there we might have been compelled to stay there for three months and would have examined five hundred witnesses on each side. Each side is represented in these investigations. The one antagonizes the other. Each is anxious to put in witnesses, and if a committee has a reasonable limit put upon the amount of money it shall expend that committee can do what we did when we thought

we had got to the limit, and that was to say to the parties: "Now, gentlemen, if you want to examine more witnesses you must examine them without expenses; we are not authorized to pay any more expenses."

It is a very expensive business. I saw a letter in the hands of a member of Congress the other day from away out in Colorado, in which the writer said that he knew something about the Belknap business, he or his partner having been connected with the sale of a post-tradership, and he wanted that member to call on the investigating committee and have him summoned before them forthwith; and on the other page he added as a postscript the following:

My dear friend, I am exceedingly desirous of visiting Philadelphia at the Centennial and I am short of funds; I hope you will not neglect to give the letter on the opposite page to the committee.

Now, Louisiana is no different from Colorado, and if these gentlemen go there with an unlimited amount of money, if they go there with twelve thousand or twenty thousand dollars, they will use every dollar of it, because witnesses will be crowding in upon them to be examined.

Mr. GIBSON. How much was used by the committee of investigation of which the gentleman was a member?

Mr. FRYE. My recollection is about $9,000; and if we had not told these men that the limit was reached they would have had hundreds more of witnesses on each side.

Mr. GIBSON. Is it not doing injustice to the gentlemen who compose this committee to assume that they will not be as economical and faithful to their public duty as the gentlemen who composed that committee?

Mr. FRYE. There is this difference: Here is a special bill fixing an amount. Now it is generally considered that where the amount is fixed you may go to that amount. We had no amount fixed but we fixed it by stopping the examination of witnesses. Now I do not object to an appropriation of $9,000; I think that is not unreasonable.

Mr. GIBSON. I have fixed the amount at that sum.

Mr. FRYE. I understood the amount to be $12,000.

Mr. GIBSON. No; $9,000.

Mr. FRYE. Then I have no objection whatever; I do not think that an unreasonable sum for a committee of nine members.

The question was taken on the motion to reconsider the vote substituting "$5,000" for "$9,000;" and it was agreed to.

The motion to insert "$5,000" was not agreed to; and the motion to insert "$9,000" was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GIBSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK FOR REAL-ESTATE POOL COMMITTEE.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Investigation of the Real-Estate Pool and Jay Cooke & Co.'s Indebtedness be, and they are hereby, allowed to retain the services of a clerk for a period of thirty days from the 15th day of April, 1876.

CENTENNIAL EXHIBITION.

Mr. HOPKINS, from the Select Committee on the Centennial Exhibition, reported the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of Congress accept the invitation of the Centennial Commission to attend the ceremonies to be observed at the opening of the international exhibition of 1876, on the 10th instant, at Philadelphia; and that to that end when the respective Houses shall adjourn on Tuesday, the 9th instant, it shall be to meet at twelve o'clock meridian on Friday the 12th instant.

Mr. VANCE, of Ohio. I move to amend the resolution by substituting "Thursday the 11th instant" for "Friday the 12th instant."

The amendment was not agreed to.

Mr. TEESE. I move to amend the resolution so as to make it read "Saturday the 13th instant."

Mr. RANDALL. That would cut off private-bill day.

The amendment was not agreed to.

The resolution was then adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK FOR COMMITTEE ON EXPENDITURES IN NAVY DEPARTMENT.

Mr. BEEBE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the time for which the Committee on Expenditures in the Navy Department was authorized to employ a clerk is hereby extended from the period heretofore fixed to the end of the present month.

SCARCITY OF FRACTIONAL CURRENCY.

Mr. BLAINE, by unanimous consent, submitted the following resolution:

Resolved, That the Committee of Ways and Means be directed to consider at once some measure for the relief of the country from the threatened scarcity of fractional currency.

Mr. RANDALL. That subject is before the Committee on Banking and Currency, and they have unanimously agreed to a report upon it.

Mr. BLAINE. That was the reason I have named the Committee of Ways and Means in my resolution, because the other committee does not seem to have been able to reach the object.

Mr. WOOD, of New York. The question of currency goes to the Committee on Banking and Currency, I believe, while the subjects of legal-tenders and revenue go to the Committee of Ways and Means.

Mr. RANDALL. I suppose the object of the gentleman from Maine [Mr. BLAINE] is to secure the reporting of some measure immediately to the House under the right of the Committee of Ways and Means to report at any time, contradistinguished from the Committee on Banking and Currency, which can report only when regularly called. Is that the object of the gentleman?

Mr. BLAINE. That is one object. And I also think this subject rather belongs to the Committee of Ways and Means.

Mr. WOOD, of New York. I think the line of the powers and prerogatives of the two committees is very well determined. The subject of the currency evidently does not belong to the Committee of Ways and Means.

Mr. BLAINE. Where currency is in the nature of a public debt it belongs to the Committee of Ways and Means; and all that relates to the legal-tender notes has been considered as within the province of the Ways and Means Committee. Of course I do not want to take anything from any other committee by arrogating to the committee I am myself a member of that which does not belong to it.

Mr. RANDALL. The gentleman from Ohio, [Mr. PAYNE,] on the day before yesterday, sought to submit a unanimous report on this subject from the Committee on Banking and Currency. Perhaps he might be able to do so now.

Mr. GARFIELD. I do not think there would be any objection to that bill now.

Mr. WOOD, of New York. I think one of the largest humbugs of the day is the attempt to resume specie payments partially with this silver currency.

Mr. BLAINE. That is the very subject I want our committee to consider.

Mr. WOOD, of New York. Silver currency commands 5 per cent. premium in New York, and the more you issue of it the more it will be hoarded and the larger will be the premium. It operates as a measure of contraction without any of the benefit of contracting the currency.

Mr. BLAINE. The resolution I have just offered does not specify any particular time; it merely directs the committee to consider some measure of relief.

Mr. GARFIELD. Does the gentleman from New York [Mr. WOOD] mean to say that this "wretched silver currency" which we have issued is hoarded by the people and is at a premium?

Mr. WOOD, of New York. I mean to say that this silver currency which Congress has authorized to be issued cannot be floated in this country in lieu of the fractional currency now in existence. If you were to give to the State of Indiana or Ohio $10,000,000 of this silver currency it would soon find its way to the large money-centers of the country, because a premium is paid for it.

Mr. GARFIELD. I am very glad to hear that it is so good.

Mr. RANDALL. It is at a premium only because there is not enough of it.

Mr. KELLEY. We were getting along very well. There was no scarcity of small currency; many people were reasonably well employed in making it, and the Government was re-imbursed its cost by its consumption. We can describe our case by quoting the epitaph with which you, Mr. Speaker, are familiar:

I was well; I would be better; I took physic, and here I am.

We fell into company with some Nevada doctors, and they told us that by a little blood-letting, by depleting the Treasury of a couple of millions of gold a year, by mortgaging the future labor and industry of the country for the purchase of silver, we could improve our condition and enjoy better fractional currency. Absurd as their advice sounded to practical men, we adopted it. Accordingly, we are under bonds—at least, under bonds for $17,000,000 and are getting under more—by virtue of which, at the end of twenty years from the issue of the last of them, we shall have paid in solid payments of gold over $40,000,000 of interest plus compound interest thereon, calculated at quarterly rests. We shall then owe just $40,000,000, the principal of the bonds in gold, and are likely to be without any currency of any kind to represent either the gold paid as interest on the bonds on which further payments will have to be made with which to make our small exchanges.

Mr. BLAINE. My friend from Pennsylvania will observe that he is hanging an enormous hat on my little peg. [Laughter.]

Mr. KELLEY. Exactly. Though small, it is a very good peg to hang a big hat on. [Renewed laughter.]

Mr. BLAINE. It is a mere resolution of inquiry.

Mr. KELLEY. What has been said by those who understood the subject from the first suggestion of a project of this kind now comes true—that whenever it should be attempted the people would be left without fractional currency; that fools would be made to believe that because the metal looked white and bright it was silver, that it was intrinsically worth the amount expressed on its face; in short,

that it was, like fractional notes, money. Now, it is not silver. It is not silver, tested even by the standard dollar of the country. That it is fine silver nobody will allege. Nor is it money. It is a token coinage with which you can pay $5 in any one payment, but cannot pay more. It is not a legal tender for more, as fractional notes are. It is a token coinage deliberately debased to the end that it shall not be exportable. Yet it is in danger of being exported.

Mr. GARFIELD. Why do people hoard it?

Mr. KELLEY. It is liable to be exported, because it is made of a commodity the value of which is subject to extreme fluctuations, and may go to a greater value than it expresses or may not. I have shown why fools hoard it. Mothers hoard it because it is good for young children to cut teeth upon, especially now while the coinage-marks are sharp upon it and will operate upon the gums; and older children like it because it will jingle in their money-jugs and toy savings-banks. Thus it retires from circulation almost as soon as issued. I read in the newspapers yesterday that American silver was worth 5 per cent. premium, and I wondered how it could be so; but as I read on I found that the writer spoke not specially of silver but of fractional currency, whether paper or silver; that is, that American silver was worth the premium provided the denomination in which it had been coined was such as would enable a man to pay for a couple of cigars, or to enable gentlemen who take such things to pay for a toddy; in other words, that would make the ordinary small exchanges of life. People must have fractional currency, and will, if necessary, pay a premium for it, even though it be made of debased silver.

Now, sir, I give notice that I shall object to any extraordinary legislation on this subject. We have submitted the question to Providence. Our legislation upon which both Houses deliberated for days ought to be good for a fortnight at least; and I am willing to give Providence a month to knock away at it with the logic of events. [Laughter.] By that time I apprehend we shall conclude that we have not done a good thing in undertaking to pay $2,000,000 gold annually for the privilege of bulling the silver market and making metallic fractional change for the people.

Mr. BLAINE. Nevertheless, I shall ask the House to pass this very innocent resolution. It goes to a committee that will be enlightened with all the knowledge of my friend from Pennsylvania, [Mr. KELLEY,] who is a member of that committee.

Mr. KELLEY. But I shall be overshadowed by the folly of all the rest of the committee. [Laughter.]

Mr. BLAINE. The gentleman from Pennsylvania very often, in his financial trials, meets with eleven contrary jurymen.

Mr. KELLEY. But does not the gentleman know that he who has the Almighty on his side is a majority, although he seems to be but one among eleven? [Laughter.]

Mr. SPRINGER. Is the resolution of the gentleman from Maine before the House?

The SPEAKER *pro tempore*. It is.

Mr. SPRINGER. I offer the following as a substitute——

Mr. BLAINE. I do not know whether I shall yield for that substitute until I hear it read. I may prefer to test the sense of the House directly on my resolution.

Mr. SPRINGER. I offer the following as a substitute for the resolution of the gentleman from Maine:

Resolved, That the Committee of Ways and Means be, and are hereby, instructed to report to the House to-morrow a bill repealing so much of the act passed at this session as provides for the redemption of fractional currency in silver coin.

Mr. BLAINE. I prefer to have a vote upon my resolution as I have offered it. Of course it is for the House to say whether I shall have a direct vote upon it; but I ask the previous question.

Mr. BURCHARD, of Illinois. The proposition of the gentleman from Illinois [Mr. SPRINGER] would not be in order at any rate without unanimous consent.

Mr. BLAINE. Still I would prefer to have the sense of the House directly on my resolution. I therefore ask the previous question.

Mr. BUCKNER. I move to lay both resolutions on the table.

Several MEMBERS. Let the resolution be again read.

The SPEAKER *pro tempore*. The Clerk will read the original resolution, which is the only one before the House.

The resolution was again read.

Mr. SPRINGER. I thought I was recognized to offer a substitute for this resolution.

Mr. BLAINE. I held the floor.

Mr. SPRINGER. I understood that the gentleman had yielded the floor.

Mr. BLAINE. O, no; these other gentlemen were speaking in my time.

Mr. SPRINGER. The previous question had not been ordered.

The SPEAKER *pro tempore*. The gentleman from Maine never yielded the floor. He allowed the debate to go on in his hour. That was the understanding of the Chair.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution of Mr. BLAINE was adopted, there being—ayes 124, noes 31.

Mr. BLAINE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORE SILVER COIN.

Mr. PAYNE. I asked leave the other day to report from the Committee on Banking and Currency relating to the issue of silver coin. The gentleman from Georgia [Mr. BLOUNT] who then objected now withdraws his objection, and I again ask unanimous consent to present the resolution.

Mr. KELLEY. I renew the objection. I think an act of Congress ought to stand for thirty days at least. [Laughter.]

ENROLLED BILL AND JOINT RESOLUTION.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3356) authorizing the transfer of a certain appropriation; and

A joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station-house at the centennial exposition.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I have given very attentive consideration to a resolution of the House of Representatives passed on the 3d day of April, requesting the President of the United States to inform the House whether any executive offices, acts, or duties, and, if any, what, have within a specified period been performed at a distance from the seat of government established by law, &c.

I have never hesitated and shall not hesitate to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give or which my judgment may suggest to me or a request from either House may indicate to me will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress in which is vested the legislative power of the Government) to require of the Executive, an independent branch of the Government—co-ordinate with the Senate and House of Representatives—an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or of impeachment.

The inquiry in the resolution of the House as to where executive acts have within the last seven years been performed and at what distance from any particular spot or for how long a period at any one time, &c., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

If this information be sought through an inquiry of the President as to his executive acts in view or in aid of the power of impeachment vested in the House, it is asked in derogation of an inherent natural right, recognized in this country by a constitutional guarantee which protects every citizen, the President as well as the humblest in the land, from being made a witness against himself.

During the time that I have had the honor to occupy the position of President of this Government, it has been, and while I continue to occupy that position it will continue to be, my earnest endeavor to recognize and to respect the several trusts and duties and powers of the co ordinate branches of the Government, not encroaching upon them nor allowing encroachments upon the proper powers of the office which the people of the United States have confided to me, but aiming to preserve in their proper relations the several powers and functions of each of the co-ordinate branches of the Government agreeably to the Constitution and in accordance with the solemn oath which I have taken to "preserve, protect, and defend" that instrument.

In maintenance of the rights secured by the Constitution to the executive branch of the Government, I am compelled to decline any specific or detailed answer to the request of the House for information as to "any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of Government established by law and for how long a period at any one time and in what part of the United States."

If, however, the House of Representatives desires to know whether during the period of upward of seven years during which I have held the office of President of the United States I have been absent from the seat of government and whether during that period I have performed or have neglected to perform the duties of my office, I freely inform the House that from the time of my entrance upon my office I have been in the habit, as were all of my predecessors, (with the exception of one who lived only one month after assuming the duties of his office and one whose continued presence in Washington was necessary from the existence at the time of a powerful rebellion,) of absenting myself at times from the seat of government; and that during such absences I did not neglect or forego the obligations or the duties of my office, but continued to discharge all of the executive offices, acts, and duties which were required of me as the President of the United States. I am not aware that a failure occurred in any one instance of my exercising the functions and powers of my office in every case requiring their discharge or of my exercising all necessary executive acts in whatever part of the United States I may at the time have been. Fortunately, the rapidity of travel and of mail communication and the facility of almost instantaneous correspondence with the offices at the seat of government which the telegraph affords to the President in whatever section of the Union he may be enable him in these days to maintain as constant and almost as quick intercourse with the Departments at Washington as may be maintained while he remains in the capital.

The necessity of the performance of executive acts by the President of the United States exists and is devolved upon him, wherever he may be within the United States during his term of office, by the Constitution of the United States.

His civil powers are no more limited or capable of limitation as to the place where they shall be exercised than are those which he might be required to discharge in his capacity of Commander-in-Chief of the Army and Navy, which latter powers, it is evident, he might be called upon to exercise possibly even without the limits of the United States. Had the efforts of those recently in rebellion against the Government been successful in driving a late President of the United States from Washington, it is manifest that he must have discharged his functions, both civil and military, elsewhere than in the place named by law as the seat of government.

No act of Congress can limit, suspend, or confine this constitutional duty. I am not aware of the existence of any act of Congress which assumes thus to limit or restrict the exercise of the functions of the Executive. Were there such acts, I should nevertheless recognize the superior authority of the Constitution and should exercise the powers required thereby of the President.

The act to which reference is made in the resolution of the House relates to the establishing of the seat of government and the providing of suitable buildings and

removal thereto of the offices attached to the Government, &c. It was not understood at its date and by General Washington to confine the President in the discharge of his duties and powers to actual presence at the seat of government. On the 30th of March, 1791, shortly after the passage of the act referred to, General Washington issued an executive proclamation having reference to the subject of this very act from Georgetown, a place remote from Philadelphia, which then was the seat of government, where the act referred to directed that "all offices attached to the seat of government" should for the time remain.

That none of his successors have entertained the idea that their executive offices could be performed only at the seat of government is evidenced by the hundreds upon hundreds of such acts performed by my predecessors, in unbroken line from Washington to Lincoln, a memorandum of the general nature and character of some of which acts is submitted herewith; and no question has ever been raised as to the validity of these acts or as to the right and propriety of the Executive to exercise the powers of his office in any part of the United States.

U. S. GRANT.

WASHINGTON, *May* 4, 1876.

Memorandum of absences of the Presidents of the United States from the national capital during each of the several administrations, and of public and executive acts performed during the time of such absences.

PRESIDENT WASHINGTON

was frequently absent from the Capital; he appears to have been thus absent at least one hundred and eighty-one days during his term.

During his several absences he discharged official and executive duties, among them:

In March, 1791, he issued a proclamation, dated at Georgetown, in reference to running the boundary for the territory of the permanent seat of the Government.

From Mount Vernon he signed an official letter to the Emperor of Morocco, and from the same place the commission of Oliver Walcott as Comptroller of the Treasury, and the proclamation respecting the whisky insurrection in Pennsylvania; also, various sea letters, the proclamation of the treaty of 1795 between the United States and Spain, the executive order of August 4, 1792, relative to the duties on distilled spirits, &c.

When at Germantown he signed the commission of John Brackenridge as attorney of the United States for Kentucky, and that of engineer of the United States Mint.

He proposed to have Mr. Trujo officially presented, as envoy extraordinary and minister plenipotentiary from Spain, to him at Mount Vernon; but, although Mr. Trujo went there for the purpose, the ceremony of presentation was prevented by Mr. Trujo's having accidentally left his credentials.

PRESIDENT JOHN ADAMS.

President John Adams was absent from the capital during his term of four years, on various occasions, three hundred and eighty-five days.

He discharged official duties and performed the most solemn public acts at Quincy, in the same manner as when at the seat of Government.

In 1797 (August 25) he forwarded to the Secretary of State a number of passports which he had signed at Quincy.

He issued at Quincy commissions to numerous officers of various grades, civil and military.

On the 28th of September, 1797, he forwarded to the Secretary of State a commission for a Justice of the Supreme Court, signed in blank at Quincy, instructing the Secretary to fill it with the name of John Marshall if he would accept, and if not, Bushrod Washington. He issued a proclamation opening trade with certain ports of Saint Domingo, and signed warrants for the execution of two soldiers, and for a pardon.

PRESIDENT JEFFERSON

was absent from the seat of Government, during his two terms of office, seven hundred and ninety-six days, more than one-fourth of the whole official period.

During his absence he signed and issued from Monticello seventy-five commissions, one letter to the Emperor of Russia, and nine letters of credence to diplomatic agents of the United States, accredited to other governments.

PRESIDENT MADISON

was absent from the seat of Government during his two presidential terms six hundred and thirty-seven days.

He signed and issued from Montpelier, during his absence from the capital, seventy-one commissions, one proclamation, and nine letters of credence to ministers, accrediting them to foreign governments, and, as it appears, transacted generally all the necessary routine business incident to the executive office.

PRESIDENT MONROE

was absent from the capital, during his presidential service of eight years, seven hundred and eight days, independent of the year 1824, and the two months of 1825 for which period no data are found.

He transacted public business wherever he happened to be, sometimes at his farm in Virginia, again at his summer resort on the Chesapeake, and sometimes while traveling. He signed and issued from these several places, away from the capital, numerous commissions to civil officers of the Government, exequaturs to foreign consuls, letters of credence, two letters to sovereigns, and thirty-seven pardons.

PRESIDENT JOHN Q. ADAMS

was absent from the capital, during his presidential term of four years, two hundred and twenty-two days.

During such absence he performed official and public acts, signing and issuing commissions, exequaturs, pardons, proclamations, &c.

Referring to his absence in August and September, 1827, Mr. Adams, in his memoirs, volume 8, page 75, says: "I left with him (the chief clerk) some blank signatures to be used when necessary for proclamations, remission of penalties, and commissions of consuls, taking of him a receipt for the number and kind of blanks left with him, with directions to return me, when I came back, all the signed blanks remaining unused, and to keep and give me an account of all those that shall have been disposed of. This has been my constant practice with the respect to signed blanks of this description. I do the same with regard to patents and land grants."

PRESIDENT JACKSON

was absent from the capital during his presidential service of eight years five hundred and two days.

He also performed executive duties and public acts while absent.

He appears to have signed and issued while absent from the capital very many public papers, embracing commmissions, letters of credence, exequaturs, pardons, and among them four executive proclamations.

On the 26th of June, 1833, he addressed a letter from Boston to Mr. Duane, Secretary of the Treasury, giving his views at large on the removal of the "deposits" from the United States Bank and placing them in the State banks, directing that the change with all its arrangements should be if possible completed by the 15th September following, and recommending that Amos Kendall should be appointed an agent of the Treasury Department to make the necessary arrangements with the State banks. Soon after, September 23, a paper signed by the President and purporting to have been read to the Cabinet was published in the newspapers of the day. Early in the next session of Congress a resolution passed the Senate inquiring of the President whether the paper was genuine or not, and if it was published by his authority, and requesting that a copy be laid before that body.

The President replied, avowing the genuineness of the paper and that it was published by his authority, but declined to furnish a copy to the Senate on the ground that it was purely executive business and that the request of the Senate was an undue interference with the independence of the Executive, a co-ordinate branch of the Government.

In January, 1837, (26th,) he refused the privilege to a committee under a resolution of the House of Representatives to make a general investigation of the Executive Departments without specific charges, on the ground, among others, that the use of the books, papers, &c., of the Departments for such purpose would interfere with the discharge of the public duties devolving upon the heads of the different Departments and necessarily disarrange and retard the public business.

PRESIDENT VAN BUREN

was absent from the capital during his presidential term one hundred and thirty-one days.

He discharged executive duties and performed official and public acts during these absences.

Among the papers signed by President Van Buren during his absence from the seat of Government are commissions, one of these being for a United States judge of a district court, pardons, &c.

PRESIDENT TYLER

was absent from the capital during his presidential term one hundred and sixty-three days, and performed public acts and duties during such absences, signing public papers and documents to the number of twenty-eight, in which were included commissions, exequaturs, letters of credence, pardons, and one proclamation making public the treaty of 1842 between the United States and Ecuador.

PRESIDENT POLK

was absent from the capital during his presidential term thirty-seven days, and appears to have signed but two official public papers during such absence.

PRESIDENT TAYLOR

was absent from the capital during the time he served as President thirty-one days, and while absent signed two commissions, three "full powers," two exequaturs, and the proclamation of August 11, 1849, relative to a threatened invasion of Cuba or some of the provinces of Mexico.

PRESIDENT FILLMORE

was absent from the capital, during the time he served as President, sixty days. During such absence he signed pardons, commissions, exequaturs, &c.

PRESIDENT PIERCE

was absent from the capital in all during his presidential term fifty-seven days. The several periods of absence which make up this aggregate were each brief, and it does not appear that during these absences the President signed any public official documents except one pardon.

PRESIDENT BUCHANAN

was absent from the capital during his presidential term fifty-seven days, and the official papers which he is shown to have signed during such absence are three exequaturs and one letter of credence.

In addition to the public documents and papers executed by the several Presidents during their absences from the seat of Government, constant official correspondence was maintained by each with the heads of the different Executive Departments.

Mr. RANDALL. As the question involved in the original resolution and in the communication just read would seem to be a judicial one, as to the power of the President to shift for prolonged periods the place where he administers the Government, I move the message and accompanying document be referred to the Judiciary Committee and ordered to be printed; and on that motion I demand the previous question.

Mr. GARFIELD. There is no objection to that.

Mr. CONGER. Will the message and memorandum be printed in the RECORD?

The SPEAKER *pro tempore*. Having been read, they will be printed in the RECORD as a matter of course.

Mr. GARFIELD. The motion of the gentleman from Pennsylvania is also to have the message and accompanying memorandum printed in the regular way as a document.

Mr. RANDALL. That is respectful and usual.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. RANDALL's motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CATE for ten days, on account of important business, and to Mr. FORNEY and Mr. BRADFORD until the 16th instant.

WILLIAM C. SPENCER.

On motion of Mr. THOMAS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of William C. Spencer, late captain Seventeenth United States Infantry, no adverse report having been made thereon.

DANIEL W. SOWERS.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 3369) for the relief of Daniel W. Sowers, of Clark County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MURDER OF M. H. TWITCHELL, ETC.

Mr. MACDOUGALL, by unanimous consent, submitted the following preamble and resolution:

Whereas it is alleged that M. H. Twitchell, a senator of the State of Louisiana and commissioner of the United States court for the State aforesaid, and David King, a citizen of the same State, have been within a few days foully murdered at Coushatta, on the Red River, in the State aforesaid: Therefore,

Be it resolved, That the select committee appointed to investigate the affairs and accounts of the Federal office-holders in the city of New Orleans be, and are hereby, authorized and instructed to inquire into the cause of said murder or murders; and that they be authorized to send for persons and enter into a full and complete investigation of the circumstances attending said assassination, and particularly as to whether it was or was not of a political character, and that they report the result of their investigations to this House simultaneously with their other reports.

Mr. BEEBE. I offer the following amendment.

Mr. RANDALL. Although that refers to a State matter, I hope there will be no objection to the resolution.

Mr. BEEBE. I move to add the following.

The Clerk read as follows:

Resolved, That they also be instructed to inquire into the alleged killing of a negro man and the wounding of eight others at Indianapolis at the late election.

Mr. MACDOUGALL. Never mind that. The courts will take care of murders in that State.

Mr. TOWNSEND, of New York, made a remark which could not be heard.

Mr. RANDALL. I hope the gentleman from New York will not be permitted to make a remark which we did not hear, and which we have no means of replying to.

The SPEAKER *pro tempore*. The gentleman from New York undertook to run a race with the gavel. The Chair could not control him by any power the Chair has under the rule.

Mr. MACDOUGALL. I demand the previous question.

Mr. BEEBE. Is not my amendment pending?

The SPEAKER *pro tempore*. It is not, as the gentleman from New York did not yield the floor to allow it to be offered.

Mr. BEEBE. Then I move to lay the resolution on the table.

Mr. RANDALL. Although this is a State matter and one for grand juries and State courts, I hope there will be no objection to its adoption.

Mr. BEEBE. I object.

Mr. BLAND. I move that the House adjourn.

Mr. HOAR. Is the motion to adjourn in order while the House is dividing?

The SPEAKER *pro tempore*. The motion to adjourn is in order.

Mr. TOWNSEND, of Pennsylvania, demanded the yeas and nays.

The yeas and nays were not ordered.

The House divided; and there were—ayes 34, noes 97.

So the House refused to adjourn.

The previous question was seconded and the main question ordered.

Mr. LEVY. I trust there will be no objection raised on this side of the House to the investigation contemplated by the resolution of the gentleman from New York.

Mr. BLAND. What right have we to investigate a matter pertaining to the State courts?

Mr. LEVY. In behalf of the citizens of Louisiana, I wish to say they desire to have this investigation made as fully as possible.

The resolution was adopted.

Mr. MACDOUGALL moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. RANDALL, at (five o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. COWAN: The petition of Remy, Hedges & Walter and 38 other mercantile firms of Mansfield, Ohio, against any change in the law relating to the present mode of packing tobacco, to the Committee of Ways and Means.

By Mr. DAVY: The petition of citizens of Rochester, New York, of similar import, to the same committee.

By Mr. EGBERT: The petition of manufacturers and dealers in tobacco in Erie County, Pennsylvania, of similar import, to the same committee.

By Mr. HARRISON: Memorial of manufacturers of tobacco in Chicago, Illinois, of similar import, to the same committee.

By Mr. HENKLE: The petition of Henry M. Hannon, for compensation for the destruction of a sloop and the use of three small boats by United States officials, to the Committee on War Claims.

By Mr. NEW: The petition of citizens of Indiana, for such legislation as will relieve them from unjust competition by the Government in the manufacture, transportation, and sale of envelopes, newspaper wrappers, postal cards, &c., to the Committee on the Post-Office and Post-Roads.

Also, the petition of John Sullivan, for a pension, to the Committee on Invalid Pensions.

By Mr. REA: Memorial of the Saint Louis Medical Society, for the fixing, after some date, several years in advance, the metric standards in the office of weights and measures at Washington that shall be the sole authorized public standard of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. SEELYE: The petition of 1,030 citizens, for the acknowledgment of God and Christianity in the Constitution of the United States, to the Committee on the Judiciary.

By Mr. TUFTS: The petition of citizens of Iowa for the relief of Edward O'M. Condon, a citizen of the United States imprisoned in an English dungeon, to the Committee on Foreign Affairs.

By Mr. WELLS, of Mississippi: Papers relating to the claim of A. and P. W. Burwell, for compensation for the occupation and use of their property in Vicksburgh, Mississippi, by the United States Army, to the Committee on War Claims.

Also, papers relating to the claim of A. Burwell for compensation for property taken, used, and destroyed on his farm near Vicksburgh, Mississippi, by the United States Army, to the same committee.

Also, papers relating to the claim of Armistead Burwell for compensation for one hundred and thirty-five hogsheads and fourteen boxes of sugar seized at Vicksburgh, Mississippi in 1863 by the United States Army, to the same committee.

IN SENATE.

FRIDAY, *May* 5, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, in answer to a resolution of the Senate of March 16, 1876, a letter of the Chief of Engineers and report of Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, as to the importance and practicability of deepening the inside passage between Cumberland Sound and Saint Simon's Sound, Georgia, with estimate of probable cost, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in reply to a resolution of the Senate of the 13th of December, 1875, a letter of the Chief of Engineers and report of Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, as to the importance and practicability of improving the channel of entrance to Cumberland Sound, with estimate of probable cost; which was referred to the Committee on Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN. I present a joint resolution of the Legislature of New York, and I ask that it be read.

The Chief Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, April 21, 1876.

Whereas the decision of the Supreme Court of the United States renders inoperative and void the laws of this State heretofore enacted for the protection of emigrants and the prevention of their becoming a charge upon any city, town, or county of this State within five years from their landing at the port of New York, on the ground that such laws are in violation of the Constitution, and that the power to legislate on this subject is exclusively in the Federal Congress; and whereas the importance of the subject demands immediate attention: Therefore,

Resolved, (*if the senate concur*,) That our Senators and Representatives in Congress be requested to use their influence to secure without delay the legislation necessary and requisite as well for the protection of the emigrants as for the security of the cities, towns, and counties of this State.

EDW. M. JOHNSON, *Clerk*.

IN SENATE, *April* 21, 1876.

Concurred in without amendment.

HENRY A. GLIDDON, *Clerk*.

Mr. KERNAN. The subject of this resolution is important to every State in which there is a port where large numbers of immigrants arrive. It is very important to the people of the State of New York. The laws of New York carefully protected both the State and the immigrant from imposition, but those laws are held void by the Supreme Court of the United States. I trust there will be consideration given to the subject by Congress during this session. It is quite important that there should be some general law which shall tend to protect the immigrant coming in, to protect him after he has landed, and also prevent him from becoming any serious burden to the State. I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MITCHELL presented a memorial of citizens of Oregon and elsewhere, printers, stationers, and lithographers, remonstrating against the Government selling below cost postal cards, paper-wrappers, and envelopes, stating their objections at length; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McDONALD presented the petition of Jacob B. Powers, praying to be allowed a pension; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. If there are no further petitions, reports of committees are in order.

TEXAS CENTENNIAL COMMISSIONERS.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 1749) authorizing the President to appoint two centennial commissioners for the State of Texas in lieu of those now acting, to report it without amendment. The facts in regard to this bill are such that I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. HAMILTON. I object to the consideration of the bill, and ask that it be referred to the Committee on the Judiciary.

I will state that when the bill came here from the House of Rep-

resentatives, after being read at the desk it was referred to the Committee on Foreign Relations. I went to the Senator from Pennsylvania, the chairman of the committee, and asked that I might be heard before that committee in behalf of Mr. Parsons and Mr. Chew, the former commissioners. He promised me that I should have that privilege. I also spoke to one or two other members of the committee on the subject. It turned out, however, that the new commissioners had already been appointed when the bill came from the House; that they had been commissioned by the President and their commission had gone to Texas, and they were here the very next day after the bill came to the Senate. The bill was then suffered to lie on the table of the committee, as I was informed by one of the members of the committee, and not disturbed again.

The new commissioners went to Philadelphia to meet the commission there preparatory to opening the exhibition and the commission refused to receive them. The old commissioners are acting to-day. The Secretary of State informs me that they were removed upon the statement of the governor of Texas that they had lost their residence in Texas and had changed their citizenship to the State of New York. The commissioners take issue with the governor of the State on that point; they deny it absolutely and have sent affidavits here of the fact.

Mr. President, I want this matter fairly considered in committee, and I ask that the bill may go to the Committee on the Judiciary. I think I have been badly treated by the Committee on Foreign Relations, and I must say so here in my place in the Senate.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Texas object to the present consideration of the bill?

Mr. HAMILTON. I do object.

The PRESIDENT *pro tempore*. Then it is not before the Senate.

Mr. CAMERON, of Pennsylvania. I must say, after hearing the statement of the Senator, that I have been unjust to him. I had entirely forgotten my promise. The bill came from the House of Representatives some time ago, and from the information we had it appeared that the commissioners first appointed were not acting, but had left the State, and it was desirable that the State should have an opportunity of being represented. Of course I withdraw my motion to have the bill acted upon now, and move that it be recommitted to the Committee on Foreign Relations, if that will be satisfactory to the Senator from Texas.

Mr. HAMILTON. Very well.

Mr. CAMERON, of Pennsylvania. I trust my explanation will satisfy the Senator from Texas.

Mr. HAMILTON nodded assent.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to recommit the bill to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3368) to appropriate $9,000 to pay the expenses of the Select Committee to Investigate the Federal Offices in Louisiana; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 3356) authorizing the transfer of a certain appropriation; and

A joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station-house at the centennial exposition.

RECESS FOR CENTENNIAL CEREMONIES.

The message also announced that the House had passed a concurrent resolution providing for an adjournment of the two Houses from Tuesday, the 9th instant, to Friday, the 12th instant, to attend the centennial ceremonies at Philadelphia.

Mr. MORRILL, of Maine. I ask unanimous consent to have the resolution of the House presented to the Senate at this time.

The PRESIDENT *pro tempore*. If there is no objection, the Chair will lay before the Senate the concurrent resolution of the House of Representatives.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of Congress accept the invitation of the Centennial Commission to attend the ceremonies to be observed at the opening of the international exhibition of 1876, on the 10th instant, at Philadelphia; and that to that end when the respective Houses shall adjourn on Tuesday, the 9th instant, it shall be to meet at twelve o'clock meridian on Friday, the 12th instant.

Mr. MORRILL, of Maine. I hope it will be the pleasure of the Senate to consider the resolution at the present time, if there is any disposition to consider it at all.

The PRESIDENT *pro tempore*. Is there objection to the present consideration? The Chair hears none. The question is on concurring in the resolution.

Mr. EDMUNDS. On reflection I think I will move differently from what I did yesterday on a similar topic. I move to amend the resolution by striking out "Friday, the 12th instant," as the day of reassembling, and inserting "Monday, the 15th instant," at the end of the resolution.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. CONKLING. I should like to hear from the Senator from Vermont what the reason is for that amendment.

Mr. EDMUNDS. I shall be most happy to inform my distinguished friend from New York what my reason is. It may not be a reason to him.

Mr. CONKLING. The Senator's reason is the only reason I want to know.

Mr. EDMUNDS. That is a sufficient reason to require me to state it upon that ground, if upon no other, and I will proceed to state it. My reason is, in order to make the adjournment from Tuesday go over until the next Monday. That is the object I have in view. My reason for having that object in view, (which I suppose is the real thing which my friend from New York wishes to get at,) is that I think it would be an actual saving of time to the business of the Senate and of the House of Representatives, although that of course is a matter for them entirely. If we come back here on Friday, it is a moral certainty from our traditions and our experience that we shall not do anything until the next Monday; and if so, then it is much better that we should not be called upon to assemble here, but attend to our respective affairs, chiefly the affairs of the country in committee business, and other necessary work. That is the object which I have in view.

Mr. CONKLING. Mr. President, my own impression is that the better thing for us to do is that proposed by the House of Representatives. It is to enable the two Houses in body, or every member of either House as an individual, to go and attend the significant historic occasion which is to begin on Wednesday next at Philadelphia. If we adjourn from Tuesday until Friday, it will enable every one to go from here on Tuesday afternoon and to remain on Wednesday and Thursday, coming back here Thursday afternoon or Thursday evening. It seems to me that that time is abundantly sufficient for doing everything which will naturally pertain to such a visit. If I am right, why should we lose in the trial which proceeds now, Friday and Saturday? What good will come of that? Will it enable members of the Senate, as a rule, to visit their homes after being two days in Philadelphia? Hardly one. The Senators from Delaware, the Senators from Maryland, the Senators from Pennsylvania perhaps, and a few others, may have such an opportunity; but to the great body of the Senate it will be wholly useless as a vacation.

The Senator from Vermont, as far as I could ascertain any fact, in the general blaze of the wit with which he illuminated this subject, intimated that the occasion was to be valuable for use in committee. That is a very standing, perhaps I might say a very stereotyped reason, for all propositions of this sort. I do not believe that while the centennial exposition is going on, on Friday and Saturday, we are likely to make as good use of time in committees as we are by adhering to this trial, which is likely at all events to be cut into by the unavoidable recess which is to be taken; and, therefore, as I want this session of Congress—and I think I express the disposition of a great majority of this body—to close as soon as it can close properly; as I do not mean myself to vote for an adjournment *sine die* while anything remains to be done which ought to be done or anything to be prevented which ought to be prevented, by the presence of the two Houses here, I should like to make such haste and observe such diligence as we can, without throwing away, as I think we shall, several days by this proposition without any use.

Mr. President, I ask the yeas and nays upon this proposition. I think we ought to take the question in that way.

The yeas and nays were ordered.

Mr. EDMUNDS. I entirely agree with all that the Senator from New York has said touching the duty of Congress to be diligent and to stay here as long as anything remains to be done or remains to be prevented that ought to be done or ought to be prevented. But I have yet to learn that by an affectation of stupendous sitting day after day we ever gain anything. If the Senator from New York is correct in what he seems to assume, that we are not going to finish the present hearing in the matter of the impeachment before next Tuesday night, the time at which this resolution proposes to adjourn, and that that argument is to be left unfinished at that time, then I should quite agree with him that it is everybody's duty to hurry back here and drop all committee business and everything else and finish it; but I do not see what possible excuse there can be for us, so far as we can at present perceive, for having this argument go on to-day, to-morrow, Monday, and Tuesday, and not be finished then. Of course, if it is not the pleasure of the Senate to sit late, but to adjourn after three or four hours, as we did yesterday, then of course as the time is unlimited it may drag along for a long time; but if we were to do as most courts would under the circumstances, that were holding a special trial and were not sitting day by day and having fixed hours, go on just as long as the strength and endurance of the counsel and the Senators fairly would allow, then I should have little doubt that we could finish this hearing to-day and to-morrow, and certainly by Monday or at the very utmost possible by Tuesday.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, to strike out "Friday, the 12th," and insert "Monday, the 15th," on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 36; as follows:

YEAS—Messrs. Anthony, Bogy, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Cooper, Edmunds, Hamlin, Hitchcock, Jones of Florida, Logan, Mitchell, Morton, Norwood, Paddock, Ransom, Saulsbury, Sherman, and Whyte—20.

NAYS—Messrs. Allison, Bayard, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Hamilton, Harvey, Howe, Ingalls, Johnston, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Thurman, Wadleigh, Wallace, Windom, Withers, and Wright—36.

ABSENT—Messrs. Alcorn, Bruce, Cragin, Dennis, English, Frelinghuysen, Goldthwaite, Gordon, Jones of Nevada, Maxey, Patterson, Randolph, Robertson, Sharon, Spencer, Stevenson, and West—17.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the resolution of the House of Representatives.

Mr. HOWE. Mr. President, if we are to have time to go to Philadelphia, and are to go there for the purpose of that opening on Wednesday, it seems to me very desirable that we should go there on Tuesday; and if we are to go there on Tuesday, that seems to me rather inconsistent with the holding of a session on that day. For that reason I should prefer that the two Houses would adjourn on Monday instead of on Tuesday.

Mr. SHERMAN. I was about to make a suggestion. The House declining to adjourn beyond Friday, we could meet on Friday with the understanding arrived at by general consent that an adjournment should take place from that day until the following Monday. That will accomplish the same purpose. I think with the Senator that we ought to be allowed a full week.

Mr. HOWE. But that was not my point at all.

Mr. SHERMAN. I thought it was.

Mr. HOWE. The question to which I asked the attention of the Senate was how we are to have a session on Tuesday and go to Philadelphia on Tuesday? It occurs to me that we should adjourn on Monday.

Mr. MORRILL, of Maine. I would suggest to the Senator that we can, so far as arrangements are concerned, have two legislative days, Monday and Tuesday, leaving here Tuesday evening in sufficient time to reach Philadelphia on Tuesday evening and at not a very late hour.

Mr. HOWE. At what time will the train leave here?

Mr. MORRILL, of Maine. Say six o'clock.

Mr. INGALLS. Five o'clock.

Mr. MORRILL, of Maine. We can leave at six o'clock and get to Philadelphia by ten o'clock.

Mr. HOWE. Upon that information I will not make the motion I was about to make.

Mr. CAMERON, of Pennsylvania. I think the Senator from Maine is mistaken as to the time it will require to go from here to Philadelphia. We cannot get into Philadelphia comfortably by taking the ordinary trains if we go later than half past one o'clock in the day. If we start at six o'clock we shall not get there till after eleven. We cannot go there in less than five hours, especially when so many cars and trains will be on the road. We shall not be able to do any business on Tuesday. It would be much better to adjourn at once from Monday. I make that motion, to strike out "Tuesday" as the day of adjournment and insert "Monday."

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves to amend the resolution by inserting "Monday" instead of "Tuesday."

Mr. MORRILL, of Maine. If that is founded upon the supposition that we cannot leave here on Tuesday after a convenient session on that day, I wish to say that my belief is, founded upon information which I think to be accurate, that Congress can go there and be taken over in an express-train in four hours, which will leave us a legislative day, and bring us to Philadelphia without any special inconvenience as to late hours.

Mr. CAMERON, of Pennsylvania. There is nothing impossible under the sun; but the trip has not been made lately in four hours, and it never has been done that I know of. I am sure when the road will be full of trains, when a part of the distance it is only a single-track road, no sensible person will be willing to risk his life in going over there in that time. Let us adjourn on Monday, start at a convenient hour in the morning of Tuesday, and reach Philadelphia at a comfortable hour in the evening.

Senators will remember also that the town will be filled with people, and there will be difficulty in getting accommodations, comfortable lodgings, &c. So it will be much better for all of us to start at an early hour of the day and take one of the regular trains, for they are always safer than special trains got up to furnish people cheap travel, when the cars are overburdened with crowds. For many other reasons I submit that the motion I have made is proper.

Mr. MORRILL, of Maine. The Senator does not need to be reminded that the trains are now regularly leaving here in the afternoon at half past five o'clock and reaching Philadelphia at half past ten o'clock. There is no marvel about this. We can leave here at six o'clock and reach Philadelphia at ten o'clock by an express train with perfect convenience; and if there is no disposition to fritter away a day, there is no occasion for amending this resolution.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Pennsylvania.

Mr. THURMAN. I hope the resolution will pass just as it came from the House of Representatives. If we agree to adjourn on Monday, I do not know whether the arguments in the impeachment trial will be through—the counsel and the managers will know better—but I am not in favor of limiting them, and it may be necessary for us to sit on Monday in order that they may conclude their arguments, and they ought to be concluded before any other matter intervenes. I hope the resolution will pass just as it came from the House.

Mr. ANTHONY. If the time has arrived for the Senate to commence proceedings sitting as a court of impeachment, I hope we shall proceed in that capacity.

Mr. CAMERON, of Pennsylvania, and others. Let us have a vote on this.

The PRESIDENT *pro tempore*. The Chair understood that this matter was continued by common consent. Unless there is objection the Chair will put the question on the amendment proposed by the Senator from Pennsylvania, to strike out "Tuesday" and insert "Monday."

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the resolution of the House of Representatives.

The resolution was concurred in.

Mr. CAMERON, of Pennsylvania. I desire to say to Senators that I am a little careful about my life, and I have arranged to have a special car for myself, which will leave here at about one o'clock on Tuesday, in which I hope that other gentlemen who are necessary to the country will take a seat.

Mr. MORRILL, of Maine. I hope the honorable Senator if he leaves the Senate will be careful to get leave of absence.

Mr. CAMERON, of Pennsylvania. No leave of absence will be required on Tuesday.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, the legislative and executive business of the Senate will now be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session. The Chair will lay before the Senate a bill from the House of Representatives.

HOUSE BILL REFERRED.

The bill (H. R. No. 3368) appropriating $9,000 to pay the expenses of the select committee to investigate the Federal offices in Louisiana was read twice by its title, and referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That Alexander C. Crawford have leave to withdraw from the files of the Senate his petition and papers on leaving copies of the same with the Secretary.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of Laura M. Knowlton, widow of Thomas J. Knowlton, veterinary surgeon Eighth Iowa Cavalry, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. No. 816) granting a pension to Laura M. Knowlton.

The bill was read and passed to the second reading, and the report was ordered to be printed.

EXECUTIVE SESSION.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were re-opened, and (at four o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION.

Mr. LANDERS, of Indiana. I find that the Journal, as read, is incorrect in this: When the gentleman from New York [Mr. MACDOUGALL] offered a resolution in regard to certain alleged murders in the State of Louisiana, and an amendment was offered by the gentleman from New York [Mr. BEEBE] that the investigation should also embrace

the alleged killing of a negro man and the wounding of eight others at Indianapolis at the late election, the gentleman from New York [Mr. TOWNSEND] said that the killing of that negro was caused by democrats, and the gentleman from Indiana [Mr. ROBINSON] said that he was killed by democratic policemen. I do not find those declarations in the Journal.

The SPEAKER *pro tempore*. There is nothing recorded in the Journal that pertains to that question.

Mr. LANDERS, of Indiana. I desire to inquire of the Chair whether the remarks of those gentlemen ought not to have been a matter of record?

Mr. HURLBUT. Do you want them recorded?

Mr. LANDERS, of Indiana. I do want them recorded. If gentlemen will make such remarks I want them recorded.

Mr. ROBINSON. The statement was true.

The SPEAKER *pro tempore*. The Chair cannot rule on the question submitted by the gentleman from Indiana, [Mr. LANDERS.] At the time the remarks of the gentleman from New York [Mr. TOWNSEND] and the gentleman from Indiana [Mr. ROBINSON] were made they were entirely out of order. Their remarks were not inserted in the RECORD, and it was not proper to put them in the Journal.

Mr. WELLS, of Mississippi. Will they not appear in the RECORD if they are stated by the gentleman from Indiana to-day?

The SPEAKER *pro tempore*. The gentleman from Mississippi understands that as well as the Chair. The Chair cannot entertain the motion to correct the RECORD on a matter that does not appear in the RECORD. In fact the remarks the gentleman refers to were not heard by the House and were not in order. The gavel of the Chair seemed to be the more prominent noise in the House at that time.

The Journal was then approved.

PRINTING OF DISTRICT DELINQUENT TAX LIST.

Mr. BUCKNER, by unanimous consent, introduced a joint resolution (H. R. No. 111) as to the printing of the delinquent tax-list of the District of Columbia for 1875; which was read a first and second time.

Mr. BUCKNER. I ask that the joint resolution may be put upon its passage.

The joint resolution was read. It directs the commissioners of the District of Columbia to cause to be published the list of lands and lots in said District delinquent in the payment of taxes for the year 1875 in pamphlet form. It also provides that the printing thereof be done at the Government Printing Office at the net cost thereof, and that three thousand copies of said delinquent tax-list be printed and kept for distribution among the tax-payers of the District at the office of the collector of taxes of the said District.

Mr. BUCKNER. The object of this joint resolution is to carry out the provisions of the tax bill that has gone over to the Senate from this House and to reduce the cost, which has hitherto been very large, of printing delinquent tax-lists for this District. We can save the District $10,000 by the passage of this joint resolution.

Mr. WALLING. Let us pass it, then.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VENTILATION OF THE HALL OF THE HOUSE OF REPRESENTATIVES.

Mr. YOUNG, by unanimous consent, from the Committee on Public Buildings and Grounds, submitted a report in regard to the ventilation of the Hall of the House of Representatives, accompanied by the following resolution:

Resolved, That the sum of $4,600 be, and the same is hereby, appropriated out of the contingent fund of the House for the purpose of securing a more thorough ventilation of the Hall of the House of Representatives; $1,000 of said sum to be expended under the direction of Professor Joseph Henry, Colonel Thomas L. Casey, Hon. Edward Clark, F. Schuman, and Professor John S. Billings; and $3,600 under the direction of the Committee on Public Buildings and Grounds, in such manner as they may deem proper in carrying out the purpose hereinbefore indicated.

The resolution was adopted, and the report was ordered to be printed, and to lie on the table.

PACKING TOBACCO.

Mr. WALLING, by unanimous consent, presented the memorial of Brooks & Houston, Isaac Eberly & Co., and nine other firms, engaged in the manufacture and sale of tobacco, of the city of Columbus, Ohio, against any change in the mode of packing tobacco; which was referred to the Committee of Ways and Means, and ordered to be printed in the CONGRESSIONAL RECORD.

The memorial is as follows:

Memorial of manufacturers and dealers against any change in the mode of packing tobacco.

To the honorable members of the Senate and House of Representatives:

The undersigned, manufacturers and dealers in tobacco, of Columbus, State of Ohio, respectfully, but earnestly, petition your honorable bodies to permit the law regulating the manner of packing tobacco to remain as it is at present. They would respectfully represent that a change in the packing of fine-cut chewing tobacco, forbidding the use of large wooden packages, would seriously derange the tobacco business of the country, and cause widespread dissatisfaction to the consumers, who would have just cause to protest against the greatly increased cost of their tobacco, occasioned by the proposed change in packing, with a knowledge that no portion of such a grievous tax would go into the public Treasury. It is requisite that this kind of tobacco should be kept in a soft, moist condition, which is best accomplished by the use of the large package. No reason can possibly be given for this attempt to radically break up an established trade of the country on the ground of any failure in the payment of tax which we believe is paid to the fullest extent.

INFRINGEMENT OF PATENTS.

Mr. HURLBUT, by unanimous consent, introduced a bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at twenty-three minutes after twelve o'clock, and this being Friday the business of the morning hour is the call of committees for reports of a private nature. The call rests with the Committee on Private Land Claims.

CALEB L. BRAYTON.

Mr. AINSWORTH, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF ZACHARIAH B. WASHBURN.

Mr. CANNON, of Illinois, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased.

Mr. CANNON, of Illinois. I am directed by the committee unanimously to report this bill, and I ask that it be passed. There is no question about it; its object is only to perfect the title to about one hundred and fifteen acres of land where, owing to a technical defect, the Department is prevented from granting title.

Mr. BLOUNT. I object.

Mr. CANNON, of Illinois. I hope the gentleman will withdraw his objection. This is a bill to perfect a title merely, and it is unanimously reported. The Government has no interest in it at all; the difficulty in the way of perfecting the title is a technical one. I have here a letter from the Commissioner of the General Land Office in reference to the case.

Mr. BLOUNT. Let the letter be read.

Mr. CANNON, of Illinois. I call for the reading of the letter of the Commissioner.

The SPEAKER *pro tempore*. The bill will first be read.

The Clerk read the bill, as follows:

Whereas on the 20th day of January, 1836, the said Zachariah B. Washburn did enter and purchase, of the proper officers, the west part of the northeast fractional quarter of section 24, in township 18 north, of range 11 west of the second principal meridian, in the district of public lands then subject to sale at Danville, in the State of Illinois, and did thereupon receive a certificate of purchase therefor, in which the said land was erroneously described as the northwest fractional quarter of said section 24, and also a patent therefor was afterward issued to the said Washburn, in which the said lot of land was also erroneously described as aforesaid: Therefore,

Be it enacted, &c., That the Commissioner of the General Land Office issue to the legal representatives of the said Zachariah B. Washburn a patent for the said west part of the northeast quarter of said section 24, in the township and range aforesaid, and that the preamble above herein be recited in said patent.

Mr. BLOUNT. I now ask for the reading of the letter of the Commissioner.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 17, 1875.

SIR: Your letter of the 7th ultimo has been received, relative to cash entry No. 4147 by Zachariah B. Washburn, January 20, 1836, described as the northwest fractional quarter of section 24, township 18 north, range 11 west of the second principal meridian, Illinois, and said to contain 115.13 acres.

In reply I have to state that from a thorough investigation of this case the following facts appear, namely: That Zachariah B. Washburn paid for 115.13 acres, and received a patent therefor, November 1, 1839; that it is probable a clerical error was made in filling up the entry papers describing the tract as northwest fractional quarter of section 24, when it should have been described as west part of northeast fractional quarter of said section 24.

This appears from the fact that at a subsequent period, namely, November 29, 1836, the said Washburn, with John H. Adams, entered together the greater part of the northwest quarter of said section 24, namely, east half of northwest quarter and northwest quarter of northwest quarter of section 24, as per certificates Nos. 6821 and 6822, which tracts were patented to said Washburn and Adams, November 1, 1839.

Hence there can be little doubt that Washburn intended to enter the west part of northeast fractional quarter of said section 24, containing 115.13 acres, as per certificate No. 4147.

The plat of survey, a diagram from which is hereto attached, shows no other legal subdivision of said section 24 having the same area of 115.13 acres.

On the 12th of November, 1872, the register at Springfield, Illinois, was instructed, in relation to this case, to call upon Mr. Washburn or his grantee to surrender the patent describing the northwest fractional quarter of section 24, and forward it to this Office, accompanied by a deed of relinquishment of the land therein conveyed, together with a certificate of the county recorder of non-conveyance and non-incumbrance of the same, and that upon receipt thereof a new patent would be issued for the west part of northeast fractional quarter of said section 24.

It appears by a communication from you to the register at Springfield, dated March 25, 1871, that said Zachariah B. Washburn has been dead for many years, as also the administrator of his estate; that his heirs have left the country, and that no trace of the patent can be found.

In view of the above showing I have to state that, without being in possession of the patent, this Office can take no further action in the case, and the only remedy

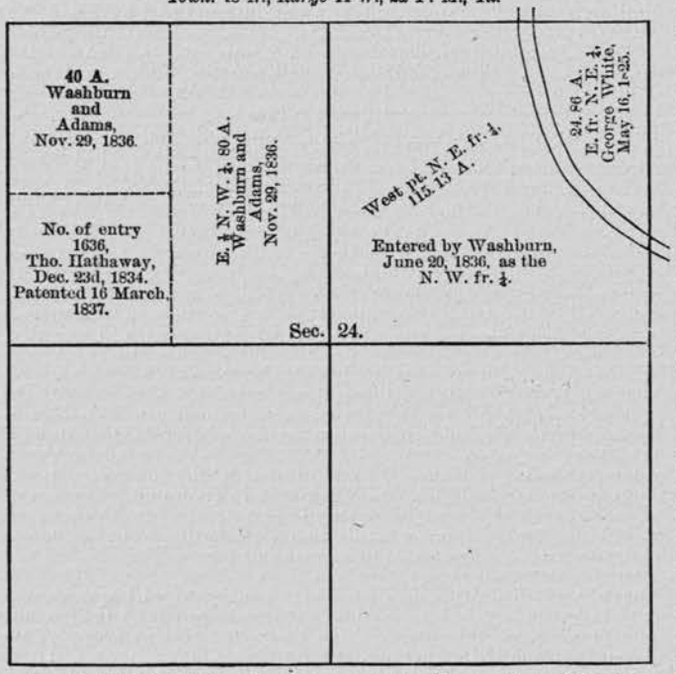
left is for the present grantee to purchase the said west part of northeast fractional quarter from the United States, at the rate of $1.25 per acre, or to apply to Congress for a special act authorizing this Office to issue a patent to him for said tract.

Respectfully,

S. S. BURDETT, *Commissioner.*

E. S. TERRY, Esq.,
Danville, Illinois.

Town. 18 *N., Range* 11 *W., 2d P. M., Ill.*



Mr. CANNON, of Illinois. I now ask for the reading of the letter referred to in that communication.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 25, 1876.

SIR: In the matter of your reference of a letter from this office addressed to E. S. Terry, esq., of Danville, Illinois, dated June 17, 1875, relative to cash entry No. 4147, by Zachariah B. Washburn, dated January 20, 1836, I have to state that this office has no legal authority to take any other action in the case than that expressed in the letter above referred to, which is herewith returned.

Very respectfully,

U. J. BAXTER,
Acting Commissioner.

Hon. J. G. CANNON,
House of Representatives, Washington, D. C.

Mr. BLOUNT. I believe the report of the committee is unanimous.

Mr. CANNON, of Illinois. Yes, sir.

Mr. BLOUNT. Then I withdraw my objection.

The SPEAKER *pro tempore.* The gentleman from Georgia withdraws his point of order, because it was properly a point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHWESTERN IMPROVEMENT COMPANY.

Mr. MORGAN, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WINNEBAGO INDIANS OF WISCONSIN.

Mr. MORGAN also, from the same committee, reported, as a substitute for House bill No. 1296, a joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the resolution of the House of Representatives accepting the invitation of the Centennial Commission to attend the ceremonies to be observed at the opening of the international exhibition of 1876, on the 10th instant, at Philadelphia, and that to that end when the respective Houses shall adjourn on Tuesday the 9th instant it shall be to meet at twelve o'clock m. on Friday, the 12th instant.

The message further announced that the Senate had agreed to the resolution of the House in relation to the distribution of the reports of the United States geographical survey west of the one hundredth meridian.

The message further announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

BENJAMIN L. CORNISH.

Mr. HURLBUT, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Twenty-second Wisconsin Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HURLBUT also, from the same committee, reported adversely in the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1137) for the relief of Maria B. Lemmon;

The petition of John C. Griffin;

The memorial of John R. Roche;

A bill (H. R. No. 638) for the benefit of Elkannah Huddleston;

A bill (H. R. No. 502) for the relief of Charles D. C. Williams, late a captain of marine artillery;

The petition of Elijah Cudgington, praying Congress to grant compensation for services as a scout and spy;

The petition of Thomas Raines, asking compensation for services rendered the United States;

The petition of Captain James A. Dougherty, asking pay for services as an officer of the United States Army;

The petition of William Witherow, asking pay for services in the United States Army; and

The petition of Mrs. Jane Jamieson, of Green County, Missouri, for relief.

BOUNTIES TO SOLDIERS.

Mr. HURLBUT moved that the Committee on Military Affairs be discharged from the further consideration of the following petitions, and that the same be laid on the table:

The petition of 39 citizens of the State of Pennsylvania, asking Congress to grant one hundred and sixty acres of land to all soldiers who have served in the military or marine service of the United States for a period of thirty days and received an honorable discharge; and

The petition of Benjaman Newcomb and 65 others, of Canton, Pennsylvania, late soldiers of the United States, praying for a grant of one hundred and sixty acres of land and an appropriation of $200 in money to each and all soldiers who served for the term of thirty days either in the military or marine service of the United States and received an honorable discharge therefrom.

The motion of Mr. HURLBUT was agreed to.

LEAVENWORTH STREET RAILROAD COMPANY.

Mr. TERRY, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying report ordered to be printed:

A bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; and

A bill (H. R. No. 156) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation.

NORTHERN RAILWAY COMPANY OF CALIFORNIA.

Mr. TERRY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California.

The question was upon ordering the bill to be read a third time.

The bill grants the right of way, not exceeding one hundred feet in width, through the lands of the United States included in the military reservation near Benicia, in the State of California, to the Northern Railway Company for the purpose of constructing a railroad, and provides that the said right of way, and the width and location thereof through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to and approved by the Secretary of War prior to any entry on said lands, or the commencement of the construction of said works; that whenever said rights of way shall cease to be used for the purposes aforesaid, the same shall revert to the United States, and that the right to repeal, alter, or amend the act is reserved to Congress.

The bill was ordered to a third reading, read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL FISCAL AGENTS IN LONDON.

Mr. BEEBE. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Expenditures in the Navy Department, without printing, a communication just received from the Secretary of the Navy.

There was no objection.

The SPEAKER *pro tempore* accordingly laid before the House a letter from the Secretary of the Navy, transmitting, in response to a House resolution of March 21, 1876, copies of all accounts of the Navy Department with fiscal agents of that Department in London, for each year since 1868; which was referred to the Committee on Expenditures in the Navy Department.

KEY WEST, FLORIDA.

Mr. TERRY, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (S. No. 391) to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida.

The question was upon ordering the bill to be read a third time.

Mr. RANDALL. I reserve the point of order on that bill, as to its being a public bill.

Mr. TERRY. Let the bill be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to purchase, for the use of the United States, at a price which shall be agreed upon between him and the owners, and not to exceed $2,000, a certain parcel or tract not exceeding five acres of land claimed by W. C. Maloney and wife, lying and situate on the island of Key West, Florida, and adjoining the military reservation on said island: *Provided*, That the title of said parties to said property shall be found to be in all respects good and valid in law and equity. And this authority shall expire at the end of one year from the passage of this act; and the necessary amount of money to pay for the said land, in the event of purchase, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That if the Secretary of War and the owners of said property shall be unable to agree upon a price to be paid by the United States for said land, or if for any reason the United States shall fail to acquire the title to the same within a reasonable time after the passage of this act, then it shall be the duty of the Secretary of War to cause the possession of said property, if the same belongs to the said Maloney and wife, or such part of it as is now or may be occupied by the United States, to be restored to them.

Mr. RANDALL. The point of order applies both to the fact that the bill contains an appropriation and that it is a public bill. But the gentleman from Virginia [Mr. TERRY] tells me that the Secretary of War is desirous to have this bill passed; and therefore I withdraw my point.

Mr. RUSK. I renew the point. I must object to any public bill being reported under this call.

The SPEAKER *pro tempore*. The point of order being raised, the Chair feels bound to sustain it, because to allow the presentation of public bills under this call would confuse the two Calendars and give rise to inextricable confusion. The Chair therefore sustains the point of order.

MAJOR FOSTER A. HIXON.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army; which was referred to the Committee of the Whole on the Private Calendar.

SIGNAL-SERVICE OBSERVATIONS FOR PUBLIC HEALTH.

Mr. HARDENBERGH. I am directed by the Committee on Military Affairs to report back, with a favorable recommendation, the bill (H. R. No. 222) to extend the observations of the Signal Service of the Army so as to benefit the public health.

Mr. RANDALL. That is a public bill.

The SPEAKER *pro tempore*. It is certainly a public bill. The Chair must sustain the point of order.

Mr. RANDALL. I suggest to the Chair that he consider the point of order as raised against all bills of this character.

The SPEAKER *pro tempore*. It has been the practice of previous occupants of the chair to rule out all bills of this character without the point being specifically raised in each case. The Chair will follow that practice.

JOHN HEBERER.

Mr. HARDENBERGH, from the Committee on Military Affairs, reported back adversely the bill (H. R. No. 2082) for the relief of John Heberer; which was laid on the table, and the accompanying report ordered to be printed.

THE NATION'S DEBT TO ELIZA POTTER.

Mr. HARDENBERGH. By the unanimous direction of the Committee on Military Affairs I report back, with a favorable recommendation, the bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

The bill was read. It appropriates $20,000 to Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

Mr. HARDENBERGH. Mr. Speaker, it has fallen to my lot, by direction of the Committee on Military Affairs, to report as approved by them this bill for the relief of Mrs. Eliza Potter. It is a Senate bill, having received the unanimous sanction of the Senate, was referred to the Committee of the House on Military Affairs, and is now reported to the House, not alone for its respectful consideration, but its kindly and generous approval, and I ask in its behalf the attention of Representatives.

It is an anomalous case—stands by itself—and should not be determined by the common rules which apply to losses sustained in war. The evidence before the committee is sufficient to justify us in recommending an appropriation for the relief of the petitioner.

Here was a citizen of the United States in affluent circumstances, fulfilling all his obligations of fealty and duty to the Government for protection in his person and property, residing in a State the people of which had rebelled against the national authority. Amid the tempest of indignation and hate which is gathering about him he maintains his loyalty. His faith and courage never forsake him. He ministers to the sufferings of Union soldiers, prisoners of war; supplies them with money, dresses their wounds, alleviates their pain, and cheers them with the hope of restoration to friends and liberty; and this not for days or weeks, but for months and years.

As the numbers increase and the horrors of war are multiplied, he lavishly expends his time and means in the establishment of hospitals, planning methods of escape, devoting his best energies to mitigating the calamities which attend the fierce conflict of arms. He exposes his life, endures privation and losses, his property is destroyed by national as well as confederate troops, until, reduced to penury and maddened by the frightful experience he has endured, reason fled from her throne and he died a lunatic, bereft when living of all that can render life desirable and without even the consolation of knowing that his country would provide his remains even with a grave. Such was his career, such his history.

Listen, and I will tell you more. His widow, disconsolate and broken down with grief, appeals to that country for a return of only so much of property as will enable her to pass the remainder of her life in repose and comparative tranquillity, and my judgment affirms the suggestions of sympathy and informs me it would be an act of righteousness and justice to contribute to her relief.

Sir, there was a time when this man, this family, were in the enjoyment of every blessing a kind Providence vouchsafes to the most favored of his creatures: position, wealth, and troops of friends. A time came when the life of his country was in danger; when darkness, dismay, and doubt struck terror into the firmest hearts; when friends were faltering and enemies became exultant; when the eye of the patriot was dim with tears and the heart of the philanthropist was heavy with sorrow. With Roman fortitude he adhered to the fortunes of his country and sacrificed his own.

When such an example is presented we cannot disregard the obligations of justice. We may not restore home or lands or houses or kindred; we may not rekindle hopes which have been blasted or renew affections which have been crushed; but we can establish the precedent that this Government will recognize those claims which are based on signal services rendered to the Republic, and that when a citizen has made extraordinary sacrifices involving the total loss of his property his family shall not be permitted to linger in suffering and want.

If the State of New Jersey under the law of necessity had destroyed the property of one of her citizens she would have made compensation for the loss, for the obligation of the State is to protect. But to what State could a citizen of South Carolina apply for the reparation of losses sustained in defending the General Government? South Carolina had repelled the allegiance of all those who bore fealty to the Union.

This petitioner was an enemy to the confederacy, and as such his property was beyond protection—nay, became forfeited. But he was a loyal citizen of the United States, and had a right to security in his person and property, for allegiance and protection are reciprocal.

If there is any reason why, under our Constitution and laws, we are prohibited from recognizing the prayer of this petitioner, then one of the highest attributes of sovereignty is not inherent in the national authority.

It will be time enough to listen to the suggestions of policy when this House finds itself unable to determine the righteousness of matters submitted for its judgment. If we have the power to destroy property we have the power to compensate the owner for it. Whether we will compensate or not depends upon the facts presented. If we shall pass this bill it will be no precedent except where the same facts have occurred, and wherever they have I am in favor of granting relief.

The exigencies of war open the door to innumerable frauds. Individuals advance their interests to the detriment of the public welfare. A good cause may be imperiled by the selfish conduct of those who hasten to change the government when their interests are jeopardized and refuse to submit to any sacrifices for the preservation of the national authority.

If no distinction is to be made between those who cheerfully surrender their lives and their property in order to strengthen the arm of Government in the hour of danger and those who embrace such an hour as the opportunity for their lust of gain, then are republics so far contemptible. They cannot appeal to the noblest instincts which animate our nature.

The nation which deems it impolitic to distinguish between right and wrong in the conduct of its citizens cannot command the devotion or stimulate the enthusiasm of the noblest and best among them. What secured for Rome those marvelous exhibitions of self-sacrifice

which adorn the pages of her history and inflame the mind to generous and ardent sympathy?

To be a Roman citizen was even among barbarians a defense more impenetrable than armor of triple brass. On the desert, in the mountains, among strange races, he who bore that character was protected by an empire that never permitted the meanest of its subjects to feel himself abandoned. It was this consciousness which inspired heroic resolution, gave constancy in suffering, fidelity in temptation, and consolation in death. And shall the American citizen never feel emotions of gratitude toward his Government as such? Is the mighty arm that has subdued a continent powerless to defend one single family? Let it be known and appreciated that this Government represents the concentrated will of the entire people and has a moral as well as a physical power to exercise; that it has not been reserved for great empires in the past to encourage disinterested and generous impulses, and that our Christian civilization is as prompt to recognize the higher virtues of the individual citizen as it is able and willing to reward them.

Mr. Speaker, in the endeavor to discharge the high duties which devolve upon us here, I trust to have discarded in the review of this case all else than the simple obligations of duty to my country. While the records of our unhappy conflict on the fields of civil war are replete with the devotion of woman to the alleviation of its woes, no matter on which side had contended the stricken heroes, this bright and beautiful example of heroic devotion seems to stand aloof from all others in the intensity of its devotion, the wealth of its affection, and the beauty and brilliancy of its example.

Weary and worn with care and trial, a woman clad in the habiliments of mourning for six years past has wended her way to these halls of legislation for the relief so eminently her due. Three times the Senate of her country has approved her case and sent to this House a bill for her relief, and as often has it been postponed, not that it was unjust, but that in the hurry of legislation attention was not given it. With a more than Spartan valor she gave of her time and means to alleviate the sorrows of the wounded and the dying. With a consciousness of her own wealth she lavished all she could utilize in hospital and in prison upon the weary and the wounded, nor limited her charities, her benevolence, and her care to creed or kind. Her cause was for the Union, but in the melting tenderness of a woman's heart she bound alike the wounds of the soldier who was suffering, whether for the Union or for the confederacy. It is a God-like charity which dispenses its awards, and asks not by what bullet stricken amid the iron hail of war.

In behalf of this award the noblest of the land have yielded their expressions of sympathy. Sumner gave to it his unfaltering support. BURNSIDE certifies with earnestness to the debt this nation owes Eliza Potter; and acting Vice-President Wade, when in high authority, pronounced his unqualified approval, and at this session has urged with all his energy that in such a case as this the nation should hasten to discharge its obligation and acknowledge the service so faithfully rendered.

It is a record of woman's work in the civil war. Let it be rewarded as a proud nation should reward it; and by the passage of this bill let this House say that in giving all of wealth and family and home to her country that country will not desert her, but give solace and comfort to her advancing years by an offering substantial upon the altar of its patriotism and its affection. She asks no reward for long service by day or by night in the soldiers' hospital, soothing the wounded and holding converse with the souls of the departing so far as mortals may. Such deeds may not be measured by earthly values; but, when all else of her fortune has been lost, she has a right to ask that you return to her the simple moneys spent in the purchase of medicines administered by her and others in Carolina's hospitals when beyond the reach of the aid or comfort of that Government for whose wounded honor they were suffering in agony and want.

Various characteristics have been awarded this House since entering upon its career of legislation, but I have that faith in its generosity and that reliance upon its magnanimity to believe that, however else we may differ in the common effort to advance the better interests of our country, here at least we may join hands and hearts and votes in the interests of patriotism, of benevolence, and of charity.

Pass this bill, Mr. Speaker, and while you will relieve the suffering you give an example for history at once glowing and beautiful.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HARDENBERGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF GUSTAVUS B. HORNER.

Mr. COOK, from the Committee on Military Affairs, reported back the memorial for the benefit of the heirs of Gustavus B. Horner, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

LIEUTENANT JAMES RANDON.

Mr. COOK also, from the same committee, reported back adversely the petition of Lieutenant James Randon, of Grant County, Kentucky, for compensation for services as lieutenant; which was laid on the table, and the accompanying report ordered to be printed.

DAVID I. EZEKIEL.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 1882) to authorize the President of the United States to promote First Lieutenant David I. Ezekiel, of the Fourth Regiment of Infantry, United States Army; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM WELSH.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 1682) for the relief of William Welsh, late a captain in the Twenty-fifth Infantry, United States Army; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM M. MOORE.

Mr. COOK also, from the same committee, reported back adversely the bill (H. R. No. 762) for the relief of William M. Moore; which was laid on the table, and the accompanying report ordered to be printed.

LAWRENCE A. WILLIAMS.

Mr. COOK also, from the same committee, reported, as a substitute for House bill No. 1847 a bill (H. R. No. 3371) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army; which was read a first and second time.

Mr. COOK. That bill passed the last House unanimously, but went to the Senate too late for action there. It is a meritorious case, and has been unanimously reported by the Committee on Military Affairs. I ask that it be now put upon its passage.

The bill, which was read, authorizes and directs the President of the United States to place on the list of retired officers of the Army the name of Lawrence A. Williams, late major Sixth Cavalry, United States Army, with the rank of major; provided the said Lawrence A. Williams shall be entitled to pay as such only from the date of the passage of this act.

Mr. HURLBUT. That word "directed" should be stricken from the bill.

Mr. COOK. The word "directed" is not in the substitute.

Mr. HURLBUT. If the substitute contains the objectionable word "directed" I must object.

Mr. WILSON, of Iowa. I make the point of order that the bill under the rule must go to the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. This bill is obnoxious to the point of order and must go to the Committee of the Whole on the Private Calendar, as it makes an appropriation.

Mr. COOK. It merely restores this officer to the Army list.

Mr. BANNING. It does not make any appropriation.

The SPEAKER *pro tempore*. The Chair will read the rule:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. BANNING. This requires no appropriation of money.

The SPEAKER *pro tempore*. It authorizes the payment of money already appropriated or to be appropriated.

Mr. BANNING. He gets no pay up to this time.

The SPEAKER *pro tempore*. The Chair will sustain the point of order out of abundant caution. The bill will be referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILITARY POSTS, YELLOWSTONE AND MUSCLESHELL RIVERS.

Mr. THORNBURGH. I am directed by the Committee on Military Affairs to report a bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers, with the recommendation that it do pass, and to ask for its consideration at this time. I desire to make a statement in reference to this matter, which I think will be satisfactory.

Mr. RANDALL. Prior to the statement of the gentleman from Tennessee I will reserve the point of order.

Mr. THORNBURGH. If the point of order be made against the bill, it will hold good.

The preamble recites that Lieutenant-General Philip H. Sheridan and Brigadier-General Alfred H. Terry have, in their reports to the Secretary of War for the year 1875, set forth the great importance and immediate necessity of the construction of military posts at certain points on the Yellowstone and Muscleshell Rivers, in the Territory of Montana, and in the military department of Dakota, and such recommendations have been transmitted to Congress with the approval of the Secretary of War.

The bill then appropriates the sum of $300,000, or so much thereof as may be necessary, for the construction of such military posts or depots, at such points as may be selected by the Secretary of War.

Mr. RUSK. That is general legislation, and not in order on private-bill day.

Mr. RANDALL. I desire to state that this bill involves a large expenditure of money. I suppose it is right in itself that these two new posts should be established on the Yellowstone and Muscleshell Rivers, but the same bill ought also to embrace a provision for the vacation of several other posts, so we may not leave anything to un-

certainty. If we do establish these two new posts, then the six posts which are not now necessary, according to the same evidence upon which this bill is founded, ought to be abolished.

Mr. THORNBURGH. I withdraw the bill if it cannot be considered by unanimous consent. It is important that it should be considered at this time.

Mr. RANDALL. If the gentleman will provide in his bill for the vacation of the six or eight other posts mentioned by the same evidence not to be necessary, I will not object.

Mr. THORNBURGH. I desire to say to the gentleman from Pennsylvania that the Military Committee have considered this question, and believe the particular post to be abandoned by the establishment of these new posts had better be left to the discretion of the military authority.

Mr. RANDALL. I am willing to leave it to their discretion with the assertion in the bill that they shall vacate these six or eight posts.

Mr. MAGINNIS. As soon as possible.

Mr. THORNBURGH. They have said to the Committee on Military Affairs they will abandon certain other posts on the establishment of these new posts.

Mr. BANNING. If the bill is amended as suggested by the gentleman from Pennsylvania it may be passed without objection this morning, and it is important that it should be passed at an early day.

Mr. RANDALL. We have considered this subject in the Committee on Appropriations, and I am not speaking my own judgment, but that of the committee. I understood the gentleman from Tennessee to concur in the opinion these other posts were not necessary.

Mr. HURLBUT. I object to any debate upon a subject not before the House.

The SPEAKER *pro tempore*. There is nothing before the House, the point of order having been made and sustained that this is a public and not a private bill.

Mr. THORNBURGH. I withdraw the report.

JOHN AMMAHAIE OR AMMAHE.

Mr. STRAIT, from the Committee on Military Affairs, reported back a bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

JAMES G. WILLIAMS.

Mr. MILLIKEN, from the Committee on War Claims, made an adverse report on the petition of James G. Williams, of Memphis, Tennessee, for pay as scout and guide and for remuneration for property lost in the service of the United States; which was laid on the table, and ordered to be printed.

SEWELL B. CORBETT.

Mr. CABELL, from the Committee on War Claims, reported back, as a substitute for House bill No. 1119, a bill (H. R. No. 3372) for the relief of Sewell B. Corbett, of Alexandria County, Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HOSKINS. Mr. Speaker, I am directed by the Committee on War Claims——

The SPEAKER *pro tempore*. The Chair has made a mistake in calling the Committee on War Claims. Other reports from that committee will be received when it is called in its order. The call rests with the Committee on Naval Affairs.

There were no reports from the Committee on Naval Affairs.

REAR-ADMIRAL JOHN J. ALMY.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported back, with an adverse recommendation, the joint resolution (S. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands; and the same was laid on the table, and the accompanying report ordered to be printed.

CÉLESTE M'GOWAN, NOW FREYTET.

Mr. BLAND, from the Committee on Revolutionary Pensions, reported back, with an adverse recommendation, the bill (H. R. No. 2600) granting a pension to Mrs. Céleste McGowan, now Freytet; and the same was laid on the table, and the accompanying report ordered to be printed.

ROBERT M. BARR.

Mr. DAVIS, from the Committee on Revolutionary Pensions, reported back the petition for bounty of Robert M. Barr, father of William B. Barr, deceased, late a private of Company E, Seventy-third Regiment Pennsylvania Volunteers; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ESTHER P. FOX.

Mr. HENDERSON, from the Committee on Revolutionary Pensions, reported back, with an amendment, the bill (H. R. No. 1238) granting a pension to Esther P. Fox; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. COCHRANE. I ask the Chair whether the morning hour has not expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. COCHRANE. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. RUSK. I hope the gentleman will withdraw that motion until the call of the committees is completed.

Several members called for the regular order.

Mr. HOSKINS. I ask the gentleman to yield to me to present two reports from the Committee on War Claims.

Mr. COCHRANE. The regular order having been called I must insist on my motion.

Mr. HOSKINS. I desire to say that before the next regular day for the call of committees for reports of a private nature I may be absent, having been appointed as a member of the investigating committee to go to New Orleans. In view of that fact I ask unanimous consent to present the two reports which I hold in my hand.

Mr. COCHRANE. In consideration of the fact that the gentleman from New York expects to be absent on the next day when committees are called for reports of a private nature, I yield to him; but will yield no further.

Mr. RUSK. I shall object to the gentleman yielding to any one unless the call shall proceed.

The question being taken on Mr. COCHRANE'S motion, there were—ayes 67, noes 60; no quorum voting.

The SPEAKER *pro tempore*, under the rule, ordered tellers, and appointed Mr. HOSKINS and Mr. COCHRANE.

The House again divided; and the tellers reported—ayes 76, noes 72.

Mr. SINNICKSON. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. HOSKINS. I now ask unanimous consent to get these reports off my hands before I go South.

Mr. DUNNELL. I object.

Mr. COCHRANE. I hope there will be no objection to the gentleman reporting these matters, as he expects to be absent by the order of the House.

Mr. DUNNELL. I withdraw the objection.

HARRY E. EASTMAN.

Mr. HOSKINS, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN E. WILLARD.

Mr. HOSKINS also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3373) for the relief of Susan D. Willard, widow of Sylvester D. Willard, of New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. NEW. I am in the same situation as the gentleman from New York, [Mr. HOSKINS,] being a member of the same committee which is to proceed to New Orleans. With the consent of the gentleman from Pennsylvania [Mr. COCHRANE] and of the House, I will be glad to submit some reports.

Mr. RUSK. If the Committee on Invalid Pensions shall be permitted to report also, I will interpose no objection; otherwise I must.

Mr. COCHRANE. I hope the same privilege will be extended to the gentleman from Indiana as has been to the gentleman from New York, as he is a member of the same committee, and expects soon to leave for Louisiana.

Mr. RUSK. Will the gentleman from Pennsylvania then yield for reports of the Committee on Invalid Pensions to go on the Calendar?

Mr. COCHRANE. I cannot yield for that without yielding for many other things.

Mr. RUSK. Then I object.

Mr. NEW. I submit that the gentleman's objection comes too late.

The SPEAKER *pro tempore*. The Chair must rule that the House has already by vote resolved itself into Committee of the Whole on the Private Calendar, and without unanimous consent the proposition of the gentleman from Indiana [Mr. NEW] cannot be entertained.

PRIVATE CALENDAR.

The House, pursuant to order, resolved itself into Committee of the Whole on the Private Calendar, Mr. SAYLER in the chair.

ARIEL K. EATON AND JAMES D. JENKINS.

The first business on the Private Calendar was the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins.

The bill directs the Secretary of the Interior to allow and pay to Ariel K. Eaton, of Osage, Iowa, late receiver of the United States land office at Decorah and Osage, in the State of Iowa, the sum of $3,600, on